Migrants

A. Normative framework

The regulatory framework for migration is composed of a long series of international conventions, regional and bilateral treaties, and national laws. The relevant international instruments include both general and specific provisions on the protection of the rights of migrants. These include provisions on refugees, stateless persons, migrant workers and their families, along with measures aimed at combating discrimination and xenophobia. In line with a rights-based approach to access to a range of social services, such as health care and education, these rights should be guaranteed without reference to the legal status of migrants and their families.

The States represented at the United Nations Summit for Refugees and Migrants, held on 19 September 2016, adopted the New York Declaration for Refugees and Migrants, in which they undertook to frame the Global Compact for Safe, Orderly and Regular Migration. The Compact, which was then adopted in Marrakech in December 2018, calls for the establishment of principles, commitments and understandings among the signatory countries relating to international migration as viewed within the context of all its dimensions, causes, effects, associated conditions and humanitarian aspects, along with all its related issues in regard to development and human rights. The Compact recognizes the need to guarantee protection for migrants’ rights based on an understanding of the fact that migration is a source of prosperity, innovation and sustainable development in today’s globalized world (ECLAC, 2019a).

The 2030 Agenda for Sustainable Development includes goals and targets relating to the migrant population. The Montevideo Consensus on Population and Development also establishes that international migration issues need to be approached from a long-term perspective involving the adoption of sustainable agreements, regulations and policies on migration governance (ECLAC, 2015 and 2020). At the regional level, while it is true that economic integration initiatives such as the Southern Common Market (MERCOSUR) and the Caribbean Community (CARICOM) have regional agreements dealing with the movement, residence and protection of migrants in their member States, less headway has been made in Latin America and the Caribbean than in other world regions.

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1 This chapter was prepared by Beatriz Morales, Research Assistant with the Social Development Division of the Economic Commission for Latin America and the Caribbean (ECLAC).
4 The Sustainable Development Goals (and targets) associated with international migration which therefore concern migrants directly are Goal 1 (1.1, 1.3), Goal 3 (3.8, 3.c), Goal 4 (4.1, 4.3, 4.b), Goal 5 (5.2, 5.4, 5.6), Goal 8 (8.3, 8.5, 8.7, 8.8, 8.10), Goal 10 (10.c, 10.d, 10.e, 10.f, 10.g, 10.h), Goal 11, Goal 13 (13.b), Goal 16 (16.1, 16.2, 16.9) and Goal 17 (17.3, 17.18). For further information, see IOM (2021a) and [online] https://publications.iom.int/books/iom-institutional-strategy-migration-and-sustainable-development.
Normative frameworks at the national level have also been broadened with a view to the social inclusion and protection of migrants from abuse and violations of their rights. In addition to ratifying and acceding to international agreements, some countries in the region have passed migration laws that include provisions on human trafficking or on emigration and consular services and/or refer (generally implicitly) to the migrant population in their Constitutions.

B. Assessment of inequalities affecting migrants

- The situation with respect to international migration in Latin America and the Caribbean has become more complex and poses challenges in terms of risks and vulnerabilities at the various stages of the migration cycle.
- In 2019, 40.5 million people from Latin America and the Caribbean were living outside their home country (the equivalent of 6% of the region’s total population and 15% of the total number of migrants in the world).
- The migrant population has not been accorded a high priority in social policy or social protection systems.
- Migrants face challenges in their countries of destination in regard to labour inclusion (decent forms of employment) and social inclusion (access to housing, health care, education and so forth).
- Irregular migration status and manifestations of xenophobia, nationalism and racism have an impact on migrants’ well-being.

The term “migrant” is applied to people who have changed their place of habitual residence and gone to another country (international migration) or region within the same country (internal migration) in the hope of improving their social and economic situations. The term “migration” is defined as any movement of persons, including refugees, displaced persons, uprooted people and economic migrants (IOM, 2004). Because there are so many different reasons why people decide to migrate, this issue needs to be addressed on the basis of a broad approach that takes a wide range of causal factors into account (see box XII.1).

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5 In response to the serious human rights violations associated with the trafficking of girls and adolescent and adult women, 14 countries have passed laws to protect women migrants (ECLAC, 2019a). For further information on those laws, see Fries (2019).
6 For further information, see the Institutional Framework Database for Social Policy in Latin America and the Caribbean (ECLAC, 2017) or ECLAC (2019a) (tables V.9, V.10, V.A1.2 and V.A1.3).
7 This chapter refers particularly to international migration.
8 According to ECLAC (2019a, p. 153), mixed migration flows are now being seen which are composed of asylum seekers, economic migrants, unaccompanied children and adolescents, environmental migrants, migrants in irregular situations, migrants who have been smuggled across borders, trafficking victims and stranded migrants, among others.
Peoples decisions to remain where they are or to go elsewhere are prompted, as well as facilitated or blocked, by a range of factors that are beyond their control (OECD, 2008). Motivations for international migration can be divided into “push factors” and “pull factors”. Push factors originate in migrants’ home countries and generally involve a number of adverse conditions, while pull factors originate in host countries where migrants hope to find better life opportunities (OECD, 2008; Maastricht University/IOM, 2016). Both types of factors are in constant flux (OECD, 2008). Some examples are:

**Push factors in home countries:**
- Poverty and inequality
- Economic crises (e.g. unemployment) and social crises (e.g. famine)
- Political crises, instability and persecution (e.g. military dictatorships)
- Civil wars
- Violence (including gender violence) and unsafe conditions
- Natural disasters (e.g. floods, landslides)
- Climate change/climate instability (e.g. droughts)
- Discrimination (e.g. on the basis of gender, race, ethnic identity or religion)

