

Human rights of migrants, refugees and stateless persons in Brazil

Ratification of International Conventions and Adherence to the Global Compact for Migration

1. The Brazilian government signed the Global Compact for Safe, Orderly and Regular Migration in December 2018 along with 164 other countries. But, as soon as the elected current president took office in 2019, the government withdrew Brazil from the Compact, isolating the country from important international decisions concerning this subject. Three years later, Brazil remains out of the Compact.

2. Also, it's important to state that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families from 1990 was never ratified by the Brazilian National Congress. This was pointed out by 7 countries during the last UPR cycle (Recommendations 136.9-14/136.17) and, at that time, the government supported those claims to ratify and adopt the obligations from that Convention.

Recommendations from the Working Group on Migration

- Return to the Global Compact for Safe, Orderly and Regular Migration.
- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Access to the territory and migratory regularization during the pandemic

3. Since March 18th 2020, the Brazilian government has published a sequence of 37 administrative rules placing restrictions on entry into the country, under the pretense of containing the spread of COVID-19. Among the measures established by them, there was a difference in treatment regarding the countries of origin and means of transportation, violating the rights of equality and non-discrimination. Moreover, these administrative rules are illegal, unconstitutional and disrespect the national legislation, as well as international human rights treaties ratified by Brazil.

4. At the beginning of the pandemic, the National Congress enacted the Law 13,979/2020, establishing measures to address the public health emergency, determining in its article 3, item VI, the exceptional and temporary restrictions of entry and departure from the country, which must be based on a technical and well-founded decision by the Brazilian Health Regulatory Agency (Anvisa). Since then, the 37 administrative rules on the subject have been published.

5. The Administrative Rule 120/2020¹ was the first to address the issue, prohibiting the entry of migrants from Venezuela by land, a provision not only contrary to the precepts of the Migration Law 13,445/2017², but also directly to the article 18 of the Agreement on border sanitary cooperation between Brazil and Venezuela³. Subsequently, the administrative rules prohibited the entry of people coming from any State, with some exceptions, such as Brazilian nationals, migrants with permanent residency or foreign professionals on an international mission.

6. However, until June 2021, these administrative rules were more discriminatory against people coming from Venezuela, since no regulated entry exceptions used to apply to them. This measure resulted in the impossibility of migratory regularization of these people, who

were subjected to immediate deportations and repatriations. Those who remained in Brazil faced extreme vulnerability, without access to social rights, including the shelter and interiorization services of Operation Welcome.

7. Although the government has later authorized the reception and regularization of Venezuelan migrants and refugees, through Administrative Rule 655/2021⁴, in practice there were some limitations for their entry by land for some months⁵, encouraging them to seek alternative and dangerous paths. Also, this situation created a repressed demand for migratory regularization and, although this scenario has already improved there, until the end of last year there was a queue of about 4 thousand people seeking regularization in Pacaraima/Roraima, which impacted the increase in Venezuelans living on the streets⁶.

8. In addition, the discriminatory treatment was extended to migrants coming by land and sea, considering that entry restrictions applied only to them, while those who entered by air had alternatives, such as undergoing a COVID-19 test. In fact, the pandemic was used only as an excuse, because air borders were opened before all others for tourists in June 2020 and there was the exclusive opening of the land border with Paraguay, in October 2020, while all others remained closed, proving that the Government was guided by economic interests rather than by sanitary reasons.

9. Finally, the latest administrative rule published in January 2022⁷, based on a preliminary decision of the Supreme Court, determined the opening of all borders, but the entry into the country is conditioned on the presentation of proof of vaccination against COVID-19. However, the criteria for defining exceptions for people coming from countries facing humanitarian crises or that have low vaccination coverage are still vague and unclear, generating legal uncertainty and opening space for the arbitrariness of border agents and airlines. In addition, the solution to define whether a situation fits into humanitarian exceptions is very bureaucratic, since a case not regulated by the Administrative Rule 666/2021 must be sent to the Civil House of the Presidency of the Republic for analysis, which must consult several agencies and ministries, compromising the necessary speed to deal with people in need of humanitarian aid.

10. Administrative Rule 666/2021 also provides for the possibility of migratory regularization of those who entered irregularly during the pandemic. However, due to the restrictions imposed by the administrative rules for almost two years, the requests for migratory regularization are taking a long time to be analyzed, aggravating the vulnerability of undocumented migrants.

