



PACARAIMA MISSION

4th Action Report:
2nd Semester, 2021

Federal Public Defender-General

Daniel de Macedo Alves Pereira

Thematic Committee Pacaraima/RR

GABDPGF/DPGU Ordinance No. 10 (January 7, 2021)

Gabriel Saad Travassos do Carmo *Secretary-General of Institutional Articulation*

Ronaldo de Almeida Neto *Special Advisor for High Social Impact Cases*

Roberta Pires Alvim *Secretary for Strategic Actions*

Murillo Ribeiro Martins *Secretary for Access to Justice*

André Ribeiro Porciúncula *National Human Rights Defender*

Luís Felipe Ferreira Cavalcante *Representative of the DPU unit in Manaus/AMAZONAS*

João Freitas de Castro Chaves *Representative of the Working Group on Migration, Statelessness and Asylum*

Natalia Von Rondow *Representative of the Working Group for the Assistance and Protection of Human Trafficking Victims*

Rafael Martins Liberato de Oliveira *Representative of the DPU unit in Boa Vista/RR*

Elisângela Machado Côrtes *Representative of the Working Group for the Assistance of Women*

Carlos Eduardo Barbosa Paz *Working Group for People Experiencing Homelessness*

Special Advisory for Cases of Great Social Impact

Ronaldo de Almeida Neto *Special Advisor for Cases of Great Social Impact*

Tiago Cantalice da Silva Trindade *Anthropologist assigned to the Special Advisory for Cases of Great Social Impact*

Mayra de Jesus Saraiva Leão *Administrative Assistant*

Letícia Duarte Lima *Administrative Assistant*

Daniela Maria Lima de Medeiros *Postgraduation Intern*

Erick Rodrigo de Jesus Damasceno *Postgraduation Intern*

Technical Dispatch

Angelica Furquim

Consultant of the International Organization for Migration (IOM)

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1 - THE ACTION OF THE FEDERAL PUBLIC DEFENDERS' OFFICE IN PACARAIMA: THE CHALLENGE BROUGHT BY THE COVID-19 PANDEMIC

The human rights situation of migrants and refugees in the State of Roraima, in a pandemic context, was the subject of analysis in the **1st Defensorial Report: Report on monitoring the human rights of migrants and refugees in Roraima**, produced by the Pacaraima Committee.¹

Institutional missions were carried out in Pacaraima and Boa Vista/RR. The Committee had a dialogue with the Public Labour Prosecution Service to monitor the internalisation flow of refugee migrants and supported the Collective Action for the reception and shelter of migrants and refugees in Brazil. Judicial and extrajudicial measures were adopted on the themes, such as the following:

- a. action for the sheltering of Venezuelans, regardless of migratory regularisation;
- b. guaranteeing the mobility of migrant children on domestic flights in the face of impediments adopted by the National Civil Aviation Agency;
- c. ensuring that migrants and refugees cannot be deported collectively;
- d. guarantee of the impossibility of summary deportation;
- e. access to the Individual Taxpayer Registration (CPF), in the resident modality, to migrants who, in fact, reside in Brazil;
- f. requests for information to ANVISA and the Federal Police on technical opinions and data on entry into the country during the pandemic;
- g. collective action for the migratory regularization of children and adolescents sheltered in Boa Vista / RR.



¹Available at <https://promocaodedireitoshumanos.dpu.def.br/wp-content/uploads/2021/05/Informe-Defensorial-Comite-Pacaraima.pdf>. Accessed on 02/08/2022.

2 - THE PACARAIMA MISSION OF THE FEDERAL PUBLIC DEFENDERS' OFFICE

The Federal Public Defenders' Office (DPU) works to promote the rights of all migrant people in the country. In particular, the DPU carries out extrajudicial and judicial actions in favour of people coming from Venezuela due to the humanitarian crisis experienced there, since the intensification of the migratory flow in 2016. In Brazil's border town with Venezuela, in the Municipality of **Pacaraima (RORAIMA)**, since August 2018, through the **Pacaraima Mission** the DPU has become part of the Acolhida Operation, a humanitarian logistics task force of the Federal Government.



Since then, federal public defenders have been periodically assigned to promote human rights and provide migratory legal assistance in the reception centres of the Acolhida Operation in Pacaraima/RR. In this way, the DPU provides daily clarifications on Brazilian legislation, provides guidance on access to education and health, and monitors violations of rights.

