

# MIGRATION GOVERNANCE IN THE GLOBAL SOUTH: A COMPARATIVE ANALYSIS BETWEEN BRAZIL AND CHINA<sup>1</sup>

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## Abstract:

This article comparatively analyzes the migration governance models of Brazil and China in the face of increasing international mobility. Drawing from the theoretical framework of governance and multi-level governance (MLG) and using a qualitative and documentary approach, the study investigates how the two countries structure the formulation and implementation of their policies, with a focus on the coordination between government levels and the participation of state and non-state actors. The results indicate that Brazil, supported by its 2017 Migration Law, develops a normatively decentralized model with channels for social participation. In practice, however, its governance is marked by strong decision-making centralization at the federal level and a fragmented implementation that depends on the capacity of municipalities and civil society organizations to fill the gaps left by weak intergovernmental coordination. China, on the other hand, operates a centralized, technocratic, and security-oriented model with low permeability to social participation. The creation of the National Immigration Administration (NIA) reinforces state control, where local governments act as executors of central directives, despite a tradition of experimentalism. It is concluded that the countries represent distinct responses to migratory pressures: while Brazil's challenge is to consolidate effective multi-level governance, China is deepening a model of state control, revealing the utility of the MLG concept for analyzing both participatory arrangements and their deliberate absence.

**Keywords:** Brazil and China; Comparative analysis; Governance; Migration governance; Multilevel governance.

## INTRODUCTION

This article analyzes how Brazil and China have structured their migration governance in response to the rise of international mobility, investigating distinct models of policy formulation and implementation with an emphasis on the coordination between levels of government and the role of different state and non-state actors. In this regard, the study seeks to answer the following question: How do Brazil and China structure migration governance in the face of increased international mobility, considering the coordination between government levels and the role of different state and non-state actors?

International migration, understood as the movement of people who "leave their country of origin, or country of habitual residence, to establish themselves either permanently or temporarily in another country" (IOM, 2009, p. 42), occurs for various reasons, such as seeking work opportunities, accessing fundamental rights, ensuring survival in the face of political, religious, or racial persecution, or fleeing natural disasters, among others. In the last two years, significant migratory events have occurred, whether due to conflicts (such as those in Lebanon, the Gaza Strip, Syria, Yemen, the Central African Republic, the Democratic Republic of Congo, South Sudan, and Ukraine), severe economic and political instability (like that faced by Venezuelans and Afghans), or due to climate and environmental disasters. Even amid the Covid-19 pandemic, the scale of international migration continued to rise, with an estimated 281 million international migrants in 2024, accounting for approximately 3.6% of the world's population (OIM, 2022). This growth has generated political and institutional pressures on States, which have sought to adapt their regulatory and migratory management models. Both Brazil and China have undergone significant changes in this regard. Brazil consolidated a new migration law and diversified its institutional reception mechanisms, while China began to recognize its status as a destination country and initiated a restructuring of its migration policy, including the creation of the

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National Immigration Administration (NIA) and its accession to the International Organization for Migration (IOM).

Beyond formal migration policies, addressing the reception and integration of international migrants also requires recognizing the role of a multiplicity of actors—both public and private—highlighting the need to rethink processes ranging from border monitoring to reception services. Increasingly, migration governance responses are composed of organizational networks that include states, supranational, national, and local organizations—a configuration that can be understood through the concepts of governance and multilevel governance (Thouez, 2019)<sup>3</sup>. Consequently, the reception and integration of international migrants directly impact public policies and require coordination among various actors, such as international organizations, non-governmental organizations, and civil society. Migration governance has thus come to involve coordinated political action across state and non-state actors, which is best understood through the concept of multilevel governance (Auslander, 2021).

In the Brazilian case, the response to increased migratory flows has involved coordination across different levels of government and active participation by civil society and international organizations, such as the UNHCR and the International Organization for Migration (IOM). In China, while migration governance remains centralized and dominated by public security institutions, there is a growing involvement of local governments, universities, businesses, and neighborhood associations in implementing migrant-related policies, particularly in large cities. However, this involvement is characterized by significant asymmetries and a lack of stable mechanisms for civil society participation (Speelman, 2022). Recent literature notes that even with the establishment of the National Immigration Administration (NIA) in 2018 and institutional reforms—such as the new employment regulations for foreigners—China’s migration system still displays institutional fragmentation, low transparency, and a securitized approach, all of which hinder the development of a true multilevel governance model (Liu & Weng, 2019; Li, Xue & Song, 2023). Thus, while Brazil has been building a migration governance model closer to a multilevel framework, China exhibits a more recent and still-consolidating process, shaped by national security priorities and limited non-state actor engagement in policy formulation and monitoring.

Building on these initial considerations, this article aims to understand how Brazil and China have structured their migration governance in response to rising international mobility, with a focus on how different levels of government and both state and non-state actors coordinate and interact. This study is justified, first, by the increasing relevance of international migration as a central issue on national political and institutional agendas, requiring innovative forms of coordination across levels of government and the inclusion of multiple actors in policy design and implementation. In Brazil’s case, despite a relatively advanced legal framework—evidenced by the enactment of Law No. 13.445/2017—implementation challenges persist at the subnational level, especially in contexts of high migratory pressure. In China, the literature indicates a governance model still in the making, marked by political centralization and institutional fragmentation that undermines the development of a comprehensive and consistent migration system. This comparison between the two countries does not seek to contrast political regimes or state structures, but rather to shed light on the diverse organizational forms of migration governance and on the mechanisms—or lack thereof—for coordination between state entities and other relevant actors.