11. Last but not least, we emphasize that the 37 administrative rules above mentioned violate International Conventions, the Federal Constitution, the Migration and Refugee Law, as well as the Pandemic Law n. 13,979/2020, infringing on the fundamental rights to a full defense, adversarial proceedings and due legal process, as well as the principle of *non-refoulement*, since all of them determined immediate deportation or repatriation as a consequence of non-compliance, including the administrative rule currently in force. Another illegal and disproportionate sanction provided for in the administrative rules, including the current one, is the suspension of asylum requests, which violates the right to immediate access to the asylum application procedure, putting the life and liberty of asylum seekers at risk. Furthermore, they establish civil, administrative and criminal liability as sanctions, and, consequently, fines up to R\$ 10.000 (approximately US\$ 2.000) are being imposed for irregular stay in the country. However, it should be noted that no arrests for migratory reasons were identified during this period.

12. In this regard, some examples of the disastrous impacts of these measures may be highlighted: In August 2020, there was a mass deportation of dozens of people, including children, that took place on the border between the state of Acre and Peru, which left them

on a bridge for days, without food, water, hygiene, or shelter, as they could not return to Peru either⁸. In January 2021, more than 50 Venezuelan indigenous people, among them 32 children, experienced threats of mass deportation. Thanks to a lawsuit filed by the Public Defender's Office, that did not happen⁹. In March 2021, in Pacaraima/Roraima, a shelter run by a nun, called Casa São José, was invaded by police forces. The nun was coercively taken to the police station. Only undocumented Venezuelan women, pregnant women and children lived at the place. They would have been deported had it not been for the quick action of the Public Defender's Office and civil society organizations¹⁰.

13. Therefore, the interministerial administrative rules created a series of discriminations against vulnerable people who entered Brazil by land in search of protection, having their rights denied and being subjected to illegal and unconventional measures. Despite the revision of some provisions, the impact of the administrative rules will be felt for a long time, whether in the deficit of Federal Police regularization services, as well as in the migrants' difficulty in accessing rights and protection, putting in check the human right to migrate.

Recommendations from the Working Group on Migration

- Remove illegal sanctions, especially immediate deportations and repatriations and the suspension of asylum requests, from administrative rules published by the government and do not edit new one with these provisions.
- In other situations of public calamity, adopt alternative health and sanitary measures, instead of closing borders.

Visa policies

14. The guarantee of family reunion is one of the principles that guides Brazilian migration policy, present in article 3, VIII of the Brazilian Migration Law (Law 13,445/2017). Visas are granted by Brazilian consular representations in other countries, upon the presentation of the necessary documents and in accordance with the administrative rules and regulations in force.

15. Although the visa consists of a document that grants its holder the expectation of entry into the national territory, as provided for in article 6 of the Migration Law, the processes for issuing a family reunion visa have presented characteristics that are contrary to the principles and guidelines of the migration legislation and public administration.

16. Civil society organizations working to defend the rights of migrants and refugees have identified extreme delays in visa procedures, in addition to the lack of transparency and communication with visa applicants.

17. Some Brazilian consular offices in countries such as Pakistan, Bangladesh, the Democratic Republic of Congo and Syria show an excessive delay in analyzing visa applications. Regarding the Brazilian consular office in Pakistan, visa applicants have been informed that the issuance of visitor visas has been suspended, due to the high demand regarding the situation in Afghanistan.

18. In addition, several visa applicants were asked to present documents not required in the migration legislation, making the process more difficult and rigorous, often preventing the access to family reunion.

19. In situations of refusal of legally prescribed documents and denial of the visa application, there is no express formal justification from the consular authorities. The lack of information and transparency of the administrative process is frequent when it comes to family reunion visa application, leaving many people without prospects to join their family members in Brazil.

20. In this context, a serious situation is the denial of visas for children and adolescents who intend to meet with their parents in Brazil. Many of them are in the country of origin separated from their parents or other family members, often being unaccompanied. This is a recurring practice and there is no express justification for the denial, even when all the requirements and formalities are fulfilled. This exacerbates a situation of vulnerability of children and adolescents and, given the lack of information on how to proceed to obtain a visa, the right to family reunion has become unfeasible in practice.

21. Regarding humanitarian visas, there are also a lot of irregularities. The Brazilian consular authority in Pakistan has already informed humanitarian visa applicants, coming from Afghanistan, that the scheduling of interviews has been suspended due to a high number of demands. This becomes particularly problematic when we are dealing with people who are displaced due to emergency situations and are often without any support. Some interviews were scheduled for ten months after the request. This wait further harms migrants who need authorization to stay in Pakistan, which often, due to the long delay, ends up expiring, leaving them in an irregular situation. Therefore, this delay affects the rights of many people who need consular assistance to guarantee the opportunity to rebuild their lives.

