

## Migration Policies in Brazil 2017-2019

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# IMISEM

EVERY IMMIGRANT IS AN EMIGRANT  
How Migration Policies Shape  
the Paths to Integration

IMISEM CASE REPORT  
Migration Policies in

## Brazil

2017-2019

Coordinated by:


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Pau Palop-García  
So Young Chang

January 2022

# G I G A

German  Institute for Global and Area Studies  
Leibniz-Institut für Globale und Regionale Studien

## Imprint

The IMISEM CASE REPORTS are Open Access publications licensed under the CC BY 4.0  available for download free of charge at our Project Website: [www.imisem.info](http://www.imisem.info) as well as in the Social Science Open Access Repository, which will also host the IMISEM Dataset.

“Every Immigrant is an Emigrant” (IMISEM) is a 4-year project that was funded by the Leibniz-Gemeinschaft and developed at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. The IMISEM project was led by Dr. Luicy Pedroza.

The case reports were authored by a multinational team of researchers coordinated by Luicy Pedroza, Pau Palop-García and So Young Chang. The team of authors (i.e., data collectors) comprised 18 persons (3 core researchers plus 15 student assistants and interns), in alphabetical order: Daniel Braga Nascimento, So Young Chang, Natalia Chudoba, Jenny García Ruales, Belén Goyeneche, Paula Koller, Elena Korshenko, Zihao Lin, Charlotte Metzger, Eduardo Pagés, Pau Palop-García, Luicy Pedroza, Barbara Pilz, Neslihan Önder, Mayya Solonina, Béla Soltész, Arnaz Tejakusuma, and Girindra Wiratni Puspa. For their commitment in the final editing phase, we acknowledge the valuable contributions of Great Uchechukwu Udochi and Micaela Lincango. We are also grateful for the institutional support of the GIGA, especially Peter Peetz, Petra Brandt, Sabine Barth, Jan Lüth, Bert Hoffmann and Verena Schweiger. We also thank Sonia Octavio and Bertram Richter for their support in the cover design and Andrew Crawford for his work in programming the website for the publication of these reports in addition to all the visualizations linked to the IMISEM dataset. Authors alone are responsible for the content of the reports. GIGA and the editors cannot be held liable for any errors and omissions, or for any consequences arising from the use of the information provided.

The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. For maximal transparency, this report follows the structure of the original questionnaire which the team used to collect the information. That tool -an empty questionnaire- is also available in our Project Website for anyone who would like to work further, either to update the cases in the IMISEM sample, or to collect information for cases which were not included in the IMISEM sample. The IMISEM Team encourages both kinds of extensions, which would be very valuable contributions to the scholarly community working on comparative migration policies.

This report you are about to open has been automatically created based on the information contained in the IMISEM dataset, with an R script (version 2.0) coded by Pau Palop-García. Editors of the IMISEM Case Reports: Dr. Luicy Pedroza & Dr. Pau Palop-García.

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## **About IMISEM**

“Every Immigrant is an Emigrant (IMISEM)” is a 4-year project that was funded by the Leibniz-Gemeinschaft and hosted at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. Its main distinctive feature is that it adopts a comprehensive view of migration policy. This includes not only the policies that regulate the stages of entry, immigrant residence and integration to citizenship access, but also encompasses the stages of emigration, emigrant rights abroad, and retention of citizenship. Thus, this project bridges for the first time the two sides of migration policy which both the policy and research communities have assumed to exist, but which so far have not been systematically analyzed in their connections. By collecting information on a vast array of information for policies across these six areas (three “stages” \* two “sides”) for 32 cases from three world regions, we hope to offer the scholarly and policy communities the resources to discover connections between the different areas of migration policy within and across cases as well as noteworthy migration policy innovations in so far little-known cases in the world. The IMISEM project was led by Dr. Luicy Pedroza. The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. This report has been created based on the information contained in the IMISEM dataset.

## **The IMISEM case sample**

The sample of 32 cases across Asia, Europe, and Latin America were selected based on heterogeneity in the level of economic development, levels of both flows and stocks of emigrants as well as immigrants, and then finally chosen upon taking into consideration the linguistic abilities and other pragmatic concerns that were decisive for the research team’s ability to explore and understand legal sources and policy regulations of the polities. The cases included in the sample are Argentina, Austria, Bolivia, Brazil, Chile, People’s Republic of China, Colombia, Costa Rica, Dominican Republic, East Timor, Ecuador, El Salvador, France, Germany, Guatemala, Hong Kong, Hungary, Indonesia, Ireland, Japan, Macau, Malaysia, Mexico, Peru, Philippines, Portugal, Singapore, South Korea, Spain, Taiwan, Trinidad and Tobago, and Uruguay.

We use the terms “country” and “state” in all the reports for purposes of consistency, but we are aware that some of the *politie*s that we have included in the sample would require a different treatment because of situations of subordination to a higher-level political community (as in the cases of Hong Kong and Macau as Special Administrative Regions) or contested sovereignty issues (as in the case of Taiwan). We kindly ask our readers to bear in mind these important characteristics for any interpretation of the data presented.

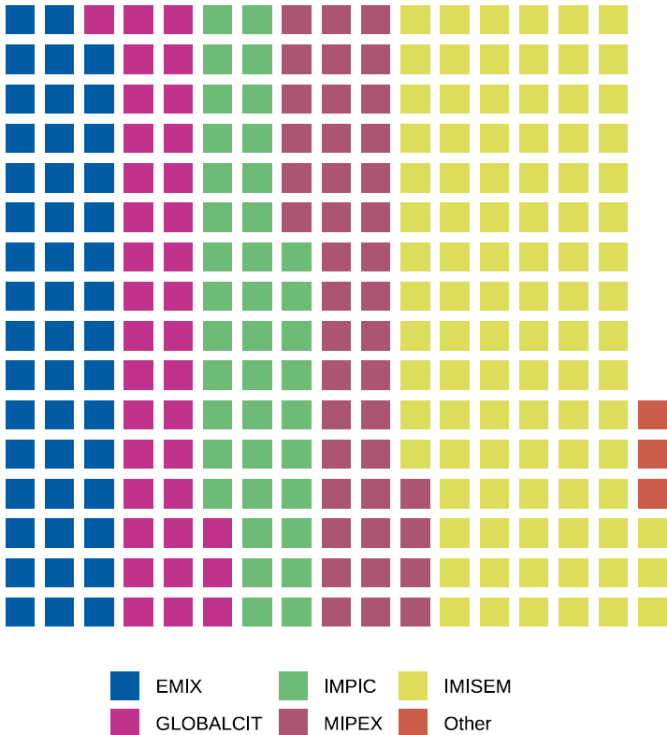
## **About the IMISEM Questionnaire**

For maximal transparency, this report follows the same structure of the IMISEM Data Collection Tool (a questionnaire) which the team used to gather the information. This questionnaire was not distributed to experts to be filled in, but rather served as a systematic tool with which the data collectors/authors were able to collect information in an orderly, systematic, and comparable manner across cases. A template of the IMISEM Data Collection Tool is available for download on our website. It is important for us, the IMISEM Team, to acknowledge how the IMISEM Data Collection Tool builds on previous efforts in

data collection on migration policies. The strategy behind the selection of questions was the following: first, based on a wide survey of the literature, we decided which dimensions and sub-dimensions of policies were relevant for our research goals and noted down the questions that we deemed necessary to gather the information for each of the IMISEM dimensions. Second, we did a thorough review of all the questionnaires produced by previous projects and selected from them those that covered the policy dimensions identified in our initial literature review. As a final step, we came up with new questions that covered those areas that had not been addressed by previous projects and yet seemed crucial to understand migration policies comprehensively and across the three regions that we cover.

The final version includes 288 main questions (and over 800 sub-questions), 90 of which (31.3 %) are original formulations of the IMISEM project and 198 are based on questions developed previously by projects such as [IMPIC](#), [EMIX](#), [GLOBALCIT](#) and [MIPEX](#). The first draft of our Data Collection Tool was piloted on a case from each region and thereafter went through several revisions to refine and modify the wording of questions. As none of the existing tools we drew on had included Asian cases in their original sample, it was important that our tool itself reflected policies that we might encounter in the broader sample pool with their apparent priorities and specificities. An example of this is the addition of questions on broker agencies that assist potential migrants with emigration and immigration, which are highly visible actors in several Asian cases. Adapting questions coming from projects that had originally focused on European cases only also meant discarding items that captured regulations applicable only for European migrants/citizens (i. e. for the European cases in our sample we collect information that applies to “third-country nationals”). The iterative process of piloting and refining questions led to the final version of the IMISEM Data Collection Tool. Figure 1 shows the origin of the questions that are included in our questionnaire.

Figure 1: Origin of the questions included in the IMISEM Data Collection Tool



Each square represents a main question of the IMISEM Questionnaire/Data Collection Tool.

Source: Own elaboration.



## Format of the answers contained in this report

The format of the answers that we present in this report follows the needs of the team to have comparable answers, so that we could more easily assign a numerical code later and therefore produce a dataset which lends itself to different analyses. Yet, we also wanted to include an explanation of the answer in some detail so that our readers can understand how we interpreted the sources and why we assigned a certain code. The importance of including an explanation for each answer cannot be understated. The explanations allow us to add nuance to the instances where there is room for debate and contestation over the interpretation of regulations. By explaining our answers, we hope to increase the transparency of the steps between data collection and data coding, and to invite other researchers to draw their own interpretations and conclusions, which may differ from our own.

Each of the answers in this report is composed of four fields:

**Answer:** this field contains the qualitative answer to the given question (for instance, “yes” or “no”).

**Code:** this field contains the quantitative answer to the given question. This reflects how we translated the qualitative answer into a number or code (for instance, “yes” can be coded as 0, and “no” as 1). The codes allow us to create composite indicators and compare across cases. The transformation of the qualitative answers into codes have been carried out following the IMISEM Codebook, the free access to which is also available on our website.

**Explanation:** this field contains the interpretation for the answer. It is meant to help the reader understand the logic behind the qualitative answer given by the coder. It often refers to the regulations -or lack thereof- and explains how we understood it.

**Sources:** this field contains a description of the sources consulted by the collector/author to come up with the answer and the explanation. Usually, primary sources (such as laws, all kinds of regulations and official government websites) are provided first, followed by consultations with official authorities (if the team considered necessary to corroborate information or decide for an interpretation), and secondary sources.

## Format of the sources

We used a shortened version of the Chicago style for the citation of the different sources to reduce the length of the reports. The sources include the name of the web page, publication, report or legal document in the original language, followed by the translation in English within “[ ]”. Given the complexity of the questions, answering many of them required using more than one source. Therefore, in a single question, several references appear in the same paragraph. They are separated by the following sign: “/”.

For example, the following format was used for legal documents, the most used type of source:

Name of regulation in original language [Name of regulation in English]. Year of enactment (Year of the version). Art. X.

Example: Constitución Española [Spanish Constitution]. 1978 (1992). Art. 78.

## **Varieties of Standard English**

In accordance with the diversity of nationalities and backgrounds in our team, we decided against homogenizing the use of English, which means that readers will find different spelling norms being applied across reports. We followed the use that is customary in the case we collected information for or that which our collectors felt at ease with. The same principle applies to other languages, such as Spanish or German.

## **Contact**

We sincerely hope that our dataset proves useful for your purposes. Please let us know if you have any feedback at: [lpedroza@colmex.mx](mailto:lpedroza@colmex.mx) or find us through our ORCID numbers:

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## Table of Contents

1.	Emigration policies.....	10
1.1.	General .....	10
1.2.	Documentation .....	12
1.2.1.	Passport.....	12
1.2.2.	Other requirements .....	14
1.3.	Quotas and restrictions .....	15
1.4.	Policy incentives.....	19
1.5.	Penalties .....	21
1.6.	Administration .....	23
2.	Emigrant policies .....	25
2.1.	Policies of representation .....	25
2.1.1.	Electoral rights .....	25
2.1.2.	Regulation of political competition abroad .....	30
2.1.3.	Consultative bodies .....	33
2.1.4.	Consultative bodies at the national level.....	33
2.1.5.	Funding of emigrant associations .....	37
2.2.	Economic Policies .....	37
2.2.1.	Remittances .....	37
2.2.2.	Investment .....	38
2.2.3.	Brain circulation networks .....	39
2.2.4.	Return policies .....	39
2.3.	Social Policies .....	41
2.3.1.	Retirement benefits .....	41
2.3.2.	Health care benefits .....	41
2.3.3.	Education .....	42
2.4.	Cultural policies.....	43
2.4.1.	Visits to country of origin .....	43
2.4.2.	Language courses for emigrants .....	44
2.5.	Obligations .....	44
2.5.1.	Military service .....	44
2.5.2.	Social service .....	45
2.5.3.	Taxes .....	45
2.6.	Administration .....	46
2.6.1.	Home country administration.....	46
2.6.2.	Consular network .....	47
2.6.3.	New consular functions .....	47
2.6.4.	Special offices.....	49
3.	Emigrant citizenship and nationality policies .....	50



3.1.	Emigrant nationality.....	50
3.1.1.	Dual nationality for emigrants.....	50
3.1.2.	Dual nationality only for some countries of residence.....	51
3.1.3.	Loss of nationality after residence abroad.....	52
3.1.4.	Jus sanguinis for emigrants.....	53
3.1.5.	Jus sanguinis across generations.....	54
3.1.6.	Renunciation of nationality is possible.....	55
3.1.7.	Reacquisition of nationality.....	56
3.2.	Emigrant citizenship.....	56
3.2.1.	Citizenship restrictions for dual nationals.....	56
3.2.2.	Different citizenship for emigrants.....	56
3.2.3.	Loss or suspension of citizen rights after residence abroad.....	57
4.	Immigration policies.....	58
4.1.	General.....	58
4.1.1.	Number of entry tracks.....	58
4.1.2.	Biometric information.....	58
4.1.3.	Visa waivers.....	59
4.2.	Documentation.....	60
4.3.	Quotas and restrictions.....	60
4.3.1.	General quota.....	60
4.3.2.	Specific quotas.....	61
4.3.3.	List of excluded persons.....	63
4.3.4.	List of excluded countries.....	64
4.4.	Policy incentives.....	64
4.4.1.	Recognized brokers.....	64
4.5.	Immigration control and penalties.....	65
4.5.1.	Irregular residence.....	65
4.5.2.	Forged documents.....	65
4.5.3.	Aiding undocumented migrants.....	68
4.5.4.	Employment obligations.....	69
4.5.5.	Landlord obligations.....	70
4.5.6.	Airline penalties.....	71
4.6.	Amnesty programs.....	72
4.7.	Administration.....	74
4.8.	Proxy: Labor migration (high- and low-skilled).....	76
4.8.1.	Domestic workers.....	76
4.8.2.	Agricultural workers.....	82
4.8.3.	Medical doctors.....	87
4.9.	Proxy: Refugees.....	93

4.9.1.	Existence of track .....	93
4.9.2.	Restrictions .....	94
4.9.3.	Place of application .....	96
4.9.4.	Permit validity.....	97
4.9.5.	Maximum timeframe for application resolution.....	98
4.9.6.	Possibility to change migratory status .....	99
4.9.7.	Detention.....	99
4.9.8.	Status after rejection .....	100
4.9.9.	Translation and interpretation.....	101
4.10.	Proxy: Co-ethnics .....	101
4.10.1.	General.....	101
4.10.2.	Reasons for co-ethnicity .....	102
4.10.3.	Language test.....	104
4.10.4.	Place of residence .....	104
4.10.5.	Place of application.....	105
4.10.6.	Date of birth.....	105
4.10.7.	Permit validity .....	105
5.	Immigrant policies.....	107
5.1.	Permanent residence .....	107
5.1.1.	Eligibility.....	107
5.1.2.	Security of status.....	119
5.2.	Policies of representation .....	124
5.2.1.	Electoral rights .....	124
5.2.2.	Regulation of participation in parties.....	128
5.2.3.	Consultative bodies .....	128
5.3.	Economic policies .....	130
5.3.1.	Access to labor market.....	131
5.3.2.	Access to support.....	143
5.3.3.	Worker's rights .....	148
5.3.4.	Property rights.....	154
5.4.	Social policies .....	156
5.4.1.	Family reunification .....	156
5.4.2.	Education .....	203
5.4.3.	Health care.....	207
5.4.4.	Unemployment benefits.....	211
5.4.5.	Retirement benefits .....	214
5.5.	Cultural policies.....	217
5.6.	Mobility policies .....	218
5.6.1.	Identity documents .....	218

5.6.2.	Freedom of movement .....	220
5.6.3.	Obligations .....	225
5.6.4.	Military service .....	225
5.6.5.	Social service .....	227
5.6.6.	Taxes .....	229
5.7.	Administration .....	231
6.	Immigrant citizenship and nationality .....	233
6.1.	Immigrant nationality .....	233
6.1.1.	Immigrant dual nationality .....	233
6.1.2.	Emigrant dual nationality for immigrants who naturalized .....	234
6.1.3.	Loss of nationality after residence abroad for naturalized immigrants.....	234
6.1.4.	Unrestrictive jus soli .....	235
6.1.5.	Qualified jus soli .....	235
6.1.6.	Standard naturalization procedure for immigrants due to residence .....	235
6.1.7.	Socialization based acquisition of citizenship .....	238
6.1.8.	Special procedure for immigrants with very long residence in country .....	239
6.1.9.	Preferential naturalization for immigrants from specific countries .....	239
6.1.10.	Cultural affinity/Ethnic ties.....	240
6.1.11.	Spousal transfer .....	240
6.1.12.	Filial transfer .....	240
6.1.13.	Special naturalization for refugees .....	241
6.1.14.	Naturalization for special achievements/talents .....	241
6.1.15.	Naturalization due to investment/financial assets.....	241
6.1.16.	Transfer to other relatives .....	242
6.1.17.	Nationality for the stateless.....	242
6.1.18.	Nationality for regularized immigrants .....	242
6.1.19.	Naturalization possible even if applicant had irregular status before .....	243
6.2.	Immigrant citizenship.....	243
6.2.1.	Restrictions on citizenship for naturalized immigrants .....	243
6.2.2.	Loss or suspension of citizenship after residence abroad for immigrants who naturalized .....	245
6.2.3.	Restrictions on citizenship for naturalized immigrants who are dual nationals	
	246	

# 1. Emigration policies

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## 1.1. General

### **EMIGRATION\_1: The attempt to leave the country is punishable by law.**

Answer: No

Code: 1

Explanation: Brazilian citizens can travel abroad as long as they have travel documents (e.g. passport or IDs in the case of Mercosur).

Sources: Decreto No 5.978 de 4 de dezembro de 2006 [Decree No. 5.978 of December 4, 2006].

### **EMIGRATION\_2: Exit fees.**

#### **Prospective emigrants need to pay a fee before emigrating.**

Answer: No

Code: 1

Explanation: There is no fee or deposit. According to the official website of the Brazilian Federal police, the sole requirement for leaving the country (regardless of the intention) is valid travel documents. No specific requirements are shown in the Constitution or in the Migration Law.

Sources: Polícia Federal [Federal Police]. "Migração do Portal Polícia Federal [Federal Police Migration Portal]". Access date not available. <http://www.pf.gov.br/servicos-pf/carta-de-servicos/imigracao>.

#### **Amount of the fee in country-of-origin currency:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

#### **Amount of the fee in US Dollars:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Prospective emigrants need to make a deposit before emigrating:**

Answer: No

Code: 1

Explanation: There is no fee or deposit. According to the official website of the Brazilian Federal police, the sole requirement for leaving the country (regardless of the intention) is valid travel documents. No specific requirements are shown in the Constitution or in the Migration Law.

Sources: Polícia Federal [Federal Police]. "Migração do Portal Polícia Federal [Federal Police Migration Portal]". Access date not available. <http://www.pf.gov.br/servicos-pf/carta-de-servicos/imigracao>.

**Amount of the deposit in the currency of the country of origin:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Amount of the deposit in US Dollars:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**EMIGRATION\_3: Citizens can only stay abroad for a given maximum of days.**

**Citizens can only stay abroad for a given maximum of days**

Answer: No

Code: 1

Explanation: Neither the Migration Law nor the Constitution mention any restrictions related to time staying abroad for citizens.

Sources: Lei No 13.445 de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federal Republic of Brazil of 1988]. 1988.

**Maximum number of days that citizens can stay abroad:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

## **1.2. Documentation**

### **1.2.1. Passport**

**EMIGRATION\_4: Cost of ordinary passport.**

**Cost of ordinary passport in country currency (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):**

Answer: 257.25

Code: 257.25

Explanation: According to the official website of the Federal Police, the cost for an ordinary passport is BRL 257,25. However, the cost might be adjusted according to internal guidelines of the passports department of the Federal Police.

Sources: Polícia Federal [Federal Police]. "Dúvidas sobre o valor da GRU para expedição de passaporte. [Questions about GRU's Value for Passport Issuance]". Access date not available. <http://www.pf.gov.br/servicos-pf/passaporte/scripts-de-atendimento-passaporte/duvidas-sobre-o-valor-da-gru-para-expedicao-de-passaporte>.

**Cost of ordinary passport in US Dollars (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):**

Answer: 68

Code: 68

Explanation: According to the official website of the Federal Police, the cost for an ordinary passport is BRL 257,25. However, the cost might be adjusted according to internal guidelines of the passports department of the Federal Police.

Sources: Polícia Federal [Federal Police]. "Dúvidas sobre o valor da GRU para expedição de passaporte. [Questions about GRU's Value for Passport Issuance]". Access date not available. <http://www.pf.gov.br/servicos-pf/passaporte/scripts-de-atendimento-passaporte/duvidas-sobre-o-valor-da-gru-para-expedicao-de-passaporte>.

**EMIGRATION\_5: Maximum length of procedure to process passport.**

**Maximum length of procedure to process passport is specified in the regulations or information on the average length is provided by official sources (if there are different lengths, use the minimum):**

Answer: No

Code: 0

Explanation: There is no general regulation. However, the official website of the Federal Police mentions that the length of procedure might vary among the different states (Brazil is a federal republic). It also says that the average procedure should take six (6) working days.

Sources: Polícia Federal [Federal Police]. "Dúvidas sobre o Prazo de Entrega do Passaporte [Questions about the deadline for issuing a Passport]". Accessed July 2, 2018. <http://www.pf.gov.br/servicos-pf/passaporte/scripts-de-atendimento-passaporte/duvidas-sobre-o-prazo-de-entrega-do-passaporte>.

**Maximum length of procedure to process passport (in days):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Maximum length of procedure to process passport (by categories):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**EMIGRATION\_6. Renewal of passport from abroad is possible:**

Answer: Yes

Code: 1

Explanation: Yes, through consular representations abroad. The process varies depending on the country, usually citizens are required to file a pre application online and then go in person to the consulate, in some cases the process can be done via post. No specific regulation is given by the law, most information comes from official websites of the Federal Police and the Ministry of Foreign Affairs.

Sources: Ministério das Relações Exteriores [Ministry of Foreign Affairs]. "Orientações Para Solicitação de Passaporte Comum [Information to apply for a Common Passport]". Accessed July 2, 2018. <https://formulario-mre.serpro.gov.br/sci/pages/web/pacomPasesWeb.jsf?aba=-3>. / Decreto No 5.978 de 4 de dezembro de 2006 [Decree No. 5.978 of December 4, 2006]. 2006. Art. 5. / Consulado-Geral do Brasil em Londres [Consulate General of Brazil in London]. "Emissão de Passaporte. [Issue



of a Passport]". Accessed July 2, 2018. [http://cglondres.itamaraty.gov.br/pt-br/passaporte.xml#Formas\\_de\\_solicitacao](http://cglondres.itamaraty.gov.br/pt-br/passaporte.xml#Formas_de_solicitacao).

### 1.2.2. Other requirements

#### **EMIGRATION\_7. Local police certificate is necessary to emigrate:**

Answer: No

Code: 1

Explanation: The Constitution and the Law on Migration and its regulations only mention rights and support given to emigrants but does not mention any conditions to emigrate.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federal Republic of Brazil of 1988]. 1988. / Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017.

#### **EMIGRATION\_8. Superior/employer's permission is necessary to emigrate:**

Answer: No

Code: 1

Explanation: The Constitution and the Law on Migration and its regulations only mention rights and support given to emigrants but does not mention any conditions to emigrate.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federal Republic of Brazil of 1988]. 1988. / Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. / Decreto No 9.199, de 20 de novembro de 2017. [Decree No. 9.199 of November 20, 2017]. 2017.

#### **EMIGRATION\_9. Proof of income is necessary to emigrate:**

Answer: No

Code: 1

Explanation: The Constitution and the Law on Migration and its regulations only mention rights and support given to emigrants but does not mention any conditions to emigrate.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federal Republic of Brazil of 1988]. 1988. / Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017.

#### **EMIGRATION\_10. Registration abroad is mandatory.**

Answer: No

Code: 1

Explanation: According to the Law on Migration, no. However, in some countries Brazilian emigrants can voluntarily register their contact details with the consulate in order to facilitate contact in the case of emergency. This is a merely informative registration and does not even count as proof of residence and does include tourists.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. / Consulado-Geral do Brasil em Londres [Consulate General of Brazil in London]. "Cadastro consular [Consular Registry]" Accessed July 3, 2018. [http://cglondres.itamaraty.gov.br/pt-br/cadastro\\_consular.xml](http://cglondres.itamaraty.gov.br/pt-br/cadastro_consular.xml).

### 1.3. Quotas and restrictions

#### EMIGRATION\_11. Quotas to emigrate based on ethnicity.

**Quotas to emigrate based on ethnicity exist in the country:**

Answer: No

Code: 1

Explanation: No quotas are included in the Migration Law or its regulation.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. / Decreto No 9.199, de 20 de novembro de 2017. [Decree No. 9.199 of November 20, 2017]. 2017.

#### **Quota to emigrate for 2017:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

#### EMIGRATION\_12: Quotas to emigrate based on income.

**Quotas to emigrate based on income exist in the country:**

Answer: No

Code: 1

Explanation: No quotas are included in the Migration Law or its regulation.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. / Decreto No 9.199, de 20 de novembro de 2017. [Decree No. 9.199 of November 20, 2017]. 2017.

#### **Quota to emigrate for 2017:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

#### **EMIGRATION\_13. Those who are liable for military conscription are allowed to emigrate:**

Answer: Yes

Code: 1

Explanation: Men in/close to military conscription are allowed to emigrate, but they should register for military conscription abroad with a consulate. Male emigrants in conscription age (18 years old) should follow the same deadline as those living in the country of origin; otherwise, they will be subject to the penalties derived from the military conscription law.

Sources: Decreto no 57.654, de 20 de janeiro de 1966 [Decree No. 57.654 of January 20, 1966]. 1966. / Ministério das Relações Exteriores [Ministry of Foreign Affairs]. "Alistamento Militar No Exterior [Military Conscription Abroad]". Accessed July 3, 2018. <http://www.portalconsular.itamaraty.gov.br/alistamento-militar-no-exterior>.

#### **EMIGRATION\_14: Banned countries for emigration.**

##### **There are countries that are banned as destination for emigrants:**

Answer: No

Code: 1

Explanation: The law establishing the principles of emigrant policies in Brazil advocates for full right of movement for Brazilians abroad, when respecting applicable legal and regulatory norms. Additionally, the Consular Portal of the Ministry of Foreign Affairs does not mention any banned destinations for citizens but rather provides some guides and specific information on some common destinations.

Sources: Decreto no 7214 de 15 de junho de 2010 [Decree No. 7214 of June 15, 2010]. 2010. / Ministério das Relações Exteriores [Ministry of Foreign Affairs]. "Seu Destino [Your Destination]". Accessed July 3, 2018. <http://www.portalconsular.itamaraty.gov.br/seu-destino>.

#### **List of countries banned for citizens in 2017:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Number of countries banned for citizens in 2017:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**EMIGRATION\_15. Higher education graduates must pay an education “tax” (or compensation) to be able to emigrate:**

Answer: No

Code: 1

Explanation: No, the Law on Migration and its regulation do not mention any education taxes on emigration.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. / Decreto No 9.199, de 20 de novembro de 2017. [Decree No. 9.199 of November 20, 2017]. 2017.

**EMIGRATION\_16. Recipients of state scholarship are banned from emigrating:**

Answer: Yes

Code: 0

Explanation: Scholarship recipients are obliged to return to Brazil up to 60 (sixty) days after the end of the scholarship and remain in the country for a period at least equal to the duration of the scholarship. They are also obliged to inform changes in address to the federal agency responsible for the scholarship during that time. Those who do not comply could be subject to either administrative or criminal penalties.

Sources: Coordenação de Aperfeiçoamento de Pessoal de Nível Superior (Capes) [Coordination for the Improvement of Higher Education Personnel]. “Portaria no 186, de 29 de setembro de 2017 [Portaria No. 186 of September 29, 2017]”. Accessed March 7, 2018. [https://www.in.gov.br/materia/-/asset\\_publisher/Kujrw0TZC2Mb/content/id/19335586/do1-2017-10-04-portaria-n-186-de-29-de-setembro-de-2017-19335002](https://www.in.gov.br/materia/-/asset_publisher/Kujrw0TZC2Mb/content/id/19335586/do1-2017-10-04-portaria-n-186-de-29-de-setembro-de-2017-19335002).

**EMIGRATION\_17: Ban for specific civil professional groups.**

**There is an emigration ban for specific professional group(s):**

Answer: No

Code: 1

Explanation: The Constitution and the Law on Migration and its regulations only mention rights and support given to emigrants but does not mention any conditions to emigrate that relate to civil professional groups.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. / Decreto No 9.199, de 20 de novembro de 2017. [Decree No. 9.199 of November 20, 2017]. 2017. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federal Republic of Brazil of 1988]. 1988.

**There is a ban for medical doctors:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**There is a ban for other professions:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**EMIGRATION\_18. The ban can be overcome by a letter signed by a supervisor:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**EMIGRATION\_19. The ban can be overcome by a letter signed by an official authority.**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

## 1.4. Policy incentives

### **EMIGRATION\_20. Existence during 2017 of campaigns to encourage emigration:**

Answer: No

Code: 0

Explanation: The country, particularly the Ministry of Foreign Affairs, did not have any explicit information campaigns to encourage emigration in 2017.

Sources: Brasil, and Ministério do Trabalho e Emprego [Brazil, and Ministry of Labor and Employment]. “Brasileiras e brasileiros no exterior: informações uteis [Brazilians and Brazilians Abroad: Useful Information ]”. Accessed July 3, 2018.  
<http://www.oitbrasil.org.br/info/downloadfile.php?fileId=392>.

### **EMIGRATION\_21. Existence during 2017 of campaigns to discourage emigration:**

Answer: No

Code: 0

Explanation: The country, particularly the Ministry of Foreign Affairs, did not have any explicit information campaigns to discourage emigration in 2017.

Sources: Brasil, and Ministério do Trabalho e Emprego [Brazil, and Ministry of Labor and Employment]. “Brasileiras e brasileiros no exterior: informações uteis [Brazilians and Brazilians Abroad: Useful Information ]”. Accessed July 3, 2018.  
<http://www.oitbrasil.org.br/info/downloadfile.php?fileId=392>.

### **EMIGRATION\_22. Existence of license system to recognize and authorize emigration brokers (i.e. persons or companies dedicated to facilitating the immigration process to emigrants):**

Answer: Yes

Code: 1

Explanation: The professional activity of public brokers (Despachantes Documentaristas) (both immigration and emigration) is regulated by a general federal council of brokers (not exclusively migration brokers), established by federal law. Recognition: Professional brokers are only recognized upon registration with the Federal Council of Brokers. Eligibility: Only those who undertook and were approved in a professional training course recognized by the Council can register as professional brokers. Persons who serve a body of public administration are not allowed to perform the profession of broker. Requirements: In order to be recognized “effectively” as a broker, one is required to perform at least ten services annually. For specifications on such services see “Regulamento Geral”. Examples of companies acting as emigration brokers: Ana Gaudino Assessoria em Documentação; Help Vistos, Group Liberty International.

Sources: Lei No 10.602, de 12 de dezembro de 2002 [Law Number 10.602 of December 12, 2002]. 2002. / Conselho Federal Dos Despachantes Documentaristas do Brasil [Federal Council of Documentalist Dispatchers in Brazil]. 2007. Regulamento Geral Do Estatuto Do Conselho Federal Dos Despachantes Documentaristas Do Brasil [General Regulations of the Statute of the Federal Council of the Destachantes Documentaristas of Brazil]. / Ana Galdino Assessoria em Documentação [Ana Galdino Documentation Advisory]. “Empresa de Assessoria Em Vistos Consulares. [Consultancy Company on Consular Visas]”. Accessed July 16, 2018.

<http://www.anagaldinoassessoria.com.br/empresa-assessoria-vistos-consulares.htm>. / Help Vistos [Help Visas]. "Quem somos. [Who are we]". Accessed July 16, 2018.  
<https://helpvistos.com.br/quemsomos/>.

### **EMIGRATION\_23: Emigration lump sum.**

#### **State of origin pays a lump sum incentive to citizens willing to emigrate:**

Answer: No

Code: 0

Explanation: The Law on Migration and the Ministry of Foreign affairs (online consular portal) do not mention the existence of a lump sum incentive for citizens willing to emigrate.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. / Ministério das Relações Exteriores [Ministry of Foreign Affairs]. "Antes de viajar. [Before Travelling]". Accessed July 3, 2018. <http://www.portalconsular.itamaraty.gov.br/antes-de-viajar>.

#### **Register the amount of the sum in country currency:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

#### **Register the amount of the sum in US Dollars:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

### **EMIGRATION\_24. State of origin allows citizens willing to emigrate the withdrawal of accumulated social benefits (e.g. unemployment benefits) in a single transfer.**

Answer: No

Code: 0

Explanation: The withdrawal of unemployment benefits, for example, can only happen in either intermittent or successive installments. The law does not mention any possibility of a single transfer.

Sources: Lei no 13.134, de 16 de junho de 2015 [Law No. 13.134 of June 16, 2015]. Art 4.



## 1.5. Penalties

### **EMIGRATION\_25: Loss of private property.**

#### **Risk of losing real state in case of emigration:**

Answer: No

Code: 1

Explanation: The Brazilian Constitution guarantees the right to property, and so does the new Migration Law. Loss of private property only occurs in specific cases related to “public danger” or “public utility”, as stated in the Constitution.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federal Republic of Brazil of 1988]. 1988. Art. 5. / Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Sec. II.

#### **Risk of losing bank accounts in case of emigration:**

Answer: No

Code: 1

Explanation: The Migration Law establishes some rights of emigrants returning to the country and does not mention any re-entry ban. Furthermore, the Ministry of Foreign Affairs has an online information portal aiming at supporting Brazilian emigrants wishing to return to the country.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017.

### **EMIGRATION\_26: Re-entry ban.**

#### **Existence of a re-entry ban after residence abroad for nationals by naturalization:**

Answer: No

Code: 1

Explanation: The Migration Law establishes some rights of emigrants returning to the country and does not mention any re-entry ban. Furthermore, the Ministry of Foreign Affairs has an online information portal aiming at supporting Brazilian emigrants wishing to return to the country.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. / Ministério das Relações Exteriores [Ministry of Foreign Affairs]. “Portal do Retorno [Return Portal]”. Accessed July 3, 2018. [http://retorno.itamaraty.gov.br/pt-br/servicos\\_de\\_apoio\\_a\\_retornados.xml](http://retorno.itamaraty.gov.br/pt-br/servicos_de_apoio_a_retornados.xml).

#### **Re-entry ban applies after how many months of residence abroad?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Existence of a re-entry ban after residence abroad for nationals by birth:**

Answer: No

Code: 1

Explanation: The Migration Law establishes some rights of emigrants returning to the country and does not mention any re-entry ban. Furthermore, the Ministry of Foreign Affairs has an online information portal aiming at supporting Brazilian emigrants wishing to return to the country.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. / Ministério das Relações Exteriores [Ministry of Foreign Affairs]. "Portal do Retorno [Return Portal]". Accessed July 3, 2018. [http://retorno.itamaraty.gov.br/pt-br/servicos\\_de\\_apoio\\_a\\_retornados.xml](http://retorno.itamaraty.gov.br/pt-br/servicos_de_apoio_a_retornados.xml).

**Re-entry ban after residence abroad for nationals by birth after how many months of residence abroad?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Existence of a re-entry ban after residence abroad for nationals with dual or multiple nationality:**

Answer: No

Code: 1

Explanation: The Migration Law establishes some rights of emigrants returning to the country and does not mention any re-entry ban. Furthermore, the Ministry of Foreign Affairs has an online information portal aiming at supporting Brazilian emigrants wishing to return to the country.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. / Ministério das Relações Exteriores [Ministry of Foreign Affairs]. "Portal do Retorno [Return Portal]". Accessed July 3, 2018. [http://retorno.itamaraty.gov.br/pt-br/servicos\\_de\\_apoio\\_a\\_retornados.xml](http://retorno.itamaraty.gov.br/pt-br/servicos_de_apoio_a_retornados.xml).

**Re-entry ban after residence abroad for nationals with dual or multiple nationality after how many months of residence abroad?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**EMIGRATION\_27. Existence of sanctions (other than a re-entry ban) for overstaying abroad:**

Answer: No

Code: 1

Explanation: Not Applicable

Sources: Not Applicable

## **1.6. Administration**

**EMIGRATION\_28. Existence of institution/agency with competencies for exit and/or emigration:**

**Existence of institution/agency with competencies for exit and/or emigration:**

Answer: Yes

Code: 1

Explanation: The Federal Police and the Ministry of Foreign Affairs are responsible for exit control and application of emigration policies, respectively.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. / Decreto no 7214 de 15 de junho de 2010 [Decree No. 7214 of June 15, 2010]. 2010.

**Name of the institution with competencies for exit and/or emigration in original language:**

Answer: Polícia Federal / Ministério das Relações Exteriores

**Name of the institution with competencies for exit and/or emigration in English:**

Answer: The Federal Police / Ministry of Foreign Affairs

**Place in the administrative hierarchy:**

Answer: 1st Rank in the public administration in the country (e.g. Ministry)

Code: 1

Explanation: The Federal Police and the Ministry of Foreign Affairs are responsible for exit control and application of emigration policies, respectively.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. / Decreto no 7214 de 15 de junho de 2010 [Decree No. 7214 of June 15, 2010]. 2010.

## 2. Emigrant policies

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### 2.1. Policies of representation

#### 2.1.1. Electoral rights

##### **EMIGRANT\_1. Voting is mandatory for citizens residing abroad:**

Answer: Yes

Code: 1

Explanation: Voting is mandatory for all citizens between 18 and 70 years old. For those living abroad the mandatory character of the voting applies only for presidential elections.

Sources: Lei no 4.737, de 15 de julho de 1965 [Law No. 4.737 of July 15, 1965]. 1965. Art. 228.

##### **Does the country have presidential elections?**

Answer: Yes

Code: 1

##### **Does the country have a bicameral system (e.g. composed of a Lower House and an Upper House, or an originating chamber and a reviewer chamber)?**

Answer: Yes

Code: 1

### *Presidential elections*

##### **EMIGRANT\_2. Can non-resident citizens vote in national presidential elections from abroad?**

Answer: Generally enfranchised

Code: 1

Explanation: All non-resident citizens can vote. Up to 30 (thirty) days before the election, Brazilian citizens residing abroad must inform the main office of Brazil's diplomatic mission in the country of the regularity of their electoral inscription and their address.

Sources: Lei no 4.737, de 15 de julho de 1965 [Law No. 4.737 of July 15, 1965]. 1965. Art. 228.

##### **EMIGRANT\_3. Can non-resident citizens stand as candidates in national presidential elections from abroad?**

Answer: Generally disenfranchised

Code: 0

Explanation: In order to be eligible for standing as candidate the person must reside in the electoral jurisdiction of the office she or he is running for, in the case of presidential elections this means residing in Brazil

Sources: Lei no 4.737, de 15 de julho de 1965 [Law No. 4.737 of July 15, 1965]. 1965. Art. 14.

## *Legislative elections*

### Lower House (National Elections)

#### **EMIGRANT\_4. Can non-resident citizens vote in national legislative elections (Lower House) from abroad?**

Answer: Generally disenfranchised

Code: 0

Explanation: Non-resident citizens can only vote for presidential elections abroad.

Sources: Lei no 4.737, de 15 de julho de 1965 [Law No. 4.737 of July 15, 1965]. 1965. Art. 225.

#### **EMIGRANT\_5. Can non-resident citizens stand as candidates in national legislative elections (Lower House) from abroad?**

Answer: Generally disenfranchised

Code: 0

Explanation: In order to be eligible for standing as candidate the person must reside in the electoral jurisdiction of the office she or he is running for, in the case of Lower House this means residing in one of the federal states in the country.

Sources: Lei no 4.737, de 15 de julho de 1965 [Law No. 4.737 of July 15, 1965]. 1965. Art. 14.

### Upper House (National Elections)

#### **EMIGRANT\_6. Can non-resident citizens vote in national legislative elections (Upper House) from abroad?**

Answer: Generally disenfranchised

Code: 0

Explanation: Non-resident citizens can only vote for presidential elections abroad.

Sources: Lei no 4.737, de 15 de julho de 1965 [Law No. 4.737 of July 15, 1965]. 1965. Art. 225.

