

A POLITICA IMIGRATORIA BRASILEIRA E SEU IMPACTO NA COMUNIDADE IMIGRANTE (2010-2022)

THE BRAZILIAN IMMIGRATION POLICY AND ITS IMPACT ON THE IMMIGRANT COMMUNITY (2010-2022)

Ahmed Mohamed Soliman Ibrahim ¹

¹ Universidade Federal do Rio Grande do Sul (UFRGS)
mido_simpatico33@hotmail.com

Resumo. A análise das leis e das condições políticas e sociais dos imigrantes e refugiados provou muitas coisas negativas que constituem coisas indesejáveis para o Brasil, especialmente a política de segurança, sabendo que existem muitos aspectos positivos que podem ser focados para aproveitá-los economicamente. O objetivo deste trabalho é analisar as migrações internacionais no Brasil no período 2010- 2022, tendo como fonte o Censo Demográfico de 2010. Discutidas e analisadas as leis brasileiras sobre imigrantes e seu impacto na segurança e na economia do Brasil, bem como as questões negativas enfrentadas pelos imigrantes, como a diferença de cultura, idioma, direitos obtidos pelos imigrantes, sua posição no mercado de trabalho, saúde e educação. Inicialmente, são examinadas as informações referentes à imigração, com base na última etapa e data anterior fixada, bem como à emigração, a partir do novo item introduzido no último censo. A seguir, estimam-se os efeitos indiretos da imigração internacional de retorno ao Brasil. Este artigo discute a migração e refugiados no Brasil a partir de século 21 até ano 2022 e discute questões relacionadas à identidade e ao caráter das relações sociais que os migrantes buscando estabelecer entre si e a política brasileira com eles. Este artigo abordará em detalhes a definição de imigração, o tipo de imigrantes, bem como as leis de asilo e imigração, a situação dos imigrantes, como eles são tratados e os serviços que os imigrantes recebem. Este trabalho baseia-se na análise de dados e leis e na exploração de situações e estudos anteriores para conhecer a situação dos imigrantes no futuro. Avalia a constituição de dinâmicas sociais e econômica e segurança resultantes da industrialização, migração com uma discussão sobre até que ponto a política brasileira tem alcançado seus objetivos e beneficiado imigrantes e refugiados.

Palavras-chave: Refugiados, imigrantes, política brasileira

Abstract. The analysis of the laws and the political and social conditions of immigrants and refugees proved many negative things that constitute undesirable things for Brazil, especially the security policy, knowing that there are many

positive aspects that can be focused on to take advantage of them economically. The objective of this work is to analyze international migrations in Brazil in the period 2010–2022, using the 2010 Demographic Census as a source. Brazilian laws concerning immigrants and their impact on Brazil's security and economy are discussed and analyzed, as are the negative issues faced by immigrants, such as cultural and linguistic differences, the rights granted to immigrants, their position in the labor market, health, and education. Initially, information regarding immigration is examined, based on the last stage and previous date set, as well as emigration, based on the new item introduced in the last census. Next, the indirect effects of international immigration returning to Brazil are estimated. This article discusses migration and refugees in Brazil from the twenty-first century to the year 2022 and discusses issues related to the identity and character of the social relations that migrants seek to establish with each other and Brazilian policy toward them. This article will cover in detail the definition of immigration, the type of immigrants as well as asylum and immigration laws, the status of immigrants, how they are treated and the services immigrants receive. This work is based on the analysis of data and laws and on the exploration of situations and previous studies to know the situation of immigrants in the future. It assesses the constitution of social and economic dynamics and security resulting from industrialization and migration, with a discussion on the extent to which Brazilian policy has achieved its objectives and benefited immigrants and refugees.

Keywords: Refugees, immigrants, Brazilian policy

Introduction

Brazil throughout its history until today by laws and legislation that aimed to receive many immigrants with ease of residence and grant them all rights in equal parts to Brazilians, from the former republic until the analyzed period (2010-2022).

