

# **ARTIGOS**



## INADEQUATE INTEGRATION OF REFUGEES IN BRAZIL AS A VIOLATION TO THE RIGHT OF HUMAN DIGNITY

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**RESUMO:** O artigo tem como objetivo demonstrar como um inadequado sistema de integração e a ausência de políticas públicas para refugiados consistem em violações ao direito à dignidade humana. Primeiramente é importante constatar que os conceitos de refugiado, integração e direitos humanos foram definidos segundo a Convenção de Refugiados de 1951 e renomados acadêmicos na área. Além disso, foram examinados o papel da educação como uma ferramenta para promoção de resiliência e determinação social e o acesso a condições dignas de emprego como etapas para conquista de autonomia. Por fim, foi realizado um estudo de campo que contou com entrevistas de representantes de organizações não-governamentais e refugiados em São Paulo. Baseando-se nos dados coletados, conclui-se pela existência de diversas barreiras para a integração destes indivíduos particularmente quanto ao acesso à educação e emprego, que são decorrentes da escassez de políticas públicas voltadas à aplicação dos direitos sociais dos refugiados assegurados pelas leis brasileiras e pelos tratados internacionais ratificados.

**Palavras-chave:** Integração; Refugiados; Educação; Emprego; Políticas Públicas.

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**ABSTRACT:** This article aims to demonstrate how an inadequate integration system and the absence of public policies for refugees consist a violation to the right of human dignity. First, the concepts of refugee, integration and human rights were drawn based on the 1951 Refugee Convention and distinguished scholars. Secondly, the role of education as a tool for self and social determination and the access of a dignified employment as the conquer of autonomy were examined. Finally, a case study was carried out in which interviews with non-governmental organizations representatives and refugees located in São Paulo were conducted. Based on the gathered data, it was found numerous barriers to local integration of these individuals, in particular to education and employment, arising from the absence of public policies aiming the enforcement of refugees' social rights guaranteed by the Brazilian laws and ratified international treaties.

**Keywords:** Integration; Refugees; Education; Employment; Public policies.

**SUMMARY:** 1 Introduction; 2 The process of refugees' integration from the perspective of access to education and job opportunities; 3 Education policies: the importance of language learning and formal schooling; 4 Employment situation and obstacles for refugees in Brazil; 5 Conclusion; References

## **1 INTRODUCTION**

One of the most relevant contemporary International Law challenges is the enforcement of Refugee Rights. The international

community faces today the highest number of people who were forced to leave their country of origin and seek protection abroad in history. According to the most recent UNHCR report (2016, p.2), the number of forced displacement has reached 65,6 million, of which 22,5 million are refugees. This data, however, does not include forced displacement caused by the Rohingya's persecution in Myanmar and the political situation in Venezuela. This article aims to identify the challenges and barriers to the integration of refugees in Brazil and demonstrate how these hurdles entail violations to the fundamental principle of human dignity.

Migration has been used by human beings as a way of survival since the beginnings of mankind. The formal limits to these migratory flows came only with the creation of the State and the notions of nationality and sovereignty (LEAL, DAMÁSIO, CAVALCANTI and GALVÃO, 2014, p. 56). These concepts originated the feeling of belonging and the idea of “us” (nationals) and “them” (foreigners).

The notion of Sovereignty and Nationality are extremely important for the comprehension of the challenges to the protection of refugees and the International Community's limitations to implement burden sharing among States and to compel them to abide by international customary law and treaties such as the non-refoulement and the Refugee Convention (UNITED NATIONS, 1951). Therefore, although the United Nations created the Office of the High Commissioner for Refugees (UNHCR) and brought countries together to agree on an international concept of refugees and their correspondent rights, States' resistance to comply and enforce these is still a reality.

The 1951 Convention defines a refugee as an individual who is  
a) outside the country of his/her nationality or former habitual residence

(in case of statelessness); b) owing to well-founded fear of being persecuted; c) for reasons of race, religion, nationality, membership of a particular social group or political opinion; d) and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country. Thus, the refugee status results from a failure of the State to protect an individual's liberties and safety, which originates the need for international protection, provided the exclusions clauses are not applicable in his/her case. (HATHAWAY, 2012, p. 183).

According to the National Committee for Refugees (MINISTRY OF JUSTICE, CONARE, 2018), there are currently 10.145 people with refugee status in Brazil. This number resulted mostly from the national policy of opening doors to refugees from Syria, who represent 39% of the refugee population in the country. The main nationalities of refugees in Brazil are from Syria (2.771), Democratic Republic of Congo (953) and Colombia (316) (MINISTRY OF JUSTICE, CONARE, 2018).

However, it is important to mention that the humanitarian visas granted to Haitian citizens are not included in this number, which should be a matter of concern, considering that nationals from Haiti lodged 52.243 applications since 2010 and only one was granted in 2016. Another one was also granted, but in 2008 (MINISTRY OF JUSTICE, CONARE, 2018). Another matter of concern should be the significant number of refugee applications from nationals of Venezuela. Out of 44.174 applications lodged in 2016 and 2017, almost half (21.240) were from Venezuelan nationals (MINISTRY OF JUSTICE, CONARE, 2018). Until the present date, the government has not granted them humanitarian visas and have implemented very few public policies in support of this population (MENDONÇA, 2018; SOUTO, 2018).

