

Trends in Forced Migration in the AmericasRegional Context Report - First Semester 2024

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Regional Context Report - First Semester 2024

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Refugees, migrants, and forcibly displaced persons in the Americas continue to experience the impacts of national policies and regional agreements based on migration management strategies that, in attempting to control migration, dehumanize, deprotect, and criminalize it. These are restrictive and securitized policies that have been applied in an attempt to contain migration and are decisions far removed from the approach of protection and guarantee of human rights that also affect the receiving and transit communities.

During the first semester of 2024, forced human mobility in the region maintains its multi-causal character, whose complexity challenges states and societies to protect the people who experience these causes and complexities. **The causes that force people to migrate and seek protection persist**; therefore, none of these control and containment measures achieve their purpose, and what we understand as "protection gaps" continue to be present and generated.

According to UNHCR (as of the end of 2023), of the 117.3 million forcibly displaced people in the world due to persecution, conflict, violence, human rights violations, or events that have seriously disrupted public order, just over **21 million are in the Latin American and Caribbean region**. Nearly half of the world's asylum applications are from countries of origin in this LAC region¹, and, of these, **only 706,000 people have been recognized as refugees**.

Given this, the document presents the main regional trends in forced migration during the first half of 2024 (December 2023 - May 2024) from the territorial approaches of the Jesuit Refugee Service, Jesuit Migrant Service or Jesuit Migrant and Refugee Service offices in Bolivia, Peru, Brazil, Ecuador, Colombia, Venezuela and the United **States**, focusing on the people and communities that are invisible in forced migration in the region, the risks along migration routes, the migration management policies and their emphasis on militarization, securitization and externalization of borders, the grey zones that exist in protection measures, the migratory processes of children and adolescents accompanied by children and adolescents, the migration processes of children, adolescents and adolescents who accompany them, their families, their families, their families, their families, their families and their communities, migration management policies and their emphasis on militarization, securitization and externalization of borders, the gray zones that exist in protection measures, the migratory processes of accompanied and unaccompanied children and adolescents, those of indigenous communities, the opportunities for reconciliation and hospitality that migrant and host communities build, and a special chapter on what continues to happen around the Darien Gap.

¹ The six countries in the LAC region from which most asylum is requested (as of the end of 2023) are: Venezuela (1,200,130), Cuba (329,692), Nicaragua (308,032), Colombia (301,824), Haiti (228,443) and Honduras (216,873).



Invisible people and communities in forced migration in the region

In the period between December 2023 and May 2024, there is a wide **diversity of people in a situation of forced human mobility** in the Americas. Although, quantitatively, Venezuelan nationals are in the majority and continue to move in various areas and routes in the region, **people** are also moving from **Ecuador**, **Colombia**, **Haiti**, **Cuba**, **Ukraine**, **China**, **other countries in South America**, **Central America**, **Africa**, **the Middle East**, **and Asia**.

Within these and other nationalities, children and adolescents, women, LGBTIQ+ people, the elderly, and people with disabilities are invisible. An expression of the low visibility of these profiles is the **little information gathered to identify and characterize their needs in each country and in the region**, which leads to a lack of adequate and differential response to each one, both from migration and protection public policies, as well as from complementary humanitarian assistance.



In **Bolivia**, three invisible profiles have been identified: **LGBTIQ+ people, Ecuadorians, and Haitians**. From SJM Bolivia's accompaniment work, it is known that people from LGBTIQ+ groups are afraid of expressing their orientation in the face of possible mistreatment and discrimination, and therefore decide to mimic them. Accompanied Ecuadorian nationals report having been forced to leave Ecuador (without going through regular migration controls) due to extortion known as "vacunas" (vaccines)). And, it is observed that Haitian nationals try to move with a low profile; for example, one person in a group buys overland tickets to then board the interdepartmental bus to the Bolivian-Peruvian border (Desaguadero).



In **Peru**, the people least visible during this period were those of Cuban nationality (138), Colombian (112), Ecuadorian (17), Chilean (17), Haitian (8) and Ukrainian (4). There ²are also 5,000 **women in conditions** of human mobility. Considering the possible risks to which they are exposed, there is more interest in identifying cases of GBV; although the estimate is imprecise, 234 cases have been identified.³

The LGTBIQ+ collective is almost invisible. The collection of information occurs in a limited manner, and this reflects the lack of interest of the State in recognizing the realities of this group in human mobility. It is estimated that at least 80 members of the LGTBIQ+ community have entered the country, especially in the border areas of Tumbes (38) and Tacna (25).⁴



In **Brazil**, the invisible people are those of **Cuban, Afghan, Haitian, and Argentinean nationality**. Cuban nationals are the **second nationality seeking refuge**, and a considerable number of them move across the northern border (State of Roraima). Afghans try to reach Brazil by applying for humanitarian visas issued in Iran and Pakistan. A large number of them are in transit to the United States,

² Estimates of individuals during the period December 2023 and March 2024.

Estimate of women in conditions of human mobility who have lived or survived situations of GBV. Data collected by the Peru Protection Monitor and some reports from the R4V platform between December 2023 and March 2024 in the main border areas of the country were taken into account.

⁴ Estimates of individuals during the period December 2023 and March 2024. According to R4V reports.

which reveals the transcontinental nature of migration processes in the region. For their part, Haitians face **difficulties** in accessing visas for family reunification, and Argentines live in **precarious** situations in southern Brazil.



In **Ecuador**, **there** has been a significant increase in the number of **Colombian** nationals, particularly from the Buenaventura area, who say that violence is worsening in this area, forcing them **to migrate**.

Also in this country, the least visible people are **separated and/or accompanied children and adolescents, trafficked women, single men and LGBTIQ+ people** -who have to hide their identity to avoid violence and discrimination. Some services are provided for these people, but with large gaps to provide differential care based on their needs.



As has been identified in Ecuador, in **Colombia**, **there has** also been an increase in the number of **people leaving Buenaventura** (Colombia's western coast). In addition, people are leaving the mountainous region of Nariño (south) and the Magdalena Medio region (northeast), all of them due to the **escalation of violence in the armed conflict** in this country.

In addition to the armed conflict, in Colombia, there are also people displaced **between urban areas** and internationally. In these three situations, together, there is an increase in the number of displaced **children and adolescents**.

Haitian nationals (entering through the southern border) and **persons from Asia** (entering through air points) are identified while traversing Colombian territory. These people are confused and categorized as "tourists", which makes it difficult to grant them the guarantees of international protection that most of them require.