**EMIGRANT\_7. Can non-resident citizens stand as candidates in national legislative elections (Upper House) from abroad?**

Answer: Generally disenfranchised

Code: 0

Explanation: In order to be eligible for standing as candidate the person must reside in the electoral jurisdiction of the office she or he is running for, in the case of the Upper House this means residing in one of the federal states in the country.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federal Republic of Brazil of 1988]. 1988. Art. 14.

*Registration*

**EMIGRANT\_8. Registration in the electoral roll for non-resident citizens:**

Answer: Active registration, frequent renewal (for every election)

Code: 0

Explanation: According to the Electoral Code, up to 30 (thirty) days before the election, Brazilian citizens residing abroad must inform the main office of Brazil's diplomatic mission in the country of the regularity of their electoral inscription and their address. For each election the Supreme Electoral Court releases deadlines for regularization of citizen's electoral inscription, in the case of presidential elections the deadlines also apply to non-resident citizens.

Sources: Resolução no 23.556, de 18 de dezembro de 2017 [Resolution No. 23.556 of December 18, 2017]. 2017.

*Remote voting*

**EMIGRANT\_9. Voting methods from abroad:**

**Voting methods available to cast votes from abroad - Electronic voting:**

Answer: No

Code: 0

Explanation:

Sources: Lei no 4.737, de 15 de julho de 1965 [Law No. 4.737 of July 15, 1965]. 1965. Art. 225-226.

**Voting methods available to cast votes from abroad - Proxy voting:**

Answer: No

Code: 0



Explanation:

Sources: Lei no 4.737, de 15 de julho de 1965 [Law No. 4.737 of July 15, 1965]. 1965. Art. 225-226.

**Voting methods available to cast votes from abroad - Postal voting:**

Answer: No

Code: 0

Explanation:

Sources: Lei no 4.737, de 15 de julho de 1965 [Law No. 4.737 of July 15, 1965]. 1965. Art. 225-226.

**Voting methods available to cast votes from abroad - Personal voting in consulates or embassies:**

Answer: Yes

Code: 1

Explanation: Especial polling stations will be organized in either Embassies or General Consulates, when a minimum of 30 (thirty) voters is registered under the jurisdiction of the respective consular representation. Should two or more polling stations be necessary in one jurisdiction, places where other services of the Brazilian government take place can also be used.

Sources: Lei no 4.737, de 15 de julho de 1965 [Law No. 4.737 of July 15, 1965]. 1965. Art. 225-226.

**Voting methods available to cast votes from abroad - Ad hoc polling stations:**

Answer: Yes

Code: 1

Explanation: Especial polling stations will be organized in either Embassies or General Consulates, when a minimum of 30 (thirty) voters is registered under the jurisdiction of the respective consular representation. Should two or more polling stations be necessary in one jurisdiction, places where other services of the Brazilian government take place can also be used.

Sources: Lei no 4.737, de 15 de julho de 1965 [Law No. 4.737 of July 15, 1965]. 1965. Art. 225-226.

*Special representation*

**EMIGRANT\_10: Emigrant special representation.**

**Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's Lower House?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Number of special seats reserved for non-resident candidates in the Lower House:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Number of special emigrant districts in the Lower House:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's Upper House?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Number of special seats reserved for non-resident candidates in the Upper House:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Number of special emigrant districts in the Upper House:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

### *Remote voting implementation*

**EMIGRANT\_11. External voting has been implemented (non-resident citizens have been able to vote from abroad in the past elections):**

Answer: yes

Code: 1

Explanation: Not Applicable

Sources: Not Applicable

**EMIGRANT\_12. In case external voting has not been implemented after its adoption, what are the main reasons?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

## **2.1.2. Regulation of political competition abroad**

### *Party offices in the state of reception*

**EMIGRANT\_13. Offices of political parties are legally allowed abroad:**

Answer: No specific regulation of offices abroad

Code: 0.5

Explanation: The law regulating political parties in Brazil says that all parties' actions should have "national character" and should not be subordinated to any foreign entity or government. Non-compliance can lead to cancellation of the party's civil registration. However, the law does not explicitly regulate political competition abroad.

Sources: Lei no 9.096, de 19 de setembro de 1995 [Law No. 9.096, of September 19, 1995]. 1995. Art. 5 and 28.

**EMIGRANT\_14. Actual existence of permanent offices of home country parties abroad which target emigrants in order to capture funding for campaigns or political support:**

Answer: Yes

Code: 1

Explanation: The statute of the Workers' Party (PT) mentions the possibility of creating representations abroad. The statute of the two other major parties in Brazil (PSDB (Brazilian Social Democracy Party) and PMDB (Brazilian Democratic Movement Party); do not mention the existence of external offices or the possibility of creating committees abroad. When consulted over the phone, PSDB (Brazilian Social Democracy Party) and PMDB (Brazilian Democratic Movement Party) informed that they do not have offices abroad, whereas the Workers' Party (PT) confirmed the existence of several international representations of the party.

Sources: Partido da Social Democracia Brasileira (PSDB) [Brazilian Social Democracy Party]. 2013. Estatuto do Partido da Social Democracia Brasileira [Statute of the Brazilian Social Democracy Party]. / Partido dos Trabalhadores [Workers Party]. 2013. Estatuto do Partido dos Trabalhadores [Statute of Workers Party]. / Partido do Movimento Democrático Brasileiro (PMDB) [Brazilian Democratic Movement Party]. 2012. Estatuto do Partido do Movimento Democrático Brasileiro [Statute of the Brazilian Democratic Movement Party] / Consultation with Anonymous, Partido da Social Democracia Brasileira (PSDB) [Brazilian Social Democracy Party]/Representative. 2018. / Consultation with Anonymous, Partido do Movimento Democrático Brasileiro (PMDB) [Brazilian Democratic Movement Party]/Representative. 2018.

**EMIGRANT\_15. Register the list of countries (in English) in which the three biggest political parties of the state of origin have offices abroad (consider parties or political movements with the highest number of votes in the last national legislative election).**

Answer: The Workers' Party (PT), has offices abroad; at least in Germany and Portugal.

Code: The Workers' Party (PT), has offices abroad; at least in Germany and Portugal.

Explanation: At least one, the Workers' Party (PT), has offices abroad.

Sources: Consultation with Anonymous, Partido dos Trabalhadores (PT) [Workers Party]/Representative. 2018.

**EMIGRANT\_16. Could external party offices receive public funding from state of origin?**

Answer: No specific regulation

Code: 0.5

Explanation: All Brazilian political parties can benefit from a "Special Fund for Financial Assistance for Political Parties" (Fundo Partidário). The parties are allowed to distribute the funding according to their own internal criteria. Therefore external political party offices could in theory benefit from this state of origin public funding.

Sources: Lei no 9.096, de 19 de setembro de 1995 [Law No. 9.096 of September 19, 1995]. 1995. Art. 14.

### *Political campaigns*

#### **EMIGRANT\_17. Electoral campaigns abroad for home elections are legally regulated:**

Answer: No specific regulation of campaigns abroad

Code: 0.5

Explanation: The law on political parties only regulates political campaigns within the national borders.

Sources: Lei no 9.096, de 19 de setembro de 1995 [Law No. 9.096 of September 19, 1995]. 1995.

#### **EMIGRANT\_18. Actual existence of campaigns abroad for home elections:**

Answer: Yes

Code: 1

Explanation: Only the Workers' Party (PT) has offices abroad. A representative confirmed that the external offices also carry out political campaigns but did not specify in which countries.

Sources: Consultation with Anonymous, Partido dos Trabalhadores (PT) [Workers Party]/Representative. 2018.

#### **EMIGRANT\_19. Existence of public funding for electoral campaigns in state of residence:**

Answer: Yes, same regulation as in-country campaigns applies

Code: 1

Explanation: The Brazilian government has a "Special Fund for Financial Assistance for Political Parties" (Fundo Partidário). All parties that have their statute registered by the Supreme Electoral Court are eligible.

Sources: Lei no 9.096, de 19 de setembro de 1995 [Law No. 9.096 of September 19, 1995]. 1995. Art. 38.

### *Membership in political parties*

#### **EMIGRANT\_20. Emigrant membership to home country political parties:**

Answer: Legally allowed AND same status for emigrants as for residents

Code: 1

Explanation: All citizens in full possession of their political rights are allowed to vote. No regulation on place of residence is included in the law.

Sources: Lei no 9.096, de 19 de setembro de 1995 [Law No. 9.096 of September 19, 1995]. 1995. Art. 16

### **2.1.3. Consultative bodies**

### **2.1.4. Consultative bodies at the national level**

#### **EMIGRANT\_21. Existence of a consultative body on emigrant issues:**

Answer: Yes

Code: 1

Explanation: The Representative Council of Brazilians Abroad (CRBE) (Conselho de Representantes de Brasileiros no Exterior). It was created in 2010 and regulated in 2013.

Sources: Decreto no 7.987, de 17 de abril de 2013 [Decree No. 7.987 of April 17, 2013]. 2013. Art. 4. / Portaria n° 376, de 04 de julho de 2013 [Portaria No. 376 of July 4, 2013]. 2013.

#### **EMIGRANT\_22. The consultation is structural or ad hoc:**

Answer: Structural

Code: 1

Explanation: According to the law regulating the activities of the CRBE, the council should maintain permanent communication with the Brazilian community abroad, as well as with other civil society councils.

Sources: Decreto no 7.987, de 17 de abril de 2013 [Decree No. 7.987 of April 17, 2013]. 2013. Art 5.

#### **EMIGRANT\_23. Composition of the consultative body:**

Answer: 1

Code: 1

Explanation: Members elected by emigrants or members appointed by associations of emigrants without state intervention. Each local council formed by citizens formally residing abroad, can autonomously appoint (and change) one representative by consular jurisdiction to take part in the Council of Brazilians Abroad.

Sources: Decreto no 7.987, de 17 de abril de 2013 [Decree No. 7.987 of April 17, 2013]. 2013. Art 3.

#### **EMIGRANT\_24. Who chairs the consultative body?**

Answer: Emigrant appointed by the emigrant community

Code: 1

Explanation: Chaired by participant. Every couple of years (the period may vary to up to 3 years) the leadership and delegation of functions for the CRBE is decided during the “Conference from Brazilians around the World” (Conferência Brasileiros no Mundo (CBM)). The leaders are the representatives of consular jurisdictions themselves, who are elected by deliberation during the conference. No national authority is eligible.

Sources: Ministério das Relações Exteriores [Ministry of Foreign Affairs]. 2016. Conferência Brasileiros no Mundo (Relatório da Conferência) [Brazilians in the World Conference (Conference Report)].

**EMIGRANT\_25. The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: Yes

Code: 1

Explanation: The CRBE statute affirms that all non-administrative decisions taken by the CRBE will be considered “proposals for the Brazilian Government” and can be officially filed.

Sources: Portaria n° 376, de 04 de julho de 2013 [Portaria No. 376 of July 4, 2013]. 2013. Art. 6.

**EMIGRANT\_26. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: No

Code: 0

Explanation: Both the law and the statute only mention the possibility of officially making policy recommendations to the government, however, no right to get a response is specified.

Sources: Decreto no 7.987, de 17 de abril de 2013 [Decree No. 7.987 of April 17, 2013]. 2013. / Portaria n° 376, de 04 de julho de 2013 [Portaria No. 376 of July 4, 2013]. 2013.

**EMIGRANT\_27. Selection criteria to ensure representativeness**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: No

Code: 0

Explanation: The selection criteria are based on one representative per consular jurisdiction, in order to ensure geographical representativeness. No mention of representativeness by gender is made.

Sources: Portaria n° 376, de 04 de julho de 2013 [Portaria No. 376 of July 4, 2013]. 2013. Art. 3.



**Existence of selection criteria to ensure a geographically-balanced consultative body:**

Answer: 1

Code: 1

Explanation: The selection criteria are based on one representative per consular jurisdiction, in order to ensure geographical representativeness. No mention of representativeness by gender is made.

Sources: Portaria n° 376, de 04 de julho de 2013 [Portaria No. 376 of July 4, 2013]. 2013. Art. 3.

*Consultative bodies at the consular level*

**EMIGRANT\_28. Existence of a consultative body of emigrants at the consular level.**

Answer: Yes

Code: 1

Explanation: The Representative Council of Brazilians Abroad (Conselho de Representantes de Brasileiros no Exterior, CRBE) assists the Ministry of Foreign Affairs on issues pertaining to the Brazilian community abroad. The CRBE is composed of representatives from local councils, which are usually located in countries where Brazil has a diplomatic representation. There are two types of local councils: In small communities, representatives can simply volunteer to join the Boards of Citizenship; in larger communities, representatives are elected to the Boards of Citizenship by fellow nationals living in that region. Each local council, then, is entitled to one representative at the CRBE.

Sources: Portaria n° 376, de 04 de julho de 2013 [Portaria No. 376 of July 4, 2013]. 2013. Art. 3.

**EMIGRANT\_29. The consultation is structural or ad hoc:**

Answer: Structural

Code: 1

Explanation: Not Applicable

Sources: Portaria n° 376, de 04 de julho de 2013 [Portaria No. 376 of July 4, 2013]. 2013. Art. 3.

**EMIGRANT\_30. Composition of the consultative body:**

Answer: Only emigrants

Code: 1

Explanation: Not Applicable

Sources: Portaria n° 376, de 04 de julho de 2013 [Portaria No. 376 of July 4, 2013]. 2013. Art. 3.

**EMIGRANT\_31. Who chairs the consultative body?**

Answer: Emigrant appointed by the emigrant community

Code: 1

Explanation: Not Applicable

Sources: Portaria n° 376, de 04 de julho de 2013 [Portaria No. 376 of July 4, 2013]. 2013. Art. 3.

**EMIGRANT\_32. The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: Yes

Code: 1

Explanation: Not Applicable

Sources: Portaria n° 376, de 04 de julho de 2013 [Portaria No. 376 of July 4, 2013]. 2013. Art. 3.

**EMIGRANT\_33. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: No

Code: 0

Explanation: Not Applicable

Sources: Portaria n° 376, de 04 de julho de 2013 [Portaria No. 376 of July 4, 2013]. 2013. Art. 3.

**EMIGRANT\_34. Selection criteria to ensure representativeness**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: No

Code: 0

Explanation: Not Applicable

Sources: Portaria n° 376, de 04 de julho de 2013 [Portaria No. 376 of July 4, 2013]. 2013. Art. 3.

**Existence of selection criteria to ensure a geographically-balanced consultative body:**

Answer: No

Code: 0

Explanation: Not Applicable

Sources: Portaria n° 376, de 04 de julho de 2013 [Portaria No. 376 of July 4, 2013]. 2013. Art. 3.

### 2.1.5. Funding of emigrant associations

#### **EMIGRANT\_35. Existence of consular support (in kind or financial) to independent emigrant associations**

Answer: No

Code: 0

Explanation: There is no evidence of existence of consular support to independent migrant associations.

Sources: Decreto no 7.214, de 15 de junho de 2010 [Decree No. 7.214 of June 15, 2010]. 2010. / Ministério das Relações Exteriores [Ministry of Foreign Affairs]. "Solicitando assistência [Requesting Assistance]". Access date not available. <http://www.portalconsular.itamaraty.gov.br/solicitando-assistencia>.

## 2.2. Economic Policies

### 2.2.1. Remittances

#### **EMIGRANT\_36. Government program/strategy to attract remittances from emigrants.**

##### **Existence of a government program to attract remittances from emigrants:**

Answer: Yes

Code: 1

Explanation: The Ministry of Labour has a booklet with general information for emigrants. The booklet has one section about remittances, including the right to send remittances, advice on institutions, a description of the most common ways of sending remittances, as well as useful contacts. The booklet highlights the importance of sending remittances through formal channels. Furthermore, the main public financial institution/bank in Brazil (Caixa Econômica Federal (CEF)) has a specific remittance programme for Brazilian emigrants and their beneficiaries in Brazil. Together with the Inter-American Development Bank and the Multilateral Investment Fund, the CEF has an education programme for the financial education of Brazilian emigrants, particularly those in the USA. As part of this education programme, several booklets were created to inform about and facilitate remittances and investments from abroad.

Sources: Brasil, Ministério do Trabalho e Emprego [Brazil, Ministry of Labor and Employment]. 2007. Brasileiras e brasileiros no exterior: informações uteis [Brazilians Abroad: Useful information]. / Caixa Econômica Federal [Federal Savings Bank]. 2014. Remessas e Capacitação para Emigrantes Brasileiros e seus Beneficiários no Brasil [Remittances and Capacitation of Brazilians Abroad and its Beneficiaries in Brazil].

### **Measures to improve banking channels for remittances:**

Answer: Yes

Code: 1

Explanation: The Ministry of Labour has a booklet with general information for emigrants. The booklet has one section about remittances, including the right to send remittances, advice on institutions, a description of the most common ways of sending remittances, as well as useful contacts. The booklet highlights the importance of sending remittances through formal channels. Furthermore, the main public financial institution/bank in Brazil (Caixa Econômica Federal (CEF)) has a specific remittance programme for Brazilian emigrants and their beneficiaries in Brazil. Together with the Inter-American Development Bank and the Multilateral Investment Fund, the CEF has an education programme for the financial education of Brazilian emigrants, particularly those in the USA. As part of this education programme, several booklets were created to inform about and facilitate remittances and investments from abroad.

Sources: Brasil, Ministério do Trabalho e Emprego [Brazil, Ministry of Labor and Employment]. 2007. Brasileiras e brasileiros no exterior: informações uteis [Brazilians Abroad: Useful information]. / Caixa Econômica Federal [Federal Savings Bank]. 2014. Remessas e Capacitação para Emigrantes Brasileiros e seus Beneficiários no Brasil [Remittances and Capacitation of Brazilians Abroad and its Beneficiaries in Brazil].

### **Existence of fee controls for remittances:**

Answer: No

Code: 0

Explanation: No provision for fee controls in main regulations.

Sources: Not Applicable

### **Remittances used for a co-development scheme (if remittances are used by the state of origin to fund development policies):**

Answer: No

Code: 0

Explanation: No provision for the use of remittances for co-development schemes.

Sources: Not Applicable

## **2.2.2. Investment**

### **EMIGRANT\_37. Existence of a government program to attract investments from emigrants (i.e. investment in housing, local enterprises, etc.):**

Answer: No

Code: 0

Explanation: There is a program for remittances but not directly for investments.

Sources: Caixa Econômica Federal [Federal Savings Bank]. 2014. Remessas e Capacitação para Emigrantes Brasileiros e seus Beneficiários no Brasil [Remittances and Capacitation of Brazilians Abroad and its Beneficiaries in Brazil].

### 2.2.3. Brain circulation networks

**EMIGRANT\_38. Are there formally constituted networks aiming to build connections between emigrants and the state of origin to share knowledge?**

Answer: Yes

Code: 1

Explanation: In 2017 the “Coordenação de Aperfeiçoamento de Pessoal de Nível Superior (CAPES)”, government agency responsible for expanding and improving tertiary education in Brazil launched an annual call for proposals for internationalization of Brazilian universities. The annual is budget is of 300 million BRL (equivalent of around 66 million euros). Furthermore, the government has also scholarships programmes aimed at technical international exchange (in which recipients are required to return to Brazil), such as “Ciência sem Fronteiras” (Science Without Borders), created in 2011.

Sources: Coordenação de Aperfeiçoamento de Pessoal de Nível Superior (Capes) [Coordination for the Improvement of Higher Education Personnel]. 2017. Programa Institucional de Internacionalização [Institutional Internationalization Program]. Capes PrInt. Notice no. 41/2017.

### 2.2.4. Return policies

**EMIGRANT\_39. Recognition of academic and professional qualifications acquired in the state of residence:**

**Recognition in state of origin of academic and professional qualifications emigrants acquired in the state of residence:**

Answer: Yes

Code: 1

Explanation: The process of recognition of qualifications acquired abroad needs to be started by the individual. The government does not have a specific agency in charge of the recognition but rather delegates it to public and private universities in the country. The process is overseen by the Ministry of Education.

Sources: Resolução no 3, de 22 de junho de 2016 [Resolution Number 3, of June 22, 2016]. 2016. / Portal Carolina Bori. “Tire suas dúvidas [Ask your Questions]”. Accessed June 19, 2018. <http://carolinabori.mec.gov.br/?pagina=duvidas>.

**Timeframe for the recognition of academic/professional qualifications obtained abroad. If there are several processes (i.e. automatic, for higher education, for primary education.), register the one with the lengthier timeframe:**

Answer: 6 months or less

Code: 1

Explanation: The government has an online portal (Portal Carolina Bori) aimed at compiling general information about the process. The maximum duration from filing to result should be no longer than 180 calendar days.

Sources: Resolução no 3, de 22 de junho de 2016 [Resolution Number 3, of June 22, 2016]. 2016. / Portal Carolina Bori. "Tire suas dúvidas [Ask your Questions]". Accessed June 19, 2018. <http://carolinabori.mec.gov.br/?pagina=duvidas>.

**EMIGRANT\_40. Communication campaigns aiming to convince emigrants to return to home country:**

Answer: No

Code: 0

Explanation: In 2017 there were no communication campaigns aiming to convince Brazilian emigrants to return to their home country. The only explicit case in which the governments mentions "facilitation of return" is in a booklet entitled "Returning to Brazil" published by the Ministry of Foreign Affairs. The booklet provides information to support and facilitate the return of those Brazilian emigrants who have encountered difficulties and/or exploitation abroad, although no strategy to convince them to return is included.

Sources: Ministério das Relações Exteriores [Ministry of Foreign Affairs]. 2010. Returning to Brazil.

**EMIGRANT\_41. Existence of brain gain programs developed by the government targeting highly qualified emigrants:**

Answer: No

Code: 0

Explanation: Even though the country does not have explicit brain-gain policies directed to emigrants or return programmes for the highly qualified it does have an online portal (Portal do Retorno) with useful information about reintegration into society and the labour market, as well as a booklet (Returning to Brazil) with general information about government programmes that could apply to those returning. Furthermore, the Ministry of Labour also has a sub-agency aimed at assisting reintegration of returning emigrants, mostly to the labour market (Núcleo de Informação e Apoio a Brasileiros retornados do Exterior – NIATRE (São Paulo/SP)).

Sources: Ministério das Relações Exteriores [Ministry of Foreign Affairs]. 2010. Returning to Brazil. / Ministério das Relações Exteriores [Ministry of Foreign Affairs]. "Portal do Retorno [Return Portal]". Accessed July 3, 2018. [http://retorno.itamaraty.gov.br/pt-br/servicos\\_de\\_apoio\\_a\\_retornados.xml](http://retorno.itamaraty.gov.br/pt-br/servicos_de_apoio_a_retornados.xml). / Ministério das Relações Exteriores [Ministry of Foreign Affairs]. "Volta ao Mercado de Trabalho [Back to the Labor Market]". Accessed July 9, 2018. <http://retorno.itamaraty.gov.br/pt->

**EMIGRANT\_42. Existence of welfare provisions or benefits that aim at facilitating the reintegration of emigrants in the home society:**

Answer: No

Code: 0

Explanation: All existing initiatives apply also for residents and therefore do not qualify for this category. The law on migration also does not mention the possibility. Information about potential welfare provision benefits is neither included on the online portal or the booklet for assisting returning emigrants.

Sources: Ministério das Relações Exteriores [Ministry of Foreign Affairs]. "Portal do Retorno [Return Portal]". Accessed July 3, 2018. [http://retorno.itamaraty.gov.br/pt-br/servicos\\_de\\_apoio\\_a\\_retornados.xml](http://retorno.itamaraty.gov.br/pt-br/servicos_de_apoio_a_retornados.xml). / Ministério das Relações Exteriores [Ministry of Foreign Affairs]. 2010. Returning to Brazil. / Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of Mai 24, 2017]. 2017.

## **2.3. Social Policies**

### **2.3.1. Retirement benefits**

**EMIGRANT\_43. Retirement benefits after emigration (i.e. pensions):**

Answer: No

Code: 0

Explanation: Generally no. According to the law, only emigrants working for the Brazilian government or for Brazilian companies abroad are entitled to maintain their social security benefits. However, the country has several bilateral agreements aimed at guaranteeing retirement benefits from both countries to workers, their legal dependents, as well as residents or those in transit. As of July 2018 Brazil has valid social security agreements with the following countries: Germany, Belgium, Cape Verde, Canada (& specific one for Quebec), Chile, South Korea, Spain, USA, France, Greece, Italy, Japan, Luxembourg, Portugal. As of July 2018 Brazil is in the process of ratifying social security bilateral agreements with the following countries: Bulgaria, Israel, Mozambique, Switzerland. The country also has a multilateral agreement with the Community of Portuguese Language Countries.

Sources: Ministério da Fazenda [Ministry of Finance]. "Acordos Internacionais – Português [International Agreements]". Accessed July 10, 2018. <http://www.previdencia.gov.br/a-previdencia/assuntos-internacionais/assuntos-internacionais-acordos-internacionais-portugues/>.

### **2.3.2. Health care benefits**

**EMIGRANT\_44. Health care benefits.**

**Health coverage can be extended abroad (access to health services covered by the healthcare system in country of origin):**

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Lei no 8.080, de 19 de setembro de 1990 [Law No. 8.080 of September 19, 1990]. 1990.

**Emigrants can keep their health insurance in the state of origin and access health care services when they visit the state of origin:**

Answer: Yes

Code: 1

Explanation: The healthcare system in Brazil is universal meaning that all citizens, regardless of their place of residence, can access the health care system when visiting the state of origin.

Sources: Lei no 8.080, de 19 de setembro de 1990 [Law No. 8.080 of September 19, 1990]. 1990. Art. 2.

**Emigrants can pay for their families' contributions to the public health care scheme of the state of origin:**

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Lei no 8.080, de 19 de setembro de 1990 [Law No. 8.080 of September 19, 1990]. 1990.

### 2.3.3. Education

**EMIGRANT\_45. Education programs for emigrants.**

**Emigrants can access scholarships awarded by the state of origin in the same conditions as resident citizens:**

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto no 8.817, de 21 de julho de 2016 [Decree No. 8.817 of July 21, 2016]. 2016. Sec. III.



**State of origin has created schools abroad where emigrants can access education provided by the state of origin (i.e. follow the same curricula as schools in country of origin):**

Answer: Yes

Code: 1

Explanation: Brazil has schools abroad in Germany, United States and Japan.

Sources: Ministério da Educação [Ministry of Education]. “Escolas Brasileiras no Exterior [Brazilian Schools Abroad]”. Accessed July 10, 2018. <http://portal.mec.gov.br/observatorio-da-educacao/323-secretarias-112877938/orgaos-vinculados-82187207/12967-escolas-brasileiras-no-exterior>.

**State of origin offers language courses to emigrants to learn the language of the state of reception:**

Answer: Yes

Code: 1

Explanation: The Cultural Department of the Ministry of Foreign Affairs has a “Division for Promoting the Portuguese Language”, which is responsible for spreading Brazilian Portuguese around the world. This happens through the coordination of a cultural network “Rede Brasil Cultural”. The network offers language, music, arts, and other cultural activities in 44 different countries. The MFA also has a qualification course for teachers of Portuguese as a heritage language “Curso de Formação Continuada para Professores de Português como Língua de Herança”. The course is aimed at improving knowledge on the maintenance of cultural roots for the children of emigrants.

Sources: Decreto no 8.817, de 21 de julho de 2016 [Decree No. 8.817 of July 21, 2016]. 2016. Art. 44. / Ministério das Relações Exteriores [Ministry of Foreign Affairs]. “Diplomacia Cultural [Cultural Diplomacy]”. Accessed July 10, 2018. <http://www.itamaraty.gov.br/pt-BR/diplomacia-cultural>. / Ministério das Relações Exteriores [Ministry of Foreign Affairs]. “Consulado Em Boston Oferece Curso de Capacitação Para 50 Professores de Português Nos EUA [Consulate in Boston Offers Training Course for 50 Portuguese Teachers in the USA]”. Accessed July 10, 2018. <http://redebrasilcultural.itamaraty.gov.br/publicacoes/31-pdlc/453-curso-de-formacao-em-boston>.

## **2.4. Cultural policies**

### **2.4.1. Visits to country of origin**

**EMIGRANT\_46. State of origin organizes visits to the origin country for emigrants on a regular basis:**

Answer: No

Code: 0

Explanation: The law defining the functions of the Ministry of Foreign Affairs and its bodies does not mention the possibility of the state organizing visits to the country of origin for emigrants. Furthermore, on the online portal of the Ministry of Foreign Affairs it is explicitly said that Consulates and Embassies are not allowed to organize travel for its citizens to other countries.

Sources: Decreto no 8.817, de 21 de julho de 2016 [Decree No. 8.817 of July 21, 2016]. 2016. Sec. V. / Ministério da Educação [Ministry of Foreign Affairs]. “Solicitando assistência [Applying for Assistance]”. Accessed July 10, 2018. <http://www.portalconsular.itamaraty.gov.br/solicitando-assistencia>.

## 2.4.2. Language courses for emigrants

**EMIGRANT\_47. State of origin finances cultural courses for learning the culture and traditions of the country of origin (this could include language courses to learn the language of origin):**

Answer: No

Code: 0

Explanation: Apart from the language course aimed at children of emigrants (teaching Portuguese as a heritage language), language courses abroad seem to target the citizens of where the diplomatic mission is located. On the online portal dedicated to the Division for Promoting the Portuguese Language the section on learning materials is dedicated exclusively to Portuguese as a foreign language. Furthermore, the law defining the functions of the Cultural Department of the Ministry of Foreign Affairs mentions the promotion of the language and the country abroad but does not specify emigrants as a target.

Sources: Ministério das Relações Exteriores [Ministry of Foreign Affairs]. “Consulado Em Boston Oferece Curso de Capacitação Para 50 Professores de Português Nos EUA [Consulate in Boston Offers Training Course for 50 Portuguese Teachers in the USA]”. Accessed July 10, 2018. <http://redebrasilcultural.itamaraty.gov.br/publicacoes/31-pdlc/453-curso-de-formacao-em-boston>. / Ministério das Relações Exteriores [Ministry of Foreign Affairs]. “Os cursos de língua portuguesa- Embaixada do Brasil em Roma [Portuguese language Courses- Embassy of Brazil in Rome]”. Accessed July 10, 2018. [http://roma.itamaraty.gov.br/pt-br/cursos\\_de\\_lingua\\_portuguesa.xml](http://roma.itamaraty.gov.br/pt-br/cursos_de_lingua_portuguesa.xml). / Ministério das Relações Exteriores [Ministry of Foreign Affairs]. “Apresentação dos materiais didáticos [Presentation of teaching materials]”. Accessed July 10, 2018. <http://redebrasilcultural.itamaraty.gov.br/material-didatico/apresentacao-materiais>. / Decreto no 8.817, de 21 de julho de 2016 [Decree No. 8.817 of July 21, 2016]. 2016. Sec. V.

## 2.5. Obligations

### 2.5.1. Military service

**EMIGRANT\_48. Emigrants have the obligation to comply with military service:**

Answer: Military service mandatory for residents and nonresidents

Code: 1

Explanation: All Brazilian men are obliged to comply with military service from 18 to 45 years old. In the first six months after turning 18 years old, Brazilian men abroad should go in person to a Consulate in order to register. From 1st of May on the year that one turns 28 years of age, Brazilian men residing abroad can request from the Consulate liberation from initial military service as well as a

certificate of exemption. Those who have quit military service for political, philosophical, or religious reasons, as well as the disobedient or deserters do not have the right to exemption.

Sources: Ministério das Relações Exteriores [Ministry of Foreign Affairs]. 2018. "Alistamento Militar No Exterior [Military Conscription Abroad]". Accessed July 3, 2018.

<http://www.portalconsular.itamaraty.gov.br/alistamento-militar-no-exterior>. / Portaria no 212, de 30 de abril de 2008 [Portaria No. 212 of April 30, 2008]. 2008. / Decreto no 57.654, de 20 de janeiro de 1966 [Decree No. 57.654 of January 20, 1966]. 1966. Art. 5.

### 2.5.2. Social service

**EMIGRANT\_49. Emigrants have the obligation to comply with social service:**

Answer: No existence of social service

Code: Not Applicable

Explanation: Social service does not exist in Brazil.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federal Republic of Brazil of 1988]. 1988.

### 2.5.3. Taxes

**EMIGRANT\_50. Obligation to pay taxes in state of origin**

**Emigrant must pay income taxes in state of origin:**

Answer: No

Code: 0

Explanation: Citizens who have permanently left the country as well as those who have left temporarily but are no longer considered residents in Brazil (from 12 consecutive months of absence) no longer have to pay income taxes, for example. In both cases, in order to be exempt of income taxes, individuals are obliged to declare their permanent exit through a formal declaration ("Declaração de Saída Definitiva do País") to the Department of Federal Revenue of Brazil.

Sources: Portaria no 212, de 30 de abril de 2008 [Portaria No. 212 of April 30, 2008]. 2008. / Ministério das Relações Exteriores [Ministry of Foreign Affairs]. "Imposto de Renda no exterior [Income Tax Abroad]". Accessed July 10, 2018. <http://www.portalconsular.itamaraty.gov.br/no-exterior/imposto-de-renda-no-exterior>.

**There are special taxes for emigrants:**

Answer: No

Code: 0

Explanation: Citizens who have permanently left the country as well as those who have left temporarily but are no longer considered residents in Brazil (from 12 consecutive months of absence) no longer have to pay income taxes, for example. In both cases, in order to be exempt of income taxes, individuals are obliged to declare their permanent exit through a formal declaration (“Declaração de Saída Definitiva do País”) to the Department of Federal Revenue of Brazil.

Sources: Portaria no 212, de 30 de abril de 2008 [Portaria No. 212 of April 30, 2008]. 2008. / Ministério das Relações Exteriores [Ministry of Foreign Affairs]. “Imposto de Renda no exterior [Income Tax Abroad]”. Accessed July 10, 2018. <http://www.portalconsular.itamaraty.gov.br/no-exterior/imposto-de-renda-no-exterior>.

## 2.6. Administration

### 2.6.1. Home country administration

**EMIGRANT\_51. Existence of a home country administration agency/body for emigrants in state of origin.**

**Existence of institution/agency with competencies for emigrant policies:**

Answer: Yes

Code: 1

Explanation: The agency responsible for emigrant affairs in Brazil is the Department of Brazilian Communities Abroad (Departamento das Comunidades Brasileiras no Exterior (DCB)), part of the Sub-secretariat of Brazilian Communities and Consular and Legal Affairs (Subsecretaria-Geral das Comunidades Brasileiras no Exterior (SGEB)). The Department is responsible for managing the Consular Sections and diplomatic missions of Brazil, coordinate bilateral agreements related to rights of emigrants, coordinate elections abroad, oversee issues related to adoption and kidnapping, as well as general coordination of emigrant policies together with other competent bodies (not specified).

Sources: Decreto no 7214 de 15 de junho de 2010 [Decree No. 7214 of June 15, 2010]. 2010. Art. 1.

**Name of the institution with competencies for emigrant policies in original language:**

Answer: Departamento das Comunidades Brasileiras no Exterior (DCB)

**Name of the institution with competencies for emigrant policies in English:**

Answer: Department of Brazilian Communities Abroad

**EMIGRANT\_52. Place in the administrative hierarchy:**

Answer: 3rd Rank in the public administration

Code: 0.5

Explanation: The agency responsible for emigrant affairs in Brazil is the Department of Brazilian Communities Abroad (Departamento das Comunidades Brasileiras no Exterior (DCB)), part of the Sub-secretariat of Brazilian Communities and Consular and Legal Affairs (Subsecretaria-Geral das Comunidades Brasileiras no Exterior (SGEB)). Both agencies are under the Ministry of International Affairs.

Sources: Decreto no 7214 de 15 de junho de 2010 [Decree No. 7214 of June 15, 2010]. 2010. Art. 1.

## 2.6.2. Consular network

**EMIGRANT\_53: Number of consulates.**

**Number of consular missions deployed by the state of origin (including consular sections in embassies but excluding honorary consulates):**

Answer: 377

Code: 377

Explanation: As of 2018 the online portal of the Ministry of Foreign Affairs says that Brazil has consular missions for 190 countries. Some of them are subordinated to a jurisdiction of another country (e.g the consulate in Kabul (Afghanistan) is under the supervision of the Brazilian Embassy in Pakistan (Islamabad)). Also as of 15/01/2018, the country has - 120 Embassies - 54 General Consulates - 10 Consulates - 9 Vice Consulates - 184 honorary consulates. Meanwhile, there are 3 (three embassies) awaiting activation: Kabul (Afghanistan); Lilongwe (Malawi); Freetown (Sierra Leone). Comparing to the information given on the book "Emigrant Policies in Latin American and the Caribbean" (2016) the number of consulate representations (including consulates, vice-consulates, general consulates and consular sectors has increased by 8 (eight). The number of honorary consulates has increased by 2.

Sources: Pedroza, L., Palop, P., Hoffman, B. 2016. *Emigrant Policies in Latin American and the Caribbean*. German Institute of Global and Area Studies (GIGA). / Ministério das Relações Exteriores [Ministry of Foreign Affairs]. 2018. Jurisdições Consulares [Consular Jurisdictions].

**Number of countries in which the state of origin has a consular mission (including consular sections in embassies but excluding honorary consulates):**

Answer: 190

Code: 190

Explanation: Not Applicable

Sources: Not Applicable

## 2.6.3. New consular functions

**EMIGRANT\_54: Extensions to the consular network services.**

**Existence of mobile consulates:**

Answer: Yes

Code: 1

Explanation: There is no indication of weekend hours or online systems for Brazilian consulates. In some countries, the consulates offer services, such as passport issuing, via post. Brazil also has mobile consulates. In the year 2015, for example, mobile consulates were put in place in 21 countries.

Sources: Ministério das Relações Exteriores [Ministry of Foreign Affairs]. "Consulados Itinerantes [Itinerant Consulates]". Accessed May 13, 2015. <http://www.portalconsular.mre.gov.br/apoio-no-externo/consulados-itinerantes>.

**Consulates open on weekends on a regular basis (e.g. once monthly):**

Answer: No

Code: 0

Explanation: No evidence of weekend opening hours found.

Sources: Not Applicable

**Consulates offer some services online:**

Answer: No

Code: 0

Explanation: No evidence of online services found.

Sources: Not Applicable

**EMIGRANT\_55: Adoption of new consular functions.****Consulates offer financial consultancy:**

Answer: Yes

Code: 1

Explanation: Consulates are supposed to promote better life conditions for its citizens living abroad by offering consular services of "second generation" related to health (usually information of services available in the country of residence), although no specific mention of health services directly provided by the consulates was made. Brazilian consulates can also assist their citizens with psychological and legal consultancy, depending on the country. Some consulates might also be able to offer small financial support to those nationals who have proved to be destitute abroad.

Sources: Decreto no 7214 de 15 de junho de 2010 [Decree No. 7214 of June 15, 2010]. 2010. / Ministério da Educação [Ministry of Foreign Affairs]. "Solicitando assistência [Applying for Assistance]". Accessed July 10, 2018. <http://www.portalconsular.itamaraty.gov.br/solicitando-assistencia>.

### **Consulates offer psychological consultancy:**

Answer: Yes

Code: 1

Explanation: Consulates are supposed to promote better life conditions for its citizens living abroad by offering consular services of “second generation” related to health (usually information of services available in the country of residence), although no specific mention of health services directly provided by the consulates was made. Brazilian consulates can also assist their citizens with psychological and legal consultancy, depending on the country. Some consulates might also be able to offer small financial support to those nationals who have proved to be destitute abroad.

Sources: Decreto no 7214 de 15 de junho de 2010 [Decree No. 7214 of June 15, 2010]. 2010. / Ministério da Educação [Ministry of Foreign Affairs]. “Solicitando assistência [Applying for Assistance]”. Accessed July 10, 2018. <http://www.portalconsular.itamaraty.gov.br/solicitando-assistencia>.

### **Consulates offer health services:**

Answer: No

Code: 0

Explanation: No evidence of health services provided by consulates was found.

Sources: Not Applicable

## **2.6.4. Special offices**

### **EMIGRANT\_56. Existence of special migrant offices in state of reception created by state of origin (e.g. offices for migrant workers):**

Answer: No

Code: 0

Explanation: Neither the online consular portal, the website of the Ministry of Foreign Affairs, or the website “Brazilians Abroad” mention the existence of special offices. The law establishing principles and guidelines for emigrant policy mentions the consular network as the central entity in charge of overseeing emigrant relations. No mention of special offices is made in the law either.

Sources: Decreto no 7214 de 15 de junho de 2010 [Decree No. 7214 of June 15, 2010]. 2010. / Ministério da Educação [Ministry of Foreign Affairs]. “Solicitando assistência [Applying for Assistance]”. Accessed July 10, 2018. <http://www.portalconsular.itamaraty.gov.br/solicitando-assistencia>.

## 3. Emigrant citizenship and nationality policies

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**CITNAT: Does the country make a distinction between citizenship and nationality?**

Answer: No, it uses the terms 'nationality' and 'citizenship' indistinctly

Code: 0

Explanation: The words citizenship and nationality are used interchangeably across all Brazilian legislation regarding the topic.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federal Republic of Brazil of 1988]. 1988. Ch. III.

