

PACARAIMA MISSION

6th Action Report 2nd Semester, 2022



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

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1 - THE ROLE OF THE FEDERAL PUBLIC DEFENDERS' OF-FICE IN MONITORING AND PROMOTING HUMAN RI-GHTS AT BORDERS

The Pacaraima Committee was established by GABDPGF Ordinance No. 10/2021 for monitoring and defending the rights of vulnerable migrant and refugee people and groups in the context of the Venezuelan migration flow. In the second half of 2022, the Pacaraima Mission provided more than 2,253 services to undocumented, separated or unaccompanied children and adolescents at the border between Brazil and Venezuela, in Pacaraima/RR.

The DPU also provides daily elucidations on Brazilian legislation, guides the migrant and refugee population on access to education and health, and promotes human rights at the border.

In this period, the following activities of monitoring and promotion of rights, carried out by the Committee, stand out:

- i. Standardization of the procedure regarding the Form for Analysis and Protection for cases of undocumented, separated and unaccompanied children and adolescents, for the strengthening of the compliance with the workflow for protection established by CONANDA, CONARE, CNIg and DPU Joint Resolution No. 01/2017 in Pacaraima/RR¹, through the issuance of the Official Notice No. 5777472/2022 DPGU/SGAI DPGU/CTE PACARAIMA DPGU to the other administrative bodies in Pacaraima/RR, and by the draft document for the Standardization of the Flow of filling out the Form for Analysis and Protection in Boa Vista-RR².
- ii. Issuance of Recommendation No. 5794110 DPGU/SGAI DPGU/CTE PACARAIMA DPGU to the Federal Police on the documents required for the conversion of the provisional residence permit to that of an indefinite period of validity, in compliance with the provisions of item XIII, of paragraph 2, of article 5, of the Interministerial Ordinance MJSP/MRE No. 19, of March 23, 2021³.
- iii. Monitoring of access to the civil registry of children born in national territory, children of refugees and indigenous migrants, and referral of individual cases to the Danilo Rodrigues Notary Public- 1st Civil Registry Office of Pacaraima⁴.
- iv. Monitoring of access to late birth registration of adults born in the Brazilian territory, returned from Venezuela, based on article 12, item I- "a", of the Federal Constitution and in CNJ Provision No. 28 (of May 02, 2013), and referral of individual cases to the Danilo Rodrigues Notary Public Office- 1st Civil Registry Office of Pacaraima⁵.
- v. Monitoring of the access to the civil registration of children born in national territory, children of refugees and migrants, as well as the children of Brazilians born in Venezuela, referring individual cases to the Danilo Rodrigues Notary Public- 1st Civil Registry Office of Pacaraima/RR⁶.
- vi. Standardization of the procedure of legal assistance for the refugee and migrant population, indigenous and non-indigenous, applicant of the option of Brazilian

¹ SEI Proceeding: 08038.017936/2022-78

² SEI Proceeding: 08038.017436/2022-36

³ SEI Proceeding: 08038.006111/2022-28 and 08038.000037/2023-17

⁴ SEI Proceeding: 08038.009371/2022-55

⁵ SEI Proceeding: 08038.004983/2022-51.

⁶ SEI Proceeding: 08038.004983/2022-51.

