



## **DEFENDERS' REPORT:**

# **Stranded migrants at the border between BRAZIL and PERU**

**Federal Public Defenders' General Office**

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***“The Brazilian migration policy is governed by international cooperation with States of origin, transit and destination of migratory movements, in order to provide migrants with effective protection of their human rights”***

Article 3, item XV, of Law 13,445/2017

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# REPORT – STRANDED MIGRANTS AT THE BORDER BETWEEN BRAZIL AND PERU - OCCUPATION OF THE INTEGRATION BRIDGE (PONTE DE INTEGRAÇÃO) AND PERFORMANCE IN A LAWSUIT TO RECOVER POSSESSION OF PROPERTY

## 1. PRESENTATION

Between March 3<sup>rd</sup> and 5<sup>th</sup>, 2021, the Federal Public Defenders' Office promoted a field mission in the city of Assis Brasil (Acre State/AC), with the objective of providing legal assistance to approximately 400 (four hundred) migrants, most of them Haitians, in a situation of custody when crossing the border between Brazil and Peru, with special attention to those who are camped on the Integration Bridge, which brings the two countries together. In this case, custody is of foreign-born persons who wish to leave Brazil for Peru, which would be a transit country towards other countries in the region or, eventually, a destination country.

The mission was assigned by SAE (Secretariat of Strategic Action) to GTMAR – National Working Group on “Migration, Refuge and Statelessness”, which was represented by the Federal Public Defender João Freitas de Castro Chaves, as a continuation of an emergency visit, between February 18<sup>th</sup> and 20<sup>th</sup>, by the Federal Public Defender Larissa de Sousa Moisés, who accompanied the mission at the invitation of the Ministry of Women, Family and Human Rights.

As recorded in the administrative process indicated above, there was communication and invitation by the Federal Public Defenders' Office (DPU) to other players involved in the matter. In addition, the person in charge of the mission informed the civil society entities that work in the migratory field within the Collaborative Advocacy Network (Rede de Advocacy Colaborativo/RAC). In response to the invitation, the International Organization for Migration/IOM sent as a representative Mr. Guilherme Otero, who participated in the activities in accordance with his role within the institution.

Likewise, DPU maintained contact with the National Human Rights Council (Conselho Nacional de Direitos Humanos/CNDH), of which it is a member, and which promoted a mission with similar objectives of *on-site* verification and meetings in Rio Branco and Assis Brasil in consecutive periods, between March 5<sup>th</sup> and 7<sup>th</sup>, and contributed with information in a verbal report.

In addition to a specific assistance (carried out in the form of interviews, provision of information and guidance) related to the lawsuit number 1001055-87.2021.4.01.3000, in progression at the Federal Court of Acre, in which the Federal government filed a possessory action to guarantee the release of vehicle traffic on the bridge, with the subsequent granting of an injunction and voluntary departure on 03/08/2020, DPU's mission sought to verify facts related to the provision of social assistance and health services to people camped on the bridge and, also, to people sheltered in public facilities of the Assis Brasil City Hall, as well as to assess the general situation of the custody and other aspects that may allow a positive impact on Brazilian migration policy.



Despite the friendly solution to the specific issue of the occupation of the Integration Bridge, with the voluntary departure of the migrants camped there, this report seeks to acknowledge the facts for the purposes of analyzing and defining new strategies, in addition to documenting the events.

In addition, it is necessary to explain that DPU, as part of the already mentioned lawsuit as *custos vulnerabilis* and as representative of the defendant – the collectivity of people – cannot, with regard to its members' duty of confidentiality and professional secrecy, present in this report issues related to personal information of the migrants, judicial strategies or assessments on the legal aspects involved. For further clarification, the report will contain information on the procedural progress, when it is pertinent; it will also be made available to the public through the PJe - Electronic Lawsuit system.

## **2. ACTIVITIES PERFORMED**

The mission began at 8 am on March 3<sup>rd</sup>, and ended at 12 noon on March 5<sup>th</sup>. The preparatory activities and the content of the face-to-face activities in a chronological order are presented in a very summarized way (to be detailed afterward).

### **2.1. Activities prior to the mission**

When news of the occupation of the bridge was announced on February 15<sup>th</sup>, the Federal Public Defender (from DPU) João Chaves received it, and an articulation was initiated to gather information and to analyze the situation and its prospects. The immediate actions were described in Information 425666, which reads as follows:

With regard to Memorandum 4256088, I hereby inform you of the institutional dialogue measures already adopted regarding the issue of stranded migrants at the border between Brazil and Peru:

a) on February 14<sup>th</sup> (Sunday), GTMAR was informed that the situation at the border was beginning to get worse and received the first images, as well as news published by the media. According to the information gathered so far, it was a group of 300 (three hundred) to 400 (four hundred) people sheltered on the bridge after being returned or physically rejected by the Peruvian authorities. There was a record of women and children. According to reports by Caritas' agents who provided emergency assistance, the atmosphere was very tense because people, mostly Haitians and Africans, did not want to seek refuge in Brazil, but rather to enter Peru. It was also detected that the group did not plead for refuge in Peru but, instead, claimed they "just wanted to cross it" toward Ecuador, probably with the United States as a long-term goal.

b) on February 15<sup>th</sup> (Monday), after a dialogue with the Advisory Office of International Relations (AINT - Assessoria Internacional), I got in touch with the Peruvian Defensoria del Pueblo (Carlos Eduardo Urrunaga Alvarado, Head of the Oficina de Desarrollo Estratégico y Cooperación Internacional, [currunaga@defensoria.gob.pe](mailto:currunaga@defensoria.gob.pe)) and sent an email with a report of the situation and a partnership offer for joint action. On the same day, I contacted Mrs. Gery Vasquez, Coordinator of CEAS (Comisión Episcopal de Acción Social), an entity similar to the CNBB (National Conference of Brazilian Bishops), who was aware of the situation and provided the contact of Mr. Percy Castillo, coordinator of the Human Rights Unit of the Defensoria del Pueblo. I also reported the situation by phone; the coordinator was aware of the situation and had committed himself to asking the Defensoria in Puerto Maldonado, which performs its duties in Iñapari, to return the call. So far, the Defensoria has not gotten in contact.

c) On Tuesday, February 16<sup>th</sup>, the already reported forcible entry of the group of migrants into Peruvian territory took place, with live coverage and video production by local broadcaster Radio Madre de Dios (available on Facebook). A few hours after this action, there was an immediate return of part of the group to the bridge; the other part was

taken to a gym. There is no information on the people's situation, but it is possible that family groups were split up.

d) at the moment, the pastoral agents of Caritas Aurinete and Marilene are in contact with DPU through a Whatsapp group. UNHCR has not taken any public actions. The situation of retention tends to remain as it is due to the recent Peruvian decree that established drastic restrictions on entry and even circulation between regions of the country, which can cause, in two to three weeks, an increase in the number of migrants on the Brazilian side, larger than the one in 2020, when the demand was the *entry into* Brazil, and not the current *exit* from it. This may require, as already informally reported to SAE, the evaluation of a DPU mission to assess the scenario and possible measures in favor of the group, despite the limitations of action against the Peruvian State.

e) Regarding the MRE (Brazilian Ministry of Foreign Affairs), the channels available and customarily used by GT-MAR (DIM - Division of Immigration and DAC - Division of Consular Affairs) are not sufficient for the necessary impact. There is information on the Minister's performance after a meeting with the federal congresspersons of Acre, which was reported in the media.

Between February 18<sup>th</sup> and 20<sup>th</sup>, the Federal Public Defender Larissa de Sousa Moisés participated in a joint visit with the MMDFH - Ministry of Women, Family and Human Rights, MC - Ministry of Citizenship and IOM - International Organization for Migration and presented the following considerations:

The situation found in the municipality of Assis Brasil/AC is quite serious. Due to a worsening of the Brazilian economic crisis, the municipality has registered a constant counterflow of migrants, mostly Haitians (although they are the majority, there are, however, groups of various nationalities), trying to flee Brazil. Apparently, most of them are resorting to the municipality of Assis Brasil in the hope of continuing their journey with the help of smugglers who are known to work on that route - many even arrived in the country through such "coyotes". Both the end of the emergency aid and the rumor that the Peruvian border would be opened from 02/14/2021 on were the trigger for the arrival of more and more migrants in the locality, the majority planning to start a new life in North America.

