

Brazil, a new Eldorado for Immigrants?: The Case of Haitians and the Brazilian Immigration Policy¹

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The presence of Haitian immigrants in the Brazilian Amazon after 2010 is a new development that challenges both researchers and governments in terms both of understanding the phenomenon and responding to their needs. Based on ethnographic material collected at the Tri-border region and in Manaus, the author raises key questions about the Haitian presence in the region and asks why Brazil came to be an emigration option for them. From this perspective, the paper asks; Is Brazil becoming a new Eldorado for skilled and unskilled immigrants? Some implications of this new phenomenon for Brazilian society are considered, with particular attention to the country's immigration policy.

Key words: Immigration policy, Haitians, Brazilian Amazon, labour market

Early in 2010 there was, in a short period of time, a significant flow of Haitian immigrants requesting refugee status over Amazon borders. This new development in the region has challenged both civil society and the Brazilian government. The refugees have urgent needs, such as food, housing and employment, that must be cared for. A legal status is also required in order to guarantee these immigrants the possibility of staying in Brazil and exercising some citizenship rights.

Considering that Brazil had not previously been among Haitians' migration options, we should ask why they have selected Brazil as a new emigration target. Is the country truly becoming a new 'Eldorado' for immigrants, offering them better opportunities of labour, whether they are skilled or not? This study considers some implications of the presence of this new group for Brazilian society, and particularly for the country's current immigration policy.

The data analyzed here were collected through field work conducted at different times and in different contexts. In late 2011, at the Tri-Border region (of Brazil, Colombia, Peru), where the city of Tabatinga (AM) is located I observed the Haitians' long wait, from one to three months, to be received at the Federal Police offices. In Brasília (AC), the situation was not different, which contributed to the permanence of a large number of Haitians there. In April 2013, I visited the lodging facilities designed for the Haitians in Brasília, where more than one thousand waited in precarious conditions for the documents that would allow them to continue their travel in Brazil. Over the second academic term of 2011 and in the first term of 2012, a group of students and researchers who participated in an project of the Anthropology Department of the Amazonas Federal University collected data in various neighbourhoods of Manaus. A total of 254 randomly selected Haitians were interviewed. In Manaus, 140 people were interviewed – 118 men and 22 women – from a total of over 1,000 Haitians who lived in the city until early 2013. In Tabatinga

¹ An earlier version of this article was presented at the International and Interdisciplinary Conference on 'Issues of Legitimacy: Entrepreneurial Culture, Corporate Responsibility and Urban Development' held in Naples, Italy on 10-14 September 2012. The Institute Brazil Plural (IBP) supported my research.

68 people were interviewed, 64 men and 4 women. In Brasília, 46 were interviewed, 43 men and 3 women. The data collected, while incomplete, helped us to outline a profile of Haitians in the Amazonian context. It is important to note that in Tabatinga the Catholic Church's Pastoral for Migrants helped us to approach the Haitians. In Brasília we had support from the coordinator of the lodging, Mr Damião Borges, an employee of the Secretariat for Human Rights of Acre. The problem of communicating with the Haitians was partially solved by using Spanish, which most of them speak. For those who only spoke Creole, we had volunteer help from those Haitians who could translate into Spanish.

Brazil for Haitians: Building a Migratory Imagery

The Haitian presence in the Amazon began to be noted in early 2010. This phenomenon intensified soon after the January 2010 earthquake that violently shook Haiti, and particularly the capital, Port-au-Prince. Nevertheless, beyond the chaotic scenario produced by the earthquake, the emigration of Haitians to Brazil is part of a broader process of reproduction of capital on an international scale which since colonial times has made Haiti an exporter of raw materials and labour. Research findings show that Haitians have traditionally emigrated to the Dominican Republic (Perusek 1984), Cuba (Couto 2006), the United States (Stepick and Portes 1986, Schiller 1977) and to Canada, Venezuela, France, French Guyana and other Antilles countries. In this perspective, the search for work has been one of the fundamental elements of this phenomenon, which certainly not new in Haiti's history took new forms in the aftermath of the catastrophe that affected that country as a whole. Given that Brazil had previously not been part of Haitians' emigration route, it is important to ask why they 'chose' Brazil.

