

Navigating through continuity and innovation: an analysis of Lula's third term challenges involving migration policy

Navegando pela continuidade e inovação: uma análise dos desafios do terceiro mandato de Lula envolvendo a política migratória

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Matheus Felten Fröhlich

Universidade Federal do Rio Grande do Sul (UFRGS), Porto Alegre, Brasil

matheus.frohlich@ufrgs.br  

Verônica Korber Gonçalves

Universidade Federal do Rio Grande do Sul (UFRGS), Porto Alegre, Brasil

veronica.goncalves@ufrgs.br  

Abstract

This article addresses the first hundred days of Luiz Inácio Lula da Silva's third term as president of Brazil in the context of international migration and refuge. The paper aims to analyse the "intermestic" characteristics of foreign policy and its relationship with the formulation of specific guidelines on migration. Using documentary sources and interviews, we examine the context in which Lula took charge, which was marked by the recognition of "prima facie" refugee status for Venezuelan citizens, the elaboration of a national migration policy, and the definition of the future of Operation Welcome. Our objective is to reflect on the main challenges faced by the new government concerning migration and refugee issues, considering the historical construction of the agenda in the last two decades. We conclude that the current focus is on revamping crucial policies to ensure the smooth operation of orderly migration within the country, as these practices have been gradually dismantled in recent years. Besides, we highlight that the future of Operation Welcome remains uncertain at this stage.

Keywords: Migration Policy; Lula; Migration Governance; Brazilian Migration Law; Operation Welcome.

Resumo

Este artigo aborda os primeiros cem dias do terceiro mandato de Luiz Inácio Lula da Silva como presidente do Brasil no contexto das migrações internacionais e refúgio. A proposta do artigo é analisar as características "intermísticas" da política externa e sua relação com a formulação de políticas específicas na área migratória. Utilizando fontes documentais e entrevistas, examinamos o contexto em que Lula assumiu o cargo, marcado pelo reconhecimento do status de refugiado "prima facie" para os cidadãos venezuelanos, a elaboração de uma política migratória nacional e a definição do futuro da Operação Acolhida. Em suma, nosso objetivo é refletir sobre os primeiros desafios enfrentados pelo novo governo em relação às questões de migração e refúgio à luz da construção histórica da pauta nas últimas duas décadas. O foco atual é a reformulação crucial de políticas para garantir o bom funcionamento da migração ordenada dentro do país, uma vez que essas práticas foram gradualmente desmanteladas nos últimos anos. O futuro da Operação Acolhida permanece incerto nesta fase.

Palavras-chave: Política Migratória; Lula; Governança Migratória; Legislação Migratória Brasileira; Operação Acolhida.

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Introduction

Brazil's position as a country of origin and destination for migrants has undergone significant transformations in the last decades. Until the beginning of the 21st century, Brazil was predominantly recognised as a country from where migrants originated (BAENINGER; MESQUITA, 2016; ZAPATA; TAPIA WENDEROTH, 2021). However, since 2010, Brazil experienced a profound shift in its circumstances, leading it to become a migration destination country, despite not leaving its previous status. The first substantial movement of people from the same origin were the Haitians, arriving in the country after the natural events that happened at the beginning of the decade – and after years of political unrest (DE MORAES; DE ANDRADE; MATTOS, 2013). Secondly, the Brazilian government also held some initiatives concerning refugee resettlement from the Middle East, Africa, and Colombia (SIMÕES; FRÖHLICH, 2021). The current most expressive migration movement inwards Brazil comes from Venezuelan origin (IOM, 2022).

With the current Venezuelan exodus movements, mapped since 2013, the Brazilian administration developed tools to welcome these people with the current legal framework available back then. Brazil's main welcoming programme is *Operação Acolhida* (Operation Welcome), a multi-agency operation coordinated by International Organisations, International Non-Governmental Organisations, Brazilian Ministries, and the Armed Forces. This Operation was created in late 2018 to deal with the Venezuelan migrant influx by former president Michel Temer. During the same period, Brazil promulgated the newest legal migration framework (BRASIL, 2017), swapping the former Foreigner's Act coined by the Military Government that ruled from 1964 to 1985 (BRASIL, 1980).

Jair Bolsonaro's government (2019-2022) dealt with several challenges between action and inaction. As its first measure, Bolsonaro left the Global Compact on Migration (GCM), enacting a “rupture diplomacy” (CONNECTAS, 2019). Bandwagoning with the United States, his government diplomacy cut diplomatic ties with Venezuela and started using its foreign policy as a tool for its domestic constituency (MONTE; HERNANDEZ, 2021). Concerning its migration policy, Bolsonaro's agenda continued *Operação Acolhida*. However, during its mandate, Brazil started recognising Venezuelan migrants with *prima facie* status – encompassing the 1984 Cartagena Declaration into ruling migrants' pleas as refugees (OCHOA, 2020).

