SEVEN
publicações acadêmicas

# Fundamental rights and rights reserved for immigrant refugees: A perspective on human dignity

https://doi.org/10.56238/Connexpemultidisdevolpfut-171

**Claudio Xavier de Bastos Filho**
Law student, Araguaia University Center – Uniaraguaia
E-mail: claudio.xavier@estudante.uniaraguaia.edu.br

**Ana Carolina de Morais Garcia**
Master, Araguaia University Center – Uniaraguaia
E-mail: ana.garcia@uniaraguaia.edu.br

**Maria Marciária Martins Bezerra**
Master, Araguaia University Center – Uniaraguaia
E-mail: mariabezerra@uniaraguaia.edu.br

**ABSTRACT**
This research aimed to analyze the perspective of human dignity based on the theories of Jürgen Habermas and Hannah Arendt, focusing on the evolution of migration legislation in Brazil. In short, it examines the repeal of the Alien Statute and its replacement by the new Migration Law in the face of subjects not considered refugees. The study sticks to the new law in the face of the situation of Afghan refugees at Guarulhos International Airport and the case of Pacaraima-RR. The research is a bibliographic analysis in the dialectical perspective with data analysis. Thus, the research concludes that the repeal of the Alien Statute and the replacement by the new Migration Law have not been effective in protecting the human dignity of immigrants, as evidenced by the cases of Afghan refugees in Guarulhos and Pacaraima-RR. These results indicate the urgent need for more adequate policies of reception and respect for the fundamental human rights of immigrants, the results obtained indicate the violation of the founding principle of human dignity founding the Federative Republic of Brazil.

**Keywords:** Migration Law, Afghan refugees, Venezuelan refugees, Immigrants, Human Rights.

## 1 INTRODUCTION

The discussions surrounding the rights of immigrants and refugees are some of the most complex and ancient in international law, having their roots still in antiquity. Moreover, only from the twentieth century, after the structuring of several international legal instruments, the theme is the object of discussion in a more systematized and comprehensive way to what concerns the protection of these groups. Issues involving international refuge have been the subject of international debate and concern for decades. World War II, for example, brought the protection of refugees to the center of political and philosophical discussions.

World War II was one of the most tragic events in human history, causing the deaths of millions of people and resulting in large population displacements. As a result of the persecution, violence and destruction caused by the conflict, millions of people have been forced to leave their homes and seek refuge in other countries. In this sense, the research will make the bibliographical analysis in the dialectical perspective in Hannah Arendt in her work "Origins of Totalitarianism" (1951). Arendt was

one of the first people to highlight the importance of the refugee issue in World War II. More than half a century later, issues concerning the immigration of refugee peoples are still taken as political discussions to the detriment of their humanitarian character. Global North countries still have such issues as a sensitive topic in political discussions.

Refugee immigrants become a matter of legal discussion in the promotion of human dignity because there are, along with immigration movements, issues that are pillars of any Democratic State of Law, given that, when entering a territory of any respectable democracy, this subject becomes a subject of internal rights of that particular country, conceiving, thus, rights of a positive and negative order, in this sense, it takes advantage of its fundamental rights and its duties towards the State. It happens that this does not always occur in an easy way, the bureaucracy to achieve refugee status ends up worrying about the impossibility of satisfying basic rights while the human who flees because of fear awaits a mere administrative decision to grant asylum.

In South America, the last decade has shown large migratory flows. However, this research will focus on a brief analysis of the immigrants coming from Venezuela to Brazil during the last half of the last decade. The approach of the migratory flow of Venezuelans to Brazil will serve to understand the last steps of the evolution 4 of the rights of Immigrants in Brazil, this phenomenon resulted in a unique situation in the state of Roraima, and showed the deficiency of the Brazilian legal system in welcoming, protecting and promoting human dignity to refugee peoples implying in the creation of the Migration Law, Promulgated on May 24, 2017. In this connection, considering the refugee peoples as neglected subjects, the object of the research will be based on the human dignity guaranteed to these peoples with the evolution of existing national policies supported by international provisions ratified by Brazil

## 2 HUMAN DIGNITY

The concept of human dignity in Jürgen Habermas (1997) starts to be built with the origin of movements such as the Enlightenment in France, later one of the main revolutions in this sense was the one that originated the Declaration of the Rights of Man and of the Citizen of 1789, which among the main Enlightenment ideals spread in the era of modernity consecrated the equality of rights between men, the right to liberty and property. Since then, there have been several advances in Human Rights, but now what is important to talk about the Enlightenment is that this allusion is due to the legal design of the validity of a norm that is studied by the Theory of Norm, in Kant and Kelsen, which for a long time remained as an axiom, but in the legal age of positivism, it came to be the object of scientific appreciation by great names, such as Kant, Weber, Dworkin, Alexy, and Habermas, as well as by countless others who later had their ideas adopted in the movement of Post-Positivism that adds in contributions to the Neoconstitutionalism so important to the present day.

In Habermas, the social validity of the norm is defined as to its content and its scope, its foundations are based precisely on the sense of liberal political thought, cited earlier, which institutes the idea of a social agreement reverberated by the Enlightenment ideals that resulted in the storming of the Bastille. In this sense, Habermas' findings indicate that the norm is established in a democratic society as the expression of the customs of a society and the ultimate will of its people, that is, for him, the positivization of a certain norm is only the result of an ordered egoism of a group of people who horizontally determine their own rules of conduct through social contact.

The origin of the norms is given to consolidate subjective rights of the citizen that go beyond a matter of moral order, in the position of any civil norm is the result of the repeated actions arising from the interpersonal relations of a given society that acts through the acceptability of a certain norm, which by guaranteeing the autonomy of citizens in their political choices:

> [..] Political rights must also be able to be interpreted as subjective freedoms of action, which simply make lawful behavior a duty, thus liberating the motives for rule-based behavior. On the other hand, the democratic legislative process needs to confront its participants with the normative expectations of the orientations of the good of the community, because it itself has to extract its legitimizing force from the process of an understanding of citizens about the rules of their coexistence. To fulfill its function of stabilizing expectations in modern societies, the law needs to preserve an internal nexus with the socially integrating force of communicative action. (HABERMAS, 1997, p. 115)

Since the norm is the maximum expression and result of the identity of a society, it is important to keep in mind that a society that is based on the dignity of the citizen will only have this foundation as long as the preservation of human rights are objective elements of its own tradition. Therefore, for Habermas, more important than the social rights generically guaranteed by a set of legal provisions is the institutionalization of public policies that serve to effect the rights provided for in these provisions and give voice to citizens belonging to certain minorities before the government so that they enjoy de facto citizenship through political exercise.

