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**MANAGING MIGRATION:
THE BRAZILIAN CASE**

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MANAGING MIGRATION: THE BRAZILIAN CASE

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ABSTRACT

The objective of this paper is to present the Brazilian migration experience and its relationship with migration management. The article is divided into three parts. First, it reviews some basic facts regarding Brazilian immigration and emigration processes. Second, it focuses on some policy and legal issues related to migration. Finally, it addresses five issues regarding migration management in Brazil.

Key words: international migration, immigration, emigration, migration management, migration policies, migration laws, Brazil

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RESUMO

O objetivo deste artigo é apresentar a experiência migratória brasileira e sua relação com o manejo da migração e está dividido em três partes. A primeira revisa alguns fatos estilizados dos processos de migração e imigração no Brasil. A segunda focaliza alguns aspectos legais e de políticas relacionadas à migração. Finalmente, a terceira trata de cinco pontos ligados ao manejo da migração no Brasil.

Palavras-chave: migração internacional, imigração, emigração, manejo da migração, políticas de migração, leis sobre migração, Brasil

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1. STYLIZED FACTS

The historical experience regarding migration makes Brazil a typical receiving country. The immigration of Italians between late nineteenth and early twentieth centuries comprised more than 800,000 immigrants. The Japanese flow brought to Brazil around 200,000 immigrants in the first half of the twentieth century. In demographic terms, the net migration flow between the post-war period and the 1970s was close to zero, so that it was generally assumed that Brazil had a closed population. During the 1980s, Brazil experienced, for the first time, a negative net migration flow, meaning that the country presented a large emigration flow.

It is hard to estimate the immigration and emigration flows from Brazil, mainly due to data limitation. Based on the 1991 Brazilian Demographic Census and indirect demographic techniques, Carvalho (1996) estimated that the net migration flow of people aged 10 or more was negative around 1,800,000 in the 1980s. Taking into account only the second half of the decade, the net migration flow of people aged 5 or more was negative around 972,740 (Carvalho et. al, 2001). More than half of this flow (508,507) originated from the Brazilian Southeast states – namely, São Paulo, Rio de Janeiro, Minas Gerais, and Espírito Santo. The sex ratio of the out-migrants is quite high (1,68), which means that there are 168 male out-migrants for each 100 female out-migrants. Due to a huge improvement in census coverage between the 1991 and the 2000 censuses, Carvalho (2004) points out that the net migration flow cannot be calculated for the 1995/2000 period, or it would overestimate the negative net migration flow.

Using data from the Brazilian Consulates abroad and published by the Brazilian Foreign Relations Ministry, Azevedo (2004) reports that there were around 1,5 million Brazilians living abroad in 1997 and around 2 million in 2002. The major receiving countries, according to the author, are the United States of America (750,000), Paraguay (350,000), Japan (250,000), Portugal (65,000), Italy (65,000), and Switzerland (45,000). Goza (2004) counted 247,020 Brazilians in the 2000 U.S. Census of Population. The comparison between this figure and data from the Brazilian Consulate indicates that the American census is probably not capturing illegal migrants. Official data from Japan's Justice Ministry reports 268,332 Brazilians living in Japan in 2002 (Miike, 2004) – this figure is much closer to the Brazilian data, indicating a lack of illegal migration to that country.

The Brazilian demographic censuses provide more reliable data for migration to Brazil. Based on the 1991 and 2000 censuses, Carvalho (2004) counted 66,217 and 143,644 immigrants in the 1986/1991 and 1995/2000 periods, respectively. The Brazilian immigrants (return migration) corresponded to 47% of the total immigrant flow in the first period, growing to 61% of the flow in the second period. The foreign immigrants corresponded to 48% of the total immigrant flow in the first period, declining to 34% of the second period. The remaining proportion of the immigrant flow is neglectful, accounting for the naturalized foreigners. The data described above indicates that the growing number of immigrants in the period is greatly due to the increasing flow of Brazilians as return migrants.

The data presented in Table 1 indicates an increase in the flow of immigrants originated from nearly all regions, although only Paraguay and Japan present an increase in the flow's relative share. The growth in the immigration flow originated from Japan between 1986/1991 and 1995/2000 is striking. Nearly 90% of these immigrants are Brazilians of Japanese origin (dekasseguis) returning to Brazil.