The situation of Venezuelan nationals in Brazilian territory is alarming, social conditions, including shelter, are insufficient and inadequate. The main entrance point is the state of Roraima, that decreed “social emergency” in 2017 and entered with a civil lawsuit to the Supreme Court to close its borders attempting to halt the migratory influx and condemning the State for poor border controlling. The Interim Measure 820 recognizes the Venezuela situation as a humanitarian crisis and states social protection policies. In addition, a Federal Committee to Emergency Assistance was created to handle the situation. The outcomes, however, are still timid and unable to provide dignity both to the host community and to the Venezuelan nationals.

The rights, status, and obligations of refugees are provided not only by the 1951 Convention and the Cartagena Declaration, but also by the following national laws: the new Migration Statute (n. 13.445/2017) and Refugee Statute (n. 9474/1997). The Brazilian Constitution of 1988 provides some rights applicable to all human beings, including refugees and foreigners, while the Labor Law (5.452/1943) with the amendments made by the Statute 13.467/2017 also regulates employment relationships of all individuals and their employers across the Brazilian territory.

The new Migration Statute provides for protective measures and means to facilitate regularization of the situation of refugees and asylees in the country, as well as for the concession of Humanitarian Visa to individuals from countries suffering from instability, major calamity, serious violations of human rights or armed conflict. However, its effectiveness is completely dependent on the subsequent regulation by the Ministries of Justice, Employment and External Relations, which have not yet provided for comprehensive and coherent

clarifications of the necessary procedures for the concession of humanitarian and other visas (CAPUCHINHO, 2018; BASILIO, 2017).

Before the new Migration Law, the humanitarian visa was provided only by temporary Normative Resolutions n. 97/2012 and 106/2013 of the National Immigration Council. Thus, the new Migration Law indeed represents a great advance and legal certainty for these peoples' rights, mainly to Haitians, who are victims of natural disasters and does not fit in the Article 1 of the National Refugee Statute, and to Venezuelans, who are fleeing from a deep political and economic crisis. However, its concrete effects are still to be seen, considering that Venezuelan nationals are still in an administrative limbo, considering none of their solicitations were approved, nor the provision for granting them humanitarian visas enacted yet.

The new law also incorporates, in art. 3, the three general human rights' principles - interdependence, universality, and indivisibility - recognizing that the lack of adequate legislation and integration policies may result in serious violations of fundamental principles of the Constitution, further hindering the local integration of these people. It also provides under art. 3(XI) for the protection and social inclusion of immigrants, through the establishment of social programs aiming at guaranteeing their access to economic, social and cultural rights (FERRAÇO, 2014). Overall, the approval of this bill represents a deep change of national legislation applicable to aliens, considering that the previous Alien Statute was enacted during the Military Regime and was not in tune with the Constitution, containing outdated provisions, which exalted national security and limited foreigners' rights (KENICKE, 2016, p. 71).

However, one of the main drawbacks resulting from the presidential vetoes by Temer was the rejection of the provision –

approved by the Parliament – granting amnesty to all migrants that entered the territory before 6 July 2016 (BOGOSSIAN, 2017). This provision would have had the potential to reduce significantly the number of pending applications before the CONARE. Another major drawback was the veto of the provision prohibiting the requirement of documentary evidence that would be impossible or unreasonably difficult to obtain by the foreigner (BOGOSSIAN, 2017).

Notwithstanding the presidential vetoes, the new Migration Statute is still a reason for celebration that is yet in need to be implemented through effective policies aiming to realize the rights provided and to guarantee that the human dignity of individuals is preserved. The new legislation should not be romanticized, the rights need to be not only acknowledged but implemented according to current refugees' needs.

Withal, the new law is regulated by the Decree 9.199/2007, a very polemic document that in some points even contradicts the newly approved law and mines some historical conquests of progress in the dignified handling of migrants. Without exhausting the contradictions, some delicate themes need to be highlighted. First and foremost, in article 172 the document uses the word “clandestine” referring to undocumented migrants, reinforcing the stigma. Secondly, expressly contradicting the article 123 of the new Migration Statute, the Decree foresees the possibility of imprisoning of the deportee. Thirdly, it is stated in the art. 127 §1 that several visas have come to depend on prior approval by the Ministry of Labor, which does not have the role of “selecting” migrants for regular entry into national territory. This is a setback that precedes the era of the military dictatorship, resumes the Estado Novo (1930-1945). Finally, the omission on determine what would be the "contrary act to the principles and objectives set forth in

the Federal Constitution" capable of justifying the peremptory denial of a visa to a migrant, leaves open to the discretion of the Executive power to refuse the visa and authorization of people who, according to them, are considered unwanted. (VENTURA, 2018).

Contradictorily, another very progressive document was recently adopted in the Capital. The "100 points of Brasilia" stands for a human and dignified policy and on the dealing of refugees in the Latin America and Caribbean region. Aiming to contribute with the ongoing discussions of the Global Compact on Refugees, the document establishes a roadmap for asylum, durable solutions focused on local integration, statelessness, and gender issues. The abyss between the proclaimed intention of a humanitarian approach and the reality on the ground is latent. Unfortunately, the main goal relays not in the benefit of migrants but rather in gaining international recognition, without necessary implementation of the political discourse.

According to Sarmiento (2016, p. 90), the principle of the dignity of the human being involves positive and negative provisions from the State, since it aims to provide a comprehensive protection to the person. This principle consists of four essential elements: the intrinsic value of the individual, autonomy, existential minimum, and recognition. The intrinsic value consists in the prohibition that the person be seen as a mere instrument at the service of the State or of society. It must be considered a value in itself, as a subject with body and feelings, which deserve to be respected in an equal way, with no submission to social and cultural hierarchies.