> These fundamental rights must continue to guarantee the 'self-affirmation and responsibility proper to the person in society'. However, they have to be contemplated through social rights: "*As important as the ethical and political recognition of such private legal positions is the introduction of the individual, also through law, in the contexts of action regulated by structures of order, which involve him and link him with others; This is tantamount therefore to affirming and guaranteeing the institutes of law, in which the individual assumes a position of membership."*(HABERMAS, 1997, p. 120, apud RAISER, 1977, p. 115)

The deepest link between democracy and the citizen is belonging, so to speak, belonging is achieved when the citizen sees himself as a participant in public affairs, and with the belonging and participation of citizens, policies are created that uphold the principles of a Democratic State of Law. Habermas draws inspiration from the Enlightenment tradition, which held the idea that human reason is capable of leading the individual to discover the truth and to act in accordance with justice.

The correlation between the rights of refugees, Human Rights and the maintenance of the Democratic State of Law has been solidified as the object of many reflections in contemporary political theory. Along these lines, the works of Hannah Arendt and Jürgen Habermas are important references for understanding the challenges faced by democracies in the context of immigration, as well as the limits and possibilities of international cooperation.

Arendt argues that minority participation is necessary to prevent politics from being dominated by interest groups that represent only one part of society, to the detriment of the rights and interests of other minorities. According to her, it is fundamental that there is a plurality of voices and perspectives in the public sphere, so that democracy can be truly representative and inclusive, this is based on a critique of the political system to the responsibility of the State:

> According to bourgeois standards, those who are automatically unlucky and unsuccessful are automatically excluded from competition, which is the essence of the life of society. Good luck is identified with honor and bad luck with shame. By transferring his political rights to the State, the individual also delegates his social responsibilities to it: he asks the State to relieve him of the burden of caring for the poor, just as he asks for protection against criminals. There is no longer any difference between beggar and criminal—both are outside of society. Those who fail lose the virtue that classical civilization bequeathed to them; Those who are unhappy can no longer appeal to Christian charity. (ARENDT, 1951, p.171)

Hanna Arendt glimpses the possible paths of politics in the protection of human rights, showing how the absence of actions aimed at social inclusion can provoke a feeling of discomfort giving rise to speeches of fascist origins and that can come to reverberate in illegitimate revolutions on the margins of the creation of totalitarian regimes. For Arendt, politics is the space of freedom and pluralism, where individuals must be guaranteed the exercise of their capacity to act and think autonomously. However, history also shows that politics can be manipulated by these totalitarian regimes, which intuit in annihilating plurality and imposing a mistaken view of how they see the world:

> Totalitarian politics—far from being simply anti-Semitic, or racist, or imperialist, or communist—uses and abuses its own ideological elements, until it is almost completely diluted with its basis, initially elaborated from reality and facts—reality of the class struggle, for example, or of conflicts of interest between Jews and their neighbors. which provided ideologues with the strength of propagandistic values. (ARENDT, 1951 p. 21)

Arendt's philosophical contribution to understanding the phenomenon of the Second World War is embodied by delimiting his field of research in the contamination of European society by anti-Semitism, which once formed an international community constantly related at that time to States. It happens that, after the fall of feudal regimes and the emergence of nation-states, the Jewish community came to be seen as a unique international community, the Jewish peoples were circumscribed in several countries of Europe and had unique treatment. Arendt found that the intimate relationship of the Jewish peoples as great creditors of the nation-states between the middle of the eighteenth and twentieth centuries, provoked in the general population a feeling of indignation, in which the "commons" saw

the Jews as the great responsible for the misery that plagued the European territory at the beginning of its industrialization, Arendt cites that it was not an exclusive feeling generated in Germany, this feeling was sustained in Napoleonic France. Backed by Arendt, according to Santos (2018),

> Although, as stated earlier, characteristics of nineteenth-century anti-Semitic parties reappeared in the twentieth century, the same cannot be said entirely in relation to the Dreyfus process in France, since, in the view of Hannah Arendt (2012), French anti-Semitism was limited to the national scope. In other words, despite the violence, ideological and political issues surrounding the anti-Semitism of the parties in France, they did not aim at a supranational government. Such differences have not altered the overall picture of the problem of anti-Semitism used as a systematized political tool." (SANTOS, 2018 p. 25).

In the framework of research on the Jewish question, H. Arendt goes on to outline ideas about the human dignity of both citizens and foreigners. In this way the issue comes to have more attention for the disastrous results of Hitler's government, which acted throughout the Nazi empire conquered with violence under strong influences of prejudice built by incomprehensible delusions of hatred and rancor against blacks, Jews, gays, disabled and foreigners who could not be identified as people of pure race. When victims, the fugitives of the Nazi regime when seeking refuge are faced with immense injustices and lack of cordiality of other countries to receive them from the flight of horror, as for these includes Brazil in 1938 that through the Consul in Budapest, Mário Moreira da Silva denied visas to 47 people of Semitic origin, still according to the BBC at least 16 thousand Jews were denied visas to rebuild their lives in Brazil during World War II, showing that it was not an isolated decision.

Habermas in "Law and Democracy" highlights the importance of dialogue and cooperation among nations to consolidate more just societies that guarantee human dignity and strengthen the principles of democratic societies. For Habermas, democracy is not just a set of rules and procedures, more than anything, democracy is also a process of communication and deliberation among citizens. In this conception, the issue of refugees can be taken as one of the greatest paradoxes of modern democracy that by guaranteeing the fundamental rights to any human beings puts in contact people with different opinions and cultural experiences, bringing a clash over protection and welcoming.

The importance of the realization of human rights in the face of minorities must be promoted both so that there is space and voice for minorities in the administrative spheres of democratic Governments to strengthen democracy, and for the promotion of human dignity that is immanent to the right to BE. In autocratic regimes, where there is no representation, the people are doomed to catastrophe. Human dignity is designed and takes shape only in civilizations that respect differences and there is room to discuss policies to be adopted that aim to reduce existing inequalities, following a conception highly based on the analysis of Western democracies.

## 2.1 HUMAN DIGNITY AS THE FOUNDATION OF THE FEDERATIVE REPUBLIC OF BRAZIL

After the atrocities committed in the Holocaust, the world is faced with the problems of legal positivism. According to Arendt, in Eichmann in Jerusalem, the author states that Eichmann has always been a faithful follower of the Law, and this is one of the main criticisms found about the insufficiency of positivism.

