



Country: Brazil

Good practice: Simplified prima facie recognition of Venezuelan refugees

Implementation dates: June 2019 - present

General Description:

Asylum claims in Brazil are assessed by the National Committee for Refugees (Comitê Nacional para os Refugiados – CONARE), within the Ministry of Justice and Public Security.

In June 2019, CONARE recognized the situation in Venezuela amounted to one of serious and generalized human rights violations, a finding permitted under the broader refugee criteria contained in the 1997 Brazilian Refugee Protection Act which incorporates elements of the regional 1984 Cartagena Declaration on Refugees. This finding was made upon evaluation of a 25-page technical note (available [here](#)) prepared by CONARE's General-Coordination on country conditions in Venezuela, recommending that CONARE adopt simplified procedures for prima facie recognition of refugee claims submitted by Venezuelans based on a presumption of inclusion.

Also in June 2019, CONARE issued normative resolution nº 29 (14 June 2019) (available [here](#)) which establishes use of SisCONARE, an online system for the registration and processing of asylum claims in Brazil, and authorizes the establishment of accelerated or simplified procedures with the possibility to dispense of an eligibility interview in manifestly founded claims.

In implementing its resolution nº 29, in December 2019, CONARE endorsed a technical note (available [here](#)) prepared by the General-Coordination setting out simplified procedures for manifestly founded claims submitted by Venezuelan asylum-seekers dispensing with the need for an eligibility interview in situations where an applicant satisfies several criteria, including:

1. An official entry to Brazil (aimed at establishing presence in the country);
2. Possession of a Venezuelan national identity document or passport, regardless of the document's expiration date, in establishing Venezuelan nationality;
3. Lack of a criminal record in Brazil;
4. Be 18 years of age or older; and
5. Not be in possession of a migratory residence in Brazil.

The first above-mentioned criterion was originally applied by CONARE to applicants who have had one official entry to Brazil but was later extended to include applicants who have had no more than two official entries to Brazil, ensuring that the last migratory movement



was an entry in attesting to the applicant's presence in Brazil. Applicants who are unable to satisfy the above criteria are eligible to undergo a simplified eligibility interview.

The finding that the situation in Venezuela amounts to one of serious and generalized human rights violations is valid for a minimum period of 12 months, with the possibility to reassess based on a reevaluation of country conditions or amend upon a factual change in country circumstances. Accordingly, in August 2020 CONARE extended its finding of serious and generalized human rights violations to Venezuela until August 2021 for reassessment then (available [here](#)).

Activities:

- Adoption of the [Technical Note N. 3/2019. Comitê Nacional para os Refugiados - CONARE. Estudo de País de Origem - Venezuela](#) where it was established that the situation in Venezuela amounted to one of serious and generalized human rights violations.
- Adoption of [Resolución Normativa N° 29](#), that allowed dispensing with the need for an eligibility interview in well-founded applications.

Results / Impact:

- In December 2019, upon endorsement of these criteria, some 21,000 Venezuelan asylum-seekers were granted refugee protection receiving immediate relief.
- As of today, over 46,000 Venezuelans have been recognized as refugees thanks in great part to the simplified prima facie processing modality – the largest Venezuelan refugee recognition by any Latin American government in line with Brazil's historical leadership in refugee protection.
- Through this simplified procedure, CONARE is able to provide Venezuelan asylum-seekers with a fair and fast decision. CONARE works closely with the Federal Police in verifying whether an asylum-seeker satisfies the five above-mentioned criteria ensuring the integrity of the procedure.

Implementation challenges:

- CONARE continues to make progress in the processing of asylum applications from Venezuelans, even for those who do not meet the five criteria under which to dispense with an eligibility interview, such as people who lack a national identity document or passport.
- Many indigenous Venezuelan asylum seekers indicate that they cannot meet this requirement. To do this, in December 2020, the General Coordination of CONARE carried out an eligibility mission to the northern border of Brazil, on the border with Venezuela, the main entry point for Venezuelans. Eligibility officers conducted simplified interviews with indigenous Venezuelans focused solely on establishing nationality and / or habitual residence in Venezuela.

Partner(s):

Comité Nacional para los Refugiados / Policía Federal



Lessons learned:

- Cross-checking various governmental databases was instrumental to ensuring the integrity of the simplified procedure. In doing so, CONARE identified eligible individuals who satisfied the five criteria and was able to efficiently provide asylum-seekers with a fair and fast decision, contributing to the reduction of pending asylum claims.
- The simplified prima facie procedure is an effective mechanism to ensure the protection of people in contexts of large-scale movements.

Impact of the COVID pandemic on implementation:

- CONARE continued to resolve applications for refugee status during the pandemic. Despite the limitations of the context, CONARE has been making use of remote interviews and the implementation of virtual plenary meetings to continue with the application of simplified procedures.

Use of the Asylum Capacity Support Group mechanism:

No.

Additional information:

Press release

Governo Federal, "[CONARE reconhece como refugiados 17 mil venezuelanos](#)", 31 de enero de 2020.

Others

Ministerio da Justiça e Segurança Pública. [Plataforma Interativa de Decisões sobre Refúgio](#)