Peru is adamant about opening the bridge that connects the two countries, and has been taking hard efforts to prevent passage through clandestine routes. As a form of protest, the migrants camped at the Friendship Bridge (Ponte da Amizade), preventing the flow of trucks between the two countries (which is legally authorized, despite the borders being closed). There are about 500 migrants in the area (a number that is increasing every day) and approximately 40% are women and children, camped on the front lines as a way to contain a possible attack by the Peruvian police force.

The municipality is very poor, and has made every possible effort to feed so many people and to take care of them, but not only is its capacity quite limited but also, if we take into account the COVID-19 pandemic and its health system, its medical structure is not even capable of assisting locals. The Ministry of Citizenship, which accompanied the delegation, pledged to increase the provision of resources made available to socially assist migrants. The mayor hopes that he will be provided with a structure similar to Pacaraima's but, apparently, there is no political will to do so: the idea of the Brazilian Federal Government is to provide resources for food, mattresses, blankets, etc., but to keep the shelters for migrants in schools within the municipality.

Finally, I emphasize that the big problem is that the migratory flow to that region is unlikely to stop in the short term. The Brazilian economic crisis is only getting worse, Peru intends to keep its borders closed at least until September 2021 and the municipality of Assis Brasil/AC is too small and isolated to receive so many people. There are several migrants who have sold everything they had hoping to migrate to the USA, but the truth is that they will hardly be able to cross the border, thus continuing to crowd in the locality.

On February 19<sup>th</sup>, DPU broadcast in social media platforms and whatsapp groups of the Haitian community in Brazil simplified texts and *cards* in Portuguese and Creole, and their respective audios in both languages, with the following content:

### **Attention: migrants on the Brazil-Peru border (1)**

There are stranded migrants in the State of Acre (Brazil) who are unable to cross the border into Peru. Due to norms in Peru, the entry of migrants is prohibited and there are no prospects that the border will be reopened. Other countries in the region, such as Bolivia, Chile and Ecuador, have ad-

opted similar measures. Even for those seeking asylum there is no guarantee of regular admission.

### **Attention: migrants on the Brazil-Peru border (2)**

In Brazil, migrants have the right to security, health and social assistance, even the ones in an irregular situation. However, the Federal Public Defenders' Office cannot act against the government of Peru or force the country to open its borders.

### **Attention: migrants on the Brazil-Peru border (3)**

The Federal Public Defenders' Office advises against use of unauthorized tickets or the entry with smugglers of migrants, the so-called "coyotes". In addition to the possibility of deportation and no guarantee of success, their lives may be at risk and they may become victims of human trafficking or other serious crimes. Preserve your life and your health, avoid risks and be on the lookout for false information (fake news) and false offers from profiteers.

### **Attention: migrants on the Brazil-Peru border (4)**

Migrants on the Brazilian side of the border can seek support from the municipal social assistance network. In case of violation of rights, get help! Useful contacts: Dial 100 (human rights violations), Dial 180 (violence against women), Dial 191 (Federal Highway Police), Dial 190 (Civil Police)



Gen imigran ki bloke nan Eta Akre (Brezil) ki pa kapab travèse Perou. Akòz règleman nan Peyi Perou a, antre migran sa yo entèdi e pa gen previzyon pou fwontyè a ouvri ankò. Lòt peyi vwazen yo, tankou Bolivi, Chili, ak Ekwatè pran menm desizyon an. Menm si w'ap mande refi pap gen mwayen pou 'w antre an règ.



Nan Brezil, imigran yo gen dwa a sekirite, sante e asistans sosyal, menm si yo nan yon sitiasyon iregilye. Men, Biwo Defansè Piblik Federal la pa ka ajè kont gouvènman peyi Perou a oubyen fòse peyi a ouvri fwontyè li a.



Biwo Defansè Piblik la pa konseye Pou w itilize tikè san otorizasyon oubyen avèk kontrebandye migran yo, sa yo rele "raketè" yo. Malgre gen posiblite pou yo depòte w e pasaj sa ka pa garanti yon reyisit, kote lavi' w kapab riske e ou kapab viktim de trafik moun oubyen lòt krim ki grav, prezève lavi'w ak sante' w, evite risk epi ret veyatif avèk move nouvèl ( fake news) e move òf de moun ki bezwen jwi de nou.



Migran yo ki nan bò fwontyè brezil la yo kapab chèche èd nan santral asistans sosyal Minisip yo. Si tout fwa yo vyole dwa'w, chèche èd!

Nimewo ki enpòtan: rele nan 100 (Pou vyolasyon dwa moun), rele nan 180 ( vyolasyon fanm), rele 191 nan (pòs polis ki sou fwontyè a), rele nan 190 (Polis Sivil)



After taking notice of the lawsuit number 1001055-87.2021.4.01.3000, in progression at the Second Federal Court of Acre, on February 26<sup>th</sup> (Friday), it was decided that an immediate face-to-face mission was necessary. Also on Friday, DPU contacted the local civil society, obtaining phone numbers of migrants camped on the bridge. Throughout February 27<sup>th</sup> (Saturday) and February 28<sup>th</sup> (Sunday), there were successive telephone conversations and exchange of WhatsApp messages to contextualize the role of the Defenders' Office and the existence of a legal action. On Monday, a message was transmitted by one of the migrants about DPU's visit on Wednesday, March 3<sup>rd</sup>, when legal assistance could be provided directly and there would be an extended conversation with all interested people.

## **2.2. March 3rd (Wednesday)**

### **a) Meeting with local civil society (Casa dos Jesuítas)**

As a first activity, there was the organization of a presentation and discussion meeting with civil society, mediated by Sister Joaquina (Congregation of the Immaculate Conception). In addition to DPU and IOM, Father Paco (Casa dos Jesuítas), Mr. Isaías (member of the Itinerant Mission and current President of the Rural Workers Union of Assis Brasil), Sister Clarice (Franciscan Catechist Sisters), Father Henrique (parish priest of the city), Mr. Júnior (Caritas and City Hall), Oscar Gonzales (lay missionary) and Cesar Gonzales (lay missionary and journalist).



DPU presented the current situation of the lawsuit, explaining it step by step and its legal possibilities (preliminary decision for repossession, seeking conciliation for the possibility of partial release of traffic on the Integration Bridge, meeting demands for social assistance and shelter, etc.), and the purpose of seeking sustainable solutions to attend the flow of migrants in the region, with emphasis on the case of the continuation of the flow of people with the intention of leaving Brazilian territory. In addition, there was the assessment that the Peruvian government, which published two presidential decrees last month declaring a state of emergency, restricting internal movement and closing borders, will not promote changes in its migration policy in the short term. The Defenders' Office also reported on the measures already taken to guarantee the right to adequate information for migrants potentially interested in leaving via regular or irregular routes, like the editing of text and *cards* for broadcasting, through whatsapp and audios, in Creole language, with circulation in social media platforms of the Haitian diaspora in Brazil.

IOM presented its institutional mission and the measures already adopted for the benefit of the stranded people in Assis Brasil, such as participation in the MMFDH (Ministry of Women, Family and Human Rights) mission, dialogue with IOM Peru, commitment to provide the Assis Brasil City Hall with material support and other structural measures to increase local social assistance and shelter capacities. It also presented the scenario of intraregional migratory flow and the impacts of mobility restrictions by States due to the COVID-19 pandemic, especially for the Haitian community in Brazil.

