

# 1<sup>st</sup> MUNICIPAL CONFERENCE ON POLICIES FOR IMMIGRANTS FINAL DOCUMENT

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Prefecture of the City of São Paulo

Fernando Haddad  
Mayor

Rogério Sottili, Municipal Secretary of Human Rights and Citizenship  
Larissa Beltramim, Assistant Secretary  
Joana Zylbersztajn, Chief of Staff  
Paulo Illes, Coordinator of Policies for Migrants  
Camila Baraldi, Assistant Coordinator of Policies for Migrants

Final Document of the 1<sup>st</sup> Municipal Conference on Policies for Immigrants of São Paulo

### **Municipal Organizing Commission**

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Patronato INCA CGIL

Eliza Odila Conceição Silva Donda and Paolo Parise

Missão Paz

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Mahfouz Ag Adnane and Denise Dias  
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Michael Mary Nolan  
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Denis Libanio  
Municipal Services Secretariat (SES)

Eponina Duarte Portugal  
Municipal Secretariat of Sports, Leisure and Recreation (SEME)

Frederico Souza de Queiroz Assis  
Municipal Secretariat of International and Federative Relations (SMRIF)

Heloísa Pires de Lucca  
Municipal Secretariat of Culture (SMC)

Mariana Mazzini Marcondes  
Municipal Government Secretariat (SGM)

Marli Matos de Godói  
Municipal Secretariat of Assistance and Social Development (SMADS)

Miriam da Silva and Flávia Mentone  
Municipal Secretariat of Development, Labor and Entrepreneurship (SMDTE)

Natália Risério Povoação and Giselda Pereira de Lima  
Municipal Secretariat for the Promotion of Racial Equality (SMPIR)

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Municipal Health Secretariat (SMS)

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São Paulo, 2014

## **PRESENTATION**

The 1<sup>st</sup> Municipal Conference on Policies for Immigrants was held on November 29<sup>th</sup> 2013 upon the initiative of the Municipal Secretariat of Human Rights and Citizenship of São Paulo (SMDHC), through its Coordination of Policies for Migrants. Organized in conjunction with 13 other Municipal Secretariats and 14 organizations from Civil Society, the Conference aims to meet the historical demand of the communities and social movements of immigrants in the city.

In addition to recording the priorities of municipal public policy and electing delegates for the national stage, this Conference marks a change in the municipal management paradigm by treating immigrants as full subjects of law, which builds a better city. The theme of the Municipal Conference – We are all migrants – bears this new spirit.

This event also serves to strengthen the more sensitive historical demands for those choosing Brazil as a new home – the right to vote and be voted. The Conference gave visibility to the campaign for the right to vote and alerted authorities and leaders to this fundamental claim, which will undoubtedly be one of the strongest in the 1<sup>st</sup> National Conference on Migration and Asylum.

*Rogério Sottili*

*Municipal Secretariat of Human Rights and Citizenship*

*Municipal Prefecture of São Paulo*

## **INTRODUCTION**

The 1<sup>st</sup> Municipal Conference on Policies for Immigrants, convened under Municipal Decree nº 54.476/2013, is consultative in nature and has the objective of

contributing to discussion and elaborating proposals and guidelines to subsidizing public policies for the immigrant population and their families. The discussions and proposals were directed to the municipal, state and federal levels. The Municipal Conference is included in the construction of the 1<sup>st</sup> National Conference on Migration and Asylum (COMIGRAR), and was the first stage in the process in the whole of Brazil.

For the organization, planning, mobilization and execution of the Municipal Conference, and a joint Organizing Commission was convened, officialized by SMDHC Ordinance n° 91/2013 composed of 28 representatives of the municipal government and organizations from civil society.

The municipal secretariats whose portfolios directly impact the daily life of the immigrant population (such as Education, Culture, Health and Employment) were encouraged to participation in the Commission. Others voluntarily joined the group, which shows the growing interest in the theme within the municipal government.

In relation to organizations from civil society, these were indicated by the two most recognized networks of organizations working for the protection of immigrants in the city: the *Social Forum for Human Rights and Integration of Brazilian Immigrants* (FSDHIBr) and the *Interinstitutional Network in Support of Immigrants*. Both indicated an equal number of representatives to directly participate in the planning meetings, which did not prevent other organizations from becoming involved in the Municipal Conference process.

The four thematic bases structuring the discussions and proposals of the Conference were:

- I – Promotion and guaranteed access to social rights and public services
- II – Promotion of decent work
- III – Social inclusion and cultural recognition
- IV – Federal legislation and national policy for migrations

Based on these bases, the Base Text of the Municipal Conference was elaborated. Unlike the majority of base texts used in Brazil, the Municipal Conference on Policies for Immigrants did not include proposals but a critical panorama of state of the art public policies directed at immigrants in the country, in order to offer subsidies for discussion. The Base text was elaborated jointly by the University Extension Group

"Educar para o Mundo", the Institute of International Relations of the University of São Paulo and members of the Municipal Organizing Commission.

### *MOBILIZING AND FREE STAGES*

The Municipal Organizing Commission (COM) promoted **four mobilizing stages**. The locations were chosen according to the territorial distribution criteria of immigrants in the city, privileging those districts or sub-prefectures where the communities are more organized. Participation in these stages was open to all.

In order to extend the mobilization for the Conference and permit greater involvement of civil society, there was the possibility of any organization promoting free stages. These stages, duly disclosed and informed to the Organizing Commission could elaborate proposals and send them to the Conference. In total, **nine free stages** were conducted, which presented a plurality of issues and rich and representative organizers, including municipal and state government bodies, a university collective, a religious community and trade unions.

<b>Date and Time</b>	<b>Location</b>	<b>Address</b>	<b>Organizer</b>
<b>Mobilizing Stages</b>			
10/11/2013 – 13h30	CEU Tiquatira	Av. Condessa Elisabeth de Robiano, s/n – Penha	Municipal Organizing Commission
10/11/2013 – 13h30	Centro Cultural da Juventude	Av. Dep. Emílio Carlos, 3641 – Limão	Municipal Organizing Commission
11/11/2013 – 17h30	Cine Olido	Av. São João, 473 – Centro	Municipal Organizing Commission
17/11/2013 – 13h30	CEU São Rafael	R. Cinira Polônio, 100 – São Mateus	Municipal Organizing Commission
<b>Free Stages</b>			

06/11/2013 – 9h30	Sindicato dos Bancários	Rua São Bento, 413 – Centro	Central Única dos Trabalhadores/SP
08/11/2013 – 9h	ITESP	Rua Dr. Mário Vicente, 1108 – Ipiranga	Missão Paz
11/11/2013 – 9h	FEA-USP	Av. Prof. Luciano Gualberto, 908 – Cidade Universitária	Coletivo de Extensão Universitária Educar para o Mundo
18/11/2013 – 18h	Missão Paz	Rua do Glicério, 225 – Liberdade	REDE em Prol do Imigrante
18/11/2013 – 17h	Defensoria Pública da União	R. Fernando de Albuquerque, 155 – Consolação	Secretaria Estadual de Administração Penitenciária/CAEF
19/11/2013 – 15h	Patronato INCA/CGIL	Rua Doutor Alfredo Ellis, 68 – Bela Vista	Patronato INCA/CGIL
20/11/2013 – 16h	Comunidade Islâmica da República	Rua Guaianases, 68 – Centro	Casa das Áfricas/Comunidade Islâmica da República
21/11/2013 – 18h	Câmara Municipal SP	Viaduto Jacareí, 100 – Bela Vista	Sec. Mun. Políticas para Mulheres
27/11/2013 – 18h	Assembléia Legislativa do Estado de SP	Av. Pedro Álvares Cabral, 201 – Ibirapuera	Centro de Direitos Humanos e Cidadania do Imigrante

*METHODOLOGY ADOPTED FOR DISCUSSION, ELABORATION AND APPROVAL OF PROPOSALS*

In relation to the first Municipal Conference on and for immigrants in the city of São Paulo, in addition to being an unprecedented experience in the whole country, there were no prior guidelines or format to be followed by the organization, which provided freedom for it to create a methodology suited to the objectives of the Conference.

The discussion, elaboration and approval of the proposals took place in three consecutive stages:



- i) mobilizing and free stages;
- ii) working groups per base;
- iii) final session.

The objectives and formats of each stage are detailed below.

#### *METHODOLOGY OF THE MOBILIZING AND FREE STAGES*

The mobilizing stages organized by the Municipal Organizing Commission (COM) were open to the public and had a discussion circle format. Its purpose was not only to mobilize the population for the Conference but also a preliminary study of the proposals and themes relating to the issue of migration.

After a brief presentation of the process of the Conference and basic text, the floor was given to the public, who could raise general issues or suitable proposals. Statements were noted and systematized. The participants also had the possibility of delivering written proposals on a standardized form.

The free stages did not have a defined format and each organizing body was responsible for defining its methodology. Eventual proposals that arose could be forwarded to the COM systematization.

After all the preparatory stages were finalized, the COM standardized the proposals and divided them in accordance with the bases of the Conference and the related issues (health, social assistance, migratory regularization, access to culture etc.), and then published this online for the public.

#### *METHODOLOGY OF THE WORK GROUPS<sup>1</sup>*

The participants in the Conference were freely divided into Work Groups, each of which corresponded to a thematic base. The choice of work group occurred at the time of accreditation.

The two objectives were:

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□ The method used in the Work Groups was adapted from the 5<sup>th</sup> Municipal Conference on Drug Response Policies (V COMPAD).

- a) to stimulate discussion and build a consensus in relation to public policy on migration, using the proposals presented in the mobilizing and free stages as a basis, and improving the and/or elaborating new proposals;
- b) to list the priorities for public policy on migration, prioritizing a predefined number of policies per base, to be approved in the Final Session.

The amount of proposals that each work group sent to the final session as defined in accordance with the percentage of proposals received from the preparatory stages, given that the number of themes covered in each base was unequal. The amount of proposals sent to the final session was defined as:

Base I: 35% of the proposals received – 21 prioritized for the final session

Base II: 12% of the proposals received – 9 prioritized for the final session

Base III: 20% of the proposals received – 12 prioritized for the final session

Base IV: 30% of the proposals received – 18 prioritized for the final session

Each work group counted on a team of facilitators and voluntary translations, and there were specialists from the COM available to resolve technical queries on municipal policy, national legislation, decent work and other issues.

The participants in the work groups were advised to split into small groups of 8 to 12 people and received copies of the proposals elaborated in the mobilizing and free stages. Based on these proposals, each subgroup conducted an internal discussion, from which up to 6 proposals were sent to the facilitators<sup>2</sup>.

At the end of the work in subgroups the proposals sent were ready to all present and prioritized using labels (each participant could use up to five). Those receiving most votes were forwarded to the final session.

### *METHODOLOGY OF THE FINAL SESSION*

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□ Proposals not sent, including individual ones, were also included in the total proposals registered.

This last stage had the objective of presenting the results of each base to all present, so they could be evaluated and intervene in the final result of the Conference and guarantee the representativeness and legitimacy of the process.

The 60 proposals sent by the Work Groups were distributed to the participants and projected in the auditorium. The chairman read all of them and the participants were able to highlight and propose amendments. There was a chance to propose total suppression of proposals. Amendments were voted by raising ID badges.

## **RESULTS**

### *FINAL PROPOSALS*

The four Work Groups per Base of the Conference sent a predetermined number of proposals to the Conference for assessment and voting, totaling 60 proposals.

The plenary made changes, adding, suppressing or replacing sections of the proposals sent. Furthermore, three proposals were fully suppressed, therefore resulting in **57 final proposals** as a result of the Municipal conference, which are given below (divided by theme).

#### **Social Assistance**

Building public policy to serve immigrants within the city's social assistance network, such as reception centers and public facilities as well as ensuring their maintenance.

Qualification for the care of immigrants, refugees, asylum seekers, humanitarian visa holders and migrants on the streets, at the Reference Centers for Social Assistance (CRAS), in areas where these communities are present, reserving care and benefits quotas, including attention to the homeless and prison population, respecting their cultural and sexual diversity.

Implementing public policies for social and economic assistance specific to migrants, such as obtaining LOAS benefit, the access to income program, housing, education, and free transport passes, especially for those in humanitarian visa and asylum situations.

## **Migratory Regularization; Debureaucratization**

Debureaucratization and flexibility among registry offices, boards of trade, police stations, the Federal Police and other bodies in relation to the recognition of the documents of immigrants.

Standardizing the procedure for granting visas, authorization and issuing of documents, aimed at making the bureaucracy in place more efficient and training public servants in all sectors and levels of Government (municipal, state and federal) in the issue of migration, including learning foreign languages.

Guaranteeing immigrants access to existing social programs through debureaucratization of access to the documents required.

Adopting a certificated containing the personal details of the application and registration number as the official document for issuing visa requests in general, issued immediately and valid in the entire national territory, with the intention of eliminating the precarious format of current protocols.

To guarantee advice and services for obtaining every type of document from decentralized civil bodies, accessible in cities and states.

Granting documentation immediately after arriving in Brazil, as the protocol currently issued does not guarantee access to the employment market.

Upon request, all migrants should be issued and provided with certification guaranteeing access to work, the benefit system and educational institutions.

Exempting or reducing administrative taxes charged to immigrants in order to avoid intermediaries and guarantee rights. Guaranteeing the right to regularization for people that have had episodes of conflicts with the law.

Accelerating migratory regularization processes with the aid of professionals from the areas of human rights at all levels in order to reduce waiting time.

Demanding the revision of processing and transformation of visas, aimed at facilitating and removing the need to leave the country for transformation. The processing of foreign documentation should be transparent, detailed in writing in various languages and made available at the entrance of the applicable bodies, online and in other media. Every decision of refusal should be public and justified. Guaranteeing that selection processes do not ask for excessive or impractical documentation in order to prohibit or impeded the participation of migrants.

To promote equal rights for permanent immigrants, especially for obtaining second copies of documents, so they can be collected at decentralized civil bodies accessible within cities and states, with issue times and charges equal to those applied to Brazilians.

Creating a national civil agency with the presence of all federal units, with the power to execute national immigrant policy and replacing the federal police. This body should guarantee the wellbeing and rapid coordination for processing immigrant and refugee documentation, creating mechanisms for onsite and online services and defining responses deadlines.

## **Health**

Urgent presence of translators and interpreters for the main languages spoken at health units in the city where there is a significant number of immigrants living or working.

Based on local mapping, recognizing the Basic Health Units (UBS) and other health equipment as being intercultural, guaranteeing the participation of immigrants, refugees and asylum seekers within their Management Boards, enabling immigrant health agents to be hired, distribution of educational material in various languages, and raising awareness among the population and workers.

Incorporating the proposals for immigrants established by the 17<sup>th</sup> Municipal Health Conference of São Paulo in municipal, state and federal public health policies.

