HIGH-LEVEL FORUM ON THE

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**REPORT ON RESULTS FOR THE PREPARATORY
PROCESS FOR THEGLOBAL COMPACT ON MIGRATION**

Ministerio de Relaciones Exteriores y Culto
República de Costa Rica

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INTRODUCTION

This Forum was organized to follow up on the *Irregular migration flows to/within the Americas from Africa, Asia, and the Caribbean: Regional Report* issued by the Secretary General of the Organization of American States (OAS), Luis Almagro, within the framework of the Organization's Permanent Council. Said Report was requested by the Government of Costa Rica in May 2016 in view of the migratory crisis faced by the country in 2015-2016.

The event was convened by the Minister of Foreign Affairs for Costa Rica, Manuel A. González Sanz, while he was a member of the Permanent Council, and the General Directorate of Migration and Foreigners, with collaboration from the OAS General Secretariat (through the Department of Social Inclusion of the Secretariat of Access to Rights and Equality), and the International Organization for Migration (IOM). Other participants included the International Red Cross Committee (IRCC), the International Labor Organization (ILO), the United Nations High Commissioner for Refugees (UNHCR), the Regional Conference on Migration (RCM), the South American Conference on Migration (SACM), and a high-level representative from the Caribbean.

During the two-day event, the participating States identified the challenges, progress made, and recommendations for the formulation of public policies related to migration. They also shared experiences, information, and good practices and identified the challenges inherent in migration management at the operational level. The delegations also analyzed the possibility of new bilateral and multilateral agreements to address the phenomenon of irregular migration.

The Forum was structured around the following six themes:
1. The human rights of all migrants.
2. Migrant smuggling, trafficking in persons, and human security challenges.
3. Migration, climate change, and human-caused crisis situations.
4. Irregular migration, labor mobility, and dignified work.
5. Migration governance – Priority measures for addressing extra-regional migration.
6. Response of the Americas to flows of irregular migrants and the role of international cooperation.

The discussions were moderated by Alejandro Solano Ortiz, Vice-Minister for Foreign Affairs and Worship for Costa Rica.

The Inaugural Session included the participation of Luis Almagro, Secretary General of the Organization of American States; Laura Thompson, Deputy Director General of the International Organization for Migration; Carmen Muñoz, Vice-Minister of Government and Police for Costa Rica; and the Minister of Foreign Affairs and Worship for Costa Rica, Manuel A. González Sanz.

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One of the objectives of the Forum, besides discussing the report on migrant flows, was to enable a regional dialogue to identify the challenges facing the region, in order to promote synergies and joint efforts to contribute to the negotiations leading up to the Global Compact for Safe, Orderly, and Regular Migration.

In line with this objective, the Minister of Foreign Affairs and Worship for Costa Rica prepared the following summary of the Forum discussions in the form of specific recommendations for each of the GCM process themes.

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RESULTS OF THE PANEL DISCUSSIONS

PANEL 1 THE HUMAN RIGHTS OF ALL MIGRANTS

There exists no universally accepted definition of migration. At times it includes refugees, asylum seekers, stateless persons, and migrants in vulnerable situations. The important aspect to understand, however, is that even when a person leaves a country that is not affected by violence, the risk-laden conditions faced along the migratory route are sufficient reason to offer protection and humanitarian assistance. Particular circumstances notwithstanding, all migrants are protected by international human rights frameworks.

Recommendations

- Reach a balance between security considerations and human rights guarantees. States have the responsibility to ensure that the measures taken to regulate migration comply with international law and with the humanitarian imperative to safeguard human dignity, life, and safety.

- The capacity to respond to the protection and assistance needs of migrants requires an early identification and reference system for the most vulnerable migrants (unaccompanied minors, the elderly, victims of trafficking in persons and smuggling, pregnant women, and disabled or seriously or chronically ill persons).

- Promoting migration that takes place in an orderly manner and under human conditions benefits migrants and society in general.

- To improve migration management, it is necessary to create institutions that exclusively address the migratory phenomenon.

- Establish a mechanism to maintain a link with diaspora communities abroad.

- Promote and make visible the concept of the migrant family, and take the necessary measures to ensure their special protection

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PANEL 2   MIGRANT SMUGGLING, TRAFFICKING IN PERSONS, AND HUMAN SECURITY CHALLENGES

Latin America has one of the highest percentages of migrant women (almost half of all migrants), which corresponds to the global trend of feminization of migration. Current trends also include an increase in migrant workers, the urbanization of migrations, and an increase in south-south migrations. Irregular migrants face a higher degree of vulnerability than those migrants who are able to attain insertion in destination countries through regular channels.

Recommendations:

- Facilitate access to safe refuges to vulnerable groups such as refugees and LGBTI persons.

- Enact legislative frameworks that define the crimes of migrant smuggling and trafficking in persons, in order to allow prosecution of these crimes.

- Address trafficking in persons and migrant smuggling with bilateral and multilateral strategies that acknowledge that no country can achieve results in isolation.

- Promote a multi-sector model by which States can review legislative frameworks, combat criminal organizations, detect victims, and provide them the assistance they require, among other elements.

- Implement national plans and commissions in every country for combatting trafficking in persons.

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PANEL 3 **MIGRATION, CLIMATE CHANGE, AND HUMAN-CAUSED CRISIS SITUATIONS**

At the global level, 24.2 million persons were displaced by disasters in 2016. In Latin America and the Caribbean, 18 million people have been displaced by sudden disasters between 2008 and 2016. Some examples include the Haiti earthquake in 2010, floods in Bolivia in 2014, and the hurricane in Nicaragua in 2016.
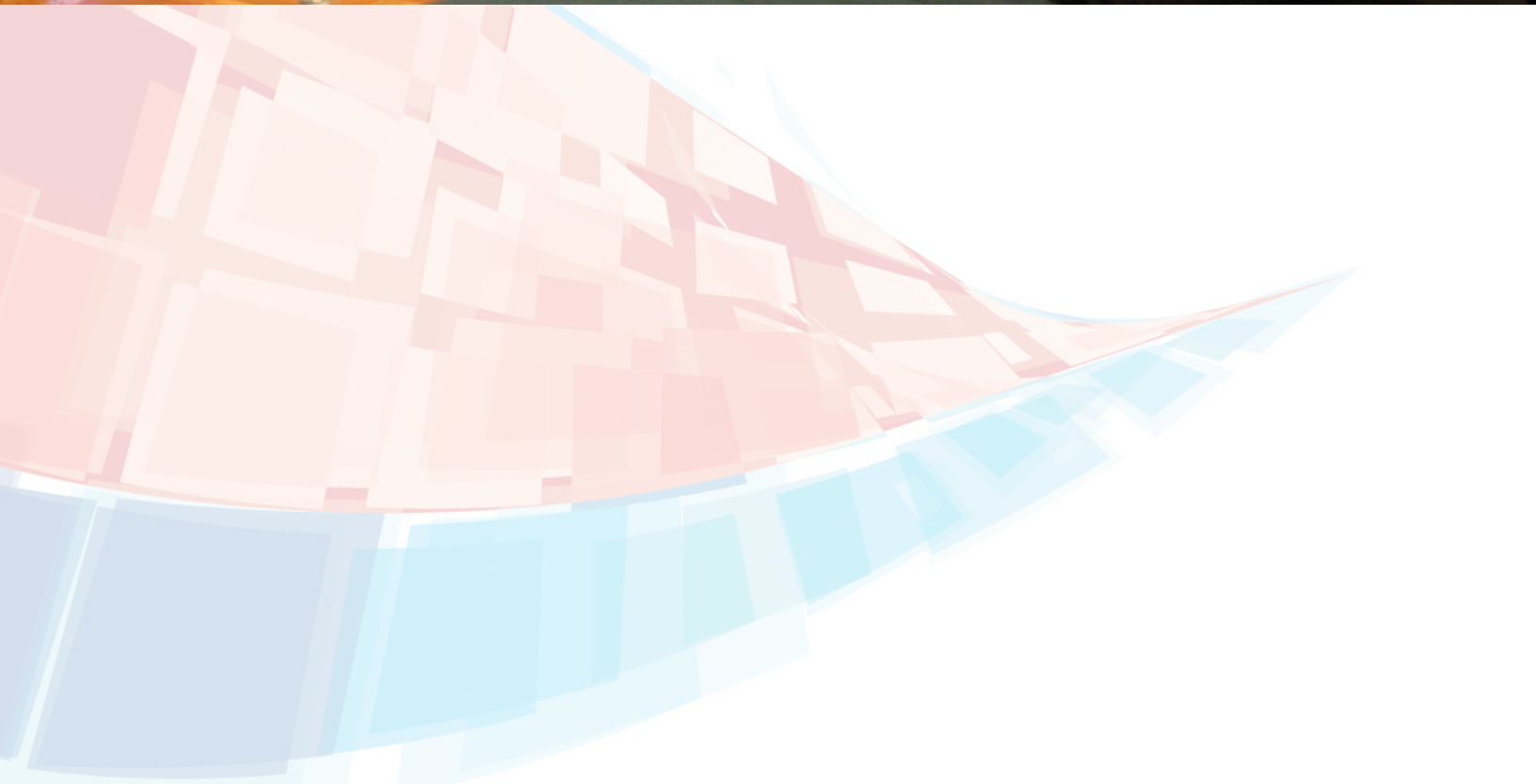
Recommendations:

- Implement a 'tool kit' for protecting persons displaced across borders and for managing displacement risk in countries of origin.

- Adopt the Guide to Effective Practices for Member Countries of the Regional Conference on Migration: Protection for Persons Displaced across Borders Due to Disasters.