> Would he have pleaded guilty if he had been charged with complicity in the murder? Perhaps, but it would have made important qualifications. What he had done was a crime only in retrospect, and he had always been a law-abiding citizen, because the orders of Hitler, who no doubt executed to the best of his ability, had "the force of law" in the Third Reich. (ARENDT, 1963, p.35)

In support of this conception, Hanna Arendt makes mention of one of the most renowned experts, as she calls it, in constitutional law of the Third Reich, Theodor Maunz, who according to the author found the Führer Command as the absolute center of the contemporary order of Nazi Germany.

The post positivism or Neoconstitutionalism arises to complement positivist theory. Juspositivism brought to the universe of law the idea that rules must be followed, however, such rules should not always be taken into account without the appreciation of the reality that surrounds it, or better yet, without taking into account the will of the legislator at the time he wrote it.

> Positivism, in the words of Dworkin (2002, p. 27-28), can be summarized in three key precepts: (a) to believe the right as "a set of special rules used directly or indirectly by the community for the purpose of determining which behavior will be punished or coerced by the public power", rules that are measured as to their validity (pedigree); (b) if a solution is not found within the law (set of rules) for a given fact, the applicator of the norm must go "beyond the law in the search for some other type of standard that guides him in the making of a new legal rule or in the complementation of an existing legal rule"; and (c) to say that "someone has a 'legal obligation' is to say that their case falls within
> in a valid rule of law, which requires him to do or refrain from doing anything. (...) In the absence of such a valid rule of law, there is no legal obligation."
> (FERNANDES; BICALHO, 2011)

Neoconstitutionalism emerges as a current of legal thought that originated at the end of the twentieth century as a critical response to legal positivism, which had this conception that the law was the only source of law and that judicial decisions should be limited to applying the law objectively, without taking into account subjective criteria present in the various relations of society. This movement is characterized by the centrality of the Constitution, which is seen as a fundamental and supreme norm, which must be interpreted in such a way as to guarantee the protection of fundamental rights and the promotion of social justice. In this sense, fundamental rights are seen as superior values of the legal system, which must be protected and promoted in all areas of law, according to theorists of Neoconstitutionalism such as Dworkin and Alexy the internal legal system must submit to a sovereign Norm, a norm that establishes supreme principles for the infra-constitutional norms to be elaborated, or interpreted from these constitutional principles that guide a given legal system.

This movement amalgamates in itself the idea of weighing or weighing the principles in the application of the standard:

> The last aspect of the distinction for Alexy (2008b, 116-120) refers to the process of applying the rules, according to the maximum proportionality. The application of the principles must take place according to criteria of proportionality, in this order: adequacy (appropriation of the means to achieve the end), necessity (use of the least burdensome means to achieve the same end) and proportionality in the strict sense or weighting or weighting, resulting from relativization in the face of legal possibilities; the first two referring to the factual possibilities, while the last to the legal possibilities, from the measure of the other principles in question. This law of weighing shows its division into three steps: 1) the degree of non-satisfaction of one of the principles is evaluated; 2) the importance of satisfying the colliding principle is verified; and 3) it is considered whether the importance of satisfaction of the collidant justifies the non-satisfaction of the first (ALEXY, 2008, p. 594). (FERNANDES; BICALHO, 2011 apud ALEXY, 2008)

The weighting or weighing of principles is important when dealing with the conflict of norm, or even for its application in the concrete case. With this gains strength in the Democracies of the West, the Constitutional Courts, responsible for ensuring the inviolability of these principles and the sovereign norms of modern democracies.

In Brazil, after the period of the military dictatorship, the Constitution of the Federative Republic of Brazil of 1988 (CRFB 1988) was elaborated from the perspective of Neoconstitutionalism, which is based on the centrality of fundamental rights and the supremacy of the Constitution. With this, the weighting of principles becomes even more relevant in the interpretation and application of constitutional norms, since fundamental rights are considered absolute values, provided for in a stone clause, and must be protected at all costs. In this context, the Brazilian Constitutional Courts, such as the Federal Supreme Court, have a fundamental role in the defense of constitutional principles and in the guarantee of the democratic order, through the interpretation of the Constitution and the resolution of conflicts of norms.

Thus, Neoconstitutionalism emerges as the theoretical and practical basis of CRFB of 1988 in post-dictatorship Brazil. This current of legal thought highlights the importance of fundamental rights and the supremacy of the Constitution as a fundamental norm of the legal system.

Human Dignity arises in CRFB of 1988 as the Foundation of the Republic, so important that it appears precisely in the first article of the Charter.

> Art. 1 The Federative Republic of Brazil, formed by the indissoluble union of the States and Municipalities and the Federal District, is a Democratic State of Law and is based on:
> I - sovereignty;
> II - citizenship;
> III - the dignity of the human person;
> [..] (BRAZIL, 1988)

The inclusion of Human Dignity as the foundation of the Republic in the CRFB of 1988 has significant implications for the Brazilian legal system. As a fundamental principle, Human Dignity functions as a parameter for the interpretation and application of other legal norms.

Thus, from the inclusion of Human Dignity as the foundation of the Republic, there was a change in the way fundamental rights began to be interpreted and applied in Brazil. This change occurs because Human Dignity is a principle that is present in all the fundamental rights provided for in the fifth article of the constitution, and must be protected by all the institutions that have the purpose of ensuring the CRFB of 1988.

Human dignity is strictly related to the condition of being human, independently of any other characteristic or condition, and is the basis of equality among all human beings. Human Dignity is also related to the ability of individuals to communicate and relate in a just and egalitarian political and social environment. In this construction, it is worth remembering the concept of human dignity for Minister Alexandre de Moraes:

> The dignity of the human person: it gives unity to fundamental rights and guarantees, being inherent in human personalities. This foundation removes the idea of the predominance of transpersonalist conceptions of State and Nation, to the detriment of individual freedom. Dignity is a spiritual and moral value inherent in the person, which manifests itself singularly in the conscious and responsible self-determination of one's own life and which brings with it the claim to respect on the part of other persons, constituting an invulnerable minimum that every legal status must ensure, so that, only exceptionally, limitations can be made to the exercise of fundamental rights, but always without underestimating the necessary esteem that all people deserve as human beings and the pursuit of the Right to Happiness. (MORAES, 2020, p. 79 and 80)

By basing themselves on this basic constituent principle of the Federative Republic of Brazil, for the assumption of responsibility for the preservation of human dignity, the fundamental rights listed in the caput and in all seventy-nine items of the fifth article of the federal constitution make use of the essence of the Universal Declaration of Human Rights. Later rejected as a stone clause by provision of article 60, paragraph 4 of the respective Constitutional Charter, fundamental rights become part of the reconstruction of a post-dictatorship country in order to promote and protect human beings in Brazilian territory conditions of Human Dignity in fact, which at least according to the best doctrine are exceptionally inviolable rights.