By and large, civil society exposed four points of tension in the city of Assis Brasil: a) blockade of the Integration Bridge by migrants as a political demonstration against Peru, with no real prospect of an opening of the border; b) duration of the demonstration and of the encampment at the bridge, with dubious information from low-level Peruvian authorities (military, police, local administrators, etc.) about the possibilities of reopening the bridge; c) increasing difficulties with social assistance in Assis Brasil; and d) an increase in the number of trucks held on both sides, worsening the social situation of truck drivers who are also in need of support.

There was a detailed description of the events that took place on February 16<sup>th</sup> (Carnival Tuesday), when a group of migrants managed to break through the Peruvian police barrier and enter the city of Iñapari; the group ended up being divided after violent action and the use of riot control agents; they were later rejected on the way to Brazil. This confirmed what had already been broadcast by Radio Madre de Dios, with a link available on Facebook (<https://www.facebook.com/radiomadrededios/videos/1319896911709416/>).

Civil society is aware of the decrees issued by Peru that decreed a state of emergency until September and the most recent decree that made it clear that there was no prospect of reopening. However, there was a report that migrants, especially those who are camped on the bridge, insist that “if Brazil opens, Peru opens”, that “they only want to pass on a bus without getting off in Peru”, and also that “Brazil does not give an exit document and that is why Peru does not let them pass”.

An increase in the number of migrant smugglers (hereinafter referred to as “coyotes”) has been reported over the past few months [1]; many people have managed to cross the border by paying in dollars, but there are several records of detention in the region of Puerto Maldonado with immediate deportation, money loss and increased tension on the Brazilian side due to the lack of prospects. There is also a fear of the growing number of human trafficking situations, as the migrants’ money is running out on small expenses (hotels for some, food, toiletries, transportation, etc.), which increases the group’s vulnerability. There are also reports about overt racism and xenophobia from the Peruvian state directed against Haitians and nationals of sub-Saharan African countries, who are reported to be returned or deported in greater numbers than immigrants of other nationalities, such as South Americans and Cubans. During the meeting, there were individual assessments that the Peruvian government and local security authorities had created greater resistance against Haitians and Africans, and that such concentration on the bridge only increases the concentration of security officers and border controls, and that the reduction of tension on the Brazilian side (occupation of the Bridge) would be fundamental so that the Peruvian side could also decrease tension.

Still, there is an impression that the number of migrants from Peru destined to Brazil is much smaller, and yet they manage to pass and somehow enter Brazilian territory; as a result, today it is not a major issue.

A peaceful demonstration of about 300 (three hundred) migrants has been reported, with the participation of groups that are sheltered in schools and on the bridge and arrived the day before (March 1<sup>st</sup>) but, at the same time, there is a constant outflow of migrants who are giving up and returning to their previous places of residence in Brazil, or looking for other points on the border that they do not reveal.

As a result of DPU’s questioning, it was informed that there are also migrants staying in hotels, such as the Hotel Dois Irmãos on the main street of the city. The Peruvian Red Cross visited the Peruvian side on March 1<sup>st</sup> in order to verify the need for material assistance, but it has already returned.

As for the security forces, there was no report of a strong presence of the Brazilian National Force, even in small numbers, or of military personnel from the Brazilian Army or the Brazilian Navy near the bridge. There is information that the Navy intensified the monitoring of the Rio Acre, but there are no details about it.

About the COVID-19 pandemic, it was reported that there was testing of migrants; the results showed a high number of infected ones. After testing positive or showing symptoms, the City Hall isolated the infected migrants in a gym - approximately 08 (eight) in isolation in the gym and another 04 (four) in a hotel - although others refused to seek isolation.

#### **b) Visit to the camp on the Integration Bridge**

After the meeting with civil society, the mission went to the Integration Bridge to visit the group of migrants at the camp. There was a very brief verification of its physical and organizational conditions, which will be detailed in a specific topic; on that occasion, there were about 70 (seventy) migrants, including adults and children. Also, 05 (five) pregnant women were identified.



After an initial presentation by Sister Joaninha and Padre Paco, DPU and IOM presented their institutional missions and the objectives of the visit. DPU, in a bilingual presentation (in Portuguese and in French), described the situation of the lawsuit, the Brazilian Federal Government's request for repossession, the content of its manifestation and of the one presented by the Federal Prosecution Service (MPF/ Ministério Público Federal), both against reinstatement and requesting conciliation deals with the Federal Government. The

persons present were also informed of the judicial order given on Monday (March 1<sup>st</sup>) with the granting of a period of 48 (forty-eight) hours to the Federal Government to provide an action plan and complementary elements with reference to both sanitary and not sanitary aspects. The last acts reported were the March 2<sup>nd</sup> judicial manifestations of Assis Brasil's City Hall regarding management problems, limited social assistance resources, conflicts and, despite requests for the presentation of an action plan, agreeing with the request for reintegration, and the Federal Government's request for an extension of time for another 48 (forty-eight) hours.

The migrants that were consulted confirmed the information obtained by DPU from civil society that their only demands were the opening of the Peruvian border, so that they could pass toward Ecuador. They say that there is no interest in staying in that country and that the idea is to look for a bus that can take them, directly and without stopping, to the border with Ecuador, from where the majority of them believe they will be able to pass. Many migrants reported losing money to coyotes and even extortions and thefts by Peruvian agents on the location between Iñapari and Puerto Maldonado that were returned, as others, who had passed through the same region in previous weeks.

They claim that the Defenders' Office, in addition to judicial actions, should have as its sole objective the fight for the opening of the border or the authorization to pass, in any case, based on



the human right to migrate. In response, the Defenders' Office clarifies that, on the same day of the Bridge group's attempt to enter the Peruvian territory, it maintained contact with a representative of Peruvian civil society and the Defensoría del Pueblo, as reported above, but its successive attempts by e-mail, phone and whatsapp were unsuccessful. Furthermore, it pointed out that neither the Brazilian Public Defenders' Office, the Federal Prosecution Service or the Judiciary Branch have the power to oblige Peru, as a sovereign state, to authorize their entry and that even Brazil has adopted similar legal measures since March 2020, which are intensely opposed by DPU.

The migrants insisted that there was an ongoing negotiation process with the Peruvian authorities, namely Colonel Sanchez (it was not possible to deduce whether he is from the Police or the Army), who is reported to have said, and recorded audios, on the subject that Peru is not to blame for the closure of its border, for it only happened because Brazil closed its own. Thus, if Brazil opened its border, Peru would automatically open its border as well. In addition, they report that, since February 14<sup>th</sup>, there has been successive information that Peru would open its border, and that such news, which circulated on



the social media platforms of the Haitian community and other countries, motivated an intense flow of migrants on that date; that resulted in stranded people and its consequences. It was said that the condition on the bridge is unhealthy, especially for pregnant women, and that most of them intend not to return. It was also reported the absence, until that moment, of representatives accepted by the group or of a negotiation and coordination committee of the movement, which is public knowledge. There were no reports of police violence by the Federal Highway Police, the only security entity they know of, and which regularly go to the Bridge to monitor the situation. There were no other complaints of violations of rights in Brazilian territory, except for the precarious situation of the camp on the bridge. There were no details on the number of migrants or their nationalities; it was only indicated that most of them are Haitians, that there are Africans of all nationalities and some Cubans.

As far as IOM is concerned, its representative made it clear that the agency cannot force another country to open its borders and accept migrants, and that the subject is beyond the capabilities and institutional objectives of the United Nations. He informed that the organization has been looking for ways to help Brazil, through the Municipality of Assis Brasil, to guarantee social assistance, food and adequate shelter for stranded migrants.

After the initial conversation with the expanded group, DPU requested a private conversation with the women in the group, and it was reported that, until that moment, there had been no similar action aimed at gender issues. In the conversation, the Public Defender introduced the institution, spoke briefly and in a simplified way of Brazilian policies to combat gender-based violence and indicated possible ways to access rights. In addition, this action sought to guarantee these women's right to speak and to listen; broadly speaking, they reported that there is great fear regarding the pregnant women's situation, especially one who is eight (8) months pregnant and about to give birth. There are no spaces reserved for women on the bridge for bathing and basic needs, or toiletries especially for them. No situation of separated or unaccompanied children or adolescents was detected, although

there are reports of children of Brazilian nationality.

