



## ASSEMBLEIA LEGISLATIVA DO ESTADO DE SÃO PAULO

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### **REPORT - Intersectoral Working Group on the Rights of Migrants and Refugees of the Legislative Assembly of the State of São Paulo and Civil Society Contribution to the Special Rapporteur on the human rights of migrants' visit to Brazil**

**São Paulo, February 2026**

#### **REPORT SUMMARY**

This report presents priority concerns regarding the human rights situation of migrants in Brazil, focusing on recurring violations in the contexts of borders, public security, labor, the justice system, deprivation of liberty, housing, and socioeconomic integration. The document highlights, among other issues, the severe violations at Guarulhos International Airport, the violence and criminalization faced by migrant workers in urban spaces, the precariousness of reception and social protection, and the heightened risks faced by Black migrants, informal workers, and individuals in highly vulnerable situations.

The report also points out that – although Brazil has a relevant legal framework, including the 2017 Migration Law and the 2025 National Policy on Migration, Refuge, and Statelessness – significant gaps persist in implementation, funding, inter-federative coordination, and articulation with essential public policies. Alongside these shortcomings, restrictive norms and practices remain in effect, compromising access to refuge, due process of law, humanitarian visas, and family reunification. Finally, the document presents concrete recommendations for strengthening the protection of rights, local integration, reporting and accountability mechanisms, and international cooperation.

#### **Introduction**

The Intersectoral Working Group on the Rights of Migrants and Refugees of the Legislative Assembly of the State of São Paulo (GTI-Migrantes) is an initiative linked to the ALESP International Relations Commission. It is composed of parliamentary mandates and open to the participation of civil society, including migrant leaders, associations, collectives, civil society organizations, unions, research groups, and social movements. Its goal is to formulate and monitor public policy proposals, legislative measures, and institutional actions aimed at promoting and protecting the rights of migrants, refugees, and stateless persons, with special attention to the reality of the state of São Paulo.

This document responds to the worsening reports of human rights violations against migrants in Brazil, especially regarding access to documentation, asylum, housing, labor, income, and social protection, as well as the persistence of institutional practices marked by racial discrimination, xenophobia, the securitization of migration policy, and the restriction of rights through sub-legal regulations and procedures.

Without intending to provide an exhaustive diagnosis of the human rights situation of migrants in Brazil or São Paulo, the report seeks to offer insights to the United Nations Special Rapporteur on the human rights of migrants, based on the accumulated experience of parliamentary mandates, organizations, and leaders directly involved in monitoring cases, complaints, and public policies. Finally, the document presents priority issues, institutional gaps, and practical recommendations related to the protection and guarantee of this population's rights. It should be noted, lastly, that Brazil



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has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the UN in 1990.

### **1. Priority issues and the human rights situation of migrants in Brazil: risks and hazards**

Migrants, refugees, and stateless persons in Brazil face recurring rights violations in the contexts of borders, labor, public security, the justice system, deprivation of liberty, documentation, and access to social protection. These risks particularly impact Black migrants, informal workers, incarcerated individuals, and other groups exposed to intersectional discrimination. The reported cases are not isolated episodes but rather expressions of persistent patterns of racism, xenophobia, the criminalization of mobility, and institutional fragility in the protection of rights.

#### ***1.1 Border violations and the denial of access to asylum"***

Guarulhos International Airport has become one of the most critical points in this scenario. There are repeated reports of the prolonged detention of migrants in degrading conditions, restrictions on access to asylum, and difficulties in the public scrutiny of the facilities by parliamentarians and human rights organizations. These elements indicate a pattern of migration control marked by racial selectivity and the erosion of basic guarantees.

The case of Evans Osei Wusu is emblematic. A Black migrant of Ghanaian origin, he remained in the 'inadmitted' area (restricted transit zone) of Guarulhos Airport without adequate medical assistance, even after requesting asylum, and died as a result of the lack of basic care. This case highlights the lethal potential of migration detention practices and state omissions in border contexts.

#### ***1.2 Discrimination, criminalization, and barriers to labor***

In São Paulo, the *Operação Delegada* (Delegated Operation) has been identified as a mechanism for repressing informal labor that disproportionately affects migrant workers, especially Africans. This agreement authorizes off-duty military police officers to inspect street vendors and has been associated with violent approaches, the criminalization of subsistence, and the militarization of urban management. There is also concern regarding the expansion of this model and the use of digital platforms as instruments of control and surveillance over informal workers.

The murder of Senegalese street vendor Ngagne Mbaye in April 2025 became the most severe case associated with this context. The subsequent dismissal of the case by the São Paulo Public Prosecutor's Office, on the grounds of self-defense, reinforced the perception of impunity and insufficient institutional accountability regarding the death of a migrant worker.

