


## FORMAL EDUCATION IN THE CONTEXT OF VENEZUELAN REFUGEES IN THE STATE OF RORAIMA-BRAZIL 2015-2023

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**Angel Gregorio Martinez Rios<sup>1</sup>, Amilton de Lima Barbosa<sup>2</sup>, Sérgio Luiz Lopes<sup>3</sup> and Mariana Cunha Pereira<sup>4</sup>**

### ABSTRACT

This research reflects the evolution of the legal status of refugees, migrants and stateless persons, from the approach of international laws and Brazilian regulations, which will directly influence the flexibility of the procedures to enroll students of other nationalities in the national territory, thus ensuring access to education for children and adolescents, contemplated as one of the universal human rights. This research through the qualitative approach will be of a documentary and bibliographic type and will aim to present the legal evolution of refugee status from the perspectives of international and national regulations, as well as the impact of the flexibility of the mechanisms for access and permanence of education in the educational system of Roraima in the period from 2015 to 2023, taking as source data from the State Secretariat of Education and Sports of Roraima (SEED/RR). Finally, we present which demands are motivated by the presence of Venezuelan students enrolled in the public school network in the state of Roraima.

**Keywords:** Education. Refugee. Venezuelans.

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<sup>1</sup> Master's student in the Graduate Program in Society and Borders - PPGSOF

Federal University of Roraima – UFRR

E-mail: angel23martinez86@gmail.com

LATTES: <https://lattes.cnpq.br/2386921985204904>

<sup>2</sup> Master's student in the Academic Graduate Program in Education – PPGE

Uni. State of Roraima and Fed. de Edu Institute. Science and Technology of Roraima – UERR/IFRR

E-mail: amiltonbarbosa982@gmail.com

ORCID: 0009-0006-5640-9579

LATTES: <https://lattes.cnpq.br/0769978530413941>

<sup>3</sup> Post-doctorate at the Federal University of Sergipe

Federal University of Roraima/UFRR

E-mail: sergio.luz@ufr.br

ORCID: <https://orcid.org/0000-0001-8802-7897>

LATTES: <http://lattes.cnpq.br/1950611302869986>

<sup>4</sup> Post-Doctorate in Social Policies from PROCAD-AM/UENF

Federal University of Roraima/UFRR

E-mail: marianac.pereira@ufr.br

LATTES: <http://lattes.cnpq.br/0207378492271750>

## INTRODUCTION

This work aims to present the evolution of the different definitions of the term refugee, first from the international context after the Second World War in 1951, the process of decolonization of Africa that will influence the 1967 protocol and finally the political conflicts in Central America in the 80s, a product of the political-ideological interferences of the Cold War. Then we will analyze the national context of the Federative Republic of Brazil regarding the adequacy to national laws to effect the reception of immigrants and refugees, as well as the guarantee of their rights in the Brazilian territory initially with the implementation of Law No. 9.474/97 until the enactment of the new migration law of 2017, as well as the involvement of the Federal Government through the Ministry of Justice, National Committee for Refugees<sup>5</sup>, Federal Police, National Council of Education, Federal Public Defender's Office and the different resolutions or technical decrees that aim to guarantee the rights of immigrants in the national territory.

## THE 1951 CONVENTION RELATING TO THE STATUS OF REFUGEES

This legal instrument of an international nature was agreed in Geneva at the United Nations Conference, was represented by delegations from 26 countries, representatives of the United Nations High Commissioner for Refugees<sup>6</sup>, the International Refugee Organization (IRO), Caritas Internationalis, the International Committee of the Red Cross and several Non-Governmental Organizations<sup>7</sup> as observers. The statute was initially adhered to by 12 signatory states and entered into force on July 24, 1951, currently more than 149 states have adhered to the Refugee Convention, which aimed to provide guidance on the guarantee of the rights of refugees in a context after World War II (1939-1945), when Europe was the center of migration worldwide. This Refugee Statute contemplates the following:

Definition of the term "refugee"<sup>8</sup> [...] shall apply to any person: [...]. Who, as a result of the events which took place before January 1, 1951 and fearing persecution for reasons of race, religion, nationality, social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, if he is not a national and is outside the country in which he had his habitual residence as a result of such events, he cannot or, due to said fear, does not want to return to it. (UNHCR, 1951, p.2)

<sup>5</sup> Created by Law No. 9,474 of 1997 according to article 11. It establishes its competences, structures and functionalities of migration processes in Brazil.

