

REGIONAL STUDY: MIGRATORY REGULARIZATION PROGRAMMES AND PROCESSES

BELIZE - COSTA RICA - EL SALVADOR - GUATEMALA - HONDURAS
MEXICO - PANAMA - DOMINICAN REPUBLIC



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Finally, a heartfelt thank you to all the informants of this study, particularly the migrants interviewed, whose willingness to share their experiences, perspectives, success stories, challenges and stories, enriched the study and its findings; have made it possible to understand the programmes and processes of regularization from the experiences of migrants.

FOREWORD

International Organization for Migration (IOM) - Regional Office for North America, Central America and the Caribbean

In Central America, Mexico and the Dominican Republic, thousands of migrants in an irregular condition are believed to transit daily. While the nature of the phenomenon does not allow us to know the exact amount, the information available in these countries indicates an increase in the number of people transiting or residing outside or in breach of the international laws, regulations or agreements governing entry or exit from countries. Many of these people do so without knowing the different mechanisms or programmes that exist to enter a country on a regular basis or to regularize their migration status if they are already in their country of destination.

Migration in an irregular condition can not only lead to the violation of the human rights of migrants, but also undermines their potential economic and well-being contributions to the development of countries. Likewise, migrants in irregular conditions face situations of disproportionately greater vulnerability⁵. In addition, there are particular challenges that irregular migration presents to States, altering the functioning of the rule of law and their exercise of power to regulate the entry and stay of non-nationals in their territory.

With regard to irregular migration, the International Organization for Migration (IOM) supports States in defining and implementing regularization measures that allow people to regularize their migration status and thus guarantee the effective protection of the human rights of migrants, promote their social integration and reduce the risks associated with irregular migration.

To this same end, the countries of the region have consolidated efforts to generate laws, executive decrees, institutional policies and guidelines with the aim of establishing programmes and processes for the regularization of migrants. However, in many cases these legal resources remain inaccessible to migrants in an irregular condition, due to the limitations in their implementation and sustainability, causing gaps in the generation of data. Furthermore, in even more serious cases, migrants in an irregular condition have difficulties to overcome the vulnerabilities associated with this condition.

This study, developed in close collaboration with the Regional Conference on Migration (RCM), responds to the need to solve the existing information gap on regularization programmes and processes in the countries analyzed, in order to support countries in strengthening or creating new regularization programmes that contribute to an adequate migration governance and to the integration of migrants.

This report allows to systematically identify all the regularization programmes and processes implemented in the last two decades in Central America, Mexico and the Dominican Republic. It also highlights regional trends and common challenges and provides an analysis of some of the initiatives implemented in the region.

It is our aim that the findings generated will contribute to incorporating new alternatives for regularization, which should adapt to the needs of migrants, be protected by a robust legal support and, at the same time, have an agile and efficient administrative infrastructure. We trust that the information presented will be of benefit to governments, civil society organizations and the private sector to identify opportunities for improvement and to enhance good practices. In addition, to reiterate IOM's commitment to help make regularization a tool for migration governance that allows for safe, orderly and regular migration.



Michele Klein Solomon
IOM Regional Director for Central America, North America and the Caribbean

FOREWORD

Executive Regional Conference on Migration

This study is part of the activities of the Working Group on Irregular and Mass Migration of the Regional Conference on Migration (RCM), whose mandate was established by the Regional Consultation Group on Migration (RCGM) as follows:

From a comprehensive approach of shared responsibility, this Working Group will strengthen the management of mixed migration flows, in response to current migration dynamics in the region, to promote strategies and implement actions that prevent irregular migration and combat migrant smuggling, human trafficking and related crimes. Through monitoring and information exchange, develop national and regional actions that provide immediate and effective responses within the framework of respect for national sovereignty and the human rights of migrants.

In July 2021, with the support of the International Organization for Migration (IOM), it was held virtually the validation workshop of the Regional Study: Regularization Programmes and Processes. This document is the culmination of this participating process, which seeks to be a useful tool for the implementation of migration governance based on the principles recognized in the RCM Charter.

We thank the continuous support of IOM and the Office of Population, Refugee and Migration of the Department of State of the United States of America, which, through the generation of studies like this one, contribute to the strengthening of the regularization processes in the countries of the region, as well as the exchange of good practices in this matter.



Luis Alonso Serrano Echeverría
Executive Secretary, Regional Conference on Migration

FOREWORD

Presidency Pro-Tempore of the Regional Conference on Migration, Mexico 2021

This Study is part of the work plan established for 2021 by the Pro-Tempore Presidency of the Regional Conference on Migration (RCM) led by Mexico. This document is the result of the activities of the Working Group on Irregular and Mass Migration of this multilateral forum.

Both this activity and the rest have the purpose of taking advantage of this forum to openly discuss current regional migration issues, exchange information and experiences to protect the human rights of migrants, strengthen migration governance and launch strategies that, from their inception, link migrants with their destinations, under gender approaches, intersectionality and inclusion.

All this has been thought under the slogan "For a regional framework of migration governance and human rights, for migration with inclusion", under which this Presidency promotes the comprehensive attention of migratory processes in the region, the promotion of sustainable development as a sustenance of human mobility in an orderly, safe and regular manner; and the generation of a shared vision of human mobility based on a human rights approach.

Thus, this Study, carried out with the support and collaboration of the International Organization for Migration (IOM), is framed in these principles and also responds to the mandate of this Working Group.

Under the understanding that it is necessary to have international and regional mechanisms that address the phenomena of human mobility with mixed methodologies, it has been sought to collect information regarding the strategies and public policy actions that the countries of the region have designed and implemented to counteract the conditions of vulnerability in which people in an irregular migratory situation travel.

This Regional Study sheds light on the different regularization programmes and processes that the countries that are part of the RCM have. On the one hand, it has been identified that most contemplate different actors in their design, which defines that all public policy must have an inclusive approach, taking into account all the actors involved.

The Study has also made it possible to identify that there are institutional programmes that are not specifically intended for the migrant population but that have been incorporating it. This good practice suggests that all programmes and public policies can be made more flexible so that the installed capacities and resources allocated to the different sectors are used to incorporate migrants, thus reducing inequality gaps and the pressure exerted by migratory phenomena and contexts on the institutions of States.

This document invites us to think about public policies from a sustainability approach so that they are able to adjust both to migratory contexts over the years, and to crisis situations that cannot be foreseen. Therefore, they must be flexible and contemplate all the dimensions of migration in which its irregular nature could impact.

That is, the Study allows us to think and know strategies not only to combat irregularity in transit, but also from the origin, destination and even return; always starting from the fact that access

to documentation in any of these contexts is a key right that allows access and exercise of other rights, such as the right to health, work and education, among others.

Another element highlighted in this study is that regularization is closely related to integration as regularization processes must lead to people being able to freely exercise their human rights. Although integration consists of various types, the ultimate goal is that people can be part of the well-being and development of their country in which they decide to rebuild their life.

For this to be carried out fully, it is essential to have a human rights approach that considers their characteristics and needs from economic, social, cultural and labour scopes. To achieve this, the articulation of strategies for care and access to basic rights is important.

These lines do not seek to share all the findings, but to make an invitation for the detailed reading of the Study and to know the good practices on the regularization programmes in the region. Undoubtedly, this document should be considered as a basis for the strengthening, design and evaluation of public policy on migration among the countries of the region.

Finally, it is important to mention that any migration policy must be designed and implemented based on shared responsibility with the firm purpose of strengthening institutions to protect people and achieve voluntary, safe, orderly and regular mobility, eliminating migration by necessity. In this way, the reconfiguration of this policy will not only bear fruit in the short term but will have laid the foundation for deeper transformations for the next generations throughout the region.

A handwritten signature in black ink, appearing to read 'A. Encinas', with a long horizontal line extending to the right from the end of the signature.

Lic Alejandro Encinas Rodriguez
Subsecretariat of Human Rights, Population and Migration in Mexico
President Pro-Tempore of the Regional Conference on Migration

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EXECUTIVE SUMMARY

The countries within Central America, as well as Mexico and the Dominican Republic have historically been points of origin and transit for migrants, mainly towards the United States of America and Canada. In light of the increasing numbers of intraregional and extraregional migrants, however, and due to various other factors, traditional countries of origin and transit have increasingly become destination points. It has also been determined that, among the entire mobilizing population, some persons migrate outside of the applicable controls by entering or remaining with irregular status.

In a context marked by a growing number of persons with irregular status, States are faced with the need to create regularization programmes and processes, which have been developed by way of laws, decrees, and institutional policies and directives. These initiatives are fundamental to a country's migration governance, as they allow persons with irregular status to attain greater social, economic, cultural, and political integration in destination countries.

There are certain distinctive identifiers among regularization processes and programmes in the region. First, there are those that were intentionally developed to address the issue of persons with irregular status, while there exist other migratory processes that, in practise, have allowed the regularization of migrants, although they were not specifically established for that purpose. Furthermore, there are programmes and processes carried out on a temporary basis in order to serve a migrant population during a given time period, as well as indefinite processes that serve as non-temporary options for regularization.

It should also be pointed out that the programmes and processes analyzed, used different criteria for allowing the regularization of migrants (for example, family ties, duration of their stay, labour reasons, and humanitarian reasons, among others). Each program or process may use one or more criteria for allowing migratory regularization.

Although it is true that the programmes and processes analyzed have facilitated the regularization of a significant number of migrants, formidable challenges still persist regarding the access to same due to high costs, complexity of the documentation, and the requisites established. In addition, it has also been shown that obtaining regular migratory status does not completely eliminate the gaps that prevent the proper social integration of migrants in their destination countries.

It should be pointed out that all of the Member Countries of the Regional Conference on Migration (RCM) participated in this regional study, and that its objective is to analyse the implementation status of the programmes and processes in Central America, Mexico, and the Dominican Republic. Besides describing the individual findings for each country, regional trends are highlighted, and good practices are identified for improving the management of irregular migration.

MAIN FINDINGS OF THE STUDY

Characterization and trends of the regularization programmes and processes

- In Mexico, Central America and the Dominican Republic, 57 regularization programmes and processes were identified. Of these, 33 allow irregular migrants to apply, but were not specifically designed for purposes of migratory regularization. The other 24 were intentionally created for persons with irregular status
- None of the regularization programmes and processes were established bilaterally. Even though they were developed unilaterally, however, generally efforts were made to involve civil society, the private sector, and international organizations in the design and implementation phases, which is identified as a good practice. In addition, some programmes benefit from coordination between countries of origin and destination for their implementation. The countries of origin, under the principle of co-responsibility, facilitate the obtaining of documents and otherwise assist migrants through their Consulates or Embassies in the destination countries.
- Of the 24 processes and programmes created intentionally to permit regularization, most were established in the period between 2015 and 2021 (44 per cent of the initiatives).
- The existence of family ties represents the main criterion used to allow regularization (37 per cent of the processes). The remaining criteria are the duration of the stay, labour reasons, or a specific nationality.
- The countries within the region have created regularization programmes and process in response to specific migratory situations or during a set time period, using them as mechanisms for migratory management for contexts with specific needs. Such is the case for programmes and processes created to respond to large numbers of migrants of a given nationality who share a particular situation, as well as those programmes and processes developed to fill labour market gaps and reduce informality in certain sectors. Regularization programmes and processes can thus facilitate the strengthening of migration governance systems.

Challenges, limitations, and good practices identified

- High costs are the main challenge faced by migrants in accessing regularization. Most regularization programmes require payment of a procedural fee as well as payment of fines for having irregular status. In addition, applicants tend to incur expenses for legal representation, for transportation to government offices, or for obtaining certain documents.
- The following are considered to be good practices: amnesty measures regarding procedural costs; flexible documentation requisites; special protection provisions for vulnerable populations; the creation of special processes; the incorporation of processes into high-level statutory provisions (such as laws); and the establishment of channels for coordinating with destination countries.

- Migrants tend to lack clarity with respect to the processes, requisites, and procedures for migratory regularization. It was found that not all countries provide centralized information that is accessible and available in several languages.
- There is limited inclusion of the gender perspective in regularization programmes and processes. Women may face greater difficulties to regularization due to structural situations, such as priority being given to the regularization of male spouses (since they traditionally are the providers), while migrant women tend to enter the labour market as informal domestic servants or assume non-remunerated housewife duties.
- LGBTQ+ persons may face discrimination, as well as limited access to regularization due to (for example) their gender identity and expression, which may not coincide with their identity documents, or difficulty in being regularized based upon family ties with their partners in countries that do not allow same-sex civil unions.
- At the international level, there is an absence of clear guidelines for developing migratory regularization programmes and processes, as they tend to be seen from the perspective of national sovereignty. Spaces for dialogue and the sharing of experiences with migratory regularization can be strengthened, however, in order to stimulate such processes in the region.
- There exist processes with limitations that affect the sustainability of the regularization of persons in their assigned migration categories, mainly due to the fact that the exceptions granted during the program or process (such as exemptions from costs or fines) are not upheld over time. As such, the beneficiaries are unable to comply with the requisites for renewal and thus fall back into irregular status.

INTRODUCTION

Migration in the region occurs in a context marked by historical, political, economic, and social ties between countries, significant internal and intraregional socioeconomic disparities, political instability, and insecurity and violence in some countries, as well as serious and frequent natural risks aggravated by the evolution of gradual climatic changes (IOM, 2020a).

The current trend shows an increase in mobility, as well as a diversification of the ways in which people migrate and the profiles of migrants in the region. Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Panama, and the Dominican Republic account for a total of 17,127,600 emigrants, mainly from Mexico, El Salvador, and Guatemala. The final destinations for most of this population are the United States of America and Canada, which are the region's two main destination countries.

It is estimated that Central America hosted 2,302,001 migrants in 2020, with 743,476 of them coming from other countries within the region. Of the countries covered by this study, the intraregional migrant population is concentrated primarily in Mexico, the Dominican Republic, and Costa Rica (UN DESA, 2020). This figure has grown steadily in recent years and reflects the fact that traditional countries of origin have now become also transit and destination countries. The numbers of foreigners in said countries have been influenced by the arrival of intraregional and extraregional migrant populations, especially from the Caribbean and Africa.

The ways in which people move change constantly. Just as migration is a dynamic that evolves, so must the tools to manage it. In recent years, the increasing numbers of migrants in each country have been accompanied by the quantity and diversity of persons with irregular status. This situation has caused States to develop more initiatives to promote the regularization of migrants. Governmental authorities have created both temporary and permanent initiatives together with civil society, the private sector, and international bodies.

In this context, regularization programmes and processes are a fundamental tool for regional and national migration governance and for ensuring fulfillment of the Sustainable Development Goals. This is due mainly to the fact that having an identity document and regular migration status is an essential requisite for migrants to enjoy their human rights and gain greater access to health services, quality education, social mobility, reduction of poverty and inequality, and access to justice, among other objectives of the 2030 Agenda. Responding to these challenges means that countries need to favor greater social, economic, cultural, and political integration for migrants, including those with an irregular condition, in their respective countries of destination.

Although progress has been made (as described in this study), limitations to the effective and sustainable operation of these programmes and processes continue to be identified.

It is for these reasons that this study aims to be a substantial and seminal input as a baseline analysis of the existing regularization programmes and processes in the region. Based upon the findings described herein, it is hoped that this input will support future initiatives in this area and promote

the design, strengthening, and implementation of regularization programmes and processes, so that they may increasingly adapt to the needs of migrants, countries, and the private sector, and be in line with the institutional capacities of the Member States.

This initiative is part of a technical collaboration process between the International Organization for Migration (IOM), through its Regional Office for North America, Central America, and the Caribbean, and the Regional Conference on Migration (RCM), through its Presidency Pro-Tempore. For purposes of carrying out the research process, the IOM participated actively in coordinating the process, drafting the document on findings, and contacting the persons consulted. The RCM facilitated articulation and contact data for the persons consulted, besides providing valuable input to enrich the study findings.

This joint effort seeks to reduce the knowledge gap regarding migratory regularization programmes and processes, as the study identifies advances and limitations that have not previously been systematized. Although there exist limitations to accessing information regarding these processes, this research represents a contribution to improving regional migration governance. This report is the product of articulation among governmental authorities, civil society representatives, international bodies, and the migrants themselves involved in these processes.

This study first presents a contextualization of the main elements of irregular migration, social, political, and economic integration, and regularization processes. This is followed by a description of each of the migratory regularization programmes and processes in the specific countries in the region covered by the report. Four case studies are presented in detail, consisting of regularization processes selected due to their importance for the region, based upon their magnitude, scope, and identified practices. Finally, a series of conclusions and recommendations are presented based upon the study findings, to serve as a practical guide for the creation of regularization programmes and processes and the strengthening of existing initiatives, in order to allow countries to respond to the needs of all the actors involved, to support greater migration governance, and to facilitate the integration of migrants in the region's countries.

METHODOLOGY

OBJECTIVE AND SCOPE OF THE STUDY

This study seeks to describe the regional context regarding migratory regularization; inventory the existing regularization programmes and processes; and analyze the creation, implementation, and follow-up of the regularization programmes and processes, in order to identify challenges, good practices, and opportunities for strengthening migratory regularization efforts in the region. This study covers the region comprised of North America, Central America, and the Dominican Republic, with emphasis on the following countries: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Panama, and the Dominican Republic.

METHODOLOGICAL PROCESS



METHODS FOR SECONDARY DATA COLLECTION

The first step consisted of an exhaustive search for literature from various sources, including reports issued by international organizations, academic research studies, regional and international legal frameworks on regularization, and documents regarding the Central American and North American countries and the Dominican Republic. A matrix of secondary bases was developed, along with a mapping of the various programmes, bilateral agreements, national legislative elements, and other means that permit the regularization of persons in the region, with emphasis on Mexico, Central America, and the Dominican Republic.

The mapping and identification of programmes and other processes for regularization was carried out based upon the following criteria: a) the programmes, statutes, agreements, and other processes allow variation of the migratory status of persons who reside irregularly in a destination country after their arrival in that country; b) the various programmes that allow regularization in the countries participating in the study; and c) inclusion of permits, migratory cards, or other procedures whose main objective is not to regularize migrants in a country of the region, but do not prohibit persons with irregular status from applying without having to leave the country.

These data were compiled in a database organized by destination country, which indicates whether each of the following considerations is available for each program or means of regularization:

- Conceptualization of the program or regularization pathway.
- Criteria for applying to the program.
- Regularization requisites (including documentation, procedures, and costs).
- Program objectives
- Period of regularization.
- Duration of the program.
- Principal findings.
- Whether the program is currently in effect or not.
- Statistics regarding the persons regularized under the program (disaggregated by gender).
- Corresponding national legal framework.
- Entities and institutions responsible for program execution or otherwise involved.

These data allowed identification of the main characteristics of the regularization programmes and processes in the region, as well as analysis of the challenges, successful cases, opportunities, and strengths regarding the implementation and consolidation of said programmes or processes.

This phase also included a mapping of key stakeholders for purposes of primary data collection. These actors included representatives of governmental agencies, civil society, the private sector, academia, and migrants. The identification of government officials was carried out with collaboration from the Presidency Pro-Tempore and the Executive Secretariat of the Regional Conference on Migration (RCM). In addition, the mapping of key actors was performed together with the IOM Country Offices, which provided input on the national context of each country.

METHODS FOR PRIMARY DATA COLLECTION

Semi-structured interviews

A total of 38 remote semi-structured interviews were conducted with key actors from government, civil society, the private sector, academia, and diaspora organizations, including regularized migrants, in the countries within Central America, Mexico, and the Dominican Republic. These interviews

allowed the gathering of qualitative and anecdotal data on the creation and implementation of regularization programmes and processes, and the renewal of the migratory status granted thereby.

Virtual questionnaire

For purposes of consulting with government officials from the RCM Member Countries, they were offered the option of participating in a semi-structured interview or filling out a virtual questionnaire. The questionnaire consisted of 42 questions covering the following topics: a) implementation and institutional management; b) accessibility of the programmes and processes for migrants; c) dissemination of information; d) protection, assistance, and accompaniment for migrants during the process; e) social and economic integration; and f) regularization during emergency situations.

The questions were drafted based upon an exhaustive review of the international standards, regional norms, and good practices related to the creation and implementation of regularization programmes and processes. The questionnaire was filled out by 15 government officials, though it should be noted that some countries decided to answer the questionnaire as part of a single institutional response.

CASES STUDIES

An analysis of the selected regularization programmes and processes was carried out. The case studies were selected based upon considerations related to information availability and the relevance of each program or process to the regional context. For purposes of the analysis, an instrument was developed to compile criteria that were established based upon an exhaustive review of the international standards, regional norms, and good practices related to the creation and implementation of regularization programmes and processes. The established criteria were divided into 41 binary and open questions designed to identify strengths and areas for improvement in the regularization programmes and processes selected for the case studies.

VALIDATION OF RESULTS

Preliminary validation

The results of the literature review and the mapping of regularization programmes and mechanisms, key actors, and national and regional legal frameworks was validated by way of remote interviews and virtual communications. In addition, the information gathered during the semi-structured interviews was subsequently shared with the interviewees for their validation.

Within the framework of the RCM, a session for validating preliminary results was held with the participation of 60 persons, including representatives of the Member Countries, observer organizations, and civil society. The session included spaces for dialogue and participation regarding the experiences, challenges, and good practices of the countries in the region.

Final validation

The final report was validated by way of review by regional specialists, IOM National Offices, and the Presidency Pro-Tempore of the RCM. These final reviews allowed the incorporation of key input that allow the study to better respond to the regional context and the needs of the RCM.

LIMITATIONS

- The research process was carried out during the COVID-19 pandemic. Although the information gathering processes were adapted to virtual media, some difficulty was experienced in the process of compiling answers and locating regularized migrants who wanted to share their experiences.
- Migrants were interviewed in Costa Rica, El Salvador, Guatemala, Mexico, Panama, and the Dominican Republic. It would have been beneficial, however, to have had the participation of regularized migrants in all of the countries covered by the study.
- The use of different methods by countries for measuring or estimating the number of migrants with irregular status at times makes it difficult to compare said data in a regional context. In addition, data was not always available publicly regarding the numbers of migrants regularized through the identified programmes and processes.
- In some countries, the participation of the private sector in creating, implementing, or using migratory regularization programmes and processes has been limited, or not very notable. However, within the framework of the study, some private sector representatives who were interviewed had directly participated in the creation or implementation of programmes or had regularized migrant workers through such programmes. The study would have benefitted from a greater number of persons from the private sector willing to share their experiences.

1. MIGRATORY REGULARIZATION IN THE REGION: A CONCEPTUAL PERSPECTIVE



This chapter provides a brief description of the context in which migratory regularization processes in the region take place. This begins with the concept of irregular migration and some of its risks and implications for individuals and States. This is followed by a conceptualization and framing of the social, economic, cultural, and political integration of migrants in the countries in the region.

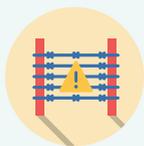
This is followed by descriptions of the regularization programmes and processes, the main criteria identified in the region for granting regular migratory status, an analysis of the regional dialogue initiatives in favor of migratory regularization, and the benefits of such initiatives for all the parties involved.

IRREGULAR MIGRATION

The International Organization for Migration (IOM) defines irregular migration as the “movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit, or destination” (IOM, 2019a, p. 128). In most cases, migrants are in a situation of irregularity due to having entered the transit or destination country without having complied with the established administrative provisions, or for having remained in the country beyond the time period authorized. Due to the various manners in which these situations of irregularity can arise, it is not possible to establish a universal definition for this phenomenon.

Figure 1. Situations in which people may find themselves with irregular migratory status

Migrants with irregular status can find themselves in one or more of the following categories:



Irregular Entry
(outside of
official entry
points)



Irregular Stay
(for example:
expiration of
residency or
other permit)



Irregular
Employment
(not authorized
by migration
category)

Migrants may change their migratory status at the same time as laws or policies change:

Crossing Border



Irregular Status

Asylum
Petition



Regular Status

Source: Migration Data Portal, 2017.

Data and estimates of irregular migration in the region

The United States of America and Canada are the principal destination countries in the region, with 5.6 million and 8 million immigrants, respectively, in 2020. During the same year, the other countries covered by this study hosted a total of 2.8 million immigrants, with the majority being in Mexico, the Dominican Republic, and Costa Rica. The data on irregular migration in the region are limited, due mainly to the fact that irregular movements and stays take place outside of the laws and regulations in effect in the countries, which makes detection difficult for the authorities (Migration Data Portal, 2020a). For example, in a diagnosis done by the IOM in Tapachula, Mexico, in 2019, 9% of the 308 persons consulted reported their status as irregular, while 45% chose to not answer the question (IOM, 2019b, p. 19).

This difficulty tends to be reflected not only in the underestimation of irregular entries, but also in limitations on identifying this population in official records such as censuses, household surveys, and direct consultations with migrant populations. Furthermore, the available information is not always broken down by socio-demographic characteristics such as sex, age, and nationality. In addition, due to changes in the statutory provisions in each country, it is possible for persons who have regular status to become irregular and vice-versa.

Another challenge related to the availability of data in the region is the fact that the countries use different methodologies and concepts for estimating the number of persons with irregular status, and thus such data tend to not be comparable. Some countries can even change the methodology used from time to time, resulting in data from the same country that cannot be compared for different years. For example, the United States of America makes residual projections of irregular migrants based upon national population censuses by subtracting the number of migrants with resident status from the estimated total number of foreigners in the country. In 2018 it was estimated that 11.4 million migrants were in the U.S. with irregular status, based upon 2010 Census data. Slight modifications in the methodology used for previous periods, as well as changes in the reference date used for estimating population numbers, make it necessary to use caution in comparing 2018 figures with previous years (U.S. Government, 2021).

The indicators used by the IOM to estimate irregularity include: the number of regularization applications; the number of forced returns; detections of irregular stays; the number of sanctions imposed; entry denials; and border-zone detentions. The gathering of such information has been limited, however, and at times it is not available to the public (Migration Data Portal, 2020a).

The two data sources most used for regional estimates are the number of migrants irregularly transiting through border zones in Panama and Mexico, due to their geographic location as points of entry into and exit from the region. For example, in 2015 an increase in irregular entries by Caribbean nationals was detected. In Panama, the number increased by 390% compared to the previous year, while in Mexico the increase reached 324% (IOM, 2019c).

Although the sources of available information do not provide data that is thorough nor statistically representative, they still serve as indicators of a trend that seems to be indicating an increase in the population of irregular migrants during the last decade. This coincides with the increase in

the number of migrants residing in countries that traditionally have been points of transit, thus increasingly making them destination countries. One example of this trend is Mexico, which went from showing mostly emigration movements toward the southern border of the United States of America to becoming an important intraregional recipient of migrants. During the period between 2017 and 2019, there was an increase of 82.2% in the number of foreigners turned away by the Mexican migration authorities,¹ from 82,237 persons in 2017 to 149,982 in 2019. 2020 was the only year that showed a decrease in this figure, from 149,812 persons in 2019 to 53,891 in 2020 (a reduction of 64%). It should be noted that this reduction was possibly related to the mobility restrictions adopted by countries in the context of the COVID-19 pandemic. During the same year, 47% of the persons turned away by the authorities were Honduran nationals, and 41% were Guatemalan nationals (Government of Mexico, 2020a).

The case of Honduras is similar, as it recorded an increase in the number of irregular migrants during the past decade, from 168 in 2010 to 28,955 in 2019, according to administrative data provided by the National Migration Institute (IOM, 2019d).

The strengthening of systems for gathering, systematizing, and publishing data allows evidence-based decision-making. Likewise, reliable and disaggregated data allow the identification of migration drivers, as well as common profiles of irregular migrants, thus facilitating efforts to address migration and the sustainable integration of migrants (GFMD, 2020).

Risks associated with irregular migration

Migrating with irregular status can imply various risks for both migrants and States. In the case of migrants, entering, transiting through, or remaining in a country irregularly increases the risk of facing situations of violence, abuse, and exploitation in all phases of the migratory cycle. One example are the risks faced by migrants on their way to the United States, due to the presence of organized criminal networks and violence (IOM, n.d.). This can be caused primarily by the limited or inaccessible pathways for regular migration or obtaining regular migratory status.

One study carried out by the IOM showed that 24% of Central American migrants reported having been victims of some form of physical, psychological, or sexual violence during their transit through the northern Central American countries and Mexico (IOM, 2019b, p. 22). Of the migrants interviewed at the Los Planes Migrant Receiving Station in Panama, 44% reported having been victims of violence (IOM, 2019e, p. 16). Similarly, at the regional level, certain areas have been identified as representing higher risks for migrants in transit, especially the Darién Gap along the border between Panama and Colombia, due to its geographical and climatic conditions and the presence of organized criminal groups (IOM, 2019c). In addition, a significant number of migrant deaths have been recorded in Central America and Mexico, reaching 379 deceased in 2019 (IOM, 2019f).

¹ The figures for returned persons include deportations, assisted returns, and assisted returns of minors (Government of Mexico, 2020).

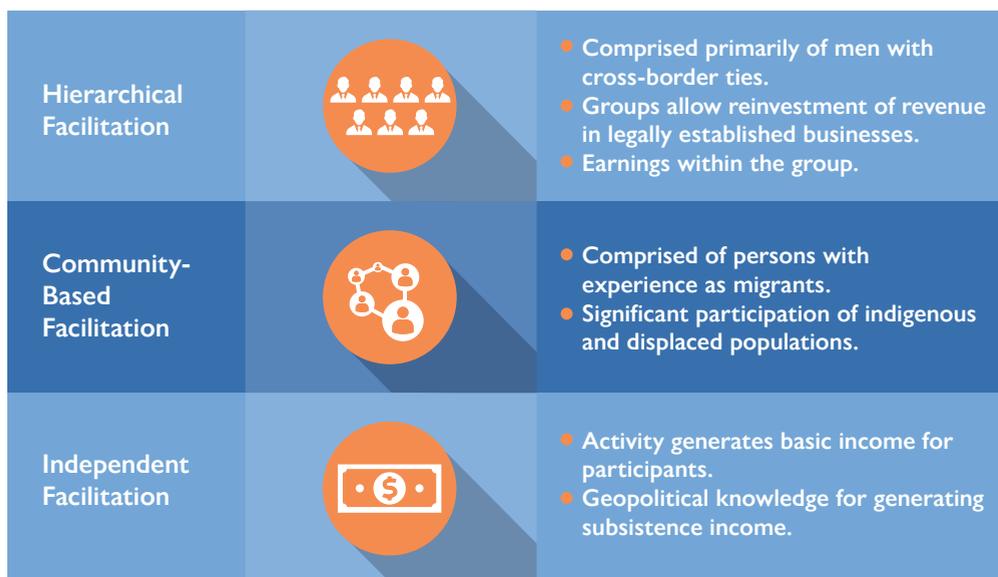
The risks associated with irregular border crossings tend to be attributed to the fact that migrants are exposed to migrant smuggling and choose routes characterized by adverse natural conditions, as well as limited access to protection and exercise of their rights due to the difficulty in being detected by the protection systems as a result of their illicit movements. During periods of stay abroad, irregular status not only can limit migrants' access to services and means that facilitate the exercise of their fundamental rights (such as employment, health, and education), but also can lead to situations of exploitation, abuse, and violence (United Nations, 2014). In the context of the COVID-19 pandemic, it has been shown that migrants are unable or unwilling to access health services due to the fear of being detained, deported, or prosecuted due to their irregular migratory status (United Nations, 2020).

With respect to the risks implied by irregular migration for States, although many of the threats identified are based more on perceptions than on data, it has been possible to link irregular migration to a greater prevalence of organized crime groups and the difficulty of broadening regular migration pathways. This is due to the fact that irregular migration, rather than mobilizing political will and public opinion in favor of establishing regularization programmes and processes, has in some places created the perception that such initiatives would increase the number of migrants in the country (CMMI, 2005). This is despite the economic loss for destination countries by hosting migrants with irregular status, as these persons are not able to pay into social security systems, and the fact that said countries must devote significant resources to detention centers and deportation mechanisms that are not always viable.

Risks associated with migrant smuggling

In order to enter a country, many migrants choose to contract migrant smugglers who facilitate the irregular entry of a person into a State of which the latter is neither a national nor a resident, in exchange for a material benefit (usually economic) (IOM, 2019a). Migrant smuggling networks and independent smugglers operate constantly in Central America and Mexico, offering their services especially to those who seek to enter the United States of America (IOM, 2019f). There are different smuggler profiles depending on the type of facilitation they provide: hierarchical; community-based; or independent (IOM, 2020b).