## **Access to Education; Recognition of Diplomas; Portuguese Language Teaching; Training**

Guaranteeing access for migrant children, adolescents and young adults and refugees to the public education network, at all levels, without requiring identity documents in Brazil, through the debureaucratization of the recognition of school activities and diplomas from their country of origin (including nationals studying abroad; stimulation of the participation of immigrants and refugees in school councils; adapting times to the reality experienced by immigrants (in the case of Adolescent and Adult Education, for example); combating xenophobia and racism by valorization of the cultural origin of students; effective commitment to this issue by the State Education Secretariat.

Guaranteeing Portuguese courses to foreigners in a broad manner, involving the entire public education network. Furthermore, guaranteeing education/training courses in foreign languages for public servants, training them to attend to immigrants.

Creating language centers, especially for teaching Portuguese to foreigners in the 32 subprefectures of São Paulo.

Professional training of immigrants by existing institutions and coordination with qualified educational institutions, enabling instruction through the acquisition of general knowledge (Administration and Law), enabling the social mobility of immigrants, using the pilot project between SEBRAE and the consulate of Peru as an example; flexibility of documentation required for courses.

Guaranteeing access to education and attendance by immigrants with disabilities at educational locations, in accordance with the national legislation in force.

Standardizing, simplifying and unifying the procedures within the entire national

territory for recognition of foreign diplomas at the organizations responsible, including public and private teaching institutions; establishing urgent and immediate procedures for the regularization of all foreign students.

### **Access and Guaranteed Decent Work; Combating Slave Labor**

Creation of a network of professionals, consultants and collaborators in various areas (such as health, education, translation etc.) among resident immigrants and nationals that can be contacted to aid immigrants at the applicable bodies at the municipal, state and federal levels.

Promoting discussion and providing guidance on slave labor. Publicizing the labor rights of immigrants on social networks, employment networks and community radios. Professional requalification with preparation for the National Secondary Education Exam (ENEM) and entrance exams, access to technical schools and universities.

Complying with the agreements of the Ministry of Labor and creating an area to serve migrants within subprefectures.

Recognizing and valuing the work of migrant men and women, guaranteeing labor and social security rights, humanizing work regardless of documentation.

Creating employment agencies whose network includes certified companies, and that guide immigrant workers in their search for employment. The number of agencies should be proportional to the number of immigrants established at the locations where they are most concentrated.

Granting an Employment Record Book to all migrants, regardless of the asylum or visa application protocol. Issuance should be decentralized at municipal and state organizations.

### **Access and Incentive to Culture; Recognition and Appreciation of Diversity**

Creating a Coordination of Immigrant Culture at the Municipal Secretariat of Culture to assist and subsidize cultural projects, as well as the creation of specific notices for cultural projects.

Guaranteeing, appreciating and contemplating linguistic diversity, including sign language, in school curriculums for primary and secondary education, respecting local migration through: public entrance exams for foreign language and sign language teachers, guaranteeing foreign language education, the creation of multilingual libraries and film libraries with diverse books and materials; inclusion of immigrant professionals through a professional assessment system.

Promoting continued training for the agents responsible for public services for cultural and linguistic diversity through partnerships with research groups about existing migrant cultures, consulates and migrant associations.

Assigning spaces in the city to house immigrant associations with cultural projects. Reserving radio bandwidth for migrant media, with a budget allocated to support such

media.

Creating mechanisms that congregate, account for and connect the institutions organized by migrants for the purpose of exchanging experiences and best practices in relation to actions to improve the quality of life of these communities, which work on publicizing cultural activities and serve as a training platform on the work of each organization in order to contribute to the training of public agents in general in relation to migrant issues.

Enabling the inclusion of cultural groups of migrants from different countries in cultural development policies: opening projects for the promotion of cultural and intellectual production by migrants and expanding existing incentive programs; recognition and disclosure, at all levels of the public authorities, of events and groups of migrants within the city's cultural schedule; recognition and regulation of cultural markets by immigrants, such as the markets on Rua Coimbra, Kantuta, Patujú, Penha etc.

Recognizing and appreciating the presence of immigrants from African countries in the creation of mechanisms to strengthen the application of Law 10.639/2003, which changes the Law of Guidelines and Bases (LDB) within Brazilian education to value African cultures and combat racism, xenophobia and all forms of discrimination.

Making rules more flexible to enable the participation of groups and immigrants in cultural projects.

Opening space in the public media (e.g. public TV channels) for migrant-related attractions held by migrant communities, as well as incentivizing existing migrant community media (newspapers, periodicals and radio broadcasters).

### **National Migratory Legislation**

Adopting a national policy for the protection of stateless persons and regulating the condition of statelessness.

Approving a new federal migration law based on human rights, unified with bills n° 5655/2009 and 288/2013, without prejudice to the progress already made, further guaranteeing ratification of the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Guaranteeing all migrants the right to work regardless of their visa type upon entering Brazil or the way they arrived here, and assuring the transformation of visas without the need to leave the country.

Modifying the legislation in force in order to guarantee foreign studies the right to vary out paid activity.

### **Access to information and Guidance; Mapping and Production of Data**

Creating a reference enter in migratory studies at the municipal, state and federal levels with the intention of stimulating varied research on the subject, as well as

accumulating data that can contribute to the development specific public policies for this population.

Creating an ombudsman and support and guidance service for immigrants (at service centers in the sub-prefectures) with professionals in social areas (social services, law, teaching, psychology etc.) for guidance, training for work, referral to organizations, public services and NGOs that operate in the area of migration.

Mapping the migrant communities within the city of São Paulo as a source of data for public policies.

Mapping all of the public institutions that serve immigrants and promoting the construction of a network to publicize campaigns and information through written, virtual and televised media about the subject of migration.

Creating an Ombudsman or other mechanism to serve citizens directly that provides exclusive services and guidance in the case of human rights violations involving migrants.

Including the mapping of the migrant population in the Census and other research mechanisms applied by the IBGE.

### **Political Rights**

Supporting the PEC 347/2013: proposed constitutional amendment for the right to vote and candidacy ("to be voted") within political processes for all immigrants.

Acquisition of the right to vote and be voted for immigrants with more than two (or more) years with the right to permanent residence, full recognition of the political

### **Awareness Campaign and Combating Xenophobia**

Qualification, raising awareness and training professionals in public services from different sectors (health, education, security etc.) in relation to the rights of immigrants and respect of their cultures, avoiding xenophobia, bullying, racism and any type of discrimination.

### **Policies for Women**

Qualifying and raising awareness among public bodies for serving immigrant women and refugees that are victims of gender and gender, domestic, obstetric, sexual, economic, family and work related violence etc., respecting cultural, religious and sexual diversity, guaranteeing the application of the Maria da Penha Law for all migrant women; elaborating material in various languages with wide distribution and specialized legal assistance; guaranteeing access to shelters and housing for women at risk; including humanized birth for migrant women by creating and publicizing birth centers; respecting and incentivizing the appreciation of multiculturalism and cultural ancestry.

### **Social Participation of Migrants**



Instituting a Municipal Immigrant Committee with majority representation of immigrants and participation by local tertiary sector organizations working in this area.

## Asylum

Creating a permanent mechanism to grant humanitarian protection for those in vulnerable situations that are not classified as refugees.

Facilitating the obtainment of work visas for refugees and asylum seekers so that asylum actually becomes the protection of the individual and not something to counterbalance diplomacy.

### ELECTED DELEGATES

The Municipal Conference elected 50 delegates from civil society, as well as 16 substitutes, for the 1<sup>st</sup> National Conference on Migration and Asylum.

Considering the need studied by the COM of counting on underrepresented groups of migrants at the National Conference, election criteria were defined in order to guarantee the representativeness of the delegates. Thus, the session proposed and voted that the delegation should be composed of:

- a) a minimum of 50% women;
- b) a minimum of 50% immigrants;
- c) a minimum of 10% refugees or asylum seekers;
- d) a minimum of 10% foreign students;
- e) a minimum of 10% humanitarian visa holders<sup>3</sup>.

Below is a list of the elected delegates<sup>4</sup>:

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<sup>3</sup> As there were no candidates declaring themselves as humanitarian visa holders this category was not filled.

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<sup>4</sup> Number of votes and gender of the elected delegates and category are detailed in Annex III of this document.

Nome	País
Adama Konate	Mali
Ailton Santos	Brazil
Ana Carolina Hecias Ribeiro de Escobar	Brazil
Ana Lucia Elvira Serra	Brazil
Arcange Hdombasi Kipeti	Democratic Republic of Congo
Atawallpa Diaz Ricaurte	Colombia
Bobby Johnson	Ghana
Carmelo Muñoz Cardozo	Brazil
Clara Politi	Argentina
Cleide Aparecida Vitorino	Brazil
Cleudina Silva de Sousa	Brazil
Cleyton Wenceslau Borges	Brazil
Daniel Colque Andrade	Bolivia
Daniel S. Morlu	Sierra Leone
Denise Dias Barros	Brazil
Edineia Clarindo de Melo	Brazil
Elaine Cristina Camillo da Silva	Brazil
Ernesto Pinto	Angola
Ever Sanchez Salvador	Peru
Francesca Cosentino	Italia
Ives Berger	Peru
Jobana Moya	Bolivia
Lili Kawamura	Brazil
Luis Vasques Mamani	Bolivia

Mahfouz Ag Adnane	Mali
Mamadou Alitre Diallo	Guinea
Marcia de Almeida Meireles Patrocínio	Angola
Marcos Herminio Canaviri	Bolivia
Maria Cristina Romero	Paraguay
Maria Mercedes de Alencar	Brazil
Marisa Andrade	Brazil
Mary Alves do Santos	Brazil
Massar Sarr	Senegal
Mohamad Sami El Kadri	Brazil
Mônica Rodrigues Ulo	Bolivia
Moussa Sangare	Mali
Natália Lima de Araújo	Brazil
Neide Aparecida Tameirão Coser	Brazil
Omana Kasongo Ngandu	Democratic Republic of Congo
Paolo Parise	Italy
Rocio Quispe Yujra	Bolivia
Ronald Soto Delgadillo	Bolivia
Ruben Ernesto Pezo Papilla	Chile
Ruth Mery Mendoza Lliullg	Bolivia
Sampelga Abel Nabaloum	Burkina Faso
Sekou Kaba	Guinea
Silvia Fernandes Rojas	Bolivia
Verônica Yujra	Bolivia
Vivian Holz hacker	Brazil

Yolanda Alvarado Ruiz

Ecuador

The candidates/substitutes in the established order are as follows:

Nome	Country
Ismenia Lucia Vallejos Muro	Peru
Franck Mukotshi Vule	Democratic Republic of Congo
Nathália Ferreira Duó	Brazil
Jorge Antonio Perez Cavero	Peru
Lya Doria Maeda	Brazil
Hugo Salustiano Santos	Brazil
Genovaité Martinaitis	Brazil
Komi Ahmad Ibrahim	Burkina Faso
Keti Angelova	Portugal
Ngalula Lorenzo Freddy	Democratic Republic of Congo
Yener Çubukcu	Turkey
Miguel Angel	Chile
Irineu Dourado Oliveira	Brazil
Dionicio Espinoza Mamani	Bolivia
Mussa Bari	Portugal
Marseu Sebastião de Carvalho	Angola

#### *MOTIONS APPROVED*

The condition for approval of the motions at the Municipal Conference, foreseen in the internal regulations, was the obtainment of at least 15% of the accredited participants. Two motions were presented and approved, and are reproduced below:

***Motion of Rejection with Recommendation to the PUC-SP, institution which has obstructed the right of immigrants to study owing to the requirement to revalidate undergraduate diplomas for registration in the selection process and to undertake master's degrees and doctorates.***

"We, those present at the 1<sup>st</sup> Conference on Policies for Immigrants in São Paulo,

WHEREAS education is an inalienable fundamental right of all human beings, fundamental to the process of building an equal, democratic and fair society, it should be offered to any and every person.

WHEREAS respect for equality and the diversity between people and human groups is indispensable for ensuring equality and annihilating differences.

*PURSUANT to Article 13 of the Universal Declaration of Human Rights which defines that "Everyone has the right to freedom of movement and residence within the borders of each state".*

*PURSUANT to the Universal Declaration of Human Rights adopted and proclaimed by the General Assembly of the United Nations (UN) on December 10<sup>th</sup> 1948, which reaffirms in article 26 that: "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit".*

*PURSUANT to Article 26 of the Universal Declaration of Human Rights which establishes that "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups".*

*WHEREAS the Vienna Declaration established by the World Conference on Human Rights reiterated the importance of education in human rights in 1993: "human rights education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights.."*

*WHEREAS* Brazil is among the eleven main global economies and has one of the largest rates of social inequality in the world.

*WHEREAS* the historical, social, cultural and economic debt that Brazil maintains with African societies and its ties with Latin American communities.

*PURSUANT to Article 5 of the Federal Constitution of 1988 which stipulates that: "All people are equal before the law, without distinction of any nature, guaranteeing Brazilians and foreigners resident in the Country the inviolability of their right to life, liberty, equality, security and property" and Article 205 which establishes that "Education, a right for all and a duty of the State and family, will be promoted and incentivized with the collaboration of society, aimed at full development of the person, their preparation for exercising citizenship and their qualification for work".*

WHEREAS the National Education Council in CNE/CES Report n° 412/2011, November 5<sup>th</sup> 2011, published in the DOU on 28/11/2011, page 16, section 1, relating to the petition by Dulce Eliane Ribeiro Maltez and Remane Selimane, both master's students at the PUC/SP, established the following:

*“For this reason, document no. 062974.2011-48 was attached to the process, in which **Remane Selimane, citizen of Mozambique**, student regularly registered on the **Postgraduate Program in Education at the Pontifical Catholic University of São Paulo**, requests **exceptional validation of the undergraduate diploma obtained abroad for the purpose of defending their Master’s Dissertation**. In the document, he informs that the said Institution requires revalidation of the undergraduate diploma for conclusion of the master’s degree course.*

*For this case a strictly academic and informal analysis of the issue is to be applied, as recorded above. Therefore, **it is necessary to evaluate the conditions of the interested party in studying the master’s degree from an academic point of view** – the fact of having concluded his undergraduate course at an institution in his country of origin and its academic merit – **but not requesting that he be subject to the bureaucratic ritual of revalidating his undergraduate diploma, which is not being used for any purpose in Brazil** other than the **strict purpose of postgraduate academic studies**. If, in the future, the interested party wishes to carry out professional activities in Brazil which require proof of higher education, they should arrange for formal revalidation of their graduate diploma”. (emphasis added)*

WHEREAS, in this manner, faced with that published in the DOU in 2011, the PUC/SP is deliberately obstructing the law, given that it is fully aware of the CNE report from 2011 relating to another African student studying there, we therefore understand that the PUC/SP cannot maintain this requirement and publish such requirements in its selection notices.

SHOCKED by the reluctance of the PUC-SP to change its position.

