

THE IMPACT OF HIGH IMMIGRATION INFLOW RATE ON THE SHIFT OF BRAZIL'S IMMIGRATION POLICY 2015-2017

Vega Bhenazi

International Relations Department, Faculty of Social and Political Sciences

Universitas Muhammadiyah Yogyakarta

Email: vegabhenazi14@gmail.com

ABSTRACT

Brazil is a developing country that has one of the most rapid economic growths in this decade. As a country with an emerging market, it is natural for the government to create policies based on the development itself. Catering the interest of economic development, Brazil took a big step by creating an open immigration law proposal in 2013, which is called senator bill 288/2013. It was a stepping-stone for Brazil as an open country for the immigrants and refugees. Brazil did this to recruit high-qualified immigrants and boost its economy. However, two years before the ratification in May 2017, Brazil experienced an uncontrollable high inflow of immigration rate. This phenomenon brought series of problems in Brazil as Brazil plunged into the worst economic recession in its history. When the new immigration law was ratified and released in late 2017, the government decided to overhaul sixteen critical articles and items within the proposal before ratification. Thus, defeating the purpose of open immigration law. The purpose of this research is to analyze the impact of high immigration inflow rate in Brazil to the shift of Brazil's new immigration before the ratification.

Keyword(s): *Immigration, Brazil, New immigration policy, Overhaul, Veto*

Introduction

On the surface, Brazil is an emerging market with an economic powerhouse. It has various valuable natural resources, such as high oil reserve and Amazonian forest. It is also a powerhouse in population as Brazil has over 200 millions citizens. However, in reality, Brazil is a unique mix of instability and growth. Brazil's prime is filled with high GDP growth, stable household income, and it is often highly regarded as a potential stock market for the investor (Billier,

2017). Brazil had an economic boom during three years of 2013 to 2014, peaking to 4% GDP growth in 2013 (IECONOMICS INC, 2017). This economic boom drives Brazil to create an open immigration policy to boost the economic boom even further because they expected high-quality immigrants and refugees to contribute on the economy of the country (Macardo, 2014). In the near future after the economic boom, Brazill will go in an all out policy to gain as many revenues as it can.

The new bill was created with the name of senator bill 288/2013. The new bill mostly improves on bureaucracy for the immigrants and abandoning the traditional restrictive attitude. It will be installed as significant changes in the way Brazil treat new immigrants. In broad outline, the new policy focuses heavily on the aspect of human rights and social access to all foreign citizen. The access includes equal opportunity to all new immigrants, including the opportunity to find a job and equal access to all social facilities, and other facilities embedded within the human rights, such as education, health, housing, security, etc (Ferreira, 2015).

This bill will be ratified as the *lei de migracao* or immigration law in the future. However, two years before the ratification, the flock of unexpected immigrants keeps coming into Brazil with ease, such as from Syria and Venezuela (Martin, 2017). Syrians came earlier because of the crisis inside their country and Venezuela experienced a severe political and economic crisis which continuously drifting its citizen to another country, mostly to other Latin America countries. Brazil is the most targeted by Venezuelan. Therefore, the unexpected rise of immigration rate brings trouble to Brazil itself.

Then, the ratification of the new immigration policy happened in 24 May 2017, which is renamed as *lei de Migração* or Migration Law (Goncalves, 2017). However, Brazil's president, Michel Temer vetoed the proposed senator bill 288/2013 thirty times before ratifying it into new immigration law, revising and rejecting many of the critical articles inside the proposed immigration policy (Melito, 2017). This sudden turn of vision created a controversy for the new immigration policy because the president vetoed many of the articles that define the openness of the new policy. Therefore, this journal talks about the reason behind Brazil's Government thirty vetoes and sixteen accepted vetoes in 2017.

