



Regional Conference on Migration  
Conferencia Regional sobre Migración

## **REGIONAL CONFERENCE ON MIGRATION**

### **Meeting of the Ad Hoc Group on Irregular Extracontinental Migration Flows in the Region**

*Panama City, Panama  
March 15-16, 2012*

#### ***REPORT***

---

On March 15-16, 2012 the members of the Ad Hoc Group met in Panama City, Panama to discuss, analyse and establish objectives for the topic of irregular extracontinental migration flows in the region. Representatives from the following countries attended the meeting: Canada, Costa Rica, Dominican Republic, El Salvador, Guatemala, Mexico, Panama, and the United States.

#### **BACKGROUND**

At the XV Meeting of the Regional Conference on Migration, held on May 20-21, 2010 in Tapachula, Chiapas, Vice-Ministers recognized the challenge posed by the increase in irregular extracontinental migration flows in the region and the need to gain a better understanding of this reality and identify appropriate coordination mechanisms to address this topic.

Within the framework of the meeting of the Regional Consultation Group on Migration (RCGM) of RCM, held on November 16-18, 2010 in Santiago de Querétaro, Querétaro, it was agreed to urge Member States of Central America and Mexico to provide relevant information for a study on the topic that was to be conducted by UNHCR and IOM. The study was presented by FLACSO at the XVI Vice-Ministerial Meeting of RCM, held in La Romana, Dominican Republic on June 8-9, 2011.

Furthermore, at the XVI Vice-Ministerial Meeting of RCM the establishment of an Ad Hoc Working Group was approved, composed of representatives from interested Member States and coordinated by El Salvador and Mexico, to discuss, analyse and establish objectives for the topic of irregular extracontinental migration flows in the region.

During the meeting of the Regional Consultation Group on Migration (RCGM) of RCM, held on November 16-17, 2011 in Santo Domingo, Dominican Republic, the Ad Hoc Group was established with representatives from the following countries: Canada, Costa Rica, El Salvador, Dominican Republic, Guatemala, Mexico, Panama, and the United States.



Finally, the governments of El Salvador and Mexico developed a conceptual document for this meeting, with the following objectives:

## **OBJECTIVES**

- To discuss and assess the need for relevant migration policy at a regional level, with the objective of addressing extracontinental migration flows that affect Member States of RCM.
- To identify and develop proposals or projects aimed at understanding and assessing the impacts of irregular extracontinental migration flows in the region.
- To explore and determine how international organizations can provide support in addressing irregular extracontinental migration flows in the region.
- To identify actions by countries of origin and destination to provide assistance to and support the repatriation processes of irregular extracontinental migrants in the region.
- To discuss the proposal by Mexico for a matrix to collect statistical data on extracontinental irregular migration flows.

The first part of the meeting was based on presentations by countries about general aspects relating to extracontinental migration in each country, considering the following aspects:

- Problems
- Statistics
- Trends
- Treatment

The most relevant contributions by countries are listed below:

### **Canada**

The number of refuge applications increased by 9.5% in 2011; 18% from Hungary, followed by the Slovak Republic, Croatia, and Poland. The number of Improperly Documented Arrivals (IDAs) in 2011, compared to 2010.

From 2007 to date, close to 8,000 applications have been received from nationals from Eastern Europe, followed by applications from Asia (more than 5,000) and Africa (close to 7,000).



Countries of origin of IDAs: Iran, Nigeria, China, India, Sri Lanka, Afghanistan, Pakistan, Albania, etc. Migrants arrive with fraudulent documents, most of them passports from Canada, England, France, Greece, and the United States.

Causes of the Increase in Migration Flows from Africa and Middle East: The effects of the Arab Springs: An increased number of refugee applications have been received from migrants from Syria and most of the countries in Northern Africa, especially Libya, Tunisia, Egypt, and Algeria.

Turkey is the port of exit from Europe for most migrants that travel from Asia and Northern Africa to Canada, due to visa waiver policies for some countries.

In regard to Asia, the number of applications from Northern Korea and India has increased but, above all, they already are in Canada (the former). In addition, false passports from Taiwan have been used.

