

Ministry of Education
Federal University of São Paulo

PRO-RECTORY FOR UNDERGRADUATE STUDIES

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Resolution of Undergraduate Council No. 02 of October 16, 2019.

*Creates the Program for Refugees
and Humanitarian Visa Holders in
UNIFESP undergraduate courses and provides
other measures.*

The Undergraduate Council (UG) of the Federal University of São Paulo (UNIFESP), exercising the powers and attributions that the UNIFESP Statute and Regulation confer to it, **CONSIDERING THAT:**

- The dignity of the human person and citizenship are constitutional foundations of the Federative Republic of Brazil, and that the country has as constitutionally determined objectives the construction of a free, fair and supportive society, the promotion of good for all, without prejudices of origin, race, sex, age or any other forms of discrimination;
- The prevalence of human rights, the rejection of racism and cooperation among peoples for the progress of Humanity are principles that govern the Federative Republic of Brazil in its international relations;
- The Federative Republic of Brazil is signatory of the main international instruments for the assertion and protection of Human Rights, including the Universal Declaration of Human Rights (1948), the Cartagena Declaration on Refugees (1984), the Declaration on the Human Rights of Individuals who are not Nationals of the Country in which They Live (Resolution GA/UN

40/144, 1985), the American Declaration of the Rights and Duties of Man (1948), the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Resolution GA/UN 47/135, 1992), the Brasília Declaration on the Protection of Refugees and Stateless Persons in the Americas (2010) and the Brazil Declaration and Plan of Action (2014);

- The Federative Republic of Brazil has ratified the main international Human Rights standards, submitting fully, internally and internationally to its provisions, especially, among others, those that are part of the United Nations Letter (1945), the Letter of Organization of American States (1948), the International Pact on Civil and Political Rights (1966), the International Pact on Economic, Social and Cultural Rights (1966), the American Convention on Human Rights – Pact of San José in Costa Rica (1969), the Convention on the Status of Stateless Persons (1954), the United Nations Convention on the Status of Refugees (1951) and the Additional Protocol to the Status of Refugees (1967);

- Federal Law No. 13.445/17, the Migration Law, provides as objectives and guidelines of the Brazilian Migratory Policy, among others, universality, indivisibility and interdependence of human rights; the rejection and prevention of xenophobia, racism and any form of discrimination, and humanitarian reception, as well as establishing, among others, the right to public education, forbidding discrimination on grounds of nationality and migratory condition;

- Federal Law No. 9.474/97, which regulates the mechanisms of implementation of the United Nations Convention on the Status of Refugees in the country, establishes, in its Article 44, that the recognition of certifications and diplomas, and the admission in academic institutions, at all levels of education, should be facilitated, considering the unfavorable situation experienced by refugees;

- Federal Law No. 13.445/17 and Decree No. 9.199/17 establish that the recognition of the stateless condition, by the Federative Republic of Brazil, ensures to its beneficiary, in addition to the rights established by the Convention on the Status of Stateless Persons, all the others rights and guarantees recognized by the country, especially the ones established by the United Nations Convention on the Status of Refugees and by Federal Law No. 9474/97;

- Federal Law No. 13.684/18, on emergency assistance measures for the reception of people in vulnerable situations, resulting from a migratory flow caused by humanitarian crisis, encourages the expansion of offer of educational activities and professional training and qualification for this population;

- The forced displacement of human beings and the occurrence of humanitarian crisis in the planet constitute, currently, one of the main sources of violation of human rights and increased social vulnerability, and it is the duty of the Brazilian society as a whole, and of

UNIFESP in particular, to assume collective responsibility for building a more humane and welcoming reality, acting decisively in promoting equality, respect and inclusion, not only through the production of knowledge, but especially through transformative and inclusive actions and the training of technically qualified staff in the most diverse areas;

RESOLVES:

Art. 1. This Resolution establishes the institutional program to create vacancies to refugees, stateless persons and humanitarian visa holders, in the undergraduate courses of the Federal University of São Paulo.

Art. 2. For the purposes of this Resolution, it considers a:

I – Refugee: the person thus officially recognized by the Federative Republic of Brazil, under the terms of Federal Law No. 9.474/97.

II – Stateless Person: the person who is not considered as a national by any State, according to legislation, in agreement with the Convention on the Status of Stateless Persons, of 1954, promulgated by Decree No. 4.246, of May 22, 2002, and who is thus recognized by the Federative Republic of Brazil.

III – Humanitarian visa holder: the person who was granted the Visa for Humanitarian Reception by the Federative Republic of Brazil, under the terms of the current legislation, especially Federal Law No. 13.445/17, Decree No. 9.199/17 and the relevant Regulatory Resolutions of the National Council of Immigration (CNIg).

Art. 3. UNIFESP undergraduate courses, already recognized by the Ministry of Education, shall express interest regarding the creation of 1 additional vacancy in the course/period, to be specifically destined to refugees, stateless persons and humanitarian visa holders.

