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Martuscelli, P.N. (2020) How are refugees affected by Brazilian responses to COVID-19? *Revista de Administração Pública*, 54 (5). pp. 1446-1457. ISSN: 0034-7612

<https://doi.org/10.1590/0034-761220200516x>

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Forum Practical Perspectives: Special Section COVID-19

How are refugees affected by Brazilian responses to COVID-19?

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Refugees are forcibly displaced people who fled their home countries due to persecutions because of their religion, nationality, political opinion, race, or being part of a particular social group. Brazilian Law 9474/1997 recognizes people who are fleeing a situation of severe and generalized violation of human rights as refugees. According to Brazilian law and Constitution, refugees have the same rights as Brazilians. However, my research with 29 refugees living in the states of São Paulo and Rio de Janeiro shows that refugees are disproportionately affected by the Brazilian responses to the COVID-19 pandemic. This article discusses how refugees in Brazil are affected by federal responses to the pandemic. I conducted 29 semi-structured phenomenological interviews with refugees between March 27, 2020, and April 06, 2020. These interviews were analyzed considering responses adopted by the Brazilian government (at the federal level) to respond to COVID-19. I conclude that refugees are affected by the closure of the borders and their rights to documentation, healthcare, and social assistance (the emergency benefit) are violated.

Keywords: COVID-19; refugees; Brazil; public policies.

Como refugiados são afetados pelas respostas brasileiras a COVID-19?

Refugiados são pessoas deslocadas de maneira forçada que saíram de seus países de origem por causa de perseguições relacionadas com suas religiões, nacionalidades, opiniões políticas, raças e pertencimento a um grupo social específico. A Lei Brasileira 9474/1997 também reconhece como refugiadas pessoas que fugiram de uma situação de grave e generalizada violação de direitos humanos. De acordo com a legislação e com a Constituição brasileira, refugiados possuem os mesmos direitos que os brasileiros. Contudo, minha pesquisa com 29 refugiados vivendo nos estados de São Paulo e do Rio de Janeiro mostra que refugiados são desproporcionalmente afetados pelas respostas brasileiras à pandemia da COVID-19. Esse artigo discute como refugiados no Brasil são impactados pelas respostas do governo federal à pandemia. Realizei 29 entrevistas fenomenológicas semiestruturadas com refugiados entre 23 de março de 2020 e 06 de abril de 2020. Essas entrevistas foram analisadas considerando as ações adotadas pelo governo brasileiro (no nível federal) para responder a COVID-19. Concluo que refugiados são afetados pelo fechamento das fronteiras e possuem seus direitos à documentação, acesso à saúde e assistência social (incluindo ao benefício emergencial) violados.

Palavras-chave: COVID-19; refugiados; Brasil; políticas públicas.

¿Cómo los refugiados son afectados por las respuestas brasileñas a la COVID-19?

Los refugiados son personas desplazadas de manera forzada, que han dejado sus países de origen debido a persecuciones relacionadas con sus religiones, nacionalidades, opiniones políticas, razas y pertenencia a un grupo social específico. La ley brasileña 9474/1997 también reconoce como refugiados a las personas que han huido de una situación de violación grave y generalizada de los derechos humanos. Según la legislación y la Constitución brasileña, los refugiados tienen los mismos derechos que los brasileños. Sin embargo, mi investigación con 29 refugiados que viven en los estados de São Paulo y Río de Janeiro muestra que los refugiados son desproporcionadamente afectados por las respuestas brasileñas a la pandemia de COVID-19. Este breve artículo analiza cómo los refugiados en Brasil se ven afectados por las respuestas del gobierno federal a la pandemia. Realicé 29 entrevistas fenomenológicas semiestruturadas con refugiados entre el 23 de marzo y el 6 de abril de 2020. Esas entrevistas se analizaron considerando las acciones adoptadas por el gobierno brasileño (a nivel federal) para responder a la COVID-19. Concluyo que los refugiados son afectados por el cierre de fronteras y que se les violan sus derechos a documentación, a acceso a la salud y asistencia social (incluido el beneficio de emergencia).

Palabras clave: COVID-19; refugiados; Brasil; políticas públicas.

DOI: <http://dx.doi.org/10.1590/0034-761220200516x>

Article received on June 01, 2020 and accepted on June 23, 2020.

