Migration and Refuge: A Dead End?

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

Research Report

GIAN MIGRATION

RED JESUITA CON MIGRANTES

JESUITAS
Conferencia de Provinciales en América Latina y El Caribe - CPAL

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Introduction

During the last few years in the **Jesuit Network with Migrants** (RJM), we have observed how the **relationship between the human, social, political, cultural, economic and criminal processes** and dynamics that exist in Latin America and the Caribbean and in the United States and Canada generate: A growth in the number of people in need of migrating or receiving international protection, which receives an increasingly restrictive and selective political response from the receiving governments. This phenomenon, which we call the **Dead End of Forced Human Mobility**, generates unacceptable risks for people in mobility, violates their fundamental human rights and denies due protection.

In the years prior to the pandemic, we already perceived a hardening of national governments in the reception of migrants and the recognition of refugee status. Phenomena such as the externalization of borders and deportation, the disregard of their own international commitments and of international human rights and humanitarian law were - and still are - a widespread political behavior in our regions. In the face of this trend, crises such as those in Haiti, Venezuela or Nicaragua and the deepening of the causes of violence in many countries of the continent pointed to the need to offer bolder international protection responses, involving contextualized interpretations of the Geneva Convention, the Cartagena Declaration, among others, to the current migratory reality.

In this summarized document of the research, we will review its justification, the methodology used, the viewpoint built in each of the blocks in which we organized the research process and, finally, we will advance some of the main recommendations resulting from the consensus reached. You can find more information and development in the complete research.

We hope that this work, together with that of so many civil society organizations, academia, churches and migrants and refugees themselves, will be useful in opening cracks in the walls that define the reality of migration today as a dead end.

Why investigate?

The fundamental premises of our look at the reality of migration in the continent are that both the need to migrate and the obstacles to do so are growing, and the consequences are, among others, that people in mobility assume greater risks and migratory "failure" increases with different expressions: forced or unwanted destinations, forced return and deportations, recruitment into trafficking networks, and even death in transit.

Any approach to all migratory dynamics was becoming increasingly complex, as a network we thought it was necessary to agree on what we should do. Are we really facing a dead end, or can we offer - or at least propose - some ways for transformation? The interest in conducting an investigation of these (continental) dimensions also arose from the realization of the accentuation of the so-called "gray zone" of the multi-causality behind the movements of people in the Americas, which has taken to extremes the historical difficulty of distinguishing conceptually and operationally the difference between the categories with which we refer to people in forced human mobility. This distinction is not a trivial issue, neither in terms of its content, nor in terms of the actor who uses it or is guided by it in their work or in the framework of their responsibilities.

Recognizing a forced migrant's need for protection opens up a range of different possibilities for regularization in a given place and for access to rights. Understanding the category - which is not so different from understanding the personal

history that has led someone to undertake a forced travel, recognizing the risks and limitations in their transits and destinations, celebrating their capacity and resilience - implies a certain type of accompaniment and therefore the installation of specific capacities for it. We were also concerned that our defense of the right to migrate and to receive international protection would condition us in providing due information on other existing or complementary alternatives on which, in the end, people on the move must be able to make their own decisions.

For more than two years, between 2020 and 2022 and within the framework of the global COVID pandemic, which entailed some particular constraints and difficulties, the RJM led this network research process - with an applied research phase - which led us to collectively build some conclusions and recommendations around the objectives we set ourselves.

What does the research seek?

- **To offer recommendations on how to theoretically and operationally manage the increasingly difficult distinction between "forced migration" and "refuge"**, to all actors in the network, to our allies and for our accompaniment, sensitization and advocacy strategies.
- To identify strategies for action and advocacy (local, national, regional, continental and global), **in the face of increasingly restrictive and selective migration policies** in destination countries.

