

Brazil

Brazil, the fifth biggest country in the world in terms of area and population, is primarily known in Europe as an attractive holiday destination and former immigration country. Between the first Portuguese settlement in the 16th century and the Second World War, more than four million people migrated to the country, most of them Europeans. In the 1980s the situation reversed. An estimated three million Brazilians have left their country to date; initially their primary destination was the USA, but increasingly they also aim for Europe and Japan.

Due to the stabilised economic situation¹ of the past decade, Brazil has now become a rewarding destination for migrant workers and refugees. Much of this immigration takes the form of irregular immigration.

Although Brazil is the world's ninth biggest national economy, the country is marked by greater social inequality than almost any other country in the world: in 2005 the richest 10% of the population earned 48% of the national income while more than 40 million Brazilians had less than two dollars a day on which to live.² From the mid 1990s, Brazil's extreme socio-structural division initially slowed down, but since then has picked up pace again.³ For this reason, many well-educated



young Brazilians can see no professional opportunities in their homeland in the immediate future and are leaving the country for the USA, Japan and Europe.

Background information

Capital: Brasília

Official Language: Portuguese

Area: 8,511,965 km²

Population (2007): 185,998,215 (Brazilian Institute for Statistics IBGE)

Population density: 23 inhabitants per km²

Population growth (2006): 1.2 % (IBGE 2006)

Labour force participation (8/2008): 57 % (IBGE)

Foreign Population (2008): 0.7% (estimation, see text)

Unemployment rate: 7.6 % (8/2008), 9.5 % (8/2007), 10.6 (8/2006) (IBGE)

Religions: Roman Catholic (73.6%), protestant (15.4%), spiritualist (1.3%), Umbanda und Candomblé (0.3%), other (1.8%), unspecified (0.2%), none (7.4%) (2000 census)

Historical development

Immigration

Brazil is characterised by centuries of immigration from all parts of the world: the systematic settlement of European invaders, in particular the Portuguese, but also Spaniards, the Dutch, the English and the French, began more than three hundred years ago. Initially, numerous indigenous Indians were enslaved, predominantly to work on the sugar cane plantations. Enslavement, displacement and extermination led to the annihilation of many Indian peoples: of an estimated five to six million indigenous people at the time of the arrival of the first Europeans, only about 600,000 remained by the end of the colonial period.⁴ In the 16th century, Portuguese colonialists began to bring slaves from Africa to Brazil. They originated from territories known today as Guinea, Angola, Mozambique, Nigeria and more. In the 17th century the number of displaced Africans already exceeded that of the settled Europeans.⁵

Portugal relinquished its exclusive rights ("Pacto Colonial") to Brazil in 1808, when the Portuguese king, Dom João VI, fled there to escape Napoleon. The country's harbours were opened to all friendly nations. As a result of a declaration made

by João VI, 1818 saw the first official recruitment of European migrants with the aim of colonising Brazil. The slave economy was not in fact ended by Brazil until 1888. By the time the import of slaves was banned in 1850 about five million Africans had been transported to Brazil. European immigrants were now to take over the work of the slaves.

The time of the so-called "big migration" to Brazil began in the second half of the 19th century. The first of three phases of mass immigration (1880 to 1909) lasted until the early years of the 20th century. The immigrants in this phase originated primarily from Europe. The strongest increase was firstly among the Italians with 1,188,883 immigrants (cf. Table 1). However, immigrants also came from Portugal (519,629), Spain (307,591), Germany (49,833), the Middle East (31,061) and, in smaller numbers, from various other countries such as Ukraine, Poland, Russia and Korea. The total number of immigrants in the period after the abolition of slavery was between 50,000 and over 200,000 per year.⁶

In this first phase of mass immigration, European migrants were needed above all as workers in the agricultural sector, for coffee cultivation in Southeast Brazil and later for the spread of industrialisation. The Brazilian upper classes were, moreover, anxious to bring themselves in line culturally, socially and ethnically with Europe through European immigration.⁷

In a second wave of immigration between 1910 and 1929 more than one and a half million migrants entered the country to be employed, once again, in agriculture. The immigrants again originated primarily from Portugal, Italy, Spain, Russia and Germany, many of them looking for a fresh start after the First World War. However, emigration to Brazil has also increased from Syria and Lebanon since the beginning of the 20th century.⁸

After Canada, the USA, Mexico and Argentina had tightened up their immigration conditions in the mid 1920s, Brazil became the main migration destination for the Japanese. By 1929, 86,577 Japanese had arrived in the country, assisted in their emigration by the government in Tokyo, which gave them financial support as well as helping to organise their emigration.⁹ The Japanese immigrants replaced the Italian immigrant workers who were predominantly employed in agriculture and whose numbers went into steady decline from the 1930s.

From 1930 President Getúlio Vargas operated an immigration policy that aimed primarily at assimilating Brazil's minorities and which made immigration more difficult. To "protect Brazilian identity" the use of foreign languages was forbidden in public life.¹⁰ Due to the fall in coffee sales in the incipient world

economic crisis, it had anyway become difficult for immigrants to find work. The restrictive immigration policy was determined by a quota system introduced in 1934 whereby (with the exception of the Portuguese) only a very small number of immigrants were allowed to join the respective group of migrants who had already entered the country. Not until 1946 were the discriminatory laws repealed after the fall of the Vargas regime.

The third wave of immigration (1930 – 1969) turned out smaller than those in the preceding decades. The largest group of new immigrants comprising 160,735 persons originated from Japan. For the newly emerged industrial sector, migrants were recruited from Syria and Lebanon in particular. The recruitment of foreign workers ended with the military coup in 1964. Now internal migration gained importance for the country's economic development.

Internal migration

Since the European settlement of Brazil there has repeatedly been immense migration within the country for economic reasons. When, in the 17th century, sugar cane production in the North East slowly subsided, a large part of the population moved towards the new economic centre, Minas Gerais, to work in the gold and diamond mines. Later, when the coffee trade gained momentum in the 19th century, thousands of job seekers followed the growing branch of the economy to Southeast Brazil.

Industrialisation in the 1960s and 1970s brought new jobs and led to a mass exodus from the countryside to the big cities. In the space of a few decades the populations of all the big Brazilian cities exploded. This rural exodus – unique in Latin America in terms of size – was intensified by the great poverty of the peasant population. Strong population growth, agricultural modernisation and the ensuing reduction in job opportunities for farm workers reinforced this process.