Projections/Expectations: Applications will be received from Eastern Europe in the future, and the Taiwan passport will continue to be used by Chinese nationals to enter Canada.

Canada declared itself in favour of complying with international agreements on resettlement and refuge expressing, in addition, its commitment with countries in the region to address irregular migration and migrant smuggling, and an interest in exploring options to exchange experiences relating to migration management; for example, supporting processes to identify gaps and potential solutions and identifying operational issues.

### **Costa Rica:**

A significant movement of migrants from Eritrea and Somalia was observed in 2009-2010, and a considerable number of Cuban nationals entered the country in 2010-2011.

Costa Rica is primarily a transit country. This poses greater challenges in terms of organized crime and new aspects of the phenomenon of migration such as mixed migration flows, migrants for economic reasons, extracontinental migrants, and migrants in vulnerable situations.

The majority of migrants arriving in Central America come from Somalia, Eritrea, and Ethiopia. In addition, some migrants arrived from Angola, Kenya, and Eritrea by air through Italy (2008), and migrants from Guinea and South Africa (persons with high educational levels) and Nepal arrived in 2009. Many of them mentioned Canada as their intended final destination.



Women are the most vulnerable group. In addition, boys, girls, and adolescents have been identified as well.

#### Applications for Refugee Status

The majority of the migrants that submitted an application for refugee status in August-October 2009 abandoned the country and took unfair advantage of their refugee status to continue travelling toward the United States and Canada.

The number of Colombian and Cuban migrants has increased.

A special team was established for special migration situations (ESME). To date, 173 actions have been implemented involving migrants from different countries.

Vulnerability of the Costa Rica – Panama border region, limited control points and weaknesses of existing control points. Lack of equipment and vehicles and insufficient staff to address irregular migration and organized crime groups; lack of staff for surveillance actions.

#### Challenges:

- Cultural and language barriers; difficult access to interpreters
- Limited representation and diplomatic relations with countries of origin
- Difficulties relating to identification
- The region of Central America as a bridge toward the northern countries
- Close links with organized crime (migrant smuggling and trafficking)
- Mixed migration flows
- Women and boys, girls, and adolescents in more vulnerable situations
- Use of refugee status to temporarily regularize the migration status and continue the journey – in many cases, this is induced by migrant smugglers
- Administrative and economic difficulties in processes of repatriation, rejection, and deportation
- Lack of harmonization of regulations and immigration actions in countries in the region and on the continent (entry, intercepting, rejection, and deportation)
- The need to strengthen dialogue with southern countries
- Regional response in regard to countries of origin and transit
- Coordination strategies for the development of migration intelligence
- Exchanging information and alerts
- Developing a regional cooperation plan to address repatriation of persons; support from countries of destination

#### **El Salvador:**

A significant increase has been observed in the number of migrants attempting to reach North America in recent years.



**Statistics:** Entry of 640 and exit of 616 persons with regular migration status. Irregular flows (assisted at the Centre for Comprehensive Assistance for Migrants): 15 cases in 2011, 65 in 2010, and 97 in 2009. This does not mean that the number of migrants has decreased but that the majority of the persons that applied for refugee status abandoned the country and continued their journey.

## **Trends**

### Among migrant smugglers

Take advantage of migrants exposing them to abandonment, exploitation, or organized crime groups.

Migrants leave their countries of origin in a regular manner until they arrive in South America.

Migrant smugglers make migrants travel in an irregular manner on the American continent and, when they are intercepted by authorities, they report that they were victims of robbery, assault, or actions by migrant smugglers, in order to be treated as persons in vulnerable situations and not as trafficked persons.

A trend exists among some criminal networks to diversify actions with the purpose of increasing profits.

### Among victims

Leave their countries in a regular manner until they arrive in South America.

Mostly men, few women and boys, girls, and adolescents.

Aged 20-30 years.

Have high educational levels and speak a second language (although many of them do not want to speak English due to instructions from migrant smugglers).

Show an obvious deterioration of physical and mental health.

Manage small sums of money or have access to cash withdrawal mechanisms.

