



**MISSION PERMANENTE DU BRESIL AUPRES DE L'OFFICE DES NATIONS UNIES
ET DES AUTRES ORGANISATIONS INTERNATIONALES A GENEVE**
Chemin Camille-Vidart 15, 1202 Genève

Nº **331** / 2022

The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honor to refer to the letter AL BRA 3/22, dated 14 April 2022, from the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and other special procedure mechanisms.

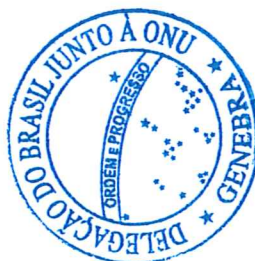
The Permanent Mission of Brazil in Geneva would like to forward the attached observations of the Government of Brazil regarding the aforementioned letter.

The Permanent Mission of Brazil in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 26th September, 2022.

*To the Office of the United Nations High Commissioner for Human Rights (OHCHR)
Special Procedures Branch
Chief*

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ANNEX

COMMENTS FROM THE GOVERNMENT OF BRAZIL REGARDING LETTER AL BRA 03/22 (04/14/2022)

On behalf of the allegation letter AL BRA 3/2022, dated April 14, 2022, the Brazilian government has the honor to inform the following.

GENERAL COMMENTS

2. The Brazilian government is committed to guaranteeing the life, security and dignity of all those who decide to migrate to the country. In this sense, Brazil favours safe, orderly and regular migration. To this end, there are a range of policies that seek to protect the human rights of migrants, to amplify regular and safe migration channels, to combat trafficking and smuggling and to address a legitimate concern for the country's and our citizens' security.

3. The Brazilian government has sought, in line with international commitments, to guarantee legal protection so that migrants, refugees and asylum seekers can exercise their civil, political, social, economic and cultural rights, under the terms recognized by Brazilian legislation.

4. Brazil does not criminalize irregular migration and prioritizes migratory regularization, the protection of the rights of migrants and refugees and their socioeconomic integration, without any type of discrimination. Domestic legislation, anchored in international commitments, is guided by the respect for human dignity, the prevalence of human rights and equal rights between nationals and foreigners.

LEGAL FRAMEWORK

5. The Migration and Refugee Laws (Law No. 13.445/2017 and Law No. 9.474/1997) constitute the main regulatory frameworks in the matter. The fair treatment to immigrants and the provision of migratory solutions are also guaranteed by the Federal Constitution, which states that the dignity of human beings is one of the foundations of the Federative Republic of Brazil (art. 1, III), as well as the "promotion of the well being for all, without prejudice of origin, race, sex, color, age nor any other forms of discrimination" (art. 3, IV, CF/1988). The Magna Carta determines, moreover, that international relations are governed by the principle of the prevalence of human rights (art. 4, II, CF/1988), and that the "Federative Republic of Brazil will seek economic, political, social and cultural integration of Latin America, aiming at the formation of a Latin American community of nations" (art. 4, sole paragraph).

6. Law No. 9.474/1997 defines the legal framework applicable to the protection of refugees. Article 1, items I and III, provides a comprehensive definition of a refugee, taking into account the Statute of Refugees (1951) and the Cartagena Declaration (1984). The Brazilian government has also instituted a specific collegiate body - the National Committee for Refugees (CONARE) -,

which includes representatives from the government, civil society and the United Nations High Commissioner for Refugees (UNHCR), and is responsible for considering asylum requests.

7. The new Migration Law (Law No. 13.445/2017) and its regulatory decree (Decree No. 9.199/2017) consolidate a migratory approach centered on the protection of human rights, with a special focus on combating discrimination (a principle mentioned seven times in the text).

8. Article 3 of the Migration Law states that the Brazilian migration policy must be governed by the principles of universality, indivisibility and interdependence of human rights; repudiation and prevention of xenophobia, racism and any form of discrimination; non-criminalization of irregular migration; non-discrimination based on criteria or procedures through which the person was admitted into national territory; the promotion of regular entry and document regularization; reception for humanitarian reasons; and international cooperation among States of origin, transit and destination of migrants, in order to guarantee the effective protection of their human rights.

9. The Migration Law includes the humanitarian visa (art. 14, I, c), in order to allow the entrance of foreigners who are from countries where there is serious or imminent institutional instability or armed conflict. It also includes the situation of stateless people, who are particularly vulnerable in the context of forced migration. The law establishes that during the process of recognizing the status of a stateless person, "all guarantees and protective mechanisms and social inclusion facilitation" provided for in the Stateless Statute (1954) and in the Refugee Statute (1951) are applicable (art. 26, § 2), in addition to all rights recognized to the migrant (art. 26, § 3).