TABLE 1
Immigrants (natives and foreigners) According to Previous Residence

Previous Residence	1986/1991		1995/2000	
	N	%	N	%
Europe	15203	23,0	27307	19,0
Paraguay	10726	16,2	35446	24,7
Argentina	5535	8,4	7797	5,4
Other L.Am. Count.	14698	22,2	24323	16,9
USA	9199	13,9	16695	11,6
Japan	1827	2,8	19692	13,7
Other Countries	8500	12,8	11872	8,3
Ignored	529	0,8	511	0,4
TOTAL	66217	100,0	143643	100,0

Source: Carvalho, 2004. Brazilian Demographic Census – IBGE.

I now turn to the ways the Brazilian Government has managed migration in the last three decades. Data come from the United Nations and cover the period 1976-2003.

2. MIGRATION MANAGEMENT

2.1 Government Perceptions

In 2003, the United Nations Population Division conducted the *United Nations Ninth Inquiry among Governments on Population and Development*. The purpose of the inquiry was to assist Governments on the implementation of population policies and to provide an input into the quinquennial review and appraisal of the Program of Action of the International Conference on Population and Development (ICPD) held in 1994 in Cairo. The inquiry's section six deals with international migration.

The United Nations' report on *World Population Policies – 2003* indicates substantial changes in the Government perceptions of migration trends, based on several inquiries. The share of Governments considering the level of immigration too high moved from 7% in 1976 to 20% in 1986 and 21% in 2003. The report indicates that Governments in Africa, Asia, and Latin America and the Caribbean eased their concerns with high emigration, a fact that is associated with the recognition of the importance of remittances for the national economies of the sending countries. The data for Brazil are presented below.

- What is the view of the Government concerning the level of immigration into the country?

1976	1986	1996	2003
Satisfactory	Satisfactory	Satisfactory	Satisfactory

- What is the policy of the Government towards immigration?

1976	1986	1996	2003
Maintain	Maintain	Maintain	Maintain

(“Maintain” means to maintain the current state – in this case, the current level of immigration)

- For immigration for permanent settlement, please indicate the current policy of the Government.

1976	1986	1996	2003
..	..	Maintain	Maintain

- For entry of migrant workers, please indicate the current policy of the Government.

1976	1986	1996	2003
..	..	Maintain	Maintain

- For entry of dependents of migrant workers, please indicate the current policy of the Government.

1976	1986	1996	2003
..	..	Maintain	Maintain

- Does the Government have a policy or policies to integrate or assimilate the non-nationals who are currently resident in the country?

1976	1986	1996	2003
..	..	No	Yes

- What is the view of the Government concerning the level of emigration into the country?

1976	1986	1996	2003
Satisfactory	Satisfactory	Too high	Satisfactory

- What is the policy of the Government towards emigration?

1976	1986	1996	2003
Maintain	Maintain	No Intervention	No Intervention

- Does the Government have a policy of encouraging the return of citizens who have emigrated?

1976	1986	1996	2003
No	..	No	Yes

The Brazilian Government's perceptions on immigration and emigration, shown above, indicate that immigration issues are not major concerns in governmental policies, except for the growing awareness with integration of non-national immigrants in the Brazilian society. The concerns regarding emigration issues presented more variation in 1996 and 2003 -- during the 1990s, emigration was a major concern, whereas in 2003 the Brazilian Government viewed return migration positively. This positive view on return migration is in accordance with the stylized facts described previously, portraying a growing share of nationals in the immigration flow. Have these changes in the way the Brazilian Government views migration had any impact on legislation? The next item addresses this issue.

2.2. Legislation

The Brazilian Government's regulation of foreign immigration is based on Law 6815 of 1980. The law decree 86715 of 1981 regulates the foreign law above mentioned and also creates the National Council of Immigration, which operates inside the Labor and Employment Ministry. Law 86715 defines all types of visas that a foreign can obtain to enter the country: transit, tourist, temporary, permanent, courtesy, official, and diplomatic. The Labor and Employment Ministry is responsible for issuing work permits and for monitoring employment. The Foreign Relations Ministry is responsible for issuing the entry visas, whereas the Justice Ministry is responsible for controlling the entrance in the country, also issuing visa renewals and their transformation into different types of visa.