The Old Foreigner Statute

The foreigner statute was Brazil's first official immigration policy. Because of the time, when it was released, the articles inside foreigner statute reflected the characteristic of Brazil as a militaristic regime. The policy consists of 141 articles, ranging from articles about visa, naturalization of a foreigner, extradition, immigration bureaucracy, deportation, etc. (Casa Civil do Brazil, 1980). During the year of 1980 to 1984, when the foreigner statute was released, Brazil was in a transitional era, when the state started moving on from the old militaristic regime to the democratic regime. During this era, Brazil was still profoundly affected by the repressive regime. Thus, the government prioritized the national security and interest rather than human rights and foreigner's facilities. Under the rule of Joao Figueiredo, Brazil released the Estatuto de Estrangeiro or foreigner statute in 1980 (Casa Civil do Brazil, 1980).

The foreigner statute is naturally strict regarding the in and out of foreigners in Brazil. Whatever their intentions in Brazil, all foreigners in Brazil treated the same in the eye of the law. However, this is proven to be a problem for immigrants and refugees that want to stay in Brazil permanently or for period of time. Here are few examples of Brazil's foreigner statute that was used from 1980 through 2016.

Art. 16. A permanent visa may be granted to a foreigner who wishes to settle permanently in the Brazil.

Single paragraph. Immigration will primarily aim at providing specialized sectors of the national economy, aiming at the National Development Policy in all aspects and, in particular, increasing productivity, assimilating technology and raising funds for specific sectors.

Source: Casa Civil do Brazil. (1980). *LEI No 6.815, DE 19 DE AGOSTO DE 1980*, p.3 (Original Portuguese). Retrieved December 2017, from Planalto Presidência da República: http://www.planalto.gov.br/ccivil_03/leis/L6815.htm

The single paragraph inside article 16 furthermore stress the point of national interest as the primary objective that drives the policy. The permanent residence will be chosen by the productivity. The value of an immigrant that applies for permanent residency is important as Brazil's interest lies in national security and development. Whether it is their wealth, intelligence or their general usefulness on developing Brazil. Thus, it already limits the uneducated immigrants or refugees to reside in Brazil.

Article 60. The foreigner may be exempted from any penalties related to irregular entry or stay in Brazil or a formality whose compliance could make deportation difficult.

Art. 61. The foreigner, until the deportation is carried out, may be taken to prison by order of the Minister of Justice, for a period of 60 days.

Source: Casa Civil do Brazil. (1980). *LEI No 6.815, DE 19 DE AGOSTO DE 1980*, p.9 (Original Portuguese). Retrieved December 2017, from Planalto Presidência da República: http://www.planalto.gov.br/ccivil_03/leis/L6815.htm

The deportation according to foreigner statute seems to be a top priority to protect national interest from any foreign threat. Article 61 stretched the importance of security even further. It stated that a deportee might be jailed for 60 days period before the deportation. If a deportee's wealth is sufficient to pay the penalty fee, it is hefty, such as an American pilot named Dale R. Hersh, who paid 36000 BRL or \$11000 for his deportation to Brazilian government (Nes, 2017). Thus, these two articles already portraying the strictness of foreigner statute.

Brazil's Economy Incentive

The economic situation in Brazil played a role in the development of the immigration law. Because, as mentioned earlier, Brazil is a country with an active emerging market, thus, any economic instability is bad. Thus, when the government saw that 2013 was a promising year, the project of economic boost started. Which will include receiving high quality immigrants from around the world as a contributing factor. The figure below showed the growth of Brazil's economy.

Figure

1

Brazil GDP Annual Growth Rate



Source: Trading Economics. (2017). *Brazil GDP Annual Growth Rate*. Retrieved January 2018 from Trading Economics: <https://tradingeconomics.com/brazil/gdp-growth-annual>.

