



## Global Compact for Safe, Orderly and Regular Migration:

### Regional Review in Latin America and the Caribbean

26-28 April 2021

#### Background Paper

#### Thematic round table 3: Addressing irregular migration, including through managing borders and combating transnational crime

**GCM Objective #9.** Strengthen the transnational response to smuggling of migrants

**GCM Objective #10.** Prevent, combat and eradicate trafficking in persons in the context of international migration

**GCM Objective #11.** Manage borders in an integrated, secure and coordinated manner

**GCM Objective #14.** Enhance consular protection, assistance and cooperation throughout the migration cycle

**GCM Objective #21.** Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration

**GCM Objective #23.** Strengthen international cooperation and global partnerships for safe, orderly and regular migration

#### General objective of the round table:

To review progress, challenges and opportunities in meeting the objectives of the Global Compact on Migration related to addressing irregular migration, border management and the fight against organized crime

#### I. Why does this thematic area matter??

##### Summary paragraph

An increasing number of migrants embark on dangerous journeys in search of better livelihoods, safety and dignity. Some are forced to resort to the services of smugglers, especially in the absence of channels for regular migration, and are exposed to exploitation and abuse without adequate protection along the way. Others become victims of human trafficking. Comprehensive responses to prevent and respond to these crimes, protecting the human rights of migrants throughout the migration cycle, regardless of their nationality or migration status, require international cooperation, border management, and actions to protect and assist migrants in vulnerable situations, including by consular authorities and including migrant returnees. Ensuring safe and dignified return and readmission, as well as sustainable reintegration is key to migration governance. Facilitating return in safety and dignity requires ensuring due process, individual screening and effective remedies, respecting the prohibition of collective expulsion and the principle of non-refoulement, in accordance with obligations under international human rights law.



### Additional text by theme

**Trafficking in persons** is one of the most serious human rights violations that occurs in the context of international migration. The networks involved in this international crime take advantage of the vulnerable situation faced by migrants, mainly those who travel irregularly, to exploit them. The Latin American and Caribbean region has made progress in public policy to prevent and combat this crime, both at the national level and in regional coordination forums. A challenge to be considered is the need to increase the rate of detection, identification, assistance and protection of victims.

At the same time, the **smuggling of migrants** is a transnational crime that affects the security of the State and is a multi-faceted crime that affects the human rights of smuggled migrants, who often also become victims of human trafficking and related crimes. Many lack information and effective access to justice, which increases impunity rates in the context of transnational organized crime. This situation is aggravated by the lack of regulations that States have in this area to take action to prevent the smuggling of migrants, assist and protect migrants and combat transnational organized crime networks. It should be noted that smuggling networks take advantage of regulatory and procedural gaps related to options for regular entry or stay to recruit and take advantage of migrants. In addition, due to the impact of the pandemic, there are indicators that indicate that, in addition to greater flexibility at border points, vulnerable members of the community are now exploited as facilitators of the phenomenon, becoming involved in the criminal act.

Thus, preventing and combating both crimes is a fundamental part of migration governance, including that related to protection, assistance and cooperation among States, in order to have assistance, return and readmission measures standardized in the countries subscribing to the Global Compact on Migration.

In this context, **protection, assistance and consular cooperation** throughout the migration cycle play a fundamental role in the prevention, protection and defense of the rights of all migrants, particularly those in situations of vulnerability. Consular offices must assist the nationals of the country they represent in matters such as return assistance, protection of unaccompanied or separated children and adolescents, support for migrant workers, victims of human trafficking or smuggled of migrants, as well as assistance in emergency, conflict or disaster situations, among others.

Ensuring safe and dignified **return and readmission**, as well as **sustainable reintegration**, is key to migration governance. Facilitating return in safety and dignity requires ensuring due process, individual screening and effective remedies, respecting the prohibition of collective expulsion and the principle of non-refoulement, in accordance with obligations under international human rights law. This includes actions to receive, readmit and reintegrate migrants who are deported by other governments, as well as migrants who are assisted to return voluntarily or who return by other means. Assisted voluntary return and reintegration (AVRR) aims at the return and reintegration of migrants who wish to return voluntarily to their countries of origin. These programs strive to ensure that migrants in need are assisted to return voluntarily, in safety and dignity, and are supported to achieve sustainable reintegration, with full respect for human rights. Sustainable reintegration assistance is equally relevant for migrants who receive return assistance, as well as for migrants who are forcibly returned. Preserving the rights of returned migrants and ensuring their physical safety, economic empowerment, inclusion and social cohesion in return communities is critical to ensuring that the reintegration of migrants is sustainable.

