

## **International Migration and Family: Refugees in Brazil**

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### **Introduction**

International migration introduces new patterns and configurations in the XXI century, it is a process that is consistent with the social changes experienced in recent decades (Ariza and Velasco, 2012). "*These modes of transformation, and the practice of migrant transnationalism around them, both retire and contribute to broader processes of globalization*" (Vertovec, 2004: 970). There is a strong interdependence between societies of origin and destination, where the different social systems are difficult to be seized (Schruerkens quoted in Ariza and Velasco, 2012).

Tales transformaciones son quizá más evidentes del lado de las sociedades emisoras o, más aún, en el espacio transnacional que ambas conforman. Así, la circulación de bienes, símbolos y afectos entre origen y destino a través de circuitos migratorios transnacionales; la reproducción intergeneracional de familias divididas; la conformación de organizaciones transnacionales o la vivencia transfronteriza bifocal, son otras tantas expresiones del escenario actual. (Ariza e Velasco, 2012: 13-14)

Ideological conflicts, violence, wars and political persecution composes the scenario of international migration in the XXI century. According Clochard (2007), such mobility is called "crisis migration", which is an important impeller of the movements in modernity, and it is responsible for a large part of the current migration dynamics. This migration, though seen as a forced displacement, is not limited and presents itself in various parts of the world with new dimensions and meanings. Motivated by social conditions, crisis migration reflects political, economic and humanitarian issues.

The family interferes in demographic processes of the refugee population, and the role of man and woman in the migratory movement varies according to the historical, cultural, geographical, political and social context. The dimensions of genre

interfere in family, household, labor market, income, political participation, violence, decision-making power, access to health and education, among others (Buscher, 2010). According Kraly (2013), both the literature and the empirical works demonstrate the importance of gender relations in the context of crisis migration. The spaces of migration are different among the refugees, and the transformations experienced by men and women are distinctive.

Lubkemann (2001) proposes to consider the concept of living space for the understanding of migratory movements of refugee populations, with an emphasis on social networking and social world of the subjects. This approach proposes not to limit to any specific place or territorial boundaries the social relations that subjects respond and in which they are immersed.

The methodology used in this research consists of literature review, analysis of documents, treaties and laws. Laws, statutes, agreements and treaties were studied to better understand the political evolution of the concept of refugee and family over the decades.

Brazil is internationally recognized for its consistent policy for refugees, with specific legislation and assistance from various institutions and NGOs (Moreira, 2012). The host of refugees demonstrates Brazil's concern in the face of humanitarian and global issues, which promotes the democratic image of the country. This position favors the view that other countries have of Brazil and promotes political gains prominence in international relations (Reis, 2011). Thus, this research aims to contribute to better understand this phenomenon of migration from looking at the family of these individuals.

### **Refuge and family in Brazil**

Migration is not an individual phenomenon, but collective (Singer, 1973). Thus, the motivations and implications of the move are related to the whole family during the migration process. The individual or familiar nature of migration itself is a reflection of this collective, since even when only one individual migrates there is impact on the family that stayed at the origin, and when several family members migrate there are strategies and risks for all the members within migratory project. Therefore, this research takes the family as the unit of analysis because of the importance of studying

the collective in international migration, going beyond looking at the individual migrant.

The emphasis of demographic studies on the issue of family is due to the fact of reproduction of the population is precisely in that unit (Altmann, 1984). The family as the object of study of demography can be analyzed from different perspectives as a family group (which is characterized by ties of kinship) and home group (is restricted to the household, even if individuals are not related).

The individual by itself, as an object of study, does not provide sufficient information on the population, such as kinship, solidarity, protection, care, decision, fertility, nuptiality, mortality, and domicile. Therefore, to better understand the relationship between the individual and population demographics, the family is used for studies, since this is an intermediate unit.

Therefore, for better understanding of the migration phenomenon, one should deepen the debate about family dynamics, gender relations, age structure, life cycle, trajectories and social networks. Migration both within the source and the destination, in a transnational setting, it introduces the family dynamics as a resignified element and fundamental for demographic analysis.

In Brazil, the principle of family unity for refugees is regulated by Law n.9474: *"the effects of the condition of refugees will extend to the spouse, ascendants and descendants, as well as the other members of the family group that depend of the refugee economically, extent that they are in the national territory"* (Brazil, n.9474/97 Law, Article II)<sup>1</sup>. During the processing of the application for refugee status, the individual and his family can stay in Brazil. However, if the entry of the applicant in the country has been irregular, both individual and members of his family will have the order of refuge suspended.

The verification of paternity can be simple when children migrate with their parents and have a visa, though it is quite difficult when children enter the country illegally and alone. In case of spouses, there are certain specifics whether the marriage was performed before migration, in the home country, or not. Also, it is more complicated when the couple lives only in stable non-formalized union (Angoustures and Legoux, 1997).

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<sup>1</sup> Author's translation of the original: *"os efeitos da condição dos refugiados serão extensivos ao cônjuge, aos ascendentes e descendentes, assim como aos demais membros do grupo familiar que do refugiado dependerem economicamente, desde que se encontrem em território nacional"* (Brasil, Lei n.9474/97, artigo II<sup>o</sup>).

Also, if the union or marriage occurred in the country of asylum, - after the granting of the right of refuge or during the legal procedure for such - the couple will find complications. This is due to the possibility of arranged marriages or inquiries regarding the reasons for the marriage, which hampers the legitimacy of the right to family unity. In this case, according to Angoustures and Legoux (1997), international jurisprudence accepts the family unit when the wedding is held by individuals of the same nationality who married until the date of application for asylum, even if the marriage occurred in another country other than that of origin.

When the couple does not arrive at the same time in the destination country, it is possible to achieve the status similarly; in this case, the procedure is called family reunion.

