

Challenges of Brazilian institutions for a policy for refugees in a contemporary context: National Committee for Refugees and Federal Police

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Abstract

This article aims to verify the role of the main political institutions that directly deals with refugees in Brazil, from the action of the political centrality of the National Committee for Refugees and the Federal Police, through a literature review and interviews with border officers, under the Political Science. Decision-making processes, the bureaucratic procedures of migration control and security of the Brazilian government about the phenomenon of forced displacement of refugees seek to analyze the bureaucracy and procedural mechanisms geared to foreigners regarding refugees, by identifying the institutional difficulties, limits and challenges to the implementation of public policies geared to refugees. Highlighting the lack of coordination, fragmentation and pulverization of migration policy as a whole, and refugee policy in a particular way, connected with the authoritarian past of the country and the maintenance of restrictive mechanisms for local insertion of international migrants.

Keywords: Refugee. Public politics. National Committee of Refugees. Federal Police. Human Rights .

Recebido em: 25/01/2016 | Aprovado em: 09/03/2016

<http://dx.doi.org/10.5335/rjd.v30i2.5715>

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Introduction

There has been currently an exponential increasing in international migration all over the world. According to the International Migration and Development Report 2013, published by United Nations,¹ there are more than 200 million international migrants. In other words, such a wide range of people has never lived outside their homeland as they are currently doing. The Asian continent is the leader of this global process, receiving more than 20 million migrants during 2000-2013 and it may surpass European continent in a few time in this field.²

Among the international migrants who compose the global chart of human mobility, there are the refugees, those forced to move from one country to another as from a region to another and persecuted for reasons of race, religion, nationality, membership of a particular social group or nationality. Although being part of only a small portion of the international migrants stock, they also move away exponentially for several other reasons not related to protection against persecutions and such mobility happens in an irregular way. According to the report, there are around 16,7 million people fitted in this category.

And United Nations High Commissioner for Refugees (UNHCR) Global Trends report shows that in 2014 alone 13.9 million became newly displaced, four times the number in 2010. Worldwide there were 19.5 million refugees, 38.2 million were displaced inside their own countries, and 1.8 million people were awaiting the outcome of claims for asylum. What are extremely serious, over half the world's refugees are young and children.³

In this context, this manuscript aims to present the visualization of the politic action of Brazilian State about the refugees, starting from the operation of institutions related to the theme. The aims will be searched from the perspective of the statal agents, from the procedures taken by such public institutions related to the migratory matter in order to recognize persons as refugees and from the abilities of such agents whereas we identify the institutional and bureaucratic difficulties to execute the public policies related to refugees.

¹ UNITED NATIONS. *International migration and development: report of Secretary General*. New York: General Assembly, 2013. p. 4.

² UNITED NATIONS, 2013, p. 5.

³ Available at: <http://www.unhcr.org/2014trends/>. Accessed: June, 18 2015.

This work tries to be familiarized with such an underexplored topic in Political Science, at least in Brazil. In this sense, the approaches make a direct connection with both national and international bibliographical analysis, as well as, and essentially, from both semi-structured interviews and lectures with the migratory authorities who occupy strategic positions in Brazilian immigration policy.

We assessed the political institutions involved with the displaced persons from the protagonism of the Ministry of Justice, through the analysis of the National Committee for Refugees and Federal Police and from the role of the non-governmental agencies related to policies for resettled ones, besides the action of the international community through UNHCR.

We included the interaction among its representatives, the components' testimony, the agreements among government, international community and organized civil society through a tripartite acting aiming the verification of the decision process related to policies and to the institutional environment, consequently, presenting what involves both refugees and asylum-seekers, especially related to the competencies and political actions of the border agents as well as to the regulatory policies turned to the displaced ones.

When establishing legislation and an institutional structure, Brazil committed itself to identify and receive the refugees through an institution responsible for their identification and legal recognition – National Committee for Refugees – that is submitted to Ministry of Justice's National Secretariat of Justice and Department of Foreigners.

In a tripartite-structured way of action, composed by members of the government, civil society and international community, National Committee tries to overcome the obstacles for the establishment of public policies for the refugees. Such challenges revolve around a better management and organization of this institution which decides who are the refugees, once it is the major responsible for the national policies related to the topic. Likewise, it deals with the political culture of the public agents who compose the entity and of those who have the first contact with an asylum-seeker in the country borders, in other words, the public agents from the border checkpoints, generally known in Brazil as Federal Police.

The increasing in the current international migratory flows, the challenges of the mixed flows and the fact of Brazil is standing out as an international attraction for foreigners in the recent years make this research extremely im-

portant regarding the assembly of future scenarios to insert Brazil as an acting country in the international cooperation to humanitarian themes. Such challenges will be explored in the next topics, from the diagnoses of issues related to refugees from the perspective of the authorities related to the topic.

Diagnoses of the National Policy for Refugees in Brazil: political institutions and political culture

With origin in studies about political science, the concept of “*public policies*” gained influence in Brazil when emphasizing the examination of assessments, diagnoses and proposals on government actions separately from the theories of the European model. Such theories had in their central core the study of the political institutions and put in the background the analysis of the government production.⁴

Thereby, based on empirical studies, social indicators and diagnoses about all kinds of societal problems, the public policies intend to respond to political and social challenges, being planned in a medium-to-long-term way.⁵

A public policy is not about a sole governmental action, which can be simple or transient, provided that it is an answer to the circumstantial social demands. A public policy consists in a set of intentional and causal actions, guided towards a specific objective or to reach public benefits whose pattern of action, instruments, procedures and resources are reproduced on time in a constant and coherent manner.⁶

In other words, a public policy is about permanent solutions to a specific problem from precise studies encompassing evaluation, analysis and proposition.⁷ A State or a national government, even if democratic, has no conditions to solve all kinds of problems and, thus, it is fundamental a study about the process of decision-making, as well as of social participation, resources involved, related institutions and about the political culture shared among the relevant

⁴ SANTOS, Everton; PASE, Hemerson Luiz. Capital social e políticas públicas na América Latina. In: BAQUERO, Marcelo (Org.). *Cultura(s) política(s) e democracia nos Século XXI na América Latina*. Porto Alegre: Ufrgs, 2011. p. 71.

⁵ SANTOS; PASE, 2011, p. 71-72.

⁶ AGUILAR ASTORGA; Carlos Ricardo; LIMA FACIO, Marco Antonio. ¿Que son y para qué sirven las políticas públicas? *Contribuciones a las ciencias sociales*, cidade, volume, número, p. ??-??, Sept. 2009. Available at: www.eumed.net/rev/ccss/05/aalf.htm. Accessed Dec., 15 2012.

⁷ AGUILAR ASTORGA; LIMA FACIO, 2009,

members from a majority of government whose intention is the implementation of such policy.