Brazil Immigration Plan Senator Bill 288/2013

Senator bill 288/2013 was the pioneer of the new immigration law or *Lei de migracao* of Brazil, which had been published on May 2017 (Soares, 2017). The senator bill is just as it called, draft approved by the congress or senate of Brazil, specifically by Aloysio Nunes Ferreira as the senator of Brazil in 2013 (BRAZIL O CONGRESSO NACIONAL, 2013). The bill was released in July 2013, following the economic progress of Brazil. Senator bill 288/2013 reflected on the vision of the progressive nation. The bill consists of 12 titles and 139 articles, ranging from the principle and rights of immigrants to the penalties for the violator of the law (BRAZIL O CONGRESSO NACIONAL, 2013).

However, the bill has some controversial articles inside of it, such as article 11 of senator bill 288/2013 about the special treatment that refugee got, as they are one of the eligible candidates for receiving the permanent passport. As the article below said:

Art. 11. The permanent visa may be granted to foreigners intends to permanently fix in Brazil, satisfied one of the following conditions:

III - be recognized as a refugee or benefited from grant asylum by the competent authorities;

Source: Brazil o Congresso Nacional. (2013). *PROJETO DE LEI DO SENADO No 288, DE 2013, p.2* (Original Portuguese). Retrieved January 2018 from http://planalto.gov.br/ccivil_03/leis/l6815.htm

This type of article is flawed and exploitable due to its nature of freedom and flexibility. Government officials and refugees could exploit this article easily

in daily basis. However, Brazil did not waver from the chance of policy abuse, the government is firm to use this open immigration policy.

Vetoed during the Ratification

The ratification of new immigration law with the current president, president Michel Temer held in May 2017. While the ratification did happen and signed by the president on 25 May, the president infamously vetoed thirty items of the articles inside senator bill 288/2013. The civil house of Brazil later discussed these thirty vetoes before officially published, as the later sixteen articles were vetoed with either revision or revoke (Melito, 2017).

The first veto is article 1, section 1 item 1, which defines migrant, it was vetoed because it gives too broad definition of migrants and further underlining that the constitution has its own limitation on it. Article 10, section 1 item 2 about judgment of a person that has been rehabilitated is considered as legal-logical anomaly and thus, vetoed. The next veto is in the article 40, item 4 and sole paragraph of article 37 about children immigrants, both articles were vetoed because of the risk of child trafficking and illegal immigration. Article 44 about the strength of visa holder was vetoed because it weakens Brazilian police power (Brazil o Congresso Nacional, 2017, pp. 1-2).

Article 74 about merger exemption certificate for the soldier of former country was vetoed because of the violation of article 61, section 1 of constitution. Article 113, section 4 about the classification of asylum seekers as a vulnerable group was vetoed because of the probability of exploitation under immigration policy. Article 1 section 2 of the guaranteed rights for indigenous people was

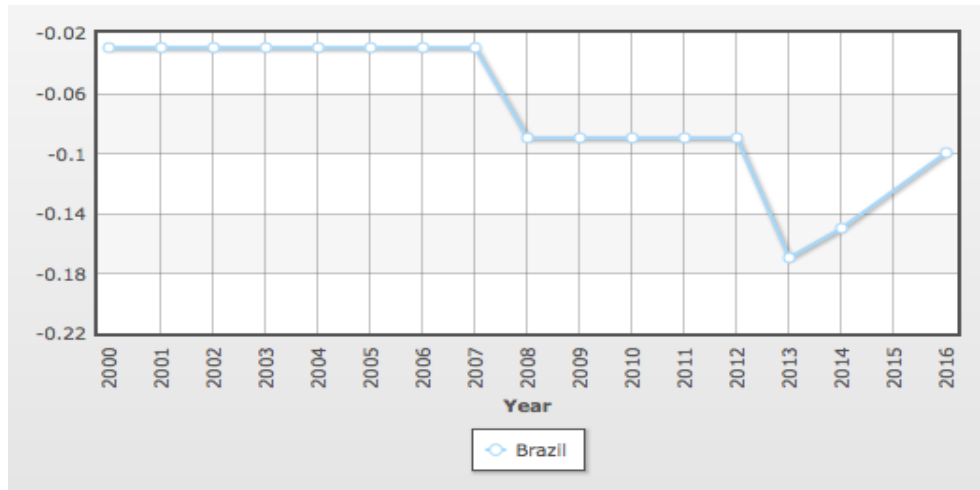
vetoed to gain control of the exit and entry of both Indians and non-Indians (Brazil o Congresso Nacional, 2017, pp. 3-4).