### Treatment

Limited treatment due to lack of immigration documents and absence of embassies and consulates from countries of origin.

Persons fleeing from persecution and armed conflict need to be duly identified to enable them to benefit from international protection.

More attention is paid to the manner of entry than to the needs of each person.

Generalization of responses based on the country of origin or on ethnic and racial criteria.

A procedure is in place to identify applicants for refugee status.

Migrants are assisted in a centralized manner to meet their basic needs for food, clothes, health care, and shelter.

### Recommendations

To establish an integrated system to exchange information on migration flows, specifically for extracontinental migrants, especially including data on persons that applied for and were denied refugee status in a given country in the region.



To establish diplomatic relations with States of origin.

### Modus operandis

Migrant smugglers receive foreign nationals arriving from Nicaragua by land. Migrants enter in an irregular manner and do not carry any identity documents with them because migrant smugglers take them away from them. In addition, some migrants enter by sea, on ships and boats.

### Proposals

To verify the Refugee Law in the country.  
To develop a regional data base within RCM.

All actions should be regional; otherwise they will be useless.

### **United States:**

Migrants from third countries. These migration flows operate through migrant smugglers and organized crime groups, and this meeting is an excellent opportunity to seek solutions, especially taking advantage of the position of Panama in regard to the topic of security within RCM (the selected topic).

A millionaire budget for security along land and air borders, as well as addressing extracontinental migration. We should not forget our obligations relating to international agreements and conventions and in addition, we should consider implementing migration policy focused on development, with a balance between human rights and security.

More hard data are required on the current situation in the region. The study presented by FLACSO is far from meeting expectations. **This should be a priority within this working group – how to collect, disaggregate, and share information.**

The meeting of the Troikas was an appropriate effort to address this topic before CSM. RCM and CSM agreed to hold regular meetings on information exchange. This will enable better combating organized crime and improving the treatment of extraregional migrants.

### A Brief Overview of Extracontinental Migration in the United States

Persons from India, Bangladesh, Nepal, Pakistan, and Sri Lanka enter through the south-western border of the United States. No significant changes have been observed between January 2011 and February 2012 (a slight decrease in the number of Indian nationals and an insignificant increase in the number of nationals from other countries for the same period of time).



Eastern Africa: Eritrea, Ethiopia, Somalia. No alarming increases have been observed between January 2011 and February 2012. The route begins in Dubai, and most migrants travel to Brazil. In the same manner as before, they entered through the south-western border.

**Mitigation Strategy:**

Identifying the potential to dismantle irregular migration flows and exerting pressure on them during different stages of the migration process: countries of origin, initial transit countries, transit countries in South America and Central America, countries of destination in North America.

**Identity Management:** This is a key component in combating the irregular movement of persons. Collecting biographical data and biometrics, with the additional purpose of combating terrorism and organized crime.

**Existing Programmes in the Region:**

- Advanced Passenger Information System (APIS): Exchanging information between MOUs; physical presence of agents from ICE and CBP at the airports
- Joint Security Programme (JSP)
- Transnational Crime Investigation Units (TCIU); work together with information exchange on judicial investigations
- Training and technical assistance through CARSI (funds from DS to combat international criminal groups working in the region from Mexico to Panama)
- DHS staff located in Central America: CIS in Guatemala, Honduras, El Salvador, and Panama; Coast Guards in Costa Rica, and CBP and Coast Guards in Panama.

**Guatemala:**

Special treatment of flows: visa requirements (change of category, consular exemption for Indian nationals) and residence (lack of information on the country of origin).

The same extracontinental migrants and Cuban migrants are following the above-mentioned routes. Migrants are now arriving through a new route – Haiti, the Dominican Republic, and Panama.

The number of African migrants decreased from 2009 (1,768) to 2011 (1,163). To date, in 2012, 109 migrants have arrived. The support needs to be proportional to these numbers.

**Problems:** Lack of identification due to absence of consular representatives, institutional weaknesses (including financial weaknesses), the same problems relating to misuse of refugee status.





Limited financial resources for the return of migrants.

