



Migration and Refuge: A Dead End?

Realities, Perspectives and Challenges for the Accompaniment of
Populations in Contexts of Forced Mobility

Research Report

GIAN
MIGRATION



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FOREWORD

I do not intend to make a presentation of the participants, the motivation, the premises, the methodology, the objectives, the results of the research or the agreements reached by the Continental Assembly of the Jesuit Network with Migrants (RJM). The following summary develops all these points. I would like to focus on briefly explaining some of the successes that lie at the heart of this whole process, which are not necessarily perceptible and which are still valid, replicable, improvable not only for the people who are part of the Jesuit Network with Migrants (RJM), but for all those committed to the population in forced mobility and/or open to know their current situation and willing to ask themselves the question of what can be done in favor of this population.

From this perspective, I emphasize first of all that it has been an effort of applied research carried out in a network, which brought together people from different countries of the continent to contribute, dialogue and collaborate, some dedicated specially to accompany migrants, displaced persons, refugees and returnees; others engaged mainly in research and academic teaching. All of them are interested in listening, letting themselves be guided by the clamor, the experiences, and the contributions of people forced to leave their country of origin.

I am also interested in the fact that the most critical and uncertain moment of the pandemic did not influence the participants to decide to give up or postpone their work. They were aware that this serious health emergency was going to hinder, limit and prolong the fieldwork; but they went ahead because they were convinced that it was even *more urgent to capture, as objectively as possible, the increasingly serious situation of the migrant population forced by the growing tension between the increase in the number of people in need of migration or international protection and the increasingly restrictive and selective political response of the receiving governments*. It was also influenced by their certainty of the increasingly urgent need to reduce the growing gap between the legal framework being applied and the current migratory reality, between the discourse laden with good intentions and the practice characterized by repressive actions on the part of these governments. **It was decisive to improve, increase and adapt the concrete ways in which the RJM intends to welcome, protect and promote people in a situation of forced mobility in order to achieve, as soon as possible, that they themselves become the main protagonists of their integration.**

I wanted to emphasize these two successes because I would like to invite those who read the results of this process not to limit themselves to evaluate and take advantage of its achievements, but to feel motivated to continue, improve and expand the network work in favor of forced migrants, both in terms of research, advocacy and humanitarian action. I hope that the difficulties and obstacles they face in doing so will not slow them down or discourage them, but that their commitment to this population will always prevail, especially because of the need to overcome the tension between the increase in the number of people forced to migrate and the reduction of possibilities to do so is becoming more and more urgent and the situation of vulnerability in which they find themselves is becoming more serious than ever.

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I. INTRODUCTION AND PURPOSE OF THE RESEARCH

International human rights treaties and other instruments on the subject clearly distinguish two categories to refer to people in the context of mobility: migrants and refugees¹. These categories have been superseded by the fact that reality has evolved faster than their conceptualization, recognizing once again that human mobility does not correspond to a single cause, but is multi-causal. In addition, the various restrictions imposed by receiving countries on the entry of mobile populations, as well as the low level of recognition of refugee status, have forced the use of categories that do not necessarily fit the aforementioned concepts or reflect the reality of these flows.

In this context, the [Jesuit Network with Migrants-LAC \(RJM-LAC\)](#) has recognized the accentuation of what it has called the “gray zone”. This denomination refers to the difficulty of conceptually and operationally distinguishing the difference between categories with which the diversity of actors refer to the different forced displacements. This implies that

¹ Internal displacement is also an important category in contexts of mobility, especially forced mobility. For the purposes of this research and given the magnitude of forced displacement, it was decided not to include its study. However, the need to offer legal protection and accompany people in contexts of internal displacement is recognized.

the conceptual content between “de facto refugee” used by the Catholic Church and assumed by JRS (Jesuit Refugee Service)² and that of “forced migrant” used by some members of the Jesuit Network with Migrants, is increasingly similar. Choosing the exclusive use of one concept or the other would imply leaving out some people in need of accompaniment by the organizations that make up the RJM-LAC. However, in practice, the Jesuit social sector’s migration and refuge specialists in the region do not discriminate their accompaniment according to legal categories, but decide on the basis of vulnerability criteria, regardless of whether the persons are migrants, refugees or internally displaced persons.

This collaborative research project has two main objectives:

- First, to offer recommendations to the Jesuit Network with Migrants-LAC on how to theoretically and operationally manage the increasingly difficult distinction between forced migration and refuge.
- Second, to identify strategies for action and advocacy in the face of increasingly restrictive and selective migration policies in destination countries.
- For the above, within the framework of this research, both theoretical and practical information was gathered in the different geographical areas of the region where the works linked to the RJM-LAC and allies are present.

Research Questions

A set of research questions was agreed upon, to be answered through the collection of documentary and statistical information, legislative analysis and interviews with different actors. These questions are:

- a. In the last 5 years, what has been the evolution of definitions, alternative concepts and other topics of discussion that have arisen regarding the relationship between migration and refugee status?
- b. What are the most common contexts and profiles of migrants and asylum seekers in Latin America and the Caribbean?
- c. What are the aspects of national regulatory frameworks, policies and state practices that facilitate / hinder the work of the works linked to the Jesuit Network with Migrants-LAC (RJM-LAC)?
- d. What are the institutional structures that facilitate the work of the works linked to the Jesuit Network with Migrants-LAC and what have been the most significant adjustments to the changing profiles of the population served (critical events in the last five years, including the current pandemic)?
- e. What are the best practices of accompaniment and service to migrants, asylum seekers and refugees in the organizations linked to the Jesuit Network with Migrants (SJM, JRS, SJMR, KBI, SJS, etc.)?

² Pablo Fernández, S.J. / JRS-LAC, Approach to the use of the concept of de facto refugee in the context of the new violence in Latin America, April 19, 2016, in: cpalsocial.org



II. METHODOLOGY

The research used a mixed methodology that includes review and analysis of secondary sources, in-depth interviews with various key actors and semi-structured interviews with people accompanied by organizations that are linked to the Jesuit Network with Migrants-LAC or with migrants, refugees or asylum seekers living in the countries where the interviews were conducted.

Delimitation and development of the research fieldwork

The research sample was delimited to people assisted or related in some way with organizations of the RJM-LAC. A total of 218 interviews were conducted with people accompanied by the works of the Society of Jesus; that is, people in some condition of need of international protection, whether migrants, refugees or in another migratory category. The sample did not include people in transit due to the difficulty in establishing contact with them for in-depth interviews. However, some of the people interviewed in the CANA Region could be considered to be in transit. Women were often the most willing to give interviews for different reasons, including being engaged in domestic work, or working in enterprises with flexible hours, or being part of programs developed by the works of the Society of Jesus aimed specifically at women, which facilitates their identification and collaboration. The interview stage was conducted over a period of 6 months during the year 2021, at the height of the pandemic.



It should be mentioned that during the interview process only one interviewee decided not to participate after the consent process. Likewise, interviews were not conducted in the United States and Canada because the organizations related to the RJM-LAC Network that accompany migrants do not have contact with them once they enter the United States and additionally, for reasons of confidentiality and anonymity of the data, and not least because of the fear of potential interview candidates that this process could have repercussions on their active asylum process. Lastly, due to particular situations in the Caribbean context, it was decided that this region would submit its data at a later date after the finalization of this report.

The semi-structured questionnaire (*General Interview with Population in Contexts of Mobility (RJM-LAC)*), made in the REDCap™ platform, included 192 items of general information, data on the interviewee and accompanying persons, an inventory of reasons for leaving the country of origin, type of support requested (legal and other), knowledge of the types of support requested, obstacles to obtaining such support, a mental health assessment scale and a scale of perception of the reception context. The questionnaire questions were aligned with the project objectives and were supported by recent academic literature. Questions covered issues related to mobility contexts, physical and psychological health information, and questions about the effect of the pandemic. There was space for supplementing the questionnaire questions with the narratives and comments of the interviewees. A brief supplementary questionnaire collected family information.

Regional teams were trained in the use of the REDCap™ platform through Zoom™ meetings, the training included discussions on how to facilitate interviews with project participants. After the training, each researcher conducted 10 practice surveys before beginning the official collection process. Interviews with organizations related to RJM-LAC included information about the profiles of the population they accompany, practices in accompanying people in mobility contexts, and information about barriers and facilitators to the work they do.

The research was carried out by an interdisciplinary and inter-institutional team of 17 researchers in Latin America, the Caribbean and the United States. The research was carried out in six regions: **Andes Region** (Venezuela, Colombia, Ecuador), **Southern Cone Region** (Peru, Argentina/Uruguay, Chile), **Brazil Region**, **Caribbean Region** (Haiti, Dominican Republic, Trinidad and Tobago, Guyana, Aruba and Curaçao), **MX/CAM Region** (Mexico, Costa Rica, Panamá) and **United States/Canada Region**. These regions were designated according to the convenience of the research team. The RJM-LAC formed a multidisciplinary ad hoc commission (**Migration and Refugee Dialogue Commission**) that has accompanied the process throughout its development.



III. GENERAL CONTEXT

General trends in the reality of forced displacement in the continent. Before addressing the main approaches that emerge from the research exercise from the regions, we would like to point out in an extremely synthetic way what the Jesuit Network with Migrants understands to be the general trends of the reality of migration and refuge in the continent in 2022. We believe it is necessary for an understanding of the concrete findings, to present this general framework of the trends related to the phenomena of migration and refuge in an introductory way. These trends are *characterized not only by being general but also by remaining constant, growing and with a perspective of permanence in the short and medium term.*

a) we are in a migratory context of constant change; **b)** that flows have become globalized, both intraregionally and with a greater presence of extracontinental flows; **c)** that the increase in migratory flows is occurring in at least three terms: volume, diversity and multi directionality of flows; **d)** that the multicausality that causes them makes it difficult both to monitor them and to categorize them (gray zone); **e)** that greater processes of second and third migrations have been generated as a result of the same causes, social rejection or worsening conditions for integration; **f)** that restrictive migration policies based on containment, detention, militarization and deportation have been imposed; **g)** that cooperation between states is focused on strengthening these restrictive policies and practices; **h)** that despite the increase in the grounds for international protection and the right to asylum, we see a setback and a collapse in the systems and recognition of refugee status; **i)** that there is a proliferation of undesired destinations that generate buffer



demarcations, we can affirm that there are doubly forced migrants, forced to flee and forced to reside in an undesired place; **j**) that organized crime is strengthening its migratory control as a lucrative business, and that this is fed either by the lack of action (in the best of cases) or by the complicity of public actors; **k**) that there is a very bad management of coexistence in the places of destination or host communities, feeding from the public and media powers a social climate of stigmatization and criminalization of the migrant that, based on false information, generates xenophobic responses; **l**) that the increase in vulnerability and risk resulting from the greater need to migrate and the greater restrictions to do so is devastating; **m**) that climate change accelerated by the action of the dominant economic model has begun to generate significant forced displacements; and **n**) that despite the increase in obstacles it is still possible to migrate due to the contribution of humanitarian and civil society organizations, and of course due to the resilience, creativity and will of migrants in the face of the causes-violences that operate as expulsions.

Specific trends in the reality of forced displacement in the continent identified in the research process. As a result of the research exercise in the different regions, as a general context of Latin America in the last five years, we highlight six approaches:

- [1]** (1) Venezuelan displacement to other countries in the South American region, Mexico and the United States. Recognizing also the significant presence of nationals from Colombia, Haiti and Cuba in the Southern Cone region.
- [2]** (2) The increase in irregular migration due to visa restrictions and the difficulty in accessing refugee status and other forms of regularization.
- [3]** (3) The emergence of Brazil as an alternative destination for migrants of various nationalities, including African migrants, without ignoring the fact that it is also a country of expulsion and generator of second migrations, for example of the Haitian population after years in the country.
- [4]** (4) The migratory pattern that crosses Central America and Mexico towards the United States is maintained, although it is necessary to highlight the intraregional migratory patterns to Costa Rica.
- [5]** (5) Violence and militarization along the migratory routes to the north have increased and with it the vulnerability of people in mobility contexts.
- [6]** (6) U.S. immigration containment policies have created a stranded population along the U.S.-Mexico border, thus encouraging an increase in irregular migration. Groups of priority interest to the United States (Afghanistan and Ukraine) have received priority asylum and support despite entry restrictions.

These specific trends, which are developed below, reflect the emphases that the research coordinating team highlights from the findings of the work of the regional teams into which the research has been structured.



1. Venezuelan displacement.

In the last five years, Venezuela went from being a receiving country to becoming the first expeller of population in the western hemisphere and the second worldwide, while Colombia became the main recipient of Venezuelan population. Ecuador remained the recipient of Colombian population, while it became the fourth largest recipient of Venezuelan population in South America.

In countries such as Peru, Argentina, Uruguay and Chile, there has also been an exponential growth in the migratory flow since 2017, which corresponds mostly to the Venezuelan population, followed by Colombians in Ecuador and Haitians.

Venezuelan human mobility has surpassed seven million people in the past year³. At the beginning it was a mobility of middle-class people, with a high level of education and documents, who moved by air; however, the worsening of the humanitarian emergency has forced the departure of an increasing number of people, who now move without documents, by land, with greater economic deprivation and lower levels of education, which increases both their levels of vulnerability and their need for care.

As this is an unprecedented phenomenon and of great volume in a relatively short time, the receiving countries were not prepared to attend to this population, so the first responses were temporary, with a migratory approach and not adapted to the dimensions and requirements of people who cannot be treated as ordinary migrants, but rather as people in need of international protection.

Although the forced displacement of Venezuelans throughout the Latin American continent requires attention and resources, it is important to remember that other displacements (Central American, Haitian, Cuban and extracontinental) continue in the region and cannot be ignored.

³ The R4V platform claims that 7,320,225 million people have fled the country. Data updated as of June 11, 2023.
Source: <https://www.r4v.info/es/refugiadosymigrantes>



2. Increase in irregular migration.

As of 2019, the entry of migrants to various countries is mainly irregular. This phenomenon is due to the establishment of stricter requirements for entry or stay. For example, access to humanitarian visas in Peru and Ecuador, Democratic Responsibility visas and Family Reunification visas in Chile have very low granting rates, which has affected Venezuelan and Haitian nationals. Chile and Peru are the countries with the highest irregular migration figures, although data available for Argentina and Uruguay are not completely up to date.

With regard to asylum, Peru shows a significant increase in requests, mainly from Venezuelan nationals, although with a low level of granting. In the case of Chile, as of 2019, there has been a clear decrease in the number of applications, which is explained by the fact that Chilean law grants a temporary residence permit at the time a refugee application is submitted (so there are de facto barriers to prevent the procedure from being initiated). In Argentina, asylum seekers are a minority group and recognition of this status varies according to nationality, being very scarce with respect to Haitians, Cubans and Dominicans.

Irregular migratory status is also a constant among people moving through Central America and Mexico towards the United States. Mexico in particular is experiencing a situation where, on the one hand, it promotes certain regularization processes (visas for humanitarian reasons and access to refugee status), and on the other hand, it promotes migration control techniques, containment and the use of military forces.

Irregular migration status and the use of more dangerous and violent migratory routes are partly the result of restrictive migration policies and the difficulty in accessing visas and regularization programs. Border closures due to the Covid-19 pandemic further exacerbated irregular entry throughout Latin America.

3. Brazil as a destination country

Brazil has entered the international migration scenario due to its position and socioeconomic context. Especially the northern border began to channel non-historical and/or non-neighboring international migratory flows. Brazilian borders continue to be areas of daily circulation and transit of migrants of various nationalities, but also become reception areas for Caribbean immigrants, Africans and asylum seekers.

Although Brazil is not presented as a priority country for migration, it is often the country of possibility. Migrants from Bolivia, Haiti, Venezuela, Colombia, Congo, Cuba, Ghana, among other countries have begun to see Brazil as an alternative in this new context. Thus, non-white migration stands out in the country's migratory composition. The National Refugee Council (CONARE), which analyzes refugee applications in Brazil, identifies more than one hundred nationalities among the applicants.

It should also be noted that Brazil is a country where there are causes of expulsion, as is the case with numerous indigenous peoples who are victims of deforestation processes in the Amazon.



4. Migration patterns through Central America and Mexico

Central America is an isthmus that naturally connects North and South America. Thousands of Central American, Caribbean, South American, Asian and African migrants pass through this region with the main objective of reaching the United States of America (USA). It is not known how many migrants cross the Central American region each year, however, the United Nations High Commissioner for Refugees (UNHCR) estimated in 2016 that around 400 thousand people enter the southern border of Mexico irregularly to the U.S. annually, so it is possible to think that a similar number of people may be transiting each year through the Central American territory. The connection zone between the south and Central America is located in the Darien Gap, on the border between Colombia and Panama, where there is an important and risky flow of people from South America, the Caribbean and beyond. The increase in the last years has been significant, in contrast to previous years (2019: 23.968 personas; 2020: 6.465 personas; 2021: 129.993; 2022: 248.284)⁴. In the first seven months of 2023, Panamanian authorities report the crossing of 251.758 people, mostly Venezuelans and Ecuadorians, while in 2021, mostly Haitians crossed. A number that embodies the risks and also challenges institutional capacities and host communities in border areas with few resources and supply of basic services.

Mexico has undergone a profound transformation from a country of departure, return and transit to a country of destination. The vulnerability of migrant populations continues to be evident along the migratory routes. At the same time, the generalized violence in the country is the context in which people in mobility live. One of the most significant changes in the migratory dynamics is what has been called “security belts” that appear on the southern border of the country, in the Isthmus of Tehuantepec and in the center of the country. These security belts are characterized by a strong migratory control supported by the presence of the National Guard, thus generating a process of militarization in migratory routes and another of externalization of borders.

Multiple migration-related issues have characterized the last few years. Migrant caravans, the ‘Quédate en México’ (Remain in Mexico) program, the application of Title 42 and other policies that restrict mobility to the United States of America and impede access to seek asylum. Accidents that cost the lives of migrants and confrontations with the National Migration Institute are increasingly frequent. However, it is important to highlight the increase in the number of people stranded along migration routes, especially along Mexico’s northern border.

In addition to this migratory flow in transit to the north, in the **Central American** region it is possible to distinguish an intraregional migratory flow with Costa Rica and Panama as the main destination countries. The political and economic stability enjoyed by these two countries makes them attractive for this migratory flow. Historically, there has been labor or economic migration of Nicaraguan origin due to geographical proximity and the establishment of networks, especially of family members, which facilitate the insertion of new arrivals. The main nationalities of the people who have been recognized as refugees in Costa Rica and Panama are from Colombia, El Salvador, Nicaragua, Cuba and Venezuela.

⁴ Data from Migration Panama. “Irregulars in transit through Darien”, consulted at: <https://www.migracion.gob.pa/transparencia/datos-abiertos>





5. Increased violence, vulnerability and militarization along migratory routes.

The study of violence in the migration and refugee experience were not central elements of this research. However, the media and civil organizations continue to highlight the violence that migrants, asylum seekers, and refugees experience in different contexts. Dynamics of violence have emerged in all corners of Latin America, the Colombian-Venezuelan border, the Darien Strait and the transit through Mexico's migratory routes are a clear example of this.

In the case of the Caribbean, vulnerability factors were identified as being caused by legal loopholes, which generate problems of human trafficking and smuggling, labor exploitation, discrimination and xenophobia. There is also a strong problem of statelessness, as there are still countries and jurisdictions with nationality laws that discriminate on the basis of gender and with thousands of people arbitrarily deprived of their legitimate right to nationality, in addition to the issue of ethnically mixed couples and the obstacles they face in gaining access to the Dominican civil registry.

The duty to mention violence as one of the persistent dynamics in the contexts of mobility in Latin America and the Caribbean is necessary because it affects the care provided, because it limits the access of RJM-LAC teams to certain areas or because it requires some type of specific attention to migrants who are victims of violence or the effects of militarization.

6. Restrictive Immigration Policies in the United States and the Canadian Reality

There are three key elements to understanding the context of the United States and its borders: the reality of the U.S.-Mexico and U.S.-Canada borders; the asylum processes in both countries; and the experiences of immigrants in the United States and Canada. On the U.S.-Mexico border, extreme socioeconomic disparity is evident, including inequalities in human security, with high rates of gender-based violence and unequal access to resources for basic needs such as food and water, housing, health care and education. In the case of the United States-Canada border, the migration dynamics are different. Data show that border police apprehend fewer people crossing the United States-Canada border irregularly. Although the majority of crossings occur along the Canadian border that borders the states of Vermont, New York and Washington, there are reports that migrants are beginning to use more dangerous areas such as Grand Forks (North Dakota) because they are less patrolled. Nationals from Mexico, Romania and Honduras are the most frequently apprehended while crossing illegally. On the other hand, according to data from the U.S. Border Patrol⁵ (CBP), citizens of Canada (68,385) and India (19,459) represent the majority of encounters in the last three fiscal years at the northern border of the United States. As for nationals of Latin American countries, Mexican nationals (4,661), Colombians (2,192) and Brazilians (1,794) attempted to enter from Canada.