## 2.2 RECIPIENTS OF THE FUNDAMENTAL RIGHTS PROVIDED FOR IN THE CRFB

The caput of article 5 of the Constitution of the Federative Republic of Brazil of 1988 (CRFB/1988) establishes the foundations and principles that guide fundamental rights in the application of the provisions of the Brazilian legal system.

> Art. 5 All are equal before the law, without distinction of any kind, guaranteeing to Brazilians and foreigners residing in the country the inviolability of the right to life, liberty, equality, security and property , in the following terms: [..]
> (BRAZIL, 1988)

By shouting the guarantee of equality in the wording described of the provision, the legislator endorses the provision of article 7 of the Universal Declaration of Human Rights (UDHR) that provides for the guarantee of equal protection of the law without any distinction, does not mean to disdain, so to speak, the need for equity policies so that minorities satisfy the right to equality through opportunities equivalent to the different realities experienced in the broad social context of Brazil.

Also in the provisions of the fundamental rights of the caput of Article 5 of the CRFB, the reference to the "inviolability of the right to life, liberty, equality, security and property" is central to several articles of the Universal Declaration of Human Rights. As for the right to life, for example, it is described in the wording of Article 3 of the UDHR, which establishes that every individual has the right to life, liberty and personal security. Likewise, the protection of liberty and security are present in Articles 3, 9 and 10 of the UDHR.

With regard to the right to property, it is supported by article 17 of the UDHR, which in its wording recognizes and guarantees as a human right the right to obtain property individually or collectively.

It is important to take advantage of the fact that the Universal Declaration of Human Rights is a document that has a universal character, establishing inalienable and fundamental rights to all human beings, regardless of their nationality, ethnic-racial origin, genders, sex, religion or any other condition capable of defining a person by his characteristics, creed or custom. The subsumption of the CRFB to the provisions of the UDHR reiterates the intention of the Democratic Rule of Law to promote and protect human rights throughout national jurisdiction.

Given all the above, it is imperative to analyze as to a detail of the caput of the article studied above: "All are equal before the law, without distinction of any kind, guaranteeing to **Brazilians** and **foreigners residing in the country ..."**; In a frivolous interpretation of the wording, the guarantee of inviolability to the rights that would be described below are restricted in the text of the caput only to Brazilians and foreigners residing in the country. However, it would be wrong to think that the legislator of the constituent assembly that created the Citizen Constitution (CRFB/1988) would not have the intention of guaranteeing foreigners who were in national territory, even temporarily, such basic rights as life, liberty, equality, security and property. If this were the case, there would be enormous legal uncertainty regarding tourism and foreign investment in a purely shallow analysis, without taking into account several other directions that chaos could take over legal and business relations. Contrary to this hypothesis, there are doctrinal provisions that have taken it upon themselves to clarify this matter:

> It should be noted, however, that the expression residents in Brazil must be interpreted in the sense that the Federal Charter guarantees to the foreigner all the rights and guarantees even if he does not have domicile in the country, but can only ensure the validity and enjoyment of fundamental rights within the Brazilian territory, not excluding, therefore, the foreigner in transit through the national territory, who also has access to actions, such as the writ of mandamus and other constitutional remedies. (MORAES, 2020, p.111)

A more circumscribed interpretation of constitutional principles elucidates that the expression "residents in Brazil" must be understood in the sense that the constitutional provision guarantees all foreigners, even those who do not have domicile in the country, all fundamental rights and guarantees, and these can avail themselves of the actions provided for the protection of their rights.

Thus, not only the understanding of the indoctrinator, now a minister of the Supreme Court, but also the understanding of the Supreme Court, already emphasized repeatedly, understands that no exceptional treatment is allowed to any person in the national territory other than the unavailable condition of the foreigner as a subject of rights as long as the national legislation reaches it.

## 2.3 THE PROTECTION OF FUNDAMENTAL RIGHTS OF REFUGEE IMMIGRANTS IN BRAZIL

The new Brazilian Migration Law was sanctioned in May 2017, before this legal framework in the representation of advances and achievements regarding refugees, Law 6815/1980 was in force, baptized as the Alien Statute.

As for the controversies pointed to what refers to the Alien Statute and the new Migration Law 13.445/2017, the article "New Brazilian migration law: advances, challenges and threats" by Antônio Tadeu Ribeiro de Oliveira addresses the transformation of migration legislation in Brazil and discusses the advances, challenges and possible imbroglios related to the new Migration Law. The author highlights the paradigm shift from the old legislation, which treated immigrants as a threat to social stability and national security.

In the mismatch of these migratory issues that plagued the country and proved to be a challenge to the Brazilian government, different approaches to deal with the situation were proposed. Some sectors advocated the regularization of immigrants already living in the country, while others sought to modify the immigration legislation from the perspective of attracting qualified workers and guaranteeing the rights of migrants.

> International migration in Brazil was regulated until then by legal norms implemented during the Military Regime, in which the immigrant was seen as a threat to the "stability and social cohesion" of the country, predominating, therefore, the focus of national security, which should keep out of our borders those who "intended to cause disorder in our plagas". (OLIVEIRA, 2017

In the area of the problems disseminated by the Statute of Foreigners, it is urgent to emphasize that this is legislation inspired by a regime of exception that was based on the doctrine of national security. Even after the approval of the Democratic Constitution of 1988, which aimed to eliminate legal remnants of the military dictatorship, the Statute of Foreigners continued in force received by the federal constitution in what did not compel in disapproval in the face of the eventual unconstitutionality of its provisions, given the character that the Law of the Statute of the Foreigner expelled in its essence. Therefore, the Alien Statute was more concerned with control and restriction when dealing with issues of entry and permanence of immigrants in the Brazilian territory.

According to the author, still in the 1980s, Brazil once again had in its political and social agenda the need to return to debate in what was the core of these issues, some were the points that intuited the need for discussion and the evolution of the legal device treated here (Statute of the Foreigner). In the apparatus of the plot of the debate about the migratory policies were the Brazilians who migrated to other countries in search of better conditions and lives and because they could not, tried to return to their country of origin, which did not have at that time policies of reintegration into the labor market, nor a social security policy that welcomed them on their return. At the heart of the issue were also discussion agendas for immigrant workers from Bolivia and Paraguay, the "massive arrival" of Haitians and Africans already in the 2010s.