CONCERNED with the situation of vulnerability that this decision implies in the lives of foreign students in Brazil, especially those originating from countries in the south whose universities are not included among the prestigious universities of the North, Europe and North American, and the educational institutions in African countries, despite the quality of education they offer.

APPREHENSIVE about the fact that internationalization of universities could be transformed into a discriminatory form of bilateral or multilateral relationship and instrument for violating the collective and individual rights of citizens worldwide, as well as nations.

APPREHENSIVE about the violation of rights and institutional xenophobia.

EXTERNALIZING our firm understanding that the fight against xenophobia and racism should be conducted in strict accordance with fundamental human rights, the universal

right to education and the principle of legal equality between States.

EXTERNALIZING, lastly, that **the revalidation of their undergraduate diploma is not require for the strict purpose of postgraduate academic studies**, with this procedure only necessary for the performance of professional activities in Brazil.

WE DECLARE: Our repudiation of the Pontifical Catholic University of São Paulo which despite reiterated requests by students that institutions, including the Public Defender's Office, maintains its requirement for postgraduate candidates to revalidate their undergraduate diploma and other formal requirements for documentation that impedes them exercising their right to seek to improve their living conditions through education.

WE RECOMMEND that the PUC-SP and Higher Education Institutions remove the revalidation of diplomas as conditions for the selection process and/or realization of postgraduate studies.

WE RECOMMEND the creation of a committee under the scope of the Migrant Policies of the Prefecture of São Paulo in relation to student issues with the intention of diagnosing the situation of students, advising people and educational institutions, prohibiting abuses and supporting foreign student support activities, especially those from Latin America, Africa and those in a situation of conflict and war.

WE RECOMMEND the definition of a form of accreditation for educational institutions on undergraduate, extension and postgraduate courses (lato sensu and strito sensu) offering and advertising their courses abroad, at the organizations responsible for education in Brazil.

WE RECOMMEND that educational institutions (private and public), in addition to being accredited and authorized by the Ministry of Education, should have a suitable infrastructure, teaching staff and employees qualified and trained to receive foreign students.

WE RECOMMEND the control and monitoring of actions and activities of higher education students receiving foreign students by the organizations responsible for education as well as the Public Ministry.

WE DECLARE our proposition that the Migration Policy of São Paulo should develop an activities center to provide guidance and prohibit these types of abuses within the city of São Paulo. After all, educator Paulo Freire affirms that "If education alone does not transform the world, without it no transformation will occur".

\*

***Motion of Rejection to the difficulties encountered by foreign students upon admission, enrollment and reenrollment, revalidation of student documents and renewal of permanent visas while studying in Brazil.***

In the last decade it is worth highlighting an important positive aspect in relation to the migratory flow in Brazil: many immigrants of various nationalities from the African continent have been seeking education in Brazil to improve their knowledge and acquire specialized training. There is a demand for undergraduate and postgraduate (*lato sensu* and *stricto sensu*) courses at both public and private universities.

Regardless of institutional agreements and partnerships, the immigrant student already faces difficulties initially in the delivery of documents to participate in the selection process and complicated and heterogeneous curricula, often hindering the execution of their enrollment at the university and course chosen. These impediments arise because when requesting a student visa, they cannot obtain one from Brazilian embassies and opt for a tourist visa.

As we know, the tourist visa only allows foreigners to stay for tourism purposes without migratory intentions, causing problems for immigrants who have a financial position to remain as a student, but with irregular documentation with respect to visas.

Some foreign students are filing claims against the violation of their rights as students at Brazilian educational institutions. We cannot fail to report the difficulties of foreign students enrolled and attending courses at public and private institutions, which, for the renewal or validation of their student visa at the organs responsible for issuing the documents and permission (Federal Police, Ministry of Justice, Ministry of Foreign Affairs, etc.), are facing delays and bureaucracy, with civil servants unprepared to receive immigrants, misinformation and misleading interpretation of rules relating to the matter.

Given these violations, we are presenting this motion and recommend the following proposals:

- elaboration of new instruments and accreditation requirements, evaluation and inspection of courses that advertise and propose student exchange courses abroad for immigrants.
- proposed migratory reform that regularizes the situation of immigrant students, as a means of legalization for permanence and execution of citizenship.
- guaranteed amnesty to all foreign students studying at public and private universities with retroactive effect to their entry in Brazil, regularization of their stay as a student, as well as revalidation of the visa and automatic renewal of their registration at Brazilian universities.
- validation of undergraduate diplomas issued by foreign universities, in accordance with international agreements for reciprocity and/or equivalence, as well as master's degrees and doctorates, in a quick, efficient and debureaucratized manner.
- sanctions for the institutions that breach the rights of foreign students, faced with the exploration and vulnerability of the immigrants seeking a quality education service and the lack of infrastructure, unqualified teaching staff and students, or internal policies and programs for receiving African students.
- establishment of an internship program for foreign students in all areas of education with the intention of providing practical experience and academic improvement.
- standardizing the procedure for granting visas to students, as well as authorizations and documents automatically and online, using tools in the virtual environment.



It is worth reiterating that education is a constitutional right assured to all citizens, national or foreign.

## **FINAL CONSIDERATIONS**

The challenge of organizing a Conference is not small, especially one that has never occurred in the history of Brazil. The methodology of proposals and election of delegates, base text, internal regulations and composition of the Organizing Commission had to be elaborated from the principle of meeting the needs of an extremely heterogeneous group from a socioeconomic, cultural, migratory and, of course, linguistic point of view.

All of these difficulties were overcome owing to joint efforts, emphasizing even further the richness of the Conference as a process, which can be summarized not just in weekend of the event, but covers the first meeting of the Organizing Commission up to the preparation of delegates for the national stage.

Understood as a process, the Municipal Conference included achievements and victories whose impacts are not yet exhausted. Immigrants occupied and were welcomed open armed by the administration of CEU São Rafael, on the outskirts of the city, a place they didn't even now they could use. Dozens of African refugees that do not speak Portuguese actively participated in the three day Conference, proposing, voting and electing delegates – an election which, it is worth reiterating, was the first for many whose political rights are not recognized. The campaign for the right to vote was strengthened and sensitized authorities and leaders.

Finally, fourteen organizations from civil society and fourteen municipal departments met to build a conference in a democratic, open and participative manner, which inaugurated a dialog that is being very fruitful for the city.

A large part of the proposals approved were covered in the municipal management targets, and nine objections were presented. The open dialog with civil society strengthens the public authorities to qualify and implement the actions foreseen, extending the set of actions and stimulating approximation with even more immigrant communities in the city of São Paulo.

Lastly, this document, which was conceived as a fundamental historical record both for the movement of migrants and municipal management, marks the start and not the end of long-lasting work to include migrant communities in Brazilian society.

## ANNEX I

### **Municipal Decree convening the 1<sup>st</sup> Municipal Conference on Policies for Immigrants**

Published on October 17<sup>th</sup> 2013 in the *Diário Oficial da Cidade de São Paulo*, year 58, number 119.

#### **DECREE Nº 54.476, OCTOBER 17<sup>th</sup> 2013**

Governs the summons for the 1<sup>st</sup> Municipal Conference on Policies for Immigrants.

NADIA CAMPEÃO, Vice-Mayor, in exercising the role of Mayor of the Municipality of São Paulo, in the use of the powers granted under law,

#### **DECREES:**

Art. 1º The 1<sup>st</sup> Municipal Conference on Policies for Immigrants is hereby convened, to be held on November 23<sup>rd</sup> to December 1<sup>st</sup> 2013, in the City of São Paulo.

Art. 2º The 1<sup>st</sup> Municipal Conference on Policies for Immigrants, consultative in nature, will have the objective of contributing to the debate and elaborating proposals and guidelines to subsidize public policies for the immigrant population, that is, immigrant workers and their families, refugees and asylum seekers, under the following thematic exes:

- I – Promotion and guaranteed access to social rights and public services
- II – Promotion of decent work
- III – Social inclusion and cultural recognition
- IV – Federal legislation and national policy for migrations and asylum

Sole paragraph. The 1<sup>st</sup> Municipal Conference on Policies for Immigrants may elaborate proposals for the three levels of the federation, municipal, state and federal.

Art. 3º The Municipal Conference will count on a Municipal Organizing Commission – COM to be designated, via ordinance, by the Municipal Secretariat of Human Rights and Citizenship.

§ 1º The coordination of the COM will be the responsibility of the Coordination of Migrant Policies at the Municipal Secretariat of Human Rights and Citizenship.

§ 2º The COM will be composed, in an equal manner, by 28 (twenty-eight) members, as follows:

- I - 14 (fourteen) representatives of the Municipal Public Authorities;
- II - 14 (fourteen) representatives of civil society, defined as follows:

a) 7 (seven) representatives of the Social Forum for Human Rights and Integration of Migrants in Brazil – FSDHIMBr, distributed among its members and/or members of organizations and/or movements indicated by it;

b) 7 (seven) representatives of the Inter-institutional Network for Immigrants in São Paulo, distributed among its members and/or members of organizations and/or movements indicated by it.

Art. 4º The Municipal Organizing Commission – COM will be responsible for:

I – elaborating the internal regulations of the 1<sup>st</sup> Municipal Conference on Policies for Immigrants;

II – organizing, monitoring and evaluating the realization of the 1<sup>st</sup> Municipal Conference on Policies for Immigrants;

III – mobilizing civil society for participation in this process;

IV – systematizing the proposals emerging during the process of the 1<sup>st</sup> Municipal Conference on Policies for Immigrants;

V – sending the final document to the National Conference on Migration and Asylum.

Art. 5º The COM may also constitute work commissions under its coordination for the following purposes:

I – report, methodology and systematization;

II – communication and dissemination;

III – coordination and mobilization;

IV – logistics and infrastructure.

Art. 6º Participation in the Municipal Conference on Policies for Immigrants will be open to the public via prior registration.

Art. 7º Civil society may hold free conferences up to 10 (ten) days before the period for realization of the Municipal Conference.

Sole paragraph. The free conferences will be held, in whole or in part, by the immigrant population, meeting in the form of an association or organization or otherwise, and immediately communicated to the COM.

Art. 8º The 1<sup>st</sup> Municipal Conference on Policies for Immigrants will be considered as preparatory stage of the 1<sup>st</sup> National Conference on Migration and Asylum.

Sole paragraph. In accordance with its internal regulations, the Municipal Conference will elect candidates and delegates and send proposals, per thematic base, to the National Conference.

Art. 9º The expenses resulting from the execution of this decree will be covered by the applicable budget allocations, supplemented if necessary.

Art. 10. This decree will enter into force on its date of publication.

PREFECTURE OF THE MUNICIPALITY OF SÃO PAULO, October 17<sup>th</sup> 2013, 460<sup>th</sup> year of the foundation of São Paulo.

NADIA CAMPEÃO, Acting Mayor

ROGÉRIO SOTTILI, Municipal Secretary of Human Rights and Citizenship

ANTONIO DONATO MADORMO, Secretary of the Municipal Government

## **Ordinance constituting the Municipal Organizing Commission**

Published on November 28<sup>th</sup> 2013 in the *Diário Oficial da Cidade de São Paulo*, year 58, number 225.

### **HUMAN RIGHTS AND CITIZENSHIP**

**SECRETARY'S OFFICE**

**ORDINANCE N° 91/SMDHC/2013.**

**The Municipal Secretary of Human Rights and Citizenship**, in the use of his legal powers;

**WHEREAS** the Municipal Conference on Policies for Immigrants is to be held on November 29<sup>th</sup> to December 1<sup>st</sup> of the current year;

**WHEREAS** article 3 of Municipal Decree 54.476 dated October 17<sup>th</sup> 2013 governs the Organizing Commission of the Conference;

### **THE SECRETARY NOW, THEREFORE, RESOLVES:**

**Art. 1º** - To constitute the Municipal Organizing Commission of the Municipal Conference on Policies for Immigrants formed by the following representatives:

#### **I – For the Social Forum for Human Rights and Integration of Migrants in Brazil - FSDHIMBr:**

1. Jose Ailton R. dos Santos RG: 16948491
2. Luis Vasquez RNE: V316571-M CPF: 829129120-91
3. Jobana Moyá RNE: V574750-J
4. Cleyton Wenceslau Borges RG: 53.220.381-1 CPF: 035.834.606-18
5. João Batista Gomes RG: 18.857.016-0
6. Oriana Isabel Jara RNE: 173 631-N CPF: 220 975 198-57
7. Porfírio Leonor Ramirez Villar RNE: V598092-0 CPF: 231793298-74

#### **II – For the Inter-institutional Network for Immigrants in São Paulo - REDE:**

1. Ana Lucia Elvira Serra RG: 17.129.815 CPF:113.454.878-86
2. Nello Pulcinelli RG: 209336432
3. Vivian Holzacker RG: 35.107.351- 6
4. Eliza Odila Conceição Silva Donda RG: 44 0479904 -1
5. Mahfouz Ag Adnane RNE: V834988-Q CPF: 235011138-54
6. Michael Mary Nolan RNE: W27063T
7. Ernesto Pinto RNE: N V689631-Q CPF: N 23437729837

#### **III – For the Municipal Government:**

1. Mariana Mazzini Marcondes RF: 8095752 Municipal Government Secretariat (SGM)
2. Marli Matos de Godói RF: 651.522.3/1 Municipal Secretariat of Assistance and Social Development (SMADS)
3. Heloisa Pires de Lucca RF: 604.963/0 Municipal Secretariat of Culture (SMC)
4. Eponina Duarte Portugal RF: 559.745.5 Municipal Secretariat of Sport, Leisure and Recreation (SEME)
5. Suelma Inês Alves de Deus RF: 6536794 Municipal Secretariat of Urban Development (SMDU)
6. Denis Libanio RF: 807.583.2 Municipal Secretariat of Services (SES)
7. Nivaldo Carneiro Junior RF: 640.473.1 Municipal Secretariat of Health (SMS)
8. Cristiane Santana Silva RF: 791.265.0 Municipal Secretariat of Education (SME)

9. Frederico Souza de Queiroz Assis RF: 8071926 Municipal Secretariat of International and Federative Relations (SMRIF)
10. Paulo Illes RF: 8107025 Municipal Secretariat of Human Rights and Citizenship (SMDHC)
11. Regina Stela Correia Vieira RF: 811234-7 Municipal Secretariat of Policies for Women (SMPM)
12. Zilah Maria de Ramalho Teixeira RF: 298.831.3.00 Municipal Secretariat of Governmental Relations (SMRG)
13. Miriam da Silva RF: 807.276-1 Municipal Secretariat of Labor and Entrepreneurship (SMDTE)
14. Natália Risério Povoação RF: 807.561.1.1 Municipal Secretariat for the Promotion of Racial Inequality (SMPIR)

**Art. 2º** - This ordinance will enter into force on its date of publication.

**ANNEX II**

**INTERNAL REGULATIONS**

**1<sup>st</sup> MUNICIPAL CONFERENCE ON POLICIES FOR IMMIGRANTS**

**SUMMARY**

**CHAPTER I**

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**CHAPTER II**

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**CHAPTER I**

REALIZATION

Art. 1º. Whereas Municipal Decree nº 54.476, October 17<sup>th</sup> 2013 determines that the 1<sup>st</sup> Municipal Conference on Policies for Immigrants in the City of São Paulo will be held on November 29<sup>th</sup> to December 1<sup>st</sup> 2013 at the Centro Universitário Anhanguera located at Av. Brigadeiro Luís Antônio, 871 – São Paulo.

