

PUBLIC POLICIES ON MIGRATION AND CIVIL SOCIETY IN LATIN AMERICA

The Cases of
Bolivia, Chile, Paraguay and Peru



Coordinator: Leonir Mario Chiarello

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AND CIVIL SOCIETY IN LATIN AMERICA**

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General Coordinator and Editor

Leonir Mario Chiarello

2013

Scalabrini International Migration Network

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The Scalabrini International Migration Network (SIMN) is a not for profit organization created in 2006 to safeguard the dignity and the rights of migrants, refugees, seafarers, itinerants and people on the move worldwide. This publication consists of four studies concerning the definition of Public Policies and the role of Civil Society in four Latin American countries: Bolivia, Chile, Paraguay and Peru.

The opinions expressed in this book are solely those of the authors and do not necessarily reflect the opinions of the Scalabrini International Migration Network (SIMN).

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New York, March 2013

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Preface

South American countries have still not developed public policies that guarantee effective government action, coordinated with civil society, which would be adequate enough to confront the demands of the migration phenomenon. This is in spite of the notorious increase in intraregional migration between South American countries and in emigration towards the north of the American continent or to Europe and Asia, especially to Japan, in the last few decades.

The restrictive policies that the majority of South American countries adopted in the 1930s to protect national workforces in the face of the global financial crisis became repressive in nature with regard to migration during the 1970s and 1980s, when military dictatorships dominated the majority of South American states.

With the processes of democratization in South American countries and the establishment of the Andean Community of Nations (CAN), the Southern Common Market (MERCOSUR) and the Union of South American Nations (UNASUR), as well as the consolidation of the South American Conference on Migration, South American countries, as a whole, have abandoned the restrictive agenda and agreed to a set of policies on a regional level which are based on the protection of the human rights of migrants.¹

Despite these advances in the region, differences still remain in managing migration between South American countries. In this sense, three differing perspectives can be seen in South American migration policies:

- a) Some countries changed their migration laws, basing them on the principle of migrant human rights. In accordance with this principle, they recognized the right to migrate as an inalienable right of individuals and reconciled their laws with the principles and developments of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and other international and regional frameworks dedicated to the protection of migrant rights, as in the cases of Argentina and Venezuela in 2004, Ecuador in 2005 and Uruguay in 2007.
- b) Other countries have continued regulating migration with diverse legislation, relying on a range of regulations regarding immigration, nationality and emigration taken from different statutory and legal bodies but not articulated in organic laws on migration, as in the cases of Colombia and Peru.

¹ [Translator's note] All acronyms refer to the first initials of their full Spanish descriptions, unless the organization referred to is based in an English-speaking country or is well-recognized by its English initials, e.g. UN.

- c) A third group of countries continued to maintain policies established by military dictatorships, which are marked by restrictions on migration, centered on national security and awarded the state full discretion in applying migration laws. This is the case in Bolivia, Brazil, Chile and, although with some advancements, Paraguay. As a result, in this third group of countries, thousands of migrants live in a situation of irregular migration, which can be linked to problems of labor exploitation, violation of human rights, social vulnerability and human trade and trafficking, among other issues.

There are some requirements that must be met in order to overcome the notion of treating migration as an issue that can be governed as a domestic matter exclusive to the state and to substitute it for a more suitable logic of effective government action in relation to migration flows. Accomplishing this shift requires shared responsibility between governments and civil society actors in the countries of origin, transit and destination in defining and developing public policies and programs aimed at guaranteeing the dignity and rights of migrants and their families. In this sense, dialogue and consensus between government and civil society actors is a *sine qua non* for guaranteeing the legitimacy and effectiveness of public policy on migration.

The future of public policy on migration confronts a special challenge with regard to how civil society and governments coordinate their efforts. Their coordination could lead to the denial of migrants' rights – as can be observed with growing frequency in public opinion in a large part of the developed world – as well as to the acceptance of the principle of human development of migrants as the foundation of all policies. This perspective has already been adopted by the South American Conference on Migration and by different civil society organizations committed to the defense of these rights.

One of the elements indispensable to the coordination between government and civil society actors in the adoption of public policies and programs on migration is pertinent and up-to-date information about the principal elements that integrate the processes of designing, drafting, implementing and monitoring these policies and programs.

In this context, the Scalabrini International Migration Network (SIMN) has implemented an international monitoring system on migration and migration policies, including the subject of civil society participation in the processes of defining and implementing these policies. One of the activities specific to this monitoring system is research on the critical aspects of international migration and their links to public policy.

After completing an exploratory study about public policy on migration in the Americas in 2010,² SIMN conducted in-depth research in 2011 on migration dynamics, migration policies and civil society participation in designing, drafting,

² Mirkin, Barry (2011), *International Migration in the Western Hemisphere: An Exploratory Study*. Scalabrini International Migration Network, New York.

executing and evaluating these policies in four major Latin American countries: Argentina, Brazil, Colombia and Mexico.³

This research here on public policy and civil society in Bolivia, Chile, Paraguay and Peru offers a contemporary diagnosis of the main trends of migration flows and the initiatives that political and societal actors are carrying out in the field of migration in these four countries. This will give those making decisions on migration issues access to new elements and information for developing and implementing updated migration policies and programs.

In chapter one, a research team, coordinated by Alfonso Hinojosa Gordonava and comprised of Marcos Manuel Rasguido Serrudo, Mario Walter Videla, María del Carmen Navarro Gorena, Elizabeth Paucara Espejo and Alfredo Luna Torres, analyzes the main trends of migration in Bolivia. The study then turns to migration policies and laws implemented throughout the history of the country, with broad insight into the concepts promoted by civil society actors related to defining, implementing and evaluating Bolivian migration policies. Finally, the team formulates some proposals for defining and implementing new migration laws and policies in the country.

In chapter two, Jorge Martínez Pizarro, in collaboration with Magdalena Soffia, José Delio Cubides Franco and Idenilso Bortolotto, presents a detailed examination of migration throughout the history of Chile. The study relates the main normative and institutional frameworks through which government action on migration have been based, including the main initiatives promoted by Chilean societal actors to protect migrant rights and to define a new migration policy. The chapter concludes with concrete proposals on migration policy prescriptions and on promoting migrant rights.

In chapter three, Hugo Oddone, in collaboration with Jairo Guidini, provides an outlook of migration in Paraguay, describing the policies that have been developed on migration, displacement and refuge, and detailing the normative framework for, and citizen participation in, defining policies on migration, displacement and refuge in the country.

In chapter four, César Torres Acuña, Isabel Berganza Setén, Carla Tamagno and Marcos Bubniak provide a comprehensive account of migration flows in Peru, the judicial and institutional framework of Peruvian migration policies and the main political advocacy efforts promoted by civil society to shape the country's migration policies. They offer concrete proposals on the adoption of new migration laws and policies in Peru.

This research on migration policies and civil society in Bolivia, Chile, Paraguay and Peru reveals that people who migrate are subject to laws. But the men, women, boys and girls who migrate are central actors in the construction of a culture of

³ Chiarello, Leonir Mario (Editor) (2012), *Public Policies on Migration and Civil Society in Latin America: the Cases of Argentina, Brazil, Colombia and Mexico*. Scalabrini International Migration Network, New York.

coexistence in which all can enjoy the inalienable rights which they are inherently granted for the simple fact of being what they are: human beings.

In this sense, compromise and coordination among state and civil society actors, including migrants, are a priority in the political and social agenda in these countries.

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Chapter I: BOLIVIA

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Introduction

These studies of public policies on migration and civil society participation in Bolivia, Chile, Paraguay and Peru provide, with detail and the most up-to-date analysis, different aspects related to these issues in each of the countries examined.

In each of these studies, some themes stand out as much for the similarity of their treatment of the issues as for the distinctiveness of the adopted institutional solutions. Basically, there are four of these themes: a) The objectives of international migration policies adopted in different historical stages; b) The assumed standards and regulations; c) The developed forms of administration; and d) Civil society participation in the analysis, shaping, administration, and evaluation of different policies.

The Evolution of Public Policy on Migration

In the same fashion as the rest of South American countries, public policies on migration in Bolivia, Chile, Paraguay and Peru were enacted in similar periods and were linked to their policies on population, workforce demand and national security, and to a gradual process of including human rights in shaping these policies.

Since their existence as independent republics, migration policies in Latin American countries were basically guided by the need to populate their territories, with programs of selective immigration encouragement (generally along racial lines and pro-European). These programs, in practice, signaled an opening for those who decided to immigrate.

In this manner, far after Bolivia's apparent opening in the 19th century, a presidential decree in 1907 established a system of immigration promotion, with tax exemptions for the immigrants who desired to be settled for financial gains on national territory. With similar objectives, a law was passed in 1950 on the concession of lands to colonists. In 1976, by national decree, immigration was explicitly recognized as an instrument of demographic policy that could be used to overcome the population deficit and increase the country's agricultural production.

Along the same line, Chile established the Law of Colonization in 1845 with the intent to encourage the arrival of European colonists to populate the country's southern region. The first migration law was enacted thirty years later, in 1875, institutionalizing the necessary measures for settling foreigners on national territory.

In Paraguay, the same immigration encouragement policy was adopted by governments as part of the process to revitalize the economy and population after the War of the Triple Alliance.

Since its beginning as a republic, Peru also developed immigration encouragement policies by using tax exemptions, land grants and monetary incentives. Although Peru encouraged European immigration selectively just as in the other countries, other alternatives were also sought due to the effects of the abolition of slavery. In the 1850s, Marshal Castilla signed a bilateral accord with the Manchu Empire for the provision of a labor force for agricultural plantations. The working and living conditions to which these migrants were subjected brought about the Treaty of Peace, Friendship, Commerce and Navigation, which was signed by both countries in 1884. At the same time, Peru established a colonization policy redirected toward the country's coasts instead of the original initiatives aimed at colonizing the jungle.

Encouragement policies attempted an even greater selectiveness at the start of the 20th century due to the unmet demand of labor in diverse sectors of the economy.

Another visible period in these and other Latin American countries' immigration policies began in the 1930s, after the international financial crisis, and lasted until the end of World War II. The goal of protecting the national workforce against possible competition from foreign migrants led to the adoption of restrictive immigration measures.

Bolivia established restrictions on contracting foreigners under a relationship of dependency. Chile passed more laws restricting immigration. Peru limited the admission of foreigners in 1936, especially Asians and others who could compete in the national workforce, with the goal of preserving the ethnic and economic heritage of the nation.

The restrictive perspective in this period also triggered emigration control. Through a 1937 presidential decree, Bolivia required those seeking to emigrate first obtain authorization. Bolivians who emigrated and did not comply with the law were forced to pay fines and prohibited from receiving assistance abroad.

The 1940s, with the end of World War II, ushered in a new period of migration policies in the South American region, especially in the four countries analyzed.

Bolivia enacted a law on land grants to foreign colonists in 1950 in an effort to promote settlement in Chuquisaca, Tarija and Santa Cruz.

In 1940, foreseeing the increase in immigrants after World War II, Chile developed the first official document on migration that established clear differences between "migrants" and "colonists." Chile adopted an open and spontaneous migration policy that permitted the settlement of immigrants linked to copper exploration, saltpeter and maritime trade.

In Paraguay, openness was the predominant policy of the time. Its goal was to attract a larger population in general and workforce in particular.

The military dictatorships installed in the 1970s marked another milestone in the development of international public policy on migration in South America. They established an outlook linked to "national security" and therefore urged the utmost control and restriction.

Bolivia started demanding the presentation of documentation, like passports, even for citizens from bordering nations that had bilateral accords with Bolivia, which previously only required them to present their identification cards.

In Chile, during the presidency of General Pinochet, a 1975 decree from a clearly pro-security court regulated entry into the country, place of residence, length of stays, exit from the country, reentry, expulsion and control of foreigners.

In Peru in 1977, under the military government of Morales Bermúdez, the administration of immigration and naturalization were transferred from the Office of Chancellor to the Ministry of the Interior.

The return of democracy and its consolidation in the 1980s and 1990s heralded in a new perspective of migration policies in these countries that has been firmly established in this century. It shows greater commitment to human rights and recognizes the need to adopt policies directed towards nationals abroad.

These changes in national migration policies exist as part of advances in sub-regional bodies, such as the Andean Community and MERCOSUR, regional initiatives, like the South American Conference on Migration, and at the international level, joining the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

In the Andean Community, the most important precedent is the Andean Labor Migration Instrument, which was established in the 1970s and has continuity in its CAN decisions on migration issues.

The most important advances in MERCOSUR stem from the 2002 Agreement Relating to Residence Permits for Nationals of States Parties to MERCOSUR and Associates and the MERCOSUR Multilateral Social Security Agreement, which was signed in 1997 and has been in effect since 2005.

The development of the South American Conference on Migration, which has served as a regional consultative process since 2000, has allowed for the construction of a solid framework of understandings on migration policy goals that can be followed in the region. These goals, expressed in the South American Plan of Human Development of Migration, have constituted a core idea to guide advancements in sub-regional and bilateral agreements as well as in countries' internal policies.

The United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was ratified by Bolivia on October 12, 2000, Chile on March 21, 2005, Paraguay on September 23, 2008, and Peru on September 14, 2005.

In the new perspective of human development of migration, some issues have taken on special relevance as part of a comprehensive policy of connecting with migrants. These issues include the free movement of persons in the region, the recognition of the rights of nationals abroad, as part of the concept of "extended citizenry," and migrant human rights.

Between 2003 and 2004, Chile established a registry of Chileans abroad as a basis for drafting policies aimed at emigrant Chilean communities. A new process has been developed through the program “Chile global,” comprised of a network of entrepreneurs, which creates increased opportunities through the generation and attraction of new business ventures, commercial alliance structures, and the transfer of technology, business and financial resources to and from Chile.

Voting abroad remains a highly debated issue in Latin America. Chileans residing abroad can currently only exercise their right to vote in presidential elections. To vote, they must be registered in their electoral registries and travel to the country to cast their ballot.

On the other hand, Paraguayans residing abroad are legal voters. As such, those who are already registered may cast their ballots and even be elected for political office in their country, although they may not run or be nominated to be national legislators or departmental (provincial) governors, nor can they hold municipal elected positions. Those with proper electoral filing will have the same rights as any other citizen to participate not just in presidential but also municipal elections.

Article 27 of the 2009 Political Constitution of the Plurinational State of Bolivia, explicitly recognizes the right of nationals residing abroad to participate exclusively in elections for the presidency and vice presidency of the state. However, the right of these Bolivians to be elected is still denied.

Peru enacted a voting abroad law in 2001 and the Law of Dual Citizenship in 1995. In the National Agreement passed in 2002, there is an explicit statement regarding the policies directed at nationals residing abroad that includes reform of consular services, local protection policy, humanitarian assistance policy, the support policy on insertion into legal income-generating positions while respecting the human rights of those in the foreign society, promotion of cultural and national ties policy, and the policy on encouragement of democratic and civic participation of Peruvians residing abroad.

In order to enhance protection and strengthen bonds with nationals abroad, a reform of consular services has been implemented, in cooperation with the Office of the Ombudsman, which seeks to provide greater legal protection for Peruvian migrants. Peru also created the Distance-Learning and Cultural Bonding Program (PEAD-2006), which aims to safeguard Peruvian emigrants’ right to maintain their national ties. It develops a cultural model and, if need be, allows for continuation of basic education in accordance with Peruvian curriculum, which fosters a complete understanding of the social, historical and geographic context of Peru. In this manner, the program develops ties and helps nationals put down roots in Peru.

In terms of economic ties, the programs “My Home” and “My Own Roof” focus on savings and mortgage loan interest rates. Through these programs, Peruvian emigrants are able to channel their remittances to their family members.

Additionally, to strengthen ties with Peruvian communities abroad, Peru created the Consultation Council, encouraging dialogue among these groups of residents outside the country and Peruvian consulates.

With regard to return programs, a platform has been established to facilitate the reinsertion process of migrants who come back to the country. There is also the “Let’s Go Peru” program, which promotes training for returned migrants.

Finally, Peru created the Solidarity with My People Program in 2006, whose goal is to promote solidarity with Peruvians residing abroad. The assistance program builds solidarity as nationals participate in projects and jobs of a social nature or relating to infrastructure that benefit their own communities.

In past years, Paraguay has also developed a series of programs to strengthen ties with emigrants. Among them is the Comprehensive Attention Plan for Fellow Citizens, which promotes regularization and other assistance services, including workshops on legal assistance for documentation, health, employment, work training and education.

Another program to highlight is the My Country, My House Program (2010), promoted as part of Public Policy for Social Development. It aims to facilitate preferential aid to returned nationals and citizens abroad who want to participate in housing construction programs in Paraguay. Another program that strengthens ties with emigrants is that of repatriation through benefits awarded to those who process their certificates of repatriation.

For its part, the government of Chile relies on the program Government on the Ground: Chile Stays with You (2005) in order to create ties with citizens abroad. It organizes annual visits in countries with the aim of bringing together the Chilean communities residing in a given country to enjoy one another’s company as citizens of their country of origin.

Bolivia’s National Accord for the Bolivian Abroad attempts to consolidate ties between migrants and their families, facilitate obtaining documents and develop strategies to overcome situations of economic, social, political and cultural exclusion. Additionally, since 2009, customs tariffs have been eliminated on the importation of domestic furnishings and equipment to be used for income generation for families that want to return to the country after two or more years of residence abroad.

With respect to the free movement of persons in the MERCOSUR regional space, Bolivia and Chile signed on to the Agreement on Residence in 2005, Paraguay in 2009 and Peru in 2011.

In terms of the relaxation of migration laws and the recognition of migrant human rights, different advances can be observed in the cases of the four countries under examination.

It is worth highlighting that Bolivia passed the Control Law against the Trade and Trafficking of Persons in 2012.

In 1998, Chile administered the migration regularization laws. Later, under President Bachelet, two main administration routes were incorporated: non-discriminatory receipt of all foreigners wishing to live in the country and the promotion of programs for humanitarian shelter for refugees. During Bachelet's presidency, this second regularization process included 90 percent of those migrants living in a state of irregular migration in the country. It is also worth mentioning the opening of health services to foreign residents in Chile, which can be accessed in case of emergencies and as public goods, independent of one's migration status.

In 2009, Paraguay initiated a regularization program for Brazilian immigrants, as part of the MERCOSUR agreement on residence of nationals. This program has also sparked regularization measures for migrants of other nationalities.

Peru established a Virtual System of Andean Migrant Workers, which permits the automatic issuance of records, as well as the automatic approval of a work contract. This system provides rapid approval of work contracts for members of the Andean Community.

The Normative Framework of Public Policy on International Migration

Analysis of public policy on international migration in Bolivia, Chile, Paraguay and Peru must examine constitutional law and secondary legislation (laws and decrees). Some aspects include immigration, emigration, institutional framework, proceedings, migrant rights, protection of nationals residing abroad, emigrant ties and return, refuge, migrant crime and human and migrant trafficking, among others.

A first aspect to highlight refers to *constitutional law*.

The constitutions of Bolivia (2009), Paraguay (1992) and Peru (1993) contain guidelines for public policy on migration and border issues. In that respect, Bolivia grants exclusive power to the central level of the state over regulating migration policy (Article 297). Other related powers include control of national borders, nationality, citizenship, resident aliens and the rights of asylum and refuge (Article 298). Meanwhile, in Paraguay, the constitution only states that migration will be regulated by the law (Article 41).

With respect to border policy, only two countries happen to define similar guidelines. Bolivia stipulates that the 50 kilometers adjoining the border constitutes a border security zone (Article 262). Similarly, Peru's constitution establishes the right of the state to carry out border policy, including the development and security of border zones (Article 44), and grants power to the National Police to oversee and maintain security of these zones (Article 166). Furthermore, it restricts the rights of foreigners by prohibiting them from obtaining titles to mines, lands, forests, water, gases or energy sources within 50 kilometers of the country's borders (Article 71).

On the subject on integration, only Peru's constitution indicates the responsibility of the state to explicitly promote Latin American integration (Article 44).

Laws in four countries have specific orders regarding the rights related to human mobility, which are relevant in the context of migration. For example, the constitutions of Chile (Article 19), Paraguay (Article 41) and Peru (Article 2) all happen to dictate that the right to exercise this right is constrained by laws and regulations.

However, constitutional laws create some ambiguous state stances with regard to the admission of the migrant population and the recognition of their rights. Such is the case with the right to free movement. Although it is recognized in the four constitutions, the titling of certain “sub-rights”⁴ varies, resulting in regulations that guarantee them for:

- a) Nationals: Bolivia (Article 21) and Paraguay (Article 41);
- b) All persons: Chile (Article 19) and Peru (Article 2);
- c) All residents: Paraguay (Article 41);
- d) Foreigners: Paraguay (Article 41).

The Chilean constitution has neither direct allusions nor explicit standards regarding migrants’ access to rights. It only mentions “foreign person” when it refers to nationality and citizenship (Article 10).

With regard to *secondary legislation*, all four countries have adopted specific measures that regulate the entry, exit and stay of foreign persons in their territories. Chile became the first to adopt such measures in 1975, followed by Peru in 1991 and Bolivia and Paraguay in 1996. It is worth noting that the majority of these measures were ordered by the executive branch.

In Bolivia’s case, the main regulations related to migration policy were all institutionalized by executive decrees, a trend that continues to this day. According to the Bolivian constitution, this type of policymaking is a power exclusive to the president of the state (Article 172, Number 8).

In Chile, migration legislation was decreed in full during the Pinochet dictatorship and still remains in place after thirty years of democracy. Although there have been important advances, such as to the ratification of international treaties on human rights and policies aimed toward integrating migrants, these regulations present a serious obstacle to the evolution of Chilean migration policy.

In Paraguay, current laws are characterized by their “regulationist” nature. Although enacted as part of the new National Constitution of 1992, which ushered in Paraguay’s democratic period, the laws were actually mere copies of the regulations passed in 1974 by the dictatorial Stroessner regime, rehashing the same fundamental precepts of the old text.

⁴ These “sub-rights” include: free movement – entry – exit – prohibition on exiting – visit or stay in country; residency – choose and change domicile or residence – leave and return to the country – permanently leave the country.

Peru currently finds itself in the process of reviewing its migration policies. The laws now in place originated through what are referred to as legislative decrees. The constitution grants Congress the power to delegate some legislative powers to the executive branch by ruling through legislative decree on certain matters and for a set period of time, as authorized by law (Article 104).

Laws in each of the four countries created diverse migration categories based on different criteria, including: length of stay, purpose of travel or the activity that grants admission into the country.

In Bolivia, the Legal Regime of Migration passed in 1996 as Supreme Decree 24423. The decree regulates all matters related to the entry, exit and stay of foreigners in national territory, as well as the executive and institutional operating structures in charge. Its passage came through administrative resolutions originating in the Ministry of Government. The authority responsible for its application is the General Office of Migration, an agency of the Ministry of Government.

The content of the regulations have generally always given priority to matters of national security and settlement of the country. The Decree presents a distinguishable number of migration classifications, which are categorized by temporary statuses (immigrant, seasonal, temporary resident) and by different situations or activities (investor, businessperson, etc.).

In Chile, migration is regulated by Immigration Decree Law 1094 of 1975, established during the General Pinochet's military dictatorship. It is also regulated by the eventual Supreme Decree 597 of 1984, which was modified by Law 19476 of 1996, which introduced changes related to matters on refugees.

These rules govern the entry into the country, residence, permanent stays, exit, reentry, expulsion and control over foreigners. Laws essentially create three types of migration categories, distinguishing between permanent stay (immigrants), temporary (residents) and transitory (tourists).

Migration policy in Paraguay is governed by Law 978 "On Migration" of 1996. This law is characterized by its "regulationist" nature with respect to immigration and its administrative management procedures. The law distinguishes two migration classifications: residents and non-residents.

Migration policy in Peru is regulated by Legislative Decree 703 of 1991, the "Law on Immigration Matters." It was modified by Legislative Decree 1043 of 2008, which established guidelines on the entry, stay, residence, exit, reentry and control of foreigners in national territory, and regulates all related legal matters. The law classifies seventeen migration status types, distinguishing between temporary and residential visas.

The constitutions of the four countries contain specific regulations on *nationality, naturalization and citizenship*. The constitutions of Bolivia (Article 141), Chile (Article 10), Paraguay (Article 146) and Peru (Article 52) adopt the terms "*ius soli*" to award nationality to those who are born within national borders and "*ius*

sanguinis” to award nationality to those who are born abroad to a mother or father native to one of the countries.

Bolivia recognizes “*ius soli*,” awarding nationality to those who are born on Bolivian territory. Furthermore, it allows foreign persons with legal documentation to obtain Bolivian nationality through naturalization when they have resided within the country for more than three years without interruption. The length of residence is reduced to two years for those who have a Bolivian spouse, Bolivian children or Bolivian foster parents. In addition, Bolivians do not lose their nationality if another nationality is obtained. Bolivians who marry foreigners do not lose their original nationality, and those foreigners who obtain Bolivian nationality are not obligated to renounce their original nationality either. In the same manner, foreigners who obtain Bolivian nationality through marriage do not lose it if they are widowed or divorced (Article 142).

Chile’s constitution recognizes as Chileans those who were born in Chilean territory, children born abroad to Chilean parents and foreigners who obtained their nationality in accordance with the law. The constitution also permits persons whose Chilean nationality is deprived or unknown through an act or resolution from administrative authorities to appear before the Supreme Court.

Paraguay grants natural nationality to those who: a) are born in the country’s territory; b) children born abroad to a Paraguayan father or mother located abroad due to national service; c) children born abroad to a Paraguayan father or mother who permanently relocates to the country; and d) to infants disregarded by their parents who are found in the country’s territory. Paraguay also dictates that no natural Paraguayan can be deprived of his or her nationality, but may renounce it voluntarily. Paraguayans are allowed to have multiple nationalities.

In Peru, Article 9 of Law 26574 of 1995 stipulates that Peruvians who adopt another nationality do not lose their original nationality. Article 52 of the current constitution recognizes as Peruvians by birth those who were born abroad to a Peruvian mother or father registered in the corresponding registry while still a minor.

The Modernization of Migration Procedures

The changes mentioned in the drafting and development of migration policies have been accompanied by different measures that sparked the modernization of migration procedures. In the process, interagency coordination has been strengthened within executive bodies, although its application has developed slowly.

In Bolivia, the current General Office of Migration, part of the Ministry of Government, regulates length of stay, immigration, asylum, refuge, imposition of fines, awarding of visas and travel documentation.

On the other hand, the Ministry of Foreign Affairs is responsible for protecting the rights of Bolivians residing abroad and for their participation in the Bolivian presidential and vice presidential elections.

By presidential decree in 2009, an interagency coordination mechanism was created called the National Immigration Council, though it has still not begun performing any functions. A National Council against the Trade and Trafficking of Persons was also established. It is comprised of seven ministers whose roles were modified through a comprehensive law related to the matter in 2012, which expanded the number of ministers and included civil society organizations.

In Chile, different cabinet ministries and subordinate agencies participate directly in the formulation and administration of migration policies. The Alien Status and Immigration Department, part of the Ministry of the Interior, is the main administrative body and covers issues of migrant integration as well as institutional, legal and administrative modernization. As a public service body coordinated by the Ministry of the Interior, it is important to note the existence of the Border Crossings Unit, whose goals are to improve infrastructure at border crossing stations, coordinate with provincial governments for operational costs and train officials, as well as to coordinate with different public agencies that operate within border areas.

The General Office on Consular Affairs and Immigration, part of Chile's Ministry of Foreign Affairs, is responsible for attending to Chileans abroad, an issue that has taken on special importance in the last few decades just as in other South American countries. The General Office works through several subordinate offices: the Directorate for Consular Policy, whose goal is to study, propose, plan and provide follow-up to these policies; the Directorate for Consular Services, which supervises, coordinates and responds to the needs of Chileans abroad; and a Directorate for Overseas Chilean Communities, whose main function is to maintain ties with Chilean national residing in other countries.

On the subject of interagency coordination, the Consulting and Coordination Commission on Migration was created in 1977 with the purpose of advising the Ministry of the Interior. There is now the Migration Policy Board, a multidisciplinary body whose objective is to update information regarding the phenomenon of migration and to develop comprehensive public policy proposals. There is also the Cross-Institutional Commission on Human Trafficking, made up of different public agencies working on relevant issues.

In Paraguay, the main institutions responsible for the administration of migration are: a) the General Directorate for Migrations (DGM), which has overarching responsibilities to manage the entry, stay and exit of persons in national territory; and b) the Development Secretariat for Paraguayan Repatriates and Refugees (SDRRC), which is in charge of managing repatriation processes for Paraguayan citizens.

This division of responsibilities has permitted a relatively equal distribution of tasks among both institutions, in spite of the duplication of some of their work and their different institutional ranks. The SDRRC has been functioning with ministerial hierarchy while the DGM is formally subordinate to the Ministry of the Interior. At the end of 2011, the Office on Overseas Community Services was created with the aim to provide aid, information and advice and follow-up with the situations of Paraguayans living abroad.

In terms of interagency coordination, the Interagency Committee on Population was created in 2008. The committee is of “high political and technical standards,” and its role is to monitor and evaluate the execution of population policy.

Peru also has a division of functions similar to the other three countries analyzed. The General Office on Immigration and Naturalization is part of the Ministry of the Interior, and the General Office on Overseas Peruvian Communities and Consular Affairs is part of the Ministry of Foreign Affairs.

The General Office on Immigration and Naturalization is responsible for the administration, coordination and control of migratory movement, as well as the issuance of travel and identification documents for foreigners.

In the General Office on Overseas Peruvian Communities and Consular Affairs, there are two directorates: a) the Directorate for Consular Policy, which is responsible for consular policy and state immigration; and b) the Directorate for National Assistance, responsible for maintaining ties with and protecting nationals abroad. Among the strategic goals of the latter directorate, the one that stands out is that of encouraging overseas Peruvian communities to engage with one another.

Another institution involved in migration procedures in Peru is the Directorate for Labor Migration, subordinate to the Ministry of Labor and Employment Promotion, which was created in compliance with the community guidelines of the Andean Community of Nations (Decision 545). Among other responsibilities, this directorate promotes employment and provides guidance for migrants.

It is worth highlighting Peru’s Office of the Ombudsman, a public and autonomous institution responsible for the defense and promotion of the rights of Peruvians and the community. It also aims to guarantee the compliance with the minimum standards of respect for migrant rights (as much for Peruvian residents abroad as for foreigners residing in Peru).

In terms of interagency coordination and the reassessment of national migration policy, Peru created the Cross-Sectional Working Group on Migration Administration. It is an integrated body comprised of almost every state cabinet ministry, and civil society and international actors. This working group’s main responsibilities include the formulation of guidelines on migration policy, updating regulations and optimizing administrative proceedings. It also encourages public and private alliances, promotes actions and strategies in favor of regular migration and broadens the coverage of the social rights of migrants and their families.

In 2004, the Working Group against the Trafficking of Persons was established with seven member ministries.

Civil Society Participation in Public Policy on International Migration

Migration policies and government administration have received growing civil society participation over the last few years. This has allowed states to advance from a model of migrants being vulnerable to arbitrary government to one of effective government action for migrants.

Civil society actors are acting in these four countries in different ways. Those that most stand out are *centers for migration studies*, professional networks and community-based organizations (migrant associations, trade unions, religious organizations and non-governmental organizations).

In Bolivia, the most important centers for study are at universities located in the cities of La Paz, Cochabamba and Santa Cruz. They have been performing diverse research and thesis studies addressing the dimension of outward migration. For example, CIDES-UMSA, of the Major University of San Andrés, is a postgraduate program on development that is generating research projects around the feminization of transnational labor markets, and the insertion of women in textile industry workshops in Buenos Aires and São Paulo.

The Center for Higher University Studies of Cochabamba, in alliance with the Strategic Research Program in Bolivia and the Office of Scientific and Technological Research (PIEB), is developing a strategic plan on social research for the Cochabamba region. In 2012, these institutions finished a project on transnational migration, labor inclusion and citizenship in Cochabamba. By publishing articles in the social sciences journal *Tinkazos*, PIEB has been contributing to the analysis of the topic of migration as a life strategy for poor farmers.

The Center for Studies and Scientific Development in Psychology in Santa Cruz has opted for a different line of action regarding migration, providing mental health assistance to children and families whose parents or relatives are residing abroad.

The centers for studies on migration in Paraguay have contributed to the systematization of information and theoretical knowledge of migration, which was later utilized by civil society to develop arguments in favor of the cause of migrant rights.

The majority of the research institutes contribute to the analysis and diffusion of migration issues through specialized journals. The Paraguayan Center for Sociological Studies, for example, disseminates the *Paraguayan Journal of Sociology*, which has contributed to understanding the socioeconomic and cultural impact of external migration in the occupation of territories.

The Catholic University Nuestra Señora de Asunción has also become involved in migration studies through the *Paraguayan Studies Journal*, which has been in circulation since 1973. Along with it, the Department of Population and Development Studies, which belongs to the Department of Economics and the National University, has published the Population and Development Journal since 1990.

Other institute dedicated to the analysis of migration are the Center for Regional Interdisciplinary Studies; the Center for Social Research, which has explored the relationship between migration and poverty and the process of rural-urban migration; and the Paraguayan Association for Population Studies, which has been involved in actions to raise awareness and participated in the promotion of the referendum to amend Article 120 of the National Constitution, which was passed in 2011 and extended the right to vote to Paraguayans overseas.

Until now, in studies on migration in Paraguay, almost no one has addressed the economic effects of remittances and the impact of emigration on the nuclear family of emigrants. Nor have they touched on the significance of the process of feminization in the profiles of the Paraguayans who decide to migrate.

In Peru, we can distinguish three institutions dedicated to researching the phenomenon of migration: a) the Socioeconomic Labor Observatory of the Catholic University *Sedes Sapientiae*, which analyzes the behavior of labor markets in the districts of northern Lima; b) the TUKUYMIGRA Institute of the Pontifical Catholic University of Peru, which explores different aspects of the emigration of Peruvian citizens; and c) the Institute for Ethics and Development at the Antonio Ruiz de Montoya University (UARM), which investigates transnational family networks.

With regard to *community-based organizations*, Bolivian migrant associations gather their members through bonds of culture, affection or solidarity. One must distinguish between two types of community-based organizations. On the one hand, there are those historical organizations with more than 40 years of operation, which become linked to migrant collectives that have been around for many years in the country, as is the case of the Bolivian Japanese Association. There are other Croatian, Arab and Jewish associations as well.

On the other hand, there are more recently-established associations which were created by communities with more demographic weight. Among them are the Association of Peruvian Refugees in Bolivia and the Association of Peruvian Residents in Bolivia. Apart from their social and cultural activities, these groups are engaging in many actions, including raising awareness about migration policy. Meeting with the Office of the Ombudsman in working groups, they are involved in the development of a proposal that would award an immigration amnesty that would benefit some 60,000 undocumented Peruvian residents.

We find a similar situation in Paraguay. Migrant associations that appeared at the end of the 19th century, connected in this case to the Italian community, were created with the intent of mutual benefits. Among them, the Italian Society of Mutual Assistance of 1871 and the Margarita de Savoia Society stand out. Together, they founded the Dante Alighieri School. Other educational activities were taken on by these associations, as in the case of the Salesiano Monseñor Lasagna School.

Other migrant communities also helped shape spaces in which they could participate in recreational, social and festive activities, as did the German Sports Club (1907), the Syrian Club (1944) and the Philanthropic Islamic Cultural Center of the Ciudad del Este. However, none of these associations are currently dedicated to taking action related to migration policies and programs.

On the contrary, there are other groups of associations, integrated by other collectives, which have chosen to join a federation. They find themselves very committed to shaping migration policies and programs. The Migrant Federation of Paraguay (FEDIPAR) is an intermediary organization that unites different non-governmental organizations, including the Paraguayan Association for Migrant Aid, Main Square Civil Space Paraguay, the Congregation of Missionaries of San Carlos - Scalabrinians, the Congregation of Missionary Sisters of San Carlos – Scalabrinians and other migrant associations, including the Korean Association of Paraguay, the Federation of Japanese Associations of Paraguay, the Japanese Association of Asunción, the Peru Cultural Center Association, the Peruvian Resident Women, the Association of Peruvian Residents and the Center for Argentinians in Paraguay.

Another addition to this federation is the José Gervasio Artigas Paraguay Advisory Board, which unites Uruguayan migrants, and the Council on Guidance and Representation of Overseas Brazilians.

Each one of these associations provides legal advice and guidance on migration procedures, although all of them share the common goal of promptly tackling problems of migration, such as the regularization of migrants. One of the most important achievements of this federation was the presentation of the Immigration Amnesty bill, for which they held numerous debates and public hearings in the Chamber of Deputies. They gained support for the bill from other immigrant communities in Paraguay, especially Brazilian immigrants. The bill was signed into law in May 2011. Furthermore, FEDIPAR signed an agreement with the National System of Judicial Facilitators in order to ensure the presence of volunteers at the administrative proceedings of migrants.

In Paraguay, there is also active participation of emigrant associations. Historically, what stands out is the presence of student exile organizations in Argentina, such as the Center for Paraguayan Students in Argentina (1952) along with the Paraguayan House of Buenos Aires and organizations that are open to emigrants according to their cities of origin.

The political campaign that brought President Lugo to power mobilized overseas Paraguayan communities through a common goal: the demand for the restoration of the right to vote abroad. The Paraguayan Federation in Argentina, along with the Paraguayan Pastoral Team in Argentina, the Association of Paraguayan Professionals in Argentina and the Association of Paraguayans Returned from Exile, organized in 2008 the First Paraguayan Congress on Migration in the country's capital. They repeated the Congress in 2009 and 2010, after which they organized Congresses on Paraguayan Migrants in Spain and the United States of America.

The political pressure generated by these initiatives and other supported by Paraguayan emigrant associations, caused the Congress to hold a referendum in 2011. Citizens were called upon to determine the fate of the amendment to Article 120 of the National Constitution, which prohibited overseas voting, and approved it by popular vote.

With regard to *trade unions*, the Bolivian Workers' Trade Union includes in its mission the protection and defense of labor rights for migrant workers. In 2010, the Bolivian Workers' Trade Union signed a cooperative agreement with the Argentine Workers' Trade Union to jointly promote the free movement of migrant workers and to propel procedural changes necessary to enjoy all labor rights.

The National Federation of Salaried House Keepers of Bolivia, in turn, is also making international contacts to become more involved in the fight for greater enjoyment of rights as migrant workers.

In Peru, the Trade Union Institute of Cooperation and Development (ISCOD) was created in 1990 out of the General Workers' Union of Spain (UGT). It carries out activities to increase awareness campaigns with unionized, independent and migrant workers, hoping to eliminate reluctance and prejudices generated by stereotypes of migrants, who are perceived to enjoy better working conditions than those who did not migrate.

The most important trade unions of Peru are the Confederation of Peruvian Workers (CGTP), the General Workers' Trade Union (CUT) and the Autonomous Trade Union of Workers of Peru (CATP). After 2008, they began to adopt an active role in the formulation of proposals and drafting of public policies in order to defend the rights of migrant workers.

The initiatives that stand out among those they promote are training courses directed towards trade union members and the 2010 publication of the Inter-Union Plan on Labor Migration, which is unprecedented in South America. The plan offers its own assessment of labor migration on a national and regional level, establishing the foundation for the promotion of honest work and the core ideas of action to be carried out over a three year period.

These Peruvian trade unions laid the groundwork for the Inter-Union Round Table on Labor Migration, which has the support of the ISCOD and the MIGRANDINA project on institutional strengthening of migration mechanism, conceived of by the ILO for the Andean region.

With regard to *church organizations*, Bolivia's Pastoral Care of Human Mobility (PMH) of the Bolivian Episcopal Conference has become one of the main representatives of civil society in advocacy efforts to formulate migration policies. In addition to its services of pastoral worker training, religious accompaniment and legal and psychological aid, its work has centered on including different dimensions of migration issues at the negotiating table with state agencies and civil society organizations.

PMH has participated in shaping and implementing policy on refugees, helping them to earn voice and vote in the National Refugee Commission (CONARE). During the 2009 constitutional reform process, it also urged for the inclusion of Article 29, which granted protection to refugees in the text of the constitution, and for the mention of migration and human trade and trafficking. It later participated

with other social organizations in a debate on the approval of refugee and human trafficking laws.⁵

The PMH also participated in actions to raise awareness, giving interviews to local and international news outlets. Its work has contributed as much to the inclusion of migration in the government's agenda as to the execution of state policies.

PMH's mission of serving, accompanying and defending migrants is also shared by other Bolivian groups, including the Missionaries of San Carlos – Scalabrinians, the Missionary Sisters of San Carlos – Scalabrinians and the Jesuits. The Scalabrinian Missionaries arrived in Bolivia in 1999 to the Archdiocese of La Paz, where they established a Migrant House and Migration Pastoral. Since 2005, they have been assisting the Episcopal Conference of Bolivia in the national coordination of the PMH.

In addition to its local advocacy efforts with PMH, the Scalabrinian Missionaries participate as delegates in events and international debates on migration policy, such as the South American Conference on Migration or events sponsored by the UNHCR in Geneva. In the last few years, they have been working on border jurisdiction issues, interacting with the Episcopal Conferences in neighboring countries.

The Scalabrinian Missionaries promote migrant aid programs in Santa Cruz de la Sierra and with migrants on the Bolivian-Brazilian border.

The Jesuit Migration Service, located in the Alto zone of La Paz, accompanies family members of migrants and provides informal education services to children whose parents are outside the country.

The Church was one of the first institutions to work on accompanying migrants in Peru. In 2000, the Peruvian Episcopal Conference organized the Department of Human Mobility, which has the support of the Scalabrinian Missionaries with regard to national coordination. The department has carried out advocacy efforts aimed at the diplomatic offices of Ecuador and Peru, achieving the widening of an accord to regularize the work and migration status of Peruvian and Ecuadorian nationals in the Wider Border Integration Region.

For their part, through the Jesuit Migration Service, the Jesuits carry out research projects in alliance with academia and train diocesan pastoral workers who specialize in migration and human rights. They also offer legal and social aid in offices dedicated to assisting migrants, like the one located in the city of Tacna, and they manage awareness campaigns in ground transportation terminals where immigrant trafficking networks operate.

⁵ Law on the Protection of Refugees and Refugee Applicants in Bolivia, No. 25, and the Comprehensive Law against the Trade and Trafficking of Persons in Bolivia, No. 263.

The Scalabrinians have also been present in Paraguay since 1974, when the missionaries arrived in the Alto Paraná region to accompany the Brazilian migrant communities of Santa Teresa, Santa Rosa del Monday, Naranjal, Los Cedrales, Tava py, Santa Rita, Nueva Esperanza, Katueté and Corpus Cristi of the Canindeyú providence. They later established a presence in Asunción in the Parish of the Migrant, where they set up the Scalabrini Foundation for Migration.

In 1975, they also founded the Missionary Sisters of San Carlos Borromeo – Scalabrinians in Paraguay. They began their pastoral work with a special focus on Brazilian immigrants in the Alto Paraná border zone, Santa Rosa del Monday, Los Cedrales, Santa Rita and Naranjal. Eventually, the Scalabrinians also started working in Asunción. There they direct the Santa Librada Shelter for young migrant women who arrive there looking for work. They also coordinate the Pastoral Care of Human Mobility of the Paraguayan Episcopal Conference (CEP).

The Antonio Guasch Center for Paraguayan Studies is another religious organization dedicated to education and rural development, which includes migrant aid. It was born out of the Jesuit community in 1967.

Spiritual accompaniment for emigrant communities is also addressed by some organizations. Among others, the Paraguayan Pastoral Team in Argentina has been working actively since 1970 to train pastoral service workers and has played a role in the process to regularize the status of immigrants.

Religious organizations in Chile are the ones with the largest scope and also those that have achieved the most with regard to migrant and refugee assistance. In addition to performing an intermediary role and directly attending to the needs of migrants, religious organizations working on migration issues in Chile encourage permanent dialogue with state agencies in charge of administrating migration.

In this respect, it is worth mentioning the work of the Congregation of Missionaries of San Carlos Borromeo – Scalabrinians, the Scalabrinian Foundation, the Scalabrinian NGO, the Chilean Catholic Migration Institute (INCAMI) and its Diocesan Departments of Migration Pastorals, the Comprehensive Migrant Support Center (CIAMI), the Vicarage of Social Pastorals and of the Workers of the Archbishop of Santiago, the Christian Churches Foundation for Social Aid (FASIC) and the Global Citizen program (which used to be the Jesuit Migration Service and Refugees).

Non-governmental organizations (NGOs) have also played a significant role in advocating for policies and programs on migration in the four countries under analysis.

The financial crisis produced by Europe in past years led to a strong movement of returned Bolivians, whose needs are addressed by organizations including the Vicente Cañas Center – Uramanta Foundation in Cochabamba and the AMIBE-CODEM Cooperation and Development Foundation, along with ACOBE Madrid.

The former organization performs accompaniment work and offers psychosocial and educational services for returned emigrants and their family members. It also encourages work training and awards support funds. The latter oversees programs related to voluntarily returned migrants. It works at sites in Madrid and La Paz offering orientation courses on migration procedures and advice on financial investments.

On the other hand, the Bolivian Chapter on Human Rights, Democracy and Development unites various organizations interested in research on migration from a human rights point of view. The Collective Lobby Foundation is an association involved in gender issues that has raised the profile of different topics including the feminization of migration in Bolivia along with other organizations, including the Support Center for Women and Children in Cochabamba. In conjunction with the Women's Coordinator, these organizations have completed a regional project called "Opening Worlds: Migrant Women, Women with Rights." It is dedicated to training migrant workers in Spain and raising awareness with local authorities.

The organization Training and Citizen Rights is comprised of lawyers and law student volunteers who participated in legal clinics and provide legal workshops to residents in outlying territories, including to migrants.

Based on the analysis of civil society organizations in Bolivia, it is fair to point out the level of interaction and collaboration that a majority of them maintain. Their common goal is to participate in debates and public forums in which they can direct their advocacy efforts towards the authorities.

Paraguayan non-governmental organizations orient their efforts around reforming the country's legislation, policies and programs on migration. Main Square Civil Space Paraguay centers its activities on combating human trafficking, lobbying different sections of the Interagency Working Group on preventing and combating human trafficking. It also advocated for ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons and of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

The Paraguayan Association for Migrant Support was born out of a former organization, the Association of Paraguayans Returned from Exile. Along with an Argentinian organization called Latin American Community of La Plata (CLAP), it is responsible for promoting the First Forum on Migration of Paraguay. This generated room for debate that led to the eventual creation of FEDIPAR, the federation that unites various migrant associations.

Some alternative media outlets also play an important role in disseminating information on the issue of migration. They also aid in connecting and communicating between different Paraguayan communities residing overseas. Chief among them are Radio VIVA and the Paraguayan News Agency.

Up to this point, the stage is characterized by organizations with a focus on respect for migrant rights. On the contrary, we find the opposite to be true in Paraguay. Social

movements like the National Coordinating Committee of Peasant Organizations, the National Peasant Federation and the National Coordinating Committee of Rural and Indigenous Women Workers manifest a clear hostility against migrant Brazilians. They accuse these migrants of illegitimately occupying their lands and of introducing cultivation of soy in the country.

The conflict in this case revolves around agrarian reform, which is demanded by poor farmers who were displaced from their lands. They view as enemies those Brazilian settlers who arrived in the 1960s, and who, paradoxically, are now also being displaced by transnational businesses engaging in large-scale agricultural projects. The Paraguayan Industrial Union, for its part, is another lobbying group that views migrant workers as a threat, accusing them of causing job competition with local workers.

Among non-governmental organization in Peru, we will find the Center for Rights and Development, which was established in 1977 and promotes human rights and social justice. The Center is dedicated to the defense of labor rights and the rights of migrant workers and their families. It plays an important role in monitoring operations related to the International Convention on the Rights of All Migrant Workers and Members of Their Families because Peru has still not submitted its official report that it was supposed to hand in to the committee in 2007. Consequently, the group decided to produce a shadow report that evaluates the state of affairs concerning the rights of migrant workers in the country.

For organizations like the Peru Solidarity Forum and the Hope Foundation, the main goals are to gain recognition of migrant rights and to tackle the issue of human trade and trafficking. The latter organization works in the entire Andean region, including Ecuador and Colombia, providing legal counsel on immigration matters, carrying out research and prevention awareness campaigns for vulnerable populations, and advocating for the development of strategies that would create solutions to the problems of “migration as a business” and the repercussions suffered by children.

Meanwhile, Immigrate Peru has been overseeing a co-development project since 2007 in cooperation with municipal government sectors and businesspeople. The project is called Junín Global, and through it migrants and their families that reside in their communities of origin are trained as agents of local development.

Civil society organizations in Chile that work on issues related to migration have mainly been focused on political advocacy for the defense of migrant rights. In this sense, they have incorporated perspectives that are more and more specialized in specific subject matters, such as gender, rights, and issues stemming from the defense of child migrant rights.

Examples of this type of organization are the Scalabrini Foundation, the Scalabrini NGO, the Collective Corporation without Borders, the Roots Corporation NGO, the Women’s Institute Foundation, the Alternative Mental Health and Human Rights Foundation, the Ideas Foundation, Solidarity America and Amnesty International.

With regard to *building networks* in civil society, the structure of “Chile Global” stands out. Comprised of emigrant Chileans, the network unites businesspeople and high profile Chileans residing overseas who want to contribute to the development of their country through transfers of knowledge and the creation of business opportunities that enable the free flow of talent.

Many Peruvian civil society organizations, centers for studies and religious organizations have organized different professional networks. Their intent is to join forces and, in doing so, establish migration as a high priority on the political agenda, contribute to shaping policies and programs on migration and engage in follow-up work on those measures. The Peruvian Network on Migration and Development and the Andean Migration Network are clear examples of groups with this strategy.

The Pastoral Care of Human Mobility of the Episcopal Conferences of Bolivia, Chile and Peru have also made appeals to these groups, establishing alliances on the shared border of the three countries. They have also established Bilateral Networks of Border Pastorals in border zones between Peru and Ecuador and between Peru and Chile. Through these, they accompany migrants and carry out awareness and advocacy campaigns with local authorities and security officials in order to modify practices that, by focusing on criminalizing migration, threaten migrants or violate their rights.

One very important action that sprang from the participation of civil society in migration issues is that of political advocacy on related matters and the creation of *institutionalized meetings spaces* between these organizations and official state agencies.

Bolivia is one of the countries that has mobilized most in South America with regard to the discussion of policies to combat human trade and trafficking. In 2011, it held a national meeting between the Vice Ministry of Equality of Opportunity and civil society organizations. The goal was to draft a protocol or a critical path on a national level to provide services to victims of human trafficking.

In the city of La Paz, the District Attorney, the Ombudsman, the Bolivian Police, representatives of nine provinces, the Pastoral Care of Human Mobility and other civil institutions met together to comprise the National Conference for the Propagation and the Adjustment of the National Critical Path for Victims of Human Trade and Trafficking and of Sexual Offenses. These meetings opened the door for the eventual passage of Law 263, enacted on July 31, 2012, against the trade and trafficking on persons. The law enabled the establishment of the Plurinational Council against the Trade and Trafficking in Persons. This Council brings together different authorities with civil organizations focused on related issues and international bodies.

A similar process produced Law 251 on June 20, 2012, called the Law of Refuge. Since 2007, other meetings and participative assemblies were convened between the National Refugee Commission (CONARE), the refugee community, refugee applicants, civil society organizations and provincial governmental representatives in the cities

of La Paz, Cochabamba and Santa Cruz. In these gatherings, they identified needs and challenges to be considered during the creation of laws. Those needs and challenges were taken into account in the final draft of the legislation.

Another forum for citizen participation in migration administration in Bolivia is the Interagency Coordination Mechanism for Migration. It is a space for debate that is coordinated by the Bolivian Office of the Chancellor and engages different state agencies in dialogue with civil society actors. One of the main products of these debates was the “Country Document,” which the body presented before the Tenth South American Conference on Migration held in Cochabamba in 2010.

Recently, several associations attended a hearing for the preliminary drafting of a new Law on Migration, held by the Commission on International Policy and Protection of the Migrant of the Bolivian Chamber of Deputies, which is currently under debate pending final passage.

In Chile, the efforts made by civil society organizations demanding reform of migration laws have still not achieved concrete results. The administration of President Piñera is currently working on a migration law in a secretive manner, excluding different civil society actors interested in the matter.

The Council on Migration Policy is a governmental entity that acts as an advisor on migration issues. It was created through an initiative of the Bachelet administration in 2008. Its goal is to develop comprehensive public policy proposals and to coordinate the action of different governmental and civil society actors.

During 2009, the government of Chile convened a working group with the actors most involved in issues of refugee assistance. Its aim was to come to a consensus on strategies to assist this population, and it received an assessment from the United Nations High Commissioner for Refugees (UNHCR). However, the associations are condemning the current administration’s suspension of meetings and the Council finds itself inactive.

Something similar is occurring with the Cross-Institutional Commission on Human Trafficking, which was created in 2008 with the goal of coordinating actions among different institutional and civil actors. Although Chile confirmed that it was active before the United Nations Committee on the Elimination of Discrimination against Women (CEDAW), the Committee has recommended the submission of concrete information regarding its actions and the programs it has created.

A positive initiative is the establishment of the Directorate for Overseas Chilean Communities, which includes in its objectives linking Chilean emigrants with their home country, strengthening their organizations and affiliations and implementing training courses with community leaders.

It is worth mentioning the establishment of Migration Conferences in Chile, organized annually since 1997 by the Chilean Catholic Migration Institute (INCAMI). In them, main governmental and civil society actors discuss policies, laws and programs on the integration of migrants in Chilean society and the protection and

promotion of their rights. From the beginning, one of the central tasks of the conferences was to design and implement migration policies in accordance with current migration law.

In Paraguay, the first attempt to start a forum for interagency dialogue was made by the Ministry of Foreign Affairs between 2002 and 2003, with support from the International Organization for Migration (IOM) and the United Nations Population Fund (UNFPA). The result was the Interagency Working Group, whose objective was to start outlining the core conceptual framework for migration policy. However, the results remain filed away. Later, in 2005, the Interagency Committee on Population was created by Decree 4692. It was comprised of eighteen institutions which sought to encourage the inclusion of non-governmental organizations and academic and research institutions. Nevertheless, the Committee was also unable to get off the ground.

One actively functioning body is the Interagency Working Group for the Prevention and Fight against the Trafficking of Persons of Paraguay, which launched meetings in 2005 composed of representatives from all three branches of government, cabinet ministries, district attorneys' offices and civil society organizations. The objective of this group is to coordinate and issue directives to prevent and punish the crime of human trafficking in the country.

In Peru, the National Accord of 2002 was a sign of democratic governance that brought together political parties, social organizations and religious institutions that agreed to a diverse set of state policies on social, economic and political issues. Born from the Accord was a new proposal on migration policy associated with the protection of the rights of overseas Peruvians. It resuscitated the need to produce programs that create national and cultural ties between emigrants and their home country so they may contribute to its development. In 2005, the Ministry of Foreign Affairs established the guidelines for migration policy, which took into account the situation of emigrants and sought to modernize the roles of consul. The goal was to overhaul the essentially bureaucratic and obsolete nature of "prefect" consuls and replace them with "public service" consuls.

Among the mechanisms established by the Peruvian state for assistance to overseas migrants, the Ministry of Foreign Affairs encouraged the formation of Consultation Councils as instruments for dialogue between the consulate and the community.

Another example is the Forum for Presidents of Peruvian Associations, where representatives of religious, sports, social and business organizations come together in order to make decisions and perform tasks that benefit the emigrant community.

On the other hand, in 2009, the government promoted the establishment of the Interagency Working Group on Migration Administration, an institutional body composed of twelve ministries and state agencies and representatives from civil society, international organizations and international cooperation agencies. The purpose of the Working Group was to come to a consensus on a comprehensive

policy of migration procedures that could establish different mechanisms of interagency cooperation among different national actors.

Its main objective was to propose federal policies that promoted employment and welfare for migrants. This meant taking action to regularize migration, guard migrant rights, optimize the administration of migration, promote access to social rights for migrants and their families and strengthen the bonds between public and private alliances related to migration.

In this context, the Coordination Commission for Civil Society was created. Ten institutions dedicated to related issues comprised the Commission, and they played an advisory role in shaping migration policy. However, this body currently finds itself in a start-up process.

In Peru, the Working Group against Human Trafficking is a mechanism that tends to one of the most sensitive issues the migration agenda has seen in past years. The Working Group is composed of the Ministries of the Interior, Health, Women and Vulnerable Populations, Justice, Education, Work and the Promotion of Employment and Foreign Affairs. There are also two representatives from civil society.

In terms of the balance of civil society participation in shaping public policy on migration in the four countries analyzed, we can summarize as follows:

- 1) The social and political changes Bolivia experienced after 2006, conflated with the growing importance of Bolivian emigration in past decades and the growing mobilization of civil society organizations, have favored making migration issues more visible and promoted a new perspective that respects migrant rights. In any case, the relationship between the state and civil society continues to be limited and only gained recent attention due to the aforementioned advancements. There is a greater degree of involvement as much from the state as from civil society, although there are still many limitations.
- 2) Chile, meanwhile, has made some concrete advancements that are reflected in programs related to housing, health and education for migrants, as well as in the ratification of international treaties on human rights. However, civil society organizations, including those of religious, academic and international background, continue to demand passage of a law on migration that would be in compliance with these signed treaties. The will to make progress in this direction demonstrated by the Bachelet administration has become stagnant under the current government. The situation was worsened by the 2010 earthquake, which completely absorbed the policy agenda in the first years of the Piñera administration.
- 3) Civil society organizations in Paraguay demonstrate significant progress in the level of communication maintained across borders with emigrant Paraguayan organizations. This is thanks to electronic networks and forums convened over the last four years. However, there is still little to link immigrant associations with emigrant associations. All migrant organizations maintain a critical view of

Paraguay's current migration laws and call for them to be reviewed, updated and show more respect for human rights. On the other hand, the feeling of rejection held towards Brazilian migrants, rooted in the stereotypes of the rural population, should be addressed by distinguishing clearly between transnational agro-export businesses and the settlement of migrants, who are also being affected by the same phenomenon.

- 4) The Peruvian case reveals that civil society initiatives still lack sufficient long-term sustainability because they maintain a dependence on funds from international donors, which limits ability to plan far into the future. Clear examples of the important role played by international financing institutions is apparent in the inclusion of migration issues in the social political agenda thanks to the development of programs like "Peru: Promotion of Employment and MSEs for Youth and Management of Juvenile Labor Migration 2009-2012," or the already cited MIGRANDINA project of the ILO. Such institutions include the United Nations Population Fund (UNFPA), International Labor Organization (ILO), and the United Nations Development Program (UNDP).

There are still relatively few organizations in Peruvian civil society that are focused exclusively on migration issues. The exceptions are the Pastoral Care of Human Mobility of the Peruvian Episcopal Conference, the Congregation of Missionaries of San Carlos – Scalabrinians or migrant family associations. Associations of overseas Peruvian migrants should still position themselves as actors in different levels of government since, in the current context, public resources for emigrant services are insufficient.

In the future, it would be beneficial for these four countries to continue constructing alliances between social actors, intensifying the public debate and involving members of the legislative branch.

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Chapter I

PUBLIC POLICIES ON MIGRATION AND PARTICIPATION OF CIVIL SOCIETY IN BOLIVIA

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Acronyms

ACNUR	United Nations High Commissioner for Refugees (UNHCR)
ACOBE	Cooperative Association of Bolivia and Spain
AMIBE	Migrants Association of Bolivia and Spain
ARPEBOL	Association of Peruvian Refugees in Bolivia
ASPERBOL	Association of Peruvian Residents in Bolivia
CAN	Andean Community of Nations
CCD	Training and Citizen Rights
CEDECPS	Center for Studies and Scientific Development in Psychology
CELADE	Latin American and Caribbean Demographic Centre
CESU	Center for Higher University Studies
CIDES	Graduate Studies in Development CIDES
CLACSO	Latin American Council on Social Sciences
COB	Bolivian Workers' Trade Union
CONARE	National Refugee Commission
CODEPO	Population Council
CTA	Argentinian Workers' Trade Union
CSM	South American Conference on Migration
DIGEMIG	General Office of Migration in Bolivia
DICyT	Office of Scientific and Technological Research
D.S.	Supreme Decree
EMIDEL	Project for Local Development and Migration in Latin America
FELCN	Bolivian Counternarcotics Special Task Force
IFEA	French Institute of Andean Studies
INE	National Institute of Statistics
IRD	French Institute of Developmental Investigation
MECOVI	Collection Project for the Continuous Housing Data Survey
MERCOSUR	Southern Common Market
MUSOL	Municipalities for Solidarity—Barcelona and Valencia
OEA	Organization of American States (OAS)

ONG	Non-Governmental Organization (NGO)
ONU	United Nations (UN)
OXFAM	British Agency of International Cooperation and Humanitarian Aid
GDP	Gross Domestic Product
PIDHDD	Inter-American Platform for Human Rights, Democracy and Development
PIEB	Strategic Research Program in Bolivia
PMH	Pastoral Care of Human Mobility
PNADH	National Action Plan on Human Rights
SEDEGES	Provincial Governments' Offices of Social Services
SENAMIG	National Migration Service in Bolivia
UMSS	Major University of San Simón
UMSA	Major University of San Andrés
UNASUR	Union of South American Nations

Introduction

Understanding migration issues and the policies adopted by the Bolivian state to manage migration throughout the country's history requires broaching the subject in the national context of rich diversity of languages, cultures, music, art and folkloric expressions in juxtaposition with the inheritance bestowed by Spanish colonists.

The arrival of various groups of European immigrants to Bolivia at the end of the 19th century contributed a significant number of Latin American citizens who formed part of the early viceroalties and who were not considered foreigners but part of a large Latin American family.

From the Bolivian nation-state's founding until very recently, leaders emphasized, through protectionist policies, the idea of promoting the country's development by exploiting a number of diverse resources, among which the most valuable and scarce was human labor. As a consequence, the Bolivian state passed measures that would regulate the arrival of immigrants as a labor force, on the one hand, and strict measures against citizens to keep them within the national territory, on the other.

Immigration in Bolivia has not had the same intensity or persistence as the slow, silent and often invisible emigration of nationals. Over the past decades, permanent, transitory and temporary emigration has increased in the country ("temporary" referring to emigrants who leave the country for certain periods of time to perform work for which they have been sought out and contracted at a distance, then return to their native homes). Over time, transitory and temporary work, in certain regions in the country but mainly in Argentina, became ways to constantly optimize resources (saving in travel expenses) when agricultural harvests were made and extra manual labor was required.

The arrival of European and Japanese immigrants to Bolivia at the end of the 19th century and the beginning of 20th are associated with the economic crisis and armed conflict in Europe and the economic crisis in Japan, on the one hand, and the work opportunities in specific sectors in Bolivia—including agriculture, mining and extraction (such as rubber)—on the other. European and Japanese migrants settled the lowlands of the Santa Cruz de la Sierra plains, forming colonies among which Okinawa and San Juan stand out.

At the end of the 19th century, a group of Croatian immigrants arrived in Bolivia, attracted mainly by mining. Croatian immigration to Bolivia particularly increased after World War II, attracted by railway construction and public infrastructure projects.

During the 20th century, an important group of immigrants known as the "Arabs" or the "Turks" came to Bolivia; the terms refer to a heterogeneous ethnic group consisting of immigrants from Lebanon, Palestine, Syria, Egypt and Jordan. They have been characterized by their involvement in business and service provision, especially in the hotel, construction and transport industries.

The immigration programs promoted by the Bolivian government since the end of the 19th century and into the 20th follow the logic of promoting the influx of human resources to contribute to national development. For example, the 1976 passage of Decree Law No. 13344, which established the National Immigration Council, was in line with this logic.

At the same time, emigration has also been at the forefront of the collective imagination of those who seek to escape poverty, find a better future for themselves and their families or simply change their socioeconomic situation.

The principal and traditional destinations of Bolivian emigrants have been bordering countries, mainly Argentina and, in the past two decades, Brazil and Chile. In this same period, emigration to the United States, Spain, Switzerland, Italy and other European countries has also increased.

Internal migration patterns show movement mainly from the high plains regions to the valleys and flatlands, or from rural areas to cities, leading to forced expansion of urban areas. This has also established the importance of what is called the “main line”—the cities of La Paz, Cochabamba and Santa Cruz de la Sierra—where the majority of the population, services and problems of the country are concentrated.

Refugees constitute another migration group that has grown in importance in recent decades, forcing the Bolivian state to update its laws in 2012 with the passage of the “Law on Refugee Persons” (Law 251).

In the first part of this chapter, we introduce the main trends of migration flows, internal migration, emigration and refuge in Bolivia.

In the second part, we analyze the evolution of migration policies from their origins to the present, examining the changing perspectives that were manifested in different laws, especially in the last century.

Throughout Bolivia’s history, we can affirm that public policy on migration has been submerged in a colonial inheritance, which led to the adoption of control mechanisms and whose core manifestation was the National Security Doctrine, adopted by the majority of dictatorial regimes of Latin America in the 1970s and 1980s. Only after the process of democratization came did a change in mentality slowly begin in the region. With it, new laws were passed that overcame the approach of controlling migrants, who were seen as foreign, enemies and a potential threat to the state, replacing it with an outlook that viewed migrants as subject to rights and obligations.

The Bolivian state, in coordination with civil society and churches, is developing a Project of Law that has already achieved parliamentary status and is under debate in the Senate. The continuous search to improve migration policies on the part of the state, and to promote the same policies in constant peaceful dialogue with civil society and social movements, has been a critical element in shaping a migration system based on the principle of protecting human rights. The enactment of laws to eradicate xenophobia and racism as well as enhance protection for refugees and fight

against human trafficking, in addition to measures to reintegrate returned migrants, are examples of the process of dialogue between political and social actors in shaping public policies.

In line with this perspective, the third part of this study will explore the main actions of civil society organizations in shaping public policies and programs on migration.

Finally, the chapter presents some proposals on citizens' participation in crafting public policies and programs on migration.

PART I

GENERAL ANALYSIS OF MIGRATION DYNAMICS IN BOLIVIA

From a historic and cultural perspective, the diverse societies that developed in the geographic area that is now Bolivia have been characterized by their intense population dynamics linked to productive spatial management. Even now, profiles continue to determine particularities in Bolivian social, economic and cultural structures.

During the entire 20th century, the country's migration dynamics, including immigration, internal migration and emigration, were very intense, and they continue to be so in the first decade of the 21st century. Although immigration hasn't achieved the ability to determine its quantity, it has become significant because of its diversity due to migrants from various countries of origin. There have been particular times of greater influx into the country, such as during World War II or after initiatives passed by the government attracted foreigners seeking profit. Internal migration also played an important role in this period, determining a change in the country's population, which changed from rural to urban mostly in the second half of the 20th century. Just as internal migration was intense in Bolivia, so was emigration: the massive presence of Bolivians in Argentina is, without a doubt, one of the oldest border migration experiences in South America. Adding to it is the growing emigration to Brazil, especially within the last decade, and to the United States and Europe.

In this section, after presenting the main trends in immigration, internal migration and emigration in Bolivia, we will also analyze the phenomenon of refuge in Bolivia. Refuge mainly increased in the country since the 1980s due to international agreements involving Bolivia and to specific contexts that have become more regionally relevant over the past few years.

1. Immigration

1.1. Arrival Flows during the 20th Century

Although a presence of foreign nationals has existed in Bolivia since the Republic's founding, the number of them has never been significant on a national level on par with overseas Bolivian emigrants, which have to an extent defined Bolivia as a country of emigration. In the first years of the 20th century, and with growing intensity toward the middle of the century, immigrant communities arrived in more substantial numbers. In our study, we only consider the oldest and most important communities, such as the Japanese, Jewish, Arabs and Croatians.

We also hope to give insight into the current state of migration in the country. The presence of immigrants from bordering nations (Argentina, Peru and Brazil) and the region (Colombia) are worth highlighting, as are groups of foreign students residing in Bolivia.

Our study focuses on the immigrant communities that had the greatest impact on Bolivia's economy and society and that received advantages from government policies that aimed to strengthen the country's agriculture and business, as was the case with Japanese, Jewish, Arab, Croatian and Mennonite immigrants.

Japanese Immigration in Bolivia

The first officially recognized Japanese immigrants in Bolivia were a group of 93 men (including 2 supervisors). They were part of a larger group of 790 people who migrated to Peru in 1899 and were later attracted to Bolivia by widespread rubber extraction. They arrived to the shores of the Madre de Dios River in the Bolivian Amazon through the Maldonado Port. Rubber extraction virtually disappeared with the end of World War I in 1918, but while the industry retained its prevalence, an estimated 2,000 people went in search of work to the provinces of Pando (Cobija) and Beni (Riberalta, Cachuela Esperanza), and they stayed on the land (*Japanese Society in La Paz*, 2012).

After rubber extraction lost its popularity (aside from the development of agriculture or small business administration), some of these migrants went to live in large cities such as Oruro, Cochabamba, La Paz, Trinidad or Santa Cruz. Others emigrated to neighboring countries such as Brazil, Argentina and Peru. The majority of Japanese who stayed in Bolivia married Bolivians and worked in business and agriculture. Today there are fifth-generation Japanese descendants residing in Bolivia.

With the goal of regulating the entry of immigrants who contributed to the country's development through intensive agricultural production, in 1951 the Bolivian government enacted policies to facilitate immigration by simplifying immigration procedures, protocols and requirements for foreigners entering the country (Supreme Decree No. 2396 of President Mamerto Urriolagoitia H.). In August 1953, the government expressed its acceptance of Japanese immigrants to the Japanese legation in Peru (which was also in Bolivia). In January 1954, the Japanese government affirmed its Bolivian counterpart's intentions by sending a group of researchers to study the place of residence, San Juan. The Bolivian government made a commitment to this group of researchers to receive and support Japanese immigrants and to allow them to freely choose where to relocate.

The group of researchers, after considering the recommendations of Japanese residents, chose San Juan as a possible relocation site, located in Santa Cruz province. Between 1954 and 1988, 49 groups migrated from Okinawa to what is now Colonia Okinawa, Santa Cruz. There were 3,385 people, including 584 families as well as solo travelers, in these first groups. Until December 2001, 828 people (238

families) lived in this colony and collectively owned 46,890 hectares of land (115,867 acres). They mainly produced soy, wheat, rice, corn, sorghum, sunflower and meat products.⁶

In addition to the immigration from Okinawa, 1,679 people immigrated to Bolivia from various places in Japan between 1955 and 1992. They were divided into 53 groups and reside in what is now San Juan Colony. Until December 2001, 754 people (242 families) resided in this colony and collectively owned 27,132 hectares of land (67,044 acres). They mainly produced rice, soy, eggs, citrus fruits, meat products and macadamia nuts (San Juan Japanese-Bolivian Association, 2004).⁷

On May 15, 1955, a total of 87 people (14 families and 3 individuals), united by the Federation of Associations of Ultramar, boarded a ship in Kobe Port. They arrived in Santos Port, Brazil, on July 8, 1955, after 53 days at sea. The following day, they boarded onto a train toward Santa Cruz and arrived on the shores of the Río Grande on July 20. Four days later they arrived at the train station in Santa Cruz, where they settled. On June 21, 1957, the first planned group of immigrants arrived in Bolivia. Consisting of 25 families, these 159 people were organized on a national level under the Federation of Associations of Ultramar, which had offices in all of Japan's prefectures. Between 1957 and 1992, 53 groups of 1,684 immigrants arrived, consisting of 302 families and 51 individuals. The Bolivian government recognized the legal status of the Japanese-Bolivian Association by enacting Decree Law 13344 on August 1, 1977, through Supreme Decree.

