

Identification and Referral of Vulnerable Migrants in the Framework of the Puebla Process



International Organization for Migration

**Thematic Meeting on Asylum and Protection
Rabat Process, 15-16 June 2015, Rabat, Morocco
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MIGRATION IN THE NORTH AMERICA, CENTRAL AMERICA AND THE CARIBBEAN



- Around 55 million migrants in this region (around 25% of all migrants in the world).
 - Around 51 millions in North America
 - Around 2.5 millions in Mesoamerica
 - Around 1 million in the Caribbean.

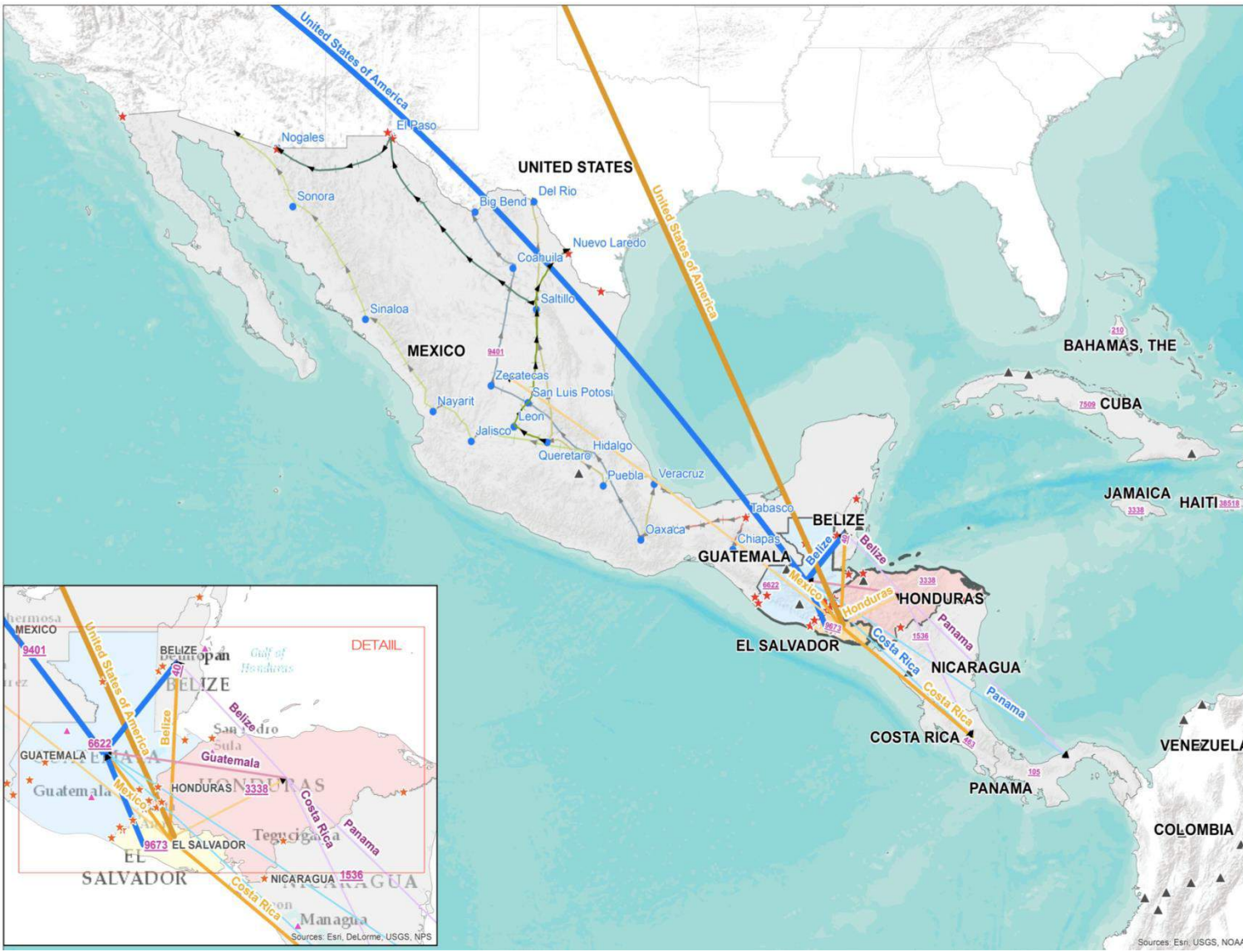


Migration in the Region

- Migration is mostly within the region.
- The biggest corridor of migrants in transit in the world (Mesoamerica), 50 different nationalities
- The region has the top migrant destination country in the world, the US which hosts around 20% of all immigrants in the world.
- The region has the country with the biggest number of emigrants: Mexico.
- The region is one of the biggest corridors of illegal drugs (South-North) and weapons (North-South) of the world
- Three of the ten countries with highest homicide rates in the world.



MIGRATION FLOWS

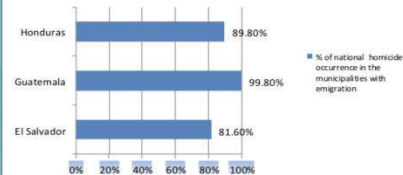


MIGRATION FLOWS:

CENTRAL AMERICA AND NORTH AMERICA

AS OF 20 MAY 2015

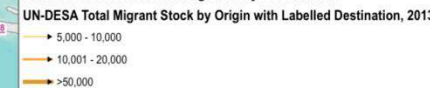
Violence, one of the dominant motors for emigration



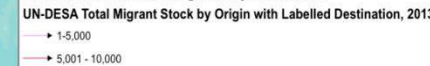
Legend

Mexico-US Informal Migration Train Route

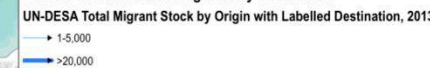
Number of El Salvador Emigrants by Destination
UN-DESA Total Migrant Stock by Origin with Labelled Destination, 2013