The situation was exacerbated in the 1980s by the lack of infrastructure and the hopelessness of acquiring a plot of land. The establishment of capital-rich agricultural companies further widened the gulf between big landowners and subsistence-oriented peasant farmers.¹¹ The army of many thousands of landless people gave rise in 1984 to the "Landless Movement" (*Movimento dos Trabalhadores Rurais Sem Terra, MST*) meanwhile relevant to the whole of society and which fights for radical land reform.

Once industrialisation reached its limits, the major cities in the north, northeast, south and southeast were no longer able to absorb the many job seekers. The high levels of unemployment

in the cities have led to the building of slums on their outskirts, which have grown rapidly in the last few decades. In 2006, 84% of the population was living in cities. Since the beginning of 2000 new movement has been observed from the southeastern cities of São Paulo and Rio de Janeiro to the medium-sized towns in

Table 1: Immigrants in Brazil by to country of origin from 1880 to 1969

	Portugal	Italy	Spain	Germany	Japan	Middle East	Others
1880-1909	519,629	1,188,883	307,591	49,833	861	31,061	171,498
1910-1929	620,396	245,003	263,582	101,703	85,716	79,102	266,598
1930-1969	464,055	142,334	140,538	56,606	160,735	30,301	232,939
Total	1,604,080	1,576,220	711,711	208,142	247,312	140,464	671,035
Share	31%	30%	14%	4%	5%	3%	13%

Source: Lesser, Jeffrey (1999): *Negotiating National Identity. Immigrants, Minorities, and the Struggle for Ethnicity in Brazil*. Duke University Press. Durham & London; eigene Berechnung

the country's interior. Pull factors here are the better job opportunities, lower crime rates and better public service provision. However, the mass exodus from the country into the big cities continues.¹²

Political and legal development

Immigration policy

The Brazilian government does not pursue an active immigration policy; although entry into Brazil is made easier for the highly qualified once they have been assessed by the National Immigration Council. The higher the school or university qualification, the more often a work or residence permit is granted, as figures from the Brazilian Ministry of Labour and Employment show for the years 2004 to 2007.¹³ The immigration policy for which the National Immigration Council has striven in recent years facilitates migration where the focus is on the following main areas: modern technology, investment of foreign capital, science and culture development and family reunification.¹⁴

Current immigration policy is based on Law No. 6,815 of 19 August 1980. The "Foreigners' Statute", which stems from the time of the military dictatorship, has been an object of dispute since the time it came into effect. Particular criticism is levelled at the contradiction between the law's primary purpose of serving national security, thereby making immigration more difficult, and the valid constitution of 1988 which places special emphasis on the value of human beings and their fundamental rights. The constitution revokes numerous articles of the Foreigners' Statute.¹⁵

The 1980 law also created the National Immigration Council (*Conselho Nacional de Imigração, CNIg*) as a government body. It is responsible for formulating immigration policy and for the settlement of aliens. The Immigration Council is controlled by the Ministry of Labour and is composed of members of many other ministries, trade unions and associations. By dint of granting the seven types of visa and with the aid of 79 resolutions at present, it has an active influence on migration activity.¹⁶

Current discussion questions whether the validity of the restrictive Foreigners' Statute is one of the reasons why the hoped-for stronger immigration of qualified and entrepreneurial migrants has never materialised. Numerous attempts to bring about new legislation for foreign immigration, such as the proposed law No. 1813/19 introduced in 1991 by the executive in the National Congress (*Congresso Nacional*), have fallen afoul of complicated bureaucratic procedures and disputes in the Chamber of Deputies (*Câmara dos Deputados*).

Regional migration

The biggest regional migration to date arose in the 1960s, when the government of Paraguay recruited Brazilians for land ownership. Between 112,000 and a million Brazilians have remained in Paraguay to the present day as "Brasiguaios". It is difficult to estimate their number as many of them live in the border areas illegally.¹⁷

In terms of numbers, interregional migration in Brazil today is determined above all by the Common Market of the South, Mercosur (*Mercado Común del Sur*). Mercosur was set up on

the 26 March 1991 with the signing of the Treaty of Asunción by member states Argentina, Brazil, Paraguay and Uruguay.¹⁸ Many thousands of day-labourers cross for work into the border regions of the Common Market's member states, whereby alongside Argentina, Brazil is a preferred destination for migrant workers. Since the start of the 1990s, South Americans have accounted for more than half of all migration to and from Brazil.

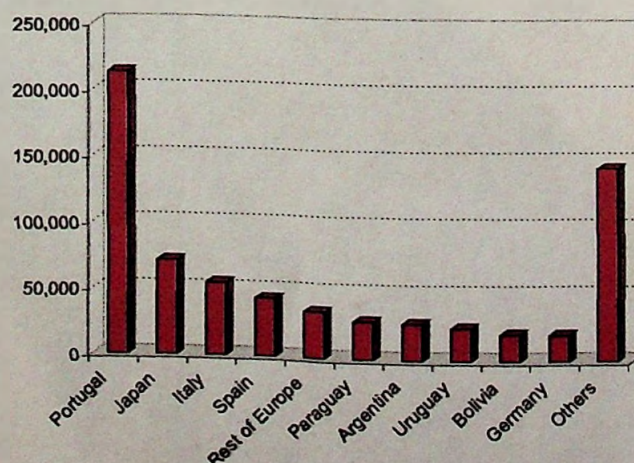
The consequences with regard to the mobility of workers initially received very little attention in negotiations over the free traffic of goods, services and factors of production in the Common Market. A series of measures, such as the 2002 Agreement on the Freedom of Movement and Establishment, have, however, improved the situation for "Mercosur migrants" in the meantime. The agreement was also signed by Chile and Bolivia. It operates along the lines of the EU Schengen Agreement and guarantees Mercosur citizens, natives of Chile and Bolivia automatic granting of a visa and free choice of domicile and place of work.

