

SOCIAL RIGHTS OF IMMIGRANTS FROM AMAZONAS (BRAZIL) AND THE REFLECTIONS OF BORDER RESTRICTION DURING COVID-19 PANDEMIC

OS DIREITOS SOCIAIS DOS IMIGRANTES DO ESTADO DO AMAZONAS E OS REFLEXOS DA RESTRIÇÃO DE FRONTEIRAS EM SITUAÇÃO PANDÊMICA DE COVID-19

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ABSTRACT: This investigation aims to propose a scientific discussion about the impacts of the Covid-19 pandemic regarding the fundamental social rights of immigrants in Amazonas, Brazil. We also study the consequences of the restriction of borders. According to the results of the online field survey carried out by PUC-MINAS and UNICAMP, in May and July 2020, the pandemic scenario caused impacts on the protection of the fundamental social rights of immigrants. This situation violated essential principles and guidelines that govern Brazil's immigration policy, according to Law n. 13,445/17. Thus, through a critical approach to the proposed object of investigation, bibliographical and documentary research, comparative, interpretive, and systematic analyses, we seek to demonstrate the impacts of the pandemic on the protection of fundamental rights of immigrants related to the aspect of social rights in the context of Amazonas, Brazil.

KEY WORDS: Amazonas; Covid-19; Social Rights; Fundamental Rights; Immigrants.

RESUMO: Objetiva-se com a presente investigação propor uma discussão científica acerca dos impactos da pandemia da Covid-19 no que tange os direitos fundamentais sociais dos imigrantes, de modo específico, nos estados do Amazonas, bem como um estudo sobre os reflexos da restrição de fronteiras. Conforme resultado da pesquisa de levantamento de campo *online* realizada pelas instituições PUC-MINAS e UNICAMP, nos meses de maio e julho de 2020, o cenário pandêmico provocou impactos na proteção dos direitos fundamentais sociais dos imigrantes, conseqüentemente a violação de princípios fundamentais e diretrizes que regem a política migratória do Brasil, consoante a Lei n. 13.445/17. Assim, por meio de uma abordagem crítica do objeto de investigação proposto, pesquisa bibliográfica e documental, análises comparativas, interpretativas e sistemáticas, busca-se demonstrar os impactos da pandemia na proteção de direitos fundamentais dos imigrantes relacionados ao aspecto dos direitos sociais no contexto do estado do Amazonas.

PALAVRAS-CHAVES: Amazonas; Covid-19; Direitos Sociais; Direitos Fundamentais; Imigrantes.

SUMÁRIO: INTRODUCTION; 1. OVERVIEW OF IMMIGRATION IN BRAZIL; 2. ASPECTS OF IMMIGRATION CONCERNING IMMIGRANTS RESIDENT IN AMAZONAS (BRAZIL); 3. SOCIAL RIGHTS AND THE REFLECTIONS OF BORDER RESTRICTION ON INTERNATIONAL MIGRATION IN AMAZONAS (BRAZIL) DURING THE COVID-19 PANDEMIC; CONCLUSIONS; REFERENCES

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INTRODUCTION

Migration is part of history, but recently it has been highlighted on the international and national scene due to the high number of people who cross territories searching for protection and better living conditions. There is a change in the profile that encompasses entire families. This mass phenomenon that is currently verified points to a need to rethink migrations and how the States, especially Amazonas, Brazil, have reacted to them.

Once we presented the theme, we can show the problem that permeates the work, i.e., the main contours of international migration in Amazonas (Brazil) related to social rights. Also, the consequences of the restriction of borders in the face of the Covid-19 pandemic.

Therefore, this work aims to explore the social rights of international migrations in Amazonas, Brazil, from the perspective of the immigrant's protection and enforcement of fundamental social rights and the consequences of the restriction of borders, in the face of the Covid-19 pandemic.

We divided this study into three sections, in addition to the introduction and final considerations. In the first section, "An overview of migration in Brazil", we analyze the change in the migration profile in Brazil and its causes. We also address the framework to protect the migrants' fundamental rights in the face of new migration legislation, Law 13,445/2017. Furthermore, we highlight the same kind of protection presented by Brazil's Federal Constitution of 1988 and various International Treaties to the immigrant. It is necessary to implement substantial equality and the principle of non-discrimination as a form of protection and enforcement of the fundamental rights of immigrants in Brazil.

In the second section, "Aspects of immigration concerning immigrants resident in Amazonas (Brazil)", we analyze the negative effects of these international migrations on social rights.

In the third section, "Social rights and the reflections of border restriction on international migration in Amazonas (Brazil) during the Covid-19 pandemic", we analyze the access to rights and services, seeking to assess the contrast of situations before and post-pandemic and verify the particularities present in the relationship between migration and the Covid-19 pandemic.

We justify this theme due to its theoretical, practical, and current relevance, especially since it is a study aimed at analyzing the impacts of the pandemic scenario on the protection of the fundamental social rights of immigrants in the context of Amazonas, Brazil.

Regarding the methodology used, we chose the deductive method, combined with descriptive and analytical research based on concepts and aspects considered fundamental to develop the theme. To achieve our objectives, we opted for a specific bibliographic survey. We analyzed national and international documents dealing with the subject. We researched, in particular, the results of the online field survey research carried out by the institutions PUC/MINAS and UNICAMP in May and July 2020.

1. OVERVIEW OF IMMIGRATION IN BRAZIL

In 2020, more than 281 million people resided outside their country of origin, whether because of work, migration, or humanitarian crises (Cruz Vermelha, 2021). According to the UNHCR Global Trends – Forced Displacement in 2019 report³, published on June 18, 2020, there were 79.5 million people forcibly displaced worldwide. This phenomenon affects many countries and governments. Analyzing the Brazilian migration history from 2010 to 2019, we noticed a change in the characteristics of the migrants and the migration flow. These factors also changed with the Covid-19 pandemic. Analyzing the International Migration Observatory (OBMigra) annual report⁴, it is possible to understand these changes and study the impacts on migration in Brazil.

In this report, CAVALCANTI, OLIVEIRA, and MACEDO (2020) point out the first change in the migration profile. Human mobility was previously north-south, and now it is south-south. Before, Brazil has received numerous European migrants. Recently, people from Senegal, Congo, Angola, Haiti, and Venezuela came to Brazil. These authors list three causes for this change: the 2007 economic crisis in the U.S.,

³ACNUR. Global Trends – Forced Displacement in 2019. 2020. Available on <https://www.unhcr.org/5ee200e37.pdf>. Access on July 6, 2021.