- nationality under the terms of article 12, item "c", of the Federal Constitution, resident in the District of Pacaraima/RR⁷.
- vii. Implementation of 86 individual legal assistance, consultations and collection of documents to initiate nationality option processes for indigenous refugees and migrants residing in the Tarau Paru, Sorocaima 1, Bananal and Sakau Mota communities⁸.
- viii. Issuance of guidelines to the Humanitarian Logistics Task Force on the shipment and transportation of undocumented, separated and unaccompanied children and adolescents (Flow 5)⁹.
- ix. Monitoring of the Human Rights situation and assessment of specific protection needs of refugees and migrants living in the Vila Esperança Occupation in Pacaraima-RR¹⁰.
- x. Monitoring and establishment of procedures to address the structural difficulties of healthcare provision to national and cross-border indigenous communities in Pacaraima/RR and region¹¹.
- xi. Monitoring and establishment of procedures to address report of undignified treatment of refugees and immigrants in the Hospital Délio de Oliveira Tupinambá and in the Basic Health Unit of Pacaraima/RR¹².
- xii. Legal assistance to individual cases of reports of human trafficking for the purpose of exploitation of slave labor¹³.
- xiii. Legal assistance to individual cases of international child abduction charges under the 1980 Hague Convention on the Civil Aspects of International Child Abduction and the 1989 Inter-American Convention on the International Return of Minors¹⁴.
- xiv. Legal assistance to individual cases of absence of consular service, considering the closure of the Brazilian consular offices in Venezuela¹⁵.
- xv. Monitoring of administrative requirements to secure welfare and social security benefits for migrants and refugees settled in the *Acolhida Operation Janokoida Shelter in Pacaraima/RR*¹⁶.
- xvi. Administrative requirements for the maternity benefit of 67 refugee and migrant women settled in the Tarau Paru indigenous community in Pacaraima/RR, in accordance to the Technical Cooperation Agreement (ACT)- and its work plan- signed between the DPU and the INSS¹⁷.
- xvii. Ascertaining the reasons for the deactivation of the border inspection structure in Pacaraima/RR, known as "Balança" (weighing scale), which occurred on June 10, 2022, and subsequent recommendation for permanent political and budgetary prioritization for the border inspection of Pacaraima-RR focusing on the protection and identification of children and adolescents in situations of exploitation

⁷ SEI Proceeding: 08038.009209/2022-37

⁸ SEI Proceeding: 08038.009209/2022-37

⁹ SEI Proceeding: 08038.012888/2022-21

¹⁰ SEI Proceeding: 08038.015964/2022-51

¹¹ SEI Proceeding: 08038.018390/2022-72 12 SEI Proceeding: 08038.018296/2022-13

¹³ SEI Proceeding: 08038.000155/2023-25

¹⁴ SEI Proceeding: 08038.010488/2022-81; 08038.001273/2023-51

¹⁵ SEI Proceeding: 08038.001091/2023-80

¹⁶ SEI Proceeding: 08038.009208/2022-92 and 08038.009804/2022-72

¹⁷ SEI Proceeding: 08038.009210/2022-61

- and vulnerability¹⁸.
- xviii. Standardization of the Flow of Assistance to Slave Labour Victims in the scope of the *Acolhida* Operation in Pacaraima/RR¹⁹.
- xix. Suggestion to include the administrative documentation of the protection services, for undocumented, separated and unaccompanied children and adolescents, in the Information System for Childhood and Adolescence (SIPIA)²⁰.



2 - SPECIFIC ACTIONS AND CHALLENGES IN PACARAIMA

In its performance, the DPU seeks to ensure the safe, regular and orderly entry of people into Brazilian territory, not only by providing legal assistance to migrants and refugees, but also ensuring access to the migration regularization procedure, and focusing on children and adolescents in vulnerable situations, especially those who are undocumented, separated and unaccompanied, whether during the authorization of their entry into Brazil or indicating the migratory modality appropriate to their interests.

In May 2022, the figure of the coordinator of the Pacaraima Mission of the Federal Public Defenders' Office was established to coordinate and monitor the activities of the DPU at this border point. In July, in partnership with the United Nations High Commissioner for Refugees (UNHCR), the Pacaraima Mission began to have their capacity improved due to the activities of the Associate for Border Affairs, which primarily provides support to the coordinator in human rights monitoring activities.

¹⁸ SEI Proceeding: 08038.016515/2022-20

¹⁹ SEI Proceeding: 08038.000254/2023-15

²⁰ SEI Proceeding: 08038.012079/2022-10

i. Access to territory

In the scope of the work carried out throughout the semester, it should be highlighted the daily monitoring of access to the national territory to ensure non-refoulement by the migratory authority at the Pacaraima Migratory Control Post (PCM).