Migration between Argentina and Brazil is relatively high: in total 30,000 Argentinians and 35,000 Brazilians live in the respective other country with several tens of thousands of migrant workers and irregular migrants adding to those figures. Of the remaining South American countries such as Bolivia, Peru, Chile and Paraguay, most migrants migrate to metropolitan regions such as São Paulo. According to the "Social Panorama of Latin America 2007", interregional migration in Latin America continues to increase.¹⁹ To date, however, Brazil is the only Mercosur country that has not yet signed the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

Foreign population and current immigration

Comparison of data from the population censuses since 1940 shows a drop in the percentage of foreign population from 3.42% (1940) to 0.52% (1991).²⁰ Until the end of the 1960s, the

Figure 1: The ten largest groups of foreigners by country of origin (2000)

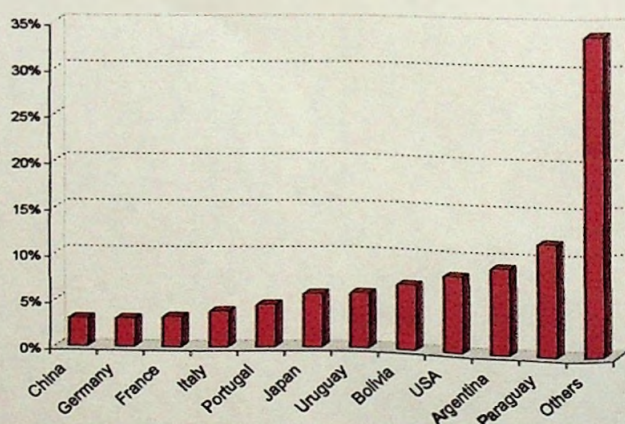


Source: Instituto Brasileiro de Geografia e Estatística (IBGE), Census 2000

reduction in the percentage of foreigners is attributable initially to the strong growth of the Brazilian population, and then later to the end of immigrant recruitment.

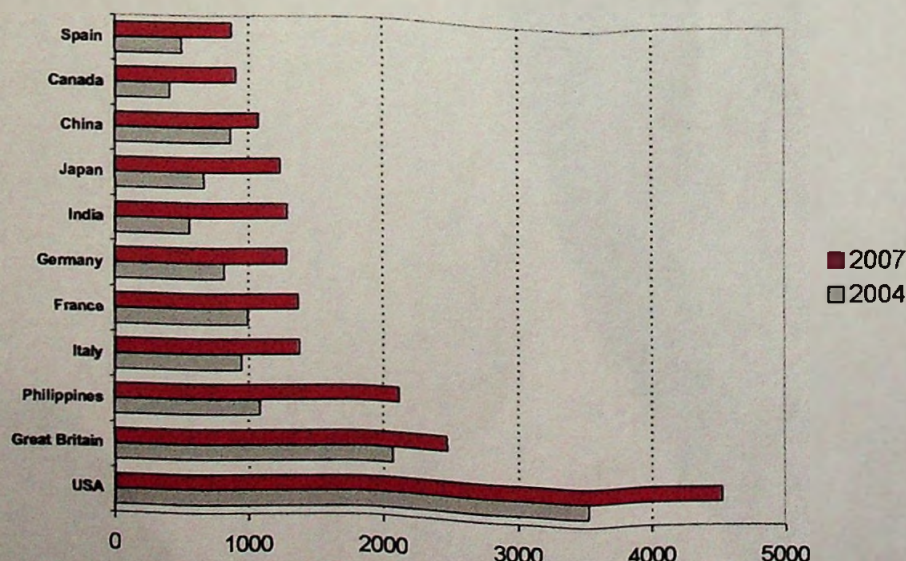
Today the percentage of foreigners in the Brazilian population, at 0.6 to 0.7%, is rather small (cf. Argentina at 3%). There are an estimated 1.5 million foreigners currently living in Brazil, while the 2000 census quotes a total number of 683,830 (legal) immigrants. Foreigners are deemed to be persons who were born abroad, regardless of their citizenship. Numbering 213,200 persons, around 31% originate from Portugal, 70,932 (10%) from Japan and 55,032 (8%) from Italy (cf. Fig. 1). Large proportions of immigrants from Portugal, Japan and Italy were born in their respective countries as the descendants of Brazilians and have dual citizenship.

Figure 2: Immigration to Brazil by most common countries of origin 1990-2000 (without Brazilian return migrants)



Sources: Instituto Brasileiro de Geografia e Estatística (IBGE), Census 2000

Figure 3: Issued residence permits with work permits by most common countries of origin 2004 and 2007



Source: Ministério do Trabalho e Emprego, 2008

Since the 1990s, about 50% of all immigrants have arrived in Brazil from neighbouring South American countries (cf. "Regional migration"). Thus it emerges from the Brazilian Census of 2000 that, of the immigrants born abroad who entered the country between 1990 and 2000, 12% came from Paraguay alone (11,156 persons) (cf. Fig. 2).

Disregarding the high number of Brazilian returnees from these countries, the second and third most common countries of origin in the period between 1990 and 2000 are the USA with 8.2% of all immigrants (7,628 persons) and Japan with 5.8% (5,364 persons) respectively.

The residence permits with work permits granted by the Ministry of Labour in the years 2004 and 2007 were mostly awarded (not allowing for Latin American migrants) to immigrants from the USA and European states such as the United Kingdom, Italy, France and Germany, but also to Asian migrants from the Philippines, India, Japan and China (cf. Fig. 3).²¹

A large proportion of immigrants in recent decades were originally Brazilian emigrants. The 2000 census revealed that two thirds of all immigrants between 1990 and 2000 were Brazilian citizens who had previously lived abroad (cf. "The emigrant population").

Ethnic origin and multiculturalism

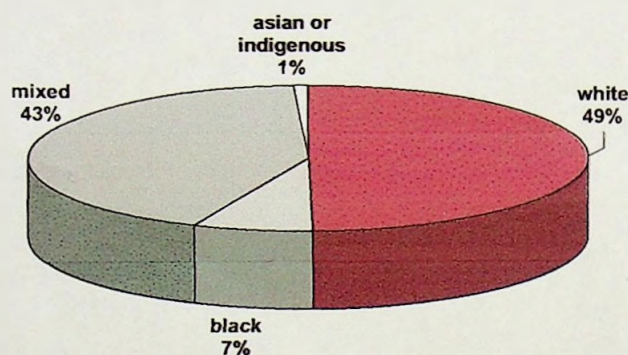
Brazil is known for the fact that its population consists of people of all colours. As a result of centuries of international immigration, cities in particular, such as São Paulo, have developed into multicultural and multiethnic areas. Mass flows of internal migrants, in some cases from regions thousands of kilometres away, have contributed to this effect. An emphasis on Brazil's "tradition" of tolerance is found in just about all of the country's official descriptions of itself. Although multiculturalism, in the sense of different cultures and ethnicities living peacefully together, plays a great role in the way Brazilians see themselves, it has never been part of the political agenda.

