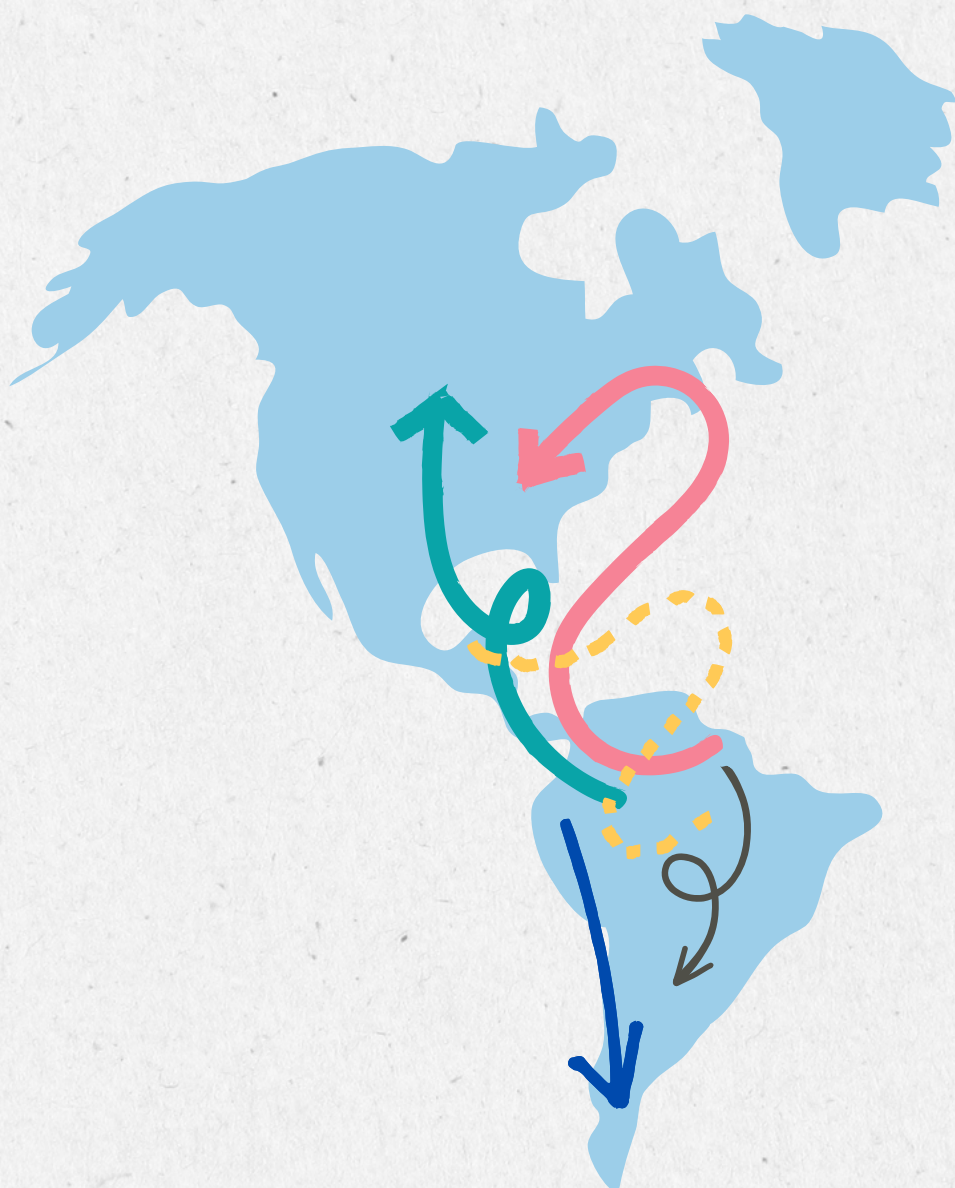


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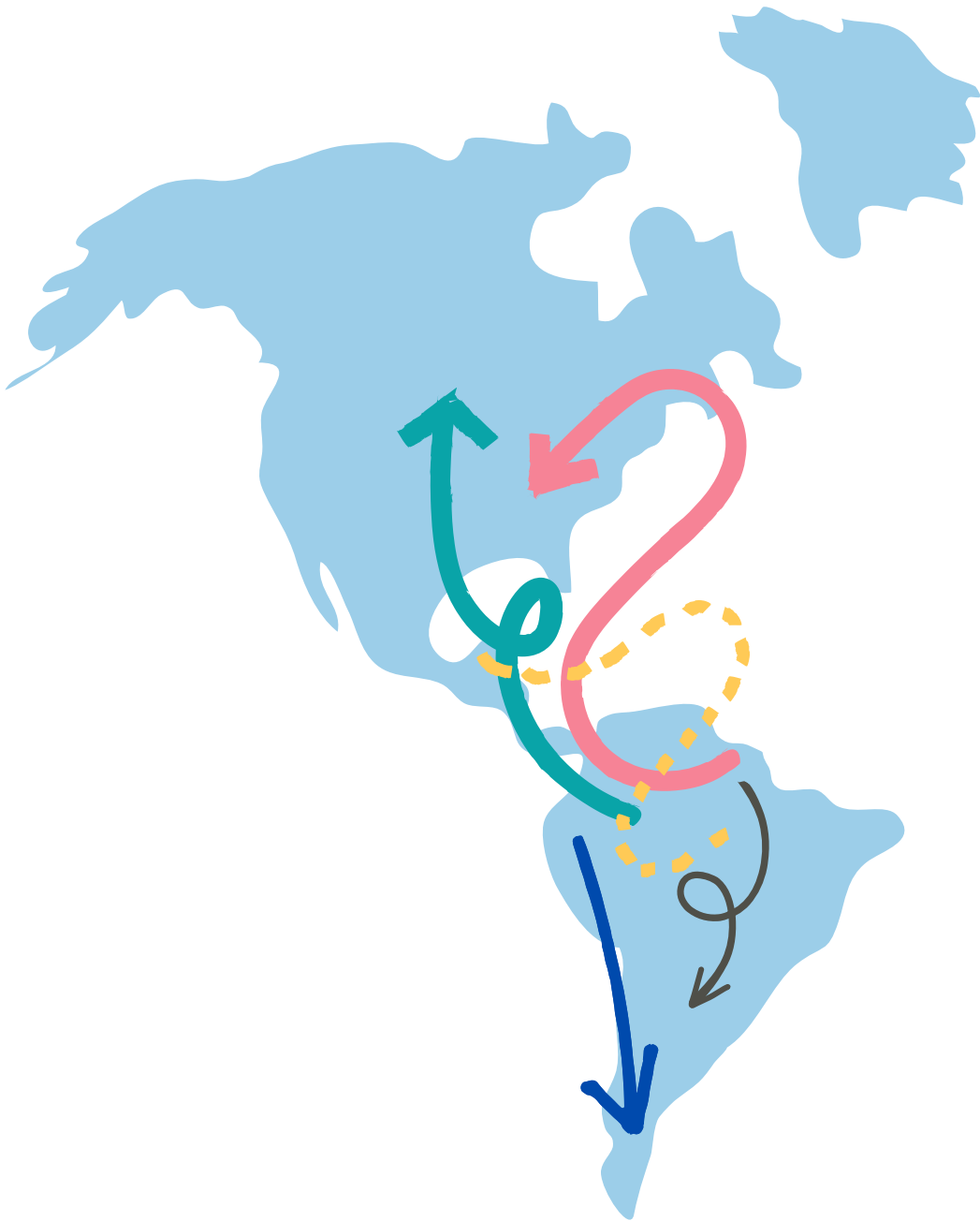


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TECHNICAL NOTE: REGIONAL MIGRATION GOVERNANCE IN THE AMERICAS



Department of Social Inclusion
Secretariat for Access to Rights and Equity



LUIS ALMAGRO

SECRETARY-GENERAL

NESTOR MENDEZ

ASSISTANT SECRETARY GENERAL

MARICARMEN PLATA

SECRETARY OF ACCESS TO RIGHTS AND
EQUITY

BETILDE MUÑOZ-POGOSSIAN

DIRECTOR OF THE DEPARTMENT OF
SOCIAL INCLUSION

Credits

Authors:

Betilde Muñoz-Pogossian, Director of the Department of Social Inclusion
Álvaro Botero, Former Coordinator of the Department of Social Inclusion
Claudia González Bengoa, Specialist of the Department of Social Inclusion
Sarah Meneses, Specialist of the Department of Social Inclusion