### 3.1. Emigrant nationality

#### 3.1.1. Dual nationality for emigrants

**EMINAT\_1. Deprivation of nationality for having acquired a foreign nationality.**

**Loss of nationality for acquisition of foreign citizenship (nationals by birth):**

Answer: Procedure for loss is withdrawal

Code: 0.25

Explanation: The loss of nationality of any Brazilian national can happen when acquiring another nationality except when the nationality is considered "originary" (e.g. by birth or hereditary) by foreign law or it is imposed by foreign law as a condition for stay of the exercise of civil rights (i.e. naturalization is a precondition for remaining in the country or for exercising civil rights). Art. 12 of the Constitution, §4 states: "Será declarada a perda da nacionalidade do brasileiro que [...] adquirir outra nacionalidade, salvo nos casos: (Redação dada pela Emenda Constitucional de Revisão nº 3, de 1994) a) de reconhecimento de nacionalidade originária pela lei estrangeira; (Incluído pela Emenda Constitucional de Revisão nº 3, de 1994) b) de imposição de naturalização, pela norma estrangeira, ao brasileiro residente em estado estrangeiro, como condição para permanência em seu território ou para o exercício de direitos civis; (Incluído pela Emenda Constitucional de Revisão nº 3, de 1994)". In our interpretation, this means that generally, Brazilians by birth lose their Brazilian nationality for acquiring another one with the exception of foreign law imposing their nationality by birth. This disqualifies emigrants who naturalize in other countries through standard naturalization, unless (second condition) such naturalization is required so that they may remain residents in that country or enjoy civil rights in that country. Although the introduction of these conditions means accepting double nationality in probably a majority of cases (Brazilians with foreign parents/ancestors who get nationality of those ancestors due to legal provisions in the country of those ancestors and most Brazilian emigrants who are able to demonstrate that they will be deprived of rights as residents or of residence in their places of residence if they do not naturalize there), it is qualitatively distinct to the cases where there is no provision of loss for acquisition of a foreign nationality and puts the burden of proof on the persons to show they fall into the exceptions.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federal Republic of Brazil of 1988]. 1988. Art. 12. / Ministério das Relações Exteriores [Ministry of Foreign



Affairs]. “Dupla ou Múltiplas nacionalidades [Double or Multiple Nationalities]”. Accessed June 26, 2018. <http://www.portalconsular.itamaraty.gov.br/dupla-nacionalidade>.

**Nationality can be withdrawn only if person resides abroad:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Nationality can be withdrawn only if person was born abroad:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Nationality can be withdrawn only if person acquires citizenship of other country voluntarily:**

Answer: 1

Code: 1

Explanation: This option captures best the nuances that the constitutional regulation on dual nationality contains: that the other nationality is imposed by foreign law or that circumstances for emigrants make it forceful for them to naturalize in that country in order to accept dual nationality.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federal Republic of Brazil of 1988]. 1988. Art. 12.

**Loss of nationality can be prevented:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**3.1.2. Dual nationality only for some countries of residence**

**EMINAT\_2. Dual nationality only tolerable if citizen by birth naturalizes in certain countries.**

**Dual nationality is only tolerable if citizen by birth naturalizes in certain countries with which state of origin has signed treaties:**

Answer: Yes

Code: 0

Explanation: Multiple nationalities are now accepted if Brazilian nationality is simultaneously recognized by foreign law and the acquisition of an additional nationality (through naturalization) is imposed as a condition for the Brazilian national to remain residing in another country or exercise his/her civic rights. In such cases, dual or multiple nationalities are accepted, provided the individual obtains written authorization from the Ministry of Foreign Affairs. We interpret this regulation as not encouraging but indeed allowing for emigrant dual nationality only in some selected countries depending on their nationality law.

Sources: Pedroza, Luicy, Pau Palop, and Bert Hoffmann. 2016. *Emigrant Policies in Latin America and the Caribbean*. FLACSO-Chile Ed.

**Which countries:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

### **3.1.3. Loss of nationality after residence abroad**

**EMINAT\_3: Loss of nationality after residence abroad.**

**Country of origin deprives their national citizens by birth who emigrated of that nationality because of residence abroad:**

Answer: No provision

Code: 1

Explanation: The only cases in which national citizens by birth can lose their nationality is by acquiring a new nationality. Except when the nationality is considered "originary" (e.g. by birth or hereditary) or it is imposed by foreign law as a condition of stay (i.e. naturalization is a precondition for remaining in the country or for exercising civil rights).

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federal Republic of Brazil of 1988]. 1988. Art. 12. / Ministério das Relações Exteriores [Ministry of Foreign Affairs]. "Dupla ou Múltiplas nacionalidades [Double or Multiple Nationalities]". Accessed June 26, 2018. <http://www.portalconsular.itamaraty.gov.br/dupla-nacionalidade>.

**Nationality can be withdrawn only if person resides abroad for 20 years or more:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Nationality can be withdrawn only if person has another citizenship:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Country of origin deprives their national citizens by naturalization who emigrated of that nationality because of residence abroad:**

Answer: No provision

Code: 1

Explanation: The Constitution and the Regulation on the Migration Law only specify two cases in which naturalization can be cancelled: by court order given the performance of activities damaging the national interest or by acquiring another nationality (exceptions apply).

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federal Republic of Brazil of 1988]. 1988. Art. 12. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 249.

### **3.1.4. Jus sanguinis for emigrants**

**EMINAT\_4: Transfer of nationality to children born abroad.**

**Country of origin permit parents to confer their nationality on their children who are born abroad:**

Answer: Yes

Code: 1

Explanation: The Constitution divides jus sanguinis into two categories a) For those born abroad from a Brazilian mother or father who is serving the country abroad. b) For those born abroad from a Brazilian mother or father as long as they are registered with a competent Brazilian public body abroad, or at some point after 18 years old become residents in Brazil and request the Brazilian nationality. However, the law on migration contradicts the Constitution and says that those born

abroad from a Brazilian mother or father even though not registered can request Brazilian nationality at any time.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federal Republic of Brazil of 1988]. 1988. Art. 12, I. / Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Ch. VI.

**Transfer of nationality is applicable to:**

Answer: No limit

Code: 0

Explanation: The Constitution divides jus sanguinis into two categories a) For those born abroad from a Brazilian mother or father who is serving the country abroad. b) For those born abroad from a Brazilian mother or father as long as they are registered with a competent Brazilian public body abroad, or at some point after 18 years old become residents in Brazil and request the Brazilian nationality. However, the law on migration contradicts the Constitution and says that those born abroad from a Brazilian mother or father even though not registered can request Brazilian nationality at any time.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federal Republic of Brazil of 1988]. 1988. Art. 12, I. / Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Ch. VI.

### 3.1.5. Jus sanguinis across generations

**EMINAT\_5: Transfer of nationality to children born abroad from former citizens.**

**Country of origin permits children who are born abroad to adopt the nationality of parents who are former citizens**

Answer: No

Code: 0

Explanation: This is not contemplated in the two categories of jus sanguinis in the Constitution.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federal Republic of Brazil of 1988]. 1988. Art. 12, I. / Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Ch. VI.

**Transfer of nationality is applicable to:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

### 3.1.6. Renunciation of nationality is possible

**EMINAT\_6: Voluntary renunciation of nationality abroad is possible.**

**Country of origin provides for a national citizen that resides abroad to voluntarily renounce his/her nationality:**

Answer: Renunciation is possible

Code: 1

Explanation: According to the new Migration Law Brazilian citizens can formally request to renounce the Brazilian citizenship through a formal process by the Ministry of Justice. However, the request will only be accepted if the person can prove the prior acquisition of another nationality in order to avoid statelessness.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017.

**Renunciation abroad is only possible if person has another nationality:**

Answer: Yes, person renouncing must show proof of another nationality

Code: 1

Explanation: According to the new Migration Law Brazilian citizens can formally request to renounce the Brazilian citizenship through a formal process by the Ministry of Justice. However, the request will only be accepted if the person can prove the prior acquisition of another nationality in order to avoid statelessness.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017.

**Renunciation abroad is only possible if person was born outside of the country or acquired citizenship of the country by naturalization:**

Answer: No

Code: 0

Explanation: According to the new Migration Law Brazilian citizens can formally request to renounce the Brazilian citizenship through a formal process by the Ministry of Justice. However, the request will only be accepted if the person can prove the prior acquisition of another nationality in order to avoid statelessness.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017.

### 3.1.7. Reacquisition of nationality

**EMINAT\_7. Country of origin provides for reacquisition of nationality for former nationals:**

Answer: Yes

Code: 1

Explanation: The new Migration Law mentions that a person can reacquire Brazilian nationality as long as the person can prove that she or he previously had Brazilian nationality and that the reason for losing nationality ceased to exist, or fell under one of the constitutional exceptions but was misinterpreted. No mention of reacquisition of citizenship by those who have voluntarily renounced it is made.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017.

## 3.2. Emigrant citizenship

### 3.2.1. Citizenship restrictions for dual nationals

**EMICIT\_1. Conditions or restrictions for the exercise of citizen rights if individual has dual or multiple nationalities (nationals by naturalization):**

Answer: No restrictions

Code: 1

Explanation: No. However, as a common standard for double nationals of several countries, consular services will not be fully available for Brazilian citizens abroad who also have the nationality of the destination country. This is mainly related to official communication in case of detention or imprisonment. The Brazilian citizen (also national of the destination country) will then be subject to the laws of that country (destination).

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federal Republic of Brazil of 1988]. 1988. Art. 12. / Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Ch. VI. / Decreto no 61.078, de 26 de julho de 1967 [Decree No. 61.078 of July 26, 1967]. Art. 36.

### 3.2.2. Different citizenship for emigrants

**EMICIT\_2. Is there a special status for nationals who are located temporarily or permanently outside the national territory such that they fall in an official category that is different to resident nationals/citizens and which carries legal consequences (e.g. Overseas Indians)?**

Answer: No

Code: 0

Explanation: The Constitution and the new Migration Law do not make any distinction between resident and emigrant citizens.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federal Republic of Brazil of 1988]. 1988. Art. 12. / Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Ch. VI.

### **3.2.3. Loss or suspension of citizen rights after residence abroad**

**EMICIT\_3: Country deprives their national citizens by birth who emigrated of their citizen rights.**

**Does the country deprive their national citizens by birth who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?**

Answer: No

Code: 0

Explanation: Time of residence abroad is not considered a reason for loss or suspension of citizenship rights, particularly political rights. With regards to nationality, the loss of political rights can only happen if naturalization is cancelled after trial/by judicial order.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federal Republic of Brazil of 1988]. 1988. Art. 15.

**Conditions for the exercise of citizen rights if individual resides abroad (nationals by birth) [\*If it is not specified in the regulation, it is coded as restrictions not conditional to return]:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

## 4. Immigration policies

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### 4.1. General

#### 4.1.1. Number of entry tracks

##### **IMMIGRATION\_1: How many visa types does the country have?**

Answer: 17

Code: 17

Explanation: Visit Visa, Temporary Visa (of which there are 13 types), Diplomatic Visa, Official, Courtesy Visa.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 5. / Consulado Geral do Brasil em Londres [Consulate General Of Brazil In London] "Visas to Travel to Brazil". Accessed May 27, 2020. [http://cglondres.itamaraty.gov.br/en-us/visas\\_to\\_brazil.xml#Work\\_technical\\_assistance\\_VITEM\\_V\\_RN03](http://cglondres.itamaraty.gov.br/en-us/visas_to_brazil.xml#Work_technical_assistance_VITEM_V_RN03).

##### **IMMIGRATION\_2: Categorical organization of visas**

##### **Are the visas organized by overarching categories?**

Answer: Yes

Code: 1

Explanation: No hierarchical distribution of visas. Only 5 types: Visit Visa, Temporary Visa, Diplomatic Visa, Official, Courtesy Visa.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 5.

##### **How many categories?**

Answer: 5

Code: 5

Explanation: Only 5 types: Visit Visa, Temporary Visa, Diplomatic Visa, Official, Courtesy Visa.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 5.

#### 4.1.2. Biometric information

##### **IMMIGRATION\_3: Collection of biometric information.**



### **Does the state collect biometric information from all citizens for example for passports?**

Answer: Yes

Code: 1

Explanation: Laws mention the collection of biometric information for the issuing of passports but do not specify it. The Federal Police online portal specifies the collection of fingerprints from all ten fingers and a face photo.

Sources: Presidência da República, 2014. Decreto No 8.374, de 11 de dezembro de 2014 [Decree No. 8.374 of December 11, 2014]. 2014. Arts. 5 and 20. / Polícia Federal [Federal Police]. “Documentação para Passaporte Comum [Common Passport Documentation]”. Accessed May 22, 2018. <http://www.pf.gov.br/servicos-pf/passaporte/documentacao-necessaria/documentacao-para-passaporte-comum>. / Polícia Federal [Federal Police]. “Passaporte para Estrangeiro [Foreign Passport]”. Accessed May 22, 2018. <http://www.pf.gov.br/servicos-pf/passaporte/passaporte-para-estrangeiro>.

### **Does the state collect biometric information from immigrants for example for passports?**

Answer: Yes

Code: 1

Explanation: Laws mention the collection of biometric information for the issuing of passports but do not specify it. The Federal Police online portal specifies the collection of fingerprints from all ten fingers and a face photo.

Sources: Presidência da República, 2014. Decreto No 8.374, de 11 de dezembro de 2014 [Decree No. 8.374 of December 11, 2014]. 2014. Arts. 5 and 20. / Polícia Federal [Federal Police]. “Documentação para Passaporte Comum [Common Passport Documentation]”. Accessed May 22, 2018. <http://www.pf.gov.br/servicos-pf/passaporte/documentacao-necessaria/documentacao-para-passaporte-comum>. / Polícia Federal [Federal Police]. “Passaporte para Estrangeiro [Foreign Passport]”. Accessed May 22, 2018. <http://www.pf.gov.br/servicos-pf/passaporte/passaporte-para-estrangeiro>.

### **4.1.3. Visa waivers**

**IMMIGRATION\_4. Is there in the immigration law a specific provision by which the state can determine that certain countries or individuals under specific circumstances can be exempted from the regular visa procedures that apply to residence and work visas (excluding tourists, and regional migrants) (e.g. entry of Spaetaussiedler or Jewish immigrants in Germany)?**

Answer: No

Code: 0

Explanation: The law on migration only mentions the possibility of granting visa waivers for visitor visas. In such cases, the waiver is granted to nationals of countries that guarantee reciprocity of treatment to Brazilian nationals. Either way, the new migration law does not mention any possibility of granting visa waivers for residence and work visas.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Arts. 25 and 28.

## 4.2. Documentation

**IMMIGRATION\_5: Issue of legal compulsory identification documents.**

**Are all immigrants issued legal compulsory identification documents (e.g. residence permit, IDs)?**

Answer: Yes

Code: 1

Explanation: Registration and civil identification through a "National Migratory Registration ID" is mandatory for all immigrants holding a temporary visa or a residency permit, failure to comply is subject to sanctions.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art 62.

**Are they required to carry them at all times?**

Answer: No

Code: 0

Explanation: The law regulating the documentation does not include requirements on carrying the ID at all times, or in public.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art 62.

## 4.3. Quotas and restrictions

### 4.3.1. General quota

**IMMIGRATION\_6: General quota for immigration.**

**Is there a general quota (numerical limit) for immigration?**

Answer: No

Code: 1

Explanation: The Law on Migration (2017) does not mention the possibility of establishing any numerical limit for immigration.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017.

**Number of people that make up the quota:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

### 4.3.2. Specific quotas

**IMMIGRATION\_7: Quota for high-skilled migrants.**

**Is there a quota (numerical limit) on the number of high-skilled migrants that were allowed to enter the country?**

Answer: No

Code: 1

Explanation: The Law on Migration (2017) does not mention the possibility of establishing any numerical limit for immigration of high skilled migrants.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017.

**Number of people that make up the quota:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**IMMIGRATION\_8: Quota for low-skilled migrants.**

**Is there a quota (numerical limit) on the number of low-skilled migrants that are allowed to enter the country?**

Answer: No

Code: 1

Explanation: The Law on Migration (2017) does not mention the possibility of establishing any numerical limit for immigration at all.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017.

**Number of people that make up the quota:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**IMMIGRATION\_9: Quota for refugees.**

**Is there a quota (numerical limit) on the number of refugees?**

Answer: No

Code: 1

Explanation: The law regulating the mechanisms for implementation of Brazil's Refugee Statute does not include quotas for refugees.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997.

**Number of people that make up the quota:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**IMMIGRATION\_10: Quota for co-ethnics.**

**Is there a quota (numerical limit) on the number of co-ethnics that are allowed to enter the country?**

Answer: No

Code: 1

Explanation: The new Law on Migration (2017) does not mention the possibility of establishing any numerical limit for immigration at all, but rather promotes regular entry.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017.

#### **Number of people that make up the quota:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

### **4.3.3. List of excluded persons**

#### **IMMIGRATION\_11: Categories of excluded persons.**

##### **Are there categories of excluded persons from immigration?**

Answer: Yes

Code: 0

Explanation: Although the new Migration Law states that is prohibited to deny a visa, residency, or entry, based on ethnicity, religion, nationality, belonging to a social group, or political opinion, it denies residency to: Unaccompanied minors (under 18) or minors lacking travel authorisation from their legal guardians; any person being judged or condemned abroad for terrorist acts, genocide, crimes against humanity, war crimes, or crimes of aggression; and any person condemned in a law case both nationally or abroad. (The law case must refer to a crime defined in the Brazilian penal legislation).

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 27.

##### **List of categories of excluded persons:**

Answer: - Unaccompanied minors (under 18) or minors lacking travel authorisation from their legal guardians. - Any person being judged or condemned abroad for terrorist acts, genocide, crimes against humanity, war crimes, or crimes of aggression. - Any person condemned in a law case both nationally or abroad. (The law case must refer to a crime defined in the Brazilian penal legislation)

Code:

Explanation: Not Applicable

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 27.

#### 4.3.4. List of excluded countries

##### **IMMIGRATION\_12: Countries excluded.**

**Is there a list of countries whose nationals are banned for immigration in this country?**

Answer: No

Code: 1

Explanation: Residency permits can only be denied in the case of condemnation in a law case both nationally or abroad. Furthermore, according to the Law on Migration (2017) no one will be denied entry to the country for reasons of race, religion, nationality, belonging to a social group or opinion.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Arts. 30 and 45.

##### **List of countries excluded:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

#### 4.4. Policy incentives

##### 4.4.1. Recognized brokers

**IMMIGRATION\_13. State has a license system to recognize and authorize immigration brokers (i.e. persons or companies dedicated to facilitate the immigration process for immigrants):**

Answer: Yes

Code: 1

Explanation: The professional activity of public brokers (both immigration and emigration) is regulated by a general federal council of brokers (not exclusively migration brokers), established by federal law.

Sources: Lei No 10.602, de 12 de dezembro de 2002 [Law No. 10.602 of December 12, 2002]. 2002.

**IMMIGRATION\_14. State offers pecuniary incentives to citizens willing to immigrate:**

Answer: No

Code: 0

Explanation: There are no pecuniary incentives to citizens willing to immigrate in main regulations (Law 13.445 and Decree 9.199).

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. / Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017.

## **4.5. Immigration control and penalties**

### **4.5.1. Irregular residence**

**IMMIGRATION\_15: Illegal residence.**

**Is illegal residence in the country considered a criminal offense?**

Answer: No

Code: 1

Explanation: Irregular migrants are liable to a fine per irregular day, or deportation if they do not leave the country or regularize their migratory situation in the determined period.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 307.

**Is illegal residence considered an administrative offense?**

Answer: Yes

Code: 0

Explanation: Irregular migrants are liable to a fine per irregular day, or deportation if they do not leave the country or regularize their migratory situation in the determined period.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 307.

### **4.5.2. Forged documents**

**IMMIGRATION\_16: Penalties for immigrants with forged documents.**

**Are there penalties for immigrants for forged documents?**

Answer: Yes

Code: 0

Explanation: Forging of documents is considered a crime in Brazilian criminal law and migrants are subject to the same regulations as nationals. Penalty includes one to five years on imprisonment and

a fine. In relation to expulsion, the Ministry of Justice and Public Security will consider the severity of the crime and possibilities of resocialization in the national territory.

Sources: Decreto-Lei No 2.848, de 7 de dezembro de 1940 [Decree-Law No. 2.848 of December 7, 1940]. Art. 176. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. Art. 192.

**Penalty is expulsion:**

Answer: Yes

Code: 2

Explanation: Forging of documents is considered a crime in Brazilian criminal law and migrants are subject to the same regulations as nationals. Penalty includes one to five years on imprisonment and a fine. In relation to expulsion, the Ministry of Justice and Public Security will consider the severity of the crime and possibilities of resocialization in the national territory.

Sources: Decreto-Lei No 2.848, de 7 de dezembro de 1940 [Decree-Law No. 2.848 of December 7, 1940]. Art. 176. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. Art. 192.

**Penalty is a fine:**

Answer: Yes

Code: 2

Explanation: Forging of documents is considered a crime in Brazilian criminal law and migrants are subject to the same regulations as nationals. Penalty includes one to five years on imprisonment and a fine. In relation to expulsion, the Ministry of Justice and Public Security will consider the severity of the crime and possibilities of resocialization in the national territory.

Sources: Decreto-Lei No 2.848, de 7 de dezembro de 1940 [Decree-Law No. 2.848 of December 7, 1940]. Art. 176. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. Art. 192.

**Penalty is detention:**

Answer: No

Code: 1

Explanation: Forging of documents is considered a crime in Brazilian criminal law and migrants are subject to the same regulations as nationals. Penalty includes one to five years on imprisonment and a fine. In relation to expulsion, the Ministry of Justice and Public Security will consider the severity of the crime and possibilities of resocialization in the national territory.

Sources: Decreto-Lei No 2.848, de 7 de dezembro de 1940 [Decree-Law No. 2.848 of December 7, 1940]. Art. 176. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. Art. 192.



**Penalty is imprisonment:**

Answer: Yes

Code: 2

Explanation: Forging of documents is considered a crime in Brazilian criminal law and migrants are subject to the same regulations as nationals. Penalty includes one to five years on imprisonment and a fine. In relation to expulsion, the Ministry of Justice and Public Security will consider the severity of the crime and possibilities of resocialization in the national territory.

Sources: Decreto-Lei No 2.848, de 7 de dezembro de 1940 [Decree-Law No. 2.848 of December 7, 1940]. Art. 176. / Decreto-Lei No 2.848, de 7 de dezembro de 1940 [Decree-Law No. 2.848 of December 7, 1940]. Art. 176. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 192.  
192.

**IMMIGRATION\_17: Penalties for immigrants with expired documents.**

**Are there penalties for immigrants with expired documents?**

Answer: No

Code: 1

Explanation: Any immigrant carrying expired travel documents that contain a valid Brazilian visa can be admitted to the country if presenting another valid travel document. Moreover, expired documents can be used as proof of identity in order to request or renew residency permits, as well as expired documents emitted by the Brazilian government, if the person respects the deadline for registration/renewal.

Sources: Decreto-Lei No 2.848, de 7 de dezembro de 1940 [Decree-Law No. 2.848 of December 7, 1940]. Art. 176. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 129.

**Penalty is expulsion:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Penalty is a fine:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Penalty is detention:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Penalty is imprisonment:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

### 4.5.3. Aiding undocumented migrants

**IMMIGRATION\_18: Penalties for aiding undocumented migrants.**

**Are there penalties for aiding undocumented migrants?**

Answer: Yes

Code: 0

Explanation: Transporting undocumented migrants into the country is an administrative offense sanctioned with a fine per person transported. Promoting irregular migration by any means as a way of seeking financial compensation is a crime punishable by imprisonment (two to five years), as well as a fine.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 115. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 307.

**Penalty is a fine:**

Answer: Yes

Code: 2

Explanation: Transporting undocumented migrants into the country is an administrative offense sanctioned with a fine per person transported. Promoting irregular migration by any means as a way of

seeking financial compensation is a crime punishable by imprisonment (two to five years), as well as a fine.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 115. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 307.

**Penalty is imprisonment:**

Answer: Yes

Code: 2

Explanation: Transporting undocumented migrants into the country is an administrative offense sanctioned with a fine per person transported. Promoting irregular migration by any means as a way of seeking financial compensation is a crime punishable by imprisonment (two to five years), as well as a fine.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 115. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 307.

#### **4.5.4. Employment obligations**

**IMMIGRATION\_19: Penalties for employers who hire migrant workers without a legal work permit.**

**Are there sanctions for employers hiring migrant workers without a legal work permit?**

Answer: Yes

Code: 0

Explanation: The law refers to the general hiring/maintaining of unregistered workers as part of one's workforce. The employer who keeps unregistered employees is subject to a fine (three thousand Reais / 3.000,00 BRL) for each employee. The same amount is charged in the case of reoccurrence.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 47.

**Sanction is a fine:**

Answer: Yes

Code: 2

Explanation: The law refers to the general hiring/maintaining of unregistered workers as part of one's workforce. The employer who keeps unregistered employees is subject to a fine (three thousand Reais / 3.000,00 BRL) for each employee. The same amount is charged in the case of reoccurrence.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 47.

**Penalty is imprisonment:**

Answer: No

Code: 1

Explanation: The law refers to the general hiring/maintaining of unregistered workers as part of one's workforce. The employer who keeps unregistered employees is subject to a fine (three thousand Reais / 3.000,00 BRL) for each employee. The same amount is charged in the case of reoccurrence.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 47.

#### **4.5.5. Landlord obligations**

**IMMIGRATION\_20: Penalties for landlords who rent shelter to migrants without a regular migrant status.**

**Are there penalties for landlords who rent shelter to migrants without a regular migrant status?**

Answer: Yes

Code: 0

Explanation: Prohibited by laws punishing facilitation. Promoting irregular migration by any means as a way of seeking financial compensation is a crime punishable by imprisonment (two to five years), as well as a fine.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 115.

**Penalty is a fine:**

Answer: Yes

Code: 2

Explanation: Prohibited by laws punishing facilitation. Promoting irregular migration by any means as a way of seeking financial compensation is a crime punishable by imprisonment (two to five years), as well as a fine.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 115.

**Penalty is imprisonment:**

Answer: Yes

Code: 2

Explanation: Prohibited by laws punishing facilitation. Promoting irregular migration by any means as a way of seeking financial compensation is a crime punishable by imprisonment (two to five years), as well as a fine.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 115.

#### **4.5.6. Airline penalties**

**IMMIGRATION\_21: Penalties for airlines carrying immigrants without documentation.**

**Are airlines or other carriers subject to penalties (fines, imprisonment and/or other penalties) for letting travel passengers lacking relevant documentation (such as entry permits or passports)?**

Answer: No

Code: 1

Explanation: Airlines were not subject to penalties. According to the general conditions of transport the responsibility for bearing proper documentation is exclusively of the passenger. According to the official website of the National Agency for Civil Aviation, airlines can deny boarding to passengers lacking proper documentation although this is not regulated in the formal resolution.

Sources: Resolução No 400, de 13 de dezembro de 2016 [Resolution No. 400 of Decemer 13, 2016]. Art. 18. / Agência Nacional de Aviação Civil (ANAC) [National Civil Aviation Agency]. "Check-in e Embarque [Check-in and Boarding]". Accessed May 28, 2018. <http://www.anac.gov.br/assuntos/passageiros/check-in-e-embarque>.

**Sanction is a fine:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Penalty is more than a fine:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

## 4.6. Amnesty programs

### IMMIGRATION\_22: Existence of amnesty program.

**In the past decade, did any amnesty program for irregular immigrants or any permanent regularization mechanism exist?**

Answer: Yes

Code: 1

Explanation: The Law on Migration guarantees the non-criminalization of migration and non-discrimination on the basis of the criteria and means used when the person entered the country. Furthermore it promotes regular entry and document regularization. According to that, a migrant in irregular situation will be personally notified and will have a period of sixty days to regularize his/her situation or voluntarily leave the country.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 176.

### **The amnesty program is/was:**

Answer: Permanent (on a rolling basis)

Code: 3

Explanation: The Law on Migration guarantees the non-criminalization of migration and non-discrimination on the basis of the criteria and means used when the person entered the country. Furthermore it promotes regular entry and document regularization. According to that, a migrant in irregular situation will be personally notified and will have a period of sixty days to regularize his/her situation or voluntarily leave the country.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 176.

### **Being employed is/was a condition to qualify for the amnesty program:**

Answer: No

Code: 0

Explanation: The Law on Migration guarantees the non-criminalization of migration and non-discrimination on the basis of the criteria and means used when the person entered the country. Furthermore it promotes regular entry and document regularization.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 176.

### **A given duration of stay is/was a condition to qualify for the amnesty program:**

Answer: No

Code: 0

Explanation: The Law on Migration guarantees the non-criminalization of migration and non-discrimination on the basis of the criteria and means used when the person entered the country. Furthermore it promotes regular entry and document regularization. According to that, a migrant in irregular situation will be personally notified and will have a period of sixty days to regularize his/her situation or voluntarily leave the country.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 176.

**Having a certain nationality is/was a condition to qualify for the amnesty program:**

Answer: No

Code: 0

Explanation: Not Applicable.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 176.

**Does a case by case regularization for irregular immigrants existed?**

Answer: No

Code: 0

Explanation: Not Applicable.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 176.

**Being employed is a condition to qualify for the case by case regularization program:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**A given duration of stay is a condition to qualify for the case by case regularization program:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Having a certain nationality is a condition to qualify for the case by case regularization program:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Is regularization through marriage possible:**

Answer: No

Code: 0

Explanation: No provision in main regulation (Law 13.445).

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017

**IMMIGRATION\_23. The amnesty defines the types of irregular migrants as:**

Answer: The amnesty provision does not specify the types of irregular migrants but rather generalises the term "foreigner".

Code:

Explanation: The Law on Migration guarantees the non-criminalization of migration ad non-discrimination on the basis of the criteria and means used when the person entered the country. Furthermore it promotes regular entry and document regularization.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 176.

## **4.7. Administration**

**IMMIGRATION\_24\_1: Administration in charge of immigration regulation.**

**Which institution is in charge of immigration regulation (in original language)?**



Answer: Gabinete do Chefe de Gabinete da Presidência da República, departamento dos assuntos jurídicos.

Code: Gabinete do Chefe de Gabinete da Presidência da República, departamento dos assuntos jurídicos.

Explanation:

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 38.

**Which institution is in charge of immigration regulation (in English language)?**

Answer: Office of the Chief of Staff of the Presidency of the Republic, department of legal affairs.

**IMMIGRATION\_24\_2: Administration in charge of implementing immigration policies.**

**Which institution is in charge of the implementation of immigration policies (in original language)?**

Answer: Gabinete do Chefe de Gabinete da Presidência da República, departamento dos assuntos jurídicos.

Code: Gabinete do Chefe de Gabinete da Presidência da República, departamento dos assuntos jurídicos.

Explanation:

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 38.

**Which institution is in charge of immigration regulation (in English language)?**

Answer: Office of the Chief of Staff of the Presidency of the Republic, department of legal affairs.

**IMMIGRATION\_24\_3: Administration in charge of border control.**

**Which institution is in charge of border control (in original language)?**

Answer: Polícia Federal

Code: Polícia Federal

Explanation:

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 38.

**Which institution is in charge of border control (in English language)?**

Answer: Federal Police

**IMMIGRATION\_24\_4: Administration in charge of detentions.**

**Which institution is in charge of detentions (in original language)?**

Answer: Policia Federal

Code: Policia Federal

Explanation:

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 38.

**Which institution is in charge of detentions (in English language)?**

Answer: Federal Police

## **4.8. Proxy: Labor migration (high- and low-skilled)**

**IMMIGRATION\_25: Visas applied to labor migration.**

**Is there a labor migration scheme that allows immigrants to enter the country to work in any capacity?**

Answer: Yes

Code: 1

**Is the same visa applied to (1) domestic worker proxy, (2) agricultural worker proxy, and (3) medical doctor proxy?**

Answer: No

Code: 0

### **4.8.1. Domestic workers**

**Is there a visa scheme (entry track) for domestic workers?**

Answer: Yes

Code: 1

Explanation: Temporary working visa.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 38.

**IMMIGRATION\_26. Do migrants trying to enter the country under this entry track, need to be sponsored by an individual or group?**

Answer: Yes

Code: 0

Explanation: Domestic workers need to be sponsored by their employer.

Sources: Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017. Art. 3.

**IMMIGRATION\_27. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating?**

Answer: Yes, required

Code: 0.25

Explanation: A job offer is required. The exceptions in which a foreigner can be granted a temporary work visa without a job offer are listed in the law. None of the cases can include domestic workers.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

**IMMIGRATION\_28. Does the country use a national labor market test for covering posts under the domestic worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?**

Answer: No

Code: 1

Explanation: The Law on Migration was published under the principle of guaranteeing migrants equal and free access to labour. Although the "consolidation of the labour laws" (CLT) defines a principle of proportionality between foreign and national workers it does not apply to domestic workers.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3.

**IMMIGRATION\_29. Is the domestic worker entry track restricted to certain nationalities? (specify the nationalities in the explanation).**

Answer: No

Code: 1

Explanation: Only experience is required (between 4 and 5 years).

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

### **IMMIGRATION\_30: Restrictions based on age.**

**Are there age limits for migrant domestic workers in order to be admitted to the country?**

Answer: No

Code: 1

Explanation: The resolution defining the requirements, conditions, and procedures for granting temporary working visas does not mention age (or age limits) as a factor taken into consideration.

Sources: Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017.

### **Which minimum age?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

### **IMMIGRATION\_31. Is having a certain gender a requisite to be admitted to the country under the domestic worker entry track?**

Answer: No

Code: 1

Explanation: The resolution regulating the expedition of working visas does not mention gender requisites.

Sources: Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017.

### **IMMIGRATION\_32. Is having a certain marital status a requisite to be admitted to the country under the domestic worker track entry track?**

Answer: No

Code: 1

Explanation: The regulation of the New Migration Law, the Normative Resolution regulating the conditions for working visas under an employment contract, as well as the Normative Resolution listing the required documentation and conditions for applying for a working visa, do not mention marital status as a requirement.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. / Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017. / Resolução Normativa No 1, de 1o de dezembro de 2017 [Normative Resolution No. 1 of December 1, 2017]. 2017.

**IMMIGRATION\_33. Do migrant domestic workers need to prove the ability to support themselves?**

Answer: No

Code: 1

Explanation: No information on income/finance is required to request a temporary working visa.

Sources: Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017.

**IMMIGRATION\_34. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a domestic worker?**

Answer: Yes, beneficial

Code: 0.5

Explanation: Beneficial but no requirement or indication of benefit stated. Furthermore, for official communication and documentation the worker can provide copies in his/her county's official language, as well as any language that him/her declares fluency, as long as accompanied with a Portuguese translation.

Sources: Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017. Art. 3. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017.

**IMMIGRATION\_35. Does the application under the domestic worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: 24

Code: 24

Explanation: Standard fee for temporary visa processing or renewal: BRL 100,00 (USD 24,23). Some countries might have bilateral agreements for fee reductions.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. ANEXO.

**IMMIGRATION\_36. How long is the domestic work permit valid for? Indicate the period in months.**

Answer: 24

Code: 24

Explanation: The maximum initial duration of a temporary working visa with the requirement of a previous job offer is 24 months. It can be renewed for further 24 months or for “undetermined end date”.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142. / Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017. Art. 3.

**IMMIGRATION\_37. Is it possible to renew the work permit granted under the domestic worker entry track?**

Answer: Yes

Code: 1

Explanation: It can be renewed with no necessity to leave the country.

Sources: Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017. Art. 4.

**IMMIGRATION\_38: Possibility of changing jobs.**

**Is it possible for a migrant worker accepted under the domestic worker entry track to switch employers?**

Answer: Yes

Code: 1

Explanation: Upon authorization of the Ministry of Labour and presentation of a signed contract.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Arts. 38 and 147.

**Is it possible for a migrant domestic worker accepted under this entry track to switch professional sectors?**

Answer: Yes

Code: Yes

Explanation: As long as a job contract is signed. For employers switching sector/profession and location but remaining with the same employer, communication of the change to the Ministry of Labour is enough.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Arts. 38 and 147.

**Is it possible for a migrant worker accepted under the domestic worker entry track to switch locations?**

Answer: Yes

Code: 1

Explanation: As long as a job contract is signed. For employers switching sector/profession and location but remaining with the same employer, communication of the change to the Ministry of Labour is enough.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Arts. 38 and 147.

**IMMIGRATION\_39. Does loss of employment result in the withdrawal of a migrant domestic worker's resident permit under this track?**

Answer: Yes, right away

Code: 1

Explanation: A previous job offer is required in order to domestic workers be granted a work visa/residency permit. According to the regulation of the migration law the loss of residency can happen once the original reason ceases to exist. If the reason for a residency/work permit was a job offer, loss employment would result in the withdrawal of a migrant worker's residence permit.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 135. / Resolução Normativa No 1, de 1o de dezembro de 2017 [Normative Resolution No. 1 of December 1, 2017]. 2017. Art. 7.

**IMMIGRATION\_40. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant domestic workers were equal to those of native workers?**

Answer: Yes

Code: 1

Explanation: According to the Law on migration migrants have free and equal access to services, social programmes and benefits, public property, education, public judicial assistance, labour, housing, banking services, and social security.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3.

**IMMIGRATION\_41. Is a minimum level of education required to apply to the domestic entry track?**

Answer: No

Code: 1

Explanation: Given that the profession of agricultural worker does not require previous technical knowledge, having a certain amount of experience is enough.

Sources: Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017. Art. 2.

**IMMIGRATION\_42. Is a test of good health required for migrant domestic worker?**

Answer: No

Code: 1

Explanation: The legislation regulating and defining the requirements for the provision of temporary working visas does not mention any health tests.

Sources: Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017.

#### **4.8.2. Agricultural workers**

**Is there a visa scheme (entry track) for agricultural workers?**

Answer: Yes

Code: 1

Explanation: Temporary working visa.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 38.

**IMMIGRATION\_43. Do migrants trying to enter the country under the agricultural worker entry track need to be sponsored by an individual or group?**

Answer: Yes

Code: 0

Explanation: Agricultural workers need to be sponsored by their employer.

Sources: Resolução Normativa No 1, de 1o de dezembro de 2017 [Normative Resolution No. 1 of December 1, 2017]. 2017.

**IMMIGRATION\_44. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as an agricultural worker?**

Answer: Yes, required

Code: 0.25

Explanation: A job offer is required. The exceptions in which a foreigner can be granted a temporary work visa without a job offer are listed in the law. None of the cases can include agricultural workers.



Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

**IMMIGRATION\_45. Does the country use a national labor market test for covering posts under the agricultural worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?**

Answer: No

Code: 1

Explanation: The Law on Migration was published under the principle of guaranteeing migrants equal and free access to labour. Furthermore the principle of proportionality of foreign and national workers does not apply to rural work meaning that one facility could have more foreign agricultural workers than nationals.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3.

**IMMIGRATION\_46. Is the agricultural worker entry track restricted to certain nationalities? (specify nationalities in the explanation).**

Answer: No

Code: 1

Explanation: Only experience is required (between 4 and 5 years).

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

**IMMIGRATION\_47: Restrictions based on age.**

**Are age limits for migrant agricultural workers in order to be admitted to the country?**

Answer: No

Code: 1

Explanation: The resolution defining the requirements, conditions, and procedures for granting temporary working visas does not mention age (or age limits) as a factor taken into consideration.

Sources: Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017.

**Which minimum age?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**IMMIGRATION\_48. Is having a certain gender a requisite to be admitted to the country under this entry track?**

Answer: No

Code: 1

Explanation: The resolution regulating the expedition of working visas does not mention gender requisites.

Sources: Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017.

**IMMIGRATION\_49. Is having a certain marital status a requisite to be admitted to the country under the agricultural worker entry track?**

Answer: No

Code: 1

Explanation: The regulation of the Migration Law, the Normative Resolution regulating the conditions for working visas under an employment contract, as well as the Normative Resolution listing the required documentation and conditions for applying for a working visa, do not mention marital status as a requirement.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. / Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017. / Resolução Normativa No 1, de 1o de dezembro de 2017 [Normative Resolution No. 1 of December 1, 2017]. 2017.

**IMMIGRATION\_50. Do migrant agricultural workers need to prove the ability to support themselves?**

Answer: No

Code: 1

Explanation: No information on income/finance is required to request a temporary working visa.

Sources: Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017.

**IMMIGRATION\_51. Is knowledge of the host country's language considered beneficial or required for the decision on immigrating as an agricultural worker?**

Answer: Yes, beneficial

Code: 0.5

Explanation: Beneficial but no requirement or indication of benefit stated. Furthermore, for official communication and documentation the worker can provide copies in his/her county's official language, as well as any language that him/her declares fluency, as long as accompanied with a Portuguese translation.

Sources: Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017. Art. 3. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017.

**IMMIGRATION\_52. Does the application under the agricultural worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: 24

Code: 24

Explanation: Standard fee for temporary visa processing or renewal: BRL 100,00 (USD 24,23). Some countries might have bilateral agreements for fee reductions.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. ANEXO.

**IMMIGRATION\_53. How long is the work permit valid for? Indicate the period in months.**

Answer: 24

Code: 24

Explanation: The maximum initial duration of a temporary working visa with the requirement of a previous job offer is 24 months. It can be renewed for further 24 months or for "undetermined end date".

