



# Regional Discussion Paper

## Focus on the Latin American Experience

MICIC Regional Consultation on Latin America  
San Jose, Costa Rica, 17-18 February 2016



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# Context

This study contextualises and analyses the practices of Latin American States towards international migrants in countries in crisis.<sup>1</sup> It thus provides background information for a more detailed discussion of this theme at the ‘Migrants in Countries in Crisis’ (MICIC) Regional Consultation for Latin America, to be held on 17-18 February 2016 in San Jose, Costa Rica.<sup>2</sup> Section I sets out the migration and cross-border displacement trends in countries in this region and also for their nationals overseas and then examines how particular crises – armed conflict, natural disasters – and other challenges impact upon such migrants. The section ends by considering the main legal frameworks and institutional actors relevant to their protection. Section II illustrates trends and practices in addressing the situation of migrants in countries in crisis at the national level at each stage of the process: pre-crisis, during the emergency, and post-crisis.

The study aims to give a contextual overview of the regional scenario as a basis for further discussion at the workshop.<sup>3</sup> Examples are thus drawn principally from four Latin American country case studies: Colombia, Chile, Haiti and Mexico.<sup>4</sup> All four have been affected by serious crises in the past decade but also represent a diverse sample in terms of migration profiles, crisis profiles, institutional infrastructure and sub-region (Andes, Southern Cone, Caribbean, Mesoamerica). Finally, although the US and Canada are integral to migration dynamics in the wider region of the Americas and their policies impact on Latin America,<sup>5</sup> their practices regarding migrants affected by crisis largely fall outside the study’s terms of reference, except to the extent that they have engaged directly with crises in Latin America.

## Section 1 – Analysis of Migration Trends

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### 1. Migration trends in Latin America

Migration and cross-border displacement in Latin America takes many forms, including movement of seasonal workers and of workers on long-term visas, irregular migration, tourism, persons fleeing natural disasters, conflict or crime and trafficking in human beings and smuggling of migrants. Yet these categories can be blurred, as when environmental, political and economic factors combine to cause mixed migratory movements. Moreover,

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<sup>1</sup> Please note that, except where otherwise indicated in the text, the terms ‘migrant’ and ‘migration’ in this document refer to *international* migrants and migration. In the context of the MICIC Initiative, the term ‘migrant’ is defined broadly to include “all non-nationals/non-citizens present in the country experiencing a conflict or natural disaster, and who do not benefit from international protection as refugees”; Frequently Asked Questions About the Migrants in Countries in Crisis Initiative, Section 2, 8 May 2014. Background documents for the MICIC Initiative can be found on its website <[micicinitiative.iom.int](http://micicinitiative.iom.int)>.

<sup>2</sup> The Migrants in Countries in Crisis (MICIC) project supports an evidence-based approach to improve the capacity of States and other actors to assist and protect migrants in countries in crisis and address the long-term implications of such situations.

<sup>3</sup> The methodology is based exclusively upon a desk review of publicly-accessible materials and limited in scope to focusing principally on the main developments and practices in the past ten to 15 years.

<sup>4</sup> The study’s terms of reference expressly identify Haiti as part of Latin America. According to these terms of reference, Latin America as a region encompasses Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay and Venezuela.

<sup>5</sup> See, for example, Reuters, “‘War zone’ at the border: abuse of migrants in Mexico rises”, *The Guardian*, 16 October 2015 <<http://www.theguardian.com/world/2015/oct/16/abuse-central-american-migrants-mexico-border-rises>>.

migration patterns in Latin America have seen rapid change in recent times, with the appearance of international movements unimaginable as little as 15 years ago, as migration to North America and other OECD countries slows and globalisation impacts increasingly on Latin America.<sup>6</sup>

Migration and cross-border displacement within Latin America are highly heterogeneous, with each country possessing distinct traits. Nevertheless, the number of non-nationals in countries in the region is still fairly limited: migrants, asylum-seekers and refugees amounted to 1.4% of the total population in the region in 2013 (around 7.7 million persons), compared to 14.9% for the US and Canada (around 53 million persons), although there are signs that this is changing.<sup>7</sup> These figures do not include irregular migrants, for whom no solid figures exist at the regional level. Nonetheless, estimates do exist for individual countries in the Americas, which can give a sense of the scale of this population, such as the approximately 11.4 million irregular migrants in the US in 2012,<sup>8</sup> 1.5 million in Argentina in 2010 or over one million in Mexico in 2013.<sup>9</sup> No consolidated figures exist for the number of transit migrants in the region.<sup>10</sup>

Current data suggests that the majority of the migratory movements in the Americas fits within three broad and distinct patterns: (i) South to North migration towards the US and Canada (1.1); (ii) other intraregional migration within the Americas (1.2); and (iii) Migration from OECD<sup>11</sup> countries to the Americas (1.3).

### **1.1. South to North migration (towards US and Canada)**

Many migrants use well-travelled routes to transit Latin American countries in an attempt to reach the US and (to a lesser extent) Canada.<sup>12</sup> Indeed, half of the out-migration from countries in the Americas is directed towards Canada and the US<sup>13</sup> with the effect that, by 2013, 55% of all foreign-born people residing in the US came from Latin America and the Caribbean (just over 25 million people).<sup>14</sup> The differences in gross domestic product (GDP) per capita, wage levels and employment opportunities are the main pull factors.<sup>15</sup> A large

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<sup>6</sup> J. Mazza and E. Sohnen, 'On the Other Side of the Fence: Changing Dynamics of Migration in the Americas' (Migration Policy Institute, 27 May 2010) <<http://www.migrationpolicy.org/article/other-side-fence-changing-dynamics-migration-americas>>.

<sup>7</sup> Sistema Continuo de Reportes sobre Migración Internacional en las Américas (SICREMI), 'International Migration in the Americas: Third Report of the Continuous Reporting System on International Migration in the Americas' (2015) <<http://www.oecd.org/migration/sicremi.htm>>.

<sup>8</sup> SICREMI, 'International Migration'.

<sup>9</sup> J.A. Baer, 'Documenting the Undocumented within Latin America', Council on Hemispheric Affairs, 18 November 2014 <<http://www.coha.org/documenting-the-undocumented-within-latin-america/>>.

<sup>10</sup> See Section II, part 2.1, for estimated figures relating to transit migration through Mexico.

<sup>11</sup> Organisation for Economic Co-operation and Development; see <<http://www.oecd.org/>> for a full list of member States.

<sup>12</sup> With the Seasonal Agricultural Worker Program (SAWP), Canada has traditionally attracted temporal migration from Mexico and the Caribbean but in recent times migration flows have shifted with new in-migration coming from Latin America (J. Mazza and E. Sohnen, 'Labor Migration in Latin America and the Caribbean: A Look at New Trend' (2011) Inter-American Development Bank, Labour Markets and Social Security Unit. No. IDB-TN-205). While the immigrant population from Mexico is small in comparison to the US, it has increased in recent years, with the population more than doubling between 1991 to 2006 from 22,000 to 50,000 (F. Alba, 'Mexico: The New Migration Narrative' (Migration Policy Institute, 24 April 2013) <<http://www.migrationpolicy.org/article/mexico-new-migration-narrative>>).

<sup>13</sup> The rest is made up of: one quarter to the rest of the OECD (not North America) and one quarter to other countries of the Americas (SICREMI, 'International Migration').

<sup>14</sup> P. Conner et al, 'Changing Patterns of Global Migration and Remittances. More Migrants in U.S. and Other Wealthy Countries; More Money to Middle-Income Countries' (2013) Pew Research Center <<http://www.pewsocialtrends.org/2013/12/17/changing-patterns-of-global-migration-and-remittances/>>.

<sup>15</sup> J.M. Pizarro and M. Villa, 'International Migration in Latin America and the Caribbean: A Summary View of Trends and Patterns' (2005) UN Expert Group Meeting on International Migration and Development, Population Division <[http://www.un.org/esa/population/meetings/ittmigdev2005/P14\\_JMartinez\\_ECLAC.pdf](http://www.un.org/esa/population/meetings/ittmigdev2005/P14_JMartinez_ECLAC.pdf)>.

proportion of the migrants from the region who reach North America either arrive with an irregular status or stay after the expiry of work or travel visas.<sup>16</sup> Even so, remittances sent via official channels by migrants to countries in Latin America and Caribbean totalled US\$67 billion in 2015.<sup>17</sup> Remittances to Central America increased five-fold in the 2000s, from US\$3 billion in 2000 to US\$15 billion in 2013, representing around seven percent of the GDP of Central American countries.<sup>18</sup>

Central America and Mexico are generally seen as the main areas of origin and transit in this flow, with the push since the 1980s being a desire to reach the US due to political instability and economic turmoil and a change in US legislation.<sup>19</sup> The number of migrants and refugees from Central America in the US has nearly tripled since 1990,<sup>20</sup> with approximately 3.2 million Central Americans living in the US in 2013, the majority from the Northern Triangle.<sup>21</sup> Current migration through Central America and Mexico is defined by three characteristics: (i) use of the territory for transit;<sup>22</sup> (ii) the often irregular nature of the movement;<sup>23</sup> and (iii) an exponential increase in the vulnerability of populations using these migration routes.<sup>24</sup>

Migratory flows to the US from the Caribbean countries have also increased since 2011,<sup>25</sup> with a significant number being irregular migrants.<sup>26</sup> These irregular movements towards North America generally take place by sea (mainly involving Cubans, Haitians and Dominicans).<sup>27</sup> South America witnesses less out-migration towards the US and Canada than do Central America and the Caribbean. Even so, between 2000 and 2010, the South American immigrant population in the US grew faster than all other groups with the exception of Central Americans.<sup>28</sup> These populations are more likely than other migrant populations to enter with visas and then violate the terms of the visa by either overstaying or gaining employment.<sup>29</sup>

South and Central America are also important transit regions for south-north movements not only by migrants and refugees from South America but also from Africa and Asia, who are

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<sup>16</sup> See below. 40% of the irregular migrants in the US were born in Central America and the Caribbean, which is nearly six million migrants (International Organization for Migration (IOM) Regional Office for Central America, North America and the Caribbean, 'Migration Trends in the Region' (2014) <[http://costarica.iom.int/en/migration\\_trends\\_in\\_the\\_region](http://costarica.iom.int/en/migration_trends_in_the_region)>).

<sup>17</sup> The World Bank, 'Migration and Remittances: Recent Developments and Outlook. Special Topic: Forced Migration' (2014) Migration and Development Brief 23 <<http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1288990760745/MigrationandDevelopmentBrief23.pdf>>.

<sup>18</sup> J. Zong and J. Batalova, 'Central American Immigrants in the United States' (Migration Policy Institute, 2 September 2015) <<http://www.migrationpolicy.org/article/central-american-immigrants-united-states>>.

<sup>19</sup> Zong and Batalova, 'Central American Immigrants'.

<sup>20</sup> S. Stoney and J. Batalova, 'Central American Immigrants in the US' (Migration Policy Institute, 18 March 2013) <<http://www.migrationpolicy.org/article/central-american-immigrants-united-states>>.

<sup>21</sup> Zong and Batalova, 'Central American Immigrants'. The Northern Triangle is El Salvador, Guatemala, and Honduras.

<sup>22</sup> IOM, 'Migration Trends'.

<sup>23</sup> UN High Commissioner for Refugees (UNHCR), 'Refugee Protection and International Migration in the Americas: Trends, Protection Challenges and Responses' (2009) <<http://www.refworld.org/docid/4c59329b2.html>>.

<sup>24</sup> Ibid; UN Office on Drugs and Crime (UNODC), *Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment* (2012) <<https://www.unodc.org/toc/es/reports/TOCTACentralAmerica-Caribbean.html>>.

<sup>25</sup> However, overall out-migration from the Caribbean between 2009 and 2012 declined, with only Haiti and Jamaica witnessing slight increases, the former likely due to hardships suffered after the 2010 earthquake (SICREMI, 'International Migration in the Americas').

<sup>26</sup> IOM, 'Migration Trends in the Region'.

<sup>27</sup> UNHCR, 'Refugee Protection and International Migration in the Americas'.

<sup>28</sup> S. Stoney, J. Batalova and J. Russell, 'South American Immigrants in the US' (Migration Policy Institute, 2 May 2013) <<http://www.migrationpolicy.org/article/south-american-immigrants-united-states>>.

<sup>29</sup> Durand and Massey, 'New World Orders'.

*en route* to the countries of North America. These mixed migration patterns include a strong irregular element and encompass not only economic push and pull factors but also a component in search of refugee protection.<sup>30</sup>

## 1.2 Other intraregional migration in Latin America

Other intraregional movements<sup>31</sup> in Latin America has been increasing substantially in recent years.<sup>32</sup> In the past, it was driven partly by conflict and political unrest,<sup>33</sup> but modern movements are largely motivated by employment, whether seasonal or permanent.<sup>34</sup> While these migratory flows have usually followed traditional corridors to a small number of destination countries such as Mexico, Costa Rica, Argentina, Venezuela and Brazil, new corridors have started to open up, such as Nicaragua, Honduras and Guatemala to El Salvador, and Nicaragua to Panama.<sup>35</sup> Current patterns of intraregional migration in Latin America respond to various inter-related factors. In this region of porous borders and intense and well-established circulation of persons, these include: i) changes in the economic situation in certain countries;<sup>36</sup> ii) sub-regional agreements on trade and freedom of movement such as MERCOSUR;<sup>37</sup> and iii) the liberal shift in migration policies in many countries in South America.<sup>38</sup>

## 1.3 Migration from OECD countries (outside Latin America)

Whilst migration from Latin America to the US, Canada and Europe has reduced, movement the other way – and from countries such as Japan and China - has shown a marked increase.<sup>39</sup> In the last few years, migration into Latin America and the Caribbean from the European Union has been fuelled by socioeconomic realities in both OECD countries and the Americas.<sup>40</sup> While the US, Canada and large parts of Europe are experiencing an economic downturn, countries with growing economies in Latin America - such as Chile, Peru, Bolivia and Ecuador - have all witnessed increased arrivals of EU nationals.<sup>41</sup> Indeed, from 2010 onwards, more people have migrated to the Americas from the EU than the

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<sup>30</sup> See, for example, Facultad Latinoamericana de Ciencias Social (FLACSO), Assessment of the Current Situation, Trends, and Protection and Assistance Needs of Extracontinental Migrants and Refugees in Mexico and Central America (2011) <<http://www.rcmvs.org/documentos/FLACSO%20-%20Diagnostico%20flujos%20extraregionales%20-%20Eng.pdf>>.

<sup>31</sup> Here, intraregional migration within the Americas does not refer to migration to Canada and the US (see section 1.1).

<sup>32</sup> See Mazza and Sohnen, 'Labor Migration'. 64% of immigrants in the Caribbean come from the region itself, 63% of immigrants in the Andean Region and 44% of those in the Southern Cone (SICREMI, 'International Migration in the Americas').

<sup>33</sup> See M. Bradley, 'Displacement in Central America and the Caribbean: Cooperation and Challenges', in E. Fiddian-Qasmiyeh, et al. (eds) *The Oxford Handbook of Refugee and Forced Migration Studies* (2014, OUP).

<sup>34</sup> Mazza and Sohnen, 'Labor Migration'.

<sup>35</sup> Mazza and Sohnen, 'Labor Migration'; The World Bank, 'Latin America and the Caribbean' (2011) *The World Bank Migration and Remittances Factbook 2011* <<http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/LAC.pdf>>.