In this sense, in June 2022, the Pacaraima Mission team provided, in partnership with the Federal Police, training to all outsourced staff working in the PCM to ensure special attention to cases of undocumented, separated and unaccompanied children and adolescents. During the training, the agents and outsourced staff responsible for the preliminary identification of the child or adolescent shared the history of good practices and challenges, as well as clarified some doubts questions about cases and aligned the referrals to the implementing partners of the United Nations Children's Fund (UNICEF).

In addition, in the PCM, the Federal Public Defenders' Office monitored access to the national territory and the claim for refugee status of people of Palestinian, Iranian and Haitian origin, with the support of UNHCR, ensuring that the best individual referrals were made.

Also, regarding access to the territory, on 6 October 2022, the Specialized Thematic Committee for Pacaraima was notified of the deactivation of the border inspection structure in Pacaraima-RR, popularly known as the "Balança" (weighing scale), due to the reduction in the transfer of federal funds to the Federal Police.

With the deactivation of the border inspection structure, the DPU fears the repercussions related to human trafficking, specially concerning undocumented, separated and unaccompanied immigrant and refugee children and adolescents, the focus of the DPU's work in Pacaraima/RR.

In this sense, the DPU recommended permanent political and budgetary prioritization for the border inspection in Pacaraima-RR to ensure the protection and identification of children and adolescents in situations of exploitation and extreme vulnerability.

ii. Access to migratory regularizsation and civil registration

At the Triage Post of *Acolhida Operation (PTRIG) in Pacaraima*, for its part, the DPU provided support and guidance on migration regularization, and daily support to UN agencies, in particular the United Nations Migration Organization (IOM) and UNHCR and other implementing partners, responsible for the pre-documentation process, including guidance on the Joint Resolution No. 01/2017, the Interministerial Ordinance on MJSP/MRE No. 19/2021, Law No. 13. 445/2017, Law No. 9.474/1997 and other legal provisions applicable to the migration theme.

Through the activities of the PTRIG it was also possible to identify Brazilian nationals who were seeking migratory regularization because they face difficulties in accessing the national civil registry services. Among Brazilian nationals, two groups stand out: those returned from Venezuela due to serious and generalised human rights violations (GGVDH), as well as those enfants of Brazilians, born abroad, mostly children and adolescents, without access to Brazilian consular services.



Pacaraima Mission services in indigenous community, 2022.

In relation to returned Brazilians, it was observed that those who immigrated to Venezuela before reaching the age of 18, in most cases, had never had access to civil registration, despite being born on national territory. The Federal Public Defenders' Office, therefore, started to provide guidelines on the late registration of birth (article 12, item I (a) of the Federal Constitution and CNJ Provision No. 28 of February 05, 2013), in partnership with the Danilo Rodrigues Notary Public- 1st Civil Registry Office of Pacaraima. It was also possible to observe, among this public, a high incidence of labour exploitation occurring in illegal mining zones in Venezuela. Such cases were referred to the Social Assistance Reference Centre and the Federal Police.

Regarding children of Brazilians born in Venezuela, it was noted that all those born after March 2020 had no access to Brazilian consular services, considering the rupture of Brazil-Venezuela diplomatic relations. Thus, such children, despite being native-born Brazilians under the terms of article 12, item (c), of the Brazilian Constitution, could not proceed with the transfer of birth registration administratively in the Civil Registry Office due to the absence of prior consular registration or legalization, requirements established by CNJ Resolution No. 155/2012.