To achieve these objectives, the study adopts a qualitative approach based on documentary and comparative analysis, focusing on the institutional, legal, and organizational frameworks of migration governance in Brazil and China. The selection of these two countries is justified by their distinct historical trajectories, state arrangements, and policy coordination models. The Brazilian case was examined through the analysis of federal laws (such as the 2017 Migration Law and Decree No. 9.199/2017), guidelines issued by the National Immigration Council (CNIg), and institutional documents from the Ministry of Justice and Public Security, with an emphasis on federal relations and civil society participation in policy processes. The Chinese case focused on specialized literature and

<sup>3</sup> According to Caponio (2021), the multilevel governance approach has been employed to understand a variety of phenomena, such as climate change and forced migration. The migration issue has increasingly been examined across different countries (Auslander, 2021; Caponio, 2021; Glorius and Gasch, 2022), making migration governance a central theme, given that governmental and non-governmental actors—both national and international—interact and influence the formulation, implementation, and execution of public policies for migrants (Geddes et al., 2012; Scholten, 2012; Lavenex, 2016).

official documents concerning recent institutional reforms, particularly the establishment of the National Immigration Administration in 2018. The study explored centralized decision-making, normative limits of migration policy, and bureaucratic fragmentation across ministries and territorial levels. The absence of a general immigration law, the dominance of public security bodies in decision-making, and local experimentalism were highlighted as key features of China's model.

The article is divided into five sections, in addition to this introduction. The first section presents the theoretical framework on governance and multilevel governance, with emphasis on their applications to migration policy. The second section analyzes Brazil's migration governance framework, highlighting the roles of different levels of government and civil society. The third section discusses China's governance structure, focusing on centralized policymaking and implementation mechanisms. The fourth section develops the comparative analysis based on the seven analytical dimensions. Finally, the fifth section presents the conclusion, reflecting on the comparative findings and their implications for the broader debate on migration governance.

## 1. Governance and Multilevel Governance for International Migration

Before advancing the empirical analysis of migration governance in Brazil and China, it is necessary to discuss the theoretical frameworks that support the analysis of policy formulation and implementation in contexts where multiple actors and decision-making scales are involved.

In this sense, it is important to highlight the concept of governance and its meaning for public policies aimed at international migration. The concept of governance is multifaceted and controversial, and its widespread use (both in the public and academic domains) can lead to a loss of clarity and definition—especially considering the interdisciplinary nature of the field of public policy (Bichir, 2018). Moreover, it is an excessively fluid concept, making it complex to problematize the relationship between governance models and the general characteristics of public policies (Coelho, 2021). According to Marques (2013), the term “governance” has quite varied meanings, being considered as a structure of rules and institutions, but also as processes of policy production, in addition to mechanisms for promoting cooperation or reducing transaction costs.

Nevertheless, the term “governance” can be relevant in contexts in which policy formulation and implementation involve multiple actors, both state and non-state—such as in public policies for international migration. This is because interest in the concept of governance has grown among those who analyze the processes of social policy production and implementation, since decentralization has advanced and strengthened the need to work with models that have more fluid logics. In the case of migration policies, the migratory phenomenon involves both centralized decisions regarding border control and visa issuance, as well as decentralized policies of reception, integration, and access to social rights.

The concept of governance is a starting point to understand how public policies are formulated and implemented with the involvement of diverse actors and decision-making levels. And by emphasizing the diversity of state and non-state actors involved in public policies (horizontal dimension) and the challenges of coordination between national and subnational levels of government (vertical dimension), the concept of multilevel governance considers “dynamics of centralization and decentralization in a debate associated with the broader discussion on the relationship between federalism and public policies” (Bichir, 2018, p. 59).

Multilevel governance (MLG), originally formulated based on the experience of the European Union (Marks, 1993; Hooghe and Marks, 2003), describes a system in which multiple centers of authority interact in processes of formulation and implementation of public policies. According to Piattoni (2009), this perspective emphasizes two main axes: (i) the vertical articulation between levels of government (supranational, national, and subnational), and (ii) the horizontal articulation between different types of actors, both state and non-state, who participate in the decision-making process.

Applying the concept of MLG to the analysis of migration policies means recognizing that these policies involve the actions of both states and international organizations, local governments, NGOs, universities, and other institutions. Moreover, it is a field in which national regulatory frameworks often coexist with international commitments such as global compacts, treaties, and regional guidelines. As Caponio and Ponzo (2022) highlight, the multilevel nature of migration policies is revealed in the

simultaneous presence of vertical collaborative arrangements—between different levels of government—and horizontal ones—between public and private institutions.

But after all, what is migration policy? Conceptually, migration policy is the main instrument through which national governments seek to intervene in the flow of people to and from their territories. It consists of rules for obtaining visas, border policing, extradition and expulsion agreements, regulations on labor market access, political rights, reception policies, asylum granting policies, among others. We must also initially consider that several other policies affect migration, such as those related to the labor market, as well as macroeconomic, welfare, trade, and foreign policies. Furthermore, it is necessary to emphasize that there is a thin line between migration and non-migration policies—for instance, education, social assistance, and health policies may be affected by migration agendas. Thus, the practical criterion for defining a migration policy is to refer to its explicit objectives, contained in laws, rules, measures, and practices implemented by state actors with the declared goal of influencing three core elements: the volume, i.e., increasing, reducing, or maintaining migratory flows; the origin, considering policies aimed at changing the composition of migrant flows in terms of countries or regions of origin; and the internal composition, related to the goal of increasing or reducing particular categories of migrants, either independently or in conjunction with national origin criteria (Czaika and Haas, 2013).

