



## VOLUNTARY QUESTIONNAIRE

### FOR SUBREGIONAL, REGIONAL AND CROSS-REGIONAL PROCESSES, PLATFORMS AND ORGANIZATIONS, AND STAKEHOLDERS ACTIVE AT THE REGIONAL LEVEL TO REVIEW THE STATUS OF THE IMPLEMENTATION OF THE GCM IN PREPARING FOR THE REGIONAL REVIEW

*The Global Compact for Safe, Orderly and Regular Migration provides for countries to review the progress made in implementing the Global Compact in the framework of the United Nations through a State-led approach and with the participation of all relevant stakeholders<sup>1</sup>, and invites relevant subregional, regional and cross-regional processes, platforms and organizations to review the implementation of the Global Compact within the respective regions, beginning in 2020<sup>2</sup>.*

*This questionnaire helps subregional, regional and cross-regional processes, platforms, organizations and stakeholder active at the regional level, on a voluntary basis, gather and provide inputs which will inform the Review of Implementation of the Global Compact for Safe, Orderly and Regular Migration in Latin America and the Caribbean Region to be held at the end of March 2021 including the preparation of the 2020 Latin America and the Caribbean Migration Report, and related background documentation.*

*The responses to this questionnaire will be posted on the website of the [United Nations Network on Migration](#).*

*Please, submit the completed questionnaire to [ROSanJose@iom.int](mailto:ROSanJose@iom.int) and [mrfbuenosaires@iom.int](mailto:mrfbuenosaires@iom.int).*

1. <u>Region</u>	Central and North America, and the Caribbean		
2. <u>Institution</u>	Human Rights Watch		

<sup>1</sup> Resolution adopted by the General Assembly on 19 December 2018 ([A/RES/73/195](#)), para. 48.

<sup>2</sup> Idem, para. 50.

**Please submit your inputs addressing the following issues by considering your organization's experience in the countries it covers (maximum 500 words):**

**Thematic Area 1 - Promoting fact-based and data-driven migration discourse, policy and planning<sup>3</sup>.**

Objectives of the Global Compact for Migration:

- # 1. Collect and utilize accurate and disaggregated data as a basis for evidence-based policies
- # 3. Provide accurate and timely information at all stages of migration
- # 17. Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration
- # 23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration

**A.1.** Update on the status of the implementation of regional plans and strategies on migration, based on statistical as well as qualitative data, where available. Where possible, the data should be collected with a gender-based and child-sensitive approach, with special emphasis on migrants belonging to the most vulnerable groups, including indigenous peoples and people of African descent, among others. Please give your inputs per specific thematic area.

n/a
-----

**Thematic Area 2 - Protecting the human rights, safety and well-being of migrants, including through addressing drivers and mitigating situations of vulnerability in migration.**

Objectives of the Global Compact for Migration:

- # 2. Minimize the adverse drivers and structural factors that compel people to leave their country of origin
- # 7. Address and reduce vulnerabilities in migration.
- # 8. Save lives and establish coordinated international efforts on missing migrants
- # 12. Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral
- # 13. Use migration detention only as a measure of last resort and work towards alternatives
- # 23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration

**A.2.** Update on the status of the implementation of regional plans and strategies on migration, based on statistical as well as qualitative data, where available. Where possible, the data should be collected with a gender-based and child-sensitive approach, with special emphasis on migrants belonging to the most vulnerable groups, including indigenous peoples and people of African descent, among others. Please give your inputs per specific thematic area.

---

<sup>3</sup> The thematic areas correspond to those used by the [Migration Multi-Partner Trust Fund: Start-up Fund for Safe, Orderly and Regular Migration \[MPTF\]](#).

Human Rights Watch has documented practices by several countries in the Latin America and Caribbean region between 2019 and 2021 that not only contravene their commitments under the GCM, but violate international and regional human rights and refugee law.

In this section, we focus on Mexico, a country which voted in favor of adoption of the Global Compact for Migration (GCM), committing to its objectives. The below practices by Mexico contravene GCM Objective 8 (to “save lives”), Objective 12 (“Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral”), and Objective 13 (“Use migration detention only as a measure of last resort and work towards alternatives”)

#### MEXICO:

Mexico detains hundreds of thousands of irregular migrants and asylum seekers every year for purely administrative reasons related to their immigration status in the country. In 2019, Mexico detained 182,940 migrants, including children and asylum seekers. In 2020, during the Covid-19 pandemic, this number fell to 87,260 migrants detained. Many migrants have complained that Mexico’s migrant detention centers are crowded and unsanitary.  
(Source: <http://www.politicamigratoria.gob.mx/>)

In March and April 2020, at the beginning of the pandemic, Mexico arbitrarily detained thousands of Central American migrants in migration detention centers when it could not deport them to their home countries. Detainees protested in five detention centers, complaining that overcrowding and unhygienic conditions put them at increased risk of contracting Covid-19 and demanded to be released.