As consequence, many Brazilian parents who faced the urgent need to access photo documentation of their children in order to travel throughout the national territory and to access basic public services, have opted to proceed with migratory regularization of their children in the PTRIG, either by requesting refuge or residence. In practice, therefore, the paradox of Brazilian children requesting refuge or residence in Brazil was verified.

iii. Monitoring Human Rights of Indigenous Refugees and Mmigrants

Regarding access to nationality, the Pacaraima Mission worked together with UNHCR to identify indigenous refugee applicants, refugees and migrants with residence permits, children of indigenous Brazilians, with the right to opt for Brazilian nationality. In the communities Tarau Paru, Sorocaima 1, Bananal and Sakau Mota, all in the municipality of Pacaraima,

86 individual consultations were provided and documents were collected to initiate the nationality option proceedings. Furthermore, during the second half of 2022, four information sessions were held in the indigenous host communities on access to nationality rights, birth registration and clarification of doubts about the naturalisation process.

In the context of monitoring the human rights of the Taurepang cross-border indigenous communities that receive refugees and immigrants of the same ethnic group, it was verified, through 12 on-site visits, it was observed that the then-called National Indian Foundation²¹ (FUNAI) did not provide assistance to indigenous refugees and immigrants residing in Brazil, holders of migratory identification documents, but only to indigenous Brazilian nationals. In practice, members of the same family did not have equal access to services and assistance provided by this federal authority.

Listening to the communities, the leaders reported to the DPU that the main immediate difficulty resulting from FUNAI's refusal to assist was the non-issuance of the Certificate of Rural Activity (CEAR), which aims to promote recognition of the indigenous peoples' work, as special insured persons, enabling access to social security policy, through intersectoral and inter-institutional articulation²². Thus, no indigenous refugee or immigrant had access to social security benefits, even if they met the required waiting period and other legal criteria.

Among the social security benefits, the maternity benefit was the one with the highest number of pending administrative requirements, especially concentrated in the indigenous community Tarau Paru. Thus, in October 2022 the Pacaraima Mission held informative sessions in the indigenous community Tarau Paru on maternity benefit, right and access to prenatal care, sexual and reproductive rights, in conjunction with the Social Assistance Reference Centre (CRAS) of the Municipality of Pacaraima, and provided individual legal assistance to 67 indigenous refugees and migrants with Brazilian children and exercising rural activity. The administrative requirements took place in accordance based on with the Technical Cooperation Agreement (ACT), signed between the DPU and the National Institute of Social Security (INSS).

FUNAl's failure to assist indigenous refugees and immigrants was also reported to the Regional Defender of Human Rights of Roraima (DRDH/RR) for collective action under Public Civil Action No. 1000145-20.2019.4.01.4200.

Finally, the DPU monitored on a monthly basis the access to rights of the Warao indigenous migrant and refugee population sheltered in the Janokoida Shelter of Acolhida Operation. In August 2022, in partnership with the Municipal Secretariat of Social Assistance of Pacaraima (SEMAS), the DPU participated in a joint effort to include 107 Warao families, that were living in the shelter, in the Unified Registry.

iv. Inclusion of Cases of Unaccompanied, Separated and Undocumented Children and Adolescents in SIPIA

The DPU considers to be essential the inclusion of the administrative documentation of the protection services provided for these children and adolescents in the Child Protective Services' Information System for Childhood and Adolescence (SIPIA), so that the assistance provided to undocumented, separated and unaccompanied children and adolescents by the protection teams at border points can also be accessed by the protection teams in the destination cities, continuing the referrals to the social assistance protection network.

²¹ Called National Foundation of Indigenous Peoples after Provisional Measure No. 1.154/2023.

Available at: https://www.gov.br/pt-br/servicos/solicitar-a-emissao-de-certidao-de-exercicio-da-atividade-rural.



Pacaraima Mission services on document issuing in indigenous communities, 2022.

3 – ACCESS TO RIGHTS FOR INDIGENOUS MIGRANTS AND REFUGEES

It is estimated that 8,241 Venezuelan migrants and refugees in Brazil are indigenous people of various ethnicities, which represents the reason whyis why the Pacaraima Mission develops specific actions for the promotion of human rights of the indigenous population.

