

Public Policies to Address Irregular Migration and to Protect Human Rights of Irregular Migrants: A Sharing Process

Thematic Meeting of the Global Forum on Migration and Development

Addressing Irregular Migration through Coherent Migration and Development Strategies

Istanbul, Turkey, 13/14 October 2011

Two main issues:

1. How to disentivate migration, specially the irregular migration
2. How to protect and promote human rights of migrants in both countries of transit and destiny

Disentivate Irregular Migration

The migration process begins long before the journey takes place: **Pre-Migratory Stage**

Take into consideration the national structural context within which the decision to migrate takes place. At least six factors:

1. **Economic Conditions:** Examine the labor market situation and the income characteristics (employment rate and quality of job)
2. **Social Integration Conditions:** Level and ways of social identity and sense of community (Ceremonial found, level of social expectancies)
3. **Access to Family Assets** (House and household equipment)
4. **Access to basic social services and improve family human capital:**
Health and Education
5. **Access to consume society:** Integrate to market economy
6. **Family reunification**

Factors and conditions to facilitated irregular migration

- 1. Economic conditions:** Capabilities of resource mobilization (many times social resources) to pay for migration
- 2. Social Conditions:** Integrated in social transnational networks which facilitated the circulation of information, values, rules and resources between countries of origin and destination
- 3. Cultural conditions:** Emerging of migration culture where migration is the answer of almost all problems of life projects both individual and collective. Migrants become positive social referents that lead to increase the level of social expectations

It is crucial to examine how the objective conditions can be subjective ones. How migrants read the structural and objective factors.

Irregular migrants incorporate, beside of structural conditions of society, a subjective reality that is from they interpreted those structural elements of society. Objective and subjective elements interact each other for making the decisions of migration

Some data

A survey to Salvadoran deportee from Mexico found that main causes of migration were Unemployment (55.7%), low wages (19.2%), family reunification (9.9%), violence and security (5.2%), other causes (7%).

But they also were questioned about what activities they were engaged just before migration, 60% respond that they were working in a stable job whether in the formal private sector or in the public sector.

Clearly, job situation is not an important factor for pushing people to look for better living conditions abroad, 78% were working at the moment of migration. Better it is how people incorporate the idea of labor objective situation in their cognitive system, how they read the structural job conditions.

In addition, 45% of the population were make the travel more than once
(It is a stubborn process)

Encuesta a Retornados, VMSE, Julio 2011

What to Do?: The designed of integral public policies

The Approach: To discourage irregular migration it require integral interventions that go beyond the pure economic factors and market conditions. The human development approach. That includes:

- 1.To promote the development of local public policies that spurs territorial process of development that include to dignify the life of the people and to create of sense on root to their hometown.
- 2.To strength the links between Salvadoran Diaspora with their hometown
- 3.To launch interinstitutional intervention both governmental and non governmental organizations

Specific interventions and projects

1. Promote communitary dialog among local social actors
2. Development of public local policies to facilitate the inclusion of migrants on local economic and social development.
3. Create social structures to spur local initiatives with migrants
4. Articulate migrants with local authorities and governmental institutions
5. Take advantage of potentialities of local territories

**Promote and Defend the Human Rights of
Migrant in Transit and in countries of
destination**

Toward construction of human rights policies

- The base of defends and promote human rights of migrants is located in the Viena Convention on Consulate Relations

- It is obligation of the State to defend and promote human rights of the nationals in any countries of destination

- Art. 5 e), h), i)

- **Three objectives:**

1. Institutionalized changes in the governmental organization:
The creation of Human Rights Unit
2. Development of data gathering and processing of human rights abuses on migrants in transit: Human Rights Observatory
3. Create a consulate network in the countries of transit that lead to development of procedures of consular assistance.

Some Outcomes

1. Strengthen the consulate offices of protection network along the transit route.
2. Call Center operating in Mexico, United States and Canada
3. First inform of human rights situation of migrants in Mexico, next year it will include the situation in United States
4. Specific informs on Migrants Human Rights Situation
5. Assistance and protection of victims of human rights abuses
6. Missing migrants assistance

All these required a regional approach