22. In September 2021, Brazilian embassies began to make inappropriate demands not provided for in the Administrative Rule 24/2021¹¹, regarding the humanitarian reception of people affected by institutional instability, serious violation of human rights or international humanitarian Law in Afghanistan. The embassies required visa applicants to present evidence that they would be sponsored for at least six months by organizations or private entities that would afford their expenses, including health and dental insurance¹². The Federal Public Defender's Office questioned the legality of these requirements and sent a petition to the Ministry of Foreign Affairs requesting the change of such criteria and more transparency in the visa process. Currently, these requirements are not being made anymore by the Brazilian consular authorities.

23. On the other hand, it should be noted that the Administrative Rule 28/2022 on humanitarian visas regarding the situation of the conflict in Ukraine differs from the one referring to the entry of people living in Afghanistan. The latter determines the granting of a humanitarian visa to afghan nationals, stateless persons and people affected by the crisis in the country, opening the possibility for people of different nationalities to be eligible for the visa. In the case of Ukraine, the administrative rule only refers to "Ukrainian nationals and stateless persons", ignoring the racism suffered by black and non-white migrants trying to leave Ukraine, that were barred from boarding the trains and crossing the borders¹³.

24. There are also many reports of the presence of intermediaries in Brazilian embassies in countries such as Pakistan, Haiti and the Democratic Republic of Congo. Most of the time, these intermediaries are not official representatives of consular authorities, but without their intermediation upon payment, visa applicants cannot access embassy services, due to the lack of available dates for scheduling interviews and technical obstacles such as malfunction of the website for accessing visa application procedures.

25. The Brazilian consular office in Haiti particularly presents excessive difficulties for visa applicants, both for family reunion and humanitarian reception. Since before the COVID-19 pandemic, there have been reports of difficulty in scheduling appointments and impossibility of accessing the embassy. Due to the new emergency situation, caused by the earthquake

that devastated the country in 2021, this delay on the part of the embassy becomes even more alarming, not to mention the high risks of devastation by cyclones¹⁴.

26. Faced with this situation that makes it impossible to enjoy a right guaranteed in Brazilian migration legislation, an association of Haitians residing in Rio Grande do Sul obtained a favorable decision in the Judiciary that authorizes the reunion of Haitian families without the need for a visa¹⁵.

27. Furthermore, we are extremely concerned that, until the present moment, the government has determined that it will only grant humanitarian visas to Haitians until April 2022¹⁶, even though these migrants need humanitarian assistance for a longer time.

Recommendations from the Working Group on Migration

- Increase transparency at Brazilian consular representations and improve communication with humanitarian and family reunion visa applicants.
- Desbureaucratize visa application procedures, especially for humanitarian and family reunion purposes.
- Increase human resource capabilities and structure to assist people at Brazilian embassies and other consular representations.
- Increase the supervision of consular representations to prevent acts of corruption and exploitation.

Resettlement

28. In the last UPR cycle, Brazil accepted a recommendation regarding the expansion of resettlement services for newly arrived refugees, as well as the guarantee of a decent standard of living, through the establishment of a National Plan for Local Integration.

29. In Brazil, resettlement is legally based on articles 45 and 46 of the Brazilian Refugee Law (Law 9,474/1997) and consists of the transfer of refugees from a host State to another that has agreed to receive them, as well as ensuring them permanent settlement. Resettlement is a long-term solution, being the only one that involves the relocation of refugees from a host country to a third country.

30. However, the reception of resettled refugees by the Brazilian State is still very timid. The sixth edition of the “Refuge in numbers” report, prepared by the Observatory of International Migration (OBMigra), with the support of the National Committee for Refugees (Conare), the Ministry of Justice and Public Security and the University of Brasília (UnB), shows data regarding resettlement during the years from 2011 to 2019.

31. The publication shows that over the analyzed period, 231 refugees were resettled in Brazil. Between 2011 and 2013, Brazil gradually received more resettled refugees, 23 people in 2011, 39 in 2012 and 56 in 2013. Since then, there has been a drop in these numbers. In 2014, 45 people were resettled in Brazil, in 2015 only 11. There was a brief increase in 2016, with 31 resettled refugees in Brazil, but the following years had the worst statistics, with only 2 people being resettled in 2017 and none in 2018¹⁷.

