



# Country Report

# BRAZIL

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## D4.2 Interim Country Reports

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The ASILE project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 870787. This report and its contents are the sole responsibility of the author(s) and the Commission is not responsible for any use that may be made of the information it contains.



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## Executive Summary

In Brazil, the recognition of refugees occurs in accordance with Law 9474/97. This law implements the 1951 Refugee Statute, as well as an expanded definition based on the Declaration of Cartagena, which was recently applied to grant *prima facie* recognition to nationals of Venezuela.

The fieldwork demonstrates that actors dealing with refuge in Brazil consider the RSD process impartial and the main reason given is the plurality of actors encompassed in the tripartite composition of CONARE, as well as the presence of some invited members with voice, which would favor technical discussion and the exposure of multiple points of view and would reduce political biases in decision making. On the other hand, the effectiveness of the process encounters barriers in the shortage of personnel and lack of legal deadlines, which causes excessive delay in RSD procedures. As for the right to appeal, the research shows that although formal access to the appeal is guaranteed, it is ineffective in reversing the decision.

The influx of Venezuelans has been testing the capacity of Brazilian State's actions both in terms of regularization and international protection and in terms of the labor integration of refugees and asylum seekers, since their numbers have grown exponentially in the last two years. To deal with the migratory crisis caused by the large-scale entry of Venezuelans by land into the State of Roraima, in 2018, Brazil created "Operation Welcome", whose Task Force is led by the Brazilian Army.

One of the objectives of the Operation is to organize the borders, exercising control and registering Venezuelans who enter through Roraima. Despite the official labelling being on "welcome" and the cooperation with international agencies and civil society organizations of humanitarian character, it seems that the security and managerial aspects of the operation may take precedence over humanitarian concerns, which generates tensions between the government and humanitarian actors. The militarization of the borders and the security concerns behind the system implemented in Roraima was made more evident from the beginning of the covid-19 pandemic, which based the closing of the land borders between Brazil and Venezuela for more than one year, a period during which asylum requests were "disqualified". The situation produced a protection crisis, with the possibility of summary deportations, and a partial interruption of the immigration regularization policy of Venezuelans. There is evidence that the emergence of a contingent of



undocumented Venezuelan migrants has also led to greater susceptibility to labor exploitation and deprivation of rights.

Brazilian legal framework recognizes many social rights to migrants and refugees. Under Law 9474/97, the right to work is guaranteed for both asylum seekers and refugees. Brazil is also a Party to all International Labor Organization's (ILO's) core Conventions, as well as of Convention 97 on Migrant Workers. The right to access formal work is also guaranteed to migrants benefiting from the Mercosur Residence Agreement (RAM), including Venezuelans, who can choose between the RAM and *prima facie* recognition of refugee status. Nevertheless, fieldwork shows that asylum seekers and refugees face numerous obstacles in finding formal work, and even when this is possible there is no guarantee of decent work. There has been an increase in formalization, but it occurred in low-skilled and low-income positions. One of the reasons for this is that refugees and migrants find it difficult to validate their knowledge and work experience and therefore have to accept jobs for which they are over-qualified. Recent data show the inclusion of migrants and refugees in low-paid and risky sectors, such as slaughtering houses and meat packing. Most migrants and refugees only have access to informal work. Fieldwork shows that informal jobs are considered more precarious, since there is little social protection and high risks of overexploitation. Access to formal work is particularly difficult for women, who find fewer employment opportunities. One of the main reasons mentioned for this is the lack of a family support network combined with the absence of public policies aimed at caring for children, such as day care centers and integral schools.

The main strategy for labor inclusion, according to the fieldwork, is the Operation Welcome "Interiorization" Program, which promotes the displacement of Venezuelan migrants arriving by land in Roraima to other regions in Brazil. The strategy proved to be effective, given the absence of opportunities and social structure in the place of arrival of Venezuelans, considering the continental dimensions of the Brazilian territory. In fact, the data show that the displacements occur towards the regions that were responsible for the greatest number of job creation for this population. On the other hand, the fieldwork demonstrates that, in the perception of interviewees who work with the interiorized population, there are cases of overexposure to abusive work situations and that the strategy lacks monitoring of the post interiorization socioeconomic inclusion. In practice, the Program transfers responsibilities to the local governments, which are not always equipped to deal with it. The strengthening of local capacities and of the national



employment systems seem to be important steps to be taken to improve the effectiveness of the Interiorization Program and to prevent labor overexploitation of migrants and refugees in Brazil.

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## Methodology

Fieldwork consisted of semi-structured interviews conducted with actors from International Organizations that deal with refugees and migrants in Brazil and with some of the most relevant civil society organizations involved in assisting asylum seekers, refugees, and migrants in the country. Seventeen interviews were carried out between April 1, 2021 and September 2, 2021.<sup>1</sup> All interviews were conducted by video calls due to the covid-19 pandemic and the high infection levels in the country at the time.

Interviews were based on a common questionnaire which was developed and shared by WP4 coordination team to ensure consistency on the themes and issues covered comparatively across the various teams. The questionnaire was adapted in view of the instruments and realities of the country, maintaining, however, the original character and structure, covering the key themes and research questions addressed in the WP4. Specific questions about Operation Welcome and its Internalization Program have been added.

The interviews aimed to investigate three key themes: (i) the recognition of refugee status; (ii) the right to work of asylum seekers and refugees; and (iii) the vulnerability of asylum seekers and refugees. The research aims to understand fundamental aspects of these issues in the Brazilian reality, observing the successful experiences and the limitations of the Brazilian response, especially considering the current - and historically the most significant - arrival of refugees in Brazil, caused by the humanitarian crisis in Venezuela. Reflecting upon ASILE's concerns, the inclusionary and exclusionary aspects of the innovative solutions adopted in Brazil were examined.

Research data obtained from these interviews were managed in accordance with ASILE Data Management Plan (D8.2). All participants received an Information Sheet and signed an Informed Consent Form before the interview. Transcripts and interview notes were

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<sup>1</sup> A table of interviews is available in the Annex of this Report.



stored in text file formats (.doc, .docx). and audio recordings of the interview, where individual permission was obtained from the interviewees, were stored in audio files (.mp4) by the researchers, following ASILE's 'decentralized' model of data storage and management. The identity of the participants, as well as other sensitive personal data, are protected for ethical and privacy-related reasons. To ensure the utmost degree of anonymity and confidentiality for participants, anonymization and pseudonymization techniques were employed.

## A. Refugee Status

### Refugee Recognition

In Brazil, the concept of refugee is established by Law 9,474/97 (Brazil 1997), which incorporates the definition of the 1951 UN Convention, as well as includes an expanded definition clause, which partially incorporates the expanded definition of Cartagena Declaration (1984). The expanded definition also considers as refugees those who due to "serious and widespread violation of human rights" cannot return to his/her country. The clause allows for group based and *prima facie* recognition, but there was resistance to applying it in the past years to the nationals of Haiti, which led to the creation of "humanitarian reception" as an alternative to refuge. In 2019, the National Committee for Refugees (CONARE) recognized that Venezuela was in a situation of "serious and widespread violation of human rights", opening the possibility, for the first time in the country's history, for the recognition of large numbers of refugees in a short period of time by a simplified RSD procedure, which does not require individual interview (Araújo 2021).

The arrival of Venezuelans in Brazil in search of international protection began to grow in 2015, and while regularization through the Mercosur Residence Agreement was applied since 2018, the decision on the application of the expanded clause of Law 9474/97 only came in 2019, by when there was a large number of cases pending regarding Venezuelan asylum seekers in CONARE. According to one interviewee, there was great expectation regarding the understanding that would be adopted by the Brazilian Government in the matter, because of tensions between Brazilian government and Venezuela (Interview BR14, May 2021). Another interviewee noted the backlog of processes would have contributed to the adoption of the *prima facie* solution "as a way of being more efficient" (Interview BR13, May 2021). Nevertheless, the speed of recognition seems to have slowed



down since September 2020, and there are still around 71,000 pending refugee claims. Therefore, Brazil appears to be processing RSD *prima facie* cases below its capacity, since in 2021 CONARE decided only 3800 pending cases, in contrast to more than 27 thousand annually in 2019 and 2020 (Brazil 2020a)<sup>2</sup>. This delay leaves many asylum seekers without due protection (Freier and Parent 2019)

The regular Recognition Process (RSD) in Brazil follows the steps below: (i) filling out a digital form via [SISCONARE](#) platform<sup>3</sup>; (ii) presentation of the asylum seeker in person to the Federal Police for validation of the requirement, which effectively starts the process; (iii) an interview conducted by a government official (CONARE's Eligibility Officer), who prepares an opinion recommending the approval or rejection of the application; (iv) CONARE's Technical Meeting in which a preliminary discussion of the cases takes place, building consensus and selecting the cases in which a deliberation will be made; and (v) CONARE's Plenary Meeting, in which cases are voted and decided, starting with approval of consensual cases, followed by individual discussion of RSD processes;

After the recognition of the situation of "serious and widespread violation of human rights" in Venezuela (Brazil, 2019a), CONARE waived the need of individual interviews. *Prima facie* recognition follows all other steps above. As the fieldwork shows, before the approval of the request of Venezuelan applicants, some requirements are checked, including data crossing to verify the possible existence of any exclusion clause, as well as the checking of documents that prove Venezuelan nationality (Interview BR14, May 2021). In case of doubts as to nationality or as to the presence of an exclusion clause, the Venezuelan asylum seeker may be called for an interview. The asylum claim cannot be denied without an individual interview (Brazil, 2019b).