<sup>6</sup> UNHCR, also known as the United Nations Refugee Agency, established in 1950.

<sup>7</sup> NGOs are private institutions, with no profit motives.

<sup>8</sup> Emphasis added.

We understand that for the person to be considered a refugee in this context, he or she must comply with 2 requirements: be outside his or her country of origin or have suffered persecution for any reason described above, being limited temporally and geographically according to paragraph "a" of paragraph 1 of section B of article 1: "events that occurred before January 1, 1951 in Europe" (UNHCR, 1951. p.3). This statute also included access to public education, according to article 22, as follows:

[...] 1. The Contracting States shall accord refugees the same treatment as nationals with regard to primary education. 2. The Contracting States shall treat refugees as favourably as possible, and in any case no less favourable than that accorded to foreigners in general, in the same circumstances, as regards degrees of education beyond primary school, and in particular as regards access to studies, the recognition of certificates of study, foreign diplomas and university degrees, exemption from duties and fees and the granting of scholarships. (UNHCR, 1951, p. 11).

This international treaty contemplated duties and rights for refugees and commitments of States to guarantee them, while education established equal access to primary education, recognition of studies done in the country of origin at the technical or higher levels. As well as the exemption from the payment of fees specific to the process and the granting of scholarships or scholarships for refugees under the same conditions offered to any other foreigner in the receiving country.

## **METHODOLOGY**

We will make use of bibliographic research as a methodology of our work, focusing our study in the context of the qualitative approach in the treatment and analysis of the data obtained after the readings and their systematization. Thus, we will seek to show the relevance of this study in contemporary times in relation to what the state of Roraima and Brazil as a whole are going through regarding the migratory crisis in Venezuela and the forced displacement experienced by its population.

Through content analysis, it is possible to extract valuable and in-depth information from the various bibliographic sources that were studied, contributing to the production of knowledge about this population phenomenon and within these premises, supporting this sensitive and critical look at this demand in the educational scenario, which is the opportunity for access and permanence of migrant students as a result of legal provisions within Brazilian regulations.

According to Pizzani et al. (2012, p. 54), the term bibliographic research can be understood as being "[...] the literature review on the main theories that guide scientific work." and clarifies that the bibliographic inventory may "[...] be carried out in books, periodicals, newspaper articles, Internet sites, among other sources".

We will continue to make didactic use of the applicability of bibliographic and qualitative research, in line with content analysis, demonstrating its importance and effectiveness as an investigation instrument for the construction of scientific thinking.

Bibliographic research is a fundamental step in any academic study, as it allows the researcher to know and analyze what the authors have to say about the topic in question. According to Prodanov and Freitas (2013, p. 54), "In bibliographic research, it is important that the researcher verifies the veracity of the data obtained, observing the possible inconsistencies or contradictions that the works may present", through bibliographic research the researcher has direct access to a vast written production on the subject being studied.

## RESULTS

### THE 1967 PROTOCOL

It takes place during the 60s, when the Decolonization of Africa was taking place and the world political tension between the Soviet Union<sup>9</sup>, the United States and their respective allies was being experienced. It is necessary to revise the definition of the term refugee due to the emergence of new categories of the same, and which are not contemplated by the temporal or geographical limitation established in the Refugee Statute of 1951. It should be noted that of the 36 countries that initially joined the protocol in the 1960s, only 16 of these belong to the continent of Africa, namely: Algeria, Botswana, Cameroon, Ethiopia, Gambia, Ghana, Guinea, Israel, Nigeria, Senegal, Swaziland, Tanzania, Togo, Tunisia, Turkey and Zambia. In this protocol, any person who fits the initial concept will be considered a refugee, however:

[...] without any geographical limitations; however, declarations already made pursuant to Article 1(B)(a) of the Convention shall also apply under the provisions of this Protocol, unless the obligations of the Reporting State have been extended in accordance with Article 1(B)(2) of the Convention. (UNHCR, 1967, p.1).