<sup>36</sup> Pizarro and Villa, 'International Migration'.

<sup>37</sup> SICREMI, 'International Migration'.

<sup>38</sup> D.J. Cantor et al (eds.), *A Liberal Tide? Immigration and Asylum Law and Policy in Latin America* (ILAS 2015).

<sup>39</sup> SICREMI, 'International Migration'. There has also been a marked increase in refugee claims within the Americas from persons fleeing persecution outside of the region, e.g. from Syria.

<sup>40</sup> See R. Cordova Alcaraz, 'Dinámicas Migratorias en América Latina y el Caribe (ALC), y entre ALC y la Unión Europea' (2015) Report for IOM <[http://publications.iom.int/system/files/pdf/dinamicas\\_migratorias\\_2015.pdf](http://publications.iom.int/system/files/pdf/dinamicas_migratorias_2015.pdf)>.

<sup>41</sup> The reverse has also been seen: countries such as Venezuela that traditionally attracted migration from OECD countries have seen drastically decreased numbers due economic downturn and political instability (K. O'Neil et al, 'Migration in the Americas' (2005) Global Commission on International Migration). Furthermore, changes to foreign exchange controls also affect migration, as when Venezuela banned outward remittances in 2014 (The World Bank, 'Migration and remittances').

reverse.<sup>42</sup> They include retirees, pensioners, investors and US-born descendants of emigrants from the region. In parallel, countries such as the Dominican Republic, Panama, and Mexico are also seeing increased migration from Europe and North America, although this trend requires further study.<sup>43</sup>

#### **1.4 Other relevant aspects of migration trends in Latin America**

Modern movements are strongly motivated by the search for employment, whether seasonal or permanent,<sup>44</sup> although conflict and political unrest were also key reasons for international movements by Latin Americans in the past.<sup>45</sup> Other factors are also relevant to framing the relative degree of exposure to different forms of crisis for migrants in Latin America. Firstly, migrants in this region settle predominantly in cities in neighbouring or nearby countries.<sup>46</sup> The main exception is cross-border migrations in border areas where there is agricultural work. Secondly, however, most transit migration tends to take place outside the big cities and through more isolated and rural areas. Finally, about 45% of those migrating between countries of the Americas are women,<sup>47</sup> with many as young single mothers or female heads of household.<sup>48</sup>

## **2. Examples of crises in Latin America and impact on migrants**

### **2.1 Disasters caused by natural hazards**

Natural hazards do not respect political boundaries and the Americas as a whole – i.e. Latin America, the Caribbean, the US and Canada - is affected regularly by disasters. Indeed, globally, the Americas is the region with the third highest number of reported disasters, after Asia and Africa, with more than 100 disasters reported each year and a total of 1,241 disasters over the past ten years (2005-2014).<sup>49</sup> In order of frequency, these comprised 343 floods, 316 storms, 50 droughts, 42 earthquakes, 39 wildfires, 39 extreme temperatures, 33 landslides, 22 volcanic activities and 2 dry mass movements. During the same period, the Americas was the region with the second highest reported number of deaths caused by disasters, with over 250,000 people killed, the vast majority in the 2010 Haiti earthquake. After earthquakes, which accounted for 223,886 deaths, other particularly deadly phenomena in the Americas were storms (8,155 deaths) and floods (6,372 deaths).<sup>50</sup> The Americas is also the region with the second highest level of disaster damage, with damages estimated at US\$662 billion, the majority (US\$482 billion) caused by storms in the US.

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<sup>42</sup> Cordova Alcaraz, 'Dinámicas Migratorias'. In 2012, 181,166 European nationals left for Latin America and Caribbean countries (LAC), as compared to 119,000 LAC nationals who moved to the EU. The study also suggested the majority of the migrants are not returnees (i.e. LAC national returning to the region).

<sup>43</sup> IOM, 'Migration Trends in the Region'.

<sup>44</sup> Mazza and Sohnen, 'Labor Migration'.

<sup>45</sup> See, for example, Bradley, 'Displacement in Central America and the Caribbean'. However, in the present day, see also D.J. Cantor, 'The New Wave: Forced Displacement Caused by Organized Crime in Central America and Mexico', 33 *Refugee Survey Quarterly* 34 (2014) <<http://rsq.oxfordjournals.org/content/33/3/34.full.pdf+html>>.

<sup>46</sup> Mazza and Sohnen, 'Labor Migration'.

<sup>47</sup> SICREMI, 'International Migration'.

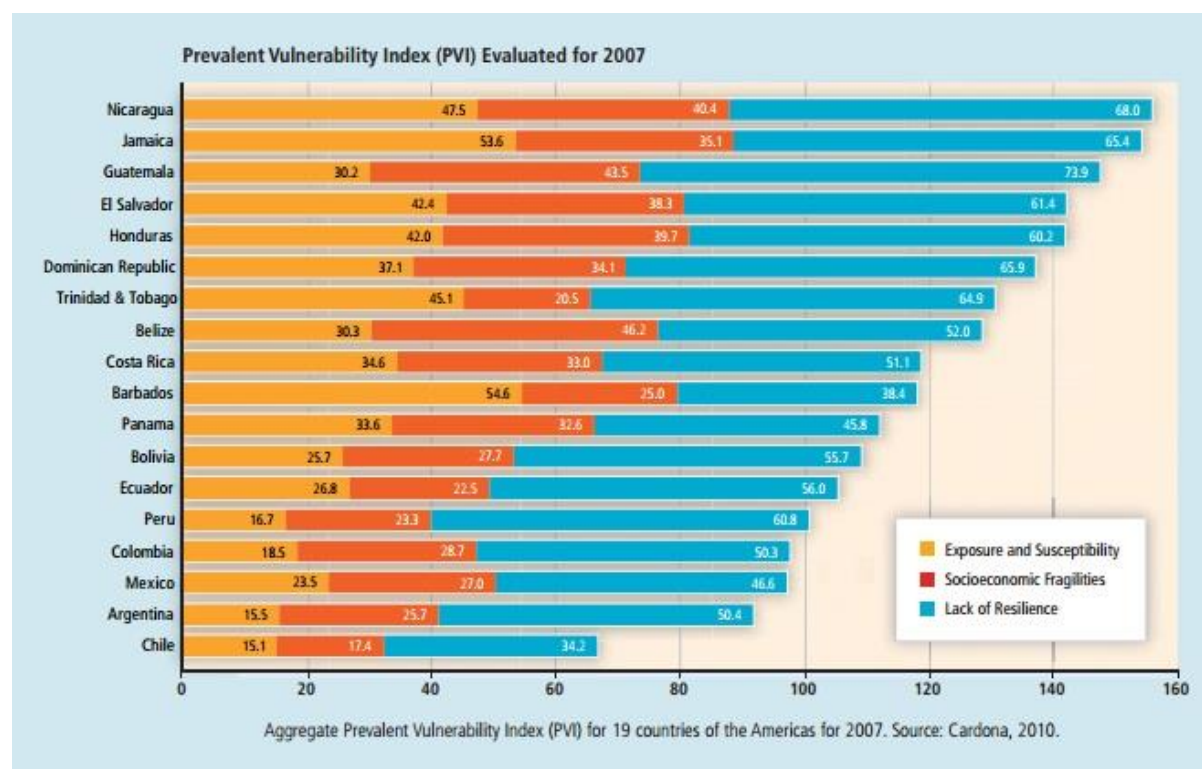
<sup>48</sup> J. Smith, 'Guatemala: Economic Migrants Replace Political Refugees' (Migration Policy Institute, 1 April 2006).

<sup>49</sup> Except as otherwise indicated, all the information in this paragraph is based on EM-DAT data and sourced from International Federation of Red Cross and Red Crescent Societies (IFRC), *World Disasters Report 2015* (2015) <[http://reliefweb.int/sites/reliefweb.int/files/resources/1293600-World-Disasters-Report-2015\\_en.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/1293600-World-Disasters-Report-2015_en.pdf)> 216-240.

<sup>50</sup> Consolidated figures on the number of persons displaced internally within their own countries by natural disasters are not available at the level of the Americas or for Latin America. Nonetheless, for South America only, a recent study estimated that between 1 January 2000 and the end of June 2015, 7,783,716 persons had been internally displaced for these reasons. The vast majority were displaced as a result of floods (4,425,963) and earthquakes (3,170,000). See N. Rodríguez Serna, *Estudio de Gabinete sobre Desplazamiento en el Contexto de Riesgos Ambientales en Sudamérica* (Nansen Initiative 2015). Study on file with author.



Of course, the impact of such disasters is not spread equally across all countries, with some more seriously affected than others. Moving from the level of the Americas to Latin America, in the past ten years (2005-2014), the countries with the highest total numbers of persons reported killed or affected by disasters are Haiti, Peru, Brazil, Colombia, Guatemala, Mexico and Chile.<sup>51</sup> This is broadly consistent with the pattern over the previous ten years (1995-2004). However, such absolute figures reflect not just countries' exposure to natural hazards but also their total population and relatively greater or lesser resilience in the face of such hazards. The following oft-cited table usefully illustrates the differing extent to which the vulnerability to natural hazards in Latin America is modulated at the national level by factors of socioeconomic fragility and/or lack of resilience in different countries.<sup>52</sup>



It is increasingly recognised that natural disasters contribute to migration and displacement patterns in Latin America in a range of complex ways, although ultimately some differentiation between the effects of slow-onset and rapid onset disasters remains possible.<sup>53</sup> At the same time, it is possible to point to cases in the Americas where international migrants residing in, or transiting through, a country affected by a natural disaster are adversely impacted by the disaster.<sup>54</sup> Although the data from this region is fragmentary and no comprehensive study yet exists, migrants in Latin America do appear to be affected more severely than nationals by disasters and may face problems accessing shelter and aid based on the idea that they – especially if they lack regular status – do not

<sup>51</sup> Ibid, 238-240.

<sup>52</sup> The table is reproduced from C.B. Field et al (eds.), *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation: Special Report of the Intergovernmental Panel on Climate Change (CUP 2012)* 92.

<sup>53</sup> D.J. Cantor, *Law, Policy, Practice concerning the Humanitarian Protection of Aliens on a Temporary Basis in the Context of Disasters* (Nansen Initiative 2015) 9-13. Rapid-onset disasters take place almost instantly or in a period of days, whereas slow-onset disasters occur over months or even years.

<sup>54</sup> Ibid.

have a right to do so, due to their own fears of deportation or to language barriers.<sup>55</sup> They may also face challenges in accessing consular services in disaster situations as well as contacting family in other countries to pass on news of their situation.<sup>56</sup> These tendencies can be further illustrated for the three natural disaster case countries in this study: **Haiti**; **Chile** and **Mexico**.

The 2010 **Haiti** earthquake, as the most damaging disaster of the past decade in Latin America, makes a good case study. A relatively significant number of migrants were in Haiti prior to the earthquake, many of them of Haitian descent, as well as NGO workers and businesspeople, including around 40,000 US nationals, 6,000 Canadians and 2,600 legally-resident Dominicans.<sup>57</sup> The epicentre of the 7.0 magnitude earthquake was 25km from the densely-populated capital, Port-au-Prince,<sup>58</sup> and many non-Haitians were among the casualties in the capital, e.g. 122 US nationals were reported killed.<sup>59</sup> Yet the most reliable statistics pertain to UN personnel:<sup>60</sup> 102 UN staff members perished, of whom 81 were foreigners hailing from the Americas, Africa, Asia and Europe, including the Special Representative of the Secretary-General for Haiti,<sup>61</sup> and many others were injured.<sup>62</sup> The collapse of the Christopher Hotel, which housed the UN Stabilization Mission in Haiti (MINUSTAH) caused a large number of UN casualties.<sup>63</sup>

**Mexico** is regularly affected by tropical storms. Mexico has high levels of emigration and permanent immigration to Mexico has also increased in recent years.<sup>64</sup> Yet migration dynamics of this country are also characterised by significant levels of temporary migration to and through the country. Indeed, Mexico has the highest numbers of international tourist arrivals of any country in the Americas except the US, with over 24 million recorded in 2013, and is one of the most popular destinations globally.<sup>65</sup> Simultaneously, over the past two decades, Mexico has increasingly become a transit country for migrants and refugees travelling to the US. Much of this latter flow is clandestine but is estimated to range between 150,000 and 400,000 Central Americans alone per year (mostly from the countries of the

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<sup>55</sup> Organization of American States (OAS) Special Committee on Migration Issues, 'Migrants in Disaster Situations', OAS Doc No OEA/Ser.G CE/AM-X/09 (21 January 2009). This could include not only tourists but also migrant indigenous populations not fluent in Spanish, such as for Guatemalans of Mayan descent in Mexico.

<sup>56</sup> Ibid; see also the IFRC presentation to the same meeting, 'Cooperation on Needs and Contributions of Migrants in Disaster Situations' (OAS Doc No OEA/Ser.G CE/A/INF.50/09 (27 January 2009).

<sup>57</sup> -, 'Haiti earthquake: News updates', CNN (14 December 2010); -, 'Ontario aid worker rescued from rubble in Haiti', CTV (14 December 2010); -, 'Se desconoce número víctimas dominicanas', Diario Libre (14 December 2010). Note, however, that these figures may well overestimate the numbers of migrants in Haiti at the time of the earthquake. For its part, the World Bank estimated that the international migrant stock in Haiti in 2010 was 0.35% of the population, i.e. approximately 35,000 foreign-born persons <<http://data.worldbank.org/indicator/SM.POP.TOTL.ZS?page=1>>.

<sup>58</sup> M.O. Eberhard et al, 'The Mw 7.0 Haiti Earthquake of January 12, 2010: USGS/EERI Advance Reconnaissance Team Report' (US Geological Survey 2010).

<sup>59</sup> K. Gupta, 'Seeking Information after the 2010 Haiti Earthquake' (PhD Dissertation, University of North Texas, 2013); 'China takes an Active Part in International Rescue and Relief Efforts in Haiti' (Chinese Embassy in the United States, 22 January 2010).

<sup>60</sup> At the time of the earthquake, UN presence in the form of MINUSTAH was made up of 7,000 troops, 2,000 policemen, 490 international civilian personnel, 1,200 local civilian personnel and 200 UN Volunteers ('Briefing by Under-Secretary-General for Peacekeeping Operations, Alain Le Roy, Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet, and Susana Malcorra, Under-Secretary-General for Field Support' (12 January 2009)).

<sup>61</sup> 'In Memoriam: In Remembrance of those Members of the United Nations Family who Lost their Lives in the Earthquake in Haiti, 12 January 2010' (2010), <<http://www.un.org/en/memorial/haiti/>>.

<sup>62</sup> UN Security Council, 'Report of the Secretary-General on the United Nations Stabilization Mission in Haiti', UN Doc S/2010/200 (22 February 2010), para 4.

<sup>63</sup> Gupta, 'Seeking Information'.