Ribeiro Filho and Takada (2004) review the most recent regulations under the Law 6815 regarding working permits (or visas). They point to three types of working permits: the temporary visa with labor contract, the temporary visa without labor contract, and the permanent visa. The temporary visa with labor contract determines the inclusion of immigrant's salary in the firm's wage bill. The visa is valid for two years and can be extended only once, or transformed into a permanent visa. The labor regime is has a pre-determined length of duration, not to exceed two years. Dependent family members are not allowed to work during the stay. Immigrants with at least college degree have to present work experience of at least two years in the occupation for which they are being hired. Immigrants who have not completed college degree must have at least 9 years of schooling (incomplete high school) and to present work experience of at least three years in the occupation. The immigrant's job contract has to be signed exclusively with the firm that required the work permit and has to formally authorize an eventual transfer to another firm.

The temporary visa without a labor contract is aimed at immigrants that will provide technical assistance (up until two years) and technical cooperation (up until one year). The visa can be extended only once. A ninety-day urgent visa (non-extendable) can be issued for urgent tasks and there is little requirement in terms of documentation. The urgent visa can only be issued again for the same person 180 days after the former visa expiration. A thirty-day emergency visa (non-extendable) can be issued only if life, environment, or equipment are at risk. The emergency visa can only be issued again for the same person 90 days after the former visa expiration.

The permanent visa for legal representatives (CEOs, directors, and managers) of multinational companies and traders require an investment of at least US\$ 200,000.00 per representative registered at the Central Bank, or an increase in the wage bill due to the generation of new jobs. The visa is valid for five years and family dependents are allowed to work.

Table 2 portrays the evolution of entry authorizations by types of visa. An important portion of the legal immigration consists of several types of temporary visas. Table 3 presents the entry authorizations by country of origin. A matching of Table 3 with Table 1 reveals the absence of important Latin American countries in Table 3 -- for instance, Paraguay, and Bolivia. This finding suggests that the migration process from Latin American countries to Brazil carries an important component of illegal immigration.

TABLE 2
Entry authorizations by Type of Visa – Brazil

TYPE OF VISA	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Permanent for Managers	367	494	614	795	702	1288	1434	895	846	496
Temporary Labor Contract	1448	2064	2709	3852	4297	2266	2356	2733	2267	1531
Temp. Tech. Assistance 2 yrs.	1495	1910	1181	1344	906	1411	1805	2368	2645	919
Temp. Tech. Assistance 90 days									1212	4373
Oil					2079	3461	7871	7849	7301	6140
Others	478	835	869	925	6126	4951	6034	7709	6847	3930
TOTAL	3788	5303	5373	6916	14110	13377	19500	21554	21118	17389

Source: Ribeiro Filho and Takada, 2004 based on Labor and Employment Ministry.

TABLE 3
Entry authorizations by Country of Origin
Brazil - 2003

Countries	N	%
USA	2463	14,2
Phillipines	763	4,4
Great Britain	722	4,2
France	839	4,8
Argentina	802	4,6
Norway	757	4,4
Poland	402	2,3
Italy	779	4,5
Germany	1003	5,8
Japan	700	4,0
Spain	641	3,7
India	432	2,5
Portugal	296	1,7
China	273	1,6
Canada	410	2,4
Colombia	302	1,7
Holland	357	2,1
Russia	221	1,3
Others	5227	30,1
TOTAL	17389	100,0

Source: Ribeiro Filho and Takada, 2004
based on Labor and Employment Ministry.

Another important regulation regarding immigration is the “refugee law”, which implemented the refugee statute originally written in 1951 and signed (???) by the Law 9474 of 1997. This Law applies to all foreigners that have their lives and rights threatened due to race, sex, religion, nationality, etc. The recognition of a refugee status to the foreigners will entail all immigrant rights conceived by the immigrant law. Family members (spouses, children, parents) of the refugee also have their benefits conceded.

The Institute for Migration and Human Rights (IMDH) conducted a survey with religious organizations regarding assistance to foreigners in Brazil and to Brazilians outside Brazil (Milesi, Bonassi, and Shimano, 2001). These organizations report a great deal of illegal migrants, sometimes due to the high bureaucracy and slow delivery of documents, both abroad and in Brazil. In the Brazilian case, the organizations reported that more than 70% of their problems derived from difficulties with documentation due to administrative problems and/or problems associated with the implementation of the Law 6815 of 1980. The costs for obtaining the documents are considered high.

Another case of migration regulation regards the signature of a social security multilateral agreement in the *Mercosul/Mercosur*, designed by the Governments of Argentina, Brazil, Paraguay, and Uruguay (Moraes, 2004). The agreement was reached in Montevideo on December 15th, 1997¹. The agreement deals with unification or portability regarding mandatory and voluntary social security programs, issues on contributions, health assistance, among other points.

