



# Country Report **BRAZIL**

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## *D4.5 Final Country Report*

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## Executive Summary

In Brazil, the recognition of refugees is governed by 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 refugees in Brazil consider the Refugee Status Determination (RSD) process to be impartial. The main reason given is the plurality of actors in the tripartite composition of the National Committee for Refugees (CONARE), and the presence of some invited members with voice, which would favour technical discussion and the exposure of multiple points of view and would reduce political biases in decision-making. On the other hand, the process is hindered by the shortage of personnel and lack of legal deadlines, which cause excessive delay in RSD procedures. As for the right to appeal, the research shows that although formal access to the appeal procedure is guaranteed, it is ineffective in reversing decisions.

The influx of Venezuelans has been testing the capacity of the Brazilian State's actions both in terms of regularisation and international protection, and in terms of the labour integration of refugees and asylum seekers, since their numbers have grown exponentially in the last 7 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, which is managed by the Brazilian Army.

One of the objectives of Operation Welcome is to organise the borders, and to control and register Venezuelans who enter through Roraima. Despite the official emphasis being on "welcome" and cooperation with international agencies and humanitarian civil society organisations, it seems that the security and managerial aspects of the operation may take precedence over humanitarian concerns, which leads to tensions between the government and humanitarian actors. The militarisation of the borders and the security concerns behind the system implemented in Roraima became more evident at the beginning of the Covid-19 pandemic, with the land borders between Brazil and Venezuela being closed for over a 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 regularisation policy for Venezuelans. There is evidence that the



emergence of a contingent of undocumented Venezuelan migrants has also led to greater susceptibility to labour exploitation and deprivation of rights.

In 2019, CONARE recognised that there was serious and widespread violation of human rights in Venezuela. This led to the application of the expanded definition of refugees provided for in the Brazilian Refugee Law, as well as *prima facie* recognition for nationals of Venezuela. Since then, Venezuelans have the choice between applying for *refugee status* or for migratory regularisation via residence permit for nationals of border countries, inspired by the Mercosur Residence Agreement (RAM). However, this alleged choice may have been affected by delays in CONARE'S decision-making, which between mid-2020 and the end of December 2022 has markedly slowed down recognitions of *refugee status* for Venezuelans. This has led many asylum seekers to apply for residence instead of waiting for a final decision on recognition of *refugee status*.

The Brazilian legal framework recognises many social rights for 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 of the International Labour Organisations' (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) and other regular residents. 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 formalisation, but it has occurred in low-skilled and low-income positions. One of the reasons for this is that refugees and migrants of all nationalities 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 of several nationalities - with emphasis on nationals from Haiti and Venezuela, but also from many other countries in the Global South - 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 a high risk 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 centres and full time schools.



The main strategy for labour inclusion, according to the fieldwork, is the Operation Welcome “Interiorisation” programme, 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, and considering the continental dimensions of the Brazilian territory. In fact, the data show that 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 opinion of interviewees who work with the interiorised population, there are cases of overexposure to abusive work situations. The interviewees also note that the strategy does not sufficiently monitor post interiorisation socio-economic inclusion. In practice, the programme transfers responsibilities to the local governments, and these are not always equipped to deal with them. Strengthening local capacities and the national employment systems seem to be important steps that need to be taken to improve the effectiveness of the Interiorisation programme and to prevent labour overexploitation of migrants and refugees in Brazil.

Finally, the research also shows that Indigenous individuals have protection needs that go beyond that of Venezuelan individuals in general. As opposed to additional protection, the differentiated treatment promoted by Operation Welcome may be hindering their socio-economic insertion and access to education, reducing their autonomy, and harming their collective identities as Indigenous.

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## Methodology

This report is based on desk-based research and fieldwork undertaken between April/September 2021 (1<sup>st</sup> stage) and April/September 2022 (2<sup>nd</sup> Stage). It's draft was finalized in October 2022 and reviewed in February 2023, incorporating data updates and key developments<sup>1</sup>. In 2021, 17 in-depth interviews were conducted with key informants

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<sup>1</sup> We would like to thank Sergio Carrera, research coordinator of ASILE Project, for his comments on all previous versions of this Report, as well as for the contributions of the reviewers of previous versions of this Report, especially Leiza Brumat and Gilberto Rodrigues. We would also like to register the numerous contributions received during the ASILE's events. All contributions were valuable for the development of the research.



working for international organisations that deal with refugees and migrants in Brazil and with some of the most relevant civil society organisations / NGOs involved in assisting asylum seekers, refugees, and migrants in the country. The 1<sup>st</sup> stage interviews were all conducted online (on either Zoom or Google Meet), due to the regulations and practical restrictions resulting from the Covid-19 pandemic and the high infection levels in the country at the time. These interviews resulted in the ASILE *Interim Country Report: Brazil* (see Araújo and Barros, 2022).

To further this research a second round of interviews was conducted between 27 April 2022 and 26 September 2022. In this stage, 9 Venezuelan migrants and 1 local authority in charge of implementing public policies directed at the social inclusion of refugees and migrants were interviewed. This stage of fieldwork focused on conducting interviews with refugees and migrants who were recipients of Operation Welcome. It was also an opportunity to further develop lines of inquiry that emerged from the initial online fieldwork in 2021. Of the 10 Interviews of the second phase, 5 were conducted online and five were conducted in person, as a group interview<sup>2</sup>.

The group interview was conducted with Venezuelan migrants living in the capital of Brazil, Brasília. It was organised in collaboration with *Instituto Migrações e Direitos Humanos (IMDH)* and involved those already participating in their social programmes. IMDH was responsible for inviting potential participants, as well as providing the space for conducting the interviews. Group interviews provided the opportunity for an exchange of a range of views and experiences on the topics under discussion. The strategy was also useful to achieve greater adherence of potential respondents, which proved to be challenging in a context of migrants seeking labour inclusion and connectivity limitations for online interviews in a country of continental dimensions.

Interviews were based on a common questionnaire which was developed and shared by the WP4 coordination team to ensure consistency on the themes and issues covered comparatively across the various teams. The questionnaire was fine-tuned and adapted in this instrument-focused case study of Brazil, maintaining, however, the original character and structure. This approach was undertaken to ensure that all the country reports cover

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<sup>2</sup> A list of interviews is available in the Annex of this Report.



the key themes and research questions addressed in WP4. In the second round of interviews, additional adaptations were made in order to eliminate possible technicalities when addressing migrants and refugees as well as to reflect the country context and the findings of the research up to that point.

The interviews for this report were mostly conducted in Portuguese, with the group interview with Venezuelan nationals being conducted in Spanish, as were 3 individual interviews (BR19, BR20 and BR21). Interviewees were provided with an information sheet explaining the ASILE Project, and an informed consent form, which explained the nature, benefits, and risks of their participation in the project, and which they were asked to sign and, when research was conducted online, return electronically. In all cases, consent was verbally obtained for the audio recordings of interviews<sup>3</sup>.

The research 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.

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## 1. Refugee status

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<sup>3</sup> 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 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 'decentralised' 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, anonymisation and pseudonymisation techniques were employed.





## 1.1 Refugee recognition

In Brazil, the concept of refugee is established by Law 9474/97 (Brazil 1997), which incorporates the definition of the 1951 UN Convention, and also includes an expanded definition clause, which partially incorporates the expanded definition of the *Cartagena Declaration on Refugees of 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 recognition, but there has been resistance to applying it in recent years to nationals of Haiti, which led to the creation of “humanitarian reception” as an alternative to refuge. In 2019, the National Committee for Refugees (CONARE) recognised that Venezuela was in a situation of “serious and widespread violation of human rights”. Then, through [Normative Resolution n. 29](#), of 2019, it made it possible for cases which were manifestly genuine to have a simplified RSD procedure, which does not require individual interview, that is, authorised the prima facie recognition of refugees. These measures made it possible, for the first time in the country's history, to recognise large numbers of refugees in a short period of time (Araújo, 2021).