[Original version]



INTRODUCTION

Forced displaced people are particularly affected by crises, including natural disasters and pandemics. Several international organizations like the United Nations High Commissioner for Refugees (UNHCR, 2020), the International Organization for Migrations (IOM, 2020), and the World Health Organization (WHO, 2020) have called attention and adopted measures to protect immigrants and refugees from the new coronavirus (COVID-19). Researchers have also advocated the importance of States to support immigrants and refugees independently of their migration status (Kluge et al., 2020; Orcutt et al., 2020).

However, immigrants and refugees (people that were forcibly displaced due to persecutions connected to their race, nationality, political opinion, religion, or membership to a particular social group) are more affected by pandemics than nationals (Kabir et al., 2020). Although this pandemic is still ongoing and there is uncertainty considering second and third waves of contamination and the duration of immunization of cured patients, there are already some studies on how refugees and immigrants are affected by pandemics. Studies show that non-nationals suffer from xenophobia in contexts of a pandemic, and they tend to be “blamed” by some authorities (Ventura, 2015). They also have their rights denied easily to contain sanitary emergencies (Ventura, 2016). At the same time, immigrants and refugees in camps and detention centers cannot follow measures of social distance and hygiene, since many of those places already lacked hygiene and medical infrastructure before the pandemic (Vince, 2020; International Committee of the Red Cross [ICRC], 2020).

Betts, Easton-Calabria, and Pincock (2020) argue that refugee-led organizations are providing responses to COVID-19 in developing countries and the importance of supporting those local strategies. Other studies reflect on the importance of immigrants and refugees as assets for countries to fight the COVID-19 since they work in essential positions, including nurses, doctors, and in the logistics and food sectors (Muggah & Zanusso, 2020).

It is particularly important to understand how refugees in developing countries are affected by the pandemic: since nearly 84% of the refugee population is in those countries (UNHCR, 2019), and those states have fewer resources to respond to crisis (UNDP, 2020). Brazil is an interesting case to conduct this analysis on how refugees are affected by the pandemic responses. The country was the sixth country in the world that received more asylum-seekers in 2018 and 2019 (UNHCR, 2019, 2020b). The country also has progressive legislation towards migration and asylum. The Asylum Law (Law 9474/1997) adopts an expanded definition of refugees considering people fleeing situations of gross and generalized violations of human rights. The Brazilian Migration Law (Law 13.445/2017) adopts a human rights perspective. It recognizes many rights to immigrants, including the right to family reunification, access to healthcare and social assistance, and non-discrimination. At the same time, there have been critics to the Brazilian government due to its lack of effective responses to the pandemic and the conflict between president’s declarations and governors’ and mayor’s responses (Prado, 2020; Office of the High Commissioner for Human Rights [OHCHR], 2020). Brazil has a rising number of new cases each day, and WHO has declared the Americas (especially Brazil) as the new epicenter of COVID-19 in the world (Boadle, 2020).

This paper analyses how refugees experience the responses given by the Brazilian federal government (since migration and border management are competences from the federal government) to the COVID-19 pandemic and how it affects their lives. I conducted 29 interviews with refugees living in the states of São Paulo and Rio de Janeiro between March 27, 2020, and April 06, 2020, to understand how they were reacting to the government's responses. I compare their perceptions with policies adopted by the Brazilian federal government in three areas: access to benefits, closure of borders, and access to other rights (like healthcare and documentation). The results show that refugees tend to be more affected by the government responses to the pandemic, especially the closure of the Federal Police, the closure of the borders, and the uncertainty and difficulties to access the emergency benefit (*Auxílio Emergencial do Governo Federal*). There are still no studies where refugees themselves reflected on their experiences during this pandemic, including the impact of governmental responses (or the lack of them) in their lives. This work contributes to understanding how a minority (refugees) are affected by responses to the COVID-19 pandemic. Besides this introduction, this short paper presents a methodological section, a section discussing its results, and a final section with the preliminary conclusions and next steps for the research.