Number of Honduras Emigrants by Destination



Number of Guatemala Emigrants by Destination



- Formal Border Crossing Cities
- Mexico-US Transition Cities
- UNHCR Refugee Camps
- El Salvador
- Guatemala
- Honduras
- Refugees originating from the country

Data Source: IOM, OCHA, Pew Research Center, UN-DESA, UNHCR, US Customs and Border Protection
Feedback: dtmsupport@iom.int

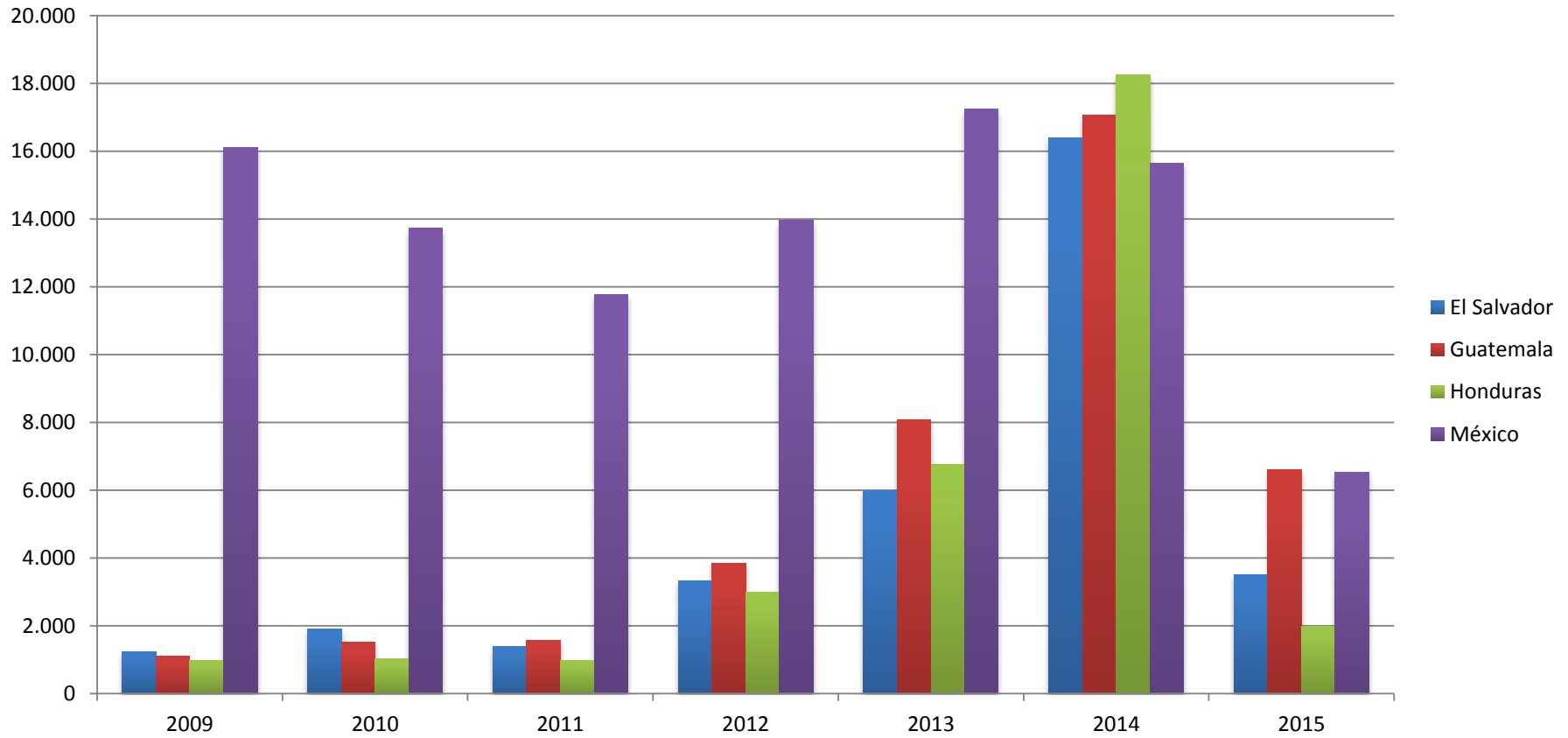
Key protection challenges



- Increasing flows of unaccompanied children and families
- Increasing involvement of organized crime in abuses and crimes against migrants
- Limited capacities to identify and assist vulnerabilities amongst mixed flows
- Limited public policies in place for return and reintegration assistance



Unaccompanied children intercepted in United States



KEY MIGRANT ASSISTANCE RELATED IOM-IOM's PROJECTS (0ut of 31)



Strengthening Protection of Vulnerable Migrants in Mesoamerica



Increasing reception capacities to assist returned children to the Northern



Preventing Violence against Women in Central America



Strengthening government's capacities to provide reintegration assistance

Preventing Risks Linked to Irregular Migration

Caribbean:

- Assisted Voluntary Returns from Europe
- Strengthening Capacities to Prosecute Trafficking
- Protecting Vulnerable Migrants in





**Central
American
Integration
System
(SICA)**

**Regional
Conference on
Migration
(Puebla Process)**



Conferencia Regional sobre Migración (CRM)
Regional Conference on Migration (RCM)