In Brazil's case, to understand public policies related to international migration from a multilevel governance perspective, it is essential to consider the characteristics of Brazilian federalism. This is because the formulation and implementation of such policies depend, on the one hand, on the federal government's coordination capacity—which possesses institutional tools to induce subnational entities to follow general guidelines—and, on the other hand, on local institutional capacities and the articulation between state and non-state actors at subnational levels. In the context of redemocratization, the 1988 Federal Constitution was initially interpreted as a milestone of decentralization, particularly due to the redistribution of resources to states and municipalities. However, this reading has evolved over time. More recent literature has emphasized that Brazilian federalism combines decentralizing and centralizing trends, depending on the policy domain under analysis (Almeida, 1995; 2005; Arretche, 2012). Although the 1988 Constitution expanded the financial autonomy of subnational entities, it preserved the federal government's legislative prerogative over various matters and the normative conduct of a large portion of national public policies.

From the 1990s onwards, institutional reforms significantly strengthened the federal government's capacity to establish national parameters for social policies—such as health, social assistance, and education—through mechanisms of conditional resource transfers, specific regulations, and the creation of participatory spaces and social control (Arretche, 2012; Bichir, 2018). As a result, the Brazilian federation began to operate in a centralized manner regarding the regulation and induction of public policies, even while preserving the political and administrative autonomy of subnational entities. In this arrangement, the formulation and coordination of national policies are heavily influenced by the federal government's articulation capacity (Arretche, 2012; Bichir, 2018). Nevertheless, local governments have expanded their institutional capacity to implement public policies, especially in areas for which they bear operational responsibility. This results in a configuration where the federal government and municipalities wield influence in different dimensions of state action (Arretche, 2012). However, the pace of expansion of local responsibilities varies according to the institutional design of each policy sector, allowing for different degrees of centralization and decentralization (Almeida, 2005). Therefore, it becomes relevant to investigate the decision-making autonomy spaces of subnational entities, particularly in the field of migration policies, whose dynamics demand specific articulations between levels of government and with non-state actors.

In the case of migration policies, national coordination mechanisms are still incipient, such as clear guidelines, federal incentives, or robust induction instruments. As a result, states, municipalities, and civil society organizations have acted in a fragmented manner, building heterogeneous action networks that strongly depend on their own institutional capacity, resource availability, and local infrastructure. Political responses have therefore been strongly determined by the degree of involvement and articulation of different actors and by the emergence of local governance arrangements that express, unevenly, typical elements of multilevel governance (Caponio and Ponzo, 2022; Czaika and Haas, 2013).

In turn, regarding China, although originally formulated in the European institutional context—especially the EU—the concept of multilevel governance (MLG) has been used to interpret institutional

arrangements in other world regions. In China's case, even as a centralized regime, various studies have identified governance configurations that exhibit typical MLG elements in several public policy areas, such as security, population aging, science and technology, trade, migration, and the environment (Jing et al., 2012).

The complexity of the Chinese political system—marked by its vast territorial scale, regional diversity, unique institutional trajectory, and ongoing economic and administrative reforms—poses relevant theoretical challenges for the application of MLG outside its original context. However, this same complexity makes the Chinese case analytically fertile for exploring the possibilities and limits of the concept (Jing, 2015; Ongaro et al., 2023).

In the Chinese context, the adoption of collaborative mechanisms and the presence of multiple jurisdictions participating in decision-making processes indicate the existence of typical MLG elements. The administrative and economic decentralization initiated with the post-1978 reforms helped consolidate a governance model that combines central control with subnational flexibility. In this regard, the system of five formal levels of government (central, provincial, municipal, district, and local) has proven functional for managing public affairs in a large country, such that the sharing of responsibilities—particularly in economic areas—has led some authors to characterize the Chinese model as a type of “market-preserving federalism,” based on functional intergovernmental coordination practices, though under the supervision of the Chinese Communist Party (Jing, 2015).

At the subnational level, intensified cooperation between local governments, private companies, and social organizations has expanded China's institutional repertoire. The growth of the market economy created incentives for public-private partnerships and for the emergence of new forms of public goods provision. Even in contexts of strong state control, collaborative practices have flourished in sectors such as urban services and social assistance, driven by both regulatory flexibility and the need for more efficient local responses (Ongaro et al., 2023). These transformations have led to a redistribution of vertical and horizontal power within the state apparatus, in a process that can be interpreted as rescaling or reshaping of the state. This movement—involving the formal and informal reconfiguration of responsibilities across levels—enables the recomposition of institutional arrangements to preserve regime legitimacy and ensure the effectiveness of public policies (Henssengerth, 2015; Ongaro et al., 2023). Thus, even without a supranational level and without a liberal democratic system, the Chinese case reveals how multilevel governance practices can emerge in centralized systems, albeit under logics and dynamics different from those observed in the West.

In the migration field, these dynamics are also present—albeit in an incipient form and conditioned by state centralization—as we will see in the following sections. Local initiatives and decentralized experimentation in managing internal and international migration—especially in large cities—are increasingly playing strategic roles in the implementation of migration policies. These arrangements will be explored in the next section, where we compare institutional configurations and coordination methods in migration policies in Brazil and China, highlighting their specificities and points of convergence.