<sup>64</sup> SICREMI, 'International Migration' <<http://www.oecd.org/migration/sicremi.htm>>

<sup>65</sup> World Bank, 'Data Bank: International Tourism, Number of Arrivals' (nd) <<http://data.worldbank.org/indicator/ST.INT.ARVL>>

Northern Triangle, i.e. El Salvador, Guatemala and Honduras),<sup>66</sup> who generally stay less than one month.<sup>67</sup> These populations, including men, women and (often unaccompanied) children, experience increasing levels of vulnerability *en route* through Mexico.<sup>68</sup>

The migrant population is vulnerable to the effects of natural disasters in Mexico. For instance, in 2013, 40,000 tourists were stranded in Acapulco by tropical storms, with flooding closing the airport and landslides shutting the main highway. While no foreign nationals died, many suffered in the flooding and the ensuing looting and chaos.<sup>69</sup> Tropical storms exacerbate the already difficult conditions faced by irregular transit migrants and can also leave them stranded, as when the railroad – the main transport route – was damaged by Hurricane Stan in 2005 and not repaired until 2014.<sup>70</sup> Out of fear of deportation, many Central American migrants are reported to stay away from the government-run shelters, instead sleeping in doorways, under trees or in abandoned train cars or even hiking to more remote areas, risking getting lost or being attacked by criminals or even wild animals.<sup>71</sup> In recent months, the Mexican government has implemented *Plan Frontera Sur*, tightening its control of the southern border, such that transit migrants use alternative and more dangerous paths to pass through the country, including through zones where organised criminal groups are present.<sup>72</sup>

The immigrant population in **Chile** has increased considerably in recent years, with some 132,100 immigrants registered as resident in the country in 2013.<sup>73</sup> Although irregular immigration to Chile is less pronounced than in other Latin American countries, it remains a feature of migration dynamics there.<sup>74</sup> The vast majority of immigrants – both regular and irregular – are labour migrants from neighbouring countries, particularly Peru, attracted by economic conditions in Chile.<sup>75</sup> Most are concentrated in large cities, with 65% residing in the capital Santiago.<sup>76</sup> During earthquakes, such as that which occurred in Chile in 2010, the migrant population in urban zones can be severely affected in the same way as nationals, with homes rendered completely destroyed or uninhabitable.<sup>77</sup> Yet there is resistance in the

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<sup>66</sup> International Organization for Migration (IOM), Mexico: Hechos y Cifras (2014) <<http://iom.org.mx/hechos-y-cifras-2>>.

<sup>67</sup> E. Rodríguez Chávez et al, 'Migración centroamericana de tránsito irregular por México. Estimaciones y características generales en Apuntes sobre Migración' (INM-CEM 2011).

<sup>68</sup> UN High Commissioner for Refugees (UNHCR), Women on the Run (October 2015) <<http://www.unhcr.org/5630f24c6.html>>; Rodríguez Chávez et al, 'Migración centroamericana'.

<sup>69</sup> N. Lakhani, 'Mexico's storm devastation raises questions', Al Jazeera (19 September 2013) <<http://www.aljazeera.com/indepth/features/2013/09/20139191531745325.html>>; L. Dutton, 'Mexico storms: floods strand 40,000 tourists in Acapulco', Channel 4 News (18 September 2013) <<http://www.channel4.com/news/mexico-storms-floods-strand-40-000-tourists-in-acapulco>>.

<sup>70</sup> D. Cevallos, 'Hurricanes Make Illegal Migration Even Stormier', IPS News (28 October 2005) <<http://www.ipsnews.net/2005/10/central-america-mexico-hurricanes-make-illegal-migration-even-stormier/>>

<sup>71</sup> Ibid. The Mexican government did not formally suspend deportations but resumed them as soon as the facilities were once again capable of functioning. Moreover, those few migrants who did approach the government shelters during and in the after of Stan were received but were separated out on the request of the local Mexican population (F. Venet, 'Atención a la población migrante durante y después de la emergencia y oportunidad de acceso al trabajo', in Grupo Guatemala Mexico Migración y Desarrollo, *Informe: Seminario taller internacional "Riesgo de desastres y migración. Propuestas para el abordaje de la problemática"*, Tapachula, 1-2 August 2006 (2006) [copy on file with author] 93-94.

<sup>72</sup> Reuters, "'War zone' at the border".

<sup>73</sup> SICREMI, 'International Migration'. <<http://www.oecd.org/migration/sicremi.htm>> Table 1.

<sup>74</sup> Organisation for Economic Co-operation and Development (OECD), 'Migration outlook – Chile' (2011) <<http://www.oecd.org/migration/48343565.pdf>>

<sup>75</sup> Ibid.

<sup>76</sup> E. Warn and S.B. Adamo, 'The Impact of Climate Change: Migration and Cities in South America' 63 IMO Bulletin (2014).

<sup>77</sup> International Organization for Migration (IOM), 'IOM accounts of post-earthquake issues for migrants – 2010 earthquake' <<https://www.iom.int/news/iom-local-partners-help-vulnerable-earthquake-affected-migrants-chile>>.

immigrant population to being relocated to emergency shelters, as they have no-one to look after their salvaged belongings whilst they are away.<sup>78</sup> Discrimination by municipal authorities is also reported, with immigrants' needs ignored and excluded from municipal post-disaster evaluations, even more so if the immigrants are irregular and do not have the National Identification Number essential for living in Chile.<sup>79</sup>

## 2.2 Armed conflict

In Latin America, the only country affected by a major armed conflict is **Colombia**, although its spill-over effects impact on neighbouring countries such as Ecuador and Venezuela. Since the 1960s, this long-running conflict has engaged various parties, including presently: the Government of Colombia; left-wing guerrilla groups such as the Revolutionary Armed Forces of Colombia-Army of the People (FARC-EP) and the Camilist Union-Popular Liberation Army (UC-ELN); and the so-called 'criminal bands' (BACRIM). By 2013, it was estimated that the conflict had claimed 220,000 lives and displaced another 5.7 million people.<sup>80</sup> As of August 2015, more than 7.6 million victims were registered with the Government (79.6% as victims of internal displacement).<sup>81</sup> The conflict continues today, despite a paramilitary demobilisation in the mid-2000s and current peace talks with the FARC-EP in Havana.

The conflict - and activities by BACRIM and other violent actors who flourish in the shadow of the conflict - has had a measure of impact on migrants. In past decades, the number of immigrants in Colombia was quite low,<sup>82</sup> with the security situation helping to dissuade immigration to the country. Certainly, as its security and economic situation has improved in recent years, immigration to Colombia has increased considerably,<sup>83</sup> with some 29,840 international migrants lawfully entering in 2013.<sup>84</sup> Increasing numbers of international migrants have also settled there,<sup>85</sup> particularly labour migrants<sup>86</sup> from Venezuela, the US, Spain, Ecuador, Peru and Mexico.<sup>87</sup>

One aspect of the conflict with a particular impact on foreigners in Colombia is the kidnapping for ransom practised by armed groups such as the FARC-EP and UC-ELN.<sup>88</sup> Colombia has one of the highest kidnap rates of any country and, between 1970 and 2010, its small population of foreign nationals was the victim of 3% of all kidnappings in Colombia,<sup>89</sup> as they would often command a higher ransom than nationals.<sup>90</sup> Just between 1996 and 2012, 353 foreigners were kidnapped in Colombia, with nationals from Venezuela, the US, Spain, Italy and Germany occupying the first places in this ranking.<sup>91</sup> Most victims

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<sup>78</sup> Ibid; E. Osborne, 'Priest Claims Chile's Immigrants Ignored in Earthquake Recovery Effort' Santiago Times (7 May 2010) <<http://santiagotimes.cl/priest-claims-chiles-immigrants-ignored-in-earthquake-recovery-effort/>>.

<sup>79</sup> E. Osborne, 'Priest Claims'; -, 'Migrantes en Santiago, un drama oculto' INCAMI (3 March 2010) <<http://incami.cl/migrantes-en-santiago-un-drama-oculto/>>.

<sup>80</sup> Centro Nacional de Memoria Histórica, ¡Basta Ya! Colombia: Memorias de Guerra y Dignidad (2013).

<sup>81</sup> Victims Unit Information System <<http://rni.unidadvictimas.gov.co/>>.

<sup>82</sup> Departamento Administrativo Nacional de Estadísticas, 'Anuario Estadístico Entradas y Salidas Internacionales, Colombia 2005' (2006).

<sup>83</sup> OIM, 'Perfil Migratorio de Colombia 2012' (2013), 26.

<sup>84</sup> Organization of American States (OAS), 'Migración Internacional en las Américas: Tercer Informe del Sistema Continuo de Reportes sobre Migración Internacional en las Américas (2015) OEA/Ser.D/XXVI.2.3, 88.

<sup>85</sup> M. Palma, '¿País de Emigración, Inmigración, Tránsito y Retorno? La Formación de un Sistema de Migración Colombiano', 21 OASIS 7, 14.

<sup>86</sup> Migración Colombia y OIM, 'Caracterización Sociodemográfica y Laboral de los Trabajadores Temporales Extranjeros en Colombia: Una Mirada Retrospectiva' (2013); OIM, 'Perfil Migratorio de Colombia 2012' (2013).

<sup>87</sup> Migración Colombia, 'Boletín Anual de Estadísticas 2014' (2015).

<sup>88</sup> R. Briggs, 'The Kidnapping Business' (The Foreign Policy Centre 2001), 2.

<sup>89</sup> Centro Nacional de Memoria Histórica, 'Una Verdad Secuestrada: Cuarenta Años de Estadísticas de Secuestro 1970-2010' (2013), 16.

<sup>90</sup> Briggs, 'The Kidnapping Business', 20.

<sup>91</sup> Ministerio de Defensa, 'Manual Interinstitucional de Atención para el Delito de Secuestro' (2013), 55.

were businesspeople, although tourists and NGO workers were sometimes also targeted.<sup>92</sup> However, despite some annual variation, kidnappings of foreign nationals have sharply declined since 2003,<sup>93</sup> due to, among other factors, renewed efforts to combat crime and armed groups.<sup>94</sup>

A parallel set of concerns exists for irregular migrants, refugees and asylum-seekers, as Colombia has become an important transit point for those seeking to reach the US and Canada, partly as an unintended consequence of Ecuador's new approach to human mobility, which included the elimination of visa requirements for most nationalities wishing to enter the country on a temporary basis. In 2012, these people usually hailed from Africa and Asia.<sup>95</sup> However, in 2013 and 2014, as detected cases of migrant smuggling increased dramatically to 2,100 migrants,<sup>96</sup> so too did the presence of Cubans (40% of the total for 2012-2014).<sup>97</sup> According to the Colombian authorities, between 2012 – January 2015, 3,585 irregular migrants were detected, with Cuba, Nepal, Bangladesh and Somalia the most numerous nationalities.<sup>98</sup>

Despite some variation in the routes used by these smuggled migrants to cross Colombia, they tend to cross its borders by land.<sup>99</sup> However, the diminished control of State institutions in such border areas,<sup>100</sup> and the greater presence of non-State armed groups and their involvement in both human smuggling and human trafficking,<sup>101</sup> places these migrants at particular risk<sup>102</sup> of either being directly victimized or being affected by violence and criminality caused by these groups' presence. It is reported that migrant women have been subjected to sexual violence by guerrilla groups and that migrants have been forced to smuggle drugs.<sup>103</sup> Non-Colombian nationals are also reported sometimes to have been subjected to sex- and labour- trafficking within Colombia.<sup>104</sup>

### **2.3 Other challenging situations for migrants in Latin America (organised crime / generalised violence)**

Other situations in Latin America pose equally, if not more, significant challenges for migrants than war and disaster and should be briefly acknowledged to give a full picture of the regional situation, even if they fall strictly outside the scope of the MICIC project as presently defined.

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<sup>92</sup> Briggs, 'The Kidnapping Business', 49.

<sup>93</sup> J.A. Suárez Santos, 'La Seguridad Privada Frente al Flagelo del Secuestro en Colombia' (dissertation, Universidad Militar Nueva Granada 2013), Figura 2.

<sup>94</sup> S.F. Pires, R.T. Guerette and C.H. Stubbert, 'The Crime Triangle of Kidnapping for Ransom Incidents in Colombia, South America: A "Litmus" Test for Situational Crime Prevention' [2014] 54 Brit. J. Criminol. 754.

<sup>95</sup> OIM, 'Perfil Migratorio de Colombia' (2012), 77.

<sup>96</sup> M. Palma Gutiérrez, 'Trata y Tráfico Ilícito de Personas' *Razón Pública* (Bogotá, 29 June 2015).

<sup>97</sup> -, 'Las Víctimas de la Migración Ilegal en Colombia', *El Tiempo* (September 2014)

<<http://www.eltiempo.com/multimedia/infografias/las-victimas-de-la-migracion-ilegal-en-su-llegada-a-colombia/14604495>>.

<sup>98</sup> Migración Colombia, "Migración irregular", (February 2015), 3.

<sup>99</sup> "Sueño Colombiano" de Venezolanos Preocupa a Autoridades' *El Heraldo* (15 June 2015).

<sup>100</sup> Brazil Plan of Action: A Common Roadmap to Strengthen Protection and Promote Sustainable Solutions for Refugees, Displaced and Stateless Persons in Latin America and the Caribbean (2014), chapter 2.

<sup>101</sup> Procuraduría General de la Nación – Procuraduría Delegada para la Prevención en Materia de Derechos Humanos y Asuntos Étnicos – Grupo de Desplazamiento Forzado y Refugio, 'Informe en Materia de Asilo y Recomendaciones para la Creación de la Línea de Intervención de la Procuraduría General de la Nación en esta Materia' (2011), 61-62.

<sup>102</sup> Refugees International, 'Crisis Bubbling Over: Colombians Seeking Refuge in Ecuador and Venezuela' (7 July 2009).

<sup>103</sup> C. Guevara, 'Se Triplica Detección de Migrantes Indocumentados hacia EE.UU.' *El Tiempo* (28 September 2014).

<sup>104</sup> US Department of State, 'Trafficking in Persons Report 2015 (2015), 122-124.

In particular, Latin America is currently home to countries with some of the highest homicide rates in the world. This tendency is most acute in the Northern Triangle, especially in Honduras and El Salvador,<sup>105</sup> although similar homicide levels have also been recorded for certain zones of Mexico in recent years (as for Chihuahua, Guerrero and Sinaloa States).<sup>106</sup> Eight of the world's ten capital cities with the highest homicide rates are located in the Americas, with five of them in Central American countries (Guatemala City, Belize City, Tegucigalpa, Panama City and San Salvador).<sup>107</sup> High levels of criminal violence are also reported for Haiti.<sup>108</sup> None of these countries is affected by armed conflict but the severity of the crisis caused by the violence is commensurate with armed conflict.

The prevalence of violent organised criminal groups in parts of Latin America has a direct impact on the situation of migrants in those countries. Not only are organised criminal groups in countries such as Honduras and El Salvador both a push factor and a facilitating agent behind migration and displacement patterns from Central America but the concerned people, including migrants, also face protection challenges in transit countries such as **Mexico** due to the fact that migratory routes often coincide with the routes for drug- and arms-smuggling used by organised crime groups operating there.<sup>109</sup> The ubiquitous predation on migrants and refugees in transit through Mexico not infrequently takes the form of the *en masse* kidnapping, murder or disappearance.<sup>110</sup> As a consequence, much existing Mexican law, policy and institutional machinery for the protection of migrants is directed principally towards addressing this particular situation.<sup>111</sup>

Another example from Latin America where migrants become vulnerable due to situations linked to organised crime is the 2015 measures taken against nationals of **Colombia** living in border regions of Venezuela. Here, political turmoil in Venezuela, long-standing tensions with neighbouring Colombia and the activities of organised criminal groups on its border resulted in the Venezuela government taking emergency measures against Colombians purported to be 'paramilitaries'.<sup>112</sup> After border crossings were closed, almost 2,000 Colombian undocumented migrants were deported back to Colombia, and in some cases their houses destroyed, alongside over 22,000 migrants who fled back to Colombia in fear of

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<sup>105</sup> In the past few years, the recorded homicide rate for Honduras has not dropped below 81.8 (2010) and has reached as high as 91.8 (2011) per 100,000 (UN Office on Drugs and Crime (UNODC) database of crime and criminal justice statistics (last updated 13 April 2015) <<https://www.unodc.org/unodc/en/data-and-analysis/statistics/crime.html>>). On present trends, it is estimated that El Salvador will record 92.0 homicides per 100,000 in 2015 (J. Watts, 'One Murder Every Hour: How El Salvador Became the Homicide Capital of the World', *The Guardian*, 22 August 2015 <<http://www.theguardian.com/world/2015/aug/22/el-salvador-worlds-most-homicidal-place>>).