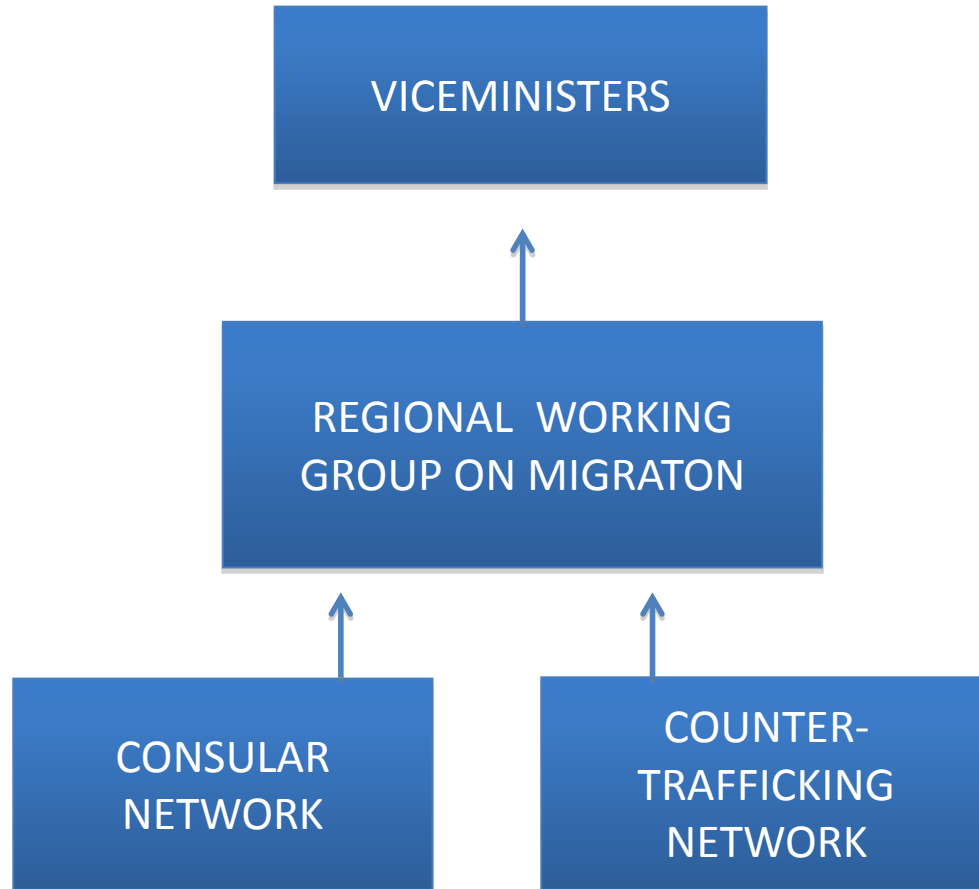
The Regional Conference on Migration (RCM or “Puebla Process”)



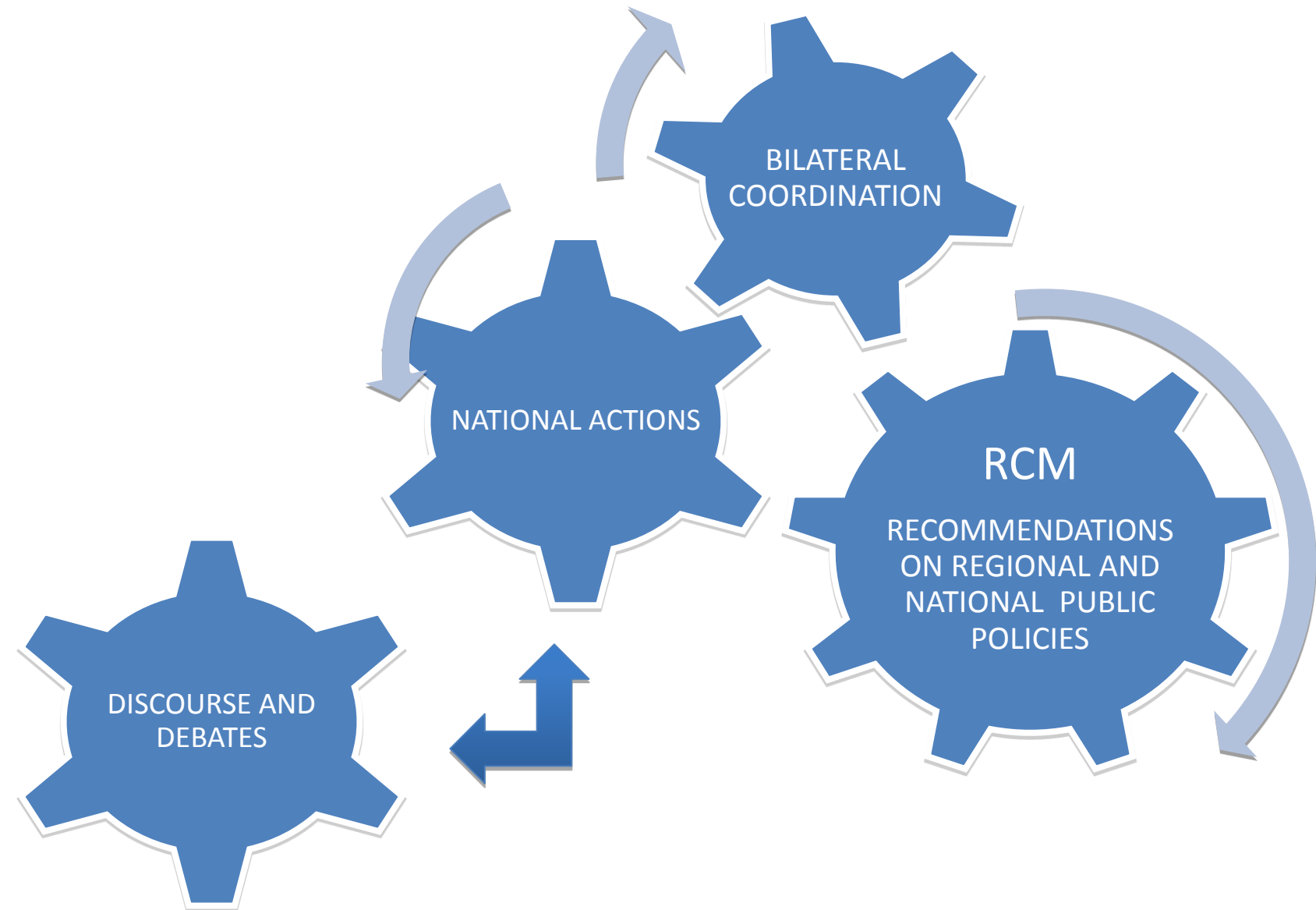
Plan of Action of the RCM

- It is structured along three broad themes:
 - Migration Policies and Management
 - Human Rights
 - Migration and Development
- Although the RCM decisions are non-binding, they provide a framework for continued regional cooperation.

