

**COUNTRY
CHAPTER**

BRA

BRAZIL

BY THE GOVERNMENT OF BRAZIL



Brazil Overview

Resettlement programme since: 2002	Selection Missions: Yes	Dossier Submissions: Exceptionally
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Resettlement Admission Targets for 2011:

Admission targets for UNHCR submissions:	60
Total Resettlement Admission Target:	60

Regional Allocations for 2011: not currently available

Africa	
Asia and Pacific:	
Middle East and North Africa	
Europe:	
Americas:	60

Sub-quota features:

Designated sub-quota/acceptance for:	2011 Description, additional comments:
Emergency resettlement procedures	
Medical cases	
Women-at-risk cases	Yes
Unaccompanied children	
Family Reunion (within programme)	Yes
Other	Priority: Legal and Physical Protection Needs

1. Resettlement Policy

1.1 Description of the country's resettlement policy

The Federative Republic of Brazil understands resettlement as a protection tool and durable solution, aiming at allowing refugees to integrate into Brazilian society and to achieve self-sufficiency as fast as possible.

1.2 Ministries and Departments responsible for resettlement policy

The Brazilian Resettlement Programme relies on a tripartite structure that involves Government, civil society and UNHCR in specific roles in accordance with the Macro Agreement for the Resettlement of Refugees in Brazil, signed in 1999. Authorities are mainly responsible for the provision of documentation and public services for refugees, both at national and local levels. With the exception of access to political rights, refugees benefit from equal conditions to nationals, accessing the same public policies available to Brazilians through an extensive network of different governmental offices.

The **National Committee for the Refugees (Comitê Nacional para os Refugiados - CONARE)**, presided by the Ministry of Justice, and composed by other 5 governmental bodies, the civil society and UNHCR, coordinates the actions needed to secure the efficacy of protection, assistance and local integration of refugees.

NGOs engage in direct assistance and local integration, through projects funded by UNHCR, which submits resettlement cases.

The Programme prioritizes the reception of refugees in need of physical and legal protection and women at risk cases.

1.3 Process for deciding the annual resettlement quota and its composition

There is no formal procedure or timeframe to determine the annual quota. In practical terms, the annual target is decided in coordination among CONARE, UNHCR and NGOs based on the existing protection needs and availability of financial resources.

2. Criteria for Recognition of Refugee Status Eligibility: Asylum and Resettlement

2.1 National legislation defining refugee status eligibility

The Brazilian Refugee Act (Lei 9.474/97) defines refugees according to 1951 Convention and the Cartagena Declaration criteria.

Specifically, the Act states that shall be recognized as refugee in Brazil every person who: (I) due to well-founded fear of persecution for reasons of race, religion, nationality, membership of a social group, or political opinion, is outside the country of his/her nationality and is unable or unwilling to avail him/herself of the protection of that country; (II) not having a nationality and being outside the country of his/her former habitual residence, is unable or unwilling to return to it due to the reasons previously described; (III) due to grave and generalized violation of human rights, is obliged to flee their country of nationality to seek refuge in another country.

2.2 Refugee status criteria -asylum-seekers and resettled refugees

The Brazilian Refugee Act creates a sole legal status for refugees in the country, treating equally refugees who were recognized through RSD procedures and those resettled to Brazil.

3. Criteria for Resettlement

3.1 Resettlement Eligibility Criteria

To qualify for resettlement in Brazil, the refugee must be recognized pursuant to the 1951 Convention and its 1967 Protocol, as well as to the Brazilian Refugee Act; be submitted for resettlement by the UNHCR; and belong to one of these categories as established by the Macro Agreement for the Resettlement of Refugees in Brazil:

- (I) Legal and Physical Protection Needs;
- (II) Survivors of Violence and Torture, if specific medical attention is available in Brazil;
- (III) Women at Risk;
- (IV) Refugees without Local Integration Prospects;
- (V) Refugees with strong links with other refugees already in Brazil, unaccompanied minors or medical cases.