By 1976, the de facto government led by Hugo Banzer Suárez believed that the country's economic development required a set of policies to organize and take advantage of human resources and to increase the working population. To those ends, Decree Law 13344 created the National Immigration Council. The agency was charged with promoting immigration to Bolivia and providing immigrants with free land for production and social, technical and economic assistance. It also granted customs tax exemptions for imported machinery, tools, work equipment and other domestic needs.

In the initial phase of this settlement policy, when living conditions were precarious in Bolivia, many immigrants deserted and left for Brazil and Argentina.

From the beginning, the arrival of Japanese migrants in Bolivian territory was concentrated largely in the lowlands, such as Riberalta, in Beni, which united half of the Japanese settlers of Bolivia. The prevailing source of employment for many Japanese residents in Bolivia relates to agricultural production, mostly in the San Juan and Okinawa colonies in the province of Santa Cruz, although many Japanese residents are also engaged in business activities on a national level.

⁶ Japanese Bolivian Association San Juan (2004), Abstract of Japanese Colony San Juan.

⁷ Ibid.

Table 1. Japanese Communities in Bolivia

State	City/Province	# of people
Pando	Cobija	1,000
Beni	Riberalta	7,000
	Trinidad	1,300
	Rurrenabaque	500
	Guayaramerin	300
La Paz	La Paz	800
Santa Cruz	Colonia Okinawa	850
	Colonia San Juan	750
	Santa Cruz de la Sierra	700
Other Regions	Cochabamba, Oruro & others	800
Total		14,000

Source: Immigration Centennial Commemorative Book “Bolivia ni Ikiru”

Jewish Immigration in Bolivia

In 1905, a group of Jews arrived in Bolivia from Russia, followed eventually by a group from Argentina as well as various Sephardic families from Turkey and the Near East. However, the Jewish community remained small until the start of the 1930s. Desperate to flee the increasing persecution experienced in their places of origin, thousands of Jewish refugees left Central European countries dominated by Nazi regimes. They found refuge in Latin America throughout the 1930s and into the 1940s. In the face of the Nazi Holocaust perpetrated during World War II, Bolivia became one of the first countries in the world to permit the arrival of Jewish refugees. The first Jews arrived in the country in 1939.

Bolivia became the main country to receive this influx of refugees at the end of the 1930s, when Argentina, Mexico, Brazil and Chile—countries that were traditionally destination countries for European migrants—began to apply heavy restrictions on the entry of new immigrants. In 1939, Bolivia changed its open immigration policy. In 1940, all visas for Jews were indefinitely suspended. In spite of these changes, immigration continued.

After World War II, a small group of Polish Jews arrived in La Paz. They had fled toward the Far East after 1939 but abandoned Shanghai when the communist regime rose to power. The majority of this group stayed in La Paz and incorporated itself into the existing Jewish community.

At the end of 1939, when immigration reached its peak, organized Jewish communities attained great stability in Bolivia. The first organization created was the Israelite Circle (1935), consisting of Jews from Eastern Europe, followed by the German-Jewish community. Under the auspices of the Central Jewish Committee in Bolivia, diverse communal services were established, including *Jevrá Kedushá*, the

Israelite Cemetery, *Bikur Jolim* and a home for the elderly. The community in La Paz also began to maintain the Israelite School, a school complete with a kindergarten and primary and secondary levels of education.⁸

A demographic trend began as World War II ended, and it continued as the Israeli state was founded; it then accelerated in the 1950s before declining again in the 1960s. The trend was characterized by a sizable increase in the Jewish population in Bolivia. A large number of Jewish immigrants who arrived during the war with their children began to leave the country. They fled to more “Europeanized” countries in Latin America, such as Argentina and Brazil, or to the United States, Israel or their country of origin.

At the start of the 1990s, around 700 Jews remained in Bolivia.⁹ This figure decreased even further as many Jews from younger generations continued to emigrate. Just as they had in the past, the majority of Jews who stayed in Bolivia live in its capital, La Paz, though there are also younger communities in Santa Cruz and Cochabamba.

The Israelite Circle, the central Jewish community organization, now includes both of its predecessors: the Israelite Circle in La Paz and the Israelite community in Bolivia. From an economic point of view, the Jewish community currently plays an important role in the industrial, business, import and export sectors.¹⁰

Arab Immigrants in Bolivia

A multiyear study was able to collect, classify and specify Arab immigrants’ sites and dates of arrival in Bolivia (Asbún, 2011). It spanned 70 years and mainly covered the history of each family that arrived in the country from Egypt, Jordan, Libya, Palestine and Syria. The testimonial study constitutes a primary source compilation of unedited documents. It also contains a family tree of Palestinians, Lebanese, Syrians and Jordanians who left their countries for numerous reasons, including wars, persecution and the need to seek out new horizons and construct a new future for their descendants.

It is noteworthy that almost everyone arrived in Bolivia with Turkish passports, as they did in Argentina, Brazil, Chile and other destination countries, because they received the umbrella classification of “Turks” even if they had no connection to Turkey.

Arab immigrants in Bolivia were pioneers in certain industrial, construction, hotel, agricultural, mining, transportation and business sectors.

⁸ *Radio JAI*, Jewish Immigration in Bolivia, August 8, 2012. Available at: http://www.radiojai.com.ar/online/notiDetalle.asp?id_Noticia=61270

⁹ *Ibid.*

¹⁰ Jews in Bolivia, in “*The Jewish Voice*,” published by the Union of Israel in Argentina: <http://www.delacole.com/cgi-perl/medios/vernota.cgi?medio=lavozjudia&numero=tribuna-29¬a=tribuna-29-14>

Croatian Immigration in Bolivia

The first Croatian immigrants began to arrive in Bolivia at the end of the 19th century, just as they did in Chile and Peru. Their main goal was to gain control over mining sectors. From Croatia, they had already learned of the existence of diverse minerals in Cerro de Pasco (Peru); gold in Tipuani and the streams between La Paz and Mount Illimani; silver in Potosí; copper, gold and saltpeter in Antofagasta and silver in Tarapacá.

The first group of Croatian immigrants appeared in Potosí in 1850. According to testimonies,¹¹ there were four men: Mateo Rendić, Juan Jakšić, Vicente Vučić and Mateo Dobravčić (*Studia Croatica*, 1986, Vol. 102). As soon as they arrived, they began working in silver extraction. Over the next 15 years, new, smaller groups of fellow Croats joined the operation, all resolved to follow in the steps of the first immigrants and “scratch the mountains.” There is very little known about the fruits of their labors or the amount of time all these groups remained in Potosí. What is known is that two of the men, Jakšić and Rendić, were in Antofagasta in 1870 with big businesses, which shows that they had amassed no small fortune in Potosí. After 1870, these pioneers incessantly changed residences between the two cities.

Aside from miners and gold- and silver-seekers, the first Croatian immigrants in the highland country worked in the construction of roadways and railways in the Bolivian jungle and in agriculture. Later, once they were established, a group began working in business and industry, a subject to which we will return later.

Between 1890 and 1914, when War World I began, several hundred Croats settled in different parts of the country, notably in Oruro, where “tin fever” was rampant. Five years later, new groups began to arrive in the country, generally relatives or people from the same regions of previous settlers. This new wave of immigrants continued until the outbreak of World War II, when the total number of immigrants surpassed 2,000.¹² In these years, the presence of Croats was sizable in all sectors and across Bolivia, including La Paz, Oruro, Tarija, Potosí, Sucre, Cochabamba, Santa Cruz de la Sierra, Beni and other cities (*Studia Croatica*, 2005, Vol. 102).

Mennonite Immigration in Bolivia

The Mennonites originated in Switzerland around 1520, and emerged as a radical Protestant group that supported the position of Reformation leader Zwingli. Their rupture with him was caused by differences over children’s baptism, for which they were also titled Anabaptists.

For more than four centuries, the Mennonites have moved from one country to another in search of a place where their lifestyle would not be questioned, especially regarding their children’s education.

¹¹ *Studia Croatia* (1986). vol. 102.

¹² *Studia Croatia* (1986). vol. 102, Anonymous, 08/07/2005.

The first Mennonites arrived in southern Bolivia in 1954 and founded around 58 colonies.¹³

In 1957, President Víctor Paz Estensoro invited more groups of Mennonites to the country because he wanted the plains to be cultivated and inhabited by more settlers. New Mennonite groups arrived and worked chiefly in agriculture. Their main crops were soy, corn, wheat and sorghum, among others. They also raised cattle and horses.

There are currently 61 Mennonite colonies in the province of Santa Cruz. The immigrants arrived from various countries, including Mexico, Canada and Paraguay.

Each colony has its own set of rules and regulations to determine its development. However, they all have some common rules, such as prohibiting the giving away of jobs to outside parties and banning interethnic marriage.

One reason for the increase in Mennonite colonies was their population growth. Each family in the demographic had eight children, on average, and the need for new families to have their own lands for cultivation obligated them to purchase large expanses of territory.

In addition to finding in Bolivia a place to live in isolation and practice their beliefs, the Mennonites are characterized by their ability to sustain themselves through their agricultural production. The majority of the communities dedicate themselves to selling cheese, milk, eggs and sorghum. Profit from their farm-work is another subsistence resource. In the case of Santa Rita Colony, for example, 80 percent of families produce milk and supply it to businesses such as PIL, Del Campo and Clara Bella.

The Mennonites also work in poultry farming and produce artisanal dairy products. They supply these products to popular markets in some cities such as Los Pozos and La Ramada, among others.

1.2. Main Immigrant Communities in Bolivia Today

One of the biggest factors inhibiting the study of migration issues in Bolivia regards the lack of quantitative figures on immigration and emigration that researchers have at their disposal. This lack of statistical data on the number of migrants in Bolivia reveals the “state abandonment” of migration issues in the country. This is not just a problem in Bolivia, and, in many cases, it leads people to different conclusions depending on how they minimize or exaggerate certain data. Another problem regarding data is that official state bodies that register foreigners tend to underestimate the number of immigrants, so the number of undocumented immigrants is not included in the registries.

¹³ Salazar, E. (2011), Nat Geo pierces the privacy of Mennonites in Santa Cruz. Available at: <http://eju.tv/2011/11/nat-geo-penetra-la-intimidad-de-los-menonitas-en-santa-cruz/>

Another aspect that limits our knowledge, and therefore the way we address migration issues in Bolivia, relates to the scarce, almost nonexistent academic literature on the matter. The little information available on the diverse foreign populations in the country usually comes from the immigrant communities themselves. Out of the desire to preserve their identities and histories, migrant communities are tasked with reconstructing and recording their journeys in the country.

Out of the resident population in Bolivia, 94,391 people were born outside of Bolivian territory, according to the 2001 census. This represents a very small percentage of the country's overall population. Although this census raises questions on nationality, other figures stand out, such as those referring to the Peruvian community. Although it is commonly thought to be the most sizable population in the country, the census data reveal that it is numerically smaller than the Argentine and Brazilian populations.

Table 2. Immigrant Population by Country—Percentage

Countries	Immigrant Population	%
Argentina	28,612	30.3
Brazil	15,074	16.0
Peru	9,559	10.1
México	9,495	10.1
Chile	4,469	4.7
United States	3,723	3.9
Paraguay	3,296	3.5
Germany	1,713	1.8
Canada	1,703	1.8
Spain	1,671	1.8
Japan	1,520	1.6
Colombia	1,367	1.4
Other countries	11,746	12.4
Undeclared	443	0.5
Total	94,391	100

Source: National Migration Institute of Bolivia, 2000

Argentine Immigrants in Bolivia

The Argentine community is the most populous foreign population in Bolivia, according to the 2001 census data. Although they have very old cultural and ethnic ties, Argentine citizens have sought new geopolitical and economic development opportunities in Bolivia. Their main settlements in Bolivia are found mostly in the three largest cities—La Paz, Cochabamba and Santa Cruz—but also in Potosí and Tarija, regions that border Argentina.

Argentineans have also propelled the growth of the viticulture industry on lands with very high altitude, such as in southern Bolivia. Other sectors they are involved in include business and industry, which they have established in cities such as La Paz, Santa Cruz de la Sierra and Copacabana. The countries' status as neighbors facilitates commercial and cultural flows between Argentineans and Bolivians.

Peruvian Immigrants in Bolivia

Peruvians constituted the third-largest group of resident immigrants in Bolivia in 2001, according to census data. However, many find themselves living in a state of irregular migration, which makes it difficult to obtain the exact number of Peruvian immigrants living in the country.

The resident Peruvian population in Bolivia is mostly located in the city of El Alto, La Paz, according to information provided by the General Office of Migration in Bolivia (DIGEMIG, 2012). El Alto holds a majority young population. It became a city of migrants—not just Peruvians but also Bolivians who settled there for better business opportunities.

In addition to entering business, construction and service industries, Peruvian immigrants arrived in Bolivia to launch their own small businesses in the country's largest cities, becoming drivers of economic development.

Peruvians in Bolivia have organized various labor, sports, religious and basic rights associations. With regard to the latter, xenophobia and stigmatization have generated significant vulnerability for Peruvian immigrants, who have consequently had great difficulty fitting into the local population. The exaggerated stereotypes of Peruvians reinforced by media outlets and even the police, regarding incidents connected to crime, worsen local rejection of Peruvians in the country.

A group of Peruvian refugees entered Bolivia in the 1990s and early 2000s. They currently live in the cities of La Paz and El Alto.

There is widespread irregular migration by Peruvians in Bolivia, according to two Peruvian associations in Bolivia: the Association of Peruvian Refugees in Bolivia (ARPEBOL) and the Association of Peruvian Residents in Bolivia (ASPERBOL). This is primarily due to the high costs of going through official migration procedures and to the complex requirements needed to obtain a legal residence visa in Bolivia.

In 2011 and 2012, these associations, along with other civil society organizations and the Office of the Ombudsman, proposed an amnesty for migrants. According to their data, it would benefit more than 60,000 Peruvian residents who are hidden from statistics because they are undocumented migrants.

Colombian Immigrants in Bolivia

The Colombian population chooses Bolivia as a destination because it is considered a more peaceful country, distant from the armed conflict, or uses it as a transit country en route to Chile, Argentina or Brazil. During transit, Colombian

citizens, especially women, fall victim to migrant trafficking on the borders. They suffer extortion and violations of their human rights—abuses that go unreported out of fear or a lack of economic resources, among other reasons. According to these migrants' testimonies, they must overcome many difficulties to make it to their destination. They incur large debts, are often unable to complete their journeys and see no other options than to remain in Bolivia, return to their home country or choose a different destination country. In their attempts to enter some countries, migrants are victims of fraudulent ploys perpetrated by traffickers and *coyotes*. Chile is the preferred country for Colombian migrants because of its superior job prospects and better living conditions. However, current migration regulations for the Bolivia-Chile border are restrictive, selective and excessive, especially for the Afro-Colombian population.

Colombians who choose to migrate to Bolivia as a final destination relocate mainly in three provinces. Most go to Santa Cruz, followed in popularity by Cochabamba and La Paz, cities that belong to Bolivia's "main line" and that have greater economic activity than other cities in the country. The first two provinces have a higher resident Colombian population.

As happens in other countries, Colombian migrants in Bolivia are stigmatized by illicit activities, mainly drug trafficking. This is mainly because, in some cases, the Bolivian Counternarcotics Special Task Force's (FELCN) find Colombian nationals involved in their operations. Additionally, some sensationalist media outlets associate the presence of Colombian immigrants in the country with the growth of drug trafficking and the rise of organized crime, particularly in the Santa Cruz province. Journalists report the presence of Colombian drug cartels in Bolivia (*La Razón*, 2012).

For these reasons, Colombian immigrants, including refugees and asylum seekers in the process of local integration, suffer various kinds of discrimination and have very little opportunity to fit in with the local population.

Brazilian Immigrants in Bolivia

The Brazilian community began to establish its presence in Bolivia in the last years of the 20th century, when businesses from the bordering country started launching in Bolivia (Petrobras being one of the most important). The majority of Brazilian immigrants residing in Bolivia work for Brazilian companies or as traders along the Bolivian border.

Students constitute another group of Brazilians that has increased over past decades. They register in private universities in Bolivia because they were unable to procure a spot in Brazilian universities. In many cases, they hope to transfer to a university in Brazil later on. Brazilian students are concentrated in the cities of Santa Cruz, Cochabamba and Sucre.

Little can be said about other immigrant communities in Bolivia because their numbers are small and their presence dispersed. Their activities are reduced to internal and family matters as well as employment.

1.3. The Status of Foreign Students in Bolivia

A large number of foreign students select Bolivia as a site to continue their university studies. They choose Bolivia mainly for its low cost of higher education and for the low cost of living.

In 2010, a total of 9,674 visas were awarded to foreign students, according to data from the General Office of Migration, and their migration applications are classified as follows:

Table 3. Type of Migration Applications

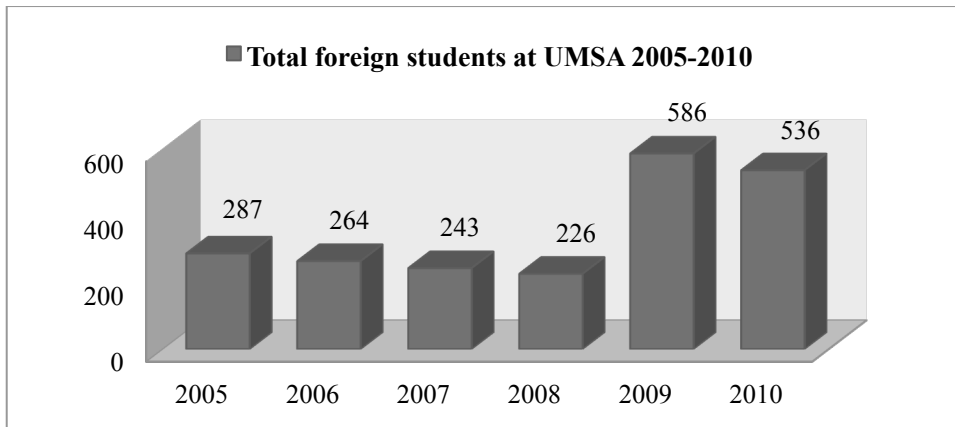
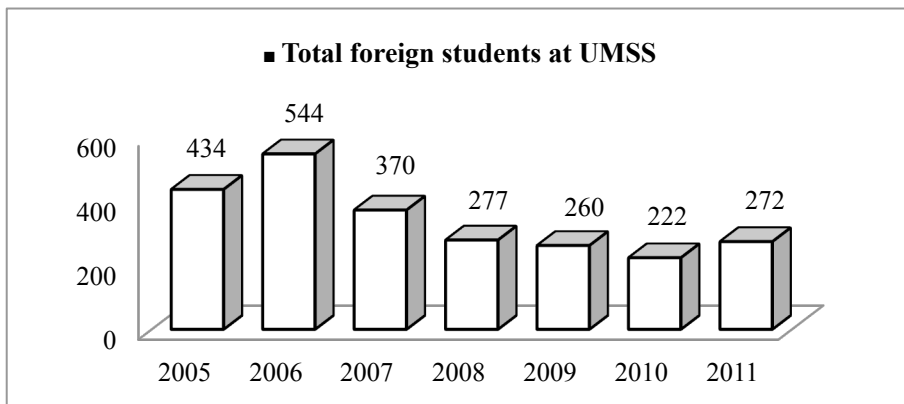
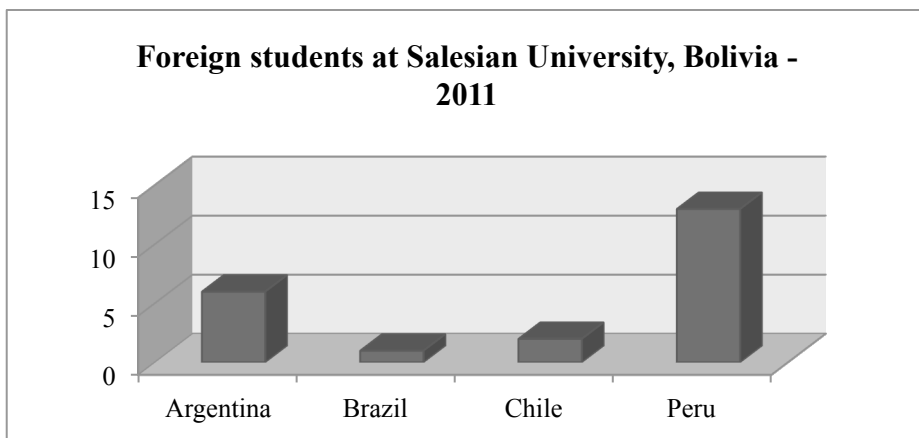
Application Types	Total 2007	Total 2008	Total 2009	Total 2010	General Total
1 year Temporary Residence Students C/S	459	160	6,475	9,124	16,218
60-day Temporary Residence Students C/S	241	0			241
1 year Temporary Residence Exchange Students	112	449			561
1 year Temporary Residence Peruvian students	1				1
Provisional Students				550	55
Total	813	609	6,475	9,674	17,571

Source: General Office of Migration – Bolivia, 2010

These figures refer to visas awarded to students who went through the proper channels to obtain temporary student residence in the country. They do not include the cases of students who did not follow official procedures to obtain their residence. It is therefore difficult to accurately predict the real number of students residing in Bolivia.

Bolivia has a public school system wherein education is financed by the state. Each province has its own public university under its jurisdiction, with a total of nine public universities. Private universities emerged over time, in which students pay a set monthly tuition while they study. There are a total of 47 private universities in Bolivia. A majority of these institutions also have their own separate campuses distributed throughout Bolivia. Although they are private, the cost of studying in these universities is low when compared to private universities in other countries.

The following Graphs show figures on foreign students enrolled in public and private universities in Bolivia:

Graph 1**Graph 2****Graph 3**

2. Emigration

From a cultural point of view, the different societies that used to and still do inhabit Bolivia demonstrate permanent mobility and use of different geographic and ecological spaces, especially those living in the valleys and high plains regions. Mobility has remained constant in their practices of survival and sociocultural reproduction. In this sense, migration constitutes a lifestyle connected to a strategy of occupational diversification and of generating complementary sources of income. This allows us to state that

It is not just about modern survival strategies, but of habitus, of a knowledge of life, of a practice associated with a specific world vision, that allows a greater and more sustainable use of natural resources; not just for the “survival” of a family, but for the life and reproduction of an entire community or society (Hinojosa, 2003).

Throughout the last century, international emigration from Bolivia essentially centered on three destination countries: Argentina, the United States and Brazil. At the beginning of this century, there were three notable shifts in international migration patterns that created this spatial mobility *habitus*. European and North American countries emerged with strong labor markets at the beginning of the 21st century. The magnitude of emigration flows toward these countries, as well as return flows since the global financial crisis devastated their economies, leads us to believe that we are in a strong exodus period.

New features emerging from these changing dynamics present a new side to population mobility on regional and international levels. These dynamics relate to feminization of migration, a more educated population and a higher frequency of spatial circulation. They also touch on aspects of globalization, such as access to information, higher possibility of long-term relocation, and communications systems, among others.

2.1. Emigration to Argentina

Bolivians have migrated to Argentina in search of work for centuries. The earliest known emigration occurred in the 18th century. The labor force for many large estates from Tucumán northward consisted of indigenous workers and *collado*, as the Bolivian population was called at the time. In fact, the economy of northern Argentina was on par with that of Potosí, though for different reasons. Business in the entire region was conducted through ports on the Pacific Ocean but not the Buenos Aires port, a trend that continued into the 19th century.

However, Bolivian migration to Argentina started to take a different course, starting in the mid-19th century. The land colonization process began very late in the Chaco region bordering Argentina, near the mid- to late-19th century. Due to this and to the inherent social, political, cultural and military pressure that the creoles exerted over these lands, significant numbers of indigenous Guaraní were forced to abandon their territories. “Crossing imaginary borders,” they went to regions of the neighboring country to seek work or register with large estates and Argentine

agricultural businesses. The wealth of information on the subject, most of which comes from missionary chronicles of the time, reveals that the beginning of Bolivian migration to Argentina was in direct response to a “political forced displacement” scheme. Eventually and suddenly, labor migration followed.

Around 1920, labor migration from border countries to Argentina began to increase in importance. The phenomenon started mainly in the north, where the sugar industry was prevalent before it moved to the Tucumán region, and then spread to Salta and Jujuy. As the sugar industry expanded, demand for a cheap, seasonal workforce to harvest the sugarcane also surged. This expansion directly caused an increase in migration flows from the valleys and southern Bolivia. According to the 1947 Argentine census, almost 88 percent of immigrants from Bolivia settled in Salta and Jujuy. Only 7 percent went to live in Buenos Aires (Grimson, 1996). This trend continued until import substitution industrialization began, a period in which migration flows were directed more toward cities (rural-to-urban) to meet the demands of the nation’s growing industry.

Due to import substitution industrialization, migration flows were directed toward industrial areas situated on the outskirts of large cities, mostly Buenos Aires. In this sense, without ignoring the precarious socioeconomic conditions in border migrants’ home countries, these migration flows were fundamentally determined by the demand for a cheap, unskilled workforce. Migration followed labor demand in urban areas, where industrialization and construction were prevalent, as well as in rural areas, where there were vacancies left by native inhabitants who left for the cities and factories.

In the decades that followed, the number of Bolivian migrants living in urban areas and their surroundings in Argentina increased dramatically. Bolivian migration flows increased primarily because of the economic crisis experienced in the 1980s, and also because of the implementation of structural adjustment programs mandated by Supreme Decree 21060 of 1985. These measures contracted the money supply, increased open unemployment and led to the “relocation” (a euphemism for dismissal) of the majority of workers. A large segment of the population had to leave the country, leading to an increase in migration flows to Argentina. These migrants were not indigenous or from rural areas seeking temporary work. They were urban dwellers from mining areas and large cities, had a high level of education and left for urban areas or their surroundings in Argentina. The number of settlements in Buenos Aires’s metropolitan area was equal to or greater than that in Salta and Jujuy. Migration was clearly oriented toward the most important urban center as the migrants sought work and better living conditions. However, a sizable number of Bolivians also settled in rural areas of Buenos Aires, where they purchased or leased land to work on.

The 1990s were a much more stable decade. Migration reached its peak at this time, when Argentina dollarized its economy and declared a general amnesty for migrants in the country. The amnesty allowed 110,000 undocumented Bolivians to legalize their migrant status, the majority of whom resided in Buenos Aires. Old

urban-to-urban migration trajectories became more established and branched out. Strong social and family networks mitigated the effects of the crisis experienced in Argentina in 2001.

For many countries in Latin America, the beginning of the 21st century was marked by the financial crisis. It played an important role in migration, pressuring migrants' departure, as in Bolivia's case, and altering established material and symbolic exchanges in Argentina's case. In any case, as time passed after the crisis, Argentina was able to stabilize population flows between the two countries. However, there has clearly been a decrease in the level of savings and remittances, as was characteristic of the dollarization period. Labor market flexibilization generated an army of unemployed people who, in their desperation to obtain a job, accepted extremely exploitative conditions. This led to a cheaper labor force directly benefitting employers.

As we mentioned earlier, most Bolivian migrants are currently concentrated in the metropolitan areas of Buenos Aires in the Federal Capital. The total number of Bolivians in all of Argentina comes to 345,272, according to the 2010 census. This figure is much lower than estimates of the Bolivian community from other sources, which approximate nearly a million people living without documented status.

Migrants concentrated in urban labor markets find employment in sectors that do not require skilled labor. These include construction (a field that employs day laborers, contractors, helpers, etc.), manufacturing (weaving workshops, where major labor exploitation prevails), informal businesses (a field developed in the last decade that requires significant adaptation), production and agriculture, domestic work and other sectors on a smaller scale. There is also an important group of young Bolivians who are pursuing their studies in Argentina, as well as professionals who provide services in the country.

Bolivian migrants display impressive levels of organization in their diverse activities, such as their entry and presence in social media.

A number of studies on Bolivian migration in Argentina mention that a significant part of horticultural production in the north is in the hands of Bolivian families (Benencia, Karasic, Sassone, Hinojosa and others). The families are not limited to day laborers. Some lease land while others have been able to purchase lands and construct the necessary infrastructure to make connections and sell their products.

These studies seek to understand the complexities of migration through aspects of trans-nationality. They highlight aspects of employment and spatial structuring, connections between rural life and international migration or the importance of remittances to local economies, the latter of which improves the quality of life and reduces poverty. Another set of studies emphasizes levels of "irregularity" (the lack of documentation guaranteeing regular stay in the country), discrimination (labor as well as racial) and exclusion (social and cultural) among important sectors of the Bolivian migrant community in Argentina (Grimson, 2000; Caggiano, 2005; Caggiano, 2010; Pizarro, 2011; Magliano, 2007).

Data from recent studies on migration in Argentina supports the assessment of trans-nationalism that we outline in this chapter. Data from Project PARMI shows that 22.6 percent of families polled in 2002 indicated that either they or members of their families had resided abroad (usually in Argentina).¹⁴ The families were from rural areas in the valleys of Cochabamba and Potosí, regions historically tied to emigration to Argentina. When asked about their travel abroad, 35 percent indicated they went to more than one place. Generally, poll respondents who were very young, between 11 and 20 years of age, had emigrated more frequently (22.8 percent), which reveals the extent to which youth have become incorporated into the labor force. Men still maintain a slight edge over women (51 to 49 percent) in the distribution of the migrant population by sex, which is not common in other migration destinations.

Tarija is another Bolivian region with ancestral ties to Argentina. Similar to Cochabamba, the central valleys of this province are home to lots of activity between the neighboring country and other overseas destinations. According to the Regional Office on Migration, 12,529 people left Tarija or passed through it on their way to other countries between 2000 and 2005. Fifty-six percent of these people came from rural areas of Tarija, Chuquisaca and Potosí, proving the region serves as an area of transit to other countries. At 48 percent, women make up a sizable portion of the group. The majority are married and they were all engaged in domestic work before they traveled. Women also attain lower levels of education than men, a reality that shapes the work situation in the destination country.

Data from “Project Southern Border” demonstrates the existence of internal migration within Tarija province (IFEA-IRD, 2003). It also shows that 38 percent of the rural population migrates to other countries, especially to Argentina.

On the other hand, although studied little in Bolivia, the emigration of Bolivians to Argentina was always connected to employment in the rural farming sector. According to various studies carried out in Argentina, Bolivian migration to the country created a new agricultural labor structure (Benencia, 2002). Benencia asserts that new forms of access to work and land were established after the 1980s and more recently in the 1990s, again showing the relationship between migration and land.¹⁵ Some authors claim that small farms would have been one of the main causes for rural migrants to leave (Dandler & Medeiros, 1985). Once in the destination country, access to land was vital to generate resources from agricultural production. Access to land was at its peak until Argentina’s economic crisis suddenly hit in the beginning of the 21st century and some migrants had to return to their home countries due to the devaluation of the Argentine peso. According to Benencia, one of the strategies employed by Bolivian migrants during the crisis was investment in technology,

¹⁴ Research program by GRAL (Latin America Research Group). Project “Mobility routes and international migrant territorialization processes in the time of Latin American grouping (Bolivia-Mexico comparison).”

¹⁵ The categories identified by Benencia (1996) include landowning farm overseers, share-croppers, *tanteros* and laborers or *dieros*.

especially in greenhouses. Later, they would be able to make another attempt at selling their products. The author calls this the “Bolivian staircase,” referring to the economic ascent linked to migration strategies.

As Argentina overcame the crisis and showed signs of an economic recovery, it continued to be a place that attracted Bolivian migrants. However, many of them decided to find new destinations as the Argentine currency declined, leaving for Spain, Chile, Brazil or other countries.

2.2. Emigration to the United States

The “American dream” had an impact on Bolivian society, principally in the central valleys of Cochabamba, a region that traditionally exported its labor force, and in the urban areas of Santa Cruz de la Sierra. Migration began in the 1970s and grew in the 1980s. For migrants, the United States represented the “ideal destination” to work, save a lot of earnings and climb up the social ladder. A recent study on migration to the United States analyzes its importance to reducing poverty and improving the quality of life by generating income through fruit farming in valleys (Leonardo de la Torre, 2005). Unofficial reports estimate that between 200,000 and 250,000 Bolivians reside in the United States, though some researchers report higher figures than the official estimates. However, they agree that Bolivian migration to the United States is one of the most invisible migration patterns. The overwhelming majority of Bolivian migrants are undocumented, come from humble social backgrounds and are not professionals. However, they are respected and considered honest workers, and they find employment in basic service jobs in hotels, restaurants and construction. With very few exceptions, none attain their sought-after American dream.

Although the United States represented the ideal destination, border security measures heightened after the 9/11 attacks, making it increasingly difficult to reach the “dream” of entering U.S. territory. Countless testimonies given by migrants deported from the United States reveal the extreme risks, suffering and mistreatment they experience in order to make their dreams a reality and improve their families’ lives. Their traumatic accounts demonstrate the extensive human rights violations migrants experience while entering U.S. territory, which often lead to human trafficking, labor exploitation, discrimination and other forms of victimization.

2.3. Emigration to Brazil

Bolivian emigration to Brazil has increased since the 1950s for two main reasons. First, an accord between Brazil and Bolivia provided Bolivian students the opportunity to receive academic or technical instruction in Brazil, which wasn’t available in Bolivia. Second, demand in the Brazilian labor market in very specific industries increased, especially in the health industry. Although these migration flows were not very large, they served as precursors to eventual dramatic flow increases starting in the 1990s.

Brazil, or more accurately the industrial city of San Pablo, has now become another traditional destination for Bolivian emigrants. By reviewing newspaper articles, we can affirm that Bolivian migration to Brazil shares certain characteristics with migration to Argentina. Similarities are not limited to border migration and include the type of industry where migrants work, such as textile factories, where exploitation is extensive.

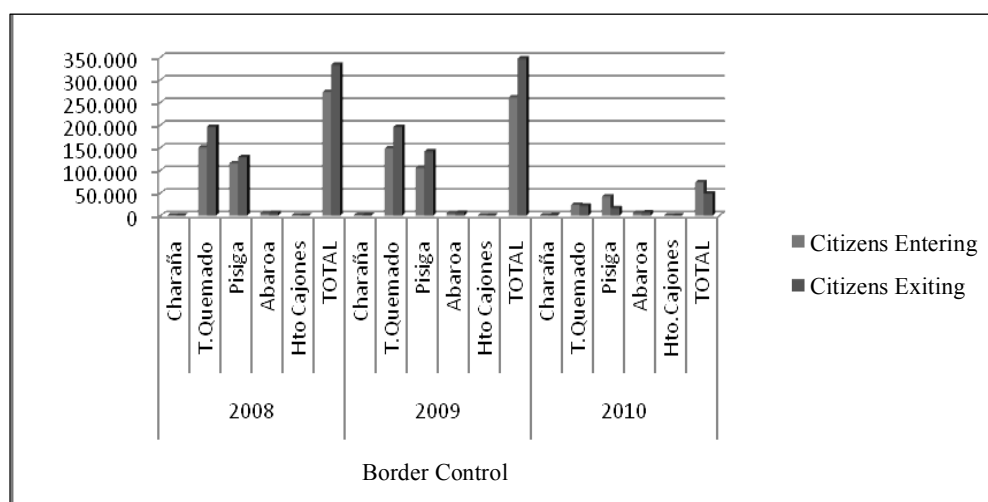
Data from 2005 show that 85 percent of emigrants from La Paz go to Brazil, of which 56 percent are men and 43.8 percent are women (Hinojosa, 2006). This trend has intensified in this decade, mostly due to growing labor demand in the manufacturing industry, which is one of the business sectors experiencing strongest growth in São Paulo.

2.4. Emigration to Chile

Although Bolivian emigration to Chile has very old historical antecedents, it has gained greater relevance over the last few decades, mostly involving the population on the countries' border. Beyond Bolivia's business ties to the ports of Arica and Iquique, a labor network has been established silently in the past few years in different locales in northern Chile, especially in the construction, agriculture and service industries.

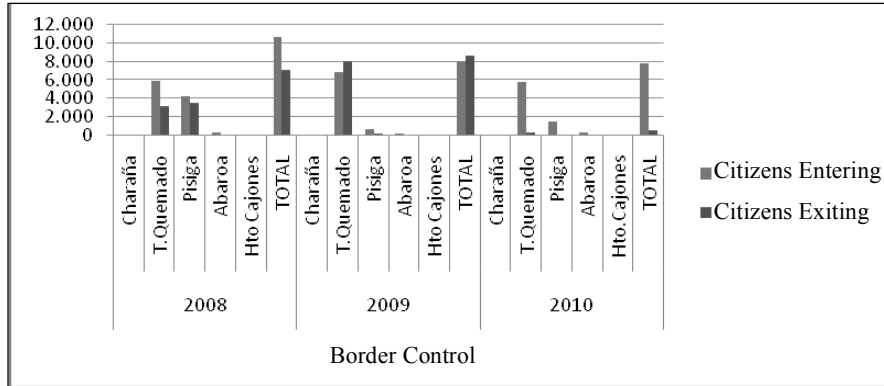
We can examine migration flows between Bolivia and Chile in the following Graphs. They reveal business ties as well as labor networks in northern Chile, expressed as the net number of migrants or the presence of migrant minors.

Graph 4. Entry and Exit of Nationals between Bolivia and Chile



Source: DIGEMIG, 2012

Graph 5. Exit and Return of Minors between Bolivia and Chile



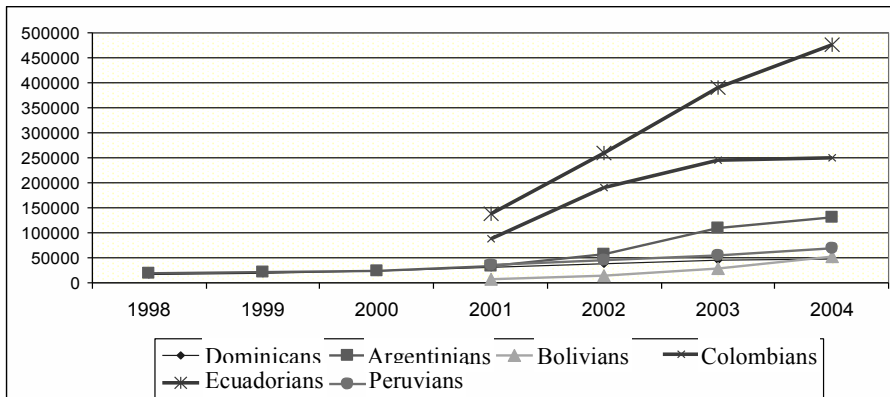
Source: DIGEMIG, 2012

2.5. New Dynamics and Destinations: Spain

The defining feature of Bolivian migration to Spain is its recent appearance. An array of data and studies show that the phenomenon only started happening with significant incidence at the end of the 20th century.

Immigrants represent 9 percent of the Spanish population, according to the last Spanish census. The presence of immigrants led to demographic and economic growth, mostly through an increase in private consumption, which is the primary engine of Spain’s Gross Domestic Product (GDP). Current Latin American migration to Spain is occurring in sizable numbers, although it is a process that has been happening only over a short period of time. The intensity with which it has occurred over the last decade is what raises its prominence, especially migration from Central America and Ecuador. The presence of Bolivians in Spain is undeniable, although it isn’t visible on destination sites.

Graph 6. Evolution of the Main Groups of Latin American Migrants Registered in Spain between 1998 and 2004



Source: INE

Bolivian migration to Spain was limited in the 1970s and 1980s. Migrants were mostly university students, the majority of whom returned to Bolivia once they completed their academic programs. In the 1990s, the migration flow of Bolivian citizens remained stable. There were 888 regular residents in 1995 who had complied with and followed all procedural steps to obtain Spanish documentation. The number increased to 1,283 in 1999. Starting in 2000, the trend changed and the flow of migration began growing rapidly. Regular residents grew five times in number in March 2005. The data from the Municipal Registers of Inhabitants published by the National Statistics Institute in January 2008 reveals that the number of Bolivians registered in Spain rose to 239,942. For undocumented immigrants, registration in a Spanish municipality means gaining the ability to exercise a number of rights, such as health care and education. In any case, registration does not automatically grant regular migration status. For example, unofficial data managed by ACOBE, a nongovernmental organization, concludes that 350,000 Bolivians currently live in Spain.

Table 4. Evolution of the Bolivian Population Registered in Spain between 2001 and 2008

Year	Individuals
2001	6,619
2002	13,517
2003	28,432
2004	52,345
2005	97,947
2006	132,444
2007	198,770
2008	239,942

Source: Preparation base on INE, Patterns (at January 1st, of each year)

Data provided by the municipalities of Madrid and Barcelona, focal points of Bolivian immigration in Spain, confirm that the flow of migration continued to grow at a high level in 2006. That same year, a single visa went into effect that was valid throughout European territory. According to ACOBE (2006), “Bolivian migrants in the municipality of Madrid constituted 4.6 percent of the total foreign population, beating out other communities with a longstanding presence in the country, such as Argentineans or Dominicans.” Bolivian migrants concentrated in southern districts of the same municipality, especially in Usera, Ciudad Lineal, La Latina, Carabanchel and Puente de Vallecas.

In Barcelona, registered Bolivian nationals rose from 583 in January 2001 to 8,314 in January 2005, becoming the largest-growing group in the period with a 72.8 percent rate of growth. According to statistics from the city government of

Barcelona, the total number of registered Bolivian migrants rose to 16,352 in 2007, of which women constituted more than 60 percent. We will revisit this important figure in the final segment of this chapter. On the other hand, more than 51 percent of the Bolivian population in Barcelona was between 25 and 39 years of age, which indicates that migrants arrived seeking work. Neighborhoods home to a high concentration of Bolivian migrants in 2012 were Nou Barris, Sants Montjuïc and Horta-Guinardó.

Two elements must be kept in mind while reviewing the statistics of registered migrants. First, there may be duplication because some people registered in more than one Spanish municipality. This would happen due to labor flows, whereby people leave one municipality for another without giving notice of a change in residence. Second, the “Bolivian community” is a recently arrived group that experiences constant changes in housing. A significant number of people are not registered in any Spanish municipality for a number of reasons. Some lack permanent housing. Others encounter overcrowding in their place of residence, which makes registration nearly impossible. Still others find problems with the system of subletting, which makes it difficult to know who the true registrants actually are. In this case, there are also live-in female domestic workers, whose employers prohibit them from registering even though they live in the employers’ houses. The employers thereby avoid having official links with undocumented migrants and are able to pay and treat workers worse than what is allowed by law.

There are similarities between Bolivian and other Latin American migrant populations in Spain in terms of their general circumstances. This is particularly true for Ecuadorians and Peruvians, who initially went to live around the larger cities of Madrid and Barcelona. The activation of social and family networks had such profound effects that the trend continues to the present. Through them, Bolivians were able to live next to their fellow countrymen. With the passage of time and depending on the rate of migration to Spain, Bolivians “have begun their geographic dispersion to other autonomous communities, particularly to the east and the southern peninsula, the presence of Bolivians being important to Valencia and Murcia, as well as the provinces of Granada and Albacete” (ACOB, 2006, p. 26).

The majority of Bolivian migrants come from the provinces of Cochabamba and Santa Cruz de la Sierra. However, the places of origin have diversified as the flow of migration increased, and now include other urban and rural valley areas, the east and the high plains region.

The gaping differences between statistics related to residence permits and data from the Municipal Register of Inhabitants reveal a high number of migrant Bolivians residing in Spain without documentation. Requests made by Bolivians in the latest process to regularize foreign workers brought attention to the situation. Bolivian citizens were the fifth-largest group to submit requests: 47,202 in all of Spain. This reality implies a high level of vulnerability for Bolivian migrants who enter the labor market.

Between late 2006 and April 2007, when visa requirements went into effect, a human stampede of migration to Spain caused the collapse of the National Migration Service in Bolivia (SENAMIG). This laid bare the enormous vacancies, the poor services and the level of institutionalized corruption within SENAMIG. Beyond these elements, it is evident that overseas Bolivians are constructing a transnational community in Spain, their second largest after Argentina. They are doing so in a short period of time, starting at the beginning of the century. Additionally, for the first time in the long history of national migration, the majority of these migrants are women.

Data from the Cochabamba province indicate that there are three periods or instances of a Bolivian exodus between 2000 and April 2007. The first can be called the “redirecting” of migration flows and took place between 2000 and 2001. The second can be called “the wave” of this emigration process, wherein the number of departures took on characteristics of an exodus. It transpired between 2002 and 2005. The third can be called the “call effect.” It occurred between 2006 and April 2007, when Bolivian emigrants invited their friends and family members to join them abroad. An estimated 75,000 people left Cochabamba province for Spain between 2000 and April 2007 (Hinojosa, 2008).

3. Internal Migration

In general terms, relocation urbanization and population relocation processes stand out among aspects of population distribution within Bolivian territory in the 20th century.

In the first half of the 20th century, the population was heavily concentrated in the Andean region of the country. In 1950, more than one of every two Bolivians lived in these regions, in contrast with a declining proportion in the valleys. The plains region, for its part, maintained a stable population proportion, but at a much lower level. In this period, the entire region never surpassed 15 percent of the total population.

In the second half of the 20th century, the most important documented transformations indicate the following:

The Andean region's advance is reversing, ending with a lower proportion of the population than when the century started. On the other hand, the proportion of the population in the valleys had mixed behavior, diminishing between 1950 and 1976 before increasing in the following decades. Finally, there was a significant increase in the proportion of the population living in the plains region, which essentially doubled in number, putting it almost on the same level as the valleys (Urquiola, 1999, p. 196).

Throughout the 20th century, a significant and systematic urbanization process was underway in Bolivia. The urban population constantly increased, surpassing the rural population in the 1980s (in 1900, one of every ten Bolivians lived in urban zones, but now more than six of every ten live in cities). The turning point in the composition of the population, divided into rural and urban, came between 1984 and

1985. According to Sandoval (1999), the expansion of urban space in almost all the country's cities came quickly, chaotically and with conflict. This expansion took place mostly as a byproduct of internal migration and not as a result of natural population growth. The urbanization phenomenon grew in importance over the past few decades. According to the National Statistics Institute, the urban population reached 62.43 percent and rural 37.57 percent in 2001. The urbanization process did not come about due to business activities in the cities but developed more from the dynamism of the urban informal economy, which caused a rapid expansion of urban space. This in turn generated higher prices for land, which is now worth exponentially more.

This growth in urban population has turned three cities into unified centers of power and wealth: La Paz, Cochabamba and Santa Cruz. These cities constitute the so-called central axis of the country. In the face of urban population growth within these capital cities, each incorporated diverse towns and villages that before were outside their borders. An important milestone in the country's urbanization process came in 1985 with the "relocation" of thousands of mining families that were forced to migrate to different towns and villages.

Characteristics of Internal Migration in Bolivia

An analysis of census data, especially data from the National Population and Housing Census released by the National Statistics Institute, allows us to identify specific characteristics of current internal migration patterns in the country.

According to available census data, we know that in 1976, 20 percent of the population lived in a province different from the one in which it was born. This figure rose to 28 percent by 1992 and to 34.7 percent by 2000 (Continuous Household Survey, MECOVI Project, 2000). Out of the population that normally inhabits urban areas, 37.6 percent was born elsewhere. In rural areas, this figure lowers to 29.6 percent. These statistics do nothing more than affirm that the country's internal migration processes become increasingly intense in correlation with migration abroad, including so-called historical or traditional migration (toward Argentina or the United States) as well as migration that has appeared in the last few years toward Europe (especially Spain or Italy). Numerous studies point to the close ties that unite internal migrants' experiences with the decision to migrate abroad as aspects of a single process of spatial mobility and movement.¹⁶

The census data that recognizes the most fluidity of human movements also shows that women constitute the demographic with most internal mobility. Out of every 100 women, 35 are "migrants for life."¹⁷ "Because of this, migration patterns

¹⁶ Cf. Grupo de Trabajo CLACSO (2004), "Migration and Culture" Institute for Peruvian Studies.

¹⁷ The INE uses the category "migrants for life" to refer to "a person who, at the time of the census, has a place of residence different from his/her birthplace. In this sense, internal migration is produced within national borders and international migration between countries."

distributed by sex show that women have higher mobility than men, primarily in urban areas over rural. However, the biggest difference is evident in rural areas” (CODEPO, 2002, p. 8). However, the difference for men in relative terms is not significant.

When migration population is broken down by age, we see that the young population is that which migrates with the most frequency. There is a higher proportion of male migrants in the early ages, up to 14 years old, as well as in the group of 40- to 60-year-old migrants, while women have a higher proportion in the group aged 15 to 39 years. According to these figures, around 78 percent of the migrant population is younger than 35.

In general terms, the provinces of the central axis are those that attract more than 70 percent of the population that changed its residence. Santa Cruz, Tarija and Cochabamba are provinces that have received migrants for several decades, as is Pando, which in past years has had very interesting population dynamics (Rojas, 2004). On the other hand, provinces that lose their inhabitants, or have net negative migration, are Potosí, Oruro, Chuquisaca and, to a lesser extent, Beni. Out of 314 Bolivian municipalities, 217 are migrant exporters (69 percent) and 97 are migrant receivers (31 percent).

According to migration intensity, 31 municipalities (which represent less than 10 percent of the total) receive a significant amount of the population, the migration rate of which stands between 16.2 and 198.5 per 1,000 inhabitants; 51 municipalities (16 percent of the total) lose their population in significant numbers, between 14.8 and 39.5 per 1,000 (INE, CODEP, Notas de Prensa, No. 104).

According to this same source, the provinces whose municipalities are strong exporters are Potosí (94.7 percent of its municipalities are exporters), Chuquisaca (93 percent), La Paz (87 percent) and Oruro (73.5 percent). The departments that are the largest receivers are Pando (93 percent of its municipalities are receivers), Santa Cruz (64 percent), Tarija (55 percent) and Cochabamba (30 percent). Some indicators explain the decrease in recent migration through the impacts of the Law of Popular Participation, an argument that remains in dispute.¹⁸¹⁹

Among the main factors that impact internal migration are the search for work, the desire to find better jobs and income, education and social recognition. These factors are linked to economic situations, access to natural resources, means of communication, agricultural potential and the development of potential internal markets.

Put together, all the data show that a large portion of the Bolivian population is relocating in a north-south pattern (high plains and the valleys) and an even larger portion in an east-west pattern (plains and the Chaco region).

¹⁸ “A person who, at the time of the census (or other source of information), has a place of residence different from that of five years before the census.”

¹⁹ Cf. Mallkus and Alcaldes (2000), The Law of Popular Participation in rural communities of the La Paz highlands. PIEB/CEBEM, La Paz.

Diverging Analytical Perspectives on Internal Migration

Research on internal migration started in Latin America in the 1950s, in the Latin American and Caribbean Demographic Centre (CELADE). In its first stage, it focused on describing and quantifying demographic variables. At the same time in Argentina, sociologists such as Gino Germani (1965) studied rural-to-urban internal migration during the import substitution industrialization period that Mexico, Argentina and other societies experienced. It was a utilitarian and “developmentalist” idea that stressed economic modernization and believed that Latin American societies should undergo a transition from traditional societies to modern ones. In this context, migration patterns were explained in terms of micro-social factors (psychosocial and cultural) that were held in high esteem by modernization theorists. The unit of analysis was the individual, and the preferred methodology was using polls.

Near the start of the 1970s, some authors indicated that these studies neither related structural elements with individual elements nor took into account the specifics of population changes in the context of a peripheral capitalism (Muñoz & de Oliveira, 1972). The general logic behind modernization theory, as an analytical approach to the social realities of the countries in the region, paved the way for what has been called historical-structural theory, which emphasizes the need to understand internal migration as a social demographic process that may be explained by “macro-structural” factors linked to the financial system. For this school of thought, migration flows should be analyzed in the historical context in which they occur and in economic, political and social terms, not just in places of origin and destination. Finally, this school analyzes how class and domination structures conditioned migration flows and how their political effects modified the configuration of social classes and altered political action.

In later decades, other aspects were incorporated into migration studies. Among them were the growth of the service sector in urban centers, the arrival of rural customs and traditions and conflicts with urban lifestyles. However, it is the migration flow toward the country’s main urban centers that has really attracted the attention of researchers. Calderón (1979) studied rural women’s roles in agriculture and the type of work they performed in urban centers. Casanovas Sainz et al. (1981) centered their analysis on the structural factors encouraging migration. The classic study by Albó and Sandoval (1982–85) on rural Aymara migration to La Paz also serves as a reference on rural-to-urban migration in Bolivia.

More recent studies delved deeper into the main forms of insertion and adaptation of migrants in their places of arrival (Llanos, 2001). This included migrants’ main life strategies, forms of organization, and cultural loyalties and relations as well as the transient nature of migration flows and the return to the place of origin. From a more cultural and ideological perspective, studies such as those undergone in Tarija with the support of the Strategic Research Program in Bolivia are also important milestones for analyzing internal migration.²⁰ Other studies

²⁰ For example, see *Tarija en los imaginarios urbanos*; *Interculturalidad entre Chapacos, Quechuas, Aymaras y Camba*; and *La lucha por la tierra en el Gran Chaco tarijeño*.

explore spatial and economic dynamics of salaried workers in Bolivia. They bring to light the occupational circuits in which these constant population shifts occur, social and working conditions, and the general characteristics of the main agro-industrial centers that receive Bolivia's migrant labor force (Hinojosa, 2004).

Although they have different analytical perspectives, these studies all highlight the current diversification of migration patterns that are also apparent in the intensification of movement and exchanges between different places traveled. The movement of migrants is accompanied by other phenomena: the transfer of properties, money, ideas or practices are forms of exchange and social and economic interaction between groups that find themselves on either end of the process. All these dynamics, as well as the contexts in which they occur, contribute to a progressive structuring of migrant spaces, where individual practices, far from being marginal, are incorporated to create true forces of societal and territorial transformation.

4. The Refugee Population in Bolivia

Direct attention has only recently been given to the refugee population in Bolivia. On February 9, 1982, the Bolivian government adhered to the 1951 Convention relating to the Status of Refugees, the primary instrument for international protection of refugees, and to the 1967 Protocol relating to the Status of Refugees, which established the rights and rules for treatment to be applied for the international protection of refugees. Compliance with these charters was enshrined in the Law of the Republic of April 10, 2000, passed on April 14, 2000.

In 1983, Bolivia had already promulgated Supreme Decrees 19639 and 19640, passed on July 4, 1983, which established the National Refugee Commission (CONARE). These decrees constituted a normative framework for the protection and classification of refugee status in Bolivia. Supreme Decree 19639 established the configuration of CONARE, which consisted of the Ministries of Foreign Affairs, Interior, Justice and Labor, the Catholic Church, the Permanent Assembly on Human Rights, the Major University of San Andrés and the United Nations High Commissioner for Refugees (UNHCR). The purpose of the Commission was to provide counsel on the condition of refugees and people requesting asylum or refugee status in Bolivia.

The passage of Supreme Decree 24423 regarding the creation of the National Migration Service (SEMAMIG), in November 1996, established a special body to oversee proceedings on migrant documentation and regularization, migrants' length of stay and the expulsion of refugees or those granted asylum.

The three aforementioned decrees were in effect until the passage of Supreme Decree 28329 on September 1, 2005, which "establish[ed] the Bolivian National Refugee Commission as a permanent mechanism to classify and consider cases and requests of refuge. It shall set the regulations and procedures to be followed by the National Commission," abrogating Supreme Decrees 19639, 19640 and 24423 in terms of their regulations on refugees.

At the beginning of 2011, relevant state institutions, the Pastoral Care of Human Mobility of the Episcopal Conference of Bolivia and civil society organizations began to draft a bill on the protection of refugees in Bolivia. This process, as outlined in Article 29 of the political constitution, attempted to establish an updated legal framework to address the new needs and responsibilities that the government assumed related to refugee protection.

The draft bill originated in the executive branch and was sent to the Plurinational Legislative Assembly on April 11, 2012, for consideration. The draft bill was then sent to the Senate Chamber for review on May 22, 2012, and to the Commission for International Policy on May 23, 2012. The draft Law on the Protection of Refugees consisted of 52 articles organized under six titles.

Bolivia currently admits more than 800 people as refugees, including adults and children who come from different countries, among which Peru, Colombia, Cuba and Iraq stand out. The majority of the refugee population and asylum seekers reside in the cities of La Paz, Cochabamba and Santa Cruz. The majority of refugees are people who fled their country of origin leaving everything behind and, in many cases, suffering severe posttraumatic effects after having their human rights violated. In addition to their situation of vulnerability and uncertainty in their host country, in many cases, refugees encounter discrimination, stigmatization and xenophobia. However, refugee populations are making the necessary efforts to integrate themselves into their new societies, performing different types of work; supporting Bolivia's development through their labor; and sharing their culture, cuisine and ways of living together.

The majority of asylum seekers are of Colombian nationality. The number of Colombian citizens seeking asylum continues to increase sharply. However, many of these asylum seekers use Bolivia as a transit country while their final destinations are more likely to be Chile or Brazil.

The following Tables display the main factors that allow us to understand the profile of the refugee population and asylum seekers in Bolivia.

Table 5. Age Range of Asylum Seekers—2012

Age	Frequency		Percentage		Total	Percentage (%)
	Men	Women	Men	Women		
0 – 4	1	1	10.00%	14.28%	2	1.76%
5 – 17	1	3	10.00%	42.86%	4	2.53%
18 – 59	8	3	80.00%	42.86%	11	64.71%
60 - >			0.00%	0.00%		0.00%
Total	10	7	100.00%	100.00%	17	100.00%

Source: Pastoral of Human Mobility of Bolivia – Episcopal Conference of Bolivia Implementing Agency of ACNUR in Bolivia – May 2012

Table 5, which refers to asylum seekers through mid-May 2012, shows that they are all of Colombian nationality. Within this group, five women are in the process of reuniting with their families and, for statistical purposes, are considered new cases.

Table 6 shows that 47 percent of asylum seekers have an undergraduate level of education, although they do not have proper documentation to prove their level of education and continue their studies in Bolivia. Seventeen percent of asylum seekers have vocational training, and another 17 percent completed primary education. It is important to clarify that this last figure includes children who are currently studying.

Table 6. Level of Education of Asylum Seekers

Grade	Frequency		Percentage		Total	Percentage
	Men	Women	Men	Women		
Primary	2	1	20.00%	14.29%	3	17.65%
Secondary	0	2		28.57%	2	11.76%
Bachelor's	5	3	50.00%	42.85%	8	47.06%
University	0	0			0	
Graduate Degree	0	0			0	
Technical Degree	3	0	30.00%		3	17.65%
No Schooling		1		14.29%	1	5.88%
Total	10	7	100.00%	100.00%	17	100.00%

Source: Pastoral of Human Mobility of Bolivia – Episcopal Conference of Bolivia Implementing Agency of ACNUR in Bolivia – May 2012

Table 7. Forms of Labor and Income

Nº	Type of Work	Amount	%	Average Income
1	Independent Professional	0		
2	Dependent Professional	0		
3	Commerce	8	47%	1,700 Bobs
4	Employee	2	12%	1,200 Bobs
5	Other			
6	Unemployed	7	41%	None
Total		17	100%	

Source: Pastoral of Human Mobility of Bolivia – Episcopal Conference of Bolivia Implementing Agency of ACNUR in Bolivia – May 2012

Table 7 shows that 47 percent of asylum seekers work in buying and selling home supplies, cell phones and CDs or perform other independent jobs, such as selling Colombian food. They all work in the informal sector and earn an average income of 1,700 to 2,000 *Bolivianos* per month. Forty-one percent of asylum seekers

do not work because they are either children or housekeepers. Twelve percent are employed by small businesses and earn an average income of 1,200 *Bolivianos* per month.

Table 8. Refugee Population Distributed by Age and Sex

Age	Gender		% according to Gender		Total	Total (%)
	Men	Women	Men	Women		
0-4	4	3	0.95%	1.00%	7	7%
5-17	65	59	15.44%	19.74%	124	5%
18-59	342	229	81.24%	76.58%	571	11%
60 & >	10	8	2.37%	2.68%	18	16%
Total	421	299	100.00%	100.00%	720	100%

Source: Pastoral of Human Mobility of Bolivia – Episcopal Conference of Bolivia Implementing Agency of ACNUR in Bolivia – May 2012

As Table 8 clarifies, out of the 720 people who make up the refugee population in Bolivia, 58 percent are men and 42 percent are women.

Table 9. Level of Education of the Refugee Population

Level	Gender		% according to Gender		Total	Total (%)
	Men	Women	Men	Women		
Primary	9	3	10%	6%	12	9%
Secondary	12	8	14%	17%	20	15%
Bachelor	13	11	15%	23%	24	18%
University	4	4	4%	9%	8	6%
Graduate School	31	13	36%	28%	44	33%
Technical Degree	18	8	21%	17%	26	19%
Total	87	47	100%	100%	134	100%

Source: Pastoral of Human Mobility of Bolivia – Episcopal Conference of Bolivia Implementing Agency of ACNUR in Bolivia – May 2012

The data in Table 9 refer to a sample taken of 134 refugee heads of household. We find that the highest percentage, 33 percent, has a college education. It is important to clarify that this percentage overwhelmingly refers to the older refugee population, those with more than 10 years of residence in the country who are Peruvian nationals and have a high level of integration. Respectively, 9, 15 and 18 percent of the newer Colombian refugee population completed primary, secondary

and *bachillerato* levels of education, and all are engaged in a process of local integration.²¹

Table 10. Types of Labor of the Refugee Population Distributed by Sex

Type of Work	Gender		% according to Gender		Total	Total (%)
	Men	Women	Men	Women		
Independent Professional	20	5	24%	11%	25	19%
Dependent Professional	18	6	21%	13%	24	18%
Commerce	32	13	37%	28%	45	34%
Artisan	3	3	3%	6%	6	4%
Agriculture	4	3	4%	6%	7	5%
Employee	10	9	11%	19%	19	14%
House Keepers		8		17%	8	6%
Total	87	47	100%	16%	134	100%

Source: Pastoral of Human Mobility of Bolivia – Episcopal Conference of Bolivia Implementing Agency of ACNUR in Bolivia – May 2012

The sample on the work performed by the 134 refugee heads of household shown in Table 10 reveals that the plurality, 34 percent, works in the business sector. Refugees who recently arrived in Bolivia are included in this group, as is, to a lesser degree, the older refugee population. The merchandise that they generally sell includes home supplies, cell phones, CDs and Colombian and Peruvian food, among other items. Nineteen percent of refugee heads of household are independent professionals, most of which are from the older population, and work as lawyers, journalists, social workers and doctors, among other professions. The smallest group, 6 percent, consists of female housekeepers who help their spouses with their work, especially those working in business. As is evident in the data, no refugee stops working even though his or her earnings are often low.

In this context and in light of the fact that a large percentage of the refugee population engages in business, the Pastoral Care of Human Mobility of the Episcopal Conference of Bolivia, as an Implementing Agency of the UNHCR, has promoted a micro-credit program to strengthen commercial activity since 2003 with great results—especially in La Paz. A credit program is currently being implemented in Cochabamba, as is a credit introduction program in Santa Cruz. The largest percentage of loans awarded goes to businesses, mainly for the purchase and sale of

²¹ [Translator's note] In the Peruvian education system, a *bachillerato* is awarded to students who complete all requirements for their college majors but do not write a thesis in their field of expertise.

different products. Peruvian refugees often generate greater demand with their loans due to their roots in the country and their greater capacity to fulfill the requirements. On the other hand, Colombian refugees, because they are relatively new, encounter some difficulties when giving personal guarantees. Another factor is geographic location. Many Colombian refugees establish homes in Santa Cruz, where the credit system only began to be implemented in 2012.

Table 11. Homeownership among the Refugee Population

Type of Housing	Refugees	
Owned	7	7%
Rented	73	73%
Antichresis	9	9%
Hosted	11	11%
Total	100	100%

Source: *Pastoral of Human Mobility of Bolivia – Episcopal Conference of Bolivia Implementing Agency of ACNUR in Bolivia – May 2012*

To ascertain the type of housing procured by the refugee population in Bolivia, a sample was taken of 100 families. As we can see in Table 11, a majority of refugees, 73 percent, reside in rented homes, followed by 11 percent who live with host families. This last figure was gathered from refugees who started a family with Bolivian citizens. Nine percent are families who live in a condition of antichresis, whereby a contract is signed for a renewable one-year contract, and 7 percent of refugee families are able to obtain land and construct their own homes. This figure includes older refugees already in the country.²²

Table 12. Dependents of the Refugee Population Distributed by Sex

Nº	Dependents in Bolivia	Amount	%
1	1 to 2	48	41%
2	3 to 4	36	31%
3	5 to 6	8	7%
4	7 to 8	3	2%
	None	22	19%
Total		117	100%

Source: *Pastoral of Human Mobility of Bolivia – Episcopal Conference of Bolivia Implementing Agency of ACNUR in Bolivia – May 2012*

²² Antichresis refers to a contract similar to a mortgage; it is for a fixed period of time and an amount agreed to by the landlord and tenant.

To obtain the information in Table 12, a sample was taken of 117 refugee heads of household. A plurality, 41 percent, has one to two dependents. Thirty-one percent have three to four dependents, which shows that some nuclear families consist of parents and children. On the other hand, there is a small percentage that has large families with either five to six or seven to eight dependents. Finally, 19 percent have no dependents in Bolivia, although they may have some outside the host country.

In Bolivia, the refugee population and the same special agencies created to handle refugee requests and attend to refugees are in a process of consolidating better mechanisms and harmonizing them with international standards on the protection of refugees.

Refugees and seekers of refuge in Bolivia still suffer from xenophobia and stigmatization due to their nationality and to holding refugee status. This disadvantage in local integration is worsened by tedious, bureaucratic procedures still occurring in La Paz despite the fact that, since 2007, the majority of the refugee population lives in the cities of Santa Cruz and Cochabamba.

In conclusion, the refugee and asylum-seeking populations in Bolivia continue to be at risk and highly vulnerable, not just for the socioeconomic conditions of the host country but also because of the personal situations they are in; traumas they suffered in their country of origin; family disintegration and factors related to age, gender and cultural diversity.

PART II

PUBLIC POLICY ON MIGRATION IN BOLIVIA

Although the phenomenon of migration may be one of the structural dimensions of Bolivian society, only in the past decade has it gained greater visibility and relevance within the national political agenda. Over the past century, and as an inheritance of the republican colonial government, a restrictive viewpoint of border security and control prevailed. This viewpoint coincided with the so-called National Security Doctrine that dominated a large part of the Andean region at the time.

Since 2006, through the “process of change,” migration policy in Bolivia took a turn toward a guiding principle of protecting migrant rights. Changes in Bolivian migration are the result of several factors and elements that occurred simultaneously. As Domenech and Magliano (2009) state, the unprecedented economic and political opportunities in the country; the historical denial of and political indifference to the migration situation; the significant growth of Bolivian emigration in the past couple decades; the growing demand for and interjections of civil society organizations, including migrant organizations; and regional and international political trends were reshaping the modern approach to migration.

In this section, we will address these issues in four points: first, the historical evolution of migration policies; second, the legal and institutional framework on migration in the country; third, civil society participation in shaping and implementing migration policies; and fourth, specific policy and program proposals on migration on a national and international level.

1. Evolution of Public Policy on Migration

Throughout the past century, the main laws on migration policy in Bolivia were Supreme Decrees, a trend that has continued to the present day (we will later discuss the draft bill for the Law on Migration, which is under debate in the Plurinational Assembly), and they served as a foundation for decisions made by the executive branch.

Despite the many historical moments that the country went through that, to an extent, influenced migration, it is also evident that there were certain continuities in the government’s views and actions on the matter. As Domenech and Magliano (2009) point out, the state recognized immigration as a factor in the country’s economic and demographic development, used “racially selective policies,” promoted certain origins of migration flows and used controls and restrictions as recurring strategies in its policies. In this sense, legislation has maintained a restrictive view of migration, supporting its control as a fundamental guideline in migration policy. The control exerted over foreign citizens from border stations to the activities they carry out is an important aspect of these policies.

Another central element in recurring state action on migration relates to the “invisibilization” of national emigration relative to foreign immigration. There is a strong emphasis on legislating the presence of foreigners while maintaining silence on the emigration of Bolivian citizens.

Since its founding, Bolivia adopted a policy of selective openness for foreign immigration to its country. On December 27, 1926, the Bolivian state elevated to status of law the Supreme Decree of March 18, 1907, which granted exemptions to immigrants who settled on national territory for business purposes. Among the exemptions granted by law were the duty-free transport of equipment, occupation of expanses of land up to 50 hectares (123 acres) for a minimal price, good credit terms and good terms to purchase public property. This law made the first mention of managing and regulating labor migration flows, establishing that employers who wished to contract immigrants must first obtain authorization from the Office of Immigration. The Bolivian state maintained a policy that promoted selective, planned immigration focused especially on rural areas.

On July 30, 1938, the Bolivian state promulgated the Supreme Decree on the Regulation of Emigration, complementing the Supreme Decree of October 5, 1937. Both decrees established the requirement to obtain authorization from the general office of migration for those who decided to emigrate. Noncompliance with this mandate resulted in sanctions and fines for violators. As Domenech and Maguiano (2009) indicate, the provisions cited prohibited overseas consular representatives from registering or providing help to any Bolivians who did not comply with this requirement. The supreme decrees established repatriation insurance, which had to be covered by the employer upon the return of Bolivian workers. In this decade, the ruling authority was the Ministry of Immigration, an institution created to manage international migration in Bolivia.

On January 4, 1950, the Bolivian government promulgated the Law of Land Concession to Colonists, which authorized the ruling authority to grant free titles of up to 400 hectares (988 acres) of state property to each national or foreign colonist family that would use it for agricultural or industrial production in Chuquisaca or Tarija provinces. Those who settled in Santa Cruz province enjoyed tax exemptions and credit facilities.

On January 30, 1976, the dictatorial government of Hugo Banzer Suárez enacted Decree Law No. 13344 on immigration. The decree law recognized immigration as a demographic policy instrument and was destined to create or propel colonization projects by using human resources to overcome the population deficit and achieve an increase in the country’s agricultural production. The Decree Law created a National Immigration Council composed of six federal ministries. It also created agencies to promote migration, roles performed by Bolivian consular representatives abroad. The Decree Law recognized three fundamental types of immigration: spontaneous, selective and planned immigration. It gave a preferential deal to immigrating colonists who would occupy and work the land. The Decree Law contained some of the precepts and provisions established in the current migration law, Supreme Decree No. 24423 of the Legal Regime of Migration.

