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Changes in the Brazilian Migration Policy between Security and Human Rights Concerns

Fabian Lischkowitz

Abstract

Many Latin American countries such as Brazil have a long tradition of unique migration policies in comparison to Europe or North America. Foreign policy and legal entitlements for immigrants as well as emigrants have played a key role in this process. More recently, Brazil has been overhauling its migration policy profoundly, addressing both immigration and emigration with strong references to international human rights compliance. The proposed legislation claims to de-secureitize the state's practices, while the tendency in other large liberal democracies has been the opposite. This article asks to what extent human rights and security concerns in fact shape the current Brazilian migration policy. Therefore, it presents a qualitative content analysis of the most recent reform process. It furthermore interprets the outcome of this policy by using a theoretical perspective from international political sociology in order to identify the discursive dynamics and power interests responsible for the changes. The result points to interesting implications for the broader field of migration policy studies concerning the interplay of factors that lead to rights concessions for immigrants, like civil society engagement, national development interests, and combined immigration and emigration policy.

Keywords: Brazil; migration policy; human rights; de-securitization; discursive dynamics

Introduction

Brazil is one of many Latin American countries which have (1) a long history of mass immigration and emigration, (2) a migration policy traditionally differing from European and North American countries, and (3) a current

migration law significantly shaped by the military dictatorship and following re-democratization. The latest legal project – which is in the last stages of negotiation and approval as of June 2016, but has not been passed yet due to the political crisis in Brazil¹ – is a broadly supported new Migration Law (*Lei de Migrações*, PL No. 2.516/2015), whose primary goals are the protection of the human rights of immigrants and benefits for emigrants (Câmara dos Deputados 2015a, 2015b; Nunes Ferreira 2015). It is supposed to substitute the Foreigner's Statute (*Estatuto do Estrangeiro*, Law No. 6.815 from 1980), which was passed during the military dictatorship and focuses on the protection of national interests and security in regard to immigration (Presidência da República 1981; Lopes 2013). Apart from the fact that the Foreigner's Statute is perceived as inconsistent with the current constitution (from 1988), an increasing tendency of immigration to Brazil over the last 10 years (following years of strong emigration),² as well as the reception of Haitian migrants in large numbers have turned the reform project into a relevant issue (IOM 2014).³ It reflects the political negotiation process of the last 15 to 20 years with the participation of a variety of actors, including immigrant organizations, academics, community authorities, advocacy groups and different governmental and international institutions.

¹ The National Congress in Brazil has initiated an impeachment process against President Dilma Rousseff in May 2016. Meanwhile, the vice president, Michel Temer has installed an interim government. At the same time, other lawmakers, including the President of the Chamber of Deputies, are also under investigation and could lose their position. This has halted legislative activities on several non-prioritized issues such as the new Migration Law. Even though the bill is at an advanced stage, it has therefore not been voted on yet.

² According to the 2010 census, 0.3 percent of the population in Brazil is foreign-born. At the beginning of the 20th century, this number was about six percent and three percent until 1960. These figures however do not include irregular immigrants. Since the 1980s, emigration has had stronger effects on Brazil than immigration (IBGE n.d.b). Nevertheless, data from 2000-2010 reflects the tendency of increasing immigration since 2005 (IBGE n.d.a). In the last century, Brazil has thus turned from a mainly migrant-receiving to a migrant-sending country, and could now be considered both a receiving- and sending-country given the immigration experience of the last decade.

³ This paper refers to migration, in line with the wording of the discussed policy, as synonymous with international/cross-border migration. Internal migration, mainly from rural to urban zones, is also a relevant issue in Brazil, but usually not part of the same political debate. Migration is also consciously used as a term to include both immigration and emigration, as well as circular border migration. All these forms of migration are important to be considered in the Brazilian context, but in order to analyze the policy changes this paper focuses for the most part on immigration concerns.

In an international context, this reform distinguishes itself from the tendency of other large liberal democracies (e.g. the U.S., Australia, the EU) to treat immigration as a threat to their security and implement more restrictive measures – often described as a process of securitization (Watson 2009; Bigo 2002). As it seems, the trend in Brazil is reversed – toward a greater political will to welcome immigration and implement international human rights standards in these matters. Arguably, it could be assumed that this is not unusual but merely a case of democratic consolidation and breaking with political ideas from the older authoritarian regime, in favorable times of low immigration rates (in both historic and international comparison). However, immigration was also low when the strongly security-oriented Foreigner's Statute was passed, and granting more rights for foreigners living on national territory is far from being self-evident, especially considering securitization tendencies in other national policy areas supported by strong conservative groups in the Congress.⁴ The paradigm shift can also be questioned by looking at disparities between discursive action and implementation (Acosta Arcarazo and Freier 2015). Nevertheless, the discursive shift indicates a human rights-oriented legitimization process that shapes the new migration policy and which is worth closer attention, to understand how it came about, how influential it actually has been, which interests supported it, and why security concerns are also still relevant. In combination with the fact that the policy addresses both immigration and emigration, this creates a special case of a country with emigration experience reformulating its immigration policy, which is informative for studies of de-securitization of migration and of Brazil's role in international relations.

This article's research question tries to achieve more clarity in this matter by asking (1) to what extent national security interests on the one hand, and human rights claims for migrants on the other hand have been shaping Brazil's policy for international migration since 1988, and (2) what the causes for the observed changes are. Tracing the reform process and systematically reorganizing data from laws, expert recommendations, reports from civil society groups, conference protocols, media articles, statistical databases, secondary literature, and personally collected notes from debates among practitioners and academics in the field as an additional support, the next section of the paper describes in how far the political rhetoric translated into (effective) legislation. Comparison over time (from the original Foreigner's

⁴ Examples of this are the debate around the reduction of the age of criminal responsibility from 18 to 16 and the formation of parliamentary fronts such as the *Bancada da Bala* ("Bullet Bloc"), composed of former military and police officials with ties to the arms industry (Martins 2015).

Statute, to its adaption after 1988 and the most recent reform process) shows the security- and human rights-oriented elements in the reformed policy.

The result of this first part of the analysis supports the hypothesis that human rights claims have become more powerful, while security claims still remain relevant. In order to find out why this is the case, the analysis in the following section of the paper looks at the interests and power structures behind the policy changes from a sociological constructivist perspective in international relations theory. Here, Didier Bigo's work on how the meaning of migration and the way the issue is governed are a result of the interaction of (increasingly transnationally engaged) actors in a field of power-knowledge relations provides a useful theoretical framework to study the Brazilian case (Bigo 2002). Taking into account the dimensions of the migratory movements, questions of national identity, foreign policy and economic interests help to show how discursive dynamics and power interests functioned as driving factors for the expansion of migrants' rights.

Based on the evidence and the theory-guided assessment, in the last section of the paper I come to the conclusion that the new migration policy still denies immigrants basic rights in several areas (e.g. social and political participation), and maintains an economic-utilitarian view, but it also puts a de-criminalization process into law that has been preceded by practice. Rights-expansion for irregular migrants and institutional responsibilities are still contested areas. Strong involvement of civil society actors has been influential for this change, as well as the coupling of the issue of immigrant rights with development interests and emigration policy.

