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Peacetime Planning: The Question Of Venezuelan Refugees In Brazil

Planejamento Em Tempo De Paz: A Questão Dos Refugiados Venezuelanos No Brasil

Planificación Para El Tiempo De Paz: La Cuestión De Los Refugiados Venezolanos En Brasil

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Resumo: A Venezuela sofre uma grave crise econômica e política que afeta sua população no espectro socioeconômico. Esta crise traz consequências imensuráveis como o aumento do fluxo migratório para os países vizinhos, o qual inclui o Brasil. A falta de infraestrutura necessária das cidades brasileiras do estado de Roraima para absorver o número de refugiados tem causado problemas para os próprios brasileiros. O aumento de refugiados requer uma ação efetiva do governo para realizar o planejamento à recepção dos refugiados em tempo de paz e não somente no início ou durante a crise. O objetivo do artigo é levantar eventuais problemas que possam surgir com o fluxo migratório. A pergunta de pesquisa é: como o governo brasileiro pode acolher os refugiados sem comprometer a segurança da sua própria população? A metodologia aborda uma revisão bibliográfica das políticas sobre refugiados no mundo, a legislação brasileira sobre refugiados, a situação política e econômica do estado de Roraima no Brasil. Como conclusão, será analisado como o governo brasileiro pode melhorar o seu planejamento em tempo de paz para a recepção dos refugiados.

Palavras-chave: refugiado, planejamento em tempo de paz, Venezuela

Abstract: Venezuela suffers severe economic and political crisis that affect the population across the socio-economic spectrum. The crisis has led to immeasurable consequences, such as the intense migratory flow to neighboring countries, including Brazil. A lack of infrastructure necessary to absorb the number of refugees in the welcoming cities in the state of Roraima, in Brazil, has caused problems for the Brazilians themselves. Increased refugees require effective government action to conduct planning of migratory issues during peacetime, and not just in the wake of or during a crisis. The aim of this paper is to show eventual problems arising from the migratory flow. The research question is: based on Venezuela situation, how the Brazilian Government can host the mass of refugees, without compromising its commitments to its own population security? The methodological approach of the paper addresses a bibliographical review of world policies about refugees, current Brazilian legislation on refugees, the political and economic situation of state of Roraima in Brazil. As a conclusion, it will analyze how the Brazilian Government can better prepare its peacetime planning to welcome refugees.

Keywords: refugee, peacetime planning, Venezuelan

Resumen: Venezuela atraviesa una grave crisis económica y política que afecta a su población en el espectro socioeconómico. Esta crisis tiene consecuencias inconmensurables, como el aumento del flujo migratorio hacia los países vecinos, que incluye a Brasil. La falta de infraestructura que necesitan las ciudades brasileñas en el estado de Roraima para absorber el número de refugiados ha causado problemas a los propios brasileños. El aumento de refugiados requiere una acción gubernamental eficaz para planificar la recepción de refugiados en tiempos de paz y no solo al principio o durante la crisis. El objetivo del artículo es plantear los problemas que puedan surgir con el flujo migratorio. La pregunta de investigación es: ¿cómo puede el gobierno brasileño recibir refugiados sin comprometer la seguridad de su propia población? La metodología aborda una revisión bibliográfica de las políticas sobre refugiados en el mundo, la legislación brasileña sobre refugiados, la situación política y económica en el estado de Roraima en Brasil. En conclusión, se analizará cómo el gobierno brasileño puede mejorar su planificación en tiempos de paz para la recepción de refugiados.

Palabras clave: refugiado, planificación en tiempos de paz, Venezuela.

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INTRODUTION[1]

In general, refugee are people who have undergone human rights violations and also have left or have fled their home countries to seek protection in another country or elsewhere that can maintain them safe from wars, ethnic discrimination, political upheavals, religious strife and other sort of abuses (LOESCHER; BETTS; MILNER, 2008).

According to the 1951 Refugee Convention (1951 Convention) and its 1967 Protocol relating to the Status of Refugee (1967 Protocol) – whose geographic and temporal limitation was removed – the concept of the term “refugee” shall mean any person who:

> […] owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence is unable or, owing to such fear, is unwilling to return to it (UNHCR, 2010).

The 1951 Convention is underpinned by several fundamental principles of international human rights law as non-discrimination, non-penalization and non-refoulement plus without discrimination as to race, religion, sex, disability, sexuality, country of origin, or other prohibited grounds of discrimination. Besides that, refugees should not be penalized for their illegal entry or stay, because seeking for asylum can require refugees to break some immigration rules (UNHCR, 2010).

On the other hand, the refugee status can be defined by two different moments. The first one is the "previous" moment, when the person is not recognized as a refugee in the host nation yet, and the other one is the "late" moment that is related with the life of refugee already protected by the host country laws (MENEZES; REIS, 2013).

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In the “previous” moment migrants are known as asylum seekers whose definition by International Organization for Migration (IOM) is a “person who seeks safety from persecution or serious harm in a country other than his or her own and awaits a decision on the application for refugee status under relevant international and national instruments”. (IOM, 2011).

Still in a “previous” moment, to frame those people that seeking other countries to live because of bad situation in their homeland, sometimes social scientists use the term “forced migration” to cover many kinds of displacement or involuntary movement across international borders. Even if exist elements of coercion for the cause of these migratory movement, including threats to live, livelihood, natural or environmental disasters, chemical or nuclear disasters, famine, extreme poverty, or development projects, no one forced migrant usually be considered refugees under international law (IOM, 2011; UNHCR, 2016).