§ 1. The expression of interest in the creation of the vacancies mentioned in the caput of this article is conditioned to the observance of this Resolution and the express approval of the Course Commission, or equivalent collegiate body, and the homologation of this decision by the Undergraduate Chamber, as well as by the Congregation of the respective University Unit.

§ 2. The provisions on the caput of this article in no case refer to the reservation of existing vacancies, and vacancies intended for refugees, stateless persons and humanitarian visa holders constitute additional vacancies to the total of vacancies originally offered by the undergraduate course.

§ 3. The vacancies created and offered to refugees, stateless persons and humanitarian visa holders may under no circumstances be filled by people who do not meet one of the conditions listed in Article 2 of this Resolution.

§ 4, In the event that vacancies destined to refugees, stateless persons and humanitarian visa holders are not filled, or of withdrawal of the selected student, these may only be offered as remaining vacancies if their specific destinations are maintained.

Art. 4 According to the calendar established by the Pro-Rectorcy for Undergraduate Studies, the interest in the creation of new vacancies destined to refugees, stateless persons and humanitarian visa holders shall be formally informed to the Pro-Rectorcy by the respective undergraduate course.

§ 1. The communication covered by the caput of this article shall be instructed with the minute of the Course Commission, or equivalent collegiate body, which express itself regarding the creation of new vacancies, and the minutes of the meetings of the Undergraduate Chamber and the Congregation of the University Unit that approved the expression of interest.

§ 2. Undergraduate courses have a period of 10 (ten) days after homologation of their deliberation by the Congregation of the respective University Unit to comply with the provisions of this article.

§ 3. Vacancies destined for refugees, stateless persons and humanitarian visa holders may only be offered by the respective UNIFESP undergraduate courses in the academic year/semester immediately following compliance with the procedures provided for in this Resolution.

Art. 5. Anually, the Undergraduate Council will homologate the creation of additional vacancies for courses, to be destined to refugees, stateless persons and humanitarian visa holders, after compilation of the manifestations of the academic instances mentioned in Art. 4.

Art. 6. The selection for vacancies for refugees, stateless persons and humanitarian visa holders will be performed through a specific selection process, under the responsibility of the Pro-Rectorcy for Undergraduate Studies, which must respect the principles, norms, values and peculiarities destined to human protection and social inclusion.

§ 1. The selection process must be carried out in accordance with the academic undergraduate calendar in order to allow the selected person to enroll within the regular deadline.

§ 2. The selection process must meet the social and integration objectives of this Resolution, and may not, under any circumstances, adopt mechanisms that, directly or indirectly, configure discrimination or make it impossible to meet the objectives of this Resolution.

§ 3. The selection process will consist of two phases, to be carried out on the same day, in the morning and in the afternoon, thus distributed:

a. In the morning: An objective test, with multiple choice questions, of general knowledge in the areas of Exact, Biological or Human Sciences, according to the course chosen by the candidate.

b. In the afternoon: A dissertation test, consisting in the elaboration of a motivational letter.

§ 4. The objective test will have an eliminatory character, while the dissertation test, a classificatory character.

§ 5. The selection process will be performed entirely in Portuguese.

§ 6. The Pro-Rector for Undergraduate Studies will publish, annually, a notice opening the selection process for refugees, stateless persons and humanitarian visa holders, with the relation of the number of vacancies offered per course and other rules and particularities of the event.

§ 7. The provisions of this Resolution do not prevent or affect the access of refugees, stateless persons and humanitarian visa holders to the other vacancies of undergraduate courses offered by UNIFESP, provided that the requirements for their respective selection process are met.

Art. 7. Registrations for the selection process will be free and must be made by electronic means, in order to universalize their access.

Art. 8. The following are necessary conditions for registration to the selection process for vacancies for refugees, stateless persons and humanitarian visa holders:

- I. – Having one of the legal conditions listed in Article 2 of this Resolution;
- II. – Having completed high school or equivalent;
- III. – Not having Brazilian nationality, even if accumulated with any other;
- IV. – Not having active academic bond, at the undergraduate and postgraduate level, with UNIFESP.

Sole paragraph – The condition established in Paragraph IV of this article does not refer to participation in extension programs, projects or activities or any other type of similar social activity offered by UNIFESP.