At the end of the research process, the conclusions offer us a view that deepens and confirms the initial intuitions, legitimizing and strengthening the affirmations resulting from the continuous exercise of analysis of the reality that different actors and with different mechanisms in the network make; as for the recommendations, although they have not been able to unlock some of the challenges we were looking for -specifically that of opting for a consensual category to cover the complex reality of forced migrations in our territories- they do manage to offer light and direction to the objectives that we set ourselves.

Methodology and particularities of network research

With the research objectives in mind, we defined some questions for which all further effort should be focused. The questions addressed different areas: a theoretical approach to the use of different concepts and categories and their implications in the social world, in the academic world and in regulatory frameworks; a second approach was to offer a taxonomy of the most common profiles of forced migrants in our continent; third, a relationship between the development of migration and refugee policies and regulations as a factor that facilitates or hinders accompaniment work. We also wanted to address our organizational flexibility, structures, programs and services in the face of the constant and profound changes that occur in the context; and finally, to identify the best practices of accompaniment and service that we implement from the diversity of organizations that work in the network, especially in direct accompaniment.

In order to address these questions and thus respond to the research objectives, a mixed methodology with three main starting processes was agreed upon:

- Review and analysis of secondary sources

- In-depth interviews with key stakeholders
- 218 semi-structured interviews with people accompanied by organizations of the Society of Jesus at origin and destination.[1]

This third methodological action made us aware that the fieldwork would offer us a fragmented vision of reality, it is a significant sample because of the territorial diversity but modest in scope and because of the preeminence of some profiles[2], the findings were very valuable but had to be reinforced with the first two tools of the methodology and also drinking from the experience, potential and deployment that network organizations achieve in their daily work.[3]

Although the research framework is broad, some decisions were made regarding its scope, prioritizing certain aspects. It was decided to focus on international movements of people (migrants and refugees), and although in the process we confirmed the construction of a continental view, we decided to structure the research process in six regions that combined territorial, cultural and especially the presence of certain flows. 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, Panamá, Costa Rica) and United States/Canada Region.

The analysis of the information collected was carried out permanently during and after the data collection with the leadership of the academic team, the participation of a large research team, the accompaniment of an international interdisciplinary commission, with the realization of some virtual workshops and especially a face-to-face workshop in Boston, and the final definition of the conclusions and recommendations **culminated in the Continental Assembly of the Jesuit Network with Migrants, held in November 2022 in Bogota**.[4]

1 The interviews were carried out with the collaboration of JRS Colombia, Venezuela and Ecuador and the binational office of JRS LAC in the Andean Region, Encuentros SJM Peru, SJM Chile and SJM ARU in the South region, SJMR Brazil in the Brazil region, SJM/JRS Mexico, SJM Costa Rica and Fe y Alegría Panama in the CAM Mexico region. JRS Canada was also contacted in the Canada/USA region. Of particular interest is the model of network accompaniment that is being developed in the RJM, the CANA Assistance Network.

2 Persons in need of international protection, whether migrants, refugees or in another migratory category. The sample did not include people in transit, although some, in Central America and Mexico, can be understood as transit, the majority profile was of women, the time of the interviews coincided with one of the most critical moments of the COVID 19 pandemic.

3 Although we make an effort to distinguish the attribution of our statements in the final conclusions and recommendations, it must be understood that, because of our own network identity, there is a collective heritage in the interpretation of this work.

4 It is important to highlight the effort that has been made to ensure the participation of actors that reflect the territorial and sectoral diversity that exists in the RJM LAC. In the process there has been a strategic political leadership in an interdisciplinary and inter-territorial commission, Migration and Refuge Dialogue Commission; there has been a technical-research leadership, with the participation of 17 researchers linked to 7 universities, and research and advocacy teams from organizations and social observatories, and up to 12 field teams of migration and refugee specialists have also participated in the process to facilitate access to interviews. Other individuals and public and private organizations from academies, multilateral governance and civil society also participated in the process and we thank them for their collaboration and contributions.