The examination of some less obvious issues involved in this new migratory flow can help us understand the inclusion of Brazil as yet another option in a range of historically established migratory flows. A key role has been played by the increased restrictions to enter countries such as the United States. Particularly after September 11th 2001, US immigration laws have become more restrictive and those who are in the US without proper authorization are more strictly prosecuted (Póvoa Neto 2010: 506). On the other hand, the economic difficulties faced by the United States and by some European countries have significantly decreased their attraction for Caribbean and South American immigrants. Another important factor is Brazil's military presence in Haiti since 2004, as leader of the U.N. peacekeeping forces, known as MINUSTAH. Such presence can be viewed from different perspectives. For example, Fernandes (2011) suggests that Brazil's military role is more related to the country's international political interests than to a concern for providing humanitarian assistance.

We also should not underestimate the importance of structural factors, such as the redirecting of relief funding, internal power disputes and corruption, environmental disasters such as hurricanes that preceded the devastating earthquake, and a general lack of basic services and facilities. The lack of hope for rapid change is due, at least in part, to the fact that Haiti is seen as

a victim of a weak or ‘phantom State’ (Feldmann 2013: 32). On the other hand, the strength of the Brazilian economy, with its growing demand for labour required for large construction projects, certainly contributes to develop among the Haitians an imagery of Brazil as the new ‘Eldorado’ which they are seeking.

However, certain obstacles must be overcome for Haitians to enter Brazil, including holding an entry visa, which must be obtained in the country of origin. People without the necessary documents would be stopped at Brazilian airports. Since most were living in the Dominican Republic they sought alternative entrance routes to the Brazilian borders. It was also believed that the request for refugee status would be an indisputable justification for remaining in the country. Since Brazil is signatory to conventions about refugees and is known for its tradition of giving them shelter, this request could not be denied.

The route initially envisaged by ‘coyotes’² went through Central and South America countries that do not require a visa to a Brazilian border in the states of Amazonas or Acre, where it would be easier to enter. Among the countries included in this route, the Dominican Republic, Panama, Ecuador, Peru and Bolivia are most frequently mentioned. For those who go to Amazonas, the passages in Ecuador are the cities of Quito and Guayquil. From there they go to Tumbes in Peru, then to Lima, from where they travel to Iquitos in the Peruvian Amazon. From there they travel by boat to Santa Rosa, where they cross the Solimões river to enter Tabatinga (AM). Those who enter through Acre have two options. The first one is to continue from Lima to Cuzco in the Andes and then go through Puerto Maldonado and continue in vans run by coyotes to reach Iñapari, where they cross the bridge to reach Assis Brasil and then go to Brasília by taxi. Those who go via Bolivia, after travelling through Puerto Maldonado in Peru, take a detour through the jungle to enter Bolivia near Cobija, the capital of Pando, from where they reach Brasília by crossing the bridge that connects the two countries.

Brasília is a compulsory stop, because the Federal Police has its office in the neighboring city of Epitaciolândia. The Haitians must attend that office and request the refugee protocol. In early 2013, the delay in issuing this document generated an unprecedented social problem, because of the large concentration of Haitians in Brasília, about 1,200. The municipal government decided to use a large abandoned football arena where hundreds of Haitians had to stay, many with only a cardboard sheet to sleep on. There were no bathrooms, nor running water for drinking or bathing. Given the seriousness of the situation, the Catholic Church organization known as the Pastoral Care for Migrants from Porto Velho visited Brasília and produced a report denouncing the violation of refugees’ basic rights. The report attracted attention in the national press, leading the state government to declare a state of social emergency in Brasília and request help from the federal government, which sent a task force to provide various services.

² This is the name given to those who charge to make the border crossings from Haiti to Brazil. Kearney (1991) recalls that in the indigenous region of Mexico and the United States the term *El Coyote* refers to a *trickster* marked by ambiguity and contradiction, and who is also considered a cultural hero.

The Haitians were issued a document certifying their request for refugee status and their registration at the Ministry of Labour, and were vaccinated against tropical diseases. For the majority, however, the greater challenge continued to be the lack of funds to continue their journey, a solution to which depended on the arrival of contractors in the city who would hire them.

The routes used by Haitians to reach Brazil have changed over time, perhaps due to the costs of the trip or the role played by the coyotes. The Haitians in Brasília have denounced the greed and violence of some Peruvian police officers, who, in addition to money, usually seize personal belongings, like clothes and sneakers, and threaten them with imprisonment.