On November 29, 1996, Supreme Decree No. 24423 of the Legal Regime of Migration was passed and remains in effect today. This was the migration law upon which current migration policy is based. The Supreme Decree, which has 12 titles and 103 articles, incorporated a new migration system for the entry, exit and stay of foreigners in national territory as well as the institutional operating and executive structure in charge of migration administration. The Supreme Decree renewed the National Council on Migration that was established by Decree Law No. 13344 of 1976 and established parameters to give greater functionality to the Deputy Secretary of Migration, which became the general office of migration through Supreme Decree No. 25150 on September 4, 1998. Through this Supreme Decree, the Bolivian state recognized that migration represented an important opportunity for the country and favored population growth. It recognized that migration was a contributing factor to social and economic development through investment and labor, as was the necessity to avoid the emigration of nationals. The council never formed, and the joint formulation of immigration policies and emigration prevention policies was put aside.

As can be seen, the basic aim of Bolivian migration policy to the present day has been to use immigration as a population control tool in scarcely populated Bolivian territory. In spite of the migration opening and the favorable terms awarded to immigrant colonists, or as a basis of a planned or selective immigration, restrictive provisions were maintained on contracting foreigners under a relationship of dependence; one had to receive authorization from the ruling authority to obtain salaried work. Regarding emigration, Bolivia maintained a preventative policy that even became repressive for a time. The position adopted was to prevent the flight of the workforce, especially in rural areas, though it also had goals to control population.

The transformational process that the country is experiencing and the new Political Constitution of the Plurinational State of Bolivia draw new lines for Bolivian migration policy that, along with the commitments made through international mechanisms governing the issue, outline the framework for the participative construction of a Comprehensive Migration Law that is currently under consideration in the Plurinational Assembly of Bolivia. In any case, Bolivia is expected to have its first law on migration in 2013.

2. National Legal Framework and Its Relation to International Legal Frameworks

2.1. National Legal Framework: Constitutional Principles

The Political Constitution of the Plurinational State of Bolivia was ratified by national referendum and has been in effect since 2009. In Article 298, sections 9 and 11, it granted to the central level the exclusive right to legislate, regulate and administer issues and agencies related to nationality, citizenship, immigration, asylum and refuge as well as to regulate migration policy, though it made no explicit mention of emigration. Article 21, regarding civil rights, mentions the freedom to

make residence, stay and move throughout Bolivian territory, which includes exiting the country.

In Article 27, the new Constitution included, for the first time in Bolivian history, express recognition of the right of Bolivians residing abroad to participate in Bolivian presidential and vice presidential elections. It also recognized the right of foreigners to vote in municipal elections under a principle of reciprocity whenever they satisfied the requirement of having maintained residence in the country for a minimum five-year term.

In Article 54, section I, the Constitution mandated that the state is responsible for establishing employment policies to avoid unemployment and underemployment with the aim to create, maintain and generate conditions that guaranteed dignified job opportunities for workers and fair wages. On this point, although there is no explicit mention of migration, the lack of dignified work opportunities and their differences in terms of pay was the main reason that the majority of emigrants left the country.

On the subject of nationality and citizenship, Article 141 states the following:

Bolivian nationality is acquired by birth or by naturalization. Persons are Bolivian by birth if they were born in Bolivian territory, except for the children of foreign personnel on diplomatic mission, or if they were born abroad to a Bolivian mother or father.

Article 143 states that Bolivians who enter into marriage with foreign nationals will not lose their original nationality: “Neither will Bolivian nationality be lost by acquitting foreign citizenship.” These two articles touch on central aspects of Bolivian migration, which are the second generations of Bolivian children abroad and dual nationality.

Finally, in Article 218 of the Constitution, special mention is made of the Office of the Ombudsman in the promotion and defense of the rights of urban and intercultural communities and of overseas Bolivians.

However, according to some authors (de la Torre, 2011), the 2006 National Development Plan—and not so much the Political Constitution, approved three years later without being made clearly or forcefully visible to overseas Bolivian migrants—is where a priority was placed on “ensuring the protection and attention to overseas Bolivian citizens” through the issuance of documents to facilitate migrant documentation and to defend their rights and their participation in elections.

Supreme Decree 29894 of February 7, 2009, determined the structure and roles of the executive branch, distributing main state power. It charged the Ministry of Government with the mission to “formulate, coordinate and administer policies on migration and immigration” (Article 3; Article 34) through the General Office on Migration and the National Directorate for Identification, which, until recently, was a unit of the National Police. However, the Ministry of Foreign Affairs is in charge—or is at least an indispensable actor—of documenting overseas Bolivians (de la Torre, 2011).

2.2. Current Migration Law

The main migration law in the Plurinational State of Bolivia that regulates migration flows is Supreme Decree No. 24423 of the Legal Regime of Migration of November 29, 1996. The Decree has 104 articles, and among its main objectives, it established the migration regime, the organic structure of this institution and its roles in applying the law. Its regulation came about through administrative resolutions passed by the Ministry of Government. The competent authority to apply the law is the General Office of Migration, an agency subordinate to the Ministry of Government.

This law had its origins in Decree Law No. 13344 of January 30, 1976, which focused on the demographic dimension of migration. To this end, it considered specific facets of migration, such as spontaneous migration of a person, individual or family group, and it incorporated migration rules whose regulation was the duty of the state. Management of migration flows was maintained by Supreme Decree No. 24423 in accordance with the policy currently adopted by the majority of developed countries to manage the entry of migrants.

Along with these general laws, we can examine other legal provisions related to migration and its management by the state. To provide specifics, the main Bolivian migration laws are the following:

- Law 3108: Law on the Creation of the Consular Agency (August 2, 2005). The Consular Agency is a reference service for personal documentation provided by the Ministry of Foreign Affairs as part of the Consular Agency for overseas Bolivian citizens through foreign consular and diplomatic representatives.
- Supreme Decree No. 28995 (January 1, 2007): Documentation of Bolivians in Argentina. This provision established a series of cost reductions for documents to facilitate the migration regularization of Bolivians in Argentina under the Large Homeland Program.
- Supreme Decree No. 27698 (August 24, 2004): Regulation on dual nationality and recovery of Bolivian nationality. The law is directly related to immigration, emigration, naturalization, nationality and citizenship.
- Supreme Decree No. 29739 (October 15, 2008): Documentation Program for Bolivians in Spain and Italy. The decree allowed overseas Bolivian citizens to be provided with personal documents (passports, birth certificates, marriage licenses, death certificates and marriage registrations) after performing security measures.
- Law No. 3325 (January 18, 2006): Trade and trafficking of persons and related crimes. The decree sanctioned and set state penalties for those who participated in human or migrant trafficking, among other crimes.
- Supreme Decree No. 28329 (October 12, 2005): Creation of the National Refugee Commission. Regulations and Procedures. This provision is an important advancement in strengthening the legal framework for protecting refugees. It established an interagency association, the National Refugee Commission (CONARE), which was charged with determining the country's refugee laws.

CONARE was also given the responsibility to formulate and coordinate related public policies.

Bolivia recently passed a series of laws related to migration: the Law of Refuge (No. 251 of June 20, 2012) and the Control Law against the Trade and Trafficking of Persons (No. 263 of July 31, 2012). They had an interesting drafting process due to the level of participation by civil society organizations and, to an extent, social movements. Both laws project ideals based on the notion of protecting the human rights of people in these situations, and they allude to the Political Constitution of the Plurinational State of Bolivia, international conventions and international treaties to which Bolivia is a signor. This human protection perspective, based on the recognition of our dignity and rights, is what guides laws and, in great measure, is a point of view shared by a plethora of institutions and NGOs that work to confront the issue and that participated in different moments to construct these laws.

2.2.1. Comprehensive Law against the Trade and Trafficking of Persons

In Articles 15, 22, 23, 46 and 61, the 2009 Political Constitution of the Plurinational State of Bolivia established constitutional rules and directives in the fight against human trafficking.

These directives in the fight against human trafficking were the product of a coordinated effort by the federal government and civil society organizations. The Comprehensive Law against the Trade and Trafficking of Persons became part of the legislative agenda in 2011 as a proposal by the Human Rights Commission of the Chamber of Deputies. The draft bill was written with active participation by public and private institutions, which gave the bill a sense of inclusion.

The Comprehensive Law against the Trade and Trafficking of Persons, Law No. 263 of July 31, 2012, has three main focal points to fight against related crimes: prevention, protection and punishment. These points comprise a comprehensive response to the needs of many victims whose assistance was not considered previously in Law No. 3325.

Law No. 263's most relevant provisions establish prevention measures and the involvement of the Ministry of Education to carry out educational campaigns to combat human trafficking, a directive to achieve national reach and local implementation.

The protection component charges the country's governments with the task of establishing shelters, comprehensive aid and reintegration to trafficking victims as particular elements of attending to victims. At the same time, responsibilities also awarded to the government include education, communication, work and citizen security inasmuch as they relate to human trafficking.

With regard to criminal punishment, penalties have increased to human trade and trafficking, as two new criminal charges were created to confront human trafficking: commercial sexual violence and disclosure of victims', witnesses' or the

accusers' identities. The Code of Criminal Procedures was also modified in its sections on undercover agents, confiscation of property and, most controversially, wiretapping of telephone calls.

On the national level, the Plurinational Council against the Trade and Trafficking of Persons was established. On a local level, Provincial Councils against the Trade and Trafficking in Persons were created. These bodies are responsible for the interagency administration of fighting human trafficking.

With the new Comprehensive Law against the Trade and Trafficking of Persons, the federal government is making important strides in protecting victims of these crimes. This is one of the most important elements, given the forceful modification of the preceding approach of just prosecuting and penalizing the crimes without considering the protection of victims. Another challenge for the state and civil society will be structuring and operating the Provincial Councils against the Trade and Trafficking in Persons. Engaging and applying the directives on human trafficking will also require that all actors involved in these issues carry out concrete actions in accordance with the new laws.

2.2.2. The Refugee Protection Law

The Refugee Protection Law, Law No. 251 of June 20, 2012, also had active civil society participation in its formulation process. Since 2007, the National Refugee Commission has promoted "Participatory Diagnoses" in the cities of La Paz, Cochabamba and Santa Cruz that included the refugee population and refugee applicants in order to identify their needs, difficulties and opportunities to improve access to their rights and facilitate their local integration.

At the beginning of 2011, the Ministry of Foreign Affairs, which is in charge of the CONARE presidency, began a working group consisting of the Ministry of Foreign Affairs, Ministry of Government, Ministry of Justice, Office of the Ombudsman, U.N. High Commissioner for Refugees (UNHCR), Pastoral Care of Human Mobility of the Episcopal Conference of Bolivia and the Human Rights Chapter. They reviewed the directives included in the 1951 Convention relating to the Status of Refugees and the Political Constitution, the good and bad practices of Supreme Decree No. 28329 and the information collected on the refugee population; then they elaborated a proposal for new laws.

As the first law on the matter in Bolivia's history, we highlight the following main provisions of the Refugee Protection Law (No. 251). The law does the following:

- Regulates and guarantees the protection of refugees and refugee applicants in accordance with Article 29 of the Political Constitution.
- Demands unconditional adherence to constitutional laws related to rights, responsibilities and guarantees in Bolivia.

- Reinforces the fundamental refugee protection principles established in the 1951 Convention relating to the status of refugees (non-return, confidentiality, administrative assistance, etc.).
- Establishes clear lines of protection against discrimination in the host country.
- Reaffirms protection for refugee families through the “family unit” criteria that makes it possible to extend “refugee” status to a refugee’s family members.
- Grants issuance of identity documents free of charge to refugees.
- Considers sex, age and diversity as necessary elements to be factored into the decision-making process of awarding refugee status.
- Established a technical secretary to improve services for the refugee population and to speed up the process of granting refugee status to applications.
- Extends resident visa renovations to a five-year period for refugees.
- Regulates the conditions and guarantees of requests by children.
- Establishes a special title for long-term solutions (local integration), confiding in CONARE to coordinate actions with state agencies and civil society aimed at integrating refugees into the local population, including allowing them access to health, education, work and other rights.

In sum, the new law is innovative because it improves the standards of protection and access to rights, in comparison with Supreme Decree No. 28329, which regulated only procedures and rights established since 2005.

In its formulation, this law gained support from civil society, the refugee population and federal agencies of the Bolivian government dealing with international treaties because Bolivia was a signor of the 1951 Convention.

These two laws on refuge and human trafficking constitute an advancement and an important precedent for public policy dealing with any aspect of international migration, especially for the most vulnerable populations. However, it will also be important to obtain progress in the regulation of laws because it is in the implementation state that achievements are truly made, with impact felt on different levels: local, regional, national and international. There are also a wealth of actors and institutions that must play active roles in migration issues.

2.2.3. Draft of the Migration Law

The draft bill for the first migration law in Bolivia remains under creation in the Plurinational Legislative Assembly. The draft of the migration law was introduced by a team monitored by the Commission on International Policy and Migrant Protection of the Chamber of Deputies, in which there are representatives from the executive branch through the Ministries of Government and Foreign Affairs. This draft bill seeks to establish a legal system to regulate the entry, transit, exit and stay

of people in Bolivian territory and coordinate migration policies that guarantee migrant rights. The migration law draft bill not only tries to fill the existing legal void on the matter but also seeks to enshrine in law the sacred rights of the Political Constitution and the international human rights instruments, treaties, accords and other mechanisms, contributing to the country's internal security. In addition to emphasizing the need to formulate public policies that protect overseas Bolivians, the proposed law also guarantees the rights of foreign citizens who decided to migrate to Bolivia, wholly respecting their human rights.

The notions that most stand out in the draft bill are those of welfare, sharing of cultures, due process, sovereignty, the family unit, child protection and gender equality. The draft bill also incorporates other principles, such as “the full integration of foreign persons into society while respecting the cultures and customs of their native communities as long as they do not contradict national laws,” and the speedy control and administrative mechanisms regulating who is able to enter, leave, stay or travel in Bolivian territory.

The law recognizes the contributions to the economic, social, cultural and political development made by migrants in their native and host societies. It outlines the necessity to adopt public policies that would facilitate the return and reinsertion of Bolivians into Bolivian society, strengthening ties between communities of origin and destination. The bill shows a new perspective on the country's migration policy, focusing on guaranteeing migrants the ability to exercise and enjoy their rights. This surpasses the current focus on the administrative management of migration flows. In this sense, for example, the law does not include the word “migrants” in its terminology, instead referring to “citizens with migration status” as those who leave Bolivia as well as those who arrive in the country. In addition to being in accordance with the new Political Constitution, the draft migration law seeks to harmonize with regional accords (CAN, MERCOSUR, UNASUR), which did not happen with the preceding law (Supreme Decree No. 24423).

2.3. Connecting to Relevant International Instruments

In the following Table, we list the main international legal instruments that deal with migration issues, including regional and sub-regional instruments as well as international ones with a broader range, including various international conventions, declarations, protocols and resolutions. These international instruments are connected to specific national laws dealing with the same subject matter.

International Legislation	
International Instrument	Status
MERCOSUR Agreement: Agreement on freedom of residence, Bolivia and Chile.	Compliance through ministerial Resolution No. 026/2011 of March 17, 2011.
MERCOSUR Agreement: Agreement against the illicit trafficking of migrants, No. 26384 in Belo Horizonte, Brazil, 2004.	Pending ratification and/or application the Plurinational State of Bolivia.
CAN Agreements: Decision 503. Recognition of national identification documents.	In effect since 2003 in the Plurinational State of Bolivia.
American Convention on Human Rights (Pact in San José, Costa Rica).	Ratified through Law No. 1430 of February 11, 1993.
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).	Ratified October 12, 1999, and went into effect in 2000.
Convention against discrimination and racism.	Went into effect through Law No. 045 of October 10, 2010.
Convention relating to the Status of Refugees.	Elevated to status of law through Law No. 2071 of April 14, 2000.
International Convention against Transnational Organized Crime (UN, 2000).	Elevated to status of law through Law No. 3107 of August 2, 2005.
International Convention on the Rights of the Child.	Ratified through Law No. 1152 of May 14, 1990.
Inter-American Convention on International Traffic in Minors (OAS, 1994).	Ratified through Law No. 1725 of November 13, 1996.
Slavery Convention (UN, 1926) and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (UN, 1956).	Adherence through Supreme Decree No. 19777 of September 13, 1983, and elevated to status of law through Law No. 2116 of September 11, 2000.
International Convention on the Elimination of All Forms of Racial Discrimination.	Ratified through Supreme Decree No. 009345 of August 13, 1970, and elevated to status of law through Law No. 1978 of May 14, 1999.
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (UN, 1949).	Elevated to status of law through Law No. 2116 of September 11, 2000.
Convention relating to the Status of Stateless Persons (UN, 1954).	Elevated to status of law through Law No. 2116 of September 11, 2000.
Convention on the Reduction of Statelessness, passed August 30, 1961, in its entirety of 21 articles.	Elevated to status of law through Law No. 2116 of September 11, 2000.
Convention on the Elimination of All Forms of Discrimination against Women (1979).	Ratified through Law No. 1100 of September 15, 1989.
Convention 29 of the International Labor Organization on “Forced or Compulsory Labor.”	Ratified through Law No. 3031 of April 29, 2005.
Ibero-American Multilateral Convention on Social Security.	Ratified through Law No. 059 of November 8, 2010. Went into effect in 2011.

The Universal Declaration of Human Rights (UN, 1948).	Ratified through Supreme Decree No. 19639 of May 5, 1980.
The Rome Statute of the International Criminal Court (UN, 1998).	Ratified through Law No. 2398 of May 24, 2002.
International Covenant on Economic, Social and Cultural Rights.	Ratified through Supreme Decree No. 18950 of May 17, 1982, and elevated to status of law through Law No. 2119 of September 11, 2000.
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000).	Ratified through Law No. 2367 of May 7, 2002.
Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which complements the International Convention against Transnational Organized Crime (UN, 2000).	Ratified through Law No. 2273 of November 22, 2001.
Protocol against the Smuggling of Migrants by Land, Sea and Air, which complements the International Convention against Transnational Organized Crime (UN, 2000).	Ratified through Law No. 2103 of June 20, 2000.

2.4. Regional and Bilateral Accords

Bolivia has signed or ratified various accords at the international level on migration issues, as we demonstrated in the above Table. The most important of them is the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It was adopted by the United Nations General Assembly on December 18, 1990, and ratified by Bolivia on October 12, 2000. We will now discuss the main regional, sub-regional and bilateral accords signed or ratified by Bolivia.

2.4.1. Regional Accords

Among the regional and sub-regional accords and conventions ratified by Bolivia that relate to migration, the following stand out:

- Andean Community of Nations (CAN): Decision 545 (the Andean Labor Migration Instrument) established the norms that permitted the gradual freedom of movement and stay by nationals of CAN member countries for work purposes, under a relation of dependency.
- Southern Common Market (MERCOSUR): Accord for free residence of nationals of MERCOSUR member countries and associate countries, which includes Bolivia.
- Union of South American Nations (UNASUR): A space for integration of political, social, cultural, economic, financial, environmental and infrastructure spheres, which also included recognition of South American citizenship,

including all the achievements and advancements of CAN and MERCOSUR in terms of free movement and freedom of residence for migrants between the member countries of UNASUR.

In addition to the above-mentioned regional accords, Bolivia is a member of the South American Conference on Migration, a consultative regional body for dialogue and coordination of initiatives and programs aimed at promoting and developing consensual policies on international migration on a regional level.

2.4.2. Bilateral Migration Accords

Among the bilateral migration accords to which Bolivia is a signor, we will mention the following:

Country	International Instrument	Observation
Argentina	Migration accord between Argentina and Bolivia (April 21, 2004)	Accord on transitory, temporary and permanent residence
Brazil	Accord on migration regulation	Permanent residence
Ecuador	Convention on exemptions for consular fees for those studying between Bolivia and Ecuador (June 13, 1943)	Student visas free of charge
Peru	Convention between Peru and Bolivia on student visas	Student visas free of charge
MERCOSUR	Accord on visa exemptions between the member countries of MERCOSUR (December 15, 2000)	This is currently the most important legal provision for Bolivian migrants in Argentina and Brazil

3. Institutional Framework

In institutional terms and at the federal government level, the Ministry of Government, through its General Office on Migration, is the agency that acts as a the federal coordinator of migration issues. The other agencies that also participate are the Ministry of Foreign Affairs, through its National Office on Consular Affairs, the Ministry of Labor, Employment and Social Security and the Ministry of Justice.

In addition to these federal government agencies, there are also some migration initiatives that are taken up by regional and local public agencies, such as the municipal and provincial governments. Social Services (for example, the Offices of the Ombudsmen for children and adolescents), are some of the specific programs under the charge of municipal governments.

We will now examine the foremost public institutions that participate in migration policies and programs and their main attributes.

3.1. Ministry of Government

Through promulgation of Supreme Decree No. 29894 on February 7, 2009, a new organizational structure for the executive branch of the Plurinational State of Bolivia was established. It designated the organization and attributions of the various cabinet ministries, assigning to the Ministry of Government the following roles: formulating, directing and coordinating national security policies while safeguarding the exercise of constitutional right and guarantees, public order and peace (Article 34); and formulating, directing, coordinating and administrating policies on migration and immigration (Article 34).

The Ministry of Government's strategic plan enumerates several public policies, including public security human rights efforts to be implemented through citizen security and preventative education with the participation of civil society organizations. With the assistance of networks, public security policies establish internal security organizations as a primary objective, as well as migration control and a prison system, through the participation of social organizations and public institutions.²³

The same document also establishes as one of the Vice Ministry of the Interior and Police's development objectives the strengthening of the country's internal security, migration and a penitentiary system as well as the optimization of internal security, migration control and the penitentiary system.

General Office of Migration

The General Office of Migration (previously the National Migration Service) was chartered in the Legal Regime on Migration, approved through Supreme Decree No. 24423 on November 29, 1996, and Supreme Decree No. 29894 (the organizational structure of the executive branch of the Plurinational State) on February 7, 2009, establishing the Office as a directorate organized under the Ministry of Government (Article 33 of Supreme Decree No. 29894).

As previously mentioned, Supreme Decree No. 24423 of the Legal Regime on Migration regulates migration in the country. It established the agencies, distributed operational tasks and created the National Migration Council (which is not yet functioning). It regulates the stay, residence, asylum, refuge, levying of fines and awarding of visas and travel documents. Due to the need to update laws on these issues and establish new mechanism that would permit more effective administration of migration in Bolivia, the Plurinational Legislative Assembly is currently working on the draft version of the Migration Law.

The General Office of Migration is currently located in La Paz and has four subordinate offices: the National Technical Directorate for Immigration and Passports, the National Technical Directorate for Oversight and Settlements, the Legal Directorate and the Administrative Directorate, whose roles are enumerated in the above-cited Supreme Decree.

²³ See www.ministeriodegobierno.gob.bo

There are also district offices in each provincial capital: District Office of Sucre, District Office of Santa Cruz, District Office of Cochabamba, District Office of Tarija, District Office of Potosí, District Office of Pando, District Office of Beni and District Office of Oruro.

3.2. Ministry of Foreign Affairs

According to what is established in the Political Constitution of the Plurinational State of Bolivia, the President of the Republic is charged with directing foreign policy, signing international treaties, naming public, diplomatic and consular servants in accordance with the law and receiving foreign dignitaries (Article 170, num. 5).

The structure and roles of the Ministry of Foreign Affairs are established in Articles 16 and 17 of Supreme Decree No. 29894 on the organizational structure of the executive branch of the Plurinational State. In it, the primary roles assigned to the agency related to migration are the following:

- Safeguard respect for the rights of overseas Bolivian residents and represent their interests in host countries.
- Maintain support for the electoral body so that overseas Bolivian residents may exercise their right to participate in national presidential and vice presidential elections and in all others according to law.
- Oversee multilateral and bilateral diplomatic relations, consular services and the participation of the Plurinational State in international forums and organizations.
- Represent the Plurinational State in relations of social, political, cultural and economic integration among other states, nations and peoples of the world and specifically promote Latin American integration and diplomacy between their people.
- Sign treaties, conventions and other international legal instruments, as established in the Political Constitution of the Plurinational State, guaranteeing their registration.
- Promote, facilitate and strengthen processes of brotherhood and integration between nations, indigenous peoples, rural dwellers, intercultural and afro-Bolivian communities and indigenous people of the world.
- Join People's Trade Agreements, as an alternative to business accords, based on solidarity and cooperation.
- Craft foreign policy with regard to international exchange of rural indigenous people.
- Guarantee transparency in the public administration of foreign affairs.

3.3. Other Ministries

Other cabinet ministries are connected to migration through human rights issues. For example, through Supreme Decree No. 29894, the Ministry of Labor, Employment and Social Security was charged with the mission to “design and coordinate the elaboration of a Labor Migration Policy in coordination with the General Office of Migration and the Ministry of Government,” in accordance with its primary mandate to protect and guarantee dignified work in all its forms, (eradicating) “forced labor or any other similar form of exploitation servitude, generating policies and programs for the gradual eradication of the worst forms of child labor” (Article 88).

On the other hand, the Ministry of Justice, through the Vice Ministry of Justice and Equality of Opportunity, is an agency that has long worked on migration issues with a human and labor rights perspective of migrants and their families. The biggest result of the Vice Ministry’s efforts was the broad and participatory elaboration of the National Action Plan on Human Rights (PNADH). The plan proposed “to establish the general framework for public policies to be executed between 2009 and 2013 in order to effectively guarantee the promotion, respect, protection, defense, fulfillment and exercise of human rights, taking into account the intercultural and plurinational point of view, with equality of opportunity to live well,” in addition to explicitly dedicating certain provisions to migrants, victims of human trade and trafficking and refugees in Bolivia.

3.4. Public Institutions Relating to the Trade and Trafficking in Persons

In the international arena, confronting issues in human trafficking began in 2000 with the United Nations Convention against Transnational Organized Crime, which produced two protocols: the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, also known as the Palermo Protocol.” Through Law No. 2377 of November 22, 2001, the Bolivian government ratified the Palermo Protocol and began the process of addressing and implementing laws to combat human trafficking. In 2012, after interagency collaboration in formulating the law, the first comprehensive law against the trade and trafficking in persons was passed. Law No. 263, the Comprehensive Law against the Trade and Trafficking of Persons in Bolivia, was promulgated on July 31, 2012.

Considering that (among many factors) Bolivia is a country of origin, transit and destination for victims of human trafficking, a crime whose most vulnerable victims are children, state institutions have begun to empower government agencies and relevant civil organizations, especially those that tend to victims and carry out prevention, protection and punishment efforts for the crime of human trafficking. We will mention the most important of these state institutions addressing this crime.

Since 2010, various state agencies dealing with human trafficking and civil society organizations have carried out actions to provide comprehensive aid to victims of human and migrant trafficking. In a national forum in 2011, civil society organizations and state agencies, including the Vice Ministry for Equality of Opportunities, identified main challenges and proposed concrete actions for a critical path on a national level to aid victims of human trafficking and commercial sexual violence. From a legal and human rights standpoint, in this forum they developed the foundation for future consensus and actions aimed at avoiding re-victimization of human trafficking victims.

The new Comprehensive Law against the Trade and Trafficking of Persons (Law No. 263), passed July 31, 2012, signaled that the Ministry of Justice and the Office of the Public Prosecutor would be the public institutions in charge of developing intervention efforts for human trafficking victims. On its own initiative, the Office of the Attorney General of the Plurinational State began working on ways to aid victims of sex crimes and sex trafficking in the country's nine provinces in coordination with all relevant actors in accordance with the law, as well as with the participation of civil society organizations working on these issues, to reach and ratify agreements for interventions in each province.

In October 2012, following this process of interagency cooperation, the Office of the Attorney General organized a national forum called the National Conference for the Propagation and the Adjustment of the National Critical Path for Victims of Human Trade and Trafficking and of Sexual Offenses. Participating in the forum were the District Attorney of La Paz, the Vice Ministry of Equality of Opportunity, the Office of the Ombudsman, the Bolivian Police, District Attorneys and representatives of the nine provinces, Municipal Ombudsmen for Children and Adolescents, SEDEGES and civil society organizations. The forum defined the national critical path for aid to victims of sex crimes and human trade and trafficking, an instrument approved and disseminated in the same forum.

According to Law No. 263, the next step to be carried out is formulating protocols for aid to victims of human trafficking for each of the country's provinces, which will then be applied according to the previously agreed upon critical paths.

National Council against the Trade and Trafficking of Persons

Supreme Decree No. 28297 of August 17, 2005, established the National Council against the Trade and Trafficking of Persons with the goal of coordinating and evaluating policies, strategies and efforts in the fight against human trafficking in Bolivia. The following cabinet ministries comprise the National Council: Ministry of the Presidency, Ministry of Government, Ministry of National Defense, Ministry of Education, Health and Sport, Ministry of Labor, Ministry of Foreign Relations and Ministry of Indigenous Affairs and Native Peoples.

The roles of the National Council, as described in Article 3 of the Supreme Decree, are as follows:

- a) Formulate the National Strategy against the Trade and Trafficking of Persons, which focuses its efforts on effective prevention and punishment of these crimes in consultation with the institutions involved, including those from the public sector and civil society.
- b) Establish mechanisms for coordination between executive, legislative and judicial branch agencies, the Office of the Public Prosecutor, civil society organizations and international aid groups to optimize follow-through of actions already started and achieve concrete results.
- c) Coordinate and evaluate the execution and fulfillment of the National Strategy against the Trade and Trafficking of Persons, submitting corresponding recommendations.
- d) Perform any other roles considered necessary for greater completion of objectives.

The National Council encountered difficulties in the execution of its roles. Its operation was short, and it achieved few results.

The 2012 Comprehensive Law against the Trade and Trafficking of Persons in Bolivia (Law No. 263) established new guidelines for the composition and functions of the National Council. Title II of Law No. 263 prompted the creation of the Plurinational Council against the Trade and Trafficking in Persons as the supreme authority for coordinating the formulation, approval and execution of Provincial Policy against the Trade and Trafficking of Persons and Related Crimes without discrimination and with gender, age and cultural equality.

The new law calls for the most pertinent state agencies to address the crime of human trafficking along with civil society organizations. The Plurinational Council consists of the following:

1. Executive branch, with the participation of the following cabinet ministries:
 - a. Ministry of Justice
 - b. Ministry of Foreign Affairs
 - c. Ministry of Government, General Office for Human Trade and Trafficking, Bolivian Police
 - d. Ministry of Labor, Employment and Social Security
 - e. Ministry of Education
 - f. Ministry of Communications
 - g. Ministry of Health and Sports
 - h. Ministry of Development Planning
 - i. Ministry of Economy and Public Finances
2. Public defense institutions:
 - a. Representatives from the Office of the Public Prosecutor
 - b. Representatives from the Office of the Ombudsman
3. Civil society organizations, in accordance with regulations

The new law organized the structure of the Plurinational Council against the Trade and Trafficking in Persons under three main parts:

1. Council Plenary
2. Council Presidency
3. Technical Secretariat

The Council Presidency is the supreme authority of the Ministry of Justice, which coordinates efforts with federal authorities, autonomous provincial entities, civil society organizations that work on human trafficking issues and international aid organizations. The Technical Secretariat provides technical, operational, administrative and logistical counsel to the Plurinational Council. It also prepares the agenda that will be taken up in the plenary. With these functions, the Ministry of Justice can coordinate with autonomous provincial entities the implementation of policies and strategies derived from Law No. 263.

Other important institutions named in the new law are the Provincial Councils against the Trade and Trafficking in Persons. Each province is to create a Provincial Council to act as the supreme authority in provincial coordination of the formulation, approval and execution of the Provincial Policy against the Trade and Trafficking of Persons and Related Crimes under the auspices of the National Council. Its structure is as follows:

1. Provincial Governor
2. Mayors of capital, border and intermediate cities of the province (in the Provincial Council of La Paz, the mayor of El Alto city also)
3. Provincial Commander of the Special Crime Fighting Force
4. Provincial Director of Labor
5. Provincial Director of Migration
6. Provincial Director of Education Services
7. Provincial Director Social Services
8. Provincial Attorney General
9. Provincial representative from the Office of the Ombudsman
10. Civil society representatives, in accordance with the law
11. Any others, in accordance with the Provincial Council's regulations

The governor appoints the Provincial Council's president, who is to implement and evaluate the Policy and Strategy for Prevention, Aid Protection and Comprehensive Reintegration. The structure and role of the Provincial Council are to be determined according to its internal regulations.

According to Law No. 263, the Ministry of Education shall design and administer programs, educational campaigns and other initiatives for the prevention of human trafficking and related crimes with a gender, age and intercultural focus in the education system, including preschool, primary, secondary, higher and other levels

of education. In this manner, public and private universities will contribute with information campaigns and research. The School for Teacher Education, Plurinational Public Management School, Diplomatic Academy, Police University, Military University and postgraduate institutions will include human trafficking and related crimes in their curriculum. The School for Judges and the School for Prosecutors, under compulsion, will design and teach training and information courses on these issues, with special focus on current national and international legislation, identification of possible victims, the way organized national and transnational crime operates, tools for research and filing claims and international reciprocal legal assistance. This training shall apply to everyone operating in the administration of justice.

For its part, the Ministry of Labor and Employment will be the entity responsible for organizing and implementing the public employment service to prevent human trafficking and related crimes and will handle socioeconomic reinsertion of victims of these crimes. In their laws, all public intermediary and labor services on the provincial and municipal level must include provisions on prevention of and protection against human trafficking and related crimes.

The Bolivian police, organized under the Ministry of Government, is another state agency that will be an important participant in the fight against human trafficking. The general roles of the Bolivian police are laid out in the Manual for the Organization and Functions of the Special Crime Fighting Force (FELCC). Among the roles it carries out through the Special Crime Fighting Force and the Human Trafficking Division, the Bolivian police's overarching function is to develop and coordinate actions and research efforts in response to human trafficking while respecting people's rights and dignity.²⁴

The Bolivian police coordinates between the Office of the Public Prosecutor, the Ombudsmen for Children and Adolescents, foreign diplomatic delegations, human rights organizations and armed forces. The Manual for the Organization and Functions of the Special Crime Fighting Force states that the Human Trafficking Division's main function is to investigate acts of crime related to the trafficking of persons, migrants and minors.

At the Office of the Public Prosecutor's level, the Attorney General's Office also intervenes through the following courts: Division of Trafficking in Minors, Magistrates and Criminal Procedure Code Tribunals.

In sum, we can state that the new laws established by the Plurinational State of Bolivia in the fight against human trafficking have comprehensive federal cooperation and civil society participation. The responsibilities of state agencies, as outlined in the new law, signal a greater commitment to protecting victims and present a new approach to combating these crimes focused on prevention, protection and punishment of human trafficking.

²⁴ See <http://www.slideshare.net/wllanos/manual-de-organizacin-y-funciones-de-la-felcc-bolivia>

3.5. Regional and Local Institutions

In addition to national agencies, there are also some regional and local agencies involved in migration and other issues. Among those that stand out are the Provincial Governments' Offices of Social Services (SEDEGES), the Municipal Ombudsman for Children and Adolescents and other municipal programs.

Office of Social Services

The Office of Social Services is organized under the provincial governments as dictated by Supreme Decree No. 25287 of January 30, 1999. Its mission is to

Apply national policies and laws, passed by competent bodies, related to issues of gender, age, family and social services by providing technical support to responsible agencies and by overseeing compliance with the proposed objectives and outcomes, as well as to coordinate social service programs and projects (Article 3, Supreme Decree No. 25287, 1999).

SEDEGES's roles are enumerated in Article 6 of Supreme Decree No. 25287 and include the following:

- a) Coordinate provision of legal aid and psychological assistance to abused children, women and senior citizens.
- b) Monitor the respect for and fulfillment of rights of families, women, children and senior citizens.
- c) Coordinate the socio-legal defense of women, senior citizens and children in the respective provincial jurisdiction using any legal means available.
- d) Prevent all situations and acts that threaten the physical, moral or psychological integrity of women, children and the elderly. Coordinate provision of aid in specific cases where integrity is compromised with public and private institutions that work on addressing these issues.
- e) Coordinate the defense of children who are victims or law violators through the Office of the Ombudsman for Children and Adolescents and/or general legal services.
- f) Register and accredit public and private social service institutions in the province.

Offices of the Ombudsmen for Children and Adolescents

At the municipal level, there are Offices of the Ombudsmen for Children and Adolescents, which are municipal agencies that provide public and free services to promote, protect and defend the rights of children and adolescents. Articles 194, 195 and 196 of the Code for Children and Adolescents enumerate the Office's purpose, structure and roles, respectively.

Article 194 states that the Offices of the Ombudsmen for Children and Adolescents are a free municipal service for socio-legal defense in their municipalities.

These offices constitute an agency that promotes and monitors the protection and fulfillment of the rights of children and adolescents established by the Code and other laws.

Article 195 states that the organization and functions of the Offices shall be established in accordance with the administrative structure of the corresponding municipal government. The Offices will perform their tasks in district or cantonal offices according to population density in their territories, their territorial units and their own conventions, which are signed by a group of communities.

Each municipal government will provide sufficient money for the Office's necessary operation according to their needs and will ensure the hiring of a professional workforce with the training required to perform its tasks

EMIDEL Project

Among the few local public policy experiments, we can mention the Project for Local Development and Migration in Latin America (EMIDEL), which was financed by the European Union through the Urb-Al III Program and carried out in La Paz. The project was supposed to strengthen decentralized cooperation mechanisms in the urban policy realm. The project's priority was to provide La Paz's local government with mechanisms that would drive local economic development and entrepreneurial initiatives in the area. To achieve this objective, the project promoted models of good practices in the region that linked the contributions of migration to local development in native communities through remittances and entrepreneurial projects (co-development).

The EMIDEL Project had among its benefactors all those who received economic assistance from their compatriots who had emigrated as well as the same emigrants who had planned to return to their native community or who were organized in representative platforms or collectives. There were two main goals of the EMIDEL Project:

Merge business and entrepreneurial spirit with urban development strategies, Latin American local social culture and local government action as a means of economic development, job creation and social cohesion. To achieve this, the project attempted to capitalize on and transfer the experience of local European governments in the administration of local economic development policies and, especially, the entrepreneurial experience of local and transatlantic networks of Latin American immigrants in Europe.

Contribute to the identification and recognition of the contributions made by migrants in terms of economic transfers via remittances, but also in terms of the formation of social capital, contribution of international experience, development of entrepreneurial abilities and generation of transnational aid networks. These are all potential resources to be incorporated in migration projects.

The specific aims of the project are to increase the capacity of local governments to support and promote entrepreneurs in local economic development where participating local governments possess structure, mechanisms and resources to set local development strategies in motion; to develop technical assistance and training experiences that make visible entrepreneurs' business investments in local municipalities through the valuation of remittances coming from the Latin American migrant population in Europe, creating spaces for cooperative work and relationships on the involved local levels that promote the exchange of resources between emigrant collectives and participating cities.

3.6. Public Institutions Related to Refuge

Through Supreme Decrees No. 19639 and No. 19640 of July 4, 1983, the Plurinational State of Bolivia inserted the National Refugee Commission (CONARE) into the executive branch, which has fulfilled its mission of consolidating the country's refugee classification procedures. Since its creation, CONARE has carried out its functions under the presidency of the Ministry of Foreign Affairs, always accompanied by the Ministry of Government's General Office of Migration and the Ministry of Justice, as established by Supreme Decree No. 28329 of September 5, 2005, which established the CONARE's structure in Article 3. Supreme Decrees No. 19639 and No. 19640 of 1983 enumerated the internal structure of CONARE and, in addition to the aforementioned cabinet ministries, the Ministry of Labor and the Major University of San Andrés, among state institutions.

In Article 22, the new Refugee Protection Law, No. 251 of June 20, 2012, consolidated the Ministry of Foreign Affairs, the Ministry of Government and the Ministry of Justice as executive branch agencies of CONARE, competent to determine refugee status and to decide exclusion, cessation, cancellation, revocation and expulsion, contributing to the protection of refugees and creating a long-term solution for them in accordance with the provisions of Law 251.

The new refugee law consolidated the consultative CONARE institution under the charge of the United Nations High Commissioner for Refugees (UNHCR), which shall advise CONARE on technical aspects of specific cases submitted for CONARE's consideration, also contributing to other aspects of interest to CONARE in accordance the executive branch's request.

Law No. 251 also established an operational agency to execute and recommend necessary actions to facilitate local integration of refugees through an interagency convention signed by CONARE and the Implementing Agency of the UNHCR, which, in this case, is the Pastoral Care of Human Mobility (PMH) of the Episcopal Conference of Bolivia.

Regarding CONARE's internal workings, the executive branch has the right to voice and vote. Consultative and operational agencies may participate in meetings between CONARE with the right to voice and vote, a fact that consolidates the total power of the state in determining refugee status in Bolivia and therefore exceeding what is stipulated in Supreme Decrees No. 19639 and No. 19640 of 1983 and Supreme Decree No. 28329 of 2005.

Article 25 of Law No. 251 also determined the structure of a CONARE Secretariat, which was designed to promote and propel classification procedures for refugee status and to aid CONARE members in accordance with its guidelines laid out by the Ministry of Foreign Affairs. In this sense, the new law constitutes an important advancement for Bolivia as it increasingly fulfills standards set by the 1951 Convention relating to the Status of Refugees and shows the state's direct contact with the refugee population and refugee applicants.

4. State Programs on Migration

Among the concrete actions related to migration that have been implemented by the Plurinational State of Bolivia over the last years, we will mention some important milestones in the formulation of public policies on the matter.

First, the National Accord for Overseas Bolivians of December 18, 2008, regulates the provision of services by the Bolivian government to Bolivian emigrants. One aspect of the Accord is the consolidation of a mechanism for dialogue between the government and civil society, which is the Interagency Coordination Mechanism for Migration overseen by the Ministry of Foreign Relations.

Second, the 2010–15 Government Plan outlines the Compatriot Plan, which states that “our compatriots overseas should be able to exercise all the rights and responsibilities established in the Political Constitution of the State.” The Compatriot Plan is considered a “part of the implementation of policy for federal aid to overseas Bolivians,” and “the instrument that will allow overseas Bolivians to be protected, based on the principles of solidarity, respect for human dignity, human rights and social equality.” The Plan's precedent was the National Accord for Overseas Bolivians, signed in La Paz in December 2008, wherein Bolivian government institutions expressed their commitment to work in concert for the interests of overseas Bolivian citizens.

The greatest commitment to migration issues made by the government relates to the protection and documentation of those involved in population mobility. The state identified the most critical elements of the phenomena of migration and emigration, one of the most essential being irregular migrant status due to a lack of documentation that guarantees formal employment. To fix this, over the past few years, consulates in countries and cities with a massive Bolivian population have improved significantly. They provide efficient aid to migrants, give them the opportunity to be documented migrants and assist them with other needs.

With regard to return, the Bolivian government promulgated Supreme Decree No. 0371 in 2009. It established exemptions for customs duties on the import of domestic furnishings and business equipment up to \$50,000 (USD) for families desiring to return to the country after residing two or more years abroad. Along the same line, the Bolivian government launched a pilot program in 2010 for “productive return.” It sought to allocate farmlands to Bolivian families residing in Argentina or Chile who expressed a desire to return to their native country. Although the initiative is currently on hold, the fact that it was created at all demonstrates that there is interest in some government sectors to address the issue.

PART III

CIVIL SOCIETY PARTICIPATION IN PUBLIC POLICIES AND PROGRAMS ON MIGRATION

The emergence and growing visibility of migration in Bolivia is due not only to the increase and/or redirection of migration flows or to the politicization of the issue in civil society but also to the intense demonstrations organized by different social sectors, especially over the last decade. The majority of these were demonstrations and direct actions for acceptance, causing social organizations to realize the importance of participating in the formulation of public policy on migration. In the first section of Part III of our study, we analyze the relationship between the state and civil society actors involved in migration issues in Bolivia, highlighting the growing commitment shown by the current government. In the second section, we seek to map out civil society organizations and institutions working on or involved in migration issues. We start with academic institutions that perform research on migration, then we move on to NGOs, which have become more involved over the past few years through the so-called feminization of migration, and conclude with grassroots social organizations and intermediary organizations, which range from labor unions to religious congregations.

1. The State, Civil Society and Migration

As we indicated in the first two parts of this study, the relationship between state agencies and civil society organizations while shaping and implementing public policies and programs on migration is a recent development in Bolivia in spite of the constant occurrence of migration in the country and its demographic, economic, political, social and cultural impacts. Despite the state's "denial," civil society recognized the importance of migration's repercussions—internal as well international—to life in the country. The first repercussion occurs within families and is unquestionably the most significant. Families, in a broad sense, have withstood and continue to withstand migration.

Numerous studies on Andean kinship demonstrate that social networks that cause population displacements are a fundamental element in Bolivian migration (Guaygua, 2010; Hinojosa, 2005; Hinojosa, 2008; Parella, 2007; De la Torre, 2006; Spedding, 2003). They claim these networks highlight the concept of the extended family and also demonstrate that women are those who assume a leading role in formulating migration strategies and in kinship structures, reorganizing and directing family structures inherent in migration processes. On the other hand, the identification and characterization of strong ties (established among relatives) and weak ties (developed and grown between friends) within social networks are revealing in terms of transnational spaces that identify these migration dynamics (Benencia, 2006).

For some authors, the transformations experienced within transnational migrant family structures question the hegemonic and traditional model of the nuclear family with co-residence and physical proximity in material and emotional reproduction. This gives rise to “units of social reproduction beyond physical presence, which creates new forms of care and different ways of understanding maternity and paternity in transnational terms, thereby establishing new forms of married life for couples” (Guaygua, 2010). Here too, the elements derived from “Andean kinship” and from the role played by women mitigate the negative impacts of migration in that they necessitate adaptation to new situations. In any case, these studies show the fundamental role of the family as the first party to withstand the impacts of migration.

However, on a broader social level, we can also view the approach to migration with a diverse array of actors, institutions and organizations—associations that also have diverging goals and points of view—that come together to cooperate on migration issues.

The relationship between civil society and the state on these issues is a recent development. Over the past 10 years, there has been a growing presence of organizations, institutions and collectives joining forces to demand recognition of the rights of migrants and to generate pressure on government agencies. The best example of a recognition of migrant rights was the first time overseas Bolivian citizens exercised their right to vote. It took place in December 2009 when more than 180,000 Bolivians residing in four countries (Argentina, Brazil, United States and Spain) participated in presidential and vice presidential elections for the first time in the country’s history. This occurrence was the result of the organization and pressure of overseas Bolivians, especially those in Argentina, who achieved this feat with their protests, hunger strikes and legal claims (Domenech & Hinojosa, 2009).

The government’s current discourse on migration is focused on Bolivian communities outside the country and the “protection and aid for overseas Bolivian citizens.” According to the National Development Plan, the stated objectives were “to document, facilitate migration regularization, defend their rights, ensure voter participation in elections.” According to Domenech,

it seeks to (re)incorporate emigrants into the political community, recognizing them as citizens of the Bolivian state and confirming them as members of the Bolivian nation, dissolving—in symbolic terms—the previously established division between nationals and non-nationals, adhering to the criterion of “territoriality” over that of “nationality” (Domenech, 2009, p. 27).

2. Civil Society Organizations and the Current Migration Situation

With methodological tools, we will present a general overview of the civil society organizations working on migration issues from four angles: (1) centers for studies, reflection and analysis on migration (mostly universities); (2) grassroots social organizations (with direct and internal participation and structures); (3)

intermediary organizations (of which religious organizations stand out); and (4) nongovernmental organizations.

2.1. Centers for Migration Studies

As migration flows in Bolivia increased over the past 10 years, significant academic interest in the subject concurrently emerged in universities. The increase in the number of graduate and postgraduate theses on migration topics in some universities demonstrates growing interest. Bolivian universities, especially those of the “central axis” (La Paz, Cochabamba and Santa Cruz), have carried out numerous studies. However, it is important to note that these university centers, developed in isolation from one another, used local resources and have similar but disconnected experiences on national and international levels.

Graduate Studies in Development CIDES-UMSA (La Paz)

The Development Sciences Graduate Program of the Major University of San Andrés (UMSA) is the oldest and most prestigious interdisciplinary graduate program on development studies in Bolivia. Supported by an academic community committed to the Public University and the country, CIDES is dedicated to instruction, research and social interaction, characteristics of UMSA.

The role of the Public University in general, and that of the degree program in particular, is to provide explanations that bring coherence to the relationship between the government and society, a task that is only possible with a rigorous deepening of knowledge, which, in turn, is essential to any initiative for social change. CIDES works on enshrining theoretical, methodological and political pluralism, academic freedom and the interaction of cultures into institutional principles. These values constitute one of the most important gains in the fight for university autonomy and democracy, guaranteeing diversity and permitting a more substantial attainment of knowledge for the public good.

In 2009, CIDES and the International Research and Training Institute for the Advancement of Women (INSTRAW) promoted a research project called Global Care Chains: Care Rights and Female Migration in Bolivia. It was published in the institution’s 25th anniversary collection (Plural Editores, 2010).

CIDES is currently carrying out two migration studies. The first is through the National Centre of Competence in Research (NCCR North-South) and is called Migration, Gender and Politics in South America and the Andean Region. The second, which is also the first study on the matter, addresses Feminization of Transnational Labor Markets: Bolivian Women in the Textile Clothing Industries of Buenos Aires and San Pablo.

Center for Higher University Studies CESU-UMSS (Cochabamba)

In 1992, the Rector's Office of the Major University of San Simón in Cochabamba (UMSS) created the Center for Higher University Studies (CESU), which was officially approved in October 1993. CESU is a multidisciplinary center focused on developing academic programs that update, widen and deepen academic instruction for graduate and postgraduate studies in social sciences, economics, the humanities, politics and law. It also aims to carry out research projects on topics related to local, regional and national issues.

CESU is part of the Graduate School (EUPG) and performs its work in cooperation with the Faculties of Law and Politics, Economic Science and Humanities and Education Science. It oversees research projects with the Office of Scientific and Technological Research (DICyT).

CESU carries out programs and research projects on issues related to its educational areas of expertise. Its research projects are focused on analyzing regional, national and international processes in the economic, social and political arenas. As part of an agreement with the Strategic Research Program in Bolivia (PIEB) and DICyT, CESU has advanced a strategic plan on social research for the region of Cochabamba through a platform of researchers made up of colleagues from universities and nongovernmental organizations.

From an interdisciplinary perspective, CESU developed a program between 2007 and 2012 called Transnational Migration, Labor Markets and Citizenship in Cochabamba.

Strategic Research Program in Bolivia (PIEB)

One of the most important institutional contributions over the past decade to quantitative and qualitative research on population and internal and international migration dynamics in Bolivia was made by the Strategic Research Program in Bolivia (PIEB). In addition to introducing novel elements in their findings, PIEB also developed innovative research methods that exposed the complexities of migration.

Some studies on internal studies sponsored by PIEB include “To Be Young in El Alto” (Guaygua et al., 2000); “The Forgotten Indigenous: The Urban and Peri-Urban Guaraní-Chiriguanos of Santa Cruz de la Sierra” (Combès et al., 2003); “Cultural Exchange between Chapacos, Quechuas, Aymaras and Cambas in Tarija” (Peña et al., 2003); “The Permanent Construction of the Cruceño: A Study on Identity in Santa Cruz de la Sierra” (Peña, 2003); “Migration to Pando and Its Contribution to Regional Development” (Rojas et al., 2004) and “From the Community to the Neighborhood: Domestic Violence against Migrant Women in Sucre” (Quintela et al., 2004).

PIEB's contributions to understanding the particulars of international migration have been and continue to be monumental both in terms of the quality of research and the dissemination of research results.

The first edition of the *T'inkazos* social sciences magazine featured an exceptional analysis of migration issues written by Geneviève Cortes titled "Emigration, Vital Strategy of Rural Dwellers" (1998). Other scholarly analyses related to PIEB include "Leaving and Returning: Rural Dwellers of Tarija in Northern Argentina" (Hinojosa et al., 2004); "Transnational Migration: Views from North and South America" (Hinojosa et al., 2004); "Don't Cry My Dear, I'll Return Soon: Migration, Social Mobility, Family Wounds and Development" (De la Torre, 2006); "Bolivia for Export" (Temas de Debate No. 6, November 2006); "The Cheqanchada: Paths and Roads to Development in the Migrant Municipalities of Arbieta and Toco" (De la Torre & Alfaro, 2007); and "The Human Costs of Emigration" (Ferrufino et al., 2007).

In October 2006, PIEB organized an international forum called Transnational Migration: From the Andes to Europe and the United States, which had experts participating from Peru, Ecuador, Colombia and the United States.

Center for Studies and Scientific Development in Psychology (CEDECPSI)

In recent years, the Center for Studies and Scientific Development in Psychology (CEDECPSI) of the Gabriel René Moreno Autonomous University of Santa Cruz de la Sierra has served as a psychological clinic, providing psychological services to emigrant children, adolescents and parents. Through its clinic, CEDECPSI puts into practice its expertise in services related to psychological problems of children, adolescents and adults who are relatives of parents who migrated to another country.

2.2. Grassroots Social Organizations

Grassroots social organizations are "entities wherein solidarity and collective interest take precedence, constituted by diverse spaces such as neighborhoods or cities, and motivated by multiple goals that seek to satisfy needs not yet satisfied" (De Cárdenas Falcón, 2011, p. 66). Among them are migrant associations (Mármora, 2011).

As we mentioned in the first section of our study, from a historical standpoint, migrant associations mainly formed in the second half of the 20th century but never obtained significant numbers. Japanese, Croatian, Arab and Jewish groups stand out among migrant associations. These associations serve as reference points for their respective co-nationals and, in some cases, define cultural, ethical and religious guidelines or norms of conduct, as in the Mennonite case we mentioned earlier.

Currently, the most important immigrant organizations in Bolivia consist of Peruvians, which have organized into several labor, sports, religious and human rights organizations. As we mentioned in the first section of our study, the primary Peruvian associations in Bolivia are the Association of Peruvian Refugees in Bolivia (ARPEBOL) and the Association of Peruvian Residents in Bolivia (ASPERBOL).

By interacting with the Office of the Ombudsman and other government agencies and civil society organizations in Bolivia in recent years, these two associations made possible the establishment of working groups to elaborate proposals for a migration amnesty in the country. According to their estimates, the amnesty would benefit more than 60,000 undocumented Peruvian residents.

Although there are other immigrant organizations in the country, the majority of them are very small or undertake limited actions or are very focused on certain calendar events, such as the celebration of holidays from their native countries.

In recent years, Bolivian grassroots organizations, labor unions and indigenous organizations have increased their involvement in migration issues. Some instances of this are when the Bolivian Workers' Trade Union (COB) signed an agreement with the Argentine Workers' Trade Union in 2010 to guarantee respect for labor rights between both countries. The National Federation of Salaried Home Workers of Bolivia has also made contacts and international efforts to promote greater respect for migrant rights and, in this case, female home workers.

One of the most distinct characteristics of Bolivian emigrants is their associative ability, first with regard to labor markets, but also with cultural and sports events, which create true “transnational communities” based on the ties established between native and host countries. These ties are created through social networks (kinship, solidarity, nationality) and cultural practices that define and create a sense of belonging, loyalty and national identity.

There is a sizable number of kindred institutions, associations and groups organized around different activities. For example, many are for music, dance or holidays. Sports clubs and their championships establish essential ways to fraternize and preserve cultural values between co-nationals year-round. The unavoidable circuits and hangouts for Bolivian food and drink in certain areas of cities to which Bolivians emigrate become superior “deterritorialized” spaces. In them, emigrants can eat, dance and drink as if they were in Bolivia (Hinojosa, 2007, p. 18).

It is important to highlight the leading role that holidays and religious celebrations play for Bolivian migrants, whose devotion to and veneration of religious celebrations in their native country are maintained and reproduced in their host countries. A clear example of this is the celebration of the Virgin of Carmen in the Charrúa neighborhood of Bajo Flores, Autonomous City of Buenos Aires. The festival has been celebrated for more than 40 years, was declared a cultural patrimony of the city and hosted more than 3,000 dancers in 2012. We find similar cases in the festival of the Virgin of Urkupiña (originally held in Cochabamba) in cities such as Washington, Madrid, Santiago de Chile, Puerto Madryn, Bahía Blanca, Córdoba (Argentina) and São Paulo (Brazil) among many others. Through these festivals, we recognize the level of organization and management that these overseas Bolivian associations have achieved.

2.3. Intermediary Organizations

The most important intermediary organizations working on migration issues in Bolivia are religious organizations that remain dedicated to these issues.

Pastoral Care of Human Mobility (PMH—National and Municipal)

The Pastoral Care of Human Mobility (PMH) is subordinate to the Episcopal Conference of Bolivia and charged with promoting, encouraging and coordinating social, pastoral and human development activities for immigrant, emigrant, refugee and displaced individuals and communities.

The PMH started its work in the 1980s after an agreement was signed in 1981 by the Bolivian Episcopal Conference (CEB) and the United Nations High Commissioner for Refugees (UNHCR) to assist refugees considered forced migrants who arrived in Bolivia. The PMH strengthened and grew in the 1980s and 1990s. It broadened its services to Bolivian immigrants and emigrants in addition to refugees.

With the support of Catholic Relief Services (CRS), the PMH has broadened its services to migrants and refugees since 2002 to include training pastoral workers who will serve migrants and migrant communities.

In compliance with Supreme Decree No. 28329, the Ministry of Foreign Affairs and Worship recognized the PMH in 2005 as an operational entity in the refugee status classification process overseen by CONARE and as a body that would take necessary actions to achieve local integration of refugees in Bolivia.

The PMH has actively participated in processes to include refugee issues in the new Political Constitution of the Plurinational State of Bolivia and in shaping the Law on the Protection of Refugees and Refugee Applicants in Bolivia (Law No. 25), the Comprehensive Law against the Trade and Trafficking of Persons in Bolivia (Law No. 263) and the draft Law on Migration in Bolivia.

To strengthen its role of coordinating the Catholic Church in Bolivia's social actions and services for migrants and refugees, PMH has established regional offices throughout the country, providing them all with volunteer and pastoral worker training and instruction. PMH also encourages emigrant Bolivians to take annual missions, with a Bolivian bishop participating in one. In recent years, there have been missions in Argentina, Brazil, Spain and the United States.

In terms of raising awareness, PMH gives interviews and publishes articles in local and national media outlets on issues related to the integration of migrants and refugees. PMH promotes the creation of inter-institutional, public and private networks to better serve and assist migrants, refugees, refugee applicants and their families.

In terms of aid, PMH has supported the creation and organization of shelters in Santa Cruz, Cochabamba, La Paz and Potosí (Villazón) and has participated in the processes to achieve refugee status for more than 700 people and their families.

The conviction that guides PMH's commitment is to be a prophetic pastoral of the Church at the service of migrants to achieve human dignity, thereby contributing to the construction of the Kingdom of God.

PMH's mission is to embrace, accompany and inspire migrants and to promote the free exercise of their rights, respect diversity and encourage intercultural exchanges so that the Church and society may play an active and leading role.

PMH's strategic goal is to provide comprehensive aid to migrants, especially to refugees and human trafficking victims, so that they may enjoy the free exercise of their rights in society.

PMH's specific plans of action are as follows:

Plan 1: Educating and Training Pastoral Social Workers

This plan's goal is to educate and train PMH's pastoral social workers so that they can fully contribute in the service of migrants and strengthen PMH's regional offices.

Plan 2: Raising Awareness of Human Mobility Issues

This plan's goal is to raise awareness of human mobility issues among decision makers in government agencies, civil society organizations and religious institutions to generate a greater commitment to migrants.

Plan 3: Shelter and Accompaniment

This plan's goal is to provide shelter; accompaniment; and social, legal and psychological assistance to promote the free exercise of rights by migrants to achieve their integration and reintegration.

Plan 4: Spiritual and Religious Deepening

This plan's goal is to accompany and deepen the spiritual and religious levels of migrants and of pastoral workers in churches of native and host countries.

Plan 5: Support, Strengthening Entrepreneurial Development

This plan attempts to support development of entrepreneurship for migrants to enable their self-reliability.

Plan 6: Political Influence

This plan's goal is to influence the formulation of law and public policies related to human mobility.

Missionaries of Saint Charles —Scalabrinians

In the 1970s, the Congregation of Missionaries of Saint Charles —Scalabrinians, which was founded with the explicit goal of working with migrants and displaced persons, began its pastoral and social accompaniment work with Bolivian migrant communities in Argentina and Brazil. Since the 1980s, some Scalabrinian missionaries who had accompanied Bolivian communities in Argentina, which were

mostly located in Mendoza and the metropolitan area of Buenos Aires, visited Bolivia to understand its reality and the Bolivian people's cultures, idiosyncrasies and religion.

Several times in the 1980s, individual Bolivian bishops and the Bolivian Episcopal Conference (CEB) invited the Scalabrinian Congregation to work on migration issues in the country because there was a migration project operating through the Episcopal Commission of the Social Pastoral—Caritas (CEPAS CARITAS). The Scalabrinian Congregation accepted the offer, and the missionaries arrived in 1999.

From their arrival up to the present, the Scalabrinian missionaries have integrated into the Archdiocese of La Paz, assuming pastoral responsibility of a large parish in the northern periphery of the city called the Lord of La Paz Parish. They did the same with the PMH, becoming mainly involved in providing assistance to refugees or refugee applicants present in the country when the Scalabrinians arrived.

In 2003, the CEB named one of the Scalabrinian missionaries the executive director of the PMH. In 2004, the Scalabrinians opened the Migrant House on the premises of the Lord of La Paz Parish. In 2005, another Scalabrinian was appointed to head the social activities and coordination of the PMH in the Archdiocese of La Paz.

By serving the local church and maintaining a presence in the Migrant House in the Lord of La Paz Parish and in the Episcopal Conference in the PMH of the Archdiocese of La Paz, the Scalabrinian missionaries launched and coordinated programs and actions aimed at promoting the dignity and rights of migrants, refugees and displaced persons on national, regional and international levels.

In coordination with the Scalabrinian missionaries of Argentina, Brazil, Chile and Peru and the National Commissions of PMH in these countries, the Scalabrinians are promoting an aid, assistance and protection program to the most vulnerable people who travel Bolivian's borders.

The Scalabrinians have actively participated in the formulation processes of laws on refuge and human trafficking as well as in the draft Law on Migration in Bolivia. They also participate in regional forums on migration administration, including the South American Conference on Migration; global forums, such as the Global Forum on Migration and Development; and other international spaces for debate on governing migration.

Jesuit Migration Service, Bolivia (La Paz—El Alto)

The main goals of the Jesuit Migration Service in Bolivia are to serve, accompany and defend migrants; to reduce human rights violations, xenophobia and stigmatization; and to strengthen the social and family structure of migrants. The Jesuit Service provides assistance and socio-pastoral accompaniment to families in El Alto whose relatives reside in Argentina and Brazil.

The Jesuit Service offers open informal and alternative education to children and family members of migrants through the Luis Espinal Children’s Educational Support Center. It also provides technical commercial support for women through the Virgen Milagrosa Training Center for the Advancement of Women.

2.4. Nongovernmental Organizations

In recent years, nongovernmental organizations (NGOs) working on international migration issues have significantly increased in number. Just one decade ago, very few NGOs took migration into account in their programs, and none were exclusively dedicated to the matter. Today’s landscape is very different. Various NGOs, especially those that work on gender issues, have begun to pay more attention to migrants and include them in their work.

Vicente Cañas Center—Uramanta Foundation (Cochabamba)

The Vicente Cañas Center’s goal related to migration is to support and accompany migrant families and to develop their abilities to promote local development. Specifically, the Center accompanies families through the MUSOL Program (Municipalities for Solidarity—Barcelona and Valencia). The Center has a team of social workers focused on migration (accompaniment, orientation and educational and psychosocial assistance) that developed personalized assistance and accompaniment plans to overcome problems related to migration, such as communication, assignment of roles, readjustment, depression, anxiety and others.

The Center also promotes a program in Cochabamba to host returned migrants and their families and to provide them with training services and psychological assistance, social valuations, socio-educational orientation and training in designing business plans and entrepreneurship. The Center also encourages economic entrepreneurship through market studies, business plans and entrepreneurial projects for migrant families. Through a micro-business consolidation program, the Center provides micro-credit loans at low interest rates to individual or group ventures to facilitate entrepreneurial success.

Bolivian Chapter on Human Rights, Democracy and Development (La Paz)

The Bolivian Chapter on Human Rights, Democracy and Development is an association of nongovernmental organizations, institutions and social organizations that work on promoting defense of human rights, justice, equality and democratic participation. The Chapter is part of the Inter-American Platform for Human Rights, Democracy and Development, which aims to develop strategies to monitor and enforce economic, social and cultural human rights on international and national levels.

The Chapter’s goals related to migration are to support research that enables a better understanding and analysis of the situation of migrants in relation to their human rights. The Chapter contributes to the formulation of public policy proposals

on migration and facilitates the exchange of knowledge and experiences between civil society organizations that work on migration issues nationally and regionally.

AMIBE-CODEM Cooperation and Development Foundation (La Paz)

The AMIBE-CODEM Cooperation and Development Foundation seeks to strengthen family relationships between returned migrants and their families so that they may meet again. It also provides aid and orientation services to migrants.

In Madrid in 2010, the Foundation and ACOBE developed voluntary return and business programs for the social and economic reintegration of returned Bolivian migrants. They gained support from Spain's Ministry of Social Affairs, the community, the city council of Madrid and Caixa de Galicia. The Foundation is currently administrating the voluntary return of migrants in Spain in cooperation with the International Organization for Migration (IOM).

The Foundation also provides free psychosocial assistance to migrants' family members and legal workshops and information regarding personal documentation, dual nationality, civil registration procedures and other issues.

Women's Coordinator (La Paz)

With the support of Oxfam GB and the European Union, the Women's Coordinator has implemented a regional project called Opening Worlds: Migrant Women, Women with Rights. The goal of the project was to contribute to a more effective administration of female migration between South America and the European Union and to promote cooperation between the native and host countries. The project has focused its efforts on women migrants who work in Spain as home workers due to the notable vulnerability of their rights.

"Opening Worlds" was implemented in five countries (Bolivia, Peru, Ecuador, Colombia and Uruguay) with eight participating organizations: the Women's Coordinator and the Collective Foundation Lobby in Bolivia, the Humane Corporation in Colombia, the Hope Foundation in Ecuador, Flora Tristán in Peru and the Cotidiano Mujer in Uruguay. In Spain, Intermón-Oxfam coordinated and executed the project in cities with the largest migrant population: Madrid, Barcelona and Valencia.

To achieve its goal, "Opening Worlds" generates exhaustive and high-quality information for women and local authorities to facilitate cooperation and the formation of associations between native and host countries and to press for application and reproduction of best practices. "Opening Worlds" carries out various activities such as research, informational brochures for migrant women and local authorities, educational workshops on rights and leadership, informational campaigns in native countries, websites and electronic forums for debate, subsidies and monitoring of small-scale projects for organizations that advocate for migrant women and others.

Collective Foundation Lobby (La Paz)

In addition to participating in the “Opening Worlds” project, developed with the Women’s Coordinator, the Collective Foundation Lobby is currently in charge of the Regional Coordination Mechanism for the Working Group on Migration of the Inter-American Platform for Human Rights, Democracy and Development (PIDHDD). The Working Group is an analytical body specializing in public policy and human rights of migrant workers, refugees, internally relocated persons and their families.

Support Center for Women and Children (Cochabamba)

The Support Center for Women and Children’s main objective related to migration is to promote the comprehensive human development of migrant women and children, improving their living conditions and facilitating their political, social and economic participation in the country.

Training and Citizen Rights (CCD—La Paz)

Training and Citizen Rights (CCD) is an institution dedicated to building human capacity through training, dissemination and research on citizen rights and duties, legal aid and alternative conflict resolution to effectively strengthen a culture of democracy. Its mission is to contribute to the strengthening of Bolivian democracy by building human capacity from a humanist viewpoint of law and by training vulnerable populations so that they may exercise and defend their rights.

CCD was launched in 1993 with a team of 18 volunteers who were students in the Law Program at the Bolivian Catholic University in San Pablo. It started its work by providing legal training to youth and adults who were in the San Pedro Criminal Court in La Paz. In addition to training, CCD is presently implementing the following programs: Human Rights Instruction Program, Legal Training Program, Legal Orientation Program and Alternative Conflict Resolution Program. It is also making inroads into the issue of migrants’ and their families’ rights.

To advance its work, CCD depends on student and graduate volunteers from many of the country’s university programs, such as Departments of Law, Social Communication, Psychology and Systems Engineering. After completing training, volunteers become agents of change in their own fields of study and can carry out main organizational actions.

In sum, we can state that migration issues have emerged in Bolivia in recent years. They are drawing greater commitment and involvement from federal agencies (although there are still limitations) and from civil society organizations in the promotion and defense of the rights of migrants, refugees and displaced persons.

The situation has culminated in a series of initiatives that have already shown results. Those that stand out are the right to vote for overseas Bolivian citizens for the first time in the country’s history; the formulation of a legal framework for

refugees and to combat human trafficking; the strengthening of efforts to protect and document migrants; and mutually agreed-upon demands between the state and civil society regarding a new comprehensive migration law.

In conclusion, we believe that Bolivia is undergoing a very important migration public policy formulation process, but its success will depend on the strength and clarity of the actors involved as they continue supporting and putting pressure on federal agencies to secure rights and opportunities for migrants.

PART IV

PROPOSALS ON CITIZENS' PARTICIPATION IN CRAFTING PUBLIC POLICIES AND PROGRAMS ON MIGRATION

Changes in Bolivia's migration flows, especially the significant increase in emigration over the past two decades, are the result of economic and political circumstances created by several factors. In the face of the state's historical political indifference and denial regarding the migration situation, the significant increase in emigration resulted in a growing demand and forms of intervention by civil society organizations, including migrant organizations, and regional and international political trends that are now reshaping the approach to contemporary migration in the country.

In the face of the new challenges created by migration, government agencies are currently searching for different responses, resorting to a political project that aspires to satisfy the needs of those traditionally marginalized and excluded, including emigrants. On the other hand, the magnitude of emigration has caused overseas Bolivian citizens to return—as made evident by the right to vote abroad—"subject to rights as objects of foreign policy" (Domenech & Magliano, 2009).

In this sense, Bolivian society is experiencing very intense social displacement processes in various areas that include many actors. In societies such as those in Bolivia, there is a "mobilized society" when citizen participation operates using multiple forms and in varied spaces. Migration does not escape these general dynamics that Bolivia is experiencing. A clear example of this is the achievement attained by overseas Bolivian emigrants when they demanded and obtained through organizations and protests the right to "vote abroad" for the first time in the history of the country in December 2009, although there were some limitations (Hinojosa et al., 2012).

Internally, this participation was the focus of civil society actors such as the Pastoral Cares of Human Mobility of the Catholic Church, NGOs, which have increased over the past few years with the growing visibility of women in migration, labor unions and, to a lesser extent, social movements.

Citizen participation in migration issues in Bolivia has sought to have a focused impact on creating laws that order, regulate and aim public actions from a perspective that respects migrant human rights. There are very few instances of achievements being made in migration through participation in local or regional government agencies. We will now analyze this participation from the construction of spaces and instruments tied to information and increasing societal awareness of migration issues.

1. Proposals for Means of Citizen Participation in the Democratic Process to Shape and Implement Migration Policies

Over the past decade, civil society organizations started to come together and make demands on public policies on migration. The first instance was when their efforts centered on the creation and consolidation of a National Immigration Council, an agency that, years later, would be abandoned to make way for the Law on Migration.