Wherefore, it is important to enhance the political culture of the group that dominate the governmental decisions making. We start from the assumption that the concept of political culture has established a specific field of knowledge from the study of political science from the work of Gabriel Almond and Sidney Verba, "*The civic culture: political attitudes and democracy in five countries*", from 1960.⁸

According to Borba,⁹ the analyses of such authors aimed to overcome the difficult challenges: on the one hand, to reinforce and justify the comprehension of the societal American supremacy as a pattern to be followed by the rest of the world. On the other hand, to promote and justify American policy in contrast to the Soviet model and both socialist and communist theories.

What we can say is that in "*The Civic Culture*", the concept of political culture is bordered by attitudes and values from citizens and authorities related to political issues¹⁰ — a subject brought to light by the authors from the 80's. The term 'political culture' refers, thus, to the specifically political guidance, to behavioral attitudes related to political system operation and its several components, as well as to the citizens from the public space.¹¹

In this work, we also continued from the assumptions made by Ingleart and Welzel¹² with respect to political culture, especially related to the change of values. By establishing the capital importance as for political culture and for the institutions that analyze public policies, trying to hold an approach which may be used as analytical instruments in order to inquire the beliefs and values from the different social groups, including those which dictate the governmental public policies, as it is the case of the policies for the refugees and similarly to the analyzes related to the political institutions involved in the process.

In this same line of reasoning, for the case of Brazilian policies for refugees, the legislation approved in 1997 established criteria and procedures for

⁸ ALMOND, Gabriel; VERBA, Sidney. *The civic culture: political attitudes and democracy in five nations*. Princeton: Princeton University, 1989.

⁹ BORBA, Julian. Political culture, ideology and electoral behavior: some theoretical notes on the Brazilian case. *Public Opinion Magazine*. Campinas, v. XI, n. 1, p. 147-168, Mar. 2005.

¹⁰ BORBA, 2005.

¹¹ BORBA, 2005.

¹² INGLEART, Ronald; WELZEL, Christian. *Modernization, cultural change and democracy: the sequence of human development*. Translation by Hilda Maria Pantoja Lemos Coelho. London: Francis, 2009.

obtaining and forfeiture of the refuge, institutionalizing a specific institution linked to Ministry of Justice to give to requestors the status of refugee, besides the so-called lasting solutions for the problem (repatriation, local integration or resettlement). Indeed, it dictates the guidelines or public policies for the displaced persons theoretically articulated with both border authorities and Member-States of the federation.¹³

The political institution National Committee for Refugees is a collective, deliberative, tripartite, inter-ministerial organ with representatives from government, civil society and international community, which makes technical and political decisions in plenary, deliberating on simple majority.¹⁴

Thereby, it is composed by a representative from the Ministry of Justice, who is the president, and by representatives from the following ministries: Foreign Affairs, Health and Sports and Education, besides representatives from the Department of Federal Police and from this non-governmental organization dedicated to work with refugees – Archdiocese Caritas – from São Paulo, Rio de Janeiro and Manaus.¹⁵ Public Defender's Office also participates but in an advisory role.

UN High Commissioner for Refugees, UNHCR, also takes part of the institution but with no voting rights. Nonetheless, it greatly influences it for having international experience related to refuge topic, likewise to internal displacement and stateless persons around the world.¹⁶

The values and worldview of the representatives from civil society and UNHCR, in consequence of their large experience in dealing directly with the refugees along a great part of the 20th century and their know-how along their historical trajectories, are both turned to the quest for protection of international human rights regimes and to the highest protection to refugees and requestors, what includes the promotions of courses and trainings about the theme.

The part which represents the civil society in National Committee – the Caritas Arquidiocesana – has been dealing with refuge in Brazil at least since the 70's, still during the period of the civil-military regime that persecuted

¹³ BRASIL. Lei nº 9.474, de 22 de julho de 1997. Define mecanismos para a implementação do Estatuto dos Refugiados de 1951, e determina outras providências. Artigos 17-28, 38-39, 40-41, 42-46, respectivamente.

¹⁴ Ministry of Justice. National Secretariat of Justice. National Committee for Refugees, Letter N.42. 2012; BRASIL, 1997, art. 16.

¹⁵ BRASIL, 1997, artigo 14.

¹⁶ UNHCR. *The year of crisis: global trends* 2011. Geneva: UNHCR, 2012. p.14-17.

dissidents and did not recognize Latin American refugees. Even in that time, this institution developed a work turned to the protection for those refugees originated from Argentina, Uruguay, Chile and Paraguay (though they were recognized as refugees by the government) accumulating experience and specialized expertise about this specific subject.

UNHCR presents a long trajectory in refugees' defense since it sprang to life. Despite emerging with limited financial resources and with a specific three-year mandate, it developed a consistent work from medium to long-term which aimed at the called lasting solution – repatriation, local integration and resettlement – since its first experiences in Hungary in 1956 and in the War of Algeria from 1954 to 1962.¹⁷

On the other hand, the major concerns related to the migratory control, in other words, to the collective rights of a political community in defining who the residents are (or not), based on selectivity and reciprocity,¹⁸ appear to come from the government and from the border authorities, for reasons connected to their own functions as migratory controllers and to the priorities of the border agents against the federal crimes, as well as from the communities which also need to define limits of the degrees of kinship, reciprocity and mutual help.¹⁹

The police training for the migratory issues still focuses the guidelines of the Statute of Foreigners, Law 6.815/1980, with its minor changes over the last 30 years.²⁰ Although the Statute of Refugees²¹ is a special legislation turned to human rights for a specific situation related to the persecuted foreigners who may ask for asylum, the focus of the police training is geared toward public and national security.²²

In other words, the ambiguity of the Brazilian legislative structure, while referring itself to the foreigners is evident, once it maintains two divergent legislations related to international immigration. One is linked to the full doctrine of human rights (Statute of Refugees); and the other one to national security and complementary economic utilitarianism (Statute of Foreigners). Both

¹⁷ UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES. *The state of the world's refugees: fifty years of humanitarian action*. Almada-Portugal: Graphic Arts, 2000

¹⁸ WALZER, Michael. *Esferas de justiça: uma defesa do pluralismo e da igualdade*. Tradução de Jussara Simões. São Paulo: Companhia das Letras, 2003. p. 63-65.

¹⁹ WALZER, 2003, p. 65.

²⁰ VENTURA, Deisy. *Qual a política migratória do Brasil?* Available at: <http://www.diplomatique.org.br/artigo.php?id=1121>. Accessed: Dec. 13 2012.

²¹ BRASIL, 1997.

²² VENTURA, Deisy. *Qual a Política Migratória do Brasil?* Available at: <http://www.diplomatique.org.br/artigo.php?id=1121>. Accessed Dec., 13 2012

sharply contribute to the inhuman treatment of stateless persons in Brazil by the border authorities.²³

Hamid²⁴ outstands that sometimes the treatment to the refugees is faced as a matter of human rights and other times is glimpsed under the perspective of public or national security, basically, in a separate way from principles like "*in dubio pro*" refugee or "*non refoulement*", denoting the priorities of the border agents around the most repressive supervisory values,²⁵ under the Status of Foreigners (from 1980) and its punctual updates for over thirty years.

