



# PRELIMINARY REPORT ON THE REGIONAL REVIEW OF THE IMPLEMENTATION OF THE GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION IN LATIN AMERICA AND THE CARIBBEAN

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**Reunión de revisión regional de implementación del Pacto  
Mundial para la Migración Segura Ordenada y Regular**  
en América Latina y el Caribe | Reunión virtual, 26-28 de abril 2021

This document is a preliminary report presented to the Regional Review Meeting on the Implementation of the Global Compact for Safe, Orderly and Regular Migration in Latin America and the Caribbean. It was prepared by the consultant William Mejía, under the supervision of ECLAC and IOM.

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## EXECUTIVE SUMMARY

This Summary focuses on the findings obtained from the ten sections of questions included in the Questionnaire sent to the Member States in Latin America and the Caribbean, regarding the Global Compact for Safe, Orderly, and Regular Migration (hereinafter referred to as the 'GCM' or the 'Compact'), as a basis for the Regional Review of its implementation.

A total of 15 countries responded to the voluntary Questionnaire, including Argentina, the Plurinational State of Bolivia, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, St. Lucia, Uruguay, and the Bolivarian Republic of Venezuela. Of these countries, Colombia, Ecuador, El Salvador, Honduras, and Mexico are in the category of Champion Countries.<sup>1</sup>

The platforms and organizations that responded included: the Inter-American Development Bank (IDB); the Latin American Block; the South American Conference on Migration (CSM); the Space without Borders Network; the Ibero-American Migration Agency Network (RIAM); the Ibero-American General Secretariat (SEGIB); the Executive Secretariat of the Regional Conference on Migration (SE-CRM); and the United Nations Major Group for Children and Youth (UNMGCY).

To support the reader's comprehension and understanding of the exercise and to create synergies between tools, the structure of the Report (as well as this Summary) follows that of the Questionnaire, available [here](#).

This document does not include highlighted practices nor conclusions, which can be found in the full Report.

### 1. Promotion of a Migration Discourse, Policies, and Planning Efforts Based on Facts and Data

Results from the Questionnaire suggest that there is awareness of the information and data needs amongst respondents, with notable advancements in this area. In particular, several countries note collecting and processing information through migration-specific administrative records. In fewer cases, countries have made progress in including migration variables in other general administrative records (such as health, education, employment, among others).

With respect to combatting xenophobia and all forms of discrimination against migrants, countries and other platforms and organizations reported various campaigns and actions, and in some cases, even new legislation, at times within the framework of broader equality programs.

It is also worth noting numerous advancements in the creation of platforms and websites (with greater development during the Pandemic) which share information and resources concerning applicable legislation, procedures, and services available to migrants and returnees.

Studying and broadly disseminating information on the historical and current contributions of migration to countries (principally with respect to immigration, but also emigration in those countries or communities where

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<sup>1</sup> The UN Network on Migration invited a group of Member States to serve as "Champion countries" for the implementation of the Global Compact for Migration, targeting them with explicit support from the Network, while also generating key insights, lessons learned, and positive practices that can be shared in dedicated spaces and with other Member States. For more information, visit: <https://migrationnetwork.un.org/champion-countries-initiative>

returnees are stigmatized) continues to be a challenge, and there is a need to assess and discuss migrant contributions beyond traditional conversations on the importance of diasporas and remittances.

Overcoming the difficulties and challenges in this area, as well as implementing the GCM's, will be more complete and feasible if addressed through cooperation between countries.

## **2. Protection of Migrant Human Rights, Security, and Well-Being (among other aspects) by Addressing the Vulnerability Factors in Migration and Mitigating Situations that Cause Vulnerability**

Acting on the adverse and structural factors that compel people to emigrate corresponds to the strategic interests of each State. In light of the 2030 Agenda, several countries noted that the most appropriate course of action appears to be the implementation of tasks to achieve the Sustainable Development Goals (SDGs). The challenge will be to focus actions on the areas or populations with the greatest propensity to emigrate. An additional challenge continues to be the mitigation of adverse migration drivers related to disasters, environmental degradation, climate change, and other environmental phenomena.

Information is provided on prevention and assistance programs that tend to mitigate or respond to the vulnerability of specific groups of migrants in different phases of the migration process. Several countries report significant progress in mitigating irregular migration, facilitating regular entries, or developing plans to regularize the status of irregular migrants.

A common concern involves the need for awareness and training programs for migration control personnel (especially at border stations) regarding human rights, profile detection, and the activation of systems for specialized attention and protection. Although not specifically mentioned in the Country Reports, complaints from migrants and civil society observers suggest that efforts still need to be made to transform statutes and procedures that grant high levels of discretion to officials and minimal defense mechanisms to migrants.

Progress has been noted regarding the detention of migrants as a last resort, but work still needs to be done, particularly in the Caribbean and Mesoamerican subregions.

Almost all the countries report taking into account the guiding principle of gender perspective and commitments to gender equality and the defense of women. Few references are made, however, to concrete priority programs or projects aimed at migrant women. The same may be said with respect to meeting the specific needs of other migrant populations, such as indigenous peoples, trafficking survivors, LGBTI persons, and persons with disabilities. To a lesser extent, deficiencies are noted in the reports regarding information on specialized attention for migrant children and adolescents.

## **3. Address Irregular Migration, Including through Border Management and Efforts to Combat Transnational Organized Crime**

The smuggling of migrants and the trafficking in persons tend to be considered together, but the concrete actions reported focus more on the latter. With respect to Central America, reports frequently mentioned coordination mechanisms and alliances among the subregion's countries in order to combat migrant smuggling and trafficking in persons.

It is important to note the following priority challenges: reducing vulnerability; informing and raising awareness regarding the implicit dangers of migrant smuggling and the possibility of becoming a victim of trafficking; facilitating regular migration and regularizing the status of irregular migrants; and identifying and monitoring the recruitment methods and routes used by smugglers and traffickers.

Considering the fact that women represent a significant proportion of trafficking victims, it seems relevant to also ensure that this theme is addressed from a gender perspective.

Border management appears to be a commonly shared concern. Numerous countries reported the implementation of technological resources and comprehensive control mechanisms at border stations.

Technological modernization and administrative simplification are among the improvements reported in consular management systems. The Pandemic caused by COVID-19 has put the capacities of consular networks to assist migrants throughout the migration process to the test.

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

Special visas or access to residence permits of different type are available for some nationalities. In addition, restrictions regarding the place of application for visas and the type, quantity and quality of documentation required are now more flexible. This is also true for the reduction, simplification, streamlining and virtualization of migration procedures, both within and outside destination countries.

Regarding the exploitation of migrant labour, an important challenge is to strengthen inspection in the economic sectors where it is most prevalent. But it must be clear that the aim is to protect the rights of migrant workers and punish their exploiters, and that the consequence for migrants cannot be other than to support their regularization.

With regard to the issue of remittances, and in order to achieve the greatest possible impact on families, communities and host countries, action should be aimed at facilitating submitting and receiving services, avoiding collusion between providers, and promoting through clear and updated information, the reduction of the cost of transfer for the main remittance corridors.

The financial inclusion of irregular migrants depends on the availability of identification documents accepted by financial institutions, and by local regulations, if applicable. Depending on the circumstances, governments of origin or destination can support this inclusion, possibly through regulatory adjustments.

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

Regarding the portability of social security and acquired benefits, several countries have bilateral agreements and/or are part of the Ibero-American Multilateral Agreement on Social Security. However, the level of ratification, together with the strengthening of communication channels between countries in order to coordinate social security systems must increase. Above all, strategies that allow the transition from formal portability to the concrete enforceability of rights must be defined. As a complement, several countries offer their nationals abroad the possibility of continuing to contribute to the national pension system. In the south of the region, there are references to the Mercosur Multilateral Agreement on Social Security. Over and above

any difficulties, consideration should be given to strengthening international management in order to advance the portability of social security and acquired benefits.

With regards to the regularization of migrants, destination countries are making efforts for the timely provision of the corresponding identification document. Actions have been reported in the fight against statelessness, through the existence and application of general laws or ad hoc procedures for populations at risk of statelessness.

Regarding the access to basic services, although, in general, countries guarantee the access for the entire population through constitutions and superior laws, in many cases the countries state that this access is restricted or has important limits depending on the migratory status of the persons.

The social inclusion and integration of women and migrants with diverse gender identities must go beyond formal declarations of gender perspective or equity and a few specific programmes or projects "for women" or "for sexual minorities", instead it must move towards true gender mainstreaming.

## **6. Integrating the vision and guiding principles into the implementation of the GCM**

It is up to each country to identify gaps between the formal acceptance of these principles, and their practical implementation, especially regarding the following: people-centered; international cooperation; rule of law and due process; gender perspective; and child perspective.

## **7. COVID-19 as the scenario for the GCM implementation**

National and local measures targeting migrants mainly concern: border management, migration management and social policy measures to counteract the effects of the pandemic. Given the worsening conditions on the migrant population, the pandemic has been an opportunity to further demonstrate the relevance and necessity of the GCM.

## **8. Pact, SDGs and the Montevideo Consensus**

Almost all countries report the integration of the implementation of the GCM with that of the SDGs. However, the amount of countries decreases when it comes to finding specific actions in this regard. Half of the countries did not answer the question on the relevance of the follow-up to the Montevideo Consensus on Population and Development for the Compact. Those who did answer this question gave a positive assessment of the Consensus, although some did so in general terms, without relating it to the GCM. Almost all references focused on the issue of human rights.

## **9. Methodology implemented for the voluntary review**

All countries reported having made inter-agency consultations, within the same government, with different levels of involvement. Most of them also consulted with other stakeholders. The pandemic was mentioned as an obstacle to carrying out the task.