Autonomy appears both in the individual's particular form of self-determination and in the public form, from his participation in the Democratic State. The existential minimum, in turn, is composed of material conditions essential to a dignified life that allow the person to

exercise their freedoms and rights fully. Finally, recognition implies respect for the individual and collective identity of the person as a social being, immersed in intersubjective relations and social practices fundamental to his self-determination (SARMENTO, 2016, p. 89).

Thus, the juridical content of dignity is amplified insofar as new fundamental rights resulting from these relations are recognized; and despite its relativity, due to its high weight, in the processes of consideration, human dignity tends always to prevail.

For Soares (2008, p. 161), the substantial dignity of the person is understood from the notion that the ethical value intrinsic to the individual prevents any form of degradation or dissection of the human condition. The author considers that the human dignity must be understood as a value extracted from the axiological experience of the law from a historical and cultural dimension.

All in all, in order to grasp possible violations to the human dignity of refugees in Brazil, this work used the theory developed by Ager and Strang (2008) to measure the quality of refugees' integration with the local community. Local integration is provided by the 1951 Convention and the Brazilian Refugees' Statute as a durable solution that is to guarantee broad rights to refugees as the time passes and the connections between the local community and them are intensified.

The methodology utilized in this research can be categorized as a study case. Accordingly to Minayo (2010, p. 164), study cases consist of qualitative investigation strategies aiming to identify, describe and analyze context, features, and apprehension of the highlighted situation. Therefore, this method is useful to properly acknowledge, within the witnessed episodes, interventions and changing process experienced (MINAYO, 2010, p. 164). It is a competent empirical study stile to

explain, illustrate and explore the scientifically studied social phenomena. Additionally to the interviews, the data collection occurred through bibliographical review and documental analysis.

The interviews were arranged with key informants identified utilizing previous contacts with the *Cáritas Arquidiocesana São Paulo* and the *Oásis Solidário*, two of the organizations currently providing support for refugees in Brazil. Five refugees were interviewed (and cannot have their identity reveal), as the representatives of those organizations and the former migratory policies public coordinator of São Paulo.<sup>1</sup> Finally, the collected data was submitted to a categorical content analysis, which for Minayo (2010, p.167) consists in a solid research technique to an objective and systematic description of the communications content, aiming to interpret it.

Field research focused in refugee population involves heated discussions relative to the appropriated methodological approach. Landau and Jacobsen (2005, p. 187) point to the risks of an “advocacy research” emphasizing that the neutrality of the work is compromised since the researchers go to the field with a specific outcome in mind and a defined idea of what they want to see and say. Voutira and Doná (2007, p.54) question the possibility of the maintenance of a methodological neutrality regarding the inherent condition of solidarity to the subjects.

This work is aligned with the position of Mackenzie et al. (2007, p, 312) assuming the principle that field research with refugees

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<sup>1</sup> The interviews here referred were elaborate and realized at the scope of a field research for the course conclusion paper of the authors of this article and can be found and analyzed at the respective monographies: (AZEVEDO, p. 120, 2017) (DANTAS, p. 110, 2016).

should not only aim to identify the hurdles from a position of neutrality and victimization, but also produce valuable outcomes aiming to change their reality and empower them by promoting awareness of their rights in this process.

## **2 THE PROCESS OF REFUGEES' INTEGRATION FROM THE PERSPECTIVE OF ACCESS TO EDUCATION AND JOB OPPORTUNITIES**

The engagement of human rights defense transcended the local level and gained global contours with the UN Charter in 1945 that advocates for its protection at the article 55. Based on this prediction, the Universal Declaration of Human Rights was adopted in 1948 by the United Nations. Several conventions and pacts were adopted over history to reinforce and guarantee those rights considered essentials for a minimum standard of dignity. The International Covenant on Economic, Social and Cultural Rights (ICESCR) is a multilateral treaty signed by 160 countries and signed, but not yet reinforced by other 7. This document obliges the signatory countries to provide to its inhabitants the foreseen rights regardless of ethnicity, religious belief, economic situation or place of birth. Integration appears as a governmental must in order to promote human dignity to the new arrivals, transforming their momentaneous vulnerability into dignified ways to pursue fair life conditions.

Although there are many definitions of local integration, it is important to emphasize that it entails a mutual interest in coming closer together, translated into the host society allowing and actively helping the refugee to feel 'at home' and the refugee willingness to learn about and respect the culture of the receiving country (DEMUTH, 2000, p.

39). Therefore, integration is characterized by the establishment of social relations between the new comer and the society (NARDELI et al., 2014, p. 32).

In order to access the quality of integration and analyze these social connections, Ager and Strang (2008, p. 167) created an operational definition in which the integration can be assessed by analyzing some different indicators, considering the complexity of this institute. The authors divided these indicators into: Makers and Means, Foundation, Social Connection and Facilitators.

The expression “Facilitators” refers to “language and cultural knowledge” and “safety and stability”, which means that a refugee who has already learnt the receiving country’s language or know about its culture has more chances to integrate quicker and more efficiently than another one who does not know both of them (2008, p. 170). From this notion, the authors aim to demonstrate the relevance of the State and the community in guaranteeing that the refugee: i) is not seen as a threat or an outsider, but as a human being who not only needs help but is also capable of positively contribute to the society; ii) has access to free national language classes (2008, p. 181-184). Learning the language of the receiving State is fundamental for a successful integration, because it enables effective communication and expands job and education opportunities.

The “Foundation” is related to the citizenship and rights. Ager and Strang (2008, p. 174-176) explain that notions of nationhood and citizenship vary from country to country and shape its core understandings of the rights accorded and responsibilities expected of refugees. Thus, the Foundation refers to national public policies regarding **refugees’ rights**, such as human dignity, equality, freedom and access to justice, and **refugees’ integration**, for example, definition

of how the state might protect these rights and what are the requirements for family reunification and citizenship eligibility.

