

Summary of the Global Forum on Migration and Development (GFMD) Report

“Thematic Workshop on Cooperation Strategies among States for Addressing Irregular Migration: Shared Responsibility for Promoting Human Development”

San Salvador, El Salvador, October 4-5, 2011

<i>Organized and hosted by:</i>	Government of El Salvador
<i>Co-chaired by:</i>	Government of Mexico
<i>With collaboration from:</i>	Swiss Presidency of the Global Forum on Migration and Development and the International Organization for Migration (IOM)
<i>With support from:</i>	Government of Switzerland (Federal Office for Migration)
<i>Workshop Coordinators:</i>	Mr. David Morales and Mrs. Doris Rivas
<i>Expert Advisor:</i>	Dr. Irena Omelaniuk
<i>Rapporteurs:</i>	Mr. Ricardo Cordero, Ms. Claudia Lara, and Mr. Jorge Sagastume (IOM)
<i>Participants:</i>	Governments of Latin America and the Caribbean Region, North America, Asian Pacific, Africa, and Europe; regional and international civil society; international organizations.
<i>Total number of participants:</i>	73

1. Introduction

During the 2010 Global Forum on Migration and Development, held in Puerto Vallarta, Mexico, the issue of **irregular migration** was included in the debates of the **First Round Table**, producing a rich exchange of ideas that focused primarily on the requisites for creating alliances to encourage regular, safe migration, as well as on the development of joint strategies among governments, civil society organizations, and other key actors for addressing the challenges of irregular migration.

The estimated number of irregular migrants and the flow dynamics vary depending on the national and regional context. It is not easy to obtain reliable statistics on the number of irregular migrants on a global, regional, or national level, given the complex nature of displacement, the dynamic of which is constantly in motion. The data regarding this issue are varied and imprecise. It is essential, however, to place the debate on irregular migration in context. Of the 214 million international migrants (UN DESA 2009), it is estimated that 10%-15% are of **irregular status**. It is also estimated that from the Central American region, three out of four migrants have gone to the United States, and one out of ten are undocumented in that country.

Regardless of their migratory status, migrants contribute to the development of their home, their community of origin, and their host country. **Financial remittances** from migrants abroad are one



of the most visible contributions. According to the World Bank, international remittances reached **US\$440 billion in 2010**, with \$325 billion sent to developing countries alone (2011).

In preparation for the next GFMD meeting, which will be held in Geneva, Switzerland, in December 2011, the Governments of El Salvador and Mexico, with support from the Swiss Presidency of the GFMD and IOM, co-chaired the Thematic Workshop in San Salvador on 4-5 October. This Report summarizes the most important contributions to come out of the Thematic Workshop, particularly a set of recommendations made by the Working Groups and the Plenary Session that emphasizes the importance of increasing the human development and economic potential of migration, reducing the vulnerability of irregular migrants, defending migrants' human rights based on the principle of shared responsibility, and promoting cooperation methods among States, cooperation agencies, and civil society organizations.

The Thematic Workshop debate was significantly enriched by the presentation and analysis of good practices and lessons learned in addressing irregular migration, which reflect the constant search for effective responses to the challenges faced, including the need for States to adopt a **comprehensive and multi-disciplinary focus** that allows national interests to be balanced through the contribution of civil society and other key actors, all revolving around the rights and aspirations of migrant persons.

2. Principal Workshop Topics and Results

The most relevant topics that generated debate during the Thematic Workshop centered mainly on three areas: **1) Cooperation between government and civil society; 2) Effective alliances among countries of origin, transit, and destination; and 3) Good practices to protect irregular migrants and promote their human development.**

2.1 Cooperation between Government and Civil Society

During the debate held in the **common space**, which is a mechanism for interaction between governments and civil society, the importance of a **permanent and effective dialogue** was emphasized, based upon the principle of **shared responsibility** as a means to reach consensus on strategies and plans between both actors regarding policies for tending to and protecting migrants. In that sense, the need for **greater articulation among the formal consultation forums** (whether binding or otherwise) was posed, within the framework of current national, regional, and global spaces, as a way of reducing the existing gaps that impede comprehensive treatment of irregular migration.

The common space highlighted once again the growing recognition among governments of the importance of **joint government-civil society efforts focused on migrant well-being**. It was acknowledged that propositional, strategic, and consistent civil society actions complement government work in countries of origin, transit, and destination. It was also recognized, however, that in spite of some important advances in coordination, the challenge of **overcoming the institutional dispersion that weakens joint work efforts** still remains.

