



South American Conference on Migration 2000 - 2015



Acknowledgements



South American Conference on Migration (SACM)

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CONTENT

I. INTERNATIONAL MIGRATION POLICIES IN SOUTH AMERICA	13
II. REGIONAL CONSULTATIVE PROCESSES ON MIGRATION (RCPs) AND THE SOUTH AMERICAN CONFERENCE ON MIGRATION	17
III. BACKGROUND TO MIGRATION POLICIES BEFORE THE START OF THE SACM	23
IV. DEVELOPMENT OF THE SOUTH AMERICAN CONFERENCE ON MIGRATION (SACM)	35
V. THE SOUTH AMERICAN HUMAN DEVELOPMENT PLAN FOR MIGRATION (PSDHM)	55
VI. THE SACM AND NATIONAL MIGRATION POLICIES	63
VI.1 The effectiveness of migration governance	65
VI.1.a. Migration policy	70
VI.1.b. Inter-institutional coordination	76
VI.1.c. Migration information	81
VI.2. Linkage programmes	85
VI.3. Returnee programmes	94
VI.4. Regularization programmes for migrants	100
VII. THE SACM AND BINATIONAL MIGRATION AGREEMENTS	105
VIII. THE SACM AND SUBREGIONAL MIGRATION AGREEMENTS	113
IX. THE SACM AND EXTRA-REGIONAL MIGRATION AGREEMENTS	119
X. THE SACM AND THE PARTICIPATION OF CIVIL SOCIETY ORGANIZATIONS	125
XI. THE CONTRIBUTIONS OF THE TECHNICAL SECRETARIAT TO THE SACM	133
XII. CONCLUSIONS	143
XII. BIBLIOGRAPHY	149

SACM Member States

Argentina



Bolivia



Brazil



Chile



Colombia



Ecuador



Guyana



Paraguay



Peru



Surinam



Uruguay



Venezuela





South American Conference on Migration

The South American Conference on Migration (SACM), the main forum for regional dialogue and political consensus, is set within a regional framework with a wide range of experience in the areas of migration promotion, regulation, facilitation and regularization, covering both the unilateral policies of countries as well as those at subregional, regional and international levels.

The experiences developed by countries over the course of the past few years have been shaping the evolution of the SACM since its inception. And just as the SACM draws on these experiences, the progress made in this area has helped shape national and multilateral policies and has served as a point of reference and instrument of cooperation in the development of migration governance in South America.

Given the complexities of the relationship between national policies and the policies and discussions taking place at the regional level, this document analyses the main elements of these political processes, taking up issues associated with migration policies in the region, the stories behind international migration policies aimed at protecting and facilitating the movement of people in the region, the development of the SACM and its connection with national migration policies, bilateral and subregional migration agreements and extra-regional migration opportunities and the participation of civil society.



**I. INTERNATIONAL
MIGRATION POLICIES
IN SOUTH AMERICA**

The past two decades have seen the introduction of a number of public policies on migration in South America. These have basically been characterized by respect for the human rights of migrants, greater freedom of movement in the region and a concept of “broader citizenship” that covers nationals living abroad.

A number of elements may help explain this regional perspective.

First, in several countries in the region, immigration is not something external but an intrinsic component of national collective awareness. In contrast to Huntington’s thesis on the construction of society in the United States of America, which was initially composed of colonists who adhered to an “Anglo-Protestant” creed, followed by immigrants who “added the seasoning to the soup” (Huntington, S, 2004), migration is an element that constitutes the national identity of some of the countries studied, particularly in the Southern Cone.

The concept of being “a society of migrants” requires a basic respect for this condition.

To be anti-migrant –at least publicly– would represent a denial of the very roots of national identity. This would ultimately explain why migration policies are not part of political discourse in the region.

International migration policies are considered and applied as state policies and are not part of the tradition of any political movement.

A second issue that has had an impact on current migration policies is that a large number of Latin American countries have seen periods of military dictatorship in which governance was based on a “doctrine of national security.”

In those situations, the migrant became a suspected “subversive.”

The return to democracy led to a revaluation of the human rights of all minorities, including migrants and a rejection of any kind of interpretation that linked security to migration.¹

Another reason for the new attitude towards migrants in a region that has an important tradition of intercontinental migration along with intraregional movements is that of institutional recognition of indigenous peoples: the descendants of those peoples have been involved in many of the population movements recorded over the past few decades.

The shift from a condition of harmful invisibility to a revaluation and recognition of the role of such peoples in the establishment of those national identities allows present-day migration to be integrated at the level of social, political and cultural rights.

The “we are all migrants” approach provides a conceptual basis that paves the way for respect for the human rights of these population groups.

It is also likely that current policies have been influenced by the fact that countries that were traditional destinations for migrants such as Argentina and Brazil have in recent decades

become countries of emigration. his development, identified in the case of Brazil through the work carried out by centres that conduct research on civil society, such as the State University of Campinas (UNICAMP), has led to changes in government policies that had been designed only in terms of inward migration, including the interests of nationals living abroad.

Lastly, as a result of the progress made in recent years on the issue of migration in regional integration processes (Andean Community of Nations [CAN in Spanish]; the Southern Common Market, MERCOSUR; and the Union of South American Nations, USAN), the free mobility of people has become one of the most important social factors in Latin America.

1- This perspective represents a considerable difference between this region and other countries and regions of the world.





**II. REGIONAL
CONSULTATIVE
PROCESSES ON
MIGRATION (RCPs) AND
THE SOUTH AMERICAN
CONFERENCE ON MIGRATION**

In recent years, efforts to establish governance of migration as an increasingly global phenomenon have resulted in the creation of different fora and bilateral and multilateral spaces.

Within this context, Regional Consultative Processes on Migration (RCPs) have contributed to global efforts undertaken in this area.²

The commencement of RCPs can be traced back to the 1994 International Conference on Population and Development in Cairo, when a proposal by a group of developing countries to hold a global conference on migration issues was strongly opposed by developed nations, which receive migrants.

The alternative proposal was to generate informal and non-binding regional spaces in which to address migration issues, an initiative that was gradually adopted in most regions of the world.³

By the end of 2015, approximately 18 RCPs had been identified. They mainly focused on building agendas for understanding the migratory phenomenon, sharing experiences on the issue, seeking convergent positions and consensus and developing policies, laws and practices on migration governance.

2- This has taken place in a context marked by insufficient adherence of governments to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Only 40 governments have endorsed this process and all from developing nations even though the agreement has been in force for the last 20 years.

3- The only region that has not yet established an RCP is the Caribbean, although the countries of that region have begun to hold discussions to define a plan of action to initiate the process.

The foci of the RCPs depend on different factors such as the dominant characteristics of migration in the region, the perception that governments and the general population has of them and, in particular –and relevant in terms of the direction this process is taking-, the homogeneity or heterogeneity of participating countries.

This last point is particularly important as the participation of the countries of origin and destination of migration can be an enriching element for obtaining consensuses and agreements.

However, if such heterogeneity is accompanied by a large imbalance of political and economic power between the participating governments, there is a risk that the agreements reached will represent a transfer to the multilateral sphere of the unilateral policies implemented by the most powerful nations.

Regarding the orientation of the themes adopted by the RCPs, these correspond to the migration realities of the regions, as well as to the predominant perspectives of governability in the same. In this regard, issues related to the hiring of migrant workers (the Colombo Process, the Abu Dhabi Dialogue), and the

strengthening of controls on irregular migration (Budapest Process, Söderköping Process, Puebla Process, Mediterranean Transit Migration Dialogue) and the promotion of the human rights of migrants (South American Conference on Migration, Migration Dialogue for West Africa).⁴ Other issues emerge as recurrent in different RCPs, such as the treatment of asylum and refugees, technical cooperation between different countries and regions, returning, migration information, the relationship between migration and development and institutional strengthening for migration management.

The development of these processes has led to important advances in regional migratory governance, constituting what some analysts consider the "step by step" approach in the development of increasingly consensual policies (ICMC, 2009).

4- While the examples indicated do not cover all of the aspects addressed in the RCPs, they help highlight the different approaches that exist.

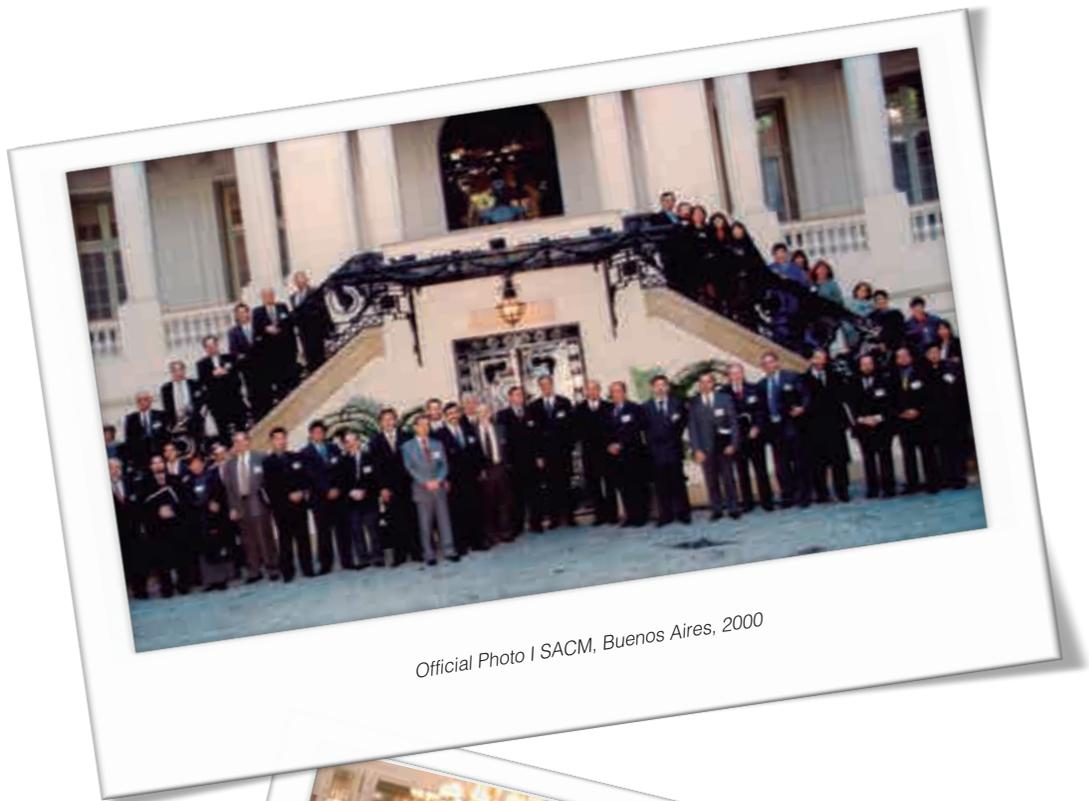
In the case of the SACM, this is a process distinguished by its specificities, especially with regard to the perspective of the positioning of the human rights of migrants as the centre of policy proposals, the interpretation of the issue of migration and development⁵ with the emphasis placed on the causes that determine migration processes, considerations related to the contribution that migrants make to receiving countries and the need to incorporate civil society in the processes of formulation and implementation of policies in this area.

Moreover, and as Hansen (2010) has noted, the effects of these processes are clearly seen in the national policies and subregional agreements on migration that have been implemented in the region since the beginning of the new millennium.

The main focus of policies on the human development of migration, which was initially raised by Ecuador and later incorporated into the work of the Andean Community and finally adopted by the South American Conference, was presented as a line of regional migration policy in various meetings of the Global Forum on Migration and Development.

The SACM has undoubtedly been building a particular perspective on migratory governance in the South American sphere, contributing to the inclusion of innovative issues and approaches in multilateral entities specializing in migration.

5- The issue of migration and development has been included in recent years in a number of international forums dealing with this issue, including the Global Forum on Migration and Development and the second High-Level Dialogue on Migration and Development (2013).



Official Photo I SACM, Buenos Aires, 2000







**III. BACKGROUND TO
MIGRATION POLICIES
BEFORE THE START
OF THE SACM**

Over the last few decades of the twentieth century, the definition and development of international migration policies in South America gradually and steadily increased the ease with which people can move among the region's countries. The region also saw increased protection of the rights of migrants.

Among these advances, it is important to mention unilateral policies aimed at promoting the inclusion of migrants in receiving countries, such as the migration regularization processes implemented by several countries in the region (Alfonso, 2013) during the second half of the last century.

For their part, bilateral agreements were aimed at both regularizing irregular migrants, as well as promoting migration, establishing areas for facilitating movement, helping those wanting to return and protecting the fundamental rights of migrants (Torales, 1993). From the mid-twentieth century onwards a process of migratory governance began that transcended unilateral policies.

In the 1960s, there was an increase in the number of agreements signed between South American countries, especially in the Southern Cone, to facilitate social security for migrants and the hiring of seasonal workers (Torales,

1993). This activity intensified towards the end of the century.

Particularly relevant among the bilateral agreements are social security conventions, which are crucial in guaranteeing the social security rights of migrants during their geographical displacements. These include: Argentina and Peru (17 June 1979); Argentina and Uruguay (25 September 1975); Argentina and Brazil (21 May 1982); Argentina and Chile (17 October 1972); Brazil and Chile (16 October 1993); Uruguay and Ecuador (11 May 1990); Uruguay and Venezuela (20 May 1997); Uruguay and Bolivia (11 June 1995); Uruguay and Colombia (17 February 1998), among others.

Many of these agreements remain active today, while others have been replaced by new regulations over the last 15 years, regulations that have paved the way for the protection of migrant workers.

Furthermore, in the second half of the twentieth century agreements were signed that sought to establish better conditions for migrants seeking jobs, as well as contributing to the regularization of migrants. Some examples are: Chile and Argentina (17 October 1971); Argentina and Bolivia (16 February 1998); and Argentina and Peru (12 August 1998). The last two were broadened and amended by additional protocols in the following years and in 2006 and 2007, respectively, they were updated according to the Agreement on Residence for Nationals of the States Parties of MERCOSUR and Associated States; the Ecuador-Chile Agreement on Undocumented Immigrants (August 1991); and the Ecuador-Colombia Agreement on Irregular Migrants (5 May 1994).

Added to these specific agreements are those linked to facilitating the movement of people for tourism, cultural cooperation and the easing of rules that apply to border zones, all precursors of those adopted in the last few decades within the framework of regional integration.

In short, of the 168 bilateral agreements reached in Latin America in the second half of the twentieth century, half were entered into in the last decade. Between 1991 and 2000, 28 bilateral agreements were signed between Latin American countries (five for regularization, five labour agreements, thirteen for free circulation and five dealing with return migration).⁶

6- These agreements include: Peru and Bolivia: Agreements and Conventions on Cultural Cooperation, Education and Recognition of Studies, and Agreement on Student Visas (1998); Peru and Paraguay: Convention on Cultural Exchange and Agreement on the recognition of studies (1997); Argentina and Ecuador: Agreement for the exchange of notes, and recognition of primary and secondary studies (1994); Chile and Ecuador: Agreement on border crossing, including: Agreement to facilitate the transit of people, luggage and vehicles for tourist purposes with just a valid identify card (1985); Chile and Paraguay: Agreement on tourism and the transit of passengers, their luggage and vehicles (1976); Chile and Uruguay: Agreement on the Free Transit of Tourists, their Personal Effects and Vehicles (1979); Chile and Colombia: Agreement on Tourism, Transit of Passengers, their Luggage and Vehicles (1980); Chile and Brazil: Tourism Cooperation Agreement (1993); Colombia and Brazil: Agreement on the creation of a permanent consular cooperation group favoring solutions to facilitate border crossing (1991); Peru and Ecuador: Comprehensive Peruvian-Ecuadorian Agreement on Border Integration, Development and Community (1998); Colombia and Ecuador: Agreement allowing the circulation of Colombian and Ecuadorian citizens in the territory carrying an ID card or passport (1997).



Official Photo II SACM, Santiago, 2001

THE ISSUE OF MIGRATION IN SUBREGIONAL INTEGRATION PROCESSES

Two subregional integration processes exist within the South American region: the Andean Community of Nations (CAN) and the Southern Common Market (MERCOSUR). The latter currently includes 12 South American countries. In both, various aspects that are not strictly migratory are linked to the facilitation of free movement (labour, education, healthcare, labour protection), which are addressed in specific meetings and subgroups.

With regard to the migratory component of CAN, it is the oldest experience linking migration with regional integration. It presents, as the Andean Pact, a degree of formalization that has been very important since it was set up in May 1969.

As to labour mobility, the “Andean Labour Migration Instrument” (Decision 116), which forms an integral part of the Simón Rodríguez Social and Labour Integration Agreement signed on 26 October 1973, played a central role until the establishment of CAN in 1996 with which the integration process deepened and acquired a supranational dimension: a review of said instrument then began which culminated in its replacement in 2003 by Decision 545. Here is an example of how a “soft” law can be transformed into a positive, as important measures were adopted in function of said instrument to promote improvements in the situation of migrants at the national

level. It should be noted that one of them was adopted in 1981 by the Venezuelan government, which passed the Registration of Foreigners Law, thus leading to the regularization of more than a quarter of all irregular migrants in the country (Mármora, 1994).

The “Andean Labour Migration Instrument” is another example of a good proposal for the standardization of migratory categories, procedures for the hiring of workers and the establishment of enforcement mechanisms. It was the first regional agreement in the Americas that typified migratory categories and procedures (Mármora, 1994).

The impact of the Andean Instrument on migration policies began to weaken during the 1980s, as its meaning and scope were questioned in relation to trends in labour integration that were noted within the sub-region. Consequently, in the II Conference of Ministers of Labour the Andean Group, held in La Paz in October 1991, the decision was made to reactivate the Simón Rodríguez Social and Labour Agreement and to prepare a draft updating Decision 116 (Andean Labour Migration Instrument) for the meeting of the Cartagena Agreement.

The "Agreement between Colombia and Ecuador on Illegal Migrants" (1994) undoubtedly reflects the spirit of this instrument, updating and developing it and adopting it as a reference in the fifth consideration.

The Andean Labour Migration Instrument, which was applied most frequently during the 1970s and later became less popular, has been readopted in recent years with the objective of free movement of people in the Andean region (López Bustillo, 2000).

Within this context, some of the achievements of the Andean Community should be highlighted. The aforementioned Decision 545 on labour migration, although not in force in all countries, represents a very important qualitative leap forward as it contains the definition of a new social subject: the community worker; Decisions 583 and 584 on Social Security, which replaced the previous Decision 513 and guarantee the social rights of workers on an equal basis with nationals of their countries of residence; Decision 501 on "Border Integration Zones of the Andean Community," which, in its literal sense, promotes free movement and proposes the harmonization, simplification and elimination of obstacles to migration procedures; Decision 502 on "Binational Border Ser-

vice Centres;" Decision 503 on the "Recognition of identity papers;" Decision 504 on the "Andean Passport;" and Decision 527 on "Modification of the Andean Immigration Card (TAM)."