⁵ Encounter data includes Title 8 apprehensions and inadmissibilities and Title 42 removals for fiscal years (FY) 2020, 2021, and 2022. CBP takes this information as encounters since the same person may attempt to enter the country multiple times. Data: Northern Land Border FY20-FY22. Accessed at: Nationwide Encounters (August) <https://www.cbp.gov/document/stats/nationwide-encounters>



In the United States, immigration policies vary from state to state. Some have harsher and more aggressive policies regarding deportation of migrants, access to driver's licenses and medical services. Others are more lenient with respect to the enforcement of federal laws. The cooperation of local and state police in the United States with federal immigration enforcement agencies can also vary widely among localities. Some cities are known as "sanctuary cities" because they claim to be welcoming to immigrants and have laws and policies that restrict the ability of federal agencies to arrest and detain the immigrant population. Although this does not determine the geographic distribution of the immigrant population.

The tightening of immigration policies and dismantling of the asylum system were hallmarks of President Trump's administration. The application of immigration enforcement policies and practices have been more evident in recent years. "Metering", "Migrant Protection Protocols" ('Remain Mexico') and enforcement of Title 42 are some examples. Canada has a relatively more open and welcoming system, admitting new residents under 4 main, fully enforceable categories. Despite promising changes in the campaign process, President Biden's administration has failed to make significant changes. Many of the attempts to reverse the policies of the previous administration have been stranded due to divergent migration agendas of the Republican and Democratic Parties.

For its part, Canada presented the largest number of refugees in the world in 2018 under the category of protected persons and refugees, surpassing the United States for the first time since 1980. In the case of Canada, despite the fact that Canada has a universal healthcare system, only three of its provinces extended healthcare to migrants without documentation during the Covid-19 pandemic, and as of March 2020, only Ontario continued with the policy of healthcare for all people, regardless of their immigration status. In Canada, sanctuary cities offer a range of municipal services to undocumented immigrants but offer little or no protection from federal immigration authorities.

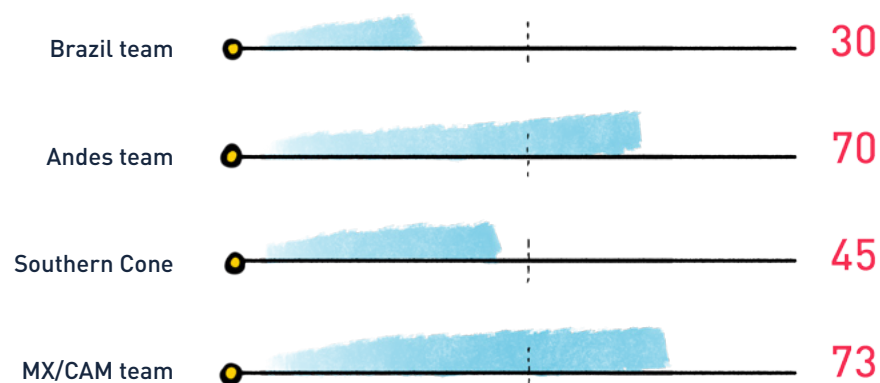


IV. STATISTICS AND PROFILES OF THE PARTICIPANT POPULATION

The following is a general presentation of the statistical information and profiles of the population interviewed, that is to say, in an attempt to give a continental vision, and then a description of each of the participating regions.

Continental

Figure 1 shows that the majority of participants were interviewed by the MX/CAM team (n=73, 33.5%) which included interviews in Mexico, Panamá and Costa Rica. The Andes region conducted 70 interviews (32.1%) in Venezuela, Colombia and Ecuador. The rest of the interviews (n=45, 20.6%) were conducted in the Southern Cone region (Peru, Argentina/Uruguay, Chile), and in Brazil (n=30, 13.8%). As mentioned in the methodology, no interviews were conducted in the USA or the Caribbean.

**Figure 1. Interviews by region and interviewer's team**

Given the prevalence of the Venezuelan population in the sample, Table 1 identifies the proportion of respondents of this nationality by region and in the overall sample. The statistical distribution of Venezuelan nationals in the sample may indicate a higher prevalence of Venezuelans in the Andes followed by the Southern Cone. The prevalence decreases notably in the central and northern regions of the continent. This does not so much indicate a lower presence of Venezuelan migrants as less work with this population by network organizations in Central America and Mexico.

Table 1. Number of participants and proportion of Venezuelan population in the sample

	Number of participants (sample size)	Venezuelans Interviewed	Proportion of the Venezuelan population in the sample
Andes Team	70	48	47,06%
Southern Cone Team	45	34	33,33%
Brazil Team	30	15	14,71%
MX/CAM Team	73	5	4,90%
Total	218	102	46,79%



a. Age

The age dispersion of participants is shown in Figure 2 and indicates that the vast majority of interview participants were between 20-40 years of age. Table 2 shows a statistical summary of the age of the participants where the mean (average) age of the participants was 36.67 with a standard deviation of 10.98. The median was 35 years and the age range was 18-66 years.

Figure 2. Scatter plot of participant age

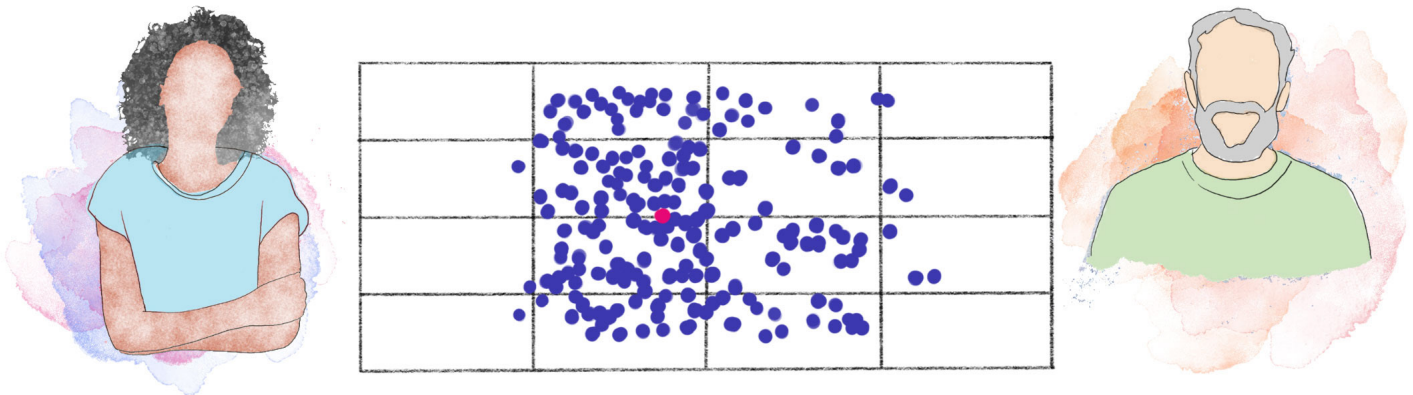


Table 2. Age statistics of participants

Total Count (N)	Missing	Unique	Min	Max	Mean	StDev	Sum	Percentile						
								0.05	0.10	0.25	0.50 Median	0.75	0.90	0.95
217	1 (0.5%)	44	18.00	66.00	36.88	10.98	8,003.00	23.00	24.00	28.00	35.00	43.00	55.00	57.00



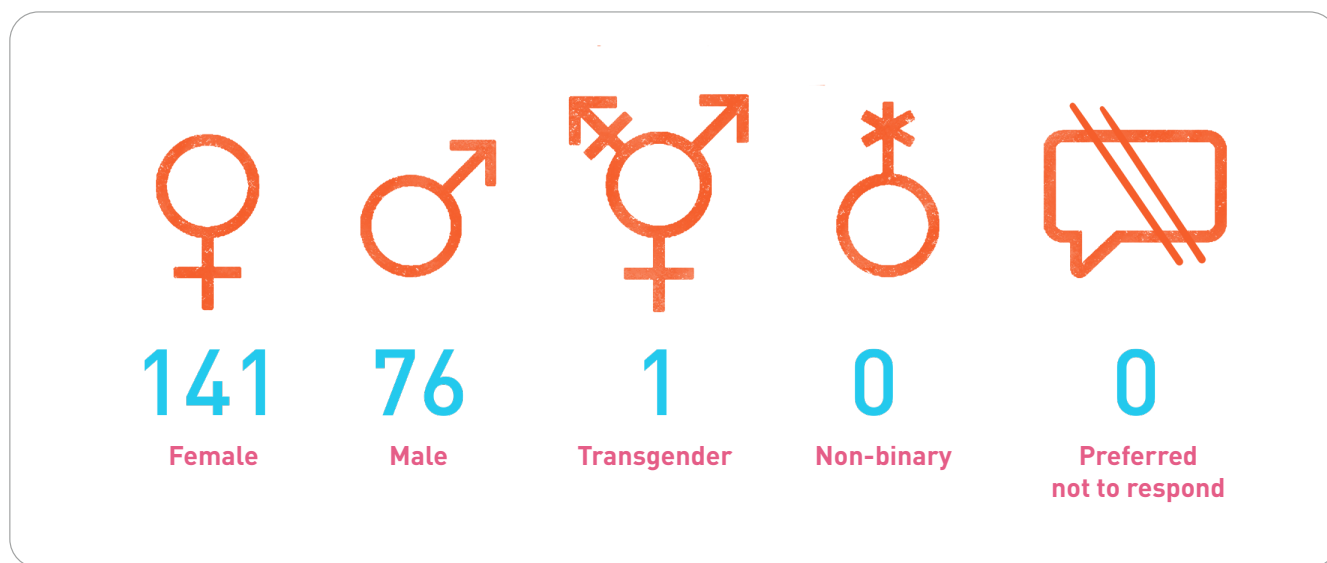
b. Gender and Sexuality

Figure 3 shows the frequencies with respect to the gender of the participants. The results indicate that the participants in this study were mostly women identifying themselves in the survey with the term female (n=141, 64.67%). The other participants used the term male (n=76; 34.9%), and one participant among the 218 identified as transgender. The other options in the survey were non-binary or preferred not to respond, and no participants used these two options.

These statistics reflect two things: (1) the increase in female migration in Latin America (Parish, 2017; Hallock et al., 2018) and (2) the fact that the population served by RJM-LAC organizations is overwhelmingly female. Another explanation for the bias in the sample may come from the fact that men were working at the time of the interview.

The documentation of female voices in this project is a contribution to the field of study given that historically most research on people in migration contexts focuses on the experiences of male people, and with an assumed view of heteronormativity according to sexuality. The fact that almost 65% of the participants are female deserves attention because there is evidence of risks of rape, abuse, kidnapping and femicide in contexts of mobility in Latin America (Menjivar & Walsh, 2019).

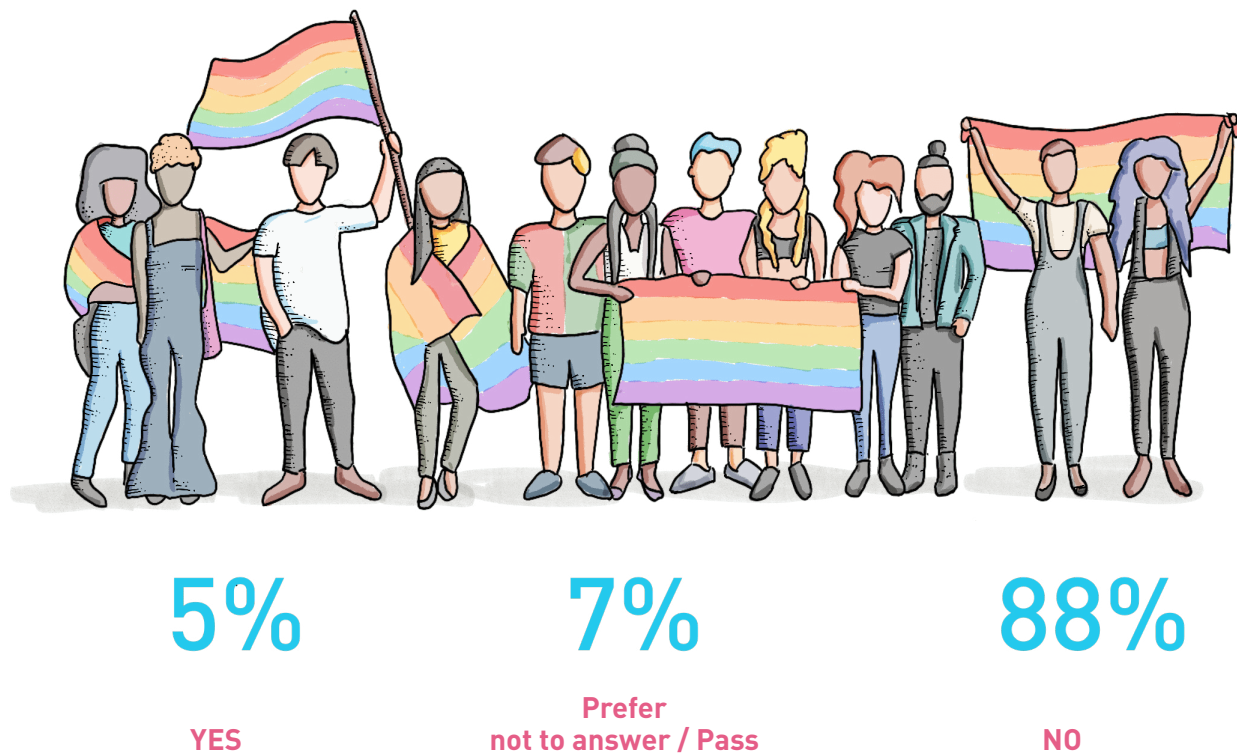
Figure 3. Gender of the participants



In the study survey, there was no direct question about the sexual identity of the participants, but it is important to note that more than 10% of the 218 participants (>21 people) responded that they recognized discrimination (or refused to respond) that they suffered discrimination or abuse because of sexual identity. Figure 4 shows these results. This point deserves attention because research shows that gender and sexuality minorities suffer more inequalities and human rights violations and more health and safety risks including discrimination (Malta et al., 2019).



Figure 4. Are you currently afraid of or have you experienced discrimination or persecution in the past for being part of a sexual minority group such as gay/lesbian, bisexual or queer?⁶



In summary, the evidence in the gender and sexuality statistics in this study show the importance and need for intersectional research and perspectives on migration across gender and sexuality (Amelina & Lutz, 2019; Crenshaw, 1991), including special needs and service assessments. It is also important for staff serving migrants in agencies and organizations to be aware of the intersectionality of immigrant identity.

In the Gender Guidelines, UNHCR, in listing situations that have typically constituted gender-related claims, includes 'discrimination against homosexuals'. The Gender Guidelines recognize that 'the refugee definition has traditionally been interpreted through a framework of male experiences, which has meant that many claims by women and homosexuals have gone unnoticed'. LaViolette, 2010; "UNHCR Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity. *International Journal of Refugee Law*, 22(2), 173-208.

⁶ The percentages represented correspond to the total number of responses obtained, in this case 178. Frequency: Yes (9, 5.1%), No (157, 88.2%), Prefer not to answer/Pass (12, 6.7%). There are no responses for 40 interviews.



c. Nationality

Table 3 shows the most frequent nationalities in the study regions, the interviewees were mainly migrants from Venezuela, representing almost 50% of the participants. This data certainly reflects the prevalence of the Venezuelan situation on the continent, but may suggest a bias in the populations served. The Mexico/CAM region serves other types of populations prevalent in the region. Another interesting finding is the care of people from other continents, for example, nationals from Jordan, Ivory Coast, Senegal and Ghana. The small sample of this study thus shows a diversity of nationalities in contexts of mobility accompanied by works linked to the RJM-LAC.

Table 3. Summary of nationalities of the participants

Persons interviewed by nationality	n	%
Venezuela	102	46,79%
Colombia	30	13,76%
Nicaragua	23	10,55%
Haiti	20	9,17%
El Salvador	12	5,50%
Cuba	8	3,67%
Honduras	7	3,21%
Guatemala	3	1,38%
Paraguay	2	0,92%
Dominican Republic	1	0,46%
Senegal	1	0,46%
Peru	1	0,46%
Ghana	1	0,46%
Jordan	1	0,46%
Ivory Coast	1	0,46%
Statelessness risk (no nationality)	1	0,46%
No data	4	1,83%
Total	218	100%

d. Racial identity

Figure 5 presents the frequencies of participants' racial identity. The majority of the participants identified themselves as mestizo 58.0% (n=102). Some 21.6% (n=38) of the sample identified themselves as Black or African American, Afro-Latino/a, Afro-Caribbean, Afro-Indian or "Haitian" (understood as having origins in any of the Black racial groups of

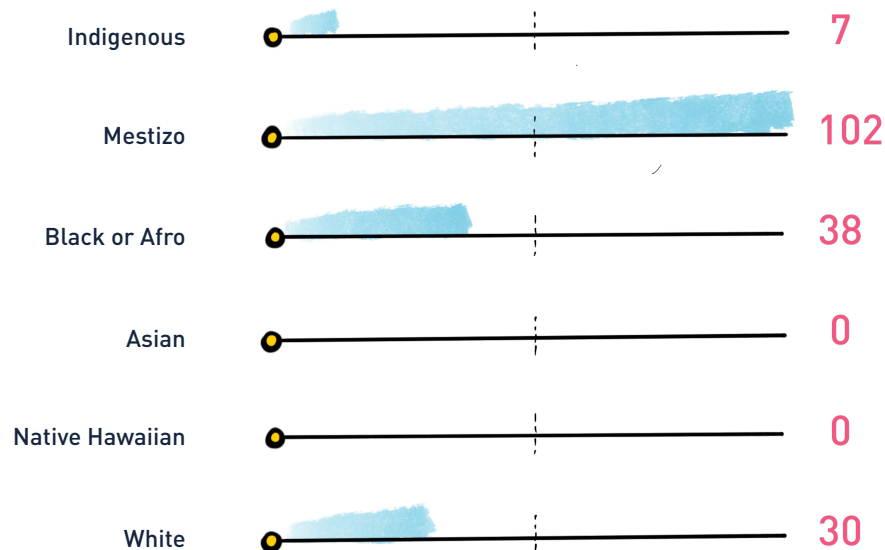


Africa); 17% (n=30) of the participants identified themselves as White (understood as having origins in any of the original peoples of Europe, the Middle East or North Africa). Finally, 4% of participants (n=7) identified themselves as indigenous⁷ (including Alaskan Native people). Another survey question (depicted in Figure 6) identified two additional participants who identified themselves as indigenous⁸.

Figure 7⁹ asks “do you currently fear or have you experienced discrimination or persecution in the past because of your race, ethnicity, or skin color?”. The results show that 32 participants (17.9%) have experienced some type of discrimination. Five percent of the participants preferred not to answer, which opens the possibility that they have had experiences of discrimination. This suggests that among the population accompanied by the RJM-LAC organizations, a little more than 20% - 1 in 5 people - have experienced some type of discrimination. It is important to explore what type of discrimination is experienced.

The UNHCR in its guide on Racism and Xenophobia recommends assessing the manifestations of these phenomena and their impact on protection. It also invites to collect data on incidents of racism, racial discrimination, xenophobia; and to identify victims and perpetrators.

Figure 5. Racial identity



⁷ The percentages represented correspond to the total number of responses obtained, in this case 177. There are no responses from 41 interviews.

⁸ The percentages represented correspond to the total number of responses obtained, in this case 215. There are no responses from 3 interviews.

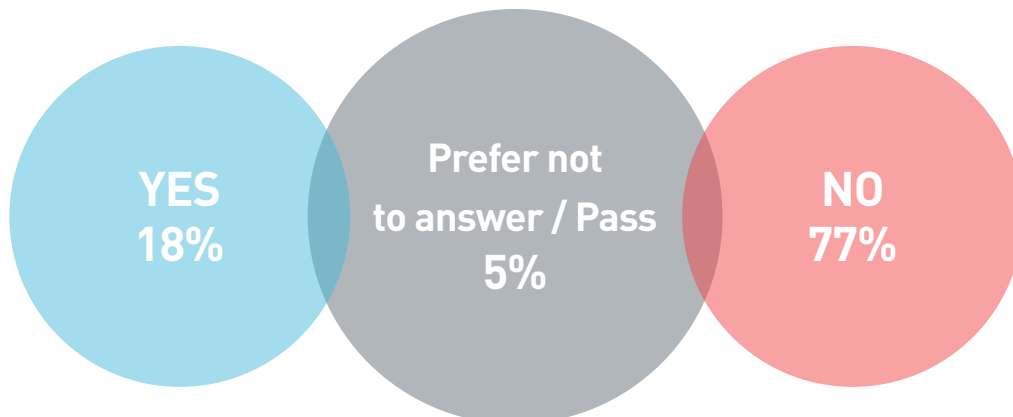
⁹ The percentages represented correspond to the total number of responses obtained, in this case 179. There are no responses from 39 interviews.