With the recent inauguration of Lula da Silva's third term in 2023, despite not being mentioned in the transitional government's committee's report (GABINETE DE TRANSIÇÃO GOVERNAMENTAL, 2022), migration, refuge and statelessness are not overlooked – this was evident in the government's initial actions, such as re-engaging with the GCM and restructuring related topics within the ministries (MINISTÉRIO DAS RELAÇÕES EXTERIORES, 2023). What do these actions mean from the point of view of Brazilian migration policy? Do these actions represent ruptures or continuities in the policies established over the past two decades, and particularly in the last four years of Bolsonaro's government?

This article provides an overview of the Brazilian migration policy context, both on the foreign and domestic fronts, over the past two decades – to understand the government's main movements concerning migration policy in the first 100 days of Lula's third term. With a specific focus on the Brazilian institutional-normative migration framework and *Operação Acolhida* (a response initiative targeting the influx of Venezuelan migrants), we aim to offer a comprehensive understanding of the intricacies surrounding migration policy in Brazil to reflect on the fundamental challenges encountered by Lula's administration in the domain of migration and refuge.

The pathway of this study will critically examine the aspects of continuity and discontinuity in Brazil's migration and refuge policies, shedding light on the specific challenges faced by the new administration in addressing these issues within the context of the Brazilian institutional-normative migration framework and *Operação Acolhida*. In this analysis, we aim to offer insights into the persisting challenges and considerations for the new administration's efforts in managing migration and refuge effectively. We contend that Bolsonaro's policies and actions regarding migration disrupted specific processes and understandings concerning migration policies (e.g., GCM) while maintaining others (e.g., OA). Furthermore, we aim to determine whether Lula's government intends to carry on with a similar approach (sustaining Bolsonaro

government's migration and refugee policies and understandings) or introduces a “discontinuity,” by offering fresh perspectives on these issues or restoring the political direction disrupted by the previous administration. We want to identify continuity or change of route, but it is not in the scope of this paper to delve into the reasons for such choices; this is a research agenda to be explored and one that this paper can help promote.

Our hypothesis centers on a shift in government attitudes toward human rights in foreign policy, particularly concerning Brazil's stance on international migration, as well as the continuation of the main migration policy currently being implemented in the country, Operation Welcome. The prospects for maintaining or altering these policies during Lula's potential third term will likely involve complex domestic and international relations, particularly with Venezuela.

To conduct this analysis, we employ a documentary analysis method following Cellard's approach (2008). This involves collecting official documents and public statements related to migration from the beginning of Lula's presidency on January 1st, 2023, up to his 100th day in office on April 10th, 2023. These documents encompass minutes, decrees, and legislation about migration issues. Our approach to Brazilian foreign policy stands on the “intermestic” relations that intertwine decision-making on migration policies and foreign policy enactment (ROSENBLUM, 2003; CORNELIUS; ROSENBLUM, 2005) and compare policies among different leaders on the executive branch (MIRANDA; RIBEIRO, 2015; SILVA; PÉREZ, 2019). Interviews¹ conducted with elite partners² of the *Operação Acolhida* will also be used as factual evidence and support sources triangulation (LAMONT; BODUSZNSKI, 2020). The secondary bibliography will also give complimentary context and robustness to the analysis.

This article is divided into three primary sections. Initially, we provide an overview of the migratory policy in Brazil over the past two decades. Subsequently, we delve into two significant challenges: *Operação Acolhida* and migratory and refugee status issues. After each of these segments, we underscore the challenges these topics present to the new administration and evaluate whether their initial actions suggest a continuation or deviation from the policies of previous administrations. Finally, the article addresses how the Brazilian state has dealt with refugee status recognition and sheds light on its recent developments.

Brazilian migratory policy in the last two decades

Mármora (2017, p. 561) defines *international migration policies* as “institutional responses to the causes, characteristics, and effects of population movements from or towards a specific territory”. The existing literature on Brazilian migration policies suggests that global trends influence the government at the time of migration. These trends revolve around categorising immigration as either “good” or “bad”, emphasising national security concerns, and implementing more inclusive policies based on the type or origin of migrants (WERMUTH, 2020).