To discuss issues of Brazilian policy towards immigrants in this period, it is necessary to mention historical or previous policy with an analysis of laws and compare them with current laws to achieve the desired results, How Brazil has distinguished itself since the Old Republic (1889-1930) (Ferreira Luiz Paulo Teles, 2010) with many legislations and laws, as this period constituted the largest flow of immigrants due to the decline of the human element in Brazil, making it necessary to attract immigrants to provide labor and fill the empty population (fernandez thais, 2019).

Definition of immigration:

Immigration in Brazil is a phenomenon characterized by the arrival of foreigners to the national territory throughout its history of formation. The number of immigrants in Brazil grew by 24.4% between 2011 and 2020, according to data released in 2021 by the Ministry of Justice and Public Security. Currently, there are around 1.3 million immigrants residing in the country (LFG team, 2023). The term migration corresponds to the spatial mobility of the population. To migrate is to change country, state, region or even domicile. This process has occurred since the beginning of human history. The act of migrating makes the individual an emigrant or immigrant. An emigrant is a person

who leaves a place of origin for another place. The immigrant is the individual who arrives in a certain place to live there.

Types of migration:

There are two types of migration within Brazil called intra-regional and inter-regional migration. It considers the one in which the individual moves within the state in which he lives. Inter-regional migration, on the other hand, is when the displacement is to another state in the country. (ufff, migration in the world)

In Brazil, regulation of migration and residence documents is a federal responsibility. However, it is at the local level that migrants establish residence, look for work and access services. Increasingly, migrants tend to reside in urban territories. However, there is still a lack of coordination between local policies for migrants, urban policies and national migration policies (IOM, 2015).

Many cities and states have developed initiatives for local migration governance that respond to the needs they see in their territories. On the one hand, national governments need to find ways to bring municipalities to the negotiating tables on migration and integration policies. On the other hand, local governments and institutions need to recognize the influence they have — in fact or potential — and assume a degree of responsibility and leadership appropriate to their circumstances (IOM, 2017).

Situação dos imigrantes:

A refugee has the right to seek and receive refuge in a safe place. However, international protection encompasses more than physical security. Refugees must enjoy at least the same rights and basic assistance as any other foreign national legally residing in the country, including freedom of expression and movement, and protection from torture and degrading treatment.

Likewise, the economic and social rights that apply to refugees are the same as those that apply to other individuals. Refugee persons must have access to medical care. Adult refugee persons must have the right to work. No refugee child should be deprived of schooling.

In certain circumstances, when government resources are not available to meet immediate demands, international organizations such as UNHCR provide assistance. This can include financial subsidies, food, shelter and basic infrastructure. With projects such as income-generating activities and job training programmes, UNHCR makes every effort to ensure that refugees become self-sufficient as quickly as possible.

Refugees also have responsibilities and obligations, including that of respecting the laws of the host country.

The popular option then became to obtain a tourist visa to Brazil and then apply for asylum, the Asylum Protocol became more comprehensive in 1967 in New York, where it included many cases after it was limited to stateless persons. (Rosha Rosana, 2004) because work visas are not unified except in very rare cases and permanent residence is not granted immediately because there is a whole process, as with study visas that are suspended in student exchanges by some countries, and in case of marriage with Brazilians outside Brazil, only tourist visas are granted, It is known that the granting of asylum only includes humanitarian cases or countries in war conflicts, but the law of (13.445/2017) says, ' any foreign citizen has the right to request asylum" by granting it

(Refuge Protocol)¹, but it is something that has positive and negative elements at the same time, because the granting of asylum grants a residency, but the renewal must be carried out every year (LAW No. 9,474, of July 22, 1997).

This started when the Brazilian government organized a ministerial meeting in December 2014, 28 countries and three territories in Latin America and the Caribbean approved a framework for regional protection until 2024 for refugees (Refuge in Brazil: Comments on Law 9.474/97. Q: 10). After acceptance of asylum, permanent residence is granted, but this process can take about five years or more even if the asylum application is rejected, the increase in the number of asylum seekers and refugees in the region, including applicants from other continents it is very high. (Liliana Lyra Jubilut, Gabriel Gualano de Godoy, 2017).