**Pull factors in host countries:**
- Greater economic and social opportunities (employment opportunities, higher wages, educational opportunities, health status, safety)
- Economic, political and social stability
- Family reunification


**Note:** For further information, see UNICEF (2016).
planned or forced return migration (for the definitions of these and other terms, see box XII.2). In 2019, according to estimates of the United Nations Population Division, 40.5 million people from Latin America and the Caribbean were living outside their home country (the equivalent of 6% of the region’s total population and around 15% of the total number of migrants in the world). 1 out of every 5 citizens of the Caribbean, 1 out of every 10 Central Americans, and 1 out of every 30 South Americans (ECLAC, 2019a).

Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of Economic Commission for Latin America and the Caribbean (ECLAC), Social Panorama of Latin America, 2019 (LC/PUB.2019/22-P/Rev.1), Santiago.

The countries and territories included in these statistics, by region, are: South America: Argentina, Bolivarian Republic of Venezuela, Brazil, Chile, Colombia, Ecuador, Falkland Islands (Malvinas), French Guiana, Guyana, Paraguay, Peru, Plurinational State of Bolivia, Suriname and Uruguay; Central America: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama; the Caribbean: Anguilla, Antigua and Barbuda, Aruba, Bahamas, Barbados, British Virgin Islands, Cayman Islands, Cuba, Curaçao, Dominica, Dominican Republic, Grenada, Guadeloupe, Haiti, Jamaica, Martinique, Montserrat, Puerto Rico, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sint Maarten, Turks and Caicos Islands, Trinidad and Tobago, and United States Virgin Islands.

**BOX XII.2**

Selected international migration terms

**Country of origin:** A country that is the source of a migration flow, whether legal or illegal.

**Country of transit:** A country through which an individual migrant or group of migrants move on their way to their destination in another country.

**Deportation:** The act of a State in the exercise of its sovereignty in removing an alien from its territory to another place after refusal of admission or termination of permission to remain.

**Diaspora:** Any people or ethnic population that leaves their traditional ethnic homeland, whether individually or as members of organized networks and associations, and that maintain ties to their place of origin.

**Displacement:** A forced removal of a person from his/her home or country, often as a result of armed conflict or natural disasters.

**Emigration:** The act of departing from one territory with a view to settling in another.

**Exodus:** Isolated and sporadic movements of groups out of their country of origin.

**Expulsion:** An act by an authority of a State with the intention and with the effect of securing the removal of a foreign person or persons against their will.

**Extraregional migration:** The movement of persons from and to other regions.

**Feminization of migration:** The growing participation of women in migration flows.
Forced return: The compulsory return of an individual to the country of origin, country of transit or a third country on the basis of an administrative or judicial act.

Foreigner (or alien): A person who is not a national of a given State. The term includes stateless persons, asylum seekers, refugees and migrant workers.

Immigration: A process by which non-nationals move into a country for the purpose of settling there.

Intraregional migration: The movement of persons from one country to another within the same region. With the increased economic integration brought about by various regional integration agreements, these migration flows are on the rise.

Mixed flows: Complex population movements that include asylum seekers, refugees, economic migrants and other migrants.

Permit: Documentation, usually issued by a government authority, which allows something to exist or someone to perform certain acts or services. Examples include residence permits and work permits.

Receiving country: A country of destination or a third country that receives a person from another country. In the case of return migration or repatriation, the receiving country is also the country of origin. A country that has agreed to receive a certain number of refugees or migrants on a yearly basis by presidential, ministerial or parliamentary decision.

Refugee (recognized): A person who, “owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his [or her] nationality and is unable or, owing to such fear, is unwilling to avail himself [or herself] of the protection of that country” (UNHCR, 2010, p.14).

Repatriation: The personal right of a refugee or a prisoner of war to return to his/her country of nationality under specific conditions.

Return migration: The movement of a person returning to his/her country of origin or habitual residence, usually after having spent at least one year in another country. The return may or may not be voluntary and includes voluntary repatriation.

Right to leave: Everyone has the right to leave any country, including his or her own.

 Stateless person: A person who is not considered as a national by any State under the operation of its law. As such, a stateless person lacks those rights attributable to nationality or to the status of a legal and habitual resident in the State of temporary residence. Such persons also have no right of return in the event that they travel.

Smuggling of migrants: An international movement that involves a migrant persons unauthorized (illegal) entry into a State (irregular migration) on the basis of a direct or indirect commercial transaction that generates economic gains or other material benefits for the smuggler. Migrants who are victims of smuggling may be subject to such practices as bribing, kidnapping and extortion.

Stranded migrant: Persons who are detained for a prolonged period of time, have had their applications for asylum rejected or are in an irregular migration situation.

Trafficking in persons: The recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. The exploitation may take the form of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. The concept of trafficking in persons may be applied to both internal and international movements of persons.