32. In 2019, there was again an increase in the number of resettled people, 24 people in total, mainly from El Salvador and Honduras. The resettlement program was suspended in 2020 due to the pandemic.

33. Therefore, it is demonstrated that the resettlement program in Brazil is operating in a very incipient and intermittent way, but the country's capacity to receive resettled refugees goes far beyond the presented numbers. In this sense, it is possible to conclude that, contrary to what the recommendation accepted by Brazil indicated, there was no expansion of resettlement services for refugees. In fact, there has been a setback in the last decade.

34. Regarding the establishment of a National Plan for Local Integration, it is also not possible to say that the Brazilian State complied with the recommendation. Article 120 of the Migration Law (Law 13,445/2017) determines the institution of a National Policy on Migration, Refuge and Statelessness, whose purpose would be to coordinate and articulate sectoral actions implemented by the federal government in cooperation with the states, federal district and municipalities, including the participation of civil society organizations, international organizations and private entities. However, there was no progress towards the creation of this policy.

Recommendations from the Working Group on Migration

- Retake resettlement services for newly arrived refugees from other countries.
- Increase negotiations with other countries to welcome more resettled refugees.
- Establish the National Policy on Migration, Refuge and Statelessness, pursuant article 120 of Law 13,445/2017, including organizations formed by migrants in its formulation and implementation.

Migratory regularization and access to rights

Impacts on the impossibility of migratory regularization

35. In 2017, Greece recommended that Brazil fully implemented the new Migration Law (Recommendation 136.245). Observing the migratory context for the year 2022, several obstacles to the realization of a fair and dignified reception of this population were found, among them: a) unfeasibility of migratory regularization; b) slow service by the Federal Police; c) exclusively digital services; d) denial of assistance from health and social care agencies; fe denial of assistance from notaries, banks and airline companies; g) denial of public assistance to the indigenous population; and h) lack of temporary shelters. Below, we report the challenges encountered in the aforementioned topics.

36. As mentioned before, the context of the pandemic motivated Brazil to adopt measures to prevent the spread of the Coronavirus, mainly the entry restriction of migrants and asylum seekers. However, migratory movements continued to occur through alternative routes, resulting in a significant number of migrants and asylum seekers without identification documents, since the measures adopted made it impossible for these people to regularize their migration status.

37. Besides, there is no possibility of migratory regularization for nationals of certain nationalities, as it is the case of Cuba and Nigeria, whose migratory flow is significant, or for migrants who would face a risk if they returned to their countries of origin, but they do not fit into the categories that define refugees.

38. In the absence of alternative paths to migratory regularization, it is worth noting that in Brazil there is no possibility of regularization considering time lapse. Therefore, many refugee applicants wait years for the decision on their request and, during this period, they settle down and integrate into Brazilian society. However, if their refugee request is denied, they have no legal grounds to obtain a residence permit in Brazil based on the passage of time.

39. The federal government's own website states that "To guarantee access to civil birth registration is to guarantee access to services in the areas of education, health and social assistance, constituting an important step towards the exercise of citizenship in the country..."¹⁸. However, as for migrants and asylum seekers, the measures adopted by Brazil go precisely in the opposite direction, so that these people suffer with the difficulty or even impossibility of access to basic subsistence rights.

40. In this sense, it is possible to state that the country has not complied with its constitutional duty to guarantee means of dignified survival and safety to these people, being precisely these the motivations that led them to leave their countries.

41. Therefore, by denying the right to civil registration to migrants and asylum seekers, the Brazilian state has violated the constitutional right to a dignified citizenship, without distinction of any kind.

42. Furthermore, in Brazil, regularization procedures and asylum requests must be carried out with the Federal Police. For years, refugees and migrants have encountered enormous difficulties in scheduling appointments at the Federal Police in order to have their documentation, generating a clear violation of rights and the impossibility of effective and integral implementation of the Migration Law.

43. There are countless difficulties encountered by those who need one of the services in the Federal Police, which go beyond the unsuccessful attempts to schedule an appointment at the institution's website. In addition, there is an excessive bureaucratization of some procedures, misinformation about the requested documentation, negligent treatment by the attendants and lack of preparation to deal with people with different cultures and languages.

44. In general, there is an absence of sufficient information for the migrant and refugee population, who are often in a situation of vulnerability. The right to information is a fundamental right in a democratic society and is constitutionally protected.

45. In the first weeks of 2022, the Federal Police of São Paulo conducted an operation called Horizon (Horizonte, in portuguese) that aimed to attend the migrant public more quickly, especially people in vulnerable situations, in order to facilitate the scheduling of specific document regularization services.