<sup>9</sup> Also known as the Union of Soviet Socialist Republics (USSR), created on December 30, 1922 and dissolved on December 26, 1991.

In this 1967 protocol, the temporal reserve of the definition of the term based on the events prior to January 1, 1951 and the geographical reserve of Europe are extinguished, and any person is considered a refugee because he or she is outside his or her country of origin and suffers some type of persecution, expanding the initial concept and enabling recognition for any individual who fled internal conflicts and other forms of violence in their countries of origin.

Table 1: List of initial signatory states to the 1951 Convention and the 1967 Protocol.

States	Signature of the 1951 Convention	Accession to the 1951 Convention	Accession to the 1967 Protocol
Germany	Nov 19, 1951		Nov 05, 1969
Algeria		Feb 21, 1963	Nov 08, 1967
Argentina		Nov 15, 1961	Dec 6, 1967
Austria	Jul 24, 1951		Sep 5, 1973
Belgium	Jul 28, 1951		Apr/08/1969
Bolivia		Feb 09, 1982	Feb 09, 1982
Botswana		06/jan/1969	06/jan/1969
Brazil	15/jul/1952*		Apr/17/1972
Cameroon		23/out//1961	19/set/1967
Canada		04/Jun/1969	04/Jun/1969
Chile		28/jan/1972	Apr/27/1972
Colombia	28/jul/1951*		04/mar/1980
Costa Rica		28/mar/1978	28/mar/1978
Denmark	28/jul/1951		29/jan/1968
El Salvador		Apr/28/1983	Apr/28/1983
United States			01/nov/1968
Ethiopia		10/nov/1969	10/nov/1969
France	11/set/1952		Feb 03, 1971
Gambia		07/set/1966	29/set/1967
Desire		18/mar/1963	30/out/1968
Greece	Apr/10/1952		17/ago/1968
Guatemala		22/set/1983	22/set/1983
Guinea		Dec 28, 1965	16/May/1968
Honduras		23/mar/1992	23/mar/1992
Holland	28/jul/1951		29/nov/1968
Israel	01/ago/1951		14/Jun/1968
Italy	23/jul/1952*		26/jan/1972
Yugoslavia	28/jul/1951		15/jan/1968
Liechtenstein	28/jul/1951		20/May/1968
Luxembourg	28/jul/1951		Apr/22/1971
Mexico		07/Jun/2000	07/Jun/2000
Nicaragua		28/mar/1980	28/mar/1980
Nigeria		23/out/1967	02/May/1968
Norway	28/jul/1951		28/nov/1967
Panama		02/ago/1978	02/ago/1978
United Kingdom	28/jul/1951		04/set/1968
Senegal		02/May/1963	03/out/1967
Sweden	28/jul/1951		04/out/1967
Switzerland	28/jul/1951		20/May/1968
Tanzania		12/May/1964	Sep 4, 1968
Togo		Feb 27, 1962	Dec 10, 1969
Turkey	Aug 24, 1951*		Jul 31, 1968
Vatican	May 21, 1952		Jun 08, 1967
Venezuela			Sep 19, 1986
Zambia		Sep 24, 1969	Sep 24, 1969

\*Countries that have maintained the geographical reserve to recognize as refugees only people of European origin.

Source: MOREIRA J. The question of refugees in the international context (from 1943 to the present day). 2006.

Table 1 shows the 20 countries that initially adhered to the Refugee Convention of 1951, including those that adopted the geographical reserve (\*); Likewise, the 16 States of Africa that initially adopted the Protocol of 1967 are recorded, and finally we list the States of America that adhered to the aforementioned agreements or that stood out in the reception of immigrants in the 1980s in Central America.