Brazilian foreign policy in the early 2000s and 2010s reshaped the country's identity in the international community (REZENDE, 2013; MIRANDA; RIBEIRO, 2015) with its enhanced participation in multilateral forums, leading role in global peacekeeping campaigns and humanitarian missions in the realm of the United Nations (SILVA, 2010; SILVA; PÉREZ, 2019). Its paradigm shift towards human rights was influential compared to later administration policies and, on the matter of migration policies, scholars such as Uebel (2018) and Cervo & Lessa (2014) stand that Brazil did not develop a *migration policy per se* but a *foreign policy on migration*, conducting its actions towards a given migration flow and lacking an all-encompassing migration framework. This can also be associated with an “intermestic” approach to foreign policy, which is the association of international conjunctures and internal policy goals (ROSENBLUM, 2003; CORNELIUS; ROSENBLUM, 2005).

¹ The interviews were held in the realm of the research project “Migration Governance, International Relations and Norms Diffusion: the R4V Platform and its relations with the Brazilian State” approved by the University's ethics committee and conducted from January 2023 to June 2023. In this paper, the interviewees, when cited, to preserve its anonymity will be named as “Interviewee 1”, “Interviewee 2”, and so forth.

² Here, we considered the Elite personnel in managerial roles in organisations related to *Operação Acolhida*.

Concerning the Brazilian role internationally, one of its prominent roles was the coordination of the United Nations Stabilisation Mission in Haiti (MINUSTAH) from 2004 until 2017, which influenced the perception of Brazil among Haitian citizens (VILLA; PASSOS, 2022). Due to an earthquake in 2010, the Mission had to be postponed several times, as did the Brazilian presence³ in the country. As a result, many Haitian citizens had their livelihoods affected and had no other resort than fleeing the country (BAENINGER; PERES, 2017). The following year, the Brazilian government detected a substantial inflow of citizens coming through the Northwestern border with Peru (DE MORAES; DE ANDRADE; MATTOS, 2013). Brazil had to develop a “creative look” to its legal framework since the migration causes and characteristics did not fall into the classical definition of a *refugee* under 1951’s Geneva Convention (SARTORETTO, 2018, p. 182).

At the same time, the UNHCR and the Brazilian National Committee for Refugees (CONARE) adopted a strict interpretation of the Brazilian Refugee Law (BRASIL, 1997) and the former Foreigners Act (BRASIL, 1980) when it came to individuals seeking refuge in Brazil from Haiti. Even though the Brazilian Refugee Law already incorporated the broader definition of a refugee outlined in the 1984 Cartagena Declaration (UNHCR, 1984), both organisations insisted on the requirement of persecution. This situation raised concerns among Brazilian state agents, as the cases did not demonstrate an apparent “mass persecution.” As a result, two hypotheses emerged: either utilising the expanded definition of a refugee, which includes generalised violence and human rights abuses or establishing an *ad hoc* mechanism designed explicitly for Haitians through Normative Resolutions enacted by the National Immigration Council (CNIg) – this approach was necessary since the Foreigners Act did not encompass provisions for granting visas on humanitarian grounds (SARTORETTO, 2018). The latter has been chosen.

The humanitarian visa was based on existing procedures in the Global North – constantly criticized for weakening the Refugee statute (SOUZA, 2020) – and in 2012, Brazil created an *ad hoc* system to protect Haitians. Even after this measure, the Brazilian Federal Police consistently denied refugee status to Haitians, prompting the intervention of the Public Ministry due to the recurrent practice of *refoulement* at Brazilian borders. The primary reason for this was that the Brazilian government adopted a preconceived understanding that Haitians did not fit within the definition of a refugee, leading to their entry being blocked through actions taken by CNIg (SARTORETTO, 2018). These misunderstandings brought legal uncertainty regarding the recently created humanitarian visa because the Foreigners Act did not include any humanitarian welcoming whatsoever.

To address this gap and establish a migration framework focused on human rights, the government at the time, led by Dilma Rousseff from the Worker’s Party (PT), formed a working group comprising experts in 2013, and their objective was to draft new legislation. One of the key demands from the migrant community and academics was establishing a migratory civil agency that would facilitate the regularisation of migration statuses (BAGGIO; SARTORETTO, 2019). In the subsequent year, 2014, the inaugural National Conference on Migration and Refuge (COMIGRAR) took place. During the conference, the draft legislation was thoroughly discussed and received support for including a humanitarian welcoming process, the end of the securitising language of the Foreigners Act and the establishment of a migratory civil agency, among other claims to adjust its conformity with the Brazilian Constitution (BAGGIO; SARTORETTO, 2019).

