



## Executive Summary of the Presidency

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### ***“High-level Forum on the Situation of Irregular Migrant Flows in the Americas”***

The High-level Forum on the Situation of Irregular Migrant Flows in the Americas provided a space for reflection and analysis regarding the phenomenon of irregular migration in the hemisphere. The dialogue also served as a framework for participants to exchange best practices and recommendations in order to move forward their positions and coordinate regional actions with an eye to the Global Compact for Migration.

The participating States recognized migrants as subjects of human rights who, due to their severe vulnerability, require special protection from the States. This recognition was the first step toward an integrated approach to migration from a more humane perspective that promotes respect for migrants and their families.

The participating States also recognized the urgent need to create synergies and increase international cooperation, and agreed on the need to encourage information exchange, improve data collection methodologies, and adopt a common language in this area.

The participating States reflected on the fact that, in the framework of the 2030 Agenda, Goal 10.7 calls us to facilitate orderly, safe, regular and responsible migration through the implementation of migration policies. The agenda also addresses topics that are fundamental to the multi-causal analysis of migrant flows, such as poverty, education, inequality and climate change mitigation. Thus, States should renew their commitment to achieve the Sustainable Development Goals.

With respect to legal frameworks, the participating States highlighted how legislation is being adapted to the new challenges in their respective countries. There are now specific laws that protect the rights of migrants, guarantee their access to protection systems and basic services, combat human trafficking and smuggling, and strengthen protection for victims of these crimes. Also highlighted was the increase in the number of countries with national inter-institutional commissions to meet the demands imposed by migratory flows. It is still necessary, however, to address gaps between these standards and the administrative gaps that impede migrants from accessing basic services and which, consequently, increase the vulnerability of this group and create opportunities for transnational organized crime.

The current model for migration management, based on the “3Ds” (detection, detention and deportation) must be updated and adjusted to the new characteristics of migrant flows on the continent. In this regard, **detection** is an important topic that could also help to identify victims of trafficking, but one that requires the incorporation of vulnerability indicators that ensure this population is adequately served. Likewise, documentation procedures should resolve pending issues such as the difficulty of proving nationality and the lack of consular and diplomatic representation in the countries of origin. **Detention** should be a last resort, and applied only to situations that guarantee respect for migrants’ human rights and dignity. Finally, **deportation** processes must adhere to the rule of law and guarantee due process.

Migration trends such as volatility, mixed flows, feminization, and an increase in unaccompanied minors were also discussed, with respect to how these impose new dynamics on humanitarian assistance. It was agreed that there is a need to identify and provide special protection to accompanied and unaccompanied minors, elderly adults, women, disabled people and LGBTI. Family reunification should also be promoted, which includes positioning the concept of migrant families. Additionally,

missing migrants comprise a group that must be given greater visibility; thus, the States shall make efforts to provide information to these families.

Likewise, the participants highlighted the need to improve follow-up with undocumented migrant workers, who face great difficulties with respect to asserting their labor rights and accessing social security services. Participants also rejected any type of xenophobic or discriminatory discourse that negates the enormous contribution that migrants make to their countries of origin and destination.

It was agreed that further progress should be made in strengthening consular networks in order to protect migrants and ensure access to effective justice, which implies guaranteeing the right to due process. In a joint and articulated manner, the countries can work to achieve the Vienna Convention on Consular Relations, particularly Article 36.

The countries of this continent have had positive experiences with respect to tools and protocol for the prevention, attention, management and reinsertion of migrants. Nevertheless, they recognize the urgency of improving and widening cooperation, exchange and harmonization of these practices.

With respect to information systems, the countries agreed on the importance of standardizing data collection methodologies and encouraging the publication of key information that could help design effective policy. In addition to vulnerability indicators, it is important to incorporate measures that allow the economic contributions of migrants to be recognized.

Migration related to climate change is a topic that must be duly considered in the Global Compact for Migration. The use of common migration categories for this population, as well as temporary protection measures, should be considered criteria for the identification of people displaced by disasters. The States expressed solidarity in the face of the natural disasters that have occurred in recent days in the region's affected countries.

Lastly, the participating States recognized the absolute need for international cooperation with respect to migration management, as well as the articulation of regional consultation processes and accompaniment to the construction of a similar consultation process in the Caribbean. This cooperation must seek to strike a balance between sovereignty, solidarity, and shared responsibility, through coordination and articulation mechanisms at all levels and assistance programs that transcend the national scope.

The High-level Forum on the Situation of Irregular Migrant Flows in the Americas took place from September 12-13, 2017 in San José, Costa Rica. A total of 20 States participated, including Argentina, Brazil, Bolivia, Canada, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, the United States, and Uruguay.

The event was organized by the Ministry of Foreign Affairs and Worship of Costa Rica and the Directorate of Migration and Alien Affairs, with collaboration from the OAS Secretary General, via the Department of Social Inclusion of the Secretariat for Access to Rights and Equity and the International Organization for Migration (OIM), and included representation from the Committee on Migration Issues (CAM), the International Committee of the Red Cross (ICRC), the International Labour Organisation (ILO), the United Nations High Commissioner for Refugees (UNHCR), the Regional Conference on Migration (RCM) and the South American Conference on Migration (SACM).