

POLICYBRIEF

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The documentation divide

Understanding pathways to modern slavery among undocumented populations in Brazil

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Key recommendations:

- **Enhance information dissemination:** Implement tailored messaging about documentation requirements and processes through multilingual campaigns, community meetings and collaborations with local organizations.
- **Provide free assistance for document preparation:** Work with non-governmental and community organizations to offer comprehensive, free support to migrants in preparing and filing their documentation, including legal advice, assistance with form completion and logistical support.
- **Strengthen and enforce laws:** Ensure the strict enforcement of existing laws at all governmental levels (municipal, state and federal) to protect migrant rights, and develop and implement stronger policies that reinforce these laws (with a particular focus on reducing modern slavery risks).
- **Provide specialized training for civil servants:** Implement training programmes so civil servants can identify and respond effectively to situations analogous to slavery, including protecting rather than prosecuting victims of crime who are undocumented.
- **Strengthen partnerships between service networks and Government:** Stronger collaboration will help streamline the documentation process and enhance overall support for migrants.
- **Enhance federal and consular services:** Invest in the quality of services provided by the Federal Police and consular offices, focusing on staff training, reducing barriers and improving accessibility for issuing documents.
- **Implement context-focused amnesty programmes:** Develop and implement amnesty programmes tailored to the unique circumstances of undocumented groups, providing clear pathways to regularization that reduce exploitation risks.

Introduction

There is growing recognition that people who lack official documentation are often unable to access their basic rights and entitlements, contributing to a myriad of complex challenges including social stigma, economic marginalization and lack of political representation and legal protection. There is also extensive evidence on the impacts of modern slavery on those being exploited and survivors. Little is known, however, about whether, and if so how, a lack of official documentation can increase modern slavery risks.

To address this evidence gap, the United Nations University Centre for Policy Research, supported by the Freedom Fund, undertook mixed-method, action-oriented research to examine the relationships between a lack of access to official documentation and heightened risks of trafficking and modern slavery. The research was undertaken at the global level and in three focus countries – Brazil, Kenya and Nepal – which were deliberately chosen to represent diverse communities and circumstances. These are countries where there is known to be a high incidence of modern slavery and where the Freedom Fund partners with frontline organizations and communities in slavery ‘hotspots’. The findings of the research were published as a global evidence review¹ and final report entitled, *NO IDENTITY, NO PROTECTION: How lack of documentation drives modern slavery*.²

This policy brief focuses on Brazil, where the lack of documentation significantly increases modern slavery risks among migrant populations. While 96 per cent of Brazilian children under five are registered at birth, substantial documentation gaps persist among other groups. Migrants and refugees, particularly from Haiti, Bolivia and Venezuela, face bureaucratic hurdles and lack awareness of documentation processes, leaving them highly vulnerable to exploitation. In São Paulo, Bolivians, Haitians and Venezuelans represented 78 per cent of those rescued from modern slavery conditions between 2003 and 2022, with Bolivians being the most affected group.

Despite existing frameworks aimed at regularizing migrants, many still lack proper documentation due to challenges like obtaining essential paperwork (e.g., passports, identity cards, proof of address) and financial barriers. For instance, Ordinance No. 87 of 2020 by the Ministry of Justice and Public Security offers residence permits to migrants affected by traf-

ficking or labour exploitation. However, its impact has been limited due to low awareness and implementation challenges.³

This brief outlines the essential documents needed by these populations (see box below), the barriers to acquiring them and the modern slavery risks associated with being undocumented.

Key documents:

- **Cadastro de Pessoa Física (CPF):** A Tax ID number issued by Brazil’s Special Department of Federal Revenue, essential for all residents in Brazil.
- **Registro Nacional Migratório (RNM):** Issued by the Federal Police to immigrants with regularized status, serving as an official identification document, comparable to the Brazilian ID card.

Subgroups at higher risk:

- **Migrants from Bolivia, Haiti and Venezuela:** These groups face significant challenges due to bureaucratic obstacles and lack of awareness about documentation processes.
- **Brazilian Nationals:** Certain communities within Brazil, particularly afro-Brazilians and Indigenous populations, also experience barriers to accessing necessary documentation.

