

No. 7491

**JAPAN
and
BRAZIL**

Agreement concerning migration and settlement (with exchange of notes). Signed at Rio de Janeiro, on 14 November 1960

Official texts of Agreement: Japanese and Portuguese.

Official text of notes: Portuguese.

Registered by Japan on 25 November 1964.

**JAPON
et
BRÉSIL**

Accord relatif à l'émigration et à la colonisation (avec échange de notes). Signé à Rio de Janeiro, le 14 novembre 1960

Textes officiels de l'Accord: japonais et portugais.

Texte officiel des notes: portugais.

Enregistré par le Japon le 25 novembre 1964.

[TRANSLATION — TRADUCTION]

No. 7491. AGREEMENT¹ BETWEEN JAPAN AND THE UNITED STATES OF BRAZIL CONCERNING MIGRATION AND SETTLEMENT. SIGNED AT RIO DE JANEIRO, ON 14 NOVEMBER 1960

The Government of Japan and the Government of the United States of Brazil,

Convinced of the need to organize and regulate co-operation between the two countries in the matter of migration in a manner compatible with their respective interests, and

Aware that the application of an objective and adequate policy based on a spirit of international co-operation and having as its aim the economic development of Brazil through the utilization of Japanese technology and manpower will serve to strengthen the ties of traditional friendship uniting them,

Have decided to conclude the present Agreement concerning Migration and Settlement and have for this purpose appointed as their plenipotentiaries :

The Government of Japan :

His Excellency Mr. Yoshiro Ando, Ambassador Extraordinary and Plenipotentiary to Brazil ;

The President of the Republic of the United States of Brazil :

His Excellency Mr. Horacio Lafer, Minister of State for Foreign Affairs,

Who, having communicated to each other their full powers, found in good and due form, have agreed as follows :

PURPOSES

Article 1

The purpose of this Agreement is to direct, organize and regulate the flow of Japanese migrants to Brazil through the joint efforts of both High Contracting Parties so that the problems of migration and settlement affecting the two countries may be solved in a practical, speedy and effective manner.

¹ Came into force on 29 October 1963, the date of the exchange of the instruments of ratification at Tokyo, in accordance with article 50.

Article 2

Japanese migration to Brazil may be either planned or spontaneous ; both forms of migration shall receive the full support and protection of the High Contracting Parties in conformity with the provisions of this Agreement.

SPONTANEOUS MIGRATION

Article 3

Spontaneous migration is that undertaken on the initiative and at the expense of the migrants either singly or collectively, as a family or in groups of families, and it shall be subject in all respects to the provisions of the relevant laws in force in each country.

Article 4

The High Contracting Parties may come to a formal understanding to increase and facilitate the spontaneous migration of Japanese to Brazil.

Article 5

Pending a formal understanding as provided in article 4, the Brazilian Government shall grant permanent visas, subject to compliance with the regulations governing spontaneous migration, to those Japanese who wish to settle in Brazil for the purpose of carrying on, subject to Brazilian law, an activity covered by a work contract duly authenticated by two reliable witnesses or executed before a notary public.

Article 6

The High Contracting Parties undertake, for the purpose of encouraging the spontaneous migration of Japanese to Brazil, to furnish, within the limits of the laws and regulations in force, all information likely to be of guidance to them and to offer them every facility capable of benefiting them.

PLANNED MIGRATION

Article 7

Planned migration shall take place according to a plan drawn up by agreement between and under the responsibility of the High Contracting Parties.

Article 8

The volume of planned migration shall be determined, in accordance with the actual prospects for placement and with due regard for the liberal principles of

Brazilian immigration policy, on the basis of a comparison between Japanese emigration possibilities and the requirements of the Brazilian labour market.

Article 9

The planned migration of Japanese to Brazil, whether or not accompanied by their families, shall comprise the following categories :

- (a) Farmers, crop-farmers, cattle-breeders, peasants in general, agricultural workers, cattle-hands and technicians specializing in rural industries and related activities, who migrate with the intention of settling forthwith, whether or not as landowners ;
- (b) Associations or co-operatives of farmers, crop-farmers, agricultural workers and cattle-hands who emigrate collectively with the intention of settling as landowners or otherwise on plantations or ranches, in agricultural or stock-raising enterprises or in settlement units in Brazil already existing or proposed ;
- (c) Qualified technicians, craftsmen, specialists and experts, subject to the requirements of the Brazilian labour market and of the relevant legislation ;
- (d) Production units or enterprises of an industrial or technical character likely to contribute to the country's economic development, as determined beforehand by the competent authorities.

Article 10

Japanese immigrants who settle in Brazil under the system of planned migration shall enjoy all facilities provided for in this Agreement or to be granted under special arrangements between the two Governments.

Article 11

The Japanese Government, in so far as the economic conditions of the country permit, shall authorize migrants going to settle in Brazil to take with them :

- (a) Agricultural equipment, implements and machinery, including tractors and machinery for the processing of agricultural and animal products, in the case of migrants who are farmers, agricultural workers, cattle-hands or technicians specializing in rural industries ;
- (b) Thoroughbred stock or selected seeds and plants of scientific or economic value ;
- (c) Tools and instruments, in the case of craftsmen and skilled workers.

Article 12

The Brazilian Government shall exempt the items mentioned in the preceding article from prior licensing, import duties, consumption taxes, custom-house fees and any other charges applicable to goods brought into the country.

(1) The aforementioned benefits shall be restricted to the items absolutely essential to the immigrant at the start of his activities and to such quantity thereof as is commensurate with his qualifications and financial situation.

(2) The items exempted under this article may not be sold until two years have elapsed from the date of their entry into Brazil.

RECRUITMENT AND SELECTION

Article 13

The recruitment and preliminary selection of migrants under the system of planned migration shall be carried out by the competent Japanese authorities in accordance with the categories specified in article 9 and on the basis of information furnished by the Brazilian Government ; a list of the candidates shall be prepared containing the particulars necessary to enable a final selection to be made.

Sole paragraph. The Japanese Government may, if necessary, designate an organization or body to carry out the recruitment and preliminary selection of migrants provided for in this article.

Article 14

The Brazilian authorities, in co-operation with the Japanese authorities, shall make the final selection of migrants under the system of planned migration from among those candidates who have been recruited and pre-selected in accordance with article 13 and who satisfy the requirements of the Brazilian legislation in force concerning migration and settlement as well as the standards established for selection purposes.

(1) The selection of migrants shall be effected in the vicinity of the ports of embarkation or at other appropriate places and shall be conducted with efficiency and dispatch.

(2) The Japanese Government may, if necessary, designate an organization or body to co-operate in the final selection to be made by the Brazilian Government.

Article 15

After verification by the Brazilian consular authorities in Japan that the legal requirements mentioned in the preceding article have been fulfilled, the migrant shall be granted a visa to enter Brazil.