Layout: Nicole Levoyer, Consultant of the Department of Social Inclusion

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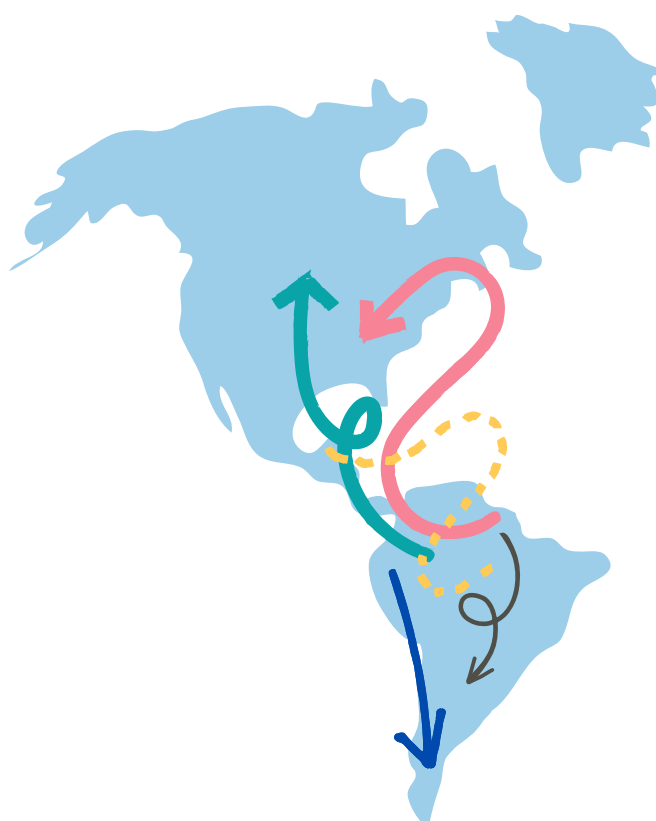
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1. PRESENTATION

Today, the Americas face unprecedented challenges regarding migration and the protection of those forced to flee across international borders. In recent years, instruments have been adopted at the global level, marking a milestone to consolidate a multilateral approach to migration, as well as to strengthen international protection and the human rights of migrants and refugees. Indeed, the Global Compact for Safe, Orderly, and Regular Migration identifies migration as a multidimensional reality that must be addressed in the areas of policies, laws, and regulations. In turn, the Global Compact on Refugees aims to strengthen cooperation and solidarity with refugees and affected host countries, based on the guiding principles of humanity and international solidarity. In addition, it puts into practice the principles of burden-sharing and responsibility-sharing, to better protect and assist refugees and support host countries and communities.

In this universe, without a doubt, the various actors involved, the States with their migration policies and national programs, the agreements between States, as well as multilateral forums and consultative processes on the subject become even more relevant. On this point, the institutional landscape of migration governance in the region is increasingly complex and changing, as there are multiple mechanisms and procedures that deal with migration and forced displacement but do not connect or converse with each other. On the other hand, there is still a need to strengthen institutional frameworks at the regional level to manage migration and forced displacement in a more articulated manner based on the human rights approach and shared responsibility to achieve a more equitable distribution of, costs, responsibilities and benefits associated with migration and forced displacement of persons in their host communities.

In the run-up to the Summit of the Americas in 2022, various OAS forums began deliberating on the issue of migration and protection in the region. On the one hand, on May 17, 2022, the Committee on Migration Issues (CAM) held a session with various regional mechanisms and processes with responsibilities for migration and forced displacement. In this session, the need for greater rapprochement between these bodies was highlighted, as well as searching for synergies in the work agendas to avoid duplication of efforts and make the most of the exchange of experiences. This way the States are better prepared to comply with the State responsibilities derived from migration and forced displacement.

Likewise, on May 31, 2022, the Inter-American Council for Integral Development (CIDI) held a session in which the need to implement a multilateral approach to migration in the Hemisphere was addressed. As a result of this meeting, the need to move towards a framework that allows managing migration and forced displacement and consolidating the articulation of the mechanisms and processes that exist in this area was identified, based on the defense, promotion, and protection of human rights, the principles of international solidarity and shared responsibility, as well as the strengthening of international cooperation.

In addition, within the framework of the Ninth Summit of the Americas, which brought together the Heads of State of the Americas in Los Angeles, California, a high-level side event on Regional Governance on Migration and International Protection was organized. This event aimed to address the importance of strengthening regional governance on migration and international protection, as well as to review various roles to coordinate efforts among the various regional response mechanisms. Also, in the framework of this Summit, twenty-one Member States of the Organization signed the Los Angeles Declaration on Migration and Protection, in which the subscribing States reiterated their willingness to strengthen regional and hemispheric efforts to create the conditions for safe, orderly, humane, and regular migration, as well as to strengthen the necessary frameworks for international protection and cooperation.