Póvoa Neto²⁶ reminds that international immigrants are stuck to a wide global net which stimulates solidarity among persons but also the growth of international human trafficking mafias, likewise sexual exploitation and regimentation of workers in conditions of slavery. On the other hand, this net focuses the attention and the priorities of government border agents for criminal matters and international illicit ones.

Moreover, the profit obtained from the economic activities of the coyotes and people traffickers seems to be a reaction to the rigidity of the immigration laws and to the national bureaucracy, and not the cause of the migrations²⁷ in the confrontation between restrictive laws and socioeconomic needs. The President of National Council of Immigration (CNIG), who is also the representative of the Ministry of Labor and Employment in National Committee,²⁸ admitted this fact.

The migratory fluxes are intertwined with structural changes in both economic, social and political systems in several countries, besides such natural disasters, which prevents the analysis based on explanatory models of "expulsion factors" and "attraction factors" among nations, as is reminded by Póvoa Neto.²⁹

One of the collateral effects is the approach to the question in a palliative and fragmented way, what has overloaded the small town of Acre and Brazil-

²³ HAMID, Sônia Cristina. *(Des)integrando refugiados: os processos do reassentamento de palestinos no Brasil*. Tese (Doutorado em Antropologia) — Universidade Nacional de Brasília, Brasília: UNB, 2012.

²⁴ HAMID, 2012, p. 104.

²⁵ INGLEART; WELZEL, 2009.

²⁶ PÓVOA NETO, Helion. A criminalização das migrações na nova ordem internacional. In: PÓVOA NETO, Helion; FERREIRA, Ademir Pacelli (Org.). *Cruzando Fronteiras Disciplinares: um panorama dos estudos migratórios*. Rio de Janeiro: Revan, 2005. p. 307.

²⁷ PÓVOA NETO, 2005, p. 307.

²⁸ ALMEIDA, Paulo Sérgio de. President of the National Immigration Council, Representative of the Ministry of Labour and Employment in CONARE. Interview on May 18, 2012, Hotel Ipanema, Rio de Janeiro.

²⁹ PÓVOA NETO, 2005, p. 307-308.

ian borders. Therefore, it is becoming evident the growth of the international migration and the lack of a clear, consistent and long-term migration policy as a durable solution.³⁰

The largest international, political and economic projection signals potential candidates for immigration and refuge, when we highlight that the country seeks to develop its economic and social policy, becoming increasingly attractive to immigrants.³¹ In this sense, the migratory structure of human services and resources does not equate with this growth because of the absence of a modernization policy.

Betts, Loescher and Milner³² emphasized that police and state agents tend to restrictive interpretations and safety regulations when it comes to international migration. This encompasses the practice of the border authorities of the countries from the southern hemisphere, repeating the insurance line of reasoning from the northern hemisphere countries in the overall context of migration criminalization, also evidenced in Brazil.

Magalhães³³ affirms that Brazil chose the centralization of innumerable federative attributions in a single organ: the Federal Police Department. The policy of centralizing in the same institution all the functions of a federal policing influences the action of the public agents who compose it, once they are forced to act simultaneously in several different functions, and many times they get lost for not having a specialized personnel in each one of the different sectors.

The same author, who is also a police officer, remembers that, along his twenty years of service, it was almost impossible to find a single officer who has worked during his whole professional career in a single theme, or in a single sector, getting specialized in an specific area.

The Federal Police Academy has a training capacity for 1100 officers per annum, in a relatively small institution, with up to 11,500, under the control of

³⁰ Available at: <http://www.conectas.org/pt/acoes/politica-externa/noticia/veja-as-recomendacoes-enviadas-ao-brasil-e-orgaos-internacionais-sobre-a-crise>. Accessed: Aug., 25 2013.

³¹ OLIVEIRA, Ivan Tiago Machado. Política externa e negociações comerciais no Brasil. *Revista Política Externa*, v. 21, n. 3, p. 113-132, jan./fev. 2013. p.117.

³² BETTS, Alexander; LOESCHER, Gill; MILNER, James. *The United Nations High Commissioner for Refugees (UNHCR): the politics and practice of refugee protection into the twenty-first century*. London, New York: Routledge, 2008.

³³ MAGALHÃES, Luiz Carlos. As polícias federais estadunidenses e o nosso Departamento de Polícia Federal. 2008. Available at: http://www.ambito-juridico.com.br/site/index.php?n_link=revista_artigos_leitura&artigo_id=4408. Accessed: Dec., 15 2012.

the federal government.³⁴ With this number of police officers, it needs to accomplish all the administrative and judicial functions, which results in a high staff turnover and lack of expertise in various sectors, including the migration one.

Although Arantes³⁵ points to the massive investment in recent administrations (presidents Lula and Dilma Rousseff) showing the growth of the institution, the renewal and the protagonism pointed by the author have focused only on the main lines of the corporation and operations to combat corruption and organized crimes and not on its full body of components, particularly the administrative sector, nor on the performance of the migration policy.³⁶

Both qualitative and quantitative growth pointed by Arantes³⁷ and by Mesquita Neto³⁸ in the context of the National Plan for Public Security, executed from the beginning of the 21st century, shows a Federal Police enough renewed, planed and equipped – evidencing that the political decisions from that period were turned to financial investments since the beginning of president Lula's mandate (2003-2010). On the other hand, it also focuses on a protagonism in specific competencies from a wide list of attributions related to crime repression, public security and corruption combat.

The paradigmatic change of courses and training for the federal police officers are getting gradually slower insofar as new public tenders come in order to supply human resources. The changes in the training curricula, as the focus on human rights, is becoming gradually important, though still punctual, as alerted Barbosa, during the seminar chaired by UNHCR in 2005 (Verbal Information).³⁹ Such changes happened as a result of the new legislation 9.474/1997 in contrast to the previous one from 1980 related to the tradition on both control and emphasis in the penal issues by the police.

Otherwise, for instance, in Argentina – which is a federation like Brazil – Federal Police possess up to 33.000 officers, while Military Police counts on

³⁴ MESQUITA NETO, Paulo de. *Ensaio sobre segurança cidadã*. São Paulo: Quartier Latin/Fapesp, 2011. p. 248.

³⁵ ARANTES, Rogério Bastos. Polícia Federal e construção institucional. In: AVRITZER, Leonardo; FILGUEIRAS, Fernando (Org.). *Corrupção e sistema político no Brasil*. Rio de Janeiro: Civilização Brasileira, 2011, p. 113.

³⁶ ARANTES, 2011, p. 113-114.

³⁷ ARANTES, 2011, p. 116-117.

³⁸ MESQUITA NETO, 2011, p. 390-391.