### Recommendations

To develop a regional protocol or questionnaire to identify or establish profiles of migrants to know who they are.

To review the topic of visa requirements and to homologate them at a regional level, by consensus; that is, changes in visa requirements, new visa requirements, or elimination of visa requirements should be established by consensus.

The highest numbers of migrants are nationals of the following countries: Niger, China, South Korea, Malaysia, India, and Cuba.

### **Mexico:**

#### Objectives:

- To identify current trends in migration flows from Africa and Asia
- To discuss current difficulties in Mexico and in the region

The situation of Mexico is special, as one of the countries with the highest number of migrants in transit worldwide. Irregular migration flows in the region go beyond migration policies.

Statistics: Asia, 1.2%, Africa, 0.4% of the total number of migrants sheltered at migration stations.

A decrease has been observed in the number of Central American migrants in transit through Mexico. However, the number of African migrants in transit through Mexico has increased 14 times and the number of Asian migrants has doubled in the past decade.

The highest numbers of African migrants came from Eritrea, Somalia, and Ethiopia (same as the other countries), and Eritrea and Somalia in 2011.

Routes used by African migrants: By land through Europe, by air to the Caribbean, Central America, or South America and then by land or by sea (in boats) toward the southern border of Mexico. Many migrants apply for refugee status but their real destination is the United States.

Asian migrants sheltered at migration stations: Primarily India, China, Nepal, Sri Lanka, and Bangladesh. The arrival of irregular Asian nationals decreased 21% in 2011, compared to 2010, due to the visa requirements established for Indian nationals in some countries in the region.

Routes of irregular migration to Mexico: To Moscow or some European country, then to the Caribbean by air and then on to Cancún, Guatemala, or Belize. Then they travel to Mexico on foot or by boat. Indian nationals have arrived in Ecuador





or Central America through commercial routes, and then continue to the southern border of Mexico in an irregular manner.

Some gangs are better organized and more sophisticated.

#### Migration Policy Implemented by Mexico

- A general procedure is followed
- Migrants coming from countries with conflict, or from other countries but with justified causes, are offered the possibility of initiating the procedure to apply for refugee status, complementary protection, or regularization for humanitarian reasons, and they take unfair advantage of these regularization processes to continue travelling toward the United States.

#### Fundamental Problems:

- The impossibility of returning them to their places of origin
- High costs of assistance and return to their countries if a safe-conduct is obtained
- The vast majority attempt to reach the United States or Canada, including refugee seekers or persons seeking humanitarian protection
- An increase in migrant smuggling and trafficking
- Inappropriate use of visa waiver programmes and refugee status or complementary protection by some countries
- A greater complexity, in general, in managing these migration flows
- The need to seek regional cooperation mechanisms to address the particular situations of these irregular migrants.

#### **Panama:**

Detained in the past 4 years: 1,015 extracontinental migrants (from Asia and Africa). The trend has been a decrease since countries such as Brazil and Ecuador have implemented actions related to visa requirements for entering their countries. The number of Cuban nationals has increased.

From higher to lower numbers: China, Bangladesh, Eritrea, Somalia, Nepal, India, Pakistan, etc. 60% of them have been detained in cities and 40% in border regions.

80% are men and 20% are women.

Deportation processes have been difficult since Dubai has refused to be used as a place of transit on the journey of migrants to return to their countries of origin.

Number of Cuban nationals referred to shelters: 225 in 2011 and 188 in 2012 to date. In regard to the routes used by African, Asian, and Cuban migrants, they



travel to Ecuador by air and to Panama by land. Cuban nationals regularly surrender to immigration or border authorities.

How should coordination mechanisms be established that enable the return of migrants to their prior country of transit? Panama – Colombia; Costa Rica – Panama, etc.

Modus operandis. Similar to other countries – migrants get rid of their documents and are instructed to give false names in each country; they abuse the visa waiver programmes in Ecuador and Brazil and use Coyotes, lawyers, hotels, and other logistics in each transit country.