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<sup>2</sup> Data extracted from the Interactive Refugee Decisions Platform. developed by CONARE in cooperation with UNHCR. The platform compiles data on Conare's decisions since 2016. Available at: <<https://www.gov.br/mj/pt-br/assuntos/seus-direitos/refugio/refugio-em-numeros-e-publicacoes/capa>> Consulted on February 10, 2022.

<sup>3</sup> Some interviewees referred to the fact that the digitization of the process has caused greater difficulties for those who do not have digital access.



After RSD, the recognized refugee is registered and receives an identification document, the CNRM (Portuguese acronym for National Immigration Registration Card), being able to reside permanently in the country. According to interviews, besides the stability in the protection of rights, especially non-refoulement, and credibility that comes with CNRM (which helps in the local integration) there are not many differences between being an asylum seeker and a recognized refugee. Asylum seekers receive the same protections and have the same rights as refugees, although provisionally. The only downside to asylum seekers, according to interviews, is not having access to the passport issued by the Brazilian government for refugees, and the appearance of the provisional document, which used to be “a piece of paper” that entailed little credibility but is currently being replaced by a new template that looks like the permanent document.

The RSD was considered impartial by the interviewed actors. The tripartite character, as Jubilut and Apolinário (2008) highlight, “seems to be an impressive feature of RSD in Brazil as it guarantees a more democratic procedure”. Indeed, the fieldwork indicates that the plural composition of CONARE enhances the possibility of technical discussions and debates between different points of view. One interviewee pointed out that “Civil Society brings a closer view of the reality of applicants” (Interview BR40, April 2021). Alongside civil society, which has the right to vote, UNHCR plays an important role in promoting in-depth discussions, especially with technical support on the understandings and interpretations given by the organization internationally and with country of origin (COI) surveys. UNHCR also plays an important role in bilateral Advocacy with other entities, including the Brazilian government (Interview BR46, May 2021). The participation of invited institutions, especially the Federal Public Defender's Office and the Federal Public Ministry, although without the right to vote, was also mentioned by interviewees as a very positive point to improve the quality and impartiality of the processes. As one interviewee explains:

*The system is impartial because it has a tripartite character, which is very healthy, because not only State bodies participate in the discussion. So, in addition to the vision of the government, representatives of the Ministries, the Federal Police, etc., but we have the possibility to bring to the discussion elements raised by civil society, the UNHCR, the Public Defender's Office and the MPF, which also participate in meetings without votes, which are very consolidated and positive here in Brazil. This participation of several institutions has the power to avoid a direct political determination in the RSD (Interview BR13, May 2021).*



On the other hand, regarding effectiveness, the lack of legal deadlines was identified as an issue, with a wide variation in how long a process can last. Nor is there any clarity about the criteria for the order in which these processes will be decided. In addition, the deficit structure in terms of personnel at CONARE was pointed out, as well as the backlog of processes.

In cases where CONARE deems the asylum request unfounded, the applicant receives a notification, with a deadline of 15 days to appeal to the Minister of Justice. The interviewees were unanimous in stating that the procedural right to appeal is always guaranteed, even though notifications are not always issued and sent to asylum seekers. The deadline for appealing only starts to run from the moment the applicant becomes aware of the rejection and is notified, usually when he presents himself to the Federal Police to renew the provisional document. However, the effective possibility of reversing a denial decision seems to be close to non-existent, and one interviewee reported that “never heard of a granted appeal” (Interview BR14, May 2021). In fact, of the 106 appeals decided between 2019 and 2020, 100% were denied (Brazil 2020a) Some interviewees criticized the fact that the appeal is judged monolithically by the Minister of Justice, a high-ranking authority to whom to adjudicate an asylum appeal would be “a drop in a sea of attributions” (Interview BR08, April 2021). This seems to be incongruous with CONARE’s decision making process in which the presence of multiple institutions is understood to favor technical discussions. In the case of the Appeal there seems to be a lack of transparency and of opportunities to reverse a decision. Another interviewee noted that in many cases the asylum seeker does not have a technical defense, so the appeals are mostly founded in generic pleas, and that Appeals have been granted only when an asylum seekers have access to a lawyer or public defender, which is rare (Interview BR04, April 2021).

As for resettlement processes, although Brazil has been considered promising as a resettlement country, the program is currently virtually disabled. One interviewee pointed out that resettlement is too expensive when compared to recognition, since it is necessary to cover the costs for quite some time and promote a good integration in society. In contrast, recognition is cheaper since refugees are to find their self-reliance by working. There are of course assistance programs to the most vulnerable, promoted by UNHCR, NGOs and public social programs that are also available for nationals in Brazil.

Finally, it is noteworthy that some gender related situations, such as being a victim of domestic violence or being LGBTQ+ are sensitive cases considered by CONARE to frame



refugee in the “social group” clause (Interview BR14, May 2021). Data confirm that refugee requests based on fear of persecution related to sexual orientation and/or gender identity as reason for fear of persecution have high rates of approval. Of a total of 365 cases analyzed between 2010 and 2018, 130 were granted and only 20 were rejected (the others were pending). Cameroon, Nigeria and Ghana were the countries of origin of most applicants who had their refugee status recognized in these cases.<sup>4</sup>

### **Refugee Status and Other migratory solutions**

It is important to emphasize that Venezuelans, since 2018, have been able to apply for migratory regularization through the RAM (residence agreement) granted unilaterally by Brazil. With the recognition of prima facie refugee status since 2019, there is the possibility of opting for migratory regularization via RAM or for status recognition via RSD. As Brumat (2022) emphasizes, the freedom to choose between applying for asylum or residency is often limited by the cost of the latter, which many Venezuelans cannot afford. There are also more documentary requirements for residency applicants. In the case of other nationalities, especially the Haitian that has the second largest number of asylum seekers, migratory regularization through humanitarian reception is an alternative in view of the massive non-recognition of that population as refugees (between 2016 and 2021 only 0.1 % of requests were granted).

Faced with the dual possibility, it is difficult to define whether Venezuelans are refugees or migrants. Although the refugee status grants protection under Law 9474/97, including non-refoulement and other rights, such as facilitated access to education, in practice there are not many differences between the two groups in terms of national integration policies. Venezuelans, refugees and migrants alike, cross the borders and go to the same shelters in Roraima. Operation Welcome, as well as partner entities work with both populations (migrants and refugees) in an indistinct way, generally referring to them by the broader

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<sup>4</sup> PERFIL DAS SOLICITAÇÕES DE REFÚGIO RELACIONADAS À ORIENTAÇÃO SEXUAL E À IDENTIDADE DE GÊNERO (OSIG) BRASIL 2010-2018.

([https://datastudio.google.com/u/o/reporting/11eabzin2AXUDzK6\\_BMRmo-bAIL8rrYcY/page/1KIU](https://datastudio.google.com/u/o/reporting/11eabzin2AXUDzK6_BMRmo-bAIL8rrYcY/page/1KIU))



term “migrants” (Interview BR16, July 2021). Because the rights of migrants and refugees are very similar, implementing actors usually do not make any difference between the legal concepts (Brumat 2022). As the refugee label is stretched by the expanded definition, the unilateral extension of RAM residence in view of the humanitarian crisis situation broadens the scope of residence, making the boundaries between the concepts blurred (Zetter 2007). Therefore, the Brazilian response to the Venezuelan influx challenges dichotomous legal definitions between migrants and refugees embracing the complex causes for human mobility, including structural reasons. This approach also raises new questions, as the possibility of endangering the meaning of protection (Brumat 2022).