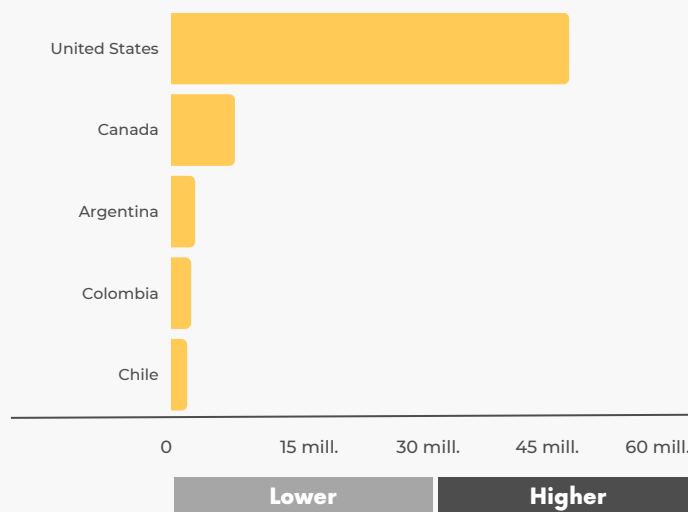
From the Secretariat for Access Rights and Equity, through its Department of Social Inclusion, we make this Technical Note available to Member States with the objective of providing input to continue strengthening regional migration governance mechanisms. We also hope that this document can serve as input for discussions on the implementation of the Los Angeles Declaration on Migration and Protection. The OAS General Secretariat looks forward to continuing working with its historical partners: UNHCR, IOM, ILO, civil society organizations, and academia, among others, to collectively contribute to this consensus-building.

2. MULTILATERAL APPROACH TO MIGRATION IN THE HEMISPHERE

International migration is one of the most prominent and complex contemporary manifestations of globalization and is, by definition, a cross-border issue that no single State can address on its own. However, compared to other cross-border issues, such as trade, monetary stability, health, and the environment, challenges remain in developing a coherent and formal multilateral structure for its management at the regional level in the Americas.

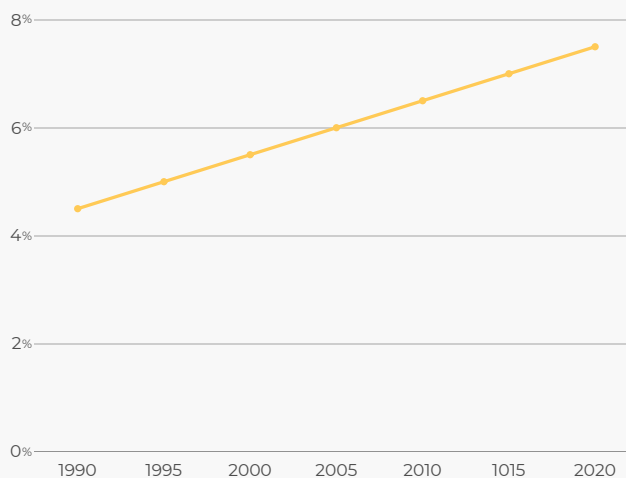
By the end of 2020, the United Nations registered about 281 million migrants in the world. Of the people who migrate, 65% do so for work reasons, representing 5% of the global workforce. 26% of the world's migrant population – more than 73.5 million people – live in the Americas, meaning that migrants constituted 7% of the region's total population this year. In the Americas, 8 out of 10 migrants were in North America, while almost 11 million migrants reside in South America. 8 out of 10 of these international migrants come from countries in the South American region, most of them from Venezuela. According to ILO estimates, 1 in 4 migrant workers is in the Americas: 5.9 million are in Latin America and the Caribbean, and 37.4 million are in North America. The migrant population in the Americas went from 34.7 million people in 1990 to 73.5 million people in 2020, which represents 7% of the total population of the continent for that year.

GRAPHIC 1. COUNTRIES WITH THE HIGHEST VALUES IN THE AMERICAS



Source: UN DESA. 2020
Most recent data load: September 18, 2019

GRAPHIC 2. POPULATION OF INTERNATIONAL MIGRANTS (PERCENTAGE)