METHODOLOGY

Between March 27, 2020, and April 06, 2020, I conducted semi-structured interviews with 29 refugees living in the states of São Paulo and Rio de Janeiro. All refugees were in states that declared measures to contain the virus: staying at home, closure of non-essential activities, and measures of hygiene and social distancing recommend by the WHO. Refugees that were community leaders and activists were invited to be part of the research. After that, they provided contacts of other refugees willing to be part of the study. I employed the 'snowballing' technique to recruit participants until the participants were not providing any different experiences or views from the previous ones. All interviews were conducted by phone (using the WhatsApp phone tool). All participants gave their oral informed consent and were informed about the research and how to withdraw from it. The participants could choose the language of the interview: only 3 out of 29 preferred not to do it in Portuguese (1 in French and 2 in English). All the interviews were recorded (with the consent of the refugees), transcribed, and coded.

Phenomenological studies "aim to access the insights of participants as they make sense of their lived experiences and situatedness" (Quinney, Dwyer, & Chapman, 2016, p. 1). They are useful to understand refugees' perceptions of political responses through pandemics. Box 1 reports the characteristics of the 29 participants. Most participants are male, living in the city of São Paulo. The Brazilian refugee population, composed of 5,314 refugees living in Brazil in 2018, was mainly male, coming from Syria and the Democratic Republic of Congo, and living in the city of São Paulo (Alto Comissariado das Nações Unidas para os Refugiados [ACNUR] & Cátedra Sérgio Vieira de Mello [CSVM], 2019). Venezuelans were the group with the highest number of asylum-seekers, mainly in North states (Comitê Nacional para os Refugiados [CONARE], 2019). However, many of them were just recently recognized as refugees. In 2020, Brazil recognized 43,000 refugees, including 38,000 Venezuelans (Presidência da República, 2020). Other Venezuelans achieved other types of regularization, and many have their asylum requests still pending.

BOX 1 INFORMATION OF THE PARTICIPANTS

Date (2020)	Language	gender	age	country	State of Residency	Risk group ^a	People at the house	Employment situation
27/03	Portuguese	male	48	Syria	São Paulo	No	Wife	employed
27/03	Portuguese	male	40	Syria	São Paulo	No	wife and children	self-employed
27/03	Portuguese	male	28	Democratic Republic of Congo	São Paulo	No	Wife	employed
28/03	Portuguese	male	35	Democratic Republic of Congo	São Paulo	No	wife and children	unemployed
28/03	Portuguese	male	47	Syria	São Paulo	Yes	wife and children	self-employed
30/03	Portuguese	male	38	Mali	São Paulo	No	Friends	employed
30/03	Portuguese	male	39	Mali	São Paulo	No	brother and wife	unemployed
30/03	Portuguese	male	33	Syria	São Paulo	No	wife and children	self-employed
30/03	Portuguese	male	30	Democratic Republic of Congo	São Paulo	No	brother, sister-in-law and niece	employed
30/03	Portuguese	male	34	Democratic Republic of Congo	São Paulo	No	Alone	employed ^b
30/03	Portuguese	male	34	Guinea	São Paulo	No	Alone	employed
30/03	Portuguese	male	33	Cameroon	São Paulo	Yes	Alone	employed
31/03	Portuguese	male	40	Democratic Republic of Congo	São Paulo	Yes	wife and children	employed
31/03	Portuguese	male	28	Democratic Republic of Congo	São Paulo	No	Alone	unemployed
31/03	Portuguese/ French	male	40	Democratic Republic of Congo	São Paulo	No	wife and children	self-employed

Continue

Date (2020)	Language	gender	age	country	State of Residency	Risk group ^a	People at the house	Employment situation
31/03	English	male	30	Syria	São Paulo	No	Friends	self-employed
01/04	Portuguese	male	30	Democratic Republic of Congo	São Paulo	No	Brothers	unemployed
01/04	Portuguese	male	23	Democratic Republic of Congo	São Paulo	No	wife and children	employed
01/04	Portuguese	male	25	Democratic Republic of Congo	São Paulo	No	Alone	unemployed
02/04	Portuguese	male	39	Democratic Republic of Congo	Rio de Janeiro	Yes	wife, children, mother in law, sister in law	employed
02/04	English	female	48	Guyana	São Paulo	Yes	Husband	self-employed
03/04	Portuguese	female	36	Democratic Republic of Congo	São Paulo	Yes	mother, husband, and children	unemployed
03/04	Portuguese	male	27	Syria	Rio de Janeiro	No	girlfriend	employed
03/04	Portuguese	male	40	Democratic Republic of Congo	São Paulo	No	wife and children	employed
04/04	Portuguese	male	20	Democratic Republic of Congo	São Paulo	No	uncle and sister	employed
04/04	Portuguese	male	28	Syria	São Paulo	No	Friends	self-employed
04/04	Portuguese	male	32	Syria	São Paulo	No	Alone	employed
04/04	Portuguese	female	39	Democratic Republic of Congo	São Paulo	No	Children	unemployed
06/04	Portuguese	female	37	Venezuela	São Paulo	Yes	husband, children, and parents in law	self-employed