> It happens that, from the 1980s, the migratory issue returned to have some relevance in the Brazilian political and social agenda, in which, among other aspects, the following stand out: the emergence, in that decade, of international emigration, because Brazilians began to live abroad in a situation of vulnerability and did not envision the minimum conditions that favored a possible reintegration in the country, such as, for example, aspects related to obtaining work and social security coverage; the irregular entry of workers and their families who came, above all, from Bolivia and Paraguay; and the massive arrival of Haitians and Africans in the early 2010s. All this was beyond the control of the Brazilian government and required a position, given that the legal apparatus could not cope with all these situations. (OLIVEIRA, 2017)

The issue of the Immigration Law as a matter of national security was overcome after the consolidation of a new constituent charter, a law with this segment and created in such a dark period of the Federative Republic of Brazil could not last for long. Numerous were the factors that contributed to the evolution of migration legislation in Brazil, between the creation of the Alien Statute and the creation of the Migration Law there were several advances that in this article it will not be possible to glimpse in detail.

At the heart of the creation, Senate Bill (PLS) 288/2013 was presented by Senator Aloysio Nunes, the result of a study conducted in 2011 by a legislative consultant from the Senate's law core. With the presentation of the PLS, the Senator exuded the desires of various organizations and social groups, although it was not a joint or shared action, and even though there were other projects in parliament, such as PL 5.655/2009. However, it was PLS 288/2013 that, after almost four years of processing, became Law 13,445/2017. First, PLS 288/2013 was forwarded to the Committee on Social

Affairs (CAS) of the Senate, where it was approved in October 2013 with four amendments. Until that moment, there has not been a great mobilization of civil society to influence the Bill. In the Senate Committee on Constitution and Justice (CCJ), an important committee that evaluates the constitutionality of the projects, the PLS proceeded slowly, remaining in this committee for eight months. It was approved in June 2014 without changes and subsequently forwarded to the Committee on Foreign Relations and National Defense (CRE), chaired by Senator Aloysio Nunes himself, who proposed the project. In the latter, it urges to highlight a relevant support from civil society.

> The organizations Conectas Human Rights, Missão Paz, Caritas Arquidiocesana de São Paulo, SEFRAS, Centro de Estudios Legales y Sociales (CELS) of Argentina, Instituto Terra, Trabalho e Cidadania (ITTC) drafted the Open Letter in support of the change of the current law on migration. The letter presented in 2014 to the Brazilian government was signed by 40 civil society entities (Annex 2) and contained five points that summarize the minimum principles that these organizations understood that a migration legislation appropriate to the perspective of human rights should contemplate:
> 1. The guarantee of the human rights of migrants, without discrimination of any kind and regardless of the migratory status;
> 2. The establishment of rapid, effective and accessible immigration regularization procedures as an obligation of the State and a right of the migrant;
> 3. The non-criminalisation of migration, including the principle of non-detention of the migrant for reasons linked to his or her migratory status;
> 4. Judicial control and access of migrants to effective remedies over all decisions of the public power that may generate violation of their rights;
> 5. The creation of an autonomous national institution, with a permanent, specialized professional body and mechanisms of supervision and social control, responsible for law enforcement. (OLIVE TREE; SAMPAIO, 2020 p. 134 and 135)

According to the authors of the book "Foreigner, never again! Migrant as a subject of law and the importance of *Advocacy* for the New Brazilian Migration Law" from which the data were taken as to the process from which the migration law stems, the vote in the CRE was terminative, with the final text approved on July 15, 2015. The authors, Oliveira and Sampaio point out that approved the text, it was forwarded to the Chamber of Deputies, where it changed its number, becoming PL 2.516/2015 where they attached to the PLS other bills with the same theme. In the Chamber of Deputies, Deputy Bruna Furlan and Deputy Orlando Silva were defined as rapporteur of the PL, on July 5, 2016 the opinion of the rapporteur was presented for respective consideration and vote in the Special Committee responsible. On 13 July 2016 the opinion was approved by the Special Committee.

The bill passed the House for approximately five months of negotiation and adjustments to the text of the bill, on December 6, 2016 the bill was put on the agenda for a vote, the vote took place the next day and followed approved with a score of *207x83* votes against. After approval the text was forwarded again to the Senate and transformed into Substitute of the Chamber of Deputies No. 7 of 2016 (SCD 7/2016), it is given the name of Substitute when rapporteur of a certain proposal causes changes in the text of the bill capable of changing the essence of the project proposed integrally.

In the Senate, SCD 7/2016 was forwarded to the Committee on Foreign Relations and National Defense and was approved on April 18, 2017 and forwarded to presidential sanction. The text was sanctioned with some vetoes on May 25, 2017.

With regard to legal advances, the provisions of Articles 3 and 4 stand out. Article 3 addresses the principles and guidelines of Brazilian migration policy. The universality, indivisibility and interdependence of human rights are highlighted; the repudiation of xenophobia, racism and any form of discrimination; the non-criminalization of immigration; the promotion of regular entry and regularization of documents; humanitarian welcome; the guarantee of the right to family reunification; equal treatment and opportunity for migrants and their families; social, labor and productive inclusion through public policies; equal access to social services, programs and benefits; the promotion and dissemination of the rights, freedoms, guarantees and obligations of migrants; international cooperation with States of origin, transit and destination to protect the human rights of migrants; full protection and attention to the best interests of migrant children and adolescents; the protection of Brazilians abroad; academic recognition and professional practice in Brazil; and the repudiation of collective expulsion or deportation practices.

While Article 4 establishes guarantees for migrants, ensuring their civil, social, cultural and economic rights and freedoms, including the right to freedom of movement, family reunification, protection as victims and witnesses of crimes, transfer of financial resources to another country, trade union and political association, access to public health, social assistance and social security services, the right to public education, compliance with legal and contractual labor obligations, the right to leave, remain and re-enter Brazil even during immigration regularization processes, and the right to information on guarantees for immigration regularization.

The approval of the Migration Law took place in the wrapper of the Venezuelan issue in Brazil, the Venezuelan issue is more than just an immigration issue, the Venezuelan refugees who came to Brazil in the last half of the last decade lived under a sharp Humanitarian Crisis that led to the mass immigration of Venezuela's citizens to the border countries.

## 2.4 CONCRETE CASE OF THE MIGRATORY FLOW OF VENEZUELANS IN PACARAIMA-RR

The Venezuelan issue addressed here will be addressed to elucidate the insufficiency of public policies aimed at the reception of refugees and immigrants who may find themselves in a situation of vulnerability, whether social or economic.

