THIRD MEETING OF THE AD HOC GROUP ON EXTRA-REGIONAL MIGRANTS
November 3rd and 4th, 2016
San José, Costa Rica

FINAL REPORT

Participants:

Among the Member State of the Regional Conference on Migration (RCM): Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Panama and the United States of America; additionally Brazil, Colombia, Ecuador and Haiti participated as guest states.

The United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) also participated with different presentations and for their status of observers of the RCM.

The event was co-funded by IOM and UNHCR.

Report:

The workshop was structured into three sessions. The first block was dedicated to the revision of the progress made regarding the implementation of previous agreements in the RCM framework. Furthermore, a dialogue between Member States and guest states was generated, as well as work groups' activities.

The second block was to discuss previous RCM agreements that weren't specific enough in order to be implemented. Such agreements were analyzed by three work groups and an open discussion.

Finally, the third block was for proposals of new agreements to be included into the RCM action plan about extra-regional migrants, in order to present them to the RCGM and eventually to the Vice-ministers. Finally, the final report was presented as well as the next steps.

Summary of addressed topics

Thursday, October 3rd
The meeting was inaugurated with the speeches of:

- Gisela Yockchen, Director of Migration in Costa Rica;
- Carlos Maldonado, UNHCR delegate;

- Marcelo Pisani, Regional Director of IOM;
- Liza Medrano, in the role of the PTP of the RCM, Government of Honduras.

After the participants presented themselves, the review of the agenda took place and the TS briefly presented the previous agreements taken in the RCM framework.

The following presentation was by Cy Winter, IOM, about the progress of the mapping requested by the RCM to the IOM about the mechanisms of response to the extra-regional migratory flow in the Central American region.

Then Gisela Yockchen talked about the extra-regional migratory situation in Costa Rica. Afterwards, Luis Diego Obando presented the perspective of UNHCR about the status of extra-regional migrants.

Then, as a basis for the work groups to follow, the TS of the RCM briefly presented the agreements taken in the RCM framework about extra-regional migrants, and their status of accomplishment.

An open dialogue with delegates of Brazil, Ecuador, Colombia and Haiti followed, taking into consideration that those are countries directly related to the extra-regional migratory flow in the RCM region, during which topics such as human trafficking and smuggling prevention were discussed. Also, several of those countries shared their efforts to prevent irregular migration. Brazil exposed the condition under which it could accept the return of foreign people with residence in Brazil: the return should be voluntary and the last country of transition should be Brazil.

Then the work groups started. During the first session two groups were formed, and each one worked on different agreements, identifying the obstacles that didn't allow their accomplishment and proposing an action plan for each; the results were presented in the plenary.

The second block was dedicated to the analysis of the agreements in the RCM framework, but that weren't specific enough in order to be implemented. During the plenary saw a discussion about regional information campaign on this topic; about the cooperation from other organisms and platforms, as well as the improvement of the cooperation with origin states of extra-regional migrants.

In the third part the same methodology was used to work in plenary on the identification of vulnerable migrants, on the cooperation with transport companies to prevent irregular flows and to assist migrants, and on the prevention and fight against smuggling.

Friday, November 4th

The morning of the second day, after a summary of the anterior day, continued with work groups on approved but unimplemented agreements.

There were three debates: one about agreements with origin, transit and destination or latest residence countries; one about regional lineaments for the management of stranded migrants; one about regional lineaments for the management of unidentifiable migrants. The results were presented in the plenary.

After a break, the work groups focused on the abuse of the status of refugee, on regional lineament for the homologation of visas and migratory permits, and on the abuse of the humanitarian visa.

The third block was dedicated to the elaboration of new agreements to be included in the RCM action plan about extra-regional migrants, to be presented to the Vice-ministers for their approval.

The delegations of Panama and Honduras shared their experiences with the management of extra-regional migrants, and Marcelo Pisani (IOM) gave a short presentation on the plan to strengthen the control of the extra-regional migratory flows in Mesoamerica. This was followed by a plenary to discuss what elements of the plan presented by Marcelo Pisani could be included into the RCM action plan.

Finally, after the discussion of all the topics planned for the meeting, Liza Medrano (Honduras) and Luís Alonso Serrano (Costa Rica) resumed the most significant points of the meeting. Then Salvador Gutiérrez talked about the next steps and closed the event.

Recommendations of the participants for the RCM

-Generate an effective information exchange, between the RCM countries, the RCM countries and origin/destination countries, as well as between RCM and SCM.

-Generate real data on the quantity of migrants that have entered, transited or departed from each country, including data on the attention provided to them and what kind of attention was provided, especially regarding health.

-Act as a region from a shared responsibility point of view, while taking into account the need to ensure the sustainability of the actions taken and the necessary interinstitutional coordination.

-Achieve regional agreements, including with the SCM, that could be a starting point for the effective collaboration to identify unidentifiable migrants.

-The RCM TS has to play a role in the follow up and monitoring of agreements related to the exchange of information on extra-regional migrants.

-Lead efforts towards the recognition that many of these migrants are of Haitian origin, in order to develop a regional strategy in accordance with this fact. Hence, it is suggested:

- That countries include in the statistical data they generate, the variable of unknown nationality and presumption of nationality. This should also apply to the data generated in the framework of the commitments previously established within the RCM for the exchange of information on these flows.