Other important aspect related to migration is the concept of mixed flows that is defined as: “complex migratory population movements that include refugees, asylum-seekers, economic migrants and other migrants, as opposed to migratory population movements that consist entirely of one category of migrants”. In general, mixed flows concern irregular movements where persons move through boundaries without the requisite documentation and arriving in different countries in an unauthorized manner. Such movements can occur because of different reasons and cover the “previous” and “late” moments. (IOM, 2009; IOM, 2011).

In this way, referring to refugees as “forced migrants” or taking part of “mixed flows”, the attention from needs of refugee are put aside and the same time the host State and the international community legal obligations are minimized. Despite of, migrants continue are protected by international human rights law that observing their fundamental dignity as human beings and avoid discriminations, arbitrary arrest or forced labor (UNHCR, 2016). The Global Approach to Migration and Mobility (GAMM) from European Commission warns that the focus on the human rights and well-being of each migrant are not about just on formal categories of migrants. Hence, the GAMM elucidates that migration is not about “flow”,

"stocks" and "routes" but is about people, in this way the GAMM emphasizes the democratic principles and human rights for every migrant as human being independently of their origins, destinations or legal status (LITTLE; VAUGHAN-WILLIAMS, 2017).

These concepts are important to evaluate Venezuela situation. Thus, in 1998, Hugo Chávez assumed as a president of Venezuela after presidential elections and changed the government system of his country creating a civic-military movement of a progressive and nationalist nature, in the same time rejecting previous neoliberalism policies (GRANJALES; HERNÁNDEZ, 2017). The Chavism was characterized by great dependence of tax collection of petroleum and the expansion of social expenditures and his approach was consistent project based on socialism of twenty-first-century, concept followed by Chávez after 2005 whose term widely used by him in his speeches and interviews that symbolize the fight against capitalism and imperialism (ROJAS, 2010; DACHEVSKY; DORBLIHTT, 2016).

Corrales and Hidalgo (2013) say the thought of Hugo Chávez and his attitudes changed his concept of socialism into autocracy when in the following years he created laws that gave more power for the State and the same time created problems between government and economic elite that reflect to people in general, besides of violated the Constitution and international obligations in terms of human rights and democracy.

After death of Hugo Chávez, Nicolás Maduro assumed as president in 2013 and have maintained the same social-economic policies carried out by his antecessor. Because of fallen of oil rent the economy suffered a crisis and was not possible to continue sustain real public social expenditures, so until nowadays Venezuelan people are living with shortage of basic goods, high inflation and poverty, while protests and discontent continue to grow (GUTIÉRREZ, 2017).

The lack of food and medicine in Venezuela's cities have caused an increase of violence, insecurity and tension. These aspects have been contributed with Venezuelans flee and around 4.5 million left their country to go to Colombia, Peru, Chile, Ecuador, and Brazil.

The number of asylum applications lodge around the world rose to approximately 48,500. The deterioration of the situation in Venezuela also spurred cross-border displacement of Venezuelans to Brazil, which has been the one of the main destinations for Venezuelans asylum seekers since 2017 (UNHCR, 2017; 2018; 2020).

Based on above statements, this research will consider all Venezuelans who crosses Brazil boundary fleeing of increase violence and difficulties as refugee, even if these people will be in a “previous” moment. In other words, will consider refugee as taking part of mixed flows and protected by democratic principles and human right, aside from international refugee law.

However, Brazilians cities in route to Venezuelans do not have enough infrastructure to receive a great number of people at same time. So, it is important to make a peacetime planning to avoid Brazilian residents create a xenophobic discourse.

To analyze what was exposed above is necessary to answer the follow research question: based on Venezuela issue, how the Brazilian Government can host the mass of refugees, without compromising its commitments to its own population? The methodological approach in this research will be qualitative based on a bibliographical review to achieve an applied research. In the first section will be studied relevant literature about refugee policies around the world to give bases to discussion how supporting many refugees. The approach of second section will bring Brazilians’ law about migration and refugee to highlight what Brazil is doing about refugee issue. The third section will verify the socio-economic situation in the state of Roraima (RR) in Brazil and its cities, showing data about infrastructure support and capacity of receive refugees. As conclusion it will analyze how the Brazilian Government can better prepare itself to act in the region to avoid international problems.

1 WORLD REFUGEE POLICIES REVIEW

In the year of 1995, Mrs. Sadako Ogata who served as the United Nations High Commissioner for Refugees, in the Opening Statement at 46th Session of the Executive Committee of the High Commissioner's Programme said: "Many countries are openly admitting their weariness with large numbers of refugees and blatantly closing borders. Others are more insidiously introducing laws and procedures which effectively deny admission to their territory" and "The threat to asylum has taken on a global character, affecting both the developing as well as the industrialized world" (UNHCR, 1995).

Faced with the statement above, the difficulties about the refugee issues is increased. Crisp (2005) said there are three statements: the first is that States and other actors have always been prepared to violate the law of refugee protection, the second point is that the challenge to asylum is not a new phenomenon, and the third is when the challenge to asylum appears to be a global phenomenon, it has taken different forms in different places. Most of time the countries can open borders or closing them.

Nonetheless, the world experiences a growing number of refugee have looked asylum for safety in the neighboring countries or further afield, many times developing states of South America or in the industrialized states of Western Europe and North America. In recent years, the tendency has been to create a nationalist and xenophobic sentiment because of increasing problems such as lack of security and unemployment. (CRISP, 2005; AMNESTY INTERNATIONAL, 2016).