Changes in the Brazilian Migration Policy

As a starting point, the analysis requires definitions of what forms part of migration policy and what indicates a human rights-oriented or (national)-security-oriented policy. Here, it is important to differentiate between the concepts of human rights and security as central points of reference in the Brazilian political discourse, and as analytical categories for the examination of the political practices (that also include discursive actions).

According to securitization theory, a policy that expresses a security interest has a restrictive character: It constructs a threat (in this case migration) and legitimizes emergency measures and criminalization processes (for example rights restrictions for immigrants and/or emigrants) aiming to reduce this perceived threat. In contrast, a policy representing human rights interests would stress that the reference object, in this case the migrating person, is a subject of rights supported by international norms, which are pushing for equality with citizenship in the local context (Peoples and Vaughan-Williams 2015: 92-106; Watson 2009: 19-23). Categorizing elements of the different migration policies thus applies a simplified pattern of asking: Does the measure or regulation impose restrictions on migrants or

grant them a right? Of course, few measures fit into one or the other extreme case and rather move on a scale between them. This continuum of security- and human rights-interests is one possible analytical approach to describe relative changes.

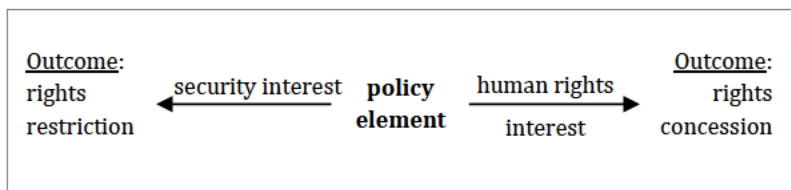


Figure 1: Model of the Security-Human Rights Continuum. Source: Author's elaboration.

Concerning a definition of migration policy, different studies set different emphases and have a broader or more specific understanding. To study the Brazilian case of a migrant-sending and -receiving country, whose policy addresses both dynamics, it is useful to analyze both immigration and emigration policy, focusing on the first but analyzing as well how the second has been influential. Consequently, this requires to look beyond admission policy (entrance, registration, residence authorization and deportation), which has been the classical focus of immigration studies, and include the socio-economic and socio-political dimensions of migration policy (often understood as integration), as well as guiding principles of the legal framework and re-negotiation of institutional responsibilities (Rosenblum and Cornelius 2012; Acosta Arcarazo and Freier 2015: 664).

Due to the fact that, after minor reforms since 1988 reform efforts only gained momentum in the last ten to 15 years, the evaluation covers a rather broad time frame. The analysis compares (1) the application of the Foreigner's Statute prior to 1988, (2) the adaptations under the 1988 Constitution and other policy changes since then (both covered in the first part of the section), and (3) the present political commitments expressed in the proposal of a new Migration Law (second part of the section). Methodologically, I therefore rely on qualitative content analysis of data (laws, protocols, reports

from non-governmental organizations, etc.) and literature gathered in Brazil,⁵ following Mayring (2003). With the intention to identify policy changes, to structure them along the categories of restriction and rights concession, and to contextualize them in the process of interactions they originated in, the results of my analysis later enable the reconstruction of interests and power relations that determined the scope and limits of the overall policy change.

The Reform Process

The Foreigners' Statute, which is the applicable law, originated in the context of the authoritarian military regime ruling Brazil from 1964 to 1985. It was passed in 1980 and amended in 1981, with the intention of – in line with bipolar Cold War security thinking – reducing the threat of political 'interference' by foreigners (Lopes 2013: 116-119). The protection of national interests hereby also included that the admission of immigrants would rely on the Executive's interpretation of a useful contribution to the national development, in the form of qualified workers. For this matter, the law establishes the National Immigration Council (*Conselho Nacional da Imigração*, CNIg) – with representatives from different ministries but linked to the Ministry of Labor and Employment (*Ministério do Trabalho e Emprego*, MTE) – to process the regularization of immigrants and develop further policies (Boucinhas Filho and Valente Barbas 2013: 42-44).

After the new democratic constitution had been established in 1988, several regulations of the Foreigners' Statute were not further applied (e.g. restrictions on political associations and manifestations by immigrants)⁶. Yet, since immigration had been declining around that time and was consequently not of relevance to the political agenda, replacing the statute was not an important issue until migrant organizations – many linked to the Catholic Church – pressured for a reform. They criticized that the respect of immi-

⁵ The documents for the analysis were mostly collected during short-term studies at the Faculty of Philosophy, Languages and Human Sciences of the University of São Paulo and the work with the Brazil office of Friedrich-Ebert-Stiftung in São Paulo.

⁶ In April 2016, the right of foreigners to participate in protests was discussed in the context of Brazil's political crisis. The National Federation of Federal Police (*Federação Nacional dos Policiais Federais*, FENAPEF) announced in a press release on April 16th that foreigners participating in protests against the impeachment of President Rousseff could be detained and expelled, according to Article 107 of the Foreigners' Statute (FENAPEF 2016). This was criticized by several human rights organizations and experts on constitutional law as unconstitutional. They argued that Article 5 of the constitution grants the right to freedom of expression in Brazil regardless of nationality and overrules the Foreigners' Statute (Galli 2016).

grants' human rights still was not ensured, that there were no established communication channels with civil society organizations to improve policy, and that the processing of immigration procedures was carried out by the Federal Police (*Policia Federal*, PF) (Nicoli 2011: 93; CDHIC and ESF 2011: 77-80; CDHIC 2015; Conectas 2015; FGV et al. 2015).

Stronger engagement of immigrant organizations since the democratic transition went along with various actions taken by the governments of different parties throughout the years, leading to a more focused strategy development under the first Workers' Party administration (*Partido dos Trabalhadores*, PT) (since 2003). In 1981, 1988, 1998 and 2009, amnesties regularized the residence status of around 150,000 immigrants in total; 43,000-45,000 alone in the last one. Additionally, the CNIG has used ministerial orders to pass regulations on the legalization of residence and on other issues, such as family reunification, over the past 15 years (da Silva 2014: 135-137; Acosta Arcarazo and Freier 2015: 676; Reis 2011: 61). Like the Ministry of Justice, it entered into a consultation process with advocacy groups, labor unions, international organizations (e.g. the International Labour Organization, ILO) and scholars to elaborate a new migration policy strategy and new legislative proposals. Results of this process are the CNIG's draft of a "National Policy of Immigration and Protection of the Migrant Worker" in 2010 and the proposal for a new Foreigners' Statute in 2009, put forward by the Ministry of Justice, but rejected by Congress (Batista and Perreira 2011: 16; da Silva 2014: 125-128; Nicoli 2011: 98-100; MJ 2014; Comissão de Especialistas 2014; Ramos et al. 2014; FGV et al. 2015). The first proposal for the reform of the Foreigners' Statute would already have brought some advances in terms of compliance with international human rights norms, but it was also heavily criticized for maintaining the selectivity in regard to (more qualified) migrant workers (Ventura and Illes 2011; da Silva 2014: 125). It also did not envision creating a combined legal framework for immigration as well as emigration.