The other vetoes were article 116, paragraph and section 2 of article 55. Section 1 and 4 of article 66 about naturalization and most of the sections in article 30, also article 4 sections 4. A sole paragraph of article 6, article 49 sections 5, article 105 sections 3 about the foreign judgment to a criminal. Last, the added attachment of work permit, which is about work authorization of migrants (Brazil o Congresso Nacional, 2017, pp. 4-5). Mostly, the vetoes were targeting on articles that have probability of exploitation, weaken the constitution, or weaken the federal police of Brazil. It is similar to a countermeasure and prevention for an institutional threat the country is currently facing.

The last veto is one of the most controversial vetoes, which is the amnesty veto orchestrated by president Michel Temer. Article 118 of senator bill 288/2013 about amnesty was entirely vetoed and subsequently revoked after the release of *lei de migracao* or the new immigration law (Brazil o Congresso Nacional, 2017). Thus, ultimately preventing the hope of late immigrants and refugees for naturalization and gaining the grants from amnesty international in Brazil.

Immigration Inflow in Brazil

Figure 2
Brazil Net Migration Rates 2000-2016



Source: Indexmundi. (2017). *Brazil Net Migration Rate*. Retrieved January 2018 from Index Mundi: <https://www.indexmundi.com/g/g.aspx?c=br&v=27>

The graph above shows the high immigration rate from the year 2000 until 2007, and the rate was 0.02 per 1000 population in Brazil. Thus, the rate of immigration rate was very high for a developing country, especially in Latin America. However, Brazil's immigration rate had a downturn in 2007, dropping to about 0.09 per 1000 population. Then, the rate stayed stagnant for five years, from 2007 until 2012.

The data above (see figure 2) shows that from the huge drop in 2013, the immigration rate in Brazil had been steadily increasing and also increasing exceptionally in 2015-2016 to the point of 0.1 per 1000 population (Indexmundi, 2017). This data based the fact that Brazil opens its hand to refugees and immigrants alike, thus, refugees and immigrants from Syria and Venezuela flocking to Brazil as an attempt to save themselves from the chaos happened in their country (Watson, 2017).

Events behind the Overhaul of New Immigration Policy

1. Political Scandal and Economy Recession in Brazil

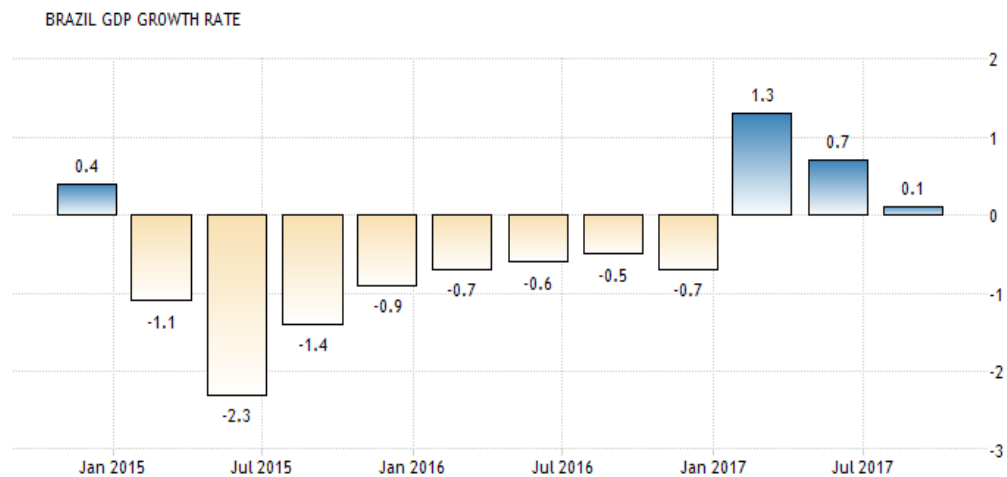
Brazil experienced a severe economic recession in 2016. The recession happened due to chain of events. First, Brazil's government was involved in huge scandal of corruption and bribery with its own state-owned oil company, Petrobras. Under President Lula da Silva and Dilma Rousseff, many of the high-ranking officials were linked with this scheme. The scheme was called the lava jato or operation car wash scandal. The scandal revolves around the bribery done by the director of Petrobras, Paulo Roberto Costa, who was in charge of bribing many high ranked officials of Brazil's government institute to make profitable or lucrative deals with the government. Thus, giving them a slash fund individually (Watts, 2017).