Led by coyotes, others take a longer route through Argentina and Paraguay and enter Brazil at Foz do Iguaçu (PR), or at Uruguaiana (RS), making the trip even more difficult. The cost of this journey varies from three to five thousand dollars and can take days or months, depending on how much money the emigrant has. Generally, the funds are raised with the help of locally-based family members, by selling one's property, or with the help of relatives who are based in other countries, such as the United States. Some use savings from their temporary work in the Dominican Republic or other Caribbean countries. Those who do not have these options may take loans from a bank or a friend, and then have to live with the pressure of having to repay the loan, often at high interest rates. If their money runs out in the middle of the journey, due to extortion from the coyotes, they are forced to find work or ask for more funds from family members. This shows that this migratory flow is organized as a family undertaking, where the decision to emigrate may not be solely an individual decision but a collective one. This is why emigration is part of Haiti's migratory policy; the country depends economically on remittances from emigrants, which account for about 18.2% of GNP (Corbin 2012: 48).

As in any migratory process, social networks formed by those already in Brazil and by relatives and friends who remain in Haiti play an important role in the migratory flow. This is the case of Michel, a 36-years-old originary from Gonaives, who reached Manaus in July 2012, after a 45 days journey. Interestingly, his passport had only one stamp, clearly forged, indicating that he had entered the country from Peru on January 12; that is, when the Brazilian government announced restrictive measures limiting to 1,200 the number of work visas to be issued to Haitians. Sitting on a bench at the São Sebastião square in downtown Manaus with a disoriented gaze, he was perusing his address book when I took the liberty to approach him and ask in Spanish what he was searching for. He showed me the telephone number of a friend with an 041 area code, which is in Paraná state. When I told him that his friend was very far away, he became disraught. This reveals that many immigrants leave Haiti or other places with information or references about an in-country relative or a contact. Notably, most of those interviewed did not know where Tabatinga or Manaus were. Usually, their points of reference in Brazil are the cities of São Paulo and Rio de Janeiro.

If their geographic knowledge of Brazil appears to be superficial, the same cannot be said about the assistance network offered particularly by the Catholic Church, beginning in Tabatinga and extending through Manaus to other Brazilian cities. Since the start of this migratory flow, the Pastoral Care for Migrants Refugees and Travelers has been one of the main points of reference for these immigrants in Brazil. This organization not only provides for humanitarian assistance, such as shelter, learning Portuguese, legal advice; it also operates as a monitoring committee, directing workers to the local and national labour markets, and as a space for religious and cultural expression, even if most Haitian immigrants do not declare themselves to be Catholics.

Haitians in Manaus: A Profile in the Making

Data collected in Tabatinga, Brasília and Manaus show that the Haitians that enter Brazil through the Amazon fit the profile of labour migrants – most are young and male. In the three cities, men account for 88.5%, and women for 11.5 % of the Haitian population in Manaus itself, it is 84% and 16.0% respectively. Their average age is 28.7, while most range between 20 to 40 years old³. The age range has been broadening and Haitians younger than 15, as well as older than 50, have recently increased. Although most are single, some men report that they have children or have lived with a companion in Haiti. While women with children are rare, at least in the first year of the Haitian immigrant wave in Brazil, this is changing as more women and children, and even some complete families, have arrived.

As regards to schooling, nearly 60% of the Haitians had an elementary school level of education. Although there is a high degree of illiteracy in Haiti, about 38% of the population older than 15 (Godoy 2011), and only about 1% of the immigrants said they were illiterate. As far as basic education is concerned, women have lower schooling than men, reflecting social and gender inequalities in Haiti. Nevertheless, a significant portion of the immigrants, nearly 30%, said they had taken technical courses in the Dominican Republic or those offered by international support institutions in Haiti.

Approximately 5% of the immigrants interviewed had a college level education. Many had not obtained a degree and seek to continue their studies in Brazil. Concerning their relation to the labour market, in Haiti men had been working in civil construction, retail commerce, agriculture, services in the transport sector, and women in hair styling and manicuring, for example, as well as in informal activities such as food vendors.