Despite extensive mobilisation within civil society and academia, the legislation presented to the Brazilian Congress needed to incorporate most of the draft proposals discussed during COMIGRAR. The responsibility for regularising migration status remained with the Federal Police, without creating a dedicated migratory civil agency. Nonetheless, the Brazilian Migration Law (BRASIL, 2017) was enacted in May 2017 and is still regarded as a significant milestone in establishing a human rights-oriented legal framework. The law repealed the previous Foreigners Act, which national security considerations had guided (SARTORETTO, 2018).

³ Brazilian participation did not come without criticism, especially on the matter of civil-military relations and Human Rights violations – despite its humanitarian commitments (CORREA, 2014; SNYDER, 2017; LEE; BARTELS, 2020).

The newest migration framework's most significant improvements were the provision of a “humanitarian welcoming” in the conceiving visas for stateless persons and citizens of any country that has been through imminent institutional instability, armed conflicts, calamities of grand proportions, environmental disasters, or substantial human rights violations (BRASIL, 2017). It also stated, in its article n. 120, the National Migratory Policy, but has yet to be regulated (it will be further discussed in the following session).

From 2015 to 2018, Brazil witnessed substantial shifts in its political landscape, highlighted by the contentious impeachment proceedings against former President Dilma Rousseff conducted by Congress. As a result, her vice president, Michel Temer of the Brazilian Democratic Movement Party (MDB), assumed the role of the country's president (SENADO, 2016). Temer's presidency marked a departure from Rousseff's left-leaning policies, as he pursued a right-oriented agenda that involved implementing unpopular fiscal and administrative reforms (SILVA; PÉREZ, 2019; SOUZA; SOARES, 2019). One of the most controversial actions taken during his presidency was the continuous deployment of military forces to intervene in domestic affairs. While this practice had already been initiated in previous administrations (dating back to 1992)⁴, it became increasingly frequent during his time in office. Significantly, this marked the inaugural occurrence of a former military official assuming the helm of the Ministry of Defence, which triggered a contentious dispute regarding civil-military relations (CARVALHO, 2019; VIANA, 2021).

Under Temer's presidency, Latin America witnessed a shift towards right-wing leadership in various countries, marking the end of the so-called “pink tide” era – this era had been characterised by a group of left-wing politicians leading Latin American countries since 2002 (SANTOS, 2018). This shift in political dynamics also significantly impacted regional politics, leading to the decline of the Union of South American Nations (UNASUR) and the emergence of alternative regional mechanisms like the Lima Group. The latter has been created to create arrangements for a solution to the Venezuelan institutional and socioeconomic crisis that led to a massive exodus of Venezuelan citizens (VILLAMAR, 2021).

The influx of Venezuelan citizens into Brazil started to be noticed in 2013; however, it was in 2016 that a significant resurgence of this migration flow was detected in the Northern state of Roraima (JAROCHINSKI-SILVA; BAENINGER, 2021). The main entrance to the Brazilian territory is the small bordering city of Pacaraima in the state of Roraima (MACHADO; VASCONCELOS, 2021). An emergency operation was initiated in the latter half of 2016 to provide shelter and assistance in response to the influx of people. This operation involved the collaboration of multiple governmental bodies and United Nations agencies, notably the UNHCR, IOM, the United Nations Population Fund (UNFPA), Food and Agriculture Organisations (FAO), United Nations International Children's Emergency Fund (UNICEF), among civil society organisations and NGOs (ZAPATA; TAPIA WENDEROTH, 2021). This movement of organisations expanded into the *Operação Acolhida*, which will be further discussed in the next sub-session.

Upon taking office, the Bolsonaro administration withdrew from the Global Compact on Migration (GCM) (BBC, 2019). Brumat and Espinoza (2023) provide two critical explanations for this move. Firstly, it was rooted in the idea of welcoming immigration but in a regulated and controlled manner. Secondly, it was influenced by the foreign policy approach of Bolsonaro's government, which aligned with the United States' decision, under the Trump administration, also to exit the GCM (BRUMAT; ESPINOZA, 2023). Bolsonaro's anti-multilateral agenda was underway.

In February 2020, the covid-19 pandemic reached the continent, leading to the closure of state borders and imposing significant restrictions on the mobility of migrants. Refugee resettlement initiatives were interrupted, and states were advised to maintain transit for critical cases. Due to public health concerns, the Brazilian government closed its land borders with Venezuela and neighbouring countries in March 2020. The federal government extended emergency aid to migrant populations to mitigate the economic impact of the pandemic. Nevertheless, many migrants faced vulnerability and could not work due to the ongoing situation (UNICEF, 2020).

⁴ Since 1992, there have been over 130 instances of Law-and-Order Assurance Operations (GLOs) in Brazil, which are authorized by the Brazilian Constitution and regulated by supplementary legislation (CASTRO *et al.*, 2023). However, the employment of military forces on non-traditional roles – subsidiary missions on their taxonomy – is not a consensus on attributions among Military personnel.