The arrival of Venezuelans in Brazil in search of international protection began to grow in 2015, and while regularisation through the unilateral extension of Mercosur Residence Agreement was applied since 2017 by National Immigration Council<sup>4</sup>, 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 pending asylum applications in CONARE. According to one interviewee, the understanding that would be adopted by the Brazilian Government in the matter, because of tensions between the Brazilian Government and Venezuela (Interview BR14, May 2021) was highly anticipated. 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 has slowed

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<sup>4</sup> In March 2017, CNIg adopted [Resolution 126](#). The Resolution is “inspired in the Residency Agreement for Nationals of MERCOSUR States Parties and Associated Countries” and forged to deal with “the migratory flow to federation units, especially in the North region, of foreign nationals from border countries that are not yet part of the aforementioned Residence Agreement, who are in an irregular migratory situation in Brazil and to which the refugee status does not apply”. In March 2018 the Ministries of Justice, Foreign Affairs and Labour edited a new regulation, the [Interministerial Rule n. 9](#), which replaced the previous regulation in similar terms.





down since September 2020. Therefore, Brazil appears to be processing RSD prima facie cases below its capacity, since in 2021 CONARE decided only about 3 086 pending cases, and in 2022 only about 5 800 cases were decided. These low numbers contrast to more than 27 000 annually in 2019 and 2020 (Brazil 2022)<sup>5</sup>. Most of the 56 000 decisions recognising Venezuelans as refugees between 2019 and 2020 were made by means of four joint decisions, as stated on [CONARE's website](#).

In the “Refuge in Numbers” Report, an annual report where data on CONARE’s decisions are published, there is a justification for the prevalence of decisions to close cases in 2021 (which do not face the merits of the request)

*Although it accounted for a significant share of the positive decisions rendered by CONARE, the grant of refugee status on the basis of item III of Article 1 of law 9474/1997 was not used as frequently in 2021, since fewer Venezuelans applied for asylum than in previous years. In the same vein, the assessment of a large part of asylum claims on the basis of serious and widespread violation of human rights in the country of origin is pending due to the fact that there is not enough information in those processes to cross-check in the federal government databases to ascertain the causes for granting refugee status. There are also instances of Venezuelan minors who have submitted incomplete or no documentation at all for the asylum claim; in such cases an additional screening interview is necessary (Junger et al., 2022, p. 50).*

Nevertheless, it is noteworthy that in 2021 Venezuela still topped the list of new claims, with 22 856 of the total of 29 107 claims (Junger et al., 2022, p. 15). As of 27 February 2023 there were still 99 520 refuge requests pending from Venezuelan nationals (UNHCR and IOM, 2023)<sup>6</sup>. It is not yet possible to know how CONARE will continue to act in relation to the group recognition for Venezuelans, but it is possible that this solution, designed to deal with the arrival of large numbers of applicants, has not been sufficient to deal with CONARE's limitations in its ability to process these requests, such as insufficient staff. What is possible to know is that the delay in decisions may be driving Venezuelans to opt for another means of migratory regularisation, which will be addressed in the next section. It

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<sup>5</sup> Data extracted from the [Interactive Refugee Decisions Platform](#), developed by CONARE in cooperation with UNHCR, the platform was updated in 2022. The new version includes more detailed information on cases decided since 2017, and basic information on previous years.

<sup>6</sup> Data extracted from [R4V Platform](#) Consulted on 10 March 2022.



is also possible that this delay leaves 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>7</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 on, starting with approval of consensual cases, followed by individual discussion of RSD processes.

While recognising the situation of “serious and widespread violation of human rights” in Venezuela by a Technical Note in June 2019 (Brazil, 2019b), CONARE approved a [Normative Resolution](#) that waived the need of individual interviews in the case of clearly substantiated requests (Brazil, 2019a). The validity of the existence of a prima facie situation was renewed twice, and was until 31 December 2022, when a new analysis of the country's factual situation was to be carried out<sup>8</sup>. Prima facie recognition follows all other steps above. As the fieldwork shows, before approving 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). If there are 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, 2019a).

After RSD, the recognised refugee is registered and receives an identification document, the CNRM (Portuguese acronym for National Immigration Registration Card), which allows them to reside permanently in the country. According to interviews, besides the stability in the protection of rights, especially *non-refoulement*, and the credibility that comes with

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<sup>7</sup> Some interviewees referred to the fact that the digitisation of the process has caused greater difficulties for those who do not have digital access.

<sup>8</sup> Up to 28 February 2023, there was no public information available about the reevaluation of the situation.



CNRM (which helps in the local integration) there are not many differences between being an asylum seeker and a recognised 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 refugee passport issued by the Brazilian Government for refugees, and the appearance of the provisional document, which used to be “a piece of paper” which lacked 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 organisation 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. In fact, the average time for decision in 2021 was 2.9 years, and in 2022, up to 17 October was 3.7 years. These data do



not include cases that are still pending, but only those decided during the year<sup>9</sup>. Nor is there any clarity about the criteria for the order in which these processes will be decided. In addition, the shortage of personnel at CONARE, and the backlog of processes was pointed out.

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 for 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, it seems to be next to impossible to reverse a denial decision, 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<sup>10</sup>. Some interviewees criticised the fact that the appeal is judged monolithically by the Minister for Justice, a high-ranking authority to whom adjudicating 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 favour 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 defence, so the appeals are mostly founded on generic pleas, and that appeals have been granted only when 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 programme is currently almost disabled. One interviewee pointed out that resettlement is too expensive when compared to recognition, since it is necessary to cover living costs for quite some time and promote good integration in society. In contrast, recognition is cheaper since refugees are expected to become self-

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<sup>9</sup> Data extracted from the [Interactive Panel on decisions on Refuge in Brazil \(Brazil 2022\)](#).

<sup>10</sup> Data extracted from the former CONARE Interactive Decision Panel, which is currently offline. In the new panel there are no data on the appeal decisions.



reliant by working. There are of course assistance programmes for the most vulnerable, promoted by UNHCR, NGOs and public social programmes that are also available for nationals in Brazil.

Finally, it should be noted that some gender-related situations, such as being a victim of domestic violence or being LGBTQIA+ are sensitive cases considered by CONARE to frame refuge 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 have high rates of approval. Of a total of 365 cases analysed 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 whose refugee status was recognised in these cases (UNHCR and Ministério da Justiça 2023)<sup>11</sup>.

## 1.2 Refugee status and other migratory solutions

In the first years of the Venezuelan inflow, between 2016 and 2018, the term “migrant” and other related terms, such as “migration crisis”, were the most used. It was the almost simultaneous arrival of the UNHCR, in 2017, and of the IOM just 2 months later in the region of Roraima, which brought to light the debate of ideas about which expression would be more appropriate to address Venezuelans – “migrants” or “refugees” (Xavier, 2022, 203–4).

Since 2017, Venezuelans have been able to apply for migratory regularisation through residence granted unilaterally by Brazil. The regularisation through temporary or permanent residence, also applied by other Latin American countries, includes a range of rights and could be seen as a de facto protection, as an alternative to formal refugee protection (Brumat and Freier, 2021). But with the recognition of prima facie refugee status since 2019, the possibility emerged to opt between migratory regularisation or refugee status recognition via RSD. As Brumat (2022) argues, 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. However, fieldwork has shown that the choice may be affected in the other direction by the delay in decisions of the refugee process by CONARE, since the interviews

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<sup>11</sup> The survey only includes data up to 2018. There are no data available on asylum and sexual orientation for the last few years.



revealed that the asylum seekers have been facing challenges in solving practical life issues when they only have the Provisional document in hand (the so-called Protocol). The document has to be renewed annually, and does not look like an identity card, leading to a lack of credibility and stability in the view of private institutions. As one interviewee said “Even if I laminate it, it is still a sheet of paper that is only valid for one year. So they see it with little... it doesn't have much... they see it as ‘oh, she doesn't have an identity card’” (Interview BR25, September 2022). The main difficulty reported by Venezuelan migrants interviewed was that they could not open a bank account with the asylum seeker Protocol. This motivated them to request residence in order to get an identification card that would be accepted by banks. As one interviewee said about the option between being a refugee or a resident “in fact, I didn't know the difference or the advantage of having one or the other. I just wanted to have an RNE to open a bank account”. (Interview BR23, June 2022)<sup>12</sup>.

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 term “migrants” (Interview BR16, July 2021). Because the social 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 because of the humanitarian crisis situation broadens the scope of residence, blurring the boundaries between the concepts (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, such as the possibility of endangering the meaning of protection (Brumat 2022).

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<sup>12</sup> RNE is the Portuguese acronym for “National registration of the foreigner”. Although the name of this document has been changed by the New Migration Law of 2017 and is now called “National migratory registration card” (CRNM), migrants still usually refer to it by the old name.





