



UNIVERSITY AUTONOMY FOR ANALYZING REQUESTS FOR REVALIDATION OF FOREIGN MEDICINE DIPLOMAS: THE SIMPLIFIED PROCEDURE FOR VALIDATION OF MEDICINE DIPLOMAS IN LIGHT OF THE STJ'S UNDERSTANDING

A AUTONOMIA UNIVERSITÁRIA PARA ANÁLISE DOS PEDIDOS DE REVALIDAÇÃO DE DIPLOMAS ESTRANGEIROS DE MEDICINA: O PROCEDIMENTO SIMPLIFICADO DE VALIDAÇÃO DE DIPLOMAS DE MEDICINA À LUZ DO ENTENDIMENTO DO STJ

AUTONOMÍA UNIVERSITARIA PARA EL ANÁLISIS DE SOLICITUDES DE REVALIDACIÓN DE DIPLOMAS EXTRANJEROS DE MEDICINA: EL PROCEDIMIENTO SIMPLIFICADO PARA LA VALIDACIÓN DE DIPLOMAS DE MEDICINA A LA LUZ DEL ENTENDIMIENTO DEL STJ



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ABSTRACT

This article analyzes university autonomy in the revalidation of foreign medical degrees, comparing the simplified procedure with the understanding of the Superior Court of Justice (STJ), especially Repetitive Topic 599, and addresses the risks of predatory litigation. With Law No. 13,959/2019 and CNE/CES Resolution No. 2/2024, the Revalida Exam became the predominant model, limiting the applicability of simplified revalidation. The research highlights the judicial overload, the risks to public health, and the erosion of university autonomy resulting from unfounded actions. It concludes that preventive measures, such as ethics oversight, are necessary to mitigate these impacts.

Keywords: Degree Revalidation. University Autonomy. Revalida Exam. Predatory Litigation. Public Health.

RESUMO

Este artigo analisa a autonomia universitária na revalidação de diplomas estrangeiros de medicina, confrontando o procedimento simplificado com o entendimento do Superior Tribunal de Justiça (STJ), especialmente o Tema Repetitivo 599, e aborda os riscos da litigância predatória. Com a Lei nº 13.959/2019 e a Resolução CNE/CES nº 2/2024, o Exame Revalida tornou-se o modelo predominante, limitando a aplicabilidade da revalidação simplificada. A pesquisa destaca a sobrecarga judicial, os riscos à saúde pública e a erosão da autonomia universitária decorrentes de ações infundadas. Conclui-se pela necessidade de medidas preventivas, como fiscalização ética, para mitigar esses impactos.

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Palavras-chave: Revalidação de Diplomas. Autonomia Universitária. Exame Revalida. Litigância Predatória. Saúde Pública.

RESUMEN

Este artículo analiza la autonomía universitaria en la revalidación de títulos médicos extranjeros, comparando el procedimiento simplificado con la interpretación del Tribunal Superior de Justicia (STJ), especialmente el Tema Repetitivo 599, y aborda los riesgos de litigios predatorios. Con la Ley n.º 13.959/2019 y la Resolución CNE/CES n.º 2/2024, el Examen de Revalida se convirtió en el modelo predominante, limitando la aplicabilidad de la revalidación simplificada. La investigación destaca la sobrecarga judicial, los riesgos para la salud pública y la erosión de la autonomía universitaria derivada de acciones infundadas. Concluye que medidas preventivas, como la supervisión ética, son necesarias para mitigar estos impactos.

Palabras clave: Revalidación de Títulos. Autonomía Universitaria. Examen de Revalida. Litigios Predatorios. Salud Pública.

1 INTRODUCTION

The growing demand for health professionals in Brazil has boosted the training of Brazilians in foreign universities, especially in Mercosur countries. Upon returning to Brazil, these professionals are faced with the complex and time-consuming process of revalidating diplomas. Currently, the Revalidation procedure carried out by the National Institute of Studies and Research Anísio Teixeira – INEP, created by virtue of the application of Federal Law No. 13,959/2021, is in force, with the possibility of revalidation of a foreign diploma upon approval in an assessment of objective knowledge and clinical skills.