In recent decades, intraregional migration has been on the rise. Whereas in 1970 it accounted for 24% of all migration, by 2019 it represented more than 70% of the total (see figure XII.2) and has led to the emergence of new migration corridors (Carrasco and Suárez, 2018; ECLAC, 2015; Maldonado, Martínez and Martínez, 2018). It has thus become an item that now figures prominently on the social and political agenda of the region. To differing degrees, all the countries of the region are countries of destination, of origin and/or of transit, and they all are therefore faced with challenges in relation to violations of the rights of migrants and discrimination against them, both when they are on the move and when they are seeking to integrate into society either in their host country or upon returning to their home country (ECLAC, 2015; Maldonado, Martínez and Martínez, 2018). Diagram XII.1 depicts the possible stages in the migration cycle and the relationships between place of origin, transit, destination and possible return, along with the transnational space generated by the various flows and ties associated with migration (Maldonado, Martínez and Martínez, 2018).

![Figure XII.2 Immigrant population, by place of origin, 1970–2019](image)

**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), Social Panorama of Latin America, 2019 (LC/PUB.2019/22-P/Rev.1), Santiago, 2019.

The countries and territories included in these statistics are: Anguilla, Antigua and Barbuda, Bolivarian Republic of Venezuela, British Virgin Islands, Argentina, Aruba, Bahamas, Barbados, Belize, Brazil, Cayman Islands, Chile, Colombia, Costa Rica, Cuba, Curaçao, Dominica, Dominican Republic, Ecuador, El Salvador, Falkland Islands (Malvinas), French Guiana, Grenada, Guadeloupe, Guatemala, Guyana, Haiti, Honduras, Jamaica, Martinique, Mexico, Montserrat, Nicaragua, Panama, Paraguay, Peru, Plurinational State of Bolivia, Puerto Rico, Suriname, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sint Maarten, Trinidad and Tobago, Turks and Caicos Islands, United States Virgin Islands and Uruguay.

A large number of people are currently emigrating from the Bolivarian Republic of Venezuela and settling in Colombia, Chile, Ecuador, Peru and some Caribbean countries. In recent years, the flow of people moving out of Central America has increased in both size and visibility as many of these people travel through Mexico on their way to the United States. Cooperative initiatives have been undertaken by a number of countries in connection with both of these migrant populations. In the case of Venezuelan emigrants, various assistance mechanisms have been devised, such as the Regional Interagency Coordination Platform for Refugees and Migrants from Venezuela (R4V), as well as political undertakings such as the Quito Process and inter-American working groups such as those founded by the Organization of American States (OAS). In the case of Central America, the Comprehensive Development Plan for El Salvador, Guatemala, Honduras and South-Southeast Mexico, which was developed in 2018 by 21 United Nations bodies, including ECLAC, is based on four pillars: economic development, social well-being, environmental sustainability and the migration cycle (ECLAC, 2019a).
The life-cycle perspective is a highly useful one for the analysis of migration because it encompasses the needs for social protection and the differentiated risk levels that may be intensified at the various stages of the migration cycle. Access to health services, education and social security coverage, among others, largely depends on how broad the coverage provided by the countries’ social protection systems is (Maldonado, Martínez and Martínez, 2018). For example, migrant children are doubly vulnerable, and in recent years the number of accompanied and unaccompanied migrant children has soared, with the latter group being the main object of concern. In addition to being vulnerable to such threats as violence, exploitation, abuse and trafficking, migrant children and adolescents are prone to dropping out of school and being used as child labour and are exposed to various sorts of traumas and psychosocial disorders. Adults, on the other hand, are at the appropriate stage of life to engage in labour migration, with the key factor being the success of the working-age migrant population in gaining entry to the formal labour market, since this is a gateway to membership in social protection systems and to the possibility of securing recognition of foreign qualifications or diplomas that will facilitate their entry into appropriate forms of employment. Another source of vulnerability for this population group has to do with pre-existing membership in a contributory social protection system and the difficulty that emigrants and returning migrants  

10 Canales and Rojas (2018) find that most Mexican and Central American migrants are male, whereas more migrants from other countries are female. In the case of Mexico, there are 1.09 men for every woman in cumulative migration totals, and the corresponding indicator for the northern triangle of Central American countries is 1.14. For the other countries, the ratio is reversed, with women migrants outnumbering male migrants by 13.5%. Carrasco and Suárez (2018) find that a majority of recent immigrants to Brazil, the Dominican Republic and Mexico are male (96% more male than female migrants in the case of Mexico). 

11 Data for 2016 indicate that women and girls are the main victims of human trafficking in Latin America and the Caribbean and that most of them are trafficked for purposes of sexual exploitation. Other forms of exploitation include illegal adoption and forced begging. In the Plurinational State of Bolivia, for example, 170 victims of illegal adoptions were identified between 2014 and 2017 (UNODC, 2018). 

12 For further information on these issues, see UNODC (n/d) and IOM (2021c). 

13 Between 2013 and 2017, a total of 180,000 unaccompanied children and adolescents from northern Central America were held in detention. The figure climbs to 244,000 if the cases of Mexican children and adolescents are counted as well (Canales and Rojas, 2018). For further information, see UNICEF (2017) and Johnson (2019).
have in transferring the associated benefits from one system to another. This is the stage at which gaps in contributions to retirement funds are most likely to occur. For older adults, the biggest challenges have to do with policies on the transferability of pension benefits and health insurance coverage. When older adults return to their home countries, they may lose access to payments and benefits that they had acquired in their host country owing to the lack of transnational transfer mechanisms (Maldonado, Martínez and Martínez, 2018).

The difficulties experienced by migrants are often aggravated by ethnic/racial discrimination that has a negative impact on their well-being and enjoyment of their rights (Maldonado, Martínez and Martínez, 2018). In 2010, according to census information from the countries of the region, the more than 83,000 indigenous persons who were international immigrants represented a very small percentage of the indigenous population in each country of destination (less than 3.3%), with the exception of Costa Rica, where 12.4% of all indigenous persons in the country had been born outside of its borders. Other groups, such as Haitians, are the object of overlapping or intersecting discrimination on the basis of their national origin and racial discrimination (ECLAC, 2019a).