§ 1º. The Municipal Conference on Policies for Immigrants precedes the National Conference on Migration and Asylum.

**CHAPTER II**

OBJECTIVES

Art. 2°. The 1<sup>st</sup> Municipal Conference on Policies for Immigrants (hereafter denominated the “Municipal Conference”) is consultative and will have the objective of contributing to the discussion and elaborating proposals and guidelines to subsidize public policies for the immigrant population and their families.

*Sole paragraph.* The Municipal Conference will focus on the municipal sphere but may also elaborate proposals and guidelines for the municipal, state and federal levels.

### **CHAPTER III**

#### **BASES**

Art. 3°. The Municipal Conference will have the following thematic bases:

- I – report, methodology and systematization;
- II – communication and dissemination;
- III – coordination and mobilization;
- IV – logistics and infrastructure.

### **CHAPTER IV**

#### **STRUCTURE AND ORGANIZATION**

Art. 4°. The Municipal Conference will be presided over by the Coordinator of Policies for Migrants at the Municipal Secretariat of Human Rights and Citizenship (SMDHC) or, in their absence or if prevented, by the Assistant Coordinator.

Art. 5°. The Municipal Conference has a Municipal Organizing Commission (COM) designated by SMDHC Ordinance. 91/2013.

Art. 6°. The Municipal Conference will count on the ample and representative participation of organizations from civil society and the public authorities whose area of operation includes the elaboration and implementation of policies aimed at the immigrant population, as well as individuals and leaders of this population, or those who operate alongside them.

§1°. Participation in the Municipal Conference and in all of its mobilizing stages is open to the public as per article 6 of Municipal Decree n° 54.476, October 17<sup>th</sup> 2013.

### **CHAPTER V**

#### **METHODOLOGY**

Art. 7°. At the Municipal Conference the participants will discuss the issue of international immigration in work groups (GTs), using the proposals and issues raised in the mobilizing and free stages as a basis, as well as the Base Text.

### **SECTION I**

#### **WORK GROUPS**

Art. 8°. Each work group will correspond to a base of the Municipal Conference, with the possibility of more than one GT per base depending on the amount of participants.

Art. 9°. The methodology to be adopted in the GTs is detailed in these Regulations and will be explained to all participants at the start of the Conference.

Art. 10. Each GT will send the Final Session the number of proposals defined proportionally to the amount of proposals received from the mobilizing and free stages:

Base I: 35% of the proposals received – 21 prioritized for the final session

Base II: 12% of the proposals received – 9 prioritized for the final session  
Base III: 20% of the proposals received – 12 prioritized for the final session  
Base IV: 30% of the proposals received – 18 prioritized for the final session

## **SECTION II**

### ELECTION OF DELEGATES FOR THE NATIONAL CONFERENCE

Art. 11. 50 delegates will be elected for the National Conference on Migration and Asylum from the participants of the Municipal Conference.

*Sole paragraph.* Unelected candidates will be classified in descending order in accordance with the number of votes received, and will be considered as substitutes able to be invited to the National Conference on Migration and Asylum.

Art. 12. The election of the delegates will be coordinated by the Electoral Commission composed of members of the Municipal Organizing Commission. The members of the Electoral Commission will compose the board of the Session for Election of Delegates and will be prevented from candidacy.

Art. 13. The participants of the Municipal Conference regularly accredited may apply to be delegates after registering their candidacy by 12 pm on November 30<sup>th</sup> 2013.

Art. 14. Aimed at guaranteeing the participation of underrepresented groups, vacancies will be reserved for the following groups and in the following proportion, as per the declaration by the candidate when presenting their candidacy:

- I – Foreign students: 10%;
- II – Refugees or asylum seekers: 10%;
- III – Humanitarian visa holders: 10%

§1°. Among each group, if there are a sufficient number of female candidates, these should occupy a minimum of 50% of the vacancies.

§2°. If there are an insufficient number of candidates to fill these spaces, these should be filled by the other candidates not classified in these groups.

Art. 15. The election for the vacancies dedicated for delegates should respect a minimum of 50% of the vacancies filled by women, regardless of nationality.

*Sole paragraph.* If the candidacies presented do not enable compliance with this criterion, the vacancies will be freely filled by the other candidates.

Art. 16. Each participant duly accredited by the Conference will have 3 (three) voting slips at their disposal, which will be deposited in a closed ballot box.

§ 1°. Candidates must receive at least 1 vote in order to be elected.

§ 2°. In the event of the number of candidacies being lower than the number of delegates, the vacant positions will be filled in the Final Session under the coordination of the Electoral Commission.

§ 3°. In the case of §1° or if the number of candidates is equal to the number of vacancies, there will be no election and the delegates should be those stated by the Final Session after presentation of the candidacies by the Electoral Commission, based on the forms collected and/or recommendations in the Final Session.

Art. 17. If at the end of the election the immigrants are underrepresented among the number of candidates elected in the general calculation of all vacancies, the classification list will be reevaluated in order to guarantee the representation of this group at a minimum of 50% of those elected.



Art. 18. The Election of Delegates will occur on Saturday, November 30<sup>th</sup> 4.30 pm. The calculation of the election results will be conducted by the Electoral Commission with the accompaniment of 6 monitors from among the accredited participants of the Conference.

*Sole paragraph.* Objections or any other issue can only be presented during the Final Session, and should be judged immediately.

### **SECTION III** FINAL SESSION

Art. 19. The Final Session will vote on the proposals prioritized in the Work Groups and approve the motions presented.

Art. 20. The board directing the works will be composed of members of the Municipal Organizing Commission, composed of representatives of civil society and the Municipal Government.

Art. 21. The proposals sent will be read and approved automatically unless, a participant requests an amendment. In this case, the proponent of the amendment will have 1 (one) minute to present their amendment, which may take place in three ways:

- I – Additive
- II – Suppressive (partial or total)
- III – Partially substitutive

§ 1°. After presentation of the amendment there will be a 1 (one) minute defense of the original proposal for each participant wishing to do so.

§ 2°. At the end of the defenses, the amendments and proposals will be voted on by those present and approved or rejected by simple majority, by raising identification badges.

§ 3°. Firstly, the additive, partially substitutive and partially suppressive amendments will be voted on in the order they are made, with totally suppressive amendments voted last.

Art. 22. The participants can only present motions whose content includes the central theme and thematic bases of the Municipal Conference.

§ 1°. Only motions that are signed by 15% or more of the accredited participants at the Municipal Conference will be accepted.

§ 2°. The motions will be received by the COM by the start of the final session.

§ 3°. The motions should be a maximum of one page and cannot substitute the deliberations of the Municipal Conference.

§ 4°. The admissibility of the motions will be evaluated by the COM according to the criteria defined in paragraphs 1, 2 and 3.

§ 5°. The motions admitted by the COM will be sent for approval at the final session.

Art. 23. Points of order should cover the agenda under debate and will be decided by the coordination of the works or, if necessary, may be referred to Municipal Organizing Commission for assessment and positioning, without prejudice to the continuity of the activities.

### **SECTION IV** FINAL DOCUMENT

Art. 24. The final document of the Municipal Conference will be systematized by the COM and will count on:

- I – The preamble containing the principles of the Conference.
- II – The proposals prioritized by the Work Groups and approved in the Final Session.
- III – The result of the election of the delegates for the national stage.

*Sole paragraph:* The Final Report of the Conference will count on other records of the process – list of all the proposals presented in the Free and Mobilizing Stages and the GTs of the Municipal Conference; full list of candidates and delegates etc. – and will be published electronically.

## **CHAPTER VI** FINAL PROVISIONS

Art. 25. The cases omitted in these regulations will be decided by the Municipal Organizing Commission.

### **ANNEX I**

#### **MUNICIPAL CONFERENCE ON POLICIES FOR IMMIGRANTS**

**November 29<sup>th</sup> to December 1<sup>st</sup> 2013**

**Centro Universitário Anhanguera, Av. Brigadeiro Luis Antonio, 871 – Bela Vista - São Paulo/SP**

#### ***OFFICIAL SCHEDULE***

##### **NOVEMBER 29<sup>th</sup>**

6 pm to 7.30 pm: Reception and accreditation of participants

7.30 pm to 8 pm: Cultural presentation

8 pm to 8.45 pm: Opening ceremony with authorities and immigrants

8.45 pm to 9.15 pm: Opening Talk: Prof. Dr. Zilda Iokoi (Department of History – FFLCH/USP)

##### **NOVEMBER 30<sup>th</sup>**

8 am – 12 pm: Accreditation

9 am to 10 am: Approval of the internal regulations

10 am to 1 pm: Work groups

1 pm to 2 pm: Lunch break

2 pm to 4 pm: Work groups

4 pm to 4.30 pm: Coffee break

4.30 pm to 6 pm: Full session (election of delegates)

6 pm: Cultural presentation

##### **DECEMBER 1<sup>st</sup>**

8.30 am – 11 am: Full session (voting of proposals)

### ANNEX III

**Municipal Prefecture of São Paulo  
Municipal Secretariat of Human Rights and Citizenship  
Coordination of Policies for Migrants**

MINUTES OF THE ELECTION OF DELEGATES FROM CIVIL SOCIETY FOR THE  
COMIGRAR – NATIONAL CONFERENCE ON MIGRATION AND ASYLUM – BY THE 1<sup>st</sup>  
MUNICIPAL CONFERENCE ON POLICIES FOR IMMIGRANTS

On November 30<sup>th</sup> two thousand and thirteen at the Brigadeiro unit of the University of Anhanguera, in the city of São Paulo, at 5 pm, at the end of the discussions of the proposals relating to the thematic bases of the Work Groups, the Election was started for the delegates to the COMIGRAR – National Conference on Migration and Asylum – chosen at the 1<sup>st</sup> Municipal Conference on Policies for Immigrants, under the coordination of the Electoral commission foreseen in the Regulations of the Municipal Conference, formed by Camila Bibiana Freitas Baraldi (Municipal Secretariat of Human Rights and Citizenship) – President, Oriana Isabel Jara (Presença da América Latina) and Mariana Mazzini Marcondes (Secretariat of Municipal Government, and approved by the Organizing Commission of the Municipal Conference. The board guided the Session on the election criteria, also foreseen in the regulations of the Municipal Conference, namely: that a minimum of 50% of those elected should be women, and a minimum of 50% should be migrants, with another 10% reserved for Refugees or Asylum Seekers, 10% for holders of Humanitarian Visas and 10% for Foreign Students. Continuing, the election mechanism was explained, stating that the amount of delegates would be elected from among civil society with a total of 50 full delegates and 50 substitutes, and explaining that the vote will be conducted using a ballot box, with a secret vote, with each voter having the right to 3 ballots. At the end of the vote, the ballot boxes were collected and the votes counted by the Electoral Commission. There were 160 voters and 480 votes, 477 of which were valid, 1 blank and 2 null.

First, those elected in the regimental categories were established, filling the vacancies with those most voted in the category, respecting the minimum of 50 % women when possible. There was no Humanitarian Visa Holder candidate, and among Refugees and Asylum seekers, only men received votes. Among students, the 3 women with votes were automatically elected to cover the minimum of 50 % quota of women, with the other 2 elected were male that declared themselves students and received votes. Below is the count for those elected from the general list, first women and then men. The tiebreak criteria followed the considerations below: guaranteeing the diversity of the organizations and associations of the candidates, so that those who did not have representatives among candidates with the most votes were prioritized. When this procedure was not sufficient, guaranteed representativeness by country was used, prioritizing those with the least representatives among those elected. For the list of Substitutes, all of the unelected candidates were put into a hierarchy, one woman and then one man in order, to be summoned as required in order to guarantee the gender parity criterion.

At 10.30 pm on the same day the results of the count were announced to the plenary.

The delegates elected were as follows, chosen as representatives of civil society.

Name	Country	Gender	Votes	Category
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Ana Carolina Hecias Ribeiro de Escobar	Brazil	F	8	
Ana Lucia Elvira Serra	Brazil	F	18	
Clara Politi	Argentina	F	6	
Cleide Aparecida Vitorino	Brazil	F	8	
Cleudina Silva de Sousa	Brazil	F	5	
Denise Dias Barros	Brazil	F	8	
Edineia Clarindo de Melo	Brazil	F	4	
Elaine Cristina Camillo da Silva	Brazil	F	4	
Francesca Cosentino	Italy	F	1	Student
Jobana Moya	Bolivia	F	13	
Lili Kawamura	Brazil	F	6	
Marcia de Almeida Meireles Patrocínio	Angola	F	1	Student
Maria Cristina Romero	Paraguay	F	14	
Maria Mercedes de Alencar	Brazil	F	7	
Marisa Andrade	Brazil	F	19	
Mary Alves do Santos	Brazil	F	6	
Mônica Rodrigues Ulo	Bolivia	F	10	
Natália Lima de Araújo	Brazil	F	8	
Neide Aparecida Tameirão Coser	Brazil	F	12	
Rocio Quispe Yujra	Bolivia	F	4	Student
Ruth Mery Mendoza Lliullg	Bolivia	F	4	
Silvia Fernandes Rojas	Bolivia	F	5	
Verônica Yujra	Bolivia	F	9	
Vivian Holz hacker	Brazil	F	11	
Yolanda Alvarado Ruiz	Ecuador	F	4	
Adama Konate	Mali	M	25	Refugee or asylum seeker
Ailton Santos	Brazil	M	6	
Arcange Hdombasi Kipeti	Democratic Republic of Congo	M	6	Refugee or asylum seeker
Atawallpa Diaz Ricaurte	Colombia	M	14	
Bobby Johnson	Ghana	M	13	
Carmelo Muñoz Cardozo	Brazil	M	6	

Cleyton Wenceslau Borges	Brazil	M	16	
Daniel Colque Andrade	Bolivia	M	6	
Daniel S. Morlu	Sierra Leone	M	8	Refugee or asylum seeker
Ernesto Pinto	Angola	M	6	Student
Ever Sanchez Salvador	Peru	M	10	
Ives Berger	Peru	M	5	
Luis Vasques Mamani	Bolivia	M	5	
Mahfouz Ag Adnane	Mali	M	12	Student
Mamadou Alitre Diallo	Guinea-Conakry	M	12	Refugee or asylum seeker
Marcos Herminio Canaviri	Bolivia	M	7	
Massar Sarr	Senegal	M	11	
Mohamad Sami El Kadri	Brazil	M	4	
Moussa Sangare	Mali	M	24	Refugee or asylum seeker
Omana Kasongo Ngandu	Democratic Republic of Congo	M	11	Refugee or asylum seeker
Paolo Parise	Italy	M	6	
Ronald Soto Delgadillo	Bolivia	M	8	
Ruben Ernesto Pezo Papilla	Chile	M	6	
Sampelga Abel Nabaloum	Burkina Faso	M	5	Refugee or asylum seeker
Sekou Kaba	Guinea-Conakry	M	18	Refugee or asylum seeker

The elected candidates and substitutes, in the established order, are as follows:

Name	Country	Gender	Votes	Category
Ismenia Lucia Vallejos Muro	Peru	F	2	
Franck Mukotshi Vule	Democratic Republic of Congo	M	4	Refugee or asylum seeker
Nathália Ferreira Duó	Brazil	F	2	
Jorge Antonio Perez Caveró	Peru	M	3	

Lya Doria Maeda	Brazil	F	1	
Hugo Salustiano Santos	Brazil	M	3	
Genovaite Martinaitis	Brazil	F	1	
Komi Ahmad Ibrahim	Burkina Faso	M	3	Refugee or asylum seeker
Keti Angelova	Portugal	F	1	
Ngalula Lorenzo Freddy	Democratic Republic of Congo	M	3	Refugee or asylum seeker
Yener Çubukcu	Turkey	M	2	
Miguel Angel	Chile	M	2	
Irineu Dourado Oliveira	Brazil	M	2	
Dionicio Espinoza Mamani	Bolivia	M	1	
Mussa Bari	Portugal	M	1	
Marseu Sebastião de Carvalho	Angola	M	1	

I, Camila Bibiana Freitas Baraldi, President of the Electoral Commission, prepared the present minutes, which after being read and approved will be signed by me and the other members of the Electoral Commission.