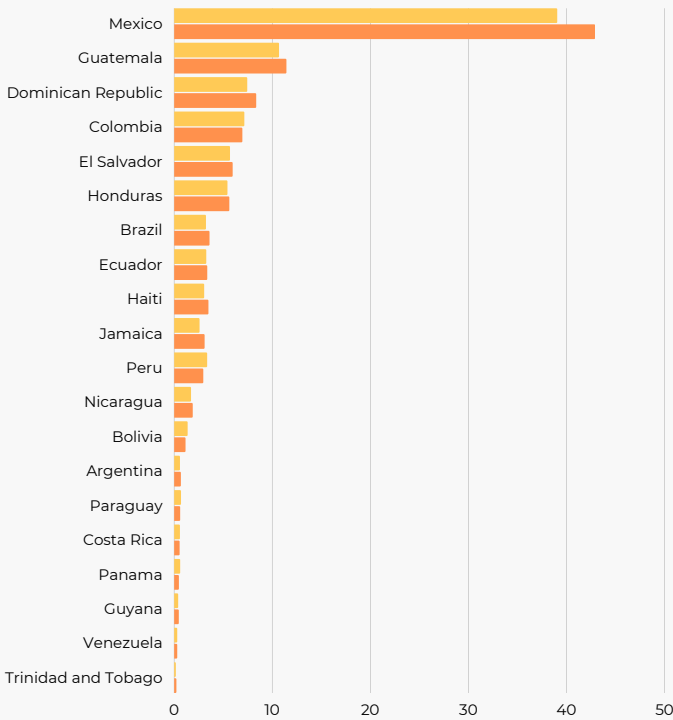
Source: UN DESA, 2020
Most recent data upload: September 18, 2019

Among the multiple contributions made by migrants to the development of countries of origin, according to World Bank estimates, remittance flows to Latin America and the Caribbean were expected to reach a new high of \$126 billion in 2021, registering a solid advance of 21.6 percent compared to 2020. Mexico, the region's largest recipient of remittances, received 42 percent (\$52.7 billion) of the regional total. The value of remittances as a percentage of GDP exceeds 20% in several smaller economies: El Salvador (26.2%), Honduras (26.6%), Jamaica (23.6%), and Ghana (18%). The adverse effects of the COVID-19 pandemic and hurricanes Grace and Ida contributed to increased remittance flows to Mexico and Central America. Other factors driving these dynamics include recovery in employment levels and fiscal and social assistance programs in destination or host countries, particularly in the United States. An increase in the number of migrants in transit in Mexico and other countries, and the remittances they received from abroad to cover their living and travel costs, appears to be a major factor behind the sharp increase. In 2022, remittances are expected to grow by 4.4%, mainly due to a weaker growth outlook for the United States.¹

1. World Bank, Remittance flows recorded solid growth of 7.3% in 2021. November 17, 2021. Available in: <https://www.bancomundial.org/es/news/press-release/2021/11/17/remittance-flows-register-robust-7-3-percent-growth-in-2021>

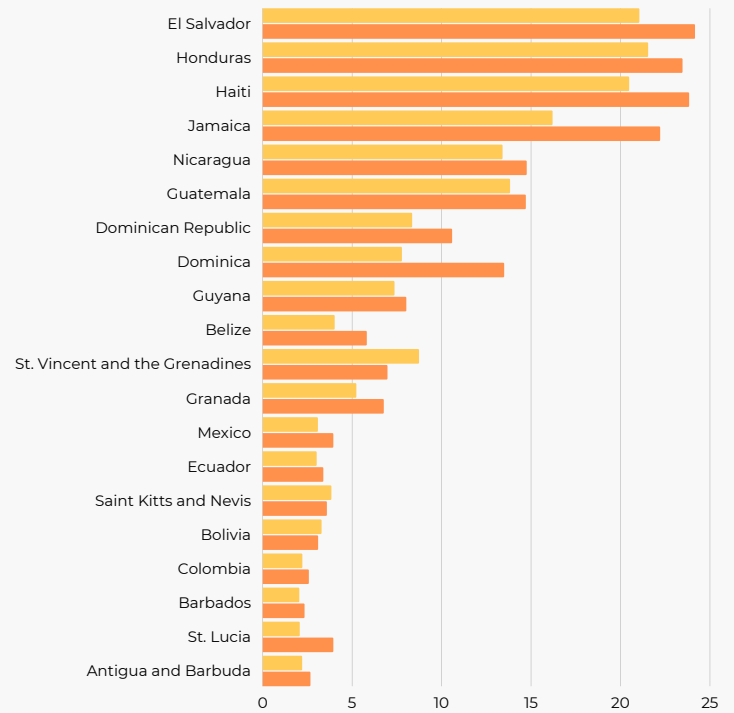
GRAPHIC 2. REMITTANCES

TOTAL REMITTANCES RECEIVED (USD BILLIONS)
TOP 20 COUNTRIES IN THE REGION, 2019 AND 2020



Source: World Bank
Personal remittances, received (current US\$)