Figure 2. Facilitation profiles for migrant smuggling



Source: IOM 2020b

Despite the fact that migrant smuggling tends to be defined as a crime against State sovereignty, this practice frequently implies risks for the migrant population subject to smuggling, as they are commonly exposed to related crimes and predatory practices, such as extortion, mass kidnapping, murder, abandonment, sexual harassment, torture, and forced disappearances. These situations occur even more frequently in countries where it has been reported that some migrant smuggling networks are controlled by organized crime networks (IOM, 2019f).

A diagnosis carried out by the IOM found that 75% of migrants who entered Central America through southern Panama “were victims of theft (money, identity documents, belongings), armed robbery, kidnapping, threats, and fraud perpetrated by the smugglers” (IOM, 2019b, p. 22).

At times, even being aware of these risks, many migrants seek irregular migration pathways, mainly due to lack of knowledge or the absence of sufficient alternatives for mobilizing and remaining in the destination countries with regular status. Such is the case with asylum seekers, unaccompanied minors, and those who migrate in search of employment opportunities. One study carried out by the IOM found that although there existed in the region some processes to allow regular migration, their use implies various challenges. As a result, migrants can rely on migratory management instruments that were not created for purposes of allowing labour migration, such as tourist visas. The improper use of such mechanisms results in migrants remaining in the destination country or participating in informal economic sectors where there are minimal guarantees that their rights will be protected (IOM, 2021a).

Balance between state security and the protection of migrants

Although States have the authority to guarantee public security within their territory and to manage their borders, they are also called upon to provide various forms of protection under international law, including protection for persons regardless of their migratory status and, of course, for those persons fleeing from persecution, conflicts, or generalized violence, again regardless of their migratory status (IOM, 2019a). In this sense, in their efforts to balance national security with migrant security, States should consider ratifying the applicable international instruments and support implementation of the provisions thereof (CMMI, 2005). This includes the need to create mechanisms for protecting and assisting migrants with irregular status.

Since migrants with irregular status are not included in official entry records and their stay is not covered by any legal category, they face gaps in access to judicial or administrative authorities, which can hamper protection of their rights. In Central America, Mexico, and the Dominican Republic, some migrants have been the victims of discriminatory practices due to their nationality, migratory status, age, sex, sexual orientation, gender identity, disability, or impoverished condition, among other factors (Jiménez and Alarcón, 2020). In addition, the criminalization of irregular migration represents a risk for migrants, not only hampering their protection, but also limiting the ability to manage these movements.

Faced with such situations, in 2012, the Inter-American Commission on Human Rights (ICHR) established a new mandate for the Rapporteurship on the Rights of Migrants, in order to encourage the fulfillment of their guarantees, especially for those groups that face situations of greater vulnerability (IHCR, n.d.). The Commission has developed a series of mechanisms for verifying a country's compliance, including visits, annual reports, injunctive measures, temporary measures, and jurisprudence.

More recently, the IHCR called upon the region's countries to provide protection to persons who are forced to mobilize due to violence or exclusion in the context of the COVID-19 Pandemic. The IHCR highlighted the States' obligations set forth in the *Inter-American Principles Regarding the Human Rights of all Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking*, calling for efforts to guarantee a standard of living that is compatible with human dignity, including their right to health, environmental restoration, and access to basic social services (IHCR, 2020).

In 2003, the Inter-American Court of Human Rights issued *Advisory Opinion OC-18/03 of 17 September 2003* in response to a request submitted by the Government of Mexico. In said document, the Court emphasizes the fact that States should ensure compliance with the principles of equality and non-discrimination for migrants, and points out that migratory status does not constitute a justification for preventing migrants from exercising their rights (IACHR, 2003).

As part of these efforts, the Regional Conference on Migration (RCM), with support from the IOM, has also developed specific procedures for serving populations in conditions of heightened vulnerability. Some notable examples are the *Regional Guidelines for the Preliminary Identification of Profiles and Referral Mechanisms for Migrant Populations in Vulnerable Conditions*, the *Guidelines for Serving and Protecting Women in the Context of Migration*, and the *Regional Action Guidelines for the Comprehensive Protection of Children and Adolescents in the Context of Migration*. The latter two

documents were approved by the XXI Vice-Ministerial Meeting of the RCM in 2016, while the first document was approved in 2014 and is currently being updated. In addition, the 2019-2025 Work Plan on Migrant Smuggling was prepared, along with the creation of work groups on border protection and management.

Finally, at the national level, some countries have made significant progress with the protection of migrants by developing migration categories for the specific purpose of protecting vulnerable populations. For example, El Salvador, Mexico, and Costa Rica offer residency permits for humanitarian reasons, and Mexico has established a category for persons who have been victims of serious crimes. Civil society organizations have created mechanisms for political lobbying and legal accompaniment to guarantee the protection of this population, with support from international bodies and various agencies of the United Nations System.

Management of irregular migration

In order to respond to irregular migration and prevent the associated risks, the region's countries have implemented a series of measures and policies, including laws, decrees, and institutional policies and directives that comprise the applicable legal framework. Said provisions establish the specific guidelines for the entry and stay of persons in each country, in accordance with international standards and with the public policy orientations of each country.

Of all the countries covered by this study, only Belize classifies irregular migration as a crime. The other States establish administrative sanctions for those who enter or remain in the country irregularly, with the penalties tending to increase proportionally with the length of the irregular stay. Exemptions from payment of such fines by migrants have only been offered as part of special amnesty processes to promote regularization. At other times, countries have established alternatives to detention, which may imply the pursuit of a regularization process.

As part of the border management processes countries have incorporated a series of mechanisms to strengthen their migratory controls, through the use of technological tools in order to generate more effective input and controls concerning the entry and stay of persons. It has been pointed out, however, that operational weaknesses persist at several border stations regarding the gathering of biometric data. In addition, it has not been possible in all cases to generate unified and high-quality records on this population (IOM, 2021b, 2021c, 2021d, n.d.b, n.d.c, n.d.d, n.d.e, n.d.f). For the time being, the management mechanisms have only succeeded in addressing the population that mobilizes with regular status, but not the persons who exit, enter, and remain in countries outside existing controls.

International instruments and good practices for migration management

There exists, several standards for migration management that seek to incorporate objectives, agreements, and advances related to migration governance by reducing irregular migration, by addressing the regulation of regular or irregular entries and exits, focusing on border security, and combatting migrant smuggling. Some of the most important standards have been consolidated in the *Global Compact for Safe, Orderly, and Regular Migration*, which was signed by 164 countries in 2018 and includes 23 commitments aimed at creating a common framework for addressing

migratory issues, as part of an interconnected global context in which migrants can be informed of their rights, obligations, and options for migrating safely. The Compact also seeks cooperation among States to serve the needs of those who migrate in conditions of vulnerability, in order to address and reduce the vulnerabilities inherent to migration.

The Compact also seeks to create safe environments in destination countries, so that the general public is informed on the benefits of migration and favors cohesion and the creation of innovative solutions to their problems (United Nations, 2019). The Global Compact poses the following objectives related to addressing and managing irregular migration:

- Enhance availability and flexibility of pathways for regular migration.
- Strengthen the transnational response to smuggling of migrants.
- Enhance consular protection, assistance, and cooperation throughout the migration cycle.
- Use migration detention only as a measure of last resort and work towards alternatives.
- Ensure that all migrants have proof of legal identity and adequate documentation.

In 2021, the United Nations Network on Migration published a Guidance Note titled *Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability*, which sets forth a series of strategic actions to guarantee fulfillment of migrant human rights. For those migrants who are already in a country with irregular status, State responses are suggested for the following scenarios:

- Provide access to regular status when the return of a migrant implies violating the principle of non-refoulement.
- Provide an extension of temporary stay.
- Uphold the right to family reunification.
- Guarantee the best interests of the child.
- Offer regularization to address situations of vulnerability.
- Uphold the rights of survivors of sexual gender-based violence, harassment, human trafficking, forced labour, and abusive recruitment practices.
- Respond to labour market needs.

It is deemed necessary that the regular pathways for migrants include a series of considerations that guarantee the implementation thereof in the most appropriate manner. It is important that initiatives along these lines be based upon guiding principles, be accessible, present clear criteria, have reasonable costs, be resolved on a case-by-case basis, contain mechanisms for monitoring and review, allow temporary documentation, allow access to rights and services, and permit the changing of migration categories (United Nations Network on Migration, 2021).

Likewise, elements worth appraising are contained in the Migration Governance Framework (MiGOF) created by the IOM in 2015, so that migration governance can: be formulated through related policies; be based upon effective responses to crisis situations; and allow migration to occur in a safe, orderly, and dignified manner. As part of its principles,² the Framework also establishes that migrants with irregular status should not be treated as criminals (IOM, 2015).

The IOM has also developed guides with specific recommendations and tools for managing irregular migration, including the *IOM Road Map on Alternatives to Migratory Detention*, which presents guidelines for the progressive development migration governance systems that prevent the unnecessary detention of migrants through the use of alternative measures at the community level (IOM, 2020c).

The Central American region faces challenges in applying international standards for managing irregular migration. These are due to a combination of factors, including limited institutional capacity for dealing with greater numbers of migrants (including mixed flows and extraregional migrants), and its geographic location, which serves as a bridge towards one of the countries that most attracts migrants (UNHCR, IOM, and SICA, 2019). In addition, most of the region's countries are middle- and low-income societies with other developmental priorities and reduced fiscal revenue in crisis contexts such as the COVID-19 Pandemic, as well as difficulties in applying migratory controls along borders that are extensive and difficult to access in many places.

Generally speaking, the dynamization of the region's migratory flows has required changes in the national and regional migration governance systems. From the IOM's perspective, proper migration governance is that which considers the sovereign right of countries to decide who may remain within their territory, while at the same time protecting the rights of migrants based upon the principles of humanity (IOM, n.d.g).

² Principle I.11 of the Migration Governance Framework states that: "Forced labour, trafficking in persons, and migrant smuggling should be defined as crimes. The persons subjected to forced labour, trafficking, or smuggling should not be considered offenders, nor should irregular migrants."

SOCIAL, ECONOMIC, AND POLITICAL INTEGRATION

Integration is more than the assimilation of migrants into a given territory; it's a two-way process of mutual adaptation between the societies of origin and destination, through which migrants are incorporated into the social, economic, cultural, and political life of the host community. This process carries a series of "joint responsibilities for migrants and communities and includes other related notions such as inclusion and social cohesion" (IOM, 2019a, p. 111).

Although some countries in the region have created specific institutions or programmes integrating migrants, there still remain challenges to incorporating integration as a fundamental aspect of regularization programmes and processes.

"More than anything, [the benefits of regularization] have been health, work, and especially the ability of traveling anywhere in El Salvador without being detained at police control points. When my status was irregular and I stayed longer than three months, I would say that I was with my wife and that I had forgotten to carry my identity document. Now if the police stop me, I am happy to show them my Resident Permit. I doubt they would detain me for any other reason. Now I can go out without the fear of being deported."

– Juan (pseudonym), Nicaraguan migrant in El Salvador with Temporary Residency

In general terms, the development of strategies for migratory regularization favors the participation of migrants in different areas of their life and favors their integration into the destination society. The link between regularization and integration can be noted by the number of spaces in social and political life that persons with irregular status can not access: employment; labour guarantees; education; the healthcare system; legal representation; protection of rights; elections; and membership in political parties, community organizations, and unions, among others.

When certain migration categories do not allow access to rights or activities in social, political, and economic settings, however, this can affect the level of integration available to migrants in the country.

The integration of migrants can be divided into four main areas: social; economic; cultural; and political. Each of these areas offers various indicators to measure the level of integration. Social integration refers to involvement in the educational system, ownership of property, social exclusion, citizen participation, access to health services, public opinion, and political representation. In the case of economic integration, the indicators assessed are employment sectors, income, occupation, access to banking services, and the employment rate. Cultural integration includes the sharing of customs, languages, and religions, among other aspects. Finally, political integration is related to the degree to which migrants are able to participate in the mechanisms for citizen and civic participation in each country in conditions of equality (Migration Data Portal, 2020b).

The IOM's contribution to integration.



The IOM has created programmes and guidelines and has articulated institutional efforts from various lines of action to promote the social inclusion of migrants. Some notable examples include: facilitating access to public services; quality migratory information; orientation and language training before and after arrival in the destination country; development of public policies on this issue; and creating analysis and research projects to improve the available integration programmes (IOM, n.d.h).

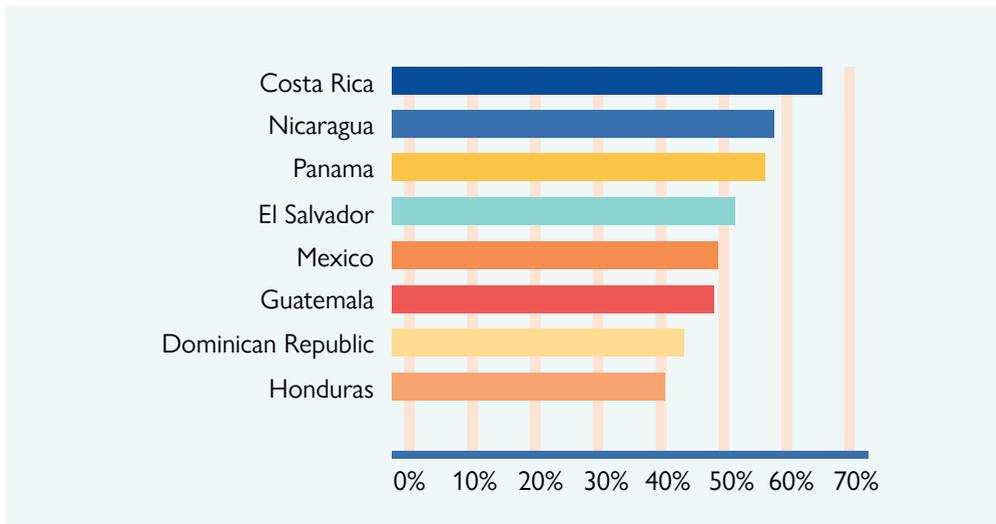
Social integration

Social integration can be measured through various aspects. For example, the Family Reunification Policies Index seeks to quantify how restrictive such policies are, where zero represents the least restrictive policies and one represents the most restrictive. For the year 2010, Mexico's index rating was 0.1, while the United States of America and Canada were rated at 0.2³ (Migration Data Portal, n.d.a).

Another factor that influences social integration is the general public's perception regarding the presence of migrants. At the regional level, a notable case is that of Costa Rica, where most of the people consulted in public opinion surveys consider that the country receives migrant populations well (65%). On the other hand, Honduras and the Dominican Republic show the lowest figures among the countries analyzed (43% and 40%, respectively). This panorama suggests that greater risks may exist in these countries regarding effective protection of rights, along with greater difficulties in eradicating discrimination against migrants (Migration Data Portal, n.d.b).

³ According to the Migration Data Portal, these are the only North American and Central American countries that record this indicator.

Graph 1. Percentage of adults who consider that the city or area where they live is a good place for migrants from other countries to live (2015)



Source: Prepared with Data from the Migration Data Portal n.d.c.

The Dominican Republic also shows a higher gap in secondary education, while Panama shows the most favorable situation among these countries⁴ (Migration Data Portal, n.d.d). Other important aspects for the social integration of migrants are related to the possibility that they may, depending on their migration category, access banking services, be subject to credit for their business ventures, own land or homes, and have access to the country's healthcare, social security, and education systems.

Finally, to be noted is the importance for social integration, of the efforts made by countries to guarantee the right to recognition of a migrant's civil identity, especially in the case of those in situations of vulnerability. Migratory regularization can provide legal identity to migrants, but it is important that their identity document also facilitate access to social and economic integration.

Economic integration

With respect to economic integration, one possible indicator is the information available regarding labour participation in each country. At the regional level, only in Costa Rica is there a positive difference between the unemployment rate among migrants and the rate among nationals. This means that there is less unemployment among foreigners than among Costa Ricans. In Mexico, El Salvador, and Panama, migrants suffer higher levels of unemployment than nationals (Migration Data Portal, n.d.e).

The unemployment rate among foreigners in Mexico was 5.3% in 2019 (ibid.). In the case of Costa Rica, in 2018 this rate was close to 5.7% of the total migrant population, a lower percentage than

⁴ For Central America, the Dominican Republic, and Mexico, the Migration Data Portal only records this indicator for Costa Rica, Panama, Nicaragua, and the Dominican Republic.

that recorded for nationals (Morales, 2018). In the Dominican Republic, this figure was around 6.1%, higher than the 5.1% rate for Dominicans (ECLAC and ILO, 2017).

It should be pointed out that generally speaking, migrants with irregular status tend to face situations of greater vulnerability than nationals with respect to violations of their labour guarantees, lack of knowledge regarding their rights, and precarious employment. Furthermore, these situations tend to be more common among migrant women (ILO, 2016).

By way of their economic integration, migrants contribute to various productive areas in different countries. This population stimulates an economy through their role in labour markets, where they participate in activities in which the presence of nationals is minimal. They also favor the flow of remittances at the international level to support their families in their countries of origin.

Cultural integration

The social exchanges brought about by migratory processes generate a series of cultural transformations and enrichment both among migrants and in the destination societies (UNESCO and COLEF, 2016). In this context, the migration of persons (regardless of their migratory status) generates a sharing of expressions and cultures.

Said expressions manifest as a greater diversity of foods, the creation of new music, and participation in sports activities (IOM, n.d.i). This contribution by migrants is associated with everyday situations for the people who live in the destination countries, including the access to and incorporation into certain ways of eating, the sharing of places of worship, and the presence of artistic expressions (IOM, 2019f, p. 177), thus favoring a greater number of intercultural co-existence experiences in host communities.

Political integration

Migrants constantly and directly form part of the environment of citizen ties and relationships with a country's political system. Their incorporation can occur through different spaces for citizen organization and participation. This type of integration includes: the right to vote; representation in political spheres; public employment; naturalization rates; long-term residency rates; and volunteer service (Migration Data Portal, 2020b). In the context of the COVID-19 pandemic, one of the reasons travel was allowed between European Union countries was the need for migrants abroad to vote at their nearest Consulate.

With respect to participation in electoral processes, none of the Central American countries, Mexico nor the Dominican Republic, allow the recognition of voting rights to non-naturalized migrants, regardless of their category. This contrasts with certain countries elsewhere in the world that do recognize this right, such as Belgium, which allows foreign residents to participate in local-level electoral processes.

It is also possible to associate the political integration of migrants with the possibility they have to form non-governmental organizations that can advocate for recognition of their rights. For example, one study carried out by the IOM identified 1,014 organizations of the Mesoamerican diaspora distributed throughout North America, Central America, and Mexico. It was found that the great majority of these organizations were based in the United States, with their country of origin being Mexico, followed by El Salvador and Honduras (IOM, n.d.j). One of the principal needs of these organizations is precisely integration into and advocacy in the migratory policy agenda of the host countries, while at the same time maintaining and strengthening transnational ties with the country of origin.

REGULARIZATION PROGRAMMES AND PROCESSES

Many States establish regularization programmes and processes in response to specific situations, or to tend to the needs of persons with irregular migratory status, or as part of their migratory policies. For purposes of this report, the concept of regularization shall be understood to mean "any process or program by which the authorities of a State authorize a foreigner with irregular status to remain in the country legally by granting that person regular migratory status" (IOM, 2020, p. 196).

Regularization programmes are:

- ✓ Ordinary or special migratory processes that allow persons with irregular status to apply for a change in their migratory status.

Regularization programmes are not:

- ✗ Permit processes that require applicants to apply prior to entering the country.
- ✗ Processes that require a person to leave the country and then apply from abroad.

Source: Author's elaboration

At the national level, countries can promulgate laws, decrees, regulations, and other means to facilitate the regularization of migrants by way of ordinary or special processes. Ordinary processes remain in effect for an indefinite period of time, while special processes are characterized by their limited and pre-defined period of effectiveness. These initiatives can also be consolidated at the bilateral level, for example, by way of agreements or memoranda of understanding between two countries.

Eligibility criteria for migratory regularization

Regularization programmes and processes generally use a series of criteria to determine an applicant's eligibility (CMMI 2005). Some processes can establish one or more selection criteria and require that applicants fulfill one, several, or all of the established criteria. Most of the criteria identified in the region can be classified in the following eight general categories:



Duration of stay. Processes that allow the regularization of persons who have entered and remained in the country during a specified period or date. Those who have entered outside said period cannot regularize their status through these processes.



Age. Regularization is limited to persons of a specific age group. These processes usually consider only adults, or else children and adolescents, depending on the objective of the process or program.



Labour. These processes require that applicants for regularization have a job offer or a current labour contract. In some cases, regularization for employment purposes can be directly applied for by employers.



Education. These processes regularize persons who are studying at or have been admitted to an educational institution in the country. Some allow any educational level, while others are limited to primary, secondary, or higher education.



Family ties. Programmes and processes that allow the regularization of persons who have family ties with or are dependents of a person who is a national or a migrant with regular status in the country. Normally limited to first-degree kinship (spouses and children).



Humanitarian reasons. These processes allow the regularization of persons who need complementary protection for humanitarian reasons, such as asylum petitioners who have waited for a prolonged period of time for their case to be resolved, persons who cannot return to their country or origin, stateless persons, and those in situations of special vulnerability.



Legal protection. These processes offer temporary or permanent regularization for persons who require legal protection in the country, such as victims or witnesses to crimes.



Nationality. Regularization programmes and processes aimed solely at persons of one or more specific nationalities. These tend to be established in recognition of special situations that affect one or more nationalities, or for a large number of immigrants of a given nationality.

In addition, several regularization programmes and processes in the region indicate the ties a migrant has to the country (*arraigo*) as a selection criteria. The requisites established in these processes to prove the applicant's ties, however, tend to be related to a stay during a specific period of time, family ties, or employment. As such, for purposes of this study, ties to the country are not considered to be a criterion for regularization, but rather a set of various criteria.

Regularization as addressed in international and national legal frameworks

The region's countries have created and signed instruments regarding migration, but the inclusion of regularization as a priority theme in said regional and international frameworks and platforms on migration has been gradual.

At the international level, the *International Convention on the Protection of the Rights of All Migrant Workers and Their Families*, adopted by the United Nations General Assembly in 1990, emphasizes that the articles of the Convention should not be interpreted for purposes of migratory regularization, but rather applied to migrant workers with regular status. The text does set forth some considerations for migratory regularization, however, while consistently acknowledging national sovereignty. For example, the Convention recognizes that allowing persons to have regular migratory status facilitates the protection of their rights and helps them obtain higher-quality employment. Furthermore, with respect to migrant workers with irregular status, the Convention mentions that “whenever States Parties concerned consider the possibility of regularizing the situation of such persons in accordance with applicable national legislation and bilateral or multilateral agreements, appropriate account shall be taken of the circumstances of their stay in the States of employment and other relevant considerations, in particular those relating to their family situation” (United Nations, 1990). Of the countries covered in this report, this Convention has been signed by El Salvador, Guatemala, Honduras, and Mexico.

In a more specific fashion, the *Global Compact for Safe, Orderly, and Regular Migration* recognizes migratory regularization as one of the possible actions to address and reduce vulnerability factors in migration. To achieve this objective, the Compact includes among said actions the use of existing practices to facilitate the access of migrants with irregular status to individual assessments that allow regularization with clear and transparent criteria (United Nations, 2019). In addition, to be pointed out is the importance that migratory regularization processes grant a legal identity document for migrants, since such documentation, besides facilitating a large number of processes, is also necessary for the social integration of migrants.

At the regional level, in the framework of the Forum of Legislative Branch Presidents of Central America and the Caribbean Basin (FOPREL), with support from the IOM and other partners, the Regional Framework Act on Migration with a Human Rights Focus was drafted. This Act is of a binding nature for the signatory countries, and the States' obligations set forth therein include ensuring full effectiveness of the human rights of migrants and their families. Said commitments include migratory regularization, as well as the registration of births and unrestricted access to a State's territory for migrant children and adolescents (FOPREL, 2019 p. 55). Furthermore, Article

58 of the Act requires States to provide pathways for the regularization of migrants “who reside with underage dependents, especially when the latter were born or have lived in the destination country for a prolonged period of time.” This provision must also be applied when the return or deportation of the father or mother is contrary to the best interests of the child or adolescent (ibid., p. 74).

The Regional Conference on Migration (RCM), comprising countries within Central America and North America and the Dominican Republic, has also established spaces for regional dialogue and cooperation on multiple migratory themes, including regularization. The Member Countries have presented various initiatives and shared experiences, good practices, and challenges related to the regularization of migrants. This theme is especially relevant for the RCM’s Work Group on Irregular and Mass Migration, particularly for the 2021 activity known as the “Catalogue of Good Practices and Public Policy Recommendations Regarding Migratory Regularization and the Integration of Migrants.”

The creation of international and regional guidelines and initiatives is crucial, as they serve as benchmark guides for States that seek to provide regular migratory status to migrants that are already in their territory. These coordinated processes from a regional focus would allow irregular migration to be addressed in a more coherent and comprehensive manner that prioritizes the human rights of migrants.

Most of the region’s countries have become Parties to the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (the Hague Convention of 5 October 1961), which substitutes the traditional legalization process for an Apostille issued by the country’s applicable authority (HCCH, 1965). Although this Convention does not apply specifically to regularization, the authentication of documents with Apostilles helps to simplify the procedures that persons must complete in order to submit their application for regularization, thus facilitating access to regularization programmes and processes and their effectiveness.

Benefits of migratory regularization programmes and processes

The implementation of regularization programmes and processes offers a series of benefits for all actors involved: host or destination countries; migrants; and the private sector. For the migrant’s destination country, regularization offers benefits such as a reduction in informal employment as it allows migrants to access a greater range of formal employment sectors, thus complying with all provisions of the country’s labour legislation. It also increases fiscal revenue and helps to fill the gaps between supply and demand in the labour market, thus providing migrants with greater opportunities to access quality jobs based on their skills and qualifications, all in a framework of more effective protection of their rights (European Council, 2007).

For host countries, the establishment of regularization programmes or processes also helps to reduce labour exploitation, thus aiding compliance with the applicable international standards. In addition, persons with regular status can access the justice system to report or denounce labour abuses more easily than those who reside in the country irregularly, due to the latter's fear of being detected and deported.

Governments can also benefit from regularization programmes as part of the strategies to mitigate the effects of a crisis or emergency. For example, during the period of border closures decreed by various countries in the context of the COVID-19 Pandemic, some sectors of the economy were affected by a shortage of migrant labour, especially in the case of economic activities, such as agriculture, that depend to a large extent on the contracting of migrant workers. This was due to the fact that countries suspended their regularization processes and work permits, and returned the migrants who lost their jobs. In such cases, adapting or creating processes for regularization may help to fill gaps between labour market supply and demand caused by the limited participation of nationals in said economic activities.

During the COVID-19 Pandemic, countries have experienced a series of changes with respect to migratory regularization. For example, several countries in Europe and Latin America have relaxed their mobility restrictions to ensure health services for migrants during the emergency situation. In addition, alternatives have been sought to guarantee the participation of migrants in strategic sectors of the economy in each country. The impacts of the Pandemic on mobility will have to be measured in the medium and long term, but it has already been shown how it has been a factor for change in migratory processes around the world.

Furthermore, regularization has also been shown to be useful to respond to asylum petitions submitted by large groups of persons, as a complementary protection measure for those who have awaited resolution of their cases for long periods of time. This helps relieve the burden upon the commissions or institutions in charge of processing and resolving the refugee petitions, particularly in situations of irregular mass migration.

Migratory regularization programmes and processes also benefit the countries of origin of migrants with irregular status. This is due mainly to the fact that it contributes to increasing the flow of remittances from migrants with higher incomes, besides allowing more effective protection of the rights of nationals of said countries who reside abroad. For this reason, by way of the principle of co-responsibility and to help protect nationals abroad, such States have the duty to establish mechanisms that favor regularization of these migrants, by helping them obtain identity documents and other requisites needed for such processes.

Regularization programmes and processes that grant migration categories to allow migrants to work in the country also benefit private sector actors, as it allows them to operate lawfully and avoid sanctions such as fines. Private employers that depend largely on foreign labour, such as those in the construction or basic agricultural sectors, benefit from migratory regularization by being able to expand their workforce without having to incur the expense of recruiting migrant labour abroad. Proof of this is the fact that private sector representatives in the region have participated in the efforts to create regularization programmes and processes.

Another benefit of regularization programmes and processes for the private sector is the possibility of registering migrant workers with public social security systems, which leads to savings in the event of workplace accidents and illnesses. The hiring of workers who have regular status and are insurable, besides being essential to ensure compliance with international standards and labour rights, is normally a requisite established in national legislation to be able to recruit foreigners. It also allows migrants to benefit from fairer commercial dynamics in every productive sector in which they participate.

In the case of migrants, having regular status generally allows the establishment of tools for effectively safeguarding their rights and ensuring access to better labour, economic, and social opportunities (Ibid.). In economic terms, regularized migrants face less risk of suffering from violence, abuse, or exploitation, and benefit from more effective protection of their rights. In addition, regularization can allow persons to obtain formal employment. In some countries of the region, migrants with irregular status face difficulties in accessing banking services, and thus regularization helps make such access possible.

It also helps them undertake entrepreneurial ventures, establish small businesses, and pursue self-employment. The migrant population's capacity for innovation can be empowered by regularization, as it allows them to attain more in-depth involvement in their host communities, create greater employment opportunities, and participate in fairer commercial dynamics in the country's different productive sectors. The same occurs with survivors of human trafficking, as regularization allows them to work and reside in their host country.

With respect to the social setting, regularized migrants enjoy greater access to healthcare systems and education, as in some countries universal healthcare is limited to emergency attention, and primary education tends to be the only schooling available to migrant children with irregular status. Acquisition of regular status also allows migrants to pay into social security and pension systems that would not be available to them if they were undocumented workers. Regularization can also facilitate the preservation of family unity by preventing the deportation of members of the nuclear family due to irregular status, and by allowing the registration of children born in the host country, which also facilitates their access to education later on.

Furthermore, migratory regularization programmes and processes create benefits in the form of access to justice for migrants, thus generating greater security and peaceful co-existence, as well as greater possibilities for reporting situations of gender-based violence, discrimination, and exclusion.

Although integration is a complex process that is not facilitated just by having regular status, regularization represents a first step towards effective economic and social integration for migrants in their destination countries and communities.

Figure 3. Benefits of Regularization for the Parties Involved



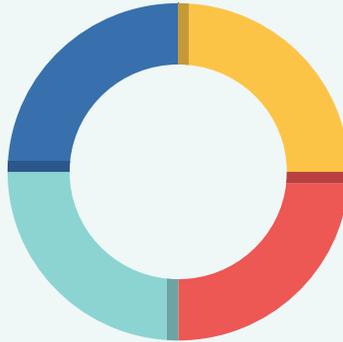
Host countries

- Greater migratory control.
- Economic and fiscal contributions.
- Better migration governance.
- Better compliance with international standards and commitments.



Migrants

- Greater legal protection.
- Less risk of labour exploitation or informal employment.
- Greater access to healthcare systems, social security, and education.
- Legal identity documentation.
- Social integration made easier.



Countries of origin

- Reception of remittances from persons who obtain formal employment and higher income than those who work in informal sectors.
- Greater protection for their nationals abroad.

