

# BRAZIL

Brazil was long considered an immigration country,<sup>1</sup> particularly following the Japanese and European migration flows in the late 19th and early 20th centuries. The current immigration laws were passed during the military dictatorship (1964-1980). As a consequence, they still reflect the military perceptions of the National Security Doctrine<sup>2</sup> and the context of the Cold War, forbidding immigrants to undertake political activity.<sup>3</sup> According to the Brazilian Institute for Geography and Statistics, 500,000 Brazilians live abroad, though the Brazilian Ministry of Foreign Affairs reports figures as high as 3 million.<sup>4</sup>

Emigration, in contrast, only entered the national political agenda in the mid-1980s. In 2002, while still a presidential candidate, Luiz Inácio Lula da Silva wrote an open letter to Brazilian emigrants,<sup>5</sup> promising to incorporate emigrant-friendly policies into his campaign platform. However, prior to a decree<sup>6</sup> enacted in the final year of Lula's second presidential term, no official policy regulated the situation of Brazilian emigrants. Accordingly, the official sources cited in this chapter are all fairly recent. The Ministry of Foreign Affairs concentrates nearly all policies concerning Brazilian emigrants under its Under-Secretary-General for Brazilian Communities Abroad, though there is sporadic cooperation with the Ministries of Education, Labor, and Finance.

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## CITIZENSHIP/NATIONALITY

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### DUAL OR MULTIPLE NATIONALITY REGULATION

The Constitution speaks of Brazilian nationality in lieu of Brazilian citizenship. There are no legal obstacles for individuals who are dual or multiple nationalities by birthright. However, individuals who acquire another nationality (derivative nationality) lose the Brazilian one.<sup>7</sup> Since the constitutional reform of June, 1994, this article was amended to include two exceptions. Dual or

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1 International Organization for Migration, Ministério do Trabalho e Emprego (MTE), and Comissão Nacional de População e Desenvolvimento (CNPD), *Perfil migratório do Brasil 2009*. 11.

2 Rossana Rocha Reis, "A política do Brasil para as migrações internacionais." 59.

3 Presidência da República, *Lei N° 6.815, de 19 de Agosto de 1980. Define a situação jurídica do estrangeiro no Brasil, cria o Conselho Nacional de Imigração*, 1980, Art. 65, 107.

4 Ministério das Relações Exteriores, "Brasileiros no mundo: Censo IBGE estima brasileiros no exterior em cerca de 500 Mil."

5 Rossana Rocha Reis, "A política do Brasil para as migrações internacionais," 51,52.

6 Presidência da República, *Decreto N° 7.214, de 15 de junho de 2010. Estabelece princípios e diretrizes da política governamental para as comunidades brasileiras no exterior*, 2010.

7 Congresso Nacional do Brasil, *Constituição da República Federativa do Brasil de 1988*.

multiple nationalities are now accepted if Brazilian nationality is simultaneously recognized by foreign law and the acquisition of an additional nationality (through naturalization) is imposed as a condition for the Brazilian national to remain residing in another country or exercise his/her civic rights. In such cases, dual or multiple nationalities are accepted, provided the individual obtains written authorization from the Ministry of Foreign Affairs.<sup>8</sup> In practice, however, it is known that these strict conditions are not applied: acquisition of another country's nationality does not cause the loss of the Brazilian one and those who lost it before may apply for its reinstatement, as the loss only applies when the individual expresses and demonstrates his/her will to effectively change nationality.<sup>9</sup>

#### LOSS OF CITIZENSHIP/NATIONALITY

Natural born Brazilians (that is, individuals who are entitled to Brazilian nationality at birth) can only lose their nationality in the specific cases outlined above; through acquisition of a foreign nationality without meeting any of the two exception criteria.

Naturalized Brazilians can lose their nationality if the court considers them to engage in activities harmful to the national interest.<sup>10</sup>

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### SUFFRAGE

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#### VOTING RIGHTS OF NON-RESIDENT CITIZENS

Active electoral registration is compulsory for all Brazilians, except those under 18, over 70, disabled or living abroad. Voting per se is also compulsory for all Brazilians between 18 and 70, except for those who are illiterate, sick, away from their electoral district, or performing civil/military duties that prevent them from voting.<sup>11</sup> However, the electoral code offers contradictory formulations.

“All Brazilians” seems to encompass all resident Brazilians. While every Brazilian must vote, there is the abovementioned exception for citizens living abroad. A chapter dedicated to overseas voting stipulates that non-resident voters can vote for president and vice-president,<sup>12</sup> yet neither registration nor actual voting is assumed to be a duty of non-residents. Instead, they are ex-

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8 Consulado-Geral do Brasil em Frankfurt am Main, “O direito à nacionalidade brasileira.”