Art. 9. At the time of registration for the selection process, the applicant must attach scanned copies of the following documents:

- I. – National Migration Registry Card or National Register of Foreigners (RNE);
- II. – According to the case of the applicant, Declaration issued by the National Committee for Refugees – CONARE, attesting to the status of refugee recognized by the Federative Republic of Brazil, OR document issued by the Ministry of Justice that recognizes the condition of stateless person, OR official proof that they have a humanitarian visa.
- III. – Proof of registration in the Individual Taxpayer Registry, from the Ministry of Finance (CPF).
- IV. – Proof of completion of High School or equivalent;

§ 1. In addition to high school completion certificates issued regularly in the country, the following will also be accepted as proof of high school completion:

- a) High School history or its equivalent, with the relation of all the subjects studied and their respective grades;
- b) Certificate of High School Completion issued abroad;
- c) Certificate of High School Completion, either in the modality of regular education or in the modality of youth and adults education, recognized by the competent Brazilian public body;
- d) Certification of completion obtained through the National High School Exam – ENEM;
- e) Certification of completion obtained through the National Exam for the Certification of Youth and Adult Skills – ENCCEJA, or competence certification or validation exams for young people and adults, carried out by Brazilian state education systems;
- f) Certificate of High School Completion validated by the National Committee of Refugees – CONARE or official declaration, issued by CONARE, stating high school completion;
- g) Certificate of High School Completion issued abroad, accompanied by a protocol of request for study equivalence in the State Department of Brazilian education.

§ 2. The registration of candidates who do not meet the provisions of this Resolution and the specific rules of the respective notice will be refused.

§ 3. Documents written in English, Spanish or French are exempt from translation. Those written in any other language must necessarily be accompanied by a simple translation and by a statement in the candidate's own hand-writing attesting the veracity of the the translation.

Art. 10. On the day of the selection exam, candidates enrolled in the selection process must show the originals of all documents sent digitally for conference.

Art. 11. Refugees, stateless persons or humanitarian visa holders shall not be required to bear any type of cartorial seal, or policy or consular authority in the documents issued in their country of origin required at the time of registration, enrollment or any other act of their academic life, and the applicant is responsible for the veracity of all information provided and for the authenticity of all documents shown.

Sole paragraph -- The provisions in the caput of this article do not apply to authentications, notarial acknowledgements and other Brazilian notarial acts applicable to documents issued by the competent Brazilian authorities.

Art. 12. Once the falsity of the information provided or of the documents shown has been verified, UNIFESP will adopt, according to the case and without prejudice to communication of the fact to the competent authorities, respecting all the fundamental guarantees of the person, especially the contradictory, broad defense and due legal process, one of the following measures, according to the academic stage of the student:

- a) Exclusion of the candidate from the Selection Process;
- b) Rejection of enrollment of the selected candidate;

c) Cancellation of the enrollment of the student who is a refugee, stateless or humanitarian visa holder, with the consequent cancellation of all credits previously obtained and the activities carried out;

d) Cancellation of the issued diploma and its respective registration.

Art. 13. The candidate admitted as a refugee or asylum seeker will have the same rights and duties of other UNIFESP students, observing the principles, values and objectives of this Resolution, as well as all statutory and regulation norms, including those related to the use of a social name and other affirmative actions.

Art. 14. The UNIFESP recognizes the right of students who are refugees, stateless or humanitarian visa holders to access selection notices for student support programs and other assistance actions.

Art. 15. Without prejudice to the right of participation in student support programs and other assistance actions, scholarships and other academic opportunities, UNIFESP may, subject to budget limitations and availability, after favorable opinion from the Student Affairs Council – CAE, establish scholarship and/or support modalities destined to those occupying vacancies for refugees, stateless persons and humanitarian visa holders, through public and selection notices that respect the constitutional principles guiding the activities of the Public Power, as well as adapting to the norms of existing notices to include the peculiarities relative to the status of refugee, stateless person or humanitarian visa holder.

§1. – UNIFESP will also seek to raise additional resources for the creation of new assistance programs and actions, along with partner entities and other members of civil society.

§2. – UNIFESP will also promote the access of students who are refugees, stateless person or humanitarian visa holders to Portuguese language courses, in order to ensure the linguistic permanence of the student and to ease their academic and social insertion.

Art. 16. UNIFESP will ensure the confidentiality of the student who is a refugee, stateless person or humanitarian visa holder in all stages related to the entry and management of their academic life.

Art. 17. Refugees or stateless persons recognized by the Federative Republic of Brazil, as well as holders of a humanitarian visa granted by the country, are exempt from the collection of any type of institutional fee or emolument.

Art. 18. In procedures relative to the compliance with the provisions of this Resolution, as well as any acts of the academic life of the student who is refugee, stateless or humanitarian visa holder, the provisions of Article 43, Federal Law No. 9.474/97 will be observed.

Art. 19. The provisions of this Resolution also apply to distance-education courses – EAD offered by UNIFESP.

Art. 20. The creation of additional vacancies provided for in the Entry Program for Refugees and Humanitarian Visa Holders in UNIFESP undergraduate courses must be approved by the University Council.

Art. 21. This Resolution shall enter into force on the date of approval of the Minute of the Undergraduate Council Meeting that deliberated for its approval.

Art. 22. Contrary provisions shall be repealed.

Professor Isabel Marian Hartmann de Quadros

Pro-Rectory for Undergraduate Studies

President of the Undergraduate Council