

Gioconda Herrera • Carmen Gómez
Editors

Migration in South America

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Part II
**Law and Migration Policies: From Human
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Chapter 5

A Decade of Growth in Migration in Brazil (2010–2020) and the Impact of the COVID-19 Pandemic



Tânia Tonhati, Leonardo Cavalcanti, and Antônio Tadeu de Oliveira

5.1 Introduction

This chapter examines new migration flows to Brazil over the last 10 years and their relationship with changes in migration policies. The dynamics of migratory flows to Brazil between 2010 and 2020 have relocated the country in the global scenario of contemporary migration. The international economic crisis that began in 2007 in the United States, which also affected Europe and Japan, introduced greater complexity to the Latin American migratory phenomenon. It led to an increase in human mobility among south-to-south countries, and it placed Brazil as a destination country. Unlike migration flows in the late nineteenth century up to the 1930s, where most of the migrants were from the Global North (particularly Europe), in the last decade there has been an increase in migrants from the Global South: Haitians, Venezuelans, Bolivians, Senegalese, Congolese, Angolans, Cubans, Bengalis, Syrians, and Pakistanis, among others.

Historically, as Levy (1974) has pointed out, the period between 1820 and 1930 brought the first large scale free migratory currents to Brazil. During this period approximately 4.07 million migrants arrived in the country, most of them Europeans and Asians (Japanese). According to Levy, from the end of 1930 until 1980, Brazil

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faced the second phase in its migration history, where the country had little weight in global migration. This period was mainly framed by the long years of military dictatorship (1964–1985), which made the country unattractive to foreigners. Moreover, during this period, migrants were seen as suspicious or a threat to the country. Besides, there was little emigration too due to the difficulty of leaving the country and the widespread view that those who left were traitors to the homeland. In this sense, between 1930 and 1980, Brazil was considered closed to migration, and the balance between population inflows and outflows was very low. According to Levy (1974), only 1.1 million migrants entered Brazilian territory during that period.

This began to change, albeit slowly, in the 1980s, when Brazilians' migration abroad gradually increased. There is a general consensus in the literature on Brazilian migration that the first massive wave of emigration happened from the mid-1980s to the 1990s (Patarra, 2005; Sales, 1991, 2000; Margolis, 2013). As suggested by Sales (2000), the numbers clearly indicate and confirm this trend. Brazil became a country of emigration. This period was called the third phase in Brazilian migration history (Patarra, 2005). Magno de Carvalho (1996) has estimated that there was negative net migration in the 1980s of approximately 1.5 million Brazilians, who mainly went to the US. This represents the departure of almost 1% of the country's total population (Sales, 2000). In the 1990s and 2000s, the balance remained negative. Brazilian migration became more diverse, reaching countries besides the United States, such as Japan and European countries (Tsuda, 2003; McIlwaine et al., 2011; Margolis, 2013; Tonhati, 2019).

From 2010 onwards, Brazilian migration has faced new challenges and dynamics and has opened up a new phase. Various economic and global geopolitical factors have been determinants for the increase in migration flows from the Global South to Brazil. Taking into account macro factors, we first consider the 2007 international economic crisis originating in the United States, which introduced greater complexity into the sources of displacement in South American migration; second, Brazil's economic and social development, and its geopolitical repositioning in the region; and third, the image of the country as an emerging power that participates in the BRICS and organizes major world events (the Olympics and the World Cup). According to Cavalcanti and Oliveira (2020), these macro factors led to the increase of migrants of different origins from the Global South, for example Haitians, Senegalese, Congolese, Guineans, Bengalis, Ghanaians, and Pakistanis. Thus, in the first half of the last decade, Brazil became a destination and/or a transit country in the context of South to South migration. As Dieme et al. (2020) affirm:

[...] Brazil is seen as a place where it is possible to find favourable conditions to “improve your life”. In other words, in Brazil it is possible to achieve important objectives, either through work and/or studies. Thus, Brazil is constituted as an “alternative North” for many migrants, especially for Haitians. (Dieme et al., 2020, p. 143)¹

¹ Translated by the current authors into English.

Between 2010 and 2019, according to Cavalcanti et al. (2020), 1,085,673 migrants were registered in Brazil. Of this total, more than 660,000 were long-term migrants (whose residence time exceeds 1 year). The migrant population was composed mainly of people from the Caribbean and South America, particularly Haitians and Venezuelans. The presence of migrants in the Brazilian formal labour market was also marked by significant growth, rising from 55,100 in 2010 to 147,700 in 2019. While the period between 2010 and 2015 was marked by an important increase in diverse Global South flows, in the second half of the decade (2015–2020), South American migration became more extensive, greatly influenced by the migration of Venezuelans. In the last 5 years of the decade, the main migrant nationalities in the country were Haitians, Venezuelans, Paraguayans, Argentinians and Bolivians. According to Cavalcanti and Oliveira:

Data from the second half of the decade show that there is still migration from the Global South to the country [such as Senegalese, Congolese, Guineans, Bengalis, Ghanaians, and Pakistanis], but not at the same pace as in the first five years of this decade, a period when economic indicators were positive and the US dollar did not exceed the level of three reals. (Cavalcanti & Oliveira, 2020, p. 8)²

Therefore, migrants from different parts of the southern hemisphere, especially the Caribbean and South America, have constituted the main migratory flows into the country. The intense arrival of migrants over the course of the last decade made migration a relevant topic in academic, political, media and social debates. Hence, one objective of this chapter is to shed light on how since 2010, due to the arrival of new migration flows, Brazil has had to update and create new migration regulations and policies to respond to the new migration demands. Moreover, the chapter then provides a brief overview of the main characteristics of migration in Brazil, taking into account data on gender, levels of education, labour activities, income and race, in order to demonstrate that the new migrants in the country have a diverse profile. Consequently, their more recent demands go beyond the scope of the new legislation. In fact, there is a need to promote the debates and policies through which migrants can gain access to education and health services and better labour conditions, and even to undertake measures against racism. Nowadays, those can be shortlisted as some of the most relevant emerging problems for migrants in Brazil. Finally, the chapter outlines some data about the impacts of the COVID-19 pandemic on migrants to Brazil in 2020, which, we argue, brings new challenges to consideration of the migration scenario.

