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Guide on Multisectional Responses for the Protection of Migrants, Refugees, and Internally Displaced Persons During and After the COVID-19 Pandemic

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GUIDE ON MULTISECTORAL RESPONSES FOR THE PROTECTION OF MIGRANTS, REFUGEES, AND INTERNALLY DISPLACED PERSONS DURING AND AFTER THE COVID-19 PANDEMIC



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WASHINGTON, DC



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**GUIDE ON MULTISECTORAL RESPONSES
FOR THE PROTECTION OF MIGRANTS,
REFUGEES, AND INTERNALLY DISPLACED
PERSONS DURING AND AFTER THE
COVID-19 PANDEMIC**



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With financial support from the Government of Canada

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Guide on multisectoral responses for the protection of migrants, refugees, and internally displaced persons during and after the COVID-19 pandemic

ISBN 978-0-8270-7531-3

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Washington, D.C. 20006 USA.

OAS Cataloging-in-Publication Data

Guide on multisectoral responses for the protection of migrants, refugees, and internally displaced persons during and after the COVID-19 pandemic. [Prepared by the Department of Social Inclusion of the Organization of American States and the Academy on Human Rights and Humanitarian Law].

p.; cm. (OAS. Official records; OEA/Ser.D/XXVI.40)

ISBN 978-0-8270-7531-3

1. Emigration and immigration—Social Aspects. 2. COVID-19 (Disease). 3. Emigration and immigration law. 4. Refugees—Americas. 5. Internally Displaced Persons—Americas. I. Title. II. Organization of American States. Secretariat for Access to Rights and Equity. Department of Social Inclusion III. American University. Washington College of Law. Academy on Human Rights and Humanitarian Law. IV. Series.

OEA/Ser.D/XXVI.40

CONTENTS

ACRONYMS AND ABBREVIATIONS	8
EXECUTIVE SUMMARY	9
INTRODUCTION	11
I. Migration and forced displacement during the COVID-19 pandemic	13
1. Evolution of the COVID-19 Pandemic	
2. Overview of the situation of migrants, refugees, and internally displaced persons in the Americas	
3. Measures adopted in the region	
II. RECOMMENDATIONS: Building an inclusive and sustainable future for migrants and refugees and their host communities in the Americas	21
1. General recommendations	
2. Specific recommendations by sector	
3. Specific recommendations by special protection groups in the context of human mobility	
ANNEX 1 Proceedings of the series of events "Multisectoral responses for the protection of the rights of migrants, refugees, and internally displaced persons during the COVID-19 pandemic"	31
Part I. Migrants, internally displaced persons, and refugees	
Part II. Responses by States	
Part III. Contributions by civil society organizations	
Part IV. Contributions from academia and think tanks	
Part V. Response of international organizations, the inter-American system, and national human rights institutions	

ACRONYMS AND ABBREVIATIONS

AUWCL: American University Washington College of Law

CAJP: Committee on Juridical and Political Affairs of the OAS

CAM: OAS Committee on Migration issues

CEDIP: Center for the Study of International Public Law of the University of San Martín de Porres

COVID-19: Disease caused by the SARS-CoV-2 coronavirus

ECLAC: Economic Commission for Latin America and the Caribbean

IDB: Inter-American Development Bank

IOM: International Organization for Migration (IOM)

OAS: Organization of American States

PAHO: Pan American Health Organization

UN: United Nations

UNHCR: United Nations High Commissioner for Refugees

WHO: World Health Organization



EXECUTIVE SUMMARY

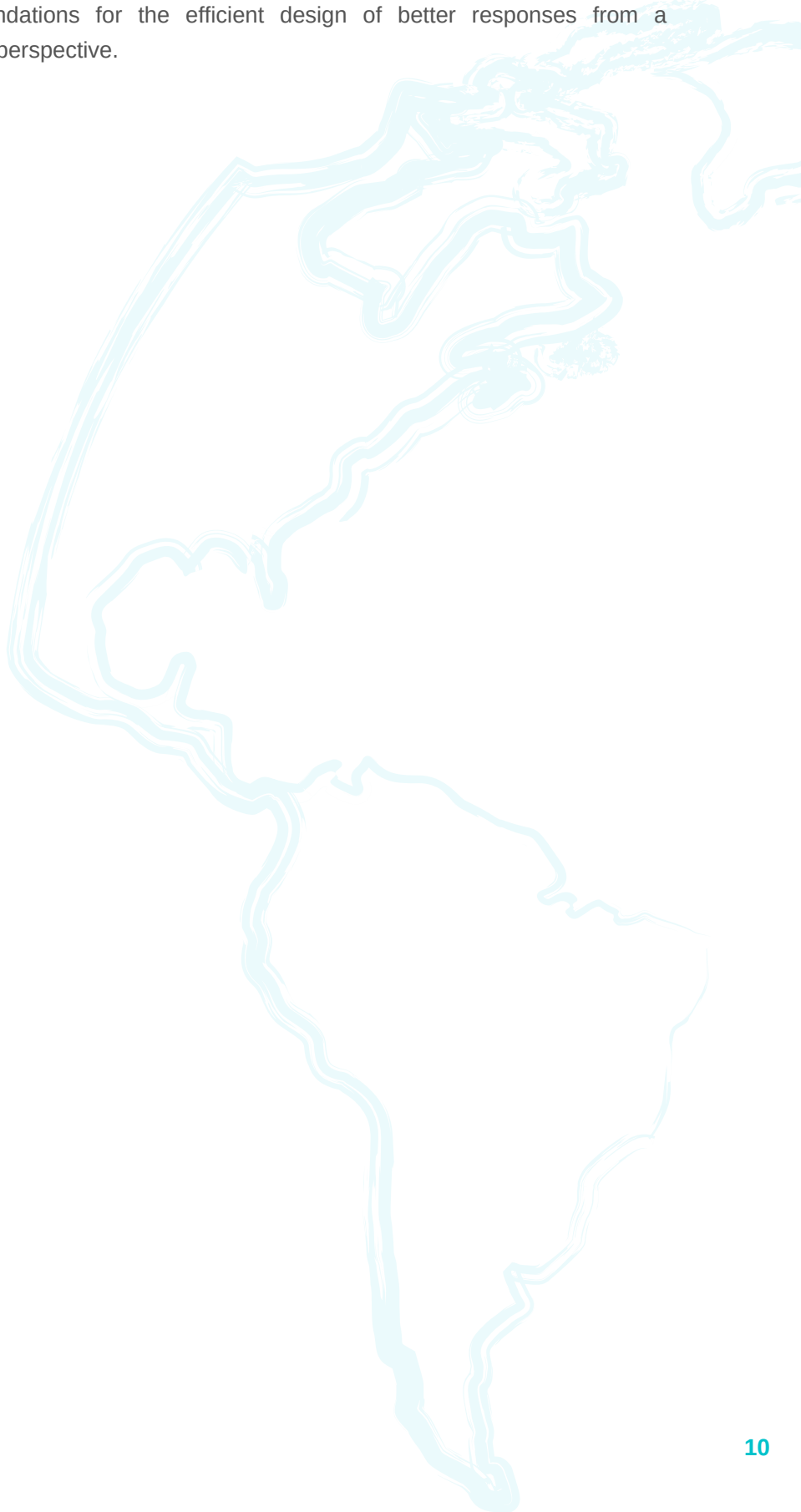
The Guide on *Multisectoral Responses for the Protection of Migrants, Refugees, and Internally Displaced Persons during and after the COVID19 pandemic* is an initiative of the Department of Social Inclusion of the Secretariat for Access to Rights and Equity of the Organization of American States (OAS) that offers a situational analysis and promotes a dialogue on proposals to address the particular needs of migrants, refugees, and internally displaced persons in the face of the emergency generated by COVID-19. It also seeks to define proposals with a post-pandemic perspective that provide multisectoral responses to address the needs of vulnerable populations.

This guide also documents the issues addressed in the panel series "Multisectoral Responses for the Protection of the Rights of Migrants, Refugees, and Internally Displaced Persons in Times of the COVID-19 Pandemic." This series of events, jointly organized by the Department of Social Inclusion of the OAS Secretariat for Access to Rights and Equity and the Academy of Human Rights and Humanitarian Law of the American University Washington College of Law (AUWCL), aimed to bring together experts from various fields -international organizations, state authorities, civil society organizations, the academic sector, the media and people in vulnerable situations- to address and analyze the COVID-19 crisis and its impact on the most vulnerable communities, particularly the media and people in vulnerable situations, from different perspectives, state authorities, civil society organizations, academia, the media and people in vulnerable situations - to address and analyze from different perspectives the COVID-19 crisis and its impact on the most vulnerable communities, particularly migrants, refugees, and internally displaced persons in the region.