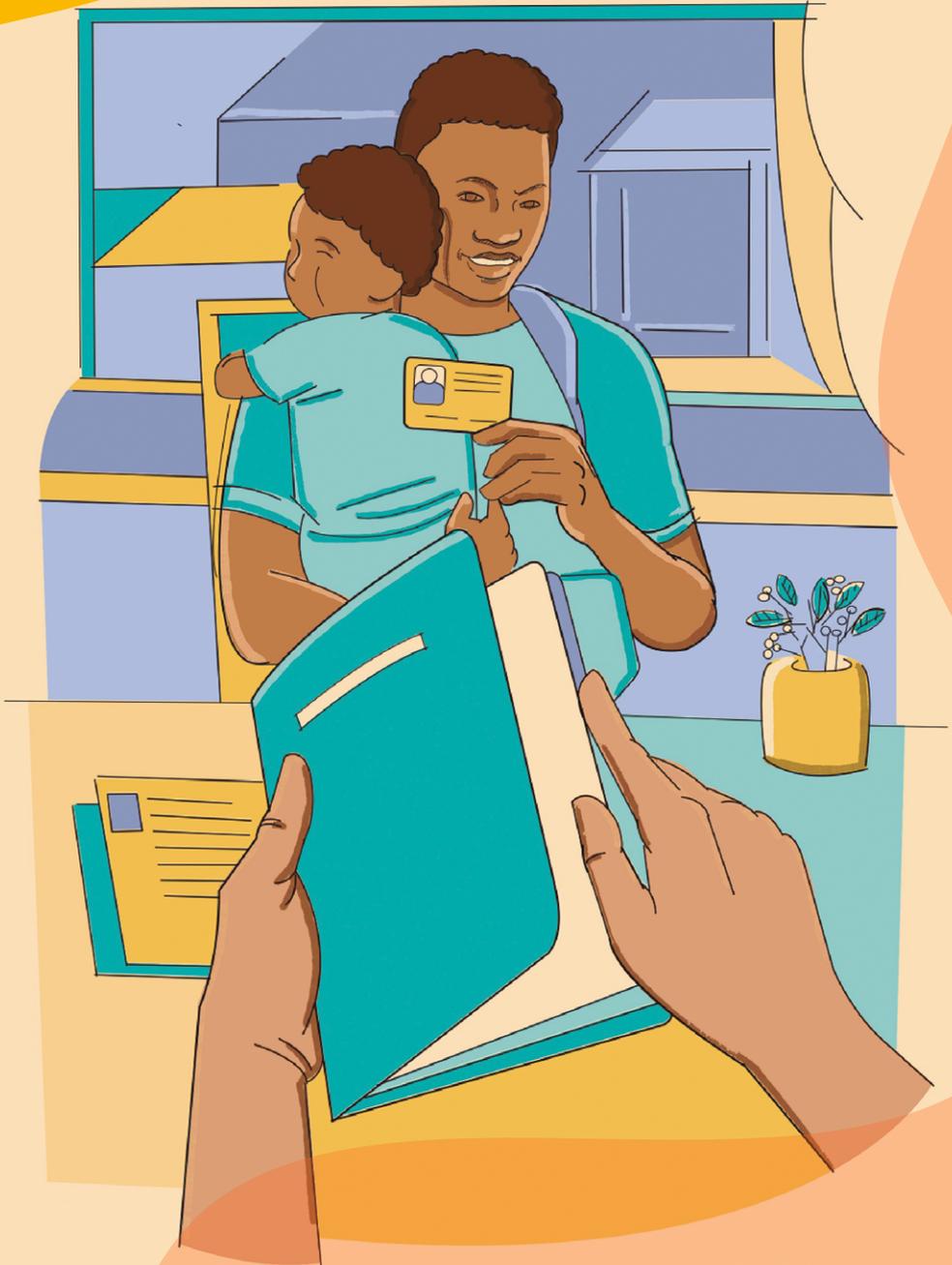


Private sector

- Access to broader workforce.
- Gaps filled in occupations with limited participation of nationals.
- Social security coverage in the event of workplace accidents.
- Facilitates access to fair trade activities.

Source: Author's elaboration

2. REGULARIZATION PROGRAMMES AND PROCESSES IN CENTRAL AMERICA, MEXICO, AND THE DOMINICAN REPUBLIC



The countries in Central America and Mexico have developed a series of processes and programmes for the regularization of migrants in their territory as part of their migration management efforts. These are aimed at facilitating changes of migratory status for migrants with irregular status, besides offering greater flexibility with respect to terms, procedures, and costs.

This chapter presents a systematization of the main regularization programmes and processes in each of the countries specifically analysed in this report, from 2000 to the present. This includes a description of the effective period, criteria for selecting the beneficiary population, and where it was possible to obtain such information, some of the results or findings from their implementation.

Due to the fact that migratory regularization is conceived differently in the statutory instruments of each country, regularization programmes and processes have to be created and implemented to respond to a given context. As such, this chapter presents information in sections focused on each country, identifying common challenges, good practices, and recommendations.

BELIZE

Efforts to address irregular migration

Immigrants comprise 15.6 per cent of the total population of Belize in 2020,⁵ the highest percentage in the region. Belize has also recorded a net positive migration rate during the past two decades, with the rate being 3.2 per cent in 2020 (UN DESA, 2020).

There is limited recent data available regarding persons with irregular status in Belize, although some estimates have been identified as a basis for estimation. During the period from 2016 to 2019, 1,433 persons in Belizean jails were recorded as being subject to criminal sanctions for irregular entry. Of these persons, 588 (41 per cent) were of Honduran nationality, 424 (29 per cent) of Salvadoran nationality, and 292 (20 per cent) of Guatemalan nationality (IOM, n.d.k).

In Belize, migration is governed principally by the *Immigration Act*, the *Nationality Act*, and the *Aliens Act* (IOM, 2021d). The main institution in charge of migration management is the Ministry of Foreign Affairs, Foreign Trade and Immigration. With respect to irregular migration, Chapter 156 of the *Immigration Act* stipulates, that persons who fail to enter the country through an official border crossing, or whose entry has not been previously approved by the Belizean migration authorities, or who do not report to a migration official immediately upon entering, may be subject to criminal prosecution (Government of Belize, 2000; Article 24).

Persons who violate any provision of the *Immigration Act* are subject to a maximum fine of 1,000 Belizean dollars (USD 500) for the first offense (IOM, 2021d). More specifically, migrants with irregular status may be fined up to 5,000 Belizean dollars (USD 500) and/or be imprisoned for up to two years (Global Detention Center, n.d.a).

⁵ The estimated number of immigrants in Belize in 2020 was 62,043. The country's total population that year was 397,600 (UN DESA, 2020).

The statutes and migrant detention practices of Belize contrast with the policies of other Central American countries in two key aspects: offenders can be imprisoned for migratory infractions instead of receiving exclusively administrative sanctions or fines as in other countries; and Belize has no administrative facilities nor specific migratory detention centers for holding persons prior to deportation (ibid.). As a result, migrants who enter irregularly are held at Belize's central prison (Her Majesty's Prison) or at any other center designated by the migration official, where they receive the same treatment as other persons awaiting trial (IOM, 2021d).

In 2014, the Committee for the Protection of the Rights of All Migrant Workers and their Families highlighted the criminalization faced by migrant workers in Belize and, specifically, the fact that undocumented migrants can be subject to criminal prosecution and detained in penitentiaries. The Committee recommended to Belize that irregular entry into the country be sanctioned exclusively by way of administrative measures, and that the penal provisions regarding irregular migration be eliminated. It was also recommended that the administrative detention of irregular migrants be used only as an exceptional measure for the briefest period possible, and that alternative measures be developed to avoid detention (CMW, 2014).

The *Immigration Act* also stipulates that those persons who fit the definition of 'undesirable persons' can be denied entry into the country by the migration authorities. Migration officials may request a court order for the deportation of an 'undesirable person' and detain the person until he/she is deported. The Act lists various considerations (not always related to migration) for classifying persons as 'undesirable,' including those who lack the economic means to support themselves, stowaways and persons who enter the country irregularly, those who fail to comply with the conditions of their migratory permit or whose permit has expired or been cancelled, those who have entered into, exited from, or remained in the country in violation of the Act, those who display 'mental deficiencies or who are deaf-mutes, deaf, or blind,' those who have contagious illnesses, sex workers, homosexuals, or 'any person who lives off of or receives income from homosexual activities or prostitution,' or persons who have criminal priors (Government of Belize, 2000).

Regularization processes

Migrants in Belize contribute to the economy, primarily through agriculture and construction activities. As such, citrus and banana producers tend to benefit from the contracting of Central American migrant workers, as they help to fill the gaps in labour supply and demand in the country.

Migrants with irregular status in Belize can only regularize their status through ordinary procedures, provided they comply with the requisites and pay the fine for their irregular stay in the country. Civil society representatives have expressed concern regarding the high fines in Belize, which can accumulate for each month a migrant has remained in the country with irregular status.

Furthermore, at times migrants have to pay to obtain documents from their country of origin, and may need to carry out certain procedures in person, which implies costs and the risk of not

being able to get back into the country. The countries of origin have the responsibility to help their nationals obtain the respective documentation in simple fashion through their consular representatives. The IOM and civil society organizations in Belize have worked to help cover some or all of the costs related to obtaining the documents required to apply for regularization processes.

Table 1. Regularization programmes and processes in Belize

Process	Year Created	Type of or Reason for Regularization	Beneficiaries	Currently in Effect	Effective Period
Ordinary Regularization for Family Ties	2000	Family Ties	Migrants who have ties with Belizean nationals.	✓	2000 to Present
Temporary Work Permit	2000	Labour	Migrants with employment contracts in the country.	✓	2000 to Present
Dependent Permit	2000	Family Ties	Dependents of migrants with regular status in the country.	✓	2000 to Present
Permanent Residency (only for persons who entered Belize under the age of 15 and have resided in the country for more than 10 years).	2000	Age	Migrants who entered the country under the age of 15 and have resided in the country for at least 10 years.	✓	2000 to Present

Source: Author's elaboration with Information from the Government of Belize 2000

• Ordinary regularization for family ties

This ordinary procedure allows migrants with irregular status to regularize their status provided they are spouses, parents, or children of a Belizean national, as stipulated in the Immigration Act. Regularization through children born in Belize requires that the children have resided at least five years in the country and were registered by way of a Birth Certificate.

During the five years following the birth of their child, the father and mother can still be deported if they are detected by the migration authorities. This aspect has been identified as a factor that discourages migrants from registering their children, thus preventing a future regularization under this process. Civil society organizations such as the Child Development Foundation provide orientation regarding this form of regularization, and even help by obtaining Birth Certificates for parents with irregular status who fear being detected. The Information Hubs supported by the IOM also provide information to the population with irregular status.⁶

• Temporary work permit

According to the *Immigration Act*, the Temporary Work Permit is used to authorize the entry and stay of migrant workers (Government of Belize, 2000). Civil society organizations have reported, however, that in some cases, this Permit has been issued to migrants with irregular status working in the country, mainly in agriculture. These Temporary Work Permits are related to a specific job, and thus can be revoked if the migrant is fired (ibid.).

Some civil society organizations have identified gender gaps for women in obtaining this Permit, especially in the case of agricultural work, as there are employers who specifically request male workers when posting vacancies. Some informants point out that this is due to a desire to minimize infrastructure costs related to worker facilities (such as restrooms and barracks) and costs related to maternity leave.⁷ Although the *Labour Act* of Belize prohibits the firing of workers due to gender discrimination and maternity situations, it does not contain provisions to prevent such discrimination in the hiring of women workers (Government of Belize, 2011).

• Dependent permit

In Belize, the Dependent Permit allows the regularization of the spouse and children under 16 years of age of a migrant who is in the country with regular status. The *Immigration Act* defines 'dependent' as: a) the migrant's wife, unless she is separated from her husband based upon a written separation agreement or a court order; b) the migrant's biological child or stepchild under 16 years of age; or c) the migrant's adopted child under 16 years of age who was adopted in a lawful manner (Government of Belize, 2011). This definition only considers female spouses as potential dependents, and thus lacks a gender perspective.

⁶ According to information provided by key informants interviewed.

⁷ According to information provided by key informants interviewed.

Due to their status as dependents, the persons regularized with this Permit are not allowed to work in Belize. Persons with Dependent Permits also cannot open their own bank accounts without written consent from their spouse, father, or mother assuming liability for the account.

According to information from key informants, many of the migrant women in Belize have been regularized with Dependent Permits or by way of children born in the country, due in part to the difficulty in obtaining Work Permits. Civil society organizations have pointed out the risk inherent in these regulations, particularly with respect to situations of gender-based violence, when a woman's regular status depends exclusively on her spouse.⁸

- **Permanent Residency (only for minors under 15 years of age who have resided in the country for at least 10 years)**

Migrants who entered Belize under the age of 15 and who have remained in Belize for more than 10 years may be eligible to apply for Permanent Residency, regardless of their migratory condition. In order to apply for Permanent Residency under such conditions, the migrant must be at least 15 years old at the time his/her application for regularization is submitted.

COSTA RICA

Efforts to address irregular migration

Costa Rica is mainly a transit and destination country. There were 520,729 migrants in the country in 2020. Migrants comprised 7.8 per cent of the total population in 2000 and 10.2 per cent in 2020 (UN DESA, 2020). Among the countries of Central America and Mexico, Costa Rica has the second highest percentage of migrants with respect to the country's total population.

According to data from the last census in 2011, Nicaraguans comprised 74 per cent of the migrant population. The number of Venezuelan migrants has increased, with a total of 28,214 in 2020 (UN DESA, 2020). In recent years, the number of extraregional migrants in transit (mainly from Cuba, Haiti, and Africa) has also increased, from 8,961 in 2016 to 19,628 in 2018 (IOM, 2019c).

In 2020, the country received 17,224 residency applications, of which 14,507 were approved. In addition, 12,680 refugee petitions were received, of which 2,723 were approved, mainly in favor of Nicaraguans and Venezuelans (Government of the Republic of Costa Rica, n.d.a).

Migration management at the national level in Costa Rica is governed by the General Migration and Foreigners Act (Law 8764; 2009). The Executive Branch has issued the *Comprehensive Migratory Policy for Costa Rica (2013-2023)*, the *National Integration Plan for Costa Rica 2018-2022*, the *Comprehensive Plan for Addressing Migratory Flows (2018-2022)*, and the *Policy for a Society Free from Racism, Racial Discrimination, and Xenophobia (2014-2025)*. The entity in charge of applying these norms is the General Directorate of Migration and Foreigners (DGME), which is an agency of the Ministry of Governance and Police (IOM, n.d.b).

⁸ According to information provided by key informants interviewed.

The General Migration and Foreigners Act establishes administrative sanctions for persons with irregular migratory status. Persons who overstay their permit in the country must pay a fine of USD 100 for each month of their stay in irregular condition, otherwise they may be prohibited from entering the country for up to three times the period of their irregular stay (Government of the Republic of Costa Rica, 2009).

According to Article 211 of the General Migration and Foreigners Act, at its discretion, the DGME may issue a detention order for any foreigner while the required administrative procedures are pending. In such cases, the period of administrative detention may not exceed 30 calendar days, save for exceptional situations (ibid.).

In addition, persons who enter the country through unauthorized crossing points, or who overstay their permission to remain in the country, or who refuse to obey an order to leave the country, may be subject to deportation processes (ibid.).

In 2020, the country recorded 290 deportations, 565 detentions, and 28,660 persons turned away at the border. The figures for 2019 were 1,637 deportations and 16,292 non-admissions. The variations are mainly associated with the COVID-19 Pandemic and the limitations established by the country for the entry of foreigners (Government of the Republic of Costa Rica, n.d.a).

Regularization processes

The General Migration and Foreigners Act also establishes the DGME's obligation to facilitate regularization processes for migrants with irregular status, according to the country's needs. For example, if a person who holds an expired Tourist Visa wishes to regularize his/her status under an established category, he/she must first pay the fine corresponding to each month of irregular stay (ibid.).

Although these processes are established by national legislation, only two ordinary categories allow the reception of applications from persons with irregular migratory status, while the other three initiatives described below represent special processes and programmes. Civil society and academia informants point out challenges related to the degree of discretion held by the officials in charge of handling these processes, thus putting at risk the effective protection of rights and access to regularization⁹.

The country made regularization efforts in years prior to the establishment of the processes currently in effect. For example, in response to the emergency caused by Hurricane Mitch, the country offered a migratory amnesty, giving migrants with irregular status the opportunity to obtain regular status. In addition, the General Migration and Foreigners Act contains three transient provisions to facilitate the regularization of migrants in the country. Table 2. Regularization Programmes and Processes in Costa Rica

⁹ According to information provided by key informants interviewed.

Table 2. Regularization programmes and processes in Costa Rica

Process	Year Created	Type of or Reason for Regularization	Beneficiaries	Currently in Effect	Period in Effect
First-Time Application for Permanent Residency	2009	Family Ties	Foreigners with first-degree filiation with a Costa Rican citizen, whether a parent, underage child, adult child with disability, underage sibling, or adult sibling with disability. Foreigners and their spouses and first-degree kin who have held Temporary Residency for three consecutive years.	✓	2009 to Present
Residency Application for Humanitarian Reasons	2009	Humanitarian Reasons	Migrants with irregular status whose regularization is necessary for humanitarian reasons to address their situation of vulnerability.	✓	2019 to Present
Act for Protecting the Right to Nationality of Indigenous Persons and to Guarantee the Integration of Cross-Border Indigenous Persons (Law 9710)	2019	Specific Nationality	Cross-border indigenous persons in the country who are not nationals and whose status is irregular.	✓	2019 to Present
Special Category for Temporary Workers in the Agricultural, Agro-Exportation, and Agro-Industrial Sectors (CETTSA)	2020	Labour	Foreigners who entered the country between 15 January 2016 and 15 January 2020 and who work or intend to work in the agricultural, agro-exportation, or agro-industrial sectors. Foreigners who are not regularized in the country or who applied for regularization of their stay between the dates indicated and whose application is still pending.	✗	22 June 2020 through 22 Dec. 2020

Special Category for Complementary Protection of Venezuelans, Nicaraguans, and Cubans Whose Asylum Petitions Were Denied	2020	Duration of Stay; Specific Nationality	Persons from Nicaragua, Venezuela, and Cuba whose asylum petition was definitively denied between 1 January 2016 and the final effective date of the Resolu-tion, who physically remain in national territory with regular or irregular status prior to 18 March 2020, and who peti-tioned for asylum between 1 January 2016 and 18 March 2020.	✓	18 Dec. 2020 through 15 Dec. 2021
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Source: Author's elaboration with Information from the Government of the Republic of Costa Rica 2009; 2020a; 2020b

• First-time application for permanent residency

This is commonly known as Permanent Residency by family ties with a Costa Rican (father, mother, or children) and is one of the two Permanent Residency processes for which persons with irregular status may apply. This option is available to foreigners who are: spouses or first-degree kin and who have held Temporary Residency during three consecutive years; parents, underage children or adult children with disability, underage siblings of a Costa Rican citizen or adult siblings with disability; or any other person to whom the Restricted Visas and Asylum Committee has granted this status (Government of the Republic of Costa Rica, 2009).

Key civil society informants have identified operative difficulties for persons to maintain their regular migratory status through this process, mainly due to the high costs of application and renewal and the social security quotas required of voluntarily insured persons and self-employed workers.¹⁰ It should be mentioned that migrants are required to renew their document annually during the 30 days following its expiration.

• Residency application for humanitarian reasons

The Residency Application for Humanitarian Reasons is available for stateless persons and refugees, as well as for those covered by the special category for humanitarian reasons. This Residency aims to be provided to populations with particular situations of vulnerability, and costs less than the normal Permanent Residency process.

¹⁰ According to information provided by key informants interviewed.

Presently, the only publicly available statistics refer to those who have been granted refugee status, but it is not possible to determine how many of them had irregular status upon applying. Civil society representatives who were interviewed in the framework of this study pointed out that there have been significant processing and renewal delays for those seeking regularization through this pathway.¹¹

• **Special category for temporary workers in the agricultural, agro-exportation, and agro-industrial sectors (CETTSA)**

The Special Category for Temporary Workers in the Agricultural, Agro-Exportation, and Agro-Industrial Sectors (CETTSA per its Spanish acronym) was established in 2019. This initiative establishes a procedure to facilitate the regularization of migrant workers in the agricultural, agro-exportation, and agro-industrial sectors in a crisis context. This Special Category allowed migrants to remain in the country for one year after approval of their application, and to work in the agricultural, agro-exportation, and agro-industrial sectors.

CETTSA was developed in the context of the COVID-19 pandemic to address the shortage of workers in certain production activities in observation of the public health measures established by the Health Ministry. As such, it is one of the few measures in the region specifically aimed at regularizing a migrant population in a crisis context, in this case, a population that contributes to the country's productive development and sustains economic activity in the face of border closures.

Despite the fact that there are no data currently available regarding the number of persons who benefitted from this initiative, key informants involved in the process estimate that there were close to 3,000 beneficiaries, less than the number initially expected by the authorities. The reasons for the less-than-expected number of applicants are believed to be related principally to operative and procedural difficulties between employers, governmental actors, and migrant workers.¹²

The reduced scope of this category is related to the fact that the General Directorate of Migration and Foreigners (DGME, per its Spanish acronym) only granted CETTSA status to foreigners who were able to prove their ties and the fact that they were working or about to work in the aforementioned sectors. For such purpose, the foreign applicant was required to be registered with the Ministry of Agriculture and Livestock. The limited success of this process was in spite of the significant efforts made by the parties involved during the implementation process, and despite the limitations caused by the COVID-19 Pandemic.

¹¹ According to information provided by key informants interviewed.

¹² According to information provided by key informants interviewed.

• Act for protecting the right to nationality of indigenous persons and to guarantee the integration of cross-border indigenous persons

Law 9710 took effect in 2019 and sought to establish a rights-based statutory framework adapted to the needs of the cross-border indigenous population, especially the population that resides along the Panama-Costa Rica border. Among the indigenous peoples who live in said territory, the Ngöbe-Buglé are the second largest indigenous community in Talamanca County.¹³ Many of these people, however, had irregular status despite having been born in Costa Rica and having lived for many years in the country. This situation was due to the high costs of the process for regularization, difficulties accessing the required documentation, and limitations that prevented them from going to the DGME offices. It also should be pointed out that the territory where the Ngöbe-Buglé population lives is not perceived by them as part of Costa Rica nor Panama, but rather as the ancestral lands of this indigenous people.

Law 9710 sought to address the situation of this population by way of two main elements:

- Re-establish the Citizen ID Cards for Indigenous Peoples Act in order to grant Costa Rican citizenship to the Ngöbe-Buglé people, who have the right to same according to the Political Constitution and the applicable international treaties.
- Reform the General Migration Act to create the Special Category for Cross-Border Indigenous Peoples, as well as a simplified procedure. It should be noted that this Category is exempt from all fees, taxes, assessments, and fiscal stamps.

The migratory document issued to this population remains valid for two years, and may be extended for equal periods. This legislation reformed Executive Decree No. 37112 with respect to the treatment of foreign indigenous peoples, who are now able to apply for the categories of Temporary Resident, Permanent Resident, Temporary Worker, or Student if they fulfill the established requisites.

Of all the regularization programmes and processes analysed in this report, this is the only legislation that was promulgated specifically to serve indigenous people. This represents a recognition of the rights of this population by way of a regularization process incorporated into the ordinary processes established by Costa Rican legislation, thus providing greater sustainability and legal security.

• Special category for complementary protection of venezuelans, nicaraguans, and cubans whose asylum petitions were denied

The Special Category for Complementary Protection of Venezuelans, Nicaraguans, and Cubans Whose Asylum Petitions Were Denied took effect in 2020. This process allows the regularization of nationals from three countries who have: petitioned for asylum between January 2016 and 18 March 2020; physically remained in the country during said period; or had their asylum petition denied between 1 January 2016 and the expiration date of the Category period (December 2021).

¹³ Talamanca County is located in the Province of Limón in the Southern Caribbean area of the country, close to the border with Panama.

The initiative was created by the Costa Rican authorities in response to the increasing number of asylum petitions by Venezuelans, Nicaraguans, and Cubans since 2014 that did not necessarily comply with the requisites for asylum (Government of the Republic of Costa Rica, 2020a). This status remains valid for one year and seeks to effectively safeguard the rights of the persons from said countries, giving them access to the labour market and public services. This Special Category is in effect until December 2021, and to date there are no statistics regarding the number of beneficiaries.

EL SALVADOR

Efforts to address irregular migration

El Salvador is primarily a country of origin of emigrants, but to a lesser extent is also a transit and destination country, particularly for intraregional immigrants. There were 42,767 immigrants in El Salvador in 2020, of which 75.5 per cent were from within Central America (UN DESA, 2020). The percentage of migrants in El Salvador represents 0.7 per cent of the total population.

As a result of the figures on emigration from El Salvador to other countries, mainly the United States of America, intraregional migrants have occupied the available spaces in construction, agriculture, and domestic service activities (Molina, 2016).

Although there are no publicly available data on the number and profile of migrant workers in El Salvador, some estimates indicate that a significant number have irregular status. The Socio-Labour study of foreigners and their families in La Unión, Pasaquina, and Santa Rosa de Lima counties, carried out by the IOM and the Independent Monitoring Group for El Salvador (GMIES per its Spanish acronym), found that 75 per cent of the 151 migrant workers interviewed in the counties covered by the study had irregular status (IOM and GMIES, 2019).

The Special Migration and Foreigners Act sets forth, that persons who enter or remain in the country irregularly can be fined according to the seriousness of the infraction. The sanctions for minor infractions, such as not requesting extension of a permit or visa, run between 20 per cent and 100 per cent of the current minimum monthly wage in the commerce and services sector. Major infractions, such as performing remunerated activities without the corresponding Work Permit, incur fines between one and four months of the minimum wage. Very serious migratory infractions, such as entering the country irregularly or refusing to leave the country within the period established by the General Directorate of Migration and Foreigners (DGME per its Spanish acronym), are penalized by deportation (Government of the Republic of El Salvador, 2019).

Regularization processes

Persons who wish to regularize their status in the country must pay a fine for their irregular stay as one of the requisites. There are additional costs for regularization, including the obtaining and authentication of the documents required for the processes. As of 2021, it was estimated that only the regularization fees cost US\$ 150 per person (Government of the Republic of El Salvador and UNFPA, 2012).

According to the Special Migration and Foreigners Act, the DGME can not hold migrants in the Comprehensive Migrant Service Center if they apply for regularization of their migratory status. Furthermore, Article 339 states that if a person has resided in the country for at least 10 years prior to the effective date of the Act and can prove his/her ties, he/she may apply for regularization upon payment of the respective fines and fees (Government of the Republic of El Salvador, 2019).

Migrants with irregular status in El Salvador can opt for regularization under some of the migration categories stipulated in the Special Migration and Foreigners Act. Depending on the category, the applicant may not have to have regular migratory status in order to apply for Temporary Residency or Non-Resident status. In some cases, Non-Residents may apply for a change of status in accordance with Article 109 of the Act.

In addition, the country has developed several specific programmes and ordinary processes that allow the regularization of migrants in the country, most of which have been created during the past three years and remain in effect.

Table 3. Regularization programmes and processes in El Salvador

Process	Year Created	Type of or Reason for Regularization	Beneficiaries	Currently in Effect	Effective Period
Regularization Project for Nicaraguan Migrants and Their Families (PRORENISA)	2011	Duration of Stay; Specific Nationality	Nicaraguan migrants who entered El Salvador prior to 31 December 2008.	✗	386 Days
Definitive Residency Based on Social Ties	2019	Duration of Stay; Labour	Migrants who have resided irregularly in the country for at least 10 years prior to 2019.	✓	2019 to Present
Temporary Residency for Humanitarian Reasons, Complementary Protection, and Collaboration with the Justice System under the Protection Regime	2019	Legal Protection; Humanitarian Reasons	Migrants who are in dire humanitarian situations or who have been victims or witnesses of a crime in the country.	✓	2019 to Present
Temporary and Definitive Residency for Victims of Human Trafficking	2019	Legal Protection; Humanitarian Reasons	Migrants who have been victims of human trafficking.	✓	2019 to Present
Permit Card Issuance Project for Seasonal and Cross-Border Workers and Border-Zone Residents	2021	Labour; Specific Nationality	Persons from Central America who are seasonal or cross-border workers or who reside in border zones and enter and leave the country overland on a constant and permanent basis.	✓	March 2021 to Present

Source: Government of the Republic of El Salvador, 2019 and Government of the Republic of El Salvador and UNFPA, 2012.

- **Regularization project for nicaraguan migrants and their families (PRORENISA)**

The Regularization Project for Nicaraguan Migrants and Their Families (PRORENISA per its Spanish acronym) in El Salvador was carried out by the General Directorate of Migration and Foreigners (DGME) of El Salvador, the IOM, and the Nicaraguan Chancellery. 3,195 persons were served during the implementation of this Project, most of them in El Salvador, although figures were not obtained regarding the number of Residencies granted thereunder (Government of the Republic of El Salvador and UNFPA, 2012).

This Project facilitated the access to documentation for Nicaraguan migrants with ties to El Salvador who had entered the country prior to 31 December 2008. To that end, an agreement was entered into with the Nicaraguan Chancellery, which then requested the necessary documents from institutions in the country of origin so that the Nicaraguan migrants did not have to travel to obtain same personally. This initiative thus significantly reduced the cost of the process, including the notarial authentication of the documents. In addition, the Nicaraguan Consulate issued temporary passports, since many of the applicants did not have one (ibid.).

The DGME expedited processes to provide information, review documents, and receive applications, and then granted Definitive Residency to those who fulfilled the requisites. The IOM covered the regularization expenses for the Nicaraguan nationals who wanted to apply for the process but could not afford to do so (ibid.).

- **Definitive residency based on social ties**

This migration category allows migrants with irregular status to submit their application in the country, provided they entered and have remained in El Salvador since 2009 or before. In order to apply, the migrant must pay the process fees and the migratory fines corresponding to his/her irregular stay. In addition, applicants must show their ties to the country by way of a notarized affidavit given by the person who will support them economically, or show proof of their own income, along with utility bills showing their place of residence.

- **Temporary residency for humanitarian reasons, complementary protection, and collaboration with the justice system under the protection regime**

Migrants may apply for this Temporary Residency when there are humanitarian reasons that justify special treatment. This form of Residency may be requested by persons who: do not fulfill the requisites for refugee status and have a ruling issued by the applicable authority; can show dire humanitarian reasons; or are collaborating with the justice system under the protection regime for victims, witnesses, experts, or persons subject to judicial proceedings.

- **Temporary and definitive residency for victims of human trafficking**

As part of the efforts made by El Salvador to protect victims of human trafficking, the Special Migration and Foreigners Act allows said victims to apply for Temporary or Definitive Residency even if they entered the country irregularly. To be eligible for one of these categories, applicants must submit a certification indicating that they are victims of this crime, issued by the Attorney

General of the Republic or the National Council Against Trafficking in Persons. In the case of children and adolescents who are victims of human trafficking, the application is submitted to the DGME by a Childhood and Adolescence Protection Board and a Special Childhood and Adolescence Judge.

Despite the humanitarian nature of these Residencies, the fee for obtaining Definitive Residency is not waived, and thus applicants must pay USD 135 if they are of Central American origin or USD 354 if they come from another country.

• **Permit card issuance project for seasonal and cross-border workers and border-zone residents**

The objective of this process is to facilitate the transit and migratory control of seasonal and cross-border workers and border-zone residents who are issued a Permit Card that allows the regularized persons to enter, work, and leave in a safe and orderly manner (Government of the Republic of El Salvador, 2021). Applicants for any of the three classifications have to pay USD 10 for migratory service.

The Project planned four card-issuance events of two days each, at which the technical support team would travel to one of the locations in San Miguel or El Amatillo on the day prior to the respective event. The DGME Branch Office in San Miguel and the Santa Clara County School Center in El Amatillo were outfitted for the process and the reception of applications. Although the last two events were scheduled for 19-20 June and 17-18 July, respectively, as of the date this Report was drafted¹⁴ only two card-issuance events (both at the San Miguel Branch Office) had been held due to the public health restrictions imposed in the context of the COVID-19 Pandemic.

During the first event, 46 DGME officials and personnel from the Ministry of Labour and Pensions (MINTRAB per its Spanish acronym) participated and issued Permit Cards to a total of 110 persons: 109 cross-border workers (80 men and 29 women) and one seasonal worker. The most common profile was that of persons who work as 'procedure facilitators' at the border. Additionally, another common profile was that of women who work as remunerated domestic servants and customs transactors (IOM, 2021e).

The official Project document includes detailed information regarding implementation, including descriptions of each procedure for adult applicants or, in the case of cross-border residents, also for children and adolescents. Also included are the names of the institutions and officials responsible for specific actions regarding information and the reception and processing of applications. The inclusion of these characteristics is aimed at allowing better monitoring, analysis, follow-up, and evaluation of the Project after it has concluded.

¹⁴ Second week of August 2021. The events scheduled to take place in the Santa Clara County School Center (in El Amatillo) were still pending when this Report was written.

Efforts to address irregular migration

Guatemala is principally a country of origin for emigrants who migrate to Mexico and the United States of America. It is estimated that 1,400,000 Guatemalans resided abroad in 2020, while 74,900 foreigners resided in Guatemala. These latter migrants represent close to 0.5 per cent of the total population, the second lowest percentage in Central America and Mexico. In absolute terms, however, the migrant population in the country increased by 57 per cent between 2000 and 2020 (UN DESA, 2020).