- Make efforts for the identification of accents and ask questions about history and culture of the country to which the migrants declare to belong, in order to establish such presumption of nationality or non-nationality.

- Request support from the Embassy of Haiti in Panama for the identification of Haitians.

  o Undertake regional efforts to share biometric data of the migrants in order to identify them.
  o Recognize that, at the moment, practically all of these migrants do not want international protection or a permit to stay and also, do not intend to stay in the countries of the region. Request IOM, UNHCR and other cooperation agencies to take into account this fact for the solutions they offer.

-About the eventual return agreements with origin countries: make sure that these countries provide minimum guarantees for migrants, and that they don't give any penal sanction to those who have been object of illicit trafficking.

  o In order to prevent the abuse of the asylum status before the arrival of huge masses of migrants, the suggestions are:
  o Collect information from the first countries of arrival of these migrants.
  o Guarantee the availability of options other than the status of refugee.
  o Apply, especially in destination countries, accelerated processes for the recognition of the asylum or the refuge in order to prevent crisis.

Revision and precision of agreements previously generated within the framework of the RCM

-Regarding the creation of an integrated system for sharing information on migration flows, specifically for extra-regional persons, the difficulties in moving forward with this agreement are evident; generated by the incompatibility of systems, the sensitivity of the information,

which cannot proceed without agreements authorizing to share the information, and technical criteria of IT units.

-Given this situation, it is suggested to proceed with the creation of an integrated information system, within the framework of the RCM, taking into account the obstacles identified, naming possible focal points for this and setting goals to generate such a system. This system could be administered by the TS, or by a country that would commit to it. In this regard, the Member Countries will verify in each capital the options of assuming this commitment and will communicate them to the other Member Countries for their estimation.

-Regarding the diplomatic cooperation with origin countries, the obstacles are the absence of consulates of these countries and the slow response to consultations made. The proposal is to reinforce the diplomatic communication with the Haitian representation in Panama.

-In terms of cooperation with transportation companies to regulate these flows, it was established the difficulty of developing international or regional agreements with these companies. Therefore, it was established that it was only feasible to control at the national level, as a more effective mechanism. The importance of calling on countries to strengthen their control systems in public transportations is reiterated.

-With regard to obtaining cooperation from other international and regional organizations and platforms to address these flows, the opportunity for the RCM to have a common position on this issue is identified, which can be championed in the different forums and platforms. One possible step would be the development of a common RCM policy statement or position on the issue. It will also be important to formulate regional cooperation project initiatives, which can be addressed to donor countries, specifying what the requested assistance is, its objectives and scope. This could be initiated through the Pro-Tempore Presidency and the Technical Secretariat.

-Regarding the cooperation as a region for the identification of vulnerable extra-regional migrants, it is suggested to use the "Regional Guidelines for the preliminary identification of profiles and reference mechanisms of vulnerable migrant populations" approved in 2012 within the RCM, and which revolves around the same subject, in addition to making them known and that each country applies them in order to move from being regional guidelines to national guidelines. Likewise, it is proposed that the focal points send to the TS their progress on the implementation of the approved guidelines and that the TS make the corresponding information request on this regard.

-The RCM focal points are requested to suggest to the Vice-ministers the prompt organization of a workshop on practices for the identification of vulnerable extra-regional migrants, at

national or regional level within a year, assigning the responsibility of conducting this task to the Migration Directorates of each country.

-Regarding cooperation to prevent and combat illicit trafficking, it is suggested to share registers of entries and exits of these migrants (if they exist), as well as to collect information to elaborate a brief monthly regional report on migration flows. The TS could be asked to collect or analyze this information. Countries could also assign specialists.

-In relation to regional collaboration to promote return agreements with countries of origin, transit and last residence, it should be pointed out that the return should be an additional mechanism, executed in parallel with other primary processes. It is suggested the creation of national or regional initiatives to assist migrants in the return process, or the establishment of funds at a regional level for these purposes. In addition, under the principle of co-responsibility, it is suggested to request greater financial cooperation from destination countries.

-It is suggested to generate differentiated regional policies to manage the different nationalities of extra-regional migrants.

-It is suggested to request to the United States to clarify whether they will continue with their migration policies, in order for the region to have clarity on the options regarding the management of extra-regional migration flows. It is suggested to discuss this in the Vice-ministerial meeting.

-Regarding the collaboration as a region to avoid the abuse of the refugee (asylum) figure, it is suggested to start from the recognition of the lack of knowledge about the asylum processes and the alternatives to it. It is suggested to create, from the earliest countries of entry and on the route, clear information tools on the possibilities of asylum and other refugee mechanisms accessible to these migrants and valid in the legislations of the several Member Countries.

-It is suggested to move forward in ongoing training processes on refuge and asylum for personnel who have direct contact with the population.

-It is suggested to invest in more accelerated and expedite processes of determination of the condition of refugee, for migrations that are not massive.

-It is suggested to develop a campaign focused on the risks of migration and the rights of migrants. To do this, each delegation will designate a focal point of communication to address the issues of the eventual campaign and this decision will be communicated to the TS to progress with the development of the same. Such campaign may also include information on the migration options of extra-regional migrants in Member Countries.