

§1                   The World is crazy than ever: with war and armed conflict in every continent we look, as well as natural disasters. These situations causes the displacement and consequent migration of persons. In Brazil, the numbers of Humanitarian Reception increased in the last decade due to our human rights framework: only Venezuelans are a total around 172 thousands in Brazil due the economical crises of that country; Haitians are other big group, with a number around 149 thousands immigrants because natural disaster.

§2                   According to the Brazilian Law of Migration (Federal Law 13.445/2017), a Temporary Visa can be granted for Humanitarian Reception (Article 14, I, c) to the national of any country “*in a situation of serious or imminent institutional instability, armed conflict, major calamity, environmental disaster or serious violation of human rights or international humanitarian law*”. This seems to be the situation of the Palestinians, Syrians and Afghans people in the Middle East; as well as Ukrainians in Europe; the Tigraye people of Ethiopia, the Yemenis, Nigerians and the Somalians in Africa; the Myanma in Asia. Most of these people cannot even reach Brazil due to extreme poverty, distance and violence in the territories where they are; but for those who succeed there may be hope.

§3                   Other Brazilian Law (9.474/1997) estates that a Refugee is a person of a group that “*due to well-founded fears of persecution for reasons of race, religion, nationality, social group or political opinions, they are outside their country of nationality and are unable or unwilling to seek the protection of that country*”; is a person that “*due to*

*serious and widespread violation of human rights, is forced to leave her/his country of nationality to seek refuge in another country*". The difference among Humanitarian Reception and Refugee seems to be that the first also considers environmental disaster. In this meaning, humans from the peoples mentioned above can also qualify as Refugees. Other difference seems to be that Humanitarian Reception is more concerned to a big mass of people at once, moving in a shorter period of time, because, for example, an earthquake. Anyway, in both cases human rights are in danger.

§4                      Also, there are others classifications: the Asylum, related to an individual situation, being only a person and family the object of main persecution, and not a specific group of people; and the Stateless, very usual in the Second World War, which is the lost of nationality by law by a person that do not have any other nationality. Without a nationality there is no way to effective humans rights. In fact, Stateless, Asylum and Refugees shall be species of Humanitarian Reception, because all are related with human rights. It is important to remember that Immigrants, in the present Brazil, are less than 1% of the population. Also, the Migration Law in Brazil states that are principles: "*repudiation and prevention of xenophobia, racism and any forms of discrimination; non-criminalization of migration*" (Article 3º).

\* this is an informative newsletter by *De Conti Law Office*

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