The exodus of Venezuelans occurs as a result of a strong political-economic crisis that worsens in the country and is more noticeable and sensitive to Venezuelan citizens in 2015, since then Brazil has been one of the main destinations for people trying to flee the cruel reality that is unleashed in misery and increases social inequalities.

> The political, economic and social instability stemming from the crisis that Venezuela has been facing since 2015 has caused the emigration of more than 4.5 million people by the end of 2019, according to data from the United Nations High Commissioner for Refugees (UNHCR, 2020). Venezuelans have mostly moved to neighboring countries1 in South America, especially Colombia, Peru, Chile, Ecuador and Brazil (UNHCR, 2020; UNHCR, IOM, 2020). (MARTINO; Moreira, 2020)

Although Venezuelan immigration has been taking place since mid-2015 in a more expressive and relevant way, only in 2019 the National Committee for Refugees (CONARE) recognized the situation of Venezuela as a serious and widespread violation of Human Rights, which gives rise to the recognition of refuge by Law 9474/97, which despite existing could not reach people who lived in this condition before there was recognition by CONARE, evidencing the possible insufficiency of immigration policies for the reception of people in conditions of economic and social vulnerability. In this sense, the authors Andressa Martino and Julia Moreira argue:

> The possibility of the regularization of Venezuelans through the refuge, however, in the perspective of Silva (2018), was "unlikely" at the time, due to the understanding that the country's situation did not produce individual persecutions and that the Brazilian government was not moving politically towards the recognition of the Cartagena clause. This resistance to applying to serious and widespread human rights violations has led researchers, such as Laura Sartoretto (2018), to assert that while the national asylum law is considered one of the most inclusive in the region, its interpretation and practice are generally conservative and restrictive. (MARTINO; Moreira, 2020)

Also according to the authors, in the context of Venezuelans in Brazil, complementary protection and temporary residence were initially granted as forms of regularization. Subsequently, after some changes in bureaucratic interpretations, these migrants were recognized as refugees. In the interstitium, they faced obstacles imposed by States, which aimed to restrict the "label" of refugee as a title applied in situations of lesser scope.

The labelling process (*Labelling*) of migrants adopted by the Brazilian government to the Venezuelan case consists of an administrative practice of management of migratory flows that is embodied in the attribution of bureaucratic categories and classifications. These categories reflect the political interests of the receiving countries and determine how migrants will be regularized. The refugee "label" is considered the most privileged, but it has become increasingly difficult to achieve due to states' strategies to adopt complementary protection measures rather than formally recognize migrants as refugees.

> The adoption of complementary protection to the detriment of refuge in Brazil is in line with Zetter's analysis, considering that, although the refuge was recognized in 2019, other measures were prioritized until finally the recognition of Venezuelans as refugees was carried out. Migrants had the task of transiting, from 2017 to 2019, between the "labels" of asylum seeker, temporary resident until they were able to access, then, the refugee, because institutionally, there were changes in the bureaucratic interpretations that led the case to circulate between the CNIg and CONARE. (MARTINO; Moreira, 2020)

The refugee label allows migrants to have the right to access essential services such as health, education, social assistance as well as to carry out paid activities in the country in a legal manner. These rights, constitutional essential to the satisfaction of human dignity, postponed by political-administrative decisions that curtailed social rights considered fundamental to the approximately 250,000 people in refugee situations in Brazil between 2015 and 2020, according to the United Nations High Commissioner for Refugees.

### 2.4.1 Health, Safety and Xenophobia Before the Concrete Case of Pacaraima- RR.

The article "Venezuelan migration and the increase of poverty in Roraima" by Fernanda Cláudia Araújo da Silva and Estevão Mota Sousa addresses the situation of mass migration of Venezuelans to the state of Roraima in Brazil, and how this has impacted the increase in poverty in the region. The authors' research points out that there was a significant increase in the number of Venezuelan migrants in Roraima in the years 2015 to mid-2017. Between 2015 and 2016, the increase was 306.2%, and between 2016 and mid-2017, the increase was 125.6%. Compared to 2015, the total increase was 816.7%. These figures refer to asylum claims, but many migrants do not apply for refugee status, and some do not even register with the border authorities, evidencing underreporting in relation to the actual numbers of refugees on Brazilian soil. The situation experienced in Roraima during this period was described as calamitous by the authors, especially in the area of public health.

In 2018, the Federal Government signed a term of aid to public health in Roraima, proposing several actions to assist immigrants:

> The actions are already being done since we observed the increase in demand in the SUS. This Plan clarifies and directs the responsibilities to each federative entity. On the part of the Federal Government, we released, in total, R $ 160 million of resources from parliamentary amendments to support with more funding the service and also increased the ceiling for medium and high complexity, that is, the resources exist and need to be well applied, "said Minister Ricardo Barros. Among the measures, to guide migrants where to seek care, the Ministry of Health produced bilingual materials (Portuguese and Spanish) with information on access to and care for priority diseases and health problems, such as diphtheria. The distribution is the responsibility of the state and municipalities and on the border of Pacaraima will be the Post of the National Health Surveillance Agency (ANVISA) that will support the migrant. (SMITH; SOUSA apud. M; VALADARES, 2018, s/pagination).

The survey also pointed out the rejection in the face of Venezuelan immigrants, not only for ethnic or cultural issues, but for the fact that these immigrants carry with them the stigma of poverty and social vulnerability. One of the most emblematic issues raised is competition in the labor market. Venezuelan immigrants compete for jobs with the local population, which ends up affecting wages and increasing the need to accept precarious working conditions. The lack of qualification and the scarcity of formal opportunities contribute to this situation, a fact that has caused a negative impact on the economic harvest.

Another perspective relates the presence of Venezuelan migrants associated with social problems, such as prostitution and the increase in drug trafficking. Venezuelan women, including those with higher education, find in prostitution a way to survive in the face of the lack of formal employment alternatives. This reality has an impact not only on the safety of the localities, but also on public health due to the transmission of infectious diseases.