Structure



Strengthening Capacities to Protect Migrants in conditions of Vulnerability

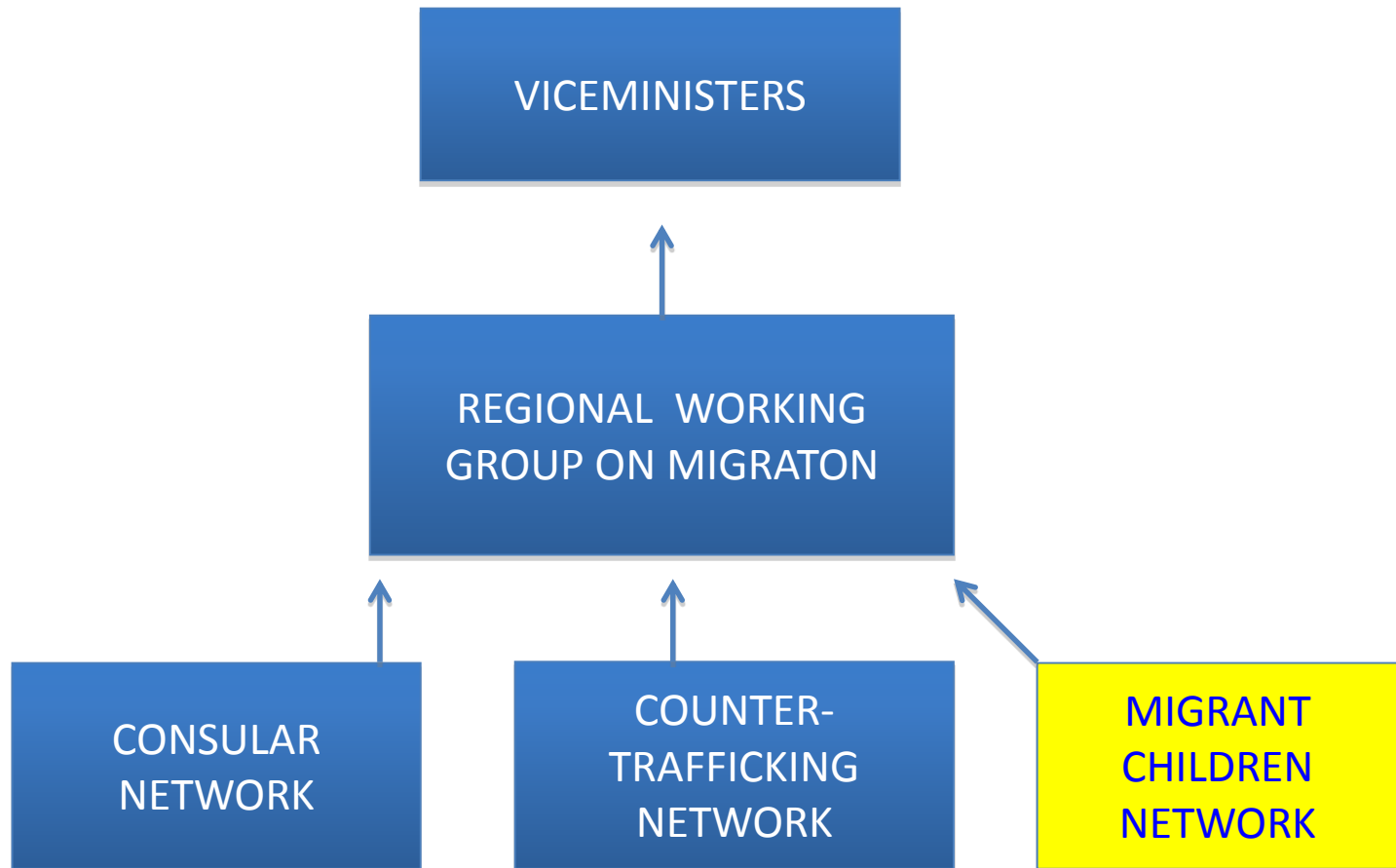


- Process up to the creation of UACMs AdHoc Group

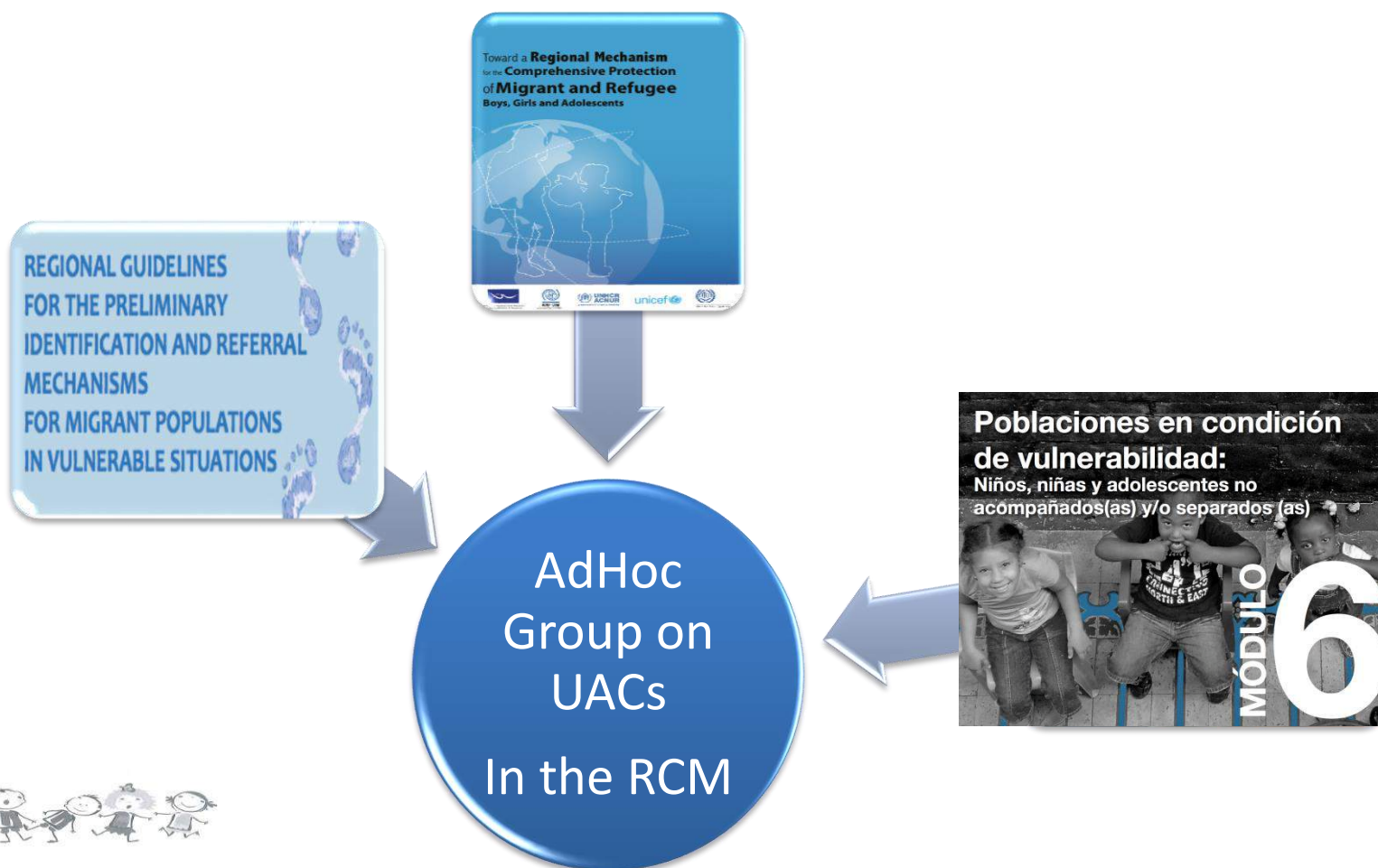
