

Interiorization by family reunification and by social reunion as a paradigm for enforcmenting the right to family reunion of Venezuelan Immigrants and Refugees in Brazil

La interiorización por reunificación familiar y por reunión social como paradigma para la realización del derecho a la reunión familiar de los inmigrantes y refugiados venezolanos en Brasil

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ABSTRACT: This study aims to analyze the right to family reunion of immigrants and refugees as a fundamental human right and the public policies implemented by Brazil, with a view to ensuring this right and promoting the local integration of beneficiaries of interiorization strategy in the host societies for which they are destined, with a focus on its social dimension. The research is justified by providing an opportunity to analyze the public policy of access and implementation of the right to family reunion for Venezuelan immigrants and refugees, at a national level, through the process of interiorization, with a view to the local integration of this public. To this end, the deductive method will be used in a qualitative approach, as

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it seeks to verify, through basic bibliographic and documentary research, how the right to family reunion has been guaranteed to Venezuelan immigrants and refugees.

KEYWORD: Venezuelans; Operation Shelter; Interiorization; Human Right; Right to family reunion.

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I. INTRODUCTION

The Bolivarian Republic of Venezuela has been affected by a three-dimensional humanitarian crisis, understood as the result of the depletion of its economic, political and social conditions, which compels a large number of its nationals to migrate to different American states in search of better survival conditions. Among these States are Colombia, Peru, Brazil, Ecuador and Chile¹.

Brazil, in the period between January 2015 and August 2023, welcomed more than 477 thousand Venezuelans², who entered in its territory mainly by land via the dry border between the state of Roraima and the state of Bolívar, in Venezuela and remained, mainly in the Roraima municipalities of Pacaraima and Boa Vista. Despite the fact that the Federal Government was aware of the arrival and permanence of this migratory flow in the aforementioned federal state since 2015, it only adopted more incisive measures to manage it from February 2018, which resulted in the establishment of the Humanitarian Logistics Task Force in Roraima, known as “Operation Shelter”. This Operation is developed in three priority areas, namely: border planning, shelter and interiorization – a process that consists of the voluntary and assisted relocation of these immigrants to other federal states and is understood by the Federal Government as the main measure to assist this migratory flow.

Until August 2023, 112,293 Venezuelans had already been formally interiorized, among which 74,320 were interiorized through

¹ R4V, Plataforma de Coordenação Interagencial para Refugiados e migrantes da Venezuela, “Refugiados e Migrantes Venezuelanos na Região”, Maio 2023. Disponible in: <<https://www.r4v.info/es/document/r4v-america-latina-y-el-caribe-refugiados-y-migrantes-venezolanos-en-la-region-ago-2023>> (03 set. 2023).

² *Idem*.

family reunification and social reunion³, based on the concept of a family based on affection. Given this context, it will seek to answer the following question: Are the modalities of interiorization by family reunification and by social reunion capable, in themselves, of providing the total local integration of their beneficiaries in the host societies? This study lists a hypothesis that aims to answer the question presented. Thus, although Operation Shelter develops modalities of internalization by family reunification and by social reunion, with a view to guaranteeing and implementing the right to family reunion for Venezuelan immigrants and refugees, it is reflected whether such modalities of internalization alone would be capable of providing the local integration of their beneficiaries in the host societies or whether for this purpose it would also be necessary to develop local public policies.

In this sense, this study aims to analyze the right to family reunion of immigrants and refugees as a fundamental human right and the public policies implemented by Brazil, with a view to ensuring this right and promoting the local integration of beneficiaries of interiorization in host societies, for which they are intended, focusing on its social dimension.

Therefore, this study is divided into three sections in addition to this introduction and final considerations. The first will focus on the reasons that compel Venezuelans to migrate, their entry and stay in Brazil and the creation of Operation Shelter, with an emphasis on the process of interiorization through family reunification and social reunion modalities. The second will discuss some theoretical aspects of the local integration process, as well as analyzing the guarantee of the human and fundamental right to family reunion of immigrants and refugees as a means of promoting local integration. The third will briefly address the evolution of the concept of family in Brazil, emphasizing the current

³ Brasil, “Estratégia de Interiorização”. Disponible in: <<http://aplicacoes.mds.gov.br/snas/painel-interiorizacao/>> (03 set. 2023).

conception of family based on affection, which is applicable to the types of interiorization through family reunification and social reunion, as well as it will highlight that such modalities of interiorization, in themselves alone, they are not capable of promoting the total local integration of these Venezuelans in their host societies.

Finally, the research is justified by providing an opportunity to analyze the public policy of access and implementation of the right to family reunion for Venezuelan immigrants and refugees, at a national level, through the process of interiorization, with a view to the local integration of this public. To this end, the deductive method will be used in a qualitative approach, as it seeks to verify, through basic bibliographic and documentary research, how the right to family reunion has been guaranteed to Venezuelan immigrants and refugees.