Within the possibilities of time and space, there were individual interviews with women and men about the main themes related to access to rights and understanding of the migratory flow; contacts were obtained and the dialogue between the people assisted and the Defenders' Office was strengthened.

### **c) Meeting with the Federal Highway Police (Polícia Rodoviária Federal/PRF)**

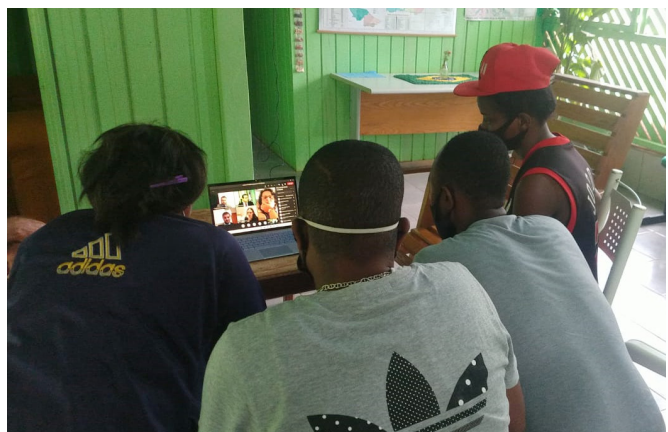
Right after the first visit to the bridge, DPU and IOM participated in a meeting with the Federal Highway Police at its headquarters; the institution was represented by Officer Hipólito, responsible for the bridge's crisis management and security.

Among other topics, the PRF described the demonstration on March 1<sup>st</sup>, which had approximately 300 (three hundred) migrants (if added together the group camped on the bridge and the one from the schools used as shelters). In such demonstration, Colonel Sanchez of Peru reportedly announced that the border will be closed until September. The issue of counter-information was pointed out as one of the elements of greatest tension and heightened spirits, especially regarding the absence of a formal ban, and that Peru has no responsibility for the closure of borders, which was reported to be Brazil's fault, as it "does not let people out" and "does not give authorization". He exhibited the Supreme Decree number XXX, issued in February, in printed form with the stamp and signature of the Peruvian police, which deals with the closure of borders, but which was not considered valid by natural leaders. He informs that, after dialogues with the Brazilian Federal Police and the Ministry of Justice, the PRF participates in the construction of an action plan for the potential removal of migrants in compliance with the possible decision of repossession, within the principles of minimum intervention and use of non-lethal equipment.

Finally, he informs that he is in contact with the Haitian Embassy in Brazil, which has shown interest in visiting the Bridge on Saturday for dialogues and consular assistance.

### **d) Participation in meeting/court hearing in the lawsuit number 1001055-87.2021.4.01.3000**

At 4 pm, the DPU member participated in the mission in a conciliation hearing promoted by the Second Federal Court of Acre by video conference. Besides the presiding Federal Judge Herley da Luz Brasil, the Counsels for the Federal Government in charge of the case, the Federal Prosecutor Lucas Costa Almeida Dias from the Federal Prosecution Service and the Federal Public Defenders Larissa de Sousa Moisés (DPU/AC) and Roberta Pires Alvim (SAE) participated.



In short, the intention of opening the borders as a condition for a departure from the Bridge was exposed according to the dialogue carried out, with considerations from the Federal Government regarding the existence of dangerous cargoes, retained on the Brazilian side (gasoline and explosives), which should be allowed to pass for the safety both of the inhabitants of Assis Brasil and the migrants. The Federal Government also reports the elaboration of an action plan composed of two main points - public security and social assistance – which, although partially, is to be presented on Friday, March 5<sup>th</sup>. It



was the Court's initiative to raise the topic on whether the migrants could partially clear the passage, at least to guarantee the traffic of urgent cargoes, among which are the dangerous ones mentioned by the Federal Government. As for the proposal made to migrants occupying the Bridge, a period of 24 (twenty-four) hours was granted so that, on the following day, same time, a new hearing/meeting regarding such topic would be conducted, after a group discussion with the Federal Public Defenders' Office.

## **2.3. March 4th (Thursday)**

### **a) Visit to the camp on the Integration Bridge**

At 8:30 am, the DPU and IOM mission went to the Bridge, so that DPU could present the results of the previous day's hearing/meeting and discuss possibilities of action and reconciliation, as a legal assistance under a duty to professional secrecy. There was consensus among the people present about refusing any measure of liberation or eviction that did not include the regular passage of migrants, the entry into Peru or the concession of buses for the journey to Ecuador and, also, that there was not enough effort from Brazil for such purpose.

### **b) Meeting with Assis Brasil's City Hall**

At 10 am, there was a meeting at the headquarters of Assis Brasil's City Hall with the Mayor, Mr. Jerry Correia, DPU, IOM, representatives of civil society, Municipal Secretary of Social Assistance and employees of the State Department of Human Rights, with the sole aim of providing emergency assistance to stranded migrants at the border and seeking negotiated and effective solutions.



The Mayor thanked the mission for its presence in Assis Brasil and explained that they are doing everything possible to guarantee social assistance and dignified treatment to all migrants with minimum standards of accommodation, food and health. He said that the change of mood among the inhabitants is noticeable. He clarified that he is aware of the transfer of funds by the Federal Government estimated at 1,200,000.00 (one million and two hundred

thousand) Brazilian reais, but that such amount, alone, is not enough, since technical support is needed; in the previous week, the Municipality received the keys for a new shelter or halfway house, with a capacity of 30 (thirty people), and that there was no dialogue with the Brazilian Armed Forces (Army or Navy) and the Federal Police, and that the Municipality is not supposed to deal with migration policy or control the flow of irregular migration across borders. Civil society has identified the increase in prices charged by coyotes for crossing the river and, furthermore, discrimination, as Haitian migrants pay higher prices. 50.00 (fifty) Brazilian reais are reported to be required for Cubans or Venezuelans, and 40.00 (forty) dollars for Haitians. In the case of arrival in Puerto Maldonado the value is reported to vary between 150,00 (one hundred and fifty) and 400,00 (four hundred) dollars.

The State Department of Human Rights's representative said that the institution will maintain a mission for 13 (thirteen) days in the Municipality in support of the assortment of people and shelter processes.

After an inquiry, the Municipality clarified that there are two schools used as shelters; the first one is the Iris Célia Municipal School and, the second one, the Edilza Maria Batista Municipal School. On February 15<sup>th</sup>, when custody of migrants was accentuated and the occupation of the bridge began, the general count in the city was 371 men, 176 women and 123 children (670 people in total). On March 1<sup>st</sup> (Monday), the Iris Célia School was reported to have 146 sheltered people and, the Edilza School, 125. However, the numbers dropped to 104 and 95, respectively, on March 3<sup>rd</sup>, suggesting a decrease in demand. At the time of the meeting, there was no numerical data for women and children, exact counting or assortment of people. The protection tent installed on the Bridge is also funded by the City Hall, and there is permanent movement of people between the school and the bridge. The water supply on the Bridge is provided daily by the City Hall.

Regarding the tests, it was reported that the Municipality received another load of testing kits, and it was informed that the sheltering of people suspected of contamination by COVID-19 is being carried out in a gym. After February 15<sup>th</sup>, 155 migrants were tested; 13 of them have tested positive for COVID-19.

#### **c) Visit to schools used for emergency shelter**

After the meeting, there were visits to the schools to verify facts and, also, informal interviews with the sheltered people, as a legal assistance under a duty to professional secrecy. DPU and IOM were able to freely enter the spaces and take photos.

#### **d) Visit to the camp on the Integration Bridge**

Due to the information that the Court would allow the participation of those involved in the occupation in the hearing to be held in the afternoon, there was another visit to confirm who the interested persons were and designate representatives to provide a legal assistance under a duty to professional secrecy.