The cycle comprised seven sessions, each dedicated to a specific sector for the protection of migrants, refugees, and internally displaced persons: international organizations; bodies pertaining to the Inter-American system and national human rights institutions; States; civil society organizations; academia and think tanks; migrants, internally displaced persons, and refugees; and the media. In all the sessions, the reflections revolved around three thematic axes: challenges, the process of adapting to the pandemic situation, the actions undertaken by different actors, and recommendations for the effective attention to the needs of migrants, refugees, and internally displaced persons.



With the inputs received in this series of events and with the support of the Center for the Study of International Public Law of the Law Faculty of the Universidad de San Martín de Porres, recommendations were developed to build an inclusive and sustainable future for migrants and refugees in the Americas. The Guide targets all actors involved in the care, protection, and inclusion of migrants and refugees, especially States, which are primarily responsible for guaranteeing, respecting, and protecting human rights, in order to raise awareness of the reality experienced by these populations and ensure implementation of recommendations for the efficient design of better responses from a multidimensional and multidisciplinary perspective.



INTRODUCTION

Due to the COVID-19 pandemic, States around the world have been forced to confront a series of health-related, economic, social, and political challenges not seen since the end of World War II. This has induced important changes in the relationships between governments, citizens, and other national and international actors. The COVID-19 pandemic has had uneven impacts on countries, especially in the Americas. In an unfamiliar and rapidly changing context, many countries adopted measures that had a direct impact on human rights and affected various vulnerable groups, such as migrants, refugees, and internally displaced persons.

Among the first measures taken by the States to contain the virus and prevent its spread were the partial or total closure of borders; restrictions on freedom of movement in cities and towns; timetables for the movement of people and vehicles; the closure of commercial establishments, educational centers and public, religious, cultural, and recreational facilities; confinement measures; and the requirement of negative test results for entry into the country or for movement between cities. All these measures have had a significant impact on the informal sector of the countries' economies, one of the main sources of subsistence for many people in a context of human mobility.

At the same time, most of the governments of the Americas used executive decrees to implement states of exception or emergency, in accordance with their national regulations. States prioritized realization of the right to health of all persons under their jurisdiction, including non-nationals.

As a result of these measures, many migrants were stranded at borders or had to move through irregular crossing points, increasing the risks to which they were exposed, including greater opportunities for criminal groups engaged in migrant smuggling and human trafficking. These groups took advantage of the desperation of migrants and refugees - especially women, children and adolescents - and exposed them to greater danger and vulnerability.

Several international agencies, such as the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), in coordination with governments and civil society organizations, established humanitarian corridors in which humanitarian assistance and temporary housing mechanisms were set up but failed to meet the needs of all stranded migrants. Some of these people were forced to return to their country of origin, after long walks and sleeping in the open. The economic effects of the COVID-19 pandemic, such as the increase in poverty in a large number of countries in the Americas, have intensified xenophobia, stigmatization, and discrimination against migrants and refugees, with the consequent loss of jobs, income, and support networks, and have led to evictions and greater exposure to sexual and labor exploitation.



In order to contribute to the responses to the challenges posed by this context, this Guide reviews the main measures adopted by governments in the Americas and makes recommendations to States and other relevant actors regarding protection of the rights of migrants, refugees, and internally displaced persons, in accordance with universal and inter-American standards for the protection of human rights. In this way, we seek to provide a tool that helps forge a better present and future, in which no one is left behind.



I. MIGRATION AND FORCED DISPLACEMENT DURING THE COVID-19 PANDEMIC

1. Evolution of the COVID-19 Pandemic

COVID-19 is a disease caused by a type of coronavirus known as SARS-CoV-2. Due to the magnitude of its spread, the World Health Organization (WHO) declared it a pandemic on March 11, 2020. Today's figures are a far cry from those reported in 2020, when countries around the world began to take containment measures against a virus that was largely unknown and for which there was no treatment.

Two years into the COVID-19 pandemic, 458,479,635 confirmed cases had been reported to WHO worldwide, of which 149,185,071 were in the Americas, meaning that nearly one-third of all cases have occurred in countries in the region. In addition, according to the Pan American Health Organization (PAHO), there had been 2,663,778 deaths in the Americas as of March 15, 2022. In March 2020, only 188,842 confirmed cases and 3,554 deaths were reported to PAHO.

Several countries in the Americas have been epicenters of this terrible pandemic. Currently, of the 10 countries with the highest number of COVID-19 deaths, five are in the Americas: The United States in first place with 960,703 deaths, Brazil in second place with 655,078, Mexico in fifth place with 321,103, Peru in sixth place with 211,546, and Colombia in tenth place with 139,297 deaths. This shows the enormous impact that the pandemic has had on human lives, in addition to the serious economic and social effects – such as the increase in poverty, inequality, and unemployment rates, domestic violence against women and children, and the incidence of mental illnesses – which will affect our societies for a long time to come.

The discovery of a series of vaccines against COVID-19 represents an achievement of humanity as a whole, in view of the short time in which they were obtained and produced and, even more so, if we remember that the first case made known to the public occurred in December 2019 and that a couple of weeks later, in the second week of January, scientists from the People's Republic of China published the DNA sequence of SARS-CoV-2. Since then, scientists around the world, many of them migrants, in collaboration with governments and the private sector, have been working to find, design, and produce effective vaccines against the disease.

Vaccination figures are encouraging. To date, more than 56% of the world's population is fully vaccinated (with two doses), despite the persistent misinformation campaigns initiated by a minority sector of the population and amplified in social networks. However, it is important to note that vaccination status is not the same in all continents. As of mid-March 2022, Africa had just over 11% of the population fully



vaccinated against COVID19, while, in the Americas, 65% of the population was fully vaccinated.¹ This is primarily due to the lack of vaccines on the African continent, which is largely attributable to the problem of inadequate distribution of vaccines among States.

In our region there are countries that have vaccination percentages close to 90%, while in one case they still do not reach 1%. Therefore, it is important to promote cooperative mechanisms to ensure universal and equitable access to vaccines against COVID-19 in the Americas, especially if the goal of the Global Vaccine Strategy is to reach 70% of the world's population by the end of the year.²

These figures show what this unprecedented crisis has meant worldwide, as governments had to respond to an unforeseen situation, without vaccines, in the midst of a major health crisis that in its wake led to historic breakthroughs. However, many of the policies adopted have failed to respond adequately to the severe economic and social crisis caused by the pandemic, which has disproportionately affected the most vulnerable groups in our societies, including migrants, particularly those in an irregular situation, refugees, and internally displaced persons.³

1. WHO Africa. [Africa needs to ramp up COVID-19 vaccination six-fold](#) February 2022.

2. UN News. [COVID-19: UN unveils Global Vaccination Strategy to reach 40% of the population by the end of the year](#) October 2021.

3. According to ECLAC, the Latin American and Caribbean region presented the worst economic contraction in the developing world in 2020, with a drop in gross domestic product (7.7%) and investment (20%), which was especially dire not only because the region was the most affected compared to other developing regions, but also because of the implications that these figures have for people's lives. When more than two and a half million companies are closed and more than 40 million people are unemployed, that inevitably translates into an increase in poverty and extreme poverty in the region. It is estimated that more than 200 million people are living in poverty - with the percentage increasing from 30% to 33.7% instead of continuing the previous downward trend - and that 8 million people will fall into extreme poverty, adding to the 70 million who were in that situation in 2019. ECLAC, [COVID-19 pandemic will lead to the largest contraction of economic activity in the region's history: -5.3% drop in 2020](#), April 21, 2020.



2. Overview of the situation of migrants, refugees, and internally displaced persons in the Americas

According to the most recent estimate, there were about 281 million international migrants in the world in 2020, equivalent to 3.6% of the world's population.⁴ Recent months have seen an increase in global displacements despite mobility restrictions imposed in the wake of COVID-19. As António Vitorino, Director General of the International Organization for Migration (IOM) pointed out, "[w]e are witnessing a paradox never seen before in the history of humanity. While billions of people have been effectively paralyzed by the COVID-19 pandemic, millions more have been displaced within the territory of their own countries."⁵

The United Nations Department of Economic and Social Affairs reports that, in 2020, 26% of the world's migrant population —73,503,418 people— lived in the Americas. This means that migrants constituted 7% of the population of the Americas in 2020.⁶ Regarding the proportion of migrants in the population of the Americas by destination subregion, 80% are in North America,⁷ 15% in South America, 3% in Central America and Mexico, and 2% in the Caribbean.⁸ In contrast, by region or subregion of origin, 24% of migrants in the Americas come from Asia, 21% from Central America, 18% from South America, 13% from Europe, 11% from the Caribbean, 5% from Africa, 3% from North America, less than 1% from Oceania, and 4% from other regions.⁹ Therefore, North America is the main destination for the migrant population of the Americas, and Central America is the main source.