³⁹ Speech of Luciano Pestana Barbosa, Chief of Federal Police during seminar Refugee Law and Human Rights: implementation Brazilian Frontier, in Victoria city, sponsored by UNHCR and by Federal Police, in Apr. 2005. Also BARBOSA, Luciano Pestana; DA HORA, José Roberto Sagrado. *A Polícia Federal e a proteção internacional dos refugiados*. Brasília: ACNUR Brasil, 2007.

18.500 officers, both controlled by the government.⁴⁰ There's also the National Department of Immigration (DNI), which is a multidisciplinary sector, specialized in the migration of all kinds. It has a long tradition and experience related to immigration, as well as the formulation and execution of this policy model, as Federico Agusti, the current director of Argentinian National Committee, assures.⁴¹

In the Argentinian model, DNI is a decentralized organ, which acts directly in the Ministry of Interior and Transportation, responsible for applying the Law 25.871 (immigration law), by registering people's entry and exit in Argentina, wielding the power of immigration police, evaluating and granting the different types of residence of foreigners, and rhetorically committed to full human rights doctrine.⁴² DNI also participates in the decision-making process of the Argentinian National Committee, by creating in the academic field the Institute of Migration and Asylum Policies, an entity designed to manage and propose migratory policies in Argentina, including the refugees.

Indeed the ex-president of National Committee of Refugees in Brazil regards at the learning that his entity must acquire and develop by establishing a closer interchange with Argentinian National Committee and its related migratory policies within the scope of agreements with other member-countries of Mercosur. Particularly, with the creation of a non restrictive immigration legislation and the combat to the abusive use of the Institute of refuge, in the same way that advocates a National Agency for Migration (ANM) based on Argentinian models, possibly and consequently replacing the federal police officers in the immigration issues, besides the maintenance of good practices when it comes to refugee.⁴³

The differences compared to Brazil's model are apparent, inasmuch as there is a fragmented and unbalanced model of immigration, not centralized in a single department as in the neighboring country, with a personnel specialized in international migration, including forced displacement of refugees. In Bra-

⁴⁰ MESQUITA NETO, 2011, p. 248-249.

⁴¹ Available at: http://www.ippdh.mercosur.int/backend/Uploads/Relatorio_seminario.pdf. Accessed: Dec., 2012.

⁴² Available at: http://www.ippdh.mercosur.int/backend/Uploads/Relatorio_seminario.pdf. Accessed: Dec., 15 2012.

⁴³ Available at: <http://oestrangero.org/2012/09/06/conare-interessado-no-exemplo-argentino/>. Accessed: Sept., 10 2012. Speech during the 3rd Course on International Refugee Law for University Teachers, OAB, in Curitiba, PR. And in testimony meeting COMIRAT - Committee of Human Mobility of the State of Rio Grande do Sul.

zil, the Ministry of Justice acts as the Ministry of Interior on aliens' settlement and issues related to conditions of entry, residence and naturalization, including any compulsory measure, through the Federal Police.

The Ministry of Labor and Employment hosts the National Council of Immigration and emits worker visas and authorizations in this sense, while the Ministry of Foreign Affairs, named Itamaraty, emits diplomatic and consular visas, such as the organizational structure for migration issues, pulverized in a tripartite division of powers, in which there is a current lack of communication among the several agencies when it comes to the control of these visas.⁴⁴

There is a great need to overcome the restrictive training and the worldview of the criminalization of international migration⁴⁵, not considering them simple police cases, based only on conservation of values and reaction, inasmuch as that cultural change is not caused only by civic change, but it interacts with economic, social and political development of a given society.⁴⁶

According to Sousa Lima,⁴⁷ the Strategic Plan of the Federal Police until 2022 shows the concentration of resources in a few programs and assignments and does not include the borders and migratory activities or paradigm shifts, by showing a lack of integration between the budget and the strategic plan of the institution.

Regarding the monitoring control, there is still a relationship with budgetary outlays on the modernization of passports emission and international traffic control. But not border activities related to migration control of people who can potentially ask for refuge.⁴⁸

Furthermore, Sousa Lima⁴⁹ also reveals that the harmony of the decision-making processes of the institution is restricted to the dome of the entity because, insofar as the decisions are far from the core organs and turned toward regionalized units, there is a gradual lack of information and frustration of the public servants, considering that they have insufficient information about the

⁴⁴ Available at: http://www.ippdh.mercosur.int/backend/Uploads/Relatorio_seminario.pdf. Accessed: Sept. 15 2012.

⁴⁵ BETTS, LOESCHER; MILNER, 2008.

⁴⁶ INGLEART; WELZEL, 2009, p. 153.

⁴⁷ SOUSA LIMA, Rafael. *Orçamento público como instrumento de gestão no nível das organizações governamentais: o caso da Polícia Federal*. Dissertação (Mestrado em Administração Pública) — Escola Brasileira de Administração Pública e de Empresas, Fundação Getúlio Vargas, Rio de Janeiro, 2012, p. 60.

⁴⁸ SOUSA LIMA, 2012, p. 60.

⁴⁹ SOUSA LIMA, 2012, p. 63.

limits and budget challenges and what the criteria for resource distribution in a clearer way were.

In this sense, as there is no objective criterion, the author sees the political criterion that generates disputes among regional units, as some can vehemently defend their interests through the direct access to the summit of the entity, just like the migration issue, which will not be a priority in the strategic plan of the institution up to 2022.⁵⁰

Both training and specialization courses bonded to human rights integral doctrine in an overall way – and for refugees specifically – do not seem to be the core themes, particularly due to the police priorities and other functions from criminal field, such as drug trafficking, money laundering schemes, corruption and smuggling, besides the judiciary functions with the federal government by reinforcing the political culture of emphasis of criminal issues.

The political importance of the police officer body for the migratory matter for refugees increases once it is part of National Committee and needs to be intertwined with other public actors in order to promote rights for the refugees, especially to the ones identified and recognized by eligibility on the borders. However, the tension and ambiguity of the treatment related to securitization of international immigrations remain, due to the model of training and paradigms, which must be followed.

In Brazil, there is a huge mismatch between the political culture⁵¹ of the security and defense of the community, which is bonded to the thinking of the Armed Force and polices (civil and military), focusing on national security and dominant speech of civil society organizations and government sectors that prioritize human rights, such these are exclusionary and immiscible themes.⁵²

With the re-democratization of Brazil, the concepts and studies about security were relegated to ostracism by universities and by civil society movements,⁵³ once they seemed to refer to the past, and always bonded to the national security doctrine of the Civil Military Regime of 1964, or even the Estado Novo of President Getúlio Vargas, who practiced strict and selective immigration policies.⁵⁴

⁵⁰ SOUSA LIMA, 2012.

⁵¹ ALMOND, Gabriel; VERBA, 1989.

⁵² BRASIL. Programa Nacional de Direitos Humanos – PNDH3. Brasília: SDH/PR, 2010, p. 104.

⁵³ BRASIL, 2010, p. 104.