Our look at the context

There is a double contribution to the description of the context of forced migrations in the continent. One is the direct result of the research fieldwork, delimited by the profiles of the people interviewed and the flows and territories that could be accessed in the process.[5] And another more general one that confirms and enriches the global approximation of migratory trends that has been built from multiple network actions.

Global trends are characterized by their permanence and growing complexity, and their changes have more to do with deepening than with new paradigms. There is a precariousness of migratory profiles in all flows and territories, vulnerability conditions and exposure to risks are increasing, and this is a direct consequence of the greater need to migrate and the greater restrictions to do so. It is recognized 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. Among these global trends that we have identified throughout the continent, the following stand out:

- Flows have become globalized, both intra-regionally and with a greater presence of extra-continental flows
- The migratory flow is growing in at least three terms: volume, diversity and multidirectionality; as a novelty during the time of the research, the existence of a continental flow from the global south to the USA that crosses the continent and is composed of multiple nationalities, including extracontinental presence was noted
- The multi-causality that causes them is confirmed, making it difficult both to accompany them and to categorize them as well as to access due protection frameworks (gray zone)
- An increasing number of people have been identified who, having already migrated forcibly, embark on a new migratory cycle, for example Haitian populations settled in Chile or Brazil for several years who begin a new journey northward. This second migration is caused either by failure to overcome the same original violence (especially economic violence), or as a consequence of restrictive migration policies that limit options for regularization, access to rights or protection, or by social rejection and/or worsening conditions for integration, especially in the context of the pandemic.
- Restrictive migration policies have been imposed that affect the entire dynamics of the flow, promoting containment, detention, militarization and deportation as pillars
- There is multilateral governance of migration, but this cooperation between states is focused on strengthening restrictive policies and practices, opting for a security and national sovereignty approach rather than a human rights approach
- The grounds for international protection and the right to asylum are increasing, but there is a setback if not a collapse in systems and recognition of refugee status
- Undesired destinations that generate buffer zones are growing, it is possible to affirm that there are doubly forced migrants, forced to flee and forced to reside in an undesired place
- Organized crime strengthens its migratory control (smuggling, trafficking, etc.) as a lucrative business, and this is nourished either by the inaction or directly by the complicity of public actors

5 Field work was carried out in 4 of the 6 defined regions (Mexico-CAM, Andean, South and Brazil).

- Coexistence in the places of destination or host communities suffers from a dehumanizing crisis that associates migration with negative elements, fed by public and media powers and generating a social climate of stigmatization, criminalization and xenophobia based on false information
- Growing evidence of climate change accelerated by the action of the dominant economic model as a generator of significant forced displacements; A growing evidence of climate change accelerated by the action of the dominant economic model as a generator of significant forced displacements

The research also reinforces or makes explicit some specific trends in the reality of forced displacement in the continent. 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:

- Venezuelan displacement to other countries in the South American region, Mexico and the United States. Recognizing also the significant presence of Colombian, Haitian and Cuban citizens in the Southern Cone region.
- The increase in irregular migration due to visa restrictions and the difficulty in accessing refugee status and other forms of regularization.
- The emergence of Brazil as an alternative destination for migrants of various nationalities, including African migrants, without ignoring that it is also a country of expulsion and generator of second migrations, for example, of the Haitian population after years in the country.
- The migratory pattern that crosses Central America and Mexico towards the United States continues, although it is necessary to highlight the intraregional migratory patterns towards Costa Rica.
- Violence and militarization along the migratory routes has increased and with it the vulnerability of people in mobility contexts.
- U.S. migration containment policies have created a stranded population along the U.S.-Mexico border, thus encouraging an increase in irregular migration.

Profile of the participating populations.

The fieldwork offered us a look at a certain profile, forced migrants but located in processes and places with a certain vocation of permanence and accompanied by the work of Jesuit organizations and other organizations in the territory. Even with this limited prism that does not include population groups or other types of responses that are also implemented in the network, the photograph obtained from the fieldwork is representative of the migratory reality and the social and vital processes that take place around it.