On the subject, in the 2nd half of 2022, the following actions were taken:

- i. Provocation of the competent authorities on a) the issuing of course completion certificates by the Bento Loureiro da Silva State School to indigenous students; b) FUNAI's understanding on the possibility of indigenous Venezuelan women who are in Brazil (migrants or refugees) receiving the maternity leave benefit; and, c) the reason why the Secretariat does not transport companions of indigenous people who need medical treatment²³.
- ii. Provocation of the 1st Civil Registry Office of Pacaraima about the difficulty of immigrants and indigenous refugees from the communities Tarau Paru, Sakau Mota and Soracayma (Taurepangue people) in proceeding with the civil registration of their children born in Brazilian territory²⁴.
- iii. Invitation to the CRAS-Pacaraima to carry out consultations and registration in the

²³ SEI Proceeding: 08038.007326/2022-66.

²⁴ SEI Proceeding: 08038.009371/2022-55

- Unified Registry for sheltered indigenous people²⁵.
- iv. Promotion, in July 2022, of a joint effort to include and update the Unified Registry of the migrant and refugee indigenous community sheltered in the Janokoida Shelter of the *Acolhida Operation in Pacaraima-RR*.
- v. Promotion of a task force in September 2022, within the federalised shelter of *Acolhida* Operation, where 959 indigenous people are housed.
- vi. Request for information about School Transportation for the Indigenous Host Communities, as the service was not reaching indigenous children and adolescents²⁶.
- vii. Provocation of the DSEI about the need to intensify its health actions in indigenous communities²⁷.



DPU team and Venezuelan indigenous leaders in Roraima, 2022.

⁵ SEI Proceeding: 08038.009804/2022-72.

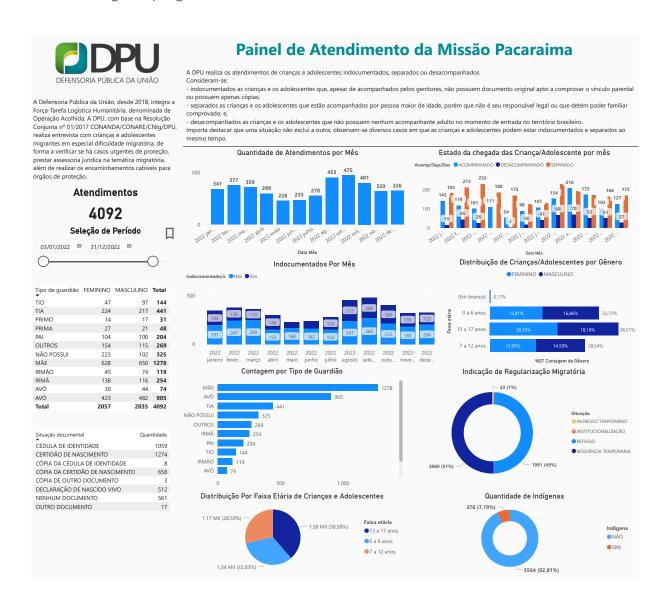
²⁶ Collective Proceedings of Judicial Assistance (PAJs) No. 2022/005-00248 and SEI Proceeding 08038.005738/2022-61;

²⁷ SEI Proceeding: 08038.018390/2022-72

4 – DATA ON THE SERVICE TO UNACCOMPANIED, SEPARATED AND/OR UNDOCUMENTED CHILDREN AND ADOLESCENTS

In October 2022, the DPU launched the "Pacaraima Mission Panel", a BI panel that seeks to present the aggregate data of the legal services provided for children and adolescents at the border point.

The panel allows a quick, qualified and interactive view of quantitative data, offering details by age group, gender, ethnicity, type of guardian, documentation presented and indication of migratory regularization.