## II. What are key challenges and opportunities in Latin America and the Caribbean in regards to the objectives of the round table?

### Summary paragraph

Latin America and the Caribbean is a pioneering region in the creation of regional integration and coordination mechanisms that are highly conducive to addressing the challenges presented by irregular migration. There are already national and regional migration protection tools that could become best practices for advancing in the protection of the human rights of all migrants, including those in an irregular situation.

It also helps that much of this migration takes place between countries in the same region; therefore, the standardization of guidelines and tools for a rights-based approach to migration governance is a historic opportunity.

### Additional text by theme

One of the most important challenges in the fight against **trafficking in persons** and **smuggling of migrants** is to expand channels for safe migration, strengthen capacities to prevent, identify and respond effectively to exploitation, and allocate human and financial resources to border and rural areas, where these crimes have increased, particularly in the context of the pandemic. Thus, it is essential to strengthen cross-border coordination in the existing spaces for regional action and coordination.

There is a need for constant and articulated work by frontline officials in the detection, identification, assistance and protection of victims of trafficking or migrant victims of other related crimes in the context of smuggling, for care and safe referral to service providers such as legal and health care, as well as in conducting investigations and sentencing of criminals.

The creation of specialized anti-trafficking bodies and agencies dedicated to preventing and combating trafficking, as well as assisting victims, can facilitate dialogue between these different areas of expertise and promote coordinated responses at the national level. Increasing national capacity to detect victims could be achieved by strengthening institutional efforts including legislative reforms, coordination among national actors, special law enforcement capacities, among others.

**Return** migration is very important in the region, with tens of thousands of migrants deported from destination countries each year with significant challenges to ensure their return in safety and dignity; and hundreds more helped to return through voluntary or humanitarian return programs. Many return to face the same negative factors which pushed them to migrate that existed before they left, such as lack of opportunities, inequality, lack of access to fundamental rights or even violence. Successful return and reintegration requires addressing these conditions so that migrants can sustainably reintegrate after return. As the Compact points out, creating conditions conducive to physical safety, economic empowerment, inclusion and social cohesion in communities is essential for the sustainable reintegration of migrants after returning to their country of origin. To achieve this goal, it is necessary to address migrant reintegration in a comprehensive manner, taking into account the factors that can affect reintegration and addressing them in a way that responds to the needs of

returnees as well as the communities to which they return in a mutually beneficial manner, and addresses structural factors

While there is no doubt that the COVID-19 pandemic is causing increased levels of vulnerability in a regional context of socioeconomic disparities and other challenges, it is critical to focus on current responses as opportunities to foster development and resilience among migrants and their communities, including in the context of return. Efforts to support the sustainable reintegration of migrants, to combat the stigmatization of returnees, and to support reintegration at the community and structural level, as well as at the individual level, can also contribute to reducing these vulnerabilities and addressing the adverse drivers of migration.

It is also important for countries to consider allocating resources to establish **consulates** in destination States and to train consular staff as a means of providing protection and assistance to migrants who require it, leaving no one behind, and also to work on forming and consolidating alliances with the same objective. Along the same lines, the role of the consular officer must be understood in a broader sense and beyond what has traditionally been established.

### III. What are key priority issues to be addressed in the region under the overall objective of the round table?

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*\* We decided not to set the priorities ourselves but to leave room for the participants at the table to refer to the contents of the PMM objectives included within this round table.*

### IV. Guiding questions

1. How can we make the issue of human trafficking a priority, even in the face of the challenges of the pandemic, in order to be able to make the necessary adaptations to government programs, budgets and actions?
2. What innovative practices in the region have been successful in guaranteeing the protection of the rights of victims of trafficking in persons and migrants in vulnerable situations in the context of smuggling of migrants, including those in an irregular situation?
3. What lessons can be learned from the dynamics of migrant smugglers to minimize the occurrence of this phenomenon?
4. How could the capacity of local border governments be strengthened to contribute to coordinated border management, including their contribution to public policy decision-making?