However, in addition to the current model provided for by law, there are still distinct models that are the result of infra-legal construction, within the Ministry of Education, such as the revalidation of diplomas through compatibility analysis between the program of the undergraduate course taught abroad and the equivalent course taught in a Brazilian higher education institution. In addition to this model, there is also a normative provision for an even more simplified procedure, due to numerous agreements arising from international treaties that Brazil has signed with Mercosur member countries. This more simplified model is called in the academic environment as "simplified revalidation", as provided for in MEC Normative Ordinance No. 22/2016.

However, since 2019, with the advent of the Revalida Exam for undergraduate medical courses, there has still been a stir within higher education institutions and in the Judiciary itself to analyze the applicability of the simplified revalidation model, when a particular HEI, in the enjoyment of its university autonomy, opted for the adoption of the Revalida Exam.

This article proposes to analyze the simplified revalidation procedure by judicial means, confronting it with the understanding of the Superior Court of Justice (STJ), in particular, verifying the ways in which the superior court understands the subject in the light of university autonomy, based on the thesis of repetitive appeal that reaffirmed the competence of universities to define their own revalidation criteria.

2 METHODOLOGY

The research adopted a qualitative approach, with documentary analysis of legislation (Law No. 13,959/2019, MEC Ordinance No. 22/2016, CNE/CES Resolution No. 2/2024), jurisprudence (Topic 599/STJ, Special Appeal 1,349,445/SP) and academic studies. The content analysis technique was used to identify patterns and conflicts between university autonomy and judicialization. The study was conducted between July and September 2025, based on data available until 09/05/2025, at 18:36 (Brasília time).



3 INITIAL CONSIDERATIONS

The revalidation of foreign undergraduate diplomas is a mandatory procedure for the exercise of the profession in Brazil, based on the Law of Guidelines and Bases of National Education (LDB - Law 9.394/96). Historically, public universities, by virtue of their didactic-scientific autonomy (art. 207 of the FC/88), had total freedom to conduct the process, which generated a great variation in requirements between institutions.

This model had as a premise, the possibility that higher education institutions interested in offering this unique modality of services, receive administrative requests for revalidation of diplomas, and internally, the compatibility of Pedagogical Teaching Projects would be verified, as well as the adequacy of the curricular contents taught abroad and their corresponding in the national territory. These entities, within the scope of providing revalidation services, are called revalidating entities.

In order to standardize the internal procedures for the purpose of revalidating foreign diplomas for validity in Brazil, the Ministry of Education issued in 2016 Normative Ordinance No. 22, providing for general rules and procedures for processing processes for requesting the revalidation of foreign undergraduate diplomas and the recognition of *stricto sensu* graduate diplomas (master's and doctorate), issued by foreign higher education institutions.

Succinctly, the purpose of the highlighted procedure was to ensure the fairness of its analysis, as well as to allow the free exercise of a profession, as a fundamental right of any citizen in the national territory, see article 5, XIII, CF, which determines the freedom to exercise any work, trade or profession, provided that the professional qualifications established by law are met.

Thus, the aforementioned normative Ordinance had as imperative to present the following procedural flow for the purpose of submitting a request for revalidation of a foreign diploma:

- a) Application Submission
- b) Document Verification
- c) Merits Analysis
- d) Decision
- e) Apostille and Finalization
- f) Feature (Optional)

In addition to the regular procedure previously provided, it is important to highlight the existence of a different and faster model, given its simplicity in the analysis.



Thus, the "simplified" revalidation, according to Normative Ordinance No. 22/2016, applies to diplomas from foreign courses recognized by international agreements (Art. 22), containing the following operational procedure, to be handled by the administrated:

- a) **Submission of the Request:** The applicant submits the application and the simplified documentation (diploma, academic transcript and pedagogical project) to a public university with an equivalent course (Art. 12 and 21).
- b) **Preliminary Verification:** The university checks the adequacy of the documentation within 30 days, issuing a payment slip if applicable (Art. 7).
- c) **Simplified Analysis:** The institution evaluates the compatibility of the course based on international agreements, concluding within 60 days (Art. 21).
- d) **Decision:** Issuance of a detailed opinion with approval or rejection (Art. 6, §1).
- e) **Apostille:** In case of approval, the diploma is apostilled within 30 days after presentation of the originals (Art. 56, sole paragraph).