> Prostitution is another problem generated by migration (OITENTA..., 2018), because the Venezuelans who offer their services are in the International Bus Station of the Caimbé neighborhood. Venezuelan prostitutes are married women (who perform the activity with or without the authorization of their husband), single, some of them with higher education, who, because they do not find formal work, end up prostituting themselves. Prostitution in the locality accompanied the unleashing of drug trafficking, which further aggravates the issue of security in the localities, mainly due to the significant influx of delinquent migrants. Several public jails and prisons in Roraima were opened, due to the lack of money to sustain the administrative structure, facilitating the entry of Venezuelan criminals into Brazil. However, research has already indicated that the participation of these Venezuelan migrants in proven crime is the same, in proportional terms, as that of the local population (MÁRMORA, 2000). (SMITH; SOUSA, 2018)

According to the Ministry of Health, of the 39,440 medical treatments provided to Venezuelans in Brazil between 2018 and 2022, 16,243 were services to parturients, a number that represents 41.18% of the treatments provided in all these years. Taking into account the years 2020 to 2022, more than 2.64% of the treatments offered by SUS were to treat infections resulting from the COVID-19 pandemic. Regarding the impact of the high birth rate, an article that studied the routine of a local hospital in Roraima points out the following:

> In this sense, the maternity hospital in question registered a significant increase in the number of deliveries, especially of premature babies below nine months, reaching only in the month of January 2019 thousand deliveries, being one hundred preterm newborns27. This increase in deliveries, which reaches almost double that of 2018, qualifies Roraima as the state with the largest population increase in the country, according to IBGE statistics28. Still, the hospital has only 888 permanent employees among doctors, nurses, nursing technicians, medical residents and nursing assistants. The situation related to problems in pregnancy and neonatal is only not more serious because recently a screening station was implemented in Boa Vista that, among other services, performs immunization of immigrants, such as the MMR vaccines, against yellow fever and against hepatitis B11. These actions prevent some infections that can be serious in pregnancy for the mother-child binomial; They do not solve, but mitigate some risks, since most immigrants do not perform prenatal care satisfactorily or even do it. (ROBINSON; SALES; TORRES, 2020)

According to another health study, the impact of Venezuelan migration on hospitals in Roraima, Brazil, has been significant and presents a number of challenges for the health system. The study in thesis is entitled "Impact of Venezuelan migration on the routine of a reference hospital in Roraima, Brazil", published in the journal Interface -Comunicação, Saúde, Educação.

One of the most challenging issues faced by hospitals was the substantial increase in demand for medical care. The arrival of large numbers of Venezuelan migrants has overwhelmed health

services, made it difficult for other patients to access them, and caused a shortage of the resources that were available.

Above all, this movement of human mobility brought with it the spread of infectious diseases due to the precarious living conditions during the migratory journey and the lack of access to adequate health care in their country of origin contributed, according to the study, to the emergence and spread of these diseases.

Perhaps the biggest mistake of the social policies of the Brazilian system is not to act in a preventive way to curb the eventual problems that may happen, as well as in security, health, education and the economy. One of the main objectives of the notes raised in relation to the immigration movement is to show that a policy was instituted and promulgated at a time when it was essential, however even after its promulgation and vigor did not prevent some results of these events arising from the migratory flow from happening.

## 2.5 THE AFGHANS AT GUARULHOS AIRPORT FROM A PERSPECTIVE OF THE FILM THE TERMINAL

The second half of 2022 highlighted another lack of preparation of Brazil regarding the reception of refugees, this time the issue will address the hundreds of Afghans who arrive in Brazil fleeing the conflicts that have surrounded them. On October 11, 2022 the television journalism network published on its website a story about the case in which more than 120 Afghans were in makeshift camps inside the Guarulhos International Airport, the article brings an account of a 27-year-old woman who worked for the Afghan government and who decided to come to Brazil along with her sister and nephews, And by the time of the report, they had been living in stressful conditions for ten days, feeding and sleeping in makeshift camps at the airport.

In another report, this time promoted by Rede Globo television, aired on November 9, 2022, addresses the routine of 125 immigrants who lived in the same airport of Guarulhos, according to interviewees in the report the environment resembles a prison. "It's not easy for you to work in an environment and see people suffering like this, being treated like this, smelling bad, not showering." Reported the employee of the airport Maria de Socorro Feitosa. The report found that the refugees had access to staff restrooms only once a week to shower.

In a parallel, the film "The Terminal" presents the fictional story of Viktor Navorski, played by Tom Hanks, a traveler who is trapped in the airport after a coup d'état in his country. He becomes an outsider in this environment, where he is considered a foreigner and is not allowed to enter the territory of the United States. In the interim, the character is portrayed dealing with different aspects of everyday life lived by the character at the airport without even knowing how to communicate in the local language.

Unable to understand very well what was happening due to his limited language, Viktor receives a beep and some food stamps when returning to the international terminal, by the images of his country at war through a television set he understands limited part of what was happening. Soon after he looks for a place to settle down and spend the night. And so he adapts in some way to the troubled environment that is life in an airport.

The allusion to the film is important for the realization of how unusual is the reality lived by these Afghans at the international airport of Guarulhos. In the article "The Stateless in the Light of 'The Terminal'" by Carolina Genovêz Parreira and Nádia Teixeira Pires da Silva the legal identification of stateless individuals (which is not the object of study of this article, however the approach by the similarity of the processes is relevant) and the way this identification is a form of exclusion. Viktor becomes invisible and excluded, lost in the midst of the indifferent crowd. He tries to adapt to the situation, following the rules and restrictions imposed by the director of the airport, and establishes relations of solidarity with junior employees of the airport, who are also invisible due to their condition as foreigners or workers in activities considered unimportant.

> As the film Terminal shows, the violence of exclusion provided by the condition of statelessness – in fact, of any form of exclusion – leads people to be in a situation of liminality, in which the expectations of rights, even if frustrated, do not cease to wait for updating, for effectiveness. They live in a legal limbo, invisible, forgotten, until the social context changes in some way, even by transgression, so that they become visible to the right that excluded them by including them as stateless. (PARREIRA; Smith, 2012)

Still according to the authors, both the filmic work and the imitation of art by real life show that the right while including it can exclude, this refers to the political aspects that were treated the Jews as an exception that spread anti-Semitism. The same right that identified the immigrant, the migrant, the stateless person and the refugee is the same right that excludes them through inhuman bureaucratization, incompleteness and unpredictability by limitation or neglect of those who constitute the norms.

## 3 FINAL CONSIDERATIONS

The horrors of the second war exposed a dark side of the collective consciousness, as a burden of a terrifying past, memories remain that of so much pain and shame can never be forgotten. It is worth looking to the past to build a future in which society does not make the same mistakes. In view of the bibliographic research it was possible to understand that human dignity can only be guaranteed with the inclusion and participation of marginalized subjects in public affairs, guaranteeing the invisible public policies that welcome them to the extent of their needs.