#### Assumptions

- That they are fleeing from armed conflict and other social problems in their countries
- That relatives that are already living on this continent finance their journey
- That they have become aware of the special treatment granted by the United Nations
- That they are nationals from other countries and are taking unfair advantage of the special conditions in the above-mentioned countries
- That terrorists have infiltrated our country or other countries with specific aims
- That they are in search of better living conditions

#### **Dominican Republic:**

The report addresses the high costs of return processes, security, difficulties to treat migrants in a dignified manner, etc.

An obvious difference in the Dominican Republic is that this State is an island and its only land border is with Haiti. Extracontinental migrants use the Dominican Republic as a transit country on their journey to Central American countries or the United States or Canada. Its 8 airports receive close to 8 million persons each year. In addition, 16 sea ports exist where extracontinental migrants can arrive. However, no related data are available.

Numbers for recent years are very low. However, the number of migrants attempting to stay in the Dominican Republic in a temporary or permanent manner is higher.

71 migrants were deported in 2009 (28 of them Chinese nationals) and 52 in 2011 (10 Italian nationals and 7 from Bangladesh).

Persons investigated by migrant smuggling networks: Nationals from Holland, Spain, France, Russia, Switzerland, and Bangladesh.



Out of 149 migrants, 93% were men and 7% were women (total number of foreign nationals deported in 2011; 44 Cubans and 34 Haitians).

In 2011 only a family from Iraq applied for refugee status, as well as one person from Sri Lanka.

2012: 6 Cuban nationals, 5 migrants from Sri Lanka, and 3 Haitian nationals have applied for refugee status.

### Conclusions

- In 2009-2010 an increase was observed in the number of applications for residence permits by extracontinental migrants in the Dominican Republic.
- An increase in the number of deportations of extracontinental migrants was observed between 2008 and 2009.
- An increase was observed in the number of persons investigated for migrant smuggling and trafficking. From other continents.

Subsequently, **Salvador Gutiérrez** from the Regional Office of IOM in Costa Rica presented several successful experiences in countries outside the region, mentioning the following:

A series of practices have been identified but not all of them have been successful. Some experiences focus more on assistance to migrants and others on analysing and addressing the structural challenges posed by migration.

The following aspects have been identified as characteristics of best practices:

1. Based on a comprehensive approach of migration management
2. Recognize the sovereignty of the States in matters relating to migration management and, at the same time, the obligation of States as the guarantors of human rights
3. Help resolve the challenges posed by this type of migration flows for States
4. Propose real solutions for States and migrants

### The identified practices address related challenges:

#### **a) With personal information**

1. Identify risky or “dangerous” persons
  - The Liaison Network of Immigration Officers, established by Regulation (CE) # 377/20041; especially information exchange and training for consuls, airlines, and local authorities.
  - European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX), established in 2005, with headquarters in Poland and only 272 officers. Created with the objective of strengthening border security. Actions are oriented toward intelligence, conducting risk



assessments, supporting research on border control and surveillance (different migrants with different routes). The agency provides the required support to Member States to organize joint operations for the return of migrants.

2. Provide humanitarian aid

- A reception centre in Lampedusa, Italy, together with IOM, Save the Children, and UNHCR, collaborating to jointly provide assistance to arriving migrants. A protocol has been developed which establishes that migrants have to undergo an examination by a Red Cross physician before being received in any centre.

3. Identify profiles and meet protection and assistance needs of migrants in vulnerable situations

- Reception centre in Lampedusa. The requirements are a hand image to identify boys, girls, and adolescents and a physical examination of boys, girls, adolescents, and women to identify sexual violence. Save the Children follows up on boys, girls, and adolescents. IOM and UNHCR have access to detention centres to provide information to migrants; IOM informs about legislation and existing procedures for voluntary return, and UNHCR informs about existing options for international protection for those in need. Translators are used to communicate with migrants.

**b) Respond to challenges relating to the nature of these migration flows.**

- Liaison Network between Immigration Officers, established by Regulation (CE) # 377/20041; especially information exchange on documents, routes of migrant smugglers and traffickers, and training for consuls, airlines, and local authorities. Shared costs.
- Decision 2005/267/CE, an online Safe Network for Information and Coordination has been established to exchange information on irregular migration.