The next and final item addressed five issues related to the Brazilian migration management, in an attempt to review and summarize the discussion presented here. The focus is on the experience of immigration in Brazil. Because the Brazilian net migration flow has been negative in the last decades, the discussion should also be brought up in the context of Brazilian emigration, including its relationship with remittances and return migration.

3. FINAL REMARKS: ADDRESSING FIVE ISSUES

First Issue: How to accommodate / host migrants (including children’s education, health / social insurance, etc)? What are the social implications of hosting immigrants?

It is difficult to generalize propositions regarding the issue of hosting immigrants. Any policy designed for that purpose has to consider that migration does not result solely from an individual decision-making process. Yet it is a process that evolves through time, comprising family members, networks, recruitment mechanisms, etc.

In the case of a specific kind of temporary migration program aimed at recruiting unskilled and relatively low-paid labor, policy-makers would wish to determine length of stay and to limit the presence of family members (spouses and dependent family members). The experience indicates that immigration’s tight controls work more effectively in the short-run, whereas the extension of work permits and other mechanisms prolonging immigrants’ stay involve social networks and family reunion. If family reunion is not formally conceived, it would create extra pressure in the hosting

¹ The agreement is not in effect yet because Paraguay has not ratified it.

mechanism. The international experience of programs such as the “Bracero Program” (Mexican immigrants entering the USA for temporary work in the midst of last century) and other European temporary work programs also suggest that full control of the migration process is never achieved, as such programs take into account a growing migrant network that may feed undocumented immigration.

Hosting immigrants is less of a problem in the case of temporary migration programs aimed at the attraction of high paid qualified labor -- for example, the Brazilian case of legal immigration described above. Hosting is not a problem because these foreigners can get health, education, and social security services using their own private resources. Nevertheless, the restrictive rules of immigration may favor an upsurge in the flow of undocumented migrants.

Illegal migrants are the ones with the highest degree of hosting problems, as they are excluded from the provision of education, health, social insurance, and other services. In the Brazilian case, migrants from some Latin American countries such as Paraguay and Bolivia are included in this group.

A hosting strategy that accommodates the provision of social services to immigrants and takes into consideration the inclusion of other family members may be expensive in the short-run but favors the control of the long-run flow of immigrants². Last but not least, one has to take into consideration the fact that hosting problems are connected with the growing concerns with human rights issues.

Second Issue: How to protect migrants’ rights?

The *International Convention on the Protection of Rights of All Migrant Workers and Members of their Families*, adopted by the General Assembly resolution 45/158 of December 18th, 1990, was signed and ratified by 21 developing countries. The Convention provides the broadest universal codification of the right of migrant workers and their families. It protects all migrant workers and their families without any kind of distinction by sex, race, color, age, religion, political opinion, etc. The scope of the convention covers the entire migration process (preparation for migration, departure, transit, arrival, period of stay, etc). The Convention seeks to prevent the exploitation of migrant workers during the migration process. It aims to prevent illegal or clandestine recruitment and trafficking of migrant workers and to discourage the employment of undocumented migrants. It addresses the provision of social services to migrants and their families, both in sending and receiving countries. Article 45 states that members of the families of migrant workers living in the country of employment enjoy equality of treatment with nationals with respect to access to educational institutions, vocational guidance and training institutions, social and health services, and participation in cultural life. The Convention is the most advanced set of measures aiming at the protection of migrants’ human rights. It is advisable that even countries that have not signed the Convention yet take it as a basic frame of reference.

² Canada could be an example along this line.

Third Issue: How to cope with illegal migration problems? Toughening migratory regulation may decrease migratory flows but might increase illegal migration. Comment.