The four population groups that have dominated Brazil since its settlement are so greatly mixed that it is often no longer possible to assign people to any one ancestral group. Brazil's population mix today consists of the original Portuguese colonialists, the descendants of Africans transported as slaves to Brazil, a very small degree of the various ethnic Amerindian groups, and various immigrant groups, mostly from Europe, the Middle East and Asia.

Approximately half of Brazil's population has a not inconsiderable proportion of African ancestry. In 2006, 42.6 % of 187 million Brazilians appraised themselves as being of "mixed" race and 6.9% as being "black" (cf. Fig.

4). Almost half the total population (49.7 %) stated that their colour is "white". The remainder, 0.8 %, classified themselves as "yellow" (amarela), in other words of Asian or Indian descent.²² Figures given out annually by the Brazilian Federal Statistical Office relating to how Brazilians assess their own colour or race do not necessarily reflect reality, since a colour of "black" or "mixed" (parda) is held in lower esteem socially than "white".

Figure 4: Population by skin color or race, 2006 (in per cent)



Source: IBGE, Pesquisa Nacional por Amostra de Domicílios 2006

Slavery was not officially abolished until 1888. In 1988, a hundred years after the abolition of slavery, the Constitutional Congress branded racism as a non-bailable crime with no limitation, subject to the penalty of confinement (Art. 5 Item XLII). The fact that, unlike European immigrants, displaced Africans received no integration assistance is one of the sources of poverty among Brazil's black population.²³

Public awareness of prejudice based on skin colour was slow to develop due to the social structures that had grown over the centuries and deeply rooted paternalism. Until the 1980s the government denied responsibility for human rights violations such as racism or even the existence of racism. Only at the beginning of the 1990s was there open dialogue between the government and various civil society groups, which led, in 1995, to the elaboration of the "National Programme of Human Rights" (Programa Nacional de Direitos Humanos, PNDH).²⁴

In 1997 the penalties for racism cited in the 1989 law to combat prejudices based on race or colour, ethnicity or religion were increased (Law 9,459, Art. 1 and 20). Under the presidency of Luiz Inácio Lula da Silva, now in his second term of office, the new political awareness with regard to ethnic discrimination has been continued and intensified by the creation of various governmental bodies to combat ethnic inequality: in 2006 two international conferences whose main focus was on racial equality were held in Brazil.²⁵ There is currently considerable debate about quota systems for blacks in the civil service.

Citizenship

Brazilian citizenship is regulated by the 1988 constitution (Article 12). It is obtained through birth on Brazilian soil (*ius soli*) regardless of the parents' citizenship. A person also, however, acquires a right to Brazilian citizenship through descent

from Brazilian parents (*ius sanguinis*) provided that the person moves to Brazil, applies for citizenship and has reached the age of legal majority (regulated by Constitutional Amendment No. 54 of 2007).

The constitution also allows for naturalisation, whereby citizenship can be acquired according to the principles of "residence" or "marriage". For naturalisation without marriage a person has to have lived in Brazil continuously for four years and have no previous convictions. The person must also have the ability to speak and write Portuguese, a permanent residence and sufficient resources to support themselves and their family.²⁶

In order to protect the rights of its emigrant citizens, in 1996 Brazil introduced dual citizenship. The initiative to amend the law originated from the government and may be regarded as a reaction to the rapidly increasing number of Brazilian emigrants. Especially after immigration laws were tightened in the USA at the start of the 1990s, thereby making circular migration more difficult, the Brazilian government wanted to make it easier for emigrants to maintain formal ties with their country of origin. Extraterritorial rights such as the right to vote outside the country provide a further instrument in this regard.²⁷

Emigration

History of emigration

Since the 1990s emigration has been one of the most important social phenomena in Brazil – as it has throughout Latin America.²⁸ Streams of emigrants took their leave of Brazil as a result of the economic developments of the 1980s. Until the onset of the economic recession the Brazilian people had remained true to their country even in times of economic and political difficulties. Only after the end of the military dictatorship in 1985 did the people's dissatisfaction gradually begin to show in the form of emigration. The Sarney government (1985 to 1990) did not succeed in bringing the national debt and the highest rate of inflation Brazil had ever experienced under control. Not for political, but rather for economic reasons did many hundreds of thousand leave their country in this so-called "lost" decade.²⁹

As a result of disappointment over the continued economic standstill and the corruption scandals undermining President Collor (1990 to 1992), the mid 1990s saw a second wave of emigration. In 1995 the number of Brazilians living legally in the USA, Japan, Portugal, Italy, Spain, Germany, Canada and other countries was estimated to be over a million; ten years later this figure had already more than doubled.³⁰ According to the latest estimates of the Brazilian foreign office, in 2007 98% of emigrants were living in four regions: North America (42 %), Europe (25 %), South America (20 %) and Asia (10 %). The remaining 2% were distributed throughout Central America, Africa, Oceania and the Middle East.

Of the South Americans who entered the USA between 1990 and 2000, 65.6% were Brazilians.³¹ In 2006 an estimated 2.8 million Brazilians were living in the United States, many tens of thousands of them illegally. Tightening of the laws and border controls made what was at first mostly circular migration

to the USA more difficult, whereupon the number of emigrants to Europe in the 1990s grew. For reasons of language and the descent of many emigrants, Portugal was selected as one of the most common destinations.³² According to the Brazilian consulates, there were about 50,000 Brazilians living legally in Portugal in 2000, and several thousand living there as irregular migrants. Portugal is also used as a gateway to the EU and, among other things, as a transit route to Germany. According to Brazilian foreign ministry estimates, there were 60,000 Brazilians living in Germany in the year 2000 – more than were living in Portugal.³³ Seventy-five percent of Brazilian migrants registered in Germany are women, as Federal Statistical Office figures verify.³⁴

Europe and the USA are qualified workers. They are predominantly young³⁵ and originate from the educated middle classes with urban backgrounds. Despite being employed in poorly paid sectors in their destination country, they often earn many times as much as they would in their country of origin.