## 2. Migration Governance in Brazil: Legal Framework and Institutional Arrangements

As we will see below, in contrast to the centralized and hierarchical mechanisms of the Chinese political system, Brazil features a federative structure that outlines shared responsibilities among government levels but has not been accompanied by consistent intergovernmental coordination mechanisms in the area of migration.

In Brazil, when examining post-1988 legislation, we can highlight the inclusion of international migrants in social protection regimes—considering that migration policy is not limited to rules of entry and exit but also encompasses conditions of stay and reception. The 1988 Federal Constitution, in Article 5, explicitly affirms equality between nationals and foreigners; furthermore, Chapter II of the Constitution, which deals with Social Rights, imposes no restrictions on access to healthcare, social assistance, and education.

Following the promulgation of the Constitution, the Refugee Statute (Law 9.474/1997) established the eligibility criteria for refugee status recognition and created the National Committee for Refugees (CONARE)—a collective decision-making body responsible for ruling on asylum requests (Articles 11 and 12 of Law 9.474/97).

Later, in 2017, the Migration Law (Law 13.445/2017) was enacted, representing progress in protecting both international migrants residing in Brazil and Brazilian nationals living abroad. It emphasizes human rights protection and access to social rights. Upon its enactment, the law emphasized the universality, indivisibility, and interdependence of human rights as a principle of public policy, and guaranteed universal access for migrants to services, programs, and social benefits, public goods, education, legal assistance, work, housing, and social security, among others. However, although it marked a turning point from the 1980 Foreigners' Statute, its implementing decree still contains humanitarian gaps, as it hinders family reunification, creates a complex system of visas and residency permits, and restricts access to work visas.

Moreover, the Migration Law outlines the key elements of national migration policy, including rules on entry, exit, and stay of migrants, the legal status of migrants (border residents, stateless persons, asylum seekers, residence permit holders), and enforcement measures (repatriation, deportation, expulsion, and extradition), among others. Therefore, on the one hand, considering the access to various public services and the rules concerning international migrants' entry, exit, and stay, we may argue that Brazil has had a consistent national migration policy since the 1988 Constitution, which was further consolidated with the 2017 Migration Law.

Despite these provisions, the institutional mechanisms for a migration policy that promotes multilevel governance—considering the role of subnational governments and non-state actors—remain underdeveloped. That is, coordination between federal, state, and municipal governments is one of the weakest aspects of Brazilian migration policy, characterized by the absence of a clear and coordinated national policy and a lack of funding for local initiatives. Article 120 of the Migration Law does not define how the State will organize such coordination; instead, it states that these definitions will be provided later through an executive order issued by the Federal Executive Branch—indicating a predominantly top-down (centralized) rather than truly multilevel approach. Although the law acknowledges the need for federal cooperation, it still lacks the operational tools to induce effective shared and coordinated governance among government levels, which results in uneven practices across the national territory.

As a result, little has been done to promote federative coordination in relation to the reception of international migrants. Given the absence of multilevel governance and a National Migration Policy, and the fact that migration management is a prerogative of the Federal Executive Branch, it is important to highlight that: (i) state action often stems from isolated experiences (such as "Operation Welcome") and emergency transfers, with few formal coordination mechanisms; (ii) in the absence of a structured national policy, coordination and regulatory actions, when they exist, occur in very specific contexts where states, municipalities, and civil society organizations take responsibility for migrant reception—largely without federal resources—resulting in discretionary implementation of migrant reception policies by subnational entities; and (iii) in the absence of a strong national framework with coordinating power, policy-making for international migrants arises from a variety of autonomous institutional arrangements that take different forms in each location, depending on local legal, political, technical, and financial capacities.

Despite the lack of vertical coordination (between the Union, states, and municipalities), horizontal coordination (between public and non-public actors), and weak institutionalization of multilevel governance for migration-related public policies, Brazil does have a migration-related institutional structure comprising agencies, actors, and responsibilities. In the case of public policies on international migration, there are four main groups of actors involved in governance structures: federative entities (municipalities, states, and the federal government), service providers (public servants, civil society organizations, international agencies, and private companies), and government powers (Executive, Legislative, and Judiciary).

The division of responsibilities in Brazil, as established by the 1988 Federal Constitution, organizes duties among federative entities, defining both distinct and shared responsibilities—an essential arrangement for addressing cross-cutting issues such as international migration. At the federal level, there is a vertical, hierarchical, and governmental structure in which migration is an exclusive responsibility of the federal government, with three key actors involved: the Ministry of Foreign Affairs (MFA), the Ministry of Justice and Public Security (MJSP), and the Ministry of Labor and Employment (MLE). Accordingly, the Union is the primary actor in migration policy. As established in Articles 21 and 22 of the Constitution, it has exclusive jurisdiction over matters related to national sovereignty and

international relations, such as emigration and immigration policy and the issuance of visas (Art. 22, XV), the granting of nationality, citizenship, and naturalization (Art. 22, XIII), and border control (Art. 21, XXII)—functions later regulated with the enactment of the Migration Law.

The Ministry of Justice and Public Security (MJSP) serves as the central body for nationality and immigration affairs, formulating policies on migrant and refugee rights through the Department of Migration (DEMIG). Operationally, the Federal Police (PF), under the MJSP, is responsible for issuing the National Migration Registry (RNM) and border control. Simultaneously, the Ministry of Foreign Affairs (MFA) is responsible for executing foreign migration policy, issuing visas abroad, and receiving requests for political asylum. The Ministry of Labor and Employment (MLE), in turn, focuses on labor migration, acting through the General Coordination of Immigration (CGIg) and presiding over the National Immigration Council (CNIg).