Figure 6. Belongs to an indigenous people or ethnicity



Figure 7. Are you currently afraid of or have you experienced discrimination or persecution in the past because of your race, ethnicity or skin color?



e. Level of Education of participants

Figure 8 shows that almost 88.7% of the participants reported an educational level of high school or higher¹⁰. This indicates that there is some level of education among the participants. The definitions of educational levels used in this project are those used in the World Health Organization WHO study, (2020, Apart Together Survey).

Reports and academic research have indicated that at the beginning of Venezuelan displacement, they generally had high rates of higher education. But in subsequent measures, these levels began to decrease. As a result, the Venezuelan population began to show a greater presence of lower educational levels. Table 4 identifies the educational level of the Venezuelans in the sample of this research and confirms this trend since only 31% of all Venezuelans in the sample indicated having a high level of higher education.

¹⁰ Counts/Frequency: Without schooling (0, 0.0%), Primary education (24, 11%), Secondary education (92, 42.2%), Technical education (35, 16.1%), Higher education (62, 28.4%). Missing (4, 2.3%)





Figure 8. Educational level of participants

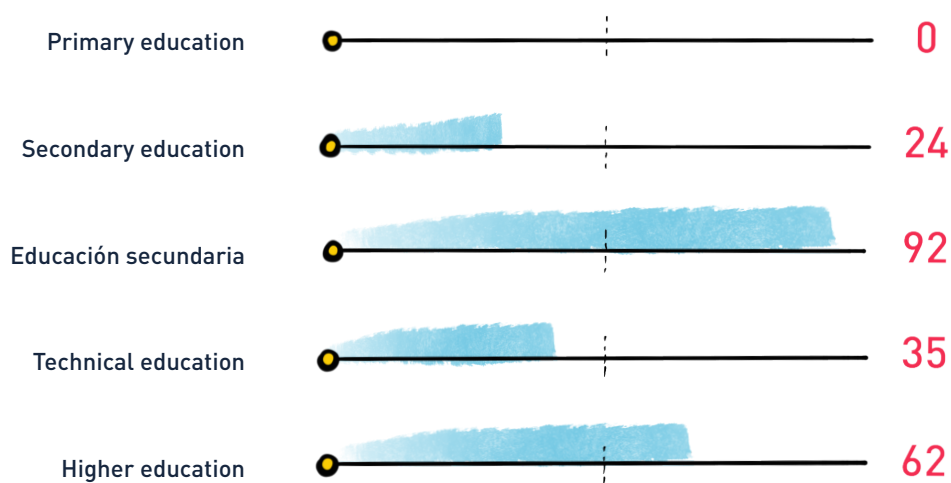


Table 4. Educational level by region and Venezuelans

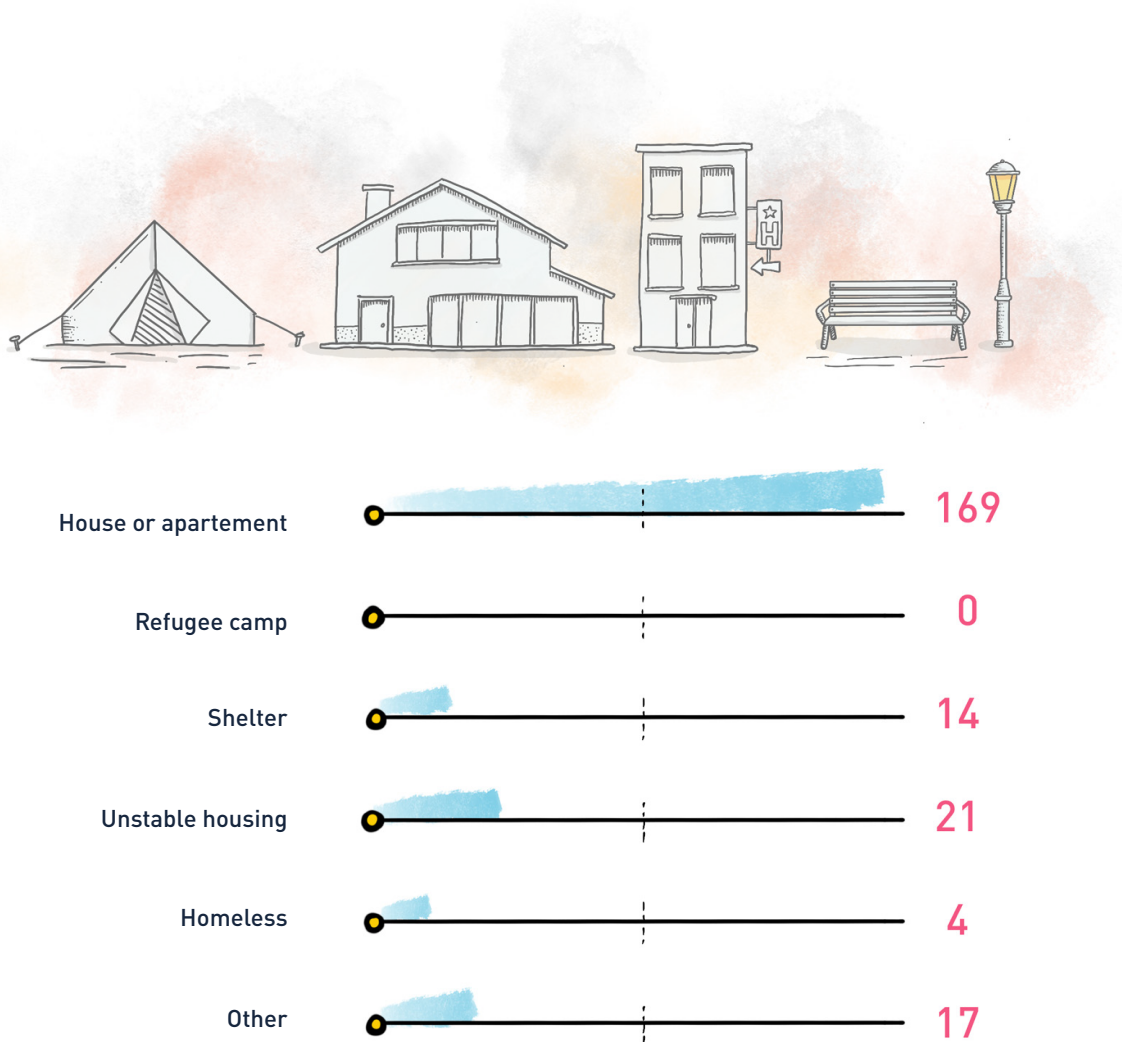
Educational level	Without schooling	Primary education	Secondary education	Technical education	Higher education
Andes Team n = 70, Missing = 0	0 0.0%	10 14.3%	32 45.7%	17 24.3%	11 15.7%
Southern Cone Team n = 43, Missing = 2 (4.4%)	0 0.0%	1 2.3%	19 44.2%	7 16.3%	16 37.2%
Brazil Team n = 30, Missing = 0	0 0.0%	0 0.0%	13 43.3%	1 3.3%	16 53.3%
MX/CAM Team n = 70, Missing = 3 (4.1%)	0 0.0%	13 18.6%	28 40.0%	10 14.3%	19 27.1%
Venezuelans n = 100, Missing = 2 (2%)	0 0.0%	8 8.0%	43 43.0%	18 18.0%	31 31.0%



f. Interviewee's Housing Conditions

Figure 9 identifies the housing conditions of the people interviewed¹¹. The results indicate that the majority of participants (n= 169, 78.6%) live in a house or apartment at the time of the interview. The second most frequent housing situation was unstable housing (person constantly changes housing) (n=21, 9.8%). Shelter (n=14, 6.5%); other (n= 17, 7.9%). There were four people (9%) who are homeless. These results indicate that almost 78% of the participants have stable housing which suggests some level of integration or the need to find stability in the face of long waiting times. In contrast, 21 people, 9.8% of the participants reported living in unstable situations. Knowing that the study population is mostly female and with sexual minority identities (1%), it is recommended to analyze a possible situation of instability and risk factors associated with this situation. The definitions of Interviewee Living Conditions used in this project are those used in the World Health Organization study, (2020, Apart Together Survey).

Figure 9. Housing conditions of the interviewee



¹¹ Some response options had more than one selection, evidencing the instability of housing on some occasions. However, the percentages represented correspond to the total number of responses obtained, in this case 215. There is no response from 3 interviews.



Table 5 shows that 91% of the Venezuelans included in the sample report living in a house or apartment. This is significant given that better housing conditions may suggest greater stability and possibilities for integration. It may also suggest that these people had the opportunity to access legal resources to stabilize themselves or have sufficient economic resources to be able to access this type of housing conditions.

Table 5. Housing conditions of the interviewee

Housing conditions	House or apartment	Refugee camp	Shelter	Unstable housing	Homeless	Other
Andes Team n = 69; missing 1	65 94.2%	0 0.0%	0 0.0%	1 1.4%	0 0.0%	3 4.3%
Southern Cone Team* n = 44; missing = 1 (2.2%)	36 81.8%	0 0.0%	0 0.0%	2 4.5%	0 0.0%	7 15.9%
Brazil Team* n =30; missing = 0	30 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 3.3%
MX/CAM Team* n =72; missing =1 (1.4%)	38 52.8%	0 0.0%	14 19.4%	18 25.0%	4 5.6%	6 8.3%
Venezuelans n =101 missing =1 (1%)	90 89.1%	0 0.0%	2 2.0%	4 4.0%	0 0.0%	7 6.9%

g. Maternal - Child Health Information

Among the 137 of the 141 female participants who answered this question, 1-person (0.7%) reported being pregnant; 6 (4.4%) participants reported having given birth in the last 12 months and 14 (10.2%) of the participants reported breastfeeding or giving breast milk to a baby. Among the total participants, 18 (8.2%) responded yes to the question “Are you traveling with one or more infants under one year of age?”. Among the data, 15 children under one year of age were reported.



h. Work Information

Figure 10 illustrates the employment status of the participants where 52.8% of the 218 participants reported that they were working at the time of the interview. Of the 115 participants working, 40 people, (34.8%) reported formal work, and 75 (65.2%) reported informal work. This indicates that although there is a source of work, the precariousness of work situations can increase the vulnerability of the people who accompany the RJM-LAC organizations.

Figure 10. Are you currently working?

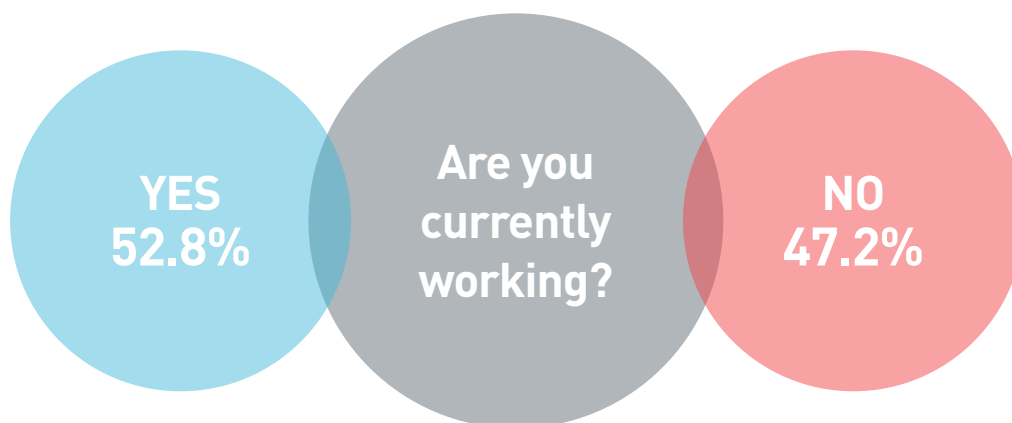


Table 6 shows that the Venezuelan nationals included in the sample had the highest employment rates. This means that at the time of the interview the person was working in some capacity. It is important to note that although 62% of Venezuelans reported having a job, 71% of these persons also reported having an informal job.

Table 6. Are you currently working?

Work	Yes	Formal work	Informal work
Andes Team n = 70 Missing = 0	49. 70.0%	15. 30.6%	34 69.4%
Southern Cone Team n = 45 Missing = 0	28. 62.2%	5 17.9%	23 82.1%
Brasil Team n =30 missing = 0	14. 46.7%	10 71.4%	4 28.6%
MX/CAM Team n =73 missing =0	24. 32.9%	10 41.7%	14 58.3%
Venezuelans n =102 missing = 0	62 60.8%	18 29.0%	44 71.0%



Information by region

a. In the Andes region:

SAMPLE: 70 people were interviewed, of which 71% were Venezuelan, 26% Colombian and the rest of other nationalities. The ages of those interviewed ranged from 22 to 63 years, with an average of 38.9 years, which shows a young adult population. The vast majority of those interviewed were women (77%), which does not mean that this is representative of the actual proportion of male and female migrants, for the reasons already explained in the methodology. Of the women interviewed, only two were breastfeeding and six were accompanied by children under one year of age. In terms of racial identity, the vast majority of those interviewed identified themselves as mestizo; only two people identified themselves as indigenous.

EDUCATIONAL LEVEL: The educational level is distributed as follows: Primary education: 14.3%, Secondary education: 45.7%, Technical education: 24.3% and Higher education: 15.7%. Together with the MEX/CAM region, they have the lowest educational levels.

ACCESS TO EMPLOYMENT: Regarding access to employment, in the Andes region, 30% say they do not have a job, and of those who do, 49% are in the informal economy, while only 21% of the population interviewed has a formal job.

Figure 11. Educational level in the Andes region compared to other regions (%)

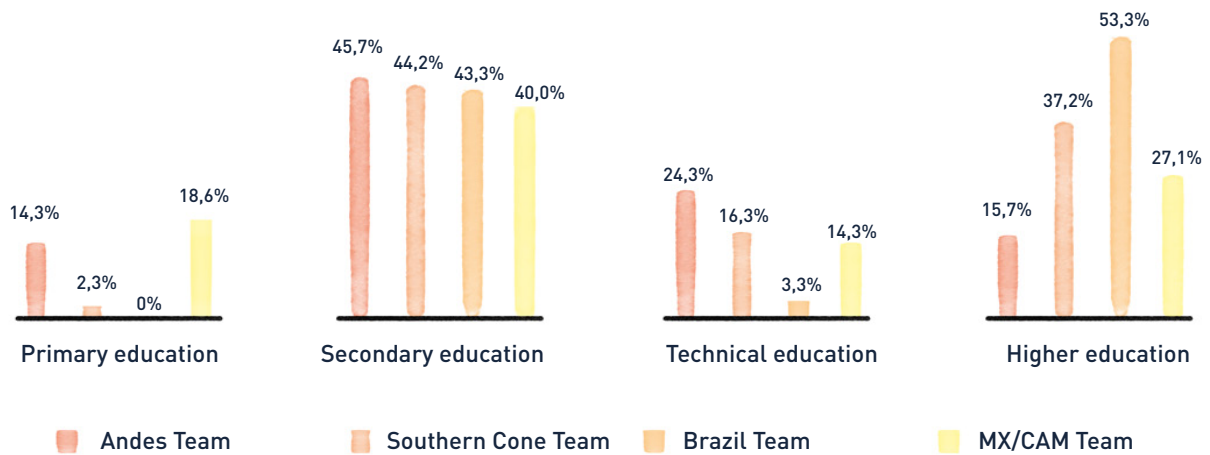
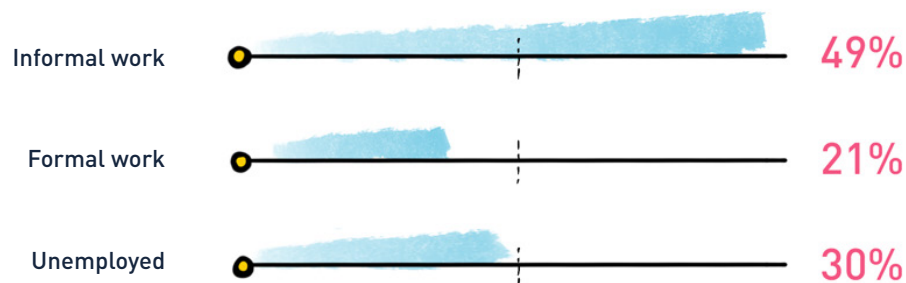


Figure 12. Access to employment in the Andes region (%)





b. In the Southern Cone region:

SAMPLE: 45 people were interviewed, 30 women and 15 men. For the selection of the group to be interviewed in each country, some variables were used that were considered important (gender, length of residence in the country and migratory status). Although contacts were made through the SJM offices in each country, it was difficult to get people who agreed to maintain the conversation. They are mostly young people, with an average age of 32 years, and mainly women. They come mainly from Venezuela (75%), followed by Colombia, Cuba and Paraguay. Regarding racial identity, almost half of them identified themselves as mestizo, followed by those who identified themselves as white (24.4%) and then 15.6% in the black or Afro-American, Afro-Latino, Afro-Caribbean, Afro-Indigenous or Haitian category.

The sample is made up of people who arrived less than 4 years ago in the country where the interview was conducted and 40% arrived less than 2 years ago, i.e. they arrived just before the beginning of the Covid-19 pandemic or when it had already started, which has an impact on the integration processes of migrants or refugees in the host country and on the demands that this may have presented to the NGOs that have accompanied them during their transit and arrival.

EDUCATIONAL LEVEL: Regarding educational level, the majority group is made up of people who have completed secondary education (42.2%), followed by those who have completed higher education (35.6%) and technical education (15.6%).

ACCESS TO EMPLOYMENT: Regarding **access to employment**, in the Southern Cone region 38% are unemployed, and up to 51% are in the informal economy. Only 11% of the population interviewed has formal employment in a context where economic migration has traditionally been the most prevalent.