<sup>106</sup> INEGI, 'Datos preliminares revelan que en 2014 se registraron 19 mil 669 homicidios', *Boletín de Prensa* 276, 20 July 2015, <[http://www.inegi.org.mx/saladeprensa/boletines/2015/especiales/especiales2015\\_07\\_4.pdf](http://www.inegi.org.mx/saladeprensa/boletines/2015/especiales/especiales2015_07_4.pdf)>.

<sup>107</sup> N. Mead and J. Blason, 'The 10 World Cities with the Highest Murder Rates', *The Guardian*, 24 June 2014 <<http://www.theguardian.com/cities/gallery/2014/jun/24/10-world-cities-highest-murder-rates-homicides-in-pictures>>.

<sup>108</sup> See, for example, A.R. Kolbe, 'Revisiting Haiti's Gangs and Organized Violence', HASOW Discussion Paper No. 4 (June 2013) <<http://hasow.org/uploads/trabalhos/101/doc/449921257.pdf>>.

<sup>109</sup> See, for example, UNODC, Transnational Organized Crime.

<sup>110</sup> In San Fernando, Tamaulipas, 72 migrants were killed in a massacre in 2010 and another 193 bodies of migrants were found in a mass grave there in 2011 (Associated Press (AP), 'Mexican Police Helped Cartel Massacre 193 Migrants, Documents Show' <<http://www.npr.org/2014/12/22/372579429/mexican-police-helped-cartel-massacre-193-migrants-documents-show>>).

<sup>111</sup> See further below; also, for example, F. Alba and M.A. Castillo, *New Approaches to Migration Management in Mexico and Central America* (Migration Policy Institute, October 2012); R. Donnelly, *Transit Migration in Mexico: Domestic and International Policy Implications* (James A Baker III Institute for Public Policy, December 2014) <<https://bakerinstitute.org/media/files/files/4a32803e/MC-pub-TransitMigration-120214.pdf>>.

<sup>112</sup> S. Brodzinsky, 'Colombia and Venezuela Presidents to Discuss "Most Worrying" Border Dispute', *The Guardian*, 18 September 2015 <<http://www.theguardian.com/world/2015/sep/18/colombia-venezuela-presidents-meeting-border-dispute>>; -, 'Deportados, el nuevo diferendo con Venezuela', *Semana*, 23 May 2015 <<http://www.semana.com/nacion/articulo/deportados-el-nuevo-diferendo-con-venezuela/428892-3>>.

the measures.<sup>113</sup> Although agreement has been reached to allow some to return, many remain homeless on the Colombian side of the border.<sup>114</sup>

### **3. Legal frameworks regulating migration in Latin America and key regional stakeholders**

Neither the Americas nor Latin America have a common regional migration framework. Latin America is the region with the greatest number of States parties to the UN 1990 Convention on the Protection of the Rights of All Migrant Workers.<sup>115</sup> Moreover, at the regional level, Member States of the Organization of American States (OAS) are bound to observe the standards set forth in the American Declaration on the Rights and Duties of Man and/or the 1969 American Convention on Human Rights. These instruments have been interpreted liberally in their application to migrants by both the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights to provide a firm regional human rights framework for the protection of migrants, including during emergency situations in which States may seek to restrict the rights of migrants or derogate from human rights obligations.<sup>116</sup>

In parallel, many States in the region are also parties to the UN 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons and the 2000 Protocol against the Smuggling of Migrants by Land, Sea and Air.<sup>117</sup> The UN 1989 Convention on the Rights of the Child is widely ratified in the region.<sup>118</sup> A few countries in Latin America are also party to the International Labour Organization's 1949 Convention No. 97 on Migration for Employment.<sup>119</sup> These instruments provide Latin American States with a disparate set of obligations towards migrants that persists during times of crisis.

With the exception of Cuba, all States in Latin America are party to the 1951 Convention relating to the Status of Refugees and/or to its 1967 Protocol. Many States in the region have incorporated the 1984 Cartagena Declaration's expanded refugee definition, which includes among refugees persons who have fled situations of generalized violence or massive violation of human rights, into their national law<sup>120</sup>. While they remain outside the

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<sup>113</sup> Ibid; UN Office for the Coordination of Humanitarian Affairs (OCHA), 'Informe de situación No. 12 - Colombia: Situación humanitaria en frontera colombo-venezolana', 15 October 2015  
<<https://www.humanitarianresponse.info/en/operations/colombia/document/informe-de-situaci%C3%B3n-no-12-colombia-situaci%C3%B3n-humanitaria-en-frontera>>.

<sup>114</sup> Ibid; -, 'Colombianos deportados podrán regresar a Venezuela', *Semana*, 28 September 2015  
<<http://www.semana.com/nacion/articulo/colombianos-deportados-podrian-regresar-venezuela/444188-3>>.

<sup>115</sup> Latin America States Parties to the Convention include Argentina, Bolivia, Chile, Colombia, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Paraguay, Peru, Uruguay and Venezuela  
<<https://treaties.un.org/pages/ParticipationStatus.aspx>>.

<sup>116</sup> See, most recently, the Court's Advisory Opinion OC-21/14 (19 August 2014). For commentary on the overall framework, see D.J. Cantor and S.E. Barichello, 'The Inter-American Human Rights System: A New Model for Integrating Refugee and Complementary Protection' (2013) 17 *International Journal of Human Rights* 689.

<sup>117</sup> Latin American States parties to the former include Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela. Latin American States parties to the latter include Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela  
<<https://treaties.un.org/pages/ParticipationStatus.aspx>>. In some Latin American countries, the laws adopted in order to give effect to these treaty obligations extend the scope of protection beyond that required by the treaty (see, for example, the 2015 Nicaraguan *Ley contra la Trata de Personas*).

<sup>118</sup> All Latin American States are party to the CRC <<https://treaties.un.org/pages/ParticipationStatus.aspx>>.

<sup>119</sup> These include Belize, Brazil, Cuba, Ecuador, Guatemala, Uruguay and Venezuela  
<[http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300\\_INSTRUMENT\\_ID:312242](http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312242)>.

<sup>120</sup> Latin American States that have incorporated in their national legislation an expanded refugee definition inspired by that in the Cartagena Declaration include Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa

scope of the MICIC Initiative, due to the existence of a specific legal framework for their protection, it is important to improve referral mechanisms for refugees and asylum-seekers caught in a situation of crisis alongside migrants, including for persons who may develop a claim for international protection as a result of the crisis, which may change their personal circumstances.

Absent a common regional framework on migration, many States in Latin America have concluded bilateral treaties with neighbouring and/or friendly States to allow for entry and limited stay of their respective nationals without a visa or with minimal procedural requirements, as well as seasonal labour migration agreements and provisions.<sup>121</sup> Moreover, an increasingly important trend in the Americas is the emphasis on facilitating migration through sub-regional agreements and integration processes. This is most developed in the Common Market of the South (MERCOSUR), where a robust free movement framework exists for the benefit of citizens of MERCOSUR countries who wish to enter or take up residence in other MERCOSUR countries, but is almost manifested in the Central American Integration System (SICA), the Caribbean Community (CARICOM), the Andean Community of Nations (CAN) and the Pacific Alliance. While intra-regional migration has increased,<sup>122</sup> many migrants use these arrangements to enter a country but stay on after lawful stay has expired.<sup>123</sup>

These sub-regional organisations – MERCOSUR, CARICOM, SICA and CAN – are key forums in which migration issues in Latin America are addressed by governments and other stakeholders. The Regional Conference on Migration (RCM) and Central American Commission of Immigration Directors (OCAM) are other important migration institutions at a sub-regional level. Moreover, they exist alongside others at the regional and sub-regional level - including the OAS, Union of South American Nations (UNASUR), Bolivarian Alliance, Community of Latin American and Caribbean States (CELAC) – where migration in Latin America is discussed in a more *ad hoc* fashion. The issue of migration and displacement due to natural disasters has regularly been addressed by these bodies<sup>124</sup> but it seems that only the OAS – through a hearing convened by its Special Committee on Migration Issues – has even briefly addressed the topic of migrants in countries in crisis.<sup>125</sup>

Outside of government and the UN system (the office of the UN High Commissioner for Refugees (UNHCR) plays an important role in protecting refugees, asylum-seekers, internally displaced persons, and stateless persons in the region), a range of organisations work on different aspects of migration in Latin America, including the International Organization for Migration (IOM), International Federation of Red Cross and Red Crescent Societies (IFRC), International Committee of the Red Cross (ICRC). This is in addition to international NGOs such as the Jesuit Migration Service, local often church-based NGOs, advocacy networks such as the Regional Network of Civil Society Organisations for Migrations (RRCOM), grassroots migrants' groups and local think tanks and universities from across the region, such as the *Migrantologos* group in Mexico.<sup>126</sup>

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Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay and Uruguay  
<[http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=t3/fileadmin/Documentos/Proteccion/Buenas\\_Practicas/9183](http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=t3/fileadmin/Documentos/Proteccion/Buenas_Practicas/9183)>.

<sup>121</sup> -, 'Desk Review on Cross-Border Displacement in the Context of Disasters in Central America (Nansen Initiative 2013); Rodríguez Serna, Estudio de Gabinete sobre Desplazamiento. Both studies on file with author.

<sup>122</sup> Mazza and Sohnen, 'Labor Migration'.

<sup>123</sup> IOM, 'Migration Trends'.

<sup>124</sup> See D.J. Cantor, Law, Policy and Practice concerning the Humanitarian Protection of Aliens on a Temporary Basis in the Context of Disasters (Nansen Initiative 2015) 27-30.

<sup>125</sup> Organization of American States (OAS) Special Committee on Migration Issues, 'Migrants in Disaster Situations', OAS Doc No OEA/Ser.G CE/AM-X/09 (21 January 2009).

<sup>126</sup> See <<http://www.migrantologos.mx/>>.



Recently, the Nansen Initiative has also been helping governments to begin to develop regional approaches to the challenges posed by the need for humanitarian protection for aliens in the context of disasters (but not for the other form of crisis addressed by the MICIC project).<sup>127</sup> These took the form of: a February 2015 joint Nansen-RCM ‘Regional Workshop on Temporary Protection Status and/or Humanitarian Visas in Situations of Disaster’ that was hosted by the government of Costa Rica in San José; and a July 2015 joint Nansen-Refugee Law Initiative ‘Workshop on Human Mobility in the Context of Disasters and Climate Change in South America’ that was hosted by the government of Ecuador in Quito.<sup>128</sup> Developments in these workshops also fed directly into the global Protection Agenda endorsed by more than 110 States in October 2015, in particular by underpinning the section on protecting persons displaced across borders in the context of disasters.<sup>129</sup>

## **Section 2 – Review of Notable Practices**

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The review focuses on practices in the four case study countries as exemplary of wider regional trends in addressing the challenges faced by migrants in countries in crisis in Latin America. The examples of practices cited in this section are based on published sources and thus reflect the emphasis and any biases of those sources. For instance, even for these case study countries, there are relatively few published data on practices relating to migrants in transit or undocumented migrant workers specifically in the context of countries experiencing natural disasters or armed conflict. Although certain practices have been identified for these population groups (and are included in this section), workshop participants may feel particularly encouraged to share additional examples of practices relating to these population groups in the countries concerned and elsewhere in the region.

### **1. Natural disaster**

#### **1.1 Pre-crisis**

##### *a. In-country*

The laws of Latin American countries generally do not discriminate between nationals and aliens in access to emergency assistance during a natural disaster. However, in some countries, access to this assistance is contingent on holding appropriate documentation and some governments have expressed doubts over whether irregular migrants can be provided with such assistance. Indeed, in some countries, legislation makes it unlawful for any organisation or individual to provide humanitarian assistance to an irregular migrant. Yet, in many others, institutional arrangements expressly separate the function of disaster response from that of enforcing immigration law, such that in practice migrants in an irregular situation need not fear approaching the authorities coordinating disaster relief. In some countries, there is also a need to ensure that the needs of migrants are included in national and local

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<sup>127</sup> Launched in October 2012 by the governments of Switzerland and Norway, the Nansen Initiative is a State-based consultative process to build consensus among states about how best to address cross-border displacement in the context of sudden- and slow-onset disasters <<https://www.nanseninitiative.org/>>.

<sup>128</sup> See, Nansen Initiative and Regional Conference on Migration, ‘Report: Regional Workshop on Temporary Protection Status and/or Humanitarian Visas in Situations of Disaster’ (2015); and Nansen Initiative and Refugee Law Initiative, ‘Movilidad humana en el contexto de desastres y cambio climático en América del Sur: informe’ (2015).

<sup>129</sup> Nansen Initiative, Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change (2015), see especially Part I.

disaster-preparedness planning.<sup>130</sup> A number of these issues have been taken up by Latin American governments in the regional workshops organised by the inter-governmental Nansen Initiative in Costa Rica (with the RCM) and in Ecuador (with the university-based Refugee Law Initiative).<sup>131</sup>

In **Chile**, preventative management and response to emergencies and disasters is governed by the Civil Protection National Plan (CNCP) under the Ministry of the Interior.<sup>132</sup> Over the last few years, the National Emergency Office (ONEMI) has launched a number of campaigns to promote a 'culture of prevention' in Chile, including one directed specifically at foreign tourists called 'Safe Tourism'.<sup>133</sup> Periodic campaigns have been launched in areas of the coast and cordillera with a high presence of tourists to inform tourists in Chile about the importance of being prepared in the event of a natural disaster. These have largely involved the distribution of leaflets and information sheets in English and in Spanish explaining the precautionary measures to be adopted in the event of a disaster and in preparation for such an eventuality.<sup>134</sup> Moreover, in Chile, official manuals about how to respond to earthquakes and tsunamis have been translated into English and French with the help of the Canadian embassy.<sup>135</sup> One manual contains recommendations directed towards the representations of foreign governments in Chile.<sup>136</sup> From 2010, the Chilean Red Cross society has also been engaged in disaster risk reduction activities, based on the findings of a 2009 project with the Red Cross societies of Peru and Bolivia, which include workshops with migrants and other vulnerable populations.<sup>137</sup>

In **Colombia**, the law regulating disaster response<sup>138</sup> establishes the principle of equality as one of its 'general principles', and states that 'all persons' will receive the same help and treatment when receiving humanitarian aid.<sup>139</sup> However, at the same time, its section on the 'principle of protection' establishes the authorities' duty to protect the life, integrity, property

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<sup>130</sup> Organization of American States (OAS) Special Committee on Migration Issues, 'Migrants in Disaster Situations'; see also its 'Summary of the meeting of January 27, 2009' OAS Doc No OEA/Ser.G CE/AM-72/09 (3 February 2009).

