

THE FEDERATIVE REPUBLIC OF BRAZIL |
SECOND PROFILE 2022

MIGRATION

GOVERNANCE

INDICATORS



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OBJECTIVE

The MGIs aim to support well-managed migration policy by helping countries assess the comprehensiveness of their migration governance structures and identify priorities on the way forward.

MGI follow-up assessments identify the migration policy developments that have occurred since the countries' first MGI assessments, thus helping governments track their progress on national priorities as well as commitments taken at the regional and international levels.

The MGIs can be used to spark a discussion with governments and other relevant stakeholders in the country on existing migration policy structures. They can help assess whether these structures, which have often been in place for several years, still address the main challenges and opportunities of today's reality.

INTRODUCTION

This is an era of unprecedented mobility, and the need to facilitate orderly, safe, regular and responsible migration and mobility is becoming increasingly relevant.¹ The need to face the challenges and to maximize the opportunities that this mobility brings has been recognized with the inclusion of migration in the 2030 Agenda for Sustainable Development, which highlights the positive contribution of migrants to inclusive growth and sustainable development. Migration is integrated in a number of Sustainable Development Goal (SDG) targets, such as those aimed at ending modern slavery and addressing the vulnerability of migrant workers. However, the central reference to migration in the SDGs is target 10.7 on facilitating “orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.²

The incorporation of target 10.7 into the 2030 Agenda created the need to define “planned and well-managed migration policies”. This is why, in 2015, the International Organization for Migration (IOM) developed the Migration Governance Framework (MiGOF). This Framework offers a concise view of an ideal approach that allows a State to determine what it might need to govern migration well and in a way that suits its circumstances.³ The Framework was welcomed by IOM Member States in the same year.

In an effort to operationalize the MiGOF, IOM worked with Economist Impact to develop the Migration Governance Indicators (MGIs), a standard set of approximately 90 indicators to assist countries in assessing their migration policies and advance the conversation on what well-governed migration might look like in practice.

The MGIs help countries identify good practices as well as areas with potential for further development and can offer insights on the policy levers that countries can use to develop their migration governance structures. However, the MGIs recognize that all countries have different realities, challenges and opportunities that relate to migration. Therefore, the MGIs do not rank countries on the design or implementation of their migration policies. Finally, the MGIs do not measure migration policy outcomes or institutional effectiveness. Instead, they take stock of the migration-related policies in place and operate as a benchmarking framework that provides insights on policy measures that countries might want to consider as they progress towards good migration governance.

MGI follow-up assessments aim to show the progress that countries have made in their migration governance policies since their first MGI assessment. Concretely, this report presents a summary of the main changes and achievements that have taken place in the migration governance structures of the Federative Republic of Brazil (hereinafter referred to as Brazil), since the first assessment in 2018,⁴ as well as the areas with potential for further development, as assessed by the MGIs.⁵

Government bodies related to the migration sector, led by the State Ministry of Justice and Public Security, took part in the process of consultation and validation of the MGI Follow-up Assessment in Brazil in 2021 and 2022. The final report received contributions from the Central Bank of Brazil, the Federal Police of Brazil, the International Migration Observatory, and the Ministries of Citizenship and Education.

¹ IOM Council, 106th Session, Migration Governance Framework: The essential elements for facilitating orderly, safe, regular and responsible migration and mobility of people through planned and well-managed migration policies (C/106/40 of 4 November 2015), paragraph 2. Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

² United Nations, Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1 of 21 October 2015), p. 21. Available at www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf.

³ IOM Council, Migration Governance Framework, paragraph 5(c).

⁴ The 2018 Migration Governance Profile for the Federative Republic of Brazil is available at www.migrationdataportal.org/overviews/mgi/brazil.

⁵ The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of Economist Impact. Funding is provided by IOM Member States.

CONCEPTUAL FRAMEWORK

MiGOF

The IOM MiGOF sets out the essential elements to support planned and well-managed migration. It seeks to present, in a consolidated, coherent and comprehensive way, a set of three principles and three objectives which, if respected and fulfilled, would ensure that migration is humane, orderly, and benefits migrants and society.

At the basis of

PRINCIPLES

1. **Adherence** to international standards and fulfilment of migrants' rights.
2. **Formulates** policy using evidence and "whole-of-government" approach.
3. **Engages** with partners to address migration and related issues.

OBJECTIVES

1. **Advance** the socioeconomic well-being of migrants and society.
2. **Effectively** address the mobility dimensions of crises.
3. **Ensure** that migration takes place in a safe, orderly and dignified manner.

MGIs

WHAT THEY ARE



A set of indicators that offers insights on policy levers that countries can use to strengthen their migration governance structures



A tool that identifies good practices and areas that could be further developed



A consultative process that advances dialogues on migration governance by clarifying what "well-governed migration" might look like in the context of SDG target 10.7

Which support the measurement of

WHAT THEY ARE NOT



Not a ranking of countries



Not assessing impacts of policies



Not prescriptive



TARGET 10.7

"Facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and **well-managed migration policies.**"



KEY

FINDINGS

The MGIs consist of around 90 indicators grouped under the six different dimensions of migration governance that draw upon the MiGOF categories:



MIGRANTS'
RIGHTS
PAGE 14

Indicators in this domain look at the extent to which migrants have access to certain social services such as health, education and social security. It also looks at family reunification, access to work, and access to residency and citizenship. The international conventions signed and ratified are also included.



WHOLE-OF-GOVERNMENT
APPROACH
PAGE 18

Indicators in this area assess countries' institutional, legal and regulatory frameworks related to migration policies. This area also looks at the existence of national migration strategies that are in line with development objectives and overseas development efforts, as well as institutional transparency and coherence in relation to migration management.



PARTNERSHIPS
PAGE 22

This category focuses on countries' efforts to cooperate on migration-related issues with other States and with relevant non-governmental actors, including civil society organizations and the private sector.



WELL-BEING
OF MIGRANTS
PAGE 25

Indicators in this area assess countries' policies on the recognition of migrants' educational and professional qualifications, provisions regulating student migration and the existence of bilateral labour agreements between countries. Aspects of diaspora engagement in the country of origin and migrant remittances are also under this domain.



MOBILITY DIMENSION
OF CRISES
PAGE 29

This category looks at the type and level of preparedness of countries when they are faced with mobility dimensions of crises. The questions look at the processes in place for nationals and non-nationals both during and after disasters, including if humanitarian assistance is equally available to migrants as it is to citizens.



SAFE, ORDERLY AND
REGULAR MIGRATION
PAGE 32

This area looks at countries' approach to migration management in terms of border control and enforcement policies, admission criteria for migrants, preparedness and resilience in the case of significant and unexpected migration flows, as well as the fight against trafficking in persons.

SUMMARY OF UPDATES SINCE 2018

Migrants' rights (page 14)

Immigrants have had access to the Emergency Financial Assistance (*Auxílio Emergencial*) since April 2020, an income-transfer programme due to the COVID-19 pandemic. In addition, they have accessed *Bolsa Família* (Family Allowance), replaced by *Auxílio Brasil*. The right to an indefinite residence permit for victims of human trafficking or slave labour was also regulated with the publication of Ministry of Justice and Public Security (*Ministério da Justiça e Segurança Pública*, MJSP) Ordinance No. 87 of 2020. MJSP Ordinance No. 623 of 13 November 2020 relaxed the documentation required to prove proficiency in the Portuguese language for naturalization purposes, and the CELPE-Bras⁶ exam certificate from the National Institute of Educational Studies and Research Anísio Teixeira (*Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira*, INEP) is no longer the only form of proof.

Whole-of-government approach (page 18)

In early 2019, MJSP through the General Coordination of Labour Immigration (*Coordenação Geral de Imigração Laboral*) created the Immigration Portal (*Portal de Imigração*) and the Guided Navigation System (*Sistema de Navegação Guiada*) on labour migration. In the same year, the online panel “Profile of refugee requests related to sexual orientation and gender identity” – developed by MJSP and the Office of the United Nations High Commissioner for Refugees (UNHCR), in the framework of the United Nations Free & Equal initiative – was launched. Since 2018, MJSP, in partnership with IOM, has published the Venezuelan Migration Report, with data on the migratory movements of the Venezuelan immigrant population.

Partnerships (page 22)

The Open South America Portal (*América do Sul Aberta*) was launched by the South American Conference on Migration (*Conferência Sul-Americana sobre Migração*, CSM), with relevant information on health measures and human mobility in the context of the COVID-19 pandemic in 12 countries. The initiative is promoted in partnership with IOM in the framework of CSM and the Specialized Migration Forum of the Southern Common Market (*Mercado Común del Sur*, MERCOSUR).

Brazil takes part in the Quito Process, a series of regional meetings to coordinate the member countries' response to the Venezuelan migration crisis. The country signed the Declaration of Quito on Human Mobility of Venezuelan Citizens in the Region in 2018, on the occasion of the group's first meeting. The document recommends strengthening reception policies, coordinating efforts through international organizations, combating discrimination and xenophobia, strengthening legislation to promote the rights of migrants, and strengthening the role of MERCOSUR and the Andean Community.

Well-being of migrants (page 25)

In 2019, the Special Secretariat for Productivity, Employment and Competitiveness of the then Ministry of Economy, now the Ministry of Labour and Social Security, simplified the process of opening the Individual Micro-entrepreneur (*Microempreendedor Individual*, MEI) register to immigrants by relaxing the documents required for those who wish to become MEIs.

The National Committee for Refugees (*Comitê Nacional para os Refugiados*, CONARE) held in October 2021 the fourth edition of the Personal Financial Management course, with the aim of expanding financial education training. In November 2020, the Central Bank of Brazil (*Banco Central do Brasil*, BCB) and MJSP, in partnership with IOM and UNHCR, also updated and published the fourth edition of the *Financial Information Booklet for Migrants and Refugees*. The booklet is available in Portuguese, English, French, Spanish and Arabic.

⁶ CELPE stands for *Certificado de Proficiência em Língua Portuguesa para Estrangeiros* (Certificate of Proficiency in Brazilian Portuguese as a Second Language).