(For more information: <https://www.hrw.org/news/2020/04/14/mexico-free-detained-migrants-amid-pandemic>)

The Mexican government has neglected to take many of the basic steps necessary to detect and prevent cases of Covid-19 in detention centers. In random inspections of migration detention centers, Mexico’s National Human Rights Commission has found severe overcrowding, migrants held with no electricity or running water, and migrants who were not provided with masks or soap.  
(Source: National Human Rights Commission, <https://www.cndh.org.mx/documento/cndh-emite-medidas-cautelares-al-inm-para-protger-la-salud-de-personas-migrantes> ;

[https://www.cndh.org.mx/sites/default/files/documentos/2020-09/COM\\_2020\\_300.pdf](https://www.cndh.org.mx/sites/default/files/documentos/2020-09/COM_2020_300.pdf) ;

<https://www.cndh.org.mx/comunicado/4419/comunicado-de-prensa-2952020> ;

<https://www.cndh.org.mx/comunicado/4417/comunicado-de-prensa-2932020>.)

Human Rights Watch research has consistently found that migrants travelling through Mexico and those who are sent to Mexico from the United States face rape, kidnapping, extortion, assault, and psychological trauma, sometimes at the hands of Mexican police and immigration agents. Many told Human Rights Watch that in Mexico they fear going outside or interacting with Mexican officials, even to find work or medical care, and avoid speaking in front of strangers for fear their accents will make them targets.

Human Rights Watch has interviewed migrants who said they had been victims of crime in Mexico but did not report it to the police because they believed the authorities were complicit or they feared reporting would expose them to further crimes or abuses by officials. Some who attempted to report crimes said they were turned away either for being foreigners or because authorities said crimes against migrants were “normal,” and there was nothing they could do.

(For more information, see:

<https://www.hrw.org/news/2021/03/05/mexico-abuses-against-asylum-seekers-us-border> ;

<https://www.hrw.org/report/2021/01/06/im-drowning/children-and-families-sent-harm-us-remain-mexico-program> ;

<https://www.hrw.org/report/2019/07/02/we-cant-help-you-here/us-returns-asylum-seekers-mexico>).

### **Thematic Area 3 - Addressing irregular migration including through managing borders and combatting transnational crime.**

Objectives of the Global Compact for Migration:

- # 9. Strengthen the transnational response to smuggling of migrants
- # 10. Prevent, combat and eradicate trafficking in persons in the context of international migration
- # 11. Manage borders in an integrated, secure and coordinated manner
- # 14. Enhance consular protection, assistance and cooperation throughout the migration cycle
- # 21. Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration
- # 23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration

**A.3.** Update on the status of the implementation of regional plans and strategies on migration, based on statistical as well as qualitative data, where available. Where possible, the data should be collected with a gender-based and child-sensitive approach, with special emphasis on migrants belonging to the most vulnerable groups, including indigenous peoples and people of African descent, among others. Please give your inputs per specific thematic area.

#### **VENEZUELA:**

Since 2014, an estimated 5.5 million people – almost 20 percent of the total population – have fled Venezuela due to a continuing human rights, humanitarian, political, and economic crisis (source: <https://r4v.info/es/situations/platform>). Many Venezuelans abroad have irregular status, undermining their ability to obtain work permits, send children to school, and access health care, while making them vulnerable to exploitation and abuse.

Moreover, obtaining certain documents such as IDs, birth certificates, passports in Venezuela is nearly impossible, and the absence of consular services limits access to Venezuelans outside the country to documents, making it hard to regularize their status in host countries (source: <http://guayanaweb.ucab.edu.ve/noticias-reader-guayana-actual/items/venezolanos-en-el-exterior-se-encuentran-desprotegidos.html>).

Human Rights Watch documented tens of thousands of Venezuelans returning to Venezuela because of the Covid-19 pandemic and its economic impact. Nationwide lockdowns in South America to curb the spread of Covid-19 stopped the informal economy. Many Venezuelans who depend on the informal economy could

no longer afford adequate food and rent. Because of their lack of regular legal status in their host countries, they often did not have access to health care and other services, such as testing or care for Covid-19.