10. Brazil has expertise of issuing humanitarian visas to Haitian citizens, stateless persons residing in Haiti and to people affected by the conflict in Syria. Based on Interministerial Ordinance No. 24, of September 3, 2021, the Brazilian government also started to grant humanitarian visas to Afghan nationals, stateless persons and persons affected by serious or imminent institutional instability, serious human rights or humanitarian violations in Afghanistan.

11. More recently, through Interministerial Ordinance No. 28, of March 3, 2022, the Brazilian government extended the possibility of granting a temporary visa and residence permit to Ukrainian nationals and stateless persons who have been affected or displaced by the armed conflict in Ukraine.

HUMAN RIGHTS PROTECTION POLICIES

12. Brazil signed several human rights treaties and, in partnership with the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR), develops several projects in search of constant improvement of public policies to the protection of the human rights of migrants, refugees and asylum seekers.

13. It is worth remembering that the Brazilian migration policy, under the terms of art. 3 of the Migration Law, is ruled by the principles of universality, indivisibility and interdependence of human rights; aims at the prevention and repudiation of xenophobia, racism and any form of discrimination; does not criminalize irregular migration; prioritizes the humanitarian welcome and equal treatment and opportunity for migrants and their families.

14. The promotion of equal access for migrants to public services is, in fact, one of the basic principles of Brazilian migration policy, as provided for in art. 3, XI, of the Migration Law. From this perspective, all people who are in Brazilian territory, regardless of their migratory status, have access, among others, to public health services, as well as to social assistance and security, rights to which the country attributes universal nature and constitutional status law and which are guaranteed indiscriminately, including to migrants in irregular situation, according to §1 and item VIII of art. 4 of the Migration Law.

15. The right to health, as enshrined in art. 196 of the Federal Constitution, requires analysis from two perspectives: first, its individual nature, related to the migrant's right to "universal and equal access" to health actions and services in the national territory; second, its collective dimension, related to the State's duty to guarantee the health of the population, including through policies that "aim at reducing the risk of disease and other aggravations".

16. Taking into consideration the first perspective, migrants are entitled to accessing the public health network in Brazil, regardless of their regular or irregular migratory status. Health, as an inherent right of the person, constitutes, in this case, a corollary of the right to life, guaranteed to all, under the terms of art. 5 of the Federal Constitution, "without distinction of any kind, to Brazilians and foreigners residing in the country". The second perspective is related to the State's duty to guarantee the health of the population. The Brazilian government is required to apply, based on evidence and in a non-discriminatory manner, measures aimed at preventing the worsening of the population's health conditions, especially in a context where these conditions are threatened, as in the case of the recent COVID-19 pandemic.

17. Migrants, stateless persons, refugees and asylum seekers are also guaranteed their right to education. This right was expressly recognized by Resolution CNE/CEB nº 1, of November 13, 2020 - adopted by the Basic Education Chamber of the National Council of Education -, which provides for "the right to enroll migrant children and adolescents, refugees, stateless persons and asylum seekers in the Brazilian public education system".

18. In addition to the rights guaranteed by law or infra-legal norm, the Brazilian government has also developed programs and projects aimed at effectively guaranteeing these rights to groups and people in vulnerable situations, among which migrants, refugees, stateless persons and asylum seekers. In this context, the project "Prevention of Domestic and Family Violence against Women (ProMulher)", established in 2020, and which complements, in a transversal way, programs applied across the country to combat homicides and other violent crimes.

19. In relation to other allegations contained in the letter, the Brazilian government wishes to register that it has developed, in several states of the federation, with the support of the Ministry of Justice and Public Security, projects to strengthen community policing actions, which promote capacity building to police agents and disseminate good practices in the field of violence prevention. In addition, national public security guidelines, focused on vulnerable groups, are drafted so to guide and train public security professionals to act in a preventive manner, free from discrimination and prejudice and dedicated to the protection of human rights.

ENTRY OF MINORS

20. Brazilian immigration legislation recognizes unaccompanied foreign or stateless children and adolescents as a vulnerable group, who should, therefore, receive special protection.

21. Among the measures envisaged to guarantee this protection, there are (i) the possibility of exceptional entry, in Brazilian territory, of a child or adolescent unaccompanied by a legal guardian and without express authorization to travel unaccompanied, regardless of the travel document they carry, followed by referral to the Guardianship Council or, if necessary, to another institution that can provide the appropriate care; (ii) the prohibition of the repatriation of a minor under 18 (eighteen) years old, unaccompanied or separated from his family, except in cases in which this measure proves to be more favorable for the guarantee of their rights or for the reintegration to their family of origin, under the same terms applicable to asylum seekers in Brazil; and (iii) the granting of a residence permit, based on the best interests of the child or adolescent, at the request of the Federal Public Defender's Office.