⁴ CAVALCANTI, Leonardo; OLIVEIRA, Tadeu de; MACEDO, Marília de. **Imigração e Refúgio no Brasil**. Relatório Anual 2019. Série Migrações. Observatório das Migrações Internacionais; Ministério da Justiça e Segurança Pública/ Conselho Nacional de Imigração e Coordenação Geral de Imigração Laboral. Brasília, DF: OBMigra, 2020. Available on https://portaldeimigracao.mj.gov.br/images/dados/relatorio-anual/2020/OBMigra_RELAT%C3%93RIO_ANUAL_2020.pdf. Access on July 6, 2021.

Brazil's economic and social development, and the emerging image of the country as a member of the BRICS and as a host country for important international events, such as the World Cup in 2014 and the Olympics in 2016.

In the last decade, the national migration legislation also changed. Furthermore, the request for refuge was the most common migratory status among Venezuelans, made at the Brazilian border, in Pacaraima, Roraima. That was before the publication of Interministerial Decree n. 09, of March 14, 2018⁵, which regulates the temporary residence of the immigrant in Brazil for two years. This form of documentation has been the most required due to its ease and lack of costs. On the other hand, temporary residence requires several documents, it is expensive, and most cannot afford it. To solve these problems, a new ordinance, n. 15, of August 27, 2018⁶, was published to simplify the documentation process. It included those who did not have all the documents required at the time of application. And for those who cannot pay the fees charged, there is the possibility of a declaration of financial loss.

The humanitarian visa is a policy adopted by the Brazilian government to give asylum to Haitians. They were requesting it with difficulty because there was no consensus and legal support to classify them as environmental refugees. However, the earthquake justified the worsening of the living conditions of Haitians, turning it into a humanitarian issue⁷.

Because of the Interministerial Ordinance n. 10 of April 6, 2018⁸, the visa is now issued exclusively at the Brazilian Embassy in Port-au-Prince for two years.

⁵ BRASIL. **Portaria Interministerial n. 09, de 14 de março de 2018**. DIÁRIO OFICIAL DA UNIÃO. Published on: 15/03/2018 | Edition: 51 | Seção: 1 | Page: 57. Organ: Ministério da Justiça/Gabinete do Ministro. Available on https://www.in.gov.br/materia/-/asset_publisher/Kujrw0TZC2Mb/content/id/6653698/do1-2018-03-15-portaria-interministerial-n-9-de-14-de-marco-de-2018-6653694. Access on July 6, 2021.

⁶BRASIL. **Portaria Interministerial nº 15, de 27 de agosto de 2018**. Altera a Portaria Interministerial nº 9, de 14 de março de 2018. DIÁRIO OFICIAL DA UNIÃO. Published on: 08/28/2018 | Edition: 166 | Section: 1 | Page: 32. Organ: Ministério da Justiça/Gabinete do Ministro. Available on https://www.in.gov.br/materia/-/asset_publisher/Kujrw0TZC2Mb/content/id/38537714/do1-2018-08-28-portaria-interministerial-n-15-de-27-de-agosto-de-2018-38537352. Access on July 6, 2021.

⁷FERNANDES, Durval; BAENINGER, Rosana (coord.). Impactos da pandemia de Covid-19 nas migrações internacionais no Brasil – Resultados de Pesquisa. Campinas/SP. Núcleo de Estudos de População “Elza Bérquo” – NEPO/UNICAMP, sept. 2020, p. 686. Available on https://www.nepo.unicamp.br/publicacoes/livros/impactos_pandemia/COVID%20NAS%20MIGRAÇÕES%20INTERNACIONAIS.pdf. ISBN 978-65-87447-07-0. Access on July 6, 2021, p. 159.

⁸BRASIL. **Portaria Interministerial nº 10, de 6 de abril de 2018**. Dispõe sobre a concessão do visto temporário e da autorização de residência para fins de acolhida humanitária para cidadãos haitianos e apátridas residentes na República do Haiti. DIÁRIO OFICIAL DA UNIÃO. Published on: 04/09/2018 | Edition: 67 | Section: 1 | Page: 57. Organ: Ministério da Justiça/Gabinete do Ministro. Available on <https://www.in.gov.br/web/guest/materia/>

Besides, Haitian people can transform the humanitarian visa into a residence for an indefinite period. However, this ordinance was revoked by ordinance n. 12 of December 20, 2019⁹, which determines that the temporary visa is valid for 90 days and must be issued exclusively at the Brazilian embassy in Port-au-Prince.

In this particular, although the possibilities of documentation have expanded in the country, especially with the approval of the new Migration Law n. 13,445/17¹⁰, it is still possible to find immigrants in nonregular conditions. According to DIAS et al. (2020), they created new entry routes when the documentation required to enter Brazil legally was unavailable. For example, the one used by the Haitians via Georgetown and Lethem, in English Guiana, to later access Boa Vista, Roraima, Brazil, on the Brazilian side, by car. Then, they go to Manaus (the capital of Amazonas) and other destinations in Brazil and Latin America.

The new migration law has brought achievements to migrants. For example, the respect for human rights and a positive posture of the country, the entry of foreigners, extending to them constitutional rights provided for natives. Besides, the adoption of avant-garde migration policies, as not all countries have specific laws on migrants in their legal system.

In the 1st article of the referred legislation, some definitions help to differentiate the types of migration. This device addresses the concepts of immigrants, emigrants, border residents, visitors, and stateless people. For this work, we will use only the first concept that refers to immigrants as being a person of another country or stateless person who works or resides and settles in temporarily or permanently in Brazil (Law 13,445/17, art.1, §1, II).

Another issue of concern is discrimination. In Brazil, it has a racial and social aspect, perceived in everyday relationships. Those differences highlight, mainly when the application of the law equals everyone in the individual condition. In this sense, the racial issue permeated the Brazilian migration policy at the end of the 19th

/asset_publisher/Kujrw0TZC2Mb/content/id/9580007/do1-2018-04-09-portaria-interministerial-n-10-de-6-de-abril-de-2018-9580003. Access on July 6, 2021.

⁹ BRASIL. **Portaria Interministerial nº 12, de 20 de dezembro de 2019**. Dispõe sobre a concessão de visto temporário e de autorização de residência para fins de acolhida humanitária para cidadãos haitianos e apátridas residentes na República do Haiti. DIÁRIO OFICIAL DA UNIÃO. Published on: 23/12/2019 | Edition: 247 | Section: 1 | Page: 132. Organ: Ministério da Justiça e Segurança Pública/Gabinete do Ministro. Available on [HTTPS://WWW.IN.GOV.BR/WEB/DOU/-/PORTARIA-INTERMINISTERIAL-N-12-DE-20-DE-DEZEMBRO-DE-2019-234972085](https://www.in.gov.br/web/dou/-/portaria-interministerial-n-12-de-20-de-dezembro-de-2019-234972085). Access on July 6, 2021.

