



PERMITS
foundation

Progress and plans in our global campaign

BRAZIL

Eduardo Depassier

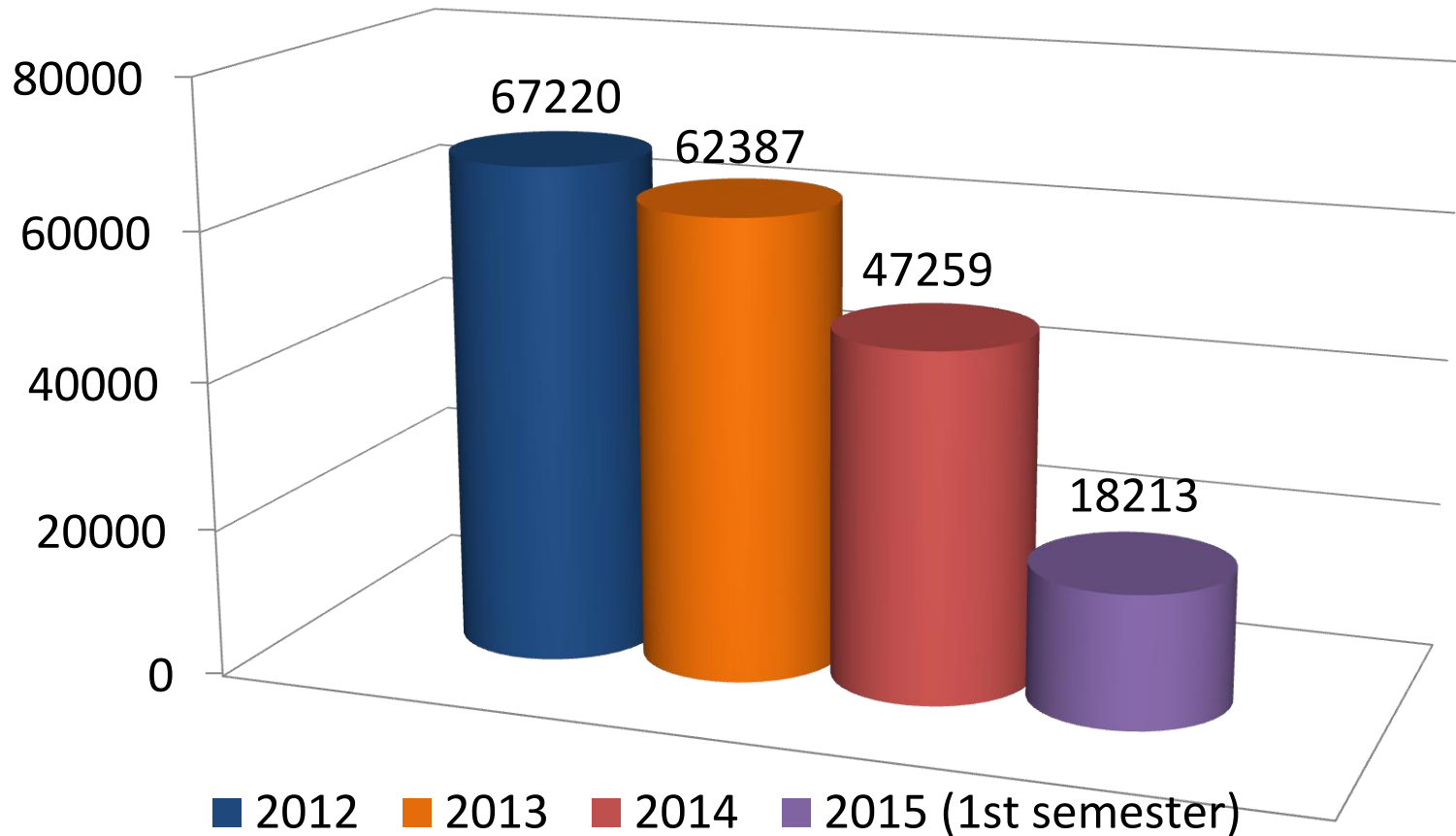


Brazilian Immigration Scenario

In the last decade Brazil has significantly increased the granting of working visas for foreigners, opening its market to new technologies and technical manpower, mainly due to the following factors:

- economic and technological development of the country;
- increase of infrastructure projects;
- rise of the BRICs;
- host of the World Cup and the Olympic Games.

