

# Brazilian Migration Policy and Climate Change

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## Abstract

*This article examines the intersection between Brazilian migration policy, colonial legacies, and contemporary climate displacement, arguing that Brazil's evolving legal framework offers a significant — though still incomplete — model for addressing the "normative vacuum" that characterises global governance of climate-induced migration. The goal of the study is threefold: to trace the colonial structures embedded in Brazilian migration history through a decolonial theoretical lens; to analyse the legal innovations introduced by the 2017 Migration Law (Law No. 13,445/2017) and the regulatory Decree No. 12,657/2025; and to assess the cultural dimensions of climate displacement as anticipated by Brazilian literature and visual arts. The methodology employed is interdisciplinary, combining bibliographic and documentary research with decolonial theory (Quijano, 2005; Krenak, 2019), international law analysis (Gemenne, 2015; Ramos, 2015), and cultural studies drawing on canonical works of Brazilian literature and art. The study finds that: (i) Brazilian migration history is constitutively shaped by colonial power structures — the forced African diaspora, the dispossession of indigenous peoples, and the racialised management of European immigration — which continue to inform contemporary exclusion patterns; (ii) the 2017 Migration Law represents a paradigmatic rupture with the national security model, reconstituting migration as a fundamental human right aligned with SDG 10.7 of the 2030 Agenda; (iii) Brazil's humanitarian visa mechanism, pioneered in response to the 2010 Haitian earthquake, constitutes a concrete domestic response to the normative vacuum left by the 1951 Geneva Convention regarding environmentally displaced persons; and (iv) Brazilian literary and artistic works — from Graciliano Ramos's *Barren Lives* to Portinari's *The Migrants* — anticipated the social tragedy of climate displacement decades before the emergence of international climate governance. The implications of these findings suggest that the Global South, far from being a passive recipient of international norms, is producing innovative legal and cultural responses to climate migration that deserve recognition in global governance forums.*

**Keywords:** Climate Displacement, Brazilian Migration Law, Decolonial Theory, Global South, Climate Refugees.

## Introduction

Brazil's history is constituted by diasporas, migratory movements, and forced displacements. Its predominant national identity was forged through the integration — often violent and hierarchical — of Portuguese settlers, enslaved Africans, and indigenous peoples. This formation did not occur on neutral terrain: it was structured by what Aníbal Quijano (2005) defines as the coloniality of power, a matrix of domination that survived formal political independence and continues to organise social hierarchies according to race, territory, and labour relations.

The contemporary climate crisis has reactivated and amplified these historical patterns of displacement. According to the United Nations (ONU News, 2025; IDMC, 2025), cities such as Porto Alegre, Recife, and Rio Branco have become the new frontlines of an internal humanitarian crisis generated by extreme weather events. The catastrophic floods that struck Porto Alegre in May 2024 have been classified by UN agencies as a landmark case of urban environmental displacement in the twenty-first century Global South. Yet this tragedy was not entirely unforeseen: Brazilian literature, from Graciliano Ramos's *Barren Lives* (1938) to João Cabral de Melo Neto's *Death and Life of a Severino* (1955) and Guimarães Rosa's *The Devil to Pay in the Backlands* (1956), had long diagnosed the structural relationship between environmental precarity and forced human movement.

This article argues that Brazil occupies a distinctive position in the global debate on climate displacement: as both a country shaped by five centuries of migration and as a legal innovator that has produced, through the 2017 Migration Law and subsequent regulatory instruments, one of the most rights-based migration frameworks in the Global South. At the same time, the article recognises that legal innovation is necessary but insufficient — that its effectiveness depends on mechanisms of genuine social integration and on the recognition of a normative gap at the international level regarding the protection of climate-displaced persons.

The article is organised in three thematic parts. Part I examines the colonial structures of Brazilian migration history through a decolonial lens. Part II analyses the legal innovations of the 2017 Migration Law, the humanitarian visa mechanism, and the challenges of implementation. Part III addresses the cultural representations of climate displacement in Brazilian literature and visual arts, and assesses the emerging challenge of urban climate refugees. A concluding section synthesises the findings and their implications.