Figure 13. Educational level in the Southern Cone region (%)

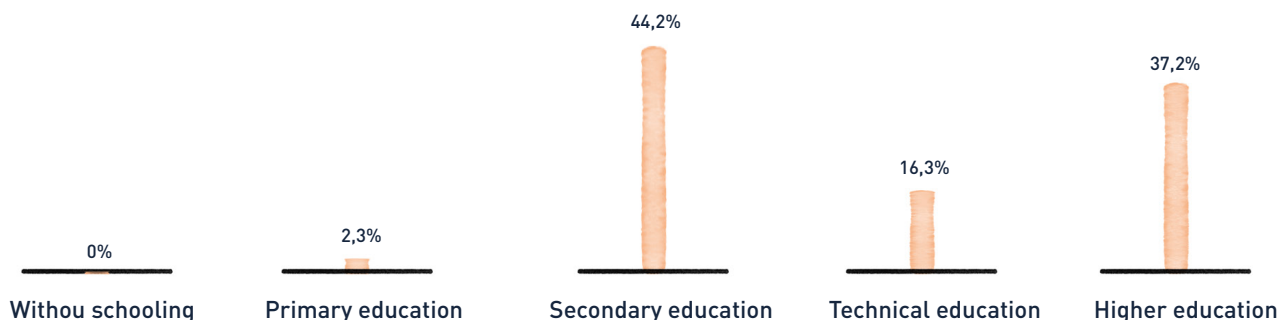


Figure 14. Access to employment in the Southern Cone region (%)



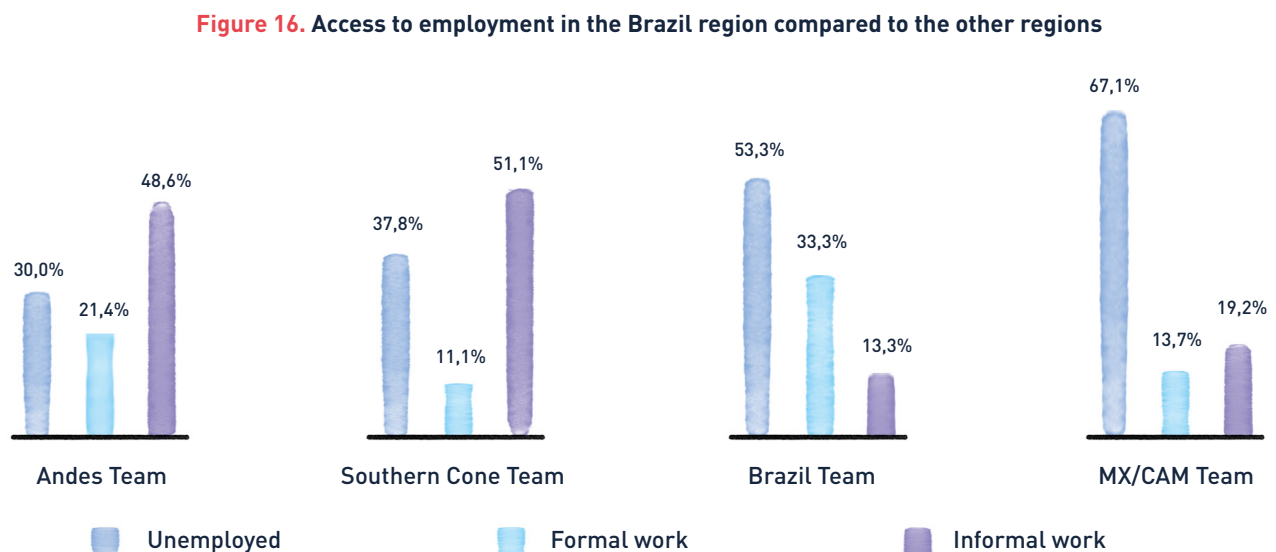
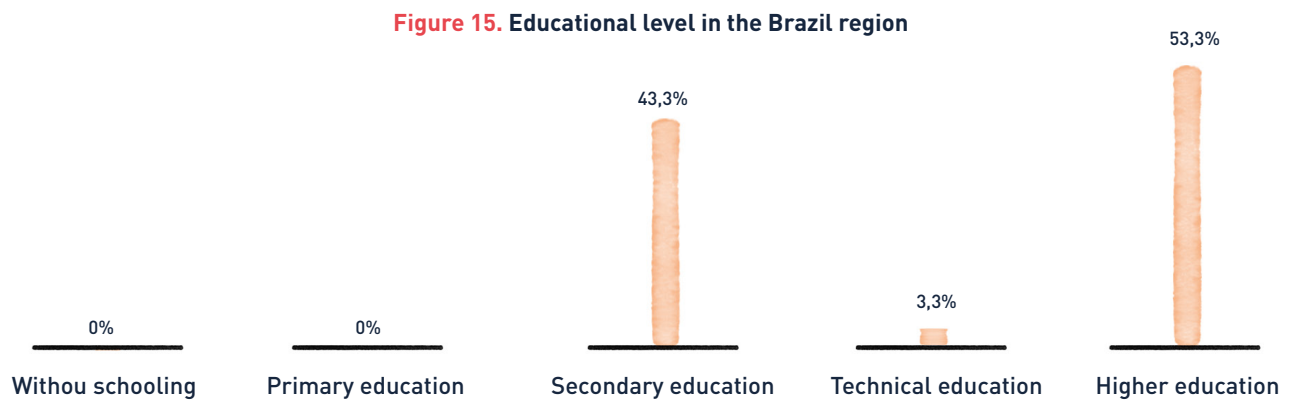


c. In the Brazil region:

SAMPLE: 30 interviews were conducted. Most of them were immigrants served by the Jesuit Network in different cities of Brazil. 39.22% of the interviewees were located in Belo Horizonte-MG; 31.37% located in Boa Vista-RR; 15.69% in Porto Alegre-RS; and in Manaus-AM, 13.72% of the total number of interviewees were located. The interviews conducted in Brazil included immigrants and refugees from four countries. Most of them are nationals from Venezuela (68.63%), Haiti (25.49%), Cuba (3.92%), and Ghana (1.96%). Respondents were mostly women between 30 and 34 years of age (27.45%). Another significant group is those aged 50 to 54 years (13.73%).

EDUCATIONAL LEVEL: The sample shows a higher percentage of people with higher education also corresponds to a higher level of access to formal employment than in the other regions, however, there is a difference of almost 20 percentage points between those with a higher level of education and those who have access to formal employment.

ACCESS TO EMPLOYMENT: Even with the limitations of the sample, Brazil has the second highest unemployment rate among the four regions sampled, up to 53%.





d. In the Mexico-Central America region:

SAMPLE: 2 groups of interviews were conducted: 46 interviews were conducted in **Costa Rica and Panama**. The interviewees were mostly women (69.56%) between 23 and 64 years of age. The nationalities of the interviewees were: Nicaraguans 43.47% Colombians 19.56% Salvadorans 17.39% Venezuelans 8.69% Cubans 6.52% and Hondurans 4.34%. In **Mexico**, 28 interviews were conducted, mainly in the city of Tapachula. The population interviewed were mainly men (67%). The nationalities were 28% Haitian, 17% Honduran, El Salvador 14%, Guatemala and Nicaragua with 10% respectively. Cubans, Venezuelans and Guatemalans were also interviewed. In the case of Mexico, a particular effort was made to interview Haitians given the social situation.

EDUCATIONAL LEVEL: More than 50% of the sample is at the basic and secondary school level. The evolution of the migration profiles in this and other regions of the continent shows the growing precariousness, the limitation expressed in the section referring to the methodology in terms of a greater stability of the persons interviewed with respect to the overall flows probably offers indicators that are higher than the real averages.

ACCESS TO EMPLOYMENT: Being a transit region could partly explain the very high percentage of people interviewed who say they are unemployed (67%), only 14% are in formal employment.

Figure 17. Educational level in the Mexico - CAM region

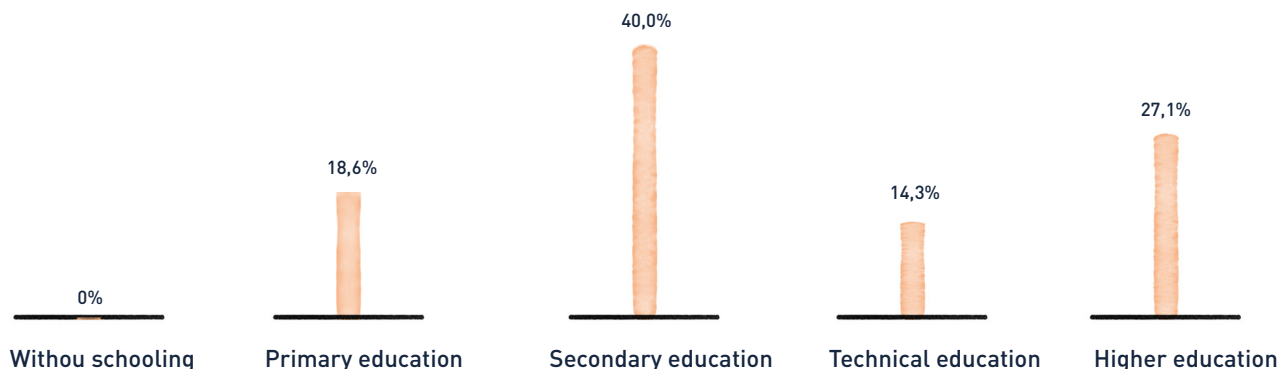


Figure 18. Access to employment in the Mexico - CAM region





In the **United States and Canada**, there were difficulties in conducting interviews because organizations related to the RJM-LAC Network that accompany migrants do not have contact with them once they enter the United States. Another factor is confidentiality issues since some of the interview candidates are in the active asylum process and there is fear that an interview could have repercussions on their process. A final reason for the delay has to do with the duty of organizations to protect the anonymity of the people they accompany.

Profiles

The **Andes region** has three very distinct and differentiated profiles. On the one hand, there is the population within Venezuela, affected by the consequences of the complex humanitarian emergency that is impacting it, requiring humanitarian support and seeking alternatives for survival within the country. On the other hand, there is the Venezuelan population that is leaving en masse for neighboring countries such as Colombia and Ecuador, where they arrive with the shortages inherent to the emergency already described and in precarious conditions from the socioeconomic point of view, with the aggravating circumstance of transiting without documents, most of them in irregular conditions, which makes their access to rights more difficult.

Finally, we have people from Colombia, who are fleeing the conflict that still persists. These are people who have been physically and emotionally impacted by the violence, who, despite being able to transit to Ecuador with identity documents recognized by subregional agreements, face vulnerabilities derived from the context of violence. Thus, distrust and the feeling of persecution often lead them to try to go unnoticed, which makes it more difficult to identify and locate them in order to provide accompaniment.

In the case of the **Southern Cone region**, these are people who left their country of origin due to poverty, lack of job opportunities and lack of food, as well as insecurity, political instability and lack of medical assistance. Some of them stay for more or less long periods in transit countries in order to get money to continue traveling, or because they thought that was their final destination, but finally, they had to migrate again. Border closures due to the pandemic are also cited as the reason why they were forced to stop until they could arrange to cross to the next country. Most of them made the journey by land, crossing through different countries of the continent until they reached the south. The existence of networks of relatives or friends, the services provided to the population or the situation of the country are the main reasons that lead them to reach the south. Most of them work, although mainly informally, and women are affected in their labor insertion by the fact of having children. The pandemic has affected them, among other aspects, by the loss of their jobs, the loss of a family member, the increased fear of being infected without medical attention and the lack of face-to-face attention in the offices where they could carry out their migratory regularization procedures.

Between 2000 and 2020, it is possible to perceive changes around the volume and origin of immigrants that were registered in **Brazil** in that period. Between 2000 and 2015, immigrants born in Bolivia (103,649), the United States (69,929), Argentina (51,094), China (45,154), Portugal (39,791) and Haiti (35,791) were registered. It is also noted that, in 2016 alone, Brazil registered more Haitian-born immigrants than in the previous fifteen years, with a total of 42,423 people.

Sending remittances to relatives is among the guiding factors of migrant life - in larger or smaller scales, considering the various nationalities. In some cases, such as Haitians, remittances represent an essential element in the national economy of the country of origin.



The most significant change in terms of the presence of registered immigrants in Brazil in recent years is the significant increase of people born in Venezuela. Between 2018 and 2020, immigrants born in Venezuela totaled 155,459 registrations in the Brazilian Federal Police.

In general, when reference is made to the **Central American migratory reality**, there is an emphasis on the reality of the three northern Central American countries, which are part of what has been called the “Mesoamerican migratory subsystem”. According to Jorge Durand (2022), this subsystem is distinguished by a highly irregular and unidirectional migratory flow, since its main destination is the United States, where extensive and mature networks of Mexicans and Central Americans have already been established. In addition, it is a low-skilled and mainly male labor migration, although it is gradually becoming a family migration.

However, it is necessary to make the intra-regional migratory flows visible, especially in the important border corridor between Nicaragua and Costa Rica. The work of accompanying this population has made it possible to register some changes in the most recent migratory flows: a) a greater number of people are forcibly displaced, motivated by the economic situation, by the high levels of violence or by the socio-political situation in their countries of origin, b) the migratory process is recorded under conditions of greater vulnerability (for example, crossing the Darien jungle or increasingly dangerous migratory routes); and c) a diversification in the specific profiles of migrants is recorded (for example, it is possible to find both people of high and low socioeconomic level, the same occurs with respect to levels of schooling).

In summary, the most significant changes in recent years in terms of migrant profiles in **Costa Rica and Panama** are: a significant increase in the **number of Nicaraguan asylum seekers**, by the end of 2021 the UNHCR estimated that about 110,000 Nicaraguans had left the country seeking international protection, 73% (80,312) to the neighboring country of Costa Rica and 5% (5,841) to Panama. The last decade has also seen an increase in the number of Central Americans from **the three northern Central American countries, mainly Salvadorans**. Among the reasons for this migration are worsening socioeconomic conditions, high levels of violence, the presence of gangs, as well as institutional fragility. Among the profiles of Central Americans arriving in Costa Rica and Panama, the arrival of groups in vulnerable situations such as entire **families and the LGBTI population** has drawn attention. Another case are **migrants and refugee applicants of South American origin, especially Colombians and Venezuelans**. In recent years this flow has been decreasing while the flow of Venezuelans has been increasing. In the case of Venezuela, the socio-political and economic crisis has motivated the migration of people seeking to flee violence, insecurity and threats, but also seeking alternatives to the lack of food, medicines and essential products. **Extra-regional migrants, mainly of Cuban, Haitian and African origin**, cross Costa Rica and Panama with the intention of reaching the U.S., however, some of these migrants have chosen to stay and live in these two Central American countries. Despite the fact that this is an irregular migratory flow that tries to go unnoticed, in recent years there have been several humanitarian crises that have made this migratory flow visible. Among the most visible humanitarian crises are that of the Cuban population in 2015 and that of the **Haitian** population in 2021.

The profiles in **Mexico** have diversified in recent years from being predominantly male to women with children and family units. The caravans and different situations have also diversified the nationalities that transit and remain in Mexico. It is necessary to make visible the increase in the internal displacement of Mexicans to the northern border of Mexico in recent years. This displacement occurs mainly in complete family units or women and elderly people with children.



The profiles of asylum seekers in the **United States** have slowly diversified. Although being an asylum seeker does not guarantee recognition as a refugee, going through the recognition process within the United States provides a range of opportunities for asylum seekers. Among the profiles of asylum seekers affected by restrictive U.S. policies are Central American and Mexican women and families fleeing violence and extreme poverty. Unaccompanied minors, asylum seekers from Midwestern or Muslim-identified countries, black asylum seekers or those of African or Afro-Caribbean descent. The contrast is that while the United States has implemented restrictive immigration policies and limited access to refugee status, **Canada** operates with a friendlier model in terms of reception and support of migrants and refugees.

In the **United States**, there are additional profiles that also need to be considered. In 2021, there were approximately 319,465 people with the 'TPS' or 'Temporary Protected Status' designation¹². This designation provides a work permit and prevents deportation to those migrants who are in the country at the time of designation. Countries with TPS status are Burma, El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, South Sudan, Sudan, Syria, Venezuela, and Yemen. In many of these cases, the designation has been extended until the end of 2022 and in the case of Haiti, Yemen, and South Sudan until 2023, and Venezuela until March 2024¹³.

In the Caribbean, in the last five years (2015-2020), important changes in population movements were noted, although this continues to be a region of net emigration. By the end of 2021, Venezuelan persons totaled 224 000 in the subregion (R4V, 2022a). The destinations of these movements were mostly the Dominican Republic, Trinidad and Tobago, Guyana, Aruba and Curaçao. However, this number of refugees in the DR was also declining, with 615 refugees in 2015, 593 in 2017, and a sharp drop from 2018 with 170 refugees (UNHCR 2019 :67). In 2019, this collective was constituted by 171 persons (OBMICA 2020 :215). Regarding Haitians, in 2020 Haitian migrants were found throughout the Caribbean, totaling 570,000 people. The Venezuelan immigrant and refugee population in the DR constitutes quantitatively the second largest demographic group, reaching 115,000 individuals in the country (DGM 2021). On the other hand, people born in Haiti are in the majority, with a total of 497,8255, or 85% of all immigrants present in the DR (ONE 2018:47).

Although the proportion is modest compared to other Latin American countries, the RD has been the largest host of refugees and asylum seekers in the insular Caribbean in recent years. However, there has been a reconfiguration of the human mobility landscape. Trinidad and Tobago retook the lead with a refugee population that went from 288 to 785 in 2017 to reach 2321 refugees in 2019, or 81.7% of the total number of refugees in the insular Caribbean this year. For its part, Curaçao counted 54 refugees and 57 asylum seekers in 2016, while, in 2019, they increased to 47 and 348 respectively. In addition, indigenous communities (Waraos and Arawak) also form part of these groups in Guyana and Trinidad and Tobago. Of the 24,500 Venezuelan migrants and refugees in Guyana, 2,500 are Warao indigenous people (UN News, 2021). Lacking food, drinking water and shelter, these communities are often in a vulnerable situation (OIM 2021:21).

Finally, it should be added that the evolution of recent years indicates a growing feminization of the Caribbean migrant population, women representing 53% of the total (OBMICA Yearbook 2020:32), corroborating the global trend of recent years with a proportion of migrant women outnumbering men (Tittensor & Mansouri, 2017 :12). In other words, women are moving today with greater independence and no longer in relation to their family position or under the authority of men.

¹² <https://www.uscis.gov/es/programas-humanitarios/estatus-de-proteccion-temporal>

¹³ DHS. Publication Date: 09/08/2022 [https://www.federalregister.gov/documents/2022/09/08/2022-19527/extension-of-the-designation-of-venezuela-for-temporary-protected-status?ct=t\[TIPS_090822\]](https://www.federalregister.gov/documents/2022/09/08/2022-19527/extension-of-the-designation-of-venezuela-for-temporary-protected-status?ct=t[TIPS_090822])



V. LEGAL FRAMEWORKS

A review of the legal frameworks and public policies implemented in the different countries of the continent reveals a diversity of legal frameworks, with different scopes. However, it is possible to recognize the existence of at least three categories of regulations:

A first group is comprised of migration laws: all countries have these regulations, mostly adopted in the last decade and in which the usual categories of residence are incorporated. In some of these laws other categories are added, with the denomination of humanitarian, precarious, etc. and under which recognition and regular residence is allowed for exceptional situations that can be identified. Some of these laws include declarations on the recognition of rights for migrants, equality and non-discrimination in treatment and even the recognition of the right to migrate as a human right.



A second group corresponds to refugee (and asylum) regulations, where only some of the countries in the region have incorporated the expanded definition of refugee contained in the Cartagena Declaration¹⁴. This is relevant because it is precisely this definition of refugee that would allow many countries to consider that the mobility flows observed in recent years are due to the existence of the causes mentioned therein (in the countries of origin), such as serious human rights violations, generalized violence or other disturbances of public order. In any case, it is not the lack of this definition that has prevented the recognition of refugee status, since in the countries where this definition is incorporated there is no evident application of it by the authorities. On the contrary, there has been a significant reduction in applications and, above all, in the recognition of refugee status (with the exception of Brazil).

A third group corresponds to the specific legal responses that have been implemented in response to the migratory crisis of recent years (mainly due to the exodus of nationals from Haiti and Venezuela). Governments have opted for the creation of exceptional legal figures, such as temporary protection statutes, visas of democratic responsibility, humanitarian visas, etc. In this way, and through the requirements established in each case, the duration of validity, the category to which they are granted, etc., the use and exercise of the rights that such residence may entail is limited, so that more than a means of recognition of the situation of unprotection experienced by people in mobility, it operates in many cases as a mechanism for controlling the entry and regular stay of nationals of certain countries.

In some cases these special permits are a requirement for entry into the country, which added to the border closures due to the health crisis during at least the first two years of the pandemic, has increased to figures never before experienced in many of the countries, the entry of people through unauthorized crossings.

Finally, in addition to the above, there is a communication discourse from governments that at the international level recognizes the complexity of the situation and particularly the vulnerability of the population in mobility (especially Venezuelan), but on the contrary, at the local level, there is an expansion of discourses that criminalize migrants, the condition of refugees is ignored and there is an increase in the levels of xenophobia and social conflicts in the host communities.

Observations by region

There have been recent changes in regulations that impact mobility in the **Andes region** in various ways. Among the favorable changes is the approval, in **Colombia**, of the Temporary Protection Statute for Venezuelan migrants (ETPV), which provides a massive regularization mechanism for Venezuelan nationals for a period of ten years. However, it does not consider benefits for asylum seekers in terms of protection and access to rights. An unfavorable change, in the case of **Ecuador**, has been the regressive modification of the Organic Law on Human Mobility and the imposition of visa requirements for the Venezuelan population in that country.

In the **Southern Cone region**, each of the countries has a migration law and a refugee law, the latter (in all cases) incorporating the expanded definition of refugee enshrined in the Cartagena Declaration.

¹⁴ This expanded definition has been partially or fully incorporated into the domestic legislation of fifteen borrowing States: Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, and Uruguay. In Costa Rica, the Declaration has been applied at the judicial level” (p. 20). In: Acosta & Harris (2022). Migration policy regimes in Latin America and the Caribbean: immigration, regional free mobility, refuge and nationality. BID. DOI <http://dx.doi.org/10.18235/0004362>



In recent years, the countries of the region have approved specific legal responses to the crises affecting mainly Venezuelan and Haitian nationals. However, these measures have had limited validity, requirements that make it difficult to obtain them, categories that do not allow them to fully exercise their rights and, finally, there is a very clear gap between what the regulations state and what happens in institutional practices when they are applied. These specific responses also show that countries have not been willing to apply the regulations and treatment as refugees in a comprehensive manner to nationals of those countries, despite having the legal tools to do so (such as *prima facie* or group recognition).

In **Peru**, the migration law contemplates a humanitarian visa, the refugee law considers the expanded concept of refugee as well as that of *refugee sur place*, however, the channels to enter the applications, as a result of the pandemic, have disappeared and there is no recognized official channel to make such applications. As special forms of protection (which could be considered complementary protection), the Temporary Work Permit (TPT) was created for Venezuelan nationals who entered until December 2018. This status is not recognized in some state institutions. Subsequently, the CPP was created and extended to any nationality, with entry before October 2020. Simultaneously, the ministerial resolution of June 2021, on humanitarian migratory status, which is a complementary protection measure, for up to 365 days, extendable.