In its work, the DPU seeks to ensure the safe, regular and orderly entry of persons into Brazilian territory by providing legal guidance to immigrants, guaranteeing access to the migratory regularization procedure, with a focus on **children and adolescents in vulnerable situations** - especially those who are undocumented, separated or unaccompanied, both in the control of the authorization of their entry in Brazil, and in the indication of the migratory modality appropriate to their interests through the application of the **Joint Normative Resolution No. 1/2017**, signed by the National Council of the Rights of Children and Adolescents - CONANDA, the National Committee for Refugees - CONARE, the National Immigration Council - CNIg and the DPU.



Joint Resolution No. 1/2017 was edited to establish procedures for preliminary identification, attention and protection, in the care of children and adolescents who are nationals of other countries (migrants, refugees or stateless persons), separated or unaccompanied. Issued in the context of increased Venezuelan migratory flow, the Resolution subsidises the work of federal public defenders at the border. The Resolution is based on seven fundamental principles:

- a. best interests of the child,
- b. individualised treatment,
- c. participation and autonomy,
- d. access to information,
- e. data confidentiality,
- f. interpretation,
- g. priority in the processing,
- h. integral protection, and
- i. the benefit of the doubt.

During the years 2020 and 2021, however, the direct performance of the DPU in Pacaraima also suffered from the impacts of the **COVID-19 pandemic**. On March 11, 2020, the World Health Organization (WHO) declared a pandemic of COVID-19 arising from the spread of the new coronavirus (Sars-CoV-2). Throughout the world, and particularly in Brazil, the atypical situation brought about by the direct and indirect impacts of the pandemic has revealed intersectional vulnerabilities. The epidemic has reached immigrant people with at least a double intensity: on the one hand with the closing of borders and the misuse of border security discourses as flags of protection, and on the other hand, with the extension of the exposure time of migrants between origin and destination, increasing their vulnerabilities and possibilities of being victims of the most diverse levels of violence. The COVID-19 pandemic directly impacted the international movement of people, so that states began to establish different degrees of restriction on entry into their territories, either by nationality or origin criteria, also by testing standards at border health control or conditioning the entry to the presentation of proof of vaccination. In the particular case of Brazil, dozens of normative acts have been published to regulate exceptional and temporary measures for entry into the country.

With the closure of the border, the Pacaraima Mission of the DPU suspended its face-to-face work in the city of Pacaraima between the period March 2020 to July 2021, to the extent that, according to the national regulations, there was no possibility of regular entry into the country in Pacaraima/RR. It is worth noting, however, that during this period the DPU was directly and indirectly involved in judicial and extrajudicial actions to guarantee the rights to health, social assistance, shelter, access to the territory and international protection. In fact, after extrajudicial negotiations to lift the impediments to the territory and regularisation of vulnerable migrants were frustrated, the DPU and the MPF filed the Public Civil Action No. 1001365-82.2021.4.01.42, which recognised the discriminatory treatment adopted by Brazil in relation to Venezuelan migrants and suspended the effectiveness of the ordinances restricting access.

By Public Civil Action No. 1000073-62.2021.4.01.4200 and No. 1001087-81.2021.4.01.4200, DPU and MPF acted to prevent the summary and collective deportation of indigenous migrants of the Warao ethnic group in Pacaraima/RR.

The DPU also challenged the Judiciary regarding the summary deportations carried out in Pacaraima/RR, through the Writ of Mandamus No. 1001249-76.2021.4.01.4200. In this context, we would like to highlight, in this issue, the data regarding the legal assistance provided by the DPU after the resumption of face-to-face work, due to the possibility of return to the territory in the second half of the year 2021.



3 – UPDATE OF THE ACTION GLOBAL DATA ON THE TARGET AUDIENCE: CHILDREN AND ADOLESCENTS UNDERGOING SERIOUS MIGRATORY DIFFICULTY

Children and adolescents in serious migratory difficulties are considered to be those who find themselves:

- i) **Undocumented** – are those who, despite being accompanied by their parents, do not have an identification document capable of proving the parental bond or have only a copy of the original document;
- ii) **Separated** – those who are accompanied by an adult who is not the legal responsible (does not hold family power) when entering the Brazilian territory.
- iii) **Unaccompanied** - are those who do not have any adult person accompanying them on their entry into national territory.

In these situations, the Federal Public Defender's Office applies the form attached to **Joint Resolution No. 1**, of August 9, 2017, conducting an individual interview and protection analysis, with the support of the team of the Ministry of Citizenship, AVSI/UNICEF and the Guardianship Council of Pacaraima, to refer cases according to vulnerability and degree of complexity.