## **Review of Literature**

The literature on migration, climate change, and decolonial theory relevant to this study can be organised around four intersecting axes. The first concerns the theoretical framework of coloniality and its application to migration. Quijano (2005) provides the foundational account of how racial classification, established through colonial conquest, persists in post-independence social structures, organising access to territory, labour, and citizenship. Krenak (2019), writing from an indigenous Brazilian perspective, offers a complementary account of the ontological dimensions of territorial displacement: for indigenous peoples, forced removal from their lands is not merely a physical relocation but a severing of the constitutive relationship between persons and their “extended body” — the earth itself. These theoretical frameworks transform migration from a legal or demographic phenomenon into a question of survival, identity, and decolonial justice.

The second axis concerns the international legal framework for the protection of displaced persons and its structural limitations. Gemenne (2015) provides the most comprehensive account of the “Anthropocene victims” — those displaced by the convergence of environmental collapse and institutional fragility — and identifies the normative vacuum left by the 1951 Geneva Convention, which restricts refugee status to cases of political, racial, or religious persecution, excluding environmental causation. Ramos (2015) extends this analysis to the Brazilian experience, demonstrating how the Haitian crisis of 2010 compelled Brazil to develop a domestic legal innovation — the humanitarian visa — that filled the protection gap abandoned by international instruments. Ventura (2018) and Jardim (2017) offer the most rigorous Brazilian legal scholarship on the 2017 Migration Law, documenting both its paradigmatic advances and the implementation challenges that limit its practical effectiveness.

The third axis is the cultural dimension of climate displacement in Brazil. The literary works of Ramos (1938), Melo Neto (1955), and Rosa (1956), together with the visual art of Portinari (1944), constitute a canonical corpus that anticipates the social and existential dimensions of forced migration from arid and climate-vulnerable territories. These works are not merely aesthetic objects: they function, as cultural studies scholars have argued, as archives of social memory and as diagnoses of structural conditions that official discourse tends to naturalise or ignore. The fourth axis is the governance dimension: the 2030 Agenda (ONU, 2015) and recent reports from IDMC (2025) and ONU News (2025) establish the international normative context within which Brazilian legal innovations must be assessed.

## Methodology

This article employs an interdisciplinary methodology combining three complementary approaches. First, bibliographic and documentary research draws on international treaties, Brazilian legislation (Law No. 13,445/2017; Decree No. 12,657/2025; Decree No. 12,013/2024), demographic data from IBGE (2000) and the Ministry of Foreign Affairs (Brazil, 2024), and institutional reports from ACNUR (2025), IDMC (2025), and ONU News (2025). Second, decolonial theoretical analysis applies the frameworks of Quijano (2005) and Krenak (2019) to interpret the structural patterns embedded in Brazilian migration history and legal governance. Third, cultural analysis examines canonical works of Brazilian literature and visual art as primary sources for understanding the social dimensions of climate displacement. The approach is qualitative and interpretive, spanning sources from 1938 to 2025. No field research or experimental data were employed.

## Results

### *Part I — Colonial Structures and the Long History of Brazilian Migration*

The documentary and theoretical analysis confirms that Brazilian migration history is constitutively shaped by colonial power structures. The first is the Portuguese migration, which intensified dramatically in the eighteenth century with the discovery of gold in Minas Gerais, and reached its symbolic apex with the transfer of the Portuguese royal court to Rio de Janeiro on 8 March 1808 — an event that, from a decolonial perspective, refined rather than interrupted colonial control structures, creating a state apparatus that, despite being located in the Global South, remained aligned with Eurocentric hierarchies of social organisation and economic subordination (Quijano, 2005).

The African *diáspora* constitutes the most voluminous and violent migratory process in Brazilian history. Brazil received the largest number of enslaved Africans in the entire history of modern slavery. The decolonial analysis of Quijano (2005) demonstrates that the abolition of slavery in 1888 did not disarticulate the racial classification of labour: the displacement of Black populations to urban peripheries in the post-abolition period was the mechanism through which coloniality transformed formal subjugation into structural marginalisation, denying access to territory and full citizenship.