#### ***1.3 Justice system, penitentiary system, and the production of vulnerabilities***

Violations also manifest within the justice system and the penitentiary system. In recent years, cases of expulsion threats, wrongful imprisonment, lethal violence, and a lack of adequate institutional protection have been reported, including the cases of Nduduzo Siba, Falilatou Estelle Sarouna, and Sainglerge Clerge. Other names of migrants who were victims of violence have also been mobilized by organizations and social movements, among them João Manuel, Bubbacarr Dukureh, Willio Paul, Kerby Tingue, Fetiere Sterlin, Fallow Ndack, Zulmira Borges, Toni Bernardo da Silva, Brayam Yanarico Capcha, Mourtalla Mbaye, and Marcelo Larez González.



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Deaths of migrants in the penitentiary system due to a lack of basic health items and medications have also been reported, with 5 casualties that gained significant repercussions in 2025. Furthermore, there are complaints regarding the systematic denial of access to migration regularization for incarcerated individuals, due to documentary requirements that are difficult to fulfill and the lack of coordinated action by the agencies responsible for issuing documents. This lack of documentation prolongs vulnerability and compromises social reintegration upon completion of the sentence.

### ***1.4 Structural patterns of discrimination and insufficient protection***

Taken together, these cases demonstrate that the violation of the rights of migrants in Brazil does not stem merely from isolated failures, but from broader patterns of discrimination, racial selectivity, institutional violence, and the insufficiency of protection, monitoring, and accountability mechanisms. The challenge, therefore, is not only to respond to individual cases but to recognize and address the structural dimension of these violations.

## **2. Integration policies and programs, risks of labor exploitation, and human trafficking**

In Brazil, the integration of migrants, refugees, and stateless persons still occurs in a fragmented, unequal, and often insufficient manner. Access to documentation, housing, labor, income, and social protection depends largely on the local capacity of states and municipalities, which operate with limited resources, low standardization of procedures, and little specialized infrastructure. Significant gaps persist in the provision of multilingual services, intercultural mediation, trained staff, and coordinated workflows between health, education, social assistance, labor, and culture, which compromises local inclusion and deepens vulnerabilities.

Socioeconomic integration remains marked by significant barriers. Many migrants face the rejection of provisional migration documents by employers, difficulties in diploma revalidation, barriers to accessing Portuguese language courses and professional qualification, as well as obstacles to credit and entrepreneurship. As a result, there is a strong concentration in informal, precarious, and low-paid occupations, often marked by discrimination, xenophobia, and the fear of reporting abuses. The situation is worsened by housing insecurity, characterized by overcrowded dwellings, risk of eviction, discriminatory practices in accessing rentals, and barriers to public housing programs.

In this context, the risks of labor exploitation and human trafficking remain high. Victim identification is still insufficient, access to labor inspections and reporting mechanisms is limited, and institutional responses do not always consider the specificities of the migrant population. In the State of São Paulo, failures persist in the post-rescue assistance for migrant workers subjected to contemporary slave labor, with a lack of protocols for reception, document regularization, social protection, and safe reintegration, which fosters revictimization and the recurrence of exploitation.

There are also significant weaknesses in reception programs and arrangements. Operação Acolhida (Operation Welcome), although presented as a humanitarian response, remains detached from the National Policy on Migration, Refuge, and Statelessness, maintaining an exceptional, emergency logic that is poorly integrated into the ordinary system of rights protection. Criticisms persist regarding the militarization of the response, low transparency, and insufficient monitoring of integration conditions in 'interiorization' (internal relocation) destinations, which can result in displacement to locations without adequate reception and greater exposure to labor exploitation and other violations.



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Another concerning point relates to the recent model of granting humanitarian visas through community sponsorship. By conditioning access to humanitarian reception visas on the presentation of a commitment to provide shelter by accredited civil society organizations—without state funding compatible with this transfer of burden—the State shifts a responsibility that should be public onto the third sector. In practice, this restricts access to protection, creates barriers for families at risk, and may increase the exposure of migrants to informal intermediation networks, dependency, and exploitation, including risks associated with human trafficking.

The specialized reception network is also unstable. In São Paulo, the attempted closure of the CAEF Ebenezer Reception and Training Center highlighted the fragility of facilities specifically aimed at migrants and refugees. The proposal to transfer this population to generalist services for the homeless population ignored specific needs related to documentation, intercultural mediation, social protection, and continuous care, revealing the vulnerability of fundamental reception structures even in the country's main receiving centers.

In summary, Brazil still lacks consistent, stable, and funded integration policies capable of articulating reception, socioeconomic insertion, and protection against exploitation. The effectiveness of migration policy depends on the construction of a public reception and integration network, with clear responsibilities, federative cooperation, adequate funding, and mechanisms capable of preventing labor exploitation, human trafficking, and other forms of rights violations.

### **3. Legal frameworks, domestic migration policies, and programs for the protection of human rights and fundamental freedoms of all migrants**

Brazil possesses a relevant legal framework for the protection of migrants, especially following the 2017 Migration Law and Decree No. 12,657/2025, which established the National Policy on Migration, Refuge, and Statelessness. While the creation of this policy represents a significant formal advancement, its effectiveness still depends on concrete regulation and implementation. Gaps persist regarding funding, targets, institutional responsibilities, cooperation mechanisms between the Federal Government, states, and municipalities, and coordination with health, education, social assistance, housing, labor, and culture systems.