In this context, the Interagency Coordination Mechanism for Migration emerged as a “common space” that engaged different federal agencies in an open dialogue with representatives from civil society. Participants in the Interagency Coordination Mechanism for Migration include the Ministries of Foreign Affairs (Department of Consular Affairs), Government, Justice, Labor and Development Planning, along with the National Statistics Institute and the Central Bank of Bolivia. In addition to these state agencies and with equality of voice and vote, civil societies also came to debate the formulation of migration policy, including NGOs, representatives from the Pastoral Care of Human Mobility, international aid groups and migrant associations. The Department of Consular Affairs, organized under the Ministry of Foreign Affairs, acted as the technical coordinator of the Coordination Mechanism, as ordered by Article 17 of Supreme Decree No. 29894, which charged the agency with “ensuring respect for the rights of overseas Bolivian residents and representing their interests before state bodies.” This notion echoes a migration-related provision in the country’s new Political Constitution.

In 2010, the Coordination Mechanism submitted the “Country Document” to the Tenth South American Conference on Migration (CSM), which took place in Cochabamba and affirmed the following on civil society participation in Bolivia:

In horizontal coordination with various actors from civil society and social movements, the Plurinational State of Bolivia consolidated the Interagency Coordination Mechanism for Migration, of which it is a member. Following the recommendation of the Ninth South American Conference on Migration and the Fifth Inter-Sessional Meeting, which propelled civil society participation in formulating migration policy in each member country of the Conference, the process of inclusion reached in Bolivia constituted an experience that we wish to share on a regional level.

We know that overseas Bolivians, as emerging social and political actors, are still largely absent from the migration policy debate. Beyond the right to vote, we believe that overseas Bolivians must now deepen their involvement so that they can have greater participation in formulating policy.

Looking at the relationship between civil society and social movements the CSM supports the opening of a “common space” for civil society on a regional level to propose the forms in which this relationship can be effective and long lasting.

The three sections of the document by civil society submitted to the Tenth South American Conference on Migration define civil society participation in the formulation of migration policy as a fundamental element.

In this manner, citizen participation practices are evident in projects developed by several cabinet ministries related to migration. For example, Supreme Decree No. 29894 charged the Ministry of Labor, Employment and Social Security with the mission of “designing and coordinating the elaboration of a Labor Migration Policy in coordination with the General Office of Migration of the Ministry of Government,” related to its primary mandate, which is to protect and guarantee the dignified work in all its forms, (eradicating) “forced labor or any other similar form of exploitation servitude, generating policies and programs for the gradual eradication of the worst forms of child labor” (Article 88). In this sense, the Ministry of Labor, Employment and Social Security, though the Department of Employment, has been working for years on developing a proposal on labor migration policy for the Plurinational State of Bolivia in dialogue with civil society organizations.

The Ministry of Justice, through its Vice Ministry of Justice and Equality of Opportunity, is also working on the “rights” component related to migration. It is important to point out the collective work in drafting the National Action Plan on Human Rights (PNADH), which was coordinated by the Ministry, and that the most important feature of the PNADH was that it had participation from diverse national organizations, institutions and NGOs.

As mentioned in a previous section, some experimental practices have been carried out by NGOs, municipalities and governments on a local or regional level. We also highlight the active role played by the Catholic Church through its Pastoral Cares of Human Mobility. Through their own actions and by virtue of their projects, they create spaces and participatory forums that are attracting an increasing number of civil society actors.

For NGOs, the issue of feminization of migration has become a main focus for action. The project *Opening Worlds: Migrant Women, Women with Rights* was launched regionally in four Andean countries and nationally in the cities of La Paz, Cochabamba and Santa Cruz. It is an example of good practice and citizen participation that seeks to contribute to the formulation of different policies, such as a strategy to reveal the invisibility of women in migration or the issue of return, which is now one of the points generating the most discussion and attention.

2. Proposals for Citizen Participation in Strengthening Information and Raising Awareness on the Causes, Characteristics and Effects of Migration

Information is a crucial element in the formulation of public policy on migration. There is an undisputable, widespread lack of up-to-date official information in many countries, but this situation is even worse in Bolivia, where there are no official figures on the matter. This has resulted in government agencies’

arbitrary use of statistics to maximize or minimize the supposed impact of migration to shift emphasis from one factor to another when they are invited to share data on migration. For example, this is the case when they are asked to report the impact of economic remittances, the participation of women in the remittances and the impact on their family as well as the current phenomenon of the impact of returning migrants.

In these examples of how information on migration is used, the media (mostly written and televised media) have made substantial contributions to constructing the image of migrants that dominates our imaginations. In general terms, we can state that two paradigms have dominated media discourse on migration. The first centers on the practical and economic benefits of migration, emphasizing monetary remittances and their impacts on the family and national economies. The second stresses the dimensions of tragedy and victimization of migrants, in which women play a central role.

However, the National Population and Housing Census carried out on November 21, 2012, will have a decisive impact on this matter. The census posed two questions on international migration for the first time. Once we can examine the results of the census, we will have a much better understanding of the realities of Bolivian migration.

Among the good practices related to information and raising awareness on migration, we will mention the Opening Worlds project we discussed earlier. It stressed the importance of information in making decisions on migration policy on national, regional and international levels. The initiatives developed by the project prioritized the following:

- Increasing actual and potential domestic migrant workers' knowledge and understanding of migration procedures and their access to health and other services as well as those of migrant and civil society organizations that work on migration-related issues.
- Providing local authorities with evidence-based information to enlighten them as they make decisions on public policies and programs on migration, and listing examples of good practices that have been used by other public agencies in comparable circumstances.
- Facilitating the formation of associations of actual and potential domestic migrant workers, putting them in contact with local authorities in native and destination countries and with other important actors.

Regarding achievements made on gender issues by civil society organizations, a number of items were developed related to information and raising awareness. Among them, we will mention the following proposals made by the women's coordinator:

- Raise awareness among society in general and policy makers in particular on the importance of factoring gender into the formulation and implementation of public policies.
- Improve the management of information and knowledge in order to craft good policy. Ensure the availability of data on gender issues (broken down and itemized).
- Maintain coordination between public policies. Migration requires a dual plan of action: comprehensive and specific policies. Craft segmented and specific migration policies using both of these tools.
- Make plainly visible the feminization of migration and its contribution to development with express recognition in migration law. Avoid restrictive provisions in laws.
- Avoid victimizing migrants and “re-victimizing” migrant women.
- Ensure that there are channels through which civil society may act as a consultative agent, a source of demanding recognition, an agent of control and accompaniment.

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Chapter II

INTERNATIONAL MIGRATION IN CHILE: TRENDS, POLICIES, LAWS AND PARTICIPATION OF CIVIL SOCIETY

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Acronyms

ACLI	Christian Associations of Italian Workers
ACNUDH	United Nations High Commissioner for Human Rights (OHCHR)
ACNUR	United Nations High Commissioner for Refugees (UNHCR)
AFP	Pension Fund Administrators
APILA	Association of Immigrants for Latin American and Caribbean Integration
CAN	Andean Community of Nations
CAPS	Center for Psychological Services
CARI	Italian Regional Association Committee
CASEN	Socioeconomic Characterization Survey
CCIM	International Catholic Commission on Migration
CEDAW	United Nations Committee on the Elimination of Discrimination against Women
CELAC	Community of Latin American and Caribbean States
CELADE	Latin American and Caribbean Demographic Centre
CEM	Center for Women's Studies
CEPAL	United Nations Economic Commission for Latin American and Caribbean
CIAMI	Comprehensive Migrant Support Center
COIA	Italian Aid Committee
COSAM	Community Center for Mental Health
CPTMF	Committee for the Protection of the Rights of All Migrant Workers and Members of their Families
CSM	South American Conference on Migration
CTMF	Convention for the Protection of the Rights of All Migrant Workers and Members of their Families
DAES	United Nations Department of Economic and Social Affairs
DAM	Major Political-Administrative Divisions
DAME	Minor Political-Administrative Divisions
DEM	Alien Status and Immigration Department
DICOEX	Directorate for Overseas Chilean Communities
DIGECONSU	General Office on Consular Affairs and Immigration

FAO	Food and Agriculture Organization of the United Nations
FASIC	Christian Churches Foundation for Social Aid
FIBEMYD	Ibero-American Forum on Migration and Development
FIMU	Women's Institute Foundation
FLACSO	Latin American Social Sciences Faculty
FONASA	National Health Fund
FONDECYT	National Scientific and Technological Development Fund
GMG	Global Migration Group
ILADES	Latin American Institute for Social Studies and Doctrine
IMILA	Research Project on International Migration in Latin America
INCAMI	Chilean Catholic Migration Institute
INDH	National Human Rights Institute
INE	National Statistics Institute
ISAPRE	Health Insurance Company
JUNJI	National Kindergarten Board
MERCOSUR	Southern Common Market
MINEDUC	Ministry of Education
MINREL	Ministry of Foreign Relations
MINSAL	Ministry of Health
OCDE	Organization for Cooperation and Economic Development
OEA	Organization of American States (OAS)
OEI	Organization of Iberian-American States
OIM	International Organization for Migration (IOM)
OIRS	Information, Claims and Suggestions Office
OIT	International Labor Organization (ILO)
OPS/OMS	Pan-American/World Health Organization
PDI	Investigative Police
PMA	World Health Program
PMP	Country Migratory Profiles
PNUD	United Nations Development Program (UNDP)
REDMI	Chilean Migration and Intercultural Network

RM	Metropolitan Region
SEGIB	Iberian-American General Secretariat
SENAME	National Service for Minors
SERNAM	National Service for Women
SICREMI	Continuous Reporting System on International Migration in the Americas
SIMN	Scalabrini International Migration Network
SINTRACAP	Private Home Workers Union
SIPA	Argentine Integrated Social Security System
SJM	Jesuit Migration Service
SOFOFA	Fabril Support Society
SOPEMI	Permanent Observation System on International Migration
SSI	International Social Services
UAH	University of Alberto Hurtado
UDP	University of Diego Portales
UIT	International Telecommunications Union
UNASUR	Union of South American Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
VPS	Vicariate of the Social Pastoral Care and Workers

Introduction

In Chile, migration has taken different forms during different stages in the nation's history. Currently, there is an important and growing flow of immigrants who come from South American countries, as well as a significant presence of Chileans residing abroad, a product of age-old emigration.

What is the current status of immigrants? What have been the state's policies and regulatory responses? What roles have civil society organizations played and what roles do they play now? How are Chilean emigrants' situations being addressed?

First, this study will provide a brief overview of international migration in Chile, including past immigration with its historical context and, principally, immigration over the last few decades and the characteristics it has taken on. Important points include migrants' difficulties of inclusion and adaptive responses to a challenging setting in which they contribute to Chilean society with their experiences and initiatives. In this, we examine socio-demographic aspects, including the period of arrival, territorial distribution, composition by sex and age, level of education, integration into the labor market, and access to services and housing—all of which can be recognized given available information. In addition, we consider the condition of the refugee population and some general aspects of Chilean emigration, which has been the most visible feature in the country's history of migration. The analysis in the final section focuses on internal migration patterns.

Later sections consider, in detail, the regulation and public administration of migration. Although Chile never explicitly had a completely restrictive policy, the most important shift to this approach came about during the military dictatorship. In this period, foreigners' entry into the country was notably limited under the pretext of national security. Our analysis reveals that these regulations, which are still in effect and, though not applied in their entirety, are a source of anachronism and illegitimacies. Civil society, institutions and public authorities have fought them, at times fruitlessly, in order to implement a more welcoming system aligned with current international conventions.

To that end, advancements in integrating international migrants through, for example, the promotion of some initiatives from regional policies and the ratification of other international accords are insufficient given pending obligations. Other initiatives, like those related to creating links with Chilean emigrants, seem promising and require renewed pushes, possibly linked to an innovation regarding institutions dedicated to migration administration.

On these matters, we highlight the elaboration and enactment of a new refugee law, an area in which participatory appraisals and resettlement programs have been pushed. It involves advancements that hint at a more welcoming attitude toward international migration, an attitude that will hopefully also be reflected in the country's public policy framework.

Our work also addresses civil society participation in shaping and implementing public policies and programs on international migration, with an analysis of the technical contributions made by international organizations. In order to better understand civil society participation, we present the information derived from the results of a semi-structured interview performed during the first half of 2012 with a sample representing diverse institutions in the regions most emblematic of the migration phenomenon (the north and the center of the country). Although we tried to obtain the opinions and the background of a wide spectrum, not all of the organizations that operate in Chile are represented in our study, nor was it possible to obtain responses of some others that we contacted. However, the efforts of organizations are of great importance and have made up for the lack of participatory and affirmative responses that the Chilean state should try to gather from different levels.

In the final section of our study, we present some proposals for spaces and instruments of citizen participation in the shaping, implementation and monitoring of public policies on migration. We outline proposals that seek to promote greater and more significant participation by civil society actors in the elaboration and design of public policies on migration. To a great extent, they are in sync with the needs of many migrants with regard to laying claim to their rights and, furthermore, are in accordance with the mandates and suggestions of international bodies. To that end, we present some notions about the public policy construction process, briefly contrasting them with the elaboration of a new migration law in Chile starting with the fragmented precedents that have been made known since the middle of 2012.

Later, with a view toward the future, we examine existing recommendations to implement such policies, in particular those from international organizations, and take up the strengths and weaknesses of civil society participation. We maintain the premise that although their legitimacy may be indisputable it is unclear whether proposals made by civil society have been received, specifically in the case of the new migration law that will be discussed in the coming months.

There are current, reasonable indices that suggest obstacles to widely receiving these suggestions. However, we believe that there is a potential strength in this weakness of the Chilean process of elaborating a new migration law. In the coming years, it may be possible to use defeated spaces from which to fight for active participation in the elaboration of policies and programs related to migrants, as well as guaranteeing their protection against discrimination.

PART I

GENERAL ANALYSIS OF MIGRATION DYNAMICS IN CHILE

This chapter provides a brief examination of international migration in Chile, including past immigration within its historical context, paying special attention to immigration over the last few decades and the characteristics it has taken on, especially regarding the socio-demographic and socioeconomic features of migrants. The information analyzed, which originates mainly from census data (mostly from 2002) and other secondary sources, as well as the results of different research projects, shows the difficulties of inclusion and the ways migrants respond to a challenging setting to which they contribute their experiences and initiatives. In this, we examine aspects of migrants that include the period of arrival, the territorial distribution, the composition by sex and age, the level of education, the integration into the labor market and the access to services and housing. In addition, we consider the condition of the refugee population and some general aspects of Chilean emigration, which has been the most visible feature in the country's history of migration. The last section's analysis focuses on internal migration patterns.

1. Historical Background of Migration

The immigration of foreigners has been and continues to be an important aspect of Chile's history in spite of the common finding of researchers that the country has not historically been a nation of significant immigration due to its relative geographical isolation, the contingencies of its political, economic and cultural structures, or the verification of the reduced percentage of immigrants represented in the nation. The number of immigrants as a percentage of the total population only occasionally surpassed 4 percent, although this should not hide facts, such as between the end of the nineteenth century and the middle of the twentieth century, the country sponsored and received contingents of Europeans (especially Germans, British, Italians, Dutch, Croatians, Swiss, French and Spanish) and was simultaneously a destination for immigrants from Palestine, Syria and Lebanon (Cano, Soffia & Martínez, 2009; Courtis, 2010). In the last decades, immigration received a renewed push from support of Latin American countries. It is an irrefutable fact that all of these immigrants left and will continue to leave an important cultural imprint, and they were present or contributed to demographic, economic and political transformations, a viewpoint shared by various authors (Rodríguez, 1982; Gutiérrez, 1989; Stefoni, 2001).

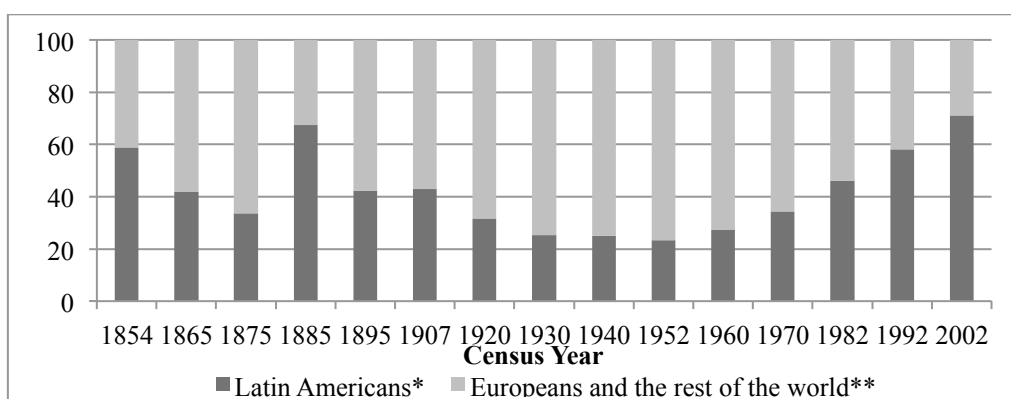
Another fact that is less debated is the undesired effects of immigration in other countries when the state fails to intervene and cite misfortunes and challenges. At times,

this has led to poor results for the native population, especially for indigenous peoples and the immigrant population itself (Norambuena, 1998; Villalobos, 1992).

The first census, performed in 1865, recorded the presence of intraregional migrants mainly from bordering countries, such as Argentina and the Plurinational State of Bolivia and Peru, in percentages not insignificant in relation to extra-continental migration. Although Europeans came to represent 67 percent of the foreign population towards 1940, the National Population Census of 1982, which recorded the lowest percentage of foreigners in the history of the country, showed a turnaround in favor of Latin American immigration.

Compared to countries like Argentina, the Bolivarian Republic of Venezuela, Costa Rica and Mexico, for example, immigration's relative quantitative incidence has been very low (see Graph 1). In recent decades, Chile has generally maintained a proportion of immigrants that fluctuates between 1 and 2 percent, a percentage that was always lower than that of immigrants on a worldwide level (2.8 percent). In graph 1, we see that in Chilean migration, intraregional immigration has always been significant and has notably increased in past decades, especially for migration stemming from South American countries like Peru, the Plurinational State of Bolivia and Ecuador. Immigration of European origin, especially Spanish, English, German and Italian immigration, played an important role in Chile's history, mostly after independence (1810) and during the start of the republic, when trade openness and the intent to populate territories in the south of the country became the focus of efforts to admit foreigners with the desire to grow and develop the nation (Cano, Soffia & Martínez, 2009).

Graph 1. Chile: Population born abroad according to country of origin, 1854–2002
(in percentages)



Source: Personally produced using national population censuses from 1854–2002, INE Chile

*Includes countries from South America, Central America and the Caribbean

** Includes countries from Europe, Asia, Africa, North America and Oceania

Table 1. Chile: Population born abroad and percentage as a total of the population, 1854–2002

Year	Total population	Born overseas	Percentage of total population
1854	1,439,120	19,669	1.4
1865	1,819,223	21,982	1.2
1875	2,075,971	25,199	1.2
1885	2,507,005	87,077	3.5
1895	2,695,625	79,056	2.9
1907	3,231,496	132,312	4.1
1920	3,731,593	114,117	3.1
1930	4,287,445	105,463	2.5
1940	5,023,539	107,273	2.1
1952	5,932,995	103,878	1.8
1960	7,374,115	104,685	1.4
1970	8,884,768	90,441	1.0
1982	11,275,440	84,345	0.7
1992	13,348,401	114,597	0.9
2002	15,116,435	184,464	1.2

Source: Martínez (1997 and 2003)

2. Brief Overview of Immigration during the Nineteenth Century and the Start of the Twentieth Century

Starting in the nineteenth century, Chilean independence and the abolition of slavery facilitated the spontaneous arrival of non-Spanish Europeans to the country, since the Spanish had already arrived and settled during the colonial period. Valparaíso, for example, became the stopover point for foreign traders, the English and French being the first non-Spanish foreigners to arrive in the country (Cano, Soffia & Martínez, 2009).

One of the main reasons for the arrival of the British was the “gold rush” in California (1840), which converted Chile into one of the main providers of supplies to the United States. From Valparaíso, the British began to launch different commercial projects in the country, like banks, insurance companies and transportation, controlling the center of commerce and the manufacturing industry until 1930 (Harris, 2001; Rodríguez, 1982). The French would later influence urban life, contributing to the intellectual heritage and developing the education system, which would eventually result in the birth of the Chilean middle class, among other things (Rodríguez, 1982).

This first European immigration did not occur on a massive scale, as in other countries of the continent’s Atlantic coast (Estrada, 2002). In fact, it shared the characteristic of happening without much state intervention. Planned immigration only became apparent in the middle of the nineteenth century, although many researchers agree that it did not achieve its desired results (Norambuena, 1998). The attraction of

immigrants to promote industry and the exportation of raw materials was one of the primary goals of the independent republics in Latin America. During this time, the migration project was based on the general idea that an increased population would bring with it greater economic progress, thanks to the “spirit of order and work” of Europeans (Rebolledo, 1994).

There were also national defense reasons for migration. In the face of the threat of the occupation of Chilean territories by European countries, which launched an imperialist expansion at this time, the migrants’ arrival seemed like a good solution to populate and exploit unpopulated zones (Villalobos et al., 1974; Estrada, 2002). In the 1850s, Chile’s process of colonization and population of southern territories began (along with the destruction of ancestral territories of indigenous peoples) through the settlement of Germans in the agricultural regions of Valdivia and Llanquihue, a process headed by the diplomat and politician Vicente Pérez Rosales. In the words of one historian, “the idea was not just to bring more people to a nearly uninhabited country, but to bring a better people” (Villalobos et al. 1974, p. 456).

Immigration continued to be promoted during the following decade, especially by Benjamin Vicuña Mackenna. During the 1860s, expansion also occurred in the country’s north by investing and exploiting saltpeter and copper in Antofagasta, a territory that has been under Bolivian jurisdiction ever since. To overcome scarcity in the labor market during the second half of the nineteenth century, the incorporation of Asians, not slaves, to work in the nitrate mines in Chile’s north was promoted, although in insignificant numbers when compared to workers from Cuba and Peru (Pellegrino, 2001).

Many authors indicate that European immigrants were mostly prominent entrepreneurs, with notable leadership and organizational skills, who maximized entrepreneurial capacity and skilled labor. However, according to Harris (2001), this applied only to the second generation of immigrants, which came to strengthen the middle class of Chilean society and rose to hold business positions, while the first generation of immigrants blended into the country’s lower classes.

Immigrants increased their presence between 1865 and 1960 due to the arrival of Arabs and Asians. In contrast to Europeans, they did not rely on concessions or concrete settlement offers because they came from countries situated in the lowest levels of the hierarchy of immigrants included in Chile’s migration policy implemented at the time (Cano, Soffia & Martínez, 2009). Among these groups, the incorporation of Chinese immigrants as mine workers was notable and was promoted during the second half of the nineteenth century to counteract the scarcity of manual labor in the north. The spontaneous arrival of Arabs also dated back to the 1930s. Most of them became involved in commercial activities, the same sector in which an important number of Koreans would later become incorporated.

While immigrants settled the south, there was also a flow of migrants from neighboring countries. At the end of the year 1800, Latin American immigrants, especially Bolivians, Peruvians and Argentineans, accounted for an unprecedented 67 percent of foreigners residing in Chile. In the 1885 census, those born in Peru and Bolivia were 40 percent and 15 percent of the country’s foreign population, respectively. The

increase in border immigration during the nineteenth century is mainly explained by the incorporation of new territories in Chile's north, after the War of the Pacific (1879), and for its geographical proximity, which also facilitated increased participation of Peruvians and Bolivians in the saltpeter exploitation, though their numbers would eventually decrease due to saltpeter's decline in the twentieth century (Rodríguez, 1982). Argentina immigration, meanwhile, ranks as one of the oldest, an obvious fact given the extensive border shared by both countries.

3. Immigration Trends from the Middle of the Twentieth Century

Chile has received immigrants throughout its history, although the issue has been neither prominent nor studied in national academia with the attention it deserves. In any case, since the second half of the twentieth century, trends have been well known and were marked first by episodes of challenges and conflicts and later on by the search for opportunities. In the first case, post-World War II immigration was evident, especially of Germans, Italians and Spanish who settled in different regions in the country and gave a new push to the installation of new communities with a strong influence in institutions, commerce and many other activities. In the second case, national historiography has placed much attention on the influx of Spanish immigrants during the Franco dictatorship. Those who came were few in number, and their gravitation toward areas like science, literature and education have been Chile's principal legacy.

The military dictatorship that came to power in 1973 clearly defined a pattern of expulsion, though for decades it was not recognized, and a low influx of immigration (Martínez, 1997). This was the decisive trend until 1990 when the country's democratic system was restored. With it, a notable change was apparent, i.e., the increase and visibility of immigration to Chile. In other words, although an important group of Chileans emigrated in search of political refuge or economic improvement, the country imposed restrictions on immigrants, some of whom were considered "potential subversives" by the dictatorial regime. Only in the years following the political crisis did the relative economic recovery give the country a more prosperous and modern image, which would create an incentive for the arrival of new immigrants and the return of some Chileans (Araujo et al., 2002; Cano, Soffia & Martínez, 2009).

Many factors have influenced these migration patterns. However, it is undisputable that a greater intensity of economic and business relations between Chile and other countries, as well as the global context of greater openness to mobility and of information on unequal opportunities, were derived from a more open country, though not exempt from contradictions in the state's answers.

At least three facts can be observed regarding recent immigration:

- 1) Since 1990, along with Chile's political stability and economic growth, it started becoming a clearly attractive destination for regional migrants.

- 2) Coincidentally, it was a period in which countries like Peru encountered severe socio-political and economic challenges, which led to the emigration of many Peruvians, some of whom opted for Chile.²⁵
- 3) Immigration to Chile became apparent due to the presence of these immigrants, especially in the country's capital. However, there are contrasting realities throughout the country regarding the presence and arrival of diverse groups of immigrants from the region and other regions of the world.
- 4) Between 2010 and 2012, a possible diversification of national origins and regional and urban destinations within the country were distinguishable—though the influx of Peruvians to the capital still prevails.

Effectively, migration from bordering countries showed significant increases (especially in Peru's case), and there was an apparent influx from regional, non-adjacent countries, like Ecuador and Colombia, that has generated a high level of emigration in recent years. One aspect that demands further study is the presence of immigrants from Asian countries, such as China, Taiwan and South Korea (Courtis, 2010).

While waiting for the results of the 2012 census, the problem of data sources impedes any authoritative definition of current trends of migration in Chile. According to the Studies Section of the Alien Status and Immigration Department (DEM), at the end of 2009 more than 350,000 people born overseas were living in Chile. If the comparison can be established with figures from 2008, a near 58-percent increase can be seen compared to the 2002 census. Table 2 shows the evolution of these volumes and allows us to get an idea of the composition, although the different nature of the census data and their estimates based on records cannot be known since they are not statistical.

²⁵ Geographic proximity is an important factor of Peruvian immigration because it allows return to the country of origin with greater frequency (Araujo et al., 2002). According to Teófilo Altamirano, this trend began in the 1980s and increased over the years, in accordance with the third influx of Peruvians in Chile's history, composed of immigrants from the middle class, urban lower middle class and peasant class, which concentrated in the north and center of the country (cited in Stefoni, 2002).

Table 2. Chile: Population born abroad according to country of origin (2002 and 2008)

Place of birth	Census 2002		Estimate 2008	
	Total	Percentage of total foreign population	Total	Percentage of total foreign population
SOUTH AMERICA	125,161	67.85		
Argentina	48,176	26.12	59,180	18.67
Peru	37,860	20.52	107,557	33.92
Bolivia Plurinat. State	10,919	5.92	22,227	7.01
Ecuador	9,393	5.09	17,471	5.51
Brazil	6,895	3.74	9,189	2.90
Rep. Boliv. of Venezuela	4,338	2.35	N/D	N/D
Colombia	4,095	2.22	10,875	3.43
Uruguay	2,241	1.22	N/D	N/D
Paraguay	1,222	0.66	N/D	N/D
Other countries	22	0.01	N/D	N/D
NORTH AMERICA	11,295	6.12		
United States	7,753	4.20	9,432	2.97
Canada	1,845	1.00	N/D	N/D
Mexico	1,697	0.92	N/D	N/D
CENTRAL AMERICA AND CARIBBEAN	3,163	1.71		
Cuba	3,163	1.71	N/D	N/D
EUROPE	24,340	13.22		
Spain	9,084	4.92	10,719	3.38
Germany	5,473	2.97	6,366	2.01
Italy	3,927	2.14	N/D	N/D
France	3,043	1.65	N/D	N/D
Great Britain	1,563	0.85	N/D	N/D
Sweden	1,250	0.68	N/D	N/D
ASIA	262	0.14		
China	262	0.14	3,936	1.24
OTHER	20,243	10.97	60,293	19.02
TOTAL	184,464	100.00	317,245	100.00

Source: Courtis (2010), according to 2002 census data, INE-Chile and estimates from the Alien Status and Immigration Department published in “Estimate of the population of foreigners in Chile 2008,” available at www.extranjeria.gov.cl, accessed on 04-2010.

* N/D = No data available

According to estimates given by the Alien Status and Immigration Department, the predominant native country of migrants is Peru, with more than 100,000 people, which represents 34 percent of the total foreign population, far surpassing the Argentine-born population. Bolivian migrants come in third place (7 percent) followed by Ecuadorians (5.5 percent) and Colombians (3.5 percent). These estimates capture particular growth dynamics for each country of origin. The migration countries that showed the largest inter-census growth between 1992 and 2002 were Peru, Ecuador and Colombia. DEM estimates suggest that between 2002 and 2008, Colombians and Peruvians showed the largest percentage growths followed by Bolivians and Ecuadorians (see Table 3).

Table 3. Chile: Migration growth according to primary places of origin (1992–2008)

Country	Census 1992	Census 2002	Inter-Census Growth (%)	Estimates DEM 2008	Percent increase 2002-2008
Peru	7,649	37,860	395%	107,557	184%
Ecuador	2,267	9,393	314%	17,471	86%
Colombia	1,666	4,095	145%	10,875	166%
Bolivia Plurinat. State	7,729	10,919	41%	22,227	104%

Source: Courtis, (2010), based on census of 1992 and 2002, INE-Chile and on estimates of Alien Status and Immigration Department

According to the last estimate given by the Alien Status and Immigration Department of the Ministry of the Interior for 2009 (352,344 people), around 2.08 percent of the total resident population in the country was born overseas. We must insist that this figure comes from a non-statistical source, which is why it is only presented as an illustration here.

Table 4. Estimate of the number of residents born overseas according to the Alien Status and Immigration Department of Chile (2009)

Country of birth	Estimate	Percentage
Peru	130,859	37.1
Argentina	60,597	17.2
Bolivia Plurinational State	24,116	6.8
Ecuador	19,089	5.4
Colombia	12,929	3.7
Spain	11,025	3.1
United States	9,720	2.8
Brazil	9,624	2.7
Germany	6,547	1.9
China	4,589	1.3
Other countries	63,249	18.0
Total	352,344	100.0

Source: Registration of Residence Permits (DEM), Chile

4. Characteristics of Modern Immigration

According to the 2002 census, Chile's main immigrant groups were of South American origin (68 percent). This will not have changed. Table 5 shows that the four most numerous groups are Argentines, Peruvians, Bolivians and Ecuadorians, in this order, although the most recent records from the DEM reveal a majority of Peruvians over Argentines. On the other hand, Europeans, Asians and North Americans—which represent overseas immigration—represented around 30 percent altogether with Europeans being the largest (Martínez, 2003).

Table 5. Chile: Ten main countries and regions of origin for foreigners born abroad and some of their characteristics, 2002^a

Country & region of birth	Amount	Percentage of total immigrants	Sex Ratio ^b	Percentage Variation 1992-2002	Percentage under 15 years old
Total	184,464		0.91	60.97	18.44
Argentina	48,176	26.12	1.00	39.99	31.12
Peru	37,860	20.52	0.66	394.97	9.00
Bolivia (Plurin. State of)	10,919	5.92	0.84	41.27	9.96
Ecuador	9,393	5.09	0.83	314.34	19.54
Spain	9,084	4.92	1.07	-7.77	8.42
United States	7,753	4.20	1.23	24.07	27.29
Brazil	6,895	3.74	0.85	49.57	22.87
Germany	5,473	2.97	0.95	-2.32	10.03
Venezuela (Rep. Boliv. of)	4,338	2.35	0.94	80.98	23.33
Colombia	4,095	2.22	0.82	145.80	13.77
South America	125,161	67.85	0.84	98.51	20.10
North America	11,296	6.12	1.17	37.19	27.18
Central America & Caribe	5,782	3.14	1.02	112.03	12.11
Europe	31,780	17.23	1.05	-1.22	12.37
Asia	7,735	4.19	1.26	16.91	9.02
Africa	1,302	0.71	0.98	66.92	9.91
Oceania	1,409	0.76	0.90	48.00	23.07

Source: Jorge Martínez, *The Charm of Data: Socio-demographics of Immigration in Chile According to the 2002 Census, Population and Development series*, 49 (LC/L.2046-P), Santiago de Chile, ECLAC, 2003, from the national population censuses and the IMILA Project of CELADE

^a The data included the population born abroad and residing in Chile at the time of the 2002 census. It did not include temporary residents.

^b This corresponds to the relationship between the number of men and women in the immigration population, expressed as: $\# \text{ men} / \# \text{ women}$.

The majority of Latin American immigrants who had recently arrived in Chile most frequently mentioned economic motivation as one of the reasons for making the decision to migrate. At least 43.4 percent of Argentine residents gave this response when surveyed by the International Organization for Migration (IOM) in 2004, and it also seemed to be the main reason for migration of Peruvians (Cano, Soffia and Martínez, 2009).

The decision to emigrate is also affected by the existence of social networks that encourage and make possible the arrival and inclusion of new immigrants into labor. In the case of immigrants from countries with little representation, this creates additional difficulties for settlement (e.g., those of Dominican or Haitian origin). Stefoni (2001) indicates that in the case of Peruvian migration, for example, the majority of those who arrive are helped by family networks that make the necessary contacts and provide information about the trip that the immigrant must take to get to the destination, the place to be settled or the work alternatives for the compatriot.

In the description of some socio-demographic characteristics of the main immigrant groups currently in Chile, one must keep in mind that the 2012 census results are not available. Consequently, we analyze the four most representative cases—the Argentines, the Peruvians, the Bolivians and the Ecuadorians—and consider features including the date of arrival, territorial distribution, composition by sex and age, level of education, integration into the labor market and access to services and housing. To that end, we rely mainly on Cano, Soffia and Martínez (2009) and Martínez (2003), who compiled figures from the 2002 census, and other authors who have researched other sources, as well as the CASEN 2006 survey from the Ministry of Planning. This examination does not ignore the presence of minority groups with significant growth, like Dominicans and Haitians.

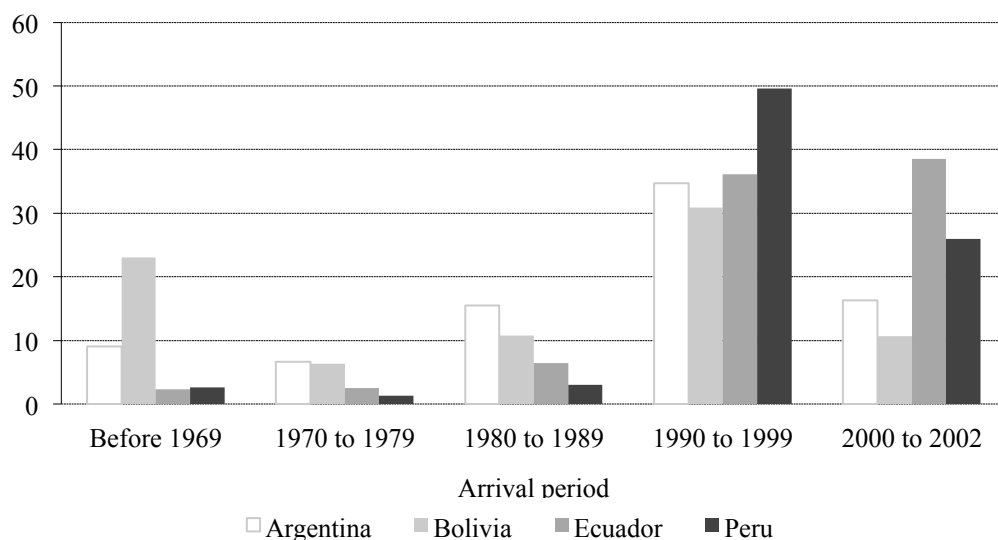
It should be stressed that immigrants who go to Chile do not necessarily share socio-demographic and socioeconomic characteristics, even when the desired records are not always available. The presence of housekeepers tends to be more concentrated in urban zones, unlike that of workers employed in agricultural production.

Period of Arrival

Until 2002, immigration from South American countries took place mostly after the 1990s, once the democratic political regime was reestablished. It established the foundations for macroeconomic stability and controlling the extent of unemployment and poverty. By examining the data by sex, we see that, in general, the periods of arrival coincide for men and women in each country.

Graph 2. Chile: Main countries of origin of those born abroad according to period of arrival, 2002

(in percentages)

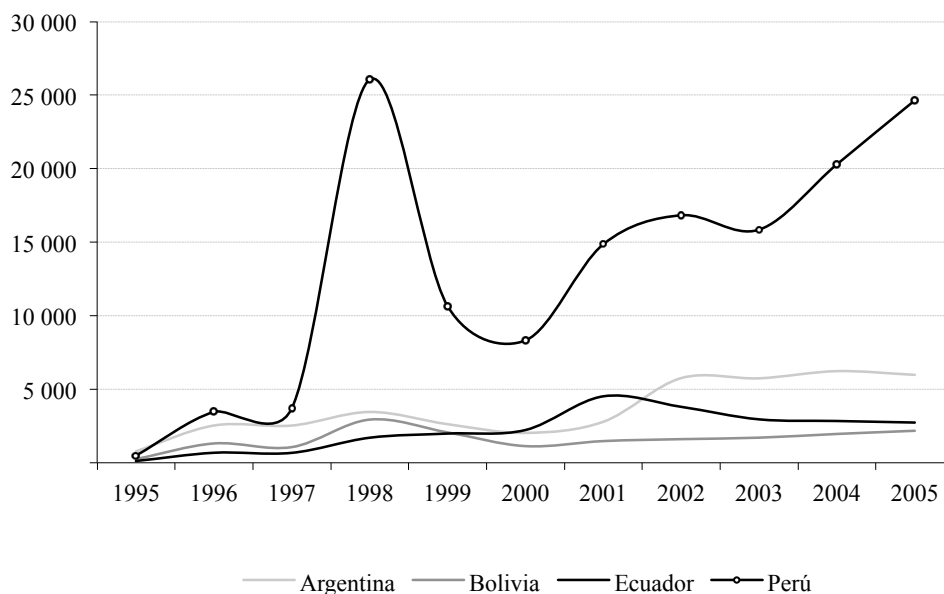


Source: Personally produced using Graphs made by Jorge Martínez, *The Charm of Data: Socio-demographics of Immigration in Chile According to the 2002 Census, Population and Development* series, 49 (LC/L.2046-P), Santiago de Chile, ECLAC, 2003

According to Martínez (2003), the arrival of Peruvian and Ecuadorian immigrants began in earnest in 1996, which indicates that this process took place in a context in which Peru and Ecuador had already begun recording high rates of migration. In addition to being one of the oldest and most continuous in the history of Chilean migration, Argentine immigration also recorded the greatest number of new arrivals. We must wait for new indications of change, especially regarding the intensity of emigration from Andean nations and the effect of the emergence of Colombia, which should be apparent with new census information.

From another point of view, graph 3 shows the total number of visas awarded by nationality between 1996 and 2005, including permanent and temporary visas. Although it does not include statistical data, it confirms the trend of the increasing awarding of visas, especially to Peruvians. The highest point, recorded in 1998, corresponds to the first regularization measure in which visas were awarded to more than 20,000 foreigners. For the four countries in question, the number of people granted permanent residence until 2005 was much less relative to the total number of visas awarded, representing approximately between 20 percent and 30 percent. The most common type of visa awarded by the government was a temporary visa.

Graph 3. Chile: Total visas awarded by the Alien Status and Immigration Department according to nationality, selected countries, 1996–2005



Source: Personally produced using the Registry of Visa Holders of the Alien Status and Immigration Department of the Ministry of the Interior, Government of Chile

Table 6. Chile: Main regions of residence for those born overseas, 2002
(in percentages)

Country of birth	Tarapacá	Metropolitan	Valparaíso	Araucanía	Other region	Total regions
Argentina		46.3	11.5	11.1	31.1	100.0
Bolivia (Plur. State of)	46.2	24.4			29.4	100.0
Ecuador		67.0			33.0	100.0
Peru	12.1	77.9			10.0	100.0
Total born abroad	6.9	61.2	8.6	4.1	19.2	100.0

Source: Produced using Jorge Martínez, *The Charm of Data: Socio-demographics of Immigration in Chile According to the 2002 Census*, Population and Development series, 49 (LC/L.2046-P), Santiago de Chile, ECLAC, 2003, based on special 2002 census tabulations

Territorial Distribution

The Metropolitan Region (MR) is home to the majority of those born overseas who reside in the country. The proportion of immigrants relative to the total metropolitan population is 1.9 percent, slightly higher than the 1.3 percent national figure in 2002 (Martínez, 2003). Table 6 shows that the regions with the largest presence of foreigners

after the capital is Valparaíso, where mostly Argentineans are concentrated; the northern Tarapacá region, with a high number of Bolivians and Peruvians; and Araucanía, where Argentineans are also concentrated. Although they are mostly in the MR, the presence of these last few is also distributed in great measure among other regions of the country.

At the community level, the distribution also differs according to the migrants' country of origin. For example, Peruvian residents in the MR tend to be located in high concentrations in urban communes in the city center, such as Santiago, Recoleta, Estación Central and Independencia, as well as in those of the eastern sector as is the case of women in Las Condes and Vitacura. Argentineans, however, "have a distribution more akin to the Chilean population" and relocate in a more homogenous fashion throughout the region (Martínez, 2003, p. 40).

According to Martínez (2003) and Stefoni (2007), these differences in settlement are some of the nuances that explain how traditional Argentine immigration was less visible compared to Peruvian immigration, although it began many years earlier. The high percentage of Peruvians located in metropolitan communes of the eastern sector, such as Las Condes, Vitacura and Lo Barnechea, is characterized by its very low number of men, which is why these communes are associated as work places for Peruvian women as housekeepers.

Box 1. Peruvian population in the center of Santiago

In the areas near the Plaza de Armas and the Central Market, one may find a series of businesses and service centers, including restaurants and Internet and call centers, which are in high demand by Peruvians. The construction of this space for immigrants is a very noticeable feature of the Santiago center and reflects what is required by an ethnic community inhabiting a globalized world: the maintenance of communication and contact with the native country and the presence of one's own cultural elements in the country of residence. For Stefoni (2001), this phenomenon may be the preparation of "transnational communities" or of transnational families that indicate a new way of living after migration. However, for these communities to exist in this manner, the establishment of a captive market for this group, the transcendence of a private space, and the generation of a public space for community meetings are necessary. On the other hand, centrality, access to services and markets and good accessibility and connectivity between central and surrounding central areas and the rest of the city constitute an attraction for migration to these places (Torres & Hidalgo, 2009). The age and devaluation of some residences in these communes also constitute residential sectors that are easier to access economically: "Many of these immigrants live in precarious conditions with a lack of basic services... These houses may house more than twenty-five families, which share the use of basic services (kitchens and bathrooms), which has an effect on the hygienic conditions generated by this type of residence (Torres & Hidalgo, 2009, p. 7).

Composition by Sex

Dates from the last two population censuses show a notable increase of women in migration flows. According to Martínez (2003), this gives rise to a *feminization* of immigration in Chile, an idea that was widely popularized in the country and introduced in various regions of the world. The case of immigrants from Peru is the most extreme, producing a sex ratio of seventy men to one hundred women, according to the 2002 census. The strong predominance of women is widely recognized as related to changes in Chilean society that *motivate and obligate* many women to become heads of household and assume economic and child rearing responsibilities. Labor markets for immigrants have a segmented structure and offer jobs in services and care mainly to women. This reality is characteristic of the Peruvian migrant population.

The Argentine case represents an exception to this trend given its more homogenous ratio of men to women, which is often interpreted as an indicator of migration that is of a more “familial” nature.

Table 7. Chile: Sex Ratios According to Age Groups and Country of Birth, 2002

Age Groups	Chile	Argentina	Bolivia (Plurin. State of)	Ecuador	Peru
0 - 9 years	103.8	101.2	100.0	104.9	100.1
10 - 19 years	103.9	102.0	92.9	105.8	88.7
20 - 29 years	100.3	97.1	77.8	76.4	58.7
30 - 39 years	97.2	100.9	86.4	76.1	67.8
40 - 49 years	95.5	113.6	80.7	77.4	55.2
50 - 59 years	94.4	117.3	79.4	59.9	61.6
60 - 69 years	87.5	97.9	80.8	57.1	80.9
70 - 79 years	77.3	75.8	105.0	75.9	95.0
80 years & plus	56.9	45.0	79.9		70.6
Total	97.1	99.9	83.9	82.6	66.0

Source: IMILA Project of CELAC and the 2002 census

Note: Empty cells refer to data where n < 100 cases

Composition by Age

The 2002 census data indicate that a majority of foreigners residing in Chile this year were old enough to be employed (older than fifteen), while less than 10 percent were children. For Martínez (2003), the high number of workers shows that the labor component plays a strong role in the decision to migrate, at least for those born in Peru, the Plurinational State of Bolivia and Ecuador. Argentine immigration has a similar age composition as the Chilean population in that it has a higher number of children younger than fifteen. According to Martínez (2003), this is attributed in part to a “return” of Chileans and their foreign-born children.

Education

The majority of immigrants in Chile have a level of education higher than that of Chileans (see Table 8). Argentines, Bolivians, Ecuadorians and Peruvians represent a high proportion of people with more than ten years of study, especially the last two groups, of which more than 70 percent can claim this statistic. This shows that many immigrants are characterized by having high levels of education. In fact, studies done by ECLAC (Martínez, 2008) show that Chile is the country that receives the highest number of skilled immigrants in the region.

Table 8. Chile: People older than ten by country of birth and years of study, 2002
(in percentages)

	Chile	Argentina	Bolivia (Plurin. State of)	Ecuador	Peru
Less than 4 years	10.1	4.8	14.7	2.9	3.5
4 - 6 years	16.9	12.0	13.6	7.7	6.3
7 - 9 years	23.1	26.3	17.6	12.0	12.8
10 years & up	49.9	56.7	54.1	77.4	77.4
Total	100.0	100.0	100.0	100.0	100.0

Source: Personally produced using data from the IMILA Project of CELAC and the 2002 census

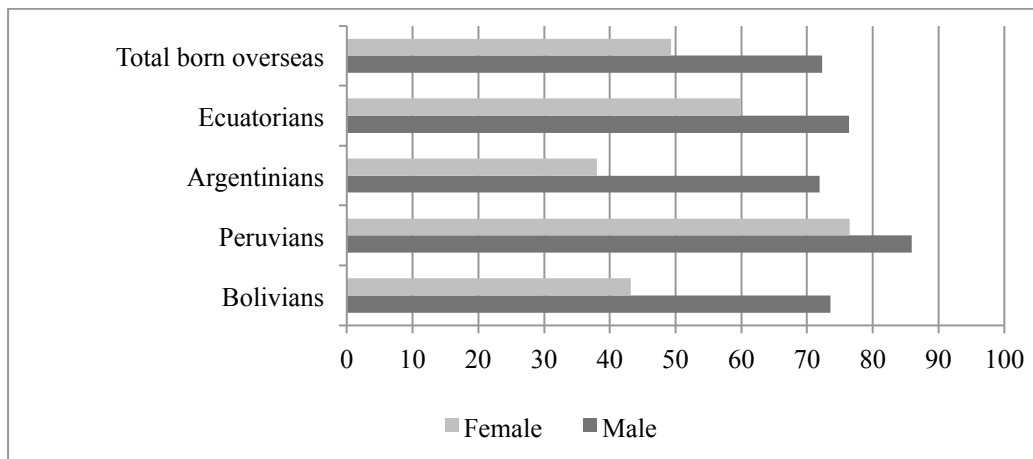
The 2006 CASEN survey allows for analysis of the Chilean education system's enrollment of those immigrants of schooling age,²⁶ showing that almost all of those between 6 and 17 years of age currently attend some educational institute (95.4 percent), a figure that is practically equal to the average in Chile (96.5 percent) (Ministry of Planning, 2008). The only case that calls attention to a lack of access to the education system is that of those who come from the Plurinational State of Bolivia. The number of young Bolivians who do not attend school (29 percent) is still considerable.

Labor Inclusion

The rates of workforce participation for immigrants in Chile are high and float around 60 percent, always being higher for men. Graph 4 clearly illustrates that Peruvians attain the highest rate of participation among immigrants and, furthermore, have a higher proportion of women in the workforce as well.

²⁶ The CASEN survey is a useful tool for analyzing migrant profiles, but it is often not representative of Chile's total immigrant population due to its sampling (the immigrant population is distributed differently than the national population within the country). The Bolivian case, owing to its special concentration in the northern regions, may be under-represented in the total sample (Cano, Soffía & Martínez, 2009).

Graph 4. Chile: Rate of workforce participation for main groups born abroad by sex, 2002
(in percentages)



Source: Jorge Martínez, *The Charm of Data: Socio-demographics of Immigration in Chile According to the 2002 Census, Population and Development* series, 49 (LC/L.2046-P), Santiago de Chile, ECLAC, 2003, based on special 2002 census tabulations

Based on the 2002 census, Martínez (2003) explains that the main areas of workforce inclusion for the immigrant population are in domestic services (16 percent) and retail businesses (13 percent). Participation in domestic services has grown notably since the 1992 census, a year in which only 3 percent of the immigrant workforce was included. In contrast, participation in retail businesses, although it continues to be one of the privileged sectors for foreign workers, has decreased since the last census, when it accounted for 20 percent of the immigrant workforce.

At the time of the 2002 census, the construction sector was not an area in which immigrants maintained a significant presence. Only for Peruvians did this type of work appear as one of the three main types of workforce participation for men (15 percent), along with industry (15 percent) and business (29 percent)

Although according to the census only 4 percent of those employed in domestic service capacities were foreign, there were groups of immigrants that showed notable labor market segmentation. For example, in the case of the Peruvian female workforce, Martínez (2003) explains that more than 70 percent of these women were employed in this sector, and although it was not new, this labor market segmentation gained greater visibility as a consequence of increasing feminization of immigration and of the changing labor demand of Chilean employers. Among female workers in the domestic service sector, almost 80 percent were Peruvian and only 8.9 percent Argentine. Graph 5 shows the divergence between both groups of foreigners.

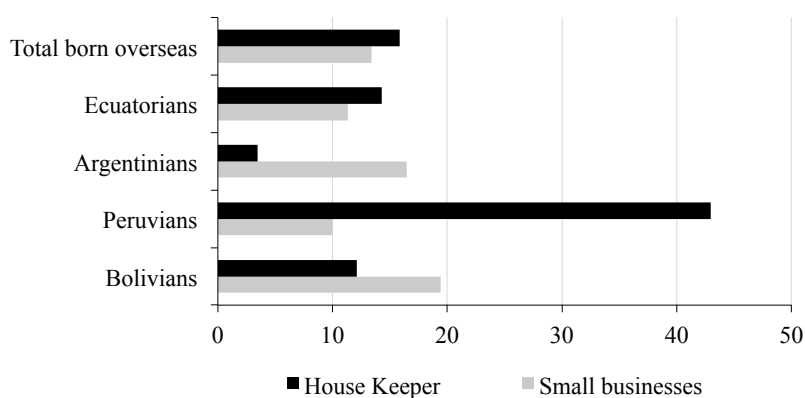
When comparing the two largest groups of immigrants in Chile, Argentina and Peru, there is an emphatic difference between the areas of workforce participation in the

case of women. Peruvian women hold jobs with worse compensation than Argentine women do. Because Peruvian women have a similar level of education as their Argentine counterparts, the former must deal with working in positions that do not correspond with their level of education. One notable example of this is that 74.1 percent of Peruvian immigrant women who work in domestic services have studied for ten or more years, while only 33.3 percent of Chileans in this same group have this level of education (Martínez, 2003).

Box 2. Difficult workforce participation for some immigrants

It is generally known that workers are inserted into the workforce when there are conditions of defenselessness and discrimination, which create vulnerability. This seems especially apparent with Peruvian migrants, who encounter many difficulties. For example, one is access to jobs that require a high level of education, which means accepting jobs that require little education. One of the reasons is the complexity of recognizing foreign titles or degrees in Chile (excepting countries like Ecuador, Cuba and Brazil, which have accords on recognizing titles and degrees in health and other fields). A second is the labor stigmatization suffered by immigrants, who are relegated to domestic work or other fields, making it impossible to ascend to better positions. Length of stay also plays a role in accepting poorly paid jobs and dangerous work conditions, since migrants intend to accept them as a temporary measure. However, the majority remains more time than anticipated, since many migrants established social networks that made it easier to stay or because they are young women raising a family in Chile (Stefoni, 2001).

Graph 5. Chile: Main sectors of workforce participation for those born overseas, 2002
(in percentages)



Source: Jorge Martínez, *The Charm of Data: Socio-demographics of Immigration in Chile According to the 2002 Census*, Population and Development series, 49 (LC/L.2046-P), Santiago de Chile, ECLAC, 2003, based on special 2002 census tabulations

How can the labor reality of immigrants in Chile be described in the Latin American context? Tokman (2008), based on home surveys from eleven countries in Latin America, asserted that among migrants and nationals, the differences in workforce participation and employment rates are minute. As can be observed in Table 9, immigrants participate in the workforce to a greater extent, which is associated in part with age structure, and they are also employed more, which is associated with academia, since the average unemployment seems to affect immigrants and nationals equally, at least at the time of each survey.

Table 9. Rate of employment, participation and unemployment for migrants and nationals in eleven countries in Latin America (c. 2000)

Countries	Participation rate (by hundreds)		Occupation rate (by hundreds)		Unemployment rate (by hundreds)	
	Natives	Migrants	Natives	Migrants	Natives	Migrants
Argentina	68.6	71.7	61.1	66.4	10.9	7.3
Bolivia	69.7	75.7	65.5	64.8	6.1	14.4
Brazil	74.5	74.1	67.5	69.5	9.3	4.7
Chile	63.6	71.3	58.6	67.5	7.8	5.3
Costa Rica	66.2	72.3	62.2	69.0	6.2	4.6
Ecuador	76.4	81.5	70.9	77.3	7.2	5.2
Guatemala	69.5	64.3	66.1	54.1	4.8	15.8
Honduras	65.3	70.7	60.3	66.1	7.7	6.5
Mexico	66.0	62.9	63.3	58.3	4.1	7.4
Nicaragua	69.0	60.8	60.2	53.6	12.8	11.7
Dominican Repub.	69.3	74.1	55.9	66.2	19.3	10.7
Paraguay	72.8	74.4	67.1	69.9	7.8	6.1
Average	69.3	71.1	53.4	65.1	8.5	8.4

Source: Tokman, V. (2008), "International Mobility of People and Social Protection," in *Macroeconomic Series of Development*, 67 (LC/L.2913-P), Santiago de Chile, ECLAC. Produced based on information from ECLAC on polls from the homes of each country

^a Refers to the arithmetical average.

It should also be mentioned that given the prevailing migration policies and regulations in Latin America obtaining a job with a formal contract in many cases is a requirement for being awarded a residential visa, which causes immigrants to seek formal work or, alternatively, to become informal workers and undocumented residents (Martínez, 2009). On the other hand, immigrants are less likely to proceed to salaried positions, but Chile's case seems to be different: 66 percent of regional citizens are salaried whereas 60 percent of immigrants are salaried. In Chile, these percentages are higher.

Table 10. Workforce participation among nationals and migrants in eleven countries in Latin America (c. 2000)

Countries	Percentage Unregistered		Percentage Salaried		Percentage Salaried with Contract		Percentage Salaried with Indefinite Contract / Percentage with Contract	
	Natives	Migrants	Natives	Migrants	Natives	Migrants	Natives	Migrants
Argentina	36.5	55.1	76.4	69.8	85.3	63.7	62.0	74.5
Bolivia	65.2	40.1	51.3	44.6	34.1	37.3	48.4	--
Brazil	35.2	34.5	69.8	51.5	59.8	46.9	38.2	26.7
Chile	12.4	13.0	77.8	78.7	81.4	81.4	78.2	77.1
Costa Rica	36.4	37.4	73.6	75.5	41.2	34.8	100.0	100.0
Ecuador	55.9	40.0	59.7	57.5	49.2	77.0	52.8	65.8
Guatemala	53.3	44.5	59.8	53.3	41.1	52.2	86.4	63.8
Honduras	54.8	23.8	58.9	77.0	42.7	34.0	100.0	100.0
Mexico	37.8	28.3	76.2	71.3	64.1	80.0	74.6	74.9
Nicaragua	53.2	30.3	61.7	42.7	39.4	7.5	100.0	100.0
Dominican Rep.	45.7	65.4	60.9	38.1	37.1	44.1	84.2	85.6
Paraguay	57.6	50.2	64.1	56.7	45.2	52.1	60.8	61.2
Average (a)	45.4	38.6	65.8	59.7	51.7	51.8	73.8	69.1

Source: Tokman, V. (2008), "International Mobility of People and Social Protection," in *Macroeconomic Series of Development*, 67 (LC/L.2913-P), Santiago de Chile, ECLAC. Produced based on information from ECLAC on polls from the homes of each country

^a Refers to the arithmetical average.

Note: The percentage of "informality" is relative to total employed; percentage of "salaried" is relative to total employed; percentage of "salaried with contract" is relative to total salaried; and percentage of "salaried with indefinite contract" is relative to total salaried with contract.

Health and Social Protection

The 2006 CASEN survey permits making estimates with regard to social protection, which serves to clarify some aspects of the level of integration in this area, such as how many people are covered by the health and housing systems of the country. The majority of immigrants in Chile, including employed and unemployed, belong to some public health system and to a lesser degree to Health Insurance Companies (ISAPRES) or others, although their participation in the public system is proportionally lower than that of Chileans, excepting Argentines (see Table 11).

According to the results published in the 2006 CASEN survey, the high proportion of insurers in the public system is, in part, encouraged by the current migration rules in place in Chile, which establish attainment of a job with a formal contract as a requirement of being awarded a permanent residential visa. However, in every one of the countries studied, there was a high percentage of people polled who stated they did

not belong to any health insurance program. Bolivian immigrants stood out, as they have the highest number uninsured (32.8 percent), reflecting higher risks in their jobs.²⁷

Table 11. Chile: Registration of Employed and Unemployed Workers in Any Health Program According to Country of Birth, 2006

	Chile	Argentina	Bolivia (Plurinat. State of)	Ecuador	Peru
Public Health	78.2	73.0	59.5	44.3	71.1
ISAPRE	13.6	15.9	5.0	48.3	13.6
Other Program	3.1	0.5	2.7	-	-
None (Private)	5.1	10.6	32.8	7.4	15.3
Total	100.0	100.0	100.0	100.0	100.0

Source: Data special processed from the 2006 CASEN survey with Redatam [online], <http://celade.cepal.org/redatam/PAISES/CHL/MidePlanII/casen2006/index.html>

Access to health is central to immigrants' living conditions. During Michelle Bachelet's administration, the Ministry of Health and the IOM²⁸ began developing some projects focused on the immigrant population in the city of Santiago. They pushed for "full integration" into the legal system and social security so that migrants could gain health rights equal to nationals. Part of the programs implemented by this ministry will be explained in Part II.

Housing

The data from the 2006 CASEN survey related to the status of and access to housing also reveals features of immigrants from the vantage points of social protection, satisfaction of basic needs and the quality of life (Cano, Soffia & Martínez, 2009). Notably, more than 50 percent of Argentineans own their own homes, whether they are paid for or under payment. A large proportion of houses was given to them by family members compared to the percentage of immigrants from other countries in this category. This is in accordance with data that shows that one of the main reasons for migrating to Chile is family members, which is why settlement tends to be permanent. In this sense, Argentine immigrants exhibit a distribution that is proportionally similar to the native Chilean population (see Table 12).

²⁷ One must keep in mind, however, that within this poll's sample undocumented migrants are barely represented. They commonly avoid being registered or recorded in databases. If they were included, the number of people without protection would most likely increase.

²⁸ See *Realización de Estudios*, IOM Chile, [online], <<http://www.iomchile.cl/Secciones/Areas/RealizacionEstudios.html>> [date accessed: May 5, 2008].

Table 12. Chile: Tenure Status of Households According to Country of Origin, 2006

	Chile	Argentina	Bolivia (Plurin. State of)	Ecuador	Peru
Owned					
Paid	52.8	40.1	33.9	10.2	9.4
Being Paid	13.8	13.4	4.5	18.8	8.8
Shared	1.3	0.6	-	-	0.5
Shared, Being Paid	-	-	-	-	-
Rented					
With Contract	8.9	19.1	8.4	40.7	42.2
Without Contract	5.6	10.1	40.9	23.0	34.1
Deeded					
By Services	2.3	1.8	5.2	-	0.7
By Relatives	13.9	14.3	5.8	6.4	1.8
Right to Use	0.3	0.1	0.1	0.9	-
Irregular Occupation	0.7	0.2	1.2	-	0.1
Other	0.4	0.3	-	-	2.4
Total	100.0	100.0	100.0	100.0	100.0

Source: Data specially processed from the 2006 CASEN survey with Redatam [online], <http://celade.cepal.org/redatam/PAISES/CHL/MidePlanII/casen2006/index.html>

Bolivians have a significantly high percentage of completely paid-off homes (34 percent), which is associated with the desire for permanent residence. Simultaneously, they have a high percentage of homes rented without a contract (41 percent), which is commonly linked to an undocumented status that prevents them from requesting a rent contract and also makes their permanent residence less likely. On the other hand, Ecuadorians show a higher rate of formal rent contracts (41 percent), which is generally linked to having better economic conditions for residents. A considerable amount also owns their homes, which could be explained by their desire to attain permanent residence (Cano, Soffia & Martínez, 2009).

The overwhelming majority of Peruvians (more than 75 percent) live in rented properties, a high percentage of which do not have a contract (34 percent). Another relevant figure is the relatively low number of those with their own housing, which can be explained by attainment of employment, at least for many women.

Overall, Chile stands out as one of the few countries in Latin America and the Caribbean in which the regional immigrant population's housing situation relative to the native population is lacking. According to CELAC studies, the number of people with access "to housing that guarantees a minimum standard of living" is relatively high compared to other countries (Martínez, 2008, p. 124). However, gaps between nationals and immigrants remain, which could reflect discrimination.

Box 3. Some characteristics of the immigrant population according to the registers of the Alien Status and Immigration Department, 2009

Out of the country's total population, immigrants only represent 2.08 percent. More than 73 percent of all immigrants residing in Chile come from South American countries. Within this group, those from border countries stand out because they account for more than 61 percent of all immigrants. Especially relevant is the Peruvian community (37.1 percent), the Argentine community (17.2 percent), and the Bolivian community (6.8 percent).

The gender composition of the immigrant population remains dominated by women. This is the case for all communities of South American origin, except for Argentines. This is especially notable in the cases of Colombia, Peru and Ecuador, where women's predominance is higher than the average of the total population.

Available data on age shows a high number of immigrants residing in Chile who are of age to actively work. Children younger than fifteen years of age do not surpass 16 percent on average. Of the main resident communities, Chinese, Spanish, Peruvians, Colombians and Bolivians have the lowest percentages of children.

High concentrations of immigrant communities continue to reside in Chile's Metropolitan Region, accounting for 64.8 percent of the total. Particularly relevant are the cases of the Valparaíso Region, the Arica Region and Parinacota, which maintain relevant immigrant concentration levels. The Tarapacá and Antofagasta regions have had significant increases in the number of immigrants residing within them.

Aside from problems and perceptions of discrimination that should be addressed, recent immigration recorded in Chile has clearly positive effects on society. From an economic point of view, segmented participation in the workforce by people with high levels of education is a reality that shows that immigrants better perform in positions that nationals do not often take; their labor contributes to Chileans' social mobility.

In the cultural realm, the presence of immigrants only enriches social relationships and produces greater openness to the world, simultaneously allowing Chile to better understand other nations, reinforcing positive externalities. The religious practices of many immigrants in the country's capital and regions create a sharing of cultures: Chileans' strong affection for rituals and parties has become an indisputable contribution by immigrants. Peruvian cuisine, the installation of shops in abandoned areas and the revival of old neighborhoods are contributions made by immigrants.

The arrival of immigrants will have noticeable results on Chile's demographics given the aging process that affects the Chilean population. Although this is an issue that deserves special attention, what is certain is that a renovation of these groups is an important element to consider in the future evolution of the population.

5. Refugees in Chile

Immigration legislation established that until April 14, 2010 foreigners could be granted a residential visa and political asylum if they are forced to leave and enter Chilean territory out of concern for their personal security and due to political circumstances present in their country. Foreigners inside Chile can also request this visa depending on other migration criteria, on conditions that arose in their native countries or countries of residence and if their return were impeded by those conditions (Ministry of the Interior, 2010).

Since April 14, 2010, Law No. 20430 has been in effect in the country. It established provisions on the protection of refugees and grants refugee status to those who display real fear of persecution on the basis of race, religion, nationality or belonging to a social group of political opinions; those who fled their country of nationality or of residence because their life or security were under threat; those who do not hold nationality but are in the same situations as those aforementioned; and those who, as a result of incidents that occurred after leaving the country of nationality or of residence, meet the conditions required for refugee status.

Until 2004, the refugee population in Chile was estimated to be five hundred people while asylum applications amounted to less than one hundred per year. Currently, the country has around fifteen hundred refugees from many nationalities, and receives an average of eight hundred fifty asylum applications per year. Applications are estimated to soon surpass one thousand per year.

Among the countries in Latin America's Southern Cone, Chile was an early signor of a Framework Agreement on Resettlement with the UNHCR (1999). In past years, Chile has actively participated in the Solidarity Resettlement Program pushed by Mexico's Action Plan of 2004. Through these accords, more than one hundred forty refugees have been resettled, mostly Colombians coming from Ecuador and Costa Rica, as have one hundred seventeen Palestinians who were originally refugees in Iraq.

Analyzing this trend, Chile is becoming an important country for asylum seekers in the region. This creates new challenges for state institutions and civil society, which perform roles to assist this population, among them the coordination of tasks for an efficient use of available human and financial resources (Courtis, 2009).

Table 13. Chile: Recognition of refugee status by nationality country, 2009

Country of nationality	Refugees Visas	Percentage
Colombia	169	91.4
Turkey	4	2.2
Costa Rica	3	1.6
El Salvador	3	1.6
Congo, Democratic Rep.	2	1.1
Ecuador	1	0.5
Iraq	1	0.5
Jordan	1	0.5
Peru	1	0.5
Total	185	100.0

Source: Register of residence permits from DEM, Chile

Table 13 showed information on the total number of people awarded refugee status during 2009, along with their nationalities, the majority of which were Colombian.

Table 14. Chile: Applicants for asylum and refugee status, 2005–2008

	2005	2006	2007	2008
Asylum seekers	107	338	518	890
Refugees	806	1134	1376	1613
Total population of interest to ACNUR				2503

Source: Courtis (2010) with statistics from the UNHCR, available at www.unhcr.org, accessed on February 4, 2010

In 2005, the refugee population in Chile was estimated to be eight hundred six people, while asylum seekers numbered one hundred seven. In 2008, according to figures from the United Nations High Commissioner for Refugees (UNHCR), the number of refugees had doubled, totaling 1,613 people, while the number of asylum seekers rose to 890 people. Put together, there were 2,503 in these groups in Chile (Table 14).

Among Colombian asylum applicants, most of them come from the western region and particularly from the Pacific coast. A significant number of them enter Chile without documentation through migrant trafficking networks and encounter dangerous conditions while crossing unauthorized areas of the border between the Plurinational State of Bolivia and Chile (Courtis, 2010).

The condition of the refugee population in the country's north is even more complex than it is in Santiago given that procedures for the determination of refugee status are not sufficiently decentralized, the waiting periods are large and there are very few civil society organizations involved. In turn, discrimination is more common and serious. Chile has relatively high standards of protection and assistance for those who resettled in the country in the last decade (Courtis, 2010).

6. Chilean Emigration: Brief Insights

A progressive academic community is recording international immigration as a field of study, as well as analyzing its public administration. Civil society's work in favor of affirmative strategies is also increasing. However, the issue of Chilean emigration is elusive as it has never been the subject of considerable academic study and public intervention in emigration issues are diminishing.

However, we reiterate that the number of Chilean emigrants has always surpassed that of immigrants in the country, constituting the most visible face of international migration in Chile (Martínez, 2003). If Chile accepts being an “expeller” country with regard to its population, one must keep in mind that the volume of overseas Chileans is sizable, and at the same time the phenomenon is not studied with very significant percentages (Cano, Soffia & Martínez, 2009).

The first large waves of emigration began during the nineteenth century when more than 150,000 people left Santiago for different regions within and outside the continent, the majority of whom were adult males. Harris (2001) distinguishes two periods of Chilean emigration in this century. The first occurred between 1810 and 1840 and is characterized by short and temporary moves. The second occurred between 1840 and 1850 when people started leaving in massive numbers. California's gold-fever period (1840) represented one of the largest stages of emigration of the time because Chile was the main country that exported wheat in the western coast of the Pacific.

Overall, the history of Chilean emigration had an emphatic flow toward Argentina. Rodríguez (1982) identified a notable exodus of the Chilean population toward the nation beyond the Andes beginning in the middle of the twentieth century, between 1950 and 1960, driven by the national agricultural crisis and the expansion of Argentine agricultural production toward the most unpopulated regions of Patagonia. Table 15 reveals that the net negative migration was recorded since that time and remained the pattern almost until the end of the past century.

Table 15. Chile: Net estimates and projections of migration over five-year periods, 1950–2010

	1950-1955	1955-1960	1960-1965	1965-1970	1970-1975	1975-1980	1980-1985	1985-1990	1990-1995	1995-2000	2000-2005	2005-2010
Annual Migration (in thousands)	-8,0	-8,0	-7,0	-7,0	-16,0	-16,0	-12,0	-8,0	18,0	12,0	6,0	6,0
Migration rate (in thousands)	-1,3	-1,1	-0,8	-0,7	-1,6	-1,5	-1,0	-0,6	1,3	0,8	0,4	0,4

Source: Latin American and Caribbean Demographic Center (CELADE), "Latin America and the Caribbean: Population Estimates and Projections 1950-2050," *Demographic Bulletin*, No. 73 Year XXXVII (LC/G.2225-P), Santiago de Chile, ECLAC, 2004²⁹

It is also important to highlight that many Chilean professionals and specialists who had been educated in the country emigrated in search of more appropriate employment and a better economic lot in developed countries (Muñoz, 1996). This type of migration, more accurately known as skilled migration, does not now seem to reach the same magnitudes observed in other countries in the region, especially those that record continuous emigration.