The vulnerabilities and disadvantages experienced by the migrant population, and particularly those groups of migrants who have to deal with multilayered forms of discrimination, are exacerbated under emergency conditions (see box XII.3).

BOX XII.3
Migrants and COVID-19

The impact of the pandemic on migrants is reflected in three interrelated areas in which their pre-existing vulnerabilities and disadvantages have been heightened:

- **Health**
  The substandard living conditions of migrants who find themselves in vulnerable positions expose them to the health hazards posed by the pandemic while, at the same time, they have only limited means of protecting themselves. In addition to living and/or working in substandard, overcrowded conditions, they lack access to other basic services such as water, sanitation services and food. Various kinds of barriers also make it hard for them to secure health care (including mental health, psychosocial services and sexual and reproductive health care). Those barriers include legal considerations associated with their (regular or irregular) migration status, cost, a lack of familiarity with the cost-free services to which they are entitled, language barriers, cultural aspects, fear of deportation or other penalties, and discrimination. One example of actions taken to redress this situation is the Peruvian government’s approval of temporary health-care coverage for refugees and migrants who test positive for COVID-19 or who fear that they may have become infected.

- **Socioeconomic conditions**
  The socioeconomic impacts of the pandemic have been especially severe for migrants who have unstable sources of income and limited access to benefits, such as migrants working in the informal sector of the economy who lack access to decent forms of employment and social protection. This group is more exposed to the socioeconomic shocks generated by reductions in income, mounting unemployment and rising commodity prices. As an example of the actions taken in response to this situation, as of November 2020, 32 countries of the region had implemented new social protection measures or adapted existing ones to address the pandemics effect on poor and vulnerable segments of the population. Three of these measures explicitly include migrants within their target group: the Panama Solidarity Plan, the Colombia está Contigo (“Colombia Is with You”) Vulnerable Migrant Programme and the economic support measures put in place for Venezuelan migrants in Peru.

  The drop in remittances caused by the loss of jobs and wages, together with the closure of money transfer agencies because they were not classified as essential services, has been a blow to migrants' families in their home countries who use those funds to cover basic necessities, and those families have become poorer than before as a result. In response, Guatemala and El Salvador have taken steps to enable migrants working abroad to send back remittances at no cost.
BOX XII.3 (concluded)

- **Human rights and protection**

Border closures and other restrictions on peoples’ movements put in place to curb the spread of COVID-19 have had a severe impact on the rights of many migrants who may find themselves in dangerous situations, such as unaccompanied children and adolescents. Border closures, together with the socioeconomic crisis, may, for example, drive migrants to seek out migrant smugglers, who may traffic them or exploit them in other ways.

The closure of national borders has also left many migrant workers stranded in destination or transit countries, while those who lose their jobs are at risk of losing their visas and may, as a result, be placed in temporary, overcrowded migrant detention centers.

Measures that have been introduced to deal with these problems include the following: (i) in Ecuador, the allowable time period for Venezuelan migrants in Ecuador to apply for a humanitarian visa has been extended up to the end of the state of emergency; (ii) in Chile, an online system has been set up that automatically extends peoples’ visas and residence permits for six months upon request; and (iii) in Panama, stranded migrants have been granted refuge until such time as restrictions on international travel are lifted.

Situations may arise in which migrants are forcibly returned to their home countries, which are not in a position to receive them safely or to properly reintegrate them into that society. During the COVID-19 pandemic, return migration flows have begun to be observed and may continue owing to job losses and the absence of social safety nets in migrants’ host countries.

The fear of becoming infected with COVID-19 has exacerbated what were already serious problems of xenophobia, racism and stigmatization. Under crisis conditions, the urgent need for inclusive policy measures for migrants becomes even more evident. These measures need to include universal health care as a tool for coping with COVID-19 and measures for meeting the needs of migrants, whatever their migration status may be, and addressing the conditions that place them in vulnerable positions.

While the outlook is a complicated one, the crisis also offers an opportunity to evaluate the contributions that migrants make to sustainable development and their potential contributions to the recovery of the regions societies once the pandemic has passed. The pandemic has served to highlight the contributions that migrants make to the regions societies and economies, as many of them are employed as essential workers in national health systems, as caregivers and in the food supply chain. Examples along these lines can be found in Peru, Chile and Argentina, where refugees who are doctors, nurses and other types of health workers who were trained abroad are working in those countries to combat the pandemic.


- For further information, see Panama (2020).
- For further information, see [online] http://portalgestiondelriesgo.gob.co/.
- For further information, see Peru21 (2020).
- Data for the Central American countries indicate that remittances have been dropping off since March, and estimates for Latin America and the Caribbean point to a downturn of 19.3%. For further information, see IOM (2020).
- For further information, see [online] https://www.guatemala.gob.gt/guatemaltecos-varados-en-ee-uu-retornaron-al-pais/.
- For further information, see El Salvador (2020).
- For example, see Carvajal (2020).
Migration status is a factor that interacts with other axes of the social inequality matrix. The difficulties faced by migrants that are inherent to their situation, especially if they are in an irregular situation or are stateless, are compounded by discrimination, abuse and a lack of opportunities because of their socioeconomic situation, gender, age, ethnic or racial identity, disability or factors related to their location in the country of origin, transit or destination, all of which gives rise to varying types and degrees of vulnerability and risk (Maldonado, Martínez and Martínez, 2018).