Working authorizations granted in the last years



The pattern of working authorizations

- More than 80% are granted to men;
- More than 90% are temporary authorizations;
- The US is the country with more authorizations, followed by UK
- Most of the foreigners have a degree, followed by High School;
- São Paulo and Rio de Janeiro have a large number of requests;
- The most required visa in the last 3 years was the Technical Temporary visa related to the transfer of technology.

MERCOSUR

(Southern Common Market)

- **By agreement, citizens of the following Mercosur Member countries and associate member countries can obtain residence and the right to work without a visa.**
- Argentina, Paraguay, Uruguay, Peru, Chile, Bolivia, Colombia, Ecuador, Brazil
- Spouse/partner of a citizen of these countries can also work freely, irrespective of nationality.

Dependents of Working Visas in Brazil

For all other nationalities:

- The possibility for dependents to work in Brazil depends on the type of working visa of the main applicant;
- The current Law nº. 6815/80 (Statute of Foreigner) only allows dependents of permanent visa holders to work;
- Dependents of Temporary Visa holders are forbidden to work in Brazil, unless they apply for their own working visa;

Dependents of Working Visas in Brazil

In view of the strict immigration rules for dependents, a large number of foreigners have declined the offer to come to Brazil:

- As a result, the authorities issued the Normative Resolution nº 99/2012; (included clause that dependents of temp work permit holder allowed to work if they get a job offer and employer sponsors a work permit)
- In practice, the immigration situation for the dependents remained unaltered.

Brazilian Immigration Law – nº 6.815

The main objective is to protect the local manpower, considering the foreigner as a threat:

- The National Immigration Council (CNIg) has issued several Normative Resolutions during the years with purposes of:
 - Reducing the bureaucracy in visa application processes;
 - Accelerating the time frame for analysis of visa cases, among others.

Brazilian Immigration Authorities

Ministry of Foreign Affairs

- ✓ Manage Consulates abroad
- ✓ Issue some types of visas

Ministry of Justice

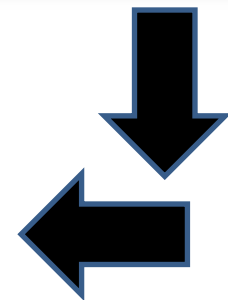
- ✓ Issue documents
- ✓ Regularization and legal situation
- ✓ Approve Permanency requests

Ministry of Work and Employment

- ✓ Approve work visa requests

National Immigration Council

- ✓ Manage immigration issues
- ✓ Formulate migratory policies



PERMITS
foundation

Recent Changes

Currently, 3 Bills under discussion at the Brazilian Authorities:

- PL 5655/2009 – “Foreigner’s Law”;
- PLS 288/2013 – “Migration Law”;
- PLS 2516/2015 – “Migration Law”.

Recent Changes - 1

PL 5655/2009: Foreigner's Law

- **Law's content:** The Bill insists on considering the foreigner as a threat.
- **What changes for dependents?** Nothing, in comparison to the current law nº 6.815.
- **Our Role:** We drafted and presented a letter to the rapporteur Deputy Perpetua, suggesting the modification of Article 27, § 1 of the Bill to the following:
“Dependents of temporary visa holders, including spouses and partners, regardless of gender, are authorized to work in Brazil, also as a self-employed, for the validity of the main holder of the work visa.”
- **Status:** It was attached to Bill 288/2013.

Recent Changes – 2

PLS 288/2013 – Migration Law

- **Law's content:** The Bill provides foreigners with equal status to Brazilian nationals;
- **What changes to dependents?** The Bill foresees equal treatment and opportunities to migrants and their families.
- **Our Role:** We proposed alterations to the text, to allow the automatic right to work for dependents of temporary visa holders, including spouses, partners and sons and daughters over 18 years.
- **Status:** Approved by the Senate, and sent to the House of Representatives in August, 2015, to be analyzed.

Recent Changes – 3

PLS 2516/2015 – Migration Law

- **Law's content:** This is the same as Bill 288/2013, approved by the Senate, which received a new number at House of Representatives;
- **Our Role:** As soon as a new rapporteur is appointed, we will continue our approach to discuss including clauses regarding the dependent's rights to work in Brazil.
- **Status:** The Bill will be subjected to internal bureaucracy and discussed at the Special Commission before the conclusion of other formalities.

Questions

LOESER E PORTELA

A D V O G A D O S

Eduardo Depassier
Senior Associate



PERMITS
foundation