Chile's most important emigration on record took place in the 1960s, a time during which political and economic conditions forced many Chileans to leave the country. The flow of people was mainly oriented to Argentina, the United States, the Bolivarian Republic of Venezuela, Canada, France, Italy, Sweden and Australia, though Ecuador and Costa Rica were important recipients of Chilean asylum seekers. The exact numbers

²⁹ The estimate of Chilean emigrants was obtained from the population censuses carried out in other countries at the same time—or around the time—of the 2002 Chilean census, using data from the Research Project on International Migration in Latin America (IMILA) of CELADE.

will never be known since there was no accurate documentation, though some projections may be made (Martínez, 2003).

During this time, an unprecedented mass exodus caused a sizable net negative migration. According to the “Register of Overseas Chileans,” produced by INE and DICOEX in 2005, an estimated 66 percent of Chilean emigrants (more than one hundred thousand people) left the country between 1971 and 1990. With this forced emigration, the stability of migration that had been recorded since 1950 was shattered. Although net negative migration had traditionally been recorded, between negative thirty thousand and negative forty thousand people according to statistics from INE and ECLAC (2005), these numbers virtually doubled during the military dictatorship. Current census data on return migration reveal that some Chileans exiled during the dictatorship have returned while others have laid down solid roots in the countries to which they fled. The volume of Chilean emigration has not reached the number it did in the 1960s, though it does remain considerable. According to INA and DICOEX figures, based on census data from the IMILA Project of CELADE, a total of 487,174 Chileans resided abroad in 2002 (equal to 3 percent of the total population), without accounting for their children born abroad.

Although the number of emigrants continues to be larger than that of immigrants, the number of emigrants as a percentage of the total population is low in comparison with other countries in the region, such as El Salvador (14.5 percent), Nicaragua (9.6 percent) or the Dominican Republic (9.3 percent) (Martínez, 2008).

Table 16. Chile: Population born in the country residing abroad by region, 2003–2004

	Population born in Chile	Percentage
South America	263,086	54.0
North America	110,026	22.6
Europe	80,546	16.5
Oceania	24,272	5.0
Central America & Caribbean	4,123	0.9
Africa & Meddle East	3,078	0.6
Others	2,043	0.4
Total	487,174	100.0

Source: National Statistics Institute and the Directorate for Overseas Chilean Communities (INE-DICOEX), *Register of Overseas Chileans*, Santiago de Chile, 2005, based on the national population censuses of 41 selected countries and the INE-DICOEX 2003-2004 register

Of current Chilean emigrants, 54 percent live in a Latin American country. Argentina has historically been one of the preferred destinations, and it continues to hold first place among countries with the largest number of Chilean emigrants today.

The flow of Chileans toward this country began at the end of the nineteenth century when a large group of rural emigrants with a low level of education began leaving for Patagonia in search of work (Muñoz, 1996; Pereyra, 1999). A second emigration flow began later, caused by political reasons already mentioned, during which better-educated people left. Another flow began in the 1890s, during which entrepreneurs, professionals and highly skilled worked left (Cano, Soffia & Martínez, 2009).

The expansive border shared by Chile and Argentina and the fluidity of communications between relatives, friends and contacts have contributed to the intensification of flows of people between both countries. Relatively improved economic development and better job and services markets, which traditionally characterized the non-Andean country in past decades, were also factors that transformed the country into one of interest to Chileans and other emigrants (Rodríguez, 1982). These and other reasons explain why currently more than 43 percent of emigrants from Chile move to Argentina (see Table 17).

Table 17. Chile: Ten main destination countries for emigrants, 2003–2004

	Emigrates	Percentage
Argentina	211,093	43.3
United States	80,805	16.6
Sweden	27,345	5.6
Canada	25,415	5.2
Australia	23,420	4.8
Brazil	17,131	3.5
Venezuela (Rep. Boliv. of)	15,520	3.2
Spain	13,864	2.8
France	10,388	2.1
Germany	6,704	1.4
Norway	5,511	1.1

Source: Cano, Soffia & Martínez (2009) based on the National Statistics Institute and the Directorate for Overseas Chilean Communities (INE-DICOEX), *Register of Overseas Chileans*, Santiago de Chile, 2005.

Note: First generation children of overseas Chileans are not considered.

After Argentina, extra-regional countries, such as the United States, Sweden, Canada and Australia, appear as main destinations for Chilean emigrants. An important portion of emigration flows toward Sweden and Canada, for example, can be explained by the political asylum that these countries offered to Chilean exiles in the 1970s and by the establishment of networks. However, current Chilean emigration has probably adopted a more economic impulse than in past times.

In this manner, many of the Chilean emigrants recorded today are motivated by economic, labor and educational opportunities, as is the case with most young people (Cano, Soffia & Martínez, 2009). The significant volume of Chilean emigration to the United States is also related to opportunities in the labor market, and, additionally, as Rodríguez (1982) postulated, a large part of skilled emigration flows are directed toward this country.

In spite of the increase in immigration flows, the number of Chileans residing abroad has largely surpassed the number of immigrants in Chile. Using the database from CELADE's IMILA, CEPAL estimated that a maximum of five hundred thousand people lived abroad around 2000 (Martínez, 1997). Another source has confirmed this finding. In 2005, the results of the Register of Overseas Chileans, echoing this study, showed an estimated 857,781 Chilean nationals were residing abroad. Of them, 56.8 percent were born in Chile and 43.2 percent were born abroad. This study revealed that out of 50.1 percent of overseas Chileans lived in Argentina, 13.3 percent in the United States and 4.9 percent in Sweden. Men constituted 67.4 percent of overseas Chileans and women constituted 34.9 percent, although the proportion of women is growing in North America and Europe. Still, the register shows that of those older than fifteen years of age 40.1 percent emigrated for economic reasons, 30.8 percent for family reasons and 12.2 percent for political reasons (Courtis, 2010).

Table 18. Countries with more than three thousand Chileans or Chilean children (2005)

Country	Born in Chile	Born overseas	Total	%
Argentina	211,093	218,615	429,708	50.1
EE.UU.	80,805	33,129	113,934	13.3
Sweden	27,345	15,051	42,396	4.9
Canada	25,415	12,162	37,577	4.4
Australia	23,420	10,206	33,626	3.9
Brazil	17,131	11,240	28,371	3.3
Venezuela (Rep. Bol. Of)	15,520	11,586	27,106	3.2
Spain	13,864	10,047	23,911	2.8
France	10,388	5,394	15,782	1.8
Germany	6,704	3,576	10,280	1.2
Ecuador	4,702	5,180	9,882	1.2
Peru	4,652	4,649	9,031	1.1
Bolivia (Plurinat. St of)	4,469	3,733	8,202	1.0
Norway	5,511	2,483	7,994	0.9
United Kingdom	5,131	1,826	6,957	0.8
Israel	2,780	2,709	5,489	0.6
Mexico	3,806	1,659	5,465	0.6

Source: Courtis (2010), data from INE/MINREL/DICOEX/IOM (2005) *Register of Overseas Chileans*, available at http://www.chilesomostodos.gov.cl/index.php?option=com_docman&task=cat_view&gid=50&Itemid=14, accessed 04-08-2010

7. Internal Migration Patterns: Inter-Regional Level

In a fashion similar to what is happening with international migration, informational limitations impede a better understanding of internal migration. Censuses have been the fundamental source to shed light on the complexities of this issue and its varying intensity according to the scale in which it is analyzed. We must also mention the dominant public perception regarding the assimilation of the idea of internal migration with massive rural-to-urban migration and subsequent accelerated growth, in some cases boundless, of the metropolises and cities in the region. For a long time this has not adjusted to reality and eluded the distinction of many forms of migration within the country, among them the different scales that need to be examined (Rodríguez & Busso, 2009).

In Chile, it is clear that internal migration is a condition that many people experience at some point in their lives. This is particularly relevant when migration is considered in light of minor political-administrative divisions (DAME), which refer to movements between communes and tend to be less onerous and therefore more frequent. A revealing example of this is intra-metropolitan migration that at first involves low costs, short distances and a simple adjustment to the destination (Rodríguez & Busso, 2009). Any study of these movements must be extremely specific in order to reflect our understanding of general mobility.

Movements across Major Political-Administrative Divisions (DAM) are different because they are more costly, especially in countries with more territory or a longer configuration, such as Chile. In effect, recent migration rates across DAM in many countries show less intensity, meaning the regional surroundings are becoming a more permanent setting for the majority of the population.

It is also important to note that the advance of urbanization in many countries has changed the profile of internal migrants, who are now moving mostly between or within cities, which reduces the historical asymmetries surrounding the insertion of rural migrants in cities (Rodríguez & Busso, 2009; Rodríguez & González, 2006).

Internal migration in Chile across DAM occurs when it comes from undeveloped zones to more developed zones, regarding social infrastructure, employment, education and other factors related to human development. No more than 5 percent of the Chilean population older than four years of age changed its region of residence in four of the last five-year periods, as recorded by censuses since 1970. Regional migration intensity is less than that of other countries in the region, as indicated by Rodríguez & Busso (2009), but inter-regional migration has still been key to the harmony between regions of high and low population growth.

Until 1992, the outlook was as follows. The Metropolitan Region recorded positive net migration rates, demonstrating a *concentrated “inertia” and/or “capacity for adaptation,”* along with the existence of a “hard nucleus of expulsion” composed of four central southern regions of the country and one central northern region. On the other hand, there was an erratic trajectory in several regions due to a fluctuating net migration between 1965 and 1992. Finally, there was a polarization between two “attractive” and eleven “expeller” regions (Rodríguez & Busso, 2009).

Since 2002, there may be changing trends for many reasons. For example, the Metropolitan Region recorded a net negative migration rate and three historically expeller regions (IV, VI and X) recorded positive net migration. Additionally, there will be a virtual equilibrium between net immigration and emigration regions, in addition to the persistent expulsion condition of the conglomerate of central southern regions (three “losing” regions, with levels of poverty, rural living and an indigenous population that are higher than the national average).

Table 19. Chile: Net recent migration rate by region for the periods 1970–1965, 1982–1977, 1992–1987, and 2002–1997

(per 1,000 inhabitants)

Region	2002-1997	1992-1987	1982-1977	1970-1965
Tarapacá	0.58	2.63	13.93	10.73
Antofagasta	1.27	-0.99	-2.09	3.71
Atacama	-5.16	4.15	-11.28	0.81
Coquimbo	4.56	-1.00	-3.15	-11.64
Valparaíso	3.12	0.84	0.60	0.90
Gral. B. OHiggins	1.25	-0.36	-4.75	-4.67
Del Maule	-0.42	-4.83	-6.32	-7.43
Bio Bio	-2.21	-3.49	-7.20	-3.95
Araucanía	-0.48	-3.02	-7.01	-11.19
Los Lagos	0.76	-2.81	-9.34	-8.95
Aisén	-0.59	-0.20	2.47	6.87
Magallanes y Antártica	-6.69	-2.57	29.88	9.78
Metropolitana	-0.45	2.71	6.54	7.73

Source: CELADE, MIALC Project. Processed with REDATAM + SP. 12-22-2007. Categories excluded were those unknown, overseas residents for more than five years, overseas residents and those not relevant. Minors younger than five years old were excluded

PART II

FRAMEWORK OF PUBLIC POLICIES ON INTERNATIONAL MIGRATION

In Chile, regulations and public policy related to migration have generally been characterized by a discretionary openness. The most important exception to this trend was during the military dictatorship—a period in which the entry of foreigners was clearly restricted under the pretext of national security. But more than an interval in the political history of migration, this period has proven to be the root of a series of anachronisms and regulatory restrictions against which civil society, institutions and public authorities have fought, at times fruitlessly, in order to implement a policy that is more welcoming and in accordance with current international conventions.

Enacted under dictatorial rule yet still in effect after more than thirty years of democracy, the current alien law has proven to be the impediment to the evolution of Chilean migration policy. Although there have been advances in the integration of international migrants with the enactment of certain regional policies and the ratification of international accords, a new draft law on migration that breaks with the inherited national security doctrine has still not come to light. Other initiatives, like those related to creating bonds between Chilean emigrants, are also at a standstill, and there has not been much innovation in strengthening or improving migration administration.

Policy aimed at the refugee population has been promising, as resettlement programs, participatory analyses and the design of a new refugee law have been produced in this area. These advances allow for a more welcoming attitude toward international migration, an attitude that, hopefully, will be reflected in the framework of the country's public policies.

1. Evolution of Public Policy on Migration in Chile

It must be stressed that in Chile's history migration policy has been erratic and fluctuating, ranging between positions of great openness for foreigners to excessive restriction. Constructing or amending a series of laws, directives and regulations that have tried to address the issue at certain times have been anachronistic. It is difficult to speak of a strict political evolution as such.

The state's push for settlement during the nineteenth century and the start of the twentieth century is the most appropriate starting point in the history of Chile's migration policies. The Law of Colonization (November 18, 1845) was established during a republican period. It was the first national law that intended to regulate migration. It marked the beginning of a more dynamic period in the history of migration, in which European colonists were officially encouraged to come, populate and exercise sovereignty in the most extreme zones of the country (Cano, Soffia & Martínez, 2009).

As Cano, Soffia & Martínez (2009) explain, specific institutions were established with large gaps in between: almost thirty years after the first migration law, in 1872, the General Office of Immigration was created, which was the first institution dedicated to regulating the entry, exit and administration of foreigners in the country. Later, in 1881, as established by law, the National Service of Agriculture was delegated the task of settling foreign colonists who would come to the country. The following year, another law was enacted that created the colonization agent in Europe, which maintained a presence in some countries like Spain, France, Switzerland and Germany and was responsible for encouraging foreigners to come to Chile.

In 1895, migration agencies took on greater specialization according to the criteria of admission established at the time (Cano, Soffia & Martínez, 2009). That year, the General Office for Colonization Oversight was charged with the legal administration of the immigration of agricultural workers and the manufacturers association for that of industrial workers.

In 1940, the first official document on migration was written under the administration of Pedro Aguirre Cerda. Although the project never gained approval from the Senate, it aimed at a supposed increase in the arrival of immigrants after World War II by establishing clear distinctions between the admission of free and colonist immigrants (Mezzano, 1995). In the first case, some authors explain that requirements were put into place based on race, sanitation, morality, culture and finances. In the second case, norms were established for benefits, concession of land titles and the transfer of awarded lands, among others (Cano, Soffia & Martínez, 2009). Additionally, in this period, it was stipulated that all matters related to immigration would subsequently be handled by the Ministry of Foreign Affairs.

Toward the middle of the twentieth century, the government began to adopt a markedly freer or more spontaneous immigration policy, which permitted the arrival of people who migrated for economic reasons, such as the extraction of saltpeter and copper, sea trade, commerce or the invitation of a relative. However, many authors explain that selective criteria were simultaneously applied based on technical skills or national origin, which always favored Europeans (Cano, Soffia & Martínez, 2009).

In 1954, through the Decree in Force of Law 69, the Alien Status and Immigration Department of the Ministry of Foreign Affairs was created. It was charged with regulating migration flows. It also applied the category of *immigrant* to any foreigner who entered the country with the goal of working.

Up to this point in history, even when the government adopted free immigration policies during certain periods, migration laws never brought about intensive immigration, but rather they framed a closed and restrictive policy. Inspired by a national ideology of economic, social and cultural progress, the state actively promoted the selective migration of European colonists with the hope of modernizing and “improving the Chilean race” (Stabili, 1986).

However, it is not surprising that ever since “this immigration was widely exceeded by free and spontaneous [immigration], and without being protected by the government, it displayed the characteristics of being more massive and more constant in

time” (Norambuena, 1990, p. 25). What can be gathered from this standpoint is that even when applying strongly restrictive criteria a positive value of the contributions of some migrants was acknowledged, if nothing else as protagonists of development and modernity.

Continuing into the twentieth century, the restrictive nature of migration policy became much more apparent, this time prohibiting the entry of potential subversives against the military regime. The enactment of Decree Law 1094, decreed by General Pinochet in 1975, has been, since then, the most important event for migration in the country’s history because it remains in effect. The law was regulated by the Supreme Decree 597 of 1984, and eventually modified for refugees by Law 19476 of 1996. It regulates entry into the country, residence, stay, exit, reentry, expulsion and the control of foreigners. The Alien Law, as it is known today, is an “extremely selective law in its admission of foreigners and very rigorous in the control of entry and exit” (Cano, Soffia & Martínez, 2009, p. 50). These aspects strongly reflect the harsh national security ideology promoted by the Pinochet regime at the time.

Although it still did not extend to laws, the turn toward an attitude of openness started becoming apparent with the arrival of the governments of the coalition of parties for democracy since 1990, and it became even clearer during the socialist administration of Michelle Bachelet (2006–2010). In a new beginning, the recently restored democratic regime of Patricio Aylwin promoted legal reform to facilitate the mobility of persons between nations and the region. Eventually, the government of Eduardo Frei sought to modernize migration administration with a focus on those who receive service from the Alien Status and Immigration Department. In 1998, the government launched the first migration regularization campaign, which applied to more than forty thousand immigrants. The Ricardo Lagos administration proposed a written explanation of a new migration policy and, most importantly, ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families in 2005, as well as the Palermo Protocols. Under the Bachelet administration, the formal effort to project an image of a “welcoming country” incorporated three main principles: non-discriminatory acceptance of foreigners wishing to reside in the country, programs to encourage humanitarian reception of refugees, and the introduction of initiatives aimed at creating bonds with Chilean emigrants.

The Bachelet government showed a new desire to treat migration as a right, which gained urgency with the Ministry of the Interior’s incorporation of the issue in its strategic goals, as well as with the explicit finding of the Presidential Instruction 9 on National Migration Policy in Chile, issued September 2, 2008, when the former president was midway through her term. The instruction defined the country as “appropriately open to migration, seeking non-discriminatory receipt of migrants who decide to reside in the country, in accordance with the Conventions and International Treaties in effect to which Chile has signed, in a context of respect for democratic institutions, the Constitution and the laws of the country” (Presidency of the Republic, 2008). The document announced the principles of a national migration policy, utilizing the international standards regulating the issue: residence and freedom of movement, freedom of thought and of conscience, access to housing in equal conditions with

appropriate information, access to justice, integration and social protection of migrants; respect for labor rights of foreign workers in Chile, non-discrimination, regularity of migration flows, family reunification and citizen participation in migration administration. In this manner, as Courtis (2011) explained that the instruction established as one facet of migration policy the integration of immigrants into the community, respecting their cultural uniqueness and including them in the social, economic and cultural structures of the country.

Bachelet's Instruction also created a Migration Policy Board, which was dedicated to formulating a crosscutting policy to integrate the migrant population and coordinate efforts between different government offices working on the issue. Even though the board had not been established in full at the time the government changed leadership, the executive branch achieved some concrete advances that deserve recognition, including regional housing, health and education programs as well as a set of international rights treaties.

But the efforts were notably more erratic in relation to modernizing the alien law and writing a document with an explicit migration policy. The validity of Decree Law 1094 has been the principal impediment in the evolution of Chile's migration policy. Thirty five years after this law was enacted and in light of advances on a national, regional and international level, different sectors of civil society, actors from religious and academic institutions and international organizations demand modification of the law and its harmonization with human rights treaties ratified by Chile. As many authors note, the outgoing Bachelet government launched the task of reforming migration laws, but it was unable to fulfill its promise, even though there were advances in the right direction (Martínez & Soffia, 2009; Courtis, 2011).

With the exit of the last "coalitionist" government and the installation of a coalition of center-right parties, the Alliance for Chile, the outlook once again became inconclusive in 2010. The current administration of President Sebastián Piñera has not included in any proposal it has made public up to the publication of this study explicit or recognizable information on migration, be it on its view of migration or a plan of action in this field (Courtis, 2011). Beyond a few interventions by official spokespersons coordinated to address particular situations, the question remains open as to whether the government's new policy will follow in the footsteps of its predecessors (Martínez & Soffia, 2009). The absence of explicit policy proposals until now in addition to the fact that the task of reconstruction after the earthquake in February 2010 has absorbed a large part of the attention and, efforts of the government shows that the government has given a worryingly low priority to migration issues in the public policy agenda, breaking with a trend that seemed slightly more promising (Courtis, 2011; Martínez & Soffia, 2009).

At the end of 2011, the government proposed writing up the draft bill for migration legislation as a way of responding to a process that started but was never finished by the "coalitionist" preceding administrations. Although the initiative continued without becoming concrete at the time this study was written, Martínez (2012) showed that some critical points were already being highlighted in recent discussions, like the pretention of distancing the country from its neighbors on shared commitments, the

great ease with which people are deported and the implementation of provisions like selectivity and temporality, which would require disclosure for debate.

It could be said that the policy of receiving immigrants with documentation is one of the characteristics of the migration administration that has remained unaltered from past periods. In general terms, this means that policy has not promoted the arrival of foreigners or unregulated openness of borders but has encouraged an orderly and safe migration, which allows for the guarantee of the rights of nationals and foreigners (IOM, 2003). In this sense, undocumented migration has been widely perceived as a serious social problem, which leads to vulnerability and exclusion from the social and economic system, as well as exemption from rights (Martínez & Soffia, 2009).

At present, there remains a need to name migration as an inherent right of all human beings, to respond to it with a law that breaks away from the current inheritance of the military dictatorship and to respect international and national obligations. An explicit and forceful state policy that transcends governments continues to be a challenge for migration policy in Chile.

2. The National Legal Framework and its Relation to International Legal Frameworks

It is worth examining principles of the Constitution related, directly or indirectly, to migration. In particular, regulations on adherence to the provisions established in the second paragraph of Article 5 of the Political Constitution of the Republic of Chile regarding the supremacy of signed international treaties on human rights constitute a central issue in laws, programs and policies that seek to control international migration in Chile. We now describe current laws on migration, including Immigration Decree Law 1094 of 1975, decreed by General Pinochet in 1975 during the military dictatorship. Through analysis, we can deduce some explanatory hypotheses regarding its validity. A final section examines links between legal institutions and international instruments and other bilateral and regional accords on international migration. The relationship shows a strong formal adherence by the Chilean state and the asymmetrical modification of laws and institutions.

2.1. Constitutional Principles

The current Constitution of the Republic of Chile was approved by the national plebiscite on September 11, 1980 and went into effect temporarily in 1981 and in full in 1990. It has been amended fifteen times since then, the last time in 2012. The first constitutional principle, and probably the only one generally related to international migration in Chile, was established in Chapter 1 of the Constitution and relates to institutions. Specifically, the second paragraph of Article 5 dictates the following:

the exercise of sovereignty recognizes as a limitation the respect for the essential rights originating from human nature and that it is the duty of state authorities to promote these rights, guaranteed by this Constitution, as well as those of international treaties ratified by Chile that are in effect.

Chapter 2 of the Constitution deals with provision of nationality and citizenship, and two of its articles mention foreigners. The first, Article 10, established Chileans as the following:

- Those born in Chilean territory, excepting the children of foreigners in Chile in service of their government, and the children of transient foreigners, all of which may, however, opt for Chilean nationality (subsection 1)
- Children of a Chilean mother or father born in foreign territory and a first- or second-degree relative of direct ancestry who has obtained Chilean nationality as established in provision 1, 3 or 4 (subsection 2)
- Foreigners who obtain naturalization papers in accordance with the law (subsection 3)
- Those who obtain special naturalization status by law (subsection 4)

Article 14, meanwhile, established rules on exercising the right to vote for foreigners residing in Chile, requiring they live in the country for a minimum of five years. Among the amendments included in the 2005 constitutional reform (Law 20050), the requirement for residing in the country for one year as a means of obtaining Chilean nationality for children and Chileans born abroad was eliminated. It is now sufficient to be the child of a Chilean, regardless of place of birth, to obtain citizenship. This reaffirms *ius sanguinis* acquisition of nationality.

Further on, Chapter 3 of the Constitution establishes the rights and responsibilities for all inhabitants, which also apply to foreign residents. Some of the guarantees stipulated in this set of articles are the right to life and to a person's physical and mental integrity, equality under the law, equal protection under the law and the exercise of rights, respect for and protection of one's private and public life and one's individual and family honor, freedom of conscience, right to personal liberty and individual security, right to one's legal, educational and health protection, freedom of expression and information, right to assembly, right to association without permission, freedom to work and protection of that freedom, right to social security, right to organize, right to engage in any economic activity and right to property. In this third chapter of the Constitution, we can highlight some provisions of Article 19 that indirectly relate the issue of migration as a matter of public policy. In particular, subsection 2 on equality under the law establishes that "in Chile there are no privileged persons or groups. In Chile there are no slaves, and those who should set foot on her territory become free. Men and women are equal under the law." Additionally, subsection 16 on the work and protection of that freedom states the following:

Any person has the right to free employment and free selection of his work, with a just compensation. Any discrimination which is not based on personal skills or capability is prohibited, although the law may require Chilean citizenship or age limits in certain cases.

The first aspect of the Constitution is that in contrast with other countries in the region, like Argentina, Bolivia and Ecuador, there are no direct allusions to or explicit standards for migrants within the Constitution beyond the mention of foreigners made in Article 10 on the principles of nationality and citizenship. This reveals the general ambiguity of the state's stance on admitting the migrant population and recognizing

their rights (Machín, 2011). In this context, strict adherence to the principles established in Article 5 on the supremacy of international treaties signed by Chile that related to rights represent the most solid foundation for the design, implementation and evaluation of public policies and programs on international migration in Chile.

There are some official documents that have tried to express and regulate national policies' adherence to international commitments. For example, Technical Bulletin 07/1008 (1531) of August 2005, indicates that the Constitution and the Convention on the Rights of the Child guarantee for all children and young people the freedom of education; that it is the duty of the state to guarantee for all people their equality under the law and non-discrimination; and that, in particular, it should ensure that academic institutions do not arbitrarily discriminate against immigrant students based on their nationality or origin.

2.2. Chilean Migration Laws and Proposals for Reform

Table 1. Types of Visas Awarded by the Chilean State According to Decree Law 1094

Tourists	Foreigners who enter for recreational, sports, health, educational, business administration, family, religious or other similar purposes without the aim of immigrating, residing or performing salaried work.
Residents - Subject to Contract	Foreigners who travel to the country with the goal of fulfilling a work contract, including their family members. This visa expires the moment that any party terminates the contractual relationship, after which the foreigner has thirty days to submit a new application for residence along with a closure form and a new work contract. The visa is valid for two years with the possibility of extension for two periods of equal length.
- Students	Foreigners who enter with the goal of studying in state institutions or those recognized by the state. The visa is valid for one year or renewable until completion of studies; it does not authorize the performance of salaried work.
- Temporary	Foreigners who intend to live in Chile as long as there remain family ties or interest in the country and whose residence is considered useful and convenient. The visa allows performance of any activity, without any limitations other than those imposed by law. It is valid for a maximum period of one year and renewable until two years are completed, after which the foreigner must request permanent residence or abandon the country.
- Officials	Members of accredited consular and diplomatic corps agreed to by the government and international organizations recognized by Chile, as well as their family members. The visa includes permission to work.
- Asylum and Political Refugees	Foreigners who, in the protection of their personal security and due to political circumstances of their country, are forced to appeal to the Chilean diplomatic mission. The visa includes permission to work.
Permanent Residence	Foreigners who will reside indefinitely in the country to engage in any activity permitted by law.

Sources: Carolina Stefoni, "Immigration in Chile. New Challenges." In FLACSO (ed.), *Chile 2001-2002. Impacts and Challenges of International Crises*, Santiago de Chile, FLACSO, 2002, and Katia Araujo et al., *Andean Migrants in Chile: The Case of Peruvian Migration*, Santiago de Chile, Women's Institute Foundation, 2002, through Decree Law No. 1094 (1975) and the

website of the Alien Status and Immigration Department of the Ministry of the Interior <<http://www.extranjeria.gov.cl>> [accessed on December 19, 2008]

As we have already mentioned, migration is regulated at the national level by Immigration Decree Law 1094 of 1975, which was dictated by General Pinochet in 1975 during the Chilean military dictatorship, and is known as the Law on Immigration Matter. The law was established by Supreme Decree 597 in 1984 and was eventually amended by Law 19476 in 1996, when refugee provisions were introduced. These measures regulate entry into the country, residence, permanent residence, exit, reentry, expulsion and the control of foreigners. The law established different types of visas to be awarded (see Table 1). However, these rules coexist with provisions that are of a more restrictive and discriminatory nature. Article 13 stipulates that the Ministry of the Interior handles responsibilities related to awarding visas, visa extensions and permanent residence with its own discretion, depending on the country's convenience or utility. Articles 15 and 16 establish impediments for foreigners entering the country, some of which are contrary to the development of international law against human rights and discriminatory. For example, the decree law prohibits those who do not have or do not exercise a profession or office, or those who lack resources that would allow them to live in Chile without creating a social burden from entering the country.

Paradoxically, the unreasonable current applicability of Decree Law 1094 has made possible, though very implicitly, the beginning of an integration process that has some advantages and has had different impacts for its targets. As DEM representatives and some researchers have pointed out, we say that "this same legislation today allows foreigners to enter the country as tourists and they may apply for visas subject to a work contract or temporary residence based on ties to Chileans, pregnancy of medical treatment, or various part-time labor links, among others" (Flores, 2008). Therefore "it permits a growing number of foreigners to enter Chile seeking protection of their life, integrity and liberty that they have not found in other countries" (Contesse, 2009, p. 245). The flexible nature regarding the ability to change the type of residence once inside the country is one of the aspects that stands out most of the alien law, since it is fundamental to containing documented migration within a the borders (Flores, 2008).

There is a sense of hope for migration in the country, but all legal advances and international commitments are overshadowed by the fact that Chile still does not have new migration policies or legislation at the national level that serve as a global foundation for the administration of migration with a focus on rights. Under President Bachelet's rule, the government wrote a draft bill on migration. The bill was not made public and was not fully shared with civil society organizations working on related issues. Nor did the government present it to the Parliament by the end of its term.

The draft migration bill has also been under development during the recent years of the Piñera administration, but secrecy surrounding it has remained, preventing its review by interested civil society actors. The document in question continues to be withheld from legislative bodies, but, hopefully the current government will take the necessary measures to advance its introduction and guarantee that it reflects the principles of international humanitarian law.

With regard to refugees, it is important to mention that until the 1990s protection of the refugee population was basically regulated by the same migration law, which interpreted the category of refugee as a type of visa without considering provisions of international refugee law, leaving large shortcomings in their protection. However, since then, the issue has had important advances. In 1996, the law was reformed to incorporate specific provisions on the issue of refugees, followed by the aforementioned Presidential Instruction 9 that addressed the issue of asylum and on April 15, 2010 a new Refugee Protection Law (Law 20430) was passed. This law, which has already been upheld by Decree 837 of 2011, incorporated fundamental principles of international refugee law and established the Refugee Status Determination Commission, which serves as an advisory board to the Ministry of the Interior.

2.3. Adherence to International Instruments and Other Bilateral and Regional Accords on Related Issues

Chile has adhered to an important number of international instruments that regulate migration and frame the issue in a regional and global context. As stated earlier, respect for and promotion of these treaties by state organizations are guaranteed in Article 5 of the Constitution. However, modification of the national legal framework of these instruments in some specific fields of law has been very slow and erratic.

2.3.1. International and United Nations Treaties

The following Table shows the main international treaties adopted by the United Nations that are related to addressing migration issues and that have constitutional status in Chile by virtue of Article 5 of the Constitution.

Table 2. Main instruments of the United Nations for Human Rights and Other Issues Related to International Migration of which Chile is a Member Country, 2012

Treaty	Signed	Ratified
International Convention on the Elimination of All Forms of Racial Discrimination	10/03/1966	10/20/1971
International Covenant on Economic, Social and Cultural Rights	09/16/1969	02/10/1972
International Pact on Political and Civil Rights	09/16/1969	02/10/1972
United Nations Committee on the Elimination of Discrimination against Women (CEDAW)	07/17/1980	12/07/1989
The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	09/23/1987	09/30/1988
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	06/06/2005	12/12/2008

International Convention on the Rights of the Child	01/26/1990	08/13/1990
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts	11/05/2001	07/31/2003
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	06/23/2000	02/06/2003
International Convention against Transnational Organized Crime	12/13/2000	11/29/2004
Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children	08/08/2002	11/29/2004
Protocol Against the Smuggling of Migrants by Land, Sea and Air	08/08/2002	11/29/2004
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families ³⁰	09/24/1993	03/21/2005
Convention Relating to the Status of Refugees ³¹		01/28/1972
Optional Protocol to the Convention Relating to the Status of Refugees		04/27/1972

Source: *United Nations, Treaty Collection*, [Online] <http://treaties.un.org>, accessed on May 8, 2012

United Nations conventions are the most relevant instrument used by Chile for the protection of its migrants, and they are considered a basic platform upon which all administration of migration may be based. Therefore, any policy or legal regulation related to immigrants should be conceived while respecting their most basic human rights (Martínez & Soffia, 2009). In this case, those rights include the right to not migrate, the right to freedom of mobility, the right to social and labor justice equal to that of nationals and the preservation of one's cultural identity. In addition to the treaties listed in the previous Table, Chile has not ratified any of the main instruments of the International Labor Organization (ILO) that specifically apply to migrant work, which include the following:

- Convention 97 on migrant workers (revised) (1949)
- Recommendation 86 on migrant workers (revised) (1949)
- Convention 143 on migrant workers (supplementary provisions) (1975)
- Recommendation 151 on migrant workers (1975)

³⁰ Excepting stipulations in paragraph 5 of Article 22, which is not considered applicable to Chile: "If a decision of expulsion that has already been executed is subsequently annulled, the person concerned shall have the right to seek compensation according to law and the earlier decision shall not be used to prevent him or her from re-entering the State concerned" (*United Nations, Treaty Collection*, online <http://treaties.un.org/>).

³¹ In Chile's case, the status of this convention and its respective protocol is known as "adhesion," which is a mechanism through which the state accepts the offer of an opportunity to be part of an already negotiated treaty signed by other states, and it has the same legal implications as ratification (*United Nations, Treaty Collection*, available at <http://treaties.un.org/>).

Convention No. 97 requires member states to make available to the ILO and other member states, when requested, information on national policy and legislation related to migration, about special provisions relevant to the movement of migrant workers and their living and working conditions, and about the accords and special arrangements linked to these issues. Convention 143, on the other hand, forces member states to respect the basic human rights of all migrant workers, without exception, and promotes equality of opportunity of regularly established contracts between nationals and foreign workers. In contrast with these conventions, ILO recommendations do not require ratification by member states, and members' acceptance is not binding. For this reason, reports and suggestions have focused more than anything on the adoption of the above-mentioned conventions.

2.3.2. Multilateral Accords and Participation in Regional Processes of Consultation and Integration

Multilaterally, the legal framework of Chile's migration policy has also included signing documents emanating from regional conferences and consultations related to migration, including the Ibero-American Summits of Heads of State and Government and the South American Conference on Migration. In this manner, Chile has signed and implemented important accords that stemmed from mechanisms for regional integration, among them the Free Residence Accord of the extended MERCOSUR.

Ibero-American Summits of Heads of State and Government

Since beginning the process in 1991 in Guadalajara, Chile has participated in the twenty-one meetings held annually by the heads of state and government with the member states of the Organization of Ibero-American States, for education, science and culture. It played the leading role as host of the sixth summit in 1996 and the seventeenth Summit in 2007.

The international migration of people between countries, regions and continents has been an issue discussed during the last seven summits and especially since the sixteenth summit in Montevideo in 2006, during which the Montevideo Compromise on Migration and Development was drafted, which established a mechanism for an Ibero-American forum on migration and development. In the seventeenth summit in Santiago, the Heads of State and Government signed the Santiago Declaration, which echoed the Montevideo Compromise and adopted the Ibero-American Multilateral Convention on Social Security. The pact was ratified by Chile in February 2011. It seeks to preserve the social rights of Ibero-American migrant workers living outside their countries. The text regulates the right to disability, senior and survival benefits, the general rules on the aggregation of insurance periods, qualifications and employment, procedures for processing loans and notification of settlements and loans stemming from work-related accidents or injuries. Curtis (2011) explained that although this convention is still not in effect, there is an application accord, valid for ratifying countries, which annexes the procedures and mechanisms necessary for its implementation. The importance of Chile's participation in this convention is that it can represent a new opportunity for the protection of migrant workers and members of their families, "sustaining in its

considerations that work is one of the factors essential to strengthening the social cohesion of nations, and social security elements are a very important dimension of developing decent work” (CELADE-CEPAL, 2008).

Another important mechanism of the Ibero-American Summits in which Chile plays a role is the Ibero-American Forum on Migration and Development (FIBEMYD), which was adopted in the eighteenth and nineteenth summits. It is an informal advisory and coordination mechanism whose establishment merits distinction under the consensus that “in the Ibero-American space, unilateralism on migration is not an option for governability” (CELADE-CEPAL, 2009).

Chile participated in the first FIBEMYD in 2008 in Cuenca, Ecuador (Courtis, 2011). The foundations of the action program were developed there, which included proposals on good migration practices, all of which were based on respect for human rights to be developed by the twenty-two member countries of the Ibero-American Community. The proposals agreed upon included the reduction of costs for sending remittances and the creation of programs for utilizing them in entrepreneurial development; special migration programs related to temporary work and the integration of migrants and their families in receiving countries; programs promoting respect for migrants’ cultural diversity; plans to eliminate all forms of discrimination against migrants and to provide information about migrants’ human rights; and proposals for special actions in the field of youth, migration and development. During the second FIBEMYD held in San Salvador in July 2010, Chile had a low profile political delegation and participated little, as can be confirmed in the records of the agenda and the composition of representatives (Courtis, 2011).

South American Conference on Migration (CSM)

The South American Conference on Migration is a regional process for dialogue and cooperation on migration issues in which official delegations participate from countries of the Southern Cone and the Andean Region, along with Guyana and Suriname. Since the first conference, held in 2000 in Buenos Aires, there have been twelve annual meetings to date.³²

In August, 2009, Chile participated in the ninth CSM in Quito. There, member countries agreed by signing the Quito Declaration to urge migrant-receiving countries to change their policies, laws and practices in accordance with international standards, especially relating to international human rights law, as well as to encourage regularization campaigns for migrants for their full integration. In the declaration signed by the Chilean government, there was a consensus that tightening migration laws violated the basic rights of migrants and also forced undocumented migration, human trafficking and migrant smuggling. Consequently, it was agreed that migrant workers and their families should receive equality in worker contracts and in access to social programs and policies in host countries.

Southern Common Market (MERCOSUR)

³² See www.csmigraciones.info

Chile has officially participated in MERCOSUR as a member country since 1996. Since that time, one of the most important mechanisms for migration to which the country has signed onto is the Agreement Relating to Residence Permits for Nationals of States Parties to MERCOSUR, Bolivia and Chile, which went into effect in Chile in 2009. In general, the agreement authorizes overseas Chilean consulates, the DEM and provincial governments to grant permits for temporary residence to nationals from Paraguay, Uruguay, Brazil, Argentina and the Plurinational State of Bolivia. If the state awards nationality and the person in question has no criminal history, the visa permits residence and employment in Chile for one year, renewable for one more year with the possibility of becoming a permanent residence permit if the foreigner submits such an application within the ninety days prior to the visa's expiration. This has been an advancement in terms of developing a public policy on migration as well as affirming the will to address the issue within a multilateral framework and consensus, erasing the paradox of "free trade—limited migration" and providing migrants with a safer environment that guarantees their rights (Martínez & Soffia, 2009).

However, some authors have expressed reservations about this measure's shortcomings and the delay of its implementation.³³ The agreement seems to have been adopted with a limited interpretation, given that the two years of temporary residence that are permitted have been reduced to one year in Chile with the possibility of renewal (Jiménez, 2010).

Union of South American Nations (UNASUR)

Chile has officially been a UNASUR member since November 2010, when it signed and ratified its Establishing Treaty, which was adopted at the third Summit of the Heads of State and Government in 2008. The main goal of UNASUR is to construct

*a space of integration and union for all cultural, social, economic and political matters between people, giving priority to political dialogue, social policies, education, energy, infrastructure, financing and the environment, among others, with the aim to eliminate socioeconomic inequality, improve social inclusion and citizen participations, strengthen democracy and reduce asymmetries.*³⁴

Three of its specific goals are specifically directed at migrants' rights, which are as follows:

- Consolidation of a South American identity through the progressive recognition of the rights of nationals of member states residing in any other member state, with the goal of creating a South American citizenship
- Universal access to social security and health services
- Cooperation on migration issues with a comprehensive focus, unquestioned respect for human and labor rights for migration regularization and the harmonization of policies

³³ Chile implemented the accord seven years after it was signed in 2002 in Brasilia, Brazil.

³⁴ See www.unasursg.org.

Although no specific provision has yet been drafted on migration between member countries of UNASUR, this space for integration remains a promising mechanism for the adoption of international commitments that would serve as a legal framework aimed at national migration administration.

Andean Community (CAN)

The Andean Community (CAN) was created with the goal of achieving “comprehensive development, more balanced and autonomous for the member countries, through Andean, South American and Latin American integration.”³⁵ The issue of intercommunity migration has officially been raised in discussions and deliberations before this organization. They have generally focused on facilitating the free movement of sub-regional inhabitants, who may be motivated by tourism or other purposes that would cause a habitual or long-term change in residence.

Chile has been a member country of CAN since 2006 when it assumed obligations from other treaties and negotiated declarations related to migration.³⁶ Additionally, Chile has been an active participant in two other organizations related to the issue, which are the Andean Forum on Migration held in Quito in September 2008, and the second Andean Forum on Migration held in Lima in October 2009.

2.3.3. Bilateral Accords between Peru and Argentina

Bilaterally, the search for greater protection of the immigrant population has been reflected in the ratification of some agreements on cooperation and integration with Peru and Argentina, which are the main native countries of Chile’s immigrants, in which the issues of social security and border control are also addressed.

Conventions on Social Security

Chile has signed around twenty social security conventions with different countries from the Americas, Europe and Oceania (Courtis, 2011) with the objective of providing benefits to Chilean citizens abroad. The conventions on social security signed with Peru in 2002 and with Argentina in 2009 also benefit the immigrant communities in Chile, which are larger. In particular, these conventions attempt to create continuity for the citizens of member states regarding their social security contributions, allowing them to become pensioned in each of the countries they work with a sum to be determined by national legislation. They were given the right to continue receiving their pensions outside the country awarding the benefit, in addition to avoiding being charged by both nations.³⁷ For example, the most recent convention on social security between Chile and

³⁵ See www.comunidadandina.org

³⁶ Initially, Chile became a member country of CAN in 1969 when it signed the Cartagena Accord, the founding document of the block, but the accord was abandoned in 1976 under the military dictatorship of General Pinochet. Not until thirty years later, in 2006, was Chile reincorporated into the community through Decision 645.

³⁷ See www.extranjeria.gov.cl/acuerdos_intern.html

Argentina allows Argentine workers residing in Chile and Chileans residing in Argentina to transfer their pension funds from one country to the other. By determining social security costs and making them compatible with both countries, the number of years worked in each one will be known, thereby avoiding gaps in payments and making migrants' retirements viable (Courtis, 2011). This convention will apply to professionals and specialists affiliated with any social security plan in either country and to distribution systems like Pension Fund Administrators (AFP) in Chile and the Argentine Integrated Social Security System (SIPA).

Pacts for Economic Cooperation and Border Integration

Over the last decade, Chile has set in motion various accords with its Peruvian and Argentine neighbors aimed at greater economic integration. In them, Chile has put significant emphasis on facilitating the transit of migrant workers. First, we can mention the memorandum of understanding on labor and migration cooperation between Peru and Chile, which was part of the free trade agreement signed by both countries in 2006. The memorandum seeks to promote the development of labor and migration policies and practices that improve working conditions and the quality of life in each country, as well as the protection of internationally recognized rights, like freedom of association, prohibition of forced labor, banning child labor, elimination of discrimination in the workplace and others (Courtis, 2011). The memorandum went into effect in 2009. It also seeks to encourage the development of statistics and promote the exchange of information on legislation, institutions and public policies on labor, migration and social security.

Another bilateral commitment between Chile and Argentina is the Operating Accord on Border Migration Control Cooperation, which was intended to simplify and streamline migration control in priority places like Pehuenche, Dorotea, Integración Austral and San Sebastián. The measure reflects the will of both governments to prioritize the free circulation of human capital in a setting of growing economic integration, as was declared by the Ministers of the Interior of both countries in the second Binational Meeting of Ministries Argentina-Chile on August 6, 2009. On the same note, Courtis (2011) has highlighted the ratification of the Agreement on Adjacent Border Transit, which facilitates the control of migration on the land border uniting Argentina and Chile for the citizens that reside in border regions through a fast procedure that distinguishes migration categories.

2.3.4. General Considerations on Aligning National Laws with International Accords

Generally, the Chilean state has prioritized adapting the country's current legislation to align it with the precepts of these international instruments and agreements, which can be considered a marked advance in demonstrating the will to consider international migration from a human rights perspective and taking advantage of opportunities for development (Martínez & Soffia, 2009). At the regional and local level, the situation has different meanings. Some territories have implemented integration

and immigrant services initiatives aimed specifically at immigrants (as in the case of the Tarapacá region, for example). However, as stated in the examination by the Committee for the Protection of the Rights of All Migrant Workers and Members of their Families of the CTMF in its national report submitted in 2011, Chile still shows a strong gap between national and international laws on international migration (CPTMF, 2011). The continuation of legislation inherited from the military dictatorship is the main obstacle to the process of adhering to international law. Furthermore, policy proposals since the 1990s have not advanced in a better direction.

The committee has hailed as advances the recent promulgation of Law 20507 on human trafficking (2011); inter-sectorial accords that encourage the integration of the migrant population; international accords on social security; accords signed by Chile as a member state of MERCOSUR; a cooperation agreement signed between the Gendarmerie of Chile and the International Organization for Migration; and the ratification of many international instruments, although they are not necessarily related to migrants (CPTMF, 2011). Although these actions are celebrated as widespread support for governmental management, what is certain is that “the calls only create concerns as to whether they should be examined in detail” (Martínez, 2012). Among the concerns, suggestions and recommendations shared by the CPTMF were the lack of legislation and the suggestion to promptly adopt the legal body that was mentioned at the time.

Many aspects were also brought up regarding the discrimination inherent in institutional practices and the social stigmatization of migrant workers and their family members. The recommended way to combat this was by adopting positive measures, such campaigns to improve conscience and discernment that are directed toward the general public, teachers, immigration officers and communications professionals (CPTMF, 2011). Many civil society and migrant networks have used influence and made an effort in order to demand this same type of improvement in national migration administration and compliance with international commitments, but it seems that their voices have not been well articulated and their efforts have not always been successful. What is paradoxical about Chile’s case is that it has ratified every international human rights agreement and another important set of bilateral and regional accords related to migration policy, which should be interpreted as an international commitment and a national obligation (Martínez, 2012). It is necessary to highlight the role of international laws in every intervention on behalf of migrant populations. In Latin America, this topic has garnered significantly more commitment compared to other regions of the world (Martínez, 2012). In any case, it is clear that without adopting a focus on human rights in public policies, there will not be much advancement.

3. Institutional Framework

There are many different actors in Chile’s governmental apparatus, each of which has specific mandates related to migration and express an interest in coordinating actions but work with traditional laws and are slow to ratify commitments. On the other hand, there are also methods of interagency coordination. This section examines the

role of the legislative and judicial branches, especially regarding their explicit intentions of the creation of ad hoc commissions and in ensuring guarantees of due process. We also mention the existence of the National Institute for Human Rights, which could play a leading role in the coming years.

3.1. Functions of the Main Institutions Working on Migration Issues in the Executive Branch

In the executive branch, there are many ministries and agencies that directly participate in the administration of migration affairs, whether it be in the formulation and implementation of migration legislation or in providing services and protecting the rights of immigrants and Chilean emigrants.

3.1.1. Ministry of the Interior and Public Security

Alien Status and Immigration Department (DEM)

Subordinate to the Under-Secretariat of the Interior within the Ministry of the Interior, the DEM is the main body that manages migration issues in the country. This department's mission is to "guarantee the compliance of immigration legislation in effect related to entry, exit, permanent or temporary residence, expulsion and regulation of foreign citizens residing in the country, within the scope of matters handled by the National Migration Policy of the Government of Chile."³⁸ An important part of its role is to analyze requests for temporary and permanent residence, refuge and nationalization, but its functions are not just limited to managing migration flows. It also leads the development of a national migration policy, for which it performs the following:

- Promote welcoming initiatives to encourage immigrants' integration
- Promote institutional, legislative and migration administration modernization in Chile
- Develop and implement presidential instruction on migration policy

In terms of its organizational structure, the DEM is composed of nine sections, eight of which are dedicated to providing counsel, resolving legal procedures and tending to applications submitted by Chileans and foreigners related to migration, including the Legal Section; the Studies Section; Refuge Section; the Information, Claims and Suggestions Section (OIRS); the Public Services Section; the Visas Section; the Permanent Residence Section; and the Nationalization Section. The main legal precepts on migration sustaining the functions of the DEM are Decree Law 1094 of 1975, Supreme Decree 597 of 1984, which is regulated by the former law, Supreme Decree 5142 of 1960 regarding the nationalization of foreigners, and Presidential Instruction 9 of 2008, which "gives instructions on the National Migration Policy."

³⁸ See www.extranjeria.gob.cl

Border Crossings Unit

The Border Crossings Unit is a public service subordinate to and coordinated by the Ministry of the Interior. Its functions are directly linked to managing the land movements of people, goods and vehicles. Its three main roles are as follows:

- Investing in designing, constructing and improving the infrastructure of border complexes
- Managing operational expenses and investments of subordinate agencies in coordination with provincial governments, emphasizing professionalization and training of teams
- Coordinating with different public bodies operating in the border control area and additionally participating in different integration agencies with neighbor countries with the aim of “promoting the development of relationships and establishing agreements to effectively solidify terrestrial border transit along with border integration”³⁹

Through its last function, the Border Crossings Unit is directly involved in migration policy and its international dimensions. It actively participates in integration policies among neighbor countries and agreements on the movement of persons. In effect, the unit intends to implement the Joint Presidential Declaration on the on the Free Movement of Persons adopted by Chile and Argentina in 2003. The Declaration permits

*the free entry and exit of Argentine and Chilean citizens and of permanent residents in both countries by terrestrial, air and maritime border stations, just by showing an identity or travel card, without having to modify laws in each country with regard to settlement and work in all categories.*⁴⁰

3.1.2. Ministry of Foreign Affairs

General Office on Consular Affairs and Immigration

The Ministry of Foreign Affairs’ consular and migration policies are executed by the General Office on Consular Affairs and Immigration (DIGECONSU). Its main activities are oriented toward Chileans residing outside the country, and include the following:

- Studying, analyzing, coordinating and directing the many activities and functions of Chile’s consular offices
- Developing an efficient and modern consular services system to meet the needs of fellow nationals residing abroad

³⁹ See www.pasosfronterizos.gov.cl

⁴⁰ See www.imldb.iom.int, a database related to international migration law (IOM).

The three offices that compose DIGECONSU are the Directorate for Consular Policy, the Directorate for Consular Services and the Directorate for Overseas Chilean Communities (DICOEX).

Directorate for Consular Policy

The Directorate for Consular Policy is responsible for studying, proposing, planning and following up on all policies created by DIGECONSU. It performs these tasks through two departments: Immigration and International Migration Planning. The Department of Immigration is specifically charged with analyzing and managing visas for foreigners outside Chile who desire to enter the country for temporary residence or for purposes of tourism, study, work, health and others. Among its most important tasks are informing the public about visa procedures for foreigners; coordinating with DEM regarding resolutions on reconsidering or renewing permits for permanent residence; coordinating actions with the international police, the national tourism service and other public and private entities; providing Chilean consulates with the materials necessary to issue visas; and informing Chile's diplomatic and consular missions about conventions or accords exempting tourist visas.

The Department of International Migration Planning is responsible for contributing to the formulation and definition of provisions in international migration policy; coordinating and preparing Chile's participation in global, regional, inter-regional and special forums on international migration; formulating proposals for the implementation of relevant international treaties and accords ratified by the country; and implementing those specialized projects and programs on migration pushed by international organizations like the OAS, OECD and the EU.

Directorate for Consular Services

The directorate's role is to supervise, coordinate and respond to applications and needs of Chilean citizens, including those within and outside Chile. Relevant matters include civil registration, legal issues, passports and welfare, as well as all requests related to consular services provided by DIGECONSU.

Directorate for Overseas Chilean Communities

Keeping in mind the significant number of Chileans residing abroad and the need to recover and maintain ties with them, the Directorate for Overseas Chilean Communities (DICOEX) was created. Its main goal is to formulate, coordinate and implement public policies that create ties and assist Chileans residing outside the country. The roles that DICOEX has assumed to achieve its goals are connecting Chileans with their country; promoting the defense of human and social rights; promoting inclusion in the country's development; strengthening cultural identification and belonging to Chile; submitting information on matters of social security, laws on compensation and translating academic studies and grades as well as related public

policies; encouraging the formation of networks to promote Chilean talent; training leaders; strengthening organizations and associations; promoting culture, identity and belonging between Chilean communities; coordinating “on-site services” that tend to overseas nationals; elaborating studies on international migration matters and proposing provisions for the international migration agenda.

The directorate is composed of the Department of Bonding and Development and by the Department of Communications and Culture. The former’s goal is to elaborate, coordinate and administer programs and policies that create bonds and develop the overseas Chilean community and establishes relationships with public agencies that provide services to citizens. The Department of Communications and Culture is charged with raising awareness about human rights and public policies; strengthening cultural identity, roots and belonging of Chilean communities with their country; and supporting the work of DICOEX regarding communication, dissemination and information.⁴¹

Directorate for Human Rights

The Directorate for Human Rights is also subordinate to Chile’s Ministry of Foreign Affairs. Its goal is to coordinate Chile’s international actions related to human rights, which means “presenting the country’s position at international forums on the protection and promotion of human rights and to incentivize compliance with related international commitments.” This applies to all international, regional and bilateral accords of which Chile is a member that relate to the human rights of international migrants, especially the United Nations Convention and the Palermo Protocol. The directorate’s functions include the promotion and protection of the entire range of human rights in civil, political, economic, social and cultural matters, as well as rights of specific demographic groups, like women, children, the indigenous, minorities and other vulnerable groups that are made up of international migrants.

3.1.3. Ministry of Health

Health Advisory Group for Immigrants and Refugees of the Ministry of Health

Although with the arrival of the current government in 2010 the operations of the Health Advisory Group were frozen, it is worth examining as an example of a recent executive branch agency that achieved important advances in addressing international migration and its health aspects. The group was coordinated by the Department of Studies of the MINSAL, and the goals that prompted its creation were to⁴²

- Ensure coordination between the many internal agencies of the ministry and the advisory group SIR-Minsal,

⁴¹ See www.chilesomostodos.gov.cl

⁴² See www.minsal.gob.cl (accessed on 05-24-2012).

- Participate in inter-ministerial and international commissions on migration and refuge,
- Provide counsel on the health implications of migration initiatives proposed by other national and international agencies,
- Carry out studies and propose laws and actions for the protection and promotion of health for immigrants and refugees, and
- Disseminate the studies and proposed laws on health for migrants and refugees.

Some of the contributions made by the group and that remain as a legacy of knowledge for institutions interested in working on migrant and refugee health issues are the studies sponsored by the IOM and carried out by Demoscópica (2009) and the Psychiatric Clinic of the University of Chile (2008). The first covered local health policies for immigrants in the Metropolitan Region, while the second examined global mental health policies for immigrants in the same region.

3.2. Mechanisms of Interagency Coordination

The first law that created a space for interagency coordination on migration was Decree 888 of August 26, 1977. It prompted creation of the Consulting and Coordination Commission on Migration, which was composed of representatives from the Ministry of the Interior, Ministry of Foreign Affairs, Ministry of National Defense, Ministry of Land and Colonization, Ministry of Agriculture, Production Promotion Corporation and the Office of National Planning. Additionally, permanent members participated, including the chief commission of the DEM, the consular and immigration director, the chief of the immigration and international investigative police of Chile and the chief of the Department of Borders and Coastal Limits of Chile. The commission was charged with advising the Ministry of the Interior on the design of national migration policy and with driving measures of administrative coordination related to public services. Without formalizing the goal of a national migration policy, in 2001, the Ministry of the Interior displayed a new commitment to introducing in the Senate an official bill that would fully cover migration policy in Chile. The proposal was considered the product of an inter-ministerial commission that would examine precedent, discuss and analyze current migration regulations to be modified or eliminated and incorporate new provisions. However, the policy paper was not elaborated on and the inter-ministerial commission was not established.

Migration Policy Board

Currently, we can mention two working groups that, although still young, are composed of different state agencies and some civil society actors and have been able to coordinate political action on the issue of migration: the Migration Policy Board and the Cross-Sectorial Working Group on Human Trafficking. Presidential Instruction 9, promulgated on September 2, 2008 during the Bachelet administration, created the Migration Policy Board. The multidisciplinary government advisory agency's main goals would be to update information and analyze migration matters and then elaborate

comprehensive public policy proposals, coordinating actions between all state agencies and civil society actors involved. In accordance with the instruction, the board was presided over by the undersecretary of the interior, which acted as a provisional overseer of the Board of the Alien Status and Immigration Department of the Ministry of the Interior.

Although the Annual Report on Human Rights in Chile, produced by Diego Portales University, shows that the board had not held a single session by August of 2009, there is evidence that the Alien Status and Immigration Department, in its capacity as provisional overseer of the board, has encouraged bilateral meetings with some member organizations of the board. For example, in 2009, the board convened a forum with the most relevant actors involved in assisting asylum seekers and refugees to establish a Working Group on Refugee Matters with the goal of reaching a consensus to move forward with a unique and optimized program to serve this population. The first product of the Working Group was the UNHCR's assessment of the conditions of asylum seekers and refugees in Chile (Courtis, 2009). Overall, there is no information on new meetings or actions of the Migration Policy Board under the administration of the current alliance government. Consequently, many civil society actors have called upon the relevant authorities to reconstruct the board.

Cross-Sectorial Working Group on Human Trafficking

Another interagency coordination group dealing with matters related to international migration of Chileans is the Cross-Sectorial Working Group on Human Trafficking, which was created in August 2008 by Exempt Decree 2821 of the Ministry of the Interior. To demonstrate harmonizing national laws with international legal frameworks, this measure was implemented keeping in mind the state's ratification of the complementary protocols to the United Nations' Convention against Transnational Organized Crime and the MERCOSUR Action Plan against Human Trafficking. The Working Group was comprised of representatives from different state agencies, including the Ministries of the Interior, Foreign Affairs, Justice and Labor, as well as the National Service for Women, the National Service for Minors, the National Intelligence Agency, the Investigative Police and the Chilean Carabineers. The main goal of the Working Group was to provide permanent counsel and coordinate the actions, plans and programs of different institutional actors on issues of prevention, repression and punishment of human trafficking, especially of women and children.

The examination of the fifth and sixth periodical reports presented by Chile to the United Nations Committee on the Elimination of Discrimination against Women gave the assurance that "this agency is currently in full operation and generating products in the fields of raising awareness and protecting victims and training" (CEDAW, 2011). However, the same committee has recommended that the Chilean state provide information on the actions and programs that the Working Group has produced, as well as on the number of times that it has met to date and the results of each, indicating that it "engage in raising awareness related to denouncing acts of human trafficking" (CEDAW, 2012).

3.3. Addressing Migration Issues in the Legislative Branch

The Congress, through a bicameral legislature, composed of the Chamber of Deputies and the Senate of the Republic, is the legislative branch responsible for writing and processing all laws of the country. By extension it also manages legal projects related to migration. Additionally, its responsibilities include approving or rejecting international treaties presented by the president of the republic for ratification (Article 54 of the Constitution). The Congress performs its roles through legislative working commissions, which are internal groups of deputies and/or senators that are either permanent or temporary, for specialized discussion of draft bills or studies on specific topics, which, once processed, are presented for consideration in plenary sessions. These bodies may rely on expert advice on specific issues and may hold open hearings with civil society organizations.

Chile has had no legislative commission to specifically address international migration. The only commissions that have indirectly touched upon the issue have been permanent commissions of the Chamber of Deputies on “Foreign Affairs, Inter-Legislative Affairs and Latin American Integration” and on “Human Rights, Nationality and Citizenship.”⁴³ For example, the latter has offered two draft laws related to migration. The first was in May 2003, which established provisions on the nationalization of foreigners.⁴⁴ The second was in May 2012, which “controls the entry of foreigners into our country who have human rights documentation pending in their native countries.”⁴⁵

What is certain is that there is a scarcity of legislators educated or involved in migration issues and consequently there are few initiatives addressing migration from a public policy angle (Cano, Soffia & Martínez, 2009). Although this situation permits regional and local specifications, it would explain, in great measure, the slow pace with which the new alien law has been developed and the standstill of other related legal initiatives.

3.4. Addressing Migration Issues in the Judicial Branch

The Supreme Court of Justice is the highest tribunal in the country and leads the judicial branch. Constitutionally, this body has the power to hear civil and criminal cases, resolve them and enforce rulings on all matters, including international migration. The administrative actions of the state are also regulated by other bodies, like the Tribunals of Justice, the Constitutional Tribunal and the Office of the Comptroller General of the Republic.

The most important role of the judicial branch to the issue of migration policy is its responsibility to guarantee all migrants access to the right of due process on any legal matter. People have the right to certain minimum guarantees, which are supposed to

⁴³ See www.camara.cl

⁴⁴ In particular, the draft bill aims to reduce from twenty-one to eighteen years as the minimum age required for a child born in Chile to a foreigner to opt for Chilean nationality (Bulletin No. 3238-17).

⁴⁵ Bulletin No. 8248-17.

ensure justice and equality in the process to which they are subjected with the ultimate goal of avoiding arbitrary abuses by the authorities. Additionally, “due process is enshrined as a basic right and, therefore, is a fundamental criterion in the interpretation and application of the law in the Democratic States of Law” (Machín, 2011). Some of the guarantees included in the right to due process are the right to be judged in accordance with the law; the right to be informed immediately and wholly of one’s rights, reasons for detention and the authority ordering detention; the right to sufficient time and means for one’s defense; the right to a defense and professional counsel; the right to attorney assistance; the right to not be tried twice for the same offense; the right not to be jailed for non-payment of debt or non-compliance with contractual obligations; the right not to be forced to confess one’s guilt; the right to speak for oneself with the aid of an interpreter; the right to impartiality and a presumption of innocence; the right to a speedy trial; and the right to compensation for judicial error (Machín, 2011).

For any migration procedure, be it judicial, penal, administrative or other, the authorities are responsible for applying the principle of due process in a comprehensive manner to protect and guarantee the basic rights of migrants and to ensure equality in courts of justice. This is about applying a universal principle to the implementation of any migration regulation or law, any type of jurisdictional or administrative decision made by the authorities and any administrative status of a foreigner, be s/he documented or undocumented.

In Chile’s case, there have been many shortcomings in the application of due process to procedures involving foreigners. Those shortcomings most widely denounced have been the lack of access to interpreters and the lack of time necessary to prepare an adequate defense. With regard to this last point, the absence of appeals courts in cases of claims against a notification of expulsion has been widely denounced by some civil society organizations. According to recent figures from the Supreme Court, there were just five appeals against expulsion in 2008, fourteen in 2009 and eighteen in 2010. This evidence confirms that

legal action is only used in exceptional conditions when immigrants have access to a lawyer to represent them. As a consequence, this is not an effective means of exercising the right to due process because it is so costly, difficult and such a short period of recourse that it does not even constitute a real alternative for immigrants (RedMI, 2011).

3.5. Other State Institutions Linked to International Migration Policy

National Human Rights Institute

In contrast to the previously mentioned institutions, the National Human Rights Institute (INDH) is a state corporation of public law, though it has autonomy of action. It was created in 2005 to

*promote and protect the Human Rights of all Chileans established in constitutional and legal norms; in international treaties signed and ratified by Chile that are in effect, as well as those stemming from general principles of law, recognized by the international community.*⁴⁶

Its main functions are to

- Observe, inform and intervene in the defense of threatened or violated human rights, and
- Facilitate the construction of a culture that recognizes and promotes rights in all aspects of national life.

Although this body is not directly involved in public policies on migration, it is a promising signal of support for the defense and protection of migrants' human rights. The Committee for the Protection of the Rights of All Migrant Workers and Members of their Families (CPTMF) recommended in its last report (2011) that the state adopt all necessary measures to ensure that the provisions of the INDH adhere to the Paris Principles; offer sufficient resources and a specific mandate regarding migrant workers; and procure support from the United Nations High Commissioner for Human Rights (OHCHR) in this process when considered necessary.

4. State Programs on Migration

4.1. Immigration Programs

State programs focused on Chile's migrant population have more consisted of temporary actions of very limited duration. In this sense, they do not compare to the projects launched in countries with significant traditions of migration like Argentina and Mexico, which have instituted programs like Large Homeland or Program 3x1. In Chile, the last migrant regularization campaign was carried out in 2008. It represents the most significant event related to migration in recent years.

Regularization of Foreigners

There have been two major regularization campaigns for foreign undocumented migrants or those with pending visa applications. The first, carried out in 1998 under the government of Eduardo Frei Ruiz-Tagle, resulted in awarding around eighteen thousand permanent residence permits. In the second, carried out ten years later under the Bachelet administration, awarded temporary residence to approximately fifty thousand immigrants. The large number achieved in the second campaign was not just the result of an increase in the number of immigrants relative to past times, but also an expansion of admission criteria. In this manner, in addition to those foreigners with expired tourist visas, all immigrants without visas or with expired residence permits were able to participate on this occasion, as well as those who entered the country under the Arica-Tacna Border Convention and violated the conditions of entry or those who

⁴⁶ See www.indh.cl

had pending visa applications. They were required to enter the country before October 21, 2007, when the process began, as well as to be nationals of a Latin American or Caribbean country without a criminal history.

During the last regularization campaign, around 90 percent of migrants' pending visa applications were resolved in their favor. At the end of the year with a temporary visa, those interested could request permanent residence as long as they demonstrated financial self-sufficiency. Without it, the temporary visa could be renewed for one year, but renewing it again at the end of the second year would only be possible if financial self-sufficiency could be demonstrated. According to the DEM, the majority of the program's beneficiaries were Peruvian (35,071), Bolivian (6,145), Colombian (2,003), Ecuadorian (1,958) and those from different Latin American countries (2,403). The regularization campaigns were heavily concentrated in the Metropolitan Region. From some authors' points of view, although the result of this regularization campaign can be considered successful in some respects, it was a one-time initiative and an exception that did not solve the root problem and may have replicated what it intended to reverse (Cano, Soffia & Martínez, 2009). In this sense, the "the regularization program's refuge shows that, on the one hand, immigrants are willing to submit to social coexistence while maintaining a relationship with the Chilean state, and, on the other, the current migration laws are an obstacle to that willingness" (Curtis, 2011).

Inter-Sectorial Measures to Integrate the Immigrant Population into Health and Education

Along with facilitating the intra-regional movement of people, there have also been national legal steps toward integrating international migrants, facilitating their access to different areas of the state's social protection system. The presidential instruction issued in September 2008, for example, gave strict instructions to state agencies regarding inter-sectorial policy administration of international migration, forcing them to "consider in their current and future programs the relevant international agreements and conventions signed by Chile" (Chile, Presidency of the Republic, 2008, p. 1).

The main advances have been in the areas of protecting and guaranteeing rights to health and education for the most vulnerable populations, such as children, pregnant women, refugees and asylum seekers, while always prioritizing documentation (Martínez & Soffia, 2009; Cano, Soffia & Martínez, 2009). First, regarding education, the main advance has been the establishment of MINEDUC, which since 1995 has allowed all immigrant children to be provisionally accepted and enrolled in the country's schools with the same rights as Chilean children irrespective of their parents' migration status. This provisional enrollment considers the student to be documented for all academic, curricular and legal intents and purposes. Echoing this measure, Technical Bulletin 07/1008 (1531) of 2005 reinforced the fact that being a foreigner or one's parents' migration status should not be an impediment to children's entry into school. It declared that educational institutions were obligated to facilitate the incorporation of students into their establishments.

With regard to health, we can highlight the agreement between the Ministry of the Interior and the Ministry of Health that since 2003 incorporated pregnant migrant women into health systems, regardless of their documentation status or the possibility of requesting a temporary residence permit in cases where pregnancy is regularly overseen by the municipality. Between 2004 and 2008, more than 1,208 undocumented pregnant women received this visa, 80 percent of whom were Peruvian (Martínez, 2009).

In 2008, a new agreement was struck between the Ministry of Health and the Ministry of the Interior that provided all foreign children younger than eighteen years of age health care in public health centers of the same quality as in Chile's neighboring countries. This applied to all minors younger than eighteen years of age independent of their migration status in Chile or that of their parents, guardians or legal representatives. The agreement outlined that it would be necessary to register undocumented children younger than eighteen years of age in primary care facilities in accordance with their residence. Based on this registration, the minor would be able to request from migration authorities a permit for temporary residence if he/she did not attend a school. If enrolled in a state-recognized school, the student would be able to request residence with a student visa (Agar & Saffie, 2010). Foreigners in Chile, independent of their migration status, may have access to emergency attention and to public health benefits (for example, vaccination campaigns) (Agar & Saffie, 2010). In 2009, it was established that public health services would be provided to immigrants with FONASA credentials, those whose residence permit applications were pending and those whose identity cards had expired. In 2007, an agreement between the DEM and FONASA facilitated access to public health centers while asylum seekers waited for determination of their refugee status. Approximately two weeks after applying for asylum, asylum applicants were given a FONASA registration number to help them gain access to public health services.

It is important to keep in mind that, in general, the Chilean government grants immigrants access to all social protection system programs as long as they are documented and possess a valid Social Protection Card (FPS).

4.2. Programs on Emigration and Creating Bonds with Overseas Chileans

There are strong reasons for creating public policies that help create bonds with Chilean emigrants and encourage emigrants to contribute to national development. The first is quantitative. The large number of Chileans who, according to the most recent data available, currently reside abroad total approximately seven-hundred thousand, which is equal to about 4 percent of the national population. The second relates to the moral imperative of reconciliation and shelter for the large proportion of exiles who abandoned the country during the 1970s due to political persecution. Finally, the intensification of the emigration of professionals and highly skilled workers, which has occurred since the 1990s, has resulted in a significant loss of human capital.

However, there is also an opportunity for development in the fields of science, technology, innovation and education in Chile, an opportunity that is worth taking. Programs like the First Register of Overseas Chileans and ChileGlobal have been steps

in this direction, but there are still large obstacles to establishing ties with emigrants, the most important of which is the effective non-recognition of the right to vote.

Register of Overseas Chileans

Carried out by DICOEX in coordination with the INE and the IOM, the First Register of Overseas Chileans was overseen between 2003 and 2004 with the goal of developing public policies focused on the emigrant population. The project, the first of its kind in Latin America, consisted of counting Chilean emigrants residing in more than one hundred countries and compiling statistical information on their civil status, nationality, occupation and education, among other factors, as well as the level of connection they maintained with Chilean society and the ease or difficulty with which they were incorporated into their current societies. Using individual surveys as a methodology, information on two hundred sixty thousand people was compiled. Chileans who lived more than six months outside the country, along with their children born outside Chile, voluntarily participated by responding to a questionnaire at their embassies. Without taking the second generation into consideration, the 151,406 natives registered represent less than one-fourth of the registered total of the censuses of other countries of the world (Cano, Soffia & Martínez, 2009). Although the results were derived from a methodology that has not been vetted as a source of information, the first-register results served as a guide for planning state policies and programs aimed at meeting the demands of the emigrant community. However, specifically regarding the exercise of political rights and suffrage, it seems that the information gained did not achieve its desired effectiveness, as demonstrated by the permanent standstill of migration laws.