The third indicator, “Social Connections”, is divided into “social bridges”, “social bonds” and “social links”. The first refers to social connections between the local community and the refugee, while the second is related to refugees among themselves due to similarities of religion, ethnicity, social group and nationality. On the other hand, the expression “social links” is defined by the authors as the connections between the refugee and civil society organizations. Ager and Strang (2008, p. 169), point out that these connections are, at the same time, an outcome of the access to work and education, but also a mean to achieve this access. This is because on the one hand, in these environments it is possible to establish relationships with others; and on the other, from a good relationship with people in the community, it is possible that the person receives a job offer.

Finally, the term “Makers and Means” stands for key areas of activity in the public arena, with emphasis on employment, housing, health and, education. They are called makers because achievement in these areas can be seen as a “maker” of integration. On the other hand, they may also serve as potential “means to support the achievement of integration” as the aforementioned example shown. While housing represents overall stability, safety and physical and emotional well-being for refugees, a good health is an important resource for active engagement and interaction in a new society (AGER e STRANG, 2008, p. 172). However, in this article, the focus will be on two of the “Makers and Means”: employment and education.

Employment as a tool to promote economic independence, social connections and opportunities to develop language skills and plan

for the future. It also restores self-esteem and encourages self-reliance (AGER e STRANG, 2008, p. 170). In Brazil, refugees face significant barriers to securing employment, not only due to the language barrier but also due to the difficulty relating to the non-recognition of qualifications and previous work experience.

On the other hand, education “provides skills and competences in support of subsequent employment enabling people to become more constructive and active members of society” (AGER e STRANG, p. 172). It is a “mean” to learn language, culture, and history of the receiving State, as well as to establish social connections and acquire useful information on access to a range of local services. Despite the importance of basic education to refugee children and superior education to young adults, there are also hurdles to their access to it, since the government did not create an especial initial basic education program to enable children to follow the classes, nor provided a wide range of scholarships covering living costs for young adults, the main efforts to provide scholarships have been made by civil society organizations, such as Catédra Sergio Vieira de Melo, and by universities themselves.

### **3 EDUCATION POLICIES: THE IMPORTANCE OF LANGUAGE LEARNING AND FORMAL SCHOOLING**

Refugees consist a multiethnic and extremely heterogeneous group, not only between the national communities but also within them. The contact they have had (or not) with an educational system is unequal and cannot be fully measured, whereas some posse graduations, titles and specializations others were not even literate. Important to highlight that despite the greater media attention focus on

the refugee's presence in developed countries, their presence is more substantial, circa 86%, in undeveloped countries (UNHCR, 2016). Some of those are affected by wars and face monetary problems, providing precarious living conditions. The implementation of integration policies requires funds they usually do not possess.

Education – in all its levels – needs to address the conscious exercise of citizenship. Teaching the host language is an immediate demand, prior to the inception of the refugee into the formal education system of the host country. A tongue is more than an agglomerate of sounds and symbols that intermediate communication. Languages carry the identity background historically constructed as individual beings and as members of a society. The promotion of integration policies through true language is an enormous challenge faced by all host countries, there was not yet established a consensus in which methodology would be the more indicate to this specific situation.

Simpson and Whiteside (2015, p.28) point out that each country manages the language teaching accordingly to its particular discernment, as a national policy or local pedagogical practice. Despite the existence of pre-determinate policies on the matter, in multiple occasions contentious and contradictory, not rightly addressing to the diverse dynamic encounter at this particular migratory context, in praxis they can (and are) appropriated, subverted and interpreted on innovative approaches. The governor's action to the need of refugees on language learning it is a response to practical reality, especially to youth and adults. This group becomes, thus, especially susceptible and vulnerable to labor exploitation.

The available assistance resources are limited urging the seek for an instantaneous livelihood. Without fully language appropriation, the

available jobs are restricted, most of the time, to non-complex positions that do not require previous skills and award low payments, making it extremely hard to survive with a minimum standard of dignity. In Brazil, it is a common practice among employers to abuse the refugees, offering lower payment and precarious work conditions, taking advantage of their vulnerability to increasing profit. In field research, an interviewed mentioned that even finding a job through a non-profit organization concerned about matching refugees with legal companies signing a work contract, irregularities occur in praxis:

I've signed a contract, but when I started in the company they treated me differently because I am a refugee. I worked with cleaning, I did extra hours, but yet my salary was lower compared with my Brazilian colleagues. When they distributed the protection materials, I would always be given less gloves and aprons. I ended up exposed to chemicals and got a severe allergy. They knew I could not speak proper Portuguese or understand the contract, they've treat me as ignorant and deceived me. (Interviewee #5, 2016)

Oliveira (2010, p.59) observes that a migrant can be wrongly considered as illiterate for not speak the host language. From the psycholinguistic angle, the mother tongue possesses a fundamental role for the successful learning of any other language, whereas within it is developed the cognitive abilities used on the learning of a second language. Just as influential are the socio-physiological factors. Adult migrants tend to lose their social-family network (especially refugees in the fleeing process), facing a downturn of social interaction in the new society, because of their non-acceptance. There is a double loose: the refugees no longer share the bond of their mother tongue and do not

feel comfortable to interact in the newly learned language. Many refugees found themselves adrift and not welcomed, in addition to the traumatic events experienced in their home country, leading to a depression clinical picture.