9 Consulado-Geral do Brasil em Paris, “Dupla Nacionalidade”; Presidencia da República, *Emenda Constitucional de Revisão N.3, de 7 de Junho de 1994*.

10 Congresso Nacional do Brasil, *Constituição da República Federativa do Brasil de 1988*.

11 Presidência da República, *Lei nº 4.737, de 15 de julho de 1965. Institui o Código Eleitoral*, 1965, Art. 6.

12 *Ibid.* Art. 225.

pected to file a leave of absence (*justificativa eleitoral*) every election round. The penalties for not voting and not filing a leave of absence are identical for both residents and non-residents.<sup>13</sup>

Though non-resident citizens can only vote for president and vice-president, there have been attempts to expand such provisions: in 2005, Senator Cristovam Buarque presented a constitutional amendment that would give non-resident citizens the right to vote for the National Congress. The amendment is still in discussion.<sup>14</sup>

In 2014, 353,536 non-residents registered to vote, and 141,501 (40.03%) effectively voted in the first presidential round, with 141,873 (40.21%) in the second.<sup>15</sup> Such figures may explain why the electoral code makes so little reference to emigrant voters and no legislation was ever passed to expand their voting rights: there is simply not enough interest.

Though Brazil adopts a civil law system (with statutes and legislation as the primary source of law), the lack of regulation for specific circumstances related to migration forces us to resort to individual decisions or concrete cases. Indeed, when contacted, the Federal District's Regional Electoral Court (*Tribunal Regional Eleitoral, TRE-DF*) clarified that referenda are regulated by the Supreme Electoral Court (*Tribunal Superior Eleitoral, TSE*) on a case-by-case basis.<sup>16</sup> For instance, the law passed by the *TSE* to regulate the 2005 referendum on firearms and ammunition (the only national referendum organized in the past 20 years) delimited the voting circumscription to the national territory.<sup>17</sup> Accordingly, the results of the 2005 referendum included no votes for non-resident citizens,<sup>18</sup> as they lived outside the circumscription and were not allowed to vote.

#### CANDIDACY RIGHTS OF NON-RESIDENT CITIZENS

The Constitution requires candidates to be native Brazilians aged 35 or over, but not to live on Brazilian soil. Though the situation seems improbable, a non-resident citizen is not legally prevented from running for president.<sup>19</sup>

#### VOTING METHODS AVAILABLE TO NON-RESIDENT CITIZENS

Non-resident citizens can only vote in person. There is no proxy, postal, advance, or e-voting via internet.

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13 Ibid. Art. 231.

14 Cristovam Buarque, "PEC - Proposta de Emenda à Constituição, Nº 5 de 2005."

15 Tribunal Superior Eleitoral, "Estatísticas eleitorais 2014."

16 Presidência da República, *Lei Nº 9.709, de 18 de Novembro de 1998. Regulamenta a execução do disposto nos incisos I, II E III Do Art. 14 da Constituição Federal*, Art. 8.

17 Tribunal Superior Eleitoral, *Resolução Do TSE Nº 22.036/2005*, Art. 6.

18 Tribunal Superior Eleitoral, "Referendo de 2005."

19 Congresso Nacional do Brasil, *Constituição da República Federativa do Brasil de 1988*, Art. 12, II, §3 and Art. 14, §3, VI a.

Citizens living abroad for over three months and registered in advance can vote exclusively at the nearest Brazilian consulate/embassy. However, an electoral district in a foreign country can only be allocated if a minimum of 30 external electors register, otherwise electors are expected to vote at the nearest electoral district.<sup>20</sup> Additionally, non-residents may vote in Brazil, as part of the *Voto em trânsito* program (which stipulates that citizens can vote in a jurisdiction other than their own, provided they register in advance).

#### REGISTRATION FOR FRANCHISE

As outlined above, both resident and non-resident citizens must register in order to vote. At the moment of registration or transfer of electoral district, voters are expected to live in their current electoral district for at least three months. The same applies for non-resident citizens (active registration and then automatic, as long as they remain in that district), but they must register at least 150 days in advance of the election<sup>21</sup> at the politico-electoral circumscription abroad, *Zona Eleitoral do Exterior (Zona ZZ)*. *Zona ZZ* was created in 2003 and consolidates all non-resident Brazilians votes, regardless of their country of residence.<sup>22</sup>

No official policy promotes the participation of emigrant voters. Consulates usually promote the registration and participation of emigrant voters in a decentralized fashion, through mailing lists, posters, and through their web pages; there is no formalized campaign per se.<sup>23</sup>

#### MODE OF REPRESENTATION

Registered non-resident citizens are not allowed to vote for the legislative and are thusly not represented.