Similarly, the granting of humanitarian assistance to Haitians, despite not giving access to the typical protections of international refugee law, is based on the serious humanitarian crisis faced in the country of origin. As pointed out in previous research, the reason why Haitians did not qualify for the Cartagena clause is questioned by some authors, who understand that Brazil missed an important opportunity to apply the expanded definition (Araújo 2021). Concurrently, as an interviewee points out, before the new Migration Law of 2017, Brazil did not have alternatives for migratory regularization for those who irregularly entered the national territory, so asylum applications were used as a provisional regularization mechanism for potential migrants (Interview BR04, April 2021). The arrival of expressive numbers of Haitians from 2010 would have been responsible for overloading the RSD system, and the humanitarian visas, followed by humanitarian reception, were the *ad doc* solutions, then incorporated in the new legal framework, forged to respond to this situation of clear humanitarian crisis without making use of the expanded concept of refugee (Araújo 2021). In view of this development, it seems that Haitian nationals in Brazil are neither refugees nor simple voluntarily displaced migrants, they are somewhere in-between, enabling a dual process of authorized permanence and precarious reception (Moulin and Thomaz 2016).

Finally, [Interministerial Ordinance No. 9, of October 8, 2019](#) which also grants temporary visa and authorization of residence for the purpose of humanitarian reception to people affected by the armed conflict in the Syrian Arab Republic. Syrian nationals also figure as the second nationality of recognized refugees in 2020, with 479 recognitions and 100%



recognition rate, with application of the broader definition clause<sup>5</sup>. Unlike Haitians, in the case of Syrian nationals, the granting of a humanitarian visa was motivated not by the inapplicability of the refuge, but on the contrary, to facilitate documentation for the entry of Syrian refugees in Brazil. [Interministerial Ordinance n. 24](#), of September 3, 2021, founded the humanitarian reception of people from Afghanistan in similar terms.

### **Operation Welcome, part 1: Border Ordering and Sheltering**

Operation Welcome plays an important role in the arrival of asylum seekers across the border with Venezuela. As Acolhida's website explains, "The service begins with the structures set up to ensure reception, identification, sanitary inspection, immunization, migration regularization and screening of all those who come from the neighboring country". At the "reception and identification posts", proper identification and control, including immunization, are made<sup>6</sup>. Thus, reception includes the creation of documentary and personal records, which allow for monitoring and control of the newly arrived.

As Moulin and Magalhães (2020) point out, although "formally described as a 'large-scale humanitarian task force', Operation Welcome has a major border security component, and its 'humanitarian infrastructure' is part of a larger effort to maintain border control and improve 'border planning'. This becomes clear when we retrieve the history of the creation of the Task Force. As Silva and Albuquerque (2021) argue, since the first federal actions in 2017, even before the beginning of the Task Force, it prevailed the conception that Venezuelan migration was an emergency situation of exceptional character, and that the Armed Forces represented the state entity with the best logistical capacity to act in this scenario. Therefore, specific temporary solutions were privileged as a humanitarian response. The discourse of a "migration crisis" helps to legitimize the exceptionalism of the institutional responses (Espinoza et al. 2021). In addition, migration policies focused on the integration of Venezuelans in the border region were not considered and Decree No. 9,286, of February 2018, which first established the Task Force, did not incorporate any UN

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<sup>5</sup> Data extracted from the Interactive Refugee Decisions Platform. See footnote 2.

<sup>6</sup> Operation Welcome website, available at <<https://www.gov.br/casacivil/pt-br/acolhida/sobre-a-operacao-acolhida-2>>. Consulted on February 11, 2022.



protocol regarding humanitarian actions to manage migratory flows (Silva and Albuquerque 2021).

*Thus, it can be said that the work of the Armed Forces in the management of Venezuelan migration already had a methodological and logistical pre-existing and experienced design. [...] the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), [...] despite not being present or fully contemplated in the development of intervention strategies in the border context, were inserted a posteriori (Silva and Albuquerque 2021).*

Despite their late inclusion, it should be noted that international agencies, as well as civil society organizations of a humanitarian nature, are fundamental to the Operation's image, as they "lend their humanitarian character". As Moulin and Magalhães (2020, 645) put it, "the orchestrated demonstration of Operation Shelter<sup>7</sup> as a humanitarian operation might be a form of avoiding resistance to militarization".

On the other hand, "Operação Acolhida" brought structural gains and resources that allowed the agencies to increase their service capacity, with the strengthening of ties in the face of mutual interests, which would have led to the acceptance, by the agencies, of the militarization of the operation (Silva and Albuquerque 2021). As a consequence of this relationship, the agencies' actions may lean toward the idea of "migration management, under the slogan of safe, orderly and regular migration, aimed to deal with states' sensibilities towards interference with their sovereignty" (Espinoza et al. 2021:5).

Cooperation between humanitarian agencies and the government is not without tensions. For instance, some interviewees perceived that civil society and international organizations shared more complex reflections on the meaning of vulnerability, when compared with Operation Welcome's Task Force, which is said to be more focused on pragmatically solving the issues that arise when managing the migratory inflow. As one interviewee said, at some point when the entry of elevated numbers of Venezuelan was expected, the Task Force worked on a "contingency plan", during which they would only consider as "vulnerable" those migrants who needed shelter. But, as he explained, "that's a narrow definition, and

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<sup>7</sup> Moulin and Magalhães translate "Operation Welcome" as "Operation Shelter" in order to emphasize its governing and managerial components in detriment of its alleged humanitarian purpose.



for organizations working on a day-to-day basis [with this population], that's not the definition" (Interview BR07, April 2021). Another interviewee criticized what he called the "excessive role played by the Army" when talking about the interiorization program, and said that "some [partners], in order to meet funders' goals, do not follow up on the interiorized" (Interview BR15, June 2021)<sup>8</sup>. This is an indicator that the ordering of borders may take precedence over humanitarian concerns by the military actors of the Operation.

The close collaboration of humanitarian actors within governmental structures, which seems to take the attention away from its securitization aspect, is well documented in the literature, even theorized upon. As Feldman and Ticktin (2010) observe, "humanitarian actors are entirely dependent on broader governing structures" and "often find themselves in the position of governing - managing, servicing - the populations they seek to aid". Indeed, it seems that the idea of a neutral and impartial humanitarianism, aimed solely at alleviating human suffering, finds no echo in the post-Cold War world (Chimni 2009). The strong militarization of the Operation and its border control aspect became most evident during the covid-19 pandemic, due to the closure of land borders since April 2020<sup>9</sup>. The rules for closing borders were issued through Interministerial Ordinances. The first was the [Interministerial Order n. 120](#), which made a direct reference to the entry ban on Venezuelan nationals by land, was harshly criticized for being considered discriminatory (CEPEDISA 2021). Monthly, a new ordinance was issued<sup>10</sup>, modifying some rules of international circulation as there were changes in the international health crisis scenario caused by the covid-19 pandemic. The land borders with Venezuela, however, remained closed month after month, removing only the mention to Venezuelan nationality, replaced by "people coming from Venezuela". Although the justification adopted by Brazil for the closure of land borders was to prevent the spread of the coronavirus, reports point out that other sanitary measures of flight restrictions and PCR tests, for example, were slow to be adopted, so that the closure of borders as a measure to contain the pandemic, maintains unfounded discrimination against foreigners who enter by land from Venezuela (CEPEDISA 2021). Furthermore, besides closing the borders, other measures were adopted that could hinder the protection of migrants and refugees, such as the suspension

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<sup>8</sup> See next topic on the Interiorization Program.

<sup>9</sup> The land borders with Venezuela were recently reopened in July 2021, by [Interministerial Ordinance n. 655](#).

<sup>10</sup> See Interministerial Ordinances n. 152, 203, 255, 340, 1, 419, 456, 470, 478, 518, 615, 630 and 648 of 2020 and Interministerial Ordinances n. 651, 652, 653, and 654.



of CONARE's meetings during several months. On the other hand, international agencies and civil society organizations work in collaboration with the government to assist migrants and refugees, managing the crisis with measures such as housing, covid-19 prevention and treatment, and financial support programs (Bengochea et al. 2020).