## 10. Difficulties in advancing the implementation of the GCM

As a structural issue, and beyond the pandemic situation, there is widespread reference to insufficient financial resources, which leads to another frequent annotation in the reports, namely the call for greater international cooperation to remedy the deficits identified.

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# 1 Introduction

## 1.1 Purpose of the Document

This document consists of a Preliminary Report on the Review of the Implementation of the Global Compact for Safe, Orderly, and Regular Migration (GCM) in Latin America and the Caribbean, based on reports submitted by fifteen Member States and various stakeholders as of 01 March 2021. The purpose of this document is to serve as an input for continuing the Regional Review process.

As mentioned in the Executive Summary, countries were able to submit their respective Country Reports by responding to the Questionnaire available at the URL previously indicated. In addition, another Questionnaire was available to processes, platforms, and organizations at the subregional, regional, and interregional levels, as well as to relevant stakeholders that act at the national level (available at:

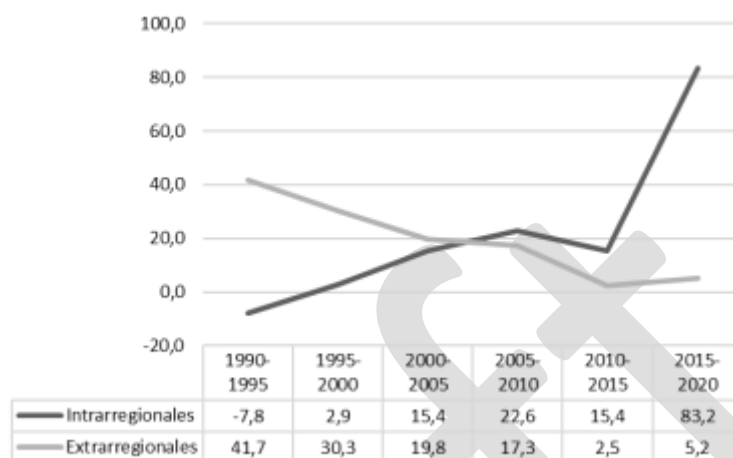
[https://migrationnetwork.un.org/sites/default/files/docs/cuestionario\\_a\\_procesos\\_plataformas\\_y\\_organizaciones\\_regionales.docx](https://migrationnetwork.un.org/sites/default/files/docs/cuestionario_a_procesos_plataformas_y_organizaciones_regionales.docx)).

Despite the short period being reviewed (less than two years, with half of that time affected by the COVID-19 Pandemic), countries have noted making progress towards the fulfillment of the GCM objectives in the form of migration legislation reforms, temporary migrant normalization processes, and other concrete actions. Although many of the efforts reported on the Questionnaires correspond to processes that were already underway when the GCM was approved, they are generally in line with the objectives of the Global Compact. The important point here is that, in light of the commitments to the Global Compact expressed in the Country Reports, this Review can be considered as a baseline reference point for the joint planning of the new actions required to progress with the implementation of the GCM. Said reference point also contains the richness of the experiences and considerations described in the Questionnaires.

## 1.2 Migration in Latin America and the Caribbean

In recent years, intraregional migration flows (that is, migration of individuals between countries of origin and destination located within the same region) have increased in Latin America and the Caribbean. Figure 1 shows that, since the year 2000, the stock of intraregional migrants has grown at significantly higher rates than the stock of extraregional migrants (that is, migrants residing in LAC originating from other regions) in the region. This phenomenon has been especially notable during the past ten years, particularly during the most recent five-year period (2015-2020), given that the stock of intraregional migrants in the region almost doubled, while the stock of migrants originating from outside of the region grew by only 5 per cent.

FIGURE 1. Percentage variation by five-year periods of migrant stocks in the region (by settlement within or outside the region), 1990-2020

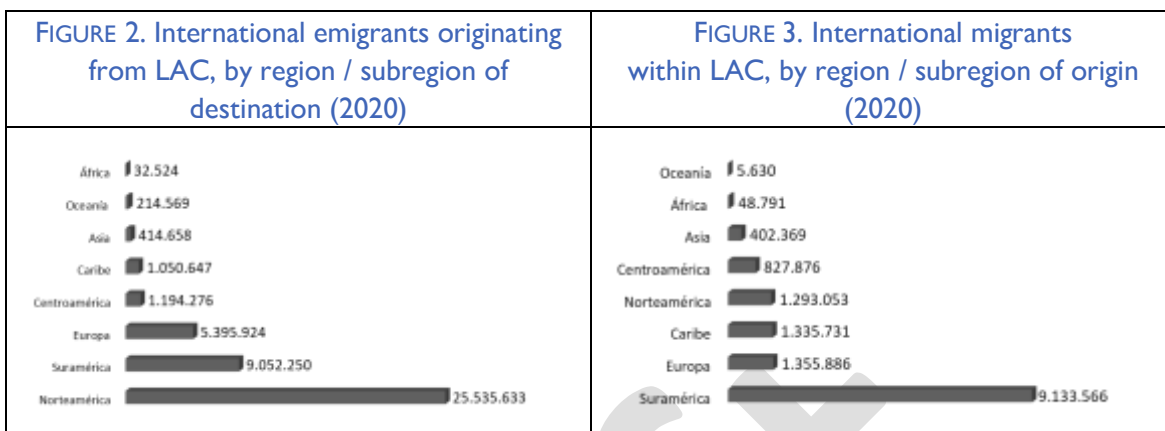


Source: Prepared from UNDESA Data for 2020

When migration processes take place in irregular conditions, migrants are exposed to a variety of risks that make them especially vulnerable while in transit and while staying in their destination country. These migrations, however, also carry beneficial consequences for migrants and their families and for countries of origin. These consequences can also benefit destination countries and communities, which can benefit from the knowledge, capacities, labor supply, and diversity (among other aspects) brought by migrants. In order to address migration in its different contexts (regular flows, emergency situations, and post-crisis scenarios), and its different forms (internal and cross-border), along with the difficulties, possibilities, and personal and social impacts that migration entails, countries need to manage migration. This management cannot be developed in isolation, but rather through cooperation and joint efforts with other countries, associations of countries, cooperation agencies, NGOs, and other actors. As emphasized by the Objective 23 of the GCM, it is necessary to strengthen international cooperation and global partnerships to ensure safe, orderly, and regular migration.

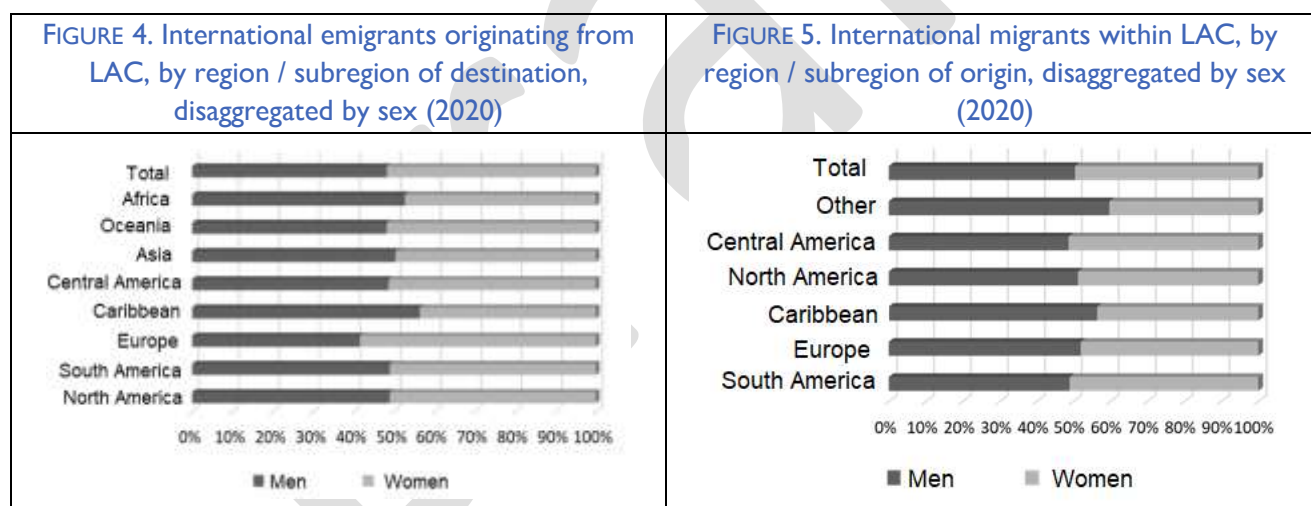
In 2020, close to 43 million migrants originating from the region lived in a country other than their country of origin (see Figure 2), with the majority (59.5%) residing in Northern America. Over eleven (11.3) million migrants (26.3%) resided in South America. With respect to the region's total population of 654 million in 2020 (UNDESA, 2020), the emigrant population represented 6.6 per cent.

In the case of migrants living in the region (see Figure 3), there was a stock of close to 15 million in Latin America and the Caribbean (LAC) in 2020. Seventy-eight (78.4%) per cent of these originated from within the region (that is, were intraregional migrants). Those migrants in LAC from outside the region principally originated from Europe and Northern America, with comparable overall stocks.