Bolsonaro's government implemented a policy of restricting mobility (SERRA; AMORIM, 2021). As the pandemic emerged, the Brazilian government issued multiple Ordinances to limit individuals' movement across border checkpoints (ZAPATA; MOULIN, 2022) – these measures sparked controversies and debates, creating divisions between social movements advocating for immigrants and the government, as mentioned by one of the interviewees from Civil Society Organisations (INTERVIEWEE 2, 2023).

Once the political stand on refugee recognition from Venezuela, Bolsonaro's policy was not human rights oriented seen in participation and numerous declarations in international forums (MONTE; HERNANDEZ, 2021; NEVES; WACHHOLZ, 2021). The formal relations between the Brazilian Government and Nicolás Maduro's Government in Venezuela ceased, and Brazil started recognising the president of the Venezuelan Congress, Juan Guaidó, as the formal leader of Venezuela (BRUMAT; GEDDES, 2022). Also, Bolsonaro's linkage with the Armed Forces played an essential role under his presidency (AGÊNCIA BRASIL, 2018), naming several military personnel to ministries and governmental functions – some of them who worked closely with *Operação Acolhida*, with its biggest name as General Eduardo Pazuello, who conducted the Health Ministry during covid-19 pandemic (BUSS; FONSECA, 2020).

As noted, the transitional government report released in late 2022 did not address migration (GABINETE DE TRANSIÇÃO, 2022). However, there was a clear commitment to human rights within the ministerial bureaucracy, exemplified by the re-establishment of the Social Development Ministry, the Human Rights and Citizenship Ministry, the creation of the Racial Equity Ministry, and the Indigenous People's Ministry (CÂMARA DOS DEPUTADOS, 2023). Also, as mentioned earlier, Brazil returned to the GCM in one of the first commitments performed by Lula in his third term as President.

Lula has been actively engaging in Latin American politics, demonstrated by his involvement in the Community of Latin American and Caribbean States (CELAC) and his efforts to revive the Union of South American Nations (UNASUR). Furthermore, he has been a vocal participant in multilateral forums and discussions, actively contributing to the regional dialogue. Lula's commitment to re-establishing regional cooperation and fostering multilateralism is evident in his ongoing efforts to strengthen ties and promote collaboration among Latin American countries (STUENKEL, 2023). Nevertheless, some unresolved matters remain concerning migration policies and responses to recent developments.

Considering two decades of migration policy, we can observe continuity in the broader migration policy, with links maintained to international treaties, among other aspects linked to norms regarding international migration, and not so much distancing from the previous government's actions.

Operation Welcome

In response to increasing pressure and challenges on the state of Roraima, which declared a state of social emergency on late December 2017, the Federal Government implemented a series of measures in February 2018 to bring to its realm the management of migration flows from Venezuela. This initiative, known as "*Operação Acolhida*" (Operation Welcome), marked the first humanitarian mission carried out by the Armed Forces within Brazilian territory. The decision to involve the military was based on their extensive experience in conducting humanitarian missions across the globe.

Namely *Força-Tarefa Logística Humanitária (FtLogHum)*, the *Operação Acolhida*⁵ was created in February 2018 by the federal government under Michel Temer's term as a Brazilian emergency response to the increasing migration flow coming from Venezuela. *Operação Acolhida* has been an unusual development compared to previous humanitarian infrastructures in other nations (MOULIN; MAGALHÃES, 2020) due to its centrality in the Armed Forces, notably the Army. The Defense Ministry stated that already deployed more than 10.000 military personnel among 16 cohorts taking turns in every 3-5 months on the three bases of the operation – Boa Vista (RR), Pacaraima (RR) and Manaus (AM) (MINISTÉRIO DA DEFESA, 2023). However, the coordination efforts are held by the Federal Government – which has 12 ministries and the

⁵ The operation has been created by the Provisional Measure n. 820/2018 and later enacted by Law n. 13,684 of June 21st, 2018 (BRASIL, 2018).

Chief of Staff for the Presidency –as well as international organisations, international non-governmental organisations, faith-based organisations, and national non-governmental organisations⁶ summing more than 100 agencies (CASTRO *et al.*, 2022; BRASIL, 2023).

