

From: Saba Ahmed <saba@caircoalition.org> To: <steveforester@aol.com>; jaclyn <jaclyn@ijdh.org> Cc: Kelly Rojas <kellyr@caircoalition.org> Sent: Mon, Mar 20, 2017 4:12 pm Subject: Firm Resettlement of Haitians in Brazil

Good afternoon,

I received your contact information from a colleague and learned that you are looking into the firm resettlement bar for Haitians previously living in Brazil. We had a number of Haitians detained locally last November and I looked into the issue then. I am sharing what I learned.

The 2010 earthquake in Haiti prompted many Haitians to immigrate to Brazil. In response, on January 12, 2012, the National Council of Immigration (Conselho Nacional de Imigração, CNIg), which is subordinate to the Ministry of Labor and responsible, inter alia, for the coordination of immigration activities in Brazil, issued Normative Resolution No. 97 (Resolução Normativa CNIg No. 97, de 12 de Janeiro de 2012, <http://pesquisa.in.gov.br/imprensa/jsp/visualiza/index.jsp?data=13/01/2012&jornal=1&pagina=59&totalArquivos=112>), which provides for the granting of a permanent visa to nationals of Haiti according to the provisions of article 16 of Law No. 6,815, of August 19, 1980.

Article 16 of Law No. 6,815 of August 19, 1980 (Estatuto do Estrangeiro, Lei No. 6.815, de 19 de Agosto de 1980, http://www.planalto.gov.br/ccivil_03/Leis/L6815compilado.htm), determines that a permanent visa may be granted to an alien who intends to stay permanently in Brazil. Article 18 states that the granting of a permanent visa may be conditioned, for a period not to exceed five years, on the exercise of certain activities and settling in a certain region of the national territory - one of these conditions is employment. This is important because many of the Haitians we're seeing were unemployed in Brazil due to the poor economy.

In November 2015, the Ministry of Labor and Social Security and the Ministry of Justice signed a joint act authorizing 43,781 Haitians who are living in the country in an irregular situation to apply for a permanent residence visa. (Ministério do Trabalho e Previdência Social, Ministério da Justiça, Despacho Conjunto, Nov. 11, 2015, <http://voce.mj.gov.br/lista1.pdf>). This could be considered an offer of permanent residency.

As of the end of January, we know that out of the 43,781 Haitian immigrants who were able to apply for a permanent residence visa, 31,223 had applied (<http://agenciabrasil.ebc.com.br/geral/noticia/2017-01/governo-prorroga-prazo-para-haitiano-tirarem-visto-permanente-no-brasil>). The government of Brazil has a list of Haitians who were granted permanent residency (<http://voce.mj.gov.br/lista1.pdf>).

Based on our research we believe that many of the Haitians living in Brazil are subject to the bar because of the offer of permanent residency that was extended then. I don't know how wide-reaching this offer is, so it's quite possible that Haitians who entered Brazil in 2016 and 2017 would not have this offer available to them.

Hope this helps!

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