



PREFEITURA DE SÃO PAULO

MUNICIPAL LAW 16.478 – from July 8th, 2016

“Establishes municipal politics for immigrants to provide their objectives, principles, guidelines and priority actions, as well as the Municipal Council for Immigrants.

The São Paulo Municipal Assembly Decrees:

Art 1°. The municipal policy is established for the immigrant population, and the implementation policies will be transversal to the public services, under joint Municipal Secretariat of Human Rights and Citizenship, with the following objectives:

- I - ensure the immigrant's access to social rights and public services;
- II - promote respect for diversity and interculturalism;
- III - prevent rights violations;
- IV - promote social participation and coordinated activities with civil society.

Sole Paragraph. Immigrant population, for purposes of this law, are all individuals who move from their place of habitual residence to another country or to Brazil, including labor migrants, students, refugees and asylum seekers, stateless persons and their families, regardless of their legal status and documentation.

Art. 2°. The principles of the Municipal Policy for Immigrant Population are:

- I - equal rights and opportunities, subject to the specific needs of immigrants;
- II - promoting the regularization of the situation of the immigrant population;
- III - universality, indivisibility and interdependence of human rights of migrants;
- IV - combating xenophobia, racism, prejudice and all forms of discrimination;

V - Promoting social rights for immigrants through universalized access to public services under municipal law;

VI - promotion of family and community life;

Art. 3º. The guidelines for the public administration in the implementation of the Municipal Public Policy for Immigrants are:

I - isonomy in the treatment of the immigrant population and between different communities;

II - to prioritize the rights and well-being of children and youth, in the terms of the Children and Youth Statute;

III - to respect specificity of gender, race, ethnicity, sexual orientation, age, religion or deficiency;

IV - to guarantee accessibility to public services, facilitating the immigrants identification through the documentation they hold;

V - to publicize information on municipal public services directed to the immigrant population, with distribution of accessible material;

VI - to monitor the implementation of this law, presenting periodic reports on its fulfillment, respecting privacy norms;

VII - to establish partnerships with entities of other federative levels to promote the inclusion of immigrants and to expedite the issuing of documents;

VIII - to promote the participation of immigrants in instances of participative management by guaranteeing them the right to vote and be voted in the municipal councils;

IX - to support immigrant groups and organizations to develop actions aimed at this audience, strengthening the relationship between them;

X - Permanently prevent and inform the competent authorities in relation to serious violations of rights of the immigrant population, especially people trafficking, slave labor, xenophobia, in addition to physical assaults and psychological threats in displacement.

Sole Paragraph. The municipal government must provide access to care for complaints of migrants in cases of discrimination and other fundamental rights violations in public services and equipment channel.

Art. 4° Skilled care to the immigrant population shall be ensured in the context of municipal public services, considered the following administrative actions:

I - training of public officials aimed at:

a) Awareness of the reality of immigration in São Paulo, with guidance on human rights and migrants concerning legislation;

b) Interculturalism and languages, with emphasis on the services with higher demands from immigrants;

II - Hiring immigrants for the public administration, in accordance with Law No. 13,404, of August 8, 2002;

III - Training of tutelary counselors to child protection and immigrant adolescents;

IV - Appointment of cultural mediators in public facilities with a large influx of immigrants to aid in communication between professionals and users.

Art. 5° The Municipal Policy for the immigrant population will be implemented with ongoing dialogue between government and civil society, particularly attending to public consultations and conferences.

§ 1 The Municipal Council of Immigrants should be established under the Municipal Secretariat of Human Rights and Citizenship, with assignment to formulate, monitor and evaluate the policy established by that law, guaranteed equal representation between government and civil society.

§ 2 The representatives of civil society should be mostly immigrants and will be chosen by open and direct election, in a format to be defined in the regulations of this law.

Art. 6° The Government shall maintain Reference Centers and Services to Immigrants - CRAI, for the provision of specific services to immigrants and joint access to other public services, allowed the service through mobile units.

Art. 7° Priority actions in the implementation of the Municipal Policy for the immigrant population are:

I - to ensure the immigrant population the right to social assistance, ensuring access to minimum social standards and offering services of welcome to immigrants in vulnerable social situation;

II - to ensure universal access to health of the immigrant population, observed:

- a) The special needs related to the displacement process;
- b) The differences in epidemiological profiles;
- c) The characteristics of the health system in the country of origin;

III - promoting the right of immigrants to decent work, observing the following guidelines:

- a) Equal treatment and opportunities in relation to other employees;
- b) Inclusion of the immigrant population in the formal labor market;
- c) Promoting entrepreneurship;

IV - To guarantee all children, adolescents, and young adult immigrants the right to education in the network of municipal public education, through its access, permanence and terminality;

V - Value cultural diversity, ensuring the participation of the immigrant population in the cultural agenda of the City, observed:

- a) Openness to cultural occupation of public spaces;
- b) Fostering intercultural production;

VI - To coordinate actions to provide access to the immigrant population to housing programs by promoting their right to decent housing, either temporary, short and medium-term or permanent;

VII - Include the immigrant population in the programs and sports activities, leisure and recreation, and to ensure their access to municipal sports equipment.

Art. 8° The costs of implementing this law shall be borne by the administration's own budget allocations, supplemented if necessary.

Sole Paragraph. The Municipal Policy for the immigrant population will be taken into account in the formulation of the Municipality Programs, Multi-Annual Planning (PPA), the Budget Guidelines Law (LDO) and Budget Annual Law (LOA).

Art. 9° The Executive Power shall regulate this law within ninety (90) days from the date of its publication.

Art. 10° This law shall enter into force on the date of its publication. The competent committees.