Source: Prepared from UNDESA Data for 2020

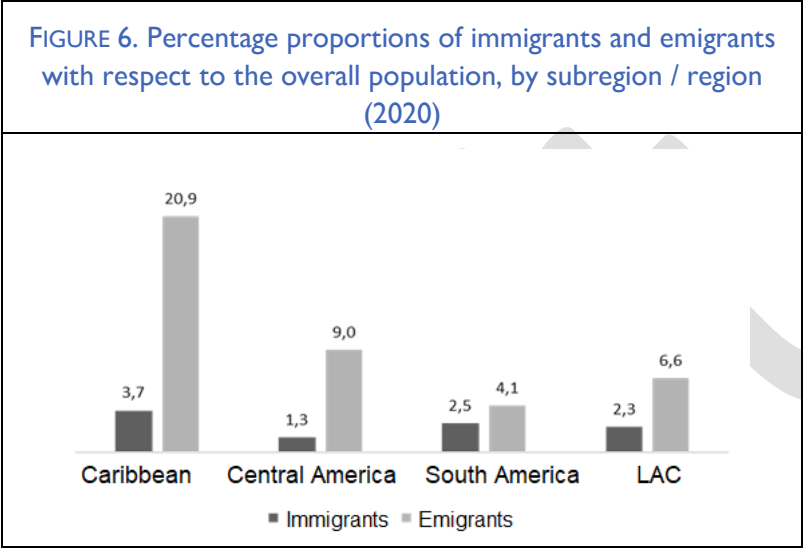
Figures 4 and 5 show the distribution by sex of the aforementioned migrant populations. Among the total emigrant population from LAC (Figures 4), a larger proportion were females compared to males in 2020. This predominance of females amongst emigrants originating from LAC is most notable amongst the stock residing in Europe. On the other hand, a larger proportion of migrants originating from LAC were male in the Caribbean.



Source: Prepared from UNDESA Data for 2020

At the global level, in 2020 women accounted for 48.1 per cent of all migrants. However, amongst migrants originating from countries in LAC, women accounted for larger proportion of all emigrants, at 51.7 per cent of the total stock of 43 million. Females accounted for the majority of the emigrant population in all countries / territories in LAC with the exception of Anguilla (48.4%), Mexico (46.8%), Haiti (45.5%) and the U.S. Virgin Islands (44.5%). The countries / territories with the highest proportions of migrant women were: Guadalupe (60.5%), Honduras (59.3%), and the Dominican Republic (58.7%) (UNDESA, 2020). Women migrate as members of a family, but also on their own. They do so for different reasons, such as poverty, lack of opportunities, environmental degradation, natural disasters, persecution, gender violence, and other factors that affect their well-being and / or the well-being of their families.

Among the immigrant population in LAC, the highest proportions of women by subregion were found in Guadalupe (58%) Martinique (57.5%) and Guyana (53.5%) in the Caribbean; Argentina (53.4%) in South America; and in Guatemala (52.7%) and El Salvador (52.4%), in Central America. The lowest proportions in the region are found in Brazil (46%), Suriname (45%), Haiti (44.4%), and the Dominican Republic (36.6%) (UNDESA, 2020).



Source: Prepared from UNDESA Data for 2019 and 2020

Based on Figure 6, it is worth signaling in particular the significant emigrant populations (taken as the percent of nationals living outside of their countries / territories of origin) in the Caribbean (where one in five nationals are lived outside of their country / territory of origin in 2020) and to a lesser degree, in Central America (where approximately one in 10 nationals lived outside of their country / territory of origin in 2020).

## 2 Principal Findings

### 2.1 Thematic Areas<sup>2</sup> and Challenges

This section presents a brief summary that highlights the common denominators found in sections 1 through 5, most of all regarding Question (b)<sup>3</sup> from the Member States Questionnaire, which refers to the strategies, policies, programs, and actions reported by each country to fulfill the objectives of the GCM. The challenges (including some not mentioned in the Country Reports) posed by the current situation are also posed in order to continue moving ahead with implementation of the Global Compact.

One of the themes covered by the responses is the institutional capacity to support the actions of each country, which constitutes a key aspect and a necessary condition for the fulfillment of the GCM objectives. As such, before considering the sections, this Report shall describe the overall panorama with respect to said institutional capacity.

As a framework for treating migration matters, the Country Reports regarding GCM implementation tend to inform first on the general principles of equality and non-discrimination set forth in a country's Constitution and specific legislation. They also mention a wide range of plans and protocols for implementing said principles, among other instruments. Most of the countries have a General Migration Act that covers basic migration aspects, accompanied by an ample repertory of secondary statutes, plans, programs, projects, protocols, and service guidelines. It is also possible to identify gender considerations in the migration process within numerous instruments. The specialized supranational instruments identified include the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which most Latin American countries and some Caribbean countries are parties.

With respect to the entities in charge of managing migration in each country, the references indicate a predominance of Foreign Affairs Ministries or Secretariats, although in some cases this responsibility is placed with the Ministry or Secretariat of the Interior. In most cases, there exist other specialized agencies assigned to said higher entities, with varying levels of hierarchy and complexity. To the extent that such responsibilities are shared or differentiated, individual institutions in charge of coordination or advising are defined, or else specific bodies are created (some collegiate in nature). It should be noted that the Country Reports generally do not mention the existence of ad hoc entities created to promote and oversee progress related to the GCM. It is likely that, due to the nature of the Compact that commits many elements of a State's apparatus, such function corresponds to the general migration coordination structures.

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<sup>3</sup> Each of the sections corresponding to the five thematic areas contained three questions: (a) Which of these objectives is of particular importance in the national context? Explain why. (b) What strategies, policies, programs, and actions has your country carried out in recent years to fulfill these objectives? (Especially since the adoption of the PMM on 10 December 2018.) (c) Describe some of the results of these actions, measures that have proven to be effective, best practices, and lessons learned when implementing these objectives.

Given the criminal component of trafficking in persons and migrant smuggling, such activities tend to fall under the jurisdiction of those bodies (normally ministries or secretariats) in charge of judicial or security matters, rather than matters related to foreign affairs. In order to achieve a comprehensive treatment of such activities, inter-institutional coordination is required. Efforts to address trafficking are inter-institutional per se, although this does not prevent the existence of a leading entity that coordinates the efforts of other involved stakeholders.

Similarly, and although they are not frequently mentioned in the Country Questionnaires, the dynamics of human mobility linked to the impacts of disasters, environmental degradation, and the adverse effects of climate change are reflected not only in migration governance, but also in policy areas related to climate and disaster risk reduction. Therefore, a comprehensive governmental focus is needed when addressing migrations, as suggested by the Global Compact, in order to include stakeholders from said work areas to address mobility from different perspectives.

Along with developments related to legislation and inter-institutional coordination at the national level, countries also reported developments between the national level and subnational levels, including state, departmental, provincial, and municipal levels, as well as between these lower levels. The importance of such coordination efforts lies in the fact that the impacts and possibilities of migrations are more evident at said levels, especially the lowest levels, in the communities, as this is where the projects and programs are finally executed and their pertinence is tested. In regard to developments at the supranational level, the Country Reports tend to more frequently mention those which deal with migration circumstances and stakeholders between two or more countries that share borders or that are located in the same geographical area.

### **2.1.1 Thematic Area 1: Promotion of a Migration Discourse, Policies, and Planning Efforts Based on Facts and Data**

This area refers to the following GCM objectives:

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

A review of the Country Reports reveals that, in general, the governments of the Region are aware of the information needs for their purposes of governance and attention to the target population. Governments also appear to understand that people need to be well informed when planning and undertaking their migration processes. Efforts to make progress in this sense are noted. Many countries gather and process information on entries and exits, issuance and renewal of visas and residence and work permits, and other administrative records directly associated with migration movements. Such actions tend to be linked to investments in technology, development of human talent, and other efforts to improve the quality and timeliness of said processes. According to their Reports, fewer countries are making progress in including migration variables in

general administrative records (healthcare, education, and employment records, among others),<sup>4</sup> while others are moving ahead with processes for consolidating, harmonizing, and sharing of databases or statistics disaggregated into their basic characterization variables. Governments reported various campaigns and actions with respect to efforts to combat xenophobia and all forms of discrimination against the migrant population, and some have even implemented new legislation, often within the framework of broader programs to promote equality.

The Migration Governance Indicators (MGI) support governments with evidence-based migration management by analyzing the policies, legislation, and structures applied by a country to manage migration, in order to identify gaps, establish priorities, and generate favorable changes in policies to improve the general well-being of migrants and societies. The MGI have been implemented at both the national and local levels in 22 countries of the region and have shown to be an effective tool for national and local governments to monitor their progress regarding their national, regional, and global commitments. Some countries have used the MGI results as a basis for monitoring their achievements related to Goal 10.7 of the Sustainable Development Goals (SDG). In other countries, the MGI process has supported the development of local immigration policies.

Progress has been noted with respect to information aimed at the migrant population or disseminated in areas of origin with high emigration rates, particularly through the creation of platforms and websites (with accelerated development during the Pandemic), and especially concerning applicable legislation, procedures, and services available for migrants, returnees, and potential migrants. For those in transit, several countries offer information counters or kiosks. Prevention campaigns are also frequently reported, being developed by way of communication media or activities in vulnerable areas, to warn of the risks of irregular migration or educate against the discrimination associated with nationality or migration status.

Since the information required by the migrant population is for the most part qualitative and is known or easily obtained by governments, the challenge is to concentrate on it: that is, gathering the information and guaranteeing access to those who need it, initially online. This implies the creation and promotion of user-friendly websites. There are different experiences in this area. Several countries report making information available regarding matters such as visas and other travel documents, and the risks of trafficking in persons, smuggling of migrants, and the legal consequences. There are also reports of information offered through different media on other topics, such as: routes and their dangers, shelters, assistance posts, and locations of consulates; work requirements, employment offers, and labor rights; rights and restrictions for access to all manner of public services; support organizations; and return programs. Only one country, however, reports progress on centralizing different types of information for the migrant population in a single website. The various existing initiatives could serve as a basis for the development of other useful websites, spaces or applications for migrants, from the time they plan their movement until they return to their place of origin, either as visitors or returnees.