In this regard, it is worth noting that from 2015 to 2020, the number of people from Latin America and the Caribbean migrating to North America increased by almost three million, reaching a total of 26 million migrants by 2020.¹⁰ Accordingly, it is also important to note the regional and extra-regional irregular migration routes, for most of which the final destination is North America.

According to UNHCR, there are more than 82.4 million people affected by war, violence, conflict, and persecution, which have forced them to establish a new home far from their place of origin.¹¹ According to the report on global trends in forced displacement, by the end of 2020 there were 650,932 refugees, 2,112,469 asylum seekers, and 8,571,378 internally displaced persons in the countries of the Americas.¹²

In the case of new internal displacement, the Internal Displacement Monitoring Centre observed that disasters triggered the majority of new displacements in the Americas in 2020, with 4.5 million cases, the highest number in ten years. Wildfires and flooding have caused massive internal displacement in the United States. There was unprecedented displacement in Guatemala, Honduras, and Nicaragua, countries that were severely affected by the most intense Atlantic hurricane season on record. In addition, conflict and violence caused nearly 238,000 new displacements in Colombia, El Salvador, Mexico, and Haiti.¹³

4. IOM, Report December 1, 2021.

5. IOM, [World Migration Report 2010](#): Limits December 1, 2021.

6. UN DESA, [International Migrant Stock](#), 2020.

7. This is based on the IOM World Migration Data Analysis Centre's classification of regions.

8. UN DESA, 2020.

9. Ibid.

10. Ibid.

11. UN News, [Migration in 2021, Year in Review: Refugee, migrant numbers rise, despite travel curbs](#), December 28, 2021.

12. UNHCR, [Global Trends. Forced Displacement in 2020](#), June 2021.

13. IDMC, [Global Report on Internal Displacement 2021](#).



The region faces pressures from considerable forced displacement from northern Central America, as well as escalating persecution and systematic human rights violations in countries such as Venezuela and Nicaragua. According to UNHCR, as of February 2022, more than 6 million Venezuelans had left their country. Of these, about 4.9 million were living in other Latin American and Caribbean countries.¹⁴ In addition, more than one million people have been forced to flee Central America and Mexico.¹⁵ The situation in the region is particularly worrying because, in the past ten years, displacement from El Salvador, Guatemala, and Honduras has increased almost 50-fold.¹⁶

According to IOM's observations on the migration flow in the Americas of highly vulnerable groups, for the past ten years there has been a sustained migration wave originating in the Caribbean (mainly Haiti, Cuba, and the Dominican Republic), which increased by 436% between 2010 and 2020.¹⁷ There is also considerable migration from Africa and Asia. As explained in the report, this is due to factors such as income inequality, lack of employment and opportunities, limited access to basic services, violence in the countries, political instability, and the consequences of natural disasters.

In this context, the COVID-19 pandemic has put health care systems to the test, and the region is still in the midst of a health crisis the human and economic costs of which, already quite high, are increasing by the day. Those who have borne the brunt of it are the poorest and most vulnerable people, including those who have been displaced from their country of origin. At a time when countries in the Americas are making every effort to offer vaccines to the entire population to counter the virus, it is imperative that this response include all people without distinction, including refugees, asylum seekers, and migrants.

Finally, it is necessary for OAS member states, together with key actors such as the private sector and international and regional organizations, to work on post-pandemic economic recovery measures that are inclusive and that take into account socio-economic solutions and alternatives for migrants, asylum seekers, and refugees in their host communities. An adequate response to the multiple challenges posed by the COVID-19 pandemic is only possible with the combined efforts of all actors. While there are monumental challenges ahead, in the Americas we must continue to work to achieve the objectives of the OAS Charter: more rights for more people, more democracy and protection, dignity and well-being for all in the post-pandemic period.

14. UNHCR and IOM. Migrants February 2022.

15. MIRPS. [Annual Report of the Comprehensive Regional Protection and Solutions Framework](#) December 2021.

16. UNHCR, [Global Trends. Forced Displacement in 2020](#) June 2021.

17. IOM, regions. Transit October 2021.



3. Measures adopted in the region

Despite the difficulties, the governments of the countries of the Americas responded in an expeditious and pragmatic manner, with a wide range of measures to contain the virus and mitigate its consequences, but which had undesired effects on thousands of migrants in the region. This section provides an overview of some of the measures adopted by the governments of the Americas.

Border closure

Border closures, as part of measures to restrict cross-border mobility, were one of the first measures taken to contain the pandemic. Due to those restrictions, there are a large number of migrants stranded at the borders, exposed to human trafficking. A distinction should be made between sea, land, and air border closures, since most of the examples presented in this section refer to airports.

For example, the United States, which at the end of March 2020 decided to close its borders in order to contain the spread of the virus in the country, allowed the entry of citizens or residents of the country only under special circumstances. In addition, this border closure agreed upon with Mexico and Canada was adopted together with other measures such as the closure of detention centers in the country and the immediate return of irregular migrants to neighboring countries or countries of origin.¹⁸

In March 2020, the Government of Peru ordered the total closure of its borders, which were reopened after a seven-month quarantine in October 2020 to resume flights in the region.¹⁹ It is important to note that, although land borders were also closed, due to the confinement, as in other parts of the world, many migrants lost their jobs and were left unprotected. In some cases, their only way out was to return to their country of origin even with the borders closed.

Trinidad and Tobago closed its borders in March 2020, and restrictions on commercial flights remained in place until at least July 2021.²⁰ This had a significant impact on companies employing migrant, mostly Venezuelan, workers, according to the IOM.²¹

Brazil is another country where borders were closed as of March 2020. Although restrictions were initially imposed on people coming from Asia, Europe, and Australia,²² this quickly changed, and restrictions began to apply to travelers coming from Argentina, Paraguay, Bolivia, Peru, Colombia, Suriname, Guyana, and French Guiana, which have borders with Brazil.

There have also been exceptions. One was the response of the Mexican government, which did not restrict commercial flights, although it did close the land border with the United States.

18. Department of Territorial Security. [DHS Measures on the Border to Limit the Further Spread of Coronavirus.](#)

19. Supreme Decree 044-2020-PCM. [Supreme Decree declaring a State of National Emergency due to the serious circumstances affecting the life of the Nation as a result of the COVID 19 outbreak](#)

20. Government of the United Kingdom. advice. Trinidad.

21. IOM, [Between a Rock and a Hard Place: Venezuelan Migrants and Trinidadians Hit by the Pandemic.](#)

22. France 24. [Brazil closes its borders to Europeans and Asians due to the coronavirus.](#)



These measures had serious repercussions on the migrant, refugee, and displaced population. These people, who were already unprotected due to their particularly vulnerable situation, were seen as "transmitters" of a lethal virus and often blamed for cases in a locality as a result of restrictions and fear-mongering narratives.

This was observed in Venezuela, where Venezuelan citizens who returned to the country in an irregular manner were singled out as "biological weapons" by public officials and even by official government sources,²³ which led to conflicts among citizens and rejection of returning Venezuelans.

Another important effect of the border closures was that thousands of people were stranded in transit countries, as pointed out by the Office of the United Nations High Commissioner for Human Rights²⁴. Those people ended up being totally unprotected and many were sent to camps or shelters that did not meet the minimum requirements for dealing with the pandemic, where their situation was worse due to their irregular migratory status.

Telework and migration offices

During the confinement stage, in order to avoid relocations and protect civil servants and private sector workers, teleworking or remote work was adopted, which resulted in a change in labor dynamics and a significant cost in terms of public services.

Some procedures, such as issuance of passports, visa extensions, issuance of birth certificates, recognition of civil status and criminal records, as well as hearings before courts or immigration authorities, were paralyzed for some time. This created difficulties for migrants and those stranded in transit countries. In addition, citizens of the countries of the Americas were unable to process visas for regular travel because embassy services were also suspended due to border closures and quarantines.

Mobility restrictions, confinement, and regularization of documents

Recent migratory movements in the Americas respond to specific phenomena that have given rise to important changes in the internal dynamics of the countries. While mobility restrictions were an important measure for the governments of the Americas to contain the virus, they also had a significant impact on migrants, especially those in irregular status, whose difficulties in finding formal employment, receiving health care services, or obtaining housing were exacerbated.

23. OAS. Situation of Venezuelans who have returned and seek to return to their country in the context of COVID-19, September 2020.

24. UN News. [Migrants vulnerable to border closures in Central America due to coronavirus](#).



Lack of documents continues to hamper the integration of migrants into host communities. In this regard, it is important to note that Colombia has initiated a program for the regularization of migrants that could benefit more than 2 million people.²⁵ Other countries have issued regulations to provide facilities to foreigners with immigration status issues during the state of emergency.²⁶ For example, Chile and Panama extended the validity of identity documents so as not to place migrants in a vulnerable situation. Chile is working on the digitization of its procedures. According to the IDB, 64% of the procedures required by migrants can be done online.²⁷

Vaccination in the countries of the Americas and distribution of vaccines

The governments of the Americas have understood the importance of mitigating the contagion curve for everyone, without distinction. International agencies have also called for equal access to COVID-19 vaccines for all migrants and refugees.²⁸ Consequently, most countries have included these populations in their national COVID-19 vaccine delivery plans.