In Brazil, there is not a cohesive and unified governmental police on Portuguese teaching directional and specified to the refugee group. Migrant children are directed into the regular school system and literate in Portuguese among nationals. In the 90's a doubt concerning their right to attend school arose based on the Foreigner Statute that prohibits undocumented children's enrolment. Aiming to adequate to this Law, the Resolution number 9 edited by the Municipal Secretary of Education of São Paulo, prevented the enrolment of new children and adolescent undocumented and triggered the drop off circa 500 children (MAGALHÃES, 2010).

Currently, however, enrolment it is not an issue anymore, as a result of the jurisdictional prevalence of the understanding that the Federal Constitution of 1998, the Refugee Statute and the Children and Adolescent Statute does not provide any distinction between national and foreigners concerning the rightful access to the Brazilian education system. The complications surface in the classroom. Teachers are not technically prepared to deal with intercultural related situations, e.g., the bullying faced by refugees (particularly by girls using the veil), cultural understanding, language barriers and learning difficulties.

The Program of International Student Assessment (PISA) has shown that the educational performance of immigrant and refugee children from the first generation is likely considerable inferior when compared to the nationals (whose parents are nationals) performance. The rate of school drop-off doubles among those groups is in Belgium,

Denmark, Germany, Austria and United Kingdom (NEIDORF, Teresa Smith et al, p. 54, 2006). The data evince the urgency of global discussion about intercultural classroom methodology. Munõz (2012, p. 35) indicates residential segregation and increasing enrolment in special schools as contributive factors for the overall low achievement.

Regarding the youth and adult's language learning, the largest initiatives outgrown from the civil society: NGOs, religious groups, and individual initiatives<sup>2</sup>. Government actions have been punctual, non-continuous and not able to attend the high number of interested. The biggest matter related to the current framework is the lack of efficient methodology in those attempts: frequently the refugees are still not fluent at the end of the courses because their contempt encompass only the basic knowledge; most of the available courses are located in distant areas generating monetary displacement costs not affordable to newly arrived –the target group (it is important to remember that many spend all their savings fleeing; the schedule is also constantly incompatible with the working hours, preventing attendance).

Some refugees talked about their experience in Brazil regarding the language and other integration aspects. One interviewed told that he lost a job opportunity in his work field because he was not able to fully communicate in Portuguese, another told about his attempt to get information at the Federal Police:

The government did not gave us anything, not even orientation, if someone arrives and does not know the NGOs, he is going to die here, there isn't

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<sup>2</sup> There are several initiatives from members of the social society to offer portuguese classes and related programs to immigrants and refugees- among them: ADUS; CARITAS; SÍ! Yo Puedo; Missão Paz.

another way. The people from federal police did not speak anything, not even English. The first time I went there with a Lebanese guy that spoke good Portuguese to take my protocol, it was ok. The second time I went alone and my Portuguese was not good, I just wanted a information but it was an end-of-line: he could not explain anything to me and I did not understand, it was impossible to solve my problem. I try to find someone that spoke at least a bit of English and could not find, I felt very frustrated and vulnerable. (Interviewee #1, 2016)

Undoubtedly, the more efficient solution would lay on the governmental liability on providing gratuitous, good quality, continuous and flexible Portuguese classes conceived taking in account the specific refugee's plight. The content must be coordinate with cultural aspects in order to promote a successful integration. That attempt was made by Haddad, the late mayor of São Paulo. A research conducted by the Singapore College elected São Paulo as the 23<sup>o</sup> most influential city in the world, it is pointed out as a desirable alternative to the traditional "South-North" migratory corridor, retaining half of all immigrants and refugees that come to Brazil, 65% of them stay at the capitol (2014, p.85). The project, however, did not succeed due to a disagreement within the own cabinet. A coordinator from Haddad's cabinet commented the unsuccessful trial:

We started to dialogue with the Secretary of Education willing to offer thru them a Portuguese course using the EJA or CIEJA, this idea advanced a lot, but at the end there was an operational change and the arrangement died. We wanted to add this to the new Municipal Law, but

the Municipal Secretary of Education voted against it. It would have been the perfect solution: we have over 14 CIEJAS in all territory with professional educators that could be rightly remunerated, the courses could provide also assistance to the migrants... The fact that we have to negotiate really carefully every move made changes occur in a really slow way. Usually nobody is willing to take more programs and responsibilities. (OTERO, 2017).

Most experts on the subject support the assumption of the host language appropriation importance as a key element for integration and social harmonious coexistence, however, it is important to emphasize that language learning is an infinite process, intercorrelated with social interaction. Fluency is an economic and social advantage but dissociates from the access to formal education is not capable to overcome the unequal distribution of human capital between full citizens and refugees.

Lack of consistent basic host language learning and educators prepare to work with refugees' compromise their access to all educational levels. Although this right is constitutionally guaranteed, the number of refugees that had resume studying is still suboptimal. The process of enrollment in Brazilian Universities is particularly challenging, mostly due to the requirement of officially translated original documents and the entry system that requires approval in competitive and complex exams only available in Portuguese. Some Universities hold initiatives to promote specific entry proceedings adapted to the refugee condition, but nearly all require the refugee status at the application process. Due to the limited number of officials in charge of avowing it and the exponential increasing the demand, the

process can endure per 3 years or longer. It is imperative the adoption of a national unified process, taking into account not only those holding the refugee status, but also who applied and are currently waiting for judgment. The actual conjecture grossly undermines the fundamental access to education right.