22. Unaccompanied minors are also exempt from fees for obtaining immigration regularization documents, as those victims of human trafficking and slave labor and people benefiting from a residence permit for humanitarian purpose.

23. By granting special protection to women and children, Brazil repudiates the use of these vulnerable groups by criminal networks as an element that allegedly facilitates irregular migration. In the Americas, as around the world, migrant smugglers and human traffickers take advantage of the greater vulnerability of these individuals and expose them to even greater risks along crossings that often result in their disappearance or death.

POLICIES AGAINST TRAFFICKING IN PERSONS AND SMUGGLING MIGRANTS

24. Brazil believes that combating trafficking in persons and smuggling of migrants, as expressions of transnational organized crime, cannot occur at the expense of the international obligation to protect the human rights of migrants and refugees. We have supported regional efforts to combat human trafficking and migrant smuggling networks, as well as encouraged dialogue and cooperation to prevent significant increase in irregular migratory flows in the Americas. In this

context, we emphasize the need for a balanced approach that also focuses on promoting economic and social development and addressing the root causes of this phenomenon.

25. In this way, the government has avoided making commitments that are contrary to the principles and rights guaranteed to migrants and refugees by national legislation, seeking to ward off trends in which the migratory issue is treated from a strictly security perspective, especially contrary to the humanitarian character that guides Brazilian migration policy.

26. Brazil ratified the Additional Protocol to the United Nations Convention against Transnational Organized Crime Relating to the Prevention, Suppression and Punishment of Trafficking in Persons, Especially Women and Children, also known as the "Palermo Protocol", through the Decree No. 5017, of March 12, 2004.

27. In line with the relevance of the topic and the commitments assumed by the country, Brazil adopted, on October 26, 2006, through Decree No. 5.984, the National Policy to Combat Trafficking in Persons, which determines, among other measures, the elaboration and successive updating of a National Plan to Combat Trafficking in Persons (PNETP). Consolidated information is available at <https://www.justica.gov.br/sua-proteção/trafico-de-pessoas>.

28. Currently, the III National Plan to Combat Trafficking in Persons (Decree No. 9440, of July 3, 2018) is in effect. The Plan is composed of 58 goals, aimed at preventing and repressing trafficking in persons in the national territory, making perpetrators accountable and protecting victims. Information on national plans is consolidated at <https://www.justica.gov.br/sua-proteção/trafico-de-pessoas>.

29. The implementation of the National Policy to Combat Trafficking in Persons is carried out in a decentralized manner, through centers located in various states of the Federation. Information about these state centers can be accessed at: <https://www.justica.gov.br/sua-protecao/trafico-de-pessoas/redes-de-enfrentamento>.

30. In line with the new Migration Law, Brazil does not criminalize irregular migration. Smuggled migrants must have their human rights respected and must receive appropriate, including legal, attention, in particular in the case of unaccompanied minors. The fight against the smuggling of migrants cannot, as already mentioned, become a fight against migration itself, nor be subordinated to a strictly security logic.

31. Brazil has acted incessantly in the fight against crimes such as human trafficking, smuggling of migrants and work in conditions similar to slavery, even during the pandemic, which has generated a significant increase in the number of police investigations and operations. These actions, in addition to the repressive bias, also seek to protect and support victims, who include, in some cases, migrants, refugees and asylum seekers. In Rio de Janeiro, the International Center Specialized in Combating the Smuggling of Migrants and Trafficking in Persons will bring

together, under the coordination of the Federal Police, police officers from various countries in the fight against trafficking in persons and smuggling of migrants. This Center is formally in operation, but still in its initial phase.

32. In the context of the repression of forced labor, there is the task force made up of members of the Federal Police, the Public Ministry of Labor (MPT), the Undersecretariat for Labor Inspection (SIT), the Federal Public Ministry (MPF) and the Federal Public Defender's Office (DPU) dedicated to carrying out inspections and rescuing workers in this condition.

“OPERAÇÃO ACOLHIDA”

33. Another example of Brazil's commitment to the reception of migrants and refugees is “Operação Acolhida”, which forms the basis of the Brazilian response to the Venezuelan migratory flow.

34. The initiative is carried out through a multisectoral task force, coordinated by the Presidency of the Republic and made up of various government bodies at different federal levels, in addition to civil society entities and international organizations. Its performance is based on three pillars: border management, to receive Venezuelans; the offer of shelter to this population; and its subsequent internalization.