## THE 1984 CARTAGENA DECLARATION

The context experienced in the 80s is marked by the political and ideological conflict called the Cold War worldwide, the rivalry between the United States and the Soviet Union for the attempt to expand or control communism reached the Central American States, producing armed conflicts that took place in Nicaragua, El Salvador and Guatemala, they have generated more than 2 million displacements of people in the internal and transnational scenarios, including miskitos<sup>10</sup> and ladinos<sup>11</sup> to other receiving countries such as Honduras, Costa Rica, Mexico and Panama, a situation that will require a new adaptation of the definition of Refugee, at this time to meet the local needs of the American continent.

Until 1984, only the Latin American States of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Jamaica, Nicaragua, Panama, Paraguay, Peru and Uruguay, adhered to the 1951 Refugee Convention and ratified the 1967 Protocol, pointing out the need to offer protection to people fleeing their country of origin. this time, for reasons other than those already recognized in the agreements mentioned above.

The Cartagena Declaration is the international recognition of the complex migration process that was taking place in Central America, which invites member states to adapt national constitutions recognizing the status of refugees and their new categories contemplated in the 1951 Convention and the 1967 Protocol, the strengthening of protection and assistance programs for refugees in the areas of health, education, work and security, voluntary and individual repatriation with the articulation of a tripartite commission. In this colloquium, a new condition is adopted for the recognition of refugee

<sup>10</sup> Indigenous people of Central America, inhabiting Nicaragua and Honduras, have a population of approximately 240,000 inhabitants according to the census of the year 2022.

<sup>11</sup> Mestizo or Hispanicized population native to Nicaragua, descendants of Spaniards.

status that does not depend on wars or decolonization processes. According to UNHCR (1984, p.3), it suggests that:

[...] Refugees are also considered to be persons who have fled their countries because their life, safety or freedom have been threatened by widespread violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances that have seriously disturbed public order.

It is precisely in this new way to recognize refugee status that social groups fleeing their country of origin due to armed conflicts, human rights violations or disturbance of public order will be served, the cause of catastrophes or natural phenomena. And it is precisely on this basis of the constant violation of human rights that the identification of migrants from Venezuela upon their arrival in Brazil will fit, a condition that will later be argued with studies and resolutions that will make documentation processes more flexible and adapt access to rights for this social group.

#### LAW NO. 9474/97

It was promulgated in Brazil on July 22, 1997, in which the mechanisms for the implementation of the Refugee Statute of 1951 and other measures are defined. This law includes the definitions of refugee already contained in the 1951 Convention, the 1967 Protocol and the 1984 Cartagena Declaration. According to BRASIL (1997, p.1):

[...] Any individual who: I - due to well-founded fears of persecution for reasons of race, religion, nationality, social group or political opinions, is outside his country of nationality and is unable or unwilling to take refuge in the protection of such country; II - not having nationality and being outside the country where he previously had his habitual residence, cannot or does not want to return to it, due to the circumstances described in the previous item; III - due to serious and widespread human rights violations, he is forced to leave his country of nationality to seek refuge in another country.

Highlight a greater legal scope to define the status of refugees in Brazil, considering the 3 legal bases of an international nature, which will allow the recognition of any social group that identifies itself in the previous parameters. Another noteworthy element is that: "The National Committee for Refugees - CONARE is hereby created, a collective deliberation body, within the scope of the Ministry of Justice." (BRASIL, 1997), as well as its composition, functionalities and competencies of the migratory processes in the country.

## THE MIGRATION ACT OF 2017

Also known as Law No. 13,445, of May 24, 2017, it is the most current migratory regulation in Brazil, it recognizes 5 migratory statuses: Immigrant, Emigrant, Border Resident, Visitor and Stateless, vetoing the term of migrant. It establishes principles against racism, xenophobia and any form of discrimination, equal opportunities for migrants and their families, access to services, social benefit programs and comprehensive public legal assistance, work, housing and social security. According to Brasil (2017), it determines access: "to public education, discrimination on the basis of nationality and migratory status is prohibited"

In the context of the implementation of the new migration law governed by the principle of "non-criminalization of migration and repudiation and prevention of xenophobia, racism and any forms of discrimination" in it, the option of deportation and repatriation is recognized:

Article 47. Repatriation, deportation and expulsion shall be made to the country of nationality or origin of the migrant or visitor, or to another country that accepts it, in compliance with the treaties to which Brazil is a party. Article 48. In cases of deportation or expulsion, the head of the Federal Police unit may represent before the federal court, respecting, in judicial proceedings, the rights to full defense and due process of law. Article 49. Repatriation consists of an administrative measure to return a person in a situation of impediment to the country of origin or nationality. (Brazil, 2017).