The indigenous peoples were displacement, which the decolonial framework identifies as an ongoing process rather than a historical episode. As Krenak (2019) argues, when governmental or corporate forces displace indigenous communities from their territories, they do not merely move persons from one location to another — they sever them from their own extended body, which is the land itself, a constitutive element of their being rather than merely a resource.

After the abolition of slavery occurred the European immigration cycle. IBGE data (2000) document the magnitude of these flows: between 1884 and 1959, Brazil received 4,734,494 immigrants, with Italians constituting the largest group (1,507,695 individuals), followed by

Portuguese (1,391,898). This immigration wave was not neutral: it was part of a deliberate state policy of “whitening” (branqueamento), which under the coloniality framework reveals itself as a racialised management of the national population that explicitly devalued African and indigenous contributions to Brazilian identity. Since the 1980s, this pattern has partially reversed: Brazil now receives approximately 1.3 million immigrants and refugees while nearly four times as many Brazilians live abroad, concentrated predominantly in Global North countries — a pattern that, as Quijano (2005) would predict, exposes the paradox of a mobility that pursues capital while confronting the barriers of coloniality and xenophobia (Brazil, MRE, 2024).

### ***Part II — Legal Innovations: The 2017 Migration Law and the Humanitarian Visa***

The documentary analysis confirms that the 2017 Migration Law (Law No. 13,445/2017) represents a paradigmatic rupture with the preceding legal framework — the Statute of Foreigners — which had been governed by national security logic. By reconstituting migration as a fundamental human right, the new law aligns Brazil with the core commitments of international human rights law and with SDG 10.7 of the 2030 Agenda. As Jardim (2017) and Ventura (2018) demonstrate, this normative shift is not merely formal: it reconfigures the administrative relationship between the State and the migrant, moving from a posture of suspicion and control to one of hospitality and integration. Decree no. 12,013/2024 subsequently established the National Migration, Refuge, and Statelessness Policy, while Decree no. 12,657/2025 operationalised this framework by integrating governmental databases and streamlining access to fundamental rights — transforming legal hospitality into practical socioeconomic inclusion.

The analysis of the humanitarian visa mechanism reveals a particularly significant contribution. The 1951 Geneva Convention, as Gemenne (2015) observes, contains a structural normative gap: it restricts refugee status to persecution on political, racial, or religious grounds, excluding environmental causation — the defining feature of climate displacement. Confronted with the mass influx of Haitians following the 2010 earthquake, Brazil developed a domestic legal innovation: the humanitarian visa, which provided protection to persons displaced by environmental and humanitarian crises without requiring them to satisfy the narrow criteria of the Geneva Convention. As Ramos (2015) demonstrates, this response transformed an emergency measure into a permanent normative mechanism, offering a model of protection that international climate governance has not yet codified. Despite these advances, Ventura (2018) cautions that the mere granting of the right to remain is insufficient when the State fails to promote genuine integration policies — a limitation that the regulatory Decree No. 12,657/2025 seeks to address, though its practical effectiveness remains to be assessed.

### ***Part III — Cultural Representations and the Emerging Challenge of Urban Climate Displacement***

The cultural analysis confirms that Brazilian literature and visual art generated a diagnosis of climate-driven displacement as a social tragedy long before international governance frameworks began to address it. Graciliano Ramos, in *Barren Lives* (1938), depicts forced migration not as a voluntary act but as a process of existential dehumanisation — drought and structural abandonment reducing persons to the condition of animals in perpetual movement. João Cabral de Melo Neto, in *Death and Life of a Severino* (1955), constructs what he calls an “itinerary of death”: the retirante follows the dry riverbed toward the coast in search of a citizenship structurally withheld from him, enacting what decolonial theory would later theorise as the discarding of marginalised bodies. Candido Portinari renders this same tragedy in visual terms in *The Migrants* (1944): his deliberate deformation of human bodies functions as a pictorial denunciation of the coloniality that reduces citizens to “things in motion,” stripping them of territory and dignity simultaneously.