Although vaccination in the region has been making steady progress, there are still great inequalities between countries in terms of doses administered. According to PAHO/WHO figures,²⁹ 1,646,595,238 doses have been administered in the Americas, but vaccination rates are not equal for all. While there are countries with high rates, such as Chile, Cuba, Canada, Argentina, Brazil, the United States, Peru, Uruguay, and Ecuador, with more than 60% of the population vaccinated, others, such as Jamaica and Saint Vincent and the Grenadines, have less than 30% of the population vaccinated. A critical case is Haiti, with less than 1% of the population vaccinated against COVID-19.

Faced with this situation, the member states of the Organization of American States must adopt immediate measures to ensure fair and equitable access to vaccines for all people.

25. BBC. [Colombia announces a massive regularization of Venezuelan migrants that "could benefit more than 2 million" people](#). February 8, 2021.

26. El Peruano (Official Gazette). Superintendency resolution No. 000104-2020-Migration. March 19, 2020.

27. Inter-American Development Bank [Social policies in response to coronavirus](#).

28. IOM, [Ensuring migrants' equitable access to COVID-19 vaccines](#).

29. PAHO: [Vaccination against COVID-19 in the Region of the Americas](#).



II. RECOMMENDATIONS: BUILDING AN INCLUSIVE AND SUSTAINABLE FUTURE FOR MIGRANTS AND REFUGEES AND THEIR HOST COMMUNITIES IN THE AMERICAS

The challenges that migrants face - such as access to international protection, migration regularization, documentation, and basic services such as health care, water, sanitation, hygiene, and housing - have been exacerbated by the COVID-19 pandemic. In addition, migrants are exposed to acts of discrimination and xenophobia and have suffered double stigmatization for being migrants and "COVID-19 carriers."

In the region, many migrants, internally displaced persons, and refugees have had to deal with the risk of contagion in detention centers, deportations, excessive waiting for asylum hearings, and, above all, expulsion at borders, including of children and adolescents. In addition, statistical information on their situation is not updated, as it is difficult to keep a tally of migrants, which makes it impossible for them to access public sector social programs.

In the context of COVID-19, States have the responsibility to guarantee and protect the human rights of the migrant population. It is the State's responsibility to formulate inclusive social policies at all levels of government and to promote the participation of migrants, in addition to promoting the recovery of regional consensus and constructive, democratic, and inclusive political dialogues that contribute to the forging of migration policies from a human rights perspective.

Civil society has been one of the pillars helping migrants, refugees, and internally displaced persons to adapt to this complex stage. Similarly, migrant organizations have acted with solidarity and empathy to support these vulnerable populations. Therefore, it is essential to strengthen and expand these support networks.

The academic sector and think tanks play a key role in gathering information and transferring knowledge to various social actors, such as the migrant population, international cooperation agencies, and civil society organizations. Their research draws attention to the real conditions of migration in the Americas and the effects of migration policies adopted in the context of COVID-19. States and civil society and international cooperation organizations should take advantage of this scientific work to generate new public policies, create innovative programs, and strengthen the skills and abilities of migrants, refugees, displaced persons, and asylum seekers.

At the same time, international organizations and the organs of the Inter-American human rights system have kept track of the situation of migrants, refugees, and displaced persons and their protection irrespective of their migratory status in the context of the COVID-19 pandemic. In this regard, greater coordination is required to ensure adequate compliance with the recommendations made with respect to the observance of the international obligations assumed by States.



Finally, the media must provide timely and accurate information on migration management and the unprecedented consequences of the pandemic for the rights of migrants and refugees. News coverage has become a useful tool for disseminating public health messages and reporting on the situation of migrants.

In the virtual events organized by the OAS and AUWCL, participants became more aware of the need to adopt measures for the benefit of this population, in line with international law and, in particular, international human rights law. The participants -international organizations, state authorities, judges, civil society organizations, academia and the media- pointed out the structural shortcomings of the systems that receive these people and addressed the universal, inter-American, and national standards on the subject.

The following recommendations are based on the deliberations during those meetings and events and the guidelines issued by various international organizations:

1

General recommendations

- ▶ Implement COVID-19 pandemic containment and response plans consistent with international human rights law and international refugee law. These measures must adopt a multisectoral approach, which entails articulated, coherent, and coordinated governance to combine rather than duplicate efforts.
- ▶ Establish regional cooperation mechanisms between countries of origin, transit, destination, and return, based on the principles of burden sharing and shared responsibility.
- ▶ Promote the implementation of the Global Compact for Migration, the Global Compact on Refugees, and the Sustainable Development Goals in pandemic prevention, containment, and recovery responses.
- ▶ Adopt policies or practices that consider the specific needs of the population in vulnerable situations and that are sensitive to gender, age, and diversity, with an intersectionality approach.
- ▶ Continue to promote cooperation mechanisms in order to guarantee universal and equitable access to vaccines against COVID-19 in the region and take into account countries that face economic and financial obstacles to continuing their vaccination plans.
- ▶ Promote the work of the specialized bodies of the OAS, such as the Committee on Migration Issues (CAM) and the Committee on Juridical and Political Affairs (CAJP), which provide opportunities for dialogue and for reaching agreements among the various actors on the adoption of multisectoral responses for the care and protection of migrants and refugees, especially in the context of the pandemic.
- ▶ Address displacement caused by the effects of climate change and natural disasters among measures to promote post-pandemic socioeconomic recovery. In addition, generate statistical information on recovery plans, climate change, and response to the COVID-19 pandemic.



- Take measures to reduce the digital divide affecting vulnerable populations, including migrants and refugees, so that they have equal access to telework, education, online services, and recreational activities, among other benefits.
- Create information platforms on recent findings on health and human mobility so as to inform decision making.
- Avoid using terminology that reinforces narratives that exclude migrants from access to their rights. In addition, implement strategies to improve trust and counteract disinformation and the spread of fake news. To this end, launch information campaigns aimed at the migrant and refugee population on COVID-19, access to health services, and other prevention and containment measures.

2

Specific recommendations by sector



States

- Guarantee the human right to seek and receive asylum and complementary protection, the principle of non-refoulement, including the prohibition of direct and indirect refoulement, and the non-rejection at the border of persons in need of international protection.
- Adopt measures to reduce the delays caused by the pandemic in the processing of refugee status and ensure continuity of processing with digital tools that are not disproportionate for guaranteeing due process and the rights of asylum seekers.
- Avoid the use of measures that increase the risk of COVID-19 infection, such as returns executed without guaranteeing adequate sanitary conditions.
- Provide alternative measures to detention of migrants and reduce overcrowding in administrative detention centers.
- Provide equal access to health services (COVID-19 testing, medical care, psychosocial support, etc.) for refugees and migrants, regardless of their migration status, nationality, gender, or ethnicity. Ensure access to mental health services for depression, anxiety, or other disorders caused by the pandemic.
- Include migrants and refugees in national vaccination plans, regardless of their migratory status, in accordance with the priority established by the States. When collecting data on vaccination, include detailed and disaggregated information on refugees, migrants, asylum seekers, and internally displaced persons, so as to show which population groups have been reached. Conduct vaccination campaigns in cooperation with migrant and refugee community organizations.
- Ensure that, in proceedings leading to expulsion or deportation, the principles of respect for family unity, family reunification, and the best interests of the child are taken into account.
- Guarantee the right of migrants to return voluntarily to their State of origin or nationality.
- Adopt measures to allow for the extension of visas and residence and work permits so that their holders avoid incurring irregular status or being forced to pay excessive fines.



- Create habitable and adequate conditions in shelters or other facilities where migrants can stay. Likewise, train the personnel in charge of those shelters in psychosocial first aid.
- Develop contingency plans for the opening of borders and possible intergovernmental coordination scenarios following the increase in migratory movements generated by the COVID-19 pandemic, disasters, and the political context in countries of origin.
- Implement occupational safety and health measures for all migrant workers and provide personal protective equipment to prevent transmission of COVID-19 in the workplace. In addition, to guarantee their labor rights, which have become precarious as a result of the pandemic, increase inspection and oversight, and establish effective grievance mechanisms.
- Determine the fate and whereabouts of missing migrants and continue search and rescue operations.
- Ensure that migratory status or nationality is not a cause for exclusion of migrants and refugees from social programs and does not prevent them from benefiting from vouchers or temporary economic assistance.
- Protect the personal data and health-related information of migrants or asylum seekers. To this end, establish "firewall" barriers between immigration law enforcement and public services so that all migrants, regardless of their immigration status, have access to health care, education, other social services, and justice without fear of detection, detention, and deportation. Among other measures, an "anonymous code" could be used for those who do not wish to be identified.
- Train government officials involved in the care and protection of migrants and refugees – such as the police, armed forces, migration authorities, and border protection services – in human rights and age-, gender- and diversity-sensitive approaches. Within the framework of this training, provide them with tools to detect the needs of people in vulnerable situations, such as children and adolescents, sex workers or prostitutes, indigenous peoples, Afro-descendants, and the older adults.
- Create spaces/opportunities/facilities, particularly at the local level, where migrants and refugees can adapt to the host community and the customs of the receiving countries. Such spaces can facilitate the labor integration process.
- Include internally displaced persons, migrants, asylum seekers, and refugees and their host communities in pandemic recovery plans and strengthen their economic resilience. In particular, States must take into account the protection of workers who are part of the migrant community and guarantee their labor rights.
- Adopt measures and mechanisms to protect migrants from acts of racism and xenophobia and conduct education and awareness campaigns aimed at promoting inclusive societies.
- Provide comprehensive reparation to refugees, migrants, and their families who have been victims of human rights violations.





