



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Brazil

Planning Year: 2006

OVERVIEW

1. Protection and socio-economic operational environment

Brazil is the fourth largest country in the world, covering 8.5 million square kms. and with 185 million inhabitants. There are three major areas of arrival of migrants and or refugees: land and river borders with 9 countries (Uruguay, Argentina, Paraguay, Bolivia, Peru, Colombia, Venezuela, Guyana, Surinam and French Guyana), the international airports of São Paulo and Rio de Janeiro and the Atlantic Ocean with 34 major ports. This geographic position and the close historical and cultural links with Africa bring to Brazil refugees, asylum-seekers and migrants from 52 countries. Of the 3,791 refugees and asylum-seekers in Brazil, 80% are from Africa, 15% from Latin America and the remaining 5% from other parts of the world. Most refugees and asylum-seekers in Brazil are concentrated in the two largest cities of Rio de Janeiro and São Paulo. Many arrive as stowaways in ships sailing from Africa, while others land in São Paulo as illegal immigrants.

The conflict in Colombia has brought a growing number of asylum-seekers to Brazil, the numbers having quadrupled since 2003. The number of Colombians entering Brazil is estimated to be in the order of 800-1,200 per month. They enter the country as tourists, with no need for an entry visa, but the number of those who stay in Brazil as *de facto* refugees is unknown since, by law, no migration control is exercised on foreigners leaving the country. This new type of migration from Colombia is extremely recent (2003) and is likely to be a forced migration.

The current lack of knowledge about the situation at the borders and the recent re-opening of the UNHCR Office in Brazil requires a substantial effort to establish contacts, conduct training on international protection and build-up protection networks in all border areas, including main entry ports, to prevent *refoulement*, ensure access to asylum procedures and consolidate the already exemplary asylum system practiced by the Brazilian Government. Special attention is required to improve standards of treatment of asylum-seekers at ports, where there have been conflicts between the civil society and the immigration authorities due to alleged discrimination against illegal immigrants of African origin. Out of the estimated 3,210 refugees in the country, some 2,000 require a particular effort for their effective local integration. The *Cities of Solidarity* program is the main challenge for the local integration of urban refugees. Within the framework of durable solutions, the voluntary repatriation of Angolan refugees is a viable option for those willing and able to return to their home country.

According to Brazilian law, refugees become permanent residents after 6 years of residency with refugee status. There is a formal application procedure for naturalisation which requires at least 4 years of residence in Brazil, no criminal record and Portuguese literacy. There is also a special mechanism for foreigners from Portuguese-speaking countries, who are entitled to naturalization one year after the required period of residency. This mechanism could benefit the vast majority of the large population of Angolan refugees who make up about 60% of the total refugee population in Brazil. In Brazil nationality is acquired by birth (*ius solis*) regardless of the nationality of parents.

Some of the major social problems hindering local integration of refugees in Brazil are the chronically deficient public health system in Rio de Janeiro, where 57% of the refugee population lives, and the shortage of adequate school facilities in Rio de Janeiro and São Paulo. Although refugees and asylum-seekers in Brazil are entitled to free access to public health and education services by law, these two large cities register the highest poverty levels in the country. Access to job opportunities continues to be a major problem and the focus of UNHCR self-reliance strategy has to undergo a major shift towards opportunities for income generation within the informal sector through the implementation of an efficient micro-credit system.

The position and political influence of Brazil in the Southern Cone is crucial for the achievement of UNHCR's objectives. The position taken by the Brazilian Government during the commemoration of the 20th Anniversary of the Cartagena Declaration was determining for the approval of the Mexico Plan of Action and the implementation of the *Solidarity Resettlement* program in the region. The initial preparatory meeting which led to the approval of this Plan by 20 countries in the region, in November 2004, was conducted in August 2004 in Brasilia. The policies of solidarity set out by the Brazilian Government at this preparatory meeting were determining for the definition of the Plan's objectives.

Brazil was one of the first Latin American countries to accede both to the 1951 Convention on the Status of Refugees, and the 1967 Protocol. Brazil also developed a comprehensive legal instrument regarding refugee status and rights, Law N° 9474/97, which implements the 1951 Convention and the 1967 Protocol, as well as incorporating the wider refugee definition of the 1984 Cartagena Declaration. It is actually considered one of the most advanced legislations in Latin America.