In **Venezuela**, the most invisible people are the **elderly**, people **with disabilities** and **teachers**. People with disabilities face greater barriers and vulnerabilities, both in their places of origin, transit and destination, experiencing discrimination, exploitation and abuse. The number of teachers who have had to leave Venezuela has a present and future impact on the country's education system.



In the **United States**, so far in 2024, the **top five nationalities** detected by U.S. Customs and Border Protection (CBP) are **Mexico**, **Guatemala**, **Venezuela**, **Honduras**, **and Cuba**. However, CBP has seen a **significant increase** in the "Other Countries" category, which includes **individuals from the Middle East**, **Africa and Asia**.

Many of these individuals are arriving in **Tijuana/San Diego** and have required organizations on the U.S. side to organize volunteers to interpret a **variety of languages** to meet the needs of those arriving and being released in San Diego.

CBP has also recorded 94,186 encounters with **Ecuadorian persons at the U.S.-Mexico border**. This is consistent with a **recent increase** in the number of Ecuadorian persons arriving at the U.S.-Mexico border.



Militarization and securitization policies on borders

In the period from December 2023 to May 2024, a **securitized approach to** both understanding and managing forced human mobility continues in the Americas.

The changes and **new migratory requirements** for entry and stay in the countries, including the **request for visas** (some of them "temporary") for persons of certain nationalities and the implementation of **stricter controls at border crossings** -with the implementation of **deportations** without the corresponding guarantees-, and border externalization practices (as occurs through the "Secure Mobility" offices in Ecuador, Colombia, Costa Rica and Guatemala) **hinder protection, prioritization of human rights and regular access to countries** for the majority of people seeking refuge or fleeing violence, which has increased the number of people forced to take **irregular and dangerous routes**.

The adoption of **more restrictive migration regularization measures** in various countries of the Americas makes it even more difficult for the large number and diversity of profiles that move through the region, most of them living the **effects of situations that impoverish and irregularize them**.



Although **Bolivia** does not have a border security policy that militarizes the border in order to control it, the Directorate General of Migration (DIGEMIG) - an entity under the Ministry of Government of the Plurinational State of Bolivia - continues to issue **temporary or definitive expulsion orders, immigration regularization orders and/or prohibitions on entry into the country** to persons who are in Bolivian territory in an irregular manner. It also carries out **continuous migratory operations under the premise of order and security** in lodgings, land terminals - interprovincial and interdepartmental - and border control posts.

In recent months, immigration controls carried out by DIGEMIG and the Bolivian police have increased, both due to some criminal acts in which the alleged involvement of foreigners and the presence of members of the criminal organization "Tren de Aragua" were identified.



In **Peru**, Legislative Decree No. 1582 and the special exceptional administrative sanctioning procedure (PASEE) came into force on November 15, 2023, which allows the **expulsion of any person in an irregular migratory situation** within 48 hours. It is foreseen that the person will be detained for no more than 24 hours and in this period of time he/she has the right to a defense, to present arguments and to have the assistance of a translator. This measure **violates due process, the right to non-refoulement and the right to request refuge**.

⁵ Militarization and securitization are understood as policy actions based on the premise that refugees (de facto refugees), migrants and forcibly displaced persons are a threat to the security of the State; therefore, actions for the attention of such population can be characterized by the presence of public forces, through administrative sanctions for the population, by the requirement of too many documents as a condition for regularizing their migratory status (valid passport, criminal record, etc.).

Since the Ecuadorian government declared an internal armed conflict in this country on January 9, 2024, the Peruvian government has militarized its border with Ecuador to prevent the irregular entry of migrants and guarantee the security of its citizens. However, the army is not trained to carry out migration control, much less to provide guidance to people in a situation of forced mobility and in need of international protection (currently, especially Venezuelans, Colombians and Haitians).



In **Brazil**, there is still an **attempt to manage migration from a humanitarian approach** through **Operation Acogida**. Although Brazilian army generals have overseen this operation, and the army has a special logistical role in it - which includes some border control actions - Brazil does not have a securitized approach to migration policies.



In **Ecuador**, following the prison crisis of January 2024, related to the increase in criminal and violent acts by armed groups and drug traffickers, the government introduced **restrictive measures**, **militarization of Ecuador and decreed a state of emergency** which, among other things, required persons entering the country by land to **present an apostilled criminal record. Bearing** in mind the documentary barriers faced by many people in forced migration, **this measure criminalized them and increased transit through irregular passages**, with the risks of trafficking, smuggling, assaults, robberies and violence that this entails.

In this context, in the northern part of Ecuador (Esmeraldas) there was a **displacement of armed groups to rural areas**, where the Colombian population chooses to take refuge from their persecutors, which exposes them to greater risks. Also, President Daniel Noboa **announced** the beginning of a process of **deportation of persons deprived of liberty of other nationalities,** such as Venezuela, Colombia and Peru.



Colombia has continued the implementation of the "Secure Mobility" Offices in the national territory, which has implied the implementation of new national policies for the entry of persons to the same program (announcement made during the Third Ministerial Meeting of the "Los Angeles Declaration on Migration and Protection" held in May in Guatemala). Following this announcement, the Ministry of Foreign Affairs **attempted to issue a resolution repealing the possibility for Venezuelan nationals to be in Colombian territory with expired passports**. Due to different efforts between coalitions of which JRS Colombia is a member, this policy was not issued.



In **Venezuela**, a narrative has persisted that **criminalizes Venezuelans who decide to migrate**. At Venezuela's alcabalas, checkpoints and tolls, people are stigmatized and physically assaulted. These measures include **increased military and police presence at borders**, the deployment of more troops at border points and areas with a high concentration of migrants to control the migratory flow, as well as intimidating and limiting access to humanitarian assistance for people on the move.



For its part, the **U.S.** government continues to establish **restrictive policies** to limit the number of people entering its territory through the border with Mexico. The **Legal Pathways Circumvention** rule requires asylum seekers to use the CBP One mobile app to schedule an appointment to be processed by CBP. This scheduled appointment **is a requirement for an asylum seeker to be eligible** for asylum.

In practice, this is a **ban on asylum**, as it requires certain conditions to be met in order to apply for asylum if they are apprehended at the U.S. border without an appointment with CBP One.

Due to the limited number of appointments available to asylum seekers, as well as the digital skills required to use the application, **many people remain stranded in Mexico and other countries waiting for an appointment**, compounding protection concerns and their well-being. A **recent report** by JRS/USA and Boston College documents the psychosocial needs of those waiting in Mexico for their CBP One appointment.