The delay between the entry of refugee recognized for personal fears of persecution and that of his spouse refugee under the heading of family unit is highly variable, and the current studies do not deal with sufficiently large numbers to establish statistics. From this point of view, asylum is similar to immigration and the evolution of the perception of the refugees of the probable duration of their exile affects family reunification. (Angoustures and Legoux, 1997: 44)<sup>2</sup>

According to CONARE (National Committee for Refugees, Brazil), the extension of refugee status for reasons of family reunification may be granted to spouses, descendants or ascendants and other family members as long as economically dependent of the refugee. Therefore, they are considered dependents: spouses, minor unmarried children; unmarried adult children when they cannot provide for themselves due to physical or mental reasons, parents, other minor family children (grandchildren, great-grandchildren, brothers, nephews) when single and orphans, and other adult relatives when they cannot provide for themselves.

Brazil is a country that has a tradition in granting shelter and protection to people persecuted on political, racial and social reasons. The legal institution of refuge in Brazil is regulated by Law 9.474/1997 which defines the mechanisms for

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<sup>2</sup> Author's translation of the original: "Le délai entre l'entrée du réfugié reconnu pour ces craintes personnelles de persécution et celle de son conjoint reconnu au titre de l'unité de famille est très variable, et les études en cours ne portent pas encore sur des nombres suffisamment grands pour établir des statistiques. De ce point de vue l'asile est comparable à l'immigration et l'évolution de la perception par les réfugiés de la durée probable de leur exil conditionne le regroupement familial." (Angoustures e Legoux, 1997: 44)

implementing the Status of Refugees in Brazil. (...) As seen, Article 2 of the National Law 9.474/97 allows refugees recognized by Brazil to reunite with their family group once these are in Brazil. This reunion will continue until there is a need of protection afforded by the Brazilian state. (Soares, 2012: 134)<sup>3</sup>

From 2000 to 2012, CONARE authorized refugee status to 163 individuals for reasons of family reunion (Table 2). The number of refugees for family reunification accounts for only 6% of deferred requests and is 4.5 times smaller than the number of loss or cessation of refugee status.

**Table 2**  
**Performance of CONARE (Brazil, 2000-2012)**

<b>Year</b>	<b>Family reunion</b>	<b>Deferred requests</b>	<b>Rejected requests</b>	<b>Loss/cessation</b>
2000	10	469	313	13
2001	13	115	186	9
2002	30	112	490	21
2003	8	77	222	24
2004	10	157	197	7
2005	8	226	234	16
2006	10	233	419	17
2007	16	355	322	4
2008	13	106	226	24
2009	21	275	166	11
2010	4	126	169	24
2011	15	124	311	7
2012	5	199	596	554

Source: Brasil. CONARE, 2013.

In 2012, the Declaration of Principles of Mercosul on International Protection of Refugees claimed to be essential that public policy would ensure not only the protection of individuals but also of their family. The document reinforces the importance of family unity to promote the stability of displaced people in the country of asylum. Furthermore, this statement draws attention to the duty to protect individuals regardless of origin, gender or age; especially children separated from their families.

<sup>3</sup> Author's translation of the original: "O Brasil é um país que tem tradição na concessão de abrigo e proteção a pessoas perseguidas por motivos políticos, raciais e sociais. O instituto jurídico do refúgio no Brasil é regulado pela Lei 9.474/1997 que define os mecanismos para a implementação do Estatuto dos Refugiados no Brasil. (...) Como visto, o artigo 2º da Lei nacional 9.474/97 possibilita aos refugiados reconhecidos pelo Brasil reunirem-se com seu grupo familiar uma vez que estes se encontrem em território nacional. Esta reunião perdurará enquanto existir a necessidade de proteção outorgada pelo Estado brasileiro." (Soares, 2012: 134)

The need for protective intervention in the family is therefore a fact universally accepted and adopted in the constitutions of most countries, regardless of political or ideological system (Lôbo, 2010), as the government of all nations want to ensure the family, protecting it, avoiding abuses, providing better living conditions for new generations, helping to beneficially exercising their powers, creating governing bodies that oversee (Diniz, 2002). (quoted in Smith 2012: 131)<sup>4</sup>

From the analysis of international legal instruments, it is possible to note the thematic importance of family in the context of crisis migration, since the family unit is present from the decision to migrate, during the migration process and integration in the destination country. And, besides looking for the family of a refugee, it is essential to think about a broader concept of family that considers the diverse cultural, social and affective contexts. The principle of the family unit is the right of all individuals and their supportive role is even more evident in the case of displaced persons due to the violation of their human rights.

### **Final considerations**

The family interferes in demographic processes of the refugee population, and its role in the migratory movement varies with the historical, cultural, geographic, political and social context. Thus, the unit of analysis used in the research was the family, indicating the family character of the migratory phenomenon of refuge.

Despite the documents emphasize the importance of family, the discourse is always in an ethnocentric concept of family and the items always revolve around the issue of "family reunification" from looking at the breeding nucleus, which is not always consistent with reality migration of refugees. Therefore, it is not a homogeneous phenomenon, rather it is plural and characterized not by one but by several crisis migrations.

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<sup>4</sup> Author's translation of the original: "A necessidade da intervenção protetora do Estado na família é, portanto, um fato universalmente aceito e adotado nas constituições da maioria dos países, independentemente do sistema político ou ideológico (LÔBO, 2010), pois o poder público de todas as nações pretende garantir a família, protegendo-a, evitando abusos, propiciando melhores condições de vida às novas gerações, ajudando-a a exercer beneficentemente seus poderes, criando órgãos sociais que a tutelam (DINIZ, 2002)." (apud Soares, 2012: 131)

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