The majority of the Haitians came from the capital, Port-au-Prince, and its surroundings, such as Croix-des-Bouquets, Carrefour, Ganthier and Cabaret. There were also immigrants from the cities of Gonaïves, Cap-Haitien and Port-de-Paix, which are outside the area struck by the earthquake. This shows that the reasons for domestic and foreign migration in Haiti goes beyond current and situational issues, like natural catastrophes. Thus, although the capital, Port-au-

³ A survey conducted by Alex Stepick and Alejandro Portes among Haitians in Florida found an average age of 29 (Stepick & Portes 1986: 332).

Prince, appears as one of the main departure points for emigrants, accounting for 51% of those interviewed, it is soon followed by Gonaïves, with 37%. It was also observed that groups of Haitians leave together from a single location, which suggests the existence of social networks and efforts to establish a form of protection for the long journey. The fact that many of them had already emigrated to the Dominican Republic,⁴ and had lived there briefly, or for a few years, indicates that some had used this country as a stop on the way to Brazil. Since 2013, Haitians coming from Venezuela have also increased, perhaps due to the encouragement of family members or compatriots already in Brazil.

In Manaus, Haitians are concentrated in the city's central and Southern neighborhoods, such as São Jorge, São Raimundo, Coroadó, Aparecida, Chapada, Alvorada, Compensa, Santo Antonio and Parque Dez. In the Northern area they can be found in the neighborhoods of Manóá, Monte das Oliveiras, Zumbi I and II, as well as the João Paulo housing project. Meanwhile, in the Eastern area they are found in the Nova República housing projects, which is in the Industrial District.

Their housing conditions are usually precarious, and for those who live in small flats (kitchenettes) the situation is even worse. The same applies to those Haitians living in slum-like tenements within various neighborhoods; tiny rooms with little ventilation and high humidity, which are called 'Vilas'. When these immigrants begin working and move to a better place, they begin purchasing essential pieces of furniture for the house, like a bed, a stove, or a table. To lower the costs of rent, they frequently share a house with friends.

While housing is a difficult challenge to overcome, entering the labour market is another. In Manaus, they are offered low-skilled, low-pay jobs such as in general services, as construction assistants, guards, kitchen helps, packagers in retail stores, housecleaners and manicure assistants. Other engage in informal activities in the streets, such as selling food and carrying advertising boards. Some are able to work in factories in the Industrial District or in language schools, where the salary is about double the minimum wage (US\$ 600). It is worth noting that, when interviewed, some of those who had worked in civil construction in Haiti said they would like to continue working in this sector in Brazil; perhaps due to the growing demand for labour in this area. Meanwhile, for others, when asked what work they would like to do in Brazil, the answer, for the majority of them, was: '*quel que soit*', or, whatever they could find.

Women expressed a clear resistance to domestic service, mainly due to its low social value in Haiti and its very low pay. Most of the women were previously self-employed in small commercial enterprises, selling trifles and low cost items as pedlars, or as street stall food vendors. Even those who accept domestic service work refuse to sleep at the job. They are not only accustomed to their previous liberty, but also believe their bosses will not respect an eight-hour work day. This resistance should therefore be understood in a broader sociocultural context as, in both Haiti and Brazil, domestic service is still associated to social inferiority, as a result of the

⁴ There are an estimated 1 million Haitians in the Dominican Republic (Silié 2002).

history of slavery in both societies. With the recent extension of labour rights to domestic workers in Brazil, this attitude may change, as there is a higher demand than supply of workers in this labour sector.

The lack of higher professional qualifications and the poor command of the Portuguese language are the two biggest challenges Haitians must overcome in the short term. In some cases they fail the test of their job trial period and are fired. Others, disappointed with the salaries offered, abandon their jobs as soon as they find another that pays more, thus generating a series of legal difficulties for the companies. It is important to remember that the salaries they are offered in the local labour market vary between R\$ 622.00 to R\$ 800.00 reais (from now on, R\$; equivalent to US\$ 300-400), which is contrary to the idea of a 'Brazilian Eldorado' promoted by those who brokered their trips to Brazil. Considering that most interviewees said they spend about R\$ 540.00 (US\$ 220) on rent and food monthly, they are left with only R\$ 220.00 (US\$ 100) to send to their families in Haiti. However small this amount may seem, it still is better than their previous situation in Haiti.