For instance, an unusual situation that needs to be considered is that of the Indigenous communities of Venezuela of various ethnicities that migrated to Brazil. Like other Venezuelans, Indigenous individuals also have the option of regularising their residence, can benefit from the process of prima facie recognition by CONARE and are affected by the excessive delay in the decision-making. On the other hand, Indigenous individuals seem to have protection needs that go beyond the massive violation of human rights that affect Venezuelan individuals in general. In some cases, there seems to be a basis for the application of the traditional concept of refuge, the one provided for in the 1951 Convention, however, their narratives are not heard in individual interviews and they end up opting, for the most part, for regularisation via residence just as most Venezuelans in Brazil do. In 2019 The Inter-American Commission on Human Rights (IACHR) published an extensive report called: “Situation of the human rights of the Indigenous and tribal peoples of the Pan-Amazon region”, which stresses, among other themes, the obstacles to the use of traditional territories motivated by executive development projects. On 8 April 2022, after four Indigenous individuals were killed in Venezuela, IACHR published the following press release:

*IACHR notes that Venezuela’s Amazonian region has high rates of violence and that Indigenous Peoples face specific risks since the creation in 2016 of the National Area for Strategic Development of the Orinoco Mining Arc. In its report, the IACHR stressed serious cases of violence perpetrated by illegal miners against Indigenous Peoples. In the case of the Yanomami people, several cases have even been documented of sexual violence against women and forced labour, which highlights the need to provide increased protection to Indigenous Peoples in isolation and initial contact. Along similar lines, the UN High Commissioner for Human Rights has stressed the high levels of violence—including sexual violence—in the area (Interamerican Commission on Human Rights, 2022).*

This specific need for protection appeared in an interview with an Indigenous leader which suggested that Brazil should provide land for the definitive establishment of Indigenous People in this situation.

*There are Indigenous families who (...) cannot return to Venezuela, to their communities, because their territory was invaded by sindicatos that are not sindicatos as understood here in Brazil but factions and that from their community they had several people assassinated, and that when they return to their territory they are going to be assassinated, and these are situations like this that I think that the Brazilian State, through Operation Welcome, (...) can guarantee in some way that refugee Indigenous families can have access to a territory, to a land,*





*at least those who are in this threatened condition can settle forever and others can be for a specified time, and are given the opportunity to return.*

Finally, it seems that, even when the characteristics of the traditional refuge are not present, the displacement of Indigenous Peoples has additional peculiarities that indicate other needs for protection. Godoy (2021, 281) warns that “everything happens as if the Indigenous Peoples were in an overlapping zone between the colonial and the environmental refuge. Exiled in their own land, increasingly devastated and inhospitable, they move and mobilise the protection of another State”.

In the case of other nationalities, especially Haitian that has the second largest number of asylum seekers, migratory regularisation through humanitarian reception is an alternative owing to the massive non-recognition of that population as refugees (between 2016 and 2021 only 0.1 % of requests were granted). 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 regularisation for those who irregularly entered the national territory, so asylum applications were used as a provisional regularisation mechanism for potential migrants (Interview BR04, April 2021). The arrival of significant 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 hoc 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). Because of this development, it seems that Haitian nationals in Brazil are neither refugees nor simply voluntarily displaced migrants, they are somewhere in-between, enabling a dual process of authorised permanence and precarious reception (Moulin and Thomaz, 2016).

Finally, [Interministerial Ordinance No. 9, of 8 October 2019](#) also grants temporary visas and authorisation 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 recognised refugees in 2020, with 479 recognitions and 100 % recognition



rate, with application of the broader definition clause<sup>13</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 to Brazil. [Interministerial Ordinance n. 24](#), of 3 September 2021, founded the humanitarian reception of people from Afghanistan in similar terms. Both in the case of Syrian nationals, in 2020, and in the case of Afghan nationals, in 2021, CONARE published Technical Notes, similar to the one referring to Venezuela, recognising that these countries were in a situation of serious and widespread violation of human rights and simplifying refuge recognition (Brazil, 2019b; 2020a). Thus, currently, Brazil recognises prima facie refugee status for the three nationalities.

### 1.3 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, immunisation, migration regularisation and screening of all those who come from the neighbouring country". At the "reception and identification posts", proper identification and control, including immunisation, are carried out (Brazil, 2018). 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, the conception prevailed 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 legitimise the exceptional institutional responses (Espinoza et al., 2021). In addition, migration policies focused on the

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<sup>13</sup> Data extracted from the Interactive Refugee Decisions Platform (Brazil 2022).



integration of Venezuelans in the border region were not considered and Decree No. 9286, of February 2018, which first established the task force, did not incorporate any UN 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 Organisation 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).*

This does not mean that the UN agencies and the civil society were absent in the reception of Venezuelans. On the contrary, their presence on the ground was established even before the federal government took responsibility for handling the “crisis”. In 2017, UNHCR set up its first office in the region, when it began dialogues with the Federal Police (which acted as the migration authority), the local government and civil society institutions (UNHCR, 2022, p. 12). As these institutions became part of the Operation, they took the focus away from the fact that it was born militarised, soon after the overthrow of President Dilma Rousseff from the Presidency. During the government of Michel Temer (2016-2018) the armed forces began to gain prominence in politics, which was deepened with the ultra-right government of Bolsonaro (2018-2022), himself a career military man who appointed countless military personnel to assume political positions traditionally held by civilians. Taking this context into account, Gilberto Rodrigues (2022) relates the Acolhida Operation and its militarisation to the Brazilian foreign policy of the period. In 2017, the policy of the Michel Temer government was contrary to the Venezuelan government, and supported its suspension from Mercosur. Next, Bolsonaro, from the beginning of his government in 2019, makes Venezuela his rhetorical enemy (Rodrigues, 2022b, p. 104).

In the face of this scenario, international agencies, as well as civil society organisations of a humanitarian nature, are fundamental to the operation's image, as they “lend their humanitarian character”. As Moulin and Magalhães (2020, p. 645) put it, “the orchestrated



demonstration of Operation Shelter<sup>14</sup> as a humanitarian operation might be a form of avoiding resistance to militarisation”.

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 militarisation 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, p. 5).

Cooperation between humanitarian agencies and the government is not without tensions. For instance, some interviewees perceived that civil society and international organisations 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 for organisations working on a day-to-day basis [with this population], that’s not the definition” (Interview BR07, April 2021). Another interviewee criticised what he called the “excessive role played by the Army” when talking about the Interiorisation Programme, and said that: “some [partners], in order to meet funders’ goals, do not follow up on the interiorised” (Interview BR15, June 2021)<sup>15</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 attention away from its securitisation aspect, is well documented in the literature, even theorised 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

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<sup>14</sup> Moulin and Magalhães translate “Operation Welcome” as “Operation Shelter” in order to emphasise its governing and managerial components in detriment of its alleged humanitarian purpose.

<sup>15</sup> See next topic on the Interiorisation Programme.



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 militarisation of the Operation and its border control aspect became most evident during the Covid-19 pandemic, due to the closure of land borders from April 2020<sup>16</sup>. The rules for closing borders were issued through Interministerial Ordinances. The first [Interministerial Order n. 120](#) which made a direct reference to the entry ban on Venezuelan nationals by land, was harshly criticised for being considered discriminatory (Ventura, Aith, and Reis, 2021). A new ordinance was issued monthly<sup>17</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 was unfounded discrimination against foreigners who enter by land from Venezuela (Ventura, Aith, and Reis, 2021). In this way, the closure of the borders evidences the role of Operation Welcome as an agent implementing a selective migration policy, a policy that violated the core principle of *non-refoulement*, and in a way correlated with Bolsonaro's internal policy, which also caused enormous setbacks in human rights (Rodrigues, 2022b, p. 105).

Furthermore, in addition to closing the borders, other measures were adopted that could hinder the protection of migrants and refugees, such as the suspension of CONARE's meetings for several months. On the other hand, international agencies and civil society organisations 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 programmes (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 recognised the

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<sup>16</sup> The land borders with Venezuela were recently reopened in July 2021, by [Interministerial Ordinance n. 655](#).

<sup>17</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.



situation of serious and widespread violation of human rights in Venezuela, on the other it prevented further requests for asylum being 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>18</sup>. This seriously impaired the principle of *non-refoulement*, as the Venezuelans could not formalise their asylum claims and were subject to summary deportation. The “disqualification” of refugee applications is also a violation of the principle of non-penalisation 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 characterised under various labels (Carrera et al., 2021). In addition, people were barred from entering by land from Venezuela even if they were already holders of the CNRM and were, therefore, regular residents, many of whom may have opted for the RAM instead of applying for asylum, even though they could have been recognised 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, 2018).

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 – recognised by CONARE as a situation of serious and widespread violation of human rights to *prima facie* RSD recognition purposes – could not request refugee status, nor access migration regularisation through the RAM. Venezuelans who managed to enter by land, using alternative routes, were left in an irregular status<sup>19</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 border closures, the Director of *Cáritas-SP*, one of the most important organisations in the care of refugees in Brazil, stated at a recent public event

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<sup>18</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.