Despite the common opinion, a considerable number of refugees do hold a high school diploma or a superior degree. The process of revalidation faces considerable bureaucratization and economic barriers. The Ministry of Education has homologated the position paper n°309/2015 issued by the National Educational Council's Superior Education Chambre approving a Resolution establishing the maximum time gap of 180 days for the revalidation procedure of graduation, masters and doctorate diplomas issued by foreign countries. There is not in this Resolution, nevertheless, any exemption scheme for the taxes account the economic vulnerability of the applicants.

#### **4 EMPLOYMENT SITUATION AND OBSTACLES FOR REFUGEES IN BRAZIL**

Notwithstanding these considerations, it is important to understand how education relates to work opportunities. Although work is not a primary condition of social belonging and personal identity construction, its importance cannot be neglected in a capitalist society (MÉDA, 1996, p.634). Muss (1997, p. 114) highlighted the role of a stable job as positive to the refugees' self-esteem, promoting financial independence, closeness to the host society in a belonging feeling and promoting opportunities to language improvement.

The main goal of the 1951 Convention was to ensure that refugees can live independently in receiving countries so that they do not depend on international organizations to remain and are integrated to the country's economic system (UNHCR, 1950). In this sense, within the socioeconomic and cultural rights provisions, there is the right to non-profit and non-political association, the right to join professional unionization and the right to be eligible for a paid job.

However, these rights were initially rejected by Brazil when it ratified the Convention, because of its incompatibility with the Alien Statute. These reservations were only overturned with the promulgation of the Decree 99.757/90, with the objective to adequate refugees' employment rights to constitutional principles set forth in articles 5, XIII and XVII, and 7, IV, of the 1988 Constitution (SAADEH e EGUCHI). Today, Brazilian laws guarantee refugees the right to the same treatment given to nationals by labor laws in force throughout their whole spectrum: working time, remuneration, restrictions, vocational training and work of women and adolescents (art. 3(XI), Migration Statute n. 13.445/2017).

Although this access to work is also one of the major challenges to refugees' local integration. Even though the country allows refugees to work and take part in trade unions, access to work is still one of the major challenges to refugees' local integration, since the reality is that unemployment rates are already high even in relation to Brazil own nationals. According to the gathered data by IBGE (Brazilian Institute of Geography and Statistics) in the first trimester of 2018, the unemployed population in Brazil reached 13.1 million people (AGENCIA IBGE DE NOTÍCIAS, 2018).

Alongside, due to the difficulties of adapting to the language and culture, as well as the uncertainty regarding housing and obstacles

to revalidation of diplomas, refugees are even more disadvantaged than the nationals and have to submit themselves to underemployment or to jobs not related to their careers:

It's all very difficult here, I swear. My wife is pregnant, not working, I have to pay R \$ 1,500.00 rent, R \$ 130,00 internet, R \$ 100,00 light, cell phones, food, things for the children, I have no money and the Government does not help. Having home, we stayed quiet, but the rent is very difficult, every month \$ 1,500.00. **I have to work double shifts to get enough money for living.** (Interviewee #3)

One of the interviewees, who has a degree in mechanical engineering, reported that a Brazilian Civil Society Organization (Adus) assisted him to get a job within his field. However, with the arrival of many refugees, the institution is no longer able to offer as much support as it did when he arrived: *"She helped me not only with Portuguese but also when I needed anything: documents, translation, CV. (...) but it's not just me anymore, my family was the first from Syria to come together here, now there are many refugees."* (Interviewee #2, 2016).

Nonetheless, he worked only for ten months as an engineer, because the amount was not enough to support his family, since he was not paid the equivalent salary of an engineer, due to the fact that he was not able to validate his diploma. With the help of two volunteers from Adus he started working as a cook:

Adus also helped me to work as a cook. I made my wife's birthday at the apartment, I invited volunteers, and they said: this food is very good.

Why do not you work with food? I said, "But I'm an engineer." I did not know how to do this. She told me: I'll help you. (...) She created a page for me on Facebook, helped me sell food in the first Adus bazaar, which was very important to me, because it had a lot of advertising and a lot of people wanted to buy food. For two days I made a lot of money and I was able to buy some equipment like the stove, oven, things to help me with my work. (...) Later, Adus also registered me in the Museum of Immigration. They throw a party a year to sell Arab food there as well. I was the first time last year and again this year. (...) Later I went alone to sell food in the month of Ramadan in the mosque of the neighborhood, to about 400 people a day, that was important for me, because I did the first workshop with ADUS. After that, Migraflix called me to do cooking class. I started with Migraflix to teach cooking classes in São Paulo and then I started teaching in Curitiba, Rio de Janeiro, etc. (Interviewee #2, 2016)

Currently, the interviewee has his own Syrian food restaurant in Brooklyn, Sao Paulo, but stressed during the interview that nothing is easy in Brazil: everything is very expensive and that all the money had been invested in the restaurant. Actually, many refugees upon their arrival in Brazil start working in the culinary sector, cooking the typical food from their countries of origin.

As an example of the language barrier to refugees' integration, the interviewee #3 reported that he missed a great job opportunity because he had not yet learned the language: "*I missed a chance to work in a big laboratory because I was not speaking anything in Portuguese*".

He has technical training in dental prosthesis and incomplete higher education in architecture. He explained that he had to interrupt his studies because of the war: *“I was in the fourth year, but the war happened, a bomb was thrown in the university, then we had to stop”* (Interviewee #3).

When questioned about the desire to study again, graduate and work in the field of architecture, the Interviewee #3 said that he would love to, but that this is hard in Brazil, since he has to work full time to provide to his family and does not have time to study to pass the entrance exam and to improve his Portuguese skills:

It is not easy to come to Brazil. You have to have money before. We [interviewees # 3 and # 4] came from nothing. I was in Mauritania, I sold everything I had to get money to come here. Here I fought from scratch, it was very difficult, you have to have a lot of patience. My brother-in-law is really thinking of going back to Lebanon or Syria. He's been here four months and can not adapt.