The operation has three pillars: border enforcement and control, sheltering, and interiorisation. Because of their interagency status, the organisations can be found in more than one of these pillars, particularly the Military Forces and United Nations agencies (UEBEL; SOSA MÁRQUEZ; FRÖHLICH, 2021). Yet, the Army is more associated with the first, the United Nations High Commissioner for Refugees (UNHCR) with the second, and the International Organisation for Migration (IOM) with the third (INTERVIEWEE 3, 2023; R4V, 2023). The intersectionality that entails working with migrants and refugees necessitates interagency cooperation, despite demonstrating mismatches at times. Based on interviews notes conducted with Military personnel and International Organisations, staff highlighted the tortuous process that has been to achieve consensus among so many stakeholders – and the positionality some decision-makers take on the whole process (KANAAN, 2022; MATTOS, 2022; INTERVIEWEE 1, 2023; INTERVIEWEE 2, 2023). During initial discussions among the organisations that laid the groundwork for *Operação Acolhida*, it became evident that a different approach was required in response to the influx of Haitian migrants. This manoeuvre was primarily driven by the intense criticism from international organisations and civil society towards the previous answer. The stakeholders recognised the need for a new, improved strategy to address the situation effectively (KANAAN, 2022; MATTOS, 2022). To quote one of the Operation’s General on the military role in the state of Roraima:

I remember that there was a federal intervention in the state of Roraima in November December 2018, in which the operational coordinator himself – General Pazuello was the accumulated Secretary of Finance. There was also an intervention in the Secretariat of Public Security. The governor-elect himself took over as intervenor; we stayed there for a period of intervention from December to mid-February; it was a federal intervention; I think there is no precedent for this in the country, in the state of Roraima. This helped us to approach the state to show: “We are together, and the government is in support”. Once I asked the military: do you know why the armed forces are here? Because the government failed to give a return. Because it's not our job. When the armed forces are employed in Law-and-Order Assurance Operations [GLOs] in communities in favelas, it is because with the means that public security has, it has not managed to be effective. The government had to ask for help... (KANAAN, 2022, p. 31, translated by the authors)⁷.

Its centrality in response to welcoming Venezuelan migrants and refugees was the first time Brazil had developed such an operation – relying on the controversial civil-military operations doctrines on humanitarian matters on Brazilian soil (VASCONCELOS, 2021; VASCONCELOS; MACHADO, 2021; ACACIO; PASSOS; PION-BERLIN, 2022). The decision to militarise the operation has been criticized by scholars and members of civil society, who were also consulted during this project. Moulin and Magalhães (2020) have pointed out that the operation's focus on security has resulted in the development of a “humanitarian infrastructure” that draws from various sources, including previous humanitarian operations (such as the peacekeeping as mentioned earlier process in Haiti), interagency procedures developed within the Armed Forces, and military doctrines related to public security interventions in recent years⁸ (VIANA, 2021; VICTOR, 2022). Alas, with this evidence, some authoritarian practices of the Operation stand out, and the tensions among the practitioners and other organisations can be verified with “boots on the ground” (INTERVIEWEE, 2; VASCONCELOS; MACHADO, 2021). Even with those mentioned above “anti-globalist” positions (BOLSONARO, 2021), Bolsonaro’s migration policy did not

⁶ The Organisations’ typology developed here is the same as used on the Response for Venezuelans Platform (R4V) (R4V, 2023).

⁷ In the original: ““Eu lembro que houve uma intervenção federal no estado de Roraima em novembro, dezembro de 2018, e em que o próprio coordenador operacional – General Pazuello foi Secretário da Fazenda acumulado. Houve intervenção também na Secretaria de Segurança Pública. O próprio governador eleito assumiu antes como interventor ficamos ali um período na intervenção de dezembro até meados de fevereiro era uma intervenção federal acho que não tem precedentes disso no país lá no estado de Roraima. Isso nos ajudou a aproximar do estado a mostrar: “nós estamos juntos, o governo está em apoio”. Uma vez eu perguntava para os militares: sabe por que as forças armadas estão aqui? Porque o governo não conseguiu dar um retorno. Porque não é uma função nossa. Quando as forças armadas são empregadas em GLO em comunidades, em favelas, é porque com os meios que a segurança pública tem, ela não conseguiu ser efetiva. O governo teve que pedir ajuda...”

⁸ The perpetuation of military knowledge production is evident in numerous theses and dissertations focused on *Operação Acolhida* within army colleges and universities. Furthermore, as highlighted by Acacio, Passos, and Pion-Berlin (2022), military personnel and generals consistently assimilate and propagate the securitized mindset inherited from previous military operations into civil-military efforts as well.

receive fierce criticism on the “good practice” that *Operação Acolhida* meant to the UN System and the international donors community (GODINHO, 2018).