Understanding the pathways to a lack of documentation

The existing literature highlights two main reasons for a lack of access to official documentation: (1) barriers to birth registration; and (2) challenges in accessing official documentation for those who migrate or who are forced to leave their countries of birth.⁴ Our research suggests that the pathways to a lack of documentation are complex which results in many, potentially overlapping, categories of people, both nationals and migrants, who lack access to official documentation. These pathways often intersect, reflecting bureaucratic inefficiencies, discriminatory practices, socioeconomic challenges and legal barriers (see Figure 1).

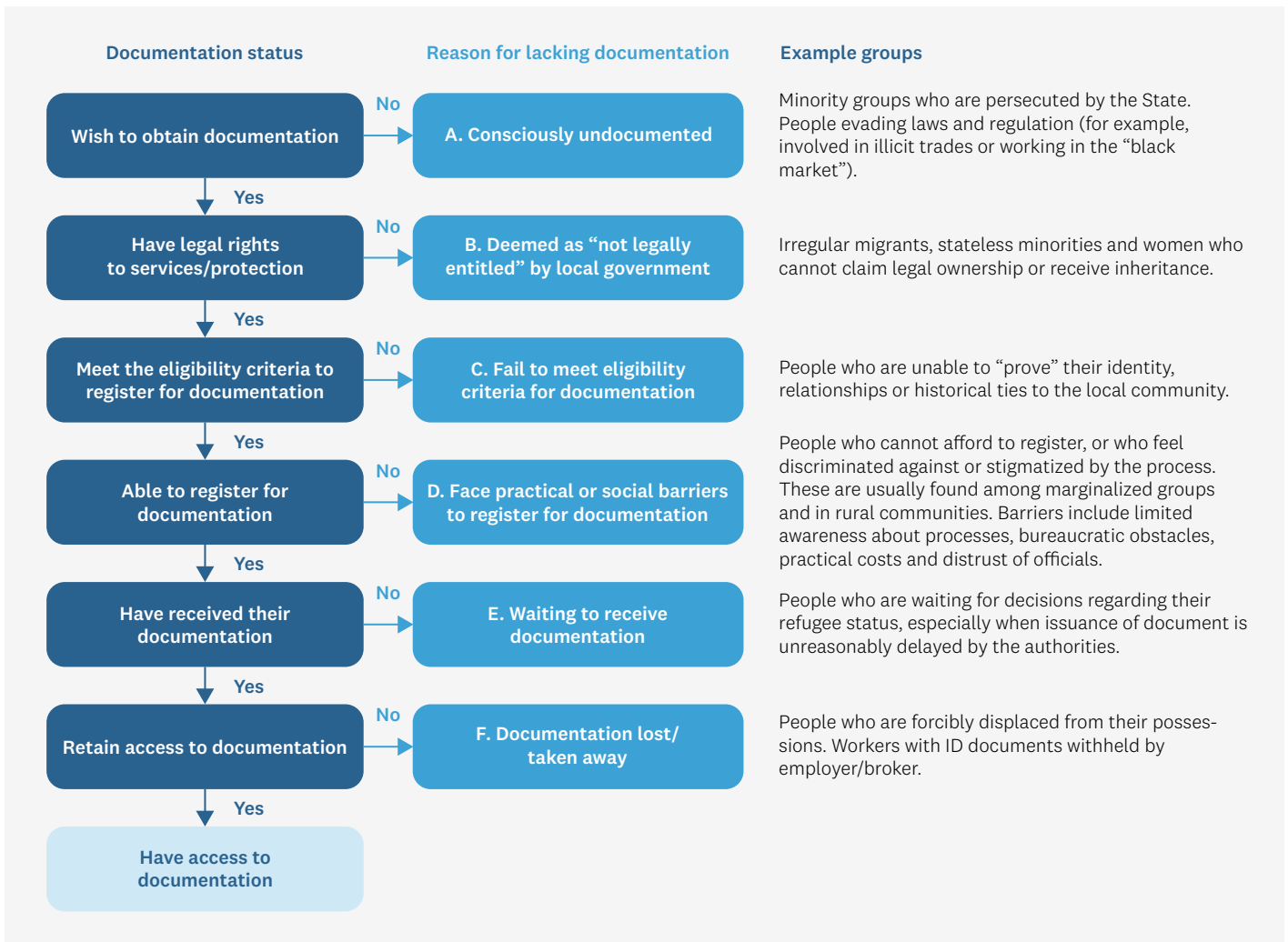
1 Heaven Crawley, Anita Ghimire, Louis HERN Marcelin, Linda Oucho and Angharad Smith, *Modern slavery risks among people lacking official documentation: A global evidence review* (New York, The Freedom Fund, 2024). Available at: <https://www.freedomfund.org/app/uploads/2024/04/peoplewithouthdocumentation-2024-04.pdf>.