In Japan it is estimated that one third of Brazilian immigrants have high school diplomas yet they are usually employed in less popular jobs. They remit three to four billion US dollars annually back to their country of origin.³⁶ In the USA, 32% of Brazilian immigrants possess at least a bachelor's degree – the third highest figures among all South American migrants.⁴⁰

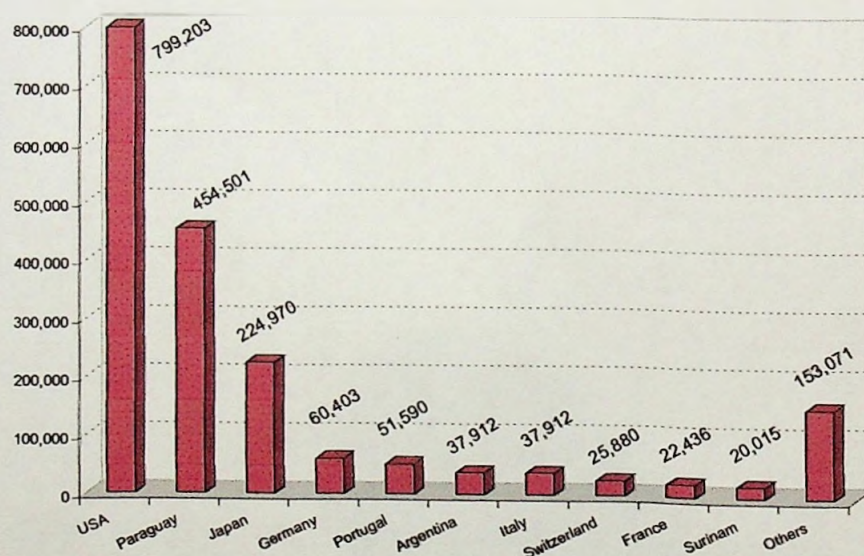
The international emigration of qualified people should be regarded as one consequence of the quest for social mobility

that is still denied the younger population in Brazil. Due to the population explosion, medium-sized and large Brazilian cities do not offer the highly qualified population adequate employment opportunities.⁴¹ The social advancement emigrants hope for in industrial countries, however, is mostly limited to opportunities for consumption and generally improved living conditions.⁴²

However, emigration is not solely a reaction to the long period of economic instability, but also an escape from the everyday violent crime and human rights violations in Brazil. Brazilian researchers also cite the influence of international tourism and global habits of consumption as indirect factors in the emigration of young workers from the cities. In 2005, for example, 40 million people watched a daily soap opera called "America" about a young Brazilian woman who travels to the United States through Mexico and tries to build herself a life in Florida.⁴³

The fact that the migrants continue to be closely bound to their country of origin both socially and economically is shown

Figure 5: The ten most common destination countries of Brazilians abroad, 2000



Source: Estimation of the Consular Service and the Community of Brazilians Abroad. Foreign Ministry (Serviço Consular e Comunidades Brasileiras no Exterior, Ministério das Relações Exteriores, 2001)

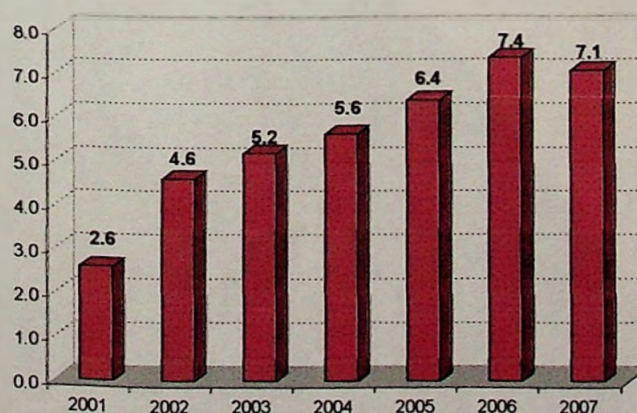
In addition to North America and Europe, at the beginning of the 1980s Japan became the third major migration destination for Brazilians. Of these main destinations for emigrants, only Japan had recruited Brazilian workers.

In response to the problems of the increasing number of Brazilians abroad, Fernando Henrique Cardoso, as foreign minister (1992-1993) under President Franco, made it a priority of his work to increase the number of consulates and embassies and extended their function to make them general places of information for Brazilians abroad.³⁵ Under the Lula administration the first steps have been taken towards an emigrant-friendly policy: the cost of remitting money is to be reduced and programmes to reintegrate returning migrants expanded.³⁶ To throw light on the situation of Brazilians living abroad the first international conference, "Brazilians in the World" took place in Rio in July 2008.³⁷ Definite state measures to combat the brain drain caused by the outflow of young workers have not yet been adopted.

The emigrant population

A disproportionate number of Brazilian emigrants to Japan,

Figure 6: Development of Remittances 2001- 2007 (in billion USD)

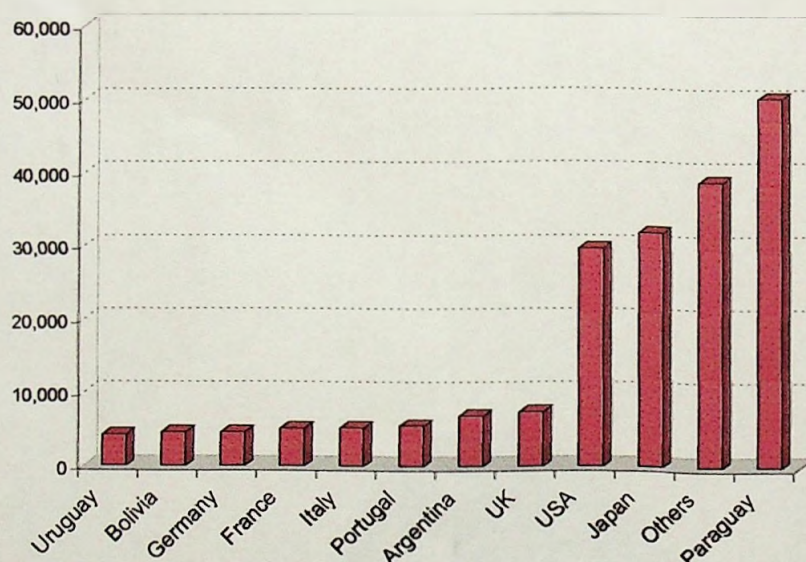


Source: Inter American Development Bank (IADB), 2008

first in the sums they remit: in 2007, according to a study of the Inter-American Development Bank, remittances came to 7.1 billion US dollars. The amounts remitted by Brazilians in the USA, Europe and Japan had risen constantly between 1996 and 2006 along with the number of emigrants (cf. Fig. 6).