Although nearly half of the people interviewed were Venezuelan, citizens from 10 other LAC countries, 4 extra-continental countries and in one case a person at risk of statelessness participated, thus reflecting the diverse composition of the flows in the continent. Nearly 65% were women, a figure that does not express the reality of the gender distribution of migration, but does reflect the trend towards the feminization of forced migration. It also reflects the melting pot of racial

identities[6] - for which nearly 20% have felt discriminated against or persecuted - and age diversity with an age range of 18 to 66 years as an average of 35 years.

This more settled profile of the population interviewed is consistent with access to housing, 77% are located in a house or apartment -almost always occupying only one room in that space- which does not hide the fact that even in more stable contexts 23% of the migrant population is in other housing situations, including shelters and even street situations. This profile also corresponds to the initial educational level, with less than 30% of the population interviewed having some form of higher education.

Regarding the possibility of earning an income, 53% say they are working. Within this group, informal work is the majority in all regions except Brazil, and is especially high in the Southern Cone (82%). Of the Venezuelan population in all regions, 39% do not work and 43% work informally. Only 18% have had access to formal jobs. These data are a sample of how the transformation of the profile in the Venezuelan flow has operated since the massive migratory outbreak of 2016 in the framework of a humanitarian crisis inside the country that adds to the pre-existing crises (social, economic, political, etc.) towards a precarious flow, much more diverse in its composition and that migrates mainly on foot or in very austere ways and with high exposure to all kinds of risks. In these years we have begun to speak of "walkers" to refer to this spectacular movement of Venezuelan people in Venezuela itself, in neighboring countries -especially Colombia- and little by little in the whole continent.

Legal Frameworks

Regarding the legal frameworks, the advances that have been identified suffer from being more declarative than operative, as in the case of national migration laws and refugee and asylum laws. Regarding these national regulatory frameworks, for example, there is evidence of the incorporation of broader definitions such as those included in the Cartagena Declaration (fully or partially recognized in 15 countries in the region), which should facilitate access to real protection for those affected by the grounds increasingly identified in the region, something that is not possible in practice. There is a third group of legal responses that have to do with specific situations such as the Venezuelan and Haitian crises or other situations, which have been shaping some exceptional legal responses but which have really served more for migration control than for access to protection or regularization alternatives.

The legal frameworks for the development of practices of externalization, militarization, deportation, etc., show a leap between the generalized discourse, usually in multilateral spaces - with greater references to human rights and the recognition of crises - and actions at the bilateral, national and local levels that criminalize, stigmatize and ignore the needs for protection and access to regularization and rights, and foster adverse social climates, when not directly xenophobic.

The research proposes a review of some of the novelties of recent years, pondering positive experiences - of a more exceptional nature - that can offer us keys to advocacy. For example, how the Temporary Protection Statute in Colombia

6 47% identify themselves as mestizos, 17% as black or afro, 14% as white and 4% as indigenous.

opened the door to massive regularization, and at the same time conditioned a choice for a regularization alternative that could entail the renunciation of the right to asylum.

Categories and terms used

The research assumed the commitment to try to shed light on this dichotomy between migration and refuge and proposed the search for alternatives for categories that could offer an inclusive and encompassing framework for the gray zone in which we find ourselves.

The research process reviewed legal and theoretical frameworks[7] and we also asked migrants themselves about their self-identification. Finally, with the collection of findings, we carried out different spaces for discussion[8] and analysis which, although they have not allowed us to reach a consensus on a category, have offered us some guidelines as to what criteria to take into account to qualify a given category[9] and what kind of actions we should promote in our practice and advocacy, taking into account that **the general categories used** (especially in legal and juridical frameworks) **are out of date with respect to the complexity that makes up the reality of migratory cycles** (causes, protection gaps, access to rights, dynamics of the flows...).