National Human Rights Institutions:

- Compile data on the situation of migrants and refugees in the Americas and the effects that COVID-19 has had on them and follow up on them.
- Indicate the special needs of migrants particularly exposed to risk situations, such as women, children, adolescents, older adults, indigenous peoples, Afro-descendants, and LGTBI persons.
- Provide legal guidance and support to internally displaced persons, migrants, asylum seekers, and refugees, both in processes related to the recognition of refugee status and in other judicial proceedings so as to protect their rights.
- Promote opportunities for dialogue and exchanges among stakeholders, especially government institutions and civil society organizations.
- Make available to migrants and refugees accurate and up-to-date information on their rights in the context of the COVID-19 pandemic.
- Generate mechanisms for participation and listening to migrants, asylum seekers, displaced persons, refugees, and diaspora communities.

International organizations



- Continue to work with all stakeholders to mobilize a hemispheric response for the care and protection of migrants and refugees in order to improve cooperation among member states and avoid duplication of efforts.
- Strengthen coordination mechanisms among international organizations to ensure well-planned and articulated responses and include consultation processes with migrant and refugee communities.
- Support initiatives in the States of the region and intensify international cooperation to achieve long-term and sustainable solutions for humanitarian aid, and development and reconstruction programs to address the consequences of the COVID-19 pandemic.
- Promote the expansion of durable solutions in third countries, resettlement, or complementary pathways for the admission of refugees.
- Strengthen cooperation mechanisms between countries of origin, transit, destination, and return and facilitate the exchange of best practices and lessons learned among member states.
- Facilitate assessment of the impact of the pandemic on essential services in countries receiving migrants and refugees.
- Promote the use of technology in access to justice, the search for migrants, training and education of officials, and data collection, as well as in other areas.





Civil society and migrant and refugee organizations:

- Continue providing assistance and support to people in the context of human mobility.
- Conduct information and legal counseling campaigns that contribute to dissemination of the rights of migrants and refugees in the context of the pandemic.
- Continue to promote strategic litigation to ensure access to health services, medicines, and vaccines for migrants in the countries of the region.
- Present proposals to improve care for the migrant population, ensure the continuity of asylum procedures – whether virtual or hybrid –, attend to the thousands of people who are stranded at borders, and offer alternatives to detention.
- Promote the integration of migrants and refugees through entrepreneurship training, job fairs, and selecting companies that can employ this population.
- Create spaces for dialogue with local authorities and communities to combat xenophobia, bearing in mind that institutional discrimination increases the vulnerability of migrants and refugees.



Academic sector and think tanks:

- Continue to monitor the situation of migrants and refugees, as well as the effects of migration policies implemented in the context of COVID19.
- Collaborate with research that provides up-to-date and relevant data on the situation of migrants and refugees and highlight good government practices.





The media:

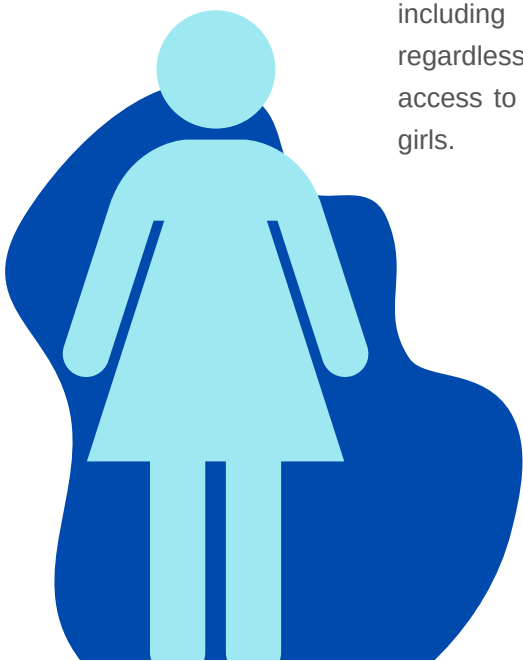
- Disseminate verifiable information, with relevant data, and use a tone that does not disparage migrants and their families. Likewise, protect their identity.
- Publicize the contributions made by migrants in the administration of tests, prevention, treatment, care, vaccination, and recovery in the context of COVID-19, as well as their contribution to the functioning of essential services.
- Avoid xenophobic discourse or expressions that associate COVID-19 with migrants or their identification as nationals of a particular country.
- Include migrants, displaced persons, and refugees in national or regional public health campaigns.
- Continue to contribute to the participation of migrant and refugee communities in public debate.

3

Specific recommendations by special protection groups in the context of human mobility

Women

- ▶ Encourage the participation of migrant women in the health sector in all phases of the response and in national and local decisions.
- ▶ Incorporate the gender approach in health systems, so that account is taken of the differentiated needs of migrant men and women, data are disaggregated by sex, and gender-based analyses are conducted.
- ▶ Ensure that migrant and refugee women have access to health care, including sexual and reproductive health services and maternity care, regardless of their migration status or country of origin. In addition, increase access to menstrual hygiene products for migrant and refugee women and girls.



- ▶ Ensure that health personnel receive training on the rights of migrant women and the protection of personal data through the use of confidential communication channels.
- ▶ Establish routes and protocols for police response in cases of abuse and sexual violence against refugee and migrant women, children, and adolescents.
- ▶ Establish shelters for survivors of gender-based violence, who in many cases are migrant and refugee women and their children, and equip them appropriately.
- ▶ Ensure the continuity of justice services with the implementation of digital mechanisms, especially in gender violence and child custody cases.

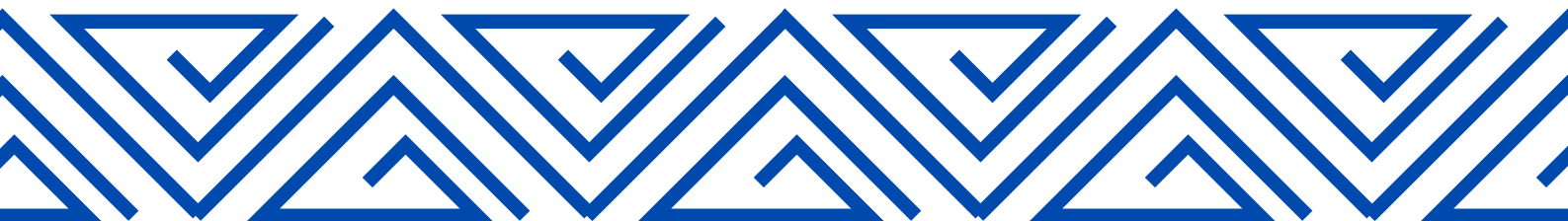
Children and adolescents

- ▶ Provide accessible and culturally and linguistically appropriate information on the spread of COVID-19 and ensure the right of children to freely express their views.
- ▶ Implement educational strategies to enable all children and adolescents to continue learning in contexts of human mobility or forced displacement.
- ▶ Prohibit the detention of migrant children and adolescents, guarantee observance of the principles of the best interests of the child and family unity, and prevent the risks of family separation.
- ▶ Prevent the deportation of migrants in cases where it may cause serious harm to family life, particularly when there are children and adolescents in the family.
- ▶ Establish safeguards for children or adolescents who are in the custody of the State.



Indigenous and Afro-descendant populations

- ▶ Ensure that health systems are culturally and linguistically sensitive to the needs of refugees and migrants from indigenous and Afro-descendant communities.
- ▶ Include the ethnic origin variable in COVID19 case records, so that attention is drawn to the needs of these populations.
- ▶ Coordinate with regional, municipal, and local authorities to adopt measures to provide indigenous refugees and asylum seekers access to shelters with improved basic sanitation infrastructure and hygiene products.
- ▶ Avoid the exacerbation of situations of stigmatization that could lead to discrimination and acts of xenophobia against these populations.
- ▶ Take into account lifestyles, housing and sanitation conditions, displacements, means of transportation, shopping habits, and food security when implementing measures to protect against COVID-19.
- ▶ Continue adopting measures to reduce possible cases of statelessness in indigenous and Afro-descendant communities.
- ▶ Establish culturally relevant facilities for prior, free, and informed consultation on the pandemic prevention and containment measures to be adopted.