II. THE CREATION OF THE OPERATION SHELTER AND THE INTERIORIZATION PROCESS

The Bolivarian Republic of Venezuela, since 2013, has been submerged in a three-dimensional humanitarian crisis as a result of the combination of economic, political and social problems, which have compromised the daily lives of the Venezuelan population. With the worsening of such circumstances, especially due to the population's submission to hunger, poverty, shortages of medicines and essential goods and the persecution and arbitrary arrests against opponents of the current government, Venezuelans have been compelled to move to other states. in search of better survival conditions.

Based on this, it is inferred that massive Venezuelan migration occurs due to involuntary displacements motivated by the impossibility of individuals continuing to live in their State of ori-

gin⁴. The number of Venezuelans who have already left Venezuela totaled 7.71 million individuals, whose main South American receiving States are Colombia (2.89 million), Peru (1.54 million), Brazil (477.5 thousand), Ecuador (474.9 thousand) and Chile (444.4 thousand)⁵.

With the worsening of the Venezuelan crisis in 2017, more and more Venezuelans began to enter and remain in Brazilian territory, in a situation of extreme socioeconomic vulnerability, mainly in the municipalities of Pacaraima and Boa Vista – capital of the state of Roraima⁶. Nonetheless, only from February 2018 the Brazilian Federal Government adopt more effective measures to manage this migratory flow. Such measures were taken after the publication of Provisional Measures n° 820/2018 and n° 823/2018 and Decrees n° 9.285/2018 and n° 9.286/2018 and the beginning of the Humanitarian Logistics Task Force in Roraima, coordinated by the Civil House of the Presidency of the Republic together with the Brazilian Army.

Thus, on March 1, 2018, the Joint Chiefs of Staff of the Armed Forces decided that the Brazilian Army would establish Operation Shelter in the state of Roraima, whose development would take place in three distinct areas, namely: a) border planning, b) shelter and, c) interiorization of immigrants. This Operation aims to cooperate with the Federal Government in assisting immigrants, through logistical support in transportation, food (preparation and distribution), health, identification, immunization, construc-

⁴ CIDH, Comisión Interamericana de Derechos Humanos, *Institucionalidad democrática, Estado de derecho y derechos humanos en Venezuela: informe de país*, Washington, 2017.

⁵ R4V, *op. cit.*

⁶ SILVA, João Lucas Zanoni da; SILVA, César Augusto Silva da, “A diáspora venezuelana para o Brasil: a experiência do Projeto Acolhida de Dourados – MS”, *In: CONTINI, Alaerte Antônio Martelli; CARNEIRO FILHO, Camilo Pereira; Preussler, Gustavo de Souza, Fronteiras e direitos humanos em perspectiva*, Curitiba, Íthala, 2019, p. 242.

tion and expansion of shelters and support for the interiorization process⁷.

Operation Shelter effectively began on March 16, 2018. Specifically regarding interiorization, it began, at a national level, on April 2018, consisting of the process of voluntary and assisted relocation of Venezuelan nationals from the state of Roraima to other Brazilian federative states, in addition to being understood by the Brazilian Federal Government as the main measure to deal with the migratory flow in question.

The interiorization process occurs in five modalities, namely: a) “shelter to shelter” interiorization; b) interiorization due to family reunification; c) interiorization due to a signaled job offer; d) interiorization by civil society⁸ and; e) interiorization by social reunion⁹.

Regarding internalization by family reunification, it is observed that this occurs administratively within the scope of Operation Shelter, and it is necessary for a former participant in the interiorization process by other modalities, with the exception of

⁷ KANNAN, Cel; TÁSSIO, Maj; SIDMAR, “2º Ten. As Ações do Exército Brasileiro na ajuda humanitária aos imigrantes venezuelanos”, In: BAENINGER, Rosana; SILVA, João Carlos Jarochinski (coords.), *Migrações Venezuelanas*. Campinas - SP: Núcleo de Estudos de População “Elza Berquó” - Nepo/Unicamp, 2ª ed., 2018, p. 68.

⁸ SAMPAIO, C.; Silva, J. C. J., “Complexidade x singularidade - a necessidade de outras soluções duradouras” In: BAENINGER, Rosana; SILVA, João Carlos Jarochinski (coords.), *Migrações Venezuelanas*, 2ª ed., Campinas - SP: Núcleo de Estudos de População “Elza Berquó” - Nepo/Unicamp, 2018, p. 393.