It is estimated that in 2013, close to 25 per cent of the migrants in Guatemala were from El Salvador and 23 per cent were from Mexico, followed by nationals from Nicaragua, Honduras, the United States of America, and other countries (IOM, 2013). Recent years have seen increasing numbers of Africans and Cubans; in fact, most of the migrants hosted in 2019 were from Cuba (Government of the Republic of Guatemala, 2019a).

The Migration Code (Decree 44-2016) defines the infractions of migratory provisions and the corresponding sanctions. The infractions defined in the Code include overstaying a Permit without having applied for an extension and entering the country through unauthorized crossing points. Infractions of the Code do not incur criminal sanctions, but rather administrative sanctions that include a fine of 15 quetzals (USD 1.94) for every day a person overstays a Permit or fails to leave the country within the 10-day period provided (Government of the Republic of Guatemala, 2016). The Regulations to the Code also specify a fine of USD 100 for persons who enter the country through unauthorized crossing points or who do not have proof of their regular entry. When a regularization application is denied, the applicant must leave the country within 10 days (Government of Guatemala, 2019b).

Guatemala has a center for the temporary detention of migrants with irregular status, where they are held until a determination is made regarding their migratory status. In 2015, a total of 563 foreigners were detained, although civil society representatives indicate that this figure does not coincide with the reports issued by some organizations (Global Detention Project, n.d.b). It should be noted that the applicable statutory provisions do not specify how long a detained migrant can be held.

Generally speaking, Guatemala's migration management statutes are recent, which has resulted, according to key informants, in the modernization of the applicable institutional framework. This represents an important challenge to put into practice new legislation that, according to civil society and governmental informants, aims to safeguard the human rights of the migrant population.¹⁵

¹⁵ According to information provided by key informants interviewed.

Regularization processes

In the case of Guatemala, regularization has consisted of three main efforts at the statutory level. The first initiative was developed in 2015 with the promulgation of the Migratory Regularization Support Act for Foreigners in Guatemala, the country's first such process to provide regularization alternatives to the irregular migrant population in the country.

Three years later, the new Migration Code (Decree 44-2016) took effect. This initiative represents a comprehensive reform of Guatemala's migratory policy, which details a new organizational structure and the fundamental principles for its functioning. Contrary to other countries, Guatemala's legislation specifically addresses the issue of migrants with irregular status, including an entire chapter with general guidelines for the country's regularization programmes. In fact, one of the Code's transient provisions establishes a Sole Migratory Regularization Plan during a period of 180 days.

Even so, it was not until 2019 that the Regulations to the Migration Code took effect, including provisions for individual migrant regularization. It should be noted that Guatemala is the only country in the region that has incorporated into its ordinary processes specific initiatives aimed at persons with irregular status. Despite this, however, some civil society informants indicated that significant delays have occurred in implementing this legislation, and there is widespread lack of knowledge among migrants regarding the options for regularization.¹⁶

Table 4. Regularization programmes and processes in Guatemala

Process	Year Created	Type of or Reason for Regularization	Beneficiaries	Currently in Effect	Period in Effect
Migratory Regularization Support Act for Foreigners in Guatemala	2015	Specific Duration of Stay; Specific Nationality; Family Ties; Statelessness; others	Persons who are in Guatemala and entered prior to 1 July 2013 and have lost their nationality, are children of Guatemalans, are nationals of a Central American country, are parents of a Guatemalan, have married a Guatemalan, or are stateless, and others.	✗	3 Years
Sole Migratory Regularization Plan from the Migration Code	2016	General	All migrants in Guatemala with irregular status.	✗	180 Days

¹⁶ According to information provided by key informants interviewed.

Individual Migratory Regularization	2019	Family Ties; Specific Nationality	Foreigners who entered Guatemala in good faith and peacefully. Applicants must show that they are related within the degrees of kinship allowed by law to a Guatemalan or a foreigner with Temporary or Permanent Residency (nationals of Central American countries are not required to fulfill this requisite).	✓	2019 to Present
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Source: Author's elaboration with Information from the Government of the Republic of Guatemala 2015; 2016; 2019c

• Migratory regularization support act for foreigners in Guatemala

This legislation sought to establish a process to regularize migrants with irregular status in Guatemala who entered the country prior to 1 July 2013. It remained in effect for a period of three years, and arose due to the fact that many migrants did not have the necessary resources to apply for Residency, in addition to the complexity of the existing procedures and a generalized lack of information.

This initiative waived the fines for irregular stay in the country, leaving only payment of the fee corresponding to each migration category. At this time, statistics are not available regarding the number of persons who applied through this process and those who ultimately benefitted from same.

• Sole migratory regularization plan from the migration code (2016)

This initiative was part of the transient provisions stipulated in the Migration Code that took effect in 2016. It sets forth that as of the effective date of the Code, persons with irregular migratory status were given a period of 180 days to apply for regularization. It should be noted that, to this date, there are no publicly available data regarding the number of persons who applied under this Plan, nor what actions migration authorities took to implement it and inform the migrant population thereof.

Civil society informants affirm that due to the delays in implementing the Migration Code, provisions like the Plan were not carried out, nor were mechanisms created to coordinate its implementation with sectors of civil society. Furthermore, the Code did not include clear guidelines for its effective implementation.

• Individual migratory regularization

The Regulations to the Migration Code took effect in 2019, three years after promulgation of the Code. At that time, an individual migratory regularization process was established, aimed at persons who had entered Guatemala “in good faith and peacefully” and who wished to remain in the country. Access to this regularization process requires that applicants have family ties with nationals or migrants with Temporary or Permanent Residency, although this requisite is waived for migrants who are nationals of Central American countries.

This process establishes a fine of USD 100 for persons who entered the country through unofficial crossing points, regardless of the length of their irregular stay. In other words, an amount less than the fine that would result from a cumulative calculation based upon the period of irregular stay in the country. As with the other initiatives, its recent implementation should be considered along with the fact that no data are available regarding the number of applications received nor the number of persons regularized through this process to date.

HONDURAS

Efforts to address irregular migration

As with the other countries of northern Central America, Honduras is a country of origin for migrants whose principal destination is the United States of America. In 2020, Honduras hosted 39,200 migrants, the lowest number among the countries of Central America and Mexico. Although this population represents about 0.4 per cent of the total population and has diminished in recent decades (in 1990 it was over 5 per cent), in absolute terms, it has increased from 28,300 in 2015 to 39,200 in 2020 (UN DESA, 2020).

In 2020, 53 per cent of the migrant population in Honduras was comprised of working-age persons, 7 per cent were elderly, and 35 per cent were underage persons. This percentage of underage migrants was the second highest in the region for that year, surpassed only by Mexico (Migration Data Portal, n.d.a).

The Migration and Foreigners Act establishes four causes for considering the migratory status of a person to be irregular: a) entering the country through an unofficial border crossing point; b) entering through an authorized crossing point without being duly recorded; c) failure to comply with any of the provisions that regulate entry; and d) remaining in Honduras beyond the authorized stay period (Government of the Republic of Honduras, 2004).

The authorities may waive deportation in exchange for the payment of a fine equivalent to 10 per cent of the highest minimum wage in the service sector for each month of overstay. Article 104 of the Act establishes fines that range from one-half to three times the minimum wage for persons who evade migratory controls upon entering the country, or who fail to renew their Residency Card and remain in the country, or who remain in the country for a time period exceeding that authorized (ibid.).

As with other countries in the region, persons with irregular migratory status are not subject to penal sanctions, but rather administrative penalties. They may be held, however, in one of the four Irregular Migrant Service Centers (CAMI) while their migratory status is determined. One of these centers is located in the city of Choluteca, one in San Pedro Sula, and two in Tegucigalpa, each with a capacity to hold approximately 20 persons. According to the Global Detention Project, Honduras lacks procedural guarantees for CAMI detainees, including limitations on access to free legal representation. Furthermore, the maximum period of detention is not specified, and can last from two to four weeks. In 2012, 2,526 persons with irregular status were detained, with this figure increasing to 4,000 in 2018 (n.d.c).

Regularization processes

Besides being the country with the least number of immigrants in the region, Honduras is also the country with the least number of special processes to regularize migrants with irregular status. The options for regularization are limited to those set forth in the Migration and Foreigners Act (2003).

It was not until 2016 that a special procedure was established, in the form of a migratory amnesty aimed at persons with irregular status. Outside of that temporary amnesty, there is no record of any subsequent initiative to favor the regularization of migrants who do not fulfill the requisites established for the ordinary migration categories.

Table 5. Regularization programmes and processes in Honduras

Process	Year Created	Type of or Reason for Regularization	Beneficiaries	Currently in Effect	Period in Effect
Ordinary procedures established by Decree 208-2003 (Migration and Foreigners Act)	2003	Duration of Stay; Family Ties; Labour; others	All migrants with irregular status in Honduran territory.	✓	2003 to Present
Legislative Decree 86-2016 (Requisites and Procedure for Applying for Migratory Amnesty)	2016	Expiration of Documents; Family Ties	Foreigners with expired documents and stay who entered the country irregularly, and children of nationals who reside in the country and are not registered.	✗	120 Days

Source: Author's elaboration with Information from the Government of the Republic of Honduras 2004; 2016

- **Legislative decree No. 86-2016 (requisites and procedure for applying for migratory amnesty)**

This Decree is the only special initiative created by Honduran authorities to address irregular migration and promote regularization. Its objective was to promote a change of status for this population by temporarily waiving fines, as this is one of the greatest difficulties faced by persons attempting to access migratory processes. No data are available regarding the number of persons benefitted by this initiative.

- **Ordinary procedures established by decree 208-2003 (migration and foreigners act)**

Decree 208-2003 (Migration and Foreigners Act) establishes the following eight sub-categories by which foreigners may apply for Permanent or Temporary Residency in the country:

- a) Annuitants.
- b) Retirees.
- c) Investors.
- d) Spouses, underage children, dependent adult children, and parents of annuitants, retirees, or investors.
- e) Foreigners married to Honduran nationals.
- f) Foreigners who are children, siblings, or grandparents of persons born in Honduras.
- g) Persons who have resided in the country legally or with a special stay permit.
- h) Other duly justified cases.

The legislation does not specify whether migrants with irregular status can access regularization through any of these categories. According to key civil society informants, however, in practice, anyone with irregular status may apply for Residency or permission to stay in the country under any of these categories.¹⁷

MEXICO

Efforts to address irregular migration

Mexico traditionally has been a country of origin and transit for migrants headed towards the United States of America and Canada. In recent years, however, the number of immigrants in Mexico has increased, reaching 1,103,691 in 2020 (UN DESA, 2020), representing less than 1 per cent of the total population. According to the Migratory Policy, Registration, and Identity Unit, between 2014 and 2017, approximately 372,000 persons passed through Mexico each year with irregular status (Government of Mexico, 2020b).

¹⁷ According to information provided by key informants interviewed.

Article 100 of the Migration Act of Mexico sets forth, that persons who enter the country with irregular status and are detected, as well as those who are unable to accredit their stay, may be turned over to the migration authorities and held in migrant detention centers or temporary facilities (Government of Mexico, 2011). In 2019, 182,940 persons were turned over to the authorities for reasons related to migration.¹⁸ In 2020, 60,315 persons were returned by Mexico, of which 48,245 were assisted returns and 8,548 were assisted returns of Central American children and adolescents (Government of Mexico, 2020c).

The Decree Reforming Various Articles of the Migration Act, and the Refugees, Complementary Protection, and Political Asylum for Migrant Children Act, stipulate that under no circumstances shall migrant children and adolescents be held at migrant detention centers, but rather the National Migration Institute (INM) must notify the Child Protection Agency and make the corresponding referral to the National System for Comprehensive Family Development (DIF System). In addition, and in observance of the principle of family unity, this Decree indicates that adult migrants with irregular status who have in their custody migrant children or adolescents should not be turned over to the migration authorities (IOM, 2021).

The General Population Act (1974) criminalized the irregular entry and stay in the country. The Act was reformed in 2008, with the penal sanctions being repealed and replaced by fines. Said reform also stipulates that foreigners who enter the country regularly and subsequently violate the administrative or legal provisions applicable to their stay and remain in the country with irregular status, may apply for regularization of their migratory status (Government of Mexico, 2008a).

Regularization processes

Initially Mexico developed six regularization processes that were almost consecutive, most of them remaining in effect for less than a year. These regularization initiatives were in the form of temporary special processes, mainly programmes and resolutions. Due to the importance given to the best interests of the child and the preservation of family unity, most of these processes allow regularization based on family ties.

Currently the country has three ordinary processes in effect to allow the regularization of migrants for humanitarian reasons, family ties, and expired documents. In addition, in 2016 the country's most recent special migratory regularization program took effect in the form of a temporary procedure.

¹⁸ According to the Government of Mexico, the information refers to migrants received at the INM Migrant Stations by way of the administrative procedure of 'presentation' due to their inability to accredit their migratory status, as set forth in Articles 99, 112, and 113 of the Migration Act and Article 222 of the Regulations thereto.

Table 6. Regularization programmes and processes in Mexico

Process or Program	Year Created	Type of or Reason for Regularization	Beneficiaries	Currently in Effect	Effective Period
Migratory Regularization Program (2000)	2000	Duration of Stay; Family Ties; Labour	Migrants who entered Mexico prior to 1 January 1998 who show that they are employed or have been offered employment in the country or have ties with nationals or foreigners with regular status in the country.	✗	6 Months
Migratory Regularization Program (2001)	2001	Duration of Stay; Family Ties; Labour; Students	Migrants who entered the country prior to 1 January 2000 who are students or professionals in certain areas or have ties with nationals or foreigners with regular status in the country.	✗	7 Months
Resolution to Establish the Criteria by which Foreigners of any Nationality Who Reside in the Country May Obtain Non-Immigrant Status in Accordance with the Applicable Statutes	2003	Duration of Stay; Family Ties; Labour	Migrants who entered the country prior to 1 January 2001 and can show that they carry out economic activity in the country or have ties with Mexicans or foreigners in the country with regular status.	✗	6 months, with a 6 month extension, for a total of one year.
Resolution to Establish the Criteria by which Foreigners of any Nationality Who Reside in the Country May Obtain Non-Immigrant Status in Accordance with the Applicable Statutes, in Benefit of Their Legal Security and Family	2005	Duration of Stay; Family Ties; Labour	Migrants who entered the country prior to 1 January 2002 and can show that they carry out economic activity in the country or have ties with Mexicans or foreigners in the country with regular status.	✗	10 Months

<p>Integration, and to Prevent Their Being Subjected to Acts of Corruption or Violations of Their Human Rights and Individual Guarantees</p>					
<p>Resolution to Establish the Criteria by which Foreigners of any Nationality Who Reside in the Country May Obtain Non-Immigrant Status in Accordance with the Applicable Statutes, in Benefit of Their Legal Security and Family Integration, and to Prevent Their Being Subjected to Acts of Corruption or Violations of Their Human Rights and Individual Guarantees</p>	<p>2006</p>	<p>Duration of Stay; Family Ties; Labour</p>	<p>Migrants who entered the country prior to 1 January 2005 and can show that they carry out economic activity in the country or have ties with Mexicans or foreigners in the country with regular status.</p>	<p>×</p>	<p>12 Months</p>
<p>Resolution to Establish the Criteria by which Foreigners of any Nationality Who Are in the Country Irregularly and Who Manifest Their Interest in Residing therein, May Obtain Immigrant Status as a Professional, Confidential Employee, Scientist, Technician, Relative, Artist, or Athlete, or as an Assimilated Person under the Exceptional Circumstances Defined Herein</p>	<p>2008</p>	<p>Duration of Stay; Family Ties; Labour</p>	<p>Migrants who entered the country prior to 1 January 2007 and can show that they carry out economic activity in the country or have ties with Mexicans or foreigners in the country with regular status.</p>	<p>×</p>	<p>30 Months</p>

Ordinary Migratory Regularization for Humanitarian Reasons	2012	Humanitarian Reasons	Migrants with irregular status who comply with the criteria for humanitarian reasons.	✓	2012 to Present
Ordinary Migratory Regularization for Family Ties	2012	Family Ties	Foreigners who can show ties with a Mexican or a foreigner with Temporary or Permanent Residency.	✓	2012 to Present
Ordinary Migratory Regularization for Expired Documents or Performance of Unauthorized Activities	2012	Expiration of Documents; Labour	Foreigners with irregular status who have expired migration documents or who carry out economic activities outside those authorized.	✓	2012 to Present
Temporary Migratory Regularization Program	2016	Duration of Stay	Foreigners who can show regular or irregular residence in the country prior to 9 January 2015 and can document their stay and ties to the country.	✗	11 Months

Sources: Government of Mexico 2001; 2010; 2012; 2016, and Sin Fronteras, 2012.

• Migratory regularization program (2000)

The Migratory Regularization Program of 2000 was the first regularization initiative developed in Mexico, allowing access to migrants who had entered the country prior to 1 January 1998 and could show that they were employed in the country or had a job offer, or family ties with nationals or foreigners with regular status. There are no publicly available data regarding the program, although a *Sin Fronteras* report indicates that almost 8,000 persons submitted applications, of which approximately 6,500 were approved (2012).

When this program was created, the General Population Act imposed fines of up to 5,000 Mexican pesos (USD 532 in 2000; about USD 823 today), and up to six years of imprisonment for irregular entry. This initiative, however, set a maximum fine equal to 40 days of minimum wage, equivalent to 1,500 Mexican pesos (USD 159 in 2000; about USD 246 today) (ibid.). Despite the establishment of a reduced fine for irregularity, the Program itself was free.

Among the requisites to apply to the Program, applicants had to show family ties and the existence of a labour contract or an offer of employment. The migration category granted was FM3, equivalent to the Non-Immigrant Card currently used. This category does not grant the

same rights as a Temporary Residency, but rather rights similar to those of Visitors. This can make access to some public services difficult and affect the economic and social integration of persons regularized through this Program.

• **Migratory regularization program (2001)**

The Migratory Regularization Program of 2001 did not reduce fines for irregularity like the 2000 Program, but the selection criteria and migration categories offered under this Regularization Program were broader. The status granted was that of Non-Immigrant, like the previous Program, but was open to visitors, students, academics, artists, scientists, confidential employees, investors, businesspersons, professionals, annuitants, and technicians. In addition, this Program expanded the period of prior stay in the country for applicants, and include criteria such as the accreditation of a common-law marriage with or without children as a possibility for regularization, as well as for dependent relatives. Approximately 6,300 applications were received through this Program, of which 5,800 were approved (ibid.).

• **Resolution to establish the criteria by which foreigners of any nationality who reside in the country may obtain non-immigrant status in accordance with the applicable statutes (2003)**

The Resolutions established after the Migratory Regularization Programmes of 2000 and 2001 were also known as regularization programmes. This Resolution was the first to be linked with the National Development Plan in effect at the time. It required that applicants, besides having entered prior to January 2001 and having remained in the country for at least two years, also had to show proof of a labour contract, an offer of employment, or first-degree filiation with a national or a migrant with regular status (ibid.).

This Program required “the submission of a written application for regularization, with a subsequent ‘appearance’ of the migrant accompanied by two witnesses,” as opposed to previous processes that only included an interview (ibid., p. 27). The migration category of Non-Immigrant in its different modes, however, was maintained as established in the Migratory Regularization Program of 2001. The available (unofficial) data indicate that approximately 3,500 applications were received, of which 2,000 were approved (ibid.).

• **Resolution to establish the criteria by which foreigners of any nationality who reside in the country may obtain non-immigrant status in accordance with the applicable statutes, in benefit of their legal security and family integration, and to prevent their being subjected to acts of corruption or violations of their human rights and individual guarantees (2005 and 2006)**

The 2005 Resolution was closely related to the Regularization Programmes and Resolutions described above, keeping the category of Non-Immigrant for regularized persons, but the only migration categories considered were: a) student; and b) visitor in the capacity as visiting technician, visiting annuitant, visiting professional, visiting confidential employee, and economic dependent (Government of Mexico, 2005). One difference between this Resolution and the previous ones was that, instead of being subject to interviews or appearances before the authorities, the applicants

only had to personally deliver the required documents (ibid.). In addition, the requisites included the requirement that applicants have not been charged with any crimes in Mexico or abroad, and that their economic activities not harm the economic interests of nationals (Government of Mexico, 2005).

The 2006 Resolution is identical to the previous year's version, except that it modified the date of entry into the country for migrants to be able to apply for regularization (*Sin Fronteras*, 2012). Applicants had to have entered Mexico prior to 1 January 2005 and resided there for almost two years (Government of Mexico, 2008b).

Approximately 5,000 applications were submitted under the 2005 and 2006 Programmes, of which 3,000 were approved. In 2007 about 2,900 applications were received through this Program, of which 1,900 were approved (*Sin Fronteras*, 2012).

• Resolution to Establish the criteria by which foreigners of any nationality who are in the country Irregularly and who manifest their interest in residing therein, may obtain immigrant status as a professional, confidential employee, scientist, technician, relative, artist, or athlete, or as an assimilated person under the exceptional circumstances defined herein

This Resolution was the first regularization program to grant the category of Immigrant. Its provisions set forth that the migration authorities could not deny regularization to a foreigner whose prior migratory application had been denied or if his/her passport had expired (Government of Mexico, 2008). In addition, the required stay period was reduced to 10 months for those who had entered Mexico prior to 1 January 2007, and this process remained in effect for a longer time than the previous initiatives (30 months).

This Resolution prohibited the detention of migrants with irregular status who approached the INM to submit an application. This provision helped reduce some of the fears that prevented persons from attempting to regularize their status. Another aspect to be highlighted is that this process allowed migrants to present other official identity documents, such as state ID cards or consular certificates, thus improving the accessibility of the process. It should be noted that many migrants in Mexico at that time did not have valid passports or could not afford the cost of renewal, and some did not even have consular representatives that could issue a passport from abroad (*Sin Fronteras*, 2012).

It is estimated that around 3,500 persons had their applications approved through this program, representing an increase of almost 50 per cent compared to the process implemented in 2007. The renewal of these migratory Permits was terminated, however, when the program concluded on 12 May 2011. As a result, after that date, the beneficiaries who wished to obtain or renew their Immigrant status had to comply with the requisites established in the Migration Act. Said requisites did not offer the exceptions allowed by this program, such as not having to submit proof of an offer of employment or not being required to hold certain documents, such as a valid passport (ibid.). This may have caused some persons to fall back into irregular status due to the expiration of their migratory Permit, thus affecting the sustainability of the Resolution's results.

• Ordinary migratory regularization for humanitarian reasons

This process is one of the three ordinary procedures that remain in effect to date for the regularization of migrants. Applicants may pursue regularization if they have documents that can show that they:

- a) Have been the victim or witness of a serious crime.
- b) Have petitioned for political asylum.
- c) Have applied for refugee status.
- d) Have applied for recognition of their statelessness.
- e) Have been the subject of an international abduction or restoration (in the case of children and adolescents).
- f) Suffer from a degree of vulnerability that hampers or impedes deportation or assisted return.
- g) Have been granted complementary protection.
- h) Have been granted political asylum.
- i) Have been determined to be a stateless person.

The purpose of this ordinary process is to provide regular status to remain in Mexico for humanitarian reasons, though Visitor Permits are also granted for humanitarian reasons in a temporary fashion pending resolution of the migrant's application or situation. These latter Permits do not grant access to the same rights as a Residency, and thus are not aimed at facilitating social integration. The procedure is free of charge, however, due to its humanitarian nature, and can be carried out either virtually or in person at the INM office nearest to the applicant's domicile.

The importance of this process that grants regular migratory status to migrants who have been victims of serious crimes is fundamental for their protection and access to justice. Between 2016 and 2019, there were 3,555 migrants with irregular status who declared having been victims of crimes in Mexico, of which 3,262 (91.7 per cent) were Central American nationals. Of this latter group, 68.8 per cent were men and 31.1 per cent were women (Government of Mexico, n.d.a). Between 2016 and 2019, 69,398 Visitor Permits for Humanitarian Reasons (TVRH) were issued.¹⁹

• Ordinary migratory regularization for family ties

This process allows regularization based on family ties with nationals or migrants with regular status, including spouses or common-law partners of a national or Temporary or Permanent Resident, as well as the children, parents, or custodial dependents of nationals or Residents. Applicants must pay the fines corresponding to their stay with irregular status, as well as 1,410 Mexican pesos

¹⁹ A total of 3,971 TVRHs were issued in 2016, 9,642 in 2017, 14,819 in 2018, and 40,966 in 2019, according to official statistics published in the Migratory Statistics Bulletins for said years.

(USD 72) for the application fee and the cost corresponding to the type of Residency and the number of years requested and/or authorized. This latter amount runs from a minimum of 4,413 Mexican pesos (USD 222) for a one-year Temporary Residency, to a maximum of 5,379 Mexican pesos (USD 265) for Permanent Residency.

Civil society representatives have pointed out that these costs make access difficult for migrants, due to the fact that normally there are several persons from the same nuclear family involved in an application for regularization based on family ties. In addition, gender gaps have been identified with respect to the traditional distribution of work. For example, many such family groups give priority to regularization for the father (who is seen as the provider and must seek employment) before the mother (who tends to assume non-remunerated duties as a housewife).²⁰

• **Ordinary migratory regularization for expired documents or performance of unauthorized activities**

This process allows the regularization of foreigners who hold expired documents or who perform activities other than those authorized by their migratory status. Applicants can pursue regularization if they submit documentation that shows: an offer of employment; economic solvency; an invitation from a public or private organization or institution; ownership of property in the country; or a letter of admission to an educational institution.

Applicants must pay the fines corresponding to their stay with irregular status, as well as 1,410 Mexican pesos (USD 72) for the application fee and the cost corresponding to the type of Residency and the number of years requested and/or authorized. Ordinary regularization based on expired documents or unauthorized activities has a minimum cost of 594 Mexican pesos (USD 30) for status as a Visitor without permission to carry out remunerated activities, to a maximum of 5,206 Mexican pesos (USD 262) for Permanent Residency

• **Temporary migratory regularization program**

The Temporary Migratory Regularization Program (PTRM, per its Spanish acronym) was the first program in Mexico to allow regularization of any person with irregular status who had entered the country prior to 9 January 2015. This allowed persons without family ties to a national, or a migrant with regular status, or without employment or an offer of employment, to regularize their status. This is one of the reasons why civil society organizations are making efforts to promote the creation of a new temporary migratory regularization program with more flexible criteria and the possibility for persons who do not fulfill the requisites for ordinary processes to apply for regularization.²¹

This Program did not require that migrants show they had resided in the country for a certain number of years in order to apply for regularization. In addition, the benefits of this program remained valid for several years (the period necessary to change from Temporary Resident status to Permanent Resident status) (Rojas and Basok, 2020).

²⁰ According to information provided by key informants interviewed.

²¹ According to information provided by key informants interviewed.

The PTRM did not achieve the goal of 20,000 applications in a year, a fact that some civil society organizations attributed to challenges regarding the dissemination of information and difficulties related to the time periods, costs, and documents required to participate in the Program (ibid).

PANAMA

Efforts to address irregular migration

At the regional level, Panama is a transit and destination country for migrants, mostly from countries of South America, the Caribbean, and Africa. In 2020, migrants represented close to 7 per cent of the country's total population. The number of migrants in Panama has steadily increased over the past three decades, from 62,700 migrants in 1990 to 312,200 in 2020 (UN DESA, 2020).

The growth of the migrant population has been influenced by the arrival of extraregional persons, mainly from Caribbean, African, and Asian countries, most of whom are in transit towards the United States of America, Canada, and Mexico. With respect to regular migration, the number of persons from the Caribbean (especially Cuba) has grown from 49,301 in 2014 to 121,317 in 2019. Additionally, that same year, 72,746 persons arrived from Africa and 6,434 from Asia (IOM, 2019c).

The number of Venezuelan migrants arriving in Panama in recent years has also increased. It is estimated that in 2019, a total of 94,600 migrants and refugees from Venezuela were recorded. A study carried out by the IOM found that 30 per cent of this population had irregular status, and 25 per cent were employed in retail sales. Of this number, 90 per cent had no health insurance, and 38 per cent reported having been victims of discriminatory practices at the social level (UNHCR, OIM, UNICEF, and OAS, 2019).

In 2020, Panama recorded 333 migrants with irregular status charged with administrative infractions for migratory reasons. A large majority of these persons are Colombian nationals, followed by Nicaraguans and Venezuelans (Government of the Republic of Panama, 2020). This figure is lower than the 1,450 persons reported in 2019, due to the fact that sanctions have not been imposed during the COVID-19 Pandemic.

It should also be mentioned that Panama operates two Migrant Receiving Stations (at San Vicente and Lajas Blancas), along with a reception point in the community of Bajo Chiquito and the Los Planes Station, which serves more as a transit center. The management of these centers faced significant challenges in 2020, when they hosted 2,525 migrants. This situation posed a series of difficulties due to prolonged stays, limitations for the lodged population, and the need to implement measures to contain the propagation of the COVID-19 virus (IOM, 2021c).

Panama's migratory policy is governed by the Law Decree No. 3 that Creates the National Migration Service and the Migration Officer Career and Sets Forth other Provisions (2008). Executive Decree 320 of 8 August 2008 contains the Regulations to the Law. This statutory

framework establishes sanctions for those who commit migratory infractions. Persons detected with irregular status are required to pay the corresponding fine prior to leaving the country; if they lack the resources to do so, they are deported (Government of the Republic of Panama, 2008).

A migrant who requests voluntary return is fined 50 balboas (USD 50) per month or fraction of a month of irregular stay, in addition to being required to leave Panama within six days and being prohibited from returning to the country. When a migrant can show family ties through a spouse or children, the maximum amount of the fine is 1,000 balboas (USD 1,000) based on \$100 per month or fraction of a month. Exemptions are allowed only for minors, the elderly, disabled, homeless, or terminally ill persons, or for humanitarian reasons. The legislation stipulates, that migrants with irregular status shall be at the disposition of the National Migration Service, and that a determination must be made within 24 hours on whether or they are to be transferred to a migrant shelter, where they can be held up to 18 months (Government of the Republic of Panama, 2008).

Regularization processes

Since 2008, Panama's legislation has offered at least 15 processes by which migrants with irregular status can apply for regularization. Each of these processes has its own specific requisites and procedures.

Due to the increase in the number of migrants with irregular status, the Panamanian authorities have developed a series of measures to favor migratory regularization in the country. The first and most important is Executive Decree 547 that Establishes the Procedure and Requisites for the Special Migratory Regularization Process Known as Panama: Melting Pot, approved in 2012. Two more related Decrees were published in 2016, the first aimed specifically at persons from the People's Republic of China, and the other to follow up on the Melting Pot processes.

Table 7. Regularization programmes and processes in Panama

Process	Year Created	Type of or Reason for Regularization	Beneficiaries	Currently in Effect	Period in Effect
Ordinary migratory processes established by Law Decree No. 3 that Creates the National Migration Service and the Migration Officer Career and Sets Forth other Provisions	2008	Labour; Family Ties	Migrants who are the spouse of child of a Panamanian citizen, or who are active professionals, work for a public institution, or are hired as part of the 10 per cent of foreigners in a company.	✓	2008 to Present
Executive Decree 547 (Special Migratory Regularization Process – Panama: Melting Pot)	2012	Duration of Stay	Adult migrants with irregular status and more than one year of residence in Panama. Underage persons are allowed to apply with notarized authorization.	✗	4 Years
Executive Decree 167 that Creates the General Migratory Regularization Procedure and Repeals Executive Decree 547 dated 25 July 2012	2016	Duration of Stay	Adult migrants with irregular status and more than one year of residence in Panama. Underage persons are allowed to apply with notarized authorization.	✓	2016 to Present
Executive Decree 168 that Establishes the Procedure and Requisites for the Special Migratory Regularization Process for Nationals of the People's Republic of China Who Are in Panama with Irregular Status	2016	Duration of Stay; Specific Nationality	Migrants from the People's Republic of China who entered Panama prior to 1 January 2016.	✓	2016 to Present

Source: Author's elaboration with Information from the Government of Panama 2012; 2013; 2015; 2016

• Ordinary migratory processes established by law decree No. 3 that creates the national migration service and the migration officer career and sets forth other provisions

The ordinary migratory procedures established by Law Decree No. 3 allow foreigners in Panama to apply for Work Permits, Stay Permits, and Temporary or Permanent Residency. It should be noted that none of the applicable provisions indicate specifically that migrants with irregular status can access these procedures. Despite this lack of clarity, however, civil society representatives have noted that persons with irregular status have succeeded in regularizing their status, provided they pay the fines for their irregular entry and/or stay and fulfill the corresponding requisites.²²

The almost 15 ordinary processes analyzed use family ties, employment, and professional practice as criteria for regularization. At this time, no information is available regarding the number of persons with irregular status who have attained regular status under these ordinary migration categories.