<sup>19</sup> See <https://oglobo.globo.com/mundo/acuados-pela-fome-venezuelanos-burlam-fronteira-fechada-engrossam-fila-de-imigrantes-sem-documentos-no-brasil-24901917>





that the institution's data show that 25 % of the Venezuelans who came to the organisation for the first time in 2020 were undocumented (Maróstica, 2021).

An interviewee reported that those who entered during that period not only did not have access to documentation, but as a consequence they did not have access to health care, nor to the economic aid that was given by the government in the period. As he explained “the majority of immigrants arrived directly at the ‘occupation’”<sup>20</sup>. And within the occupation we had to see how to solve the health issue, especially because they arrived malnourished, dehydrated, sick, so we had to look for ways to support ourselves” (Interview BR21, April 2022).

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## 2. Right to work

### 2.1 Formal work

Brazil is distinguished by a clear legal framework where migrants and refugees’ social rights are fully recognised. Although access to the formal right to work does not mean having access to actual employment, this right is an essential precondition for achieving integration into society (Espinoza et al., 2021). It is also noteworthy that Brazil is a party to Convention 97 of the International Labour Organization (ILO) on Migrant Workers. Although the country has not ratified ILO’s Convention 143 and the 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 precondition for access to the formal labour market. Besides asylum seekers and refugees, the right to work is also guaranteed to beneficiaries of the Mercosur and Venezuelan residents, who must prove, after 2 years, self-reliance capability to obtain permanent residency. The right to work is also guaranteed for Haitian migrants who enter with a request for humanitarian reception. In terms of collective labour law, Law 13445/2017

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<sup>20</sup> The “occupation” is a shelter run by the refugees themselves, on a site where a government-run shelter previously operated.





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 recognised refugees, but also to asylum seekers. This practice, combined with a migration regularisation policy, has the potential to reduce the vulnerability of migrants and refugees, as they can work regularly once they arrive in Brazil. However, in practice, employing 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 (2021, 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 labour 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 labour by the Brazilian Government and difficulty in validating degrees for access to qualified jobs. Among the strategies used by international organisations 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, labour rights’ education and technical assistance in the processes of revalidating degrees. Also noteworthy is the performance of the Brazilian State, through Operation Welcome and its Interiorisation Programme. At the local level, some municipalities have specific actions aimed at the labour 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 labour 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). In 2021, immigrants accounted for a total of 5 % of those formally employed in Brazil, a presence eight times greater than in 2011 (Hallak Neto and Simões, 2022).



According to reports<sup>21</sup>, the total number of formally employed immigrants rose from 55 100 in 2010 to 116 400 workers in 2014 and then to 181 385 in 2020 (Cavalcanti, Oliveira, and Macedo 2020). Haitian humanitarian reception was the main factor responsible for this growth, and Venezuelans appear in second place. In 2020, Haitians and Venezuelans together made up 57.2 % of all employed immigrants, of which 38.9 % are Haitians and 18.3 % are Venezuelans. The trend continued in 2020 and 2021, 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). In 2021, for the first time, Venezuelans surpassed Haitians in the number of formal jobs, with significant growth in the formal labour market. While Venezuelans represent 28.6 % of employed immigrants in 2021, Haitians represent 27.8 % (Hallak Neto and Simões, 2022).

Despite the broad access to the CTPS and the significant growth in the formalisation of work by immigrants, it is important to highlight that the total number of formal jobs of 187 985 in 2021 was still much lower than the number of migrants, regardless of their status. It is estimated that, by the end of 2020, about 1.3 million migrants lived in Brazil (Cavalcanti et al., 2021). As of February 2023, the estimated number of Venezuelans in Brazil is 426 000.

With the change in the socio-demographic profile, the migrant worker in Brazil has become less qualified, which has a great impact on 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 recognising degrees. As an interviewee from a social organisation 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 highly 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 highly qualified people (Interview BR01, March 2021).*

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<sup>21</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)



In interviews with Venezuelan migrants, it was also possible to identify the phenomenon. Among women with training and professional experience, many end up performing low-skilled jobs, especially domestic daily jobs, as the examples below show.

*Yes, I have a degree in education, in the area of information technology, and in Venezuela I worked in the Municipality of (...), in the Chamber of Councillors of the Municipality of (...), I worked in the Science and Technology Commission. But since then, I have been doing a lot of social work, working with the community (...) So, I really enjoy doing this work. When I got here, (...) I did a lot of work as a cleaning lady, babysitter, weeding. So, it's also this situation that made me go back to Venezuela, to see another country too, to see if I could start over in the work area in a better way, right? Because you study and you have other aspirations, other goals (Interview BR23, June 2022)*

*I will never forget the day I cleaned a two-story house and was paid R\$40! (...) The lady told me that I had to lift the couch, and I left with a pain in my back. (...) I am a teacher, in Venezuela, this is my profession. Elementary school teacher as they call it here. (...) I tried to look for it to see if they validated my diploma but I don't know... They ask for too many things... when we left Venezuela it was very fast, I didn't have the time to have the documents apostilled... (Interview BR25, September 2022)*

The phenomenon is also mentioned by a representative of an international organisation, 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 centralised information and digital processes for the revalidation of Diplomas in the participating institutions<sup>22</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)

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<sup>22</sup> See Portal Carolina Bori: < <https://carolinabori.mec.gov.br/?pagina=inicial>>



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 the meat production chain, with the slaughter of animals and meatpacking. In this segment, there is a significant number of Haitians and a growing number of Venezuelans. The sector, in fact, was not affected by the economic crisis resulting from the pandemic, which explains why in 2020 and in 2021, 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, p. 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, p. 36).*

Despite the high rates of formalisation, 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”. 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, p. 58)

## 2.2 Informal work

Most refugees and asylum seekers in Brazil work in the informal sector. As Costello and O’Cinnéide (2021, p. 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-formalised work means performing autonomous services, “odd jobs” and “daily jobs”, which do not constitute a labour 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 labour legislation. In both cases, the worker is in a position of greater exposure to over exploitation.



Some migrants interviewed in the second phase of fieldwork were themselves victims of some level of labour exploitation. One Venezuelan man reported that the most he got paid for half a day of work was R\$10, “that is when he gave us something, because sometimes he didn't pay at all” (Interview BR26, September 2022). A Venezuelan woman said that “if they gave you something (clothes, food) that was the payment” (Interview BR28, September 2022). These experiences refer to the period when they were in the State of Roraima, therefore, before going through the process of interiorisation. On the other hand, another Venezuelan migrant revealed that her husband, also Venezuelan, got paid only R\$20 for a whole day's cleaning and said that “In Paraná there was a lot of difference, if you are foreigner or Brazilian, the payment is different” (Interview BR25, September 2022).

Fieldwork also shows that social and international organisations who work with refugees and asylum seekers perceive informal work as more precarious, but given the absence of formal jobs, they recognise informal work as a possible way out to generate income. Furthermore, the Venezuelan refugees and migrants themselves sometimes prefer to have an informal job than formal employment, and they point out two main reasons for that. The first is that the low-skilled jobs to which migrants usually have access only pay the minimum wage, which is frequently considered by them as insufficient to supply basic needs<sup>23</sup>. By accepting informal work, migrants and refugees sometimes exchange the social security and protection it provides for a somewhat higher income.

*My mother worked as a caregiver for the elderly, she was not registered, but the person who hired her was a very good person and she explained that with a formal contract, the amount of taxes you pay is very high. She was paid well above the minimum wage and any benefits that would be discounted they paid directly to her (Interview BR18, April 2022).*

*My husband didn't want [a formal work]. He was offered R\$ 1800 with a signed contract, and he told me: 'I'm going to spend 10 days working with that man, for R\$ 3000, and we'll get to buy our things' (Interview BR25, September 2022).*

The second reason is that informal jobs have more flexible hours, which is considered important especially for migrant women with children, since there is a lack of social support

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<sup>23</sup> The minimum wage in Brazil in 2022 was R\$ 1,212, which was equal to approximately EUR 234 on 15 October 2022.



in childcare. Besides, in their case, formal work opportunities are fewer. One interviewee stated that during a job interview, the only question she was asked was who would take care of her daughter. “The job interview was more than all that: and who will take care of the girl? And if the girl gets sick, who is going to take her to the doctor?” (Interview BR25, September 2022).

Still, there are migrants who prefer the safety of a formal job, even if it means a lower income. As one interviewee puts it: “only that with a signed contract you have security. My husband earned well with the solar panels, but (...) it was in a solar panel company, then when the rain comes, you have no job”. It is worth noting that, in the case of this interviewee, her husband had suffered a heart attack when he was working with a formal contract, which allowed the family to have an income and secure employment during the weeks he was hospitalised (Interview BR28, September 2022).