⁹ SILVA, João Lucas Zanoni da. *A Imigração Venezuelana para o Brasil: do ingresso em Pacaraima – RR ao início da interiorização em Durados* – MS. Dissertação (Mestrado em Fronteiras e Direitos Humanos) Universidade Federal da Grande Dourados (UFGD) – Dourados – MS, 2020, p. 135. Disponível em: <<https://files.ufgd.edu.br/arquivos/arquivos/78/MESTRADOFRONTEIRAS/Jo%C3%A3oLucasZanonidaSilva%20-%20disserta%C3%A7%C3%A3o.pdf.pdf>> (20 set. 2023).

social reunion, to forward to IOM the data relating to the each of the family members who are in Pacaraima or Boa Vista, as well as copies of their personal documents, namely: asylum request/refugee protocol/temporary residence permit; negative criminal record certificate; National Foreigner Registry (RNE)/National Migration Registry (RNM); Register of Individuals (CPF); Work and Social Security Card (CTPS); property rental contract in your name; proof of residence and signed economic responsibility statement, through which you will undertake to receive your respective family members and provide them with essential needs for three months¹⁰.

In turn, the process of social reunion also occurs administratively when the Venezuelan immigrant, usually a former participant in the interiorization process by other modalities, requests the Brazilian Army that people with whom he has emotional ties, generally friends, be taken to the municipality in which he resides. The immigrant forwards to the Brazilian Army the data of each of the people with whom he has emotional ties, and who are in Pacaraima or Boa Vista, and copies of his personal documents and/or those of another person, usually those of leaders of religious groups, which, in the form of sponsorship, are also responsible for the arrival of such immigrants. The list of this documentation is made up of the same documents as those for interiorization due to family reunification.

Both modalities of interiorization only occur with Venezuelan immigrants and refugees who are in Brazilian territory, without going through any bureaucratic procedures from National Committee for Refugees (CONARE), the Ministry of Justice and the Ministry of Foreign Affairs, in addition to having no cost for the receiving family member, unlike what happens in the family reunion carried out through the extension of legal refugee status.

¹⁰ PROJETO ACOLHIDA, *Projeto Acolhida de Imigrantes Venezuelanos em Dourados. Ata da quinta reunião ordinária do Projeto Acolhida dos Imigrantes Venezuelanos de Dourados*, realizada no dia 14 de março de 2019.

Therefore, from April 2018 to August 2023, 112,293 Venezuelans were formally interiorized, of which 19,435 were through family reunification and 54,885 through social reunion, corresponding to 66.7% of the interiorizations carried out¹¹. In this sense, it is emphasized that the reunion of family group members of refugees and immigrants is a humanitarian and essential goal for them to be able to find a lasting solution and achieve the maximum possibility of enjoying a normal life¹², therefore obtaining success in the new host society and giving effect to the human and fundamental right to family reunion, as will be explained in the next section.

III. GUARANTEING THE RIGHT TO FAMILY REUNION OF IMMIGRANTS AND REFUGEES AS A LOCAL INTEGRATION MECHANISM

Firstly, before starting the discussion on the right to family reunion for immigrants and refugees, it is necessary to briefly discuss the concept of local integration. This is essential, because the local integration of an immigrant or refugee into the new host society is also linked to the need for these individuals to have the right to live with people with whom they have emotional ties in the new host State.

According to the United Nations High Commissioner for Refugees (UNHCR)¹³, local integration is a complex and gradual process, with legal, economic, social and cultural dimensions that

¹¹ *Idem.*

¹² JASTRAM, Kate; NEWLAND, Kathleen, "Family unity and refugee protection", Geneva, UNHCR, 2001. Disponible in: <<https://www.refworld.org/docid/470a33be0.html>> (20 set. 2023).

¹³ ACNUR, Alto Comissariado das Nações Unidas para os Refugiados. Integração Local, 2023. Disponible in: <<https://www.acnur.org/portugues/solucoes-duradouras/integracao-local/>> (15 set. 2023).

place considerable demands on individuals and the societies that host them. UNHCR still sees integration into a State of asylum as one of the lasting solutions, through which refugees can re-establish their lives¹⁴.

There is no universal consensus on the term local integration, which is why the meanings may vary depending on the State and the period of time, being subject to an analysis based on interests, values and perspectives. Nonetheless, it should be noted that local integration does not consist of a process of assimilation by refugees into the societies in which they find asylum¹⁵. Assimilation is noted when immigrants and refugees erase their ethnic origins with the aim of getting closer and closer to the characteristics of the existing population in the host society¹⁶. Therefore, in an approach to the historical construction of the term local integration, Kuhlman creates an expanded definition of the theme, according to which “Integration can then be understood as a process of adaptation where migrants maintain their own identity, yet become part of the host society to the extent that host population and refugees can live together in an acceptable way”¹⁷.

¹⁴ *Idem.*

¹⁵ CRISP, Jeff, “The local integration and local settlement of refugees: a conceptual and historical analysis”, *New Issues in Refugee Research*, UNHCR, 2004.

¹⁶ ALBA, Richard; NEE, Victor, “Rethinking assimilation. Remaking the American mainstream: Assimilation and contemporary immigration”, 2003, pp. 1-16.