1. Poverty

In estimating the probabilities that an immigrant and a non-migrant with the same socioeconomic traits (age, sex, education, area of residence and household type, among other things) will be poor, countries can be classified as falling into one of three different groups: (i) countries where poverty rates are higher among migrants than non-migrants (positive effect), such as Chile (where the poverty rate is 5.9 percentage points higher among migrants than non-migrants), Colombia, Costa Rica and the Dominican Republic; (ii) countries where there is no significant difference between the two groups’ poverty rates (neutral effect), such as Argentina (the rate among migrants is 1.3 percentage points higher) and Panama; and (iii) countries where poverty is lower among migrants than non-migrants (negative effect), such as Brazil (the poverty rate among migrants is 3.4 percentage points lower than among non-migrants) and Guatemala (see figure XII.3) (ECLAC, 2019a).

FIGURE XII.3
Latin America (9 countries): difference in poverty rates, by migration status
(Percentage points)

<table>
<thead>
<tr>
<th>Country</th>
<th>Difference (Percentage points)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chile (2017)</td>
<td>5.9</td>
</tr>
<tr>
<td>Dominican Rep. (2016)</td>
<td>5.9</td>
</tr>
<tr>
<td>Colombia (2017)</td>
<td>4.8</td>
</tr>
<tr>
<td>Costa Rica (2017)</td>
<td>4.6</td>
</tr>
<tr>
<td>Ecuador (2017)</td>
<td>3.9</td>
</tr>
<tr>
<td>Argentina (2017)</td>
<td>1.3</td>
</tr>
<tr>
<td>Panama (2017)</td>
<td>0.4</td>
</tr>
<tr>
<td>Brazil (2015)</td>
<td>-3.4</td>
</tr>
<tr>
<td>Guatemala (2014)</td>
<td>-8.1</td>
</tr>
</tbody>
</table>

Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of Economic Commission for Latin America and the Caribbean (ECLAC), Social Panorama of Latin America, 2019 (LC/PUB.2019/22-P/Rev.1), Santiago, 2019.

* Estimated marginal effect of migration status on likelihood of being poor. The value of the effect is seen as the difference between the two probabilities.

14 IOM (2018) has noted that an irregular status may be occasioned by the fact of having crossed a border without authorization, overstaying after a visa has expired, engaging in activities not permitted under the visa that a person holds (e.g. working), being born into an irregular situation or remaining in a country after a visa or asylum application has been denied. Migrants in irregular situations can be arrested, detained and deported without being able to avail themselves of due process guarantees to defend themselves (IPU/ILO/OHCHR, 2015).

15 UNHCR (2014) has noted that persons may be rendered stateless by policy, legal or administrative guidelines or by the movement of borders between countries. The absence of a connection between a State and an individual is what causes a person to be stateless. Stateless individuals are often treated as irregular immigrants. For further information on statelessness, see UNHCR (2019).
2. Housing

One of the main problems in relation to migrants’ living conditions is overcrowding (whether while they are in transit, when they return to their home country or when they are in the country of destination). Census information shows this to be the case in migrants’ host countries: according to national census data, 33% of migrants residing in Santiago, Chile (2017), live in overcrowded conditions, 37% of those living in Bogota, Colombia (2018), do so, and overcrowding is a problem for 23% of the migrant residents of Lima, Peru (2017). Overcrowding is more common among the migrant population than local populations (see figure XII.4). There are areas in some cities where the overcrowding rate in migrant households is up to three times higher than among the local population (ECLAC, 2020).

![FIGURE XII.4](image)

Santiago, Bogota and Lima: ratio of overcrowding among migrants relative to the local population, around 2018


* The ratio is expressed as the quotient between the percentages of migrants and non-migrants subject to overcrowding.

3. Labour market

The unemployment rates among recent and long-term migrants (less than and more than five years in the host country, respectively) and the sectors of the economy in which they work differ from the corresponding rates and sectors of employment of the local population; definite differences in these indicators for men and women are also apparent. In the case of unemployment rates, three main patterns can be distinguished: (i) they are lower for long-term migrants than for the local population; (ii) they are lower for the local population than for recent migrants (except in Chile); and (iii) they are higher for women than for men in all the subgroups except in Argentina (long-term migrants) and Mexico (see figure XII.5) (ECLAC, 2019).

In all the countries of the region, migrants are overrepresented among paid domestic workers relative to the local population (see figure XII.6). The domestic service sector is the biggest employer of immigrant women in Argentina, the Bolivarian Republic of Venezuela, Chile and Costa Rica (ECLAC/ILo, 2017). Women migrants employed as domestic workers come from various social segments, and the reasons why they have chosen to become migrants differ as well. In many cases, their previous work histories are unrelated to paid domestic work (ECLAC, 2019).

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16 According to Sabates-Wheeler and Koettl (2010), as quoted in ECLAC (2019), discrimination against migrants as manifested in relation to their social and labour rights makes them a cheaper pool of labour for employers than local workers are (ECLAC, 2019).
FIGURE XII.5
Latin America (6 countries): unemployment rates for the local population, recent migrants and log-term migrants, by sex, around 2015
(Percentages)

Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of Economic Commission for Latin America and the Caribbean (ECLAC), Social Panorama of Latin America, 2019 (LC/PUB.2019/22-P/Rev.1), Santiago, 2019.