⁵⁴ CARNEIRO, Maria Luiza Tucci. *Cidadão do Mundo: o Brasil diante do holocausto e dos judeus refugiados do nazifascismo (1933-1948)*. São Paulo: Perspectiva/Fapesp, 2010, p. 230.

In other words, the security is not only a right of the persons but also is an obligation of the State itself. It's noteworthy that the legal interest of the States in the field of security is utterly compatible with the international regimes of human and refugees rights.⁵⁵

The right to security of individuals is enshrined in the Universal Declaration of 1948 (Article 3), while the international state system strengthens the state security and the legitimate monopoly of the migratory movement.⁵⁶

What seems to be necessary is an approach to theoretical slopes and to specific analyses of such areas and to interdisciplinary studies aiming the diffusion of specific themes in a proper way, instead of using the migratory control from the States to restrict or damage the fundamental rights of the refugees.⁵⁷ The human rights are transversal and encompass different governmental sectors from civil society, including security and defense, because efficient and clear public policies aiming national protection for refugees complement and strengthen the security of both State and persons.

Brazilian laws do not present the social aspects related to the integration of such population, nor concede voice or deliberations to the asylum-seekers. They delegate roles to non-governmental organizations with whom Brazil maintain partnership: Arquidiocesan Caritas from São Paulo and Rio de Janeiro, and Institute of Migration and Human Rights from Brasília.

Brazilian Federal Government is gradually increasing actions regarding the refugees over the last years, even in a punctual way, through the presence of some factors, especially the requests of refugees from 2010-2014.⁵⁸ It said the number of asylum applications jumped from 566 in 2010 to 12.000 last year, and the trend is that these numbers continue to grow, imposing challenges to local authorities. Mainly in the states of Acre, São Paulo, Rio de Janeiro and Amazonas, where the increasing arrival of Bengali, Syrian, Haitian, Colombian and Africans immigrants increased the total number of requestors.

Ditto for the agreements with UNHCR related to the resettlement of the refugees, prevailing since 1999 and the sequent arrival of Colombian and Palestinian resettled immigrants welcomed by the current entities, which are

⁵⁵ MURILLO, Juan Carlos. Os legítimos interesses de segurança dos estados e a proteção internacional de refugiados. *Revista Internacional de Direitos Humanos*, São Paulo, n.10, p. 121-137, jun. 2009, p. 122.

⁵⁶ TORPEY, John. *L'invention du passeport: États, et surveillance de la citoyenneté*. Paris:Belin, 2000. p. 9-30.

⁵⁷ MURILLO, 2009, p.122-123.

⁵⁸ Available at: <http://oestrangeiro.org/2015/06/17/antecipar-demanda/>. Accessed: June, 12 2015.

partners of UN: Antonio Vieira Association (ASAV) in Porto Alegre (Rio Grande do Sul state) – partner since 2003 (Verbal Information).⁵⁹

Even so, the UNHCR's criticisms towards Brazil and its resettlement program means that it would be possible to receive a lot more stateless persons from programs administered by UN worldwide,⁶⁰ not only groups from Palestine, Colombia *inter alia* whose number do not reach the amount of 500 resettled people. This number is considered politically irrelevant, if take into account the universe of 15 million refugees up to the last decade in the world, according to the last UN International Migration and Development Report.⁶¹

Luiz Paulo Teles Barreto, president of National Committee in another time, otherwise, retorted the criticism of UN during an international conference in Geneva. He assured that Brazil is far from the major international crises that result in forced displacement of people and also the Brazilian borders remain open to requests for refuge.⁶²

Both the ex-president and the last general coordinator, Renato Zerbini Ribeiro Leão, highlighted the fact that the numbers and procedures of the institution indicate that requestors and refugees in Brazil, come from all parts of the world, finding no barrier from political, religious or racial fields.⁶³

What does not mean that the requestors can easily reach Brazil, once these specific migrations are currently irregular with no documentations and sometimes from trafficking in persons.⁶⁴ Thus, people moving this way generally travel in poor conditions, and are victims of exploitation of "coyotes", those who profit by offering alternative routes of travel.

However, countries too far from international crisis and relatively open to asylum requests, such as Canada, Sweden or even the United States, resettle more and collaborate more consistently with the UNHCR in durable solutions programs regarding the resettlement.⁶⁵

⁵⁹ WAPECHOWSKI, Karin. Coordinator of the refugees resettlement Project of Rio Grande do Sul state, representative of the Association Antonio Vieira (ASAV). Interview. Porto Alegre, Aug., 30 2011.

⁶⁰ MARTINS, Rui. *Brasil acolhe poucos refugiados?* Available at: www.sinditamaraty.org.br. Accessed: Dec., 12 2011.

⁶¹ UN. *International Migration and Development*: report of Secretary General. New York: General Assembly, 2013. p. 7.

⁶² MARTINS, 2011.

⁶³ LEÃO, Renato Zerbini Ribeiro. O reconhecimento dos refugiados pelo Brasil: decisões comentadas do CONARE. Brasília: Conare/ACNUR Brasil, 2007. p. 75.

⁶⁴ HATHAWAY, James C; FOSTER, Michele. *The law of refugee status*. Cambridge, UK: Cambridge Press, 2014. p. 153.

⁶⁵ MARTINS, 2011.

Just like Zolberg, Suhrke and Aguayo's line of reasoning,⁶⁶ in the relation of both internal and external policies, we highlight the Brazilian initiatives for the creation of the Declaration and Program of Action of Mexico 2004, the Brasilia Declaration 2010, as well as initiatives within Mercosur, making the issue of refugees a strategic point for foreign policy, particularly in relation to the countries which expel the refugees, outstanding the government when Brazil was inserted in the international humanitarian cooperation, considering costs and benefits as a global player.⁶⁷

The governmental budget directed to this issue is irrelevant, provided that up to 2004, National Committee of Refugees did not have an own budget for its activities, being dependent of the resources directed to the Department of Foreigners from Ministry of Justice⁶⁸. Thereby, National Committee receives a small and private budget from the Ministry but it is little, when we taking into consideration the other activities of the Ministry itself concomitantly to the needs of both requestors and recognized refugees⁶⁹.

In the state of São Paulo for its political articulation and national visibility, there is a statal Committee for this specific issue and a large network of social programs that seek to integrate stateless into society. However, this articulation and capacity is not reproduced in most other states of the federation, with just a few member-states with their own State Committee: only Rio de Janeiro, Rio Grande do Sul and Paraná, by 2012.

This represents a point of intense discussions and debates related to policies for refugees, whose core challenges are still focused in the own institution not on the refugees – this is the role of the National Committee for Refugees and Federal Police.

⁶⁶ ZOLBERG, Aristide R; SUHRKE, Astri; AGUAYO, Sergio. *Escape from violence: conflict and the refugee crisis in the developing world*. New York: Oxford University, 1989. p. 273-274.