#### EXTERNAL VOTING IMPLEMENTATION

All currently existing legal provisions for external voting have been implemented, though only for national presidential elections. According to the Brazilian Constitution, both chambers of Congress shall be composed of representatives from the federal states and the federal district.<sup>24</sup> The representation of citizens living outside the federal states or the federal district is not envisioned.

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20 Presidência da República, *Lei N° 4.737, de 15 de Julho de 1965. Institui O Código Eleitoral.*

21 *Ibid.* Art. 226.

22 Tribunal Regional Eleitoral, “Eleitor no exterior.”

23 Embaixada do Brasil em Berlim, “Respostas ao instituto GIGA.”

24 Congresso Nacional do Brasil, *Constituição da República Federativa do Brasil de 1988*, Art. 45 and 47.

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**REGULATION OF POLITICAL COMPETITION**

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Political competition is not regulated beyond national borders, which is why political parties are not barred from maintaining external offices.<sup>25</sup> Nevertheless, Brazilian law is very sensitive to foreign intervention: parties must not be subordinated to foreign entities or governments<sup>26</sup> and any party that receives funds from abroad or is considered to be subordinated to foreign entities or governments will have its civil registration revoked by the electoral court.<sup>27</sup> This may explain why Brazilian parties refrain from having external offices, choosing instead to present their representations abroad as “committees” or “groups.” For instance, while the statute of the governing Workers’ Party (*Partido dos Trabalhadores*, *PT*) acknowledges members’ right to gather abroad” it carefully avoids the expression “external office.”<sup>28</sup>

The *PT* has international committees in Argentina, Austria, Belgium, Chile, Cuba, France, Germany, Nicaragua, Paraguay, Spain, and the USA.<sup>29</sup> *PT Londres*, for instance, accepts donations, something that would presumably not be legal if it were an external office rather than a committee.<sup>30</sup>

Other than the *PT*, the parties with the highest number of representatives in Congress are the Brazilian Social Democracy Party (*Partido da Social Democracia Brasileira*, *PSDB*) and the Brazilian Democratic Movement Party (*Partido do Movimento Democrático Brasileiro*, *PMDB*), neither of which mention the existence of external offices in their statutes or acknowledge the right to create committees abroad. No external *PSDB* or *PMDB* office was found. This may have ideological reasons; of these three parties, only the center-leftist *PT* has international affiliations (*Foro de São Paulo*).

The public party fund (*Fundo Partidário*) allocates a specific amount for each party; within this amount, parties can spend as much as they want on external offices or committees, given that no legislation exists.<sup>31</sup>

**MEMBERSHIP**

Voters in full possession of their political rights are allowed to join a party.<sup>32</sup> This means that membership is not restricted to resident citizens, though

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25 Bruno Speck, “Forschung GIGA.”

26 Presidência da República, *Lei Nº 9.096, de 19 de Setembro 1995. Dispõe sobre Partidos Políticos*, Art. 5.

27 *Ibid.* Art. 28.

28 Partido dos Trabalhadores, *Estatuto do Partido dos Trabalhadores*, Art. 62.

29 Flávia Neme, “Núcleos no exterior.”

30 See <http://www.ptlondres.org.uk/pt/doacao.html>.

31 Bruno Speck, “Forschung GIGA.”

32 Presidência da República, *Lei Nº 9.096, de 19 de Setembro 1995. Dispõe sobre Partidos Políticos*, 1995.

parties usually reserve the right to decide whether emigrants can become members or not. In the case of the ruling *PT*, emigrant membership is presented to the Secretary of International Affairs and analyzed by the National Executive Commission of the party.<sup>33</sup> In theory, the party statute places no restriction on the candidacy of non-resident members; in practice, this seems very unlikely, as the candidate would need to obtain a majority of the national votes in order to be elected for an internal position.

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## INSTITUTIONAL PARTICIPATION

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### CONSULTATIVE BODIES AT NATIONAL LEVEL

The Representative Council of Brazilians Abroad (*Conselho de Representantes de Brasileiros no Exterior, CRBE*) assists the Ministry of Foreign Affairs on issues pertaining to the Brazilian community abroad.<sup>34</sup> The *CRBE* is composed of representatives from local councils, which in turn are usually located in countries where Brazil has a diplomatic representation. There are two types of local councils: In small communities, representatives can simply volunteer to join the Boards of Citizenship; in larger communities, representatives are elected to the Boards of Citizenship by fellow nationals living in that region.<sup>35</sup> Each local council, then, is entitled to one representative at the *CRBE*.