- Harmonize and use temporary protection and humanitarian visas to protect persons displaced across borders.

- Cooperate with countries of origin regarding possible solutions, especially with respect to reconstruction efforts.

- Promote the creation of channels for regular migration as a strategy for adapting to the phenomenon of climate change.

- Integrate the phenomenon of human mobility into strategies for disaster risk reduction and climate change adaptation.

- Promote use of the MICIC Directives to address the needs of migrants stranded in disaster situations.

- Make use of consular networks to prevent and inform the migrant community of potential disasters.

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PANEL 4   IRREGULAR MIGRATION, LABOR MOBILITY, AND DIGNIFIED EMPLOYMENT

There are currently in the world approximately 244 million international migrants, 65% of these persons are migrant workers, and 73% are of working age. Also notable is the fact that a higher percentage of migrants participate in the labor market as compared to nationals, especially with respect to women.

Recommendations:
- It is necessary to implement normalization policies in destination countries, especially for migrants who form part of the labor market.

- Strengthen labor migration management and simplify procedures as a strategy for combatting irregular migration.

- Regarding returned migrants, it is necessary for countries of origin to offer socio-economic reintegration programs that guarantee the integration of migrants into labor markets.

- Promote dignified work as part of labor mobility, as this contributes directly to the 2030 Agenda Sustainable Development Goals.

- States must ensure social protection for migrant workers, including their access to contributive social security and social protection mechanisms, as an incentive for formal and regular employment.

- Countries should encourage the link between public employment services and the needs of migrant workers. Examples of this effort include the labor integration of migrants, the strengthening of labor inspection efforts, and improving access to justice by removing the barriers to such access.

- Recognize the skills, qualifications, and knowledge of migrants, as a way to ensure an optimum linking of migrant capacities with labor market needs.

- Recognize and validate degrees and prior studies of migrants to allow their insertion into the formal economy and qualified positions.

- Involve the private sector with efforts to protect and integrate migrant workers into destination country societies.

- Make visible the economic contribution of migrant workers.

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PANEL 5   **MIGRATION GOVERNANCE – PRIORITY MEASURES FOR ADDRESSING EXTRA-REGIONAL MIGRATION**

The region faces the challenge of seeking convergence between national perspectives, regional processes, and global spaces for building better migration governance. This theme is particularly important for the region, as Central America is one of the most active migration corridors in the world.

Recommendations
- Consider the mixed nature of irregular flows and migrant profiles, including the lack of documentation, communication difficulties due to language barriers, and the absence of country-of-origin representation in transit and destination countries, among other aspects.

- Guarantee that the basic needs of migrants are covered with an inter-cultural focus.

- Offer psycho-social assistance services with personnel trained to address the particular needs of these migratory flows.

- Offer legal advice services by way of inter-institutional mobile teams for informing and serving migrants.

- Promote conflict prevention through awareness-raising and information dissemination strategies aimed at migrants and communities.

- Create migratory alternatives and temporary permits, especially for migrants in vulnerable situations.

- Develop public policies that facilitate labor market insertion, obtaining of visas, and community stabilization, among other aspects.

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PANEL 6 **RESPONSE OF THE AMERICAS TO FLOWS OF IRREGULAR MIGRANTS AND THE ROLE OF INTERNATIONAL COOPERATION**

The flows of irregular migrants are a constant for the region. As such, various regional processes have sought to address this issue from different thematic perspectives based on each region's priorities. Both the Regional Conference on Migration and the South American Conference on Migration have achieved significant progress towards improved migration governance with a human rights focus, taking into account the challenges of democratically governing migration, regional integration, and citizen participation.

Recommendations
- Governance should be guided by a migratory institutionality which, in view of the comprehensive nature of the migratory process, includes citizen participation mechanisms, incorporates inter-sectorality and inter-institutionality, and addresses regional and local challenges by way of migratory legislation that reflects the content of and advances made by international migration law.

- States must commit to sharing information and, above all, promoting regional cooperation efforts aimed at regulating migratory flows.

- Formulate common strategies and share experiences acquired through existing programs for serving migrant populations.

- Implement regional guidelines for the preliminary identification of profiles and referral mechanisms for vulnerable migrant populations.

- Finance programs that ensure dignified, orderly, expeditious, and safe return processes.
- Provide technical and financial support for insertion programs for returned migrants.

- Support programs and projects focused on promoting entrepreneurial ventures and labor reintegration for returned migrants.

- Allocate resources to accompany the programs for dignified and orderly reception implemented by countries of return.

- Strengthen the visibility of migrants in order to promote the effective safeguarding of their human rights, thus avoiding their exposure to situations of vulnerability that can lead to trafficking in persons and migrant smuggling.

- Guarantee that migrants have access to justice when they have been victims of crimes or violations of their fundamental rights and labor rights.