#### **e) Participation in meeting/court hearing in the lawsuit number 1001055-87.2021.4.01.3000**

At 4 pm another meeting/hearing took place, with the same participants as the day before, plus the representation of the affected migrants (Mrs. Maria, Mrs. Esther, Mr. Guyto and Mr. José) and representatives of the National Human Rights Council (CNDH/Conselho Nacional de Direitos Humanos). The Federal Government reported the impossibility of negotiating with Peru the opening of the border, with the country's formal refusal, and of any measures that would force the neighboring country to accept migrants. There was a commitment to present an emergency action plan covering aspects of security and social assistance, until the following day. There was no conciliation at that moment, although the Defenders' Office has committed itself to discuss such results with the migrants involved.

## **2.4. March 5th (Friday)**

#### **a) Visit to the camp on the Integration Bridge**

At around 9 am, the Federal Public Defenders' Office, along with IOM and civil society, returned to the bridge to report the results of the second meeting/hearing and explain the legal scenario to the migrants, providing a legal assistance under a duty to professional secrecy. The phone and

whatsapp numbers of the Federal Public Defender assigned for the case were provided, as well as it was communicated that the defense within the lawsuit would continue despite the departure of the DPU member from the city of Assis Brasil, and that DPU would continue its assistance, at all times, to keep the migrants informed.

#### **b) Visit to schools used as emergency shelter**

After the first visit to the Bridge, the mission moved to the two schools, with the same objectives of making explanations, discussing legal assistance strategies and providing contact information. In addition to new interviews and registrations to provide legal assistance under a duty to professional secrecy, the State Department's performance was noted, with the beginning of assortment of people and work with children, and a private conversation with Ms. Luci and Ms. Jesivania, who were hired as social workers to manage the shelters. There was information that, so far, the migration flow is not controlled. At the exit of the Íris Célia School, the presence of taxi drivers was acknowledged, with subsequent information on the departure of 20 people traveling to other Brazilian cities.



### **2.5. Follow-up activities**

The face-to-face activities of the mission ended around noon on March 5<sup>th</sup> (Friday). However, legal assistance within the lawsuit continued, as well as dialogues with two other missions following the DPU's, one from the National Council for Human Rights (CNDH) and, the other, from the Federal Government, through the Ministry of Citizenship.

In the case of CNDH, an urgent verbal report was given to the Counselor in charge, Mr. Joselito Sousa, with the explanation of the actions already taken and the suggestion of new measures.

Moreover, throughout March 6<sup>th</sup> (Saturday) and March 7<sup>th</sup> (Sunday), DPU maintained regular contact with civil society, migrants involved in legal assistance under a duty to professional secrecy and PRF, with a record of a significant decrease in the number of people on the bridge after the visit that took place on Friday and a tendency towards voluntary departure within a few days, regardless of a court decision.

On March 7<sup>th</sup> (Sunday), DPU participated in a meeting with the Peruvian Defensoria del Pueblo at the invitation of the National Council for Human Rights (CNDH); in such opportunity, it expressed its concern regarding the guarantee of the right to adequate information by Peruvian state agents in the border, and reaffirmed its commitment to institutional dialogue.

As for the lawsuit, there was an injunction for repossession in the early hours of March 8<sup>th</sup>

(Monday). As soon as DPU got the news, it made contact with the camped migrants by phone and whatsapp messages. Audios containing information were made available in Portuguese and Creole and the following text was published on whatsapp:

#### **INFORMATION FOR MIGRANTS ON THE BRIDGE IN ASSIS BRASIL/AC**

The Federal Public Defenders' Office informs that, earlier today, the Federal Judge in charge of the case decided to CEASE THE OCCUPATION of the bridge.

The judge decided that the Federal Police and the Federal Highway Police could act immediately to remove the people who are camped there. The Defenders' Office was against the measure, but the decision was made by the Federal Court.

The guidelines given by the Federal Public Defenders' Office last week (days 3, 4 and 5) are maintained. We continue to defend the people, but there is no possibility of changing such decision at this time. We must remain calm and engage in dialogues with the security authorities and avoid conflicts or risk of accidents.

There is no determination of violence or use of lethal weapons. People will not be arrested just for having carried out the occupation, unless they commit other crimes (assaulting police officers, destroying cars and equipment, etc.) or do not accept the determination to exit the place and disobey the order of the Judge.

The Defenders' Office is monitoring all the measures adopted and engaging in dialogues with all the parties involved (Police, City Hall, Judge, etc.). Keep calm, collaborate with security and technical assistance teams and especially safeguard the safety of children and pregnant women.

For emergencies or legal assistance in the lawsuit, the Defenders' Office provides assistance in Portuguese and French by phone and whatsapp (11) 99177-1178 (Public Defender João Chaves).

At the end of the morning of the 8<sup>th</sup>, there was a spontaneous vacancy of the Bridge, without the need of police force, with a final act by the protesters, with live journalistic broadcast by Radio Madre de Dios (available at <https://www.facebook.com/radiomadrededios/videos/768575054042505/?flite=scwspnss>). By the end of the day, the awning and other supplies had been removed, with the reopening of traffic.

### **3. JOURNALISTIC PRODUCTION ABOUT THE FACTS**

The written communication vehicles produced the following records about the facts:

#### **RADIO MADRE DE DIOS (IÑAPARI - PERU)**

[https://www.facebook.com/watch/live/?v=1319896911709416&ref=watch\\_permalink](https://www.facebook.com/watch/live/?v=1319896911709416&ref=watch_permalink)

<https://www.facebook.com/radiomadrededios/videos/768575054042505/?flite=scwspnss>

#### **BRAZIL IN FACT**

<https://www.brasildefato.com.br/2021/02/26/uniao-pede-desobstrucao-de-ponte-na-fronteira-com-o-peru-novo-conflito-e-iminente>

<https://www.brasildefato.com.br/2021/03/01/justica-contraria-uniao-e-nao-autoriza-desocupacao-de-ponte-entre-brasil-e-peru>

#### **MIGRAMUNDO**

<https://migramundo.com/imigrantes-no-acre-vivem-limbo-em-meio-a-covid-19-e-clima-tenso-na-fronteira/>

<https://migramundo.com/o-que-os-acontecimentos-no-acre-mostram-sobre-as-migracoes-no-brasil-segundo-pesquisadora/>

<https://migramundo.com/migrantes-devem-deixar-ponte-no-acre-por-conta-propria-nesta-semana/amp/>

<https://migramundo.com/de-forma-pacifica-migrantes-deixam-ponte-no-acre-apos-decisao-da-justica/>

#### **UOL/FOLHA**

<https://noticias.uol.com.br/colunas/rubens-valente/2021/02/27/fronteira-acre-crise-ponte-integracao-gover->



no-bolsonaro.htm

<https://noticias.uol.com.br/colunas/rubens-valente/2021/03/01/covid-acre-imigrantes.htm>

<https://www1.folha.uol.com.br/opiniaio/2021/03/tensoes-fronteiras.shtml>

#### **VEJA**

<https://veja.abril.com.br/blog/radar/defensoria-consegue-liberacao-de-ponte-ocupada-por-migrantes-no-acre/>

<https://veja.abril.com.br/blog/radar/defensoria-negocia-liberacao-de-ponte-ocupada-por-migrantes-no-acre/>

#### **ACRE 24 HOURS**

<https://ac24horas.com/2021/03/05/dpu-envia-emissario-para-negociar-liberacao-de-ponte-em-assis-brasil/>

<https://ac24horas.com/2021/03/03/imigrantes-sao-flagrados-ingerindo-bebida-alcoolica-em-assis-brasil/>

#### **OTHERS**

<https://g1.globo.com/ac/acre/noticia/2021/03/09/impedidos-de-deixar-brasil-imigrantes-vivem-angustia-na-fronteira-do-ac-com-peru-deus-nunca-deixa-um-filho-sozinho.ghtml>

<https://www.conjur.com.br/2021-mar-08/justica-determina-desocupacao-ponte-liga-brasil-peru>