¹⁰ BRASIL. **Lei n. 13.445, de 24 de maio de 2017**. Institui a Lei de migração. Available on Lei de migração n. 13.445/17. Access on July 6, 2021.

century in the migratory context. At that time, this policy aimed to attract white and hardworking immigrants to a colonization project in southern Brazil. Therefore, the presence of Haitians and recently Venezuelans, considered black or brown, bothers those who still follow the 19th-century racial classification criteria. They were used to maintain privileges and power structures¹¹. According to MÁRMORA (2018), their presence in the North region denounces the lack of a migration policy that remains beyond situations of emergency, and also integrates the different spheres of government, in migratory governance, which also includes the participation of immigrants.

Furthermore, the survey by OBmigra helps to understand the profile of immigrants from 2011 to 2019 in Brazil. In 2011, they were mostly from Haiti and Bangladesh, and in 2019, they were from Haiti and Venezuela. Regarding gender, most were men. However, in 2011 and 2019, the number of women, mainly around 20 to 40 years old increased. Most are single, black, and have completed high school.

In this sense, article 3 of the migration law contains the principles and guidelines related to migration policy in Brazil. Among them: the universality, indivisibility, and interdependence of human rights, repudiation and prevention of xenophobia, racism, and any form of discrimination; equal treatment and opportunity for migrants and their families; social, labor, and productive inclusion of migrants through public policies and equal and free access for migrants to services, programs, and social benefits, public goods, education, comprehensive public legal assistance, work, housing, banking services, and social security.

Some of these principles are also in international instruments and treaties. For example, the principle of non-discrimination, in art. 2.1 of the International Covenant on Civil and Political Rights¹² and the 1969 American Convention on Human Rights

¹¹FERNANDES, Durval; BAENINGER, Rosana (coord.). Impactos da pandemia de Covid-19 nas migrações internacionais no Brasil – Resultados de Pesquisa. Campinas/SP. Núcleo de Estudos de População “Elza Bérrquo” – NEPO/UNICAMP, set. 2020, p. 686. Available on https://www.nepo.unicamp.br/publicacoes/livros/impactos_pandemia/COVID%20NAS%20MIGRAÇÃO%20INTERNACIONAIS.pdf. ISBN 978-65-87447-07-0. Access on July 6, 2021, p. 176.

¹² Art. 2. Item 1 of the International Covenant on Civil and Political Rights: “Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” Available on <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. Access on September 15, 2021.

(ACHR), in article 1, item 1¹³. Besides, it is one of the fundamental objectives of the country, contained in article 3, IV ¹⁴ of the 1988 Federal Constitution of Brazil (CRFB/88).

Another principle would be equality, seen in art. 24 of the ACHR, i.e., all people are equal before the law. Therefore, they are entitled, without discrimination, to equal protection of the law. That is also the understanding enshrined in the Constitution of the Federative Republic of Brazil, 1988, when addressing equality, along with human rights in Articles 5, caption and 4, II and V¹⁵. According to the Inter-American Court of Human Rights (IACHR), it is the obligation of all States to respect these rights.

After understanding the profile of immigrants and some protective norms and principles preferring them, it is necessary to advance towards a greater understanding of the aspects of immigration concerning immigrants residing in Amazonas, Brazil. It is also necessary to further analyze the social rights of immigrants of Amazonas, Brazil, and the consequences of the restriction of borders during the Covid-19 pandemic.

2. ASPECTS OF IMMIGRATION CONCERNING IMMIGRANTS RESIDENT IN AMAZONAS (BRAZIL)

The results of an online field survey conducted by PUCMINAS/UNICAMP¹⁶ on the impacts of the Covid-19 pandemic on international migrations in Brazil showed that Venezuelans and Haitians are the majority among international immigrants in Amazonas.

¹³ The American Convention on Human Rights, on its article 1, item 1, says that: “The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.” Available on https://www.oas.org/dil/treaties_b-32_american_convention_on_human_rights.pdf. Access on September 15, 2021.

¹⁴ Constitution of the Federative Republic of Brazil of 1988: “Art. 3 constitutes the fundamental objectives of the Federative Republic of Brazil, (...) (...) IV - to promote the good of all, without prejudice of origin, race, sex, color, age, and any other forms of discrimination.

¹⁵ Art. 4: The Federative Republic of Brazil is governed in its international relations by the following principles (...) (...) II - prevalence of human rights; and V - equality among States; (...)”. Available on http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Access on July 6, 2021.

¹⁶FERNANDES, Durval; BAENINGER, Rosana (coord.). Impactos da pandemia de Covid-19 nas migrações internacionais no Brasil – Resultados de Pesquisa. Campinas/SP. Núcleo de Estudos de População “Elza Bérrquo” – NEPO/UNICAMP, set. 2020, p. 686. Available on https://www.nepo.unicamp.br/publicacoes/livros/impactos_pandemia/COVID%20NAS%20MIGRAÇÕES%20INTERNACIONAIS.pdf. ISBN 978-65-87447-07-0. Access on July 6, 2021, p. 147.

Regarding the year of arrival of the surveyed immigrants, Venezuelan presence in Amazonas is recent. It becomes significant from 2017 on with the arrival of indigenous and non-indigenous immigrants. However, the presence of non-indigenous Venezuelans was already evident in 2014, either in Boa Vista (Roraima) or Manaus (Amazonas), becoming significant in 2019. This increase is partly related to the arrival of the operation “Acolhida” (welcome in English) in Manaus. Manaus becomes a place of passage for many Venezuelans interested in interiorization, that is, to continue moving to other regions of Brazil. This possibility came true by implementing the aforementioned reception policy initially in Boa Vista, and then in Manaus from 2018 on. Integrated by the Brazilian Army, Navy, and Air Force, this action is coordinated by the Brazilian Civil House and began in Roraima, both in controlling the migratory flow of the border, and in sheltering Venezuelans in Pacaraima and Boa Vista, according to the notes of Vasconcelos (2020). Besides the Brazilian government, agencies of the United Nations (UN), such as the United Nations High Commission for Refugees (UNHCR), the International Organization for Migration (IOM), the Nations Fund, participate in this action. Also participated the United Nations Children's Fund (UNICEF), and local government secretariats at both state and municipal levels¹⁷.

Regarding Haitians¹⁸, their presence in Amazonas predates the arrival of Venezuelans, as they began to arrive there after the earthquake in Haiti in early 2010. The earthquake strongly affected the region where Port-au-Prince is. However, Haitians also arrived from other regions not directly affected by the earthquake. This fact refutes the idea that the earthquake would be the only explanation for the arrival of Haitians in Brazil. In this bias, other factors related to the political situation in Haiti at the international level have to be considered. For example, the closing of borders to immigration in North America and the presence of Brazilian troops that were part of the Peacekeeping Mission (MINUSTAH). Besides, the possibilities of jobs in

¹⁷FERNANDES, Durval; BAENINGER, Rosana (coord.). Impactos da pandemia de Covid-19 nas migrações internacionais no Brasil – Resultados de Pesquisa. Campinas/SP. Núcleo de Estudos de População “Elza Bérrquo” – NEPO/UNICAMP, set. 2020, p. 686. Available on https://www.nepo.unicamp.br/publicacoes/livros/impactos_pandemia/COVID%20NAS%20MIGRAÇÕES%20INTERNACIONAIS.pdf. ISBN 978-65-87447-07-0. Access on July 6, 2021, p. 156.