2 Heaven Crawley, Anita Ghimire, Louis HERN Marcelin, Linda Oucho and Angharad Smith, *NO IDENTITY, NO PROTECTION: How lack of documentation drives modern slavery* (New York, The Freedom Fund, 2024). Available at: <https://www.freedomfund.org/news/no-identity-no-protection/>.

3 Observatório das Migrações em São Paulo, “Imigrantes Internacionais Registrados no Brasil”, 2021. Available at: <https://www.nepo.unicamp.br/observatorio/bancointerativo/numeros-imigracao-internacional/sincre-sismigra/>.

4 Heaven Crawley, Anita Ghimire, Louis HERN Marcelin, Linda Oucho and Angharad Smith, *Modern slavery risks among people lacking official documentation*.

Figure 1: Reasons why people are undocumented: pathways and categories



In the Brazilian case study, several subgroups were identified as lacking documentation due to various reasons. The primary reasons included: (1) people who are deemed as not “legally entitled” by Government; (2) those who fail to meet eligibility criteria; and (3) practical or social barriers to register for documentation. The main factors are identified below.

People who are deemed as not “legally entitled” by Government

During our research we identified that a significant proportion of people in this category are undocumented migrants whose experiences are marked by a fear of detection, participation in the informal economy, constant mobility and the politically sensitive nature of immigration issues, all of which create

challenges in gathering accurate data. In Brazil, we found a lack of legal provision for residence permits that applies to all nationalities. Individuals must qualify under one of the specified regularization categories, such as family reunification, work or study visas or humanitarian visas (for certain nationalities). The challenge is that not all individuals fit into these legal provisions, hindering their ability to regularize their status and secure access to official documentation. This renders the process exclusionary.⁵

People who fail to meet eligibility criteria for documentation

Individuals failing to meet eligibility criteria for documentation form a diverse group, including those unable to establish iden-

⁵ Giulianna Redin and Jaqueline Bertaldo, “Lei de Migração e o ‘Novo’ Marco Legal: Entre a proteção, a discricionariedade e a exclusão”, in *Migrações Internacionais: Experiências e Desafios para a Proteção e Promoção de Direitos Humanos no Brasil*, Giulianna Redin, ed. (Santa Maria, UFSM, 2023, Vol. 1, pp. 1-62).

tity, relationships or historical ties to their local community. This group overlaps with those deemed as not being “legally entitled” to documentation as well as those facing social or practical barriers to registration. In Brazil, there was evidence that migrants sometimes fail to meet the eligibility criteria for documentation, for example because they have served time in the penal system. There have also been difficulties in regularizing the status of unaccompanied children and adolescents. These eligibility issues impact some groups more than others. For example, unlike nationals of other countries, a Haitian parent wanting to regularize the migratory status of a child must obtain authorization from the other parent or else request legal custody of the child. This presents additional eligibility challenges.

People who face practical or social barriers to register for documentation

The research highlights several practical and social barriers that complicate the process of registering for documentation, particularly for marginalized populations. These barriers include a lack of awareness, bureaucratic hurdles, financial constraints and discrimination. In Brazil, migrants face specific challenges, such as unreliable information about the documentation process, where to seek assistance, language barriers and confusion over the importance of different documents like the CPF and RNM. These obstacles often lead migrants to rely on community networks for support.