Over the past 20 years, the Brazilian government treated emigration policy as a separate issue, but has become more active at the same time. The starting point was the expansion of consular services in 1995 through the "Support Program for Brazilians abroad", which was followed by regular consultation of organized emigrant communities initiated in 2002 and expanded through conferences since 2008. Since 2006, the Ministry of External Relations (*Ministério das Relações Exteriores*, MRE) has a special department for emigrant affairs (Reis 2011: 50-55, 62-63).⁷

⁷ Based on Consular Reports from 2014, the MRE estimates that around three million Brazilians live outside of Brazil, with decreasing tendency because many emigrants returned to Brazil in the last years (MRE 2015).

More changes in the Brazilian migration policy have been brought about through the country's regional integration efforts in the Southern Common Market, Mercosur. Mercosur has been concerned with labor mobility and social security integration since 1997, passing several declarations and agreements on these matters and on questions of migrants' rights and human trafficking. In 2009, the Mercosur Residence Agreement entered into force, granting free movement and work permission for at least two years to citizens of the participating member and associate member states (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, and Uruguay). In the case of Brazil, this expands previous bilateral free movement and residence regulation agreements, for example with Bolivia in 2005 (Nicoli 2011: 112-116; Margheritis 2013; Acosta Aracazo and Freier 2015: 671, 677). It changed the South American migration regime profoundly, with significant impact on Brazil, since the largest contemporary immigration flows stem from neighboring countries, and circular immigration and emigration movements along the border are widespread (IBGE 2013; Lesser 2013: 188-189; Patarra 2002; Bassegio 2004; Marques et al. 2013).

Another example of Brazil's international relations requiring the adaption of its migration policy is the inflow of people from Haiti. In addition to taking leadership in the United Nations Stabilization Mission in Haiti after the severe 2010 earthquake, Brazil received around 15,000-18,000 Haitians until 2013, most of them arriving in the northwestern states of Acre and Rondônia. The authorities struggled to regularize their stay. The National Committee on Refugees (*Comitê Nacional para os Refugiados*, CONARE) could not grant them refugee status, and in response the CNIG issued 'humanitarian visa' in the Brazilian embassy, also to cut down on trafficking activities. The limit of 100 visa per month soon proved to be insufficient and inefficient in the face of an increasing irregular influx of people. After the Governor of the State of Acre declared an emergency situation in April 2013, a task force of the Federal Government was created to register the incoming people and grant them a so-called humanitarian refuge (IOM 2014; Fernandes et al. 2013). However, long-term solutions were still not properly elaborated, once more stressing the need for a new general migration law in situations where asylum regulations fall short.

The same year, Senator Aloysio Nunes of the conservative Party of the Brazilian Social Democracy (*Partido da Social Democracia Brasileira*, PSDB), then member of the opposition, authored a draft for a new Migration Law (*Lei de Migração*, PLS 288/2013) to substitute the Foreigners' Statute and set a new legal framework that would incorporate the changes in migratory matters from the past years. Cooperation across party lines, consultations with government agencies, as well as continued civil society and expert hearings led to adjustments of the proposal and made it possible for the bill to be approved by the Senate in July 2015. To ensure progress on the matter, the draft entered the Chamber of Deputies as a priority and a special commission, which united legislators from different thematic commissions, was created to

discuss the law (now PL 2.516/2015). At the end of 2015, many hearings of legal and international relations scholars, representatives from migrant and human rights advocacy groups, international organizations and municipal authorities (mainly São Paulo) took place. As of June 2016, the project was still not voted on, but according to observers who accompanied the process approval is very likely (Câmara dos Deputados 2015b; FGV et al. 2015).

Advances and Continuity in the Migration Law Draft (PL 2.516/2015)

Legal Guiding Principles and Institutional Responsibilities

Comparing the differences between the recent proposal for a new Migration Law and the Foreigners' Statute that is still in place, the most drastic observable change is the rhetoric. The author of the bill, Senator Aloysio Nunes refers to it as a 'paradigm shift', from "national interests and security" to the "protection of human rights and de-criminalization of immigration" (Nunes Ferreira 2015). Indeed, the law's guiding principles and its section on fundamental rights entail a vast variety of aspects complying with international standards, which advocacy groups and scholars were missing before (see Table 1).

However, the distribution of responsibilities among government institutions puts into question how much progress in terms of de-criminalization will actually be made. Handling immigration with the same organizational structures and logic as crime has been considered a significant factor for the degrading treatment of immigrants by authorities, and therefore the negative public perception of immigrants (Ferretti 2002: 140-143). These critiques were backed up by recommendations of the Inter-American Court of Human Rights on the rights of migrant workers and by the engagement of the International Organization for Migration (IOM) in the dialogue process with the Brazilian government and legislators (Nicoli 2011: 151-153; IOM 2013). But recommendations that stressed the need to create a specialized Migration Agency did not make it into this legislative proposal (Comissão de Especialistas 2014: 37-38; IOM 2013: 10-13). Instead, the bill assigns border control and deportation to the Federal Police and leaves it open for later regulation, which authorities would be in charge of the remaining tasks (Câmara dos Deputados 2015a: Art. 38, 51). Advancement on the matter is thus dependent on subsequent executive and legislative interpretation and action.

Foreigners' Statute (1981)	Migration Law (2015)
<p>“Art. 1: In times of peace, any foreigner can, when the conditions of this law are fulfilled, enter and stay in Brazil and leave the country, granted that national interests are ensured.</p> <p>Art. 2: In the application of this law, the national security, institutional organization, the political, socio-economic and cultural interests of Brazil, as well as the defense of the national worker are primarily attended.</p> <p>Art. 3: The visa concession, its extension or transformation remain dependent on national interests.”</p>	<p>“Art. 3: The Brazilian Migration Policy follows the principles of:</p> <p>(I) universality, indivisibility and interdependence of human rights;</p> <p>(II) rejection and prevention of xenophobia, racism and any form of discrimination;</p> <p>(III) non-criminalization of immigration; [...]</p> <p>(V) promotion of regular entrance and regularization of documents;</p> <p>(VI) humanitarian refuge;</p> <p>(VII) economic, touristic, social, cultural, scientific, technological and sports development of Brazil;</p> <p>(VIII) guaranteeing the right to family reunification; [...]</p> <p>(X) social inclusion [...];</p> <p>(XI) equal and free access of the immigrant to social services, programs and benefits, public goods, education, judicial assistance, labor, housing, bank service and social security; [...]</p> <p>(XIII) social dialogue in the formulation, execution and evaluation of migration policies, and promotion of the migrant’s civil participation;</p> <p>(XIV) strengthening the economic, political, social and cultural integration of the Latin American people [...]</p> <p>(XV) international cooperation with countries of origin, transit and destination of migratory movements [...]</p> <p>(XIX) protection of the Brazilian citizen abroad; [...]”</p>



Table 1: *Legal Principles of Brazil's Migration Policy in Comparison.* Source: Author's elaboration and translation, based on the proposal for a new Migration Law (Câmara dos Deputados 2015a) and the Foreigners' Statute (Presidência da República 1981).