Second, is the loss from Olympic, since the Olympic 2016 did not give enough revenues to cover the deficit. According to the data released by the federal agency of Olympic legacy, Brazil had spent around 43.3 billion reais or \$13.2 billion estimated. The spending has exceeded the original plan by 51% deficit (Homewood, 2017).

As described in the figure below, Brazil had already experiencing GDP drop started from early 2015. Then, in mid-2015, the GDP was spiraling down to the point of -2.3% of GDP fall. The GDP kept fall until early 2017, where the GDP recovered slightly to +1.3%. However, it decreased again in mid-2017 and so on. This figure shows a severe economic recession and also economic instability in Brazil.

Figure 3

Brazil GDP Growth Rate 2015-2017



Source: Trading Economics. (n.d.). *Brazil GDP Growth Rate*. Retrieved 25 February 2018 from <https://tradingeconomics.com/brazil/gdp-growth>.

2. The Burden of High Immigration Inflow

The initial plan of Brazil is to gain high quality immigrants to boost its economy and its name as an open country for refugees alike. Thus, in a long run, Brazil would reap the profit from immigrants as working society, and boost its name in international level. The action would preferably bring new investors to Brazil as a promising open country. Brazil's immigration inflow rate really took starting from 2015 (see figure 2). Even though, Brazil should be grateful, due to the plan they worked early on started showing some effect. However, the purpose of the plan changes after chain of events took toll on Brazil's economy and human resources.

In socioeconomic perspective, the problem of economy and social correlates each other. As stated above, the problem with high immigration inflow is because the surge happened during the worst time of the year. The next wave of immigrants from the Haiti, Syria, plus Venezuela as the main exporter of refugees

and immigrants were not experiencing the same pleasant greetings from the locals. The locals become hostile to the refugees and immigrants, due to them granted healthcare services and leeching on the government, while the citizen were surviving the dire situation in mid 2015 to 2017. Due to the reasons mentioned above, Brazil's political, economy and social instability from 2015 to 2017 demonstration are happening everywhere now and then (The Guardian Team, 2017).

Due to economy recession, Brazil is in a condition of lacking fund and stability to control and is unable to keep up with the demand of tending the refugees and immigrants who come to Brazil. Especially the one comes from Venezuela, who floods the hospital and other services, demanding food, healthcare, and shelter (Human Rights Watch Team , 2017). Thus, it is said that their central plan of taking high-quality immigrants to help the boosting Brazil's economy backfires to Brazil itself. The prospect of economy boost that was very promising for Brazil's development ended up hurting their economy and security stability severely.

Therefore, the government needs to take priority and scraps many unneeded projects that may danger the country, including the plans of accepting many high quality immigrants and refugees. Because it will severely damage the country if they keep accepting refugees without considering the impact and pressure of taking care of immigrants and refugees that need to be tended before they can merge with Brazil society.