The consultation of emigrants is meant to be structural – according to law, the *CRBE* shall establish a “permanent dialogue” with Brazilian communities abroad. Additionally, the institution has autonomy to produce its own reports, studies, and recommendations, as long as these concern the interests of the Brazilian community abroad.<sup>36</sup> This was established in a bylaw passed by the Ministry of Foreign Relations.<sup>37</sup> Nevertheless, neither the bylaw nor the law envisions the right to get a response from national authorities;<sup>38</sup> the formal dialogue between the Ministry of Foreign Relations and the *CRBE* shall take place during regional, thematic or global meetings.<sup>39</sup>

The current leadership of the *CRBE* was elected in 2013, during the fourth and most recent Conference of Brazilians Abroad (*Conferência Bra-*

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33 Partido dos Trabalhadores, *Estatuto do Partido dos Trabalhadores*.

34 Presidência da República, *Decreto N° 7.214, de 15 de Junho de 2010. Estabelece Princípios e diretrizes da política governamental para as comunidades brasileiras no exterior*, Art. 4-5.

35 Ministério das Relações Exteriores, *Portaria N° 376, de 4 de Julho de 2013*.

36 *Ibid.*, Seção 2, Art. 2, VIII.

37 *Ibid.*

38 Embaixada do Brasil em Berlim, “Respostas ao Instituto GIGA.”

39 Ministério das Relações Exteriores, *Portaria N° 376, de 4 de Julho de 2013* Seção 5, Art. 9.

*sileiros no Mundo*). The elections involve local councils rather than national authorities.<sup>40</sup>

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## ADMINISTRATION

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### CONSULATES

In 2010, Brazil had 185 consulates (including vice-consulates, general consulates and consular sectors in embassies) and 182 honorary consulates in 120 countries. Online consulate services are not available, nor are there weekend opening hours, but there are mobile consulates.<sup>41</sup> However, Brazilian consulates have taken on non-traditional tasks in recent years. Examples of non-traditional functions adopted by Brazilian consulates include the following:

- In 2012, the Brazilian consulate in Miami signed a partnership with Walgreens pharmacies to offer affordable medicine and healthcare to uninsured patients with a Brazilian passport. That year, around 300,000 Brazilians lived in Florida and benefitted from the program.<sup>42</sup>
- Several consulates around the world (e.g. Barcelona, Lisbon, London, Madrid, or Rome) offer free psychological counseling for Brazilian citizens, especially those under psychological stress (due to domestic violence, incarceration, human trafficking, etc.).<sup>43</sup>
- Since March 2013, the consulate in Munich offers preliminary legal counseling for non-resident Brazilian citizens. A similar service is also offered in Tokyo.<sup>44</sup>
- The Brazilian consulate in Hamamatsu, Japan runs the *Espaço do Trabalhador Brasileiro*, which targets Brazilian citizens residing in Japan and offers information on both the Brazilian and the

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40 Conselho de Representantes dos Brasileiros no Exterior (CRBE), “Estrutura e lista dos cargos votados Por ocasião da IV CBM.” As of 2015, the chair of the CRBE is held by the Board of Citizens of Beirut, who in turn appointed Rosalie Maurice Abou Assi as its spokesperson.

41 Ministério das Relações Exteriores, “Consulados itinerantes.”

42 Consulado-Geral do Brasil em Miami, “Consulado-Geral do Brasil em Miami e Walgreens assinam termo de compromisso que garantira descontos a comunidade brasileira nas clínicas medicas “Take Care.”

43 Ministério das Relações Exteriores, *Diplomacia Consular: 2007 a 2012*.

44 Consulado-Geral do Brasil em Munique, “Assistência jurídica para brasileiros no exterior.”, Consulado-Geral do Brasil em Tóquio, “Consulado Oferece Orientação Jurídica Gratuita em Português.”

Japanese labor markets.<sup>45</sup> The focus on Japan is explained by increasing flows of Japanese-Brazilians “returning” to Japan for short-term, unskilled work; these flows are encouraged by the Japanese government, which has an open immigration policy towards “ethnic Japanese.”<sup>46</sup>

- In Beirut, the Board of Citizens and the General Consulate of Brazil jointly prepared a brochure for Brazilian women living in Lebanon. The brochure presents real-life stories of Brazilian women suffering from domestic abuse, dealing with cultural shocks or facing problems due to the religious nature of Lebanese law.<sup>47</sup>

### HOME COUNTRY ADMINISTRATION

Since 2007, the Undersecretary-General for Brazilian Communities Abroad (*Subsecretário-Geral das Comunidades Brasileiras no Exterior*) is the main body in charge of emigrant policies in Brazil. It has the third rank in the public administration and belongs to the hierarchy of the Ministry of Foreign Affairs. Its aim is to strengthen relations between the Brazilian state and Brazilian communities abroad by offering consular assistance, managing the consular network, and tracking the activities of the CRBE.<sup>48</sup>

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## ECONOMIC POLICIES

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### REMITTANCES

The Brazilian state acknowledges emigrants’ right to send remittances.<sup>49</sup> *Caixa Econômica Federal*, a bank connected to the Ministry of Finance, offers a remittance program, *Remessas Internacionais*,<sup>50</sup> as does the country’s largest public bank, *Banco do Brasil*, through its program *BB Remessa*.<sup>51</sup> Additionally, the Central Bank of Brazil has published an informative brochure targeting citizens interested in performing financial transactions (low value remittances).<sup>52</sup>

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45 Consulado-Geral do Brasil em Hamamatsu, “Espaço do Trabalhador Brasileiro.”, Luiza Lopes da Silva, “Políticas de apoio aos imigrantes retornados: iniciativas da área consular do Ministério das Relações Exteriores do Brasil,” 297.