In the framework of the RCM



RCM's structure



Unaccompanied children as one of most vulnerable migrant groups

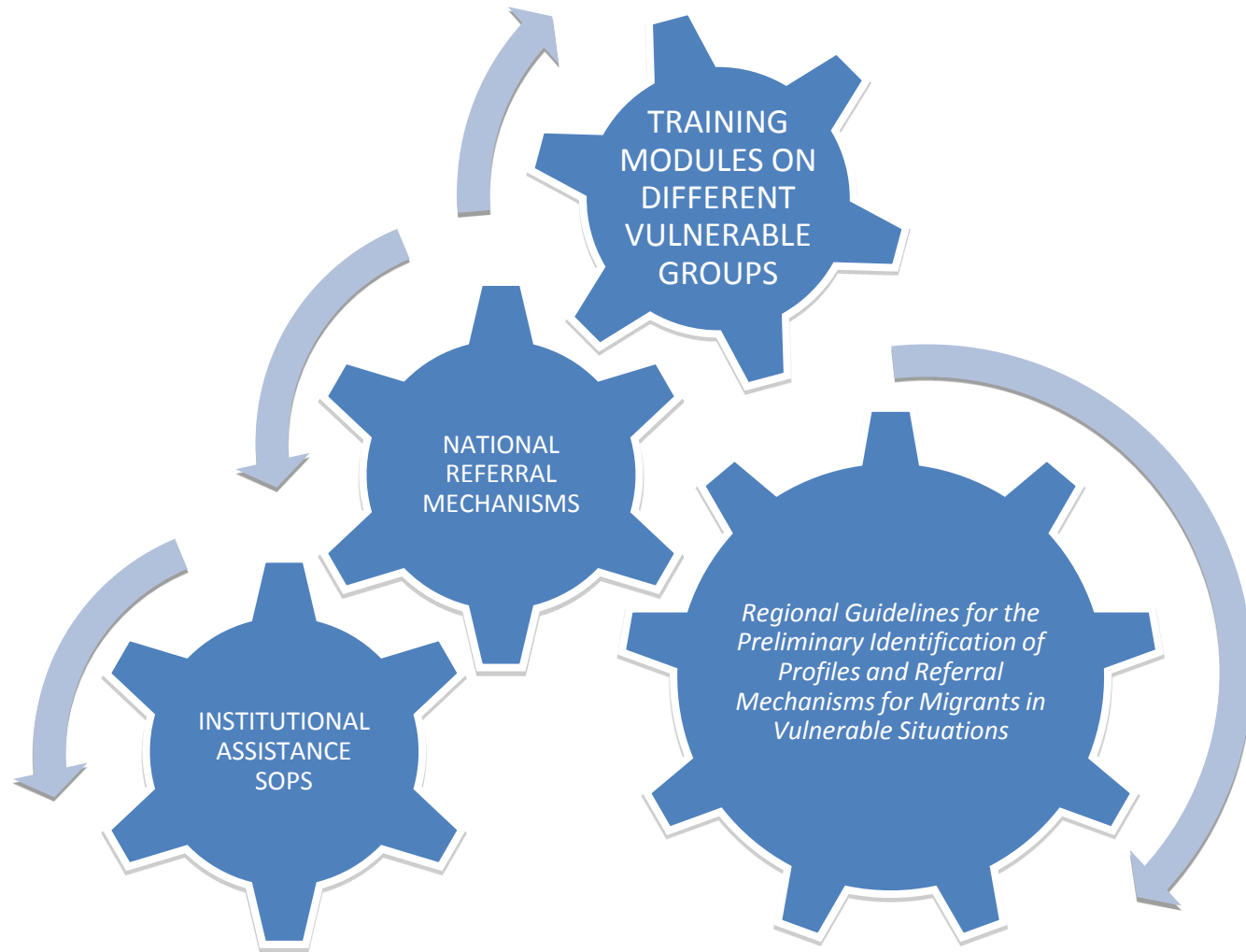


AN EXAMPLE OF REGIONAL COOPERATION:

Regional Guidelines for the Preliminary Identification of Profiles and Referral Mechanisms for Migrants in Vulnerable Situations



MULTIPLE APPROACHES



INTRODUCTORY COURSE ON PROTECTING VULNERABLE MIGRANT GROUPS

9 MODULES IN 2 BOOKS



Modules:

- ✓ One of training facilitation
- ✓ One on international human right framework
- ✓ Six on each vulnerable group



- ✓ Final Module: Differentiated Identification and Protection Mechanisms



GUIDELINES

- Human Right approach to address differentiated needs in the mixed flows
- Normative and operational response of authorities with migration management responsibilities



Phases of the Regional Guidelines

DETECTION	URGENT NEEDS	REFERRAL FOR SPECIFIC ASSISTANCE
<p>Begins upon first contact</p> <p>Assess vulnerability</p>	<ol style="list-style-type: none">1. Urgent Needs2. Interview conditions3. Providing Information4. Assess eminent risk5. Determination of vulnerability profile	<ol style="list-style-type: none">1. Route Map by each profile2. Protection Options3. Referral according to each type of vulnerability

Implementation requirements

- ✓ Designing inter-institutional SOPs in each country
- ✓ Systematic training to key personnel who enter in contact with migrants
(recently IOM held a regional training workshop with direct service providers in the framework of the RCM and in coordination with UNHCR)
- ✓ Updated Directory of resources available, both from government and non-governmental service providers: name, contact, type of service provided, geographical coverage.
- ✓ Promote national agreements to coordinate the assistance and the case management



Best Practices

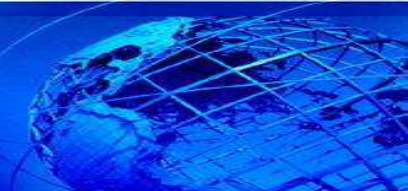
PROTOCOLO DE ACTUACIÓN EQUIPO PARA SITUACIONES MIGRATORIAS ESPECIALES



1. **Costa Rica:** Creation of the Taskforce to Assist Highly Vulnerable Migrants – **ESME**
 - Led by the Migration Directorate of Migration
 - Joint by service oriented ministries, including MFA.
 - Role: Activate Mechanism to identify cases, refer to appropriate agency and monitor the case management
2. **Mexico:** interview mandatory now as part of the procedures of the migration delegates in Southern Mexico.

Lessons Learned

- Long-term planning and commitment
- Bottom up, top down approaches
- Promotion of co-responsibility amongst Member States
- Ownership and endorsement of Member States
- Inter-agency collaboration, ex. IOM-UNHCR
- Not an isolated initiative, framed in efforts to increase protection of vulnerable migrants



REGIONAL CONFERENCE ON MIGRATION OR PUEBLA PROCESS

GUIDELINES ON IDENTIFICATION AND REFERRAL OF VULNERABLE MIGRANTS AND REFUGEES

Luis Diego Obando



DETECTION

DETECTION INDICATORS

Detection initiates during the first encounter of the relevant officer with the migrant.

- Expressly request help or protection
- Boys, girls, and adolescents, especially those that are unaccompanied or separated;
- Are physically or mentally disabled and are unaccompanied;
- Show evident physical health problems (dehydration, malnutrition, extreme weakness, bruises, injuries, fractures, mutilations, etc.)

- Are upset or in shock: disorientation, fear, extreme anxiety, tears;
- Are suspected to be under the effects of a drug or medication;
- Extra-continental migrants in obviously vulnerable situations or with whom it is not possible to communicate fluently;
- Are suspected to be controlled or watched by the person accompanying them, including situations where communication is mediated through a third person;
- Show signs or express that they do not know in which country they are.

Non-refoulement

- If a person has one or several of the above-mentioned characteristics, the principle of *non-refoulement* applies (even in cases of holders of false or forged travel documents, lack of travel documents, or when another person has their travel documents).
- This principle includes non-rejection at air, land, or sea borders, non-return or deportation to the country of origin or residence or the prior country of transit and until it has been established if the person in question matches the profile of a person requiring protection and assistance.

ATTENTION OF URGENT NEEDS

Urgent needs

- The first contact should begin with the following question:
- *“Do you have any urgent health condition or any other type of condition that needs to be addressed immediately?”*
- If a migrant requires emergency medical care, the priority is to refer this person to an appropriate health facility. Once the urgent needs have been met, the identification process may be continued.

Requirements for the “first contact “interview

- The use of an interpreter when the interviewed person does not understand what he/she is being asked or is unable to appropriately express his/her responses. In such cases, the interviewing process should not continue until an interpreter is present. While this occurs, the person should receive assistance and protection in an appropriate place.
- An appropriate space to conduct the interview in an individual manner, ensuring privacy.
- Preferably, the officer conducting the interview should have been trained on implementation of identification and referral procedures and protocols.

Provision of information

- Interviewers should introduce themselves by their full names and inform the interviewed person about the purpose of the questions that will be asked.
- Clarifying any doubts or questions of the interviewed person in regard to his/her situation.
- Formulating questions based on the Guide for Conducting Preliminary Identification Interviews, included as an appendix to this document.

Assessing Imminent Danger

- If a migrant is in a situation of imminent danger the interviewing process should not continue.
- In order to establish if imminent danger exists, ask the following question:

Are you being persecuted and/or under vigilance at this moment?

By whom?

Assessing Imminent Danger

- If the answer is “Yes” or if the interviewer suspects the existence of such danger, the person should immediately be referred to a relevant institution guaranteeing protection (police force, office for victim protection, or another relevant institution – for women or boys, girls, and adolescents, if appropriate).
- From this moment, that institution takes on the responsibility of continuing the identification process.
- If no imminent danger is detected the identification process can be continued.

Profile determination

- In order to determine the existence of a profile of vulnerability, the next step is to conduct an individual interview. The questionnaire included as an appendix could be used to this end.
- When determining profiles, it should be considered that different profiles do not exclude each other. A person could match several profiles at the same time and, therefore, have multiple needs.

The Profile of Victim or Potential Victim of Trafficking in Persons

- ✓ Received an employment or education offer but does not know where he/she will work or study or who hired or made the offer;
- ✓ The person who made the offer facilitated the means for transfer, including travel documents;
- ✓ The person transferring or receiving the migrant withheld the identity and travel documents of the migrant;
- ✓ Has been subject to control and/or surveillance;
- ✓ Has been under constant threat to him- or herself or his/her family;

- ✓ Has been forced to work in an activity other than the employment that was promised or under different conditions than those offered and against his/her will;
- ✓ Has been forced to work to pay a debt;
- ✓ Has been subject to a situation of exploitation;
- ✓ Has been coerced to participate in illegal activities;
- ✓ Has been subject to physical, sexual and/or psychological abuse with the purpose of keeping the migrant subjected and coercing him/her;
- ✓ Was abducted in the place of origin and then transferred and exploited;
- ✓ A situation of vulnerability was taken advantage of by a third person (poverty, marginalization, lack of opportunities, or unemployment).

The Profile of an Unaccompanied and/or Separated Migrant Boy, Girl, and Adolescent

- ✓ Travels alone or separated;
- ✓ Travels with or is accompanied by an adult who is not entitled to be the caretaker or guardian;
- ✓ Has been victim of rights violations (theft, rape, mistreatment, exploitation, or others).

The Profile of a Refugee /Asylum Seeker

- ✓ Was forced to leave the country of origin due to ***well founded fear of persecution based on race, religion, nationality, belonging to a certain social group or political opinion*** or because this person's life, safety, or freedom have been threatened by generalized violence, foreign aggression, internal conflict, massive human rights violations, or other circumstances that have seriously disturbed public order;
- ✓ Applies for refugee status;
- ✓ Expresses a fear of returning to the country of origin or of being persecuted.

Profiling of potential refugees

- Is not a Refugee Status Determination
- Is a first screening process to identify asylum seekers and refer them adequately to asylum systems
- “First Contact” officers don’t substitute the asylum adjudicator officers

The Profile of a Migrant in another Situation of Risk

- ✓The journey has been long and has placed the physical and emotional integrity of the migrant at risk;
- ✓The migrant has been subject to assault, theft, sexual violence, mistreatment, abduction, extortion, etc.;
- ✓Does not speak the local language or know the local customs;
- ✓Is stranded, uprooted, without any possibility of communicating, and without any resources;
- ✓Has been subject to forced displacement due to natural catastrophes or climatic factors;
- ✓A woman travelling alone, pregnant, and without any resources to support her – especially adolescents;
- ✓Suffers from malnutrition, sunstroke, serious injuries due to the risky conditions of the journey;
- ✓Has been subject to a migrant smuggling network;
- ✓Is ill or has suffered injuries, is disabled, or elderly, travelling alone and requiring protection.

**REFERRAL FOR SPECIFIC
PROTECTION AND ASSISTANCE
ATTENTION OF URGENT NEEDS**

The following actions should be implemented in all cases when one or several profiles are identified:

- **Provide some type of migratory protection or personal status preventing rejection, refoulement, or deportation;**
- **Meet immediate basic needs, if necessary: food, clothes, shelter, personal hygiene, etc.**

Specific routes

- Unaccompanied or separated children

Should be referred to the relevant government institution in charge or providing protection and assistance. If the boy, girl, or adolescent is a refugee or refuge seeker, the relevant institution in charge of determining refugee status should be notified as well.

Specific routes

- Children travelling with their parents

For boys, girls, and adolescents travelling with their parents or any other adult accompanying them – authorized or not – that are at risk or in danger (bruises, severe malnutrition, fear, drug addiction or sedation, without any documents, etc.), the relevant government institution in charge of child protection in the country should be notified as well.

Specific routes

- **Victims of trafficking**

The relevant government institution should be notified immediately. In such cases, protection should be prioritized above the risk of realization of threat or re-victimization by trafficking networks. If, in addition, the person is a refugee or refugee seeker, the relevant institution in charge of determining refugee status should be notified.

Specific routes

- **Women at risk**

For women at risk, the government institution in charge of protecting women's rights in the country should be notified as well. If an institution of this nature does not exist or does not operate around the clock, efforts should be coordinated

Specific routes

- **Refugees and asylum seekers**

Applicants should be directly referred to the institution in charge of determining refugee status in the country. In addition, the person should be informed about the existence of UNHCR or its implementing agency.

No detention of vulnerable migrants and refugees

In all cases, irregular migrants in vulnerable situations should not be transferred to detention centers. This is a last resort and extreme action.