35. The Brazilian government offers, within the scope of “Operação Acolhida”, migratory regularization, in addition to food, health care, exams, vaccines and shelter for the homeless. It also offers assistance in issuing civil registration documents (CPF), work permits, access cards to the Unified Health System (SUS) and other government benefits.

36. There are more than 350,000 Venezuelans in Brazil, including migrants, refugees and asylum seekers. All receive documentation and have broad access to public services, the formal job market and all social benefits, without any discrimination, in accordance with the guarantees provided for in the legislation on refuge (Law nº 9474/1997) and migration (Law nº 13.445/2017). These guarantees ensure access to the Unified Health System (SUS), including vaccination against COVID-19, as well as social benefits, such as “Auxílio Brasil”, the “Benefício de Prestação Continuada” and emergency aid, established in the context of the COVID-19 pandemic.

37. The internalization strategy applied by “Operação Acolhida” is one of the most innovative measures in Brazil. It consists of the voluntary relocation of migrants and refugees who enter the country through the land border, in Roraima, to other units of the federation, and has already benefited more than 80,000 people, resettled in 858 municipalities. Internalization makes it possible to offer Venezuelans greater opportunities for socioeconomic inclusion, which can occur through four different modalities: (i) departure from shelters in Roraima to reception and integration centers in the cities of destination; (ii) family reunification; (iii) social gathering; and (iv) job offers. Through Resolution no. 10/2019 of the Federal Committee for Emergency

Assistance (CFAE), the "Sistema Acolhedor" was created - an official database to enable internalization, always on a voluntary basis.

38. "Operação Acolhida" maintains shelters in Pacaraima, Boa Vista and Manaus, with areas dedicated to vulnerable groups and exclusive shelters for indigenous Venezuelans, many of whom were considered priority groups in vaccination campaigns against COVID-19. In addition to the shelters, with capacity for more than 8,000 people, various assistance actions are offered in partnership with specialized state agencies (the Federal Police, the Federal Public Defender's Office, as well as representatives of the Judiciary, the Public Ministry, agencies of the federal government and local authorities), with international organizations and civil society organizations. In addition to aspects related to the protection of people in situations of greater vulnerability, the actions include professional training initiatives, with a view to promoting local integration and socioeconomic inclusion.

39. The Brazilian model is based on a public approach, along with coordination mechanisms and partnerships with more than 115 entities, government representatives, civil society, United Nations agencies and international organizations.

ADDRESSING THE COVID-19 PANDEMIC

40. The Refuge Law (Law nº 9.474/1997) extends the international protection of the principle of non-refoulement (UN Convention of 1951), not only to formally recognized refugees, but also to asylum seekers, despite a pending final decision on their "status" and regardless of the form of their entry into the country (art. 7, paragraph 1 and art. 8). The Refuge Law also covers, in some situations, the foreigner who has had his asylum request rejected (art. 32), "as long as the circumstances that put his life, physical integrity and freedom at risk remain". The new Migration Law (Law No. 13,445/2017) reaffirmed the principle of non-return in the context of the determination of statelessness status (art. 26, paragraph 10) and when referring to repatriation (art. 49, paragraph 4).

41. The aforementioned articles reaffirm the centrality and the limits of the principle of non-return, as part of both the Refuge Law and the Migration Law. Based on the new Migration Law, it can be said that the international protection of the principle of "non-refoulement" has gained even greater importance. Limitations to its application must therefore be considered exceptional vis à vis other values or legal norms of equal protection. Likewise, any limitations must be necessary, proportionate and temporary.

42. It was precisely "exceptional" circumstances that led the World Health Organization (WHO) to declare, in March 2020, the pandemic status of COVID-19. In that context, most States adopted measures to eliminate or reduce contagion by the new virus, which ranged from guidelines on hygiene and prevention measures, to the application of restrictions on the free movement of people in public spaces. In line with Article 3 of the WHO International Health Regulations (IHR)

- a legal instrument that is binding on all 196 member States of the Organization and that guides the action of States in contexts of acute public health events, such as in the case of health emergencies of International Importance (ESPII) - States have adopted domestic measures to seek to contain the spread of COVID-19. Article 3 of the RSI says: "States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to legislate and to implement legislation in pursuance of their health policies. In doing so, they should uphold the purpose of these Regulations".

43. In Brazil, the COVID-19 pandemic, recognized by the WHO, led to the enactment of Law No. 13.979/2020, which provided for measures to address the public health emergency arising from COVID-19. Among these measures, there is expressly the possibility of exceptional and temporary restriction of entry and exit from the country, according to the technical and reasoned recommendation of the National Health Surveillance Agency (Anvisa), through highways, ports or airports (art. 3, item VI).