In addition to the U.S. federal government, the state of **Texas** passed **SB 4**, which gives its **police officers the authority to detain and deport migrants in that state**. The federal government is the sole authority to enforce immigration law, but states such as Texas are attempting to challenge the federal government by passing laws giving state officials the authority to enforce immigration law.

Along with these restrictive policies, the U.S. government **has been pressuring** Mexico and other Central American countries to stem the flow of migration to the U.S.-Mexico border. **Increased immigration** enforcement by Mexico has been attributed to the recent decline in the number of migrants arriving at the border.

3

Risks along migratory routes



A direct connection between the invisible profiles and the policies of securitization and militarization makes it possible to identify that the set of risks experienced by people in situations of forced human mobility in the Americas in the period between December 2023 and May 2024 are increasingly greater, as they deepen the causes, violations and situations that have forced people to leave their homes and countries in search of dignified living conditions.

In this sense, the most vulnerable profiles from before starting their displacements are those who are more likely to experience new, greater and multiple violations in their displacements, encountering violent situations, dangerous routes and migratory systems that irregularize and unprotect them.



Physical violence



In **Bolivia**5% of accompanied persons

acknowledge having been victims of physical violence and their preference not to file complaints or respond to such violence, as they could receive counterclaims, which could affect them given their irregular migratory status. This could imply a normalization of violence.



In **Ecuador**, on the northern border with Colombia, there have been cases of **abuse of power by the** Ecuadorian **Armed Forces**. On the southern border with Peru, people on the move report that some groups of **Colombian supporters** - who share the roads with them - **threaten them**.



In **Colombia**, particularly in the Catatumbo border region (northeastern zone), there has been an increase in **confrontations between armed groups**⁶, which concentrates at least 1,638 people who have been directly affected by this violence, however, dialogues have been implemented⁷ with the guerrillas of the National Liberation Army (ELN) and the Central General Staff of the FARC (EMC - FARC).⁸



In **Venezuela**, women, children and adolescents are identified as the most affected groups.



In **Peru**, according to R4V, at least 256 people were victims of robbery, mostly on the borders of

Tumbes (133)

Puno (76)

Also, in Tacna (southern border), 68 people report having been victims of bribery.⁹



In **Brazil**, robbery, extortion and bribery were also reported.

Trafficking in persons





In **Brazil** and **Venezuela**, human trafficking is evidenced in relation to **forced labor**, sometimes linked to irregular groups in the area, in addition to **prostitution** and other activities. Human trafficking networks take advantage of the vulnerability of people on the move - travelers - to exploit them.

⁶ The capture of alias Otoniel, leader of the Clan del Golfo, left without an intermediate link the chain of purchase that existed between the drug trafficker and the coca leaf producer. The space left by the capture of the paramilitary group's top leader was occupied by different guerrilla groups that prohibited the sale of coca leaf to drug traffickers, which led to one of the biggest crises in history because coca is simply no longer good business in Catatumbo (EL País, 2023). The business now is palm oil and illegal mining (coal).

⁷ Government instability and the complexity of each of the guerrilla groups at the structural level have generated obstacles in these processes that have led to the termination of truces or cease-fire agreements, leaving the rural population in the crossfire again and again.

In this regard, it is important to mention that these ceasefires have been carried out bilaterally, which has not prevented clashes between groups, keeping the civilian population caught in the crossfire.

[•] Estimates for the period December 2023 and March 2024. According to reports issued by R4V.

Migrant smuggling



In **Ecuador**, after the **measures** adopted by its government in the context of the declaration of internal armed conflict, many more people are **forced to cross through "trochas"**, **dangerous roads where they are assaulted and violated**. In addition, there has been an increase in the activities of "coyoteros" (smugglers) who swindle people by promising them safety in their transit across the borders.



For its part, **Brazil** is identified as a **section** of the migrant smuggling route **between Asia and the United States**, passing overland to Peru, and from there northward.



In **Colombia**, the illicit economy associated with human trafficking and migrant smuggling is predominant in the **Caribbean Coast** region due to multiple causes. In Cartagena, there is a high vulnerability associated with **recruitment for sex tourism**. In Montes de María, being a strategic territory for the control and operation of armed groups, people are recruited for **criminal activities**, and thus commercialize their bodies. These situations result in **protection risks such as statelessness**, as people lose their documents, and the possibility of obtaining national protection, which is sometimes caused by the ineffectiveness and lack of knowledge of the entities in charge of registration.



In **Venezuela**, migrant smuggling is carried out through **deception and extortion**. People on the move are victims of fraudsters who offer them false transportation or accommodation services in exchange for money, only to abandon them adrift without their belongings or money, leaving them with no options in remote and dangerous areas.

Gender-based violence (GBV or sexual violence)

Along migration routes, women and girls are the main victims of GBV and sexual violence, especially in **contexts of overcrowding** that result in conditions of lack of security or protection.



In **Bolivia**, the accompaniments carried out by SJM Bolivia have identified that 20% of migrant women are going through situations of gender-based violence, characterized by emotional and economic dependence, threats of separation of children, fear of retaliation or shame before the possibility of denouncing the aggressor.



In **Ecuador**, a greater feminization of migration is identified, with higher rates of GBV and survival sex (especially in relation to tenants). Many single women with children report having experienced **GBV by partners they met along the way**. Also, on the southern border, groups of Colombian hooligans rape women on the move.

Forced recruitment

Forced recruitment, which is accentuated with greater risks in border areas, affects people in mobility, as they do not have the necessary security to protect themselves, forcing them to participate in illicit activities.

Enforced disappearance

Along migratory routes, especially in border areas, there have been reports of cases of people on the move who disappear, apparently without a trace, and are not adequately investigated by the authorities. **The lack of information and the absence of** efficient **search mechanisms** aggravate the anguish of families and hinder the search for missing persons.



In **Bolivia**, some civil society organizations try to cross-reference information to support the investigation and identification of the whereabouts of missing persons. From SJM Bolivia, when contact is re-established with a person who has experienced enforced disappearance, support is provided through various channels to re-establish communication with their families.