²Translated by the authors into English.

5.2 Methodology

The methodological approach used in this study was based on data produced by the Brazilian Observatory of International Migration (OBMIGRA) between 2010 and 2020. The information analysed contained data from Federal Police databases about the arrival of migrants at the border posts (STI – International Traffic System), the migratory registration (SisMigra – National Migration Registry System) and the Refugee Request System (STI-MAR). In addition, we used three databases from the Brazilian Ministry of Economy, which provided data about the formal labour market in the country. The databases were RAIS (Annual Social Information Report), CTPS (Work and Social Security Card) and CAGED (General Registry of the Admitted and Laid-off workers). For more details on the statistical treatment of the data, see the chapter ‘Methodological notes’ in the OBMIGRA Annual Report (Quintino et al., 2020, pp. 247–276).

Besides the data analysis, the chapter also relies on information and reflections carried out by the present authors in other studies. Some information can also be found in OBMIGRA’s Annual Report 2020, Cavalcanti et al. (2020) qualitative research conducted with Haitians in Brasília and Curitiba between 2018 and 2019, and Barbosa et al. (2020) study on Venezuelan entrepreneurs conducted in São Paulo and Roraima in 2019. We have thus (re)organized, (re)analysed and (re)thought some of the main findings we encountered in the last decade to construct an overview of Brazilian migration, and respond to the questions: (1) How have the new migration flows led the country to create a new regulatory framework for migration? (2) To what extent have the new migration flows opened the debate over, and demand for, new policies, regarding access to education, health, and better labour conditions, among others?

5.3 Laws and Regulations of Migration in Brazil

Between 1980 and 2017, Law 6,815, known as the ‘Foreigners’ Statute’ (LEI n. ° 6.815), was the main migratory regulation in the country. It was conceived during the military dictatorship and defined migrants as a possible threat to national security. In addition, it placed those who intended to leave the country as traitors of the nation (Oliveira, 2020). The ‘Foreigners’ Statute’ established a set of restrictions on migrants, for example:

Art. 1. In times of peace, any foreigner may, satisfying the conditions of this Law, enter and remain in Brazil and leave it, safeguarding national interests. Art. 2 In the application of this Law, national security, the institutional organization, political, socio-economic and cultural interests of Brazil, as well as the defence of national workers, will be taken into account. (LEI n. ° 6.815)³

³Translated by the authors into English.

According to Oliveira (2020), events concerning migration regulations and, mainly, the latest flows set a new migration scenario in Brazil, which led to the need for an update of the legal framework. The first important change listed by the author was Law 9,474 (LEI n. ° 9.474). It regulated the Refugees Statute of 1951 in the country. According to Jubilut and Godoy (2017, p. 9), Law 9,474 was a ‘framework of protection for refugees in the country, an example to be followed regionally and an essential basis for the Brazilian humanitarian commitment in the international arena’.⁴ This regulation incorporated an expanded definition of refugee, inspired by the Cartagena Declaration, and was incorporated by the Brazilian refugee protection law, in Item III of Article 1. The Declaration was adopted in 1984 by Brazil and 14 other countries in Latin America and the Caribbean, but it was only internalized in national legislation in 1997. The expanded definition of refugee says:

[...] every individual will be recognized as a refugee who: III – due to a serious and widespread violation of human rights, is obliged to leave his country of nationality to seek refuge in another country. (LEI n. ° 9.474, p. 1)

Moreover, the Brazilian Refugee Law recognizes the participation of civil society in promoting the rights of refugees, enables the issuing of Brazilian identification documents (IDs) and, most importantly, allows refugees and asylum seekers to work legally, making them eligible to apply for the Brazilian Employment and Social Security Record Card (work permit) that allows them to seek jobs in the formal labour market. The Refugee Law was, then, a starting point to demonstrate that the ‘Foreigners’ Statute’ was obsolete for regulating migration in the country. According to Oliveira (2020), it opened a transition period, driven by social movements and institutions supporting migrants and refugees which advocate for the need for a new normative apparatus based on human rights.

A second change, highlighted by Oliveira (2020), which has marked the transition period, was two amnesties, one in 1998 and the other in 2009 (Decreto n. ° 6.893). These allowed the regularization of citizens who had entered the country between 1998 and 2009 (Patarra, 2012). The third event noted by the author was the issuing of two normative resolutions by the CNIg (National Immigration Council) – 77/2008 and 93/2010. The first provides a temporary or permanent visa to a partner in a stable relationship, regardless of gender, and the second grants a permanent visa or permanence in Brazil to foreigners considered victims of human trafficking. Those regulations provided ways to meet the new migratory demands which the previous law, the ‘Foreigners’ Statute’, did not contemplate.

According to Oliveira (2020), the fourth event in the transition period happened in 2002. It was the ‘Agreement for Nationals of the States Parties to the Southern Common Market’ (Mercosur), including Bolivia and Chile, for free circulation of people. The first major impact of the agreement was the increase in migration from South American countries, particularly Bolivians to Brazil (Speroni, 2019). At that time, there was a deep paradox in the ‘Foreigners’ Statute’, whose main purpose was to inhibit the movement of people from neighbouring countries.

⁴Translated by the authors into English.

Although the events mentioned above have opened the debate about the need for new migration legislation in Brazil, it was, in fact, the arrival of the new migratory flows of Haitians and Venezuelans that brought about the change in the Brazilian migratory legal framework. Thus, according to Oliveira (2020), the arrival of Haitians from 2010 onwards can be listed as a fifth and extremely important event that led to the new migration law.

As Handerson (2015) demonstrated, Haitian migration to Brazil started before 2010, but it was the earthquake in January of that year that resulted in much larger numbers of Haitians leaving for other countries, including Brazil. Unlike the Dominican Republic, the United States or even France, Brazil was not a usual destination for Haitian migration. Scholars such as Tonhati and Cavalcanti (2020) and Handerson (2015) have demonstrated that Brazil was not the main destination sought by the first Haitians to leave the island: Their destinations were French Guiana and, later, France. However, French Guiana closed its borders to Haitians and imposed several restrictions on them during 2010. This circumstance led to some Haitians entering Brazil through the northern Amazonian border and staying in the country (Tonhati & Cavalcanti, 2020). According to Handerson (2015), migratory networks of Haitians were created in the country at that time. Since then, the number of Haitians entering Brazil through the northern borders (Acre, Amazonas, and Roraima) and São Paulo has increased steadily.