44. The 1951 Convention on the Status of Refugees, although it does not expressly address situations comparable to a public health emergency of international importance, admits, in cases that affect national security or in face of other serious and exceptional measures, the application of "provisional measures", as provided in Article 9: "Nothing in this Convention has the effect of preventing a Contracting State, in time of war or in other serious and exceptional circumstances, from provisionally taking, in respect of a particular person, such measures as that State deems indispensable for national security, until that State determines that that person is effectively a refugee and that the continuation of such measures is necessary for that State in the interests of national security." .

45. Cases of disqualification of the asylum application, despite its extreme gravity, constituted an exceptional, temporary, necessary and proportional measure to face the COVID-19 pandemic, and resulted from the forecast of restrictions on the entry of foreigners into the country. Such exceptional situations did not go beyond the right to regulate matters of public interest and repercussion on the health situation in the country. The request for refuge, under normal circumstances, provides immediate access to Brazilian territory, with the temporary residence permit (arts. 21 and 22 of Law No. 9.474), regardless of the regularity of entry into the country. Therefore, if the ordinance of the National Health Surveillance Agency that provided for the entry of people into the country in the midst of the health emergency caused by COVID-19 did not provide for the disqualification of the refugee request, the entry restriction measure, necessary, exceptionally , to the preservation of public health, would be innocuous.

46. The adoption of exceptional measures, in the context of combating the pandemic, was adopted by almost all countries. According to the International Organization for Migration (IOM), since the beginning of the pandemic, a total of 228 countries and territories have applied 117,648 different types of travel restrictions ("IOM-Global Mobility Restriction Overview", as of

01/31/2022) , with at least 57 countries having completely closed their borders, without any exception for people seeking refuge or asylum (see "UNHCR Beware long-term damage to human rights and refugee rights from the coronavirus pandemic", available at <https://www.unhcr.org/news/press/2020/4/5ea035ba4/beware-long-term-damage-human-rights-refugee-rights-corona-virus-pandemic.html>).

47. The recommendations of international organizations gradually evolved towards making an exception for people who were at alleged risk of persecution and who would fall under the terms of granting asylum. The rapid spread of the disease led to a review of the recommendations, so that national authorities would apply "a risk-based approach, when implementing measures related to COVID-19 and international travel, respecting the dignity, human rights and freedoms of travelers". The recommendations thus began to consider the risk posed by traveling, according to the evolution of the epidemiology, including the emergence and circulation of virus variants; expanding implementation of COVID-19 vaccination; and lessons learned in responding to the pandemic.

48. In line with this evolution, the WHO's subsequent recommendation was that "priority should be given to international travel for emergencies and humanitarian actions; for essential personal travel, repatriations and cargo transport for essential supplies such as food, medicine and fuel", and that other procedures, such as the application of quarantine and tests, be "applied to persons seeking protection in a country other than their country of origin" (see the documents "Considerations for implementing a risk-based approach to international travel in the context of COVID-19: interim guidance", of December 16, 2020, and "Technical considerations for implementing a risk-based approach to international travel in the context of COVID-19: Interim guidance", of July 2, 2021).

49. Due to its exceptional, necessary, proportional and temporary nature, the measure of disqualification of the asylum application was continually re-examined in the light of health imperatives. As an example, the Interministerial Ordinance n° 655, of June 23, 2021, always in accordance with the manifestation of the National Health Surveillance Agency (Anvisa), introduced flexibility to the treatment of the subject, in order to allow "the assistance and emergency aid measures for migratory reception and regularization, under the terms of current migratory legislation, to people in a situation of vulnerability resulting from a migratory flow caused by a humanitarian crisis, in the national territory, recognized by an act of the President of the Republic, under the terms of the sole paragraph of article 3 of the Law 13.684, of June 21, 2018, according to available means".

50. The restrictions imposed by the Brazilian government on the movement of people between countries, as part of the set of measures necessary to face the COVID-19 pandemic, were, in short, based on health reasons, regardless of nationality. Such measures were never concerned with migratory issues per se, nor did they intend to affect or limit, arbitrarily, these flows. In this case,

health and emergency concerns prevailed, which overlapped and conditioned the migratory aspects.