It is important to note that all of these decisions were made after the formation of the SACM.

In 1999, the XI Andean Presidential Congress instructed the Andean Council of Ministers of Foreign Affairs to adopt the necessary measures and instruct the Andean Committee of Migration Authorities to develop a work agenda for the harmonization, simplification and unification of migration procedures (Bogado, 2003).

In the context of MERCOSUR, migratory issues began to be addressed, such as customs and social and labour areas, since the signing of the Treaty of Asuncion in 1991 (Marmora and Casarino, 1996).

After a period in which the free movement of workers as a concept linked to the common market was one of the main issues adopted by SubGroup 11 of Labour Affairs, with the intention of presenting a proposal for its implementation by the end of 1994, the integration model was reformulated towards a Single Customs

Territory. Consequently, the goal of free movement was abandoned for several years.

From then on and within SubGroup 10 on Labour, Employment and Social Security Affairs, the discussion on labour mobility excluded the concept of free movement of labour and replaced it with the traditional concept of labour migration.

In 1997 and in the context of the II Commission of SubGroup 10, the ad hoc Tripartite Committee on Labour Migration was formed, with representatives of the State, workers and employers, who considered it important to study working conditions in border regions, given that these are places where it is possible to identify social, cultural, economic and labour practices in which territory is not recognized (Pérez Vichich, 2003).

In the same year, the MERCOSUR Multilateral Agreement on Social Security was signed (Decree CMC 19/97). This agreement applies to workers of any other nationality residing in the territory of any of the parties provided they have worked in said territory. The Social and Labour Commission of the MERCOSUR was responsible for preparing the report on the level of progress of each of the rights and their compliance

within each of the member countries. In the plans for 2002 it was envisaged that one of the three reports to be issued by the national sections of the commission would be the one related to the rights of migrant workers and this was completed in 2003. This allowed for a fairly precise overview of the conditions of migrant workers in the territories of the member states that make up MERCOSUR and the legal and political structure pertaining to each of them.

Treatment of the social and labour issue has been picked up by the current SubGroup 10 which has three specific commissions:

- a) Vocational training.
- b) Elimination of child labour.
- c) Free movement of workers.

Each commission carries out actions structured as regional plans. One of these is the Facilitating Plan for the Free Movement of Workers approved in 2014 and which today seeks to address the political and regulatory situation of migrant workers in a broader area.

In the Economic and Social Consultative Forum (ESCF), a body that includes representatives of employers, trade unions and academic and social centres, but without the presence of the

States, the issue of migration and labour mobility are viewed from perspectives linked to civil society.

In the case of the ESCF and following a consultation made by the Common Market Group (CMG) in 1999 on border-related migratory issues, a broad and comprehensive discussion on border issues began, including economic, commercial, social and labour aspects.

The initiative brought together representatives of MERCOSUR border areas on several occasions. It also featured significant participation by members of civil society.

As a result of these developments, in December 1999 the "Understanding on local border traffic between MERCOSUR Member States, Bolivia and Chile" was agreed, followed in June 2000 by the "Regulation of local border traffic between member States of MERCOSUR, Bolivia and Chile."

In both MERCOSUR and CAN, migration issues took a new course after the year 2000: the definitive shift in the treatment of migration under the premise of making progress in the area of free movement took place within the Meeting of Ministers of Interior (MMI) of MERCOSUR.

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In 2002, a fundamental shift occurred due to the signing of the **Agreement on Residence for Nationals of the States Parties of MERCOSUR and Associated States**⁷ within the framework of the MMI. The discussion of migration at the meeting was originally the responsibility of a technical commission made up of security officials, but in 2004 the Specialized Forum on Migration (FEM) was established and both variables were made independent with the adoption of a criterion of non-securitization of migration and a focus placed on rights, one of the ethical bases of the SACM. This regional positioning was to permeate all MERCOSUR bodies, including social and labour organizations, which were to take up the issue of migration from the perspective of free movement. There were also other areas, such as the Liberalization of Trade in Services Group, the Meeting of Ministers of Education and the Meeting of Ministers of Health, and Social Development Authorities.

7- MERCOSUR 28 December 2002.

The issue of migration and free movement has also been embedded in broader projects such as the Strategic Plan for Social Action (PEAS) and is generally included in the work of the Institute of Public Policies on Human Rights of MERCOSUR.

One important result was the Advisory Opinion on Migrant Children (OC21) issued by the Inter-American Court of Human Rights, which was spearheaded by Argentina, Brazil, Paraguay and Uruguay.

However, apart from the unilateral, bilateral and subregional progress that has been made, it is important to note that opportunities for the discussion of migration policies have been created in the region since the 1970s, with the participation of governments, international organizations and different civil society stakeholders.

These have included the “First Latin American Seminar on Labour Migration Policies” organized by the Colombian National Employment Service (SENALDE), the International Labour Organization (ILO) and the United Nations Population Fund (UNFPA) in Medellín, Colombia in 1978, which dealt with the institutional and legal aspects of migration policies, along with aspects of migration policies, along with poli-

cies for the regulation and channelling of labour migration flows, the retention and reception of migrant populations and analysis of migration statistics.

In 1980, the “Second Latin American Seminar on Labour Migration Policies” was held in Cali, Colombia, organized by the ILO, the Intergovernmental Committee for Migration (ICM, today the IOM), Universidad de los Andes, Colombia’s National Employment Service (SENALDE) and the Administrative Department of Science, Technology and Innovation (COLCIENCIAS) and the United Nations Children’s Fund (UNICEF). This seminar addressed issues such as legal, institutional and administrative aspects of labour migration, social-labour assistance and training in the implementation of labour migration policies, labour markets and migration, woman, children and the family.

Finally, it is important to note the Inter-American Course on International Migration created in 1979 through an initiative of the Spanish Government and the Organization of American States (OAS) as part of technical cooperation activities implemented in Latin American countries and in some Caribbean countries. In 1981, the IOM was invited by the OAS to collaborate with the implementation of some of the activi-

ties of the programme that were initially developed in Madrid, Spain.

Following the withdrawal of the Spanish Government from the organization of the course, in 1983 the OAS and IOM proposed that the Argentinean government became a co-organizer and host country each year.

Between 1985 and 1987, training meetings were organized in Buenos Aires, although in 1988 it was decided to change the venue of the course, moving it to the city of Mar del Plata, where it is still being held each year. From 1999 onwards and following the withdrawal of the OAS, the IOM has been responsible for conducting the course with the support of the Argentinean Government.



Official Photo III SACM, Quito, 2002





**IV. DEVELOPMENT
OF THE SOUTH AMERICAN
CONFERENCE ON MIGRATION (SACM)**



V SACM, La Paz, 2004

The development of the South American Conference on Migration (SACM), along with other Regional Consultative Processes (RCPs), derived from the need for consensus-seeking and the harmonization of migration policies in the region and within a non-binding intergovernmental framework. Its main characteristics, as well as the progress made in the 15 years of its development, can be observed from the moment it was created.

The SACM was formally launched as a forum in the year 2000, but its activities and commitment to building consensus dates back to 1999 and the South American Meeting on Migration, Integration and Development held in Lima, Peru.

This gathering, which was organized by South American governments to provide an opportunity for dialogue and consensus on these issues, has from its beginnings adhered to three basic principles that constitute the three main themes of the SACM:

- Migration as part of a process of regional and subregional integration (CAN and MERCOSUR);
- The undisputed link between the economic and social development of countries of origin and migration and;

- The defence of the human rights of migrants.

These principles, in addition to being specifically addressed to how international migration are treated in the region, as reaffirmed in all gatherings of the SACM (Gianelli, 2008), highlight the unique characteristics of this process in relation to all existing regional consultative processes on migration.

First, because migratory movements are perceived not as an intergovernmental negotiating space and potential opportunity for cooperation for "flow control," but as an expression of a regional integration process and, therefore, a factor that should lead to the free movement of people within that space.

Second, the inclusion of economic and social development has been explicit since the first meeting of the SACM, in the sense of presenting it as the main cause of migration beyond the motivations of migrants themselves and linked to global economic development asymmetries.

Third, the human rights of migrants and their relevant and permanent theme of the SACM, taking up the commitment to respect and enforce those rights in the framework of all existing international conventions and agree-

ments in this area and urging all countries of the region to ratify such instruments and effectively implement them.

In regard to the instrumental aspect, since the 1999 meeting, the need for institutional strengthening and a modernization of the international organizations competent in this area has been noted as necessary to be able to fulfil the stated principles.

As part of the effort to carry out specific actions, in **I SACM** held in Buenos Aires in the year 2000, the IOM was asked to prepare an assessment of the migration situation in South America together with a report on progress made in the various subregional forums dealing with migration issues, with the aim of proposing criteria that would guide a future Plan of Action of the Conference.

The aforementioned Conference also established the IOM's role as **Technical Secretariat** of the SACM and the body responsible for cooperation with respect to the set objectives.

Furthermore, the foundations were laid for an open multilateral dialogue as a way of strengthening ongoing subregional integration processes. As indicated in the previous paragraph, the

fundamental principles upheld by the SACM since its inception have proved to be valid and efficient, nurturing and replenishing subregional integration processes.

At **II SACM** in Santiago, Chile in 2001, the SACM was assigned the role of being a permanent forum for coordination and development of regional policies, the main objective of which is the comprehensive treatment of migration issues.

In this sense, a proposal was made to carry out a comparative analysis of migration administration and visa regimes with a view to improve and deepen the integration of South American countries. Both requests - the assessment of the migration situation and the comparative analysis of administration- were completed by IOM and made available to governments. Moreover, this SACM focused on the issue of institutional strengthening in the area of migration, additionally pointing out the need for greater professional and technical training of officials.

With regard to the substantive items of the Declaration, it is worth noting that it was at this Conference that the issue of the need for the "full integration of migrants" was addressed for

the first time. It would later be revisited at V SACM with the explicit goal of promoting the regularization of migrants.

At III SACM in Quito, Ecuador in 2002, a **Plan of Action** was adopted with the goal of establishing coordinated guidelines for the protection of the fundamental rights of South American migrants at the global level, particularly in terms of social security, labour guarantees and reciprocal consular support. Regarding the latter, this was in response to the progress that had been made in both the CAN and MERCOSUR.

It should be noted that this Plan of Action arose as a result of the mandate issued by the Second Meeting of Presidents of South America held in Guayaquil, Ecuador in July 2002, which set out the main objectives of said plan, focusing on the protection of the fundamental rights of South American migrants throughout the world, especially in relation to social security, labour and consular support. This mandate underscores the importance given to the Conference and its statements.

A range of objectives are included in the adopted Plan of Action:

The **first objective** was to define and coordinate regional strategies and programmes in the area of migration, focusing on issues such as the promotion of the human rights of migrants and their families, strengthening the governance of regional migration flows, developing national and binational programmes for migratory regularization as a way to resolve the most important causes of the social exclusion of migrants, the link with nationals living abroad, support for those who decide to return to their countries of origin and promoting the integration of migrants in destination countries.

A **second objective** was to consolidate and develop the South American Observatory on Migration so as to produce systematized information on the SACM that will help promote the dissemination of the discussions and actions of the Conference.

The **third objective** was to harmonize and coordinate migration information systems so as to acquire current information about intra-regional and extra-regional migration processes on an ongoing basis.

The **fourth objective** was to align and coordinate migration administrations with a view to modernize these institutions, adapt them to the

challenges posed by current population movements and establish a permanent coordination system for national migration administrations in the region.

The **fifth objective** was the alignment and coordination of migration legislation in the region, for which the need to update national legislation and bilateral and multilateral agreements in a coordinated manner was raised.

It was also at this same SACM that the correlation between poverty and migration and the relationship between these issues and the need for a fairer and more equitable international order was made more explicit.

At III SACM, the concept of "human development" of the population of the South American countries was also introduced and linked directly to respect for and observance of the human rights of migrants. This concept acquired a specific connotation in the region, far from the vision related to economic development that is typical of other blocs and countries, focused as it was on the full realization of migrants to achieve comprehensive development (economic, social, cultural and political) and regional integration.

This SACM also recognized the participation of religious institutions and non-governmental organizations through the presentation of the documents "the Quito Declaration on Migration, Democracy, Development and Human Rights" and "Letter to the Governments of South America."

The participation of civil society was another distinctive element of this regional consultative process. This was achieved through actions that, although not totally defined in their forms and modalities, were to accompany the development of the SACM, with its main objectives coinciding with the stance of governments.

At **IV SACM** in Montevideo, Uruguay in 2003, progress was made in the inclusion of an issue that represents the essence of the SACM, with member states of the Andean Community and MERCOSUR encouraged to develop joint strategies on free movement within South America. It also incorporated the issue of connecting with nationals living abroad and promoting the development of border areas, an issue recently taken up in the updating of the MERCOSUR social-labour Declaration in the Specialized Forum on Migration and the decisions of CAN. Furthermore, the main lines of the Plan of Action were identified as the following:

facilitating the free movement and residence of persons in the region; coordinating the Plan of Action were identified as the following: facilitating the free movement and residence of persons in the region; coordinating actions to protect the human rights of migrants and promoting the migration variable in the different spheres of bilateral and multilateral negotiations. These last lines reaffirm the central position of assistance and protection of the human rights of migrants, while including a very important element in understanding the inevitable linkage of migration with other issues that contribute to economic and social development and which are discussed and agreed in other spaces that are not specifically focused on migration issues.

At **V SACM** in La Paz, Bolivia in 2004, progress was made towards recognition of migrants' contributions to the countries of the region as well as to the development of other regions of the world in cultural, social, intellectual and economic terms, while stressing the importance of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

These considerations highlighted the standpoint of re-evaluating the contribution of migrants as

an advantage for the receiving country, while also underlining once more the need to adopt a multi-lateral approach towards migratory governance.

These considerations highlighted the standpoint of re-evaluating the contribution of migrants as an advantage for the receiving country, while also underlining once more the need to adopt a multi-lateral approach towards migratory governance.

The latter is reflected in one of the Declarations that proposed a discussion on the text "Declaration of Migratory Principles," which established a common position and expressed the vision of migration between South American countries.

With respect to the mechanisms required to be able to meet the objectives, it was recognized and stated for the first time that the regularization of irregular migrants is a fundamental element in public policies dealing with the issue of immigration.

At **VI SACM** in Asuncion, Paraguay in 2006, the participants made a reference in the conference Declaration to the lines of work raised in previous conferences, summarizing various aspects of their contents.

It emphasized the commitment of the region's countries to comply with all international and regional agreements and instruments that provide protection to the human rights of migrants as well as the substantial progress that had been made unilaterally by said countries in relevant aspects such as: facilitating the granting of residence; free movement of people; regularization of migrants; combating the smuggling of migrants and trafficking in persons; documentation of migrants; equal treatment between nationals and foreigners; respect for the cultural diversity of migrants; mechanisms for coordinating migration management established among the countries of the region; harmonization of migration regulations; protection of migrants with regard to the various forms of discrimination and labour exploitation; rejection of the criminalization of irregular migration; bilateral cooperation in the management of migratory flows; and the recognition of civil, economic, social and cultural rights.

This recognition was important in terms of demonstrating the coherence that was being achieved in national migration policies in relation to the proposals developed through the SACM. The document emphasized lines of action that had already been established, especially those regarding poverty and lack of opportunities, as well as income gaps and different living conditions between regions, the root causes of migration. It also established an explicit rejection of the criminalization of migrants who have irregular status at a time when much harsher policies were being adopted by extra-regional receiving countries. Finally, this Declaration was once again characterized by including the commitment of governments with civil society, representatives of which had been invited to contribute to the formulation, application and supervision of policies and programmes in the area of migration.

At **VII SACM** in Caracas, Venezuela in 2007, the body reaffirmed that the human being is the centre of migration policies and programmes and, therefore, States must guarantee the human rights of migrants, regardless of their immigration status, civil status, religion, public opinion, ethnicity, gender or age. One point highlighted in this SACM was the reaffirmation that remittances are private financial flows resulting from the work of the migrant population, that they help benefit the quality of life of the beneficiaries and thus should never be considered in any way as a form of international development aid.

Special attention was paid to incorporating migration aspects into other international agendas dealing with issues that affect the causes of migratory flows, such as international trade, human development, the environment, use of technologies, international cooperation in development and co-development, health and work.

At **VIII SACM** in Montevideo, Uruguay in 2008, the need to understand the migratory event as a natural condition of the human being and part of the historical process of human development was introduced. This broad vision was accompanied by a new proposal associated with the right of a broadened citizenship, aiming towards a "**Latin American citizenship**".

In response to the Return Directive approved by the EU and the criminalization of migrants, the SACM expressed its rejection of said Directive and urged the European Union to develop migration policies in line with international human rights instruments.

The progress made in the common objective of free movement of people in South America was also highlighted and countries that had not yet done so were encouraged to adhere to the Residency and Regularization Agreements of MERCOSUR and Associated States.

To make progress towards better migratory management in the region, it was agreed to set up the "South American Network for Migration Governance," with the objective of taking advantage of and disseminating the capacities developed by each country that integrates the SACM and strengthen these capacities through bilateral South America cooperation and enhanced regional integration. The Network initiative served as an impetus for further discussions which determined that, in the XII SACM (Santiago, Chile, 2012), under Central Theme III: "Strengthening Migration Governance," it would be proposed that, along with the support of the Technical Secretariat, there would be a package of horizontal cooperation options to provide mutual support among the countries of the SACM (IOM, 2013).

Given that this SACM Declaration represented the political position of the region with regard to the migration policies adopted, it was proposed to present these to the II Global Forum on Migration and Development to be held in the Philippines in 2008.

At **IX SACM** in Quito, Ecuador in 2009, the body returned to the need for multilateral dialogue with the aim of achieving a regional space for the free mobility of people, considered one of the pillars of South American citizenship.

In a search for coherence, the SACM made a commitment to guaranteeing migrants in the region the same rights that are desired for South American citizens who migrate to other parts of the world. Furthermore, emphasis was placed on the region's concern with the outcome of the EU Return Directive to the extent that it criminalizes migrants and a commitment was made to intensify the fight against intolerance, racism, xenophobia and all forms of discrimination against migrants.

Also at this SACM, the progress made by the Andean Community and MERCOSUR were recognized with respect to their migratory policies according to the objectives adopted by the South American Forum. The commitments that were adopted at this SACM addressed a variety of issues: adapting internal regulations to the principles established in the different SACMs; encouraging the regularization processes of irregular migrants in the region's countries; promoting the diasporas' contribution to the needs and opportunities of human

development in the countries of origin: encouraging spaces for the participation of civil society and other social actors; and disseminating and promoting the SACM SACM Declaration in bilateral and multilateral fora addressing these issues.

Declaration in bilateral and multilateral fora addressing these issues.

Lastly, it is particularly important to highlight the commitment of the SACM to analyse the proposal for a **South American Human Development Plan for Migration** and, from an instrumental perspective, a **South American Network for Migration Cooperation**.