2.2 Alliances among Countries of Origin, Transit, and Destination

The Thematic Workshop posed the need to strengthen the links between migration and development in the countries of origin, transit, and destination, which **share responsibility** for improving the conditions faced by migrants during each phase of the migratory process. The discussion covered the **need to address the structural causes that drive migration**, on a basis of full respect for the human rights and human development of migrants. The importance of **defining migration as an option instead of a forced decision** was also stressed.

The Workshop also emphasized debate on the topic of **effective alliances** among countries of origin, transit, and destination, acknowledging within this space that the work of migration management falls under government jurisdiction by way of public policies and institutions. Given that migration management requires prompt responses from the actors involved, emphasis was placed on the importance of **government's coordinating role** in involving civil society, the private sector, academia, and international organizations in the areas of research, studies, technical assistance, and training, among others. The importance of **decision-making that takes into account the opinion of said actors** was mentioned, along with a greater comprehension of irregular migration, its challenges, and possible mechanisms for addressing this phenomenon in a comprehensive and effective manner in countries of origin and transit as well as countries of destination.

The issue of irregular migration requires greater positioning on the national agenda of the governments of countries of origin, transit, and destination, along with a **greater national and international commitment with respect to the allocation of resources** that allow strategies and programs to be developed in a comprehensive and integrated manner.

The growing demands of inter- and extra-continental migratory flows call for the governments of countries of origin, transit, and destination to develop **bilateral and multilateral agreements and conventions** that broaden work categories and training for circular and seasonal migrant workers, based upon a perspective of safe and orderly migration, as elements that stimulate development and cooperation among countries. It was considered that **circular labor migration has represented an effective mechanism in labor mobility and return strategies**, with the active involvement of migrants, the private sector, migrant networks, and local governments in countries of origin and destination.

2.3 Good Practices in Addressing Irregular Migration

Finally, it was considered important to identify, characterize in detail and, where possible, adapt and replicate the good practices developed by some of the Workshop participant countries in order to more effectively protect irregular migrants and promote their human development. Good practices from Europe, Africa, Asia, Central America, North America, and the Caribbean were highlighted, as summarized below.

- Within the framework of **information** and access to **health and education services** and **remittances**, programs have been created in Ecuador, El Salvador, Honduras, Mexico, and

Nicaragua. **Ecuador** described the crucial role played by the National Migrant Secretariat (*Secretaría Nacional del Migrante – SENAMI*) in mobilizing programs and resources (medical attention, education, financing for housing, legal advising, and psychological attention), tending to the Ecuadoran migrant community through Migrant Houses, and working in articulated fashion with other government ministries, embassies, and consulates. **Ecuador, El Salvador, Honduras, Mexico, and Nicaragua** stressed the use of consular networks to disseminate information regarding migrant rights and access to services.

- Regarding health programs, **Honduras** and **Mexico** presented their Health Windows programs, and **Mexico** also described its People's Insurance. With respect to health and education programs, **Nicaragua** mentioned the Love Project, and regarding remittances, **Mexico** referred to its internationally recognized 3-for-1 Program (<http://ime.gob.mx/>).
- The PICUM delegation reported that the governments of **Germany, Belize, Brazil, Dominican Republic, and Switzerland** have extended free public health services to migrants regardless of their status, as part of their national policy.
- Regarding access to education, **El Salvador** and **Mexico** reported on the efforts underway to use information technology to offer open learning programs to their migrant communities. **El Salvador** described its Virtual High School Program, and **Mexico** presented its Community Square Program.
- Within the framework of labor migration flows, it was considered important to use as a working reference the document entitled *Multilateral Framework for Labor Migrations* from the International Labor Organization (ILO):
http://www.oit.org.mx/images/stories/noticias/pdf/marcomultilateral_migracion.pdf

El Salvador mentioned its **Labor Migration Management Model**, a trilateral effort between the Labor Ministry, the Foreign Affairs Ministry, and the International Organization for Migration (IOM). **Senegal** presented the program that provides Senegalese nationals with temporary jobs in Spain, with the participation of the governments and private sectors of both countries, in the areas of agriculture, services, construction, and capacity building.

- Within the framework of information, awareness, and inter-culturality programs, as well as programs aimed at vulnerable migrant populations, **Ecuador** described programs and actions for promoting and protecting migrant rights through Migrant Houses, individual case attention, and anti-racism, anti-discrimination, and anti-xenophobia awareness campaigns.