It is contradictory within the same migration law to establish a guideline against racism and xenophobia, but to recognize the administrative measure of deportation of migrants to their country of origin. Specifically in the state of Roraima, where the lack of public policies to serve the immigrant population by state and municipal agencies and institutions is very clearly evident, there is a xenophobia that is even institutionalized in the care provided at Social Assistance Reference Centers, Public Schools and Basic Health Units. In addition, it is essential to highlight that the phenomenon of Venezuelan migration in this state is a victim of growing institutional xenophobia and in many cases even fostered by politicians, as recently requested by the governor of the state on October 31, 2024, resources for the construction of a federal prison for Venezuelans. Propositions and declarations that foment racism and xenophobia against this group in situations of social vulnerability, invisible in municipal and state public policies, but converted into justification for requesting financial resources from the State.

## TECHNICAL NOTE 3/2019 COUNTRY OF ORIGIN STUDY

This study analyzes the situation of human rights violations in Venezuela, through a detailed research on the events of internal conflicts and situations that affect public order, highlighting:

[...] extrajudicial executions; gender violence; torture of persons deprived of liberty; highest annual homicide rate in Latin America and the Caribbean and violence by state forces and non-state forces. As for the violation of the right to food, we have [...] a drastic reduction in agricultural productivity; economic incapacity to import food; widespread food shortages; growth of the black market; long lines to buy food at controlled prices, offered sporadically and in limited mode; about 90% of people report not having enough income to cover basic food needs, severe malnutrition of children, pregnant women, and water shortages that have resulted in disease outbreaks; mandatory presentation, for example, of the Carnet da Pátria to purchase a basic food basket. Right to health: 95% reduction in the national health budget; growing evasion of doctors; high maternal and infant mortality; malaria outbreak; shortages of about 90% of medicines; increase in clandestine abortions related to the absence of medicines [...] Right to education: many children miss school due to problems related to water service, blackouts, strikes, lack of transportation, lack of food in schools or health problems. Schools and universities are regularly closed due to lack of resources or the need for teachers to spend days looking for food. [...] Right to work: Levels of formal employment are declining rapidly; a decrease of almost one million in the private sector in the 18 months from mid-2015 to the end of 2016. (Brasil, 2019, p.13).

The serious and widespread violation of the human rights of the population in the national territory in the areas of security, health, education and work is based on the study of the reality of Venezuela in the time frame from 2017 to 2019, already based on this reality the Ministry of Public Security and Justice of Brazil and in line with the Cartagena Declaration of 1984, it is determined that "[...] Venezuela presents a serious institutional diagnosis with multiple human rights violations and, with fulcrum in item III of article 1 of Law No. 9,474/97 [...]" CONARE is recommended:

1. Adopt simplified procedures for the processing of processes for recognition of refugee status for Venezuelan nationals; 2. That the indispensability of an eligibility interview be maintained, which must take place even if in a simplified manner; 3. That the indispensability of verifying exclusions be maintained, based on article 3 of Law No. 9,474/97. [...] (Brasil, 2019, p.13).

The importance of this study of the internal situation of Venezuela will directly interfere in the flexibility of the analysis of the refugee status for Venezuelans, leaving the process almost automatic in the recognition of migratory status, marking a gap compared to other migrants present in Brazil, whose country of origin does not have a study that makes the processes to grant this legal status more flexible by CONARE.

Other regulations implemented in Brazil. They are:

- ✓ Ordinance 634/1996 – regulates cases of family reunion and entry of qualified labor.
- ✓ Normative Resolution 93/2010 – provides for the design of humanitarian visas for migrants who are victims of human trafficking.
- ✓ Normative Resolution 122/2016 – authorizes the stay of foreigners who are victims of analogous work or slavery.
- ✓ Technical Note 12/2019 – exemption from the eligibility interview for Venezuelan nationals for Asylum.