3.2 Admissibility criteria

Each submission is subject to individual consideration and therefore a refugee may be denied to resettle to Brazil because of past criminal activity.

4. Resettlement Allocations/Processing Priorities

The Brazilian Resettlement Programme does not allocate sub-quotas or establishes internal processing priorities for cases submitted to resettlement under normal submission priority. There is no provision for non-UNHCR referrals.

5. Submission and Processing via Dossier Selection

5.1. Dossier (RRF) submission policies

Brazil gives preference to submissions processed via in-country selection missions, but it may exceptionally admit dossier submissions.

5.2. Case documentation

The dossier of the case shall include a duly filled-in UNHCR Resettlement Registration Form (RRF) and its summary in Portuguese, submitted by UNHCR. All available relevant documentation should be annexed.

Following reception, the case is presented to CONARE members, who will decide on the basis of the information contained in the dossier.

5.3 Processing times and decision making

In case the data is sufficient and reliable, a decision is expected to be taken at the next CONARE's plenary meeting, which is held every 45 days; otherwise more details can be requested from UNHCR or other appropriate source.

5.4 Recourses, appeals

Refusals may be subject to a review, to be requested by UNHCR based on additional information presented to CONARE.

6. Submissions and Processing via In Country Selection

6.1 Selection Mission Policies

Selection missions are tripartite and composed of representatives from CONARE, NGOs and the UNHCR country office in Brazil.

6.2. Case documentation and routing of submissions

The dossier of the cases, including RRF and relevant documentation, are expected to be shared by UNHCR with the delegation 30 days prior to the mission for pre-screening.

6.3 Processing times and decision making

During the mission, refugees are interviewed individually or along his/her relatives included in the submission, according to the delegation's consideration.

Decisions are usually taken by CONARE's members at its next plenary meeting, by majority rule and based on the dossier and the in-country delegation's assessments.

UNHCR is in charge of communicating decisions to refugees and travel arrangements, in coordination with the International Organization for Migration (IOM).

6.5 Recourses and appeals

Again, refusals may be reviewed following a request by UNHCR on the basis of additional information presented to CONARE.

7. Emergency Cases/Urgent Cases

Emergency/urgent cases may access fast track procedures for resettlement in Brazil.

Fast track submissions shall be presented in Portuguese by UNHCR to CONARE's Secretariat, with justification for the urgency of the claim and all available relevant documentation.

Following reception, the case is electronically forwarded to CONARE members, who will make a decision within 72 hours. Fast track approvals must be unanimous. Decisions are immediately communicated to UNHCR, which will inform refugees and prepare approved cases for travel.

Refusals may be subject to a review, to be requested by UNHCR based on additional information it will provide to CONARE at its plenary meeting.

8. Special Categories/Special Needs

The Brazilian Resettlement Programme does not allocate specific sub-quotas to cases falling outside the categories established by the Macro Agreement for the Resettlement of Refugees in Brazil.

9. Medical Requirements

There are no medical requirements for resettlement in Brazil, although refugees' general health information will be considered in the decision process in order to better assess integration prospects in the country.

10. Orientation (pre-departure)

Refugees submitted to resettlement in Brazil are shown a video by UNHCR describing the main features of life in Brazil and of the resettlement programme. The refugees also receive information from the tripartite delegation during their selection interview, in the context of discussing integration prospects in Brazil.

Further orientation is provided by NGOs after arrival in the country.

11. Travel

Pre-arrival travel arrangements are conducted by UNHCR, in coordination with the International Organization for Migration (IOM).

12. Status on Arrival and the Path to Citizenship

12.1 Immigration status on arrival

Upon arrival, resettled refugees receive documentation granting them refugee status in Brazil. Refugees are entitled to obtain ID cards (RNE, or the *Registro Nacional para Estrangeiros*), work permit (CTPS, or the *Carteira de Trabalho e Previdência Social*) and an individual's taxpayer registry (CPF, or *Cadastro de Pessoas Físicas*) from the responsible government offices. It is mandatory for refugees in Brazil to obtain an authorization from CONARE to travel abroad, and CONARE must approve the issuance of a Travel Document. Refugees travelling abroad without authorization from CONARE may risk losing their legal status as refugees in Brazil.