Chile has a migration law that recently entered into force, one of its new measures is the power granted to the authority to immediately take back to the border of the country from where they arrived those who are discovered trying to enter the territory through unauthorized passages. In 2018, the requirement of a prior consular visa for Haitian nationals, and a Family Reunification visa was established, subsequently the same requirement was established for the entry of Venezuelan persons to the country and a Visa of Democratic Responsibility was created. In the first case the number of applications has been very low due to difficulties in meeting the requirements (2,365 applications from 2018 to 2021) and in the second case the granting of visas has not exceeded 14% of the total number of applications entered. In both cases, waiting times have exceeded one or two years. All of the above, added to the border closures during the pandemic, has generated an increase in the number of entries through unauthorized crossings, exceeding by 700% in 2021 the number of such entries identified during 2019¹⁵. According to the migration policy of the outgoing government, such persons are not eligible for regularization in the country. In terms of refugee status, the law provides for the granting of a temporary visa for those who initiate the refugee status determination procedure. As of 2019, there has been a sharp drop in such applications as a result of state practices that seek to prevent people from being able to make the application.

In **Argentina and Uruguay**, the residency agreement of the Mercosur Agreement is applied exceptionally and in view of the humanitarian crisis, whereby Venezuelan citizens are granted residency (despite the fact that Venezuela is suspended from such agreement). The Argentinean migration law considers the usual categories of visas to which is added a precarious visa that may be granted while waiting for another one. In terms of refugee status, the law stands out for its high standards of protection, however its application has been scarce and with high waiting times, so that the Mercosur visa concentrates the largest number of applications and in those cases where it is not applicable, the application for a precarious residence allows them, at least, to work on a regular basis. In Uruguay, migration regulations have a supplementary application in those cases where the Mercosur residency agreement is not applicable. The same applies to refugee matters, although the application of the expanded definition of refugee and the authority's willingness to carry out resettlement programs for refugees are noteworthy.

¹⁵ Servicio Jesuita a Migrantes, SJM (2022). Migration in Chile. Lessons and challenges for the coming years: Balance of Human Mobility in Chile 2018 - 2022 (3). Santiago, Chile. Retrieved from <https://www.migracionenchile.cl/publicaciones>



In the **Brazil region**, the most important regulatory frameworks on migration issues are the Refugee Statute and the New Migration Law. The refugee application leads to the issuance of a protocol that allows work and access to a temporary CPF, while the application is analyzed by CONARE. In order to streamline immigration regularization, the National Immigration Council has implemented regulations for the granting of permanent visas to Haitian nationals and between 2013 and 2015 the entry of refugees from Syria and countries affected by that conflict was regulated, with the same purpose of reducing bureaucracy. In this way, 100% of Syrians were recognized. Specific legal frameworks for granting asylum in Brazil have also been developed for the population groups identified by the war in Ukraine and the situation in Afghanistan.¹⁶

Another important element in terms of migratory regulation is the Mercosur Residency Agreement, used mainly by the Bolivian population and which concentrated the largest number of entries to the country in the period from 2010 to 2015.

The new Migration Law of 2017 is approved in the period when Venezuelan migration to Brazil is intensifying. Despite its limitations, this law presents advances as it embraces a human rights perspective: recognizing people as subjects of rights, stating that no one may be prevented from entering the country because of their nationality and guaranteeing the migrant to live in conditions of equality in relation to nationals; and the granting of a residence permit, regardless of the migratory status of the person. The new Migration Law brought the regularization of documents as a migration policy, which has become a fundamental right of international migrants.

In the case of the **MX/CAM** region, Costa Rican legislation recognizes refugee status in accordance with international norms and instruments ratified by the Costa Rican government; however, it is important to mention that it does not recognize the extension of the Cartagena Declaration.

Both the Regulations for Refugees and the Alien Regulations distinguish between the categories of refugee and asylum seeker. While refugee status is granted by the DGME, asylum status is granted only by the Executive Branch through the Ministry of Foreign Affairs. Two types of asylum are recognized, diplomatic (granted in ordinary diplomatic missions, ships and aircrafts to persons persecuted for political reasons or crimes) and territorial (granted within Costa Rican territory)

It is relevant to mention that recently in Costa Rica two regulations have been approved that represent a substantive advance for the treatment of migratory flows in the country: (1) Regulations for the Declaration of Statelessness (2016). This regulation establishes the procedure to determine whether a person does not have a nationality or effective access to his/her nationality. (2) Temporary Special Category of Complementary Protection (2020). This regulation was created with the purpose of serving Venezuelan, Nicaraguan and Cuban persons who had been denied refugee status between 2018 and 2020 or have remained in the country between 2016 and 2018. The time for which the complementary protection category is granted is two years and can be renewed for an equal period, allowing them to remain legally in Costa Rican territory, as well as the development of work activities, make arrangements with national institutions and access to state services and programs.

In **Panama**, the regulation that governs immigration issues is Decree Law No.3 of 2008. This regulation creates the National Migration Service (SNM), and establishes the following immigration categories: non-resident (tourists,

¹⁶ The legal framework for the humanitarian reception of the Syrian population is regulated in [PORTARIA INTERMINISTERIAL N° 9, DE 8 DE OUTUBRO DE 2019. Regarding the humanitarian reception of Ukrainian population PORTARIA INTERMINISTERIAL MJSP/MRE N° 28, DE 3 DE MARÇO DE 2022 and regarding the Afghan population PORTARIA INTERMINISTERIAL MJSP/MRE N° 30, DE 25 DE AGOSTO DE 2022](#)



passengers, crew, temporary workers), temporary resident (for labor, educational, religious, humanitarian and family reunification reasons), permanent resident (economic, investment, special political or family reunification reasons) and foreigners under Panama's protection (refugees, asylum seekers, stateless persons and those received for humanitarian reasons).

In Panama, the National Office for the Attention of Refugees (ONPAR) is the entity in charge of coordinating and executing the decisions made by the National Commission for the Protection of Refugees (CONARE). Panama recognizes the status of refugee to persons who present a well-founded fear of persecution for reasons of race, religion, nationality, political opinion, membership in a particular social group and gender.

In the case of **Mexico**, the 2011 Migration Law stipulates "unrestricted respect for the human rights of migrants, nationals and foreigners"; however, this law remains a general and abstract legal norm that in practice has little impact on the welfare of migrants. During the last few years, and particularly since the second half of 2014, migration control has intensified throughout Mexican territory, through the multiplication of checkpoints and *volantas* and a considerable increase in the detention of migrants in migration stations.

Social events such as the increase in the arrival of unaccompanied minors to Mexico's northern border, the migrant caravans, the 'Remain in Mexico' program (Migrant Protection Protocols) and Title 42, have tested the effectiveness of the migration law and the role of the National Migration Institute with mostly negative results. The presence of the National Guard as a containment practice has further complexified the migration dynamics in Mexico.

Due to the tightening of U.S. immigration and asylum policies and increasingly restrictive measures in Mexico, many migrants have opted to remain in Mexico undocumented or seek other avenues for regularization. The most significant of these have been refugee status applications handled by the Mexican Commission for Refugee Assistance (COMAR) and humanitarian visas.

Refugee applications have seen an exponential increase. COMAR's lack of capacity to process the number of applications and excessive waiting times cause the migrant population to abandon their asylum applications. Humanitarian visas have functioned as a palliative to allow migrants to stay or transit regularly in Mexico. One of the great limitations of the latter is its time limitation and the great procedural and economic difficulties faced by migrants to renew it.

Migration processes and policies have changed Mexico from being a country of emigrants to one that includes transit and return migration flows. The current context, especially of restrictive policies and extreme migratory control, has meant that Mexico is now also a country of destination. However, the agency with which people in mobility contexts make the decision to Remain Mexico is extremely limited. Therefore, Mexico can be considered a country of forced destination mainly because people find it impossible to continue their migratory project or asylum search in other places outside of this country.

Finally, the administration of President López Obrador has seen an increased use of the National Guard in migration control along the routes used by migrants. In the year 2022, a legislative initiative was introduced to place the National Guard under the command of the Secretary of National Defense. This would reinforce a phenomenon of militarization and control of migration routes in the country.



In the **United States/Canada region**, the following is observed: **The United States** dismantled the asylum system, limiting the admission of refugee claimants to only 18,000 by 2020. This change takes place in the context of a resurgence of anti-immigrant attitudes such as executive orders that allowed the separation of families crossing the border irregularly or the prohibition of the entry of people or travelers from certain Muslim countries. The most recent immigration changes have been the implementation of the Migrant Protection Protocol or “Remain in Mexico” Program and the enforcement of Title 42 (a public health and welfare statute enacted in 1944) that allows border patrol agents to immediately remove anyone entering the country without authorization to prevent the spread of the coronavirus. According to information from the U.S. Citizenship and Immigration Services (USCIS), there has been a sharp decline in the approval of Temporary Protected Status (TPS) applications since 2016. In 2016, 187,521 were approved; in 2017 163,03, in 2018 167,146, 32,935 in 2019 and 12,354 in 2020. In May 2021, the Biden administration announced a new 18-month designation for Haitians already residing in the United States. A similar announcement was made for Venezuelans in July 2022. Although causality cannot be established between these announcements and the increase of nationals from Haiti and Venezuela to the southern border of the United States, it is likely that these announcements impact the desire of nationals from these countries to migrate even in conditions of extreme vulnerability.

The U.S. immigration system is stuck and without the possibility of significant changes due to disagreements between Congress and the Senate. However, all of the changes that have been made to the immigration system have been by executive orders. During the Trump administration there was a considerable amount of administrative changes to immigration laws-not seen in decades-that significantly reshaped the way migration policies are applied (Ellison & Gupta, 2022). These changes limited humanitarian aid, increased migration control at borders, and decreased the possibilities for legal migration. Some examples of these changes can be seen in the impossibility of applying for asylum if entering through the southern border of the United States, the denial of refugee protection claims, or the elimination of protection for asylum claims in cases of domestic violence. These policies resulted in increased deportation and removal proceedings to countries with unsafe conditions such as Guatemala, Honduras and El Salvador, deportations to countries of persecution of individuals. In short, the Trump administration built an administrative wall to end asylum.

Despite promises of more humane asylum and immigration policies during the election campaign, President Biden’s administration has ratified many of the policies used in the previous administration and has been legally blocked from reversing others such as the ‘Migrant Protection Protocols’ or ‘Remain Mexico’ program and the use of Title 42 - which is a Secretary of Health clause that limits the arrival of aliens as a public health risk (Human Rights First, 2022; American Immigration Lawyers Association (AILA), 2022).

President Biden’s administration attempted to kill the MPP in June 2021, but a Texas judge blocked it. The Biden administration appealed to the Supreme Court and as of September 2022, the challenge to the case was lifted, but further appeals are still pending. In practice, no new migrants can enroll in the MPP, however, migrants currently in the MPP cannot disenroll from the program unless their cases go to court (American Immigration Lawyers Association, American Immigration Lawyers Association, American Immigration Lawyers Association (AILA), 2022).

Despite criticism, the Biden administration continued this policy for about a year after his election. In May 2022, Biden attempted to end Title 42, but was quickly prevented from doing so by an injunction from a state judge in Louisiana along with 20 other states. The case is on appeal and pending in the courts and, as of October 2022, Title 42 remains in effect at the U.S. border. (Garcia, 2022; Sacchetti, 2022). Even in 2022, using the Title 42 provision, President Biden’s administration continues to pressure the Mexican government to receive asylum seekers from Cuba, Nicaragua and Venezuela.



President Biden promised to re-examine the categories defining “particular social group” within nine months, which is relevant in asylum cases, which could reinstate some asylum categories for migrants that Trump eliminated, however, the changes are still completely unknown (Ellison & Gupta, 2022). After the Summit of the Americas in June 2022, President Biden promised to continue working to resettle migrants, including the growing number of Haitians as a result of pressure from Latin American countries over the criticized mass expulsion of Haitians in the fall of 2021 (Ellison & Gupta, 2022; Human Rights First, 2022).

Canada, by contrast, has much friendlier and more inclusive policies prioritizing migrant welfare and transition in the country: childcare, education, language, and housing programs are provided. Canadian immigration policies focus on rehabilitation and welcoming diverse people, leaving deportation and expulsion as a last resort. Despite these friendly measures, Canada assesses and regulates who can enter the country and resorts to deportation as a means of maintaining national security, but at a much less intense level than the United States. In 2019, Canada deported 11,247 individuals and deemed 14,425 inadmissible to the country.

In the **Caribbean Region**, in the Dominican Republic, the General Migration Law 285-04 and its Regulation 631-11, includes the category of “border inhabitant”. Law 137-03 on Illegal Smuggling of Migrants and Trafficking in Persons, as well as the National Plan for Regularization of Foreigners and the Plan for Normalization of the Venezuelan Population complete the Dominican regulatory framework on migratory matters. Regarding the refugee system, two presidential decrees in 1983 and 1984 established the National Commission for Refugees (CONARE), whose mission is to manage asylum requests. Concurrently with the PNRE, the government sought to mitigate the impact of Ruling 168/13¹⁷ through the adoption of Law 169/2014 to allow thousands of denationalized descendants to regain their Dominican nationality or be naturalized. Although the PNRE and Law 169/2014 may be considered a laudable effort, the reality is that, at the end of 2020, hundreds of thousands of people remained in a sort of legal limbo with a precarious or expired migratory status. For people born in Haiti, it has been a disappointing process because out of more than 200,000 people enrolled in the process, only 31,000 Haitian nationals have regular immigration status in the country.

Aruba and Curaçao are autonomous territories of the Kingdom of the Netherlands: while the latter is competent for foreign policy matters, Aruba and Curaçao are responsible for the admission and expulsion of foreigners under international law. The 1951 Convention and its 1967 protocol, as well as the European Convention on Human Rights, apply in Aruba. Entry to the country is regulated by the National Ordinance on Admission and Expulsion and the Admission Decree. Venezuelan persons are entitled to apply for asylum, and in turn, duly registered asylum seekers may apply for a work permit and their children may enroll in school. But having no asylum legislation, asylum seekers in Aruba remain subject only to these provisions. In 2018, the Aruban government asked UNHCR to cease operations and took over the task of determining asylum applications (R4V 2021a). In Curaçao, the State Ordinance on Admission and Expulsion which sets out the requirements for the issuance of residence permits does not include provisions relating to international protection (R4V, 2021) Not all international agreements apply in Curaçao, such as the 1951 Refugee Convention. However, certain intergovernmental human rights treaties that provide guarantees to individuals do apply; it follows that no one may be expelled if there is reason to believe that he or she is in genuine danger of being subjected to torture or ill-treatment.

In **Guyana**, the Immigration Act and the Aliens Act regulate the admission of foreign nationals into the country. Guyana is one of the few countries in the region that has not acceded to the Refugee Convention and its Protocol. Despite the

¹⁷ Dominican Republic. Constitutional Court. Ruling 168/13. At: <https://www.refworld.org/es/pdfid/5d7fcd99a.pdf>



lack of asylum and refugee regulations, Guyana has been welcoming refugees and migrants (R4V, 2021a), entrusting the UNHCR with the responsibility of determining the refugee status of persons. Faced with circular immigration, the authorities have granted 3-month residence permits, so that more than 70% of this population has a visa or temporary permit (Chaves-Gonzalez and Echevarria-Estrada, 2020).

In **Trinidad and Tobago**, the lack of a migration policy and a refugee law constitute major constraints for Venezuelans to settle and prosper in the country. Despite having ratified the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol in 2000, there is no transposition of the responsibilities derived from these international agreements into the domestic legal order of Trinidad and Tobago. The 2014 law devised to govern asylum and refugee issues has never been implemented¹⁸. In 2017, UNHCR, the Trinidadian government and a CSO agreed on a confidential protocol of action, whereby UNHCR was put in charge of refugee status determination for asylum seekers. In June 2019, the Trinidadian government organized a regularization exercise for Venezuelan persons in the country, issuing them with 6-month renewable work permits (Office of the Prime Minister, 2019). After two extensions, the authorities conducted another permit renewal for previously registered persons. Despite this status, Venezuelan refugees and migrants have very limited access to rights and services (R4V 2021a).

¹⁸ For more details about this law, see: <https://www.refworld.org/docid/571109654.html>



VI. TERMS USED

There is a tendency to establish a dichotomy between migrants and refugees, as if they were antagonistic categories, when in fact they are the extremes of a continuum in which it is possible to identify many other categories that define various forms of mobility, each of which has specific legal implications.

In fact, over time, UNHCR's classic nomenclature has expanded to include different terms, all oriented to various types of persons in need of international protection, including refugees, refugee claimants, internally displaced persons (IDPs), persons in a similar situation to IDPs, persons in a similar situation to refugees, persons of concern, persons under the statelessness mandate, asylum seekers, returnees, returned refugees and returned IDPs. Different legal responses are also established for these categories, the most frequent being refugee status, refugee claim, temporary protection and complementary protection.

In other words, this situation that has been identified as the "gray zone", in reality is already being addressed, both conceptually and in the legal responses of protection. Moreover, with regard to the response from the works of the Society of Jesus, in practice, all the works are addressing the so-called gray zone, although theoretically it is not a resolved issue.



More recently, other concepts have been added to try to identify these phenomena. Thus, international organizations and/or mechanisms have been adopting the concept of “mixed migratory flows” because it reflects very well the migratory reality in the region, where economic migrants and people in need of international protection converge. However, for specialized organizations such as the UNHCR, it is important that in addition to using this concept to talk about the current migratory reality, States and organizations are able to differentiate within these flows the population that requires international protection. In the words of UNHCR:

In our continent, as in other parts of the world, there are increasing migratory movements of people who move from one country to another for different reasons. In most cases, these migratory movements are due to socioeconomic pressures linked to poverty, unemployment and social exclusion. Nevertheless, in some cases these migratory movements are linked to persecution, armed conflict and human rights violations. With the exception of Costa Rica and the countries bordering Colombia, which host a growing number of refugees, the regional dynamics of mixed migratory flows show the existence of thousands of migrants crossing the continent from south to north and from south to south, with a small number of asylum seekers and refugees in Mexico and Central America, as well as in the Caribbean and the Southern Cone.

Migration and refugee protection are two distinct but complementary issues, particularly with respect to those situations in which refugees travel together with a large number of people who do not need international protection or whose motivations are different from those that justify the granting of international protection. This is precisely what we call mixed migratory flows, which characterize the current regional migratory dynamics.

Given this reality, UNHCR’s work consists of supporting States in identifying, within the migratory flows, those persons who are in need of international protection. We collaborate with States to ensure that migration management respects the international protection of refugees.¹⁹

Regional mechanisms such as MIRPS-Marco Integral Regional para la Protección y Soluciones (Regional Comprehensive Framework for Protection and Solutions) also refer to “mixed movements” to refer to the current migratory reality in the Central American region:

The region has witnessed the increase and complexity of mixed and successive movements of people, which has further deepened the needs and challenges of human mobility. Mixed movements from and through the region involve people traveling together, usually irregularly, using the same routes and means of transport, but for different reasons. People traveling as part of mixed movements in the region present different needs and profiles and may include refugee claimants, refugees, stateless persons, trafficked persons, unaccompanied or separated minors, and migrants.²⁰

Another conceptual option has been to speak of “forced migration” to refer again to people who migrate due to the precarious economic situation in their countries of origin, to situations of generalized violence or to situations of persecution. This term is widely used by various actors (academic, religious, humanitarian organizations, among others). It is relevant to mention that the Mexican and Central American Provinces of the Society of Jesus presented in September

¹⁹ UNHCR. Mixed migratory flows and international refugee protection. At: <https://www.acnur.org/fileadmin/Documentos/BDL/2007/4785.pdf>

²⁰ MIRPS (2021). *Informe Anual del Marco Integral Regional para la Protección y Soluciones (Regional Comprehensive Framework for Protection and Solutions Annual Report) (MIRPS) 2021*. Page 9. Available online at: https://www.acnur.org/publications/pub_mirps/61a58d544/iv-informe-anual-del-marco-integral-regional-para-la-proteccion-y-soluciones.html



2021 a document called “Position of the Society of Jesus in Mexico and Central America in the face of Forced Migration”²¹. This document, prepared jointly by Jesuits and lay people who work in the works linked to the Society of Jesus in both provinces, recognizes the complexity of the migratory reality especially in the north of Central America (Honduras, El Salvador and Guatemala) and its relationship with Mexico and the United States. Seven structural causes are identified that are forcing people to migrate, including inequality of opportunities, disillusionment with democratic processes, deficient tax and social protection systems, the influence of drug trafficking and arms trafficking, insecurity, militarization and violation of human rights, vulnerability to climate change and variability, and the individualistic outlook on life.

On the other hand, in the countries examined for this study we found the following. In general, in the three countries of the **Andes region**, restrictions, barriers and new terminologies seek to evade responsibilities or relativize their compliance with the migrant and refugee population. These changes in norms, policies and practices have been accompanied by xenophobic expressions against the migrant and refugee population, trying to justify the changes in the response provided.