<https://www.oriobranco.net/noticia/acre/09-03-2021-ponte-da-integracao-entre-brasil-e-peru-em-assis-brasil-e-liberada-e-imigrantes-retornam-a-abrigos>

<https://epoca.globo.com/guilherme-amado/justica-determina-que-migrantes-desocupem-ponte-que-liga-brasil-ao-peru-24914827>

<https://g1.globo.com/ac/acre/noticia/2021/02/24/com-ponte-ocupada-por-imigrantes-caminhoneiros-protestam-e-temem-perder-carga-com-alimentos-na-fronteira-do-ac-com-o-peru.ghtml>

<https://g1.globo.com/ac/acre/noticia/2021/02/16/mais-de-400-imigrantes-que-estavam-acampados-ha-3-dias-em-ponte-no-ac-invadem-lado-peruano.ghtml>

<https://agenciabrasil.ebc.com.br/geral/noticia/2021-02/assis-brasil-no-acre-decreta-calamidade-apos-conflito-com-imigrantes>

<https://brasil.estadao.com.br/noticias/geral,barrados-450-imigrantes-acampam-sobre-ponte-que-liga-brasil-e-peru-no-interior-do-acre,70003618819>

<https://www.bbc.com/portuguese/internacional-56342515>

## **4. EVALUATION AND PERSPECTIVES**

### **4.1. Flow characteristics**

As it can be deduced from the facts reported above, in Assis Brasil there was an increase in the already usual custody of migrants due to the entry restriction policies developed by all countries in the region and, in this specific case, the intensification of control on the Peruvian side. With regard to the reports, there was a real siege against irregular migration, which prevented the vast majority of people from crossing Peru beyond Puerto Maldonado (located in a 230 km distance from Assis Brasil) and reaching Cusco - a "safe place" - from where they would not be deported, according to prevailing opinion.

One could say, based on observations, that retentions reached their peak between February 15<sup>th</sup> and 17<sup>th</sup>, when the bridge was occupied with collapsible tents and there was an attempt of mass forced entry into Peruvian territory, which ended up being promptly repelled, according to audiovisual records. Civil society's reports indicate a slow decline in the number of people, which was accentuated between March 1<sup>st</sup> and 5<sup>th</sup> and had its peak on March 6<sup>th</sup> (Saturday). Thus, it is possible to estimate that the number of people camping on the Bridge and at the two schools used as shelter (Íris Célia and Edilza) ranged between 650 and 100, although the data is only an approximation.



In this regard, it is important to highlight the absence of procedures for assortment of people and dismembering the data, or even an adequate understanding of the indicators to be sought. The only count obtained was the City Hall's, already mentioned, of 670 people with distinction between men, women and children and, after that, only visual projections. In addition to the lack of human resources, it was noticed that the groups did not have the will to provide any personal information (name, nationality, age, family members, etc.), nor did they have the ability to manage places such as shelters. Moreover, during the entire period, circulation was evident between people camped on the bridge and sheltered at the schools and it was quite common to meet the same people in two or even three places on the same day of visits. The criteria for the allocation of people in one place or another are still not understood, obviously considering that the occupation of the bridge was intended to support a political demonstration for the reopening of the border by the Peruvian government.

Thus, after these considerations, it can be safely assessed that the group was mostly Haitian, with Portuguese, Spanish, French and Creole speakers, with the presence of single men, single women and, also, family groups, with children of all ages. A smaller number of people came from African countries; the most evident ones are Angola, Benin, Mali, Côte d'Ivoire, Ghana, Guinea Conakry, Democratic Republic of Congo and Republic of Congo (Congo Brazzaville). There was also the detection of a small number of Cubans facing homelessness in the city who, during the day, went to the Bridge to catch up on news, and only one Venezuelan migrant, during the entire period, also in search of transportation to other countries.

It is believed that, during the last week, there were about 50 children distributed between the Bridge and the shelters. There was no information on the LGBTQI+ population, people with disabilities (only one person in a wheelchair, who had already left the place) or other indicators of vulnerability.

## 4.2. The occupation of the Integration Bridge

In all visits, it was found that the Bridge was occupied along its entire length under the management of the Brazilian Government, with two main places for shelter. The first one, closer to the head, was protected by a large awning, which had been funded by the City Hall, and had approximately 10 (ten) *camping* tents in different states of conservation. Next to it there was a makeshift cooking area with stoves and pans, covered by a canvas tent. Also at its head, the City Hall installed two 500 (five hundred) liter water tanks for general use, especially for



bathing and personal hygiene, with one used by men and, the other, by women. Toward the middle of the bridge there was also a third water tank of equal capacity with drinking water; all of them were supplied daily by the Municipality. There was a small canvas and wood tent and, finally, a second large shelter, with another 10 (ten) *camping* tents. One of the Bridge's electrical outlets used by reflectors was reverted to common use, with an improvised outlet and extensions that allowed multiple cell phones to be charged at the same time.

The Bridge's environment was unhealthy, due to the lack of restrooms and, also, the constant and very strong presence of mosquitoes. In a private conversation, several women pointed that out as the biggest problem, especially for pregnant women who slept there and small children. Mosquitoes repellents were provided, in more serious cases, by civil society. Food supply was also noticed.



The bridge is approximately 1.2 km away from the post that brings together federal agencies (Federal Police, Federal Highway Police and Federal Revenue), in a descending stretch surrounded by dense forest. To get to the city, migrants walked up to the post and went down a slope that merges with the main street of the city, in a walk of approximately 2 km.

#### **4.3. Shelters visited and the social assistance situation in the Municipality**



The two schools that served as shelter visited during the period are located on Rua Eneide Maria Batista, 2 (two) and 04 (four) blocks from the main square. Despite the good general condition of their construction, it was detected the total inadequacy for their use as shelters for a period longer than a few days. In each one of them, there are about 15 (fifteen) to 20 (twenty) classrooms that were used as rooms for housing migrants. The patio also has tables and chairs. Both kitchens are equipped and,

on all visits, Brazilian cooks were found preparing food, with the expected hygiene care and utensils available. The two schools also have sports courts that were used for leisure, especially for card games and dominoes. Only on the last day of the mission, with the arrival of technicians from the State Department, was there an educational activity for children (drawings displayed on clotheslines, wheel games, etc.). The restrooms were in poor hygiene; at Iris Célia School there were no showers, so the migrants washed themselves up in an improvised area with tarps. As for the Edilza School, the most worrying fact related to structure was an apparent open pit or flooded area between the inner courtyard and the sports court, next to two water tanks without lids, with a risk of mosquitoes proliferation and dengue fever transmission.

In both schools there was, in the first visits, only one security officer who did not carry out entrance/exit controls. On the last day, the assortment of people process began with filling in forms provided by the Municipal Department of Social Assistance, but the difficulty of obtaining data and the lack of adaptation of the form to a reality of migrants' high mobility was noticeable.

It was not possible to visit the new Halfway House (Casa de Passagem), to be inaugurated by the Municipality, but it is clear that both schools need to be substituted and are not suitable for social assistance for long periods. In addition to the risk of deterioration, there is the possibility of restarting classes and the difficulty of establishing adequate management. In contrast, the absence of migration intelligence and governance data confounds any prediction on the sufficiency of the 30 to 50 spots at the Halfway House for the adequate assistance of stranded migrants.

An inevitable conclusion, based on the visits and also on the meeting with the City Hall staff, is that the allocation of funds alone does not meet the demands within social assistance. It is clear, and has been confirmed by the mayor, the need for technical support, through technicians and social assistance professionals qualified in the subject, legal assistance on migration law and training of the local staff (public servants, pastoral agents, etc.), as well as permanent monitoring of the number of migrants circulating in the city and making demands on the Municipality, to prevent new episodes of migratory mismanagement.