The National Education Council (*Conselho Nacional de Educação*, CNE) published Resolution No. 1 of 2020, providing guidance for schools on the enrolment of migrant children and adolescents in the Brazilian public education system. The Ministry of Education (*Ministério da Educação*, MEC), through its Basic Education Secretariat, included migrants as a priority public in MEC Notice No. 17/2022, which focuses on promoting youth and adult education into professional education in the institutions belonging to the Federal Network of Professional, Scientific and Technological Education.

Mobility dimension of crises (page 29)

The Federal Government, through an interministerial action, coordinated the maintenance and improvement of *Operação Acolhida* (Operation Welcome), created in 2018 with the aim of promoting a humanitarian response to the flow of Venezuelan refugees and migrants through the land border in the north of the country. The Operation is structured around three axes: (a) border planning, (b) sheltering and (c) interiorization. Through the Interiorization Strategy, which began in February 2018, thousands of Venezuelans have been voluntarily relocated from the border region to municipalities in the country.⁷

Interministerial Ordinance MJ/MRE/MT/MESP No. 09 of 2018 relaxed the requirements for requesting a residence permit, facilitating the regularization by this means. The new Interministerial Ordinance No. 19 of 2021 simplifies temporary residence authorization for Venezuelans.

In June 2019, CONARE recognized serious and widespread violation of human rights in Venezuela, a decision sufficient for the prima facie recognition of the refugee status of Venezuelan nationals under the terms of Item III of Article 1 of Law No. 9.474 of 1997. In October of the same year, CONARE published Normative Resolution No. 29 of 2019, allowing the adoption of differentiated procedures in the instruction and evaluation of manifestly founded requests for asylum adjudication. The combination of these mechanisms allowed the recognition of more than 50,000 Venezuelan refugees from December 2019 until March 2022.

Safe, orderly and regular migration (page 32)

The National Commission for the Eradication of Slave Labour (*Comissão Nacional para a Erradicação do Trabalho Escravo*, CONATRAE) implemented a National Flow of Assistance to Slave Labour Victims, with technical support from the International Labour Organization, between 2019 and 2020. Brazil participated in the Global Action against Trafficking in Persons and the Smuggling of Migrants (Glo.ACT) from 2015 to 2019, an initiative aimed at providing assistance to government authorities, civil society organizations, victims of trafficking, and migrant victims of smuggling. The country also participated in the Eurofront/IOM programme, whose general objective is the integrated management of borders in Latin America, aiming to contribute to a greater degree of security, respect and protection of human rights; and in the TRACK4TIP project, whose general objective is to improve the regional criminal justice response to human trafficking in migration flows in beneficiary countries, through a multidisciplinary and victim-centred approach, with actions at the regional and national levels to identify, prevent and prosecute cases.

⁷ As part of its monthly reports, the Federal Subcommittee for Reception and Interiorization of Immigrants in Situations of Vulnerability of *Operação Acolhida*, coordinated by the Ministry of Citizenship, published the Report Displacement of Venezuelan Immigrants in April 2022.



1

ADHERENCE TO INTERNATIONAL STANDARDS AND FULFILMENT OF MIGRANTS' RIGHTS

1.1. Migration governance: Examples of well-developed areas

Brazil has a national legislation that provides access for immigrants to education, health and social assistance services, regardless of their nationality and migration status. These rights are guaranteed by the 1988 Constitution of the Federative Republic of Brazil and by the Migration Law (Law No. 13.445 of 2017) and its Regulatory Decree (Decree No. 9.199 of 20 November 2017), in addition to the specific regulations of the National Education Law (Law No. 9.394 of 1996), the Brazilian Unified Health System (*Sistema Único de Saúde*, SUS) and the Brazilian Unified Social Assistance System (*Sistema Único de Assistência Social*, SUAS). The Migration Law does not differentiate immigrants in relation to their migratory situation, neither between regular and irregular situations, nor between temporary and permanent residents.

Brazil has SUS, created by the National Health Law (Law No. 8.080 of 1990). Immigrants, regardless of their legal status, can access all levels of care in health services, free of charge and covered by the Brazilian State. The same non-discriminatory principle applies to SUAS, which coordinates the social protection of citizens in situations of vulnerability or social risk at the federal, state and municipal levels. The social protection provided by social assistance is organized as two levels:

(a) Basic Social Protection: A set of programmes, projects and social assistance services aimed at preventing situations of vulnerability and social risk through the development of potentialities and acquisitions and the strengthening of family and community bonds. Its main public equipment are the Social Assistance Reference Centres, which according to the SUAS 2020 Census number 8,417 all over the country.⁸ They are organized in services of protection and integral family care, coexistence and strengthening of bonds, and basic social protection in the household for people with disabilities and the elderly; and they perform preventive work, registering and monitoring families in the territory, including them in the Unified Registry (*Cadastro Único*) and meeting their needs, such as strengthening relationships and ensuring access to social benefits and other public goods and services.

(b) Special Social Protection: A set of services, programmes and projects that aim to contribute to the reconstruction of family and community bonds, the defence of rights, the strengthening of potentialities and acquisitions, and the protection of families and individuals to face situations of rights violations. It is divided into middle or high complexity. The middle complexity level encompasses a set of services and a programme that aim to reduce and repair damage, repair the violations suffered, and contribute to strengthening the autonomy of the subjects; and it has as reference the Specialized Social Assistance Reference Centres, of which there are 2,749 (2020 Census). These centres offer the following services: specialized protection and care for families and individuals; social protection for adolescents under the socioeducational measure of assisted freedom and service provision to the community; special social protection for people with disabilities, the elderly and their families; and specialized social approach service. These services are aimed at people who have had their family and social bonds weakened or broken, and who have specific needs that have to be addressed. The middle complexity level aims to address situations of personal and social risk and rights violations of individuals and families, such as violence, mistreatment, abandonment, human trafficking, street situation and discrimination. The special social protection of high complexity is composed of a set of shelter services, offered in different modalities and equipment, ensuring full protection of individuals and/or families temporarily removed from their original family and/or community nucleus and acting in the rescue of family and community bonds, or for the construction of life projects based on new references.

⁸ More information is available at <https://ces.ibge.gov.br/>.

Immigrants have access to all social assistance services, including *Bolsa Família*, currently *Auxílio Brasil*, which has been the main federal cash-transfer programme in recent years. Currently, immigrants can access the cash-transfer programme *Auxílio Brasil* and the Continuous Cash Benefit Programme, which is intended for persons with disabilities and the elderly. In addition, immigrants were also able to access the Emergency Financial Assistance provided by the Federal Government in the context of the COVID-19 pandemic.

With regard to migratory regularization, the Migration Law and its Regulatory Decree created new legal alternatives and established the conditions for granting visas and residence permits. “In order to complete the application for a residence permit, the immigrant must present ... (i) a request containing identification, parents’ names, date and place of birth, address, and other means of contact; (ii) a valid travel document or another document that proves his identity and nationality ... ; (iii) a document that proves his parentage, duly legalized and translated by a sworn public translator, unless the information is already contained in the document referred to in Item II; (iv) proof of payment of migration fees, when applicable; (v) certificate of criminal record or equivalent document issued by the competent judicial authority where he has resided in the last five years; and (vi) declaration, under the penalties of the law, of absence of criminal record in any country in the five years preceding the date of the residence permit request” (Decree No. 9.199, Article 129).

Temporary residents of most categories can either renew their initial residence permit or change it to indefinite residence. To this end, “the body that granted the initial residence permit may, through the immigrant’s request, promote the renewal of the initial term of residence for a period of up to two years or the change of the residence term to indefinite term” (Decree No. 9.199, Article 142). Also according to this Decree, the residence permit will be indefinite for refugees, stateless persons, and victims of human trafficking and slave labour (Articles 156 and 158). In the case of unaccompanied children and adolescents, the Decree foresees that their temporary residence will last until they reach the age of majority (18 years), when they will have access to an indefinite residence permit, if they wish to remain in the country (Article 157).

Permanent residents need to renew their National Migration Registration Card (*Carteira de Registro Nacional Migratório*, CRNM) every nine years. People over 60 years old have the right to acquire an indefinite and open-ended CRNM. If the permanent resident stays more than two years out of the country uninterruptedly, they may lose the permanent residence permit. “The immigrant will be notified to provide justification, and if not accepted, a procedure will be opened for loss of residence permit based on Article 135, Item III, of Decree No. 9.199.”⁹

The Regulatory Decree of Migration Law No. 9.199 foresees the possibility of family reunion through temporary visa requests (Article 45) and residence permits (Article 142). It is aimed at (a) spouses or partners, without any discrimination, under the terms of Brazilian law; (b) children (as long as they are under 18 years of age, students under 24 years of age, or of any age if they are economically dependent); (c) ascending or descending relatives up to the second degree; or (d) guardians of a Brazilian citizen. Also Interministerial Ordinance No. 12 of 2018 regulates the residence permit for family reunion and outlines the necessary documentation. According to the Ordinance, it is possible to prove stable union by means of a series of documents¹⁰ and not only recognized civil union, without any discrimination.

The Migration Law and its Regulatory Decree (Article 233) set out the conditions for naturalization. As a rule, after four years of residence in the country, permanent residents who meet a number of conditions can apply for citizenship, a process called “naturalization”.¹¹ These conditions are civil capacity, as described in the Brazilian Civil Code (2002); proven ability to communicate in Portuguese; and no criminal conviction or proof of rehabilitation.

⁹ More information is available at www.gov.br/pf/pt-br/assuntos/imigracao/duvidas-frequentes.

¹⁰ Examples include proof of dependency issued by a tax authority, religious marriage certificate, testamentary dispositions, life insurance policy, real estate deed, joint bank account, or birth certificate of the couple’s child.

¹¹ More information is available at www.gov.br/pt-br/servicos/solicitar-naturalizacao.

Ministry of Justice and Public Security (MJSP) Ordinance No. 623 of 2020 (Article 5) relaxed the documentation required to prove proficiency in the Portuguese language. Besides the (a) CELPE-Bras exam certificate from the National Institute of Educational Studies and Research Anísio Teixeira (INEP), the immigrant can also present a certificate of “(b) conclusion of a higher education or postgraduate course at a Brazilian educational institution accredited by the Ministry of Education; (c) approval in the bar examination held by the Federal Council of the Brazilian Bar Association; or (d) conclusion, with satisfactory results, of a Portuguese language course aimed at immigrants at a higher education institution accredited by the Ministry of Education” (Article 5).