Likewise, the availability of migration data disaggregated by pertinent socio-demographic categories (including sex), in general continues to be a challenge for the planning and implementation of public policies in certain areas (IOM, 2018). The availability of said data would facilitate the identification and analysis of the specific

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<sup>4</sup> Although progress has also been made in the Region in gathering and improving data related to areas such as mobility caused by disasters and climate change, there were no reports of same.



needs of women and men, as well as a better understanding of the experiences of both during migration processes.

The study and broad dissemination of information regarding the historical and current contributions of migration to countries (principally with respect to immigration, but also emigration in those countries or communities where returnees are stigmatized), including moving beyond the focus on the importance of diasporas and remittances alone, continues to pose a challenge.

Overcoming the difficulties in this area, as well as implementing its objectives and challenges, will be more complete and achievable if addressed through cooperation among the countries of the region. Sharing experiences and seeking joint solutions will produce better and more economic results. For example, the development of regional or subregional websites or applications, and the consolidation and dissemination of various types of information, would benefit from economies of scale.

### **2.1.2 Thematic Area 2: Protection of Migrant Human Rights, Security, and Well-Being (among other aspects) by Addressing the Vulnerability Factors in Migration and Mitigating Situations that Cause Vulnerability**

This area is related to the following GCM objectives:

2. Minimize the adverse 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 last resort and work towards alternatives.
23. Strengthen international cooperation and global partnerships for safe, orderly, and regular migration.

The purpose of acting on the adverse and structural factors that compel people to migrate corresponds, in fact, to the strategic interests of each State, such as the eradication of poverty, inequality, discrimination, social and gender-based violence, and insecurity, among other factors, as well as guaranteeing access to education, employment, healthcare, etc.; in other words, access to the pursuit of social welfare and sustainable development. This objective is highly transcendent and demands great efforts in and of itself, as it deals with achieving societies with full exercise of individual rights and with high and generalized levels of human development. In light of the 2030 Agenda for Sustainable Development and its 17 Goals (SDGs), the proper course of action appears to be implementing tasks to achieve said objectives. The challenge will be to focus the actions on the areas or populations with the greatest propensity to migrate, which in itself may be indicative of the urgency to move ahead with said actions with the Agenda.

Objective 2 also includes a specific focus not mentioned often in the Country Reports, regarding the mitigation of adverse migration drivers related to disasters, environmental degradation, climate change, and other environmental phenomena that cause migration. The coherence between the implementation of the Compact

and policies for adaptation, risk reduction, and mitigation of the consequences associated with these phenomena represents a challenge, but also an opportunity, as there is a growing interest among the countries in the region in addressing this theme, despite few references in the Country Reports. This interest is reflected, for example, in the introduction of mobility in climate strategies, the issuance of new programmatic documents on climate migration, and the participation of States in regional processes focusing on the theme.

With respect to Objective 7, in general the Reports provide information on prevention and assistance programs that tend to mitigate or respond to the vulnerability of specific groups of migrants in different phases of the migration process. The most frequent references are for efforts to serve unaccompanied or separated children and adolescents in all phases of the process, to assist victims of trafficking in persons and gender-based violence, and to orient returned migrants. There are also frequent references to supporting migrants in transit, which in several cases includes basic urgent medical care, mental health services and psychosocial support, meals, and shelter.

Since irregular migration status is at the heart of many vulnerabilities faced by the migrant population, several countries report significant progress to avoid this condition, by facilitating regular entries or developing plans to normalize the status of irregular migrants. Such actions have avoided many of the causes of the disappearances and deaths of migrants and violations of migrant rights: use of non-conventional migratory routes highly associated with dangers; falling into the hands of smugglers and traffickers; or not seeking help in risky situations due to the fear of being detained or deported.

**TEXTBOX 1. The pandemic offers an opportunity for the Caribbean to capitalize on its progress in managing disaster risks, an important factor of human mobility in the subregion**

For several years now, the Caribbean as a region has tried to respond to natural factors that contribute to migration, such as hurricanes, earthquakes, rising sea levels, and volcanic eruptions (Mejía, 2018: 44). In this framework, the Pandemic has appeared as an opportunity to apply a systemic focus to said efforts for the benefit of the entire region. This is the opinion expressed by the United Nations Office for Disaster Risk Reduction (UNDRR) and the U.N. Economic Commission for Latin America and the Caribbean (ECLAC), based on the following extract from the report “The Coronavirus (COVID-19) Pandemic: An Opportunity to Apply a Systemic Focus to Disaster Risks in the Caribbean” (UNDRR – ECLAC, 2021: 22):

*“Being aware of the need to prepare for and respond in a strategic manner to conventional natural dangers, over the years Caribbean governments have established a set of legal and institutional frameworks for addressing multiple risks, in order to orient emergency operations during and immediately after a disaster. Traditionally, most frameworks for disaster emergency management were developed as a function of the manner in which the risks were understood at the time. The dynamic of disasters is changing, however, as we have been shown by the COVID-19 Pandemic, an unprecedented crisis that underlines the need to move towards a new paradigm based on a more comprehensive and systemic focus that allows various dangers to be addressed simultaneously, and general resilience in the face of disasters to be strengthened, and much greater emphasis to be placed on mitigating the factors that drive risks before they materialize.”*

Regarding Objective 12, a common concern involves the need for awareness and training programs for migration control personnel (especially at border stations) regarding human rights, profile detection, and the activation of systems for specialized attention and protection. Efforts still need to be made to transform statutes and procedures that grant high levels of discretion to officials and minimal defense mechanisms to migrants who frequently find themselves in the middle of processes without appeal recourses. Similarly, there also obstacles regarding facilitating the possibility of rights-advocacy organizations to act in such cases.

With respect to the detention of migrants as a last recourse, progress is noted in many countries, although there is still work to be done in this area. Detention due to infractions of migration statutes tends to be more common in the Caribbean and Mesoamerican subregions. The sharing of experiences with other countries in the region that, despite high levels of immigration and irregularity, do not normally apply this practice, can shed light on the legislative and procedural reforms required, particularly with respect to children and adolescents.

Almost all the countries report taking into account the guiding principle of gender perspective and commitments to gender equality and the defense of women. This is expressed through the adherence to international instruments such as the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Some countries also mention the existence of national policies and institutions specifically focused on gender and / or women, thus constituting an area in which important progress has been made in the region. Few references are made, however, to concrete priority programs or projects aimed at migrant women to help them overcome the greater vulnerabilities and gaps that separate them from men in regard to exercising of rights. The same occurs with respect to meeting the specific needs of other migrant populations, such as indigenous peoples, trafficking survivors, LGBTI persons, and individuals with disabilities. To a lesser extent, deficiencies are noted in the reports regarding information on specialized attention for migrant children and adolescents.

Based on the preceding, it can be concluded that addressing most of the challenges identified and fully achieving the objectives in this thematic area will require the participation of other countries, civil society, and academia, as well as international cooperation in general.

### **2.1.3 Thematic Area 3: Address Irregular Migration, Including through Border Management and Efforts to Combat Transnational Organized Crime**

The objectives corresponding to this area are as follows:

9. Strengthen the transnational response to the smuggling of migrants.
10. Prevent and combat 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.

The smuggling of migrants and the trafficking of persons tend to be considered together in the region, but the concrete actions reported focus more on the latter, especially with respect to prevention. Some countries report on risk information programs aimed at populations in vulnerable situations. Many countries also mentioned ongoing efforts and progress related to punishing these crimes and training officials (particularly border agents) to identify cases in course and prevent their realization. Also common are programs for responding to the needs of victims of trafficking, actions to prevent fraudulent offers of employment abroad, progress on investigating and prosecuting traffickers, and the international coordination of police agencies to disband criminal networks.

In Central America, countries frequently mentioned coordination mechanisms and alliances among the subregion's countries in order to combat migrant smuggling and trafficking in persons, as well as to protect the rights of migrant women and minors, among other aspects. Mentions of the Regional Coalition against Trafficking in Persons and Migrant Smuggling (CORETT), comprised of Mexico, Belize, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, and the Dominican Republic, are particularly worth noting. Regional cooperation has been strengthened in this area through tools such as the Regional Strategy for Preventing Trafficking in Persons and Migrant Smuggling, which seeks to adopt and promote regional standards, policies, and processes.

The criminal networks that smuggle migrants and traffic persons exploit various common situations: the willingness of many people to face adverse migration factors and migrate at any cost; the barriers to regular migration; the informality and frequent exploitation in many sectors, particularly against migrant workers; and the porous nature and frequently extensive length of the region's borders. Consequently, the following arise as priority challenges: reduction of the vulnerability that exposes people to risky situations; the need for information and awareness regarding the dangers implied by smuggling and the possibility of falling victim to trafficking due to one's eagerness to migrate; and the facilitation of regular migration and the regularization of people with irregular migration status or informal employment. In addition, it is necessary to identify and monitor the recruitment methods and routes used by smugglers and traffickers, as well as the methods for control and coercion used to exploit victims of trafficking. Considering the fact that women represent a significant proportion of trafficking victims, it is also relevant to ensure that this theme is addressed from a gender perspective.

**TEXTBOX 2. Concerns of the region's migration authorities**

Regarding the verification of records, assessment, and referral, the Ibero-American Migration Agency Network (RIAM) has proposed establishing more effective and efficient migration control criteria and measures that will help combat transnational crimes such as trafficking in persons, migrant smuggling, and document falsification, as well as other matters that allow better migration management in keeping with each country's legal and statutory frameworks.