Therefore, even though the Ordinance has been concerned with the standardization of flows and procedures within the internal scope of revalidating institutions, the vertiginous growth in the number of revalidation requests, motivated especially by the increase in the number of Brazilian students who have started to study in countries of the Southern axis, the revalidation system itself, presents immense weaknesses in the forms of internal control, and, in particular, in its meritorious aspect, consisting of the adequate assessment of the quality of the foreign course and the consequent acquisition of skills expected for the graduate who comes from another country.

This scenario becomes even more critical for courses with high demand and that have a very particularized teaching model, such as the Medicine course, requiring the Federal Government to analyze another standardized revalidation model, but containing the need to demand the minimum competencies and skills expected for that interest in the practice of medicine in Brazil.

4 THE EXPLOSION OF MEDICAL COURSES IN MERCOSUR AND THE NEED TO CREATE THE REVALIDA EXAM IN BRAZIL

In recent years, the demand for health professionals in Brazil has driven a significant increase in the supply of medical courses in Mercosur countries, such as Argentina, Bolivia, and Paraguay. This expansion reflects the search of Brazilian students for affordable alternatives for medical education, often motivated by barriers to access to national universities, such as the National High School Exam (ENEM) and the high competition in available vacancies. Factors such as geographical proximity, reduced costs, and the



possibility of revalidation of diplomas by international agreements, such as the Mercosur Regional Accreditation System for Undergraduate Courses (ARCU-Sul), contributed to this trend.

In view of this scenario, the Brazilian government identified the need to regularize and qualify the revalidation of foreign medical diplomas to ensure that returning professionals have competencies aligned with the principles and needs of the Unified Health System (SUS). In this desire, Federal Law No. 13,959, of December 18, 2019, was enacted, which took the initiative to institute the National Exam for the Revalidation of Medical Diplomas Issued by Foreign Higher Education Institutions (Revalida), coordinated by the National Institute of Studies and Research Anísio Teixeira (INEP). Revalida, composed of a theoretical stage and another of clinical skills, aims to verify the acquisition of knowledge and skills equivalent to the National Curriculum Guidelines of the Undergraduate Medicine Course in Brazil, ensuring a uniform standard of evaluation throughout the national territory.

Therefore, the creation of Revalida reflects the government's intention to select professionals able to practice medicine in Brazil, especially in a context of growing internationalization of medical training. Despite the coexistence with previous models, such as the simplified revalidation provided for in MEC Normative Ordinance No. 22/2016, the exam establishes a centralized mechanism to ensure quality and safety in the provision of health services, meeting the demands of a robust public system such as the SUS.

However, despite the great evolution in the treatment of the subject with the creation of the normative framework, a moment of debate began, within the public administrations operating in higher education institutions, as well as in the local Judiciary itself, since with the creation of Revalida by INEP, at first glance, the exam becomes the ordinary and main way, for the possibility of access by graduates of the Medicine course from foreign institutions. There was still doubt about the coexistence of 2 revalidation regimes, namely: the ordinary regime (via Revalida) and another by "simplified" route, for diplomas from foreign courses recognized by international agreements (such as the Regional Accreditation System for Undergraduate Courses of Mercosur, Arcu-Sul) or from universities with prior exchange.

Despite the normative provision, numerous revalidating institutions are starting to deny the application of the simplified procedure for the purpose of revalidating the medical degree, a fact that has led a significant number of medical graduates to seek the Judiciary.

Through lawsuits, especially Writs of Mandamus with requests for urgent provisional relief, it is common to request the granting of urgent relief to force institutions to analyze their requests through the simplified route, alleging the illegality of the refusal.



The core of these disputes lies in the tension between the individual's right to revalidation and the didactic-scientific autonomy of the university, which allows the institution to establish specific rules for the processing of revalidation requests.

5 THE ADOPTION OF THE REVALIDA EXAM WITHIN THE FEDERAL UNIVERSITY OF VALE DO SÃO FRANCISCO – UNIVASF

Among the revalidating institutions that started to adopt, exclusively, the Revalida Exam for the purpose of revalidating foreign diplomas of undergraduate medical courses, the Federal University of Vale do São Francisco – UNIVASF stands out, so that this decision based on its didactic-scientific and administrative autonomy (art. 207, CF/88) caused hundreds of administrative processes of revalidation in the simplified modality to explode internally. As an example, between 2023 and 2024, in surveys carried out within the scope of the Dean of Education of UNIVASF, the body responsible for analyzing requests for revalidation of diplomas, 137 (one hundred and thirty-seven) requests for simplified revalidation were submitted, only for graduates of medical courses from abroad.