**Camila Bibiana Freitas Baraldi**  
(Municipal Secretariat of Human Rights and Citizenship)  
President

**Oriana Isabel Jara**  
(Presença da América Latina)

**Mariana Mazzini Marcondes**  
Secretariat of Municipal Government

São Paulo, November 30<sup>th</sup> 2013.

## ANNEX IV

<b>General Details</b>			
<b>Participants</b>			
<b>Total Participants*</b>	695		
<b>Participants in Mobilizing Stages</b>	80		
<b>Participants in Free Stages</b>	346		
<b>People Accredited at the Conference</b>	269		
<b>Total Nationalities Accredited</b>	28		
<b>People Accredited per Continent</b>	Africa	49	18%
	America	187	70%
	Asia	2	0.74%
	Europe	9	3%
	Not declared	22	8%
<b>People Accredited per Segment</b>	Social Organizations/Movements	117	43%
	State Government	1	0.37%
	Federal Government	1	0.37%
	Municipal Government	22	8%
	Community Press/Media	7	2.60%
	Consular Representatives	1	0.37%
	Representatives of International Bodies	1	0.37%
	Universities	30	11%
	Other/Not declared	89	33%
<b>Proposals</b>			
<b>Total Proposals</b>	463		
<b>Total Proposals per Base</b>	Base I	154	33%
	Base II	72	16%
	Base III	85	19%
	Base IV	152	32%
<b>Final Proposals Approved</b>	57		

\*Estimated figures

## GRAPHS AND STATISTICS<sup>5</sup>

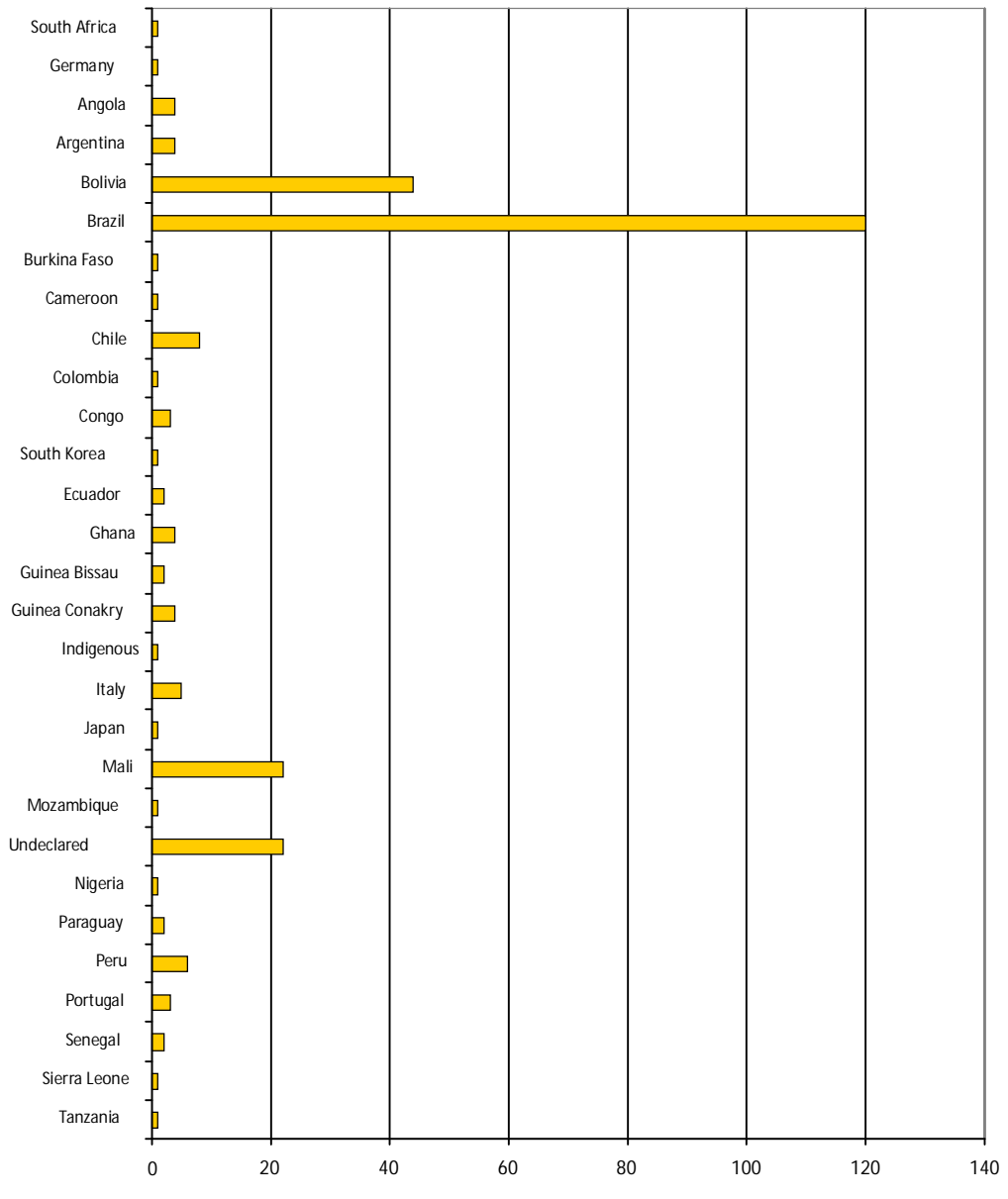
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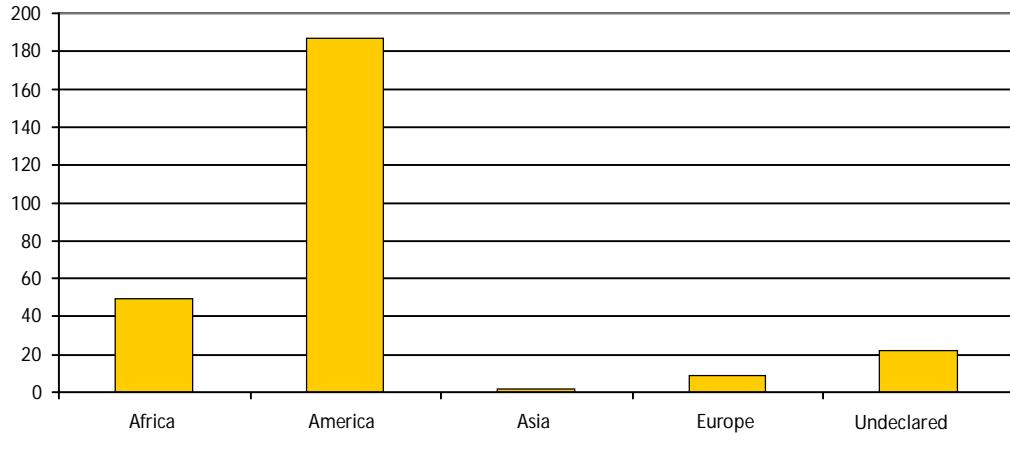
<sup>5</sup> The data presented were based on the list of those accredited and the attendance list of the Work Groups per Base. Unaccredited participants or those who didn't sign the lists were not calculated.