46 Takeyuki Tsuda, “Migration and Alienation: Japanese-Brazilian Return Migrants and the Search for Homeland Abroad,” 4.

47 Conselho de Cidadãos Brasileiros em Beirute, *Cartilha da Emigrante Brasileira no Líbano*.

48 Presidência da República, *Decreto N° 7.214, de 15 de Junho de 2010. Estabelece princípios e diretrizes da política governamental para as comunidades brasileiras no exterior*, Art. 37-39.

49 Ministério do Trabalho e Emprego, “Direito a fazer remessas.”

50 Caixa Econômica Federal, “Remessas internacionais.”

51 Banco do Brasil, “BB Remessas.”

52 Banco Central do Brasil, *Cartilha de Câmbio: Envio e Recebimento de Pequenos Valores*.

In 2009, Brazil was the second biggest recipient of remittances in Latin America (behind Mexico), with \$USD5 billion per year, yet this represents less than 1% of the national GDP, showing that such funds are comparatively less important for Brazil than for other nations in the region.<sup>53</sup> In fact, according to Maldonado and Hayem, official remittance flows into Brazil have been declining consistently due to the improved economic situation, which has led many migrants to return to their home country.<sup>54</sup> Additionally, the *Declaración de Brasília rumbo a la ciudadanía sudamericana*, signed by Brazil, states that signatories are committed to not using remittances as a form of development aid.<sup>55</sup>

### INVESTMENT

Given that remittances are not as economically relevant for Brazil as they were in the past (or as they are for other countries), there are few official strategies to attract investments from emigrants. One pilot program, *Remessas e Capacitação para Emigrantes Brasileiros e seus Beneficiários no Brasil*,<sup>56</sup> targets emigrants in the US State of Massachusetts from the municipality of Governador Valadares, Minas Gerais, with a population 275,568 (2013),<sup>57</sup> 15% of which lives abroad.<sup>58</sup> The program is administered by the public bank, *Caixa Econômica Federal*, and offers financial and entrepreneurial education for both emigrants living in Massachusetts and their families in Governador Valadares, giving them resources to manage the domestic budget and invest their savings in Brazil. According to Silva, there are already plans to expand the geographic scope of the program.<sup>59</sup>

Additionally, *Caixa Econômica Federal* offers a line of credit for temporary emigrants interested in buying real estate, through *Crédito Imobiliário para Emigrantes*.<sup>60</sup>

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53 International Organization for Migration, Ministério do Trabalho e Emprego (MTE), and Comissão Nacional de População e Desenvolvimento (CNPd), *Perfil migratório do Brasil 2009*, 46.

54 René Maldonado, *Remittances to Latin America and the Caribbean in 2013: Still Below Pre-Crisis Levels*, 7.

55 Red Internacional de Migración y Desarrollo, “Declaración de Brasília Rumbo a la Ciudadanía Sudamericana,” 140.

56 Caixa Econômica Federal, “Remessas e capacitação para emigrantes brasileiros e seus beneficiários no Brasil.”

57 IBGE, *Cidades: Governador Valadares*, 2014.

58 Levitt and de la Dehesa, “Transnational Migration and the Redefinition of the State: Variations and Explanations,” 592.

59 Luiza Lopes da Silva, “Políticas de apoio aos imigrantes retornados: iniciativas da área consular do Ministério das Relações Exteriores do Brasil,” 300.

60 Caixa Econômica Federal, “Crédito imobiliário para emigrantes.”

### BRAIN-CIRCULATION NETWORKS AND BRAIN-GAIN PROGRAMS

Over the past decade, and especially under the Dilma Rousseff administration (2010-2014), the Brazilian government invested massively in the internationalization of universities. Created in 2011, the scholarship program, *Ciências sem Fronteiras*, will have awarded up to 101,000 study and research scholarships by 2015.<sup>61</sup> This program promotes circular migration, as students and researchers are required to return to Brazil after completing their studies abroad. On a smaller scale, the program also promotes brain-gain by attracting foreign researchers to Brazil.