People entering Venezuela have been required to stay at quarantine centers known as Puntos de Atención Social Integral, or PASI. Centers are improvised, including in schools, hotels, public sports facilities, and bus terminals. Human Rights Watch and the Johns Hopkins University's Centers for Public Health and Human Rights and for Humanitarian Health found overcrowded, ill-equipped, and unsanitary quarantine centers, with little access to food, water, electricity to run water pumps, basic supplies needed for hygiene, or medical care. The conditions described by returnees were likely to contribute to the spread of the virus.

Human Rights Watch reported that some returnees were threatened with arrest or harassed, and faced discrimination by the military, security forces, armed pro-government groups called colectivos and civilian personnel managing the quarantine centers. Returnees said they felt they were being punished for having left the country.

Venezuelan authorities have also stigmatized and prosecuted returnees who use unofficial crossings, which many find to be the only practical option to return to their country due to delays at official crossings. The National Bolivarian Armed Forces have called "trocheros" – both those entering by trochas and those helping them do so – "bioterrorists," and President Nicolas Maduro has encouraged people to report them anonymously. (For more information, see: <https://www.hrw.org/news/2020/10/13/venezuela-abusive-treatment-returnees>)

The above practices contravene GCM Objective 21 to ensure migrants' "safe and dignified return and readmission, as well as sustainable reintegration."

#### TRINIDAD AND TOBAGO:

In November and December 2020, Trinidad and Tobago arbitrarily detained and deported by boat scores of Venezuelan migrants and asylum seekers, including children. These proceedings failed to follow due process, put the migrants at risk during sea journeys, and sent asylum seekers back to face potential threats to their lives or other serious harm.

(For more information, see: <https://www.hrw.org/news/2021/02/03/deportation-venezuelan-kids-should-stop>)

While Trinidad and Tobago did not vote to adopt the GCM, we wish nevertheless to highlight that the government's treatment of Venezuelan migrants and asylum seekers contravenes GCM Objective 21 on safe and dignified return, particularly in reference to "upholding the prohibition of collective expulsion and of returning migrants when there is a real and foreseeable risk of death, torture and other cruel, inhuman and degrading treatment or punishment, or other irreparable harm."

### **Thematic Area 4 - Facilitating regular migration, decent work and enhancing the positive development effects of human mobility.**

Objectives of the Global Compact for Migration:

- # 5. Enhance availability and flexibility of pathways for regular migration
- # 6. Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work
- # 18. Invest in skills development and facilitate mutual recognition of skills, qualifications and competences

- # 19. Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries
- # 20. Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants
- # 23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration

**A.4.** Update on the status of the implementation of regional plans and strategies on migration, based on statistical as well as qualitative data, where available. Where possible, the data should be collected with a gender-based and child-sensitive approach, with special emphasis on migrants belonging to the most vulnerable groups, including indigenous peoples and people of African descent, among others. Please give your inputs per specific thematic area.

n/a

#### **Thematic Area 5 - Improving the social inclusion and integration of migrants.**

Objectives of the Global Compact for Migration:

- # 4. Ensure that all migrants have proof of legal identity and adequate documentation
- # 15. Provide access to basic services for migrants
- # 16. Empower migrants and societies to realize full inclusion and social cohesion
- # 22. Establish mechanisms for the portability of social security entitlements and earned benefits
- # 23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration

**A.5.** Update on the status of the implementation of regional plans and strategies on migration, based on statistical as well as qualitative data, where available. Where possible, the data should be collected with a gender-based and child-sensitive approach, with special emphasis on migrants belonging to the most vulnerable groups, including indigenous peoples and people of African descent, among others. Please give your inputs per specific thematic area.

#### **MEXICO:**

**In 2020 Human Rights Watch found that asylum seekers sent to Mexico under the Remain in Mexico program faced significant barriers to working and accessing essential services such as health care and education. Unlike other migrants granted legal status in Mexico, those in the Remain in Mexico program were not given photo ID cards confirming that status. As a result, many were turned away by employers or public officials who said they had never heard of Remain in Mexico or did not understand the legal status it confers. Many migrants in the program told Human Rights Watch they had received little to no support or information from the Mexican government. Many did not know they had the right to use public services or did not understand how to get them, from the documents they had received.**

**(For more information, see: <https://www.hrw.org/news/2021/03/05/mexico-abuses-against-asylum-seekers-us-border>)**

**These practices contravene GCM Objective 4 (“Ensure that all migrants have proof of legal identity and adequate documentation”) and Objective 15 (“Provide access to basic services for migrants”).**

B. How have you integrated the cross-cutting and interdependent guiding principles of the Global Compact for Migration, including the whole-of-society and whole-of-government approaches<sup>4</sup>, into existing plans and policies? Has it helped accelerate implementation?