In addition to these ministerial roles, governance is complemented and reinforced by two important collegial bodies that include civil society participation. The National Committee for Refugees (CONARE), linked to the MJSP, is the decision-making body that evaluates asylum applications and includes representatives from various ministries, the Federal Police, civil society, and UNHCR. The National Immigration Council (CNIg), chaired by the MLE, is the advisory and decision-making body that shapes labor immigration policy and issues regulatory resolutions, and it includes a tripartite structure composed of government, employers, workers, and the academic community.

As such, public policy decision-making remains highly vertical and centralized at the national level, even though non-state actors are present in these collegial bodies<sup>4</sup>. It is also worth noting that the federal government and its agencies have acted primarily in response to emergency situations—such as Haitian migration, Operation Welcome for Venezuelans, and the most recent repatriation of Brazilians from Lebanon.

As previously discussed, in Brazil, migration policy-making is highly centralized at the national level, focusing on border security, visa issuance, the National Migration Registry (RNM), and refugee status. However, the central government has so far carried out only emergency measures related to the reception, sheltering, and integration of international migrants, without institutionalizing a long-term approach focused on rights protection and coordinated, appropriate responses to migratory dynamics. Moreover, there is no federal regulation that limits subnational autonomy through a budgetary governance arrangement or through the specification of guidelines for the organization of human resources and service provision.

At the subnational level, shared competences among different government entities allow for the decentralization of intergovernmental relations. According to the 1988 Federal Constitution, states hold residual powers to enact state policies that must align with federal laws (Art. 25, §1), including the possibility of regulating regional services, and, through shared competences under Art. 23, they may engage in cross-cutting areas such as health, education, and social assistance—though their role in the direct provision of services is limited.

Municipalities, in turn, are responsible for matters of local interest (Art. 30, I) and also operate through shared competences (Art. 23), bearing the responsibility for formulating and implementing social policies. They can play a role in the reception of international migrants via social assistance (e.g., managing shelters and providing access to income transfer programs), education (e.g., enrolling migrant

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<sup>4</sup> The centralization of actions can be observed in the formulation and implementation of *Operação Acolhida*, an emergency assistance policy designed to welcome Venezuelan migrants. Its implementation unfolded along three main lines of action: border management, which includes reception, guidance, regulation, and documentation of migrants; shelter, aimed at housing migrants in vulnerable situations; and the internal relocation strategy (*interiorização*), a federal government initiative intended to transfer Venezuelan migrants to other states and municipalities across Brazil. Despite being an unprecedented initiative in terms of migration practices, *Operação Acolhida* clearly demonstrated limited participation from subnational authorities in the initial response, thus hindering broader engagement from state and municipal actors and reinforcing the planning and implementation of actions through a federal lens. The decision-making and normative coordination structure remains top-down in many aspects, materialized through the establishment of the Federal Committee for Emergency Assistance (CFAE) and its Federal Subcommittees—composed of federal executive branch agencies. As a result, the institutional framework of *Operação Acolhida* has been highly centralized and vertically structured within federal ministries, leaving little room for participation from other levels of government or civil society organizations.

children in the school system), and health (e.g., offering basic services through public health units). Although municipalities do not have decision-making power regarding migration policies and legal frameworks, they can formulate and implement local migration policies, often delivered through services provided by CRAS and CREAS—which, although not exclusive to migrants, assist in their reception—as well as through policies on education, employment and income, healthcare (SUS), and social assistance (SUAS), allowing for the implementation of programs at the local level.

Furthermore, at both state and municipal levels, along with state actors, various non-state actors (such as NGOs and private organizations) seek to promote reception and integration initiatives across different territorial scales. From this perspective, considering the horizontal axis and the territorial and multi-thematic transversal nature of migration policies, subnational entities—despite having more or less institutionalized policies—share responsibility for migrant reception with non-governmental organizations and civil society (Auslender, 2021).

Due to the historical shortcomings in public policies for international migrants in Brazil, civil society has assumed a leading role through civil society organizations (CSOs), Catholic Church-affiliated groups—such as Cáritas Arquidiocesana and the Pastoral do Migrante—migrant communities with their own associations (formed to pursue common interests and facilitate the integration of newcomers), international organizations (especially UNHCR), and other public and private institutions (such as universities and companies), which together form support networks for migrant populations. It is important to note that the institutional architecture for civil society participation is also structured through Popular Participation Councils at all three levels of government, representing managers, users, and workers.

As analyzed in this section, Brazil's migration policies operate within a structure that, although normatively designed to promote federal coordination, is marked by institutional gaps that hinder effective multilevel governance. The centralization of responsibilities in the federal government—particularly regarding regulatory frameworks and border control—contrasts with the reliance on local actors, especially municipalities, for the practical implementation of reception policies. This asymmetry results in fragmented arrangements, whereby the actions of local governments, together with civil society organizations, partially fill the void left by the lack of systemic coordination at other government levels. At the same time, a trend toward the municipalization of migration policies can be observed, highlighting the local capacity and autonomy to craft responses tailored to the specific realities of each territory.

As we will see in the next section, although operating within profoundly different political contexts, both Brazil and China face similar challenges regarding the implementation of effective migration governance. While the Brazilian model is characterized by strong normative centralization at the federal level and fragmented implementation at the subnational level, the Chinese case reveals flexible and contextual forms of inter-level and cross-sectoral coordination. As a result, comparing the two countries allows us to observe how different institutional arrangements and state capacities shape the coordination and implementation of migration policies within complex state structures.

### **3. Control, Selectivity, and Reform: Chinese Migration Governance**

In contrast to the federal arrangement and legal framework of rights that, despite challenges, characterize migration governance in Brazil, the Chinese case reveals a model developed within a unitary state whose historical trajectory, administrative complexity, and vast territorial dimensions impose a distinct logic for policy formulation and implementation.

Historically, China was seen as a country of emigration; however, in recent decades, it has undergone a transformation, assuming a dual and complex role, simultaneously acting as one of the world's largest emitters of migrants and increasingly as a destination country (Zhuang, 2018). This shift in the global migration scenario is intrinsically linked to China's integration into the global economy, its accelerated economic growth, and capital accumulation, particularly after joining the World Trade Organization (WTO) in 2001.

Indeed, in the ten years following WTO accession, the number of foreign residents in the country grew, on average, by more than 10% annually, establishing China as a new and important destination hub, now hosting a number of immigrants comparable to that of many medium-sized nation-states (Zou and Zou, 2018). While the main inflows still come from countries like South Korea, the United States,

and Japan, there is increasing diversification with migrants from the Global South, including students and workers involved in transnational trade. This trend reinforces the need for a deeper reflection on the contours of contemporary Chinese migration policy (Haugen and Speelman, 2022).

Empirical evidence of this transition to a destination country is visible in census data, though it should be read with caution due to likely underreporting. The 2010 Census—the first to count the foreign population in the country—recorded 593,832 foreigners living in China for at least three months. Although this figure likely underrepresents the actual number, it shows substantial growth compared to the roughly 20,000 foreigners residing in the early reform era and about 150,000 in the early 2000s (Yang, 2012). A decade later, the 2020 national census indicated the presence of 846,000 foreign citizens in mainland China, excluding residents from Hong Kong, Macau, and Taiwan. Despite the absolute number, this group represents only 0.1% of China's population, revealing the still limited and selective nature of immigration, and the persistent lack of data on irregular migrants—a crucial but officially invisible aspect of the country's migration reality (Haugen and Speelman, 2022).

It is important to note that, unlike in other developing contexts, labor shortages were not the main driver of immigration. In practice, China still lacks comprehensive regulation for the admission of low-skilled workers, instead prioritizing in its strategy the attraction of more qualified migrant profiles—professionals, investors, students, and the so-called *hai gui* (sea turtles), Chinese citizens with foreign education whose return is actively encouraged by the state as part of a global talent competition. This includes incentives such as tax exemptions and access to research funding (Haugen and Speelman, 2022).

The institutionalization of Chinese migration policy occurred gradually, culminating in the promulgation of the Law on Entry and Exit Administration of the People's Republic of China in 2012, regulated the following year. This legislation, the result of a lengthy and complex process that took over nine years and ten drafts, was designed with a dual—and sometimes contradictory—objective: on the one hand, to attract the “best and brightest” foreign talents deemed essential for economic modernization; and on the other, to more effectively regulate the entry and residence of migrants, always under the lens of national security and sovereignty protection (Liu, 2008; Zhang, 2019b; Weng & Shen, 2014).

The law implemented a selective strategy similar to that of developed countries, prioritizing highly skilled professionals—defined by the OECD as those with at least a bachelor's degree (OECD, 2004)—while increasing control over low-skilled migrants (Koslowski and Ding, 2024). To this end, it introduced formal point-based evaluation criteria, reformed existing visas such as the Z visa (for foreign university graduates), created the R visa (for professionals with urgently needed skills), expanded the granting of permanent residence permits, and established severe penalties for irregular employment (Zhuang, 2018).

Although seen as an improvement over the previous framework, the 2012 law disappointed those who expected more comprehensive and rights-oriented legislation (Zhu & Price, 2013). The law remained largely silent on migrant rights and social integration mechanisms, maintaining restrictive visa categories and fragile labor rights. This reflects an approach that overlooks integration and social diversity in favor of a pragmatic and temporary view of foreign presence (Ahl et al., 2020; Haugen and Speelman, 2022).

More importantly for this study, the law did not strengthen vertical coordination mechanisms between government levels nor establish an independent immigration agency—reforms seen as essential to addressing the uneven implementation of policies and corruption at local levels (Weng & Bi, 2006; Wang, 2009). This gap was exacerbated by severe administrative fragmentation: migration management was spread across more than thirty government entities with their own interests, resulting in inconsistent implementation and hindering the formulation of a coherent national strategy (Liu, 2015; Pieke, 2014).

In this context, “local experimentation” (Heilmann & Perry, 2011) flourished, where cities such as Guangzhou and Shanghai developed their own legislation and practices to manage the presence of foreigners—often accommodating economic migration pragmatically and tolerating irregularity (Cheuk, 2019; Xu, 2018).

Chinese migration management entered a new phase with the rise of Xi Jinping, who initiated a state restructuring agenda and sought to strengthen China's global position. The country's accession to the International Organization for Migration (IOM) in 2016 marked a turning point, signaling a willingness to engage in international migration governance and justifying the need for stronger

institutional capacity to manage mobility (Weng and Li, 2017; Ge et al., 2019). This new stance, aligned with the Belt and Road Initiative—which itself entailed a more proactive commitment to globalization and international mobility—added urgency to reforming the migration system (Speelman, 2020).