*Rede Brasil Cultural*, a network created in the 1940s and managed by the Ministry of Foreign Affairs, finances cultural centers for Brazilian studies, and Brazil-related professorships in foreign universities.<sup>62</sup> Finally, research networks such as the Association of Brazilian Researchers and Students in France (*Associação dos Pesquisadores e Estudantes Brasileiros na França, APEB-Fr*) are institutionally supported by Brazilian embassies throughout Europe. Similar organizations exist in Portugal and Spain.

### RETURN POLICIES

Brazil's return policies are still fairly incipient. In fact, there is currently no coordinated strategy to reintegrate emigrants into society. Since 2013, the Ministry of Foreign Affairs has compiled information on relevant services in a brochure titled *Returning to Brazil: Useful Information on Available Services and Programs*.<sup>63</sup> Yet none of these programs or services was specifically designed for returnees. Still, the Ministry of Labor currently runs two pilot projects: the Nucleus of Information and Support for Workers Returning from Abroad (*Núcleo de Informação e Apoio a Trabalhadores Retornados do Exterior*) targets Brazilians returning from Japan and focuses on their reinsertion in the Brazilian labor market.<sup>64</sup> Meanwhile, the House of Migrant Workers in Oiapoque (*Casa do Trabalhador Migrante no Oiapoque*), located near the French Guianese border, targets citizens working in French Guiana. Here, emigrants can obtain information on their rights and duties, on the risks of undocumented migration and the possibilities should they choose to return to Brazil.<sup>65</sup> Additionally, the State of Goiás, in cooperation with the Brazilian Micro and Small Business Support Service (*Serviço Brasileiro de Apoio às Micro e Pequenas*

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61 For more information, see <http://www.cienciasemfronteiras.gov.br/web/cs-f/o-programa>.

62 Ministério das Relações Exteriores, "Centros Culturais Brasileiros, Departamento Cultural, Ministério Das Relações Exteriores."

63 Ministério das Relações Exteriores, *Guia de Retorno Ao Brasil*.

64 Ministério do Trabalho e Emprego, "Núcleo de informação e apoio a trabalhadores retornados do exterior (NIATRE)."

65 Ministério do Trabalho e Emprego, "MTE Inaugura Casa do Trabalhador Migrante em Oiapoque."

*Empresas*) and the Ministry of Foreign Affairs, supports local entrepreneurs returning from Atlanta, Austin, Dallas, or San Francisco and wanting to start a business (*Projeto Andorinhas – Migrante Empreendedor*).

In terms of academic and professional qualifications obtained abroad, direct recognition is possible. The recognition of primary and secondary education degrees is a responsibility of the State Secretaries of Education; interested citizens must present a translated copy of the school record to the Secretary of Education of the state in which they aim to take up residence. Along with Bolivia, Chile, and fellow MERCOSUR countries, Brazil has signed the *Protocolo de Integração Educativa e Reconhecimento de Certificados, Títulos e Estudos de Nível Fundamental e Médio Não-Técnico*<sup>66</sup> to facilitate the recognition of primary and secondary education attained in the respective signatory countries.

The recognition of tertiary education degrees is not as centralized, as public universities are in charge of recognition. Interested citizens need to find a Brazilian public university offering a degree that somewhat corresponds to the degree obtained abroad. Citizens should contact the nearest Brazilian embassy or consulate, check which documents need a legal translation and submit the appropriate translations to the chosen university, which has the autonomy to decide whether the qualifications will be recognized or not.<sup>67</sup> According to the law, there is a maximum period of 6 months in which the applications must be accepted or denied.<sup>68</sup>

For research and teaching purposes, Brazilian universities automatically recognize undergraduate and graduate degrees obtained in universities from other MERCOSUR members.<sup>69</sup> Degrees obtained under the Bologna process are not as easily recognized.

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## OBLIGATIONS

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### MILITARY SERVICE, SOCIAL SERVICE, TAXES

Social service does not exist in Brazil, but upon turning 18, every Brazilian man living abroad must enlist for military service at the nearest consulate. He may defer his enlistment, but must report for military duty once back in

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66 Mercosur, *Protocolo de integración educativa y revalida de diplomas, certificados, títulos y reconocimiento de estudios de nivel medio técnico*, 199.

67 Presidência da República, *Lei Nº 9.394, de 20 de Setembro de 1996 - Lei de Diretrizes e Bases da Educação Nacional*.

68 Ministério da Educação, *Resolução CNE/CES Nº 8, de 4 de Outubro de 2007*.

69 Mercosur, *Protocolo de integración educativo para proseguimiento de estudios de post grado en las universidades de los estados partes del MERCOSUR*; Mercosur, *Acuerdo de admisión de títulos y grados universitarios para el ejercicio de actividades académicas en los estados partes del MERCOSUR*.