Brazil emerged as a resettlement country in 1999, when it first launched a resettlement program. Today, the search for regional solutions to solve regional problems has led Colombian refugees, who live in difficult situations in their first asylum countries, to seek safety within Brazilian borders. This exemplary solidarity of the Brazilian Government imposes a great challenge on UNHCR and the international community, who need to support this policy of solidarity at its inception, during 2006, with a view to consolidate the gradual transfer of responsibilities towards the Brazilian Government and the civil society in 2007.

The civil society has been welcoming towards refugees and asylum-seekers, and the contribution by this sector is increasing. In order to ensure effective integration of refugees, UNHCR Brazil decided to address possible racial discrimination against asylum-seekers and refugees of African origin. A partnership with SEPIIR (Special Ministry for Policies of Racial Integration) was established to provide capacity building to Federal Police officers and other actors involved in refugee reception and integration to prevent discrimination. This measure is seen as indispensable due to the fact that some 80% of the Brazilian caseload comes from Africa.

A budget increase is needed to address the above concerns and to consolidate the Brazilian resettlement programme, while preserving the protection capacity for offshore asylum-seekers, establishing protection networks in border areas and consolidating the Brazilian asylum system.

2. Operational goals and potential for durable solutions

The operational goals of UNHCR Brazil will be mainstreamed with UNHCR's Global Objectives and the Bureau Regional Strategy. The overall operational goals of the 2006 Brazil refugee program are derived from the Mexico Plan of Action which incorporates the concepts of "solidarity borders", "solidarity resettlement" and "cities of solidarity", as follows:

- Improve the understanding of the real situation prevailing at borders, including ports and airports, with a view to obtaining a true picture of the actual number of asylum-seekers entering Brazil and improve their standard of treatment.
- Prevent *refoulement* and detention and improve asylum-seekers access to RSD procedures, through capacity-building measures targeting border authorities, as well as State authorities, civil society and NGO's in and around the main entry points of refugees in Brazil, with special emphasis on the critical entry points.
- Develop protection networks with existing partnerships and foster new ones within the civil society, the Government and the UN System, as a way to

consolidate the protection and assistance services, facilitate protection at borders and ports and facilitate integration of refugees in Brazil.

- Deliver protection and assistance services to refugees and asylum-seekers to enhance their local integration prospects, focusing particularly on the policy priorities relating to women, children and refugees with special needs, and addressing minimum standards of assistance. Include refugees in HIV/AIDS prevention programmes, both with Government and UNCT support.
- Pursue local integration of spontaneous arrivals and resettled refugees, focusing primarily on the achievement of self-reliance, through partnerships with the private sector for job placements, in the framework of the *Cities of Solidarity* and *Solidarity Entreprises*, access to adequate initial assistance, micro-credit, child care, education facilities and professional training opportunities. In order to achieve a real integration, programs will target not only refugees and asylum-seekers but also the hosting communities.
- Improve the standards of treatment of asylum-seekers, who are mostly of African origin, through close collaboration with the Secretary of State for Promotion of Racial Integration Policies.
- Prevent the setting in of the dependency syndrome through adequate monitoring of the standards of assistance and self-reliance levels, inclusion of beneficiaries in the national poverty reduction programs and appropriate monitoring of standards and indicators.
- Facilitate the voluntary, safe and dignified repatriation of those refugees for whom this is a viable durable solution (e.g., Angolans).
- Actively promote the resettlement to Brazil of refugees in need of protection and assistance in a third country, particularly Colombian refugees from Ecuador and Costa Rica, with special attention to women and children at risk, victims of torture, and those refugees who live in situations of legal or physical insecurity.
- Explore new funding opportunities for the local integration of women heads of household and women at risk (both resettled and spontaneously arrived).
- Promote the research and dissemination of international refugee law instruments, through partnerships with universities, and academic incentives for researchers. Publish relevant materials in Portuguese for dissemination within Brazil.
- Enhance the Sergio Vieira de Mello Chair project, enabling not only the academic dissemination of international protection instruments but also the effective involvement of universities in refugee assistance and protection activities, with a focus on durable solutions (naturalization, scholarships, medical treatment, etc.)
- Develop Public Information activities, seeking greater visibility for UNHCR's work in Brazil and fund-raising opportunities. The participation of a national good-will ambassador will be pursued.
- Consolidate Results Based Management practices through participatory planning, enabling optimum use of available resources and more targeted assistance to the beneficiary populations. Harmonize the standards of assistance provided by different implementing partners and reduce the discrepancy between resettled and spontaneous refugees' assistance levels.