With respect to addressing and reducing vulnerabilities in migration, one of the themes that has been present on work agendas is the exchange of migrant protection protocols, mechanisms for protecting migrant children

and adolescents, and the creation of migration settings that protect the human rights of migrants, particularly those people in situations of special vulnerability.

Finally, in its Protocol, RIAM expresses its commitment to promoting regular migration processes developed in an orderly manner, thus ensuring the protection of migrant rights, the sovereignty of Member Countries, the integration of migrants, the family unity of migrants, the best interests of children and adolescents in migration processes, and the decriminalization of irregular migration.

Ibero-American Migration Agency Network (RIAM), 2020

Border management that also helps to combat trafficking and smuggling appears as a common concern. In that sense, several countries report the implementation of technological resources that seek to: standardize documentation and the systems for processing and registering this documentation; expedite processes; identify migrant smugglers; and prevent migration fraud. Comprehensive border control mechanisms resulting from bilateral agreements are also reported.

The difficulty with managing borders also has to do with their physical characteristics, but beyond that, another significant factor are the daily dynamics created by the communities that have settled along both sides of a shared border. The challenge is to improve border management without affecting lawful dynamics, but rather favoring them. Excessive controls in cross-border areas that are highly integrated economically and socially, as normally occurs in metropolitan border cities, can affect the normal crossing of persons and consumer goods required for the population's daily life. Some examples are: Foz de Iguazú – Puerto Iguazú y Ciudad del Este (Brasil, Argentina and Paraguay); Cúcuta – San Antonio – Ureña (Colombia and Venezuela) ; Leticia – Tabatinga (Colombia and Brasil); and Ciudad Hidalgo – Tecun Uman (Mexico and Guatemala).

As with border management, technological modernization and administrative simplification are among the improvements reported by many countries in their consular management systems, benefitting both their nationals abroad and foreigners who require migration services. Along these lines, border personnel are being trained in the areas of identification, recording, and interviewing. Training for consular officials emphasizes the accompaniment of nationals during repatriation processes (regardless of the reason), provision of services, and attention to children and adolescents, victims of trafficking, and smuggled migrants.

The Pandemic put the capacities of consular networks to assist migrants throughout the migration process to the test. The Country Reports mention limitations to providing the response expected by all of the migrants who require consular services, while at the same time acknowledging the creation of more rapid virtual service procedures. Thus, there exists the challenge of reinforcing and continuing the efforts to improve consular services. Similarly, the bilateral and multilateral agreements (as in the Mercosur and the CAN) to give consular assistance to nationals of the States Parties where there is no consular representation from their own country, should be strengthened by effective implementation thereof and dissemination of information about them among migrants.

The reports point to the multiple challenges regarding return and readmission, as with the possibilities of cooperation between countries to facilitate both processes. With respect to the victims of trafficking in persons, for example, the need for cooperation arises from the moment return is considered as an option.

Countries also reference the need to involve specialized authorities at the point of origin (with the consent of the surviving person) to prepare for the return and analyze any related risks. As an initial challenge, however, efforts could be made to ensure that deportations (the more frequent recourse) do not occur without coordinating with authorities from the country of origin and without origin-side preparations for ensuring the required humanitarian assistance and return to the victim's home or, if that is not feasible, to a temporary shelter.

#### **2.1.4 Thematic Area 4: Facilitate Regular Migration and Decent Working Conditions, and Maximize the Positive Effects of Human Mobility for Development**

This area is focused on the following objectives:

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 recognition of skills, qualifications, and abilities.
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 the financial inclusion of migrants.
23. Strengthen international cooperation and global partnerships for safe, orderly, and regular migration.

Access to decent work and the potentiation of migration for sustainable human development require regular migration status, which the countries of the region generally affirm they are trying to increase. To that end, the most common mechanisms used are special visas for certain nationalities or access to various kinds of residence permits. In complementary fashion, rules have been made more flexible regarding the place from which visas can be applied for, the type, quantity, and quality of the documentation required, and the reduction, simplification, expedition, and virtualization of migration procedures, both within and outside of the destination countries (frequently with lower or waived fees for vulnerable populations). In addition, progress is being made in the region (although at very different rates depending on the country) with the following aspects: access for migrants to public services related to employment and vocational training, with a few programs aimed at women and youth; the recognition of degrees and the certification of skills; and labor inspection and other measures that seek to improve the insertion of migrants into labor markets.

Other notable situations that tend to be common in the region, or at least frequently mentioned in the Country Reports regarding this theme, are: initiatives to oversee private employment agencies or individual companies that seek to hire nationals to work abroad; inspection (especially by labor or migration authorities) concerning the hiring of migrant workers and compliance with the applicable legislation; support for the economic reintegration of returnees and deportees; efforts to link the diaspora with the country; and the inclusion of emigrants and immigrants in the financial system, both in the countries of origin and destination.

**TEXTBOX 3. Temporary Protection Status (TPS) for Venezuelans,  
granted by Colombia (Decree 216; 2021)**

- A mechanism that complements the international refugee protection framework and allows the gaps in said framework to be filled.
- The decision to create this mechanism was made in response to the fact that 56 per cent of the Venezuelans in Colombia have irregular status, and with the understanding that irregularity affects not only the migrant, but also the host country as a whole.
- The objective is to allow Venezuelan migrants in Colombia to transition from a temporary protection regime to a regular migration regime, meaning that the Venezuelan migrants who choose this option will be granted a ten-year period to acquire a residency visa.
- Aimed at:
  - Venezuelan migrants who are in Colombia with regular status.
  - Refugee status petitioners.
  - People applying for visas through the Chancellery.
  - Venezuelan migrants with irregular status who can show that they arrived in Colombia on or before 31 January 2021.
  - Venezuelan migrants who enter the country with regular status during the first two years in which the mechanism is in effect.

Colombia Migration, 2021

Since irregularity considerably increases the exposure of the migrant population to fraud and labor exploitation, an important challenge is to strengthen inspection efforts in the economic sectors where such exploitation occurs more frequently. The purpose of such efforts is to protect worker rights and penalize their exploiters, and the result for migrants can be no other than support for regularizing their migration status.

In this area it is also key to analyze advances and challenges from a gender perspective, taking into account the labor sectors where men and women are traditionally engaged. These sectors include, among others, domestic service and paid caretaking, which have seen a trend towards the engagement of women in internal and intraregional migration processes (ECLAC, 2020c). These sectors are characterized by difficult working conditions (including long shifts, low wages, and lack of access to legal and social protection frameworks), which generate contexts that favor abusive practices. Migrants are subject to different customs related to gender roles in destination country labor markets. In the context of labor participation processes, women can face double discrimination for being female and being foreigners.

In order to counter xenophobia, evidence should be presented to show the opportunities and concrete contributions that migrants represent for destination countries and that are fostered by regular migration status.

Some examples include: contribution to broadening internal markets, which leads to the creation of new jobs; migrant contributions as taxpayers; rejuvenation of the workforce; and the payment of social security system quotas. In relation to the preceding, efforts to work with labor unions and professional guilds and associations should be considered so that, before said groups become obstacles to the recognition of skills or degrees and authorizations for the exercise of specific activities, they may support these systems and find the way to assimilate the experience and knowledge of new arrivals. Most important is the identification of the qualitative contributions of migration related to, for example, cultural exchanges, diversity of practices and customs, and comprehensive education. In countries where programs to involve the diaspora do not exist or have not functioned properly, such programs should be created or revised based on the experiences of other countries in the region or even elsewhere. Efforts along these lines should be integrated into each country's development policies and plans, thus ensuring that migration constitutes a beneficial process for all.

Finding adequate solutions for persons who leave their communities in the context of disasters, environmental degradation, and the adverse effects of climate change continues to be a challenge. This focus includes processes for the planned relocation of populations, which have been explored by the region's countries with varying degrees of success.

Regarding the topic of remittances, and in order to achieve the greatest possible impact for the recipient families, communities, and countries, actions should seek to facilitate services for sending and delivering remittances, with care being taken to avoid collusion among service providers and to favor, by way of clear and updated information, lower transfer costs for the principal brokers through the disaggregation of components. Where low remittance volumes (such as in some Caribbean island nations) impede profitable operations by private brokers, alternatives should be evaluated.

The financial inclusion of migrants with irregular status starts with the availability of identification documents that are accepted by financial institutions and, where applicable, local statutory regulations. Depending on the specific circumstances, this may require actions on the part of origin or destination country governments and possible regulatory reforms. Along these lines, it is worth examining the process by which consular registration cards have come to be accepted by banks in some areas.

In this thematic area, Objectives 5, 6, and 18 are the most feasible for being facilitated through international cooperation, particularly by way of bilateral and subregional agreements, as well as by application of the principles of ethical recruitment set forth by the International Recruitment Integrity System (IRIS), which include reciprocity.



### 2.1.5 Thematic Area 5: Improve the Social Inclusion and Integration of the Migrant Population

This area can be seen as what should be the general conclusion of migration processes for their direct actors: persons integrated into the destination societies and enjoying broad advantages and guarantees that correspond to their contributions. The objectives pertaining to this thematic area are the following:

4. Provide all migrants with proof of legal identity and proper documentation.
15. Provide access to basic social 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.