¹⁷ KUHLMAN, Tom, “The Economic Integration of Refugees in Developing Countries: A Research Model”, *Journal of Refugee Studies*, Oxford, v. 4, n. 1, 1991, pp. 1-21. Disponible in: <https://www.researchgate.net/publication/31258421_The_Economic_Integration_of_Refugees_in_Developing_Countries_A_Research_Model> (10 set. 2023).

When analyzing the concept of local integration, Moreira¹⁸ summarizes the dimensions of such a process from a social, cultural, ethnic, religious, economic, political, psychological and spatial perspective. According to the author, integration must be understood as a comprehensive term, above all, as it encompasses a complex of processes in multiple dimensions, each having its own form of operation and meaning, developing in temporalities and trajectories that are peculiar to them and generating variable results. When considering the complexity of the local integration process permeated by multiple factors, highlighting socioeconomic, cultural and political ones, it appears necessary to provide refugees with opportunities for employment, housing, learning the language of the host State, use of services public health and education and the construction of social relationships with other members of local society.

Regarding the identification of the actors involved in this process, these are the immigrants and refugees with their peculiarities and different levels of effort and adaptation and the host society with its characteristics and different reactions to the newcomers. It is the interaction between such actors that establishes the guidelines and intermediate and final results of the local integration process. Nevertheless, it is emphasized that there is no parity between these actors in this process, as they have unequal resources and political strength. Because of this, the host society, its organizational structure and the reaction to newcomers are much more decisive for the success of the local integration process. Integration policies integrate the different levels of institutional organization of a society, mainly because they should be defined broadly

¹⁸ MOREIRA, Julia Bertino, “Refugiados no Brasil: reflexões acerca do processo de integração local”, *Revista Interdisciplinar de Mobilidade Humana (REMHU)*, ano XXII, n. 43, 2014, p. 89-90.

to include policies and their effects on immigrants, and policies specifically aimed at the integration of these individuals¹⁹.

With the aim of legally guaranteeing immigrants and refugees equal rights in the new host society and creating public policies aimed at guaranteeing their integration into multiple social spheres, this study makes a theoretical and methodological outline, in order to delve deeper into the analysis of the local integration of these individuals through the guarantee of the human and fundamental right to family reunion, through the modalities of interiorization by family reunification and by social reunion, within the administrative scope of the Operation Shelter.

Likewise, according to UNHCR, family reunion is essential to protect the essential unity of society, to guarantee the dignity of the lives of refugees and to promote the protection of children, because when the individual is alone he is more susceptible to being subjected to situations of exploitation and risk such as depression, consumption of psychotropic substances, among others, in addition to having a higher level of dependence on assistance services, precisely because there is no support from the family protection network²⁰.

Thus, the family is seen as the main protective unit of individuals in society. Because of this, the right to family is provided for in different international, regional and national legal documents.

At the international level, the Universal Declaration of Human Rights, of December 1948, guarantees in its article 12 that no person will suffer arbitrary interventions in their private life or family²¹. The interpretation of this article expresses that persecution

¹⁹ PENNINX, Rinus, Integration of migrants: economic, social, cultural and political dimensions. in: *The new demographic regime: population challenges and policy responses*, New York/Geneva, United Nations, 2005, p. 142.

²⁰ JASTRAN; NEWLAND, *op. cit.*

²¹ ONU, Organização das Nações Unidas, *Declaração Universal dos Direitos Humanos de 1948*. Disponible in: <<https://brasil.un.org/pt-br/91601-declaracao-universal-dos-direitos-humanos>> (10 set. 2023).

and violations of human rights that force someone to leave their State of origin are arbitrary interventions in family life, therefore violating this right²². Article 16 of this Declaration also guarantees all individuals the right to found a family and recognizes, in paragraph 3, that the family is the essential element of society and has the right to its protection and state protection²³. In fact, the families of immigrants and refugees, like any other, have the right to protection.

Within the scope of International Refugee Law, the Geneva Convention Relating to the Status of Refugees of 1951 does not explicitly address the right to family and family reunion²⁴. However, the final act of the Conference that adopted the aforementioned Convention recommends the adoption of necessary measures to ensure the protection of the refugee family (fundamentally, considering that it may be threatened), with a view to maintaining the family unit, even if others family members do not meet the necessary requirements to be recognized as refugees²⁵. Therefore,

²² Martuscelli, P. N. Reunião Familiar como Alternativa de Proteção: desafios e avanços na realidade brasileira. Seminário “Migrações Internacionais, Refúgio e Políticas”, 2016, pp. 4-5.

²³ ONU, *op. cit.*

²⁴ ONU, Organização das Nações Unidas, Convenção de Genebra de 1951 Relativa ao Estatuto dos Refugiados, Disponible in: <https://www.acnur.org/fileadmin/Documentos/portugues/BDL/Convencao_relativa_ao_Estatuto_dos_Refugiados.pdf> (10 set. 2023).