In this context, the government in 2018 implemented the most significant reform of the sector: the creation of the National Immigration Administration (NIA). For the first time, authorities publicly recognized China's status as a destination country and advocated for the development of migration management “with Chinese characteristics” (NIA, 2019).

However, the institutional architecture of the NIA reveals the deep paradoxes of the reform. Its structural placement—not under the State Council but under the Ministry of Public Security (MPS)—signaled the continuation of a security-driven approach (Speelman, 2020). This positioning is compounded by its sub-ministerial status, which imposes severe constraints: the NIA cannot issue its own legislation, and its capacity for horizontal coordination with higher-level ministries is extremely limited (Speelman, 2020). Additionally, it lacks an explicit legal mandate, as its functions—and even the concept of “immigration”—are not codified in current legislation, leaving the agency in a legal limbo that undermines its authority (Liu and Weng, 2019).

This conceptual vagueness is profound: terms like “foreigner,” “immigrant,” and “migration management” are used interchangeably by the authorities themselves, revealing a lack of clear vision regarding the future of immigration in the country (Liu and Weng, 2019, p. 5). Thus, the NIA’s trajectory illustrates the pattern of reforms under Xi Jinping: ambitious in vision, but constrained by institutional barriers in implementation (Speelman, 2020).

Vertically, the NIA’s structure is also problematic for effective multilevel governance. The agency does not have its own subnational offices. Instead, it remotely oversees local entry-exit departments, which remain horizontally integrated into the public security apparatus of their respective regions (Speelman, 2020). This hybrid arrangement—unusual in the Chinese bureaucracy (Zhang, 2019b)—limits the NIA’s centralizing mandate and reflects deep regional inequalities in capacity and demand for migration structures.

As a result, the NIA’s mandate, which aims to strengthen centralized command and the legal codification of national interests, clashes with the tradition of experimentation, pragmatism, and relative autonomy that has characterized migration management in China’s most dynamic cities for decades (Speelman, 2020).

In summary, contemporary Chinese migration governance is a field marked by profound ambiguities. The creation of the NIA, while advancing the issue of immigration to a “state matter” and aligning China’s approach more closely with international management standards (Niu, 2020), also reinforces a security-centered, centralized, and technocratic model. Its operational scope, thus far, has been limited to consolidating ongoing trends—such as the tightening of norms (Cheuk, 2019)—while its real influence within the bureaucratic apparatus remains uncertain, and its transparency limited (Speelman, 2020).

Recent factors, such as the politicization of international mobility and the strong public backlash to proposals for residency flexibility, further intensify the control-oriented bias to the detriment of openness, as evidenced during the COVID-19 pandemic, when the NIA declared health control and border closure its “top priority” (Speelman, 2020).

The Chinese model, therefore, provides a productive lens to understand the tensions between official commitments to globalization and the reinforcement of a control system that deepens the distinction between the “foreign” and “Chinese” spheres (Speelman, 2020). Ultimately, while Brazil, with its own shortcomings, debates governance through a rights-based and federative articulation framework, China moves along a top-down reform path where the participation of non-state actors is marginal and subnational autonomy—a historical pillar of the system—is under increasing centralizing pressure.

#### 4. Discussion of results

The comparative analysis of migration governance in Brazil and China, structured according to the proposed axes of investigation, reveals the existence of two distinct models. These models are shaped by their respective state structures — a decentralized federalism in contrast with a centralized unitary

state —, by their legal frameworks, and by their political narratives regarding the role of migrants in society. Below, we delve deeper into each of these axes.

The first axis concerns the model of governance. In the Brazilian case, a multilevel and decentralized arrangement prevails, in which federal entities share responsibilities in the implementation of migration policies. The participation of civil society actors and international organizations is foreseen and, in certain contexts, effectively exercised. In China, however, migration governance is centralized, with a very low degree of social participation. While in Brazil governance is characterized by the interaction — albeit imperfect — among the federal government, states, municipalities, and NGOs, in China the process is dominated by the Party-State, with decisions flowing top-down from Beijing, according to a logic of command and control.

Regarding the legal framework, Brazil has a comprehensive legislation, notably the Migration Law (Law No. 13,445/2017), which incorporates human rights principles and seeks to break away from a securitized approach to human mobility. China, in turn, lacks a unified immigration law, operating with a fragmented legal basis governed by administrative regulations, with its main reference being the 2012 Entry and Exit Law.

With regard to subnational autonomy, Brazilian federalism allows for some flexibility in the actions of states and municipalities, particularly in the implementation of initiatives focused on migrant reception and integration, where — despite asymmetries and resource constraints — there is room for local innovation. In China, by contrast, subnational governments operate under strict central control, with little leeway for autonomous decision-making. Even when local initiatives exist, they occur within a logic of controlled delegation, without challenging central directives. However, as seen in the analysis, this formal structure coexists with a tradition of "local experimentalism," which is now in tension with the increasing centralization driven by the National Immigration Administration (NIA).

Social participation is another important point of divergence. In Brazil, institutionalized channels for participation exist, such as councils, conferences, and forums, in addition to the relevant involvement of universities, NGOs, and international organizations. Organized civil society plays an active role in both the formulation and monitoring of migration policies. In the Chinese context, the few organizations active in the field are tightly controlled by the state, and foreign NGOs face severe restrictions, which prevents the formation of an autonomous public sphere capable of monitoring and influencing governmental policies.

