

ENGLISH VERSION OF LETTER SENT IN PORTUGUESE

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30 March 2016

Deputada Bruna Furlan
Deputado Orlando Silva
Câmara dos Deputados, Committee on the Migration Law
Brasília
Brasil.

Dear Deputado Furlan, Deputado Silva,

PL 2516/15 (Establishing the Migration Law)
Proposal to allow accompanying dependants to work

On behalf of Permits Foundation, we seek your support for an amendment to PL 2516/15 to allow the recognized dependants of temporary visa holders to work or be self-employed during their assignment in Brazil. This could be achieved by adding a simple clause, for example, in Article 3 and/or Article 14 of the PL as follows:

“The dependant, including spouse and partner, regardless of their gender, of the holder of a temporary working visa is authorized to work or be self-employed in Brazil, for the same duration as the main holder’s visa.”

When highly skilled employees relocate internationally, the question of whether the partner can work in the host country is often a major factor in deciding whether to accept the job offer. If the partner does not have the right to work, as is the case in Brazil, this is a concern for families and also for employers who see it as a hurdle to attract the talent they need to fill skills shortages and support their investments in Brazil.

By way of international comparison, 30 other countries allow accompanying family members to work as part of a modern approach to managing migration and this number continues to grow. Brazilian families abroad benefit from these regulations. If Brazil also adopts this best international practice, it will become more attractive to global talent that goes hand in hand with international investment and development and help the economy to grow. This creates a “triple win” that is good for families, good for employers and good for Brazil.

Permits Foundation is a not-for-profit organisation that campaigns for work authorisation for expatriate partners worldwide. More than 40 major international companies and public sector organisations support Permits Foundation, which is independent and not-for-profit.

We attach further details on the benefits of making the change. Our Brazilian advisor, Eduardo Depassier of Loeser e Portela Advogados will be pleased to discuss with you and provide any further information you require.

Yours sincerely,

K. van der Wilk.

(originals co- signed)

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ADDITIONAL RATIONALE FOR ALLOWING DEPENDANTS OF TEMPORARY WORKING VISA HOLDERS TO WORK

A SMALL, BUT IMPORTANT INCREMENTAL CHANGE THAT IS CONSISTENT WITH THE AIM OF EQUAL TREATMENT WITH BRAZILIAN CITIZENS IN PL 2516/15

- Under NR99, the recognized dependants of temporary visa holders are allowed to apply for a work permit if they get a job offer. The process, however, takes too long (30-45 days) and requires spouses to go back to their home country to apply and give up their dependant's visa, despite already being legally resident.
- Brazil already allows family members of permanent residents to work, including the managers of corporations, the spouses of Brazilian citizens and parents of children born in Brazil. Mercosur nationals and their family members, irrespective of nationality, are also allowed to work. So we are looking for a simple extension of this good practice for a relatively small group.
- Fair and equal treatment is one of the key aims of PL 2516/15.

SOCIAL BENEFITS

- Allowing partners to work promotes equal opportunities.
- Our research shows that a majority of partners who work say that this has a positive impact on their health and well-being, family relationships and ability to settle down quickly and integrate into local society.

ECONOMIC BENEFITS

- Family members (mainly partners) who work will contribute to the economy and economic growth by the skills they bring, by paying tax and by their increased expenditure on goods and service.

PARTNERS ARE ALSO HIGHLY SKILLED AND HAVE COMPLEMENTARY SKILLS

- Partners of highly skilled temporary internationally assignees are also often highly educated. In our survey of 3,300 spouses and partners, 36% had a bachelor degree, 40% a master degree and 6% a doctorate.
- Partners often bring skills that are complementary to the local workforce. They often seek temporary, part-time or self-employed project work that fits their lifestyle, without any negative impact on the longer-term job market.

NO ADVERSE IMPACT ON LOCAL LABOUR MARKET

- The number of temporary work visas is relatively small, less than one percent of manpower, based on global averages in international employers.
- Only 50-65% of international assignees are accompanied by family members.
- Our survey of 3,300 accompanying partners indicated that 84% would like to be employed or self-employed. A more global estimate, based on female employment rates in a range of home countries (as most expat partners are women) would suggest a lower percentage, around 50-55% of partners across all age groups.
- Taken together, these figures indicate that the number of partners who want to work is extremely small, less than one per cent of the total workforce.
- Giving partners permission to work does not guarantee a job. They have to compete with citizens who speak the language, know the culture and have locally-recognised qualifications. If the best person for the job is the partner of an expatriate, this will give most benefit to the company and local economy.

COUNTRIES THAT ALLOW PARTNERS TO WORK ARE ATTRACTIVE DESTINATIONS FOR SKILLED EMPLOYEES

(Source: Permits Foundation global surveys 2008, 2012 and 2015.)

- 96% of accompanying partners say that countries that enable partners to work are attractive destinations.
- Almost 60% of partners say they would be unlikely to relocate in future to a country where it is difficult to get a work permit.