The closing of borders was pointed out by actors interviewed in the fieldwork as a serious violation of rights and an inconsistency: on the one hand the Brazilian State recognized the situation of serious and widespread violation of human rights in Venezuela, on the other it prevented further requests for asylum were made by those who crossed the land border, with Venezuelan nationals being the most affected by the measure. Asylum requests since the beginning of the covid-19 pandemic were considered "disqualified" by the application of the Ordinances<sup>11</sup>. This had serious impairment on the principle of non-refoulement, as the Venezuelans could not formalize their asylum claims and were subject to summary deportation. The "disqualification" of refugee applications is also a violation to the principle of non-penalization of irregular entry of the 1951 Convention and Law 9474/97. The disqualification may also be an example of a new label developed under the justification of the global health crisis as a policy to contain mobility, as containment policies are characterized under various labels (Carrera et al. 2021). In addition, people were barred to enter by land from Venezuela even in the case they were already holders of the CNRM and were, therefore, regular residents, many of whom may have opt for the RAM instead of applying for asylum, even though they could have been recognized as refugees. Thus, the restrictions on mobility in Brazil during the covid-19 pandemic show how the protection paradigm can be quickly transformed into a 'contained mobility' paradigm (Carrera and Cortinovia 2019).

As a result of the restrictions imposed, foreigners who entered the country from the land border with Venezuela between March 2020 and July 2021 due to the serious humanitarian crisis, recognized by CONARE as a situation of serious and widespread violation of human rights to prima facie RSD recognition purposes, they could not request refugee status, nor access migration regularization through the RAM. Venezuelans who managed to enter by

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<sup>11</sup> See Interministerial Ordinances n. 120, 152, 203, 255, 340, 1, 419, 456, 470, 478, 518, 615, 630 and 648 of 2020 and Interministerial Ordinances n. 651, 652, 653, and 654 of 2021.



land, using alternative routes, were left in an irregular status<sup>12</sup>. The situation of extreme precariousness of undocumented migrants' presence in the country (always detainable and removable) means, in practice, that they may not have access to basic human rights (Noll 2010). Although it is not possible to know the number of Venezuelans who were in this situation during the closure of borders, the Director of Cáritas-SP, one of the most important organizations in the care of refugees in Brazil, stated at a recent public event that the institution's data show that 25% of the Venezuelans who went to the organization for the first time in 2020 were undocumented.<sup>13</sup>

## B. Right to work

### Formal work

Brazil is characterized by a clear legal framework where migrants and refugees' social rights are fully recognized. Although access to the formal right to work does not mean having access to actual employment, this right is an essential pre-condition for achieving integration into society (Espinoza et al. 2021). It is also noteworthy that Brazil is a party to Convention 97 from International Labor Organization (ILO) on Migrant Workers. Although the country has not ratified ILO's Convention 143 and UN Convention on the Rights of Migrant Workers and Members of their families, Brazil has ratified all eight core Conventions of ILO, covering the most important rights to all workers, including migrants.

Law 9474/97 establishes that the refugee will be entitled to the issuance of the CTPS (Portuguese acronym for Work and Social Security Card). Equal right assists the asylum seeker, provisionally, while his/her RSD procedure lasts. The access to CTPS is the prerequisite for access to the formal labor market. Besides asylum seekers and refugees, the right to work is also guaranteed to beneficiaries of the Mercosur – RAM residence agreement (including Venezuelans who opt for this alternative). Residents must prove, after 2 years, self-reliance capability to obtain permanent residency. The right to work is

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<sup>12</sup> See <https://oglobo.globo.com/mundo/acuados-pela-fome-venezuelanos-burlam-fronteira-fechada-engrossam-fila-de-imigrantes-sem-documentos-no-brasil-24901917>

<sup>13</sup> See webconference “Imigração e Refúgio no Brasil: Construindo políticas migratórias a partir de dados consolidados”. Available at: <<https://www.youtube.com/watch?v=olLnVgqwXjQ>>



also guaranteed for Haitian migrants who enter with a request for humanitarian reception. In terms of collective labor law, Law 13,445/2017 guarantees freedom of association, including participation in trade unions, for all migrants (Brazil, 2017).

One of the reasons the Brazilian Refugee Law is considered progressive is precisely the extension of the right to work, not only to recognized refugees, but also to asylum seekers. This practice, combined with a migration regularization policy, has the potential to reduce the vulnerability of migrants and refugees, as they can work regularly since they arrive in Brazil. However, in practice, the provision of asylum seekers may be less attractive to employers, which was mentioned by some of the interviewees. Although the RSD process does not have a fixed duration (it can take up to several years in some cases), the provisional identification document needs to be renewed annually. As Costello and O'Cinnéide (2020, 8) state, even when asylum processes entail a formal right to work, “practical access to work is often difficult or impossible, as such statuses make workers unattractive to employers”.

Access to the labor market can be a challenge for asylum seekers and refugees for many reasons. Among the specific hurdles pointed out by the interviewees were the language, cultural differences, deficiency in the intermediation of labor by the Brazilian Government and difficulty in validating degrees for access to qualified jobs. Among the strategies used by International Organizations and Civil Society to promote access to work for refugees and asylum seekers, advocacy with private companies and technical training stand out, including training for entrepreneurship, labor rights education and technical assistance in the processes of revalidation of degrees. Also noteworthy is the performance of the Brazilian State, through Operation Welcome and its Interiorization Program. At the local level, some municipalities have specific actions aimed at the labor insertion of migrants and refugees, however this is not the general rule.

In the last decade, there has been a significant increase in the number of formal immigrant workers in the Brazilian labor market, accompanied by a socio-demographic change with an increase in the presence of new nationalities from the Global South (especially Haitians and Venezuelans, followed by other Latin American nationalities).



According to official reports<sup>14</sup>, the total number of formally employed immigrants rose from 55.1 thousand in 2010 to 116.4 thousand workers in 2014 and then to 147,700 in 2019. Haitian humanitarian reception is the main responsible for this growth, and Venezuelans appear in second place. In 2019, Haitians and Venezuelans together made up 47.9% of all employed immigrants. The trend continued in 2020, without having suffered major impacts from the 2020 economic crisis, which is due to the fact that different sectors, regions and worker profiles would have been unevenly affected by the crisis (Cavalcanti and Oliveira 2020). With Venezuelan's progressive insertion in the formal labor market, it is possible that there will soon occur an inversion, considering that the entry of Venezuelans far exceeds the entry of Haitians (Silva et. al 2021).

Despite the broad access to the CTPS and the expressive growth in the formalization of work by immigrants, it is important to highlight that the total number of formal jobs of 147.7 in 2019 was still much lower than the number of migrants, regardless of their status. There are 135 thousand registered Haitians and 259 thousand Venezuelans living in Brazil, of which 123 thousand Venezuelans are refugees or asylum seekers (Brazil 2021).

With the change in the socio-demographic profile, the migrant worker in Brazil has become less qualified, which has great impact in income rates. Additionally, skilled jobs were the most affected during the Covid-19 pandemic (Cavalcanti and Oliveira 2020). In addition, the fieldwork shows that access to highly qualified positions presents additional difficulties due to barriers in recognizing degrees. As an interviewee points out:

*we are totally falling in providing employment for refugees, asylum seekers and even immigrants. We are not providing a fair system and not so extremely bureaucratic system to prove the high capacity of refugees to work in high skilled jobs. (...) The country needs these high qualified professionals, but it is too hard to validate their knowledge. Over 300 Venezuelan doctors were accepted in Chile last year, for example. And Brazil creates a lot of difficulty to absorb the high qualified people (Interview BR01, March 2021).*

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<sup>14</sup> See 'Imigração e Refúgio no Brasil: Relatório Anual 2020' edited by Cavalcanti, L; Oliveira, T.; Macedo Available at: <[https://portaldeimigracao.mj.gov.br/images/dados/relatorio-anual/2020/OBMigra\\_RELAT%C3%93RIO\\_ANUAL\\_2020.pdf](https://portaldeimigracao.mj.gov.br/images/dados/relatorio-anual/2020/OBMigra_RELAT%C3%93RIO_ANUAL_2020.pdf)>



The phenomenon is also mentioned by another interviewee, who refers to the phenomenon of "underqualification", stating that in Brazil people 'have accessed jobs below their qualification, generating income well below their potential and not placing the knowledge they possess in their specific area of knowledge'. (Interview BR03, April 2021) It should be noted that Law 9474/97 establishes that the recognition of diplomas must be facilitated, and there are some initiatives both from universities (which autonomously regulate the revalidation of diplomas in each institution) and nationally, with the creation of the Carolina Bori platform by the Ministry of Education in 2016, a digital platform designed to offer centralized information and digital processes for the revalidation of Diplomas in the adhering institutions<sup>15</sup>. However, such initiatives are still insufficient in relation to necessity and too bureaucratic to be accessible by the refugee population. (Interview BR01, March 2021)

As the most qualified jobs are inaccessible, asylum seekers and refugees have found a lot of space in some economic sectors, as is the case of meat production chain, with the slaughter of animals and meatpacking. In this segment, there is a significant portion of Haitians and a growing presence of Venezuelans. The sector, in fact, was not affected by the economic crisis resulting from the pandemic, which explains why in 2020, despite the growth of national unemployment, there is still a positive balance in new admissions among migrant workers. On the other hand, migrants working in service activities and those more qualified suffered more from the negative effects of the pandemic" (Cavalcanti and Oliveira 2020, 38).