In view of the above, there has been limited adaptation of the regulatory framework, policies and practices to ensure the validity of the minimum principles that should protect persons in need of international protection, namely: access to the territory and guarantee of non-refoulement, access to the procedure, issuance of documents and access to rights.

In the case of **Brazil**, we highlight the presence of different methodological and legal theoretical categories that, to a greater or lesser extent, are articulated between the definitions of international immigrant, refugee applicants, immigrants regularized under the humanitarian visa and international immigrants whose refugee status is recognized in the country.

One of the concepts that has been most widely used in the **Central American region** to refer to current migratory flows has been the concept of “mixed migratory flows”. This concept seeks to refer to those migratory flows in which both people migrating for economic reasons and people fleeing and seeking international protection are mobilized.

In the case of **Mexico**, since the Peña Nieto administration, Mexican migration policy is officially part of the National Development Plan, in which the Mexican government seeks to address migration from a humane, effective and modern perspective. Furthermore, the Mexican government affirms that co-responsibility with Central American and North American countries is key to the success of regional development. Additionally, the Mexican government seeks to foster co-responsibility with members of society, private sectors, academia and experts in the management and attention to migration. After all, Mexico is positioning itself as a humanitarian government with a progressive humanitarian migration policy -first, through the objectives of Mexico’s Migration Law and the inclusion of migration in the National Development Plan; and second, by the increased implementation of the Migration Law through the Southern Border Program.

The Mexican case shows that the categories used for migration policy can be migrant-centered and with a human rights approach and language. But without standards and regulations that are effectively applied, the text becomes a dead letter. Initiatives that seek to convert migrant stations into Centers for the Humanitarian Protection of Migrants end up being limited as long as the infrastructure to carry them out is not in place.

²¹ Mexican and Central American Provinces of the Society of Jesus. Position of the Society of Jesus in Mexico and Central America on Forced Migration. In: https://www.redjesuitaconmigranteslac.org/_files/ugd/646425_d54565cc5efe41478fba1b14fafb0885.pdf



On the other hand, the **Southern Cone** has incorporated the broad definition of refugee, enshrined in the Cartagena Declaration; however, there is a very evident gap between what the regulations state and what happens with institutional practices at the time of applying them.

In the **United States**, the institutions that regulate and control migration and access to refugee status (the Department of Homeland Security, ICE or the Border Patrol) use descriptive and technical definitions that are used in legal frameworks and settings. Hence, legal representation is key in the immigration process in the United States. However, it is in the public discourse where the greatest impact of perspectives on migration takes place. In practice, in the United States, the terms used in discussions about migration or refuge have two perspectives: one that has to do with the way in which politicians use the language and another that is the way in which migration is discussed or talked about in public discourse. In a socially and politically polarized country these perspectives matter. The political class uses the discourse about migration as part of the political agenda, this makes that there are positive and negative emphases about it. It means that migrants and refugees can be seen as a threat or a benefit. This means that the messages shared about migration are designed and prepared for specific audiences. A study by the Migration Policy Institute (O’Conner et al., 2019) indicated that the most dominant narratives about migration are driven by insecurity, whether related to economics, culture and identity, personal security, or national security.

In the Caribbean context, the concept of “shock mobilities” is applicable to the flow of Venezuelan and Haitian migrants and refugees, which represents a direct response to a threat they face in their countries. Another illustration has been the return to Venezuela of 68 000 Venezuelans from all over Latin America and the Caribbean as well as that of Haitians from the DR to their country of origin, as a form of survival mobility following the loss of their livelihoods caused by the COVID- 19 pandemic (Xiang & Sorensen, 2020:5). However, these ‘shock mobilities’ also generate immobilities as in the case of seasonal workers from Trinidad and Tobago stranded in Canada, prevented from returning to their country by the restrictive measures taken by the host country (OBMICA, n.d.).

The discussion also deals with the so-called climate refugees or migrants, an issue of relevance in the Caribbean, especially after the leadership of Barbados Prime Minister Mia Mottley, whose speech at COP26 in Glasgow called for immediate action by all world leaders.

However, in an attempt to cover different realities, UNHCR has recently introduced new terms that may blur protection needs, as is the case with the Venezuelan population classified as “displaced persons abroad”. This redefinition by UNHCR has serious implications, as it relativizes the declarative nature of refugee status and limits the scope of protection to access to services and not to rights, as established in the two guidance notes issued by that agency in March 2018 and May 2019.

In the other line of the discussion are debates, especially academic ones (Faist, 2018; Gibney, 2014) that resist using this category of “forced migration”, or use it critically, arguing that it could make invisible the capacity for agency and the decision-making process of migrants. Also from the academic sphere, anthropologist Jorge Durand has been studying in depth over the last few years a mechanism of expulsion of migrants in the Central American region that he calls “uprooting”. The term “uprooting” focuses on the situation of people who have been forced to leave their country of origin but cannot find a place to settle because they have not been allowed to enter their country of destination, have been deported from it or remain in hiding and/or on the move to avoid being expelled from the transit country.



A critical and necessary discussion focuses on how any of the terms used to describe people in contexts of mobility relate to the legal frameworks for international protection or access to protection or regularization in receiving places. UNHCR and other authors have chosen to speak of “forced displacement” to refer strictly to their population of interest, which includes refugees, refugee claimants, internally displaced persons and stateless persons. Thus, in view of the inadequacy of the existing categories, it has begun to use the combined term “refugee-migration” in order not to break with the existing categories, but to emphasize that in the new reality there is a greater need for protection among migrants and/or refugee applicants.

For its part, the Catholic Church, including JRS, prefers to use the concept of “de facto refugee”, while in the RJM “forced migration” is frequently used to refer, without distinction, to people who migrate forced by the precarious economic situation in their countries of origin, by situations of generalized violence or by situations of persecution. This term is widely used by various actors (academics, religious, humanitarian organizations, among others). Some object that the concept may detract importance and attention from the specific needs of people in need of international protection and may also invisibilize the agency capacity and decision-making process of migrants.

Other authors (Ribas, 2018) prefer to call “crisis migration” any process of population displacement in which people are forced to move or become trapped from a situation of humanitarian crisis.

In short, there is a wide variety of terms to refer to different expressions of human mobility. Moreover, although the current categories are outdated and in practice are no longer binding, it does not seem urgent to find the right concept. A great deal of energy could be devoted to a discussion that cannot be resolved in the short term, given the current conditions of lack of openness and receptiveness on the part of governments.

As a research question on this topic, what concept or concepts are best suited to the current contexts and most common profiles of people in forced mobility in LAC?

It is confirmed that the current categories are outdated and in practice are no longer binding. There is room for further reflection at the academic and civil society levels on how to update them. However, there are no political conditions for resolving the existing vacuum in the international legal framework in the short term, due to the hardening of governments, especially in host countries. In any case, the teams are providing answers, beyond the terms.

It is therefore a matter of proposing an exercise that allows us to identify terms that (a) encompass this diversity without the risk of making it invisible; (b) are clear as to the legal consequences in terms of protection; (c) recognize the diversity of the population accompanied by the works of the Society of Jesus.

In section X, *Conclusions and Recommendations*, we will try to address proposals on this complex matter based on some key criteria: 1) that take into account the diversity of the social fabric that makes up the migratory flows; 2) that express the current needs of the accompanied persons; 3) that facilitate the logical deduction of the type of accompaniment that we should offer.



a. Concept Review Matrix

In this exercise, a Concept Review Matrix can help a personal and collective analysis and to establish a position on which terms may be more appropriate. The following matrix gathers a proposal of evaluation from the research team that can serve as a starting point for the analysis of any interested reader and for the necessary discussion in the different network spaces and/or in the organizations involved.

Term	Covers diversity	Legal protection	Reflects accompanied population
Migrant/Refugee	NO	YES	NO
Mixed migration flows	YES	YES	YES
Forced Migration	YES	NO	YES
Persons in need of International Protection	YES	YES	YES
Persons in contexts of mobility	NO	NO	YES
Displaced abroad	NO	NO	NO
De facto refugees	NO	NO	YES
Crisis migration	NO	NO	NO
Forced migrant in need of international protection	NO	YES	YES

b. Self-perception and perception in the receiving country

One of the questions in the questionnaire had the objective of collecting how people in a mobility situation perceived themselves with respect to the terms refugee and migration. Tables 7 and 8 show the results of the sample. With disaggregated data for the Venezuelan population.

In general, in all regions the people interviewed see themselves as migrants. Only in the Andes region did 54% indicate or see themselves as refugees. It is not clear if this perception is due to a lack of knowledge of the term and the way it is appropriated or if it is due to the fact that in practice for people in contexts of mobility the terms do not make a difference and they tend to use the most general or accessible term for them. Here it is interesting to note that Venezuelans indicate more frequently referring to themselves as “migrants”.

Table 7 indicates the response given to the question regarding the perception that the receiving country has of people in mobility contexts. Respondents mostly indicated that receiving countries see them as migrants. This may indicate that the language used in the receiving contexts also does not distinguish the different legal categories or mobility situations that people in contexts of displacement may have.



The information in these two tables in dialogue with the concept review matrix leads us to reflect that although we recognize that the categories and terms used make a difference in the legal and academic aspect, it may be that the use of one term or another does not make a difference to people in contexts of mobility.

Table 7. Do you consider yourself a refugee or migrant?

Do you consider yourself a refugee or migrant?	Refugee	Migrant	Análise
Andes Team N = 61. Missing 9 (12.9%)	33 54,10%	28 45,90%	Refugee > migrant
Southern Cone Team n = 44. Missing = 1 (2.2%)	14 31,80%	30 68,20%	Migrant > refugee
Brazil Team n =27. Missing = 3 (10%)	4 14,80%	23 85,20%	Migrant > refugee
Team MX/CAM n =71. Missing =2 (2.7%)	33 46,50%	38 53,50%	Migrant > refugee
Venezuela Data nationality or place of birth n =93. Missing = 9 (8.8%)	36 38,70%	57 61,30%	Migrant > refugee

Table 8. In the country where you live, do you think you are considered a refugee or migrant?

You are considered a refugee or migrant?	Refugee	Migrant	Analysis
Andes Team N =55. Missing 15 (21.4%)	19 34.5%	36 65.5%	Migrant > refugee
Southern Cone Team n = 42. Missing = 4 (6.7%)	6 14.3%	36 85.7%	Migrant > refugee
Brazil Team n =25. Missing = 5 (16.7%)	11 44.0%	14 56.0%	Migrant > refugee
Team MX/CAM n =65. Missing =8 (11%)	14 21.5%	51 78.5%	Migrant > refugee
Venezuelans n =87. Missing = 15 (14.7 %)	22 25.3%	65 74.7%	Migrant > refugee



VII. NETWORK INTERVENTION MODEL AND TEAM PRACTICE²²

The strategic framework of the Jesuit Network with Migrants is understood in relation to the way of proceeding that is synthesized in the following points:

- (1) The intervention model has as its starting point humanitarian aid and direct socio-pastoral accompaniment and the adequate reception of migrants, displaced persons, refugees and their families, seeking to guarantee the effective enjoyment of their rights and due protection. All this makes up what we call the **socio-pastoral dimension**. There are also, in specific cases, response strategies that take advantage of the international diversity of the network to provide constant accompaniment throughout the transit and in the country of destination.

²² The Conference of Provincials of Latin America and the Caribbean (CPAL) has made an approach to the understanding of what it understands as the Forced Migration Apostolate, which may be of interest to differentiate the dynamics of the intersectoral network from the dynamics of the social areas. APOSTOLADO DE LA MIGRACIÓN FORZADA EN LA CPAL NUESTRO MODO DE PROCEDER. Documento Orientador. Approved in November 2021 by the Assembly of Provincials of CPAL.



- (2) Based on direct work, priority issues and problems of interest that need to be studied and analyzed in order to define better strategies for action are identified. It is carried out through applied research. This is what is known as the **theoretical and research dimension**.
- (3) The results of such research serve as a basis for awareness-raising and advocacy efforts that seek to protect and promote access to the rights and protection of forced migrants. This is what is understood as the **advocacy dimension**.
- (4) The accompaniment of forced migrants seeks not only to welcome and protect but also to promote and empower based on the conviction that migrant women and men are active subjects of their own development and proper integration in the places where they arrive. **Promoting the culture of hospitality and new narratives**.

This research is a clear example of how networking should not only rely on these dimensions in a complementary way, but demands interdimensionality for real transformation. The very fact that forced migration is a priority for the whole Society of Jesus, our response as a network proposes intersectoriality (or the participation of all apostolic areas). Once again, this research is an expression of the articulation between actors from educational areas - the research teams have been led by academics from different universities of the continent - together with actors from the social area, the social organizations of the Society, mainly the works specialized in migration and refuge, have been key for the realization of the field work and part of the proposed analysis.²³

Within the first dimension, the socio-pastoral, we find the response practices led by the social works specialized in Migration and Refuge linked to the RJM. The direct accompaniment they offer has, with its own specificities, similar levels of action with a vocation to respond comprehensively and to do so regardless of the category in which the person is included, but from the criteria of greater vulnerability and need.

- There is a first level of response that focuses on basic humanitarian assistance,
- A second level that may include crisis care, psychosocial accompaniment, and health care.
- Another level accommodates legal accompaniment both in transit and at the destination sites.
- Also proposed, depending on the context, are strategies that can be framed as integration strategies: access to rights, labor insertion and livelihood entrepreneurship, social insertion in terms of hospitality and reconciliation, etc. In many cases, integration strategies also require working with the host communities, often affected by conditions of vulnerability comparable to those of populations in forced mobility.
- In some cases, there is accompaniment both at origin with expulsion communities and with returned or deported populations.

23 In order to achieve these objectives in the network, the main foundation is the mission of the Society of Jesus and its Universal Apostolic Preferences and the priorities established in the different projects and plans at the territorial level (Conferences, Provinces, etc.), together with the discernment of the reality; the second foundation is the presence and installed capacities which, when articulated, allow the mission to advance and deepen through intersectoriality; and the third foundation is the alliances with other actors in society.



These interventions can be developed at the individual, group or family level. It is important to keep in mind that regional work varies according to the context and some regions may have different modalities and levels of service in different regions.

Observations by region

Below, in a very summarized manner, we offer a description of those specialized migration and refugee works linked to the network, which have had a more direct contribution to the work of this research.

The accompaniment practices in the **Andes region** include comprehensive case evaluation, psychosocial accompaniment, legal assistance, humanitarian assistance (basic needs), health orientation and group accompaniment in integration and production processes. These are developed to a greater or lesser extent in the three countries and can be carried out on an individual, family, group or community basis, depending on the strategies identified to address each need.

Two factors have had a special influence on the changes in the dynamics of migratory flows that have led to adjustments in accompaniment. On the one hand, the increase in the demand for support in various areas, as a result of the massive mobility of the Venezuelan population. Secondly, the mixed nature of migratory flows.

Undoubtedly, the COVID-19 pandemic made more visible the social gaps and needs of the most vulnerable sectors of the population, among which is the migrant and refugee population. The provision of services has also been affected by office closures and transportation restrictions, which forced the suspension of field trips and face-to-face training and accompaniment activities. The teams quickly adapted to the virtual environment, but some of the support provided was limited.

The specialist works in Colombia, Venezuela and Ecuador are the **Jesuit Refugee Services (JRS)**, which are integrated into the regional office of [JRS LAC](#).

In the **SOUTH region** of this research we grouped Peru, Chile and Argentina-Uruguay. In **Peru**, [Encuentros SJM](#) has five offices distributed throughout the country and provides services in four areas: psychosocial, livelihoods, legal clinics and the community area, which is responsible for working with churches, the state and other organizations. SJM also carries out public advocacy. In response to the closure of spaces during the pandemic, a virtual platform was implemented (PACO and Ven Informado), which are the main way to make the first contact with people. The main beneficiaries of the services are refugee claimants, refugees, victims of human trafficking, stateless persons and Venezuelan nationals in vulnerable situations.

[SJM Chile](#) has 3 offices throughout the country. It provides services to the migrant and refugee population through the social, legal, educational and intercultural areas, while the advocacy and studies area carries out research and proposals with a view to promoting laws and public policies that are more inclusive and respectful of their rights.

The **SJM is a single organization in Argentina and Uruguay (SJM ARU)** and has four offices. In Argentina they are structured in five areas of work: social, pastoral, education, advocacy and livelihood. In the case of Uruguay, the focus is more modest because it has one office and a team of volunteers.



Brazil functioned as a region of its own in the research due to its size, particularities and complexity. In the case of **Brazil**, the reference specialist work is the **Jesuit Service for Migrants and Refugees Brazil (SJMR Brasil)**, which, organized in 5 offices and in different programs, offers a response from the following lines of action: Pastoral, Protection, Livelihood, Integration and Advocacy and with numerous areas of intervention (*Reception, socio-familial and psychological support, social assistance, legal assistance, languages, professional training, job placement, internalization and resettlement, etc.*).

In Central America, the Jesuit Migrant Service Costa Rica (SJM CR) began its work in 2004. Since its creation, SJM CR has mainly accompanied the historical migratory flow of Nicaraguan people arriving in Costa Rica in search of economic alternatives or seeking reunification with family members who had previously migrated. The SJM CR also assisted some Colombians who arrived in Costa Rica seeking international protection due to the armed conflict in Colombia. However, *“in the last 10 years, displacements in the region and the diversity of these displacements have increased”* (Interview CR4, 01/09/2021).

The main profile served continues to be the **Nicaraguan population**. A second profile of people served by the SJM CR are people from the **three northern Central American countries**, especially from El Salvador. A third profile is made up of **Colombians** and **Venezuelans** who arrived in the country either due to the internal armed conflict in Colombia or the socio-political crisis in Venezuela. A fourth profile is the **Caribbean population, especially Haitians and Cubans**, who were in transit through Costa Rican territory, but for various reasons have chosen to stay in the country.

For the staff working at the SJM CR, **2018 marked a before and after** in the profiles of the Nicaraguan people accompanied and in the accompaniment strategies towards this population. From this moment on, there was the experience of accompanying cases with situations of extreme vulnerability that had not been accompanied previously, for example, cases of population that had experienced torture and where psychological care was indispensable. In addition, 2018 represented a challenge for Costa Rican migration authorities who collapsed in the face of the growing number of people seeking refuge from Nicaragua.

After more than 15 years of accompanying the migrant population, the SJM CR *“has increased and diversified the type of attention”* (Interview CR4, 01/09/2021). The services currently provided to the migrant population are the following: **Socio-legal**: information on migratory categories, counseling, support in migratory documentation, legal representation and advocacy in terms of exercising rights. **Humanitarian aid**: specific support in food, housing payments, medical care, clothing, among others. **Psychological care**: individual and group counseling for people who have experienced gender-based violence, people affected by the pandemic, people with suicidal ideation or attempts and stateless people. **Socio-labor inclusion**: capacity building for decent employment, for example, delivery of seed capital or various training (courses for food handling, safety in the workplace in the context of pandemic, among others). In addition to the direct work with the migrant population, the work carried out by the SJM CR in the area of **advocacy and communication** should be highlighted. The SJM CR develops awareness-raising processes for the Costa Rican population in general but also with public institutions.

In 2018, the attention to migrants and refugees in **Panama** was resumed, this time it was no longer through a work specialized in migration or refuge but from the Jesuit educational work Fe y Alegría Panama. **Since 2018 Fe y Alegría Panamá** was integrated as another work to the RJM CA from where efforts are coordinated for the benefit of migrants from Guatemala to Panama. Currently, Fe y Alegría has only one person specifically dedicated to migration issues, which limits the possibilities of attention and represents a challenge for the accompaniment of migrants and refugees.



Despite the existing limitations, Fe y Alegria Panama mainly offers **humanitarian aid** in food, payment of housing rent, access to medicines, among other specific needs of migrants and refugees. In addition, Fe y Alegria's facilities in Panama include the Pedro Arrupe Shelter, which provides temporary lodging to migrants and refugees who require it. The people who are assisted by this work also receive psychological and spiritual accompaniment from the team that works in this Jesuit work. It is important to mention that there is no legal accompaniment team and cases that require this support are referred by Fe y Alegría Panamá to known lawyers or to works specialized in issues such as refuge.

In the case of **Mexico**, the Jesuit Migrant Service (Mexico) ([SJM-México](#)) and the Jesuit Refugee Service ([JRS México](#)) are two organizations that have been offering assistance to people in contexts of mobility for many years. SJM-Mexico has a long history of collaboration with other civil society organizations (religious and non-religious) in the accompaniment of migrant populations. In particular, SJM-Mexico has collaborated with the Migrant Defenders Organizations Documentation Network (REDODEM). Another significant service provided by JMS-Mexico is the search for missing persons. JRS-Mexico provides psychosocial services and legal accompaniment. Both organizations, although they have their national office in Mexico City and other places of intervention, have a vocation and trajectory for working in the southern (Tapachula and Comalapa) and northern (Ciudad Juárez) borders of the country.