By its nature, informal work falls outside most official statistics. In Brazil, data from 2015, before the increase in the flow of Venezuelans, indicate that at least 44 % of migrant workers are outside the formal labour market (A. T. de Oliveira and Oliveira, 2020), but the number could be much higher, especially in the context of economic crisis, the increase in migration and undocumented immigrants, who are not counted.

Another possibility of labour inclusion for refugees and applicants is entrepreneurship. UNHCR recently developed a platform called [Entrepreneurial Refugees](#), which offers training, mentorship and even access to microcredits<sup>24</sup>. The Project has partnerships with private companies and civil society organisations. 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 documentation requirements. Asylum seekers can also register, and only need to provide a document that proves they have applied for asylum. Nevertheless, representatives from civil society organisations 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). Among the Venezuelan migrants interviewed, some saw entrepreneurship as preferable to formal work. Nevertheless, it seems that this preference is motivated by the fact that the formal jobs available are low-paying and low-skilled ones which are below the training they had, due to the barriers to validate diplomas and previous experience acquired in Venezuela.

In 2019 an empirical research was carried out on a culinary training programme promoted by one of the NGOs 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, p. 21).

Zanforlin and Amaral (2019) 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 labour rights is compensated by a supposed freedom and autonomy of the entrepreneur”. They emphasise the role that the cooperation 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, p. 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 own business. However, the fact that economic crises affect not only the availability of formal jobs, but also hinder the chances of success of individual enterprises cannot be ignored. 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 labour inclusion.





Finally, it should be noted that refugees in vulnerable contexts may be exposed to degrading work situations, and there are some cases of workers being rescued from modern slavery. Recently, [23 Venezuelan workers were rescued](#) by the Public Ministry of Labour from a modern slavery situation. However, there is still no statistical data on the number of immigrants and refugees among the more than 2 000 workers rescued from modern slavery per year in Brazil<sup>25</sup>.

### 2.3 Operation Welcome, part 2: The Interiorisation Programme

One of the cornerstones of Operation Welcome is the Interiorisation Programme 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 (Brazil, 2018). The programme consists, in general terms, of relocating 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 legitimises the Programme emphasises the impossibility of integrating migrants and refugees in locations closer to the border due to economic and structural limitations in the region. This understanding was shared by interviewees in the field work.

It is worth noting 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 in the number of Venezuelan arrivals in Roraima, serious political struggles have emerged between the federation's entities, as the local municipalities and the State of Roraima have been overloaded with work (Milesi, Coury, and Rovero, 2018). In addition to the difficulties experienced by local municipalities in providing basic public services, the private sector offered limited opportunities, as it is a location with a peripheral economy in the national reality.

According to a recent official publication by UNHCR, the UN agency played a major role in the design of the Interiorisation Programme. First, because in December 2017, UNHCR organised a mission to Jordan in which the Civil House, the Ministries of Justice, Social Development, Foreign Affairs and Defence, as well as representatives of the National

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<sup>25</sup> Data extracted from the interactive Platform of the [Observatory for the Eradication of Slave Labour and Human Trafficking](#) (Brazil and Ministério Público do Trabalho 2022).



School of Public Administration and the Brazilian Agency of Intelligence participated. According to the publication, “the knowledge provided by this experience was important to assisting in the design of what would become interiorisation, since it has components similar to resettlement” (UNHCR, 2022, p. 42). Furthermore, on 19 February 2018, the UN High Commissioner for Refugees had an audience with President Michel Temer, on which occasion he, “reinforced UNHCR's unrestricted support for humanitarian assistance to the Venezuelan population, and, above all, for the still incipient idea of an ‘interiorisation’ programme, which would facilitate local integration in different Brazilian states” (UNHCR, 2022, p. 48)

A study commissioned by 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 (UNHCR and REACH, 2019, pp. 17–18). Accordingly, the most common reported need for Venezuelans, either living in shelters or in host communities, was “employment” (UNHCR and REACH, 2019, p. 26). The same study reveals that Venezuelan migrants living in the three cities mentioned above are likely to experience labour 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<sup>26</sup> and over half of those in host communities reportedly has a member working more than 48 hours per week. On top of that, almost 1 in 3 working household members in host communities in Manaus did not always receive the salaries they were owed (UNHCR and REACH, 2019, p. 29).*

Challenges in shelter life go beyond protecting the rights of labour inclusion and social integration for adults. Children are seriously affected by problems that have proven to be

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<sup>26</sup> Portuguese word used by Operation Welcome to refer to shelters.



difficult to solve, such as their access to education, a human right guaranteed by National and international law (Rodrigues, 2022b, p. 105).

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. A survey that studied the challenges to the local integration of people living in the interior during the Covid-19 pandemic confirms the improvement in the socio-economic conditions of people who benefited from the Interiorisation Programme, even in the context of the Covid-19 pandemic, compared to their previous situation in Roraima (UNHCR, 2022, p. 92).

The Interiorisation Programme is advertised as providing logistical support for the displacement of Venezuelans to the Interior 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. The “interiorisation” is always voluntary, and to be part of the Programme it is necessary that the person is properly documented. There are four modalities of “interiorisation”, and multiple actors participate in this process. The modalities are: (i) social reunion – when a social network is mobilised to receive the asylum seeker / migrant, usually when they have friends that have previously come to Brazil and are able to offer support, but it also includes NGO’s development of social networks to receive the “interiorised” 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) Employment-based – when a previous contact is made with the future employer of the migrant / refugee worker.

According to the Interiorisation Panel, of the 96 920 interiorisations promoted since the beginning of the Programme, 11 % were based on employment, 48 % were based on social reunion, 17 % were family reunifications, 15 % were institutional, and 9 % have no information on the modality<sup>27</sup>. Santa Catarina, Paraná, Rio Grande do Sul and São Paulo, were the states

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<sup>27</sup> Data on the interiorisation strategy may be consulted through an interactive platform created by the Ministry of Defense. See: <http://aplicacoes.mds.gov.br/snas/painel-interiorizacao/>. Consulted on 10 March 2023 (Brazil and Ministério da Defesa 2023).



which received more people from the programme. 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 recognised as eligible for the granting of temporary visas for humanitarian assistance (Silva, 2020, p. 164). In addition, the three states of the Southern region of Brazil together are responsible for more than 70 % of all formal employment of immigrants in Brazil (Cavalcanti, Oliveira, and Silva, 2022).

Interiorisation is voluntary, in the sense that a migrant or refugee is never forced to accept a proposal for relocation. Fieldwork reveals, however, that this does not mean that the person has control over the process: how, when or where to he or she is going to be relocated. Interviewees explained that the personal information of the applicants make up a certain profile (for example, if one is single, or if a couple is going to be interiorised together, if one has children and work experience). According to the profile and the vacancies that arise, the Interiorisation Programme assembles lists with the names of pre-selected people to be interiorised. Once on the list, the migrant can be on a plane on their way in a few days to another part of Brazil that they may never have heard of.

*If you were on a list [snaps the fingers to symbolise speed] from one day to the next, only a few minutes for you to know to which city you are going, and already line up to place a bracelet, a short meeting about what the place you are going to is like, and at four o'clock in the morning leaving for the airport (Interview BR28, September 2022).*

Another interviewee intended to go to Brasília, where he had a sister, but a vacancy arose for a couple on a list because someone had given up the spot. He said that “the situation was bad in Boa Vista because they were beating a lot of Venezuelans in the street and (...) all we wanted was to leave [Boa Vista]” (Interview BR26, September 2022). A third interviewee omitted that she was pregnant because it supposedly could affect her opportunity to be interiorised and she did not want to stay in the shelter any longer (Interview BR25, September 2022). A fourth one said that when the list came out, she spent more than nine hours without knowing where she was going, and she had already accepted “because even before leaving the desire to leave is so big that you don't care where to”



(Interview BR28, September 2022). Finally, one interviewee explained how he exercised his power of choice over where he would be relocated:

*Well, it so happens that, where I was, in that shelter, two trips were scheduled every week. And each city varied. So, for example, before this trip I received the proposal to go to Paraná. Then, yes, it was with a steady job, to work in the chicken company (...). So, this one was just for me, but I was with my mother, so I wouldn't be able to take her, so I chose to wait for the next trip. The following week, another programme came (...) and it was aimed particularly at the LGBT community, specifically, it was a project also to help people in vulnerability. (...) And then I decided to accept it because the conditions were good. It was all perfect. For me, it was very good. (...) I went with the promise that they would help me to get a job. And so, it was. I got a job in a few weeks after I had arrived here (Interview BR18, April 2022).*

In the case of this interviewee, the first opportunity was clearly an interiorisation in the employment-based modality, however in the second case it was an institutional interiorisation, in which he had support from a civil society organisation that paid for his housing for some time and acted as an intermediary in seeking employment. It is important to note that, despite the support he received from the NGO, the company that hired him did not sign his contract during the first months of work, as was legally required, and that there was no monitoring by the federal government. Like him, another interviewee also praised the Programme, which he characterised as "very satisfactory". In his case, the interiorisation occurred through the family reunification modality. Together with his wife and children, he was transferred to the state of Maranhão to be reunited with his wife's sister and family. To achieve this relocation, the waiting time in shelters in the State of Roraima was about 4 months (Interview BR20, April 2022).