*The sector with the most admissions of immigrants in 2020 is slaughterhouses that work with pig slaughtering, an activity that admitted 57% more and fired 5.7% fewer immigrants in the first half of 2020 compared to 2019. [...] Specifically for immigrants with a formal contract in these sectors, especially at the end of the agribusiness production chain (refrigerator – pig slaughtering, poultry slaughtering), the data does not seem to be from a year of systemic crisis (Cavalcanti and Oliveira 2020, 36).*

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<sup>15</sup> See Portal Carolina Bori: < <https://carolinabori.mec.gov.br/?pagina=inicial>>



Despite the high rates of formalization, employment in slaughterhouses stands out for its high risks. “To the accidents caused by the handling of knives and the accelerated pace of the production lines, there are also repetitive strain injuries and respiratory problems associated with working in cold rooms”. The poor ventilation was also associated with the spread of the covid-19 virus among workers, having affected many immigrants employed in the sector, in proportionately high numbers compared to the rest of the population. Finally, besides the high accident rates and risks to the health of workers, the sector is underpaid (Fernandes, Baeninger, and Demétrio 2020, 58)

### **Informal Work**

Most refugees and asylum seekers in Brazil work in the informal sector. As Costello and O’Cinnéide (2020, 8) argue, this is the reality of many States, especially in the absence of social support. The term encompasses varied forms of work. Often, non-formalized work means performing autonomous services, “odd jobs” and “daily jobs”, which do not constitute a labor violation by the service user but imply few guarantees and low social protection. In other cases, informal work implies the abusive exploitation of the employer with violations of labor legislation. In both cases, the worker is in a position of greater exposure to over exploitation. Fieldwork shows that social organizations and international organizations who work with refugees and asylum seekers perceive informal work as more precarious, but given the absence of formal jobs, they recognize informal work as a possible way out to generate income. This perception is stronger in the case of women refugees/asylum seekers, for whom formal work opportunities are fewer. By its nature, informal work falls outside of most official statistics. In Brazil, data from 2015, prior to the increase in the flow of Venezuelans, indicate that at least 44% of migrant workers are out of the formal labor market (Oliveira and Oliveira 2020), but the number could be much higher, especially considering the context of economic crisis, the increase in migration and undocumented immigrants, who are not counted.

Another possibility of labor inclusion for refugees and applicants is entrepreneurship. UNHCR recently developed a platform which offers training, mentorship and even access to microcredit<sup>16</sup>. The Project has partnerships with private companies and civil society

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<sup>16</sup> See: <https://www.refugiadosempreendedores.com.br/>



organizations. In Brazil, entrepreneurs with individual small businesses can be formally registered in the category of “individual micro-entrepreneurs”. CONARE’s website even provides guidelines explaining that registration is simplified for migrant workers and refugees, with less documental requirements. Asylum seekers can also register, requiring only the document that proves the asylum request.<sup>17</sup> Nevertheless, interviewees pointed out the greater insecurity of this solution, compared to formal employment. Although in some cases of success entrepreneurship can mean a higher income when compared to formal work, there are no guarantees or social protection, and failure rates are high. One interviewee was particularly critical, stating that “there is a lot of exploitation in entrepreneurship, without protection of the migrant. Trying to justify the destruction of the work world with the narrative of entrepreneurship is not acceptable” (Interview BR15, June 2021).

In 2019 empirical research was conducted in a culinary training promoted by one of the NGO’s that participates in UNHCR’s platform. It concludes that the training, with motivational lectures, classes on business management and food production, is conducted in a format that exacerbates competition among participants and resembles gastronomic reality shows. At the end, the training compensates the winners with prizes, which include mentorship and equipment. All the winners in the case study were already consolidated entrepreneurs (Zanforlin and Amaral 2019, 21).

Zanforlin and Amaral (2019, 3) argue that the link between the inclusion of migrants via civil society and the encouragement of entrepreneurship is a symptom of the current framework of global capitalism, in which “the migrant becomes part of the current communicational context in Brazilian society in which the loss of labor rights is compensated by a supposed freedom and autonomy of the entrepreneur”. They emphasize the role that the association between NGOs, transnational corporations and migrants play in the contemporary context of withdrawal from the State, resurgence of global financial capitalism and job insecurity, in which entrepreneurship figures as “an individual path and solution to collective issues” (Zanforlin and Amaral 2019, 8).

Another important concern is that the platform was created during the covid-19 pandemic, with the aim of giving visibility to entrepreneurial refugees and helping them to set up their

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<sup>17</sup> <https://www.gov.br/mj/pt-br/assuntos/seus-direitos/refugio/integracao-local/#protocolos-refuge>



own business. However, it cannot be ignored that the economic crises affect not only the availability of formal jobs, but also hinders the chances of success of individual enterprises. Interviewees reported that many self-employed asylum seekers and refugees lost their income during the pandemic, and assistance increased. Thus, as much as entrepreneurship could be a possibility of social integration and access to decent work in some cases, it is highly questionable that it could be a collective solution to the problem of labor inclusion.

Finally, it should be noted that refugees in vulnerable contexts may be exposed to degrading work situations, and there are some cases of rescued workers from modern slavery. Recently, 23 Venezuelan workers were rescued by the Public Ministry of Labor from modern slavery situation<sup>18</sup>. However, there is still no statistical data on the number of immigrants and refugees among the more than 2000 workers rescued from modern slavery per year in Brazil (SmartLab 2021).

### ***Operation Welcome, part 2: The interiorization Program***

One of the cornerstones of Operation Welcome is the Interiorization Program for Venezuelans arriving in Roraima. It is conveyed as being the main strategy of the Federal Government to enable the integration of migrants into Brazilian society<sup>19</sup>. The program consists, in general terms, of relocation immigrants from the region of arrival, close to the Brazil-Venezuela border, corresponding to the state of Roraima, to other regions of Brazil, where they should find greater employability and achieve socio-economic integration. The discourse that legitimizes the Program emphasizes the impossibility of integrating migrants and refugees in locations closer to the border due to economic and structural limitations in the region. This understanding is expressed by interviewees in the field work.

It is noteworthy that, from the beginning, the Brazilian Government's position was not to propose migration policies focused on the integration of migrants in the northern border context (Silva and Albuquerque 2021). Since the increase of the arrival of Venezuelans by

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<sup>18</sup> See <https://brasil.elpais.com/brasil/2021-05-17/ambev-e-heineken-sao-autuadas-por-trabalho-escravo-de-imigrantes-venezuelanos-em-sao-paulo.html>

<sup>19</sup> Operação Acolhida website: <https://www.gov.br/casacivil/pt-br/acolhida>



Roraima, serious political struggles emerged between the federation's entities, because it overloaded the local municipalities and the State of Roraima (Milesi, Coury, and Rovey 2018). Besides local authorities' difficulties in providing basic public services, the private sector offered limited opportunities, as it is a location with a peripheral economy in the national reality.

A study commissioned by the UNHCR in the cities of Boa Vista, Pacaraima and Manaus, three cities that have shelters under Operation Welcome, showed that most Venezuelans who generate income in these cities (whether in shelters or host-communities) are either self-employed, have regular but uncontracted jobs or informal day-to-day jobs. In contrast with very low rates of formal jobs, 85% of households living in shelters in Manaus, and 32% in Pacaraima commonly report members begging for money (REACH 2019, 17-18). Accordingly, the most common reported need for Venezuelans, either living in shelters or in host communities, was "employment" (REACH 2019, 26). The same study reveals that Venezuelan migrants living in the afore mentioned cities are likely to experience labor exploitation:

*Both in Manaus and Pacaraima, close to 2 out of 5 respondents living in host communities reported that at least one member in their household worked 7 days per week. In Manaus, of all households who reportedly had members working, almost half of those in abrigos and over half of those in host communities reportedly has a member working more than 48 hours per week. On top of that, almost one in three working household members in host communities in Manaus did not always receive the salaries they owed (REACH 2019, 29).*

When actors evaluate the success of the Operation, one of the key aspects is precisely the relief of the State of Roraima. Many interviewees specifically refer to the absence of possibilities for socio-economic inclusion in Roraima and consider that the simple fact of being in another location would provide more possibilities of success.