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142. / Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017. Art. 3.

**IMMIGRATION\_54. Is it possible to renew the work permit granted under the agricultural worker entry track?**

Answer: Yes

Code: 1

Explanation: It can be renewed with no necessity to leave the country.

Sources: Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017. Art. 4.

**IMMIGRATION\_55: Possibility of changing jobs.**

**Is it possible for a migrant agricultural worker accepted under this entry track to switch employers?**

Answer: Yes

Code: 1

Explanation: Upon authorization of the Ministry of Labour and presentation of a signed contract.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Arts. 38 and 147.

**Is it possible for a migrant agricultural worker accepted under this entry track to switch professional sectors?**

Answer: Yes

Code: 1

Explanation: As long as a job contract is signed. For employers switching sector/profession and location but remaining with the same employer, communication of the change to the Ministry of Labour is enough.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Arts. 38 and 147.

**Is it possible for a migrant agricultural worker accepted under this entry track to switch locations?**

Answer: Yes

Code: 1

Explanation: As long as a job contract is signed. For employers switching sector/profession and location but remaining with the same employer, communication of the change to the Ministry of Labour is enough.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Arts. 38 and 147.

**IMMIGRATION\_56. Does loss of employment result in the withdrawal of a migrant agricultural worker's resident permit under this track?**

Answer: Yes, right away

Code: 1

Explanation: A previous job offer is required in order to agricultural workers be granted a work visa/residency permit. According to the regulation of the migration law the loss of residency can happen once the original reason ceases to exist. If the reason for a residency/work permit was a job offer, loss employment would result in the withdrawal of a migrant worker's residence permit

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 135. / Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017. Art. 7.

**IMMIGRATION\_57. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant agricultural workers were equal to those of native workers?**

Answer: Yes

Code: 1

Explanation: According to the Law on migration migrants have free and equal access to services, social programmes and benefits, public property, education, public judicial assistance, labour, housing, banking services, and social security.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3.

**IMMIGRATION\_58. Is a minimum level of education required to apply to the agricultural worker entry track?**

Answer: No

Code: 1

Explanation: Given that the profession of agricultural worker does not require previous technical knowledge, having a certain amount of experience is enough.

Sources: Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017. Art. 2.

**IMMIGRATION\_59. Is a test of good health required for migrant agricultural workers?**

Answer: No

Code: 1

Explanation: The legislation regulating and defining the requirements for the provision of temporary working visas does not mention any health tests.

Sources: Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017.

### **4.8.3. Medical doctors**

**Is there a visa scheme (entry track) for medical doctors?**

Answer: Yes

Code: 1

Explanation: There is a government programme (Mais Médicos) to attract medical doctors to the public healthcare system (both nationals and foreigners). Foreign doctors are allowed to participate in an annual call for proposals and if accepted are granted a temporary working visa for “medical qualification” of three (3) years, renewable.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 18.

**IMMIGRATION\_60. Do migrants trying to enter the country under the medical doctor entry track, needed to be sponsored by an individual or group?**

Answer: No

Code: 1

Explanation: No provision in main regulation.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013.

**IMMIGRATION\_61. Are a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as a medical doctor?**

Answer: Neither beneficial, nor required

Code: 1

Explanation: Not required and if existent could be detrimental. It should be compatible with the hours of the training/practice programme. This is because the visa is aimed at medical doctors who want to participate in a government training/practice programme focused on placing medical doctors in the public healthcare system.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 15. / Ministério da Saúde [Ministry of Health]. 2017. Edital No 12, de 27 de novembro de 2017 [Notice No. 12 of November 27, 2017].

**IMMIGRATION\_62. Does the country use a national labor market test for covering posts under the medical doctor proxy (i.e. employers seeking to hire an immigrant had to prove that no native worker could do the job)?**

Answer: No

Code: 1

Explanation: No, but doctors with an academic degree provided by a recognized Brazilian higher education institution or those with a diploma validated in Brazil have preference. Furthermore the amount of foreign doctors using the entry track of the service-training programme “Mais Médicos” cannot exceed the equivalent of 10% of registered Brazilian doctors.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Arts. 13 and 30.

**IMMIGRATION\_63. Is the medical doctor entry track restricted to certain nationalities? (Specify nationalities in the explanation).**

Answer: No

Code: 1

Explanation: No restrictions based on nationality in main regulation.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013.

**IMMIGRATION\_64: Restrictions based on age.**

**Are there age limits for migrant medical doctors to be admitted to the country?**

Answer: No

Code: 1

Explanation: The law regulating the training programme for medical doctors does not establish an age range and even mentions the possibility of participation for retired doctors.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013.

**Which minimum age?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**IMMIGRATION\_65. Is having a certain gender a requisite to be admitted to the country under the medical doctor entry track?**

Answer: No

Code: 1

Explanation: The resolution regulating the expedition of working visas for medical doctors under the "Mais Médicos" programme does not mention gender requisites.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013.

**IMMIGRATION\_66. Is having a certain marital status a requisite to be admitted to the country under the medical doctor entry track?**

Answer: No

Code: 1

Explanation: However, the Ministry of Foreign affairs might provide a residency permit for the dependents of doctors part of the service-training programme “Mais Médicos”.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013.

**IMMIGRATION\_67. Do migrant medical doctors need to prove the ability to support themselves?**

Answer: No

Code: 1

Explanation: Doctors accepted in the service-training programme “Mais Médicos” have their expenses covered by a monthly stipend.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 15. / Portaria Interministerial No - 1.369, de 8 de julho de 2013 [Interministerial Portaria No. 1.369 of July 8, 2013]. 2013.

**IMMIGRATION\_68. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a medical doctor?**

Answer: Yes, required

Code: 0.25

Explanation: Candidates to the visa entry track tied to the participation on the service-training programme “Mais Médicos” are required to have knowledge of the Portuguese language. They should have particular good command of common language used for medical practice in Brazil.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 15.

**IMMIGRATION\_69. Does the application under the medical doctor entry track cost a fee? Register the fee in US Dollars. If application did not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: 0

Code: 0

Explanation: Medical doctors (and their dependents) undertaking the entry track part of the service-training programme “Mais Médicos” are waived from any application or administrative fees stated in migration legislations.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 28.



**IMMIGRATION\_70. How long is the medical doctor work permit valid for? Indicate the period in months.**

Answer: 36

Code: 36

Explanation: The medical doctor taking part in the service-training programme “Mais Médicos” will be granted a temporary visa for medical qualification improvement initially for 36 months, renewable for another 36 months resulting in a maximum of 72 months. This visa cannot be transformed in a permanent residency permit.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 18.

**IMMIGRATION\_71. Is it possible to renew the work permit granted under the medical doctor entry track?**

Answer: Yes

Code: 1

Explanation: It can be renewed with no necessity to leave the country, only a declaration from the “Mais Médicos” service-training programme coordination.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 18.

**IMMIGRATION\_72: Possibility of changing jobs.**

**Is it possible for a migrant medical doctor to switch employers?**

Answer: No

Code: 0

Explanation: The medical doctor part of the service-training programme “Mais Médicos” will work within the limits of the programme, and her/his activities will be exclusively in the realm of education, research and extended learning.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 16.

**Is it possible for a migrant medical doctor to switch professional sectors?**

Answer: No

Code: 0

Explanation: The medical doctor part of the service-training programme “Mais Médicos” will work within the limits of the programme, and her/his activities will be exclusively in the realm of education, research and extended learning.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 16.

**Is it possible for a migrant medical doctor to switch locations?**

Answer: No

Code: 0

Explanation: The medical doctor part of the service-training programme “Mais Médicos” will work within the limits of the programme, and her/his activities will be exclusively in the realm of education, research and extended learning.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 16.

**IMMIGRATION\_73. Does loss of employment result in the withdrawal of a migrant worker's resident permit under the medical doctor track?**

Answer: Yes, right away

Code: 1

Explanation: The withdrawal from the service-training programme “Mais Médicos” automatically cancels the medical doctor's registration as a regular foreigner and the registration with the Ministry of Health.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 21.

**IMMIGRATION\_74. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant medical doctors were equal to those of native workers?**

Answer: No

Code: 0

Explanation: Brazilian medical doctors have priority to integrate the service-training programme “Mais Médicos” when the foreigner counterpart did not graduate from a Brazilian institution or has not validated her/his graduation certificates in Brazil.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 13.

**IMMIGRATION\_75. Is a minimum level of education required to apply to the medical doctor entry track?**

Answer: Yes

Code: 0

Explanation: Foreign medical doctors are required to present a graduation certificate from a foreign institution giving her/him the license to practice medicine in the country in which the certificate was expedited.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 15.

#### **IMMIGRATION\_76. Is a test of good health required for migrant medical doctors?**

Answer: No

Code: 0

Explanation: The regulations governing the service-training programme “Mais Médicos” do not mention any tests of good health under its requirements.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 15. / Portaria Interministerial No - 1.369, de 8 de julho de 2013 [Interministerial Portaria No. 1.369 of July 8, 2013]. 2013.

### **4.9. Proxy: Refugees**

#### **4.9.1. Existence of track**

#### **IMMIGRATION\_77. Does the country grant refugee status?**

Answer: Yes

Code: 1

Explanation: The country has a Refugee Statute since 1997 that regulates humanitarian protection. Furthermore, its validity is emphasized in the Law of Migration, as of 2017.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. / Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017.

#### **IMMIGRATION\_78. Are certain countries deemed safe third countries (i.e. could persons arriving through these countries be precluded from claiming asylum)?**

Answer: No

Code: 1

Explanation: The law regulating preclusions from claiming asylum does not include the category of safe third countries.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997.

#### **IMMIGRATION\_79: Safe countries of origin.**

**Are certain countries deemed safe countries of origin (i.e. refugee claims arising out of persecution in those countries could be precluded)?**

Answer: No

Code: 1

Explanation: The law regulating preclusions from claiming asylum does not include the category of safe countries or origin.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997.

#### **How many countries?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

### **4.9.2. Restrictions**

#### **IMMIGRATION\_80: Refugee status restricted for certain nationalities.**

**Is refugee status restricted to certain nationalities?**

Answer: No

Code: 1

Explanation: The law specifies that all individuals persecuted on the grounds of race, religion, nationality, social group, political opinion, or due to violation of human rights can be recognized as refugees in Brazil.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997.

#### **Which nationalities?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**IMMIGRATION\_81: Restrictions based on age.**

**Are there age limits for potential refugees to be admitted to the polity?**

Answer: No

Code: 1

Explanation: Although the law does not specify any beneficial character, it says that during the application for refugee status the age of those less than fourteen (14) years old should be officially mentioned.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 21.2.

**Which minimum age?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Is being below a certain age limit beneficial for the decision on whether someone gains access to refugee status?**

Answer: No

Code: 1

Explanation: Although the law does not specify any beneficial character, it says that during the application for refugee status the age of those less than fourteen (14) years old should be officially mentioned.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 21.2.

**Below which age?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**IMMIGRATION\_82. Is having a certain gender a requisite to be granted refugee status?**

Answer: No

Code: 0

Explanation: The law specifies that all individuals persecuted on the grounds of race, religion, nationality, social group, political opinion, or due to violation of human rights can be recognized as refugees in Brazil.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 21.2.

#### **IMMIGRATION\_83. Is having a certain marital status a requisite to be granted refugee status?**

Answer: No

Code: 0

Explanation: The law does not require a certain marital status as a condition for granting asylum. In addition to that, refugee status can be extended to the spouse, parents and children, as well as other family members of the requestor, as long as they are in Brazilian national territory (it does not specify if they need to be in the country at the moment of the application or at the moment of the decision).

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 2.

### **4.9.3. Place of application**

#### **IMMIGRATION\_84: Place of application**

**Can asylum seekers file an application for asylum from outside the destination country's territory?**

Answer: No

Code: 0

Explanation: According to the Normative Resolution regulating the asylum application process, "foreigners present in Brazil's national territory can file an asylum application". In addition to that, the official website of the Brazilian Federal Police states clearly that "in order to file an application for asylum is necessary to be in [Brazil's] national territory".

Sources: Polícia Federal [Federal Police]. "Refúgio - Termo de Solicitação [Refuge - Request Form]". Accessed June 11, 2018. <http://www.pf.gov.br/servicos-pf/imigracao/refugio>. / Resolução Normativa No 18, de 30 de abril de 2014 [Normative Resolution No. 18 of April 30, 2014]. 2014.

**Can asylum seekers file an application for asylum at the border/ports of entry of country's territory?**

Answer: No

Code: 0

Explanation: According to the Normative Resolution regulating the asylum application process, “foreigners present in Brazil’s national territory can file an asylum application”. In addition to that, the official website of the Brazilian Federal Police states clearly that “in order to file an application for asylum is necessary to be in [Brazil’s] national territory”.

Sources: Polícia Federal [Federal Police]. “Refúgio - Termo de Solicitação [Refuge - Request Form]”. Accessed June 11, 2018. <http://www.pf.gov.br/servicos-pf/imigracao/refugio>. / Resolução Normativa No 18, de 30 de abril de 2014 [Normative Resolution No. 18 of April 30, 2014]. 2014.

#### **Can asylum seekers file an application for asylum on the destination country's territory?**

Answer: Yes

Code: 1

Explanation: According to the Normative Resolution regulating the asylum application process, “foreigners present in Brazil’s national territory can file an asylum application”. In addition to that, the official website of the Brazilian Federal Police states clearly that “in order to file an application for asylum is necessary to be in [Brazil’s] national territory”.

Sources: Polícia Federal [Federal Police]. “Refúgio - Termo de Solicitação [Refuge - Request Form]”. Accessed June 11, 2018. <http://www.pf.gov.br/servicos-pf/imigracao/refugio>. / Resolução Normativa No 18, de 30 de abril de 2014 [Normative Resolution No. 18 of April 30, 2014]. 2014.

#### **4.9.4. Permit validity**

##### **IMMIGRATION\_85. How long is the initial residence permit for recognized refugees valid for?**

Answer: Temporary, between 12 and 24 months

Code: 5

Explanation: The residence permit on the grounds of humanitarian refuge (recognized refugees) can be initially granted for a period of 2 (two) years.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142.

##### **IMMIGRATION\_86: Permit renewal.**

##### **Is it possible to renew a temporary residence permit?**

Answer: Yes

Code: 1

Explanation: After the initial period of 2 (two) years of residence permit, a recognized refugee can renew her/his permit for another 2 (two) years, or request the renewal for indefinite time (permanent permit).

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142.

#### **Is it possible to apply for a permanent resident permit for recognized refugees?**

Answer: Yes, possible to apply for permanent permit after 2-4 years

Code: 2

Explanation: According to a Normative Resolution from the National Immigration Council (enacted in 1997 and updated in 2010), the Ministry of Justice may grant permanent residence to a foreigner who bears the condition of refugee or has been granted asylum if she/he fulfils at least one of the required conditions. With regard to the condition related to number of years of residence the minimum required is 4 (four) years (as of updated Normative Resolution). The other possible required conditions can be checked on Art. 1º of RES6/1997 and its update RES91/2010.

Sources: Resolução Normativa no 6, de 21 de agosto de 1997 [Normative Resolution No. 6 of August 21, 1997]. 1997. / Resolução Normativa no 91, de 10 de novembro de 2010 [Normative Resolution No. 91 of November 10, 2010]. 2010.

#### **IMMIGRATION\_87. Can a recognized refugee lose his or her status as a refugee when the threatening situation in his or her country of origin ceases?**

Answer: Yes

Code: 0

Explanation: Among other possibilities, a foreigner's condition as a refugee will cease when the country of origin becomes able to offer protection to its citizens due to the cessation of the circumstances for which the individual was recognized as a refugee in Brazil. The same applies for stateless persons when the circumstances for which they were recognized as a refugee in Brazil cease to exist.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 38.

### **4.9.5. Maximum timeframe for application resolution**

#### **IMMIGRATION\_88: Timeframe for resolution.**

#### **Is there a maximum of days to process the application of asylum seekers?**

Answer: No

Code: 0

Explanation: The only timeframes specified in legislation regarding the processing of asylum applications refer to transferring the application documents from the Federal Police to the General Coordination for Refugee Affairs (15 days), who should then in maximum 5 (five) working days inform UNHCR and other authorities of the application filing.



Sources: Resolução Normativa No 18, de 30 de abril de 2014 [Normative Resolution No. 18 of April 30, 2014]. 2014. Art. 3-4.

#### **What is the maximum of days?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

### **4.9.6. Possibility to change migratory status**

**IMMIGRATION\_89. If an application on refugee status is rejected, does the applicant have the right to appeal?**

Answer: Yes

Code: 1

Explanation: In the case of rejection the individual has 15 calendar days after receiving the notification of rejection to appeal to the Ministry of Justice.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 29.

**IMMIGRATION\_90. Is it possible for recognized refugees to change their migratory status?**

Answer: No

Code: 0

Explanation: A refugee can renounce to her/his refugee status but transfer to another migratory condition is not defined by law.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 39.

### **4.9.7. Detention**

**IMMIGRATION\_91: Detention**

**Are asylum seekers detained while their claims are being processed?**

Answer: No

Code: 4

Explanation: All administrative and criminal processes concerning irregular entry filled against an asylum applicant and his family group shall be suspended once the asylum application has been handed in. Once the person is granted refugee status the processes shall be dismissed. Furthermore, Brazilian Migration Law and its Refugee Statute do not mention any nature of detention related to asylum seekers but rather specify conditions for compulsory removal.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 10.

#### **Are asylum seekers detained after their claims are processed?**

Answer: No

Code: 2

Explanation: All administrative and criminal processes concerning irregular entry filled against an asylum applicant and his family group shall be suspended once the asylum application has been handed in. Once the person is granted refugee status the processes shall be dismissed. Furthermore, Brazilian Migration Law and its Refugee Statute do not mention any nature of detention related to asylum seekers but rather specify conditions for compulsory removal.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 10.

### **4.9.8. Status after rejection**

#### **IMMIGRATION\_92. What is the status of asylum seekers whose applications are rejected?**

Answer: Issued a temporary certificate and possibility of applying to other visa

Code: 3

Explanation: After exhausting her/his possibilities of appeal an asylum seeker is then considered an irregular foreigner and no longer receives humanitarian protection under the Refugee Statute. The acts and rights of this individual are then regulated by the Law on Migration and its regulation. The person is personally notified of her/his irregular situation and should have at least 60 (sixty) calendar days to regularize her/his situation or extend the deadline for regularization. In the case of remaining irregular situation after the deadline the individual will be informed of a potential deportation, which can be withdrawn in case of voluntary exit. The law suggests a case by case approach. The law also states that no one should be forcibly returned to a country or region that might incur risks in relation to her/his life, personal integrity or freedom.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 32. / Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017.

#### **IMMIGRATION\_93. Do asylum seekers have the possibility to work during the process of application?**

Answer: Yes

Code: 1

Explanation: Once an asylum application is handed in the applicant and her/his family group will receive a temporary authorization to remain in the country. This authorisation allows the Ministry of Labour to issue the applicant and his family group the necessary documentation to perform paid labour.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 21.

#### **4.9.9. Translation and interpretation**

**IMMIGRATION\_94. Does the state provide official translation or interpretation for the process of asylum seekers?**

Answer: Yes

Code: 1

Explanation: Only of the asylum application form, that is available in Portuguese, English, Spanish, and French. Moreover, the form mentions that declarations and forms can be filled with the help of an interpreter, who should sign a term of responsibility. Either way the provision of official interpretation is not mentioned.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art.19. / Comitê Nacional Para os Refugiados (CONARE) [National Committee for Refugees]. 2015. Asylum Application Form.

#### **4.10. Proxy: Co-ethnics**

##### **4.10.1. General**

**IMMIGRATION\_95. Existence of co-ethnics in 2017 (i.e. group(s) of immigrants that were granted easier access).**

**Are there group(s) of immigrants that are granted easier access to immigration and citizenship due to colonial history, language, religion, ancestry, and/or ill-treatment in the past?**

Answer: Yes

Code: 1

Explanation: Citizens of Portugal (former colonial power), as well as citizens of Lusophone countries (shared language) can be identified as co-ethnics in the Brazilian Constitution.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

**IMMIGRATION\_96. Register the name of the group(s).**

Answer: Citizens of Portugal and Lusophone countries.

Code: Citizens of Portugal and Lusophone countries.

Explanation: Citizens of Portugal (former colonial power), as well as citizens of Lusophone countries (shared language) can be identified as co-ethnics in the Brazilian Constitution.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

#### **4.10.2. Reasons for co-ethnicity**

##### **IMMIGRATION\_97. Reasons for co-ethnicity.**

###### **Shared language:**

Answer: Yes

Code: 1

Explanation: Citizens of Portugal (former colonial power), as well as citizens of Lusophone countries (shared language) can be identified as co-ethnics in the Brazilian Constitution.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

###### **Shared religion:**

Answer: No

Code: 0

Explanation: Citizens of Portugal (former colonial power), as well as citizens of Lusophone countries (shared language) can be identified as co-ethnics in the Brazilian Constitution.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

###### **Shared ancestry:**

Answer: No

Code: 0

Explanation: Citizens of Portugal (former colonial power), as well as citizens of Lusophone countries (shared language) can be identified as co-ethnics in the Brazilian Constitution.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

**Citizen of former colony:**

Answer: Yes

Code: 1

Explanation: Citizens of Portugal (former colonial power), as well as citizens of Lusophone countries (shared language) can be identified as co-ethnics in the Brazilian Constitution.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

**III treatment by country in the past:**

Answer: No

Code: 0

Explanation: Citizens of Portugal (former colonial power), as well as citizens of Lusophone countries (shared language) can be identified as co-ethnics in the Brazilian Constitution.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

**Self-declaration: avowal to be of country's ethnicity:**

Answer: No

Code: 0

Explanation: Citizens of Portugal (former colonial power), as well as citizens of Lusophone countries (shared language) can be identified as co-ethnics in the Brazilian Constitution.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

**Other:**

Answer: No

Code: 0

Explanation: Citizens of Portugal (former colonial power), as well as citizens of Lusophone countries (shared language) can be identified as co-ethnics in the Brazilian Constitution.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

**IMMIGRATION\_98. May converts apply?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**IMMIGRATION\_99. If ancestry is sufficient to claim entitlement to preferential immigration rights, what is the degree of ancestry required?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

#### **4.10.3. Language test**

**IMMIGRATION\_100. What is the required level of language skills?**

Answer: Fluent not tested

Code: 6

Explanation: Only being a citizen of a country in which Portuguese is an official language is enough to be considered under the category of “Lusophone citizens”. No mention of test is included in the law. In general, the Law on Migration says that those seeking to naturalization should be able to “communicate in Portuguese, considering the conditions of the requester”.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

#### **4.10.4. Place of residence**

**IMMIGRATION\_101. Does the applicant have to reside in a specific country to be entitled to easier access and right to permanent settlement? (If yes, specify country in the explanation).**

Answer: No

Code: 0

Explanation: The privileges given to co-ethnics in Brazil are exclusively related to naturalization. Portuguese and Lusophone citizens are required to have a shorter residency period in Brazil prior to requesting naturalization than other countries in general.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

#### **4.10.5. Place of application**

**IMMIGRATION\_102. Place of application.**

**Can applicants file an application from outside the territory of the host country?**

Answer: Not Applicable

Code: 0

Explanation:

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

**Can applicants file an application on host country's territory?**

Answer: Not Applicable

Code: 0

Explanation:

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

#### **4.10.6. Date of birth**

**IMMIGRATION\_103. Do applicants need to be born before or after a certain date to be eligible?**

Answer: No

Code: 0

Explanation: Not Applicable

Sources: Not Applicable

#### **4.10.7. Permit validity**

**IMMIGRATION\_104. If citizenship is not granted right away/after a shorter period, how long is the resident permit valid for?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**IMMIGRATION\_105. Permit renewal.**

**Is it possible to renew a temporary residence permit for co-ethnics?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Is it possible to apply for a permanent resident permit for co-ethnics?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable



## 5. Immigrant policies

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### 5.1. Permanent residence

#### 5.1.1. Eligibility

##### **IMMIGRANT\_1: General existence of a permanent residence scheme.**

Answer: Yes

Code: 1

Explanation: Some migrant proxies can access permanent residency after residing in the country for 2 (two years) and in some cases (not specified by law) even for a shorter period.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142.

##### **IMMIGRANT\_2: Existence of a permanent residence scheme for different proxies.**

###### **Do asylum seekers have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Yes. Depending either on time of residence or position in the labour market. The position in the labour market refers to: being a qualified professional hired by an institution/company based in Brazil, with validation from the Ministry of Labour; being an accredited professional recognized by an appropriate training body, or being the owner of an equity investment business that qualifies for the "foreign investor visa".

Sources: Resolução Normativa no 91, de 10 de novembro de 2010 [Normative Resolution No. 91, of November 10, 2010]. 2010. / Resolução Normativa no 6, de 21 de agosto de 1997 [Normative Resolution No. 6, of August 21, 1997]. 1997.

###### **Do refugees have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Yes.

Sources: Resolução Normativa no 91, de 10 de novembro de 2010 [Normative Resolution No. 91, of November 10, 2010]. 2010. / Resolução Normativa no 6, de 21 de agosto de 1997 [Normative Resolution No. 6, of August 21, 1997]. 1997.

###### **Do co-ethnics have access to permanent residence?**

Answer: Yes, after less or equal to a year

Code: 1

Explanation: Yes, but special treatment for co-ethnics is only specified in the law when it comes to naturalization. No special treatment for accessing permanent residency is mentioned, thus here we code the same period necessary to become naturalized.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

### **Do domestic workers have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Yes, generally after residing in the country for 2 (two) years under a working visa the individual could request its renewal for an unlimited amount of time. However, the law does not clearly state who is allowed to access permanent residency. Given the recent character of the Migration Law (enacted in 2017) application forms for permanent residency still use the old categorization of visas and therefore suggest that only spouses or parents of a Brazilian citizen, missionaries, and investors could access permanent residency. This should be observed throughout the whole of section 7.1.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142. / Ministério da Justiça [Ministry of Justice]. "Requerimento de Permanência [Stay Requirement]". Accessed June 12, 2018. <http://www.pf.gov.br/servicos-pf/imigracao/cedula-de-identidade-de-estrangeiro/modelos/requerimento-de-permanencia-ministerio-da-justica.pdf>.

### **Do agricultural workers have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Yes, generally after residing in the country for 2 (two) years under a working visa the individual could request its renewal for an unlimited amount of time. However, the law does not clearly state who is allowed to access permanent residency. Given the recent character of the Migration Law (enacted in 2017) application forms for permanent residency still use the old categorization of visas and therefore suggest that only spouses or parents of a Brazilian citizen, missionaries, and investors could access permanent residency. This should be observed throughout the whole of section 7.1.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142.

### **Do medical doctors have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: In some cases. The law prohibits visas given to medical doctors part of the service-training programme "Mais Médicos" being transformed into permanent residency. If a medical doctor

is not part of the service-training programme “Mais Médicos” her/his stay in the country will only be possible under a normal working visa track. In that case she/he will be generally required to habitually reside in Brazil for 2 (two) years under a working visa before requesting permanent residency. However, the law does not clearly state who is allowed to access permanent residency. Given the recent character of the Migration Law (enacted in 2017) application forms for permanent residency still use the old categorization of visas and therefore suggest that only spouses or parents of a Brazilian citizen, missionaries, and investors could access permanent residency. This should be observed throughout the whole of section 7.1.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 18. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142. / Ministério da Justiça [Ministry of Justice]. “Requerimento de Permanência [Stay Requirement]”. Accessed June 12, 2018. <http://www.pf.gov.br/servicos-pf/imigracao/cedula-de-identidade-de-estrangeiro/modelos/requerimento-de-permanencia-ministerio-da-justica.pdf>.

### **IMMIGRANT\_3: Required time of habitual residence.**

#### **How many months of habitual residence are required from asylum seekers for accessing permanent residence?**

Answer: 48

Code: 48

Explanation: At least four (4) years under a humanitarian protection visa/residency permit. (Before 2010 the required time used to be 6 (six years)). The required time of habitual residency might be reduced if the person is has a working contract, is a recognized/certified instructor in her/his field of work, or an independent investor.

Sources: Resolução Normativa no 91, de 10 de novembro de 2010 [Normative Resolution No. 91, of November 10, 2010]. 2010. / Resolução Normativa no 6, de 21 de agosto de 1997 [Normative Resolution No. 6, of August 21, 1997]. 1997.

#### **How many months of habitual residence are required from refugees for accessing permanent residence?**

Answer: 48

Code: 48

Explanation: At least four (4) years under a humanitarian protection visa/residency permit. (Before 2010 the required time used to be (6) six years). The required time of habitual residency might be reduced if the person has a working contract, is a recognized/certified instructor in her/his field of work, or an independent investor.

Sources: Resolução Normativa no 91, de 10 de novembro de 2010 [Normative Resolution No. 91, of November 10, 2010]. 2010. / Resolução Normativa no 6, de 21 de agosto de 1997 [Normative Resolution No. 6, of August 21, 1997]. 1997.

#### **How many months of habitual residence are required from co-ethnics for accessing permanent residence?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Special treatment relating to co-ethnics is only specified in the case of naturalization. Lusophone citizens are required to reside in the country for one uninterrupted year before being naturalized and Portuguese citizens who have permanent residency can be naturalized. No special treatment for accessing permanent residency is mentioned.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

**How many months of habitual residence are required from domestic workers for accessing permanent residence?**

Answer: 24

Code: 24

Explanation: Generally, a worker is allowed to request a working visa renewal for an unlimited amount of time after residing in Brazil for 2 (two) years. The law says that after 2 years residing in the country, a worker can either request a visa renewal for another two years or for an unlimited amount of time. Exceptions will be considered on a case by case basis.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142.

**How many months of habitual residence are required from agricultural workers for accessing permanent residence?**

Answer: 24

Code: 24

Explanation: Generally, a worker is allowed to request a working visa renewal for an unlimited amount of time after residing in Brazil for 2 (two) years. The law says that after 2 years residing in the country, a worker can either request a visa renewal for another two years or for an unlimited amount of time. Exceptions will be considered on a case by case basis.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142.

**How many months of habitual residence are required from medical doctors for accessing permanent residence?**

Answer: 24

Code: 24

Explanation: The law prohibits visas given to medical doctors part of the service-training programme "Mais Médicos" being transformed into permanent residency. If a medical doctor is not part of the service-training programme "Mais Médicos" her/his stay in the country will only be possible under a general working visa track. In that case she/he will be generally required to habitually reside in Brazil for 2 (two) years under a working visa before requesting permanent residency.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 18. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142.

#### **IMMIGRANT\_4: Periods of absence allowed.**

**Are periods of absence allowed before granting of permanent status for asylum seekers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e.g. ten months in a period of five years), calculate the average per year.**

Answer: 0

Code: 0

Explanation: It varies. An asylum seeker or refugee who wishes to travel abroad is required to request authorization from the National Refugee Council (CONARE). Other than that the New Migration Law states that a foreigner who is absent from the country for a period over 2 (years) without presenting a justification might lose her/his authorization for residency. The law does not mention anything related to periods of absence prior to having "authorization for residency".

Sources: Resolução Normativa no 6, de 21 de agosto de 1997 [Normative Resolution No. 6, of August 21, 1997]. 1997. / Resolução Normativa no 91, de 10 de novembro de 2010 [Normative Resolution No. 91, of November 10, 2010]. 2010. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 135.

**Are periods of absence allowed before granting of permanent status for refugees? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 0

Code: 0

Explanation: It varies. An asylum seeker or refugee who wishes to travel abroad is required to request authorization from the National Refugee Council (CONARE). Other than that the New Migration Law states that a foreigner who is absent from the county for a period over 2 (years) without presenting a justification might lose her/his authorization for residency. The law does not mention anything related to periods of absence prior to having "authorization for residency".

Sources: Resolução Normativa no 6, de 21 de agosto de 1997 [Normative Resolution No. 6, of August 21, 1997]. 1997. / Resolução Normativa no 91, de 10 de novembro de 2010 [Normative Resolution No. 91, of November 10, 2010]. 2010. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 135.

**Are periods of absence allowed before granting of permanent status for co-ethnics? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 24

Code: 24

Explanation: For the co-ethnics proxy Brazilian law only specifies requirements for naturalization. No specification on allowed absence periods prior to granting of status. The New Migration Law states that a foreigner who is absent from the county for a period over 2 (years) without presenting a justification might lose her/his authorization for residency.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 135.

**Are periods of absence allowed before granting of permanent status for domestic workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 24

Code: 24

Explanation: There are no specifications regarding periods of absence concerning working visas with a job contract. However, the New Migration Law states that a foreigner who is absent from the country for a period over 2 (years) without presenting a justification might lose her/his authorization for residency.

Sources: Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 135.

**Are periods of absence allowed before granting of permanent status for agricultural workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 24

Code: 24

Explanation: There are no specifications regarding periods of absence concerning working visas with a job contract. However, the New Migration Law states that a foreigner who is absent from the country for a period over 2 (years) without presenting a justification might lose her/his authorization for residency.

Sources: Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 135.

**Are periods of absence allowed before granting of permanent status for medical doctors? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that**

**non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 24

Code: 24

Explanation: The law prohibits visas given to medical doctors part of the service-training programme “Mais Médicos” being transformed into permanent residency. Therefore a permanent residency permit can only be given to a doctor if she/he is under a general working visa track. In that case there are no specifications regarding periods of absence concerning working visas with a job contract. However, the New Migration Law states that a foreigner who is absent from the county for a period over 2 (years) without presenting a justification might lose her/his authorization for residency.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 18. / Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 135.

#### **IMMIGRANT\_5. Result of a regularization process.**

**The regularization process leads to:**

Answer: no answer

Code: Not Applicable

Explanation: It depends on the previous status of the migrant. The Regulation of the Law on Migration says that a migrant is irregular if she/he has irregularly entered the country, overstayed a visa, or had a residency permit cancelled. The Regulation does not specify what happens in the aftermath of regularization but rather establishes the length of grace periods/deadlines for regularisation.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 176.

#### **IMMIGRANT\_6: Language test.**

**Is there a language requirement for asylum seekers to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: No. For people granted asylum or refugee status the only requirements are good conduct, no criminal records and fulfilling one of the requisites regarding either residence time (modified in 2010) or position in the labour market.

Sources: Resolução Normativa no 6, de 21 de agosto de 1997 [Normative Resolution No. 6, of August 21, 1997]. 1997. / Resolução Normativa no 91, de 10 de novembro de 2010 [Normative Resolution No. 91, of November 10, 2010]. 2010.

**Is there a language requirement for refugees to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: No. For people granted asylum or refugee status the only requirements are good conduct, no criminal records and fulfilling one of the requisites regarding either residence time (modified in 2010) or position in the labour market.

Sources: Resolução Normativa no 6, de 21 de agosto de 1997 [Normative Resolution No. 6, of August 21, 1997]. 1997. / Resolução Normativa no 91, de 10 de novembro de 2010 [Normative Resolution No. 91, of November 10, 2010]. 2010.

#### **Is there a language requirement for co-ethnics to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: The Law on Migration and its Regulation only define the necessity of undertaking a language test for naturalization purposes.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Ch. XII.

#### **Is there a language requirement for domestic workers to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: The Law on Migration and its Regulation only define the necessity of undertaking a language test for naturalization purposes.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Ch. XII.

#### **Is there a language requirement for co-ethnics to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: The Law on Migration and its Regulation only define the necessity of undertaking a language test for naturalization purposes.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Ch. XII.

#### **Is there a language requirement for medical doctors to access permanent residence?**

Answer: no requirement



Code: 1

Explanation: The Law on Migration and its Regulation only define the necessity of undertaking a language test for naturalization purposes.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Ch. XII.

#### **IMMIGRANT\_7: Economic resources.**

**Is there an economic resources requirement for applying to permanent residence for asylum seekers?**

Answer: Not Applicable

Code: 98

Explanation: Requisites apply to refugees, but not to asylum seekers.

Sources: Resolução Normativa no 6, de 21 de agosto de 1997 [Normative Resolution No. 6, of August 21, 1997]. 1997. / Resolução Normativa no 91, de 10 de novembro de 2010 [Normative Resolution No. 91, of November 10, 2010]. 2010.

**Is there an economic resources requirement for applying to permanent residence for refugees?**

Answer: income source linked to employment or no use of social assistance

Code: 0

Explanation: Those granted asylum or refugee status shall only be requested to fulfil requirements related to economic resources if they have resided in the country under a humanitarian visa for less than 4 (four) years. In that case they might be requested to have a job contract, or be qualified as an instructor in her/his field, or be an independent investor if she/he has not resided

Sources: Resolução Normativa no 6, de 21 de agosto de 1997 [Normative Resolution No. 6, of August 21, 1997]. 1997. / Resolução Normativa no 91, de 10 de novembro de 2010 [Normative Resolution No. 91, of November 10, 2010]. 2010.

**Is there an economic resources requirement for applying to permanent residence for co-ethnics?**

Answer: Not Applicable

Code: Not Applicable

Explanation: The Law on Migration and its Regulation Decree do not mention any requirements related to acquiring permanent residence in the case of co-ethnics (Portuguese and Lusophone citizens). Accordingly, no regulation related to economic resources requirements is available.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142.

**Is there an economic resources requirement for applying to permanent residence for domestic workers?**

Answer: income source linked to employment or no use of social assistance

Code: 0

Explanation: The Law on Migration and its Regulation Decree are vague when it comes to the acquisition of permanent residency in the case of workers who have a visa tied to a working contract. It is stated in the law that a working visa could be renewed to an indefinite period, but no other information is given. Most Normative Resolutions aimed at regulating working visas mention that the conditions for residency permit renewal (including indefinite renewal) will be regulated by a specific Normative Resolution. However, the New Migration Law was enacted only in (2017) and no Normative Resolution specifying those conditions has been put in place yet. Either way, the official form provided by the Federal Police for requesting permanent residency mentions among the required documents “proof of sufficient funds”. In that sense no specific amount is defined but a “permanent work contract, stating the salary and the job title as well as proof that the signing employer has the right to represent the mentioned company” is the only document mentioned as accepted proof. This indicates that a permanent work contract would suffice to comply with economic resources requirements.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142. / Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017.

**Is there an economic resources requirement for applying to permanent residence for agricultural workers?**

Answer: income source linked to employment or no use of social assistance

Code: 0

Explanation: The Law on Migration and its Regulation Decree are vague when it comes to the acquisition of permanent residency in the case of workers who have a visa tied to a working contract. It is stated in the law that a working visa could be renewed to an indefinite period, but no other information is given. Most Normative Resolutions aimed at regulating working visas mention that the conditions for residency permit renewal (including indefinite renewal) will be regulated by a specific Normative Resolution. However, the New Migration Law was enacted only in (2017) and no Normative Resolution specifying those conditions has been put in place yet. Either way, the official form provided by the Federal Police for requesting permanent residency mentions among the required documents “proof of sufficient funds”. In that sense no specific amount is defined but a “permanent work contract, stating the salary and the job title as well as proof that the signing employer has the right to represent the mentioned company” is the only document mentioned as accepted proof. This indicates that a permanent work contract would suffice to comply with economic resources requirements.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142. / Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017. / Ministério da Justiça [Ministry of Justice]. “Requerimento de Permanência [Stay Requirement]”. Accessed June 12, 2018. <http://www.pf.gov.br/servicos-pf/imigracao/cedula-de-identidade-de-estrangeiro/modelos/requerimento-de-permanencia-ministerio-da-justica.pdf>.

**Is there an economic resources requirement for applying to permanent residence for medical doctors?**

Answer: income source linked to employment or no use of social assistance

Code: 0

Explanation: Given that Medical doctors cannot access permanent residency through the service-training programme “Mais Médicos”, the pathway they need to follow is the same as anyone under a working visa tied to a job contract.

Sources: Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 18. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142. / Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017.

#### **IMMIGRANT\_8: Cost of application.**

**What is the cost of the application of permanent residence in the original currency (include the cost of issuance if any)?**

Answer: 168.13

Code: 168.13

Explanation: Processing and evaluation of residency permits requests in general: BRL168,13. On top of this, issuing of a migrant costs ID-BRL204,77. In the case of transforming a diplomatic, official, or courtesy visa into a residency permit the cost is: BRL168,13. The Law does not specify costs for temporary or permanent residency but rather uses the general term “residency authorisation”.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 131 & ANEXO.

**What is the cost of the application of permanent residence in the USD (include the cost of issuance if any)?**

Answer: 40

Code: 40

Explanation: 168.13 BRL in US Dollar would be 40.0240 on 20th of November 2019

Sources: Xe Currency Converter. “Convert 168.13 BRL to USD”. Access date not available. <https://www.xe.com/currencyconverter/convert/?Amount=168.13&From=BRL&To=USD>

#### **IMMIGRANT\_9: Employer sponsorship.**

**Do asylum seekers have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: In the case of refugees and asylum seekers, when following the employment track for permanent residency only a job contract is required. The possibility of sponsorship is not specified.

Sources: Resolução Normativa no 6, de 21 de agosto de 1997 [Normative Resolution No. 6, of August 21, 1997]. 1997. / Resolução Normativa no 91, de 10 de novembro de 2010 [Normative Resolution No. 91, of November 10, 2010]. 2010.