¹⁸FERNANDES, Durval; BAENINGER, Rosana (coord.). Impactos da pandemia de Covid-19 nas migrações internacionais no Brasil – Resultados de Pesquisa. Campinas/SP. Núcleo de Estudos de População “Elza Bérrquo” – NEPO/UNICAMP, set. 2020, p. 686. Available on https://www.nepo.unicamp.br/publicacoes/livros/impactos_pandemia/COVID%20NAS%20MIGRAÇÕES%20INTERNACIONAIS.pdf. ISBN 978-65-87447-07-0. Access on July 6, 2021, p. 156.

different sectors of Brazilian economy, such as civil construction. These factors contributed to creating a favorable scenario for the arrival of thousands of Haitians, within a broader process of capital reproduction, according to the teachings of SILVA (2012).

In the results of an online field survey conducted by PUCMINAS/UNICAMP, 171 participants were interviewed: 135 from Venezuela and 24 from Haiti. Other nationalities also appear in smaller numbers, such as 4 Brazilians, 2 Cubans and also people from Colombia, Peru, Egypt, Senegal, and Morocco (one respondent each). The participation of Colombians and Peruvians in the survey, although small, does not reflect the real number of them in Manaus, as there has been a consolidated presence of these immigrants in the city for a longer time. In the case of Cubans, it may be an indication that their presence in the city is growing, since Manaus has been a place of passage for many of them who wish to access other Brazilian cities or South American countries, as shown in illustrative table¹⁹ n. 1 (n=171):

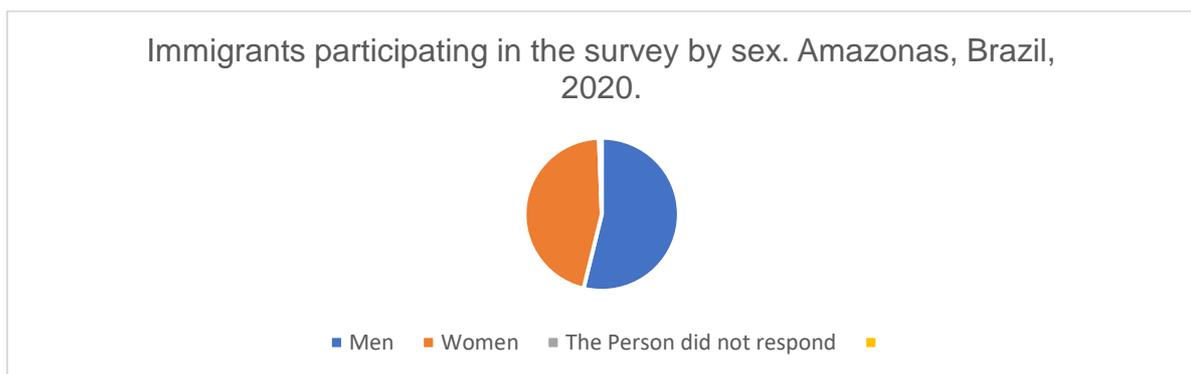
Country of Nationality	Total
Venezuela	135
Haiti	24
Brazil	4
Cuba	2
Colombia	1
Morocco	1
Peru	1
Senegal	1
Egypt	1
The person preferred not to respond	1
Total	171

Venezuelan presence in Manaus is visible not only on the streets, where women and men sell something on street corners to survive, but also in businesses and service sectors, where Spanish is often heard. The distribution of this population takes place in several districts of the city, with emphasis on the Central and Center-

¹⁹ Table n. 1. International Immigrants participating in the survey by Country of Nationality. Amazonas, Brazil, 2020, (n=171). Research: Impacts of the covid-19 pandemic on international migrations in Brazil. Interdisciplinary research and extension group in social rights and migration (GIPE) and the spatial distribution of population group (GEDEP) – PUCMINAS/Observatory of migrations in São Paulo-NEPO/UNICAMP/ Group for Migration Studies in the Amazon (GEMA) – UFAM, from May to July 2020.

South zones, in addition to the East and North Zones²⁰. Also, according to estimates by non-governmental organizations²¹, there are more than 20 thousand Venezuelans in Manaus.

Regarding gender, the survey²² reveals a relative male majority, with 92 men and 78 women. Regarding the age group, males are younger, significantly falling between 20 and 24 years old, and females, on the contrary, between 30 and 34 years old, according to illustrative table²³ n. 2 (n=171). It is observed that this difference may be indicating that young men migrate earlier and earlier not only in search of work, but also for professional improvement or to continue their studies. However, in relation to women, we note the presence of women over 80 years of age, indicating a possible family reunification process or extended family migration, including grandparents and mothers-in-law.



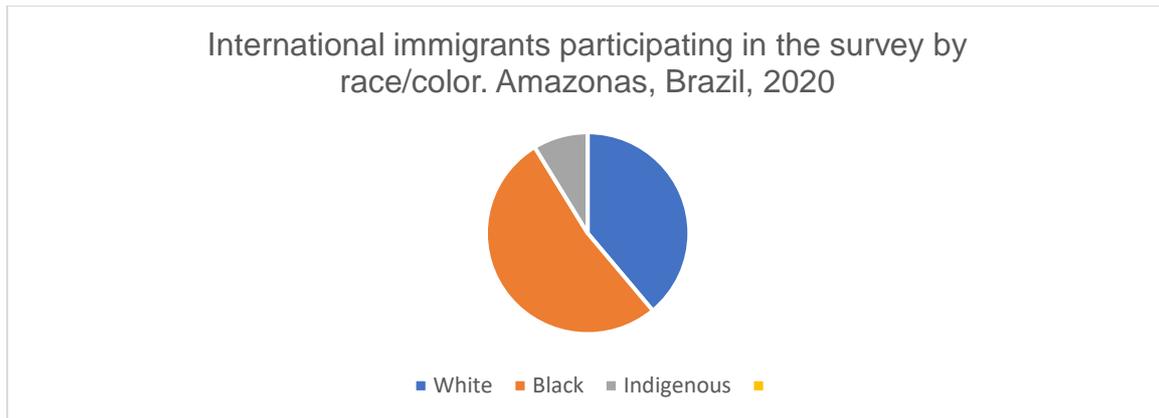
²⁰FERNANDES, Durval; BAENINGER, Rosana (coord.). Impactos da pandemia de Covid-19 nas migrações internacionais no Brasil – Resultados de Pesquisa. Campinas/SP. Núcleo de Estudos de População “Elza Bérquo” – NEPO/UNICAMP, set. 2020, p. 686. Available on https://www.nepo.unicamp.br/publicacoes/livros/impactos_pandemia/COVID%20NAS%20MIGRAÇÕES%20INTERNACIONAIS.pdf. ISBN 978-65-87447-07-0. Access on July 6, 2021, p. 149.