Currently, the support to find employment is provided to refugees mainly by Civil Society Organizations, such as *Cáritas Arquidiocesana de São Paulo*, *Óasis* and, *Adus*. These institutions assist refugees with diploma validation and establish partnerships with companies from the private sector who are willing to recruit them, but they do not have enough resources to meet the refugees' demand.

*Caritas*, because of its partnership with the Social Service of Commerce (SESC), Social Service of Industry (SESI) and National Service of Industrial Learning (SENAI), has provided professional

training to refugees. Within Caritas, there is a sector designed to assist refugees with resume, job search (partnership with EMDOC, which maintains a database for the Support Program for Professional Relocation of Refugees), referral to the government body (Centro de Apoio ao Trabalhador - CAT) responsible to assist individuals to search for jobs.

In addition, in April of 2016, SEBRAE (Brazilian Service for Support to Micro and Small Enterprises), with the support of eight non-governmental organizations, among them Adus, Oasis and Caritas São Paulo, implemented for the first time the “Projeto Refugiado Empreendedor” (Entrepreneurial Refugee Project) with the objective of formalizing businesses, training individuals to manage such ventures and facilitating access to the credit line. However, in the pilot phase, only 250 refugees were trained in São Paulo (MINISTRY OF JUSTICE, 2016).

In the first phase of the project, only 130 people attended, most of them from Syria and the Democratic Republic of Congo (BRANCO, 2016). The second phase began with 130 participants, but only 27 refugees completed the course. Among the reasons for such a high dropout are the difficulties in attending night classes and the costs of going there. The reduction in participation occurred also due to the fact that only recognized refugees residing in the country for more than a year, with knowledge of basic Portuguese and duly registered in the Federal Revenue Service of Brazil, with a CPF number (CHRISPIM, 2016). Nevertheless, it is also necessary to consider as a possible factor of decrease of participants the fact that the materials were available in English, Portuguese and French only.

More recently, according to the Thomas Reuters Foundation, Venezuelan asylum seekers in Brazil have been subjected to forced

prostitution and labor. For instance, testimonies of men recruited to work at cattle ranches and food crop farms reveal that while they are promised to be paid R\$ 1.000,00 (approx.. USD 315) per month, they are usually paid half of the amount under the justification that discounts were made in relation to the food and water provided (MOLONEY, 2018). Additionally, another testimony from a woman working as a waitress in Boa Vista (RO) emphasized that she was hired under the premises that she would receive a minimum wage and tips, but currently she is receiving neither, but only a plate of food (ESTADÃO, 2018). Venezuelans in Brazil also reported cases of sexual harassment, physical and verbal violence, working conditions analogous to slavery and sexual exploitation (ESTADÃO, 2018). Due to the extreme situation of poverty and hunger, these people continue accepting this exploitation and having their basic human rights and dignity violated.

The project "Trabalhar para Recomeçar" (Work for a New Beginning) launched by two NGOs called Projeto Canudos and Fraternidade sem Fronteiras aims to create bridges between prospective employers and Venezuelan refugees through an online database containing CVs and the space for advertising a position, which is managed by volunteers working for these organizations. However, the project was released in April 2018 and its outcomes are still to be seen (FOLHA WEB, 2018).

It is concluded, therefore, that the lack of a special structure for the reception of refugees in Brazil exposes them to a situation of even greater vulnerability than the one they are already in. Without any monetary assistance provided by the government, many refugees arrive in Brazil and are compelled to accept jobs whose wages are below the legal minimum standard and working hours are above the legal limit of

8 hours a day and 44 hours per week provided by the Federal Constitution (BRAZIL, 1988, Art. 7, XIII).

Particularly, with regard to the situation of women, they sometimes have no one to leave their offspring and are, therefore, required to stop working because of pregnancy, without acquiring the legal stability guaranteed by article 391-A of the Decree-Law 5.452/1943, either because they do not know the Law or do not know how to have access to the judiciary system and demand their rights (PACIFICO, 2008, p.260).

The interconnected vicious cycle between precarious language skills, lack of education and underemployment can be hardly overcome without positive integration public policies.

## **5 CONCLUSION**

In conclusion, the creation of a comprehensive program to promote refugees' integration in Brazil is urgent. These individuals have already faced inhuman and degrading conditions before their arrival in the country; it is not acceptable to expose them to another unsafe and vulnerable environment. In order to actually integrate refugees, it is necessary to provide them the necessary support to learn the language, establish social connections and contribute economically to the society, so they can feel safe, welcome and part of the community.

For this purpose, the government shall participate not only through the creation of humanitarian visas and expedition of refugee status concessions but also through the creation of a system in which refugees have access to housing, Portuguese classes, and education. The government should also create incentives to the recruitment and training of refugees by the private sector. If refugees are able to find a decent

job, they can contribute effectively to the national economy and even “pay back” the investment made by the country when they arrived. Therefore, the creation of vocational trainings, especial educational programs, and full university scholarships are fundamental to human development and integration of refugees.

As well defined by Neves (2011, p. 30), the “constitutionalization” of human rights in Brazil assumes a hypertrophic political-symbolic function to the detriment of its normative-legal effectiveness. The ratified treaties, as well as the facilitation provided for in the Law 9.474 / 97 for the integration of refugees, such as the facilitation of diploma validation and university access, have a predominantly political role, considering that these provisions do not provide instruments capable of concretizing in practice, lacking normative regulation to be effective.

