

Situation in Ukraine

..... Refugees and humanitarian reception



What is happening in Ukraine?

The history of Russia and Ukraine is closely intertwined. Since the end of the Soviet Union and its independence in 1991, Ukraine maintained a strong connection with the Russian Federation, both in economic and political matters.

In the beginning of 2014, after the demonstrations of the Ukrainian population in favor of a change of direction of the country's politics towards the West instead of Russia, through a series of protests known as Euromaidan, which took place in the previous year, conflicts began in the Ukrainian territory, both in the East and in the South.

In the South, the Crimean Peninsula, after a local plebiscite, was attached to the Russian Federation in March 2014. In the East, separatist movements in the provinces of Lugansk and Donetsk in the Donbas region started confrontations with the Ukrainian forces, declaring their independence in April of the same year. Territorial changes and conflicts in eastern Ukraine are estimated to have generated approximately 1.5 million internally displaced persons (IDPs), with almost 65% in the Donetsk, Lugansk and Kyiv regions.



*Ukraine's territory annexed by Russia in 2014

Human mobility in the situation in Ukraine

On **February 24th, 2022**, 2022, after weeks of tension between the governments of Ukraine and the Russian Federation, Russian troops were sent to the Ukrainian territory, especially in the Donbas region, starting a war, with shelling taking place throughout the territory of Ukraine, sieges and cities taken by the Russian armed forces, generating even more internally displaced persons and refugees.

The situation in Ukraine has caused the displacement of at least **2 million people** in just over **10 days**. 10 days. On March 3rd, the Russian and Ukrainian delegations, negotiating in Belarus, agreed to create humanitarian corridors for the entry of provisions and the withdrawal of civilians from the conflicting territory.

The countries that received the largest number of Ukrainians are Poland, Hungary, Romania, Moldova, Slovakia, Belarus and Russia. Other countries have already received or demonstrated their intention to receive Ukrainians such as Brazil, the United States of America Australia, the United Kingdom, the United Arab Emirates and Canada.

The current prospects are that the number of displaced people, seeking neighboring countries as a way to escape the conflict, will reach 4 million people, almost 10% of Ukraine's total population.

The European Union has approved the temporary protection of Ukrainians and people of other nationalities who are in the country. The measure provides for a residence visa for 1 year and is extended every 6 months within a 2-year limit. In addition, there is the provision for the construction of a reception center in Romania, which contrasts with the paradigm of denial of citizenship, documentation and even passage for refugees and refugees from other nationalities, as it became clear at the time of the humanitarian crisis arising from the restrictive migration policies of the European states, especially with regard to displaced people from North Africa and the Greater Middle East.

Humanitarian Reception in Brazil



The Brazilian Ministry of Foreign Affairs monitors the situation of Brazilians in Ukraine. Outposts have been installed in Siret, Romania, where 63 Brazilians joined, and in Lviv in Poland.

The Brazilian government issued the Interministerial Ordinance No. 28 on March 3, regulating the granting of a humanitarian visa to Ukrainians and stateless persons affected by the conflict. The Ordinance is valid until August 31, 2022.

The temporary visa for humanitarian reception is valid for 180 days, and the holder must present himself in one of the units of the Federal Police to register him/herself up to 90 days after entering the Brazilian territory.

Temporary residence due to humanitarian reception is valid for 2 years and may be converted to a permanent residence permit at the end of this period.

Humanitarian

Reception in Brazil

To apply for a visa, the applicant must present: valid travel document, completed visa application form, proof of means of transportation of entry into the Brazilian territory and criminal record certificate issued by Ukraine or, where it is not possible, a formal declaration, under the penalties of the law, of absence of criminal records in any country. There is a need for a face-to-face interview that may be waived at the discretion of the consular authority.

If the Ukrainian person is already in Brazil, regardless of his/her migratory status, he/she may apply for a residence permit for humanitarian reception before one of the units of the Federal Police. The initial term is also 2 years.

Obtaining the residence permit provided for in this Ordinance implies the withdrawal of an application for the recognition of refugee status.