Brazil. Brazilian men between 19 and 45 who do not enlist for military service are not allowed to renew their passport, attend university, or work for the government.<sup>70</sup>

Permanent emigrants do not pay taxes, provided they present a declaration of definitive departure from Brazil (*Declaração de Saída Definitiva do País*). Likewise, temporary emigrants who are abroad for over 12 months may also present such a declaration and be exempt from their tax duties. If neither is the case, non-resident citizens have to pay the same taxes as resident citizens.<sup>71</sup>

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### CULTURAL POLICIES

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Created in the 1940s by the Ministry of Foreign Affairs, the *Rede Brasil Cultural* is a cultural network comprising 24 cultural centers, distributed in four continents and usually located within embassies. In fact, the Cultural Department of the Ministry of Foreign Relations considers them to be an extension of the embassies and offer Portuguese, photography, dance, art, and cooking classes. However, these centers do not directly target Brazilian emigrants; their chief aim is to encourage Brazilians and foreigners alike to engage with Brazil.<sup>72</sup>

As for cultural programs implemented by the state abroad, the public broadcasting channel TV *Brasil Internacional* is mainly available in Africa, Japan, Latin America, Portugal, and the United States; countries in which the Brazilian diaspora is concentrated. Broadcasts in Portuguese include documentaries, debates, news, and children's programs.

Since 2011, the Ministry of Foreign Affairs administers the Language and Culture Diffusion Program (*Programa de Difusão de Língua e Cultura*) as part of the abovementioned *Rede Brasil Cultural*. Children of Brazilian emigrants are believed to require a special education to retain their linguistic skills in a multilingual environment, which is why the program trains teachers in Portuguese as a heritage language.<sup>73</sup> The consulates also organize meetings of Brazilian children born abroad known as *Brasileirinhos* to stimulate their use of Portuguese and contact with Brazilian culture.<sup>74</sup>

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70 Presidência da República, *Lei Nº 4.375, de 17 de Agosto de 1964. Lei do Serviço Militar*; Presidência da República, *Decreto Nº 57.654, de 20 de Janeiro de 1966. Regulamenta a Lei do Serviço Militar*.

71 Portal Brasil, "Brasileiros que moram no exterior devem declarar o imposto de renda?"

72 Ministério das Relações Exteriores, "Centros culturais brasileiros, departamento cultural."

73 Ministério das Relações Exteriores, "Divisão de Promoção da Língua Portuguesa (DPLP), Departamento Cultural."

74 Rede Brasil Cultural - Itamaraty, "Consulado-Geral do Brasil em Genebra realiza programa 'Brasileirinhos em Genebra.'"

## EXIT AND TRANSIT POLICIES

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There are neither political nor financial restrictions for citizens who want to go abroad and while emigration is not actively encouraged by the Brazilian state, it is not actively discouraged, either. Unskilled workers in vulnerable employment conditions are particularly targeted by official information campaigns. The *Orientações para o Trabalho no Exterior: Modelos, Jogadores de Futebol e Outros Profissionais Brasileiros* campaign, promoted by the Ministry of Foreign Affairs, informs soccer players, models, musicians, dancers, cooks, and capoeira teachers on human trafficking, labor rights, visa issues, and other problems frequently faced by emigrants. Citizens are also encouraged to contact the Office for Assistance to Brazilians (*Núcleo de Assistência a Brasileiros*), a subdivision of the Ministry of Foreign Affairs.<sup>75</sup>

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## SOCIAL POLICIES

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Brazilian social security benefits are established by the Ministry of Social Welfare and implemented by the National Institute for Social Security (*Instituto Nacional do Seguro Social, INSS*). In cooperation with the Ministry of Foreign Affairs, the Brazilian Ministry of Social Welfare has signed the Multilateral Ibero-American Convention of Social Security and the MERCOSUR Multilateral Agreement of Social Security.

Additionally, Brazil has signed bilateral social security agreements with Belgium, Canada, Cape Verde, Chile, France, Germany, Greece, Italy, Japan, Luxemburg, Portugal, South Korea, and Spain. Finally, bilateral social security agreements have been signed and need to be ratified by the Brazilian Congress: USA and Switzerland, besides the agreement with the Community of Portuguese Language (CPLP, an alliance of countries with Portuguese as official language).<sup>76</sup> In these countries, both retirement and employment benefits may be maintained after emigration provided one of the following circumstances applies: a) Temporary emigration: if a Brazilian citizen emigrates for a limited period of time (variable from country to country, e.g. 24 months for Germany and 5 years for Japan), he/she may be exempted from affiliation to the social security of the host country, remaining instead registered at the Brazilian social security system; b) in the case of emigration to Greece, Portugal, and Spain, social benefits can be transferred to the respective social security systems, as established by bilateral agreements; c) in the case of emigration to

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75 Ministério das Relações Exteriores, “Orientações para o trabalho no exterior: modelos, jogadores de futebol e outros profissionais brasileiros.”