The Refuge Protocol is a residence that helps the immigrant to obtain all rights, whether work, health, as well as family allowance, as well as opening a bank account, and this residence is granted to the immigrant who does not have a criminal record, something considered negative. because the crime rate on the part of immigrants increased a lot during those years. Especially fraud, smuggling, bank loans and illegal immigration to America, which pose a threat to the economy and national security (Flávia Ribeiro Rocha Leão, 2017).

In 1997, Brazilian legislation created the Statute of Refugees, Law 9,474. It also creates the National Committee for Refugees (CONARE), a multi-ministerial body that works within the Ministry of Justice. According to the definition given in the Refugee Statute (Law n. 9.474, 1997), the refugee immigrant has “well-founded fears of persecution for reasons of race, religion, nationality, social group or political opinions” and suffers from “serious and generalized violation of human rights”, which prevents him from remaining in his country of origin (Milesi & Carlet, 2012; Silva & Rodrigues, 2012).(Rômulo Ataides França, Wilsa Maria Ramos, Maria Inez Montagner, P: 93).

As facilidades oferecidas pelo governo brasileiro aos imigrantes estão representadas principalmente nas casas de imigrantes e no programa Bolsa Família, sendo que as casas de imigrantes estão presentes apenas em São Paulo e no Rio Grande do Sul, o que torna o maior fluxo de imigrantes dentro deles duas cidades havendo à escassez em outros estados, em um outro ponto de vista, fica evidente a presença de imigrantes que trabalham regularmente na clandestinidade dos mercados, principalmente na região do Brás (Patricia Vilas Boas, Paulo Talarico Jornal da Unesp).

These facilities are considered to help immigrants, but without the existence of a study or work of immigration programs, this becomes a burden for the Brazilian state. For example, in the period from 2011 to 2021, the number of refugees from Venezuela reached 48,789 refugees (UNHCR). in the case of a family allowance for this number, there is no doubt that it will represent a great burden for the government, as well as their situation in refugee homes, and evidently the majority of immigrants seek to go to the United States and Canada, also to seek asylum in French Guiana, and thus be able to enter and settle in France.

This is a significant increase in the percentage of immigrants from Angola, Congo and Cuba from 2014 to 2018, and after a sudden drop in 2019 (OBImigra, 2019). This is evident in the difference between the percentage of those who applied for asylum and the percentage of those whose residency was revoked for having abandoned the

¹ The Refuge Protocol is the asylum seeker's identification document. It proves that the applicant is in a regular migratory situation in Brazil and can exercise their rights, such as having access to education, being attended to in public hospitals and formally working in Brazil.
<https://www.gov.br/mj/pt-br/assuntos/seus-direitos/refugio/servicos/renovar-protocolo-de-refugio>.

regularization process with the Federal Police. most of those who were there stayed about a year and soon after, through smugglers, they traveled irregularly to America.

On the other hand, Brazilian migration law has shifted from a restrictive emphasis to a human rights-based approach. Law 13,445 (2017) grants migrants a series of prerogatives, which were previously conferred only on Brazilian citizens. Among the main changes introduced by the new migration law are:

1. Debureaucratization of the migration regularization process.
2. Institutionalization of a humanitarian visa policy.
3. No criminalization for immigration reasons.

Although the new migration law expanded the rights of migrants, it received 21 vetoes from President Michel Temer (2016-2018) before it was enacted, reducing the scope of the law to migrants' rights. One of the most contested vetoes was that of Article 118, which would allow the granting of residence permits to migrants who had entered the country before July 6, 2016, regardless of their previous migratory status.

It turns out that the reason for this is the lack of integration of immigrants, or the lack of materials that encourage them to settle in Brazil, which is offered to immigrants, whether in Caritas or places of asylum, they are just Portuguese education courses, and there is no introduction of basic notions of Brazilian laws and another reason is in relation to international relations, mainly with African countries, as they play an important role, mainly in the development of the economy, and this is evident in the export of halal meat and poultry for Islamic countries and Arab Chamber of Commerce, as well as, for example, in international relations between Egypt and Brazil, and perhaps Latin American countries, at the time of Gamal Abdel Nasser (1945-1948), where Arabic was taught in universities Brazil was starting from this period (Federico Vélez, 2015).

