**FINAL REPORT OF THE LATIN AMERICAN AND CARIBBEAN REGIONAL
PREPARATORY MEETING OF INTERNATIONAL MIGRATION
EXPERTS ON THE GLOBAL COMPACT FOR SAFE,
ORDERLY AND REGULAR MIGRATION**

Santiago, 30-31 August 2017

CONTENTS

A. PARTICIPANTS AND ORGANIZATION OF WORK

Place and date of the meeting

1.   The Latin American and Caribbean Regional Preparatory Meeting of International Migration Experts on the global compact for safe, orderly and regular migration took place on 30 and 31 August 2017 at the headquarters of the Economic Commission for Latin America and the Caribbean (ECLAC) in Santiago.[1] It was jointly organized by ECLAC with the International Organization for Migration (IOM) and the United Nations Population Division of the Department of Economic and Social Affairs, as part of the regional consultations on the global compact, and its main purpose was to generate inputs (findings, good practices, proposals, empirical data and recommendations) to better equip Governments with tools and arguments for the negotiation process they are to undertake in connection with the global compact.

Participants[2]

2.   The meeting was attended by representatives of the following United Nations Member States: Argentina, Belgium, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Cuba, Dominican Republic, El Salvador, France, Mexico, Norway, Spain, United Kingdom and Venezuela (Bolivarian Republic of).

3.   The participants from the United Nations Secretariat were the Special Representative of the Secretary-General for International Migration, the United Nations Special Rapporteur on the human rights of migrants (via videoconference), the Assistant Director of the Population Division of the Department of Economic and Social Affairs (DESA), and representatives from the Office of the High Commissioner for Human Rights (OHCHR) and the Office of the United Nations High Commissioner for Refugees (UNHCR).

4.   The meeting was also attended by representatives of the following programmes, funds and agencies of the United Nations: the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the International Labour Organization (ILO) and the International Organization for Migration (IOM).

5.   The following United Nations specialized agency was also represented at the meeting: the Pan American Health Organization (PAHO).

6.   Also present were representatives of non-governmental organizations and other special guests.

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[1]   See the programme [online] http://www.cepal.org/sites/default/files/events/files/17-00792_preliminary_programme-29_aug.pdf.
[2]   For a complete list of participants, see annex 9.

B. AGENDA

7.   The event was structured around six thematic sessions, according to the six global issues set out in resolution A/RES/71/280 of 6 April 2017. Thus, the working sessions were on the following topics:

1.   Human rights of all migrants, social inclusion, cohesion and all forms of discrimination, including racism, xenophobia and intolerance.

2.   Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, sustainable development, poverty eradication, conflict prevention and resolution.

3.   International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration.

4.   Contributions of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits.

5.   Addressing smuggling of migrants, trafficking in persons and contemporary forms of slavery, including through appropriate identification, protection and assistance to migrants and trafficking victims.

6.   Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications and other relevant measures.

8.   This document contains the meeting report and, in its second part, the executive summaries of three studies of international migration in the three subregions of Latin America and the Caribbean. The annexes also include summaries of the contributions received from various countries and civil society organizations.

C. SUMMARY OF PROCEEDINGS

Opening session

9.   The opening session was addressed by Alicia Bárcena, Executive Secretary of the Economic Commission for Latin America and the Caribbean (ECLAC); Laura Thompson, Deputy Director General of the International Organization for Migration (IOM); Juan José Gómez Camacho, Ambassador Extraordinary and Plenipotentiary and Permanent Representative of Mexico to the United Nations, co-facilitator of the consultations and intergovernmental negotiations leading to the adoption of a global compact for safe, regular and orderly migration; and Louise Arbour, Special Representative of the Secretary-General for International Migration and Secretary-General of the intergovernmental conference on international migration to be held in 2018. Felipe González, the Special Rapporteur on the human rights of migrants, also spoke via a videoconference link.

10.   The Executive Secretary of ECLAC began recalling that the objective of the meeting was to work with the countries to produce empirical data that could serve as the basis for a consensus position on migration. She also stated that ECLAC was convinced of the importance of linking the compact's objectives to those of the 2030 Agenda for Sustainable Development, of protecting migrant workers and of making every effort to limit situations of vulnerability, to eradicate human trafficking and to reduce remittance transfer costs, while at all times applying a human rights perspective.

11.   She said that the compact involved all the countries of Latin America and the Caribbean and that the issue of migration was fraught with political considerations and disputes. For that reason, reliable and comparable statistics were needed to reach an empirically correct consensus that would uphold the human rights of those involved in an ever-changing process. She said the region had to offer shared visions in line with the principles of international law and to propose and implement concrete actions, specific plans and indicators for monitoring the progress made with the issue. The Montevideo Consensus on Population and Development could, in her view, serve as a basis for this process, and the region had to be a pioneer in the governance of migration and to offer a consensual approach based on the imperative of considering human rights and the goal of social inclusion.

12.   The Deputy Director General of IOM underscored the crucial and timely importance of this meeting and then highlighted the agreements reached at the high-level plenary session of the General Assembly in response to large-scale displacements of refugees and migrants, which placed the human rights of migrants, climate change and development at the heart of the problem. Environmental degradation, insecurity and a lack of opportunities were factors that led to precarious migration, she said, and they must be addressed through cooperation that involved all the actors in the migration process, including public institutions, non-governmental organizations (NGOs) and civil society.

13.   She said there were four key issues involved: the human rights of migrants at all stages of the migration process; the facilitation of safe, orderly and regular migration; reducing the incidence of forced migration; and responding to the impact of natural disasters, including climate change, on human movements.

14.   The Deputy Director General said that IOM believed the compact would be invaluable and that it would promote the positive effects of migration and control its negative repercussions. Finally, she called for the updating and renewal of research methods to provide a clearer picture of those persons who were considered refugees and those who were not. The outcome of the global compact would depend on the relevance of the empirical data and the individual subregional cases, which could make a significant contribution to a better understanding of the migration process and its associated problems.

15.   The Ambassador Extraordinary and Permanent Representative of Mexico to the United Nations, speaking in his capacity as co-facilitator of the consultations and intergovernmental negotiations on the global compact for safe, regular and orderly migration, began his address by saying there was a lack of trust between the various countries, with differences that went beyond North-South polarization and also existed at the South-South level. Migration was a complicated issue, he said, charged with political emotions that had to be addressed by demystifying both the good and the bad inherent to the topic.

16.   Given the need to build trust between the negotiators and the Member States, he said, the migration phenomenon had to be understood through the lens of real data to ensure that all the actors were seeing the same situation. A new perspective of migration was needed, in order to erase preconceptions that were often admitted as true. The political decision had to be made after the conclusion of a treaty, and the position had to be based on documented data and not on prejudice and misinformation.

17.   The Ambassador said that migrants' rights had to be the basis for discourse in the discussions, but he conceded that this compact did not seek to vindicate human rights; creating an efficient and successful compact required support from the social sciences and an understanding of the complex phenomenon of migration, and that following that path would ensure respect for those rights.

18.   The Special Representative of the Secretary-General for International Migration and Secretary-General of the intergovernmental conference on international migration to be held in 2018 suggested that, given the importance and central role of victims of injustice, the global compact had to be the result of cooperation between the Member States to sustain human movements in a lasting fashion that respected human rights.

19.   She reminded the meeting that a great deal of migration took place "legally" and that this must not be forgotten in negotiating the compact, lest the drafters be blinded by all the violence and other serious problems faced by irregular migrants. She also noted that one of the most important issues was revealing the causes behind migratory movements and understanding why certain populations chose to relocate. She underscored the importance of changing the paradigms currently used for dealing with migration, citing repressive policies and the criminalization of migrants as examples, insofar as such policies become a barrier to the fulfilment of human rights.

20.   She called for an exploration of those causes in order to be able to offer assistance and create effective policies for mitigating the negative impact that migration has on those migrants whose rights have been violated. The barriers that restricted the freedoms of irregular migrants —who were denied the most basic services, or even feared the justice system because of their migratory status— had to be lifted, she said.

21.   At the end of the session, a video message from the Special Rapporteur on the human rights of migrants was shown. He called on the States to ensure that the human rights approach was given a central place in drafting the global compact, with emphasis on the most vulnerable people. He said that situations of vulnerability were a source of conflict that facilitated abuses and violations of rights, and he underscored the inefficiency of public policies for migration that restricted and stigmatized migrants. A new approach was needed, he explained, one that would work to integrate migrants and to design and implement new measures for avoiding policies based on detention and deportation.

22.   He called upon States to lift barriers to access to justice, because migrants had to be assured access to judicial and administrative remedies. The criminalization of migrants also had to be addressed, as it was the result of social perceptions built on preconceptions that were harmful to the rights of migrants and affected their integration.

23.   The Special Rapporteur concluded by listing a number of ideas to be taken on board in drafting the global migration compact, including elements that fuelled injustices and gave rise to situations of vulnerability in migratory processes. In his proposals he called for xenophobia to be tackled in order to ensure the integration of immigrants and for the protection of migrants' rights to be kept at the centre of the discussion.

Thematic session 1: Human rights of all migrants, social inclusion, cohesion and all forms of discrimination, including racism, xenophobia and intolerance.

24.   The session was moderated by Ana Paula de Souza, a Human Rights Officer of the Office of the United Nations High Commissioner for Human Rights (OHCHR). The six panellists were: Javier Palummo, Director of the Research and Information Management Department of the Institute of Public Policy on Human Rights (IPPDH) of the Common Market of the South (MERCOSUR); Martha Rojas Wiesner, a

researcher at El Colegio de la Frontera Sur (ECOSUR), Mexico; Julio Croci, National Director of Pluralism and Multiculturalism, Argentina; Álvaro Botero, a member of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and of the Inter-American Commission on Human Rights (IACHR); Raúl Vera, the Bishop of the Roman Catholic Diocese of Saltillo in Mexico; and María Emilia Tijoux, an academic from the Faculty of Social Sciences at the University of Chile.

25.   The moderator said that in order to ensure safe, orderly and regular migration, protecting human rights must be the cornerstone on which the global compact was based. She explained that the simple fact of being a migrant implied exposure to situations of violence; thus, civil, economic, social and cultural rights had to apply to all migrants, regardless of their migration status. Finally, she called for the condemnation of xenophobia and violence and emphasized the need for all actors to assume a political commitment to the defence of migrants' human rights.

26.   The Director of the Research and Information Management Department of the Institute of Public Policy on Human Rights (IPPDH) of MERCOSUR started off by emphasizing the central importance of human rights in the area of migration, a cross-cutting approach expressed in the New York Declaration for Refugees and Migrants of 2016. For MERCOSUR, the human rights-based approach was highly relevant and constituted a concrete proposal of experience and content for the global compact. For example, access to residence and to equal conditions in migration processes had to be simplified, and MERCOSUR could set an example for safe, orderly and regular migration. Within the scope of the integration agreement, there were policy documents such as the Santiago Declaration of 2004 which expressed the willingness to develop a new regional migration policy based on an ethical dimension of respect for human rights, with specific recognition of civil, political, economic, social and cultural rights (including the right to work).

27.   In the framework of MERCOSUR, there had been tangible progress in developing public policies, regulations and institutions that affected people's lives. With regard to regulatory progress, the panellist cited the example of the Agreement on Residence for Citizens of the States parties of MERCOSUR, Chile and the Plurinational State of Bolivia of 2009, which involved a number of benefits for migrants, such as simplified access to residence and establishment of access to civil, social, economic and cultural rights equivalent to that of the national population, and which also addressed issues such as family reunification and the right to education for children of migrants. Regardless of the obstacles that had been faced in its implementation, the agreement was a concrete and practical demonstration that safe, orderly and regular migration with a human rights-based approach was possible.

28.   From an institutional standpoint, he highlighted a number of initiatives being developed in the framework of MERCOSUR, including the Specialized Forum on Migration as a concrete example of progress in that area, which had given rise to specific responses in public policies. With regard to the latter, he noted significant progress in child migration; mechanisms for coordination of assistance to trafficking victims; progress at the bilateral level; the dynamic between integration processes and reform of migration regulations, which had been brought into line with human rights standards; local initiatives relating to the integration of migrants and the protection of migrants' rights (for example, in the municipality of São Paulo, Brazil and Quilicura, Chile), and the development of studies and publications on different aspects of the human rights of migrants in the region. Those initiatives sought to guarantee migrants' access to rights.

29.   Next, the researcher at ECOSUR noted the need to understand the complexity of international migration in Mexico and Central America, which implied an analysis of the overall situation as well as of the specificities of each country, and consideration of the views of migrants on their own situation, their migration experiences and the connotations associated with their migrant status. The combination of social exclusion, violence, human rights violations, forced disappearance, various forms of discrimination and the criminalization of migrants had to be treated as a priority issue and addressed in depth in the global compact.

30.   She stressed that although several factors contributed to mobility in Mexico and Central America, various forms of violence and insecurity in some countries were the main drivers of internal and international displacement and played an outsized role in the violation of the rights of different groups of migrants, including those in transit or arriving for seasonal work as well as those who were already immigrants. The situation also affected the local population in terms of the violence and problems of access to justice and fear of reporting occurring in their territories.

31.   She also spoke of the need for migration regulation and regularization processes to incorporate the cases of people with no employers, as well as for protection and provision of technical resources and staff to be treated as a priority for the global compact. That required constant monitoring and accessible and timely information on human rights situations and the social inclusion of migrants.

32.   Country-specific analyses had to be carried out with respect to social inclusion and cohesion processes. While some of those processes had included reactive measures to address the migrant situation, others had developed regularization measures, which were generally only temporary. Thus, in her view, the global compact was a challenge that should not lose sight of the protection of migrants' rights, and regulatory and programmatic instruments needed to be strengthened. One of the priority themes was updating legislation and, with respect to child migrants, their best interests had to come first. Moreover, the global compact had to contribute to the fight against discriminatory attitudes towards migrants and to foster a positive approach to migration.

33.   The National Director of Pluralism and Multiculturalism in Argentina began by emphasizing the importance of non-profit organizations and, in general, of civil associations representing the rights of migrants within the framework of Argentina's migration policy, which was based on cultural diversity. He said that in his country, migrants had the right to identity and to cultural diversity, which involved the challenge of shifting from a multicultural society to an intercultural one, where diversity was seen as an asset, not a threat. He suggested following the examples of creating federal, state and local boards to facilitate the discussion of migration issues between government institutions and civil society, and stressed the need to support those integration processes with social and cultural activities to integrate migrants into their local communities. That required full social participation and the necessary psychosocial support, as well as the promotion of rights through public entities, in a framework that facilitated access to information and guidance, and promotion of rights.

34.   He also highlighted the importance of migration flows, which were social, economic and cultural drivers for destination countries. The commitment of States was imperative to the strengthening of migration flows, and the best way to integrate foreigners was through full citizen participation, particularly through the right to vote. However, it was not enough to recognize that right, which should also be accompanied by policies to encourage migrants to participate in elections.

35.   Next he highlighted some initiatives in Argentina, such as the establishment of the secretariat for human rights and cultural pluralism, aimed at promoting the rights of migrant groups, along with the National Bureau of Migration, the National Institute to Combat Discrimination, Xenophobia and Racism (INADI) and other government departments working to protect migrants' rights. It was important to work with provincial and municipal governments, as well as with civil society, to integrate migrants (hence the coordinated efforts relating to rights at other levels of government).

36.   With respect to visas granted to citizens of Syria —the Syria programme— a mechanism for discussion involving more than eight ministries had been established. Argentina was receiving Syrian and Turkish families, which were seeking asylum in the country.

37.   Lastly, he referred to good practices such as the creation of a national programme for the protection, inclusion and recognition of the Afrodescendent community, as well as children receiving an intercultural upbringing and the creation of counselling centres to promote migrants' rights.

38.   The member of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and of the Inter-American Commission on Human Rights (IACHR) began by noting that migrants were subject to various forms of discrimination, racism and xenophobia on the basis of their migration status, age, gender and other variables. Discrimination drove emigration, was a source of violence and showed a lack of cohesion. He highlighted the close link between internal displacement and international emigration, when people did not receive the appropriate protection and care. Thus, it was necessary to explore all types of discrimination, with a view to addressing the problem through a long-term approach that would ensure greater social cohesion.

39.   He said that the reduction of human rights to citizenship rights was questionable, as migrants were caught between the principle of universality of human rights and state sovereignty. Rather, emphasis had to be placed on the global nature of human rights through the creation of safe migration channels, accompanied by a shift in political discourse and the abandonment of the focus on border security and repressive policies. He criticized the tendency to associate migrants with terrorism and the scapegoating of migrants, refugees and stateless persons to promote a restrictive view of migrants as threats.

40.   States had to provide the appropriate protection, for example, through legal mechanisms to facilitate regularization, and there was a need for safe channels through which migrants could report crimes to State authorities without fear. It was also necessary for countries of origin, transit, destination and return to coordinate their approaches, with legal processes that ensured respect for rights and access to justice through mechanisms linking the countries. In order to guarantee migrants' rights, it was essential to shed light on their situation in the region, as well as to establish appropriate sanctions depending on the acts of discrimination committed and to confront and eliminate discriminatory practices in labour markets, particularly in the sectors of the economy where employers regularly committed abuses.

41.   He also stressed that the tightening of migration policies in the region was accompanied by an increase in the social vulnerability of migrants from Central America, the Bolivarian Republic of Venezuela, Haiti and elsewhere, who were exposed to greater dangers and risks arising from the search for new routes. It was therefore important to be able to collect and disseminate empirical data on victims of xenophobia.

42.   Lastly, it was imperative to shift the discourse from criminalizing migrants to recognizing them as rights-holders. Although progress had been made in the region, there were still laws that supported expulsions without due process. There was a need for safe migration channels to reduce the vulnerability of migrants and to identify areas in which migrants were being exploited.

43.   The Bishop of the Roman Catholic Diocese of Saltillo, Mexico, began by calling for the determination of the origin of the existing migration situation, which implied understanding the causes in countries of origin, transit and destination —in other words throughout the migration process— and critically examining the prevailing economic rationale of the neoliberal system. In his view, economic interests restricted the respect for human rights, especially in the political arena, where migration regulations favoured, first and foremost, the economic rationale, which was sometimes influenced by corruption and governments' own priorities.

44.   He also proposed facilitating humanitarian and family reunification visas and the building of humanitarian corridors where migrants would not face discrimination on account of their migration status. Social inequality was the driver of irregular migration and an enormous effort was required to develop a humanitarian discourse that took precedence over the economic rationale, as ethical values had been lost. Political will and civil society participation were crucial to orderly, safe and regular migration.

45.   The Bishop said that the economic model imposed on several parts of the world was responsible for people leaving their countries. The public policies that were being implemented in Mexico were aimed at a decent life for only a small portion of the population. The result was an economic, social and political structure that deepened social inequality, which in turn encouraged social exclusion and the complete disappearance of human rights.

46.   Lastly, he referred to Pope Francis, who had recently asked States to accept, protect, promote and integrate migrants. It was necessary to simplify visas, open humanitarian corridors, offer alternatives to detention, prevent statelessness and guarantee the rights of persons regardless of their migration status. Pope Francis had also highlighted all the contributions that migrants made, and pointed out that they enriched societies. The Bishop ended by stating that the modern economy had lost its ethical compass, and that the cruel situation facing migrants was the outcome of an unjust world. Humankind deserved a world where borders meant life, not death, and thus their fate should not be tied to economic interests.

47.   The last panellist, from the Faculty of Social Sciences of the University of Chile, began by calling for awareness of the social connotations of the concepts used to refer to migrants. She was concerned that the citizens of destination countries held different views of migrants from other countries based on the latter's ethnicity. In Chile, there was a growing distinction between immigrants and foreigners, and therefore a need for careful use of language and for attention to be paid to the concepts used, their meaning and their consequences. The root cause was racism, which overlapped with migrants' gender and identity. Racism was the result of a historic and cultural moulding that could not be dissociated from economic processes, and was intertwined with civil status, economic level, nationality and skin colour, revealing a lack of empathy towards immigrants. She proposed cleaning up the political and discursive construction of concepts and ideas that had taken on racial connotations. Hence the need to link laws with human rights laws and not with economic affairs.

48.   In Chile, based on the accounts of the migrant network and the Migrant Action Movement (MAM), there were many tragic stories where the media contributed to the increasingly resistant attitudes to immigration. The country needed to update its migration laws. The bill sent to the national congress in 2017 was no different from the one in effect during the military regime of Augusto Pinochet. In her view, the law had not changed much, especially as it did not help the weakest and it did not address all dimensions of migration; for example it made no mention of gender or of the Agreement on Residence for Citizens of States Parties of MERCOSUR, Chile and the Plurinational State of Bolivia, but prioritized certain areas relating to preconceptions of the migration reality.

49.   Following that logic, legislation needed to be updated in order to ensure that migrants' basic needs were met and that their rights were guaranteed, and bills needed to address all aspects of migration instead of just focusing on immigration, and to include citizens living in other countries. The point had to be reached where State policies were implemented, monitored and respected, and that required the development of institutions to address migrants' needs, which were still non-existent.

50.   Lastly, she emphasized the need for decent legislation developed in line with human rights and not just citizens' rights. However, that was still not enough if there was no human rights-based education to fight racism and discrimination, and if no efforts were made to avoid criminalization of migration.

51.   There was no discussion during this session.

Thematic session 2: Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, sustainable development, poverty eradication, conflict prevention and resolution.

52.   The session was moderated by María Nieves Rico, Chief of the ECLAC Division for Gender Affairs, and the panellists were Erika Pires, representing the South American Network for Environmental Migrations (RESAMA) in Brazil; Patricia Chemor, Secretary-General of Mexico's National Council for Population (CONAPO); Duval Fernandes, Coordinator of the Population Spatial Distribution Studies Group (GEDEP) at the Pontifical Catholic University of Minas Gerais, Brazil; Leonir Chiarello, Executive Director of the Scalabrini International Migration Network (SIMN); Francisco Rico Martínez, representing the Technical Secretariat of the Regional Network of Civil Organizations for Migration (RROCM); and Jorge Pizarro, a representative of the Latin American Parliament (PARLATINO).

53.   The moderator started out by saying that for ECLAC, equality was at the centre of development and that gender equality was a particularly important consideration. She therefore called for special attention to be paid to the problems faced by migrant women, with priority given to a rights-based approach and to equality between men and women migrants.

54.   The representative of RESAMA in Brazil began by highlighting that population displacement caused by climatological phenomena and environmental disasters was already a reality in the region, and said that it was imperative to recognize the need to protect populations at the international and local levels, which would help to reduce the vulnerability of persons displaced because of these factors as well as the violation of their human rights. Thus, a comprehensive response was needed in the area of migration, and could not be dissociated from the global compact. She noted the need for a cross-cutting approach of protection that included an analysis of climate change and its links to sustainable development and that integrated disaster and risk reduction and protection of human rights affected in that context. There was still a need for globally accepted terminology and more in-depth studies based on different sources and existing empirical data.

55.   In addition to sudden events (such as hurricanes and storms), she highlighted the permanent nature of the impact of climate change and disasters on populations. In that context, the need for reliable data —especially with respect to borders— posed a challenge for the illustration of the link between displacement and the adverse effects of climate change. She suggested that migration laws recognize emigration as a solution to the climate crisis in extreme cases. Some priority areas to consider in public policy were migration management, humanitarian responses to emergencies, prevention and reduction of disaster risk, migration as a climate change adaptation strategy, community information and participation, comprehensive protection of the human rights of persons affected and displaced throughout the disaster and displacement cycle, and climate justice. Theoretically, there were multiple strategies and policies, but they had not been implemented. Existing gaps had to be filled, for example, in national and international protection of persons affected or displaced by disasters and climate change. Thus, there was a need for a comprehensive response from countries of origin, transit and destination that would prevent the violation of the human rights of displaced persons and the risk of conflict and other situations of violence.

56.   Climate change contributed to the increase in disasters and to conflict. Migration was a survival strategy when there was no hope of restoring the damaged environment (for example, in instances of desertification or rising sea levels). It was fundamental to include affected persons in the search for solutions, so that their rights were respected and because they had knowledge of the phenomena and of their places of origin. The panellist provided examples of the regional reality, describing phenomena such as El Niño in the Caribbean, Central America and South America, where more than 3.5 million people faced food insecurity as a result of severe drought. Those problems had to be addressed through an interdisciplinary approach and included in public policy, with priority given to factors such as migration management related to climate change, the humanitarian response to emergencies, risk and disaster reduction, consideration of migration as an adaptation strategy, inclusion of environmental migration in development and poverty-reduction strategies and climate justice.

57.   The instruments established in the international framework that governments should take into account, in her view, included the Paris Agreement within the United Nations Framework Convention on Climate Change, the Sendai Framework for Disaster Risk Reduction 2015-2030, the Sustainable Development Goals and the Platform on Disaster Displacement responsible for implementing the recommendations of the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change, which identified both the existing regulatory framework and protection practices, and the gaps that needed to be filled. There were countries offering humanitarian visas —such as temporary visas for Haitians— on the grounds that migrants displaced by disasters had the right to humanitarian protection. After describing the initiatives, she called for harmonization through action, knowledge-building and cooperation between the different stakeholders, including at the regional and subregional levels.

58.   Lastly, she mentioned points that could be included in the global compact, such as the recognition of populations affected and displaced by climate change and disasters as a category in need of protection, cross-cutting regional and global protection with a focus on human rights, and the revision of migration, environmental and climate laws and policies to include human mobility caused by environmental factors and measures to fight the structural causes of migratory movement.

59.   The Secretary-General of CONAPO of Mexico began by identifying, from her country's perspective, several challenges stemming from cross-cutting aspects of the migration process that countries were facing. She mentioned the importance of the incorporation of the gender perspective into the development of laws, the application of policies to provide the most vulnerable people with the necessary resources in their countries of origin so that they did not have to migrate, the elimination of gender-based violence, the prevention of sexually transmitted diseases, the reduction of the number of unaccompanied minor migrants, the eradication of human trafficking, the need for countries of origin to provide opportunities for their inhabitants and the development of policies to integrate returnees.

60.   Next, she referred to section F of the Montevideo Consensus on Population and Development (International migration and protection of the human rights of all migrants), and stressed that that regional agreement called to ratify and implement international conventions on human rights and that it recognized the feminization of migration, the need to fine-tune national discrimination laws and the importance of implementing migration policies in each country. She related the proposals to the 2030 Agenda and to goals such as the reduction of remittance costs, which remained high in some recipient countries, and to the issue of unaccompanied minor migrants, which was intertwined with the need for attention to women migrants' sexual and reproductive health. Referring to the priority measures of the Montevideo Consensus, she recalled that countries had to ratify the international conventions for the respect of migrants' rights.

61.   She then presented the work done by CONAPO to promote safe migration. In that respect, she spoke of the protocols established in Mexico and how those instruments had been applied to help unaccompanied migrant children and continued to be fine-tuned to produce a national protocol. Work was also being done to eradicate human trafficking and violence against women migrants. She described the Arráigate programme, which provided resources to young people so that they would not be forced to migrate. Efforts were being made to promote education so that young people would remain in school, and to address the inequality that led them to migrate.

62.   She stressed the importance of civil society participation as a response to the factors driving migration, and cited the example of the 3x1 programme for migrants run by the Secretariat of Social Development (SEDESOL) of Mexico. Under that programme, municipal, State and federal governments worked together to help fund organized migrant initiatives, improving migrants' activities and establishing contact between the different stakeholders in the migration process. Work was also being done with returnees, and there were programmes which helped those who did not know the language to learn it once they arrived in the country. Those programmes also included the validation of migrants' studies and the creation of conditions to help them continue their careers.

63.   The Coordinator of the Population Spatial Distribution Studies Group (GEDEP) at the Pontifical Catholic University of Minas Gerais, Brazil, underscored the need to promote regional migration governance beyond individual countries' responsibilities, which implied coordinating migration initiatives and promoting, for example, social security portability. It was thus necessary to take into account the countries of origin and destination. He spoke of the situation in Brazil and described how that country had received a large number of immigrants, which posed a challenge that the government had not been able to face without the support of civil society, essential to avoiding a humanitarian crisis. Hence the importance of involving civil society and incorporating it into negotiations on the global compact.

64.   At the same time, he criticized the inadequacy of migration policy in Brazil, giving the example of the large number of Venezuelans who had arrived in the country and their vulnerable situation, because many of them had had to apply for asylum as they could not afford the fees for authorization of residence. The economic and political crisis that Brazil faced was leading to fresh outflows of Brazilians and migrants, for example Haitians who were leaving for other destinations, exposing themselves to new situations of vulnerability.

65.   He said that the governments of the region had to coordinate their actions in migration governance. Responsibility had to be truly shared, and a State's responsibility did not simply disappear as soon as a migrant crossed the border into another country. The portability of social security benefits, family reunification, the fight against xenophobia and the creation of an integrated regional information system addressing international migration were some of the guarantees that should be included in the global compact.

66.   He reiterated that there was also a need in destination countries to examine the factors that drove migration. That implied the sharing of responsibilities and recognition that there were no borders in transnational phenomena such as migration and migration governance. Lastly, he said that the global compact had to address migrant smuggling and human trafficking.

67.   The Executive Director of SIMN began by mentioning several ideas that should be considered in the global compact: addressing the causes of migration and the impact of natural disasters, the resulting need to develop programmes to prevent and fight organized crime, the creation of indicators to measure migration data and the clear definition of the stakeholders who would implement the recommendations of the compact. He underscored the need to move beyond ideals and deeply examine the economic rationale that determined migrants' situations.

68. The compact drew on two processes, namely the Global Commission on International Migration (GCIM) which had helped shape consensus on the need for long-term migration governance, and the New York Declaration for Refugees and Migrants, which defined a short-term approach to the migration crisis, in light of which the danger of setbacks in migration management had to be avoided. He said that the effectiveness of the global compact depended on a very clear consensus at the political, regulatory and institutional levels.

69. At the political level, he referred to the principles and the political commitments needed to guarantee them. The compact had to create definitions, determine principles, include causes and reflect political commitments. All people had the right to remain in their country, as migration should be an option, never an obligation. Concrete solutions were needed to address the structural causes of migration, and that required comprehensive sustainable development and efforts to eradicate the system of indirect violence that affected the populations of the region and that was related to corruption. Similarly, the adverse effects of climate change and natural disasters had to be addressed by policies and programmes focused on prevention and on the protection of victims. Another key aspect was public safety and the eradication of organized and non-organized crime linked to impunity.

70. With respect to the regulatory level, he referred to implementation, monitoring and accountability mechanisms relating to the principles defined at the political level. The aim was to develop regulations that would involve States. He highlighted the involvement of civil society, which had to be included. At the institutional level, the actors responsible for enforcing principles had to be identified. He raised the question of whether the IOM would act as a migration agency in the framework of the United Nations system or play a role similar to that of civil society.

71. He concluded by highlighting the need for progress in the conceptualization of regulations that could monitor and create regional migration policies based on a social construction of welcome. The need for long-term migration governance at the global level had to be made sufficiently compatible with the need for short-term solutions. It was fundamental to reach consensus at the three levels and address the questions raised. Those discussions had to provide results for migrants. He cited two examples in South America: MERCOSUR and the Regional Conference on Migration. There was a need for coherence and consistency to achieve more effective outcomes. In February 2017, at the Sixth International Forum on Migration and Peace, Pope Francisco had called for migrants to be welcomed, protected, promoted and integrated.

72. The representative of the Technical Secretariat of RROCM began by highlighting the need for a process that would place migrants, refugees and detainees at the centre of discussions, allowing them to express their own views, given the predominance of experts' opinions thus far. It was necessary to eliminate the negative connotations associated with migrants and to tackle the root of the problem, in other words, the reasons people decided to migrate and to expose themselves to precarious situations. There was a need for permanent programmes to fight against xenophobia and to eliminate restrictive policies, corruption and systemic weaknesses.

73. The global compact had to combine a number of conditions, including a fair process that condemned those who had violated migrants' and refugees' rights and did not strengthen impunity, produced results and involved the participation of migrants and refugees, because they were the real experts. He suggested organizing local meetings during which communities of migrants, refugees, returnees and deportees could describe their experiences and demonstrate their innocence. It was necessary to act with caution and to avoid organizations with resources imposing their own agendas. The incorporation of civil associations was fundamental, and in that sense, the process had to include a variety of stakeholders, among them new actors who played an active and key role in discussions. He also spoke of a new paradigm based on the human being.

74.	Inequalities at the international level made it difficult to meet commitments, but there had to be discussions about poverty, countries' expulsion mechanisms and the need to eradicate racism. All States had to commit to working transparently on the causes of migration (addressing exclusion, corruption, impunity and systemic weakness). Noteworthy situations included the militarization of the southern zone of Mexico and funding from the United States, which had led to Mexico deporting more people than the United States. The permanent regularization of migrants and refugees had to become a priority.

75.	To conclude, he called for the global compact to put justice ahead of corruption and to take into account the vulnerability of migrants in situations of poverty. He called for a compact that would advance, protect and promote rights and inspire confidence. The concept of development also needed to be discussed, with a view to eliminating the definition based on remittances. Meanwhile, the exploitation of migrants had to be linked with specific sectors of the economy that tried to increase productivity and competitiveness through their exploitation and dehumanization.

76.	The representative of the Latin American Parliament said that he represented the congresses and parliaments of the region, and recalled that PARLATINO had existed for more than 50 years. Since 2000, migration had been one of the priorities of the institution, which had established ties with the European Parliament, where forums for consensus-building had been created to guarantee migrants' rights through public policies designed to ensure that they enjoyed the same rights as in their countries of origin. He explained that although it had been established —in theory— that the integration of migrants into society was fundamental, that was not the case in reality. The problem lay in States' unwillingness to give up their sovereignty, which limited the idea of integration to certain cooperation and trade agreements. The parliamentary network's position could facilitate monitoring of and compliance with the proposed policies.