The conference reaffirmed the principle of political coherence in the sense of guaranteeing within national territories the same rights that are demanded for citizens living abroad, thus promoting the universalization of policies based on a rights approach. Accordingly, the SACM established a position not only in relation to South American migration, but also with respect to international migration the world over, so fulfilling its role as a permanent forum for the coordination and development of regional migration policies.

At **X SACM** in Cochabamba, Bolivia in 2010, various issues were addressed related to the South American Human Development Plan for Migration. These included the recognition given to the comprehensive nature of the migratory process and, therefore, the need for a multidisciplinary and multilateral approach to the same.

A proposal was also made to increase engagement programmes with nationals living abroad by promoting the skills of migrants. The commitment to guarantee the human rights of migrants was also reiterated, such as: their political-electoral participation; the rights of the different groups of migrants that coexist within the States; the coherence required at regional level to guarantee those rights; and the commitment to articulate joint actions for the protection of immigrants and migrants.

The commitment to combat trafficking in persons and trafficking in migrants and the rejection of all forms of racism, xenophobia and discrimination, as well as the criminalization of migrants, was also reiterated.

A very significant feature was the approval given both during the session and by consensus to the final version of the Declaration of Principles and General Guidelines of the SACN

which, in addition to guiding the political decisions of the Conference, help support regional positions before various international forums. It was also here that work was started on the proposal for the articulation of the SACM with USAN, a mechanism set up on 23 May 2008.

At **XI SACM** in Brasilia, Brazil in 2011, the slogan "Advancing towards South American Citizenship" was adopted. Participants reiterated the need to disseminate and implement the general principles and guidelines established at the X Conference, as well as the importance of the South American Human Development Plan for Migration, particularly the areas of action of the plan.

Here the focus was the progress of the free movement of people in the region, the contribution of migration to both countries of origin and destination, the rejection of the criminalization of migrants, the need for common positions of the region within extra-regional multilateral spaces, recognition of the free movement of people as part of the MERCOSUR Citizenship Statute (Dec. CMC 64/2010), as well as the efforts of the General Secretariat of the Andean Community regarding the facilitation of migration movements, labour migration and consular assistance.

Based on these considerations, the XI Conference reaffirmed respect for and promotion of migrants' human rights, condemned policies that violate these rights, especially the laws passed in some Federal States of the United States of America, supported the alignment of migration policies in the construction of South American citizenship, the facilitation of the integration of the migrant into host societies and the promotion of return programmes for nationals. Furthermore, emphasis was placed on the importance of the harmonization of laws dealing with migratory matters within the ambit of USAN and the interest for an institutional link between the SACM and this regional body.

With regard to the promotion of specific actions, a recommendation was made to adopt those that would allow the implementation of the South American Observatory on Migration (OSUMI in Spanish) and those actions focused on training programmes on the human rights of migrants, information systems and the strengthening of inter-institutional coordination systems as set down in the South American Human Development Plan for Migration.

During the conference, emphasis was placed on the need to promote the participation of civil society, along with contacts with the Regional Conference on Migration (RCM) and the Organization of American States (OAS).

One decision that was consistent with the fulfilment of the principles of the SACM was that adopted by the member states - and maintained in the proceeding Conferences - in the sense of adopting common positions in the various forums and spaces of consultation and expressing a community of outlooks on international migration policy from a perspective that began to develop into a regional identity (Pérez Vichich, 2012).

At **XII SACM** in Santiago in 2012, the Declaration "Migration Governance in South America: A Social, Economic and Cultural Rights Approach to Migrants and their Families" was introduced along with the concept of "migratory governance." Participants also reaffirmed the full validity of the South American Human Development Plan for Migration as the basis for the region's thematic agenda.

XII SACM established **four central themes** to be considered at each meeting. **Theme I** is the South American Human Development Plan for Migration. The body proposed that current legislation be drafted in each country of the SACM in this matter; joint actions with civil society in the areas of socialization and human rights education; exchange of best practices on the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the Palermo Protocol on Smuggling of Migrants and Trafficking in Persons; and a human rights training programme for civil servants.

Theme II was migration and regional integration processes. This area included reports submitted by CAN and MERCOSUR that showed the efforts of both processes to align their regulatory frameworks with common principles and guidelines. Within CAN, work was being done - and continues - on the drafting of the new **Migration Statute** based on the regulations agreed by the four Andean countries within the framework of MERCOSUR and with a view to a gradual convergence with MERCOSUR and the construction of a South American space.

It is worth remembering that in the same year, USAN adopted the decision to begin the process towards **South American citizenship**.

South American Observatory on Migration (OSUMI)

The purpose of the South American Observatory on Migration is to gather relevant and strategic information for the development of public policies on migration in South America and to exchange migratory information provided by member states. The Technical Secretariat is responsible for managing the operations, maintenance and Observatory website, as well as the definition and development of its contents and information according to the guidelines established by the SACM. Information regarding SACM procedures and each of its gatherings is contained on the official SACM/Observatory website (<http://csm-osumi.org>).

Theme III focused on strengthening migration governance, including the systematization of OSUMI reports, horizontal cooperation on migration issues, joint actions in programmes for the linkage of foreign nationals and support for joint consular actions.

Theme IV focused on the international projection of the South American region into regional, interregional and global fora, such as the Second High-Level Dialogue on International Migration and Development of the United Nations, the Global Forum on Migration and Development, the first meeting of the Community of Latin American and Caribbean States (CELAC) on migration, the CELAC-EU Dialogue, synergy with the SACM and the relationship with USAN.

XII SACM demonstrated how the different processes of integration, of a different nature and territorial scope, find points of articulation and consensus generation within a specific regional point of view: on the one hand, it was decided that the SACM would adopt a position on the High-Level Dialogue on International Migration and Development and it agreed to present the proposal to redirect the debate on international migration to the United Nations.

Furthermore, an agenda was set with CELAC in relation to the treatment of regional migrants in other blocs based on specific issues such as the EU's Single Permit Directive.

The above highlighted the potential of the SACM as a space for dialogue and consensus and for proposing and articulating migration issues with the various integration forums.

It was also at this meeting that the manner in which the political treatment of international migration is dealt with was modified, introducing the idea of migration governance. This alluded to dealing with public issues, in this case concerning international migration, in an articulated and integral manner with other social actors and with the participation of said actors in the generation of the agenda, analysis of problems and proposals for solutions, seeking to achieve the greatest possible legitimacy in the defined policies and regulations.

At **XIII SACM** in Cartagena de Indias, Colombia in 2013, the slogan promoted was "Migration regularization as a mechanism to ensure the full exercise of the rights of South American migrants and strengthen regional integration." Migration regularization was emphasized at this SACM as a goal, stating in the Declaration

"that an irregular migrant is an invisible migrant".

This SACM reiterated the first theme to follow up the South American Human Development Plan for Migration; a recommendation was made to consider the experiences of the "Network of consular attention to victims of gender violence and migrant interfamilial violence" and the importance of the political participation of migrants, based on a document submitted by the Technical Secretariat, was also highlighted.

With respect to Theme II, the role of the SACM in the South American integration process was again emphasized and the Pro Tempore authorities of the Conference were asked to formally communicate to the Council of Delegates of USAN their interest in making advisory consultations.

In terms of the strengthening of governance of international migration, the need to strengthen linkage programmes with South American citizens residing outside of the region, along with horizontal cooperation in consular matters, were reiterated.

Lastly, with respect to the extra-regional relations of the SACM, it was pointed out that the "Declaration of Buenos Aires" of 2013, which

established the South American position in regional and global spheres of international migration, should be taken as a reference for the relationship of the SACM with such fora.⁸

In the **Declaration of Buenos Aires**, the SACM adopted a position on several issues, including the following:

- a) The way in which the multilateral debate on migration has not allowed for a comprehensive approach to the issue - beginning with the causes;
- b) The link between migration and development, focused exclusively on the issue of remittances and economic development;
- c) The forum for discussion of this issue, proposing that it be taken back into the United Nations and stressing the need to incorporate it into the Post-2015 Development Agenda;
- d) Questioning of the way in which circular migration are implemented in developed nations.

The Buenos Aires Declaration underlined the importance of the work carried out by IOM as a world body specialized on the issue of international migration.

8- This contributed to establishing a shared position before the High-Level Dialogue on Migration and Development of the United Nations (New York, 2013).

In this same Conference, the USAN Working Group on South American Citizenship (Dec. 8/2012) informed its members of the progress that it had made given that the free mobility of people in the region is one of the fundamental pillars in the construction of South American citizenship.⁹

At **XIV SCM** held in Lima, Peru in October 2014, the slogan was "Migration and inclusion: a challenge for South American integration." Emphasis was placed on the need to encourage the inclusion of migrants as a guarantee of integration and member states were urged to promote the incorporation of international migration into the Post-2015 Development Agenda. In addition, the importance of the training of officials in migration management was reiterated and appropriate teaching strategies promoted.

To provide an overview of the region in terms of the central theme of the meeting, the SACM asked States to report on policies and programmes for the inclusion of migrants, particularly in the areas of work, healthcare and education. Aspects related to the treatment of migratory issues in MERCOSUR and CAN were discussed, including their convergence and the efforts made to advance in terms of the articulation between USAN and SACM. Mention was also made of the development of a Consular Directory requested from the Technical Secretariat, which was also asked to provide a report on South-South Cooperation, in line with the horizontal cooperation proposal decided at previous meetings.



9 - It should be noted that the declaration made on this issue at the XII SACM (Santiago, Chile, 2012) has been taken as a starting point for the activities of the Working Group on South American Citizenship.

Approval of the initiative to forge relationships with other consultative processes was very important. One of the central themes was the presentation and discussion of the proposal for “Regulations Relating to the Structure and Operations of the SACM,” which was subject to comments and contributions from member states. The other was the participation of civil society in the SACM and agreement was reached on the development of national spaces for dialogue and debate, to then provide conclusions and contributions for analysis at each meeting. Concern was also expressed regarding migrant children and adolescents and the need to agree on a common strategy with respect to extra-regional migration.

The **XV SACM** was held in the city of Santiago, Chile, in October 2015, under the slogan "With Justice and Equality towards Migration Governance." Two points stand out in this conference: the need to establish equality and access to justice as a bases for migratory governance in the region, understanding that the concept of justice consists of a legal and social dimension and the need to update the principles and strategic guidelines of the SACM while taking on the challenges imposed by the new global and regional reality in aspects such as climate change, the humanitarian crisis, the issue of

gender and the 2013 Development Agenda, among others.

COMPOSITION AND STRUCTURE OF THE SACM

Presidency Pro-Tempore

Troika

Focal Point

Technical Secretariat

Theme I focused on the issue of access to justice for migrants, highlighting the need to learn from the experiences of different countries in this regard and a commitment to increase initiatives in this area. Furthermore, members' reports on programmes and policies for the social inclusion of migrants continued to be received in line with the previous SACM meeting and a commitment was made to launch new initiatives in this regard. The theme of gender also received prominence, with endorsement given to the proposal to take initiatives for the design of programmes and courses of action on this issue.

Theme II returned to the border issue, anticipating a report on facilitated border transit that will identify the actors and components of such facilitation.

Theme III was the importance given to civil society in the governance of migration and the recognition of organizations defending the fundamental rights of migrants, with the SACM committing itself to strengthening the different experiences of countries in relation to Civil Society Organizations (CSOs).

There was also a reference to migration in relation to climate change, the environment and natural disasters.

Theme IV focused on the need to develop an agenda between the SACM and other regional consultative processes, as well as convergence with regional integration mechanisms.

SACM Themes	Some of the issues covered
<p>Theme 1: Follow up of the South American Human Development Plan for Migration with respect to the human rights of migrants</p>	<p><i>Education and Training Strategies, with emphasis placed on the human rights of migrants.</i></p> <p><i>Actions to promote the social inclusion of migrants.</i></p> <p><i>Access to justice for migrants.</i></p>
<p>Theme 2: Migration and regional integration processes</p>	<p><i>Relationship between USAN and the SACM</i></p> <p><i>Facilitation of border mobility for the sake of free movement in the South American region</i></p>
<p>Theme 3: Strengthening migration governance</p>	<p><i>Linkage with foreign nationals living abroad</i></p> <p><i>Horizontal cooperation between member states</i></p> <p><i>Consular cooperation</i></p>
<p>Theme 4: International projection of the South American region</p>	<p><i>Relationship of SACM with other regional advisory processes</i></p> <p><i>Relationship between SACM and CELAC</i></p>



Official Photo V SACM, La Paz, 2004



Official Photo IV SACM, Montevideo, 2003



Official Photo VI SACM, Asuncion, 2006





**V. THE SOUTH AMERICAN
HUMAN DEVELOPMENT PLAN
FOR MIGRATION (PSDHM)**



VI SACM, Asuncion, 2006



The guiding principles of the Plan include those that have already been raised in the development of the SACM and which were outlined in the Andean Human Development Plan for Migration (PADHM in Spanish), based on the consensus reached among the countries of the Andean region. These principles, which were drafted from the perspective of human development for migration, provide a synthesis of the positions that have been built on this issue in South America. The following has been proposed:

- The integrity of the migratory experience, explicitly mentioned in SACM I, II, VII, VIII, IX, X and XI. It is to be understood in terms of the different levels in which it is present and the different roles that a migrant person fulfils, as well as the necessary articulation of the institutional responses to migratory movements.
- Respect for the human rights of migrants and their families, irrespective of their origin, nationality or administrative status, as established in the Declarations of all SACMs. This principle recognizes the vulnerability of migrants, especially in the face of any discrimination based on their nationality or their ethnic, religious or cultural origin.
- The right to remain and develop their lives in their place of origin, referred to in other texts as "the right not to migrate," touches on the basic causes by which most migrants decide to leave for another country and links the lack of conditions for individual and family development within the local or national context, in the place of origin, with the dynamics of economic relations at the international level. It is here that the increase in the socio-economic gap between countries of origin and destination appears as the most important cause of migration.
- The citizen's exercise of free mobility, which includes the right of everyone to remain in their home country, which is present in several editions of the SACM and has been especially explicit from the IV Conference onwards.
- The right of every person to freedom of movement and residence, which forms part of the traditional policies of the South American region, is set down in the Plan as one of the pillars of its proposal. Thus, in the face of the increasing restriction of human mobility in much of the world, South America has made progress with an ever-increasing facilitation of free movement and settlement.

- The right to return and reintegrate into their country of origin, with special emphasis on SACM VI and VIII.
- The guarantee of full citizenship, which implies the right to citizen participation and the right of every migrant to access the various social, economic and cultural areas of the receiving society within an intercultural context, as highlighted in SACM IV, V, VII and IX. This principle is part of the concept of "broader citizenship," in which citizenship can occur indistinctly both in the place where one is born and in the place where one lives and as a step towards "universal citizenship" for all the people who inhabit this planet.
- The right to citizen participation has expanded in all the countries of the Andean region in two dimensions: that of being able to vote in all elections of one's country of origin when residing abroad, and the right to vote in the receiving country.
- With respect to the right of migrants of access to various social areas, the PADHM fully recognizes the acceptance of migrants by all public services such as healthcare or education at the same level that nationals of each country enjoy, regardless of the migrants' administrative status.
- Regarding cultural participation, the PSDHM is very clear about the integration of the migrant as an act of interculturality.
- National and regional alignment in the implementation of inclusive migration policies, which is present in all SACM Declarations.
- This includes a principle that implies a commitment that the laws and practices of the countries of the region are not yet ready to fully adopt: recognition that migrants have the same rights as are claimed by the citizens of said countries living abroad.
- Recognition of the positive effects of migration dynamics, which is explicit in all SACMs. In response to the argument that migration are a burden for receiving countries and even exert a negative influence on their culture and human development, this principle, which is based on the empirical evidence gathered from studies on migration and development, advances the need to explicitly recognize migration as an enriching contribution to societies. This principle reclaims the migratory variable, especially the rights of migrants as part of the process of human integration in the region.

- Recognition of the rights of migrants as part of regional integration processes, emphasized in all SACMs.

With regard to the strategic lines of the Plan, specific areas refer to elements that make both legitimacy and effectiveness part of a form of migratory governance that respond to its guiding principles. Within these strategic guidelines the need arises for the advancement of this perspective of migratory governance in the region. Thus, in spite of actions to promote the required legal framework, there are still shortcomings with respect to the coherence between some national legislations and the adopted principles. Moreover, an objective, timely and reliable regional information system has not yet been put in place and, in terms of migration management, there are significant challenges in the area of inter-agency coordination and the alignment that would be expected between laws, regulations and their application.

These challenges have been outlined in different instances of regional consensus. While today actions are being developed to improve the approach taken, greater institutional development is needed to achieve the expected results.

With this plan, the South American region has taken a very important step towards making explicit the terms of the model adopted for migratory governance and implemented in its different dimensions in terms of national, bilateral and/or regional policies.



Official Photo VII SACM, Caracas, 2007



Official Photo VIII SACM, Montevideo, 2008



Official Photo X SACM, Cochabamba, 2010



Official Photo XI SACM, Brasilia, 2011





**VI. THE SACM AND NATIONAL
MIGRATION POLICIES**



XI SACM, Brasília, 2011

Since its inception, the SACM has accompanied, proposed, supported, incorporated and cooperated with national policies on international migration. In this dynamic of feedback between regional and national spaces, issues such as effectiveness in migratory governance or linkage, return and regularization programmes can be highlighted as examples of progress within this political synergy.

VI.1 The effectiveness of migration governance

To achieve greater effectiveness in the migration governance of the countries of the region, the SACM included a range of issues in all of its declarations, such as: obtaining objective, reliable and timely information; the modernization of migration management; adjustment of national regulations; horizontal cooperation for the exchange of best practices; and training in immigration matters. The modernization of migration management and the institutional strengthening of the national agencies with jurisdiction in this area, together with the need to increase and deepen the exchange of information on migratory movements, were two central points of focus from the beginning of the SACM.

This theme was reiterated at **I SACM** in Buenos Aires along with the need for training of public officials, the updating of national legislation and the development of coordination mechanisms among participating States.

At the **II SACM** in Santiago, a proposal was made along the same line to strengthen the Centre for Information on Migration in Latin American (CIMAL), establishing a permanent observatory to generate strategic information for decision-making on migration policies, the modernization of immigration institutions, adapting migration legislation and increased professional and technical training of officials.

At the **III SACM** in Quito, attention was paid to providing more support and cooperation to governments in the area of strategic information on migration, specifically including this issue in the Plan of Action.

At the **IV SACM** in Montevideo, support was expressed and a decision made to participate in the process of implementation and strengthening of the South American Observatory on Migration (OSUMI); a proposal was made to organize a specialized workshop on the development of

migration statistics; and IOM was commended for the training it provided in migration issues.

At the **V SACM** in La Paz, support was restated for the training and education of officials, technicians and members of civil society working in the migration area.

At the **VI SACM** in Asunción, the importance of the progress made in the coordination mechanisms of migration management between the countries of origin and destination within the region was underlined.