If this is the only alternative, the stay should be as short as possible and the protection and assistance provided at such facility should be differentiated

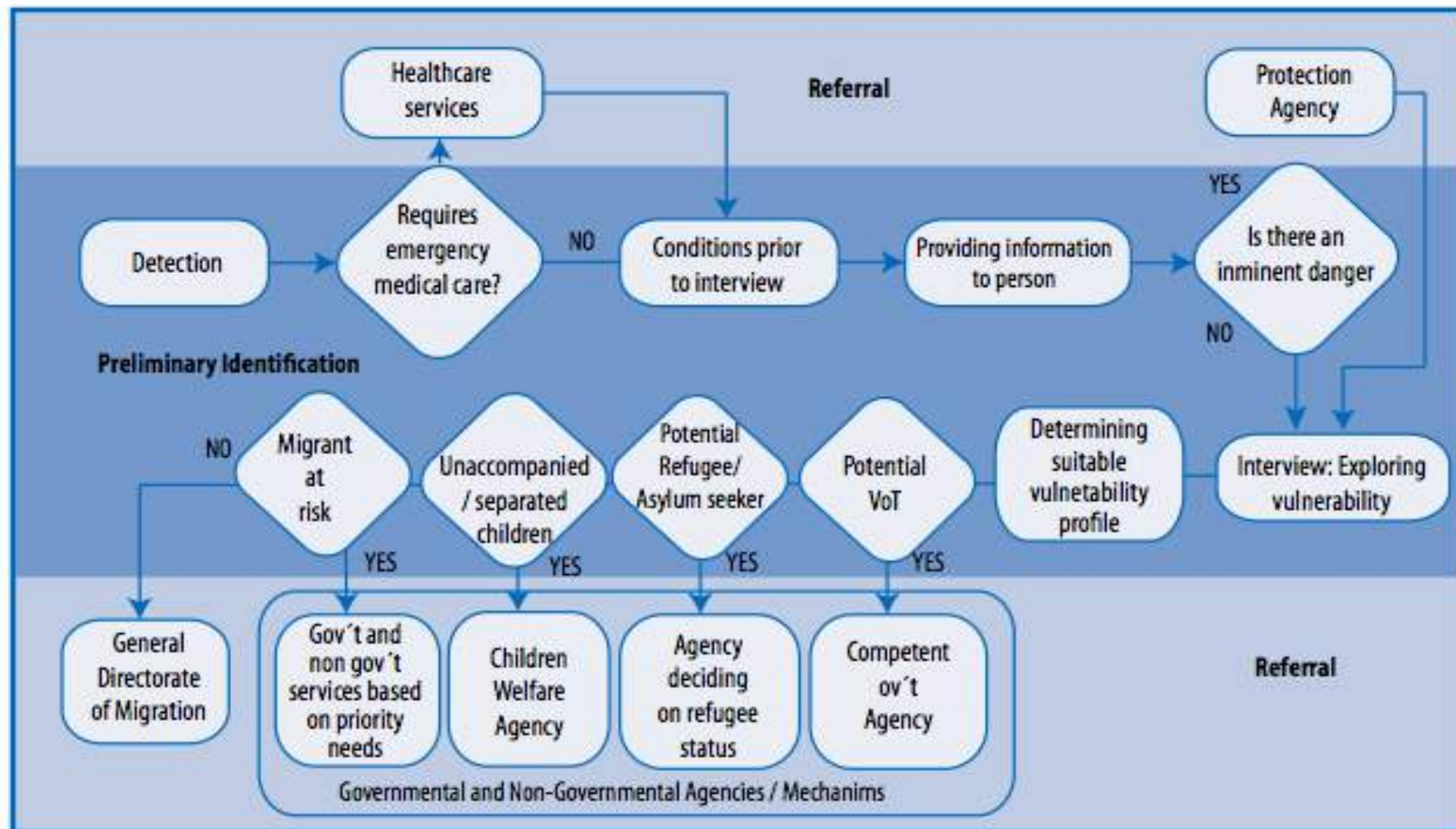
Basic requirements for implementation

- ✓ To develop protocols or procedures for inter-institutional coordination required to ensure effective implementation of these Guidelines, including the availability of the resources that are necessary for implementation.
- ✓ To provide specialized training and dissemination for staff from different institutions establishing initial contact with migrants and refugees;

Basic requirements for implementation

- ✓ To maintain an updated directory of relevant public and non-governmental institutions including: name of institution, a general description of the services provided, contact information, and location according to territory;
- ✓ To promote binational and regional agreements facilitating assistance and protection for migrant populations in vulnerable situations that travel in the region;
- ✓ To establish practical mechanisms to follow up on referred cases in order to ensure effective protection and assistance.

DIAGRAM: PRELIMINARY IDENTIFICATION OF PROFILES AND REFERRAL



APPENDIX

A Guide for Conducting an Interview and Collecting Information

1) General Data of the Interview

Name of interviewer, institution, position, telephone number, e-mail address:

Date: Hour:

Location:

Name of interpreter (if available) and language in which the interview is conducted:

2) Information on the Migrant

1.	Full name: Known as:	
2.	Gender Male () Female () Gender identity: ⁹	
3.	Date of birth (dd/mm/yy): Under 18 years of age (boy, girl, or adolescent) () ¹⁰ Adult ()	
4.	Place of birth:	
5.	Nationality: ¹¹	6. Usual place of residence:
7.	Religion:	8. Ethnic group:
9.	Language:	
10.	Marital status:	11. Contact information:
12.	Travelling alone or with family members or other persons? Specify names and relationship: a) b) c)	
13.	Identity document (specify type, issuing country, number, expiration date)	a. Passport: b. Other (specify): c. Not valid (specify why):
14.	Apparent health status or as communicated by the person (dehydration, burns, bruises, injuries, anxiety, nervousness, etc.): Other conditions (pregnant, disabled, etc.): Do you suffer from any chronic or terminal illness? Are you taking any medication?	

9 If the identity document of the person does not match this person's appearance, specify the gender selected by the person (female or male).

10 If the person is separated or travels unaccompanied, the case should immediately be referred to the child protection institution in the country.

11 If a nationality is not specified, this person could be a stateless person and this should be specified in the questionnaire.

THANK YOU

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