77.	A plenary session of PARLATINO was held in June 2017 with a view to supporting the adoption of the global compact. The resolution adopted at that session included two central issues relating to the agreement to create capacity to understand migration and the need to guarantee public policies that would allow migrants to access work and social services. The panellist said that if regional integration went beyond trade, there would be no problems with visas, access to work, xenophobia or fear of other people. There was also a cultural element involved: a distinction was made between people coming from the region, who were called migrants, and those coming from Europe, who were called foreigners. In his view, migration should be understood as a common challenge, and PARLATINO wanted to be involved in the global compact process, as its prime objective was to create laws and regulations to address the challenges arising in the region, and migration was a shared priority.

78.	Referring to Chile, he mentioned the suspicious attitude of some population segments towards integration. The migration phenomenon was new and raised many challenges. New migration regulations were necessary because existing instruments were no longer adequate. At the same time, citizens feared that if the rights of foreigners were guaranteed, their own rights would not be protected. He spoke of cultural differences which also gave rise to discussions about migration, and the different social constructions relating to migrants based on their country of origin. There was a need for understanding of migrants' reality, and what they had lived in their countries of origin, which would help to create a more comprehensive view of their experiences, so that they could be welcomed with empathy and provided with the necessary tools for their integration.

79.	The panellist ended by saying that PARLATINO wanted to contribute concrete proposals to that process, but needed States to agree that migration was also necessary for destination countries.

80. Several of these topics were reiterated in the discussion that followed the presentations, particularly the importance of the rights-based approach, the fight against irregularity and civil society engagement in the discussions and search for solutions. In addition, reference was made to the need for agreeing on and adopting specific criteria to ensure the inclusion of a humanitarian ethos in national regulations, with the support of international organizations, as a direct way to provide protection for those most in need, to respond to forced migration, including the victims of disasters and climate change, and to ensure family reunification. The meeting stressed the need to implement specific actions for addressing specific situations and to increase the support for and authority of international agencies, such as the Office of the United Nations High Commissioner for Refugees (UNHCR) and IOM.

81. The participants also remarked that the causes of migration were associated with growing asymmetries between countries, with which the distinction between forced migration and economic migration was dissipating and the majority of migrants were disadvantaged workers. That was the context in which the origin of irregular migration should be discussed, in order to understand that it was State policies that led to irregular migration.

82. The participants said that the need to place human rights at the centre of the global compact meant finding a way to move from proposals to action. For example, instead of laws on the status of foreigners, some countries needed to enact migration laws, for which the regional dimension of migration processes had to be taken into account.

83. The meeting also said that civil society had an important role to play but that so did the academic sector, because it was able to identify new problems and provide a comprehensive overview of the migration issue at the regional level.

84. Finally, the participants suggested that several of the region's countries could make progress with the design and definition of standards; this would allow for monitoring and for the creation of regional migration policies to respond to nation-building within a cultural framework that welcomed migrants. They emphasized the need to discuss the concept of development and the context within which migration occurred. Migrants were agents of development, they said, and it was therefore necessary to examine the exploitation they suffered in specific economic sectors, in situations of acute dehumanization in which labour laws did not apply equally to citizens and migrants.

Thematic session 3: International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration.

85. This session was moderated by Francisco Becerra, Assistant Director of the Pan American Health Organization (PAHO), and six specialists made up the panel: Oliver Bush, Coordinator of the Migration Programme of the Regional Delegation for Mexico, Central America and Cuba of the International Committee of the Red Cross (ICRC); Pedro Hernández, Deputy Director for International Migration of the Ministry of Foreign Affairs of Chile; Liduvina Magarín, Vice-Minister for Salvadorans Abroad of El Salvador and President pro tempore of the Regional Conference on Migration (RCM); Gisella Zapata, representing the Centre for Regional Development and Planning (CEDEPLAR), Brazil; and Perseo Quiroz, representing Amnesty International Mexico.

86.   The moderator said that the 2030 Agenda for Sustainable Development indirectly included some of the governance issues required for safe, orderly and regular migration. That could be seen in Goal 10 and, in particular, in target 10.7 ("Facilitate orderly, safe, regular and responsible migration and mobility of people") and target 10.c ("By 2030, reduce to less than 3% the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5%"). The moderator said that authorities of both host countries and countries of origin were responsible for establishing specific frameworks towards that end.

87.   He added that while there had been much talk about human rights in general, there had been no discussion of the right to health of migrants, except for the issue of Caribbean doctors migrating to the United States and the United Kingdom raised by William Mejía and the references to that right by Bishop Raúl Vera, María Emilia Tijoux and Jorge Pizarro. In his experience, if the issue was not discussed specifically, it would be erased from the dialogue and the actions needed to protect this right would not be carried out.

88.   Migration itself was another social determinant of health: migrants undertook perilous journeys, worked in high-risk industries, lived in unhealthy conditions and were stigmatized. The conditions migrants faced in the various stages of the migration cycle exposed them to security and physical and mental health risks, which were compounded by the formal and informal barriers to access to quality health services and other forms of social protection during the migration cycle.

89.   The 2016 New York Declaration for Refugees and Migrants, which called for the protection of human rights in general, the mandates of the Pan American Health Organization as laid out in resolution CD55.R13 Health of Migrants (PAHO, 2016) and World Health Organization resolution WHA70.15 Promoting the health of refugees and migrants specifically brought the issue of the health of migrants to the forefront of debate on the migration cycle. The moderator then gave a detailed explanation of resolution CD55.R13 adopted in 2016 by Ministers of Health at the Directing Council of PAHO which, as a body specific to the Americas, was of great importance in the debate. The resolution called on member States to generate health policies and programmes to address health inequities that affect migrants, to advance towards providing migrants with access to the same level of expanded health services that other people living in the same territory enjoy and to promote action for the coordination and articulation of programmes and policies on health issues considered to be of common interest in border areas.

90.   On the basis of that resolution, in April 2017, the Government of Mexico, through its Ministry of Health, had convened a meeting of Mesoamerican countries. In the resulting ministerial declaration, the countries agreed to, inter alia: establish a group of experts from different countries to facilitate intersectoral work; promote national and subregional analysis to improve health conditions; promote changes in their countries' regulatory and operational frameworks in support of migrants' health; establish follow-up mechanisms and bilateral and multilateral cooperation; strengthen the exchange of data and information systems; strengthen migration policies, and improve health surveillance to protect migrants' health.

91.   Lastly, the moderator said that during the Pan American Sanitary Conference to be held in Washington, D.C. at the end of September, there would be a panel discussion on the sharing of experiences stemming from the agreement reached by the Mesoamerican Ministers in Mexico. It was hoped that the panel would further the consolidation of national policies and specific action to protect, promote and guarantee the health of migrants.

92.   The Coordinator of the Migration Programme of the ICRC Regional Delegation for Mexico, Central America and Cuba began by emphasizing the importance of the global compact and the obligation not to ignore issues such as violence and climate change, which are often overlooked, in the migration

debate. He then presented four points that he considered essential, first calling for the unrestricted application of the principle of non-refoulement, which should be given priority although countries were sovereign and had the right to establish security procedures with respect to migration. That meant focusing the discussion on the needs of migrants. It was also necessary to establish mechanisms for identifying the needs and vulnerabilities of migrants and protection mechanisms, such as humanitarian visas.

93.   He then spoke of the detention of migrants on account of their migration status. Detention should be considered an exceptional measure. The Red Cross upheld that detention on the basis of migration status should not be used as a deterrent to limit the flow of migrants and there was a need to establish alternative measures to detention, particularly for persons in the most vulnerable situations, such as pregnant women, victims of crime, the lesbian, gay, bisexual and transgender (LGBT) community and older persons. It was critical that no child should be detained because of their migration status.

94.   The third issue was that of missing migrants, which should be addressed more frequently in discussions on the global compact. It was extremely difficult to estimate how many there were and there was a need for more in-depth understanding of the phenomenon given the lack of reliable sources of information. Family members needed to know their fate and kept abreast of searches; the processing of information should therefore transcend national boundaries and the countries involved must reach an agreement on how to deal with the issue. ICRC had made recommendations for preventing such situations, helping families and facilitating the search for missing persons.

95.   Lastly, he underscored that access to health care —with full access to the health system and not just to basic care— should be preserved in all circumstances. There was also a need to raise awareness among health authorities and establish care protocols for migrants who, because they were constantly on the move, could not receive the same treatment as stationary patients. He concluded by stating that the responsibility of States to meet the needs of migrants must be the backbone of the proposed global compact.

96.   The Deputy Director for International Migration of the Ministry of Foreign Affairs of Chile recalled that there had been several meetings on the human rights of migrants in order to arrive at a consensus recognizing their status as subjects of rights. He referred to the issue of governance, starting with access to justice for migrants, which was an essential part of migration governance. He proceeded to illustrate the practice in Chile, where an intersectoral committee had been formed to enable access to justice and the right to due process in connection with access to economic and social rights within the framework of social development.

97.   The role of local authorities was of particular importance in migration management, since migrants moved from one local community to another, where civil society was the main stakeholder and local governance played a central role. He described the action taken in Chile, particularly under the Government of Michelle Bachelet, to incorporate migration in foreign and public policies. Regulations governing migration went hand in hand with the idea of governance, and they sought to reiterate the recognition of migrants as subjects of law. A particular image of the migrant was thus created, comprising elements that together provided a comprehensive snapshot of a migration situation that was properly managed through multisectoral migration agencies; that made it possible to measure the progress in meeting the commitments to migrants.

98.   He mentioned the enhanced cooperation between Chile and other countries, for example in respect of voting rights for Chileans abroad, given that political rights were essential in the life of migrants. Finally, he suggested that the IOM glossary on migration could be updated so that common concepts could be defined and an international consensus reached. Thus, there would be a common understanding of concepts such as "orderly, safe and regular migration''. Latin America could promote a vision that sought to protect migrants, especially during the seventieth anniversary of the Universal Declaration of Human Rights.

99.	The Vice-Minister for Salvadorans Abroad of El Salvador began her statement with a call for greater attention to be paid to the issue of migrant women, which had not been sufficiently addressed in the course of the proceedings. She suggested establishing a protocol to ensure that the issue would be given due consideration. She also illustrated the difficulties of defending migration, given that more priority was given to borders than to human well-being. In that regard, the global compact was a unique opportunity, in the light of the current situation and the need to create a comprehensive regulatory framework on migration in the form of a binding instrument. A universal consensus in favour of migrants and their families must be reached. Failure to achieve a compact on those issues would consign them to soft law in the form of guidelines for the creation of national policies and laws, once again with appropriate follow-up mechanisms upon implementation.

100.	The Vice-Minister stated that the responsibility must be shared between countries of origin and destination, and these responsibilities must be divided among the many stakeholders involved —central governments, international organizations, local governments, NGOs, migrant associations, private companies and academia— with each having a clearly defined role.

101.	To achieve the goal of orderly, safe and regular migration, a number of changes to the current migration system would have to be made, beginning with the regularization of undocumented persons and the funding of specialized programmes such as classes in the local language or reintegration programmes that help migrants to participate fully in the society in the country of destination.

102.	Nonetheless, to make progress on the aims of the global compact, it would be necessary to change the legal framework in a number of countries and eventually, establish more international bodies devoted to research and studies on the current migration situation, since empirical evidence was the only way to ensure the efficiency of the instrument that was being developed.

103.	The representative of the Centre for Regional Development and Planning (CEDEPLAR) of Brazil spoke of the issue of migration governance. She said that there were basic principles for understanding modern mobility and characterized migration as one of the most important social processes of the time, one that was escalating and expanding, be it for economic, political or environmental reasons. As a global phenomenon that was growing in scope, complexity and impact, migration had and would continue to have demographic repercussions, since it was both a determinant and consequence of development and an inherent element of an increasingly globalized world.

104.	Contemporary migration processes called for comprehensive public policies that addressed all issues relating to the causes and consequences of migration in countries of origin, transit and destination. She referred to the structural forces that drove migration, such as the growing interconnectedness of countries at the regional and global levels and the intensification of socioeconomic globalization, which had a direct impact on patterns of labour supply and demand.

105.	She also noted that rising sociodemographic and economic inequalities between countries were evident in areas including job opportunities, resources, education and human rights. As an example, she cited the advanced stage of demographic transition and population ageing in developed countries while the region, on average, still benefited from a demographic dividend. These differences played a major role in the direction of migration. In turn, environmental factors could trigger significant movements, either as a direct consequence of natural disasters —which are increasingly frequent and severe— or once the effects of climate change begin to threaten the means of survival of the most vulnerable populations. She lamented that despite the weight of the structural forces that drove migration, the world was witnessing the criminalization of both migrants and the act of migration itself, the denial of rights of all kinds, even in the

most liberal European countries, and the rise of hate-filled anti-migrant discourse that linked migration to terrorism and painted all migrants as a threat to national identity and sovereignty, causing physical and symbolic barriers to migratory movements.

106.   That was why it was essential to reach a consensus on how to deal with migration. Times had changed: while the wave of globalization that had occurred between the late nineteenth and early twentieth century had promoted the free movement of capital, goods and people, the second wave of globalization, which began in the second half of the twentieth century, seemed to have removed people from the equation. Thus, migration was now seen as a problem to be solved, rather than as a social phenomenon to be managed. She used Brazil as an example to illustrate how economic factors and political stability had contributed to quantitative and qualitative changes in migratory flows at the beginning of the twenty-first century. She recalled that, having been devised during military rule when immigrants were considered a threat to national security, the Brazilian legislation governing migration had not been equipped to deal with the new sociopolitical context in the region, or to receive new groups of immigrants.

107.   Today, Brazil could be seen as an example of good practice to be emulated, having implemented humanitarian visas, established the National Immigration Council for defining migration policies, decriminalized irregular migration, and recently adopted a new migration law based on human rights, one of the most progressive laws in the world. However, she underscored that border control and the implementation of the country's migration policy remained under the remit of the Federal Police. Furthermore, her view was that the new migration act had been passed as the foundations of the rule of law were being eroded in Brazil, which was being governed by an unelected president and was witnessing a massive rollback of social, political and economic rights. There was a risk that the new law would not be implemented or that the spirit in which it had been devised might be ignored.

108.   The representative of Amnesty International, Mexico spoke of the heavy focus on border security and the widespread outsourcing of migration policy, which had placed migrants in situations of greater vulnerability than before. In a context of increased risk, there were objective reports of extortion, kidnapping and human rights abuses, situations that had forced migrants to take even more perilous routes. The outsourcing of migration policies was reflected in a broad range of policies implemented outside the territory of the State migrants were attempting to enter and enforced through cooperation between multiple countries as part of formal or informal arrangements. Amnesty International believed that several aspects of outsourcing were increasing the likelihood of human rights violations being committed. Those policies posed a risk as they facilitated repatriations, mass expulsions, mistreatment and serious human rights violations. Furthermore, outsourcing was ineffective as it did not guarantee that there would be fewer irregular immigrants.

109.   Amnesty International was opposed to detention as a pretext for controlling migration, particularly in the case of minors, for whom better alternatives were clearly needed. The detention of minors remained an unacceptable reality in the region. The situation in Mexico illustrated the reality of the arrests and forced return of migrants to their countries of origin, many of which were countries of the northern triangle of Central America. The situation was concerning because, despite the existence of new projects aimed at economic and social reintegration, there was currently no framework governing the situations of those migrants, many of whom had been deported to the violence they had initially fled. Amnesty International called on the region's representatives to push for a number of commitments in that regard so as to consolidate future negotiations of the draft of the global compact.

110.   These commitments must include the adoption of migration laws that guarantee human rights and the provision of safeguards that all programmes concerning the reception, reintegration and care of deported migrants take into account the rights and the specific protection needs of the most vulnerable groups. It was imperative to limit the use of immigration detention and ensure that the detention of asylum seekers remained an exceptional measure used only when determined to be necessary, based on an assessment of the specific circumstances of the individual. Lastly, he underscored the need to put an end to the detention of minors based solely on their migration status and place the best interests of the child above all else.

111.   During the closing discussion on the topic, several issues were mentioned. One participant recalled the risks inherent in addressing migration issues in highly dangerous contexts and described the situation of oppression familiar to human rights defenders in countries such as Honduras where, he said, human rights were being undermined. Another participant pointed out that the global compact would set down possible standards; as a general standard for all countries, it would therefore have limits. Following that logic, the institutional framework for dealing with regional realities would have to be strengthened.

112.   Another participant wondered about how to devise programmes that were more targeted at the regional reality, and he spoke about conducting studies at the macro, multilevel and regional levels. This called for road maps to identify where to start, if the topic was to be addressed. It also required breaking down the problems into their constituent components: because of their level of complexity, this would be a more effective approach.

113.   The Deputy Director for International Migration of the Ministry of Foreign Affairs of Chile recalled the aspirations Latin America had expressed during the consultative processes. His view was that, from practical experience, the regional consultation forums could be validated in the global compact process, and the forums could gradually be made binding as a way to ensure the enforceability of the compact, and wondered he who would be responsible for implementing it after that stage. He also spoke of the idea of a public migration budget, since funds were needed for carrying out the assigned tasks, and he also proposed a regional migration data platform, which would have to be supplemented by national institutions in order to produce a richer and more relevant database.

114.   The Vice-Minister for Salvadorans Abroad spoke of the regional consultations organized with the support of IOM and UNHCR. Consultations had been carried out by Honduras, Guatemala and El Salvador, as well as by the United States, which would be useful for producing a more consensus-based view of the issues that the compact had to cover. She noted the importance of the process, which would provide a more thorough perspective on migration governance for better understanding and moulding the realities of migration.

115.   Lastly, the Coordinator of the Migration Programme of the ICRC Regional Delegation for Mexico, Central America and Cuba stressed the importance of civil society and gave some examples of good practices that could be adopted: he cited the example of Mexico and the work of such international organizations as IOM, the Red Cross, UNHCR, the United Nations Children's Fund (UNICEF) and civil society organizations, all of which had implemented processes to ensure the safety of migrants and had given them access to mechanisms for defending their human rights. He also said that instead of focusing on particular groups and their profiles, priority had to be placed on their needs. He explained that the Red Cross used a broad definition of who was a migrant, to include the largest possible number of individuals; in his view, that was the logic that the global compact should adopt.

Thematic session 4: Contributions of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits.

116.   The session was moderated by Juan José Calvo, Director for Argentina and Uruguay of the United Nations Population Fund (UNFPA), and the panellists were Raúl Delgado Wise, President of the International Network on Migration and Development, Mexico; Fernando Lozano, Chief Researcher at the Regional Centre for Multidisciplinary Research (CRIM) of the National Autonomous University of Mexico; Tricia Barrow, Political Advisor at the Association of Caribbean States (ACS); Juan Artola from the Universidad Nacional de Tres de Febrero (UNTREF), Argentina; Elizabeth Thomas-Hope, University of the West Indies, Jamaica; and Marcela Cerrutti, the representative of the Centre for Population Studies (CENEP) of Argentina and Vice-President of the Latin American Population Association (ALAP).

117.   The moderator began by referring to the importance of remittances and their economic weight compared to foreign direct investment in the region. He also stressed the importance of addressing the topic and the different interpretations that existed in accordance with a human development paradigm. More generally, he noted the remarks that had already been made at the meeting regarding the inclusion of rights.

118.   The President of the International Network on Migration and Development began by saying that the quantitative data dispelled the migration myth according to which remittances were the primary driver of development. There was an underlying need for a paradigm shift from an analysis of migration that was reduced to its impact on jobs and the role of remittances, to one that took into account a host of other issues such as the causes of migration, its effects on migrants and their families and the transit and return processes. He called for an examination of neoliberal globalization which was a new fertile ground for inequalities that essentially triggered flows of forced migration.

119.   Returning to the use of quantitative data to change the perception of migrants, he showed how migration to the United States had spiked during the neoliberal period, when population ageing had accelerated and there was a growing need for immigrants to meet labour market needs. Based on the methodology developed by Alejandro Canales, he said that immigrants played an essential role in economic development of the United States; figures showed that between 2000 and 2015, immigrants filled 45.2% of jobs as labour market demand increased. He continued his explanation, stating that labour market demand had been met primarily by irregular immigrants, the majority of whom were denied access to a visa or regularization of the migration status.

120.   Irregular migration was the result of State policy and not a criminal act perpetrated by migrants. Comparing the volume of regular migrants from Mexico and the northern triangle of Central America with that of other countries of origin, he noted the existence of policies that were clearly discriminatory considering the fact that fewer visas were issued to migrants from those Central American countries than to migrants from other countries.

121.   Furthermore, the contribution of migrants tended to be obscured, although they had contributed to 40.8% of economic growth in the United States (with 40% of that share coming from Latin American migrants). The economic arguments that support migration notwithstanding, there had been a policy of persecution of migrants, particularly those from the aforementioned countries. He was of the view that migrants' contributions to innovation were also ignored despite the high number of patents owned by immigrants. He pointed to the contributions countries like Mexico had made in the field of sciences and noted the increasingly selective procedures in the United States.

122.   He concluded by stating that the amount of social benefits received by immigrants was half that allocated to their native-born peers. He wondered whether remittances truly benefited countries of origin and whether they should really be regarded as the North subsidising the South, or rather the other way around.

123.   The researcher from the Regional Centre for Multidisciplinary Research (CRIM), National Autonomous University of Mexico, referring to the attention given to trends in the flow of family remittances since the financial crisis, questioned the validity of discourse promoting remittances as a core aspect of development. The idea that remittances could be the foundation for public policies aimed at mitigating financing shortfalls was antiquated. Instead of continuing to glorify remittances, all countries would do better to focus on the causes of migration and on the rights of migrants. In one example of the typical narrative concerning remittances, the former Mexican President, Vicente Fox, dubbed the migrants who sent them national heroes. He emphasized that pro-remittance narratives in countries of origin and destination alike had idealized the practice as an expression of the free flow of money, overlooking the fact that, in contrast, it restricted the freedom of movement of the workforce.

124.   At the Global Forum on Remittances, Investment and Development, which was held in New York in June 2017 and whose objectives included highlighting the contribution of migrant remittances and diaspora investments in achieving the Sustainable Development Goals, participants had discussed the need to reduce the cost of transfers and encourage migrant investments. The panellist was of the view that this was rooted in the logic that remittances were a driver of sustainable development. While the celebration of the International Day of Family Remittances was significant in itself, he pointed out that the conclusions of the Forum had neglected to mention that one of the key issues of development was access to decent work for migrants, not only their contribution to economic growth in their countries of origin. The Forum was proof that remittances continued to be seen as the bringer of change, regarded from a utilitarian perspective in which they were leveraged for productive investment or invested in small businesses to create jobs and, thereby spur a virtuous economic circle.

125.   Furthermore, he noted a return to the notion that those funds were a tool for escaping poverty; it was therefore necessary to rein in the remittances sector. To that end, the conclusions of the Forum must be analysed carefully and the rights of migrants must be taken into account in all discussions on remittances, always bearing in mind the question of decent work, which should be a priority in both countries of origin and destination. He concluded by saying that remittances and money sent by migrants could not substitute for tasks that were the responsibility of the State.

126.   The Political Advisor at the Association of Caribbean States (ACS) began her statement by describing how migratory flows had been affected over time by various factors, ranging from climate-related to political and economic situations. She underscored the significance of the current brain drain and said that the costs that the emigration of highly qualified professionals and academics represented for countries of origin should be taken into consideration. There was a need to calculate the loss of skilled labour against the remittances received from those persons. It was also important to place greater focus on intraregional migration.

127.   Referring to the issues previously discussed at the meeting, she said that when speaking of a migration crisis, it was also necessary to take into account the opportunities that were opening up, which was precisely what the global compact was. To truly take advantage of the opportunity it offered, all stakeholders in migration processes —from civil society to respective Governments, with the help of international organizations— must be committed to the cause.

128.   She then described the Association of Caribbean States and how intergovernmental organizations such as the one she represented could contribute to the compact. OK They could provide a forum for exchanging and sharing experiences on successful projects, which would facilitate dialogue between national mechanisms and various policies and create alliances and synergies that would reduce the costs of the implementation and transfer of knowledge. The only way to deal appropriately with the question of migration was through intrarregional dialogue. International organizations could serve as a medium for the optimal implementation of the migration compact.

129.   The representative of the Universidad Nacional de Tres de Febrero began his statement by recalling that, at the second High-level Dialogue on International Migration and Development in 2013, the contribution of migrants to development in the broad sense and to wealth creation in host countries had been emphasized. It was important to go beyond that and estimate the benefits of migration from the many perspectives of sustainable development, including demographics, labour, wealth creation, growth and renewal of the work force, consumption, taxation, knowledge and skills, as well as culture, diversity, science and technology.

130.   Migration had an impact on fertility and population growth rates in each country and, in his view, more in-depth analysis of those effects was required. With regard to the labour market, he said that labour migration was driven by the demand in developed and emerging countries, primarily for skilled workers. That was magnified by the fact that the cost of hiring migrants was low and therefore enhanced competitiveness. He pointed out the dangers of that logic, as typified in temporary work programmes under which migrants were forced to leave the country once their work was completed.

131.   In addition, he was of the view that the rhetoric in praise of remittances was something of an ideology based on a wilfully economistic vision of migration and development. Turning back to the question of skilled migration, he said that while it constituted a loss for countries of origin, that movement could translate into a North-South knowledge transfer that could benefit innovation.

132.   The contributions of migrants in countries of origin depended on political will, which needed to be reflected in explicit policies that helped migrants abroad to establish and re-establish links with their home countries, with tangible material support. Citing the portability of pension benefits in Latin America as an example of good practice, he said that no policy could be efficient without respect for the human rights of migrants, which was the ethical and legal foundation of human development.

133.   He closed with a number of proposals, beginning with strengthening mechanisms for integration and social inclusion, especially for migrants in vulnerable situations. In addition, public policies should create conditions to promote equality between nationals and migrants instead of restricting efforts to the management of migration. Lastly, he advocated incorporating skilled migration into multilateral and inter-State cooperation policies, including policies for attracting skilled migrants and for recruitment and hiring practices.

134.   The professor at the University of the West Indies in Jamaica began by presenting the migration profile of countries of the Caribbean and pointed out the high percentage of tertiary educated emigrants. She underlined the magnitude of the issue, given that it entailed the loss of a highly qualified workforce —a loss that was not offset by remittances to the country of origin on account of the ensuing loss of potential and knowledge in those countries.

135.   She said that the direct and indirect effects of diasporas should be analysed and listed a number of positive externalities such as knowledge transfer, investment, tourism, telecommunications development and remittances themselves, which could represent a significant share of the GDP of some countries.

However, she also illustrated some of the worrying aspects of the phenomenon since, notwithstanding the positive impacts that remittances could have on a country's economy, there was the risk that they could be used to finance the development policies of Caribbean countries. That made the receiving countries more and more dependent on these cash flows, which were not necessarily sustainable and were contingent on the nature of the diaspora.

136.   She also recalled that the decision of emigrants to send money to their countries of origin was also taken on the basis of family arrangements and there were sometimes few options for migrants to send remittances to assist family members. The blanket view that remittances were nothing but beneficial must be called into question because there were also negative consequences.

137.   Lastly, she referred to short-stay labour migration and said that there were a number of bilateral programmes aimed primarily at farm workers and hospitality industry workers in North America. There was a need for improved social protection in all destination countries. Lastly, she underlined the need for improved transparency regarding the reasons for deportation, particularly since there were significant challenges relating to the impact on the physical and mental health of migrants and to their reintegration in their countries of origin.

138.   The Vice-President of the Latin American Population Association (ALAP) spoke of the work and the track record of her association and said that it aimed to contribute to consultations on the global compact. Established in 2004, it now comprised some 500 academics, many of whom had focused their studies on migration issues. She recapped the work carried out by the association and some of its publications, which included a diverse collection of regional studies and some thought-provoking conclusions.

139.   The topic of remittances was among those studied, particularly with regard to their determinants, impacts and other related patterns and their effect on poverty, school attendance and investment. The studies on the impacts of remittances were inconclusive, given the different contexts in which transfers were received. From an income perspective, ALAP had always recognized that remittances were vital for some countries and in some way helped to cushion the effect of recurring crises. However, she emphasized that those studies had systematically pointed out that remittances constituted private capital and could not replace national development policies in any country.

140.   Another topic on which ALAP focused was skilled migration. Studies had shown an increase in the emigration of skilled persons, which resulted in a loss of capacity in all fields, including knowledge-based sectors such as health and education. There were also marked gender differences, with women being overrepresented in the services sector and underrepresented in knowledge-based sectors. The studies also showed that three approaches have been adopted in policies to address the emigration of highly skilled workers: promoting movement and exchange, establishing links with the diaspora and creating programmes for returning migrants.

141.   The return of migrants as a component of international migration had also been a subject of research, with studies on the different facets of return --from forced return to return owing to a lack of opportunities in the destination country. Issues studied included reintegration processes, the reasons for return and the policies facilitating the return of migrants. Policies for returnees included elements such as facilitation of travel, support for the creation of microenterprises, the provision of key information to search for job opportunities, land allocation and the repatriation of scientists, among others. The panellist was of the view that such initiatives should be encouraged, but the lack of relevant information made it difficult to define clear strategies of action.

142. The migration studies conducted by ALAP had also focused on the issue of human rights. The rights that came with obtaining a residence permit improved both participation in the labour force with social protection and the conditions of access to health and education. The contribution of migrants to destination societies must be preserved by combating xenophobia and promoting the social inclusion of migrants. She concluded that care chains, the export of the demographic dividend and the contributions to various sectors of the economy suggest that regularization and the enjoyments of rights enhanced the social benefits of migration, in countries of origin and destination alike.

143. Among the main issues discussed, mention was made of the need for an institutional framework to deal with migration and limit the problems associated with unequal development within a neoliberal economy. It was argued that the problem of migration and development associated with economic development served corporate interests, which deepened the dynamics of unequal development. Perceptions of migrants must change.

144. During the discussion, reiterated calls were made for the recognition of migrants' contributions to their communities of origin and destination. The meeting recalled the enormous contribution of migrants to community life and to the construction of the social fabric in countries such as Argentina, as well as other nations.

145. Mention was made of the need for the global compact's analysis of development and migration to be based on empirical data, with the academic sector able to play a vital role in that regard. That could help change the perception that host societies had of migrants, although the underlying problem was the absence of an institutional framework for dealing with migration and limiting the problems associated with unequal development, within a neoliberal economy that heightened the dynamics of unequal development and acted to the detriment of developing countries. That idea intersected with the relationship between migration and development, where there was a vicious cycle that was maintained through free trade agreements, which could contribute to the impoverishment of certain countries.

146. The participants also said that the global compact should include a system of indicators that went beyond the superficial level and examined processes as a whole. While individuals and flows were currently analysed, progress indicators were not examined. In the same vein, it was noted that the connection between migration and development was being ignored if no studies were conducted of the productive base and economic asymmetries, which were kept in place without change. Moreover, acceptance of migration had become more selective and the problem of precarious labour insertion had not been resolved and would have to be addressed systematically.

147. The participants then suggested that the global compact should contain a ban on mass deportations and on flows of unaccompanied children and young people.

148. Reference was made to concrete actions that Governments could implement, such as maintaining relations with migrants abroad through active consular diplomacy designed to deal with migrants' various needs or to prepare them for returning to their countries of origin.

149. At the close of the discussion and as a corollary to a long series of remarks made, it was noted that Latin America and the Caribbean agreed with establishing the protection, respect and fulfilment of migrants' human rights as a cross-cutting theme, beginning with efforts to ensure their access to social protection. At the same time, given the importance of information, the participants stated that both quantitative or hard data and qualitative or soft data had to be used, which would also enable hypotheses to be proven.

Thematic session 5: Addressing smuggling of migrants, trafficking in persons and contemporary forms of slavery, including through appropriate identification, protection and assistance to migrants and trafficking victims

150.   The moderator of this session was José Miguel Guzmán, Regional Coordinator of Demographic and Health Surveys of ICF International, and the panellists were Teresa Martínez, the Public Prosecutor of Paraguay; Argentina Santacruz, Coordinator of the Programme against Human Trafficking of the International Organization for Migration (IOM); Pablo de la Vega of the Segundo Montes Mozo S.J. Human Rights Documentation Centre (CSMM) in Ecuador; Diana Shaw, Executive Director of The Child Development Foundation of Belize; and Gabriela Liguori, General Coordinator of the Argentine Commission for Refugees and Migrants (CAREF).

151.   The Regional Coordinator of Demographic and Health Surveys of ICF International, in his capacity as moderator, introduced the topic of human trafficking and said that there was a high level of international consensus regarding the magnitude of the problem, particularly in the Latin American countries that had ratified the relevant United Nations protocols. However, he emphasized the challenges that still remained, such as defining migrant smuggling issues and addressing the shortfalls in resources and political will, which had prevented the adoption of specific funded programmes for dealing with human trafficking. There were other challenges —including those arising from political instability or criminal activity, such as drug trafficking or gang violence— that relegated the issue of human trafficking to the background. He called for the availability of sanctuaries in Latin America, where trafficked persons could receive support, to be quantified. He highlighted a number of legislative advances, particularly in the United States, where work was under way to introduce legislation on migrant smuggling and crimes related to online sexual content, despite major barriers put in place by technology companies that feared possible restrictions on freedom of expression. He concluded by calling for the current situation of trafficking to be considered in all its complexity, especially in the light of the use of new information and communication technologies.

152.   The panel began with a statement by the Public Prosecutor of Paraguay, who outlined two of the characteristics of human trafficking in her country: the high degree of feminization and the significant impact on adolescent girls, who were kidnapped for the purposes of sexual and other forms of exploitation. She also stressed the economic weight of remittances sent by women abroad, which surpassed in volume the share from the country's third export commodity, meat. Paraguay was a very young country, fraught with social inequality and with 11% of its population living abroad.