Further evidence of the high degree of connectivity with their country of origin is the fact that a not inconsiderable number of migrants, in total 187,180 persons, moved to Brazil as returnees between 1990 and 2000.⁴⁴ That amounts to two thirds of the total influx from abroad during this period. About 20% of the former Brazilian emigrants came from Europe; 16% returned temporarily or permanently from the USA (cf. Fig. 7).

Figure 7: Return of former Brazilian emigrants 1990- 2000



Source: Instituto Brasileiro de Geografia e Estatística (IBGE), Census 2000

According to a report in the New York Times in 2007, fear of deportation and also the weak dollar are cited as reasons for increased numbers returning from the USA.⁴⁵ The recent stabilisation of the Brazilian economy must meanwhile be an additional pull factor. The tendency not to want to settle permanently in the USA is also indicated by the low number of naturalised Brazilian migrants: in the year 2000 this was just 21.5% - the lowest of all South American migrants in the USA.⁴⁶ Comparison with figures from the Brazilian foreign ministry based on estimates shows, however, that emigration between 2001 and 2007 continued to increase even while increased numbers were returning.

Irregular migration

Irregular migration from Brazil

Since opportunities for entering the USA were tightened up in the 1990s, many Brazilians try to enter the country illegally. Initially they travel to Mexico as tourists and then cross the border into Texas in buses or on foot with the help of people smugglers. Many Brazilians pay sums of up to US\$ 8,000 to Mexican or US American smugglers for this service. The number of

Brazilians apprehended at the USA border was quantified in 2005 as up to 2000 a month.⁴⁷ In view of these figures, in 2006 the Brazilian Congress set up an investigative commission with the task of researching the situation and rights of those who entered the USA illegally or were apprehended.

There has also been an increase in irregular emigration to Europe, especially Portugal, in the last ten years. In 2003 during a state visit by Brazilian President Luiz Inácio Lula da Silva, Portugal and Brazil negotiated a legalisation programme for Brazilians living illegally in Portugal, whereby some 30,000 were to be legalised within five years. This presupposed entry into the country after 2001 and a valid employment contract.

Complicated bureaucracy and the migrants' failure to possess the documents necessary for the process have meant that by 2008 only around two thirds have been legalised.

Illegal and irregular immigration

Regional irregular immigration is determined above all by two groups of immigrants: firstly, labour migrants, including those who do not have papers, migrate within the border areas between Brazil and its neighbouring states in the wake of the Mercosur agreement (cf. "Regional Migration"); and secondly the civil war-like conflict in Columbia drives around 2000 people a year across the borders into the north-western part of Brazil.

The number of Africans fleeing the civil war and war of independence in Angola (1975 to 2002) and entering Brazil irregularly was similarly high. At the beginning of the 1990s their number was estimated at over 15,000 (cf. Refugeism and asylum).⁴⁸ However there is also prohibited immigration by sea from other African states such as Nigeria.

In 1998, under the then President Fernando Henrique Cardoso, the law governing illegal immigration (No. 7,685 of 1988) was amended by a new amnesty law (No. 9,675). During a period of 90 days in the same year, 40,000 foreigners received a temporary residence permit of up to two years with the option for extension by the same period through to achieving permanent residence status. The biggest groups to profit from this amnesty were Bolivians (approx. 14,000), Chinese (approx. 9,900) and Lebanese (approx. 3,100) followed by South Koreans, Peruvians, Uruguayans and Argentinians, each with a four-figure number. Although Africans probably make up the greatest proportion of irregular immigrants, only 435 persons from Angola (9th place) and 225 from Nigeria (in 13th place) profited from the amnesty.⁴⁹ Critics decry the fact that in total only very few immigrants are regularised. Moreover, the common practice of deporting children is an object of criticism in connection with controlling irregular migration.

Human trafficking

Of all the countries in the world, Brazil is one that is worst affected by human trafficking. It is very frequently the country of origin of women and children who are sexually exploited.

Women are enticed with false offers into other regions within the country, into neighbouring countries or to Western Europe, Japan, the United States and the Middle East, where they are forced into prostitution. There is a close association between the sex tourism in Brazil's coastal cities and the trafficking of women. Children are also enslaved as domestic servants. Men are trafficked above all for agricultural work and forced to work in slavlike conditions in the Brazilian states of Amazonas, Mato Grosso and Pará.

According to the US Department of State's annually published report on people trafficking, in 2006 close to 70,000 Brazilians were working as prostitutes abroad, many of them victims of people trafficking, and 25,000, mostly males, were working as forced labourers in Brazilian agriculture.⁵⁰

Prosecuting those involved in forced labour continues to be a major problem in combating people trafficking in Brazil. According to the law, trafficking in people for purposes of sexual exploitation carries a punishment of six to ten years' imprisonment. Similarly, forced labour is forbidden under the terms of the Brazilian constitution and can be penalised with confinement, but to date this has rarely been pursued.⁵¹

Although in recent years the government has made increasing efforts to punish internal and international people-trafficking and take targeted action against forced labour, measures proclaimed by the Lula administration for eliminating slave labour and child prostitution are making only slow headway. In October 2006, President Lula da Silva had initiated and provided the relevant finances for a national plan of action against all forms of exploitation, including nationally coordinated measures to combat people trafficking. In 2006 there were more than 100 missions to remote areas along the Amazon River to uncover forced labour.

Refugeeism and asylum

According to the "National Committee for Refugees" (Comitê Nacional para os Refugiados, CONARE), in March 2008 there were 3,857 refugees living in Brazil.⁵² They originate from nearly 70 countries, with more than 250 refugees received during 2007 under the terms of an agreement concluded in 1999 with the UNHCR. The biggest group of refugees to settle in Brazil under this agreement is the about 100 Palestinians who were recognised in 2007.