Double or multiple affectation



In **Colombia**, there are persistent risks of multiple impacts on populations experiencing massive displacement, confinement, kidnapping, forced disappearances, forced recruitment, extortion and returns without security guarantees, **resulting from the consequent reconfiguration of the armed conflict** due to the coexistence of multiple Non-State Armed Groups -NSAGs-. These events have increased in recent months in the Serranía de San Lucas (in the central northern part of the country), in the Eje Cafetero¹⁰ (in the central western part), and in Buenaventura (western coast).¹¹

In the Caribbean Coast areas and the departments of Valle del Cauca, Norte de Santander and Nariño, it is increasingly **complex to identify the actors responsible for victimizing acts**, given the multiplicity of organized non-state armed actors disputing the territory. People perceive that non-state armed groups subcontract to common criminal groups for the execution of criminal actions, mostly extortion.



In addition to the risks along the migratory routes, people in human mobility in **Peru** (particularly at the Puno border), manifest situations of **discrimination and/or xenophobia** (110 cases). **Forced returns/returns at the border** (violation of Art. 5 of the Refugee Law No. 27891) were also identified, which, from the perception of the returned persons, 293 persons hold local communities responsible, and 65 persons (in Tacna) attribute it to the actions of Peruvian public officials.¹²

With respect to displacement and confinement -according to UARIV data- there are 290,505 victims in this region with declarations made for these victimizing events, data as of December 31, 2023. Only in this last year, there were 828 individual victims of forced displacement in the territory. Additionally, there is a Structural Early Warning No. 01-2023 from the Ombudsman's Office for the municipality of Dosquebradas (Risaralda), due to the violent actions carried out by the illegal armed group "La Cordillera", among which are forced disappearances, forced recruitment, displacement and extortion that mainly affect the illegal armed group accepted the proposal and proposal

affect children, adolescents and young people, migrants, women and victims and survivors of the armed conflict.

In Buenaventura, an average of 10 confinement events occurred in 2023, affecting approximately 3,153 people. These events have been a product of the constant territorial dispute between illegal armed groups (Defensoría Del Pueblo, 2023).

constant territorial dispute between illegal armed groups (Defensoría Del Pueblo, 2023).

12 Estimates for the period December 2023 and March 2024. According to reports issued by R4V.



JRS **Ecuador** identifies risks such as lack of resources for food, a safe place to stay along the way (street situations), lack of space and elements for adequate hygiene, and lack of stable psychological conditions.



In 2022, the **U.S.**-Mexico border was the **deadliest** land migration route, with 686 people dead and missing documented by the International Organization for Migration (IOM). Nearly half of the deaths were attributed to crossing the dangerous conditions of the Sonoran and Chihuahuan deserts.

With the climate crisis exacerbating the dangerous heat in the region, **deaths** could increase in the coming years as migrants and forcibly displaced persons are forced to take irregular routes due to restrictive migration policies by governments in the Americas.

All these risks are even more accentuated in the case of **people in mobility with specific needs**, for example: People with disabilities, chronic diseases or special needs. The lack of access to basic services and specialized assistance **aggravates their situation of vulnerability**.



Gray areas of international protection, migration regularization and government response

The responses of the governments of the Americas in the area of migration and protection in the period between December 2023 and May 2024 have continued the trend of recent years of **slimming down and weakening the international protection system** (exemplified by the scarce mechanisms for informing the population and the limited number of personnel within it), and the **reduction of migration alternatives**, which exposes people in human mobility to situations that make regularization harder to them or allow them to access certain rights "temporarily".

In this context, during this period, the implementation of the "**Secure Mobility**" offices **announced** by the U.S. government in April 2023 at the end of Title 42 has continued, ¹³ which in Ecuador, Colombia, Costa Rica and Guatemala provides for "eligible" persons of certain nationalities to apply for resettlement or other means of legal admission, initiating it through the **CBP One** application.

In practice, in addition to the small number of people who have met the requirements, these offices have determined these four countries as **forced destinations without conditions that allow them to be a safe third country** for people moving through the region; they also constitute forms of externalization of the U.S. border to the south, where **deportations/expulsions** complete a scenario of **obstruction of access to the right to request International Protection and violation of rights** that forces people to use increasingly dangerous migratory routes.

^{13 &}quot;The United States will again use Title 8 immigration authorities to expeditiously process and remove persons who arrive at the U.S. border illegally."

In the midst of this, during the first semester of 2024, the government of Chile has led the **three thematic consultations of the Cartagena +40 process** in Mexico City, Brasilia and Bogota to gather inputs -from different voices and actors- that allow the construction and negotiation of the Declaration and Plan of Action of Chile 2024-2034, where civil society networks in the region have had the opportunity to insist on the successes, current gaps and future challenges of this **regional process**. As part of this process, the Jesuit works of the region -articulated in the Jesuit Network with Migrantshave been able to participate in these consultations from the direct experience of accompanying people in situations of forced human mobility.¹⁴



In **Bolivia**, after Supreme Decree 4576 -which extended the validity of visas for two years from 2022- expires in 2024 and many impoverished people see their chances of renewing their stay reduced, particularly due to lack of economic resources, as they must prioritize food and housing. In this sense, they **are** also **irregularized, and accumulate fines for irregular stay** (which apply individually to both adults and minors).

In this scenario, **the Bolivian government has not planned a new regularization measure to** respond to this situation faced by so many people, as it does not prioritize them because it considers them to be in a transit situation.¹⁵



For its part, in **Peru**, Law No. 27891 -Refugee Law- contemplates three types of profiles for granting recognition of refugee status, which includes both the 1951 Geneva Convention and its protocol, as well as the Cartagena Declaration. However, it **omits the cause of "generalized violence" established in the Cartagena Declaration**, which is necessary for the recognition of the Venezuelan population in Peru as a refugee, since a generalized climate of insecurity has been identified that affects the most vulnerable populations such as women, children, adolescents, LGTBIQ+ community, etc.¹⁶ Even so, this recognition should be applied generally to the Venezuelan community for the other reasons indicated in the law (massive violation of human rights, civil and political rights, economic, social and cultural rights, etc.).

The Special Commission for Refugees of the Ministry of Foreign Affairs, the agency in charge of recognizing refugee status in Peru, has been recognizing refugee status in individual processes, focusing on specific cases of health, gender-based violence or situations of extreme vulnerability.

This individual recognition and the limited number of commission staff compared to the high number of applications for refugee status recognition, results in the large gap between the number of applications submitted (524,514) and refugee status recognitions (5,556) during the period 2018-2023.¹⁷ In this scenario, a *prima facie* recognition, applying the entirety of the Cartagena definition, could help solve this problem affecting the migrant population that meets the protection profile.

¹⁴ Participation of Jesuit works in the thematic consultations of the Cartagena +40 Process in Mexico City, Brasilia and Bogota.