<sup>131</sup> Nansen Initiative and Regional Conference on Migration, 'Report: Regional Workshop'; Nansen Initiative and Refugee Law Initiative, 'Movilidad humana'.

<sup>132</sup> Decree 156 of 2002.

<sup>133</sup> -, 'ONEMI participa en taller sobre integración de extranjeros y turistas en la planificación de emergencias' (18 June 2015) <<http://www.onemi.cl/noticia/onemi-participa-en-taller-sobre-integracion-de-extranjeros-y-turistas-en-la-planificacion-de-emergencias/>>.

<sup>134</sup> -, 'ONEMI y Sernatur lanzaron campaña para informar a los turistas sobre la importancia de estar preparado' (January 2011) <[http://www.onemi.cl/wp-content/uploads/newsletters/newsletter\\_16o\\_edicion\\_enero.pdf](http://www.onemi.cl/wp-content/uploads/newsletters/newsletter_16o_edicion_enero.pdf)>; -, 'ONEMI y SERNATUR entregan indicaciones preventivas a turistas y habitantes de Antofagasta' (21 February 2013) <<http://www.onemi.cl/noticia/onemi-y-sernatur-entregan-indicaciones-preventivas-turistas-y-habitantes-de-antofagasta/>>.

<sup>135</sup> -, 'ONEMI participa en taller'.

<sup>136</sup> It asks foreign diplomatic missions to: 'a) maintain an updated register of individuals and their families living in Chile, with personal data, address, phone numbers in Chile and in their homeland; b) give ample orientation to the visitors and residents of their own nationality; c) promote this guide between visitors and residents; d) promote a better contact between people of the same origin, living on the same neighbourhood; e) promote safety and security for residents in Chile; f) select with anticipation, safe places in which locate shelters in neighbourhoods of great concentration of foreigners of the same origin (Sport Clubs, by example); g) train and prepare people, to backup the first responders in case of big emergencies affecting their co-nationals; h) train human resources, as links between the foreign residents and their parents in their own homeland. This is mandatory in big emergencies, when parent ask from foreign countries about their relatives in a scenario of great uncertainty, collapsing Embassies and Consulates, in search of information; and i) nominate specific personnel as a link with the Foreign Affairs Ministry of Chile' (Oficina Nacional de Emergencia del Ministerio del Interior (ONEMI), Basic Integral Security Guide for Visitors and Foreign Residents in Chile (nd) <[http://www.santiago.diplo.de/contentblob/422340/Daten/14470/PDF\\_Handbuch\\_ONEMI\\_englisch.pdf](http://www.santiago.diplo.de/contentblob/422340/Daten/14470/PDF_Handbuch_ONEMI_englisch.pdf)>).

<sup>137</sup> Cruz Roja Chilena, Terremoto Chile 2010 Memoria - A dos años del inicio de la Operación (2012) <[http://www.redcross.org/images/MEDIA\\_CustomProductCatalog/m17540810\\_terremoto-chile-2010-memoria-a-dos-anos.pdf](http://www.redcross.org/images/MEDIA_CustomProductCatalog/m17540810_terremoto-chile-2010-memoria-a-dos-anos.pdf)>.

<sup>138</sup> Ley 1523 de 2012.

<sup>139</sup> Ibid, Article 3.1.

and (some) collective rights of *residents*.<sup>140</sup> It is not clear whether this distinction was purposefully drafted to exclude non-resident foreigners from this form of protection or whether this was a legislative oversight.

In **Mexico**, since 2010, non-nationals - no matter what their immigration status - have the legal right to be assisted in the event of a disaster and to receive the medical treatment they require in the event of an illness or accident that puts their life in peril.<sup>141</sup> Moreover, since 2011, a federal preparation and response strategy in the event of an earthquake or tsunami of great magnitude is in place called *Plan Sismo*. This establishes the necessary federal channels to respond to offers of international aid and requests for help in locating and protecting foreigners in affected zones.<sup>142</sup> A newly-established International Issues Group coordinates this function.<sup>143</sup> An Attention Centre Group is also established to give timely and effective attention to the requests and needs of national and foreign tourists within an orderly recovery process.<sup>144</sup> State-level Operational Plans for Civil Protection also attribute responsibilities for assisting migrants – particularly tourists – in natural disasters to local government institutions.<sup>145</sup> In 2015, the IOM embarked on a programme of providing support to local and federal authorities in Mexico in capacity-building activities relating to prevention and humanitarian response in emergency situations caused by natural disasters and desertification.<sup>146</sup>

Finally, Mexico has also put in place a range of special measures for the protection of transit migrants (in general and not specifically during natural disasters), including dedicated medical units and institutional support in certain States and migrant shelters run by civil society with government aid.<sup>147</sup>

#### **b. Own nationals overseas**

In **Chile**, the Ministry of External Relations (MRE) has recently developed a new initiative named 'Chileans Outside the Country', which includes a webpage giving guidance on the dangers of natural disasters for Chileans who are living or travelling overseas alongside more general information regarding consular contact details etc.<sup>148</sup> It has also produced a special instruction for Chilean consular representations dedicated to 'Dealing with Emergencies that affect Chileans outside the Country' that covers all three stages of the disaster response process (pre-/during/post-).<sup>149</sup>

In **Colombia**, Decree 1067 of 2015 establishes the Committee for Assistance to Nationals Abroad at the Ministry of Foreign Affairs. Its actions are financed via the Special Fund for Migrations,<sup>150</sup> which is used, *inter alia*, (1) to support the voluntary return of Colombians and

<sup>140</sup> Ibid, Article 3.2.

<sup>141</sup> This was achieved through amendment of Article 67 of the Mexican General Law on Population (*Ley General de Población*) by a Secretaría de Gobernación 2010 Decreto ('por el que se adicionan un segundo y un tercer párrafo al artículo 67 y una fracción VI al artículo 113 de la Ley General de Población'), published in Diario Oficial, 22 November 2010.

<sup>142</sup> SEGOB, Estrategia de preparación y respuesta de la Administración Pública Federal, ante un sismo y tsunami de gran magnitud "Plan Sismo" (September 2011) 13.

<sup>143</sup> Ibid, 30.

<sup>144</sup> Ibid, 38.

<sup>145</sup> See, for example, that relating to Chiapas

<<http://proteccioncivil.chiapas.gob.mx/documentos/PlanSismico2.pdf>>, esp 121.

<sup>146</sup> International Organization for Migration (IOM), 'Mexico: Iniciativas para los migrantes' (2015) [http://costarica.iom.int/es/mexico/iniciativa\\_para\\_los\\_migrantes/](http://costarica.iom.int/es/mexico/iniciativa_para_los_migrantes/)

<sup>147</sup> Alba and Castillo, 'New Approaches to Migration Management'; Donnelly, 'Transit Migration in Mexico'; C. Wilson and P. Valenzuela, Mexico's Southern Border Strategy: Programa Frontera Sur (Wilson Center, 11 July 2014) <[https://www.wilsoncenter.org/sites/default/files/Mexico\\_Southern\\_Border\\_Strategy.pdf](https://www.wilsoncenter.org/sites/default/files/Mexico_Southern_Border_Strategy.pdf)>.

<sup>148</sup> See <<http://chilevacontigo.minrel.gob.cl/>>.

<sup>149</sup> Ministerio de Relaciones Exteriores (MRE), 'Gestión de Emergencias', presentation at Nansen Initiative, Regional Consultation in South America (July 2015). On file with autor.

<sup>150</sup> Decreto 1067 de 2015, Artículo 2.2.1.9.1.1.

their families when affected by natural disasters abroad, (2) to repatriate Colombians and their families when affected by catastrophes caused by human action or exceptional situations affecting public order, and (3) to support and accompany Colombians abroad who require protection due to their vulnerability.<sup>151</sup> In parallel, Law 1565 of 2012 supports voluntary returns by Colombians who have resided abroad for more than three years, including in ‘humanitarian’ cases, i.e. due to *force majeure* or other ‘special causes’, such as danger to the national’s physical, social, economic or personal integrity or that of his or her relatives.<sup>152</sup> It also gives special tax and administrative benefits to returnees.

To facilitate protection and aid to its nationals abroad, Colombia has concluded consular cooperation mechanisms, including MERCOSUR Member States, Bolivia and Chile<sup>153</sup> and countries from the CAN.<sup>154</sup>

In **Haiti**, governmental capacity-building for natural disaster prevention and response, as well as risk reduction activities, have been undertaken with support from the IOM as ‘a life-saving activity that prevents further irregular and unsafe migration’.<sup>155</sup>

In **Mexico**, in 2014, the MRE adopted a special Guide on Assistance to (Mexican) Nationals in Situation of Risk and/or Vulnerability, which addresses both prevention and attention in the case of natural disasters.<sup>156</sup> The Guide appears to build upon earlier practice. For example, in the days before Hurricane Sandy struck the US in 2012, Mexican consulates on the East Coast of the US were in constant communication with the US federal and local emergency response authorities. Information and recommendations were broadcast and updated on social networks and by local mainly Hispanic media and Mexican associations. Information such as the location of shelters and official helplines run by US government and civil society organisation was posted on consular websites, which also provided Mexican nationals in need of assistance with emergency contact details for each consulate.<sup>157</sup> Although it does not appear to deal specifically with the context of disasters, the MRE and UNICEF also recently adopted a Protocol for Consular Attention to Unaccompanied Migrant Children and Adolescents.<sup>158</sup>

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<sup>151</sup> Decreto 1067 de 2015, Artículo 2.2.1.9.3.4. See further Decreto 4976 de 2011 and Decreto 2063 de 2013.

<sup>152</sup> Ley 1565 de 2012, Artículo 3.

<sup>153</sup> MERCOSUR, Mecanismo de Cooperación Consular entre los Países del Mercosur, Bolivia y Chile (2000) MERCOSUR/CMC/DEC. N° 35/00.

<sup>154</sup> Comunidad Andina de Naciones, Decisión 548: Mecanismo Andino de Cooperación en Materia de Asistencia y Protección Consular y Asuntos Migratorios (2003). The implementing regulations were approved only in 2013 through the CAN Secretary-General, Resolution 1546 - Reglamento de la Decisión 548 “Mecanismo Andino de Cooperación en materia de Asistencia y Protección Consular y Asuntos Migratorios” (20 February 2013) <<http://intranet.comunidadandina.org/Documentos/resoluciones/RES01546.doc>>.

<sup>155</sup> International Organization for Migration (IOM) Haiti, ‘Disaster Risk Reduction’ (nd), <<http://haiti.iom.int/disaster-risk-reduction>>. Although this example may fall outside the scope of the MICIC project, it provides further information on the relevant migration context.

<sup>156</sup> Ministerio de Relaciones Exteriores (MRE), Guía: Asistencia a connacionales en situación de riesgo y/o vulnerabilidad (10 October 2014) <<http://sigc.cancilleria.gov.co/documento.php?archivo=archivos/DP-GS-03/DP-GS-03%20Asistencia%20a%20connacionales%20en%20situaci%F3n%20de%20riesgo%20y%20o%20vulnerabilidad.pdf>>.

<sup>157</sup> SRE, ‘Consular Assistance for Mexicans on the East Coast of the U.S. Affected by Hurricane Sandy’ (2012) <<http://en.sre.gob.mx/index.php/archived-press-releases/1717-consular-assistance-for-mexicans-on-the-east-coast-of-the-us-affected-by-hurricane-sandy>>.

<sup>158</sup> MRE-UNICEF, Protocolo para la atención consular de niñas, niños y adolescentes migrantes no acompañados (11 May 2015) <<http://estudiosfronterizos.org/2015/05/21/protocolo-para-la-atencion-consular-de-ninas-ninos-y-adolescentes-migrantes-no-acompanados-unicef/>>.

## 1.2 During emergency

### 1.2.1 In-country

In **Haiti**, following the 2010 earthquake, the protection of foreign nationals was mostly left to foreign governments and international agencies and their contractors, as the capabilities of many Haitian institutions collapsed. For instance, under Presidential orders and led by the Department of Defence and the Department of State, the US government evacuated a total 16,800 American nationals,<sup>159</sup> the largest such evacuation since WWII,<sup>160</sup> and engaged in efforts to locate another 5,000 nationals.<sup>161</sup> These US efforts faced considerable obstacles, some of them created by the earthquake itself. Haiti's main international port and airport were rendered useless for several weeks, and although US embassy installations were not severely affected, over 50% of staff housing was destroyed.<sup>162</sup> The French Government undertook similar efforts, repatriating 1,266 French nationals and supporting the repatriation of 50 non-French EU nationals and 57 individuals from other countries.<sup>163</sup>

Additionally, many actors were involved in the efforts to find, preserve and repatriate the remains of their nationals.<sup>164</sup> One was Kenyon International Emergency Services, a private firm, which coordinated with governments and UN agencies to conduct search and recovery activities in several sites.<sup>165</sup> Thus, the firm recovered at least 65 bodies from the Hotel Montana: 26 were released to their government of nationality; 4 were held for DNA testing; 10 were released to their families; and 27 were buried by the firm, as it was impossible to identify the individual or their nationality.<sup>166</sup> MINUSTAH provided repatriation for remains of its deceased personnel when no support was available from their countries, and all actors took part in efforts to return personal effects to their families.<sup>167</sup> Overall, at least during the first weeks after the earthquake, and in search and rescue efforts<sup>168</sup> and burial and repatriation efforts, the actions of foreign governments and international organizations led to foreign victims benefiting from greater efforts than did Haitian victims.<sup>169</sup>

In **Chile**, following the catastrophic earthquake in the north of the country in March 2015, the Ministry of External Relations (MRE) created an Emergency Internal Committee and reinforced the International Aid Unit, which participated in the National Emergency Office of the Interior Ministry (ONEMI) emergency coordination meetings.<sup>170</sup> The MRE's General

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<sup>159</sup> D. Guha-Sapir et al, 'Independent Review of the U.S. Government Response to the Haiti Earthquake: Final Report' (USAID 2011), 44 and 60; G. Cecchine et al, 'The U.S. Military Response to the 2010 Haiti Earthquake: Considerations for Army Leaders' (RAND Corporation 2013).

<sup>160</sup> S.N. Weinberger, 'Who Should Set Airlift Priorities during Foreign Humanitarian Assistance/Disaster Relief Operations and on what Basis?' (US Naval War College 2011), 11.

<sup>161</sup> R. Margesson and M. Taft-Morales, 'Haiti Earthquake: Crisis and Response' (2010 US Congressional Research Service), 3.

<sup>162</sup> Guha-Sapir et al, 'Independent Review'.

<sup>163</sup> 'Earthquake in Haiti – Update on the French Effort – Statement by the Foreign and European Affairs Ministry Spokesman (Paris, 8 February 2010), <<http://www.ambafrance-uk.org/France-sends-help-in-wake-of-Haiti>>.

<sup>164</sup> Gupta, *supra*.

<sup>165</sup> Kenyon International, 'Haiti Earthquake Response' (2010).

<sup>166</sup> It should be mentioned that the data on the number and nationality of remains recovered by Kenyon appears to conflict between accounts made on 19 February and those on 1 April. See Kenyon International, Update #3 – Friday, February 19, 2010 (19 February 2010) and Kenyon International, 'Final Update on Hotel Montana' (1 April 2010).

<sup>167</sup> Gupta, 'Seeking Information'.