To better contextualize the scenario, within the internal scope of UNIVASF, the competence to carry out certain stages of the process of revalidation of foreign diplomas of the Bachelor of Medicine was delegated to INEP, through the so-called National Examination for the Revalidation of Medical Diplomas Issued by Foreign Education Institutions (REVALIDA), instituted through the Interministerial Ordinance MEC/MS No. 278, of 03/17/2011.

The adoption of the Revalida Exam was only possible through the assumption of UNIVASF in the Term of Commitment - SEI/INEP No. 0696048 and CIRCULAR LETTER No. 0655084/2021/GAB-INEP, contained in Process No. 23402.012269/2021-44, so that, exercising its university autonomy, it would adopt the REVALIDA system for the purpose of revalidating foreign diplomas of the Bachelor of Medicine, according to the indications brought in Federal Law No. 13,959/2019. Thus, it is undisputed that, after the signing of the above-mentioned term of commitment, UNIVASF stopped promoting analyses of revalidation of diplomas in the simplified format for Bachelors in the higher education course of Medicine in HEIs of other Member States.

In this sense, it is important to note that the recognition of foreign diplomas is subject to the discipline imposed by the Law of Guidelines and Bases of Education and to the provisions of Resolution CNE/CSE - MEC nº. 01/2022, which define clear criteria for assessing the legitimacy of the diploma presented.



Pursuant to the provisions of § 3 of article 48 of Law no. 9.394/96, diplomas obtained abroad depend, as a rule, on recognition or revalidation by a Brazilian university, in which the merit and academic conditions of the program effectively attended must be assessed.

On the subject, the aforementioned Resolution CNE/CES - MEC nº. 01/2022 establishes three types of revalidation: (a) ordinary, (b) simplified and (c) through evaluation, with the educational institution choosing between the ordinary procedure or through evaluation:

Art. 7 Candidates must submit, when filing the revalidation request, the following documents:

- I - copy of the diploma, duly registered by the foreign institution responsible for the diploma, in accordance with the legislation in force in the country of origin, and authenticated by the competent consular authority;
 - II - copy of the academic transcript, registered by the foreign institution responsible for the diploma and authenticated by the competent consular authority, containing the disciplines or activities taken and used in relation to the results of the evaluations and attendance, as well as the typification and use of internship and other research and extension activities, classified as mandatory and non-mandatory;
 - III - pedagogical project or curricular organization of the course, indicating the contents or syllabus of the disciplines and the activities related to research and extension, as well as the process of completion of the course, authenticated by the foreign institution responsible for the diploma;
 - IV - Nomination and title of the faculty linked to the courses taken by the applicant, authenticated by the foreign institution responsible for the diploma;
 - V - institutional information, when available, related to the library and laboratory collections, institutional development and planning plans, internal or external evaluation and performance reports, educational policies and strategies for teaching, extension and research, authenticated by the foreign institution responsible for the diploma; and
 - VI - reports, articles or documents indicating the reputation, quality and services provided by the course and the institution, when available and at the discretion of the applicant.
- (...)

Article 8 - The process referred to in the previous article may be replaced or complemented by the application of tests or exams, comprehensive to the set of knowledge, contents and skills related to the complete course or dedicated to the stage or period of the course, or even to the specific discipline or mandatory academic activity(ies).
(bold and emphasis added)



Thus, it is concluded that there is no obligation for the higher education institution to carry out revalidation by the ordinary modality, when graduates abroad are given the opportunity to revalidate by means of a test or exam.

Recently, at the end of 2024, a new Resolution was issued to deal with simplified revalidation procedures, replacing ordinary revalidation, so that Resolution CNE/CES - MEC no. 02/2024, excluding from the list of courses qualified for Simplified Revalidation, the undergraduate course in Medicine, admitting, only and only, the Revalida Exam as an objective criterion for the purposes of revalidation with Brazilian educational institutions:

CHAPTER III UNDERGRADUATE DIPLOMAS IN MEDICINE

Article 11. The revalidation of an undergraduate diploma in Medicine issued by a foreign university will be subject to approval in the National Exam for the Revalidation of Medical Diplomas Issued by a Foreign Higher Education Institution - Revalida, which is dealt with by Law No. 13,959, of December 18, 2019.