The initial perception that employers were willing to hire them, given the growing demand for labour, appears to have changed. This is in part due to a slowdown of the Brazilian economy as well as prejudices that spread locally as some Haitians did not fulfil their labour contracts. Some immigrants have in fact broken their contracts because work conditions and salaries did not meet their expectations. Nevertheless, statements such as 'there is a lot of work, only the ones who are picky don't work' show how Haitians are being part of the Amazonian labour market. They are seen by employers as an abundant and low cost 'labour force' suitable for the reproduction of capital (Sassen 1988).

According to the 'Catholic Church's Pastoral Care for Migrants in Manaus,' the majority of the 6,000 Haitians who entered Brazil through the Amazon border and received a humanitarian visa, have already moved to cities in South and Southeastern Brazil, like São Paulo, Rio de Janeiro, Curitiba, Porto Alegre and others. Those interviewed in Northern Brazil, believed it was easier to enter the labour market in these cities due to the greater availability of jobs and better salaries. These high expectations are quickly dispelled as they face higher living costs and the challenges of finding work and housing in large cities such as São Paulo. According to data from 'Pastoral Care for Migrants in São Paulo' there is a gap between the jobs available and the qualifications of those who are looking for work. Of 614 job openings offered by the market through the Pastoral services, only 84 were filled, most in the general services sector (Caffeu & Cutti 2012: 110).

In addition to not having the qualifications required by the job market another factor is the fear of isolation. Many job offers are in cities far from the large urban centers where no compatriots live and therefore are often refused. The case of Alex illustrates this problem. After having been a factory worker for ten months in the plastic industry in Manaus where he received a salary of about R\$ 700.00 (US\$ 350), he went to Rio Janeiro with a colleague in search of

work, which would pay them more. With no success in that city, he traveled to São Paulo and sought lodging in the shelter known as the ‘Casa do Migrante’; an institution maintained by the Our Lady of Peace church in the center of the city. Since he was unable to find lodging in that institution he began to worry because, without a job, his funds would soon dry up. Given the uncertainty he decided to return to Manaus.

Those who take the route through the mediation of the ‘Pastoral of the Migrant’ and other NGOs, like the AMA HAITI project which is maintained by volunteers, are luckier because, in addition to receiving travel fare, they are offered housing support and other benefits. Some companies from other parts of Brazil, particularly from the Southeastern, Southern and Midwestern areas of the country, have gone to Manaus and Brasília to look for workers. In 2012, the demand for labour appeared to be higher, even though in the first months of 2013 it had dropped. Employers became more selective and gave Haitians some anxiety, because without money to continue travelling, their only hope was the arrival of some employer to hire them. Moreover, the situation is even worse for women because employers generally prefer males. This ‘preference’ is an important question. Is it only because of the scarcity of male workers in the Brazilian labour market, or does it also involve a question of productive restructuring of companies that are seeking to lower their production costs by paying low wages, particularly to women (Harvey 1992, Sassen 1988)? The latter hypothesis seems to make more sense.

The case of Haitians and the Brazilian Immigration Policy

Brazil is a country where immigration continues to have an important role in its socioeconomic and cultural formation. Throughout Brazilian history, immigrants were crucial to the economy; from those who came under force, like Africans brought as slaves beginning in the 16th century, to Europeans who, because of a lack of opportunities in their homeland, settled in the Southeastern and Southern regions of Brazil in the late 19th century. Both streams contributed to the construction of a multicultural and multiethnic nation. Considering the successes and failures of these immigrants, the idea still persists that Brazil has always received everyone with open arms, providing them opportunities for a better living.

Nevertheless, it is necessary to emphasize that this expansive attitude has waxed and waned over the history of Brazilian immigration. In the late 19th century European immigrants, mainly attracted by official State policies, were welcomed because of their economic and ‘racial’ contribution. In addition to being part of the national settlement project, they also served a policy designed to ‘whiten’ the Brazilian population to which African slaves and their descendents had massively contributed. But the situation changed during the *Estado Novo* [New State] period, from 1937 to 1945, when immigrants were forced to adopt Brazilian nationality and were persecuted for refusing assimilation if they hesitated to give up their original language, culture and customs.