It is important to note that many children and adolescents do not have documentation proving family ties, so that it is not possible to document that they are accompanied by their legal guardians or relatives. For this reason, although it is not expressly provided for in the Joint Resolution No. 1, it is carried out in Pacaraima the care of those who are in a situation of vulnerability by **undocumentation**, that is, those children or adolescents who, despite being accompanied by their parents, do not have an identification document able to prove the parental bond or have only a copy of the original document.

We emphasize that there is a set of actors working in a coordinated way to promote the protection of children in Pacaraima. In the facilities of the Acolhida Operation, there is the presence of the DPU, Unicef, OIM, UNHCR, AVSI, the Ministry of Citizenship, the International Red Cross, UNFPA, the Federal Revenue Service of Brazil and the Federal Police, among others. They all act together so that every child and adolescent has their right to migrate guaranteed.

In addition to these immediate agents, the Judiciary Branch, the State Prosecution Service, the State Public Defenders' Office, the Municipal Child Protective Service, the Municipal Secretariat of Social Services and Aldeias Infantis have added efforts so that the child protection network is cohesive and able to meet the demand.



Between July and December 2021, the DPU provided legal assistance to 1,895 **children and adolescents in serious migratory difficulty**. Of this total, 41% of children and adolescents were undocumented. 57% were separated and only 2% were unaccompanied.

It is of fundamental importance to highlight that the assistance of the DPU pays special attention to the confrontation of cases of human trafficking, with the immediate activation of the Federal Police and adoption of protective measures.

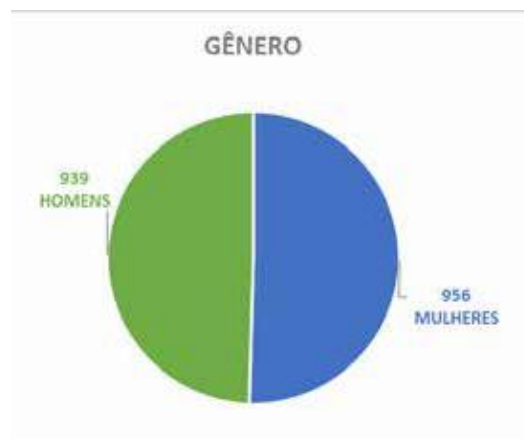
From the percentage presented, among the separated children and adolescents, there was, in this period, a significant occurrence of cases in which they are accompanied by **their grandmothers**:



As can be seen, the number of children and adolescents who migrate accompanied by their relatives is much greater than the number of those who do not have an adult responsible for them, or who are in the company of people who are not their relatives. For all these cases, the care provided by the Public Defenders' Office seeks to prioritize the principles of integral protection and the best interest of the child and adolescent. And it must be acknowledged that the commitment of many bodies, entities, agencies, international organisations and, above all, the local child protection network, is what allows procedures to be carried out in an orderly and safe manner for so many children and adolescents.

There was also an equality in this special migratory flow regarding the **gender** of this specific migrant population. It is noteworthy, however, that the analysis did not deepen the gender identity.

The Migration Law (Law No. 13.445/2017) considers both the passport and the civil identity, if admitted in a treaty, as a travel document. Brazil has an agreement on travel and return documents of the Mercosur and Associated States, according to which the Bolivarian Republic of Venezuela considers as its travel documents the Identity Card and the Passport. Understanding the concept of a travel document is important, as migration regularization often depends on the presentation of such document. When the



immigrant does not have a valid travel document, their options for regular entry into the national territory are more restricted.

Thus, **it is important to register** the documentary situation of children and adolescents assisted by the Federal Public Defenders' Office, due to the fact that there are many reports about the difficulty of issuing documents in Venezuela, especially because identity cards are not issued to children under 9 years of age (21.56% of those assisted only had a birth certificate). Immigrants also report great difficulty in obtaining a passport, due to the high cost of issuing and the excessive waiting for the issuance of the document.

In addition, complaints of too much delay are frequent for the issuance of the 2nd copy of identity cards and birth certificates (11.48% presented a copy of the birth certificate). It is noteworthy that 14.33% of the cases treated did not have any document.

There is also a report that there is no paper for issuing birth certificates, so that many children and adolescents only carried the declaration of live birth (DNV) issued by hospitals (13.98%). Migrants also complain about the difficulty they encounter in their country to obtain registration of lost documents.



Considering the documentary difficulties for children and adolescents, it can be observed that the refugee request (46%) is the only migratory alternative for most of the cases dealt with by the DPU. It should be noted, however, that the adolescent's level of understanding about the migratory option is also considered at the time of assistance for choosing the appropriate protection alternative to their special interest.