Sole Paragraph. The specific objective of Revalida is to support the process of revalidation of foreign medical diplomas by verifying the acquisition of knowledge, skills and competencies required for the professional practice appropriate to the principles and needs of the Unified Health System - SUS, at a level equivalent to that required in the National Curriculum Guidelines of the Undergraduate Course in Medicine in Brazil. (bold and emphasis added)

Therefore, since 12/19/2024, the date of the issuance of the aforementioned Resolution, within the scope of UNIVASF, other forms of revalidation other than the aforementioned Exam have been totally impaired, in honor of the principle of university autonomy, under the terms of article 207 of the Federal Constitution.

6 THE REGULATION OF REQUESTS FOR REVALIDATION OF DIPLOMAS BY UNIVASF

The enactment of Law No. 13,959/2019, which instituted the National Exam for the Revalidation of Medical Diplomas Issued by Foreign Higher Education Institutions (Revalida), represented a milestone in Brazilian educational policy, establishing a standardized procedure for the revalidation of foreign medical diplomas. Based on this legislation, Univasf issued Normative Instruction No. 03/2021, a normative administrative act that regulates revalidation procedures within the institution, aligning with current administrative principles, such as legality, competence, purpose, motivation, impartiality and efficiency and taking Federal Law No. 9,784/99 as the main inspiration.

Normative Instruction No. 03/2021 is a secondary normative act, derived from the competence delegated by Law No. 13,959/2019 and by the Interministerial Ordinance



MEC/MS No. 278/2011, which authorize HEIs to adhere to the Revalida System. This act has a binding character, as it stems from a hierarchically superior norm, and aims to achieve the objectives of the law, such as the guarantee of medical skills compatible with the Unified Health System (SUS). In this normative diploma, the competence of the Dean of Education of Univasf to edit it is supported by the institution's General Regulations and Resolution No. 08/2017, ensuring its formal validity. Its main purpose is to promote the revalidation of diplomas in a structured way, while the motivation is expressed in the recitals, which justify joining Revalida based on terms of commitment with INEP.

In addition, this normative act represents an advanced instrument by establishing clear and uniform procedures for revalidation, promoting equality among those administered by standardizing the analysis criteria and ensuring speed in aligning with the Revalida schedule. This reflects the principle of efficiency, by optimizing the fulfillment of revalidation demands, especially in a context of high demand for medical professionals.

However, despite the advances in relation to the provision of the services listed therein, a significant limitation persists: the face-to-face model for requesting and filing requests, which is archaic in the face of the intense virtualization of federal public services in 2025.

The absence of an *online system* for submitting and monitoring processes contrasts with the administrative modernization observed in other spheres, such as the MEC's Carolina Bori Platform. The implementation of virtual service could expand access, reduce logistics costs, and speed up processing, aligning with the guidelines for innovation and digital inclusion in the public service.

Finally, it is crucial to highlight that Univasf's Normative Instruction No. 03/2021 exemplifies the legitimate exercise of administrative competence to regulate the revalidation of diplomas, in full alignment with the theory of administrative acts. Although it advances in ensuring isonomy and speed, the transition to a virtual service model is a necessary step to adapt the institution to the contemporary demands of digitalization, reinforcing the efficiency and accessibility of the service.

7 THE EXPLOSION OF LITIGATION IN SIMPLIFIED REVALIDATIONS IN THE FEDERAL COURT OF PETROLINA/PE

Notwithstanding the existence of administrative evolution in the treatment of the subject, there is still enormous legal uncertainty for the treatment of the subject, with the indication of judicial decisions of all tastes, especially in the scope of the Federal Court, sometimes positioning itself in favor of revalidation in the simplified format, sometimes in the traditional model, or only through the REVALIDA Exam.



It was only with the unification of jurisprudence by the Superior Court of Justice, through Repetitive Theme No. 559, that in the scope of the Judiciary, more legal certainty began to be verified, as follows:

Article 53, item V, of Law 9394/96 allows the university to establish specific rules in order to discipline the aforementioned process of revalidation of undergraduate diplomas issued by foreign higher education institutions, and there is no illegality in the determination of the selection process for the revalidation of the diploma, since it arises from the need to adapt the procedures of the educational institution to comply with the standard, since otherwise the university would not be able to verify the technical capacity of the professional and his training, without prejudice to the social responsibility that involves the act. (emphasis added)