153.   She spoke of the good practices in addressing human trafficking in her country, implemented under the new Comprehensive Law against Human Trafficking (Law No. 4788), which was in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking in Persons Protocol). The Law had influenced protocols for intervention in MERCOSUR countries, service guides and a handbook on investigating human trafficking. She underlined that trafficking was one of the crimes with the most sinister effects: it reduced victims to a mere object of consumption and left them in situations of extreme vulnerability from which it was difficult to recover. Persons who fell victim to trafficking in Paraguay were primarily from agricultural communities where there was a high incidence of poverty and where economic inequalities increased their vulnerability. She presented the profile of victims of sexual exploitation: virtually all of them were women, 75% had completed up to primary level education and 42% were single mothers with large families. In comparison, 63% of victims of labour exploitation were men. Deception and the promise of employment were the main methods used to lure victims.

154.   She recalled that before falling victim to trafficking, many of these persons lived in poverty and under harrowing conditions and therefore required comprehensive support —which included work and housing— whenever they were rescued. The captors were usually known to victims: neighbours, relatives

or others. While trafficking was, for the most part, transnational, there was also domestic trafficking which involved minors who were taken from rural areas and made to perform domestic work, a practice known as *criadazgo* that was customary in Paraguay.

155.   In criminal matters, the consequences of the uprooting of victims of trafficking were taken into account in sentencing perpetrators prosecuted for the capture, transport or detention of persons. One major advance was the recognition of victims even when hearings took place in their absence: judges accepted evidence of crimes from case reports and victims were not required to be present in court and thus avoided being subjected to further victimization.

156.   Lastly, she said that in the course of investigations, remittances were also examined as they provided vital clues as to who was sending money and who was receiving it. The results had been spectacular and had enabled the authorities to dismantle a number of trafficking networks and uncover the new tactics used by traffickers to bypass currency transfer regulations. She underlined the importance of the restitution of all the rights of victims, stressing that it was not enough to punish offenders.

157.   The Coordinator of the Programme against Human Trafficking of the International Organization for Migration (IOM) for Ecuador then spoke, recalling that the crimes of smuggling and trafficking of persons were dealt with differently under international law even though both violated the rights of persons. She said that victims were persons with rights and, as such, every effort should be made to ensure that their rights were respected. There was a need for greater focus on assistance to victims of trafficking; the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, called for protection of and assistance to migrants and, to that end, a framework that addressed the determinants of migrants' vulnerability was essential.

158.   She said that IOM aimed to push the programmatic limits of public policies by taking into account risk factors as well as the factors that offer protection to migrant populations and analysing their individual, family, community and structural situations at each stage of the migration cycle. In cases where migrants' rights were infringed, they did not receive appropriate assistance. IOM therefore suggested creating the term "vulnerable migrant" so that more practical protection policies that were relevant to migrants' situations could be developed. That approach did not focus only on the factors underlying the vulnerability of migrants, but also on those that made them resilient. These factors were influenced by other individual, family, community, structural and situational contexts, which were all central in identifying vulnerability, given that they each had an impact on the response to a particular situation as well as on the conditions under which migration occurred. For example, community factors were essential in identifying vulnerability because the lack of networks increased the vulnerability of persons who migrated.

159.   The panellist cautioned that it was when these risk factors outnumbered protection factors that migrants became vulnerable. However, they had the capacity to prevent and recover from rights violations and exploitation when there were enough protection factors to outstrip risk factors. The quest for resilience should result in programmatic solutions, which would require an assessment of vulnerability; the responses to such situations would need to focus not only on mitigating risk factors, but also on facilitating protective factors so that vulnerable migrants might begin their recovery. This process should be defined for each step of the migration process since the reality that migrants faced differed at each phase of their journey, with situations and problems that were specific to each.

160.   Implementing this model would require the development of global standards and a shared understanding of the processes and procedures involved in migration. To that end, IOM hoped to play its part through the imminent publication, in conjunction with other United Nations agencies, of a handbook to assist vulnerable migrants. Lastly, she urged States, when designing their policies, to recognize that the structural causes of migration were multifaceted, that there was a need for efforts to identify issues, provide

timely and specific assistance and establish bilateral cooperation to support coordinated cross-border responses, and that civil society, non-governmental organizations and private stakeholders could help to meet the assistance needs of vulnerable migrants in specific contexts.

161. The representative of the Segundo Montes Mozo S.J. Human Rights Documentation Centre (CSMM) of Ecuador then spoke. He began by noting the existing asymmetries between the normative and institutional approaches to migrant smuggling and human trafficking —both in the formulation and execution of public policy and in the resources allocated. He highlighted the difference between the actual situation of migrants and the provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the initiatives promoted in the United Nations Convention against Transnational Organized Crime. He said that public authorities had approached the issue of trafficking more from a crime prosecution perspective than from the perspective of protecting victims' rights and expressed his concern with regard to the lack of awareness by stakeholders operating in that field of trafficking for purposes of labour exploitation.

162. The only way to successfully identify that crime was to implement a broader regulatory framework. The policies dealing with trafficking could create an environment in which professionals were equipped to identify victims and could influence the behaviour of those on the front line by establishing trafficking as a political priority and providing the necessary resources and personnel on the ground. Identification was crucial for victims to have access to their rights, for without it police officers and judges could not punish traffickers; that was because trafficking victims might decline to identify themselves as such and sometimes required psychological and social support.

163. In many cases, victims of trafficking did not receive protection from State entities on account of their migration status. The vulnerable situation of migrants was made worse when they came up against policies designed to control irregular migration. Driven by political reasons, authorities focused efforts on detecting labour law or immigration violations instead of coming to the aid of or identifying victims. The panellist said that a number of elements were central to providing a comprehensive solution for victims, among which were access to education and to legal assistance and adequate and safe housing.

164. He underscored the need for referral system at the local or national level to which victims of trafficking could turn, as needed, to seek assistance and support in various matters. The referral system would be managed by a range of stakeholders, each with specific roles. It was also vital to have clear and objective indicators, along the lines of those developed by IOM. He called for a review of the terminology used in national legislation, which were often based on international agreements such as the Trafficking in Persons Protocol. He drew attention to the "conceptual umbrella" that the Protocol provided and the possibility that the institutional and normative human rights frameworks could be given reduced priority.

165. He recommended changing the legislative logic, which made it difficult to prioritize the exploitative aspects of trafficking and the violations of migrants' human rights, and disassociating irregular migration from migrant smuggling. He also spoke of the key role customs officers could play in identifying victims of trafficking when they leave their country of origin. Thought should be given to where it was best to identify potential victims, as it could be argued that identification at borders was not ideal. He concluded with the recommendation for periodic revision of indicators in the face of new forms of exploitation, as patterns changed frequently over time.

166. The Executive Director of The Child Development Foundation of Belize then spoke, pointing out that the need for border control should not supersede respect for migrants' rights. She said that in Belize, some persons were forced to turn to coyotes to escape poverty and vulnerability in their own country. The situation was made worse by the fact that the victims of trafficking were seldom regarded as such and they were often denied the protection of their rights. That was why the concept of vulnerable migrants was

important. She said that the identification of vulnerable migrants should be done in two steps: victims should be identified first and, immediately thereafter, their needs —and the resources available to meet them— should be assessed. Many forced migrants did not fall into the category of refugees and, as they were not considered victims of trafficking, often had no access to all of the mechanisms made available by the State to help them navigate the procedures.

167.   With regard to protection, she said that migrants' most pressing needs, such as the need for family contact and for guaranteed State aid, should be determined before they were prosecuted or punished. It must be borne in mind that traffickers used specific neighbourhoods for their bases of operation, but the lack of any real State apparatus to conduct the necessary investigations gave the traffickers —who offered stability in a context of vulnerability— a cloak of impunity that allowed them to gain the trust of migrants.

168.   She said that these crimes brought new challenges, including cybercrime, which Belize was not equipped to address. In conclusion, she stressed the need for a comprehensive approach to migration and trafficking, giving priority to the perspective of migrants and regional approaches and instances in which protection programmes could be implemented.

169.   The last person to speak was the General Coordinator of the Argentine Commission for Refugees and Migrants, who began by pointing out that in the New York Declaration for Refugees and Migrants, support for victims of human trafficking was only mentioned once, and that there was no emphasis on victims' situation. She pondered the link between the restrictions of migration policies and the increase in vulnerability promoted by trafficking and smuggling networks. She pointed out that those in the business of human trafficking offered something no one else could: arrival at the desired destination, against the backdrop of restrictions deriving from the legal frameworks that prevented migrants from entering destination countries via regular routes. She noted that people in such situations had already had their rights violated in their countries of origin as well as during migration processes.

170.   On the basis of the report on Dominican migrants in Argentina, restrictions on the entry and regularization of migrants had limited effects on the volume of migration flows; however, they did have a significant impact on violation of rights. She gave the example of Dominican women who had been refused entry to the country, and had thus resorted to more dangerous routes, by land and unauthorized paths. Migrants therefore found themselves in highly vulnerable situations which criminal organizations exploited, worsening the damage inflicted on these migrants. Moreover, in the absence of accessible regularization channels, these networks led migrants to seek other ways of obtaining documentation. This showed that policies seeking to limit trafficking had the opposite effect: they expelled and punished those persons they aimed to protect, and only favoured those who took advantage of the most vulnerable. In this manner, restrictive migration controls produced undesired effects, and were highly unlikely to ensure safe, orderly and regular migration. The panellist emphasized the urgent need to create reasonable criteria for residence.

171.   She spoke of the need for a broad concept of vulnerability that included the largest possible number of people in those situations. These situations stemmed from the lack of social affiliation and State support, which was expressed in a number of ways. Social vulnerability was not an attribute, but the result of a complex evolution from inclusion to exclusion.

172.   The panellist concluded with some recommendations for the global compact. Public policies relating to human trafficking had to be based on the victims' experiences, which would show that entry limits only favoured irregular networks that exposed migrants unncessarily to new situations of vulnerability. The effectiveness of the compact also depended on States not confusing security with prevention of trafficking through restrictions on the movement of people. Hence, she called for migration regularization policies to fight these situations of vulnerability. Lastly, the focus on rights should be maintained in order to avoid impulsive measures such as deportation.

173.   The discussion underlined the importance of considering the position of victims and of not only examining the issue from the standpoint of public policies and what States considered to be the problem, and reference was made to the perspective offered by the document adopted at the World Peoples' Conference for a World Without Walls towards Universal Citizenship, held in the Plurinational State of Bolivia in June 2017. It highlighted the need to replace the hegemonic perspective of regular, orderly and safe migration with a humanist vision focused on welcoming, promoting and protecting migrants, as well as demanding the destruction of the physical, mental and limiting walls of migration. It mentioned the negative influence of north-south asymmetries, criticized the existence of free movement in the financial sense but not the human sense, and emphasized the concepts of protection and prevention.

Thematic session 6: Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications and other relevant measures.

174.   The moderator of this session was Diego Beltrand, Regional Director for South America of the International Organization for Migration (IOM). Six specialists spoke: Esther Cuesta Santana, Member of Parliament of Ecuador; Federico Agusti, Director of International Affairs of the National Migration Department (DNM) of Argentina; Oscar Chacón, Executive Director of Alianza Américas, El Salvador; Guillermo Dema, Regional Specialist of the International Labour Organization (ILO), Peru; Adriana Velásquez, representative of the Central American Social Integration Secretariat (SISCA) of Costa Rica, and Diego Morales, representative of the Centre for Legal and Social Studies (CELS) of Argentina.

175.   The IOM Regional Director for South America, in his capacity as moderator, began by saying that irregular migration was a topic of relevance around the world and a complex issue for discussion. Focusing on Latin America and the Caribbean, he said that the region fought irregularity by promoting the regularization of migrants and giving them rights. In South America, the residency agreements of the Southern Common Market (MERCOSUR) were, he said, an example of a good practice. He spoke of the need to ensure decent work, which was related to the successful integration of migrants. He also spoke of the issue of recognizing skills and qualifications, which could be either a barrier or a tool for integration.

176.   The Member of Parliament of Ecuador began by saying that her country was a point of origin, transit, destination and return of migrants, as well as the country in Latin America and the Caribbean that received the largest number of refugees. She highlighted the efforts and progress made in the past ten years to strengthen capacity for governance of human mobility, both within and outside the country. Nonetheless, significant challenges remained in ensuring that emigrants, immigrants, returnees and refugees were able to exercise their rights fully. She recalled the worst financial, socioeconomic and political crisis that Ecuador had experienced, in 1999, which had led to two million Ecuadorians (around 12% of the population and mainly women) leaving the country through regular and irregular routes to settle in the United States and later in Spain and Italy.

177.   In her view, there were some key points that could be taken from the Ecuadorian experience and applied to the global compact: on one hand, the significance of the Constitution adopted in 2008, which had mainstreamed the focus on rights and prioritized human mobility in all public policies, and which included instruments such as the National Plan for Living Well (2013-2017) and the National Council for Equality in Human Mobility; and on the other hand, the Organic Law on Human Mobility adopted in 2017, which regulated the exercise of rights and obligations relating to human mobility, and which included migrants, people in transit, victims of human trafficking and migrant smuggling and their families, and Ecuadorian returnees, among others. The law established fundamental principles such as the free movement of people, universal citizenship which implied the portability of human rights, the prohibition of criminalization of migration, non-discrimination and equality before the law. Ecuadorians abroad were entitled to all national government programmes, consular protection, and scholarships, and in Ecuador, all immigrants enjoyed the same rights as Ecuadorians.

178.   In the ongoing process of implementing the Organic Law on Human Mobility in the country, one major challenge was guaranteeing the rights of returnees, for the most part, for example to training for integration into the labour market, to financial inclusion for entrepreneurship and to a pension. Ecuador had signed social benefit transferability agreements with countries such as the Bolivarian Republic of Venezuela, Chile and Spain, but had not yet done so with Italy or the United States. The compact had to ensure that States facilitated workers' access to their contributions. To conclude, the panellist said that the Ecuadorian experience in the implementation of the Organic Law on Human Mobility would enrich human rights discussions in the areas of migration and development, and would be a valuable input for orderly, safe and regular migration with dignity.

179.   Next, the Director of International Affairs of the National Migration Department (DNM) of Argentina shared the experience and progress of MERCOSUR in guaranteeing migrants' rights. He recalled that MERCOSUR had started out as an economic regional integration initiative (focused on tariff reduction and trade policies), and was later adapted to include political and social dimensions, with social and citizenship initiatives. Regulations relating to human mobility materialized in access to justice, recognition of academic qualifications, employment and social security, for instance. The panellist's position was based on the premise that regular migration favoured both migrants and States, as migrants could access their rights, had greater prospects of personal development, and contributed more effectively to the development of both destination countries and countries of origin.

180.   Irregular migration tended to result from the failure to adapt the regulatory framework to the reality of migration, and those channels created challenges for both migrants and States, as the violation of immigration controls created tensions in the countries. The best option was to favour regular migration.

181.   He said that progress in the region had been made on three fronts: ease of human mobility (simplified border crossing in some cases, integrated border controls, reciprocal recognition of jurisdiction so that one migration entity could assume responsibility for carrying out controls and standardization of 90-day tourist visas); documents (ability to travel with only an identification card), and regional cooperation (MERCOSUR had made progress on a memorandum of understanding with IOM in migration management training, human trafficking and human rights, among other issues).

182.   Since the Santiago Declaration of 2004, there had been a change in the recognition of migrants' contributions and human rights, in the perception of migration as punishable and in its multidisciplinary treatment. Progress had been made in cooperation and protection, and there was now a Protocol on consular services for unaccompanied migrant girls, boys and adolescents, which followed the guidelines of the advisory opinion of 2014 of the Inter-American Commission on Human Rights (IACHR) (on the protection of migrant children through State commitments) and the Guide for regional action on early detection of situations of human trafficking at border crossings of MERCOSUR and associated States, which sought to coordinate operating mechanisms to identify and protect victims and to bring those responsible for human trafficking to justice.

183.   In his view, the Agreement on Residence for Citizens of the States Parties of MERCOSUR, Chile and the Plurinational State of Bolivia was the cornerstone for regular migration management, the right to residence and access to equal rights. The Agreement included the regularization of irregular migrants and allowed all persons access to residence without having to provide justification for migration, with all rights guaranteed. Since 2009 more than three million people had been granted resident status in the framework of the Agreement. An illustration of the effect is the fact that in 2004, fewer than 19,000 people from the region were granted residence permits, compared with 215,000 in 2016. He also said that in 2010 a work plan had been established to advance in the establishment of MERCOSUR citizenship status. The proposal

aimed to create citizenship status that would allow the free movement of people, with equal access to the labour market, education and health, by 2021. Lastly, MERCOSUR had very good practices for migration governance based on rights and regular migration.

184.   The next to speak was the Executive Director of Alianza Américas. He explained that that entity was a civil society association and network of immigrant organizations in the United States that promoted migrants' rights and served as a joint platform of political advocacy in countries of origin and multilateral spaces. Its members were mainly from El Salvador, Honduras, Guatemala and Mexico, and its work focused on transnational advocacy. It was part of the Regional Network of Civil Society Organizations for Migration (RROCM), the Women in Migration Network and the Global Coalition on Migration. It would be publishing a document of principles that addressed the aspects on which the global compact should be based, from a perspective of civil society that worked for migrants, on 15 September 2017.

185.   He denounced the dominant narrative of migration as a cancer and of migrants as a threat. He explained that 44 million non-nationals lived in the United States, and that 11.5 million of those were undocumented. That narrative did not coincide with the reality of the contemporary global order, where both trade and financial capital moved with total freedom and rights. Those rights had to be respected by States, according to the World Trade Organization (WTO) and trade agreements that dominated the continent, the North American Free Trade Agreement (NAFTA) and the Dominican Republic-Central America-United States Free Trade Agreement. Irregular migration (understood as the unauthorized movement of people) reflected the negligence of those responsible for ensuring that the legal framework was aligned with reality, which was essential to the functional rule of law. In other words, the presence of such a large population of unauthorized residents in the United States appeared to be a deliberate act, resulting in a lowering of the cost of labour and in social vulnerability. In his view, the dominant global order was a very particular form of greedy capitalism, which produced inequality and fear.

186.   In order to create a new framework that would allow safe, orderly and regular migration, the first requirement was to help people who had been condemned to live with an irregular status. It was not right to punish those people even more, and return or repatriation should not be considered the only option, as was the case in countries that played a leading role in migration. It was also necessary to reject the idea that temporary employment programmes offered a magic solution to migration. Although such programmes were relevant, they should be addressed realistically and not penalize migrant workers further. Bearing that in mind, employers should not have the right to handle workers' visas.

187.   Alternative development policies had to be adopted so that people from countries with high emigration rates could imagine a better future at home, instead of abroad. Another necessary measure was the reform of political representation and social protection systems to overcome the risks of violation of migrants' rights. Although people returned to their countries of origin when they retired, there were no existing mechanisms to ensure that the rights to pensions or health services they had acquired in the United States were transferable to their home countries.

188.   The panellist said there was also the risk that the global compact would be unfavourable for migrants, given the prevailing narrative. The compact had to be seen not as the last word, but as an important step towards a global society where the universality of rights would be recognized.

189.   The next person to speak was the Regional Specialist of the International Labour Organization, who began by saying that, like the rest of the world, the American continent had seen the migration phenomenon expand in volume, momentum and complexity over the previous decades, and that that was strongly linked to the world of work and the search for employment opportunities, better income and decent work.

According to ILO data, around 27% of the total global migrant worker population resided in the Americas, representing roughly 41.3 million people (37 million in North America and 4.3 million in Latin America and the Caribbean).

190.   The ILO regulatory framework did not distinguish between national and migrant workers; it promoted decent work for all workers. The ILO had a tripartite governance system comprising workers, governments and employers, and each year since it was founded, the organization produced regulatory instruments (conventions and recommendations) based on the consensus of its 187 member States in the framework of the International Labour Conference. The ILO would contribute its organizational strength and consensus-building capacity to the global compact process.

191.   The panellist said that irregular migration exposed migrant workers to the violation of their human and labour rights during their journey to the destination country, and although they often found work within a few days of their arrival, they tended to enter the labour market without social protection and in jobs for which they were overqualified. In many cases, irregular migration was accompanied by labour informality. Indeed, migrant workers reflected much higher levels of labour informality than national workers and worked in sectors with higher rates of informal employment, such as agriculture, construction, services and domestic work. Migrants working in the informal economy were generally not protected by labour laws and, as a result, were exposed to precarious and unsafe working conditions, received low labour income and had inadequate and unsuitable access to health care and housing. They could be denied social protection by law or in practice, which increased the risk of them having to return to their countries of origin in conditions of poverty, especially in cases involving workplace accidents.

192.   With no bilateral or multilateral agreements between countries of origin and destination on social security, the portability of migrant workers' social benefits was not guaranteed, and those workers were often unable to meet the contribution period requirement as they could only remain in the country for a certain amount of time; as a result, a large number of those workers were excluded from social protection in the long term.

193.   The panellist made a number of recommendations relevant to Latin America and the Caribbean with respect to the global compact: (i) adopt fair migration frameworks at the regional, bilateral and national levels, to guarantee rights-based and gender-sensitive global migration policies; (ii) adapt laws, regulations and recruitment policies to the requirements of international human rights treaties and international labour regulations, and implement good practices; (iii) consider cooperation between countries of destination and origin to provide alternatives to irregular migration; (iv) create pathways for regularization of migration status, including the adoption of national regularization programmes; (v) develop regional and global knowledge platforms to share information on labour market needs, improve the synchronisation of labour skills with jobs offered and facilitate recognition of migrant workers' qualifications; (vi) strengthen labour inspection services to improve the monitoring of migrant workers' labour conditions; (vii) prevent xenophobia and discrimination against migrant workers, working with employer and worker organizations, civil society and the media, and (viii) develop social protection systems, including social protection floors, and facilitate access for migrant workers and their families.

194.   Next, the representative of the Central American Social Integration Secretariat (SISCA) and Coordinator of the Central American Observatory for Social Development (OCADES) said that the Observatory was promoting comprehensive management of international migration, taking into account that in Central America, there were countries of origin and destination, as well as countries that played both roles. She raised the question of how to make rights a reality. The Observatory had developed an analytical framework that identified bottlenecks in finding decent employment and in the employability of migrants

depending on the migration stage (origin, transit, destination or return) and the characteristics of population groups (sex, age, gender, education level, income level). That all translated into specific needs for migrants and a complex institutional offering which involved a number of entities (ministries of foreign affairs and labour, migration, judicial and social security authorities, national technical education institutes and others). The combination of those factors resulted in many bottlenecks that had to be resolved.

195.   The panellist said options that would enable a shift from general commitments to the identification of strategic bottlenecks needed to be examined. One recommendation was employing a multilevel strategy, following the example of a number of international platforms. Moreover, those issues had to be resolved in the field, and hence there was a need for real identification of incentives and disincentives. As a result, regularization had to be considered as a starting point for employability and access to decent work. Nonetheless, there were jumps between regular and irregular migration status and the circumstances of each case had to be examined. For example, in some countries it was not clear whether permission for migration or permission for employment should be sought first. Another element to consider was the cost of regularization, owing to payments for documents, fees and intermediaries, which was a disincentive for regularization and could determine the decision to remain an irregular migrant. The panellist denounced the precarious situation of migrants who were unable to regularize their status, and recommended a transition from the territorial focus of public policy to an emphasis on job placement and the guarantee of labour rights.

196.   Lastly, she recalled that financing was needed to implement those changes. The fact that migrants paid taxes had to be taken into account, and regularizing migration could boost public finances, among many other benefits.

197.   The last panellist, representing the Centre for Legal and Social Studies (CELS), Argentina, began by saying that in the region, there were two migration models, one focused on controls and the other on migration regularization. Migration regularization was previously addressed in the Convention relating to the Status of Refugees of 1951, which established that documentation was included among States' obligations, and in the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, specifically article 69. Moreover, the Committee on Migrant Workers had pointed out that the regularization of migrants was the best solution to the violation of rights, which had been gaining ground in the United Nations system and States' practices.

198.   The panellist also highlighted the empirical data produced by some international organizations: in an ILO report on the rights of migrant workers in Argentina, formal employment had grown by 148% between 2004 and 2016, as a direct result of regularization programmes. The Special rules for regularization of migrants from the Dominican Republic, which came into effect in Argentina in 2013, had improved the situation of those migrants, particularly their access to rights. That example showed the close link between regularization and access to rights.

199.   In Argentina and Ecuador the regularization of migrants had been established as an obligation of the State, and Brazil and Uruguay were following suit. Although regularization of migrants was gaining ground, control and expulsion practices were still being carried out. As a result, due process had to be taken into account in the development of migration management models. That was the case in Argentina, where tensions had arisen following the adoption of decree no. 70/2017 which allowed the fast-tracking of migrant expulsions.

200.   With respect to migration controls, the global compact should recommend minimum rules for the treatment of migrants in cases of detention and expulsion. Hence the importance of ILO agreements which, once ratified, became national law. Regarding the migration regularization process, the region had empirical data and could provide alternatives with a view to avoiding the violation of migrants' human rights. The example of the OHCHR could be followed in terms of the development of principles and models to guarantee the human rights of migrants at borders or in situations of vulnerability, which could be relevant to the global compact.

201.   The discussion began with a reference to the case of Brazil and its new Migration Law, which did not provide for a body like the National Immigration Council, which was a quadripartite body (Government, workers, employers and civil society) that had previously been of importance. The meeting noted that while the new law gave migrants the right to join trade unions, almost all workers were at risk from outsourcing at a time when Brazil's labour laws were undergoing rapid deterioration. As a result, ILO and its Conventions and Agreements were of great importance. The participants noted that in the region, only the Bolivarian Republic of Venezuela had signed the Migration for Employment Convention (Revised) of 1949 (No. 97) and the Convention on Migrant Workers (Supplementary Provisions) Convention of 1975 (No. 143), and that the main problem was worldwide labour precarity.

202.   Concerns were also voiced about what migrants' countries of origin could do to support destination countries in the regularization process and how to guarantee such processes, particularly for migrant children, so they could be offered temporary or permanent residency regardless of their parents' migration status.

203.   There were two models for managing migration in the region: one based on security and control, which involved arrests and deportations and curtailed the benefits of migration, and another based on regularization and the protection of rights. In the global compact, the participants said, the region should adopt the second approach.

204.   Mention was made of the importance of trade union membership for migrants. In Argentina, migrants could not serve as trade union officials and, during the 1990s, there was a trade union that campaigned against immigration, accusing migrants of taking domestic workers' jobs. With reference to the case of Brazil, the participants said that in addition to the importance of regularization, all migrants had to be assured access to rights and protection, regardless of whether they were regularized or not. The idea was that regularization was the best form of control available to States.

205.   The International Labour Organization Regional Specialist then remarked that an ILO report had found, some years earlier, that there were 200 million unemployed people in the world, and that 40 million people entered the labour market each year; this, he said, indicated a job-creation problem. He added that over the next ten years, 600 million jobs would have to be created; clearly, then, there was a shortage of opportunities, and that was part of the reason for migratory movements. ILO had been working for the interconnection of national employment systems, so that full benefits would be available to workers.

206.   The Director of International Affairs at Argentina's National Migration Department said that migration was an international issue and that Governments should therefore work together. The view of the nation State autonomously dealing with the issue belonged to the past, he said, and the Argentine experience showed that such cooperation was possible.

207.   The member of the National Assembly of Ecuador shared two thoughts. First, she stressed the need for a commitment towards greater socialization and awareness-raising about violence, stating that in Ecuador, one woman out of every six had been a victim of violence. At the same time, since the issue had been largely neglected, she said that more thorough discussions about the topic of migrant health were needed.

208. The representative of SISCA remarked that the right to migrate could not be seen in isolation from the right not to migrate and that, in connection with migrant children and mechanisms for upholding rights, their parents had to be involved on topics relating to nutrition, for example.

209. The representative of Argentina's Centre for Legal and Social Studies drew attention to the importance of regularization processes becoming a part of the everyday work of migration institutions.

210. Finally, the Executive Director of Alianza Américas pointed out that in the United States there were people with permits who were about to lose them and the rights that came with them. He also said that a definition of regularization was needed, as not everyone interpreted it the same way and an explicit formulation was required. He concluded by questioning the real role of employment as the cornerstone of well-being.

Conclusions round table

211. The conclusions round table was moderated by Jorge Bravo, Chief of the Demographic Analysis Branch of the United Nations Population Division, and there were five panellists: Michele Manca di Nissa, Regional Representative of the Office of the United Nations High Commissioner for Refugees (UNHCR); Salvador Berumen, Deputy Director General of the Migration Policy Unit at the Secretariat of the Interior (SEGOB) of Mexico; Valter Bittencourt, Coordinator of the Migrant Workers Network of the Trade Union Confederation of the Americas (CSA); María Victoria Giuletti, Head of the Social Policy and Legislation Department of the Argentine Industrial Union; and Edgardo Chévez, General Coordinator of the Organismo Cristiano de Desarrollo Integral of Honduras, representing the Latin American Bloc of Civil Society Networks and Organizations.

212. The Chief of the Demographic Analysis Branch of the United Nations Population Division, in his capacity as moderator of the conclusions round table, identified the key issues that had been addressed in the meeting's discussions, along with a number of others that, while they had not been raised, it was important to bring to the table. First, he underscored that the inputs that the meeting was expected to generate were intended to reassert and emphasize general principles and areas of action that reflected real needs and problems in the region. Those principles included the central place of human rights in the discussion, the regularization of migration as a State responsibility, and priority attention for certain groups of migrants, such as women, victims of human smuggling and trafficking, minors and those in situations of precarious work and denied legal and social protection.

213. Second, he highlighted the emphasis the meeting had placed on reassessing the contributions made to sustainable development by migration and migrants, which went beyond remittances. He underscored the need to include provisions and specific commitments to help implement the compact and to move the global agenda on international migration beyond the existing regulatory frameworks and agreements.

214. He also reiterated the importance of the declarations and conventions referred to during the discussion sessions, such as the Montevideo Consensus on Population and Development. Finally, he highlighted the importance of clearly identifying the compact's means of implementation, including increased international cooperation and the establishment of dedicated funds for the purpose. Following that logic, he spoke of the recommendation made by the former Special Representative of the Secretary-General for International Migration, Peter Sutherland, who proposed the establishment of a financial facility for migration, which would channel the funding and technical assistance needed to implement the commitments set, and he said it was important that this be specified in the global compact.

215.   The Regional Representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) said it was important to pay attention to the global compact on refugees that was being developed in parallel to the migration compact. He said that the High Commissioner wanted to ensure coherence and complementarity between the two global compacts. He also noted that both were contained in the 2016 New York Declaration for Refugees and Migrants, which was a political declaration intended to improve the international community's response to large population movements, be they refugees or migrants, in the understanding that it was a shared responsibility but one that had to be assumed in an equitable manner. He explained that the global compact on refugees was to be proposed by the High Commissioner and would have two complementary parts: a comprehensive refugee response framework for situations involving large numbers of refugees, and an action plan with concrete actions that could be taken by States and other actors to offer a comprehensive response and ensure its implementation.

216.   He explained that the comprehensive response framework sought to ensure prompt admission measures, support for immediate and persistent needs, assistance for refugee host communities and more opportunities for durable solutions. He also indicated that the CRRF had four general objectives: (i) ease pressure on countries hosting large numbers of refugees, (ii) enhance refugee self-reliance, (iii) expand access to third-country solutions, and (iv) support conditions in countries of origin for return in safety and dignity. He also explained that the development of the comprehensive response framework involved three phases: (i) consultations with relevant stakeholders, which were in progress, (ii) practical application in various countries and situations, which was also in progress, and (iii) evaluation and refinement to provide information for the global refugee compact drafting process. The framework was being implemented in a number of countries, he explained, and those comprehensive responses were being deployed in collaboration with national and local authorities, United Nations entities, partner NGOs, the private sector and other stakeholders.

217.   He then said that with the support of the Office of the United Nations High Commissioner for Refugees and other regional bodies, the States of the region were leading the development of a regional implementation of the comprehensive refugee response framework, known as the comprehensive regional protection and solutions framework, for presentation to and validation by a high-level conference to take place in San Pedro Sula, Honduras, in late October 2017 to follow up on the New York Declaration. That conference would be presented with the following elements in connection with the CPRSF: a national operational plan for each participating country, establishing strategies, programmes and actions required to strengthen protection measures and solutions; and specific shared-responsibility initiatives presented by States to support the national plans and strengthen regional cooperation.

218.   He also noted that that the comprehensive refugee response framework would be based on existing regional coordination mechanisms and frameworks, such as the Plan of Action of Brazil and the San José Declaration on Refugees and Displaced Persons. Moreover, he said, the region was making good progress compared to the rest of the world, in that it had mechanisms and good practices on which to build. Thus, the comprehensive refugee response framework was expected to complement and strengthen the regional mechanisms, attracting additional stakeholders and new technical and financial resources; likewise, States could adopt political commitments to work for the identification of solutions. He reported that Central America was conducting a pilot project that sought to combine a humanitarian perspective with a development-based focus. Within this logic, he said, there were several relevant actors: States, which had the capacity to provide financing and technical assistance and were able to enter into political commitments; development financial institutions, which could provide support by granting preferential-rate loans and incentives; the private sector, which could provide job opportunities for displaced persons and refugees; and, lastly, civil society, with technical contributions from NGOs and communities.

219.   He added that the process of national consultations that had been carried out and the establishment of inter-institutional commissions involving several ministries was an indication of the States' commitment. He explained that the national consultations were expected to conclude with each country developing a national plan of action, and those plans would be used to build the country chapter in the final version of the comprehensive regional framework. In concluding, he said that the contribution of Latin America and the Caribbean was to be lessons learned from the practical implementation of the comprehensive regional protection and solutions framework in Central America. They would be used as inputs at the tenth High Commissioner's Dialogue on Protection Challenges (to be held in Geneva in December 2017), which would compile the steps taken since the adoption of the New York Declaration for Refugees and Migrants and set the foundations for the global compact on refugees. The region, he noted, would contribute its existing good practices in the areas of regional solidarity and shared-responsibility mechanisms. He explained that from August to December, the countries would conduct national consultations to assess the progress made with implementing the 2014 Plan of Action of Brazil and that, in addition, regional consultations would also be held to assess that plan of action's three main programmes: the quality asylum and eradication of statelessness programmes, together with efforts to promote durable solutions. The results of those evaluations would be presented at a regional event in Brasilia in February 2018, he said, so they could contribute directly to the global compact on refugees.

220.   The Deputy Director General of the Migration Policy Unit at Mexico's Secretariat of the Interior began his remarks with two questions: First, how could ECLAC produce an executive document summarizing the wide range of topics addressed during the regional conference? And second, how did the participants envisage the global compact; how would it be structured? He underscored the need for careful consideration of how these ideas were to be conveyed and used. Accordingly, he proposed three points that could shape the conclusions and would likely be included in the compact. First, the compact was not going to be binding; second, it was not going to include a wish list; and, third, the countries were not going to sign it if it diminished their sovereignty and ability to manage their migration policies. Given those difficulties, he asked how a compact that would impact migrants positively could be drawn up. In light of those restrictions, he proposed dividing it into three main sections.

221.   First, he identified the need to determine guiding principles for the governance of migration, and a long-term plan based on those principles and the scientific arguments presented. The second section, he said, could include specific, attainable commitments, with a short-term view that would progressively enter into a long-duration logic. Finally, the third section could include the definition and implementation of monitoring and evaluation mechanisms.

222.   He said that in his view, there were seven essential principles for the compact negotiations: the central role of human rights; the need for a cross-cutting view of migration, including points of origin, transit, destination and return, with no distinction based on individual countries' migrant numbers; the principle of shared but differentiated responsibility; the inclusion of a gender perspective; the existence of differentiated standards for the management of migration, particularly on account of the special status of migrants coming from critical circumstances; human security; and the well-being and development of migrants.

223.   He said the second section should be geared towards achieving concrete commitments, such as changing perceptions of migration, changing definitions and laws, and harmonizing standards and approaches to migration. He explained that the aim was to bolster the positive link between migration and development. Another commitment that should be established, he said, was increasing the flexibility and transparency of guidelines to assist migrants with residency, admission and regularization. In fourth place, he spoke of the commitment of developing integration initiatives as well as programmes to guarantee migrants access to their rights. Fifth, he said that borders could be controlled with full respect for human rights, as there was no sense

in rejecting the idea of immigration control; however, a compact with specific migration controls would be a possibility. In sixth place, he said that another major topic was access to justice and security for migrants: individual States should enter into a commitment to protect migrants, avoiding victimizing them and, instead, punishing those who committed abuses against them. Seventh, he suggested that further affirmative action for vulnerable groups could be adopted and that policies that placed migrants in vulnerable situations could be reduced, with the clarification that in-transit migrants were not intrinsically vulnerable.

224.   For monitoring and evaluation, he proposed the creation, dissemination and systematization of information, including both quantitative and qualitative data. He added that there was a need to strengthen and redesign the focus of migration authorities, so they could manage migration and move beyond the idea of criminalizing it. He then identified a number of elements that he said were necessary: programmes equipped with budgets; mechanisms through which civil society could conduct assessments of States; and qualitative and quantitative indicators for measuring the progress made.

225.   The Coordinator of the CSA Migrant Workers Network began his remarks with the hope that the participation of workers' representatives would be guaranteed in the upcoming consultations. They were, he said, important players in the process, because work —or the lack of it in countries of origin— was the most frequent driver of migration. The governance of labour migration, he said, had to be approached with a comprehensive and multidimensional approach, since it was a problem that involved economic, political and social rights. He called for thought to be given to integral solutions, given the existence of a globalized economic model in which social matters were of rising importance compared to the forms of labour exploitation used in the past. He said that in this approach, the conceptual basis should be the labour rights inherent in being a worker and, consequently, inherent in being a subject of rights, regardless of migration status. He suggested that what was at play was a form of relationship between democracy, human rights and migration, along with the degree of inclusion and equality of access to the various dimensions of rights.

226.   He reminded the participants that migration policy defined a form of relationship between States and migrants and that the trade union sector of the Americas recognized the contribution to economic, social and cultural development made by migrants in their countries of origin and destination alike. Remittances, he said, were a boost to the economies of Latin America and the Caribbean and it was therefore essential to create regional mechanisms to eliminate financial abuses by the intermediaries who handled migrant workers' remittances. He also underscored the social costs shouldered by migrants so that, either individually or on a family basis, they could send part of their money, earnings and savings to their places of origin, and he said that the migration of human capital entailed costs in general. It was necessary, he said, to create inclusive labour markets in countries of origin, transit and destination, with measures to ensure and protect decent work as a principle of economic and cultural integration. The portability of social protection represented a challenge for States, he said, and was the greatest shortcoming in the recognition of rights. He reaffirmed that States must be obliged to provide migrant workers and their families with access to social protection.

227.   He then called for equality between migrants and national workers and for the promotion of inclusion, stating that this required multilateral or bilateral social security mechanisms to ensure the portability of migrants' rights. He added that States must adopt public policies that guarantee health, housing and education and that the enforcement of the Ibero-American Multilateral Agreement on Social Security for cases of disability, old age and survival must be enshrined in law. In light of the growth in irregular migration, he said it was essential that the causes of that phenomenon be addressed in countries of origin, linking the problem with policies for economic growth and development policies, given that it affected the poorest and most vulnerable migrants, who had no choice and had been unable to exercise the right not to migrate. Therefore, he said, the compact had to cover the free movement of persons and the right not to migrate, the right to remain and the right to return with dignity. He concluded this part of his remarks by stating that all migrants should enjoy the same rights as other citizens.

228. Moving on, he called for the principle of non-return to be enforced in cases involving human rights violations in countries of origin. It was through exchanges of good practices to reduce irregular migration, within a framework of respect for human rights, that the correct enforcement of the compact would be achieved, that agreement for dealing with the issue of migration in a comprehensive way would be reached among the different sectors, with proposals for pathways to regularization a priority. He said that the trade union movement he represented was committed to social dialogue in defence of migrant workers and rejected all forms of exploitation. He noted that in the conclusions reached by the Committee for Labour Migration at the 106th session of the International Labour Conference, the workers' groups stated that ILO should deepen and scale up its work on international labour migration in response to constituents' needs and take a leadership role on decent work in labour migration, and that it should step up campaigning for the ratification of the Migration for Employment Convention (Revised) of 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention of 1975 (No. 143), the Migration for Employment Recommendation (Revised) of 1949 (No. 86) and the Migrant Workers Recommendation of 1975 (No. 151). He concluded by asking what the point of a compact was if countries did not ratify the instruments that were already relevant, that had gone unratified for years and that proposed concrete solutions to ensure more and better rights for migrants. Finally, he said that social dialogue had to promote the reduction of asymmetries, the right to freedom to work and the right of trade union association.

229. The Head of the Social Policy and Legislation Department of the Argentine Industrial Union, representing the business sector of which she was also a member, drew attention to the emphasis that the labour market had received during the discussions. She began by referring to some of the contributions identified by the business sector that could assist the development and management of migration policy. She said she recognized the importance of migration in the creation of social and economic opportunities in different countries of origin and destination and, in light of that, said that the compact should not contain a single, universal solution for all countries as that would run contrary to the nature of migration policies. She said it was important to take different approaches into account so that the compact could address the needs of the world of work.

230. One of those approaches, she said, would be for States to design migration programmes that took account of the needs of the labour market: in other words, establishing a correlation between skills, demands and abilities and the migration policies implemented by countries. A flexible legislative framework for migration was also needed, one that did not impose rigid frameworks but instead promoted family unity and allowed migrant workers' family members to work. All of those issues were important, she said, given the large numbers of migrant workers across the world.

231. She also said it was important to standardize skill recognition processes and improve skill evaluation methods in order to increase the efficiency of recruitment processes and ensure that national laws were compatible with fair and ethical recognition methods, keeping sight of the regulations and programmes to be included in the compact. Accordingly, she said, the compact should propose an effective and credible implementation mechanism, one not based on the old procedures that led to border controls and blocked migrant flows. Third, she stressed the importance of the entrepreneurship shown by migrants in their countries of origin and destination, and she added that micro-entrepreneurship facilitated relations within countries and assisted trade between different areas, which could be seen in the use of remittances, where improved financial systems had led to reduced costs. Her fourth point addressed the need for social benefits to be portable, an area where the MERCOSUR Socio-labour Declaration provided a good example. Finally, she stressed the role of diasporas in welcoming migrants in their countries of destination and in assisting with the reintegration of migrants in their countries of origin.

232.   The General Coordinator of the Organismo Cristiano de Desarrollo Integral of Honduras, representing the Latin American Bloc of Civil Society Networks and Organizations, echoed the comment made by the Ambassador Extraordinary and Plenipotentiary and Permanent Representative of Mexico to the United Nations that any attempt to negotiate the compact would come after determining positions and hearing all the voices, and that therein lay the importance of the preliminary stage for building visions based on the region's realities and the available data and evidence. He said that it had been agreed that the compact was to be based on people, on human rights and on the migrant population, which was at the core of the proposal made by the organizations that made up the Latin American Bloc. This was not the time to take backward steps, he said. As an example of the contrast that existed between the realities of migration and the fulfilment of human rights, he drew a comparison between the situations in Central America and in South America, stating that countries such as Honduras were regressing in the sphere of human rights; that was unacceptable, he said, and the compact should not tolerate it.

233.   He said that self-serving interests often hid behind efforts to protect the vulnerable, thus jeopardizing the universality of rights. The Latin American Bloc agreed that migration regularization policies should be promoted, with a focus on rights and social inclusion mechanisms as an alternative to deportation, and for moving beyond the idea of work permits. The compact, he said, had to take into account the different movement needs of the population and generate lines of action based on the causes of forced migration, without restricting itself to managing migratory flows in the region.

234.   He underscored the importance of combating xenophobia, discrimination and all forms of violence against migrants, ensuring migrants access to justice and the right to defence within a context of trust. The first step in building trust, he said, would be to regularize thousands of migrants and to grant them the permits they need to work and study, along with the possibility of reuniting with their families and accessing social security rights.

235.   He maintained that focusing on regular migration concealed the reality wherein migration programmes facilitated abuses, restricted labour rights and reinforced workplace discrimination. There was also a debt to be settled with the families of migrants who had disappeared, he said, and that situation should be addressed in the compact with an approach based on equitable access to justice.

236.   Finally, he expressed his organization's commitment to following up on the progress made with the draft compact and its implementation.

237.   After the speakers' remarks, the moderator took the floor to underscore the importance of the regional consultations that preceded the compact negotiations, explaining that they would help produce a more relevant text. He also highlighted the risks of producing a compact without prior consultations and spoke warmly of the range of inputs that were being gathered at the meetings.

238.   He then invited comments, which were followed by the panellists' concluding remarks.

239.   It was suggested that ECLAC should continue to support the analysis by providing information on the economic contributions made by migrants, which would enable better decision-making and, by recognizing their contribution to development, help overcome any prejudice surrounding migrants. The voice of civil society also had to be heard, given that its members were in the field and could produce better assessments of migrants' situations.

240.   One participant highlighted the commitment of the Government of Chile towards making the compact a reality, to which end it had actively participated in the process, emphasizing the central importance of the rights-based approach. Another participant spoke of technology and how it was changing migration dynamics and the fields of work, health and education. The impact of new technologies on migration processes, socialization and the world of work should be assessed as part of the dialogue, it was suggested.

241.   The General Coordinator of Organismo Cristiano de Desarrollo Integral of Honduras said there were two issues related to technology: first, how States could allocate budgets for assessing people who wished to work in other places and, second, how access to that technology could be facilitated, given that its cost was a constraining factor for the poorest countries and those affected by insecurity.

242.   The Head of the Social Policy and Legislation Department of the Argentine Industrial Union said that technology was an essential tool in preventing abuse and that it could improve systems and reduce remittance transfer costs; thus, the use of technology could improve the situation of migrants.

243.   The Coordinator of the CSA Migrant Workers Network wondered whether those Governments that fought so hard for the free movement of goods would one day promote the free movement of people with the same vigour.

244.   The Deputy Director General of the SEGOB Migration Policy Unit said that although the speakers agreed on a range of issues, the largest destination countries were not present; there was, therefore, an enormous challenge in expressing these ideas in a convincing way and in making them a reality.

245.   Finally, the Regional Representative of the Office of the United Nations High Commissioner for Refugees, speaking from the UNHCR perspective, stressed the shared responsibility that all countries would have in supporting and participating in the pact.

Closing session

246.   The closing session was addressed by Louise Arbour, Special Representative of the Secretary-General for International Migration and Secretary-General of the intergovernmental conference on international migration to be held in 2018; Bettina Etter, representing the co-facilitators of the consultations and intergovernmental negotiations leading to the adoption of a global compact for safe, regular and orderly migration; and Alicia Bárcena, Executive Secretary of ECLAC.

247.   The Special Representative of the Secretary-General for International Migration expressed her appreciation of the presentations made by the panellists, noting that they had provided a true picture of the situation, and she called on them to remain committed. She said that all the information collected through the consultation process would be included in the preliminary draft of the compact, together with the contributions of the report of the Secretary-General.

248.   She said the compact was a critical step forward in addressing the topic of migration, in that it would serve as a platform for the launch of longer-term actions, and she expressed her opinion that even if the compact were not binding, if the process yielded a document with convincing arguments and tangible and realistic objectives, the countries would ratify it.

249.   She also said she thought that human movements had been managed poorly, particularly those involving refugees and, increasingly, those involving economic migrants. The recent migration crisis had

fuelled a rejection of migrants and incited xenophobia, she said, although she admitted that such an attitude could be interpreted as the result of frustration with different Governments, which had failed in implementing appropriate border control policies. Nevertheless, she said she thought the situation was changing and that the idea that migration was linked to development could transform the narrative that the compact would ultimately contain.

250.   She stated that there was no mandate to limit human mobility and that this compact sought to facilitate safe, orderly and regular migration. The idea was, she added, to create additional ways to reduce irregular migration, but also to improve the economic performance of countries of both origin and destination. Finally, she emphasized that the compact had to be centred on people and be realistic, ambitious and pragmatic.

251.   Then, the representative of the co-facilitators of the consultations and intergovernmental negotiations leading to the adoption of a global compact for safe, regular and orderly migration thanked ECLAC and IOM for convening the worldwide regional consultations, which complemented the thematic sessions held at the global level. She said that the perspectives and experiences that had been presented would play a key role in creating a framework with practical implementation measures, and she thanked the panellists for having shared the region's relevant experiences.

252.   The final words of the meeting were given by the Executive Secretary of ECLAC, who began her remarks by drawing attention to the importance of the compact at a time when humankind was at a turning point that required a different approach for dealing with migration. Migration was, she said, evolving away from being a security or humanitarian concern to become what it should be: a development issue. She said that the central role of migration as a development issue was still a pending challenge on the global agenda and that, as a result, the compact had to express the current problems of society and enshrine a vision of migration as a strategic global governance issue that involved all the countries of the world and not only migrants' countries of origin.

253.   Then, she noted that the 2030 Agenda for Sustainable Development was a universal and transformative agenda of rights, and not prescriptive as the agenda of the Millennium Declaration had been. She explained that from that perspective, the compact must not be seen as a way in which developed countries could help more disadvantaged countries to meet their goals, but should instead provide an universal view of an important phenomenon of massive dimensions that was in constant change. The goal was a new development model, she added, and that was the call of the 2030 Agenda: to reduce asymmetries, and to think and act differently, in a context where trade was no longer the main engine of growth. It was, she said, an agenda that called for a new way of thinking and that as a result, binding the compact to that new perspective instead of constraining it to a humanitarian logic was vital if a new development model was to be attained by 2030. As a result, thought had to be given to the time scale that the compact would adopt, to the deadlines for its objectives, and to the sequence to be followed in ensuring that the goals it set were attained. She said that cooperation was essential to the compact and that, in her view, top priority had to be given to three unacceptable phenomena: migrant smuggling, human trafficking and contemporary forms of slavery. She emphasized the need for pragmatic spaces in order to move forward and reach tangible accomplishments, because to do otherwise would lead to disappointment. It was also important, she said, to ensure that the compact was drafted with a human rights perspective and to recognize that Latin America had made some impressive progress, such as the portability of rights, and that other areas beyond certain subregions had to be addressed. She said that the region could commit to free transit and that it was important to set a date for achieving that, since targets facilitated the implementation of change.

254.   She also called for thinking at the regional scale and, as an argument for doing so, said that one of the reasons why people migrated to the United States was the image of development associated with that country.

255.   Finally, after stressing that this was a unique and unrepeatable opportunity, she expressed her doubts as to whether the international community was fully aware of this opportunity for jointly addressing those issues in a way that would ensure security, peace and stability, which was ultimately the final objective. She said that because of its focus on equality, ECLAC was highly committed to this agenda. Equality, she said, had to be at the centre of the compact, but attaining equality required the intermediate steps of equity in the case of some instruments and of guaranteeing the rights of migrants. She underscored the importance of including other actors in the discussion, such as employers; they had to share their experiences, because they tended to remain very silent. She said it was important that those experiences were heard and that the question was how to establish a fruitful dialogue with them in which they could share the challenges they were facing, such as those associated with technology and the use of robots in the automotive industry along Mexico's border with the United States, which were beginning to displace human workers. She said it was also important to secure as much evidence as could be gathered, to complement the proposals with figures and make them as compelling as possible. Finally, she declared that ECLAC was willing to support this entire process, in conjunction with IOM and the Department of Economic and Social Affairs, in order to provide the widest possible range of evidence and gain a better understanding of migration, so that the compact could be seen as a great opportunity for countries of origin, transit and destination.

D. IMPORTANT ISSUES RAISED IN THE DISCUSSIONS AS CONTRIBUTIONS FROM THE REGION

256.   The Latin American and Caribbean Regional Preparatory Meeting of International Migration Experts on the global compact for safe, orderly and regular migration highlighted a number of issues that the experts deemed to be priority considerations for the compact drafting process. The most important findings from the three studies presented are set out below, along with the recommendations, proposals and recurring ideas expressed at the sessions. In the final section a breakdown by sector is also provided.

The migration panorama in the subregions

257.   The study of the situation in Mexico and Central America revealed that migration from those areas to the United States had gone through different phases in the past two decades. The economic crisis had affected migratory flows from Mexico and Central America differently, although both had grown steadily, until January 2007 in the case of the countries of the Northern Triangle of Central America, and until November 2008 in the case of Mexico. Both flows slowed at the onset of the financial crisis and subsequently began to decrease. The numbers of Central American Northern Triangle country nationals resident in the United States fell by almost 6% between January 2007 and April 2009. From then onward, migration had resumed its previous growth pattern, and by June 2017 the resident population from these countries in the United States had grown by more than 35% on a cumulative basis. In the case of the Mexican population in the United States, the economic crisis had led to a migration standstill which lasted longer, until early 2014. This phenomenon had been described as the "zero net migration phase" and was a fertile area for studies. What was clear was that migration had continued, in the context of numerous problems that significantly affected minors and many women.

258. The study in the Caribbean subregion revealed that migration played an important role that varied depending on the size of territories and populations. Figures on immigrants and emigrants revealed significant differences in countries' shares of migrants, which tended to increase in the case of smaller territories. The Caribbean stands out for its decision to establish an intergovernmental forum on migration, which could be a decisive step forward for migratory governance. However, this was a complex issue for the Caribbean, as in 2015 up to 77.5% of its emigrant population was concentrated in the United States and Canada. Flows of migrants from Haiti to South America, mainly to Brazil and Chile, had also been increasing notably.

259. The consultation processes on migration in the Caribbean could help advance both subregional migration governance and the definition of parameters for that governance in those territories. They could also become key mechanisms for promoting the implementation of the global compact for safe, orderly and regular migration.

260. The South American study revealed that intraregional migration played a major role in that subregion's migratory patterns. Its recent growth could be attributed in part to stricter security and control policies of the countries in the global North —which had favoured emerging alternative destinations in the subregion, such as Chile— and to the progress made with economic and political integration, which had generated favourable conditions for movement and residence within the subregion. The Agreement on Residence for Citizens of the States Parties of MERCOSUR, Bolivia and Chile, as an instrument aiming to facilitate the movement and residence of persons within MERCOSUR, was a specific example that the subregion could offer the international community. The increase in the number of immigrants had also been driven by changes in the legislation of some countries, which had recognized the right to migrate and guaranteed the protection of migrants' human rights. In addition to the foregoing, the subregion had to take into account the impacts of climate change and natural disasters on population movements, as well as the various forms of discrimination faced by some migrants and the need to reform certain regulations and institutions that touch upon migration issues.

261. To summarize, the outcomes of the three studies found that the countries of the region were aware of the vulnerability and violence suffered by many migrant populations, be it in transit or during the process of integration at their destination or, especially, during repatriation.

Recommendations, proposals and recurring ideas

Human rights and regularization

262. The experts spoke of the imperative of regularizing the status of migrants, as this would directly facilitate migration and help protect the rights of migrant populations, thus contributing to reduce their vulnerability. To this effect, there were tried and tested mechanisms in the region, such as those affording access to documentation. Irregular migration was a sensitive issue in the region that required adopting policies aimed at promoting regularization and access to local documentation as the first and main response of States, over criteria based on notions of utilitarianism or security. Regularization was also a necessary condition to ensure decent and dignified work for migrants, as well as social protection and access to social services. To regulate migration meant to facilitate it, making the necessary procedures available to stakeholders and in no way restricting them.

263. Hence, the region categorically rejected the criminalization of irregular migration and the stigmatization of persons who found themselves in this situation, insofar as these were sources of discrimination that compounded racism and xenophobia, all of which were incompatible with the aspirations of Latin American and Caribbean societies to strengthen their democratic systems.

264.   The experts also agreed that the global compact should explicitly include victims of human trafficking and people smuggling, as well as refuge-seekers, as they were also groups of people on the move.

265.   There were pressing situations in the region related to these issues —such as the detention and deportation of migrants— that affected large numbers of unaccompanied child and adolescent migrants, despite protocols adopted recently in the framework of regional initiatives to provide care. They said that the region was fully aware of the need to address these issues and protect human rights before any other consideration. The different opinions voiced in the meeting agreed that finding solutions to this problem was urgent and a matter of priority.

266.   The region was tackling different challenges, they noted, but it had also achieved milestones with migration governance that could be shared with the international community. Through its intergovernmental forums (such as the South American Conference on Migration and the Regional Conference on Migration), it had taken great strides in creating spaces for dialogue and regional cooperation. Organized civil society had also made important contributions to States, and academia had also participated actively in these processes, providing valuable information and analysis, with a cross-cutting view of human rights and recognizing the vulnerability of migrant women and children, in particular, during different stages of the migratory process.

267.   From the region's viewpoint, there had to be an appropriate discussion on what was understood by orderly migration, beyond surveillance and control of migratory flows. Regional discussions had stressed the importance of promoting regularization of migratory status, without resorting to detentions or forced returns, and achieving stricter implementation of a global framework for the protection of migrants' human rights, on the basis of the numerous existing international instruments.

Migration and development

268.   The experts highlighted that the relationship between migration and development was always a complex one and that its analysis needed to include aspects of both economic and social inclusion, avoiding the overly simplistic approaches of the past.

269.   In this regard, facilitating remittances received by Latin American and Caribbean households should continue, although these should not be seen as substitutes for public policies on employment, social protection or sustainable economic growth.

270.   Participants stated repeatedly the importance of awarding due value to the role of remittances in the development of migrants' countries of origin, recognizing in the first place that they represented individual and family efforts which must not replace the responsibility of Governments to promote the development of their countries.

271.   The participants also emphasized the need to ensure the right not to migrate, through expanded employment opportunities and enhanced security for people in their territories of origin.

272.   They also concurred on the need to create a glossary of terms and concepts to make it easier to understand and interpret data, diagnoses and, ultimately, the agreements in the framework of the global compact, in order to construct a shared language.

Information

273.   Also highlighted was the need for qualitative and quantitative data on migration processes, as well as for information and outcomes from different studies. The subregional studies presented at the meeting were quite illustrative and confirmed the need for more studies based on data gathered at different levels. The construction of indicators was identified as a key issue for policymaking.

Sectoral perspectives

Civil society organizations

274.   The representatives of civil society underscored the need to find the root of the current migration situation. They also stated that that the economic model imposed on several parts of the world was responsible for people leaving their countries. This was an open criticism of neoliberal economics, where economic interests acted as a brake on respect for human rights. Economics had lost its ethical compass, they said.

275.   The sector also proposed facilitating humanitarian and family reunification visas and working to establish humanitarian corridors where migrants would not face discrimination on account of their migratory status. They stressed that in the quest for orderly, safe and regular migration, political will was as important as civil society engagement.

276.   The sector's representatives also drew attention to the importance of addressing population displacements caused by climatological phenomena and environmental disasters: such situations were a reality, and it was imperative to recognize that people displaced for such reasons required international protection. A cross-cutting approach to analysing climate change and its links to sustainable development, including disaster risk reduction, should therefore be adopted. Migration had to be seen as a survival strategy adopted when there was no possibility of restoring a degraded environment (following desertification, for example). The elements of the international framework that Governments had to take into consideration included the Paris Agreement, which contained an explicit reference to human mobility, and the Platform on Disaster Displacement, which offered an agenda for protection.

277.   They also stressed that the effectiveness of the global compact depended on a very clear consensus at three levels: political, regulatory and institutional. The political level involved political principles and the commitments that guaranteed them, including —since migration should be an option and not an obligation— the right to remain in one's own country. The regulatory level covered mechanisms for implementing, monitoring and accountability regarding the principles defined at the political level. The institutional level entailed identifying the actors responsible for enforcing the principles.

278.   The CSO representatives stated that the deployment of border security had placed migrants in situations of increased vulnerability (characterized by extortion, abductions and abuse) and was forcing them to take even more dangerous routes. Those policies could also lead to repatriations, mass expulsions, mistreatment and serious human rights violations. The detention of minors was an unacceptable reality in the region, they said, and the best interest of the child should be observed over and above migration procedures.

279.   Another area of interest they addressed was the asymmetries that existed between migrant smuggling and human trafficking from the regulatory and institutional points of view, both in the formulation and implementation of public policies and in the resources allocated to them. In many cases, victims of trafficking did not receive protection from State entities on account of their migration status.

280.   Their stance was clear and concise: the need to control borders should not outweigh the need to respect migrants' rights. This meant, for example, that the process of identifying vulnerable migrants should not be limited to identifying the individuals involved, but should also —and immediately— determine their needs (such as the need for family contact and for guaranteed State aid). They noted that people in such situations were persons whose rights had already been undermined for long periods of time in their countries of origin and during their migration processes.

281.   In order to create a new framework that would allow safe, orderly and regular migration, the first requirement was to help people who had been condemned to an existence of irregular status to escape from it. Alternative development policies had to be adopted so that people from countries with high rates of emigration did not have to imagine a better future in another country but could make it a reality in their own homelands.

282.   In the view of civil society, it was also necessary to avoid the idea that temporary employment programmes offered a magic solution to migration. The solution was not to abandon such programmes, but they had to be addressed realistically, avoiding further penalizing of migrant workers. Thus, handling workers' visas was not a task for their employers.

283.   They also highlighted the risk that the global compact would be unfavourable for migrants, given the prevailing narrative. The compact had to be seen not as the last word, but as an important step towards a global society where the universality of rights would be recognized. They said that it was not the right time to take backward steps.

Academia and researchers

284.   The participating academics contributed a wide range of topics and proposals. Some of them called out for greater consideration of civil society in the compact process. They also highlighted the need to work for a migration governance model with a regional focus and shared responsibilities, which meant coordinating actions between countries of origin and destination to ensure such rights as the portability of social security benefits, in addition to the desirability of creating an integrated information system on regional migration.

285.   They also called for migration to be understood as a determinant and consequence of development and as an inherent element of a globalized world, with demographic repercussions and different determinants in the economic, political, environmental spheres as well as in other areas; accordingly, the public policies needed had to be comprehensive, both for countries of origin and countries of transit and destination. They pointed out that there were structural forces driving international migration: in particular, the economic intensification associated with the supply and demand for labour.

286.   The academics noted that the differentiated progress of the demographic transition in the various countries played a primary role in determining migration patterns, with flows running towards those countries that were ageing more quickly. At the same time, international migration contributed to population growth in countries of destination, particularly through higher levels of fertility.

287.   Mention was also made of the need to take account of the role of environmental factors in driving migratory movements, and particular emphasis was placed on the impact of climate change in Latin America and the Caribbean.

288.   The academics also drew attention to the contradictions inherent in the topic of migration, since the free movement of capital was encouraged but that of individuals was not. They further noted that a country's times of political and economic stability tended to attract increased numbers of migrants, and advantage should be taken of such junctures to adjust the regulatory frameworks for migration. They said they could see both good practices and setbacks with respecting the rights of migrants in the region.

289.   Another issue highlighted by the academics was the role in development played by remittances, which, they said, should be assessed in their true dimensions. The notion of remittances as an axis of development had to be challenged and, instead of merely examining economic growth in the countries of origin, analyses had to be conducted of the factors that drove migration and of the situation with migrants' rights and decent work. Another of the academics' comments was that remittances and money sent by migrants could not substitute for tasks that were the responsibility of the State.

290.   They also made a number of other proposals: (i) strengthening mechanisms for integration and social inclusion, especially for migrants in vulnerable situations; (ii) creating conditions to promote equality between nationals and migrants instead of restricting efforts to the management of migration; and (iii) incorporating skilled migration into multilateral and inter-State cooperation policies, including policies for attracting skilled migrants and for recruitment and hiring practices.

291.   The academics also drew attention to the high percentage of skilled emigrants, which meant that countries of origin were losing a type of highly skilled worker and that was something the remittances they received could not offset.

292.   They underscored the need to emphasize social protection for all migrants in all their destination countries. They also noted that racism and discrimination were factors of social exclusion; racism was, they explained, the result of a historic and cultural moulding that could not be understood in isolation from economic processes, that entailed issues relating to civil status, economic level, nationality and skin colour, and that spoke of a lack of empathy towards immigrants. To counter that, they proposed purging politics and discourse of concepts and notions shaped by racial connotations, which required linking laws to human rights (instead of to economic factors). There was a need for anti-racist education based on human rights, with which the notion of racism could be tackled and discrimination could be addressed.

Organized labour

293.   Trade unionists were also heard at the meeting. They emphasized that workers were a key aspect in the entire migration process, as most of the time work was the main driving force behind migratory movements. Thus, the governance of labour migration demanded a comprehensive and multidimensional approach, since it was a problem that entailed issues of an economic, social, cultural and political nature. According to that approach, the conceptual basis should be the labour rights inherent in being a worker, as a result of which those rights had to be present regardless of migration status.

294.   The trade union sector of the Americas recognized the contribution to economic, social and cultural development made by migrants in their countries of origin and destination alike. Since remittances were a boost to the economies of countries of origin, it was therefore essential to create regional mechanisms to eliminate the abuses that existed: for example, by the financial intermediaries who handled migrant workers' remittances.

295.   Finally, in light of the growth in irregular migration, they highlighted the need to address the conditions that drove that phenomenon in countries of origin. As a final reflection, the sector asked what the point of a compact was if countries had not ratified the instruments that already existed and that proposed concrete solutions for ensuring migrants more and better rights.

Business sector

296.   The representatives of the business sector (employers) recognized the importance of migration in creating social and economic opportunities in countries of origin and destination. They said that the compact should not seek a single, universal solution for all countries, as that would be contradictory to the nature of migration policies. Among the sector's other thoughts regarding the compact, they called for the design of migration programmes that took account of the needs of the labour market, meaning that the migration policies that countries implemented should correlate to the competencies and skills that were in demand.

297.   A flexible legislative framework for migration was also needed, they said: one that did not establish rigid frameworks but instead promoted family unity and allowed migrant workers' family members to work. Likewise, skill recognition processes and evaluation methods had to be standardized and improved to facilitate efficient recruitment.

298.   The employers also noted the entrepreneurship deployed by migrants in their countries of origin and destination, in that micro-entrepreneurship facilitated relations within countries and assisted trade between different areas. They also highlighted the need to establish the portability of social benefits, an area where the MERCOSUR Socio-labour Declaration provided a good example. Finally, they stressed the importance of reintegration programmes for migrants in their countries of origin.

Annex 1

OUTLOOK ON INTERNATIONAL MIGRATION IN MEXICO AND CENTRAL AMERICA

Executive summary[1]

Alejandro I. Canales
Martha Luz Rojas Wiesner

INTRODUCTION

This document analyses international migration in the subregion of Mexico and Central America on two levels, at the same time. On one hand, it describes migration flows and their components on the basis of data from various statistical sources. On the other hand, it examines recent instruments and policies relating to migration management in the subregion. Special attention is paid to a number of significant themes relating to migration, including migrants' human rights, the driving factors of migration, human trafficking and the pillars of migration governance.

Detailed and up-to-date statistical and descriptive information is not always available for all countries in the subregion. Similarly, policies, programmes and initiatives are very diverse and shaped by political directives that change over time, in addition to the fact that not all countries have implemented and updated their corresponding regulatory frameworks. Hence, the aim of this document is to provide an overview of migration in the subregion by highlighting the most relevant elements and dynamics relating to this subject in order to shed light on the situation of migrants and their human rights.

A. DESCRIPTIVE ANALYSIS

In the subregion comprising Mexico and Central America, international migration has grown in intensity and complexity in the past two decades. Four trends stand out in the migration flows in this Latin American subregion:

(i) All countries except Costa Rica and Panama show negative net migration flows, especially the Northern Triangle countries of Central America and Mexico, where emigration is much higher than immigration.

(ii) The United States is, by far, the top recipient country of Mexican and Central American emigrants. In 2015, 97% of Mexican migrants (12.1 million) and 78% of Central American migrants (3.13 million) lived in the United States.

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[1] This document is a summary of a paper prepared by the consultants Alejandro I. Canales, of the University of Guadalajara (Mexico), and Martha Luz Rojas Wiesner, of El Colegio de la Frontera Sur (ECOSUR) of Mexico, as part of the contribution of ECLAC to the process of developing the global compact for safe, orderly and regular migration, under the supervision of Jorge Martínez Pizarro (Latin American and Caribbean Demographic Centre (CELADE)-Population Division of ECLAC). The opinions expressed in this document are the exclusive responsibility of the authors and may not reflect the opinions of the Organization.

(iii)   Although intraregional flows are weaker, two cases stand out. First, the number of Nicaraguans emigrating to Costa Rica represents both the largest percentage of emigrants from Nicaragua and the largest group of immigrants into Costa Rica (Morales, Acuña and Li Wing-Ching, 2010). Second, the number of Guatemalans emigrating to Mexico reflects a circular and recurring cross-border movement that shapes the demographic configuration of the border area between the two countries (Canales, Vargas and Montiel, 2010).

(iv)   The situation in Belize is particular. According to United Nations estimates (2015), roughly 60,000 Belizeans lived outside the country in 2015, most of whom resided in the United States. Meanwhile, 52,200 foreigners lived in Belize, 84% of whom were Guatemalan, Salvadoran, Honduran and, in smaller numbers, Mexican. This is much lower than the level of emigration from the Northern Triangle countries of Central America to the United States, and also, than that of Nicaraguans migrating to Costa Rica. Nonetheless, in relative terms, emigration and immigration represent 16.7% and 14.5% of the population of Belize, respectively. This means that despite low absolute volumes, Belize reflects much higher emigration and immigration flows than other countries in the subregion of Mexico and Central America. Lastly, these same data indicate that like virtually all Central American countries, net migration flows for Belize are also negative, albeit to a lesser extent, with net outflows no higher than 8,000, and representing just 2.1% of residents in Belize up to 2015 (see map A1.1).

Map A1.1
Mexico and Central America subregion: main migration destinations, 2015
(Number of people)

Source: Prepared by the authors, on the basis of United Nations, Trends in International Migrant Stock: The 2015 Revision (POP/DB/MIG/Stock/Rev.2015), New York, Department of Economic and Social Affairs, 2015 [online] http://www.un.org/en/development/desa/population/migration/data/estimates2/estimates15.shtml.
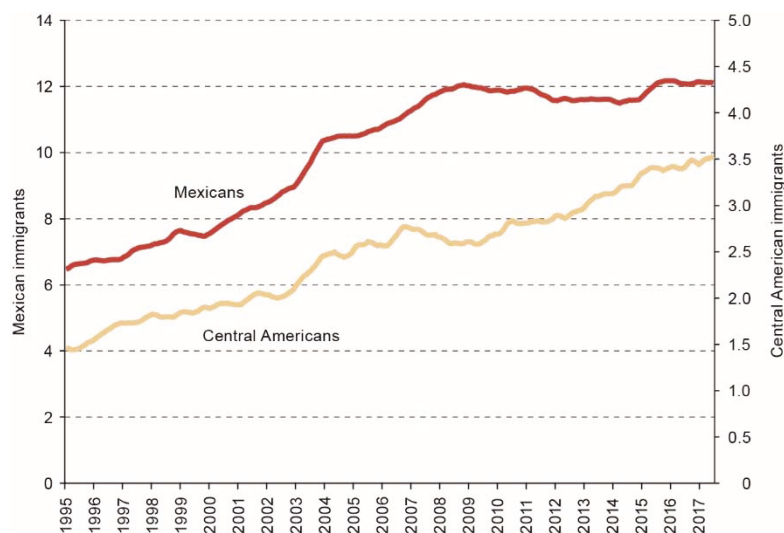
1. Levels, trends and profiles

In the past two decades migration from the subregion of Mexico and Central America to the United States has occurred in various phases, with different impacts from the economic crisis on migration in Mexico and on migration in Central America. Migration from both grew steadily until January 2007 in the case of the Northern Triangle countries of Central America (by 7.3% per year), and until November 2008 in the case of Mexico (by 6.2% per year).

Both flows slowed at the onset of the financial crisis, and subsequently began decreasing. Nationals of the Northern Triangle countries of Central America resident in the United States fell in number by almost 6% between January 2007 and April 2009. After that, migration resumed a steady growth trend, such that at the end of June 2017, the population resident in that country had grown by more than 35% on a cumulative basis. With respect to the Mexican population in the United States, the economic crisis led to a longer standstill in migration, until early 2014. This phenomenon has been described in the literature as the zero net migration phase (Galindo, 2015) and even as a possible collapse in migration between Mexico and the United States (Durand and Arias, 2014). Only from April 2014 onwards did migration begin to rise again, which, at least to date, has reversed the zero migration phase.

According to some authors, the economic crisis was not the only factor behind the standstill in Mexican migration. For example, in official and government circles there has been a focus on the progress made thanks to the economic policy of Mexican governments (Cave, 2011). This argument is clearly political and not supported by empirical data. For now, according to data from the Economic Commission for Latin America and the Caribbean (ECLAC) and the National Institute of Statistics and Geography (INEGI), Mexico continues to see high rates of poverty and social inequality, as well as uncertain economic growth (see figure A1.1).

Figure A1.1
United States: Mexican and Central American residents, 1995-2017
(*Thousands of people, annualized monthly moving average*)

Source: Prepared by the authors, on the basis of data from the Current Population Survey.

Meanwhile, Durand and Arias (2014) highlight the possible impact of lower birth and fertility rates in Mexico. However, if this were the case, the situation would not involve such an abrupt and drastic change in net migration, but a more gradual and softer impact. Lastly, although social violence and organized crime may be plausible factors, they do not explain why only Mexican and not Central American migrants —who are even more vulnerable as they travel through Mexico— are affected.

Beyond the discussion of causes, the collected data show a different migration response to the economic crisis and to the migration restrictions imposed by the United States. While the growth rate only slowed in the Northern Triangle countries of Central America, the impact on Mexico was more severe. Growth in Mexican migration has begun to pick up in the past few years, although it remains far from historical levels (Canales and Meza, 2016).

In terms of sociodemographic trends, most migrants from Mexico and Central America are men, while those from other countries are mainly women. The male-female ratio for cumulative migration is 1.09 for Mexico and 1.14 for the Northern Triangle countries of Central America. By contrast, as regards migration from other countries, the relationship is inverted, with the number of women migrants exceeding that of men by 13.5%.

In terms of the age of migrants, data show that most recent migrants from Mexico and the Northern Triangle countries of Central America are young people. The average age of Mexican migrants is 28.9 years, compared with 25.2 years for migrants from the Northern Triangle countries of Central America. In both cases, the average and median ages are lower than those of migrants from other countries, as well as of the total population of the United States.

Mexican and Central American migrants also stand out owing to their lower education levels than those of migrants from other regions of the world. On a cumulative basis, more than 55% of Mexican and Central American migrants have not completed secondary education, while only 20% of them have achieved some level of higher education.

2. Contributions of the diaspora to development: the role of remittances

The debate about the contributions of the diaspora to countries of origin tends to be centred on remittances. According to the World Bank, remittances in the subregion reached a record level in 2016, estimated at around US$ 27 billion for Mexico and at more than US$ 18 billion for Central American countries. Among the latter, the Northern Triangle countries of Central America stand out as they represent remittances of US$ 7.4 billion for Guatemala, US$ 4.6 billion for El Salvador and US$ 3.8 billion for Honduras.

Like all economic flows, remittances are also subject to fluctuating economic trends. However, as in the case of emigration, the crisis appears to have had different impacts on remittance flows to Mexico and to Central America. The crisis had a short-term impact on the Northern Triangle countries of Central America, which lasted just two years and was reflected in both migration and remittances. In Mexico however, the impact lasted longer, and the zero net migration phase also affected remittances, which stagnated and thus brought an end to the historical growth seen over the previous two decades. Only when migration flows picked up in 2014 did remittances also begin to improve, returning to near pre-crisis levels in 2016.
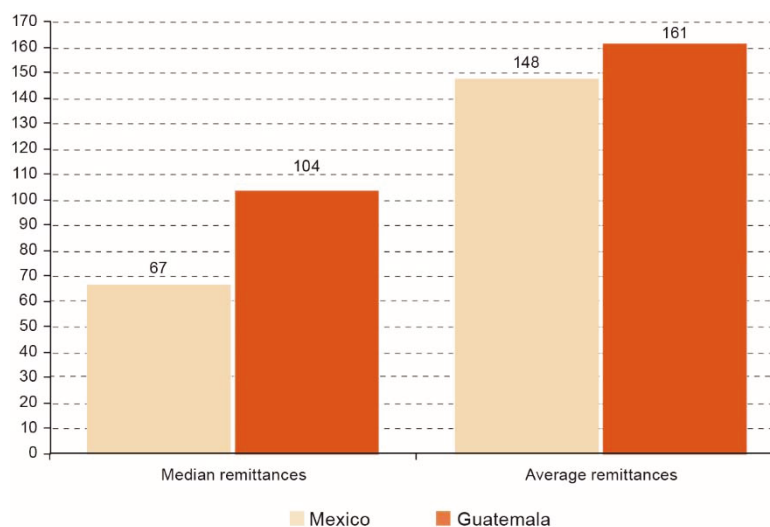
The economic significance of these flows varies widely from one country to the next, and depends to a large extent on the economic and productive base of each country. In Mexico, remittances represented just 2.6% of gross domestic product (GDP) in 2016, which is much lower than the proportion seen for

Central American countries. In Honduras and El Salvador, for example, remittances accounted for 18.2% and 16.6% of GDP, respectively, which indicates the heavy dependence of the economic and productive structure on the resources generated by migrants living in the United States. Similarly, in Guatemala and Nicaragua, remittances represented 10.3% and 9.4% of GDP, respectively, which is lower than the levels seen for the previous two countries but still much higher than that seen in Mexico.

Remittances are often described as private economic transfers that complement household income (Horst and others, 2014; Acevedo and Cabrera, 2012). In reality, the situation is very different. Remittances are wage transfers with the same functions and roles in social reproduction and the daily life of families as any other type of wage earned in countries of origin (Canales, 2008). This theory is illustrated by the fact that in both Mexico and Guatemala, remittances represent almost 30% of household income, which, added to these households' wages, equals the weight of wages and labour income in households receiving no remittances. This implies that, on one hand, remittances are not complementary income, but instead are a fundamental component of wage income for recipient households, and on the other hand, although they are similar to external transfers, are not a type of external saving, but instead are wages generated from the labour of migrants in destination countries.

Moreover, although remittances represent 30% of family income, in absolute terms they do not exceed, on average, US$ 150 per month in Mexico and US$ 165 per month in Guatemala. Also, in half of recipient households, remittances amount to less than US$ 70 per month in Mexico and US$ 100 per month in Guatemala (see figure A1.2).

Figure A1.2
Mexico and Guatemala: average and median remittances by household, 2014
(*Dollars per month*)

Source: Prepared by the authors, on the basis of data from the National Survey of Living Conditions (ENCOVI) of Guatemala, 2014 and the National Household Income and Expenditure Survey (ENIGH) of Mexico, 2014.
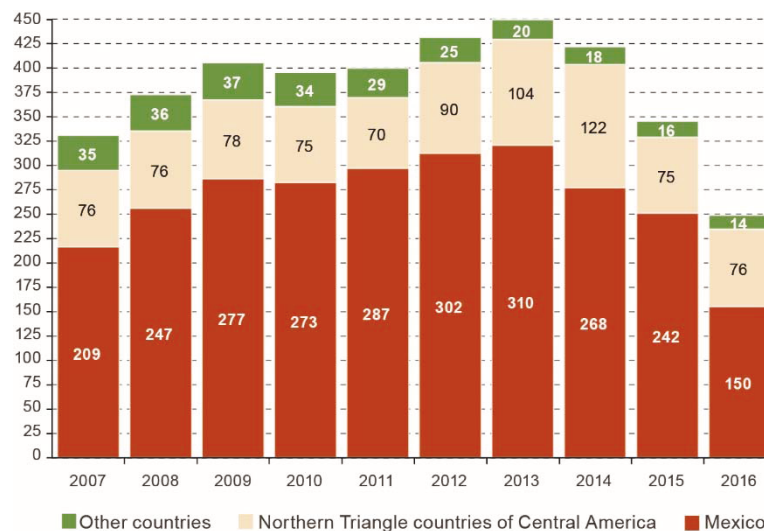
3. Irregular migrants

Irregular migration is, without a doubt, one of the subregion's central concerns in the proposal for a global compact seeking progress in a series of principles, commitments and agreements to achieve safe, regular and orderly migration. According to the most recent estimates, there were a total of 11.3 million irregular or unauthorized immigrants in the United States in 2016 (Passel and Cohn, 2017). It was estimated that practically half of this group (5.6 million) were Mexican immigrants, while 15% were from the Northern Triangle countries of Central America, among which El Salvador and Guatemala stood out, with more than 750,000 and 550,000 undocumented migrants, respectively.

With respect to irregular migration in the past decade, the number of undocumented migrants from Mexico has declined steadily since 2007, after peaking at 6.95 million. This decrease is consistent with the standstill in Mexican migration mentioned above, which appears to have directly affected undocumented migration. By contrast, irregular migration from Central America has increased steadily, from 1.35 million in 2005 to 1.8 million in 2015.

In terms of sociodemographic trends, estimates indicate that in the case of both Mexico and the Northern Triangle countries of Central America, there are many more irregular male migrants than documented male migrants, and irregular migrants tend to be younger and less educated than their counterparts in the population of regular migrants.

Irregular migrants are directly exposed to the risk of deportation, particularly in light of new detention and deportation policies implemented by the United States Government since the second half of the past decade. According to data provided by the United States Department of Homeland Security, 2.5 million migrants from Mexico and more than 800,000 migrants from the Northern Triangle countries of Central America were deported between 2007 and 2016. These figures represent 70% and 23% of total deportations in that period, respectively (see figure A1.3).

Figure A1.3
United States: origin of migrants deported by the authorities, 2007-2016
(*Thousands of people*)

Source: Department of Homeland Security (DHS), Yearbook of Immigration Statistics, various years.

However, United States migration policy is marked by contradictions. Along with a programme of mass deportations, the Obama administration also implemented programmes that sought to grant legal status and protection, albeit temporarily, to various groups of irregular migrants. The Deferred Action for Childhood Arrivals (DACA) is one notable example of the latter. It addresses a generation of migrants known as "dreamers" who have grown up and spent most of their lives in the United States. In many cases, they are the older siblings of children and young people born in the United States, which reflects the complexity of the legal situation of a large number of migrant families comprising members with different migrant statuses and nationalities.

According to data provided by the Department of Homeland Security, 936,000 DACA applications had been made by March 2017, of which 886,000 were approved. Of these, 78% were made by Mexican immigrants (689,000) while 9% came from immigrants from the three Northern Triangle countries of Central America (80,000). The remaining 117,000 applications came from migrants from other Latin American countries (5%) and from the rest of the world (8%). Despite the large number of applications, less than half of the total population eligible for DACA has applied.

Nonetheless, on 5 September 2017 the United States Government announced that it was ending the DACA programme, although it would allow Congress six months (until 5 March 2018) to come up with a solution for the hundreds of thousands of young undocumented immigrants who had arrived in the United States as children and who had been sheltered by the temporary programme. This has created uncertainty for the "dreamers" who are now highly exposed and vulnerable to detention and deportation. This high-risk situation, as seen previously, affects mainly young immigrants from Mexico and the Northern Triangle countries of Central America.
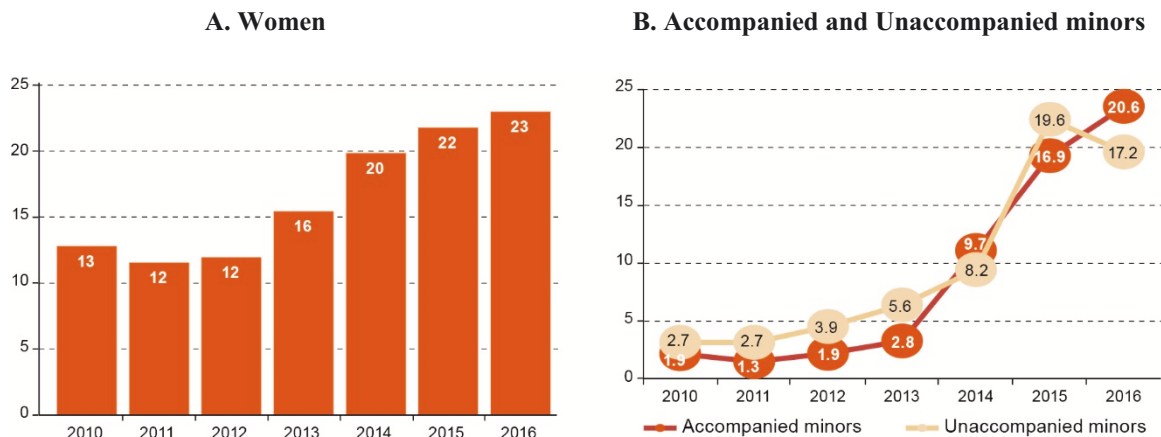
4. Migration through Mexico

Another relevant theme, owing to the large number of people and high level of vulnerability and risk involved, is migration through Mexico to the United States. Models including indirect estimates are used as there are no official estimates, given the nature of this migration flow. In this case, the model proposed by Rodríguez Chávez (2016) is employed, with some adjustments. It indicates that roughly 420,000 Central American migrants travelled through Mexico in 2015. Nonetheless, this flow reflects a U-shaped (rather than linear) growth trend. Following a sharp decline between 2005 and 2011, numbers climbed until 2015 to a level close to that seen 10 years before. Migration from Central America to the United States reflects the same trend overall.

All migration flows, not just the movement through Mexico, appear to follow the same U-shaped pattern, slowing down during periods of economic crisis and mass deportations, and picking up again afterwards. According to the American Community Survey, the annual flow of Central American migrants entering the United States was 98,500 between 2005 and 2007. This figure decreased to 60,000 migrants per year between 2008 and 2010, at the height of the economic crisis and mass deportations, then climbed again to 100,000 migrants per year between 2012 and 2015. This indicates that migration through Mexico broadly follows the same pattern as that from Central America to the United States.

With respect to the arrests and detentions carried out by the Mexican authorities, two aspects stand out. First, the growing number of women, and second, the growing number of unaccompanied minors, among those apprehended and deported. In the first case, women represented just 12% of individuals apprehended in 2012. From 2012 onwards, this figure increased steadily, to 23% in 2016. Similarly, the number of apprehended minors (under the age of 18) also jumped, from less than 6,000 in 2012, to 18,000 in 2014 and to 38,000 in 2016. Among this group, there was a notable increase in the number of unaccompanied minors, which rose from less than 3,000 at the beginning of the decade to 17,000 in 2016 (see figure A1.4).

Crossing through Mexico involves various risks in addition to possible detention or deportation by the Mexican authorities. The survey on assault and abuse of migrants carried out jointly by the Ministry of the Interior and Colegio de la Frontera Norte of Mexico was used to analyse the situation of these migrants between 2011 and 2012. The survey data indicated that 13% of migrants who travelled through Mexico during the two years mentioned were subject to some form of crime or assault on their way to the United States, particularly robbery and beatings, extortion, threats, attacks and kidnapping. Although the incidence of these events appears to be low, they are actually significant and widespread. They involve crimes and attacks directly targeting migrants, in addition to other risks and vulnerabilities, such as accidents, illnesses and various types of discrimination.

Figure A1.4
**Mexico: main characteristics of Central American migrants apprehended
by the Mexican authorities, 2010-2016**
(*Percentages and thousands*)

A. Women **B. Accompanied and Unaccompanied minors**

Source: Ministry of the Interior, Boletín Estadístico, Mexico City, various years.

5. Return migration: Mexico and Honduras

In light of the economic crisis at the end of the previous decade and of tighter immigration policies including mass deportations, return migration has become a new dimension of the migration process which is only now beginning to receive the recognition and attention it deserves (Gandini, Lozano and Gaspar, 2015; Lozano and Martínez, 2015). Between 2005 and 2010, return migration to Mexico peaked at more than 825,000 people, which was more than three times the level seen in the previous five-year period, 2000-2005. The trend was similar in Honduras, where the number of returning migrants grew from 4,000 people in 1996-2001 to almost 33,000 in 2009-2014, and stood at around 26,000 in 2011-2016.

The sociodemographic profile is similar for both countries, with a few variations. First, in both cases most return migrants are men, although this trend is more marked in Honduras. Second, in terms of age, more than half of returnees are older than 35 years.

Lastly, with respect to education, in both cases return migrants have a very low level of education, which is more evident in the case of Honduras, where 64% of returnees have completed only primary education, at most. These data are consistent with the findings of other authors (Gandini, Lozano and Gaspar, 2015; Canales and Meza, 2017), according to which education contributes to more successful integration of migrants in destination countries and reduces the likelihood of returning home.

B. TOOLS AND POLICIES

1. Programmes, policies and regulatory frameworks

Although public policies on migration in Mexico vary according to economic trends and specific interests, in the past few years there has been a change in how these policies are managed and implemented, such that, in the framework of the international legal instruments endorsed by the Mexican State, legislation has been established to create a regulatory body to address the different themes of migration, while respecting migrants' human rights. A similar stance has been adopted by Central American countries, although more attention has been paid to citizens who emigrate or to returnees. In this respect, an analysis of migration laws in Mexico and Central America has revealed limits in the design and implementation of measures to promote and protect the human rights of all migrants, particularly relating to integration and social inclusion.

Civil society organizations, at the individual level and through national and transnational networks in the subregion, have notably participated in this recent process of establishing migration laws and regulations. In Mexico, for example, these organizations' influence has increased to the point where they are considered as interlocutors for some government departments responsible for migration in the country. Civil society organizations have also strengthened their influence in Central American countries in relation to lobbying and legislation on migration. However, their role is not well recognized, and as a result their work often goes unnoticed. It should be emphasized that civil society organizations work with limited budgets and must employ different coordination strategies. Nonetheless, they have a clear commitment to the protection of migrants, asylum seekers and refugees.

With respect to regulatory frameworks, constitutions and international treaties are the basis of the legal system and of the implementation of migration laws in each country in the Mexico and Central America subregion. As a result, the overall provisions carry more weight than the domestic regulations of each country. However, foreigners do see some of their rights restricted, especially their political rights, in all countries of the subregion. An issue that remains unresolved or has seen limited progress is the harmonization of each country's constitution with international human rights instruments and of these regulatory frameworks with domestic laws and provisions. There is no temporal or thematic uniformity in harmonization in the countries of the subregion. Nonetheless, all have laws that address migration specifically. Generally, provisions for respecting and safeguarding rights are inconsistent or incompatible, or are simply not included in the process of creating the conditions that guarantee the effective and appropriate exercise of rights (Bonnici and others, 2011). Another problem faced by all countries in the subregion is execution, as in certain contexts, staff responsible for programmes relating to the migrant population must receive training to ensure that this type of legislation is implemented.

2. Specific and emerging themes

One of the main migration themes in the subregion of Mexico and Central America is the violation of migrants' human rights. Various international and national organizations for the defence of migrants' human rights and civil society organizations and networks, in addition to different types of studies and country reports to United Nations committees as well as the respective responses, have widely documented the worrying conditions in which migrants travel through the subregion, highlighting the serious situation faced when crossing through Mexico. The Inter-American Commission on Human Rights (IACHR/OAS, 2015) refers to this as a serious rights crisis. As a result, various regulations have been established that seek to protect migrants' rights. Unfortunately some of these responses are reactive while others focus on halting flows, and there is also a lack of migration culture which considers migrants as rights-holders, and in particular, which addresses the criminalization of irregular migration in a subregion where flows are dominated by this phenomenon. It is particularly interesting to note in the subregion the frequent violation of the rights of migrants who travel to neighbouring countries to work in low-skilled jobs, especially in the construction and domestic service sectors.

Social inclusion and cohesion present many challenges for all countries of the subregion. These themes involve the human rights and the well-being of all migrants in their countries of destination and origin. The laws of each country restrict the political participation of migrants to some extent, and there is also evidence of discriminatory attitudes towards this group. Efforts have been made by the governments of Central American countries, particularly the Northern Triangle countries of Central America, to promote and protect the rights of their citizens in the United States. However, these efforts are limited for these citizens during their journey, especially through Mexico. There are also limits to migrants' and temporary workers' access to justice owing to the lack of appropriate and effective mechanisms. Similarly, the migrant population's access to social, health or education programmes is restricted, in many cases owing to discrimination and stigmatization of irregular migration.

Various studies have concluded that migration in the subregion of Mexico and Central America is the result of a combination of factors that exert a specific influence in certain contexts and areas. Nonetheless, in the Northern Triangle countries of Central America, the different factors that have driven emigration and that are likely to continue to encourage domestic and international migration can be identified. In addition to poverty, the lack of opportunities, food insecurity and increasing violence (in different forms and carried out by different actors) and insecurity combine with the effects of climate change (flooding, landslides, drought, earthquakes and hurricanes) on subsistence farming areas. The persons forced to migrate owing to these factors experience different levels of vulnerability.

The complexity of the migration phenomenon has revealed that no State can address this issue unilaterally and thus guarantee migrants' human rights on its own. In Mexico and Central America a regional agenda is needed for migration, which includes the active participation of not just the government of each country, but civil society organizations, the academic sector, international organizations, local governments and migrants themselves (Meza, 2016), as well as society as a whole. Cooperation at the regional, multilateral or bilateral levels, as well as in initiatives on specific themes or in agreements within the countries of the subregion, shows that the paths to better migration governance should be strengthened by diverse mechanisms that develop migration processes within a regional system and whose main aim is protecting migrants' human rights.

Lastly, this document addresses human trafficking and the smuggling of migrants. Various initiatives have been taken in recent years in the subregion of Mexico and Central America to fight, eliminate and prevent these crimes, for which interinstitutional cooperation (involving governments, civil society and international

organizations) is fundamental to progress, particularly as the number of victims has increased and perpetrators have diversified, while their ways and means of committing these crimes and avoiding capture have become more sophisticated. One problem associated with human trafficking and smuggling is that the links and differences between these crimes are still not clearly understood. Also, more attention has been paid to certain types of trafficking, such as sexual exploitation, than others, such as labour exploitation.

Given that Mexico and Central America are part of a "migration route" where persons move between different countries of origin and destination, human trafficking and migrant smuggling have taken on unusual importance in the subregion. According to reports on the subject, this subregion supplies trafficking networks with people who will be exploited in other countries (thus serving as a point of origin), receives and conceals victims being transported to other countries (as a transit point) and fulfils demand for foreign victims who are exploited in various activities in the subregion (domestic, agricultural and construction work, fishing, the sex trade and begging). In terms of migrant smuggling, Mexico and Central America is an area of operation for local and international networks that move migrants from the different countries of the subregion as well as from other countries on the continent and even other continents, including persons of African and Asian origin. The number of players and quantity of resources involved in these illegal activities are not known. Hence, the measures adopted to prevent and fight human trafficking and migrant smuggling have had a limited impact. Cooperation measures are still needed at all levels to improve the effectiveness of programmes to fight these crimes.

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Annex 2

OUTLOOK ON INTERNATIONAL MIGRATION IN THE CARIBBEAN

EXECUTIVE SUMMARY[1]

William Mejía

INTRODUCTION

This document summarizes one of the inputs that the Economic Commission for Latin America and the Caribbean (ECLAC) presents as a contribution to the global compact for safe, regular and orderly migration, to be adopted in 2018, according to the provisons of the New York Declaration for Refugees and Migrants, adopted by the United Nations General Assembly in September 2016. Part of the task entrusted to ECLAC is to generate updated information and knowledge on migration processes in the three subregions of Latin America and the Caribbean: Mexico and Central America, South America and the Caribbean.

Defining the subregion

For the purposes of this document, the Caribbean subregion covers the string of islands located in the Caribbean Sea and their surroundings, up to the Bahamas, extending from the coast of Yucatán, Mexico, and Florida, United States of America, to the Bolivarian Republic of Venezuela, forming an imaginary circle centred around the island of Hispaniola (Haiti and the Dominican Republic). It does not include continental countries or territories with coastlines along the Caribbean, or their islands.

Under our definition, 13 countries and 17 so-called dependent administrative areas (also referred to as "territories") make up the Caribbean subregion: five territories of the United Kingdom, six of the Netherlands, four of France, and two of the United States. The subregional population —more than 43 million in 2015— is very unevenly distributed, with 94% concentrated in just six territories, and ranges from a few thousand in some countries to more than 11 million in Cuba.

A. MIGRATIONS AND MIGRANTS, MAJOR ASPECTS AND TRENDS

According to the most recent United Nations estimates, in 2015 there were a total of 7,773,471 Caribbean people living in a different national territory than that of their birth, in some cases in a territory within the same subregion. Meanwhile, the Caribbean countries and territories were home to 1,367,407 international immigrants, including intrasubregional migrants (United Nations, 2015).

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[1] This document is a summary of a paper prepared by the independent consultant, William Mejía, of Colombia, produced as part of the contribution of ECLAC to the process of developing the global compact for safe, regular and orderly migration, under the supervision of Jorge Martínez Pizarro (Latin American and Caribbean Demographic Centre (CELADE) - Population Division of ECLAC). The opinions expressed in this document are the exclusive responsibility of the author and may not reflect the opinions of the Organization.

These data indicate that the net migration rate in the subregion is middle to low, as 3.2% of inhabitants were born outside their country or territory of residence. In relative terms, emigration may be considered high, as emigrants account for almost 16% of the native-born population in the subregion, according to data available from the United Nations (2015).

When immigration and emigration data are combined (see figure A2.1), proportions differ greatly depending on the population size, with differences for both groups tending to be greater in smaller territories. For countries with less than 100,000 inhabitants, where the highest proportions are seen, 42% of the native-born population live abroad, while one third of inhabitants are immigrants.

Figure A2.1
Immigrants and emigrants: population and relative weight, by country and territory, 2015
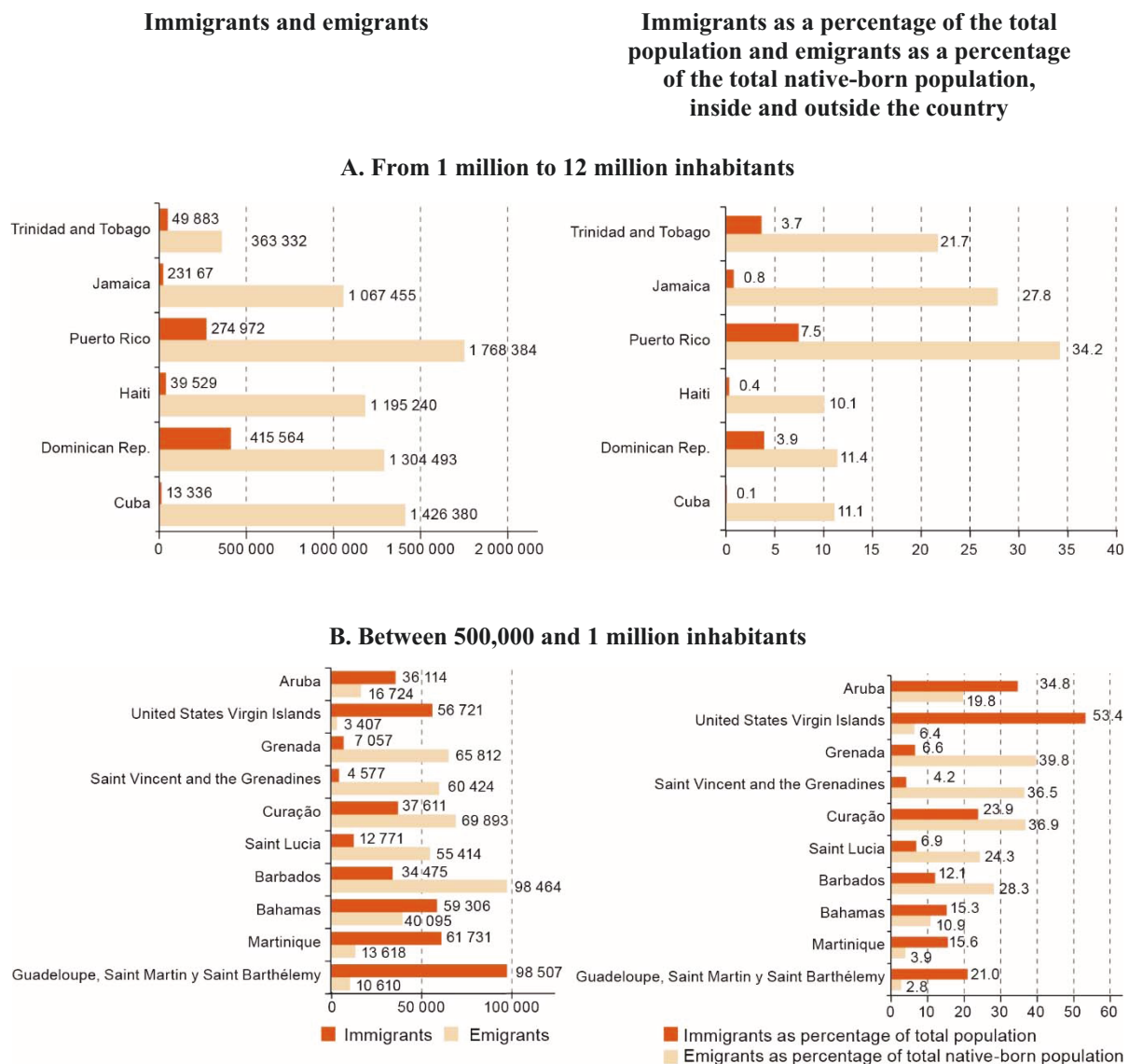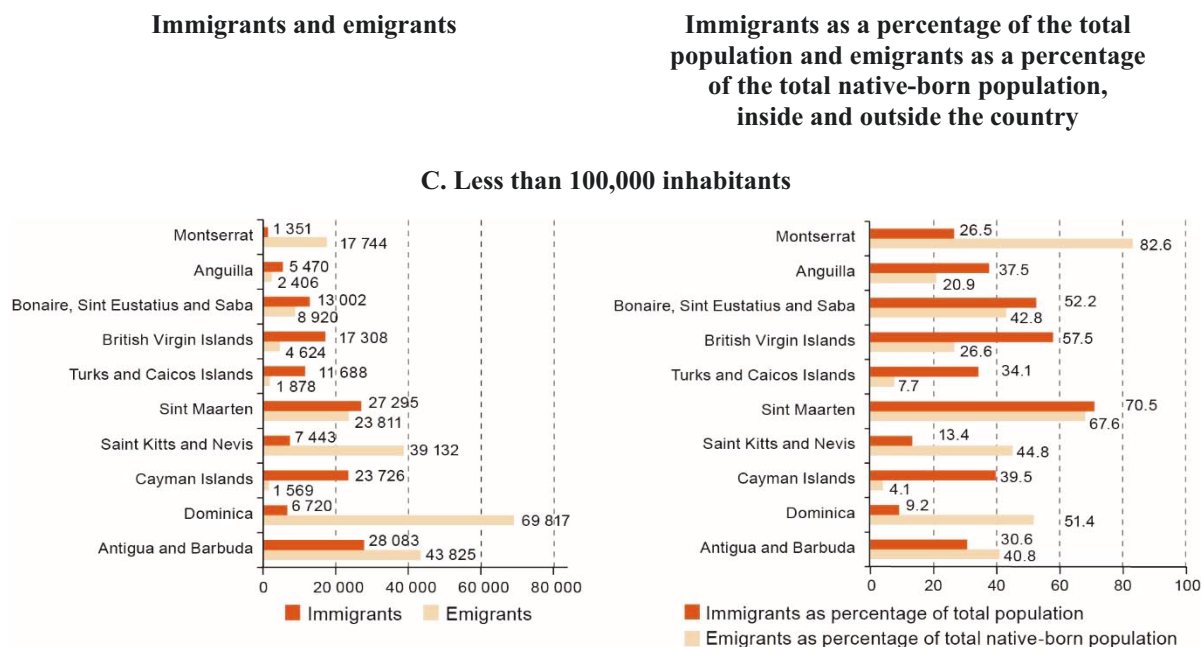*(Number of persons and percentages)*

Immigrants and emigrants

Immigrants as a percentage of the total population and emigrants as a percentage of the total native-born population, inside and outside the country

A. From 1 million to 12 million inhabitants

B. Between 500,000 and 1 million inhabitants

Figure A2.1 (concluded)

Immigrants and emigrants

Immigrants as a percentage of the total population and emigrants as a percentage of the total native-born population, inside and outside the country

C. Less than 100,000 inhabitants

Source: Prepared by the authors, on the basis of United Nations, *Trends in International Migrant Stock: The 2015 Revision* (POP/DB/MIG/Stock/Rev.2015), New York, Department of Economic and Social Affairs, 2015 [online] http://www.un.org/en/development/desa/population/migration/data/estimates2/estimates15.shtml.