SJM Bolivia identifies that 83% of accompanied persons are in transit through Bolivian territory.
 Freier, L., I. Berganza and C. Blouin. "The Cartagena Refugee Definition and Venezuelan Displacement in Latin America." *International Migration* 60, no. 1

^{(2020): 25.} https://doi.org/10.1111/imig.12791.

17 Data provided by the Special Commission for Refugees of the Ministry of Foreign Affairs through a public information request.

During the period 2023-2024, Peru has implemented migration regularization mechanisms such as the **New Temporary Permit to Stay** through Resolution No. 000109-2023-MIGRACIONES. This resolution established that any foreign person in Peru in an irregular manner was able to apply for the Temporary Permit to Stay (CPP) with a deadline to submit the application until November 10, 2023. The resolution also stated that applicants must have overstayed or entered without migratory control until May 10, 2023 and not have a criminal record or Interpol alerts.

Although the main objective of this mechanism was to regularise the majority of migrants in Peruvian territory so that they could work formally and thus better cover their basic needs, **difficulties** in accessing this administrative process were identified **in accessing this administrative process**. Lack of appointments and system crashes, long waiting times for the process, the need for documents that many migrants do not have (apostille, passport, identity card), the need to be in person for the delivery of documents (which would imply missing work), the digital gap that is generated due to the hybrid modality of the process (which consists of an in-person and a virtual phase), are some of the problems reported by the migrant community trying to regularize their situation through this procedure.¹⁹



In **Brazil**, on September 22, 2023, the government issued Interministerial Order MJSP/MRE No. 42 which determines that the granting of **humanitarian visas for Afghans** will depend on the capacity to accommodate people in civil society shelters. To date, **there is no decision** selecting the civil society shelters that would enter the process and no indication of resources to support the shelters.

According to Interministerial Order MJSP/MRE No. 38, dated April 10, 2023, the issuance of humanitarian visas for Haitian and stateless persons with family ties in Brazil was granted. Many Haitians have applied, but to date they are unable to travel to Brazil because the Brazilian embassy in Haiti remains closed, making the granting of humanitarian visas an ineffective policy.



In **Ecuador**, many people with a profile of need for international protection do not benefit from the process for requesting refuge, either within the first 90 days of entering the country or after the first 90 days (extemporaneous process, through the Public Defender's Office). This is due to **ignorance of the possibility of requesting refuge and the existence of the extemporaneous process**.

Family groups in need of international protection in Ecuador face some **barriers** and protection gaps:



who need international protection and are part of family groups receive individual treatment in the refugee recognition processes, which separates them from their family group, with whom they share the causes of said request.

Superintendencia Nacional de Migraciones, "Nuevo permiso temporal de permanencia," Gob.pe, May 16, 2024,

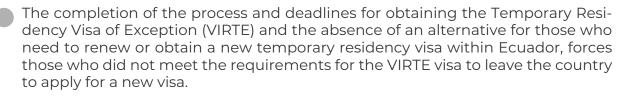
https://www.gob.pe/institucion/migraciones/campa%C3%B1as/27203-nuevo-permiso-temporal-de-permanencia

Ruth Huarancca, Vanessa Veliz and Alexia Veliz, Analysis of Access to Temporary Permit to Stay (May - November 2023) (LIMA, February 2024), https://reliefweb.int/report/peru/informe-ndeg01-2024-analisis-del-acceso-al-permiso-temporal-de-permanencia-mayo-noviembre-2023.

nd singleparent/ oneparent

family groups with children or adolescents for whom there is no documentation such as permission to leave the country or certified parental authority and in physical copy of the parent who is not present, cannot be regularized to request refugee status.²⁰

Since the first quarter of 2024, the **Venezuelan population in Ecuador** faces several **administrative gaps for their regularization and protection**:

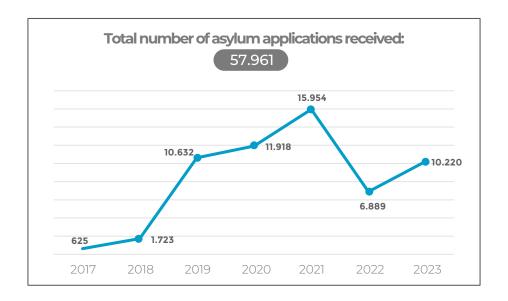


Faced with the diplomatic crisis generated by the Ecuadorian government's forced raid on the Embassy of Mexico on April 6, 2024, the Venezuelan government decided to close its consulates in Ecuador, which impacted the regularization processes of many Venezuelans (including the VIRTE visa) and the suspension of 25 consular procedures, exposing them to administrative sanctions, fines, detentions and lack of access to rights (such as the right to identity). For people in need of International Protection, it could force them to access consulates in Peru or Colombia, which would cause them to lose their refugee status in Ecuador.



In **Colombia**, based on the new procedures of the Ministry of Foreign Affairs for the determination of refugee status and its treatment in general, the panorama is as follows:

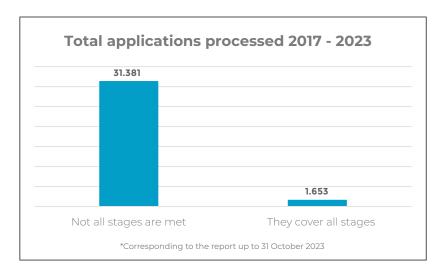
Craph 01. Refugee applications received in Colombia (2017-2023).



Source: Translate from Spanish from Ministry of Foreign Affairs of Colombia

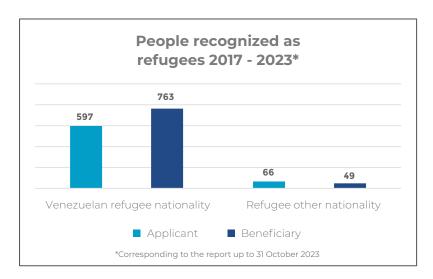
²⁰ There was an emblematic case of a father of Colombian nationality and his daughter with the mother's surname, who left the nucleus in Colombian territory. He had to request the physical copies of the certificates from his daughter's mother in order to access the procedures for the change of surname. In this case the mother is willing to send the documents, but in cases of disappearance, death, or ignorance of the other parent there would be a protection gap or a forced separation of the two, leaving the daughter as an unaccompanied child.

> Graph 02. Refugee applications processed in Colombia (2017-2023).



Source: Translate from Spanish from Ministry of Foreign Affairs of Colombia

> Graph 03. Persons recognized as refugees in Colombia (2017-2023).