Others, such as those of Semitic origins, were viewed with distrust and encountered difficulty entering Brazil. Nevertheless, they benefited from the stereotype that they were skilled in commercial activities, which led to relaxed immigration controls. From this perspective, in the period when the construction of national identity was charged with 19th century pseudo-scientific racist and evolutionary theories, the ‘ideal’ immigrant was seen as one who best served the melting pot ideology, that is, one of Latin, white and Christian origin, such as the Spanish, Portuguese and Italians (Seyferth 2001: 149).

Thus, Germans and Japanese were considered to be more difficult to be assimilated. Although their immigration also relied on official support, they came to be seen by some intellectuals and social groups as ‘ethnic blemishes’, that is, as possible threats to Brazil’s ethnic-cultural integrity. Until the 1930s, the principle of assimilation was the selective criterion for immigration to Brazil; even under the New State established by Getulio Vargas. Later, a more economic principle gave priority to the professional qualifications of immigrant workers, but with restrictions concerning their political participation.

These new preferences became normative under the military dictatorship with the approval of the Foreigners Statute in 1980. The law made explicit the profile of workers to which the country would give priority, that is, skilled labour capable of serving some sectors of the national labour market. Since then, mainly for political reasons, in addition to being selective, migratory policy also became xenophobic. Hispanic-Americans who were escaping the violence of regional dictatorships and the lack of opportunities in their countries of origin (Silva 1997, 2008b) were especially suspect. From this perspective, although ‘political refugees’ were also migrant labourers, they represented a possible threat to National Security.

If, on one hand, there was an influx of skilled immigrants, on the other, there was also a growing demand for less skilled labour to serve sectors of the labour market, served by subcontractors such as clothing manufacturers in São Paulo (Silva 1997). Thus, immigrants, who in principle did not meet the legal requirements, entered the country and remained after their tourist visas had expired as undocumented aliens. To alleviate this situation, and respond to pressure from non-governmental organizations, the Brazilian government has taken palliative measures such as the amnesties granted every ten years to undocumented migrants since the 1980s. During the last amnesty, in 2009, according to data from the Federal Police, of the 45 thousand requests for residency, only 18 thousand were granted by the Brazilian government. The others were refused because they could not prove their employment ties in the country.

Within Mercosur⁵ the advances have been more significant, as some bilateral agreements on migratory regulation have already been signed by the member countries, including the right for citizens with formal employment contracts to freely reside anywhere within the Mercosul.

⁵ Created by the Asunción Treaty in 1991, it originally included the four countries of Brazil, Argentina, Paraguay and Uruguay. In 1996, Bolivia and Chile gained associate status, in 2003, Peru, in 2004, Colombia and Ecuador. In 2012, Venezuela was accepted as an effective member.

Viewed in conceptual terms, Brazil's Foreigner Statute created an ambiguity by indistinctly classifying all those who enter the country as foreigners; even those who come to live and work. We have in this case a legal category that supersedes the social category of immigrant, highlighting differences between Brazilians and foreigners, despite the fact that their legal civil equality was guaranteed in article 5 of the Brazilian Constitution of 1988.⁶ This distinction is not only conceptual, but has direct implications for the exercise of citizenship rights by those who were allowed to remain in Brazil. Among the rights that continue to be limited are those relating to political citizenship; immigrants cannot vote or run for office unless they are naturalized. The recognition of these rights, at least on a local level, would completely change the situation for Brazil's immigrants for they could voice and back demands concerning their social, cultural and political rights.

With the arrival of Haitians in the country some other questions arose. From the perspective of the Foreigners Statute they are entering the country illegally, given that upon crossing the border they did not present the required entrance visa. Their strategy was to request 'refugee' status, which offers various interpretations. Even if they do not fit into this category from the perspective of the Geneva Convention of 1951, because they have not suffered political, religious or racial persecution, based on Brazil's Refugee Statute, Law 9.474/97, they can be granted this right. This Law extends the possibilities for refugee status in the country by adding situations of 'grave and generalized human rights violations'.

From this viewpoint, the conditions in Haiti after the earthquake denied them several human rights, including food security, rights to housing, labour, healthcare, education and others. Another possibility could be recognition of migrants under such a situation as 'environmental refugees', a category foreseen by the United Nations Environmental Program of 1985.

Federal agents at Brazilian borders have no power to decide on the merits of these issues when refugee status is requested. Therefore, after the immigrants register at the border, requests are sent to the National Refugee Committee (CONARE) of the Ministry of Justice for analysis. While awaiting a response, the Haitians receive a protocol that allows them to get a taxpayer's ID number (CPF) and registration at the Ministry of Labour, documents that are essential to look for work in the country.

