

Second Consultation on Migration in Building a Regional Position for the "Global Pact for Regular, Safe and Orderly Migration"

Introduction

Following up on the outcomes of the “Meeting of the Regional Conference on Migration to define guidelines for a regional position towards the Global Compact for Safe, Orderly and Regular Migration”, held on June 7th in Panama, and in preparation for the next thematic consultation sessions for the elaboration of the Global Compact, this Technical Secretariat has formulated the following questionnaire in order to gather inputs that could be used as a basis for the development of the RCM’s contribution to the GCM. In this regard, we kindly request you to respond this questionnaire preferably by Monday, **September 18th, 2017**, emailing your responses to crmst@iom.int.

Filling Instructions

- Please answer all the questions that you feel able to answer.
- If you cannot or do not wish to provide answers to a particular question, proceed with the next questions.
- There is no maximum limit for the extension of answers; nevertheless we ask you to respond as clear and concrete as possible.
- Please submit the document in Word format.
- The use of bibliographic citation and references is recommended. If they are used, please do it under APA format.
- Through this document we want to consider what are the main expectations and considerations of experts with respect to different topics using the Delphi method, which consists in the accomplishment of consecutive questionnaires to observe the considerations of experts on the treated topic. For this study, two questionnaires have been proposed (this being the second).
- Reception, processing and analysis of responses will be confidential.

Part 1

Conceptual aspects

1. The following is a series of statements regarding the definition of the term migration. Please refer to the following propositions indicating your degree of agreement with it, 7 being the highest agreement and 1 being the lowest.

Term	1	2	3	4	5	6	7
“Migration corresponds to an international movement of people from their country of origin or habitual residence due to various causal factors of subsistence or human security. Such movement may also be within a country.”							
“Movement of population towards the territory of another State or within the territory of a State, which encompasses all movements of persons, regardless of their size, composition or causes”							
“It refers to the voluntary displacement of people from their habitual residence to settle, temporarily or permanently, in another place, which may be another city or country. It is characterized mainly by the free circulation, as well as by the interest of the person to settle, for some time, in a place. These two aspects differentiate migration from other forms of mobility. ”							
“Generic term used to describe a movement of people in which coercion is observed, including the threat to life and its subsistence, whether due to natural or human causes.”							
“International migration involves the crossing of a person or group of persons from an internationally recognized state border of their country of origin, for the purpose of establishing themselves for a period of time or permanently in another country of which they are not nationals.”							

2. The following is a series of statements regarding the definition of the term migrant. Please refer to the following propositions indicating your degree of agreement with it, 7 being the highest agreement and 1 being the lowest.

Term	1	2	3	4	5	6	7
“A person who leaves his national territory and establishes his domicile permanently or temporarily in another country, regardless of the migratory status the person holds, or that with the same purpose, transits through a territory to reach a third state.”							

"Someone who has resided in a foreign country for more than one year regardless of the causes of their transfer, voluntary or involuntary, or of the means used, legal or other."							
"A person who decides to migrate to improve their living standards, for work, education, family reunification, among others, without intervention of external factors that oblige that person to do so."							
"This term usually covers all cases in which the decision to migrate is freely made by the person concerned for "reasons of personal convenience" and without the intervention of external factors that oblige him to do so."							
"A person who moves or has moved through an international border or within a country, outside his habitual place of residence, regardless of: 1) his legal status; 2) the voluntary or involuntary nature of the displacement; 3) the causes of displacement; or 4) the length of their stay."							
"A non-national individual, who voluntarily or coercively leaves his home to go to other destinations outside the borders of his country of origin, entering regularly or irregularly, to settle temporarily or permanently."							

3. "Orderly migration corresponds to a movement of people from their place of residence to another place, respecting the legislation that governs the departure and travel of the country of origin, and the legislation during transit and entry into the territory of the destination country or recipient" Do you agree with the definition above?

Yes

No

3.1 If your answer is "no," please justify.

4. "Regular migration is the entry, exit and permanence of foreign persons in accordance with the legal guidelines on migration matters." Do you agree with the definition above?

Yes

No

4.1 If your answer is "no," please justify.

5. The following is a series of statements regarding the definition of the term safe migration. Please refer to the following propositions indicating your degree of agreement with it, 7 being the highest agreement and 1 being the lowest.