At the **VII SACM** in Caracas, a recommendation was made to strengthen mechanisms for gathering, compiling, disseminating and exchanging information on migratory flows to characterize the migrant population, this being a basic input for the formulation of appropriate migration policies and to foster the strengthening of cooperation and bilateral, regional and international coordination on migratory matters.

At the **VIII SACM** in Montevideo, governments agreed, within the framework of best practices on migration management, to form a South American Network for Migration Governance, with the objective of taking advantage of and disseminating the capacities developed by each country in the SACM and enhancing the network through horizontal cooperation and the strengthening of regional integration.

At the **IX SACM** in Quito, countries in the region that have not yet ratified and/or adapted their respective national legislation to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, were again asked to do so. The IOM was also asked to draft a proposal for the Technical Secretariat to enable the achievement of objectives in the areas of information generation, training of officials and others, as well as studies applied to the issues of migration.

At the **X SACM** in Cochabamba, the importance of cooperation and coordination among different agencies with competence in migration matters at the regional level was underlined, with emphasis placed on programmes for information exchange and positive experiences regarding migration issues.

At the **XI SACM** in Brasilia, the importance of aligning migration standards in USAN was highlighted and countries were urged to promptly adapt their internal regulations in the interests of regional coherence. Furthermore, participants were encouraged to coordinate efforts to systematize information and statistical data from official sources on migration issues, along with the adoption of concrete actions for the implementation of OSUMI. In terms of training, a request was made to the Technical Secretariat to offer proposals on training, information systems and the strengthening of the inter-institutional coordination provided for in the PSDHM.

At the **XII SACM** in Santiago, it was established that the SACM will provide an annual report on the current state of regulations and institutions linked to the formulation and implementation of migration policies in each country, along with a package of horizontal cooperation options with the support of the Technical Secretariat.

At the **XIII SACM** in Cartagena, a proposal by the Technical Secretariat for horizontal cooperation based on contributions from member states was approved.

At the **XIV SACM** in Lima, participants reiterated the importance of the education and training of officials and social actors given their central role

in migration governance and an agreement was reached on promoting specific educational strategies including workshops, manuals and virtual platforms, as well as those initiatives in each of the countries based on best practices. The need to coordinate the efforts of States with the collaboration of international organizations and other social actors was emphasized and the Technical Secretariat was asked to prepare a work plan based on its report on the progress of the South-South Cooperation Fund. In addition, those present emphasized the contribution of the Consular Directory as one of the instruments for horizontal cooperation among countries.

The focus of the **XV SACM** in Santiago was the process of updating policies, regulations and institutional developments carried out by member states and reflected in the area of consular management and assistance to nationals living abroad and at the time of their return; initiatives for the regularization of migrants; the generation of spaces for citizen participation; the protection of migrants and the modernization of migration management; enabling access to justice; and updating of the principles and guidelines taking into account the current challenges imposed by human mobility at the international level, the new consensus that have been reached and the commitments assumed by the States for the 2030 Agenda.



XII SACM, Santiago, 2012



CSM XII Conferencia Sudamericana
sobre Migraciones
Santiago de Chile, 5 y 6 Noviembre 2012

Official Photo XII SACM, Santiago, 2012

VI.1.a Migration Policy

At the national level, the incorporation of human rights has represented progress in the immigration laws of different countries, although in some cases restrictions exist that are still not compatible with the international and regional commitments that have been made.

In Argentina, Law 25.871 (2004) expressly enshrined the action of migrating as a human right and states that this right is "essential and inalienable and the Argentinean Republic guarantees it on the basis of the principles of equality and universality" (Art. 4) and formally recognized the rights of migrants to healthcare, education, justice and social security, among others, ensuring equal access to immigrants and their families under the same conditions of protection of rights enjoyed by nationals.

Under no circumstances will a person's immigration status impede their access to the system.

In Bolivia, the Constitution approved by national referendum and in force since 2009, includes in Article 298, paragraphs 9 and 11, as a prerogative authority of the central level of the State, the legislation, regulations and execution

of powers with respect to nationality, citizenship, laws applicable to foreigners, the right to asylum and refuge, as well as migration regulations and policies, without making express reference to emigration.

In Article 21 referring to civil rights, it mentions the freedom of residence, permanence and circulation throughout Bolivian territory, which includes the right to leave and enter the country. Law 379/2013 is governed by the principles established in the Political Constitution of the State and unrestricted respect for human rights based on the principles of living well in harmony with the cycles of Mother Earth, the cosmos, life, memory and accepting interculturality and non-discrimination, guaranteed by the State to all nationals and non-nationals. The State guarantees to all Bolivians and foreigners the enjoyment and exercise of all rights without distinction, exclusion or preference, along with gender equity, ensuring equality between men and women. It also guarantees the validity of the rights claimed by Bolivian nationals living abroad.

In Brazil, immigration is still regulated by the Foreigner Statute (Law 6.815/80), as regulated by Decree 86.715 / 80.

The need for a new migration policy to respond to current migration issues within the regional and national socio-economic context of Brazil was established by consensus among various sectors leading to a bill that broadly incorporates the main human rights standards in terms of migration.

The list of the bill's guiding principles corresponds to those upheld at the regional level by the SACM.

One notable inclusion is the prohibition against the deportation, repatriation or expulsion of persons considered refugees, who are stateless and those in need of humanitarian assistance.

In Chile, a new law is being advanced that would replace decree law 1.094 of 1975, known as the Law on Foreigners.

The bill, which is waiting to be placed before Congress for debate, contains general principles regarding unrestricted respect for human rights, promotion of the inclusion of migrants in

society, equality before the law, special protection for migrant children and adolescents, access to timely information on entering, staying in and leaving the country and the facilitation of regularization of the migratory status of foreigners who have legal reasons for migrating, among others.

In Colombia, the National Council for Economic and Social Policies (CONPES) established a "Comprehensive Migration Policy," which incorporates guidelines, strategies and actions for Colombians living abroad and foreigners residing in the country.

At its core is the defence, protection and guarantee of the rights of all migrants to migrate freely and with the support and protection of the State. The Colombian Ministry of Foreign Affairs issued Immigration Decree 0834, which entered into force in June 2013. The new instrument was designed to modernize the Colombian immigration system and current regulations to adapt them to the mobility needs of today's world. Its text consolidates all immigration requirements, permitted activities and obligations that foreign companies and citizens must comply with.

Ecuador introduced the "Ecuadorian Human Development Plan for Migration" (PEDHM), which would later form the basis of the Andean Human Development Plan for Migration (PADHM), which in turn was taken as the main reference for the "South American Human Development Plan for Migration" (PSDHM). In this country, respect for migrants' human rights is incorporated into the National Constitution (Articles 40, 41, 42, 63, among others). Specific immigration legislation, which dates back to 1971, is awaiting modification to bring it in line with the new supreme law.

In Peru, the Law on Immigration (Legislative Decree 703 issued on 14 November 1991) was in force for 24 years until it was replaced by new immigration legislation in 2015 (Legislative Decree 1236). The law simplifies the procedures for applying for residency, enshrines the non-criminalization of irregular migrants, protects migrants who are at risk and adds the category of humanitarian migration. In Paraguay, the immigration system was established by General Law on Migration 978/96. In 2014, a document entitled the "National Migration Policy" based on a human development perspective was drafted with the technical support of IOM and formalized by Decree 483/2015 of the Presidency of the Republic, becoming Paraguay's first official policy on this matter. There is also a draft immigration law pending discussion and passage by the Paraguayan parliament. This law regulates the migration of foreigners and the migration and repatriation of nationals.

In Uruguay, a new immigration law (Law No. 18,250) was introduced on 6 January 2008 and its regulation process concluded on 24 August 2009.

The law recognizes the "inalienable rights of immigrants and their family members regardless of their immigration status, sex, race, colour, language, religion or conviction, political or other opinions, national, ethnic or social origin, nationality, age, economic situation, patrimony, marital status, birth or any other circumstance" (Official Gazette, 17 January 2008).

It also recognizes the situation of Uruguayans residing abroad and grants exemptions to returnees, allowing them to bring with them personal and family items (including a car), tools, apparatus or other instruments of work without paying customs duties, taxes and related fees.

The Law also established a National Migration Board (Article 24) to advise the Executive and coordinate future migration policies.

In Venezuela, Immigration and Migration Law 37.944 (24 May 2004), regulates all matters related to the admission, entry, stay, registration, oversight and reporting, exit and re-entry of foreigners in the territory of the Republic, as well as their rights and obligations.

Immigrants who have entered the country have the same rights as nationals, with no more limitations than those established in the Constitution.

All its provisions are applicable regardless of the individual's immigration status. The Venezuelan legal framework recognizes the constitutional and legal equality of rights between nationals and foreigners.





XIII SACM, Cartagena, 2013

VI.1.b Inter-institutional coordination

The aforementioned legal changes to migration policies have been accompanied by various measures aimed at modernizing immigration management.

Within this modernization process, inter-institutional coordination between Executive Branch agencies has been strengthened, even though its application has developed slowly.

In **Argentina**, the entity tasked with applying Law 25.871, which was passed by Congress in 2004, is the National Directorate of Migration (DNM) under the Ministry of the Interior. In recent years, this body has modernized its structure, adapting it to the inclusive objectives of existing policy and regulations and has improved levels of coordination with civil society organizations. Refugee assistance is provided by the National Commission for Refugees (CONARE), which also comes under the Ministry of the Interior.

For its part, the Directorate General of Consular Affairs (DIGAC) of the Ministry of Foreign Affairs and Worship has jurisdiction over all issues related to Argentinean citizens living abroad along with migration policies as a component of Argentina's foreign policy.

In **Bolivia**, the Directorate-General of Migration (DIGEMIG), of the Ministry of Government, is in charge of the administration and regulation of the movement of people, revenues entering and exiting the national territory and the control of the permanence of foreigners.

The Directorate-General of Consular Affairs (DGAC) of the Ministry of Foreign Affairs, coordinates the "National Agreement for Bolivians Abroad," an entity composed of government agencies and civil society organizations.

The country also has a National Commission for Refugees (CONARE).

An inter-institutional coordination body, the National Migration Council, was created by Supreme Decree (2009).

A National Council for combating smuggling of migrants and trafficking in persons has also been set up.

Brazil has a system of shared jurisdiction.

The Ministry of Justice regulates immigration and the policy regarding settling is implemented by the National Immigration Council (CNIG), which is made up of a representative of the Ministry of Labour, who presides over it, another from the Ministry of Justice and one each from the Ministries of Foreign Affairs, Agriculture, Health, Development, Education and Tourism.

The CNIG is the body that sets the objectives of the country's immigration policy and migrant work permits are issued by the General Immigration Coordination (CGI).

Links with nationals living abroad are the responsibility of the Ministry of Foreign Affairs through the Consular Regulation of Brazilians Abroad (DCB) and the Undersecretary General for Brazilian Communities Abroad.

In **Chile**, the Ministry of the Interior, through the Foreigners and Migration Department (DEM), manages the objectives of immigration policy. The Ministry of the Interior shares its work with the Directorate General of Consular and Immigration Affairs which is under the Ministry of Foreign Affairs.

The Migration Policy Council, set up in November 2015, is formed by the Ministries of Interior, Foreign Affairs, General Secretariat of the Presidency, Education, Justice, Labour, Health and Social Development.

An Inter-sectoral Bureau on Trafficking has also been established.



In **Colombia**, the Ministry of Foreign Affairs has jurisdiction over immigration matters.

The Ministry's work is complemented by that of other government agencies that form the National Migration System (Law 1465 issued in 2011), such as the National Inter-sectoral Migration Commission (CNIM), which is the body responsible for coordinating and guiding the implementation of the country's immigration policy; State and governmental agencies that have functions and objectives related to migratory issues; and the National Civil Society Migration Board.

In recent years, the State has updated its immigration structure, as demonstrated by changes introduced in the functions assigned to the different public sector institutions in charge of migratory issues.

Since January 2012, the Colombian Special Administrative Unit for Immigration has supported the Ministry of Foreign Affairs and has also taken over the functions of surveillance and control of immigration and foreigners. Those areas were previously managed by the Administrative Department of Security (DAS).

The situation of refugees is dealt with by the Advisory Commission to Decide Refugee Status, made up of officials from the Ministry of Foreign Affairs.

In **Ecuador**, migratory institutions have reached various milestones in the last decade.

Since 2006, it has been possible to note long-term national policy planning instruments such as the National Plan for Foreign Policy (PLANEX) in 2010.

Since 2007, the National Development Plan established that jurisdiction over immigration issues at the national and regional levels would be held by the Ministry of Foreign Affairs, Trade and Integration (MRECI), which, through Decree 20, was renamed the Ministry of Foreign Affairs and Human Mobility.

Likewise, the National Secretariat of the Migrant (SENAMI) was renamed the Vice-Ministry of Human Mobility through Decree 150. This body was created to promote and protect the rights of Ecuadorian migrants living abroad, including a network of Ecuadorian residences.

In **Paraguay**, the Inter-Institutional Population Committee was set up in 1998. It is chaired by the Ministry of the Interior and consists of 18 institutions, including the General Directorate of Migration (DGM), the Ministry of Foreign Affairs and the Secretariat for Binational Returnees and Refugees, among others. However, the DGM is the only body responsible for implementing immigration policy in the country. In recent years the "Migration Policy of Paraguay" document was adopted and in 2014 the Project for Strengthening and Modernization of Migration Management in Paraguay was launched. The latter is one of the main achievements of the National Migration Policy Team (ENPM), which was formed by representatives of 43 governmental institutions (Executive, Legislative and Judicial Branches), civil society, the private sector and academic institutions.



VI.1.c. Migration information

In terms of information on international migration, the SACM considers it necessary to disseminate and exchange information to respond to policy definition needs in this area. Since the late twentieth century, the nations of South America have generally attempted to implement information systems on international migration, including country-specific migration profiles, population and housing censuses, household surveys, records of international entries and exits, population registries and registries for foreigners, among others.

In **Argentina**, immigration statistics are mainly provided by the National Census of Population and Housing, household surveys and administrative records, such as those dealing with income and spending, applications and granting of refugee status and passports and the settlement of foreigners, among others. Some ministries, such as the Ministry of Labour, Employment and Social Security, have specific studies related to their respective jurisdictions.

In **Brazil**, each public body independently designs, compiles and evaluates available statistics on migration. The entities responsible for the management of migratory data and data sources include the Central Bank of Brazil

(remittances), the Federal Police Department (registry of international entries and exits), the Brazilian Institute of Geography and Statistics (IBGE) (Censuses and surveys), and the Ministries of Justice, Labour and Employment and Foreign Affairs. Each has its own data compiled from asylum applications, residence permits and work permits, among others.

In **Chile**, each government agency is responsible for gathering and disseminating its statistics, with no linkages between the respective agencies.

Colombia has several agencies that gather statistical information on migration. However, the National Administrative Department of Statistics (DANE) is responsible for planning, surveying, processing, articulating, analyzing and disseminating official statistics in Colombia.

There is also a connection between the DNM and the National Institute of Statistics and Censuses (INEC) in **Ecuador**.

However, the Vice-Ministry of Human Mobility is responsible for both the public management of migrants and the production of information.

Some of the main data sources in Ecuador are population and housing censuses, surveys on living conditions and entry and exit records.

In **Paraguay**, each government agency gathers information independently. However, the General Directorate of Statistics, Surveys and Censuses (DGEEC) plays a unique role in the production of migratory information.

In **Peru**, the General-Directorate of Migration and Naturalization of the Ministry of the Interior (DIGEMIN) and the National Institute of Statistics and Informatics (INEI) work together to produce data on migration from various information sources.

In **Uruguay** and **Venezuela**, each government agency independently generates, compiles, evaluates and disseminates information.

In addition to the systems for migration information in each country, there are data systems on international migration in South America based on both quantitative and qualitative data.

These include the International Migration Research Project in Latin America (IMILA), the Continuous Reporting System on International Migration in the Americas (SICREMI) and the Centre for Information on Migration in Latin American (CIMAL).





**"En las crisis humanitarias
la prioridad es salvar vidas"**

William Lacey Swing
Director General de la OIM
XV Conferencia Suramericana sobre Migraciones
Septiembre 9, 2015 - Santiago de Chile

XV SACM, Santiago, 2015



VI.2. Linkage programmes

Given the volume of the South American population that has emigrated from their countries of origin, the region's governments have developed several linkage programmes with nationals living abroad over the past decade.

SACM member states have stressed the importance in the organization's statements of implementing programmes that allow a link to be forged with nationals residing abroad.

The issue has been raised since **II SACM**, which was held in Santiago, where participants focused on the need to strengthen relationships between South Americans residing outside of the region and their respective countries and communities of origin.

Furthermore, at **III SACM** in Quito, the member states noted the longstanding concerns of the region's governments, religious institutions and non-governmental organizations regarding the protection of South American nationals living abroad.

At **IV SACM** in Montevideo, the issue was revisited and participants noted the importance of including human, social and cultural aspects in migratory and consular management, pro-

viding assistance to nationals of the countries of the region who are living abroad and ensuring that they receive fair, equitable and humane treatment. Based on this approach, the members proposed to exchange experiences and identify best practices in the different linkage programmes developed by the countries of the region.

At **V SACM** in La Paz, the members highlighted the importance of creating or consolidating policies and programmes for migratory governance designed to foster growing and ongoing lines of work with nationals living abroad.

At **VI SACM** in Asunción, the concept of "broader citizenship" was explicitly raised as expressed in the voting rights of migrants, both in countries of origin and destination. The Conference also encouraged facilitating connections between migrants and their countries of origin and allowing the transfer of skills and investment opportunities to contribute to the development of their communities, the maintenance of their cultures of origin and the organization of migrant communities within the host countries.

At **VIII SACM** in Montevideo, members noted the need to strengthen a policy of linking the SACM member countries with their citizens living abroad.

At **IX SACM** in Quito, participants agreed that they share a goal of actively contributing to the promotion of the skills of the region's migrants as political, economic, cultural and scientific actors, fundamentally - and here a new objective was incorporated - to foster development in societies of origin and destination.

At **X SACM** in Cochabamba, this issue was revisited with the same objectives.

At **XI SACM** in Santiago, the conference participants proposed a new strategy for linking to nationals abroad that consisted of joint government actions, coalition building and best practices.

At **XIII SACM** in Cartagena, linkage programmes headed the list of objectives of Theme III (Strengthening governance of international migration) and a commitment was made to strengthen these programmes, taking into account the fact that this line of action forms part of the institutionalization process of the SACM.

Lastly, at **XV SACM** in Santiago, the commitment was renewed with one of the basic principles supported by the Conference, in terms of the implementation of policies and programmes to link up with nationals living abroad, as well as to promote their skills.

Considering the importance given to the issue of creating connections with nationals living abroad, it can be said that different goals have guided the objectives of these programmes in the region's countries at different points in time.