5. How can we prevent the smuggling of migrants through the expansion of regular migration channels and the establishment of regularization schemes for migrants?
6. What mechanisms or channels could be promoted so that local governments can feed their experiences back into national migration policies and strengthen the response?
7. How can we guarantee access to orderly, regular and safe return processes that take into consideration the different contexts and profiles of migrants, particularly in scenarios of mixed migration flows?
8. How can we collaborate with civil society organizations, the private sector, workers and other stakeholders to address irregular migration, including through border management and combating transnational crime?
9. What role could the private sector play in border areas in identifying opportunities for the economic insertion of migrants and the prevention of irregular migration?
10. What role could labor market actors (government, employers and workers) in border areas play at the binational and/or sub-regional level for cooperation in preventing irregular migration, promoting regular and formal transit and insertion at the destination? (This could include the perspective of equitable recruitment).
11. What mechanisms can be put in place to improve cross-border collaboration on national border management in accordance with obligations under international law and the human rights of migrants, regardless of their migration status, and how to strengthen the capacity of governments to ensure that return always takes place in safety and dignity, as well as to support the sustainable reintegration of migrants?
12. How can we strengthen collaboration mechanisms against smuggling of migrants between national agencies and between countries for the exchange of intelligence and joint investigations?
13. How can we strengthen the mechanisms for allocating national resources to ensure consular services that adequately protect nationals abroad and cooperate in the voluntary return of migrants?
14. How can we strengthen the technical capacity of consular officers to ensure the protection and well-being of their nationals abroad, especially in the face of persons subject to administrative detention or victims of transnational crimes such as human trafficking or in the context of migrant smuggling?



**V. Additional related resources** (videos, bibliography, relevant reports or other documents provided by AFPs)

*Trata de personas y tráfico ilícito de migrantes*

- *Reporte Global sobre Trata de Personas* UNODC, 2020  
<https://www.unodc.org/unodc/data-and-analysis/glotip.html>
- *Estudio Global sobre Tráfico Ilícito de Migrantes*  
<https://www.unodc.org/unodc/en/data-and-analysis/glosom.html>

*Retorno y reintegración*

- *OACNUDH, Principios y Directrices Recomendados sobre los Derechos Humanos en las Fronteras Internacionales*,  
[https://www.ohchr.org/Documents/Issues/Migration/OHCHR\\_Recommended\\_Principles\\_Guidelines\\_SP.pdf](https://www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines_SP.pdf)
- *Reintegration handbook* IOM 2019 (multiple languages at the link)  
<https://publications.iom.int/books/reintegration-handbook-practical-guidance-design-implementation-and-monitoring-reintegration>
- *Return and Reintegration platform*, here: <https://returnandreintegration.iom.int/en> (English or French)
- *AVRR programs: video*: <https://www.youtube.com/watch?v=kyCcr2jAQLI> “A return with dignity, an opportunity back home”
- *Video story AVRR from Brazil*: <https://www.youtube.com/watch?v=uWq-finV0cO&list=PLEOC69EF8DB3A2891&index=9>

*Relacionada con fortalecer la cooperación:*

- *OIT-PNUD (2021) Migración desde Venezuela: Oportunidades para América Latina y el Caribe. Estrategia Regional de Integración socioeconómica*  
[https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/documents/publication/wcms\\_775178.pdf](https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/documents/publication/wcms_775178.pdf)

English version: [https://www.ilo.org/americas/publicaciones/WCMS\\_775183/lang-en/index.htm](https://www.ilo.org/americas/publicaciones/WCMS_775183/lang-en/index.htm)

*Protección consular*

- *Protocolo para la atención consular de niñas, niños y adolescentes migrantes no acompañados*:  
<https://www.unicef.org/mexico/media/1231/file/Protocolo%20para%20la%20atenci%C3%B3n%20consular%20de%20ni%C3%B1as,%20ni%C3%B1os%20y%20adolescentes%20migrantes%20no%20acompa%C3%B1ados..pdf>
- *Corte Interamericana de Derechos Humanos, Opinión Consultiva OC-16/99, El Derecho a la Información sobre la Asistencia Consular en el Marco de las Garantías del Debido Proceso Legal, 1 de octubre de 1999*: [https://corteidh.or.cr/docs/opiniones/seriea\\_16\\_esp.pdf](https://corteidh.or.cr/docs/opiniones/seriea_16_esp.pdf)
  - *Convención de Viena sobre relaciones consulares*:  
<https://www.oas.org/legal/spanish/documentos/convvienaconsulares.htm>