

Situation in Afghanistan

Refugees and Reception



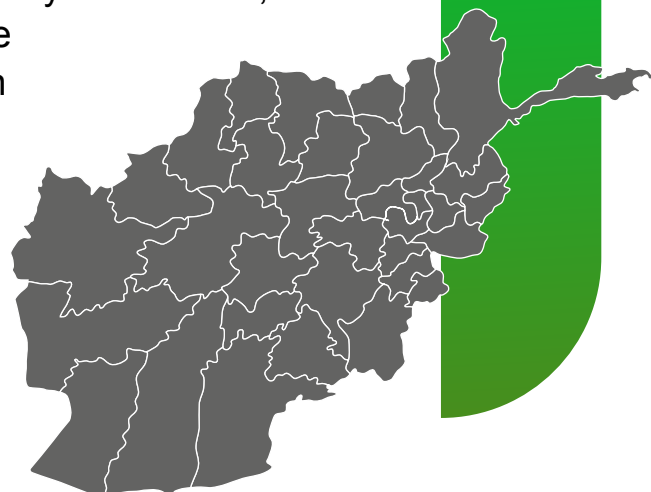
Comissão de
Direitos Humanos

Situation in Afghanistan

In 2020, the United States of America and the Taliban signed an agreement in Doha, in order to end the Afghanistan war, which began in 2001, with the objective of withdrawing all NATO troops (North Atlantic Treaty Organization) from its territory, as well as the release of prisoners by the Afghanistan government, and in return the Taliban assured that it would prevent the terrorist group Al-Qaeda from operating in areas under the control of the Taliban. In 2021, the United States of America announced the withdrawal of troops from Afghanistan that helped the Afghanistan government with the security of the country, with deadline in September.

In the same year 2021, the Taliban began an offensive against the Afghan government, capturing various districts in the country, culminating in the fall of Kabul and the Islamic Republic of Afghanistan, with the Islamic Emirate of Afghanistan being restored, under the Taliban government, retaking a fearful environment in relation to human rights, especially in relation to religious freedom, cultural freedom, women's rights and LGBTQIA+ populations.

In the midst of the territorial victories of the Taliban, an effort to evacuate foreign citizens and vulnerable people began, with the Kabul International Airport as the main escape point. These new events increased the number of previously existing refugees, result of the last 20 years of conflict. It is estimated that just in the year 2021, with the resumption of power by the Taliban, a total of 1.358 million people have fled the country, with the majority seeking to establish themselves in the neighboring countries, about 900 thousand in Iran and little more than 250 thousand in Pakistan.





Humanitarian Aid in Brazil

In 2021, within the context of the evacuation of vulnerable non-affected population in Afghanistan, Brazil issued the Ministerial Ordinance No. 24, on September 3, authorizing the granting of temporary visa and residence for purposes of humanitarian aid for Afghanistan nationals, stateless and people affected by the situation of institutional instability generated in the country, with a serious violation of human rights or international humanitarian law.

This document is of utmost importance to the population, once it emerges as a greater possibility for people displaced from that country, not excluding other visa modalities provided for by the Migration Law, neither, obviously, excluding the possibility of requesting refuge. It is also of interest that Ordinance No. 24 it is not restricted to just one nationality: “Afghanistan”, but includes both stateless people, i.e., that no State recognizes their nationality and therefore protects them at international level, but also all and any people, regardless of their nationality, who have been affected by the situation of instability in the country and seek protection in the Brazilian territory - always providing special care to requests from women, children, the elderly, people with disabilities and their family groups.

Besides, a person beneficiated by this Ordinance has freedom to exercise labor activity and fees exemption, emoluments and fines for obtaining a visa, registration and residence authorization (values may be charged for the provision of pre-consular services by third parties hired by Brazilian government to carry out such activity).

What is the humanitarian aid visa?

A humanitarian aid, innovation brought by the Migration Law since 2017, is at the same time a principle of the Brazilian migration policy and a basis for visa and residence authorization.

The temporary visa for humanitarian aid may be granted to a stateless person or a national of any country in a situation of serious or imminent institutional instability, armed conflict, major calamity, environmental disaster or serious violation of human rights or international humanitarian law. A possibility of free exercise of labor activity will be granted to the immigrant who has been granted or seen temporarily.