ANNEX 1

**PROCEEDINGS OF THE SERIES OF
EVENTS "MULTISECTORAL
RESPONSES FOR THE
PROTECTION OF THE RIGHTS OF
MIGRANTS, REFUGEES, AND
INTERNALLY DISPLACED
PERSONS DURING THE COVID-19
PANDEMIC"**

Part I. Migrants, internally displaced persons, and refugees

The virtual panel discussion "Voices of migrants, internally displaced persons, and refugees in the face of the COVID-19 pandemic" was held on Tuesday, July 21, 2020. The objective was to analyze the effects of the pandemic on migrant, refugee, and asylum seeker communities in the Americas and to examine their role in the quest for current and future solutions to the challenges they face that can be applied to policies and practices and are consistent with a human rights approach. ³⁰

The round table was moderated by Abel Nuñez, Executive Director of the Central American Resource Center (CARECEN), and included the participation of Juan Carlos Viloria Doria, a Venezuelan living in Colombia; Luz Marina Becerra Panesso, and internally displaced person in Colombia; Soledad Musaja, a Peruvian in Chile; and "José", a deported migrant. ³¹

1. What challenges have migrants and refugees faced in the context of the pandemic?

The migrants who testified agreed that the greatest challenge faced by migrants, internally displaced persons, and refugees was the regularization of their migration status, since without a document identifying them as citizens in the host countries, it was difficult and, in many cases, almost impossible to have access to essential health care services, work, housing, and education, among other facilities, a situation that had worsened with the pandemic. The panelists stated that it was essential to ensure that these people had access to the social programs of various governments and their entities.

It is alarming that those without regular immigration status do not have equal access to the same rights, especially people who have had to flee their country. The participants regretted that, despite the fact that many of the migrants were competent professionals, for lack of a document that would enable them to regularize their status, they were unable to offer their professional services in the receiving countries.

The problem caused by the lack of regularization is also observed in people coming from Venezuela, Colombia, the Dominican Republic, and Cuba, who, due to their irregular status, do not have access to the protection of the receiving countries.

The majority of the displaced population survives with just the bare necessities. As a result, they lose income as a result of quarantines, which has exacerbated poverty and conditions of vulnerability. In this regard, the Afro-Colombian displaced population has lost its sources of income because, by complying with the government's recommendation to maintain social distancing, many families are unable to generate income, and this has exacerbated already entrenched levels of poverty. Lack of access to public services does not allow them to comply with government recommendations such as frequent hand washing or "staying at home." These situations generate conditions of vulnerability to COVID-19.

30. The recording of the virtual panel discussion "Voices of migrants, asylum seekers, and refugees in the face of the COVID-19 pandemic" can be found at <https://bit.ly/2RSQyQk>.

31. "José" is a deported migrant whose identity is not disclosed in order to protect him.



Unemployment caused by the pandemic has created overcrowded conditions, with four or five people living in a single room, and other migrants living on the street due to the lack of shelters. Another challenge faced by this population is evictions due to lack of resources to pay rents, despite the fact that many governments have prohibited evictions during the pandemic. Similarly, it is difficult for migrants to access food programs.

In the Afro-Colombian community, domestic violence has increased in households, as have suicides due to stress or depression. In addition, many people find themselves in a state of anxiety produced by isolation and lack of income.

One participant recounted his experience in a migrant detention center:



When I was deported to my country of origin, I noted that, in migrant detention centers, one lives in conditions of vulnerability to COVID-19 due to the lack of social distancing, especially when we detainees went out into the courtyard, in large numbers. Also, many of us deportees were exposed to overcrowded conditions while waiting for our flights. [...] 120 people sharing toilets that are for four or five people, which has caused a lot of pain, panic, and trauma in my life.”

In conclusion, the challenges faced by migrants, internally displaced persons, and refugees are numerous and have intensified with COVID-19. This pandemic has exacerbated the structural inequalities, racism, discrimination, and historically entrenched poverty in which people and communities have lived. Therefore, it is necessary to continue fighting for equality and equity, respect for differences, and the elimination of discrimination, so that everyone can enjoy their human rights and thus improve the quality of life.



2. How have migrants and refugees adapted to the context of the pandemic?

The panelists noted that migrants, refugees, and internally displaced persons (IDPs) had not been able to fully adapt to the new pandemic context, for lack of access to technology, the Internet, a computer, or a cell phone, which made it harder to comply with organizational procedures. They also agreed that, in the context of the health crisis, civil society organizations had been one of the pillars facilitating adaptation in this complex stage, as they had acted with solidarity, empathy, and humanitarian aid.

The panelists drew attention to the active participation of civil society organizations in the adaptation of this population to COVID-19 conditions; for example, in the education of children or in providing for the personal hygiene of people who did not have access to basic services. Likewise, civil society organizations pointed out ways to access health, education, labor services, and social programs.

The displaced Afro-Colombian population has tried to reestablish ties of solidarity and brotherhood and generate support networks in response to COVID19. In addition, some women have developed productive marketing initiatives to cope with the economic crisis. Communities have also turned to spiritual practices, such as healing strategies, to cope with the emotional and psychological difficulties of stress and depression caused by the situation.

Finally, speakers drew attention to the adaptation difficulties faced by deportees in their country of origin:



For a deportee, it is very difficult to adapt, to reinvent oneself. When a person is deported, she or he leaves with nothing or only what they have at the time, and many things get lost. Most deportees used to help their families by sending remittances to their country of origin, which they can no longer do. In addition, they left their country precisely because of lack of work and opportunities, so when they return, it is difficult to adapt to a new reality, because after so many years they look at things differently. Adapting takes a long time, and COVID-19 has made the process more difficult. ”



3. What gives them hope?

The migrants who testified felt that their greatest hope was to have the opportunity to be agents of change, to transform their circumstances, and to fight for a future in which they could live with dignity, fully exercise their rights, and be recognized as citizens. "José" added that it gave him hope to think that the future could be transformed by electing authorities in the right way, without being part of the circle of corruption, so that governments would look after migrants in a different way.

It also gives migrants hope to know that they are not alone and that there are many organizations and solidarity networks seeking solutions on a national and international scale in all countries to overcome the gaps of inequality, inequity, racism, and discrimination to which they have been subjected throughout history.

In this sense, they realize that it is essential to continue to unite, work together, and form support networks so that governments work together with civil society organizations and migrant communities.



Part II. Responses by States

The virtual panel discussion "State Responses to the impacts of COVID-19 on migrants, asylum seekers and refugees" was held on Tuesday, June 16, 2020. The objective was to analyze the effects of the COVID-19 pandemic on migrants, refugees, and asylum seekers in the Americas and to address current and future responses by States at the national and local levels.³²

The roundtable discussion was moderated by Yesica Noemí Fonseca Martínez, Chair of the Commission on Migration Affairs (CAM), and included the participation of Bitta Mostofi, commissioner of the New York Mayor's Office for Migration Affairs; Felipe Muñoz, manager of the border with Venezuela of the Office of the President of Colombia; and Carlos Andrés Torres Salas, Vice Minister of the Interior and Police of Costa Rica. This part of the Guide includes the reflections of Daniela Salazar Marín, judge of the Constitutional Court of Ecuador, who participated in the August 18, 2020 roundtable.³³

1. What are the main challenges faced by migrants, refugees, and internally displaced persons in the context of COVID-19 in your countries?

Panelists from Colombia, Ecuador, Costa Rica, and the United States agreed on the challenges faced by migrants, refugees, and internally displaced persons in the context of COVID-19. They noted that most migrants eked out a living by working in the informal sector and that their income served to pay rent for daily housing shared with other families. They also faced irregular migration status, lack of access to virtual schooling and food, and increased acts of xenophobia and discrimination against migrants.

The COVID-19 pandemic affected the health and economic situation of migrants, who, in addition to becoming infected, had to face the loss of work, the death of family members, and a reduction in their income.

32. The recording of the virtual panel discussion "State responses to the impacts of COVID-19 on migrants, asylum seekers, and refugees" is available at <https://bit.ly/3mMugOw>.

33. The recording of the intervention of Daniela Salazar Marín, judge of the Constitutional Court of Ecuador, can be found at <https://bit.ly/2ErugJL>.