### **Do refugees have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: In the case of refugees and asylum seekers, when following the employment track for permanent residency only a job contract is required. The possibility of sponsorship is not specified.

Sources: Resolução Normativa no 6, de 21 de agosto de 1997 [Normative Resolution No. 6, of August 21, 1997]. 1997. / Resolução Normativa no 91, de 10 de novembro de 2010 [Normative Resolution No. 91, of November 10, 2010]. 2010.

### **Do co-ethnics have to be sponsored by an employer?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Specifications related to the proxy of co-ethnics (Portuguese and Lusophone citizens are only defined in the Constitution in the case of naturalization. Therefore no information on employer sponsorship in the case of co-ethnics is given.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

### **Do domestic have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: In the case of migrant workers whose visa is tied to a job contract the employer is required to sponsor the employee, particularly when it comes to healthcare and repatriation expenses. Although the regulation is explicit about visas it does not elaborate on the acquisition of permanent residency. Most Normative Resolutions aimed at regulating working visas mention that the conditions for residency permit renewal (including indefinite renewal) will be regulated by a specific Normative Resolution. However, the New Migration Law was enacted only in (2017) and no Normative Resolution specifying those conditions has been put in place yet.

Sources: Resolução Normativa No 1, de 1o de dezembro de 2017 [Normative Resolution No. 1 of December 1, 2017]. 2017. ANEXO I.

### **Do agricultural workers have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: In the case of migrant workers whose visa is tied to a job contract the employer is required to sponsor the employee, particularly when it comes to healthcare and repatriation expenses. Although the regulation is explicit about visas it does not elaborate on the acquisition of permanent residency. Most Normative Resolutions aimed at regulating working visas mention that the conditions for residency permit renewal (including indefinite renewal) will be regulated by a specific Normative Resolution. However, the New Migration Law was enacted only in (2017) and no Normative Resolution specifying those conditions has been put in place yet.

Sources: Resolução Normativa No 1, de 1o de dezembro de 2017 [Normative Resolution No. 1 of December 1, 2017]. 2017. ANEXO I.

### **Do medical doctors have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: Given that Medical doctors cannot access permanent residency through the service-training programme “Mais Médicos”, the pathway they need to follow is the same as anyone under a working visa tied to a job contract. Therefore the same answer given to the proxies Domestic and Agricultural Workers applies here.

Sources: Resolução Normativa No 1, de 1o de dezembro de 2017 [Normative Resolution No. 1 of December 1, 2017]. 2017. ANEXO I.

## **5.1.2. Security of status**

### **IMMIGRANT\_10: Maximum length of application procedure.**

#### **Maximum length of application procedure for asylum seekers in months:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

#### **Maximum length of application procedure for asylum seekers:**

Answer: no regulation on maximum length

Code: 0

Explanation: No regulation on maximum length. The law on migration does not specify a general application procedure for permanent residency. Moreover, all extra legislation detailing the requirements for the application for specific groups (proxies) do not regulate the length of the procedure.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142. / Resolução Normativa no 108, de 12 de fevereiro de 2014 [Normative Resolution No. 108 of February 12, 2014]. 2014. / Resolução Normativa No 1, de 29 de Abril de 1997 [Normative Resolution No. 1 of April 29, 1997]. 1997. / Resolução Normativa no 6, de 21 de agosto de 1997., RES6/1997. [Normative Resolution No. 6 of August 21, 1997]. 1997.

**Maximum length of application procedure for refugees in months:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Maximum length of application procedure for refugees:**

Answer: no regulation on maximum length

Code: 0

Explanation: No regulation on maximum length. The law on migration does not specify a general application procedure for permanent residency. Moreover, all extra legislation detailing the requirements for the application for specific groups (proxies) do not regulate the length of the procedure.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142. / Resolução Normativa no 108, de 12 de fevereiro de 2014 [Normative Resolution No. 108 of February 12, 2014]. 2014. / Resolução Normativa No 1, de 29 de Abril de 1997 [Normative Resolution No. 1 of April 29, 1997]. 1997. / Resolução Normativa no 6, de 21 de agosto de 1997., RES6/1997. [Normative Resolution No. 6 of August 21, 1997]. 1997.

**Maximum length of application procedure for co-ethnics in months:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Maximum length of application procedure for co-ethnics:**

Answer: no regulation on maximum length

Code: 0

Explanation: No regulation on maximum length. The law on migration does not specify a general application procedure for permanent residency. Moreover, all extra legislation detailing the

requirements for the application for specific groups (proxies) do not regulate the length of the procedure.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142. / Resolução Normativa no 108, de 12 de fevereiro de 2014 [Normative Resolution No. 108 of February 12, 2014]. 2014. / Resolução Normativa No 1, de 29 de Abril de 1997 [Normative Resolution No. 1 of April 29, 1997]. 1997. / Resolução Normativa no 6, de 21 de agosto de 1997., RES6/1997. [Normative Resolution No. 6 of August 21, 1997]. 1997.

**Maximum length of application procedure for domestic workers in months:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Maximum length of application procedure for domestic workers:**

Answer: no regulation on maximum length

Code: 0

Explanation: No regulation on maximum length. The law on migration does not specify a general application procedure for permanent residency. Moreover, all extra legislation detailing the requirements for the application for specific groups (proxies) do not regulate the length of the procedure.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142. / Resolução Normativa no 108, de 12 de fevereiro de 2014 [Normative Resolution No. 108 of February 12, 2014]. 2014. / Resolução Normativa No 1, de 29 de Abril de 1997 [Normative Resolution No. 1 of April 29, 1997]. 1997. / Resolução Normativa no 6, de 21 de agosto de 1997., RES6/1997. [Normative Resolution No. 6 of August 21, 1997]. 1997.

**Maximum length of application procedure for agricultural workers in months:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Maximum length of application procedure for agricultural workers:**

Answer: no regulation on maximum length

Code: 0

Explanation: No regulation on maximum length. The law on migration does not specify a general application procedure for permanent residency. Moreover, all extra legislation detailing the requirements for the application for specific groups (proxies) do not regulate the length of the procedure.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142. / Resolução Normativa no 108, de 12 de fevereiro de 2014 [Normative Resolution No. 108 of February 12, 2014]. 2014. / Resolução Normativa No 1, de 29 de Abril de 1997 [Normative Resolution No. 1 of April 29, 1997]. 1997. / Resolução Normativa no 6, de 21 de agosto de 1997., RES6/1997. [Normative Resolution No. 6 of August 21, 1997]. 1997.

**Maximum length of application procedure for medical doctors in months:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Maximum length of application procedure for medical doctors:**

Answer: no regulation on maximum length

Code: 0

Explanation: No regulation on maximum length. The law on migration does not specify a general application procedure for permanent residency. Moreover, all extra legislation detailing the requirements for the application for specific groups (proxies) do not regulate the length of the procedure.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142. / Resolução Normativa no 108, de 12 de fevereiro de 2014 [Normative Resolution No. 108 of February 12, 2014]. 2014. / Resolução Normativa No 1, de 29 de Abril de 1997 [Normative Resolution No. 1 of April 29, 1997]. 1997. / Resolução Normativa no 6, de 21 de agosto de 1997., RES6/1997. [Normative Resolution No. 6 of August 21, 1997]. 1997.

**IMMIGRANT\_11: Grounds for rejection.**

**Not fulfilling the original conditions that were required to access original permit is a ground for rejecting permanent residence application:**

Answer: yes

Code: 1

Explanation: Loss of authorization of residency can also happen when original conditions are no longer satisfied, the person has obtained a residency permit justified by another reason (e.g. investor visa is downgraded to working visa), or the person has been absent from the country for more than 2 (two) years without justification.



Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 133.

#### **IMMIGRANT\_12: Legal guarantees.**

##### **Rejection of applications must be reasoned:**

Answer: no

Code: 0

Explanation: In the case of refusal and non-renewal the person has 10 calendar days to appeal the decision and the following principles will be safeguarded: Audi alteram partem (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself); and right to appeal with deterrent effect (the deportation cannot take place until the appealing process has finished).

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Arts. 134 and 137.

##### **Rejected applicants have the right to appeal:**

Answer: yes

Code: 1

Explanation: In the case of refusal and non-renewal the person has 10 calendar days to appeal the decision and the following principles will be safeguarded: Audi alteram partem (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself); and right to appeal with deterrent effect (the deportation cannot take place until the appealing process has finished).

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Arts. 134 and 137.

#### **IMMIGRANT\_13: Expulsion is precluded for victims of violence or crime.**

##### **Expulsion is precluded for immigrants of all categories who are victims of violence or crime:**

Answer: yes

Code: 1

Explanation: Yes. Anyone who is a victim of human trafficking, slave work, or violation of rights aggravated by her/his migratory condition can have their migratory status regularized and be granted permanent residency in Brazil.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 158.

## 5.2. Policies of representation

**IMMIGRANT\_14: Regulation of electoral rights.**

**Subnational electoral rights can be regulated at the subnational level:**

Answer: no

Code: 0

Explanation: No. Electoral rights are regulated by the Superior Electoral Tribunal, whereas Regional Electoral Tribunals are responsible for the administration of electoral procedures.

Sources: Lei no 4.737, de 15 de julho de 1965 [Law No. 4.737 of July 15, 1965]. 1965.

### 5.2.1. Electoral rights

**IMMIGRANT\_15: Voting eligibility for non-citizens.**

**Does the country have presidential elections?**

Answer: yes

Code: 1

**Does the country have a bicameral system (composed of a Lower House and an Upper House)?**

Answer: yes

Code: 1

**Can non-citizen residents vote in national presidential elections?**

Answer: only non-citizen residents from certain nationalities

Code: 0.5

Explanation: In general electoral rights are only granted after naturalization. However, according to the Constitution Portuguese citizens permanently residing in Brazil, as long as there is reciprocity towards Brazilian citizens, can have the same rights as nationals, including electoral rights (at all levels). In order to acquire these rights, the Portuguese citizen who fulfills the residency requirement must file an application to the Ministry of Justice.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 231 / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12. / Governo do Brasil [Government of Brazil]. Obter a igualdade de direitos para cidadão português [Obtaining Equal Rights for Portuguese Citizens]. Accessed July 6, 2018. <http://www.servicos.gov.br/servico/obter-a-igualdade-de-direitos-para-cidadao-portugues>.

### **Can non-citizen residents vote in national legislative elections (Lower House)?**

Answer: only non-citizen residents from certain nationalities

Code: 0.5

Explanation: Portuguese citizens permanently residing in Brazil, as long as there is reciprocity towards Brazilian citizens, and if they filed an application to the Ministry of Justice.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 231 / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12. / Governo do Brasil [Government of Brazil]. Obter a igualdade de direitos para cidadão português [Obtaining Equal Rights for Portuguese Citizens]. Accessed July 6, 2018. <http://www.servicos.gov.br/servico/obter-a-igualdade-de-direitos-para-cidadao-portugues>.

### **Can non-citizen residents vote in national legislative elections (Upper House)?**

Answer: only non-citizen residents from certain nationalities

Code: 0.5

Explanation: In general electoral rights are only granted after naturalization. However, according to the Constitution Portuguese citizens permanently residing in Brazil, as long as there is reciprocity towards Brazilian citizens, can have the same rights as nationals, including electoral rights (at all levels). In order to acquire these rights, the Portuguese citizen who fulfills the residency requirement must file an application to the Ministry of Justice.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 231 / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12. / Governo do Brasil [Government of Brazil]. Obter a igualdade de direitos para cidadão português [Obtaining Equal Rights for Portuguese Citizens]. Accessed July 6, 2018. <http://www.servicos.gov.br/servico/obter-a-igualdade-de-direitos-para-cidadao-portugues>.

### **IMMIGRANT\_16: Residence duration-based requirements for active electoral rights.**

#### **Previous residence required for being eligible to vote in presidential elections:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

#### **Previous residence required for being eligible to vote in Lower House elections:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Previous residence required for being eligible to vote in Upper House elections:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**IMMIGRANT\_17: Registration in the electoral roll for non-citizen residents.**

**Registration in the electoral roll for non-citizen residents:**

Answer: Not Applicable (non-citizen residents cannot vote)

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**IMMIGRANT\_18: Passive electoral rights for non-citizen residents.**

**Can non-citizen residents stand as candidates in national presidential elections?**

Answer: only non-citizen residents from certain nationalities

Code: 0.5

Explanation: Non-citizens of certain nationalities are enfranchised at some levels. In general electoral rights are only granted after naturalization. However, according to the Constitution Portuguese citizens permanently residing in Brazil, as long as there is reciprocity towards Brazilian citizens, can have the same rights as nationals, including electoral rights (at all levels). In order to acquire these rights, the Portuguese citizen who fulfills the residency requirement must file an application to the Ministry of Justice.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 231 / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12. / Governo do Brasil [Government of Brazil]. Obter a igualdade de direitos para cidadão português [Obtaining Equal Rights for Portuguese Citizens]. Accessed July 6, 2018. <http://www.servicos.gov.br/servico/obter-a-igualdade-de-direitos-para-cidadao-portugues>.

**Can non-citizen residents stand as candidates in national legislative elections (Lower House)?**

Answer: only non-citizen residents from certain nationalities

Code: 0.5

Explanation: Non-citizens of certain nationalities are enfranchised at some levels. In general electoral rights are only granted after naturalization. However, according to the Constitution Portuguese citizens permanently residing in Brazil, as long as there is reciprocity towards Brazilian citizens, can have the same rights as nationals, including electoral rights (at all levels). In order to acquire these rights, the Portuguese citizen who fulfills the residency requirement must file an application to the Ministry of Justice.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 231 / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12. / Governo do Brasil [Government of Brazil]. Obter a igualdade de direitos para cidadão português [Obtaining Equal Rights for Portuguese Citizens]. Accessed July 6, 2018. <http://www.servicos.gov.br/servico/obter-a-igualdade-de-direitos-para-cidadao-portugues>.

### **Can non-citizen residents stand as candidates in national legislative elections (Upper House)?**

Answer only non-citizen residents from certain nationalities

Code: 0.5

Explanation: Non-citizens of certain nationalities are enfranchised at some levels. In general electoral rights are only granted after naturalization. However, according to the Constitution Portuguese citizens permanently residing in Brazil, as long as there is reciprocity towards Brazilian citizens, can have the same rights as nationals, including electoral rights (at all levels). In order to acquire these rights, the Portuguese citizen who fulfills the residency requirement must file an application to the Ministry of Justice.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 231 / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12. / Governo do Brasil [Government of Brazil]. Obter a igualdade de direitos para cidadão português [Obtaining Equal Rights for Portuguese Citizens]. Accessed July 6, 2018. <http://www.servicos.gov.br/servico/obter-a-igualdade-de-direitos-para-cidadao-portugues>.

### **IMMIGRANT\_19: Residence duration-based restrictions for passive electoral rights.**

#### **Previous residence required for being eligible to stand as candidate in presidential elections:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

#### **Previous residence required for being eligible to stand as candidate in Lower House elections:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

### 5.2.2. Regulation of participation in parties

**IMMIGRANT\_20: Emigrant membership to home country political parties.**

**Non-citizen resident membership to state or reception political parties:**

Answer: not legally allowed

Code: 0

Explanation: Brazilian law regulating political parties states that only those who can access their full electoral rights are allowed to be member of a political party. In Brazil, generally non-citizens cannot access electoral rights, with the exception of Portuguese citizens who might have a certificate of “equal rights” accessible after attaining a permanent residence permit in Brazil.

Sources: Lei no 9.096, de 19 de setembro de 1995 [Law No. 9.096 of September 19, 1995]. 1995. Art. 16. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Arts. 12 and 14.

### 5.2.3. Consultative bodies

**IMMIGRANT\_21: Existence of a consultative body of immigrants acting at the national level.**

**Existence of a consultative body on immigrant issues:**

Answer: yes

Code: 1

Explanation: Yes. The Forum for Social Participation (FPS) was created to act as a consultative body when it comes to migration policies related to the National Council of Immigration (CNIg).

Sources: Resolução Administrativa no 11, de 11 de fevereiro de 2015 [Administrative Resolution No. 11 of February 11, 2015]. 2015.

**IMMIGRANT\_22: Structural or ad hoc consultation.**

**The consultation is:**

Answer: structural

Code: 1

Explanation: Structural. The body should have a physical meeting at least once a year, to be defined and organized by the National Council on Immigration (CNIg).

Sources: Resolução Administrativa no 11, de 11 de fevereiro de 2015 [Administrative Resolution No. 11 of February 11, 2015]. 2015. Art. 2.

### **IMMIGRANT\_23: Composition of the consultative body.**

#### **Composition of the consultative body:**

Answer: mixed (immigrants and representatives of the government and other institutions)

Code: 0.75

Explanation: Participation on the Forum for Social Participation (FPS) is defined as “free”: migrants, entities, as well as citizens interested in relevant migration policies under the jurisdiction of the National Council on Immigration (CNIg) are eligible.

Sources: Resolução Administrativa no 11, de 11 de fevereiro de 2015 [Administrative Resolution No. 11 of February 11, 2015]. 2015. Art. 1.

### **IMMIGRANT\_24: Leadership of the consultative body.**

#### **Who chairs the consultative body?**

Answer: co-chaired: member of the government and immigrant representative

Code: 0.5

Explanation: The regulation of the FPS states that coordination and reporting of the Forum’s work and conclusions will be done by people freely chosen by the participants, being overlooked by the National Council on Immigration (CNIg). The necessity of supervision/support from a national authority has been interpreted as “co-chairing”.

Sources: Resolução Administrativa no 11, de 11 de fevereiro de 2015 [Administrative Resolution No. 11 of February 11, 2015]. 2015. Art. 3.

### **IMMIGRANT\_25: Right of initiative to make its own reports or recommendations.**

#### **The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: no

Code: 0

Explanation: The Secretariat of the National Council on Immigration (CNIg) is in charge of elaborating the final report and conclusions of the Forum for Social Participation (FPS), meaning that its meetings and deliberations are tied to the validation of the National Council on Immigration (CNIg).

Sources: Resolução Administrativa no 11, de 11 de fevereiro de 2015 [Administrative Resolution No. 11 of February 11, 2015]. 2015. Art. 3.

**IMMIGRANT\_26: Right to get a response from the government to recommendation.**

**Beyond consultation on policies affecting immigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: no

Code: 0

Explanation: Not regulated. The statute of the Forum for Social Participation (FPS) only regulates the existence of the body but not mentions any right to response. The regulation says that any topic or instance not mentioned there should be resolved by the National Council on Immigration (CNIg).

Sources: Resolução Administrativa no 11, de 11 de fevereiro de 2015 [Administrative Resolution No. 11 of February 11, 2015]. 2015. Art. 3.

**IMMIGRANT\_27: Selection criteria to ensure representativeness.**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: no

Code: 0

Explanation: No. Participation on the Forum for Social Participation (FPS) is defined as “free” and no further specifications exists as to gender composition.

Sources: Not Applicable

**Existence of selection criteria to ensure a geographic-balanced consultative body:**

Answer: no

Code: 0

Explanation: No. Participation on the Forum for Social Participation (FPS) is defined as “free” and no further specifications exists as to geographic distribution..

Sources: Resolução Administrativa no 11, de 11 de fevereiro de 2015 [Administrative Resolution No. 11 of February 11, 2015]. 2015. Art. 1.

### **5.3. Economic policies**



### 5.3.1. Access to labor market

#### IMMIGRANT\_28: Migrant access to labor market.

##### Can asylum seekers access the labor market?

Answer: yes, equal access

Code: 1

Explanation: No specification related to implementation and breakdown of proxies is included in the law. In that sense, there is equal access. The law on migration states as one of its principles the equal and free access of migrants to services, programs, social benefits, public property, education, public legal counseling, work, housing, banking services, and social security. It is important to note that the provisions of the Consolidation of the Labour Laws (CLT) do not protect agricultural workers (both nationals and foreigners), which is the main law text specifying/defining worker's protection.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3. / Decreto-lei No 5.452, de 1o de maio de 1943 [Decree-Law No. 5.452 of May 1, 1943]. 1943. Art. 7.

##### Can refugees access the labor market?

Answer: yes, equal access

Code: 1

Explanation: No specification related to implementation and breakdown of proxies is included in the law. In that sense, there is equal access. The law on migration states as one of its principles the equal and free access of migrants to services, programs, social benefits, public property, education, public legal counseling, work, housing, banking services, and social security. It is important to note that the provisions of the Consolidation of the Labour Laws (CLT) do not protect agricultural workers (both nationals and foreigners), which is the main law text specifying/defining worker's protection.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3. / Decreto-lei No 5.452, de 1o de maio de 1943 [Decree-Law No. 5.452 of May 1, 1943]. 1943. Art. 7.

##### Can co-ethnics access the labor market?

Answer: yes, equal access

Code: 1

Explanation: No specification related to implementation and breakdown of proxies is included in the law. In that sense there is equal access. The law on migration states as one of its principles the equal and free access of migrants to services, programs, social benefits, public property, education, public legal counseling, work, housing, banking services, and social security. It is important to note that the provisions of the Consolidation of the Labour Laws (CLT) do not protect agricultural workers (both nationals and foreigners), which is the main law text specifying/defining worker's protection.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3. / Decreto-lei No 5.452, de 1o de maio de 1943 [Decree-Law No. 5.452 of May 1, 1943]. 1943. Art. 7.

##### Can domestic workers access the labor market?

Answer: yes, equal access

Code: 1

Explanation: No specification related to implementation and breakdown of proxies is included in the law. In that sense there is equal access. The law on migration states as one of its principles the equal and free access of migrants to services, programs, social benefits, public property, education, public legal counseling, work, housing, banking services, and social security. It is important to note that the provisions of the Consolidation of the Labour Laws (CLT) do not protect agricultural workers (both nationals and foreigners), which is the main law text specifying/defining worker's protection.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3. / Decreto-lei No 5.452, de 1o de maio de 1943 [Decree-Law No. 5.452 of May 1, 1943]. 1943. Art. 7.

### **Can agricultural workers access the labor market?**

Answer: yes, equal access

Code: 1

Explanation: No specification related to implementation and breakdown of proxies is included in the law. In that sense there is equal access. The law on migration states as one of its principles the equal and free access of migrants to services, programs, social benefits, public property, education, public legal counseling, work, housing, banking services, and social security. It is important to note that the provisions of the Consolidation of the Labour Laws (CLT) do not protect agricultural workers (both nationals and foreigners), which is the main law text specifying/defining worker's protection.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3. / Decreto-lei No 5.452, de 1o de maio de 1943 [Decree-Law No. 5.452 of May 1, 1943]. 1943. Art. 7.

### **Can medical doctors access the labor market?**

Answer: yes, equal access

Code: 1

Explanation: No specification related to implementation and breakdown of proxies is included in the law. In that sense there is equal access. The law on migration states as one of its principles the equal and free access of migrants to services, programs, social benefits, public property, education, public legal counseling, work, housing, banking services, and social security. It is important to note that the provisions of the Consolidation of the Labour Laws (CLT) do not protect agricultural workers (both nationals and foreigners), which is the main law text specifying/defining worker's protection.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3. / Decreto-lei No 5.452, de 1o de maio de 1943 [Decree-Law No. 5.452 of May 1, 1943]. 1943. Art. 7.

### **Can permanent residents access the labor market?**

Answer: yes, equal access

Code: 1

Explanation: No specification related to implementation and breakdown of proxies is included in the law. In that sense there is equal access. The law on migration states as one of its principles the equal and free access of migrants to services, programs, social benefits, public property, education, public legal counseling, work, housing, banking services, and social security. It is important to note that the provisions of the Consolidation of the Labour Laws (CLT) do not protect agricultural workers (both nationals and foreigners), which is the main law text specifying/defining worker's protection.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3. / Decreto-lei No 5.452, de 1o de maio de 1943 [Decree-Law No. 5.452 of May 1, 1943]. 1943. Art. 7.

## **IMMIGRANT\_29: Migrant access to self-employment.**

### **Can asylum seekers access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: Yes. Refugees and asylum seekers have the right to be registered at the Ministry of Labour and perform remunerated activities the same way as nationals.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 6.

### **Can refugees access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: Yes. Refugees and asylum seekers have the right to be registered at the Ministry of Labour and perform remunerated activities the same way as nationals.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 6.

### **Can co-ethnics access self-employment?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

### **Can domestic workers access self-employment?**

Answer: no

Code: 0

Explanation: No. In the case of domestic workers the regularity of their visa is tied to a job contract

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

### **Can agricultural workers access self-employment?**

Answer: no

Code: 0

Explanation: No. In the case of domestic workers the regularity of their visa is tied to a job contract

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

### **Can medical doctors access self-employment?**

Answer: no

Code: 0

Explanation: No. In the case of medical doctors not undertaking the service-training program “Mais Médicos”, medical doctors can only access the labour market in Brazil through a regular working visa. In that case then, the regularity of their visa is tied to a job contract.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

### **Can permanent residents access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: The law on migration states as one of its principles the equal and free access of migrants to services, programs, social benefits, public property, education, public legal counseling, work, housing, banking services, and social security.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3. / Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 18.

### **IMMIGRANT\_30: Migrant access to civil service.**

#### **Can asylum seekers access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: Yes. The Constitution states that positions, jobs, and public functions are accessible by foreigners as well as Brazilians that fulfill requisites determined by law. In the case of refugees and asylum seekers that is having regular migratory status.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I. / Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 6.

#### **Can refugees access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: Yes. The Constitution states that positions, jobs, and public functions are accessible by foreigners as well as Brazilians that fulfill requisites determined by law. In the case of refugees and asylum seekers that is having regular migratory status.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I. / Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 6.

#### **Can co-ethnics access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: Yes. The Constitution states that positions, jobs, and public functions are accessible by foreigners as well as Brazilians that fulfill requisites determined by law. In the case of Portuguese and Lusophone citizens that is having a working permit. Either way the Constitution only foresees privileges for co-ethnics only when it comes to naturalization.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12, II.

#### **Can domestic workers access employment in schools (primary and secondary)?**

Answer: no

Code: 0

Explanation: No given that their work permit is tied to a specific job contract with a certain employer.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

#### **Can agricultural workers access employment in schools (primary and secondary)?**

Answer: no

Code: 0

Explanation: No given that their work permit is tied to a specific job contract with a certain employer.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

#### **Can medical doctors access employment in schools (primary and secondary)?**

Answer: no

Code: 0

Explanation: No given that their work permit is tied to a specific job contract with a certain employer.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

#### **Can permanent residents access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: Yes. The Constitution states that positions, jobs, and public functions are accessible by foreigners as well as Brazilians that fulfill requisites determined by law. Someone with permanent residency has the right to work and therefore access public positions.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I.

#### **Can asylum seekers access employment in public administration?**

Answer: yes, equal access

Code: 1

Explanation: Yes. The Constitution states that positions, jobs, and public functions are accessible by foreigners as well as Brazilians that fulfill requisites determined by law. In the case of refugees and asylum seekers that is having regular migratory status.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I. / Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 6.

#### **Can refugees access employment in public administration?**

Answer: yes, equal access

Code: 1

Explanation: Yes. The Constitution states that positions, jobs, and public functions are accessible by foreigners as well as Brazilians that fulfill requisites determined by law. In the case of refugees and asylum seekers that is having regular migratory status.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I. / Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 6.

#### **Can co-ethnics access employment in public administration?**

Answer: Not Applicable

Code: Not Applicable

Explanation: The Constitution only foresees privileges for co-ethnics when it comes to naturalization.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12, II.

#### **Can domestic workers access employment in public administration?**

Answer: no

Code: 0

Explanation: No given that their work permit is tied to a specific job contract with a certain employer.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

#### **Can agricultural workers access employment in public administration?**

Answer: no

Code: 0

Explanation: No given that their work permit is tied to a specific job contract with a certain employer.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

#### **Can medical doctors access employment in public administration?**

Answer: no

Code: 0

Explanation: No given that their work permit is tied to a specific job contract with a certain employer.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

### **Can permanent residents access employment in public administration?**

Answer: yes, equal access

Code: 1

Explanation: Yes. The Constitution states that positions, jobs, and public functions are accessible by foreigners as well as Brazilians that fulfill requisites determined by law. Someone with permanent residency has the right to work and therefore access public positions.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I.

### **Can asylum seekers access employment in the police?**

Answer: yes, equal access

Code: 1

Explanation: Yes. The Constitution states that positions, jobs, and public functions are accessible by foreigners as well as Brazilians that fulfill requisites determined by law. In the case of refugees and asylum seekers that is having regular migratory status.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I. / Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 6.

### **Can refugees access employment in the police?**

Answer: yes, equal access

Code: 1

Explanation: Yes. The Constitution states that positions, jobs, and public functions are accessible by foreigners as well as Brazilians that fulfill requisites determined by law. In the case of refugees and asylum seekers that is having regular migratory status.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I. / Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 6.

### **Can co-ethnics access employment in the police?**

Answer: Not Applicable

Code: Not Applicable

Explanation: The Constitution only foresees privileges for co-ethnics when it comes to naturalization.



Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12, II.

#### **Can domestic workers access employment in the police?**

Answer: no

Code: 0

Explanation: No given that their work permit is tied to a specific job contract with a certain employer.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

#### **Can agricultural workers access employment in the police?**

Answer: no

Code: 0

Explanation: No given that their work permit is tied to a specific job contract with a certain employer.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

#### **Can medical doctors access employment in the police?**

Answer: no

Code: 0

Explanation: No given that their work permit is tied to a specific job contract with a certain employer.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

#### **Can permanent residents access employment in the police?**

Answer: yes, equal access

Code: 1

Explanation: Yes. The Constitution states that positions, jobs, and public functions are accessible by foreigners as well as Brazilians that fulfill requisites determined by law. Someone with permanent residency has the right to work and therefore access public positions.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I.

**Quotas for preferential hiring of asylum seekers exist:**

Answer: no

Code: 0

Explanation: no quotas for the preferential hiring of asylum seekers exist.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I. / Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 6.

**Quotas for preferential hiring of refugees exist:**

Answer: no

Code: 0

Explanation: No quotas for the preferential hiring of asylum seekers exist.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I. / Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 6.

**Quotas for preferential hiring of co-ethnics exist:**

Answer: Not Applicable

Code: Not Applicable

Explanation: The Constitution only foresees privileges for co-ethnics when it comes to naturalization.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12, II.

**Quotas for preferential hiring of domestic workers exist:**

Answer: no

Code: 0

Explanation: No given that their work permit is tied to a specific job contract with a certain employer.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

**Quotas for preferential hiring of agricultural workers exist:**

Answer: no

Code: 0

Explanation: No given that their work permit is tied to a specific job contract with a certain employer.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

**Quotas for preferential hiring of medical doctors:**

Answer: no

Code: 0

Explanation: No given that their work permit is tied to a specific job contract with a certain employer.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

**Quotas for preferential hiring of permanent residents:**

Answer: no

Code: 0

Explanation: Yes. The Constitution states that positions, jobs, and public functions are accessible by foreigners as well as Brazilians that fulfill requisites determined by law. Someone with permanent residency has the right to work and therefore access public positions.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I.

**Can asylum seekers access employment in the armed forces?**

Answer: yes, equal access

Code: 1

Explanation: Yes. The Constitution states that positions, jobs, and public functions are accessible by foreigners as well as Brazilians that fulfill requisites determined by law. In the case of refugees and asylum seekers that is having regular migratory status.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I. / Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 6.

**Can refugees access employment in the armed forces?**

Answer: yes, equal access

Code: 1

Explanation: Yes. The Constitution states that positions, jobs, and public functions are accessible by foreigners as well as Brazilians that fulfill requisites determined by law. In the case of refugees and asylum seekers that is having regular migratory status.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I. / Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 6.

#### **Can co-ethnics access employment in the armed forces?**

Answer: yes, equal access

Code: 1

Explanation: Yes. The Constitution states that positions, jobs, and public functions are accessible by foreigners as well as Brazilians that fulfill requisites determined by law. In the case of Portuguese and Lusophone citizens that is having a working permit. Either way the Constitution only foresees privileges for co-ethnics when it comes to naturalization.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12, II.

#### **Can domestic workers access employment in the armed forces?**

Answer: no

Code: 0

Explanation: No given that their work permit is tied to a specific job contract with a certain employer.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

#### **Can agricultural workers access employment in the armed forces?**

Answer: no

Code: 0

Explanation: No given that their work permit is tied to a specific job contract with a certain employer.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

#### **Can medical doctors access employment in the armed forces?**

Answer: no

Code: 0

Explanation: No given that their work permit is tied to a specific job contract with a certain employer.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38.

### **Can permanent residents access employment in the armed forces?**

Answer: yes, equal access

Code: 1

Explanation: Yes. The Constitution states that positions, jobs, and public functions are accessible by foreigners as well as Brazilians that fulfill requisites determined by law. Someone with permanent residency has the right to work and therefore access public positions.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 37, I.

## **5.3.2. Access to support**

### **IMMIGRANT\_31: Public employment services.**

#### **Can asylum seekers access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: Yes, equal access as nationals. The law regulating the National Employment System (Sistema Nacional de Emprego (Sine)) does not specify who can or cannot access public employment services, not posing any obstacles for migrants wishing to make use of it. Furthermore, the online job portal “Emprega Brasil” (part of Sine) gives explicitly instructions for foreign workers on how to fill the registration form, which indicates that any foreign worker can access it, as long as they have a social security number (CPF). Job offers for all levels of skill can be found in the portal, including for domestic and agricultural workers.

Sources: Lei no 13.667, de 17 de maio de 2018 [Law No. 13.667 of May 17, 2018]. 2018. / Ministério do Trabalho [Ministry of Labour]. “Como obter a senha de acesso ao Portal Emprega Brasil [How to Obtain the Password to Access the Emprega Brasil Portal]”. Accessed December 3, 2018. <https://empregabrasil.mte.gov.br/passos-a-passos/>. / Ministério do Trabalho [Ministry of Labour]. Portal Emprega Brasil (Search Engine). Accessed December 3, 2018. <https://empregabrasil.mte.gov.br/>.

#### **Can refugees access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: Yes, equal access as nationals. The law regulating the National Employment System (Sistema Nacional de Emprego (Sine)) does not specify who can or cannot access public employment services, not posing any obstacles for migrants wishing to make use of it. Furthermore, the online job portal “Emprega Brasil” (part of Sine) gives explicitly instructions for foreign workers on how to fill the

registration form, which indicates that any foreign worker can access it, as long as they have a social security number (CPF). Job offers for all levels of skill can be found in the portal, including for domestic and agricultural workers.

Sources: Lei no 13.667, de 17 de maio de 2018 [Law No. 13.667 of May 17, 2018]. 2018. / Ministério do Trabalho [Ministry of Labour]. “Como obter a senha de acesso ao Portal Emprega Brasil [How to Obtain the Password to Access the Emprega Brasil Portal]”. Accessed December 3, 2018. <https://empregabrasil.mte.gov.br/passos-a-passos/>. / Ministério do Trabalho [Ministry of Labour]. Portal Emprega Brasil (Search Engine). Accessed December 3, 2018. <https://empregabrasil.mte.gov.br/>.

### **Can co-ethnics access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: Yes, equal access as nationals. The law regulating the National Employment System (Sistema Nacional de Emprego (Sine)) does not specify who can or cannot access public employment services, not posing any obstacles for migrants wishing to make use of it. Furthermore, the online job portal “Emprega Brasil” (part of Sine) gives explicitly instructions for foreign workers on how to fill the registration form, which indicates that any foreign worker can access it, as long as they have a social security number (CPF). Job offers for all levels of skill can be found in the portal, including for domestic and agricultural workers.

Sources: Lei no 13.667, de 17 de maio de 2018 [Law No. 13.667 of May 17, 2018]. 2018. / Ministério do Trabalho [Ministry of Labour]. “Como obter a senha de acesso ao Portal Emprega Brasil [How to Obtain the Password to Access the Emprega Brasil Portal]”. Accessed December 3, 2018. <https://empregabrasil.mte.gov.br/passos-a-passos/>. / Ministério do Trabalho [Ministry of Labour]. Portal Emprega Brasil (Search Engine). Accessed December 3, 2018. <https://empregabrasil.mte.gov.br/>.

### **Can domestic workers access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: Yes, equal access as nationals. The law regulating the National Employment System (Sistema Nacional de Emprego (Sine)) does not specify who can or cannot access public employment services, not posing any obstacles for migrants wishing to make use of it. Furthermore, the online job portal “Emprega Brasil” (part of Sine) gives explicitly instructions for foreign workers on how to fill the registration form, which indicates that any foreign worker can access it, as long as they have a social security number (CPF). Job offers for all levels of skill can be found in the portal, including for domestic and agricultural workers.

Sources: Lei no 13.667, de 17 de maio de 2018 [Law No. 13.667 of May 17, 2018]. 2018. / Ministério do Trabalho [Ministry of Labour]. “Como obter a senha de acesso ao Portal Emprega Brasil [How to Obtain the Password to Access the Emprega Brasil Portal]”. Accessed December 3, 2018. <https://empregabrasil.mte.gov.br/passos-a-passos/>. / Ministério do Trabalho [Ministry of Labour]. Portal Emprega Brasil (Search Engine). Accessed December 3, 2018. <https://empregabrasil.mte.gov.br/>.

### **Can agricultural workers access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: Yes, equal access as nationals. The law regulating the National Employment System (Sistema Nacional de Emprego (Sine)) does not specify who can or cannot access public employment services, not posing any obstacles for migrants wishing to make use of it. Furthermore, the online job portal “Emprega Brasil” (part of Sine) gives explicitly instructions for foreign workers on how to fill the registration form, which indicates that any foreign worker can access it, as long as they have a social security number (CPF). Job offers for all levels of skill can be found in the portal, including for domestic and agricultural workers.

Sources Lei no 13.667, de 17 de maio de 2018 [Law No. 13.667 of May 17, 2018]. 2018. / Ministério do Trabalho [Ministry of Labour]. “Como obter a senha de acesso ao Portal Emprega Brasil [How to Obtain the Password to Access the Emprega Brasil Portal]”. Accessed December 3, 2018. <https://empregabrasil.mte.gov.br/passos-a-passos/>. / Ministério do Trabalho [Ministry of Labour]. Portal Emprega Brasil (Search Engine). Accessed December 3, 2018. <https://empregabrasil.mte.gov.br/>.

### **Can medical doctors access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: Yes, equal access as nationals. The law regulating the National Employment System (Sistema Nacional de Emprego (Sine)) does not specify who can or cannot access public employment services, not posing any obstacles for migrants wishing to make use of it. Furthermore, the online job portal “Emprega Brasil” (part of Sine) gives explicitly instructions for foreign workers on how to fill the registration form, which indicates that any foreign worker can access it, as long as they have a social security number (CPF). Job offers for all levels of skill can be found in the portal, including for domestic and agricultural workers.

Sources: Lei no 13.667, de 17 de maio de 2018 [Law No. 13.667 of May 17, 2018]. 2018. / Ministério do Trabalho [Ministry of Labour]. “Como obter a senha de acesso ao Portal Emprega Brasil [How to Obtain the Password to Access the Emprega Brasil Portal]”. Accessed December 3, 2018. <https://empregabrasil.mte.gov.br/passos-a-passos/>. / Ministério do Trabalho [Ministry of Labour]. Portal Emprega Brasil (Search Engine). Accessed December 3, 2018. <https://empregabrasil.mte.gov.br/>.

### **Can permanent residents access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: Yes, equal access as nationals. The law regulating the National Employment System (Sistema Nacional de Emprego (Sine)) does not specify who can or cannot access public employment services, not posing any obstacles for migrants wishing to make use of it. Furthermore, the online job portal “Emprega Brasil” (part of Sine) gives explicitly instructions for foreign workers on how to fill the registration form, which indicates that any foreign worker can access it, as long as they have a social security number (CPF). Job offers for all levels of skill can be found in the portal, including for domestic and agricultural workers.

Sources: Lei no 13.667, de 17 de maio de 2018 [Law No. 13.667 of May 17, 2018]. 2018. / Ministério do Trabalho [Ministry of Labour]. “Como obter a senha de acesso ao Portal Emprega Brasil [How to Obtain the Password to Access the Emprega Brasil Portal]”. Accessed December 3, 2018. <https://empregabrasil.mte.gov.br/passos-a-passos/>. / Ministério do Trabalho [Ministry of Labour]. Portal Emprega Brasil (Search Engine). Accessed December 3, 2018. <https://empregabrasil.mte.gov.br/>.

## **IMMIGRANT\_32: Recognition of qualifications.**

### **Recognition of qualifications acquired abroad by asylum seekers:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. The law does not make distinction based on the nationality of the requestor; only technical aspects of the certificate/degree are taken into account. Any undergraduate certificate issued abroad can be validated by any public university in Brazil, as long as the Brazilian institution is regularly certified and was created and maintained by the State, as well as have a similar or equivalent course on the same level and area of expertise. Any graduate certificate issued abroad can be recognized by Brazilian universities that have post-grad courses evaluated, registered, authorized, and recognized by the National Post-Grad System. The institution must also have a similar or equivalent course on the same level and area of expertise.

Sources: Resolução no 3, de 22 de junho de 2016 [Resolution No. 3 of June 22, 2016]. 2016. / Portal Carolina Bori [Carolina Bori Portal]. "Tire suas dúvidas [Ask your Questions]". Accessed June 19, 2018. <http://carolinabori.mec.gov.br/?pagina=duvidas>.