In 2017, Kenya have already received about 111,500 migrants and asylum seekers from South Sudan, 281,700 from Somalia and 13,900 from Democratic Republic of Congo (DRC) and other that totalizing more than 500,000 people asking help, most of them because of its neighbors as South Sudan and Somalia are threatened a violent civil war. These people lived with limited humanitarian support or options for livelihoods, besides, in 2016 the Kenya government announced that it would be closing Dadaab refugee camp with more than 300,000 people, citing national security concerns and the discussion maintain until today (AMNESTY INTERNATIONAL, 2016; UNHCR, 2018).

Ethiopia have already hosted over than 740,000 refugees and asylum seekers in the country, mostly from Eritrea (164,600), Somalia (253,800) and South Sudan (421,400). Some migrants and refugees live in camps run by UNHCR and the government, and others live in urban areas, mainly around the capital. However, Ethiopia has not allowed refugee to work or obtain permanent residency, these factors create a lack of adequate access to food, shelter and basic services (AMNESTY INTERNATIONAL, 2016; UNHCR, 2018).

In the Asia, Palestinians are the largest refugee population in the world with 5.4 million registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNHCR, 2018). Because of conflicts with Israel about territory they fled or were expelled from their homes. In the Middle Eastern countries, Palestinians are considered stateless or they have precarious resident status. Some countries are imposing restriction at the borders like Egypt that closed the Rafah border crossing (AMNESTY INTERNATIONAL, 2016).

About five million of refugee have fled Syria because of its civil war. Most of them have sought refuge in neighboring countries as Turkey, Lebanon and Jordan. Turkey have ratified both 1951 Convention and 1967 Protocol, however, maintains a geographical limitation to asylum seekers, that is, only asylum seekers from countries of the Council of Europe can be “Convention refugees”. Neither Lebanon nor Jordan has ratified those international conventions (LAMBERT, 2017).

Turkey have hosted more than 3 million of the world’s refugees and asylum seekers. As tradition, Turkey has keeping its borders open, but only recognizes refugees coming from Europe, and considering Syrian refugees as “guests”. Because of Turkey attitude, the high numbers of refugee placed strain on country’s asylum system and its capacity to offer basic needs. But the public opinion survey conducted by HUGO Research Center revealed that almost 65% of Turkish public agree with Syrians in their country (DIMITROVA; OZDORA-AKSAK; CONNOLLY-AHERN, 2018).

Despite of Jordan and Lebanon had keeping theirs borders open to Syrian refugees, both never gave any special status to Syrian refugees and they must obtain entry and stay documentation under domestic law. To maximize the problem, in 2013 the Jordanian government announced a policy of non-entry and those already living in Jordan were denied identification cards and basic services. Lebanon that have hosting approximately 1.2 million refugees from Syria introduced general restrictions in 2015 as taxes to access public health and visa restrictions with tight time limits of stays that resulted arbitrary detentions and refoulements (LAMBERT; 2017).

In South America, Colombia has having the same situation as Brazil receiving many migrants from Venezuela. More than 1 million people came from that neighbor country and a little more than 819,000 of them have condition to stay in Colombia. About 442,500 Venezuelans are irregular. Two main actions of Colombia's government were the "Permiso Especial de Permanencia (PEP)" to regularize migratory situation in order to give them condition to access basic services as heathy, education, social security and the "Pre Registro para la Tarjeta de Movilidad Fronteriza (TMF)" that allow Venezuelans to enter temporally in Colombia to buy food, medicine, etc. and back to their country (MINISTERIO DE RELACIONES EXTERIORES, 2018; LOUIDOR, 2018).

During the guerrilla in Colombia between government and the largest rebel group – FARC, Ecuador received about 101,000 Colombians refugees. Facing economic difficulties in 2012 Ecuador's laws were modified to restrict the concept of refugee to prevent the increase its population. In 2016, occurring the peace accord between Colombia and FARC, in the same time the dynamics of relationship Colombia and Ecuador changed and was agreed a voluntary return plan of Colombians refugees (MOJICA, 2017).

Peru has received over 330,000 Venezuelans nationals until 2018. In 2017, about 31,200 had accept refugee's status as well as it has registered 33,100 new asylum claims from Venezuela totalizing over 100,000 requesting according to UNHCR 2019. Despite following 1951 Convention and its Protocol, the country created a new system to facilitate refugees stay

in country – the “Permiso Temporal de Permanencia (PTP)” that give permission to work and study exclusively to Venezuelan for a period of one year with possibility to renewal, as of June 2018, more than 46,000 Venezuelans had obtained this alternative legal pathway. However, this law does not an instrument that guaranteeing full refugee rights and it is not appropriate for those who have fled because their lives and freedom were threatened (PARENT, 2017).

According to Bauböck (2018), the receive refugee system of European Union (EU) is based on two main normative standards, on the one hand the Schengen Agreement that has as a principle opening internal borders in the Schengen area, on the other hand, Dublin Regulation and its principle of assigning responsibility for processing an asylum application to first country of entry.

In 2015 occurred in Europe a severe refugee crisis when more than 1 million people crossed the Mediterranean to seek refuge in Southern Europe through external borders and most of them travelled onwards to Northern over internal borders, particularly to Germany, Sweden and Austria. These events initiated a politician, public and media EU and the national level debates about the numbers of refugees that should be received (HARTEVELD et al, 2018).