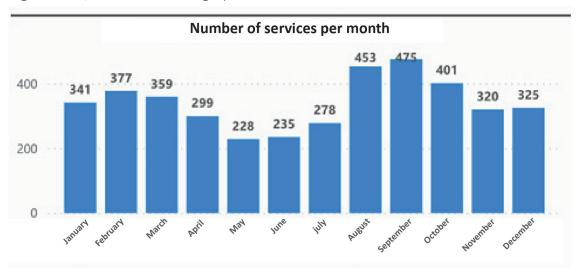


Visualization of the "Pacaraima Mission Service Panel", 2022.

In this way, not aiming to replace the tools offered by the panel for data analysis, but based on the available data from the panel, we will seek to carry out a comparative analysis

between the data obtained in the 1st and 2nd semesters of the year 2022 in order to bring a qualified view of the migratory flow of children and adolescents entering Brazil through the border of Pacaraima/RR.

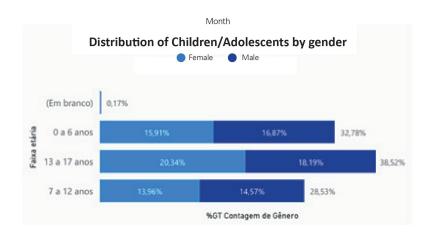
In 2022, the DPU provided a total of 4,092 legal services, of which 1,839 were held in the first semester and, representing an increase of 22.5%, and 2,252 were held in the second semester. In the same year, the average legal services carried out per month was 341. It is observed from the data that there has been a significant increase in the flow from the month of August 2022, as set out in the graph below:



Source: "Pacaraima Mission Service Panel", 2022

In 2022, 1,494 accompanied children and adolescents were assisted (36.5% of the total number of legal services), 415 unaccompanied (10.2%) and 2,182 separated (53.3%). Comparing the flow between the 1st and 2nd semesters, it was observed that there was a small oscillation of 4.3% in the number of legal services provided forassistance of separated children and adolescents (from 1,115 to 1,067 services). However, there was a substantial increase of 191.5% in the number of legal services assistances to unaccompanied children and adolescents (from 106 to 309), and an increase of 41.7% in the number of assistances legal services to accompanied children and adolescents (from 618 to 876).

In relation to the age groups of children and adolescents assisted in 2022, it is possible to verify that there is no significant change in the distribution, remaining the approximate division in thirds, as shown in the chart below:



Source: "Pacaraima Mission Service Panel", 2022

Regarding the documentation situation, it was verified that among the 4,091 children and adolescents assisted in 2022, 1,652 did not present any official documents, that is, they were undocumented. In the year, the undocumented status reached 40% of the total number of people assisted. It is also worth mentioning that there was a 49.2% increase in the number of undocumented children and adolescents in the second semester in relation to the first semester, from 663 to 989. While this undocumented status in the 1st semester represented 36% of the assisted population, in the 2nd semester it reached 44%.

It is also possible to observe that this undocumented status mostly affects children between 0 and 6 years, around 54% are in this age group, while the age group with the majority representation in the group of documented assisted persons was adolescents between 13 and 17 years. There is, therefore, a tendency that the younger the age group in which the child or adolescent is, the greater the probability that they are undocumented, as shown in the chart below:

0 a 6 anos 26,09% 27,72% 53,81% 7 a 12 anos 15,31% 14,71% 30,02% 13 a 17 anos 7,69% 8,29% 15,98%

Distribution by age group of undocumented children and adolescents

Source: "Pacaraima Mission Service Panel", 2022

Analysing the specific data on children and adolescents who are separated from their parents or legal guardians, we verify the higher probability of the child or adolescent being separated the older the age group they are in, while the opposite is also observed. 48.5% of those separated are aged between 13 and 17 years, while 59% of those accompanied are aged between 0 and 6 years and 29.5% are aged between 7 and 12 years, totalling 88.5% of the assisted accompanied children and adolescents. The gender distribution in the accompanied and separated groups is balanced. As well as by age group.