CONARE, however, stated that the 1951 Convention did not offer it the legal basis to grant these requests, and sent them to the National Immigration Council (CNIg), which, under Resolution no. 08/06, can grant foreigners permanent visas in Brazil for humanitarian reasons.

⁶ It is worth recalling that the term immigrant was substituted for foreigner in the Constitution of 1937, due to the negative connotation that it had at the time, because immigrant was defined as anyone who arrived in national ports in 2nd or 3rd class, at the expenses of the federal government, the states or third parties (Seyferth 2001:145). In the case of the Haitians, this concept seems not to have changed, given that they are required to confront countless difficulties during the long journey, much of it taken by boats on the rivers of the Amazonian area, a fact that raises the ominous image of the boat people and slave ships of times past.

This decision opens a historical precedent because it is the result of pressure from various sectors of civil society. This is particularly true in the case of Amazonas; the Pastoral of the Migrant, which sheltered these immigrants at the border and in Manaus, demanded that the local government take a stand on the chaotic situation in Tabatinga.

The granting of visas for humanitarian reasons by the CNIg meant an advance in national migratory policy. In addition to being in harmony with the Brazilian government's National Human Rights Plan, it extends the possibilities for entering the country to other groups in similar conditions. This is crucial given that situations of human rights violations are increasingly frequent in the contemporary world.

Nevertheless, the new measures taken by the Brazilian government under Resolution 97 of January 13 2012, which limited the concession of work visas to 1,200 Haitians per year with the possibility of renewal after five years, fell like a 'bucket of cold water' on the expectations of the immigrants who were already in the country. That measure could prevent their family members and others who were planning to emigrate from joining them in Brazil.

Those who arrived after January 12 were barred at the Amazonian borders and created an atypical situation in the Brazilian scenario. It was the first time that there has been effective control of the entrance of foreigners at these borders, contradicting the 'humanitarian' principles that until then had guided the management of the migratory flow. Even more serious, this measure criminalized without distinction all the immigrants who tried to enter the country expecting to obtain refugee status. Beyond the established quota, all of them would illegally trespass the borders as common criminals. This governmental stand also revealed relics of a migratory policy based on the ideology of the 'National Security Law' of the military period. Then immigration was seen as a possible threat to the State and not as a contribution to the economic and social development of people of all nationalities.

Paulo Sergio de Almeida, president of the National Immigration Council (CNIg), said that the quota was not a 'strait-jacket', because Brazil was willing to increase the number of visas if demand was greater than that stipulated by resolution 97. However, if the objective of that resolution was to eliminate illegal immigration in the Amazonian area, it appears not to have been completely successful. In fact, Haitians continued to enter over those borders during 2012 and 2013, raising questions about the difficulties in obtaining an entrance visa from the Brazilian embassy in Port-au-Prince. If the demands imposed by the Brazilian government – that they must be living in Haiti, have no criminal record, and pay a fee of US\$ 200 – were not excessive, why should Haitians risk submitting themselves to the 'coyotes' and being stopped at the border?

What can be observed in this case is that there is a confusion of legal competence and conflicts between government agencies dealing with the regulation of the legal status of foreigners in the country. Each agency interprets the law differently. For example, newly arriving Haitians continue to receive the protocol for refugees on the Amazonian border, even after the enactment of resolution 97. Aiming to fight the action of coyotes and irregular immigration, the

Brazilian government, through Resolution 102 of April 26 2013, removed the limit on visas and extended the number of consulates where they could be obtained, beyond Port-au-Prince. This measure is expected to establish better control at the borders and to have those who enter irregularly be notified to leave Brazil, or they will remain undocumented. These challenges already have been experienced by other immigrant groups, like Bolivians, who in general have few skills and are ethnically differentiated from Brazilians (Silva 2008b).