#### **4.4. The situation of migrants stranded at the border: causes and consequences**

The South American normative scenario, as well as interviews with migrants and civil society, point to the conclusion that the custodies that occurred in Assis Brasil were due to a conjunction of several factors, which may at some point be interconnected through more detailed investigations. These factors are:

- a) expectation of changes in US immigration policy after the election, in January, of President Joe Biden, Donald Trump's successor, which will allow the loosening of immigration controls at the land border with Mexico;
- b) edition, by Peru, of presidential decrees ("supreme decrees") in which a state of emergency is recognized, with extremely severe measures to restrict movement, with an indication of the closing of borders to non-Peruvians until September 2021, with specific reference to an absolute restriction of entrance to be applied to people coming from Brazil;
- c) increased inspection by Peruvian security agents in the state of Madre de Dios, with a zero-tolerance policy for irregular migration and immediate return of apprehended people, especially in the city of Puerto Maldonado, with reports of theft and extortion even against people who had already paid coyotes and had verbal guarantees of passage;
- d) significant increase in prices charged by coyotes for crossing the Acre river in comparison with previous months, when the pandemic had already started;
- e) selectivity in the management of irregular migration routes after entering Peru, with apparent tolerance for the passage of Latin Americans or non-black migrants (Brazilian, Venezuelan, Peruvian, etc.), who would be able to blend in more easily in the destination community, and total restriction to the passage of black migrants (Haitians or Africans), who would become more easily identifiable by the police authorities in Peru, thus generating commercial unfeasibility of smuggling operations;
- f) refusal of stranded migrants, considering other possibilities of irregular migration, especially to Bolivia at its various land border points with Brazil (Epitaciolândia-Cobija, Guajará-Mirim-Guayaramerín, Corumbá-Puerto



Quijarro); they claim that “Bolivia is too dangerous”, “going from Bolivia to Peru is difficult” and “it costs more than a thousand dollars to go through”;

g) the contacts with migrant communities in other countries north of Brazil, which indicate that the prices of irregular migration charged between other countries (especially from Peru to Ecuador and Ecuador to Colombia) are average, creating an impression that the problem was only in Brazil – not in Peru –, or the maladjustment of the migrant smuggling market;

h) apparent confusion between the concepts of regular and irregular migration by the migrants, who come to understand that issues such as increased inspection and the charging of excessive amounts by coyotes, who do not abide by the law, could be used as an argument against official migration policies, which leads to frustration after a denial;

i) systematic misinformation promoted by local Peruvian agents, especially the army and police, who led migrants to believe that they were in an active negotiation, with the possibility of an opening of the border within a few days, without the need of a visa (at least for regular migration), or gave information that Peru only closed its border in response to Brazilian decisions and that it could reopen them through reciprocity;

j) lack of active dialogue between Brazil and the Haitian diaspora, which comprised the majority of stranded people and did not have basic information about the regional scenario, assistance policies, migrants’ rights, criteria for entry into other territories, etc.; and

k) absence of migration governance in the region of Assis Brasil, without any coordination or structured dialogue on the phenomenon, its causes and consequences, with prevention and emergency action plans, by the players in charge of close surveillance of the border (Armed Forces), immigration control of entry and exit (Federal Police), highway security (Federal Highway Police) and social assistance (City Hall).

Thus, it is an extremely difficult and, also, a broad aspect that results from the adoption of total restriction measures, or *blanket measures* in technical jargon, which were implemented by all countries in the region and now show its effects on migration governance. Poor prospects of mobility and distorting reality by denying its existence encourage irregular migration and, more than that, put migrants at risk without a counterpart for national communities in terms of security and protection against the spread of the coronavirus.



The Peruvian measure in question is nothing more than an external version of the 28 (twenty-eight) successive Brazilian interministerial decrees with similar content, which are the object of intense criticism and judicial contestation by DPU in partnership with other institutions, such as MPF, Conectas Human Rights and Archdiocesan Caritas of São Paulo. Therefore, it is possible to say that there should be monitoring for the coming months or, probably, throughout the year, for quick and effective action in emergency cases, in addition to guaranteeing the rights of stranded migrants within the national territory.

## 5. POSSIBLE ACTIONS

As a result and institutional learning of the facts narrated above, the following referrals can be presented, as suggestions or recommendations for action to the main players:

## **5.1. Ministry of Citizenship**

- a) compliance with the assistance plan presented in lawsuit number 1001055-87.2021.4.01.3000;
- b) daily monitoring of the assistance situation in the Municipality of Assis Brasil;
- c) provision of technical support for the management of emergency shelter structures;
- d) classification, within the Basic Operational Norm of the Unified Social Assistance System (NOB-SUAS/Norma Operacional Básica do Sistema Único de Assistência Social), of the halfway house or shelter by the Municipality of Assis Brasil;
- e) establishment of a support policy for voluntary return, when applicable;
- f) guarantee of adequate allocation of resources to the Municipality for the maintenance of emergency actions; and
- g) creation of a specific crisis management and social assistance protocol for land border municipalities, with contingency plans for heavy flow situations.

## **5.2. Ministry of Foreign Affairs**

- a) constructive dialogues among South American countries to standardize entry restriction criteria, information sharing and construction of “humanitarian corridors” or solutions that allow minimum standards of human mobility, based on the reality of the already consolidated irregular intraregional migration.

## **5.3. City Hall of Assis Brasil**

- a) continuation of the social assistance actions already described;
- b) training of municipal staff’s technicians and continuity of the process of hiring social workers;
- c) strengthening of assortment of people and data collection capacities according to key indicators (nationality, gender, age, family groups, specific vulnerabilities);
- d) adaptation of the structure of some shelters within the municipality, aside from Íris Célia and Edilza Schools, to function as temporary shelters in cases of heavy migration flow, in addition to the halfway house yet to be inaugurated.

## **5.4. International Organization for Migration**

- a) maintenance of direct assistance support to migrants;
- b) investment in measures to strengthen local capacities to deal with large migratory flows;
- c) production of data according to the DTM - Displacement Tracking Matrix or similar methodology for the detection of migration flows in areas of great movement, with possible expansion to other land borders.

## **5.5. Embassy of Haiti in Brazil**

- a) institutional dialogues about the Haitian intraregional migratory flow;
- b) evaluation of possible partnerships for the production of materials and monitoring of spe-



cial cases, preserving confidentiality, in conformity to the interests of the people who are receiving consular assistance.

## **5.6. Federal Public Defenders' Office**

- a) production of a, preferably, multilingual educational material on rights for permanent exercise in land border areas, in audiovisual media (posters, *cards* for circulation on social media platforms and messages, audios, videos);
- b) creation of a permanent monitoring structure for land or air border regions to detect potential cases requiring prompt action and provide free legal assistance;
- c) submission of this report in full and/or summarized form to interested persons and entities.