According to official statistics, at 78% the greatest numbers of refugees originate from African countries, the largest group of which comprises 1,700 refugees from the former Portuguese colony of Angola. The number of irregular refugees is estimated to be several tens of thousands. In second and third place on the list of the most common countries of origin for refugees are Columbia and the Democratic Republic of the Congo (first quarter 2008).

According to CONARE, between 650 and 700 applications for asylum are filed in Brazil each year. The "National Committee for Refugees" is responsible for deciding whether to grant them. In 2007, 363 applications were allowed.⁵³ With 50% of applicants granted asylum, Brazil lies about halfway up the table for Latin American countries. UNHCR staff, however, as-

sume that there are significantly more asylum seekers in Brazil. According to their statistics there are an estimated 10,000 to 15,000 irregular refugees living along the border with Columbia alone, of whom only a small proportion have applied for asylum.⁵⁴

Brazil is a signatory to most international agreements to safeguard human rights. On 23 July 1997 the currently valid Law 9,474/97 regulating refugee matters came into effect. It was drafted by the Ministry of Justice together with the UNHCR. The law includes the instruments of protection contained in the terms of the Geneva Convention and the 1967 Protocol.

Although Brazil has only received a somewhat small number of refugees to date, the UNHCR describes some instruments of Brazilian refugee policy as exemplary: the refugee law is bound to the Latin American Cartagena Declaration (1984) which extends the reasons for persons to flee their country beyond those of the Geneva Convention to include reasons of "generalized violation of human rights" and therefore also includes armed conflict as a reason for flight. Gender-specific persecution is recognised as a further reason for flight. About 11% of those recognised as refugees in the period between 2005 and 2007 were acknowledged through the "women-at-risk" procedure designated by the UNHCR as exemplary. A further instrument described as exemplary by the UNHCR is the "emergency" procedure. Between 2005 and 2007, about 4% of refugees were recognised through this procedure, which provides for recognition within 72 hours where there is a particularly high risk.⁵⁵

The law provides for recognised refugees who have lived in the country for six years to apply for an unlimited residence permit. Refugees and asylum seekers in Brazil are guaranteed access to social and economic rights as well as health provision, education and work. Poverty, however, is widespread.

Conclusion and future challenges

For Brazil it is particularly painful that the best educated leave the country. The fact that it is the two biggest national economies, the USA and Japan, that profit most from the brain drain from Brazil is regarded by critics as an unmistakeable indication of the reversal of the development process. In addition, the mass exodus of the highly educated middle classes began just at the moment when the new democracy was constituted after the long period of military dictatorship.

Brazil's wish to develop and not to lose pace with the three major, economically booming and emerging countries of Russia, India and China is dependent on numerous factors. It will depend not least upon whether the country succeeds in counteracting the increasing lack of a broad base of well-educated specialists. Over and above economic stability, which offers jobs and opportunities for advancement, education and health reforms, the protection of human rights and a reduction in small-scale crime are decisive factors in prompting potential emigrants to use their training in Brazil.

The qualified and entrepreneurial foreign workers needed for economic development will only be attracted to the country in greater numbers if the existing bureaucratic obstacles are

removed and the reform of the Aliens Act, so often striven for in vain, is implemented. According to a study carried out by the Brazilian business school, Fundação Dom Cabral, more than two thirds of the companies surveyed are planning to increase the number of foreigners they employ in the next five years.⁵⁶ This concerns migrants from the Mercosur member states as well as those from other countries.

The present administration is endeavouring to extend trade within Mercosur and with other neighbouring countries. Progress in this regard has been achieved since 2002 with the help of an active foreign policy. However, it will only be possible to achieve this goal on a permanent basis if sensible regulations are agreed upon for the growing number of circular and labour migrants. Here the numerous undocumented migrants who move about in the border areas of the Mercosur member states, living at times in precarious living conditions, form an important starting point.

As the strongest economic power in Latin America, Brazil also bears responsibility for the protection of the African and especially the Colombian refugees currently pouring into the country. Whether or not it is perceived as an economically and socially competent country depends not little upon whether there is a reasonable response in the near future to the tens of thousands fleeing from civil warlike conditions in the neighbouring country.