^a Risk group means if the refugee has a person in his house who is part of a group facing more risk to COVID-19 (e.g., older people, people with chronic diseases like health problems and diabetes).

^b this refugee was employed when I interviewed him. He lost his job ten days after that due to his company's needs to cut costs following the closure of non-essential commerce.

Source: Elaborated by the authors.

I analyzed three responses adopted by the Brazilian federal government to the pandemic and how they affected refugees' lives. I conducted a content analysis of documents produced by the Brazilian government, including Decrees (*Portarias*), to understand the policies adopted. I also analyzed the Brazilian legislation (Asylum Law, Migration Law, and the Brazilian Constitution) to understand the access of this population to rights. Other sources were official documents from the Federal Police (the border agency in Brazil) and the *Defensoria Pública da União* (DPU – the organization that legally represents immigrants and refugees in cases involving the federal government). I also employed secondary sources like news from the specialized journal on migration *Migramundo*.

RESULTS AND DISCUSSIONS

This section is divided into three parts, considering the responses given by the Brazilian federal government to manage the pandemic and how those responses affected my interviewees. Three responses are analyzed: border closing, access to documentation and healthcare, and access to the emergency benefit (*Auxílio Emergencial do Governo Federal*).

3.1 Borders Closing

“The government wanted a motive to limit migration; now, it has a motive to close borders. People arriving will have no documents” (Congolese refugees, 34 years-old). On March 26, 2020, the Brazilian government adopted the Portaria N° 47, that prohibited the entrance of non-nationals in Brazil for 30 days. This Decree was renewed in April (extending this prohibition for another 30 days). On May 22, 2020, the government published Portaria n° 255 (revoking the former ones) and maintaining for 30 more days the prohibition for foreigners to entry in Brazil. The document prohibits the entrance of any foreigner in Brazil by land, air, or water. The exemptions are for Brazilians, immigrants with residence in Brazil (determined and undetermined deadlines), foreigners serving international organizations, or representing their countries (registered with the Brazilian government) and passengers in international transit. Relatives of Brazilian citizens (married or non-married partners, children, parents, or curators), foreigners authorized by the Brazilian government considering the public interest or humanitarian reasons and foreigners who have the *Registro Nacional Migratório* (RNM - document provided by the Federal Police) can also enter in Brazil.

It explicitly excludes Venezuelans from the relatives and the humanitarian reasons exemptions. According to article 7, violations of this Decree may incur civil, administrative, and penal responsibilities, immediate deportation or repatriation, and inability to apply for asylum. Although the Decree aims to prevent and to reduce risks in situations of emergency that can affect people's lives in the context of the pandemic of the coronavirus SARS-CoV-2 (COVID-19), this document violates human rights internalized by Brazil. First, the closure of borders violates the right to apply for asylum, a right recognized in different human rights treaties ratified by Brazil. Secondly, it violates the non-discrimination as one of the main objectives of Brazil (article 3°, IV of the Federal Constitution, 1988) since it explicitly excludes Venezuelans from exceptions.

My research participants were particularly worried about the border closing. Many refugees were worried because they were trying to bring their families through family reunification procedures. In

some cases, the family members already had a visa. However, the refugee was afraid that they could not enter in Brazil. In other cases, the family member was expecting a family reunification visa in the origin countries: “*People are waiting for their family reunification visas* (Syrian refugee, 33 years-old)”. However, due to the COVID-19 pandemic, the embassies and consulates abroad were not issuing visas. The concerns considering borders are in this explicative quote:

COVID-19 affects a lot the immigrant and refugee community [...] There was the closure of the borders. It is good to prevent the entrance of more diseases, but who had visas and air tickets? [...] and who is outside and need to enter? You cannot only allow Brazilians to enter and to forget immigrants whose families are outside. People here were saving money, and when they could buy the tickets, Brazil closed the doors. Can this person embark on a plane or not? Are those people being identified and having information? [...] These people have connections with Brazil because the ones that sustain them are in Brazil (Congolese refugee, 40 years-old).