²¹ACNUR. Available on <https://www.acnur.org/portugues/?s=há%20em%20Manaus%20mais%20de%2020%20mil%20venezuelanos>. Access on July 6, 2021.

²²FERNANDES, Durval; BAENINGER, Rosana (coord.). Impactos da pandemia de Covid-19 nas migrações internacionais no Brasil – Resultados de Pesquisa. Campinas/SP. Núcleo de Estudos de População “Elza Bérquo” – NEPO/UNICAMP, set. 2020, p. 686. Available on https://www.nepo.unicamp.br/publicacoes/livros/impactos_pandemia/COVID%20NAS%20MIGRAÇÕES%20INTERNACIONAIS.pdf. ISBN 978-65-87447-07-0. Access on July 6, 2021, p. 150.

²³ Table n. 2. International Immigrants participating in the survey by sex. Amazonas, Brazil, 2020, (n=171). Research: Impacts of the covid-19 pandemic on international migrations in Brazil. Interdisciplinary research and extension group in social rights and migration (GIPE) and the spatial distribution of population group (GEDEP) – PUCMINAS/Observatory of migrations in São Paulo-NEPO/UNICAMP/Group for Migration Studies in the Amazon (GEMA) – UFAM, from May to July 2020.

In terms of race/color, the data reveal aspects of the demographic formation of the countries in focus, such as Venezuela, which has a significant majority of blacks and browns, the result of a process of miscegenation among Hispanic, African, and indigenous people. On the other hand, in Haiti, most of its population declares themselves black, as shown in illustrative table²⁴ n. 3 (n=170; 1 did not respond):



Regarding housing conditions, they reveal one of the vulnerabilities of these immigrants, whether indigenous or not. In the case of the Warao indigenous people, the situation is even more serious, since from the beginning they depend on public shelters to stay in Manaus. Before the pandemic, most of them, around 600, were housed in a housing complex in Alfredo Nascimento neighborhood (North Zone of Manaus)²⁵. They were housed in poor sanitation conditions, with reduced housing space for each family, insufficient food, poor access to school, and health problems. That was aggravated by the lack of integration of the public health system with the traditional Warao health system, according to SILVA (2020).

In the case of non-indigenous people, rent constitutes a great burden on the budget of those who are arriving and trying to enter the local labor market. For this reason, it is common to share a house or apartment with other people, besides the

²⁴Table n. 3. International Immigrants participating in the research according to race/color. Amazonas, Brazil, 2020 (n=170; 1 did not respond). Research: Impacts of the covid-19 pandemic on international migrations in Brazil. Interdisciplinary research and extension group in social rights and migration (GIPE) and the spatial distribution of population group (GEDEP) – PUCMINAS/Observatory of migrations in São Paulo-NEPO/UNICAMP/Group for Migration Studies in the Amazon (GEMA) – UFAM, from May to July 2020.

²⁵FERNANDES, Durval; BAENINGER, Rosana (coord.). Impactos da pandemia de Covid-19 nas migrações internacionais no Brasil – Resultados de Pesquisa. Campinas/SP. Núcleo de Estudos de População “Elza Bérquo” – NEPO/UNICAMP, set. 2020, p. 686. Available on https://www.nepo.unicamp.br/publicacoes/livros/impactos_pandemia/COVID%20NAS%20MIGRAÇÃO%20INTERNACIONAIS.pdf. ISBN 978-65-87447-07-0. Access on July 6, 2021, p. 154.

family group, whether they are relatives or friends from the place of origin. For those without income, the only option is to avail themselves of private and public shelters or residences offered by the employer. They stay in small rooms, in precarious conditions, generally located in the back of the commercial enterprise. Furthermore, regarding public shelters, housing conditions are not favorable to social isolation or adequate sanitary conditions. There is also the discomfort of sleeping on a thin mattress inside a small tent, placed under a large cover, making the environment very hot, especially in the Amazon summer, whose temperatures easily reach 38°C²⁶.

According to the previous information, immigrants in Amazonas live in an inhumane, degrading way, violating the fundamental principles of the Democratic Rule of Law. Moreover, with the Covid-19 pandemic, the number of people living on the city's streets also increased. Without a fixed income, the priority turns to food, leaving rent to the background. This precarious situation exposes them to even more diseases due to the unhealthy conditions of the streets. Therefore, they only rely on the support and solidarity of their own group of fellow countrymen.

3. SOCIAL RIGHTS AND THE REFLECTIONS OF BORDER RESTRICTION ON INTERNATIONAL MIGRATION IN AMAZONAS (BRAZIL) DURING THE COVID-19 PANDEMIC

The central object of this research is the critical study of the impacts of the Covid-19 pandemic on the protection of fundamental rights in Amazonas and their consequent enforcement. Thus, we will present the consequences of restricting borders during the Covid-19 health crisis, regarding the enforcement of immigrants' social rights.

With the beginning of the Covid-19 pandemic, Brazil, as well as in several States, implemented sanitary protocols for social isolation and enacted several legislations to face the public health emergency, such as Law n. 13,979/2020²⁷, as well as several ordinances aimed at restricting the immigrants' access to the country.

²⁶FERNANDES, Durval; BAENINGER, Rosana (coord.). Impactos da pandemia de Covid-19 nas migrações internacionais no Brasil – Resultados de Pesquisa. Campinas/SP. Núcleo de Estudos de População “Elza Bérquo” – NEPO/UNICAMP, set. 2020, p. 686. Available on https://www.nepo.unicamp.br/publicacoes/livros/impactos_pandemia/COVID%20NAS%20MIGRAÇÕES%20INTERNACIONAIS.pdf. ISBN 978-65-87447-07-0. Access on July 6, 2021, p. 154.