²⁵ ACNUR, Alto Comissariado das Nações Unidas para os Refugiados, Background note for the agenda item: Family reunification in the context of resettlement and integration. Protecting the family: challenges in implementing policy in the context. Annual Tripartite Consultations on Resettlement, 2001, Geneva. Anais. Genebra, ACNUR, 2001. Disponible in: <<https://www.unhcr.org/media/background-note-agenda-item-family-reunification-context-resettlement-and-integration>> (20 set. 2023).

it is recommended that the legal status of refugee be extended to other family members who are in national territory²⁶.

Furthermore, the Cartagena Declaration of 1984 in its thirteenth conclusion, of section three, recognizes that the reunification of family group members constitutes an essential principle in matters of refugees, which must inspire the humanitarian regime in the State of asylum²⁷. That is, the aforementioned Declaration established the protection of refugees and their respective rights in the conceptual universe of human rights²⁸.

Nonetheless, Lambert²⁹ considers that the right to family reunion is not presented clearly in international law for two reasons, namely: a) because of the lack of a common definition of family and; b) because the protection of family reunion requires positive actions from States. This is because the particular situation of the refugee who has his right to family life mitigated and/or taken away in his State of origin clashes with the discretionary power of the host State to expel or reject the entry of members of the refugee's family group into its territory.

Nevertheless, it is observed, at a national level, that the Federal Constitution of 1988 establishes in its article 1, item IV, the dignity of the human person as one of the foundations of the Federative Republic of Brazil, as well as in its article 3, item IV, pro-

²⁶ MARTUSCELLI, *op. cit.*, pp. 4-5.

²⁷ ACNUR, Alto Comissariado das Nações Unidas para os Refugiados. *Declaração de Cartagena de 1984*. Disponible in: <https://www.acnur.org/fileadmin/Documentos/portugues/BD_Legal/Instrumentos_Internacionais/Declaracao_de_Cartagena.pdf> (20 set. 2023).

²⁸ TRINDADE, A. A. C., SANTIAGO, J. R., *La nueva dimensión de las necesidades de protección de ser humano em el início del siglo XXI*, 2ª ed., Impresora Grossestra Internacional, 2003, p. 33.

²⁹ LAMBERT, Hélène, "Family unity in migration law: the evolution of a more unified approach in Europe" In CHETAIL, V., BAULOZ, C. (eds.), *Research handbook on international law and migration*, Cheltenham Edward Elgar, 2014, pp. 194-215.

moting the good of all without any discrimination is one of the fundamental objectives of the Brazilian State. And, in its article 5, it recognizes the right to material and substantial equality, prohibiting any discrimination between native, naturalized and non-national Brazilians, just as, in item X, of this article, it guarantees the right to inviolability of private life. Finally, the aforementioned Constitution in its article 226 gives the family, considered the basis of society, special protection from the State³⁰.

Furthermore, the Law nº 9.474/1997 – the Refugee Statute, is highlighted, which in its article 2, provides for the extension of the effects of refugee status to the spouse, ancestors and descendants, as well as to other members of the family group who are economically dependent on refugees, as long as they are in Brazilian territory, with a view to ensuring family reunion³¹.

Finally, the Law nº 13.445/2017 – new Migration Law, is mentioned, whose article 3, items VIII and XII, establish, respectively, that Brazilian migration policy will be governed by some principles, including: universality, indivisibility and interdependence of human rights; guaranteeing the right to family reunion and; promotion and dissemination of migrant rights, freedoms, guarantees and obligations³².

This is why, in the next section, will be discussed the concept of family and its application in the public policy of interiorization through family reunification and social reunion, with the purpose

³⁰ Brasil, Constituição Federal de 1988. Disponible in: https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Accessed in 22 set. 2023.

³¹ Brasil, Lei nº 9.474, de 22 de julho de 1997. Define mecanismos para a implementação do Estatuto dos Refugiados de 1951, e determina outras providências. Disponible in: http://www.planalto.gov.br/ccivil_03/leis/l9474.htm (20 set. 2023).

³² Brasil, Lei nº 13.445, de 14 de maio de 2017. Institui a Lei de Migração. Disponible in: https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/l13445.htm (21 set. 2023).

of implementing the right to family reunion of Venezuelan immigrants and refugees arriving in Brazil.

IV. NOTES ON THE CONCEPT OF FAMILY AND ITS APPLICATION IN THE LOCAL INTEGRATION OF IMMIGRANTS AND REFUGEES IN BRAZIL

The concept of family can be seen as the concept that best denotes the essence of a society, enabling knowledge of its most intimate values and their contradictions, since the family is seen as the essential nucleus of society. Legal protection for the family does not presuppose a specific legal concept, because it is a phenomenon in constant development.