The right to family reunification is guaranteed in the Migration Law. Family unity is a principle of the Brazilian Migration Policy. Nonetheless, it is not clear if refugee and immigrants’ family members who do not have the RNM will be able to enter in Brazil.

3.2 Access to documentation and healthcare

Besides the principle of non-discrimination in the Brazilian Federal Constitution, refugees have access to different rights present in the Brazilian legislation. Asylum Law (9474/1997) guarantees the right to documentation to refugees (article 6). Migration Law (13.445/2017) article 3 states the repudiation and prevention of xenophobia, racism, and any type of discrimination. Article 4 guarantees access to rights to all immigrants in the same conditions as nationals, including access to public services of health and social assistance with no discrimination based on nationality and migratory status.

Due to the pandemic, the Federal Police has restrained its services and suspended the emission of the RNM and provisory RNM (for people applying for asylum). While the government stopped all immigration deadlines on March 16, 2020 (and asylum deadlines on March 11, 2020), many refugees were harmed due to the suspension of the Federal Police activities. Many refugees are in the middle of the naturalization procedures to become Brazilians and have access to more rights (like voting). More than one interviewed commented that they were waiting for those appointments for more than two months, and now they do not know when they will have a date again.

Other refugees reflected about asylum-seekers that need to have their refugee status recognized to bring their families: “*People are waiting for their documents, and this will take longer now. The Federal Police closed*” (Syrian refugee, 33 years-old). The asylum procedures are stopped in Brazil since the meetings of the National Committee for Refugees (CONARE) are suspended (Portaria N° 2). The government responses have affected the right to refugees and asylum-seekers to documentation.

Other interviewees’ reflection was on fear of accessing healthcare services if they needed it. More than one refugee reflected that they experienced xenophobia when accessing healthcare before the COVID-19 outbreak. In the context of the COVID-19 pandemic, they were afraid medical personal would not choose to treat them if they had to choose between a refugee and a Brazilian to provide

treatment: *“Sometimes we are mistreated, we suffer discrimination. We pray not to get the disease because we know it will be hard to receive treatment. It will not be like Brazilians”* (Congolese refugee, 23 years-old).

3.3 Access to the emergency benefit (*Auxílio Emergencial do Governo Federal*)

On April 07, 2020, the Brazilian government, through the Decree n° 10.316, created an emergency benefit of R\$600,00 (~ US\$ 120,00) to people in a vulnerable situation due to the pandemic: unemployed people, self-employed with low income, informal workers and impoverished families for three months. The government created an App with the federal bank *Caixa Econômica Federal*, where people could register to receive the benefit¹. The formal name of the benefit is *Auxílio Emergencial do Governo Federal*. However, it was popularly known in Brazil as the coronavoucher.

While immigrants have a legal right to social assistance, many refugees were uncertain if they would have access to any benefit from the federal government: *“Many refugees do not know how to register. Maybe refugees will not be allowed to register and access this benefit”* (Mali refugee, 39 years-old). A prominent leader of the refugee community commented that it was hard to understand the categories of eligibility: *“Who will receive it? Who will facilitate to understand if I am eligible or if I am not? Who? Because even me, when I heard it, I had to read two or three times to understand the categories of people. [...] You can be left out from something that is your right”* (Congolese refugee, 40 years-old).

Besides that, the entire app was in Portuguese, and there was no explicit instruction for immigrants. For example, the app asks for the Brazilian identity document (*RG – Registro Geral*); however, refugees have only the RNM. It was not clear for them that they could put their identity documents to register for the benefit. Civil society organizations and the DPU have made efforts to inform the refugee community, including through lives on social media and informational materials in different languages (Universidade Federal do Paraná [UFPR], 2020). They recommended that the government consider immigrants and refugees to access rights explicitly in areas like health, social assistance, documentation.

The DPU has submitted documents to guarantee the immigrants’ right to receive the benefit. Another problem was that the Bank Caixa Econômica denied access to the money to immigrants due to the type of document that they had to open the virtual bank accounts needed to receive the benefit. The public defenders from São Paulo filled an action to guarantee access to this social assistance to all immigrants independently of their migratory situation (Delfim, 2020).