Admission, Registration, Regularization of Residence and Sanctions

Concerning the authorization of entrance and residence in Brazil, the new law mostly just formalizes preceding executive initiatives: It establishes a new visa for humanitarian refuge, based on the one granted to Haitians, but regardless of origin; it offers a visa for investors and special permissions of free circulation of border residents, in compliance with Mercosur regulations. The document requirements for the application of this new “humanitarian refuge” are also supposed to be less restrictive (Câmara dos Deputados 2015a: Art. 14, Art. 19-21, Art. 35). Advancements can be seen in the provisions for family reunification – which applies to parents, children, siblings, descendants to the second degree or spouses (regardless of gender and sexual orientation) of Brazilians or immigrants with residence permit – for protection of stateless persons and faster naturalization for Mercosur citizens, relatives or partners of Brazilians, or natives of Portuguese-speaking countries (Câmara dos Deputados 2015a: Art. 33, 32, 63-65).

Regarding the regularization of an irregular migratory status, the reform proposal stays rather ambiguous. Even though it breaks with the explicit criminalization of irregular immigration in the Foreigners’ Statute – which had been weakened by the amnesties mentioned before – it does not provide specific instruments for regularization. Although irregular migrants are explicitly granted many basic civil, social, and economic rights, they are excluded from others, like the right to family reunification, organization in a labor union, possible exemption from fees, and free legal assistance (Câmara dos Deputados 2015a: Art. 26, Art. 4). Nevertheless, the provisions on sanctions like deportation, expulsion, and extradition have been harmonized with the constitution: National security does not legitimize deportation, access to legal defense is stressed in the reform, and regulations on perpetrators of war crimes and crimes against humanity are included in compliance with the Rome Statute (Câmara dos Deputados 2015a: Art. 48-62).

Labor, Economic and Social Regulations

In the area of socio-economic rights, the Foreigners’ Statute imposes various restrictions on immigrants that were only partly lifted by the new constitution (e.g. prohibition to unionize or visa concession based on good health). The remaining restrictions – like the prohibition for foreigners to work or to be a shareholder in the media/communication sector, to explore or to research on mineral or hydraulic resources, or to work in ports or on water routes – would be lifted by the new Migration Law (Presidência da República 1981: Art. 106; Lopes 2012: 45-47). Furthermore, the basic rights granted in the new proposal also aim at promoting equal social security, safety, discrimination-free access to public health, welfare and education services, access to labor rights, and expanded consular services to Brazilian emigrants to enjoy

the same rights. Economic guarantees are stressed here as well, protecting legal remittances and the right to a bank account for immigrants, and providing tariff exemptions for returning Brazilian emigrants (Câmara dos Deputados 2015a: Art. 4).

Regardless of the changes in the migration law, certain provisions in the national labor law still remain of concern. The 1943 Consolidation of Labor Laws (*Consolidação das Leis de Trabalho*, CLT) determines in Art. 352 and 354 the “Nationalization of Labor”, permitting only one third of non-Brazilian workers in a company. Portuguese nationals are excluded from this quota and other exceptions are possible, but they must be authorized by the Ministry of Labor and Employment. Art. 358 states that Brazilian workers may not be paid less than foreign workers for the same job, and that in case of dismissals, foreigners would have to be discharged first. Opinions on these regulations are divided: Some consider it an unconstitutional discrimination, others stress that it is rather a support for national workers and not automatically discrimination of immigrant workers, especially considering that the constitution would in turn not permit immigrants to be treated worse than Brazilians either (Lopes 2012: 56-59; Nicoli 2011: 101-107). The new Migration Law could be an impulse for enhanced contestation.

Political Participation

In comparison to the restrictiveness the Foreigners’ Statute holds for political rights (and initially was designed for), the new Migration law could be regarded as an advancement upholding the freedom of association and political manifestation of immigrants. However, it rather falls short, considering that the 1988 Constitution already re-established those rights, and that other Latin American countries already go further in granting voting rights to foreign residents at least on the local level (Lopes 2013: 79-102, 116-119; Hoyo 2015: 3-8). The only advancement the new Migration Law presents in this sense is the facilitation of naturalization.

It also has to be taken note of that the issue of combating xenophobia and racism, proclaimed as one of the primary goals in Art. 3, is not further specified in the regulations. No concrete measures are entailed. The same applies to the goal of promoting dialogue with migrant organizations; the law itself establishes no instruments. Both concerns thus will rely on the willingness and broader strategies of the executive to implement dialogue fora and anti-discrimination programs – as done in the past.

Summary: Rights Concessions and Restrictions

Overall, it can be noted that the law proposal 2.516/2015 translates the advancements of past years in terms of migrants’ rights into a new legal frame-

work, thereby securing them and continuing a larger reform process that has been observable over the past 15-20 years. This included regional integration efforts, amnesties for irregular migrants, engagement for Brazilian emigrants, and humanitarian action for arriving Haitians. Reviewing the new law in this context reveals that few substantial regulatory innovations are added by the proposal on particular issues, and that the assumed ‘paradigm shift’ is not supported by all aspects of the policy. In fact, several ambiguities, like the bureaucratic processing of immigrants similar to that of criminals and the discrimination of irregular immigrants remain unresolved (see Table 2). However, considering that many aspects are left open for further regulation, and that the new legal framework gives the judiciary more leeway for interaction, as well as a new interpretive orientation, the paradigm change still has the potential for progress through judicial contestation (as noted by the public defense counselor Fabiana Severo during the discussion on the reform at Conectas (2015)). The added value through the change of legal guiding principles may thus not be underestimated and mistaken for empty rhetoric.

Policy Area	Continuing Restriction	Rights Enhancement
Legal Guiding Principles	<ul style="list-style-type: none"> • Exceptions for irregular migrants 	<ul style="list-style-type: none"> • Harmonization with international human rights standards and constitutional principles
Institutional Responsibilities	<ul style="list-style-type: none"> • Migration procedures handled by the Federal Police 	<ul style="list-style-type: none"> • Possibilities for inter-institutional reorganization
Admission	<ul style="list-style-type: none"> • Border control and necessity to register 	<ul style="list-style-type: none"> • Inclusion of humanitarian visa • Family reunification regardless of gender and sex orientation
Residence Regulation	<ul style="list-style-type: none"> • No concrete procedures for regularization of irregular stay • Privileges for ‘more qualified’ workers 	<ul style="list-style-type: none"> • Slight decriminalization of irregular migrant workers • Easier naturalization for some groups of immigrants
Sanctions	<ul style="list-style-type: none"> • Possible deportation in case of irregularities 	<ul style="list-style-type: none"> • Limited access to legal defense

Access to social and economic goods and services	<ul style="list-style-type: none">• Exclusion of irregular immigrants from unions and legal instruments for regularization	<ul style="list-style-type: none">• Discrimination-free access to public health, welfare and education services• Protection of remittances and right to bank account• Facilitation for emigrants to return with property• Expanded consular assistance for emigrants abroad
Labor Regulations	<ul style="list-style-type: none">• “Nationalization of labor” through quotas and disadvantages for foreigners in dismissals	<ul style="list-style-type: none">• Equal social security, work safety and access to labor rights• No job restrictions based on national security interests
Political Participation	<ul style="list-style-type: none">• No voting rights• No constituted civil society dialogue platform	<ul style="list-style-type: none">• (Protection of civil and political rights of foreigners no real advancement)

Table 2: *Continuing Restrictions and Rights Enhancements for Immigrants in the New Migration Law.* Source: Author’s elaboration.