### **Recognition of qualifications acquired abroad by refugees:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. The law does not make distinction based on the nationality of the requestor; only technical aspects of the certificate/degree are taken into account. Any undergraduate certificate issued abroad can be validated by any public university in Brazil, as long as the Brazilian institution is regularly certified and was created and maintained by the State, as well as have a similar or equivalent course on the same level and area of expertise. Any graduate certificate issued abroad can be recognized by Brazilian universities that have post-grad courses evaluated, registered, authorized, and recognized by the National Post-Grad System. The institution must also have a similar or equivalent course on the same level and area of expertise.

Sources: Resolução no 3, de 22 de junho de 2016 [Resolution No. 3 of June 22, 2016]. 2016. / Portal Carolina Bori [Carolina Bori Portal]. "Tire suas dúvidas [Ask your Questions]". Accessed June 19, 2018. <http://carolinabori.mec.gov.br/?pagina=duvidas>.

### **Recognition of qualifications acquired abroad by co-ethnics:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. The law does not make distinction based on the nationality of the requestor; only technical aspects of the certificate/degree are taken into account. Any undergraduate certificate issued abroad can be validated by any public university in Brazil, as long as the Brazilian institution is regularly certified and was created and maintained by the State, as well as have a similar or equivalent course on the same level and area of expertise. Any graduate certificate issued abroad can be recognized by Brazilian universities that have post-grad



courses evaluated, registered, authorized, and recognized by the National Post-Grad System. The institution must also have a similar or equivalent course on the same level and area of expertise.

Sources: Resolução no 3, de 22 de junho de 2016 [Resolution No. 3 of June 22, 2016]. 2016. / Portal Carolina Bori [Carolina Bori Portal]. “Tire suas dúvidas [Ask your Questions]”. Accessed June 19, 2018. <http://carolinabori.mec.gov.br/?pagina=duvidas>.

#### **Recognition of qualifications acquired abroad by domestic workers:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. The law does not make distinction based on the nationality of the requestor; only technical aspects of the certificate/degree are taken into account. Any undergraduate certificate issued abroad can be validated by any public university in Brazil, as long as the Brazilian institution is regularly certified and was created and maintained by the State, as well as have a similar or equivalent course on the same level and area of expertise. Any graduate certificate issued abroad can be recognized by Brazilian universities that have post-grad courses evaluated, registered, authorized, and recognized by the National Post-Grad System. The institution must also have a similar or equivalent course on the same level and area of expertise.

Sources: Resolução no 3, de 22 de junho de 2016 [Resolution No. 3 of June 22, 2016]. 2016. / Portal Carolina Bori [Carolina Bori Portal]. Tire suas dúvidas [Ask your Questions]. Accessed June 19, 2018. <http://carolinabori.mec.gov.br/?pagina=duvidas>.

#### **Recognition of qualifications acquired abroad by agricultural workers:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. The law does not make distinction based on the nationality of the requestor; only technical aspects of the certificate/degree are taken into account. Any undergraduate certificate issued abroad can be validated by any public university in Brazil, as long as the Brazilian institution is regularly certified and was created and maintained by the State, as well as have a similar or equivalent course on the same level and area of expertise. Any graduate certificate issued abroad can be recognized by Brazilian universities that have post-grad courses evaluated, registered, authorized, and recognized by the National Post-Grad System. The institution must also have a similar or equivalent course on the same level and area of expertise.

Sources: Resolução no 3, de 22 de junho de 2016 [Resolution No. 3 of June 22, 2016]. 2016. / Portal Carolina Bori [Carolina Bori Portal]. “Tire suas dúvidas [Ask your Questions]”. Accessed June 19, 2018. <http://carolinabori.mec.gov.br/?pagina=duvidas>.

#### **Recognition of qualifications acquired abroad by medical doctors:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. The law does not make distinction based on the nationality of the requestor; only technical aspects of the certificate/degree are taken into account. Any undergraduate certificate issued abroad can be validated by any public university in

Brazil, as long as the Brazilian institution is regularly certified and was created and maintained by the State, as well as have a similar or equivalent course on the same level and area of expertise. Any graduate certificate issued abroad can be recognized by Brazilian universities that have post-grad courses evaluated, registered, authorized, and recognized by the National Post-Grad System. The institution must also have a similar or equivalent course on the same level and area of expertise.

Sources: Resolução no 3, de 22 de junho de 2016 [Resolution No. 3 of June 22, 2016]. 2016. / Portal Carolina Bori [Carolina Bori Portal]. "Tire suas dúvidas [Ask your Questions]". Accessed June 19, 2018. <http://carolinabori.mec.gov.br/?pagina=duvidas>.

### **Recognition of qualifications acquired abroad by permanent residents:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. The law does not make distinction based on the nationality of the requestor; only technical aspects of the certificate/degree are taken into account. Any undergraduate certificate issued abroad can be validated by any public university in Brazil, as long as the Brazilian institution is regularly certified and was created and maintained by the State, as well as have a similar or equivalent course on the same level and area of expertise. Any graduate certificate issued abroad can be recognized by Brazilian universities that have post-grad courses evaluated, registered, authorized, and recognized by the National Post-Grad System. The institution must also have a similar or equivalent course on the same level and area of expertise.

Sources: Resolução no 3, de 22 de junho de 2016 [Resolution No. 3 of June 22, 2016]. 2016. / Portal Carolina Bori [Carolina Bori Portal]. "Tire suas dúvidas [Ask your Questions]". Accessed June 19, 2018. <http://carolinabori.mec.gov.br/?pagina=duvidas>.

### **5.3.3. Worker's rights**

#### **IMMIGRANT\_33: Membership in trade unions.**

**Can asylum seekers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: The Law on Migration states that all migrants have equal guarantees to nationals in Brazil when it comes to the right of association for lawful purposes, including membership in trade unions.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4.

**Can refugees be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: The Law on Migration states that all migrants have equal guarantees to nationals in Brazil when it comes to the right of association for lawful purposes, including membership in trade unions.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4.

**Can co-ethnic be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Not Applicable

Code: Not Applicable

Explanation:

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4.

**Can domestic workers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: The Law on Migration states that all migrants have equal guarantees to nationals in Brazil when it comes to the right of association for lawful purposes, including membership in trade unions.

Sources: Presidência da República, 2017. Lei de Migração - Lei No 13.445, de 24 de maio 2017, CI, SII, Art 4°, VII.

**Can agricultural workers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: The Law on Migration states that all migrants have equal guarantees to nationals in Brazil when it comes to the right of association for lawful purposes, including membership in trade unions.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4.

**Can medical doctors be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: The Law on Migration states that all migrants have equal guarantees to nationals in Brazil when it comes to the right of association for lawful purposes, including membership in trade unions.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4.

**Can permanent residents be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: The Law on Migration states that all migrants have equal guarantees to nationals in Brazil when it comes to the right of association for lawful purposes, including membership in trade unions.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4.

**IMMIGRANT\_34: Job transferability.**

**Can asylum seekers change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: Yes, without conditions. Asylum seekers and refugees have the right to undertake paid employment and their migratory status is not linked to their employment status.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Sec. III.

**Can refugees change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: Yes, without conditions. Asylum seekers and refugees have the right to undertake paid employment and their migratory status is not linked to their employment status.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Sec. III.

**Can co-ethnics change their employer without risking their immigration status?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: No specific regulation related to co-ethnics regarding that matter is in place. Therefore, as long as they have a valid work permit not tied to a job contract (restricted to certain professions) they should be able to transfer jobs without risking their immigration status.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 147.

### **Can domestic workers change their employer without risking their immigration status?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, but only under certain circumstances. Even though work permits are tied to a specific job contract with a certain employer, in some cases a worker can switch employers upon authorization of the Ministry of Labour and presentation of a (new) signed contract.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38. / Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017.

### **Can agricultural workers change their employer without risking their immigration status?**

Answer: No

Code: 0

Explanation: No. Work permit is tied to a specific job contract with a certain employer.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38. / Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017.

### **Can medical doctors change their employer without risking their immigration status?**

Answer: No

Code: 0

Explanation: No given that their work permit is tied to a specific job contract with a certain employer.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 38. / Resolução Normativa No 2, de 1o de dezembro de 2017 [Normative Resolution No. 2 of December 1, 2017]. 2017.

### **Can permanent residents change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: Yes. This is due to the fact that permanent residents have the full right to work and their migratory status is indefinite regardless of their employment status.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 142.

#### **IMMIGRANT\_35: Right to redress.**

**Do asylum seekers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: The Law on Migration states that all migrants have equal guarantees to nationals in Brazil when it comes to safeguarding the application of legal and contractual obligations. This should be done without discrimination to nationality or migratory status. The law also guarantees access to justice and judicial assistance free of charge for those who prove insufficient resources.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, IX & XI.

**Do refugees have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: The Law on Migration states that all migrants have equal guarantees to nationals in Brazil when it comes to safeguarding the application of legal and contractual obligations. This should be done without discrimination to nationality or migratory status. The law also guarantees access to justice and judicial assistance free of charge for those who prove insufficient resources.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, IX & XI.

**Do co-ethnics have the right to redress if the terms of their employment contracts have been violated?**

Answer: Not Applicable

Code: Not Applicable

Explanation:

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, IX & XI.

**Do domestic workers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: The Law on Migration states that all migrants have equal guarantees to nationals in Brazil when it comes to safeguarding the application of legal and contractual obligations. This should be done without discrimination to nationality or migratory status. The law also guarantees access to justice and judicial assistance free of charge for those who prove insufficient resources.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, IX & XI.

**Do agricultural workers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: The Law on Migration states that all migrants have equal guarantees to nationals in Brazil when it comes to safeguarding the application of legal and contractual obligations. This should be done without discrimination to nationality or migratory status. The law also guarantees access to justice and judicial assistance free of charge for those who prove insufficient resources.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, IX & XI.

**Do medical doctors have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: The Law on Migration states that all migrants have equal guarantees to nationals in Brazil when it comes to safeguarding the application of legal and contractual obligations. This should be done without discrimination to nationality or migratory status. The law also guarantees access to justice and judicial assistance free of charge for those who prove insufficient resources.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, IX & XI.

**Do permanent residents have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: The Law on Migration states that all migrants have equal guarantees to nationals in Brazil when it comes to safeguarding the application of legal and contractual obligations. This should be done without discrimination to nationality or migratory status. The law also guarantees access to justice and judicial assistance free of charge for those who prove insufficient resources.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, IX & XI.

### 5.3.4. Property rights

#### IMMIGRANT\_36: Property rights.

##### Can asylum seekers acquire property in the state of reception?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, any foreigner can acquire real estate in Brazil who obtains a CPF number in some unit of the Internal Revenue Service. In the acquisition of urban property by foreigner it will be necessary to present the CPF, passport, proof of residence in the country and birth certificate or marriage certificate (these with sworn translation). For the acquisition of rural property by a foreigner, in addition to the documents above, the area of the property cannot exceed 50 (fifty) modules, in a continuous or discontinuous area.

Sources: Eduardo Andrade. "Aquisição de Imóveis no Brasil por Estrangeiros [Acquisition of Real Estate in Brazil by Foreigners]". Accessed May 29, 2019.  
<http://www.imobiliariaparaty.com.br/imoveisestrangeiros.php>.

##### Can refugees acquire property in the state of reception?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, any foreigner can acquire real estate in Brazil who obtains a CPF number in some unit of the Internal Revenue Service. In the acquisition of urban property by foreigner it will be necessary to present the CPF, passport, proof of residence in the country and birth certificate or marriage certificate (these with sworn translation). For the acquisition of rural property by a foreigner, in addition to the documents above, the area of the property cannot exceed 50 (fifty) modules, in a continuous or discontinuous area.

Sources: Eduardo Andrade. "Aquisição de Imóveis no Brasil por Estrangeiros [Acquisition of Real Estate in Brazil by Foreigners]". Accessed May 29, 2019.  
<http://www.imobiliariaparaty.com.br/imoveisestrangeiros.php>.

##### Can co-ethnics acquire property in the state of reception?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, any foreigner can acquire real estate in Brazil who obtains a CPF number in some unit of the Internal Revenue Service. In the acquisition of urban property by foreigner it will be necessary to present the CPF, passport, proof of residence in the country and birth certificate or marriage certificate (these with sworn translation). For the acquisition of rural property by a foreigner, in addition to the documents above, the area of the property cannot exceed 50 (fifty) modules, in a continuous or discontinuous area.

Sources: Eduardo Andrade. "Aquisição de Imóveis no Brasil por Estrangeiros [Acquisition of Real Estate in Brazil by Foreigners]". Accessed May 29, 2019.  
<http://www.imobiliariaparaty.com.br/imoveisestrangeiros.php>.



### **Can domestic workers acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, any foreigner can acquire real estate in Brazil who obtains a CPF number in some unit of the Internal Revenue Service. In the acquisition of urban property by foreigner it will be necessary to present the CPF, passport, proof of residence in the country and birth certificate or marriage certificate (these with sworn translation). For the acquisition of rural property by a foreigner, in addition to the documents above, the area of the property cannot exceed 50 (fifty) modules, in a continuous or discontinuous area.

Sources: Eduardo Andrade. "Aquisição de Imóveis no Brasil por Estrangeiros [Acquisition of Real Estate in Brazil by Foreigners]". Accessed May 29, 2019.  
<http://www.imobiliariaparaty.com.br/imoveisestrangeiros.php>.

### **Can agricultural workers acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, any foreigner can acquire real estate in Brazil who obtains a CPF number in some unit of the Internal Revenue Service. In the acquisition of urban property by foreigner it will be necessary to present the CPF, passport, proof of residence in the country and birth certificate or marriage certificate (these with sworn translation). For the acquisition of rural property by a foreigner, in addition to the documents above, the area of the property cannot exceed 50 (fifty) modules, in a continuous or discontinuous area.

Sources: Eduardo Andrade. "Aquisição de Imóveis no Brasil por Estrangeiros [Acquisition of Real Estate in Brazil by Foreigners]". Accessed May 29, 2019.  
<http://www.imobiliariaparaty.com.br/imoveisestrangeiros.php>.

### **Can medical doctors acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, any foreigner can acquire real estate in Brazil who obtains a CPF number in some unit of the Internal Revenue Service. In the acquisition of urban property by foreigner it will be necessary to present the CPF, passport, proof of residence in the country and birth certificate or marriage certificate (these with sworn translation). For the acquisition of rural property by a foreigner, in addition to the documents above, the area of the property cannot exceed 50 (fifty) modules, in a continuous or discontinuous area.

Sources: Eduardo Andrade. "Aquisição de Imóveis no Brasil por Estrangeiros [Acquisition of Real Estate in Brazil by Foreigners]". Accessed May 29, 2019.  
<http://www.imobiliariaparaty.com.br/imoveisestrangeiros.php>.

## **Can permanent residents acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, any foreigner can acquire real estate in Brazil who obtains a CPF number in some unit of the Internal Revenue Service. In the acquisition of urban property by foreigner it will be necessary to present the CPF, passport, proof in the country and birth certificate or marriage certificate (these with sworn translation). For the acquisition of rural property by a foreigner, in addition to the documents above, the area of the property cannot exceed 50 (fifty) modules, in a continuous or discontinuous area.

Sources: Eduardo Andrade. "Aquisição de Imóveis no Brasil por Estrangeiros [Acquisition of Real Estate in Brazil by Foreigners]". Accessed May 29, 2019.  
<http://www.imobiliariaparaty.com.br/imoveisestrangeiros.php>.

## **5.4. Social policies**

### **5.4.1. Family reunification**

#### **Can asylum seekers bring their families to their country of residence?**

Answer: no

Code: 0

Explanation: Not eligible for family reunification. The law states that family reunification visas/residency permits will not be granted when the migrant applicant holds a provisional residency permit. In Brazil, asylum seekers waiting on a decision on their asylum application are given a provisional residency permit.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. Art. 2.

#### **Can refugees bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Temporary visas and residency authorization for the purposes of family reunification can be requested simultaneously to the visa of the migrant applicant. This means that as soon as a migrant has authorization to reside in Brazil she/he is entitled to apply for family reunification. However, family reunification can only be granted if the migrant applicant has succeeded in his visa/residency application.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. Art. 2.

### **Can co-ethnics bring their families to their country of residence?**

Answer: Not Applicable

Code: 98

Explanation:

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

### **Can domestic workers bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Temporary visas and residency authorization for the purposes of family reunification can be requested simultaneously to the visa of the migrant applicant. This means that as soon as a migrant has authorization to reside in Brazil she/he is entitled to apply for family reunification. However, family reunification can only be granted if the migrant applicant has succeeded in his visa/residency application.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

### **Can agricultural workers bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Temporary visas and residency authorization for the purposes of family reunification can be requested simultaneously to the visa of the migrant applicant. This means that as soon as a migrant has authorization to reside in Brazil she/he is entitled to apply for family reunification. However, family reunification can only be granted if the migrant applicant has succeeded in his visa/residency application.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

### **Can medical doctors bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Temporary visas and residency authorization for the purposes of family reunification can be requested simultaneously to the visa of the migrant applicant. This means that as soon as a migrant has authorization to reside in Brazil she/he is entitled to apply for family reunification.

However, family reunification can only be granted if the migrant applicant has succeeded in his visa/residency application.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

### **Can permanent residents bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Temporary visas and residency authorization for the purposes of family reunification can be requested simultaneously to the visa of the migrant applicant. This means that as soon as a migrant has authorization to reside in Brazil she/he is entitled to apply for family reunification. However, family reunification can only be granted if the migrant applicant has succeeded in his visa/residency application.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

### *Eligibility*

#### **IMMIGRANT\_37: Resident requirement for ordinary legal residents.**

##### **Residence requirement for ordinary legal residents (asylum seekers). In months:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

##### **Residence requirement for ordinary legal residents (asylum seekers):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

##### **Residence requirement for ordinary legal residents (refugees). In months:**

Answer: 12

Code: 12

Explanation: Less or equal to a year. Temporary visas and residency authorization for the purposes of family reunification can be requested simultaneously to the visa of the migrant applicant. This means that as soon as a migrant has authorization to reside in Brazil she/he is entitled to apply for family reunification. However, family reunification can only be granted if the migrant applicant has succeeded in his visa/residency application.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Residence requirement for ordinary legal residents (refugees):**

Answer: less or equal to a year

Code: 0.5

Explanation: Less or equal to a year. Temporary visas and residency authorization for the purposes of family reunification can be requested simultaneously to the visa of the migrant applicant. This means that as soon as a migrant has authorization to reside in Brazil she/he is entitled to apply for family reunification. However, family reunification can only be granted if the migrant applicant has succeeded in his visa/residency application.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Residence requirement for ordinary legal residents (co-ethnics). In months:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Residence requirement for ordinary legal residents (co-ethnics):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Residence requirement for ordinary legal residents (domestic workers). In months:**

Answer: 12

Code: 12

Explanation: Less or equal to a year. Temporary visas and residency authorization for the purposes of family reunification can be requested simultaneously to the visa of the migrant applicant. This means that as soon as a migrant has authorization to reside in Brazil she/he is entitled to apply for family reunification. However, family reunification can only be granted if the migrant applicant has succeeded in his visa/residency application.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Residence requirement for ordinary legal residents (domestic workers):**

Answer: less or equal to a year

Code: 0.5

Explanation: Less or equal to a year. Temporary visas and residency authorization for the purposes of family reunification can be requested simultaneously to the visa of the migrant applicant. This means that as soon as a migrant has authorization to reside in Brazil she/he is entitled to apply for family reunification. However, family reunification can only be granted if the migrant applicant has succeeded in his visa/residency application.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Residence requirement for ordinary legal residents (agricultural workers). In months:**

Answer: 12

Code: 12

Explanation: Less or equal to a year. Temporary visas and residency authorization for the purposes of family reunification can be requested simultaneously to the visa of the migrant applicant. This means that as soon as a migrant has authorization to reside in Brazil she/he is entitled to apply for family reunification. However, family reunification can only be granted if the migrant applicant has succeeded in his visa/residency application.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Residence requirement for ordinary legal residents (agricultural workers):**

Answer: less or equal to a year

Code: 0.5

Explanation: Less or equal to a year. Temporary visas and residency authorization for the purposes of family reunification can be requested simultaneously to the visa of the migrant applicant. This means that as soon as a migrant has authorization to reside in Brazil she/he is entitled to apply for family reunification. However, family reunification can only be granted if the migrant applicant has succeeded in his visa/residency application.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Residence requirement for ordinary legal residents (medical doctors). In months:**

Answer: 12

Code: 12

Explanation: Less or equal to a year. Temporary visas and residency authorization for the purposes of family reunification can be requested simultaneously to the visa of the migrant applicant. This means that as soon as a migrant has authorization to reside in Brazil she/he is entitled to apply for family reunification. However, family reunification can only be granted if the migrant applicant has succeeded in his visa/residency application.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Residence requirement for ordinary legal residents (medical doctors):**

Answer: less or equal to a year

Code: 0.5

Explanation: Less or equal to a year. Temporary visas and residency authorization for the purposes of family reunification can be requested simultaneously to the visa of the migrant applicant. This means that as soon as a migrant has authorization to reside in Brazil she/he is entitled to apply for family reunification. However, family reunification can only be granted if the migrant applicant has succeeded in his visa/residency application.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Residence requirement for ordinary legal residents (permanent residents). In months:**

Answer: 12

Code: 12

Explanation: Less or equal to a year. Temporary visas and residency authorization for the purposes of family reunification can be requested simultaneously to the visa of the migrant applicant. This means that as soon as a migrant has authorization to reside in Brazil she/he is entitled to apply for family reunification. However, family reunification can only be granted if the migrant applicant has succeeded in his visa/residency application.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Residence requirement for ordinary legal residents (permanent residents):**

Answer: less or equal to a year

Code: 0.5

Explanation: Less or equal to a year. Temporary visas and residency authorization for the purposes of family reunification can be requested simultaneously to the visa of the migrant applicant. This means that as soon as a migrant has authorization to reside in Brazil she/he is entitled to apply for family reunification. However, family reunification can only be granted if the migrant applicant has succeeded in his visa/residency application.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**IMMIGRANT\_38: Family members considered for reunification.**

**Family member eligible for reunification (asylum seekers): Spouse.**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Family member eligible for reunification (asylum seekers): Partner in a civil union or long-term relationship.**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Family member eligible for reunification (asylum seekers): Children.**

Answer: Not Applicable

Code: Not Applicable

Explanation:

Sources:

**Family member eligible for reunification (asylum seekers): Parents.**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable



Sources: Not Applicable

**Family member eligible for reunification (asylum seekers): Grandparents.**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Family member eligible for reunification (refugees): Spouse.**

Answer: yes

Code: 1

Explanation: This category is eligible, in addition to those the following family members are also included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (refugees): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (refugees): Children.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (refugees): Parents.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (refugees): Grandparents.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (co-ethnics): Spouse.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (co-ethnics): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (co-ethnics): Children.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (co-ethnics): Parents.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (co-ethnics): Grandparents.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (domestic workers): Spouse.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (domestic workers): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (domestic workers): Children.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (domestic workers): Parents.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (domestic workers): Grandparents.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (agricultural workers): Spouse.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (agricultural workers): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (agricultural workers): Children.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (agricultural workers): Parents.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (agricultural workers): Grandparents.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (medical doctors): Spouse.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (medical doctors): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (medical doctors): Children.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (medical doctors): Parents.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (medical doctors): Grandparents.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (permanent residents): Spouse.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (permanent residents): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years



old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (permanent residents): Children.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (permanent residents): Parents.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

**Family member eligible for reunification (permanent residents): Grandparents.**

Answer: yes

Code: 1

Explanation: This category is eligible. In addition, the following family members are included both for temporary visas and residency permits for family reunification: Stepchildren or siblings of a Brazilian citizen or of a migrant who holds a residency permit, as long as under 18 years old, or up to 21 years old if enrolled in formal education, or of any age if proven to be economically dependent of the applicant stepparent/sibling. Also anyone who has the guardianship of a Brazilian citizen.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 2.

## *Security of status*

### **IMMIGRANT\_39: Length of application procedure.**

#### **Length of application procedure in months (asylum seekers).**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

#### **Length of application procedure (asylum seekers).**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

#### **Length of application procedure in months (refugees).**

Answer: Not Applicable

Code: Not Applicable

Explanation: The law that regulates the procedure for requesting family reunification mentions only the steps but not the timeframe.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

#### **Length of application procedure (refugees).**

Answer: no regulation of maximum length

Code: 0

Explanation: The law that regulates the procedure for requesting family reunification mentions only the steps but not the timeframe.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

#### **Length of application procedure in months (co-ethnics).**

Answer: Not Applicable

Code: Not Applicable

Explanation: The law that regulates the procedure for requesting family reunification mentions only the steps but not the timeframe.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

#### **Length of application procedure (co-ethnics).**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

#### **Length of application procedure in months (domestic workers).**

Answer: no regulation of maximum length

Code: 0

Explanation: The law that regulates the procedure for requesting family reunification mentions only the steps but not the timeframe.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

#### **Length of application procedure (domestic workers).**

Answer: no regulation of maximum length

Code: 0

Explanation: The law that regulates the procedure for requesting family reunification mentions only the steps but not the timeframe.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

#### **Length of application procedure in months (agricultural workers).**

Answer: Not Applicable

Code: Not Applicable

Explanation: The law that regulates the procedure for requesting family reunification mentions only the steps but not the timeframe.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

#### **Length of application procedure (agricultural workers).**

Answer: no regulation of maximum length

Code: 0

Explanation: The law that regulates the procedure for requesting family reunification mentions only the steps but not the timeframe.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

#### **Length of application procedure in months (medical doctors).**

Answer: Not Applicable

Code: Not Applicable

Explanation: The law that regulates the procedure for requesting family reunification mentions only the steps but not the timeframe.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

#### **Length of application procedure (medical doctors).**

Answer: no regulation of maximum length

Code: 0

Explanation: The law that regulates the procedure for requesting family reunification mentions only the steps but not the timeframe.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

#### **Length of application procedure in months (permanent residents).**

Answer: Not Applicable

Code: Not Applicable

Explanation: The law that regulates the procedure for requesting family reunification mentions only the steps but not the timeframe.

Sources: Not Applicable

**Length of application procedure (permanent residents).**

Answer: no regulation of maximum length

Code: 0

Explanation: The law that regulates the procedure for requesting family reunification mentions only the steps but not the timeframe.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**IMMIGRANT\_40: Duration of permit.**

**Duration of validity of permit (asylum seekers):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Duration of validity of permit (refugees):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: When it comes to family reunification Brazilian law distinguishes between temporary visas and residency permits for family reunification. In the case of temporary visas for family reunification, these can be valid to a maximum of one year. Whereas when it comes to residency permits for family reunification, these should have equal validity to the applicant's permit when the applicant holds a temporary residency permit.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 4. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 6.

**Duration of validity of permit (co-ethnics):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: When it comes to family reunification Brazilian law distinguishes between temporary visas and residency permits for family reunification. In the case of temporary visas for family reunification, these can be valid to a maximum of one year. Whereas when it comes to residency

permits for family reunification, these should have equal validity to the applicant's permit when the applicant holds a temporary residency permit.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 4. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 6.

**Duration of validity of permit (domestic workers):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: When it comes to family reunification Brazilian law distinguishes between temporary visas and residency permits for family reunification. In the case of temporary visas for family reunification, these can be valid to a maximum of one year. Whereas when it comes to residency permits for family reunification, these should have equal validity to the applicant's permit when the applicant holds a temporary residency permit.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 4. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 6.

**Duration of validity of permit (agricultural workers):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: When it comes to family reunification Brazilian law distinguishes between temporary visas and residency permits for family reunification. In the case of temporary visas for family reunification, these can be valid to a maximum of one year. Whereas when it comes to residency permits for family reunification, these should have equal validity to the applicant's permit when the applicant holds a temporary residency permit.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 4. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 6.

**Duration of validity of permit (medical doctors):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: When it comes to family reunification Brazilian law distinguishes between temporary visas and residency permits for family reunification. In the case of temporary visas for family reunification, these can be valid to a maximum of one year. Whereas when it comes to residency permits for family reunification, these should have equal validity to the applicant's permit when the applicant holds a temporary residency permit.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 4. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 6.

**Duration of validity of permit (permanent residents):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: When it comes to family reunification Brazilian law distinguishes between temporary visas and residency permits for family reunification. In the case of temporary visas for family reunification, these can be valid to a maximum of one year. Whereas when it comes to residency permits for family reunification, these should have equal validity to the applicant's permit when the applicant holds a temporary residency permit.

Sources: Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 4. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 6.

**IMMIGRANT\_41: Grounds for rejection, withdrawing or refusing to renew status.**

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (asylum seekers):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (asylum seekers):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Break-up of family relationship is a ground for rejecting family reunification application (asylum seekers):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (refugees):**

Answer: yes

Code: 1

Explanation: Brazilian law defines general grounds for rejection that apply to all residency permits, not exclusively to family reunification. A residency permit can be denied (rejected) to someone who has been previously expelled from the country (if still effective); to someone who has been condemned or is being judged for crimes of genocide, crimes against humanity, war crimes, or aggression crimes; to someone who has been condemned or is being judged for willful crimes abroad and could be subject to extradition according to Brazilian law; to someone who has her/his name included in the restriction list by court order or due to commitment at an international organization; and to someone who has behaved against the principles established in the Brazilian Constitution. The withdrawal of a residency permit can happen when the original conditions are no longer satisfied; the person has been granted residency permit based on other grounds; the person has been absent from the country for a period longer than two (2) years without presenting a justification. The residency permit can be cancelled at any times in case of fraud or concealment of any impediment mentioned above. In order to renew a residency permit based on family reunification one is required to declare that the applicant family member still resides in the country, to present a joint declaration of continuation of relationship (in the case of spouses), as well as declare that the condition of financial dependency remains (when applicable). Failure to present such proofs will incur in refusal of renewal.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 12.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (refugees):**

Answer: yes

Code: 1

Explanation: Brazilian law defines general grounds for rejection that apply to all residency permits, not exclusively to family reunification. A residency permit can be denied (rejected) to someone who has been previously expelled from the country (if still effective); to someone who has been condemned or is being judged for crimes of genocide, crimes against humanity, war crimes, or aggression crimes; to someone who has been condemned or is being judged for willful crimes abroad and could be subject to extradition according to Brazilian law; to someone who has her/his name included in the restriction list by court order or due to commitment at an international organization; and to someone who has behaved against the principles established in the Brazilian Constitution. The withdrawal of a residency permit can happen when the original conditions are no longer satisfied; the person has been granted residency permit based on other grounds; the person has been absent from the country for a period longer than two (2) years without presenting a justification. The residency permit can be cancelled at any times in case of fraud or concealment of any impediment mentioned above. In order to renew a residency permit based on family reunification one is required to declare that the applicant family member still resides in the country, to present a joint declaration of continuation of relationship (in the case of spouses), as well as declare that the condition of financial dependency remains (when applicable). Failure to present such proofs will incur in refusal of renewal.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 12.



**Break-up of family relationship is a ground for rejecting family reunification application (refugees):**

Answer: no

Code: 0

Explanation: Brazilian law defines general grounds for rejection that apply to all residency permits, not exclusively to family reunification. A residency permit can be denied (rejected) to someone who has been previously expelled from the country (if still effective); to someone who has been condemned or is being judged for crimes of genocide, crimes against humanity, war crimes, or aggression crimes; to someone who has been condemned or is being judged for willful crimes abroad and could be subject to extradition according to Brazilian law; to someone who has her/his name included in the restriction list by court order or due to commitment at an international organization; and to someone who has behaved against the principles established in the Brazilian Constitution. The withdrawal of a residency permit can happen when the original conditions are no longer satisfied; the person has been granted residency permit based on other grounds; the person has been absent from the country for a period longer than two (2) years without presenting a justification. The residency permit can be cancelled at any times in case of fraud or concealment of any impediment mentioned above. In order to renew a residency permit based on family reunification one is required to declare that the applicant family member still resides in the country, to present a joint declaration of continuation of relationship (in the case of spouses), as well as declare that the condition of financial dependency remains (when applicable). Failure to present such proofs will incur in refusal of renewal.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 12.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (co-ethnics):**

Answer: yes

Code: 1

Explanation: Brazilian law defines general grounds for rejection that apply to all residency permits, not exclusively to family reunification. A residency permit can be denied (rejected) to someone who has been previously expelled from the country (if still effective); to someone who has been condemned or is being judged for crimes of genocide, crimes against humanity, war crimes, or aggression crimes; to someone who has been condemned or is being judged for willful crimes abroad and could be subject to extradition according to Brazilian law; to someone who has her/his name included in the restriction list by court order or due to commitment at an international organization; and to someone who has behaved against the principles established in the Brazilian Constitution. The withdrawal of a residency permit can happen when the original conditions are no longer satisfied; the person has been granted residency permit based on other grounds; the person has been absent from the country for a period longer than two (2) years without presenting a justification. The residency permit can be cancelled at any times in case of fraud or concealment of any impediment mentioned above. In order to renew a residency permit based on family reunification one is required to declare that the applicant family member still resides in the country, to present a joint declaration of continuation of relationship (in the case of spouses), as well as declare that the condition of financial dependency remains (when applicable). Failure to present such proofs will incur in refusal of renewal.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 12.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (co-ethnics):**

Answer: yes

Code: 1

Explanation: Brazilian law defines general grounds for rejection that apply to all residency permits, not exclusively to family reunification. A residency permit can be denied (rejected) to someone who has been previously expelled from the country (if still effective); to someone who has been condemned or is being judged for crimes of genocide, crimes against humanity, war crimes, or aggression crimes; to someone who has been condemned or is being judged for willful crimes abroad and could be subject to extradition according to Brazilian law; to someone who has her/his name included in the restriction list by court order or due to commitment at an international organization; and to someone who has behaved against the principles established in the Brazilian Constitution. The withdrawal of a residency permit can happen when the original conditions are no longer satisfied; the person has been granted residency permit based on other grounds; the person has been absent from the country for a period longer than two (2) years without presenting a justification. The residency permit can be cancelled at any times in case of fraud or concealment of any impediment mentioned above. In order to renew a residency permit based on family reunification one is required to declare that the applicant family member still resides in the country, to present a joint declaration of continuation of relationship (in the case of spouses), as well as declare that the condition of financial dependency remains (when applicable). Failure to present such proofs will incur in refusal of renewal.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 12.

**Break-up of family relationship is a ground for rejecting family reunification application (co-ethnics):**

Answer: no

Code: 0

Explanation: Brazilian law defines general grounds for rejection that apply to all residency permits, not exclusively to family reunification. A residency permit can be denied (rejected) to someone who has been previously expelled from the country (if still effective); to someone who has been condemned or is being judged for crimes of genocide, crimes against humanity, war crimes, or aggression crimes; to someone who has been condemned or is being judged for willful crimes abroad and could be subject to extradition according to Brazilian law; to someone who has her/his name included in the restriction list by court order or due to commitment at an international organization; and to someone who has behaved against the principles established in the Brazilian Constitution. The withdrawal of a residency permit can happen when the original conditions are no longer satisfied; the person has been granted residency permit based on other grounds; the person has been absent from the country for a period longer than two (2) years without presenting a justification. The residency permit can be cancelled at any times in case of fraud or concealment of any impediment mentioned above. In order to renew a residency permit based on family reunification one is required to declare that the applicant family member still resides in the country, to present a joint declaration of continuation of relationship (in the case of spouses), as well as declare that the condition of financial dependency remains (when applicable). Failure to present such proofs will incur in refusal of renewal.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 12.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (domestic workers):**

Answer: yes

Code: 1

Explanation: Brazilian law defines general grounds for rejection that apply to all residency permits, not exclusively to family reunification. A residency permit can be denied (rejected) to someone who has been previously expelled from the country (if still effective); to someone who has been condemned or is being judged for crimes of genocide, crimes against humanity, war crimes, or aggression crimes; to someone who has been condemned or is being judged for willful crimes abroad and could be subject to extradition according to Brazilian law; to someone who has her/his name included in the restriction list by court order or due to commitment at an international organization; and to someone who has behaved against the principles established in the Brazilian Constitution. The withdrawal of a residency permit can happen when the original conditions are no longer satisfied; the person has been granted residency permit based on other grounds; the person has been absent from the country for a period longer than two (2) years without presenting a justification. The residency permit can be cancelled at any times in case of fraud or concealment of any impediment mentioned above. In order to renew a residency permit based on family reunification one is required to declare that the applicant family member still resides in the country, to present a joint declaration of continuation of relationship (in the case of spouses), as well as declare that the condition of financial dependency remains (when applicable). Failure to present such proofs will incur in refusal of renewal.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 12.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (domestic workers):**

Answer: yes

Code: 1

Explanation: Brazilian law defines general grounds for rejection that apply to all residency permits, not exclusively to family reunification. A residency permit can be denied (rejected) to someone who has been previously expelled from the country (if still effective); to someone who has been condemned or is being judged for crimes of genocide, crimes against humanity, war crimes, or aggression crimes; to someone who has been condemned or is being judged for willful crimes abroad and could be subject to extradition according to Brazilian law; to someone who has her/his name included in the restriction list by court order or due to commitment at an international organization; and to someone who has behaved against the principles established in the Brazilian Constitution. The withdrawal of a residency permit can happen when the original conditions are no longer satisfied; the person has been granted residency permit based on other grounds; the person has been absent from the country for a period longer than two (2) years without presenting a justification. The residency permit can be cancelled at any times in case of fraud or concealment of any impediment mentioned above. In order to renew a residency permit based on family reunification one is required to declare that the applicant family member still resides in the country, to present a joint declaration of continuation of relationship (in the case of spouses), as well as declare that the condition of financial dependency remains (when applicable). Failure to present such proofs will incur in refusal of renewal.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 12.

**Break-up of family relationship is a ground for rejecting family reunification application (domestic workers):**

Answer: no

Code: 0

Explanation: Brazilian law defines general grounds for rejection that apply to all residency permits, not exclusively to family reunification. A residency permit can be denied (rejected) to someone who has been previously expelled from the country (if still effective); to someone who has been condemned or is being judged for crimes of genocide, crimes against humanity, war crimes, or aggression crimes; to someone who has been condemned or is being judged for willful crimes abroad and could be subject to extradition according to Brazilian law; to someone who has her/his name included in the restriction list by court order or due to commitment at an international organization; and to someone who has behaved against the principles established in the Brazilian Constitution. The withdrawal of a residency permit can happen when the original conditions are no longer satisfied; the person has been granted residency permit based on other grounds; the person has been absent from the country for a period longer than two (2) years without presenting a justification. The residency permit can be cancelled at any times in case of fraud or concealment of any impediment mentioned above. In order to renew a residency permit based on family reunification one is required to declare that the applicant family member still resides in the country, to present a joint declaration of continuation of relationship (in the case of spouses), as well as declare that the condition of financial dependency remains (when applicable). Failure to present such proofs will incur in refusal of renewal.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 12.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (agricultural workers):**

Answer: yes

Code: 1

Explanation: Brazilian law defines general grounds for rejection that apply to all residency permits, not exclusively to family reunification. A residency permit can be denied (rejected) to someone who has been previously expelled from the country (if still effective); to someone who has been condemned or is being judged for crimes of genocide, crimes against humanity, war crimes, or aggression crimes; to someone who has been condemned or is being judged for willful crimes abroad and could be subject to extradition according to Brazilian law; to someone who has her/his name included in the restriction list by court order or due to commitment at an international organization; and to someone who has behaved against the principles established in the Brazilian Constitution. The withdrawal of a residency permit can happen when the original conditions are no longer satisfied; the person has been granted residency permit based on other grounds; the person has been absent from the country for a period longer than two (2) years without presenting a justification. The residency permit can be cancelled at any times in case of fraud or concealment of any impediment mentioned above. In order to renew a residency permit based on family reunification one is required to declare that the applicant family member still resides in the country, to present a joint declaration of continuation of relationship (in the case of spouses), as well as declare that the condition of financial dependency remains (when applicable). Failure to present such proofs will incur in refusal of renewal.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 12.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (agricultural workers):**

Answer: yes

Code: 1

Explanation: Brazilian law defines general grounds for rejection that apply to all residency permits, not exclusively to family reunification. A residency permit can be denied (rejected) to someone who has been previously expelled from the country (if still effective); to someone who has been condemned or is being judged for crimes of genocide, crimes against humanity, war crimes, or aggression crimes; to someone who has been condemned or is being judged for willful crimes abroad and could be subject to extradition according to Brazilian law; to someone who has her/his name included in the restriction list by court order or due to commitment at an international organization; and to someone who has behaved against the principles established in the Brazilian Constitution. The withdrawal of a residency permit can happen when the original conditions are no longer satisfied; the person has been granted residency permit based on other grounds; the person has been absent from the country for a period longer than two (2) years without presenting a justification. The residency permit can be cancelled at any times in case of fraud or concealment of any impediment mentioned above. In order to renew a residency permit based on family reunification one is required to declare that the applicant family member still resides in the country, to present a joint declaration of continuation of relationship (in the case of spouses), as well as declare that the condition of financial dependency remains (when applicable). Failure to present such proofs will incur in refusal of renewal.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 12.