According to Dublin system, countries that received refugees without have any external border where they could have controlled inflows need to return them to the first country of enter, however, these enter countries have no incentive to control refugees flow. So, Germany decided to unilaterally suspend the Dublin regulation and avoid thousands of asylum seekers back to their first country of enter. This fact aggravated many citizens, followed by right parties, who blamed Germany’s Chancellor for allowing many refugees to enter country. Other countries as Netherlands and France also have had right parties that rose in the polls against receive refugee (BAUBÖCK, 2018; ZAUN, 2018).

The evolution of Dublin regulation, Dublin III, tried to create a mechanism to establish a fair distribution of refugees, but EU does not accept the proposal of relocation of 120,000 asylum seekers from Greece, Hungary and Italy. Pressuring from citizens and the lack of co-

operation has caused unilateral suspensions of the Schengen regime by EU Member States. Sweden re-erected ID checks and control; Denmark and Germany reintroduced controls on its border; and Austria are erecting a barbed wire fence on the border. Anti-immigrant sentiment is widespread and blowing the idea of freedom of movement in Europe without border controls (TRAYNOR, 2016; ZAUN, 2018).

In the United States (US), Martin and Ferris (2017) explain that US refugee policy follow two principal ways: as a donor in international protection and assistance programs for refugees, and as a recipient of refugees whose focus is for admission and stay to people seeking protection within the US. In the latter case, the US has ratified the main instruments that protect refugees providing asylum and temporary protection. However, the US has taken unilateral actions that in some cases promote protection, as examples legislation permitting the designation as refugees of persons still inside their countries if they meet the eligibility requirements, or recognize persons who have suffered persecution, even if they are no longer at risk of future persecution. Whereas in others impede protection, facts occur mainly after 2015 terrorist's attacks in Paris when government decides to avoid host Syrian refugees with fear that terrorist came as refugee.

In Canada, more than 27,000 asylum seekers have crossed the US-Canada border because of Donald Trump' hard policies about migration. This influx has strained Canada system for assisting people seeking refugee status, therefore the government is rejecting more refugee claims from people who crossed its border illegally, dissuading, blocking, turning back thousands more (REUTERS, 2018).

According to Canada government the irregular entrance of migrants will be deterrence and intercepted to keep the country secure, in addition to enforce the Safe Third Country Agreement, signed with US in 2004 whose text say that refugee claimants ought to seek protection in the first safe country in which arrive, when they came by land. However, if irregular migrant is intercepted or looking for national agencies to claim asylum and is free

from threat to Canada, they may be eligible to start a refugee status (GOVERNMENT OF CANADA, 2019).

That is, like other countries, the US and Canada has used policies to avert and protect their countries by arrival of asylum claimants.

Lastly, we can confirm that each country decides how will treat refugee issue, sometimes trying to follow international laws and human rights, but depending of their difficulties, public opinion, politician and media, sometimes the process can be more restrictive or more volatile.

2 EVOLUTION OF BRAZILIANS LAW ABOUT REFUGEE AND MIGRATION

The main international convention about refugee was created after the Second World War whose violence caused a mass displacement people across their border. Because of that phenomenon the newly created United Nation (UN) established in 1950 an organization to protect refugees knew as United Nations High Commissioner of Refugees (UNHCR) that make as centerpieces the 1951 Convention and 1967 Protocol (LOESCHER; BETTS; MILNER, 2008).

Both of treaties concern with rights and duties of refugee and contracting states. These facts were important because the last mark to protect people was the 1948 Universal Declaration of Human Rights and its text covered only individual rights of people who were persecuted in their states to ask protection to another state but not cover states duties to give asylum (JUBILUT, 2007).

Brazil on 15 July 1952 signed the 1951 Convention agreeing with its content but only on 15 November 1960 Brazil deposited the 1951 Convention ratification and started to follow its norms. In that time, the act was made with two reservations, the first was about article 15

that says about right of association and article 17 that is about wage-earning employment. More than 8 years after with decree No. 50.215 of January 28, 1961, the 1951 Convention was received under Brazilian law. Still in this decree, Brazil choose to consider the words “events occurring before 1 January 1951” as “events occurring in Europe before 1 January 1951” given a step back (BRASIL, 1961).

Consequently, the refugee law was not so much utilized in Brazil because of the geographical limitation. This reservation was broken with decree No. 98.602, December 29, 1989 that changed “events occurring in Europe before 1 January 1951” to “events occurring in Europe and elsewhere before 1 January 1951” (RAMOS; RODRIGUES; ALMEIDA, 2011; BRASIL, 1989).

In 1972, with decree No. 70.946 of August 7, Brazilian government accepted the 1967 Protocol and deposited it on 7 April 1972 (BRASIL, 1972). In this opportunity the reservations of 15 e 17 article were maintained. However, according to the decree No. 99.757 of November 29, 1990, those reservations was removed, and the 1951 Convention have been fully enforced (BRASIL, 1990).

The UNHCR was installed in Brazil with acronym in Portuguese ACNUR in 1977 and have had important participation to help to implement those international conventions about refugees in country, encouraging and giving technical support to elaborate a new law about the subject. In this way, the congress elaborated the law No. 9.474 of July 22, 1997 (law 9.474/97) that define how Brazil must implementing 1951 Convention (RAMOS; RODRIGUES; ALMEIDA, 2011).

It should be noted that since 1977 and confirmed by Brazilian Constitution of 1988 (CF/88), the Brazilian Supreme Court tried that legal system in the country uses the moderate dualist concept to receive internationals treaties, that is, internal and international do not communicated each other, so it is necessary an internal law to receive an international treaty (BINENBOJM, 2000).

