

ADMINISTRATIVE ORDER 634 FROM JUNE 21, 1996 - THE INTERNAL CONTROL REGULATIONS OF THE NATIONAL IMMIGRATION COUNCIL (CNIg)

The Minister of Labor, in the use of the authority granted by article 1, IX, of Decree 840 from June 22, 1993, decides:

Art. 1 To approve the National Immigration Council's Internal Control Regulations as presented in the Attachment to the current Administrative Order.

Art. 2 This Administrative Order enters into effect on the date of its publication.

Art. 3 Administrative Order 1.441 from December 3, 1993 and any other contradictory provisions are hereby revoked.

APPENDIX

The Internal Control Regulations of the National Immigration Council

Chapter I Type and Purpose

Art.1 The National Immigration Council (CNIg) is a collective body, was created by Law 6.815 from August 19, 1980, is a part of the Ministry of Labor based on the provisions of articles 2, line d. and 17 of the Appendix to Decree 1.543 from September 25, 1995, its organization and functions are defined by Decrees 849, from June 22, 1993 and 1.640 from September 19, 1995 and its purpose is:

- I- To formulate the objectives of immigration policies;
- II- To coordinate and direct immigration related actions;
- III- To promote the realization of studies of immigration related problems;
- IV- To undertake periodical research and reports related to the national need for qualifies foreign workmanship;
- V- To establish norms for immigrant selection;
- VI- To define and find solutions for immigration cases omitted by current legislation;
- VII- To provide opinions on changes to immigration related legislation;
- VIII- To set Internal Regulations norms and submit them for the approval of the Minister of Labor.

Chapter II

Council Organization

Section I

Composition

Art. 2 The National Immigration Council (CNIg) is composed of:

I- One member from each of the following Ministries:

- a) Labor, who will preside it;
- b) Justice;
- c) Foreign Affairs;
- d) Agriculture. Supply and Agrarian Reform;
- e) Health;
- f) Industry, Trade and Tourism;
- g) Science and Technology;

II- Four members representing labor organizations;

III- Four member representing employer organizations;

IV- One representative from the scientific and technological community.

§1 Members of the Council, Title holders and Substitutes, will be both appointed and dismissed by the President of the Republic. Nominations are proposed by the Minister of Labor following appointments by:

- a) the respective State Ministers in cases related to clause I;
- b) the Central Labor Unions in cases related to clause II;
- c) the National Confederations of Industry, Trade, Transportation and Agriculture in cases related to clause III;
- d) the Brazilian Society for Scientific Advances in cases related to clause IV.

§2 Absent Council Members will be replaced by their respective Substitutes.

Section II

Functions

Art. 3 The Council will hold meetings whenever called by its President, at his/her own initiative or whenever proposed by a majority of its Members.

Art. 4 If a both a permanent Member and his/her Substitute cannot attend a meeting they may be substituted by a non-voting representative appointed by the respective institution.

Art. 5 The Council's President may choose to invite non-voting personalities, technicians or specialists that can provide a valuable contribution.

Art. 6 A minimum presence of 9 (nine) Council Members is required for the realization of Council meetings.

Art. 7 The contents of Meetings will be summarized in Minutes which will be submitted to the Council's approval during the subsequent meeting.

Art. 8 Council Meeting will discuss the contents presented in the meeting Agenda that was previously distributed to Members or, when absent, to their Substitutes.

Single Paragraph – The Agenda can be discussed in three forms, at the criteria of the Council's President:

- a) general discussions between Council Members, assistants and other interested parties;
- b) work focused discussions held exclusively by Council Members, who may be assisted by one assistant;
- c) council membership discussions held exclusively by Council Members.

Art. 9 Council directives are enforced through three types of resolutions:

- a) normative, of mandatory character;
- b) recommended, when providing directives to Public Administration organs;
- c) administrative, when providing administrative provisions.

§1 Normative resolutions will be proclaimed by the Council's President, provided they are approved by a majority of Council Members.

§2 Recommended and Administrative Resolutions will be declared approved by the Council's President either through consensus or if supported by a majority of the present members.

§3 Each Council member, title holder or substitute, has one single deliberative vote and the Council's President has also a quality vote.

§4 Normative Resolutions issued by the Council will be published in the Official Gazette.

Art. 10 Members have the prerogative to raise any subject for discussion and the subject will be included in the agenda for the subsequent meeting, even if there is more than one request.

Single paragraph - Members may request the discussion of subjects that are not included in the Agenda, including resolution proposals, provided the subject is approved by consensus or by a majority of the Meeting attendees.

Art. 11 If the Council's President is absent from a Meeting the presidency will be held, successively, by the Permanent Members according to the order established by art. 2 of these Regulations.

Art. 12 The National Immigration Council (CNIg) will establish norms for its performance and work priorities.

Section III

Council Member Attributions

Art. 13 It is the power of the Council's President:

I- To call and preside Council meetings and to declare the approval of Normative, Recommended and Administrative Resolutions;

II- To coordinate and supervise Council activities;

III- To represent the Council whenever required;

IV- To formalize Council Resolutions;

V- To enforce administrative orders needed for the Council's performance, including meeting procedures;

VI- To reach decisions, *ad referendum*, on urgent matters, and submit the to Council evaluation during the subsequent meeting;

VII- To reach preliminary decision on matters addressed to him/her and inform the Council during the subsequent meeting;

VIII- To convoke member substitutes whenever Title Holders are absent;

IX- To submit the Minutes of the previous meeting to the Council's approval.

Art. 14 It is the duty of Council Members:

I- To report and vote on assigned subjects;

II- To edit the Resolution minutes whenever appointed by the Council's President at his/her own initiative;

III- To propose the necessary diligences judged as necessary for the exercise of his/her attributions;

IV- To provide his/her opinion and vote on subjects under deliberation;

V- To study the Council's annual report.

Chapter III Secretariat

Art. 15 The Council's Secretariat is directly subordinated to its President and receives professional and administrative support from the Ministry of Labor.

Single Paragraph - The Council's Secretary is appointed by the President of the National Immigration Council.

Art. 16 It is the duty of the Council's Secretary to:

I- Participate in Council Meetings, with no right to vote;

II- Supervise, direct and coordinate the services provided by the Secretariat;

III- File the Meeting minutes;

IV- Issue certificates of documents related to Council deliberations;

V- Compile the annual activity Council report;

VI- Prepare and distribute documentation pertinent to meeting discussions.

Chapter IV

General Provisions

Art. 17 The decision that is the subject of clause VII of art. 13 can be appealed to the Council within 40 days counting from the day after its publication in the Official Gazette.

Single paragraph - The deadline period established by this article is continuous and cannot be started on a Saturday, Sunday or holiday.

Art. 18 Omitted cases and doubts arising from the implementation of the current Regulations will be solved by the President after a plenary debate.

Art. 19 These Regulations will be submitted to the approval of the Minister of Labor and will enter into effect on the date of publication.

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