REMITTANCES AS % OF GDP, MAIN
20 COUNTRIES IN THE REGION, 2019 AND 2020



Source: World Bank
Personal remittances, received (% of GDP)

At the global and regional levels, mechanisms and processes exist to address migration and forced displacement, but they are fragmented into a series of formal and informal institutions that operate in various categories of migration according to the priorities of each State, with varying degrees of importance given to agreements (bilateral, multilateral, regional and interregional), stakeholders (private sector, international organizations, and non-governmental organizations) and levels of governance. In other words, in the Americas, migration governance has largely remained within the purview of sovereign states without a formal multilateral institutional framework at the regional level.²

For this reason, the institutional landscape of migration governance is increasingly complex and changing at the global and regional levels. In this sense, the recent impacts of the COVID-19 pandemic throughout the migration cycle³, as well as the access to human rights, security, human development, natural disasters, and climate change, have posed multiple challenges for governments of the region in developing migration policies that address migration as a normal human phenomenon and not through containment or deterrence approaches to migration. The challenge is also to integrate these implications into the various categories of migration policies, particularly in addressing issues such as:

2. In this regard, see, Alexander Betts, *Global Migration Governance*, 2011.

3. IOM details that the migration cycle involves leaving the country of origin, entering countries of transit or destination, staying in countries of transit or destination, and returning to countries of origin.

1. the structural causes of migration,
2. labor migration (low and high-skilled),
3. lifestyle migration,
4. irregular migration,
5. internal and international forced displacement and international protection,
6. environmental migration,
7. smuggling of migrants and human trafficking,
8. remittances,
9. the situation of diasporas and host communities, and
10. preventing and combating xenophobia and other forms of discrimination against migrants and refugees.

To achieve this goal, it is important to agree that migration issues are interrelated with a broad spectrum of policies linked to development, without this implying that migrants should be seen solely as developmental factors for destination and host countries. In other words, they should be recognized in the first place as bearers of rights. This means integrating migration into development policy planning within a human rights-based framework. The challenge is therefore to link migration and development from a non-linear perspective, to examine how migration impacts development and how development policies affect migration.

In this context, on October 20, 2021, during the Ministerial Meeting on Migration held in Bogotá, Colombia, the government of the United States joined several countries in the Americas that committed to strengthening regional cooperation to address the causes of irregular migration.⁴ Subsequently, at the North American Leaders' Summit on November 19, 2021, Presidents Biden of the United States, López Obrador of Mexico, and Trudeau of Canada expressed their commitment to developing a regional compact on migration and protection for the Americas.⁵ Subsequently, in January 2022, the White House indicated that they hoped to promote an agreement or set of principles at the Summit of the Americas with countries of origin, transit and destination of migration, which not only encompasses a migration policy, but also the need for the support of the international community to stabilize these countries.⁶ Four months later, at the Ministerial Conference on Migration and Protection in Panama, the U.S. government expressed its intention to adopt a regional declaration on migration and protection at the Summit of the Americas. In addition, in April 2022, the Chilean Foreign Minister, Antonia Urrejola, said that she was working on a regional migration policy proposal.⁸

4. U.S. Embassy Colombia, Declaration Conjunta highlights the Ministerial Meeting in Bogotá on the causes and challenges of migration. November 2, 2021. <https://co.usembassy.gov/es/declaracion-conjunta-acerca-de-la-reunion-ministerial-en-bogota-sobre-las-causas-y-los-desafios-de-la-migracion/>

5. White House, FACT SHEET: Key Deliverables for the 2021 North American Leaders' Summit, November 18, 2021. <https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/18/fact-sheet-key-deliverables-for-the-2021-north-american-leaders-summit/> and <https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/18/building-back-better-together-a-secure-prosperous-north-america/>

6. White House, Background Press Call By Senior Administration Officials On the Summit of the Americas, January 20, 2022. <https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/20/background-press-call-by-senior-administration-officials-on-the-summit-of-the-americas/>

7. U.S. Department of State, On-the-Record Briefing: Secretary Blinken's Upcoming Travel to Panama, April 15, 2022. <https://www.state.gov/on-the-record-briefing-secretary-blinken-s-upcoming-travel-to-panama> Infobae, Summit of the Americas: Blinken hopes to close a migration pact "beneficial" for the entire region, May 3, 2022. Available in: <https://www.infobae.com/america/eeuu/2022/05/03/cumbre-de-las-americanas-blinken-waits-close-a-migration-pact-beneficial-for-all-region/?outputType=amp-type>