²⁷BRASIL. **Lei nº 13.979, de 6 de fevereiro de 2020**. Dispõe sobre as medidas para enfrentamento da emergência de saúde pública de importância internacional decorrente do coronavírus responsável

As Augusto Veloso Leão and Duval Fernandes point out, the adoption of several ordinances established severe restrictions on foreign people into Brazil, including adopting mechanisms that are not supported by the Brazilian migration and refugee legislation, violating established human rights in international agreements [...].²⁸

Besides, they point out that the adoption of this posture by the Brazilian state contributes to the increase in violation of human rights. That potentially deepens the vulnerability of immigrants and refugees in the country and erroneously reinforces the immigrant stereotype as a person that transports diseases, for example.²⁹ Furthermore, the restriction may represent aggravation of the health crisis since their access to health authorities will be restricted. Consequently, there will be a restriction to the health, prevention, and treatment services of Covid-19.³⁰

We observed a similar situation regarding the social rights of immigrants in Brazil. The restriction established by the legislation makes immigrants remain in greater social vulnerability, given the increased unemployment after the onset of the pandemic. 2,475 people responded to a survey conducted by PUC/MG and UNICAMP. Of them, 1,184 worked before the onset of the health crisis, 1,094 were no longer working at the time of the survey (May and July 2020), and 197 people did not respond to this question.³¹ These data corroborate one of the hypotheses raised

pelo surto de 2019. Brasília, DF: Presidência da República, 2020. Available on http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2020/lei/l13979.htm#view. Access on July 6, 2021.

²⁸ LEÃO, Augusto Veloso; FERNANDES, Duval. Políticas de Imigração no contexto da pandemia de Covid-19, in: **Impactos da pandemia de Covid nas migrações internacionais no Brasil – Resultados de Pesquisa**. FERNANDES, Durval; BAENINGER, Rosana (coord.). Campinas/SP. Núcleo de Estudos de População “Elza Bérquo” – NEPO/UNICAMP, 2020, p. 686. Available on https://www.nepo.unicamp.br/publicacoes/livros/impactos_pandemia/COVID%20NAS%20MIGRAÇÃO%20INTERNACIONAIS.pdf. Access on July 6, 2021, p. 27.

²⁹ LEÃO, Augusto Veloso; FERNANDES, Duval. Políticas de Imigração no contexto da pandemia de Covid-19, in: **Impactos da pandemia de Covid nas migrações internacionais no Brasil – Resultados de Pesquisa**. FERNANDES, Durval; BAENINGER, Rosana (coord.). Campinas/SP. Núcleo de Estudos de População “Elza Bérquo” – NEPO/UNICAMP, 2020, p. 686. Available on https://www.nepo.unicamp.br/publicacoes/livros/impactos_pandemia/COVID%20NAS%20MIGRAÇÃO%20INTERNACIONAIS.pdf. Access on July 6, 2021, p. 27.

³⁰ LEÃO, Augusto Veloso; FERNANDES, Duval. Políticas de Imigração no contexto da pandemia de Covid-19, in: **Impactos da pandemia de Covid nas migrações internacionais no Brasil – Resultados de Pesquisa**. FERNANDES, Durval; BAENINGER, Rosana (coord.). Campinas/SP. Núcleo de Estudos de População “Elza Bérquo” – NEPO/UNICAMP, 2020, p. 686. Available on https://www.nepo.unicamp.br/publicacoes/livros/impactos_pandemia/COVID%20NAS%20MIGRAÇÃO%20INTERNACIONAIS.pdf. Access on July 6, 2021, p. 28.

³¹ FERNANDES, Durval; BAENINGER, Rosana (coord.). Impactos da pandemia de Covid nas migrações internacionais no Brasil – Resultados de Pesquisa. Campinas/SP. Núcleo de Estudos de População “Elza Bérquo” – NEPO/UNICAMP, 2020, p. 686. Available on https://www.nepo.unicamp.br/publicacoes/livros/impactos_pandemia/COVID%20NAS%20MIGRAÇÃO%20INTERNACIONAIS.pdf. Access on July 6, 2021, p. 51.

concerning the violation of the immigrants' fundamental social rights in Brazil based on the employability factor.

In this sense, we also observed in the results³² that most of them knew that they could demand social rights at the beginning of the pandemic. That deconstructs the idea that linguistic and cultural barriers make it hard to be aware of such rights.

Furthermore, the forms of access to information vary, whether through the internet, the mediation of NGOs and governmental bodies through the network of friends. Such information is essential to access social rights, including emergency aid provided by the federal government, e.g., the Bolsa Familia and the Continuous Cash Benefit. However, being enrolled in any of these government programs does not mean having the right guaranteed.

Among the 116 people enrolled in the Federal Government Emergency Aid, only eight responded that they had received it. The access to Bolsa Familia has a higher share, with 31 positive responses³³. Therefore, many families with children of school age at local schools are present, which is one of the requirements to have access to such benefits.

Below there is the table³⁴ n. 4, International Immigrants participating in the research according to the knowledge of social rights (social assistance, health, education) as an immigrant at the time of the pandemic (n=171):

	YES	NO	THE PERSON DID NOT RESPOND	TOTAL
KNOWLEDGE OF SOCIAL RIGHTS	84	64	23	171
SOUGHT INFORMATION ON HOW	77	69	25	171

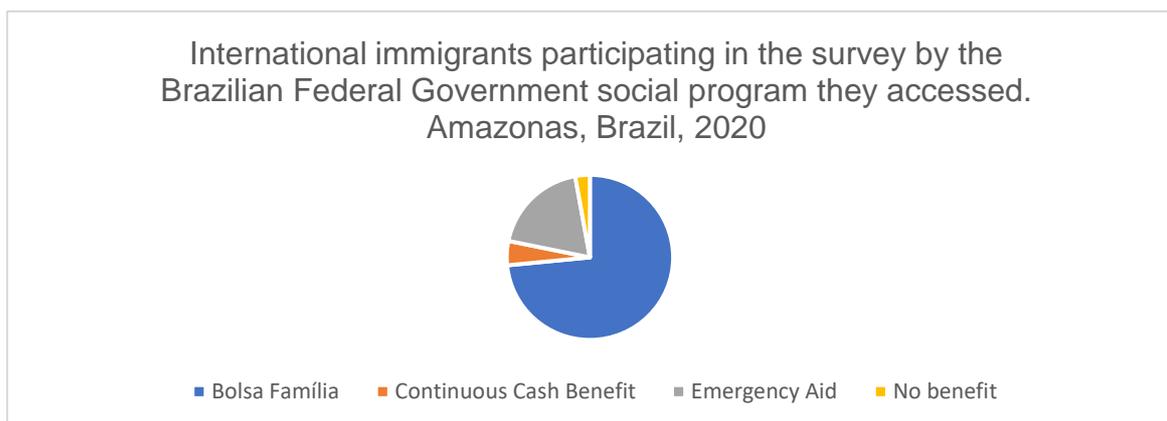
³²FERNANDES, Durval; BAENINGER, Rosana (coord.). Impactos da pandemia de Covid-19 nas migrações internacionais no Brasil – Resultados de Pesquisa. Campinas/SP. Núcleo de Estudos de População “Elza Bérrquo” – NEPO/UNICAMP, set. 2020, p. 686. Available on https://www.nepo.unicamp.br/publicacoes/livros/impactos_pandemia/COVID%20NAS%20MIGRAÇÕES%20INTERNACIONAIS.pdf. ISBN 978-65-87447-07-0. Access on July 6, 2021, p. 169.