With respect to the portability of acquired social security and other benefits, several countries note the existence of bilateral agreements or being party to the Ibero-American Multilateral Agreement on Social Security which, in the First Regional Report on the Implementation of the Montevideo Consensus on Population and Development, was considered to be “the most important expression of the progress made [in this field]” (ECLAC, 2019a: 162). The level of ratification, however, needs to be increased and accompanied by a strengthening of the communication channels between countries to coordinate social security systems and, primarily, to determine the strategies that allow the step from formal portability to the concrete claiming of rights (ECLAC, 2019a). In complementary fashion, several countries allow their nationals abroad to continue paying into their national pension fund systems. In the southern part of the region, countries alluded to the Mercosur Multilateral Agreement on Social Security. Beyond any difficulty that may arise, the reinforcement of international efforts should be considered to move ahead with the portability of social security benefits and other entitlements.<sup>5</sup>

With respect to identity documentation for immigrants with regular status or in the process of obtaining regular status, the destination countries state they are making efforts to provide the corresponding identity document in a timely manner. For migrant nationals, particularly those with irregular status, one apparently common response is the issuance of consular registration cards, which helps their situation to a degree and enables them, for example, to carry out banking procedures. Likewise, the number of countries that are making efforts to facilitate access to required documentation for regularization processes (such as birth certificates and criminal record checks) is tending to grow. Also reported are actions to combat statelessness through the existence and application of general legislation or ad hoc procedures for at-risk populations.

Regarding access to basic services, the Constitutions and higher legislation of each country generally contemplate such access for the entire population without exceptions, although in many cases countries mention that this access is restricted or significantly limited depending on a person’s migration status. Even when the right to access is explicitly defined for persons with irregular status, the documentational requirements or the decisions of officials prevent or hamper access. In this sense, a short-term challenge consists of raising awareness and training officials regarding the rights of migrants and the prohibition of any form of

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<sup>5</sup> One possibility to be considered are bilateral agreements on Social Security portability between countries.

discrimination against them. In addition, legislative reforms are urgently needed to allow basic services to be provided to all immigrants, regardless of their migration status. During the Pandemic, it is evident that access to treatment and vaccination must be guaranteed in the same conditions as the rest of the population, for the benefit of all (both migrants and host communities).

In the long term and based on the perspective that 'no one gets left behind,' universal social protection should be an objective of all efforts, with the understanding that such protection will not be achieved until the immigrant population in each country is covered, regardless of each person's migration status. In that sense, it is important to remember the commitment defined in the Regional Agenda for Inclusive Social Development (ECLAC, 2020a: 14), which is presented in Textbox 8.

#### **TEXTBOX 4. The principal of universality that is sensitive to differences**

In order to achieve universal access to income, assets, capacities, and public and social services, which are fundamental for guaranteeing rights and high levels of well-being, policies should adopt a double perspective. On the one hand, they should comply with the principal of universality regarding access to social services from a rights-based focus. In addition, they should aim to actively overcome current gaps and inequalities, so that 'no one gets left behind.' To that end, affirmative actions need to be taken to remove obstacles to access for individuals and groups who experience various forms of inequality, discrimination, and exclusion. Greater effective equality among people should also be promoted, in order to combat the culture of privilege, the normalization of hierarchies (based on social and national origin, sex, ethnic or racial condition, age, sexual orientation and gender identity, migration status, disabilities, or other factors), and institutional practices that perpetuate them. Likewise, progress needs to be made in deeply acknowledging diverse identities and demands as a prerequisite to achieving full inclusion and a culture of equality, by promoting the adoption of the gender equality perspective, inter-culturality, and non-discrimination.

Regional Agenda for Inclusive Social Development (ECLAC, 2020a: 14)

The full integration of women and the social inclusion of migrants with diverse gender identities must move beyond the formal declarations of gender perspective or equality and of those programs or projects specifically 'for women' or 'for sexual minorities.' The transition must be made to a true mainstreaming of a gender equality focus, considering that every action without this focus opens the door to inequality and discrimination, since each gender identity has different demands and needs. Similarly, it should be considered that migrant women and persons with diverse gender identities suffer greater risks and specific forms of violence.

### TEXTBOX 5. Gender perspective, information, and multilateralism

During the Presidency Pro-Tempore of the Plurinational State of Bolivia in 2019, a training session was carried out on the gender focus in migration policies in South America. The participants included civil society organizations (including representatives of indigenous movements), and representatives from the Regional Conference on Migration (RCM) and ECLAC, among others. After the session, the delegations in attendance pointed out the importance of reviewing and improving statistical data and records by integrating variables such as sex, age, ethnicity, national origin, migration or residency status, and other social conditions, as well as the importance of a case study with gender perspective that allows the problems and difficulties faced by migrant women from South America to be identified. Among the commitments pledged, participants mentioned training activities and the sharing of good practices between regional consultation processes regarding aspects related to addressing the issues faced by migrant women. As part of the South American Conference on Migration (CSM) outreach efforts, and during the Presidency Pro-Tempore of the Argentinean Republic, these themes will be present on the work agenda, along with special emphasis on the impact of the COVID-19 Pandemic on migrants, particularly those in situations of special vulnerability.

South American Conference on Migration, 2020

## 2.2 Integration of the Vision and Guiding Principles when Implementing the GCM

The report shows formal and general compliance with the cross-cutting and interdependent guiding principles that are part of the Global Compact among the multiple stakeholders that are part of the institutional frameworks. Overall, even taking into account the multitude of actors and institutional frameworks that were observed in the region and the significant quantity of variables and interests that are present, results from the Questionnaire suggest that there is general compliance with the cross-cutting and interdependent guiding principles foreseen in the implementation of the Global Compact. This may be explained in part because many of these principles go back a long way and the GCM sees them as a tradition (at times converted into obligations) of modern States. Each country must evaluate the coherence between formal acceptance of the discourse regarding these principles and the practical implementation thereof, especially the following, where the Country Reports suggest some deficits: centered on the individual; international cooperation; state of law and procedural guarantees; gender perspectives; and child perspectives.

## 2.3 COVID-19 as a GCM Scenario

COVID-19 has impacted all phases of migration and their actors. Among other situations, it has caused: the suspension or postponement of projects; changes in migration means or routes; increased costs or risks of travelling; and the impossibility or reduced opportunity for working at destination points and, as a result, a decrease in income or a complete lack thereof.

As a result, living conditions have become precarious and, at times, persons have had to return to their country of origin or of last residence. The extent to which all of this occurs depends on many factors that make people

more or less vulnerable, including gender and sex, age, ethnicity, and education level. In addition, migration status comes into play, particularly when it is irregular, as in many cases it prevents access to basic services provided by the State.

#### TEXTBOX 6. Border zone labor migration into Costa Rica during the pandemic

During the Pandemic, the Costa Rican government amended a Decree in order to create a special category to normalize the status of foreign workers in the agricultural sector. This category was called the Special Category for Temporary Workers in the Agricultural, Agroexporting, or Agroindustrial Sector. This initiative sought to provide legal support to foreign workers with irregular status affected by the Pandemic, in order to facilitate their regularization and employment in the agricultural sector, thus strengthening production and worker rights, while respecting necessary sanitary measures.

Costa Rica developed these new migration protocols for the agricultural sector in coordination with Nicaragua and Panama. At the national level, efforts have been coordinated with, among others, the Ministry of Labor and Pensions, the Ministry of Health, the General Directorate of Migration and Foreigners, and the Ministry of Agriculture and Livestock.

For proper epidemiological management, a protocol was defined that established three areas to be addressed: Area A, for initial assessment of the medical and migration condition of the worker; Area B, for migration services; and Area C, for providing minor medical care for persons suspected or confirmed to be infected with COVID-19. This protocol was implemented with technical and financial cooperation from the United Nations System and the European Union. Based on a binational agreement, Costa Rica and Panama developed a protocol for coffee pickers that complied with all sanitary measures and was approved by the Ministry of Health. This protocol establishes their manner of transfer from the Ngäbe-Buglé region in Panamá to the border with Costa Rica, and the migration procedures that must be carried out. The procedures for receiving workers at the coffee plantations and subsequent follow-up and monitoring were also defined, in order to ensure the traceability of these persons within the country to provide sanitary security for the population, especially in the communities where the work is performed. The requirements established include: a Binational Health Card; medical check-ups, 14-day isolation processes; daily checks; and periodic inspections.

Government of Costa Rica, 2020

In the context of the COVID-19 Pandemic, the stigmatization and discrimination against migrants harm both them and the societies that receive them. This stigma can cause a person to hide an illness and to avoid seeking timely medical attention for an ailment and, in general, can discourage the adoption of healthy behaviors. Migrants can face obstacles to accessing healthcare, such as: language and cultural barriers; lack of inclusive health policies; discriminatory behaviors by healthcare personnel; and the fear of being arrested or deported by the authorities. (IOM Regional Office for South America, 2020).

It is ironic that many migrants who have kept their jobs during the Pandemic form part of the frontline personnel in the efforts to combat the Pandemic, in their capacity as healthcare professionals or assistants in healthcare facilities.

The Pandemic has also threatened the mental health and psychosocial well-being of migrants. These effects have implications for the overall psychosocial welfare of the region's migrant populations, including uncertainty about the future, the loss of opportunities for sustenance, financial difficulties, the loss of loved ones, stigma, and lasting effects. These concerns are causing unusual psychological reactions that could worsen or exacerbate pre-existing mental health conditions or vulnerabilities (IOM, 2020).

#### TEXTBOX 7. Resilience of remittances in Mexico and Central America in times of COVID-19

Generally speaking, the remittances received in certain leading remittance recipient countries in the region (for which monthly data are available) did not suffer drastic reductions during the first seven or eight months of 2020. In fact, remittances received in Mexico during the first eight months of 2020 increased by 9.68% compared to the same period in 2019. In Guatemala, the Dominican Republic, and El Salvador, after a considerable decrease in March and April, the flows of remittances rose again in May. Remittances received in Guatemala during the first eight months of 2020 increased by 2.2% compared to the same period in 2019, while in Jamaica the amount received increased 13.6% during the first seven months, and in the Dominican Republic the amount received increased by 7.3% compared to the first eight months of 2019. In El Salvador remittances fell 1.5% during the first eight months of 2020 compared to the same period in 2019.