As such, the human resources connection to highly qualified emigrants can be identified as the first programme of this type. Given the increased migratory flow, which was encouraged by the receiving countries with no capacity of retention by the countries of origin and whose return is very difficult without the existence of incentives or comparable economic benefits (Adanali, H, 2006), South America was a pioneer in establishing programmes of linkage with this qualified emigration in the early 1990s (Meyer, 2009).

During this same decade the countries of the region addressed the phenomenon of mass emigration as the target of public policies and programmes. This awareness was initially re-

flected in "proactive consular" programmes, which sought to establish connections with nationals abroad for their protection and the development of assistance in areas such as education and healthcare.

In addition to this social link with migrants, another objective that was strengthened was a broadening of citizens' rights.

The objectives of these programmes were citizen participation in the country of origin through voting rights abroad and -in some cases- the representation of nationals residing abroad in the parliaments of the countries of origin.

It is important to emphasize the fact that countries accepted the right of their nationals to receive another citizenship.

Lastly, and basically due to the increase in remittances, the governments of the region have developed actions to facilitate transfers through lower costs and more convenient options offered by banks. Also, although hitherto reduced to specific actions, programmes have been put in place to channel remittances, identifying investment funds, exempting taxes, providing seed funds for investments and establishing mortgage savings and credit systems.

Based on the above considerations, the linkage programmes developed in the countries of South America have placed priority on the concept of "broadened citizenship" for their nationals living abroad. Protection, access to social rights, promotion of the culture of origin and, in particular, the extension of political rights have been a priority in these programmes.

The criterion of "benefit" in terms of the contributions of migrants to the country of origin has also been considered, initially in cases of links with qualified human resources emigrants and, over the last decade, in relation to the facilitation and use of remittances.

This would suggest that the focus of programmes for nationals abroad has been the "granting of rights" rather than the "pursuit of benefits," although the latter are being considered in some of the programmes implemented by different governments, examples of which are mentioned below.

In Argentina, Law 24007/91 created the Registry of Voters Abroad, which allows Argentineans who have emigrated to vote in national and legislative elections and MERCOSUR parliamentary elections.

The National Directorate of Consular Affairs oversees this process as the body responsible for everything related to overseas citizens.

The sub-programmes of the Network of Argentinean Researchers and Scientists Abroad (RAICES), some of which have been more successful than others, have proven to be ideal for maintaining connections with scientists and researchers so as to contribute to national development and knowledge.

One of its major supporters was the E. Milstein sub-programme, which links researchers and scientists for one-year periods of academic work in the country.

The Productive RAICES programme, aimed at strengthening productive enterprises with high-level technology; the Semillas (Seeds) programme and an attempt to include those Argentinean emigrants who are not considered in the higher-grade categories, such as the Return to Work Programme.

The goal of the Province 25 Programme set up by the Ministry of the Interior and Transport was for Argentineans living abroad to develop their status as citizens, promoting spaces for democratic participation and facilitating the

exercise of the right to vote.

It was designed to promote the exercise of the political rights of Argentineans abroad along with their integration and a unification of their representation, to assist them in the public efforts that are the responsibility of this Ministry and to strengthen the links between them and the Argentinean State.

In Bolivia's Constitution (2009), Article 27 explicitly recognizes the rights of nationals residing abroad to participate in presidential elections. The National Agreement for Bolivians Abroad contains a proposal to consolidate the linkage of migrants with their families, as well as to make it easier to obtain documents and develop strategies to overcome situations of economic, social, political and cultural vulnerability. In addition, customs tariffs were lifted for household goods and productive equipment for families wishing to return to the country after two or more years abroad.

Brazil also has programmes such as the Council of Representatives of Brazilians Abroad (CRBE, 2010) through which it seeks to establish a communications channel between the Brazilian government and the country's diaspora (its representatives are elected by expatriate

Brazilians). For its part, the Council of Brazilians Abroad has sought to identify the demands of such Brazilians, leading the way for a new stage in the relationship between the government and the diaspora. The Ministry of Foreign Affairs has also set up a consular webpage that provides information on support overseas, migration policies, legislation and guidance for Brazilians.

It also runs programmes such as Casa do Brasil (House of Brazil, 1990) which seeks to disseminate Brazilian culture and language through language courses, film screenings, exhibits and concerts by Brazilians, so as to promote Brazilian culture in different countries and provide expats with a place to stay in touch with their roots.

In **Chile**, the aim of the "Government on the road: Chile stands beside you" programme (2005) is to forge links with its citizens living abroad through annual visits to selected countries to inform members of the Chilean community of the benefits that all of the country's citizens enjoy.

Furthermore, the Chilean government has now recognized the right of citizens who live abroad to vote in presidential elections, primaries and referendums. Today about 1 million Chileans living outside the country (from former exiles to graduate students) will be able to participate in the general elections that will be held in 2017.

In **Colombia**, the Colombia Unites Us programme of the Ministry of Foreign Affairs (2004) helps forge links with the country's emigrants.

A Website provides information on events involving Colombians abroad, along with news, documents and consular matters. Moreover, the Internal Working Group attached to the Department of Migration, Consular Affairs and Citizen Service seeks to link up Colombians abroad and include them in the development of public policies.

Likewise, with the National Development Plan of the Government of President Juan Manuel Santos, which includes migratory issues in Chapter III, "Sustainable Growth and Competitiveness" and as part of Cross-Cutting Support to Competitiveness, remittances are considered an

essential input for the Colombian economy and that the process for sending these through the financial system should be made easier, with lower monetary and transaction costs.

Finally, this country is one of the few that allows for the political participation of its citizens living abroad and has two parliamentary seats for an overseas electoral district representing the interests of this sector.

In **Paraguay**, nationals residing abroad are eligible to vote. After registering, they can vote in elections and be elected to political office in their home country, although they cannot run for the offices of national deputies or departmental (provincial) governors, or hold elected positions at local government level.

Those who are permanently settled abroad enjoy the same rights as any other citizen to participate in presidential and municipal elections. Furthermore, in recent years a series of programmes aimed at linking up with the emigrants has been developed in Paraguay, including the Comprehensive Care Plan for Fellow Citizens, which promotes the regularization of documents and other assistance services, such as legal aid guidelines for documentation, healthcare, employment, job training and edu-

cation. Another important initiative is the My country, My home Programme (2010), developed within the framework of the "Public Policy for Social Development" initiative, which seeks to provide preferential attention to returnees and Paraguayan's residing abroad who wish to participate in the country's house building programmes.

In **Peru**, the Law for Voting Abroad was passed in 2001 and the Law on Dual Nationality in 1995.

The National Agreement issued in 2002, outlines the policy for nationals residing abroad that covers reform of consular services, along with policies for local protection, humanitarian assistance, support for legal insertion in the labour market and respect of the human rights of people in receiving countries and a policy to promote cultural and national links.

Consular services have been reformed to provide the best possible legal protection for Peruvian migrants. This has been carried out as part of an inter-institutional collaboration with the Ombudsman's Office. Key initiatives include the "My House" and "My Own Roof" savings and mortgage programmes and "El Quinto Suyu" (Your Fifth) - Ministry of Foreign Affairs (2005), which provides information on

access to mortgage loans and the acquisition of housing with remittances sent from abroad.

Furthermore, to strengthen links with Peruvian communities abroad a mechanism of "Consultation Consensus" has been set up, which enables dialogue between the Peruvian community and the country's consulate.

With respect to Return Programmes, a productive return web platform has been created to help guide migrants returning to the country. The objective of the "Vamos Perú" programme launched in 2008 is to offer training, including to returnees.

Lastly and in terms of assistance programmes, Peru has created a "Solidarity with My People" initiative (2006), which aims to promote the participation of nationals living abroad in social projects that benefit local communities.

In **Ecuador**, the Vínculos (Links) programme (2008) seeks to strengthen and improve spaces and mechanisms for the participation and communication of emigrants with their families, communities, organizations and country. In addition, Ecuadorian Houses Abroad (2008) promotes integration and provides services to Ecuadorian migrants alongside those offered by consulates.

Uruguay has established programmes to link up with qualified human resources; these include the Programme for the Circulation of Highly Qualified Uruguayans (CUAC, 2005), which seeks to promote the active and effective linkage of highly qualified Uruguayans residing abroad with the country's institutions.

These policies seek to establish channels for interaction between qualified nationals and their country of origin to draw on the experience, contacts and knowledge of highly qualified migrants to assist development and the participation of such people in national enterprises.

A website has also been created as a point of contact between Uruguayans inside the country and those residing abroad. For its part, Department 20 (2005) provides support to the Consultative Councils and the different initiatives that emanate from these for the organization of networks.

It also provides information about bridging sites with Uruguay, which cooperate with and publish news about Uruguayans out of the country.

Along with news and events, it also reports on voting for expats (which is still pending) and other issues.

Lastly, the TALVEN programme in **Venezuela** (1995) seeks to establish networks with more than 400 scholarship recipients abroad who are undertaking specializations, master's degrees and doctoral and post-doctoral studies, to promote the dissemination of their research projects.



XV SACM, Santiago, 2015



VI.3. Returnee programmes

At the **VI SACM** in **Asuncion**, the issue of return migration was formally identified as a priority for programme formulation and implementation.

At the **IX SACM** in **Quito**, governments noted with interest the progress of the Return Programmes set up in some of the region's countries and welcomed voluntary returnees, pointing out the need for Return Programmes to be framed within State policies for immigration.

At the **XI SACM** in **Brasilia**, a proposal was made to share experiences on the subject among member states and to encourage any initiative that facilitates the positive reintegration of nationals residing abroad in their country of origin.

At the **XII SACM** in **Santiago**, the Conference was presented with the document "Contributions of the International Seminar on Return Migration in Latin America," a product of the event held in Quito, Ecuador, in October 2012.

Return Programmes for migrants to their country of origin have been set up in Latin America, especially in those cases where totalitarian regimes have been replaced by democratic governments.

Such cases include returnees to the Southern Cone in the 1980s and Central America in the 1990s. Undoubtedly, these experiences of the return of migrants forced to leave their countries due to political reasons differ from the most recent phenomenon, which is more associated with economic, social, cultural and sentimental factors, among others.

Although current regulations in several countries indicate that their scope encompasses all types of migration, Return Programmes have been predominantly focused on people with qualifications.

Apart from the stated purpose of governments to recover their émigré population and seek to adequately reintegrate them into their respective societies, in the last few years receiving countries have promoted return migration in a context of the deterioration of the economies and labour markets of such countries. This has led to a marked increase in the flow of returnees.

In **Argentina**, the Ministry of Science, Technology and Technological Innovation is responsible for the programme Network of Argentinean Researchers and Scientists Abroad (RAICES that also means 'roots'), which was established as State policy by Law 26.421 (2008). The aim of this initiative is to strengthen scientific skills and technology in the country through the development of connections with Argentinean researchers residing abroad, as well as actions designed to encourage researchers to stay in the country and the return of those interested in contributing to development activities in Argentina.

Through some of its sub-programmes, such as Productive Roots and Back to Work, skilled Argentineans living abroad are encouraged to return home.

In **Bolivia**, Decree 0371 (2 December 2009), which amended Article 192 of the General Customs Law, establishes special treatment for Bolivians who decide to permanently return to and live in their country.

Aimed at families wishing to return to Bolivia after two or more years abroad, it sets a ceiling of USD 50,000 for household goods exempt from customs duties.

For its part, the "Productive Return" pilot programme is meant to further develop the country's agricultural sector through the allocation of land in eastern Bolivia and the materials and tools needed to establish new "agriculturally productive communities." The programme is directed at Bolivian families in Chile and Argentina who have expressed an interest to return to their country and whose living conditions abroad are considered precarious. This initiative has benefited around one hundred families.

Furthermore, the "Return and Sustainable Reintegration Plan for Bolivian Migrants" has been running since 2011. Based on coordination between the Directorate-General of Consular Affairs of the Ministry of Foreign Affairs and IOM, it forms part of the AENEAS programme.

This plan advocates the implementation of public policies for the return of migrants from a comprehensive and territorial approach based on inter-institutional coordination.

In **Brazil**, IOM supports the Ministry of Foreign Affairs in the dissemination of information on Return Programmes, which it carries out through its return website: this platform provides

a return guide to the country prepared jointly by Brazilian federal agencies. Brazil's efforts to support its emigrants form part of the country's decentralized policies, shared by many of its ministries and official bodies. One example is the "Minha Casa, Minha Vida" (My house, My life) Programme, which finances the purchase of housing for low-income returnee families (Federal Fund), provides border support to immigrants who are victims of the smuggling of migrants and trafficking in persons, offering assistance and general information to the migrants (Federal Government). There are also microcredit programmes geared to the productive economy, which offer technical support for access to business loans (Ministry of Labour and Employment).

In the case of **Colombia**, the civil-society led "Network Colombia Programme" implemented by the Ministry of Foreign Affairs allows for a discussion of the disadvantages and opportunities of returning to the country. Moreover, in 2007 the Colombian government passed the Law of Return, through which machinery, equipment and household goods entering the country are exempt from customs duties, while other programmes provide alternatives for remittance investment aimed at housing savings. For its part, the "Colombians Insured Abroad Programme" run by the Social Insurance Institute allows pension contributions to be made from abroad so as to ensure a financially safe return to Colombia. Furthermore, recognition of diplomas and pension contributions made abroad (through bilateral agreements with other governments), as well as agreements with banks for microcredits for Colombian migrants, represent other important areas of support for returnees.

In **Ecuador**, the "Human Development Plan for Migration 2007-2010" provides the "Welcome Home Programme," which includes the "Cucayo Programme," "Physical Return Programme" and the "Migrant Bank Programme." The "Cucayo Programme" seeks to encourage and guide the productive and social investments that people or social groups wish to make in Ecuador, offering information on business opportunities and participation in infrastructure works.

It provides specialized technical advice and promotes public and private aid for the creation and strengthening of companies.

The "Physical Return Programme" provides for a series of facilities and measures that will contribute to the progressive reduction of economic and legal obstacles faced by returnees, as well as a package of measures to help the social and labour reintegration of such migrants.

The "Migrant Bank Programme" provides finance to both large construction works, along with loans or microcredits in Ecuador and in the countries of destination.

Furthermore, Article 40, paragraph 4 of the country's Constitution states that the Ecuadorian State "will encourage voluntary return."

In **Peru**, Law 28182 for migratory or return incentives, together with its regulations D.S028-2005-EF, were passed in 2005.

This law applies to those who have lived abroad for no less than five years. It includes tax exemptions for household goods, motor vehicles, professional instruments, machinery, equipment and capital goods.

In **Paraguay**, Law No. 227/93 created the Development Secretariat for Returnee and Refugee Compatriots, amended and extended in 2009 by Law 3958 and designed to facilitate

and support the return of Paraguayan citizens who wish to do so, or promote return migration through agreements with the countries of destination or with public or private organizations.

In 2012, Law 4815 was passed creating the Development Fund for Returnees and establishing the destination they should be given.

In **Uruguay**, Department 20 of the Directorate of Consular and Foreign Affairs of the Ministry of Foreign Affairs has carried out robust work on policies related to nationals living abroad, placing priority on strengthening a new approach to the way citizens residing abroad relate to their country, as also established by the new Migration Law (2008) and its regulations.

Within this context, the Office of Return and Welcome was set up. One of its roles is to coordinate with agencies that provide services to the country's diaspora (Ministry of the Interior, Ministry of Tourism, and so on).

Consultative Councils have been held through which Uruguayan citizens residing abroad have the opportunity to discuss and exchange information about the issues that affect their lives.

Uruguay's President and governors have sought to implement actions that facilitate the reintegration of Uruguayan returnees, including the dissemination of a manual for returning migrants.

This manual outlines the formalities and procedures that Uruguayans must carry out to return to the country after living abroad for at least two years.

An agreement has also been established with the Ministry of Public Health to facilitate access to healthcare provision for those returning to the country.



IV SACM, Montevideo, 2003

VI.4. Regularization programmes for migrants

The SACM will participate in a process that was already being developed in the region and which contributes towards clarifying and implementing, the regularization of those migrants who find themselves in an irregular situation through the recognition of the social inclusion of migrants.

This objective, which has been proposed as a human right of the migrant since the beginning of the consultative process, was clarified in terms of the "full integration of the migrant" in the **II SACM in Santiago**.

In the **IV SACM in Montevideo**, the issue was revisited, favouring policies that facilitate the circulation, permanence and residence of the citizens of the countries of South America within the same region.

In the **IX SACM in La Paz**, the issue was included in the ninth point of the Declaration, wherein approval was voiced for the agreements and initiatives to facilitate and regularize migratory flows among the countries of the region and member states were urged to strengthen such initiatives.

In the **VI SACM in Asuncion**, regularization of migrants was seen as representing the unilateral progress made by some of the region's States, while the governments of receiving countries were urged to make every effort to normalize the status of irregular migrants resident in their countries.

The subject was revisited in the **VII SACM in Caracas**, where the need was proposed to implement policies to regularize the situation of migrants and their families in receiving countries, in accordance with international principles and commitments for the human rights of migrants.

At **VIII SACM in Montevideo**, countries that had not yet done so were urged to adhere to the MERCOSUR agreements on residence and immigration regularization. Countries were also requested to foster unilateral initiatives and agreements to facilitate and regularize the residency status of migrants in the region.

At **IX SACM in Quito**, emphasis was placed on the migratory regularization agreements between member states of the Conference and negotiations, normative policies, cooperation programmes and courses of action that facilitate such regularization were encouraged.

At the **X SACM in Cochabamba** and **XI SACM in Brasilia**, attention was drawn to agreements and instruments for the regularization of migration signed between member states.

One of the main themes of **XIII SACM in Cartagena** was the issue of regularization. Participants noted that "immigration regularization is a mechanism that allows South American migrants to enjoy the full exercise of their rights and strengthens regional integration."

At the unilateral level, such rights were expressed and then applied in Argentina through the "Patria Grande" (Great Homeland) Programme, in compliance with Law 25871 passed in 2004.

This programme went beyond an amnesty, initiating a new form of migratory management through which the permanence of migrants was favoured to the extent that it was framed within the bilateral and multilateral agreements signed by the Argentinean State (Arias Duval, 2012).

In Bolivia, a commitment was made to issue a Decree of Regularization as part of Migration Law 370 passed in May 2013.

In Colombia, a regularization process for all irregular migrants was established by Decree 3970/2008.



In Ecuador, several articles included in the Constitution that came into force in 2008 refer to the treatment of human mobility.

Through Resolution 22 (March 2011), an extraordinary process of immigration regularization was implemented.

While through Executive Decree 248, signed in February 2010, the Government of Ecuador granted a migratory amnesty to all Haitian citizens who were living irregularly in the country.