The accompaniment of migrant and refugee populations in the **United States** takes place at different levels. On the one hand, there are organizations that provide direct services at the border. The assistance consists of humanitarian support, psychosocial support, legal assistance, spiritual accompaniment, and advocacy on the political agenda. Another type of work at the border consists of educating groups interested in learning about the reality of migration at the border. Another level of intervention consists of psychosocial assistance and humanitarian support for some populations that are waiting for their asylum applications to be processed. In several instances, accompaniment is provided to populations of young men and women or unaccompanied minors. At the same level, there are pastoral care centers that accompany migrant populations. These centers provide essential but very diversified assistance, ranging from food assistance, psychosocial assistance, language classes, legal information and advice, and assistance with access to different government programs. In these cases, the pastoral centers are true service centers for migrant and refugee populations. A third level are organizations that focus their efforts on the formation of networks for education and social and political advocacy. In the case of **Canada**, [JRS Canada](#) could only be contacted to comment on the accompaniment practices in that country.

As we pointed out in the introduction to this section, there are initiatives that elevate agency as an expression of networking. For the purposes of this research, we highlight one that occurs in the [CANA Subregion](#) of the Jesuit Network with Migrants. **Regional Assistance Network for Migrants and Refugees (CANA Assistance Network)**. The beginnings of this effort date back to 2013, by this time the annual meetings of the socio-pastoral dimension allowed closer ties between the people of the various works that make up the Jesuit Network with Migrants in Central America. In addition, between some countries in the region such as Nicaragua, Costa Rica and Panama, some collaborations were already being developed to accompany some specific cases of migrants or to make visible the reality of migrants. Thus, in 2013, the creation of a regional network was proposed to accompany, document and advocate at the regional level. Honduras joined this regional effort and during the first year the coordination of this regional effort was in Costa Rica. Since then, the coordination of the network has been managed from Nicaragua and currently (2022) it is in the process of transitioning to Guatemala.

In 2014, a delegation of the Jesuit Network with Migrants traveled from Nicaragua to southern Mexico, seeking to document the reality of migrants in the region, as well as to carry out public advocacy actions in each of the countries



visited. During this period of time, several of the cases attended were of people in detention, deportation or disappeared along the migratory route.

In the period between 2016 and 2018, several works with presence in Mexico were incorporated, such as the Jesuit Migrant Service of Frontera Comalapa, the Jesuit Refugee Service of Tapachula and Coalición Mexicana; in addition, alliances were established with REDODEM and Centro Prodh. During this period of time, it is important to highlight that the regional network began to accompany cases of forced displacement. During 2019 and 2020, JRS Canada was incorporated and efforts were made to institutionalize operational processes (protocol and common registry of cases). The coronavirus pandemic that began in 2020 involved raising awareness and advocacy from the virtual world, in this year the *Solidarity without borders* campaign was developed, which sought to raise awareness about the treatment of migrants in pandemic contexts.



VIII. ACCOMPANIMENT PRACTICES (BARRIERS AND FACILITATORS)

In general terms, all regions identify coordination with other local institutions, with international organizations and with those located in other countries of the region as a facilitator in their accompaniment practices. Particularly valuable is the coordination between the offices of the network specialists (SJM/JRS/SJMR...). Networking allows the results of this accompaniment work to have greater scope and continuity, for example, in many cases, allowing the care provided to be interdisciplinary, i.e. from the knowledge and skills installed in the diversity of actors involved in the accompaniment, as a result of the complementarity in the work with partner organizations and among organizations of the network itself.

The increased use of virtual platforms, whether to provide care, to coordinate the delivery of humanitarian aid or for training, has also been a facilitator of the accompaniment work. Virtuality had already been used before the pandemic, but undoubtedly, this has been a catalyst for its increased use and in many cases, it will remain permanently installed, although not necessarily for all cases, since field presence and face-to-face accompaniment are identified as a necessary aspect of the work being done.



Among the challenges or barriers identified is the lack of receptiveness of public agencies and authorities to the work carried out by civil society organizations (including SJM/JRS), and the challenge for many of them is to carry out actions focused directly on advocacy for the impact they can have on the eventual modification of public policy.

Observations by region

A recurrent element in the three countries of the **Andes region** is the work in coordination with other national civil society organizations and international humanitarian entities, which makes it possible to articulate strategies, avoid duplication and coordinate efforts. In terms of good practices in accompanying and serving migrants, asylum seekers and refugees, flexibility, adaptability, organizational support and field presence stand out.

Among the challenges identified is the need to make greater use of alliances with other organizations to achieve common public policy advocacy objectives. It also seems important to make more strategic use of the valuable information base held by field teams and national offices, which can serve as input for research and analysis by RJM research centers. Third, retaining qualified human resources is a challenge, as the low salaries received by the teams lead to high staff turnover.

In the **Southern Cone region**, the use of virtual platforms for initial care (Ven Informado and PACO in Peru and MigrApp in Chile, WhatsApp in Argentina and Uruguay) stand out as a good mechanism to connect with people, especially during the pandemic period. Interdisciplinary case management is also highlighted as a facilitator of the results of the work carried out by SJM. In general, complementarity is observed between SJM and partner organizations, since those services that one organization does not provide can be covered by another organization. Among the challenges is the need to strengthen cross-border coordination, both within SJM and in collaboration with partner organizations. The variable relationship and lack of receptiveness of state authorities in Peru and Chile to the migration phenomenon is seen as a major barrier to the work of the SJM offices. In the case of Argentina and Uruguay, there is greater dialogue with the authorities.

The attention offered by SJM Costa Rica had to be renovated to adapt to the needs and conditions imposed by the pandemic. According to the SJM CR team, this renovation allowed them to have very positive results which should be capitalized on after the pandemic. Among the innovations resulting from the pandemic we can mention: **Attention through WhatsApp; virtual trainings; decentralized humanitarian assistance**. The pandemic forced to look for new ways to deliver humanitarian assistance without having to centralize it in the SJM CR headquarters in the capital of Costa Rica.

Despite the pandemic, **RJM CANA** with the Assistance Network has sought to strengthen capacities through the sharing of experiences in virtual assistance, the monitoring of migrant caravans, the exchange of experiences and training to be able to document cases to present to the Inter-American Human Rights System. In these almost ten years of operation of the network of attention to cases, we have been able to accompany more than a thousand migrants and refugees through the link between two or more organizations that make up this network from Canada to Panama and including Spain.

This network has been successful in various cases of accompaniment, for example, in the search for migrants who have disappeared along the migration route or in the case of documentation processes for people born abroad. However, it is important to highlight the accompaniment of people seeking international protection through comprehensive accompaniment from the countries of origin to the countries of destination. The accompaniment in these cases has been so successful that it has allowed people to easily gain access to international protection.



In the last year, 2021, the network provided attention and support to 293 cases related to migration and international protection, which were managed by two or more organizations that are part of the network. These cases usually begin in a work in the region that refers the case to the Network for resolution. The main works referring cases in 2021 were: Jesuit Service for Migrants of Nicaragua -SJM NIC- (191 cases), Jesuit Service for Migrants in Costa Rica -SJM CR- (31) cases and in third place Jesuit Service for Refugees in Tapachula, Mexico -SJR Tapachula- (16). Regarding the services offered, this network registered 275 services offered in 2021 among which stand out: legal advice and accompaniment to refugee and asylum seekers (109), assistance in the management and sending of documents necessary for regularization (66); and legal advice and accompaniment for other forms of migratory regularization (36). These data are a clear reflection of the main characteristics of the current migratory context, where we see the increasing importance of international protection cases in the region and the relevance of case management in the “southern corridor” of Central America.

Migrant and refugee support organizations in the **United States** indicated that collaboration with other organizations, evaluable and adaptable processes to respond to the pandemic, as well as the use of virtual platforms for education and advocacy were key to continuing the operation.

Today, in the Dominican Republic, the accompaniment strategies of CSOs (including religious organizations such as the Jesuits and ASCALA) for Haitian migrants and their descendants born in the DR have expanded to include the Venezuelan population as well, albeit on a smaller scale. This is because in practice the Haitian population continues to be more discriminated against and the integration of their descendants born in the country is still in question after the denationalization of thousands of Dominicans of Haitian descent in 2013.



IX. EMERGING ISSUES

During the fieldwork carried out in 4 of the 6 regions in which the research was structured, both individual interviews and some focus groups were conducted. In response to dialogues on more open questions, some issues were raised that were not strictly speaking the object of the research questions; however, due to their reiteration and the importance given to them by the interviewees themselves, we would like to include in this section some considerations on what we have called emerging issues.

Expectations vs. realities

In the **Andes region**, some people who qualify for refugee status determination (DCR) have opted for other means of regularization due to the complexity of the procedure. In the case of Colombia, the fact that the refugee applicant cannot



work and that the process does not have defined timeframes become deterrents that lead people to seek other options, even if they have the refugee profile.

On the other hand, people with health care needs opt for refuge, even if they do not meet the profile, since with the current process they can access the health system. The difficulties in choosing the type of regularization that best suits the person's profile are also related to the lack of information on the different options.

In the **Southern Cone** region, most people define themselves as migrants and state that the country where they live also considers them to be migrants. The reasons they give for this are mainly linked to the voluntary nature of their departure or to the fact that their objective is to seek a better future. Some people even reinforce the fact that they are migrants because they have not asked the government for support. Some, while recognizing that they may be refugees, have not opted for this path because they see it as a long and difficult process.

In the **Region of Central American** we work with different population profiles in contexts of human mobility. Both works work with populations in contexts of human mobility in broad terms, regardless of their migratory category or nationality, and this is a special characteristic that distinguishes Jesuit works from other institutions. In general, the works, institutions, organizations and agencies, whether national or international, prioritize their work with migrant or refugee populations; there are even some that select which nationalities to work with. The works of RJM in Central America have been characterized in recent years by accompanying the mixed flows that develop in the region in which there are both migrants and refugees and beyond the conceptual debate, the works have sought to adapt to the new needs of the context and offer a comprehensive accompaniment to people who approach the works.

Mental Health

In most of the people interviewed in the **Andes region** there is a tendency to sadness, anxiety and discouragement, but at the same time expectations in the face of new challenges. Physical fatigue and lack of restful rest are related in most cases to uncertainty, especially with regard to employment, income and lack of migratory regularity. Another element that influences mood is the loss of social and family support networks and concern for loved ones left behind in the country of origin.

Mental health problems were recurrent at different points in the interviews and are related to all stages of the mobility process, from the circumstances of departure from the country of origin, through the journey and conditions in the destination country.

In the **Southern Cone region**, the loss of employment, the loss of family members due to the pandemic and other circumstances have had effects on their mental health, causing greater sadness or stress, which ends up somatizing in physical ailments that people report. However, and recognizing that they face situations that tire and stress them, they have a positive attitude that drives them to move forward and be grateful for what they have and what they are getting.

Field visits in **Mexico**, especially to the northern border, indicate an enormous need for psychosocial and especially mental health accompaniment for populations stranded along the border. The educational needs of boys and girls are also crucial, as the precariousness of shelters or housing on the edges of destination cities does not allow the integration of children into the educational system.



Arrival in the **United States** does not guarantee that people will be able to adapt quickly. Depending on the conditions of arrival and the resources people find in their destination places, people's mental health conditions may be compromised. In the last year, the need to link newly arrived immigrants or refugees with local organizations and services that allow them to integrate more quickly has been discovered. This includes access to mental health.

Integration/Discrimination

Although in the **Andes region** most of the people interviewed reported difficulties in integration and/or having been affected by some form of discrimination, the tendency to stay in the region was highly favorable.

In the **Southern Cone region**, experiences of discrimination based on nationality or race were reported mainly by Venezuelans. The exodus experienced during these years, together with xenophobic speeches by politicians in different countries, has led to concrete discrimination practices that affect people's lives. Integration is directly associated with labor insertion, which has been precarious (informal work, with little security, sporadic) and has been aggravated by the restrictions imposed and by the economic crisis caused by the pandemic. Women report that their labor market insertion has been affected by the fact of having children.

SJM CR began as a work that offered specialized accompaniment to Nicaraguan labor migrants, after the outbreak of the socio-political crisis in 2018 SJM CR also offered support to people seeking access to international protection in Costa Rica. Currently the SJM CR is a work that enjoys recognition in Costa Rica for offering mediated and useful information on the different migratory categories, as well as for accompanying in a comprehensive manner (socio-legal, humanitarian, psychological care and socio-labor inclusion) the people who approach this work, promoting the search for their autonomy. In addition, the work of the SJM CR has also developed a strong advocacy component towards public institutions, as well as raising awareness among the general population in terms of reception and hospitality.

In the **Caribbean region**, there are significant challenges, especially with the Haitian population, historically discriminated against in the RD. This is related to several factors. On the one hand, the social integration objective of the National Human Rights Plan (2018-2022) only covers "migrants, refugees and asylum seekers who are legally in the national territory" (MIREX 2018 :79), de facto ruling out people in irregular migratory situations from its policies. Secondly, the politicization of migration and the anti-Haitian sentiment that are issues exploited for electoral purposes by different forces in the political world. Thirdly, the legal framework prevents the effective integration of Haitians and their descendants.



X. CONCLUSIONS AND RECOMMENDATIONS

The conclusions and recommendations offered in this research are the result of a collective network work. They are constituted from the interpretation of the teams that have developed the research, but are added exercises of discernment, interpretation and prioritization in various spaces of the network itself, as well as in the ad hoc commission that has accompanied this research process, Migration and Refugee Dialogue Commission, in the Advocacy Peer Group of the RJM LAC and finally have been approved after regional discussion and debate by the Continental Assembly of the RJM that was held between 7 to 11 November 2022 in Bogota (Colombia).

Since this proposal of conclusions and recommendations will be based mainly on the findings of the research exercise, we must remember some elements that delimited the field work that was carried out during this process: 1) that the interviews were conducted mainly with people accompanied by specialists in Migration and Refuge of the Society of Jesus;²⁴ 2) that the number of interviews was 218 and that they were only conducted in 4 of the 6 regions in which the research was structured; 3) that the majority profile does not include people in transit; and 4) that the proportion of

²⁴ It is important to remember that there is a diversity of organizations linked to the RJM that, not being specialists in migration and refuge, carry out direct accompaniment programs for people in situations of forced displacement.



women who participated was greater than the actual composition of the migratory flows for the reasons indicated in section IV.

A first general conclusion is that the research effort as a whole has been more confirmatory than revealing, and therefore becomes a means that is consistent with the ongoing analysis that the diversity of social and academic actors make from the human rights approach and specifically with the view and pronouncements that as a global vision of the migration-refugee context we have been proposing from the Jesuit Network with Migrants.²⁵

In order to frame the conclusions and recommendations of the research, enriched by the subsequent discussion process in different instances of the Network and in the Continental Assembly, we will include some general statements that are not derived from the research but help us to connect the concrete conclusions and recommendations with the global vision that we have of the reality in the Network RJM.

Conclusions and recommendations directly linked to the research are distinguished as follows:

- **Research conclusions (C)** which are also part of the overall view of the RJM but are also confirmed and derived from the research exercise itself, either by own findings or deductions from the exercise. They will be marked as C#
- **Recommendations (R)**, which are mainly the result of the collective exercise of analysis, discernment and prioritization that seek to respond to the objectives set out in the research and in which the actors mentioned at the beginning of this section participate. They will be referred to as R#.

In relation to the continental context of migration-refugee.

The research confirms, with its particularities in each region, the main continental trends indicated at the beginning of section III on the General Context.

In the Jesuit Network with Migrants, we understand that forced displacements in the continent constitute a permanent crisis, *globalized, increasing, diversified, with a precarization of the profiles of migrants, which responds to interconnected structural violence (causes) that generate the gray zone or mixed migratory flows.*

Among the causes, new forms of violence are evident, such as climate change. Far from diminishing, our perception is that the depth of the economic crisis, the processes of deterioration of democracies, together with the operation of other forms of violence will cause the migratory flow to continue to grow in the coming years.

We observe the precariousness of migration conditions in all regions and with respect to all flows. The transformation of profiles is also evident in the evolution from migratory flows associated mainly with poverty and inequality and composed mainly of young men, to flows in which the presence of women, children, entire families, older age ranges, etc., is growing significantly, the latter being explained by the accentuation of the actions of other violent causes.

²⁵ For example, reports, analyses, statements and other texts can be found in [Documentos de Interés](#), [Posicionamientos](#), [LAC en Contexto](#), [Noticias](#) de la [web de la Red Jesuita con Migrantes](#).



We were aware of the existence of migrants of the same nationality present in a massive or relevant way in all regions²⁶. But during the last three years the Jesuit Network with Migrants has noted the existence of a continental flow, not encapsulated in a sub-regional space, it is a south-north flow with main origins in Chile, Argentina, Brazil and Venezuela that crosses the entire continent to the U.S., and is composed of multiple nationalities - including extra-continental - and migrants both in their first migratory experience and in new migratory cycles after years of stay in a destination country.

In this sense, the subsequent **research and discussion proposes the following conclusions and recommendations:**

- The so-called gray zone is expanding due to the multicausality of migrations, the increase in violence and new factors of expulsion that are increasingly evident, such as those linked to climate change and environmental deterioration. **(C.1)**
 - The increase (volume) and dispersion (territories) of the main migratory flows has been confirmed during the research period, with a special incidence of the Venezuelan and Haitian flows. **(C.2)**
 - The diversification of flows both in their composition and in their itineraries, which is connected to multiple factors (restrictive policies, border closures, organized crime, etc.), is clearly expressed in Brazil in recent years with the appearance of new non-traditional migratory groups or from neighboring countries, or in Mexico with the constant dance of migratory routes both by the persecutory action of the State and by the control of criminal groups. **(C.3)**
 - On other occasions, pre-existing flows, which have a dynamic linked to economic factors, have given rise to new flows in need of international protection. This is the case of the Nicaraguan flow to Costa Rica, which since April 2018 has been leaving the country mainly due to the need for international protection. **(C.4)**
- *As a Network we cannot renounce to denounce and point out the causes and causes of exodus and flight throughout the continent. Networking with other apostolic areas of the Society of Jesus (intersectoriality) and in alliance with other actors, as well as the interdimensional model that we propose, will facilitate this understanding and the eventual response to the complete cycle that causes forced displacement. **(R.1)***

In relation to the policies and practices of the States as a response to the current exodus:

The research confirms that these migratory flows face increasingly restrictive policies (containment, detention, militarization, externalization of borders, deportation, etc.) based on the approach of security and national sovereignty. That there is cooperation between States aimed at making these restrictive strategies more effective. That although this is a generalized feature in the continent, there is a greater depth of restrictive policies and practices in some States than in others. **(C.5)**

- The entire Central American isthmus and especially the southern border of Mexico are an expression of the security belts, externalization of borders from militarization practices, detention and deportation of migrants. **(C.6)**

²⁶ Venezuela and Haiti as outstanding examples.



- Cooperation between States is especially given to extend the walls in the main magnet of migratory routes, which continues to be the USA. Policies such as Remain in Mexico, Title 42, safe third country agreements with some Central American countries, along with other policies, have not been able to be reversed after the change of the Biden administration. **(C.7)**
 - The increase of temporary migratory and/or protection alternatives has been identified, which at certain times offer positive short-term solutions but do not measure up to the violated rights or protection gaps and do not offer vital horizons for adequate integration. In many cases, moreover, they have low levels of granting. **(C.8)**
 - Some of these migratory alternatives are linked more to labor needs in destination countries than to a genuine concern for responding to a true reception. **(C9)**
- *Faced with this panorama, in general, we urge states in the Americas to resume a governance of migration and international protection based on a human rights approach **(R.2)***
- *We believe that our first role should be to inform the people we accompany as realistically and clearly as possible about the different existing and viable alternatives that can lead them to spaces of protection and access to rights, thus favoring the making of informed decisions that in any case correspond to them, not to us. This path should not be contradictory but complementary to strengthening and committing ourselves to advocacy strategies that focus on the recognition of human rights and due protection of the people we accompany. **(R.3)***

In relation to the systems and procedures of Asylum and Refuge:

In the Jesuit Network with Migrants we understand that within the policies that affect our populations of interest, **those of refuge and asylum especially suffer a crisis and a generalized collapse**, because they do not advance in their conceptualization towards effective frameworks that broaden the recognized grounds for protection, because they lack an adjusted investment, etc.