Recent migrants are defined as those who have been in the host country for less than five years. Long-term migrants are defined as those who have been in the host country for more than five years.

FIGURE XII.6
Latin America (5 countries): women aged 15 years or over who are employed as paid domestic workers, around 2015 (Percentages)


Dominican Republic: n < 40 cases.

In the case of male migrants, some of the main sectors of employment are agriculture (Bolivarian Republic of Venezuela, Dominican Republic and Paraguay), construction (Argentina, Costa Rica and Dominican Republic) and financial services (Chile, Mexico, Plurinational State of Bolivia and Uruguay) (ECLAC/ILO, 2017). The levels of skills and qualifications among immigrants vary a great deal, however (ECLAC/ILO, 2017), and it
is therefore to be expected that immigrants with lower levels of formal education are concentrated in low-skill occupations while their more highly educated peers will be employed in more skilled occupational categories.

Research on the high levels of labour informality among immigrant workers indicates, for example, that in 2011 in Argentina, 67.4% of immigrants originally from South American countries were employed in the informal sector of the economy, compared to 41.7% of non-migrant workers and 41.8% of internal migrants. In Costa Rica, 29% of all migrant workers and 32% of female migrant workers are employed in the informal economy. In 2012 in the Dominican Republic, 83.6% of Haitian migrant workers employed in the farm sector were working under informal arrangements, while the corresponding figure for the construction industry was 91% (ECLAC/ILO, 2017).

4. Remittance flows and costs

Increases in migrants’ income levels have an impact on the well-being and developmental progress of their families, either directly (if they live together) or indirectly via remittances (IOM, 2017). These flows are very important for some countries, and in some cases exceed the levels of official development assistance that they receive (ECLAC, 2018a, IOM, 2017). Their economic importance depends on the production structure of each recipient country. For example, in 2017, remittances accounted for over 15% of GDP in such countries as Honduras (20.3%) and El Salvador (19.3%), whereas, in others, they were equivalent to less than 3% of GDP (2.6% in Mexico, 0.9% in Costa Rica and 0.7% in Panama) (data from 2019, ECLAC (2021)). ECLAC estimates (2019a) that the poverty rates for the total populations of the Dominican Republic, El Salvador, Guatemala and Honduras would climb by between 1.5% and 2.4% if no remittances were received. Remittances represent the highest percentages of the population's total income in Honduras (5.2%), El Salvador (4.9%) and the Dominican Republic (4.8%) (ECLAC, 2019a). It has also been found that 51% of the Guatemalans who received remittances in 2016 lived in rural areas (ECLAC, 2018b).

The cost involved in sending remittances remains high in some specific corridors but varies depending on the channels and agencies used for that purpose. For example, in the Caribbean, the cost of sending funds through the most expensive remittance corridor (from the United States to Cuba18) is twice as high as it is for the least expensive one (Spain to the Dominican Republic) (Mejía, 2018). A study published by the International Organization for Migration (IOM) indicates that the cost of sending funds tends to be higher for South-South remittance corridors than for North-South corridors because there is less competition in those markets, paving the way for informal mechanisms (Mandrile, 2014, quoted in Stefoni, 2018). World Bank data (2019 and 2021) indicate that the average cost of sending less than US$ 200 to the Latin American and Caribbean region was equivalent to 5.52% of the sum involved when it was sent from the United States and to 6.20% of the sum when it was sent from various other regions,19 but was equivalent to 6.83% when sent from one location to another within the same region.

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17 According to data from Fundación BBVA Bancomer/CONAPO (2018, quoted in Padilla Pérez, Santamaría and Villarreal, 2020), the largest share of remittances in Mexico are used to buy food and clothing (80%, on average), while the remaining 20% is used to pay for health care and education, to pay off debts and to start a business. In Ecuador, a recipient may invest as much as 10% of the remittance on production activities (González, Viera and Ordeñana, 2009, quoted in Padilla Pérez, Santamaría and Villarreal, 2020).

18 The average cost in this remittance corridor was 9.41% in the first quarter of 2019 and 13.98% in the fourth quarter of 2018 (World Bank, 2021).

19 Ecuador is the lowest-cost destination, at 3.77% during the first quarter of 2019 (World Bank, 2021).
C. Priority policies for reducing inequalities faced by migrants

Some of the high-priority policies for reducing the inequalities faced by migrants focus on:

- Regularizing the status of migrants in order to reduce their vulnerability and to facilitate efforts to address possible irregularities, human trafficking and mixed migration flows.
- Promoting access to education and health care for all migrants.
- Ensuring that migrants’ social benefits are transferrable.
- Reducing the cost of remittances and of financial inclusion as a means of multiplying the beneficial economic impact on migrants’ home communities.

Creating more decent job opportunities in migrants’ countries of origin is an essential step in order to make migration an option rather than a necessity, and public policies in destination countries should focus on creating conditions that are conducive to equality between local and migrant populations rather than being confined to managing migration flows (ECLAC, 2018a), especially in view of the preponderance of labour migration in Latin America. The promotion of integrated social development policies at the national, subnational and local levels is fundamental, as is the creation of inclusive job markets in countries of origin, transit and destination through the adoption of measures to ensure and safeguard decent job opportunities in line with the principle of economic and cultural integration.

Above and beyond their specific objectives, policies must be based on a recognition of migrants as rights holders and should provide long-term responses to international migration issues (ECLAC, 2019a). All related initiatives and policies should also embody and reinforce gender, ethno-racial, generational, territorial and cross-cutting human rights approaches (ECLAC, 2019a).

