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

International Organization for Migration

Thematic Meeting on Asylum and Protection
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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.

Source: IOM, World Migration Report 2010
Contexto Migratorio

Acciones Generales

- 4 Capacitaciones en PDI
- Según temática, la formulación de un proyecto puede recaer más en los RT
- Los proyectos a ser financiados bajo el IDF son coordinados más de cerca con el RPDO
- Formulación de proyectos que abarquen varios países de la región
- Asistencia revisión lingüística
- Proyectos o propuestas formuladas: 2011: 3 (2 IDF y 1 EU); 2012: 4 (Brasil:1, IDF: 1, USG: 1, Paraguay: 1). Aproximadamente 5 proyectos más asesorados en su definición.

MIGRATION FLOWS
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

US BORDER PATROL STATISTICS
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 the Caribbean
The Regional Conference on Migration (RCM or “Puebla Process”)

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

VICEMINISTERS

REGIONAL WORKING GROUP ON MIGRATION

CONSULAR NETWORK

COUNTER-TAFFICKING NETWORK
Strengthening Capacities to Protect Migrants in conditions of Vulnerability
• Process up to the creation of UACMs AdHoc Group
In the framework of the RCM

First Regional Workshop on Migrant Children (2012) National action plans drafted


First AdHoc meeting drafted regional action plan

Second meeting Recommended to make the group permanent

Surge of Central American and Mexican UACs intercepted in the US

RCM approved AdHoc Group and set of principles (June 2014)
RCM’s structure

- VICEMINISTERS
- REGIONAL WORKING GROUP ON MIGRATON
- CONSULAR NETWORK
- COUNTER-TRAFFICKING NETWORK
- MIGRANT CHILDREN NETWORK
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

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

National Referral Mechanisms

Institutional Assistance SOPS

Training Modules on Different Vulnerable Groups
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
- Begins upon first contact
- Assess vulnerability

## URGENT NEEDS
1. Urgent Needs
2. Interview conditions
3. Providing Information
4. Assess eminent risk
5. Determination of vulnerability profile

## REFERRAL FOR SPECIFIC ASSISTANCE
1. Route Map by each profile
2. Protection Options
3. 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

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 refugee 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

Detection

Requires emergency medical care?

Healthcare services

Conditions prior to interview

Referral

Providing information to person

Protection Agency

Is there an imminent danger

YES

Interview: Exploring vulnerability

NO

Migrant at risk

Unaccompanied / separated children

Potential Refugee/Asylum seeker

Potential VoT

Determining suitable vulnerability profile

Referral

General Directorate of Migration

Gov’t and non-gov’t services based on priority needs

Children Welfare Agency

Agency deciding on refugee status

Competent ov’t Agency

Governmental and Non-Governmental Agencies / Mechanisms
# 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

<p>| | |</p>
<table>
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| 1. | Full name:  
|    | Known as:  |
| 2. | Gender  
|    | Male ( )  
|    | Female ( )  
|    | Gender identity:  |
| 3. | Date of birth (dd/mm/yy):  
|    | Under 18 years of age (boy, girl, or adolescent) ( )  
|    | Adult ( )  |
| 4. | Place of birth:  |
| 5. | Nationality:  |
| 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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