In order to prove proficiency in the Portuguese language, the following documents can also be accepted: proof of completion of elementary or high school through the National Examination for Certification of Skills for Young People and Adults (*Exame Nacional para Certificação de Competências de Jovens e Adultos*); nomination for the position of professor, technician or scientist resulting from approval in a public tender promoted by a Brazilian public university; school transcript or equivalent document proving completion in elementary, high or supplementary school, held in a Brazilian educational institution, recognized by the competent Education Secretariat; or a medical degree revalidated by a public higher education institution after passing the National Examination for Revalidation of Medical Diplomas Issued by a Foreign Higher Education Institution (*Exame Nacional de Revalidação de Diplomas Médicos Expedidos por Instituições de Educação Superior Estrangeira, Revalida*) applied by INEP.¹²

The Federal Police and the Department of Migration, through the National Government Services Portal, provide information and guidance on how to obtain visas, residence permits, special provisions for citizens from Southern Common Market countries, refugee status and naturalization.

In addition, the Ministry of Foreign Affairs (*Ministério das Relações Exteriores*, MRE), through its Consular Portal,¹³ provides information about the visa options available to travel to Brazil and visa application instructions. The information is provided in Portuguese and English. Embassies and consulates may present information about visa requirements in different ways, at their discretion.

The Ministry of Women, Family and Human Rights (*Ministério da Mulher, da Família e dos Direitos Humanos*, MMFDH), through the National Secretariat for Global Protection, is guided by the principle of non-discrimination between Brazilians and immigrants in their access to rights and public services, as established by the Federal Constitution and the Migration Law, and works to promote the human rights of immigrants and refugees hosted by Brazil, including the rights of groups with specific protection needs, such as women, children, indigenous people, LGBTQI+ people, people with disabilities, and the elderly.

In Brazil, voting is mandatory. Brazilians over the age of 18 residing abroad must fulfil their electoral obligations (enlistment and voting, for example). However, voting is optional for those over 16 and under 18, those over 70, and the illiterate. Brazilians with electoral domicile abroad (Foreign Electoral Zone) are required to vote only in the elections for president and vice president of the Republic. Voting outside the national territory is organized by the Regional Electoral Court of the Federal District (*Tribunal Regional Eleitoral do Distrito Federal*), with the support of the consulates or diplomatic missions in each country. The Electoral Code (1965) foresees as a condition for the creation of polling stations abroad a minimum number of 30 electors. The diplomatic missions or consular offices shall inform voters abroad about the time and place of voting.

Brazilian citizens must register in the list of voters of the polling station through an online platform and consult their nearest consulate to obtain information about the location and schedule of the vote,

¹² See the Ministry of Justice and Public Security's Ordinance No. 623 (2020).

¹³ The Consular Portal is available at www.gov.br/mre/pt-br/assuntos/portal-consular.

as well as to check other requirements necessary for registration, as the format of the procedures may vary from country to country. Polling stations are set up in embassies, consulates and other Brazilian government offices.

1.2. Areas with potential for further development

The implementation of legislation and the realization of rights take place, among other things, from the creation of complementary norms, the elaboration of guiding materials, and the training of public servants by the Federal Government. These guidelines are incorporated and complemented by state and municipal government actors, who are co-responsible for the policies. The Federal Government has prepared informative documents to guide social workers and other public servants in the provision of social assistance services to immigrants. In this sense, a potential area for development could be the expansion of training processes for public servants on migration issues, periodically and with initial modules and more specific modules for certain areas of management and service at the point of delivery. This initiative could be incorporated into existing programmes, such as the permanent training programme for the Brazilian SUAS civil servants called *CapacitaSUAS*.¹⁴ Brazil's National Common Curricular Base (*Base Nacional Comum Curricular*, BNCC), for example, includes content on migration and population displacement.¹⁵

The First Specialization Course in Migration and Refugees: Law, Labour and Citizenship in Comparative Perspective (2020–2022), promoted by the University of Brasilia in partnership with MJSP, through the International Migration Observatory, is an example of training federal public managers in international migration. The Department of Basic Education of the Ministry of Education initiative provides in 2022, on its digital platform of continuing teacher training (*Ambiente Virtual de Aprendizagem do Ministério da Educação*),¹⁶ an Improvement Course with the theme of migration and education, in accordance with the Common National Base for the Continuing Training of Basic Education Teachers (BNC–Continuing Training). This is a study-enhancement programme for teachers with the purpose of assisting in the integration process of school-age foreign students living in Brazilian territory.

In Brazil, the Federal Constitution states that “the practice of racism constitutes an unbailable and imprescriptible crime, subject to imprisonment, as provided by law” (Article 5, Section XLII). Thus, since the 1990s, Brazilian law has considered as crimes those acts committed with discrimination or prejudice based on race, colour, ethnicity, religion or country of origin. This legislation also applies to discriminatory acts, including racism and xenophobia, carried out against immigrants.¹⁷ The implementation and monitoring of the 2003 National Policy for the Promotion of Racial Equality is under the responsibility of the Special Secretariat for Policies to Promote Racial Equality within MMFDH. Furthermore, the Secretariat includes the National Council for the Promotion of Racial Equality, an advisory body with a participatory approach and which aims to propose policies and actions to promote racial equality. The inclusion of migrants in the National Policy for the Promotion of Racial Equality is an area with potential for further development, as well as ensuring their representation in the Council.

¹⁴ More information about the *CapacitaSUAS* programme is available at <http://mds.gov.br/assuntos/assistencia-social/gestao-do-suas/gestao-do-trabalho-1/capacitasuas>.

¹⁵ More information about the BNCC is available at <http://basenacionalcomum.mec.gov.br/>.

¹⁶ More information is available at <https://avamec.mec.gov.br/#/>.

¹⁷ Law No. 7.716 of 5 January 1989 and Law No. 9.459 of 13 May 1997 jointly state that crimes of discrimination or prejudice committed on grounds of race, colour, ethnicity, religion or country of origin will be punished. They also define the penalty and/or time of confinement given to each type of crime.



2

FORMULATES POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: Examples of well-developed areas

Law No. 13.844 of 2019 determined the restructuring of the federal public administration, mainly from the change of ministries and their competencies. This process generated a transfer of attributions related to labour migration from the then Ministry of Labour to the Ministry of Justice and Public Security (MJSP).

The Federal Police and the National Secretariat of Justice (*Secretaria Nacional de Justiça*, SENAJUS), which includes the Department of Migration (DEMIG), are part of the basic structure of MJPS. DEMIG is composed of the General Coordinations of: (a) Migration Policy, (b) Combating Trafficking in Persons and Smuggling of Migrants, (c) Labour Immigration, and (d) the National Committee for Refugees (CONARE). DEMIG is also responsible for naturalization processes, asylum requests, recognition of statelessness, and expulsions. CONARE, the National Immigration Council (*Conselho Nacional de Imigração*, CNlg) and the National Committee for Confronting Trafficking in Persons (*Comitê Nacional de Enfrentamento ao Tráfico de Pessoas*, CONATRAP) are collegial organs that have a deliberative, normative and consultative nature.

CONARE¹⁸ is a collegial organ that deliberates on requests for asylum in Brazil. Besides MJSP, which holds the presidency, the Committee is composed of the Ministry of Foreign Affairs (MRE), the Ministry of Education (MEC), the Ministry of Health, the Ministry of Labour, the Federal Police, and civil society, which is currently represented by the Archdiocesan Caritas in Rio de Janeiro (*Cáritas Arquidiocesana do Rio de Janeiro*) and the Archdiocesan Caritas in São Paulo (*Cáritas Arquidiocesana de São Paulo*). As observers, CONARE counts with the Office of the United Nations High Commissioner for Refugees (UNHCR) with the right to voice but not to vote.

CNlg is a collegial organ of deliberative, normative and consultative character, created by Law No. 6.815 of 1980. It is part of the basic structure of MJSP, as provided in Article 38 of Law No. 13.844 of 2019, whose main attributions are to (a) formulate the national immigration policy, (b) coordinate and guide labour immigration activities, (c) promote and elaborate studies related to labour immigration, (d) recommend the conditions to attract qualified immigrant labour, and (e) issue resolutions of normative character.

CNlg's collegial has six ministries as members, as well as the Federal Police, employer representatives, trade union centrals, and the scientific and technological community. In 2022, the member ministries are MJSP, MRE, MEC, the Ministry of Economy, the Ministry of Citizenship, and the Ministry of Science, Technology, Innovation and Communications. The employers' organizations are represented by the National Confederation of Industry, the National Confederation of Financial Institutions, and the National Confederation of Commerce, Goods, Services and Tourism. Workers' entities are represented by *Central Única dos Trabalhadores*, *União Geral dos Trabalhadores*, and *Força Sindical*; and the Brazilian Society for the Advancement of Science represents the scientific and technological community.

The CNlg coordination may invite civil society organizations, research institutions and international organizations to participate actively in the meetings, without the right to vote. Since 2018, CNlg has met at least five times a year. Specialized chambers can be established with the purpose of dealing with specific matters related to immigration, in the form of an act of the collegial, of temporary character and duration not exceeding one year, and limited to three operating simultaneously.

¹⁸ See Article 2 of Law No. 9.474 of 22 July 1997.

SENAJUS also includes CONATRAP, established in 2013,¹⁹ a collegial organ responsible for “articulating the actions of public and private agencies and entities in confronting trafficking in persons”.²⁰ Its composition was established by Decree No. 9.833 of 12 June 2019, and the Committee has the following members: (a) National Secretary of Justice, who chairs it; (b) MRE; (c) Ministry of Citizenship; (d) Ministry of Women, Family and Human Rights; and (e) three representatives of civil society organizations. For the biennium 2020–2022, civil society is represented by the Brazilian Association for the Defence of Women, Children and Youth (*Associação Brasileira de Defesa da Mulher, da Infância e da Juventude*), Ecovida Institute, and 27 Million Brasil – The Justice Movement.