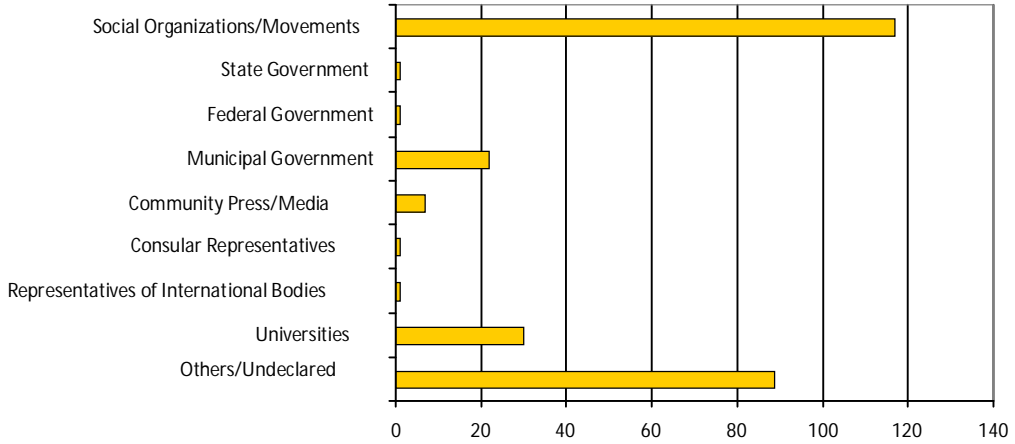
### People Accredited by Nationality



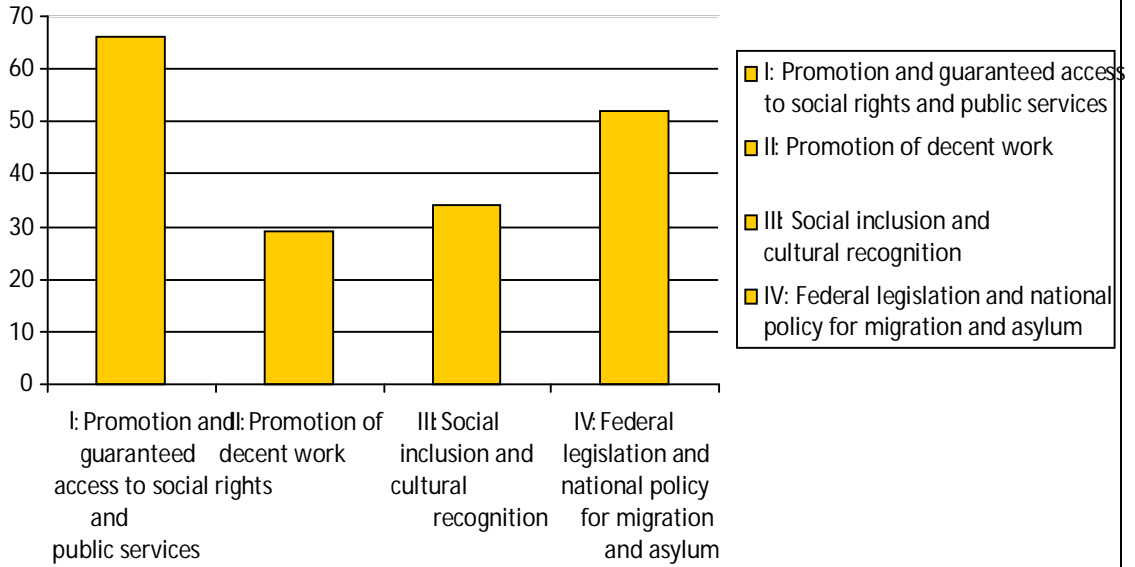
**People Accredited per Continent**

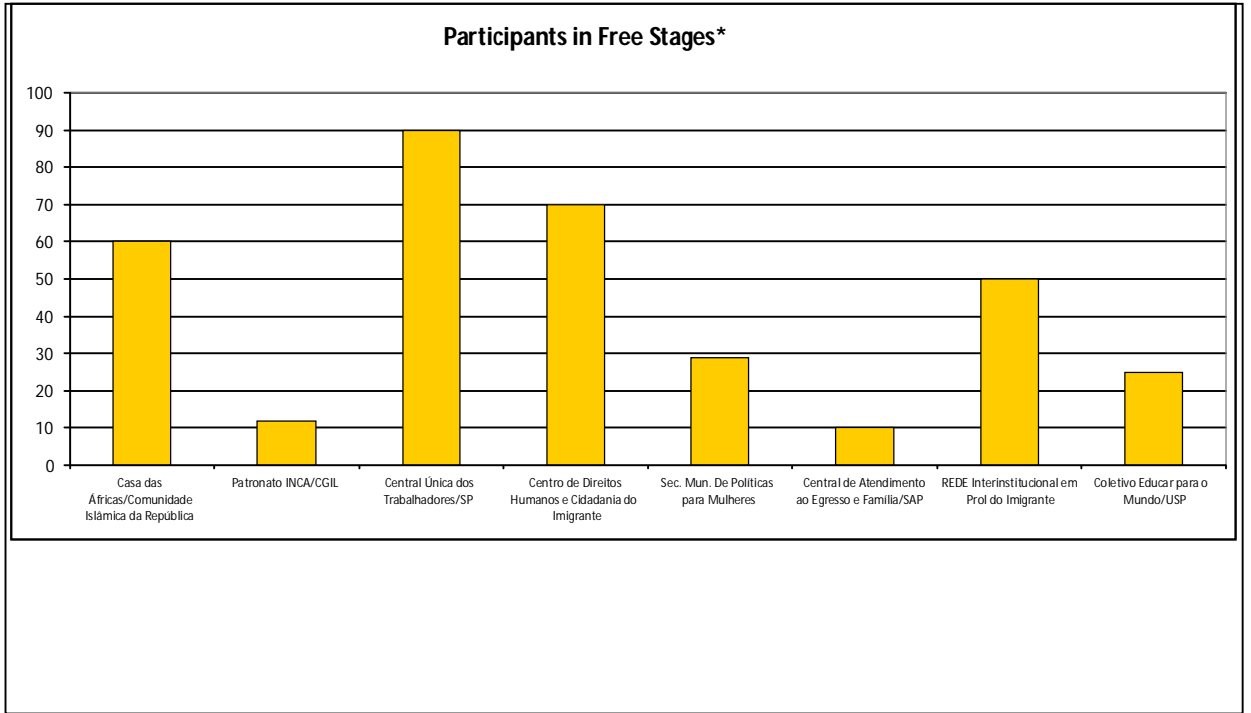


**People Accredited per Segment**



### Participants per Work Group

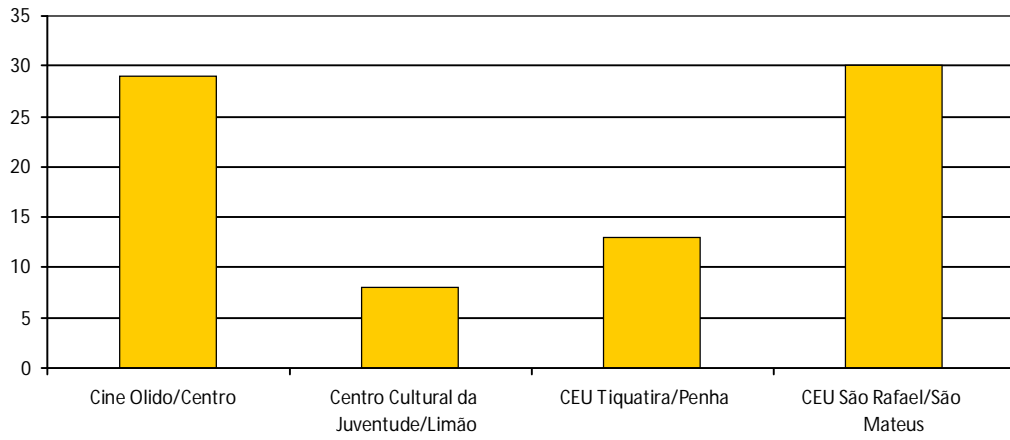




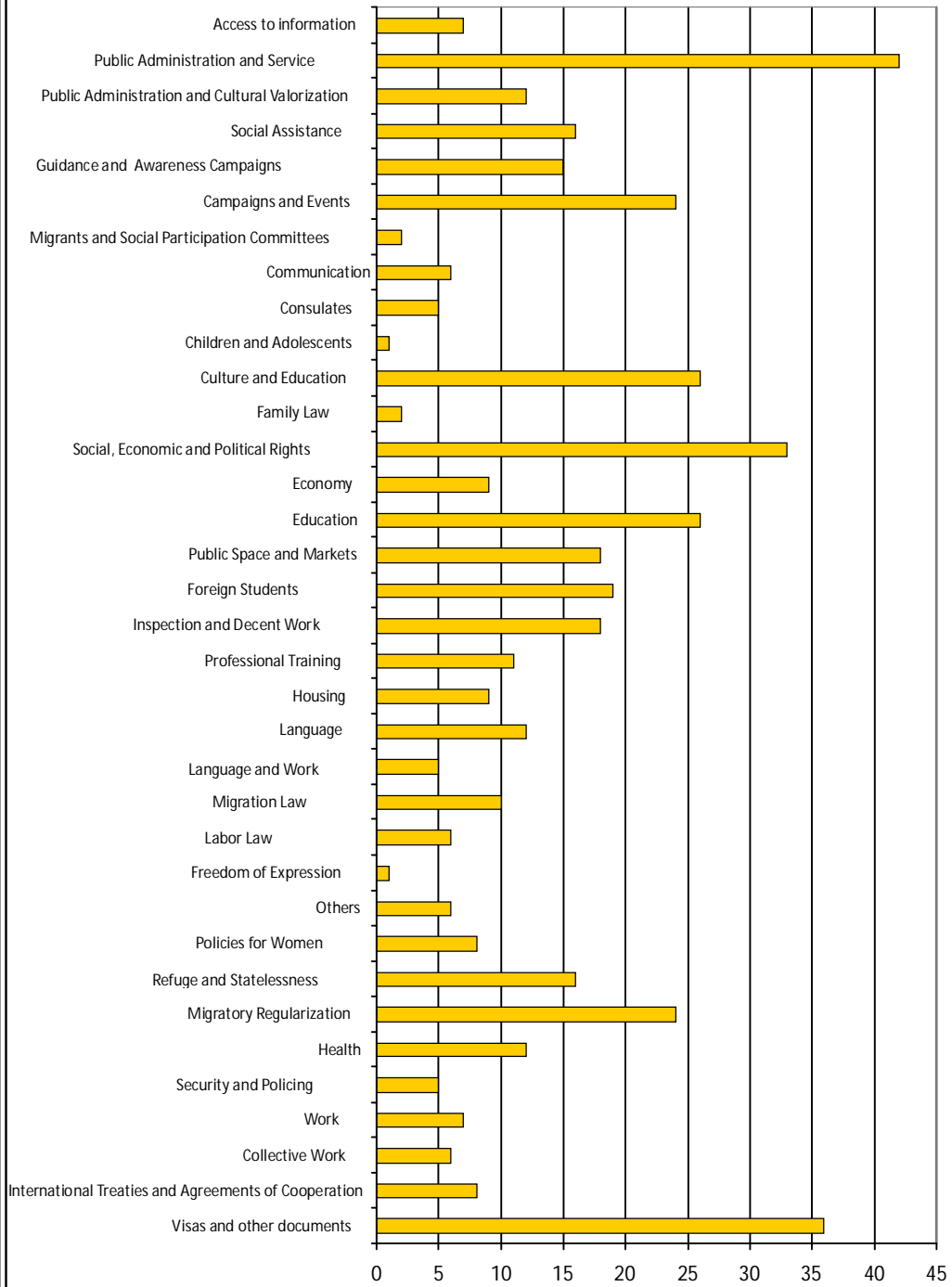
\*Estimated figures

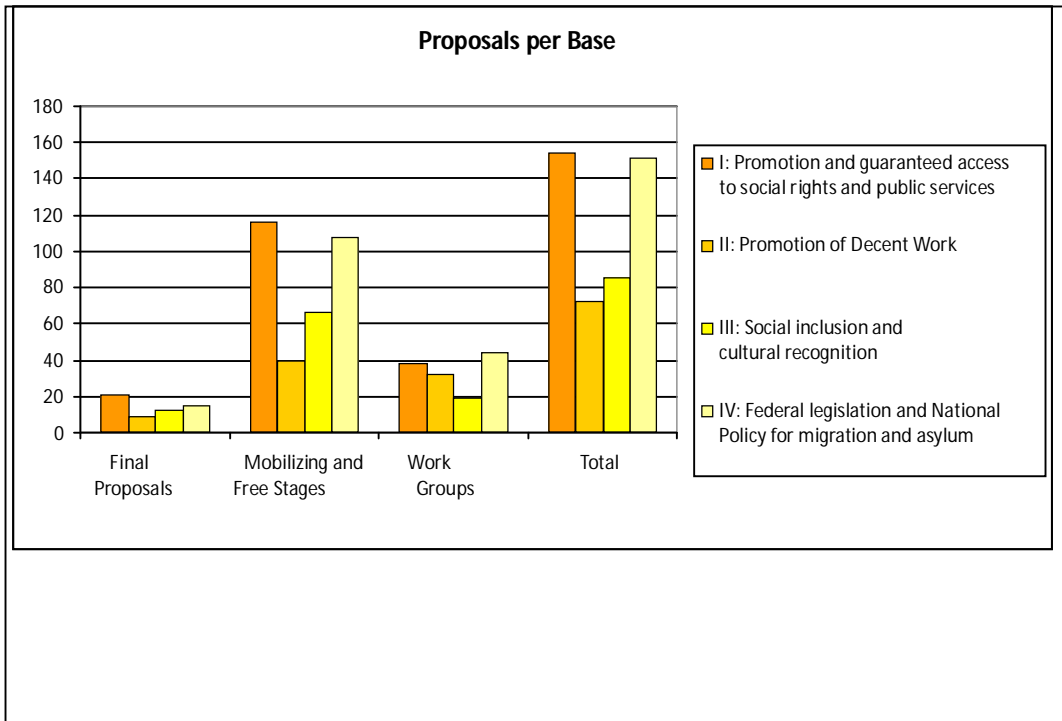
\*\*The participants in the free stage held on 8/11/2013 were not recorded.

**Participants in Mobilizing Stages**



### Proposals per Theme





\* The final proposals were not accounted in the total proposals to avoid repetition.



ANNEX V

# I Municipal Conference on Policies for Immigrants

*We are all migrants*

November 29<sup>th</sup> to December 1<sup>st</sup> 2013

## Base Text

### SUMMARY

<b>Introduction</b>	
.....	<b>p.2</b>
<b>Preamble</b>	
.....	<b>p.4</b>
<b>Base I – Promotion and guaranteed access to social rights and public services.....</b>	<b>p.5</b>
<b>Base II – Promotion of decent work.....</b>	<b>p.12</b>
<b>Base III – Social inclusion and cultural recognition.....</b>	<b>p.15</b>
<b>Base IV – Federal legislation and national policy for migrations</b>	
.....	<b>p.17</b>

## INTRODUCTION

The **1<sup>st</sup> Municipal Conference on Policies for Immigrants** – *We are all migrants*, to be held in November 2013 in the city of São Paulo is a landmark in the history of the immigrant movement in the whole of Brazil. Consultative in nature, it has the objective of contributing to the discussion and elaborating proposals and guidelines that will subsidize public policies for the immigrant population and their families.

This Conference was convened by Decree nº 54.476, October 17<sup>th</sup> 2013. Its execution is the responsibility of the Municipal Organizing Commission (COM) composed of representatives of the municipal public authorities and organizations from civil society, presided over by the Coordination of Migrant Policies at the Municipal Secretariat of Human Rights and Citizenship, created by Municipal Decree nº 53.685, January 2<sup>nd</sup> 2013, and governed by Municipal Law nº 15.764, 27/05/2013.

The objective of this document is to provide subsidies to the discussions in the mobilizing stages of the Municipal Conference. This material is the result of joint work between the **Coletivo de Extensão Universitária Educar para o Mundo**, the Institute of International Relations at the University of São Paulo and the members of the Municipal Organizing Commission.

This document contains a preamble with the main principles governing the Municipal Conference, founded on the perspective of human rights and an approach to migratory policies with a focus on citizenship and the relationship between the public authorities and immigrants, and a presentation of the issues and discussions contained in the four thematic bases structuring the Municipal Conference, namely:

- I – Promotion and guaranteed access to social rights and public services
- II – Promotion of decent work
- III – Social inclusion and cultural recognition
- IV – Federal legislation and national policy for migrations

Furthermore, Social Participation and Policy is the issue passing through all of the discussions, as participation in decisive instances over public policies can guarantee that the demands of the immigrant population are met. This participation is

not exhausted by the right to vote, but includes other actions, for example, participation in deliberative councils.

### **Methodology of the Conference**

Participation in the Municipal Conference will be open and preceded by preparatory stages organized by the COM or other groups from civil society. The proposals arising during the Preparatory Stages will be collected and systematized to be debated and approved by the COM. The proposals and principles approved at the municipal stage will be consolidated in a Final Document and forwarded to the National Conference on Migration and Asylum, which will be held by the Ministry of Justice in 2014.

## PREAMBLE

1. The 1<sup>st</sup> **Municipal Conference on Policies for Immigrants** will cover the issue of migration and public policies aimed at immigrants, regardless of their origin, ethnicity, gender, race, religion, employment or migratory situation in Brazil, within the perspective of human rights.

2. The Conference seeks to establish a horizontal dialog between civil society and the public authorities, so that they can indicate the priorities, principles and guidelines that will serve as a basis for public policies for immigrants, promoting the democratization of the municipal, state and federal public administration.

3. The recognition of the autonomy of migratory movements, the ineffectiveness and violations produced by restrictive migratory policies leads to the need to build a new paradigm for these policies. According to the principles of the South American Conference on Migration, the public authorities should recognize that “the migrant is a subject of law, the central protagonist of migratory policies and, consequently, a social and political actor with the transformative capacity and responsibilities in the entire migratory area in which they develop”.

4. The security paradigm of migratory policies, which sees immigration as a threat to national security, whether through a false association between foreigners and crime and terrorism, or in the defense of a supposed homogeneity in the identity of national society, is a source for discussion and xenophobic attitudes, and should therefore be rejected.

5. The city of São Paulo was and remains to be constructed by migrants of various origins. This historical cosmopolitanism needs to be translated into effective public policies that recognize all inhabitants as full citizens.

6. The concept of indivisibility of human rights imposes that civil, economic, social, cultural and political rights should be defended in conjunction. Therefore, when thinking more concretely about policies for the immigrant population, we cannot think about social and cultural inclusion without also reflecting on access to social, labor and political rights. Equally, it is necessary to recognize the limits of these policies at the municipal level, which also causes problems in national legislation. The bases of this

Conference should therefore be understood as complementary and indivisible.

## **BASE 1: PROMOTION AND GUARANTEED ACCESS TO SOCIAL RIGHTS AND PUBLIC SERVICES**

Citizenship is a central concept for a vision of immigration that is directed at human rights, as this is what defines who has access to rights within a determined country. The issue of citizenship and social rights for Latin American and African immigrants deserves special attention. The first group because Brazil makes efforts together with neighboring countries for regional integration via MERCOSUR and, more recently, UNASUL. The second group, owing to the historical debt with the African continent in the formation of the country and the ancestral ties that need to be recognized and reinforced, as occurs with European and Japanese immigration.

In accordance with fundamental rights, Law nº 12.288/10 institutes the Racial Equality Act. Racial discrimination is considered as “all distinction, exclusion, restriction or preference based on race, color, ancestry or national or ethnic origin which has the objective of annulling or restricting the recognition, enjoyment or exercise of human rights and fundamental liberties under equal conditions” (art. 1º, § 1º). This Law also defines racial inequalities as being “unjustified situations of differentiation of access and enjoyment of goods, services and opportunities in the public and private spheres”. It also deals with the protection of fundamental rights, with the State having the specific duty of protecting individual and collective rights.

The Unasul Treaty, signed in 2008 and promulgated by Decree 7.667/12, covers the migrant cause in article 3, defining, among other objectives of the Union, “cooperation in migration material, with an integral focus based on unrestricted respect of human and labor rights for migratory regularization and harmonization of policies”, as well as “consolidation of a South American identity through progressive recognition of the rights of nationals of one Member State resident in any other Member State, with the objective of achieving a South American citizenship”.

However, the reality of effecting South American citizenship has encountered obstacles. Despite this and innumerable other agreements signed at an international level to assure immigrants equal conditions to national citizens, the difficulties encountered in the daily life of immigrants, even when accessing the most simple services, makes these provisions merely empty words.

These daily difficulties originate from and are coordinated by the actual infra-constitutional legislation, to a large extent prior to the current Constitution entering into force. Article 94 of the Foreigner's Act (Law 6815/1980) should supposedly guarantee

immigrants all of the rights enjoyed by Brazilians. The subsequent articles of the actual law, however, limit these same rights and prevent immigrants from fully exercising their citizenship.