The facilitation of emission of humanitarian visas in Brazil and the enactment of a more comprehensive migration law with a strong humanitarian character are just means to Brazil provide an immediate normative response to the international community in relation to the humanitarian crisis experienced. Even though these laws and resolutions create a sensation of problem resolution, in fact key issues have not been addressed. Syrian refugees still struggle in informal employment and Venezuelan refugees remain in improper shelters and without a formal status due to the absence of concession of humanitarian visas and the delay of the proceedings related to the determination of refugee status (KENICKE, 2018). Out of 218 Venezuelans enrolled in the National System of Employment in Roraima (SINE), only 10 were able to secure employment (ANDRADE, 2018).

Despite the importance of the new Migration Law, which conferred a humanitarian character to migration and enhanced the protection of human dignity and social rights, the law does not solve many implementation problems faced by refugees today, such as the administrative bureaucracy for granting RNE, lack of financial assistance and appropriate shelter, and a specific program aimed at refugees' population.

Despite the extreme relevance of the advances of social rights brought by this bill, its effectiveness still lacks legal-normative force and remains limited to its political-symbolic force. So far, as demonstrated above, the effects have been limited, considering the delay of the Brazilian government to approve refuge solicitations and to effectively address the lack of structure to welcome Venezuelan asylum seekers. It was only on 16 February 2018 that the President Temer enacted the interim measure n. 820/2018 providing for the emergency assistance to accommodate people in situation of vulnerability due to humanitarian crisis and the creation of the Federal Committee for Emergency Assistance (COFAE). In the same opportunity, the Decrees 9285/2018 and 9286/2018 were enacted to recognize the specific vulnerability of Venezuelan nationals and regulate the composition and operation of COFAE, respectively (KENICKE, 2018).

Even though the COFAE was created in February and is in charge of establishing cooperation between Brazilian states to share the responsibility of welcoming this migratory influx, out of approximately 40.000 Venezuelan nationals that crossed the Brazilian border, only 233 have been relocated to São Paulo and Manaus until April 2018 (ONUBR, 2018). Notwithstanding the efforts of civil society to integrate refugees, by making partnerships with governmental and non-

governmental agencies, the reception of these individuals in Brazil is still very deficient in relation to what is expected by the international community to fill the core of the human dignity principle. It is necessary to rethink the relations between refugees, NGOs, government and UNHCR, as well as to hear from these refugees themselves what their demands are and what forms of support they consider effective:

Brazil needs to do more than draft laws when it comes to migrants and refugees. What is required is a comprehensive approach to asylum that simultaneously provides for the essential social and economic requirements of new arrivals. Providing access to Brazilian territory and proper documentation is a necessary, but insufficient step toward protecting and eventually integrating migrants and refugees. A coordinated effort joining federal, state and city entities together with civil society organizations is necessary (NOGUEIRA and FOLLY, 2017).

It should be emphasized that the difficulties faced by Brazilian citizens themselves in accessing their fundamental rights are not forgotten in this work. However, it is recognized that there is a need to develop public policies for the integration of refugees, especially because of their greater vulnerability, that is a result of the changes in their dignity, self-esteem and personal identity, from a situation of self-sufficiency (before the humanitarian crisis they faced) to no longer having more resources and control over their lives. The infeasibility of integration negatively affects not only the refugee, but also the socioeconomic development of Brazil, which is prevented of growing.

Thus, welcoming refugees into a country is not just a matter of opening up borders, but of providing tools for them to become financially independent, feel secure, establish social relationships and contribute positively to the development of the local community.

## **Questionnaire**

### **1. Personal Information:**

Name: \_\_\_\_\_ Age: \_\_\_\_\_  
Sex: \_\_\_\_\_ Civil \_\_\_\_\_  
Status: \_\_\_\_\_  
Children: \_\_\_\_\_ Income: \_\_\_\_\_  
School Level: Primary ( ) High School ( )  
Graduation ( ) Post Grad/ Masters ( )  
Which?

### **2. Questions about the refuge in Brazil**

1. Why did you choose Brazil? If you could, would you go somewhere else?
2. When did you arrive in Brazil?
3. Can you describe to me all the process you went through until you arrive in Brazil?
4. Before coming here, what were your expectations? what was the reality?
5. Which were the main difficulties/challenges you had here (besides language)?
6. Is your family here? If yes, does your wife have a job?
7. Do you have children here? Do they go to school? Do they have/had difficulties to adapt or to learn Portuguese? What do you think about the Brazilian system of education?
8. Did you have access to Portuguese classes?
9. Do you have a job?
  - a. If yes, how long did you take to find it?
    - a.i. Is it in your area of expertise?

- a.ii. Is your salary enough for your survival?
  - b. If no, for how long are you searching for one?
  - c. Did you have any guidance with regard to job search and CV preparation?
10. Which was your job in Syria? Do you have a diploma or other graduation?
- a. If yes, did you know that it is possible to validate it here? Did you try to? Could you do it?
11. Do you feel integrated and welcomed in the Brazilian society? Do you notice any kind of discrimination, prejudice?
12. Do you think you are free to express your religion here? Do you think the Brazilians respect your culture and tradition?
13. What kind of assistance was provided by the government/UNHCR/Caritas/ NGOs?
- a. Did they help you with rent or to find a place to stay?
  - b. Did they give you any orientation about Brazilian life style or public system?
  - c. Are you enrolled in the government program Bolsa Família?
14. What are your expectations to the future?
15. Which suggestions would you make to the reception of refugees in Brazil?

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