We recognize that the Brazilian State has made permanent adaptations to national laws, and other laws of regional and provisional execution through resolutions and ordinances to meet the needs of migratory processes in order to guarantee the human rights of immigrants in the national and state territories. Even so, with the implementation of Operation Shelter in the state of Roraima in 2018, three years after the beginning of the displacement of the Venezuelan diaspora to Brazil and a year after the peak in a significant way in 2017, the numbers of this migration may not be exact.

The counting and reception of migration began 2 years after its beginning, a phenomenon that will use the state of Roraima as a gateway to Brazil or as a bridge to start a process of internalization that has other countries as its final destination. According to the Federal Subcommittee for the Reception, Identification and Screening of Immigrants attached to Operation Welcome, in charge of accounting for the entry of migrants into the state between January 2017 and September 2024, we have a total of 1,174,139 Venezuelan entries, of which 547,254 left the country for other destinations, and 626,885 remain in the national territory, and are distributed in the 27 federative units (OBMIGRA, 2024).

## **DISCUSSION**

### **THE RESOLUTION CNE/CEB 1/2020**

Among the legal adaptations implemented by the Brazilian State to guarantee access to education, we can mention resolution 01 of November 13, 2020 of the National Education Council, which provides:

[...] on the right of enrollment of migrant children and adolescents, refugees, stateless persons and asylum seekers in the Brazilian public education system." [...]

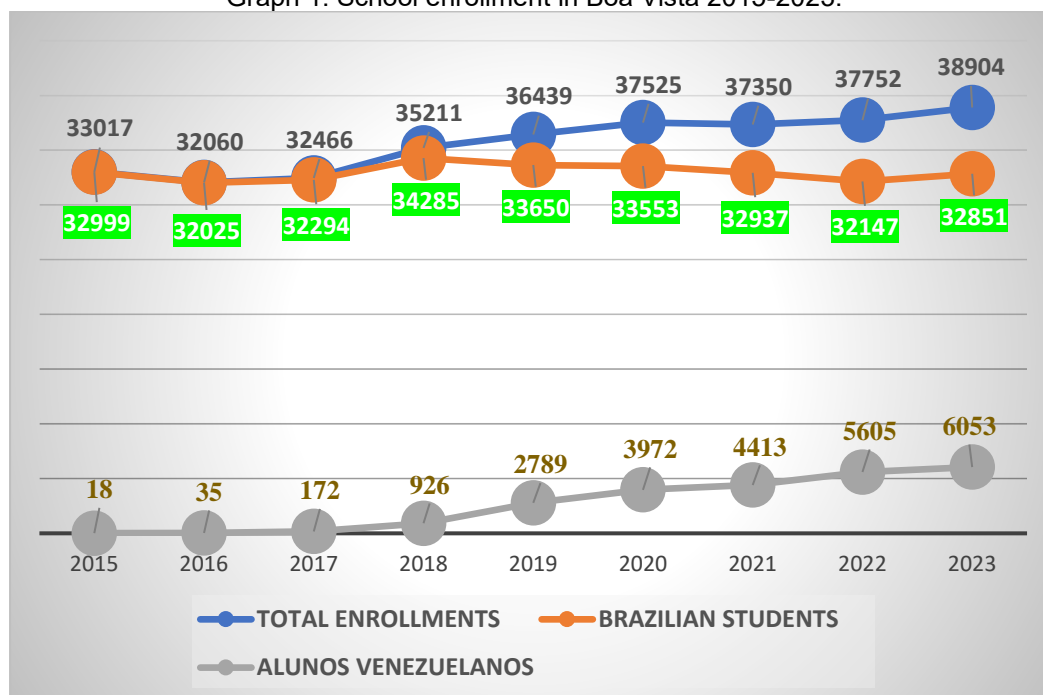
without the requirement of documentation proving previous education, [...] and without discrimination on grounds of nationality or migratory status [...] In the absence of school documentation proving previous schooling, foreign students in the condition of migrants, refugees, stateless persons and asylum seekers will be entitled to an evaluation/classification process, allowing enrollment in any year, grade, stage or other form of organization of Basic Education, according to their development and age group. (BRASIL, 2020. p.1).