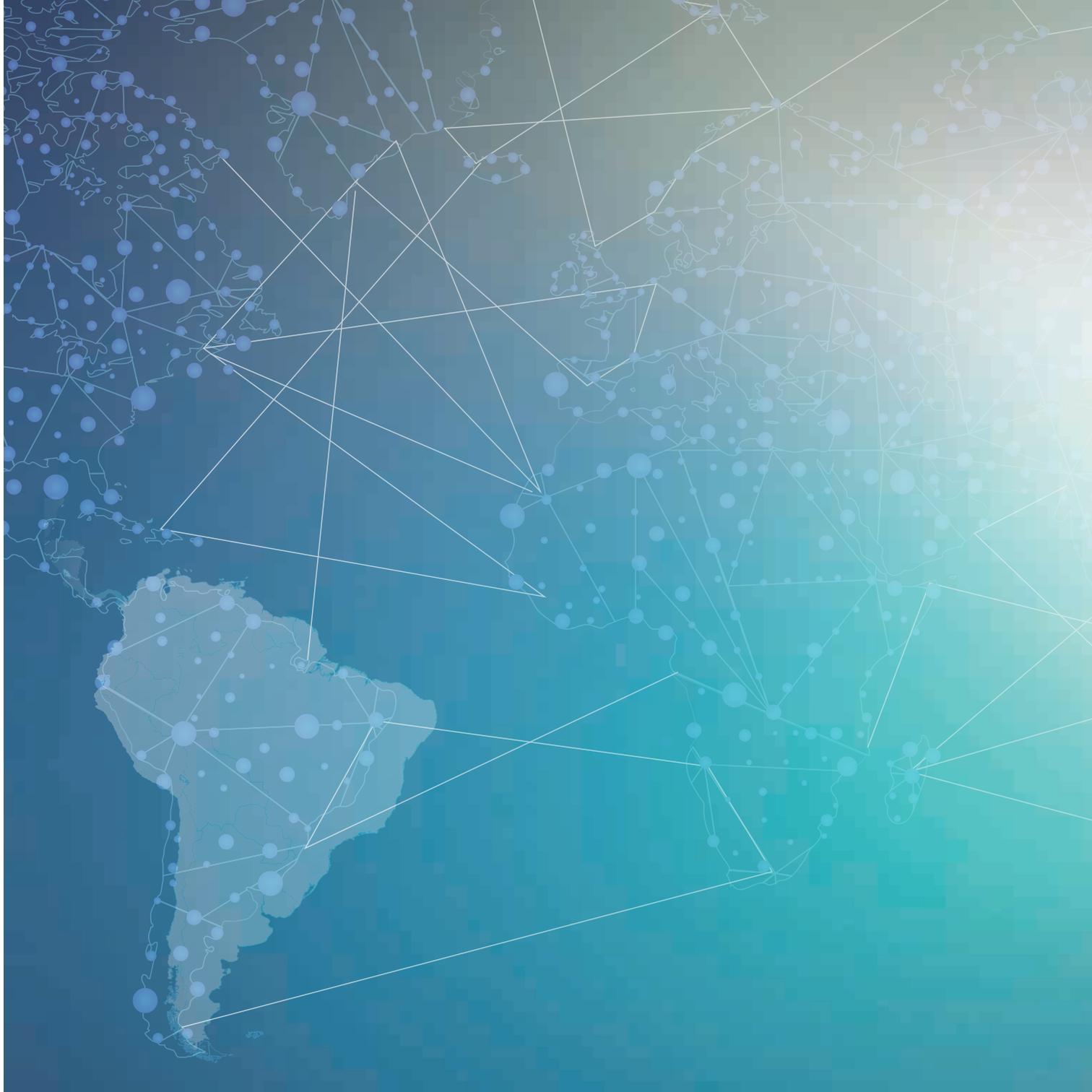
Paraguay issued an amnesty in 2011 through Law 4429, supported by Regulatory Decree 8373 (2012), to regularize the immigration status of irregular foreigners.

Lastly, Venezuela also carried out a process of immigration regularization through Decree 2823 (2004).





Official Photo XIII SACM, Cartagena, 2013





**VII. THE SACM AND BINATIONAL
MIGRATION AGREEMENTS**

At the beginning of the twenty-first century and alongside the development of SACM's space for consensus, various issues then being discussed within the organization were echoed in bilateral agreements that had become well-established in the countries of the region. These included: **social security agreements; bilateral agreements on labour migration; agreements for the regularization of irregular migrants; agreements and conventions on cultural and educational cooperation and recognition of studies; and conventions on the local border traffic of people** (Gurrieri, 2003).

- Bilateral Agreements on Social Security:

Argentina and Chile: Signed on 1 June 1972. In April 1996, a supplementary Administrative Agreement was signed for the application of the Social Security Agreement; however this was stalled due to opposition in Argentina's Congress to regulations concerning the movement of workers. In 2009, the two countries resumed negotiations, signing a new Social Security Agreement on 6 December 2009, which came into effect on 1 January 2010.

Argentina and Colombia: Signed on 14 April 2008.

Uruguay and Chile: Signed on 1 August 1997 and in force as from 1 January 2000.

Uruguay and Peru: Accord for the Application of the Ibero-American Multilateral Agreement on Social Security between Uruguay and Peru, and the Regulatory Administrative Accord on the Application of the Ibero-American Multilateral Agreement on Social Security between Peru and Uruguay. Approved in 2004 by the Uruguayan Executive Branch.

Peru and Chile: Social Security Agreement between Peru and Chile. Adopted in Santiago, Chile on 23 August 2002, entering into force in March 2004.

Colombia and Ecuador: Social Security Agreement between Colombia and Ecuador. Signed in Tulcán, Ecuador in December 2012.

- Bilateral Agreements on Labour Migration:

Bolivia and Peru: 2002

Bolivia and Chile: 2002

Ecuador and Colombia: 2000, for the issue of undocumented migrants.

- Agreements for the Regularization of Irregular Migrants:

Argentina and Peru: In 2004, an Additional Protocol was signed to the Migration Agreement between Argentina and Peru, signed on 16 December 2002.

Argentina and Bolivia: Additional Protocol to the Migration Agreement between Argentina and Bolivia (signed on 6 November 2000); Second Additional Protocol to the Migration Agreement between Argentina and Bolivia (signed on 12 December 2003). On 17 October 2006, the Second Protocol to the Migration Agreement between Argentina and Bolivia entered into force, signed on 21 April 2003. The Agreement allows beneficiaries to be granted a temporary residency of two years, after which permanent residency may be requested, in accordance with the terms of the Agreement on Residency of MERCOSUR. A Joint Consultative Committee is responsible for presenting proposals for interpreting the Agreement.

Peru and Bolivia: Agreement signed in January 2002, entering into force in 2003 and focused on workers. It does not provide opportunities for initiating procedures in the country of origin in the consulate located in the receiving country.

Argentina and Brazil: Agreement for the granting of permanent residence to holders of transitional or temporary residence, signed by both countries on 30 November 2005, following the consensus reached at the meeting between the leaders of both countries in October 2003.

Chile and Ecuador: Agreement signed in 1991 and regulated in June of the same year. Its purpose was to regularize the immigration status of Chilean and Ecuadorian nationals who had entered the other country before 11 March 1990, and whose living status was irregular or undocumented. This was a bilateral and reciprocal amnesty.

Brazil and Uruguay: Work and study agreement for residence, study and work permits for Brazilian and Uruguayan border nationals, in six border towns between the two countries, signed in August 2002.

This agreement is unique because it focuses on nationals of both countries resident in certain border zones identified in the text.

Ecuador and Peru: The countries signed the Border Integration Zone Conformation Agreement (ZZIF), which establishes the continuous border zones of the Andean Community, adopting policies and plans, programmes and projects to promote sustainable development and border integration, within an enlarged border integration region. It was signed on 22 December 2006 and modified on 26 April 2007. In addition, the Ecuadorian-Peruvian Permanent Migrant Statute signed in October 2008 establishes the conditions by which citizens of the Parties can enter each country without a visa and for up to 180 days when undertaking legal activities as an own-account worker, and for 90 days when working as a contracted employee, thus facilitating sports and cultural activities and medical treatment, among other benefits.

Ecuador and Venezuela: Signed in July 2010. The Migratory Statute provides for the application of a regularization process for Venezuelan citizens.

Colombia and Ecuador: Similarly, a Permanent Migrant Statute was signed between Colombia and Ecuador (25 August 2000), allowing for the entry and stay of citizens of the Parties without a visa and for 180 and 90 days, respectively, to undertake own-account and contracted employee work.

- Accords and Agreements for Cultural and Educational Cooperation and the Recognition of Studies:

Argentina and Peru: Agreement for the Recognition of University Degrees between Argentina and Peru. Signed on 12 August 1998; entry into force 1 March 2001. Two additional Protocols were subsequently signed, which adjust the requirements to those requested by the MERCOSUR residency Agreement.

Peru and Colombia: Agreement for the Mutual Recognition of Certificates, Titles and Higher Education Academic Degrees between Peru and Colombia. Signed in Lima on 26 April 1994; entry into force 18 April 2002.

- Conventions for the local border traffic of people:

Argentina and Brazil: Signed in 2005 as a bilateral accord of the Agreement on Residence of MERCOSUR, due to the delay in the entry into force of the Agreement, which required the ratification of all member states. In addition to enabling the free movement of inhabitants of the city-pairs listed in the bilateral agreement, it also enabled them to work or practice with equal labour and social security rights as well as identical labour and tax obligations.

It also provides access to free and reciprocal public education and healthcare and access to border trade in goods or subsistence products. In addition, it allows citizens to travel in their own vehicles, which are registered in the other country.

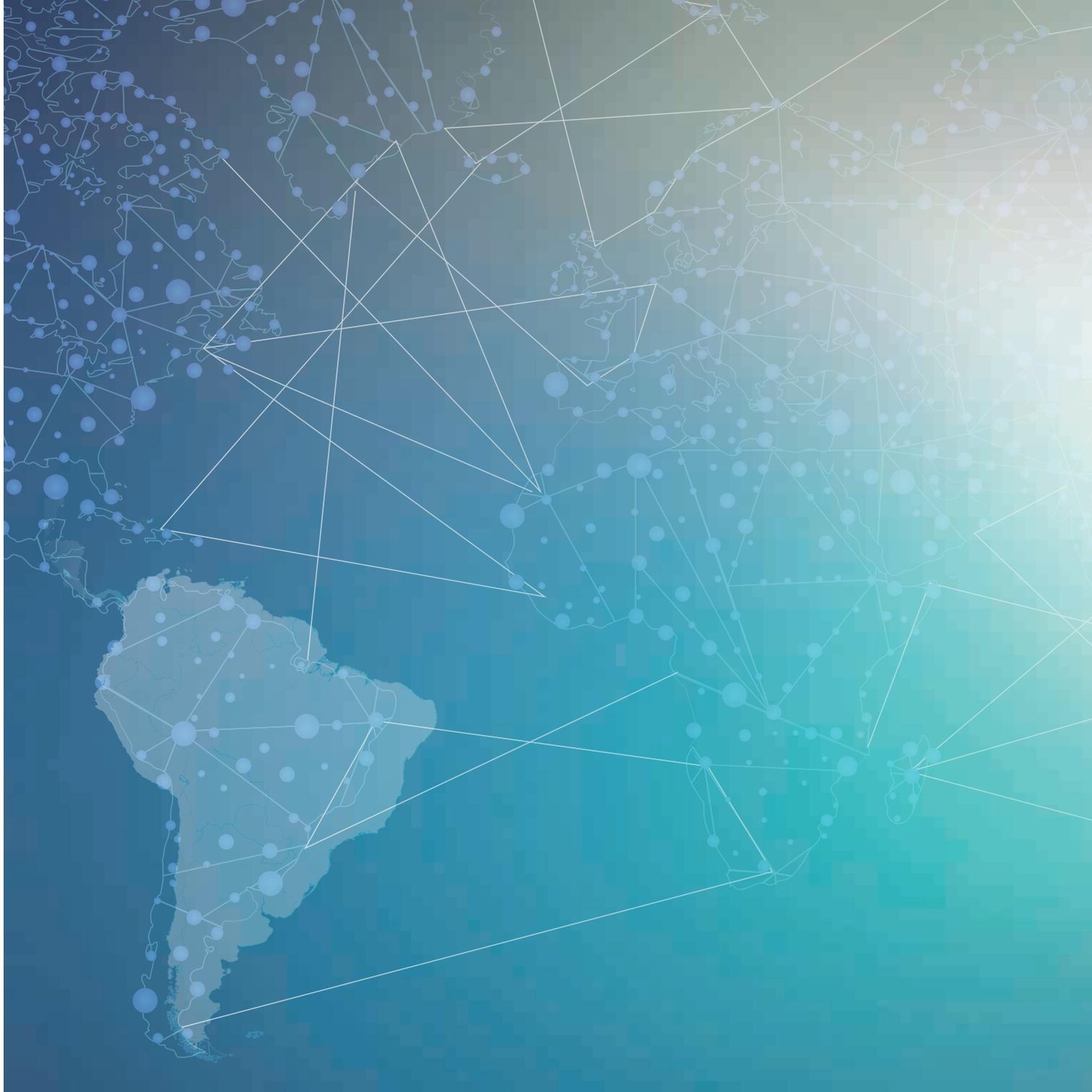
Argentina and Chile: Agreement between Argentina and Chile on Local Border Traffic signed on 6 August 2009, by which citizens of both parties may receive a Local Transit Card that allows them to cross the border to the adjacent locality of the neighbouring country, by means of a streamlined procedure that is differentiated from the other categories, with amendments agreed by Diplomatic Notes in August 2013.

Colombia and Ecuador: Binational Action Programme to Strengthen Border Security between the Ministries of Defence of both countries (2011). Reform of the Convention on the Transit of Persons, Vehicles, River, Maritime and Aircraft Vessels: the Esmeraldas Convention. Signed in Tulcán, Ecuador, in December 2012.

Peru and Brazil: Agreement between Peru and Brazil on Facilities for the Entry and Transit of their Nationals in their Territories. Adopted on 10 February 2004 in Lima; entry into force September 2005.

The purpose of the Agreement is to facilitate the transit of people for tourism or business purposes, without authorization to exercise any activity, profession or occupation that receives remuneration or is for profit.







VIII. THE SACM AND SUBREGIONAL MIGRATION AGREEMENTS

Different issues addressed in the SACM have been enshrined in the subregional agreements adopted in South America, including: **free movement and residence, regularization of irregular migrants, consular assistance, human rights of migrants and their families, the protection of migrant workers, and social security for migrants.**

In 2002, the Andean sub-region adopted Decision 503, which establishes the recognition of national identification documents. In 2003, Decision 116, which created the Andean Instrument of Labour Migration, was repealed by Decision 545, which established the new Andean Labour Migration Instrument.

This new decision provided, among other things, new definitions for Andean workers, including cyclical seasonal work, an updating of the regulations on treatment and opportunities according to ILO recommendations and conventions, a programme for the full alignment of training, the elimination of quotas for workers in the region, and a change in the classification of the migratory situation as from December 2002.

Decision 583 (2004) established the "Andean Social Security Instrument," which seeks to

guarantee adequate social protection for labour migrants, while Decision 584 created the "Andean Occupational Safety and Health Instrument."

With regard to policies for migrants arriving from outside of the region, the following should be noted: Decision 548 (2003), "Andean Cooperation Mechanism on Consular Assistance and Protection and Migration Issues." In addition, Decisions 504 (creating the Andean passport); 525 (establishing the minimum technical requirements of nomenclature and security of the Andean passport); and 463 ("Development and Integration of Tourism") are worthy of note. Furthermore, in August 2006, the General Secretariat of the Andean Community of Nations (CAN) raised a proposal on guidelines for the Andean Common Foreign Migration Policy.

At the V Meeting of the Andean Subcommittee of Labour Migration Authorities (CAAML) in 2011, approval was given to the regulations of Decisions 545 ("Andean Labour Migration Instrument") and 583 ("Andean Social Security Instrument"), both of which focused on ensuring the same treatment in labour matters to nationals and citizens of CAN within the scope of the four member states.

The CAAML also completed its analysis of the Andean Human Development Plan for Migration, so that the Pro Tempore Presidency of the Andean Committee of Migration Authorities (CAAM) would be able to submit it for consideration by the Andean Council of Ministers of Foreign Affairs.

In the Andean Community, a subregional consultation process was initiated in Quito in 2008 with the first "Andean Forum on Migration." At the second Forum in Lima in 2009, the "Andean Human Development Plan for Migration" was adopted; and in the third Forum held in Quito, the delegations of the countries of the Andean Community and Chile, participating as an associate country, reaffirmed their decision to promote the approval of the aforementioned Human Development Plan and to strengthen technical and statistical efforts that favour Andean migrants.

Following the successive approvals of the Agreement on Residency for Nationals of MERCOSUR States and Associated States which, by 2015 and as previously mentioned, covered and was in force in nine of the 12 countries of the region, CAN is now discussing the reshaping of its legislation in the light of the commitments made by adopting this Agreement.

This represents an important effort towards the convergence of both subregional processes in migration matters, which is consistent with CAN's membership in the SACM and adherence to its principles.

At the same time and in the context of MERCOSUR, it was considered that, in keeping with the structural changes that had led to the establishment of the free movement of capital and goods, all economic life and, consequently, the entire working life of the region has been affected by the systems and routes of labour mobility and the structure assumed by the geographical displacement of workers.

As a result, the treatment of the free movement of workers had to be incorporated.

Since 2002, there has been an increase in the treatment of migration issues on matters such as trafficking in minors and integrated border controls. This included the establishment in 2004 of the Specialized **Forum on Migration (FEM)** within the framework of the Meeting of Ministers of the Interior of MERCOSUR.

This coincided with the period in which this initiative was relaunched as a process of regional integration focused on human rights,

with the signing in 2002 of the "Agreement on Residence for Nationals of the States Parties of MERCOSUR, Bolivia and Chile" by the Presidents of the respective countries that make up the bloc, to then be joined by the remaining countries of the region with the signing of the "Agreement on Residence for Nationals of the States Parties of MERCOSUR and Associated States."¹⁰

This Agreement provided for temporary residency for two years, which then becomes permanent residency for nationals of any State who apply for residence in another State Party, with a minimum of documentary requirements. The rights established are those of equal civil rights; family reunification; equal treatment in compensation, working conditions and social insurance; the feasibility of signing bilateral agreements on pension systems; the right to freely transfer remittances; and the right to nationality of children.

Furthermore, issues related to the socio-labour sector have generally been driven by the meetings of Ministers of Labour of MERCOSUR, together with a strong presence of the trade union sector, represented by the Southern Cone Trade Union Coordinator (CCSCS).

The promotion of the free movement of work-

ers has been addressed consistently during the meetings of MERCOSUR Sub-Working Group 10: "Labour affairs, employment and social security" (SGT No. 10).

From this same forum, together with other regional support, efforts have been made to promote the signing of other important legal instruments focused on this area linked to work, such as the following: the Social and Labour Declaration (1998), revised and reformulated in 2015; the Plan to Facilitate the Circulation of Workers (2014); the Social Security Agreement, and instruments and projects related to the eradication of child labour; vocational training and labour inspection.