The Interiorization Program is advertised as providing logistical support for the displacement of Venezuelans to the "inland" of Brazil (in relation to the location of Roraima). The displacement is done in Brazilian Air Force planes, on charter flights or on commercial flights. It is important to emphasize that the "interiorization" is always voluntary, and to be part of the Program it is necessary that the person is properly documented. There are four modalities of "interiorization", and multiple actors participate



in this process. The modalities are: (i) social reunion – when a social network is mobilized to receive the asylum seeker/migrant, usually when they have friends that have come previously to Brazil and are able to offer support, but it also includes NGO's development of social networks to receive the “interiorized” person; (ii) family reunification – when the person is going to be reunited with close relatives that are already established in Brazil; (iii) Institutional – when the person leaves a shelter in Roraima to go to another shelter or temporary housing in another part of Brazil; (iv) – VES (Portuguese Acronym for “assigned employed opportunity”) – when a previous contact is made with the future employer of the migrant/refugee worker.

According to the Interiorization Platform, 8% of interiorizations are in the VES modality, 40% are on the Social Reunion modality, 21% are institutional, 16% are family reunifications and 15% have no information on the modality<sup>20</sup>. Paraná, São Paulo, Rio Grande do Sul and Santa Catarina are the States that receive more people from the Program. Except for São Paulo, which has always been a city of attraction for migrants as it is the largest metropolis in the country, the other states represent a new trend. Together, the three states in the southern region of the country had the highest positive balance of jobs when considering only asylum seekers, refugees and immigrants from countries recognized as eligible for the granting of temporary visas for humanitarian assistance (Silva 2020, 164).

The geographical position of Roraima, the main point of entry in Brazil for Venezuelan migrants, and the Operation's geographical limitation envisaging the securitization of the Borders, seems to be decisive in the Interiorization Program. Once relocated the migrant is no longer in charge of the Operation, although he may in some cases receive support by civil society partners who work in reception locality for a period of about three months. After interiorization, integration relies entirely in local institutions, so it can be successful where there is experience and support of the municipal authorities and civil society organizations. The importance of cities in the inclusion has been noted by Jubilut and Jarochinski (2021). But as some cities are better prepared than others, socio-economic inclusion is uneven. Interviewees have pointed out the need for strengthening the local

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<sup>20</sup> Data on the interiorization strategy may be consulted through an interactive platform created by the Ministry of Defense. See: <http://aplicacoes.mds.gov.br/snas/painel-interiorizacao/>



municipalities and infrastructures to better monitor interiorization and labor market inclusion. Civil society organizations in the city of reception usually play an important role in the follow up of interiorization program. One civil society representative described a successful monitoring strategy, which included visiting the migrant/refugee workplace several months after employment to ensure there was no labor exploitation. It seems that such a strategy fills a gap in the Brazilian State's inspection performance (Interview BR15, June 2021).

Even in the most prepared cities, integration is a challenge. São Paulo was the first municipality to create a Municipal Plan for Policies for Immigrants (São Paulo 2020). As São Paulo had already received immigrants from many nationalities before the arrival of Venezuelans, it had already built some institutional infrastructure to deal with the social integration of migrants. Even so, a survey commissioned by the municipal government shows that 3.4% of the more than 24,000 homeless people in the city are migrants, of which 38.8% are Venezuelans, most of whom entered through Roraima in the last few years (São Paulo 2019).

As an interviewee stated, Brazil has developed some successful practices in the labor integration of Venezuelan refugees and migrants, with positive institutional and legal frameworks, but local governments need to make more efforts in terms of labor integration policies. On the other hand, actions should be taken to strengthening the national public employment system, as well as public vocational training institutes, while making sure that refugees and migrants have access to the national public employment service on equal footing with national workers (Interview BR17, September 2021). Another interviewee also pointed out that the National Employment System has low effectiveness and fails to recognize professional experience from migrants abroad (Interview BR03, April 2021). As Costello and O'Cinnéide (2020, 10) highlight, ICESCR, as interpreted by its Committee, requires States to secure some essential elements of the right to work, among which is 'availability', "in the sense that States Parties must establish specialized services to assist and support individuals in finding employment", and 'accessibility', in the sense that States must prohibit discrimination in access to employment, and also implement national policies to promote equal access to the labor market. The third and last element is 'acceptability', "in the sense that States must take steps to protect the rights of workers to enjoy just and favorable conditions of work, and to protect vulnerable categories of workers against exploitation". The importance of strengthening labor inspections was also



stressed in the interviews, including on domestic workplaces, usually seen as private sphere. Women in domestic labor, both nationals and migrants, tend to be exposed to exploitation and violence.

In conclusion, although the right to work is widely guaranteed to refugees and asylum seekers, as well as residents via Mercosur's residency agreement and beneficiaries of humanitarian reception, decent work is not accessible for many workers, and Brazilian strategies, including Operation Welcome's Interiorization Program, fail to ensure labor inclusion, because the relocation of people to other locations is not accompanied by any monitoring. This generates a transfer of responsibility to local governments, as well as an overload on them, which need to create inclusion strategies and, in many cases do not have the capacity to do so. It should be noted that although municipalities have some competences related to social protection, few have the capacity and resources to promote the socioeconomic inclusion of migrants. As an interviewee noted, "the interiorizations to places where there was already a structure to host them were very successful. There must be local support. When interiorization (for work or shelter) does not have local support, there are problems" (Interview BR15, June 2021). In another interviewee's perspective, regardless of the local conditions of reception and inclusion, in the Interiorization Program "the flights cannot stop", even when that means putting people at greater risks (Interview BR 06, April 2021).

It should be noted, nonetheless, that the Brazilian State has taken important steps towards the guarantee of the right to work., starting from the regularization policy, a first fundamental measure to accomplishing labor integration and protection of labor rights. In accordance with the understanding of the bodies of the Inter-American System for the Protection of Human Rights, migrants, including undocumented ones, have the right to protection against labor exploitation. Furthermore, migrant workers victims of human trafficking or rescued from modern slavery have the right to migratory regularization and permanent residence in Brazil (Brazil 2020b)<sup>21</sup>. This is a clear example of the recognition that legal protection against workplace exploitation is a 'civil right' enjoyed under the right to juridical personality (Costello and O'Cinnéide 2020, 18).

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<sup>21</sup> The Ordinance reaffirms the understanding previously signed by the National Immigration Council, from 2010 (<https://reporterbrasil.org.br/documentos/RN93-2010.pdf>)



## C. Vulnerability

### Understandings on Vulnerability and its Assessment

Mostly people working with asylum seekers/refugees consider vulnerability as a contextual situation, not an inherent one. But there seems to be little discussion about the meaning of the term since most interviewees state it is a personal opinion, not discussed by their organization. Another point to be highlighted is that most of them are unsure about sharing this understanding with other organizations. It seems there is not effective communication or dialogue among organizations. One interviewee even mentions that social work with refugees is a very fragmented context, requiring the articulation of common forums and joint projects (Interview BR06, April 2021). The *Sphere Standards*<sup>22</sup> were mentioned just once as reference tool for vulnerability assessment, supposedly “used by most of humanitarian organizations” (Interview BR02, March 2021).

Organizations do not use the term “vulnerability” when talking to asylum seekers and refugees. All of them demonstrate clearly that the issue is a *tabu*. There are not deeper explanations on this behavior. But it seems that the term is considered as pejorative. Several interviewees say the use of the term would not be necessary or positive to asylum seekers/refugees, because this could bring to the refugee the stigma of a vulnerable person, the prejudices related to the foreigner and, as some interviewees mentioned, a feeling of weakness, of inability to get out of this situation or even of victimization.