According to Jubilut (2007) important articles of CF/88 are considered to analyses issues about refugees in Brazil. In this way, the constitution brought fundamental principles in the Title I that guide actions and show goals to be achieve. In this Title has four articles, three of them fit about refugee issues:

- Article 1, subsection III shows the foundations among which can be highlighted the dignity of the human person that will sustain all issues about human rights law.

- Article 3, subsection IV shows goals that forces state, society and individual follow them. One of them is promote the well-being of all, without prejudice of origin, race, sex, colour, age and any other forms of discrimination.

- Article 4, subsection II e X show principles about international relationship and two of them are the prevalence of human rights and granting of political asylum that have been contributed refugee issues.

Other aspect that CF/88 have brought consists citizen rights, article 5 says about equality of law between Brazilian and foreigners, included everyone who requesting refuge or refugees:

> Article 5. All persons are equal before the law, without any distinction whatsoever, Brazilians and foreigners residing in the country being ensured of inviolability of the right to life, to liberty, to equality, to security and to property, on the following terms: […] (BRASIL, 2010).

Therefore, the CF/88 shows legal basis to protect refugees and shows the importance of subject in the recent momentum of international community. So, the law 9.474/97, was erected under the Brazilian law.

First aspect of the law 9.474/97 is that uses an expanded concept about refugee, using the compilation definitions from the 1969 Convention Governing the Specific Aspect of Refugee Problems in Africa “that consider refugee everyone who, under serious human rights

violations, was obliged to leave his habitual residence to seek refuge in another State", and the 1984 Cartagena Declaration "refugee is everyone who have fled their countries because their live, security or freedom have been threatened by violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances that have seriously disrupted the order public" (RAMOS; RODRIGUES; ALMEIDA, 2011).

Thereby, in the article 1, the refugee concept is the same of 1951 Convention and 1967 Protocol plus a new subsection that says refugee is any individual that "due to serious and widespread human rights violations, is forced to leave his country of nationality to seek refuge in another country" (BRASIL, 1997), this new subsection is important because shows the political will protect all people victims of any disrespect in their fundamental rights and solidarity, besides shows the Brazilian responsibility about this subject.

About entrance of Brazilian territory and application of refugees, it can be observed in article 7 that any individual can manifest desire to request refuge to any immigration authority at any time, moreover in its paragraph 1st it has the impossibility of deportation of those who request refuge, that is, framed in the principle of non-refoulement, foundation of refugee rights of International Refugee Law that "prohibits States from returning a refugee or asylum seeker to territories where there is a risk that his or her life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group, or political opinion" (BETHLEHEM; LAUTERPACHT, 2003).

Another essential issue is dealt with in article 8 which deal that irregular entry will not prevented the possibility of foreigners requesting refuge. It be noted that followed by article 10, procedures due to illegal or irregular entry will be suspended until the conclusion of refugee requisition (JUBILUT, 2007). In the other hand, the Brazilian law also increases refugees' expulsion conditions to maintain internal security and protect the country against international threats when adding in the article 3 the drug trafficking and terrorism.

The law 9.474/97 still observe the creation of National Committee for Refugees (CONARE – acronym in Portuguese) under observance of the Ministry of Justice, it has been as permanent members: one representant of Ministry of Justice, one of Ministry of Foreign Affairs, one of Ministry of Labor, one of Ministry of Health, one of Ministry of Education and Sports, one of Federal Police Department, one of Non-Governmental Organization (NGO) that work with assistance activities and refugee protection in Brazil. It is also allowed to invite representant of other organizations to participate of meetings. The ACNUR as will ever been invited as a member, however it doesn't have vote rights (RAMOS; RODRIGUES; ALMEIDA, 2011).

The powers of CONARE are written in article 12. Three of them are most important: examine the application and declare the recognition, in the first instance, of refugee status; guide and coordinate the actions necessary for effective protection assistance and legal support for refugees; and approve normative instructions clarifying the execution of the own law (BRASIL, 1997).

At the end of the law 9.474/97 is ties that the law must be interpreted in accordance with the Universal Declaration of Human Rights of 1948, the 1951 Convention, the 1967 Protocol, and any relevant provisions of an international instrument of human rights protection which the Brazilian Government is committed.

Despite of the law 9.474/97 has lots of revolutionaries' aspects that project Brazil to vanguard, for instance, accepting as refugee persons who suffering grave threat of human rights violations, in general, CONARE is rejecting Venezuelan as refugee. Because of its discretionary decision, only 18 Venezuelan had approval of their asylum application from a total of 22,315 requests raised between 2010 and 2017. Others 2,039 were extinguished or rejected, and the vast majority were not analyzed. The delay of the decision is another factor that can define the asylum application, from a total of 126,120 registered asylum claims in Brazil between 2011 and 2017, 86,007 are still in process (MINISTÉRIO DA JUSTIÇA, 2019).

So, the National Immigration Council of Brazil (CNIg – acronym in Portuguese) – which is an instance of articulation of the Brazilian migratory policy – since 2007 makes resolutions to fill the limitations of refugee law and help migrants who flee because humanitarian reasons. On March of 2017, the CNIg published the Resolution 126 that granted temporary residence (until two years), access to justice, education and health to irregular migrants in Brazil from border countries that are not part of MERCOSUR Residence Agreement and began to use this feature with Venezuelan citizens (CNIG, 2017).