The MERCOSUR Social and Labour Declaration, adopted by the Presidents of the regional bloc's member states, recognizes the socio-labour aspect in the region and establishes minimum principles and rights. Article 1 prescribes equality of rights, treatment and opportunities in employment and occupation, without distinction or exclusion on grounds of race, national origin, colour, gender or sexual orientation, age, creed, political or trade union opinion, ideology, economic position or any other social or family status.

10- Signed in Brasilia on 6 December 2002, passed on 9 June 2004, promulgated on 13 July 2004 and in force since 28 July 2009. The Agreement has been signed by Argentina, Bolivia, Brazil, Chile, Paraguay, Uruguay, Ecuador, Peru and Colombia.

For its part, Article 4 refers to the situation of migrant and border workers, and provides for the protection and equality of rights and working conditions recognized for the citizens of the country in which they are working.

Along these same lines, approval was recently given to the Plan to Facilitate the Circulation of MERCOSUR Workers, the objective of which is to develop actions that allow for the formal insertion of migrant workers into labour structures in the States Parties.

Another key instrument in the progress towards free movement of workers is the Multilateral Agreement on Social Security of MERCOSUR, which was signed in 1997 and has been in force on a multilateral basis as of June 2005. This allows pension contributions made by a migrant worker in any signatory to the agreement to be contributed and saved as if they had been made in the worker's country of origin.





**IX. THE SACM AND EXTRA-REGIONAL
MIGRATION AGREEMENTS**

Throughout the history of the SACM, participating governments have established the region's position on agreements, regulations and policies developed in other countries, regions or spaces of institutionalized international consensus.

In this respect, at the **VI SACM in Asunción**, the need was raised for consensus to be reached on the terms of the First High-Level Dialogue on International Migration and Development. At the **VIII SACM in Montevideo**, a common position was proposed for the Second Forum on Migration and Development to be held in Manila. At the **IX SACM in Quito**, a common position was recommended for the III Global Forum on Migration and Development and for the UN Human Rights Council, along with a joint action to facilitate the organization of the IV Global Forum on Migration and Development, with a commitment for the active participation of the countries of the SACM.

At the **XI SACM in Brasilia**, emphasis was placed on conceptual alignment regarding migration and promotion of migratory issues within a special sphere in the Organization of American States (OAS) so as to reach a consensus in South America on the subject of the treatment and discrimination of migrants. At the

XIII SACM in Cartagena, the objective of a common regional position was institutionalized with the adoption of the "Declaration of Buenos Aires," a point of reference of South American countries in terms of their relationship and position in multilateral, regional and global forums on international migration.

At a more general level, at the **I SACM in Buenos Aires**, governments requested a rapporteurship on the progress made in various subregional forums on migration issues. At the **IV SACM in Montevideo**, participants advanced the need to incorporate the migratory variable in the different areas of bilateral and multilateral negotiations. At the **V SACM in La Paz**, it was proposed that a request be made to extra-regional countries to provide fair and humane treatment to South American migrants that followed the treatment accorded to their own citizens. At the **VIII SACM in Montevideo**, developed nations were asked to adopt measures to prevent the economic asymmetries that fuel the causes of migration. At the **X SACM in Cochabamba**, those in attendance promoted the coordination of treatment of migration based on the commitments assumed by all the countries for the Millennium Development Goals.

At the **XI SACM in Brasilia**, focus was placed on the establishment of a synergy with the Regional Consensus of Migration, with the objective of exchanging migratory information. At the **XII SACM in Santiago**, attendees addressed the relationship with USAN in terms of the process for the construction of South American Citizenship. At the **XIII SACM in Cartagena**, emphasis was again placed on the nature of a consultative forum of the SACM in this regional area.

At the **III SACM in Quito**, the need for regional coordination to promote international cooperation with the European Union (EU) was raised.

The issue was revisited at the **VIII SACM in Montevideo**, expressing a willingness to hold discussions with the EU. At the **XI SACM in Brasilia**, emphasis was placed on the need for a shared agenda for the region in its talks with the EU, along with support for the implementation of an EU-LAC statistical compendium of migration, which was accepted by the XII SACM in Santiago where insistence was also placed on incorporating a human rights focus as part of the talks with the EU. At the **XIII SACM in Cartagena**, support for the Community of Latin American and Caribbean States (CELAC) in its talks with the EU was reiterated. This issue was returned to at the **IX SACM in Quito**, in which governments expressed their

concern about the direction of EU migration policy as well as the community regulations derived from the Return Directive.

Regarding the migration policies of other extra-regional countries, at the **IX SACM in Quito** member states expressed their disagreement with the security law passed by Italy that categorizes irregular immigration as a crime. They also expressed concern about France's introduction of a double visa on certain countries in the region and an initiative for immigration reform by the United States government was noted with interest.

In this same context, at **XI SACM in Cochabamba**, laws passed by US states which criminalize irregular migration were condemned.

With regard to institutionalized international consensus, the SACM has interacted with numerous regional and international organizations.

The inclusion of the human rights of migrants in the policies of the region's governments was reflected in the adherence of SACM to the International Convention on the Protection of All Migrant Workers and Members of their Families. The importance of this Convention was underscored at **VI SACM in Asunción**, where a call was made for the countries of the region and the world to sign, ratify and/or accede to

this Convention. This position was reiterated at **VII SACM in Caracas**, **XI SACM in Santiago** and **XIII SACM in Cartagena**.

To date, the following member states have ratified the International Convention on the Protection of All Migrant Workers and Members of their Families: Argentina (23 February 2007), Bolivia (12 October 2000), Chile (21 March 2005), Colombia (24 May 2005), Ecuador (5 February 2002), Paraguay (23 September 2008), Peru (14 September 2005) and Uruguay (15 February 2001).

Regarding the relationship with regional organizations, at **III SACM Quito** a request was made to the Inter-American Development Bank (IADB) for technical and financial cooperation to design and develop studies with the OAS on the issue of remittances. In addition, the possibility of coordinating initiatives for the development of the Continuous Reporting System on International Migration in the Americas (SICREMI) was proposed at **XI SACM Brasilia**.

One important milestone in the regional consultative process of the SACM was the **Buenos Aires Declaration** made in August 2013 in Buenos Aires, which outlined the position of the SACM with respect to the Second High-Level Dialogue on International Migration and Development. In this Declaration, SACM was identified as the main space for dialogue and political consensus on international migration in the region, with principles consolidated in the Declaration of Principles and General Guidelines of the South American Conference on Migration and the South American Human Development Plan for Migration (PSDHM), approved in Cochabamba, Bolivia, in October 2010.

These instruments assume that the human right to migration and the recognition of migrants as legal subjects must be at the centre of the migration policies of the countries. It was also noted that the way in which the multilateral debate on international migration has developed in recent years, has not allowed this issue to be discussed at the political level or for consensus to be reached.

In that regard, the SACM reiterated its discontent and dissatisfaction with the inadequate consideration given to its contributions and proposals at the meetings of the Global Forum on

Migration and Development and argued that the debate on international migration should be redirected to the United Nations, it being the natural forum and appropriate venue for the equal participation of all States.

To that end, it proposed the adoption of a binding multilateral instrument for an International Convention on Migration. The SACM also emphasized the importance of Regional Consultative Processes (RCPs) in the international migration agenda and the important work of IOM as the Technical Secretariat of the SACM, as well as its role in regional preparatory activities, procedures and deliberations leading to the Second High-Level Dialogue on International Migration and Development.

For the SACM, the link between migration and development goes beyond the economic and must be fully addressed, including its human, social, cultural and environmental perspectives, while it also believes that facilitating the regularization of migration is fundamental for the human development of society as a whole and for migrants and their families in particular.

The SACM has requested that the migratory issue be included in the Post-2015 Development Agenda of the United Nations based on the advances made in South America on migratory matters. It also emphasized the commitment that its member states have made to preventing, prosecuting and punishing smuggling of migrants and trafficking in persons, especially women, children and adolescents, and urged those that have not yet ratified the International Convention on the Protection of All Migrant Workers and Members of their Families (1990) to do so as soon as possible. Lastly, the SACM has conveyed to the High-Level Dialogue on International Migration and Development its concern that necessary consultations should be held to ensure that international cooperation projects in this area include the interests of the parties on an equal basis.

Over the past 15 years, major progress has been made on the creation of shared visions that have contributed to strengthening regional positions in international fora, favouring a more solid representation and a consolidated discourse that has managed to influence other regional processes, such as the Community of Latin American and Caribbean States (CELAC).





**X. THE SACM AND THE PARTICIPATION OF
CIVIL SOCIETY ORGANIZATIONS**

The participation of civil society organizations (CSOs) in the SACM is one of its distinctive features, as is the Regional Consultative Process, even though its form and scope has not been completely defined.

The aforementioned participation has varied in the development of this process, particularly the proactive nature of the interventions adopted with respect to migration, which have gone far beyond the hasty positions noted in other consultative processes.

Since its inception, the SACM has been particularly open to and appreciative of CSOs, which play a very important role in the fulfilment and monitoring of the decisions of the region's governments.

At the same time, governments are increasingly aware of the need to address their positions and to include them in discussions (Santillo, 2007).

At **I SACM in Buenos Aires** (2000), organizations were invited to take part as special guests, such as the Centre for Latin American Migration Studies (CEMLA), the Argentinean Catholic Commission Foundation for Migrants (FCCAM), the Chilean Catholic Migration Institute (INCAMI), and the Migration Department of the Argentinean Workers' Central Union (CTA).

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At that Conference, civil society was viewed as a means to disseminate joint programmes on the human rights of migrants, and a Forum on Coordination and Consultation on migration issues in South American countries was established.

At **II SACM in Santiago** (2001), a proposal was made to create a space in which to work with social organizations and civil society for the defence of the human rights of migrants.



Official Photo XIV SACM, Lima, 2014

At this conference, civil society participants included representatives of INCAMI and CEMLA, and a report was presented on the state of civil society in South America in terms of migration.

The **III SACM in Quito** (2002) was the first time that CSOs that work in the field of migration and refuge in South America met parallel to the governments. A cooperation agenda was discussed, observations and proposals were made to the governments, and a South American network was set up and consolidated. Previously, there had been a meeting of the Catholic Church organizations that work in the pastoral care of migrants' initiative convened by the Secretariat for the Pastoral Care of Human Mobility (SEPMOV), which works under the Latin American Episcopal Council. Both meetings provided valuable input to CSOs and governments.

Quito marked the beginning of a dialogue between civil society and governments. This dialogue was influenced by the reading in the Conference of a joint Church and civil society document, which underlined the following:

a) The negative effects of economic globalization, the possible implementation of the Free Trade Area of the Americas (FTAA) and the

lack of employment opportunities have generated a significant increase in intra-regional migration as well as to other countries outside of the region;

b) Restrictive immigration laws and the tightening of border controls are generating an increase in irregular migrants and the growth and consolidation of human trafficking networks;

c) The need to implement a regional migration policy that considers a greater flow of migratory movement in the region and the protection of the human and social rights of migrants and their families;

d) The implementation of training programmes for officials and penalties for those who engage in abuse of authority and corruption;

e) Ratification of the International Convention on the Protection of All Migrant Workers and Members of their Families by all South American countries;

f) Progress on the introduction of laws for the protection of asylum-seekers and refugees in several nations in the region;

- g) The non-identification of irregular migrants as criminals, even though they have committed crimes;
- h) Substantive recognition of the participation of CSOs in the South American migration process, noting the absence of effective mechanisms for the participation of organized civil society, which would facilitate the design of public policies that are shared and aimed at protecting the rights of migrants, even though there are positive experiences of cooperation between civil society and various state bodies that have taken place in some countries of the region;
- i) That despite the international commitments made by States, violations of the human rights of migrants have been recorded, along with the irregular status of thousands of people in various countries, their criminalization, arbitrary detention and discrimination, as well as their exposure to ill-treatment, xenophobia and racism that particularly affect and/or differentiate women, children, indigenous and Afro-descendant peoples;
- j) This situation is also related to the unwillingness of some governments in the region to design policies, legislation and practices that respect the rights of migrant populations.

It is worth noting that one of these resolutions highlights the establishment of a space for dialogue, coordination and strengthening of civil society sectors in South America that represent migration issues, are committed to strengthening the defence of the rights of migrants, refugees, displaced persons and their families, and that denounce violations of such rights at both the national and international level.

The National Migration Workshop in Quito, Ecuador, organized the meeting of civil society with the support of South American church organizations that got together two days before the event. There it was agreed that the South American migration network could not be an end in itself, if national networks, workshops or committees were not previously strengthened.

At V SACM in La Paz (2004), there was a parallel civil society meeting which led to the "La Paz Declaration." This alternative South American migration gathering was convened by the Bolivian

Technical Workshop on Migration. Organizations present discussed difficulties that arose as a result of governmental migration policies in the region, highlighting the confusion between public security and national security in the formulation of migration policies of the different countries.

At **XI SACM Brasilia**, the CSOs were not present during the Conference but they did issue a statement.

The representatives of various CSOs offered a series of observations and proposals to government officials, notably: the demand for support for the implementation of migration regularization processes; recognition of "climate refugees" or "environmentally displaced persons" as a migratory category; the implementation of the Declaration of Solidarity with Haiti signed by USAN member states in February 2010; compliance with the Decisions and Agreements of CAN and MERCOSUR for the Declaration of Migration Principles and Overall Guidelines and the Engagement Agreement in X SACM; that Declarations of the South American Conference on Migration are binding on the governments of member states; that the South American Human Development Plan for Migration be incorporated into the respective National Development Plans as pu-

blic policy and at different levels: local, zonal, regional, and national; that reliable statistical data is available that will allow for the design of public policies for migration and levels of binational border coordination by member states so as to combat the violation of migrants' rights.

At **XII SACM in Santiago** (2012), the Scalabrini International Migration Network, the Jesuit Network for Migrants and Refugees in Latin America and the Caribbean (SJM-SJR LAC) and the "Inter-American Platform for Human Rights, Democracy and Development" presented a document with ten key requests:

- 1) That the region's governments deepen their engagement on the scope of and prospects for South American Citizenship as well as the promotion and consolidation of a culture of hospitality and social, labour and educational inclusion;
- 2) That the region's governments sign, ratify and implement the International Convention on the Protection of All Migrant Workers and Members of their Families and ILO Conventions 93, 147 and 189;
- 3) That the region's governments reaffirm their commitment to the American Convention on Human Rights, the Protocol of San Salvador

and the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as the other international human rights treaties that cover migration;

4) That the region's governments promote public policies, legislation and procedures that respect, protect and guarantee the human rights of migrants, refugees and internally displaced persons and their families;

5) That the region's governments that have not yet reformed and/or aligned their migration legislation ensure that their legislation is consistent with international commitments in close cooperation with their parliaments and in dialogue with CSOs;

6) That the region's governments promote the generation of migratory statistical information and research on migration, along with human rights training for public officials involved with migration, refugees and internal displacement, in partnership with academic institutions and South American CSOs;

7) That governments move forward in counteracting the structural causes of involuntary human mobility, ensuring that people do not have to migrate due to necessity or in search of security;

8) That the region's governments and their respective societies rise to meet the challenges and assimilate the social transformations brought about by migration, refugees and displacement, so that they obtain an overview of the enormous diversity, richness and complexity of these processes, without forgetting the conditions of vulnerability they can generate;

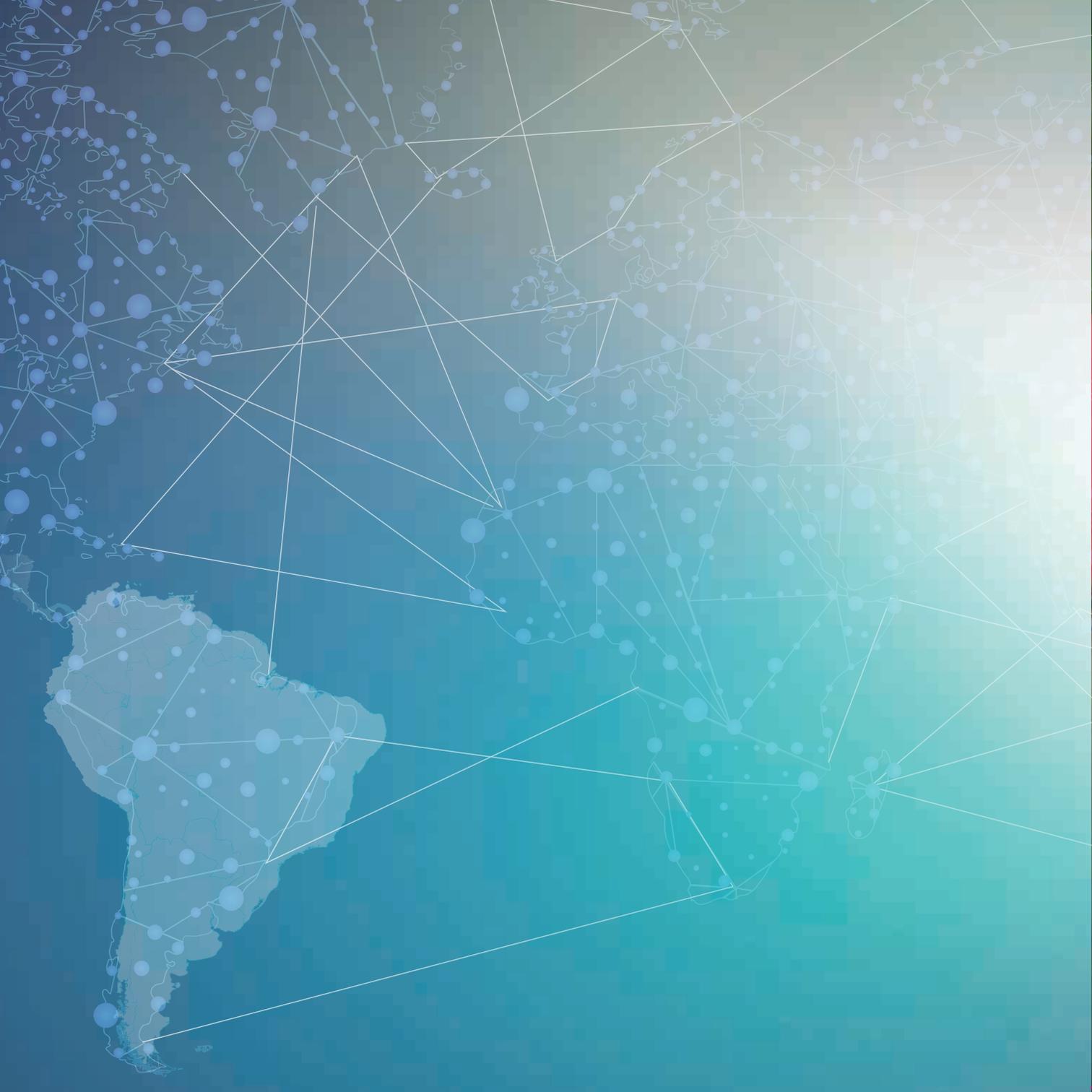
9) That the region's governments promote and set up national dialogues between governments and CSOs on migration, refugees and internal displacement, with the participation of international organizations specializing in these matters;

10) That the region's governments make a commitment to refrain from criminalizing migrants.