In addition, the changes that have occurred in Brazilian foreign policy, in neighboring countries and in North American countries, especially since August 2022, the request for tourist visas to Mexico through smugglers is due to the increase in illegal immigration with eyes in America are Brazilians or immigrants, although Brazil's foreign policy was more successful in the early 2000s, mainly with Mercosur.

This work is justified within the scope of public policies, due to the need to systematically and in-depth analyze the application of public policies on Brazilian migration, also very important from the point of view of the researcher due to his residence in Brazil and his encounter with the most different communities and for being exposed to many problems, as well as the researcher's voluntary work in several institutions that assist refugees and immigrants, as well as the researcher's relationship with various sectors of the state.

The laws and policies also changed drastically as it had a big impact on immigrants in Brazil and in this topic, I will show the extent of the State's impact on immigrants, as well as the impact of immigrants on the State and how to benefit from it, also analyze the laws and the extent to which they are used to achieve the best asylum and immigration outcomes, and analysis of residence, asylum and nationality laws in Brazil, and the rights of refugees and migrants.

The immigrant is equal to the Brazilian in all rights and services, where he enjoys free education in public schools and universities and hospitals and the SUS system, having a bank account and a work permit, in addition to taking advantage of all social programs such as Brazil aid and family allowance to the immigrant's home and shelter, and the tourist may have the right, despite not obtaining residency, to many of these rights, such as hospitals.

Métodos:

the article carried out is a descriptive and illustrative research, where the data and characteristics of the immigration policy and laws in Brazil are analyzed through the historical aspect and its comparisons with the current policy and laws and clarifies to what extent the immigration policy has achieved its objectives with clarify and find suitable solutions and that is by analyzing immigration laws and their repercussions on income in Brazil and their impact on economic, security and social aspects.

All data related to the research will be collected through the immigration laws of the Ministry of Justice and the Federal Police, books and periodicals that talk about immigration, in addition to periodicals and pamphlets in places of assistance to refugees such as Caritas, missions of the church, website Itamaraty, as well as books related to Brazil's international relations.

The laws of the entire period studied are available on the website of the Ministry of Judges and Chamber of Deputies, the concepts will be explored through the authors' work on immigration issues, such as (Maria Stella Ferreira Levy, 1974) , (Ives Gandra da Silva Martins 2017), (Rosita Milesi, 2017) , Luiza Horn Iotti (2001, 2010) and Giralda Seyferth (1990, 2018).

In this research, the general policy will be discussed, starting with the military period, as it is the first displacement to the current conditions of immigrants, therefore, the laws must be known and compared with the proposed period, in the first chapter that will deal with the history of the policy of immigration in Brazil with mention of its effects and repercussions in 2010

The second chapter discusses the laws and conditions of immigrants, shedding light on the research question, the extent to which the characteristics of Brazilian policy towards immigrants are achieved during three successive governments, as well as the conditions of immigrants during covid-19 .

The third chapter deals with the security situation and points out negative points for immigrants in terms of smuggling and security problems, focusing on international relations between Brazil and immigrant countries, and analysis and discussion of economic policy between Brazil and countries immigrants, such as the Arab Chamber of Commerce, for being a good model of mutual benefit between Brazil and the Arab countries.

PROBLEMS WITH IMIGRANTS:

International migration represents one of the greatest human rights challenges, since it calls into question the very conception of the nation-state, which bases the possibility of rights on a political bond of nationality.

Therefore, they reveal an exclusion originating from the very idea of the State, amalgamated by other forms of structural exclusion from the modern world system based on race and class. The emergence of a plurality of migratory flows in different regions of the world has shown situations of serious violation of human rights, enhanced by the increase in barriers to human mobility, omission of public policies on human rights to subjects, vulnerabilities due to migration and fluidity of speeches and xenophobic state practices based on national security.