IOM Regional Office in San José, 2020: 14

The November 2020 COVID-19 Report (ECLAC, 2020b) presents details on some of the effects of the Pandemic summarized above. It refers in particular to especially vulnerable migrant groups, to the migrant worker population in conditions of immobility, and to crowded living conditions. The report also mentions the national and local measures aimed at migrants, based on information posted by countries on their websites. These measures, which obviously coincide with those reported in the GCM Country Reports, correspond to:

- i) Border management, which includes, among other aspects, border closures, the definition of exit and entry highway corridors for facilitating returns, and the determination of border-crossing requirements, including quarantines for new arrivals.
- ii) Migration management, referring to ad hoc measures such as the expedition of documentational procedures, the extension of stay periods, and even some regularization processes.
- iii) Social policy measures to counteract the effects of the Pandemic on the population, which in general, when not excluding the immigration population outright, only consider (almost always partially) those with regular status. These measures can also include some programs aimed at facilitating the return of nationals or providing services to them upon arrival in the country.

A counter-cyclical behavior has been attributed to remittances, in the sense that they increase when difficulties arise in the countries of origin and the emigrant population subsequently tries to play a compensatory role with the funds they send. Given the global nature of the Pandemic, this mechanism has not functioned fully within the region, but rather has shown diverse behaviors, as illustrated in Figure 1 for Mexico and Central America. The data available indicate, however, a generally good capacity for resilience with respect to remittances, which contributes to the welfare of the families of migrants, possibly at the cost of sacrifices and the spending of savings.

In light of the worsening of conditions for migrants, it can be said that the Pandemic has made the Global Compact's necessity and relevance even more evident. The Pandemic has also been an occasion for implementing initiatives that will deserve subsequent analysis. These include the pragmatic response of Costa Rica to the labor deficit in its agricultural sector during the Pandemic. This response, some details of which are given in the corresponding Textbox, involved many actors in a way that suggests fidelity to the guiding principles defined for implementation of the GCM and significant progress towards several of its objectives. This could serve as a reference point for managing border-zone, temporary, and other forms of labor mobility.

**Textbox 8. COVID-19 does not discriminate:  
The need for migrant vaccination regardless of migration status**

As the world deals with the COVID-19 Pandemic, the United Nations Network on Migration applauds the enormous efforts made to date to combat this crisis, and encourages everyone, including migrants, regardless of their migration status, to join these efforts to mitigate and revert the impact of this illness. To that end, migrants should be seen as potential victims and as an integral part of any effective public health response. It is particularly important that all authorities do everything possible to combat xenophobia, even when migrants and other persons are subjected to discrimination or violence related to the origin and propagation of the Pandemic. COVID-19 does not discriminate, and neither should our response if we wish to have success.

United Nations Network on Migration<sup>6</sup>

## 2.4 The Compact, the SDGs, and the Montevideo Consensus

### 2.4.1 Actions to Integrate the Application of the Global Compact's Objectives into the Application of the Sustainable Development Goals

Almost all of the countries state in their reports that they have integrated the application of the GCM into that of the SDGs. Fewer countries, however, report specific actions to that end. Those actions reported include: interinstitutional actions to continue implementing the SDGs linked to migration, of which Goal 10.7 is

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<sup>6</sup> <https://migrationnetwork.un.org/statements/covid-19-does-not-discriminate-nor-should-our-response-sp>

mentioned (facilitating orderly, safe, regular, and responsible migration and mobility of persons); action guides; more flexible migration regulations; and policy adaptations.

#### **2.4.2 Relevance of Following Up on the Montevideo Consensus on Population and Development for the Compact**

Half of the countries did not respond to this question. Those that answered rated the Consensus positively, although some did so generally without associating it to the GCM. Almost all of the references focused on the theme of human rights.

### **2.5 Methodology Implemented for Voluntary Review**

Only a few countries failed to provide information on this aspect. All those that did reported carrying out interinstitutional consultations within their government, with varying degrees of coverage. Most also consulted (also with widely varying extent) with other actors, including assistance and cooperation organizations, NGOs, and civil, ecclesiastic, and academic organizations. In addition, some countries reported having been accompanied by agencies from the United Nations System. Matrices were mentioned several times as instruments for information gathering and analysis.

On several occasions the Pandemic was mentioned as an obstacle to carrying out tasks, since it implies an additional workload for personnel and hampers in-persons tasks.

### **2.6 Difficulties in Progressing with GCM Implementation**

All the Country Reports coincided in pointing out that the Pandemic has been an interim obstacle to moving ahead with implementation of the GCM in all thematic areas (see Section 2.3). As a structural matter and beyond this juncture, there is a generalized reference to the restrictions imposed due to insufficient financial resources, which leads to another issue frequently noted in the reports, which is the call for greater international cooperation to make up for the deficits identified.

### **2.7 Concerns of Civil Society Organizations and other Stakeholders**

Generally speaking, the organizations that responded to the Questionnaire expressed their agreement with the Compact and proposed actions to monitor situations that they feel should be observed to guarantee fulfillment of the objectives. In that respect, they call for implementing national monitoring mechanisms, as well as for vigilance to ensure that the concept of safe, orderly, and regular migration is not eventually misinterpreted and used to justify actions to control and restrict migrations. In similar fashion, they consider it important that

municipal and city governments be associated with the Compact. Several organizations mentioned various issues related to the need to move ahead with fulfillment of the objectives, as described below.

Among their greatest concerns regarding information needs are the type of information and its disaggregation that they require for their activities. They emphasize the need to have access not only to migrant profiles, but also to 'the economic, social, cultural, and environmental dynamics of which migrants are a part.' Their need for special information on populations that require differentiated attention, such as children and adolescents, LGBTQI+ persons, women, afrodescendents, and indigenous peoples are also mentioned.

These organizations point out that, in their experience, most of the information available refers to migrants with regular status, as it comes from administrative records. For their interventions, they feel it is essential to also have access to data on the population that does not have regular status, which for that same reason tends to be ignored. In addition, considering that their scope of action tends to be local, they express the need for information on the distribution of the migrant populations at local levels.

With respect to other objectives, they point out the need to progress with the detention of migrants only as a last recourse, mentioning the risks for human rights violations due to overcrowding in migrant receiving centers. Similarly, they insist on the multiplicity of factors that drive many to migrate, and they consider that it is important work on aspects such as violence, inequalities, and environmental problems, among others.

Civil society organizations acknowledge and value the regional efforts at collaboration and cooperation aimed at constructing responses to the vulnerabilities faced by the migrant population. Likewise, they note progress in the building of technical capacities at the national level to serve said population, although they consider that, in some cases, existing policies and statutes can prevent full use of that potential.

Taken as a whole, the Questionnaires show the potential that civil society organizations represent for contributing to and supporting the countries' efforts to implement the Global Compact.



## 3 Examples of Promising Practices and Experiences in the Region

Textboxes 2, 3, and 4 highlight three regional practices that are in line with the GCM objectives. The Country Reports also present others, some of which are described below due to their possible impact on the search for ways to implement the Compact's objectives. Several of them existed prior to the GCM, but still serve as reference points for current advances and those that all countries should strive to attain in the coming years.

### 3.1 Thematic Area 1

Examples of processes to search for information on the situation and needs of migrants include the collection of texts entitled *Migrant Women* in Argentina, written from different perspectives and on various aspects. These texts were published in 2019 and are available on the website of the National Institute against Discrimination, Xenophobia, and Racism (INADI).

Oriented fundamentally toward the migrant population but with some basic statistics, Honduras presents its Consular and Migration Observatory of Honduras (CONMIGHO), available at <https://conmigho.hn/>, a user-friendly website with useful data.

The countries of Mercosur that participate in the Specialized Forum on Migration have been working since 2019 to build matrices on the movements of persons and residency permits issued to foreigners. Thus, there is quantitative information available periodically from all of the South American countries to aid migration policymaking processes.

Ecuador indicates that the design and implementation of administrative records systems in the different state institutions that include some human mobility variable allows data to be gathered and systematized for purposes of identifying existing gaps in the processes for economic and social inclusion.

### 3.2 Thematic Area 2

Contributing to the purpose of this area, El Salvador reports on interinstitutional coordination efforts to search for missing migrants, as well as the lessons learned regarding notification, delivery of remains, and accompaniment of the relatives of the deceased who are found.

With a similar objective, Cuba reports on the work of the Border Patrol Corps of the Ministry of the Interior, which is in charge of rescuing shipwrecked Haitian migrants and bringing them ashore to receive the corresponding services.

In accordance with its Migration Policy Plan, Costa Rica has promoted access to healthcare services for migrants, refugees, and refugee status petitioners. Pregnant women and children are served regardless of their nationality or lack of insurance coverage.

### 3.3 Thematic Area 3

Guatemala indicates in its report that it has established the first prosecutorial unit devoted exclusively to investigating cases of migrant smuggling. The unit has more than 25 staff members, including prosecutors, agents, analysts, and investigators.

Mexico and Panama, El Salvador and Guatemala, and Chile and Uruguay participated in technical exchanges at the level of point-of-entry teams, in order to share their practical solutions in migration management, hygiene policies, controls, and personnel leadership.

El Salvador reports advances in interinstitutional articulation for protecting persons in mobility contexts. In the interventions at the point of encounter, the importance of identifying cases of vulnerability is addressed, with immediate intervention based on the person's profile and needs, including women victims of violence, unaccompanied children and adolescents, victims of forced displacement, victims of other types of crimes, and persons with critical health conditions.