Tonhati and Cavalcanti (2020) have shown that Brazil has gradually become the destination for thousands of Haitians. Most of them seek asylum upon entering the country. However, the rules of the Brazilian Refugee Law 9,474 and the Geneva Convention (1951) did not anticipate that environmental disasters would be a justification for refugee claims. Thus, in order to control this migration flow, there was a need to create new regulations. The National Immigration Council (CNIg) published RN (Normative Resolution) n° 27 and RN n° 97. The first one aimed to address Haitian citizens who entered the country without visas and claimed asylum. The second resolution allowed the Brazilian government to grant a five-year permanent visa exclusively to Haitian nationals for humanitarian reasons. These RNs, in practice, regularize the migratory situation of this collective in Brazil.

[...] the unexpected migration of Haitians to Brazil set their country into global mobility and enlarged the complexity of Brazil's migration history. In addition, it warmed up the debate around the theme in several social spheres (media, academia and politics), and led to discussion about new migration legislation to replace the existing laws dating from dictatorship times. Indeed, while the North Amazon border was the gate for the Haitians, it became a door for Brazil into a new migration era. (Tonhati & Cavalcanti, 2020, p. 184)

Haitian migration, then, has required Brazilian authorities to rethink migration in the country and create legal strategies to deal with the new arrivals. It has definitely heated up the debate about the obsolescence of the 'Foreigners' Statute', but the final push was the arrival of Venezuelans. According to Oliveira (2020) it was this most recent migratory event which led to the need for a new legal framework.

Due to the deep economic, political and social crisis experienced by Venezuela, migration flows from that country to Brazil became notable in 2015 and have been increasing rapidly since then. The main strategy in seeking regularization by this

migrant group was to claim refugee status (Simões, 2017). At first, the Brazilian government did not accept Venezuelans as refugees, as it could have led to a diplomatic crisis with Venezuela. In this context, in 2017, the Brazilian authorities issued Normative Resolution 126, which said:

[...] Art. 1 Temporary residence may be granted, for a period of up to 2 years, to a foreigner who has entered the national territory by land and is a national of a border country for which the Residence Agreement is not yet in force for Nationals of Mercosur State Parties and associated countries. (LEI n. ° 13.445, p. 1)

The Normative Resolution covered Venezuela, Guyana, French Guiana and Suriname, but in practice, only Venezuelans favoured the measure. (Oliveira, 2020, p. 48)

As in the case of Haitian migration, these normative changes represented -- Brazilian authorities's attempt to regularize the migratory situation of the new arrivals. They were measures found to regulate the migratory flow and to provide an official document to the migrants allowing them to live, work, and access public services. Venezuelans were recognized as a group entitled to request refugee status more recently after a decision by the Brazilian Refugee Committee (CONARE) in December of 2019. Consequently, most of the Venezuelans in Brazil have requested refugee status as a way to stay in the country. According to the UN Refugee Agency (ACNUR, 2019, p. 1),

[...] Brazil's decision to recognize, through the facilitated *prima facie* procedure, the refugee status of thousands of Venezuelans should be celebrated. About 21,000 Venezuelans living in the country benefited from the decision made yesterday [05th December 2019] by the National Refugee Committee (CONARE). Venezuelan applicants for refugee status who meet the necessary criteria will have their procedure accelerated, without the need for an interview. To benefit from the new provision, applicants must be living in Brazil, have no residence permit, be over 18, have a Venezuelan identity document and have no criminal record in Brazil. This measure is a milestone for the protection of refugees in the region, and comes after recent recognition by CONARE of the situation of serious and widespread human rights violations in Venezuela, in line with the 1984 Cartagena Declaration on refugees.

In sum, according to Oliveira (2020), the six events described above were fundamental in the replacement of the 'Foreigners' Statute'. The arrival of Haitians and Venezuelans, which demanded that Brazilian authorities rethink and reform regulations to deal with the new migrants into the country, was fundamental to the process of replacing the old legislation, which had been based on ideas such as national security, fear of migrants and the closing of borders. Thus, in 2017, a new legal framework for migration was approved, largely based on the guarantee of the rights of migrants and emigrants – Law 13,445 (LEI n. ° 13.445). In the next section, we present the new Brazilian migration law, its progress regarding human rights and some vetoes which prevented the law from being even more progressive.

5.3.1 *The New Brazilian Migration Law*

Brazilian migration law has shifted from a restrictive emphasis to a human rights-based approach. Law 13,445 (2017) grants migrants a series of prerogatives, which were previously only conferred on Brazilian nationals. Among the main changes introduced by the new migration law were: ‘1. Reducing bureaucracy in the process of migratory regularization; 2. Institutionalization of a humanitarian visa policy; and 3. Non-criminalization for migration reasons’⁵ (Guerra, 2017, p. 1723).

According to Guerra, unlike the ‘Foreigners’ Statute’, the new Brazilian migration law dealt with migrants as subjects with rights and guarantees throughout the national territory, under equal conditions with nationals. He lists a series of rights which were not previously conceived, namely:

[...] the inviolability of the right to life, freedom, equality, security and property; rights and civil, social, cultural and economic freedoms; the right to freedom of movement within the country; the immigrant’s family reunion with their spouse or partner and their children, family and dependants; protection measures for victims and witnesses of crimes and rights violations; the right to transfer resources from your income and savings; personal data to another country, subject to the legislation; the right of assembly for peaceful purposes; the right of association, including unions, for lawful purposes; access to public health services and assistance and social security, under the terms of the law, without discrimination on grounds of nationality and migratory status; broad access to justice and comprehensive legal assistance, free to those who prove insufficient resources; the right to public education, the prohibition of discrimination on grounds of nationality and migratory status; a guarantee of compliance with legal and contractual labour obligations and the application of labour protection rules, without discrimination on grounds of nationality and migratory status; the right of access to information and guarantee of confidentiality regarding the personal data of the immigrant; the right to open a bank account; the right to leave, to remain and to re-enter the national territory, even while the application for residence is pending extension of stay or transformation of visa into residence; and the immigrant’s right to be informed about guarantees for the purpose of migratory regularization. (Guerra, 2017, p. 1725)⁶

Although the new migration law expanded migrants’ rights, it received 21 vetoes by President Michel Temer (2016–2018) before it was enacted, reducing the law’s extension of rights of migrants. One of the most widely-protested vetoes was that of Article 118, which would permit migrants who had entered the country before July 6, 2016, to be granted a residence permit, regardless of their previous migratory situation. The justification for the veto was that an amnesty could not be granted because it was not possible to specify the date of entry of the migrant into the country.

Two other important vetoed articles were, first, one (1º, § 2º) guaranteeing Indigenous people and traditional populations the right to free circulation on lands they had traditionally occupied. The justification given for the veto was that such a concession would weaken national sovereignty, as well as the government’s right to

⁵ Translated by the authors into English.

⁶ Translated by the authors into English.

control borders. Another controversial veto by President Temer was that of Article 4, § 2 and 3, which would have allowed migrants to take part in civil service, apart from those positions reserved for native Brazilians according to the Brazilian Constitution of 1988. The Presidency argued that the veto of that article was justified because it contradicted the Brazilian federal constitution and the national interest. According to Moraes (2017), the vetoes were clearly rooted in the ‘old view’ linked to the ‘Foreigners’ Statute’, which considered migrants as a potential threat to the nation, and disregarded the fact that after arriving in the country, the migrants usually sought to build their lives, contributing to the country they were living in.

Article 1, § 1, I, was also vetoed by President Temer. It contained the definition of the concept of ‘migrant’. The reason given for the veto was that the definition was very broad, including foreigners with residence in a border country, it extended equality to any foreigner, and violated Article 5 of the Brazilian National Constitution of 1988. Finally, another relevant veto related to extending access to services (public health, social assistance and social security) to visitors. The veto was justified on the grounds that it could represent additional fiscal pressure for the country and increase public spending.

According to Oliveira (2018), such vetoes were the result of pressure from conservative groups, who at that time composed the government and had increased in influence in Brazilian society in recent years. The vetoes could be understood as remnants of the ‘Foreigners’ Statute’ where migrants were viewed as a threat to the national economy and sovereignty. Ricci and Silva (2018, p. 29) argues that the vetoes were ‘vestiges, still not erased, of the hierarchical Brazilian society’.⁷

Thus, while the new Brazilian migration law of 2017 had its central focus on increasing migrants’ rights and guarantees, the vetoes demonstrated some regression to the idea of protecting the National State and the maintenance of national sovereignty. In that sense, the migrants were seen again with eyes of distrust, and as a potential danger to Brazil. The vetoes represented a setback by the Brazilian authorities in guaranteeing fundamental and expanded migrants’ rights.

Another point to be highlighted is the fact that due to the new migration regulation, the Brazilian National Immigration Council (CNIg) now only deliberates on issues related to labour migration. As the country has no migratory authority, there is no specific governmental office to deal with the analysis of humanitarian concessions or migration situations which are not covered by the law. Recently, the Venezuelan migration to Brazil and claims to refugee status were dealt with by the Ministries of Justice and Public Security and the Ministry of Foreign Affairs, through the Brazilian National Council for Refugees (CONARE). Their refugee claims were accepted based on item III of Article 1 of Law 9,474, 1997 – the serious and widespread violation of human rights.

In sum, as Oliveira (2020) points out, the ‘Foreigners’ Statute’, which prevailed from 1980 and 2017, has been challenged since its origin, either by new regulations or the arrival of new migration flows. The events mentioned above, such as Law

⁷Translated by the authors from Portuguese.

9,474, which regulates the Refugees Statute of 1951; the amnesties in 1998 and 2009; the issuing of CNIg (National Immigration Council) normative resolutions; the ‘Agreement for Nationals of the States Parties to the Southern Common Market’ (Mercosur), including Bolivia and Chile, for the free circulation of people; and the arrival of Haitians in 2010 and Venezuelans in 2015 led to the need for an update of the legal framework. Thus, between 1990 and 2017, there were several progressive measures that sought to circumvent the restrictions of the ‘Foreigners’ Statute’ and welcome migrants and refugees into Brazil. The new migration law, although it underwent some vetoes, is an important step forward in the direction of expanding human rights to migrants and refugees.

In the next section, we construct a brief synthesis of migration in Brazil between 2010 and 2020. We summarize the most relevant findings presented in the OBMIGRA Annual Report. In doing so, we have reconsidered and re-analysed the data to construct an overview of migration in Brazil between 2010 and 2020. The numbers provide us with relevant information to demonstrate that the new migrants in the country have a diverse profile, and have faced diverse inequalities. Analyzing this data, we argue that although the new legislation was an important step towards granting human rights to migrants, there is still a long way to go to better fulfill migrants’ needs to access better living conditions. In this vein, we highlight some migrants’ accounts about their difficulties in the labour market, in accessing education and health services, and their experiences of racism.

5.4 The Main Characteristics of Migration in Brazil (2010–2020)

From 2010 to 2019, there were 1,085,673 migrants registered in Brazil. Of this total, 399,372 were women (36.7%). According to Hallak Neto and Simões (2020, p. 82), migration to Brazil during this decade can be divided into two sub-periods:

- (a) the 5 years between 2010 and 2014, when there was a significant increase in the volume of immigrants, movements were associated with the high dynamism of the economy and the increase of the Brazilian labour market; and
- (b) the second one, between 2015 and 2019, in which the volume of immigrants fluctuated, due to the effects of the economic crisis of the 2015–2016 biennium, but also due to the entry of new migratory flows, especially from Central America and the Caribbean and South America, especially from 2017 to 2019.

The total number of migrants employed in the formal labour market increased from 55,100 in 2010 to 116,400 in 2014 and then to 147,700 in 2019. Haitian migration stands out as the main factor in this growth. In the first half of the decade, other nationalities also gained prominence, such as Colombians, Peruvians and Venezuelans. At the beginning of the decade, Europeans made up around 30% of the

migrant workers in the country, but by 2019 their participation in the formal labour market had decreased to only 10.3%.

Thus, between 2010 and 2015, migration to Brazil gradually increased and included a diversity of countries of origin. Subsequently, from 2015 on, the formal labour market was composed of more migrants from South America and the Caribbean. This increase was mainly due to the arrival of Haitian and Venezuelan workers. They together totalled 47.9% of those formally employed in the migrant labour force in Brazil in 2019 (Hallak Neto & Simões, 2020, p. 86).

Migrant's location in Brazil was also transformed. Hallak Neto and Simões (2020) showed that in 2010, formal migrant workers were strongly concentrated in the southeast region. However, with the arrival of new migrant flows, such as Haitians and Venezuelans, the concentration of migrants moved, mainly towards the Greater South region (São Paulo, Paraná, Santa Catarina and Rio Grande do Sul) and later to some areas of the Midwest states. The Haitians were the most employed nationality in the three states of the southern region of Brazil (Paraná, Santa Catarina, and Rio Grande do Sul), where they occupied positions in activities such as the slaughter of animals for export. Thus, the southern and southeastern regions were the main settlement areas for migrants to Brazil. Together, they accounted for 83.5% of total migrants employed in the formal labour market in 2019.

With respect to migrant profile in the formal labour market, migrants are now younger than before. According to Hallak Neto and Simões (2020), in 2010 more than half of migrant workers were aged between 40 and 65 years, but after the economic and political crisis in 2015 most of the migrants in the Brazilian labour market were younger. In 2019, 63.8% of the total of migrant workers were aged between 20 and 40 years old. Central America and the Caribbean (78.0%) and South America (62.5%) were the regions providing the highest concentrations of migrants in this age group.

Regarding gender, there are more men migrants than women in this period. Tonhati and Macedo (2020) have shown that, in 2019, women occupied 43,800 posts. This is equivalent to 30% of the total (147,700 in formal employment). North American migrants comprised 41% of the women in the formal labour market, with South American migrants making up 35%. The Central American and Caribbean migrants were the third largest group (26%). Although this region had the highest number of migrants in formal posts, a large majority of workers were men. Only among the African migrants were there more female than male migrant workers.

According to Tonhati and Macedo (2020, p. 113), the majority of migrant women in formal employment in Brazil are between 20 and 39 years old, they have a high school level of education, and come from countries such as Haiti, Venezuela, Cuba, and Paraguay. The Federation Units (UFs) that employed the most migrant women were the state of São Paulo and the three southern states of the country (Paraná, Santa Catarina, and Rio Grande do Sul).

With regards to occupation, Tonhati and Macedo (2020, p. 123) migrant women are mostly located in three niches: cleaning, service activities, and slaughterhouses, which mainly employed Haitian and Venezuelan women. While Haitian women tend to be employed in cleaning, production or sale of food (including

slaughterhouses), the Venezuelans occupy service activities, such as retail workers, cashiers, office clerks, market clerks, and administrative assistants.

Furthermore, the authors found income gaps between migrant men and women. The migrant women with the highest incomes were mostly from the richest countries of the so-called Global North. However, women from the Global North earn on average 50% less than migrant men with the highest incomes, who are also from Global North countries. In the case of migrant men and women with the lowest incomes, male migrants earned 3.6% more than women. Thus, gender gaps are lower among low-income migrants. This is mainly due to the fact that migrants occupy low-paying jobs. Interestingly, Migrant women with high income have an average income more than 80% higher than migrant women from low income.

Moving on to colour and race, Hallak Neto and Simões (2020) have found that recent migration to Brazil has been characterized by a growth in the Black population. While in 2010, Black migrants represented 13.9% of migrant workers in the country, in 2016 they reached 45.0%, and in 2019, 56.9%. While Black migrant workers have become the most significant migration group in Brazil, due to the arrival of people from African countries and Haiti, the participation of white workers, for example Europeans, North Americans and Japanese, decreased in the formal labour market from 79.8% (2010) to 39.7% (2019). However, although the numbers of white migrants have reduced, they have continued to earn much higher incomes than Black migrants. For example, migrants from North America and Europe earn, on average, R\$ 19,776 and R\$ 14,867 monthly, while migrants from Central America and the Caribbean (mainly from Haiti) and African countries earn the lowest incomes, on average, R\$ 1760 and R\$ 2515. Thus, white North America migrants in Brazil can earn 11 times more than Black Central American or Caribbean migrants.

Despite the rights achieved through the new legal framework, the data analysed showed some evidence of the lack of policies to overcome social inequalities based mainly on gender and race. According to Cavalcanti et al. (2020), in a study carried out among Haitian migrants⁸ in Brazil, racism was mentioned as one of the difficulties faced in the labour market. Venala, a Haitian woman, provides testimony of discrimination that clarifies the experiences of racism. Her voice well-illustrates what the numbers do not show. Venala was interviewed in in Curitiba (a city in the south of Brazil in August 2018). At that time, she worked in a fast-food company. She reported:

I remember once that I was with my boss, I was eating, I was already seven months in the company, and there were people that came after me who always stayed at the delivery, at the cashier... At the cashier, you don't need to talk a lot, because the person only speaks the order and you place the order on the screen, it's very easy, by then I already knew how to do everything, so I didn't understand, why could I not do such positions? But, one day I was talking about it with a guy, a co-worker, and I said "why do I only have to stay on the grill?", because staying on the grill is bad, you burn every day, then he said "oh, because you're

⁸The interview accounts were translated by the authors from Portuguese to English.

Black, your skin can take more, I'm white, I can't stay on the grill. If you get burned no one will see.

In the same study, Haitian migrants have reported their difficulties accessing health services and even facing prejudice when they try to use them. Amelie, for example, who like Venala was interviewed in Curitiba in August 2018, mentioned facing discrimination when going to a health center. She reported: “once I went to a general practice center and the nurse treated me badly, she complained: ‘Haitians only know how to make children, they came here with a lot of children’. But it is something that has no meaning, because health service is public, for everyone [...]”. Besides, discrimination Haitians also reported difficulties in providing documents to be able to access the Brazilian Public Health Services: “in Haiti, you go to the health unit and you don't need a registration since you were born, but here it is different, you have to register to get it, but people don't know how to do that, they don't understand how works” (Geneva, interview August 2018).

In addition, a more recent study carried out with Venezuelan migrants in Brazil in 2019 by⁹ Barbosa et al. (2020) reports that migrants have difficulties in accessing education services. The study found that education workers usually are not aware that documentation from the origin country is not required for migrant and refugee children to enroll in school. The Venezuelans reported that schools usually request the translation of their documents, such as diploma, school records, certificates, and so on. In many cases, they do not have those documents or they are not accepted. This has led children, youths and even adults to be unable to access education. As reported by Rosalva, (interview, São Paulo, March 2019) and Carolina (interview, São Paulo, March 2019), respectively:

So we were doing all the papers to come: we took my son out of the school, taking all the papers from the school, legalizing... we brought our money and savings, we sold our car, we sold all of our kitchen, our work tools, all the kitchen equipment, everything, the freezer, we leave only our house, because we are unable to sell it, but it is not easy to get into the school. There are the documents, nobody understands the documents from there, they want translation, they do not know which level to put in the school. It's difficult.

[...] to enroll my daughter in school we knew that we had to have a document with CPF. Although my daughter was enrolled in school by a friend who declared herself responsible. We left her to enroll only after we went to get the document. (Interview with Carolina, 36 years old, 03/25/2019)

To summarize, in Brazil between 2010 and 2019, migrants and refugees were mostly Black males, of working age and with higher education levels, mostly from South America and the Caribbean, (Haiti and Venezuela), living in the southern and southeastern regions of the country. The inflow of migrant women has seen a growth trend in the last 5 years, and inequalities of income are very high between men and women, and between Black and white migrants. Moreover, qualitative empirical studies have shown that although Brazilian migration law changed in 2017, and has expanded migrant human rights, it is clear that the country still lacks policies and

⁹The interview accounts were translated by the authors from Portuguese/Spanish to English.

guidelines addressing more everyday needs of these groups. The regulations of entry, visas and documentation are essential to regularize the migratory situation of the new arrivals, but there are still other areas which need improvement. There is a need to provide guidelines with information about the Brazilian education and health system; policies which facilitated the access, enrollment and registry with these services; advocacy regarding equal labour rights and opportunities for men and women, Black and white migrants or refugees, and campaigns against racism and xenophobia. Thus, in the case of Brazil, in the last decade there has been some improvement in providing legal rights to migrants living and working in the country, but they still lack social integration, which goes beyond providing documentation.

While this was the picture of migration in Brazil between 2010 and 2019, 2020 brought a number of unpredicted challenges. In this last section, we will focus on the transformations brought about by the COVID-19 pandemic to the Brazilian migration scene, and as we are still living under the pandemic, we speculate about some of the emerging problems it presents in migration mobility in the context of Brazil.

5.5 The Impacts of the COVID-19 Pandemic on Migration to Brazil

As argued by Arias-Maldonado (2020, p. 3) “the COVID-19 pandemic has impacted on a globalized world in which the circulation of people, goods, and information has reached an unprecedented magnitude and speed.” The COVID-19 pandemic has affected human mobility in an unprecedented and systemic way. It has reached almost all countries of the world, causing impacts in health systems and in the economy, social relations, tourism, culture and borders. Migrants, refugees and asylum seekers have also been strongly affected by the COVID-19 pandemic. The virus has become globalized, ignoring borders and restrictive policies. It has led many migrants and refugees to become immobilized and/or have to postpone their migratory projects, or to remain in transit for extended periods.

In Brazil, border movements and the registration of migrants and refugees have been severely impacted by the COVID-19 pandemic. According to data from Federal Policy (STI, SisMigra and STI-Mar), which controls the Brazilian borders, the movements in and out dropped from millions to a few thousand in 2020. The entry of migrants declined to its lowest level in the last 20 years, and asylum seekers’ claims fell to levels comparable to the beginning of the decade.

According to Cavalcanti and Oliveira (2020), the COVID-19 pandemic resulted in the greatest reduction in movement in and out of the country in a decade. They have shown, based on data from the Brazilian International Traffic System (STI) that, since 2010, there was no record of a deep decline in movement (entrances and exits) at the Brazilian borders until the numbers started to drop in March 2020. From that month on, the number of migrants arriving in the country suffered an

unprecedented decline compared with the decade from 2010 to 2019. For instance, in 2019 the average monthly volume of movement (in and out) at the Brazilian borders was almost 2.5 million people, while in the months of April and May 2020, the numbers reduced to around 90,000. In June and July 2020, the numbers reduced even further to less than 40,000. There was a slight increase in August, but still not to levels comparable to previous years (less than 200,000).

According to Cavalcanti and Oliveira (2020), the movement of people through the land borders, especially the Brazilian northern Amazonian frontier, were severely affected. As Tonhati and Cavalcanti (2020, p. 175) have shown, in the last decade, ‘the North Amazon border was “removed” from the periphery and became “located” at the centre of political and academic debates’ regarding migration into the country. The North Amazon border was the gateway for Haitians, and later for Venezuelans, as the two main migrant groups arriving in Brazil during the last decade. Thus, the northern Amazon became a door into Brazil for new migrant groups, but with the arrival of the COVID-19 pandemic, this frontier was the first to be closed by the Brazilian authorities,¹⁰ affecting migrants and refugees in transit, especially Venezuelans, who regularly cross the border to buy food, hygienic supplies and/or access education and health services. Subsequently, other land borders were closed too.

Cavalcanti and Oliveira (2020) have shown that, throughout the months of April and May, there were still some entries, mainly by waterways, but these went down to almost zero throughout the months of June and July 2020. In August, the number of entries increased again, especially by air. These dynamics were due to regulations issued by the Brazilian federal government, which, in general, treated its borders differently. The air border was opened before the others, privileging migrants who could afford to arrive in the country by air, but making it difficult for those who could only move across land borders. This led to the biggest fall in the entry of Venezuelans, who constituted one of the main migrant groups in Brazil in this decade. The chart below illustrates the dramatic fall in movement across the Brazilian borders (Fig. 5.1).