From the analysis of the data of unaccompanied children and adolescents assisted, it was possible to observe discrepant variables. Besides the already mentioned significant increase in the entry of unaccompanied children and adolescents in the second semester, the prevalence of one gender and a certain age group was observed. 66% of unaccompanied persons assisted are identified as female. Unlike the other groups, there is a significant presence of girls. Furthermore, 83.61% of those assisted who enter Brazilian territory without any adult companion are between 13 and 17 years of age, and are, therefore, considered adolescents under national law. In this way, the significant migratory flow of unaccompanied adolescent girls should be observed.

Also, from the data gathered, it can also be seen that the female figure is prevalent as the adult companion of the migrant child or adolescent: 81% of the guardians are female: mothers (38%), grandmothers (24.5%), aunts (11%), sisters (6.5%) and cousins (1%). They are women who, in their migratory journey, accompany children and adolescents, and assume

a primary role in their food, physical and psychological security. In this sense, it can be affirmed, from the second semester of 2022 data, that the work of the DPU, in the assistance of children and adolescents has a focus on gender, even if indirectly.

A special attention to this increase, in this second half of 2022, in the number of adolescent girls crossing borders unaccompanied emerges, as it is necessary reflect upon the reasons for their departure from their countries of origin and their aspirations in the host communities. Equally, there is a need to focus on the issue of gender inequality in care, as, in many cases, migrant and refugee women and girls become the primary caregivers for their sons, daughters, brothers, sisters, and other family members. The burden of care falls disproportionately on women, and sometimes adolescent girls, limiting their opportunities for education, employment, participation and social integration.

In this sense, the need for special attention to the increase in the number of unaccompanied children and adolescents crossing the border is evident, as well as the issue of gender inequality presented, considering the gender-sensitive data, such as presented, as critical components for the improvement of a service based on human rights.



Drawing made by a child during legal assistance by the DPU team in Pacaraima/RR, 2022.

5 – FEDERAL PUBLIC DEFENDERS WHO PARTICIPATED IN THE ACTIONS OF THE SECOND HALF OF 2022

Period – 2nd semester of 2022	Federal Public Defender
from 06.07.2022 to 21.07.2022	Daniela Corrêa Jacques Brauner
from 25.07.2022 to 04.08.2022	Pedro Paulo Raveli Chiavini
from 26.07.2022 to 09.08.2022	Viviane Ceolin Dallasta Del Grossi
from 04.08.2022 to 18.08.2022	Deraldino Alves de Araújo Filho
from 09.08.2022 to 23.08.2022	Fabiana Nunes Henrique Silva
from 18.08.2022 to 01.09.2022	Érico Lima de Oliveira
from 23.08.2022 to 06.09.2022	Edilberto Alves Da Silva
from 01.09.2022 to 15.09.2022	João Freitas de Castro Chaves
from 06.09.2022 to 20.09.2022	Eduardo Leal Tavares
from 15.09.2022 to 29.09.2022	Rafael Martins Liberato de Oliveira
from 20.09.2022 to 04.10.2022	Renan Laviola Rodrigues De Freitas
from 29.09.2022 to 13.10.2022	Deraldino Alves de Araújo Filho
from 04.10.2022 to 18.10.2022	Juliano Martins De Godoy
from 13.10.2022 to 27.10.2022	Thaís Gonçalves Oliveira
from 18.10.2022 to 01.11.2022	Patrícia Bettin Chaves
from 27.10.2022 to 10.11.2022	Fabiana Nunes Henrique Silva
from 01.11.2022 to 15.11.2022	Edilon Volpi Peres
from 10.11.2022 to 27.11.2022	Eraldo Silva Junior
from 27.11.2022 to 08.12.2022	Adriano Cristian Souza Carneiro
from 21.12.2022 to 06.01.2023	Raphael de Souza Lage Santoro Soares