It is said in the Migration Law and in the Decree that regulates it in a generic way, being necessary its proper specification by a joint act from the Ministers of Justice and Public Security, Foreign Relations and Labor.

What is a residency authorization for purposes of humanitarian aid?

A residence authorization is granted to an immigrant who intends to work or reside and settle temporarily or definitively in Brazil, provided that he/she satisfies the requirements of a special nature, provided for in the Migration Law and its regulations.

How can I apply for a humanitarian aid visa?

To apply for a temporary visa (180 days), the applicant must present to the Consular Authority (i) a valid travel document; (ii) completed visa application form, (iii) proof of means of transport to enter Brazil, (iv) criminal record certificate issued by Afghanistan, or, in the impossibility of obtaining it, declaration, under the penalties of the law, of no criminal record in any country.

Interviews to obtain a humanitarian aid visa are being carried out at the Brazilian Embassies in Islamabad, Tehran, Moscow, Ankara, Doha and Abu Dhabi.

Anyone who obtains this visa must register at one of the Federal Police units in Brazilian territory within ninety days after entering the country, being granted temporary residence for two years in Brazil.

After entering Brazil with a humanitarian aid visa, how can I register with the Federal Police?

To register with a temporary humanitarian visa, the applicant must present to the Federal Police of the district of his/her residence: (i) Valid travel document or other document proving identity and nationality; (ii) Specific application, through an electronic form duly completed on the Federal Police website; (iii) Declaration of electronic address and other means of contact, accompanied by a simple copy of proof of residence; (iv) Original visa form.

No fees are charged for registering a humanitarian aid visa and obtaining a residence permit for 2 years, renewable for an indefinite period.

How can I apply for a residence permit for humanitarian aid purposes?

With this ordinance there is also the possibility of requesting, for those who are already in the territory, a residence permit for humanitarian aid, with an initial period of two years. For the request, it is necessary to present a travel document, even if expired; birth certificate, or marriage certificate, or consular certificate - if the filiation proof does not appear on the travel document; declaration of absence of criminal records in Brazil and abroad in the last five years.

It should be noted that the migrant may apply, with the Federal Police, ninety days before the expiration of the two-year period, for a residence permit with an indefinite period of validity, provided that he has not been absent from Brazil for more than ninety days each year; has entered and left Brazil exclusively through Brazilian immigration control; present a clear criminal records both in Brazil and abroad; and prove means of subsistence in the country.

If you have applied for refugee status and then opt for a residence permit, the request for recognition of refugee status in the country is automatically withdrawn. Nothing stops you from, in the future, submit a new request for analysis by CONARE - National Committee for Refugees.

In case of doubt about the rights and duties related to the asylum application compared to the residence permit for humanitarian aid, we suggest looking for a legal advice service, such as the Union Public Defender's Office, legal clinics at Universities, public services for immigrants and NGOs.



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Glossary

Who are the stateless?

People who do not have a nationality bond with any State and, consequently, are without its protection.

Who are the internally displaced?

These are people who have been forced to flee their usual place of residence due to armed conflicts, human rights violations, generalized violence or disaster situations, but who do not cross the borders of their country, moving internally to other regions.

There is no international convention on internally displaced persons, unlike refugees. In this sense, these people remain under the protection of the State in which they reside, respecting international human rights law and humanitarian law.

Who are the refugees?

People who leave their country of origin or residence due to well-founded fears of persecution related to race, religion, nationality, belonging to a particular social group or political opinion, as well as due to serious and widespread violations of human rights and armed conflicts.

Who are refugee/asylum seekers?

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

What is Human Trafficking?

Human trafficking is one of the largest and oldest forms of human rights violations. Being every form of commercialization of another human being, through exploitation to obtain any kind of advantage, whether financial or sexual.

As mentioned at the Palermo Convention, which took place in 2000 at the UN headquarters in New York, human trafficking must have three elements: act, means and objective, with the objective always being exploitation. It is the third fastest growing crime in the world, second only to drug trafficking and arms trafficking: it is estimated that human trafficking victimizes 4 million people around the world every year.

Brazil is a country of origin, destination, and passage of people in situations of human trafficking. According to the 2013 report by the National Secretariat of Justice, in Brazil the three main modalities are: commercial sexual exploitation; work exploitation; and organ removal. Research shows that the main target audience of criminal networks are women, children, adolescents and the LGBTQIA+ public. Prevention is always the best way to tackle this crime.

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