The United States and Canada are the main destination countries, accounting for 77.5% of the émigré population, while the Caribbean itself and the continental countries of the Caribbean basin —hereinafter referred to as the continental Caribbean— are home to 10.4%, of which about half are Haitians who emigrated to the Dominican Republic, the main source of intraregional migration. The European administering States of current or former territories in the subregion made up the third main destination, welcoming 9.2% of Caribbean migrants.
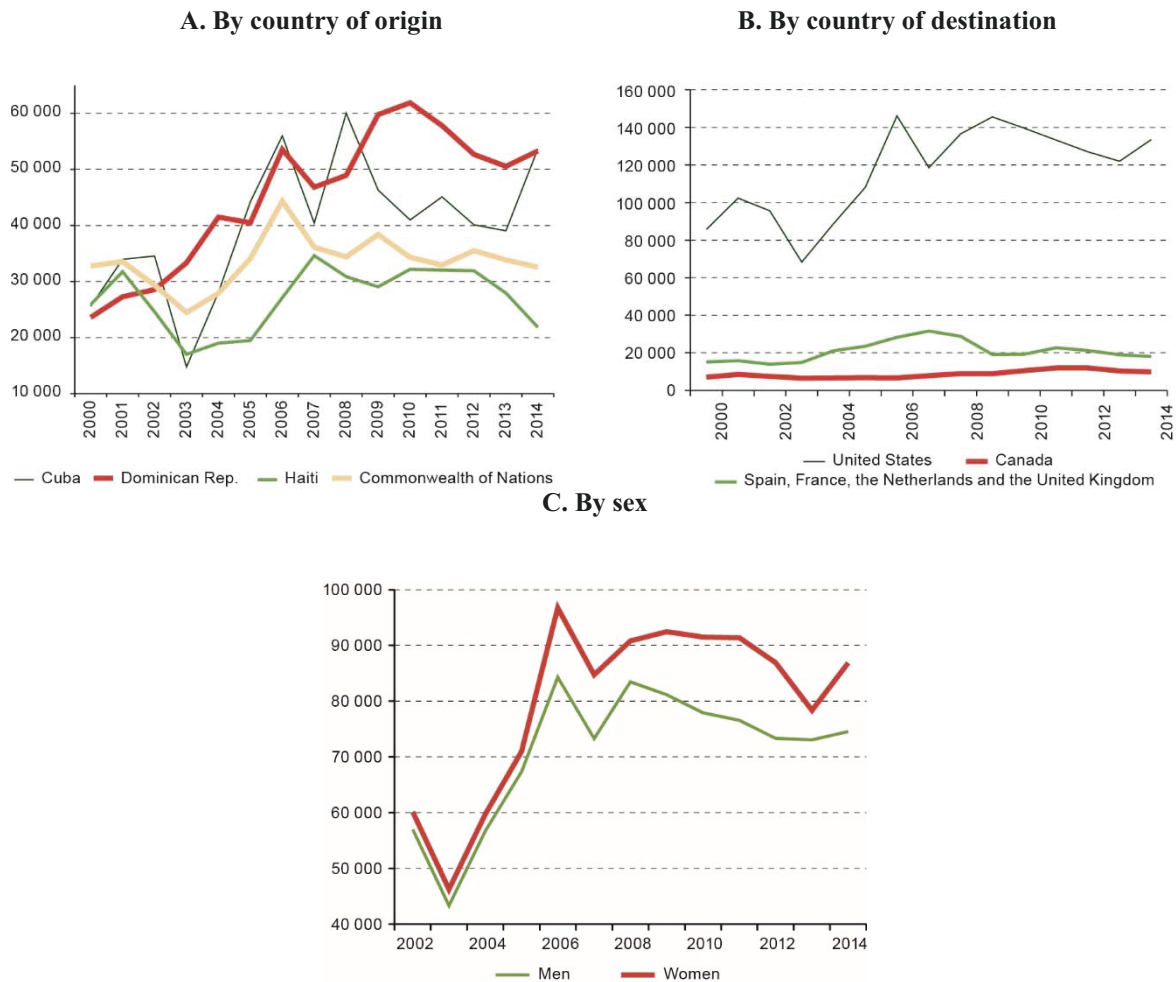
Immigrants in the subregion came mainly from the subregion itself (intraregional migration), making up 51%, followed by North America (19%), Europe (14%), and South America (7%). The remaining 9% came from the rest of the world. By country, the 25 leading territories of origin (topped in order of importance by: Haiti, the United States, France, the Dominican Republic and Guyana) accounted for 87.8% of immigrants to the subregion.

United Nations indicate growth of 1.6% in the total number of immigrants to the subregion between 2010 and 2015, with increases in all territories except Puerto Rico, the Cayman Islands, Jamaica and Cuba. In 2015, the Dominican Republic (with 329,281 Haitians, among others) and Puerto Rico (with 165,147 United States nationals from the mainland and 57,891 Dominicans, among others) accounted for 50.5% of total immigrants.

With regard to the percentage of the population that was planning or preparing to migrate, during the 2010-2015 period, the Caribbean subregion had the second largest in the world, after Central Africa, as 8.1% of the adult population indicated that they wanted to migrate abroad and 2.6% were preparing to do so, according to the Gallup World Poll, based on nationally representative surveys conducted in over

160 countries (Laczko, Tjaden and Auer, 2017, p. 5). Figure A2.2 shows the different volumes of annual flows to some countries of the Organization for Economic Cooperation and Development (OECD), between 2000 and 2014, by migrants' country of origin, country of destination and sex.

Figure A2.2
Annual flow of migrants from independent countries to the United States, Canada and Europe, by country of origin, country of destination and sex, 2000-2014
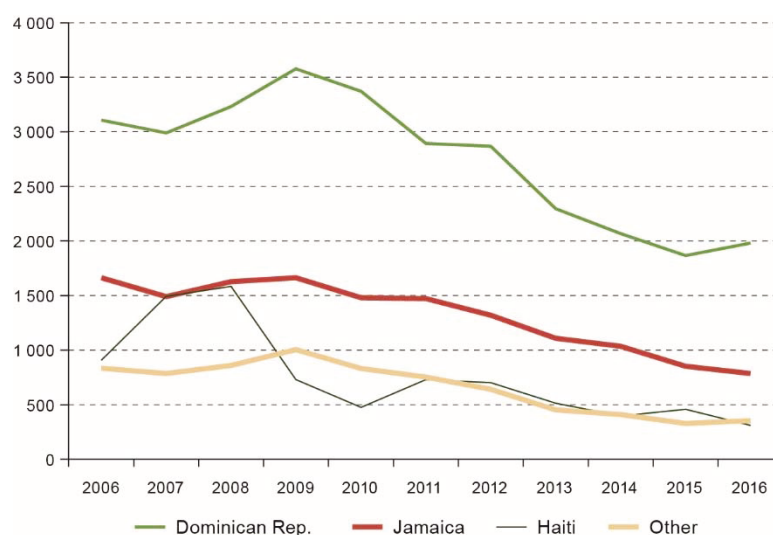*(Number of persons)*

A. By country of origin   **B. By country of destination**

C. By sex

Source: Prepared by the authors, on the basis of data from the Organization for Economic Cooperation and Development (OECD).

The increasing migration flows from Haiti to South America, especially to Brazil and Chile, deserves particular attention. The dramatic growth in the number of Haitian immigrants to Brazil is evidenced by the fact that just 13 Haitians registered as permanent immigrants in 2010 while 10,622 did in 2014 (ILO, 2016, p. 44) and that, by the end of 2015, the Brazilian government had authorized permanent residence visas for 43,871 Haitians who had entered and settled over the previous four years (OAS/IOM, 2016, p. 21).

Press articles often asume that the jump in migration from the Bolivarian Republic of Venezuela to the Caribbean is due to the economic and political situation in that country.[2] This would appear to be borne out by offical data from the Dominican Republic, according to which 9,077 more Venezuelans entered the country through the airports than left during 2016, before that the highest net migration figure was seen in 2013, when it was 2,626. The number of residence permits were issued to Venezuelans confirms that growing trend, up from 198 to 749 over the same period and reaching 711 in the first half of 2017.[3]

The number of Caribbean nationals deported from the United States has decreased between the fiscal years 2011 and 2016 (see figure A2.3). It is unclear what proportion returned to their country of origin, because the deporting country has the option to return them to either their country of origin or to the country they had travelled from, provided that it accepts them.

Figure A2.3
Deportations of Caribbean nationals from the United States, by fiscal year, 2011-2016
(Number of persons)

The aggregate number of Caribbean nationals who were deported from the United States in 2016 was 3,466, more than half of which were Dominicans. This figure is lower than the 5,398 people, mainly Haitians, who were repatriated from the Bahamas in 2015 (OBMICA, 2016, p. 46) and much lower than the 44,971 who were deported by the Dominican Republic to Haiti between August 2016 and August 2017.[4]
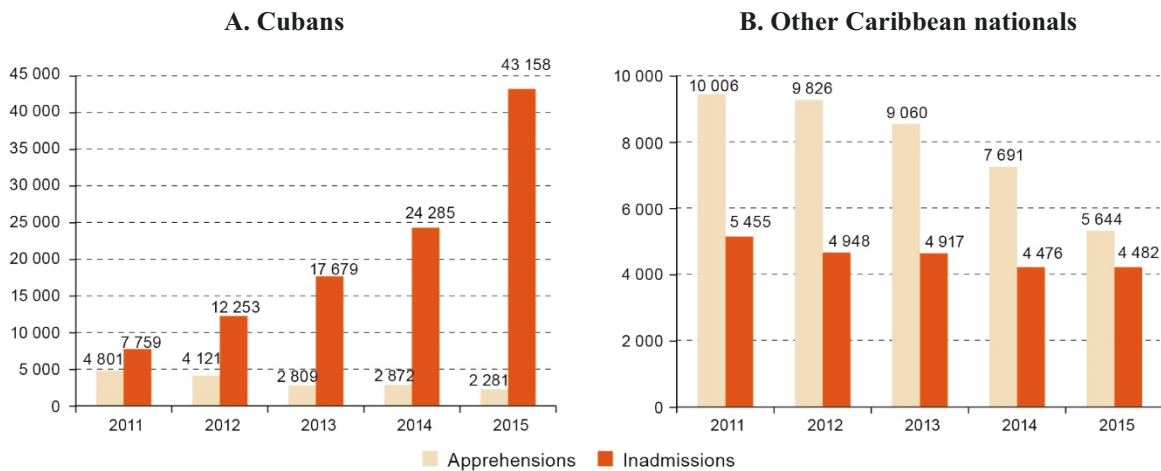
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[2] See, for example, *El Financiero* (2016), *Sunday Express* (2017) and *Hoy* (2017).
[3] Calculated from data of the Directorate General for Migration, "Estadísticas institucionales" [online] https://www.migracion.gob.do/Trans/Section/8.
[4] See Directorate General for Migration (2017).

United States data on apprehensions and inadmissible reveal two countervailing trends for the period 2011-2016 (see figure A2.4): an increasing number of Cubans were arrested or denied entry, while the number of other Caribbean nationals stopped at the border decreased. "Inadmission" is a category that usually leads to the person being "voluntary returned", i.e. immediately returned, to the country from which he or she intended to enter the United States, or detained while the deportation procedure is followed or the asylum application is processed, as the case may be. However, under the "dry foot, wet foot" policy (discussed below), which was applied to Cubans until January 2017, immigrants who were deemed inadmissible were almost invariably released on parole, allowing them to meet the requirement of being present in the United States for one year before applying for permanent resident status, as stipulated by the Cuban Adjustment Act. The expected abandonment of that policy has led to a notable increase in the inflows and (academic) inadmission of Cuban migrants.

Figure A2.4
United States: apprehensions and inadmissions of Caribbean nationals, by fiscal year,[a] 2011-2015
(Number of persons)

A. Cubans **B. Other Caribbean nationals**

■ Apprehensions ■ Inadmissions

Source: Prepared by the authors, on the basis of Department of Homeland Security, Yearbook of Immigration Statistics, 2015, Washington, D.C., 2016, tables 34 and 37.
[a] From 1 October to 30 September.

In the short term, the number of migrants leaving the subregion will be affected primarily by that of Cubans entering the United States, whose entry to the country is complicated by the abandonment of the "dry foot, wet foot" policy, and by that of Haitians emigrating to the United States and Canada. The announcement that Haitians in the United States will not longer be afforded temporary protected status has already led many of them to move to Canada, which does not seem willing to accept them or to extend to them the preferential treatment given to those already in the country, so much so that refugee camps are being set up. Meanwhile, cases of xenophobia, discrimination and denial of access to services have been identified by various media and numerous Caribbean nationals have reported being victims of such prejudice in the main destination countries in the global North, including in major cities (Grosfoguel, 2007), even those who are nationals of the country on which their territory depends, as is the case of Puerto Ricans in the United States (Caicedo, 2008).

A slight majority of the total immigrant population are males (51.3%), particularly in the 25-39 age group, where they are primarily concentrated. With regard to immigrants to the United States, the data indicate that migrants from English-speaking countries have higher levels of education, which could explain, in addition to the language, why that population has higher income levels and lower poverty rates than the native-born population.

Most Caribbean territories lack effective national asylum procedures and enabling legislation for refugee status determination, which severely affects States' ability to respond to the specific protection needs of asylum seekers, refugees and other vulnerable individuals (Cartagena +30, 2014, p. 4), but not migrants' ability to enter those territories. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), there were 1,033 asylum seekers and 1,129 refugees in the subregion in 2016.

According to the United States report on trafficking in persons for 2016 (United States Department of State, 2017a), the countries of the subregion would be ranked as follows, painting a troubling picture:

- Tier 1: the Bahamas and Sint Maarten. These are the governments of countries that meet fully the minimum standards of the Victims of Trafficking and Violence Protection Act.[5]

- Tier 2: Aruba, Barbados, Curaçao, the Dominican Republic, Jamaica, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago. These are the governments of countries that do not fully meet the Act's minimum standards, but which are making significant efforts to bring themselves into compliance with those standards.

- Tier 2 Watch List: Antigua and Barbuda, Cuba and Haiti. These are the governments of countries that do not fully meet the Act's minimum standards, but which are making significant efforts to bring themselves into compliance with those standards, and for which: (a) the absolute number of victims of severe forms of trafficking is very significant or is increasing significantly; (b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or (c) the determination that a country is making significant efforts to bring itself into compliance with the minimum standards was based on commitments by the country to take additional steps over the next year.
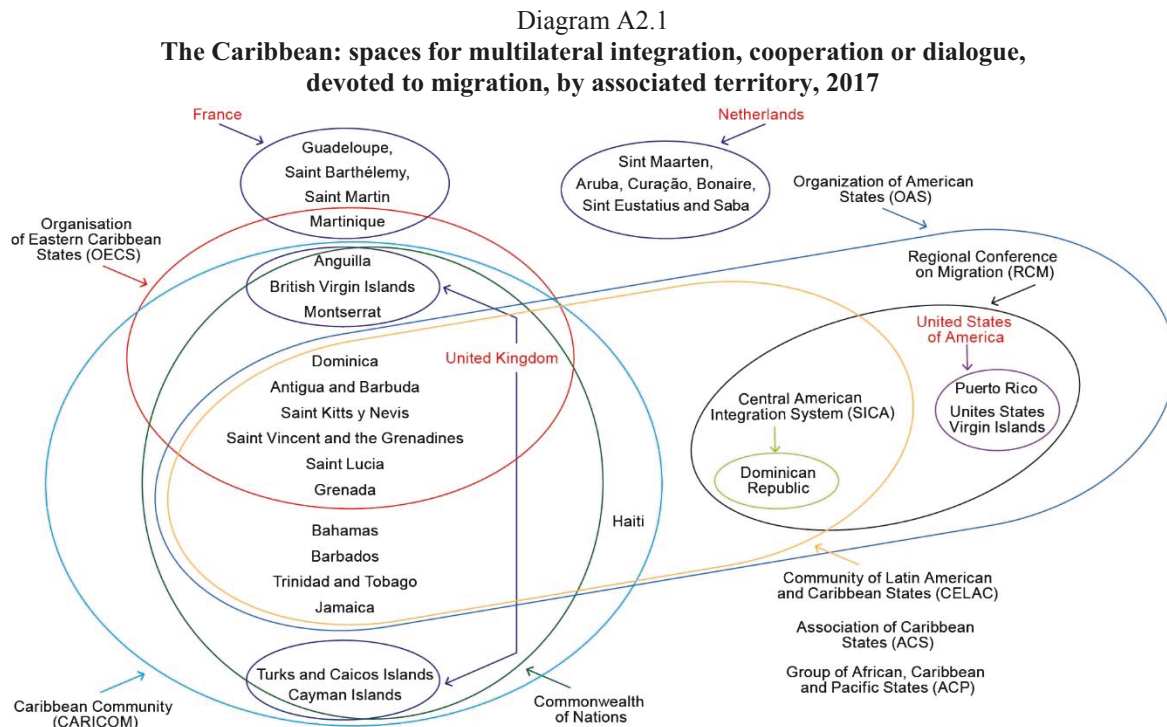
In other territories that are not specifically covered in the report, it is believed that all forms of trafficking occur in Puerto Rico and the United States Virgin Islands, and that men, women and children who are trafficked for sexual exploitation and forced labour are sent to the Turks and Caicos Islands, while Bonaire, Sint Eustatius, and Saba Respecto are countries of transit and destination for the same groups trafficked for the same reasons.

B. MIGRATION MANAGEMENT AND GOVERNANCE

The Caribbean lacks a single forum composed of all its countries and territories, where common issues and interests, as well as differences, can be discussed and decisions made.

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[5] See [online] https://www.state.gov/documents/organization/10492.pdf.

However, the multiple spaces for integration, dialogue, and cooperation —in addition to the United Nations—, in which the countries of the subregion participate to different degrees (see diagram A2.1), could provide an opportunity for joint migration governance in general and specifically in connection with the global compact for safe, regular and orderly migration, although the main decision-making governance spaces are at the country-level, since it is national authorities that accept or reject migrants and that recognize or deny their rights.

Diagram A2.1
**The Caribbean: spaces for multilateral integration, cooperation or dialogue,
devoted to migration, by associated territory, 2017**

Source: Prepared by the authors, on the basis of official information from the respective entities.

The Revised Treaty of Chaguaramas, which established the Caribbean Community (CARICOM), accords Community nationals the right to move freely and seek employment in some pre-defined categories of skilled workers, whether they are self-employed or attached to a company, in any of the member States for six months without having to obtain a work permit, although they do need a Certificate of Recognition of CARICOM Skills Qualification. Initially, the categories covered were university graduates, artistes, musicians, media workers and sports persons, with nurses, teachers, holders of associate degrees,[6] artisans and domestic workers added later.

The CARICOM Agreement on Social Security, which covers all the countries of the Community, with the exception of Haiti and Suriname, has been in force since 1997 and protects all entitlements of intraregional migrant workers to long-term benefits by the totaling of all the contributions that were paid to the respective social security organization in the member States where they worked previously. CARICOM nationals, who are wage earners, must be insured in the member State where they are emplyed, which entitles them to the same benefits as nationals of the host country (CARICOM, 2017a, pp. 49 and 50).

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6   Technical certificates requiring two years of study at the post-secondary level.

However, within CARICOM "poor implementation of the agreement is observed as several member countries have not undertaken legislative and administrative reforms to ensure the implementation of these integration processes regarding the free circulation of workers among member States" (ILO, 2016, p. 68). With a view to finding solutions to that situaiton, facilitating mobility within the zone was added to the agendas of the regular meetings of the Conference of Heads of Government of the Caribbean Community held in 2016 and 2017. In the same vein, the free movement of persons was a central topic of a regional train-the-trainers workshop for migration and customs officers, held in July 2017.[7]

The free movement of persons is a key feature of the Organisation of Eastern Caribbean States (OECS), which works with a variety of state and non-state actors to uphold and review regional policy settings in that regard, thus promoting governance. The Revised Treaty of Basseterre establishing the Organisation of Eastern Caribbean States Economic Union guarantees the right of all citizens of Protocol member States in the Economic Union area (Antigua and Barbuda, Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines) to be able to live and work in those member States without restrictions and to be treated in the same manner as nationals of those countries. Laws have been passed in all member States to give effect to that (OECS, 2010). Its scope and effective enforceability mean that the process is more advanced than its CARICOM counterpart.

The Caribbean Migration Consultations (CMC) were launched by IOM, with the support of the Office of the United Nations High Commissioner for Refugees (UNHCR). Consolidating these consultations and establishing a permanent intergovernmental consultative conference would represent a step forward in subregional migration governance and in defining goverance parameters in the territories of the Caribbean. Such a body would also be instrumental, as it would be able to promote the implementation of the global compact for safe, regular and orderly migration.

A number of intergovernmental bodies have undertaken projects to improve migration governance. The Caribbean Information Platform for Migration Governance is an IOM-supported initiative, dedicated to advancing the dissemination and exchange of information aimed at improving migration governance in the Caribbean. The subregion has also benefitted, in part, from International Labour Organization (ILO) labour migration projects, undertaken through its regional office for Central America, Haiti, Panama and the Dominican Republic. Lastly, the presence of the ECLAC subregional headquarters for the Caribbean is a great asset, as all the independent Caribbean countries are member States of the Commission and all the territories are associate members. The subregional headquarters act as a forum for reflection that facilitates contacts and collaboration among its members.

Without the engagement of other committed actors, government management does not constitute governance, an aim that the subregion must continue to pursue. Fortunately, there are a number of civil society institutions with experience in migration issues, which should be given access to more formal spaces so that they can contribute to governance. Meanwhile, efforts to create and strengthen migrant organizations should be supported, as they must be engaged in the processes.

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[7]   See CARICOM (2017b).

C. SOME GLOBAL ISSUES FROM THE SUBREGIONAL PERSPECTIVE

Irregular migration is an issue of great interest to the subregion, not only because of that is happening with regard to immigration in Caribbean territories, but also, and perhaps mainly, because of the human rights violations and the risks to personal integrity that the thousands of Caribbean nationals suffer every year, particularly when migrating outside the subregion, such as those in transit to North America, especially the United States, or to South American countries, mainly Chile and Brazil (although the latter has recently become a less attractive destination).

With regard to the consequences of these movements, the International Organization for Migration (IOM) recorded the deaths of 319 migrants in the Caribbean between January 2014 and July 2017, the majority of whom drowned, and the disappearance of 5 others. Of those identified victims, 279 were Caribbean nationals, 24 were from South America and 1 was Asian. For the same period, IOM data by country of origin reveals that a total of 286 Caribbean migrants died and 24 disappeared, with 279 victims involved in incidents in the Caribbean, 17 in South America, 10 in Central America, including Mexico, and 4 on the border between the United States and Mexico.[8]

The latest trafficking in persons report issued by the United States State Department (United States Department of State, 2017a) categorizes most of the Caribbean territories as tier 2 countries, which are those that do not fully meet the minimum standards of the Victims of Trafficking and Violence Protection Act,[9] but which are making significant efforts to bring themselves into compliance with those standards.

1. Human rights of the migrant population

The risks faced by irregular migrants or asylum seekers travelling on precarious vessels are of particular concern, as is the lack of aid and the mistreatment that they sometimes suffer in South America and Central America, including Mexico.

Given that the United States "dry foot, wet foot" policy has been abandoned, which has significantly reduced Cuban migration flows, particularly through Mexico, while emigration from Haiti is growing, more attention should be focused on Haitian migrants, especially in the light of the critical economic and social conditions in Haiti.

Within the subregion there are also violations of the rights of migrants and asylum seekers that deserve attention (IACHR, 2014; United States Department of State, 2017b; Bonnici and Martínez, 2017). The subregion must find a solution to this problem itself, which it should resolve before drawing attention to similar situations in other parts of the world.

2. Labour migration, especially by highly qualified and health-care workers

In 2015, of the Caribbean non-Puerto Rican immigrants to the United States aged 25 or over, 13.5% had an undergraduate degree and 6.7% had a postgraduate degree. The figures were higher for Puerto Rican immigrants, 16.6% and 10.1%, respectively,[10] which, according to the author's caluclations, would be more than 760,000 people.
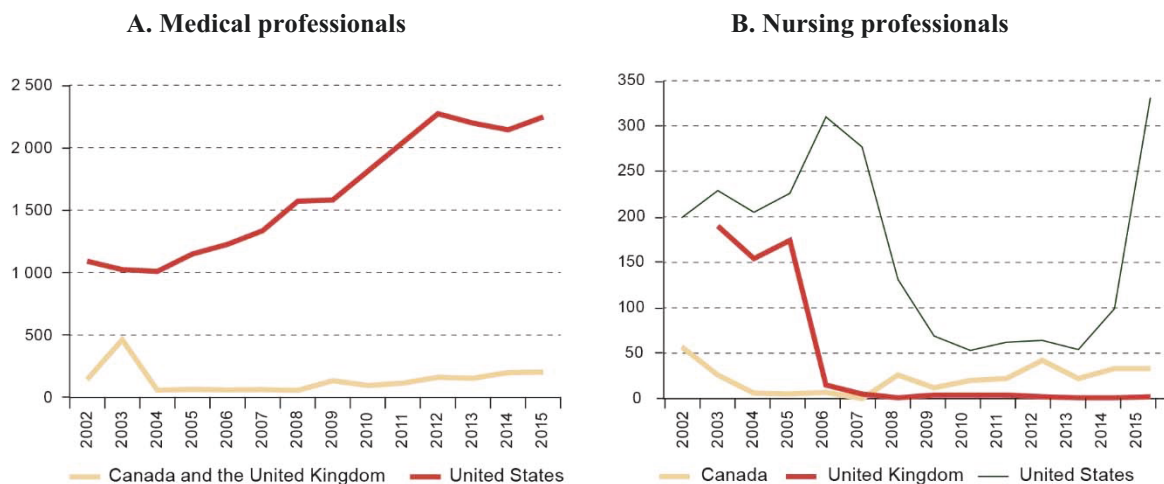
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[8] See IOM (2017).
[9] See [online] https://www.state.gov/documents/organization/10492.pdf.
[10] See United States Census Bureau (2016).

In the specific case of physicians, they have been increasingly migrating, especially to the United States (see figure A2.5.A), which has led to a significant increase in that population. According to information from the OECD.Stat database,[11] the number of physicians trained in the Caribbean (excluding Puerto Rico) doubled in Canada and the United States between 2006 and 2015, up from 407 to 850 in Canada and from 15,305 to 31,521 in the United States. Meanwhile it increased six-fold in the United Kingdom, up from 84 to 493, and 3,198 were in Spain in 2011, but there is no other data available for comparison.

Figure A2.5
Canada, the United Kingdom and the United States: flows of medical and nursing professionals from independent territories of the Caribbean, 2002-2015
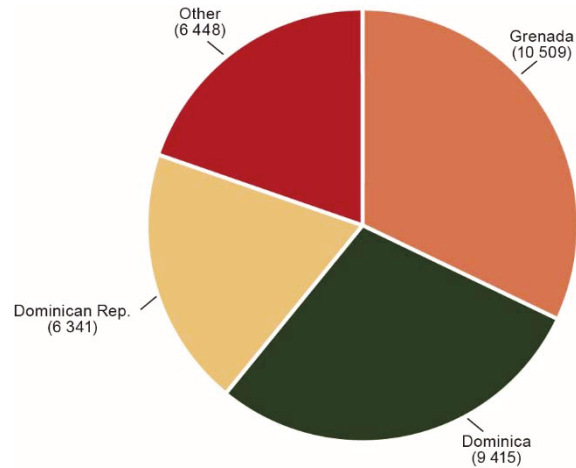*(Number of persons)*

A. Medical professionals　　　　　**B. Nursing professionals**

Source: Prepared by the authors, on the basis of OECD.Stat, "Health Workforce Migration" [online] https://stats.oecd.org/Index.aspx?DataSetCode=HEALTH_WFMI.

The population of nursing professionals between 2006 and 2015 evolved differently from that of physicians. In Canada, it barely increased, up from 529 to 561; while in the United Kingdom it fell from 1,323 to 881, according to the same source of the Organization for Economic Cooperation and Development (OECD). With regard to Caribbean nursing professionals in the United States, data are only available for 2000, when the population was 40,795, including 4,966 Puerto Ricans (Database on Immigrants in OECD Countries DIOC, OECD.Stat), but migration flow data (see figure A2.5.B) indicate slow growth, at least from the independent territories.

Comparing the number of physicians from Grenada and Dominica to the native-born population (both inside and outside the countries) in 2015, reveals that physicians make up least 6.1% and 6.6%, of the population, respectively. Figure A2.7 shows the flows of nursing professionals from the Caribbean countries to Canada, the United Kingdom and the United States, already set out in figure A2.5B.
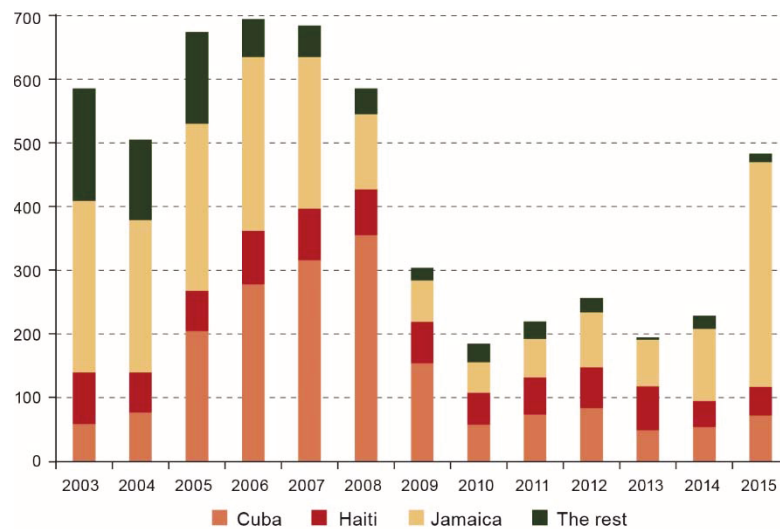
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[11]　See OECD.Stat, Health Workforce Migration database [online] http://stats.oecd.org/.

Figure A2.6
**The United States, Canada and the United Kingdom: distribution by origin of physicians
trained in the independent territories of the Caribbean, 2015**
(Number of persons)

Source: Prepared by the authors, on the basis of OECD.Stat, "Health Workforce Migration" [online] https://stats.oecd.org/
Index.aspx?DataSetCode=HEALTH_WFMI.