8. Diario El Mercurio, Interview with Antonia Urrejola, April 10, 2022. Available in: <https://digital.elmercurio.com/mobile#2022/04/10/C/VJ43TTUR>

The region is at a special juncture as it is on the verge of holding the Summit of the Americas in Los Angeles, United States in June 2022. The Summit of the Americas can be an ideal space to initiate the conversation with a hemispheric approach to continue solidifying the principle of shared responsibility with the idea that no country alone assumes the cost of receiving and integrating migrants and refugees.⁹

9. Betilde Muñoz-Pogossian, Americas Quarterly: The Summit Is a Great Chance for Better Cooperation on Migration, May 31 of 2022. Available in: <https://americasquarterly.org/article/the-summit-is-a-great-chance-for-better-cooperation-on-migration/>

3. RELEVANCE TO THE OAS GENERAL SECRETARIAT AND ITS MANDATES

This theme coincides with the topics addressed by the resolution "Advancing Hemispheric Initiatives on Integral Development: Promoting Resilience" [AG/RES. 2967 (LI-O/21)] adopted by the General Assembly at its fifty-first regular session, held November 10-12, 2021. This resolution urges Member States to "reaffirm the importance of safe, orderly, and regular migration, and the creation of evidence-based public policies to address the structural causes, and consequences of migration, and reduce the risks associated with irregular migration." At the same time, consistent with relevant obligations under international human rights law, it urges Member States to strengthen their public policies against discrimination, racism, xenophobia, and discourse of racial superiority and any kind of intolerance, in order to promote socio-economic integration and the empowerment of migrants in transit and destination communities in all areas of society.

The resolution also urges all Member States to strengthen their public and cooperation policies to prevent and combat the crimes of human trafficking, smuggling, slavery, and servitude of migrants, including the prosecution of such crimes, providing protection and assistance to victims, and ensuring that their policies are victim-centric while applying a gender perspective. Likewise, another of the commitments of the Member States has to do with promoting and supporting, through cooperation policies on migration, taking into account socio-economic integration objectives, as well as the strengthening and the development of capacities of the Member States. This resolution also recognizes the challenges to human mobility caused by the effects of natural disasters, environmental degradation, and biodiversity loss caused by climate change. These are documented in the findings of the United Nations Intergovernmental Panel on Climate Change (IPCC) in its report "Climate Change 2021: Bases of Physical Science", which makes a call to address the structural causes that increase the risk of disasters, with the consequent displacement of people, focusing on mitigation and prevention actions.

Regarding regional mechanisms and processes that take action on migration and forced displacement, this resolution recognizes the work of existing regional mechanisms such as the Regional Conference on Migration, the South American Conference on Migration, the Caribbean Migration Consultations (CMC), the Quito Process, the Andean Community, the Comprehensive Regional Framework for Protection and Solutions (MIRPS), and other regional spaces with scope in this area, and suggests to incorporate recommendations as appropriate. At the same time, the resolution reaffirms the importance of continuing to strengthen and promote dialogue, exchange of information, and regional and bilateral cooperation on migration issues, as appropriate, in addressing the challenges of migration in the hemisphere, especially in the Permanent Council and CIDI, and its subsidiary bodies

such as the CAM, in accordance with the provisions of resolution AG/RES. AG/RES. 2910(XLVII-O/17), "Migration in the Americas," and in the declaration CP/DEC.68 (2099/16), "Inter-American Cooperation to Address the Challenges and Opportunities of Migration," approved by the Permanent Council on December 15, 2016.

Finally, it also recognizes the initiatives generated at the multilateral level for dialogue, exchange of information, and cooperation in migration and international protection and takes note of those initiatives in which some of the OAS Member States participate such as the Global Forum on Migration and Development; the Global Compact for Safe, Orderly and Regular Migration; and the Global Compact on Refugees, as well as encourages the OAS Secretariat to coordinate and collaborate with other regional and international institutions.

4. REGIONAL MIGRATION GOVERNANCE: MAPPING REGIONAL MIGRATION AND FORCED DISPLACEMENT MECHANISMS

Migration governance refers to the set of laws, policies, and practices that facilitate safe, orderly, and regular migration.¹⁰ States are the main actors that determine governance at the national level but given the international nature of migration, international cooperation and agreements are vital for this governance to be comprehensive. In addition, even though there are countless laws regulating migration, there are still gaps in terms of implementation at the national level and the support received from international cooperation to strengthen local capacities.