Illegal or undocumented migration is usually associated with the search for unskilled laborers by firms in the receiving countries. It is hard to conceive the idea of finding a flow of undocumented (illegal) *skilled* migrants. Thus, when developed or developing receiving countries have illegal migrants, these migrants tend to be searching for unskilled jobs. There is a kind of negative externality in this situation, as illegal migrants are clearly seen as a negative factor by the governments and some citizens of the receiving country, but they are functional to some private firms. The situation tends to worsen as countries with below replacement fertility face population aging. In this case migrants may fill partially the working age population's needs of a country. The case is even more perverse if one considers that the migration experience of illegal migrant workers usually involves adverse recruitment processes, dangerous travels, exploitation by brokers, and low payment by employers. In a situation of unskilled labor supply shortage in the receiving countries, any attempt to formalize the migration flow would diminish the exploitation mechanisms that are associated with illegal migration that were just described above. Some of the tools stated at the Convention (described in the previous issue) would facilitate the regulation of this process. Conversely, a tough migratory regulation would definitively increase the benefits of the adverse mechanisms associated with illegal migration flow. In the Brazilian case, there is no regulation of immigration for unskilled workers, which results in a flow of undocumented migrants from the South Cone countries (mainly Paraguay and Bolivia). Immigrant flows from border countries tend to present a higher share of illegal migrants. Toughening migratory rules would deteriorate the situation. A word of caution: even the documentation (legalization) of illegal migrant flows may signal a pseudo-control situation, since family reunion and network migration may induce extra illegal flows in the long-run.

Fourth Issue: How to support returning migrants to their home countries, using their acquired skills?

This is a typically ambiguous situation. Migrants with high formal schooling and who get skilled jobs in the receiving countries could acquire skills with potential benefits upon return, whereas unskilled migrants tend to work in low payment jobs in which the accumulation of on-the-job training skills is quite low. There is a potential benefit only to the extent that international migrants are positively selective with respect to the sending country native population, even when they have unskilled jobs in the receiving country. Upon return, even without the acquisition of skills in the job, these migrants will have higher than average schooling (human capital) and savings (economic capital) that could positively impact the sending country or community.

Remittances and return migration are interrelated issues. Remittances may contribute to the consumption of migrant's family members in the sending country (living expenses) or to savings, business investments, real state investments, and education investments. Return migration usually happens after migrants reach a target savings in the receiving country. There is a growing awareness as to the role of remittances and return migration for local development. Orozco (2004) compares

migrant remittances of Latin American countries based on data from countries' Central Banks. The amount remitted to Brazil grew from 2.6 billion dollars in 2001 to 5.4 billion dollars in 2003. Although remittances represent only 1% of Brazilian GDP and 8% of exports, Brazil has the second largest amount of remittances in the region, lagging behind only to Mexico. Recent surveys on remittances suggest that migrants living in the USA (50%) and Japan (17%) are the ones sending the largest amount of remittances (Bendixen, 2004).

There is a growing expectation with respect to the developmental role played by return migrants. A study with Brazilian immigrants in the USA indicates that they expect to return upon achieving a certain level of economic success (Martes, 2004). The dekassegui project indicated that around half of the male migrants answered that their motive to migrate either was associated with the opening of a new business or in helping family business (Miike, 2004). For the migrants already returned, the median amount of money accumulated was US\$ 30,000.00 for men and US\$ 20,000.00 for women, and the proportion already working in their own businesses are 39.3% and 26%, respectively. The study indicates low managerial skills and low specific knowledge acquired during the migration process, but the entrepreneurial ability is basically enhanced by economic capital.

Regardless managerial and acquired skills, returned migrants tend to earn more than the average Brazilian population. Carvalho (2004) calculated that male household heads returning from the US between 1995/2000 earned 23.3 minimum wages, whereas the average Brazilian male head earned 5.3 minimum wages, the returned from Japan earned 8.5 minimum wages, and the returned from Paraguay, 2.3 minimum wages. Further studies have to be made to clarify the extent to which the differences in earnings are due to school selectivity operating prior to migration, or skills acquired during the migration process, or the accumulation of economic capital during the migration process.

Fifth Issue: How to cope with brain drain issues?

There is scant literature about brain drain issues in Brazil. In terms of the emigration flow, the literature clearly indicates that there is a positive selectivity in terms of schooling, which means that the emigrants are generally higher educated than the Brazilian average population. Nevertheless, this selectivity problem has never been treated in terms of brain drain, perhaps due to the size of the emigration flow and the economic recessions that have plagued Brazil during the 1980s and 1990s. Yet the immigration flow is highly qualified, representing more a brain drain to the sending countries than to Brazil as a receiving country. As a word of caution, brain drain may become a hot issue in Brazil during the next decade. This will happen to the extent that Brazilian's fertility decline is stronger among families with high education. If the fewer children of these families emigrate in large flows in the next decade, then the young cohorts entering the labor market will be less qualified, imposing negative productivity shocks in the labor market.

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