The entity that was previously based only on official recognition by the State, through marriage celebrated by the Roman Catholic Apostolic Church and founded on patriarchy, male chauvinism and neglect between biological and non-biological children and children born within the conjugal relationship and outside it, has become a space for intimate coexistence between individuals who are close and committed to each other in fulfilling ethical and normative duties, such as, for example, the duty to care for and protect children, adolescents, the elderly and people in situations of physical and psychic vulnerability.

The historical trajectory of the concept of family and its legal protection is not peaceful and much less linear, but rather the result of a constant struggle for the conquest, recognition and enforcement of rights, in a dispute marked by emblematic clashes, such as the various projects of law to delimit the so-called “Family Statute” in the singular, such as Projects of Law n° 6.583/2013 and n° 6.583-A/2013, as opposed to “family law” in the plural.

Thus, with the advent of the Federal Constitution of 1988, there was a change in the family model in Brazilian legislation, since the patriarchal society was not in line with the modern society after the Industrial Revolution. And, consequently, the old

patriarchal family was replaced by the family based on values of solidarity, respect, coordination and communion of interests³³. In other words, the family underwent a transformation, with an emphasis on affection to the detriment of purely formal and patrimonial conceptions³⁴. That is, the family has become a space for the existential construction of the being, in search of fulfillment, happiness and dignity, built on affection, as this arises from the constant appreciation of human dignity and solidarity³⁵, constitutional bases of the Democratic State of Law.

The 1988 Federal Constitution established new values in response to social changes, including the end of discrimination against non-marriage family entities, which are now protected in the same way as those constituted by marriage; equality of rights and duties between men and women in conjugal society and stable unions and; the equality of children of any origin, whether biological or non-biological, marital or not, respectively in accordance with its article 226, first line, and §§ 5, 3 and 6³⁶.

In effect, the scope of the family became social solidarity and other necessary conditions for human improvement and progress, with the family nucleus being disciplined by affection³⁷. In other words, there is a repersonalization of family relationships, because

³³ LÔBO, Paulo Luis Netto, "A repersonalização das relações de família", *Revista Brasileira de Direito de Família*, Porto Alegre, Síntese, n. 24, jun./jul., 2004, p. 138.

³⁴ BARROSO, Luís Roberto, "A Constitucionalização do Direito e o Direito Civil. In: Direito civil contemporâneo: novos problemas à luz da legalidade constitucional", TEPEDINO, Gustavo (org.), *Anais do Congresso Internacional de Direito Civil-Constitucional da Cidade do Rio de Janeiro*, São Paulo, Atlas, 2008, p. 258.

³⁵ TARTUCE, Flávio, *Manual de direito civil: volume único*, 3 ed., São Paulo, Método, 2003, p. 1062.

³⁶ Brasil, 1988.

³⁷ FRAIAS, Cristiano Chaves de; ROSENVALD, Nelson, *Direito das Famílias*. 2 ed., Rio de Janeiro, Lumen Juris, 2010, p. 10.

the family, which was previously linked to patrimonial or merely procreational issues, began to value human dignity and inserted the individual as the center of legal protection, as explained in the following excerpt:

The traditional family appeared through patrimonial law and, after liberal codifications, through the multiplicity of individual ties, as atomized subjects. Now, it is founded on solidarity and cooperation, on respect for the dignity of each of its members, who oblige each other in a community of life. The current family is only understandable as a space for personal and emotional fulfillment, in which patrimonial interests have lost their role as the main protagonist. The repersonalization of your relationships revitalizes family entities³⁸.

Therefore, it is noted that, at the same time, the family fulfills a functionalized role, that is, it must serve as a conducive environment for promoting the dignity and fulfillment of the personality of its members in order to aggregate feelings, hopes and values and to serve as the basis for the pursuit of happiness. Furthermore, due to this new definition of family, the emotional ties and supportive relationship have made this conception much more extensive than that defined only between a man and a woman, because family encompasses a bond that is established with someone, regardless of whether they are consanguineous or not³⁹.

In addition to the conception of a family based on affection, Law n° 10.404/2002 – the Civil Code was promulgated, centered on the idea of person and personality rights, in which the first

³⁸ LÔBO, *op. cit.*, p. 152.

³⁹ DINIZ, Maria Helena, *Curso de direito civil brasileiro*, 23 ed., São Paulo, Saraiva, 2008, p. 9.

consists of “the source value of all values, being the main foundation of the legal system⁴⁰.

It is in line with these precepts that the Civil Code of 2002 recommends that marriage establishes full communion of life, based on the equality of rights and duties of the spouses, with any person or entity being allowed to interfere in the union celebrated for family development, and such civil diploma be interpreted according to constitutional dictates, through its application to specific cases⁴¹. This concept of family is in line with the expansion of the concept of family provided for in Law n° 11.340/2006 – Maria da Penha Law, which establishes that the current family is formed by the will of the individuals who make it up and not by legal precept⁴².