1. Regularization of migration status

Access to an identity and policies aimed at promoting social and labour inclusion are closely linked. In order to help reduce migrants’ vulnerability, steps therefore need to be taken to provide access to local documentation and to implement regularization policies. Information campaigns and legal (and especially consular) advisory services are examples of some of the tools that can be used at different stages in the migration cycle. Coordination between labour and migration policies is of pivotal importance in removing obstacles to the use of employment contracts and preventing people from losing their residence permits if they lose their jobs (ECLAC, 2019a and 2019b). Greater effort also needs to be devoted to the quantification of irregular movements, since a fuller understanding of the nature and scale of these flows will facilitate the design and implementation of more effective strategies.

In response to the diversification of migration flows and the appearance of new ones in the region, a number of transit and destination countries have instead introduced restrictive measures in an effort to step up the control and protection of their borders. In November 2015, for example, Nicaragua closed its southern border in response to an increase in the flow of Cuban and Haitian migrants and, in December 2015, Costa Rica blocked Cubans from entering the country and then, in August 2016, closed its borders to all irregular migrants (IOM, 2017).
Examples of the different regularization processes—some of which are universal in nature while others target specific nationalities and/or employment sectors—launched by some countries include the following:

- In Costa Rica, the Directorate-General for Migration, in coordination with the National Children’s Foundation (PANI) and the National Apprenticeship Institute, assist foreign students under 18 years of age who wish to regularize their migration status or persons under that age whose migration status is irregular and who wish to become students (Canales and Rojas, 2018).

- Under the 2006 Agreement to Regulate the Immigration and National Labour Situation of Peru and Ecuador in the Border Regions and the Ecuador-Peru Migration Statute, Ecuador issued 2,000 work visas to Peruvian migrants and their families and in later years has issued 2,993 protection visas and 232 work visas (Stefoni, 2018).

- In 2010, under Argentina’s Patria Grande homeland regularization programme for immigrants from MERCOSUR member countries, the migration status of approximately 424,000 persons, most of whom were from Paraguay and the Plurinational State of Bolivia, was regularized; 100,000 of these persons received permanent residency and another 126,000 received temporary residence permits. Regularization procedures were introduced for persons from the Dominican Republic and Senegal in 2013 and for Korean nationals in 2014 (Stefoni, 2018).

- In Paraguay, day-long regularization events have been held under the Agreement on Residence for Citizens of the States Parties of MERCOSUR and the MERCOSUR Agreement on Internal Migration Regularization. The most recent such event was held in November 2014 (Stefoni, 2018).

- Since the reinstatement of a democratic system in Chile, regularization campaigns (referred to as “amnesties”) have been carried out in 1998, 2007 and 2018 (ECLAC, 2019a).

- In the second half of 2019, Colombia introduced a temporary measure called “First the Children” under which Colombian nationality can be conferred on children born to Venezuelan parents on Colombian territory since 19 August 2015.

- In June 2019, the government of Trinidad and Tobago started up a regularization procedure under which 16,523 Venezuelans received an exemption from work permit requirements (initially valid for six months) that allows them to work and entitles them to health and education services (ECLAC, 2019a).

2. Access to health, education and housing

The full range of health services should be adapted to accommodate the arrival of migrants, sometimes en masse, both in transit countries and in countries of destination (Maldonado, Martínez and Martínez, 2018). In Colombia, the Ministry of Health and Social Protection has designed a plan for organizing the health sector’s response to migration-related demands, mainly due to the huge influx of Venezuelan migrants. Colombians returning to their country, immigrants having a regular migration status and Venezuelan immigrants who are in possession of Special Stay Permits can register with the General Social Security Health System (SGSSS). Immigrants with an irregular migration status are entitled to initial emergency medical care.

21 For further information, see Colombia (2021).
In addition to providing access to compulsory education for migrant children and adolescents, steps need to be taken to facilitate the recognition and accreditation of courses of study completed abroad. The certification of prior studies and qualifications helps children, adolescents and young people enrol in educational institutions and is extremely helpful for migrant workers seeking to improve and expand their employment opportunities. Multilateral agreements in this field can facilitate this process (Maldonado, Martínez and Martínez, 2018). Some important lessons can be learned from Chile’s experience: migrants’ children should be enrolled in primary and basic education, and the public health-care system should provide services to all foreign children and adolescents under the age of 18 and to all pregnant women (OAS, 2015). Mexico provides another example with its “Education without Borders” programme. Launched in 2017, this programme’s objectives are to uphold the right to education of Mexican nationals who are returning to their country, migrants, refugees and persons who have been granted supplementary protection measures, to provide educational counselling services to help children and adolescents start, continue and complete their primary and secondary educations and to secure certification of those studies; to integrate migrants into basic and upper secondary educational institutions, to set up public education modules to make instruction available at the 11 repatriation stations along the border, and to help students enter the national education system even if they do not have academic or identity documents.

3. Transferability of benefits

The low priority that social security institutions place on entering into agreements and disseminating information about the established procedures and requirements for transferring entitlements poses a challenge in this regard. The lack or shortcomings of mechanisms for coordinating the operations of social security systems in countries of origin, transit and destination are also a problem, as is the absence of an appropriate institutional structure for this purpose (ECLAC, 2019a; Maldonado, Martínez and Martínez, 2018). In addition to bilateral agreements, some examples of advances in this connection are the following:

- Decision No. 545 of the Andean Community’s Andean Labour Migration Instrument of 2003 grants Andean migrant workers the right to register with one of the social security systems or social benefits systems operating in the receiving country and entitles them to the full benefits provided under that system in accordance with the relevant regulations currently in force. It also guarantees the right to have the contributions paid in any member country credited for access to the corresponding social security or other benefits in another country.