Chileglobal

Chileglobal is a network of Chilean entrepreneurs and executives residing overseas who desire to “contribute to Chile’s development through the transfer of knowledge and the generation of new business opportunities.” This initiative is supported by the Chile Foundation and, in large part, is a mechanism that generates and attracts new business opportunities, commercial alliances, and transfers of technology, information, know-how and business, technological and financial resources to and from Chile.⁴⁷ Mentoring and internship programs created by Chileglobal aim to “convert the emigration of highly skilled Chilean professionals into a process that is beneficial for those who stay in the country as well as those who leave” (Courtis, 2011). In this sense, the private-sector initiative constitutes a novel act on the path of transforming “brain drain” into “brain movement.”

Suffrage for Overseas Chileans

⁴⁷ See: www.chileglobal.org

Overseas Chileans' right to vote has been an issue that has become a government priority since the return to democracy. More than anything, since the Bachelet government, there have been many motions to facilitate the approval of a new law that would allow the exercise of this right. First, in March of 2009, a draft bill was sent to the Senate that would regulate automatic inscription, voluntary suffrage and the vote of overseas Chileans. However, more than one year after its presentation, the draft law remained in the Senate. Eventually, in April 2010, during his tour in the United States, President Sebastián Piñera committed to permitting overseas Chileans, under certain circumstances, the right to vote in presidential elections. In the middle of 2011, the Senate rejected the new legislative proposal that granted the right to vote abroad only to Chileans who maintained ties to the country, just as President Piñera mentioned publicly in 2012, saying that "it is necessary to analyze the ties and commitment maintained with the country."

Currently, according to Article 13 of the Constitution, Chilean-born Chileans and nationalized persons may vote in elections provided that they are older than eighteen years and have not been charged with criminal wrongdoing. Additionally, Chileans born abroad to a Chilean father or mother may vote, as can those nationalized who are older than eighteen years as long as they have not been charged with criminal wrongdoing and have lived in Chile for one year. According to Article 14, foreigners may also exercise the right to vote if they are older than eighteen years, have no criminal background and have been living in Chile for five years. These laws neither restrict nor prohibit the vote of overseas Chileans. On the contrary, the right to vote extends to all Chileans who meet the constitutional requirements, none of which include residence in the country. However, though they enjoy the right to vote, prior to the municipal elections of 2012, overseas Chileans could only vote if they were registered in the country's electoral registries and traveled to Chile to vote (Cano, Soffia & Martínez, 2009).

Currently, although no specific legal reform regarding voting abroad has materialized, the obstacle to exercising the right to vote has theoretically been overcome with passage of Law 20568, which "regulates automatic inscription, modifies the Electoral Service and modernizes the voting system." This law, which passed on January 31, 2012, allowed automatic registration in the electoral registry to all Chileans, including Chilean-born citizens residing outside the country, thereby granting them the right to vote. According to the relevant authorities, the inscription of these Chileans will be done according to the civil register's information on their latest residence in Chile or, if missing, their place of birth. What facilitates this reform is that Chileans residing abroad may vote in all elections held in the country, although they must be within the country to vote. It has been said that "in the future they will cast their votes for presidential elections from abroad, as long as it is approved by Constitutional Reform and the consequent laws government passes in the legislature."⁴⁸

⁴⁸ See "Automatic registration and volunteer vote: Frequently Asked Questions" section *Specials*, Government of Chile website, [online] www.gob.cl, accessed on Jun 04, 2012.

The main reason to turn this debate into a matter of public policy is that, on the one hand, exercising the right to vote is beneficial to creating bonds between Chileans and the development of their country. On the other hand, it creates an opportunity for Chilean emigrants to recover their national identity and a sense of belonging that as Pereyra (2000) noted is constantly being tested by international migration.

PART III

PARTICIPATION OF CIVIL SOCIETY AND INTERNATIONAL ORGANIZATIONS IN PUBLIC POLICIES AND PROGRAMS ON MIGRATION

In this section, we analyze civil society participation and the role of international organizations in shaping, implementing and evaluating public policies and programs on international migration in Chile. With this in mind, we have organized information collected from semi-structured interviews that were carried out in the first half of 2012 with a group of representatives from different civil society organizations maintaining a presence in the regions most emblematic of the phenomenon of migration (north and center of the country). We also used qualitative information about some relevant international organizations collected from available studies and reports. Although we tried to obtain a wide range of opinions and experiences, the group of societal entities related to migration and migrant organizations analyzed does not necessarily have ample representation. Not all of the organizations that operate in Chile are represented, nor was it possible to obtain answers from some who were contacted.

The first part of this section is focused on presenting our interview results in an effort to systematize information on a topic of great relevance to the country (annex 1 contains the list of institutions that were interviewed, the script and the records). Later, we present the actions of international organizations whose mandate includes migration issues. We only reference the last two years due to the intense execution of mandates, and we do not find many previous initiatives.

1. Identification and Characteristics of Civil Society Actors Participating in Migration Efforts

Civil society organizations' work on migration issues in Chile has become visible as new courses of strategic action that have emerged in the last decade. This has made the efforts these organizations replaced, in one way or another, extremely relevant, complementing or supporting the functions performed by the state. In this field, there are religious organizations, academic centers, nongovernmental organizations, grassroots social organizations, migrant organizations and far-reaching strategic alliances, like the National Migration and Intercultural Network (RedMI). The trajectories, actions, resources and impacts of civil society on migration and in providing services to migrants is a subject for medium-term evaluation. Regardless, the information collected suggests that they have been carrying out brave, positive work that deserves sustained support from the state and local governments.

1.1. Religious Organizations

Religious organizations linked to international migration in Chile often serve as intermediaries and directly provide services needed by migrants. They also promote permanent dialogue with state agencies in charge of migration administration. Religious organizations are those with the longest track records in this work and the largest scope of services. This is probably due to their pastoral nature, which makes them more affordable and inviting to the migrant population. The vast experience that they have demonstrated in working with immigrants has been in defending migrants' rights and in generating knowledge to contribute to the theoretical side of this issue.

In this respect, the Congregation of Missionaries of San Carlos Borromeo–Scalabrinians, the Scalabrinian Foundation, the Scalabrinian NGO, the Chilean Catholic Migration Institute (INCAMI), the Comprehensive Migrant Support Center (CIAMI), the Vicarage of Social Pastorals and of the Workers of the Archbishop of Santiago, the Christian Churches Foundation for Social Aid (FASIC) and the Global Citizen program (formerly the Jesuit Migration Service and Refugees) are some of the religious organizations that should be mentioned.

1.1.1. Missionaries of Saint Charles – Scalabrinians and the Scalabrinian Foundation⁴⁹

In their more than sixty years of operation in Chile, the Congregation of Missionaries of San Carlos Borromeo–Scalabrinians have been intimately involved in migration issues in the country with aid programs specific to each period of the nation's history. The Scalabrinian missionaries arrived in Chile in 1952, settling in Santiago in the parish of San Carlos, which thereafter belonged to the commune of Ñuñoa and is now a commune of La Reina. They provided ministerial services to the Italian community in the temple of the Church of Las Agustinas in Santiago's center. On July 26, 1954, the Archbishop of Santiago, Cardinal José María Caro, named the *Missio cum cura animarum* the entity of public canonic law for providing spiritual and social services to the Italians of the Archdiocese of Santiago, which would be based on the temple of Las Agustinas. On December 18, 1996, the Archbishop of Santiago, Cardinal Raúl Sila Henríquez, solemnly blessed the new Italian parish Nuestra Señora de Pompeya, located on Bustamente Avenue 180 in Providencia, which became a center of spiritual life and of social activities for Italian migrants residing in Santiago.

In its first two decades in Chile, the Scalabrinian missionaries were involved in the integration processes of European immigrants who arrived in Chile fleeing World War II or seeking better living conditions. In 1955, they helped create the Chilean Catholic Migration Institute (INCAMI), an entity of the Chilean Episcopal Conference in charge of promoting and coordinating pastoral migration in the country. Between the 1970s and 1990s, the Scalabrinian Congregation focused its programs and activities on assisting overseas Chileans in coordination with INCAMI. With the return to democracy and the modern increase in the flow of border immigration into Chile,

⁴⁹ Information provided by the Scalabrinian archive in Santiago.

especially of Peruvians, the Scalabrinians developed new programs for social, cultural and workforce inclusion of immigrants in coordination with INCAMI.

Given the growing increase in the demand of services for social, labor, cultural and legal inclusion and integration of immigrants, in June of 2002, the Pious Society of the Missionaries of St. Charles–Scalabrinians launched the Comprehensive Migrant Support Center (CIAMI) located on Calle Malaquías Concha in Ñuñoa, Santiago. CIAMI provided services including technical training, job fairs and social, legal and medical aid to immigrants in the Metropolitan Region of Santiago de Chile. These services facilitated their inclusion and integration into Chilean society as they sought to improve their quality of life.

In order to strengthen the institutional foundation necessary to manage support services and comprehensive human development aimed at facilitating the process of inclusion of immigrants in Chilean society, in 2003, the congregation of Scalabrinian missionaries founded the Scalabrinian Foundation and the Scalabrinian NGO, two private organizations linked to the congregation. These two organizations have allowed the Scalabrinian congregation to amplify its social and support programs aimed at the inclusion and integration of immigrants in Chilean society and of Chilean emigrants abroad.

The Scalabrinian Foundation is also a member of the Scalabrini International Migration Network (SIMN).⁵⁰ Its work consists of advising and aiding people, groups and communities living in conditions of poverty or vulnerability who are also migrants. Its vision is to provide human mobility with a resource base, an opportunity for exchange and dialogue between peoples, cultures and different religions. The foundation's mission is to protect and promote the dignity and the rights of migrants by providing shelter and training and raising society's awareness of the issue of human mobility. The Scalabrinian Foundation supports the activities of INCAMI and CIAMI.

In June 2003, the Archbishop of Santiago, Cardinal Francisco Javier Errázuriz Ossa, opened the new Personal Parish for Latin American Migrants and the Archdiocesan Department of Migration Pastoral in the same site as the Italian Parish Nuestra Señora de Pompeya for migrants. This facilitated the promotion and coordination of pastoral activities to assist Latin American migrant communities. Since then, the parish has become a place of shelter and dialogue for different Latin American groups.

1.1.2. Chilean Catholic Migration Institute (INCAMI)⁵¹

As a part of the Chilean Episcopal Conference, INCAMI's participation in migration issues dates back to its foundation in 1955. That year, INCAMI opened its first migrant house in the commune of Quinta Normal. Throughout the years, INCAMI has established a presence in different regions of the country, mostly in those with a higher incidence of migration. The INCAMI currently oversees the work of 14

⁵⁰ See www.fundacionscalabrini.cl; www.scalabrinimigration.org

⁵¹ See www.incami.cl. The interviews were provided by INCAMI.

delegations from the Pastoral Care of Human Mobility in the whole country: Arica, Iquique, Calama, Antofagasta, Copiapó, Valparaíso, Santiago, Melipilla, Concepción, Temuco, Villarrica, Osorno, Puerto Montt and Punta Arenas. Each of these delegations corresponds to the region handled by its respective archdiocese or diocese.

In general, INCAMI's actions and programs have shown only a narrow link to national plans, adapting to the changes in the country's migration patterns. In this manner, in a first stage between the 1950s and 1960s, the institute specifically targeted European immigrants who arrived in Chile.

In a second stage between the 1970s and 1990s, its efforts were mainly directed toward the important contingent of emigrated and returned Chileans. The diocese from southern Chile launched offices and offered services for Chilean emigrants, especially those residing in Argentina, and, in coordination with the Argentine Catholic Commission on Migration, it was able to finalize more than nine thousand migration documentation applications per year.

There were also many bi-national forums between bishops and diocesan representatives from the migration pastoral cares from both countries that coordinated pastoral and social assistance efforts for emigrated and returned Chileans. In 1989, INCAMI organized the international seminary on "Forced Migration and the Difficulties of Transition," highlighting the problem of return. Later, for more than two decades, it edited the so-called "Letter from Chile," with news and information on Chile and INCAMI's work in assisting Chilean emigrants. The publication was a free mailed tool that reached an estimated three thousand Chileans residing in twenty different countries. In a later stage, after the increase of border immigration and the number of refugees and asylum seekers in Chile, INCAMI's work turned more toward the immigrant population in the country.

Since its founding, INCAMI has sought comprehensive aid for migrants and dialogue between state agencies and civil society organizations. In general, the regional sites are becoming more and more specialized. For example, the Iquique delegation was born out of the need to aid migrant workers entering Chile in search of new work opportunities, a challenge for which the migration field of the labor department of the Iquique bishopric was created, which later became the migration pastoral.

INCAMI's mission is uniform among its different delegations throughout the country, and consists of providing aid and pastoral accompaniment to people in permanent or temporary mobility and promoting and coordinating programs and activities aimed at their socio-cultural and religious integration. Concretely, its objectives are to

- Raise awareness in churches, governmental agencies and civil society groups about the issue of human mobility and the need to welcome and include migrants;
- Disseminate and apply the Catholic doctrine on human mobility;
- Coordinate migrant aid services between the diocesan delegations of migration pastorals, parishes, chaplaincies and pastoral agents;

- Ensure the finalization and legalization of documents and offer advice on the law, labor and social benefits;
- Accompany resident immigrant groups through their processes of socio-cultural and religious inclusion and integration;
- Promote pastoral missions and visits to immigrants and Chilean emigrants; and
- Support homes and centers servicing migrants and people in mobility.

Those benefitting from INCAMI's work include all those in a situation of permanent or temporary mobility who arrived in the country in search of work and who, in their majority, live in precarious socioeconomic conditions. Among them are immigrants, returned emigrants, internal migrants, Chilean emigrants, refugees, seamen, circus performers, nomads, tourists and workers of the air and land transport industry. An estimated thirty thousand people are assisted per year, one-fifth of whom by the Iquique delegation alone. The majority comes from countries in the region like Peru, Colombia and Ecuador.

A large part of the direct support services provided by the institution are made possible by the participation of volunteer workers, a highly valued resource for the organization.

The main source of financial support for INCAMI is a national fundraiser, which is held annually on the day of the migrant. The organization also relies on the financial support of state and international organizations. The projects currently underway in the Iquique delegation, for example, are sponsored by the Scalabrinian Foundation, while the Social Pastoral of the Archbishop in Concepción provides support for this region.

Centrally and regionally, INCAMI's interventions have proven wholly comprehensive, addressing a variety of issues related to the lives of migrants. INCAMI's works include providing information to those overseas about Chile and entry into the country in coordination with other international organizations for migrant services, civil and religious organizations and foreign embassies in Chile.

Its services in the area of migration administration, one of its oldest and most permanent roles, include legal orientation, legal aid and processing of documents for regularization status for immigrants, emigrants and returned emigrants in accordance with the guidelines of the state agencies responsible. It also provides provisional aid in housing, including spaces for lodging (shelter houses) and food (solidarity diners) for migrants in transit.

To ensure that the process of regularization and integration is comprehensive and stable, INCAMI provides workforce assistance by holding job fairs, practical training sessions for developing skills, such as cutting hair and cooking in Iquique, and periodic informational speeches on social laws that define the labor system in Chile. For migrants' children, the institute provides educational assistance ranging from daycare to orientation in the process, search for and access to academic institutions.

Psychological services and spiritual aid have been other areas extended to a variety of migrant groups. For example, in 2009, the institute coordinated with the Ministry of

Public Works and the Archbishop of Santiago to open the Chapel of the International Airport in Santiago to provide pastoral services to people working at the airport and to passengers in transit. Thanks to INCAMI, in 2004, the Chilean Church established the Circus Pastoral, which performed pastoral work for those working in the circus industry.

INCAMI also promoted the participation of migrant communities in recreational and social activities. In doing so, it has contributed to establishing solidarity networks and associational organization between migrants, in addition to raising their profile in the native country, showcasing their national identities with countless cultural events including musical and cooking exhibitions that have become renowned in recent years.

One of the institute's goals is diffusing and raising awareness of human mobility within the church, government agencies and civil society organizations. As a result, INCAMI has edited the magazine *Migrants*, which has been in circulation since 1975, and contributed to "Migrant Days," reflections and analyses on migration in the current social and religious context.

With regard to defending migrants' rights, INCAMI has become very well known in the country. The institute participates with other civil society and government groups, plans training events for delegates and disseminates print materials with information on the rights of immigrants in Chile and advertisements of social programs from each region in the country. Furthermore, it engages in research and analysis projects on migration, sponsoring and developing systematization projects and publishing studies.

Without regard for direct services or raising social awareness, another goal driving INCAMI's work, and which factors decisively into the formulation of public policies on migration, has been the maintenance of spaces of dialogue with government agencies in which it reveals the reality of migration and promotes improvements in welcoming, receiving and directly supporting migrants in Chile. The most recent act of this nature was the presentation of a document before the DEM on the "Indispensable Elements of the Law on Migration Matters." It promoted reform of the country's migration legislation and a change in the position of society and the state on the topic of human mobility.

The INCAMI significantly facilitated the establishment of institutional alliances by working in networks to move forward in the activities previously discussed. Although planned activities generally do not vary between the different delegations, some regional sites, like Iquique and Concepción, claim that by being physically more isolated their participation in central deliberative bodies is more restricted, and their participation has been limited to informational events organized by state institutions in the city of Santiago. First, internationally, the institute is related to the Pontifical Council for the Pastoral Care of Migrants and Itinerant People, is a member of the ICMC based in Geneva, cooperates with the International Social Service and coordinates with other international organizations related to human mobility. Nationally, established alliances are mostly with religious organizations. The main group is the Chilean Episcopal Conference, and it must coordinate with the dioceses, parishes and chaplaincies of the country on the different programs servicing migrants. Other religious organizations INCAMI collaborates with are Caritas and the House of Christ.

However, the network is not limited to religious organizations. There are also agreements with state agencies like the DEM, the Health Authority, the National Service for Women (SERNAM), the National Service for Minors (SENAME), and the National Kindergartens Board (JUNJI). For example, in Iquique, INCAMI has worked with the Investigative Police (PDI), Carabineers, Regional Government, Tribunals of Justice and the Directorate for Labor. All migration services are performed in coordination with each provincial government's immigration department.

In addition to agreements with private foundations like the Elena Caffarena Foundation in Iquique and the Scalabrinian Foundation in Santiago, INCAMI has ties to educational institutions like the Arturo Prat and Tarapacá Universities in the north and the Catholic University Santísima Concepción in the south, primarily for matters concerning legal aid, counsel and legal support. At the same time, it works in coordination with all the social organizations that comprise the RedMI, including the legal clinics that participate in the orientation and processing of documents for regularization.

From INCAMI's perspective, the consolidation of a model of working in a network has been one of the main advances in its work on migration because it has permitted an expansion of the institution's work. The Iquique delegation highlights the fluidity and credibility of relationships achieved with state institutions in the region. On a ministerial level, we can also highlight the number of popular missions promoted with migrant families and communities in Argentina and Chile and the visits to communities of Chilean emigrants in Argentina, Brazil, Australia, the United States, Italy, Sweden and Norway. Another of the institution's achievements is its work in raising awareness about the conditions of migrants, a goal that has been within the reach of consolidated projects, including the magazines *Migrants* and *Migrant Days*.

The INCAMI has become a focal point for civil society actions aimed at assisting migrants by using the weight of its opinions and circumstance to fill the void in public policy. In relation to its relationships with other external actors, INCAMI agrees that there are obstacles to its participation in programs and public policies on international migration as expressed in the insufficient awareness of these issues by state and civil society organizations. Internally, it recognizes that one of the weaknesses in the church's response to migration has been the notable centralization of its institution in Santiago, since widening the delegations of the Pastoral Care of Human Mobility to the other dioceses of Chile was necessary.

Additionally, some of the regional sites interviewed show that institutional centralization has had negative consequences for them in terms of scarce financing to expand and improve the quality of services to migrants in terms of infrastructure, work and office supplies, training programs and diffusion of informational materials. Clearly, INCAMI maintains a strong presence throughout the country, but it has not been perfectly utilized as long as there is a centralization of information, financing and executive capacity. In 2013, INCAMI again assumed the role of implementing agency in Chile for the program of the United Nations High Commissioner for Refugees (UNHCR).

1.1.3. Comprehensive Migrant Support Center (CIAMI)

With the increase in border immigration and the number of refugees and asylum seekers in Chile, in 1992 the Scalabrinian Missionaries and INCAMI opened the Scalabrinian Shelter in the commune of Macul to provide temporary housing aid to refugee families and/or migrants with few resources. In September, 1996, the shelter was moved to the commune of Providencia in a house acquired by the Congregation of Scalabrinian Missionaries. Until 2002, the shelter provided housing services to immigrants and refugees and nursery school to migrant children and children of migrants who came mainly from Peru, Bolivia and Ecuador. In 2003, the Scalabrinians launched the Comprehensive Migrant Support Center (CIAMI) in response to the growing demand for services related to socio-industrial inclusion, housing aid, food, professional training, psychological services and provision of health care to immigrants, internal migrants and people moving to the Metropolitan Region.

While inaugurating the center on August 8, 2006, Cardinal Francisco Javier Errázuriz Ossa stated,

It gives me great pleasure to give blessing to this shelter, which is a space of hope for many brothers. This home is open to receive any person who, out of necessity or in search of better living conditions, arrives in our country as a migrant. The Church has always been concerned about the condition of our brothers and is taught to receive them as they are, because we are all children of the same Father.

CIAMI is part of the Congregation of Scalabrinian Missionaries providing services to internal and international migrants. It focuses on women by addressing conditions related to the migration flows of women and the vulnerability that affects many migrants arriving in Chile. Its goals are to provide shelter, trust, orientation, fraternity and relief, as well as to facilitate industrial inclusion to integrate migrants in Chilean society.

From a point of view promoting the dignity and rights of migrants, the services provided by CIAMI include support for job placement, training home workers, housing, food provisions in a shared living space and legal aid. In general, there is a wide coverage of services, including, temporary housing is provided to about one thousand women per month. With regard to legal aid, orientation is provided upon arrival, especially to secure documentation status or legal advice for employment. CIAMI helps migrant women to identify the institutions that will help them legalize their documents, such as ministries, municipalities, embassies and consulates. CIAMI also offers free psychological help for those who need it.

1.1.4. Global Citizen–Jesuit Migration Service (SJM)⁵²

Global Citizen was established in 2000 as an organization of the Jesuit order but has been independent since 2010. It is at this moment engaged in migration work related to the earthquake in Haiti. The small, volunteer-run publicity team starts its consolidation as a department thereby amplifying the organization's actions. SJM's

⁵² See www.ciudadanoglobal.cl. In this interview and those that follow, the authors received help from Felipe Martínez Fernández.

mission is to serve migrants and refugees who arrive in Chile in vulnerable conditions “so that they may construct a migration plan.” It seeks to help the country generate a welcoming culture that defends and supports migrants’ dignity as well as their personal and community projects.

SJM provides support for large groups of immigrants, including children and adults predominantly of Peruvian, Bolivian and Colombian nationality, although it also tends to the demands of the Haitian, Chinese, Palestinian and Senegalese populations. The number of people aided per month is currently between one thousand and one thousand two hundred in Santiago—where the majority of the cases are concentrated—and between three hundred and four hundred people in the offices of Arica and Antofagasta in the north.

The current SJM team is comprised of one hundred sixty people, about 80 percent of whom are student volunteers or interns. What most distinguishes the staff of this organization is its diversity of nationalities, which includes workers from around twenty different countries. Its work is principally financed by the Jesuit organization (which provides 75 percent of its funding) and the House of Christ (25 percent). The rest of its funding is procured directly from project interventions.

Altogether, SJM’s current and past projects for migrants include legal aid, advice and support; labor assistance; health care assistance; education assistance; organizing recreational, cultural, social and sports activities; and raising awareness about migration. Its three main strategies or focuses are public awareness, societal awareness and intercultural sharing. Through public awareness, SJM maintains direct contact with DEM authorities, sending them legislative proposals from research projects that are considered appropriate. This participation has been made possible by two exercises: critical analysis of the current immigration law and past legislative bills, showing their positive aspects as well as their contradictions and ambiguities, and research that compares migration policies in the region.

Since 2011, the focus on societal awareness has included work in coordination with the Municipality of Santiago to train officials responsible for the migrant population. In the field of intercultural sharing, territorial actions are carried out for integration in neighborhoods, workshops in language education and computers and development of social skills. Altogether, the work of these three fields aims to make discrimination based on place of origin socially reprehensible in the near future.

Many of these activities have started and continued thanks to the support from other social institutions. Currently, SJM is a member of around twenty strategic alliances, the most important being RedMi. Other networks are those maintained with the Next to the Neighborhood Foundation, the House of Christ and the municipalities of Santiago, Quilicura and Estación Central.⁵³ These networks extend to the international arena with the collaborative work performed with institutions like the IOM, the Red Cross and Faith and Happiness and Solidarity America, the last of which is dedicated to raising public awareness. The organization’s most well-known achievement in its work

⁵³ See www.juntoalbarrio.cl; www.hogardecristo.cl

is stabilizing services offered and ensuring that migrants who access services are received and accurately informed. Another identifiable success has been the development of technical models for tending to and servicing migrants to ensure there is a protocol for prioritizing the needs of migrants.

Efforts to promote a perspective of intercultural sharing in society have proven difficult. Cultural transition is not automatic and takes time, and the scarcity of resources available to finance different interventions make these organizations' participation in the field of migration policy even more difficult.

In the future, SJM has proposed increasing the outreach of its efforts towards Chile's cities that receive a greater influx of migrants, including Santiago, Arica and Antofagasta. In the short term, public awareness projects are specifically focused on municipal and presidential electoral processes, especially in the communes of Quilicura, Estación Central, Santiago Centro, Recoleta and Independencia, where migrants living in vulnerable conditions are critical. SJM is attempting to develop a platform so that political parties include a deep concern for the migrant population in their policy proposals. SJM also provides accurate and complete information to those who have the right to vote in Chile.

SJM performs work that the state does not seem to have engaged in, which is where its importance lies. The methodology it has employed while aiding migrants is notable because it includes projects and alliances with different actors and local governments. Finally, we should mention the work of numerous religious organizations comprised of migrants that support brotherhoods, like those of the Señor de los Milagros in Santiago, Iquique, Valparaíso, and Concepción among others, which have obtained recognition from religious institutions in Chile.

1.2. Academic Centers for Studies and Assistance

The participation of centers for studies in the policies and programs on migration in Chile is varied, growing and of undeniable importance. Although the country does not have a tradition of education or a renowned institutional space dedicated to migration issues, it has slowly been making headway. Developing programs and research within different disciplines has been crucial in generating more objective and in-depth information on issues related to migration. Hopefully, within a few years this trend will widen and give shape to a more consolidated field of study with the hope that the knowledge it generates may contribute to the implementation of public policies in the twenty-first century.

Chile distinguishes between two types of institutions. On the one hand, there are those that are aimed more or less permanently at generating and disseminating knowledge about migration through research and projects, as well as through forums and seminars. The Department of Sociology at the Alberto Hurtado University, the Nucleus of Research on Integration of International Migrants of the Department of Sociology at the University of Chile and the School of Psychology at the Catholic University of Chile are some of those that have been important participants in this regard. However, Santiago is not the only example. The Institute of History is pioneering

work at the Catholic University of Valparaíso, and the Arturo Prat University of Iquique, the University of Concepción and the University of Los Lagos suggest the legitimate and necessary decentralization of academic studies on migration. Furthermore, some of these examples frequently validate work from pre- and post-graduate theses.

On the other hand, other entities and programs specialize in providing direct aid to immigrants, including legal and mental health services, and contribute research projects often disseminated through reports, forums and seminars. In the first category, there are migrant and refugee legal clinics at the Alberto Hurtado University (UAH), the Diego Portales University and the Central University. In the health field, there is the PRISMA Mental Health Program at UAH, the Psychological Clinic at ARCIS University, the Intercultural Mental Health Program at the Center for Psychological Services (CAPS) of the Academy of Christian Humanism University, and the CEAC Program of the Intercultural Mental Health Unit at Silva Henríquez Catholic University. Commonly linked to the university houses and to social science faculties, the centers for studies are the type of institutions that have most proliferated in recent times. They have attracted many pre- and post-graduate students who are interested in forming research teams specialized in a very necessary facet of international migration.

We collected information from three representative academic centers: the Department of Sociology at the UAH, which essentially participates in social research projects; the PRISMA Program, which provides psychological services; and the Legal Clinic at the UDP, which engages in legal aid.

1.2.1. Department of Sociology at Alberto Hurtado University⁵⁴

The Department of Sociology at UAH originated as an inheritance of the undergraduate development sciences program taught in 1965 by the Latin American Institute for Social Studies and Doctrine (ILADES). It currently has three academic programs: bachelor's degree in sociology, master's degree in sociology and doctorate in sociology, all of which are oriented to the mission to contribute to the education of sociologists.

Currently, the department is comprised of around ten on-site academics, twenty associate academics and four young academics that graduated from the university and also participated in teaching and research. The department's main goal is to integrate students and graduates into international research activities on established topics within sociology or emerging topics relevant to Chile, Latin America and the world, within which international migration and so-called transnationalism play a role.

There are various methods the department has used to introduce migration issues in its university teachings, which have contributed to the dissemination and deepening of existing information and provided spaces for debate and presentations on policy proposals. First, the optional course entitled "Migration and Social Transformations" included in the bachelor's degree program aims for students to understand and analyze

⁵⁴ See www.sociologia.uahurtado.cl

the processes of social change induced by migration, as well as the cultural, economic and political dynamics generated in destination societies.

In addition to its regular classes, the department has organized numerous seminars, forums and colloquiums on international migration. Recent examples include an international seminar entitled “The Role of the State and Society in the Process of Integration” held in conjunction with the Society and Public Policy Research Center of the University of Los Lagos and the Technical Secretariat of the of the Thematic Tables with the Senate Civil Society and a methodological workshop entitled “Studying the Working Conditions of Immigrants” taught by Pierrette Hondagneu-Sotelo from the Department of Sociology at the University of Southern California. Frequently, the team of academics and researchers from the university that is linked to the study of migration participate in external forums, exhibitions and debates. One example was the recent participation of Carolina Stefoni in the workshop entitled “Forms of Conceiving the Diaspora: Migration and Literature in Latin America” (2012).

Various publications were produced as part of the research efforts of this center for studies, such as *The Social Construction of the Migrant Subject in Latin America: Practices, Representations and Categories* (2011) compiled by one of the academics from the department of sociology at the university along with other writers.⁵⁵

Last, the wide array of projects that were developed by the department’s research team merit mention. Research was conducted by using competitive funds or sponsorship from the National Scientific and Technological Development Fund of the Government of Chile (FONDECYT). The project on “Labor Trajectories of Peruvian Immigrants in Chile: Strategic Approaches to Increasing Occupational Mobility” is one of the most recent examples.

1.2.2. PRISMA Mental Health Program⁵⁶

The Mental Health Services Program for Migrants and Refugees (PRISMA) by the faculty of psychology at UAH has been operating since 2008 and is one of the most important interdisciplinary initiatives on psychological innovation. Its mission is to reduce the gap in public mental health services provided to the migrant population, incorporating the cultural dimension and uniqueness of the migration experience in the regional context. It currently aids migrants from Peru, Ecuador and Argentina and refugees from Colombia and Africa. It has a team of eight people, including psychologists, psychiatrists, social workers, sociologists and lawyers. Each one of its areas of work has a specific source of funding, including competitive funds, contributions from UNHCR, international capital and funds from the university’s faculty of psychology. Its goals are to support migrants and refugees in their process of integration in the country, promote the implementation of public health programs that are considered within its scope and contribute to generating and disseminating knowledge about mental health.

⁵⁵ <http://www.scielo.cl/pdf/polis/v11n31/art27.pdf>

⁵⁶ See www.psicologia.uahurtado.cl/migrantes

The areas in which the program engages are as follows: 1) mental health services using individual psychotherapy for adolescents and adults, couples therapy, family therapy and psychiatric co-therapy; 2) raising awareness about migration through training and disseminating information about the mental health of migrants in clinics and migrant associations aimed at prevention; 3) research on and analysis of the question of migration, provisions of the protocols on interdisciplinary attention and types of poor mental health experienced by migrants; and 4) participation in and promotion of activities of reflection and diffusion with interdisciplinary teams working on mental health.

Its projects are often short term in that they seek to meet immediate needs of the migrant population. It also oversees longer-term projects related to interdisciplinary research on the types of mental health illnesses experienced by migrants and raising awareness about public policies on mental health with colleagues, within the university, on an international level and within the government.

In general, the program has been able to respond and adapt to the contexts of migration and refuge in the country as they relate to the dimension of mental health. It has also made concrete gains in treating the problems that affect mixed-race couples and multicultural families. In order to perform mental health services, PRISMA has maintained ties with the Red Cross, the Community Centers for Mental Health (COSAM) and local consultancies. Furthermore, it is one of the organizations that makes up RedMI.

In the future, this institution will continue with its four main activities, consolidate its services and meet the outside demands that provide research material to the program. Without a doubt, much remains to be achieved in terms of mental health for migrants in the area of public health, which openly questions the states' interventions because for now they have only been conducting preliminary examinations of the problem.

1.2.3. Legal Clinic at the Diego Portales University⁵⁷

The legal clinic at Diego Portales University (UDP) was launched during the migration regularization campaign of 2007–2008 with the goal of providing practical training to law students interested in providing counsel on migration. Initially and after a prior examination, the initiative was extended for one year, a period during which it was transformed into a legal clinic. Currently, the Migrant and Refugees Clinic is a semester-long class that is part of the university's required courses. Inspired by the model of migration clinics at North American universities, it is dedicated to teaching and providing free legal representation to migrants and people who arrive as refugees and must wait for the legal process to classify them as migrants. The assisted population is comprised mainly of migrants referred by INCAMI and CIAMI, one hundred twenty of whom are aided per semester (on average). The work is coordinated by one of the institution's professors, four assistants working on case resolution and one secretary. As an academic course, the university does not provide it with financial assistance.

⁵⁷ See www.clinicasjuridicas.udp.cl

In addition to services for migrants and refugees, the clinic has worked on joint projects with other civil society institutions, like the 2010 project co-organized with the Women's Institute titled "I Am a Migrant, I Have Rights." In 2011, the clinic played a central role in writing a chapter on migration for the university's Human Rights Center. It is currently organizing a project with the Office of the Comptroller General of the Republic related to the regulatory frameworks within the nation's migration services. Its efforts are essentially concentrated in the capital city of Santiago, but it also provides legal aid in the northern cities of Iquique and Arica through the Christian Churches Foundation for Social Aid (FASIC).

The clinic's services have varied depending on the causes it has spearheaded. In the beginning, it provided legal counsel and representation related to visa request cases. Now it is working to revoke expulsion orders that it believes to be baseless and that would evidently have serious consequences to the migrants.

The cases in which the clinic intervenes involve access to the country and migration administration as it relates to lifting prohibitions on entry, rejection of visas and orders to leave and interventions of the Inter-American Court of Human Rights. They also involve legal aid, counsel and representation in work-related and family conflicts and controversies in the civil register. Additionally, the clinic engages in raising awareness of migration through public forums and workshops similar to those organized by INCAMI, SIAMI and the Association of Peruvian Women.

Like other centers for studies, the legal clinic is part of RedMi, although it has narrower, older collaborative relationships with INCAMI, Global Citizen-SJM, the PRISMA Program, the Mental Health Service of Silva Henríquez University and the Academy of Christian Humanism.

From the institution's point of view, the success of its work is directly related to the academic experience of students provided by the clinic's courses. The most valuable academic experience in this sense is to learn first-hand about the vulnerability and discrimination that migrants confront, which generates a growing interest and commitment on the students' part to perform this work. In the future, the clinic's projects will continue to provide services to individuals and to carry out longer-term research on due process for migration-related cases.

1.3. Nongovernmental Organizations

NGOs in Chile connected to the issue of international migration mainly have been dedicated to political awareness or advocacy in order to defend the interests of the migrant population. They incorporate ever more specialized perspectives on certain segments, such as by gender and on rights and advocacy in defense of the rights of migrant children.

Some examples of these organizations include the Scalabrinian Foundation, the Scalabrinian NGO, the Collective Corporation without Borders, the Roots Corporation NGO, the Women's Institute Foundation (FIMU), the Alternative Mental Health and Human Rights Foundation, the Ideas Foundation, America Solidarity America and Amnesty International.

1.3.1. Women's Institute Foundation (FIMU)⁵⁸

The Women's Institute Foundation was established in Chile in 1987 by a group of women who had returned from exile. The NGO was created with the goal of promoting women's equality and rights as part of the fight for democracy and its processes of social democratization. Between the end of the 1980s and the beginning of the 1990s, its work focused on aiding women who were victims of domestic violence and on developing proposals for the political inclusion of women. Since 2000, international migration has been an important part of the foundation's work. It seeks to empower immigrant women with the social tools they need to overcome daily challenges in Chilean society.

The foundation's main functions are to hold workshops on leadership and information about basic rights, including labor, reproductive, health, housing and education rights. It also promotes workshops on psychosocial aid that address women's experiences with migration and gender-oriented, work-related workshops for men and women, even though 90 percent of participants are women.

Peruvian, Bolivian, Ecuadorian and Colombian women comprise the majority of the participants, although sporadically there are Argentineans and Venezuelans as well. The register for the 2007–2011 period shows that around two hundred fifty women participated per year. Only in 2010 did the figures increase to an extraordinary sixteen hundred participants due to an agreement with the European Union that resulted in the workshop on "Citizenship and Protection of the Human Rights of the Immigrant Population in Chile."

The foundation also focuses on research, public awareness of reform to the current alien law and protection of immigrant women's human rights. Some of the projects organized in this specific area include the launch of communications campaigns and the dissemination of information on human rights through posters or radio programs. Their goal is to create awareness of the daily conditions of migrant women in Chile.

Other, more notable projects include the elaboration of a migrant support guide that already has four updated editions.⁵⁹ In 2010, the foundation published a study entitled "Citizenship and Protection of the Human Rights of the Immigrant Population in Chile." In 2011, the foundation became part of the team that wrote the Shadow Report presented to the United Nations.

Depending on the projects and workshops that are underway, the staff varies in size. However, the team is usually small and composed solely of women. Its work is often funded by competitive sources of funding, though in 2012 the lack of financial resources caused the foundation to be put on hold. The foundation's participation in migration issues was confined to the Metropolitan Region, mainly in Independencia, Recoleta and Santiago Centro where migrants live in greater numbers. However, in the last two years, it has extended to northern Chile in the cities of Arica, Iquique and Antofagasta.

⁵⁸ See www.insmujer.cl

⁵⁹ There are currently four versions of the guide: "Women Migrants, Women of Chile" (2007), "Women Migrants, Women with Rights" (2008), "With the Integration of All Men and Women We Win" (2009), and "I Am a Migrant. I Have Rights" (2010).

In addition to the alliances it maintains with RedMi member organizations, the foundation has established networks with the Association of Peruvian Women and other migrant NGOs. The project “Citizenship and Protection of the Human Rights of the Immigrant Population in Chile” was jointly carried out with INCAMI, CEDEMU, the Gender and Equality Program at FLACSO-CHILE and the Human Rights Center at UDP.

The foundation has made very valuable achievements in terms of social participation, including widespread dissemination of knowledge through networks, development of communications campaigns, production of research that has served as the basis for designing public policies on migration, and provision of social tools for migrant women through psychosocial workshops. Projects planned for future execution include deepening the work carried out with migrant women who are victims of domestic violence and consolidating a stable staff that can work long-term on these issues.

1.3.2. Amnesty International⁶⁰

Amnesty International’s Department for Migration, Refuge and Asylum was formed in 2008 with a group of volunteer workers interested in the subject. Since then, it established coordination mechanisms with other departments of Amnesty Chile and created a specific, local agenda to address the issues of migration and refuge, a biannual strategic plan and an international agenda decreed by the Amnesty’s International Secretariat. Amnesty International’s mission is well known throughout the world. Its goal is for all persons to be able to enjoy the same human rights established in universal declarations and agreements. Its main goal related to migration is to “defend unprotected persons in movement.”

The Department of Migration, Refuge and Asylum’s principal functions are political advocacy through investigative publications, activism as a means of raising awareness, education, and denouncing cases of human rights violations. In this sense, it does not provide direct aid to the migrant population but supports and advises organizations that work directly with migrants. All of the activities in the city of Santiago are financed by Amnesty International’s secretariat and carried out by a team of fifteen people, all volunteers, foreign and Chilean, who come from different professional backgrounds. Some actions are carried out in close coordination with other institutions, especially those in which Amnesty involves RedMi members.

Amnesty has implemented projects that cover a diverse range of subjects. With regard to advocacy, it published a report on the current alien law that presented concrete policy proposals with a focus on the rights and liberties of migrants. With regard to activism, the organization was part of Amnesty Mexico’s regional migration campaign and tried to raise awareness in Chile about the resident refugee population. The issue of an inclusive language has become a point of research, as researchers investigate the role played by communications outlets in migration in Chile. With regard to social networks and raising awareness, in 2012 Amnesty and the UNHCR promoted a proposal for a story contest on the experiences of refugees in destination countries similar to initiatives carried out in other countries.

⁶⁰ See www.amnistia.cl

In the short term, Amnesty International's Migration, Refuge and Asylum Department's goal is to carry out projects that promote intercultural principles within health services, education and housing. In the medium and long term, it hopes to ensure that the nation's immigration law addresses human mobility from a perspective of rights and liberties for migrants. Guiding this law and ensuring that its provisions adhere to Chile's international commitments will be of vital importance in the coming years.

1.4. Grassroots Organizations

Comprised of immigrants, all social organizations play a role critical to public policies on migration because they represent as faithfully as possible the interests of the immigrant population residing in Chile. Paradoxically, they do not have sufficient visibility in all of the civil society institutions that participate in migration policy. Furthermore, it is not easy to identify the true, wide spectrum of their needs. In this section, we only examine those social organizations it was possible to identify.

Of course, there are longstanding groups associated with collectives of Germans, Arabs, Croats, Spanish, French, Italians, Israelis and other nationalities. What they have in common is that they organized numerous initiatives through clubs or *estudios*, for example, which have made them visible in Chilean society. Through these initiatives, they have integrated and contributed to Chile's culture, economy and institutions. We reiterate that this study's purpose is not to introduce all the migrant associations that have existed throughout Chile's history but to highlight important elements of some communities that have made an impact in defining programs and public policies on migration.

Among the different migrant organizations that provide specific services to migrants, the ACLI-Chile Patronage (Christian Associations of Italian Workers) stands out. It is an association, legally registered, based in the Italian parish of Santiago that processes the pensions of Italian residents. It is a private entity recognized by Italian law that performs a free service of public utility without seeking a profit. It was established in 1945 by the ACLI with the goal of guaranteeing information, assistance and guardianship for workers in Italy and abroad who needed to procure social security, welfare and socio-health benefits according to laws, contracts or regulations. It has been present in Chile since 1983 and has offices in all of the locations in which the Italian parish operates.

The Italian Regional Association Committee (CARI) is another Italian organization that coordinates different regional associations. It reports on the benefits of Italy for Italians and their descendants who want to maintain contact. The Italian Aid Committee (COIA) is a solidarity organization aimed at supporting Italians who require health and social welfare assistance. It works in conjunction with the embassy of Italy and mainly helps senior citizens who do not receive pensions.

Recent immigration has united a wide and disperse spectrum of people. Some examples are the Association of Warmipura Immigrant Women, the Private Home Workers Union (SINTRACAP) and the Association of Immigrants for Latin American and Caribbean Integration (APILA). The last of these are explained in following sections.

1.4.1. Private Home Workers Union (SINTRACAP)⁶¹

SINTRACAP was established in 1947 and obtained legal recognition one year later. Its main goal has always been to defend the interests of home workers by informing them of their rights, organizing training exercises and workshops and offering weekend housing for workers. In 2009, it began working specifically with migrant home workers. Its participants now include women from Peru, Colombia, Panama and Bolivia. The organization is almost completely self-financed and a team of three people directs its work: a president, a secretary and a treasurer. Its current work with migrant women is exclusively carried out in the city of Santiago, although the medium-term plan is to extend the union model to the country's northern and southern regions.

As a union, the organization has recently participated in many projects that are directly linked to working conditions for migrant workers. In 2011, along with the Center for Women's Studies (CEM), it participated in elaborating an informational leaflet for migrants. That same year, it collaborated with the International Labor Organization (ILO) to promote the government's ratification of Convention 189, which regulated the working conditions of domestic workers. In 2012, it worked with the National Service for Women (SERNAM) to regulate these workers' work schedules, limiting them to forty-five hours per week with three overtime hours. The union has virtually no other alliances with other institutions working on migration issues. A great achievement has been the growing participation of migrant women in the union's work. Almost 30 percent of current SINTRACAP members are migrants.

Although there is no concrete short-term plan to extend the labor union's inclusion, the union seems willing to receive migrant women within its organization. SINTRACAP's long-term goal is to become a federation that operates under the principle of intercultural acceptance.

1.4.2. Association of Immigrants for Latin American and Caribbean Integration (APILA)

APILA was established in 1997, a year in which Peruvian immigration was growing in Chile. Before the arrival of entrepreneurial migrants, this influx was mainly comprised of Peruvian refugees who were very focused on social leadership and defense of human rights. It was in this niche that the initial Association of Peruvian Residents in Chile was born. Eventually, and with the same goal of extending its political efforts to migration in general, the association adopted its new name, APILA. This institution had an important number of participants until 2006. After a period of declining activities, in 2010, the post-earthquake period, APILA returned to its collective work. Today, it is in the process of obtaining legal status and organizational restructuring.

⁶¹ See www.sintracapchile.cl

APILA's mission is to integrate the immigrant population into Chilean society so that they may enjoy the same rights and opportunities as Chileans. Its guiding principle is that of "Latin American citizenship." Its main functions consist of political advocacy on migration issues, defense of migrants' human rights and development of a collective and collaborative network of civil and migrant associations. Its work is mainly focused on immigrants from the Andean region, including Peruvians, Colombians and Ecuadorians. All of its work is self-financed, carried out in the city of Santiago and performed by a team of around eight professionals of Peruvian nationality.

In order to facilitate the settlement of migrants in Chile and consolidate a welcoming culture, APILA's medium-term goal is to advocate for the resolutions brought up in the Free Residence Accord of MERCOSUR. For this institution, the greatest future challenge is that of creating an institutionalized community of Latin American integration from the grassroots.

1.5. Mass Media and Communication

Radio programs, television channels, Internet portals and newspaper and magazine publications are some of the many means of social communication that influence the way people perceive migration in Chile. Some address the issue marginally and circumstantially while others have been created specifically to represent and defend the interests of migrant communities residing in the country. Some media communications are more difficult to identify given their short trajectories. These institutions essentially work by disseminating information about the situation of immigrants in Chile. While some have adopted a stance denouncing the irregularities and violations these people must deal with, others have spread information that is subjective and full of negative prejudices that contribute little to migrants' inclusion.

There have been several research projects aimed at understanding the way in which the media presents the phenomenon of migration. Between 2006 and 2008, the Experimental Observatory on International Migration in Urban Areas of Latin America (MIUrb/AL) followed media publications on immigrants.⁶² It found a preponderance of stories that reported on crimes committed by immigrants, but also an increase in news in favor of integration over the last period studied. Other analyses have stressed that the language used by the media to refer to certain groups of immigrants is frequently associated with notions of illegality, crime, marginality and unhealthiness, among others.

In this context, the Chilean Network on Migration and Intercultural Acceptance has denounced state and private television reports and newspapers with a large national circulation that emit degrading and offensive information about migrants, whether it be related to their legal status, physical appearance, ethnicity, customs or origins—factors that have forced the networks to make demands of the National Television Council.⁶³

⁶² See <http://www.miurbal.net/>

⁶³ One example is the complaint raised in June 2011, against the Chilevisión channel for transmitting a report titled "Silent Invasion" on the program "In Sight."

On the other hand, there are various communication outlets that have contributed to denouncing the abuses and exploitation to which groups of immigrant workers have been subjected to in recent years, thereby helping uncover the truth and put pressure on wrongdoers to make up for their actions and provide just compensation. Some of the most extreme accusations have been related to the crimes of human trafficking. Possibly one of the most documented cases in recent times was the uncovering of the labor exploitation of a group of Paraguayan workers on the premises of the Chilean businessman and ex-presidential candidate Francisco Javier Errázuriz Talavera. Whether objective analyses or spontaneous judgments distant from reality, the information from mass media outlets influences public opinion, especially with regard to discriminatory behavior. These entities are important to the formulation and legitimization of policies and programs on migration.

Effectively, the most typical way to understand the reality of migration has to do with daily contact, i.e., the way the common citizen understands migration is through his/her own experience and through the information transmitted through media outlets (Cano, Soffia & Martínez, 2009). Over all, this is the type of direct, easy-to-access information that constructs, dispels or reaffirms certain stereotypes, judgments, prejudices and images of migrants.

Finally, among media outlets, it is worth identifying one that has operated in the country the longest and specializes in migration issues. The *Presenza* is a bi-weekly newspaper edited by the Italian Parish Nuestra Señora de Pompeya since 1969 under the charge of Father Giuseppe Tomasi, a Scalabrinian missionary. Twenty-five hundred copies of the print edition are distributed to Italians residing throughout Chile. It seeks to build ties between Italians residing in Chile and those still living in their native country. Furthermore, Father Giuseppe edits the monthly periodical *Incontri* and the bi-weekly *Voce D'Italia* for Italian associations in Uruguay and Argentina, respectively.

1.6. Chilean Migration and Intercultural Network (RedMI)

The gradual increase in civil society initiatives to give shelter to immigrants in the country has led to the need to integrate and concentrate different efforts from each of these actors. It is with this purpose that the Chilean Migration and Intercultural Network (RedMI) was created in 2007. It is a strategic alliance made up of more than sixteen civil society organizations that actively work with the migrant population. Among them we will mention the following:

- Association of Warmipura Immigrant Women
- Comprehensive Migrant Support Center (CIAMI)
- Global Citizen
- Legal Clinic of the Alberto Hurtado University (UAH)
- Collective Corporation without Borders
- Roots Corporation NGO
- Department of Sociology at the UAH

- School of Psychology at the ARCIS University
- Ideas Foundation
- Women's Institute Foundation
- Scalabrinian Foundation
- Catholic Chilean Migration Institute
- Intercultural Mental Health Program, Center for Psychological Services (CAPS), Academy of Christian Humanism University (UAHC)
- CEAC Program at the Silva Henríquez Catholic University (UCSH)
- PRISMA Program at the UAH

Since its founding, RedMI's goals have been to raise awareness about migration in Chilean society, promote policies of integration, promote and participate in international networks and create modern migration legislation that adheres to Chile's international commitments. Throughout its five years of operation, this network "has spoken before many international and government agencies, participated in seminars and colloquiums on migration issues in Chile and in dialogues on what a migration law should include, among others" (Courtis, 2011).

The network has sought to incorporate into the state's agenda the idea that international instruments of protection for human rights contribute to the design of migration-related public policies. With this goal and with an eagerness to denounce the weaknesses of national migration administration, RedMI recently produced an Alternative Report for the Committee for the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. In this document, the network provided information on the most relevant aspects and articles of the convention. The document was ratified by Chile in 2005 with the goal of offering a glimpse into the situation of immigrants in the country and the difficulties they still encounter in exercising their rights and becoming socially integrated (RedMI, 2011).

However, even when it has achieved a significant level of internal organization, this alliance of organizations has encountered "difficulties on performing its work of advocacy and developing strategic ambition." In particular, the participating agencies created by the state have been more symbolic than effectual and have helped involve sectors with little impact directly in the issues that RedMI considers pressing. On the other hand, the few instances of direct confrontation with the state have resulted in the exclusion of the responsible institutions from dialogue with the government (Courtis, 2011).

2. International Organizations and Migration in Chile: A Snapshot of Recent Times

The United Nations system in Chile is made up of its agencies and programs, each of which has its own staff, as well as the Economic Commission for Latin America and the Caribbean (ECLAC). In total, there are fourteen agencies in the system, in addition to ECLAC. These are the United Nations High Commission for Refugees (UNHCR); the World Bank; the Food and Agriculture Organization of the United Nations (FAO);

the United Nations High Commissioner for Human Rights (OHCHR); the International Labor Organization (ILO); the Joint United Nations Program on HIV/AIDS (UNAIDS); the Pan-American/World Health Organization (OPS/OMS); the United Nations Development Program (UNDP); the World Food Program (WFP); the International Telecommunications Union (ITU); the United Nations Educational, Scientific and Cultural Organization (UNESCO); the United Nations Population Fund (UNFPA); the United Nations Children's Fund (UNICEF); and the United Nations Entity for Gender Equality and the Empowerment of Women (UNWOMEN). Along with the International Organization for Migration (IOM), these are the agencies responsible for carrying out a multitude of mandates established by the countries.

Through direct work, some of these agencies carry out projects or actions in the field of migration. Others occasionally engage in associated work, especially with similar alliances, which include producing studies, financially supporting projects and providing technical advice (seminars, participation in forums and collaboration with public and academic and civil society institutions). There seems to be an intensification of activities in recent years.

ECLAC, the UNHCR and the IOM account for the bulk of activities related to international migration due to the nature of their mandates. In any case, OHCHR, ILO, UNICEF and UNFPA frequently provide aid, following directives from their regional offices that have been elevating the issue of migration in their collaborative agendas of work. For example, the ILO, which contributes to the understanding of migration issues on a global level and creates considerable conventions, engages or occasionally participates in national meetings that address labor issues related to migration. UNICEF has also launched some initiatives as part of implementing the Convention on the Rights of the Child, including seminars dedicated to elaborating strategies and actions focused on eliminating discrimination that affects children, in which it explicitly alludes to the need for social inclusion and integration for the intercultural acceptance of immigrant children (Machín, 2001).

The United Nations agencies (including the five regional commissions) and IOM form the Global Migration Group (GMG), which has played a pivotal role in the ECLAC in Chile. This initiative, which began in 2006, is an interagency group that seeks to promote the application of all international and regional instruments and norms related to migration. It advocates for a coherent, comprehensive and coordinated focus on global migration issues. The GMG coordinates and directs, as much as possible, international organizations and their goals on migration, providing an overview of the opportunities and challenges so that states may respond to the many questions that arise in the debate on migratory movements. The GMG's existence could be better utilized by Chile in that the country has assumed many responsibilities in regional initiatives (in 2012, it organized the twelfth South American Conference on Migrations) and bi-regional initiatives (in 2012, it served as co-president of the Structured Dialogue on Migration between the European Union and CELAC).

Due to the nature of their work, we will now describe two organizations. From an institutional point of view, these agencies have formulated "migration annotations" with important technical and financial contributions and recommendations.

2.1. ECLAC and International Migration in Chile

Established in 1948, ECLAC has a regional mandate to promote economic and social development for countries that form the region of Latin America and the Caribbean. ECLAC is one of five regional commissions of the United Nations and although it is located in Santiago de Chile, it provides assistance to all the countries in the region. The support provided by the country in terms of migration policies and studies is recorded in a proposed regional outlook regarding the opportunities for development offered by migration, paying attention to the condition of protecting the rights of migrants and equality as a main aspiration of comprehensive development. Since the beginning, this outlook has seized the evolution of thinking of the commission, anchored in the regional uniqueness of development and expressed in diverse publications that make known the proposals on development, rights, equality, sustainability and equality in the region.

On migration issues, ECLAC continues the mandate of Resolution 615 (XXXI), which was specifically aimed at international migration and adopted by the countries of the ECLAC Special Commission on Population and Development during the thirtieth first period of sessions of the commission in 2006. Its fulfillment essentially lies with the Population Division (CELADE), which handles information, research, training and technical support. At the same time, the mandates of the Ibero-American Summits of Heads of State and Government and other national and sub-regional spaces have also been developed. Furthermore, a project of the United Nations Development Account has been carried out in conjunction with the other regional commissions and the Population Division of the United Nations Department of Economic and Social Affairs (DAES) (CEPAL, 2012).

Chile's case has been addressed in many of these agencies along with other countries, and CELADE has developed an inclusive strategy tailored to the requirements of each one. Many of its activities have benefited the state, academia and civil society organizations in Chile, although this is not the only country considered in the regional projects.

On the other hand, Resolution 615 (XXXI) on international migration created an interagency group coordinated by the commission that reinforced interaction among many initiatives that have requested technical assistance, including specialized national forums and intergovernmental ones such as IOM, the Iberian-American General Secretariat (SEGIB) and OAS.

On many occasions, Chile has been specifically included in recommendations, as was the case in OAS activities related to migration information in the Americas and in those where technical assistance was requested. This was part of the Continuous Reporting System on International Migration in the Americas (SICREMI), which operates under the Migration and Development Program of the Department of Social Development and Employment of this organization. The system is supported by the Organization for Economic Cooperation and Development (OECD), the organization that originally proposed the idea for the foundation of the model of the Permanent Observation System on International Migration (SOPEMI). ECLAC worked in close collaboration with this organization on the implementation of SICREMI and Chile was included in its first report (ECLAC, 2012).

Other areas of technical collaboration in the field of migration policies have been referred to Chile, be they specific workshops on human rights (OHCHR) or business meetings to debate priority issues for policy with UNFPA held in Santiago.

CELADE actively participated in the process of drafting a new migration law and has engaged with the DEM of the Ministry of the Interior as part of the consultative talks on the law. Toward 2012, in support of the Ministry of Foreign Affairs, CELADE began formally cooperating in the elaboration of the Statistical Compendium on Migration as part of the Structured Dialogue on Migration between the European Union (EU) and CELAC in preparation for the second CELAC-EU Summit (CEPAL, 2012).

Recently, between 2010 and 2012, ECLAC, through CELADE, carried out a project titled “Strengthening National Capacities for the Administration of International Migration: Maximization of Benefits for the Development and Minimization of Negative Impacts” with the United Nations Development Account.⁶⁴ This project included Chile in the selected countries and its activities were shared with the Chilean government, representatives from which participated in activities along with representatives of the academic world and civil society. Specifically, Chile was invited to the “Workshop on Strengthening National Capacities for the Administration of International Migration” held in Santiago in September 2010. On that occasion, Chile sought to contribute to increasing the agencies and capacities of those responsible for designing policies and programs related to international migration with the goal of practically integrating this subject into national development strategies and taking advantage of its benefits and minimizing its negative aspects (ECLAC, 2012). Furthermore, Chile was considered in the diagnostic studies carried out through the project, especially in the component analyzing normative situations and institutional frameworks.

In this study on Chile, the achievements and goals of the country’s migration policies and initiatives were examined. It highlighted that the question of migration has been and is fundamentally a question of immigration, though refuge and emigration are of growing interest. The study concluded that, after many decades of a restrictive migration law, the country continued without modifying it, though it did adopt new normative instruments and sectorial measures to manage migration like those related to the protection of refugees and victims of human trafficking, which obligated reform of general policies and regulations as was foreseen in 2012.

Another element that stands out is that in Chile concern about emigration has been just as progressive as that of immigration, which was slowly incorporated in the political agenda. However, as ECLAC repeatedly highlighted, the indisputable fact is that the principles that guided the administration on migration until 2012 will continue to be regulated by a decree law enacted during the military dictatorship (Courtis, 2012; Martínez Pizarro, 2011). The content of these conclusions and the nature of the activities described show that ECLAC has made frequent recommendations to Chile to systematically assume migration reform. This may be the most important task that the commission has undertaken with regard to policy matters, to a great extent summarizing the efforts of the United Nations agencies.

⁶⁴ Information about the goals, actions and results of the project is available at “Strengthening national capacities to deal with international migration: Maximizing development benefits and minimizing negative impact,” [online], <http://www.cepal.org/celade/DAmigration.asp>

Box 1. UNHCR and Forced Migration

The UNHCR's chapter in Chile has been operating since 2007, and its work is relevant and necessary to address the delicate situations confronting forced migrants, i.e., those who escape threats against their lives and come to the country seeking refuge. Its specific mandate relates to awarding protection and seeking long-term solutions for refugees and so-called persons of interest. By carrying out different programs, its efforts continue to inform and support the Chilean state so that it may adopt the necessary measures to protect and aid the refugee population and those with special protection needs (UNHCR, sf).

This United Nations agency for refugees, established in 1950 by the UN General Assembly, is highly specialized in seeking long-term solutions that it aims to achieve through appropriate interventions. It orients people under its protection on the option to return to the country voluntarily, how to become integrated into the country of asylum or how to be relocated in a third country. In this manner, the help that the organization has provided to Chile, in terms of assisting asylum seekers and refugees, has been indispensable, especially in the context of rising applications for asylum, most of which are from people of Colombian nationality, and of emergency aid in the country's northern border regions.

There are two key elements that guide the UNCHR's actions in Chile. First is the country's status of member state to the 1951 Convention on the Status of Refugees and its Additional Protocol of 1967. Second is Law 20430 on refugee protection, approved in 2010, which established a comprehensive framework to regulate and protect refugees (UNCHR, sf).

Opening a UNHCR office in Chile has been an important advance in supporting and strengthening the situations that refugees have been experiencing for many years. The multiple fronts to tackle include the need to update and strengthen classification mechanisms in the face of an increase in asylum applications, the drive to present and pass a refugee law, the need to strengthen the capacity of initial assistance to a growing number of asylum applicants, the search for mechanisms of local integration, the overseeing of the situation of refugees who enter the country through the northern border, and advice and assistance for the relocation program for natives of Colombia or extra-regional countries (Courtis, 2009). The work in support of refugees, governments, civil society, the private sector and nongovernmental organizations is considered extremely helpful to achieving the effective protection and integration of refugees (UNHCR, sf).

Although the bulk of the subsistence resources specifically destined to aid the refugee population came from the state and the UNHCR, the construction of alliances and networks in a complex maze of aid in which other institutions and sources of funding operate (for example, Christian churches) has created a large assistance crew that carries out special projects that include many aspects that impact daily life. For example, orientation on employment and support for access to social services, and health services in particular, are some of the tasks that must be considered in systematic interventions aimed at meeting the needs of people in vulnerable conditions.

2.2. IOM and International Migration in Chile

IOM maintains permanent technical cooperation on migration issues with different governmental, academic and civil society organizations. Although this organization does not have a legal mandate to protect, its work in Chile is dedicated to contributing to the protection of the human rights of migrants with the aim of promoting the application of international migration law. It also advocates to prevent and combat illicit trafficking of persons and migrants.

Its chapter in Chile works in conjunction with the regional office of Buenos Aires, collaborating with the Technical Secretariat of the South American Conference on Migrations, in which Chile has participated since its 1999 inauguration. IOM engages in other fields as well, like training on issues in administration, research and fieldwork, education and the human mobility program. IOM has made its slogan “an orderly and humane migration benefits migrants and society.” Indeed, this principle forms the foundation of the organization’s mission, which it defines as working with different associates of the international community to

*address the growing challenges posed by the administration of migration on an operational level, encourage understanding of migration issues, promote social and economic development through migration, and advocate for respect for human dignity and the wellbeing of migrants.*⁶⁵

As a specialized organization, IOM has several strategic focuses as demonstrated on its website. These include aid work, advocacy, prevention, technical cooperation, research and producing information and the following:

- Services that are safe, reliable, flexible and effective for their costs to people who require international assistance on migration issues
- The encouragement of orderly and humane administration of migration and effective respect for the human rights of migrants, in accordance with international law
- Expert advice, studies and technical cooperation and operational assistance to states, intergovernmental organizations, nongovernmental organization and representatives with the goal of consolidating the nation’s capacity and to facilitate regional and bilateral cooperation on migration issues
- Contributions to the economic and social development of the states through studies, dialogue and designing and putting into practice programs related to migration aimed at maximizing the benefits of migration
- Support of states, migrants and communities in their efforts to address the challenges of undocumented migration, including by studying and analyzing its original causes, exchanging information, publicizing best practices and promoting solutions centered on development
- A reference point in the field of migration with regard to information, research and best practices as well as in the storage, compatibility and exchange of data

⁶⁵ <http://www.iom.int/jahia/Jahia/mission/lang/es>

- The promotion, facilitation and support of regional and global debates and dialogues about migration through the International Dialogue on Migration with the aim of encouraging an understanding of the opportunities and challenges brought by migration and the identification and development of effective policies to address these challenges and determine what measures and strategies promote international cooperation
- Assistance to states in order to facilitate the integration of migrants in their new environments and promote participation in them, including as partners for development
- Participation in coordinated humanitarian responses in the context of inter-institutional arrangements related to migration and the provision of migration services in other emergency or crisis situations with regard to people's needs, thereby contributing to their protection
- Programs that facilitate the voluntary return and reintegration of refugees, the displaced, migrants and others who require international migration services, in cooperation with other international organizations (as required while keeping in mind the needs and concerns of local communities)
- Assistance to states in the preparation and execution of programs and studies and in the provision of technical expertise in the fight against human trafficking, especially of women and children, in a manner consistent with international law
- Support for the state's roles in the field of labor-related migration, especially as it relates to short-term migration, and in all other categories of circular migration

It is important to contrast these focuses and strategies with those that the organization employs in Chile. In Chile, IOM has a joint agenda with the government, outlined for the 2010 to 2014 period, in which different initiatives of technical cooperation are included, which are based on the following strategic plans:

- Migration policies and institutions
- A welcoming culture for migrants
- Policies, ties and return of nationals residing overseas
- Information on migration
- Policy on international migration
- Support for the South American Conference on Migrations
- International agreements and treaties on the human rights of all migrants and their families
- Cooperation for development

Additionally, the chapter on Chile highlights four activities in conjunction with the Chilean Office of the Chancellor (personal communication, August 2012): 1) it is carrying out a project on intra-familial violence within the migrant population; 2) it is providing technical assistance to the Ministry of the Interior on issues related to the new

migration law; 3) it is providing technical assistance to the Ministry of the Interior in the construction of the Roundtable on Trafficking and of the Service Network for Victims; and 4) it recently released a study on the factors that facilitate and impede incorporation of the migrant workforce in the Chilean labor market.

Finally, two other relevant issues have been addressed by IOM in the country. One of them, with the Ministry of Labor and Social Security of Chile and the IOM chapter in Spain, is an association dedicated to supporting the reintegration of returned Chilean nationals from Spain through Assisted Voluntary Return programs that IOM has been working on for years. Based on the small number of Chilean families that had already requested to return to Chile, the initiative was launched through programs overseen by IOM with funds from the Ministry of Employment and Social Security of Spain and the Government of Catalonia.⁶⁶ The other issue was IOM's chapter in Chile's supervision of the migration profile related to migration profile programs, which was promoted by its author in August 2012 (Stefoni, 2011).

It is worth mentioning that the country's migration profiles in South America began as an initiative of IOM's regional office in the Southern Cone with the aim of producing a tool that would contribute to promoting the effective administration of international migration in Latin America and improve the foundation of knowledge of migration. In this manner, the study of Chile incorporated many aspects. Some related to the national and international legal framework on migration included the institutional structure responsible for immigration and emigration, migration policies and the role of migrant and civil society organizations. It also included a review of the national programs and projects related to migration, such as emigration, labor migration, undocumented migration, trafficking networks and assistance to refugees.

⁶⁶ See <http://cimalchile.blogspot.com/>

PART IV

PROPOSALS FOR FORUMS AND INSTRUMENTS OF CITIZEN PARTICIPATION IN SHAPING, IMPLEMENTING AND MONITORING PUBLIC POLICIES ON MIGRATION

Following the points presented in the preceding sections, this section names some of the proposals that further the common interest of civil society organizations in promoting a greater and more significant participation in the design of public policies on migration (and their preceding regulations). To a great extent, this proposal is in accordance with the needs of many migrants to declare themselves as subject to rights and, furthermore, is in accordance with the mandates and suggestions of international organizations. We present some notions about the genuine construction of public policies and briefly contrast them with the elaboration of a new migration law in Chile from the fragments that have been made public since the middle of 2012 (through media outlets). Later, we examine the current recommendations to implement these policies, in particular those made by some international organizations, and review the strengths and weaknesses of civil society participation with an outlook of the future.

We maintain the premise that for more than its indisputable legitimacy it is not clear whether the proposals made by civil society have been utilized in the case of the new migration law that will be debated in the coming months. There are reasonable indications that suggest there will be obstacles to receiving these suggestions.

However, we believe that in this weakness of the Chilean process of drafting a new migration law, there is a potential strength. In the coming years, conquered spaces could be utilized (as they have been in local actions and through dialogues maintained with the government) in the battle for active participation in the elaboration of policies and programs aimed at the migrant population and to guarantee its protection from discrimination. These conditions can and deserve to be seen as strengths.

Over the past months, there was a clear appeal made by some government officials regarding the need to modernize migration laws, an assertion that nobody called into question. However, due to the provisions with which it proposed to move forward, the appeal ended by suggesting that civil society and its participation are not conditions for success.

1. State Obligations and Policy Foundations

In every public policy formulation process there is a stage of dialogue and confrontation, of disagreement and consensus. Some argue that the design, implementation and evaluation of public policies are entirely the responsibility of sectorial ministries and public entities due to the obligations of the state to resolve certain situations that are considered problematic. In order for public policy to classify

as such, there must be a state role in the formulation process, or, as Hogwood and Gunn (1984) explained, "to an extent it must have been produced or at least debated as part of a set of procedures, of lobbies and of governmental organizations" (p. 23).

However, we believe public policy requires a component of citizenship in its initial creation. Be it expressed through laws, regulations of programs, public policy must be understood as a result of the decisions made between different representatives from the government and civil society that have negotiated and mutually adjusted their different interests. As Lahera (2004) writes, the concept of public policy is based on the participation of different social actors and is natural to citizens. Lahera indicates that excellent public policy corresponds to those "courses of action and immigration flows related to a political objective made in a democratic fashion, those that are developed by the public sector and, frequently, with the participation of the community and of the private sector" (2004, p. 8). In addition to the organizations that are officially called to participate in the formulation of public policies, other social actors from the public or private sector may intervene in the process formally or informally in accordance with their interests, alliances and the way they perceive the problem being addressed or corrected.

If public policies are not created in an open space of citizen participation, their legitimacy is put in great risk. The application of a law regarding rights and the lack of citizen participation in its creation are ripe conditions to produce policies that overlook those who are the subjects of these rights.

For civil society in a democratic context, "public policies that in part reflect, and in part determine, the levels of dialogue possible between society and the government act as a catalyst for integrating interests and give legitimacy to the concept of representation" (Tomassini, 1996, p. 27). Additionally, the importance of social participation in the formulation of public policies is reflected in a society's capacity to debate within itself and transform itself through public discussion (Lahera, 2004). The aforementioned arguments encourage the adoption of a more democratic creation of public policies, making them processes deliberately designed and planned with goals, plans of action and established strategies that require a variety of resources and the interaction of social and political actors.