<sup>168</sup> F. Grünwald and B. Renaudin, 'Real-Time Evaluation of the Response to the Haiti Earthquake of 12 January 2010, Mission: 9-23 February 2010 Mission Report' (Groupe URD 2010), 22.

<sup>169</sup> K. Gupta and A. Sadiq, 'Responses to Mass-Fatalities in the Aftermath of the 2010 Haiti Earthquake' (University of Colorado at Boulder, Natural Hazards Center Quick Response QR219, 2010); D.A. McEntire, A. Sadiq and K. Gupta, 'Unidentified Bodies and Mass-Fatality Management in Haiti: A Case Study of the January 2010 Earthquake with a Cross-Cultural Comparison' [2012] 30(3) *Int J Mass Emerg Disasters* 301.

<sup>170</sup> -, 'Cuenta Pública 2015: Ministerio de Relaciones Exteriores' (2015) <[http://www.gob.cl/cuenta-publica/2015/sectorial/2015\\_sectorial\\_ministerio-relaciones-exteriores.pdf](http://www.gob.cl/cuenta-publica/2015/sectorial/2015_sectorial_ministerio-relaciones-exteriores.pdf)>

Direction of Consular Issues and Immigration served as the link institution between local authorities in Chile and the consular authorities of other countries, to which it issued a *Note Verbale*.<sup>171</sup> It provided information on the protocol for channelling enquiries about disappeared persons and created a rapid support mechanism to attend to non-nationals or foreign missions trying to locate their nationals, whether still missing or hosted in emergency hostels. These were mostly persons of Colombian, Bolivian, Ecuadorian, Chinese, French, Italian and Czech nationalities. The same channel was used to communicate news regarding the death of foreign nationals.<sup>172</sup>

These efforts by the Chilean government complement those of foreign governments. For example, shortly after the February 2010 earthquake, the Peruvian embassy in Chile was distributing food and other relief supplies to affected Peruvians.<sup>173</sup> It estimated that approximately 700 Peruvians in Santiago and 500 in Concepción required assistance and the Peruvian government provided air transport for 100 of its nationals to return to Peru.<sup>174</sup> In 2015, such efforts were facilitated by the consular network of Pacific Alliance countries, which allows Colombian, Peruvian, Mexican and Chilean migrants who are affected by a disaster to have recourse to the consular representation of any one of those countries as if it were their own.<sup>175</sup>

Alongside governmental efforts, the IOM and various civil society organisations have provided emergency relief as well as the offer of voluntary return assistance to migrants in urban areas severely affected by earthquakes in Chile,<sup>176</sup> and the IFRC and Chilean Red Cross have provided support to affected migrants in rural areas through a cash transfer programme.<sup>177</sup> The IOM has also provided emergency assistance to migrant families affected by floods in the north of Chile in 2015, including replacing documents lost in the floods, providing rent and household equipment and distributing re-building materials and organising rebuilding workshops.<sup>178</sup> NGOs such as the Chilean Catholic Institute on Migration (INCAMI) and the Jesuit Migrant Service (SJM), along with the IOM, also surveyed populations in the affected sectors and acted as intermediaries between migrants and the authorities.<sup>179</sup> Moreover, a few days after the Haitian earthquake, INCAMI met with and registered in a database those Haitians resident in Santiago and, through the Chilean consulate in Haiti, helped them to seek news of the circumstances of their family members in Haiti.<sup>180</sup>

**Mexico** has taken special measures to protect the wider class of international migrants in the context of disasters. For example, during Hurricane Patricia in 2015, the Mexican government not only opened hostels to provide emergency shelter but also set up a website to provide information on emergency assistance.<sup>181</sup> Foreign governments such as that of the

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<sup>171</sup> MRE, 'Gestión de Emergencias'.

<sup>172</sup> - 'Cuenta Pública 2015'.

<sup>173</sup> -, 'Peruvian earthquake victims in Chile to receive cash aid from Government' Andina (2 March 2010) <<http://www.andina.com.pe/agencia/noticia-peruvian-earthquake-victims-in-chile-to-receive-cash-aid-from-government-282752.aspx>>

<sup>174</sup> IOM, 'IOM accounts of post-earthquake issues'.

<sup>175</sup> Ministerio de Relaciones Exteriores (MRE), 'Cancillería realizó el primer taller sobre gestión de emergencias' (18 June 2015) <<http://www.minrel.gob.cl/cancilleria-realizo-el-primer-taller-sobre-gestion-de-emergencias/minrel/2015-06-18/181156.html>>.

<sup>176</sup> Ibid; IOM, 'IOM accounts of post-earthquake issues'.

<sup>177</sup> International Federation of Red Cross and Red Crescent Societies (IFRC), 'Emergency appeal operations update Chile: Earthquake' (April 2014) <<http://reliefweb.int/sites/reliefweb.int/files/resources/MDRCL009ou1.pdf>>.

<sup>178</sup> -, 'IOM Ends Emergency Aid Operations in Northern Chile' (9 April 2015) <<https://www.iom.int/news/iom-ends-emergency-aid-operations-northern-chile>>.

<sup>179</sup> -, 'Migrantes en Santiago, un drama oculto'.

<sup>180</sup> -, 'INCAMI reúne datos de familiares de haitianos residentes en Santiago' (16 January 2010) <<http://incami.cl/incami-reune-datos-de-familiares-de-haitianos-residentes-en-santiago/>>.

<sup>181</sup> See <<http://www.gob.mx/temas/huracan-patricia>>.

US reproduced this information on their own embassy and consular websites, including lists of all government-run shelters for affected or at-risk US nationals.<sup>182</sup> Government health units attended to the affected population without distinction as to nationality or migratory status.<sup>183</sup> There have also been ad hoc efforts by private employers to assist their migrant workers in these crisis contexts. For instance, during Hurricane Stan in 2005, some coffee plantation owners in southern Mexico organised the creation of a few shelters for their Guatemalan migrant workers during the most critical days of the disaster and its aftermath.<sup>184</sup>

#### *b. Own nationals overseas*

Following the 2015 Nepal earthquake, **Colombia** engaged in efforts to locate its 41 nationals in Nepal and their families in Colombia.<sup>185</sup> It relocated the Colombian consul in New Delhi to Kathmandu to lead the efforts to offer the victims consular assistance. During the next week, the Consul liaised with other governments and international organisations, including IOM, to find Colombians in the country and coordinated with local radio stations to broadcast messages to urge them to get in touch with the consulate. Later, the Consul negotiated with the Spanish government to include Colombians in the airplane it sent to evacuate its own nationals.<sup>186</sup> By the end of the week all Colombian nationals in Nepal had been found and those who wished to do so had been given or were in the process of receiving support to return to Colombia.<sup>187</sup>

After the 2015 Nepal earthquake, **Chile** sent its consular officials in Nepal to the affected zone, making use of information technology and a local work network to assist Chileans in the country.<sup>188</sup>

After Hurricane Sandy hit the US in 2012, **Mexico** sent its consular officials to visit shelters in New York and New Jersey in order to seek out Mexican nationals who required assistance, giving them information on how to obtain food stamps or financial assistance from US federal institutions such as the Federal Emergency Management Agency (FEMA) or from the Mexican government, which made US\$180,000 available for distribution.<sup>189</sup> As noted above, Mexican consulates receive policy guidance on assistance to nationals during disasters. On occasion, the Mexican Army has provided emergency assistance on US soil, such as after Hurricane Katrina in 2005, with the Mexican authorities soliciting economic support from Mexican migrant associations in the US to contribute to reconstructing Mexican homes destroyed in the disaster.<sup>190</sup> Similarly, spontaneous migrant remittances from the Mexican diaspora helped in reconstruction efforts following Hurricane Stan in 2005.<sup>191</sup>

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<sup>182</sup> See <[http://mexico.usembassy.gov/eng/eacs\\_public\\_announcement.html](http://mexico.usembassy.gov/eng/eacs_public_announcement.html)>.

<sup>183</sup> Secretaría de Salud, 'Operativo sanitario por Huracán Patricia' (25 October 2015)

<<http://www.gob.mx/salud/articulos/operativo-sanitario-por-huracan-patricia>>.

<sup>184</sup> Venet, 'Atención a la población migrante', 94.

<sup>185</sup> 'Cancillería Colombiana Activa Protocolo de Emergencia tras terremoto Registrado en Nepal' (25 April 2015), <<http://www.cancilleria.gov.co/newsroom/news/cancilleria-colombiana-activa-protocolo-emergencia-tras-terremoto-registrado-nepal>>.

<sup>186</sup> 'Cancillería Sigue Comprometida con la Asistencia a los Connacionales que se Encuentran en Nepal' (30 April 2015), <<http://www.cancilleria.gov.co/newsroom/news/2015-04-30/11476>>.

<sup>187</sup> 'Ubicados Todos los Colombianos Afectados por Terremoto en Nepal' (2 May 2015), <<http://www.eltiempo.com/politica/gobierno/terremoto-en-nepal-ubicados-todos-los-colombianos/15673236>>.

<sup>188</sup> MRE, 'Gestión de Emergencias'.

<sup>189</sup> Associated Press (AP), 'Superstorm Sandy pushes some illegal immigrants further into the darkness' WJLA (24 November 2012)

<<http://wjla.com/news/nation-world/superstorm-sandy-pushes-some-illegal-immigrants-further-into-the-darkness-82417>>.

<sup>190</sup> A. Urrutia et al, 'En una decisión histórica, acepta EU que el Ejército Mexicano colabore en su territorio' La Jornada (7 September 2005)

<<http://www.jornada.unam.mx/2005/09/07/index.php?section=mundo&article=041n1mun>>.

<sup>191</sup> Venet, 'Atención a la población migrante', 96.

The International Red Cross/Red Crescent Movement, which is rooted in innumerable local communities across Latin America, has also used its international network of contacts to assist migrants affected by a natural disaster in communicating their situation to family members back home or in other countries.<sup>192</sup>

### 1.3 Post-crisis

A number of countries in Latin America have developed robust national programmes to facilitate the return of their nationals from overseas in recent years. Some of these programmes have an emergency component, which may be triggered by a natural disaster overseas, and many countries facilitate the repatriation of their affected nationals (or their remains) following a natural disaster,<sup>193</sup> although these measures are usually applied during the emergency phase, which may be prolonged.

In parallel, the IOM operates a general programme of assisting voluntary return and reintegration by migrants, including those affected by a disaster.<sup>194</sup> For instance, the IOM – with funds from the US - has a programme to provide support for Haitians returning from the Dominican Republic, including a number who left Haiti due to the 2010 earthquake. It provides training on how to start a small business, grants for small business development and ongoing support for up to three months.<sup>195</sup>

Finally, some countries in the Americas recognise that a disaster on their territories can create obstacles to migrants complying with the requirements of immigration law (e.g. attending a scheduled interview), or even remove the basis for legal stay in the country (e.g. death of a spouse or parent in the case of a dependent). In response, these countries provide immigration officials at the pertinent level with sufficient discretion to take these humanitarian grounds into account when determining such matters of law.<sup>196</sup> Similarly, Latin American governments may relax the requirements for regularisation, as happened in the aftermath of Hurricane Stan in 2005 when Mexico temporarily allowed Guatemalan workers present in southern Mexico since 1 January 2002 to apply for regularisation using a consular document in place of their regular identity document.<sup>197</sup>

## 2. Armed conflict

**Colombia** represents an interesting case study in that it is experiencing a long-running armed conflict and is also, periodically, affected by natural disasters, illustrating the potential for interaction between environmental and security challenges. However, the frameworks and practices for dealing with these two forms of crisis – at least in relation to migrants – appear in Colombia to be largely distinct.

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<sup>192</sup> Organization of American States (OAS) Special Committee on Migration Issues, 'International Federation of Red Cross and Red Crescent Societies: Cooperation on Needs and Contributions of Migrants in Disaster Situations – presented by the [IFRCRCS] for the meeting of January 27, 2009', OAS Doc No OEA/Ser.G CE/A</INF.50/09 (27 January 2009).

<sup>193</sup> See above, section II, parts 2.1.2 and 2.2.2.

<sup>194</sup> Although this example may fall outside the scope of the MICIC project, it provides further information on the relevant migration context.

<sup>195</sup> -, '300 Haitian migrants return home voluntarily from the Dominican Republic' (nd) <<http://haiti.iom.int/300-haitian-migrants-return-home-voluntarily-dominican-republic>>.

<sup>196</sup> See discussion in Cantor, 'Law, Policy and Practice', 55-56.

<sup>197</sup> Venet, 'Atención a la población migrante', 93. However, as it turned out, the Guatemalan authorities lacked the capacity in that context to issue this particular consular document (*matrícula consular*) (ibid.).



## 2.1 Pre-crisis

None identified for **Colombia** or other case study countries.

## 2.2 During emergency

In **Colombia**, a non-national who has been a victim of the armed conflict is entitled to ask for protection and reparation measures under the 2011 Victims' Law. For the purposes of this law, 'victims' are defined as all *individuals* (i.e. including non-nationals as well as Colombians) who have suffered due to events occurring after 1 January 1985 as a consequence of grave breaches of international humanitarian law or grave violations of international norms on human rights in the context of the armed conflict.<sup>198</sup> Although the situation of international migrants is not specifically addressed in the law, victims are able to benefit from a wide range of protection and reparation measures. Since their inception in 2012, this National System for Attention to Victims and Integral Reparation and its special Fund have been coordinated by the Victims' Unit, which also registers the victims.

Colombians recently deported from Venezuela<sup>199</sup> are registered and assisted by the Colombian government through its disaster response unit and also receive emergency aid from UNHCR and civil society organisations.<sup>200</sup> IOM has also provided technical assistance to the Colombian government in registering the more than 17,000 returnees, in facilitating the running of 20 temporary shelters for deportees and in helping more than 3000 returnees travel to other locations in Colombia to reunite with family or to seek work.<sup>201</sup> The situation of the returnees has also been the subject of an *in situ* visit and report by the Inter-American Commission on Human Rights.<sup>202</sup> A proportion of the returnees are also living with family or friends in the border towns.<sup>203</sup>

In parallel, the situation of trafficked migrants – such as those in border areas referred to in the previous section - is regulated in Colombia by Law 985 of 2005 on human trafficking. In the case of foreigners, as well as providing access to the immediate aid afforded to national victims, the regulating Decree 1069 of 2014 requires that the authorities ensure return to their countries in coordination with their consulates,<sup>204</sup> which includes providing them with documentation if needed.<sup>205</sup> However, the Colombian authorities also have discretion to grant foreign trafficking victims temporary permission to remain in the country during the investigative process on a case-by-case basis.<sup>206</sup> Special protection measures for underage foreign victims also exist.<sup>207</sup> Perpetrators of the crime of human trafficking are severely sanctioned.<sup>208</sup> Although Colombia also sanctions the crime of migrant-smuggling in its criminal law,<sup>209</sup> the country is not a party to the UN Protocol against the Smuggling of Migrants and no information is available as to whether special measures have been used to protect migrants who may have been adversely affected by the armed conflict whilst

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<sup>198</sup> Ley 1448 de 2011, Artículo 3.

<sup>199</sup> Although this example may fall outside the scope of the MICIC project, it provides further information on the relevant migration context.

<sup>200</sup> UN OCHA, 'Informe de situación No. 12'.

<sup>201</sup> -, 'OIM continúa apoyo a migrantes en frontera de Colombia y Venezuela' (25 September 2015) <<http://oim.org.co/noticias/40-migracion-internacional/3592-oim-continua-apoyo-a-migrantes-en-frontera-de-colombia-y-venezuela.html>>.