Legitimation of a Rights-Based Policy and its Limits

Theoretical Framework: Governing Migration and Constructing its Meaning

As the previous section shows, various political processes since the re-democratization have been able to create some sort of consensus among the actors involved in the governance of migration in Brazil, in order to grant more rights to immigrants. At the same time, other liberal democracies show a reverse tendency, which begs the question why Brazil chooses this path. How did human rights interests and claims gain power in migration policy?

To examine this, an analytical perspective from international political sociology is insightful. Although this theoretical approach has been developed by scholars like Didier Bigo in order to explain securitization processes based on Western cases of migration policy, it is also useful for the Brazilian case because it looks at how a certain meaning or mode of governance (which can be either security- or rights-oriented) is constructed intersubjectively by a variety of actors and practices, in an increasingly transnational realm (Bigo 2002: 64-65, 76, 79). In the cases the author studied, this usually results in the securitization of immigration, which he considers to be a “political spectacle” where

“multiple discursive practices must be understood, as well as the heterogeneity of the nondiscursive practices as part of the same ‘dispositif’ (legal devices, political rhetoric, police practices, surveillance technologies, discourses on human rights, resistances of actors, and so on) in order to understand the articulation of knowledge and power relations” (Bigo 2002: 84).

Nevertheless, Bigo recognizes that security discourses and human rights discourses form part of the same continuum (Bigo 2002: 79), suggesting that we can analyze with a similar genealogical method how they are “playing with positions of symbolic authority so as to force social practices to bend in a required way” (Bigo 2002: 79). This makes it possible to look at the construction of meaning and political practices of migration in Brazil rather as a process of de-securitization, taking place in a transnational field of actors embedded in power and knowledge relations, but with different influential actors (Peoples and Vaughan Williams 2015: 84-85).

The advantage of this approach is that it moves away from state-centered explanations and also entails a broader understanding of security and restrictions: It is what the actors involved make of it. Moreover, there can be more than one particular idea of security (national security, security from crime, economic and social security, etc.) at stake at the same time in the discourse (Guild 2009: 7-8). Looking at the experience of Brazil, this helps to explain why, aside from the strong human rights-oriented debate, a different

outcome was produced in the case of irregular migration. As Vicky Squire points out in her analysis of the condition of the irregular migratory status, although the citizen – foreigner divide defending general restrictions on immigration can be weakened or given up, another divide between “useful” and “undesirable” immigrants, based on the idea of economic security (instead of national security), can still remain effective (Squire 2011: 6-13). This requires looking beyond the discursive legitimization dynamics of political practices and examining power interests that shape overlapping contradictory discourses.

Role of Discursive Dynamics among Actors in the Political Process

From this theoretical standpoint, two general hypotheses can be deduced that would explain the specific outcome of the migration reform process in Brazil: (1) The policy outcome is determined by the quality of interaction of the participating actors in Brazil; and that (2) the interaction is influenced by power relations. The first hypothesis would mean that Brazil’s differing approach in migration matters can be attributed to the kind of actors involved and the way they engaged in the re-negotiation of the policy.

Considering the evolution of the new Migration Law proposal, several factors would support this hypothesis. As seen before, different migrant organizations (church-based ones like the *Pastoral do Migrante* and the *Instituto Migrações e Direitos Humanos*, and others like the *Centro de Direitos Humanos e Cidadania do Imigrante* (CDHIC) and *Conectas*, among many others) were actively involved in the elaboration at many stages of the process. The Ministry of Justice had numerous civil society consultations, including through the National Conference on Migration and Refuge, COMIGRAR, in 2014 (MJ 2014). Additionally, the influence of a rights-oriented agenda expanded through the interaction of academic experts with advocacy groups, and their following consultation by the MJ for the elaboration of a law draft (Comissão de Especialistas 2014; Ramos et al. 2014; FGV et al. 2015).

Another factor that has to be taken into account is the cooperation of the executive and legislative, as well as the cooperation of legislators across party lines, which were responsible for progress especially in the last few years. Characteristics of the Brazilian party system, as well as the fact that the reform proposal has not caused strong polemical responses in the media might have contributed to the fact that public polarization on that matter was avoided (Conectas 2015; FGV et al. 2015).

However, the consultations and cooperation can also be more of a ritual and do not necessarily have to result in the adoption of human rights claims by the authorities. What needs to be kept in mind to understand why it was convenient and in the own interest of authorities to partly do so, are the power interests stressed in the second hypothesis. They can be analytically

separated in symbolic and material-economic interests, but in practice they are often intertwined.

Power Interests influencing the Discursive Dynamics

Symbolic Power: National and International Identity

In the discussion on migration policy reforms, one common reference to legitimate rights concessions for immigrants was Brazil's history and identity as a multicultural immigration country.⁸ The idea of "Brazilian receptiveness" and the supposed need to reinforce this part of national identity – improving, in turn, the country's image – helped advocacy groups defend rights claims and influence the sense-making on immigration. However, it is a reduced representation of Brazilian history that needs to be employed carefully, in order to avoid counterproductive effects (Simai and Baeninger 2012). It could divert attention away from necessary measures against discrimination and xenophobic violence, caused by deeply rooted racisms and social inequalities in Brazilian society (Lesser 2013: 171-181; Guimarães 2013: 6-13; Telles 2004).⁹

The reproduction of Brazil's receptive image has also been employed by the Brazilian government on the international level, in order to improve its standing, and to have a stronger position to criticize other nations on their restrictive immigration policies, which affect Brazilians abroad. President Lula has done so numerous times in international human rights fora, using the issue of migrants' rights to criticize the conduct of the EU and the U.S. (Reis 2011: 62-63). Another example of the applied rhetoric is President Rousseff's newspaper comment on the refugee situation in Europe:

"Respectful of human rights, Brazil is a land of shelter. [...] the Brazilian population [*povo*] is formed by many immigrants. [...] When big crises hit Europe and the East, the doors of Brazil were open for eve-

⁸ Many migratory movements throughout the country's history shape the population until today: from Portuguese colonization and forced migration of African slaves, on to the 19th and 20th century mass migration movements from Italy, Portugal, Germany, Spain, the Middle East and Japan, and later China and South Korea (Lesser 2013; Stelzig 2008).

⁹ Reports of hate crimes against Haitian immigrants have drawn attention to this Situation. Media coverage of immigrants that depicts them as threats, thus contributing to the violence, has also been identified as an issue in Brazil (Puff 2015; Agência Brasil 2015; Sin Embargo 2015).

ryone. We're conscious of the importance of these contributions for our historical and cultural foundation. We're proud to be a people [povo] created by diversity. [...] Brazil, even in this moment of over-coming difficulties, has open arms for taking in refugees" (Rousseff 2015, author's translation).