In terms of international openness, Brazil adopts an engagement posture in multilateral arenas, being a signatory of the UN Global Compact for Migration and an active member in regional and international forums, reflecting a commitment to a global migration governance based on shared normative principles. China formally adopted the Compact in 2018. However, this adoption came with caveats that reinforce its traditional defense of sovereignty, as it emphasized that it would apply the agreement voluntarily and according to its domestic laws and conditions.

Divergence is also present in the narrative on migration. While Brazil emphasizes the rights of migrants, solidarity, and integration — even if contradictions exist in practice — China adopts a securitized narrative, wherein migration is seen as a tool to be regulated in accordance with national development goals, with a focus on control, productivity, and social order.

Finally, regarding insertion into the global governance of migration, Brazil traditionally supports multilateral cooperation, acting as a constructive partner within the UN system. China, although it participates in multilateral forums, adopts a more selective and utilitarian stance, guided by strategic interests and an uncompromising defense of state sovereignty. This position limits its integration into international initiatives aimed at establishing common standards for migration regulation.

## CONCLUSIONS

International migration is a complex phenomenon that operates across different territorial scales and involves a variety of actors, both state and non-state. Although the implementation of public policies for migrant populations predominantly occurs at the local level—especially regarding the decentralization of reception processes—this does not necessarily imply alignment with the concept of multilevel governance. In this context, the concept refers to vertical articulations between different levels of government (federal, state, and municipal) and horizontal dimensions involving civil society

organizations, businesses, unions, and other actors. It enables a deeper understanding of the institutional and territorial dynamics that influence the reception of international migrants.

In Brazil, the Migration Law (13.445/2017) marked a major normative milestone by replacing the 1980 Foreigner Statute and aligning with a more humanitarian and human rights-based approach. However, while the law sets guidelines for a national policy on migration, refuge, and statelessness, it still faces implementation challenges, especially regarding intergovernmental coordination and the strengthening of local capacities in line with the logic of multilevel governance. The absence of a coordinated national policy means government actions often occur in an isolated or emergency-driven manner, with few formal mechanisms for coordination. Additionally, unequal institutional arrangements create disparities in local capacity—legal, political, technical, and financial—to implement reception policies, leading to discretionary practices and significant variation in migration policies across different regions, states, and municipalities.

In this sense, the coordinated action of local public authorities in constructing policies aimed at migrants remains at an early stage and faces structural challenges rooted in intrinsic features of Brazilian federalism. Just as health and social assistance only achieved effective national federative coordination after the 1988 Constitution (and education still grapples with historical imbalances only recently addressed through programs like FUNDEF and FUNDEB), policies for migrants and refugees suffer from the absence of an articulated governance system. Local initiatives remain fragmented and uncoordinated, with no clear direction at the federal or state level.

Observing the Brazilian case, it is clear that the federal design centralizes the power and responsibility to deal with international migrants—particularly in border control and policy formulation. The Migration Law (13.445/2017), for instance, assigns the federal government responsibility for regulating and coordinating the National Policy on Migration, Refuge, and Statelessness (PNMRA), but it does not clearly define how states and municipalities should participate in this process.

Thus, multilevel governance for international migration in Brazil reflects a reality marked by gaps and unequal protagonism. Multilevel governance is not, of course, an ideal model, but rather a concept that captures the existing dynamics: weak engagement and integration among government levels, combined with a prominent role played by social actors such as religious organizations, NGOs, universities, and civil society associations. This configuration helps describe how public policies for international migration operate across different levels—being more or less cohesive and structured depending on local conditions and the articulation capacity among involved actors.

China, on the other hand, presents a diametrically opposed model, based on centralized decision-making, state technocracy, and low permeability to the participation of non-state actors. Even though immigration has significantly increased in recent decades—especially after China joined the World Trade Organization (WTO) in 2001—the country still operates under a fragmented and highly controlled legal system without unified migration legislation. Administrative regulations and institutional rigidity characterize an instrumental approach to migration, focused on order, productivity, and security. In this context, there is no space for the emergence of a multilevel governance model: decisions are centralized in Beijing, and local governments mostly act as implementers of national policy.

This comparison highlights that, while Brazil features a governance configuration marked by asymmetries, local protagonism, and active participation by civil society organizations, China operates according to a centralized and vertical logic, where migration is treated as a tool of economic and national security policy. Although the concept of multilevel governance does not directly apply to the Chinese model, it serves as a useful analytical lens to understand the deliberate absence of participatory channels and institutional articulation in that context.

Conversely, Brazil's own fragile multilevel governance—characterized by lack of clear intergovernmental coordination and reliance on non-state actors—points to the need for institutional improvement. The adoption of clearer national guidelines, coupled with strengthened local capacities and greater valorization of social participation, could enhance the effectiveness of migration policy. In this sense, Brazil could further its normative trajectory by institutionalizing more stable and inclusive mechanisms of federative coordination.

Finally, it is important to emphasize that the models analyzed here do not represent mutually exclusive normative poles, but rather different responses to the global transformations of human mobility. While Brazil faces the challenge of consolidating and coordinating its migration governance within an unequal federative arrangement, China moves in the opposite direction—maintaining strict

state control over the entry, stay, and integration of foreigners, even in the face of increasing international flows. In both cases, migration policy goes beyond the regulation of mobility and is embedded within broader strategies of development, international engagement, and national project building.

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