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22 For further information, see Ministry of Education (2021).
23 For further information, see Ministry of Health (2017).
24 For further information, see National Institute for Adult Education (2019).
25 For further information, see Triveno and Nielsen (2020).
26 For further information, see Ministry of Housing and Urban Affairs (n/d) and University of Chile (2020).
27 For further information, see Andean Council of Ministers for Foreign Affairs (2003).
• The Multilateral Social Security Agreement of the Southern Common Market, which was signed in 1997 and has been in force since 2005, authorizes the provision of monetary and health benefits in accordance with the legislation of each MERCOSUR member country. Periods of coverage or contributions paid while in the territory of any of the States parties are counted towards the accrual of old age, disability and death benefits.

• The Ibero-American Multilateral Agreement on Social Security, which entered into force in October 2011 for the countries of Latin America together with Spain and Portugal, not only represents a long-term solution but also provides for the coordination of existing national laws on pensions as they stand, without modifications, thereby helping to ensure the economic security during old age of the citizens of countries whose social security models differ markedly from one another. To date, this agreement has been ratified by 12 countries: Argentina, Bolivarian Republic of Venezuela, Brazil, Chile, Ecuador, El Salvador, Paraguay, Peru, Plurinational State of Bolivia, Portugal, Spain and Uruguay (ECLAC, 2019a).

4. Reduction of remittance costs and financial inclusion

The cost of sending remittances needs to be lowered in Latin America and the Caribbean, since the fees charged for this service not only reduce the amounts that are sent but also the amounts received at the other end by the intended recipients (ECLAC, 2018a; Mejía, 2018). Mechanisms are also needed to ensure that these funds are channelled into productive activities (Stefoni, 2018). The financial technology (FinTech) and electronic banking industries have a leading role to play in lowering the cost of money transfer services and in expanding access to financial services for the segments of the population that have traditionally lacked that access. This concern is explicitly reflected in target 10.c of Sustainable Development Goal 10 (By 2030, reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent) (United Nations, 2015, p. 21). Along the same lines, objective 20 of the Global Compact for Safe, Orderly and Regular Migration focuses on using various means to promote the more rapid, economical and secure transfer of remittances through legal channels.

Mexico is noteworthy for its design of financial products that migrants can access from their homes and that they can use both while they are in Mexico and when they are in their country of destination. Some of the programmes aimed at reducing remittance costs and promoting the use of formal transfer channels and financial inclusion are the following (Padilla Pérez, Santamaría and Villarreal, 2020):

• The People’s Network (L@Red de la Gente) and the Directo a Mexico arrangement offered by the Welfare Bank, S.N.C., of Mexico (formerly the National Savings Bank and Financial Services (BANSEFI)) transfer remittances from Mexicans residing in the United States at a cost of between US$ 3.00 and US$ 5.00.

• The Debicuenta Exprés express debit account of the Welfare Bank, S.N.C., of Mexico is a sight deposit account that comes with a debit card which migrants can open online from any location. Users receive a preferential exchange rate and are authorized to name a third party who can access the funds in Mexico with a debit card.

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28 For further information, see Common Market Council (1997).
29 For further information, see OISS (n.d).
30 For further information, see United Nations (2018).
31 For further information, see Secretariat of Welfare (2017), FSV (n/d), and [online] http://www.directoamexico.com/, https://www.lareddelagente.com.mx/
Examples of initiatives for promoting productive investments and asset acquisition include:

- Migrant Programme 3x1 of the Secretariat of Welfare of Mexico supports initiatives of migrant organizations for carrying out development projects in their towns or communities of origin.
- The Regresa y Emprende (“Come Back and Start Up”) loan facility is made available by the Nacional Financiera, S.N.C., of Mexico to all returning migrants and their families who wish to start a business.
- The Nearby Housing Programme of the Social Housing Fund (FSV) of El Salvador allows migrants to use their remittances to make payments on mortgages for a house for their family.
- The Tu Vivienda en México (“Your Home in Mexico”) programme of the Secretariat of Foreign Affairs promotes other programmes dealing with the construction and acquisition of housing.

D. Suggested references


E. Questions

- Review the legal framework for migration in your country. Does the legislation cover migrants’ right to have access, for example, to health care? Does the migrant population have access to certain services? If so, is that access contingent upon migration status or the possession of a residence permit?

- Choose one of the axes of the inequality matrix and give specific examples of how given inequalities may be greater for migrants in your country than for the local population.

- How economically important are remittances for your country? How much does it cost to send remittances from the countries where most of the emigrants from your country are residing? Find out if there are programmes in your country that link remittances with housing programmes or programmes for investment in production assets.

- What are the main challenges for your country in relation to the integration of migrants? In your view, which are the top two areas in which the needs of immigrants should be addressed on a priority basis (e.g. health, education, housing, nutrition, decent work, visas and identification documents or culture)? What could your country do (or not do) to enhance the integration of migrants into society and into the labour market?

- Examine the public policies relating to the migrant population in your country. How well do they address the two areas that you selected for priority attention above? If they do not address those areas, what policies would you propose?

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