⁶⁷ REBELLO, Cláudia Assaf Bastos. Acolhimento de refugiados palestinos do campo de Ruweished pelo Programa de Reassentamento Solidário do Brasil: custos e benefícios para a diplomacia brasileira. Dissertação (Mestrado em Diplomacia) — Instituto Rio Branco, Brasília, 2008. p. 57.

⁶⁸ LEÃO, 2007, p. 73.

⁶⁹ LIMA, João Brígido Bezerra, SIMÕES, Gustavo da Frota. Programas de suporte a refugiados, asilados e apátridas no Brasil: uma abordagem exploratória. SEMINÁRIO NACIONAL DE PÓS-GRADUAÇÃO DE POLÍTICA EXTERNA, 1. *Anais...* Brasília: UNB, 2012.

Challenges of the policy for refugees: National Committee of Refugees and federal police

National Committee currently counts on only nine servants in its administrative structure with a huge accumulation of cases from the previous years.⁷⁰ The decisions may take a long time – around a year – to be made, what permits the refugees to use the institute of refuge as way to stay in Brazil for other reasons not related to the real fear of persecution or any other life history which can be fit in the requirements to classify the immigrant as a refugee, besides the challenge of international mixed migrations.

UNHCR itself has suggested a long ago some solutions for the abusive use of the institute, not only in Brazil but also throughout the world.⁷¹ On the other hand, Brazilian authorities brought to light the problem that many requestors take advantage of the institute because such authorities are not able to judge and simply route the requests (at least theoretically) to National Committee,⁷² what would cause a vulnerability to the country's borders according to the authorities' evaluation, denoting a more rigorous political culture of migratory control as well as concerns with the institutional security.⁷³

The most evident challenges faced by the institution are bonded to its management and to a more constant presence throughout the country, once it is in Brasilia and does not have representatives in strategic places with evident entry of asylum seekers such as international airports: Cumbica (Guarulhos city), Congonhas (São Paulo city) and Galeão in Rio de Janeiro (Verbal Information),⁷⁴ besides the port area in Santos (São Paulo state) and port zones in Espirito Santo and Rio de Janeiro states.

The state regions with the highest amount of immigrants are Ceara, Amazonas, Mato Grosso do Sul and especially Sao Paulo and Rio de Janeiro, both by air or sea travel (Verbal Information). The arrivals in Sao Paulo and Rio

⁷⁰ FRANCA, José Lianza Virginius da. General Coordinator CONARE in Brasilia, DF. Interview. Jan., 25 2013.

⁷¹ UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES. Recommendation EXCOM n. 30 (XXIV). Executive 34th Session, 1983; UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES. , Recommendation EXCOM n. 79 (XLVII). Executive-47th Session, 1996.

⁷² ANDREATTA, Rafael Potsch. *Desembarque de quem quer refúgio não é apropriado*. ano. Disponível em: <http://www.conjur.com.br/2012-nov-14/rafael-andreata-desembarque-quem-refugio-nao-apropriado>. Accessed: 12 Dec. 2012.

⁷³ ANDREATTA, 2012.

⁷⁴ PARDI, Luiz. Chief of the Federal Police in the Guarulhos International Airport. Interview. São Paulo, Sept., 18 2012.

happen more likely because in these states are the main ports and airports of the country, besides the presence of Caritas Arquidiocesana, what attracts the most part of those who traverse the land borders to ask for Brazilian asylum (herein included the city of Manaus in Amazonas state), besides those who seek the Institute of Migration and Human Rights – a partner of that non governmental entity.

Hence, the most part of the requests occur exactly in the states of São Paulo, Rio de Janeiro, Distrito Federal and Amazonas. The presence of non-governmental organizations turned to the cause of refugees is making the difference by playing an important role in the promotion and disclosure of the refugees' situation, especially on the borders, even if in a weak manner.

The community and organizational capacity of the refugees in a sense of influence and take part of the public businesses that decide their situation is inferior, unless by the interviews and reports of the responsible (for the community) in taking the cases to Brasília. In other words, they have a tiny influence and policy culture forces the government to face them as political objects, not as the main actors of the decision process.⁷⁵

The problem is reflected in the general insertion of the refugees in Brazil in terms of education, labor, dwelling and health, besides the few organizations spread all over the country with a social capacity related to integration policies. The refugees generally face complex challenges from dwelling to insertion in the labor market.⁷⁶

The paths to a better adaptation seem to point to their inclusion (refugees) in the government's social policy programs (only if they meet the necessary requirements), such as: the Family Grant (which are funds to extremely poor families), the Brazilian government's social housing initiative for low-middle income families – My house, my life –, the welfare program Caring Brazil and the scholarship program Prouni.

However, such attempts go against other statal institutions, which were not created for the theme "refugees", such as INSS (Social Security) and "Caixa Econômica Federal" (financial institution under the domain of the Brazilian government).

⁷⁵ ALMOND; VERBA, 1989

⁷⁶ RODRIGUES, Viviane Mozine; BÓGUS, Lúcia Maria Machado. Os refugiados e as políticas de proteção e acolhimento no Brasil: história e perspectivas. *Revista Dimensões*, Vitória, v. 27, p. 101-114, 2011. p. 112-114.

Moreover, National Committee needed to explain issues before human rights organizations⁷⁷ besides being called by Judiciary Power on behalf of the Federal Public Ministry for not recognizing the Haitian migrants and needed to respond Federal Public Defender in São Paulo, which aimed to have access to the documents about the asylum-seekers to promote its own administrative defense (Verbal Information).⁷⁸

In this latter case, the initiative had political consequences: the approach and the signing of a Cooperation Agreement among the National Secretariat of Justice, the Federal Public Defender and CONARE, in 2012. With the cooperation agreement, the three agencies will work together to discuss the issues about refuge.⁷⁹

The ex-president of National Committee – Paulo Abrão – confirmed that from the agreement no refugee will remain without support to exercising their rights and duties. "This is the message we are announcing today. Participation of the DPU in CONARE's proceedings will further qualify our decisions".⁸⁰

The partnership must seek for the capacitation of public servants from DPU in order to make them able to better analyze the works of National Committee of Refugees and Department of Foreigners of the National Secretariat of Justice regarding the refugees. The agreement presupposes that public defenders will provide legal support and will keep up with the needs of the requestors and refugees related to the administrative processes, including promoting the interviews with the asylum-seekers.⁸¹

This will constitute an important and strategic support to Group of Previous Studies of National Committee as well as- a larger structural logistic to the organ, making the decisions even faster and effective,⁸² inasmuch as DPU (Federal Public Defender's office) counts on 58 unities spread all over Brazil and such institutional capacity will help the refuge requestors, even with the

⁷⁷ Ministry of Justice. National Secretariat of Justice. National Committee for Refugees, Letter:42. 2012.

⁷⁸ ALMEIDA, 2012.