Civil society representatives also point out that obtaining regularization is easier if the applicant is employed. With respect to obstacles to access, the principal one is the high cost of the process, which includes payment of the application fee itself, the costs incurred to obtain the required documentation (including documents from the country of origin), and attorney's fees, since migrants can not use public legal services for these processes. This situation has increased the risk of migrants' being victims of fraud or extortion and other situations that place them in positions of vulnerability.²³

• Executive decree 547 (special migratory regularization process – Panama: melting pot)

With respect to special regularization processes, the most relevant one is Executive Decree 547 (Special Migratory Regularization Process – Panama: Melting Pot). This initiative allowed the establishment of periodic regularization processes through which migrants receive first-time legal Residency Permits for a period of two years, with renewal periods of up to 10 years. This program arose from the need to address the increasing numbers of migrants, and was supported by the countries of origin who aided in obtaining documents through consular representatives.

This process provided access to regularization to adult migrants with more than one year of residence in Panama who had not previously applied for regularization and could do so in person (Government of Panama, 2012). Data from the National Migration Service indicate that 57,652 migrants were regularized through this process before it was repealed in 2016 (Government of the Republic of Panama, 2020).

²² According to information provided by key informants interviewed.

²³ According to information provided by key informants interviewed.

- **Executive decree 167 that creates the general migratory regularization procedure and repeals executive decree 547 dated 25 July 2012**

Executive Decree 167 repealed the Decree that had established the Melting Pot program, replacing it with a general migratory regularization process. This new process seeks to establish an expeditious and transparent procedure and, in general, adheres to the criteria and requisites of the previous program. It indicates, however, that each year the National Migration Service must determine the number of persons to whom access to regularization would be offered. Despite the fact that this Decree remains in effect, no population censuses are available to determine said numbers.

- **Executive decree 168 that establishes the procedure and requisites for the special migratory regularization process for nationals of the people's republic of China who are in Panama with irregular status**

Executive Decree 168 is aimed at persons from the People's Republic of China who entered Panama prior to 1 January 2016. This initiative remained in effect for one year and was created due to the existence of a large number of migrants from China with irregular status, who entered the country outside the existing migratory controls or without the respective visa.

According to data published by the Government of Panama, 4,614 persons were regularized through Executive Decrees 167 and 168 in 2016; 22,375 in 2017; 24,362 in 2018; and 9,994 in 2019, for a total of 61,345 in four years (Government of Panama, 2020). Executive Decree 169 subsequently allowed the Permits obtained through both processes to be renewed for a period of six years.

DOMINICAN REPUBLIC

Efforts to address irregular migration

The Dominican Republic is mainly a country of emigration for persons whose principal destination is the United States of America. It is also, however, a destination country for migrants of 109 different nationalities, mainly Haitians, followed by Americans and Spaniards (IOM, 2017). In 2019, the Dominican Republic recorded 567,648 immigrants in its territory, representing close to 5 per cent of the total population (UN DESA, 2019). In spite of the mobility restrictions imposed in the context of the COVID-19 Pandemic, this figure increased to 603,794 immigrants in 2021 (UN DESA, 2020).

The Second National Immigrant Survey in the Dominican Republic (2017) identified 847,979 persons of foreign origin, of which 750,174 (88.5 per cent) were of Haitian origin and 97,805 (11.5 per cent) were from other countries (Government of the Dominican Republic, 2017).

In recent years the number of Venezuelans in the Dominican Republic has increased, from 3,434 in 2012 to 25,872 in 2017, an increase of 635 per cent (ibid.). Venezuelan migrants enter the Dominican Republic mainly through airports, and thus generally have passports, although most of them stay in the country with irregular migratory status (IOM, 2018).

Although the data on migrants with irregular status in the Dominican Republic are limited, some partial estimates exist. Between 2005 and 2015, 15,690 foreigners were deported from the Dominican Republic to various countries (IOM 2017). The General Directorate of Migration (DGM per its Spanish acronym) reported that 132,322 foreigners from 35 countries “who were in the Dominican Republic with irregular status or in non-compliance with Law 285-04, were repatriated or turned away between January and December 2018” (Rodríguez, 2019).

The General Migration Act and associated Regulations stipulate that irregular migratory status is an administrative infraction, and thus persons who are presumed to have irregular status in the Dominican Republic are taken to Migrant Reception Centers while their case is resolved. The detainees can only leave these Centers based upon an administrative order. Furthermore, the non-admission, deportation, and expulsion processes stipulated in the General Migration Act do not include appeal procedures (Government of the Dominican Republic, 2004).

In addition, the General Migration Act establishes fines for persons who enter or leave the country irregularly. It also establishes monetary sanctions for international carrier companies that allow the entry of persons with irregular status, as well as companies who hire persons with irregular status. Persons who participate in the transfer and irregular entry or exit of persons are subject to criminal sanctions (ibid.).

Regularization processes

Migratory regularization efforts in the Dominican Republic are recent, as all the processes identified were created during the past decade. The regularization processes in the country have been temporary, remaining in effect for less than two years. The National Plan for Regularization of Foreigners with Irregular Migratory Status in the Dominican Republic (PNRE, per its Spanish acronym), the country’s first regularization program, was established in 2013.

During the same year, Ruling 168-13 of the Constitutional Court interpreted the statutes regarding nationality and migration in effect between 1929 and 2010, finding that the children of foreigners with irregular status did not have the right to Dominican nationality (ibid.). This Ruling caused revocations of nationality and thus migratory irregularity for those affected.

In this context, in 2014 Law 169-14 and the Regulations thereto were promulgated. This legislation established a special regime for persons born in the country who were irregularly recorded in the Civil Registry for naturalization. This special regime allows the regularization of persons who had irregular status after the Ruling, and was implemented simultaneously with the National Plan for Regularization of Foreigners with Irregular Migratory Status in the Dominican Republic.

Besides the programmes for general regularization of persons in the Dominican Republic, in 2021 a specific plan was adopted for regularizing Venezuelans with irregular status the country.

Table 8. Regularization programmes and processes in the Dominican Republic

Program or Process	Year Created	Type of or Reason for Regularization	Beneficiaries	Currently in Effect	Effective Period
National Plan for Regularization of Foreigners with Irregular Migratory Status in the Dominican Republic	2013	Labour; Family Ties; Ties to Society; Duration of Stay	Migrants with irregular status of any nationality who entered the country prior to 19 October 2011.	✗	18 Months
Law 169-14 to Establish a Special Regime for persons Born in the Country Who Were Irregularly Recorded in the Dominican Civil Registry for Naturalization	2014	Birth in Country; Duration of Stay	Children of non-resident foreigners who were born in the country between 16 June 1929 and 18 April 2007.	✗	Through the end of the National Regularization Plan
Resolution to Regularize in the Category of Non-Residents the Irregular Migratory Status of Venezuelans in Dominican Territory	2021	Specific Nationality; Duration of Stay; Expiration of Documents	Venezuelan migrants who entered the country regularly between 2014 and March 2020 who hold expired documents, as well as their underage children, whether born in the Dominican Republic or not, to whom Dominican nationality does not constitutionally correspond.	✓	6 Months

Source: Government of the Dominican Republic 2013; 2014; 2021

• National plan for regularization of foreigners with irregular migratory status in the Dominican Republic

Decree 327-13, the National Plan for Regularization of Foreigners with Irregular Migratory Status in the Dominican Republic (PNRE, per its Spanish acronym), was signed in 2013 and sought to regularize migrants of any nationality who had entered the country prior to 19 October 2011, and who fulfilled at least two of the following four requisites:

- a) Period of residence in the country.
- b) Ties with Dominican society.
- c) Labour and socio-economic conditions.
- d) Regularization of persons individually or by family.

The PNRE was a temporary special process, meaning that its purpose was not to serve as an ordinary procedure for obtaining regular migratory status. As of its finalization on 17 June 2015, 288,466 applications had been received, of which 87 per cent were approved. Of the 250,241 foreigners who were regularized, 7,834 were granted the status of Temporary Residents, while 242,407 were classified as Non-Residents (IOM, 2017). It was reported that in 2017 and 2018 Resolution 01-2017 gave high priority to a process for renewal or change of migration category and sub-category for the PNRE beneficiary population, thus initiating a process to allow persons to change their migration category. Some migrants have indicated anecdotally, however, that they were not able to participate in this process because their application was submitted after said date.²⁴

The persons regularized through the PNRE process were mostly men (65.3 per cent), while 34.7 per cent of the beneficiaries were women. Although the PNRE was open to any nationality, most of the applicants were Haitians, who represented 97.7 per cent of the persons regularized through this process (Government of the Dominican Republic, n.d.). The high percentage of Haitians participating in this process caused some confusion among the migrant population, leading to the erroneous notion that the Plan was designed only for persons from Haiti.²⁵

• Law 169-14 to establish a special regime for persons born in the country who were irregularly recorded in the Dominican civil registry for naturalization

After the Constitutional Court issued its Ruling 169-13, it was found that many persons who lost their Dominican nationality were left in a legal limbo. In response to the Ruling, in 2014 the Congress promulgated Law 169-14, which established the requisites and means for regularizing the children of foreigners who had been born in the Dominican Republic and recorded irregularly in the Dominican Civil Registry, or who had not been recorded prior to 2007. Some of the interviewees reported that in some cases the affected persons were granted other migration categories, but it was also reported that some persons had their nationality reinstated.

²⁴ According to regularized migrants interviewed in the Dominican Republic.

²⁵ According to information provided by key informants interviewed.

• Resolution to regularize in the category of non-residents the irregular migratory status of Venezuelans in Dominican territory

This Resolution, which took effect in 2021, arose from recognition of the particular situation of the Venezuelans, many of whom held expired documents due to various difficulties they faced prior to travelling.

This program is currently being implemented, and thus there still are not any official data available to the public regarding the number of applicants. Key informants who form part of the implementation effort, however, report that approximately 25,000 Venezuelans were registered during the first week the program was in effect, reaching a total of 43,000 in the month of May 2021.²⁶

Civil society informants have expressed concerns regarding the regularization of migrants by granting Non-Resident status in the Dominican Republic, as the rights corresponding to this category may not facilitate a person's socio-economic integration in the country.²⁷ The parties involved, however, made efforts to negotiate access to banking services for these regularized migrants and thus facilitate their integration.²⁸ In addition, the Ministry of Foreign Affairs and the Superintendency of Banks of the Dominican Republic issued a bulletin that temporarily authorized banks to open accounts and carry out financial operations for Venezuelans with expired documents. At the time this report was drafted, it was reported that the actors involved hoped that integration would be a key topic for the government and civil society after conclusion of this process.

The initial implementation of the plan involved civil society representatives, diaspora organizations, United Nations agencies such as the IOM and the United Nations Children's Fund (UNICEF), and the private sector. The government and civil society organizations maintained a very close technical collaboration that included official meetings at which the civil society organizations were acknowledged as fundamental actors in the plan.

Civil society and the private sector (primarily companies owned by Venezuelans in the Dominican Republic) supported the establishment of Information Hubs²⁹ to offer free orientation to migrants regarding the process. With support from the private sector, the Information Hubs were set up in shopping malls. In addition, the President of the Dominican-Venezuelan Chamber of Commerce (CADOVEN) was appointed as Coordinator of the Information Hubs. Private sector representatives also expressed interest in hiring regularized Venezuelans.³⁰

²⁶ According to information provided by key informants interviewed in May 2021.

²⁷ According to information provided by key civil society informants.

²⁸ According to information provided by key informants interviewed.

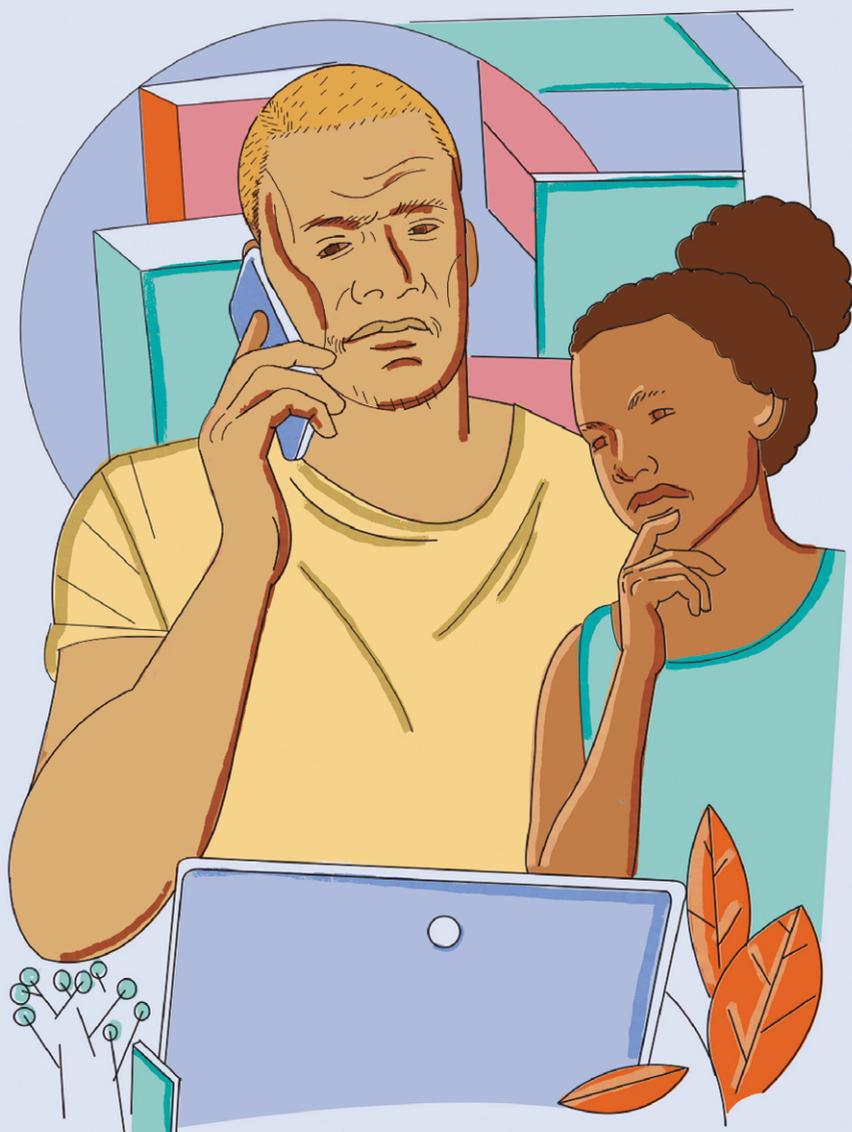
²⁹ The Information Hubs are "centers that provide secure and accurate information regarding migratory procedures, services for migrants, risks of irregular migration, and options for regular migration. They are coordinated by national and local authorities, and are supported by the IOM" (IOM, n.d.).

³⁰ According to information provided by key informants interviewed.

The IOM also closely supported the government, civil society, and the private sector with respect to the financial, technical, and logistical aspects of implementing the plan. IOM Dominican Republic adapted the United Kingdom Visa Center (which was closed at the time due to the COVID-19 crisis) for use as a Visa Center for Venezuelan applicants. The IOM also provided financial support to alleviate human resource limitations identified by the government for purposes of processing applications. UNICEF, together with the IOM, supported this initiative with communication materials that were broadcast through *Globalizate Radio*, a radio program created to promote the rights of migrants to social insertion.

This coordination with different key actors represents a good practice during the initial implementation of the plan. It also reduced the costs related to obtaining migratory status for underage persons, which facilitates regularization for family units.

3. ANALYSIS OF MIGRATORY REGULARIZATION IN THE REGION: COMMON CHARACTERISTICS AND CHALLENGES



As part of the analysis of the migratory regularization programmes and processes in the countries in the region, certain common characteristics and challenges were identified. This chapter describes the main trends found among the 57 migratory regularization programmes and processes identified as of the year 2000 in Central America, Mexico, and the Dominican Republic. Details are provided regarding the criteria for regularization, the year of establishment, and whether the program or process is currently in effect. Also included, is a brief analysis of the regularization programmes and processes implemented in the United States of America and Canada.

This is followed by an explanation of the principal challenges faced by migratory regularization at the regional level, with emphasis on programmes and processes in Central America, Mexico, and the Dominican Republic, based upon international standards for safeguarding and protecting the rights of migrants.

Of the programmes and processes identified, 24 (42 per cent) were created specifically to allow the regularization of persons with irregular migratory status. The remaining 33 (58 per cent) were not created for such purposes, but rather correspond to ordinary procedures for obtaining different migration categories for which the applicable provisions do not limit or prohibit receiving applications from migrants with irregular status.

This analysis forms a general panorama regarding the main orientations of the corresponding public policies, as well as an appraisal of alternatives for articulating regional efforts to improve existing programmes and processes.

GENERAL TRENDS AND CHARACTERISTICS OF THE REGULARIZATION PROGRAMMES AND PROCESSES IN CENTRAL AMERICA, MEXICO, AND THE DOMINICAN REPUBLIC



All programmes and processes are created and implemented at the national level

None of the 57 regularization programmes and processes in the region were established at a bilateral level. This shows that the region's States prefer the unilateral establishment and implementation of regularization programmes and processes at the national level.

Although it is understandable that a regularization process be led and managed by the host country according to its needs, unilateral initiatives for regularization can also benefit from coordination with the countries of origin during the implementation phase. Some of the advantages of this include the facilitation and centralization of procedures and documents through Consulates or Embassies, which allows greater access to regularization for migrants who, for various reasons, may find it difficult to return to their country of origin to carry out such procedures in person. This is why civil society organizations and migrants have played a fundamental role in assisting and facilitating access to documents from the countries of origin.

These coordination efforts can also contribute to helping applicants comply with the established deadlines, achieve higher participation rates in the regularization processes and strengthen the cooperation framework between the countries involved.



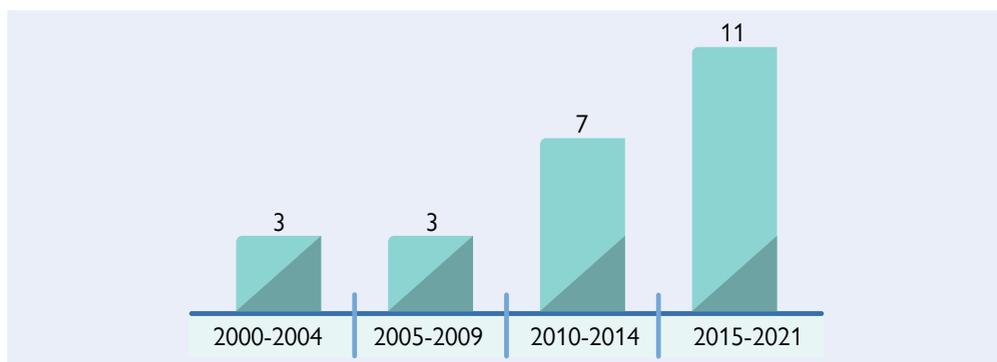
The specific programmes and processes for regularizing persons with irregular status are recent

For purposes of this trend, only the programmes and processes intentionally designed to regularize migrants have been considered for analysis. A total of 24 processes were found and grouped into four time periods since the year 2000. This distinction was made to highlight the time periods in which governmental authorities made the greatest efforts to implement and manage initiatives aimed at facilitating regularization, as opposed to ordinary processes established by law that were not intentionally designed with this objective in mind, yet still allow it. The first of these specific processes in the region was the Migratory Regularization Program that took effect in the year 2000 in Mexico. Specific regularization processes have been developed by all the region's countries except Belize.

Most of the programmes and processes created specifically to facilitate regularization took effect in the last 10 years. Seven initiatives were created between 2010 and 2014, representing 28 per cent of the total. Most of these occurred in Mexico and offered ordinary migratory regularization for family ties, expiration of documents, and humanitarian reasons.

The period between 2015 and 2021 saw the greatest number of specific regularization initiatives, with a total of 11 (46 per cent). The countries with the most of these processes were Costa Rica with three, and Panama and Guatemala with two each.

Graph 2. Regularization programmes and processes in Central America, Mexico and the Dominican Republic, by year of creation



Source: Author's elaboration

Note: This graph only counts those regularization programmes and processes that were specifically designed to address the regularization of migrants.

The period between 2015 and 2021, when the greatest number of specific regularization initiatives were created, coincides with an increase in the number of migrants in the countries of the region, with an overall increase of 22 per cent compared to the previous five-year period³¹ (UN DESA, 2020). This represents an additional 519,400 migrants in 2020, compared to 2015 in Central America, the Dominican Republic, and Mexico. In this sense, the increased number of migrants in destination countries during the past decade (including the growing arrival of extraregional migrants) coincides with the creation of more regularization programmes and processes, possibly due to the States having chosen to create more programmes and processes in light of the larger migrant population. In some cases, the greater variety of regularization pathways has caused this population to be more visible in official statistics.

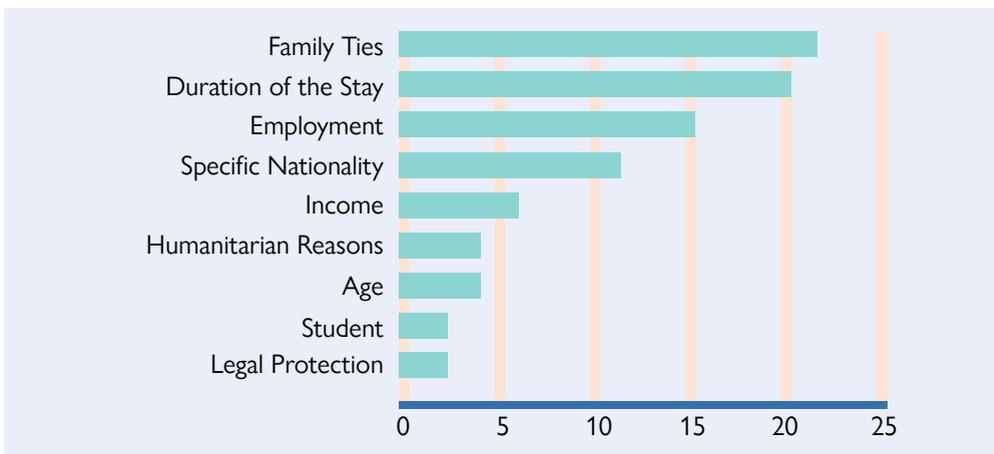


The most common criterion for regularization in the region is family ties

Migratory regularization programmes and processes establish criteria to delimit the beneficiary population. Each process can have one or more criteria for regularization, depending on its scope and the intent of the governmental authorities.

Out of the 57 processes identified in the region, 21 (37 per cent) use family ties as a criterion for regularization, making it the most common criterion used. In these cases, the filiation or relation considered is that of spouse, child, parent, or dependent of a national or a migrant with regular status (usually with Temporary or Permanent Residency).

Graph 3. Regularization programmes and processes in Mexico, Central America and the Dominican Republic, by principal criteria



Source: Author's elaboration

Nota: Each program or process may use more than one criterion for regularization.

³¹ This figure was obtained based upon the migrant stock variation between the period indicated and the previous period.

Out of the 15 governmental representatives consulted in the framework of this report, 14 indicated that regularization by family ties is highly important for their country, followed by regularization for humanitarian reasons or protection, and criteria related to employment.³²

The predominance of family ties in the region may be related to the commitments assumed by States to observe international standards of migration that favor and protect the family unity of migrants. This is congruent with the *Global Compact for Safe, Orderly, and Regular Migration*, by which the signatory countries committed to promoting measures to promote the right to family life and protect the best interests of the child, which is related to guaranteeing the human right to family reunification set forth in the Universal Declaration of Human Rights (United Nations, 2018).

It is also important to mention that, since the countries of the region do not present data broken down by gender, it is not possible to identify gender gaps in their regularization processes. Civil society representatives affirm, however, that in general the majority of women in the region are regularized using this criterion.



Regularization programmes and processes are frequently used to address specific needs in a given context

Several countries have used regularization initiatives to address migratory flows or needs identified during a specific time period. This is shown by the frequent use of a migrant's date of entry and duration of stay as a criterion for processes that are available to persons who entered the country prior to a specific date or who have remained in the country for a minimum period of time.

This criterion appears in 20 of the 57 programmes identified in the region, and thus is the second most commonly used selection criterion. The frequent use of this criterion, usually accompanied by others that limit the general profile of the persons who can be regularized, is closely related to the creation of contingent regularization processes in the region, as they provide the facility to temporarily limit the number of persons who will benefit and address the needs of the context in which such processes are carried out.

In addition, 11 programmes and processes aimed at persons of a specific nationality were identified, representing 19 per cent of the total. These allow particular needs to be addressed that arise due to an increase in the number of migrants with a given profile, or special situations of vulnerability that affect certain populations. Such is the case of the program that exists in Panama for regularizing persons from the People's Republic of China, and Costa Rica's program for Nicaraguans, Cubans, and Venezuelans whose asylum petitions were denied.

³² Information obtained through the online questionnaire sent to government officials in RCM Member Countries.

Finally, although it is not the most common criterion, some regularization programmes and processes have been used to respond to the need for migrant labour in specific sectors: Belize, with Temporary Work Permits; Panama, with Residency for foreign professionals or employees contracted by private companies; and Costa Rica, with its Special Category for Temporary Workers in the Agricultural, Agro-Exportation, and Agro-Industrial Sectors (CETTSA).



Most of the regularization programmes and processes are currently in effect

Of the 57 regularization programmes and processes, 38 (67 per cent) were created for an indefinite period. Currently, 42 programmes and processes (74 per cent) are in effect in Mexico, Central America, and the Dominican Republic. In many of the countries analyzed, the processes in effect are included as ordinary processes in the respective country's migratory legislation; in Belize and Honduras, regularization depends exclusively on ordinary processes, as there are no special initiatives in effect. This is an indicator of the existence of regularization pathways in the long-term for the migrant population in most countries of the region. Nevertheless, where there are ordinary migratory procedures that do not specifically exclude populations with irregular status, this 'non-exclusion' tends to be attributed to a lack of clarity in the applicable statutes which, in practice, allows this population to access regularization through said pathways.

"I could no longer be dependent. None of the options worked for me. I wasn't going to study again because I already have three degrees. My visa is very limited, and they require a sponsor to get a Work Permit. No option worked, so I ended up 'illegal.'"

– Karla (pseudonym), Venezuelan migrant regularized in Panama

Of the 24 processes that were created specifically to facilitate the regularization of migrants, only nine are currently in effect, while 15 have expired. As a result, migrants can no longer benefit from most of these initiatives, and thus have to pursue the ordinary procedures allowed by the applicable migratory legislation.

In countries with no special procedures currently available, in some cases, migrants with irregular status do not fulfill the requisites to access any of the ordinary categories. This means that even when there are migration categories that consider persons with irregular status, these migrants are unable to regularize their status because their profiles do not adapt to the categories available, or even if they qualify, the costs of the process make regularization inaccessible.

In addition, some initiatives will expire soon, as is the case with the Special Category for Complementary Protection of Venezuelans, Nicaraguans, and Cubans Whose Asylum Petitions Were Denied, which expires in December 2021.

With respect to the sustainability of the regularization programmes and processes, 19 of them are temporary (33 per cent of the total). These initiatives were aimed at facilitating the special regularization of migrants within the time periods established by each country. The country that has created the highest number of temporary programmes is Mexico (with seven).

Table 9. Effective period of the regularization programmes and processes in the region

Country	Total	Currently in Effect		Effective Period	
		Not in Effect	In Effect	Indefinite	Temporary
Belize	4	0	4	4	0
Costa Rica	5	1	4	3	2
El Salvador	5	1	4	3	2
Guatemala	3	2	1	1	2
Honduras	9	1	8	8	1
Mexico	10	7	3	3	7
Panama	18	1	17	16	2
Dominican Republic	3	2	1	0	3
Total	57	15	42	38	19

Source: Author's elaboration

Strengthening the intentional inclusion of mechanisms for regularizing migrants with irregular status within the ordinary procedures established by law would create a legal and institutional framework to support such processes. This would reduce the discretionary nature of their execution and improve the sustainability of the regular status held by migrants, as they would not be subject to time periods defined by lower-ranking provisions. Of the 15 government officials interviewed for this study, 10 reported that the existing initiatives in the region are insufficient, and that it is necessary to guarantee their effectiveness and sustainability.



GENERAL TRENDS AND CHARACTERISTICS OF THE REGULARIZATION PROGRAMMES AND PROCESSES IN THE UNITED STATES OF AMERICA AND CANADA

Although the United States of America and Canada were not included in the specific mapping and analysis of regularization programmes and processes in this report, these countries are the principal receptors of migrants in the region, including persons from Central America, Mexico, and the Dominican Republic. These countries are analyzed separately from the programmes and processes in Central America, Mexico, and the Dominican Republic due to the fact that their distinct characteristics might not fit with the trends identified throughout the rest of the region.

The answers to the virtual questionnaire sent to government officials included institutional responses from the United States of America and Canada. The perspectives of said officials, as well as the general features of their regularization programmes and processes, are of significant interest for a regional focus.

In the United States of America, the key government informants consider that the migrant regularization processes in effect are insufficient, due mainly to the fact that large-scale regularization processes depend on Congressional action. Currently, there are no special or temporary procedures for regularizing migrants who have resided in the United States of America for decades. It was also pointed out that such procedures are characterized by limited accessibility with respect to their administrative procedures and the dissemination of information.

Canada implemented a public policy in response to the COVID-19 Pandemic to extend the time period during which Temporary Residents can regularize their expired status, including a process that allows them to work while processing their application. From 1960 to 2004, Canada implemented nine initiatives to favor the regularization of migrants through special processes, which considered criteria such as family ties, period of residency, country of origin, and national security. Various civil society organizations have proposed regularization alternatives based on specific economic activities, to issue Temporary Work Permits that take into account the migrant's duration of stay in the country (Berinstein et al, 2004).
que tomen en cuenta el tiempo de estancia en el país (Berinstein et al, 2004).

CHALLENGES TO MIGRATORY REGULARIZATION IN CENTRAL AMERICA, MEXICO, AND THE DOMINICAN REPUBLIC



Difficulty in accessing regularization programmes and processes

The main challenge identified by the key actors interviewed is to facilitate access for migrants to the regularization pro-grams and processes in the countries of the region.³³ One of the major limitations are the costs related to migratory regularization, as in many cases, migrants must pay not only the application fee, but also the costs related to obtaining the required apostilled documents, as well as the fines for entering and remaining in the country with irregular status, which tend to be cumulative. In addition, in some cases, it is required that the apostilles be of recent issuance, while the respective time period may expire while other administrative procedures are being carried out.

Migrants frequently also have to cover the costs of transportation and lodging for procedures they have to carry out in person in their country of origin. This situation is made worse by the limited and at times non-existent consular services in destination countries. A fundamental challenge is to make the countries of origin aware of their co-responsibility to facilitate the regularization of migrants. In some cases (such as Panama), migrants are required to hire an attorney to apply for regularization, thus implying additional costs. In other countries, migrants must pay for phone calls to obtain appointments or information, and can face extensive wait times.³⁴ This is in addition to the fact that some migrants have limited access to Internet service, which restricts their use of virtual appointment or information systems.

“The most difficult factor for me is that all of the documents have to have been issued within the past six months. Obtaining a document can take two to four weeks, then sending it to be apostilled can take one to two months. Then due to the pandemic, I was not able to come, so now I only have six weeks to submit everything or my documents will expire again. In the case of my birth certificate, why does it have to be issued within the last six months? Why can't it be one that was used previously?”

– Rosa (pseudonym), English migrant regularized in Guatemala

³³ The challenge most frequently identified by governmental, civil society, and academia representatives and regularized migrants interviewed.

³⁴ According to information provided by regularized migrants interviewed.

“The requisites are not easy to fulfill because to be registered, they ask for a lot of documents, and some people can’t obtain them. Then there are a lot of obstacles for renewal. There are people who can’t continue because they cannot afford it.”

– Daniel (pseudonym), Haitian migrant regularized in the Dominican Republic

The need to carry out procedures and obtain and submit documents can be difficult for migrants who apply for a change in their status. Some programmes and processes require that a document apostille be issued within a specific time period prior to being submitted. This means that migrants may have to obtain a new apostille when a process takes longer than expected, even when the delay is beyond their control. Sometimes migrants are required to submit documents to different government institutions which may be located in distant cities, especially if they live far away from the country’s capital. Furthermore, since public institutions tend to observe standard office hours, migrants are required to take time off work without pay to carry out procedures or request information.