The dissonance between these legal, non-statutory and practical provisions in relation to the international conventions ratified by Brazil and with the actual Federal Constitution of 1988 is a source of the majority of the problems encountered by immigrants. In conflict with the Constitution, international agreements and the actual resolutions of organizations connected to migratory policy, the Foreigner's Act causes doubts about which procedure should be adopted in dealing with immigrants and contributes to the lack of definition in the national policy relating to the matter.

Although the Foreigner's Act is still in force, some of its articles – which in practice have impeded access to social rights – have already been questioned and invalidated by the courts. The right to education guaranteed to all immigrant children, regardless of their migratory situation, was upheld in the State and City of São Paulo through resolutions, ordinances and reports that are derived from the understanding of the Federal Constitution. The debate about reform is underway, with some bills presented to Congress – which up to now have advanced very slowly.

As can be seen, the main law governing the lives of immigrants in the country is the cause of many difficulties faced by this population, meaning it should be substituted urgently. The approval of a new law for migration in Brazil based on human rights deserves the attention of all social movements, as it has the potential to represent a change of paradigm that will immediately impact the lives of all immigrants. The legal barriers will be reviewed, and the efforts of the public authorities could be concentrated on the building public policies that guarantee the effectiveness of the law in relation to equal treatment, considering the particularities of each group.

Furthermore, it is not rare for immigrants – especially those in an irregular situation – to also suffer discrimination and misinformation from agents of the public authorities which prevents them from fully exercising their citizenship. These are also areas of operation of municipal government that develop concurrently with the discussion of federal legislation on the subject. A paradigm shift must therefore be geared for the performance of government based on human rights as a central focus of its activities.

Finally, even if immigrants have their economic, social and cultural rights guaranteed, only access to political rights can make them be effectively considered as full citizens, guaranteeing them the power to elect, be elected and fight for their own demands within political institutions.

## **Migrant Policies in the City of São Paulo**

The innumerable deficiencies in the public services for immigrants reflect the normative vacuum and operation of the public administration in recent decades. There is a lack of preparation in the “front line” of the public authorities for attending to the particularities of immigrants in respect to culture, social situation, regularization of permanency etc. Furthermore, the absence of coordination between state bodies impedes the dissemination of information between employees with respect to the bodies to which immigrants must report. Finally, there is no specialized service or single policy that advises how to diagnose and solve the problems of immigrants. This does not occur solely between the municipal, state and federal spheres. The lack of coordination also occurs within each sphere, between the internal bodies of the Prefecture, State Government and the Union.

The lack of training of civil servants, in turn, together with linguistic barriers, creates an environment predisposed to supplying equivocal information and disrespect to the rights of these individuals. This lack of preparation prevents the migrant from seeking the public authorities owing to disbelief – and even fear – of doing so. In this context, the state of marginalization of immigrants in the city is reinforced, and they become an easier target for breaches of their fundamental rights.

Given the deficiency in the service to migrants in the City, there are various assistance associations that help to overcome these difficulties. Historically, many organizations of a religious and secular nature have dealt with the issue. Today, in addition to these, new groups and self-organized movements have arisen among the fundamental actors in defending the rights of immigrants. These associations have performed an important political role in the achievements obtained up to now. The actual recognition of the agenda by the municipal government is a result of this work.

In 2013, the Prefecture of São Paulo, seeking to fill this historic lack of attention from the public authorities in relation to the issue created the Coordination of Migrant Policies (CPMig) under the scope of the Municipal Secretariat of Human Rights and Citizenship (SMDHC). The first challenge, however, is to outline the reality of the situation of immigrants in the city with reliable data, i.e. to map the exact amounts by nationality, district, living and working conditions, and family organization. This diagnostic should consider the particularities of gender, race and generation in the construction of public policies. The absence of this information could prevent the formulation and execution of public policies, so it is urgent to solve the issue, while they begin work to address historical claims that have not been duly considered.

## **Access to education**

In Brazil, education is a right of all people as per Article 205 of the Federal Constitution. Though national law guarantees this right, there are frequent cases where the lack of information, discrimination and institutional racism prevent or hinder access to education by the immigrant population. Immigrants are often required to present the National Registry of Foreigners (RNE) , Taxpayer Registration (CPF) , proof of residence and other documents which are the equivalent of requiring a regularized situation, preventing their access to the most basic and constitutionally guaranteed social rights. Within the scope of university and postgraduate requirements, these often constitute barriers and violate fundamental rights such as the right to education. It should be emphasized also that according to art. 4 of the Federal Constitution, Brazil is to govern its international relations, among other principles, through cooperation among peoples for the progress of humanity.

So much so that in the face of numerous allegations of denial of enrollment in State Schools, in 1995, Resolution No. 10 dated February 2<sup>nd</sup> was published by the State Department of Education, which states that, "in accordance with the rights guaranteed by the Federal Constitution, immigrants are entitled to access to primary and secondary education in public schools, regardless of their nationality or documentation".

On July 8<sup>th</sup> 2009, a notification from the Coordination of Pedagogical Studies and Standards and the Coordinators of Education in the Metropolitan Region of Greater São Paulo and the Interior was circulated in the *Diário Oficial* of the State, reinforcing that explained in SE resolution SE nº 10/95, in order to prevent misunderstandings. At the municipal level, the Municipal Education Council Report nº 17 from 2004 guarantees not only the registration of immigrants without Brazilian documentation, but rejects the practice of forwarding the names of those concluding courses to the Federal Police. It should be noted that the effectiveness of this right requires more information and training actions with public agents, as well as empowering immigrants about their rights.

In addition to primary education, it is also necessary to discuss access by immigrant children to municipal crèches, an issue of fundamental importance for immigrant women, who are traditionally responsible for take care of small children. The lack of spaces removes women from the employment market or obliges them to keep children in workshops or other work locations inappropriate for their care, generating a series of risks to their physical safety, as well as favoring conditions for child labor.

Access to public universities is also a fundamental issue. In addition to the general difficulties related to the restricted offer of places, immigrants also face difficulties relating to recognition of their school records, migratory documentation and



very serious sanctions for loss of visa validity, which often costs their entire academic course, time and resources invested owing to breaching a formality that could be very easily rectified.

### **Access to health**

Like the right to education, access to health is assured for all individuals in accordance with article 196 of the Brazilian Constitution and article 2 of the Organic Health Act (Law 8.080/90). This article instructs the State to create policies that ensure universal and equal access to healthcare.

Despite the important advances in access to health services through primary care, such as basic/family health units and the incorporation of community health agents from other nationalities (Bolivians and Congolese, for example), there are still situations that hinder the use of health services owing to the requirement for Brazilian documentation, mainly at specialized consultations and exams, in which the logic of billing of the procedure prevails.

The issue of language is another factor that hinders the effective use of the service, as it prejudices communication and understanding about the immigrant/professional/service relationship. Furthermore, professional training does not incorporate issues about migration and health and the biomedical model does not recognize cultural practices and traditional medical knowledge of immigrant populations (especially those of indigenous origin), which is also a frequent complaint.

### **Combating violence against immigrant women**

Immigrant women accumulate various forms of discrimination, as in addition to suffering gender inequalities, they also face ethnical prejudice, racist mentalities and xenophobia. This is reflected in the way they are included in the society of the host country, remaining excluded and marginalized, which makes the work of immigrant women undervalued and precarious, predominantly in the informal economy or even in situations analogous to slavery.

Immigration aggravates the situation of violence against women, given that the economic conditions and their social isolation, accentuated by the absence of extended family, increase the sensation of dependence on the partner, making female immigrants vulnerable in aggressive situations. Furthermore, the fact that a portion of these women live and work in the same location, as is the case of many sewing workshops, increases their exposure to violence, given that domestic violence becomes confused with violence at work, increasing their vulnerability to situations such as sexual harassment.

In this context, fear is an important factor that prevents women seeking help. Fear not only of their aggressor, but especially the police and justice services, for being in an irregular migratory situation in the country, fear of being imprisoned, fear of being repatriated, fear of losing their children and/or being handed over to their aggressors. It is worth reiterating that one way that aggressors and offenders prevent women from accessing public services is to withhold their documents, which makes it difficult to find work and accommodation.

Thus, the structural violence of society grounded in how they deal with matters of immigration is enhanced in the case of immigrant women, since, ultimately, it also prevents them from defending themselves against the individual violence that occurs in the domestic and/or work environment.

Therefore, it is fundamental to guarantee access to public and municipal services for immigrants, especially those destined to serve and shelter women in violent situations.

### **Migratory registration**

The first contact between the immigrant and the Brazilian State, in general, occurs under the scope of their migratory registration with the applicable authorities. This registration is carried out by the Federal Police, not always satisfactorily. The criticism relates, overall, to the posture of the attendants, generally owing to lack of training, which leads to numerous errors in processes, excessive delay in processing applications and the delivery of documents, as well as deeper criticism of the appropriateness of this body in working with the issue of migration, as it does not have training in human rights.

The police training formats the operation of the body and creates tension in an area where fighting criminalization of the condition of the undocumented immigrant and an approach to the immigration issue with a security bias. The symbolism of the Police and history of repression in the country also inhibits and enhances the possibilities of immigrants remaining in the margins of full social participation, increasing violations. The first barrier that immigrants face is not raised by their illegal status, but by institutions that should resolve this issue

Foreigners leaving the prison system are also victims of the inefficiency of the public system and neglect and – and often prejudice – of the authorities. The Prisoner and Family Attention Center (CAEF) of the State Department of Penitentiary Attention (SAP) estimates that 99% of immigrants leaving the prison system come to the capital in search of their consulates and seek information about their situation. When contacting these bodies, they cannot regularize their documents owing to their criminal

record.

### **Freedom of expression and access to cultural production**

The Foreigner's Act and the actual Federal Constitution pose obstacles for immigrants that have central roles in mass media such as newspapers and radio and TV. Bill no. 5655/2009 maintains these restrictions, stating that immigrants are prohibited from being owners of media companies as well as from exercising editorial positions and direction in any media. These measures are presented as limiting the right to free expression by immigrants.

Furthermore, community radios and newspapers are the most accessible media for immigrant communities to voice their demands and their culture, and to organize themselves in defense of their rights. Law 9612/98 which instituted the Community Broadcasting Service, however, strictly prohibits access to this service by immigrants. Article 7 states: "The Community Broadcasting Service may be utilized by nonprofit community associations and foundations provided they are legally instituted and duly registered, based in the area of the community for which they intend to provide the service, and whose directors are native Brazilians or those who have been naturalized for more than 10 years".

This restriction directly impacts the daily lives of immigrants, and it is therefore fundamental to promote a constitutional revision that recognizes the current migratory reality, guaranteeing this right and stimulating access by communities to these media.

## **BASE 2: DECENT WORK**

Throughout the 20<sup>th</sup> century, especially in the 1980s and 1990s, the intensification of globalization and economic liberalization provoked changes in the dynamics of important socioeconomic flows, such as labor. As a result of this, social actors such as the State saw their participation in the field significantly reduced to the detriment of expanding market forces and the operation of private organizations. Such conditions led to a situation where labor rights and working conditions became unstable.

The International Labor Organization (ILO), looking at the volume and plurality of issues covered within its scope, opted to unify its agendas based on four essential objectives to the issue of labor: i) compliance with international conventions, given their defense of fundamental labor rights; ii) promotion of public policies for social protection of workers; iii) promotion of employment and income policies; iv) guaranteed social dialog between the parties involved in the issue of labor: companies, government and workers.

This unification was synthesized through the Decent Work statement, used for the first time at the 87<sup>th</sup> International Labor Conference in 1999 by the Director-General at the time, Juan Somavia. Presented as a normative policy based on the United Nations' Universal Declaration of Human Rights and the Declaration on Fundamental Principles and Rights at Work from the ILO, in a general manner the concept of Decent Work defends guaranteed rights and minimum conditions for workers<sup>6</sup>, permitting them to exercise their job in a way in which their human dignity is respected, both by the state and the other members of society.

By combining labor with human rights, Decent Work is defended by the ILO as a way of obtaining social development simultaneously with economic development. It also highlights the importance of international standardization through ratification of ILO Conventions 97 and 143 about Migrant Workers. Brazil has already ratified Convention 97 and, in August 2008, forwarded Convention 143 for the appraisal of the National Congress.

In the Brazilian case, the Foreigner's Act, with all of the barriers and restrictions it places on immigration, limits the possibilities of regular immigration and expands the number of cases and situations in which people migrate despite the legal barriers. Acting contrary to the law makes them vulnerable, and makes labor more susceptible to exploration, as well as hindering denunciations of such violations to the Public Authorities. For those with the legal possibility of regularizing their situation, the process is also arduous. The bureaucracy imposed on them during completion of all regularization stages (documents, deadlines, authentications, legalizations etc.) is often an unnecessary weight and needs to be reviewed.

In relation to decent work, if we consider all of the initiatives presented to promote it, it is shocking that work record books for immigrants cannot be issued in a decentralized manner, as is the case for nationals. The incentive for decent work cannot run into formal issues and control such as this, which generates delays and hinders access to the formal employment market.

Inspection of compliance with legislation protecting workers, especially conditions at work, is the responsibility of the Ministry of Labor through the Labor Auditors. In relation to the exploitation of immigrant labor, various inspection actions have been conducted at sewing workshops, resulting in closure, payment of

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□ The minimum rights for exercising a profession include: the opportunity to work and freedom to choose it; the right to fair working conditions (in relation to both a health and secure environment and to a work day limited by rest periods); the right and freedom to join a union; prohibition of child labor; the right to social protection (fair pay, security from social risks); equality at work etc.

indemnification of workers, and also the application of fines to large stores ordering such work through outsourcing schemes at various levels which place immigrants and the bottom of this production chain.

Labor inspections fulfill an essential role in combatting exploitation and violations to which a large number of immigrants are subjected in the workplace. For the transformation of this reality, however, requires public policies that reduce the vulnerability of these communities, especially for migratory regulation, but also to expand work opportunities, for example, through training courses.

An aggravating factor relating to the absence of competent public institutions is the impossibility of political participation by immigrants putting pressure on the government from this sector of society. Given that direct representation doesn't exist at present, it is necessary for organizations in civil society to act alongside immigrant communities to build collective agendas in specialized forums, such as the church, human rights forums, trade unions, political collectives, independent campaigners etc.

In 2008 the Ministry of Labor and Employment and the ILO in Brazil developed a seminar to discuss this issue, resulting in the signing of the Joint Declaration Relating to Cooperation in the Area of Labor Migration between the two organisms. Through this declaration, both institutions established the basis for shared work for the promotion and construction of migratory policies using targets aimed at migrant workers as established in the 'Decent work in the Americas: an agenda for the hemisphere' within the National Agenda for Decent Work in Brazil as well as that established in the 'ILO Multilateral Framework on Labor Migration: Non-binding principles and guidelines for a rights-based approach to labor migration'.