The Factors that Affected Government's Veto

1. Political Stability

Brazil itself was hit by a political scandal that involves many high ranked governmental figures and two of its former president, President Luiz Inacio Lula da Silva, and President Dilma Rousseff. Both presidents were involved in money laundering, bribery, and corruption on a huge scale. It is even called as the biggest corruption in Latin America (Watts, 2017). Thus, before the government proceeds to recover from the crisis, the government needs to stabilize the political crisis. Due to the hostile civilian, any controversial policies released by the government would likely bring more hostility to the civilian, creating more mess and hindering Brazil's recovery. Thus, during this transitional time, the government decided to veto many articles and items in senator bill 288/2013 as an attempt to calm the civilians and retaining their trust again.

2. Securing Assets

Similar to other countries, economy is one of the main points of Brazil's development. Thus, due to its nature of importance, an economic loss would hugely impact the country progress. Just like what mentioned, Brazil had an extreme amount of economic loss in 2016, even calling it as the worst recession in Brazil's history. Therefore, the government would likely to eliminate any dangers that might slow down the economy. Conflict and any sources of economic loss that has low to no usability would be reduced. Thus, Brazil's government sees the high inflow of immigration rate in a dire situation is a bad investment, due to the nature of its uncertainty in the long term.

3. Assuring Future Prospect of Brazil

The act of overhauling the new immigration law, in the end, is to ensure Brazil's future as a country. Two reasons above are the requirement for it. By securing loss, both in socioeconomic and security is most needed in dire situation that Brazil is facing right now. Likewise, by gaining the civilian's trust, it will bring political stability to the country. Thus, the government will be able to enforce a new law securely. The veto or overhaul is needed to stabilize the country.

While the overhaul is indeed limiting many possibilities that the immigrants and refugees could do, it is not entirely disadvantaging for them, and even the official stated that it would integrate the immigrants fully while giving adequate protection (Alves, 2017). Brazil's national interest is still economy development. While currently, Brazil is experiencing economy recession, socioeconomic and political instability. The high inflow of immigration rate will still be beneficial in the long run, even the low qualified refugees and immigrants will be beneficial for cheap labor worker. Indeed, this high inflow of immigration rate is concurrently a problem that stacked and affected other crisis in Brazil. However, when Brazil is finally recovered from the crisis, the original plan of accepting high qualified immigrants and refugees will aid the development in high certainty. Thus, rather than scrapping the new immigration law as an open immigration policy that has been planned since 2013, the government preferred to limit its openness, but would likely update it in the future run.

Conclusion

Brazil is a developing country with a promising future regarding its economy. However, since its GDP did not meet the expectation, Brazil would pursue economic development, whether it is a short-term or long-term economic development. Thus, as an emerging market, it is natural for Brazil to initiate a program to boost its economy, like accepting immigrants and boosting its name. One of its most essential immigration plans is creating a new immigration policy, started from the proposal, which is senator bill 288/2013, which is an open immigration policy with many controversial articles. However, when the bill was ratified as new immigration policy, President Michel Temer made thirty vetoes. Although, after the new immigration law was released in late 2017, only sixteen vetoes were made it into release.

However, we can see this overhaul as justified. While the overhaul of new immigration law is still considered drifting off from its original purpose as a gate for Brazil's openness to the immigrants, in this political and economic instability, this action is needed to protect the assets that Brazil still has. First is to eliminate the political turmoil that affected the civilians. Second is to protect the remaining assets in Brazil, since Brazil is risking many things for the immigrants. The last reason for the overhaul is to secure the future prospect of Brazil. However, the government did not precisely erase the new immigration law entirely to secure Brazil. Indeed, they only overhaul controversial articles to secure themselves in a short run. The law can be updated in the future, and thus, when Brazil is in excellent condition and ready, there might be updates to the new immigration law that will bring another wave of immigrants to Brazil.