<sup>202</sup> -, 'CIDH Culmina su Visita a la Frontera de Colombia con Venezuela' (28 September 2015) <<http://www.oas.org/es/cidh/prensa/comunicados/2015/109A.asp>>

<sup>203</sup> UN OCHA, 'Informe de situación No. 12'.

<sup>204</sup> Decreto 1069 de 2014, Article 9.

<sup>205</sup> Ibid, Article 11.

<sup>206</sup> US Department of State, 'Trafficking in Persons Report 2015 (2015), 122-124.

<sup>207</sup> Decreto 1069 de 2014, Article 33.

<sup>208</sup> Código Penal, Artículo 188-A.

<sup>209</sup> Código Penal, Artículo 188.

transiting the country. Upon detection in Colombia, some smuggled or otherwise irregular migrants claim asylum.

In terms of the general context of attention to non-nationals, alongside governmental structures, both UNHCR and IOM have a close working relationship with the Ministry of Foreign Affairs, the Victims Unit and the National Protection Unit and support the work of the Colombian authorities in relation to the protection of refugees and migrants. The protection 'cluster' in Colombia, co-led by UNHCR and the Norwegian Refugee Council (NRC), is comprised of 21 organizations. UNHCR also provides support to a couple of hundred Colombian returnees each year (ex-refugees).<sup>210</sup> NGOs such as the Catholic Church's National Secretariat for Social Care (SNPS) also attend to refugees and asylum-seekers, including many persons in an irregular situation (particularly from Africa and Asia), by providing information, advice and other forms of social support.

### 2.3 Post-crisis

In **Colombia**, the armed conflict continues at the present time, such that post-crisis measures for the benefit of migrants are not evident. Although the Victims' Law applies in this context of ongoing conflict, it does not specifically address the situation of migrants in Colombia. The situation of migrants is not an agenda item in the ongoing negotiations between the FARC-EP and the government of Colombia in Havana. With regard to refugees, it appears that the government of Colombia and UNHCR are alert to the possibility of increased numbers of voluntary repatriations by Colombian refugees should a peace accord be implemented.

## Section 3 - Conclusions

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Migrants from Latin American are numerous in the US, Canada, Europe and other parts of the world. At the same time, the present day international migrant (i.e. non-national) populations of most Latin American countries are characterised by their relatively small size. Nonetheless, migration patterns within Latin America, as well as from and to the region, have shifted rapidly in the first 15 years of the new millennium. Migration, both regular and irregular, is an increasingly important aspect of the demographic and socio-economic dynamics of this region. This new reality brings both opportunities and challenges for both migrants and Latin American countries.

One challenge that migrants in Latin American countries confront is that of natural disasters and/or armed conflict. Although major armed conflicts are less common in Latin America now than in other parts of the world, its countries remain vulnerable to disasters caused by the diverse natural hazards that affect the region. As the four country case studies in this paper show, these crises can generate a range of adverse impacts at different levels for migrant populations - whether their immigration situation is regular or irregular and whether their presence in the territory is settled, temporary or merely transitory - that sometimes go beyond those suffered by nationals of the country concerned.

In general, Latin American States have relatively robust disaster relief systems and immigration frameworks. Equally, the four country case studies in this paper illustrate that a number of important practices exist in Latin America that aim to address the situation of migrants caught up in these sorts of crises. In this region, it appears that the emphasis in

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<sup>210</sup> UN High Commissioner for Refugees (UNHCR), *Global Appeal 2014-15: Colombia* (2014) <<http://www.unhcr.org/528a0a367.pdf>>.

these practices is on assistance in the context of liaison between the migrant, her/his consular authorities and the authorities of the country where s/he is present. Even so, the development and implementation of these governmental practices are often supported by international organisations and civil society bodies.

The absence of a single common migration framework for Latin America does not detract from its innovative sub-regional forms of cooperation on migration issues. Alongside generalised concern in much of the region for the rights of migrants, the shared concern of Latin American countries for the well-being of their nationals caught up in a crisis overseas offers a firm basis for generating future collective approaches to this challenge in both sub-regional and regional forums. By providing insight into migration trends and the practice in selected Latin American countries, this paper hopes to facilitate reflection, discussion and the sharing of other country practices on the protection of migrants in countries in crisis at the upcoming Costa Rica workshop.

## ***Bibliography***

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-, '28 Migrantes Cubanos Ilegales en el Caribe Colombiano Serán Devueltos a Ecuador', *El Universo* (26 May 2015) <<http://www.eluniverso.com/noticias/2015/05/26/nota/4914571/28-migrantes-cubanos-ilegales-caribe-colombiano-seran-devueltos>>.

-, 'Brazil Plan of Action: A Common Roadmap to Strengthen Protection and Promote Sustainable Solutions for Refugees, Displaced and Stateless Persons in Latin America and the Caribbean' (2014), chapter 2.

-, 'Briefing by Under-Secretary-General for Peacekeeping Operations, Alain Le Roy, Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet, and Susana Malcorra, Under-Secretary-General for Field Support' (12 January 2009).

-, 'Cancillería Colombiana Activa Protocolo de Emergencia tras terremoto Registrado en Nepal' (25 April 2015) <<http://www.cancilleria.gov.co/newsroom/news/cancilleria-colombiana-activa-protocolo-emergencia-tras-terremoto-registrado-nepal>>.

-, 'Cancillería Sigue Comprometida con la Asistencia a los Connacionales que se Encuentran en Nepal' (30 April 2015) <<http://www.cancilleria.gov.co/newsroom/news/2015-04-30/11476>>.

-, 'China takes an Active Part in International Rescue and Relief Efforts in Haiti' (22 January 2010) <<http://online.wsj.com/public/resources/documents/chinahaiti0122.pdf>>.

-, 'CIDH Culmina su Visita a la Frontera de Colombia con Venezuela' (28 September 2015) <<http://www.oas.org/es/cidh/prensa/comunicados/2015/109A.asp>>.

-, 'Colombianos deportados podrán regresar a Venezuela', *Semana* (28 September 2015) <<http://www.semana.com/nacion/articulo/colombianos-deportados-podrian-regresar-venezuela/444188-3>>.

-, 'Cuenta Pública 2015: Ministerio de Relaciones Exteriores' (2015) <[http://www.gob.cl/cuenta-publica/2015/sectorial/2015\\_sectorial\\_ministerio-relaciones-exteriores.pdf](http://www.gob.cl/cuenta-publica/2015/sectorial/2015_sectorial_ministerio-relaciones-exteriores.pdf)>

-, 'Deportados, el nuevo diferendo con Venezuela', *Semana* (23 May 2015) <<http://www.semana.com/nacion/articulo/deportados-el-nuevo-diferendo-con-venezuela/428892-3>>.

- , 'Desk Review on Cross-Border Displacement in the Context of Disasters in Central America (Nansen Initiative 2013).
- , 'Earthquake in Haiti – Update on the French Effort – Statement by the Foreign and European Affairs Ministry Spokesman' (8 February 2010), <<http://www.ambafrance-uk.org/France-sends-help-in-wake-of-Haiti>>.
- , 'Haiti earthquake: News updates', *CNN* (14 December 2010).
- , 'In Memoriam: In Remembrance of those Members of the United Nations Family who Lost their Lives in the Earthquake in Haiti, 12 January 2010' (2010) <<http://www.un.org/en/memorial/haiti/>>.
- , 'IOM Ends Emergency Aid Operations in Northern Chile' (9 April 2015) <<https://www.iom.int/news/iom-ends-emergency-aid-operations-northern-chile>>.
- , 'Las Víctimas de la Migración Ilegal en Colombia', *El Tiempo* (September 2014) <<http://www.eltiempo.com/multimedia/infografias/las-victimas-de-la-migracion-ilegal-en-su-llegada-a-colombia/14604495>>.
- , 'Migrantes en Santiago, un drama oculto', *INCAMI* (3 March 2010) <<http://incami.cl/migrantes-en-santiago-un-drama-oculto/>>.
- , 'OIM continúa apoyo a migrantes en frontera de Colombia y Venezuela' (25 September 2015) <<http://oim.org.co/noticias/40-migracion-internacional/3592-oim-continua-apoyo-a-migrantes-en-frontera-de-colombia-y-venezuela.html>>.
- , 'ONEMI participa en taller sobre integración de extranjeros y turistas en la planificación de emergencias' (18 June 2015) <<http://www.onemi.cl/noticia/onemi-participa-en-taller-sobre-integracion-de-extranjeros-y-turistas-en-la-planificacion-de-emergencias/>>.
- , 'ONEMI y Sernatur lanzaron campaña para informar a los turistas sobre la importancia de estar preparado' (January 2011) <[http://www.onemi.cl/wp-content/uploads/newsletters/newsletter\\_16o\\_edicion\\_enero.pdf](http://www.onemi.cl/wp-content/uploads/newsletters/newsletter_16o_edicion_enero.pdf)>;
- , 'ONEMI y SERNATUR entregan indicaciones preventivas a turistas y habitantes de Antofagasta' (21 February 2013) <<http://www.onemi.cl/noticia/onemi-y-sernatur-entregan-indicaciones-preventivas-turistas-y-habitantes-de-antofagasta/>>.-, "'Sueño Colombiano" de Venezolanos Preocupa a Autoridades' *El Heraldo* (15 June 2015).
- , 'Ontario aid worker rescued from rubble in Haiti', *CTV* (14 December 2010).
- , 'Peruvian earthquake victims in Chile to receive cash aid from Government', *Andina* (2 March 2010) <<http://www.andina.com.pe/agencia/noticia-peruvian-earthquake-victims-in-chile-to-receive-cash-aid-from-government-282752.aspx>>
- , 'Se desconoce número víctimas dominicanas', *Diario Libre* (14 December 2010).
- , 'Ubicados Todos los Colombianos Afectados por Terremoto en Nepal' (2 May 2015), <<http://www.eltiempo.com/politica/gobierno/terremoto-en-nepal-ubicados-todos-los-colombianos/15673236>>.
- F. Alba, 'Mexico: The New Migration Narrative', *Migration Policy Institute* (24 April 2013) <<http://www.migrationpolicy.org/article/mexico-new-migration-narrative>>.
- F. Alba and M.A. Castillo, *New Approaches to Migration Management in Mexico and Central America* (Migration Policy Institute, October 2012).

Associated Press (AP), 'Mexican Police Helped Cartel Massacre 193 Migrants, Documents Show' (22 December 2014) <<http://www.npr.org/2014/12/22/372579429/mexican-police-helped-cartel-massacre-193-migrants-documents-show>>).

Associated Press (AP), 'Superstorm Sandy pushes some illegal immigrants further into the darkness', *WJLA* (24 November 2012) <<http://wjla.com/news/nation-world/superstorm-sandy-pushes-some-illegal-immigrants-further-into-the-darkness-82417>>.

E. Behar Villegas, 'Bandas le Cobran \$7 Millones a un Migrante Ilegal para Pasar al País', *El Tiempo* (4 July 2015).

M. Bradley, 'Displacement in Central America and the Caribbean: Cooperation and Challenges', in E. Fiddian-Qasmiyeh et al. (eds) *The Oxford Handbook of Refugee and Forced Migration Studies* (OUP, 2014).

R. Briggs, 'The Kidnapping Business' (The Foreign Policy Centre, 2001).

S. Brodzinsky, 'Colombia and Venezuela Presidents to Discuss "Most Worrying" Border Dispute', *The Guardian* (18 September 2015) <<http://www.theguardian.com/world/2015/sep/18/colombia-venezuela-presidents-meeting-border-dispute>>.

D.J. Cantor, *Law, Policy and Practice concerning the Humanitarian Protection of Aliens on a Temporary Basis in the Context of Disasters* (Nansen Initiative, 2015).

D.J. Cantor et al (eds.), *A Liberal Tide? Immigration and Asylum Law and Policy in Latin America* (ILAS, 2015).

D.J. Cantor, 'The New Wave: Forced Displacement Caused by Organized Crime in Central America and Mexico', 33 *Refugee Survey Quarterly* 34 (2014) <<http://rsq.oxfordjournals.org/content/33/3/34.full.pdf+html>>.

D.J. Cantor and S.E. Barichello, 'The Inter-American Human Rights System: A New Model for Integrating Refugee and Complementary Protection', 17 *International Journal of Human Rights* 689 (2013).

G. Cecchine et al, 'The U.S. Military Response to the 2010 Haiti Earthquake: Considerations for Army Leaders' (RAND Corporation, 2013).

Centro Nacional de Memoria Histórica, *¡Basta Ya! Colombia: Memorias de Guerra y Dignidad* (2013).

Centro Nacional de Memoria Histórica, 'Una Verdad Secuestrada: Cuarenta Años de Estadísticas de Secuestro 1970-2010' (2013).

D. Cevallos, 'Hurricanes Make Illegal Migration Even Stormier', *IPS News* (28 October 2005) <<http://www.ipsnews.net/2005/10/central-america-mexico-hurricanes-make-illegal-migration-even-stormier/>>

Comunidad Andina de Naciones, *Decisión 548: Mecanismo Andino de Cooperación en Materia de Asistencia y Protección Consular y Asuntos Migratorios* (2003).

P. Conner et al, 'Changing Patterns of Global Migration and Remittances. More Migrants in U.S. and Other Wealthy Countries; More Money to Middle-Income Countries' (Pew Research Center, 2013) <<http://www.pewsocialtrends.org/2013/12/17/changing-patterns-of-global-migration-and-remittances/>>.

R. Cordova Alcaraz, 'Dinámicas Migratorias en América Latina y el Caribe (ALC), y entre ALC y la Unión Europea' (2015) <[http://publications.iom.int/system/files/pdf/dinamicas\\_migratorias\\_2015.pdf](http://publications.iom.int/system/files/pdf/dinamicas_migratorias_2015.pdf)>.

Cruz Roja Chilena, Terremoto Chile 2010 Memoria - A dos años del inicio de la Operación (2012) <[http://www.redcross.org/images/MEDIA\\_CustomProductCatalog/m17540810\\_terremoto-chile-2010-memoria-a-dos-anos.pdf](http://www.redcross.org/images/MEDIA_CustomProductCatalog/m17540810_terremoto-chile-2010-memoria-a-dos-anos.pdf)>.

Departamento Administrativo Nacional de Estadísticas, 'Anuario Estadístico Entradas y Salidas Internacionales, Colombia 2005' (2006).

R. Donnelly, 'Transit Migration in Mexico: Domestic and International Policy Implications' (James A Baker III Institute for Public Policy, December 2014) <<https://bakerinstitute.org/media/files/files/4a32803e/MC-pub-TransitMigration-120214.pdf>>.

L. Dutton, 'Mexico storms: floods strand 40,000 tourists in Acapulco', *Channel 4 News* (18 September 2013) <<http://www.channel4.com/news/mexico-storms-floods-strand-40-000-tourists-in-acapulco>>.

M.O. Eberhard et al, 'The Mw 7.0 Haiti Earthquake of January 12, 2010: USGS/EERI Advance Reconnaissance Team Report' (US Geological Survey, 2010).

Facultad Latinoamericana de Ciencias Social (FLACSO), *Assessment of the Current Situation, Trends, and Protection and Assistance Needs of Extracontinental Migrants and Refugees in Mexico and Central America* (2011) <<http://www.rcmvs.org/documentos/FLACSO%20-%20Diagnostico%20flujos%20extraregionales%20-%20Eng.pdf>>.