Source: Translate from Spanish from Ministry of Foreign Affairs of Colombia

This situation is compounded by the bureaucratic systems, people's lack of knowledge of the procedure and, therefore, a high probability of not complying with all its stages. In addition, the application form is only available in Spanish, which limits access to this right for non-Spanish speakers.

Currently, a Constitutional Court order is in process by which the Colombian State has a term of 6 months to regulate the figure of refuge and its timing. It is expected that the Ministry of Foreign Affairs will issue such regulations in August 2024.

In relation to other regularization policies (as mentioned above) the Colombian state attempted to restrict Venezuelan passports within the territory, repealing the provision that sought to protect Venezuelans with expired passports. However, this attempt was stopped thanks to an organized effort by civil society, in which JRS Colombia participated.

Even so, a draft resolution was subsequently presented that seeks to regularize all legal representatives and guardians of children, adolescents and young people, called **"PEP-TUTOR"**, where barriers are identified associated with: 1) Validity and compatibility of the PEP-TUTOR with the Temporary Protection Permit, 2) Requirements for the granting of the PEP-TUTOR, 3) evidentiary means, guarantees and costs.



In the **United States**, many immigrant and refugee advocacy organizations **argue** that the Circumvention of Legal Avenues rule is a **violation of U.S. and international law** because of the **restrictions it imposes on access to asylum**.

Due to the requirement to have a scheduled appointment with CBP One to present themselves at a specific U.S. port of entry to be eligible for asylum, **asylum seekers can no longer arrive on U.S. soil and apply for asylum if they ultimately seek the protection of the U.S. government**. Most of those who arrive without an appointment with CBP One will enter an expedited removal process that will result in deportation back to the dangerous situations from which they were fleeing.

There is also concern for **Mexican** asylum seekers who **are forced to wait in the country they are fleeing** due to U.S. border holds. Although they are exempt from the bypassing of legal channels rule, **some organizations** have documented cases of Mexican nationals being turned away by U.S. border agents for not having a CBP One appointment.



Guarantee of the rights of refugees, migrant and displaced children and adolescents, especially unaccompanied children and adolescents, and institutional response

In the period between December 2023 and May 2024, children and adolescents in situations of forced human mobility in the Americas face **serious situations of violence, abuse and exploitation**. Because of their age and migratory status, they are at greater risk of being victims of physical, sexual and psychological violence, including human trafficking, labor exploitation and forced recruitment by armed groups.

In this regard, girls and adolescents are particularly vulnerable to **gender-based** violence, sexual violence, trafficking and smuggling for sexual exploitation. Family separation is a latent risk, in addition to **xenophobia and discrimination**. Unaccompanied children and adolescents are exposed to these and other even greater risks, in addition to facing great difficulties in accessing protection and assistance mechanisms.



In **Bolivia**, children and adolescents in human mobility **are hindered in their access to education and health by the lack of identity documents**. For example, children and adolescents from Venezuela only have a copy of their birth certificate, and in order to obtain a temporary residence permit, the General Directorate of Migration requires the original, apostilled copy of the birth certificate, which implies returning to Venezuela.



In **Peru**, refugee, migrant and displaced children and adolescents face obstacles in accessing **education**. It is estimated that only 44.9% of minors are studying and the causes identified range from lack of places in public schools (32.2%), cost of school (11.9%), lack of knowledge about the enrollment process (5.9%), among other reasons.²¹

Other protection risks identified in this population are **malnutrition**, **physical violence**, **sexual violence**, **bullying**, **discrimination and trafficking**. Women and girls present specific risks such as physical violence (32.7%), discrimination (27.2%) and human trafficking (23.8%). Likewise, the majority do not know where to report gender-based violence, and the street is the most dangerous place for women.²²

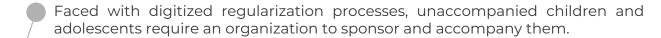
Unaccompanied children and adolescents tend to have greater difficulties and obstacles in accessing protection due to the **lack of a clear response procedure on the part of the State** to address their problems. The Ministry of Women and Vulnerable Populations has dealt with some cases; however, a clear procedure is needed to deal with children and adolescents in human mobility.²³

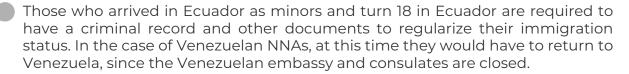


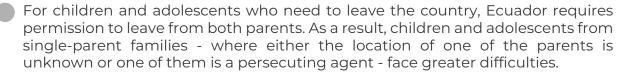
Brazil continues to apply migration policies that guarantee regular stay and access to documentation for authorization to stay in the country (request for refuge, asylum or temporary residence) to people of almost all nationalities. This facilitates the access of children and adolescents to basic public services such as **education, health and social assistance, which contributes to the integration processes of children and adolescents, although cases of xenophobia and discrimination persist.**



In **Ecuador**, children and adolescents in a situation of human mobility face the following barriers:









In **Colombia**, **child labor** situations are identified in **relation to begging and care responsibilities for the** elderly, people with disabilities or younger children, mainly in rural contexts. Sometimes they work **double shifts**: they study during the day and work at night. There are also cases of abandonment, which require protective spaces for children (GIFMM, 2023).

^{21 &}quot;Dashboards: Peru," Professional | DRC Danish Refugee Council, September 2023, https://pro.drc.ngo/resources/news/dashboards-peru/.

²³ Working Group for Refugees and Migrants Peru, Joint Needs Analysis for the RMRP 2024 (LIMA, February 2024), P. https://www.r4v.info/es/document/GTRMPeru_JNA_RMRP2024.

Although the Temporary Protection Statute for Venezuelan Migrants (ETPV) recognizes the best interests of the child and there is jurisprudential protection that prioritizes the primacy of the right to health, access to education and health for children and adolescents continues to be conditional on their migratory status.²⁴

Children and adolescents in transit receive a weak institutional response to their urgent needs, to the guarantee of conditions that allow for a dignified and safe stay in the territories, and adequate monitoring of their situations; therefore, they are forced to continue in transit for a prolonged period of time.



In **Venezuela**, children and adolescents face obstacles in accessing services and rights such as **health**, **food**, **drinking water and sanitation**, especially in areas with a high concentration of migrants and displaced persons. Irregular migration status and lack of documentation further limit this access.

The most vulnerable children and adolescents are those belonging to **indigenous peoples and nationalities who face discrimination due to their gender, ethnic origin and migratory status** (triple vulnerability), and are exposed to situations of sexual violence, human trafficking and labor exploitation. **Children and adolescents with disabilities also experience greater vulnerability** due to the lack of access to specialized services, and discrimination hinders their social inclusion and the enjoyment of their rights.