These difficulties in accessing regularization programmes can be made worse in the absence of mechanisms to accompany and assist migrants during the process, especially for those who are in situations of vulnerability. Of the 15 government officials interviewed, 5 (33 per cent) consider that such accompaniment is minimally accessible, while 8 (53 per cent) consider it to be somewhat accessible.³⁵

“Unfortunately, no association nor government entity accompanied me during the process. There were persons I work with and acquaintances who supported me, and who contributed so I could obtain my visa, because it’s very difficult for me to pay rent, electricity, food, schooling, and my daughter’s expenses. The same is true for many migrants. I have a friend who has a Costa Rican son, and she has not been able to regularize her status because only her husband works.”

– Maria (pseudonym), Nicaraguan migrant regularized in Costa Rica

³⁵ According to data provided by government officials by way of an anonymous virtual survey.



Lack of knowledge regarding migratory regularization processes

Most of the countries in the region have information hubs or migrant service offices, the majority of which are run by local governments with support from the IOM. The information hubs personnel and government officials interviewed indicated that in general, migrants are not aware of the available pathways and requisites for regularization.

According to civil society informants, in some countries, the effectiveness of the efforts to disseminate information can be hampered when they are not directly aimed at the community level, or when the dissemination methods or strategies are of a temporary nature, or when the information is not provided in the languages most commonly spoken by the migrant population.³⁶ Some good practices along these lines have been identified, as in the case of Costa Rica, with the Communication for Development campaigns implemented by the Western Hemisphere Migration Program.

The virtual platforms in each country do not always specify which migration categories are available for migrants with irregular status, or they do not clearly detail the time period required for application processing and resolution.³⁷

All of the migrants interviewed stated that one of the barriers to accessing information is that in some cases it is not centralized nor clearly explained. This means that many times they have to request information from various institutions. In the context of the COVID-19 pandemic, difficulties were encountered in adapting information desks and application processes to a virtual mode. For example, in some countries, access to information during this time was restricted to call centers that were not always free of charge for migrants.

“The lack of information is widespread. There is no document that indicates when, what things are required, and how much money everything costs. It was not made clear to me. I had to call and ask, and all they told me was that my application was still pending.”

– Maria (pseudonym) Nicaraguan migrant regularized in Costa Rica

³⁶ According to information provided by key civil society informants interviewed.

³⁷ According to information provided by regularized migrants interviewed.

Finally, migrants may be unaware of the existence of these processes due to the fear of being detected and subject to fines or deportation.³⁸ The hesitation to go to institutional offices or information desks may result in the main sources of information being other migrants who have not gone through these processes or who are not aware of all the regularization options and requisites. Obtaining information through unofficial channels also exposes migrants with irregular status to fraud or extortion at the hands of people who take advantage of their lack of knowledge.³⁹

In order to reduce the level of misinformation and the lack of knowledge regarding regularization options and migratory procedures, the IOM has supported Information Hubs in various countries in the region.⁴⁰ From mid-2020 through June 2021, approximately 40,243 persons have been served at these Counters, most in the Dominican Republic (17,498 persons; 43 per cent), Mexico (14,306 persons; 35 per cent), and Costa Rica (7,246 persons; 17 per cent).



Limited inclusion of a gender perspective

The regularization programmes and processes in the region generally do not contain specific provisions for the inclusion of a gender perspective. In other words, they lack a focus that evaluates the differentiated consequences for women, men, and children, and for persons of different gender identities⁴¹ during the implementation phase.

Some processes in the region include requisites that imply different degrees of difficulty for persons depending on their gender. For example, women are over-represented in the informal economy, and tend to perform a greater proportion of non-remunerated work (ILO, 2020). This can make it difficult to prove employment when a process so requires. It was also found that some traditional nuclear families give priority to regularization for the husband so that he can seek formal employment, due in part to the fact that they cannot afford to regularize both spouses.⁴² In addition, women can face other limitations to accessing programmes that require documents that show their ties to the country, such as utility bills or property titles, as such documents frequently appear in the husband's name.

Some regularization programmes and processes based on family ties grant regular status to dependents or common-law partners. This can limit financial independence, particularly for women who tend to be regularized by way of such processes, thus exposing them to situations in which it is difficult for them to escape gender-based violence, due to the fear of losing their migratory status and finding themselves once again with irregular status.

³⁸ According to information provided by key informants interviewed.

³⁹ According to information provided by key governmental informants interviewed.

⁴⁰ This figure represents the number of persons served at Information Hubs in Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, and the Dominican Republic.

⁴¹ This concept of the gender perspective is defined in the IOM Migration Glossary (2019).

⁴² According to information provided by key informants interviewed.

In the case of LGBTIQ+ persons, the possibility of obtaining regular migratory status is more complicated in countries that do not allow same-sex civil unions, or when the regularization processes based on family ties do not recognize same-sex common-law marriages. Neither do the regularization processes in the region consider gender identity and expression in those cases in which the actual image of a person may differ from that shown in his/her identity documents. This can result in different degrees of difficulty when submitting applications or processing same, thus resulting in their denial (ICHR, 2017). Limitations also exist for persons who come from countries where their gender identity is not recognized.



Pending reforms to migratory legal frameworks

Government officials from certain countries reported pending adjustments of legal frameworks to strengthen the implementation of regularization processes and the clarity of their procedures, correct potential contradictions, and grant migration categories that facilitate the integration of regularized migrants.⁴³ In some countries of the region, the existing migratory legislation is outdated and is not concordant with other regulations, institutional guidelines, or special processes. This makes proper implementation difficult, as it can cause confusion among officials as well as migrants regarding the procedures, rights, time periods, and requisites for migratory regularization.

In addition, some regularization process requisites do not specify time periods or concepts, thus being left to discretionary interpretation by the official in charge of reviewing an application. This lack of statutory clarity creates obstacles for migrants, who should be able to determine whether they fulfill the requisites before submitting their application or incurring expenses related thereto.



Lack of clear guidelines or international standards for creating regularization processes

At the international level, regularization has been perceived as a migration management decision that can be made based on State sovereignty. As a result, no specific guidelines, manuals, or conventions have been created to serve as references for the establishment and implementation of regularization programmes and processes. This makes it difficult for programmes and processes in the region's countries to be based upon good practices, general considerations, and signed international commitments, thus resulting in their being based upon past experiences of each country, which have not always been monitored, evaluated, or systematized, especially in terms of their implementation and results.

⁴³ According to information provided by key governmental informants interviewed.



The creation of programmes usually is not based on prior diagnoses or studies

Regularization initiatives can support migration management and address the needs of a country and migrants in specific contexts. It has been found, however, that few programmes are developed after a diagnosis of some kind has been made to identify the general profile of the migrants with irregular status. Government officials from the region's countries have expressed interest in carrying out studies and nationwide surveys to strengthen the effectiveness of regularization programmes and processes.⁴⁴ The private sector has also pointed out the need to perform nationwide surveys to identify potential gaps in labour supply and demand that could be filled through the regularization of migrants.⁴⁵ The creation of evidence-based programmes and data can improve their effectiveness and ensure that they respond to needs that are real and not just perceived.



Sustainability of regularization program results

Some regularization processes, particularly special ones, frequently offer exemptions with respect to the required documents or costs. For example, obtaining Temporary Residency usually requires the presentation of a passport, while some regularization programmes accept other accredited identity documents. Regularization processes can also temporarily waive payment of costs related to applying for and obtaining a given migration category.

The waiving of requisites and costs allows migrants to access regularization programmes and processes with greater ease, due to the various situations that can make such access difficult. In most cases, however, applicants for Permit renewal must submit documents without the exemptions previously allowed. This has resulted in the fact that some regularized migrants are in risk of falling back into irregular status if they fail to obtain the required documents before their migration category status expires.

Another of the challenges identified for the sustainability of program results is that some of the migration categories granted for purposes of migratory regularization, particularly those related to Temporary Visitor and Non-Resident stays, usually do not allow renewal or a subsequent change of category, since they are focused on temporary stays. Regularization programmes that focus on these categories can also cause migrants to fall back into irregular status due to the impossibility of renewing their limited Stay Permits.

⁴⁴ According to government officials during a validation session for the preliminary results of this study.

⁴⁵ According to information provided by key private sector informants interviewed.



Lack of specific considerations to facilitate the integration of migrants as part of regularization initiatives

Generally speaking, regular migratory status allows persons to achieve greater integration in the country compared to when their status was irregular. Integration is a complex process, one however that requires more aspects than just migratory regularization. In order for migratory regularization to allow proper integration, it must be accompanied by efforts to eliminate discriminatory practices, strategies for economic incorporation, and actions aimed at creating spaces for social cohesion (United Nations Network on Migration, 2021).

The regularization programmes and processes in the region tend to focus only on facilitating access to regular status, with few provisions to help migrants achieve integration in their host country. The integration of regularized migrants is hampered if the migration categories granted by these processes do not allow access to employment, healthcare systems, and education, and the possibility to open bank accounts and obtain financing, among other aspects. Some key actors have expressed concerns about regularization under such categories, as their nature and the rights granted thereunder do not correspond to the needs of the persons who seek regularization for purposes of residing in and becoming integrated into the countries of the region.⁴⁶

⁴⁶ According to information provided by key informants interviewed.

4. CASE STUDIES: IMPLEMENTATION OF REGULARIZATION PROCESSES



This chapter analyzes in depth four migratory regularization programmes and processes in Mexico, Central America, and the Dominican Republic:

1. Special Migratory Regularization Process: Melting Pot (Panama)
2. National Plan for Regularization of Foreigners with Irregular Migratory Status (Dominican Republic)
3. Special Category for Complementary Protection of Venezuelans, Nicaraguans, and Cubans Whose Asylum Petitions Were Denied (Costa Rica)
4. Regularization for Humanitarian Reasons (Mexico)

These cases were selected due to their impact at the regional level and because they allow the identification of concrete and replicable practices for the development of other regularization processes. For purposes of this analysis, consideration was given to 41 criteria based upon international instruments and good practices related to migratory regularization. These criteria have been classified in six main categories: institutional implementation; accessibility; dissemination; protection; gender perspective; and integration.

CASE 1. SPECIAL MIGRATORY REGULARIZATION PROCESS MELTING POT, PANAMA

The migratory regularization program known as Melting Pot was implemented in Panama in 2010 by way of Resolution 13500 issued by the Public Security Ministry. This Resolution authorized the first process during the period 15-18 July 2010. Subsequently, nine similar resolutions were approved to allow the regularization of migrants during brief periods of time.

In 2012, Executive Decree 547 was issued for purposes of regulating the subsequent Melting Pot special processes. This Decree stipulated, that persons over the age of 18 who had been in the country for at least one year and had not submitted any application for regularization could be beneficiaries of this Program (Government of the Republic of Panama, 2012).

Implementation and institutional management

The Melting Pot Program was mainly implemented by Executive Branch agencies, while the special regularization processes were implemented by the National Migration Service (SNM), with participation from other units pertaining to the Public Security Ministry and the Labour Ministry. The analysis carried out under this study did not determine if civil society and private sector actors were taken into account for purposes of designing, implementing, and managing this Program. The involvement of the governments of the countries of origin, however, should be highlighted, as they carried out expeditious and exceptional procedures to facilitate the documents required by migrants through their consular representatives.

Procedure manuals were also created in the framework of the Program to describe in detail the requirements and steps for its implementation. The initiative included the development of Migrant Fairs where applicants could request information and submit documents for migratory regularization. For this reason, the applications were processed only in person and manually, without the use of digital tools or the presence of legal representation.

The Program was strengthened by way of institutional coordination processes, principally between the SNM and the Labour Ministry, in order to provide Work Permits for the Melting Pot beneficiaries. Both institutions carried out logistical and information-sharing coordination efforts related to Program execution (Government of the Republic of Panama, 2013) difficulties in coordination occurred, however, in the fulfillment of requisites with other institutions such as the Social Security Fund and the General Revenue Directorate.

With respect to data management, the SNM maintains annual records showing the number of persons who applied under this regularization pathway, as well as those who subsequently renewed their status thereunder. This information is available to the public through the SNM website, arranged by year of implementation. However, the statistics are not disaggregated by socio-demographic characteristics, such as age, gender, education level, and occupation, which would allow identification of the profiles of the migrants who achieved regularization under this Program.

Accessibility for migrants

Generally speaking, the regularization processes in Panama have the highest costs in the region compared to the other programmes and processes analyzed. In the specific case of Melting Pot, the Program costs were identified as one of the principal limitations to access these special regularization processes. According to interviews with migrants with limited economic resources who applied for this process, most reported difficulty covering the related costs, which can run between USD 767 and USD 2,602 (Government of the Republic of Panama, 2012). The table below indicates the mandatory fees.

Table 10. Costs of the Melting Pot special regularization process (by fees)

Category	Migratory Service Fee	Filiation	Temporary Processing Card	Bank Commission	Total
Nationalities who do not require visas.	750	5	10	2	767
Nationalities who require visas.	1.250	5	15	2	1.272
Restricted Nationalities	2.500	50	50	2	2.602

Source: Government of the Republic of Panama 2012

Besides the Program fees, many applicants incurred other expenses in order to obtain certain documents that, in some cases, cannot be requested through their consular representatives. Some applicants had to travel to their countries of origin to obtain the respective documentation.⁴⁷

Due to the Migrant Fair mode, the processes were carried out in public squares, gyms, convention centers, and other strategically chosen locations to facilitate access for migrants.⁴⁸ As such, many migrants had the opportunity to submit their applications in places close to their respective community, thus favoring greater accessibility in geographical terms.

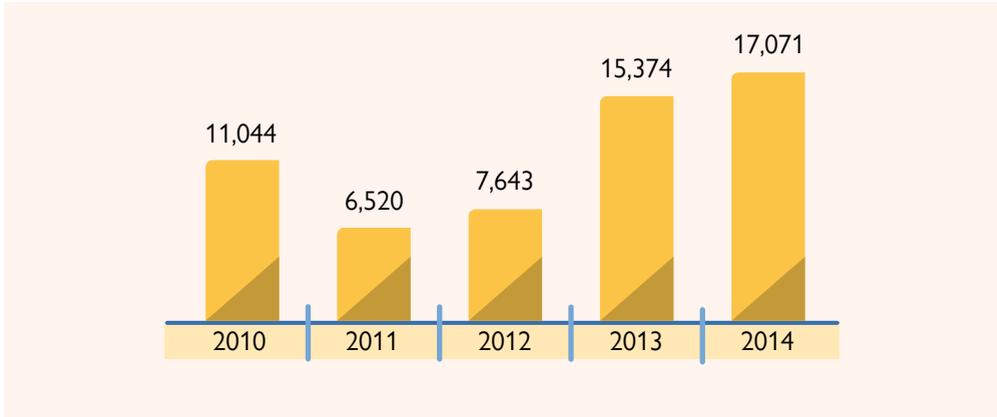
In addition, the beneficiaries only had to carry out the procedure with a single institution, thus being able to obtain their Work Permit as part of the same application process, due to the inter-institutional coordination between the SNM and the Labour Ministry (Government of the Republic of Panama, 2013). According to data provided by the Government of the Republic of Panama (2018), most of the migrants regularized through special processes in Panama come from Latin America and tend to speak Spanish, and thus it was not necessary to translate the process documents into other languages. No information is available regarding considerations made for persons who do not speak Spanish.

⁴⁷ According to information provided by interviewees.

⁴⁸ The event locations were indicated in each of the resolutions that announced the Melting Pot migratory regularization process.

As a result of the efforts to implement this initiative, the objective of which was to attain a greater rapprochement with migrants, 57,652 persons were regularized between 2010 and 2014, 48 per cent of whom were Colombians and 20 per cent Nicaraguans (Government of the Republic of Panama, 2020). It should be pointed out that greater access to the Program for migrants in the country was achieved during the last two years these processes were in effect.

Graph 4: Persons regularized under the Melting Pot Program (2010-2014)



Source: Author's elaboration with Data from the Government of the Republic of Panama 2020

Despite the fact that the official data indicate the regularization of 57,652 migrants, some government officials have affirmed that close to 350,000 persons obtained regular status through the Melting Pot Program (Testa, 2019). For purposes of this study, however, the official statistics published by the Government of Panama through its official channels were used.

Dissemination of information

In the framework of this initiative information was disseminated regarding its activities through official government channels, private communication media, civil society organizations, and the IOM. Key informants identified as a good practice the fact that the requisites and necessary documentation were widely disseminated among migrants in the Spanish language.⁴⁹

Once the resolution was published to open the process for receiving applications, dissemination efforts were carried out so that a greater number of migrants could access this regularization pathway. Also to be highlighted, is the fact that the information was available in formats accessible to persons without access to digital platforms.

⁴⁹ According to information provided by interviewees.

Protection and assistance for migrants

The Melting Pot Program waived payment of the Migratory Service fee for children under 12 years of age, adults 85 and older, disabled and terminally ill persons, and those who applied for humanitarian reasons (Government of the Republic of Panama, 2012). No other specific protection and assistance measures were offered to migrants in conditions of heightened vulnerability.



GENDER PERSPECTIVE

The provisions and implementation of the Melting Pot regularization processes do not include actions that consider the specific needs of women, girls, adolescents, and LGBTIQ+ persons.

Of the persons regularized through the Melting Pot Program between 2010 and 2014, 54 per cent were women (Government of the Republic of Panama 2020). This figure is higher than the overall percentage of women among the country's migrant population, which was 48 per cent in 2015 (UN DESA, 2020). Based on these results, it can be affirmed that the initiative had a positive effect in facilitating the regularization of women.

Social and economic integration

According to interviews with key informants, the Stay Permits obtained under the Melting Pot Program provided the beneficiaries with various opportunities to improve their socio-economic integration. One of the most important was the access to Work Permits in an expeditious manner, which allowed them to participate in production activities under more favorable employment conditions. Despite these conditions, however, several persons reported not being able to exercise their professional skills under equal conditions, since Panama's migratory legislation restricts 56 professional activities to those persons who are Panamanians by birth or by naturalization.⁵⁰ According to the interviewees, this restriction applies even to persons who have completed primary, secondary, and higher education in Panamanian schools.

Another factor that favored a greater inclusion of the regularized population was the fact that the Program allowed migrants to register with the country's social security systems. This is significant because, as was pointed out by key informants, regularized migrants usually cannot receive services in public health clinics except for emergency situations.⁵¹

The health system in Panama is public and universal, and thus it is not necessary to have regular status to access the system, except for the Social Security Fund services, which only can be accessed by migrants regularized for employment reasons.

⁵⁰ The complete list is available at this [link](#).

⁵¹ According to information provided by interviewees.

Having regular status also allows migrants better protection of their rights, access to justice, and freedom to transit within the country without the fear of being deported, being subject to sanctions, or being the victim of frauds that promise guarantees of free transit.⁵²

CASE 2. NATIONAL PLAN FOR REGULARIZATION OF FOREIGNERS WITH IRREGULAR MIGRATORY STATUS IN THE DOMINICAN REPUBLIC (PNRE), THE DOMINICAN REPUBLIC

The National Plan for Regularization of Foreigners with Irregular Migratory Status in the Dominican Republic (PNRE) was created in 2013 by way of Decree 627/2013, and expired on 17 June 2015. The PNRE was the first regularization program in the Dominican Republic that succeeded in benefitting a significant number of migrants. Besides being available to all nationalities, the Plan regularized 250,241 persons. By 2017 more than 65% of the 570,933 foreigners in the country had regular migratory status (IOM, 2017).

Implementation and institutional management

The creation and implementation of the PNRE was helped by input from the First National Survey of Immigrants in the Dominican Republic (ENI-2012), which allowed identification of the profiles of migrants in the country, including those with irregular status. The data gathered through the ENI-2012 supported decisions based upon evidence, as opposed to perceptions.

The PNRE was implemented by the Government of the Dominican Republic with the participation of several private actor sectors, especially banana growers and the construction industry. Technical support and dissemination were provided by civil society actors and the IOM. For example, some non-governmental organizations collaborated by facilitating access to the Plan by persons in conditions of vulnerability, and the IOM supported the Ministry of the Interior by printing cards and contracting personnel to register applications.⁵³

The applications had to be submitted in person, as no mechanisms were implemented to allow digital submission. This aspect, along with the large number of applications received, resulted in the institutions taking more than the 45 days initially foreseen to record and process the applications.

Prior to implementation, the PNRE underwent a six-month logistical planning phase, during which time the institutional personnel were trained in the execution of the Plan. Key government informants report that some of the limitations experienced during implementation of the PNRE were due to the fact that it was the first regularization process carried out in the country, and thus there was a learning curve with respect to Plan management.⁵⁴ Key actors from both civil society and government identified areas for improvement in the program's inter-institutional coordination, in order to standardize the processes for selecting and approving applications.⁵⁵

⁵² According to information provided by interviewees.

⁵³ According to information provided by key IOM informants interviewed.

⁵⁴ According to information provided by key governmental informants interviewed.

⁵⁵ According to information provided by key informants interviewed.

With respect to the management of data regarding the PNRE, the number of persons regularized was published, with the data being broken down by demographic characteristics such as age, nationality, sex, and province of residence (Government of the Dominican Republic, n.d.). The country also published a report on the administration of the Plan, detailing various aspects of the implementation process, including budget expenditure data. The ample information on the program allows identification of some of the principal results and a general profile of the beneficiaries.

Accessibility for migrants

The PNRE was a free program, and thus the processing of applications by the authorities and the obtaining of migration categories was exempt from costs. This was identified as a good practice by various civil society and government actors, as it facilitated access to the program by migrants who could not have afforded the procedures.⁵⁶ Even so, some of the requisites and documentation requested, such as translations or documents authenticated by the countries of origin, were difficult to obtain and represented indirect costs that migrants had to incur (IOM, 2017).

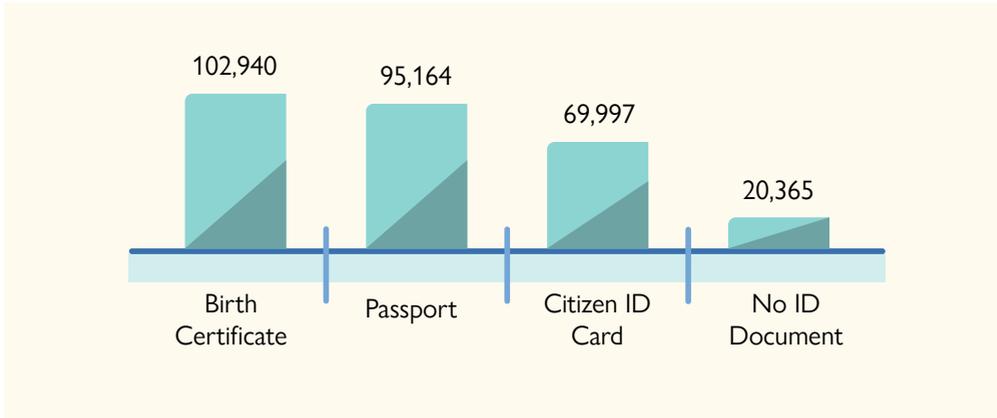
During the process of obtaining documents, the IOM provided significant support that benefitted approximately 10,000 persons. This assistance also included the contracting of notaries and attorneys and the financing of other related costs.⁵⁷

It should be highlighted that the PNRE allowed the presentation of various identity documents for purposes of submitting applications. This flexibility reduced the costs and procedures migrants had to carry out in order to prepare their application. Initially, the documents submitted were used to determine the duration of the migration category granted. For example, applicants who submitted a Birth Certificate or Citizen ID Card obtained a Regularization Card valid for one year, while those who presented a passport obtained a Regularization Card with a sticker indicating permission to remain in the country for two years (Petrozziello and Wooding, 2016). It should be mentioned that in 2016 the validity of the Cards was extended from one year to two years (IOM, 2017).

⁵⁶ According to information provided by key informants interviewed.

⁵⁷ According to information provided by key IOM informants interviewed.

Graph 5: Number of persons regularized by the PNRE in the Dominican Republic, by identity document submitted



Source: Joseph, 2020 with data from the Ministry of the Interior and Police, Public Policies, and Migratory Management of the Dominican Republic

The Dominican Republic coordinated with several countries during implementation of the Plan, particularly Haiti, the principal country of origin for the persons regularized through this program. As part of this coordination, a support plan was established for delivery of certain documents to the applicants. This effort did not cover the delivery of all documents through the Haitian Embassy or Consulates, and thus many Haitian nationals had to travel to their country of origin to obtain documents.⁵⁸

The migrants regularized through the PNRE resided in different provinces of the country, and the program allowed them the option of submitting applications in various locations, as shown in the map below. It should be pointed out that the data indicate the number of persons regularized through each local office, and show that most applicants were able to submit their documents in their province of residence (Government of the Dominican Republic, n.d.).

⁵⁸ According to information provided during interviews of key informants involved in the PNRE implementation process.

Protection and assistance for migrants

Article 30 of the Plan Decree stipulated, that applications submitted by foreigners in vulnerable conditions were to receive preferential processing, as provided by law. Institutional personnel received training for awareness-raising and identifying and assisting persons in situations of vulnerability.⁶¹

The Plan also considered differentiated attention for unaccompanied children and adolescents. The National Childhood Council (CONANI) processed the applications and forwarded them to the Ministry of the Interior, which was in charge of granting Temporary Residency and offering greater flexibility for regularizing status through the PNRE for unaccompanied children and adolescents who fulfilled the Plan requisites (Government of the Dominican Republic, 2013; Articles 30-31).

The program also contained provisions for regularizing the status of persons who were hospitalized or receiving medical treatment either on a temporary or permanent basis in the Dominican Republic, so that in the event these persons did not fulfill the requisites for regularization, they were granted a normal Residency Permit until their treatment was completed (ibid.).

This program did not include specific measures for protecting victims of human trafficking or forced labour who sought regularization. The PNRE stipulated, however, that Law 20137 on Migrant Smuggling and Human Trafficking had been reviewed as a reference on measures for assisting and protecting victims (ibid.).

The migrants who regularized their status by showing employment ties obtained migration categories that were not linked to a specific employer, thus complying with international standards for the prevention of situations involving labour exploitation or forced labour. This is of particular relevance considering that of the 259,955 regularized by the PNRE, 81 per cent (211,675) were of working age (25-54 years of age) (Government of the Dominican Republic, n.d.).

The Dominican Republic temporarily suspended deportations for PNRE applicants during implementation of the Plan from January 2014 through June 2015, according to Article 37 of Decree 327-13 (IOM, 2017). This facilitated the submission of applications for regularization by migrants who previously may have refrained from attempting to regularize their status due to the fear of being deported.

⁶¹ According to information provided by key informants interviewed.



GENDER PERSPECTIVE

The provisions and implementation of the PNRE did not include actions to address the specific needs of women or LGBTIQ+ persons.

Although obstacles had been initially foreseen for regularizing women (mainly Haitians) due to their level of insertion in the labour market, in the end, 34 per cent of the migrants regularized were women, a figure proportional to the number of migrant women in the country, according to the National Immigrant Survey (IOM, 2017).

The type of migration category available to a migrant, however, depends on the requisites that an applicant can fulfill, some of which are more difficult for women or certain LGBTIQ+ persons. Such is the case of documents to show employment, which can be complicated for persons with informal employment such as domestic service. In addition, proof of ownership of personal property is a limitation for persons who, for personal or structural reasons, do not have receipts or invoices in their name, but rather in their spouse's name.

As a result, some of the requisites for access differentiated by gender may have determined whether the category of Resident or Non-Resident was obtained, thus limiting the possibilities of some persons to obtain migration categories with better conditions.

Social and economic integration

The PNRE granted different migration categories depending on the requisites fulfilled by the applicant, for instance, 87% of the PNRE applicants obtained Non-Resident status, while 3 per cent were classified as Residents and 10 per cent were denied regularization (Joseph, 2020).

According to Law 285 on Migration, the Non-Resident migration category is for persons who “due to the activities they perform, the purpose of their travel, and/or their particular conditions, enter the country without the intention to reside therein” (Government of the Dominican Republic, 2004; Article 32). According to the Plan provisions, the rights granted by Non-Resident status are limited to the right to enter and exit the country, while limiting other rights that are necessary for socio-economic integration, such as the ability to open bank accounts, access to secondary or university education, and access to healthcare or social security systems (Migration Data Portal, n.d.a).

In recognition of the limitations this presented for Non-Resident migrants, in 2016, they were allowed access to the social security system. Their registration took place primarily through employers who registered their workers in the Social Security Treasury (TSS) so they could have access to the healthcare and pension systems. “In December 2015 there were 11,825 foreigners from 103 countries registered with the TSS. Between October and December 2016, the figure increased to 18,005 persons from 109 countries” (IOM, 2017). By 2021 it was reported that around 30,000 migrants were registered with the TSS.⁶²

⁶² According to information provided by key informants during the validation processes.

Another challenge for the integration of persons regularized with Non-Resident status was the impossibility of registering their children born in the Dominican Republic as nationals or residents.⁶³ Migrants were able to request a change of migration category once they were regularized, but there are no data available publicly regarding the number of persons who succeeded in changing from Non-Resident to Temporary or Permanent Resident status.

Finally, no specific activities were identified for the integration of migrants following their regularization. In the Dominican Republic, some migrants face challenges to integration due to the lack of opportunities to participate in the country's community and social life.⁶⁴ It was also found that integration and the struggle against discrimination are challenges and basic issues related to migration management (ibid.). Both the IOM and civil society have worked on information campaigns aimed at raising awareness and promoting the social inclusion of migrants in the Dominican Republic.



Sustainability of the PNRE results: The renewal process

Due to the fact that the Permits issued through the PNRE had a maximum validity of two years, the status of the regularized migrants began to expire in 2017. That same year, the National Migration Council granted a one-year extension for PNRE beneficiaries to apply for renewal or a change of category or sub-category with the DMG (IOM, 2017).

According to key actors interviewed as part of this study, the exceptions allowed during the initial process, such as the type of identity documents that could be presented, were not maintained during the renewal period. In addition, the renewal process offered fewer locations where applications could be submitted, so applicants had to travel farther for that purpose. Currently, applications must be submitted virtually due to the COVID-19 pandemic. Personnel from the Information Hubs supported by the IOM report that they now assist migrants in creating digital records for renewing their migration categories. All of these factors have resulted in many migrants falling back into irregular status due to their inability to obtain the required documents.

Implementation of the PNRE implied institutional coordination efforts, budgetary allocations, personnel assignments, and implementation strategies aimed at achieving the regularization of migrants in the country. In order to guarantee sustainability of the results obtained, it is necessary to consider the processes for renewing the migration categories granted, including requisites, costs, and the required documentation. One good practice involves allowing transient periods during which applicants can obtain the documents they lack, thus preventing migrants from falling back into irregular status.

⁶³ According to information provided by key informants interviewed.

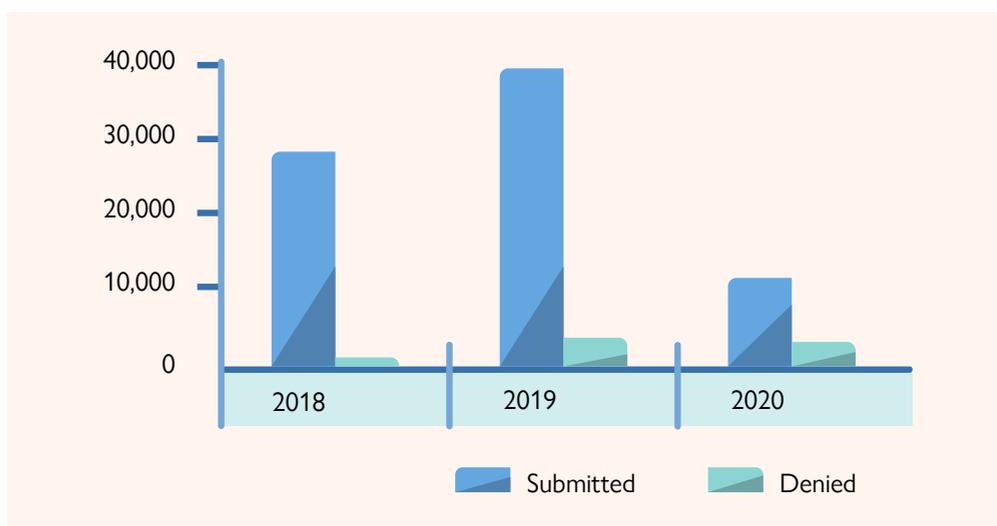
⁶⁴ According to information provided by key informants interviewed.