C.B. Field et al (eds.), *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation: Special Report of the Intergovernmental Panel on Climate Change* (CUP, 2012).

C. Guevara, 'Se Triplica Detección de Migrantes Indocumentados hacia EE.UU.', *El Tiempo* (28 September 2014).

D. Guha-Sapir et al, 'Independent Review of the U.S. Government Response to the Haiti Earthquake: Final Report' (USAID, 2011).

F. Grünewald and B. Renaudin, 'Real-Time Evaluation of the Response to the Haiti Earthquake of 12 January 2010, Mission: 9-23 February 2010 Mission Report' (Groupe URD, 2010).

K. Gupta, 'Seeking Information after the 2010 Haiti Earthquake' (PhD Dissertation, University of North Texas, 2013).

K. Gupta and A. Sadiq, 'Responses to Mass-Fatalities in the Aftermath of the 2010 Haiti Earthquake' (University of Colorado at Boulder, Natural Hazards Center Quick Response QR219, 2010).

International Federation of Red Cross and Red Crescent Societies (IFRC), *World Disasters Report 2015* (2015) <[http://reliefweb.int/sites/reliefweb.int/files/resources/1293600-World-Disasters-Report-2015\\_en.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/1293600-World-Disasters-Report-2015_en.pdf)>.

International Federation of Red Cross and Red Crescent Societies (IFRC), 'Emergency appeal operations update Chile: Earthquake' (April 2014) <<http://reliefweb.int/sites/reliefweb.int/files/resources/MDRCL009ou1.pdf>>.

International Federation of Red Cross and Red Crescent Societies (IFRC), 'Cooperation on Needs and Contributions of Migrants in Disaster Situations' (OAS Doc No OEA/Ser.G CE/A/INF.50/09 (27 January 2009).

Inter-American Court of Human Rights, *Advisory Opinion OC-21/14* (19 August 2014).

International Organization for Migration (IOM), 'Mexico: Iniciativas para los migrantes' (2015) [http://costarica.iom.int/es/mexico/iniciativa\\_para\\_los\\_migrantes/](http://costarica.iom.int/es/mexico/iniciativa_para_los_migrantes/)

International Organization for Migration (IOM), Mexico: Hechos y Cifras (2014) <http://oim.org.mx/hechos-y-cifras-2>

International Organization for Migration (IOM), 'Perfil Migratorio de Colombia 2012' (2013).

International Organization for Migration (IOM), 'IOM accounts of post-earthquake issues for migrants – 2010 earthquake' <https://www.iom.int/news/iom-local-partners-help-vulnerable-earthquake-affected-migrants-chile>.

International Organization for Migration (IOM), Regional Office for Central America, North America and the Caribbean, 'Migration Trends in the Region' (2014) [http://costarica.iom.int/en/migration\\_trends\\_in\\_the\\_region](http://costarica.iom.int/en/migration_trends_in_the_region).

J. Itzigsohn, 'Immigration and the Boundaries of Citizenship: The Institutions of Immigrants' Political Transnationalism', *34 International Migration Review* 1126 (2000).

Kenyon International, 'Update #3 – Friday, February 19, 2010' (19 February 2010).

Kenyon International, 'Final Update on Hotel Montana' (1 April 2010).

A.R. Kolbe, 'Revisiting Haiti's Gangs and Organized Violence', *HASOW Discussion Paper No. 4* (June 2013) <http://hasow.org/uploads/trabalhos/101/doc/449921257.pdf>.

N. Lakhani, 'Mexico's storm devastation raises questions', *Al Jazeera* (19 September 2013)

R. Margesson and M. Taft-Morales, 'Haiti Earthquake: Crisis and Response' (US Congressional Research Service, 2010).

J. Mazza and E. Sohnen, 'Labor Migration in Latin America and the Caribbean: A Look at New Trend' (Inter-American Development Bank, Labour Markets and Social Security Unit, 2011).

J. Mazza and E. Sohnen, 'On the Other Side of the Fence: Changing Dynamics of Migration in the Americas' (Migration Policy Institute, 27 May 2010) <http://www.migrationpolicy.org/article/other-side-fence-changing-dynamics-migration-americas>.

D.A. McEntire, A. Sadiq and K. Gupta, 'Unidentified Bodies and Mass-Fatality Management in Haiti: A Case Study of the January 2010 Earthquake with a Cross-Cultural Comparison' *30 Int J Mass Emerg Disasters* 301 (2012).

N. Mead and J. Blason, 'The 10 World Cities with the Highest Murder Rates', *The Guardian* (24 June 2014) <http://www.theguardian.com/cities/gallery/2014/jun/24/10-world-cities-highest-murder-rates-homicides-in-pictures>.

MERCOSUR, Mecanismo de Cooperación Consular entre los Países del Mercosur, Bolivia y Chile (2000) MERCOSUR/CMC/DEC. N° 35/00.

Migración Colombia, "Migración irregular" (February 2015).

Migración Colombia, 'Boletín Anual de Estadísticas 2014' (2015).

Migración Colombia y OIM, 'Caracterización Sociodemográfica y Laboral de los Trabajadores Temporales Extranjeros en Colombia: Una Mirada Retrospectiva' (2013).

Ministerio de Defensa, 'Manual Interinstitucional de Atención para el Delito de Secuestro' (2013), 55.

Ministerio de Relaciones Exteriores (MRE) (Chile), 'Gestión de Emergencias', presentation at Nansen Initiative, Regional Consultation in South America (July 2015).

Ministerio de Relaciones Exteriores (MRE) (Chile), 'Cancillería realizó el primer taller sobre gestión de emergencias' (18 June 2015) <<http://www.minrel.gob.cl/cancilleria-realizo-el-primer-taller-sobre-gestion-de-emergencias/minrel/2015-06-18/181156.html>>.

Ministerio de Relaciones Exteriores (MRE) (Mexico), Guía: Asistencia a connacionales en situación de riesgo y/o vulnerabilidad (10 October 2014)

Nansen Initiative, *Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change* (2015).

Nansen Initiative and Refugee Law Initiative, 'Movilidad humana en el contexto de desastres y cambio climático en América del Sur: informe' (2015).

Nansen Initiative and Regional Conference on Migration, 'Report: Regional Workshop on Temporary Protection Status and/or Humanitarian Visas in Situations of Disaster' (2015).

Organization of American States (OAS), 'Migración Internacional en las Américas: Tercer Informe del Sistema Continuo de Reportes sobre Migración Internacional en las Américas (2015) OEA/Ser.D/XXVI.2.3, 88.

Organization of American States (OAS) Special Committee on Migration Issues, 'Summary of the meeting of January 27, 2009' OAS Doc No OEA/Ser.G CE/AM-72/09 (3 February 2009).

Organization of American States (OAS) Special Committee on Migration Issues, 'Migrants in Disaster Situations', OAS Doc No OEA/Ser.G CE/AM-X/09 (21 January 2009).

Organization of American States (OAS) Special Committee on Migration Issues, 'International Federation of Red Cross and Red Crescent Societies: Cooperation on Needs and Contributions of Migrants in Disaster Situations – presented by the [IFRCRCS] for the meeting of January 27, 2009', OAS Doc No OEA/Ser.G CE/A<INF.50/09 (27 January 2009).

Organisation for Economic Co-operation and Development (OECD), 'Migration outlook – Chile' (2011) <<http://www.oecd.org/migration/48343565.pdf>>

K. O'Neil et al, 'Migration in the Americas' (Global Commission on International Migration, 2005).

Oficina Nacional de Emergencia del Ministerio del Interior (ONEMI), Basic Integral Security Guide for Visitors and Foreign Residents in Chile (nd) <[http://www.santiago.diplo.de/contentblob/422340/Daten/14470/PDF\\_Handbuch\\_ONEMI\\_english.pdf](http://www.santiago.diplo.de/contentblob/422340/Daten/14470/PDF_Handbuch_ONEMI_english.pdf)>).

E. Osborne, 'Priest Claims Chile's Immigrants Ignored in Earthquake Recovery Effort', *Santiago Times* (7 May 2010) <<http://santiagotimes.cl/priest-claims-chiles-immigrants-ignored-in-earthquake-recovery-effort/>>.



M. Palma, '¿País de Emigración, Inmigración, Tránsito y Retorno? La Formación de un Sistema de Migración Colombiano', 21 OASIS 7 (2014).

M. Palma Gutiérrez, 'Trata y Tráfico Ilícito de Personas', *Razón Pública* (29 June 2015).

S.F. Pires, R.T. Guerette and C.H. Stubbert, 'The Crime Triangle of Kidnapping for Ransom Incidents in Colombia, South America: A "Litmus" Test for Situational Crime Prevention', 54 *Brit. J. Criminol.* 754 (2014).

J.M. Pizarro and M. Villa, 'International Migration in Latin America and the Caribbean: A Summary View of Trends and Patterns' (UN Expert Group Meeting on International Migration and Development, 2005) <[http://www.un.org/esa/population/meetings/ittmigdev2005/P14\\_JMartinez\\_ECLAC.pdf](http://www.un.org/esa/population/meetings/ittmigdev2005/P14_JMartinez_ECLAC.pdf)>.

Procuraduría General de la Nación – Procuraduría Delegada para la Prevención en Materia de Derechos Humanos y Asuntos Étnicos – Grupo de Desplazamiento Forzado y Refugio, 'Informe en Materia de Asilo y Recomendaciones para la Creación de la Línea de Intervención de la Procuraduría General de la Nación en esta Materia' (2011).

Refugees International, 'Crisis Bubbling Over: Colombians Seeking Refuge in Ecuador and Venezuela' (7 July 2009).

Reuters, "'War zone" at the border: abuse of migrants in Mexico rises', *The Guardian* (16 October 2015) <<http://www.theguardian.com/world/2015/oct/16/abuse-central-american-migrants-mexico-border-rises>>.

E. Rodríguez Chávez et al, 'Migración centroamericana de tránsito irregular por México. Estimaciones y características generales en Apuntes sobre Migración' (INM-CEM 2011).

N. Rodríguez Serna, Estudio de Gabinete sobre Desplazamiento en el Contexto de Riesgos Ambientales en Sudamérica (Nansen Initiative 2015).

Secretaría de Salud, 'Operativo sanitario por Huracán Patricia' (25 October 2015) <<http://www.gob.mx/salud/articulos/operativo-sanitario-por-huracan-patricia>>.

SEGOB, Estrategia de preparación y respuesta de la Administración Pública Federal, ante un sismo y tsunami de gran magnitud "Plan Sismo" (September 2011).

Sistema Continuo de Reportes sobre Migración Internacional en las Américas (SICREMI), 'International Migration in the Americas: Third Report of the Continuous Reporting System on International Migration in the Americas' (2015) <<http://www.oecd.org/migration/sicremi.htm>>.

J. Smith, 'Guatemala: Economic Migrants Replace Political Refugees' (Migration Policy Institute, 1 April 2006).

SRE, 'Consular Assistance for Mexicans on the East Coast of the U.S. Affected by Hurricane Sandy' (2012) <<http://en.sre.gob.mx/index.php/archived-press-releases/1717-consular-assistance-for-mexicans-on-the-east-coast-of-the-us-affected-by-hurricane-sandy>>.

S. Stoney and J. Batalova, 'Central American Immigrants in the US' (Migration Policy Institute, 18 March 2013) <<http://www.migrationpolicy.org/article/central-american-immigrants-united-states>>.

S. Stoney, J. Batalova and J. Russell, 'South American Immigrants in the US' (Migration Policy Institute, 2 May 2013) <<http://www.migrationpolicy.org/article/south-american-immigrants-united-states>>.

J.A. Suárez Santos, 'La Seguridad Privada Frente al Flagelo del Secuestro en Colombia' (dissertation, Universidad Militar Nueva Granada 2013).

UN Office for the Coordination of Humanitarian Affairs (OCHA), 'Informe de situación No. 12 - Colombia: Situación humanitaria en frontera colombo-venezolana' (15 October 2015) <<https://www.humanitarianresponse.info/en/operations/colombia/document/informe-de-situaci%C3%B3n-no-12-colombia-situaci%C3%B3n-humanitaria-en-frontera>>.

UN Office on Drugs and Crime (UNODC) database of crime and criminal justice statistics (last updated 13 April 2015) <<https://www.unodc.org/unodc/en/data-and-analysis/statistics/crime.html>>.

UN Office on Drugs and Crime (UNODC), *Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment* (2012) <<https://www.unodc.org/toc/es/reports/TOCTACentralAmerica-Caribbean.html>>.

UN Security Council, 'Report of the Secretary-General on the United Nations Stabilization Mission in Haiti', UN Doc S/2010/200 (22 February 2010).

UN High Commissioner for Refugees (UNHCR), *Women on the Run* (October 2015) <<http://www.unhcr.org/5630f24c6.html>>.

UN High Commissioner for Refugees (UNHCR), *Global Appeal 2014-15: Colombia* (2014) <<http://www.unhcr.org/528a0a367.pdf>>.

UN High Commissioner for Refugees (UNHCR), 'Refugee Protection and International Migration in the Americas: Trends, Protection Challenges and Responses' (2009) <<http://www.refworld.org/docid/4c59329b2.html>>.

US Department of State, *Trafficking in Persons Report 2015* (2015).

A. Urrutia et al, 'En una decisión histórica, acepta EU que el Ejército Mexicano colabore en su territorio', *La Jornada* (7 September 2005) <<http://www.jornada.unam.mx/2005/09/07/index.php?section=mundo&article=041n1mun>>.

F. Venet, 'Atención a la población migrante durante y después de la emergencia y oportunidad de acceso al trabajo', in Grupo Guatemala Mexico Migración y Desarrollo, *Informe: Seminario taller internacional "Riesgo de desastres y migración. Propuestas para el abordaje de la problemática"*, Tapachula, 1-2 August 2006 (2006).

E. Warn and S.B. Adamo, 'The Impact of Climate Change: Migration and Cities in South America' 63 *IMO Bulletin* (2014).

J. Watts, 'One Murder Every Hour: How El Salvador Became the Homicide Capital of the World', *The Guardian* (22 August 2015) <<http://www.theguardian.com/world/2015/aug/22/el-salvador-worlds-most-homicidal-place>>.

S.N. Weinberger, 'Who Should Set Airlift Priorities during Foreign Humanitarian Assistance/Disaster Relief Operations and on what Basis?' (US Naval War College, 2011).

C. Wilson and P. Valenzuela, Mexico's Southern Border Strategy: Programa Frontera Sur (Wilson Center, 11 July 2014) <[https://www.wilsoncenter.org/sites/default/files/Mexico\\_Southern\\_Border\\_Strategy.pdf](https://www.wilsoncenter.org/sites/default/files/Mexico_Southern_Border_Strategy.pdf)>.

World Bank, 'Data Bank: International Tourism, Number of Arrivals' (nd) <<http://data.worldbank.org/indicator/ST.INT.ARVL>>

World Bank, 'Migration and Remittances: Recent Developments and Outlook. Special Topic: Forced Migration', 23 *Migration and Development Brief* 1 (2014) <<http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1288990760745/MigrationandDevelopmentBrief23.pdf>>.

World Bank, *Migration and Remittances Factbook* 2011 <<http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/LAC.pdf>>.

J. Zong and J. Batalova, 'Central American Immigrants in the United States' (Migration Policy Institute, 2 September 2015) <<http://www.migrationpolicy.org/article/central-american-immigrants-united-states>>.