Bureaucratic complexities further discourage many from applying for documentation. The requirement for multiple documents, such as marriage certificates and criminal records issued by consular offices, extends the process beyond national requirements and depends on the operational capacity of the consular offices of migrants’ home countries. Although recent interventions, like the lifting of specific documentation requirements by the Federal Public Defender’s Office, have addressed some issues, significant challenges remain, including bureaucratic delays and language barriers, which often means that migrants are forced to rely on costly intermediaries.⁶

Economic constraints also play a critical role in preventing families from managing administrative processes or accessing distant registration offices. Several respondents mentioned difficulties in obtaining documents due to the absence of fed-

eral offices in their areas, forcing them to travel long distances, often at considerable cost.⁷ The situation of those lacking documentation is often linked to broader social vulnerabilities, such as chronic poverty,⁸ which exacerbates the difficulties faced by marginalized populations in obtaining essential documents.⁹

Documentation status and modern slavery risks

The existing literature highlights the central role of official documentation in vulnerability to exploitation, pointing to various economic, social, cultural, legal and crises-related dimensions.¹⁰ It is generally held that lack of access to services and rights pushes individuals into low-wage, unregulated sectors and fosters exploitation. Social isolation, cultural disconnection, racial and ethnic discrimination and legal barriers are also thought to contribute to heightened vulnerability.

In Brazil, our research identified three main ways in which a lack of access to official documentation increases the risks of modern slavery.

1. Economic challenges and employment risks

In Brazil, undocumented individuals, particularly migrants from marginalized ethnic groups like Haitians, often find themselves in precarious employment within sectors known for exploitation, such as construction. The lack of formal documentation restricts their access to better-protected and higher-paying jobs, forcing them into positions with low wages and poor working conditions. Employers frequently exploit this vulnerability, threatening workers with exposure to immigration authorities should they complain or demand fair wages. Economic participation is heavily curtailed, as individuals who lack documentation are ineligible for benefits such as pensions and housing schemes, further entrenching their vulnerability to exploitation.

2. Social vulnerability

Undocumented status significantly hampers access to essential social services. In Brazil, Haitian migrants struggle to access social welfare programmes like Bolsa Família due to documentation requirements. Despite legal entitlements to healthcare, our research found that undocumented individuals frequently encounter service delays and outright denials.

6 M.V.L. Montinard, *Pran wout la: Dynamiques de la mobilité et des réseaux Haïtiens* (Rio de Janeiro, Universidade Federal do Rio de Janeiro and Museu Nacional, Rio de Janeiro, 2019).

7 P. V. Boas and P. Talarico, “A Grande São Paulo tem imigrantes em trabalho análogo à escravidão”, *Jornal da Unesp* (2021). Available at: <https://jornal.unesp.br/2021/05/06/a-grande-sao-paulo-tem-imigrantes-em-trabalho-analogo-a-escravidao/>.

8 N. Phillips, “Unfree labour and adverse incorporation in the global economy: comparative perspectives on Brazil and India”, *Economy and Society* vol. 42 No. 2 (2013): 171–196. Available at: <https://doi.org/10.1080/03085147.2012.718630>.

9 Arpen Brasil, *Quando esbarram na burocracia, brasileiros recorrem ao Poder Judiciário* (2022). Available at: <https://arpenbrasil.org.br/quando-esbarram-na-burocracia-brasileiros-recorrem-ao-poder-judiciario/>.

10 Heaven Crawley, Anita Ghimire, Louis HERN Marcelin, Linda Oucho and Angharad Smith, *Modern slavery risks among people lacking official documentation*.

Fieldwork in Brazil uncovered evidence of racism and xenophobia impacting migrants' ability to secure documentation, even when they are legally entitled. One aspect highlighted in the interviews and documented in reports is that racism functions as a vulnerability factor.¹¹ The populations most vulnerable to modern slavery in Brazil are poor, black and Indigenous people from the interior of the country.¹² Interviews with survivors illustrated how perceived discriminatory treatment by service providers deters Black and Bolivian migrants from pursuing documentation. Key informants noted that Bolivian survivors of modern slavery are often reluctant to seek help due to fear of discrimination, particularly from the Federal Police.¹³

Both documented and perceived racial discrimination by institutions and public agencies are well-recognized within the research community and by advocates; but how these biases are institutionalized, creating barriers to accessing documentation, remains underexplored.¹⁴ Insights from modern slavery survivors highlight the deep mistrust and fear of institutions, compounded by structural barriers like geographic isolation, literacy challenges and immigration status, which further hinder access to documents like the RNM and CPF.