In this area, the research reaffirms the following conclusions:

- Some countries part of the investigation show this in a special way, Mexico, Costa Rica and Peru are three clear examples of an increase in requests, low levels of granting and collapse due to insufficient investment. **(C10)**
- In other cases, States propose migratory alternatives as a choice between access to rights and access to protection, as has happened in Colombia with the Temporary Protection Statute for Venezuelan Migrants and in Chile with the Democratic Responsibility Visa, where the reduction of applications is linked to temporary alternatives that de facto make it difficult to initiate the refugee procedure. **(C11)**
- Individualized attention to refugee and asylum cases presents enormous deficiencies; in some countries there are clear biases in the granting of asylum, knowing that certain nationalities will have greater difficulty in being recognized, as is the case with applicants from the Caribbean in Argentina, for example. **(C12)**



- *Although we encourage the individual and circumstantial response that favors regularization, protection and access to rights for the most vulnerable people in each territory and at each moment, we must: a) continue to insist on advocacy strategies that recognize more flexible interpretations of refugee status (Cartagena, de facto refugee, etc.) and that offer effective protection; b) demand the principle of non-refoulement of any person with a well-founded risk of being returned to their country of origin or others; c) prioritize the response to those groups in situations of greater vulnerability (unaccompanied children, LGTBIQ+ population, indigenous populations, Afro-descendants, women and others); (R.4)*

In relation to the connection between the deepening of the causes, the greater need to migrate that is generated and the greater restriction that is found (Dead end):

In the Jesuit Network with Migrants, we understand that the greater need to migrate due to the deepening of the causes-violences of expulsion, together with the restrictions described and the collapse of the systems linked to international protection suppose a greater incidence of different realities such as **forced or buffer destinations, those of second and third migrations, the increase of forced returns, the increase of people traveling without documents, the crossing through unauthorized passages and in general the assumption of greater risks in the face of the natural conditions of new migratory itineraries and the control of organized crime.**

In this regard, the following conclusions can be drawn from the research:

- The pandemic has acted in some cases as a decision factor to settle in undesired destinations and the economic crisis in the informal sectors derived from it as a driver of a new decision to migrate. (C13)
- However, the condition of being a doubly forced migrant obeys the framework of restrictive policies based on the practices of detention, externalization and militarization of borders and deportation. In countries such as Mexico, we have seen how people who have been forced to migrate (operation of the causes of violence) are also forced to remain in a destination beyond their control. (C14)
- We identified in all regions expressions of new violence directed at those who are already migrating, both in transit and at their destination. (C15)
- Indirectly, the fieldwork also identified signs of violence suffered by specific groups such as women or people because of their sexual or racial identity. (C16)
- Borders continue to be the space where vulnerability and rights violations are most evident. We are especially concerned about the border between Mexico and the USA, the southern border of Mexico, the Darien Pass between Colombia and Panama, the borders between Venezuela and Colombia, and the borders of Chile with Peru and Bolivia. (C17)
- There is also a crisis in the territories of transit and reception, partly due to the public and media management of coexistence that fosters attitudes of rejection, marginalization, stigmatization and xenophobia towards migrant populations. (C18)



Faced with these consequences of the interaction of the above elements we believe that:

- *Our models of accompaniment must be inclusive in the face of the reality of deportation, forced return and forced internal displacement, new flows due to climate change and others. (R.5)*
- *It is urgent to promote the establishment of humanitarian corridors in these and other areas through which the continent's migratory flows pass, in order to safeguard the lives and integrity of people on the move. (R.6)*
- *In any case, we confirm the need to deepen in future research the perspectives of gender, sexuality and violence associated with other discriminatory practices. (R.7)*
- *We must favor the role that transit, destination and return communities can play (and in fact do play) in risk mitigation, inclusion and integration processes and the generation of positive and transforming spaces for coexistence. (R.8)*
- *We must develop with greater emphasis an investigative-communicative effort to change anti-migrant narratives. Collaborative efforts between academia and specialist works, as have occurred in some countries, show a possible, although not easy, path. (R.9)*
- *Social advocacy through the proposals of Hospitality and Reconciliation are especially relevant for the generation of just and hopeful meeting spaces. This advocacy should seek the development of public policies of integration and reception, that promote the fight against hate speech, that favor and recognize the contribution of migrants in the places of destination and that support the host communities in the framework of social and economic coexistence. (R.10)*
- *Given the risk of substitution of public responsibilities, local advocacy strategies are relevant, preferably with allies, that seek the commitment of public authorities to the protection and access to rights of forcibly displaced persons, as well as the promotion of initiatives that favor integration processes in the communities of destination. (R.11)*
- *It is recommended to deepen the use of information generated at the local level for use by other actors in the network that carry out research, communication and advocacy. Encouraging interdimensionality legitimizes the voice of the network in advocacy spaces. (R.12)*
- *It is suggested to be careful not to neglect migratory flows in situations of greater vulnerability due to the attention required by the different crises that arise in Latin American countries and other parts of the world. (R.13)*

In relation to the necessary impact on the current legal frameworks on Migration and Refuge.

Complementing the previous points already referred to, the research adds some more conclusions:

- From the legal point of view, in the regulations on Migration and Refuge it can be seen that the vast majority of countries have differentiated regulations for each situation. Some also contemplate administrative measures implemented to address specific situations of the structural migration crisis or the use of existing mechanisms, such as the Mercosur Residency Agreement. However, the practical application of each of them is generally low, so that the rates of migratory irregularity are a major cause for concern. (C19)



- There is no apparent interest on the part of the authorities in modifying the current regulatory frameworks. Intermediate figures such as de facto refugees or forced migrants, mixed flows, etc., may be concepts used in the work of SJM JRS, and in current advocacy, but they do not obey the definitions of the different laws of the countries. Eventually in the space provided by the concept of complementary protection (those who are not considered refugees) it is possible to identify some of these figures. **(C20)**

Some avenues of action for our advocacy at the state level should be in:

- *In countries with migration legislations that do not embrace the human rights approach, advocate for adaptation based on the principles of equality, nationality per se cannot be a reason for restriction, non-discrimination, access to regularization/documentation, access to rights and recognition of the right to migrate as a human right. **(R.14)***
- *In countries with more advanced legislation from a human rights perspective, advocate for the development of regulations and the transformation of practices (e.g. Mexico) from abstract frameworks to positive action frameworks. **(R.15)***
- *In countries that have adopted the Cartagena Declaration in their refugee and/or asylum laws, advocate for its actual application, thus adjusting the refugee procedure in a manner consistent with the reality of the new migratory flows requiring international protection **(R.16)***

In relation to the categories used:

The research in its conclusions reaffirms the hypothesis raised at the beginning of the process and provides other nuances in its conclusions.

- The context described and other factors confirm that the general categories used are out of date with respect to the changes and evolution in the reality of the operation of the causes, the composition of the migratory flows and the needs for protection and access to rights of the people. **(C21)**
- The discussion of terms used will continue in academic circles and within the organizations that accompany and serve populations in contexts of mobility. However, we note that there is no interest or conditions in the States especially, but neither do we observe much development in multilateral organizations, to resolve this gap, this leap that occurs between the current categories and what reality demands. **(C22)**
- There is a tendency to establish a dichotomy between migrants and refugees, as if they were antagonistic categories, when in fact they are the extremes of a continuum in which it is possible to identify many other categories that define various forms of mobility, each of which has specific legal implications. **(C23)**
- In fact, over time, UNHCR's classic nomenclature has expanded to include different terms, all oriented to various types of persons in need of international protection, including refugees, refugee claimants, internally displaced persons (IDPs), persons in a similar situation to IDPs, persons in a similar situation to refugees, persons of concern, persons under the statelessness mandate, asylum seekers, returnees, returned refugees and returned IDPs. Different legal responses are also established for these categories, the most frequent being refugee status, refugee claim, temporary protection and complementary protection. **(C24)**



- A variety of actors (academies, humanitarian and social organizations, multilateral organizations, etc.) have been adding other concepts that try to identify these phenomena, such as mixed migratory flows, forced displacement, forced migration, de facto refugee, refugee-migration, uprooting, etc.²⁷ **(C25)**
- All these intermediate figures can be concepts of use in the work of organizations that accompany migrants, but at present they do not obey the definitions of the different laws of the countries, the conditions do not exist and there is no interest in the States or multilateral organizations to modify the current regulatory frameworks, to fill the gaps between the existing categories and what reality demands. Eventually, in the space provided by the concept of complementary protection (those who are not considered refugees), it is possible to identify some of the following figures. **(C26)**
- The discussion of terms used will continue in academic circles and within the organizations that accompany and serve populations in mobility contexts. **(C27)**
- The fact that UNHCR is starting to use the term “refugee-migrant” may be particularly relevant **(C28)**
- It is also important to reflect on the meaning and impact of the fact that most of the migrants or refugees in our sample see themselves as migrants. And at the same time they indicate that the receiving countries perceive them as such. This may indicate that in everyday life the term itself makes no difference to them. The difference lies in the access to rights within the legal framework that one term or the other can guarantee to a person in contexts of mobility. **(C29)**

With regard to the issue of categories, we propose the following:

- *We believe that it is necessary to relativize the expectation about the possibility of aspiring to changes in the international legal frameworks. Recognizing that in the practice of accompaniment our works are providing a response that does not exclude any of the categories, although this is not without difficulties due to the limitations in the mandates of some funding agencies and States. **(R.17)***
- *We recommend continuing the debate within the network, with other partners and with specialized international agencies, to the extent that the same debate is useful for a better interpretation of the realities accompanied. **(R.18)***
- *As a result of this research, we propose 1) to continue exploring the debate on the categories 2) in this exploration, to use the following criteria a) to adopt terms that include the current categories, b) that express the current concrete needs of the people we accompany, and c) that are concepts from which our model of accompaniment can be easily deduced. **(R.19)***
- *However, it is necessary to consider that legal frameworks also set a guideline or normativity in their use. The organizations that accompany migrants will have the task of managing a broader, more flexible and inclusive use of the existing terms in the legal frameworks. **(R.20)***
- *To the extent that we make progress on the conceptualization, it will make more sense to have an impact on it first with other social actors and then with governments and multilateral agencies, but beyond the concrete expression of the category, our goal should be focused on the contents demanded by the accompanied reality in terms of protection, access to rights and true integration processes from the culture of hospitality. **(R.21)***

27 See detailed description in section VI Terms used



In relation to the practices of Jesuit organizations in the social sector (or other programs and sectors) that offer direct accompaniment to migrants and refugees:

The first objective of the research urged to obtain learnings also on how to improve the operational approach to the increasingly difficult distinction between migration and shelter.

Some conclusions can be drawn from the research:

- In the area of territorial (local) action, in general, networking and alliances with other humanitarian, social and community organizations, etc., stand out as a good practice. This allows for greater scope in the comprehensiveness of accompaniment from the complementarity and intersectionality of the different actors in the territories. **(C30)**
- The accompanying persons experience first-hand the harshest expressions of the migratory reality described above. The increase of social demands at the local level and the working conditions offered by social works in general, and specifically by Jesuit social works, implies the overloading of teams, demotivation processes, high rotation, etc. **(C31)**
- In order to ensure the continuity of accompaniment, it is a good practice to establish networks of care that cross borders, especially the collaboration between the specialized works of the RJM LAC, but also with other organizations of the church, civil society and organizations of migrants and refugees. **(C32)**

Specifically for the work of direct accompaniment of populations in situations of forced displacement, we recommend:

- *It is urgent to deepen the practices and develop policies of care, self-care and recognition (including working conditions) of the teams in the field. **(R.22)***
- *Assistance networks that articulate internationally the accompaniment of cases, in a comprehensive manner, such as the one that has been operating in the CANA region, set a good precedent to be extended to or reproduced in other regions of the network. **28 (R.23)***
- *An obligatory learning during the years of pandemic is a bet on virtual platforms. This is especially relevant for the efficiency of the services offered, without falling into the risk of losing the closeness and humanity that is distinguished as a characteristic of Jesuit works by the persons accompanied. **(R.24)***
- *The systematization of experiences, institutional strengthening, training of teams that can provide different levels of intervention and the dissemination of good practices should continue to be a challenge in the day-to-day work. **(R.25)***
- *Regarding the accompaniment of migrant and refugee populations, we suggest paying special attention to psychosocial and mental health interventions that exist or can be developed. Mental health emerges as a critical issue in contexts of mobility. **(R.26)***

28 In the **Welcome Map** section of the network's website you can find an updated reflection of the current presence of offices and services of Migration and Refugee specialist works.



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ANNEX: MATRIX OF CONNECTION BETWEEN RESEARCH OBJECTIVES AND RECOMMENDATIONS

As we have referenced throughout the paper and publicly in the process of this research, the objectives we set out at the outset were two:

- First, to offer recommendations to the Jesuit Network with Migrants-LAC on how to theoretically and operationally manage the increasingly difficult distinction between forced migration and refuge.
- Second, to identify strategies for action and advocacy in the face of increasingly restrictive and selective migration policies in destination countries.

To close this document, we would like to place the recommendations we have just outlined in relation to the above objectives:

First objective: <i>To offer recommendations to the Jesuit Network with Migrants-LAC on how to theoretically and operationally manage the increasingly difficult distinction between migration and refuge.</i>	
Theoretical management	<p><i>As a Network we cannot renounce to denounce and point out the causes and causes of exodus and flight throughout the continent. Networking with other apostolic areas of the Society of Jesus (intersectoriality) and in alliance with other actors, as well as the interdimensional model that we propose, will facilitate this understanding and the eventual response to the complete cycle that causes forced displacement. (R.1)</i></p> <p><i>We believe that it is necessary to relativize the expectation of the possibility of aspiring to changes in the international legal frameworks. Recognizing that in the practice of accompaniment our works are providing a response that does not exclude any of the categories, although this is not without difficulties due to the limitations in the mandates of some funding agencies and of the States. (R.17)</i></p> <p><i>We recommend continuing the debate within the network, with other partners and with specialized international agencies, to the extent that the same debate is useful for a better interpretation of the accompanied realities. (R.18)</i></p> <p><i>As a result of this research, we propose 1) to continue exploring the debate on the categories; and 2) in this exploration, to use the following criteria a) to adopt terms that include the current categories, b) that express the concrete current needs of the people we accompany, and c) that are concepts from which our model of accompaniment is easily deduced. (R.19)</i></p> <p><i>However, it is necessary to consider that legal frameworks also set a guideline or normativity in their use. The organizations that accompany migrants will have the task of managing a broader, more flexible and inclusive use of the existing terms in the legal frameworks. (R.20)</i></p> <p><i>To the extent that we make progress on the conceptualization, it will make more sense to have an impact on it first with other social actors and then with governments and multilateral bodies, but beyond the concrete expression of the category, our goal should be focused on the contents that the accompanied reality demands in terms of protection, access to rights and true processes of integration from the culture of hospitality. (R.21)</i></p>



<p>Operational management</p>	<p><i>We believe that our first role should be to inform the people we accompany as realistically and clearly as possible about the different existing and viable alternatives that can lead them to spaces of protection and access to their rights, thus, favoring informed decision making that in any case corresponds to them, not to us. This path should not be contradictory but complementary to strengthening and committing ourselves to advocacy strategies that focus on the recognition of human rights and due protection for the people we accompany. (R.3)</i></p> <p><i>Our models of accompaniment must be inclusive in the face of the reality of deportation, forced return and forced internal displacement, new flows due to climate change, and others. (R.5)</i></p> <p><i>It is suggested that care be taken not to neglect migratory flows in situations of greater vulnerability due to the attention required by the different crises that arise in Latin American countries and other parts of the world. (R.13)</i></p>
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<p>Second objective: <i>identify strategies for action and advocacy in the face of increasingly restrictive and selective migration policies in the destination countries.</i></p>	
<ul style="list-style-type: none"> ● In general, for all advocacy strategies, but especially for those at state and regional level, a general call for attention is made to the necessary coordination between the offices and/or those responsible for advocacy and the field offices in order to assess and avoid the generation of risks to the people in the territorial teams and the people we accompany. ● In all our advocacy strategies, we must ask ourselves, and if necessary, seek the creation of alliances, being especially relevant those that can be established with organizations and/or associations of migrants. 	
<p>Local Advocacy</p>	<p>The following two recommendations (R8 and R11) regarding local impact are complementary and it will depend on the circumstances of each region, country and territory to prioritize one over the other.</p> <p><i>We must favor the role that transit, destination and return communities can play (and in fact do play) in risk mitigation, inclusion and integration processes and the generation of positive and transforming spaces for coexistence. (R.8)</i></p> <p><i>Given the risk of substitution of public responsibilities, local advocacy strategies are relevant, preferably with allies, that seek the commitment of public authorities to the protection and access to rights of forcibly displaced persons, as well as the promotion of initiatives that favor integration processes in the destination communities. (R.11)</i></p>
<p>Impact at the state level</p>	<p>The following three recommendations (R14, R15 and R16), which refer to government impact, are recognized by the network assembly, but it is recognized that they cannot be generalized and that each country must interpret and apply them according to its diversity.</p> <p><i>In countries with migration laws that do not adopt a human rights approach, to influence adaptation based on the principles of equality, nationality per se cannot be a reason for restriction, non-discrimination, access to regularization/documentation, access to rights and recognition of the right to migrate as a human right. (R.14)</i></p> <p><i>In countries with more advanced legislation from a human rights perspective, advocate for the development of regulations and the transformation of practices from abstract frameworks to positive action frameworks. (R.15)</i></p> <p><i>In countries that have adopted the Cartagena Declaration in their refugee and/or asylum laws, advocate for its actual application, thus adjusting the refugee procedure in a manner consistent with the reality of the new migratory flows requiring international protection (R.16)</i></p>



<p>Regional Advocacy</p>	<p><i>In view of the general context, we urge states in the Americas to resume a governance of migration and international protection based on a human rights approach (R.2)</i></p> <p><i>Although we encourage the individual and circumstantial response that favors regularization, protection and access to rights for the most vulnerable people in each territory and at each moment, we must: a) continue to insist on advocacy strategies that recognize more flexible interpretations of refugee status (Cartagena, de facto refugee, etc.) and that offer effective protection; b) demand the principle of non-refoulement of any person with a well-founded risk of being returned to their country of origin or others; c) prioritize the response to those groups in situations of greater vulnerability (unaccompanied children and adolescents, LGBTIQ+ population, indigenous populations, Afro-descendants, women, and others); (R.4)</i></p> <p><i>It is urgent to promote the establishment of humanitarian corridors in these and other areas through which the continent's migratory flows pass, in order to safeguard the lives and integrity of people on the move. (R.6)</i></p>
<p>Interdimensional actions</p>	<p>The following four recommendations (R7, R9, R10 and R12), which refer to interdimensional action strategies²⁹, are not exclusive and it will depend on the circumstances of each region to prioritize one over the others.</p> <p><i>In any case, we confirm the need to deepen the perspectives of gender, sexuality and violence associated with other discriminatory practices in future research. (R.7)</i></p> <p><i>We must develop with greater emphasis an investigative-communicative effort to change anti-migrant narratives. Collaborative efforts between academia and specialist works are possible, though not easy. (R.9)</i></p> <p><i>Social advocacy through the proposals of Hospitality and Reconciliation are particularly relevant for the generation of fair and hopeful meeting spaces. This advocacy should seek the development of public policies of integration and reception, that promote the fight against hate speech, that favor and recognize the contribution of migrants in the places of destination and that support the host communities in the framework of social and economic coexistence. (R.10)</i></p> <p><i>It is recommended to deepen the use of the information generated at the local level for use by other actors in the network that carry out research, communication and advocacy. Promoting interdimensionality legitimizes the voice of the network in advocacy spaces. (R.12)</i></p>
<p>Direct support actions</p>	<p><i>Assistance Networks that articulate internationally the accompaniment of cases, in an integral manner, such as the one that has been operating in the CANA region, establish a good precedent to be extended to, or reproduced in other regions of the network.³⁰ (R.23)</i></p> <p><i>An obligatory learning during the years of pandemic is a bet on virtual platforms. Particularly relevant for the efficiency of the services offered, without falling into the risk of losing the closeness and humanity that is distinguished as a characteristic of Jesuit works by the accompanied persons themselves. (R.24)</i></p> <p><i>Systematization of experiences, institutional strengthening, training of teams that can provide different levels of intervention and dissemination of good practices must continue to be a challenge in day-to-day work. (R.25)</i></p> <p><i>Regarding the accompaniment of migrant and refugee populations, as emerging issues that enrich our accompaniment, we suggest paying special attention to psychosocial and mental health interventions that exist or can be developed. Mental health emerges as a critical issue in contexts of mobility. (R.26)</i></p>
<p>Other actions</p>	<p><i>It is urgent to deepen practices and develop policies for care, self-care and recognition (including working conditions) of field teams. (R.22)</i></p>

²⁹ That is to say, those that connect the dimensions of the network's way of proceeding (socio-pastoral, theoretical-research and advocacy) and the actors involved in each one of them.

³⁰ In the [Welcome Map](#) section of the network's website you can find an updated reflection of the current presence of offices and services of Migration and Refugee specialist works.



Jesuit Network with Migrants - Latin America and the Caribbean