

BRAZIL CLARIFIES ITS SAME-SEX IMMIGRATION POLICY

NEW YORK, MAY 11, 2004 — A watershed decision issued on November 25, 2003 by Brazilian Judge Ana Carolina Morozowski of the 5th Civil Court of Curitiba, Paraná, recognized the same-sex relationship of national gay activist Toni Reis with British citizen David Ian Harrad, granting Harrad permanent residency in Brazil.

A week later, the National Immigration Council instituted the *Administrative Resolution Number 3 of December 3, 2003*, which “disposes of the criteria for the concession of temporary or permanent visa, or of definitive permanence to the male or female partner, without distinction of sex,” (*Diário Oficial da União* - Edition 242 - Friday, 12/12/03 - Section 1, Page 77).

However, the Brazilian Government was slow in cabling consulates regarding this decision. Thus, many same-sex couples who sought to move to Brazil to take advantage of this new policy were left confused by the lack of clarity of the government and unable to receive the benefit this policy was intended to provide.

In February, 2004, in a joint meeting at the Brazilian Consulate in New York, Immigration Equality and the Brazilian Rainbow Group asked the consular officials to clarify the application procedures regarding the new immigration policy. The meeting concluded with consular officials telling both groups that they were unaware of any new policy. Despite ongoing confusion, the Brazilian Rainbow Group has obtained copies of Administrative Resolution #3 and accompanying regulations that clarify the rules for same-sex binational couples where one partner is a Brazilian citizen.

“We are thrilled to report that clear procedures are now available to binational same-sex couples who seek to immigrate to Brazil,” says Eryck Duran, Executive Director of the Brazilian Rainbow Group, and he adds: “We are proud that Brazil is committed to end discrimination of gays and lesbians as the government has recognized that extending immigration to same-sex partners or spouses of Brazilian citizens is licit and sanctioned by the Constitution.”

Joining 15 countries throughout the world, Brazil is the first country in Latin America to recognize same-sex unions for immigration benefits.

“This development should put additional pressure on the U.S. government to pass into law the Permanent Partners Immigration Act (PPIA) and join the now 16 nations that afford gay and lesbian citizens the right to live together with their partners, regardless of national borders,” says Adam Francœur, Program Coordinator of Immigration Equality.

The Permanent Partners Immigration Act (H.R. 832, S. 1510), currently in both houses of Congress, would grant immigration benefits to same-sex binational couples in the U.S. The bill would add the words “or permanent partner” every time that the word “spouse” appears in the Immigration and Nationality Act.

The Brazilian Rainbow Group (BRG) is a not-for-profit, 501 (c)(3), advocacy, support and representative organization of LGBT Portuguese speakers. BRG provides information about counseling, testing and treatment of HIV/AIDS and other STDs in Portuguese. In a non-discriminatory environment, BRG fosters friendship, socialization and education through seminars, workshops and presentations to its members and friends

Immigration Equality (formerly the Lesbian and Gay Immigration Rights Task Force) was founded in 1994 and is committed to addressing the discriminatory nature of U.S. immigration law on the lives of lesbian, gay, bisexual, transgender and HIV-positive immigrants, their families, friends and loved ones.