In the **United States**, the typical profile of a person attempting to enter the United States was an adult male from Mexico in search of work; today, **more families of various nationalities with children are making the journey to the U.S.**-Mexico **border in** search of safety and opportunity. This puts pressure on the U.S. government to respond to the needs of children, when historically it was oriented toward adults.

Currently, unaccompanied children are exempt from the Legal Pathways Circumvention rule and are not required to use CBP One upon arrival at the U.S. border.

In April 2024, a U.S. judge ruled that migrant children waiting in makeshift camps along the U.S.-Mexico border for Border Patrol processing are in the agency's custody and are subject to a court-supervised long-term agreement that establishes standards for the treatment of children. Within 72 hours, unaccompanied children must be turned over to the U.S. Department of Health and Human Services to ensure that they are placed in facilities that are "safe and sanitary".

²⁴ To highlight some examples with special incidence on accompanied profiles, the Constitutional Court's rulings SU 677 of 2017 (expanding the scope of emergency care for the irregular migrant population in Colombia) and T-074 of 2019 (Recognition and protection of the right to maternal and perinatal care for migrant women) are mentioned.



Guarantee of human rights to cross-border indigenous peoples



One of the main difficulties is the **political**, **legal and social recognition** of their presence at the borders, having the right to have their bi-nationality or multiple nationality recognized, depending on each situation.

This is key to understanding their movements in cases of forced migration: when they leave their territories due to violence by illegal armed groups, socio-environmental disasters, oil exploitation, among other situations, they do not receive a contextualized response that recognizes their ethnic identity, through affirmative public policy actions or international cooperation actions.

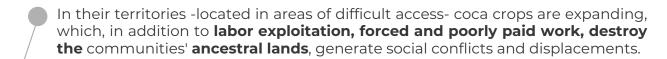


In **Brazil**, the most significant indigenous population in a situation of mobility is the Warao people. According to recent data, more than 9.4 thousand Warao indigenous people live in different regions of the country.

The main obstacle identified is a lasting response that achieves a culturally sensitive approach and that, in addition to involving them in the processes, manages to favor real integration. Given that the Warao population is constantly on the move, this represents a challenge for the formulation of public policies.



In **Ecuador**, the following aspects related to guaranteeing the rights of cross-border indigenous peoples have been identified:





The **Awá people** continue to encounter barriers to access to the **right to identity** (cedulación) in Ecuadorian territory, violating their binational identity. ²⁶

JRS Ecuador has been able to accompany Colombian indigenous women displaced by violence.
JRS Ecuador has been able to support the adaptation of an educational unit in this community, where 340 children and adolescents study.



In **Colombia**, 50 emergencies were recorded in the department of Nariño²⁷ due to forced displacement, affecting more than 30,000 people and 15 confinements with approximately 10,000 people affected.²⁸ According to information from the United Nations Office for Humanitarian Coordination - OCHA, 85% of the affected population is of ethnic origin, 38% Afro-Colombian population and 47% indigenous population.



In **Venezuela**, the protection of the rights of indigenous communities is at its worst moment. Barriers are identified in access to basic rights due to the **lack of recognition of their specific rights**, as Venezuelan legislation does not always adequately recognize and protect the rights of indigenous peoples, including their **territorial**, **cultural and linguistic rights**, which hinders access to **education**, **health**, **housing and justice**.

Discrimination and racism on the part of the general population and the authorities limits their movements and opportunities and affects their human dignity; this is intensified in situations of migration, where indigenous people and communities are particularly vulnerable to **exploitation and abuse**. In most regions, information is not available in the **indigenous languages**, which limits the access of these communities to adequate care.

Attention to indigenous communities continues to be limited and the State does not assume its responsibility in this regard. The humanitarian response meets certain needs of the indigenous populations, but **there has been no comprehensive attention to the mobility of indigenous peoples** in Venezuela.



In the **United States**, CBP One still presents **language barriers**, as the mobile application is only available in English, Spanish and Haitian Creole. This means that indigenous peoples arriving at the U.S.-Mexico border must rely on the help of others to navigate the app if they do not understand any of the available languages.



Opportunities for reconciliation and hospitality



One of the commitments of the JRS and SJM/R offices are the processes of **reconciliation** and hospitality that seeks **"re-establish just relationships"** between persons and communities that were fragmented by various forms of violence; violence that are cause, effect and a constant in the processes of forced migration. In this context, the promotion of a culture of hospitality and welcome is fundamental to **heal, rebuild and establish the broken bonds in contexts of forced human mobility**.

²⁷ Several emergencies meant the consummation of alerts issued by the Nariño Regional Ombudsman's Office, as occurred with the Early Warning of Imminence - ATI 027 and 033 of 2023, which include the municipalities of Linares, Santacruz (Guachavés), La Llanada, Los Andes (Sotomayor) and Samaniego, evidencing their characteristic as "strategic points of territorial action between two NSAGs with presence in the area".

evidencing their characteristic as strategic points of territorial action
28 ERT - Emergency Response Tracker. Cut-off date: December 26, 2023

This is the outlook for reconciliation and hospitality opportunities and practices in the region from December 2023 to May 2024:



In **Brazil**, the Jesuit Migrant and Refugee Service Brazil office has promoted three initiatives:





Training on Hospitality (in coordination with the Jesuit Network with Migrants - RJM) aimed at technical staff of SJMR Brazil to create a training strategy on Hospitality that can offer tools to other national or regional offices.



In **Ecuador**, the Jesuit Refugee Service - JRS Ecuador office has been able to promote the following initiatives:

Promotion of the right to health through free access fairs to health services for migrants and local communities, especially in areas where there is a lack of supplies, medical personnel or infrastructure.

Psychological support to people in a situation of human mobility as a necessary basis to continue their life projects.

Sorority groups to accompany women survivors of gender-based violence, from migrant and local communities, where it has been possible to carry out personal and group activities that promote the reconstruction of fair relationships for a life without violence.