51. The restrictive measures did not prevent the regular registration of migrants whose entry into the national territory took place on a date prior to the restrictions exceptionally imposed as a result of the COVID-19 pandemic. The restrictions did not apply, equally, to migrants with entry "authorized specifically by the Brazilian government, in view of the public interest or for humanitarian reasons". Nor did they prevent the "execution of cross-border humanitarian actions previously authorized by local health authorities". In addition, the exceptional and temporary restrictions adopted for the entry of foreigners did not apply to: (i) Brazilian, born or naturalized; (ii) immigrant with permanent residence, for a fixed or indefinite period, in Brazilian territory; (iii) foreign professional on a mission at the service of an international organization, provided that he is identified; (iv) foreign official accredited with the Brazilian government; and (v) foreign spouse, partner, child, parent or guardian of a Brazilian, or "whose entry is specifically authorized by the Brazilian government in the public interest or for humanitarian reasons".

52. Ordinance No. 670, of April 1, 2022, is currently in force, which provides "on exceptional and temporary measures for entry into the Country, under the terms of Law No. 13.979, of February 6, 2020", a rule that followed by others edited under the same sanitary grounds. The aforementioned ordinance, among other measures, allows the migratory regularization of immigrants who have violated border restrictions, meeting the conditions of migration legislation and upon proof of vaccination against COVID-19, according to the sole paragraph of art. 17 of the aforementioned regulation.

53. In this scenario, it is important to emphasize that the measures to contain the pandemic did not impede the exercise of migrants' rights in the national territory, including the rights to health (including vaccination, according to the rules of the respective national plan, and treatment), to education and to assistance and social security.

54. Despite the need to adapt the flow of care, due to the pandemic, within the scope of "Operação Acolhida", there was also, in the period, no interruption of the routines of internalization of immigrants, nor was the offer of care services stopped. Official data indicate that, within the scope of "Operação Acolhida", more than 790,000 vaccines were applied until last July, more than 80,000 Venezuelans were internalized, more than 414,000 registrations were made in the CPF-Individuals register, promoting more than 2.2 million services to migrants.

55. Some measures adopted by the Brazilian government to mitigate the effects of the pandemic on migrant populations and the provision of migratory services include the issuance of MJSP/MRE Interministerial Decrees and Normative Resolutions by the National Committee for Refugees (CONARE) and the National Council of Immigration (CNIG), which made it possible to improve the current immigration legislation, among which it is worth mentioning:

- Interministerial Ordinance MJSP/MRE No. 19, of March 23, 2021, which provides for the residence permit for an immigrant who is in Brazilian territory and is a national of a border country, where the Residence Agreement for Nationals of the States Parties is not in force. This regulation revoked and updated the Interministerial Ordinance MJ/MESP/MRE/MT No. 9, of March 14, 2018, by simplifying the procedure of application. The aforementioned ordinance is one of the most used regulations for the migratory regularization of Venezuelans in Brazil, in addition to being applicable to asylum seekers.

- Interministerial Ordinance MJSP/MRE No. 24, of September 3, 2021, which provides for temporary visa and residence permit, for humanitarian purpose, to Afghan nationals, stateless persons and persons affected by serious or imminent institutional instability, serious human rights or humanitarian violations in Afghanistan;

- Interministerial Ordinance MJSP/MRE No. 28, of March 3, 2022, which provides for temporary visas and residence permits, for humanitarian purpose, to Ukrainian nationals and stateless persons affected or displaced by the armed conflict in Ukraine.

- Interministerial Ordinance MJSP/MRE No. 29, of April 25, 2022, which provides for temporary visas and residence permits, for humanitarian purpose, to Haitian nationals and stateless persons affected by large-scale disaster or situation of environmental disaster in the Republic of Haiti. The aforementioned regulation renewed the terms of the MJSP/MRE Interministerial Ordinance No. 13, of December 16, 2020, and No. 27, of December 30, 2021, on the same matter.

56. In addition to the approval of the aforementioned regulations, the Migration Department of the Ministry of Justice and Public Security, CONARE and migration services of the Federal Police adopted administrative proceedings to make it possible to issue the proper migratory status within a reasonable period of time, as well as ensuring respect for the rule of law. It is worth mentioning, among these measures, the extension, until September 15, 2022, of the deadline for obtaining or registering a residence permit and for registering a temporary visa for foreigners, whose migratory documentation has expired as of March 16, 2020. Also online proceedings are now accessible.

57. Another relevant initiative, adopted during the COVID-19 pandemic, was the launch of the MIGRAJUS platform, aimed at selecting civil society organizations interested in collaborating with the federal government, in order to carry out projects to promote social inclusion, labor and productive activities for migrants, refugees, asylum seekers and stateless persons. In this context, projects aimed at assisting individuals belonging to especially vulnerable groups have been privileged, such as children and adolescents; seniors; victims of gender or sexual-based violence; victims of discrimination based on race, ethnicity, religion or nationality; people with disabilities or reduced mobility; and victims of serious violations, including trafficking in persons and smuggling of migrants, as well as torture and any other form of cruel, inhuman or degrading treatment.