There are four basic stages that generally identify the process of formulating public policy: origin, design, implementation and evaluation. First, the origin of a public policy is born with the identification of the problem and its incorporation into the political agenda, where research plays a fundamental role. Second, the design of the law and the policy, which entails identifying possible alternative solutions and then selecting and adopting one of these policy options, a process that includes many proposals and debates. Third, the implementation of the policy entails the execution or carrying out of the selected option. Fourth, the evaluation of the implemented public policy has to do with monitoring and surveying the obtained results, examinations that will serve to reformulate the implemented policy or to encourage the creation of other complementary solutions to make improvements, just as a cycle does not lose continuity.

By following this model and adopting the most democratic expression of public policy, the participation of civil society in this process could see progress in Chile, specifically with regard to international migration in accordance with the spaces that have been made available. Civil-society participation could play a potentially crucial role in some stages, but in practice has been weak. In addition, the existence of a migration policy has been uncertain in the country's history, which should not be confused with the existence of laws and sectorial policies that affect migration processes.

Understood as such, public policies on migration in Chile are long term, though they have not always had the same public gravity. The importance that different actors have placed on migration administration has grown in accordance with the increase in the immigrant population that has arrived to live in the country, a process that has been considerably more sizable than in recent decades. Currently, state authorities have estimated that improving the administration of growing migration flows is a desirable and necessary political goal.

At the same time, civil society's interest in participating in the design, implementation and evaluation of laws and policies on migration has never been as great as it is now. It is evident that a group of representatives from civil society organizations pushing for a greater presence in these deliberations, all with the goal of obtaining greater inclusion of the immigrant population in the country and defending their rights, through this concession has not always been possible.

It is important to note the comparative experiences, international recommendations and demands of civil society in the process of a genuine participatory elaboration of laws that eventually, ideally, will result in the creation of public policies that incorporate the condition of those subject to rights who constitute the targeted population. At the end of 2012, in Chile, the draft migration bill elaborated by the government in power was still not made public, although it is known that in the process numerous organizations, entities and academics were invited to present their visions and suggestions. Press reports are contrasting and worrying but result in a futile exercise of analyzing the proposal. The question remains open as to whether Congress will be capable of debating this draft law while keeping in mind the contributions made as part of the process.

**Box 1. Draft of the new migration law in Chile and what the press says:
“Migration: The Unedited Government Project that Seeks to Ease the
Entry of Foreigners into Chile”⁶⁷**

- The legal initiative would be sent to Congress on August 15, 2012.
- One of the main underlying motives is the need to update the law created thirty-seven years ago, in addition to the progressive renovation of migration laws being made in South America and in the rest of the world.
- Chile has only advanced in terms of facilitating the movement of capital and services (more than twenty-seven commercial accords and free trade agreements), but managing the incorporation of human resources into the country is lacking.
- More than six thousand visas are requested annually in the country, and the migrant population would represent 2.35 percent of the national population (predominantly of nationals from Peru, 138,525; Argentina, 61,873; and Bolivia, 25,143, according to the DEM).
- Institutionally, it seeks to create a council on migration policy within the Ministry of the Interior advised by the Ministries of Foreign Affairs, Labor, Social Development, Defense, Justice and Economy. The goal of this council is to advise the president on the formulation of a migration policy that would then be presented to Congress.
- It stipulates the creation of a migration division within the Undersecretary of the Interior (in place of the DEM) as well as a studies unit in charge of collecting data and monitoring the entry and exit of foreigners.
- The new migration division would be responsible for developing measures to capitalize on the contributions of immigrants to the country’s development, reinforcing internal security and strengthening ties with Chileans residing overseas.
- The changes are divided into four sections:
 - 1) Reformulate migrant categories to make visas more flexible for the foreigners who come to the country, which includes openness to new possibilities for those who arrive in Chile with the goal of working. The following new visa classifications are made: transitory stay, which applies to foreigners who do not wish to settle in Chile and is valid for ninety days with a one-time renewal; official residence, which applies to diplomats and international organizations with an official mission, whose legal status is verified by the Office of the Comptroller; and permanent residence, which applies to those who enter the country with the intent to live in Chile indefinitely. A permanent resident could opt for nationality after three years with an evaluation by the future migration division. It also ratifies the residence accord of MERCOSUR.

⁶⁷ *El Mercurio*, Sunday, July 15, 2012, p. D8.

- 2) Eliminate the approval needed from the Office of the Comptroller in order to speed up the process of expulsion of an immigrant who has violated internal laws; in this regard, it would try to accelerate the process of expulsion for those foreigners who have violated internal laws. Speeding up this process means giving responsibility to the head of the migration division, eliminating the need for approval from the Office of the Comptroller. The authors of the draft bill believe it necessary to require the courts and the civil register to submit information to migration authorities with the goal of maintaining total control of foreign residents.
 - 3) Accelerate the validation of titles obtained in foreign universities. It will seek to incentivize the arrival of experts specialized in areas where there is a scarcity of knowledge and to speed up the processes for validating university degrees, since currently only the University of Chile is responsible for validating them. In the future, it is stipulated that all universities with more than six years of accreditation will be able to validate these titles.
 - 4) Allow legal residence for immigrants who seek employment for short periods of time. The current legislation stipulates that 85 percent of workers who provide services to businesses must be Chilean and the other 15 percent foreign. The draft seeks to make this rule more flexible and change this provision so that it does not apply to foreigners who enter the country to work for short periods, allowing them to increase their numbers in some activities. The press recognizes that this is a complex issue. It would start a debate between the businessmen who want to make this rule more flexible and the trade union that does not accept it.
- The project also seeks to maintain better contact with nationals living in other countries through the creation of a register of Chileans living overseas. This would facilitate ratification of bilateral conventions that support Chileans residing overseas.
 - The draft has incorporated nine undersecretaries and the opinion of a sizable group of NGOs, unions and academic institutions.

2. Proposals from International Organizations: Commitments to Be Kept

ECLAC and IOM have made many contributions in their own rights. Other international organizations have also contributed to the fields of refuge, children and the rights of migrants. However, these two organizations seem to have deliberated about the theme of international migration in Chile from an inclusive, comprehensive and comparative perspective more than any others. Their recommendations are valid in that they recognize the interests of countries and they specialize in technical assistance. It is clear that their emphasis and strategic visions are not coincidental: one is strongly linked to social and economic development while the other has a mandate related to the administration of migration.

ECLAC performs important development work in countries, receives feedback from them, examines advances and setbacks and serves as a regional consultant on various issues. It is therefore important to keep its suggestions in mind. The commission represents the formal commitment to multilateral initiatives and to instruments of international law related to migration, noting that the Palermo Protocols have been ratified and that the country participates in initiatives to protect migrants through the Organization of American States (OAS), the Summit of the Americas, MERCOSUR, the South American Conference on Migrations and other sub-regional bodies. The commission has supported initiatives for dialogue on migration with the European Union, for example, through the CELAC, of which Chile was one of two co-presidents in 2012. Through its activities with other United Nations agencies from a perspective of rights, the importance of considering issues related to migration has been made apparent, including issues of child migration, sexual and reproductive health, refuge and migration flows.

ECLAC's reports show that the region's advances have been insufficient due to the intense activities described previously. In that regard, we highlight that in the general follow-up work of the process of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, there was a delay in the implementation of agreements, which constitutes a direct recommendation and allusion to Chile (CEPAL, 2012). The 2011 report produced by the Committee for the Protection of the Rights of All Migrant Workers and Members of their Families shows that the critical question in Chile is about the current migration law stemming from a 1975 decree, among other issues (CPTMF, 2011).

ECLAC highlights that Chile has made a commitment to protecting migrants, which means supporting and demanding compliance with contracted obligations. Analyzing the country's and other regional countries' statuses, we see that the situation is complex, keeping in mind the adverse reality that migrants frequently denounce as well as the fact that many measures that could be taken are not completely implemented or have been delayed, as is demonstrated in the reports submitted to watchdog agencies (ECLAC, 2012; Martínez Pizarro, 2012).

In a final chapter focused on presenting the main challenges for the country in terms of migration policy, IOM, through its research on migration in Chile, incorporates some recommendations on issues of migration administration. However, this does not necessarily reflect the opinion of IOM but that of the author, as is indicated in the publication.

Among other issues, Stefoni (2011) alludes to outstanding issues like the need to modify current migration law in a manner that accommodates the reality of migration and the international rules on the rights of migrant workers (p. 90). The study indicates that there must be a national policy that creates guidelines for addressing the many dimensions of migration in a coordinated and comprehensive fashion. The author makes clear the need to guarantee the right of residence, without making it subject to a work contract, in accordance with the agreements made regarding residence through MERCOSUR.

A unique observation is made in the IOM study with regard to the processes of elaborating and debating policies. Chilean civil society has not been present in these processes, which invokes the need to generate mechanisms that would facilitate their dialogue and participation, in addition to adopting spaces for creating proposals given that many organizations “are dedicated to information and act as a bridge between the migrant population and institutions, facilitating, for example, the transfer of information with regard to implemented measures” (Stefoni, 2011, p. 90). These recommendations extend to other areas, like education, health and housing. With regard to education, the study advocates for an increase in coverage for the migrant population and for acknowledgement of the risk of segregation created by concentrating immigrant students in few schools in different cities of the country. This reveals that these patterns of insertion are associated with residence in a few communes and neighborhoods that, along with the consolidation of schools for immigrants, end up complicating social integration (Stefoni, 2011). Furthermore, Stefoni highlights that in the process of schooling migrant children there are numerous aspects of vulnerability, whether due to problems of discrimination, exclusion, mistreatment or the ways that children conduct daily life. For example, to be subject to extended periods of time separated from one’s parents--a double process of separation (from parents and then grandparents)--undocumented status and social stigmatization are all factors that heighten precarious social and economic conditions at home. The study suggests advancing intercultural education programs that make possible and push for integration processes in contexts of diversity (Stefoni, 2011).

With regard to health and according to the findings of many studies, migration in Chile shows that the absence of coverage is a fundamental problem for the recent immigration population. This situation is directly associated with the migrant’s undocumented status, which is why it is unquestionably necessary to establish mechanisms that will ensure their early incorporation into the primary health system (Stefoni, 2011).

With regard to housing, the study highlights various well-known aspects of the conditions many migrants live in. For example, there is a high percentage of leasing without contracts due to the difficulties that they encounter in complying with the usual formal requirements for renting in Chile. As a consequence, a parallel small housing market has been established in Santiago and other rundown neighborhoods in communes like Independencia, Recoleta and Estación Central and in cities like Iquique and Antofagasta, which favor residential segregation. Just as relevant are the residence requirements for applying to housing subsidy programs that have made it impossible for many migrants to access them. They encounter a dilemma when deciding whether to settle in Chile or to return to their native country.

Two additional issues are raised by Stefoni (2011) and are part of the recommendations made by IOM in several countries. One is the need to train public authorities in managing current programs and agreements in different areas of the public system in a way that would ensure their effective implementation and guarantee the protection of migrants. The other has to do with the issue of Chilean emigrants and highlights the good works carried out by the directorate for the Community of Overseas Chileans of the Ministry of Foreign Affairs and notes the advantage of guaranteeing the vote of Chilean citizens residing overseas (Stefoni, 2011).

3. Proposals from Civil Society or in Favor of Participation of Chilean Civil Society in Programs and Public Policies on International Migration

As has already been seen, under different degrees of democratization, various civil-society institutions in Chile have sought to participate in the creation and execution of programs, interventions and public policies on international migration through different mechanisms and in many subject matters. An important point is their work on the local and community levels, and, in some cases, on a national level. An evaluation of this work would be complex and depend to a large extent on what could be revealed about the beneficiaries of initiatives as well as those responsible for overseeing them. This would be more delicate in that the work is overseen by alliances, especially of local governments.

It remains to be seen whether the proposals made by civil society will be incorporated into Chile's new migration law. There are justifiable reasons to doubt that the suggestions will be widely received. It would be inadequate if this were to happen given the assurances made about having an open forum for civil participation in which all points of view would be considered.

Following the structure of four stages in the process of formulating a policy—origin, design, implementation and evaluation—the participation of Chilean civil society would be evaluated differently. First, recognition that the current situation of vulnerability that many migrants encounter in Chile needs to be addressed in the policy agenda and is a demand made by many civil society institutions. The growing focus on research and studies in centers for studies and academic initiatives, as well as the contribution to evidence made by some religious and nongovernmental organizations, has been crucial in this respect.

With regard to design, different institutions have also played an important role by contributing information on migration in the country and the aspects that need to be addressed most urgently. They have systematized and made comparative analyses of different countries' experiences with policies and programs and suggested examples to follow. They have also presented documents with recommendations and policy alternatives and have provided spaces to debate and evaluate alternative policy responses between government and social actors, which can be viewed as a strength.

On the other hand, the state, although in a limited manner, has showed an attitude of openness to engaging with civil society and a willingness to receive and hear policy proposals, which is, of course, important. Although it may be mere political correctness, it is still notable that governmental organizations opened consultative channels of debate with some civil society organizations that have proven to have more experience dealing with migration issues. At times, these consultative channels have taken the form of bilateral meetings.

Between 2011 and 2012, the commission drafting the new migration law and the DEM held meetings with INCAMI, Global Citizen, the Ideas Foundation, RedMI, CEPAL-CELADE and other organizations to hear the policy recommendations proposed by these actors to the government.

At other times, the consultative channels have involved a simultaneous debate among a larger number of organizations and have been made accessible to larger audiences. A recent example was the “Working Group on Refugee Matters,” convened by the DEM in 2009 as the technical secretariat of the migration policy board, in which the most relevant actors involved in asylee and refugee issues participated, including the UNHCR, the Vicarage of the Social Pastoral and Workers, Christian Churches Foundation for Social Aid and INCAMI. The Working Group sought to be a mechanism of coordination among the many institutions “with the aim of agreeing on strategies for a unique and optimized program to assist this population” (Curtis, 2011).

We could say, then, that civil society participation in the design of policies has achieved an important platform since the initiative stems from the same social institutions or the government. However, in reality, it is not this clear, and civil society’s influence only seems to reach the proposal phase, so the final shape and content of the migration law remains strictly in the hands of government authorities. Eventually, we will find out the extent to which the legislative branch is involved in the discussion, but hopefully this will not take years.

Our criticism stems from the fact that although the responsibility to propose legislation and later migration policy lies with the Ministry of the Interior, the draft laws that have been discussed in recent times have been formulated and decided in great secrecy, excluding social institutions working on related issues and including those that were initially invited to present proposals. In this context, the recurring argument made by some officials of the current government about the need to modernize migration laws and match them to our times shows that in their view civil society participation is not a condition for success.

This weakness cannot be ignored. As Martínez Pizarro (2012) writes, overhauling laws and policies will only gain legitimacy if the process includes discussion with representatives from society. Consulting directly with these organizations is even more necessary considering that of the authorities representing Chilean society very few deputies and senators are informed about this issue (Cano, Soffia & Martínez, 2009).

Following the structure and based on the strengths permitted by the Chilean process, the stage of implementing policies and programs on migration in Chile has remained in large part at the mercy of civil society. In this sense, there have been true interventions that have gone beyond some regulations proposed on the integration of the migrant population in educational and health programs or those government programs focused on the migrant population that are very rare or have been intermittent or discontinued. It is here that civil-society participation has been essential, since almost all the direct work and aid for migrants has been carried out by different institutions, achieving the implementation of a more or less implicit policy, though these organizations recognize all the difficulties in their work and the context in which they have intervened.

Finally, the collected evidence shows that civil society has also played an important role in the evaluation of laws and policies related to migration in Chile. The elaboration of comparative analyses and shadow reports, monitoring and acts of

denunciation by these institutions have contributed to raising the profile of weaknesses and unresolved problems, making it difficult for there not to have been a contribution to making the design of new immigration laws that reflect the foundations of state migration policy.

The social discussion changes with the passage of time and in the medium term, as Lahera (2004) indicates, the issues debated have many degrees of precision: “some are carried out, other only partially, some are overcome or forgotten.” This accounts for much of what happened with successive draft laws that were proposed during the last administrations.

Therefore, it is important that civil-society participation in political processes be permanent and include each of the four stages of origin, design, implementation and evaluation of migration policies because “the community can politically influence the outcome of public policies in a continual fashion through political parties and elections” (Lahera, 2004).

One feature unique to twenty-first century public policies is that they are global in nature in three ways: organically, in that they include the state and not just the government; temporarily, in that they exceed the period of just one government; and politically, in that they must necessarily gain civil society participation in full (migrant and nongovernmental organizations, businesses, churches and schools) (Garretón, 2009).

Finally, many of the previously stated points make sense when the conclusion of the National Institute for Human Rights is confirmed, which states that the migrant population and refugees in Chile confront situations that violate their rights, and assigns responsibility to the state for not following through on the commitments it made by ratifying agreements related to these issues (Fries, 2012).

Box 2. The difficult art of being heard as a civil society

In civil society, only a small, though growing number of entities draft proposals that are integrated into public policies. Community organizations have little access to information, which impedes their participation (Lahera, 2004). Information is an indispensable requirement for any participation. This means basic, open and unfiltered information can be freely accessed. In this sense, public opinion can be generated and not just filtered through surveys. Communications technology facilitated important interaction, including with larger groups (Lahera, 2004).

But there is insufficient access to information, which is scarce and disperse and which does not facilitate self-management and co-responsibility for migrants (RedMI, 2011). There is a tangible example of the slowness with which information and notices on new laws that guarantee the exercise of rights arrives to officials in charge of applying them to their daily work. Although the report presented by the Chilean government to the Committee for the Protection of the Rights of All Migrant Workers and Members of their Families includes training for the authorities, they have not been constant over time nor have they designed indicators that would allow for the systematic and permanent evaluation of the effective implementation of programs. Even more grave is the disinformation on these programs and measures in regions and provinces. Social organizations have found a serious lack of understanding of the law in regions on the part of many officials and therefore a continuation of the violation of the rights of immigrants who reside there (RedMI, 2011, p. 10).

Many civil-society organizations have assumed the task of raising awareness about the rights to which the immigrant population should now have access. They have elaborated and handed out free guides, pamphlets, flyers and other materials and carried out informational campaigns in the country's northern regions and the Metropolitan Region. They have also organized many events, workshops, seminars and conferences on different types of visas and access to health and education, as well as engaged in campaigns to raise awareness of migration issues. Additionally, civil society organizations have worked directly with officials on local (municipal), regional and national levels to make them aware of the issue (RedMI, 2011).

The last point shows that advancing the protection of immigrants' rights is a long-term commitment that should be sustained over time. It requires carrying out diagnostics, creating plans and programs, training public officials from different state agencies and engaging in informational activities and raising awareness, all of which should aim to increase the protection that many people today do not have and to guarantee a safe, humane migration (Courtis, 2011).

At the root of these problems is daily discrimination in Chile, which seems to be widespread. The perception of immigrants is frequently negative, and this is reflected in opinion polls and in media coverage, which tend to associate immigrants with criminal activity or acts that disturb public order. Discrimination is even worse for certain nationalities or groups that belong to ethnic communities. In this sense, Bolivian, Peruvian, Ecuadorian and Afro-Colombian immigrants suffer complex situations of discrimination. This reflects a greater need to promote public information campaigns that value the contributions of immigrants groups and that recognize the Chilean government's obligations to not discriminate against them (Courtis, 2011).

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Chapter III

PUBLIC POLICIES ON MIGRATION AND PARTICIPATION OF CIVIL SOCIETY IN PARAGUAY

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Asunción
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Acronyms

ACP	Korean Association of Paraguay
ADEPO	Paraguayan Association of Population Studies
ADM	Archer Daniel Midland
ACNUR	United Nations High Commission for Refugees (UNHCR)
AGROSEMP	Association of Seed Producers of Paraguay
AJA	Japanese Association of Asunción
APPEA	Association of Paraguayan Professionals in Argentina
APRE	Association of Paraguayans Returned from Exile
APS	Association of Soy, Cereal, and Oil Producers of Paraguay
ARP	Paraguayan Rural Association
ASOPAMI	Paraguayan Association for Migrant Support
BASE-IS	Center for Social Research
CAFYF	Chamber of Pesticides and Fertilizers
CAP	Argentine Center in Paraguay
CC	Paraguay Consultative Council “José Gervasio Artigas”
CEPAG	Paraguayan Center for Studies “Antonio Guasch”
CEPEP	Paraguayan Center for Population Studies
CEPES	Paraguayan Center for Sociological Studies
CERI	Center for Integrated Regional Studies
CIP	Inter-institutional Population Committee
CIPAE	Committee of Churches for Emergency Aid
CLAP	Latin American Community of La Plata
CODEHUPY	Coordinator of Human Rights of Paraguay
COMIPAE	Congress of the Paraguayan Migration in Europe
CONAMURI	National Coordination of Organizations of Rural and Indigenous Women Workers
CONARE	National Refugee Commission
CORBE	Guidance Representation and Council for Brazilians Abroad
DACPE	Department of Assistance to Paraguayan Communities Abroad

DGEEC	National Directorate for Statistics, Surveys and Censuses
DGM	General Directorate for Migrations
EPH	Permanent Household Survey of DGEEC
EPPA	Paraguayan Pastoral Team in Argentina
FAPRE	Federation of Paraguayan Associations Residents in Spain
FEDIPAR	Migrant Federation of Paraguay
FEPARA	Paraguayan Federation in Argentina
FNC	National Peasant Federation
FPCCIM	Paraguayan Foundation of the International Catholic Commission on Migration
FSM	Scalabrini Foundation for Migration
GTI	Inter-institutional Working Group on Migration
IBGE	Brazilian Institute of Geography and Statistics
INDEC	Argentinian National Institute of Statistics and Censuses
LNC	National League of Carperos
MCNOC	National Coordinating Desk of Peasant Organizations
MDI	Ministry of the Interior
MRE	Ministry of Foreign Relations
OCDE	Organization for Cooperation and Economic Development
OIM	International Organization for Migration (IOM)
OIT	International Labor Organization (ILO)
ONG	Non-Governmental Organization (NGO)
PREALC	Regional Employment Program for Latin America and the Caribbean
SDRRC	Development Secretariat for Paraguayan Repatriates and Refugees
SENAVITAT	National Secretariat for Housing and Habitat
STP	Technical Secretary of Planning for the Republic President
TSJE	Superior Court of Electoral Justice
UGP	Producers' Trade Union of Paraguay
UIP	Paraguayan Industrial Union
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund

Introduction

In the second half of the 19th century, from 1864 to 1870, Paraguay was involved in an international war in which it fought against an alliance formed among Argentina, Brazil, and Uruguay. At the end of this war, also known as the War of the Triple Alliance, the country was left devastated, it had lost part of its territory, the economy was destroyed, and the population was reduced to one-third of what it had been before the war.

In 1870, after a provisional government had taken over in January 1869 and the country was still under foreign occupation, the authorities suggested immigration as a core policy for demographic and economic reconstruction.

However, the new geopolitical configuration of the region after the war and the devastating effects that it had for Paraguay, rather than attracting immigration to the country, actually promoted a growing mobilization of its own population toward foreign countries.

While Argentina, Brazil, and Uruguay attracted the largest immigration flows of Europeans to South America at the turn of the 19th century, only a very small portion of this population went to Paraguay, less than one-hundredth of the flow that went to the other three countries.

Paraguay became instead a country of emigration, and at certain times in its historical process, it has recorded up to 10–12 percent of its population living abroad.

In spite of this imbalance, in the almost one and a half centuries since the war, both the few immigrants who have arrived and the many nationals who have left the country to live in many different countries across the world have made important contributions to the development of Paraguay.

It is evident, however, that from the second half of the 20th century up to the present, there has not been an explicit policy guiding migrations to and from Paraguay nor effective participation of the population in defining and enforcing it.

The lack of citizen participation in such a decisive aspect of political life in Paraguay, especially now that it is enjoying the longest period of democratic government in its institutional history, is a remnant of a not-too-distant past when the authoritarian regime that ruled the country prevented the creation of spaces for participation and social mobilization as methods for legitimate claims.

Consequently, the present migration legislation carries traces of the authoritarianism of the past and displays a clear discriminatory and restrictive bias. Also, it does not correspond to the new political, social, and demographic reality of the country. This situation has been seriously challenged in recent times by a series of citizen organizations with a high level of awareness. These organizations claim

participation in the revision of the present migration legislation and its adjustment to an explicit policy that must be designed and articulated with the other development policies and strategies in accordance with the basic precepts of the Universal Declaration of Human Rights.

This claim, which has gained momentum and scope, originated mostly from the active mobilization of migrant associations, both of Paraguayan organizations abroad and of associations of foreign immigrants in Paraguay, and it now includes civil and religious organizations, study and research centers, and media outlets.

Here we deal with these processes, some old but mostly recent and dynamic. On the basis of secondary sources, the first chapter reviews the main immigration, emigration, and internal migration flows as well as the situation of refugees, examining size and characteristics of the population as well as trends and challenges, while the second chapter analyzes the current legislation, policies, and institutional framework for the enforcement of regulations.

The third chapter uses mostly information from primary sources obtained during fieldwork. The latter consisted of qualified and representative interviews with 19 institutions, 17 of which were nongovernmental organizations and two were regional government offices.

This research gathers the most relevant information about these civil society organizations, their structure, activities, and position regarding migration and its actors, as well as their expectations concerning migration policy and legislation.

Drawing from the results of this research, the fourth and last chapter presents some recommendations and suggestions to extend and improve the knowledge on migration issues, raise awareness in society about this phenomenon, and plan concrete action to foster the formulation of migration policies and a new migration law through active social participation.

This study has been elaborated thanks to an initiative of the Scalabrini International Migration Network (SIMN), which has presence in most Latin American countries. It is expected that the results of this research will contribute to improving the conditions of migrants on the grounds of active and solidarity participation of civil society in the formulation, enforcement, and monitoring of migration policies and legislation in their respective countries.

PART I

GENERAL ANALYSIS OF MIGRATION DYNAMICS IN PARAGUAY

For the study of migrations in Paraguay, we must begin by looking, even if only briefly, at some of the most significant moments in the country's history and its demographic evolution. As in any process affected by factors of change, they must be identified and described in their different contexts in order to understand these population movements and how they have evolved, taking into account their background, trends, and changing directions over time.

1. Demographic Dynamics

Paraguay has an area of 406,752 km² and a population of 5,163,198. It can be considered a thinly populated country, with a demographic density of barely 12.6 inhabitants per square kilometer. Even with the estimated population of 6,672,631 in 2012, according to the DGEEC, the density only reaches 16.4 inhabitants per square kilometer. However, density, as a general measure, does not really represent the population situation. It is far more significant to look at the territorial distribution of the population.

In this sense, the spatial distribution of the Paraguayan population is highly unbalanced, with very few areas of high demographic concentration and large areas of hardly any or very scattered population. Almost 97 percent of the population lives in the Eastern region, which represents only 40 percent of the territory, and only 3 percent lives in the Western region, with 60 percent of the area.⁶⁸ As is to be expected, the highest levels of concentration are to be found in urban areas, where 57 percent of the population lives, and the remaining 43 percent is scattered in rural areas (DGEEC, 2004).

⁶⁸ The national territory has two natural areas divided by the Paraguay River, which runs from north to south. Due to its geographical characteristics, the Western region, or Paraguayan Chaco, to the west of the river has been historically unattractive for human settlement as it consists mainly of plains, low hills, and dry and arid soil with low levels of rainfall and extended periods of drought followed by flooding. With the exception of some population centres, the Chaco is mainly occupied by cattle-growing ranches and large capital-intensive agro-industrial corporations run by Mennonite cooperatives, which generate very little employment.

Table 1. Paraguay: Total Urban and Rural Population According to the 1950, 1962, 1972, 1982, 1992, and 2002 Censuses and Inter-Census Demographic Growth Rates

Census Years	Total Population	Urban Population	Rural Population	Urban %	Rural %	Inter-census demographic growth rate
1950	1,328,452	459,726	868,726	34.6	65.4	
1962	1,819,103	651,869	1,167,234	35.8	64.2	2.7
1972	2,357,955	882,345	1,475,610	37.4	62.6	2.6
1982	3,029,830	1,295,345	1,734,485	42.8	57.2	2.5
1992	4,152,588	2,089,688	2,062,900	50.3	49.7	3.2
2002	5,163,198	2,928,437	2,234,761	56.7	43.3	2.2

Source: DGEEC: Paraguay—Final Results—Population and Housing Census 2002. Country Total

Twenty-seven percent of the urban population lives in the main three cities of the country, Asunción, Ciudad del Este, and Encarnación (0.1 percent of the national territory). However, surrounding each of them, new peripheral urban areas have developed that are similar to the highly concentrated metropolitan areas, altogether comprising 24 cities of different sizes and demographic importance and that now house 65 percent of the total urban population on a territory that represents only 17 percent of the geographical area of the country. The remaining 35 percent of the urban population is scattered in 196 urban areas of varying size, 15 of them with fewer than 500 inhabitants and another 15 percent with more than 500 but less than 2,000.

Map 1. Regions of Paraguay



Source: <http://www.mondolatino.eu/mapas/paraguay.php>

On the other hand, the country has experienced fast demographic growth since the last decade of the 19th century, after the end of the war against Argentina, Brazil, and Uruguay, which left Paraguay almost unpopulated, as only one-third of the population survived (135,000 of the 450,000 inhabitants that it had before the war). This growth was especially significant in the period between 1950 and 2002, when the size of the population quadrupled from slightly over 1,300,000 to more than 5,000,000 inhabitants.

The demographic composition and the structure of the population by gender and age reveal a greater percentage of male population for 2002 (50.4 percent versus 49.6 percent, which is equivalent to 98.3 women for every 100 men) and a process of demographic aging, which consists of a gradual percentage increase in population groups 65 years of age or older at the same time that the infant population declines. In 1950, the group of infants between zero and 14 years of age represented 43.8 percent of the total population. In 2002, it had declined to 37.1 percent, while the percentage of persons 65 years of age or older went from 3.7 percent to 4.9 percent in that same period of time. Demographic aging is the result of a gradual decline in the fertility rate, which implies that every year fewer children are born.

Internal and international migrations have played an essential role in the configuration of the Paraguayan population, in its composition and structure, rhythm of growth, and spatial distribution. Historically, Paraguay has shown growing emigration and internal migration flows, both including a significant number of women, which have shaped the spatial configuration, especially the rural–urban distribution as well as in the age and gender structure. And although immigration has not historically shown any significant flows, its contribution to territorial and economic development of the country has been important.

2. Immigration

Although Paraguay is characteristically an emigration country, some immigration flows have had strong significance in particular moments of its history, especially after the last two decades of the 19th century. From that point onwards, it is possible to identify two distinct periods: a first period of immigration flows, which can be called historical immigrations, from 1870 and well into the first half of the 20th century, and a second period of more recent flows, starting in the 1960s until the present day.

2.1. History of Immigration

Since the end of the War of the Triple Alliance in 1870, several administrations, especially from Europe and the United States, have tried to promote immigration practically without interruption. The population and economy were devastated by the war, and the government saw in immigration the solution to two basic problems: repopulating the country and fostering the development of the economy on the basis of agricultural colonization.

The National Constitution of 1870 and the ensuing legislation sought to create a legal and institutional framework that would help to promote the immigration of foreign farmers by offering many stimuli for the creation of agricultural colonies in different regions of the national territory.

However, the situation in the aftermath of the war was dire, and toward the end of the 19th century, it was clear that initial colonization experiences with immigrants had been frustrated. For about half a century, the expected impact from the immigration policies was hardly to be seen, and in fact many locals were forced to look in neighboring countries for the job opportunities and living conditions that they could not find in Paraguay. This trend has been constant, with slight variations, until today.

Additionally, the countries that won the War of the Triple Alliance enjoyed a better geographical position with the seacoast and important ports on the Atlantic, as well as better means of transport, more solid institutions, and consolidated economies, and they consequently benefited from the largest and most significant flows of European immigration recorded in the boom years of this phenomenon.

Between 1856 and 1932, Argentina welcomed more than 6.4 million immigrants. In that same period, more than 4.4 million went to Brazil and more than 700,000 to Uruguay. With 11.5 million immigrants, these three countries together became the second largest recipient of immigrants in this period after the United States (Herken, 1995). By 1900 alone, Brazil had attracted more than 1,650,000; Argentina more than 1,100,000; and Uruguay more than 116,000, while Paraguay recorded only 8,500 immigrants entering the country during those years, which had only reached 25,623 by 1930. Also, very few of these immigrants had arrived directly from Europe. Most of them had re-emigrated from a neighboring country, and still they could not make up for all the Paraguayans who had left for those countries (Sánchez, 1991).

One kind of migration that was not officially registered or quantified was the one taking place in Asunción in January 1869, when victuallers and peddlers of all sorts entered the city with the Argentinean and Brazilian occupation armies. Taking advantage of the evacuation of the civilian population, houses and buildings were expropriated and occupied by the troops and the traders who set up diverse kinds of business (shops, stores, boarding houses, restaurants) and “who made good money with hardly any competition thanks to the thirty thousand allied soldiers” (quoted in Rivarola, 1998).

This large wave of people, which is impossible to quantify with any accuracy, consisted mostly of Italians and Argentineans. As the allies were pushing the national army back toward the northwest part of the territory where the last battle had been fought in 1870, these men spread out through other villages and towns but without creating any specific location, as did the agricultural colonies we shall refer to below. Instead, they rapidly blended in with the local population and created new Paraguayan families.

On the other hand, in spite of the low numerical impact of migrants and of the frustrated immigration experiences in the last three decades of the 19th century, there were some long-lasting effects such as the German settlements of San Bernardino (1881) and Hohenau (1899), which are now two urban areas fully integrated into national society economically, socially, and culturally.

There were eight other official projects with foreign settlers, each of them telling a different story. At least two of these projects, which were set up between 1870 and 1873, failed entirely: one a settlement with about 150 Germans in Yaguarón and another with almost 900 Britons and Germans in Itapé and Itá. On the other hand, with different processes and transformations, the settlement of Nueva Germania was created with 160 Germans in 1887; the settlement of Yegros with 200 French and German settlers in 1888; Colonia Elisa (today, Villa) with 80 immigrants from Sweden and other European countries in 1890; and Nueva Australia (today Nueva Londres) with 480 Australians and Britons in 1893, which lasted until 1957 (Herken, 1995).

From the turn of the 20th century to the 1950s, migration became more dynamic. Due to the eminently rural character of the country and the great availability of arable land, the main attraction for official immigration continued to be colonization of the agrarian frontiers. Settlers were allocated to well-defined geographical locations, contributing to the repopulation of the country by occupying land in areas that had no population or were very scarcely populated.

Immigration from Germany, which began with the settlement of Hohenau of Itapúa in the southeast of the country, continued into the future with the same equal projection. Initially, these settlers developed large estates to extract wood and grow yerba mate, benefiting from the sale of public lands after 1870. Over time, some of the large landowners of the region divided the land and sold plots to German, Scandinavian, Ukrainian, and Slavic immigrants. This is the origin of settlements such as Bella Vista, created in 1902; Mayntzhunsen, today Capitán Meza, founded in 1907; Obligado in 1911; and Fram in 1940.

The Japanese settlement of Pirapó was founded in this same area in 1954 following a trend that began in 1936 with the first Japanese settlement in La Colmena in the central region of the department of Paraguari, which began with 11 families and fewer than 100 persons. The foundational cycle of Japanese settlements continued in 1961 with the Yguazú in the far eastern part of the country, department of Alto Paraná, and ended in 1986 with the creation of La Paz by Japanese immigrants who had settled in Fram in the 1950s.

Before the arrival of the Japanese and since 1936, continuous waves of Mennonites arrived under laws that granted special protection to their customs and practices. As a result of an extended exodus due to religious persecution, the Mennonites, an Anabaptist sect, had migrated from Germany to Russia and then to Ukraine, Canada, the United States, and Mexico. Consequently, their members in Paraguay have many different national origins, but they have as cohesion factors their religious practices, their endogenous traditions, rejection of violence, and a strict work ethic.

Between 1926 and 1948, Mennonite immigrants created three main settlements in the region and four in the east. These seven Mennonite colonies (Menno, which was founded in 1926; Fernheim in 1930; Neuland in 1947 in the central Chaco; Friesland, founded in 1937; Volendam in 1947; and Bergtal and Sommerfeld in 1948 in the Eastern region districts of Rosario, San Pedro, and Caaguazú) represent the main immigration flow recorded in the country until that moment, with a total of 1,867 families consisting of more than 10,200 persons (Plett, 1979). There were new arrivals toward the mid-1960s, but they were smaller. However, they contributed to extending the number of Mennonite settlements to 14, all of them in the Eastern region.

Between 1881 and 1930, the number of recorded immigrants was 25,623. Likewise, 28,012 entered the country between 1931 and 1950, for a total of 56,600 official and recorded entries in slightly over 70 years. From 1960 onward and with growing intensity in the following decades, immigration became more dynamic.

2.2. General Characteristics of Immigration in Recent Decades

Only since the 1950 Population Census has Paraguay had socio-demographic statistical records that have enabled a more thorough study of immigration, albeit taking into account that the first two censuses (1950 and 1962) showed some lacks for a comparative analysis to be possible. Although the censuses were technically reliable, aside from the number of foreigners per nationality, gender, and place of residence in the country, which are gathered for every census, additional information must be tracked back to other national and international sources, especially if one considers how precarious the administrative entry and departure records kept by the General Directorate of Migration have been until recently.

Table 2 shows the size of the foreign-born population and their respective percentages compared with the total population of the country as counted in the censuses between 1950 and 2002.

The figure recorded in 1950 is consistent with the historical pattern of small contingents of immigrants observed at the beginning of the 20th century as pointed out above and which persisted until the 1960s. From that moment onward, immigration flows tended to grow, mostly due to the arrival of contingents of Brazilian immigrants, but they began to decline in 2002.

Indeed, since the mid-1960s, a progressive inflow of Brazilian settlers can be observed in the Alto Paraná, the far eastern region where Paraguay borders Brazil. The entry of Brazilians increased after 1972 until it reached its peak 20 years later and began to decline in 2002.

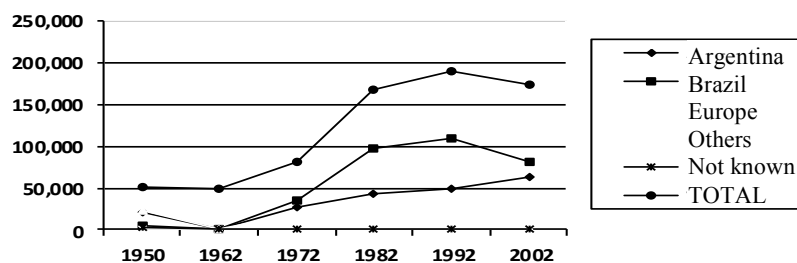
Table 2. Paraguay: Total Population, Foreign Population, and Percentage of Foreigners Compared with the Total Population, According to the 1950, 1962, 1972, 1982, 1992, and 2002 Censuses

Census Year	Total Population	Total Foreigners	Foreigners Percentage over the Total
1950	1,328,452	52,044	3.9
1962	1,819,103	49,075	2.7
1972	2,357,955	81,100	3.4
1982	3,029,830	168,104	5.6
1992	4,152,588	190,907	4.6
2002	5,163,198	173,176	3.4

Source: Elaborated by the author with census data from the DGEEC

By 1972, there were more Brazilian than Argentinean immigrants, the latter being traditionally the largest group of foreigners counted in the censuses until the 1960s. Nonetheless, immigration of Argentines continued to grow throughout all the census periods that are being analyzed in this study. Graph 1 shows these trends with regard to foreigners of Argentinean origin, indicating a moderate yet constant rhythm of growth throughout the period, while there is a leap upward for those of Brazilian origin after 1972 and a notorious decline in 2002. The Permanent Household Survey of 2010 confirms this trend, as it indicates that for that year, the number of Argentines (80,737) once again surpassed that of Brazilians (79,428) (DGEEC, 2011).

Graph 1. Paraguay: Foreign-born Population Counted in the Censuses in Paraguay, According to the 1950–2002 Censuses⁶⁹



Source: Elaborated by the author with census data from the DGEEC

⁶⁹ The 1962 Census does not include foreign-born population according to their place of birth; thus, no figures for the number of Argentines and Brazilians and other nationalities are available for that year.

Table 3 shows the population trends for those nationalities in absolute numbers, clearly indicating that Argentines and Brazilians in 1972 represented more than 75 percent of the foreign population, and from the following decade until 2002, they represented about 80 percent. The 2010 EPH counted 178,316 foreign-born persons living in Paraguay, 90 percent of whom were Argentinean and Brazilian, whereby the Argentines represented the largest contingent (45 percent of the total foreign-born population) (ibid.).

Table 3. Paraguay: Population Born in Argentina and Brazil with Their Respective Percentage Compared to the Total of the Foreign-Born Population According to the 1950, 1962, 1972, 1982, 1992, and 2002 Censuses

Census Year	Total Foreigners	Argentines	% over total	Brazilians	% over total	Added Percentages Argentina Brazil
1950	52,044	20,297	38.9	5,725	11.0	49.9
1962	49,075	No data		No data		No data
1972	81,100	28,012	34.5	34,777	42.9	77.4
1982	168,104	43,638	26.0	98,088	58.3	84.3
1992	190,907	49,166	25.8	108,526	56.8	82.6
2002	173,176	63,153	36.4	81,592	47.1	83.5
2010 *	178,316	80,737	45.3	79,428	44.5	89.8

Source: Elaborated by the author with census data from the DGEEC and the 2010 EPH

- * The figures for 2010 are not strictly comparable with the census data of previous years since the former had been drawn from the Household Survey, but they have been used to provide an approximate idea of the process.

The other nationalities in the 2002 Census are much smaller than the two we have been mentioning and represented only a small percentage of the population. After Argentines and Brazilians, the third group were Uruguayans with 3,239 persons (1.9 percent), followed by Chileans (1.3 percent), Japanese (1.3 percent), German and other nationalities, which individually barely made up one 1 percent or less and collectively scarcely reached 10 percent of the total foreign-born population.

2.2.1. Rise and Decline of Brazilian Immigration

There are several versions of the number of Brazilians counted in the Paraguayan census. In general, it has been assumed that the number of people counted in the census falls below or well below the actual figure, but no factual statistical evidence has been provided to prove this hypothesis.

As noted by some Brazilian authors, international migration of their fellow citizens toward MERCOSUR countries is typically emigration to Paraguay, the largest recipient of these flows, as this country takes 56 percent of the total volume of Brazilian emigrants (Martes, Fazito, quoted in Patarra, 2011). Data from the Brazilian Ministry of Foreign Affairs in 2009, on the other hand, indicated that there were 300,000 Brazilians in Paraguay (Patarra, 2011).⁷⁰

It is a fact that the inflow of Brazilian immigrants to Paraguay reached very high proportions, especially between 1982 and 1992 when it was 60 percent of the foreign population counted in Paraguay, with a much higher percentage in the bordering departments (Alto Paraná y Canindeyú) where a large proportion of this population concentrated. It is probable that, on the basis of the characteristics of the massive inflow of Brazilians in the 1970s and 1980s and the irregular status of most of them, many were not counted in the censuses.

This applies in particular to the 2002 Census since, at the time, many social sectors, especially small farmers, were expressing discontent over the massive presence of Brazilians and the extensive land occupation in the country. Probably as a consequence of this and also due to their irregular status, many declined to be counted in the census.

However, some Brazilian researchers have also detected in the 2000 Demographic Census carried out by the IBGE (Brazilian Institute of Geography and Statistics) that 50,201 Brazilian citizens returned to their country from Paraguay in the 1990s (Matos et al., 2006). These authors argue that in the mid-1980s cross-border migration from Brazil to Paraguay lost some of its appeal, which gave way to intense return flows. Therefore, it is possible that the most dynamic cycle of Brazilian migration lost its initial thrust and has now been reduced to smaller flows. Still, the first generation that arrived in the 1970s and 1980s is consolidating its presence in the country.⁷¹

If this is the case, the temporary nature of this dynamic and of the large flows of Brazilian migration to Paraguay during those 20 years would be confirmed, a phenomenon that some Brazilian authors explain as a result of indirect and negative effects of agrarian reform policies enforced in Brazil during the 1970s and 1980s and then during the “Nova República” since 1985 (Matos et al., 2006; Sales, 1996). Sales states that these policies created a market of agricultural lands and consequently the arrival of big conglomerates and companies that acquired them, to the detriment of small family production units. Furthermore, Matos and others indicate that in the 1970s, large capital investment went into the agricultural sector in Brazil, which as a consequence experienced the expulsion of large contingents of the Paraguayan rural population to the cities and to other countries.

⁷⁰ According to Sales (1996), the figures used regarding Brazilian emigrants to Paraguay in the period between 1979 and 1985 range between 300,000 and 500,000. The author calculated that in the mid-1990s, there were 200,000 and 250,000.

⁷¹ This hypothesis is still to be confirmed or dismissed by the Paraguayan Population Census to be carried out in October 2012.

Consistent with this hypothesis is the fact that Paraguay was experiencing a similar process at the time that, compounded with what was going on in Brazil, would facilitate the massive entry of Brazilians into Paraguay. In fact, toward the mid-1960s, the Paraguayan government started to promote opening the agrarian frontier in the bordering region through a series of colonization programs that were designed for the relocation of peasants from the central region, an area characterized by small farm production and which was impoverished and overpopulated, to the Parana basin. Opening and expanding the agrarian frontier coincided with the construction of the bi-national hydroelectric dam of Itaipú between the mid-1970s and the 1980s, a project that notably developed this jungle region of Paraguay, which was practically unpopulated.

The construction of the dam in Itaipú was preceded by and coincided with a series of major infrastructure works (roads, bridges, paved routes, and the international bridge over the Parana River), which gave way to a boom in rural real estate property. This land was obtained at the expense of massive deforestation and was then the object of speculation with public lands, mostly by high officials and army officers of the dictatorship who ruled Paraguay during those years. In spite of the lucrative business that the sale of these lands represented for the inner circles of the Paraguayan political elite, the prices were competitive enough for small, medium, and large producers on the Brazilian side. Consequently, this development promoted the spontaneous immigration and settlement of many Brazilians in Paraguay beyond any official planning.

Along these migration flows, investment capital and large agribusiness also benefited from flowering land sales, as had been the case in Brazil. Ultimately, this represented the failure of the colonization project, initially set out to be for families of small Paraguayan producers who were gradually forced to migrate again, this time to the central zone of the country. This implied a progressive “depeasantization” and “proletarianization” as part and parcel of the processes of demographic concentration discussed above.⁷²

This situation also affected Brazilian rural workers and small farmers, who started to return to their home country in the 1990s, enabling the territorial consolidation of the large landowners and corporations, which have now concentrated large expanses of land dedicated to agribusiness and cattle-ranching. These processes must be mentioned in order to better understand the effects of the most recent immigration to Paraguay, both from the perspective of its impact on the economy and labor and in terms of intercultural coexistence.

⁷² For a detailed analysis of “depeasantization,” see 1) Rodríguez, María Lis: *Derechos Humanos en Paraguay 2003*, Coordinadora de Derechos Humanos del Paraguay (CODEHUPY), Asunción. The full text is available at <http://bibliotecavirtual.clacso.org.ar/ar/libros/paraguay/cde/cde2003/directorio2003.pdf>; 2) Palau Viladesau, Tomás: *Algunos antecedentes no tan inmediatos que ayudan a la comprensión de la agricultura y la sociedad rural paraguaya*. En: *La agricultura paraguaya al promediar los 90s: situación, conflictos y perspectivas*. November 1996. The full text is available at <http://168.96.200.17/ar/libros/Paraguay/base/86/Doc%2086.DOC>

2.2.2. Characterization of Immigrants (Residence, Age, Gender, Education)

The hypotheses of the Brazilian authors mentioned above (Sales, Matos, and others) are consistent with the profile of Brazilian immigrants drawn in the 2002 Population Census of Paraguay. According to this survey, 64.4 percent of Brazilians counted in the country lived in rural areas, compared to 22.5 percent of Argentineans. Considering that a low percentage of all other foreigners lived in rural areas (20.7 percent), it is clear that most foreigners counted in the 2002 census had settled in urban areas with the exception of Brazilians. In fact, in general terms, of all the foreigners counted in the country for that year, Brazilians represented the largest group of foreigners living in rural areas (72 percent), compared to Argentineans (19.5 percent) and the remaining foreigners (almost 8 percent), a clear indicator that Brazilian immigrants have settled mostly in rural areas in accordance with the factors that motivated their immigration in the first place and the kind of activity they have carried out.

An OECD (2010) indicates that the main work activity for Brazilian men is agriculture (employing 60 percent), while domestic service is the main work activity for Brazilian women (31 percent); the second most important work activity for both men and women is in trade (23 percent and 14 percent respectively); and lastly, other activities employ 23 percent of women and 12 percent of men. Consistent with this labor profile, according to this source, Brazilian immigrants to Paraguay have a low educational level (OECD, 2010).

It is important to note, however, that this profile could change when the data from the 2012 census are available, taking into account that many important urban areas have been developing in the last three or four decades, especially those areas with a larger Brazilian population, and that these urban formations emerged as support centers for their agricultural settlements.

In this sense, another meaningful feature of Brazilian immigration is that it has settled historically in the bordering rural areas, with 66 percent of the Brazilians counted by the 2002 census living in two border departments, Alto Paraná (46 percent) and Canindeyú (20 percent). In this land strip, many important cities have been founded in the last four decades in which Brazilians constitute a significant portion of the population and play a role in the economic, social, cultural, and even political life (for example, some of them have been elected mayor) in a context in which their language and customs are prevalent.

On the other hand, the urban character of the other immigrant contingents counted in the census is evident, with 53 percent of Argentineans living in Asunción (18 percent) and the Central Department (35 percent), which is not only the most urbanized in the country but also incorporates the metropolitan area of Asunción. The other foreigners are more dispersed geographically throughout several departments and urban areas, except that they also show a preference for the capital of the country and the metropolitan area around it.

Another significant feature of the foreigners counted in the 2002 census was that a large percentage was male. Except for the Argentines, who are more or less level in the number of men and women, there are more male than female Brazilians (52.4 percent versus 47.6 percent, which represents 110 men for every 100 women), a distribution that corresponds to the rural nature of their residence.

Table 4. Paraguay: Foreign Population Counted in the 2002 Census, according to Nationality of Origin, Gender, and Area of Residence in the Country

Nationality of origin	Total	Male	%	Female	%	Residents in urban areas	%	Residents in rural areas	%
Total	173,176	90,112	52.0	83,064	47.9	100,343	57.9	72,833	42.1
Brazil	81,592	42,747	52.4	38,845	47.6	29,078	35.6	52,514	64.4
Argentina	63,153	31,795	50.3	31,358	49.7	48,946	77.5	14,207	22.5
Others	27,679	15,174	54.8	12,505	45.2	21,951	79.3	5,728	20.7
Not known	752	396	52.7	356	47.3	368	48.9	384	51.1

Source: Elaborated by the author with census data from the DGEEC, 2004

In addition, the majority of foreign-born persons counted in the 2002 census are within the ages of the active working-age population, especially those of Brazilian, Argentine, and Uruguayan origin. The two most notable cases are those of Brazilians and Uruguayans, with around 80 percent of their people between the ages of 15 and 59. The Uruguayans also have the highest percentage of adults over 60 (more than 10 percent). The Argentines have a high percentage of minors between 0 and 14 years (almost 30 percent), and the active working-age population of this nationality is not even 70 percent (IOM, 2011).

The 2010 Permanent Household Survey (EPH) provides new elements to study the situation of these two contingents of foreigners living in the country. First, it reveals that 62.3 percent of Brazilians continue to reside in rural areas compared to 31.1 percent of Argentines. An important portion of Argentines in urban areas resides in Asunción (13.3 percent) and in the Central Department (36 percent), while the Brazilians who live in Asunción do not even comprise 1 percent, although they have an important presence in urban areas in other parts of the country (33.2 percent) outside the metropolitan area of the capital city (DGEEC, 2011).

Among Brazilians, there are more men (54.2 percent) than among the Argentines (50.7 percent), while with regard to age groups, Argentines have a large percentage of children (20.4 percent between 0 and 14 years of age) and youth (43.6 percent between 15 and 24 years of age) compared to Brazilians, whose predominant age groups are between 25 and 39 years of age (55 percent), although the group between 15 and 24 years of age (36 percent) is also high (ibid.).

As for the educational status of both groups of foreigners, the Argentines have a much higher level of education. Twenty-four percent of Argentines over 15 years of age have a college education compared to only 4 percent of Brazilians. Analogously, 36 percent of Argentines within those age ranges have some high school education compared to 26 percent of Brazilians. A very high percentage of Brazilians over the age of 15 have only a basic elementary school education (63 percent) compared to 29 percent of the Argentines in the same condition (*ibid.*).

Lastly, it is important to note that, aside from the stock of foreigners from South American nations that we have discussed so far, among which Brazilians and Argentines are the most important, there are two other immigration flows, an older and a more recent one, that also represent an important number of the foreigners counted in the 2002 census, even if not as significant as the two primary ones. These are the Mexicans, Canadians, and U.S. Americans who arrived as part of the Mennonite religious group, and the settlers from Western and Eastern Europe and Japan, as mentioned above, as well as from Syria and Lebanon.

While there was a first wave of Syrian and Lebanese immigrants who arrived at the beginning of the 20th century and are now fully integrated into national society, the more recent trade activity at the border, especially in Ciudad del Este and Encarnación, has attracted some communities of Arab origin and Muslim religion, which include about 15,000 persons in the national territory (Ramírez, 2011). According to Ramírez, if one takes into account the cities of the Three Frontiers (Ciudad del Este in Paraguay, Puerto Iguazú in Argentina, and Foz do Iguazú in Brazil), persons of Arab origin total 25,000.

Since the second half of the 20th century, a flow of Korean immigrants has arrived in the country. Although not a very large contingent (adding up to about 4,500 persons between those who arrived and their descendants born in the country),⁷³ they are of significance due to their urban character and activity as traders. Likewise, a population of Chinese origin⁷⁴ started to arrive in Ciudad del Este, capital of the department of Alto Paraná, which has become an important trade center in recent decades. It will only be possible to establish the actual dimension of this immigration after the 2012 Population and Housing Census.

2.3. The Impact of Immigration

As pointed out above, although Paraguay did not receive a large contingent of immigrants, they did contribute significantly to the development of the country, especially through the foundation of urban areas and productive enterprises; the transfer of technology and several working, scientific, and intellectual skills; and the promotion of social and cultural integration, which has enriched the formation of a national society.

⁷³ This figure has been provided by the Korean Association in Paraguay. It must be added that many immigrants who arrived since the 1960s have used it as a step to re-emigrate to Brazil and the United States.

⁷⁴ The largest stock of Chinese immigration is of Taiwanese origin. However, the media have reported lately the presence of continental Chinese who are illegally in the country, which the Dirección General de Migraciones (Department of Migration) has frequently denounced.

2.3.1. Economy, Work, and Human Development in the Immigrant Settlements

Based on the information provided by the 2010 EPH with regard to the two main immigrant contingents in the country, it must be noted that the main economic activity of Brazilians over 10 years of age is agriculture (53 percent), followed by trade and services such as hotels and restaurants (21 percent). Less important are transportation, stores, and communications (7 percent); community, social, and personal services (6.7 percent); and construction and manufacturing, which employ 5.6 percent each (DGEEC, 2011).

On the other hand, Argentines work in a wider range of activities: 24.4 percent work in the service sector, such as hotels and restaurants; 24.1 percent in community, social, and personal services; 11 percent in industries and manufacturing; 10 percent in the finance, insurance, and real estate sectors; 9 percent in transportation, storage, and communications; 8.1 percent in construction; and only 13.3 percent in agriculture. Consistent with these profiles, Brazilians show a lower unemployment rate (0.8 percent of those 10 years of age or older) compared to the Argentines, who have an unemployment rate bordering on 4 percent for that same age range. Even so, the inactivity rate is quite even for Argentines and Brazilians, with 34.8 percent and 33 percent respectively (*ibid.*).

The historical migration stocks, which arrived until the mid-20th century, typically consisted of family groups who worked in agriculture and founded settlements located for the most part in well-defined areas of the national territory. Such is the case of the Mennonite settlements⁷⁵ in the central Chaco region (the Western region of the country) and of the settlements of Europeans (Germans, Russians, Ukrainians, Poles, Czechs, and some Scandinavians) and Asians (Japanese) in the department of Itapúa at the southeast of the Eastern region. The Mennonites soon expanded and created other settlements in the Eastern region (departments of San Pedro and Caaguazú).

In the long period of time between the foundation of the first settlements at the end of the 19th century and the present, all these settlements have become large livestock and agro-industrial facilities based on a cooperative system. The Mennonites have maintained their collective organization practically since the year following their settlement in the Chaco, and at present the *Sociedad Cooperativa Colonizadora Chortitzer Komitee Ltda.* fulfills not only a productive and commercial role, but also serves as facilitator of social, cultural, and religious cohesion of the many communities that have settled in the districts and urban areas of the Chaco and the northern part of the Eastern region. They produce milk and dairy products, meat, soybean, wheat, sorghum, cotton, peanuts, and fruits and vegetables.

On the other hand, although created over half a century later in 1953 by German settlers in Hohenau, Obligado, and Bella Vista, the *Cooperativa Colonias Unidas Agropecuaria e Industrial* is equally important and has become a powerful livestock

⁷⁵ For the sake of brevity, we refer to the Mennonites, which is a religious denomination, when in fact they represent several nationalities, as stated above.

and agro-industry enterprise in the region, They produce soybeans, wheat, tung trees, corn, sunflowers, yerba mate, and meat and dairy products. As a cooperative, it also provides social and financial services to its 30,000 associates. Both cooperatives have incorporated high levels of technology in the production, packaging, and commercialization stages.

These cooperatives play a significant role in the national economy, supplying internal markets with basic food products and also generating foreign exchange of two main commodities—soybeans and meat—through exports to international markets in the region and overseas.

As for the contribution of Japanese immigrants to the national economy, trade organizations in that country indicate that although they constitute barely 1 percent of the agricultural population of Paraguay, they generate 6 percent of the total soybean production and 19 percent of the wheat production, in addition to other farm and orchard products. Japanese producers are also associated in cooperatives.⁷⁶

These cooperatives also generate seasonal employment in harvest periods and permanent jobs in their processing plants and marketing; however, there are no employment statistics available with a level of disaggregation for each of these business units to be able to provide specific information on their contribution in this regard.

In the case of the Mennonite settlements, it is a fact that, from their arrival in the Western region of the country where the population at the time was mostly indigenous, these settlers have resorted to the intensive use of such labor—always low-ranking positions—for farming, ranching, and industrial labor. Integration of indigenous Chaco to Mennonite economic life has been part of what they consider a Christianizing mission of salvation.

Brazilian immigration is particularly worthy of mention. It settled initially in the departments of Alto Paraná and Canindeyú, but soon expanded to other departments of the interior in the Eastern region and Chaco, motivated by the possibility of acquiring larger properties as dictated by the logic of expansion of agricultural and livestock production. At first, Brazilian immigration settled in the border region in colonizing villages known as *glebas* (for the Portuguese phrase *plot of land*) and in *fazendas*,⁷⁷ as well as colonies created by colonizing enterprises, especially those of a private nature. However, in the 1970s, settlements of Brazilian immigrants, both spontaneous ones and those organized as colonies, had evolved into important urban areas that today provide strategic support to the production centers and constitute a stable population. Thus, important towns in Alto Paraná such as Santa Rita, San Alberto, and Santa Rosa del Monday were created in the 1970s, as well as Naranjal in the 1990s, to mention the most significant.

⁷⁶ <http://www.py.emb-japan.go.jp/relaciones-bilaterales-inmigracionjaponesa.html> (consulted in May 2012).

⁷⁷ The 1992 census in Paraguay still records some 20 *glebas* and *fazendas* in the eastern districts of the Eastern region closer to the border.

The economic activities of Brazilian immigrants do not rely on cooperative practices, which are based on group and family labor, high entrepreneurial drive, and application of cutting-edge technology: mechanization and intensive use of agrochemicals and genetically modified (GM) seeds closely linked to large international foraging, processing, export, and agricultural input supply companies. Brazilian immigrant economic activities, rather, are organized as a production system consisting mostly of individual farms. Instead of cooperatives, the urban areas that have emerged around these production units have structured the social life of these immigrants.

With respect to the living conditions of the settlers of Itapúa and Alto Paraná and the major urban areas associated with their companies, some studies indicate that they enjoy the highest levels of per capita gross domestic product (GDPpc) and in the Human Development Index.

As is known, GDP per capita reflects only the amount of the total output generated by the economy of a country divided among all its inhabitants. It is used as a general reference to measure standard of living but suffers from the flaws inherent in any average, namely, that it hides the differences between those receiving more and those receiving less, despite the fact that it has a strictly economic bias. Instead, human development is a concept that tries to improve on the GDP per capita indicator, taking into consideration other components of well-being, including health factors, such as life expectancy at birth, and education, such as the literacy rate, in addition to the GDP per capita. These factors combined provide a composite measure for the quality of life that is relatively more comprehensive known as the Human Development Index (HDI), an ascending numerical scale that ranks countries on a low, medium, high, or very high level. While still an overall country average, at least it reveals to some extent the state of the economy, of health, and of education.

In 1992, according to the National Human Development Report of the United Nations Development Programme (UNDP, 2003), on a scale from 0 to 1,000, Paraguay ranked at a medium level of the HDI with 723 points, which gave the country a rank of 87 out of 173 countries. Applying the methodology for calculating the HDI to the districts of the Eastern region of the country, the above report provides data for that year that offer a national and international comparison for the geographical areas of Paraguay where the old and recent immigrant settlements are located.

As can be observed in Table 5, all the districts where the old and more recent migration have settled enjoy higher levels of GDP per capita and HDI than the national average. With scores of over 800 points, they rank in the range of the world's countries with high levels of human development. Also, the first nine districts listed in the table rank among the 10 highest GDP per capita in the country, while Pirapó, Fram, Bella Vista, Bound, and Hohenau are among the 10 districts with the highest HDI in the country.

Table 5. Paraguay: GDP Per Capita and Human Development Index in the Districts with Foreign Immigration, Year 1992

Districts	States	Nationality	GDP p/c Dollars	IDH
Total Paraguay			3,390	0,723
1) La Paz	Itapúa	Japanese	14,768	0,813
2) Pirapó	Itapúa	Japanese	13,424	0,823
3) Naranjal	Alto Paraná	Brazilian	12,975	0,833
4) Santa Rita	Alto Paraná	Brazilian	10,464	0,810
5) Sta. Rosa Monday	Alto Paraná	Brazilian	9,908	0,782
6) Fram	Itapúa	European	9,398	0,824
7) Bella Vista	Itapúa	European	8,515	0,834
8) Yguazú	Alto Paraná	Japanese	8,014	0,800
9) Obligado	Itapúa	European	7,564	0,820
10) Hohenau	Itapúa	European	5,471	0,819

Source: Oddone, H. In: Halpern, G. Compiler, 2011 – Adjusted with data from the UNDP Report, 2003

2.3.2. Intercultural Coexistence

The older settlements of foreigners established in the country have achieved a high level of integration and harmonious social and intercultural coexistence with the surrounding Paraguayan population. Germans, Ukrainians, Russians, Poles, and Japanese generally assimilated into the national culture. Most of them speak Guarani and have adopted the customs of the country. However, they also preserve their original languages and customs and regularly celebrate holidays and festivals specific to their countries of origin.

In the case of the Mennonites, due to their strict religious convictions, there is greater resistance to intercultural contact, especially from some markedly endogamy settlements and communities. As an exception, with the passage of time and the multiplicity of contacts that have been established, especially around their production and trade activities, some members of the settlements located in the central Chaco have been more open to change and have been gradually integrating national culture while maintaining their religious beliefs and practices.

Regarding Brazilian immigrants, intercultural contacts have been more complex. In many of their early settlements, they were organized almost like enclaves with a closed ethnocentrism; they spoke only Portuguese, used only Brazilian currency, and kept strong links to their country of origin through the Brazilian media (radio and television). All this was possible thanks to their location on the border with neighboring Brazil, which enabled them to maintain family and business relationships as well as to use educational and health services in the homeland.

Interestingly, the 2002 census counted 326,496 persons aged 5 and older who declared Portuguese as their first language, equivalent to 7 percent of the total population counted by the census in those age ranges, which makes it the third most spoken language in the country after Spanish and Guaraní. Taking into account that another 264,706 people in this age group are bilingual in Spanish and Portuguese and 196,716 in Guaraní and Portuguese, a highly relevant picture of the influence of the Brazilian contingent residing in the country emerges. As the number of Portuguese speakers is much higher than the Brazilians counted by the census that year, it is possible to affirm, first, that some have been omitted in the census count, and second, that among Portuguese speakers and bilingual speakers of Spanish and Guaraní, there are native Paraguayans, *brasiguayos* (descendants of Brazilians born in Paraguay) and people of other nationalities.

Palau and Veron (1989) have described this as an economic and cultural “brazilerization” of the border region of Paraguay, unveiling some resentment of the lack of adjustment of these immigrants to their new living and working environment. Ultimately, this feeling is embodied in Paraguayan communities around Brazilian settlements, especially those of poor smallholder farmers, and it has been appropriated by farmer organizations that have used this situation as a banner in their struggle for land reform and better living conditions. Claims allude to inequality in the land tenure system that benefits Brazilians and their use of GM seeds and chemicals that pollute the environment and cause health problems.

These claims and tensions are closely associated with the conditions under which Stroessner’s regime granted and sold lands. They were to be used in colonization and population redistribution programs for Paraguayan smallholders from the central area in the 1960s and 1970s. But the real estate market was taken over by high-profit speculation conducted mostly by senior civilian and military officials of his government.

At present, several investigations are being carried out by public entities and the media that highlight numerous irregularities in the land acquisition, awarding, and tenure system, bringing to light the existence of so-called “ill-gotten lands” that are in the hands of large landowners and Brazilian companies. Between October 2004 and August 2008, the Truth and Justice Commission, which was created to investigate the violence, crime, disappearances, torture, abuse, and political and economic corruption of the Stroessner regime, confirmed the existence of these irregularities, and in its final report, Chapter IV (titled “Ill-gotten Lands”) indicates that in the period 1954–2003, the state had awarded 12,229,954 acres, 7,851,295 hectares (64 percent) of which “have been awarded with serious irregularities in terms of the current agrarian legislation.”⁷⁸

Gradually, the handling of these problems is shifting from a vague generalization of accusing “Brazilians” toward determining more specific responsibilities, focusing on large agribusiness owners and farmers who, over time, have concentrated land

⁷⁸ See: <http://www.verdadyjusticia-dp.gov.py/documentos.html>

ownership as part of their businesses' expansion strategy, as well as on former government officials acting during the Stroessner dictatorship who profited from the land by deliberately manipulating the real estate market.

Like poor Paraguayan peasants, many Brazilian immigrants who were small farmers were also affected by these speculations or by the expansion of large rural properties and were forced to return to their home country. Moreover, after more than four decades since Brazilian immigration to the border began, a significant generation of descendants (the *brasiguayos*) have spread to other departments and have settled permanently in the country, become naturalized citizens, formed Paraguayan families, and integrated gradually into Paraguayan national society, and they now participate in an incipient process of trans acculturation that requires further study.

3. Refugees: Trends and Present Situation

Paraguay does not have a deep-rooted tradition of welcoming refugees and political exiles from other countries, largely due to its long periods of authoritarian regimes, especially the one that extended from 1954 to 1989, which not only produced its own exiles but offered no guarantees of protection or respect for the human rights of those who sought refuge in the country during those years.

Foreigners who wanted to enter the country as refugees or political exiles, or even plain immigrants, were considered suspicious of “subversion” and “terrorism” under the ideological persecution and the national security doctrine that prevailed during the 35 years of the Stroessner dictatorship, especially those from countries with left-wing governments or undergoing internal revolutionary struggle. Operation Condor—a cooperation program for the exchange of political prisoners between the repressive regimes of Argentina, Bolivia, Brazil, Chile, Paraguay, and Uruguay, which was in force in the 1970s and 1980s—was the instrument that best symbolized the lack of guarantees for that kind of mobility across international borders.

From the very beginning, the repressive system of Stroessner authoritarian government displayed unparalleled levels of intolerance against foreigners. In 1955, it deployed a relentless persecution of Slavic immigrants, who had been residing for more than a quarter century in the area of Colonia Fram in the department of Itapúa, because they still retained their oral and written language and kept in touch with their relatives in some countries that were part of the Soviet Union or behind the “Iron Curtain.”⁷⁹

With this background, it is not surprising that political asylum in Paraguay is a very recent practice. In fact, Law 1938/02, the “General Law for Refugees,” was approved as recently as 2002, an instrument that regulates refugee status, although it must be noted that Paraguay is the second MERCOSUR country after Brazil to approve this type of legislation. This law established the National Commission for Refugees

⁷⁹ The history of political persecution of Slavic settlers because of their background, language, and customs under Stroessner's regime is documented in: Roberto Zub K: *Ataque a Fram. Los colonos eslavos en el Paraguay durante la Guerra Fría*, Editorial El Lector, Asunción, 2011.

(CONARE) as a governing body consisting of seven government officials, who are entitled to speak and vote, and two members of civil society with voice but no vote.

According to information from the Committee of Churches for Emergency Aid (CIPAE), one of the member civil society organizations of CONARE, Paraguay currently hosts 124 recognized refugees of different nationalities: 54 Cubans, 40 Colombians, 8 Russians, 6 Bolivians, 6 Iraqis, 6 Vietnamese, 1 Sierra Leonean, 1 Congolese, 1 German, and 1 Iranian. It should be noted that applications for refugee status, according to Law No. 1938-1902, may be made to the immigration officials at any of the borders, in the office of CONARE, and/or with the UNHCR-CIPAE Agency.

The first 22 refugees were recognized through the Buenos Aires UNHCR Agency because they applied for the status before Paraguay had a refugee law. The remaining 102 were recognized by the CONARE under Law 1938-1902. At present, seven cases, including Colombian, Cuban, Bolivian, and Salvadorian citizens among others, are pending recognition of their refugee status in Paraguay.

Since 2010, the first Solidarity Resettlement Program has been implemented, a scheme that has as its main purpose refugee family reunification, with two Colombian families already settled and five more expected to benefit from this program starting in July 2012. Accommodation for these families has been prepared, but the resources to pay for their journey are still lacking.

In addition, at the end of 2012, CONARE will launch the second Solidarity Resettlement Program in Paraguay with the support of the National Secretariat for Housing and Habitat (SENAVITAT), the UN High Commissioner for Refugees (UNHCR), and the Committee of Churches for Emergency Aid.

4. Emigration: Characteristics, Trends, and Challenges

Paraguay is eminently a country of emigration, and, as noted from the beginning, this has been a significant phenomenon throughout its history as it is usually directly associated with the most critical moments of its political and economic life. Also to be noted is that since the end of the authoritarian regimes, migration flows have remained constant, causing new major repercussions on the economic, social, and political development in the country, as will be discussed below.

4.1. Causes and Consequences of the Emigration of Nationals

Similar to the first influx of immigrants but much more intensely and in much larger volumes, there have been migration flows since the end of the War of the Triple Alliance. This was almost an extermination war with dramatic consequences, such as the destruction of crops and industries, disintegration of productive units, forced displacement, and high mortality of the general population, in particular the economically active male population. The territory was turned into a battlefield and occupied by invading armies. The war left a shattered economy and was the leading cause of early migration movements.