This resolution, in addition to making the mechanisms for the enrollment of students in Basic Education in the Brazilian territory more flexible, established the mechanism for classifying migrant, refugee or asylum seeker students in the year/grade or school grade according to their age and knowledge equivalent to their school age group. This rule will allow the guarantee and access to education of many foreigners of school age who do not have supporting documentation, and also the performance of classification/reclassification tests when applicable. They can be applied by educational institutions and, based on the results obtained, these students will be identified as to the school level corresponding to their ability and age group in which they are at the moment.

With the implementation of Resolution 01 of the National Council of Education, the possibilities for Venezuelan immigrant students throughout the national territory to join the Brazilian education network are expanded. On this occasion we will highlight how this federal measure that aims to guarantee the universal right of access to education impacts the increase in enrollment in the municipality of Boa Vista in the state of Roraima, specifically in Elementary School II and High School, under the competence of the State Secretariat of Education and Sports (SEED-RR).

The following graph will outline a trajectory of the issue related to the growth of enrollment of Venezuelan students, who are arriving on Roraima soil with the forced displacement of the population of Venezuela.

Graph 1: School enrollment in Boa Vista 2015-2023.



Source: the authors (2024)

In graph 1, the enrollment of national students, Venezuelan refugee students and the total corresponding to the period from 2015 to 2023 stand out, demonstrating an increase of 653% between the 2018 school period, before the implementation of Resolution 01/2020 and the enrollment of immigrant students for the year 2023. Therefore, the implementation of this normative measure had a direct impact on the benefit of access and guarantee of the right to education of children and adolescents, immigrants, Venezuelan refugees, residing in the Municipality of Boa Vista and distributed in the 51 state schools directly linked to the management of SEED-RR.

## REGIONAL EDUCATIONAL REGULATIONS

Since the beginning of the forced displacement of the Venezuelan population to the state of Roraima, changes and improvements have been demanded in some areas of public health and education services that may have collapsed through the growing migration. It is the responsibility of the State Council of Education of Roraima (CEE-RR) to implement new palliative rules to meet the migratory reality that has been happening for 9 years.

Resolution CEE/RR No. 08/2015, of September 22, 2015 Establishes standards for the revalidation and equivalence of studies carried out abroad, at the Elementary and

Secondary levels within the scope of the State Education System, and provides other provisions.

Resolution CEE/RR No. 05/2019, of May 21, 2019, authorizes the holding of exams for the certification of competencies, skills and knowledge at the elementary school level, in the State Education Network of the State of Roraima.

Resolution CEE/RR No. 57/2024 of September 05, 2024, establishes rules regarding the processes and procedures to be adopted by the Educational institutions of the State Education System, for the recognition of the equivalence of Basic Education Studies, carried out abroad, Revalidation of diplomas and Certificates, Transfer from a foreign country to Brazil and regularization of school life related to Basic Education and provides other provisions.

## **CONCLUSION**

The definition of refugee status following the international legal basis is adapted to the realities of its causes, ranging from wars, persecutions, human rights violations to natural disasters.

The regulations that make the mechanisms for access to migrants' rights to education more flexible, implemented from state resolutions such as: 08/2015, 05/2019 and 57/2024 had little scope in the face of the demands that reality imposed, allowing us to realize that those implemented and determined by federal laws continue to set the tone for state and municipal government public policies.

The presence of migrants in the territory of Roraima is recognized and described in the Curricular Document of Roraima (DCRR), which regulates the curricular and educational issue at the state level and focuses on this contact with other languages, nationalities and cultures implying an interaction between cultures. But at what level of acceptance, is it happening?

It would also be important to problematize whether this 631% increase in enrollment of students of other nationalities impacted the restructuring of the budget for public education in this state, but this may be a subject for another article.

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