⁷⁹ Available at: <http://www.dpu.gov.br/internacional/index.php/en/component/content/article/42-noticias/252-28022012-acnur-e-defensoria-publica-da-uniao-iniciam-cooperacao-em-prol-de-refugiados-solicitantes-de-refugio-e-apatridas-no-brasil>. Accessed: Nov., 29 2012.

⁸⁰ Joint action of SNJ, DPU and CONARE. .Available at: <http://oestrangeiro.org/>. Site visited on 1/11/ 2012.

⁸¹ Joint action of SNJ, DPU and CONARE. .Available at: <http://oestrangeiro.org/>. Site visited on 1/11/ 2012. Available at: http://www.dpu.gov.br/index.php?option=com_content&view=article&id=9620:dpu-e-conare-firmam-acordos-para-atuacao-junto-a-estrangeiros-refugiados&catid=215&Itemid=458. Accessed: Dec., 15 2012.

serious problems of human rights presented by DPU, besides the lack of structure in Brazilian countryside(Verbal Information).⁸³.

Anyway, to the ex-president of National Committee of Refugees, the expectations is that the analysis of the processes which still need to be analyzed in the institution and qualified with the eligibility from the public defenders.⁸⁴

Another fundamental challenge for the implementation of specific policies for the refugees in Brazil, from the perspective of the institutions and political culture, remains in one of the main political actors in the procedure of routing and recognition of the refugees aphaorementioned: the Federal Police.

Federal Police, the responsible for the surveillance on borders and customs posts, the one that most often performs the first contact with asylum seekers, still has limited resources and structure to receive the foreigners throughout the country. Up to 90's Brazil was a country that most sent people abroad than received them from other countries, because of the economic situation of the so-called "lost decade" of the 80s, and because the Civil-Military Regime in that period banished much of its own persons besides not accepting the Latin American refugees.⁸⁵

Hence, its institutional and human resources' structures are clearly lagged for Brazil's recent and international turn while an attraction pole for foreigners and to new policies for receiving and resettling the aliens, including refugees and all kinds of immigrants.⁸⁶

Thus, Federal Police is a permanent entity, organized and maintained by federal government, structured in a specific career plan, which accumulates several roles according to the Constitution written in 1988, *inter alia*, the border issues – what results in a high turnover of personnel and most often prevents them from getting specialized in a sole sector and to keep up with the theme 'refuge', as well as the final results of the requests to National Committee of Refugees (Verbal Information).⁸⁷ This leads us to conclusion that Federal

⁸³ There are only 520 Public Defenders to meet all the poor population throughout Brazil, with lack of presence mainly in the countryside. Interview with Laura Zacher, a sociologist at the DPU, in Porto Alegre, in May 22, 2013.

⁸⁴ Joint action of SNJ, DPU and CONARE. : Available at: <http://oestrangeiro.org/>. Site visited on 1/11/2012.

⁸⁵ CHADE, Jamil. Brasil expulsou mais de mil refugiados no auge da ditadura no Cone Sul. Available at: <http://politica.estadao.com.br/noticias/geral,brasil-expulsou-mais-de-mil-refugiados-no-auge-da-ditadura-no-cone-sul,955140>. Accessed: Nov., 25 2012.

⁸⁶ CANO, Ignacio. Políticas de segurança pública no Brasil: tentativas de modernização e democratização *versus* a guerra contra o crime. *Revista Internacional de Direitos Humanos*, São Paulo, a. 3, n. 5, p. 137-155, 2006.

⁸⁷ PARDI, 2012.

Police is one of the institutions with a huge level of centralization, hierarchy and accumulation of competencies related to the country, especially one as large as Brazil.⁸⁸

Through structured interviews performed with border agents in the North and Midwest regions of Brazil, bordering the other countries from South America, in 2011-2012, it's possible to visualize a rudimentary structure in the migratory stations, with few border agents and a lack of focus on criminal proceedings. Besides the turnover of personnel and lack of perception about the migratory phenomenon of asylum-seekers in order to differentiate them swiftly from criminal and economic or environmental migrants.⁸⁹

In a general way, the entity is responsible for the prevention and repression of the international drug trafficking, for the government's judiciary police and for the functions of both maritime, airport and border police, according to the Brazilian Constitution text of 1988 and its regular laws. According to estimates from the corporation, Federal Police needs thousands of new professionals to work in the areas of land border, to the replacement of retired officers and to be able to major international events that Brazil will host (Verbal Information).⁹⁰

In other words, the current officers, even facing structural problems, must accomplish all their constitutional functions in an area of 8 million square meters, with around 190 million inhabitants, according to the latest data from the Brazilian Institute of Geography and Statistics (IBGE),⁹¹ along the almost 17,000 km of land borders shared with ten different South American countries, which are not always stable and working effectively on migration control.

Moreover, there is a need to overcome the lack of a restrictive training for the officers, besides creating a worldview turned to the criminalization of international migrations, instead of considering it a mere police issue based on the principles of conservation and reaction.⁹² In addition, Brazil still face the vestige of an authoritarian political culture⁹³ sprang during the periods of

⁸⁸ MAGALHÃES, 2008.

⁸⁹ FEDERAL POLICE. Premises of the immigration police office in Rio Branco (Acre), Manaus (Amazonas), Porto Velho (Rondônia) and Mato Grosso do Sul (MS). Interviews. Between October 2011 and May 2012.

⁹⁰ PARDI, 2012.

⁹¹ Available at: http://www.ibge.gov.br/home/estatistica/populacao/censo2010/resultados_dou/default_resultados_dou.shtm. Accessed: Nov., 15 2012.

⁹² BETTS; LOESCHER; MILNER, 2008.

⁹³ ALMOND; VERBA, 1989.

authoritarian regime, which sets a discouraging global view when regarding at the Brazilian immigration policy.

Conclusion

From the perspective of the promotion of public policies, the refugees in Brazil are part of a proper legislation since 1997, which establishes an institution directly responsible for the governmental decision processes. An organization directly bonded to the Ministry of Justice – National Committee of Refugees – which makes the juridical-political decisions through eligibility of refugees, composed by members of several other ministries, besides representatives of civil society and officers from international community with a tripartite and interministerial characteristic.

The most important challenges of national policies for refugees are directly bonded to the enlargement of both institutional, human and monetary resources of National Committee. Ditto for the resources directed to its democratization, as it takes part of other relevant institutions, besides the changes of the political culture of public agents and the increasing of social capital on the organizations involved with the refugees.

National Committee's governmental actions are focused on the resources and expenditures with partnerships with the organizations that receive the refugees, primarily, in expenses during the first years of arrival, considering that the condition of a refugee is temporary.

National Committees of Refugees presents some initiatives to streamline and improve the service to asylum-seekers and refugees themselves in the country through measures turned to partnerships with the Public Defender's Office, for example, in order to respond to the challenges of decision-making and qualification procedures.