In the same way, it was sanctioned the law No. 13.445, of May 24, 2017 (law 13.445/17) that abandons the idea that immigrant is a threat and establishing rights and duties of the migrant and the visiting aliens. Despites of this new law does not prejudice the application of the norms of refugee, it established as principle the humanitarian assistance that it been using as complement of the law 9.474/97.

In its article 14 are established the conditions to obtain a temporary visa to establish residence for a fixed time and one of hypotheses is granted for humanitarian assistance. In the paragraph 3 of the article 14, the concept of the temporary visa for humanitarian assistance appears:

> Temporary visas for humanitarian assistance may be granted to the stateless person or to the national of any country in situations of serious or imminent institutional instability, armed conflict, major disaster, environmental disaster or serious violation of human rights or international humanitarian law, or in other circumstances, in the form of a regulation (BRASIL, 2017).

These laws have shown a change of attitude towards soliciting help. According to Brazilian Federal Police, 35,540 Venezuelans requested asylum in Roraima from 2015 until June 2018. In 2019 this number was raised to 103,657, that is, an increase about 290% (UNCHR, 2021). However, regarding applications for temporary residence, this increase was around 800% in the same period (from 11,100 to 24,966 requisitions), it shows a tendency to apply for temporary residence instead of refuge (SISMIGRA, 2020).

The CNIg Resolution 126 and the law 13.445/17 were reinforced by Decree 9.199/2017 that regulate the migration law and by Decrees Interministerial No. 9 and 15 of 2018 that grant residence permit for foreign who lives in a border country (outside of MERCOSUR Residence Agreement) and in its text authorizes the applicant in a situation of vulnerability does not have the necessary documentation for the request, such documentation may be waived and the data will be self-declared by the applicants, making it easier than the request for refuge (MINISTÉRIO DA JUSTIÇA, 2018a; MINISTÉRIO DA JUSTIÇA, 2018b). Just in 2019, CONARE changed its understanding about Venezuelan migratory flow and started to recognize them as refugees (RODRIGUES, 2019).

Nonetheless the new conditions, migrations laws and resolutions allow the applicant to regularize their situation in Brazil, receiving authorization for use Brazilian social system, health care and get a job more easily and quickly than requesting for refuge. Hence, was created a new instrument to all migrants that are fleeing of their countries because of different kind of problems to be supported by Brazilians laws.

3 SITUATION SOCIO-ECONOMIC OF STATE OF RORAIMA – BRAZIL

Brazil is divided in 26 States and one Federal District where is located Brasília its federal capital, in the north is located State of Roraima that it makes boundary with Venezuela. The limit extension between Roraima and Venezuela is 1,403 km, delimited by delegations from Brazil and Venezuela between 1930 and 1973, and ratified in 2003 (Ministério das Relações Exteriores 1973). According to the Brazilian Institute of Geography and Statistics (IBGE, 2018) responsible for producing and analyzing Brazilian statistical information, the State of Roraima has about 224,301 km2 with 12th in extension of Brazil. The estimated population in the year of 2018 was 576,568 people, all of them distributed in the 15 different counties.

The most isolated state of Brazil, Roraima has few roads in its territory. The most important is the federal road called BR-174 that crosses the state from north since Pacaraima city that having land border with Venezuela and is the main entry to refugees, from south that crossing Boa Vista (capital of Roraima) and make linking with Amazonas state and its capital Manaus, so this highway is the main Venezuelans route in Brazil (FRANCHI, 2019). The federal road BR-210 is in phases of implementation and construction and cross Roraima from east to west making link with Brazilian states of Pará and Amazonas and can be in the future a new route of migration (DNIT, 2019).

The presence of Venezuelans in Brazil began to intensify after 2013 with 1,628 entrances. In 2017, Brazil had an increase number of refugee request, most of this demand were done by Venezuelans which totaled 17,865 applications, making 33% of total solicitation of refugee. Nowadays, Venezuelans are the biggest group to request refuge in Brazil (MINISTÉRIO DA JUSTIÇA, 2019).

The number of Venezuelans arriving in Roraima began to impact local public services, the poor infrastructure and the social issues like health, dwelling or security, mainly in Boa Vista and Pacaraima cities. Between 2017 and 2018 there were 199,365 Venezuelans crossing the Brazilian border into Pacaraima and 96,094 of them stayed in Roraima to ask help for the Brazilian government (FRANCHI, 2019; CASA CIVIL, 2019).

Pacaraima was the first city to suffer the consequences of increased mixed flow. With only 15,580 inhabitants its capacity to receive and house refugees are too small, considering that the amount of asylum seekers and migrants exceeds in almost 5 times the population of the border city. Besides that, it has only the eighth economy of Roraima depending on 95.7% of external resources and about 57% of its populations live in rural area. Because of that, the city ends up being a point of passage and many Venezuelans go to the capital Boa Vista and travel, often on foot, the distance the distance about 216 km by BR-174 road, just to have access a better condition of life (IBGE, 2018; FRANCHI, 2019).

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On the other hand, Boa Vista has achieved 375,374 people in 2018 and it has the best human development index of Roraima. Economically, the city depends on 78.8% of incomings came from external resources and maintain a positive balance in its economy, helping Roraima with about 73% of its GDP and keeping a positive balance of U$ 33.01 million in 2017 and U$ 6.4 million in 2018 (IBGE, 2018), however, still below to support more than 70,000 new people looking for better life conditions.