The country's argumentative position is weakened by the fact that the Brazilian Congress has still not approved the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Supporting immigrants' rights nationally thus helps to increase the legitimacy of declarations aiming to improve Brazil's international standing and of critiques aimed at other countries. This is regarded as a necessary step to achieve progress in the protection of Brazilian citizens abroad and to obtain stronger commitments in cooperation agreements, also in the Mercosur. Immigrant organizations thus drove a promising strategy by coupling emigration to immigration issues, responding to the state's international power interests (Reis 2011: 62).

Economic Power: Development through Global and Regional Integration

A major argument for legislators to support a migration policy reform is certainly also Brazil's economic development interests. Generally, the liberal paradigm of mutual economic benefits through international cooperation has been very influential in migration policy debates, stressing the need for integration into the globalized labor market (Hollifield 2012: 357-360). It certainly has been a driving factor in the regional integration process through Mercosur, which expanded migrant's rights and pushed for adjustments in national legislation to ensure the free flow of labor (Margheritis 2013). Economic interests tend to be strong factors in policy legitimization processes and aligning the issue of migrants' rights with this interest definitely supported, but they also reshaped the new migration policy: The explicit provisions for emigrants' economic benefits, visa for investors and easier admission of qualified workers are obvious proof of that. In addition to the symbolic component, coupling the whole issue of emigration with immigration concerns also brings along a strong economic aspect, considering the contributions to Brazil's economy through remittances. On a local level, these can have a significant impact on economic development (Reis 2011: 51).

Nevertheless, the strong role of economic interests in the policy reform simultaneously has a negative influence on the protection of migrants' rights, as soon as it comes to irregular migrants. As noted before, the development discourse features a notion of securitization, by dividing immigrants into "desirable" (qualified) and "undesirable" (unqualified), perceiving the latter as a potential threat. A mere focus on qualified workers draws attention away from the issue of protecting economic and social rights of the most economi-

cally vulnerable migrant groups, who are often lacking legal instruments and resources to regularize their stay and have a proper job contract. Initiatives like the plan of the Secretary of Strategic Affairs (*Secretaria de Assuntos Estratégicos*, SAE) to reform the Brazilian migration policy with a focus on “attracting foreign talent” exclude many foreign workers from equal access to the job market and benefit selected others (SAE 2013a, 2013b). Using economic arguments thus compromises the position of immigrant advocacy groups; it represents a trade-off of legitimacy between the rights for some and the rights for others. A development oriented migration law further reproduces social inequalities in this context.

Conclusion: A Reverse Migration Paradox?

The new Migration Law, seen as the next step in a longer political struggle, definitely presents a strong rhetoric shift in Brazil’s legal migration framework. However, through closer inspection of the different regulations, the contextualization in a larger reform process, including the involvement of a variety of actors on multiple levels (local, national, regional, and international), the content analysis of the legal project showed that the strong effort made goes along with significant shortcomings. The lack of specified regularization instruments for people with an irregular migratory status, lack of reforms on the institutional-organizational level, and missing political participation rights compromise the extensive rights catalogue, which is supposed to secure and go beyond the achievements from past years, setting a base to expand them.

By looking at how discursive dynamics and related power interests shaped the legitimization process of the different policy elements, the analysis also pointed to some decisive factors which could be interesting for studies of the de-securitization of migration. These include favorable conditions such as an active dialogue of the executive and legislative branch with civil society organizations and expert commissions, as well as inter-party dialogue. Furthermore, overlapping discourses can have a positive impact on the support of a human rights discourse. Brazil’s counter-hegemonic discourse to improve its relative power position on the international stage is one example. An economic development discourse can also work partly in favor of migrants’ rights, but the implied utilitarian approach leads to ambiguous outcomes considering the situation of irregular migrant workers (Ceriani Cernadas 2011: 72).

Interestingly, both relevant power interests in the immigration debate – improvement of the national image and economic strength – are also linked to Brazil’s strategy on emigration policy. This calls for more attention on emigration issues in migration policy research. Coupling emigration and immigration policy might have a considerable impact to set the tone in terms

of citizenship protection. It also points out an observable tendency in other Latin American countries.

As the recent study by Luisa Feline Freier and Diego Acosta Arcarazo (2015) demonstrates, the case of Brazil is similar to that of Argentina and Ecuador: All three countries depended on a migration law developed during a military dictatorship and they have been mainly concerned with emigration issues in the last two decades, until different immigration issues gained momentum in the recent past. Responses to these developments have been somewhat similar, in the way that they apply an outstandingly progressive rhetoric but also suffer from implementation gaps. Therefore, the authors defend the thesis that South America presents a migration paradox that is opposite to the one common in Europe, where the discourse is restrictive, but political practice more liberal. They attribute this fact to contradictory logics of utilitarian approaches in practice (attracting skilled workers) and left populism in the rhetoric (Acosta Arcarazo and Freier 2015).

My research on the Brazilian case can confirm the general tendency and phenomenon observed by these authors. Yet, it needs to be pointed out that once the rhetoric is put into law, the dimension of further judicial contestation and strengthened position of advocacy groups has to be taken into account as well. Reducing the reform to a “left populist” phenomenon would underestimate the potential of its regulations and misrepresent the process and broader conditions that led to the outcome. This includes the importance of immigration policy for Brazil’s foreign policy, and the way the experience with Haitian refugees arriving in the country also reshaped the immigration policy. The case of Brazil’s latest project to reform its migration policy might overall be ambiguous and the ongoing political crisis in Brazil makes it uncertain when the new Migration Law will be voted on and implemented. Nevertheless, the project is remarkable and instructive for further research on de-securitization of migration policy.

– I reflect –

I first learned about Brazil's migration policy reform while working at the Brazil office of the Friedrich-Ebert-Foundation in São Paulo. There, they accompanied the progress of the reform and I gathered information on it for my bachelor thesis. While in Brazil, public debates with experts on the topic gave me another opportunity to find out more about the actors involved in the reform process and their different positions. I was curious why the debates were so different from Europe, why there was little media coverage on it and why the issue did not seem to divide or even concern the broader public. The consensus for a less restrictive policy was evident, however, I also questioned how human rights-oriented the reform project really was. There were many relevant factors on different levels that needed to be considered at the same time, which made it difficult for me to find an adequate theoretical framework for explanation. In the end, looking at how a human rights discourse was constructed and shaped by power interests helped me to structure the interpretation of my results. This introduced me to approaches on migration studies from International Political Sociology, which together with broader immigration and emigration tendencies in Latin America is an interesting field for my continuing studies.