Another central issue is the ongoing tension between a human rights approach and a logic of control and securitization. Although national policy adopts protective language, restrictive sub-legal norms and practices remain in effect, especially concerning borders, visas, documentation, and access to asylum. This produces significant contradictions between the formal protection framework and the reality faced by many migrants, particularly at airports and other migration control points. Some recent norms and practices illustrate how sub-legal instruments and administrative procedures continue to restrict rights guaranteed by migration legislation and international human rights law.

- **Externalization of borders, denial of asylum, and violation of the principle of non-refoulement.** Technical Note No. 18/2024 of the Ministry of Justice, issued under the argument of combating migrant smuggling, began restricting—through sub-legal means—the access of persons in international transit to asylum requests at Guarulhos Airport. By conditioning this access on the existence of a ticket with Brazil as the final destination and providing for the automatic repatriation of 'inadmitted' persons, the measure contradicts Law No. 9,474/97, the Migration Law, and the principle of non-refoulement. In practice, it also hinders other forms of migration regularization and exposes migrants to the risk of chain



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refoulement to countries where they claim to fear for their lives and integrity. The legality of this measure is currently being challenged in court by the Federal Public Defender's Office (Defensoria Pública da União).

- **Ordinance No. 770/2019 and summary deportation.** Ordinance No. 770/2019, successor to Ordinance No. 666/2019 issued during the Bolsonaro government, consolidated a summary deportation mechanism based on vague criteria and with severe limitations on due process. Its permanence reveals that, despite the advancements of the 2017 Migration Law, there still exists in Brazil an administrative structure that treats the migrant person more as a threat to State security than as a subject of rights.
- **Restriction of access to humanitarian visas through community sponsorship.** Interministerial Ordinances MJSP/MRE No. 42/2023 and No. 60/2025, by conditioning the granting of humanitarian visas for Afghan nationals on the existence of a commitment to provide reception by an accredited civil society organization, effectively transfer a significant portion of the State's response to private actors and severely restrict access to this protection. This model has proven insufficient in the face of humanitarian urgency and creates barriers that hinder or delay the protection of families at risk.
- **Restriction of family reunification visas.** The right to family reunification has been eroded by excessive documentary requirements, normative limitations, and administrative omissions that, in practice, prevent or indefinitely delay granting of visas. This scenario especially affects Afghan and Haitian nationals, separating families for long periods and compromising effectiveness of protection instruments provided by Brazilian law. This situation is also subject of legal challenges by the Federal Public Defender's Office

In order for the National Policy on Migration, Refuge, and Statelessness to produce concrete effects, Brazil must transform it into an effective instrument of coordination, protection, and inclusion. This requires a national plan with funding, targets, defined responsibilities, genuine inter-federative coordination, multilingual services, intercultural mediation, and specific attention to groups in situations of greater vulnerability. Without these elements, the policy runs the risk of remaining an important normative advancement, yet one that is insufficient to change the reality experienced by migrants in the country.

#### **4. Recommendations for the implementation of rights relevant to the mandate, including best practices and concrete areas and means for international cooperation**

1. Review sub-legal norms and practices that restrict access to asylum, migration regularization, due process, and the principle of non-refoulement, especially at airports and borders.
2. Develop and implement, with social participation and adequate funding, the National Plan for the National Policy on Migration, Refuge, and Statelessness, establishing targets, defined responsibilities, inter-federative cooperation, and integration with health, education, social assistance, housing, labor, and culture systems.
3. Establish public, accessible, and effective mechanisms for reporting, monitoring, and following up on human rights violations against migrants, without disproportionate bureaucratic requirements, ensuring data production, inter-agency coordination, and guarantees of rapid response, protection, and referral.



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4. Strengthen measures to prevent and combat labor exploitation, contemporary slave labor, and human trafficking, including specific protocols for rescued migrant workers, access to labor inspections, social protection, document regularization, and safe reintegration.
5. Ensure that reception, interiorization, and humanitarian visa programs do not improperly transfer State responsibilities to the third sector, guaranteeing public funding, adequate supervision, transparency, and safeguards against exploitation and trafficking.
6. Develop concrete local integration policies, with special attention to access to housing, decent work, diploma revalidation, recognition of provisional migration documents, Portuguese language teaching, and intercultural mediation.
7. Adopt measures for prevention, investigation, accountability, and reparation in cases of institutional violence, racism, xenophobia, and the criminalization of migrants, including in the contexts of borders, informal labor, the justice system, and the penitentiary system.
8. Strengthen the public, political, social, and cultural participation of migrants and their associations in the formulation, implementation, and monitoring of policies that affect them.
9. Expand cooperation, including with UN agencies, regional bodies, universities, and civil society networks, for technical and financial support in areas such as reception, documentation, combating human trafficking, protection of vulnerable groups, and socioeconomic integration.