Even without agreeing on a term, the discussion that will follow in academic and civil society spheres is relevant in itself and although we do not identify a special interest in multilateral organizations -perhaps with the exception of the UNHCR- or in the states, we believe that it offers knowledge because it becomes a tool for analyzing reality and helps to build a position for political advocacy.

7 Thus, the relevant literature, international legal frameworks, proposals for the evolution of concepts from academia, civil society and the church, a review of the different regions of national legislation, the categories proposed by multilateral agencies, etc., were reviewed.

8 Particularly relevant was the discussion at the face-to-face workshop at Boston College, in which most researchers, RJM staff and invited guests participated, in April 2022 and the continental assembly of the RJM LAC held in Bogota in November 2022.

9 1) that takes into account the diversity of the social fabric that makes up migratory flows; 2) that expresses the current needs of the people accompanied; 3) that makes it possible to deduce with a certain logic the type of accompaniment that we should offer. In the complete research document, we offer a matrix with an analysis exercise carried out by the coordination of the research team.

About the intervention model

The research not only had aspirations for the theoretical management of the accompanied reality, but also set as an objective to investigate the best practices in the different regions, that is to say, the model of intervention in the Network and the practices of the teams. The aim was to analyze the general and specific way of proceeding and from there to reach conclusions and recommendations on the network model itself and in particular on the dimension of integral or socio-pastoral accompaniment. The main limits or barriers and facilitators for the development of the work of accompanying people in forced human mobility were addressed.

Barriers - Limits	Facilitators
Lack of receptivity from public actors involved in the resolution of humanitarian response, regularization, protection and access to rights. Greater coordination with actors at the local, national and regional levels is necessary for greater effectiveness and complementarity of work in all dimensions of networking and lines of action from the organizations involved, especially in advocacy.[10] Limits are identified in the low capacity for the management of accumulated knowledge at local, national and regional levels. High staff turnover, how to take care of the teams from the working conditions themselves, care and self-care processes, recognition, psychological and integral accompaniment, etc.	Coordination internally and with other local institutions, international coordination, networking, alliances; all this allows for greater outreach and continuous monitoring of the cases attended to. It also helps to avoid duplication of efforts. Nevertheless, it is encouraged to deepen cross-border work, both within the network and with other allies. The use of virtual tools and platforms (something that pre-existed COVID but accelerated in times of pandemic). In terms of good practices of accompaniment and service to migrants, asylum seekers and refugees, flexibility, adaptability, organizational support and presence in the field stand out. The renewal-training processes in the face of drastic changes in the profile of the people assisted are highlighted.[11] It also highlights the constitution of interdisciplinary teams that help in the different areas of accompaniment (spiritual, psychological, legal, etc.). The documentation of cases is also an important facilitator for various purposes (training, research, awareness-raising, advocacy).

Some emerging themes

The research continues with an unexpected result. The richness of the findings put emerging themes on the table of the conversation. Not with due depth, because they were outside the objectives and research questions, but the need to reference them was assessed, at least the most relevant and repeated; (1) The management of the tension between expectations and realities was undoubtedly one of them, (2) the effects on the mental health of the migrants themselves and also of those accompanying them and (3) the dynamics of Integration and Discrimination in the places of reception.

10 Although it is also recognized as a facilitator, because there are positive experiences of coordination, there is a need to deepen such coordination.