Effective governance requires the adoption of a common framework of shared responsibility that distributes the burden more equitably as well as the costs and benefits of addressing migration and forced displacement.¹¹ To carry out this principle there are several processes and mechanisms that have been established. These concrete efforts demonstrate the interest in investing in this responsibility, however, more work is needed to strengthen cooperation between these mechanisms and processes to avoid duplication of actions, the disintegration of efforts, and competition between them.

10. IOM, Glossary on Migration, 2019.

11. Alexander Betts, Cathryn Costello and Natascha Zaun, A Fair Share: Refugees and Responsibility-Sharing, Delmi, 2013, pp.19-22. Madeline Garlick. The Sharing of Responsibilities for the International Protection of Refugees, The Oxford Handbook of International Refugee Law, p. 464.

REGIONAL MIGRATION GOVERNANCE: MAPPING REGIONAL MIGRATION AND FORCED DISPLACEMENT MECHANISMS, AND THEIR RESPECTIVE WORKING GROUPS



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Committee on Migration Issues (CAM)

Members:

Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, Ecuador, El Salvador, United States of America, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago and Uruguay,

Technical Secretariat:

Department of Social Inclusion of the OAS Secretariat for Access to Rights and Equity.

Regional Conference on Migration (RCM)

Members:

Belize, Canada, Costa Rica, El Salvador, the United States, Guatemala, Honduras, Mexico, Nicaragua, Panama, and the Dominican Republic.

Working groups:

- 1) Irregular and Massive Migration
- 2) Protection
- 3) Border Management
- 4) Labor Migration

Technical Secretariat:

IOM

South American Conference on Migration (SACM)

Members:

Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela.

Network:

- 1) Socio-labour integration: Work and Education
- 2) Migrant Children and Adolescents
- 3) Border Management
- 4) Human Trafficking and Smuggling of Migrants
- 5) Environment, Climate Change, Disasters and Migration
- 6) Gender and Migration

Technical Secretariat:

IOM

MAPPING REGIONAL MECHANISMS



The Comprehensive Regional Protection and Solutions Framework (MIRPS)

Members:

Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico and Panama.

Working groups:

- 1) Strengthening Asylum Systems
- 2) Internal Displacement
- 3) Jobs and Livelihoods
- 4) Local Governance

Technical Secretariat:

OAS Department of Social Inclusion and UNHCR.

Ibero-American Network of Migration Authorities (RIAM)

Members:

Argentina, Brazil, Bolivia, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Spain, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, Dominican Republic, Uruguay and Venezuela.

Technical Roundtable for addressing migratory flows

Thematic areas:

- 1) Human Trafficking
- 2) Smuggling of Migrants
- 3) Migration Management Systems
- 4) Fraudulent Documentation

Technical Secretariat:

IOM

Los Angeles Declaration on Migration and Protection

Members:

Argentina, Barbados, Belize, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, El Salvador, United States, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, and Uruguay.

Working groups:

Pillar 1: Stability and Assistance to Communities

- 1) Integration and support for host communities
- 2) Temporary protection and regularization
- 3) International financing for host countries

Pillar 2: Regular Pathways for Migration and International Protection

- 4) Labor Mobility
- 5) Investing in asylum
- 6) Refugee resettlement
- 7) Family reunification and alternative migratory routes

Pillar 3: Humanitarian Migration Management

- 8) Fight against human trafficking and trafficking
- 9) Return and Reintegration
- 10) Aligning visa and travel standards
- 11) Fighting Xenophobia

Quito Process

Members:

Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guyana, Mexico, Panama, Paraguay, Peru, and Uruguay

Work areas:

- | | |
|-----------------------------|---|
| 1) Asylum | 7) Protection of Children and Adolescents |
| 2) Guidance Centers | 8) Family Reunification |
| 3) COVID-19 | 9) Human Trafficking |
| 4) Education | 10) HIV-AIDS |
| 5) Gender Equity | |
| 6) Socio-economic Insertion | |

Technical Secretariat:

IOM - UNHCR

The Interagency Coordination Platform for Refugees and Migrants (R4V)

Members:

Argentina, Aruba, Bolivia, Brazil, Chile, Colombia, Costa Rica, Curacao, Dominican Republic, Ecuador, Guyana, Mexico, Panama, Paraguay, Peru, Trinidad and Tobago, and Uruguay.

Sectors:

- | | |
|----------------|--------------------------------|
| 1) Wash | 6) Protection |
| 2) Shelter | 7) Health |
| 3) Education | 8) Food Security |
| 4) Integration | 9) Humanitarian Transportation |
| 5) Nutrition | |


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