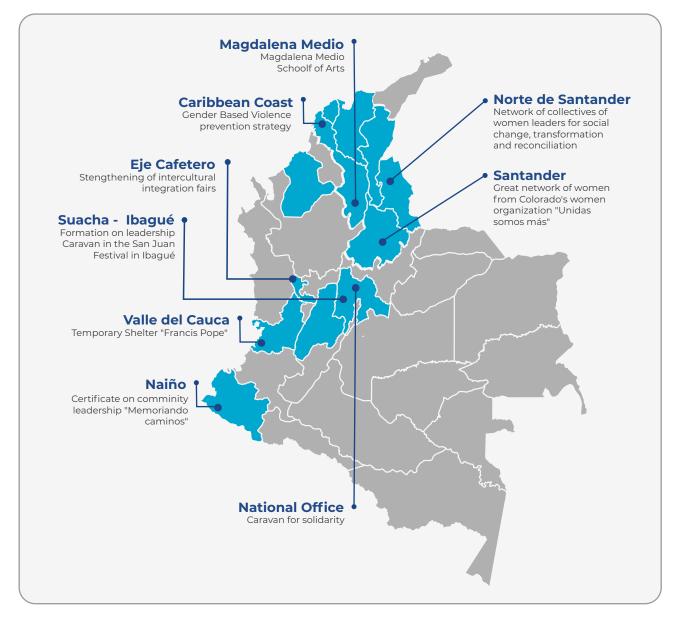
In **Colombia**, the Jesuit Refugee Service - JRS Colombia office, as part of its mission to contribute to a reconciled and hospitable country, has been able to promote the following initiatives:

Appropriation workshops to strengthen understanding and promote the approach and actions for hospitality and reconciliation in each of its territorial offices.

Community meeting "Let's play for hospitality" in a neighborhood of the city of Cartagena, where sports and cultural practices favored the sharing between people in a situation of forced human mobility and the local community.

The following reconciliation and hospitality initiatives have also been identified:

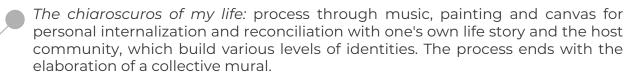
> Map 01. Reconciliation and hospitality initiatives in Colombia



Source: Translate from Spanish from JRS Colombia



In **Venezuela**, the Jesuit Refugee Service - JRS Venezuela office has been able to promote the following initiatives:



Caravan for Hospitality (in coordination with the Jesuit Network for Migrants - RJM): Through cultural and artistic activities, it promotes encounters, dialogue and bridge-building between people from migrant communities and local host communities.



In the **United States**, the Jesuit Refugee Service - JRS/USA office continues to accompany immigrants as they cross the border into the interior of the country, putting them in contact with volunteers who offer them hospitality and support in different cities in the United States.

The network has expanded as new volunteers and groups join the Immigrant Accompaniment Network, managed by the JRS/USA team in El Paso, Texas. In the face of growing anti-immigrant rhetoric in the United States, this network seeks to promote a spirit of welcome that reflects the values of hospitality and protection.



Special Chapter: The Darien Gap

In the current regional context, The Darién gap is a place of transit and a continental route that involves countries of origin, third countries - of transit and/or continuation of new stages of mobility - as well as places of destination. In this sense, this zone is an expression of the regional crisis of protection and integration, and therefore requires a regional response.

According to Panama's National Migration Service, from January 2024 to May 23, 2024, 159,810 people have transited this zone. Of these, 102,737 are Venezuelan, 11,666 Ecuadorian, 9,638 from Haiti, 10,167 from Colombia, 9,589 from China, 1,483 from India, 371 from Cuba and 14,159 of other nationalities. By region of origin, 18,971 persons from South America, 16,044 from Asia, 10,227 from the Antilles, 4,526 from Africa and 42 from other regions have entered the Darien during this period.

In this context, the presidential election campaign in Panama had as one of the central points the migration management and the Darien Gap. The new president, José Raúl Mulino, elected on May 5, 2024, reiterated on May 9 that he would close borders and deport migrants entering Panama through the Darien Gap.

The complex migration route through the Darien severely affects the rights of people **in forced human mobility** seeking to reach the United States from different parts of the region and the world. The restriction of migration policies in the region has forced people to seek alternative routes, such as El Darién, exposing them to multiple risks, including assaults, robberies, kidnappings, sexual violence, human trafficking, murders, coupled with extreme weather conditions, lack of food and water, and the presence of armed groups that aggravate the situation and endanger the lives and integrity of people; the lack of access to basic services such as medical care, food and shelter increases their suffering and hinders their recovery from the traumatic experiences they have undergone.



In **Peru**, among the population in transit through the southern border (Tacna), 20% had the intention of traveling by land to the United States; of these, almost half (49%) gave up because of the dangers of crossing the Darien jungle.²⁹ Of the total number of people who indicated that they persisted in their intention to travel to the United States by land, only half (50%) were aware of the risks of crossing the Darién jungle,30, which allows us to affirm that the other half, despite knowing the risks, decided to continue with their trip. Finally, all of those who planned to travel with their families, and there was a general lack of knowledge about the new legislation on entry into the United States (100%).31

[&]quot;Dashboards: Peru," Professional | DRC Danish Refugee Council, September 2023, https://pro.drc.ngo/resources/news/dashboards-peru/.

Ibid.



In addition to being an expelling and destination country, **Ecuador** is also a transit territory for people of various nationalities who want to cross the Darién Gap. It has been identified that there are **tourism companies** - including land transport companies - that **are moving people of Haitian**, **Chinese and other nationalities to strategic points where they can pass through to the Darién**. People can be swindled in this process.

Although data from the Panamanian government indicate that Ecuadorians are the second nationality transiting through the Darién, **there** is still **no official data from the Ecuadorian government in** this regard. In cross-border monitoring exercises on Ecuador's **northern (with Colombia) and southern (with Peru) borders, Ecuadorians** (especially single men) **are beginning to be identified** leaving the country to the north and south of the continent, fleeing persecution, extortion or threats.



Publications on the context of some countries

Encuentros SJM Peru:

- Snapshots produced in collaboration with the Danish Refugee Council, are bimonthly snapshots that analyze the situation of migrants and refugees, and the main protection risks and needs related to them, based on quantitative data collected through surveys both in the city of Lima and at the Tacna border.
- Qualitative report that analyzes the implementation process of the Temporary Permit to Stay, and identifies the challenges faced by migrants in accessing it.

JRS Colombia:

- National Context Report 2023.
- **Situation Report** (1, 2024) on the humanitarian crisis in Sur de Bolivar.

JRS Venezuela:

Magazine of the Education Area from JRS Táchira local office.

JRS United States:

- Report on the digital practices of migrants and their psychosocial needs.
- Statement: Senate Border Bill Narrows Access to Asylum.
- Statement: State of the Union Fails to Address the Need for Protection at the Border.





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