It is imperative at the present moment of economic development and political stability in Brazil to implement a new migratory policy that contemplates the multi-layered nature of migration today; combining immigration, emigration, refugees status and people in transit. In this sense, it is worth highlighting the role of non-governmental organizations (NGOs) that have proposed governmental policies whose central focus is the protection of the rights of migrant workers, whether skilled or not. Nevertheless, this discussion seems not to have reached the Senate committee who, in 2011, together with the national Order of Brazilian Lawyers, prepared a draft proposal for the reformulation of the Brazilian Criminal Code, which is now under discussion as Bill 236/2012. Chapter XV of this Bill, regarding crimes related to foreigners, does not go beyond the spirit of Law 6.815/80, whose main concern was the repression of ‘crimes against national security’, which are now ‘mitigated’, according to the senator responsible for drafting a report on the Bill. By maintaining the criminalization of those who hide irregular foreigners in the country, or who omit information to get them recognition for refugee status, the Bill criminalizes everyone indistinctly, lumping together the coyotes, the immigrants and their support networks.

It is worth recalling that a Bill (5.655/09), which should replace the current migratory legislation, continues to be discussed in the Brazilian Congress. Although the proposal has advanced, for example, in defining the modalities of entrance visas in Brazil, including humanitarian entrance visas, it maintains the distrust of current law in regard to foreigners by prohibiting their ‘activities in political parties’ and ‘organizing, creating, or maintaining association with any entities of a political character’ (Art.8). From this perspective, immigrants continue to be treated as foreigners, and are far from being recognized as full citizens.

Meanwhile, as the Bill proposing a new regulatory framework for migration policies was being discussed in the National Congress, in 2010, the National Immigration Council (CNIg) of the Ministry of Justice submitted for public evaluation a proposal for a ‘National Immigration and Protection Policy for the Migrant Worker.’ Although backed by the 1990 U.N. Convention on The Protection of the Rights of All Migrant Workers and Members of Their Families, it has not yet been ratified by Brazil.

On one hand, these proposals illustrate contradictions on how migration is seen within the government. On the other, the resolutions and agreements already signed by Brazil on a regional and international level seek to incorporate the demands of the immigrants and of the organizations involved with these issues. According to Patarra (2012), this shows Brazil’s clear

interest in establishing its regional and international leadership, and in consolidating its influence in international agencies.

The increased requests for temporary and permanent work visas in Brazil by workers from countries such as the United States, the Philippines, the United Kingdom, India, China, Portugal, Spain, Italy and others intensify the discussion on the profile of the immigrant desired by the Brazilian labour market. This is due to the increased demand for skilled labour in some sectors of the Brazilian economy, like infrastructure, gas, oil and healthcare. According to the Ministry of Labour and Employment (MTE), in 2009, 42,914 requests were granted, jumping to 73,022 in 2012, an increase of 70% in three years. These workers are mostly male (90%) with college education, including masters and doctoral degrees (60%), and with labour contracts of up to two years. However, bureaucratic delays in issuing visas pose a great challenge to those who seek temporary work and is of great concerns to the Brazilian government. Moreover, those who intend to remain in Brazil face other challenges, such as the revalidation of their diplomas, which is a slow and costly process.

If, on one hand, capital needs skilled labour for its reproduction, it also needs a labour force with fewer skills, preferably one that is poorly paid and without guaranteed rights, as is the case of the men and women workers in the clothing sector of the garment industry in São Paulo (Silva 1997, 2008b). In this case, nationality is of little importance, because immigrants are defined by their condition as temporary and often undocumented workers (Sayad 1998), a fact which places them in a situation of total vulnerability.

In the case of the Haitians this risk was avoided, at least at first, by the humanitarian visa they were given. Nevertheless, the defense of their rights will largely depend on how they are positioned in the struggle for their citizenship in Brazil. The formation of a committee to organize their stay in Tabatinga (AM), which they called the Haitian Committee, was the first step taken to alleviate the sub-human conditions to which they were submitted at that border (Silva 2012). The rise of new organizations such as the Association of Haitian Immigrants in Brazil (AIHB), in Pelotas (RS), is an indication of how they plan to address their treatment in Brazil.

The presence of Haitians in the Amazonian States reveals the contradictions of how civil society and the Brazilian government have dealt with migratory issues in Brazil. Not only has the lack of preparation by official institutions in the face of emergency situations like this become visible, but it has also exposed the competing positions within the government about the need to reconsider migratory policy and legislation. These impasses must be overcome for Brazil to continue its economic advancement. Brazil must implement policies that respond democratically to the challenges raised by current migrations that must be understood as also making a contribution to the sociocultural development of the Brazilian people.

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