CASE 3. SPECIAL CATEGORY FOR COMPLEMENTARY PROTECTION OF VENEZUELANAS, NICARAGUANS, AND CUBANS WHOSE ASYLUM PETITIONS WERE DENIED, COSTA RICA

The Special Category for Complementary Protection of Venezuelans, Nicaraguans, and Cubans Whose Asylum Petitions Were Denied was established in 2020 by way of Resolution DJUR-0164-10-2020-JM (subsequently amended by Resolution DJUR-0109-12-2020-JM), which took effect on 18 December 2020 and will remain valid through 15 December 2021.

The creation of this category has taken place in the context of a significant increase in the number of asylum petitioners in the country, from 27,981 in 2018 to 39,423 in 2019. This figure decreased to 12,680 in 2020, due mainly to the mobility restrictions imposed to mitigate the propagation of the SARS CoV-2 virus.

Graph 6. Asylum petitions submitted and denied in Costa Rica (2018-2020)



Source: Author's elaboration with Data from the Government of the Republic of Costa Rica (n.d.)

Note: 'Denied' refers to cases in which a migrant's asylum petition was denied.

Despite the lower number of petitions submitted in 2020, the percentage of petitions denied increased from 5 per cent in 2018 to 25 per cent in 2020 (3,155 of the 12,680 petitions received). During that same year, the number of petitions submitted by nationals of Cuba, Venezuela, and Nicaragua represented 93 per cent of the total received and 80 per cent of the petitions denied (ibid.). Resolution DJUR-0109-12-2020-JM sets forth that, due to the increase in the number of asylum petitions and the fact that not all applicants comply with the elements required to be deemed refugees, "this results in the existence of a population with irregular status in a situation of vulnerability," since they also do not fulfill the requisites for the other migration categories available in the country (ibid.).

Implementation and institutional management

The formulation and implementation of this category did not include the participation of civil society organizations nor the private sector. The first draft of the Decree from 2019, however, included contributions from organizations such as the IOM.⁶⁵

Although this category allows appointments to be made through the [website](#) of the General Directorate of Migration and Foreigners (DGME), currently it is not possible to submit, process, nor record applications through any digital platform.

The formulation, implementation, and management of this category corresponds to the DGME, and has not required the creation of channels for inter-institutional coordination to be put into practice. Migrants must request specific documentation from other governmental institutions prior to submitting their application.

The DGME authorities compile and systematize data regarding the migrants regularized under this category, but this information is not yet available to the public due to the recent implementation of the process.

Accessibility for migrants

Migrants who fulfill the requisites for this Special Category are not subject to administrative fines nor sanctions due to their irregular stay in the country. The only direct expense for migrants is a single fee of USD 95, as set forth in the Migration Act (Law 8764), which establishes the amounts to be paid for migratory procedures (Government of the Republic of Costa Rica, 2020a).

For each renewal of their status, migrants must pay the sum of USD 133. As this category is valid for two years, some migrants can face difficulty in obtaining this amount. This is due to the fact that many of them have little income, are in situations of vulnerability, or perform informal economic activities.⁶⁶

These same economic limitations also tend to affect other migrants in Costa Rica, preventing them from staying current in the payment of quotas to the Costa Rican Social Security Fund (Voorend, 2019). This represents a significant limitation to their access to social security and the regularization of their status. One of the requisites for obtaining and renewing this category is presentation of proof that the applicant is current with the payment of quotas with said institution.

Migrants interviewed for this study report being allowed to register with the social security system, but that due to periods of unemployment, reduced income, and other situations, their capacity to meet the monthly quota payments has been limited. Thus, upon expiration of their migration category they lose their regular status and have to once again start the procedure to obtain regularization from the beginning.⁶⁷

⁶⁵ According to information provided by key informants interviewed.

⁶⁶ According to information provided by key informants interviewed.

⁶⁷ According to information provided by key informants interviewed.

The process offers flexibility with respect to the presentation of Birth Certificates, passports, and criminal record checks from their country of origin. In the event it is impossible for migrants to obtain a given document, they are allowed to submit a sworn statement indicating the information required (Government of the Republic of Costa Rica, 2020a). These considerations facilitate greater access to the regularization procedures and allow migrants to avoid the need to travel to their country of origin to obtain documents.

Migrants are required to submit all required documentation to the DGME at the same time, in person at the Refugee Unit in San José or Upala. The DGME is allowed to establish other offices for receiving applications, thus avoiding the need for migrants to incur additional expenses to travel outside their province of residence (ibid.).

This category requires that applicants show proof that their asylum petition was denied in order for them to obtain regular status. Significant delays were found in the process of resolving said petitions, however, with said resolution being one of the requisites for obtaining the Special Category of Complementary Protection. As this process will only remain in effect through late 2021, the situation described may make it difficult for some applicants to benefit from this category before the effective period of same expires.⁶⁸

Dissemination of information

Key informants interviewed reported that many migrants who might be able to regularize their status under this category do not do so because they are unaware the process exists.

The official channel by which information can be obtained regarding the requirements, necessary documentation, and scope of this category is the DGME official website. At the time this Report was drafted, however, the DGME was not publishing this information in an updated and periodical manner on its social networks, despite the fact that these platforms would allow wider dissemination of information relevant for migrants. This limitation is significant because this practice favors improved migration governance in accordance with the Migration Governance Indicators (IOM, n.d.f).

In this context, the Municipal Migrant Centers⁶⁹ and civil society organizations have played a relevant role in carrying out activities aimed at raising awareness about this category among migrants and orienting those who seek information, providing them with the necessary materials to allow proper submission of their applications. There is also the Municipal Migrant Transaction Center in Upala, which permits referral of applications according to the needs of each migrant and the scheduling of appointments for initiating procedures with the DGME and reviewing the status of regularization processes. There is also a Service Center for Venezuelan Refugees and Migrants in Costa Rica.

⁶⁸ According to information provided by key informants interviewed.

⁶⁹ These are different from the Information Hubs because, besides providing information, they refer applicants to institutions according to the needs of each migrant, and schedule appointments with the DGME for initiating processes and reviewing the status of regularization processes (IOM, n.d.).

Protection and assistance for migrants

The Temporary Special Category for Complementary Protection does not contain differentiated provisions for assisting underage persons, women, or other populations with heightened vulnerability conditions. Resolution DJUR-0109-12-2020-JM created this category on the premise that the target population faces vulnerability, stating that it is founded upon a “humanitarian focus, with the objective of providing the possibility of remaining in the country legally and carrying out labour activities to foreigners whose application for refugee status has been denied and who are in conditions of vulnerability (Government of the Republic of Costa Rica, 2020a, p. 4). Neither does the category establish specific protection mechanisms to assist victims of human trafficking, forced labour, or modern forms of slavery.

This category also contains protection measures to ensure that applicants are not subject to administrative detention or deportation. This creates conditions favorable for effective protection and safeguarding of migrant rights.



GENDER PERSPECTIVE

The Temporary Special Category for Complementary Protection does not consider the special protection and assistance needs of women, children, adolescents, and LGBTIQ+ persons.

According to key informants, in Costa Rica nuclear families tend to give priority to the regularization of men before women, since men are traditionally the ones inserted into the labour market, while women tend to be involved in informal labours such as remunerated and non-remunerated domestic service. It was also reported that these gaps can be even wider depending on the production sector in which they are involved and the area of the country in which they live. It is possible that these gaps also affect the Special Category for Complementary Protection, since women face a greater lack of information and economic resources for accessing regularization.

Social and economic integration

The regularization of migrants under the Special Category for Complementary Protection assumes that they are able to access social security services, since affiliation with the Costa Rican Social Security Fund is one of the requisites for first-time application and status renewal. As mentioned before, this is not feasible for all applicants.⁷⁰

With respect to public education, the Special Category for Complementary Protection allows beneficiaries full access to all levels of the Costa Rican educational system. Key civil society informants report that migrants have been admitted to academic settings regardless of their migratory status.⁷¹ Having regular status, however, facilitates a person's access to degrees and benefits in the form of scholarships and government subsidies.

⁷⁰ According to information provided by interviewees.

⁷¹ According to information provided by interviewees.

All persons granted status under this category are allowed to carry out any form of remunerated work, either through self-employment or a dependent labour relationship (ibid.). Access to the labour market increases their possibilities of obtaining employment in which their labour rights are safeguarded under conditions equal to the rest of the country's population.

Specific actions were not found in the framework of this category for promoting the integration of the migrants regularized through this pathway. Specific initiatives exist, however, to support the populations given priority under the Special Category for Complementary Protection. For example, the IOM operates the Service Center for Venezuelan Refugees and Migrants in Costa Rica, along with the 800-Venezuela Program,⁷² by which initiatives have been implemented to support the entrepreneurial ventures of Venezuelan migrants in the country (IOM, 2020d). These types of actions can help facilitate greater socio-economic integration for migrants who have pursued this regularization pathway, by building capacities and creating spaces that allow their commercial promotion in alliance with other sectors of the society.

According to key informants, although Costa Rica has traditionally welcomed migrants, in recent years there have arisen more frequent expressions of discrimination towards this population, especially those from Nicaragua. Civil society, however, has provided responses to favor their integration. The private sector has also emphasized the relevance of the migrant participation in production activities.

CASE 4. REGULARIZATION FOR HUMANITARIAN REASONS (MEXICO)

The Regularization for Humanitarian Reasons process is one of the ordinary procedures that permit regularization in Mexico. The process authorizes foreigners with irregular status to remain in the country if they have been victims or witness of a serious crime, if they have petitioned for political asylum or refugee status, if they seek determination of stateless condition, or if they suffer from a degree of vulnerability that hampers or impedes deportation or assisted return (Government of Mexico, n.d.b). By way of this process, between January and May 2021, Visitor Permits for Humanitarian Reasons (TVRH) were issued to 17,553 persons (Government of Mexico, 2021).

Implementation and institutional management

As this process consists of an ordinary regularization procedure, its implementation corresponds to the National Migration Institute (INM, per its Spanish acronym). Some civil society organizations offer support to migrants by way of the direct submission of their regularization application.

The application procedure as well as the processing of applications are carried out digitally, thus expediting various aspects such as the delivery of Cards or Permits, which currently takes between one and three months.⁷³

⁷² This initiative is financed and supported by the IOM's Regional Program on Migration.

⁷³ According to information provided by key informants interviewed.

“Our friends and relatives who have been regularized in Mexico all agree that the gals in Migration don’t agree upon the steps to take and end up giving us the runaround. When they check your documents, they tell you to bring more. I was told to pay a fee, so I went to the bank and paid, but when I went back to Migration another woman told me that, since mine was a Humanitarian Visa, I didn’t have to pay, and that they would give me a letter so I could get my money back. That letter was issued quickly. I took the letter to the bank and they said the money had to be deposited into an account, but my Humanitarian Visa does not allow me to open a bank account, so they didn’t refund my money.”

- Ana (pseudonym), regularized migrant in Mexico renewing her TVRH

According to migrants interviewed, there is a lack of clarity and knowledge on the part of some officials in charge of receiving documents. This results in instances of migrants receiving instructions that are contradictory, or that do not always correspond to the established processes.

Good coordination has been found, however, regarding the service and accompaniment given to migrant applicants, from the Information Hubs to the institutions in charge of processing and issuing documents.

With respect to the availability of data, the Migratory Policy, Registration, and Identity Unit of the Secretariat of Public Governance publishes in monthly bulletins the numbers of migrants regularized through this process, broken down by sex, nationality, and purpose of stay (Government of Mexico, 2021). This allows determination of the number of migrants who pursue this process, as well as their general profile.

Accessibility for migrants

Migratory Regularization for Humanitarian Reasons is a free process, and thus the reception and processing of documents and obtaining the TVRH or Residency granted are exempt from costs. This facilitates access by persons in situations of vulnerability, who are not always able to pay the costs related to regularization. Applicants are required, however, to pay the fines corresponding to their irregular entry and/or stay if they regularize their status through this process (Government of Mexico, n.d.b).

The only document required for this process that might require applicants to travel to their country of origin is their passport. Flexibility is offered, however, for applicants to present other documents to accredit their identity, so they tend to fulfill this requisite through their respective Consulate in Mexico.⁷⁴

⁷⁴ According to information provided by key informants interviewed.

Migrants are allowed to submit applications in various offices located throughout the country, thus facilitating their access to the office closest to their place of residence. There also exist various information centers where migrants can get answers to their questions or receive orientation regarding regularization by way of the ordinary procedures in effect. The information tends to be provided in Spanish, since it is the language most commonly spoken by migrants in Mexico.⁷⁵

Dissemination of information

Information regarding access, requisites, and conditions for regularization based on humanitarian reasons is available in Spanish at: www.gob.mx There is also a toll-free phone number⁷⁶ to provide orientation to migrants (Government of Mexico, n.d.b).

The government operates several Information Hubs through the Migrant and Refugee Services Office, where migrants with irregular status can get information regarding the possibility of accessing regularization. Personnel at the Information Hubs have been trained in the use of the Progressive Autonomy Model (MAP per its Spanish acronym) software developed by the IOM. This helps orient and inform migrants regarding the processes, requisites, and procedures for obtaining regular status in the country, including those who wish to enter the labour market. MAP supports migrants in requesting from their consular representatives the identity documents required for regularization. Then once they obtain regular status, MAP links migrants with the Labour Referral Mechanism so that they can apply for formal regulated employment in the country, thus facilitating their integration (IOM, 2019g).

Protection and assistance for migrants

Regularization for Humanitarian Reasons was created to address cases involving persons who had to reside in Mexico based on special protection needs. Due to the specific nature of the process, officials of the National Migration Institute and Information Counter personnel have been trained to identify and serve persons in situations of vulnerability through various activities, including the creation of work groups for raising awareness among service personnel.⁷⁷

This process does not establish specific mechanisms for protecting and assisting persons in vulnerable conditions. The General Victims Act (2013), however, stipulates actions for victim protection and compensation,⁷⁸ and includes migrants without making distinctions regarding their migratory status (Government of Mexico, 2013).

In addition, Mexico provides free legal assistance to migrants by way of the Justice Department for purposes of carrying out migratory procedures.⁷⁹ The IOM and civil society also offer accompaniment and legal advice to migrants, including those interested in regularizing their migratory status.

⁷⁵ According to information provided by key informants interviewed.

⁷⁶ The phone number is (800)(00) 46264. The link for information on the regularization process based upon humanitarian reasons is: www.gob.mx/tramites/ficha/regularizacion-migratoria-por-razones-humanitarias/INM791

⁷⁷ According to information provided by key informants interviewed.

⁷⁸ All persons who may be victims of crimes and human rights violations are considered.

⁷⁹ According to information provided by key informants interviewed.



GENDER PERSPECTIVE

Regularization for Humanitarian Reasons is available to those who so require due to their situations of vulnerability, including women, children, adolescents, and LGBTIQ+ persons. The process could be strengthened, however, with specific actions to serve the special needs of these populations.

Social and economic integration

Migrants in Mexico have access to primary and secondary healthcare services regardless of their migratory status (IOM, 2021b). As a result, migrants who are regularized for humanitarian reasons can access healthcare services in the country free of charge.

This process provides temporary status, however, with the same rights granted to Visitors, and thus beneficiaries have limited access to certain services and rights that are essential for the effective integration of migrants in Mexico.

Persons with visitor status for humanitarian reasons are not able to open bank accounts. Due to the temporary visitor nature of this regularization process, banks do not recognize the Visitor Permits for Humanitarian Reasons as a valid identity document for purposes of opening accounts. The government, however, with support from the IOM, has held meetings with the private sector, including banking entities, to raise awareness regarding the different documents that accredit a migrant's regular stay in the country.⁸⁰

The Guidelines for Migratory Processes and Procedures (2012) stipulate that status as visitor for humanitarian reasons implicitly grants permission to work in the country (Government of Mexico, 2012, Art 60). Nevertheless, there is misinformation and confusion regarding whether migrants in this category can work, possibly because the TVRH itself does not so specify.⁸¹ When officials are not well familiarized with the Guidelines for Migratory Processes and Procedures, they may provide incorrect information to migrants regarding their rights as Visitors for Humanitarian Reasons. A lack of knowledge regarding their rights, particularly with respect to carrying out remunerated activities, can cause migrants to seek information from unofficial sources or choose instead to participate in informal economic activities.

“Legally, this visa doesn’t allow a person to work. An employer would have to issue an offer of employment so that a change of category could be requested. Right now I am working informally caring for my aunt’s children.”

- Ana (pseudonym), regularized migrant in Mexico renewing her TVRH

⁸⁰ According to information provided by key governmental informants interviewed.

⁸¹ According to information provided by key informants interviewed.

The right to work and access employment is a key principle for the socio-economic integration of persons in situations of vulnerability (GMM, 2017). For migrants who have to seek regularization for humanitarian reasons, the possibility of working in the formal economy also allows them to avoid situations characterized by limited social protections or labour exploitation, and to access social security systems (ILO, 2020).

Migrants and civil society representatives have reported xenophobic attitudes in Mexico, particularly with respect to people from Central America.⁸² For this reason, and in order to facilitate the integration of migrants, several awareness-raising campaigns have been carried out by the government and United Nations agencies such as the UNHCR, the IOM, and the United Nations Population Fund (UNFPA).

Finally, this process does not include specific provisions for the integration of migrants as a way to follow up on their regularization.

“Where I live it is very common to see foreigners, so the Mexicans are very kind, but not in other states where there are fewer foreigners. There were times when I went out with my aunt and she told me not to talk much, because people would notice my accent and know I was not from here.”

- Ana (pseudonym), regularized migrant in Mexico renewing her TVRH

⁸² According to information provided by key informants interviewed.

CONCLUSIONS AND RECOMMENDATIONS

This section presents the principal conclusions and recommendations from this study, presented according to the phases of: a) creation; b) implementation; and c) renewal of the regularization programmes and processes. This distinction is made in order to propose concrete actions for strengthening current processes or for creating new processes adapted to the context and needs of each country.



CREATION

CONCLUSIONS

There is a lack of clear guidelines and international standards for regularization.

Clear guidelines and standards do not exist at the regional nor international levels to help guide States to establish effective regularization processes based on human rights and a gender perspective. Due to this, many regularization efforts made in the region have been of a reactionary, non-comprehensive nature.

Most of the programmes and processes in the region were not created specifically to facilitate regularization.

Of the 57 programmes and processes identified, 24 were created to regularize migrants with irregular status, while 33 correspond to ordinary procedures that do not explicitly prohibit migrants with irregular status from applying. In some cases, this can create confusion among the government officials in charge of these processes, as well as among the migrant applicants. This also does not allow the specific needs related to regularization to be addressed.

Regularization programmes and processes tend to be used to address needs related to specific contexts.

It was found that the specific programmes and processes to facilitate regularization in the region are created to respond to a determined context, such as to respond to a sudden increase in the number of immigrants with irregular status, or to address the regularization or protection needs of a specific nationality. As a result, many of these processes are opened for a set period of time and include well-defined inclusion criteria. This practice allows States to organize and control the processes better and to use regularization programmes as a tool for migration management. At the same time, if these programmes are not complemented with regularization pathways that form part of the country's ordinary processes, this may restrict access to regularization for other migrant populations.

The development of diagnoses and studies as input for the creation of regularization programmes and processes is limited.

The lack of reliable data and other information regarding the regularization needs and the conditions of migrant populations in the country can make it difficult to prepare programmes or processes that guarantee benefits and respond to the needs and limitations of the State, the migrants, and other actors involved.

Few initiatives include provisions that include a gender perspective.

The regularization programmes and processes in the region generally do not contain specific provisions to include a gender perspective that considers the experiences and needs of women and LGBTIQ+ persons. There are processes that include requisites that can present differentiated difficulties for certain persons based on their gender, such as the need to submit utility bills or property titles, which may be in the name of an applicant's spouse. The regularization processes in the region also do not establish considerations for gender identity and expression in cases where the actual image of an applicant may differ from that shown on his/her identity documents. Furthermore, regularization based upon family ties is complicated for LGBTIQ+ persons in countries that do not recognize same-sex civil unions. There are also processes that grant migratory categories to dependents regularized for family ties, which tend to restrict their access to the labour market and may even be revoked in the case of spousal separation. These aspects expose some persons, especially women, to remaining in situations of dependency and/or risk, including situations of gender-based violence, due to the fear of falling back into irregular status.

Most of the programmes and processes allow regularization based upon family ties.

This allows preservation of family unity as well as protecting children's rights to family unity.

RECOMMENDATIONS

Provide guidelines and accompaniment for the creation of regularization programmes and processes.

- Develop resources that guide the creation of regularization processes from a perspective of comprehensiveness, inclusiveness, and respect for the rights of migrants. The Thematic Work Group 3 (TWG3) of the United Nations Network on Migration recently developed the *Guidance Note for Regular Pathways for the Admission and Stay of Migrants in Situations of Vulnerability* in the context of the Global Compact for Safe, Orderly, and Regular Migration, but it is still necessary to articulate guidelines adapted to the needs and contexts of the countries of the region.
- Provide follow-up and advice to States regarding the implementation of these processes to ensure prior gathering of data on existing regularization needs, compliance with international standards, and measures that maximize the benefits for all parties involved.

Promote spaces for dialogue and regional cooperation on regularization.

- In the framework of the Regional Conference on Migration (RCM), strengthen spaces for sharing experiences, challenges, and good practices regarding regularization processes in the Member Countries by way of the activities of the RCM work groups.
- Engage civil society organizations and private sector representatives in consultation processes or in strategies for the implementation of regularization programmes and processes.

Strengthen the existing processes and generate new specific regularization processes.

- Carry out studies, surveys, or diagnoses to determine the principal needs of the government, the private sector, and migrants with irregular status prior to creating regularization programmes and processes.
- Generate more programmes and processes aimed at the migratory regularization of specific populations based upon the identified needs, or in specific economic sectors such as agriculture and domestic service where a significant number of migrants with irregular status are employed.
- Create provisions or procedures as part of ordinary processes that do not contain limitations on access or prohibit the reception of applications from any migrant with irregular status.

Establish specific provision for the inclusion of a gender perspective.

- Provide various alternatives regarding documents that can be used to show ties to the country, specifically documents such as utility bills that can be in the name of an applicant's spouse.
- Reduce the costs of regularization for nuclear families in order to preserve family unity and prevent their need to prioritize the regularization of certain family members (who tend to be the principal sources of family income) over regularization of the others.
- With regularization for family ties, avoid granting regular status that can be revoked in cases of spousal separation, and avoid granting dependent conditional status to those who are regularized by such processes, in order to allow them access to the labour market and economic independence.



CONCLUSIONS

Costs represent the main factor that limits access to regularization programmes and processes.

Programmes tend to require payment of direct costs (such as an application fee), a charge for obtaining a migration category, and fines for irregular stay (which can be cumulative). Usually there are also costs related to obtaining documents, legal representation, and transportation, as well as need to schedule appointments or get information through call centers that charge for each call, among other costs. These costs represent a significant challenge for most migrants with irregular status, as in many cases their income is limited or unstable.

Regularization programmes and processes tend to imply complex procedures.

In many cases regularization procedures are not centralized, thus requiring migrants to appear in person at more than one institution. In addition, some required documents can only be obtained in the country of origin, which can mean additional costs or complications, especially if returning implies being exposed to risky situations.

Migrants tend to be unaware of the options available for regularizing their status.

The information regarding potential pathways for regularization is not always clear, nor centralized, nor publicly available or in the languages of migrants. This situation was found in all the countries of the region. Besides limiting their access to regularization, this can cause migrants to seek information through unofficial channels, thus increasing their risk of being victims of fraud. At times, access to regularization is also limited by language barriers, and by the fact that migration officials are not always trained regarding the respective processes, time periods, and requisites.

The countries of the region are making efforts to digitalize their processes.

The systems for submitting, processing, and resolving applications for regularization tend to be either completely manual or partially digital. Several countries in the region are undertaking the digitalization of these procedures, although at times their efforts face challenges such as limited Internet access and limited resources.

RECOMMENDATIONS

Establish measures to reduce the costs related to migratory regularization.

- Set costs and the fines for irregular status based on the average income of migrants with irregular status.
- Offer exemptions to the payment of costs and fines, particularly for migrants in situations of vulnerability or those who seek regularization for humanitarian reasons.
- Provide toll-free telephone lines for orientation and scheduling appointments with migration institutions.
- Extend service hours at institutions that process applications, including on weekends, so that migrants have the option of carrying out procedures outside normal working hours.

Simplify the requirements and processes for obtaining documents.

- Establish coordination mechanisms with the countries of origin to facilitate the obtaining of documents through Consulates or Embassies.
- Offer flexibility and alternatives with respect to the documents that are acceptable for certain requisites, such as identity documents.
- Centralize procedures in a single institution, with offices available in various locations in the country.
- Define the process requisites clearly, in order to prevent the submission of applications by persons who are not eligible and to limit the level of discretionary decision-making by officials.

Strengthen information dissemination systems.

- Create digital and in-person information channels that allow more migrants to be aware of their rights and the options for regularization.
- Centralize the information regarding time periods, requisites, costs, and the rights of migrants.
- Create alternatives so that the information materials and services are available in various languages and are accessible to persons with vision or hearing difficulties.
- Systematically and periodically train officials regarding regularization processes so that they can provide clear and consistent information to applicants.

Consolidate process digitalization efforts.

- Establish digital channels for submitting applications and documents, while providing assistance to persons who do not have access to digital media, and while maintaining options for in-person service.
- Create a digital application-processing system to facilitate an orderly process and the generation of transparent data.

Provide migrants with protection, assistance, and accompaniment.

- Consolidate spaces that offer free legal orientation to migrants regardless of their migratory status.
- Train officials in the identification of situations of vulnerability and the mechanisms for referral to the corresponding institutions.
- Establish provisions to prevent the deportation of persons who have applied for regularization. Inform the migrant population of these measures in order to reduce their hesitancy to apply for regularization due to the fear of being deported.



RENEWAL OF CATEGORIES AND INTEGRATION

CONCLUSIONS

Challenges exist to the sustainability of regularization.

Migrants frequently face difficulties in maintaining or renewing their migration category after being regularized, causing some to fall back into irregular status. This normally is due to changes in program requisites or the elimination of exemptions related to process costs or the required documentation. The various obstacles to the sustainability of regular status affect not only migrants, but also States, as they can lead to an inefficient use of the resources initially devoted to the implementation of a regularization program or process.

Few provisions exist to facilitate the integration of migrants as part of regularization programmes and processes.

None of the regularization programmes and processes identified contain specific measures to aid migrants with their integration process once they obtain regular status. Despite the fact that in most cases regular status grants access to the labour market, healthcare and educational systems, and banking services, most processes do not consider other factors that limit effective access to these rights.

RECOMMENDATIONS

Establish measures that facilitate the sustainability of regularization processes.

- Grant migration categories that remain in effect for extended periods, and that allow more time for the beneficiaries to obtain the documentation and funds necessary for renewal of their status.
- Allow flexibility regarding the types of documents required to renew the migration categories of regularized persons, especially for those who are in situations of vulnerability.
- When the time comes for regularization program beneficiaries to renew their status, maintain the cost waivers or reductions that were offered during the initial application process.
- Require the preparation of reports on the management, monitoring, and evaluation of the programmes and processes, in order to identify their strengths and areas for improvement.

Create specific programmes and provisions for the integration of regularized migrants.

- Ensure that the migration categories granted as part of regularization processes allow the beneficiaries to access healthcare systems, education, and the labour market.
- Develop initiatives to address factors that limit access to services by migrants, such as educational programmes and awareness-raising campaigns to reduce xenophobia and promote the participation of migrants in the cultural and social life of their host communities.

Regularization programmes and processes are a fundamental element of a country's migration policy, and thus efforts to strengthen them help to provide greater opportunities for guaranteeing the rights of migrants with irregular status. This study found that although efforts have been made to incorporate such programmes and processes into the policies of each State, challenges still exist to ensure the effective access, sustainability, and management of these types of processes. The findings generated constitute a tool that helps to show the progress made to date, as well as to identify areas for improvement, for purposes of offering higher quality programmes and processes that contribute to orderly, safe, and regular migration.

ANNEX INTERNATIONAL AND REGIONAL INSTRUMENTS FOR ANALYZING REGULARIZATION PROGRAMMES AND PROCESSES

Document	Areas, Objectives, Goals, Articles, or Principles of Interest
Sustainable Development Goals	Citizen Participation (SDG 16, Goal 7) Create Transparent Institutions (SDG 16, Goal 6) Strengthen Gender Policies (SDG 5, Goal c) Data (SDG 17, Goal 8)
Regional Framework Act on Migration with a Human Rights Focus	Training for Authorities on Vulnerable Populations (Article 15) Access to Information (Article 15) Access to Justice (Article 16) Housing (Article 19) Social Security (Article 20) Gender Perspective (Article 24) Health (Article 43) Bilateral Labour Agreements (Article 18) Migratory Procedures Based on Duration of Stay (Article 18) Employment Opportunities (Article 27) Awareness-Raising for Local Populations (Article 30) Non-Discrimination (Article 30)
Global Compact for Safe, Orderly, and Regular Migration	Centralization of Information on Procedures (Objective 3, Item a) Access to Family Reunification / Best Interests of the Child (Objective 5, Item i) Transparency of Information (Objective 12, Item a) Digitalization of Processes (Objective 12, Item c) Facilitation of Access (Objective 3, Item c) Clear and Transparent Selection Criteria (Objective 7, Item i) Special Attention to Minors, Youth, and Family Unity (Objective 7, Item c) Proportionality of Sanctions (Objective 11, Item f) Non-Discrimination (Objective 17) Social, Economic, and Labour Integration (Objective 16)

Document	Areas, Objectives, Goals, Articles, or Principles of Interest
Migration Governance Framework (MiGOF)	<p>Good Migration Governance (Principle 1) Respect for the Rights of Migrants (Principle 1) Combatting Xenophobia, Racism, and Discrimination (Objective 1) Socio-Economic Well-Being (Principle 1)</p>
Report by the Migration, Refugees, and Population Committee of the Council of Europe	<p>Impact of Regularization Mechanisms Guarantees Regarding Fraudulent Procedures Integration Programmes Establishment of Regularization Criteria Objectives of these Programmes: Reduce Irregular Migration; Reduce the Informal Economy; Guarantee Human Rights; Greater Migratory Control; Rectify Previous Programmes; National Security; Labour Market Needs Impact: Reduce Exploitation; Improve Working Conditions; Reduce Crime; Social Mobility; Promote Circular Migration Challenges: Status Reversion; Limited Administrative Preparation; Limited Dissemination; Excessively Strict Requisites; Fraud Consider Countries of Origin</p>
Regional Guidelines for the Preliminary Identification of Profiles and Referral Mechanisms for Migrant Populations in Vulnerable Conditions	<p>Identify Profiles of Persons in Vulnerable Conditions Apply Migrant Protection Categories Attention to Immediate Basic Needs Recommendation against Transfers to Detention Centers</p>
Guidelines for Serving and Protecting Women in the Context of Migration	<p>Incorporation of a Gender Perspective Improve Systems and Mechanisms for Informing Migrant Populations Ensure Availability of Interpreter Services Provide Information on Services for Migrant Women Timely Identification of Migrant Women Who Have Been Victims of Gender-Based Violence in Places of Transit or Destination</p>
Regional Guidelines on Actions for the Comprehensive Protection of Children and Adolescents in the Context of Migration	<p>Comprehensive Protection of Migrant Children and Adolescents Inter-Institutional Coordination Sustainable and Improvable Articulation Acknowledgement of All Persons as Holders of Rights Minimize Unsafe Migration Strengthen Comprehensive Childcare Services Network Combat Discrimination Mitigate the Impacts of Generalized Violence</p>

Documents	Areas, Objectives, Goals, Articles, or Principles of Interest
<p>Work Plan on Migrant Smuggling 2019-2025</p>	<p>Information-Sharing Mechanisms Harmonize Actions for Combatting Migrant Smuggling Directory of Key Persons and Organizations Establish Border Teams of Permanent Observers Appoint Specialized Prosecutors for Crimes Associated with Migrant Smuggling Technical Exchanges between Countries Guarantee Measures for Prevention and Comprehensive Assistance</p>
<p><i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i></p>	<p>Protection against cruel and degrading treatment (art. 11) Right to freedom of speech (art. 13) Freedom and personal security (art. 16) Equality in justice (art. 18) Access to social security (art. 27) Cultural bonds (art.31) Freedom of movement (art. 39)</p>
<p>Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability</p>	<p>Principle of non-refoulement Provide an extension of temporary stay; Uphold the right to private and family life and maintain family unity; Guarantee the best interests of the child Uphold the rights of survivors of sexual gender-based violence, violence and harassment, human trafficking, forced labour, and abusive recruitment practices Provide adjustment from one migration status to another for migrants already on the territory Ensure that loss of employment does not automatically result in loss of regular migration status Respond to labour market needs</p>

BIBLIOGRAPHY*

Berinstein, C., E. Khandor, J. McDonald, P. Nyers, N. Pravaz, B. Wilson and C. Wright.