58. Other initiatives include the Central Bank booklet to guide migrants and refugees on how to access financial and banking services, as well as the Ministry of Citizenship booklet that provides information on how migrants and refugees in situations of poverty can have access to resources offered by the Federal Government under the "Auxílio Brasil" income transfer program.

CONCLUSION

59. The policies implemented by the Brazilian government with the objective to guarantee rights to the migrant population, as well as to stateless persons, refugees and asylum seekers, is extensive to a wide range of areas, such as health, education, social development and access to justice. Brazil has an advanced legal, political and institutional framework, as well as a positive history of welcoming migrants, refugees and asylum seekers from different countries. The efforts towards the protection of Venezuelan refugees is specially relevant, considering that Brazil has welcomed over 700,000 citizens from Venezuela over the last five years.

60. In conclusion, please find below comments on specific requests for information in the letter AL BRA 3/2022:

(i) comments on the allegations listed;

A.: The Brazilian government has no information of systemic violations suffered by migrants, stateless persons, refugees or asylum seekers, who have had the support of bodies and/or institutions responsible for receiving and welcoming these individuals. In relation to specific cases, mentioned in the letter AL BRA 3/2022, the Brazilian government has verified the information received, with a view to clarify the facts and, if any violations are proven, take the appropriate legal measures.

Brazil currently holds the pro tempore presidency of the Quito Process, an initiative that seeks to promote better regional coordination and the exchange of good practices in response to the Venezuelan migratory flow. In addition to giving visibility to the efforts of countries in the region in assisting Venezuelan migrants and refugees, the Quito Process aims to encourage regional cooperation projects, common initiatives and exchange of information that expand the technical capacity of national responses.

As part of the Quito Process, the Brazilian PPT encouraged the adoption of a regional strategy against xenophobia, an initiative led by Colombia and financed by the Inter-American Development Bank (IDB). The initiative consists in developing projects, at the national and regional levels, that facilitate and ensure the socio-economic integration of Venezuelan migrants and refugees, and allow the continuous assessment of possible xenophobic attitudes against this population in the communities of destination.

It is worth noting that the government provides free service and reporting channels, such as the “Disque Direitos Humanos (Disque 100)”, a free service for the dissemination of information on human rights, focused on people in vulnerable situations and which receives human rights violation claims. Through this channel, the government receives, analyzes and forwards to protection and accountability bodies complaints of violations of the rights of children and adolescents, the elderly, people with disabilities, LGBTQI+ people, the homeless population, as well as victims of ethical or racial discrimination, human trafficking and smuggling of migrants, police violence and violence against migrants and refugees, among others. There is also a Women's Assistance Center – “Ligue 180”, a specialized and qualified service dedicated to receiving claims of women victims of violence. The services run daily, full-time. Calls can be made from all over Brazil, through direct and toll-free dialing, from any landline or mobile terminal.

In order to guide migrants and refugees about their rights in Brazil, last June, the Ministry of Women, Family and Human Rights (MMFDH) launched, in partnership with the IOM, the mobile phone application “Direitos e Serviços no Brasil”, which gathers detailed information on public policies developed in the country on the rights and duties of migrants, refugees and asylum seekers. The technology has an intuitive interface, which allows quick access to more than 100 topics on migration regularization, documentation, human rights, social assistance, work and income, education, health and protection.

The “Observatory of Violence against Migrants and Refugees” was created in February 2022 by CONARE, with the aim to monitor complaints and procedures related to violence against migrants and refugees in Brazil, and to support the development of public policies to address them.

(ii) measures taken to protect migrants, including their access to legal aid, border management based on the principle of non-refoulement, and the prohibition of arbitrary and collective expulsions;

A.: In addition to the various benefits granted to Brazilians and extended to migrants, as mentioned above, there were the suspension of migration deadlines during the COVID-19 pandemic period and the carrying out of joint efforts to ensure access to the civil registry to migrant people. It should also be noted that Brazilian law prohibits the return of an irregular migrant, refugee or asylum seeker to a country where there is a risk to their life or physical integrity, as well as prohibiting arbitrary and illegal expulsions (art. 26, § 10, and article 49, §4, of the new Migration Law - Law No. 13.445/2017).