MRE is responsible for conducting Brazil’s foreign policy and international relations at the bilateral, regional and multilateral levels. It has a relevant role in migration policy in relation to Brazilians abroad, humanitarian visas and the fight against international human trafficking. As mentioned before, within MRE there are several areas that address migration management, according to the administrative restructuring that occurred in 2019.²¹ The Secretariat for National Sovereignty and Citizenship Affairs stands out, composed of the following departments: (a) Consular; (b) Human Rights and Citizenship, where the Division of Citizenship is located; (c) United Nations; (d) and Security and Justice, within which is the Division of Immigration Control.²²

The Migration Law (Law No. 13.445 of 2017) includes the legal framework for managing emigration (Brazilians abroad). Until 2018, there was an Undersecretary-General for Brazilian Communities Abroad. Currently, the Consular Assistance Division (*Divisão de Assistência Consular*) of the Secretary for National Sovereignty and Citizenship is the body responsible for supporting the Brazilian population abroad. There is also the Council of Brazilian Representatives Abroad (*Conselho de Representantes de Brasileiros no Exterior*, CRBE),²³ created in 2010 as an advisory body designed to maintain regular dialogue with the communities of Brazilians abroad and to support their dialogue with MRE. The last National Conference of Brazilian Communities Abroad was held in 2018, in its sixth edition.

Brazil has several sources for collecting, systematizing and disseminating migration-related data. The National Institute of Geography and Statistics (*Instituto Brasileiro de Geografia e Estatística*, IBGE) is responsible for the National Demographic Census. Over the years, the National Census questionnaire has incorporated migration variables.²⁴ In 2010, the basic questionnaire did not include questions about country of origin. However, the sample questionnaire contained a section called “Domestic and international migration”. This section covered place of birth (city, state and country), nationality (Brazilian, foreigner with Brazilian citizenship, and foreigner), year of arrival in Brazil, and length of continuous stay in the current place of residence (city, state and country) (IBGE, 2010a). The statistical analysis presented by IBGE (2010b) does not disaggregate the variable “country of origin”, and no information was collected about the motivation to migrate. The result available is the total number of foreigners in the Census sample.

The International Migration Observatory (OBMigra) was created in 2013 from a partnership between the former Ministry of Labour and the University of Brasilia (UnB). The Observatory aims to expand knowledge about international migration flows in Brazil and identify strategies for related public policies, including immigration to Brazil, Brazilian emigration to other countries, and return migration of Brazilians.²⁵ Through a Technical Cooperation Agreement signed in 2013 between MJSP, MRE, IBGE, UnB, the Ministry of Economy and the Federal Police, the Brazilian State monitors the socioeconomic and demographic data of refugees and immigrants in a more timely manner (monthly) and conjuncture (quarterly and annually). The OBMigra

¹⁹ See Decree No. 7.901 of 4 February 2013.

²⁰ CONATRAP was established by Decree No. 7.901 (2013) and is currently governed by Decree No. 9.833 (2019). More information is available at www.gov.br/mj/pt-br/assuntos/sua-protecao/trafico-de-pessoas/politica-brasileira/conatrap/conatrap.

²¹ See Decree No. 9.683 of 9 January 2019.

²² MRE’s organizational chart is available at www.gov.br/mre/pt-br/arquivos/documentos/administrativo/20210201-organograma-port.pdf.

²³ CRBE’s website is available at <https://crbeworld/>.

²⁴ More information is available at <https://seculoxx.ibge.gov.br/populacionais-sociais-politicas-e-culturais/busca-por-palavra-chave/populacao/813-imigracao.html>.

²⁵ More information is available at <https://portaldeimigracao.mj.gov.br/pt/observatorio>.

website is hosted on MJSP's Immigration Portal. In 2019, the Observatory renewed its online portal by making it more accessible and making the navigation and search for information more dynamic. Through OBMigra, SENAJUS publishes periodic reports on immigration. These reports include the number of work visa applications received, disaggregated by age, gender, education, profession, origin and destination, along with their approval status.²⁶

The “Refugees in numbers”²⁷ page provides data on asylum applications since 2016, as well as decisions in refugee proceedings (with emphasis on numbers of recognized refugees). There are also periodical publications with analysis of refugees and asylum seekers in Brazil, which include gender variables.

Since 2018, in partnership with IOM, MJSP has published the Venezuelan Migration Report, periodically disclosing data accumulated since 2017 on the migratory movements of this population, such as entering and leaving the country, residence records, and refugee status recognition requests. In early 2019, MJSP through the General Coordination of Labour Immigration created the Immigration Portal and the Guided Navigation System on labour migration. In that same year, MJSP developed, together with UNHCR, an Interactive Refugee Decisions Platform that contains gender variables. In the same year, CONARE, together with UNHCR and the United Nations Free & Equal initiative, promoted a conference called “Profile of refugee requests related to sexual orientation and gender identity” containing gender and sexuality variables.

2.2. Areas with potential for further development

Since the previous MGI assessment in 2018, there have been advances in the regulation of several topics of the Migration Law, complementing its Regulatory Decree (Decree No. 9.199 of 2017), as observed in the integrated action of MJSP with other ministries in the construction of interministerial ordinances, especially with MRE, the Ministry of Economy, the Ministry of Citizenship, and the Civil House of the Presidency of the Republic.

Article 120 of the Migration Law foresees the establishment of a National Policy on Migration, Refugees and Statelessness to coordinate and articulate actions in cooperation with state and municipal governments, as well as the participation of civil society organizations, international organizations and the private sector. The implementation of the National Policy on Migration, Refugees and Statelessness occurs and materializes daily through normative acts and concrete actions of the federal entities and civil society itself. Although there is not yet a specific decree for the regulation of Article 120, the migration policy is materialized in the various ministerial and interministerial ordinances, in resolutions of CONARE and CNIg, and in the governance of *Operação Acolhida*, among others. Since 2018, the Federal Government has adapted other existing legislation for the Migration Law, improving Brazilian migration policy and its governance.

Similar to what occurs in the development of specific migration policies and strategies, it is important to consider the inclusion of the national and international migrant population, including the vulnerable and at-risk migrant population, in other relevant policies. For example, a potential area for development is the incorporation of the human mobility dimension into the National Regional Development Policy (Decree No. 9.810 of 30 May 2019), through targeted actions to integrate migrants or creating development strategies to explore the benefits of migration.

²⁶ The reports include statistical data from different Federal Government databases: databases from the General Coordination of Labour Immigration, the National Immigration Council (CNIg), the International Traffic System (*Sistema do Tráfego Internacional*, STI), the National Migratory Registration System (*Sistema de Registro Nacional Migratório*, SISMIGRA), and the National Committee for Refugees System (*Sistema do Comitê Nacional Para os Refugiados*, SISCONARE) of the Ministry of Justice and Public Security, along with databases from the Annual Social Information Report (*Relação Anual de Informações Sociais*, RAIS), the Labour and Social Security Card (*Carteira de Trabalho e Previdência Social*, CTPS), and the General Registry of Employed and Unemployed People (*Cadastro Geral de Empregados e Desempregados*, CAGED) of the Ministry of Economy.

²⁷ More information is available at www.justica.gov.br/seus-direitos/refugio/refugio-em-numeros.

The Migration Law includes as a guideline the incentive for the effective integration of immigrants. The main action in this regard is consolidated in the country's response to the Venezuelan migration crisis, through *Operação Acolhida*. MJSP has carried out, together with IOM, UNHCR, and civil society actors, specific actions aimed at the integration of the migrant population in Brazil, such as trainings in financial education since 2019. Taking advantage of the lessons learned from the Venezuelans in attendance, for the structuring of comprehensive public policies, is an area for further development.

3

ENGAGES WITH PARTNERS TO ADDRESS MIGRATION AND RELATED ISSUES

3.1. Migration governance: Examples of well-developed areas

Brazil has agreements with other countries at the regional and international levels on technical and social development issues, such as labour and migration. Brazil has an agency dedicated to managing international cooperation, the Brazilian Cooperation Agency.

Countries with memorandums of understanding (MOUs) and projects focused on migration topics with Brazil include, but are not limited to, Germany, Spain, France, Italy and Japan. Additional MOUs on migration information exchange are under negotiation with Colombia, the Dominican Republic and Panama as of July 2022.

In 2021, Brazil signed the Agreement on Mobility between the Member States of the Community of Portuguese Language Countries (CPLP) to facilitate the granting of visas and residence permits, as well as the movement of people within the member countries.²⁸ CPLP consists of nine members: Angola, Brazil, Cabo Verde, Guinea-Bissau, Equatorial Guinea, Mozambique, Portugal, Sao Tome and Principe, and Timor-Leste.

Brazil is also a member of the Southern Common Market (MERCOSUR),²⁹ a regional economic alliance with other South American countries, created with the initial objective of providing a common space to generate trade and investment opportunities through the competitive integration of national economies into the international market. Other objectives were subsequently added in relation to migration, labour, and cultural and social issues, among others.

An agreement was also signed in 2019 on the elimination of data roaming costs within the MERCOSUR framework, which is in the process of being enacted by the countries.³⁰

Decree No. 6.975 of 2009 enacts the Agreement on Residence for Nationals of the States Parties to MERCOSUR, Bolivia, and Chile. It stipulates that “[n]ationals of a State Party who wish to reside in the territory of another State Party may obtain legal residence in the latter State in accordance with the terms of this Agreement” (Article 1), then establishes the conditions for such. The facilitated conditions for residence apply to the following countries: Argentina, the Plurinational State of Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru and Uruguay.

Moreover, the Agreement on Travel and Return Documents of the States Parties to MERCOSUR and Associated States of 2015 recognizes “the validity of the personal identification documents of each State Party and Associated State of MERCOSUR ... as a Skilled Travel Document for the transit of nationals and/or regular residents of the States Parties and Associated States of MERCOSUR in their territories” (Article 1). It is worth noting that the Brazilian Migration Law (Law No. 13.445 of 2017) establishes a specific regulation for border residents.

Brazil is also part of the MERCOSUR Multilateral Agreement on Social Security, together with Argentina, Paraguay and Uruguay (2005). Decree No. 5.722 of 2006 promulgates the Agreement and states that the social security rights of workers who have provided services in member countries, along with their families,

²⁸ More information is available at <https://agenciabrasil.ebc.com.br/internacional/noticia/2021-07/acordo-facilitara-circulacao-de-pessoas-em-paises-de-lingua-portuguesa>.

²⁹ MERCOSUR is composed of five sovereign member States: Argentina, Brazil, Paraguay, Uruguay and the Bolivarian Republic of Venezuela (currently suspended in regard to all the rights and obligations inherent to its status as a State party of MERCOSUR, in accordance with the provisions of the second paragraph of Article 5 of the Protocol of Ushuaia); and seven associated states: Suriname, Guyana, Colombia, Ecuador, Peru, Chile and the Plurinational State of Bolivia (in process of accession).