Term	1	2	3	4	5	6	7
“Population movement in which the States of countries of origin, transit and destination guarantee the effective protection of the human rights and fundamental freedoms of migrants. This is based on the recognition of migrants as subjects of law and essential allies of the development of countries of origin and destination.”							
“Movement of people from their place of residence to another place done on a regular basis, transiting safely through the specific transit provisions of each country visited before arriving in the country of destination”							
“Safe migration includes the obligation of the State to protect migrants from threats or risks. And in this sense, to guarantee systems that facilitate the basic elements of survival, dignity and livelihoods of migrants, their families and social networks in countries of origin, transit and destination.”							
“Migratory actions and policies established by the different governments, with the purpose of guaranteeing to the migrants a peaceful migratory flow framed in the protection of the human rights and in compliance with the programs, protocols and internal regulations of each country”							

6. The following is a series of statements regarding the definition of the term responsible migration. Please refer to the following propositions indicating your degree of agreement with it, 7 being the highest agreement and 1 being the lowest

Term	1	2	3	4	5	6	7
“Responsible migration is the act of migrating consciously and reflective of the dangers, challenges and limitations, as well as of the knowledge of the migrant person of the context of the countries of transit and destination.”							
“Movement of persons who legally enter a country and remain in it, according to the criterion of admission of the countries of destination.”							
“It refers to the international legal obligations to be fulfilled by States, which refer to the security, dignity, human rights and fundamental freedoms of migrants, regardless of the immigration situation.”							
“A set of obligations that should be executed by the countries individually or regionally at the instant of a situation that deserves urgent attention in favor of the migrants during the migratory journey.”							

7. "Displacements are forced movements that force people to spontaneously leave their habitual place of residence to flee armed conflicts, situations of widespread violence or systematic violations of their human rights." Do you agree with the definition above?

Yes

No

7.1 If your answer is "no," please justify.

8. "A displaced person is a person who fled his State or community for fear or danger other than those that give rise to refugee status. A displaced person is generally forced to flee through internal conflict, natural disasters or others." Do you agree with the definition above?

Yes

No

8.1 If your answer is "no," please justify.

9. The following is a series of statements regarding the definition of the term governance of migration. Please refer to the following propositions indicating your degree of agreement with it, 7 being the highest agreement and 1 being the lowest

Term	1	2	3	4	5	6	7
"Migration governance refers to the management of migration and the ability of States to address related phenomena, both positively (eg integration processes) and negatively related phenomena (human smuggling and trafficking)."							
"To manage the mobility of people in a predictable and orderly manner, so that the effects are beneficial to the countries of destination, the countries of origin and the migrants."							
"Migration governance can be defined as migration policies and practices sustained on the basis of legal standards established to address migration"							

10. The following is a series of statements regarding the definition of the terms shared responsibility and co-responsibility. Please refer to the following propositions indicating your degree of agreement with it, 7 being the highest agreement and 1 being the lowest.

Term	1	2	3	4	5	6	7
"The term co-responsibility is the shared responsibility of States to ensure the integral protection and fulfillment of the human rights of migrants, as well as the responsibility of							

migrants to adhere to the legal system of transit and destination countries.”							
"Shared responsibility includes the responsibility of States of origin, transit and destination to properly manage migration processes in order to protect the human rights of individuals."							
Consider co-responsibility and shared responsibility to be synonyms.							

11. The following is a series of statements regarding the definition of the terms punitive measures for children. Please refer to the following propositions indicating your degree of agreement with it, 7 being the highest agreement and 1 being the lowest.

Term	1	2	3	4	5	6	7
“Punitive measures for children refers to the rules that are stipulated in each country in their respective juvenile criminal codes, however, in this issue have a higher hierarchy any rule associated with the best interests of the person under age. In immigration matters, they do not apply administrative sanctions for minors, such as denial and deportation. “							
“Minimum standards for the treatment of juvenile offenders under any definition of the notion of juvenile and any system of treatment of juvenile offenders. The Rules shall always be applied impartially and without distinction. ”							
“Punitive measures that States can impose when children have committed crimes should not be included. And in cases where the legal consequences of the crime have to be determined when committed by a child, the principle of proportionality must operate. In this sense, there must be a balance between the criminal relationship and its presuppositions, both in the individualization of the sentence as in the judicial application.”							