The work activities are guaranteed for the beneficiaries of this Ordinance, as well as the exemption of fees for obtaining a visa, registration and residence permit. However, the provision of pre-consular services by third parties contracted by the Brazilian government may involve the collection of fees.

The Brazilian Embassies of Brazil in Warsaw, Budapest, Bucharest, Praga and Bratislava will grant the visas for humanitarian reception.

Who are the internally displaced persons?

These are people who have been forced to flee their habitual place of residence due to armed conflict, human rights violations, widespread violence or disasters, but that did not cross the borders of their country, moving internally to other regions.

There is no international Convention applicable to internally displaced persons, unlike refugees. In this sense, these persons remain under the protection of the State in which they reside, provided that international human rights law and humanitarian law are respected.



They are people who leave their country of origin or residence because of well-founded fear of persecution related to issues relating to their origin, religion, nationality, participation in a particular social group or their political opinion, as well as due to the serious and widespread violation of human rights and armed conflicts.

Who are the refugees?

Who are the asylum seekers?

They are people who move for the same reasons as a refugee, but are still awaiting recognition of this condition by the competent authorities.



What is a visa for humanitarian reception?

Humanitarian reception is an innovation brought by the Brazilian Migration Act since 2017. It is at the same time a principle of Brazilian migration policy and a basis for visa and residence permit.

A temporary humanitarian reception visa may be granted to the stateless or national of any country that is suffering serious or imminent institutional instability, armed conflict, large-scale calamity, environmental disaster violation of human rights or international humanitarian law. The freedom to work is recognized to the immigrant that holds a humanitarian reception visa.

It is provided for in the Migration Act and in the Decree that regulates it in a generic manner, and it must be more specifically regulated by means of the Joint Act of the Ministers of State of Justice and Public Security, Foreign Affairs and Labour.

What is a residence permit for humanitarian reception purposes?

A residence permit is granted to immigrants who wish to work or reside and settle temporarily or permanently in Brazil, provided that they meet the special requirements laid down in the Migration Act and its regulation.

Residence permit for humanitarian reception may be granted to the stateless or the national of any country in a situation of serious or imminent institutional instability, armed conflict, large-scale calamity environmental disaster or serious violation of human rights or international humanitarian law.

It is important to remember that Ukraine is a destination and transit country for migrants and refugees. In 2020, some **2.200 mil refugees** and **2.300 asylum seekers** of **60 nationalities** (Afghanistan, Syria, Somalia, Iran, Iraq, Russia, Armenia, among others) were welcomed in the Ukrainian territory. At least 1/3 is made up of women and children. In addition, other vulnerable groups such as the elderly, people with disabilities, LGBTQIA+, minorities, among others need protection.

The situation in Ukraine needs monitoring and will continue to be monitored in the hope that the conflict will promptly come to an end with minimal loss and suffering for those affected.

Main visas for Ukrainians wishing to come to Brazil

We can talk about three main modalities of visas for Ukrainians wishing to come to Brazil:



Visit visa



Family reunion visa



Humanitarian reception visa

The visit visa has replaced the so-called tourist visa since the migration law (Law 13,445/2017), being used for short-term stays without the intention of establishing residence. According to the General Framework for Visa Regime for the Entry of Foreigners into Brazil, disclosed by the Ministry of Foreign Affairs, Ukrainians visiting the country are exempt from obtaining any visa in consular offices for stays of up to 90 days every 180 days.

Thus, only by carrying a valid passport, they could enter Brazil as visitors for a short stay.

In turn, the family reunion visa aims to enable the approximation between family members living abroad and those living in Brazil, and there must be a specific family bond as established in the Migration Law. As an advantage, family members who arrive in Brazil with this visa modality are entitled to a permanent (as opposed to temporary) residence permit.

Finally, the humanitarian reception visa, which follows a fast-track procedure for nationals of specific countries and allows for the flexibilization of documental requirements, offers the possibility of a temporary residence permit for 2 years that may be converted to a permanent residence permit at the end of this period, if the requirements laid down by Inter-ministerial Ordinance No. 28 on March 3 are met.

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