The geographical position of Roraima, the main point of entry in Brazil for Venezuelan migrants, and the Operation's geographical limitation envisaging the securitisation of the Borders, seems to be decisive in the Interiorisation Programme. Once relocated the migrant is no longer in charge of the operation, although he may in some cases receive support from civil society partners who work in the reception locality for a period of about three months, especially in the institutional modality. After interiorisation, integration relies entirely with local institutions, so it can be successful where there is experience and support of the municipal authorities and civil society organisations. The importance of the role cities play in the inclusion process has been noted by Jubilut and Silva (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 municipalities and infrastructures to better monitor interiorisation and labour market inclusion.

Some municipalities only began to organise themselves when the immigrant “knocked on the doors of City Hall”. A government official from a medium-sized municipality reported the initiative to determine the situation of migrants to enable social assistance actions. With no previous information that he knew of, a few hundred migrants had been interiorised to the municipality, and others had come spontaneously. The municipality first made a simple determination and included the theme in its strategic planning, and then designed a ‘Centre of Reference and Attention to Immigrants’, a space “where we can follow up on these families. (...) There is a team, a psychologist, a social worker, social counsellors, a lawyer”. One of the goals of the project is to strengthen the community ties, as the interviewee says:

*... they are in that territory, but how are they seen in that territory? Is there prejudice? Do they have access to health, culture, education? Do they participate in community moments? How do they see the issue of violence, which is a reality? How are they inserted within that territory? So, our goal is to strengthen these bonds, so that they can feel part of the territory. They impact the territory, just as the community also impacts their lives (Interview BR22, May 2022).*

The municipal government and civil society organisations in the city of reception usually play an important role in the follow-up to the interiorisation Programme. 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 labour 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 previously 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).





The engagement of São Paulo as a receiving city for Venezuelan immigrants, right at the beginning of the Programme, according to a UNHCR publication, “comes from a long joint work guided by the idea of São Paulo as a ‘city of solidarity’ for refugees”. UNHCR's Solidarity Cities initiative, born under the Mexico Plan of Action (2004) and recognised by the Brazilian Plan of Action (2014), highlights the role of local governments in implementing municipal public policies that promote protection and integration of refugees and stateless persons (UNHCR, 2022, p. 48).

There is no doubt that increasing numbers of local and regional governments are taking on the role of working towards the integration of refugees. Another example is the State of Santa Catarina, which also approved a State Policy for the Migrant Population (Santa Catarina, 2020). Such policies, however, remain fragmented since there is no centralised action on the part of the federal government to coordinate national policies and actions. The leading role in this effort to involve local governments is mostly an accomplishment of UNHCR, which mobilises the Solidarity Cities Programme. On the other hand, it is important to highlight that in the Refugee Law itself, local integration has insufficient regulation (Rodrigues, 2022a, 35).

As an interviewee stated, Brazil has developed some successful practices in the labour integration of Venezuelan refugees and migrants, with positive institutional and legal frameworks, but local governments need to make more efforts in terms of labour integration policies. On the other hand, actions should be taken to strengthen 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 an equal footing with national workers (Interview BR17, September 2021). Another interviewee also pointed out that the National Employment System is not very effective and fails to recognise professional experience from migrants abroad (Interview BR03, April 2021). As Costello and O’Cinnéide (2021) highlight, the International Covenant on Economic, Social and Cultural Rights (United Nations, 1966), 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 specialised 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 labour 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





favourable conditions of work, and to protect vulnerable categories of workers against exploitation”. The importance of strengthening labour inspections was also stressed in the interviews, including on domestic workplaces, usually seen as a private sphere. Women in domestic labour, 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, residents via Mercosur’s Residency Agreement and its unilateral extension by Brazil, as well as beneficiaries of humanitarian reception, decent work is not accessible for many workers, and Brazilian strategies, including Operation Welcome’s Interiorisation Programme, fail to ensure labour inclusion, because the relocation of people to other locations is not accompanied by any monitoring. This transfers responsibility to local governments, and also imposes an extra burden on them by requiring them to create inclusion strategies which, in many cases, they do not have the capacity to do. It should be noted that although municipalities have some competences related to social protection, few have the capacity and resources to promote the socio-economic inclusion of migrants. As an interviewee noted, “the interiorisations to places where there was already a structure to host them were very successful. There must be local support. When interiorisation (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 Interiorisation Programme “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 regularisation policy, a first fundamental measure to accomplishing labour integration and protection of labour 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 labour exploitation. Furthermore, migrant workers who are victims of human trafficking or who are rescued from modern slavery have the right to migratory regularisation and permanent residence in Brazil (Brazil, 2020b)<sup>28</sup>. This is a clear example

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<sup>28</sup> The Ordinance reaffirms the understanding previously signed by the National Immigration Council, from 2010 (<https://reporterbrasil.org.br/documentos/RN93-2010.pdf>).



of the recognition that legal protection against workplace exploitation is a ‘civil right’ enjoyed under the right to juridical personality (Costello and O’Cinnéide, 2021, 18).

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### 3. Vulnerability

#### 3.1 Understandings on vulnerability and its assessment

Generally, 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 organisation. Another point to be highlighted is that most of them are unsure about sharing this understanding with other organisations. It seems there is not effective communication or dialogue among organisations. One interviewee even mentions that social work with refugees is a very fragmented context, requiring the coordination of common forums and joint projects (Interview BR06, April 2021). The *Sphere Standards*<sup>29</sup> were mentioned just once as a reference tool for vulnerability assessment, supposedly “used by most humanitarian organisations” (Interview BR02, March 2021).

Organisations do not use the term “vulnerability” when talking to asylum seekers and refugees. All of them demonstrate clearly that the issue is taboo. There are no deeper explanations on this behaviour. But it seems that the term is considered as pejorative. Several interviewees say the use of the term would not be necessary or positive for asylum seekers / refugees, because this could give the refugee the stigma of a vulnerable person, prejudices related to a foreigner and, as some interviewees mentioned, a feeling of weakness, of inability to get out of this situation or even of victimisation.

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. For the most part 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

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<sup>29</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/>



reported. In this sense, in relation to Operation Welcome one interviewee reported that from the field observation – and confirmed by data collection by the organisation – a process of “feminisation” of shelters in the State of Roraima was identified, that is, shelters had more and more women, because men were achieving labour integration more quickly (Interview BR11, April 2021).

Some difficulties supposedly related to “cultural barriers” were also reported. In the opinion of one interviewee, the assessment of Syrian women refugees needs to be carried out by female social workers or female volunteers, especially for assessing traumas from the Syrian conflict, such 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 its 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 that emerge from a vulnerability diagnosis (Interview BR04, April 2021).

When asked about vulnerability, Venezuelan refugees and migrants shared the understanding that women with children, elderly, LGBTQIA+ people and Indigenous individuals were the most vulnerable, usually because they face greater challenges to find work or decent work. They also noted that on arrival in Brazil, everyone is vulnerable since everyone need shelter. Some migrants interviewed reported having to sleep on the street for days or even weeks before getting a spot in a shelter.

### 3.2 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, pp. 1–2). This became clear during the fieldwork since interviewees hardly mentioned race as an overlooked factor in vulnerability assessments. This absence may indicate the need for greater problematisation of the subject. In one interview, relevant concerns arose, in the context of Operation Welcome, 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 categorised as Black, White, Brown, or any other racial designation (Achieme 2021).

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 organisations do not deal with the concept directly. Although most 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 pointed out that women are often considered more vulnerable by some organisations that work in Operation Welcome because they would be "weaker", instead of being acknowledged that, as gender is a social construct, vulnerability may persist, yet it is not immutable. It is necessary "to bring to the discussion about vulnerabilities the different perspectives of what it means to be a woman in Brazil, which is different from what it means to be a woman in Venezuela, or elsewhere." (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 the gender issue is not limited by being a woman (Anderson and Foster 2021, p. 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 penalising 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 living in worse conditions (without access to health, proper food, or work) in the country of origin, then they make the journey with other people under 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).