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Annex

List of Abbreviations

CDHIC	Centro de Direitos Humanos e Cidadania do Imigrante (Center for the Citizenship and Human Rights of the Immigrant)
CLT	Consolidação das Leis do Trabalho (Consolidation of Labor Laws)
CNIg	Conselho Nacional de Imigração (National Immigration Council)
COMIGRAR	Conferência Nacional de Migração e Refúgio (National Conference on Migration and Refuge)
CONARE	Comitê Nacional para os Refugiados (National Committee on Refugees)
FENAPEF	Federação Nacional dos Policiais Federais (National Federation of Federal Police)
IBGE	Instituto Brasileiro de Geografia e Estatística (Brazilian Institute of Geography and Statistics)
ILO	International Labour Organization
IOM	International Organization for Migration
Mercosur	span.: Mercado Común del Sur; port.: Mercado Comum do Sul (Mercosul), (Southern Common Market)
MJ	Ministério da Justiça (Ministry of Justice)
MRE	Ministério de Relações Exteriores (Ministry of External Relations)
MTE	Ministério do Trabalho e Emprego (Ministry of Labor and Employment)
PF	Policia Federal (Federal Police)
PSDB	Partido da Social Democracia Brasileira (Party of the Brazilian Social Democracy)
PT	Partido dos Trabalhadores (Workers' Party)
SAE	Secretaria de Assuntos Estratégicos (Secretary of Strategic Affairs)

List of Documented Expert Debates

- Conectas, 2015. Migrações e o Brasil: avanços e desafios para uma nova lei [Notes from Expert Debate, event organized by Conectas in São Paulo, Brazil, 10/08/2015].
- Centro de Direitos Humanos e Cidadania do Imigrante (CDHIC), 2015. Sobre a nova lei de migração do Brasil: A retórica dos direitos humanos e o securitismo [Debate Notes, event organized by CDHIC, at te Sindicato

dos Engenheiros do Estado de São Paulo, São Paulo, Brazil, 04/09/2015].

Fundação Getúlio Vargas; Prefeitura de São Paulo and Friedrich-Ebert-Stiftung, (FGV et al.) 2015. Seminário sobre a Nova Lei de Migrações [Notes from Expert Debate, event organized by the Center for the Studies of Public Administration and Government of the São Paulo School of Business Administration of the Fundação Getulio Vargas (FGV), the Department of Human Rights and Citizenship of the Municipal Administration of São Paulo, and Friedrich Ebert Stiftung, in São Paulo, Brazil, 23/09/2015].

References

- Acosta Arcarazo, D. / Freier, L. F., 2015. Turning the Immigration Policy Paradox Upside Down? Populist Liberalism and Discursive Gaps in South America. In: *International Migration Review*, 49 (3), 659-696.
- Agência Brasil, 2015. Seis haitianos são baleados em ataque no centro de São Paulo. Folha de São Paulo, 08/08/15. Online: www1.folha.uol.com.br/cotidiano/2015/08/1666408-haitianos-sao-baleados-em-ataque-no-centro-de-sp.shtml [06/08/16].
- Bassegio, L., 2004. A migração latino-americana para o Brasil: o caso dos bolivianos em São Paulo. In: *Cadernos do CEAS*, 214, 51-59.
- Batista, V. O. / Parreira, C. G., 2011. Perspectivas jurídicas da política migratória no Brasil. Online: www.publicadireito.com.br/artigos/?cod=c559da2ba967eb82 [06/08/16].
- Bigo, D., 2002. Security and Immigration. Toward a Critique of the Governmentality of Unease. In: *Alternatives: Global, Local, Political*, 27 (1 suppl), 63-92.
- Boucinhas Filho, J. C. / Valente Barbas, L. M., 2013. Migração de trabalhadores para o Brasil. Aspectos teóricos e práticos. São Paulo: Editora Saraiva.
- Câmara dos Deputados, 2015a. Projeto de Lei No. 2.516, de 2015. Online: www.camara.gov.br/proposicoesWeb/prop_mostrarintegra;jsessionid=D227671C64484D9A3F6550EFCF36A722.proposicoesWeb2?codteor=1373742&filename=Avulso+-PL+2516/2015 [06/08/16].
- Câmara dos Deputados, 2015b. Projeto de Lei 2516/2015. Online: www.camara.gov.br/proposicoesWeb/fichadetramitacao?idProposicao=1594910 [06/08/16].
- Centro de Direitos Humanos e Cidadania do Imigrante and Articulação Sul-americana Espaço Sem Fronteiras (CDHIC and ESF), 2011. Brasil: Informe sobre a legislação migratória e a realidade dos imigrantes. São Paulo: CDHIC, ESF.
- Ceriani Cernadas, P., 2011. Luces y sombras en la legislación migratoria latinoamericana. In: *Nueva Sociedad*, 233, 68-86.

- Comissão de Especialistas, 2014. Anteprojeto de Lei de Migrações e Promoção dos Direitos dos Migrantes no Brasil. Brasília: Friedrich-Ebert-Stiftung.
- da Silva, N. T. D. L., 2014. Migração internacional a trabalho: contribuições para a igualdade e ética nas políticas de migração a trabalho no Brasil. Doctoral Dissertation. São Paulo: Universidade de São Paulo.
- Federação Nacional dos Policiais Federais (FENAPEF), 2016. Nota à imprensa: estrangeiros que participarem de atos políticos podem ser detidos e expulsos do País. Online: www.fenapef.org.br/nota-a-imprensa-estrangeiros-que-participarem-de-atos-politicos-podem-ser-detidos-e-expulsos-do-pais/ [06/08/16].
- Fernandes, D. / Milesi, I. R. / Pimenta, B. / do Carmo, V., 2013. Migração dos Haitianos para o Brasil: a RN no 97/2012: uma avaliação preliminar. In: Caderno de Debates Refúgio, Migrações e Cidadania, 8 (8), 55-72.
- Ferretti, M., 2002. Direitos Humanos e Imigrantes. In: Sales, Teresa / Salles, Maria do Rosário Rolfsen (eds.). Políticas migratórias. América Latina, Brasil e brasileiros no exterior. São Carlos: EdUFSCar, 139-147.
- Galli, M., 2016. Constituição garante participação política de estrangeiros, dizem especialistas. Consultor Jurídico. Online: www.conjur.com.br/2016-jun-13/constituicao-garante-participacao-politica-estrangeiros-brasil [06/08/16].
- Guild, E., 2009. Security and migration in the 21st century. Cambridge, Malden, MA: Polity.
- Guimarães, A. S. A., 2013. Black Identities in Brazil: Ideologies and Rhetoric. In: *desiguALdades.net Working Paper Series*, 52.
- Hollifield, J. F., 2012. Migration and International Relations. In: Rosenblum, Marc R. / Tichenor, Daniel J. (eds.). *The Oxford handbook of the politics of international migration*. Oxford: Oxford University Press, 345-380.
- Hoyo, H., 2015. Apertura externa, exclusión interna. El Nacionalismo Revolucionario y los derechos de migrantes, mexicanos por naturalización, y dobles nacionales en México. In: *desiguALdades.net Working Paper Series*, 87.
- Instituto Brasileiro de Geografia e Estatística (IBGE), 2013. Atlas do censo demográfico 2010. Rio de Janeiro: Ministério do Planejamento Orçamento e Gestão Instituto Brasileiro de Geografia e Estatística.
- Instituto Brasileiro de Geografia e Estatística (IBGE), n.d.a. Censo Demográfico 2010. Online: www.ibge.gov.br/home/estatistica/populacao/censo2010/ [06/08/16].
- Instituto Brasileiro de Geografia e Estatística (IBGE), n.d.b. Séries Históricas e Estatísticas: Migrações - estrangeiros e naturalizados nos Censos Demográficos. Online: <http://serieestatisticas.ibge.gov.br/series.aspx?no=10&op=0&vcodig>