*B.i. Was the whole-of-government approach applied? How?*

*B.ii. Was a whole-of-society approach applied? How?*

*B.iii. What mechanisms have been used to engage regional civil society and other relevant stakeholders?*

*B.iv. Did the inclusion of the Global Compact guiding principles helped to accelerate the implementation of plans and strategies? Please explain.*

C. What are the main gaps and challenges between implementation of the Global Compact for Migration and existing regional approaches, strategies and implementation plans?

*C.i. Main gaps:*

*C.ii. Main challenges:*

D. List some examples of promising practices and lessons learned that may be relevant for other regions.

E. Outline thematic areas and/or guiding principles of the Global Compact for Migration where the region would need support in terms of funding, capacity-building, policy advice, data gathering and analysis, technology, partnerships, etc.

*E.i. What thematic areas/principles need support?*

*E.ii. What additional resources are needed (funding, capacity-building, data and information, technology, partnerships or otherwise)?*

---

<sup>4</sup> Resolution adopted by the General Assembly on 19 December 2018 ([A/RES/73/195](#)), paragraph 15.

F. Please provide any additional information or comments that you might have regarding the implementation of the Global Compact for Migration in your region, progress and next steps on the objectives of the Global Compact, the regional review or any other related issue you believe is relevant for this questionnaire.

G. In the context of the health crisis caused by the coronavirus disease (COVID-19) pandemic that is affecting all countries in the region, what challenges has your organization identified in the implementation of the Global Compact?

**We thank you for your time spent taking this survey.**



## ANNEX

### List of the objectives of the Global Compact for Safe, Orderly and Regular Migration by thematic area

The United Nations multi-partner trust fund to support the Global Compact for Safe, Orderly and Regular Migration, a core element of the Network's capacity-building mechanism, groups the 23 objectives of the Global Compact under five thematic areas to facilitate adherence to the Global Compact's 360-degree vision. The thematic areas and corresponding Global Compact objectives are as follows:

Thematic areas of the United Nations multi-partner trust fund to support the global compact for safe, orderly and regular migration	Global Compact objectives
<b><i>Thematic area 1</i></b> Promoting fact-based and data-driven migration discourse, policy and planning	1. Collect and utilize accurate and disaggregated data as a basis for evidence-based policies
	3. Provide accurate and timely information at all stages of migration
	17. Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration
	23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration
<b><i>Thematic area 2</i></b> Protecting the human rights, safety and well-being of migrants, including through addressing drivers and mitigating situations of vulnerability in migration	2. Minimize the adverse drivers and structural factors that compel people to leave their country of origin
	7. Address and reduce vulnerabilities in migration
	8. Save lives and establish coordinated international efforts on missing migrants
	12. Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral
	13. Use migration detention only as a measure of last resort and work towards alternatives
23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration	
<b><i>Thematic area 3</i></b> Addressing irregular migration, including through managing borders and combating transnational crime	9. Strengthen the transnational response to smuggling of migrants
	10. Prevent, combat and eradicate trafficking in persons in the context of international migration
	11. Manage borders in an integrated, secure and coordinated manner
	14. Enhance consular protection, assistance and cooperation throughout the migration cycle
	21. Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration
23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration	

<p><b>Thematic area 4</b>                      Facilitating regular migration and decent work, and enhancing the positive development effects of human mobility</p>	5. Enhance availability and flexibility of pathways for regular migration
	6. Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work
	18. Invest in skills development and facilitate mutual recognition of skills, qualifications and competences
	19. Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries
	20. Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants
	23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration
<p><b>Thematic area 5</b>                      Improving the social inclusion and integration of migrants</p>	4. Ensure that all migrants have proof of legal identity and adequate documentation
	15. Provide access to basic services for migrants
	16. Empower migrants and societies to realize full inclusion and social cohesion
	22. Establish mechanisms for the portability of social security entitlements and earned benefits
	23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration