

1 October, 2013

Mrs. Maria Perpétua de Almeida
Câmara dos Deputados
Brasília
Brasil.

Dear Mrs. Perpetua de Almeida,

Law Project No 5655/09 (New Foreigner's Law)
Proposal to allow accompanying dependants to work

On behalf of Permits Foundation, we welcome the opportunity of a meeting to seek your support for an amendment to Article 27, § 1 in the draft Foreigners Law (PL 5655/2009). The objective is to allow the dependents (including spouses and partners) of legally resident foreign workers to work or be self-employed during their assignment in Brazil.

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. Permits Foundation is a not-for-profit organisation that campaigns for work authorisation for expatriate partners worldwide. With the growth of dual careers and their impact on employee mobility, this is an issue that affects men and women of all nationalities in both the private and public sector.

More than 40 major international companies and organisations support Permits Foundation, which is independent and not-for-profit.

Around 30 countries worldwide already allow accompanying family members to work as part of a modern approach to managing migration. Brazilian families abroad already benefit from these regulations. If Brazil would also adopt this best international practice, it would become more attractive to global talent that goes hand in hand with international investment and development. This will help the economy to grow.

Our local representatives in Brasil are Enrique Tello Hadad, partner responsible for the Immigration Department of Loeser and Portela Law Firm, Eduardo Alfonso Urrutia Depassier, Senior Manager of the referred department and Ms. Bibianna Valadares Versiani de P. Peres, lawyer at the regional office in Brasilia, who are pleased to meet you and explore how we can be of assistance in gaining acceptance of these principles during discussion of the Bill.

Yours faithfully,

K. van der Wilk.

Kathleen van der Wilk-Carlton

Director, Permits Foundation

PROPOSAL FOR WORK AUTHORISATION FOR ACCOMPANYING PARTNERS

CURRENT WORDING OF ARTICLE 27, § 1 OF PL 5655/09

Article 27, § 1, says that “the Ministry of Labour may authorize the work for a dependent of the holder of a temporary working visa under an employment relationship, in compliance with the requirements set forth in regulation.”

This is rather ambiguous and leaves uncertainty for the managing authorities, families and employers.

PROPOSED WORDING

“The dependent, including spouses and partners, regardless of their gender, of the main holder of a temporary working visa is authorized to work in Brazil, including as a self-employed person, for the same duration of the main holder’s visa.”

RATIONALE

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

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

- 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.
- Allowing partners to work promotes equal opportunities as well as integration and affinity with the host location.
- A majority (68-80%) of partners who work during an assignment say that being able to do so has a positive impact on adjustment, health or well-being and family relationships. By contrast, some 30-40% of partners who don’t work say that this has a negative impact on these same aspects.

PARTNERS ARE ALSO HIGHLY SKILLED

- Partners of internationally assignees are 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.

COMPLEMENTARY SKILLS

- Spouses often bring complementary skills and seek temporary, part-time or self-employed project work that fits their lifestyle, without any negative impact on the longer-term job market. Giving them 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.

NUMBERS ARE SMALL

- The number of internationally assigned staff in Brazil is small, probably less than 1-2 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.

QUOTES FROM ACCOMPANYING PARTNERS

"Both my partner and I have invested a lot in our education and career and either one of us could be offered an international job. We would only accept if we were fairly sure that both of us could work. As a minimum we would need to know that whichever of us is 'accompanying' could get a work permit."

"If I work, I will make best use of my skills, pay income tax and have more money to spend locally."

"The implications of not working on my health (especially mental health) are so vast that I will never consider to relocate to such a country (where is not possible to get a work permit – ed.). I was unemployed for 1 year when I came here and that was the most miserable year in my entire life. I will not repeat that, and my husband stands by my decision."

"I have been an expatriate for more than eight years. Being able to work and contribute is vital for me. Not having a job generates a lot of stress for me and therefore for my family. Not only for economic reasons, it's absolutely much more than that."

"It puts a tremendous strain on a marriage when one career is 'more important' and carries over to the employee's job performance when the home life is unhappy."

"I decided to follow my husband...to keep our family balance and I hoped to share my personal expertise in the host country. Now I feel guilty because I cannot make my expertise available and I cannot continue to grow in my own development."

"There is serious depression, insecurity, loneliness, boredom, and a feeling like no one understands - it takes the help of others who have been through it.....No one prepares the employed spouse how to deal with or understand the misery of the unemployed spouse, which doesn't help."

"Now that I am back in the workforce and have resumed my career, it would be psychologically very difficult to take another break. It would be very hard for me to go to a new location where I couldn't work... It has made an incredible difference to how my children see me (a mother, a wife, and now a professional) and to their expectations of what they, as women, will be able to do with their own lives. My daughter's comment to me - "I didn't realise girls could work too, Mum"- was a huge wake-up call. Our wonderfully tolerant, versatile expat children shouldn't have their world view limited in this way".

The last comment shows how the issue has implications far beyond the economic need to attract talent, impacting on future generations.

FURTHER ATTACHMENTS / HYPERLINKS

3. [Companies and organisations supporting Permits Foundation](#)
4. [Report of global survey of spouses of intra-company transferees](#)
5. [Report of global survey of international companies and organisations](#)
6. [Global overview of spouse work permit regulations](#)
7. [Summary of regulations in countries that allow spouses to work](#)