- o=CD105&t=migracoes-estrangeiros-naturalizados-censos-demograficos [06/08/16].
- International Organization for Migration (IOM), 2013. Relatório geral dos eventos de I nível do projeto OIM - DEEST/SNJ: colóquio sobre direitos humanos na política migratória brasileira. Brasília: IOM.
- International Organization for Migration (IOM), 2014. Haitian Migration to Brazil: Characteristics, Opportunities and Challenges. Buenos Aires: IOM.
- Lesser, J., 2013. Immigration, ethnicity, and national identity in Brazil, 1808 to the present. Cambridge: Cambridge University Press.
- Lopes, C. M. S., 2013. Inmigración y derechos humanos. Un análisis crítico del caso brasileño. Curitiba: Juruá Editora.
- Lopes, C. M. S., 2012. O direito a não discriminação dos estrangeiros. Boletim Científico. Online:
http://boletimcientifico.escola.mpu.mp.br/boletins/boletim-cientifico-n-37-edicao-especial-2012-direito-a-nao-discriminacao/o-direito-a-nao-discriminacao-dos-estrangeiros/at_download/file [06/08/16].
- Margheritis, A., 2013. Piecemeal regional integration in the post-neoliberal era. Negotiating migration policies within Mercosur. In: Review of International Political Economy, 20 (3), 541-575.
- Marques, D. H. F. / Rodrigues, R. N. / Rezende, D. F. de A. / Soares, W., 2013. La circularidad de los 'brasiguayos' en las fronteras de Paraguay y Brasil. In: Estudios Sociológicos, 31 (93), 865-898.
- Martins, R., 2015. A bancada BBB domina o Congresso. Carta Capital. Online: www.cartacapital.com.br/revista/844/bbb-no-congresso-1092.html [06/08/16].
- Mayring, P., 2003. Qualitative Inhaltsanalyse. In: Flick, Uwe / Kardorff, Ernst von / Steinke, Ines (eds.). Qualitative Forschung. Ein Handbuch. Reinbek bei Hamburg: Rowohlt-Taschenbuch-Verlag, 468-475.
- Ministério da Justiça (MJ), 2014. COMIGRAR Conferência Nacional sobre Migrações e Refúgio: caderno de Propostas pós etapa nacional. Online: <http://reporterbrasil.org.br/documentos/comigrar.pdf> [06/08/16].
- Ministerio das Relações Exteriores (MRE), 2015. Estimativas populacionais das comunidades brasileiras no Mundo - 2014. Online: www.brasileirosnomundo.itamaraty.gov.br/a-comunidade/estimativas-populacionais-das-comunidades/estimativas-populacionais-brasileiras-mundo-2014/Estimativas-RCN2014.pdf [06/08/16].
- Nicoli, P. A. G., 2011. A condição jurídica do trabalhador imigrante no direito brasileiro. São Paulo: LTr 75.
- Nunes Ferreira, A., 2015. Novo paradigma na migração. Folha de São Paulo, 30/07/15. Online: www.google.de/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwj3o4bC76z0AhVlAsAKHSRtCvQQFggeMAA

- &url=http%3A%2F%2Fwww1.folha.uol.com.br%2Fopinio%2F2015%2F07%2F1662099-novo-paradigma-na-migracao.shtml&usg=AFQjCNGD6YhFAHpMVO0OuK19ONFoJi-SIA [06/08/16].
- Patarra, N., 2002. Migrações internacionais e integração econômica no Cone Sul: notas para discussão. In: Sales, Teresa / Salles, Maria do Rosário Rolfsen (eds.). Políticas migratórias. América Latina, Brasil e brasileiros no exterior. São Carlos: EdUFSCar, 31-51.
- Peoples, C. / Vaughan-Williams, N., 2015. *Critical security studies. An introduction*. London: Routledge.
- Presidência da República, 1981. Lei No. 6.815, de 19 de agosto de 1980. Online: www.planalto.gov.br/CCIVIL_03/leis/L6815.htm [06/08/16].
- Puff, J., 2015. Racismo contra imigrantes no Brasil é constante, diz pesquisador. BBC Brasil, 26/08/15. Online: www.bbc.com/portuguese/noticias/2015/08/150819_racismo_imigrantes_jp_rm [06/08/16].
- Ramos, A. de C. / Ventura, D. / Dallari, P. / Reis, R., 2014. Uma lei de migrações para o Brasil. Online: www.ufjf.br/ladem/2014/09/22/uma-lei-de-migracoes-para-o-brasil-artigo-de-andre-de-carvalho-ramos-deisy-ventura-pedro-dallari-e-rossana-reis/ [06/08/16].
- Reis, R., 2011. A política do Brasil para as migrações internacionais. In: *Contexto Internacional*, 33 (1), 47-69.
- Rosenblum, M. R. / Cornelius, W. A., 2012. Dimensions of Immigration Policy. In: Rosenblum, Marc R. / Tichenor, Daniel J. (eds.). *The Oxford handbook of the politics of international migration*. Oxford: Oxford University Press, 245-273.
- Rousseff, D., 2015. Os refugiados e a esperança. Folha de São Paulo, 10/09/15. Online: www1.folha.uol.com.br/opinio/2015/09/1679691-os-refugiados-e-a-esperanca.shtml [06/08/16].
- Secretaria de Assuntos Estratégicos (SAE), 2013a. Imigração. Online: www.sae.gov.br/pg-assuntos/pg-imigracao/ [06/08/16].
- Secretaria de Assuntos Estratégicos (SAE), 2013b. Ministro defende política de incentivo à imigração de trabalhadores qualificados. Online: www.sae.gov.br/imprensa/noticia/materias/ministro-defende-politica-de-incentivo-a-imigracao-de-trabalhadores-qualificados/ [06/08/16].
- Simai, S. / Baeninger, R., 2011. The National Myth of Receptivity in Brazil: The Denial of Xenophobia in Contemporary Society. In: Simai, Szilvia / Hook, Derek (eds.). *Brazilian Subjectivity Today. Migration, Identity and Xenophobia*. Villa María: Editorial Universitaria Villa María, 53-74.

- Sin Embargo, 2015. Rousseff condena asesinato de inmigrante haitiano en el sur del país por xenofobia. Online: www.sinembargo.mx/22-10-2015/1526428 [06/08/16].
- Squire, V., 2011. The Contested Politics of Mobility: Politicizing Mobility, Mobilizing Politics. In: Squire, Vicki (ed.). *The contested politics of mobility. Borderzones and irregularity*. London: Routledge, 1-26.
- Stelzig, S., 2008. Focus Migration Country Profile: Brazil. Online: http://focus-migration.hwwi.de/typo3_upload/groups/3/focus_Migration_Publikationen/Laenderprofile/CP_15_brazil.pdf [06/08/16].
- Telles, E. E., 2004. *Race in another America. The significance of skin color in Brazil*. Princeton, N.J.: Princeton University Press.
- Ventura, D. / Illes, P., 2012. Qual a política migratória do Brasil? *Le Monde Diplomatique Brasil*, 07/03/12. Online: www.diplomatique.org.br/artigo.php?id=1121 [06/08/16].
- Watson, S. D., 2009. *The securitization of humanitarian migration. Digging moats and sinking boats*. London: Routledge.