³⁰ More information is available at <https://agenciabrasil.ebc.com.br/internacional/noticia/2019-07/mercosul-deve-assinar-acordo-para-compartilhar-consulados-pelo-mundo>.

will be recognized. The Agreement contemplates workers of any nationality, as long as they are residents in the territory of one of the member States and have rendered service in said countries.

The annual meetings of the South American Conference on Migration (CSM), where 12 countries³¹ meet to discuss migration issues, frequently discuss the MERCOSUR mobility agreement on the basis of research papers and working groups, and their results are incorporated by the member States. Through the Ministry of Foreign Affairs (MRE), Brazil participates every year. Moreover, Brazil took part in the Nineteenth CSM meeting held in August 2021 in Argentina under the theme “Migration and access to rights: The challenges of the region facing the pandemic of COVID-19 – Experiences, lessons and a look to the future”.³²

The Open South America Portal was launched by CSM, with relevant information on health measures and human mobility in the context of the COVID-19 pandemic in 12 countries. The initiative is promoted in partnership with IOM in the framework of CSM and the Specialized Migration Forum of MERCOSUR.

Decree No. 8.358 of 2014 promulgates the text of the Ibero-American Multilateral Convention on Social Security, which was signed by the Federative Republic of Brazil in Santiago de Chile in 2007. The convention allows citizens of member States to access a range of social security and welfare benefits across borders, including pensions for the elderly.³³ Regarding bilateral agreements, Brazil has social security agreements with the following countries: Belgium, Canada, Cabo Verde, Chile, France, Germany, Greece, Italy, Japan, Luxembourg, Portugal, the Republic of Korea, Spain and the United States of America. Brazil also has an agreement with the State of Quebec.

Since 2018 Brazil has participated in the Quito Process,³⁴ a series of regional meetings to coordinate the member countries’ response to the Venezuelan migration crisis. In September 2018, Brazil, along with Argentina, Chile, Colombia, Costa Rica, Ecuador, Mexico, Panama, Paraguay, Peru and Uruguay, signed the Declaration of Quito on Human Mobility of Venezuelan Citizens in the Region, on the occasion of the group’s first meeting. The document recommends strengthening reception policies, coordinating efforts through international organizations, fighting discrimination and xenophobia, strengthening legislation to promote the rights of migrants, and strengthening the role of MERCOSUR and the Andean Community.

Brazil is represented in IOM and the Office of the United Nations High Commissioner for Refugees (UNHCR). In October 2020, Brazil was elected president of the Executive Committee of the UNHCR, a position it held for one year.

3.2. Areas with potential for further development

The construction of exchange spaces between governmental and non-governmental organizations from different regions of the country is an area with potential for further development. An example is the Ministry of Justice and Public Security’s public policy notices, which contain lines of action for civil society execution. Another example would be the participation of civil society organizations in councils and committees with topics related to migration and refugees at the federal as well as at the state and municipal levels. The articulation between the governmental spheres and civil society has the power to strengthen and streamline the implementation and improvement of Brazilian migration policy.

³¹ Currently, the following countries are members of CSM: Argentina, the Plurinational State of Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and the Bolivarian Republic of Venezuela. Guyana and Suriname were incorporated as members in the penultimate edition of CSM, which took place in 2018 in Sucre, the Plurinational State of Bolivia.

³² More information is available at <https://csmigraciones.org/es/eventos/xix-conferencia-suramericana-de-migraciones-dia-i>.

³³ The current members are Argentina, the Plurinational State of Bolivia, Chile, the Dominican Republic, Ecuador, El Salvador, Paraguay, Peru, Portugal, Spain, Uruguay and the Bolivarian Republic of Venezuela.

³⁴ More information on the Quito Process is available at www.procesodequito.org/pr/o-que-fazemos.

Regarding the presence of Brazilian communities abroad, MRE, through the Consular Assistance Division, internally systematizes the data on electoral participation abroad year by year. Besides this, the Superior Electoral Court (*Tribunal Superior Eleitoral*, TSE) itself maintains an active page with data on the Brazilian community abroad registered to vote. The data are part of TSE's good practice of active transparency and can be checked on the aforementioned page. The publication of this data aims to stimulate policies for Brazilian emigrants, by making available a number of variables such as voting country, number of voters, age group, gender, marital status and level of education. This could support dialogue with these communities and expand the monitoring and evaluation of related policies.



4

ADVANCES THE SOCIOECONOMIC WELL-BEING OF MIGRANTS AND SOCIETY

4.1. Migration governance: Examples of well-developed areas

The Migration Law (Law No. 13.445 of 2017) includes as one of its principles equal and free access to work (Article 3, Item XI), and it guarantees labour rights to all immigrant people (Article 4, Item XI), regardless of their nationality or migratory status. The immigrant population has the same labour rights, social protection and social security as Brazilians. Immigrants with temporary and/or permanent residence permits, including for study purposes,³⁵ can work in the country.

The National Immigration Council has a specialized chamber to study and propose measures to attract skilled labour in strategic areas for national development.³⁶ The Ministry of Foreign Affairs' (MRE) Consular Portal presents the different types of visas for immigrating to Brazil. The "Migration" area of the Federal Police's³⁷ institutional website provides information on visa, residence, and refugee conditions, as well as special provisions for citizens of Southern Common Market (MERCOSUR) countries.

Brazil has the Individual Micro-entrepreneur (MEI) modality for small businesses of up to two people, which allows the formalization of activities previously common to the informal labour market, along with ensuring access to social security benefits and tax compliance. Permanent residents must follow simplified bureaucratic steps to create the microenterprise and pay the corresponding fees and taxes. Immigrants in the MEI modality have the same rights as nationals. In 2019, the Special Secretariat for Productivity, Employment and Competitiveness of the then Ministry of Economy, now the Ministry of Labour and Social Security, simplified the process of opening the MEI register for immigrants by relaxing the documents required for immigrants who wish to become MEIs.³⁸

Brazil has formalized criteria for the recognition of qualifications from foreign institutions, but this procedure does not cover all professions. The process of revalidation of university and professional qualifications obtained abroad at the undergraduate level, whether by nationals or non-nationals, requires the procedure to be done at a public university. At the postgraduate, master's and doctorate levels, the revalidation process can be done by a public or private university. The specificities of each process may vary according to the university in charge.

The process of degree recognition is facilitated for immigrants or Brazilians who carried out their training in MERCOSUR member countries, given the common accreditation framework since 2018 – the MERCOSUR Regional Accreditation System of Undergraduate Courses (*Sistema de Acreditação Regional de Cursos de Graduação do Mercosul e Estados Associados*, ARCU-SUL).³⁹ Undergraduate courses from seven academic areas have been assessed, accredited and included in the database of the Regional Accreditation System of Undergraduate Courses via MERCOSUR. This database contains the list of academic institutions accredited by MERCOSUR members. The areas covered include agronomy, architecture, nursing, engineering, medicine, dentistry and veterinary science. Courses that have not been previously accredited in this database are

³⁵ Article 11 of Interministerial Ordinance No. 7 of 2018 provides the following: "The resident immigrant for study purposes will be allowed to exercise a paid activity compatible with the workload of the course, internship or exchange, under the terms of the legislation in force."

³⁶ See CNIg's Administrative Resolution No. 3 of 28 August 2019.

³⁷ More information is available at www.gov.br/pf/pt-br/assuntos/imigracao.

³⁸ More information is available at <https://agenciabrasil.ebc.com.br/economia/noticia/2019-10/imigrantes-se-cadastraram-como-mei-com-regras-simplificadas>.

³⁹ The ARCU-SUL is the result of an agreement between the Ministers of Education of Argentina, Brazil, Paraguay, Uruguay, the Plurinational State of Bolivia, and Chile, ratified by the MERCOSUR Common Market Council through CMC Decision No. 17/08. More information is available at www.gov.br/inep/pt-br/areas-de-atuacao/avaliacao-e-exames-educacionais/arcu-sul.

evaluated using indicators and standards built by the National Institute of Educational Studies and Research Anísio Teixeira (INEP), together with the Ministry of Education (MEC), to align the curricular content and ensure academic quality.

In addition to academic recognition of the diploma, some professions are regulated by professional councils or class orders, such as law and most health professions. Some professions may require additional proof for professional registration approval. This is the case for the Brazilian Bar Association (*Ordem dos Advogados do Brasil*) exam, a condition for the regular exercise of the legal profession. Additionally, Brazil has a differentiated mechanism for medicine, besides the diploma revalidation, which is the Revalida⁴⁰ exam, held by INEP/MEC, a requirement for immigrants and Brazilians who obtained their medical diplomas abroad and now wish to exercise their professions in Brazil. For those approved in the Revalida, the revalidation of their diploma by a public university in Brazil is waived.

In both public (free) and private higher education institutions, there are no restrictions for international students' enrolment, nor is there a differentiation in costs and fees for this group. All students can enrol in federal and state scholarships under the same conditions. In terms of admission conditions, universities may choose to evaluate foreign applicants differently from domestic applicants. Decisions may consider the grading systems of their home country, scoring the entrance exams on a curve, and other conditions imposed by each university. Some universities, for example, establish facilitated procedures for refugees, asylum seekers and immigrants in vulnerable situations to enter higher education. Since 1965, MEC has had an Undergraduate Student-Convention Programme (*Programa de Estudantes-Convênio de Graduação*) to attract international students to Brazil.

Resolution No. 1 of 2020, by the National Education Council (CNE), facilitates access to the right to enrol migrant children and adolescents, refugees, stateless people, and asylum seekers in the Brazilian public education system. In addition, MEC, through its Basic Education Secretariat, has included migrants and refugees as priority groups in MEC's Public Notice No. 17 of 2022. The focus of this public notice is the promotion of the offer of youth and adult education integrated into professional education in the institutions belonging to the Federal Network of Professional, Scientific and Technological Education. With this priority, the selected public institutions will be able to offer elementary and high school courses integrated into professional education (professional qualification courses or technical courses) to refugee and migrants who are over 15 years old and do not have complete basic education.