Figure A2.7
**Canada, the United Kingdom and the United States: annual flow and composition by origin
of nursing professionals from independent territories of the Caribbean, 2002-2015**
(Number of persons)

Source: Prepared by the authors, on the basis of OECD.Stat, "Health Workforce Migration" [online] https://stats.oecd.org/
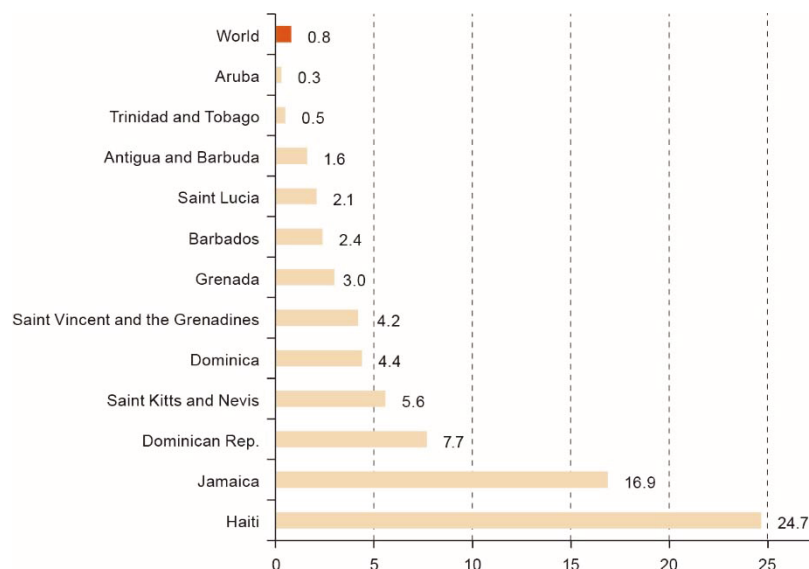Index.aspx?DataSetCode=HEALTH_WFMI.

It should also be noted that Cuba has health agreements with 62 countries (including the Caribbean), coordinated through the Comercializadora de Servicios Médicos Cubanos, S.A., and covering several lines of business (Republic of Cuba, 2017). According to the director, in 2014 more than 50,000 Cuban health-care workers undertook employment abroad, of which some 25,000 were physicians.[12]

The implications for the subregion of health-care worker migration are as diverse as the circumstances, types of professionals and volumes with which emigration is linked in each territory. However, it is clear that the Caribbean is making a vital contribution to addressing the global deficit of health-care professionals, which, given the workforce implications of the global health targets in the context of the Millennium Development Goals, is estimated to be about 12.9 million midwives, nurses and physicans by 2035 (Campbell and others, 2013), and the projected shortfall of between 46,100 and 90,400 physicians in the United States by 2025 (Dall and others, 2015).

3. Remittances, costs and channels

The importance of remittances received in the Caribbean, measured as a proportion of gross domestic product (GDP), is highly variable across the subregion (see figure A2.8). In 11 of the 14 territories for which information was available remittances received trended upwards, albeit at very different rates, between 2011 and 2016, with Barbados, Curação and Sint Maarten the exceptions. The Dominican Republic and Haiti had the highest growth rates.

Figure A2.8
The Caribbean: remittances as a share of GDP, by country, 2015
(Percentages)

Source: Prepared by the authors, on the basis of data from World Bank, "Personal remittances, received (% of GDP)", 2017 [online] https://data.worldbank.org/indicator/BX.TRF.PWKR.DT.GD.ZS.

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[12]   See Fonticoba (2014).

During the first quarter of 2011, the average cost of sending remittances to the subregion was 7.3% (using a remittance of US$ 200 as a reference), while in the same period in 2017 it was 7.8%, which is higher than the cost of transfers to Central America (4.7%) and South America (6.0%). However, behind the averages there are wide variations depending on the origin and destination of the transfer, and even on which channels and operators are used to send remittances from that same origin to the same destination.

4. Response to natural factors that contribute to migration

Among the many factors that contribute to migration, the subregion is particularly susceptible to two. The first is that it is particularly prone to natural hazards owing to its location in an area with a high risk of seismic, volcanic and hurricane activity. This, together with its extreme vulnerability (likelihood of suffering damages, lack of capacities to reduce negative consequences and lack of capacities for societal change), leads to worryingly high levels of risk (Garschagen, 2016; and Beck, 2014).

Another factor is climate change, the of potential effects of which —including on water resources, the coastal environment, agriculture, fisheries and food safety— have a particular impact on poor families and increase the risk of certain natural disasters and damage to the environment. All these effects encourage human mobility, usually internal and short-term when the disaster only lasted a short time, although they can lead to international migration.

5. Cooperation on governance —including other stakeholders

The aforementioned issues cannot be addressed, either as part of the global compact or outside it, without international cooperation, both within and outside the subregion, particularly in light of the fact that the United States, United Kingdom, France and the Netherlands are not only major destinations for Caribbean emmigrants, but are also, through their territories, subregional sources of migration.

A forum for dialogue and coordination, involving all the territories, including dependent ones, will have to be created if cooperation within the subregion is to be fostered. While this might seem overly complicated given the many different spaces for multilateral integration, cooperation or dialogue shown in diagram A2.1, it could also be considered an opportunity.

D. OTHER MIGRATION-RELATED SITUATIONS IN THE SUBREGION

Other situations may help to understand Caribbean migrations and will have to be addressed if the goals of the global compact are to be achieved. Particular situations that have contributed to the increase in subregional emigrants and refugees include: poverty in Haiti; weak and unstable economies —especially in smaller territories—; and certain policies or measures reagarding Cubans and Haitians adopted by the countries of destination.

1. Poverty in Haiti

In connection with the question concerning Haiti, the United Nations Security Council recently recognized that to achieve lasting and sustainable stability, it was crucial to make progress in the reconstruction of the country, as well as in its social and economic development, including women and youth, and reiterated "the need for security to be accompanied by sustainable development in its social, economic and environmental dimensions, including efforts in risk reduction and preparedness that address the country's extreme vulnerability to natural disasters" (United Nations, 2017, p. 2).
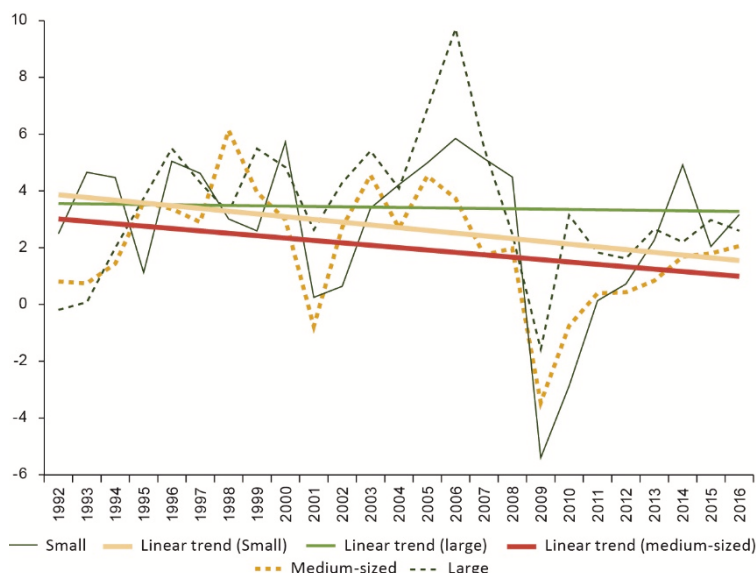
Two months after the Security Council resolution was adopted, in May 2017, representatives of international cooperation organizations, universities, and human rights, migrant and civil society organizations from various countries made a joint declaration in which they propose Haiti as a country of special importance for the agenda of the New York Declaration on Refugees and Migrants and consider that Haitian Afrodescendants should be the subject of special protection in specific cases within the framework of the United Nations International Decade for People of African Descent (2015-2024).

2. Subregional economic performance

The productive sectors of countries and territories with smaller populations do not offer sufficient possibilities for economic development, which could influence inhabitants' decision to emigrate (Medeiros and others, 2011; OBMICA, 2016). However, given that production in many of these territories is concentrated in one or a few goods and services, such as hydrocarbons —which are subject to considerable price fluctuations— and tourism —which is sensitive to climatic variations and their impacts—, it is only to be expected that their economies and employment rates are weak and unstable.

Figure A2.9 shows the average annual GDP growth rates of the independent territories, divided into three groups by population size.[13] It indicates that the more populous territories tend to maintain their growth rate in the long term. In contrast, growth in the other two groups of countries tends to gradually decelerate, with the slowdown in less populous countries mirroring that of the medium-sized countries but at a slightly higher level (close to half a percentage point). In line with the aforementioned economic weaknesses and instability, such patterns usually coincide with abrupt annual changes.

Figure A2.9
Independent territories of the Caribbean: GDP growth and linear trends, by groups of countries according to population size, 1992-2016
(Annual percentages)

Source: Prepared by the authors, on the basis of data from World Bank, Databank [online] http://databank.worldbank.org/.

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[13] Large: Cuba, the Dominican Republic, Jamaica, Trinidad and Tobago. Medium-sized: the Bahamas, Barbados, Saint Lucia, Saint Vincent and the Grenadines, Grenada. Small: Antigua and Barbuda, Dominica, Saint Kitts and Nevis.

3. Important examples of policies and politics in Caribbean migration

Subregional migratory flows, with their attendant opportunities, challenges and problems, have been shaped in particular by the fact that the United States is the main destination country for people from the Caribbean in general, while the Dominican Republic is for Haitians, and will probably continue to be so, at least in the medium term. In both cases, adopting proactive policies focused on protecting migrants must be the priority.

E. PROPOSALS FOR THE GLOBAL COMPACT

By identifying and analysing situations, some potential courses of action and concrete measures were singled out, which are summarized below and put forward as proposals for the global compact.

Human rights

- Seek agreements within the subregion and with other subregions of Latin America and the Caribbean on the treatment of Caribbean people in transit and the provision of necessary assistance.

- Review deportation procedures, in particular with regard to matters such as family separation, the disposal of assets, the timeframe for carrying out the deportation and the conditions of detention prior to being deported.

- Address human rights issues pertaining to migrants and refugees in the subregion as they arise through negotiations.

- Reject the criminalization of irregular migration.

- Seek commitments to finding alternatives to detention on immigration grounds.

- Encourage governments to commit to not using migrants' human rights as leverage in international political disputes or for populist reasons in domestic politics.

- Ask the United States to extend, beyond January 2018, the temporary protected status currently enjoyed by Haitian migrants and to create paths to regularize their status once and for all.

- Given that the imminent end of termporary protected status is causing significant numbers of Haitians to migrate to Canada, the Canadian government is urged to give a positive response.

- Provide emergency humanitarian assistance to Haiti and Haitian migrants and asylum seekers.

- Ratifiy international commitments on refugees and define new mechanisms to montior compliance with agreements.

Labour migrations

- Negotiate temporary (and hopefully circular) migration programmes, based on decent work.

- Allocate special quotas for Haiti within immigration programmes.

- Analyse emigration rates of Caribbean health-care professionals from the perspective of North-South cooperation, through which the destination countries would bear the social costs of the South.

- Review the World Health Organization Global Code of Practice on the International Recruitment of Health Personnel, so that in those areas, like the Caribbean, where there is a large surplus of such professionals, recruitment is not suspended, but rather that compensation and other mechanisms are considered to ensure that the population in the territories of origin are not left without sufficient numbers of health-care professionals.

Remittances

- Continue to search for mechanisms that will make it cheaper to send remittances, particularly in high-cost corridors.
- Examine the design and implementation of alternative transfer channels, probably institutional, that take into account the withdrawal of correspondant banking.

Governance

- Instruments
  - Work towards consolidating the Caribbean Migration Consultations (CMC).
  - Proceed towards turning the Consultations into an intergovernmental consultative forum.
    - Strengthen the technical secretariat and operational coordination overseen by IOM.
    - Provide support for an inter-institutional technical panel, with the participation of representatives from IOM, as well as ILO, UNHCR, ECLAC, WHO and the United Nations Population Fund (UNFPA), at least.
  - Support the development of the Caribbean Information Platform for Migration Governance and the ILO information system on labour migration, through agreements with the governments of the subregion, academia and cooperation agencies.
- Commitments of the administering States
  - Ask those countries that administer territories to specify their commitments with regard to those territories, regardless of their size and position within the structure of the State.
- Scenarios
  - Consider how each of the subregional dialogue spaces could improve migration governance and implement the global compact.
  - Prioritize CARICOM and OECS with regard to the previous point, given their ability to make binding decisions.
  - Use spaces in which countries of the subregion participate together with the administering States to engage in dialogue and seek commitments with regard to their Caribbean territories.
  - Consider using the African, Caribbean and Pacific States - European Union initiative, the Dialogue on Migration and Development, particularly with regard to aspects that are the responsibility of the European Union.

Prospects for equality

- In general, gender, age, ethnicity and other perspectives will have to be mainstreamed into the proposals in order for steps to be taken towards equality. This will probably have to be done for the gobal compact as a whole.
- In some cases, such as the Haitian population, affirmative action measures are needed.

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Annex 3

OUTLOOK ON INTERNATIONAL MIGRATION IN SOUTH AMERICA

EXECUTIVE SUMMARY[1]

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INTRODUCTION

This document summarizes one of the inputs that the Economic Commission for Latin America and the Caribbean (ECLAC) presents as a contribution to the global compact for safe, regular and orderly migration, to be adopted in 2018, according to the provisions of the New York Declaration for Refugees and Migrants, adopted by the United Nations General Assembly in September 2016. Part of the task entrusted to ECLAC is to generate updated information and knowledge on migration processes in the three subregions of Latin America and the Caribbean: Mexico and Central America, South America and the Caribbean.

**A. REGIONAL TRENDS AND SUBREGIONAL SPECIFICITIES
IN CLASSIC MIGRATION PATTERNS**

Migration trends in South America are in line with historical trends in Latin America and the Caribbean. The 2010 census round confirms a recent decrease in emigration flows to the traditional destination countries outside the subregion (the United States, Canada and Spain), a drop in the absolute and relative weight of immigration from other regions, and greater growth and momentum in intraregional migration. The net migratory balance is less pronounced in the subregion than in Latin America as a whole; 8.4 million (2.1% of the total subregional population) people emigrated from South American while 4.75 million (1.2% of total subregional population) immigrated, a difference of 0.9 percentage points between both groups.

A closer look at South America reveals certain nuances among countries. Three have positive migratory balances: Argentina (4.4% of the total population), the Bolivarian Republic of Venezuela (4.2% of the total population) and Suriname (7.5%). According to census estimates, the countries with the largest number of citizens [Author: please confirm] residing abroad are Colombia (approximately 2 million), Ecuador (995,000) and Peru (981,000), while countries with a high percentage of emigration compared with their domestic population (above the 4.8% of Latin American as a whole) are Guyana (49.7%), Paraguay (11.1%), Uruguay (7.2%), the Plurinational State of Bolivia (6.9%) and Ecuador (6.7%) (Martínez and Orrego, 2016).

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[1] This document is a summary of a paper prepared by the consultant Carolina Stefoni, from the Alberto Hurtado University, Chile, produced as part of the contribution of ECLAC to the process of developing the global compact for safe, orderly and regular migration, under the supervision of Jorge Martínez Pizarro (Latin American and Caribbean Demographic Centre (CELADE) - Population Division of ECLAC). The opinions expressed in this document are the exclusive responsibility of the author and do not necessarily reflect the opinions of the Organization.

Table A3.1
South America: minimum estimates of immigrants and emigrants,
by country of residence and birth, around 2010
(Thousands of persons and percentages of the total population)

Country or region	Total population	Immigrants		Emigrants	
		Number	Percentage of total population	Number	Percentage of total population
Latin America and the Caribbean	599 057	7 564	1.3	28 467	4.8
South America	397 082	4 756	1.2	8 398	2.1
Argentina	41 223	1 806	4.4	710	1.7
Bolivia (Plurinational State of)	9 918	128	1.3	686	6.9
Brazil	198 614	592	0.3	874	0.4
Chile	17 015	320	1.9	429	2.5
Colombia	45 918	110	0.2	1 976	4.3
Ecuador	14 935	182	1.2	995	6.7
French Guiana	234	108	46.2	1	0.4
Guyana	753	12	1.6	374	49.7
Paraguay	6 210	161	2.6	688	11.1
Peru	29 734	64	0.2	981	3.3
Suriname	518	39	7.5	4	0.8
Uruguay	3 374	77	2.3	242	7.2
Venezuela (Bolivarian Republic of)	28 996	1 157	4.2	439	1.5

Source: J. Martínez and C. Orrego, "Nuevas tendencias y dinámicas migratorias en América Latina y el Caribe", *Población y Desarrollo series,* No. 114 (LC/L.4164), Santiago, Economic Commission for Latin America and the Caribbean (ECLAC), 2016.

Note: Data for Argentina, the Bolivarian Republic of Venezuela, Brazil, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Mexico, Nicaragua, Panama, Peru, the Plurinational State of Bolivia and Uruguay correspond to the 2010 census round and were obtained from the database of the Investigation of International Migration in Latin America (IMILA) project. For other countries, the figures are from the United Nations Population Division. Estimates of emigrants are a minimum, since they cover a limited number of countries in Europe and Oceania.

1. Emigration in South America

Outflows of people from South American countries is related to a growth model based on structural inequalities that organizes the global economy in a manner conducive to the impoverishment and increased vulnerability of certain economic sectors. A second contributing factor is the specific economic and political crises that have affected countries at different times in their history and led to major outflows of people over limited periods of time. In this regard, the current situation in the Bolivarian Republic of Venezuela stands out in the subregion, as the number of emigrants from that country has practically doubled during the intercensal period 2000-2010. A third element that should be taken into consideration is a historical perspective that leaves aside more specific analyses of migration and instead favours a longer-term and more localized understanding of the movement of people. A historical perspective provides insight into the continuum between current and past migratory processes, and also facilitates analysis of the relationship between the movement of people and the development of the subregion's countries.

According to census information, the majority of the subregion's countries have seen a rise in the number of emigrants. In absolute terms, Colombia has the largest population residing abroad (around 2 million people), while, in relative terms, emigrants from Guyana and Paraguay make up a higher proportion of those countries' national populations (49.7% and 11.1%, respectively). Chile and Uruguay were the only countries whose emigrant population did not grow, which in the case of Chile can be attributed to its political stability and relative economic growth, and in the case of Uruguay to its ageing population, which has started to reduce the probability of emigration (Martínez and Orrego, 2016).

The migration trends of the Bolivarian Republic of Venezuela have changed; while it is still home to the second largest immigrant population in the subregion, the number of Venezuelan emigrants has also increased significantly (Martínez and Orrego, 2016). The country's political and economic crisis has intensified the outward flow of people to different destinations in search of new opportunities, confirming once again the increase in migration. The 2010 census revealed that 432,000 Venezuelans emigrated to various countries, with the United States and Spain as their main destinations (185,000 and 155,000, respectively). Within the region, Panama, Mexico, Costa Rica and Argentina have seen the biggest increases in the number of Venezuelan immigrants (Martínez and Orrego, 2016). In Chile, the number of permanent residence permits granted to Venezuelans rose significantly between 2014 and 2016, up from 685 to 1,349 (Rojas and Silva, 2016), while 3,699 Venezuelans were granted permanent residence permits in 2016 (Departamento de Extranjería y Migración, n/d).

(a)   Openness to new destinations outside the subregion

From the mid-twentieth century to the beginning of the twenty-first century, Latin American and Caribbean nationals migrated mainly to the United States. However, since the 1990s, Spain has emerged as a new country of destination. The report by the International Organization for Migration (IOM) (2017) indicates that the United States is home to some 3 million people from the subregion —mostly Colombians— while Spain has 2 million, trailed by Italy, Canada and Japan.

(b)   Immigration from overseas has fallen in relative terms and intraregional migration has gained momentum

Immigration in South American countries mainly consists of people from overseas and from other Latin American and Caribbean countries. In 1970, 76% of immigrants came from overseas and only 24% from within the region, while in 2010 overseas immigration accounted for only 37% of the total number of immigrants and 63% came from Latin America and the Caribbean. These changes, which are widespread in South America, reflect the fact that overseas immigrants are ageing and not being replaced and the increase in intraregional immigration in recent decades (Martínez, Cano and Soffia, 2014). That increase can be attributed to stricter security and control policies in the countries of the global North —which has led to the emergence of alternative destinations within the subregion, such as Chile— and to the progress made in economic and political integration, which has created favourable conditions for the movement and residence of people in the subregion. A concrete example is the Agreement on Residence for Citizens of the States Parties of the Southern Common Market (MERCOSUR), the Plurinational State of Bolivia and Chile, which facilitates the movement and residence of people in MERCOSUR, the Plurinational State of Bolivia and Chile. The increase in the number of immigrants has also been driven by the legislative changes that various countries have made, which recognize the right to migrate and protect migrants' human rights. Some analysts also point to the fact that the Latin American economy performed well during the economic crisis of 2008, which encouraged migration within the region (ECLAC/ILO, 2017).

While there has been a reduction in the flow of Latin American migrants to North America and Europe, both remain the main destinations for Latin American and South American migrants. Argentina and the Bolivarian Republic of Venezuela have been and continue to be home to the largest migrant populations in South America, and they have recently been joined by emerging new destinations for intraregional migration, such as Chile.

The proximity of the countries of origin of these flows has also been a key determinant in higher intraregional migration, although it has been evident for some time now that migrants are coming from a greater number of countries, for example there has been an increase in the number of migrants from more distant countries with which the subregion has not historically shared close migration ties. Particularly noteworthy are the increases in Haitian and Dominican migration to South America and African immigration to countries such as Argentina.

2. Return migration

Return migration flows have always been part of the migratory processes, but in recent years they have become more evident as a result of the economic crisis of 2008 —and the possible voluntary return of migrants residing in the most affected countries— and the stricter border controls in the main destination countries for South American migrants, leading to a potential rise in deportations or forced returns.

The data indicate that while return migration has been on the rise in South America since 2008, it was not a mass movement; instead it was quite limited and specific. The IOM study (Texidó and Gurrieri, 2012) notes that the majority of migrants tend to stay in their selected host countries because, after years of residence, they have put down strong roots and because they believe that their economic fortunes would decline if they returned to their countries of origin. This could explain the low impact of voluntary resettlement programmes. According to the same report, between late 2008 and May 2010, 11,500 requests for return were received as part of Spain's voluntary return programme, well below the expectation that some 100,000 migrants would return to their countries of origin.

B. HUMAN RIGHTS SITUATION OF MIGRANTS AND REFUGEES AND CIVIL SOCIETY INVOLVEMENT

The regulatory goal of protecting migrants' rights has started to materialize and take centre stage in the political agenda and in the work of institutions responsible for migration in South America. This goal has been shaped by a number of instruments emanating from the United Nations, together with agreements reached in regional forums specializing in migration that several South American countries have adopted through significant reforms to their legislative systems. A key aspect in that regard has been the recognition of free movement as a human right and the importance attached to protecting migrants' rights.

The pursuit of a rights-based approach reveals one of the major tensions that arises between the traditional principle of State sovereignty and international law developed after the Second World War. International law created a new order in which States, which previously enjoyed absolute sovereignty, gave up part of their sovereignty in order to join multilateral human rights systems, thus paving the way for the recognition of the fundamental rights of all persons, regardless of whether they belong to a particular national community (IOM/MERCOSUR-IPPDH, 2016). However, the slow progress made in fully recognizing migrants' rights is mainly due to the fact that population issues are still often considered to be

a domestic matter, meaning that the principle of non-interference in national affairs prevailed. As Lila García points out, if the most important struggle of the twentieth century was getting States to recognize individuals as a subject of rights, one of the major challenges of the twenty-first century is getting States to recognize the rights of migrants who are not nationals of those States, in a context of institutional constraints, discrimination and, in several cases, the criminalization of migrants in recipient countries (IOM/MERCOSUR-IPPDH, 2016). The right to migrate is at the crossroads of this tension as international instruments recognize the right of all persons to migrate and, therefore, to leave a certain territory, but not to enter another State of which they are not nationals. In other words, they establish a universal right for all persons, but its exercise is restricted by the power derived from States' sovereignty to decide who can enter and stay in the territory, and who cannot. Despite these serious limitations, South American countries have made significant progress in guaranteeing the right to migrate by facilitating movement among the different countries through various regional and subregional instruments and national legislation.

The key instrument behind progress in this area is the Agreement on Residence for Citizens of the States Parties of MERCOSUR and Associated States, the main aim of which is that nationals of a State party wishing to reside in the territory of another State party may obtain legal residence in the latter (Brunat and Artola, 2015, p. 4). Establishing the criterion of nationality of the bloc as a prerequisite for obtaining legal residence, eliminating requirements associated with the migrant's employment or social status, is the most significant change resulting from this Agreement. It also provides for equality among nationals of the States parties of MERCOSUR, the right to family reunification and the right to transfer remittance (Brunat and Artola, 2015).

Establishing the right to migrate and creating the conditions for it to happen allows migration to be understood from a perspective other than that of security. Argentina, the Plurinational State of Bolivia, Ecuador, Uruguay, and, more recently, Brazil, have taken significant steps towards recognizing the right to migrate in their domestic legislation.

However, the different countries of the subregion must guarantee this principle effectively in their daily practices. Incorporating this right into migration legislation is a key step (that not all countries have taken), but they must also give effect to this right by adopting specific policies and measures on the matter.

The different international instruments on migrants' rights are reviewed below.

1. Migration and human rights in the universal system

The international human rights instruments include: the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The latter incorporates the rights established in the general treaties and sets out specific rights for migrant workers and their families, regardless of their migratory or legal status. This Convention has been ratified by 10 of the 12 South American countries. Brazil and Suriname have not signed it. The Bolivarian Republic of Venezuela was the last country to ratify it, in 2016.

2. Migration and human rights in the inter-American system

The inter-American system mandate focuses on respecting and guaranteeing the rights of migrants and their families, asylum seekers, refugees, stateless persons, victims of trafficking in persons, internally displaced persons, and any other groups of vulnerable persons in the context of human mobility (IOM/MERCOSUR-IPPDH, 2016). The Inter-American Court of Human Rights issues decisions on individual cases of human rights violations. One of the difficulties identified in the report of the Inter-American Commission on Human Rights (OAS/IACHR, 2015) is that the many laws, rules and regulations, forums and institutions through which States control international migration, either unilaterally or bilaterally for the most part, have resulted in a lack of consistency in global, regional and national governance of international migration (OAS/IACHR, 2015, p.12).

The Commission points out that while States have the right to define the requirements for admission, stay and expulsion of aliens in their territory, policies, laws and practices implemented on migration must respect and ensure the human rights of all migrants, which are rights and liberties that derive from human dignity and have been widely recognized by States (OAS/IACHR, 2015, p.12).

3. Integration blocs in South America: the Southern Common Market (MERCOSUR), the Andean Community, and the case of the Union of South American Nations (UNASUR)

As migration within South America has increased, so has the importance accorded to this issue in subregional integration agreements. The Southern Common Market (MERCOSUR) is a regional integration process which has made significant progress on migration in recent years. It is currently composed of the States parties and signatories of the Treaty of Asunción: Argentina, Brazil, Paraguay and Uruguay. The Plurinational State of Bolivia, an associated State, is in the process of becoming a State party after all the States parties signed the accession protocol in 2015. The other associated States are Chile, Colombia, Ecuador, Guyana, Peru and Suriname. The Bolivarian Republic of Venezuela is a State party, but is currently suspended.

Initially, MERCOSUR did not consider migration a key pillar of subregional integration. However, after the bloc was established in 1991, this thematic pillar has gained greater political relevance, leading to the signing of a series of instruments aimed at facilitating the movement and residence of persons within this subregional integration zone (Novick, Mera and Modolo, 2010).

The Agreement on Residence for Citizens of the States Parties of MERCOSUR and Associated States, signed in 2002, paved the way for the intraregional flow of persons to be effectively understood and conceptualized under the notion of free movement.

A second subregional integration processes is that of the Andean region, which began taking shape in 1969 with the signature of the Cartagena Agreement. Today, the Andean Community aims to advance integration process based on two key features: the development of an institutional framework through its Andean Integration System and a Community-wide legal system with supranational norms that are binding on States. To create this intra-Community space, the Andean Community seeks to guarantee the free movement of goods, the free movement of services, the free movement of capital and the free movement of persons (Texidó and Gurrieri, 2012).

To advance this agenda, the Andean Human Development Plan for Migration was drafted to promote the common migration policy, addressing migrations both within and outside the subregion. Consensus on the first version of the project was reached at the second Ibero-American Forum on Migration and Development (2010), but final approval of this Plan is still pending.

The third integration bloc in the subregion is the Union of South American Nations (UNASUR), which comprises all the countries of South America and is not binding. UNASUR aims to build integration in the cultural, economic, social and political areas while respecting the current situation of each member nation (UNASUR, n/d). With regard to migration, the Treaty establishing the Union of South American Nations defines two objectives. The first is the consolidation of a South American identity so that steps can be taken towards a South American citizenship, to that end it proposes the progressive recognition of the rights of nationals of a member State residing in another member State. The second objective is cooperation on migratory matters that mainstreams respect for migrants' human and labour rights and harmonizes policies (Mejía, 2015).

The progress that has made in these three subregional integration processes in terms of human mobility is a powerful tool for promoting further integration in the subcontinent. Ensuring free movement and advancing towards a South American citizenship are key determinants in fostering social, cultural, human and economic integration.

4. Specialized forums: the South American Conference on Migration

The South American Conference on Migration aims to generate and coordinate initiatives and programmes to promote and develop international migration policies and their relationship with subregional development and integration. All twelve South American countries are members of the Conference: Argentina, the Bolivarian Republic of Venezuela, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, the Plurinational State of Bolivia, Suriname and Uruguay. It issues declarations of principles that provide policy guidance for South American governments.

Through its annual declarations, the Conference has stressed the importance of moving towards regional integration —based on the free movement of persons and South American citizenship— and the need to take steps towards creating a comprehensive and structured subregional migration policy.

The South American Human Development Plan for Migration has been in place since 2010 to strengthen migration management and the human rights of migrants in the subregion (South American Conference on Migration, 2016).

The scope of civil society participation in the Conference has changed over time and new definitions have led to further modifications recently. Governments have begun to understand the importance of encouraging civil society organizations' participation, not only because they can monitor the implementation of agreements, but also because they can gather information as a result of their direct interaction with migrant populations. In this regard, migration governance should prioritize collaboration with civil society organizations as key players in working with migrant populations.

C. SOME GLOBAL ISSUES FROM THE SUBREGIONAL PERSPECTIVE

1. Human rights of migrants, social inclusion, cohesion and all forms of discrimination, including racism, xenophobia and intolerance

Since the creation of the Organization of American States (OAS), its member States have adopted 11 human rights instruments in which the stipulated guarantees are applicable to all persons, including migrants. Most South American countries have ratified or acceded to these international and regional instruments.

2. Migration drivers

Work-related reasons are the main drivers of migratory movements in South America (OAS/OECD, 2015). In general, economic growth in the countries of the Americas largely maintained itself throughout 2011-2013, at somewhat lower levels than the recovery year of 2010, following the economic crisis of 2008-2009. Against this backdrop, international migration into all countries of the Americas increased by 5% annually on average over the same period, although it jumped to 17% per year in the specific case of Latin America and the Caribbean (OAS/OECD, 2015).

The significant weight of labour migration in intraregional flows warrants a deeper analysis of the different forms and expressions of that type of migration, such as temporary work, cross-border movements, informal work, or work under exploitative conditions. Labour markets must be observed and regulated so that migration is not used as an excuse for precarious working conditions.

3. Migration governance

In recent years, the Inter-American Commission on Human Rights has noted that some States have tightened their immigration policies through measures such as outsourcing of migration controls, securitization of borders, the criminalization of migrants, in particular irregular migrants through the widespread use of immigration detention and summary deportation, and limiting access to procedures for international protection, in particular the procedure for recognition of refugee status (OAS/IACHR, 2015, pp.15-16). Although this is not the case in South America, it is important to be aware of this trend so as to avoid changes in that direction.

Faced with this reality, States have the responsibility and duty to improve their internal regulations so that the rights of persons under their jurisdiction are duly guaranteed "without any discrimination for reasons of race, colour, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition" (Article 1.1 of the American Convention on Human Rights).

Worth noting in this context are the initiatives undertaken by States to facilitate the return of migrants. As mentioned above, taking into account the different contexts in which return migration takes place allows the different returning groups and their specific needs to be identified. Making a distinction between types of return migration also makes it possible to differentiate the programmes implemented by States to assist returning migrants. Sánchez and Fernández (2010) (cited in Martínez and Orrego, 2016) identify the following categories: (a) assisted return, where financial assistance and information is offered to migrants in vulnerable situations; (b) programmes to combat forced return, which seek to guarantee the rights of deported migrants; and (c) programmes aimed at circular return, which seek to recover highly qualified human capital. These programmes may involve various social actors, such as State (countries of origin or countries of destination), international and local bodies. The involvement of local entities is particularly important for initiatives that promote return in a context of internal migration (Martínez and Orrego, 2016).

Several types of return programmes coexist in South America; some are aimed at the return of highly qualified people who have been trained abroad, others focus on providing information on employment and social integration, and some support migrants looking to set up enterprises. However, there are no specific support and insertion programmes for people who have been forced to return to their countries of origin.

4. Diasporas

The communities and networks of migrants abroad play a pivotal role in the process of labour-market, social and economic integration of migrants in their chosen countries of destination. The number of migrants' social organizations has increased and they have diversified in an effort to meet the daily needs of ever more migrants, which range from requests for information and support in connection with regularization processes, to political advocacy in countries of origin.