UNHCR⁴³ contributes to these considerations by asserting that there is no consensus on the definition of family, which is why the broadest and most objective definition of family would be a group of individuals who wish to live together. In fact, according to a definition set out in the Commentaries to the Additional Protocol of the Geneva Convention of 1949, the family is defined as people related by blood who live together as a single household, which includes spouses, brothers and sisters, uncles, aunts, nephews or any person, regardless of the degree of kinship, who belong to this group, because they share life or emotional connections. In short,

⁴⁰ REALE, Miguel. *Os Direitos da Personalidade*, 2004. Disponível in: <<https://www.miguelreale.com.br/artigos/dirpers.htm#:~:text=Poder%20C3%ADamos%20dizer%2C%20em%20suma%2C%20que,indiv%2C%AD-duos%20que%20comp%2C%B5em%20a%20comunidade>> (23 set. 2023).

⁴¹ RAMOS, Elaine Cristina Gabriel, “A Evolução do Conceito de Família no Âmbito do Ordenamento Jurídico Brasileiro”, *Revista de Filosofia do Direito, do Estado e da Sociedade*, v. 5, n. 2, jul./dez., 2014, pp. 149-161.

⁴² Brasil. Lei n° 11.340, de 7 de agosto de 2006. Disponível in: <http://www.planalto.gov.br/ccivil_03/_ato2004-2006/2006/lei/111340.htm> (23 set. 2023).

⁴³ ACNUR, 2001.

all those who consider themselves and are considered by others as members of a family and who want to live together belong to the same family.

From the above, it is noted that the process of interiorization through the modalities of family reunification and social reunion aims to realize the human and fundamental right to the family formed by bonds of affection, with the aim that the basic institution of society is preserved and that the Venezuelan immigrants and refugees may have facilitated their process of local integration into the host society, at least in terms of the social dimension of such a process. This is a circumstance that allows the application of Arendt's⁴⁴ theoretical assumptions, as it has been possible for beneficiaries of interiorization to seek reintegration into a new national society, into their own national community. In other words, being able to integrate locally alongside people with whom they have emotional ties.

However, it is observed that the local integration process is described as complex, interdisciplinary and dynamic. Castles *et. al*⁴⁵. understand integration as a joint effort between the parties involved, that is, between immigrants, refugees and the host society. In turn, Penninx⁴⁶ asserts that integration occurs in all spheres, at local, regional, national and international levels, nevertheless, he emphasizes the importance of this process being developed by local governments and society.

Interiorization, therefore, constitutes a public policy, the development of which requires a complex operationalization of resources, political actors and means for its implementation, in a context of articulation between the Federal Government and local

⁴⁴ ARENDT, Hannah, *Origens do totalitarismo*, São Paulo, Companhia das Letras, 2012, p. 397.

⁴⁵ CASTLES, Stephen; KORAC, Maja; VASTA, Ellie; VERTOVEC, Steven, *Integration: mapping the field*, London, Home Office Immigration Research and Statistics Service, 2002.

⁴⁶ PENNINX, *op. cit.*

actors in the different Brazilian federative states and municipalities.

Regarding the social dimension of the local integration process, Ager and Strang⁴⁷ emphasize that this is achieved in the process of social connection, evidenced in the exchanges developed between and within groups of migrants with the host society. From the internal perspective of this dimension, carrying out the interiorization process through family reunification and social reunion ensures and enforces the fundamental and human right to family reunion and, consequently, provides connection and exchanges between Venezuelan immigrants and refugees and their respective families and people with whom they have emotional ties.

In light of the external perspective of such a dimension, it is observed that in some Brazilian municipalities the municipal Public Power has developed activities to welcome these individuals in terms of the social dimension, considering issues related to socialization with the local community, culture, ethnicity and religion. That is, there was action by municipal management in encouraging the creation of ties between the beneficiaries of interiorization and the local community, as narrated by Silveira⁴⁸ in the municipality of Cachoeirinha in the state of Rio Grande do Sul. On the other hand, in other Brazilian municipalities there was no the development of any activity by the municipal Public Power to welcome Venezuelans, in relation to the aforementioned dimen-

⁴⁷ AGER, Alastair; STRANG, Alison, "Understanding integration: a conceptual framework", *Journal of Refugee Studies*, v. 21, n. 2, 2008. Disponível in: <<http://www.cpcnetwork.org/wp-content/uploads/2014/04/19.-Ager-Strang-UnderstandingIntegration-2008.pdf>> (20 set. 2023).