The growth of people inflates the phenomenon of urbanization which brings an increased demand for work and public services and creating a mismatch between the demand and supply of public services, which led to other misfortunes such as the need to restructure basic sanitation, health and education services, as well as the increase of demand for energy, mainly for residential use. Roraima has 76.5% of people living in urban environments mainly in its capital Boa Vista that reaching about 97% (IBGE, 2018).

The last statistical data from Roraima made by its Roraima Planning and Development Secretary (SEPLAN, 2016) divides basic sanitation among water supply, garbage collection and sewage to households. Despite Roraima having a high percentage of water supply, 87.2% in 2014, we can see a reduction of this data from 2001 when water supply marked 98.7%. In the same way we have reduction from 93.3% in 2001 to 84.5% in 2014 for garbage collection. Unlike the sewage that had an improvement over the years, from 9.1% in 2001 to 25.7% in 2014, but still is a concern to government (SEPLAN, 2016).

In the health area, specifically about quantity and capacity of health establishment, Roraima has 12 hospitals, 80 health centers with medical care 24/7, 89 health posts where medical professional presence can be intermittent, and there are more 350 sorts of medical establishment as clinics, doctor's office, pharmacies and ambulances. In addiction to this fact, Roraima has 984 hospital beds, 762 is concentrated in Boa Vista capital only 14 beds in Pacaraima city (SEPLAN, 2015). Observes with more than 500 thousand people, the demand of Roraima is bigger than the supply without discuss issues about the quality.

In the same way, education demand is more than the capacity of state. There are 645 middle schools to 91,651 students, 144 high school to 22,995 students and 9 universities to 12,362 students. It is possible to observe several students are got out of school before achieving higher levels of schooling. This situation is further aggravated by the fact that, according to the federal police, 15% of Venezuelans entering the state of Roraima are children from 0 to 14 years old, increasingly swelling the schools (IBGE, 2018).

About unemployment rate, IBGE (2018) shows that Roraima has about 9.4% economically active persons with age above fourteen years old without job, that is, more than 20,000 people looking for any occupation. In the other hand, the average monthly salary of people in Roraima is R$ 1,006.00 a little more than local minimum wage (R$ 954.00). Furthermore, the comparative between formal and informal job we have 48.8% of people working in an informal job, showing the Roraima difficult to receive its tax collection. Besides, Boa Vista has 12.6% unemployment rate and Pacaraima has 3,499 unemployed people.

According to João Pinheiro Foundation FJP (2018), Roraima had 22,101 units of housing deficit in absolute numbers, take part of this number habitation situations as precarious housing and family cohabitation. About 20,075 of this deficit is in urban area and another 2,026 in rural area. These numbers are equivalent to 14.2% of deficit and is higher than national average. Boa Vista has about 6,000 units of housing deficit.

To consolidate Roraima problems, the violence is growing. The numbers about violent crimes as murder, rape and theft rise from 381.8 illicit/100,000 inhabitants in 2010 to 632.5/100,000 in 2014. About the violent crimes against property rise from 269.7/100,000 to 520.8/100,000 in the same time, that is, in 4 year the growing was about 65% to violent crimes and 93% to violent crimes against property. Other aspect is combating drug trafficking that in 2015 has 118 arrests of traffickers and the seizure of 114,4 kg of drugs (SEPLAN, 2016).

Thus, it is important that the state of Roraima keep positive its trade balance in order to support some problems as basic sanitation, health, education, availability of job and

unemployment, housing deficit and violence. All of indexes are below ideal to assist with quality of life its own inhabitants and over 70,000 Venezuelans.

These structural problems of Roraima are not maximized because many Venezuelans use the state as passage. According to Casa Civil (2019), 199,365 Venezuelans who entered through Pacaraima, 100,928 left Brazil without asking for support. Departure by land is the most utilized with 66,024 Venezuelans leaving Brazil crossing another Brazilians border, but 64% returning to Venezuela. 32,413 Venezuelans leave Brazil by plane.

However, the Venezuelans who remain in Brazil have caused difficulties to Pacaraima and Boa Vista that cannot provide adequate support at the same time to Venezuelans and its own population. Brazilians are already having xenophobic attitudes against foreign people, mainly because of cultural, economic and security issues. The violence and crimes committed by Venezuelans have concerned local people and also the government because there is suspicion of link with drug traffic. The hospitals took crowded, the medical care was hard affected, medicines started to be lacking and an epidemic of measles reappear in Brazil (ROXO, 2016; IANDOLI, 2017; MARQUES, 2018).

These concerns and facts are feasible and real because of the fear to face an uncontrollable flood of involuntary migrants and chaotic nature of their movement, it can create a xenophobic anxiety that may result in a backlash of the local population against those people. Further, the sense of xenophobia can turn real and appears for different reasons as cultural or religious issues as well as social-economic deprivation (unemployment), social woes or increasing crimes and security threats to the receiving state. Normally these fears are manifestation of collective feeling and they already happing in Roraima (ACHIUME, 2018; GULMEZ, 2018).

In face of those problems, the Brazilian government announced a provisional measure on February 2018, that provides emergency assistance for reception of people in vulnerability situations due to migratory flows caused by humanitarian crisis. The emergency assistance

contemplates social protection, heath care, guarantee of human rights, and internalization of people in situations of vulnerability throughout national territory to avoid Roraima collapse (BRASIL, 2018).