46. Although this operation was far from ideal and necessary to meet the huge demand of refugees and migrants who need to regularize their status, the initiative was a good practice and demonstrates the interest in absorbing the demand and understanding that without access to basic rights such as documentation, several other violations of fundamental rights are generated.

47. The initiative took place only in the city of São Paulo, not covering the entire state, and there is no information if such initiative will be replicated in other locations that have the same issues, reinforcing the disregard for the migrant population. Therefore, more information should be requested in order to understand what measures the Brazilian State will take to solve the problem in a way that covers the entire national territory.

Digital Inclusion

48. Access to documentation and, as a consequence, to basic rights and public policies, is restricted to migrants and refugees who have the knowledge and financial resources to access digital platforms in Brazil. This applies to all phases of the migration regularization process, from visa applications and refugee requests to the issuance of Identity Cards (Carteira de Registro Nacional Migratório).

49. We note that digital inclusion is one of the main problems faced by the most vulnerable migrants and refugees, who mostly need the support of Brazilian civil society to apply for asylum and schedule any procedure with the Federal Police, because the platforms are complex, require the use of computers, Internet access, and familiarity with e-mail. Except for Operation Welcome, the government does not offer face-to-face reference centers where migrants and refugees can be supported in their regularization processes. For this reason, access to regularization is severely limited, especially in places where there are no civil society organizations. Improving access to regularization requires greater investment and partnership with local civil society.

Right to health

50. The right to health is constitutionally provided for in Brazil and it is the duty of the State to guarantee universal and equal access to all people who are in the national territory, regardless of their nationality and migratory status.

51. However, it is possible to observe that the reality is often far from what is provided for in the legislation, since behavioral and bureaucratic barriers prevent migrants from having adequate access to public health, which is especially serious in the face of a pandemic scenario.

52. It turns out that the health teams are not prepared to assist people of other nationalities and the established procedures seem to have been built exclusively for Brazilians, ignoring the existence of migrants who integrate our society and their specific needs. For example, there are no qualified people for intercultural assistance or guidance documents written in languages other than Portuguese at health posts. Another complicating factor is that the registrations of patients and users of the unified health system (SUS) sometimes require Brazilian documents that migrants do not have, such as the Natural Persons Register (CPF), which is a taxpayer registry identification, while migratory documents, such as the asylum request protocol, are unknown to public servants.

53. Considering this scenario, it is essential that the public authorities in Brazil review their protocols and promote technical and humanized training to health workers, so that they can learn about the rights of migrants and guarantee comprehensive and satisfactory care for this public as legally established.

54. It's also important to note that in the context of the COVID-19 pandemic, the Federal Government edited a National Vaccination Plan that established indigenous people as a priority group for receiving vaccines, considering their greater vulnerability to severe cases of the disease.

55. However, due to questionable management of vaccines by the government, it was agreed that the priority would only reach people living in demarcated indigenous territories, disregarding the specificities of indigenous migrants residing in urban contexts, like the Venezuelans of the ethnic group Warao.

56. After a long process of struggle by various organizations and social movements, the Federal Supreme Court determined that indigenous people who lived in an urban context should be included in the priority group. But, a long delay for the adjustment of the measure by the Federal Government had grave consequences to this vulnerable and marginalized social group.

Registry, banking and airlines services

57. The unpreparedness of public functionaries in Brazil is also evident in other areas, when migrants need assistance regarding notary procedures, bank accounts and air travels. In these cases, the disrespect for the principle of equality established in Law 13,445/2017 and elementary principles of the Federal Constitution is frequent.

58. In addition, the flexibilization of the requirement of documents for refugees and people in forced migration situations established in international treaties, such as the 1951 United Nations Convention Relating to the Status of Refugees and the 1984 Cartagena Declaration, is absolutely ignored.

59. In practice, there are cases of asylum seekers and refugees who are prevented from carrying out simple procedures at a registry office, because a birth certificate issued by the country of origin without consular representation in Brazil is required, for example. There are also cases in which the asylum request protocol is not recognized for opening a bank account in public and private banks, even though this document is recognized as suitable for this purpose, as provided for in Migration Law and Central Bank norms, for example.

Public shelters

60. In many cases, migrants and refugees have the need to be temporarily sheltered, due to a context of vulnerability. Therefore, the public shelters must have differentiated characteristics, such as the reception of the entire family nucleus, without separation by gender.

61. Usually, it is the civil society who finance shelters for migrants and refugees, but these spaces are often unable to accommodate all migrants who need this type of assistance.