For their part, States have understood the importance of strengthening ties with their citizens residing abroad and have begun to create programmes and agencies to that end. A specific example is allowing citizens residing abroad to vote in democratic elections in their countries of origin. Currently, most countries of South America allow their expatriates to vote from abroad (limited to national elections), except Uruguay and Suriname.

5. Trafficking in persons

South America is a subregion of origin, transit and destination of men, women and children trafficked for purposes of sexual exploitation and forced labour (Texidó and Gurrieri, 2012). The IOM report (2015) differentiates according to nationality, since Colombia and Brazil are countries of origin for the international trafficking of persons for sexual and labour exploitation, as are Paraguay and the Plurinational State of Bolivia but at the regional level.

The *Global Report on Trafficking in Persons* (United Nations Office on Drugs and Crime, 2016) notes that the majority of trafficking flows are intraregional, meaning that the countries of origin and destination of the victims are in the same region. The report notes that a recent trend is that the Southern Cone countries are destinations, while Andean countries are countries of origin of both intraregional and transregional trafficking. The report adds that women are the most frequently detected victims (45%) and that sexual exploitation is still the main form of exploitation (57%), even thought the 2014 report had already identified an increase in trafficking for forced labour, which includes manufacturing, cleaning, construction, textile production, catering and domestic servitude.

It is generally agreed that it is difficult to estimate and monitor the extent of this problem and to secure convictions. However, the increase in the number of victims of trafficking has led to greater awareness of the need to update regulations. Today, practically all of the South American countries have adopted programmes or campaigns to combat trafficking, while at the subregional level there is the plan of action to combat trafficking in persons between States parties of MERCOSUR and associated States.

6. Irregular migration

Most cases of irregular migration in South America result from extended stays after tourist visas have expired, mainly due to the difficulties of providing the necessary documentation for residence applications (Texidó and Gurrieri, 2012). While irregular entry does not seem to be occurring on a mass scale, it must nonetheless be addressed as countries begin to implement mechanisms that make it difficult for certain migrants to enter.

States have promoted various processes with a view to regularizing migrants' status. The Agreement on Residence for Citizens of the States Parties of MERCOSUR and Associated States is a regular mechanism that makes it easier for most migrants to settle within the subregion, although the fact that migrants from outside the bloc would be left at a disadvantage is still a pending issue.

D. SUBREGIONAL PROBLEMS: DETERMINING FACTORS, POLICIES AND REGULATIONS, AND OUTLOOK.

1. Feminization of migration in South America

The steady increase in the number of women migrants puts into perspective the issues surrounding the traditional roles assigned to women in the context of migration (companions, dependents, daughters, wives). In that connection, the subregion must further examine the issue of mainstreaming the gender perspective in the analysis of migration policies implemented at the national and regional levels.

2. Skilled migration in South America

Overall, South American emigrants to different destination countries are highly-qualified (Texidó and Gurrieri, 2012). The average number of years of education of South American migrants in OECD countries is higher than that of the general population in their respective countries of origin. This situation varies depending on the nationalities of origin and destination countries. For example, Argentine and Peruvian migrants in Spain make up the largest share of the population with a higher level of education, while Ecuadorians account for the smallest share of migrants with the highest level.

These differences are explained by the complex and dynamic relationship between migration and development, and the resulting negative and positive viewpoints with regard to qualified migration (Lozano and Gandini, 2011). They also reflect certain difficulties that local economies have to absorb highly qualified professionals, who may prefer to work in other regional settings in order to take advantage of the greater opportunities. In this regard, South America must promote effective mechanisms to recognize professional qualifications and certificates.

3. Refugees

The Cartagena Declaration on Refugees (1984) broadens the definition of a refugee established in the Convention relating to the Status of Refugees and incorporates criteria adapted to the Central American reality, such as generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order. Pursuant to the Declaration, the countries of South America have been incorporating the expanded definition of refugee into their national legislation.

Table A3.2
**Countries that have incorporated the definition of refugee established in the Cartagena Declaration
into their national legislation**

Argentina	− Resolution No. 465 of 24 February 1998, of the Refugee Eligibility Committee − Law No. 26,165 of 8 November 2006, Recognition and Protection of Refugees Act
Bolivia (Plurinational State of)	− Law No. 251 of 2012, Protection of Refugees Act − Supreme Decree No. 19,640 of 4 July 1983, Definition of refugee − Supreme Decree No. 28,329 of 2005, National Commission for Refugees in Bolivia. Regulations and procedures
Brazil	− Law No. 9,474 of 22 July 1997, which defines mechanisms to implement the 1951 Convention relating to the Status of Refugees and establishes other provisions
Chile	− Law No. 20,430 of 8 April 2010, which establishes provisions for the protection of refugees
Colombia	− Decree No. 2,840 of 6 December 2013, which establishes the procedure for recognizing refugee status, and establishes standards for the Advisory Committee on Determining Refugee Status and other provisions
Ecuador	− Decree No. 1,182 of 2012, Regulation for the application of the right to refuge − Ruling No. 002-14-SIN-CC of 2014, case on the unconstitutionality of Executive Decree No. 1,182. Regulation for the application in Ecuador of the right to refuge
Paraguay	− Law No. 1,938 of 9 July 2002, Refugees Act
Peru	− Law No. 27,891 of 20 December 2002, Refugees Act
Uruguay	− Law No. 18,076 of 14 November 2006, Status of Refugees Act

Source: Prepared by the authors, on the basis of Office of the United Nations High Commissioner for Refugees (UNHCR), "Países que incorporan la definición de refugiado establecida en la Declaración de Cartagena en su legislación nacional" [online] http://www.acnur.org/que-hace/proteccion/declaracion-de-cartagena-sobre-los-refugiados/paises-que-incorporan-la-definicion-de-refugiado-establecida-en-la-declaracion-de-cartagena-en-su-legislacion-nacional/.

4. Unaccompanied minors

Towards the end of the twentieth century, the situation in which many migrant children and adolescents found themselves as a result of violations of their rights gained greater visibility. The report by IOM and the MERCOSUR Institute of Public Policy on Human Rights (IPPDH) (2016) stresses that the underlying reasons for such mobility must be understood and that analysis is needed to establish whether implementing a series of rules preventing such movements could paradoxically lead to greater risks for this population. In this regard, it is important to raise the question about what might be the unintended consequences of new or stricter (but inadequate) border controls (Pacecca, 2014). Moreover, the IOM report on Argentina shows that of the total number of children referred to institutions after judicial proceedings related to rights violations and trafficking, 40% of them had crossed the border with all their permits and documents in order (IOM, 2015).
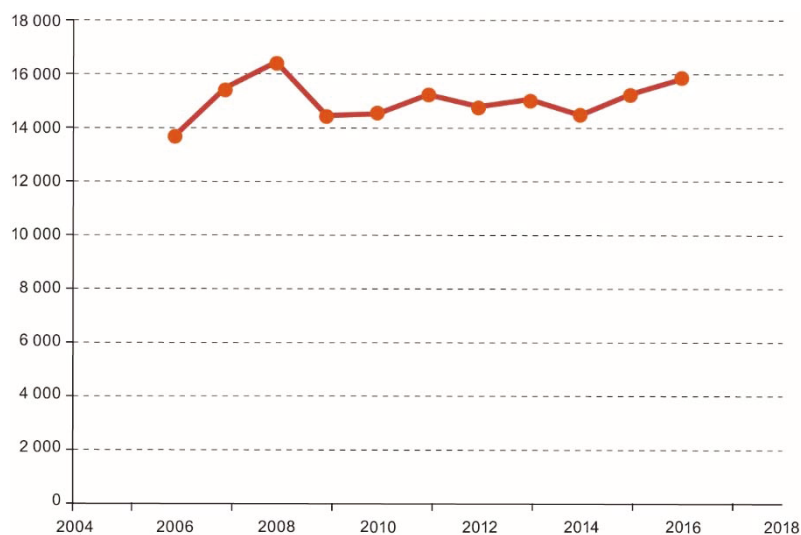
In 2006, the States parties of MERCOSUR and associated States adopted an agreement establishing procedures to verify entry and exit documentation for minors, which consist of a double-check procedure for verifying documentation (when leaving one country and entering another) of minors, which emphasizes checking travel authorizations.

5. Remittances

Remittances remain one of the most debated issues in the context of migration and development. In some situations they are considered part (a significant one in some cases) of families' income, and in others a factor in the development of local and even national economies. Regardless of the approach used, it is important to bear in mind that remittances are the result of the integration of workers into highly vulnerable and precarious labour markets, and that they flow towards families that often live in poverty and are socially marginalized.
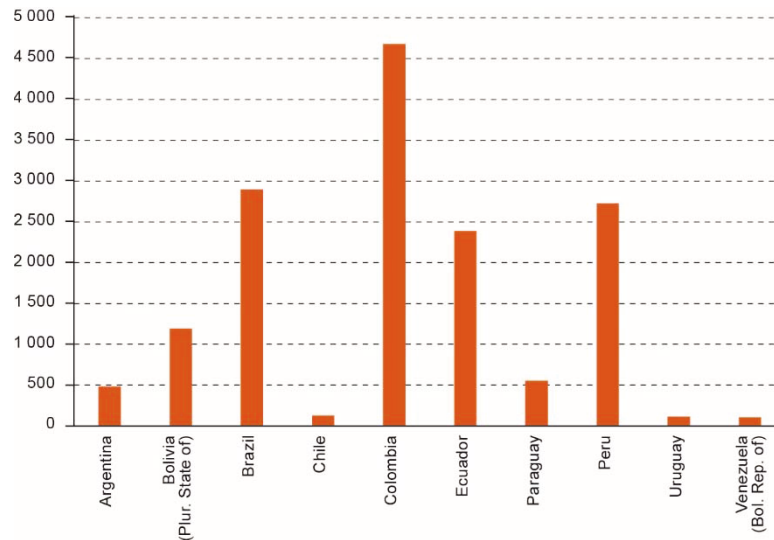
Income from remittances is lower in South America than in other subregions of the continent. The countries that receive the highest amounts are Colombia, Brazil and Peru, followed by Ecuador. In the past 14 years flows have been relatively stable.

Figure A3.1
South America: income from remittances, 2006-2016
(Thousands of dollars)

Source: Prepared by the authors on the basis of official information from the countries; Monetary Fund (IMF), "IMF Balance of Payments Statistics" [online] http://www.imf.org/external/pubs/cat/longres.aspx?sk=19299; and World Bank, "Migration and Remittances Data" [online] http://www.worldbank.org/en/topic/migrationremittances diasporaissues/brief/migration-remittances-data.

Figure A3.2
South America (10 countries): total income from remittances, by country, 2015
(Thousands of dollars)

Source: Prepared by the authors, on the basis of official information from the countries; International Monetary Fund (IMF), "IMF Balance of Payments Statistics" [online] http://www.imf.org/external/pubs/cat/longres. aspx?sk=19299; and World Bank, "Migration and Remittances Data" [online] http://www.worldbank.org/ en/topic/migrationremittancesdiasporaissues/brief/migration-remittances-data.

The costs associated with remittances are an issue of concern. According to the IOM report, the costs of sending South-South remittances tend to be higher than those sent via South-North corridors, as there is less competition in the remittances markets in the global South (Mandrile, 2013).

6. Migration and labour markets in South America

Migratory movements in Latin America have generally been linked to the economic performance of different countries. Rather than trying to explain migration in terms of economics, the mobility of people has to be understood in the context of a global economic system that is largely based on unequal growth, which is affected by institutional, political and cultural dimensions. Accordingly, an economic viewpoint must take into account the processes that lead to precarious working conditions and social vulnerability within countries, factors that affect specific migrant groups in different ways.

In South America, for example, the fall in wage-paying jobs has been mitigated to a certain extent —as in the rest of the region— by self-employment.

Given the greater uncertainty in political, economic and trade relations, regional output is not expected to rebound with the same vigour as it did after the financial crisis of 2008 and, therefore, the labour market will continue to reflect a harsher economic environment that is estimated to deliver regional GDP growth of 1.1% in 2017, with an unemployment rate of around 9.2% (ECLAC/ILO, 2017). This will lead to an increase in the number of people emigrating in search of job opportunities and to the deterioration in the living conditions of the most vulnerable populations.

Table A3.3
**South America (7 countries): year-on-year variation in employment rate,
by occupational category, 2015-2016**
(Percentages)

Country	National total		Wage earners[a]		Own-account workers	
	2015	2016	2015	2016	2015	2016
Brazil	0.0	-1.9	-2.3	-3.2	3.8	1.3
Chile	1.6	1.1	2.3	0.1	1.4	5.5
Colombia	2.4	0.6	3.4	1.1	2.0	2.3
Ecuador[b]	5.4	4.6	2.5	-1.9	6.2	10.9
Paraguay[c]	4.2	1.1	5.6	2.4	4.4	2.7
Peru[d]	1.1	1.8	1.4	1.7	1.1	4.4
Venezuela (Bolivarian Republic of)[e]	0.1	-0.7	0.0	-2.6	2.4	1.9

Source: Economic Commission for Latin America and the Caribbean (ECLAC) and International Labour Organization (ILO), on the basis of official information from the countries.

[a] Where possible, domestic workers have been excluded from the wage earners category.
[b] Own-account workers include employers.
[c] Asunción and urban areas of the Departmento Central.
[d] Metropolitan Lima. Wage earners include employees and labourers. Own-account workers include employers.
[e] Percentages in the 2016 column refer to employment growth from January to April compared to the same period in 2015.

Thus, it is essential to analyse the most precarious labour sectors and their relationship with migration (for example, agriculture, domestic work, construction, street vending, textiles among others).

E. OUTLOOK

The 2030 Agenda for Sustainable Development establishes a number of commitments to advance a sustainable development model whose targets cover various aspects related to global migration. This complements the two High-level Dialogues on International Migration and Development and the Summit for Refugees and Migrants. The active participation of Latin American countries in general and of South American ones in particular reflects the growing importance of this issue in the context of global migration governance.

However, convergence between these global bodies, regional processes and national realities is not always evident. On the contrary, the principle of sovereignty allows States to define their migration policies, meaning that they often adopt practices and policies that are inconsistent with the human rights protection recommendations and suggestions emanating from these global processes. Hence, the need to move towards consolidating certain principles, such as the rights-based approach and recognition of the right to freedom of movement at the regional level, and to then translate that into the domestic legislation of the different countries.

Migration also presents challenges in virtually all the social, cultural and human dimensions of societies, whether of origin, transit or destination of migrant flows. This raises the issue of how to ensure that comprehensive and coordinated approaches are adopted among the multiple levels involved.

In this context, mainstreaming a human rights perspective is key and will strengthen the idea that although States are sovereign with regard to national migration policies, these cannot contravene human rights agreements and commitments, regardless of a person's class, gender, racial and ethnic background and place of birth.

Regional integration processes have shown that it is possible to move towards a common vision in which migration is understood as a process inherent to human development, and which therefore must be promoted and protected. The recognition of the right to migrate and the Agreement on Residence for Citizens of the States Parties of MERCOSUR and Associated States illustrate the depth of regional integration that can be achieved. However, full implementation of the MERCOSUR agreements is still pending.

In the same vein, progress must continue to be made in the implementation of migration resource mechanisms for human development, including recognizing university degrees, simplifying regularization processes and establishing agreements on transferring pension rights.

With regard to remittances, the report notes that they remain a key component of migration processes, fostering the development of thousands of families that receive additional income, or in some cases their only income, thanks to the migration of a family member. South America can help to encourage those thousands of migrants by significantly reducing the costs of these remittances.

Another aspect that requires joint and coordinated efforts is the full inclusion of international migration in regional agendas and strategies in order to promote coherent migration governance at all levels.

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Annex 4

POSITION OF BRAZIL REGARDING THE GLOBAL COMPACT ON MIGRATION

Following the Latin American and Caribbean Regional Preparatory Meeting of International Migration Experts on the global compact for safe, orderly and regular migration, the representative of the embassy of Brazil in Chile presented a consolidated document containing its position on the topics addressed during the sessions. A summary of that document appears in the following paragraphs.

With regard to human rights, inclusion, cohesion and the fight against different forms of discrimination, Brazil believes that the global compact must be based on the human rights of all migrants, regardless of their migration status. To make that idea a reality, Brazil highlights the need to avoid criminalizing migration, along with the need to welcome and promote regular arrivals and the regularization of documents. Those requirements seek to guarantee migrants' human rights, and so Brazil believes that access to public services must be promoted within a logic of equal treatment. It also notes the consultations with civil society, the conclusions of which were taken on board in determining Brazil's position in the negotiations for the global compact. Those consultations identified the need to define the terms of a "safe, orderly and regular migration", and Brazil is of the view that those concepts must focus on migrants and on protecting their rights, based on the recognition of their role as agents for development and for social, political and cultural transformation in all the countries involved in migratory flows.

With regard to international cooperation and the governance of migration, Brazil believes special attention must be paid to vulnerable groups, such as unaccompanied children, women and persons with disabilities. In line with that idea, the right to information must be assured and access to due legal process in the assessment of migration status must be guaranteed. Brazil calls for an end to repatriations, deportations and collective expulsions. It believes the global compact must contribute to prohibiting the detention of migrants in irregular situations, particularly migrant children. Finally, Brazil is of the opinion that the compact must be based on the principle of non-discrimination against migrants in migration management and in integrating migrants into host societies, a belief that implies granting them access to public health and education services.

Brazil notes that the global compact must be guided by the 2030 Agenda. The compact must therefore see migration as a resource that contributes to development, and it must promote the productive and social inclusion of migrants through the regularization of those who find themselves in irregular situations. That would allow the adoption of policies to encourage the integration of migrants, such as the recognition of foreign professional and educational qualifications. Immigrants must be assured work, together with a structure that facilitates legal procedures for their integration. Bilateral and multilateral social security agreements for migrants can provide a framework for those objectives, and they should therefore be promoted in order to uphold the right of benefit portability when migrants return to their countries of origin. With regard to remittances, Brazil believes it is important that efforts are made to meet target 10.C of the 2030 Agenda, as well as the commitments of the Addis Ababa Action Agenda.

Ultimately, Brazil maintains that the global compact must adopt a comprehensive approach to the migration phenomenon and address the challenges of irregular migration from a human rights perspective. As regards the efficiency of the compact, Brazil is concerned about other States that might wish to restrict the debate on migration and development to the topics of regular migration and development, thereby constraining the social integration measures that should be available to all migrants and not only to those in regular situations. In line with that idea, it notes that criminalization and restrictive policies for controlling irregular migration are not effective and only fuel the vulnerability of migrants. In conclusion, Brazil maintains that ensuring respect for migrants' human rights has to be supported by standard mechanisms for admission and regularization.

Annex 5

POSITION OF SPAIN REGARDING THE GLOBAL COMPACT ON MIGRATION

Following the Latin American and Caribbean Regional Preparatory Meeting of International Migration Experts on the global compact for safe, orderly and regular migration, the General Secretariat for Immigration and Emigration of Spain submitted a document containing its position on the issues discussed during the sessions. A summary of that document appears in the following paragraphs.

In keeping with the conceptual framework on which Spain's position is based, the document states that the global compact must be the result of an intergovernmental process, so that it embraces a multidimensional approach to migration. Spain believes that orderly and well-managed migration is a key element in development, provided that it is beneficial for the countries of origin, transit and destination and for their communities. Spain holds that the compact must be non-binding.

Regarding the question of human rights, Spain's position is that they are rights of all human persons, irrespective of their status, and so must be defended at all times, without prejudice to the recognition of other economic and social rights, which can vary according to migratory status. Spain maintains that integration is a two-way process that requires a joint effort by the host society and by migrants themselves, and to facilitate that integration steps can be taken to eliminate barriers that restrict it, bearing in mind at all times that integration is both a right and an obligation of migrants. With that in mind, it believes that the most vulnerable migrant groups —such as children, women and victims of human trafficking— deserve special treatment to facilitate their integration processes.

Second, as regards the forces that drive migration, the Spanish model is based on cooperation with countries of origin; it underscores the importance of combating the root causes of forced migration and emphasizes the link between cooperation for development and migration.

With regard to international cooperation and the governance of migration, the General Secretariat for Immigration and Emigration holds that in managing migration, all the States involved must strike a balance between the principles of solidarity and shared responsibility. At the same time, the institutional, administrative and technical capacities for implementing migration strategies must be strengthened. From this premise stems the logic of ensuring a safe return, with priority placed on voluntary returns. In Spain's view, all these ideas must be the result of joint efforts by States, migrants and diasporas, so that improvements can be made to the integration and reintegration of migrants.

Regarding the relationship between migration and development, Spain has a positive view of what constitutes orderly, safe and regular migration and it believes that this is a key element for the 2030 Agenda. To bolster the link between migration and development, Spain believes that diasporas must play a leading role in facilitating the integration of migrants in their countries of destination. Moreover, all this has to be combined with the establishment of fair and appropriate channels for transferring remittances, and emphasis must be placed on the value of smart remittances and on their ability to impact development. Finally, Spain believes that one key factor for development is strengthening the legal position, rights, obligations and social security entitlements of regular migrants.

In connection with human smuggling and trafficking, Spain wishes for States' border control rights and duties to be recognized and for their capacities in that regard to be strengthened. It places a priority on preventing human trafficking and smuggling and on combating those phenomena as part of the global agenda. Spain's position is centred on facilitating opportunities for safe, regular and orderly migration, but those opportunities that must always be in accordance with prevailing conditions in the host country. It also emphasizes the role of circular migration programmes as a tool to encourage regular migrations and development mechanisms and, at the same time, it underscores the opportunity for further progress with the recognition of skills and competencies to promote regular migration.

Annex 6

DECLARATION OF THE WORLD PEOPLES' CONFERENCE FOR A WORLD WITHOUT WALLS TOWARDS UNIVERSAL CITIZENSHIP

During the course of the meeting, CELADE was sent a document containing the most important points of the declaration adopted by the World Peoples' Conference for a World without Walls towards Universal Citizenship, which was held in Tiquipaya, Plurinational State of Bolivia, on 20–21 June 2017. A summary of that document appears in the following paragraphs.

The document posits the need for a new world order: a goal that can only be achieved by forging relations of complementarity, equity and solidarity among individuals and peoples. It calls for universal access to basic services as a fundamental right and for those services to be protected against profiteering and speculative activities by private groups. One key feature of this proposed new order is broad public participation in the development and implementation of public policies that follow a logic that transcends all political hierarchies. The declaration also calls for a new international financial architecture, one without multilateral agencies at the service of transnational capital. It seeks to achieve harmonious coexistence with Mother Earth and the observance of her rights. The declaration aspires to the achievement of genuine peace: a peace that goes beyond the cessation of armed conflicts and also entails overcoming structural violence; in other words, ensuring equitable access to wealth and opportunities for development.

It has been shown that the principal cause of this crisis is war and military intervention, triggered by the asymmetries and the destruction of Mother Earth that are implicit in the prevailing world order. In this way, the migration crisis is only one of the manifestations of the absolute crisis of neoliberal globalization.

Human mobility is a right rooted in the essential equality of human beings; nevertheless, that mobility is restricted and, at present, most of the people who migrate do so out of need and are therefore forced migrants. This situation is exacerbated by the hegemonic discourse conveyed by transnational media corporations, which deploy a negative view of migrants and conceal the economic, demographic and sociocultural contributions they make to their host countries.

Faced with this reality, a number of proposals for building universal citizenship are offered. The primary intention of these proposals is to overcome the hegemonic perspective of migration policy that posits that migration can be managed in a "regular, orderly and safe" manner and to replace it with a humanistic vision that would allow migrants to be "accommodated, protected, promoted and integrated". They seek to reject the criminalization of migration and eradicate migrant detention centres, along with the walls both physical and legal that follow that same dynamic of criminalization. They propose creating a World Peoples' Advocate for the rights of migrants, refugees, asylum seekers, stateless persons, victims of trafficking and smuggling, in order to promote free movement and human rights.

They require Governments to create regional citizenship as a step towards universal citizenship, and they demand that the public funds spent on war and the criminalization of migrants be used to establish integration programmes. In turn, local policies must be promoted to enable the development of inclusive cities and societies where migrants can enjoy full rights. They call on all the Governments of the world to fight together against the criminal networks that traffic in human lives and to declare human trafficking and the smuggling of persons a crime against humanity. They seek to update, strengthen, participate in and make progress with the multilateral system and its international instruments relating to migrants, refugees and their families, particularly the International Convention on the Protection of the Rights of All Migrant

Workers and Members of Their Families, the UNHCR Convention relating to the Status of Refugees and the global compact and, finally, they call for the United Nations General Assembly to proclaim the International Decade for a World without Walls towards Universal Citizenship.

This declaration seeks to replace the vision of "hard borders" with a perspective that sees them as bridges towards integration, where the fight against transnational organized crime is addressed within a framework of cooperation among States. Finally, it seeks to promote a popular mobilization at the global level in order to secure recognition of the inalienability of the rights of persons in mobility and to break down the barriers to integration and to the fulfilment of human rights that serve only to perpetuate inequality and social injustice.

Annex 7

**POSITION OF THE LATIN AMERICAN BLOC REGARDING THE GLOBAL
COMPACT ON MIGRATION**

Following the regional meeting on the global compact, the Latin American Bloc (an umbrella group of organizations from different countries in the region) sent a note with several points they believe should be reflected in the Governments' proposals for this process. A summary of that document appears in the following paragraphs.

First on their list is the need to ensure migrants full access to and enjoyment of their rights. The protection of all human rights, be they political, civil, economic, social or cultural, must be at the centre of the discussions relating to the compact in order to ensure all rights to all persons, regardless of their migratory status or origins. This guarantee of rights also includes access to justice for migrants who fall victim of crime during their migrations, which is a particularly complicated situation on account of the climate of xenophobia and of tolerance for unlawful actions.

For the Latin American Bloc, clarifying the meaning of the terminology used is an imperative. The Bloc therefore calls on ECLAC to collaborate in defining the key concepts contained in the global compact on migration. With specific reference to the idea of defining and clarifying the different terms used, the Latin American Bloc underscores the need to differentiate "return" from "deportation" and to identify the difference between a "voluntary return" and what is currently known as "voluntary repatriation".

Instead of limiting itself to the management of regional migratory flows, the compact must also take account of the different needs of different populations in the context of human mobility and establish lines of action based on the causes that drive irregular or forced migration. The Bloc emphasizes the complex situation in Central America and Mexico and underscores the need to coordinate the compacts for migrants, displaced persons and refugees.

All outcomes of the compact's development must be assessed in a multidimensional way, giving consideration to populations at the points of origin, transit, destination and return and remaining at all times aware of the different impacts that may be felt by the most vulnerable communities. The phenomenon of migration must be studied by taking into account population groups other than those that migrate and those that reside in other countries. In keeping with this, a gender perspective and the best interests of children must be upheld as cross-cutting approaches in the drafting of the compact. The compact must determine the need for concrete actions that cover differences in sexual orientation, it must consider gender and sexual orientation as potential triggers for persecution and it must establish mechanisms whereby the competent authorities can identify that kind of persecution. The global compact must also consider the principle of not taking unaccompanied children and adolescents into custody. The principle of non-separation must be applied to members of families.

Irregular migration is an administrative demeanour rather than a criminal offence, and so the Latin American Bloc believes in the eradication of migrant detention in Latin America and the Caribbean, which would set the region up as an example to the world. This objective must be accompanied by action plans in the short and medium terms to bring about the elimination of detention centres and, in the long term, for the principle to be enforced in other regions.

The Bloc highlights the need to evaluate and adapt the criteria and conditions applied to regularize migrants, which must consider a broader range of elements than merely the labour supply or economic investment. Regularization policies must incorporate such issues as the settled status of migrants, historical cross-border dynamics, attention for the victims of trafficking and smuggling, the prevention of violence, the promotion of cultural diversity and the international protection of populations not recognized as refugees but who would be at risk if returned to their countries.

Finally, civil society engagement must be increased in all discussions and decision-making processes related to migration and asylum issues, and the engaged civil society must comprise not only those organizations that work with migrants, but also the migrants themselves.

Annex 8

CIVIL SOCIETY'S MINIMUM POINTS FOR REGULARIZATION

Following the regional meeting on the global compact, the Centre for Legal and Social Studies (CELS) of Argentina sent a note containing several points related to regularization as a basis for migration policy with a human rights approach, together with proposals produced by a joint initiative involving several organizations from across the region: Fray Matías, Frontera Norte and Fundar from Mexico; Diego Portales University and Servicio Jesuita from Chile; Conectas from Brazil; and Caref and others from Argentina. A summary is given below.

First, the organizations called for thought to be given to the procedures and minimum criteria that make up rights-based regularization policies. They requested the development of migration regularization policies that were based on criteria related to the migrant's specific situation and not the records of his or her migratory history. This line of reasoning seeks to promote social inclusion and it requires policies that promote regularization and access to local documentation as the State's main response towards migrants in irregular situations.

It also demands assurances that irregular status and irregular border-crossings are not used as impediments to residence applications. There must therefore be objective, non-discriminatory criteria for access to regularization. Those criteria must include family unity in the broadest sense, the settled status of migrants, humanitarian considerations, and the different forms of formal and informal work and self-employment that exist, applying at all times a perspective that is gender-aware and seeks to protect vulnerable groups. In turn, the bureaucracy of migrant regularization must be reduced by relaxing the documentation required, by establishing clear and widely publicized procedures and by refraining from charging migrants unaffordable fees. Finally, the civil society organizations requested the adoption of policies to promote migrant regularization, including information campaigns and territorial outreach policies to assist migrants in starting and completing their regularization processes.

Second, they identified the foundations of the standards used for addressing migration inclusively. For example, article 69 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provides that States parties must ensure that situations of irregularity do not persist and, in regularization cases, must take appropriate account of the relevant circumstances, such as the migrant's family situation. As stated by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families in its General Comment No. 2, "regularization is the most effective measure to address the extreme vulnerability of migrant workers and members of their families in an irregular situation". Hence, the adoption of regularization policies offers a way to alleviate the vulnerability of workers. Finally, they cited Jorge A. Bustamante, the former United Nations Special Rapporteur on the human rights of migrants, whose reports highlighted the possibility of managing irregular migration without having to resort to its criminalization. This highlights the benefits of integrating irregular migrants, who often suffer violations of their rights before they can be inserted into the formal economy through regularization.

They also cited several examples of past experiences in the region, such as Argentina's enforcement of article 17 of Law No. 25.871 of 2003, whereby the State provides a legal structure for regularizing the migratory status of aliens. That provision enables the State to enact rules for simplifying and streamlining the applicable administrative procedures, as well as to enter into agreements and call for the assistance of public or private agencies in order to develop and implement programmes in areas of the country requiring special treatment. The State is also authorized to enter into agreements with foreign authorities residing in the Argentine Republic in order to expedite and facilitate the obtaining of documents from those countries. Finally, it can also establish criteria for waiving immigration fees, when warranted for reasons of poverty or by humanitarian considerations.

Annex 9

LIST OF PARTICIPANTS

A. Panelistas/Panellists

Inauguración/ Opening session
- Alicia Bárcena, Secretaria Ejecutiva, Comisión Económica para América Latina y el Caribe (CEPAL), email: alicia.barcena@cepal.org
- Laura Thompson, Directora General Adjunta, Organización Internacional para las Migraciones (OIM), email: lthompson@iom.int
- Juan José Gómez Camacho, Embajador Extraordinario y Plenipotenciario y Representante Permanente de México ante las Naciones Unidas, México, email: aaguiar@sre.gob.mx
- Louise Arbour, Representante Especial del Secretario General sobre la Migración y Secretaria General de la conferencia intergubernamental sobre migración internacional que se celebrará en 2018
- Felipe González, Relator Especial sobre los derechos humanos de los migrantes (por videoconferencia)

Panorama de la migración internacional en las tres subregiones que componen América Latina y el Caribe/ Overview of international migration in the three Latin American and Caribbean subregions
- Jorge Martínez Pizarro, Centro Latinoamericano y Caribeño de Demografía (CELADE)-División de Población, CEPAL, email: jorge.martinez@cepal.org
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Tema 1: Los derechos humanos de todos los migrantes, la inclusión social, la cohesión social y la lucha contra todas las formas de discriminación, como el racismo, la xenofobia y la intolerancia/ Thematic session 1: Human rights of all migrants, social inclusion, cohesion and all forms of discrimination, including racism, xenophobia and intolerance
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Tema 2: La respuesta a los factores que impulsan la migración (incluidos los efectos adversos del cambio climático, los desastres naturales y las crisis creadas por el hombre) mediante la protección y la asistencia, el desarrollo sostenible, la erradicación de la pobreza y la prevención y resolución de conflictos /Thematic session 2: Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, sustainable development, poverty eradication, conflict prevention and resolution

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Tema 3: La cooperación internacional y la gobernanza de la migración en todas sus dimensiones, en particular en las fronteras, el tránsito, la entrada, el retorno, la readmisión, la integración y la reintegración/ Thematic session 3: International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration

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Tema 4: Las contribuciones de los migrantes y las diásporas a todas las dimensiones del desarrollo sostenible, incluidas las remesas y la transferibilidad de las prestaciones ganadas/ Thematic session 4: Contributions of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits

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Tema 5: El tráfico de migrantes, la trata de personas y las formas contemporáneas de la esclavitud: identificación, protección y asistencia apropiadas a los migrantes y las víctimas de la trata/ Thematic session 5: Addressing smuggling of migrants, trafficking in persons and contemporary forms of slavery, including through appropriate identification, protection and assistance to migrants and trafficking victims

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Tema 6: La migración irregular y por vías regulares, incluidos aspectos como el trabajo decente, la movilidad laboral, el reconocimiento de las aptitudes y cualificaciones y otras medidas pertinentes/ Thematic session 6: Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications and other relevant measures

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Mesa de conclusiones/ Conclusions round table

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- Felipe González, Relator Especial sobre los derechos humanos de los migrantes (por videoconferencia)
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