### 3.4 Thematic Area 4

Ecuador states that its Labor Ministry's Employment Partnership Network has become an effective tool for facilitating free recruitment and personnel selection processes, and that during 2019 it succeeded in finding employment for 954 returnees and 441 migrants of other nationalities.

In recent years the Mercosur Residency Agreement, applied by most of the subregion's countries since 2009, has become an useful instrument for facilitating the mobility of persons within the subregion, and for improving the residency status of the migrant population and its access to social rights.

### 3.5 Thematic Area 5

Argentina has established Orientation Centers for Migrants and Refugees, which offer several services free of charge (especially information) that facilitate the integration of immigrants.

El Salvador offers something similar for its emigrants, with Service Centers in locations with a high concentration of Salvadorans.

## 4 Conclusions and Recommendations for Application and for a Future Regional Review

In the brief period since the Global Compact was approved, the occurrence of the COVID-19 Pandemic has disrupted all agendas and worsened the situation for migrants.

Viewing the region as a whole, and the differences among the quantity and scope of the actions described in the Country Reports, their dimension, and the resources available, a situation is seen in which the countries display varying degrees of progress towards implementation of the GCM objectives, thus constituting a variety of experiences that should be shared, as well as a significant accumulation in the path leading to fulfillment of said objectives and a very solid base for continued efforts.

Consequently, the regional purpose should be centered on the identification of advances and areas of stagnation and sharing good experiences with those countries with fewer achievements with respect to each objective. The idea would be to generate a process of mutual learning and cooperation, using as reference points the best practices developed by one or more countries for fulfilling each objective. For this purpose, Colombia, Ecuador, El Salvador, Honduras, and Mexico, as Champion Countries, are called to exercise their leadership.

To facilitate the future regional review and identify more accurately the progress made up to that point, it is recommended that the entities responsible for responding to the voluntary Questionnaire in each country keep a log listing all of their country's actions aimed at implementing each of the GCM objectives, along with the results of such implementation to the extent that it can be measured. Such logs should have a special section for the tasks agreed upon at the conclusion of this Review, actions that are expected to be related to the preceding paragraph.

Beyond the importance of the Compact Review processes, it would be important for each country to assess its capacities for identifying meta-data, indicators, and goals for fulfilling the objectives, with a view towards better migration management and public administration in general.

In closing, it seems timely to remember, as was done in 2019, the purpose of regional follow-up on the Montevideo Consensus on Population and Development (ECLAC, 2019a: 168):

*"[...] the obstacles that many migrants face along the migration corridors, during the process of integration at their destination, and for reinsertion upon returning, maintain their condition of urgent needs not met at the source, such as inequality, violence, and discrimination in various settings. The issue of migration has become a central theme of regional interest that involves society as a whole and, of course, local governments as well. All countries face enormous challenges related to the violation of migrants' rights (expressed in multiple dimensions in which the violence affecting them manifests) and the discrimination they suffer during their journey and insertion process at their destination and upon returning. At the same time, the enormous opportunities that migration exchanges represent for development are also part of regional contemporary migration governance."*

## 5. Annexes

### 5.1 Background of the report and input analysis procedure

On December 19, 2018, through resolution 73/195 of the United Nations General Assembly, the Global Compact for Safe, Orderly and Regular Migration (GCM) was endorsed. As defined in the GCM, this is a cooperation, non-binding framework that stems from acknowledging that no State alone can address the challenges of international migration, which is transnational by nature.

Said resolution established that, with the leadership of the States, progress on the implementation of the Compact must be periodically revised at all levels. As such, the decision was made to hold the International Migration Review Forum” every four periods of sessions of the General Assembly, to establish it as the main global intergovernmental platform to show and discuss this progress, facilitate interaction among diverse stakeholders and identify opportunities for cooperation. It was also decided to create a space for sub-regional, regional and inter-regional discussion of the GCM progress every four years, starting in 2020, to prepare inputs for the Review Forum, whose first edition will be on 2022.

In Latin America and the Caribbean the original date of the review was November 2020. In preparation, the Economic Commission for Latin America and the Caribbean (ECLAC), and the International Organization for Migration (OIM) as Coordinator of the United Nations Network on Migration, submitted a questionnaire for Member States to help prepare a regional report as an input for the meeting. The organizations shared other questionnaires with sub-regional, regional and inter-regional processes, platforms and organizations, and other relevant stakeholders operating at the national level. However, due to the pandemic caused by COVID-19, the meeting was canceled and rescheduled for the first quarter of 2021. This report is an input for this meeting and it is based on the answers provided by 15 Member States and seven other stakeholders to the questionnaires. The answers of each question of the questionnaires were recorded in a database. Answers were analyzed looking for trends and particularities.

### 5.2 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:

<p>Thematic areas of the United Nations multi-partner trust fund to support the global compact for safe, orderly and regular migration</p>	<p>Global Compact Objectives</p>
<p><b>Thematic area 1</b> Promoting fact-based and data-driven migration discourse, policy and planning</p>	<p>1. Collect and utilize accurate and disaggregated data as a basis for evidence-based policies</p> <p>3. Provide accurate and timely information at all stages of migration</p> <p>17. Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration</p> <p>23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration</p>
<p><b>Thematic area 2</b> Protecting the human rights, safety and well-being of migrants, including through addressing drivers and mitigating situations of vulnerability in migration</p>	<p>2. Minimize the adverse drivers and structural factors that compel people to leave their country of origin</p> <p>7. Address and reduce vulnerabilities in migration</p> <p>8. Save lives and establish coordinated international efforts on missing migrants</p> <p>12. Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral</p> <p>13. Use migration detention only as a measure of last resort and work towards alternatives</p> <p>23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration</p>
<p><b>Thematic area 3</b> Addressing irregular migration, including through managing borders and combating transnational crime</p>	<p>9. Strengthen the transnational response to smuggling of migrants</p> <p>10. Prevent, combat and eradicate trafficking in persons in the context of international migration</p> <p>11. Manage borders in an integrated, secure and coordinated manner</p> <p>14. Enhance consular protection, assistance and cooperation throughout the migration cycle</p> <p>21. Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration</p> <p>23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration</p>
<p><b>Thematic area 4</b> Facilitating regular migration and decent work, and enhancing the positive development effects of human mobility</p>	<p>5. Enhance availability and flexibility of pathways for regular migration</p> <p>6. Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work</p> <p>18. Invest in skills development and facilitate mutual recognition of skills, qualifications and competences</p> <p>19. Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries</p> <p>20. Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants</p>

	23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration
<i>Thematic area 5</i> Improving the social inclusion and integration of migrants	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

### 5.3 Cross-cutting interdependent guiding principles

(a) People-centred. The Global Compact carries a strong human dimension, inherent to the migration experience itself. It promotes the well-being of migrants and the members of communities in countries of origin, transit and destination. As a result, the Global Compact places individuals at its core;

(b) International cooperation. The Global Compact is a non-legally binding cooperative framework that recognizes that no State can address migration on its own because of the inherently transnational nature of the phenomenon. It requires international, regional and bilateral cooperation and dialogue. Its authority rests on its consensual nature, credibility, collective ownership, joint implementation, follow-up and review;

(c) National sovereignty. The Global Compact reaffirms the sovereign right of States to determine their national migration policy and their prerogative to govern migration within their jurisdiction, in conformity with international law. Within their sovereign jurisdiction, States may distinguish between regular and irregular migration status, including as they determine their legislative and policy measures for the implementation of the Global Compact, taking into account different national realities, policies, priorities and requirements for entry, residence and work, in accordance with international law;

(d) Rule of law and due process. The Global Compact recognizes that respect for the rule of law, due process and access to justice are fundamental to all aspects of migration governance. This means that the State, public and private institutions and entities, as well as persons themselves, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and are consistent with international law;

(e) Sustainable development. The Global Compact is rooted in the 2030 Agenda for Sustainable Development, and builds upon its recognition that migration is a multidimensional reality of major relevance for the sustainable development of countries of origin, transit and destination, which requires coherent and comprehensive responses. Migration contributes to positive development outcomes and to realizing the goals of the 2030 Agenda for Sustainable Development, especially when it is properly managed. The Global Compact aims to leverage the potential of migration for the achievement of all Sustainable Development Goals, as well as the impact this achievement will have on migration in the future;

(f) Human rights. The Global Compact is based on international human rights law and upholds the principles of non-regression and non-discrimination. By implementing the Global Compact, we ensure effective respect for and protection and fulfilment of the human rights of all migrants, regardless of their migration status, across all stages of the migration cycle. We also reaffirm the commitment to eliminate all forms of discrimination, including racism, xenophobia and intolerance, against migrants and their families;

(g) Gender-responsive. The Global Compact ensures that the human rights of women, men, girls and boys are respected at all stages of migration, that their specific needs are properly understood and addressed and that they are empowered as agents of change. It mainstreams a gender perspective and promotes gender equality and the empowerment of all women and girls, recognizing their independence, agency and leadership in order to move away from addressing migrant women primarily through a lens of victimhood;

(h) Child-sensitive. The Global Compact promotes existing international legal obligations in relation to the rights of the child, and upholds the principle of the best interests of the child at all times, as a primary consideration in all situations concerning children in the context of international migration, including unaccompanied and separated children;

(i) Whole-of-government approach. The Global Compact considers that migration is a multidimensional reality that cannot be addressed by one government policy sector alone. To develop and implement effective migration policies and practices, a whole-of-government approach is needed to ensure horizontal and vertical policy coherence across all sectors and levels of government;

(j) Whole-of-society approach. The Global Compact promotes broad multi-stakeholder partnerships to address migration in all its dimensions by including migrants, diasporas, local communities, civil society, academia, the private sector, parliamentarians, trade unions, national human rights institutions, the media and other relevant stakeholders in migration governance.

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