**Break-up of family relationship is a ground for rejecting family reunification application (agricultural workers):**

Answer: no

Code: 0

Explanation: Brazilian law defines general grounds for rejection that apply to all residency permits, not exclusively to family reunification. A residency permit can be denied (rejected) to someone who has been previously expelled from the country (if still effective); to someone who has been condemned or is being judged for crimes of genocide, crimes against humanity, war crimes, or aggression crimes; to someone who has been condemned or is being judged for willful crimes abroad and could be subject to extradition according to Brazilian law; to someone who has her/his name included in the restriction list by court order or due to commitment at an international organization; and to someone who has behaved against the principles established in the Brazilian Constitution. The withdrawal of a residency permit can happen when the original conditions are no longer satisfied; the person has been granted residency permit based on other grounds; the person has been absent from the country for a period longer than two (2) years without presenting a justification. The residency permit can be cancelled at any times in case of fraud or concealment of any impediment mentioned above. In order to renew a residency permit based on family reunification one is required to declare that the applicant family member still resides in the country, to present a joint declaration of continuation of relationship (in the case of spouses), as well as declare that the condition of financial dependency remains (when applicable). Failure to present such proofs will incur in refusal of renewal.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 12.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (medical doctors):**

Answer: yes

Code: 1

Explanation: Brazilian law defines general grounds for rejection that apply to all residency permits, not exclusively to family reunification. A residency permit can be denied (rejected) to someone who has been previously expelled from the country (if still effective); to someone who has been condemned or is being judged for crimes of genocide, crimes against humanity, war crimes, or aggression crimes; to someone who has been condemned or is being judged for willful crimes abroad and could be subject to extradition according to Brazilian law; to someone who has her/his name included in the restriction list by court order or due to commitment at an international organization; and to someone who has behaved against the principles established in the Brazilian Constitution. The withdrawal of a residency permit can happen when the original conditions are no longer satisfied; the person has been granted residency permit based on other grounds; the person has been absent from the country for a period longer than two (2) years without presenting a justification. The residency permit can be cancelled at any times in case of fraud or concealment of any impediment mentioned above. In order to renew a residency permit based on family reunification one is required to declare that the applicant family member still resides in the country, to present a joint declaration of continuation of relationship (in the case of spouses), as well as declare that the condition of financial dependency remains (when applicable). Failure to present such proofs will incur in refusal of renewal.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 12.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (medical doctors):**

Answer: yes

Code: 1

Explanation: Brazilian law defines general grounds for rejection that apply to all residency permits, not exclusively to family reunification. A residency permit can be denied (rejected) to someone who has been previously expelled from the country (if still effective); to someone who has been condemned or is being judged for crimes of genocide, crimes against humanity, war crimes, or aggression crimes; to someone who has been condemned or is being judged for willful crimes abroad and could be subject to extradition according to Brazilian law; to someone who has her/his name included in the restriction list by court order or due to commitment at an international organization; and to someone who has behaved against the principles established in the Brazilian Constitution. The withdrawal of a residency permit can happen when the original conditions are no longer satisfied; the person has been granted residency permit based on other grounds; the person has been absent from the country for a period longer than two (2) years without presenting a justification. The residency permit can be cancelled at any times in case of fraud or concealment of any impediment mentioned above. In order to renew a residency permit based on family reunification one is required to declare that the applicant family member still resides in the country, to present a joint declaration of continuation of relationship (in the case of spouses), as well as declare that the condition of financial dependency remains (when applicable). Failure to present such proofs will incur in refusal of renewal.

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**Break-up of family relationship is a ground for rejecting family reunification application (medical doctors):**

Answer: no

Code: 0

Explanation: Brazilian law defines general grounds for rejection that apply to all residency permits, not exclusively to family reunification. A residency permit can be denied (rejected) to someone who has been previously expelled from the country (if still effective); to someone who has been condemned or is being judged for crimes of genocide, crimes against humanity, war crimes, or aggression crimes; to someone who has been condemned or is being judged for willful crimes abroad and could be subject to extradition according to Brazilian law; to someone who has her/his name included in the restriction list by court order or due to commitment at an international organization; and to someone who has behaved against the principles established in the Brazilian Constitution. The withdrawal of a residency permit can happen when the original conditions are no longer satisfied; the person has been granted residency permit based on other grounds; the person has been absent from the country for a period longer than two (2) years without presenting a justification. The residency permit can be cancelled at any times in case of fraud or concealment of any impediment mentioned above. In order to renew a residency permit based on family reunification one is required to declare that the applicant family member still resides in the country, to present a joint declaration of continuation of relationship (in the case of spouses), as well as declare that the condition of financial dependency remains (when applicable). Failure to present such proofs will incur in refusal of renewal.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 12.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (permanent residents):**

Answer: yes

Code: 1

Explanation: Brazilian law defines general grounds for rejection that apply to all residency permits, not exclusively to family reunification. A residency permit can be denied (rejected) to someone who has been previously expelled from the country (if still effective); to someone who has been condemned or is being judged for crimes of genocide, crimes against humanity, war crimes, or aggression crimes; to someone who has been condemned or is being judged for willful crimes abroad and could be subject to extradition according to Brazilian law; to someone who has her/his name included in the restriction list by court order or due to commitment at an international organization; and to someone who has behaved against the principles established in the Brazilian Constitution. The withdrawal of a residency permit can happen when the original conditions are no longer satisfied; the person has been granted residency permit based on other grounds; the person has been absent from the country for a period longer than two (2) years without presenting a justification. The residency permit can be cancelled at any times in case of fraud or concealment of any impediment mentioned above. In order to renew a residency permit based on family reunification one is required to declare that the applicant family member still resides in the country, to present a joint declaration of continuation of relationship (in the case of spouses), as well as declare that the condition of financial dependency remains (when applicable). Failure to present such proofs will incur in refusal of renewal.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 12.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (permanent residents):**

Answer: yes

Code: 1

Explanation: Brazilian law defines general grounds for rejection that apply to all residency permits, not exclusively to family reunification. A residency permit can be denied (rejected) to someone who has been previously expelled from the country (if still effective); to someone who has been condemned or is being judged for crimes of genocide, crimes against humanity, war crimes, or aggression crimes; to someone who has been condemned or is being judged for willful crimes abroad and could be subject to extradition according to Brazilian law; to someone who has her/his name included in the restriction list by court order or due to commitment at an international organization; and to someone who has behaved against the principles established in the Brazilian Constitution. The withdrawal of a residency permit can happen when the original conditions are no longer satisfied; the person has been granted residency permit based on other grounds; the person has been absent from the country for a period longer than two (2) years without presenting a justification. The residency permit can be cancelled at any times in case of fraud or concealment of any impediment mentioned above. In order to renew a residency permit based on family reunification one is required to declare that the applicant family member still resides in the country, to present a joint declaration of continuation of relationship (in the case of spouses), as well as declare that the condition of financial dependency remains (when applicable). Failure to present such proofs will incur in refusal of renewal.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 12.

**Break-up of family relationship is a ground for rejecting family reunification application (permanent residents):**

Answer: no

Code: 0

Explanation: Brazilian law defines general grounds for rejection that apply to all residency permits, not exclusively to family reunification. A residency permit can be denied (rejected) to someone who has been previously expelled from the country (if still effective); to someone who has been condemned or is being judged for crimes of genocide, crimes against humanity, war crimes, or aggression crimes; to someone who has been condemned or is being judged for willful crimes abroad and could be subject to extradition according to Brazilian law; to someone who has her/his name included in the restriction list by court order or due to commitment at an international organization; and to someone who has behaved against the principles established in the Brazilian Constitution. The withdrawal of a residency permit can happen when the original conditions are no longer satisfied; the person has been granted residency permit based on other grounds; the person has been absent from the country for a period longer than two (2) years without presenting a justification. The residency permit can be cancelled at any times in case of fraud or concealment of any impediment mentioned above. In order to renew a residency permit based on family reunification one is required to declare that the applicant family member still resides in the country, to present a joint declaration of continuation of relationship (in the case of spouses), as well as declare that the condition of financial dependency remains (when applicable). Failure to present such proofs will incur in refusal of renewal.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018. Art. 12.



**IMMIGRANT\_42: Special circumstances.**

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (asylum seekers):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (asylum seekers):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Before refusal or withdrawal, due account is taken of existing links with country of origin (asylum seekers):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Before refusal or withdrawal, due account is taken of physical or emotional violence (asylum seekers):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (refugees):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (refugees):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (refugees):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (refugees):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (co-ethnics):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (co-ethnics):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (co-ethnics):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (co-ethnics):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (domestic workers):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (domestic workers):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (domestic workers):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (domestic workers):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (agricultural workers):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (agricultural workers):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (agricultural workers):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (agricultural workers):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (medical doctors):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (medical doctors):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (medical doctors):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (medical doctors):**

Answer: no

Code: 0

Explanation: Not Applicable

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (permanent residents):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (permanent residents):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (permanent residents):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (permanent residents):**

Answer: no

Code: 0

Explanation: The law does not mention any special circumstances taken into account before refusal or withdrawal. Only legal guarantees applicable to all are mentioned.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I. / Portaria Interministerial no 12, de 13 de junho de 2018 [Interministerial Portaria No. 12 of June 13, 2018]. 2018.

**IMMIGRANT\_43: Legal guarantees and redress in case of refusal or withdrawal.**

**Legal guarantee in case of refusal or withdrawal: reasoned decision (asylum seekers):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Legal guarantee in case of refusal or withdrawal: right to appeal (asylum seekers):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (asylum seekers):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable



**Legal guarantee in case of refusal or withdrawal: reasoned decision (refugees):**

Answer: yes

Code: 1

Explanation: The decision on withdrawal or canceling of any residency permit will be followed by an administrative process in which the Audi alteram partem principle will be respected (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself.). In the case of withdrawal or cancelling of any type of residency permit the migrant will be immediately notified, preferably via electronic mode. Upon notification the migrant will have ten (19) calendar days to present her/his defense. The migrant can make use of a public defender and use a translator or an interpreter. Once a decision is made the migrant has again ten (10) calendar days to appeal. If the negative decision persists the migrant will be immediately notified.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I.

**Legal guarantee in case of refusal or withdrawal: right to appeal (refugees):**

Answer: yes

Code: 1

Explanation: The decision on withdrawal or canceling of any residency permit will be followed by an administrative process in which the Audi alteram partem principle will be respected (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself.). In the case of withdrawal or cancelling of any type of residency permit the migrant will be immediately notified, preferably via electronic mode. Upon notification the migrant will have ten (19) calendar days to present her/his defense. The migrant can make use of a public defender and use a translator or an interpreter. Once a decision is made the migrant has again ten (10) calendar days to appeal. If the negative decision persists the migrant will be immediately notified.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (refugees):**

Answer: yes

Code: 1

Explanation: The decision on withdrawal or canceling of any residency permit will be followed by an administrative process in which the Audi alteram partem principle will be respected (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself.). In the case of withdrawal or cancelling of any type of residency permit the migrant will be immediately notified, preferably via electronic mode. Upon notification the migrant will have ten (19) calendar days to present her/his defense. The migrant can make use of a public defender and use a translator or an interpreter. Once a decision is made the migrant has again ten (10) calendar days to appeal. If the negative decision persists the migrant will be immediately notified.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (co-ethnics):**

Answer: yes

Code: 1

Explanation: The decision on withdrawal or canceling of any residency permit will be followed by an administrative process in which the Audi alteram partem principle will be respected (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself.). In the case of withdrawal or cancelling of any type of residency permit the migrant will be immediately notified, preferably via electronic mode. Upon notification the migrant will have ten (19) calendar days to present her/his defense. The migrant can make use of a public defender and use a translator or an interpreter. Once a decision is made the migrant has again ten (10) calendar days to appeal. If the negative decision persists the migrant will be immediately notified.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I.

**Legal guarantee in case of refusal or withdrawal: right to appeal (co-ethnic):**

Answer: yes

Code: 1

Explanation: The decision on withdrawal or canceling of any residency permit will be followed by an administrative process in which the Audi alteram partem principle will be respected (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself.). In the case of withdrawal or cancelling of any type of residency permit the migrant will be immediately notified, preferably via electronic mode. Upon notification the migrant will have ten (19) calendar days to present her/his defense. The migrant can make use of a public defender and use a translator or an interpreter. Once a decision is made the migrant has again ten (10) calendar days to appeal. If the negative decision persists the migrant will be immediately notified.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (co-ethnic):**

Answer: yes

Code: 1

Explanation: The decision on withdrawal or canceling of any residency permit will be followed by an administrative process in which the Audi alteram partem principle will be respected (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself.). In the case of withdrawal or cancelling of any type of residency permit the migrant will be immediately notified, preferably via electronic mode. Upon notification the migrant will have ten (19) calendar days to present her/his defense. The migrant can make use of a public defender and use a translator or an interpreter. Once a decision is made the migrant has again ten (10) calendar days to appeal. If the negative decision persists the migrant will be immediately notified.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (domestic workers):**

Answer: yes

Code: 1

Explanation: The decision on withdrawal or canceling of any residency permit will be followed by an administrative process in which the Audi alteram partem principle will be respected (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself.). In the case of withdrawal or cancelling of any type of residency permit the migrant will be immediately notified, preferably via electronic mode. Upon notification the migrant will have ten (19) calendar days to present her/his defense. The migrant can make use of a public defender and use a translator or an interpreter. Once a decision is made the migrant has again ten (10) calendar days to appeal. If the negative decision persists the migrant will be immediately notified.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I.

**Legal guarantee in case of refusal or withdrawal: right to appeal (domestic workers):**

Answer: yes

Code: 1

Explanation: The decision on withdrawal or canceling of any residency permit will be followed by an administrative process in which the Audi alteram partem principle will be respected (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself.). In the case of withdrawal or cancelling of any type of residency permit the migrant will be immediately notified, preferably via electronic mode. Upon notification the migrant will have ten (19) calendar days to present her/his defense. The migrant can make use of a public defender and use a translator or an interpreter. Once a decision is made the migrant has again ten (10) calendar days to appeal. If the negative decision persists the migrant will be immediately notified.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (domestic workers):**

Answer: yes

Code: 1

Explanation: The decision on withdrawal or canceling of any residency permit will be followed by an administrative process in which the Audi alteram partem principle will be respected (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself.). In the case of withdrawal or cancelling of any type of residency permit the migrant will be immediately notified, preferably via electronic mode. Upon notification the migrant will have ten (19) calendar days to present her/his defense. The migrant can make use of a public defender and use a translator or an interpreter. Once a decision is made the migrant has again ten (10) calendar days to appeal. If the negative decision persists the migrant will be immediately notified.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (agricultural workers):**

Answer: yes

Code: 1

Explanation: The decision on withdrawal or canceling of any residency permit will be followed by an administrative process in which the Audi alteram partem principle will be respected (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself.). In the case of withdrawal or cancelling of any type of residency permit the migrant will be immediately notified, preferably via electronic mode. Upon notification the migrant will have ten (19) calendar days to present her/his defense. The migrant can make use of a public defender and use a translator or an interpreter. Once a decision is made the migrant has again ten (10) calendar days to appeal. If the negative decision persists the migrant will be immediately notified.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I.

**Legal guarantee in case of refusal or withdrawal: right to appeal (agricultural workers):**

Answer: yes

Code: 1

Explanation: The decision on withdrawal or canceling of any residency permit will be followed by an administrative process in which the Audi alteram partem principle will be respected (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself.). In the case of withdrawal or cancelling of any type of residency permit the migrant will be immediately notified, preferably via electronic mode. Upon notification the migrant will have ten (19) calendar days to present her/his defense. The migrant can make use of a public defender and use a translator or an interpreter. Once a decision is made the migrant has again ten (10) calendar days to appeal. If the negative decision persists the migrant will be immediately notified.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (agricultural workers):**

Answer: yes

Code: 1

Explanation: The decision on withdrawal or canceling of any residency permit will be followed by an administrative process in which the Audi alteram partem principle will be respected (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself.). In the case of withdrawal or cancelling of any type of residency permit the migrant will be immediately notified, preferably via electronic mode. Upon notification the migrant will have ten (19) calendar days to present her/his defense. The migrant can make use of a public

defender and use a translator or an interpreter. Once a decision is made the migrant has again ten (10) calendar days to appeal. If the negative decision persists the migrant will be immediately notified.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (medical doctors):**

Answer: yes

Code: 1

Explanation: The decision on withdrawal or canceling of any residency permit will be followed by an administrative process in which the Audi alteram partem principle will be respected (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself.). In the case of withdrawal or cancelling of any type of residency permit the migrant will be immediately notified, preferably via electronic mode. Upon notification the migrant will have ten (19) calendar days to present her/his defense. The migrant can make use of a public defender and use a translator or an interpreter. Once a decision is made the migrant has again ten (10) calendar days to appeal. If the negative decision persists the migrant will be immediately notified.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I.

**Legal guarantee in case of refusal or withdrawal: right to appeal (medical doctors):**

Answer: yes

Code: 1

Explanation: The decision on withdrawal or canceling of any residency permit will be followed by an administrative process in which the Audi alteram partem principle will be respected (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself.). In the case of withdrawal or cancelling of any type of residency permit the migrant will be immediately notified, preferably via electronic mode. Upon notification the migrant will have ten (19) calendar days to present her/his defense. The migrant can make use of a public defender and use a translator or an interpreter. Once a decision is made the migrant has again ten (10) calendar days to appeal. If the negative decision persists the migrant will be immediately notified.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (medical doctors):**

Answer: yes

Code: 1

Explanation: The decision on withdrawal or canceling of any residency permit will be followed by an administrative process in which the Audi alteram partem principle will be respected (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself.). In the case of withdrawal or cancelling of any type of residency permit the migrant will be immediately notified, preferably via electronic mode. Upon notification the migrant will

have ten (19) calendar days to present her/his defense. The migrant can make use of a public defender and use a translator or an interpreter. Once a decision is made the migrant has again ten (10) calendar days to appeal. If the negative decision persists the migrant will be immediately notified.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (permanent residents):**

Answer: yes

Code: 1

Explanation: The decision on withdrawal or canceling of any residency permit will be followed by an administrative process in which the Audi alteram partem principle will be respected (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself.). In the case of withdrawal or cancelling of any type of residency permit the migrant will be immediately notified, preferably via electronic mode. Upon notification the migrant will have ten (19) calendar days to present her/his defense. The migrant can make use of a public defender and use a translator or an interpreter. Once a decision is made the migrant has again ten (10) calendar days to appeal. If the negative decision persists the migrant will be immediately notified.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I.

**Legal guarantee in case of refusal or withdrawal: right to appeal (permanent residents):**

Answer: yes

Code: 1

Explanation: The decision on withdrawal or canceling of any residency permit will be followed by an administrative process in which the Audi alteram partem principle will be respected (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself.). In the case of withdrawal or cancelling of any type of residency permit the migrant will be immediately notified, preferably via electronic mode. Upon notification the migrant will have ten (19) calendar days to present her/his defense. The migrant can make use of a public defender and use a translator or an interpreter. Once a decision is made the migrant has again ten (10) calendar days to appeal. If the negative decision persists the migrant will be immediately notified.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (permanent residents):**

Answer: yes

Code: 1

Explanation: The decision on withdrawal or canceling of any residency permit will be followed by an administrative process in which the Audi alteram partem principle will be respected (everyone should be judged with a fair hearing and be able to participate in the judging process and be defended or defend her/himself.). In the case of withdrawal or cancelling of any type of residency permit the

migrant will be immediately notified, preferably via electronic mode. Upon notification the migrant will have ten (10) calendar days to present her/his defense. The migrant can make use of a public defender and use a translator or an interpreter. Once a decision is made the migrant has again ten (10) calendar days to appeal. If the negative decision persists the migrant will be immediately notified.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Sec. I.

#### **IMMIGRANT\_44: Right to autonomous permit.**

##### **Right to autonomous residence permit for partners and children at age of majority (asylum seekers):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

##### **Right to autonomous residence permit for partners and children at age of majority (refugees):**

Answer: no right

Code: 0

Explanation: No right. Temporary visas and residency permits based of family reunion can only be granted to those considered dependents to the applicant (both if the applicant is a Brazilian citizen or a foreigner). This includes partners and children of any age.

Sources: Resolução Normativa no 108, de 12 de fevereiro de 2014 [Normative Resolution No. 108 of February 12, 2014]. 2014. Art. 1.

##### **Right to autonomous residence permit for partners and children at age of majority (co-ethnics):**

Answer: no right

Code: 0

Explanation: No right. Temporary visas and residency permits based of family reunion can only be granted to those considered dependents to the applicant (both if the applicant is a Brazilian citizen or a foreigner). This includes partners and children of any age.

Sources: Resolução Normativa no 108, de 12 de fevereiro de 2014 [Normative Resolution No. 108 of February 12, 2014]. 2014. Art. 1.

##### **Right to autonomous residence permit for partners and children at age of majority (domestic workers):**

Answer: no right

Code: 0

Explanation: No right. Temporary visas and residency permits based of family reunion can only be granted to those considered dependents to the applicant (both if the applicant is a Brazilian citizen or a foreigner). This includes partners and children of any age.

Sources: Resolução Normativa no 108, de 12 de fevereiro de 2014 [Normative Resolution No. 108 of February 12, 2014]. 2014. Art. 1.

**Right to autonomous residence permit for partners and children at age of majority (agricultural workers):**

Answer: no right

Code: 0

Explanation: No right. Temporary visas and residency permits based of family reunion can only be granted to those considered dependents to the applicant (both if the applicant is a Brazilian citizen or a foreigner). This includes partners and children of any age.

Sources: Resolução Normativa no 108, de 12 de fevereiro de 2014 [Normative Resolution No. 108 of February 12, 2014]. 2014. Art. 1.

**Right to autonomous residence permit for partners and children at age of majority (medical doctors):**

Answer: no right

Code: 0

Explanation: No right. Temporary visas and residency permits based of family reunion can only be granted to those considered dependents to the applicant (both if the applicant is a Brazilian citizen or a foreigner). This includes partners and children of any age.

Sources: Resolução Normativa no 108, de 12 de fevereiro de 2014 [Normative Resolution No. 108 of February 12, 2014]. 2014. Art. 1.

**Right to autonomous residence permit for partners and children at age of majority (permanent residents):**

Answer: no right

Code: 0

Explanation: No right. Temporary visas and residency permits based of family reunion can only be granted to those considered dependents to the applicant (both if the applicant is a Brazilian citizen or a foreigner). This includes partners and children of any age.

Sources: Resolução Normativa no 108, de 12 de fevereiro de 2014 [Normative Resolution No. 108 of February 12, 2014]. 2014. Art. 1.



## 5.4.2. Education

### **IMMIGRANT\_45: Access to education.**

#### **Children of asylum seekers have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: The Law on Migration explicitly states that migrants will be granted same access as nationals throughout the whole of the national territory to public education, discrimination on the grounds of nationality or migratory status being prohibited. The law mentions “education” in general not making distinction between levels.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, X.

#### **Children of refugees have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: The Law on Migration explicitly states that migrants will be granted same access as nationals throughout the whole of the national territory to public education, discrimination on the grounds of nationality or migratory status being prohibited. The law mentions “education” in general not making distinction between levels.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, X.

#### **Children of co-ethnics have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: The Law on Migration explicitly states that migrants will be granted same access as nationals throughout the whole of the national territory to public education, discrimination on the grounds of nationality or migratory status being prohibited. The law mentions “education” in general not making distinction between levels.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, X.

#### **Children of domestic workers have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: The Law on Migration explicitly states that migrants will be granted same access as nationals throughout the whole of the national territory to public education, discrimination on the grounds of nationality or migratory status being prohibited. The law mentions “education” in general not making distinction between levels.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, X.

**Children of agricultural workers have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: The Law on Migration explicitly states that migrants will be granted same access as nationals throughout the whole of the national territory to public education, discrimination on the grounds of nationality or migratory status being prohibited. The law mentions “education” in general not making distinction between levels.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, X.

**Children of medical doctors have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: The Law on Migration explicitly states that migrants will be granted same access as nationals throughout the whole of the national territory to public education, discrimination on the grounds of nationality or migratory status being prohibited. The law mentions “education” in general not making distinction between levels.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, X.

**Children of permanent residents have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: The Law on Migration explicitly states that migrants will be granted same access as nationals throughout the whole of the national territory to public education, discrimination on the grounds of nationality or migratory status being prohibited. The law mentions “education” in general not making distinction between levels.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, X.

**IMMIGRANT\_46: Access to higher education.**

**Asylum seekers and their children have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: The Law on Migration explicitly states that migrants will be granted same access as nationals throughout the whole of the national territory to public education, being discrimination on the grounds of nationality or migratory status prohibited. The law mentions “education” in general not making distinction between levels.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, X.

#### **Refugees have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: The Law on Migration explicitly states that migrants will be granted same access as nationals throughout the whole of the national territory to public education, being discrimination on the grounds of nationality or migratory status prohibited. The law mentions “education” in general not making distinction between levels.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, X.

#### **Co-ethnics have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: The Law on Migration explicitly states that migrants will be granted same access as nationals throughout the whole of the national territory to public education, being discrimination on the grounds of nationality or migratory status prohibited. The law mentions “education” in general not making distinction between levels.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, X.

#### **Domestic workers have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: The Law on Migration explicitly states that migrants will be granted same access as nationals throughout the whole of the national territory to public education, being discrimination on the grounds of nationality or migratory status prohibited. The law mentions “education” in general not making distinction between levels.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, X.

#### **Agricultural workers have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: The Law on Migration explicitly states that migrants will be granted same access as nationals throughout the whole of the national territory to public education, being discrimination on the grounds of nationality or migratory status prohibited. The law mentions “education” in general not making distinction between levels.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, X.

#### **Medical doctors have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: The Law on Migration explicitly states that migrants will be granted same access as nationals throughout the whole of the national territory to public education, being discrimination on the grounds of nationality or migratory status prohibited. The law mentions “education” in general not making distinction between levels.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, X.

#### **Permanent residents have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: The Law on Migration explicitly states that migrants will be granted same access as nationals throughout the whole of the national territory to public education, being discrimination on the grounds of nationality or migratory status prohibited. The law mentions “education” in general not making distinction between levels.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, X.

#### **IMMIGRANT\_47: Support for language instruction.**

##### **Provision of education support in language(s) of instruction for migrant pupils:**

Answer: no

Code: 0

Explanation: Neither the Migration Law nor the law defining the guidelines of national education specify the existence of any language support for migrant pupils. Furthermore, secondary sources, such as NGO reports show that migrant pupils struggle to adapt due to lack of public policies concerning the matter and the consequent language barriers.

Sources: Lei no 9.394, de 20 de dezembro de 1996 [Law No. 9.394 of December 20, 1996]. 1996. / Ratier, R. et al. 2010. “O desafio das escolas brasileiras com alunos imigrantes [The Challenge of Brazilian Schools with Immigrant Students]”. Accessed June 25, 2018. <https://novaescola.org.br/conteudo/1534/o-desafio-das-escolas-brasileiras-com-alunos-imigrantes>.

#### **IMMIGRANT\_48: Intercultural education.**

**Intercultural education is included in pre-service training in order to qualify as a teacher:**

Answer: no

Code: 0

Explanation: The law defining the conditions to be recognized as a teacher does not include any requirement on trainings that address migrant education (for details see the law text below, only in Portuguese). The only mention of intercultural training in the regulation of pedagogy learning relates to indigenous peoples and languages.

Sources: Lei no 12.014, de 6 de agosto de 2009 [Law No. 12.014 of August 6, 2009]. 2009. / Resolução no 2, de 1o de julho de 2015 [Resolution No. 2 of July 1, 2015]. 2015. Art. 3.

#### **IMMIGRANT\_49: Integration in teachers' syllabus.**

**Migration and integration are obligatory topics in professional development training:**

Answer: no

Code: 0

Explanation: The national education guidelines and the regulation of pedagogy learning do not mention migration and integration topics as requirements in their training. The regulation notes just general provisions and highlights the necessity of specific and interdisciplinary knowledge.

Sources: Lei no 12.014, de 6 de agosto de 2009 [Law No. 12.014 of August 6, 2009]. 2009. / Resolução no 2, de 1o de julho de 2015 [Resolution No. 2 of July 1, 2015]. 2015.

### **5.4.3. Health care**

#### **IMMIGRANT\_50: Conditions for inclusion in the health care system**

**Conditions for inclusion of asylum seekers in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: All categories of migrants have same access to healthcare as nationals at any time throughout the whole national territory. This means eligibility and inclusion in the unified public healthcare system.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, VIII. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 196.

**Conditions for inclusion of refugees in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: All categories of migrants have same access to healthcare as nationals at any time throughout the whole national territory. This means eligibility and inclusion in the unified public healthcare system.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, VIII. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 196.

#### **Conditions for inclusion of co-ethnics in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: All categories of migrants have same access to healthcare as nationals at any time throughout the whole national territory. This means eligibility and inclusion in the unified public healthcare system.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, VIII. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 196.

#### **Conditions for inclusion of domestic workers in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: All categories of migrants have same access to healthcare as nationals at any time throughout the whole national territory. This means eligibility and inclusion in the unified public healthcare system.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, VIII. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 196.

#### **Conditions for inclusion of agricultural workers in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: All categories of migrants have same access to healthcare as nationals at any time throughout the whole national territory. This means eligibility and inclusion in the unified public healthcare system.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, VIII. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 196.

**Conditions for inclusion of medical doctors in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: All categories of migrants have same access to healthcare as nationals at any time throughout the whole national territory. This means eligibility and inclusion in the unified public healthcare system.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, VIII. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 196.

**Conditions for inclusion of permanent residents in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: All categories of migrants have same access to healthcare as nationals at any time throughout the whole national territory. This means eligibility and inclusion in the unified public healthcare system.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, VIII. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 196.

**IMMIGRANT\_51: Coverage of health care services.**

**Health care coverage for asylum seekers.**

Answer: same coverage as nationals

Code: 1

Explanation: All categories of migrants have same access to healthcare as nationals at any time throughout the whole national territory. This means eligibility and inclusion in the unified public healthcare system.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, VIII. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 196.

**Health care coverage for refugees.**

Answer: same coverage as nationals

Code: 1

Explanation: All categories of migrants have same access to healthcare as nationals at any time throughout the whole national territory. This means eligibility and inclusion in the unified public healthcare system.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, VIII. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 196.

#### **Health care coverage for co-ethnics.**

Answer: same coverage as nationals

Code: 1

Explanation: All categories of migrants have same access to healthcare as nationals at any time throughout the whole national territory. This means eligibility and inclusion in the unified public healthcare system.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, VIII. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 196.

#### **Health care coverage for domestic workers.**

Answer: same coverage as nationals

Code: 1

Explanation: All categories of migrants have same access to healthcare as nationals at any time throughout the whole national territory. This means eligibility and inclusion in the unified public healthcare system.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, VIII. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 196.

#### **Health care coverage for agricultural workers.**

Answer: same coverage as nationals

Code: 1

Explanation: All categories of migrants have same access to healthcare as nationals at any time throughout the whole national territory. This means eligibility and inclusion in the unified public healthcare system.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, VIII. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 196.



### **Health care coverage for medical doctors.**

Answer: same coverage as nationals

Code: 1

Explanation: All categories of migrants have same access to healthcare as nationals at any time throughout the whole national territory. This means eligibility and inclusion in the unified public healthcare system.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, VIII. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 196.

### **Health care coverage for permanent residents.**

Answer: same coverage as nationals

Code: 1

Explanation: All categories of migrants have same access to healthcare as nationals at any time throughout the whole national territory. This means eligibility and inclusion in the unified public healthcare system.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, VIII. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 196.

## **5.4.4. Unemployment benefits**

### **IMMIGRANT\_52: Unemployment benefits.**

#### **Access of asylum seekers to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access. The law on social security does not explicitly mention the inclusion of migrant workers in the system. However, as stated by experts from an info centre for migrants in Brazil (Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná – CEIM) migrant workers are entitled to the same social security benefits (including unemployment benefits) as nationals, as long as they have a regular migratory status and have paid a pension contribution during a working contract. The experts mentioned that this right is guaranteed by the equality principle between nationals and foreigners stated in the Constitution, which also include urban, domestic and rural workers in its social rights protection scheme.

Sources: Lei no 8.213, de 24 de julho de 1991 [Law No. 8.213 of July 24, 1991]. 1991. / Lei no 7.998, de 11 de janeiro de 1990 [Law No. 7.998 of January 11, 1990]. 1990. / Consultation with Anonymous, Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná (CEIM) [Information Center for Migrants, Refugees and Stateless Persons from Paraná]/Representative. 2018. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 5. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of

Brazil]. 1988. Art. 7. / Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 20.

**Access of refugees to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access. The law on social security does not explicitly mention the inclusion of migrant workers in the system. However, as stated by experts from an info centre for migrants in Brazil (Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná – CEIM) migrant workers are entitled to the same social security benefits (including unemployment benefits) as nationals, as long as they have a regular migratory status and have paid a pension contribution during a working contract. The experts mentioned that this right is guaranteed by the equality principle between nationals and foreigners stated in the Constitution, which also include urban, domestic and rural workers in its social rights protection scheme.

Sources: Lei no 8.213, de 24 de julho de 1991 [Law No. 8.213 of July 24, 1991]. 1991. / Lei no 7.998, de 11 de janeiro de 1990 [Law No. 7.998 of January 11, 1990]. 1990. / Consultation with Anonymous, Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná (CEIM) [Information Center for Migrants, Refugees and Stateless Persons from Paraná]/Representative. 2018. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 5. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 7. / Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 20.

**Access of co-ethnics to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access. The law on social security does not explicitly mention the inclusion of migrant workers in the system. However, as stated by experts from an info centre for migrants in Brazil (Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná – CEIM) migrant workers are entitled to the same social security benefits (including unemployment benefits) as nationals, as long as they have a regular migratory status and have paid a pension contribution during a working contract. The experts mentioned that this right is guaranteed by the equality principle between nationals and foreigners stated in the Constitution, which also include urban, domestic and rural workers in its social rights protection scheme.

Sources: Lei no 8.213, de 24 de julho de 1991 [Law No. 8.213 of July 24, 1991]. 1991. / Lei no 7.998, de 11 de janeiro de 1990 [Law No. 7.998 of January 11, 1990]. 1990. / Consultation with Anonymous, Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná (CEIM) [Information Center for Migrants, Refugees and Stateless Persons from Paraná]/Representative. 2018. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 5. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 7. / Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 20.

**Access of domestic workers to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access. The law on social security does not explicitly mention the inclusion of migrant workers in the system. However, as stated by experts from an info centre for migrants in Brazil (Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná – CEIM) migrant workers are entitled to the same social security benefits (including unemployment benefits) as nationals, as long as they have a regular migratory status and have paid a pension contribution during a working contract. The experts mentioned that this right is guaranteed by the equality principle between nationals and foreigners stated in the Constitution, which also include urban, domestic and rural workers in its social rights protection scheme.

Sources: Lei no 8.213, de 24 de julho de 1991 [Law No. 8.213 of July 24, 1991]. 1991. / Lei no 7.998, de 11 de janeiro de 1990 [Law No. 7.998 of January 11, 1990]. 1990. / Consultation with Anonymous, Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná (CEIM) [Information Center for Migrants, Refugees and Stateless Persons from Paraná]/Representative. 2018. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 5. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 7. / Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 20.

#### **Access of agricultural workers to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access. The law on social security does not explicitly mention the inclusion of migrant workers in the system. However, as stated by experts from an info centre for migrants in Brazil (Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná – CEIM) migrant workers are entitled to the same social security benefits (including unemployment benefits) as nationals, as long as they have a regular migratory status and have paid a pension contribution during a working contract. The experts mentioned that this right is guaranteed by the equality principle between nationals and foreigners stated in the Constitution, which also include urban, domestic and rural workers in its social rights protection scheme.

Sources: Lei no 8.213, de 24 de julho de 1991 [Law No. 8.213 of July 24, 1991]. 1991. / Lei no 7.998, de 11 de janeiro de 1990 [Law No. 7.998 of January 11, 1990]. 1990. / Consultation with Anonymous, Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná (CEIM) [Information Center for Migrants, Refugees and Stateless Persons from Paraná]/Representative. 2018. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 5. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 7. / Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 20.

#### **Access of medical doctors to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access. The law on social security does not explicitly mention the inclusion of migrant workers in the system. However, as stated by experts from an info centre for migrants in Brazil (Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná – CEIM) migrant workers are entitled to the same social security benefits (including unemployment benefits) as nationals, as long as they have a regular migratory status and have paid a pension contribution during a working

contract. The experts mentioned that this right is guaranteed by the equality principle between nationals and foreigners stated in the Constitution, which also include urban, domestic and rural workers in its social rights protection scheme.

Sources: Lei no 8.213, de 24 de julho de 1991 [Law No. 8.213 of July 24, 1991]. 1991. / Lei no 7.998, de 11 de janeiro de 1990 [Law No. 7.998 of January 11, 1990]. 1990. / Consultation with Anonymous, Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná (CEIM) [Information Center for Migrants, Refugees and Stateless Persons from Paraná]/Representative. 2018. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 5. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 7. / Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 20.

#### **Access of permanent residents to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access. The law on social security does not explicitly mention the inclusion of migrant workers in the system. However, as stated by experts from an info centre for migrants in Brazil (Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná – CEIM) migrant workers are entitled to the same social security benefits (including unemployment benefits) as nationals, as long as they have a regular migratory status and have paid a pension contribution during a working contract. The experts mentioned that this right is guaranteed by the equality principle between nationals and foreigners stated in the Constitution, which also include urban, domestic and rural workers in its social rights protection scheme.

Sources: Lei no 8.213, de 24 de julho de 1991 [Law No. 8.213 of July 24, 1991]. 1991. / Lei no 7.998, de 11 de janeiro de 1990 [Law No. 7.998 of January 11, 1990]. 1990. / Consultation with Anonymous, Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná (CEIM) [Information Center for Migrants, Refugees and Stateless Persons from Paraná]/Representative. 2018. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 5. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 7. / Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 20.

### **5.4.5. Retirement benefits**

#### **IMMIGRANT\_53: Retirement benefits.**

#### **Access of asylum seekers to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access. The law on social security does not explicitly mention the inclusion of migrant workers in the system. However, as stated by experts from an info centre for migrants in Brazil (Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná – CEIM) migrant workers are entitled to the same social security benefits (including retirement benefits) as nationals, as long as they have a regular migratory status and have paid a pension contribution during a working contract. The experts mentioned that this right is guaranteed by the equality principle between nationals and foreigners stated in the Constitution, which also include urban, domestic and rural workers in its social

rights protection scheme. In Brazil, registration and contribution to the pension system is mandatory for workers under a working contract, including domestic and agricultural workers.

Sources: Consultation with Anonymous, Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná (CEIM) [Information Center for Migrants, Refugees and Stateless Persons from Paraná]/Representative. 2018. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 5. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 7. / Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 20. / Lei no 8.213, de 24 de julho de 1991 [Law No. 8.213 of July 24, 1991]. 1991. Art. 11, I.

#### **Access of refugees to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access. The law on social security does not explicitly mention the inclusion of migrant workers in the system. However, as stated by experts from an info centre for migrants in Brazil (Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná – CEIM) migrant workers are entitled to the same social security benefits (including retirement benefits) as nationals, as long as they have a regular migratory status and have paid a pension contribution during a working contract. The experts mentioned that this right is guaranteed by the equality principle between nationals and foreigners stated in the Constitution, which also include urban, domestic and rural workers in its social rights protection scheme. In Brazil, registration and contribution to the pension system is mandatory for workers under a working contract, including domestic and agricultural workers.

Sources: Consultation with Anonymous, Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná (CEIM) [Information Center for Migrants, Refugees and Stateless Persons from Paraná]/Representative. 2018. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 5. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 7. / Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 20. / Lei no 8.213, de 24 de julho de 1991 [Law No. 8.213 of July 24, 1991]. 1991. Art. 11, I.

#### **Access of co-ethnics to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access. The law on social security does not explicitly mention the inclusion of migrant workers in the system. However, as stated by experts from an info centre for migrants in Brazil (Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná – CEIM) migrant workers are entitled to the same social security benefits (including retirement benefits) as nationals, as long as they have a regular migratory status and have paid a pension contribution during a working contract. The experts mentioned that this right is guaranteed by the equality principle between nationals and foreigners stated in the Constitution, which also include urban, domestic and rural workers in its social rights protection scheme. In Brazil, registration and contribution to the pension system is mandatory for workers under a working contract, including domestic and agricultural workers.

Sources: Consultation with Anonymous, Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná (CEIM) [Information Center for Migrants, Refugees and Stateless Persons from Paraná]/Representative. 2018. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 5. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 7. / Lei No 12.871, de 22 de

outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 20. / Lei no 8.213, de 24 de julho de 1991 [Law No. 8.213 of July 24, 1991]. 1991. Art. 11, I.

**Access of domestic workers to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access. The law on social security does not explicitly mention the inclusion of migrant workers in the system. However, as stated by experts from an info centre for migrants in Brazil (Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná – CEIM) migrant workers are entitled to the same social security benefits (including retirement benefits) as nationals, as long as they have a regular migratory status and have paid a pension contribution during a working contract. The experts mentioned that this right is guaranteed by the equality principle between nationals and foreigners stated in the Constitution, which also include urban, domestic and rural workers in its social rights protection scheme. In Brazil, registration and contribution to the pension system is mandatory for workers under a working contract, including domestic and agricultural workers.