³³FERNANDES, Durval; BAENINGER, Rosana (coord.). Impactos da pandemia de Covid-19 nas migrações internacionais no Brasil – Resultados de Pesquisa. Campinas/SP. Núcleo de Estudos de População “Elza Bérrquo” – NEPO/UNICAMP, set. 2020, p. 686. Available on https://www.nepo.unicamp.br/publicacoes/livros/impactos_pandemia/COVID%20NAS%20MIGRAÇÕES%20INTERNACIONAIS.pdf. ISBN 978-65-87447-07-0. Access on July 6, 2021, p. 169.

³⁴ Table n. 4. International immigrants participating in the research according to their knowledge of social rights (social assistance, health, education) as an immigrant at the time of the pandemic. Amazonas, Brazil, 2020 (n=171). Research: Impacts of the covid-19 pandemic on international migrations in Brazil. Interdisciplinary research and extension group in social rights and migration (GIPE) and the spatial distribution of population group (GEDEP) – PUCMINAS/Observatory of migrations in São Paulo-NEPO/UNICAMP/Group for Migration Studies in the Amazon (GEMA) – UFAM, from May to July 2020.

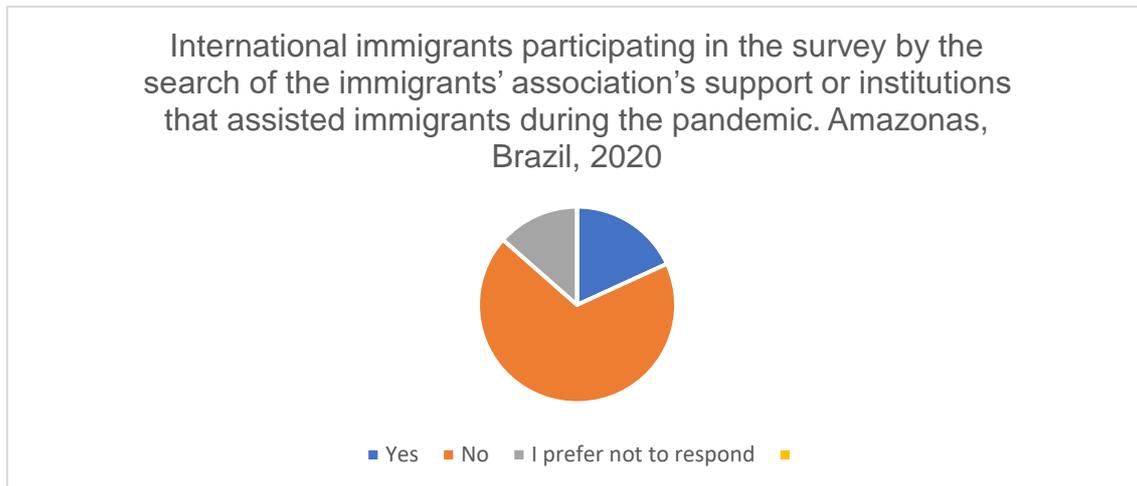
TO PROCEED				
NGO/CSO	13			
INTERNATIONAL BODY	13			
INTERNET	19			
SOCIAL NETWORKS/FRIENDS	10			
GOVERNMENT BODIES	18			
NOBODY	1			
NOT APPLICABLE/THE PERSON DID NOT RESPOND	97			
REGISTRATION IN A FEDERAL GOVERNMENT AID PROGRAM	108	45	18	171
REGISTRATION IN CADÚNICO	81	64	26	171
REGISTRATION IN THE FEDERAL GOVERNMENT EMERGENCY AID	116	35	20	171

The illustrative Table³⁵ ilustrativa n. 5, n. 5 demonstrates International Immigrants participating in the research according to social programs of the Federal Government that had access in Amazonas, Brazil, 2020 (n=65; 16 did not respond; not applicable=90):



³⁵ Table n. 5. International Immigrants participating in the survey according to the Federal Government's social programs that had access. Amazonas, Brazil, 2020 (n=65; 16 did not respond; não se aplica=90). Research: Impacts of the covid-19 pandemic on international migrations in Brazil. Interdisciplinary research and extension group in social rights and migration (GIPE) and the spatial distribution of population group (GEDEP) – PUCMINAS/Observatory of migrations in São Paulo-NEPO/UNICAMP/Group for Migration Studies in the Amazon (GEMA) – UFAM, from May to July 2020.

The illustrative Table³⁶ n. 6 portrays International Immigrants participating in the research according to the search for support to the immigrant association or institutions that serve immigrants during the pandemic in Amazonas, Brazil, 2020 (n=171):



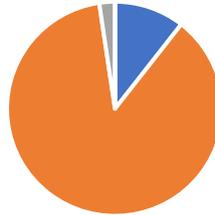
Despite the social vulnerability³⁷ experienced by most respondents and the difficulty in maintaining social distance due to the sharing of public houses or shelters, the data suggest that the pandemic did not affect them directly. The new coronavirus contaminated 18 respondents, equivalent to 10% of the interviewees. However, the expressive majority declared they have the SUS card, although only 12 used it during the pandemic. Among those who used it, only 4 of those surveyed rated it as good or excellent, according to illustrative tables n. 7³⁸ and n. 8³⁹.

³⁶Table n. 6. International Immigrants participating in the survey according to the search for support from the immigrant association or institutions that serve immigrants during the pandemic. Amazonas, Brazil, 2020 (n=171). Research: Impacts of the covid-19 pandemic on international migrations in Brazil. Interdisciplinary research and extension group in social rights and migration (GIPE) and the spatial distribution of population group (GEDEP) – PUCMINAS/Observatory of migrations in São Paulo-NEPO/UNICAMP/Group for Migration Studies in the Amazon (GEMA) – UFAM, from May to July 2020.

³⁷FERNANDES, Durval; BAENINGER, Rosana (coord.). Impactos da pandemia de Covid-19 nas migrações internacionais no Brasil – Resultados de Pesquisa. Campinas/SP. Núcleo de Estudos de População “Elza Bérrquo” – NEPO/UNICAMP, set. 2020, p. 686. Available on https://www.nepo.unicamp.br/publicacoes/livros/impactos_pandemia/COVID%20NAS%20MIGRAÇÃO%20INTERNACIONAIS.pdf. ISBN 978-65-87447-07-0. Access on July 6, 2021, p. 174.

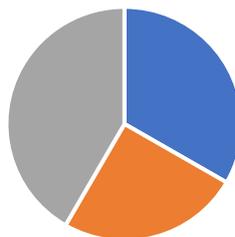
³⁸Table n. 7. International immigrants participating in the survey who reported having tested positive, or someone in their family, for Covid-19 and sought care at SUS. Amazonas, Brazil, 2020 (n=171). Research: Impacts of the covid-19 pandemic on international migrations in Brazil. Interdisciplinary research and extension group in social rights and migration (GIPE) and the spatial distribution of population group (GEDEP) – PUCMINAS/Observatory of migrations in São Paulo-NEPO/UNICAMP/Group for Migration Studies in the Amazon (GEMA) – UFAM, from May to July 2020.