Endnotes

- ¹ Since 2007 the rate of inflation has been 4.5 %. At the end of 2005 Brazil was in the position of being able to pay back prematurely its entire debt to the International Monetary Fund (IMF), which converts to USD 15.5 billion, thus depriving the IMF of its biggest borrower. (cf. New York Times, 02.06.2008).
- ³ The Gini coefficient, used as a measure of inequality of income distribution, gave an index for Brazil in 2005 of 56.7, showing Brazil to be among the countries with the highest income inequalities worldwide. See Central Intelligence Agency (CIA): CIA World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/geos/br.html>.
- ² See Arbix (2007).
- ⁴ See Ribeiro (2002).
- ⁵ See Instituto Brasileiro de Geografia e Estatística (IBGE) (2008): http://www.ibge.gov.br/home/estatistica/populacao/censohistorico/1550_1870.shtm.
- ⁶ See Memorial do Imigrante: "Entrada de imigrantes no Brasil 1870-1953": <http://www.memorialdoimigrante.sp.gov.br/historico/index.htm>.
- ⁷ See Lesser (1999).
- ⁸ For the individual countries grouped in Table A under "Middle East" and "Others" see also: Governo do Estado de São Paulo, Memorial do Imigrante: <http://www.memorialdoimigrante.sp.gov.br/historico/index.htm>.
- ⁹ See Masterson/ Funada (2003).
- ¹⁰ See Seyfert (2001).
- ¹¹ Thus today the largest 10 % of concerns own almost 80 % of the available cultivable land, whereas about 60 % of concerns have to manage with 5 % of the cultivable land, see Kohlhepp (2003).
- ¹² See CEPAL (2007).
- ¹³ See Gabinete do Ministro (GM), Coordenação Geral de Imigração (CGIg), Ministério do Trabalho e Emprego: http://www.mte.gov.br/trab_estrang/est_escolaridade.pdf.
- ¹⁴ See Barreto (2001).
- ¹⁵ See Sales and Salles (2002).
- ¹⁶ See Barreto (2001).
- ¹⁷ See Baeninger (2000): Espaço brasiguaior: novas práticas coloniais. In: ComCiência. Brasil: Migrações Internacionais e Identidade: <http://www.comciencia.br/reportagens/migracoes/migr10.htm>.
- ¹⁸ Venezuela applied for full membership in 2006 but has not been recognised as yet by all the member states of Mercosur.
- ¹⁹ See CEPAL (2007).
- ²⁰ See Instituto Brasileiro de Geografia e Estatística (IBGE) (2000).
- ²¹ See Gabinete do Ministro (GM), Coordenação Geral de Imigração (CGIg), Ministério do Trabalho e Emprego: http://www.mte.gov.br/trab_estrang/est_origem.pdf.
- ²² See IBGE (2006): http://www.ibge.gov.br/home/presidencia/noticias/noticia_visualiza.php?id_noticia=737&id_pagina=1
- ²³ In 2006 just 5.4% of whites earned one tenth of a monthly family income (per head) compared with 14.6% of the black and mixed population. By contrast, 15.7 % of whites earned ten tenths of a monthly family income (per head) compared with only 4.1 % of the black and mixed population. IBGE, Pesquisa Nacional por Amostra de Domicílios 2006.
- ²⁴ See "Programa Nacional de Direitos Humanos": <http://www.mj.gov.br/sedh/pndh/menu.htm>.
- ²⁵ The Second Conference of Intellectuals from Africa and the Diaspora (II Conferência de Intelectuais da África e da Diáspora) and the Regional Conference of the Americas on Developments and Challenges for the Action Plan against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Conferência Regional das Américas sobre Avanços e Desafios no Plano de Ação contra o Racismo, a Discriminação Racial, a Xenofobia e as Intolerâncias Correlatas, see Ipea (2007).
- ²⁶ For nationals of Portuguese-speaking countries the period is reduced to one year. Reduced periods of residence also apply to persons with Brazilian relatives, those in special professions, in the service of the state or who own certain goods.
- ²⁷ Based on the 1965 law and the 1988 constitution. See Escobar (2007).
- ²⁸ Since the 1990s Latin America, including the Caribbean, has been the region with the highest emigration worldwide; labour migration has become a central economic factor for Latin America, see IADB (2004).
- ²⁹ See Skidmore (1999).

³⁰ See Sales and Salles (2002).

³¹ See Migration Policy Institute (2006): Characteristics of the South American Born in the United States. <http://www.migrationinformation.org/USFocus/display.cfm?ID=400>.

³² See Fajnzylber, P. and López, H. (2007).

³³ Figures of 24,142 Brazilians released by the Federal Statistical Office for the same year are significantly lower than this estimate. This is attributable to the different means of gathering statistics: The Federal Statistical Office count is based on the difference between Brazilians entering and leaving the country and the number of naturalisations in Germany, whereas the estimates of the Brazilian foreign ministry are based on reports from the consulates in Berlin, Frankfurt a.M. and Munich.

³⁴ See Heiratsmigration nach Deutschland. Migration und Bevölkerung: http://www.migration-info.de/migration_und_bevoelkerung/archiv/ausgaben/ausgabe0510.htm.

³⁵ See Barros (1996).

³⁶ See Silva (2006): Migrações, o Desafio Global. In: Instituto : Migrações e Direitos Humanos: <http://www.migrante.org.br/textoseartigos.htm>.

³⁷ See "Brasileiros no Mundo" for current contributions and figures relating to the Brazilian emigrant debate: <http://www.abe.mre.gov.br/mundo/americado-sul/republica-federativa-do-brasil/subsecretaria-geral-das-comunidades-brasileiras-no-exterior/informacoes/i-seminario-sobre-as-comunidades-brasileiras-no-exterior>

³⁸ The average age of Brazilians living in the USA is 33.7. See Migration Policy Institute (2006): Characteristics of the South American Born in the United States. <http://www.migrationinformation.org/USFocus/display.cfm?ID=400>.

³⁹ See Sales and Salles (2002).

⁴⁰ See Migration Policy Institute (2006): Characteristics of the South American Born in the United States. <http://www.migrationinformation.org/USFocus/display.cfm?ID=400>.

⁴¹ World Bank studies indicate that increased emigration is especially likely in those countries in which two factors come together: high income inequality and belonging to "middle-income" developing countries. Both factors are fulfilled in the case of Brazil. See Adams and Page (2003).

⁴² See Klagsbrunn (1996).

⁴³ See MIGRATION NEWS; Vol. 12, No. 3, July 2005: "Mexico: Legalization, Brazilians, Economy". http://migration.ucdavis.edu/mn/more.php?id=3114_0_2_0.

⁴⁴ Instituto Brasileiro de Geografia e Estatística (IBGE) (2000), Census 2000. New York Times, 04.12.2007.

⁴⁵ See Migration Policy Institute (2006): Characteristics of the South American Born in the United States. <http://www.migrationinformation.org/USFocus/display.cfm?ID=400>.

⁴⁶ See: MIGRATION NEWS; Vol. 12, No. 3, July 2005: "Mexico: Legalization, Brazilians, Economy": http://migration.ucdavis.edu/mn/more.php?id=3114_0_2_0.

⁴⁷ See Baeninger (2000): Africanos no Brasil: Dubiedade e Estereótipos: <http://www.comciencia.br/reportagens/migracoes/migr11.htm>.

⁴⁸ See Barreto (2001).

⁴⁹ See U.S. Department of State: Trafficking in Persons Report 2007 <http://www.state.gov>.

⁵⁰ See U.S. Department of State: Trafficking in Persons Report 2007 <http://www.state.gov>.

⁵¹ Personal e-mail from CONARE dated 26.05.2008.

⁵² See above.

⁵³ Brazil, Country Reports on Human Rights Practices - 2007. Released by the Bureau of Democracy, Human Rights, and Labor, March 11, 2008: <http://www.state.gov/g/drl/rls/hrrpt/2007/100630.htm>.

⁵⁴ See United Nations High Commissioner for Refugees (UNHCR) (2007).

⁵⁵ See Sindicato Mercosur (2006): <http://www.sindicatomercosul.com.br/noticia02.asp?noticia=33033> (as at 18.06.2008).

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