On Lula’s stance regarding the *Operação Acolhida*, there has been pressure from civil society to maintain its presence (SENADO, 2022). However, the level of involvement of the Armed Forces in the operation remains uncertain, as there have been indications of their gradual withdrawal and the transition towards a primarily civilian-led process (FRAZÃO, 2020). On Lula government’s side, there has not been any commitment about exiting the Military from its duties on the Venezuelans’ reception. Also, recent movements on re-establishing dialogue with the Andean country brought uncertainty on the continuity of the *prima facie* recognition of refuge – with pressure coming from Maduro’s government and reshaping on the Brazilian Ministry of Foreign Relations about the significant and widespread violation of human rights condition on Venezuela, the case that will be discussed on the following session (CAMAROTTO, 2023).

In addition, the funding for the operation encountered difficulties beyond those arising from the covid-19 pandemic. The eruption of the armed conflict in Ukraine in 2022 resulted in the displacement of refugees and the establishment of reception platforms in Europe and other regions across the globe. These events prompted global reallocations of donations, including those to the UN-led Response for Venezuelans (R4V) platform, which experienced significant reductions in funds (R4V, 2023). Consequently, this factor contributed to the operation’s shortfall in anticipated donations from the international community.

In this context, this is undoubtedly one of the most sensitive topics associated with the migration agenda for President Lula since *Operação Acolhida* enjoys considerable international prestige. Additionally, the current configuration of the operation is substantially dependent on human and material resources maintained by the forces involved, and a transition to other bodies could imply significant costs.

Migratory status and the decision-making power of the State regarding refugee status

In May 2017, the Brazilian Migration Law (BRASIL, 2017) was enacted and was regarded as a significant milestone in establishing a human rights-oriented legal framework on migration. The law repealed the previous Foreigners Act, which national security considerations had guided (SARTORETTO, 2018, p. 191). The newest migration framework’s most significant improvements were the provision of a “humanitarian welcoming” the conceiving visas for stateless persons and citizens of any country that has been through imminent institutional instability, armed conflicts, calamities of grand proportions, environmental disasters, or substantial human rights violations (BRASIL, 2017). It also stated, in its article n. 120, the National Migratory Policy, but have yet to be regulated, as previously mentioned.

When Jair Bolsonaro assumed the presidency in 2019, the Brazilian institutions faced a stalemate in dealing with the influx of Venezuelan refugees and processing their asylum requests – and the migration policy was in the process of returning to a restrictive approach due to Bolsonaro’s foreign policy actions (MARTINO; MOREIRA, 2020). In its declarations, Bolsonaro had a stance against multilateral institutions, an “anti-globalist” rhetoric and an “anti-communist” positionality among the international community (MONTE; HERNANDEZ, 2021; CASARÕES; BARROS LEAL FARIAS, 2022). Despite the president’s rhetoric displaying resistance to human rights and formally cutting diplomatic ties with Venezuela (FIGUEIREDO, 2021), Brazilian institutions tried to streamline the process of granting refugee status to Venezuelan citizens and recognising them as refugees based on *prima facie* acumen by 2019. This outcome, identified as a “seemingly counter-intuitive outcome” by Brumat and Geddes (2022), and highlights the divergent approach taken by the institutions in contrast to the president’s position. UNHCR, Civil Society Organisations and NGOs were advocating for this approach, given the backlog and analogical procedures that CONARE has conducted so far (BRUMAT; GEDDES, 2022)

Lula’s migration policy will encounter a significant hurdle in de-securitizing Brazilian migration governance. In particular, Lula faces both an opportunity and a challenge in reshaping the power dynamics within the Brazilian state. The

practical implementation of Law 13.445 of 2017 becomes crucial to accomplish this. This law introduced a 'National Migration, Refuge, and Statelessness Policy' outlined in Article 120. The policy aims to facilitate cooperation between federal, state, and municipal levels in receiving and integrating migrants, refugees, and internal migrants. A working group has been created to address the need for an all-encompassing framework for a national migration policy regulating Article 120 (DELFIN, 2023a). The group is composed of civil society members, academics, migrants' organisations, NGOs, International Organisations, and governmental branches related to the issue and is divided into five axes: migrants' regularisation; local integration; promotion and protection of rights, fight against xenophobia and racism; social participation and international relations and interculturality (MINISTÉRIO DA JUSTIÇA E SEGURANÇA PÚBLICA, 2023a).

Additionally, the policy should establish the roles of various actors in migration governance, including private businesses, international organisations, and civil society. Some scholars propose the creation of a new institution dedicated to migration and asylum to supplement this policy. This institution would lead and coordinate asylum and migration policies, potentially operating within the Ministry of Human Rights. Its responsibilities encompass implementing Article 120 by fostering collaboration among different levels of government and ensuring the participation of a diverse range of state and non-state actors. Establishing such an institution would also relieve the Federal Police, the current agency responsible for regularisation and asylum requests, of specific duties (BRUMAT; PEREIRA, 2023).