Regarding asylum claims, Cavalcanti et al. (2020) have shown that these also decreased dramatically. Considering the months from January to August 2020, there was a 56.7% reduction in the number of requests compared with the same months of 2019. The COVID-19 pandemic impacted the number of asylum claims of Venezuelans, Haitians, and Cubans who were the three main nationalities to request asylum in Brazil in the decade preceding 2020 (Silva et al., 2020). According to Simões et al. (2020), in the first 4 months of 2020, the numbers of Venezuelan refugee requests reduced by 45.1% when compared with the third quarter of 2019. The numbers of asylum applications also dropped among Haitians (25.3%) and Cubans (30.4%) (Fig. 5.2).

¹⁰Ordinance n° 125 of 19 March 2020, which, through its Article 1, restricted the entry of foreigners – except residents of the country – from countries bordering Brazil, with the exception of Uruguay. Likewise, the enactment, on 17 March of Ordinance n° 120 ‘exceptionally and temporarily’ restricted entry into the country, by road or land, of foreigners from Venezuela.

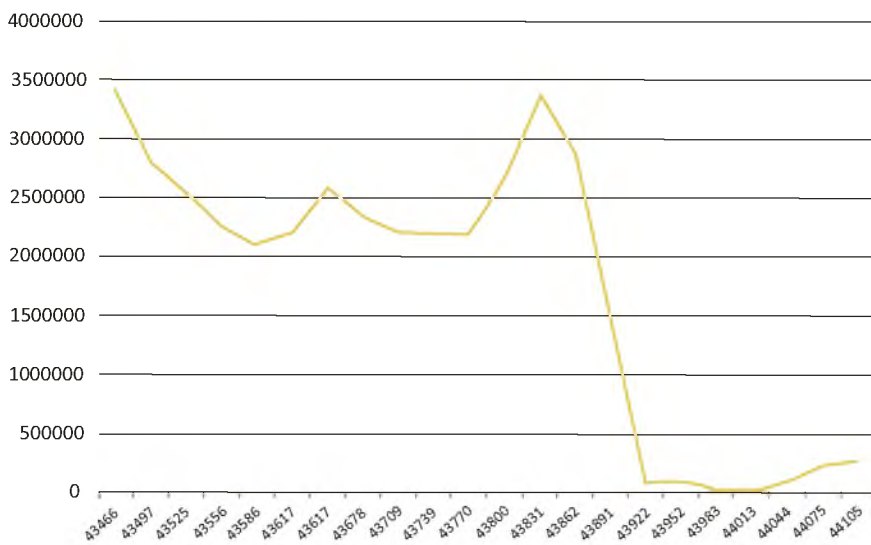


Fig. 5.1 Movements at border posts, by month of registration, Brazil 2019/2020. (Source: Cavalcanti et al. (2020, p. 46))

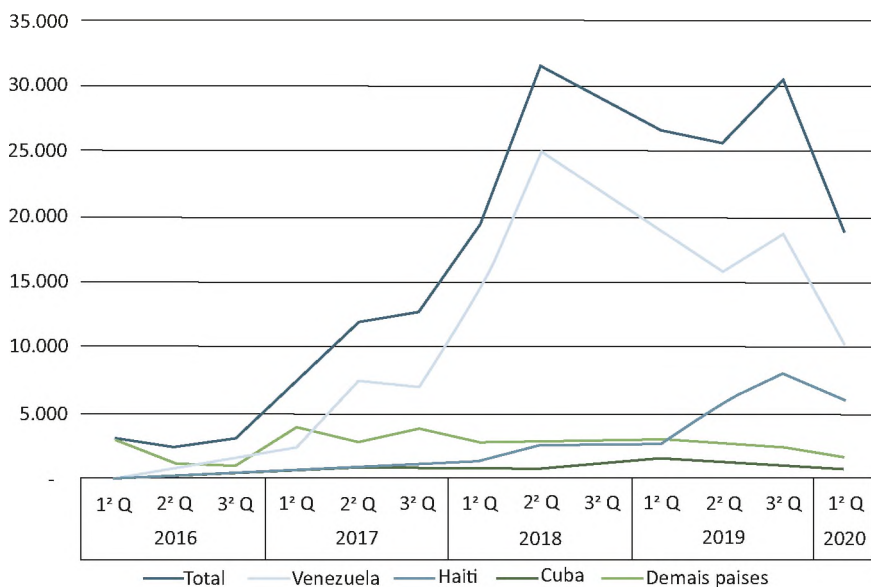


Fig. 5.2 Number of asylum requests in Brazil, by quarter, according to selected countries (2016–2020). (Source: Simões et al. (2020, p. 9))

The COVID-19 pandemic also impacted migrants’ employment in the Brazilian formal labour market. Cavalcanti and Oliveira (2020) indicate that the impact was

strongly felt among migrants from April 2020. In this month, the volume of admissions fell by almost 60%, compared with the same month in 2019. There was also an increase in layoffs. There were more than 3000 fewer jobs for migrants in April. In May and June, the volume of admissions increased slightly, but it was still far from what was observed in the same months of the previous year.

For the two main migrant groups in the formal labour market in Brazil, the Haitians and Venezuelans, the numbers appear to have been less affected by the COVID-19 pandemic, especially for those working in the slaughterhouses in the southern regions of Brazil. Most admissions of migrants in 2020 were to work in the slaughter of pigs. This activity admitted 57% more and dismissed 5.7% fewer migrants in the first half of 2020 compared with 2019. Similar behaviour was observed in the sectors of poultry slaughter and supermarkets. While slaughterhouse activity grew, restaurants and the hospitality sector were badly affected by the pandemic. The reduction of consumption of food outside the home led to this sector admitting 46% fewer migrants, with a negative balance in the first half of 2020. The construction sector also registered a drop in hiring and an increase in layoffs. The balance remained similar in the first quarter of 2019.

The COVID-19 pandemic impacted the employment of migrants differently in the different regions of the country. São Paulo, for example, had a positive employment balance in the first half of 2019, while in the same period in 2020 it had a negative balance of 1136, with migrants in São Paulo facing more layoffs than admissions in the first half of 2020. Meanwhile, the three states of the South Region, which became the home of a large percentage of Haitians, for example, registered an increase in the balance, which was already positive in 2019. In the North, a region with states that are the gateway for many migrants, in particular Venezuelans, the volume of dismissals increased by 3.4%, while hires fell by 23.2%. In the Northeast and Midwest Regions, there was also a reduction in hiring and an increase in dismissals.