### 3.3 Gender and the right to work

Since 2015, there has been a feminisation of migrations to Brazil, with a progressive increase in the proportion of women among immigrants and refugees in the country, although men continue to represent the majority. The participation of women in the formal labour market has also grown, but it must be emphasised that this insertion occurs mainly in low-paid, unhealthy and extremely stressful occupations (T. Oliveira and Tonhati, 2022). In 2021, women represented 32.4 % of immigrants in the formal labour market (Hallak Neto and Simões, 2022)

The intersection between gender and the right to work is not new. 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 do a much greater amount of the housework compared to men. In the migration context, gender is a transversal theme and represents an aggravating factor of vulnerability due to structural factors.

The Brazilian labour market faces a gender discriminatory reality and this is also seen 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 employment-based modality in the Interiorisation Programme are offered to men. They pointed out that the access to the right to work is uneven and the labour 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 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 challenge 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 the home. Given the specific needs of women, socio-economic integration through the labour market is conditioned by a series of factors, such as the existence of a day-care centre to receive their children or whoever replaces them in caring for their older family members. The lack of a public or private support network tends to place women in the informal sector. In this regard, one interviewee emphasised that while this is a “contextual vulnerability”, it 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 labour market (Interview BR11, April 2021).

In Brazil, women represent 5 % of workers rescued from modern slavery<sup>30</sup>. However, in the city of São Paulo, this number is as high as 30 %. The discrepancy with the national average is explained by the high number of immigrant workers in the city of São Paulo who work in clandestine sewing workshops. Most are of Latin American origin (mainly Bolivian). Furthermore, in São Paulo, 93.1 % of women rescued from modern slavery situations are migrants (Guagliano, 2020). 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 after spending 2 months confined in a sewing workshop, working 14 hours per day, and earning less than the minimum wage (Lazzeri, 2020). The relation between migrant women and modern slavery has also been identified by the ILO. The organisation asserts that women and girls are slightly more at risk of a forced labour situation, than men and boys, when cross international borders as migrants (International Labour Organization, 2020).

Some interviews showed a 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 marginalisation and exclusion of migrant women, due to their condition as women and migrants, as well as by class belonging and their ethnic origin (Magliano, 2007, pp. 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 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

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<sup>30</sup> In Brazil, “labour analogous to slavery” is a crime, pursuant to art. 149 of the Criminal Code (Decree Law No. 2848/1940). It is not only characterised by violations of labour legislation. Elements of the crime include forced labour, exhausting workday, debt bondage or working in degrading conditions.





precarious and informal working relationships (Bertoldo, 2018, p. 320). In another interview, it was pointed out that Venezuelan women receive BRL 20 per workday, in the city of Rio Branco/Roraima, while one pays BRL 50 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>31</sup>.

One Venezuelan migrant declared during the interview that he was member of the LGBTQIA+ community. When asked about his opinion on the access to work of LGBTQIA+ people, he said:

*I know it well, but I'm still physically a man, I'm also CIS, but other members of the community, for example trans people, it's much harder for them to get work. (...) mostly for trans people or for more openly gay people it's a lot harder to get [a job]. There is a lot of prejudice (...) It's not possible to say, “no, yesterday they didn't hire me I'm like this”. But they will always find a way to tell you that you are not qualified for anything other than talking about sexual orientation. It's one more difficulty: not speaking Portuguese, being a foreigner and being LGBT” (Interview BR18, April 2022).*

The report is not surprising, since Brazil has high (and growing) rates of violence against the LGBTQIA+ population, which is directly related to discrimination against them (Brazil and Conselho Nacional de Justiça, 2022).

### 3.4 Racism and xenophobia

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 “everyone is welcome” in the country without any kind of distinction (Farah, 2017, p. 13)<sup>32</sup>.

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<sup>31</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.” (Comissão Interamericana de Direitos Humanos 2021, 97).

<sup>32</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 idealised idea about Brazil is often attributed to the Brazilian sociologist Gilberto Freyre. He asserted, especially, in his book *The master*



Brazil's idealised self-image was easily compromised, for instance, by the xenophobic waves against Venezuelan asylum seekers and refugees in Amazonia (Instituto Humanitas UNISINOS, 2018). In this sense, migrants in Brazil were reported as a group at special risk by the Inter-American Commission on Human Rights, on a visit made in February 2021 (Interamerican Commission on Human Rights, 2021). The Commission noted with concern the reports of acts of discrimination and xenophobia against immigrants in Brazil. The experience of Venezuelan migrant interviewees also reveals that being a Venezuelan man or woman in Roraima was dangerous, and they were afraid to go out on the streets for fear of violent attacks (Interviews BR25, BR26, BR27 and BR28, September 2022).

On the other hand, after being relocated to other states in Brazil, xenophobia takes on less violent contours, but remains present, although there is also praise for the “majority of Brazilian society”, which is considered by interviewees to be welcoming. Two interviewees reported having suffered verbal violence from an attendant and a doctor in the public health service, when they or a close family member were receiving medical care (Interviews BR 25 and BR28, September 2022).

Additionally, Brazil'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 where the importance of the country of origin and the place in Brazil where migrant women are received were pointed out. Thus, a Bolivian or a Venezuelan woman in São Paulo is seen in a certain way, but a Haitian refugee woman will be seen – beyond gender – as foreign and Black, probably anywhere in Brazil (Interview BR11, April 2021). The nationality per se is less relevant than the skin colour, as “sometimes it's easier to hire a white Arab than a Congolese” (Interview BR06, April 2021).

A recent survey that studied the public opinion of Brazilians about foreigners in Brazil indicated that the arrival of Black foreigners from Haiti or African countries are seen more negatively by Brazilians when compared to people of other nationalities, such as Latinos, Asians, Europeans, and North Americans. According to the research, the “race” factor would have an even greater weight than the “economic competition” element in the population's rejection of foreigners, although this second factor also seemed to play a

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*and the slaves*, that the relationship between masters and slaves was peaceful, that the Indians accepted colonisation peacefully and that this promoted a democratic relationship and miscegenation (Valle, 2017).



relevant role, especially in a context of national economic crisis (Mundim and Santos, 2022). As the researchers explain, “miscegenation and cultural syncretism, products of a long history of waves of migration since the colonial period, led to the construction of a popular imagination in which Brazil was a country that welcomed foreigners, regardless of their origin, and that racial tensions observed in other countries would be smaller, or even non-existent, in Brazil”. Nevertheless, a more cautious overlook of Brazilian miscegenation history reveals the prevalence of eugenics migratory policies, especially in the first half of the 20th century, still producing perverse effects.

Racism and xenophobia were also exacerbated during the 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 and Holzacker, 2016, p. 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, because there was a 21 % increase in requests for financial aid by women in their organisation (Interview BR10, April 2021).

### 3.5 Indigenous Peoples from Venezuela

The arrival of groups of migrants belonging to Indigenous Peoples from Venezuela (Warao, Eñepa, Kariña 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. 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, p. 21). In this sense, they do not realise what a border means. 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 behaviour certainly calls into question the effectiveness and legitimacy of imposing a state logic of containment.

Indigenous People are also ethnic minorities not only in Brazil, but also in their country of origin, where they are seen as different and suffer discrimination. They have their own way of life based on a worldview that is considerably different from that of others. They also speak their own languages, although some of them also speak Spanish as a second



language. For these reasons, since the beginning of Operation Welcome, there have been both Indigenous and non-Indigenous shelters.

It is important to note that during the fieldwork, two of the interviewees were Indigenous leaders. The perceptions and experiences of these interviewees differ significantly from those of non-Indigenous Venezuelans. For instance, they have a much more negative perception of Operation Welcome than their non-indigenous compatriots.

Indigenous individuals tend to have more difficulty adapting to the logic of shelter and body control, with the imposition of strict rules and, in particular, with food regulations. In addition, it should be noted that their stay in shelters is much longer, and some remain for several years in spaces that were, at the very least, meant to be temporary shelters. One interviewee talks about his experience in the shelters during the beginning of the Covid-19 pandemic, when isolation measures were strict.