12.2 Process for regularization of status and citizenship, including requirements and timeframes

National law entitles refugees to obtain permanent residency after living 4 years in Brazil. Acquisition of nationality is possible after 4 years of permanent residency in the country.

12.3 Documents issued to children born after arrival but before naturalization of their parents

Children born in Brazil, excluded those of persons serving a foreign government, are automatically granted Brazilian citizenship, which is attested by a birth certificate issued out of registration by parents.

13. Domestic Settlement and Community Services

13.1 Overview of services and providers

Reception services are provided by NGOs, in the context of their role within the tripartite structure of resettlement in Brazil. In the pre-arrival phase, NGOs identify reception communities, considering cultural aspects and available public services, and prepare housing facilities.

The resettlement programme, funded by UNHCR and designed to last up to 12 months, supplies refugees' housing needs, by paying their rents, and offers financial assistance aimed at covering refugee's basic expenses. Following the arrival, NGOs engage in particular and overall orientation, referral to language and employment-related training, as well as guidance concerning access to labour market.

13.2 Supplemental supports for refugees with special needs

Refugees with specific needs receive a special attention, according to programme availability of funds. Brazilian Government, which is responsible for the provision of documentation and the respect of refugees' rights in equal conditions as nationals, follows this initial settlement closely and intervenes when any official action is necessary.

14. Family Reunification of Refugees

14.1 Legislation regarding rights and restrictions to family reunification

Brazilian refugee law allows the extension of refugee status to family members of recognized refugees, whether their recognition came through resettlement or RSD procedures. In both cases, eligible family members are:

- (I) spouses;
- (II) single children under 21 years-old, or older if unable to provide their own support, according to a medical statement in view of physical and mental criteria;
- (III) parents and grandparents;
- (IV) siblings, grandchildren, great-grandchildren, nephews and nieces, if they are single, under 21 years-old and of dead/missing/detained parents, or older if they are unable to provide their own support, according to a medical statement in view of physical and mental criteria.

In this regard, and according to the relevant national law, the medical statement requested by CONARE has to be written by a doctor who should assess the psychological and/or physical impairment of the person to provide support to himself/herself.

However, CONARE is open to analyze requests on an individual basis for family reunification of people under the categories specified in sections (II) and (IV) who are unable to provide their own support but do not have a physical and/or psychological impairment. In such cases, additional documents could be provided in order to prove the economic, social or emotional dependency, replacing the medical statement.

As additional information, CONARE may request a social assessment (albeit not formally established), to the family member living in Brazil to prove his/her financial capacity to support the family member requesting reunification in the country.

14.2 Family Reunification documentation and processing times

Family reunifications are not related to resettlement quotas. The law requires family members to be in Brazilian territory before any reunification procedures are launched. Subject to availability of funds, UNHCR may provide travel assistance.

Recognized refugees may apply for reunification with eligible family members by filling a specific form at a Federal Police Station and delivering relevant documents proving family ties. Family members are requested to attend the application, in order to receive documentation admitting temporary stay and work in Brazil while the case is analyzed. Following, the Federal Police remits all pertinent files to CONARE's Secretariat, which will prepare the case to be discussed by CONARE's members at a plenary meeting. It is estimated that duly documented family reunification cases take around 4 months to be decided.

14.3 Status on arrival and entitlements of family members

As refugee status is extended from the relative who was already a refugee in Brazil, reunited family members acquire the same rights and obligations. Refugees applying for family reunification are expected to be able to support their relatives as they integrate in Brazil.

Similarly, foreigners with permanent residency in Brazil may apply for family reunification, according to specific regulations.

15. References/Resources

- Macro Agreement for the Resettlement of Refugees in Brazil;
- Brazilian Refugee Act (Lei 9.474/97);
- CONARE's website: www.mj.gov.br/conare