Finally, as Cavalcanti and Oliveira (2020) have observed, the effects of the COVID-19 pandemic were proportionally more intense for women migrants than for men. The volume of admissions up to June 2020 was 27.5% lower for women than in 2019, a reduction that was 16.1% for men. In terms of balance, both remained positive from January to June each year, but the drop in relation to 2019 was 15.2% for men and 47.9% for women. The data about the impacts of the COVID-19 pandemic on women need to be further analysed, but the above figures already show that female migrants have been more affected than males, with lower employment and more dismissals.

To sum up, the COVID-19 pandemic has strongly affected migrants and refugee mobility to Brazil. The Brazilian policy restrictions on mobility impacted the two main inflows of migrants of the last decade into the country – Haitians and Venezuelans. The northern Amazon border, which has been the main gateway for Haitians and Venezuelans, was the first to be closed and the last one to experience a loosening of restrictions (up to the present). It has affected the migrants in transit to Brazil, and even access to food, hygienic supplies and health and educational services. Furthermore, the data presented above shows that the COVID-19 pandemic

has generally reduced the number of refugee claims, and migrants, men and women, have faced increased dismissals, living under the hardship of unemployment.

Thus, we can affirm that migrants in transit to and within Brazil, from 2020 onwards, have faced new challenges. On the one hand, we can speculate that the drop in numbers of arrivals will continue, as the country has a large number of people who lost their lives to the COVID-19 pandemic and has faced a deep economic and political crisis. On the other hand, in a longer timeframe, it is also possible to think that the country may receive more migrants. The new flows can increase if the country enlarges its vaccination system and, then, may attract people from Global South countries, in which there are no vaccines or free health system. It is still an open question, but it will probably be an emerging challenge in the South America pattern of mobility.

Besides, there are also many other challenges to migrants and refugees in everyday life in Brazil. The Covid-19 pandemic made the health system overcrowded while the education system became mostly on-line. Accordingly, as UN Women (2020) has shown, migrants, particularly women migrants, do not have a safe place to leave their children to go to work. They, then, have been the most affected by unemployment, but also are facing difficulties accessing health services for prenatal care or accessing contraceptives, and have suffered from an increase in domestic violence. In addition, the country faces an increase of the dollar, meaning that most migrants are no longer able to send remittances to their families. It is still important to mention that migrants usually are doing jobs such as cleaning, catering, services in restaurants, shops, and slaughterhouses, places in which they are highly exposed to contamination by the COVID-19 virus. These are problems which are impacting the well-being of migrants and are some of the most prominent challenges which countries such as Brazil have to face in regard to migration.

5.6 Concluding Remarks

One of the objectives guiding this chapter was to shed light on some emerging problems in migration and mobility patterns in Brazil from 2010 onwards. We have argued that, since 2010, mainly due to the arrival of new migration flows, particularly the Haitians and Venezuelans, Brazil has had to update and create new migration regulations and policies to respond to the new migration demands. The question posed was: *How have the new migration flows led the country to create a new migration regulation?* The increase in the numbers of new arrivals from the northern Amazon border (Acre, Amazonas, and Roraima) obliged Brazilian authorities to regularize the migratory situation of these groups, so that they could live and work in the country. The pressures on border cities, which were unable to receive migrants, led the issue of migration to the media and enlarged the debate in the public sphere. The visibility of the issue led to the creation of a high-pressure environment for the approval of the new legislative framework. We have recounted how Brazil replaced its old migration law (the 'Foreigners' Statute'), which prevailed between 1980 and

2017, with the new migration regulation (Law 9,474, in 2017). Although the new Brazilian migration law underwent some vetoes, which prevented the law from being even more progressive, it was an important step forward in the direction of expanding human rights to migrants and refugees.

The chapter, then, has provided a review of the main characteristics of migration in Brazil between 2010 and 2019, analysing data on gender, level of education, labour activities, income, and race. In doing so, we addressed the question: *To what extent have the new migration flows opened the debate and demand for new policies regarding access to education, health, better labour conditions, among others?*

In the last decade, the migration picture in Brazil has mostly been composed of young (20–40 years old), Black male migrants from the Caribbean and South America, mainly Haitians and Venezuelans. These migrants are living and working in the Greater South Region of the country (São Paulo, Paraná, Santa Catarina, and Rio Grande do Sul). However, during the second half of the decade, the data showed an increase in migrant women, with more women entering the country and looking for jobs. The majority of migrant women are young (20–39 years old), with a high school level of education and hailing from countries such as Haiti, Venezuela, Cuba, and Paraguay. Migration to Brazil, then, has been marked by a diversity of groups as well as inequalities, for example, in terms of income, between men and women, and between Black and white migrants. Moreover, the chapter demonstrated that the country still lacks policies to address the everyday needs the migrants. The regulations of entry, visas and documentation are essential to regularize the migratory situation of the new arrivals, but there are still other areas which need improvement. In this line, we argue that, nowadays, the migration debate in Brazil calls for researching and creating policies which allow migrants to have better access to education and health services, better labour conditions, as well as taking measures against racism.

Finally, while this was the picture of migration in Brazil in the last decade, 2020 brought a number of changes and new challenges with the COVID-19 pandemic strongly affecting migrants' and refugees' mobility to Brazil. The COVID-19 pandemic not only reduced the number of migrants arriving in the country, it also affected refugee claims and caused many migrants, both men and women, to face an increased risk of dismissal. Moreover, the number of migrants entering the formal labour market suffered an unprecedented decline compared with previous years. Thus, the COVID-19 pandemic inaugurated a new moment in the study of migration--in general, as it has strongly impacted human mobility--and in the case of migration to Brazil in particular. We would like to conclude this chapter with some suggested new avenues for further research. Other challenges for migration to Brazil include, first, how migrants' and refugees' access to education and health systems has been affected; second, how the country has addressed the income inequalities between migrant women and men, and Black and white migrants; and lastly, to what extent the COVID-19 pandemic may impact migration globally, and what role might Brazil play in it.

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