The limits point to the fact that the institution lives with a comprehensive legislation for migration policy, the Status of Foreigners of 1980, which is inconsistent with guidelines of the internal doctrine of human rights, enshrined in the Status of Refugees of 1997. Given that such legislation still serves as a parameter for the treatment of international migrants who are received and identified on borders or Federal Police Stations of the country by the immigration authorities, in other words, the identification of requestors and refugees for eligibility as an ambivalent regulatory policy now focused on public and na-

tional security, with the criminalization of mixed international migration seen as a human rights issue, aimed at protecting the vulnerable ones.

This ambiguity and lack of clarity of migration policy is directly stuck to the long political process of democratization of the country, in a slow, safe and gradual way and to the authoritarian legacy. If on one hand there was the democratization of political institutions, on the other hand, the restrictive practices and legislative frameworks remained as vestige from dictatorial periods of the republican history. Compounded by lack of consensus among different political actors that deal with immigration issue, aiming a global change of legislation and political practices in the last thirty years, particularly with regard to border agents.

Put in another way, it is about a regulatory migration policy whose restrictions were accelerated by the global context of securitization of international migration since the terrorist attacks in Europe and the United States in the early twenty-first century, which at the same time, is informed by the doctrine of the national security and economic utilitarianism that marked the Brazilian dictatorship periods, regarding the foreigners as an enemy and subversive, but welcoming only the ones who brought economic complementarity.

Furthermore, the migration policy in a general way, and the policy for the refugees, in particular, remain fragmented and uncoordinated by the actions of the various political actors who take part in the regulation and reception of foreigners. The Ministry of Justice is at the core of the decision-making policy for refugees, at least since the creation of National Committee, inasmuch as this institution works under this Ministry and its representative chairs the institution.

Likewise, Federal Police grew in political perspective through the migration issue since the Constitution of 1988, playing a strategic role in the reception and departure of refugees from Brazil, since it is the border authority that welcomes the refugees, alongside with other non-governmental organizations.

Federal Police is an institution where newcomers should show their first interest in request for refuge and presents a strategic capital importance. It is usually the first organ that contacts the potential refugees. It still face serious structural and institutional limitations on the control of asylum-seekers, with respect to the lack of human resources for borders, ports and international airports.

It does not seem to be prepared and does not have neither a good administrative structure nor enough human resources to receive and welcome those who suffered a forced displacement in Brazilian borders, asylum-seekers or not, rapidly differentiating them from economic migrants in the context of mixed international migration, in addition to the fact of not being trained in accordance with the Status of Foreigners of 1980.

Though playing a strategic role in National Committee of Refugees, it presents an often personnel turnover in the migration sector, besides the lack of human resources and thematic specialization, and the absence of an Institute of Refugees in a strategic long-term plan. Thus, it contributes decisively to a divorce among Brazilian official discourses of advanced legislation related to refuge historicity, to hospitality and friendliness, to respect and tolerance for diversity, and to the political practice of the controller institutions and to the records and foreign classifications, including the refugees.

It works under an ostensive restriction, excessive bureaucratization and palliative workarounds for the regularization of foreigners in the country, and is set in an authoritarian political culture, vestige of the political regime of past.

In this sense, Federal Police materializes a political practice of public institutions, which imposes obstacles and bureaucratic limits when inserting the refugees and immigrants into the society. Likewise, the issues of the governmental policies for refugees appears to focus the lack of coordination and partnership among the several statal organs to recognize the refugees in Brazilian society and the lack of other political institutions' participation on National Committee, especially those which promote and apply human rights.

In Brazil, refugees are clearly "intruders", living in an undefined policy and normative situation, after the arrival on the host country, they end up living "between national sovereignties", not being citizens neither of their homelands nor of the host countries. They do not exercise political rights, nor are organized themselves in the strict sense, besides not being a priority on the political agenda. Although they may have a political life beyond a biological existence, they remain limited in a determined public space without no recognition or coverage by the State.

The most common and constant practice of the public power is to delegate functions to civil society, which was organized in order to fulfill the responsibility of integrating refugees in the local market. Such institutions are able to

overcome the barriers imposed by the own State, through the spray of other public institutions not partners of the Institute of Refuge.

Despite the official discourse of the government that Brazil is a historically hospitable country with an advanced legislation on refugees, praised by the international community, this truth is not reflected on the contemporary practice in relation to the reception of refugees based on the strict parameters of international conventions and of its own legislation.

In this sense, Brazil has a general policy for migrants and for refugees in a particular, fragmented and uneven practice, which seems not to be interconnected, with few specialized human resources in refugees aiming to operate the administrative bureaucracy, especially among border agents.

If on the one hand there has been both institutional, legislative and insertion advances in international protection regimes in relation to the dictatorial past of the country; on the other hand, the practice remains uncoordinated and distributed among various political actors with palliative measures on immigration policy alongside punctual measures in regulatory policy and inclusion of refugees.

The policy envisions National Committee as a mechanism capable of promoting public policies that include few refugees in the country. But besides the absence of other relevant political actors who deal directly with the issue of human rights, administrative and bureaucratic obstacles are still challenging to the inclusion of the refugees and immigrants in the social programs of federal government.

In other words, these are barriers related to the exercise of citizenship and non-recognition of the situation of refugees in the country by other public institutions of the State. Just as the lack of creation of state and federal institutions articulated to empower and include refugees in citizenship and overcome worldviews criminalization of these displaced people, just like the spring of a National Agency for Migration, based on the molds of Brazil's neighboring countries.

The disentanglement of policies related to refugees remains evident by a number of combined factors such as the an outdated legislation with the lack of a training to border agents focused on national security and criminal law issues, as well as the often personnel's turnover and lack of expertise related to immigration police make the situation of refugees and asylum-seekers a dramatic issue for Brazil.

Desafios das instituições brasileiras para uma política de refugiados no contexto contemporâneo: o Comitê Nacional para Refugiados e a Polícia Federal

Resumo

Este artigo tem como objetivo verificar o papel das principais instituições políticas que lidam diretamente com os refugiados no Brasil, a partir da ação da centralidade política do Comitê Nacional para os Refugiados e a Polícia Federal por meio de uma revisão da literatura e de entrevistas com oficiais de fronteira, sob o enfoque da ciência política. Observando-se os processos de tomada de decisão, os procedimentos burocráticos de controle de migração e de segurança do governo brasileiro sobre o fenômeno do deslocamento forçado dos refugiados, busca-se analisar a burocracia e os mecanismos processuais voltados aos estrangeiros em matéria de refugiados, com a identificação das dificuldades institucionais, limites e desafios para a implementação de políticas públicas voltadas para os refugiados. Destaca-se a falta de coordenação, fragmentação e pulverização da política de imigração como um todo, e a política de refugiados de forma particular, conectado com o passado autoritário do país e para a manutenção de mecanismos restritivos para a inserção dos migrantes internacionais.

Palavras-chave: Refugiados. Política pública. Comitê Nacional para os Refugiados. Polícia Federal. Direitos Humanos.

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