Although most respondents find it is impossible to access vulnerability without flaws in the needs of the beneficiaries, all feel they do it properly, and assessments are often discussed and reformulated based on experience. Mostly respondents understand that the evaluations need to be improved. Thus, “better diagnoses are needed, but it also needs more public policies that will meet the needs that emerge from this situation of vulnerability.” (Interview BR04, March 2021). The complementary importance of field experience was also reported. In this sense, in relation to the Welcome Operation one interviewee reported that from the field observation– and confirmed by data collection by the organization –a process of “feminization” of shelters in

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<sup>22</sup> Sphere Standards are a set of humanitarian standards to be applied in humanitarian response., initially developed by non-governmental organisations. Sphere’s flagship publication, the Sphere Handbook, is one of the most widely known and internationally recognised sets of common principles and universal minimum standards in humanitarian response. <https://spherestandards.org/>



the state of Roraima was identified, that is, shelters had more and more women, because men were achieving labor integration faster (Interview BR11, April 2021).

Some difficulties were also reported supposedly related to “cultural barriers”. In the opinion of one interviewee, the assessment of Syrian women refugees needs to be done by female social workers or female volunteers, especially for assessing traumas from Syrian conflict, as sexual violence cases, because “they feel embarrassed to talk about it with men” (Interview BR01, March 2021). Although religious conceptions may play some role, it should be noted that in cases of sexual aggression a multidisciplinary professional approach is recommended (Bedone and Faúndes 2007), and it’s high costs may make it inaccessible for civil society institutions working with refugees and migrants in Brazil, since, as fieldwork indicates, resources are limited and assistance needs have increased during the pandemic. . In addition to capturing the needs of asylum seekers/refugees, another interviewee pointed out the need for practical results of these assessments, especially in terms of generating public policies that meet the demands emerged from the vulnerability diagnosis (Interview BR04, April 2021).

### **Transversal categories: race and gender**

The experiences of refugees are heavily mediated by race and ethnicity, but international legal scholarship has not paid sufficient attention to the significance of the topic (Achieme, 2021, 1-2). This became clear in the fieldwork since interviewees virtually did not mention race as an overlooked factor in vulnerability assessments. This absence may indicate the need for greater problematization of the subject. In one interview, relevant concerns arose, in the context of Welcome Operation, especially regarding the difficulty of accessing racial data because they depend on self-declaration and involve self-perception, subjectivity, and socio-cultural construction about race, which varies from one country to another (Interview BR11, April 2021). This research finding probably demonstrates only one aspect of the problem. Race is not simply about physical attributes, but the idea of race is historically structural and intrinsically linked to the legal, social, political, and economic meaning of being categorized as Black, White, Brown, or any other racial designation (Achieme, 2021, 2).

It seems that vulnerability is similarly understood as a contextual situation by people working with asylum seekers/refugees and for asylum seekers/refugees themselves. But it is not possible to be sure because the organizations do not deal with the concept directly. Although most of interviewees have a shared understanding on the issue, vulnerability is also understood as a



structural factor. This is the case for women's vulnerability. An interviewee emphasized that often women are considered more vulnerable by other organizations that work in Welcome Operation,<sup>23</sup> because they would be "weaker", instead of being recognized that, as gender is a social construct, this vulnerability will persist along with their whole life, yet it is not immutable. It is necessary "to bring to the discussion about vulnerabilities the different perspectives of what it is to be a woman in Brazil, which is different from what it is to be a woman in Venezuela, or in other places." (Interview BR11, April 2021)

Gender is prominent in vulnerability assessments. Misconceptions of the meaning of 'gender' have contributed to difficulties in assessing gender claims, especially because gender issue is not limited by being a woman (Andersen and Foster, 2021, 5). In the fieldwork, this aspect was quite evident. Women are usually seen as a vulnerable group, regardless of other peculiarities. Women with children and single mothers are seen as more vulnerable. On this aspect, an interviewee raised the question of whether the recognition of a greater vulnerability of women with children would not be penalizing of women who are not or do not want to be mothers. (Interview BR11, April 2021)

In the dynamics of the migration process, women are again referred to as more vulnerable. This is not due to the condition *per se* but results from the duties of care and responsibilities carried by them in relation to their parents, children, or other family members. When talking about the Venezuelan inflow towards Brazil, one interviewee exemplified the greater vulnerability of women even before leaving their country. Thus, the first to migrate are men, the last are women, who are often in worse conditions (without access to health, proper food, without work) at the original country, then they make the journey with other people in their care (family members, children). It is clear, therefore, that the issue of gender is already manifested from the beginning of the mobility process, that is, it determines who will migrate, how and when (Interview BR11, April 2021).

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<sup>23</sup> Especially, some organizations that are based on faith and religion, and the Brazilian Army, tend to have this kind of women vulnerability perception. (Interview BR11, April 2021)



## Gender and the right to work

The intersection between gender and the right to work is not unknown. In Brazil and elsewhere, women receive worse wages than men for the same work and are more exploited in relation to work conditions. In addition, women are overburdened because they carry out a greater load of housework compared to men. In migration context, gender is a transversal theme and represents an aggravating factor of vulnerability.

Brazilian labor market faces a gender discriminatory reality. This is not different in relation to asylum seekers or refugees. The inequality between women and men emerges from the offer of job vacancies to hiring and during the employment relationship. Some interviewees mentioned that most job vacancies in the VES (assigned employed opportunity) in the Interiorization Program are offered to men. They pointed out that the access to the right to work is uneven and the labor integration of women is more difficult (Interviews BR09, April 2021; and BR15, June 2021). One interviewee, for instance, reported a situation where a company had 15 vacancies and wanted to fill them out only with male employees. He tried unsuccessfully to persuade it to hire at least one woman (Interview BR15, June 2021).

It seems that the greatest difficulty for women is to have a support network for childcare (Interview BR16, July 2021). Several interviewees asserted that there is no support infrastructure for mothers to work outside their homes. Given the specific needs of women, socioeconomic integration through the labor market is conditioned by a series of factors, such as the existence of a day care center to receive their children or whoever replaces them in the care of the elderly. The lack of a public or private support network tends to place women in the informal sector. In this regard, one interviewee emphasized that this is a “contextual vulnerability”, does not mean that having children and taking care of children is a vulnerability. In any case, public policies are needed to meet the needs of migrant women with people under their care, so that they can have access to the labor market (Interview BR11, April 2021).

Even in the formal labor market, the disparities between migrant women and men are significant. According to Tonhati and Macedo (2020, 137), women occupy only 30% of formal job vacancies offered to migrants, working in sectors of cleaning, production or sale of food, slaughterhouses and service activities. On the other hand, [OBMigra's 2020 Annual Report](#) shows that the average earnings of Venezuelan and Haitian women are similar to



the amounts received by men of the same nationalities. When considering all migrant workers and nationalities, including highly qualified, the average hourly yield of the male immigrant worker in the formal sector is 37.81 BRL while, for women, the value is 23.27 BRL.

In Brazil, women represent 5% of workers rescued from modern slavery.<sup>24</sup> However, in the city of São Paulo, this number reaches 30%. The discrepancy with the national average is explained by the high number of immigrant workers in the city of Sao Paulo who work in clandestine sewing workshops. Most are of Latin American origin (mainly Bolivian). Furthermore, in Sao Paulo, 93.1% of women rescued from slave labor situations are migrants.<sup>25</sup> Mostly they are forced to sleep and live in their workplace, where they are more exposed to domestic and sexual violence. For instance, last year, during the coronavirus crisis, Bolivian migrant seamstresses were rescued spending two months confined in a sewing workshop, working 14 hours per day, and earning less than the minimum wage.<sup>26</sup> The relation between migrant women and modern slavery has been identified also by ILO. The organization asserts that women and girls are slightly more at risk of a forced labor situation, than men and boys, when they migrate crossing international borders.<sup>27</sup>

Some interviews showed the perverse relationship between gender, vulnerability and access to work. This is because the processes of human mobility are marked by structuring gender relations, which act simultaneously with other aspects, such as social class and race, producing and reproducing forms of marginalization and exclusion of migrant women, due to their condition as women and migrants, also by class belonging and their ethnic origin. (Magliano, 2007, 2-4).

Most of the time, women's exposure to degrading work or to modern slavery is related to the responsibility to support their children and the lack of opportunities for another job. In this sense, one interviewee reported that the agony of “single” mothers – without a

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<sup>24</sup> In Brazil, “labor analogous to slavery” is a crime, pursuant to art. 149 of the Criminal Code (Decree Law No. 2.848/1940). It is not only characterized by violations of labor legislation. Elements of the crime include forced labor, exhausting workday, debt bondage or working in degrading conditions.