⁴⁸ SILVEIRA, Carmel, *A Interiorização dos venezuelanos: atuação do poder público municipal no processo de integração local durante o acolhimento em Cachoeirinha (RS)*, Trabalho de Conclusão de Curso (Graduação) – Universidade Federal do Rio Grande do Sul (UFRGS), Instituto de Filosofia e Ciências Humanas, Curso de Políticas Públicas, Porto Alegre, 2019, pp. 67-68.

sion, which is why the contact of these immigrants and refugees and the exchanges carried out with members of the host society came about throughout their working days, from the socializing with neighborhood residents, attending confessional institutions and participating in leisure activities and cultural events that were attractive to the individuals in question, which took place in the host society, as narrated by Silva⁴⁹, referring to the municipality of Dourados, located in state of Mato Grosso do Sul.

Although both modalities of interiorization mentioned implement the human and fundamental right to family reunion of Venezuelan immigrants and refugees in the different Brazilian municipalities participating in the government's interiorization strategy, they are not capable, by themselves, of providing the total local integration of these Venezuelans in host societies. Because, to do so, it is necessary that they also have access to the other dimensions of the local integration process, namely: normative, health, and social, labor, educational and housing assistance. Some of which would be facilitated with the proactive action of local public authorities in the municipalities receiving the interiorization.

Lastly, it is highlighted the need for greater awareness among Municipal Public Authorities regarding the issue, as well as a greater exchange of information between the three federative spheres of government, civil society organizations that assist these immigrants and refugees and support the interiorization, the command of Operation Shelter and the Venezuelans themselves who are participants in this local integration process. In other words, it is necessary that all actors involved directly and indirectly in interiorization are heard with the aim of creating specific public policies that facilitate the process of local integration of the migrants in question, so that it does not merely mean the transfer of people in situation of extreme vulnerability from one Brazilian region to others, enabling their family reunion, but without guaranteeing them the minimum integration into the host societies,

49 SILVA, *op. cit.*, pp. 199-200.

in order to deny them access to and enjoyment of other human and fundamental rights and maintain them in a situation of social marginalization.

V. FINAL CONSIDERATIONS

Based on the above, it was verified that the forced and massive displacement of Venezuelans from their State of origin has occurred due to the establishment of a three-dimensional humanitarian crisis that has impeded the continuity of human life. It was also highlighted the fact that Brazil is the third South American State that received the most Venezuelans, who enter its territory, mainly through the dry border between the state of Roraima and the state of Bolívar, in Venezuela.

Likewise, from 2015 onwards, there was a progressive increase in the number of entries and stays of Venezuelans in vulnerable situations in the Roraima municipalities of Pacaraima and Boa Vista. However, it was observed that it was only in 2018 that the Brazilian Federal Government adopted more incisive measures to manage this migratory flow and assist Venezuelans, culminating in the creation of Operation Shelter, whose action is based on three priority areas, namely: planning the border, shelter and interiorization.

Thus, the discussion on interiorization was deepened, which consists of the process of voluntary and assisted relocation of Venezuelans from the state of Roraima to other Brazilian federative states and is developed in five modalities, the focus of which was on the modalities of family reunification and social reunion, because these implement the right to family reunion of Venezuelan immigrants and refugees arriving in Brazil, based on the application of the concept of family based on affection, established with the promulgation of the Federal Constitution of 1988 and ratified by the Civil Code of 2002. Furthermore, the aforementioned mo-

dalities of interiorization help Venezuelans in their local integration into the new host society.

In effect, it was understood that the local integration process is complex and gradual and requires efforts from both immigrants and refugees and the host society, permeating the normative, economic, political, cultural, health and social assistance, labor, educational and housing. In this sense, it was asserted that the organizational structure and the reaction to the arrival of immigrants and refugees by the host society are more decisive for the success of the local integration process, therefore requiring the creation of public policies aimed at this specific Audience.

Finally, in relation to the social dimension of the process, it was found, from its internal aspect, that the modalities of interiorization through family reunion and social gathering guarantee and implement the human and fundamental right to family reunion and, consequently, provide connection and exchanges between Venezuelan immigrants and refugees and people with whom they have emotional ties. Nonetheless, from the external aspect of this dimension, it was found that, in some municipalities, such as Cachoeirinha, located in the state of Rio Grande do Sul, contact and exchanges between the beneficiaries of interiorization and the host society were facilitated due to actions implemented by the Municipal Public Power to meet this purpose and other dimensions of the local integration process. This, nevertheless, was not evidenced in other Brazilian municipalities, such as Dourados, located in the state of Mato Grosso do Sul.

These circumstances allow to infer that there is a need for greater awareness among Municipal Public Authorities regarding the issue and a greater exchange of information between all actors directly and indirectly involved in interiorization, including Venezuelans themselves, so that public policies can then be created that facilitate the local integration of the public in question, so as not to summarize interiorization as a mere transfer of migrants in situations of extreme vulnerability from one Brazilian region to another.