11 For example, Nicaraguan refugees in Costa Rica, Venezuelan population in the Dominican Republic, etc.

Conclusions and Recommendations

We have been advancing some of the conclusions and recommendations of the research. In this summary we share some of the main recommendations for the different areas addressed by the research.[12]

SCOPE OF RESEARCH	MAIN RECOMMENDATIONS
Regarding the **continental context** of refugee migration:	For a transformative work in the protection of forced migrants, it is essential to point out the causes-violences that generate the exodus. The intersectoral, interdimensional and alliance-based model of the RJM is appropriate for this purpose.
Regarding the **policies and practices from the States.**	National and multilateral policies (legal frameworks, regulations, practices, public investment, etc.) that make up migration governance must be based on a human rights approach, discarding those of national security and securitization. Pursuing this radical transformation of migration policies is not contradictory to offering the best information to the people we accompany on the alternatives currently existing for their own better decision making.
Regarding **asylum and refugee systems and procedures:**	The focus of our advocacy will be on the search for the recognition of flexible protection frameworks adjusted to the causes present in the flows, on the inalienable requirement of the principle of non-refoulement and on the prioritization of the most vulnerable profiles in need of protection.
Regarding the **connection between the causes**, the greater **need to migrate, the greater restriction** to do so and the **consequences** that this interaction entails **for forced migrants.**	Inclusive models of accompaniment should be promoted in terms of profiles, including forced return, deportation and forced internal displacement, as well as those caused by emerging causes such as climate change. In the face of increased exposure to greater risks, it is urgent to promote the establishment of humanitarian corridors. Recognize and promote the role of transit, host and return communities to mitigate risks. Address with greater emphasis research and communication efforts for the transformation of anti-migrant narratives and generate from the proposals of Hospitality and Reconciliation the development of public policies for integration. From our capillarity, we also have an impact at the local level on public responsibility for protection, access to rights and integration.
Regarding the necessary **impact on the current legal frameworks** on Migration and Refugees	Promote the development of legislation and practices based on the principles of equality, non-discrimination (including nationality), access to regularization, rights and protection, as well as the recognition of the right to migrate as a human right. Advocate for the real application of the Cartagena Declaration in countries that have already adopted it in their legislation and for its inclusion and application in those that have only partially adopted it or have not yet adopted it.

12 In the complete research document, in order to frame the specific conclusions of the research and the recommendations that emanate from the discussions carried out around this process, we also include statements on the systemic view of the migratory reality that has been built in the RJM over the years and that, although they are not attributable to the research exercise, are frameworks that connect and reaffirm with the findings obtained in these years.

Regarding the **categories used**	We recommend continuing the conversation and debate on categories to the extent that they offer us usefulness in the interpretation of the realities we accompany. We must pay attention to overcoming the presentation of migration and refuge as two poles when they are really a continuum of the same reality, the choice of one or the other category has legal implications. 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.[13] In any case, the response from humanitarian organizations and human rights defenders working in the field of forced migration in the continent, and specifically that of our Jesuit works specializing in migration and refuge, should not be exclusive because of the categories, but inclusive, broad and flexible based on criteria of vulnerability and aware, in any case, of the limitations that these may imply in the relationship with the states and also with funding agencies and other allies. 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 that the accompanied reality demands in terms of protection, access to rights and true processes of integration from the culture of hospitality.
Regarding the **practices of Jesuit organizations** in the social sector (or other programs and sectors) that offer direct accompaniment to migrants and refugees:	Take advantage of territoriality to promote an articulated response in the comprehensive accompaniment of cases at the international level. To bet on innovation and specifically on virtual platforms to strengthen the effectiveness of our accompaniment without detriment to the closeness and humanity that characterizes and is distinctive of our accompaniment. Continue to promote the systematization of experiences, the strengthening of grassroots institutions, staff training and the dissemination of good practices. Pay special attention to new frontiers, especially those related to the mental health of the people we accompany. Promote practices and policies that encourage care, self-care and recognition of field teams and advocates.

13 In all the regions where fieldwork was conducted, only in the Andean region was there a greater self-identification with the term refugee (54%) than migrant, in the Southern Cone (68%), in Brazil (85%) and in Mexico Central America (61%) people consider themselves mostly as migrants. Considering only the Venezuelan nationals interviewed, regardless of the region in which they are located, they also consider themselves to be migrants rather than refugees (61%).

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