<sup>25</sup> See <https://migramundo.com/em-sp-931-das-mulheres-resgatadas-de-situacoes-de-trabalho-escravo-sao-imigrantes/>

<sup>26</sup> See <https://reporterbrasil.org.br/2020/06/trabalho-escravo-despejos-e-mascaras-a-r-010-pandemia-agrava-exploracao-de-migrantes-bolivianos-em-sp/>

<sup>27</sup> See [https://www.ilo.org/brasilia/temas/trabalho-escravo/WCMS\\_393073/lang--pt/index.htm](https://www.ilo.org/brasilia/temas/trabalho-escravo/WCMS_393073/lang--pt/index.htm)



partner – in providing food for their children sometimes makes them accept exploratory ways of survival (Interview BR04, April 2021). The domestic work is also exploitative, insofar as the trajectory of migrant women as domestic workers is marked by several vulnerabilities, such as isolation, distance from the family, xenophobia, in addition to precarious and informal working relationships (Bertoldo, 2018, 320). In another interview, it was pointed out that Venezuelan women receive 20 BRL per workday, in the city of Rio Branco/Roraima, while one pays 50 BRL to Brazilian women for the same day-to-day job (Interview BR11, April 2021). Finally, another interviewee concluded that migrant women in Brazil live “a situation of almost modern slavery” and over exploitation (Interview BR15, June 2021).<sup>28</sup>

### **Racism, xenophobia and particularities of indigenous peoples in a migration situation**

In the context of last migratory flow of refugees, Brazil has been encouraged to rethink myths such as the alleged Brazilian "racial democracy" and the idea that in the country "everyone is welcome" without any kind of distinction<sup>29</sup>. (Farah 2017, 13). Brazil's idealized self-image was easily compromised, for instance, by the xenophobic wave against Venezuelan asylum' seekers and refugees in Amazonia.<sup>30</sup> In this sense, migrants in Brazil were reported as a group at special risk by the Inter-American Commission on Human Rights, on visit made in February 2021. (CIDH 2021) The Commission noted with concern the reports of acts of discrimination and xenophobia against immigrants in Brazil.

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<sup>28</sup> The Inter-American Commission on Human Rights, in February 2021, “was told of complaints about exploitation and discrimination in the workplace, in which immigrants and refugees reported working longer hours, or receiving lower wages, than the other, Brazilian workers, apart from being subjected to degrading working conditions and exhausting hours.” (CIDH 2021, 97)

<sup>29</sup> The myth of racial democracy consists of the idea that there is a supposed full democracy in Brazil that would extend equally to people of all races, who are always welcome in the country. This idealized idea about Brazil is often attributed to the Brazilian sociologist Gilberto Freyre. He asserted, especially, in his book “The master and the slaves”, that the relationship between masters and slaves was peaceful, that the Indians accepted colonization peacefully and that this promoted a democratic relationship and miscegenation (Valle 2017). Available: < <https://periodicos.ufpe.br/revistas/revsocio/article/view/235794>>

<sup>30</sup> See <http://www.ihu.unisinos.br/78-noticias/582781-migrar-e-um-direito-xenofobia-e-crime>



But Brazilian's xenophobia has its peculiarities. Racism is added and the aversion to the foreigner turns especially towards non-white migrants. This point arose in one of the interviews and it was pointed out the importance of the country of origin and the place in Brazil where migrant women are received. Thus, a Bolivian or a Venezuelan woman in Sao Paulo is seen in a certain way, but a Haitian refugee woman will be seen – beyond gender – as foreign and black person, probably anywhere in Brazil (Interview BR11, April 2021). The nationality *per se* is less relevant than the skin color, as “sometimes it's easier to hire a white Arab than a Congolese.” (Interview BR06, April 2021)

Racism and xenophobia were also potentialized during a pandemic. The historically recurrent idea is that an epidemic is always presented as a danger from afar, brought by the figure of the threatening foreigner (Ventura 2016, 129) Despite the ongoing COVID-19 pandemic, there were no specific reports in this regard. On the other hand, in the context of Operation Welcome, one interviewee asserted that migrant women were especially impacted by the sanitary emergence, because there was a 21% increase in requests for financial aid by women in their organization (Interview BR10, April 2021).

The arrival of groups of migrants belonging to indigenous peoples from Venezuela (Warao, Eñepa and Pemón people) have challenged the vulnerability assessments and the structuring of responses. The constant or frequent territorial displacement between countries of the region is a vital process for them. They constitute a pendular movement and then a field of migratory circulation between the two countries. A fieldwork conducted by IOM, for instance, shows that indigenous peoples are interested in continuing to circulate through Brazil and eventually return to Venezuela (Moreira and Torelly, 2020, 21). In this sense, they do not realize what a border mean. As reported by one interviewee, they only understand what the border is when they come across the Federal Police (Interview BR04, April 2021). This cultural behavior certainly calls into question the effectiveness and legitimacy of imposing a state logic of containment.

Finally, field research shows that there are many perceptions about vulnerability and that in some cases they end up reinforcing the vulnerabilities themselves. When we conceive vulnerabilities not as inherent features, but as part of social, political, and cultural structures, we must reflect on the extent to which these structures are co-responsible for creating vulnerabilities. Fieldwork suggests, for example, that the Interiorization Program reinforces women's vulnerability, which can be seen from the feminization of shelters and



the difficulty women find to be interiorized in the VES (assigned employed opportunity) modality. In addition, many interviewees expressed concern about the risks of overexploitation in work relationships generated by the lack of monitoring of the Interiorization Program, particularly in the case of women, since among them the lack of monitoring is added to the lack of support in childcare.

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## Conclusions

Brazil has been seen internationally with enthusiasm, whether for the progressive side of its Refugee Law, guaranteeing the right to work for asylum seekers and refugees, or for the recent adoption of its migration regularization policies and *prima facie* recognition of refugee status for Venezuelans. Operation Welcome, as an institutional response, also appears as an innovative possibility for dealing with crisis situations and providing protection and integration for the refugee population. All this enthusiasm is justified, and is shared, in part, by the actors who deal with the subject in Brazil.

It also seems that for the Brazilian State the question of the border and the relationship with the State of Roraima has become particularly sensitive. Although it is advertised as a humanitarian Operation, which aims to protect the rights of Venezuelan migrants and the fulfillment of international obligations by Brazil, such as the pledges made in the GCR, it is also true that the less vaunted side, the ordinance of borders and the solution of the “Roraima problem” are at least equally relevant. The political and strategic interests of Brazil in relation to Venezuela and the State of Roraima lead us to think about the concept of “muscular humanitarianism” (Chimni 2009), that is, one that advances parochial interests while promoting an altruist self-image. The “muscular” side of Operation Welcome became more evident in the context of the Covid-19 pandemic, since although in face of the recognition of a situation of serious and widespread violation to human rights in Venezuela, land borders remained closed during more than one year during which summary deportation and “disqualification” of refuge applications were applied. This shows how dynamic the ‘changing relationship between containment and mobility’ can be (Carrera et al. 2021).

Although Brazil has a legal framework that recognizes the social rights of migrants and refugees, as well as asylum seekers, in practice access to formal work is quite difficult.



Labor insertion occurs mainly in low-skilled jobs and informality rates are very high. Informal work is considered more precarious and at greater risk of super-exploitation. In addition, access to the formal labor market is particularly difficult for women.

Finally, Operation Welcome's securitization component is also present in the Interiorization Program. Its purpose seems to be restricted to the alleviation of the border by promoting the departure from Roraima, since "logistical support" is limited to the outbound flights. If, on the one hand, mere displacement can be the first step into labor and social integration, it is by no means a direct consequence of the Operation, despite, in theory, being the Federal Government's main employment insertion strategy. The responsibility for actual inclusion relies on local authorities, civil society and migrants themselves, who must seek their self-reliance and build their way in Brazilian labor market and society.



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## ANNEX 1 – Table of Interviews

<b>Interview Code</b>	<b>Date of interview</b>
BR01	30/03/2021
BR02	31/03/2021
BR03	01/04/2021
BR04	01/04/2021 e 03/04/2021
BR05	06/04/2021
BR06	08/04/2021
BR07	15/04/2021
BR08	19/04/2021
BR09	19/04/2021
BR10	22/04/2021
BR11	22/04/2021
BR12	28/04/2021
BR13	03/05/2021
BR14	06/05/2021
BR15	04/06/2021
BR16	26/07/2021
BR17	02/09/2021