In terms of the right to banking and financial security, Brazil has a well-structured process for sending and receiving remittances and has made progress in facilitating this procedure, in accordance with the recommendations of the G20 Roadmap for enhancing cross-border payments (2021), a G20 initiative of which Brazil is a member, which calls for improving international processes for making cross-border payments, including remittances, in order to find solutions for cheaper, faster, more inclusive and transparent transactions.

According to the regulation of the Central Bank of Brazil (BCB), any identification documents recognized by Brazilian law are valid documents for account opening. Thus, there is no legal or regulatory impediment for banks to identify a refugee applicant, for account-opening purposes, based on the following documents: (a) National Migration Registration Card, (b) Provisional National Migration Registration Document and (c) Refugee Request Protocol. Nevertheless, the banks define the list of documents required to open their own customers' accounts. In addition, the opening of accounts and the offering of financial products and services to customers depend on the interest of those institutions. As in some cases, the institutions are unaware of which documents are required from migrants and applicants for recognition of refugee status, as well as the peculiarity of these groups, the *Financial Information Booklet for Migrants and Refugees*,⁴¹

⁴⁰ More information is available at www.gov.br/inep/pt-br/areas-de-atuacao/avaliacao-e-exames-educacionais/revalida.

⁴¹ More information is available at <https://migramundo.com/financial-booklet-for-refugees-and-immigrants-is-updated-by-the-central-bank/>.

developed by BCB, in partnership with the Ministry of Justice and Public Security (MJSP), IOM and the Office of the United Nations High Commissioner for Refugees, has as one of its purposes the disclosure of information on this theme to the entities of the National Financial System. The document is available in Portuguese, English, French, Spanish and Arabic.

Another initiative was the fourth edition of the Financial Education Training Course on Personal Finance Management for Refugees, Migrants and Stateless People (*Capacitação em Educação Financeira do curso Gestão de Finanças Pessoais para pessoas refugiadas, migrantes e apátridas*). The training was conducted by MJSP servers trained by the Central Bank. The course aims to teach basic concepts about interest, savings, investments, strategies to get out of debt, budget organization and financial planning. The training takes place on a regular basis.⁴²

4.2. Areas with potential for further development

Brazil releases periodic reports and data on the formal labour market from two main sources of the Federal Government: the Annual Social Information Report (*Relação Anual de Informações Sociais, RAIS*)⁴³ and the General Registry of Employed and Unemployed People (*CAGED*).⁴⁴ RAIS is published annually, and CAGED is published monthly. Both are administrative records and have identical geographical, sectorial and occupational breakdowns, and they do not collect information on country of origin or nationality. The Ministry of Labour and Social Security collects and publishes data on both indexes, and it conducts analyses of the Brazilian formal labour market based on them. In addition, the International Migration Observatory (OBMigra) (2020) produces reports that analyse the insertion of immigrants into the formal labour market, based on the harmonized RAIS/CAGED/CTPS⁴⁵ database. OBMigra includes a discussion of the immigrant labour force in its annual reports, and it produces publications that focus primarily on this issue. The Observatory also produces special publications that analyse socioeconomic integration in specific cases, such as the publication *Sociodemographic and Labour Profile of Venezuelan Immigration in 2017*. Several of these publications include gender variables and/or information about domestic work.

Facilitating the process of foreign institutions' diploma revalidation is an area with potential for development, despite recent efforts to reduce bureaucracy in the procedure. Brazil has shown progress in recent years, notably with the creation of the Carolina Bori Platform,⁴⁶ as well as with the issuance of regulations that are more consistent with the current reality, such as CNE's Resolution No. 3 of 2016, which inaugurated a more modern process of diploma revalidation in Brazil, followed by MEC's Normative Ordinance No. 22 of 2016.

The main existing obstacle concerns the impossibility, under Brazilian law, of private universities revalidating degrees or diplomas at the undergraduate level. As of July 2022, the National Congress is debating the issue, and in August 2020, the Federal Senate approved Bill of Law No. 3.716 of 2020. The Bill of Law is currently being discussed in the Chamber of Deputies and, if approved, will bring important improvements to the diploma revalidation process in Brazil, including the possibility of private universities revalidating undergraduate diplomas. The revalidation of foreign diplomas is an important aspect of the retention of skilled labour in Brazil, and its governance has improved in the last five years in the country.

Facilitating the socioeconomic integration of immigrant women and their families is an area with potential for further development. The Ministry of Women, Family and Human Rights (MMFDH) has implemented some initiatives to promote the economic integration of Venezuelan women into the Brazilian economy.

⁴² More information is available at <https://migramundo.com/financial-booklet-for-refugees-and-immigrants-is-updated-by-the-central-bank/>.

⁴³ More information is available at www.rais.gov.br/sitio/index.jsf and www.rais.gov.br/sitio/download.jsf#layouts.

⁴⁴ More information is available at www.gov.br/pt-br/servicos/entregar-a-declaracao-mensal-para-o-cadastro-geral-de-empregados-e-desempregados.

⁴⁵ CTPS stands for *Carteira de Trabalho e Previdência Social* (Work Permit and Social Security).

⁴⁶ The Carolina Bori platform is a computerized system created in 2017 by the Ministry of Education, for the management and control of processes of revalidation and recognition of foreign diplomas in Brazil.

For example, in partnership with IOM and the Virada Feminina movement, MMFDH developed economic integration actions through training for access to the beauty care market.



5

EFFECTIVELY ADDRESSES THE
MOBILITY DIMENSIONS OF CRISES

5.1. Migration governance: Examples of well-developed areas

The Migration Law (Law No. 13.445 of 2017, Article 14) provides for temporary visas and residence permits for humanitarian reception. These can be granted to a stateless person or to a person from any country of origin in a situation of serious or imminent institutional instability, or where there is armed conflict, a major disaster, an environmental disaster, or a serious violation of human rights or international humanitarian law – or in other cases, in accordance with the country regulations.

Humanitarian visas are used in specific contexts – for example, in the case of the conflict in the Syrian Arab Republic (Interministerial Ordinance No. 9 of 2018). One of the examples of humanitarian reception for environmental reasons is embodied in Interministerial Ordinance MJSP/MRE No. 27 of 2021, which updates the provisions “on the granting of temporary visa and residence permit for humanitarian reception purposes for Haitian nationals and stateless persons residing in the Republic of Haiti”. More recent examples of cases of humanitarian reception regulated by Brazil are as follows: Interministerial Ordinance No. 24 of 2021 provides for visa and residence permits to Afghan nationals, stateless people, and those affected by serious or imminent institutional instability, or a serious violation of human rights or international humanitarian law in Afghanistan; and Interministerial Ordinance No. 28 of 2022 provides for the same measures for Ukrainian nationals and stateless people who have been affected or displaced by the armed conflict situation in Ukraine.

The Migration Law also establishes that the civil identification of the applicant for humanitarian reception can be done by presenting the documents that the immigrant possesses (Article 20). Finally, the Law prevents the repatriation of people who have been granted humanitarian reception (Article 49).

Since the humanitarian crisis in Haiti in 2010, Brazil has established a humanitarian visa policy and created an office in Port-au-Prince in 2015 to facilitate the issuance of documents to Haitians affected by the crisis.⁴⁷ The agreement was essential in ensuring that Haitian migration to Brazil took place in a dignified, safe and orderly manner, especially during the most intense period of this migration flow, between 2013 and 2015.

In 2018, the Federal Government, through an interministerial action, started *Operação Acolhida*,⁴⁸ which carries out the work of reception, identification, and welcoming of Venezuelan migrants and refugees arriving in Brazil by the border of Roraima. The Operation is structured around three axes: (a) border planning, (b) reception and (c) interiorization. *Operação Acolhida* was created in a context in which the Brazilian Government issued Provisional Measure No. 820 of 2018 to address the migration flow from Venezuela. This Provisional Measure was converted by the National Congress into Law No. 13.684 of 2018, which deals with emergency assistance measures for the reception of people in situations of vulnerability resulting from a migration flow caused by a humanitarian crisis, and establishes the Federal Emergency Assistance Committee, regulated by Decree No. 9.970 of 2019.⁴⁹ The Federal Emergency Assistance Committee is chaired by the Civil House of the Presidency of the Republic and is responsible for coordinating the intersectoral work of humanitarian response. *Operação Acolhida* is implemented on an interministerial basis, with the Ministry of Justice and Public Security (MJSP), the Ministry of Foreign Affairs (MRE), the Ministry of Education (MEC), the Ministry of Citizenship, the Ministry of Economy, the Ministry of Health,

⁴⁷ More information is available at www.gfmf.org/pfp/ppd/11113.

⁴⁸ More information is available at www.gov.br/casacivil/pt-br/acolhida/sobre-a-operacao-acolhida-2.

⁴⁹ Although these two legislations have been edited as a response to the specific Venezuelan context, they can be applied to other humanitarian crisis situations that may arise in the future.

the Ministry of Defence, and the Ministry of Women, Family and Human Rights.⁵⁰ The Armed Forces (Navy, Army and Aeronautics) provide logistical support to the Operation with actions in infrastructure, transport, health and administration, together with United Nations agencies, including IOM, and civil society entities.

The Interiorization Strategy began in February 2018 and consists of voluntary, safe, orderly, and free relocation of Venezuelan refugees and migrants in vulnerable situations from the States of Amazonas and Roraima to other cities in Brazil. The Interiorization aims to allow the beneficiaries to access better opportunities for social, economic and cultural integration, as well as to reduce the pressure on public services that currently exist mainly in the State of Roraima, located on Brazil's northern border.

The Interiorization is coordinated from the Federal Subcommittee on Interiorization and depends on the cooperation of states and municipalities throughout the country. IOM is the United Nations agency with a central role within the Interiorization Strategy and is involved in all stages of the process. The Interiorization has already benefited more than 64,000 Venezuelans since April 2018 until November 2021, voluntarily relocated to 778 municipalities across the country (R4V, 2021). It is worth noting that the Interiorization has four modalities: (a) institutional ("shelter–shelter"), (b) family reunification, (c) social reunion and (d) for work purposes. The latter is a specific type based on the availability of job opportunities, which since its inception has served 8 per cent of the participants.