Reinforcing the conception of Moraes, Human Dignity is a spiritual and moral state inherent to the person, which can be guaranteed before the respect of society for this person, without there

being distinctions of origin, race or creed. Human rights can only be fully guaranteed when democracy succeeds in ensuring that all voices are heard and taken into account equally. In a democratic society Human Dignity must be safeguarded and reaffirmed at all times by the State and society. In the modern world, in democracies under construction, and democracies already consolidated, the struggle for the promotion of human dignity proves to be a challenge.

In Brazil, even in the face of an advance in the Brazilian legal system regarding the enactment of the 2017 Migration Law, one can perceive the recurrence of social problems that relate to foreigners who enter the national territory in a situation of refuge. These social problems may arise from mere administrative issues, such as recognizing the immigrant as a refugee, or from anomie of the State for not having legal provisions that guarantee the basics to these people such as food and shelter.

The Constitution of the Federative Republic of Brazil of 1988 substantiated in its matter individual and social Fundamental Rights that cannot be satisfied merely by its provisions in the constitutional text. Brazilian law needs to move towards the aspect of humanization, capable of welcoming and not excluding minorities in moments of vulnerability, as is the case of people who seek refuge due to ethnic, religious conflicts or political-economic crises. In a postmodern reality, the promotion of human dignity becomes even more urgent.

The struggle for human rights transcends borders in the quest to ensure that all human beings are treated with dignity and respect, regardless of their origin or status. The promotion of human dignity also requires a cultural and 24-mindset change. It is necessary to combat stereotypes, prejudices and discriminations that perpetuate inequalities and violations of human rights. Prejudice is reluctant to show itself in the unconscious actions of society, on the one hand, xenophobia against Venezuelan refugee immigrants takes shape and fosters the marginalization of Latin American subjects in human conditions vulnerable to the volatility of the State's consideration, on the other, Afghans even if reached more completely by the help of NGOs, and in a situation that can be controlled, These are subjected to unimaginable conditions of indignity and curtailment of their freedom in inappropriate environments, such as in the common areas of an airport, where the satisfaction of basic hygiene such as bathing is allowed only once a week.

The Democratic Rule of Law must be validated through the creation of mechanisms that, in addition to satisfying the basic needs of neglected subjects, guarantee them freedom and participation in local politics. The promotion of Human Dignity must be reaffirmed at all costs so that it remains in the tradition of a society and remains the essence of it. The guarantee of these elements can only be effected when in fact the State can see the inherent humanity of these individuals and begin to treat them as subjects of rights.

## REFERENCES


ARENDT, H. Eichmann em Jerusalem : um relato sobre a banalidade do mal. São Paulo (Sp): Companhia Das Letras, 2008.

ARENDT, H. – Origens do Totalitarismo, 2ª Edição, São Paulo, Companhia das Letras, 2007;

ARRUDA-BARBOSA, L. DE .; SALES, A. F. G.; TORRES, M. E. M.. Impacto da migração venezuelana na rotina de um hospital de referência em Roraima, Brasil. Interface – Comunicação, Saúde, Educação, v. 24, p. e190807, 2020.

BBC News Brasil. "A época em que o Brasil barrou milhares de judeus que fugiam do nazismo". Publicado em 20 de janeiro de 2019. Disponível em: https://www.bbc.com/portuguese/brasil-46899583. Acesso em 07 de maio de 2023.

BRASIL. [Constituição (1988)]. Constituição da República Federativa do Brasil de 1988. Brasília, DF: Presidente da República, [2016].

CNN Brasil. Após retirada de afegãos, mais de 120 novos refugiados vivem em aeroporto de SP. Disponível em: https://www.cnnbrasil.com.br/nacional/apos-retirada-de-afegaos-mais-de-120-novos-refugiados-vivem-em-aeroporto-de-sp/ Acesso em: 29 maio 2023.

DA SILVA, Fernanda Cláudia Araújo; SOUSA, Estevão Mota. A migração venezuelana e o aumento da pobreza em Roraima. Tensões Mundiais. V. 14. N.27. Fortaleza. 2018, p. 105-119.

Fala.BR - Plataforma Integrada de Ouvidoria e Acesso à Informação. Disponível em: https://falabr.cgu.gov.br/publico/Manifestacao/DetalheManifestacao.aspx Acesso em: 13 de março de 2023.

FERNANDES, Ricardo Vieira de Carvalho; BICALHO, Guilherme Pereira Dolabella. Do positivismo ao pós-positivismo jurídico: o atual paradigma jusfilosófico constitucional. Disponível em: https://www2.senado.leg.br/bdsf/bitstream/handle/id/242864/000910796.pdf Acesso em: 14 de maio de 2023.

G1. 'Isso é uma prisão', diz funcionária do aeroporto de Guarulhos sobre acampamento improvisado de refugiados afegãos. Profissão Repórter, 9 nov. 2022. Disponível em: https://g1.globo.com/profissao-reporter/noticia/2022/11/09/isso-e-uma-prisao-diz-funcionaria-do-aeroporto-de-guarulhos-sobre-acampamento-improvisado-de-afegaos-refugiados.ghtml Acesso em: 29 maio 2023.

HABERMAS, Jürgen. Direito e Democracia entre facticidade e validade I. 2. Ed. Rio de Janeiro: Tempo Brasileiro, 1997.

MARTINO, A. A.; MOREIRA, J. B.. A política migratória brasileira para venezuelanos: do “rótulo” da autorização de residência temporária ao do refúgio (2017-2019). REMHU: Revista Interdisciplinar da Mobilidade Humana , v. 28, n. 60, p. 151–166, set. 2020.

MORAES, Alexandre de. Direito constitucional. 36. ed. São Paulo: Atlas, 2020.

OLIVEIRA, A. T. R. DE. Nova lei brasileira de migração: avanços, desafios e ameaças. Revista Brasileira de Estudos de População, v. 34, n. 1, p. 171–179, jan. 2017.

OLIVEIRA, Ebenézer Marcelo M. de; SAMPAIO, Cyntia. Estrangeiro, nunca mais! Migrante como sujeito de direito e a importância do Advocacy pela Nova Lei de Migração Brasileira. São Paulo: Centro de Estudos Migratórios, 2020.

PARREIRA, Carolina Genovêz; SILVA, Nádia Teixeira Pires da. Os Apátridas à Luz de "O Terminal". 2012.Disponível em: http://www.publicadireito.com.br/artigos/?cod=1134ac57b5b1d38b Acesso em: 29 maio 2023.

SANTOS, Robério Honorato dos. Hannah Arendt: o antissemitismo ideológico e a racionalidade totalitária. Editora Appris, 2018.