The local jurisprudence, in particular, of the Federal Regional Court of the 5th Region, where the Judicial Subsection of Petrolina is located, is also in line with the position set forth herein, indicating the non-appropriateness of Simplified Revalidation for Diplomas of the undergraduate course in Medicine issued by foreign educational institutions, when the option of the Revalida Exam is adopted, as in the case of UNIVASF itself:

ADMINISTRATIVE. APPEAL IN WRIT OF MANDAMUS. HIGHER EDUCATION INSTITUTION. REVALIDATION OF A MEDICAL DEGREE OBTAINED ABROAD. REVALIDA SYSTEM. UNIVERSITY AUTONOMY. DISCRETION. SUBMISSION TO THE SIMPLIFIED SYSTEM. NOT APPROPRIATE. APPEAL DISMISSED.

1. This is an appeal filed by VLADIMIR CÂMARA BEZERRA against the judgment rendered by the court of the 4th Federal Court/PB, which denied the security requested by the petitioner, now appellant, consisting of ordering the petitioned authority to adopt and conclude, within ninety (90) days, a simplified procedure for the revalidation of a medical diploma.

2. The appellant maintains, in a tight summary, that (i) "(...) due to MEC Ordinance No. 22/2016 and CES Resolution No. 01/2022 has the liquid and certain right to have its request for simplified processing accepted by UFCG, since its home institution has revalidation in the last 5 years in Brazil and that the autonomy of universities provided for in the Constitution is not absolute and must respect the provisions of the law, and that the fact that the institution is exempt from complying with the provisions of the aforementioned ordinance and resolution thus violates the right of the appellant (...)" ; (ii) even if "(...) the institution opts for a form of revalidation, there is no legal support for it to be exempted/excluded from the obligation to revalidate by other means provided for by law (...)" ; (iii) "(...) as much as UFCG does not have internal rules regulating simplified revalidation procedures, the allegation of absence of internal regulation should not prosper in the face of the entire legal framework that regulates simplified revalidation (...)". It then requires that "(...) the present appeal is received and on the merits granted in its entirety to reform the lower court, determining that the Federal University of Campina Grande process and analyze the request for revalidation of the Appellant's Simplified Procedure



within 90 days, pursuant to Res. 01/2022/CES (...)"

3. The revalidation of undergraduate diplomas carried out in foreign higher education institutions requires their submission to a revalidation process by a Brazilian institution, for the purposes of their national recognition, under the terms of article 48, paragraph 2, of Law No. 9,394/97.
4. The procedure for revalidating the medical course completed abroad can be processed in a simplified way, by verifying the documentation proving your diploma or by means of evaluation, according to resolution No. 03/2016/CNES and article 22 of MEC Normative Ordinance No. 22/2016.
5. University autonomy allows higher education institutions, in the exercise of their discretion, to opt for the adoption of the simplified procedure or the evaluation system for the purpose of revalidating a foreign medical degree, under the terms of article 207 of the Constitution.
6. In the present case, the Federal University of Campina Grande adhered to the National Examination for the Revalidation of Medical Diplomas issued by Foreign Universities, created by Ordinance No. 278/2011 of the Ministry of Education in conjunction with the Ministry of Health.
7. There is no illegality in the university's conduct in revalidating the petitioner's diploma through the REVALIDA exam. The option for this procedure is based on its administrative autonomy and the legitimate exercise of its discretion.
8. Appeal dismissed. No fees (article 25 of Law No. 12,016/2009) and suspended costs according to article 98, paragraph 3, of the CPC.
(CASE: 08008740520234058201, CIVIL APPEAL, FEDERAL JUDGE RODRIGO ANTONIO TENORIO CORREIA DA SILVA, 6TH PANEL, JUDGMENT: 09/19/2023)

The Superior Court of Justice (STJ), in judging the Repetitive Special Appeal 1.349.445/SP and other related cases, consolidated the understanding that Brazilian universities can adopt their own processes to revalidate diplomas. This autonomy allows them, for example, to demand evaluations, as well as curricular complementation. The case law of the STJ points out that the Judiciary cannot intervene in the evaluation criteria and revalidation procedures, as this could interfere with its discretionary activities and its social responsibility. The STJ's thesis creates a significant obstacle for lawsuits that plead for simplified revalidation, as it reinforces that judicial intervention must be limited to cases of flagrant illegality, and cannot enter into the merits of the didactic-pedagogical evaluation. The STF, in judgments such as ADI 6073, has also suspended state laws that tried to dispense with revalidation, reinforcing the competence of the Union and the need for the procedure.