2004 *The Regularization of Non-Status Immigrants in Canada 1960-2004 Past Policies Current Perspectives Active Campaigns*. Ontario, Canada. Available at: www.kairosCanada.org/wp-content/uploads/2020/08/The-Regularization-of-NonStatus-Immigrants-in-Canada-1960-2004.pdf.

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)

2014 *Concluding observations on Belize in the absence of a report* (CMW/C/BLZ/CO/1). 26 September, 2014. Available at: www.digitallibrary.un.org/record/786320?ln=es.

European Council

2007 *Regularisation programmes for irregular migrants*. Parliamentary Assembly. Available at: www.unhcr.org/4b9fac519.pdf.

Global Commission on International Migration (GCIM)

2005a *Irregular migration, state security and human security*. London, United Kingdom: GCIM. Available at: www.iom.int/sites/default/files/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/tp/TP5.pdf.

2005b *Regularization programmes: an effective instrument of migration policy?* Geneva, Switzerland: GCIM. Available at: www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/gmp/gmp33.pdf.

Global Detention Project

s.f.a Belize. Accessed 2 de marzo de 2021. Available at: www.globaldetentionproject.org/countries/americas/belize#COVID-19-updates.

s.f.b Guatemala. Accessed 10 de marzo de 2021. Available at: www.globaldetentionproject.org/countries/americas/guatemala#country-report.

s.f.c Honduras. Accessed 9 de marzo de 2021. Available at: www.globaldetentionproject.org/countries/americas/honduras#country-report.

Global Forum on Migration and Development (GFMD)

- 2020 *Discussing approaches to address irregular migration: what works? What doesn't?* Available at: www.gfmdcivilsociety.org/wp-content/uploads/2021/01/rt_session_5_background_paper_on_irregular_migration_final.pdf.

Global Migration Group (GMG)

- 2017 *Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations*. Geneva, Switzerland: OACNUDH. Available at: www.ohchr.org/Documents/Issues/Migration/PrinciplesAndGuidelines.pdf.

Government of Belize

- 2000 *Immigration Act, revised 2000*. Belmopán, Belice: Gobierno de la República de Belice. Available at: www.caribbeanmigration.org/repository/belize-immigration-act-revised-edition-2000h.
- 2011 *Labour Act, revised 2011*. Belmopán, Belice: Gobierno de la República de Belice. Available at: www.oas.org/juridico/PDFs/mesicic5_blz_resp_annex38.pdf.

Government of the Republic of Costa Rica

- 2009 *Ley General de Migración y Extranjería*. San Jose: Gobierno de la República de Costa Rica. Available at: www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NRTC&nValor1=1&nValor2=66139&nValor3=120751&strTipM=TC.
- 2020a *Categoría especial temporal de protección complementaria para personas venezolanas, nicaragüenses y cubanas a quienes se les haya denegado su solicitud de refugio*. San Jose, Gobierno de la República de Costa Rica. Available at: www.migracion.go.cr/Documentos%20compartidos/Circulares%20y%20Directrices/2020/N%20DJUR-0190-12-2020-JM%20Categor%C3%ADa%20Migratoria%20Complementaria.pdf
- 2020b Decreto N° 42406-MAG-MGP. San Jose, Gobierno de la República de Costa Rica. Available at: www.mag.go.cr/legislacion/2020/de-42406.pdf
- 2021 Documentación para personas de Venezuela. Accessed 18 August, 2021. Available at: www.migracion.go.cr/Paginas/DocumentosVenezuela.aspx.
- s.f.a Informes Estadísticos Anuales. Accessed 18 August, 2021. Available at: www.migracion.go.cr/Paginas/Centro%20de%20Documentación/Estad%C3%ADsticas.aspx.

s.f.b Residencia permanente. Accessed 18 August, 2021. Available at: www.migracion.go.cr/Paginas/Categor%C3%ADa%20Migratorias%20%28Extranjer%C3%ADa%29/Primera%20Vez/Residencia-Permanente.aspx.

Government of the Republic of El Salvador

2019 *Ley Especial de Migración y Extranjería*. San Salvador, El Salvador: Gobierno de la República de El Salvador. Available at: www.diariooficial.gob.sv/diarios/do-2019/04-abril/25-04-2019.pdf

2021 *Proyecto de carnetización para trabajadores de temporada, transfronterizos y tránsito vecinal*. San Salvador, El Salvador: Gobierno de la República de El Salvador

Government of the Republic of El Salvador and el Fondo de Población de las Naciones Unidas (UNFPA)

2012 *Resultados de la encuesta de caracterización de migrantes nicaragüenses con arraigo en el oriente de El Salvador*. San Salvador, El Salvador. Available at: www.elsalvador.unfpa.org/sites/default/files/pub-pdf/migrantes_nicaraguenses_arraigo_els.pdf.

Government of the United States of America

2021 *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2015–January 2018*. Department of Homeland Security: Gobierno de los Estados Unidos de América. Available at: www.dhs.gov/sites/default/files/publications/immigration-statistics/Pop_Estimate/UnauthImmigrant/unauthorized_immigrant_population_estimates_2015_-_2018.pdf.

Government of Mexico

2001 *CIRCULAR por la que se da a conocer el Programa de Regularización Migratoria y sus reglas aplicables*. Ciudad de México. Available at: www.dof.gob.mx/nota_detalle.php?codigo=767910&fecha=02/03/2001.

2005 *ACUERDO que tiene por objeto establecer los criterios conforme a los cuales los extranjeros, de cualquier nacionalidad, que habitan en territorio nacional, podrán promover la obtención de su documentación migratoria conforme a la normatividad aplicable, en la calidad migratoria de No Inmigrante, en beneficio de su seguridad jurídica y de su integración familiar, así como para evitar que sean objeto de actos de corrupción o de violaciones a sus derechos humanos y a sus garantías individuales*. Ciudad de México. Available at: www.dof.gob.mx/nota_detalle.php?codigo=2090755&fecha=31/08/2005.

- 2008a *DECRETO por el que se reforman y derogan diversas disposiciones de la Ley General de Población.* Ciudad de México. Available at: www.diputados.gob.mx/LeyesBiblio/ref/lgp/LGP_ref10_21jul08_ima.pdf.
- 2008b *ACUERDO que tiene por objeto establecer los criterios conforme a los cuales los extranjeros, de cualquier nacionalidad, que habiten en el territorio nacional, podrán promover la obtención de su documentación migratoria conforme a la normatividad aplicable, en la calidad migratoria de No Inmigrante, en beneficio de su seguridad jurídica y de su integración familiar, así como evitar que sean objeto de actos de corrupción o de violaciones a sus derechos humanos y a sus garantías individuales.* Ciudad de México. Available at: www.scm.oas.org/pdfs/2008/CP20077T01migra.pdf.
- 2010 *ACUERDO por el que se expide el Manual de Criterios y Trámites Migratorios del Instituto Nacional de Migración.* Ciudad de México. Available at: www.acnur.org/fileadmin/Documentos/BDL/2010/7960.pdf.
- 2011 *Ley de Migración.* Ciudad de México. Available at: www.diputados.gob.mx/LeyesBiblio/pdf/LMigra_200521.pdf.
- 2012 *LINEAMIENTOS para trámites y procedimientos migratorios.* Ciudad de México. Available at: www.inm.gob.mx/static/marco_juridico/pdf/acuerdos/2012/Lineamientos_tramites_procedimientos_migratorios.pdf.
- 2013 *DECRETO por el que se expide la Ley General de Víctimas.* Ciudad de México. Available at: www.acnur.org/fileadmin/Documentos/BDL/2013/9044.pdf.
- 2016 *PROGRAMA Temporal de Regularización Migratoria.* Ciudad de México. Available at: www.dof.gob.mx/nota_detalle.php?codigo=5456183&fecha=11/10/2016
- 2020a *Estadísticas migratorias. Síntesis 2020.* Ciudad de México, Unidad de Política Migratoria. Available at: www.portales.segob.gob.mx/work/models/PoliticaMigratoria/CEM/Estadisticas/Sintesis_Graficas/Sintesis_2020.pdf.
- 2020b *Morir en el camino: fallecimientos de personas migrantes en México.* Ciudad de México: Unidad de Política Migratoria: Available at: www.politicamigratoria.gob.mx/work/models/PoliticaMigratoria/CEM/Investigacion/Rutas/Rutas02.pdf.
- 2020c *Boletín Mensual de Estadísticas Migratorias.* Ciudad de México: Unidad de Política Migratoria: Available at: www.politicamigratoria.gob.mx/es/PoliticaMigratoria/CuadrosBOLETIN?Anual=2020&Secc=3.

2021 *Boletín Mensual de Estadísticas Migratorias 2021*. Ciudad de México: Unidad de Política Migratoria. Available at: www.portales.segob.gob.mx/es/PoliticaMigratoria/CuadrosBOLETIN?Anual=2021&Secc=2.

s.f.a Delitos Perpetrados en contra de personas migrantes irregulares en su travesía por México, serie histórica 2016-2019. Accessed 18 August, 2021. Available at: www.politicamigratoria.gob.mx/es/PoliticaMigratoria/Series_historicas.

s.f.b Regularización por razones humanitarias. Accessed 18 August, 2021. Available at: www.gob.mx/tramites/ficha/regularizacion-migratoria-por-razones-humanitarias/INM791.

Government of the Republic of Guatemala

2015 *Ley de Apoyo a la Regularización Migratoria de Extranjeros en Guatemala*. Guatemala City, Guatemala. Available at: www.congreso.gob.gt/assets/uploads/info_legislativo/dictamen/1449.pdf.

2016 *Decreto Número 44-2016*. Guatemala City, Guatemala. Available at: www.igm.gob.gt/wp-content/uploads/2017/09/CODIGO-MIGRACION-DTO-44-2016.pdf.

2019a *Informe anual estadístico cuantitativo. Enero-Diciembre 2019*. Guatemala City, Guatemala. Available at: www.igm.gob.gt/wp-content/uploads/2017/09/INFORME-ANUAL-2019-1.pdf

2019b *Reglamento General del Código de Migración*, Guatemala City, Guatemala. Available at: www.leyes.infile.com/index.php?id=182&id_publicacion=80654

2019c *Acuerdo de autoridad migratoria nacional No. 7-2019*. Guatemala City, Guatemala. Available at: www.igm.gob.gt/wp-content/uploads/2017/09/ACUERDO-AMN-7-2019_Plantilla.pdf.

Government of the Republic of Honduras

2004 *Ley de Migración y Extranjería, Decreto No. 208-2003*. Tegucigalpa, Honduras. Available at: www.refworld.org/es/pdfid/5c0a9a464.pdf.

2016 *Decreto Legislativo 86-2016. Requisitos y procedimientos para aplicar al beneficio de la amnistía migratoria*. Tegucigalpa, Honduras. Available at: www.exteriores.gob.es/Embajadas/TEGUCIGALPA/es/Noticias/Documents/RequisitosAmnistia.pdf.

Government of the Republic of Panama

- 2012 *Decreto ejecutivo No. 547 de 25 de julio de 2012 Que se establece el procedimiento y los requisitos de los Procesos de regularización migratoria extraordinaria denominado "Panamá, Crisol de Razas".* Ciudad de Panamá. Available at: www.migracion.gob.pa/images/DECRETOS%20Y%20RESOLUCIONES%20SEGMENTADAS/Decretos%202012/Todos%20los%20Decretos%20de%202012/Decreto%20Ejecutivo%20N%C2%BA%20547%20de%2025%20de%20julio%20de%202012.pdf.
- 2013 Resolución N. DH210-2013 de 16 de Mayo de 2013 Por medio del cual se aprueba la utilización del manual de procedimiento para el proceso de regularización migratoria extraordinaria. Ciudad de Panamá. Available at: www.gacetaoficial.gob.pa/pdfTemp/27294_A/41610.pdf.
- 2015 *Decreto ejecutivo N. 169 de 22 de Mayo de 2015 Que autoriza la renovación de los permisos provisionales de residencia otorgados dentro de los procesos de regularización migratoria extraordinaria.* Ciudad de Panamá. Available at: www.migracion.gob.pa/images/Noticias/Archivos%20PDF/Archivos%20en%20pdf/Decretos%202015/Decreto%20Ejecutivo%20N%20169%20del%2022%20de%20mayo%20de%202015.pdf.
- 2016 *Decreto ejecutivo N. 167 de 3 de Junio de 2016 Que establece el procedimiento de regularización migratoria general y se deroga el Decreto Ejecutivo N. 547 de 25 de julio de 2012.* Ciudad de Panamá. Available at: www.migracion.gob.pa/images/PAGINA%20WEB%20EFRAIN/2016/DECRETOS/Decreto%20167%203%20junio%202016.pdf.
- 2018 Procesos extraordinarios 2010-2018. Accessed 18 August, 2021. Available at: www.migracion.gob.pa/images/pdf/PROCESOS_EXTRAORDINARIOS_2010_2018ACT1_.pdf.
- 2020 Retenidos Diciembre 2020. Accessed 18 August, 2021. Available at: www.migracion.gob.pa/images/images2020/pdf2020/RETENIDOS_DICIEMBRE_2020.pdf.

Government of the Dominican Republic

- 2004 *Ley General de Migración.* Santo Domingo. Available at: www.comillas.edu/images/institutos/migraciones/Documentaci%C3%B3n/legislacion/Republica%20Dominicana/Ley%20General%20de%20Migraci%C3%B3n_No.285-04.pdf.
- 2013 *Decreto N° 327/2013 Plan Nacional de Regularización de extranjeros en situación migratoria irregular en la República Dominicana.* Santo Domingo. Available at: www.siteal.iiep.unesco.org/sites/default/files/sit_accion_files/do_0332.pdf.

2014 *Ley N° 169/2014. Establece un Régimen Especial Para Personas Nacidas en el Territorio Nacional Inscritas Irregularmente en el Registro Civil Dominicano y Sobre Naturalización.* Santo Domingo. Available at: www.siteal.iiep.unesco.org/sites/default/files/sit_accion_files/do_0330.pdf.

2017 *ENI-2017 Segunda encuesta nacional de inmigrantes.* Santo Domingo. Available at: www.refworld.org/es/pdfid/5b1ef7a54.pdf.

2021 *Resolución que normaliza dentro de la categoría de no residente la situación migratoria irregular de los nacionales venezolanos en territorio dominicano.* Santo Domingo. Available at: www.mip.gob.do/transparencia/images/docs/base_legal/Resoluciones/RESOLUCION-NO-M-MIP-EXT-00119-2021-QUE-NORMALIZA-DENTRO-DE-LA-CATEGORIA-LA-SITUACION-MI.pdf.

s.f. Estadísticas generales expedientes aprobados. Accessed 18 August, 2021. Available at: www.mipenlinea.gob.do/Planregularizacion/PublicDashboard.aspx.

Hague Conference on Private International Law (HCCH)

1965 *Convenio de 5 de octubre de 1961 Suprimiendo la Exigencia de Legalización de los Documentos Públicos Extranjeros.* Accessed 18 August, 2021. Available at: www.hcch.net/es/instruments/conventions/status-table/?cid=41.

Inter-American Commission on Human Rights (IACHR)

2020 La CIDH urge a los Estados proteger los derechos humanos de las personas migrantes, refugiadas y desplazadas frente a la pandemia del COVID-19. 17 de abril. Accessed 18 August, 2021. Available at: www.oas.org/es/cidh/prensa/comunicados/2020/077.asp.

s.f. Relatoría sobre los Derechos de las Personas Migrantes. Accessed 18 August, 2021. Available at: www.oas.org/es/CIDH/jsForm?File=/es/cidh/r/DM/default.asp.

Inter-American Court of Human Rights (I/A Court HR)

2003 *Opinión consultiva OC-18/03 de 17 de septiembre de 2003 solicitada por los Estados Unidos Mexicanos.* Available at: www.acnur.org/fileadmin/Documentos/BDL/2003/2351.pdf.

2017 *Identidad de género y no discriminación a parejas del mismo sexo. Opinión consultiva OC-24 de 24 de noviembre 2017. Resumen oficial emitido por la corte interamericana.* Available at: www.corteidh.or.cr/docs/opiniones/resumen_seriea_24_esp.pdf.

International Labour Organization (ILO)

- 2016 *La migración laboral en América Latina y el Caribe*. Lima, Peru: ILO. Available at: www.ilo.org/wcmsp5/groups/public/@americas/@ro-lima/documents/publication/wcms_502766.pdf.
- 2020 *Social protection for migrant workers: A necessary response to the Covid-19 crisis*. Geneva, Switzerland: ILO. Available at: www.ilo.org/wcmsp5/groups/public/---ed_protect/---soc_sec/documents/publication/wcms_748979.pdf.

International Organization for Migration (IOM)

- 2017 *Perfil migratorio de República Dominicana. Santo Domingo, the Dominican Republic: IOM*. Available at: www.rosanjose.iom.int/site/sites/default/files/perfil_migratorio_rd.pdf.
- 2018 *DTM Matriz de monitoreo del desplazamiento. Entendiendo el flujo poblacional venezolano en República Dominicana*. Santo Domingo, the Dominican Republic: IOM. Available at: www.refworld.org/es/pdfid/5ce48bc04.pdf.
- 2015 *Marco de gobernanza sobre migración Elementos esenciales para facilitar la migración y la movilidad de manera ordenada, segura, regular y responsable gracias a políticas migratorias planificadas y bien gestionadas*. Available at: www.governingbodies.iom.int/es/system/files/es/council/106/C-106-40-Marco-de-Gobernanza-sobre-la-Migraci%C3%B3n.pdf.
- 2019a *Glosario de la OIM sobre Migración*. Geneva, Switzerland: IOM. Disponible en www.publications.iom.int/system/files/pdf/iml-34-glossary-es.pdf
- 2019b *Diagnóstico para monitoreo de flujos y seguimiento a la movilidad. Tapachula, Chiapas, México 2019*. IOM. Available at: www.displacement.iom.int/system/tdf/reports/DTM-TAPACHULA-MEXICO-JUNIO%202019.pdf?file=1&type=node&id=7293.
- 2019c *Migración extrarregional en Sudamérica y Mesoamérica: Perfiles, experiencias y necesidades*. San Jose. www.publications.iom.int/system/files/pdf/extraregional-migration-report-es.pdf.
- 2019d *Perfil migratorio de Honduras 2019*. Geneva, Switzerland: IOM. Available at: www.publications.iom.int/system/files/pdf/mp-_honduras-2019-es.pdf.
- 2019e *Análisis de las encuestas de monitoreo de flujos Chiqui, Panamá 17-22 de junio de 2019*. IOM. Available at: www.displacement.iom.int/system/tdf/reports/DTM-Panama-2019-ESPANOL_0.pdf?file=1&type=node&id=7592.

- 2019f *Informe sobre las Migraciones en el Mundo 2020*. Geneva, Switzerland: IOM. Available at: www.publications.iom.int/system/files/pdf/wmr_2020_es.pdf.
- 2019g La OIM fortalece capacidades de personal estatal y consular en México sobre gobernanza migratoria y gestión de crisis. Accessed 18 August, 2021. Available at: www.programamesoamerica.iom.int/es/noticia/la-oim-fortalece-capacidades-de-personal-estatal-y-consular-en-mexico-sobre-gobernanza.
- 2020a *Centroamérica, Norteamérica y el Caribe. Estrategia Regional 2020-2024*. San Jose, Costa Rica: IOM. Available at: www.rosanjose.iom.int/site/sites/default/files/central_america_north_america_and_the_caribbean_regional_strategy_2020-2024_sp_20jan21_v05.pdf.
- 2020b *El tráfico ilícito de migrantes en América Central y México en el contexto de la COVID-19*. San Jose, Costa Rica. Available at: www.kmhub.iom.int/sites/default/files/publicaciones/informe_tim_abr.pdf.
- 2020c *IOM Roadmap on alternatives to migration detention*. Geneva, Switzerland: IOM. Available at: www.publications.iom.int/books/iom-road-map-alternatives-migration-detention-tools-series-ndeg1?language=es.
- 2020d *La Organización Internacional para las Migraciones en Costa Rica capacita a emprendedores venezolanos en Costa Rica*. Accessed 18 August, 2021. Available at: www.costarica.iom.int/news/la-organizaci%C3%B3n-internacional-para-las-migraciones-en-costa-rica-capacita-emprendedores.
- 2021a *Mecanismos sobre migración laboral en Mesoamérica*. San Jose, Costa Rica: IOM. Available at: www.publications.iom.int/fr/system/files/pdf/mecanismos-sobre-migracion.pdf.
- 2021b *Análisis de necesidades sobre gobernanza de las migraciones en México*. San Jose, Costa Rica: IOM. Available at: www.publications.iom.int/system/files/pdf/AN%C3%81LISIS-DE-NECESIDADES-Mexico_0.pdf.
- 2021c *Análisis de necesidades sobre gobernanza de las migraciones en Panamá*. San Jose, Costa Rica: IOM. Available at: www.publications.iom.int/system/files/pdf/Panam%C3%A1-Needs-Assessment-ES.pdf.
- 2021d *Belize needs assessment on migration governance*. San Jose, Costa Rica: IOM. Available at: www.publications.iom.int/system/files/pdf/Belize-Needs-Assessment.pdf.
- 2021e Más de 100 personas trabajadoras recibieron carnet de identificación en El Salvador. Accessed 18 August, 2021. Available at: www.programamesoamerica.iom.int/es/jornada-carnetizacion-ElSalvador.

- s.f.a Migración irregular e identidad: más que documentos. Accessed 18 August, 2021. Available at: www.rosanjose.iom.int/SITE/es/blog/migracion-irregular-e-identidad-mas-que-documentos.
- s.f.b Análisis de necesidades sobre gobernanza de las migraciones en Costa Rica. San Jose, Costa Rica: IOM. In preparation.
- s.f.c Análisis de necesidades sobre gobernanza de las migraciones en El Salvador. San Jose, Costa Rica: IOM. In preparation.
- s.f.d Análisis de necesidades sobre gobernanza de las migraciones en Guatemala. San Jose, Costa Rica: IOM. In preparation.
- s.f.e Análisis de necesidades sobre gobernanza de las migraciones en Honduras. San Jose, Costa Rica: IOM. In preparation.
- s.f.f Análisis de necesidades sobre gobernanza de las migraciones en la República Dominicana. San Jose, Costa Rica: IOM. In preparation.
- s.f.g Hacia una gobernanza más humana de las migraciones. Accessed 18 August, 2021. Available at: www.rosanjose.iom.int/site/es/blog/hacia-una-gobernanza-mas-humana-de-las-migraciones.
- s.f.h Migrant integration. Accessed 18 August, 2021. Available at: www.iom.int/migrant-integration-0.
- s.f.i *¿Cómo contribuyen las personas migrantes a la sociedad?* Accessed 18 August, 2021. Available at: www.rosanjose.iom.int/SITE/es/blog/como-contribuyen-las-personas-migrantes-la-sociedad.
- s.f.j *El involucramiento de las diásporas de América Central y México: oportunidades y desafíos. Resumen ejecutivo.* San Jose, Costa Rica. Available at: www.programamesocaribe.iom.int/sites/default/files/resumenejecutivo-diasporas_2.pdf.
- s.f.k Prison profile, Belize 2021. IOM. In preparation.
- s.f.l Ventanillas Informativas. Accessed 18 August, 2021. Available at: www.programamesoamerica.iom.int/es/ventanillas.

International Organization for Migration (IOM) and Grupo de Monitoreo Independiente de El Salvador (GMIES)

2021 *Estudio Sociolaboral de personas extranjeras y sus familias – Municipios de La Unión, Pasaquina y Santa Rosa de Lima.* San Salvador, El Salvador: IOM and GMIES. Available at: www.kmhub.iom.int/sites/default/files/publicaciones/estudio_sociolaboral.pdf

Jiménez, J. and N. Alarcón

2020 Acceso a la justicia de personas en contexto de movilidad humana. Diagnóstico regional y buenas prácticas. Madrid, Spain: EUROSOCIAL. Available at: www.eurosocial.eu/wp-content/uploads/2020/09/15_ACCESO_A_LA_JUSTICIA-1.pdf.

Joseph, R.

2020 *Democracia y derechos humanos. Plan Nacional de Regularización de Extranjeros (PNRE)*. Santo Domingo: Fundación Friedrich Ebert. Available at: www.library.fes.de/pdf-files/bueros/fescaribe/16684.pdf

Migration Data Portal

2017 Irregular migration. Geneva, Switzerland: GMDAC. Available at: www.migrationdataportal.org/sites/default/files/2017-11/Irregular%20Migration_Infographic_20.11.2017%20FINAL.png

2020a Migración irregular. Geneva, Switzerland: GMDAC. Accessed 18 August, 2021. Available at: www.migrationdataportal.org/es/themes/migracion-irregular

2020b Integración de los migrantes. Geneva, Switzerland: GMDAC. Accessed 18 August, 2021. Available at: www.migrationdataportal.org/es/themes/integracion-de-los-migrantes

s.f.a Estadísticas migratorias clave. Geneva, Switzerland: GMDAC. Accessed 18 August, 2021. Available at: www.migrationdataportal.org/?i=stock_workage_perc&t=2020&cm49=591

s.f.b Family Reunification Policy Index (0 - least restrictive; 1 - most restrictive) in 2010. Accessed 18 August, 2021. Available at: www.migrationdataportal.org/international-data?t=2010&i=impic_fam.

s.f.c Percentage of adult respondents who reported that the city or area where they live is a good place to live for immigrants from other countries (0 = disagree; 100 = agree) (estimates) in 2015. Geneva, Switzerland: GMDAC. Accessed 18 August, 2021. Available at: www.migrationdataportal.org/international-data?t=2015&i=co_diversity_yr.

s.f.c Percentage of adult respondents who reported that the city or area where they live is a good place to live for immigrants from other countries (0 = disagree; 100 = agree) (estimates) in 2015. Geneva, Switzerland: GMDAC. Accessed 18 August, 2021. Available at: www.migrationdataportal.org/international-data?i=co_diversity_yr&t=2015.

s.f.d Difference in the percentage of persons aged 25 and older who have completed secondary education (foreign-born minus natives) in 2010. Geneva, Switzerland: GMDAC. Accessed 18 August, 2021. Available at: www.migrationdataportal.org/international-data?t=2010&i=edusec.

s.f.e Difference in the percentage of persons aged 15 to 64 in the labour force who are unemployed (foreign-born minus natives) in 2010. Geneva, Switzerland: GMDAC. Accessed 18 August, 2021. Available at: www.migrationdataportal.org/international-data?t=2010&i=unemp_.

s.f.f Perfiles de Gobernanza de la Migración. Accessed 18 August, 2021. Available at: www.migrationdataportal.org/es/overviews/mgj#2.

Molina, K

2016 *Migración laboral Trabajadoras y trabajadores migrantes centroamericanos en El Salvador*. San Salvador, El Salvador: Fundación Friedrich Ebert. Available at: www.library.fes.de/pdf-files/bueros/fesamcentral/12937.pdf.

Morales, R

2018 *Inmigración y empleo en Costa Rica: Un análisis con perspectiva de género a partir de la encuesta continua de empleo*. San Jose, Costa Rica: Universidad Nacional de Costa Rica. Available at: www.scielo.sa.cr/pdf/eys/v23n54/2215-3403-eys-23-54-51.pdf.

Petrozziello, A. y B. Wooding

2016 “Evolución de las políticas migratorias”, en Estado de las migraciones que atañen a la República Dominicana 2015. Santo Domingo: OBMICA. Editora Búho. Available at: www.obmica.org/images/Publicaciones/Informes/Estado-migracion-2015-cap-4.pdf

United Nations

1990 *Convención internacional sobre la protección de los derechos de todos los trabajadores migratorios y de sus familiares*. Asamblea general. Available at: www.ohchr.org/SP/ProfessionalInterest/Pages/CMW.aspx.

2014 *Informe del Relator Especial sobre los derechos humanos de los migrantes, François Crépeau. Explotación laboral de los migrantes*. Naciones Unidas. Available at: www.acnur.org/fileadmin/Documentos/BDL/2014/9616.pdf.

2018 *Conferencia Intergubernamental encargada de aprobar el Pacto Mundial para la Migración Segura, Ordenada y Regular*. Available at: www.refworld.org/es/pdfid/5c0eac944.pdf.

2019 *Resolución aprobada por la Asamblea General el 19 de diciembre de 2018*. Asamblea General. Available at: www.undocs.org/es/A/RES/73/195.

2020 *Pacto Mundial para la Migración Segura Ordenada y Regular*. Asamblea General. Available at: www.migrationnetwork.un.org/sites/default/files/docs/spanish_0.pdf.

United Nations Department of Economic and Social Affairs (UN DESA)

2019 International Migrant Stock 2019. Accessed 18 August, 2021. Available at: www.un.org/en/development/desa/population/migration/data/estimates2/estimates19.asp.

2020 International Migrant Stock 2020. Accessed 18 August, 2021. Available at: www.un.org/development/desa/pd/es/content/international-migrant-stock.

United Nations Economic Commission for Latin America and the Caribbean (ECLAC) and International Labour Organization (ILO)

2017 *Coyuntura laboral en América Latina y el Caribe. La inmigración laboral en América Latina*. Santiago, Chile: United Nations. Available at: www.repositorio.cepal.org/bitstream/handle/11362/41370/1/S1700342_es.pdf.

United Nations Educational, Scientific and Cultural Organization (UNESCO) and El Colegio de la Frontera Norte (COLEF)

2016 *Migración y cultura*. Ciudad de México, México: UNESCO and COLEF. Available at: www.unesdoc.unesco.org/ark:/48223/pf0000247760.es.pdf

United Nations High Commissioner for Refugees (UNHCR), International Organization for Migration (IOM) and Central American Integration System (SICA)

2019 *Hallazgos del estudio de línea base sobre migración y desplazamiento en la región del SICA*. Available at: www.rosan jose.iom.int/site/sites/default/files/estudio_sica_-_actualizado_al_25_sept_2019_-_digital_compressed.pdf.

United Nations High Commissioner for Refugees (UNHCR), International Organization for Migration (IOM), United Nations Children's Fund (UNICEF) and Organization of American States (OAS)

2019 *Situación de la población refugiada y migrante de Venezuela en Panamá*. Available at: www.rosan jose.iom.int/site/sites/default/files/estudio_panama.pdf.

United Nations Migration Network

2021 *Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability*. Geneva, Switzerland. Available at: www.migrationnetwork.un.org/sites/default/files/docs/guidance_note-_regular_pathways_for_admission_and_stay_for_migrants_in_situations_of_vulnerability_final.pdf.

Rodríguez, M.

2019 Inmigración irregular, un desafío persistente en República Dominicana. 17 July, 2019. Santo Domingo. Available at: www.elcaribe.com.do/panorama/pais/inmigracion-irregular-un-desafio-persistente-en-republica-dominicana/.

Rojas, M. and T. Basok

2020 “Legalidad ilegal” y precariedad: la perspectiva desde el sur de México. Available at: www.scielo.br/pdf/soc/v22n55/1807-0337-SOC-22-55-0074.pdf.

Sin Fronteras

2012 *Los programas de regularización migratoria en México*. Ciudad de México: Sin Fronteras. Available at: www.sinfronteras.org.mx/wp-content/uploads/2018/12/Programas_Regularizacion_web_Final.pdf.

Testa, M.

2019 ‘Crisol de Razas’ regularizó a más de 350 mil extranjeros. 14 August. La estrella de Panamá. Accessed 18 August, 2021. Available at: www.laestrella.com.pa/nacional/190814/350-razas-crisol-regularizo.

Voorend, K.

2019 *¿Un imán de bienestar en el sur? Migración y política social en Costa Rica*. San Jose, Costa Rica: Universidad de Costa Rica. Available at: www.editorial.ucr.ac.cr/ciencias-sociales/item/2498-¿un-imán-de-bienestar-en-el-sur-migración-y-pol%C3%ADtica-social-en-costa-rica.html.

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