The Government of Brazil has established/facilitated pathways for migratory regularization. National Immigration Council Normative Resolution No. 126 of 2017 allowed the granting of temporary residence permit for Venezuelans (and nationals of other border countries not members of the Southern Common Market). This resolution was replaced and improved by Interministerial Ordinance No. 9 of 2018, which relaxed the documentary requirements for requesting a residence permit. In March 2021, a new Interministerial Ordinance No. 19 of 2021 was published, which simplifies the temporary residence authorization for Venezuelans.⁵¹

In 2019, the National Committee for Refugees (CONARE) recognized the scenario of serious and widespread violation of human rights in the Venezuelan territory, a decision sufficient for the recognition of the refugee status of Venezuelan nationals in an objective manner, in accordance with Item III of Article 1 of Law No. 9.474 (1997). In October 2019, CONARE Normative Resolution No. 29 was published, which allowed the adoption of differentiated procedures in the instruction and evaluation of manifestly founded requests for recognition of refugee status.

The combination of these mechanisms allowed the recognition of approximately 50,000 Venezuelan refugees from December 2019 to the present date. In addition to speeding up the process, the block trial is the result of the work of CONARE, which uses business intelligence tools – systems intelligence that, by means of data crossing, maps the requests of nationals of the neighbouring country, plagued by humanitarian and political–economic crisis. Without this strategy, the resolution of cases could take three to four years.

Temporary residents, permanent residents (including refugees), and asylum seekers are entitled to work in the formal labour market and to access all public services free of charge.

Finally, within *Operação Acolhida*, there is a specialized discussion group on the migration of the Venezuelan indigenous population that has moved to Brazil, through the Indigenous Discussion Group (*Grupo de Discussão Indígena*) of the Federal Emergency Assistance Committee. Among other agencies, the Specialized Modalities of Education and Brazilian Cultural Traditions Directorate of the Specialized Modalities Secretariat of MEC is part of the group.

⁵⁰ More information is available at www.gov.br/casacivil/pt-br/acolhida/base-legal-1/base-legal.

⁵¹ More information is available at www.gov.br/mj/pt-br/assuntos/noticias/portaria-simplifica-autorizacao-de-residencia-temporaria-para-venezuelanos.

The arrival of migratory flows to the Brazilian territory or the internal displacement of populations is often due, among other factors, to disaster or calamity situations. The former Ministry of National Integration, now the Ministry of Regional Development (*Ministério do Desenvolvimento Regional*, MDR), published Decree No. 10.593 of 2020, on the National System of Protection and Civil Defence (*Sistema Nacional de Proteção e Defesa Civil*, SIMPDEC), the National Plan for Protection and Civil Defence, and the National Disaster Information and Monitoring System (*Sistema Integrado de Informações sobre Desastres*, S2ID). One of SIMPDEC's objectives is to prevent and manage the effective response to human displacement by disasters, in order to guarantee the protection of the affected population. The National Plan for Protection and Civil Defence is prepared with the coordination of MDR's National Secretariat for Protection and Civil Defence. S2ID can be accessed by states and municipalities for observation and disaster management. The system collects information from various public communication entities and updates an interactive map in real time, allowing authorities to assess the size and response appropriate to each situation. Anyone can access the system information, but the information is available only in Portuguese.

Due to the COVID-19 pandemic, the Federal Police issued regulations extending the deadline for the migratory regularization of immigrants who are in the country, who have expired identification documents and/or all necessary documentation to apply for a residence permit, and who could not get an appointment at the office of the Federal Police.⁵² The regularization can be made regardless of late registration or overstaying during this period.

5.2. Areas with potential for further development

Developing strategies for addressing migration linked to environmental degradation and the adverse effects of climate change, as well as including specific vulnerabilities that migrants face are areas with potential for improvement. For example, including this dimension in S2ID would allow for measuring the impact of disaster or calamity situations on population displacement and on internal and international migration flows, in addition to making the S2ID platform available in languages other than Portuguese.

Law No. 13.684 (2018) provides for emergency assistance measures for the reception of people in situations of vulnerability resulting from migration flows caused by humanitarian crisis, then creates an important precedent in relation to crisis management due to migration flows by stipulating action and response directives. Additionally, it would be relevant to incorporate the migratory issue into other national policies for managing disaster or calamity situations. It would also be relevant to establish protocols of care for at-risk migrant populations with specific needs, such as children, women, indigenous people, LGBTQI+ people, the elderly, people with disabilities, and victims of violence.

⁵² See Ordinance No. 18-DIREX/PF of 19 October 2020 and Ordinance No. 21-DIREX/PF of 2 February 2021.



6

ENSURES THAT MIGRATION TAKES PLACE IN A SAFE, ORDERLY AND REGULAR MANNER

6.1. Migration governance: Examples of well-developed areas

The Migration Law (Law No. 13.445 of 2017) provides that one of the principles that govern the Brazilian migration policy is the “non-criminalization of migration” (Article 3, Item III). Thus, according to Article 50 and Article 109, an irregular migratory situation is not a crime but an administrative infraction. This is the case of exceeding the validity period of a visa or residence permit or entering the country without authorization.

There are three hypotheses for compulsory removal from the national territory foreseen in the legislation: repatriation, deportation and expulsion.

The consequence for staying in the country after the visa or residence permit expiration date is a daily fine up to the limit of 100 days and possible deportation, which can end if the person regularizes his/her migration status. In the case of a residence permit, the daily fine applies only if the residence permit is temporary. The Migration Law foresees that if the person does not leave the country or does not request migratory regularization, besides being fined, they may be deported. Likewise, a person who enters the country without authorization may be deported if they do not regularize their migratory situation within the deadline.

Article 55 states that no expulsion shall take place if the person “(a) has a Brazilian child who is in their custody or economic or socioaffective dependency or has a Brazilian person under their guardianship; (b) has a spouse or partner resident in Brazil, without any discrimination, judicially or legally recognized; (c) entered Brazil until the age of 12 years old, residing since then in the country; (d) is a person over 70 years old who has resided in the country for more than 10 years”.

Finally, “repatriation consists of an administrative measure of return of a person who is unable to return to the country of origin or nationality” (Article 49). However, repatriation shall not be carried out in the following situations: “to the person who has requested refugee status or is in a situation of statelessness, in fact or in law, to the person under the age of 18 years old unaccompanied or separated from his/her family, except in cases where it is shown to be favourable to the guarantee of their rights or to the reintegration of their family of origin, or to those in need of humanitarian reception, nor, in any case, return measure to a country or region which may present a risk to the life, personal integrity or freedom of the person”.

Articles 61 and 62 prohibit collective repatriation, deportation and expulsion, as well as in cases involving risk to the life of the person. Furthermore, the Migration Law foresees that deportation and expulsion processes must be according to the law. In cases of deportation, there is guarantee of appeal with suspensive effect and notification of the Attorney General of the Union, preferably electronically, to provide assistance to the deportee.

Since 2016, the Federal Police and the Ministry of Justice and Public Security (MJSP) have implemented two new information systems dedicated to national migratory registration and asylum application. The old National System of Registration of Foreigners (*Sistema Nacional de Cadastramento de Registro de Estrangeiros*) was replaced by the National Migratory Registration System⁵³ managed by the Federal Police, while MJSP developed the National Committee for Refugees System,⁵⁴ for processing and registration of refugees and applicants for recognition of refugee status.

⁵³ More information is available at www.nepo.unicamp.br/observatorio/bancointerativo/numeros-imigracao-internacional/sinre-sismigra/.

⁵⁴ More information on SISCONARE is available at www.justica.gov.br/seus-direitos/refugio/sisconare.

The Federal Government offers consular assistance in person in hundreds of cities around the world and keeps public information updated on the Ministry of Foreign Affairs' (MRE) official website, with the contact details of Brazilian consular offices, including for emergency situations. Emergency consular assistance operates 24 hours a day, seven days a week, for Brazilians living abroad who face crisis situations. The services include support for the following cases: humanitarian crisis caused by natural disaster, civil war or armed conflict; a missing Brazilian residing abroad in the last 48 hours; human trafficking; serious accident, hospitalization or violence against a Brazilian living abroad; communication of death of a Brazilian residing abroad with their family; and a Brazilian being detained at an airport because of migration policy. A Brazilian residing abroad can directly contact the Consular Portal's support staff through a dedicated email and a telephone number. In addition, there is an exclusive phone number for Brazilians abroad to deal with issues related to the COVID-19 pandemic.

MRE has guidelines on Brazilians' rights to access public services outside the country. This includes the right to vote for the President of the Republic during elections, child custody disputes, access to pension payments, marriage homologation and divorce documentation. There is no general guidance or service that provides specific support in relation to the rights of Brazilian workers abroad.

Brazil has some initiatives to promote the reintegration of its nationals who reside abroad. In the Migration Law (Article 78), there is an exemption from customs duties for new or used goods of Brazilians returning to the country. MRE developed the Consular Portal, which gathers useful information for this population.^{55,56} The return of migrants is done mainly through ad hoc partnerships, most of which are managed by IOM Brazil's Assisted Voluntary Return and Reintegration programmes and/or consulates. In addition to the return trip, IOM also supports the Brazilian Government in developing initiatives to facilitate reintegration. For example, between 2019 and 2020, IOM developed the Common Complementary Mechanism for Sustainable Reintegration in Brazil (*Mecanismo Complementar Comum para uma Reintegração Sustentável no Brasil*, SURE). SURE served approximately 100 Brazilian returnees and trained more than 150 people in four countries, with the support of 24 civil society organizations.

The issues of combating modern slavery and human trafficking are addressed by different ministries, depending on the exercise of their competencies. Concerning the fight against slave labour, the main responsibility lies with the Undersecretary of Labour Inspection (*Subsecretaria de Inspeção do Trabalho*, SIT) of the Ministry of Labour. It is mainly responsible for the inspection process of working conditions and the restitution of workers' rights.

Combating trafficking in persons (TIP) (*enfrentamento ao tráfico de pessoas*) is articulated mainly by the General Coordination for Combating Trafficking in Persons and Smuggling of Migrants of the Department of Migration (DEMIG) of the National Secretariat of Justice (SENAJUS), which has among its attributions: coordinating the instances of integrated management of the National Policy against Trafficking in Persons; coordinating the process of planning, elaboration, implementation, monitoring and evaluation of the National Plans for Combating Trafficking in Persons; guiding the network in referring complaints to the justice and public security services; carrying out articulation with partner institutions that work on the confrontation of TIP in its various purposes; coordinating international technical cooperation actions for the confrontation of TIP; and promoting research actions, data production, information management, training, campaigns, awards, week of mobilization, and other actions aimed at strengthening the National Policy against Trafficking in Persons.