Previous to the **XIV SACM in Lima** (2004), the Scalabrini International Migration Network (SIMN) and the International Network on Migration and Development (RIMD), in meetings held on this issue, communicated to SACM their decision to define a consensual strategy for articulation and collaboration between the CSOs and the States parties to SACM, within the framework of the Plan of Action of the same Conference that addresses the participation of civil society organizations.

The proposal for the Mechanism of Participation of CSOs in the SACM was based on the following points:

- 1) Create a registry of CSOs and institutions that focus on migration within Ministries of Foreign Affairs or other government agencies;
- 2) Promote and institutionalize four-monthly national meetings between registered civil society organizations and institutions and Ministries of Foreign Affairs or other agencies dealing with migration policy;
- 3) Promote registered CSOs and institutions and the Ministries of Foreign Affairs or other agencies dealing with migration policy;
- 4) Regional civil society delegation within the SACM with two delegates per country;
- 5) Meeting of regional civil society leading up to the inter-session meetings to submit proposals and initiatives which should respond to national agreements;
- 6) Participation mechanism for the delegation in SACM meetings;
- 7) Transitory participation mechanism for the Civil Society Delegation at XIV SACM.



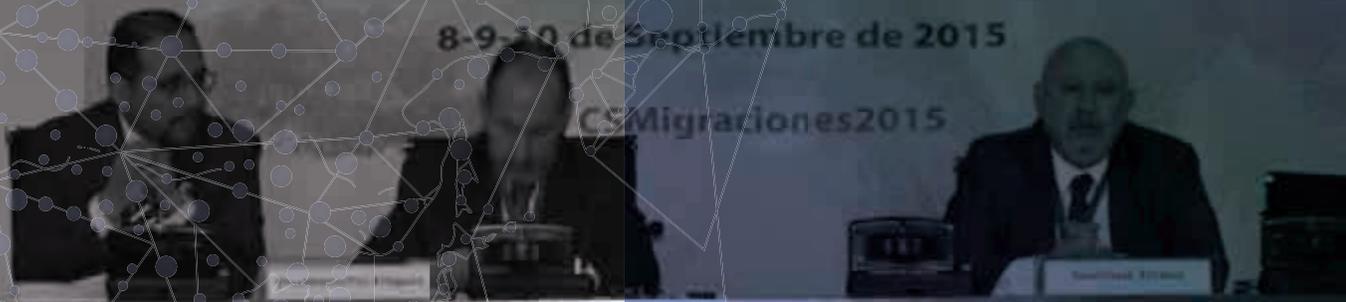
CSM

XV Conferencia
Sudamericana
sobre Migraciones
2015

“Con Justicia e Igualdad hacia
una Gobernanza Migratoria”

8-9-10 de Septiembre de 2015

CSMigraciones2015



XI. THE CONTRIBUTIONS OF THE TECHNICAL SECRETARIAT TO THE SACM

When the South American Conference on Migration was established, member states agreed to establish a Technical Secretariat, and asked IOM to take up this position. Today, the SACM Technical Secretariat is held by the IOM Regional Office for South America, the post of Technical Secretary held by the Regional Director.

The Technical Secretariat provides support to the Pro Tempore Presidency of the Conference, the Troika and all member states. Its functions include drafting meeting agendas, convening meetings, drafting Conference minutes, and preparing management reports.

At the request of member states, the Technical Secretariat also prepares substantive documents on the topics under discussion, conducts studies and compiles regulations. Moreover, with the support of the IOM Development Fund (IDF), it has implemented projects to support the decisions of member states at each Conference.

Through the 15 Conferences, the Technical Secretariat has made the following contributions:

Governments participating in **I SACM**, and during the development of the consultation process, requested that the Technical Secretariat (TS) implement a series of cooperation actions.

In response to these requests, the TS presented the baseline study "Towards a Regional Agenda" at the **II SACM in Santiago**. The document was based on the proposals made at the Lima Meeting (1999), and by representatives and those responsible for migratory issues in the countries of South America at I SACM in Buenos Aires. The objectives of the report were as follows:

- 1)** To present a quantitative diagnosis, identifying the main migratory trends in South America based on the census results obtained since the decade of the 1970s as well as data available from the 1990s;
- 2)** Undertake an analysis of the new frameworks for the interpretation and investigation of migration in South America, projecting their scopes for the eventual definition of migratory policies in the region in the coming years.

The report "Comparative Analysis of Migration Structures in South America; Proposal Model for the Modernization of Migration Management" was presented at **III SACM in Quito**. The document forms part of an IOM line of work which led to studies on the institutional and regulatory frameworks of each country since the 1980s and, in the 1990s, the "Comparative Analysis of Migration legislation in the countries of the Andean Pact and the Southern Cone," the "Comparative Analysis of Migration

and Labour Legislation in the Andean Community,” the “Comparative Analysis of Standard-setting Instruments on Trafficking in Migrants in Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, Paraguay, Peru, Venezuela and Uruguay,” and the “Comparative analysis of the tourist visa regime in South America.”

As for the exchange of experiences and discussion on issues related to different aspects of migration in the region, an "Education for Migration" forum was organized in Montevideo on 28 and 29 June 2001. Convened by IOM and the Organization of Ibero-American States (OEI), it featured the participation of representatives from governments, academic institutions and CSOs. Issues addressed included the following:

- a)** Being part and protagonists of an intercultural world, in a permanent state of change and with urgent needs to understand and deal with as an opportunity to grow and innovate in the public management applied to migration;
- b)** Awareness of migration implies recognizing the space of coming together with other cultures that is produced through migration, taking this as an opportunity for formation and personal growth together with society as a whole; therefore, education for migration should focus on this and attempt to educate so as to recognize and value a "new dimension of human culture;"
- c)** This creates an urgent need for the education and training of State agents, civil society and opinion makers in the values of a culture of welcome and respect for human rights and solidarity;
- d)** A process for migration education should aim to contribute to procedures for defining policies and programmes, adopting regulations and modernizing migration management and information;
- e)** Education for migration implies accepting certain key values, namely human rights and democracy as a model of participation and development of society and the State;
- f)** Migration education must include at least three levels: government officials, formal education and civil society;
- g)** Successful emigration requires that the emigrant receives training and is informed about the difficulties that will be encountered and the means to overcome them, as well as about the opportunities offered at the destination and the requirements to benefit from these. Communities of origin must also learn to relate to their emigrants so as to support them and benefit from their experiences and resources.

At **IV SACM in Montevideo** (2003), the TS presented various products that responded to each of the general objectives of the Plan of Action:

a) The state of ratification of international instruments for the protection of the human rights of migrants and their families (preliminary report), a document providing the results of the survey carried out among the nations of South America on the state of ratification of international conventions and agreements for the protection of human rights, the smuggling of migrants and trafficking in persons, as well as the status of reservations, declarations and complaints made by these nations, along with the provisions they have adopted in accordance with their constitutional procedures to regulate and/or establish the provisions of such international conventions or agreements in domestic law. This resulted in one of the priority activities established in the Plan of Action on International Migration in South America, approved at the Second Technical Consultation held in Asunción, Paraguay, in April of this year;

b) Analysis of national regulations on the protection of the human rights of migrants and their families;

c) Promotion and protection of the human rights of international migrants in South American countries (preliminary draft);

d) Survey and analysis of existing regulations for Local Border Traffic and Integrated Controls in MERCOSUR countries (preliminary report);

e) International Workshop: "Linkages between States and national communities abroad: the South American Experience" (preliminary draft);

f) Remittances in Latin America (preliminary report). Because of the importance of this phenomenon for the economies of some developing nations in Latin America, the report shows different approaches that some countries have adopted for remittances, as well as the experiences obtained in other parts of the world and research undertaken, particularly in countries where remittances are significant to the economy. The main objective of the report is for delegates attending the SACM to extend their knowledge on the subject, thus providing them with information that can support government policies regarding remittances;

g) Programme for the implementation and strengthening of the South American Observatory on Migration (OSUMI);

- h)** Measurement of international migration in MERCOSUR and Chile, focusing on continuous sources (preliminary report);
 - i)** Ongoing migration statistics in the countries of the Andean Community (preliminary report);
 - j)** South American Migration Information System (preliminary draft);
 - k)** Training course for government officials on governance and migration management (preliminary draft);
 - l)** Second International Forum: Education for Migration. A prospective, intercultural and human development perspective (preliminary project);
 - m)** Comparative analysis of non-resident visas in South America (preliminary report).
- b)** Study on the scope and content of Article 36 of the Vienna Convention on Consular Relations (1963);
 - c)** Specialization course for government officials and agents in matters of migration governance and administration. Such training takes place within a context of executive training for officials and in-service training for agents who carry out migratory administration;
 - d)** Glossary: main words and expressions used in the processes of the SACM.

At **V SACM in La Paz** (2004), the TS presented the following:

a) The glossary of the SACM, which outlines the functions, composition and work of the Conference. In the preparation of this document, the Regional Conference on Migration Glossary, presented in Panama in March 2004, was used as reference and adapted to the South American region;

At **VI SACM in Asunción** (2006), the TS presented the following:

a) The study "International migration and development: perspectives and experiences of the IOM" provides an overview of the organization's views on migration and development based on the experience that it has gained over 55 years providing support to governments in migratory management for the benefit of all. The document sought to contribute to the preparatory work for the High-Level Dialogue on International Migration and Development (14 and 15 September 2006);

b) Contributions to reflections on the themes of

the High-Level Dialogue on International Migration and Development;

c) The report "State of ratification of international instruments applicable to the protection of the human rights of migrants in South American countries"

At **VII SACM in Caracas** (2007), the TS presented the following:

a) The report "Trafficking in Persons in the South American Region," compilation of activities carried out by IOM and its counterparts;

b) Smuggling of migrants and trafficking in persons: treatment and analysis of the national laws of South American countries;

c) State of ratification of applicable international instruments for the protection of the human rights of migrants in South American countries, updated as of June 2007;

d) International standards on human rights and migration policies.

At **VIII SACM in Montevideo** (2008), the TS presented the following:

a) The treatment of migration issues in inter-governmental agreements: a summary of the final documents signed by South American countries in multilateral dialogues, presidential summits and in the SACM. This paper presents a descriptive survey of the main intergovernmental agreements in which South American countries participated, examining how migratory issues were treated by each one, through analyses of the documents produced during the meetings. This will allow for issues of common interest to be identified and ways in which they can be addressed;

b) Migration and healthcare, as linked and interdependent variables, suggesting that their analysis involves consideration of epidemiological and health processes, the complex and diverse dimensions of human health, their genetic and biological factors, social and environmental determinants, individual behaviours and the coordinated response of society.

At **X SACM in Cochabamba** (2010), the TS presented the following:

a) A report on migration, the environment and climate change (the linkages between migration, climate change and environmental degradation involve phenomena caused and aggravated by

anthropogenic factors linked to human activity). Biodiversity, natural resources and community and national goods are marketed with the priority placed on profits over social and environmental costs. This results in increased ecosystem depredation, pollution, famine and disease. Climate change, together with a greater frequency and intensity of extreme climatic events, increases the risk in the symbiosis between human society and nature;

b) Report on the "Regulatory situation of CAN and MERCOSUR in the area of migration." IOM has developed a compendium of migration regulations and related issues in CAN and MERCOSUR in order to provide an account of regulatory developments in this area in both bodies;

c) Report based on a preliminary survey of the consular cooperation mechanisms existing between the countries of the South American region for the legalization of documents.

At **XI SACM in Brasilia** (2011), the TS presented the following:

a) A report on national and regional migration information systems in South America;

b) A report on extra-continental migrants in South America.

At **XII SACM in Santiago** (2012), the TS presented a series of initiatives that have been funded since January 2012 with support from the IOM Development Fund. These were developed within the framework of the "Strengthening Government Capacities for the Human Development of Migration" project. Some of the main activities focused on holding regional and national workshops and issuing a series of reports:

1) Workshop on Human Rights and Migration, 12 and 15 August 2012;

2) National Workshops on Human Rights and Migration, August 2012 in Lima, Peru and Santiago, Chile;

3) A report on a training workshop on human rights and migration in order to generate information exchanges, deepen knowledge of human rights standards in the work of the legal areas of migration and the Ministry of Foreign Affairs of the respective countries, as well as to raise awareness among the migration authorities of the countries;

4) A report on programmes for extraordinary migratory regularization in the countries of South America;

5) The report "Migration Panorama for South America," funded by the IOM Development Fund in support of the production of migration profiles by country and region;

6) Development of the South American Observatory on Migration.

At **XIII SACM in Cartagena** (2013), the TS presented the following:

a) A report on the organization and operations of the SACM;

b) A report on South-South Cooperation: experiences, mechanisms, needs, interests and priorities of the countries of South America;

c) A report on the political participation of migrants in South America;

d) A workshop on the interventions of national human rights institutions (Lima, Peru, 9 and 10 May);

e) A South American workshop on experiences serving and connecting with nationals residing abroad (Bogotá, 26 and 27 June);

f) A manual for training trainers on human rights and migration;

g) A report on "Information Systems on International Migration in South America;"

h) A report on the role of national human rights institutions in protecting migrants' rights;

i) A report on the experiences of inter-agency coordination within the framework of migration management;

j) A report on care and linkage programmes developed by South American countries with their nationals residing abroad.

At **XIV SACM in Lima** (2014), the TS, which has received the support of the IOM Development Fund through the project "Capacity-building for the promotion and defence of the human rights of migrants in vulnerable situations in South America (PRODEHSA)" since 2013, presented the following:

a) The report "Study of experiences in the implementation of the Residency Agreement of MERCOSUR and Associated States";

b) The report "The state of the protection of migrants' rights in the States of South America from the perspective of United Nations Committees";

- c)** The report “Migration in the international system”;
 - d)** A report on the South American consular directory, together with the respective database of the consular offices of member states in the different continents, according to country and city;
 - e)** A report on the progress made in establishing the South-South Cooperation Fund;
 - f)** Support for the organization of an internal workshop on "The Social Inclusion of Migrants" held in Lima, Peru on 22 and 23 May 2014, which included the participation of leading specialists in migration issues;
 - g)** Support for the drafting of a concept paper on social inclusion of migrants and their perspectives in South America;
 - h)** A workshop on awareness-raising and training of young leaders of political parties on public policies based on human rights in USAN countries (Buenos Aires, 17-19 September 2014).
- a)** A report on South-South Cooperation initiatives, assessing the recent experiences of the countries;
 - b)** A virtual training course on human rights for consular officials of beneficiary countries (October-December 2014);
 - c)** A workshop on human rights and migration in coordination with the Pro Tempore Presidency of the Specialized Forum on Migration. The workshop was offered to officials from the legal areas of the Migration Directorates (Montevideo, Uruguay, 28-30 October 2014).

At **XV SACM in Santiago** (2015), the TS presented the following:



Since the SACM was created, the following individuals have served as the Heads of the Technical Secretariat and Directors of the IOM Regional Office in Buenos Aires:

Lelio Mármora (I SACM – III SACM)

Eugenio Ambrosi (IV SACM – VIII SACM)

Juan Artola (X SACM – XI SACM)

Diego Beltrand (XII SACM – To date)



XII. CONCLUSIONS

In the 15 years of development of the South American Conference on Migration, a number of issues can be highlighted that have provided it with its unique characteristics and scope:

>First, coherence between the objectives proposed from its inception to the present and policies developed at the national, bilateral and multilateral levels by the region's governments. These policies have maintained a clear position regarding the consideration of the human subject and the human rights of migrants as the core of their proposals.

These rights appear in the statements on freedom of movement, equal treatment and opportunities of migrants, non-discrimination and the exercise of a broadened citizenship, which in this case is expressed textually as the move towards a South American citizenship.

>Second, an understanding of the causes of migration as a result of the context of lack of opportunities in the places of origin, the consequence of the socio-economic gap between different regions or countries.

>Third, and derived from the first two points, an understanding that the approach to migratory governance must necessarily be comprehensive and multilateral, incorporating the theme into other spaces for discussion and consensus.

>Fourth, the free mobility of persons represents a condition and reinforcement of the integration processes undertaken by the region.

>Fifth, the recognition of the progress made by countries throughout the region as well as by the Andean Community and MERCOSUR within the framework of the objectives adopted by the SACM.

>Sixth, the need for instruments which make the development of the policies and programmes undertaken possible and effective. In that sense, there is an ongoing need for institutional

strengthening through appropriately trained personnel, adaptation of current migration law and the construction of objective, timely, reliable and pertinent information.

>**Seventh**, the active inclusion of civil society and other social actors in the SACM development process.

>**Eighth**, the importance of disseminating and positioning the objectives and principles of the SACM in other extra-regional areas, as a way to contribute to the global governance of migration.

>**Ninth**, the ongoing concern of the SACM over the fight against the smuggling of migrants and trafficking in persons.

In terms of an evaluation of the processes developed by the SACM, this Conference has covered all of the aspects that can be expected from this type of regional consensus. According to the points made by Hansen (2010) in his analysis of RCPs around the world, the SACM has managed to establish a shared agenda and language in the definition of the aspects being treated.

There is no doubt that knowledge of the characteristics, causes and effects of migratory movements inside and outside of the region has been increasing through the exchange of information on this issue. There has also been progress in the learning of best practices in various countries. In recent years, these experiences have been particularly focused on the development of programmes for connecting with nationals residing abroad, returnees and immigration regularization.

As for consensus building and the bridging of positions, progress has been made in both the breakdown of national divisions as well as departmental divisions. In general, during the development of the SACM process, governments have consistently deferred unilateral positions in the pursuit of a regional consensus. Likewise, the ongoing participation of representatives of various ministries, especially Foreign Affairs and Interior, has allowed the existence of different perspectives on the same issues.

The networks created during this process have facilitated the alignment of positions and the development of a common language in the definition of the concepts being used.

Furthermore, the close relationship that the SACM has had with the processes developed in migration policies, laws and practices is clear.

Over the course of the last decade, the region's governments have broadened their migration policies with increasing recognition of the value of multilateralism. This position has been expressed in the first instance in the subregional agreements, both of the Andean Community and of MERCOSUR, related to the free mobility and residence of migrants, which are basic goals of the SACM. At the national level, a permanent evolution has been noted in migration laws, which have incorporated the principles established in international laws for the respect of the human rights of migrants, as proposed since the beginning of the South American process.

To sum up, the experience of the SACM process shows the usefulness of this type of space, especially for what it has been providing and, in turn, receiving from the member countries and in the construction of a policy position in this matter, which has been very specific on the international stage.



Official Photo XV SACM, Santiago, 2015

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