FINAL REMARKS

Refugees are a left-behind group when we consider governmental responses to the COVID-19 pandemic. While their access to different rights is guaranteed in the Brazilian law, their actual access in the context of the pandemic was directly harmed by the federal responses. Non-discrimination is a principle in the Brazilian Federal Constitution (1988). Nonetheless, the Brazilian government has excluded Venezuelans from entering in Brazil through the family and the humanitarian clauses

¹ See: <https://auxilio.caixa.gov.br/#/inicio>

exemptions in the Decree that prohibited the entrance of non-national in Brazil. Moreover, refugees fear discrimination when accessing healthcare in Brazil.

Refugees are more vulnerable than Brazilian minorities because they have the mark of mobility. That is, they are not nationals in Brazil. They cannot vote to “punish” governments that harm them. Even “invisible” Brazilians have a right to vote. They grew up in Brazil. They speak Portuguese. They have Brazilian documents. They understand the Brazilian bureaucracy and the “Brazilian way” (in Portuguese, *jeitinho brasileiro*). Refugees do not have the same documents as Brazilians. They have a hard time to access information and understand how they can fight for their rights.

Even vulnerable Brazilians “have more rights” than refugees in the current pandemic. For example, vulnerable Brazilians do not have to worry about border closing. Their families and loved ones are probably in Brazil. Hence, border closing does not impact the life of these “invisible” Brazilians. Even if Brazilian minorities like indigenous populations and black Brazilians have their rights consistently violated and face discrimination, they do not face xenophobia when accessing rights (like refugees) because they are nationals. Refugees are more prone to face discrimination and xenophobia, especially black refugees.

Moreover, although many Brazilians face challenges to access the benefit *Auxílio Emergencial do Governo Federal* due to technical problems in the system, they were not worried that the bank would not accept their national document. Brazilians that had the benefit approved had no problems receiving the money since the bank opened the virtual accounts using their RG. That was not the case for many immigrants and refugees. Even when the money was approved, many immigrants and refugees could not access it due to documental constraints. This situation was so serious that the public defender (DPU) had to guarantee this access juridically. No Brazilian whose benefit was approved had to go to Court because her document was not the right one.

Although “invisible” and vulnerable Brazilians have their rights denied in many areas, they are still Brazilians. That is, they are nationals that, in theory, should be protected by the Brazilian State. Refugees are not nationals. They are welcomed by the Brazilian government that cannot return them to a place where their lives will be harmed. Refugees will only be “Brazilians” when they go through naturalization procedures. This procedure takes time and money. Refugees have to do a Brazilian Portuguese test (CELPE-BRAS) that is requested in Brazilian universities. Many Brazilians would not pass the CELPE-BRAS. As naturalized Brazilians, those former refugees will have a right to vote. They will be able to punish governments that harm them. However, the pandemic has also delayed many naturalization appointments with the Federal Police. No Brazilian is worried that their naturalization appointment is indefinitely delayed because she/he already has a right to vote. If Brazilian minorities are left-behind in the context of the COVID-19 pandemic, refugees that have the mark of mobility and are not nationals are even more left-behind than “invisible” Brazilians.

The Brazilian federal responses to COVID-19 harm refugees. Borders closing brings uncertainty about their family reunification right. The suspension of the Federal Police and the CONARE activities allows uncertainties on their asylum and naturalization processes. Bureaucratic barriers prevent their access to the emergency benefit created to support vulnerable people. The 29 refugees that I interviewed perceived that the Brazilian responses to COVID-19 were not enough to protect people effectively. Besides that, they reflected that those policies had affected their lives and well-being. Uncertainty,

fear, and xenophobia are the main concerns when refugees talk about how they are experiencing the pandemic in Brazil and its responses.

A refugee reflected that “immigrants have no roots in Brazil,” they have no support. Hence, they depend more on public policies than nationals that have their family members in Brazil. This short paper was a first attempt to reflect on how a minority (refugees) perceive the effects of policies adopted by the Brazilian government to manage the pandemic. Due to space constraints, it focused on three responses: border closing, access to documentation and healthcare, and access to the emergency benefit. Further studies could deepen those impacts and consider the effects of other COVID-19 related policies on the refugee population in Brazil.

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