The proposals include the promotion of policies that elevate the contribution of migration to national development to the maximum, with the necessary protection of the rights of migrant workers; the promotion of decent work policies in migrations as an instrument for development, in coordination with host countries; and normative strengthening and application with a focus on multilateral instruments relating to the issue, such as Conventions 97 and 143, which urge cooperation between States and the adoption of measures on migratory flows and the protection of the rights of migrant workers.

### **BASE 3: SOCIAL INCLUSION AND CULTURAL RECOGNITION**

The ideal of a society accessible to all and intercultural dialog stimulated by globalization and migration should be increasingly valued in contemporary life. For an intercultural and syncretic society, it is indispensable for all countries to stimulate an

environment of respect and inclusion for those coming from other regions. Therefore, it is not enough to assure political and economic rights for immigrants; cultural and social recognition in the host country is equally indispensable.

Even though Brazil is frequently praised for its receptiveness, cases of discrimination, racism and xenophobia against immigrants are common. These situations can be aggravated when dealing with women and even children. When recognizing immigrants socially and culturally, society no longer sees them as 'strange' or 'foreign' and combats xenophobic manifestations.

### **Integration and not acculturation**

Imposing the abandonment of the culture of your country of origin and assuming the culture of the majority in the host country is a violent act against people already experiencing a major break from their countries to unknown locations far from their families. Despite this, in many cases the receiving society believes that social inclusion means incorporation of its culture, habits and values. In this process, however, the immigrant becomes mischaracterized – with major cultural loss – or becomes isolated in closed communities – fueling prejudice and xenophobia.

A policy of social and cultural inclusion of the migrant population should be based on dialog between cultures so that the immigrant culture is no longer considered as “strange” and becomes a part of Brazilian culture. It is necessary for the Public Authorities to act so that the integration of immigrants in society is not negated and the culture of immigrants is promoted, concomitantly permitting the preservation of their community and publicizing and valuing their country. The very notion of “Brazilian culture” should be understood in its extraordinary diversity and not as something crystalized or an “essence”, as it is the result of the combination (albeit with conflicts and contradictions) of the various countries that forged the nationality of the country over the centuries.

### **The importance of education within a policy of inclusion**

Education is an intermediary and stimulator of intercultural dialog. The first area of socialization, school is one of the most important environments for inclusion of immigrants in the host society. It is here that children and young people make the majority of their friends and the diffusion of respect and intercultural knowledge begins.

School materials that cover knowledge and respect of the culture of other countries and deal with the issue of migration in a non-hostile manner produce inclusion because they arouse curiosity in relation to intercultural dialog and enable

improved comprehension of children and young people in relation to the situation of immigrants, already present in schools in São Paulo. For this intercultural dialog to be effective, however, it is necessary to recognize that cultures are not static or complete, but are in construction and reconstruction, complementing each other.

Access through education to elements of different cultures enables the perception of this complementarity, stimulating a culture of knowledge, respect and dialog. Therefore, people with different cultures from the majority can have greater facility in integration, no longer being seen as strange but recognized as different. The recognition of equality in difference – i.e. equity – is therefore an essential aspect for the promotion of a welcoming society for immigrants.

Furthermore, any acts motivated by prejudice should be repudiated and punished, especially when such actions are conducted by public agents. Special attention should be given to cases of “bullying” relating to national or ethnic origin. It is worth remembering that this fight is not exclusive for immigrants, but a duty of the State in guaranteeing equality and prohibiting any type of prejudice among members of the population.

To strengthen the discussion on migration and different cultures at school it is important to provide extra lessons in Portuguese, facilitating the adaptation of children to the new language and culture. The issue of language is one of the main barriers to integration of immigrants in a society. Thus, if the objective of the public authorities is to stimulate a space for recognition of immigrants in society, this problem needs to be approached, including adults.

Adult men and women tend to have difficulties in learning the local language, which ends up generating obstacles not only to contact with people outside of the immigrant community but also access to basic rights such as health, education and security. In the same manner, it is important for there to be language teaching courses for these immigrants at schools, increasing the possibility of the school community understanding and interacting with the culture of other countries and avoiding a forced process of acculturation. Although the inclusion of the Spanish language in the national curriculum (compulsory offer and optional registration) has been proportioned by Federal Law 11.161/05, there is a lack of trained staff for such. Learning a new language, however, should not be confused with the imposition of abandoning one's own language or censoring its use by immigrant communities.

It is clear that the problems relating to the inclusion of immigrants by schools is related to broader issues in the public education system, and should not be seen in isolation either in whole or in part.

### **Access to information**

One of the greatest barriers to the integration of immigrants is the lack of information. The publication of informative pamphlets and leaflets by the Public Authorities often doesn't reach its objective, given that a large party of this material is published exclusively in the local language, hindering the comprehension of rights and obligations by immigrants.

The same thing occurs with the actual Foreigner's Act, which is confusing, with various gaps and normative supplementations without translation into foreign languages. Therefore, government measures aimed at improving the diffusion of information to the immigrant population about their rights and obligations (such as accessing or effecting them) and about procedures for obtaining documents are an urgent necessity.

The existence of information centers trained to attend the migrant population and located in order to enable and facilitate access to information are another important and possible measure to face this problem.

### **BASE 4: FEDERAL LEGISLATION AND NATIONAL POLICY FOR MIGRATIONS**

The main legislation that currently deals with the migratory issue is Law 6.815, August 19<sup>th</sup>1980, the so-called "Foreigner's Act", sanctioned in December of the following year by then President Figueiredo. Having been constructed during the military dictatorship, its logic is included in the "national security" policy, in which the migrant is treated as a threat to the country, with more obligations than rights imposed. In addition to avoiding the inclusion of immigrants in national affairs, the Law aimed to facilitate their expulsion.

Article 2 of the Act affirms that: "The application of this Law will primarily cater to national security, institutional organization, political, socioeconomic and cultural interests in Brazil, as well as defense of the national worker". This is the inspiration upon which the Foreigner's Act is built.

Thirty-two years since the date of implementation of Law 6.815 and the international and national situation has changed. The Constitution of 1988 arose within the context of democratization, based on respect for human rights – including the right to migration – and committed to following the international agreements signed by the country. The current Foreigner's Act, which essentially does not respect any of these principles, was not revised, generating numerous conflicts and contradictions. The perpetuation of a Foreigner's Act in disagreement with the current national and international legal structure generates the most varied conflicts, violations and



misunderstandings.

Brazil has already ratified the majority of the Human Rights Conventions promoted by the United Nations (UN) and Organization of American States (OAS)<sup>7</sup>. Various agreements between Mercosur countries, such as the Residency Agreement in 2002 (implemented by Decree 6.975/2009) and international conventions, such as the Geneva Convention of 1951 about Refugees (implemented by law 9.474/97), which are in full effect, differ from the paradigm of the Foreigner's Act in their approach to migrations. Despite these agreements representing a major gain in the construction of a migratory policy based on human rights, in practice the Foreigner's Act, which governs all specific situations, still places many difficulties on the construction of policies that enable this group to fully exercise citizenship.

Furthermore, there is an international treaty specifically dealing with the rights of migrants that is still not in force in Brazil: "The United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families", adopted by the UN General Assembly in 1990. After 20 years, on December 16th 2010 this Convention was sent to Congress for approval and ratification. Since then, there has been little progress. It is necessary for major mobilization for its ratification, as this Convention consolidates the paradigm of respect for the rights of immigrants in Brazilian migratory policy.

This Convention guarantees a series of rights, including migrant workers in irregular situations, which is important data that deserves being expanded. The universality, indivisibility and interdependence of the human rights established in the Vienna Declaration of 1993 should be based on guaranteed rights to all immigrants, regardless of their migratory situation.

Finally, the execution of all of these standards is based on the coordination of various ministries, including the Ministries of Foreign Affairs, Justice, Labor and Employment and Social Security, as well as the National Immigration Council itself

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□ To cite some examples: Agreement concerning the granting a travel document to refugees who are under the jurisdiction of the Intergovernmental Committee on Refugees, signed in London on October 15, 1946; Convention on the Prevention and Punishment of the Crime of Genocide; Convention relating to the Status of Refugees; International Convention on the Elimination of All Forms of Racial Discrimination; International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Protocol Relating to the Status of Refugees; American Convention on Human Rights; Convention on the Elimination of All Forms of Discrimination against Women; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Rights of the Child; Convention on the Rights of Persons with Disabilities.

(CNIg, connected to the MTE). The large amount of bodies involved in the implementation of legislation often hinders this, revealing the urgency of institutional and legal reform in dealing with the migration issue.

### **Proposed substitution of the Act**

Given this situation, there is a consensus in relation to the need of approving a new law for migration in Brazil. Many proposals to substitute the Foreigner's Act have been presented in recent years, both in the Chamber of Deputies and the Federal Senate. The basic discussion relates not to the construction of a "new Foreigner's Act" but a "Migration Law", i.e. not only a law that regulates the lives of nationals from other countries in Brazil but also defines the treatment of migratory data in Brazil. It is necessary to strengthen this contemporary view of the matter, which does consider it necessary to protect the country from a "foreign threat" but to integrate the issue regionally.

Under this perspective, bill 5.655/09 which would institute the "new Foreigner's Act" is merely an update to the old Act. Recognizing the need to present a new proposal, this year the Ministry of Justice created a Commission of Specialists through Ordinance n. 2162/2013 for the elaboration of a new proposal to substitute PL 5.655/09 with a new migration law in Brazil. It is also necessary for the process of building new legislation on the issue in Brazil to be fully participative so that the new law responds to the current challenges in the area, guaranteeing the rights of immigrants and treating them as protagonists of their lives and histories. This initiative by the Executive can be summed with others such as PLS 288/2013 authored by Senator Aloysio Nunes, also under discussion.

Compliance with international commitments signed by the country should also be the subject of new legislation. After all, the effective protection of Human Rights is strengthened in the relationship between Domestic Law and International Law, especially in combating nationalist discourses. The understanding of this concept, rooted in the political and legal ideology of the State and permeating the context of the Foreigner's Act of 1980 was progressively naturalized in order to restrict the "other", reducing the immigrant to a mere foreign element in the national territory instead of being concerned with guaranteeing the rights of such people.

There is therefore a fundamental principle for the harmony of the State of Law in which we live: non-criminalization of migration. **Migrating is not a violation; it is a right.** Crossing borders, therefore, is not a crime, although it occurs irregularly. Thus, to counter human trafficking – a serious transnational crime that must be addressed through cooperation by States - should not involve the criminalization of migration itself.

Through Decree no. 5.017 dated March 12<sup>th</sup> 2004, Brazil signed and promulgated the United Nations Convention against Transnational Organized Crime, and the Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, also ratified on the same dated by Decree nº 5.015/2004. The country already has a National Policy Against Human Trafficking<sup>8</sup> and two Plans to Combat Human Trafficking (PNETP), published in 2008 and 2013 respectively<sup>9</sup>. The work of the Public Authorities in this sphere should include this critical reflection, as it makes the immigrant a scapegoat for similar crimes or restricts the focus of the migration debate to combatting crime and ignoring the inherent rights of human beings and restricting them under the justification of preventing a violation.

At the same time as not criminalizing the irregularity of immigrants, the State should provide accessible means for their regularization. These are currently very restricted and the country has insufficient human resources and infrastructure to attend to the current migratory demand. Openness to migratory regularization by the State should include the victims of calamities and human trafficking, in accordance with humanitarian principles.

In relation to economic, social and cultural development, in Brazil it is necessary to overcome the view of migration solely in the service of the “national interest”, where historically preference has been given to Brazilian workers in the employment market. This selective position is exclusive and does not recognize the richness and importance of migration for the formation of the country.

Similarly, Brazilians emigrating abroad deserve the attention of the public authorities and policies that meet their needs and protect their rights, especially when wishing to return to their country of origin. In this situation, repatriated Brazilians suffer obstacles such as the recognition of documentation obtained abroad, as well as other no less important difficulties in social reintegration.

### **Political participation and right to vote**

One of the main claims from the migrant population is for the right to political participation and the right to vote. Such rights are, however, still very restricted in Brazil. Evidently, political participation is not restricted to the right to vote but is a

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□ Decree nº 5.948, October 26<sup>th</sup> 2006.

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□ I PNETP – Decree nº 6.347, January 8<sup>th</sup> 2008; II PNETP – Decree nº 7.901, February 4<sup>th</sup> 2013.

fundamental component for the implementation of other rights. In addition to the vote, other forms of participation by the migrant population should be promoted at all levels of the Federation: Councils, Committees and Consultations.

A constitutional change in articles 14, §§ 2<sup>o</sup> and 3, I CF/88 which guarantees the right to vote to immigrants is required for exercising full citizenship for this population. Recently, the PEC n<sup>o</sup> 119/2011 by Deputy Roberto Freire (PPS/SP) postulated the right to vote only in municipal elections and PEC n<sup>o</sup> 25 in 2012, authored by Senator Aloysio Nunes (PSDB-SP) foresees the right to vote and be elected in municipal elections. The most recent proposal, PEC n<sup>o</sup> 347 in 2013, authored by Deputy Carlos Zarattini (PT-SP), is the only one to include the right to vote in all levels of the federation.

Indeed, the negation of the right for immigrants to vote in Brazil within the scope of regional integration processes is, at minimum, incoherent with the equity desired for nationals as an intrinsic instrument in the political voice of individuals in a democracy. The condition of being an immigrant does not justify or – worse – motivate the limitation of rights, as this contradicts the principles of equality recognized by the Brazilian Constitution and international normative instruments.

In various countries full and universal political participation is guaranteed for immigrants. In South America almost all countries recognize the right to vote for this population at some political level. In Argentina for example, political rights are recognized at the municipal level in the entire country. The provinces of Córdoba and Buenos Aires extended the right to vote to foreigners, including for the election of executive and legislative authorities in the provinces. In Chile, the right to vote in municipal, parliamentary and presidential elections is established in art. 14 of the Constitution for all foreigners legally residing in the country for more than 5 years, provided they are over 18 years old and have not committed crimes. Uruguay, Bolivia, Peru and Paraguay, in addition to various European countries such as Denmark, Holland, Norway, and Spain and some states and cities in the United States of America also guarantee the right to vote for immigrants under different conditions at some level in their elections.

Currently, the right to vote for immigrants in Brazil requires naturalization, i.e. the acquisition of Brazilian nationality, which should be a free choice and not a requirement for social and political participation. This requirement goes against international legislation on human rights and migration, and therefore should be rejected, stimulating an alternative perspective with full recognition of political rights, as an intrinsic dimension of citizenship.

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The Municipal Conference is an important achievement for social and immigrant movements and its realization involved the efforts and dedication of various people and organizations from the government and civil society. It is hoped that it constitutes a historical landmark in changing the paradigm – from national security to human rights – which began in the city of São Paulo and is a starting point for a series of accomplishments for effecting migration as a fundamental right of every human being.