To support humanitarian crisis and the problems in Roraima, the Brazilian Army established in March 2018 two operations. The first one is named “Operação Acolhida” (Welcome Operation) that is a humanitarian logistics coordinationthat act with other Brazilian agencies, federal, state and municipal governments whose aims are receive and support people from mixed flows with welfare measures, food, health and shelter. The second one is “Operação Controle” (Control Operation) whose goals are elevating security at boundary strip, intensifying the sorting and control of immigrants and refugees, directing them to the centers of reception and helping the process of internalization in Brazil or of return to Venezuela (EB, 2018). The provisional measure became the law No. 13,684, of June 21, 2018.

4 ANALISYS AND CONCLUSION

Venezuela is experiencing a time of socio-economic turbulence because of its government regime that affects its population who faces a crisis with shortage of food, medicines and increased of violence against its people. These factors are creating a wave of Venezuelans displacement that are overflowing international borders, and today Brazil is one of the main destinations of them. Because of these events, the State of Roraima has already hosted about 250,000 Venezuelans until 2019 (UNCHR, 2021).

Among the people who come to Brazil, there are many who flee because need to be helped with food and humanitarian questions, but there are other that use Brazil as an intermediary point for their travel or run away from persecution. So, this mixed flow is a

challenge for host nation distinguish all those need to be helped and at same time making a feasible plan to help Venezuelans and its own people.

In Brazil, Roraima and its cities of Pacaraima (border with Venezuela) and Boa Vista (capital of Roraima) are not able to sustain with quality the increase of people that today reaches almost 25% of the local population. Although 2018 Roraima's trade balance has been positive, it has decreased compared to 2017 and its cities depend of external resources to maintain the quality of live for their citizens. So, the deficiency of good support already existed, being more harmed by the increase of people. The problems with health, education, housing, basic sanitation, violence, work and unemployment were aggravated, and financial support worsened.

Brazilian government has a challenge, protect its people and give adequate host for people from mixed flows at the same time. Remembering that Brazil take part of UNHCR conventions without reservations and work with a refugee extended concept that was created with Cartagena Declaration. An additional, the Brazilian Constitution protects national and foreigners' people under dignity of the human person, well-being of all and the prevalence of human rights. In this way, facts that contradict Brazilians' law such as closing borders like some EU countries or not providing support for basic needs like Jordan, they are not take part of peacetime planning.

However, CONARE has not accepting Venezuelans as refugees until 2019. Facing a situation, a new law of migrants was promulgated (law 13.445/17) and it have brought the concept of humanitarian assistance. In addition, it was created other resolutions that grant the Venezuelan the status of temporary resident. Colombia and Peru are taking similar actions with temporary permissions instead of using refugee status, but this tendency not to provide lasting protection for migrants, because it limits the period in the host nation, normally two years. Even so, Venezuelans are preferring to use this resource that do not guarantee full refugee rights, because is easier and faster way to guarantee help.

On the opposite way, the world is closing borders for refugee because of pressure of internal population (xenophobia as the main point), media and protection against terrorism. These facts are happened with United State, European Union, South America, Africa and Asia countries. Brazil began to experience similar attitudes because of the flexibility of its news laws and the fragility Roraima's public system cities that creating a xenophobic anxiety in the people.

Some countries are doing innovation to avoid xenophobia and help people from mixed flows like Colombia that uses TMF and PEP, Peru with temporary visa, Germany that is against the Dublin regulation and United States granting the refuge to persons who are not yet in the country.

Brazil is lined up with world thought and one of Brazilian's response was to speed up the internalization process that in the year 2018 moved 3,271 Venezuelans to different Brazilian states (CASA CIVIL, 2019), but it has not been enough to help more than 70,000 Venezuelan and planning needs to detail among federal government and municipals to be sure that cities framed as recipients have conditions to absorb refugee and give them support like housing, health, work and education without compromising the security of local population.

However, to face these problems, it is possible to use a similar Colombia TMF in order to allow Venezuelans coming in and out for by necessities without overload the public system whereas there are a movement of Venezuelans that crossing border and back to their country. Create refugee camps can be another solution to avoid creating problem with local population, but some examples are negative as the discussions in Kenya to close camp because of lack of security or the difficult to maintain a huge camp as in Turkey.

Another improvement could be the accomplishment refuge or temporary residence processes before the arrival of the migrant in Brazil as US. This aspect can take part of planning process and help to avoid crossing border thieves, robbers, drug dealers or terrorists, and still

know an estimate number of persons that will be hosted. But to get it is necessary a strong understanding and international relations between government of Brazil and whatever other government involved.

It is important remember that influx or Venezuelan starts growth in 2016 and only in 2018 the Brazilian government approved a law that is based on an emergency assistance that can be an important step of preparedness to prevent swelling in cities and consequently the disgust of people.

Preparedness also is important to avoid being surprising, previous experience as Haiti case – because of social-economic crisis aggravated by 2010 earthquake, thousands of Haitians fled to Brazil and requesting refuge – maybe not be enough to understanding what is happing, so a sharp knowledge about another country can be necessary to know their people and their thoughts to better preparing Brazilian's agencies to receive them and giving necessary support.

To improve the situation in Roraima, the Army was called to carry out two types of mission, the first is logistics, providing health care, food and others; and the second is security with border control and help to the internationalization. Once again, an emergency situation, so the coordination between the Army, government agencies and sometimes NGOs is important. Also, it is important interagency take part of peacetime planning, understood each other prevent waste time for the execution which may be crucial to people start to reject refugees.

Finally, lack of planning can lead to a delay in the conduct of activities with mixed flows, making the life in the cities unsustainable and being sufficient for the population to have a xenophobic feeling.

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