62. Thus, the Brazilian State must invest in public shelters throughout the Brazilian territory where there are migratory movements, in order to ensure that these people are not subjected to a street situation and extreme poverty.

Recommendations from the Working Group on Migration

- Create more regularization paths covering a greater number of migrants, taking into account their time spent in the country, and keep the existing legislation regarding residence permits updated.
- Create other migratory solutions for people who cannot return to their country of origin, but who also do not fit into an existing hypothesis of migratory regularization or refuge.
- Create the possibility of a residence permit for small business owners and entrepreneurs.

- Guarantee access to Federal Police services throughout the national territory permanently and without interruptions, preventing the demand for regularization from accumulating.
- Supervise the Federal Police service system and specific initiatives developed to deal with regularization demands.
- Foster partnerships with civil society organizations, which can support services related to migratory regularization.
- Provide information to migrants about all possibilities of migratory regularization and asylum application, accepting people's choices.
- Respect migrants' interculturalities in public services, especially in the health and social assistance systems.
- Invest in an interpreters and translators' base to work in public services on demand.
- Improve training of Federal Police agents, in favor of a humanized service for the migrant population.
- Build shelters throughout Brazil for the migrant population with trained and qualified employees and available translators and interpreters, taking into account specific needs of each population, considering its religion, food, culture etc, without separating the families.
- Provide training for public health service employees.
- Register children born in Brazil even if their parents do not have migratory regularization.
- Determine that registry offices shall recognize documents from the country of origin and migratory documents issued in Brazil.

Operation Welcome

63. Operation Welcome was created in 2018, through a partnership between the federal government, international agencies and civil society organizations. Through a humanitarian and logistical task force, led by the Brazilian Army, it aims to reduce social impacts in Roraima state, gateway for most Venezuelan migrants and refugees. To this end, a structure was created at the cities of Pacaraima and Boa Vista to provide shelter, food and other social assistance services for Venezuelan migrants and refugees. Moreover, it is one of the Operation's purposes to interiorize Venezuelans to other parts of Brazil.

64. The interiorization program was created based on four modalities: social reunion (civil society), family reunion, institutional (shelter-to-shelter) and employment-based. However, these strategies are not included in a national policy of local integration and protection of migrants and refugees, and many people who manage to be interiorized do not have the necessary support to establish themselves socially and economically in the communities of arrival and end up remaining in a situation of extreme vulnerability.

65. Furthermore, there is not an official coordination between the federal executive power, the states, the Federal District and municipalities to give a proper reception and promote

local integration of migrants and refugees, since the lack of communication and exchange of information between these entities makes this process difficult. Therefore, one of the weaknesses of the interiorization program is precisely the lack of monitoring and assistance to interiorized Venezuelans after their displacement.

66. This lack of monitoring becomes more alarming when it comes to the employment-based modality, since investigations and accusations have shown that many migrants who were victims of forced labor have been interiorized by Operation Welcome¹⁹.

67. Finally, It is worth emphasizing that currently Operation Welcome is in the process of implementing an unification of humanitarian shelters, which will have the capacity to accommodate thousands of people. This measure can generate risks for security, public health, increased vulnerabilities and precarious conditions of sheltering, in the middle of an urban center.

68. Moreover, the Operation disrespected the right of indigenous people to a Free, Prior and Informed Consent, once it did not involve them in advance in decisions on the unification of shelters for indigenous migrants²⁰. Hundreds of Venezuelan indigenous people who did not want to move to the new shelter, alleging that they want to live under more dignified conditions and more adapted to their culture, report that they are suffering threats and psychological abuse. Demonstrating the abuses of this process, the army has cut their hammocks²¹.

69. Another episode that shows the violation of Venezuelan indigenous people rights and mistreatment by Operation Welcome was the installation of a small space in a shelter to confine alcoholic indigenous people, that was popularly called the "shame corner"²².

Recommendations from the Working Group on Migration

- Monitor the conditions of the people that were interiorized, especially through institutional, social and employment-based modalities.
- Provide better transparency about the interiorization protocols.
- Promote an inspection of the employment-based modality of interiorization, that shall be monitored by the Public Labour Prosecution Office (MPT), in order to prevent cases of labour analogous to slavery.
- Respect the rights of the migrant indigenous population, especially the free, prior and informed consent principle, according to ILO Convention 169, and ensure lasting solutions that include culturally appropriate housing for them.
- Include specific actions for indigenous migrants in the National Policy on Migration, Refuge and Statelessness.

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