We also recall that not all children and adolescents have the desire to migrate to Brazil, many enter the country with the intention of visiting their relatives or moving to other countries in Latin America, however, because they do not have access to adequate documentation in their country of origin, they end up having migratory difficulty, even if they are accompanied by their parents.

4 - MONITORING RIGHTS VIOLATIONS AND OTHER DPU ACTIONS

The presence of the Public Defenders' Office in Pacaraima favors the exchange of information with the federal public agencies with competence on the matter and promotes participation in meetings with international agencies and other partners, strengthening the interinstitutional relationship.

Moreover, it allows constant action in the emergency shelter for immigrants located in Pacaraima/RR, called BV-8 (this is temporary shelter planned to serve those who have not completed the flow of migratory regularization, as well as temporary shelter until relocation to a shelter in Boa Vista/RR) and also the Janokoida indigenous shelter.

Unfortunately, due to the context of the COVID-19 pandemic, the DPU's work in Pacaraima was suspended during 2020 and the first half of 2021. With the gradual resumption of work, among the actions promoted by the DPU in the second half of 2021, it can be mentioned:

- i) Return of the Pacaraima Mission.
- ii) Expansion of the time of mission in Pacaraima/RR.
- iii) Judicial and extrajudicial action to prevent the deportation of migrants during the context of the pandemic.
- iv) Judicialization for the adoption of an isolation area for migrants in the Acolhida Operation in Manaus/ AM.
- v) Notification of the Roraima State Public Defenders' Office about the difficulty of documentation by Brazilian children, children of migrants, due to the delay of the Institute of Forensics in Pacaraima/ RR;
- vi) Request to follow up on the meetings of the CFAE Subcommittees (Federal Subcommittee for Reception, Identification and Screening; Federal Subcommittee for Shelter; Federal Subcommittee for Interiorization; and, Federal Subcommittee for Health Actions);
- vii) Accompaniment by DPU in inspections to combat labour analogous to slavery, related to the interiorisation process of the Acolhida Operation, with notification to the Public Labour Prosecution Service;
- viii) Extrajudicial action to ensure the air travel of children and adolescents who carry only Venezuelan birth certificates.

5 - FEDERAL PUBLIC DEFENDERS WHO PARTICIPATED IN THE ACTION IN THE SECOND SEMESTER OF 2021

Period	Name of the Federal Public Defender	Center
06/07/2021 to 10/07/2021	Rafael Martins Liberato de Oliveira	Boa Vista/RR
11/07/2021 to 17/07/2021	Ronaldo de Almeida Neto	Manaus/AM
19/07/2021 to 24/07/2021	Rafael Martins Liberato de Oliveira	Boa Vista/RR
25/07/2021 to 05/08/2021	André Ribeiro Porciuncula	Special Category – Brasília/DF
03/08/2021 to 13/08/2021	Roberta Pires Alvim	Secretary of Strategic Actions
12/08/2021 to 21/08/2021	Izabela Vieira Luz	Salvador/BA
21/08/2021 to 30/08/2021	Diego Guimarães Camargo	Arapiraca/AL
30/08/2021 to 08/09/2021	Vladimir Ferreira Correia	Salvador/BA
08/09/2021 to 17/09/2021	Gustavo Henrique A. Virginelli	São Paulo/SP
17/09/2021 to 25/09/2021	Sergio Luis da Silveira Marques	Special Category – Brasília/DF
25/09/2021 to 04/10/2021	Paulo Sergio Oliveira de Carvalho Filho	Boa Vista/RR
04/10/2021 to 13/10/2021	Pedro Paulo Raveli Chiavini	Special Category – Brasília/DF
13/10/2021 to 22/10/2021	Melyne Diniz Pompeu	Macapá/AP
22/10/2021 to 31/10/2021	Matheus Alves do Nascimento	Rio Branco/AC
30/10/2021 to 09/11/2021	Karina Rocha Mitleg Bayerl	Vitória/ES
09/11/2021 to 18/11/2021	Carolina Soares Castelliano Lucena De Castro	Rio de Janeiro/RJ
18/11/2021 to 26/11/2021	Marina Mignot Rocha	Santos e São Vicente/SP
26/11/2021 to 06/12/2021	Ronaldo De Almeida Neto	Manaus/AM
06/12/2021 to 15/12/2021	Elisangela Santos Moura	Recife/PE
15/12/2021 to 28/12/2021	Robson De Souza	Special Category
28/12/2021 to 10/01/2022	Juliano Martins De Godoy	Special Category





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