Lula inherited an institution backlog in refugee recognition, mostly cases concerning Venezuelan citizens and Haitians, Cubans, Senegalese, and Angolans (PAIXÃO, 2022). According to sources interviewed, there has been a significant and contentious debate within CONARE and the Ministry of Foreign Relations during Lula's first hundred days regarding the declaration of Venezuela's situation as a human rights violation (INTERVIEWEE 2, 2023; CONARE, 2023). Despite normalising formal diplomatic relations, severe and widespread human rights abuses in Venezuela have continued. As of this paper, the prospects for CONARE's *prima facie* recognition of Venezuelan refugees remained uncertain, but the tendency of continuity is well-addressed (INTERVIEWEE 2, 2023)⁹.

This latter reflects the intricate connection between refugee recognition and political dynamics, as highlighted by Goodwin-Gill (2008). This includes considerations of ideology, non-cooperation, and the shaping of discourse aimed at local constituencies. The resolution of this issue will be closely linked to the continuity of Lula's foreign policy towards Venezuela and his initiatives for Latin American integration. Nevertheless, concerning refugees from other origins, such as Burkina Faso, Mali, Afghanistan, Syria, and Iraq, some initiatives were held on maintaining the Serious and Widespread Violation of Human Rights recognition of their refugee claims¹⁰, but aside from the operational aspects of migration policies, the initial actions did not indicate a strictly progressive policy orientation.

Concluding remarks

During the initial 100 days of Lula's term, significant changes occurred in Brazil's foreign policy objectives, particularly in Latin American integration and environmental protection. One notable development was the restoration of diplomatic relations with Venezuela, marked by the reopening of embassies and the facilitation of official dialogues between Venezuelan citizens and their home country. However, the future of reception initiatives remains to be determined, as the recognition of *prima facie* refugee status is subject to interpretation and vulnerable to pressures from the Venezuelan government and various Brazilian ministries.

Regarding Venezuelan citizens, *Operação Acolhida* faces a deadlock involving the government and international organisations. The operation's continuity is closely linked to budgetary concerns, particularly regarding support from international donors. Additionally, the operation's ongoing transformation into a comprehensive civilian initiative further

⁹ The only minute available at the moment of the writing of this article is dated February 24, 2023, and touches lightly on the subject (CONARE, 2023).

¹⁰ Although outside of the scope of this article, an ordinance released on September 22nd, 2023, concerning migrants of Afghan origin who were seeking a humanitarian visa needed to provide a sponsor (MINISTÉRIO DA JUSTIÇA E SEGURANÇA PÚBLICA, 2023b).

complicates the situation due to inconsistency in the Military's future participation. The resolution of these issues will be crucial in determining the future of the procedure and its ability to support and assist Venezuelan citizens effectively.

The foreign migration policy maintains its distinctive intermestic characteristics: linkage to international and regional migration norms, international cooperation, and partnership with International Organisations. However, great expectations are placed on the working group formulating a national migration policy due to the urgent need to break the cycle of ad hoc policies and the absence of a comprehensive migration governance framework over the past two years. The implementation of ad hoc solutions and controversial measures during this period has underscored the necessity for a complete and cohesive approach. Consequently, there is significant anticipation regarding the working group's efforts to develop a national migration policy that can effectively address these challenges and establish a more systematic and pragmatic governance framework for migration. Therefore, our hypothesis is substantiated, considering the progressive legislative developments related to the National Migration Policy, the ongoing *Operação Acolhida* initiative, and the intricate dynamics within the interplay of domestic politics and foreign policy regarding human rights. Due to the article's constrained focus, we can only offer conjecture regarding the potential maintenance of recognition of Venezuelans as refugees under the expanded Cartagena refugee definition, a matter that remains uncertain, even with its renewal in 2023.

In summary, the primary focus has been on international activities and foreign policy, with a commitment to upholding human rights principles and honouring prior commitments. Conversely, when it comes to migration policies, beyond the operational aspects, the initial actions did not exhibit elements indicative of a strictly progressive policy direction.

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Authors' Contributor Roles

Matheus Felten Fröhlich:

Conceptualization; Methodology; Investigation; Writing (Original Draft Preparation);

Verônica Korber Gonçalves:

Conceptualization; Methodology; Investigation; Supervision; Writing (Review & Editing);

Information provided by the authors according to the [Taxonomy of author contributions \(CRediT\)](#)