

BRAZIL
NATIONAL CONGRESS
DRAFT BILL No. 2699/2020

Objective: Establishment of emergency migratory regularization measures in the context of the COVID-19 pandemic and other provisions

Available at:

<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2252827>

The National Congress decrees:

Art. 1 Residence authorization is granted based on humanitarian reception, due to the COVID-19 pandemic and its socioeconomic impacts, to the immigrant who, having entered the national territory until the effective date of this Law and regardless of their previous migratory situation, requires it.

§ 1. The immigrant who request residence authorization based on this article is exempt from the payment of any fee, taxes or consular emoluments.

§ 2. The immigrant with a migratory regularization process in progress may choose to benefit from this Law, as well as the asylum seeker who manifestly expresses their option for the migratory solution provided for in this article.

§ 3. The deadline for submitting the residence permit application provided for in this article begins on the date of publication of this Law and ends eighteen months after its regulation by the competent authority.

Art. 2 The residence permit based on the hypothesis of Art. 1 is initially granted for a period of up to two years.

§ 1. After the two year term of the residence permit has elapsed, the immigrant who has been regularized in the hypothesis foreseen by Art. 1 may apply to change their residency authorization for an indefinite term.

§ 2. Due to the COVID-19 pandemic and its socioeconomic impacts, for the application referred to in the previous paragraph, it is not necessary for the immigrant to provide proof of life and subsistence or re-present documentation already provided in the act of application that gave rise to your residence permit for a specific time.

§ 3. The provisions of the preceding paragraph also apply to any immigrant who has a residence permit for a determined time based on any of the hypotheses provided for in Article 30 of Law No. 13.445 of 2017 and which, after the determined period, requires the change of their authorization for an indefinite term within the deadline that begins on the date of publication of this Law and ends eighteen months after its regulation by the competent authority.

Art. 3 The procedure for applying for a residence permit referred to in Art. 1 must be carried out on a single occasion, in which the application and complementary documentation will be presented and the collection of biometric identification will be carried out, ensuring that the facilities and procedures respect the determinations of the health authorities for the prevention of contagion of COVID-19, prioritizing digital procedures, without prejudice to in person applications in the case of limitations on internet access by the applicant.

Art. 4 The migratory authority may only request the documents listed below from the immigrant who requires a residence permit for humanitarian reception under the terms of Article 1:

I - application to the migratory authority, which must be available to the applicant in physical and electronic forms;

II - passport, identification document issued by the country of origin or other travel document, regardless of the expiration date given the impossibility of renewing the documents during the COVID-19 pandemic;

III - a recent, colored 3x4 face photo, with white background, on plain paper;

IV - declaration of e-mail address and other means of contact;

V - proof of entry into Brazil or other proof that their entry into the national territory occurred before the date of approval of this Law.

§ 1. The immigration authority shall notify the immigrant of the need to rectify or complement the documents submitted, with a period of thirty days to do so.

§ 2. After the thirty day period in the previous paragraph has elapsed, if the immigrant does not respond or if the documentation remains incomplete, the application evaluation process will be automatically extinguished, without prejudice to the use, in a new process, of the documents that were presented.

§ 3. If the information provided is falsified, the residence permit may be lost or canceled, observing the guarantees of wide-ranging defense and the Federal Public Defender's Office being notified, which may be initiated by official authority of the Federal Executive or through reasoned representation, and a sixty-day period for appeal counting from the notification of the decision is guaranteed and migratory regularity is preserved in the course of the process

§ 4. In the event that there is no affiliation in the documents mentioned in item II of the *caput* of this article, the immigrant may present a birth certificate, marriage certificate, consular certificate, or similar document, with the legalization or translation of any of the certificates being waived if accompanied by declaration by the applicant, under the penalties of the law, regarding the authenticity of the document.

§ 5. If, for proof of affiliation, it is found that the immigrant is unable to present the documents requested in the previous paragraph, the affiliation data will be self-declared by the applicant, under the penalties of the law, in accordance with Art. 20 of May 13.445 of 2017.

§ 6. If the applicant is an indigenous national from a border country and does not have the documents listed in item II of the *caput* of this article, the documents that the immigrant has must be accepted, accompanied by a self-declaration of affiliation, in accordance with Art. 20 of Law No. 13.982 of April 2020.

Art. 5 To ensure compliance with the provisions of item VIII of the *caput* of Article 4 of Law No. 13.445 of May 2017, the Executive Branch will issue, as a matter of urgency, instructions for foreign passports or identification documents to be valid:

I - by Caixa Econômica Federal, the Brazilian Post and Telegraph Company or any other authorized institution, for the payment of the Basic Emergency Income, instituted by Law No. 13.982 of April 2020;

II - by Caixa Econômica Federal and the Brazilian Post Office and Telegraphs for the issuance of CPF at the request of a branch, without the need for secondary procedures with Receita Federal

III - by Caixa Econômica Federal, for payment of the Bolsa Família Program

Sole Paragraph - The instruction provided for in the *caput* of this article will necessarily include:

I - guidance to agents of the Unified Health System (SUS) on the irrelevance of the immigrant's documentation or his / her migratory situation for the issuance of the SUS Card and for any and all health services;

II - that documents issued in other countries that have an expiration date must be accepted in the cases provided for in the *caput* of this article, given the possibility of their renewal during the COVID-19 pandemic.

Art. 6 To ensure maximum effectiveness in complying with the provisions of this Law, the competent authority shall issue, on the basis of the utmost urgency, regulations, guidelines, and a plan for migratory regularization with goals and indicators, observing full respect for the general principles and rules of Law no. 13.445 May 2017.

Art. 7 This Law comes into force on the date of its publication.

Translation by: [Coletivo Palanque Migrante](#)