⁵⁵ The information available is divided into the following main categories: (a) COVID-19 test requirement for entry of Brazilians and foreigners into Brazil, (b) documentation, (c) luggage and customs, (d) moving to Brazil, (e) working and studying in Brazil, (f) diploma revalidation, (g) health surveillance, (h) children travelling unaccompanied, (i) social security and taxes, and (j) support organizations and institutions.

⁵⁶ The Consular Portal is available at www.gov.br/mre/pt-br/assuntos/portal-consular/.

Brazil has had a well-structured national policy to combat modern slavery since 1995, when the Mobile Supervision Group⁵⁷ was created. Since 2003, Brazil has had a National Commission for the Eradication of Slave Labour (CONATRAE),⁵⁸ and from 2007, State commissions, in addition to some municipal initiatives, such as the São Paulo Municipal Commission. The main responsibility in the fight against modern slavery lies with SIT of the Secretariat of Labour, within the Ministry of Labour. It is mainly responsible for the process of monitoring of work conditions and restitution of workers' rights.

The first National Plan for the Eradication of Modern Slavery (*Plano Nacional para Erradicação do Trabalho Escravo*) was published in 2003 and the second in 2008.⁵⁹ The monitoring of both plans was done through the platform Monitora 8.7,⁶⁰ created by the International Labour Organization (ILO) in partnership with the Public Prosecutor's Office; the monitoring of the second plan is in the completion phase. The Special Secretariat for Social Security and Labour is responsible for their implementation, together with other institutions.

In 2019, CONATRAE structured a National Flow of Assistance to Slave Labour Victims, with technical support from ILO. The Ministry of Labour, through the Special Secretariat for Social Security and Labour, is responsible for its implementation, together with other institutions. Also, in 2019, the Municipal Commission for the Eradication of Modern Slavery of the Municipality of São Paulo elaborated a municipal flow, in direct dialogue with the national flow. Both flow charts contemplate specific attention to vulnerable migrants submitted to slave labour, regardless of their migratory or documental condition.

The Third National Plan for Combating Trafficking in Persons (*Plano Nacional de Enfrentamento ao Tráfico de Pessoas*, PNETP) (Decree No. 9.440), created in 2018, is composed of 58 goals and six thematic axes, namely: (a) policy management, (b) information management, (c) training, (d) accountability, (e) victim assistance, and (f) prevention and public awareness. The thematic axes are composed of targets aimed at prevention, repression of TIP in the national territory, accountability of perpetrators and attention to victims.

All actions to combat trafficking in persons, developed and conducted by MJSP, are based on the PNETP, and the Ministry has a web page where it consolidates various information on the subject.⁶¹

The execution of the National Policy against Trafficking in Persons is done in a decentralized way, so various states of the Federation have their respective Centres for Combating Trafficking in Persons. For effectively combating TIP, it foresees articulation, decentralization, and participation of all segments of society, in order to establish partnerships among stakeholders. The set of institutions and actors involved in the process is called the Network for Combating Trafficking in Persons.⁶²

The enactment of Law No. 13.344 of 2016 added Article 149-A to the Criminal Code and defined the crime of TIP, its purposes and aggravation of penalties. In June 2021, MJSP in partnership with the United Nations Office on Drugs and Crime and the Government of Sweden launched the National Report on Trafficking in Persons, which covers data on TIP from 2017 to 2020, the first report prepared under Law No. 13.344.

According to Decree No. 9.662 of 2019 (Article 13), SENAJUS is in charge of coordinating and articulating the actions of confrontation, and DEMIG is responsible for structuring, implementing, and monitoring the national plans to confront TIP and articulating actions with governmental and non-governmental organizations in this matter. The General Coordination for Combating Trafficking in Persons and Smuggling of Migrants of DEMIG is directly in charge of these competencies, working in collaboration with the Network of

⁵⁷ See MTb Ordinance No. 549 of 1995 and Ordinance No. 550 of 1995, as well as Decree No. 9.887 of 27 June 2019 (formerly Decree No. 9.943 of 31 July 2003).

⁵⁸ See Decree No. 9.887, dated 2019 (formerly Decree No. 9.943 of 2003).

⁵⁹ More information is available at www.gov.br/mdh/pt-br/navegue-por-temas/combate-ao-trabalho-escravo/plano-nacional-para-erradicacao-do-trabalho-escravo.

⁶⁰ More information is available at <https://monitora87.org/>.

⁶¹ See www.gov.br/mj/pt-br/assuntos/sua-protecao/trafico-de-pessoas.

⁶² Specifically about the State centres, more information can also be accessed on the official website, available at www.gov.br/mj/pt-br/assuntos/seus-direitos/migracoes/rede-de-enfrentamento-ao-trafico-de-pessoas.

State-level Centres for Combating Trafficking in Persons (present in 15 states), other ministries, and civil society organizations on programmes to identify and combat TIP. MJSP publishes annual reports on human trafficking statistics, including data on arrests, open cases, legal landmark and police response. The office of the Federal Police, the Public Defender's Office, and the Office of the Attorney General of the Union also have sectors dedicated to combating international human trafficking.

Brazil participated in the Global Action against Trafficking in Persons and the Smuggling of Migrants from 2015 to 2019, an initiative aimed at providing assistance to government authorities, civil society organizations, victims of trafficking and migrant victims of smuggling. The country also participated in the Eurofront/IOM programme, whose general objective is the integrated management of borders in Latin America, aiming to contribute to a greater degree of security, respect and protection of human rights; and in the TRACK4TIP project, whose general objective is to improve the regional criminal justice response to human trafficking in migration flows in beneficiary countries, through a multidisciplinary and victim-centred approach, with actions at the regional and national levels to identify, prevent and prosecute cases.

The Government participates in the annual international Blue Heart Campaign, with the objective of raising awareness about the urgency of confronting human trafficking in Brazil and worldwide.

Furthermore, Brazil has bilateral agreements on the issue of combating TIP signed with the following countries: Argentina, Mexico and Poland.

Brazil has a National Missing Persons Search Policy, created by Law No. 13.812 of 2019. In February 2021, the Federal Government published Decree No. 10.622, which “designates the central federal authority referred to in Law No. 13.812, establishes the Managing Committee of the National Missing Persons Search Policy, and provides for the National Missing Persons Search Policy and the National Registry of Missing Persons”.

6.2. Areas with potential for further development

An area with potential for further development is the strengthening of bilateral and multilateral relations with other countries for the prevention of and confronting organized crime networks of modern slavery and human trafficking. Brazil already participates in joint investigation operations, articulated mainly through Interpol. Also noteworthy is MJSP's initiative to search for missing persons through a mobile application called *Sinesp Cidadão*.⁶³ The inclusion of gender considerations in the future National Plan for the Eradication of Modern Slavery and the National Flow of Assistance to Slave Labour Victims is another area with potential for further development, together with the establishment of specific gender-based policies to promote safe labour migration and prevent the exploitation of these workers.

⁶³ More information is available at www.gov.br/pt-br/servicos/consultar-pessoa-desaparecida.



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Note: All links were active at the time of writing this report.



ANNEXES

MiGOF: Migration Governance Framework⁶⁴

In an attempt to define the concept of “well-managed migration policies”, the International Organization for Migration (IOM) devised a Migration Governance Framework (MiGOF), which was welcomed by the IOM Council in November 2015. For the purposes of the Migration Governance Framework, IOM defines governance as “the traditions and institutions by which authority on migration, mobility and nationality in a country is exercised, including the capacity of the government to effectively formulate and implement sound policies in these areas”.

The Framework sets out the essential elements of “good migration governance” – three principles and three objectives which, if respected and fulfilled, would ensure that migration is humane, safe and orderly, and that it provides benefits for migrants and societies.⁶⁵ IOM’s view is that a migration system promotes migration and human mobility that is humane and orderly and benefits migrants and society:

When it:

- (i) Adheres to international standards and fulfils migrants’ rights;
- (ii) Formulates policy using evidence and a “whole-of-government” approach;
- (iii) Engages with partners to address migration and related issues.

As it seeks to:

- (i) Advance the socioeconomic well-being of migrants and society;
- (ii) Effectively address the mobility dimensions of crises;
- (iii) Ensure that migration takes place in a safe, orderly and dignified manner.

The MiGOF does NOT create new standards or norms. In drafting the Framework, IOM relied on its expertise and analytical work, as well as on existing commitments, non-binding declarations and statements. It does NOT address global migration governance that is the international architecture for dealing with issues related to migration and human mobility. Instead, the focus is on the governance and management of migration from the point of view of the State as the primary actor. It does NOT propose one model for all States. The Framework presents a “high road” or ideal version of migration governance, to which States can aspire.

The MiGOF is based on the understanding that, as the primary actor in migration, mobility and nationality affairs, a State retains the sovereign right to determine who enters and stays in its territory and under what conditions, within the framework of international law. Other actors – citizens, migrants, international organizations, the private sector, unions, non-governmental organizations, community organizations, religious organizations and academia – contribute to migration governance through their interaction with States and each other.

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The MGI process



1

Launch of the MGI process

The first step of the process is to explain what the MGIs entail to key government officials, in order to ensure full understanding of the project and complete buy-in.



2

Data collection

The second step of the process is to start the collection and analysis of data, based on about 90 indicators grounded in the six dimensions of the MiGOF. A migration governance profile based on the analysis of the findings is then drafted and shared with the government counterparts.



3

Interministerial consultation

The third step of the process is to convene an interministerial consultation where all relevant ministries and other stakeholders discuss the good practices and main areas that could be developed further as identified in the draft migration governance profile, as well as priorities on the way forward. It is also an opportunity for them to comment and provide suggestions on the draft profile.



4

Publication of the report on the Global Migration Data Portal

After the migration governance profiles are finalized and vetted by government counterparts, they are published on the Global Migration Data Portal⁶⁶ and uploaded on the IOM Publications Platform.⁶⁷

⁶⁶ You can find the profiles at www.migrationdataportal.org/overviews/mgi.

⁶⁷ Please see <https://publications.iom.int/>.



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