(iii) legal basis for evictions carried out in Clamor do Rio, in Roraima (4/27/2020), in Morro do Pullman, in São Paulo (6/3/2020), and in the village of Beira Rio, in Boa Vista, Roraima (8/18/2020);

A.: The Brazilian government is gathering information on the aforementioned cases, with a view to clarifying the facts and, if violations are proven, take the appropriate legal measures.

(iv) additional information about the alleged evictions;

A.: As stated, the government is currently gathering information on the aforementioned cases, with a view to clarifying the facts and, if violations are proven, take the appropriate legal measures.

(v) measures taken to prevent forced evictions of migrants, asylum seekers and refugees;

A.: During the COVID-19 pandemic, the Federal Supreme Court issued a decision that determined the suspension of evictions in urban and rural areas until March 2022, a decision that covered the entire population, including migrants.

(vi) measures taken to provide alternative housing and other types of humanitarian assistance;

A.: As informed, the Brazilian government offers a series of support structures, shelter and insertion of migrants in the national territory. “Operação Acolhida”, a policy to provide housing and humanitarian assistance to immigrants arriving from Venezuela, is an example of the reception policy applied by the Brazilian government.

(vii) measures taken to prevent incidents of violence against migrant women, provide assistance to victims of violence and ensure access to health services for pregnant migrants;

A.: As mentioned, the Project for the Prevention of Domestic and Family Violence against Women (ProMulher), which gathers, in a transversal way, the other programs to combat homicides and other violent crimes, is intended to assist any victim, regardless of their race, origin, religion or social status. The National Council of Refugees (CONARE) also created the Violence Against Refugees Observatory, with the aim to monitor complaints and procedures related to the issue and support the development of public policies to address them.

It is worth reiterating, however, that the Brazilian government does not differentiate access to public health and social assistance services, as well as to social security, based on nationality or migratory status. In this way, universal access to health services is guaranteed to every individual, regardless of their origin or migratory condition, through the Unified Health Service (SUS). Care in the public health system must be granted to anyone, and denial of care on the basis of any type of discrimination is prohibited.

(viii) measures taken to support migrants, refugees and asylum seekers during the COVID-19 pandemic.

A.: As already mentioned, in Brazil, migrants are guaranteed, by law, access to universal services (especially health and social assistance), regardless of their migratory status.

With regard to access to emergency aid, a benefit created by the federal government to mitigate the effects of the COVID-19 pandemic, this can be requested by migrants residing in Brazil,

regardless of their migratory status, once requirements are met, which are equivalent to those applicable to Brazilian citizens.

It is also worth noting that other programs that seek the social and economic insertion of migrants, refugees and asylum seekers in vulnerable situations, such as “Operação Acolhida”, were not discontinued during the period of health crisis. In addition, the deadlines for the regularization of their documentation were extended.

In view of the specific needs related to the pandemic, “Operação Acolhida” created, in coordination with civil society entities and international agencies, an emergency plan focused on prevention. The measures adopted included, among others:

- Measures to mitigate the risks of infection and transmission in shelters, with the creation of appropriate spaces for the observance of social isolation and hygiene measures;
- Communication campaigns within the community and health surveillance;
- Establishment of a protection and care area for the isolation of suspected cases;
- Expansion of the hospital in Boa Vista;
- Plans elaborated with the participation of communities in shelters, service stations and spontaneous occupations, according to sanitary norms and guidelines of the Ministry of Health;
- System for risk assessment in shelters;
- Cleaning of common areas;
- Specific measures for indigenous shelters in Boa Vista, Manaus and Belém, which included relocation to smaller environments, with better conditions for prevention and adaptation of shelters and residences, in addition to measures to improve sanitary and hygiene conditions;
- Adoption of specific protocols for internalization (clinical examination, testing, monitoring on arrival and during the local integration process), with a view to protecting migrants, host communities and all workers involved in the process.

In addition to the emergency measures, ministries also announced actions specifically aimed at Venezuelan migrants and refugees, such as the transfer of extraordinary resources to municipalities participating in the interiorization process and information campaigns aimed at specific groups among the refugee and migrant population, including access to benefits and rights.

In addition to the actions in the shelters maintained by “Operação Acolhida”, in May 2022, there was a collective effort for the spontaneous vaccination of Venezuelan residents in Boa Vista, in a joint action carried out by the IOM, the Pan American Development Foundation (FUPAD), Unicef

and the Municipal Health Department of Boa Vista, in order to expand the vaccination coverage of the refugee and migrant population outside the shelters. In all, 742 vaccine doses were administered, 302 for COVID-19, including 74 doses for children aged 5 to 11 years; 54 doses for yellow fever; 112 doses of MMR; and 274 doses for influenza.