76 Ministério da Previdência Social, “Assuntos Internacionais - Acordos Internacionais.”

Chile, Italy and Portugal, benefits can be paid in local bank accounts without additional costs.<sup>77</sup>

In other countries, emigrants may register voluntarily at the *INSS*, but the benefits can only be paid into Brazilian bank accounts.

As for healthcare benefits, the Brazilian Constitution establishes healthcare as a duty of the state.<sup>78</sup> Accordingly, every Brazilian citizen is entitled to free healthcare in Brazil. These benefits may be maintained in other selected countries. Brazilians registered at the *INSS* are entitled to the Certificate of Entitlement to Medical Assistance (*Certificado de Direito a Assistência Médica*),<sup>79</sup> a certificate that covers medical care in the public health systems of Argentina, Cape Verde, Chile, Greece, Italy, Luxemburg, Portugal, Spain, and Uruguay.

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### SYMBOLIC POLICIES

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The Brazilian community abroad seems to be strongly and independently organized, particularly in countries with stronger migration inflows, such as Japan, the UK, and the USA. The Brazilian government has discovered these communities only recently and is now catching up, establishing ties with already existing networks and promoting official attempts to reinforce the sense of belonging amongst non-resident citizens. To strengthen ties with young emigrants, the Ministry of Foreign Affairs periodically organizes the *Brasileirinhos no Mundo* drawing contest, which targets non-resident Brazilians between the ages 6 and 12.<sup>80</sup>

Since 1995, the Ministry of Foreign Affairs, in collaboration with *Banco do Brasil*, *TV Globo* and TAM Airlines, presents the annual Brazilian International Press Award to individuals, institutions and initiatives committed to promoting a positive image of Brazil in the USA. Since 2011, the prize has also been awarded to emigrants living in Japan and the UK.<sup>81</sup> The same collaboration led to *Focus Brasil: Congresso Internacional de Cultura, Mídia e Comunidade Brasileira*, an annual conference organized in Miami since 2006 to discuss topics related to Brazil's global image and the Brazilian community abroad. Since 2011, similar events are also organized in London and Tokyo.

Since 2010, short informative events were organized in Japan (Hamamatsu, Nagoya, and Tokyo), Switzerland (Geneva), Portugal (Faro and Lisbon), French Guiana (Cayenne and others) and the USA (Boston). The *Semanas do Trabalhador Brasileiro no Exterior* event present the Brazilian labor market, the

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<sup>77</sup> Ibid.

<sup>78</sup> Congresso Nacional do Brasil, *Constituição da República Federativa do Brasil de 1988*.

<sup>79</sup> Sistema Nacional de Auditoria (SNA), "Certificado de Direito a Assistência Médica (CDAM)."

<sup>80</sup> Ministério das Relações Exteriores, "Edital: Concurso Brasileirinhos 2014."

<sup>81</sup> Ministério das Relações Exteriores, *Diplomacia Consular: 2007 a 2012*.

social security system, and information on remittances, migration rights, and return policies.<sup>82</sup>

Since 2008, the *Conferência Brasileiros no Mundo* is organized by the Ministry of Foreign Affairs and aims to strengthen the communication between the Brazilian government and communities of Brazilians abroad.<sup>83</sup> Though these conferences should happen regularly, only four meetings have been organized to date: in 2008, 2009, 2010, and 2013. Judging by the program of each conference, the focus is less on non-resident Brazilian citizens and more on authorities, diplomats, or migration experts.<sup>84</sup>

The biggest celebration day amongst Brazilian emigrants is still privately funded. Since the mid-1980s, Brazilian Day takes place every year in New York, usually around Brazilian Independence Day (September 7). Similar events also take place in Canada, Japan, and the United Kingdom. These are neither organized nor funded by the Brazilian state.

More than a simply symbolic territorial entity created officially outside Brazil, the politico-electoral circumscription abroad, the *Zona Eleitoral do Exterior* (*Zona ZZ*), compiles the votes of all non-resident Brazilian voters, regardless of their country of residence.<sup>85</sup>

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82 Luiza Lopes da Silva, “Políticas de apoio aos imigrantes retornados: iniciativas da área consular do Ministério Das Relações Exteriores Do Brasil,” 298.

83 Presidência da República, *Decreto Nº 7.214, de 15 de Junho de 2010. Estabelece princípios e diretrizes da política governamental para as comunidades brasileiras no exterior*.

84 Ministério das Relações Exteriores, “2013 - IV Conferência Brasileiros no Mundo.”

85 Tribunal Regional Eleitoral, “Eleitor no exterior.”

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