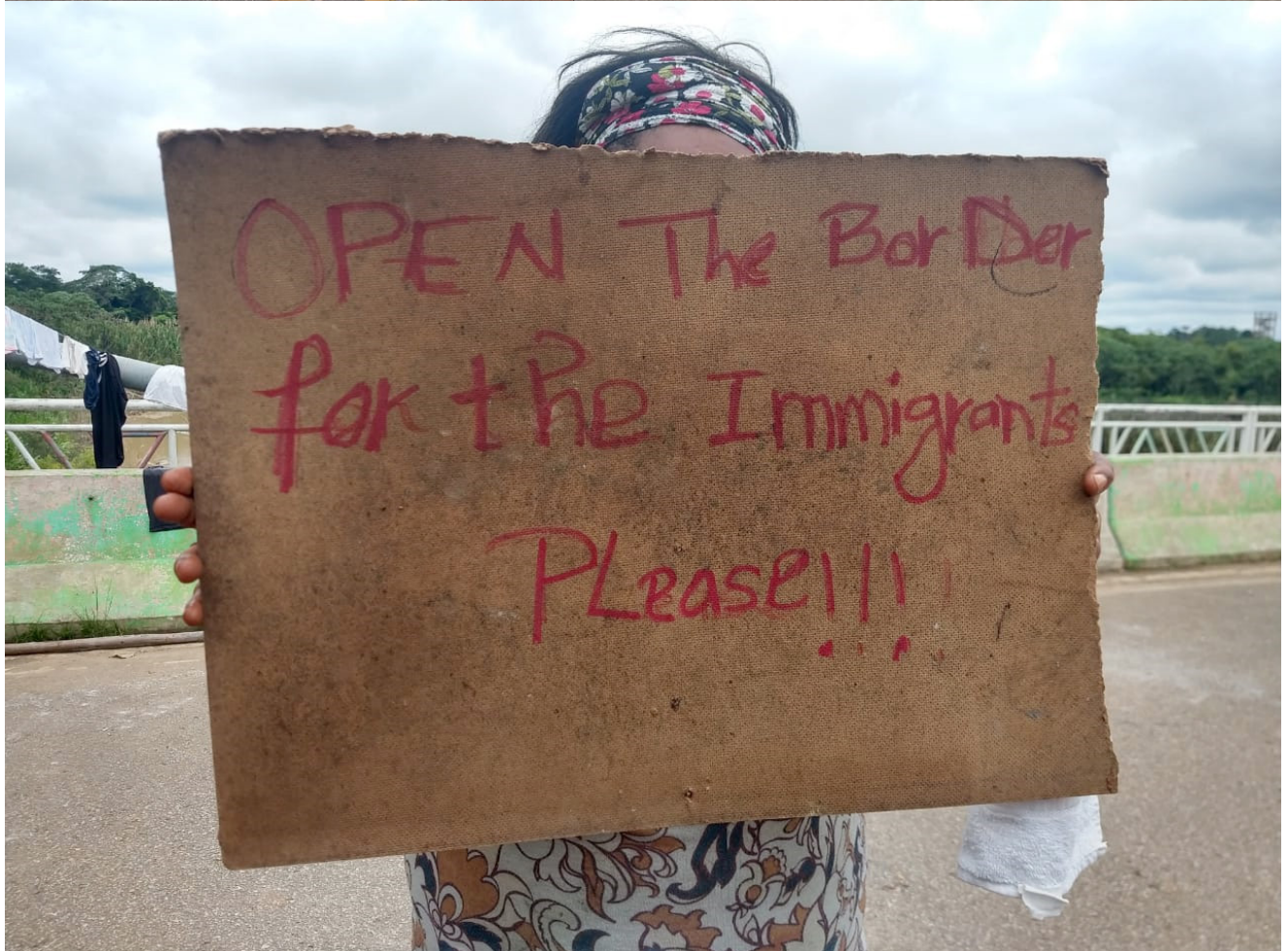
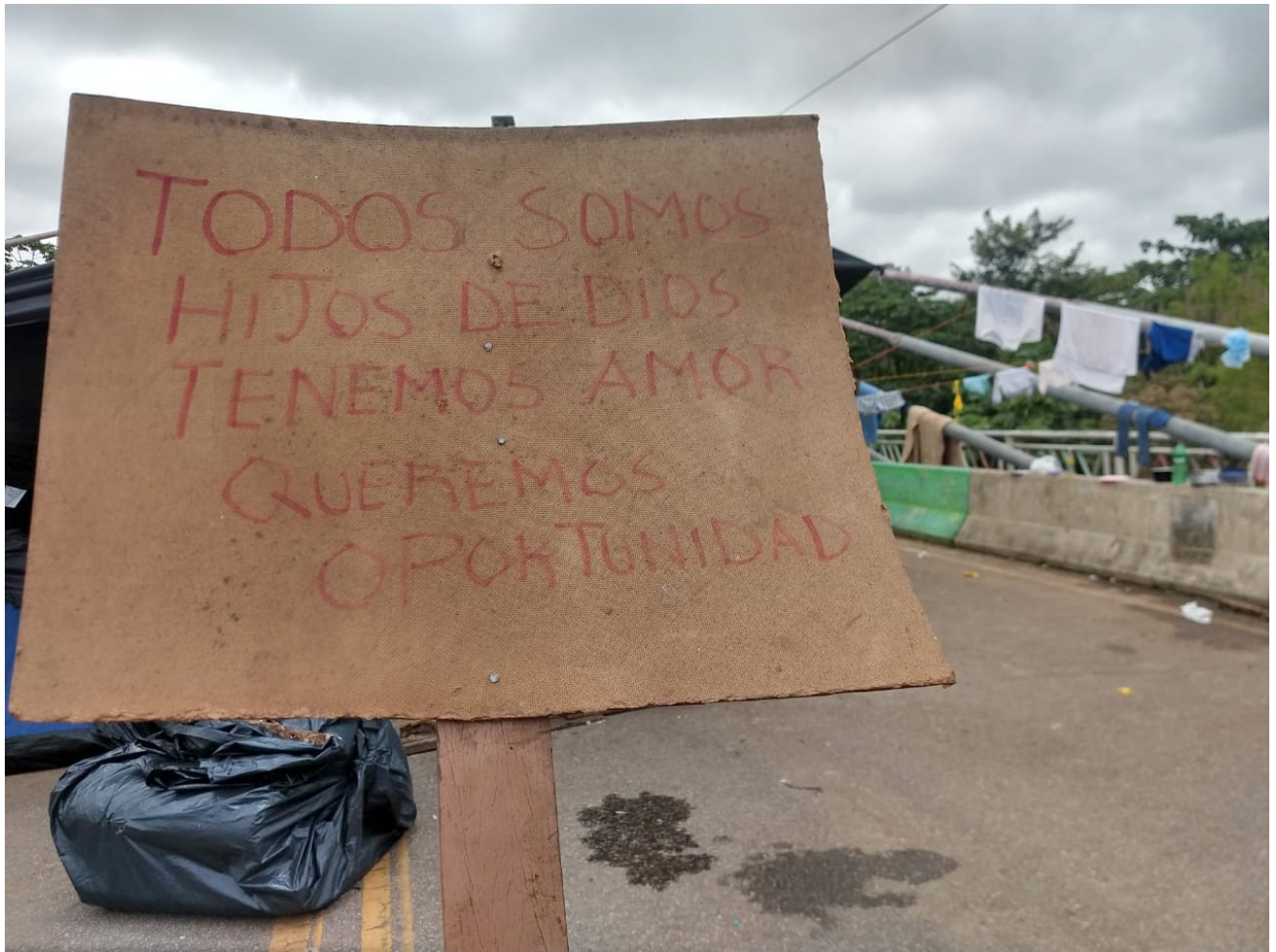
GTMAR, through its Coordination, Members and Focal Points, remains available for the collection of technical data and content for acting on the subject, in support of the DPU branches and SGAI/SAE.

**João Freitas de Castro Chaves**

Federal Public Defender

Coordinator of the National WG (Working Group) Migrations, Statelessness and Refuge

[1] Under Brazilian law, the conduct internationally prescribed as migrant smuggling was prescribed in the translation of the Additional Protocol to the United Nations Convention against Transnational Organized Crime, on Combating the Traffic of Migrants by Land, Sea and Air (Decree 5,016/2004 ) as “smuggling of migrants”. The current equivalent criminal classification is the crime of promoting illegal migration, prescribed in art. 232-A of the Brazilian Penal Code by Law 13,455/2017 (Migration Law). The article prescribes: “Art. 232-A. To promote, by any means, in order to obtain economic advantage, illegal entry of a foreigner into national territory or of a Brazilian into a foreign country: Penalty - imprisonment, from 2 (two) to 5 (five) years, and fine.”





## WORKING GROUP ON MIGRATION, REFUGE AND STATELESSNESS

The Federal Public Defenders' Office, through the Migration, Refuge and Statelessness Working Group, promotes the defense of various immigrant groups, with emphasis on refugees, who seek protection in Brazil due to persecution or human rights violations in their country of origin, and vulnerable immigrants, who need legal assistance to migration regularization and enforcement of rights. In this context, DPU provides full and free legal assistance, as well as articulation with government agencies and civil society; the institution also issues recommendations for the protection of the rights of immigrants and refugees and takes other actions in favor of the rights of immigrants and refugees.