International immigrants participating in the survey that informed that they or someone from their family tested positive for Covid-19 and searched for assistance at SUS. Amazonas, Brazil, 2020



■ Yes ■ No ■ The person did not to respond ■

International immigrants participating in the survey that informed that they or someone from their family tested positive for Covid-19 and searched for assistance at SUS. Amazonas, Brazil, 2020



■ Satisfactory ■ Not satisfactory ■ The person did not to respond ■

Regarding the degree of difficulties in dealing with social isolation due to the pandemic, some consider them easy, and a relative majority find them difficult. The answers concerned their housing and economic conditions, resulting from social isolation and paralysis of most economic activities, as shown in illustrative table⁴⁰ n. 9:

³⁹Table n. 8. International immigrants participating in the survey who reported having tested positive, or someone in their family, for Covid-19, according to the evaluation of treatment in SUS. Amazonas, Brazil, 2020 (n=12; não se aplica=159). Research: Impacts of the covid-19 pandemic on international migrations in Brazil. Interdisciplinary research and extension group in social rights and migration (GIPE) and the spatial distribution of population group (GEDEP) – PUCMINAS/Observatory of migrations in São Paulo-NEPO/UNICAMP/Group for Migration Studies in the Amazon (GEMA) – UFAM, from May to July 2020.

⁴⁰Table n. 9. International Immigrants participating in the survey according to the assessment of the degree of difficulty and dealing with the restrictions imposed by social isolation. Amazonas, Brazil, 2020 (n=171). Research: Impacts of the covid-19 pandemic on international migrations in Brazil. Interdisciplinary research and extension group in social rights and migration (GIPE) and the spatial distribution of population group (GEDEP) – PUCMINAS/Observatory of migrations in São Paulo-

International immigrants participating in the survey that informed that they or someone from their family tested positive for Covid-19 and searched for assistance at SUS. Amazonas, Brazil, 2020



■ Easy ■ Difficult ■ The person did not respond ■

In this sense, it appears that the pandemic scenario brought negative impacts concerning the social rights of immigrants, in particular, to the health aspect. It is a grave concern until there is mass immunization. However, despite the uncertainties and insecurities of the present moment, until the Covid-19 pandemic is not under control, most of them⁴¹ have signaled that they want to remain in Brazil. They reveal that they believe in a possible recovery of the Brazilian economy, increasing the job opportunities and chances of building decent housing. Furthermore, the motivation for staying in Brazil is related to the possibility of staying in the country in a documented manner, which guarantees them access to public policies, including the Bolsa Família, Emergency Aid, free medical and educational assistance.

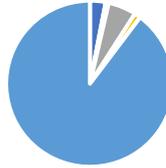
Finally, table⁴² n. 10 shows data concerning international immigrants participating in the survey according to migration plans in Amazonas, Brazil:

NEPO/UNICAMP/Group for Migration Studies in the Amazon (GEMA) – UFAM, from May to July 2020.

⁴¹FERNANDES, Durval; BAENINGER, Rosana (coord.). Impactos da pandemia de Covid-19 nas migrações internacionais no Brasil – Resultados de Pesquisa. Campinas/SP. Núcleo de Estudos de População “Elza Béquo” – NEPO/UNICAMP, set. 2020, p. 686. Available on https://www.nepo.unicamp.br/publicacoes/livros/impactos_pandemia/COVID%20NAS%20MIGRAÇÃO%20INTERNACIONAIS.pdf. ISBN 978-65-87447-07-0. Access on July 6, 2021, p. 177.

⁴²Table n. 10. Imigrantes Internacionais participantes da pesquisa segundo planos migratórios. Amazonas, Brazil, 2020 (n=166; 5 did not respond). Research: Impacts of the covid-19 pandemic on international migrations in Brazil. Interdisciplinary research and extension group in social rights and migration (GIPE) and the spatial distribution of population group (GEDEP) – PUCMINAS/Observatory of migrations in São Paulo-NEPO/UNICAMP/Group for Migration Studies in the Amazon (GEMA) – UFAM, from May to July 2020.

International immigrants participating in the survey that informed that they or someone from their family tested positive for Covid-19 and searched for assistance at SUS. Amazonas, Brazil, 2020



- The person does not know
- To go away to another country immediately
- To go back to their country of origin immediately
- To stay in Brazil if some conditions are satisfied
- To stay in Brazil if some conditions are satisfied

That said, our considerations show that the effects of the Covid-19 pandemic on international migration, especially in Amazonas, can only be minimized by adopting inclusive public policies. Thus, for the enforcement of social rights, it is necessary to create mechanisms to guarantee them without establishing unequal and discriminatory treatment towards the immigrant. Furthermore, Brazil should not be considered a final milestone in the trajectories of migrations, but a starting point for new paths, given new possibilities and opportunities. However, because of that, it is necessary to apply fundamental social rights to migratory relations effectively.

CONCLUSIONS

This paper analyzed the social rights of international immigrants in Amazonas (Brazil) during the Covid-19 pandemic from three scenarios. The results of the online field survey research carried out by PUC/MINAS and UNICAMP proved the difficulties of the immigrants in Amazonas. The immigrant population has been particularly affected by the resulting pandemic and economic crisis. Moreover, everyone is suffering from the effects of social distancing and other restrictions.

The research showed that it is necessary to include immigrants to reinforce social rights during the Covid-19 pandemic. The immigration regulations in Brazil imposed several restrictions to reduce the worsening of the health crisis. The excessed restrictions do not contribute to effective sanitary control. It also denies the immigrants access to health, income, and employment. Furthermore, it can prevent

access to health authorities, which may impede the prevention and treatment of the disease, contributing to its spread.

In this way, the negative consequences of the Covid-19 pandemic for international migrations in Amazonas can only minimize by adopting inclusive public policies that establish the necessary protection and enforcement of the immigrants' fundamental rights.

In concrete terms, according to the results of the research mentioned above, 171 migrants responded to the questionnaire, starting from the set of questions regarding aspects of immigration to Brazil and its impacts on the labor situation and social rights during the pandemic. The survey was available online between May and July 2020. Of the 171 respondents, 135 are from Venezuela and 24 from Haiti. Other nationalities also appear in smaller numbers, such as 4 Brazilians, 2 Cubans, and people from Colombia, Peru, Egypt, Senegal, and Morocco (one respondent each).

Finally, knowing the situation of immigrants in this pandemic to subsidize actions and policies aimed at this population is beneficial. The research results reflect the economic and social vulnerability of immigrants and their living conditions in the face of the pandemic.

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