*In this shelter, the state of the situation of the shelter was very precarious. (...) That was one of the very bad experiences that I had, because, as for the food, it was not well prepared. In other words, we lived like in a prison, in a closed space, I couldn't do anything. Them, and them alone, made the decisions. (...) And they always brought us lunch every day, and I ask you the question: Are you capable of eating rice with chicken, rice and chicken for one month? One month, every day? No. This is deprivation of rights. And right now there are Warao families, who have 5 years in this country, still sleeping in a shelter. And eating every day the food that other people prepare. The Warao don't even have the right to make their own food, which is a fundamental right, the right to healthy food, healthy and above all, our own food (Interview BR19, April 2022).*

It seems that one of the problems of life in shelters for the Indigenous population lies precisely in the lack of autonomy for decision-making. Although at the shelter they receive “the basics to survive”, as the time inside the shelters becomes prolonged, people start to live a “very dependent” life. So, Indigenous People “want to establish themselves, they want to have an autonomous life and not be coordinated by any organisation” (Interview BR21, April 2022). One of the interviewees even pointed out that respect for autonomy is a right guaranteed by international law.

*Many things in Operation Welcome, the UNHCR above all, they make the decisions, behind the back of the Warao population. So, they violated the right to prior consultation. (...) Directly from Convention 169 (...) on the right to be consulted of Indigenous Peoples, of the original*



*peoples. The UNHCR and Operation Welcome (...) are violating many rights of migrant populations, specifically the Venezuelan Warao population (Interview BR19, April 2022).*

They also report having been excluded from the Interiorisation Programme, and face additional, often insurmountable, barriers in achieving labour inclusion.

*We saw how the criollos<sup>33</sup> were interiorised, and even individuals from the group with which we came could also be interiorised, but denying their condition as Indigenous, and at least in my case, I cannot deny my condition that I am Indigenous, and at that time, that was in 2019, interiorisation for Indigenous People was not allowed (...) when they saw that we were **physically** Indigenous they told us: “no, you cannot be interiorised” (Interview BR21, April 2022).*

*When I entered Brazil, because I am an Indigenous person, we do not have the right to this interiorisation process. For being Indigenous. When we said, ‘we want to get to another state, to find our relatives’. I only told him that we are Indigenous, they closed the door on us. They closed the door on us. It is one of the bad things that can be put into the world, what is called the word ‘discrimination’. Brazil is racist. Prejudice against the Indigenous population. (Interview BR19, April 2022)*

Notwithstanding, both Indigenous leaders interviewed stated that Indigenous individuals have recently started to benefit from the Interiorisation Programme, although mostly in the family reunification modality. Still, as one interviewee understands, it is necessary to advance in the sense of promoting the interiorisation with work, to enable the labour insertion of the Indigenous population.

Among the reasons for the difficulty in finding work for Indigenous people, the interviewees mention the existence of prejudice, racism and xenophobia, as well as language barriers. Poverty leads many to beg on the streets, as one interviewee said, with embarrassment, “Well, I don't know how to say it. Let's say the strategy used by Indigenous families to earn income is to ask for money on the street” (Interview BR19, April 2022). Interviewees also stated that the situation is even more difficult for Indigenous women, and that it is virtually impossible for them to get a job.

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<sup>33</sup> That is how Indigenous peoples refer to non-Indigenous individuals.



Finally, one of the interviewees also showed great concern about the Indigenous population's lack of access to formal education. Once again, language barriers seem to play an important role.

### 3.5 Structural vulnerability and institutional “vulnerabilisation” of refugees and migrants

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 Interiorisation Programme reinforces women's vulnerability, and this can be seen from the feminisation of shelters and the difficulty women find in being interiorised in the employment-based modality. In addition, many interviewees expressed concern about the risks of overexploitation in work relationships generated by the lack of monitoring of the Interiorisation Programme, particularly in the case of women, since in addition to the lack of monitoring is added the lack of support in childcare.

Additionally, it seems that the racialised relations inherited from colonialism remain alive in Brazilian society, challenging the myth of racial democracy. Black and Indigenous migrants and refugees face additional barriers when arriving in Brazil. As for Indigenous Peoples, field work has shown that the treatment promoted by Operation Welcome may be negatively impacting the life possibilities of these peoples in Brazil, hindering their socio-economic insertion and access to the right to education. On the other hand, the alleged “humanitarian reception”, an expression that brings together the dichotomy between care and control over migrants, when addressed to this population, is responsible for reducing their autonomy, and impacts their collective identities as Indigenous, thus configuring a type of coloniality (Mignolo, 2017). In this way, Operation Welcome may be contributing to creating vulnerabilities and reinforcing structural vulnerabilities linked to racism, xenophobia, and a five-century colonial history.

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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 regularisation policies and prima facie recognition of refugee status for Venezuelans in parallel with migratory regularisation through residency





based on the unilateral extension of the Mercosur Residence Agreement to Venezuelan nationals. However, after the initial enthusiasm with the recognition of refuge to several thousand Venezuelans within a few months between 2019 and 2020, and in the face of the very sharp slowdown of RSD procedures by CONARE since then, it remains to be seen whether the recognition policy will continue, especially in the new Brazilian political scenario.

Operation Welcome, as an institutional response, also appears as an innovative possibility for dealing with declared 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. But research demonstrates that the Operation cannot be disconnected from its function of ordering borders and its military character, since for the Brazilian State the question of the Brazil-Venezuela border and the relationship with the State of Roraima is particularly sensitive. Although it is advertised as a humanitarian operation, which aims to protect the rights of Venezuelan migrants and refugees and the fulfilment 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 evident in the context of the Covid-19 pandemic, since even though it recognised the situation of serious and widespread violation of human rights in Venezuela, land borders remained closed for 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).

Operation Welcome’s securitisation component is also present in the Interiorisation Programme. Its purpose seems to be restricted to alleviating the situation at 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 to labour and social integration, it is by no means a direct consequence of the operation, despite, in theory, being the federal government’s main labour inclusion strategy. The responsibility for actual inclusion relies on local authorities, civil society, and the migrants themselves,



who must seek their self-reliance and build their way in the Brazilian labour market and society.

Although Brazil has a legal framework that recognises the social rights of migrants and refugees, as well as asylum seekers, in practice access to formal work is quite difficult. Labour inclusion 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 labour market is particularly difficult for women. Indigenous Peoples have difficulty accessing any type of work, formal or informal, and often their main source of income is begging.

Finally, it must be emphasised how misleading the label of being a welcoming society can be. Brazil and Brazilian society have many deep-rooted prejudices hidden by a long history of coloniality. So-called 'racial democracy' is a very well documented myth, and it particularly affects Black and Indigenous refugees and migrants. The patriarchal structure is also keenly felt by migrant and refugee women and LGBTQIA+ minorities. And despite many efforts undertaken to reduce inequalities and end the vulnerability of racial and gender minorities, the State itself sometimes ends up reinforcing them. This is the case when the Interiorisation Programme of Operation Welcome directs job openings mainly to men or when it excludes Indigenous Peoples from the programme, thus co-creating vulnerabilities that are already part of the structure and social fabric in which refugees and migrants seek to insert themselves.



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## ANNEX 1 – Table of Interviews

<b>Interview Code</b>	<b>Organisation</b>	<b>Place</b>	<b>Date of interview</b>
BR01	NGO representative	Online	30/03/2021
BR02	International Organisation representative	Online	31/03/2021
BR03	International Organisation representative	Online	01/04/2021
BR04	NGO representative	Online	01/04/2021 e 03/04/2021
BR05	NGO representative	Online	06/04/2021
BR06	NGO representative	Online	08/04/2021
BR07	International Organisation representative	Online	15/04/2021
BR08	NGO representative	Online	19/04/2021
BR09	NGO representative	Online	19/04/2021
BR10	NGO representative	Online	22/04/2021
BR11	International Organisation representative	Online	22/04/2021
BR12	NGO representative	Online	28/04/2021
BR13	International Organisation representative	Online	03/05/2021



BR14	NGO representative	Online	06/05/2021
BR15	NGO representative	Online	04/06/2021
BR16	International Organisation representative	Online	26/07/2021
BR17	International Organisation representative	Online	02/09/2021
BR18	Venezuelan national (man)	Online	27/04/2022
BR19	Indigenous group member/Venezuelan (man)	Online	28/04/2022
BR20	Venezuelan national (man)	Online	28/04/2022
BR21	Indigenous group member/ Venezuelan (woman)	Online	30/04/2022
BR22	Local authority	Online	13/05/2022
BR23	Venezuelan national (woman)	Online	29/06/2022
BR24	Group interview/Venezuelan national (woman)	Brasília	26/09/2022
BR25	Group interview/Venezuelan national (woman)	Brasília	26/09/2022
BR26	Group interview/Venezuelan national (man)	Brasília	26/09/2022
BR27	Group interview/Venezuelan national (woman)	Brasília	26/09/2022
BR28	Group interview/Venezuelan national (woman)	Brasília	26/09/2022