

Migrants In Countries In Crisis (MICIC)

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Contributions from the Civil Society Organisation's Consultation Process

The analysis by representatives of Civil Society Organizations concludes that the Latin American and Caribbean countries, face one of the most important migrant crisis in recent years.

In that sense, we identify as elements and conditions of **Pre-Crisis**, all those associated with the causes of migration. Some factors that are pushing this migration are not new, but are accelerated with the increasing inequality and social exclusion; in addition to the high unemployment rates, poverty and violence. The lack of opportunities for youth prevails, as well as the limited access to basic education and health services. To flee situations of violence, kidnapping and persecution, especially associated with internal armed conflicts, groups of organized crime, drug trafficking and maras/gangs are an important trigger for internal displacement and it induces new waves of migration, especially children and adolescents. The limited access to the justice and protection systems, combined with high levels of corruption and impunity, are elements that are discouraging complaints in origin, transit and destination and inhibits the desire to return to their countries. Various events and natural disasters¹ have marked the departure - even massive ones – of important population groups in the region, especially associated with earthquakes, hurricanes, tropical storms, droughts, and others. There is still a need to know better the impacts caused by megaprojects from extractive industries, mining, hydroelectric dams in the processes of human mobility, forced displacement and social unrest in the international and intra-regional migration flows. All this explains the multiple causes of the migration.

Likewise, as key and preparatory elements to address the crisis, States in the region should update and harmonize the national legal frameworks at the light of international instruments in the area of the protection of human rights, as well as, the compliance of the recommendations from the Universal and Inter-American System².

It is important to have an updated and accessible registration system in place on the movement of population, as well as, the generation of reliable information as fundamental elements for the design and implementation of policies on migrant communities.

Strengthen assistance and protection of consular policies for the detection, care and referral of vulnerable cases. For that, it is necessary the creation and implementation of Interinstitutional protocols, with a

¹ In the case of migrants that live in irregular conditions in countries that are affected or prone to natural disasters are located in areas and risk zones that raise and deepen the impacts during the emergency phase. This situation requires particular attention at the time of preventing the crises.

² There are a series of Recommendations, Observations, Declarations and Guidelines that can be taken into consideration to address migration and its different flows and necessities.

differentiated approach (gender, age, ethnicity, LGBTI population, other) and from a regional perspective.

Nowadays, Civil Society Organizations identify as the most relevant **Crises** and **Emergencies**:

1. **Situation of migrant children**³: it is reflected in the massive increase of unaccompanied migrant children and the different detention, deportation and reception processes. Their protection involves countries of origin, transit, destination or hosts as refugees.
2. **Massive deportations**: the ones from Mexico and the US towards Central America are of concern and deserve special attention. Two cases in particular caught our attention: the one of Colombian refugees expelled from Venezuela and the one of Haitians escaping political instability of their country and resorting to the Dominican Republic to insure their lives, resulting in new tensions at the border and expressions of xenophobia and racism. It is worrying that in some cases there is a lack of due process and the emphasis is in automatic deportation as the only response to irregular migration, putting at risk the life of migrants themselves.
3. **Returned migrants**: the lack of interagency protocols focused on a psychosocial approach towards reception of these migrants, causes diverse and limited actions against these flows. There are still existing gaps in the design and the implementation of public policies for the attention and follow-up of the reintegration process.
4. **Increasing violence**: in its various forms creates an important trigger for internal displacement and migration. Nowadays, one can see an increase in the degree and type of abuses and human right violations that migrants⁴ suffer in their attempt to reach destination countries.
5. **Growing need for protection measures**: At a national level protection systems are weakened and oversaturated to provide swift and effective responses according to each case. At an international level, one sees a heterogeneous dynamic that shows on the one hand, the increase of asylum seekers and refugees and other protective measures⁵; and on the other hand, a difficulty to detect the cases of high vulnerabilities⁶. We insist on respecting the principle of non-refoulement ensuring safety and well-being of migrants.

³ One should take into account the issue of non-accompanied children that are separated; accompanied migrants; circuit minors and those victims of trafficking

⁴ Missing migrants ;Non located Migrants; kidnapped migrants ; migrants that died along the way ; migrant victims of organized crime ; migrant victims of trafficking ; slave like working conditions, without rights and unprotected; among others.

⁵ In Central American countries have seen an increase of asylum seekers and refugees during this last period.

⁶ The decrease in approved cases; as well as the withdrawal that occurs and the lack of access to apply as an asylum seeker is also of concern.

Good practices include:

- The recent issues of visas for safe transit of Cuban migrants showing the capacity of coordination among States.
- The responses given to the increase intraregional migration (South-South Migration): Especially from and between the countries of Central America , Andean and Southern Cone , as an alternative to finding labor markets; but also against the closure , militarization and border control.
- Mobile Consulates: as a strategy that facilitates access to documentation, regularization and procedures of migrants;
- Coordination between consulates of different countries in the region: the case of Central America; the *Tricamex* initiative between Central America and Mexico; Consulates of Chile to the attention of crisis and post-crisis; among others.
- The Transnational Access to Justice Mechanism in Mexico as a result of coordination between institutions of civil society, government and family members in communities of origin;
- The Model of Comprehensive Care for Migrant Children driven by governments such as Guatemala and Mexico in coordination with civil society and international organizations;
- Agreement on Residence for Nationals of the MERCOSUR States parties;
- Migration regularization programs promoted by Mexico, Costa Rica, El Salvador, Argentina, Venezuela, Brazil, among others.
- The policy of non-detention of migrants driven by Mercosur;
- Among other initiatives.

In the **post-Crisis** phase it is essential to know and prioritize the protection of migrants. Creating the appropriate conditions for integration in the reception and return countries is fundamental. So, it requires to promoting family reunification and regularization programs as a human response after an emergency has occurred.

In addition, it is urgent to have a social and economic inclusion of returned/deported migrants as a mechanism that contributes to reintegration. The review/update of labor rights and recruitment processes for migrant workers is essential to guarantee protection and guaranteeing equal treatment with national citizens.

The design and implementation of public policies aimed at different segments of the migrant population are essential. Also in the countries of origin it is urgent to pay attention to the causes and the promotion of development policies.

The crises that occur within the migration process require lasting solutions designed for the short, medium and long term. The migrant must not be only at the center during the design of the strategy, but also during the formulation of responses. It is necessary, to have a multi-sectoral approach that generates the linkage and collaboration between governments, civil society organizations, academia, churches, bilateral and international organizations, diaspora and the private sector. Throughout this process, it is vital to identify the strengths of each one of the actors and with this, generate trust, build alliances and join efforts.