3. Legal and procedural barriers

The lack of documentation creates substantial barriers in accessing legal protections and asserting labour rights. Many undocumented migrants are not only unaware of their rights but also face bureaucratic obstacles that prevent them from regularizing their status, thereby increasing their dependency on exploitative job arrangements. Legal complexities and fear of deportation further isolate these individuals, limiting their ability to seek help or advocate for better conditions.

Strategies to address a lack of documentation and modern slavery risks

Our research highlights critical strategies to tackle documentation risks linked to modern slavery, and emphasizes the need for comprehensive data collection to inform targeted interventions. Key strategies include:

- **Community-led advocacy:** Empowering affected individuals to push for legal reforms and improved access to documentation.
- **Breaking-down silos:** Promoting collaboration and data sharing across government departments and organizations for integrated solutions.

- **Simplifying processes:** Reducing bureaucratic barriers, lowering costs and eliminating discriminatory practices.
- **Raising awareness:** Launching public campaigns, educational programmes and training to underscore the importance of documentation.

However, these efforts are often hindered by national policies and bureaucratic inefficiencies. For example, Brazil's new policy requiring registration on a National Migratory Register before obtaining a CPF (necessary for accessing public services and opening bank accounts) complicates the process for migrants and exacerbates the risks of being undocumented.

In Brazil, providing free legal support and paralegal assistance through local non-governmental organizations has proven vital in helping undocumented individuals navigate complex systems. The research identified several successful interventions in Brazil that serve as models for global strategies to secure legal documentation and protect rights.

Key interventions in Brazil

São Paulo Domestic Workers' Union

- The Union conducts monthly meetings to educate workers about their rights and assist with documentation. This initiative ensures that domestic workers are well-informed about their legal rights and the necessary steps to regularize their status, empowering them to advocate for themselves and navigate labour laws more effectively.

Non-governmental organizations

- Organizations such as Missão Paz, Centro de Apoio e Pastoral do Migrante, União Social dos Imigrantes Haitianos and Centro de Referência e Atendimento para Imigrantes provide free legal advice and help with documentation; vital services for migrants who often lack the resources to manage these bureaucratic processes independently. By offering such support, these organizations mitigate the challenges posed by complex administrative procedures required for legal residency and work status.
- Repórter Brasil has been at the forefront of producing cutting-edge research and analysis for awareness, advocacy and policy changes in Brazil. The organization is one of the most important sources of data on modern slavery in the country, providing invaluable instruments for policy changes and advocacy at federal, state and municipal levels.

11 Finance Against Slavery and Trafficking (FAST) and Interuniversity Institute for Research and Development (INURED), "Financial Needs and Vulnerability to Modern Slavery and Human Trafficking in Haiti", UNU-CPR Research Report (New York, United Nations University, 2023).

12 Repórter Brasil, "Qual é o papel da Assistência Social na erradicação do trabalho escravo?" in *Equipe 'Escravo, nem pensar*, Natália Suzuki, ed. (São Paulo, Repórter Brasil, 2021). Available at: <https://escravonempensar.org.br/wp-content/uploads/2021/10/cartilha-assistencia-social-baixa-single.Pdf>.

13 Ibid.

14 N. S. Suzuki and X Plassat, "O perfil dos sobreviventes", in *Escravidão contemporânea* (1ed), L. Sakamoto, ed. (São Paulo, Editora Contexto, 2020, pp. 85-107).

Federal Public Defender's Office

- The Office offers crucial support by providing legal defence and advocating on behalf of migrants to ensure they are not required to present unattainable documents. This service is essential in protecting migrants from insurmountable bureaucratic barriers that can impede their rights and access to services.

Consulate task forces

- Task forces have been organized to expedite the issuance of necessary documents, collaborating closely with consulates to streamline the documentation process. This coordination

is particularly effective in easing the often lengthy and complicated processes involved in document verification and issuance.

Operation Horizon (Federal Police initiative)

- This initiative facilitates the regularization process for migrants by providing appointments with various institutions involved in the regularization process. This approach is designed to alleviate backlogs and improve system efficiency, ensuring that migrants can obtain their legal status more swiftly and with fewer obstacles.

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