The reality of new migratory scenarios, characterized by migratory flows arising from situations of human scourge, especially socioeconomic, is also a reality present in the Brazilian State, which recently had the New Migration Law (Law 13,445/2017) approved.

Despite this new legal framework having revoked the Foreigner Statute, legislation of an admittedly security nature, having included a list of fundamental principles and rights aimed at protecting the human person and expressly affirming the non-criminalization of migrations and equal treatment and opportunity, this The law still reserves an accentuated State discretionary content on international human mobility, denies the human right to migrate and is silent in relation to public policies for migrants in Brazil. The guidelines for a National Plan of Public Policies for Migration and Refuge, widely discussed and recognized within the scope of the 1st National Conference for Migration and Refuge, in 2014 (Comigrar), held along the lines of National Conferences on Human Rights, were not incorporated into an instrument legal.

The regulation of the Migration Law, on the other hand, strengthened the discretionary power of the State over the migration agenda. With regard to forced migration and asylum, although Brazil follows the so-called Cartagena Process, which brings so-called lasting solutions for the full protection of refugees and forced migrants, it has not yet developed public policies aimed at the reception and local integration of this population, as well as did not strengthen the so-called “quality asylum” in the documentary issue. Even with the enactment of the Migration Law in 2017, for example, the documentation policy in Brazil has not been strengthened, and the asylum application is still the route most used by economic migrants to obtain documents such as the Work Card and CPF.

SUGGESTED SOLUTIONS:

Through my modest studies, I suggest, in my personal opinion, that the solutions can be summarized as follows:

Amend immigration and asylum laws by creating labor migration programs and setting conditions for them.

Distribute immigrants according to the needs of each state and distribute them geographically enough to meet the need.

Educate new immigrants and provide them with the necessary knowledge about Brazilian culture and how to adapt, in order to facilitate their integration into society

Also educate them about the danger of smuggling across the border so they don't fall prey to smugglers.

Punishment of illegal immigrants with cancellation of residency if it is proven that they left Brazil illegally.

Integration of immigrants in the labor market in accordance with the international relations of their countries.