12. “Through safe migration the special needs of all people in vulnerable situations will be addressed, including women, children, members of ethnic and religious minorities, victims of violence, older persons, persons with disabilities, persons who are discriminated against on any basis, indigenous peoples, victims of human trafficking, and victims of exploitation and abuse in the context of the smuggling of migrants”. Do you agree with the definition above?

Yes

No

12.1 If your answer is "no," please justify.

13. Orderly migration promotes border control procedures in conformity with applicable obligations under international law, including international human rights law and international refugee law. Do you agree with the definition above?

Yes

No

13.1 If your answer is "no," please justify.

14. "International cooperation on border control and management as an important element of security for States, including issues relating to battling transnational organized crime, terrorism and illicit trade, contribute to an orderly and regular migration?" Do you agree with the definition above?

Yes

No

14.1 If your answer is "no," please justify

15. "Through training and the exchange of best practices between officials dealing with migration issues safe and orderly migration can be achieved?" Do you agree with the definition above?

Yes

No

15.1 If your answer is "no," please justify

16. "The adoption of measures to identify correctly the nationalities, as well as the reasons for movement is a tool to achieve orderly migration?" Do you agree with the definition above?

Yes

No

16.1 If your answer is "no," please justify

17. "Addressing the immediate needs of persons while in transit and upon their arrival is a measure of a safe migration". Do you agree with the definition above?

Yes

No

17.1 If your answer is "no," please justify

18. "Safe migration seeks to strengthen search and rescue mechanisms." Do you agree with the definition above?

Yes

No

18.1 If your answer is "no," please justify

19. "Regular migration is the purpose of States." Do you agree with the definition above?

Yes

No

19.1 If your answer is "no," please justify

20. "Orderly migration is the purpose of the States." Do you agree with the definition above?

Yes

No

20.1 If your answer is "no," please justify

21. "Safe migration is the purpose of the migrant population." Do you agree with the definition above?

Yes

No

21.1 If your answer is "no," please justify

22. "Safe and orderly migration addresses vulnerability to HIV and the specific health needs of migrant and mobile populations." Do you agree with the definition above?

Yes

No

22.1 If your answer is "no," please justify

23. "Safe migration seeks to ensure that all children are studying within a few months of arrival. In addition to providing refugee and migrant children with an enabling environment for the full realization of their rights and capacities." Do you agree with the above definition?

Yes

No

23.1 If your answer is "no," please justify

24. "Safe and regular migration seeks the implementation of measures to replace detention." Do you agree with the definition above?

Yes

No

24.1 If your answer is "no," please justify

25. "Through safe migration, efforts are being made to improve the integration and social inclusion of migrants and refugees. By means of access to education, health care, justice and language teaching. "Do you agree with the definition above?"

Yes

No

25.1 If your answer is "no," please justify

26. "In the framework of an orderly and safe migration, refugees and migrants have an obligation to respect the laws and regulations of the host countries." Do you agree with the above definition?

Yes

No

26.1 If your answer is "no," please justify

27. "Safe migration includes the return and readmission aspect." Do you agree with the above definition?

Yes

No

27.1 If your answer is "no," please justify

28. "Consular protection, assistance and cooperation are part of the structure of a regular migration." Do you agree with the definition above?

Yes

No

28.1 If your answer is "no," please justify

29. "Through an orderly migration, countries attack the factors that cause or exacerbate large displacements." Do you agree with the above definition?

Yes

No

29.1 If your answer is "no," please justify

30. "Safe migration reduces the costs of labor migration and promotes ethical recruitment policies and practices among countries that send and receive workers. In order to promote faster, cheaper and safer remittances transfers." Do you agree with the above definition?

Yes

No

30.1 If your answer is "no," please justify

31. Regular migration provides temporary protection against the return of migrants who are not eligible for refugee status and who are unable to return to their home due to conditions in their respective countries." Do you agree with the above definition?

Yes

No

31.1 If your answer is "no," please justify