These works are not merely aesthetic anticipations of contemporary climate reality: they constitute what cultural studies would identify as a counter-archive — a set of subaltern knowledges that challenged dominant narratives of progress and national identity long before climate science formalised the relationship between environmental collapse and human displacement. Their continued relevance demonstrates that the Global South has resources of knowledge and critique that predate and exceed the frameworks of international climate governance.

Recent UN reports (ONU News, 2025; IDMC, 2025) confirm that this literary diagnosis has become empirical reality. The catastrophic Porto Alegre floods of May 2024 displaced tens of thousands of urban residents and have been classified by UN agencies as a landmark case of urban climate displacement in the twenty-first century. The IDMC Global Report on Internal Displacement (2025) identifies Brazilian cities — Porto Alegre, Recife, Rio Branco — as emerging centres of a climate-induced internal humanitarian crisis, demonstrating that climate vulnerability is not a phenomenon confined to rural peripheries but a direct threat to the metropolitan fabric of the Global South. The convergence between these empirical findings and the cultural representations analysed above confirms the central argument of this study: the Global South is not merely the object of climate governance but the site of a long-standing critical knowledge about the human dimensions of environmental displacement.

## Discussion

The results of this study confirm and extend the central thesis: Brazil's contribution to the global debate on climate displacement is simultaneously legal, cultural, and theoretical, and it challenges the Eurocentric assumption that normative innovation originates exclusively in the Global North. The decolonial reading of Brazilian migration history reveals that the patterns of displacement currently associated with the climate crisis — racial selectivity, territorial dispossession, structural exclusion — are not new: they are the contemporary expression of colonial power structures that have organised Brazilian society for five centuries. This finding has significant implications for how climate displacement is theorised: it suggests that effective governance frameworks must address not only the environmental triggers of displacement but the colonial structures that determine who is most exposed and least protected.

The 2017 Migration Law and the humanitarian visa mechanism represent genuine normative innovations that deserve recognition in international governance forums. The Brazilian experience demonstrates that it is possible to fill the normative vacuum left by the 1951 Geneva Convention through domestic legal creativity — and that the Global South can be a source, rather than merely a recipient, of international human rights norms. However, as Ventura (2018) and the trajectory of Decree No. 12,657/2025 illustrate, legal innovation is necessary but insufficient: the effectiveness of rights-based frameworks depends on institutional capacity, social integration mechanisms, and political will. The study has certain limitations: it relies on bibliographic and documentary research and does not generate new empirical data on the lived experiences of climate-displaced persons in Brazil. Future research should examine the practical implementation of the 2025 regulatory decree and the specific protection needs of urban climate-displaced populations in cities such as Porto Alegre.

## Conclusion

This article has argued that Brazil's engagement with climate displacement must be understood against the *longue durée* of its colonial migration history and through the theoretical lens of decoloniality. The colonial structures that organised the forced African diaspora, the dispossession of indigenous peoples, and the racialised management of European immigration continue to

determine who bears the greatest burden of climate vulnerability and who has the least access to legal protection. The 2017 Migration Law represents a significant attempt to break with this heritage, reconstituting migration as a fundamental human right and positioning Brazil as a legal innovator in the Global South.

Pioneered in response to the 2010 Haitian earthquake and subsequently consolidated into a permanent normative mechanism, the humanitarian visa provides a replicable model for filling the protection gap left by international instruments with respect to climate-displaced persons — a gap whose urgency is demonstrated afresh by the Porto Alegre floods of 2024 and by IDMC and UN projections regarding Brazil's future displacement trajectories. The cultural record of Ramos, Melo Neto and Portinari confirms that Brazilian literature and art anticipated this social tragedy by decades, constituting a counter-archive of knowledge about environmental displacement generated from within the experience of the Global South. As Krenak (2019) reminds us, the earth is not merely a resource but a constitutive element of human identity: its destruction entails the destruction of persons. To govern climate displacement justly is to take that truth seriously — and the Brazilian legal and cultural tradition provides indispensable resources for doing so.

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