Along those same lines, the PICUM delegation pointed out that **Germany** and **Holland** have programs that tend to vulnerable minors in an irregular migratory status. **Mexico** presented its Child Protection Officer Program focusing on specialized attention and protection.

- Within the framework of the harmonization of national legislation with applicable international instruments concerning human rights, **El Salvador** mentioned the passage of the Special Act for the Protection and Development of Salvadoran Migrants and Their Families, as well as the process for drafting a Migration and Alien Status Act promoted by the Department of Migration and Alien Status. **Mexico** referred to the passage of its Migration Act. **Nicaragua** emphasized the recent passage of its Migration Act.

http://dof.gob.mx/nota_detalle.php?codigo=5190774&fecha=25/05/2011

- Among other good practices, the following were highlighted: **Europe** and **Central America** have promoted migrant regularization programs in order to reduce their vulnerability (for example, regularization of victims and witnesses of serious crimes). See the report on Regularizations in Europe (REGINE). <http://www.research.icmpd.org/1184.html#c2309>

Ecuador pointed out the implementation of programs that respond to State policy and the implementation of the National Human Development Plan for Migrations. www.senami.gob.ec

Brazil made reference to the creation and operation of the National Migration Council, emphasizing that it is a sustainable body that establishes permanent communication mechanisms with civil society and directly with migrants to determine their needs. **El Salvador** mentioned efforts to gather, analyze, and exchange information on the situation of migrants, with specific examples being: the observatory of the situation of migrant Salvadoran populations abroad; the application of a policy for consular management and protection of human rights; the genetic information bank for the identification of deceased migrants in transit countries; the strengthening of the consular network along migrant routes; and the Information Call Center.

3. Concrete Results

The deliberations of the plenary sessions and work groups of the Thematic Workshop produced the following results:

- a) Establish a **permanent space for dialogue** within the GFMD for addressing irregular migration.
- b) Establish a permanent working group within the GFMD focused on addressing **labor migration**, particularly irregular labor migration (using as references existing instruments such as the ILO Multilateral Framework, among others).
- c) Use the current **technological platform of the GFMD and dedicate a space to facilitating the exchange of information regarding good practices** for addressing irregular migration.
- d) Use the **consular network of the countries of origin** as effective support for tending to migrant populations and protecting their human rights.
- e) Establish **inter-institutional councils, committees, or work groups** at the national level for the protection, attention, and development of migrant persons and their families.

4. Conclusion

Summarized below are the principal issues that require advancing, along with recommendations from the Thematic Workshop for the final debate at the GFMD Meeting in Geneva, Switzerland, in December 2011.

- Continue positioning the issue of irregular migration on GFMD agendas and national agendas through the development of migratory policies that are comprehensive, coherent, balanced, and centered on the migrant person with a focus on human development, designed such that migration is seen as a life option and not as a means to survive.
- Consolidate the common spaces for dialogue and the consensus of strategies for addressing irregular migration between governments, civil society, and other key actors. Improve the cohesion among each country's social, commercial, religious, and political sectors, such that public policies regarding migration issues become State mandates.
- Review and harmonize national migratory legislation in accordance with international standards regarding the protection of human rights and gender focus. This will create conditions that allow a greater impact to be achieved by national and regional efforts to address discrimination, racism, and xenophobia against migrants.
- Institutionalize and replicate good practices that allow migrant persons access to public services (information, health, education, and remittances, among others), regardless of their migratory status.
- Highlight the economic, social, and cultural contributions of migrant persons (including those with irregular status) in the countries of origin, transit, and destination; for example, in terms of economic and social remittances, contributions to research and science, and prevention of skilled migration.
- Sign bilateral and multilateral agreements to address irregular migration, including bilateral labor agreements that promote temporary and cyclical labor migration.
- Promote and replicate good practices related to circular migration and other national mechanisms to facilitate labor mobility as part of the strategy to reduce irregular migration, provided such practices are developed with full respect for the human and labor rights of migrant workers.
- Expand and continue migrant regularization processes, including regularization programs focused on victims and witness of serious crimes.
- Use country-of-origin consular networks to disseminate information regarding migrant rights, and explore the possibility of establishing Migrant Houses in destination countries as spaces for protection, information, and mobilization of programs and resources that link migrant communities to the development of their communities of origin.
- Acknowledge that irregular migration poses significant challenges regarding the vulnerability of migrant persons with irregular status, and encourage practices that protect their human rights in countries of origin, transit, and destination, while improving efforts that promote the reinsertion and indemnification of victims of serious crimes such as trafficking in persons and migrant smuggling.

Thursday, October 13, 2011