Although the issue is already settled within the scope of the Federal Judiciary, cases of predatory litigation with the filing of hundreds of lawsuits are not uncommon, as occurred within the scope of the Federal Judiciary of Petrolina, always with the request for simplified revalidation for graduates of medical courses abroad.



8 RISKS AND DANGERS OF PREDATORY LITIGATION IN THE SIMPLIFIED REVALIDATION OF DIPLOMAS

The excessive judicialization of requests for revalidation of medical diplomas in the simplified modality, even after the settlement of the issue by the Superior Court of Justice (STJ) in Repetitive Theme 599, issued on September 23, 2015, and the regulation of the Revalida Exam by Law No. 13,959/2019, reinforced by CNE/CES Resolution No. 2/2024, represents a worrying phenomenon of predatory litigation. This behavior, often driven by legal professionals, entails several risks and dangers to the legal system, higher education institutions (HEIs), and society.

The filing of hundreds of lawsuits, as observed in the Federal Judiciary of Petrolina, overloads the courts, diverting resources and time from priority issues. The reiteration of unfounded demands, aware of the consolidated jurisprudence that recognizes university autonomy (article 207 of the FC/88) and the discretion of HEIs to opt for Revalida, compromises the efficiency of the Judiciary, generating unnecessary costs and delays in the jurisdictional provision. It is also noteworthy that the search for simplified revalidation, ignoring the need for an evaluation of clinical skills by Revalida, can result in the qualification of professionals without the skills required by the Unified Health System (SUS), representing a direct risk to public health, enhancing medical errors and compromising patient safety, especially in a context of high demand for qualified doctors.

It is also notorious the practice of ethical-disciplinary infraction promoted by lawyers who promote actions known to be contrary to current legislation (Law No. 13,959/2019) and to peaceful jurisprudence, incurring in abuse of rights, being subject to ethical and disciplinary sanctions by the Brazilian Bar Association (OAB). This predatory conduct can tarnish the credibility of the legal profession and generate civil or administrative liability for the damages caused to the parties and the system.

Actions such as predatory litigation distort the efforts of the Ministry of Education (MEC) and the National Council of Education (CNE) to standardize and improve the revalidation process, as provided for in CNE/CES Resolution No. 2/2024. The persistence in outdated models hinders the implementation of public policies aimed at professional qualification and the safe internationalization of higher education, configuring itself as a systemic risk that threatens judicial efficiency, university autonomy, public security and the integrity of educational policy. It is imperative that preventive measures, such as strengthening ethical inspection and raising awareness among the professionals involved, be adopted to mitigate these impacts and preserve the legal and social order.



9 RESULTS

The results indicate that the Revalida Exam, instituted by Law No. 13,959/2019, has become the standard procedure for revalidation of medical diplomas, with two stages (theoretical and practical) aligned with the SUS. CNE/CES Resolution No. 2/2024 excluded medicine from simplified revalidation, reinforcing the autonomy of HEIs to adopt Revalida. However, lawsuits asking for simplified revalidation persist, especially in the Federal Judiciary of Petrolina, evidencing predatory litigation. The case law of the STJ (Topic 599) reaffirms university discretion, limiting judicial interventions to flagrant illegalities.

10 DISCUSSION

University autonomy, constitutionally guaranteed, allows HEIs to opt for Revalida, as exemplified by Univasf (Normative Instruction No. 03/2021). Predatory litigation, however, challenges this autonomy, generating judicial overload and risks to public health by prioritizing revalidations without an assessment of competences. Law No. 13,959/2019 and CNE/CES Resolution No. 2/2024 seek to standardize the process, but the persistence of unfounded lawsuits reflects abuse of rights, subject to ethical sanctions by the OAB. Measures such as digitization of processes and ethical inspection are essential to align the practice with current legislation.

11 CONCLUSION

The revalidation of medical degrees reflects a delicate balance between university autonomy and state regulation. The consolidation of Revalida and the exclusion of simplified revalidation for medicine mitigate risks, but predatory litigation compromises judicial efficiency and public safety. It is recommended that preventive policies be strengthened, such as the virtualization of services and the punishment of ethical abuses, to preserve the legal order and the quality of medical education in Brazil.

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