2. Final thoughts and recommendations

The panelists agreed on the following final thoughts and recommendations:

1. The COVID-19 pandemic exposed the extreme vulnerability of migrants, refugees, internally displaced persons, asylum seekers, returnees, and deportees. It entails structural barriers that governments must eliminate in order to protect and guarantee the human rights of people in the context of mobility.
2. Governments should ensure that border closures to halt the advance of the pandemic are not complete, but partial and temporary. In addition, they must ensure coordination between countries so that humanitarian corridors are established to allow the voluntary, safe, and dignified return of people to their country of origin.
3. One of the main challenges facing governments is to achieve adequate, affordable, and universal health care coverage.
4. The partnership between governments and international cooperation agencies is essential to obtain resources for humanitarian aid and the implementation of inclusive public policies.
5. Strengthen border areas in terms of not only security, but also education and health conditions, to expand capacity and coverage.
6. Accelerate and facilitate regularization processes for asylum seekers and refugees. Make requirements more flexible so that people in the context of human mobility have access to health care services, education, and social benefits. Work to achieve binational agreements leading to the regularization of migratory movements of specific populations, such as cross-border workers.
7. Formulate and implement an economic and social inclusion plan for migrants, asylum seekers, and refugees. Take advantage of their qualities, skills, and previous and continuing education to place them in appropriate job positions.
8. In the area of public opinion, discrimination against migrants must be combated and citizens must be informed about the opportunity that migration offers for the economic and social development of countries and that being a migrant does not mean being a carrier of COVID-19.
9. Migration policies with a human rights approach require coordination with various levels of government, United Nations cooperation agencies, and civil society organizations. This avoids wasting economic resources and generates the right kind of synergy.
10. Strengthen the capacities of host communities and public institutions, particularly those in charge of migration issues, in order to raise awareness and promote coordination.
11. Establish direct channels to inform migrants, asylum seekers, and refugees about their migration rights and remedies in each destination country.
12. Encourage and strengthen migrant organizations, particularly family networks, to promote family reunification and the regularization of their status.
13. The countries' constitutional courts should monitor state of emergency or health emergency decrees to ensure that they respect human rights, are compatible with the social and economic situation of migrants, and are inclusive.
14. States of emergency that curtail freedom of movement must not affect the right to seek asylum or the principle of non-refoulement. In addition, restrictions must be applied in a proportionate and non-discriminatory manner.



Part III. Contributions by civil society organizations

The virtual panel discussion on "The role of civil society organizations in addressing the impacts of COVID-19 on migrants, asylum seekers, and refugees" was held on Tuesday, June 23, 2020. The objective was to analyze the effects of the pandemic on migrants, refugees, and internally displaced persons in the region and to address the role of civil society organizations in the quest for solutions aimed at formulating policies with a human rights approach.³⁴

The roundtable was moderated by Diego Morales, director of the Litigation and Legal Defense Area of the Center for Legal and Social Studies (CELS), and included the participation of Ligia Bolívar, associate researcher at the Human Rights Center of the Andrés Bello Catholic University; Maureen Meyer, director of the Mexico program of the Washington Office on Latin America (WOLA); and Ana Lorena Delgadillo, founder and executive director of the Foundation for Justice and the Democratic Rule of Law (*Fundación para la Justicia y el Estado Democrático de Derecho*).

1. What are the main challenges faced by migrants, refugees, and internally displaced persons in the context of COVID-19?

The panelists stated that migrants, refugees, and internally displaced persons have been particularly vulnerable during the COVID-19 pandemic and have had to deal with several challenges in this context, such as expulsions, risks of contagion in detention centers, and deportations. The panelists addressed the situation of migrants and displaced persons from Central America, Mexico, and Venezuela.

They also noted the various challenges faced by the migrant, refugee, and internally displaced population due to the effects of the pandemic, including loss of jobs, inability to pay rents, and difficulty in accessing food programs. The panelists also referred to the risks posed by deportations and policies restricting human mobility.

The panel highlighted the vast solidarity of various human rights organizations, activists, and humanitarian aid groups that have worked to improve the living conditions of migrants, internally displaced persons, and refugees, as well as other organizations working on research and systematization of information.

34. The recording of the panel discussion "The role of civil society organizations in addressing the impacts of COVID-19 on migrants, asylum seekers, and refugees" is available at <https://bit.ly/3INBhA3>.



2. Final thoughts and recommendations

The panelists agreed that durable solutions were needed, with human rights approaches and from an international protection perspective. Solutions require rethinking temporary permits and provisional cards, which severely affect migrants, particularly Venezuelans. In this regard, it was suggested that policies aimed at integration and permanent residence should be strengthened.

In addition, the panelists considered it necessary for States to request international cooperation for social and labor integration programs. They were of the opinion that we should not only continue with subsistence and emergency programs, but also include the possibility of permanent residence in the receiving country for those people who are in a position to contribute, as envisaged in Argentina, Chile, Colombia, and Peru.

In addition, it is necessary to reinforce State support for shelters and migrant houses for the population in transit. The challenge of ensuring dignified conditions in which deportees can quarantine remains pending. Institutions were advised to pay more heed to what was happening in migrant detention centers.

In short, it is necessary to understand that States are faced with a virus that knows no borders and that, to the extent that foreigners are deprived of protection, nationals also go unprotected. Similarly, it should be noted that the post-pandemic economic crisis will trigger much greater forced migration. In this regard, the panelists suggested that solutions should be sought to deal with migrants seeking protection, asylum seekers, and people stranded at borders, reduce waiting times for case resolution, provide alternatives to detention, and dismantle restrictive policies after the end of the pandemic.

Finally, the panelists considered that greater awareness of solidarity, protection, and humanity was needed in the aftermath of the pandemic. They pointed out that it was incumbent upon civil society organizations, States, and their representatives in international bodies to present proposals to improve care for the migrant population and prevent situations such as the total closure of borders and other policies that would violate their rights in future health crises.



Part IV. Contributions from academia and think tanks

The virtual panel discussion table "The role of academia and think tanks vis-à-vis the impacts of COVID-19 on migrants, asylum seekers, and refugees" was held on Tuesday, July 7, 2020. The objective was to analyze the effects of the pandemic on migrants, refugees, and internally displaced persons in the region and to address the role of academia and think tanks in the search for solutions to generate policies with a human rights approach. ³⁵

The roundtable was moderated by Feline Freier, Professor of the Academic Department of Social and Political Sciences at the Universidad del Pacífico of Peru, and included the participation of Andrew Seele, president of the Migration Policy Institute; Luciana Gandini, researcher at the Legal Research Institute of the Universidad Nacional Autónoma de México (UNAM); Liliana Jubilut, Professor of the Postgraduate Program in Law at the Universidad Católica de Santos; and Pablo Ceriani, Professor at the Universidad Nacional de Lanús (Buenos Aires).

1. What are the main challenges faced by migrants, refugees, and internally displaced persons in the context of COVID-19?

The economic and health crisis is the main challenge facing migrants, refugees, and internally displaced persons. To reflect on the impact of the pandemic on these populations and some of the responses that could be coordinated among different sectors, a roundtable discussion was held with representatives from the academic sector and think tanks.

It was noted that the right to asylum in the region had been severely impaired since the emergence of COVID-19 and the attempts to curb it by using sanitary protocols and curtailing mobility, thus restricting the right to free movement. In addition, prior to the health crisis, migrants were already in a vulnerable situation, with precarious livelihoods and jobs in the informal economy.

One of the biggest challenges facing migrants is the tightening of migration policies to prevent the spread of COVID-19. This has led to an increase in deportations, even during the health emergency. Several governments have taken the decision to expel migrants immediately, without a proper assessment of their protection needs.

Another challenge faced by migrants is complying with the social distancing and stay-at-home measures adopted by most governments. Migrants in an irregular situation work in the informal sector, which forces them to leave home on a daily basis. Therefore, the measures expose them to losing sources of income and living in shelters or camps. Another difficulty is the suspension of migratory or asylum processes.

35. The recording of the virtual panel discussion "The role of academia and think tanks vis-à-vis the impacts of COVID-19 on migrants, asylum seekers and refugees" can be found at <https://bit.ly/30uczfS>.



2. Final thoughts and recommendations

The panelists agreed that the academic sector has a fundamental role to play in disseminating information to different social actors, such as the migrant and refugee population, international cooperation agencies, and public authorities. Studies and research carried out by the academic sector draw attention to the real situation of migrants and the effects of migration policies adopted in the context of COVID-19.

The panelists also agreed that migratory movements were increasing and becoming more irregular, placing migrants and refugees in more dangerous situations. As a result, they needed international protection, and governments would have to develop strategies to expedite administrative procedures, regularize their migration status, and integrate them into host communities.

The panelists also pointed to need for strong and functional governance to respond to the health crisis and be accountable to the public for the plans and programs implemented. The academic sector institutions emphasized that they could collaborate with research that would provide key data and challenge state policies that were exclusionary and increased social inequality. In addition, they said it was incumbent upon the State to formulate social and inclusive policies at all levels of government.