1. Attempt to prevent migration flows

- Working group on borders or false documents – Mixed Committee (UE-Island/Liechtenstein/Norway/Switzerland). Follows up on the agreements established by the Network. In addition, follows up on use of the resources of the Fund for External Borders.

Has an impact on four areas:

- Visa homologation
- Compliance with agreements on refoulement
- Homologation of regulations and protocols to prevent, punish, and combat trafficking in persons

2. Promote transfer of migrants to a third country



- Benghazi Agreement of 2008, through which Libya agreed with Italy to support the fight against immigration to Italy and accepted the return of migrants that had passed through Libyan territory.
3. Facilitate and promote the return to the country of origin
- Voluntary assisted return programmes are in place in 20 European countries.
  - Readmission agreements are systematically signed by EU with a series of countries of origin.
  - A questionable practice is signing readmission agreements with transit countries.
  - FRONTEX organizes joint return actions.

Furthermore, Diana Trimiño from the UNHCR Regional Legal Unit mentioned that the interest of UNHCR in extracontinental migration flows is based on three central aspects:

- To ensure that systems are not abused through indiscriminately granting refugee status as a solution to prolonged situations of administrative detention, in view of the impossibility of receiving countries to deport migrants to their countries of origin, or the absence of other procedures to legalize the stay of a person in a given territory;
- To ensure that persons with international protection needs have access to the territory and to the procedure of applying for refugee status in countries in the region, and that countries respect the principle of non-refoulement;
- To discourage the irregular movement of persons that have already been granted effective protection in a country of asylum as asylum seekers and refugees and that could be readmitted to those countries through bilateral or multilateral State cooperation. In addition, to ensure that the assistance provided by UNHCR is not abused by the same persons – who do not have any real international protection needs – in different countries; and

Given the above and with the aim of supporting States in addressing these new challenges, UNHCR organized an internal meeting of protection officers in 2009, with the objective of discussing the new trends in extracontinental migration and reviewing regional policies on protection and assistance for extracontinental asylum seekers and refugees.

In addition, to avoid the above-mentioned abuse, UNHCR has recommended to its partner agencies that assistance should be provided according to criteria of need and vulnerability, based on a preliminary interview, and that in-kind assistance should be provided rather than cash.

Furthermore, UNHCR is in the process of launching an internal data base for extracontinental migrants. The data base will enable UNHCR national offices and



executing agencies to better control the assistance and protection provided to extracontinental migrants in different countries.

In addition, UNHCR will continue promoting the development of complementary protection mechanisms for persons that require international protection but are not eligible for refugee status. Such procedures already exist in legislations of Mexico, Costa Rica, and Nicaragua.

UNHCR reiterated the offer to cooperate with Member States of RCM in areas such as: providing information on the country of origin, implementing identification and profile and referral mechanisms, technical assistance for cases of persons applying for refugee status, and seeking lasting solutions for those migrants that have not been granted refugee status.

In addition, UNHCR offered to share the most recent guidelines developed by UNHCR on the nationalities of extracontinental migrants.

For the second part of the meeting, two main topics were established for discussion, coordinated by El Salvador and Mexico. The first topic was “Identifying needs and brainstorming to develop proposals for actions to address extracontinental migration”. The discussion of this topic was coordinated by Evelyn Marroquín from El Salvador, who submitted a series of proposals for action for discussion under three central themes: assistance for extracontinental migrants; protection of extracontinental migrants; and combating organized crime.

The discussion of the second topic, “Data collection for statistical purposes: How can data collection be improved?”, was coordinated by Ernesto Rodríguez from Mexico, who presented a matrix developed by Mexico to collect data on extracontinental irregular migration flows from Africa and Asia in the region, to initiate the discussion.

Once the topics had been discussed – and based on the discussions – reports on Topics A and B were submitted for consideration. Once the discussions had concluded, the reports were approved to be submitted at the upcoming meeting of RCGM, to be held in June 2012 in Panama City Panama (see Appendix 1).

The meeting concluded on Friday, March 16, at 5 pm.