Reference

- Biller, D. (2017). *Brazil's Highs and Lows*. Retrieved 2017, from Bloomberg: <https://www.bloomberg.com/quicktake/brazils-highs-lows>
- Soares, E. (2014). *Brazil: Foreigners Statute Amended*. Retrieved November 2017, from The Law Library Congress: <http://www.loc.gov/law/foreign-news/article/brazil-foreigners-statute-amended/>
- Brazil o Congresso Nacional. (2017). *Mensagem de Veto*. Messages, Casa Civil do Brazil, Senado Federal do Brazil.
- Brazil o Congresso Nacional. (2017). *Lei de Migracao*. Messages, Casa Civil do Brazil, Senado Federal do Brazil.
- IECONOMICS INC. (2017). *Brazil GDP Annual Growth Rate*. Retrieved November 15, 2017, from Trading Economics: <https://tradingeconomics.com/brazil/gdp-growth-annual>
- Alves, L. (2017). *President Temer Vetoes Immigration Amnesty for Foreigners in Brazil*. Retrieved February 2018, from The Rio Times: <http://riotimesonline.com/brazil-news/rio-politics/president-temer-vetoes-amnesty-for-foreigners-in-brazil/>
- Macardo, A. P. (2014). *Welcome To Brazil: The Effect Of Immigration On The Country's Economy*. Retrieved 2017, from Forbes: <https://www.forbes.com/sites/arthurmachado/2014/12/02/welcome-to-brazil-the-effect-of-immigration-on-the-countrys-economy/#7bfffef3030f4>
- Ferreira, S. A. (2015). *Bill of Senate 288/2013*. Project Report, Atividade Legislativa - Active Legislative.
- Human Rights Watch Team . (2017). *Venezuela: Humanitarian Crisis Spilling into Brazil*. Retrieved February 2018, from HRW News: <https://www.hrw.org/news/2017/04/18/venezuela-humanitarian-crisis-spilling-brazil>
- MINISTÉRIO DA JUSTIÇA. (1980). *LEI 6.815/1980*. Casa Civil do Brazil, Casa Legislativo do Brazil. Casa Civil do Brazil.
- Nes, C. F. (2017). *Deportation in Brazil*. Retrieved December 2017, from The Brazil Business: <http://thebrazilbusiness.com/article/deportation-in-brazil-1487152921>

- Melito, L. (2017). *Brazil President Temer passes Migration Law with vetoes* . Retrieved February 2018, from Agencia Brazil:
<http://agenciabrasil.ebc.com.br/en/politica/noticia/2017-05/brazil-president-temer-passes-migration-law-vetoes>
- Goncalves, M. V. (2017). *Tax News: Aprovada Nova Lei de Migração*. Retrieved 2017, from KMPG:
<https://home.kpmg.com/br/pt/home/insights/2017/05/tax-news-nova-lei-migracao.html>
- Martin, D. (2017). *Brazil braced for influx of Venezuelan refugees*. Retrieved 2017, from Deutsche Welle: <http://www.dw.com/en/brazil-braced-for-influx-of-venezuelan-refugees/a-38881428>
- Watts, J. (2017). *Operation Car Wash: Is It the Biggest Corruption in History?* Retrieved February 2018, from The Guardian:
<https://www.theguardian.com/world/2017/jun/01/brazil-operation-car-wash-is-this-the-biggest-corruption-scandal-in-history>
- The Guardian Team. (2017). *Brazilians sick of corrupt politicians hit the streets to protest austerity measures* . Retrieved March 2018, from The Guardian:
<https://www.theguardian.com/world/2017/apr/28/brazil-corruption-unions-strike-michel-temer-austerity>
- Homewood, B. (2017). *Olympics: Give Brazil more time to secure Rio legacy: IOC head* . Retrieved February 2018, from The Reuters:
<https://www.reuters.com/article/us-brazil-olympics/olympics-give-brazil-more-time-to-secure-rio-legacy-ioc-head-idUSKBN1AK1TJ>
- Indexmundi. (2017). *Brazil Net Migration Rate*. Retrieved January 2018, from Indexmundi: <https://www.indexmundi.com/g/g.aspx?c=br&v=27>