The panelists also appreciated the skills, abilities, and participation of migrants during the pandemic in medical care, care of the elderly and children, food distribution, and even hospital construction, as was the case in Brazil. They also noted that while migrants had demonstrated willingness to play essential roles in the first line of response to the COVID-19 crisis, they had benefited least from social protection policies.

As far as international cooperation agencies are concerned, one positive development was the flexibility shown with respect to funding, which was scaled up to meet the needs of the migrant population. The panelists emphasized the importance of thinking about longer-term economic strategies. Finally, they urged that migrants and refugees participate in social and political dialogue for forging public policies. This would allow States in the region to establish themselves as inclusive and highly participatory democracies.



Part V. Response of international organizations, the inter-American system, and national human rights institutions

This section is based on two virtual panel discussions organized in connection with the series of meetings on "Multisectoral Responses for the Protection of the Rights of Migrants, Refugees, and Internally Displaced Persons in times of the COVID-19 Pandemic."

The virtual panel discussion on "Migrants, refugees, and internally displaced persons: current and future responses of international organizations to the impacts of COVID-19" was held on Tuesday, May 26, 2020.³⁶ This roundtable was moderated by Carolina Hernández, advisor on migration and human rights at the Office of the High Commissioner for Human Rights, and included the participation of Felipe Gonzáles, United Nations Special Rapporteur on the Human Rights of Migrants; Renata Dubini, Director of the Regional Office for the Americas of the United Nations High Commissioner for Refugees, and Álvaro Botero, Coordinator of the Unit on Refugees and Displaced Persons of the OAS Secretariat for Access to Rights and Equity and member of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW).

In addition, the virtual panel discussion on "The role of the organs of the Inter-American system, judges, and national human rights institutions in addressing the impact of COVID-19 on migrants, asylum seekers, and refugees" was held on August 18, 2020. The moderator was Edgar Corzo Sosa, a member of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the panelists were Romina Sijniensky, Deputy Secretary of the Inter-American Court of Human Rights; Jullissa Mantilla Falcon, Commissioner and Rapporteur on the Rights of Migrant Persons of the Inter-American Commission on Human Rights; and Stella Maris Martínez, Ombudsperson of Argentina.

36. The recording of the virtual panel discussion "Migrants, refugees, and internally displaced persons: current and future responses of international organizations to the impacts of COVID-19" is available at:

<https://www.wcl.american.edu/impact/initiatives-programs/hracademy/academia/actividades/human-rights-panels-spa-2020/migrantes-refugiados-y-desplazados-internos-respuestas-actuales-y-futuras-de-los-organismos-internacionales-a-los-impactos-del-covid-19/>



1. What are the main challenges faced by migrants, refugees and internally displaced persons in the context of COVID-19?

The pandemic has exacerbated the plight of migrants. In particular, the establishment of states of emergency has had a serious impact on their rights, as migrants are engaged in essential work that they cannot perform from home. In addition, complaints have been received, inter alia, from migrants who tried to return to their country, but were unable to do so due to border closures, as well as reports of overcrowding in migrant detention centers, the detention of migrant children, and the deportation of migrants infected with the virus.

The panelists noted the following challenges for migrant populations stemming from the health crisis: a) regularization procedures were interrupted; b) evictions for economic reasons intensified; c) in some cases, aid responses benefited the national population more than the migrant population; d) xenophobia and gender-based violence increased; e) border closures led to increased violations of their human rights.

Measures taken by States to combat the pandemic must safeguard the rights of refugees and others in need of protection. The following aspects should be taken into account: a) guaranteed access to the territory; b) the availability of asylum as a mechanism for international protection; c) rejection at the border with chain refoulement (devolución en cadena); d) socioeconomic inclusion; and e) an inclusive public health policies approach.

In the case of internally displaced persons, the challenges are at least threefold. The first is that they are not usually included in social protection and assistance programs. The second is that the curtailment of mobility forces them to stay in these dangerous, highly insecure, and violent areas. In Central America, this may mean, for example, not being able to escape from an area because it is controlled by a gang. The third is the risk of deportation and consequent additional displacement due to the absence of reintegration programs for deportees.

The panelists emphasized the importance of monitoring migration routes and what happens in detention centers in border areas. As for responses aimed at containing the pandemic, they should be based on the human rights obligations incurred under the inter-American and universal conventions, and on the advisory opinions of the Inter-American Court of Human Rights, and adhere in particular to the *Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Trafficking in Persons*. One of the challenges has to do with the fragmented nature of the response of international organizations.



2. Final thoughts

Many of the people affected by COVID-19 are migrants and refugees, due to the socioeconomic vulnerability that forces them to go out and work on a continuous basis. In addition, the contribution of migrants to addressing the current health crisis is considerable as many are medical and health personnel.

In order to resolve the crisis, a balance needs to be struck between restrictive measures to protect health and observance of limits imposed by international law. Finally, a differentiated public human mobility policy is needed, covering migrants, persons who stay in their country of origin, and the situation of people in immigrant detention centers.



Part VI. The media

The virtual panel discussion on "The role of the media vis-à-vis the impacts of COVID-19 on migrants, asylum seekers, and refugees" was held on Tuesday, September 22, 2020. The objective was to analyze the effects of the pandemic on migrants, refugees, and internally displaced persons in the region and to examine the role of the media in connection with this issue.³⁷

The roundtable was moderated by Alberto Pradilla, reporter for Animal Político and author of "Caravana", and included the participation of Julia Preston, contributing writer for The Marshall Project; Idania Chirinos, content director of the International News Channel NTN24; María Fernanda Rodríguez, a journalist at El Pitazo and the Instituto Prensa y Sociedad de Venezuela; and Rodrigo Soberanes, independent journalist.

1. What are the main challenges faced by migrants, refugees, and internally displaced persons in the context of COVID-19?

Panelists addressed the vulnerability of migrants, who have little control over their circumstances. The option of "staying at home" during the pandemic is a utopia for them, who have no home and cannot stay in their country.

The panelists pointed out that the social consequences of migrants arriving needed to be addressed promptly, as citizens of the host country often lived in "fear of the other." Because of this phenomenon, there is little interest in protecting transit routes. Hundreds of migrants disappear after coming into contact with smugglers.

It was noted that more than five million Venezuelans had left Venezuela], of whom, as of that time, 115,000 had returned. On several occasions they were labeled as "biological weapons for being possible carriers of COVID-19."

“In the case of Venezuelan returnees, the answer to the question "What are the main challenges faced by migrants, refugees, and displaced persons in the context of the COVID-19 pandemic?" is to survive, a challenge that is renewed every day. ”

Regarding the situation of Venezuelan migrant children and adolescents, most of them leave Venezuela without identity documents or travel permits, thereby facilitating the violation of their human rights. The panelists stated that, in the case of Colombia, the government granted nationality to children who were at risk of statelessness, a matter on which more information was needed.

37. The recording of the virtual panel discussion "The role of the media vis-à-vis the impacts of COVID-19 on migrants, asylum seekers, and refugees" can be found at <https://www.facebook.com/OEAIInclusion/videos/1235117663506076>.

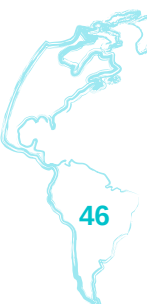


2. What is the role of the media with regard to the situation of migrants and refugees in the context of the pandemic?

On the one hand, information must be provided on what is happening to these populations and, on the other, awareness must be raised by using appropriate language to generate a response from the authorities and civil society. The panelists recommended using language that would not trigger rejection in those watching the news and pointed out that journalistic ethics implied that journalists reporting on the ground should do so in a responsible manner. This means protecting themselves from infection, but also not creating risks for migrants, who are often less protected. It is also important to understand that "the protagonist of the story told is never the journalist, but the vulnerable." The way a news story is presented can change public opinion very quickly.

The panelists also pointed to the importance of avoiding re-victimization. They stated that it was common for migrants' stories to be tough, but they were also quite resilient. This must be respected, and it is necessary to debate and analyze the way of approaching a story at the time of writing. The same is true for photographic journalism. It is important to know that an image can convey more than many stories. Journalists and editors have to know how to choose the right photograph to generate empathy in those who see it.

The role of journalism should not be limited to telling States what they should do but should include proposed solutions for the human groups that migrate. The panelists maintained that it was a matter of developing action-oriented journalism, with a focus on solutions that would improve the migration process.



3. Final thoughts and recommendations

The panelists agreed that social networks bore significant responsibility for the dissemination of information on migrant groups and that journalism could and should shed light on the real risks of those groups, without prejudice or losing credibility with the public. The panelists also reflected on the importance of combating misinformation and of disseminating verifiable information with relevant data.



GUIDE ON MULTISECTORAL RESPONSES FOR THE PROTECTION OF MIGRANTS, REFUGEES, AND INTERNALLY DISPLACED PERSONS DURING AND AFTER THE COVID-19 PANDEMIC

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