Sources: Consultation with Anonymous, Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná (CEIM) [Information Center for Migrants, Refugees and Stateless Persons from Paraná]/Representative. 2018. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 5. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 7. / Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 20. / Lei no 8.213, de 24 de julho de 1991 [Law No. 8.213 of July 24, 1991]. 1991. Art. 11, I.

**Access of agricultural workers to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access. The law on social security does not explicitly mention the inclusion of migrant workers in the system. However, as stated by experts from an info centre for migrants in Brazil (Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná – CEIM) migrant workers are entitled to the same social security benefits (including retirement benefits) as nationals, as long as they have a regular migratory status and have paid a pension contribution during a working contract. The experts mentioned that this right is guaranteed by the equality principle between nationals and foreigners stated in the Constitution, which also include urban, domestic and rural workers in its social rights protection scheme. In Brazil, registration and contribution to the pension system is mandatory for workers under a working contract, including domestic and agricultural workers.

Sources: Consultation with Anonymous, Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná (CEIM) [Information Center for Migrants, Refugees and Stateless Persons from Paraná]/Representative. 2018. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 5. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 7. / Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 20. / Lei no 8.213, de 24 de julho de 1991 [Law No. 8.213 of July 24, 1991]. 1991. Art. 11, I.

**Access of medical doctors to retirement benefits as compared to citizen residents:**

Answer: equal access



Code: 1

Explanation: Equal access. The law on social security does not explicitly mention the inclusion of migrant workers in the system. However, as stated by experts from an info centre for migrants in Brazil (Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná – CEIM) migrant workers are entitled to the same social security benefits (including retirement benefits) as nationals, as long as they have a regular migratory status and have paid a pension contribution during a working contract. The experts mentioned that this right is guaranteed by the equality principle between nationals and foreigners stated in the Constitution, which also include urban, domestic and rural workers in its social rights protection scheme. In Brazil, registration and contribution to the pension system is mandatory for workers under a working contract, including domestic and agricultural workers.

Sources: Consultation with Anonymous, Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná (CEIM) [Information Center for Migrants, Refugees and Stateless Persons from Paraná]/Representative. 2018. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 5. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 7. / Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 20. / Lei no 8.213, de 24 de julho de 1991 [Law No. 8.213 of July 24, 1991]. 1991. Art. 11, I.

#### **Access of permanent residents to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access. The law on social security does not explicitly mention the inclusion of migrant workers in the system. However, as stated by experts from an info centre for migrants in Brazil (Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná – CEIM) migrant workers are entitled to the same social security benefits (including retirement benefits) as nationals, as long as they have a regular migratory status and have paid a pension contribution during a working contract. The experts mentioned that this right is guaranteed by the equality principle between nationals and foreigners stated in the Constitution, which also include urban, domestic and rural workers in its social rights protection scheme. In Brazil, registration and contribution to the pension system is mandatory for workers under a working contract, including domestic and agricultural workers.

Sources: Consultation with Anonymous, Centro de Informação para Migrantes, Refugiados e Apátridas do Paraná (CEIM) [Information Center for Migrants, Refugees and Stateless Persons from Paraná]/Representative. 2018. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 5. / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 7. / Lei No 12.871, de 22 de outubro de 2013 [Law No. 12.871, of October 22, 2013]. 2013. Art. 20. / Lei no 8.213, de 24 de julho de 1991 [Law No. 8.213 of July 24, 1991]. 1991. Art. 11, I.

## **5.5. Cultural policies**

### **IMMIGRANT\_54: Funding for bilingual education.**

**Is there public funding for bilingual education in the language of majoritarian migrant groups?**

Answer: yes

Code: 1

Explanation: Yes. The National Fund for Education Development has some funding for bilingual education as part of the PDDE government programme (Money Directly in the School Programme). The funding is exclusive to schools located in cities close to the border with other countries. Bilingual education should be then provided in Portuguese and the bordering language (mostly Spanish).

Sources: Resolução/CD/FNDE no 34, de 6 de setembro de 2013 [Resolution/CD/FNDE No. 34 of September 6, 2013]. 2013. Art. 3.

#### **IMMIGRANT\_55: Funding for media on main migrant group's language.**

**Is there public funding for media in the language of the main migrant group?**

Answer: no

Code: 0

Explanation: None. Most of the media in Brazil is private. The main public communication agency is the Brazilian Communication Enterprise (EBC). The law that created and regulates EBC brings a detailed version of the budget, which does not mention migrants and bilingual media at all.

Sources: Lei no 11.652, de 7 de abril de 2008 [Law No. 11.652 of April 7, 2008]. 2008. ANEXO.

## **5.6. Mobility policies**

### **5.6.1. Identity documents**

#### **IMMIGRANT\_56: Confiscation of identification documents.**

**Do asylum seekers have the right not to have their identity document confiscated by any-one (excluding public authorities)?**

Answer: no

Code: 0

Explanation: No, although the Law on Migration only specifies one case in which a migrant can have his/her travel documents confiscated: in the case of freely awaiting judgment/condemnation, someone who is potentially subject to extradition might have her/his travel documents confiscated by the Supreme Federal Court. The person's migratory status, criminal records, and specificities of the case will be considered.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 86.

**Do refugees have the right not to have their identity document confiscated by anyone (excluding public authorities)?**



Answer: no

Code: 0

Explanation: No, although the Law on Migration only specifies one case in which a migrant can have his/her travel documents confiscated: in the case of freely awaiting judgment/condemnation, someone who is potentially subject to extradition might have her/his travel documents confiscated by the Supreme Federal Court. The person's migratory status, criminal records, and specificities of the case will be considered.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 86.

**Do co-ethnics have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: No, although the Law on Migration only specifies one case in which a migrant can have his/her travel documents confiscated: in the case of freely awaiting judgment/condemnation, someone who is potentially subject to extradition might have her/his travel documents confiscated by the Supreme Federal Court. The person's migratory status, criminal records, and specificities of the case will be considered.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 86.

**Do domestic workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: No, although the Law on Migration only specifies one case in which a migrant can have his/her travel documents confiscated: in the case of freely awaiting judgment/condemnation, someone who is potentially subject to extradition might have her/his travel documents confiscated by the Supreme Federal Court. The person's migratory status, criminal records, and specificities of the case will be considered.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 86.

**Do agricultural workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: No, although the Law on Migration only specifies one case in which a migrant can have his/her travel documents confiscated: in the case of freely awaiting judgment/condemnation, someone who is potentially subject to extradition might have her/his travel documents confiscated by the

Supreme Federal Court. The person's migratory status, criminal records, and specificities of the case will be considered

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 86.

**Do medical doctors have the right not to have their identity document confiscated by any-one (excluding public authorities)?**

Answer: no

Code: 0

Explanation: No, although the Law on Migration only specifies one case in which a migrant can have his/her travel documents confiscated: in the case of freely awaiting judgment/condemnation, someone who is potentially subject to extradition might have her/his travel documents confiscated by the Supreme Federal Court. The person's migratory status, criminal records, and specificities of the case will be considered

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 86.

**Do permanent residents have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: No, although the Law on Migration only specifies one case in which a migrant can have his/her travel documents confiscated: in the case of freely awaiting judgment/condemnation, someone who is potentially subject to extradition might have her/his travel documents confiscated by the Supreme Federal Court. The person's migratory status, criminal records, and specificities of the case will be considered

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 86.

## 5.6.2. Freedom of movement

**IMMIGRANT\_57: Freedom of movement within country.**

**Do asylum seekers have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Yes. The Law on Migration explicitly says that all migrants have the same right as nationals to move freely within the national territory.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4.

**Do refugees have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Yes. The Law on Migration explicitly says that all migrants have the same right as nationals to move freely within the national territory.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4.

**Do co-ethnics have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Yes. The Law on Migration explicitly says that all migrants have the same right as nationals to move freely within the national territory.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4.

**Do domestic workers have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Yes. The Law on Migration explicitly says that all migrants have the same right as nationals to move freely within the national territory.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4.

**Do agricultural workers have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Yes. The Law on Migration explicitly says that all migrants have the same right as nationals to move freely within the national territory.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4.

**Do medical doctors have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Yes. The Law on Migration explicitly says that all migrants have the same right as nationals to move freely within the national territory.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4.

### **Do permanent residents have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Yes. The Law on Migration explicitly says that all migrants have the same right as nationals to move freely within the national territory.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4.

### **IMMIGRANT\_58: Freedom to move outside the country.**

#### **Do asylum seekers have the right to leave the country?**

Answer: no

Code: 0

Explanation: No. The interpretation of this right follows Art. 22 of Lei 9.474 of 1997 which states that while the asylum request is being processed the applicants get a provisional residence authorization and the laws on foreigners and dispositions on that very law (on refugees) will be applicable. It is not clear which law has priority, as the law on migration states that migrants have the right to exit and reenter, but for refugees it is clear that they must ask permission, although periods of absence are not stated.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 39, IV.

#### **Number of months of absence allowed per year (asylum seekers):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

#### **Do refugees have the right to leave the country?**

Answer: no

Code: 0

Explanation: No. The interpretation of this right follows Art. 22 of Lei 9.474 of 1997 which states that while the asylum request is being processed the applicants get a provisional residence authorization

and the laws on foreigners and dispositions on that very law (on refugees) will be applicable. It is not clear which law has priority, as the law on migration states that migrants have the right to exit and reenter, but for refugees it is clear that they must ask permission, although periods of absence are not stated.

Sources: Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Art. 39, IV.

**Number of months of absence allowed per year (refugees):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Do co-ethnics have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Yes, according to the 2017 law this is a fundamental, unrestricted right that is guaranteed to migrants in Brazil: “the right to exit, remain and re-enter national territory, even if their request for authorization for residence is pending or their visa renewal request is pending”.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, XV.

**Number of months of absence allowed per year (co-ethnics):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Yes, according to the 2017 law this is a fundamental, unrestricted right that is guaranteed to migrants in Brazil: “the right to exit, remain and re-enter national territory, even if their request for authorization for residence is pending or their visa renewal request is pending”.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, XV.

**Do domestic workers have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Yes, according to the 2017 law this is a fundamental, unrestricted right that is guaranteed to migrants in Brazil: “the right to exit, remain and re-enter national territory, even if their request for authorization for residence is pending or their visa renewal request is pending”.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, XV.

**Number of months of absence allowed per year (domestic workers):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Yes, according to the 2017 law this is a fundamental, unrestricted right that is guaranteed to migrants in Brazil: “the right to exit, remain and re-enter national territory, even if their request for authorization for residence is pending or their visa renewal request is pending”.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, XV.

**Do agricultural workers have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Yes, according to the 2017 law this is a fundamental, unrestricted right that is guaranteed to migrants in Brazil: “the right to exit, remain and re-enter national territory, even if their request for authorization for residence is pending or their visa renewal request is pending”.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, XV.

**Number of months of absence allowed per year (agricultural workers):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Yes, according to the 2017 law this is a fundamental, unrestricted right that is guaranteed to migrants in Brazil: “the right to exit, remain and re-enter national territory, even if their request for authorization for residence is pending or their visa renewal request is pending”.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, XV.

**Do medical doctors have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Yes, according to the 2017 law this is a fundamental, unrestricted right that is guaranteed to migrants in Brazil: “the right to exit, remain and re-enter national territory, even if their request for authorization for residence is pending or their visa renewal request is pending”.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, XV.

**Number of months of absence allowed per year (medical doctors):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Yes, according to the 2017 law this is a fundamental, unrestricted right that is guaranteed to migrants in Brazil: “the right to exit, remain and re-enter national territory, even if their request for authorization for residence is pending or their visa renewal request is pending”.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, XV.

**Do permanent residents have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Yes, according to the 2017 law this is a fundamental, unrestricted right that is guaranteed to migrants in Brazil: “the right to exit, remain and re-enter national territory, even if their request for authorization for residence is pending or their visa renewal request is pending”.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 4, XV.

**Number of months of absence allowed per year (permanent residents):**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

### **5.6.3. Obligations**

### **5.6.4. Military service**

**IMMIGRANT\_59: Military service.**

**Do asylum seekers have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: According to the law regulating military service in Brazil only male Brazilian citizens by birth and male Brazilian citizens by naturalization have to comply with military conscription, all other migrants being excluded.

Sources: Decreto no 57.654, de 20 de janeiro de 1966 [Decree No. 57.654 of January 20, 1966]. 1966. Art. 5.

### **Do refugees have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: According to the law regulating military service in Brazil only male Brazilian citizens by birth and male Brazilian citizens by naturalization have to comply with military conscription, all other migrants being excluded.

Sources: Decreto no 57.654, de 20 de janeiro de 1966 [Decree No. 57.654 of January 20, 1966]. 1966. Art. 5.

### **Do co-ethnics have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: According to the law regulating military service in Brazil only male Brazilian citizens by birth and male Brazilian citizens by naturalization have to comply with military conscription, all other migrants being excluded.

Sources: Decreto no 57.654, de 20 de janeiro de 1966 [Decree No. 57.654 of January 20, 1966]. 1966. Art. 5.

### **Do domestic workers have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: According to the law regulating military service in Brazil only male Brazilian citizens by birth and male Brazilian citizens by naturalization have to comply with military conscription, all other migrants being excluded.

Sources: Decreto no 57.654, de 20 de janeiro de 1966 [Decree No. 57.654 of January 20, 1966]. 1966. Art. 5.

### **Do agricultural workers have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: According to the law regulating military service in Brazil only male Brazilian citizens by birth and male Brazilian citizens by naturalization have to comply with military conscription, all other migrants being excluded.



Sources: Decreto no 57.654, de 20 de janeiro de 1966 [Decree No. 57.654 of January 20, 1966]. 1966. Art. 5.

#### **Do medical doctors have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: According to the law regulating military service in Brazil only male Brazilian citizens by birth and male Brazilian citizens by naturalization have to comply with military conscription, all other migrants being excluded.

Sources: Decreto no 57.654, de 20 de janeiro de 1966 [Decree No. 57.654 of January 20, 1966]. 1966. Art. 5.

#### **Do permanent residents have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: According to the law regulating military service in Brazil only male Brazilian citizens by birth and male Brazilian citizens by naturalization have to comply with military conscription, all other migrants being excluded.

Sources: Decreto no 57.654, de 20 de janeiro de 1966 [Decree No. 57.654 of January 20, 1966]. 1966. Art. 5.

### **5.6.5. Social service**

#### **IMMIGRANT\_60: Social service.**

#### **Do asylum seekers have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: No. There is no social service in Brazil. The Brazilian Constitution does not mention any instance in which social services could be compulsory. Furthermore, according to the law regulating the acquisition of educational degrees the only mentioned condition is the conclusion of courses.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. / Lei nº 1.295, de 27 de dezembro 1950 [Law No. 1.295 of December 27, 1950]. 1950. Art. 1.

#### **Do refugees have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: No. There is no social service in Brazil. The Brazilian Constitution does not mention any instance in which social services could be compulsory. Furthermore, according to the law regulating the acquisition of educational degrees the only mentioned condition is the conclusion of courses.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. / Lei n° 1.295, de 27 de dezembro 1950 [Law No. 1.295 of December 27, 1950]. 1950. Art. 1.

### **Do co-ethnics have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: No. There is no social service in Brazil. The Brazilian Constitution does not mention any instance in which social services could be compulsory. Furthermore, according to the law regulating the acquisition of educational degrees the only mentioned condition is the conclusion of courses.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. / Lei n° 1.295, de 27 de dezembro 1950 [Law No. 1.295 of December 27, 1950]. 1950. Art. 1.

### **Do domestic workers have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: No. There is no social service in Brazil. The Brazilian Constitution does not mention any instance in which social services could be compulsory. Furthermore, according to the law regulating the acquisition of educational degrees the only mentioned condition is the conclusion of courses.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. / Lei n° 1.295, de 27 de dezembro 1950 [Law No. 1.295 of December 27, 1950]. 1950. Art. 1.

### **Do agricultural workers have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: No. There is no social service in Brazil. The Brazilian Constitution does not mention any instance in which social services could be compulsory. Furthermore, according to the law regulating the acquisition of educational degrees the only mentioned condition is the conclusion of courses.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. / Lei n° 1.295, de 27 de dezembro 1950 [Law No. 1.295 of December 27, 1950]. 1950. Art. 1.

### **Do medical doctors have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: No. There is no social service in Brazil. The Brazilian Constitution does not mention any instance in which social services could be compulsory. Furthermore, according to the law regulating the acquisition of educational degrees the only mentioned condition is the conclusion of courses.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. / Lei n° 1.295, de 27 de dezembro 1950 [Law No. 1.295 of December 27, 1950]. 1950. Art. 1.

### **Do permanent residents have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: No. There is no social service in Brazil. The Brazilian Constitution does not mention any instance in which social services could be compulsory. Furthermore, according to the law regulating the acquisition of educational degrees the only mentioned condition is the conclusion of courses.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. / Lei n° 1.295, de 27 de dezembro 1950 [Law No. 1.295 of December 27, 1950]. 1950. Art. 1.

## **5.6.6. Taxes**

### **IMMIGRANT\_61: Income taxes.**

#### **Do asylum seekers have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: The Brazilian tax system is highly complex and structured by several legislations. In order to facilitate comprehension this question will be answered taking into account income taxes. According to the Brazilian law regulating income taxes, all residents or persons with a registered address in Brazil who earn financial assets are subject to income tax. Therefore all migrants who are formally inserted formally in the labour market are subject to income tax. All proxies considered in this research are eligible to be formally included in the labour market.

Sources: Lei No 8.134, de 27 de dezembro 1990. [Law No. 8.134 of December 27, 1990]. 1990. Art. 1.

### **Do refugees have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: The Brazilian tax system is highly complex and structured by several legislations. In order to facilitate comprehension this question will be answered taking into account income taxes. According to the Brazilian law regulating income taxes, all residents or persons with a registered address in Brazil who earn financial assets are subject to income tax. Therefore all migrants who are formally inserted formally in the labour market are subject to income tax. All proxies considered in this research are eligible to be formally included in the labour market.

Sources: Lei No 8.134, de 27 de dezembro 1990. [Law No. 8.134 of December 27, 1990]. 1990. Art. 1.

### **Do co-ethnics have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: The Brazilian tax system is highly complex and structured by several legislations. In order to facilitate comprehension this question will be answered taking into account income taxes. According to the Brazilian law regulating income taxes, all residents or persons with a registered address in Brazil who earn financial assets are subject to income tax. Therefore all migrants who are formally inserted formally in the labour market are subject to income tax. All proxies considered in this research are eligible to be formally included in the labour market.

Sources: Lei No 8.134, de 27 de dezembro 1990. [Law No. 8.134 of December 27, 1990]. 1990. Art. 1.

### **Do domestic workers have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: The Brazilian tax system is highly complex and structured by several legislations. In order to facilitate comprehension this question will be answered taking into account income taxes. According to the Brazilian law regulating income taxes, all residents or persons with a registered address in Brazil who earn financial assets are subject to income tax. Therefore all migrants who are formally inserted formally in the labour market are subject to income tax. All proxies considered in this research are eligible to be formally included in the labour market.

Sources: Lei No 8.134, de 27 de dezembro 1990. [Law No. 8.134 of December 27, 1990]. 1990. Art. 1.

### **Do agricultural workers have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: The Brazilian tax system is highly complex and structured by several legislations. In order to facilitate comprehension this question will be answered taking into account income taxes. According to the Brazilian law regulating income taxes, all residents or persons with a registered address in Brazil who earn financial assets are subject to income tax. Therefore all migrants who are formally inserted formally in the labour market are subject to income tax. All proxies considered in this research are eligible to be formally included in the labour market.

Sources: Lei No 8.134, de 27 de dezembro 1990. [Law No. 8.134 of December 27, 1990]. 1990. Art. 1.

### **Do medical doctors have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: The Brazilian tax system is highly complex and structured by several legislations. In order to facilitate comprehension this question will be answered taking into account income taxes. According to the Brazilian law regulating income taxes, all residents or persons with a registered address in Brazil who earn financial assets are subject to income tax. Therefore all migrants who are formally inserted formally in the labour market are subject to income tax. All proxies considered in this research are eligible to be formally included in the labour market.

Sources: Lei No 8.134, de 27 de dezembro 1990. [Law No. 8.134 of December 27, 1990]. 1990. Art. 1.

### **Do permanent residents have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: The Brazilian tax system is highly complex and structured by several legislations. In order to facilitate comprehension this question will be answered taking into account income taxes. According to the Brazilian law regulating income taxes, all residents or persons with a registered address in Brazil who earn financial assets are subject to income tax. Therefore all migrants who are formally inserted formally in the labour market are subject to income tax. All proxies considered in this research are eligible to be formally included in the labour market.

Sources: Lei No 8.134, de 27 de dezembro 1990. [Law No. 8.134 of December 27, 1990]. 1990. Art. 1.

## **5.7. Administration**

### **IMMIGRANT\_62: Existence of immigrant integration agency in state of reception.**

#### **Existence of institution/agency with competencies for immigrant policies:**

Answer: yes

Code: 1

Explanation: Yes, in general it is the Department of Migrations, in the third rank of PA, within the Ministry of Justice and Public Security, and under the National Justice Secretariat. Ministry of Justice

(MJ): according to the new structure of the Ministry of Justice (as of 2018) nationality, immigration and foreigners are a direct competency area of the Ministry. It is responsible for structuring, implementing and monitoring of national policies on migration, asylum and statelessness. It should also promote dissemination and consolidation of rights of migrants and refugees according to its area of competency. Additionally, it is responsible for acting towards the expansion of public services aimed at the rights of migrants and the prevention of the violation of their rights. The MD should also support the development of policies related to social inclusion of migrants at all levels. It should negotiate with other bodies the improvement of the migrant judicial apparatus. It is the body advising processes related to nationality, statelessness, naturalization, as well as granting and extension of permits and visas. It should also advise the National Committee for Refugees. National Justice Secretariat: A sub body of the MJ, responsible for coordinating with the other bodies of public administration the formulation and implementation of national migration policies, particularly with regards to nationality, naturalization, judicial regime and migration, refugees and against human trafficking. In addition, the National Committee for Refugees (CONARE): Administrative body tied to the Ministry of Justice. The CONARE is responsible for analyzing, deciding on, and liaising with asylum seekers and refugees with regard to all administrative stages of the asylum process. Furthermore, it is responsible for guiding and coordinating actions that guarantee protection, assistance, local integration and legal support for refugees.

Sources: Decreto no 9.360, de 7 de maio de 2018 [Decree No. 9.360 of May 7, 2018]. 2018. Sec. II. / Lei No 9.474, de 22 de julho de 1997. [Law No. 9.474 of July 22, 1997]. 1997. Ch. I. / Regimento Interno do Comitê Nacional Para os Refugiados (CONARE) [Internal Regulations of the National Committee for Refugees (CONARE)]. 1998. Ch. I.

**Name of the institution with competencies for immigrant policies in original language:**

Answer: Departamento de Migrações

**Name of the institution with competencies for immigrant policies in English:**

Answer: Migration Department

**Access to antidiscrimination body.**

**Migrants can access antidiscrimination bodies and prerogatives (e.g. make official complaints to an Ombudsperson) regardless of migrant status (they might be explicitly mentioned as eligible, or not; what we care about is that they are not explicitly excluded, for instance, by statements that restrict access to nationals):**

Answer: Antidiscrimination body does not exist

Code: Not Applicable

Explanation: There are no specific antidiscrimination bodies focusing on migrants. Racism and xenophobia are treated from a criminal/legal perspective in Brazil. Both are considered crimes punishable by law and subject in some cases to immediate imprisonment. Accordingly, regardless of their migratory status a migrant is eligible to file a complaint in a police station following the same procedure as nationals.

Sources: Lei no 7.716, de 5 de janeiro de 1989 [Law No. 7.716 of January 5, 1989]. 1989. / Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017.

## 6. Immigrant citizenship and nationality

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### 6.1. Immigrant nationality

#### 6.1.1. Immigrant dual nationality

**IMNAT\_1: Renunciation of previous nationality.**

**Does the country require applicants to naturalization by residence to renounce their previous nationality?**

Answer: No

Code: 1

Explanation: The New Law on Migration does not mention renunciation of previous nationality as a requirement for naturalization. The requirements are having legal capacity, being a resident for at least four (4) years, being able to communicate in Portuguese, and have a clean condemnation record or be rehabilitated into society.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 65.

**Citizenship can be withdrawn only if person resides outside the country:**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Are there exceptions?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**IMNAT\_1\_1: Sanctions.**

**Are there sanctions for naturalized persons who are later found to have the nationality of the country or origin despite there being a procedure and having pledged to renounce it?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

### **6.1.2. Emigrant dual nationality for immigrants who naturalized**

**IMNAT\_2: Emigrant dual nationality for naturalized immigrants.**

**Does the country deprive their national citizens by naturalization of nationality (or provide for the involuntary loss of it) for having acquired a foreign one (i.e. of their place of residence) and, if so, under which conditions?**

Answer: Authorities have arbitrary power to withdraw citizenship

Code: 0

Explanation: Yes. The loss of nationality of any Brazilian national can happen when acquiring another nationality except when the nationality is considered “original” (e.g. by birth or hereditary) or it is imposed by foreign law as a condition of stay (i.e. naturalization is a precondition for remaining in the country or for exercising civil rights)

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12. / Ministério das Relações Exteriores [Ministry of Foreign Affairs]. “Dupla ou Múltiplas nacionalidades [Double or Multiple Nationalities]”. Accessed June 26, 2018. <http://www.portalconsular.itamaraty.gov.br/dupla-nacionalidade>.

### **6.1.3. Loss of nationality after residence abroad for naturalized immigrants**

**IMNAT\_3: Loss after residence abroad for naturalized immigrants**

**For national citizens by naturalization who emigrated, does the country deprive them of their nationality (or provide for the involuntary loss of it) because of residence abroad**

Answer: No provision

Code: 1

Explanation: No. The Constitution and the Regulation on the Migration Law only specify two cases in which naturalization can be cancelled: by court order given the performance of activities damaging the national interest or by acquiring another nationality (exceptions apply).

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12. / Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 249.

**After how many years abroad?**



Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

#### **6.1.4. Unrestrictive jus soli**

**IMNAT\_4: Unrestrictive jus soli.**

**Does the country provide for a child to acquire nationality by birth in the territory irrespective of the birthplace of the parents?**

Answer: Yes

Code: 1

Explanation: Yes. All persons born in Brazil, even with foreign parents (as long as the parents are not serving their country when the child is born) are considered native Brazilians.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

#### **6.1.5. Qualified jus soli**

**IMNAT\_5: Qualified jus soli.**

**Does the country provide for children to acquire nationality by birth in the territory only if their parents were also born there?**

Answer: No

Code: 0

Explanation: The country has unrestrictive jus soli.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

#### **6.1.6. Standard naturalization procedure for immigrants due to residence**

**IMNAT\_6: Ordinary naturalization.**

**Does the country provide for standard naturalization procedure for immigrants due to residence in it?**

Answer: Yes, provision for standard naturalization based on residence

Code: 1

Explanation: Person has been permanently resident in Brazil for at least 4 years immediately prior to the application and continues to do so. Other conditions: legal capacity, knowledge of the Portuguese language (applicant's conditions are taken into account), source of income or occupation sufficient for self-support and his/her family, good behaviour, no convictions in Brazil or abroad for committing a crime that carries a prison sentence of 1 year or more, and good health.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 65. / GLOBALCIT. "Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute". Access date not available. <http://globalcit.eu/acquisition-citizenship/>.

**Number of years of residence required for naturalization:**

Answer: 4

Code: 4

Explanation: Person has been permanently resident in Brazil for at least 4 years immediately prior to the application and continues to do so. Other conditions: legal capacity, knowledge of the Portuguese language (applicant's conditions are taken into account), source of income or occupation sufficient for self-support and his/her family, good behaviour, no convictions in Brazil or abroad for committing a crime that carries a prison sentence of 1 year or more, and good health.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 65. / GLOBALCIT. "Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute". Access date not available. <http://globalcit.eu/acquisition-citizenship/>.

**Number of continuous years of residence required for naturalization:**

Answer: 4

Code: 4

Explanation: Person has been permanently resident in Brazil for at least 4 years immediately prior to the application and continues to do so. Other conditions: legal capacity, knowledge of the Portuguese language (applicant's conditions are taken into account), source of income or occupation sufficient for self-support and his/her family, good behaviour, no convictions in Brazil or abroad for committing a crime that carries a prison sentence of 1 year or more, and good health.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 65. / GLOBALCIT. "Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute". Access date not available. <http://globalcit.eu/acquisition-citizenship/>.

**Permanent residence status is required for naturalization:**

Answer: Yes

Code: 1

Explanation: Person has been permanently resident in Brazil for at least 4 years immediately prior to the application and continues to do so. Other conditions: legal capacity, knowledge of the Portuguese language (applicant's conditions are taken into account), source of income or occupation sufficient for self-support and his/her family, good behaviour, no convictions in Brazil or abroad for committing a crime that carries a prison sentence of 1 year or more, and good health.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 65. / GLOBALCIT. "Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute". Access date not available. <http://globalcit.eu/acquisition-citizenship/>.

#### **Renunciation of previous nationality is required:**

Answer: No renunciation requirement

Code: 0

Explanation: The conditions are: having legal capacity, being a resident for at least four (4) years, being able to communicate in Portuguese, and have a clean condemnation record or be rehabilitated into society.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 65.

#### **Language condition for naturalization:**

Answer: Without tests or certification and discretionary assessment of level of competence or with certification and specified level of competence at A2

Code: 0.5

Explanation: The knowledge of the Portuguese language is mentioned in the law but the level is not specified. It is said that the applicant's conditions are taken into account to evaluate it, suggesting that the requirement is not too strict.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 65. / GLOBALCIT. "Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute". Access date not available. <http://globalcit.eu/acquisition-citizenship/>.

#### **Civil knowledge is a requisite for naturalization:**

Answer: No naturalization test or cultural assimilation condition

Code: 0

Explanation: No mention of a requirement akin to this in the law.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 65. / GLOBALCIT. "Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di

Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute". Access date not available. <http://globalcit.eu/acquisition-citizenship/>.

#### **Clean criminal record is a requisite:**

Answer: 0.5No basic good character requirement commonly used also for citizens OR no crimes carrying sentences of more than 1 and less than 5 years

Code: 0.5No basic good character requirement commonly used also for citizens OR no crimes carrying sentences of more than 1 and less than 5 years

Explanation: The law specifies that the applicant must have legal capacity, good behaviour, no convictions in Brazil or abroad for committing a crime that carries a prison sentence of 1 year or more, and good health.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 65. / GLOBALCIT. "Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute". Access date not available. <http://globalcit.eu/acquisition-citizenship/>.

#### **Economic resources as requisite for naturalization:**

Answer: Includes employment condition or no welfare dependency ONLY at time of application

Code: 0.75

Explanation: The law mentions source of income or occupation sufficient for self-support and his/her family.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 65. / GLOBALCIT. "Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute". Access date not available. <http://globalcit.eu/acquisition-citizenship/>.

### **6.1.7. Socialization based acquisition of citizenship**

#### **IMNAT\_7: Naturalization by socialization.**

**Does the country provide for acquisition of nationality of minors who reside for a certain period or schooling in the country?**

Answer: Yes

Code: 1

Explanation: Yes. The country provides provisional naturalization for migrant children or adolescents who have fixed residency in the country before they completed 10 years of age. The provisional nationality should be requested by the minor's legal guardian. Provisional naturalization can be transformed in definite naturalization if the minor requests it within two (2) years after reaching majority (18 years old). Person came to Brazil before the age of 5 and has continued to live there since. The application for naturalisation as requested during minority should be assessed within 2 years after

reaching the age of majority. Alternatively, the person has been resident in Brazil before the age of majority and received an education at a Brazilian institution. Application must be submitted within 1 year of graduating. Other conditions: no criminal record (GLOBALCIT)

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 70. / GLOBALCIT. "Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute". Access date not available. <http://globalcit.eu/acquisition-citizenship/>.

### **6.1.8. Special procedure for immigrants with very long residence in country**

**IMNAT\_8: Long residence.**

**Does the country provide for acquisition of nationality by a person who has resided there for a very long time (e.g. more or equal of 12 years)?**

Answer: Yes

Code: 1

Explanation: Yes. Brazil has a category called "extraordinary naturalization" which is applicable (upon request) to persons of any nationality who have lived in Brazil for more than (15) fifteen uninterrupted years, and do not have any criminal condemnation.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 67.

### **6.1.9. Preferential naturalization for immigrants from specific countries**

**IMNAT\_9: Preferential naturalization by country.**

**Does the country provide for a special (e.g. quicker, easier) acquisition of nationality by a person who is a national of another specific country?**

Answer: Yes

Code: 1

Explanation: Yes. Citizens of Lusophone countries who have regularly resided in Brazil for one (1) uninterrupted year, and have moral integrity (no definition of what moral integrity entails is included) may access naturalization more expediently than any other applicants.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12, II, a.

### **6.1.10. Cultural affinity/Ethnic ties**

**IMNAT\_10: Preferential naturalization due to cultural or ethnic ties.**

**Does the country provide for acquisition of nationality by a person who has an affinity with its culture or is somehow defined as co-ethnic?**

Answer: Yes

Code: 1

Explanation: Citizens of Lusophone countries who have regularly resided in Brazil for one (1) uninterrupted year, and have moral integrity (no definition of what moral integrity entails is included) may access naturalization more expediently than any other applicants.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12, II, a.

### **6.1.11. Spousal transfer**

**IMNAT\_11: Spousal transfer.**

**Does the country provide for acquisition of nationality by the spouse or registered partner of a person who is already a national citizen?**

Answer: Yes

Code: 1

Explanation: Yes, as long as the spouse is not legally or de facto separated from the national citizen at the time of receiving the confirmation of naturalization. Furthermore, for spouses the required period of habitual residence is reduced to one (1) year.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 66, III.

### **6.1.12. Filial transfer**

**IMNAT\_12: Filial transfer.**

**Does the country provide for acquisition of nationality by the child of a person who is already a national citizen?**

Answer: Yes

Code: 1

Explanation: Yes. The child of a Brazilian parent, who was born abroad and has not been registered in a Brazilian consulate, can at any time request Brazilian nationality.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 63.

### **6.1.13. Special naturalization for refugees**

**IMNAT\_13: Refugees.**

**Does the country facilitate the acquisition of nationality by a refugee in its territory?**

Answer: No

Code: 0

Explanation: There is no specific path for refugees to acquire Brazilian nationality. They should follow the standard paths for ordinary, extraordinary, special or provisory nationality.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Ch. VI.

### **6.1.14. Naturalization for special achievements/talents**

**IMNAT\_14: Special talents.**

**Does the country provide for the acquisition of nationality by a person in account of special achievements/talents?**

Answer: Yes

Code: 1

Explanation: Yes, the country provides acquisition of nationality to persons who have been recommended given their professional, scientific, or artistic capacities. In that case the person should have had a period of habitual residence of at least one (1) year in Brazil.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 66, VI.

### **6.1.15. Naturalization due to investment/financial assets**

**IMNAT\_15: Special talents.**

**Does the country provide for the acquisition of nationality by a person with special financial assets (say which) or persons who invest money in the country?**

Answer: No

Code: 0

Explanation: No, there is no specific path for investors to acquire Brazilian nationality. They should follow the standard paths for ordinary, extraordinary, special or provisory nationality.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Ch. VI

### **6.1.16. Transfer to other relatives**

**IMNAT\_16: Transfer to other relatives.**

**Does the country provide for the acquisition of nationality by a relative other than the spouse or child of a person who is already a citizen?**

Answer: Yes

Code: 1

Explanation: Yes, the country also provides acquisition of nationality to parents of a Brazilian citizen. Person has a Brazilian child, has been continuously resident in Brazil for at least one (1) year immediately prior to the application and continues to do so.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 66, II. / GLOBALCIT. "Global Database on Modes of Acquisition of Citizenship, version 1.0. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute". Access date not available. <http://globalcit.eu/acquisition-citizenship/>.

### **6.1.17. Nationality for the stateless**

**IMNAT\_17: Stateless.**

**Does the country facilitate the naturalization of a stateless person in its territory?**

Answer: Yes

Code: 1

Explanation: Yes, any person whose stateless condition has been recognized by Brazil's Ministry of Justice through a process initiated by the National Refugee Council can request naturalization. The person is required to have had Brazil as her/his place of habitual residence for at least two (2) years, be able to communicate in Portuguese, and have a clean condemnation record or be rehabilitated into society.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 98-99.

### **6.1.18. Nationality for regularized immigrants**

**IMNAT\_18: Regularization.**



**Does the country make any differentiation in terms of naturalization procedures regarding persons that have benefited from regularization programs ((i.e. is there any special naturalization scheme for regularized immigrants)?**

Answer: No differentiation

Code: 0.5

Explanation: None of the four types/paths for naturalization make any differentiation of naturalization procedures with regard to a person who has benefited from regularization programs.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Ch. VI.

### **6.1.19. Naturalization possible even if applicant had irregular status before**

**IMNAT\_19: Irregular status.**

**Does the country provide for a person who has or has had irregular migrant status who can however prove having had resided long enough in the country to apply for naturalization (i. e. is ever having been an irregular migrant an impediment to regularize)?**

Answer: No

Code: 0

Explanation: None of the four types/paths for naturalization make any differentiation of naturalization procedures with regard to a person who has benefited from regularization programs.

Sources: Decreto No 9.199, de 20 de novembro de 2017 [Decree No. 9.199 of November 20, 2017]. 2017. Art. 221. / Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 3, IV.

## **6.2. Immigrant citizenship**

### **6.2.1. Restrictions on citizenship for naturalized immigrants**

**IMCIT\_1. Restrictions for naturalized immigrants.**

**Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized (even if they only have that one nationality)?**

Answer: Yes

Code: 1

Explanation: Yes. Only “native” (as in not naturalized) Brazilian citizens can be president or vice-president of the country, president of the Deputy Chamber, president of the Federal Senate, ministry of the Supreme Federal Court, diplomats, official at the Armed Forces, and ministry of Defence. Apart from the cases explicitly stated in the Constitution, no law can make distinction between native and naturalized nationals.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

#### **For how long are the restrictions applied?**

Answer: Indefinitely

Code: 0

Explanation: Only “native” (as in not naturalized) Brazilian citizens can be president or vice-president of the country, president of the Deputy Chamber, president of the Federal Senate, ministry of the Supreme Federal Court, diplomats, official at the Armed Forces, and ministry of Defence. Apart from the cases explicitly stated in the Constitution, no law can make distinction between native and naturalized nationals.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

#### **Do the restrictions apply to electoral rights?**

Answer: Yes

Code: 1

Explanation: Only “native” (as in not naturalized) Brazilian citizens can be president or vice-president of the country, which are popularly elected positions.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

#### **Do the restrictions apply to public office posts?**

Answer: Yes

Code: 1

Explanation: Only “native” (as in not naturalized) Brazilian citizens can be president of the Deputy Chamber, president of the Federal Senate, ministry of the Supreme Federal Court, diplomats, official at the Armed Forces, and ministry of Defence.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

### **Other type of restrictions**

Answer: No

Code: 0

Explanation: Only “native” (as in not naturalized) Brazilian citizens can be president or vice-president of the country, president of the Deputy Chamber, president of the Federal Senate, ministry of the Supreme Federal Court, diplomats, official at the Armed Forces, and ministry of Defence. Apart from the cases explicitly stated in the Constitution, no law can make distinction between native and naturalized nationals.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

### **6.2.2. Loss or suspension of citizenship after residence abroad for immigrants who naturalized**

#### **IMCIT\_2. Loss or suspension of citizenship.**

**Does the country deprive their national citizens by naturalization who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?**

Answer: No

Code: 0

Explanation: No. National citizens by naturalization can only lose their nationality if condemned by crime against national interest or by acquiring another nationality (exceptions apply). Residing abroad is not mentioned in the law as a reason for loss or suspension of nationality.

Sources: Lei No 13.445, de 24 de maio 2017 [Law No. 13.445 of May 24, 2017]. 2017. Art. 75 / Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

#### **Are these rights recovered upon return?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

### 6.2.3. Restrictions on citizenship for naturalized immigrants who are dual nationals

IMCIT\_3: Restrictions for naturalized immigrants who are dual nationals.

**Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized and have another/other nationality/ies?**

Answer: No

Code: 0

Explanation: Only “native” (as in not naturalized) Brazilian citizens can be president or vice-president of the country, president of the Deputy Chamber, president of the Federal Senate, ministry of the Supreme Federal Court, diplomats, official at the Armed Forces, and ministry of Defence. Apart from the cases explicitly stated in the Constitution, no law can make distinction between native and naturalized nationals. This does not necessarily apply to naturalized citizens by virtue of being dual nationals, but by virtue of not being “native”.

Sources: Constituição da República Federativa do Brasil de 1988 [Constitution of the Federative Republic of Brazil]. 1988. Art. 12.

**How long do the restrictions apply?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Do the restrictions apply to electoral rights?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Do the restrictions apply to public office post?**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable

**Other type of restrictions (beyond electoral and public office posts).**

Answer: Not Applicable

Code: Not Applicable

Explanation: Not Applicable

Sources: Not Applicable