REFERÊNCIAS

1. ACNUR. Global Trends 2020: Forced Displacement in 2019. Jun. 2020. Disponível em: . Acesso em: 28 set. 2020.

2. ACNUR. A situação dos refugiados no mundo: cinquenta anos de acção humanitária. Almada: A Triunfadora Artes Gráficas, 2000.
3. ACNUR. (2019, December 6). ACNUR parabeniza Brasil por reconhecer milhares de venezuelanos como refugiados. <https://www.acnur.org/portugues/2019/12/06/acnur-parabeniza-brasil-por-reconhecer-milhares-de-venezuelanos-como-refugiados/>
4. Antônio Tadeu Ribeiro de Oliveira, A transição na legislação migratória: um estudo empírico para o período 1980-2019, 19 de novembro de 2020. ACNUR. https://www.acnur.org/portugues/wp-content/uploads/2020/09/empreendedorismo_de_refugiados_completa.pdf
5. Arias-Maldonado, M. (2020). COVID-19 as a global risk: Confronting the ambivalences of a socionatural threat. *Societies*, 10(92), 2–18. <https://doi.org/10.3390/soc10040092>
6. Barbosa, L., Tonhati, T., & Herrera, M. (2020). Desafos, limites e potencialidades do empreendedorismo de refugiados(as), solicitantes da condição de refugiado(a) e migrantes venezuelanos(as) no Brasil.
7. BRASIL, Resolução Normativa do Comitê Nacional para os Refugiados nº 27, 30 de outubro de 2018. Disponível em: [direitos/refugio/anexos/resolucao_normativa_n_27_conare.pdf](https://www.justica.gov.br/seus-direitos/refugio/anexos/resolucao_normativa_n_27_conare.pdf) https://www.justica.gov.br/seus-direitos/refugio/anexos/resolucao_normativa_n_27_conare.pdf
8. BRASIL, Portaria Interministerial MJ/MESP nº 05, 27 de fevereiro de 2018. Disponível em: https://www.in.gov.br/web/guest/materia/asset_publisher/Kujrw0TZC2Mb/content/id/4716363/do1-2018-02-28-portaria-interministerial-n-5-de-27-de-fevereiro-de-2018-4716359
9. BRASIL, Lei 13.445, 24 de maio de 2017. Disponível em: http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/l13445.htm.
10. BRASIL, Lei nº 9.474, 22 de julho de 1997. Disponível em: http://www.planalto.gov.br/ccivil_03/leis/19474.htm 76 ARANGO, J. Inmigración y diversidad humana: Una nueva era en las migraciones internacionales.
11. CAVALCANTI, L., & Oliveira, W.. 2020. Um panorama da imigração e do refúgio no Brasil. Reflexões à guisa de introdução. In L.
12. CAVALCANTI, L., Oliveira, T., & Macedo, M.. 2020. Imigração e Refúgio no Brasil. Resumo Executivo. Observatório das Migrações Internacionais. Disponível em: <https://portaldeimigracao.mj.gov.br/images/dados/relatorio-anual/2020/Resumo%20Executivo%20Relat%C3%B3rio%20Anual.pdf>
Decreto No. 6.893 July 2, 2009. Regulamenta a Lei No. 11.961, de 2 de julho de 2009, que dispõe sobre a residência provisória para o estrangeiro em situação irregular no território nacional, e dá outras providências. Diário Oficial da União - Seção, July 3, 2009. http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2009/decreto/d6893.htm Dieme, K., Tonhati, T., & Pereda, L. (2020). A migração haitiana e a construção de seus “Nortes”: Brasil um “Norte” alternativo e temporário. *Revista Brasileira de Sociologia*, SBS, 8(19), 126-147. <https://doi.org/10.20336/rbs.619> Guerra, S. (2017). A nova lei de migração no Brasil: Avanços e melhorias no campo dos direitos humanos. *Revista de Direito da Cidade*, Rio de Janeiro, 9(4), 1717-1737. <https://doi.org/10.12957/rdc.2017.28937> Hallak Neto, J., & Simões, G. (2020). Desigualdade de rendimento do imigrante no mercado de trabalho formal brasileiro. In L.
13. CAVALCANTI, T. Oliveira, & M. Macedo (Eds.), Imigração e Refúgio no Brasil. Relatório Anual 2020 (pp. 8-17). Observatório das Migrações Internacionais. Disponível em:

https://portaldeimigracao.mj.gov.br/images/dados/relatorio-anual/2020/OBMigra_RELAT%C3%93RIO_ANUAL_2020.pdf.

14. CAVALCANTI, T. Oliveira, & M. Macedo (Eds.), Imigração e Refúgio no Brasil. Relatório Anual 2020 (pp. 81-111). Observatório das Migrações Internacionais. Disponível em: https://portaldeimigracao.mj.gov.br/images/dados/relatorio-anual/2020/OBMigra_RELAT%C3%93RIO_ANUAL_2020.pdf Handerson, J. (2015). *Diaspora. As dinâmicas da mobilidade haitiana no Brasil, no Suriname e na Guiana Francesa* [Doctoral dissertation, Universidade Federal do Rio de Janeiro]. <https://www.migrante.org.br/migracoes/migracao-haitiana/diaspora-as-dinamicas-da-mobilidade-haitiana-no-brasil-no-suriname-e-na-guiana-francesa/> Jubilut, L. L., & Godoy, G. G. (2017). *Refúgio no Brasil: Comentários a Lei 9.474/97*. Quartier Latin/ACNUR. <https://www.acnur.org/portugues/wpcontent/uploads/2018/02/Ref%C3%BAgio-noBrasil-Coment%C3%A1rios-%C3%A0-lei-9.474-97-2017.pdf> LEI No. 13.445, Institui a Lei de Migração. May 24, 2017. Diário Oficial da União - Seção 1, June 25, 2017.