Brazilian forces occupied Paraguay between 1869 and 1876, and when they finally withdrew, they took with them a large number of women and children to Mato Grosso do Sul to settle there. This region had been under dispute between Paraguay and Brazil and was won by the latter in the war. Paraguayan migration was heavily encouraged by the Brazilian government to the point that, at the time, the consulate in Asunción issued up to 5,000 free tickets to facilitate such transfers (UNDP, 2009). This eminently female emigration was gradually joined by male contingents that were recruited to work in the yerba mate plantations. This influx of migrants to Mato Grosso do Sul eventually consolidated in an area where the strong influence of Paraguayan culture can be observed still today.

It can be said that, from these first migrations, the increasing and continuous movement of nationals leaving the country have resulted from a combination of political and economic reasons, whereby in different moments some have more weight than others. Thus, the political instability of the first decades after the war, characterized by successive coups and civil revolutions, has as its background the long economic crisis due to difficulties of postwar reconstruction, the payment of war and foreign debt, and the low flow of investments to develop production.

In this critical situation, the government in the 1880s decided to sell almost all public lands with the intention to capitalize, attract investment, and promote agricultural and livestock activities. Far from achieving that goal, the result was the beginning of a process of high concentration of land ownership in the hands of a few foreign owners and companies, which took over forests, yerba mate fields, and the best arable land and pastures, totaling nearly 50 percent of the land area of the country. Concomitant to this expansion of rural estates was the concentration of the rural population consisting of poor smallholder families in a small area of the land area peripheral to the capital and, along with this process, the rapid reproduction of smallholding with increasingly subdivided plots that in turn rendered them less productive (Pastore, 1972).

The first migration wave consisted of the survivors of the war and poor peasantry and smallholders of the postwar period. A destination of choice was Argentina, in particular the neighboring provinces of Misiones, Formosa, and Chaco, where immigrants could work as seasonal laborers in cotton harvesting. The dominance throughout the 20th century of the smallholding–large estate model and of cycles of stationary or recessionary economy during most of that period was the main cause of work-related migration for an economically active population without opportunities in the country.

In this context, the political factor resurfaces as a linked cause. In the first half of the 20th century, Paraguay experienced much instability due to several military coups and a five-month civil war in 1947. In the mid-1950s, a repressive dictatorship was established, which lasted 35 years (1954–1989). Thus, the political factor adds another cause of migration, namely, exile. With exile, emigration is transmuted into a political-economic realm, an exile obeying several causes but that will be defined, *perforce*, by the employment needs of the exiled migrant in the destination country.

After 1989, with the fall of the Stroessner dictatorship, Paraguay would have for the first time in its political history an institutional democracy and effective recognition of fundamental human rights. In 2008, long dominance of a one-party system was interrupted with the first case of political altercation since the transition to democracy. With these changes, with the exception of isolated cases that were barely representative in quantitative terms,⁸⁰ political exile as a reason for migration ceases to be relevant, and seeking work will be identified as the primary determinant.

However, as discussed in the next chapter, the validity of these rights has not fully reached the field of migration policies and legislation.

4.1.1. Volume and Rate of Representation of Paraguayan Emigration

The first migration flows to Brazil were few in number since the main destination had always been Argentina. Their key feature, as already mentioned, was that migrants to Brazil went mainly to the region of Mato Grosso. Two years after the end of the War of the Triple Alliance, about 3,000 women had gone to that region, and in 1920 three-quarters of more than 17,000 who had migrated were counted in that region (UNDP, 2009).

Table 6. Brazil: Percentage of Paraguayan Immigrants according to Main Areas of Residence—1872–2010

Year	Total Population in Paraguay	Paraguayan Emigrants in Brazil ¹	% Paraguayan Population	Paraguayan Emigrants in Mato Grosso ¹	% s/ Paraguayan Population
1872	150,000 ²	--	--	3,000	2.0
1920	750,000 ³	17,329	2.3	13,000	1.7
1950	1,328,452 ⁴	14,762	1.1	No Data	--
2000	5,346,267 ⁵	28,822	0.5	No Data	--
2010	6,451,122 ⁶	No Data	--	No Data	--

Source: Elaborated by the author with information obtained from UNDP, 2009; Mendoza, 1988; DGEEC, 2004; and DGEEC, 2006

1. Data obtained from UNDP, 2009
2. Author's estimate based on 1870 population
3. Author's estimate based on data from Mendoza, 1988
4. Census data, DGEEC, 2004
- 5 and 6. Population projection, DGEEC, 2006

⁸⁰ In recent years, there have been allegations of political-judicial persecution of a very limited number of leftist militants accused in some lawsuits of involvement in cases of kidnapping for ransom. Three of them have obtained political asylum in Brazil.

As shown in Table 6, the rate of representation of the Paraguayan emigration to Brazil compared to the total population is decreasing and not very significant. It must be recalled that it is census or estimated information that may be masking underreporting and population that has refused to be counted in the census due to its irregular migrant status, or because some are persons who have entered the country without registering, as there is a great length of dry border with largely uncontrolled traffic in both directions.

With respect to Argentina, it must be stressed once again that it has historically been the destination of choice of Paraguayan migration. The waves of immigrants into the neighboring country over almost 150 years since the War of the Triple Alliance have been increasing, except for a slight decline in 1991, and Paraguayans have represented increasingly higher percentages of the total foreign population in the country.

Since 1970, the proportion of the Paraguayan community in the total foreign population counted in the Argentinean censuses shows a sustained increase, reaching 30.5 percent in 2010, outperforming all other foreign conglomerates. That same year, it also reaches the highest rate of representation in the entire series compared to the total population of the recipient country. Conversely, migrants to this country accounted for almost 9 percent of the Paraguayan population in 2010.

Table 7. Argentina: Paraguayan-born Population Counted in That Country between 1869 and 2010]

Year	Paraguayans Registered in Argentina	% Population of Paraguay	% Population of Argentina	% Foreign Population in Argentina
1869	3,288	--	0.2	1.6
1895	14,562	3.7	0.4	1.5
1914	28,592	4.7	0.6	1.2
1947	93,248	7.1	0.6	3.8
1960	155,269	8.4	0.8	6.0
1970	212,200	9.0	1.0	10.6
1980	262,799	8.4	0.9	13.8
1991	250,450	5.8	0.8	15.5
2001	322,962	5.9	0.9	21.3
2010	550,713 *	8.5	1.4	30.5

Source: Elaborated by the author with information from UNDP, 2009

* Information obtained from INDEC, 2010 Population Census

Moreover, as already noted, after the War of the Triple Alliance, the first migrants went to the neighboring provinces as seasonal workers to collect harvest, especially in the provinces of Misiones, Formosa, and the Argentine Chaco. In 1914,

88.8 percent of total emigration to that country was still concentrated in the first two of these provinces and other provinces (including, obviously, the Chaco). Three decades later, the ratio had diminished only slightly, reaching 86.7 percent in 1947.

It must be noted, however, that although there was a reduction in the percentage of population going to the other provinces, immigration to Formosa and Misiones increased almost as much, as they are neighboring provinces and the closest destination for a large portion of the political exile after the civil revolution of that year. In 1960, there was still a large flow of Paraguayan population to those provinces, motivated this time by a combination of economic and political causes, mainly the recession of the Paraguayan economy and harsher political repression, as mentioned above.

Table 8. Argentina: Percentage of Paraguayan Immigrants According to Main Areas of Residence—1914–2001

Year	City & Province of Buenos Aires	Formosa and Misiones	Other Provinces	Total
Total percentage				
1914	11.2	46.2	42.6	100
1947	13.3	62.4	24.3	100
1960	29.6	54.8	15.6	100
1970	58.5	31.3	10.2	100
1991	70.8	21.8	7.4	100
2001	80.4	14.1	5.5	100

Source: Elaborated by the author with information taken from UNDP, 2009

After the 1970s, the trend reversed, and the capital of Argentina and the Province of Buenos Aires began to capture the highest percentages of immigrants, reaching 80 percent in 2001. This new choice of Buenos Aires as destination for emigration was associated with new employment patterns and a more urban character of both the society of origin and destination.

The final years of the 1950s and the beginning of the 1960s were characterized by acute political problems in Paraguay, including the emergence of guerrilla movements in rural areas and by a crisis of the agricultural economy. It is the period when the Stroessner regime consolidated in the framework of the continental political strategy of the “National Security Doctrine” and positioned itself as a prominent ally of the United States in the defense of the Western Hemisphere against communism.

During this stage, there is a “brain drain” to Brazil and the United States. According to information from the Department of Statistics, Surveys and Censuses (DGEEC), supported by statistical data but no source of accurate information:

Between 1957 and 1960 about 80 per cent of industrial chemists who had been trained in Paraguay, had settled in Brazil. In 1971 more than 300 doctors were established in the United States and 1,880 technicians and professionals in different countries, according to data from the International Monetary Fund. In summary, over 30 per cent of graduates from Paraguayan universities were practicing abroad, which represented for the national economy the loss of a high investment. (Mendoza, 1988)

In this context, the United States became a new destination, and the initial contingents of professionals, such as doctors, were soon joined by Paraguayan migrants of all kinds. In 1970, there were 1,792 Paraguayan residents registered in the United States; in 1980, this figure had gone up to 2,858; in 1990, it had reached 6,057; and by 2000, it had almost doubled to 11,980 (UNDP, 2009).

Migration overseas is an even more recent phenomenon, mainly bound to Spain and to a lesser extent other European countries. The Spanish Population and Housing Census 2001 still counted barely 2,082 residents from Paraguay, contrasting with the information provided by the 2008 DGEEC Permanent Household Survey, in which it was revealed that between 2003 and 2007, 80,864 Paraguayans had left the country to take up residency in Spain.

Although these sources not only stem from different countries but also use different statistical tools, it is nonetheless clear that the second figure is closer to the reality of 2007; the numerical differences are largely explained by the regular or irregular status of residency of the surveyed population. The most recent data come from the Census of the Autonomous Communities of Spain, which, by 2010, recorded more than 87,000 Paraguayans residing in different communes or municipalities of the country, although Paraguayan consular sources, through the Department of Assistance to Paraguayan Communities Abroad (DACPE), have argued that the total may have been over 135,000 in 2011 without specifying precise sources, (IOM, 2011).

The exponential growth of Paraguayan emigration to Spain since the beginning of the first decade of the new millennium is associated very closely with the critical situation in the country in those years in terms of employment, better job opportunities, and wages in Spain, which, due to favorable currency exchange, enabled emigrants to send large remittances to their families in Paraguay. However, because it is very recent and it has had wide media coverage, there has been a tendency to overestimate this trend, even though it is also known that Paraguayans in Spain have been heavily exposed to the economic crisis and affected by the growing unemployment rate in the past two years. This has already led to a decrease in migration to that destination and a strong longing to return for those already there, which has been tempered only by the fact of it being a long-distance migration not easy to reverse.

On the other hand, traditional emigration to Argentina, historically the most numerous and continuous, continues to increase. The latest DGEEC Permanent Household Survey published in 2011, which collects data from Paraguayan families residing in the country who report having a family member living abroad, has

yielded highly significant data in this sense. Indeed, of 175,731 households with a family member living abroad, more than 116,000 (66 percent) said that the family members abroad resided in Argentina, and 27.5 percent said that they live in Spain.

In short, considering the different Paraguayan communities living abroad, it can be estimated that at the end of the first decade of the century, 780,000 people were immigrants in different countries around the world, which represents 12 percent of the estimated total population for that year.

4.1.2. Characteristics of the Paraguayan Migration Population

A first aspect of the profile of the immigrant population that should be highlighted is its youth and the prominence of women in its composition. This double feature is verifiable among people who immigrated to the most popular destination countries (Argentina, Spain, Brazil, and the United States).

According to the 2009 EPH, 60 percent of those who emigrated in the previous five years were between 20 and 34 years old; that is, they were part of the economically active population. Almost 34 percent were 20–24 years old, and over 18 percent were in the 25–29 group. Evidence of the extreme youth of the migration is contingent on the countries of destination. Of these, according to data from 2010, Argentina and Spain are the countries that attract the largest migrant contingents; combined, they attract 90 percent of Paraguayan migration (Argentina 73 percent and Spain 18 percent). Another aspect to be noted is the significantly higher proportion of female migrants as compared to males immigrating to these two main destination countries: 61 percent to Spain and 56 percent to Argentina (IOM, 2011).

Of a total of 550,713 Paraguay-born people residing in Argentina in 2010, according to the Population Census of that country, 433,435 were 15–64 years of age (79 percent of total). In the same age range, a slight higher percentage of women compared to men (79.4 percent versus 77.9 percent, respectively) can be observed. The age of the Paraguayan migration to Argentina is also reflected in the high percentage of immigrants who are older adults: 12 percent.

An additional issue of age and gender is their distribution among the predominant types of occupations. The census information available to date in the countries with the largest number of Paraguayan immigrants indicates that in the early 2000s, unemployment levels of the Paraguayan immigrants were very high in Argentina (almost 36 percent) for both men and women (35 percent and 37 percent, respectively), while in Spain, unemployment was 17 percent, and in the United States, only 6 percent. On the other hand, in the United States, female unemployment was higher compared to male unemployment (7 percent versus 5 percent) while in Spain, male unemployment exceeded that of women (18.5 percent and 16.2 percent, respectively). The high unemployment rate in Argentina is explained by the economic and political crisis in that country, one of the worst it had ever experienced (UNDP, 2009).

It has also been observed that, of those employed, the majority have wage employment (82 percent in Spain, 78 percent in the United States, and 75 percent in Argentina), while a small percentage is self-employed (10 percent in Spain, 21 percent in the United States, and 20 percent in Argentina). The largest percentage of self-employed persons is to be found among the Paraguayan male immigrant population in Argentina (28 percent), followed by those living in the United States, where both men and women show higher percentages (22 percent and 20 percent, respectively) (*ibid.*).

Finally, it is worth noting that most Paraguayan immigrants are employed in the construction sector and in domestic service in the three countries, where the first is prevalent among men and the second among women. This is especially visible in Argentina, where almost 60 percent of Paraguayan women work in domestic service and 30 percent of men in construction, while in the United States, 27 percent of men are engaged in construction and 18 percent of women in domestic service, and in Spain, 25 percent of women work in domestic service and 24 percent of men in construction (*ibid.*).

5. Internal Migrations

Internal migration is a phenomenon that has had a strong impact on the population dynamics of Paraguay especially, but not only with respect to the configuration of the spatial distribution of the population. As explained above, internal migration has been the basis of the urbanization process in the country since 1992, and it appears as a trend with increasing proportions.

Moreover, apart from the apparent cause–effect relationship it has with emigration and immigration, internal population mobility has been linked historically with the agrarian structure, land tenure, and the crisis of the production model. In turn, these factors have had an effect on the considerable changes to be observed in migration patterns and flows as well as on the places of origin and destinations of internal migration in the country.

5.1. Characteristics of Internal Migration Flows, Their Causes and Consequences

In 1950, with a largely rural population (65.4 percent of the total population) and Asunción as the only significant urban center (15 percent of the total population and 44 percent of the urban population of Paraguay lived in the capital city), not only did the rural–urban migration pattern prevail, but also the capital was the main center of attraction of these internal flows.

Until that year, almost 210,000 persons, representing more than 15 percent of the total population, had migrated for life, i.e. lived in a different subregion from that of birth. Almost half of these immigrants (47 percent) settled in Asunción, which at the time had a great appeal to internal migrants (STP, 1980). With a moderate level

of population, urban development, and marked political, administrative, institutional, economic, and cultural centralization in the capital of the country, it is understandable that it would become the main point of arrival for most internal migrants.

Asunción continued to be the most important destination for at least the next two decades, maintaining a high rate of representation (44 percent of internal migrants) until it began to decline in 1982 as a preamble to the urban transition that has taken place in the country since 1992. Its weight in percentage as an urban center dropped in 1982 to 35 percent and was only 17.5 percent in 2002. These years experienced the consolidation of new, previously unavailable urban areas and some old urban areas that had low demographic weight in the past.⁸¹ In the configuration of these transformations, migration has played a defining role.

The 1950 census had already helped to confirm that, in contrast to what was happening in the capital city, the area that expelled the most migrants was the central area around Asunción, including the departments of Cordillera, Paraguairí, Guaira, Caazapa, and Central. This area concentrated many smallholders and small farmers, and it was the one from which nearly half of the 210,000 migrants had migrated to other areas, largely to the capital.

Between 1962 and 1972, there was a large increase in internal migration and a change in the pattern of migration, which changed the orientation to urban–rural and rural–rural, coinciding with the opening and expansion of the agricultural frontier to the east of the country and the development of basic infrastructure, especially the road network, which grew threefold in the 1960s (STP, as above).

Once again the central zone, characterized by excessive subdivision and overexploitation of land, had the highest negative net migration rates in that period during which the Stroessner government designed the agricultural colonization program called March to the East “as a paradigmatic solution to unemployment and rural poverty.”⁸² The intense emigration from this area can be attributed, according to the ILO Regional Employment Programme for Latin America and the Caribbean (PREALC), to the characteristic underemployment, reduced productivity, and low income levels of smallholding areas (quoted in STP, 1980).

⁸¹ In 1950 Asunción was the only city with more than 200,000 inhabitants, followed by seven urban centers with less than 25,000. By 1972, Asunción was approaching a population of 400,000. There were two cities with populations between 25,000 and 100,000 inhabitants, and 16 with fewer than 25,000 but more than 5,000 inhabitants. That year, the Asunción metropolitan area was expanding with four urban centers around the capital city in the Central Department.

⁸² The 1967 Constitution enshrined the Agrarian Reform as “one of the key factors to achieve rural welfare, which is the effective incorporation of the rural population to the economic and social development of the nation” (Article 128) and in this context, it established the following: “Repatriation of Paraguayans and internal migration shall be encouraged in response to demographic, economic or social conditions, preferably under the system of colonies with official cooperation and foreign immigration useful to the general development of the country, subject to the applicable regulations” (Article 130).

Map 2. Departments of Paraguay

Source: <http://nerymarlene72.blogspot.com/2010/08/departamentos-del-paraguay.html>

Furthermore, colonization had an explicit demographic and migratory target, expressed in Article 38 of Law 854 of 1963, which established the Agrarian Statute and provided thus: “The purpose of colonization shall be to populate the interior of the country, transforming uncultivated land into rational holdings, to achieve better distribution of the rural population” (Frutos, 1970, 1976).

The exception to the negative net migration rate of this area was the Central Department, which had a positive net migration rate due to urban growth in four of its districts, which, since 1962, has become part of the Asunción Metropolitan Area (AMA). The AMA was taking shape and would eventually expand to another 19 peripheral districts, becoming thus a major attraction area for future immigration. The only exception to this would be the city of Asunción itself, which since 1992 seems to have exhausted its absorption capacity and has not recorded virtually any population growth, rather expelling inhabitants to the rest of Greater Asunción.

On the other hand and in tune with the expectations created by the colonization program, the department of Alto Paraná had in the two periods, but particularly

between the years 1962–1972, the highest positive net migration rates in the country, although in this case these rates were increased by immigration, especially Brazilian, as noted above, which at this point was increasing significantly.

In short, until 1972, “the strongest explanatory factor regarding the migratory behavior of the population at the departmental level seems to have been the availability of land and the expansion of the agricultural frontier,” while the low levels of industrialization of Paraguay and a predominantly agricultural economy explain why “the most important factor in determining the strength and direction of migration flows has been associated with the sizes of farms, since agriculture is the main source of work,” absorbing 64 percent of the employed population at that time (STP, 1980).

In the censuses of 1982 and 2002, new trends in migration patterns and volumes of migration flows began to be observed in response to the changes in the production model and structure after completing the “Itaipú era” (1975–1984). The information obtained from the previous three censuses (1982, 1992, and 2002) identifies four major internal migration patterns by origin and residential destination, each of different order of importance: the rural–urban, urban–urban, rural–rural, and urban–rural. At the same time, it is possible to establish growing volumes of migrants, although representing a smaller proportion of the overall population.

Additionally, to the extent that the production model is modified and the process of urbanization increases, the causal factors and consequences of migration become more complex. In fact,

one of the major determinants was the expansion of the articulation of the various urban and rural labor markets at the local, regional and national level. Similarly, other factors not immediately linked with employment opportunities, but with human and professional advancement and technical training had a more noticeable impact (Galeano, 1997).

In this context, migration destinations multiply, increasing inter- and intra-departmental and short-distance movements, and more women join the migration contingents.

Thus, from the 1977–1982 census interval, a growing pattern of urban–urban migrations can be observed, which coincides with the gradual increase of the network of cities and the development of metro population around a few larger centers.

Between 1950 and 2002, the number of urban centers in Paraguay grew from 145 to 223, and in 2008 it had reached 241, with a total increase of 62 percent in 58 years. In addition, in 1992, along with 21 other surrounding cities that constituted their respective metropolitan areas, Asunción and Ciudad del Este concentrated 66 percent of the total urban population of the country. By 2002, an additional city was added to the urban constellation in the eastern part of the country, as well as a new metropolitan pole, Encarnación, and two peripheral centers, to total that year 27 cities clustered in three metropolitan areas where 72 percent of the total urban population was concentrated.

Along with the urban–urban pattern, the rural–urban was second in order of importance; combined, both accounted for 62.5 percent of all internal migration movements of the 1977–1982 period (37.8 percent and 24.7 percent, respectively), followed by the rural–rural pattern of migration, which still had some weight (23.8 percent), probably due to inter- and intradepartmental movements, but would decline in the following years, as well as the urban–rural, which during that period represented 13.7 percent of the overall internal migration (DGEEC, 2005).

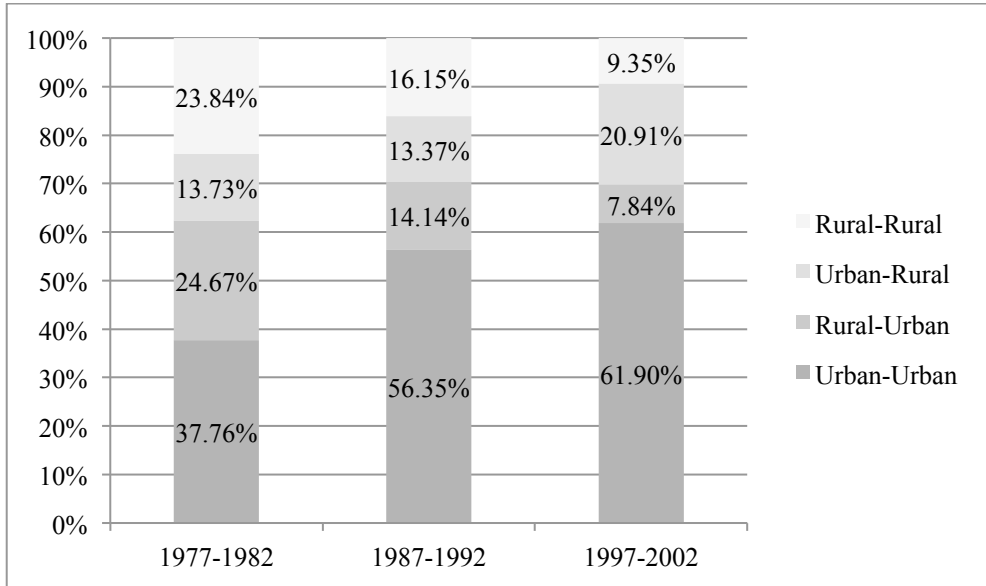
The growth of urban centers in the next two intercensus periods (1982–1992 and 1992–2002) certainly acted as a contributing factor for the urban–urban migration pattern to remain as the most significant in those periods: 56.4 percent and 62 percent, respectively. But in both cases, also playing a role in maintaining that pattern were other major determinants associated with changes in the economic structure, which was undergoing an acute crisis in the primary sector in those years and was experiencing a significant outsourcing of jobs, promoting underemployment and informality in the labor market, together with the process mentioned above. The phased migration toward small centers or cities of the country and then to the metropolitan areas explains the predominance of the urban–urban pattern accompanied by a diminished but persistent rural–urban mobility (14 percent in 1987–1992 and 7.8 percent in 1997–2002) (*ibid.*).

Another factor to consider in the urban–urban movement is the growing appreciation of real estate in major cities and their metropolitan areas, inducing a change of residence to outlying cities where real estate and housing cost less, even though this residential change does not necessarily mean a change of workplace. Thus, a rapid growth in the system of “bedroom communities” can be observed, for example, in several neighboring towns of Asunción. In a similar vein, there is also a gradual increase of relocation to the rural peripheries of urban areas, as people are in search of better quality of life in areas with more affordable land and housing and less polluted environments than in the cities.

Without a doubt, the underlying economic and socio-political context during those years—with a high concentration of land on the eastern border, construction of the hydroelectric dams of Itaipu and Yacyretá (1983–1989), and intensification of the extensive mechanized agribusiness model for soy—played a determinant role in these location and relocation movements of the population.

In summary, we can say that, if until 1950 migration followed a largely rural–urban pattern, promoting the growth of the capital and its surrounding area until it became a metropolitan area, internal migration throughout the 1960s and 1970s expanded and alternative patterns emerged, such as urban–rural and rural–rural movements. These new patterns reconfigured the way in which the territory was occupied, specifically the Eastern region, with a gradual process of urbanization (signaled by the emergence or consolidation of the three metropolitan spaces that can be seen today, plus a set of small or medium-sized cities), which clearly turns the urban–urban migration pattern into the most representative.

Graph 2. Paraguay. Percentage of Participation of Internal Migration Flows According to Place of Origin and Destination of the Different Migrations in the Intercensus Periods from 1977 to 2002



Source: DGEEC, 2005

It is worth mentioning some of the political and economic changes experienced in those years affecting this process, such as the end of the boom that was produced by the construction of the Itaipú dam, the crisis in the agricultural sector, and the subsequent period of economic stagnation that extended for more than a decade. This period was also characterized by an accelerated process of outsourcing and large growth in the trade and service sectors, which fostered an informal labor market in the cities and growing underemployment. Nonetheless, urban centers remained attractive to migrants displaced from the primary sector.⁸³

It is in this context that the feminization of internal migration intensified, causing a marked reduction of the proportion of males in the urban area between 1992 and 2002; in 1992, for every 100 women there were 93 men, while in 2002, for every 112 women there were 94 men. Urban feminization also resulted in greater female participation in economic activity; between 1992 and 2002, the male participation rate fell from 78 percent to 73 percent while female participation increased from 26 percent to 35 percent. The greatest increase in the female participation rate was observed in urban areas, from 35 percent in 1992 to 45 percent

⁸³ Between 1982 and 2002, the economically active population (EAP) in the tertiary sector increased from 30 percent to 52 percent, while the EAP in the primary sector fell from 43 percent to 27 percent and in the industrial or secondary sector remained at a steady and historical 18 percent (Oddone, 2005).

in 2002. Similarly, the proportion of female-headed households in urban areas increased from 22 percent in 1982 to 25 percent in 1992 and 30 percent in 2002 (Oddone, 2005).

Toward the 1990s, stagnation and recession were largely overcome. Urban development produced significant growth in the construction sector that attracted not only labor, but also enabled the opening of new residential areas and outer-urban areas, promoting the conversion of rural land in the districts surrounding metropolitan areas that still had farms into urbanized zones by the expansive action of real estate companies. This construction boom led to a gradual rise in property values in highly urbanized areas, driving resettlement migration to low-income urban peripheries.

The promulgation of the new Constitution in 1992, with its institutional innovations and decentralization trend, also created new scenarios that acted in favor of one or another migratory pattern. Thus, for example, the establishment of departmental governments with executive and legislative powers opened the door for the emergence of new local bureaucracies with their own staff of civil servants, promoting employment in the public sector in urban areas across the country

Likewise, Agrarian Reform was granted constitutional status, establishing, among its functions, “the promotion of internal migration in response to demographic, economic and social conditions” (Article 115). Economic and social conditions quite possibly acted as mobilizers of renewed urban–rural and rural–rural migrations, which totaled 30 percent of the 1997–2002 migration flows (21 percent and 9 percent, respectively).

5.2. Distribution in the Territory

As was extensively discussed above, internal migration has been closely associated with the process of urbanization. However, this is only one aspect of the changes in location and territorial redistribution of the population. Different migratory patterns prevailing in the last 60 years have left visible traces in the spatial configuration and the political and administrative organization of the country. A quick review of the evolution experienced in terms of the demographic rate of representation by major subregions of the Eastern region in the past 60 years will provide evidence of this.

Until 1950, the Eastern region of the country, formed by the Paraná River basin and including the departments of Alto Paraná, Canindeyú (created only after 1972), and Caaguazú, hosted only 6 percent of the total population. This was the area of forests and yerba mate plantations owned by large estates. In contrast, the Central region (comprising the departments of Cordillera, Guairá, Paraguairí, and Central), the oldest settlement area of the country with a high concentration of population and excessive subdivision of smallholdings, had 39 percent of the population and, together with Asunción (19 percent), accounted for almost 60 percent of the Paraguayan population (58 percent) (UNFPA/ADEPO, 2004).

This was, in principle, the historical configuration of 1870, not yet affected by the opening and expansion of the agricultural frontier and the migration flows that would take place in the Eastern region, which had the Central region as the main source of migrants. This process, which started in the early 1960s, was subsequently reflected in the census of 1962, when the population of the Central region dropped to 36 percent of the total population and the population of Asunción and the Eastern region increased to 21 percent and 8 percent, respectively.

This trend increased in the next decade, and by 1972, the percentage of populations in the Central region had dropped to 30 percent, while in Asunción and the AMA it rose to 23 percent and in the Eastern subregion to 13 percent, thus reflecting the impact of migration in the latter and the importance that the nation's capital and its metropolitan periphery still had in this process of redistribution of the population across the country.

In contrast, since 1982, although migration flows continue to increase the population of the Eastern subregion and the AMA, they also populate the Central subregion, probably as a result of the diversity of migration patterns, as noted above, with other subregions as places of origin, in particular the departments of Concepción and Amambay in the north; Caazapa in the southeast, the entire southeast subregion, and even some of the departments of the Central subregion itself, such as Cordillera, Guaira, and Paraguari. Also, the Eastern region was undergoing an inflow of increased immigration from Brazil during those years.

Between 1992 and 2002, even though the rate of representation of the population of the subregion continued to rise, it is also observable that it began to stabilize once the expansion of the agricultural frontier had culminated and immigration flows were attenuated or ceased. On the other hand, the demographic weight of the Central subregion decreased significantly in 1992 and rose again, although to a lesser extent, in 2002; however, this increase was once again at the expense of departments that lost population. In this context, the Central department, now fully integrated into the AMA, maintained its upward trend in 2002.

In summary, we can say that the process of redistribution of the Paraguayan population across the territory in the last 60 years, up until the 2002 census, developed mainly around two subregions: the Central and the Paraná Basin regions. The first was traditionally an area of high population concentration, while the latter had very little population due to its extensive forest but also to large estates and yerba mate plantations. Both have hosted internal migration and more recent immigration, while other subregions have played a relatively minor role in this regard, maintaining a stable percentage of representation over those years.

This situation should be seen as a combination of factors that are both cause and consequence of migration and occupation of the territory: the growth of the road network and hydroelectric works, the process of urbanization, the expansion of the agricultural frontier, the establishment of a capital-intensive production model, low labor absorption and concentration of real estate, and economic change with further development of the tertiary sector to the detriment of the primary sector and long-term stagnation of the industrial sector.

Table 9. Paraguay. Territorial Distribution of Paraguayan Population According to Subregion, in Percentages, Years 1992–2002

Subregions	Percentage Weight of Subregional Population on Total Population					
	1950	1962	1972	1982	1992	2002
North	11.0	11.7	13.3	13.0	13.2	11.9
Concepción	4.7	4.7	4.6	4.4	4.0	3.5
San Pedro	4.9	5.1	5.9	6.3	6.8	6.2
Amambay	1.4	1.9	2.8	2.3	2.4	2.2
East	6.1	8.2	12.7	18.7	21.6	21.9
Caaguazú	5.4	6.9	8.9	9.9	9.3	8.4
Alto Paraná	0.7	1.3	3.8	6.6	9.8	10.8
Canindeyú ¹	0	0	0	2.2	2.5	2.7
Central	39.3	35.8	29.5	34.2	23.9	26.6
Cordillera	10.9	10.4	8.2	6.4	4.8	4.5
Central ²	9.6	7.9	7.0	16.4	10.2	14.3
Guairá	6.8	6.3	5.3	4.7	3.9	3.5
Paraguarí	12.0	11.2	9.0	6.7	5.0	4.3
Southeast	13.9	13.3	12.9	12.3	12.2	11.5
Caazapá	5.5	5.1	4.4	3.6	3.1	2.7
Itapúa	8.4	8.2	8.5	8.7	9.1	8.8
Southwest	7.1	6.5	6.0	4.9	3.8	3.5
Misiones	3.3	3.3	2.9	2.6	2.1	2.0
Ñeembucú	3.8	3.2	3.1	2.3	1.7	1.5
Asunción/AMA³	18.6	20.5	22.7	24.0	22.8	22.0
Western Region or Chaco	5.0	4.0	2.9	5.9	2.5	2.6
TOTAL	100	100	100	100	100	100

Source: Re-elaborated on the basis of data from UNFPA/ADEPO, 2004

1. Census data from 1982, since this department was created after 1972 with areas taken from Caaguazú and Alto Parana.

2. Except for the districts Fernando de la Mora, Lambaré, Luque, and San Lorenzo, which, throughout this series census, are included in the AMA (Asunción Metropolitan Area) to make the analysis consistent.

3. Including the districts of Fernando de la Mora, Lambaré, Luque, and San Lorenzo as part of the AMA.

5.3. Forced Population Displacements

While Paraguay does not suffer any internal strife such as civil wars and interethnic conflict, and has not endured any serious natural disasters forcing people to relocate, the country has been increasingly feeling the effects of climate change with prolonged droughts, severe periodic floods, and destructive storms.

The latter have sporadically forced certain population centers, and particularly those that are deployed on the riverbanks, to relocate, albeit in not-too-distant locations and for short periods of time. In particular, flooding of the lands along the Paraguay River affects many settlements that have been for centuries in the floodplains, especially in the low-lying marshes and the bay of Asunción.

Depending on rainfall patterns and the floods that originate in the headwaters of this river, affected families move on their own or with the help of public emergency services to high ground not far from their usual locations in order to return to them in the shortest possible time after the phenomenon has passed. These events occur in 5–10-year intervals and can be quite serious, but they usually do not last very long (one to three months) and affect fairly small populations, between 1,000 and 3,000 people. Although people do have to move, the floods do not force them out to faraway locations or to permanent relocation.

Of greatest social, cultural, and demographic impact are the displacements of indigenous peoples forced to abandon their traditional habitat by large landowners who are taking over their ancestral territories, as well as the advance of deforestation, soy and cattle production, fumigation practices that are harmful to health and the environment, and the loss of their traditional sources of livelihood (hunting, fishing, gathering, and farming).

Generally these communities, which are composed of different ethnic groups and consist of no more than a hundred families, leave their lands and settle precariously on the edge of roads or move to urban centers, primarily to Asunción, where they camp in streets and squares, hoping to put pressure on policy makers to obtain a solution to the problem of legal tenure of their lands. Several of these groups have occupied squares and streets for months and years, permanently or sporadically, living in a state of extreme vulnerability and exposed to serious health and nutrition problems. High levels of overcrowding, promiscuity, and drug addiction have been observed, and many have resorted to begging to survive (UNICEF, 2012).

Incidentally, these groups are assisted by civilian institutions or government agencies that provide them with food, clothing, and shelter and eventually move their children to temporary shelters, especially in wintertime, or receive them in military institutions to improve their status. However, the problem of the indigenous movement has not been addressed by means of public policies that enable them to recover their human rights.

PART II

FRAMEWORK FOR PUBLIC POLICIES REGARDING MIGRATION IN PARAGUAY

It can be said that since the late 19th century, Paraguay was prepared legally and institutionally to become a country of immigration, and paradoxically, since then it has turned out to be a country of emigration.

The policy of economic and demographic reconstruction that postwar governments sought to carry forward after 1870 on the basis of the integration of immigrants, as mentioned above, failed in quantitative terms, and the developments of the few foreign agricultural colonies settled over 140 years in the country first came to fruition around the 1950s, or at least, it was only then that they were perceived.

However, in various periods of the political history of Paraguay after the War of the Triple Alliance, immigration law focused on facilitating the entry of “useful foreigners,”⁸⁴ paying very little attention to the phenomenon of emigration, which has been the constant migration dynamics of the country over the years. Thus, the fundamental principles that have guided the legislative body from its inception until today have not been altered in substance despite the political changes the country has experienced, particularly after the long period of authoritarian government between 1954 and 1989 with the transition to democracy and the end of the one-party regime (introduced in 1947 and extended until 2008).

In the absence of an explicit migration policy defined around objectives and strategies of development and based on human rights, general migration laws and their regulations have served as policy instruments in this regard. In this sense, Act 978, the General Migration Act, in force since 1996, has copied almost verbatim the text of the previous legislation, Act 470, enacted by the Stroessner dictatorship in 1974, establishing the same fundamental precepts. Both laws adopt an identical guiding principle for immigration policy and define themselves as the regulatory framework of “foreign immigration, emigration, and repatriation of nationals for the purposes of promoting the population flows and the workforce that the country needs” (Art. 1, Act 978/96 and *idem* for Act 470/74).

In other words, both immigration and emigration as well as the eventual return of emigrants were managed by implicit policies founded on a utilitarian demographic-economic purpose (to meet the requirement or need the country had of promoting population flows in general and of labor in particular), a political strategy

⁸⁴ The concept of *useful foreigner* is enshrined in Article 130 of the Constitution of 1967, promulgated by the Stroessner government, quoted in the previous chapter.

that emerged in the 1870 postwar period, as noted above, when the state of the population and the economy were almost totally destroyed.

Paradoxically, though, while claiming to “promote the population flows and the workforce that the country needs,” the emigration and repatriation of nationals were included as elements of this utilitarian approach, establishing a sort of equation in which Paraguayan emigration is offset by “useful foreigners” and repatriation of nationals of the same quality. Both the 1974 and the 1996 Acts dwell extensively on precise immigration regulations without engaging to the same extent with emigration.

Neither the 1970 legislation nor that of the mid-1990s take into account the profound demographic, economic, and social transformations that Paraguay had experienced in more than a century since the end of the war, and this legislation was still based on the premise that the country should be repopulated with foreigners without proposing positive policies for retention of its own people, who were emigrating in increasing proportions.

Moreover, both laws, with different nuances, provided precise exceptions to the promotion of the population flows, some clearly discriminatory. The 1974 Act even included a political prohibition in tune with the ideology of national security in force at the time. The following table compares the two Acts with regard to the restrictions placed on foreigners who wanted to immigrate to Paraguay.

Paraguay: Comparative Table of Emergency Measures Imposed on the Entry of Foreigners under the Immigration Law Currently in Effect and the One during the Previous Authoritarian Period

Article	Act 978 of 1996 Chapter II of general Restrictions of Admission	Act 470 of 1974 Chapter II of general Restrictions of Admission
<p>Article 6. – Foreigners wishing to become permanent residents or temporary residents shall not be admitted into the national territory if they fall within the category of any of the following restrictions: (Act 978).</p> <p>Article 5. – The following foreigners shall not be allowed</p>	<p>1) If they suffer an infectious or transmissible disease that may pose a risk to public health;</p> <p>2) If they suffer from mental illness or altered mental state that affects their behavior, making them unaccountable for their actions or causing serious family or social trouble;</p> <p>3) Physically or mentally disabled persons, whether the disease is congenital or acquired, or those who suffer a chronic illness which hinders them in the exercise of their profession, trade, industry or craft;</p> <p>4) Those who have been convicted for felonies to more than two years in prison;</p> <p>5) Those who have a criminal record, except when there is no indication that the</p>	<p>a) If they fall within the category of any of the following physical and mental restrictions:</p> <p>1) Physical or organic defects, whether congenital or acquired, which impair the general ability to work;</p> <p>2) Infectious and contagious diseases; and</p> <p>3) Chronic diseases of the nervous system and mental disorders.</p> <p>b) If they have a criminal record. This restriction applies to those who fall under the following categories:</p> <p>1) Those who have been convicted for felonies, under the national</p>

to enter the country: (Act 470).	individual is dangerous and cannot be reincorporated to society. To this effect, the nature of the crimes committed, the sentence imposed, reoffending, and if the penalty or criminal action has prescribed will be evaluated; 6) Those who practice or profit from prostitution, those who traffic illegally in persons or their organs, drug addicts, those who engage in illegal drug trafficking and promote their use or profit from them; 7) Those without profession, trade, industry, craft, or lawful livelihood; or those who engage in begging or are customarily drunk; or those who are not in the habit of working, vagrants, beggars, habitual drunks or those who, due to the environment in which they live, are prone to delinquency, and, 8) Those who have been expelled and who are prohibited from admission or readmission to the Republic, in accordance with orders issued by a competent judicial authority.	legislation to more than two years in prison; ⁸⁵ 2) Those who have been convicted for felonies, under the national legislation to less than two years in prison, if they are repeat offenders and can be considered dangerous; and 3) Those who are not in the habit of working, vagrants, beggars, addicts, prostitutes, drunkards or those who, due to the environment in which they live, are prone to delinquency. c) If they belong, as associates or affiliates, to any organization that intends to overturn by violent means the democratic regime.
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Source: Elaborated by the author based on his analysis of Acts 978/1996 and 470/1974

Similarly, both the current and the previous law set relatively similar provisions with respect to the cases where these restrictive actions are not implemented. Article 7 of Act 978/96 reads thus:

Foreigners included in the previous article may be admitted in the country in the following cases: 1) For those covered by Article 6, paragraphs 1 and 2, if they are members of a migrant family or intend to reunite with a family member already established in the country, in which case the following must be assessed: a) the severity of their disease; b) the economic, moral and working capacity of the family as a whole; and, c) the bond of kinship that unites the potential immigrant with the family group and whether the members of this family are Paraguayan citizens or not. 2) For those covered by paragraph 3 of the preceding article, when the physical or mental disability, whether congenital or acquired, or the chronic disease they have reduces only partially their capacity for work, depending on the profession, trade, industry or art they practice.

⁸⁵ It is important to keep in mind that the Stroessner regime, established by a military coup in 1954, sought from the outset to ensure “the legitimacy of his government on the rule of law, but this did not mean that the government was willing to comply with the law, but rather that it would use the legal system as an instrument of domination.” For this purpose, “a whole legal machinery was created around three fundamental instruments: State of Siege, Act 294 for the Defense of Democracy (1955), and Act 209 for the Defense of Public Peace and Freedom of Persons (1970).” Along with a judiciary that followed the ideology dictated by the government were police and judicial actions, such as arbitrary detention, torture, imprisonment and exile, that were legitimized as ways of combating “political crimes” (CEPAG, 1991).

Paragraph 3 establishes an entry waiver for convicts in the following terms:

For those listed in paragraph 4, when the sentence has been served or the offense has prescribed, or when the maximum sentence to be served for the offense does not exceed two years imprisonment under Paraguayan law, or if it had been granted amnesty or pardon.

And paragraph 4 waives the restrictions for “drug addicts if they are applying to enter the country in order to be treated for addiction in a specialized public or private institution.”

In the same vein, Article 6 of Act 470 provides that

The general entry restrictions referred to in the previous article shall not apply in the following cases: a) with regards to health matters, when foreigners covered by such restrictions are members of an immigrant family or intend to reunite with a family member who is already established in the country provided that the entry of said foreigner does not pose a public health hazard, as determined by the competent authority. The sanitary authority may determine that such person(s) must be subjected, under the comptroller, to medical treatment; b) with regards to criminal matters, when foreigners are political offenders or have been accused of offences of negligence or recklessness, unless it has been demonstrated that the perversity of the offense makes them undesirable elements for society. The restrictions shall not apply to former offenders who have demonstrated good conduct.

Thus, the current Act 978, which was enacted after the transition to democracy in the decade of UN summit conferences devoted to universal human rights and principles, still maintains great affinity with the previous legislation, which was established in a very different historical and political context. The merging of the older legal text into the more recent one can be perceived in the use of concepts, often ambiguous but sometimes explicit, as downright discriminatory, such as “handicapped by physical or organic defects,” “moral inferiority of the medium in which they operate,” “economic and moral conditions,” and “working capacity” of immigrants and their families, not to mention “political crimes,” one of the few that has been thankfully banished.

In addition, Act 978 was passed in a historical moment in which not only emigration flows were considerable, but also the political, judicial, and legal situation of the main country of destination, Argentina, was extremely hostile to immigrants (Lopez, 2009). It was to be expected that the Paraguayan executive and legislative authorities would establish international agreements and issue explicit legislation for the protection of the rights of Paraguayan emigrants, ensuring the validity of Article 41 of the Constitution of 1992, which states, “All Paraguayans are entitled to reside in their country.”

1. The National Legal Framework and Its Relation to International Legal Frameworks

As noted earlier, Paraguay's immigration law is not characterized by a legislative effort aimed at updating it to the political and socio-demographic reality, which leads to a dangerous tendency to repeat past texts and principles that no longer conform to the national reality and the current international legal context. In this latter sense, the country is also lagging with regard to international conventions and treaties on the subject, as will be seen below.

1.1. Immigration Laws

With regard to the entry and residency of foreigners, Law 978/96 establishes the categories of "permanent" or "temporary residents" for those who, because of the activities they carry out in the country, take up residency "with the intention of remaining permanently or temporarily," while those who enter without the intent of settling in the country are considered "non-resident."

The main category is that of permanent resident, which refers to those who enter the country "in order to develop any kind of activity that the authorities consider useful to the development of the country" (Article 12). They may enter as spontaneous immigrants, assisted or with money of their own, as investors, retirees, pensioners, and annuitants, or "foreign relatives of Paraguayans, understood as the spouse, minor children and parents" (Article 14). The law considers useful, *inter alia*, the activities aimed at

a) Incorporating skilled human resources required for industrial, agricultural, fishery, forestry, mining, scientific, technological and cultural development; b) Expanding the agricultural frontier; c) Incorporating technologies needed in the country; d) Creating jobs in the country; e) Increasing the export of goods and services; f) Settling in regions of low population density and, g) Reducing imports. (Article 13)

Unlike *spontaneous immigrants*, who enter and apply for admission of their own accord, either individually, as a family, or collectively using their own means and assuming the costs of relocation, *assisted immigrants* arrive in the country with the support of public or private entities, and the state has direct or indirect participation in the costs of their transport and settling in the country (Articles 15 and 16). Due to the lack of a migration policy explicitly and clearly articulated with the development of the country, assisted immigration has not played any determining role in the more recent inflows of immigrants into the country.

Immigrants with financial capital and foreign investors are those who "bring their own assets to carry out activities considered of interest by national authorities" or who "make investments and/or transfer financial and technological resources to develop those areas or activities determined by the authorities" (Articles 17 and 18). And finally, retirees, pensioners, and annuitants are foreigners who receive "regular and continuous income from external sources to enable them to live in the country without becoming a social burden for the state; they may not perform remunerated work

whether as self-employed or working for others, except when expressly authorized by the General Directorate of Migration” (Article 19). In the last three cases, the law shall regulate the minimum amount of contributions or income (Article 20).

Recent critical analysis of the 1996 Migration Act have pointed out that it is vitiated by a number of conceptual confusions, misunderstandings, and overlapping of institutions and functions. It has also neglected to update to a human rights-oriented approach, which is reflected, for example, in the application of the concept of “illegal immigrants” whose scope is not specified but probably refers to those in an irregular situation.⁸⁶ In addition, recent analyses argue that the current Paraguayan immigration law has developed a very high level of regulatory detail when it comes to immigration but hardly addresses emigration (Halpern & Lopez, 2012; Lopez, 2009b; Oddone, 2010).

In this sense, more than three-quarters of the articles of the migration law (120 of 155 articles) deal with immigration, regulating in detail the administrative processes for entry, permanence, and departure of foreigners in each of the categories provided (permanent residents, temporary, and non-residents) and on the required documentation, organized immigration, border and harvest immigration,⁸⁷ taxes, and benefits to immigrants and businesses and international transport companies that provide services related to the entry and departure of people and potential immigrants. Another 15 articles regulate the functions and powers of the General Directorate for Migrations (DGM) as the institution responsible for immigration policy and enforcement of this law, and of its Director, determining tariffs and establishing resources and formal measures in general.

Several of these regulations on immigration and the entry and exit of persons into and out of the national territory treat Paraguayans in the same way as foreigners, ignoring the constitutional right of free movement and residency in their own country (Article 41, NC) and violating their right to nationality. An example is the requirement to enter or leave the country “only in those places specially authorized for that purpose by the competent authority” (Article 52, Act 978) and the obligation to present “valid passport or valid travel document or identity that enables them to travel to the country of destination” (Article 74, *ibid.*)⁸⁸

In contrast to the detailed regulations on immigration, only five articles deal with and do not state any principles with regard to a preventive policy in the matter and only establish some *ex post facto* measures. The law simply states that

⁸⁶ The term *illegal immigrants* or *undocumented* is usually used in reference to immigrants who have not been recorded by the DGM because they have not taken the steps to legalize their status and are thus in an irregular situation.

⁸⁷ Erroneously, Articles 124 and 125, related to immigration of border and harvest workers, were included as Chapter II of Title II of Emigration.

⁸⁸ During the dictatorship (1954–1989), travel to Cuba and to “countries behind the Iron Curtain” was expressly prohibited, and this was noted in Paraguayan passports.

The General Directorate of Migration, in coordination with other national organizations and in collaboration with international organizations, when they so request, shall carry out and promote the study of the causes and consequences of migration of Paraguayans, in order to recommend the implementation of policies and programs aimed at their retention or repatriation. (Article 119)

Additionally, “if there is a regular emigration, constant or planned,” that is not directly organized by anyone in particular, the legislation proposes that the Directorate in coordination with the Ministry of Justice and Labor shall implement measures to support emigrants with regard to

Obtaining information on job opportunities in the country before deciding on to emigrate; reporting on the political, socioeconomic, wage, purchasing power and social security system of the destination country, the chances of social mobility and the eventual integration and assimilation problems to be overcome by Paraguayan migrants in the recipient society; and to intervene or advise the national emigrant in relation to job offers or contracts elaborated abroad. (Article 120)

Finally, in a confusing combination of favorable and restrictive provisions under the common title “the return of nationals and their protection abroad” in two successive chapters and seven articles, Act 978 provides regulations on repatriation and the establishment of small and medium enterprises by repatriated nationals, which were in the end repealed in 2009 by Act 3958. It should be noted that the repeal was not due to a criterion of justice in a comprehensive review of the regulations, but to the mere need for a better distribution of functions between the General Directorate of Migration and the Development Secretariat for Paraguayan Repatriates and Refugees (SDRRC), as discussed below.

However, some chapters of the above-mentioned title from Act 978 relating to repatriation were not repealed, namely Chapter III “Regarding the Conditions that Apply to the Spouses and Children of Compatriots who Return Permanently to the Country” and Chapter IV on the “Protection of Nationals Abroad.” The latter is the only part of this law that refers to the signing of international agreements to ensure the rights of Paraguayans living abroad, in the following terms:

When required by the executive, the General Directorate of Migration will propose the signing of agreements or arrangements with States where Paraguayan migrants reside to assure equal individual, labor and social security rights as nationals of the host country and the possibility of transfers of funds for their families in Paraguay. (Article 140)

As for “foreign-born children of a Paraguayan mother or father, until they decide for the option provided for in Article 146 of the Constitution,⁸⁹ and spouses of Paraguayans,” they may settle permanently in the country (Article 133), for which the following documents are required (Article 134): birth certificate and identity document of the country of origin, certificate issued by the health authority of the country [does not specify what is to be certified], document or birth certificate of a parent proving he or she is a native or naturalized Paraguayan for the children of Paraguayans, document certifying the Paraguayan nationality of the spouse, and

⁸⁹ Which establishes the conditions of natural nationality.

marriage certificate. This last requirement contradicts the recognition granted to domestic partnerships by Article 51 of the Constitution.

Subsequent articles set positive conditions, such as exemption from DGM and consular duties and the right to import on a duty-free basis all personal effects, furniture, tools, machines, and vehicles required to begin production, according to the regulations of this law (Articles 135 to 139).

Finally, it is worth mentioning the recently passed Act 4,429, enacted on 4 October 2011, “which regulates the residency of foreigners in irregular situations,” granting a six-month period to foreigners who intend to reside permanently and have been in an irregular situation in the country for a year or more before the publication of this law. They are granted a period of 180 days from 4 January to 5 June 2012 to undertake the relevant steps to legalize their situation.

1.2. Regulation of Act 978

Regulatory Decree 18,295 of August 1997 provides that the DGM must periodically request from the Ministry of Health and Welfare the list of contagious or communicable diseases that pose a public health risk. Foreigners applying to settle in the country must submit to the Paraguayan consulate the corresponding medical certificate issued by a legally authorized institution in the country of origin or last residency of the applicant and stating “their psychophysical condition and that they are free of contagious or communicable diseases” (Article 2).

With regard to the exceptions that article 7, paragraphs 1 and 2 of Law 978 established for the previous provisions, the Decree states that

The Director of Immigration shall seek medical opinion on the severity of the disease affecting the foreign person(s) to assess their mental and working capacity as well as the epidemiological risk they can pose when entering the country. The applicant must further justify the bond of kinship, the economic capacity and nationality of the household hosting him or her in the country (Article 3).

As for the documents required for the permanent residency of spouses and of foreign-born children over 14 years of a Paraguayan mother or father, referred to in Article 134 of Law 978, the Regulatory Decree also requires a “criminal record or police certificate issued in the country of origin or residency in the last five years” (Article 12).

Other restrictive provisions apply to immigrants in addition to those cited in the General Law on Migration: immigrants who possess assets or are individual investors or belong to a family group of four or less must deposit in the Central Bank of Paraguay an amount equivalent to 7,000 minimum wages (about USD 104,000 at the exchange rate of PYG 4,300 per dollar)⁹⁰ to the “DGM Immigrant Program” account and at least 1,500 minimum wages for each additional family member.

⁹⁰ The exchange rate of PYG 4,300 per USD is the average for the month of June 2012.

These deposits will be returned if the applicant provides evidence that the project is running after cancellation of arrears, or if the application for admission is rejected, or if the applicant desists in his/her intention before the respective DGM certification is issued. If within 180 days of entering the country or obtaining permanent residence the investment project approved by competent authorities is not submitted or if it is rejected, the applicant shall lose all acquired rights, including the sum that has been deposited, except in some specific circumstances (Article 13, 14, 23, and 30 of the Decree).

Immigrant pensioners or annuitants who apply for permanent residency, alone or with a spouse, must demonstrate an average annual joint income of 5,000 minimum wages and PYG 1,500 more for each additional member, committing also to enter equivalent amounts into the country every year. They are also required to have health insurance with a provider in the country (Articles 15 and 16).

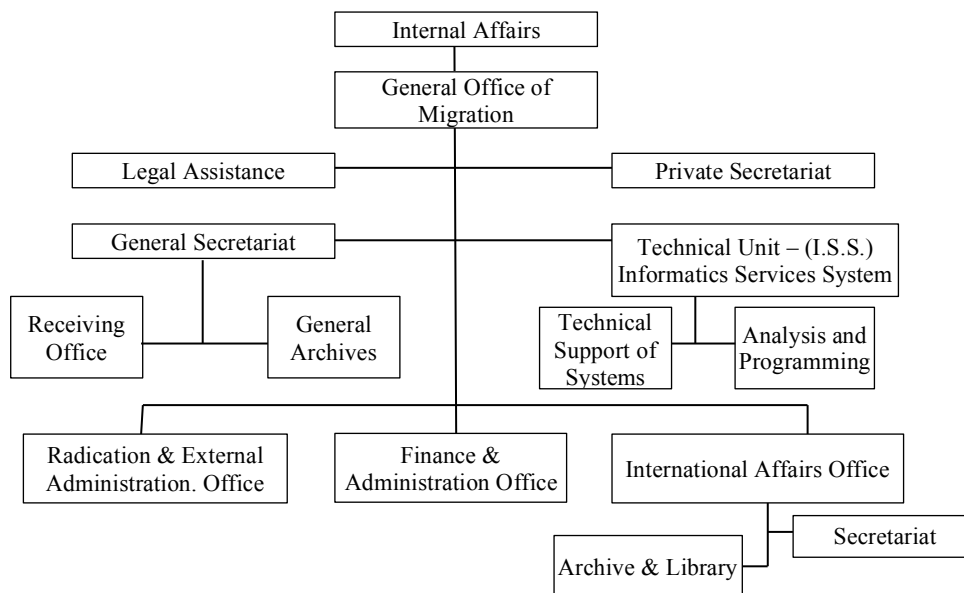
The Act also provides for criminal and administrative penalties applicable to foreigners who fail to meet certain deadlines in their applications for temporary or permanent admission, as well as the fines applicable for different cases and other provisions relating to the institutional operation. Subsequently, Decree 1,726 of March 2009 amends the Articles relating to the penalties, the amount of fines, and the period granted by Decree 18,295.

Finally, Decree 4943 of 1999 establishes the organizational and functional structure of the DGM, which is subsequently extended by Decree 12,441 of 2008, incorporating an Office of International Affairs and a Technical Unit for the Computerized Service System into the new structure. The first of these decrees describes in detail the functions of the institution and of each of its units, the composition of which is included in the Chart at the end of Decree 12,441, as transcribed below.

It should be noted that Decree 12,441 specifically mentions that

The need to reorganize the Organizational Structure of the General Directorate of Migration arises from the recommendations contained in the Technical Cooperation document signed between the General Directorate of Migration, the United Nations Population Fund (UNFPA) and the International Organization for Migration (IOM). (Recitals of the Decree)

Organizational Chart of the General Directorate of Migration, 2008



Source: Executive Decree 12,441 (DGM, IOM, 2010a)

1.3. Repatriation Laws

In June 1993, prior to Act 978, the effective instrument of migration legislation being Act 470 of 1974, Act 227 was enacted, “creating the Development Secretariat for Paraguayan Repatriates and Refugees” (SDRRC), which is assigned the following powers: 1) Define policies and strategies with regard to this matter; 2) Monitor the enforcement of policies, study migration phenomena, provide feedback on policy guidelines, and suggest operational and management mechanisms; 3) Propose guidelines for national and international participation on issues relating to this matter (Article 2).

Apart from this brief and ambiguous description of duties, in the six other articles (two of them dealing with formal matters), the law did nothing more than create a minimal organizational structure for the institution and provide concise administrative measures without any reference to specific or operational functions. However, in Article 7, it provided for the repeal of “all provisions contrary to this law,” creating from the beginning a conflict with the 1970 Migration Act, then still in force, according to which the DGM was the entity responsible for implementing the migration policy, whose functions included those concerning repatriation.

The SDRRC was created to provide continuity for the Committee for the National Repatriation of Compatriots, which was created by Act 40 of November 1989, a few months after the overthrow of the dictatorship, in order to “promote the return to the country of Paraguayans living abroad and encourage them to settle permanently in the Republic” (Article 1). This legislation constitutes an explicit

recognition of the rights of emigrants and exiles returning to the country in the recently opened new political era. The Committee, however, was planned to last only until August 1993, as set forth in the law that created it, which explains the enactment of Act 227/93 two months before this period ran out in order to ensure the continuity of the SDRRC.

The fact that Law 470 was considered a survivor of the authoritarian period and the clear intent of the law and of the institution created to defend the right of emigrants to return to their country, who had been considered as potential enemies of the government in the Stroessner era, allowed a temporary coexistence of both figures until that was replaced by renewed legislation. Unfortunately, the new immigration law of 1996, which repealed the 1974 one, did not conform to the political, social, and demographic reality of democratic Paraguay and became a mere copy of the rules of the authoritarian period, duplicating the functions of those responsible for repatriation of exiles and repeating the same mistakes and measures that restricted the right of Paraguayans to live in their own country without having to meet conditions other than their nationality.

Thus, in Article 128, for example, the law provided that the executive power should promote the repatriation of Paraguayan emigrants and that it “shall be in accordance with the needs and possibilities of incorporating human resources into and according to national development plans, special resettlement programs, the requirements of the labor market or when demographic reasons, economic or social so warrant.” The prospect of emigrants benefiting from a repatriation program was subject to conditions that were in fact those that motivated their emigration in the first place, namely the lack of “needs and possibilities of incorporating human resources,” as well as a poor planning system that did not include the interests of emigrants.

An additional condition stated that

Embassies and consulates abroad, in coordination with the General Directorate of Migration, should keep an updated record of Paraguayan citizens abroad, including profession and specialization, occupational profile and family composition, in order to inform about concrete possibilities of returning to the country. (Article 129)

Not only has it been impossible to comply with this provision given the precariousness and inefficiency of consular services, the growth in the number of emigrants, the diversification of their destinations, and the irregular condition of residency of most of them, since it is mostly spontaneous migration flows without public entities intervening in their planning, but also no development plan designed and implemented in Paraguay has provided a professional, occupational, and family profile of the Paraguayan communities living abroad to promote their safe return to the country.

That was how both laws and institutions, Act 978/96 with the DGM and Act 227/93 with the SDRRC, continued to operate in a precarious balance for over a decade, during which the specific functions of repatriation and the operational measures relating to it were set forth in the General Migration Act of 1996. This

situation would be resolved only in 2009 with the enactment of the 3958 Act, which corrects the text of Act 227/93 by transferring to the SDRRC the functions it was meant to fulfill pursuant to Act 978/96 and describing them in greater detail.

Later, in an explicit recognition of the confusion that this anomalous legal and institutional situation had created, the executive dictated Decree 7,355 of September 2011, in order to regulate the functions and powers of the SDRRC and “for the purpose of specifying concepts and to avoid confusion in the scope of Law 227/93 as amended by Law 3.958/2009,” as stated in its recitals. The decree provides that SDRRC can perceive and use financial resources in accordance with the “Law on Financial Administration of the State” and the annual legislation regulating the General Budget of the Nation.

The Decree states as beneficiaries of repatriation all nationals and their dependents within the fourth degree of consanguinity and second of affinity, including non-national spouses of nationals, foreign children, spouses of Paraguayan children born overseas, and their children. The Decree also adds other administrative provisions to the procedures to be applied and describes and defines the benefits to be provided to the returnees.

1.4. Relationship with International Legal Frameworks

The insertion of Paraguay into the international legal framework of migration is quite recent, and there is very little doctrinal consistency between the provisions of the Migration Act and international standards.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the United Nations in December 1990, was signed by Paraguay on 13 September 2000 during the Millennium Summit, approved by Law 3,542 in March 2006, ratified on 23 September 2008, and promulgated in April 2009, nearly 20 years after its adoption.

Well before, Congress had enacted Act 136 on 11 October 1969, approving the Convention Relating to the Status of Refugees, which in turn had been approved by Resolution No. 2108 of the General Assembly United Nations on 16 December 1966, but Paraguay only approved the “General Act of Refugees” on 13 June 2002, which was issued as Act 1,938 on 2 July of that same year. This law granted refugee status to people who are being persecuted in their country of origin for reasons of race, religion, sex, nationality, or other reasons and created the National Refugee Commission (CONARE).

In May 2004, Act 2396 was enacted approving the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. This law was intended to prevent, combat, and criminalize the recruitment, transportation, transfer, harboring, or receipt of persons carried by any means for the purpose of forced labor or services, slavery, or practices similar to slavery, servitude, or the removal of organs.

Also, by means of Law 3,533, enacted on 10 June 2008 and promulgated on 14 July of that year, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organized Crime, was approved. Thus, Paraguay adopted the two Protocols to the Convention Against Transnational Organized Crime because, as is known, the Convention, adopted by the General Assembly of the United Nations on 15 November 2000, contained two protocols: one against Smuggling of Migrants and another one against Trafficking in Persons, until in 2001 a third supplementary Protocol Against the Illicit Manufacturing of and Trafficking in Firearms was approved.

More recently, the following international conventions on residency have been signed among the MERCOSUR countries to recognize immigrants from member countries and their families. These agreements include the granting of temporary residency, civil rights, and safe access to work and welfare, equal treatment as nationals, among other rights (IOM, 2011):

- Act 3,565: “Approval of the agreement on residency for nationals of MERCOSUR Party States,” signed in the city of Brasilia, Federative Republic of Brazil, 6 December 2002, enacted on 17 July 2008, and published on 31 July 2008.
- Act 3,578: “Approval of the agreement on residency for nationals of MERCOSUR Party States, Bolivia and Chile,” signed in Brasilia, Federative Republic of Brazil, on 6 December 2002, enacted on 31 July 2008, and published on 14 August 2008.
- Act 3,486: “Approval of the agreement between the Government of the Republic of Paraguay and the Government of the Republic of Bolivia to regularize migration,” signed in Asunción on 20 October 2006, enacted on 8 May 2008 and promulgated on 20 May 2008.
- Act 3,577: “Approval of the agreement on regularization of internal migration of MERCOSUR citizens, Bolivia and Chile,” signed in Brasilia, Federative Republic of Brazil, on 5 December 2002, enacted on 31 July 2008, and promulgated on 14 August 2008.
- Act 3,579: “Approval of the agreement on regularization of internal migration of MERCOSUR citizens,” signed in the city of Brasilia, Federative Republic of Brazil, 5 December 2002, enacted on 31 July 2008, and promulgated on 14 August 2008.

In addition to the above-mentioned, supplementary regulations have been adopted in the context of MERCOSUR, as detailed below:

- Act 3,566: “Approval of the agreement against the smuggling of migrants between MERCOSUR states,” signed in the city of Belo Horizonte, Federative Republic of Brazil, on 16 December 2004, enacted on 17 July 2008, and promulgated on July 31 the same year.
- Act 3,567: “Approval of the agreement against the smuggling of migrants between MERCOSUR states, the Republic of Bolivia and the Republic of Chile,” signed in the city of Belo Horizonte, Federative Republic of Brazil, 16 December 2004, enacted on 17 July 2008, and promulgated on July 31 the same year.

- Act 3,582: “Adoption of the waiver agreement regarding the translation of administrative documents for immigration purposes between the MERCOSUR Party States,” signed in the city of Florianópolis, Federative Republic of Brazil, 15 December 2000, enacted on 7 August 2008, and promulgated on 14 August the same year.
- Act 3,583: “Adoption of the waiver agreement regarding the translation of administrative documents for immigration purposes between the MERCOSUR Party States, the Republic of Bolivia and the Republic of Chile,” signed in the city of Florianópolis, Federative Republic of Brazil, 15 December 2000, enacted and promulgated on the same date.

2. Institutional Framework

As explained above, the main institutions responsible for migration and repatriation are the DGM and SDRRC. In the absence of an explicit migration policy, both act in accordance with the provisions of their respective laws and through *ad hoc* programs.

Some previous studies (IOM, 2011; UNDP, 2009) have remarked on the existence of an apparent institutional duplication and overlapping of functions in this area, and the lack of consistency in the hierarchy of institutions operating in the field. Thus, while the Constitution establishes the existence of the Ministries as the entities that conduct and execute public affairs that are the responsibility of the executive without any reference to the figure of the Secretariats (Article 240 NC), the latter have become the implementing agencies of certain state policies, and the Executive Secretaries in charge of each one of them have assumed, in fact and in law, ministerial rank.

Consequently, since its inception in 1993, the SDRRC has been acting with ministerial hierarchy, although all its functions were assigned by Act 978/96 to the jurisdiction of the General Directorate for Migrations (DGM), which is under the Ministry of the Interior and therefore subordinate to a ministry. Thus, not only is there a duplication of mandates but also an obvious institutional dysfunction, although, *de facto*, both institutions have maintained a relatively balanced division of tasks in their respective fields: the DGM as the agency administering entry, stay, and departure of persons from the territory, and SDRRC working on the repatriation of Paraguayans abroad.

However, when the one-party system came to an end in 2008, institutional actors were encouraged to promote a legislative reform to enable the SDRRC to assume all the powers regarding repatriation in Act 978/96. This was achieved through the enactment in December 2009 of Act 3,958, amending and expanding Act 227/93, which confirmed the preexisting general powers of the SDRRC, added new ones, and transferred to this institution all functions regarding repatriation and the promotion of the establishment of small and medium enterprises of repatriated nationals. These functions were accordingly subtracted from Act 978/96.

Thus, the existing institutional duplication was considered settled, although actually only a formal technical legislative error has been corrected,⁹¹ and in reality two executive bodies have continued to run what should be a unified and comprehensive policy on various aspects of international migration. An additional complication is the fact that one of them, which has been designated as the “executing agency of national migration policy” and therefore has greater powers, is granted the status of a ministerial department (the General Directorate of Migration of the Ministry of the Interior), while the other is granted ministerial status to address one of the issues arising from migration.

There is also an institutional overlap with the Ministry of Interior, whose organizational and **functional** structure are established by Executive Decree No. 21,917 of August 2003. This decree provides that the functions of the ministry include “analyzing, proposing and, once approved, enforcing public policies regarding Homeland Security, Political Affairs, Population, Migration and Repatriation of Compatriots, in coordination with relevant agencies” (Article 2). The description is consistent with the fact that the DGM is a dependency of the ministry, and migration policy falls within its field of competence but not with respect to repatriation, as the legal jurisdiction of defining and implementing appropriate policy is the responsibility of the SDRRC. It should be added that Act 3,958 regarding repatriation did not repeal the corresponding decree.⁹²

A third institutional figure, created in January 2005 by Decree No. 4,692 (partially modified by Decree 213 of September 2008, leaving unchanged in substance the mandatory contents), is the Inter-institutional Committee on Population, which is categorized as of a “high political and technical level” to “coordinate, monitor and evaluate the implementation of the population policy in its general and specific aspects, ensuring comprehensive enforcement and coordination among different sectors” (UNDP, 2009).

More recently (late 2011), the Department of Assistance to Paraguayan Communities Abroad (DACPE) was created under the Ministry of Foreign Affairs, whose mission is “to provide assistance, information, advice and monitoring of the migratory situation of Paraguayans abroad, in connection with their families in the country,” supporting them with actions to strengthen their organizations and their networks, encouraging their participation in the development of Paraguay.⁹³

⁹¹ It should be noted that the correction imposed by Act 3958 was incomplete since some duplications remain in other chapters of the Act 978/96, as can be seen in the detailed comparison of the functions derived from both laws in the table below.

⁹² It should be added, incidentally, that Decree 21,917, which defines the functions of the Ministry of the Interior, also still drags along concepts that were clearly linked to security policies and political control during the dictatorship. Thus, Article 15 provides that “the Population Directorate is responsible for developing diagnostics to define a basic framework for the variable interaction between population and security policies.” In other words, the population is a simple variable in the field of “internal security” (a variant of the doctrine of “national security”) and not a set of variables (including migration) that constitutes a “strategic resource to promote sustainable development” (as expressed by the “Concept of Population Policy” that the Ministry of the Interior is also responsible for implementing, as will be seen below).

⁹³ In: www.mre.gov.py, consulted on 5 June 2012.

2.1. Functions of the Institutions Working on Migration Issues in the Executive

The following table compares the functions assigned to the DGM by Migration Act 978 of 1996 and by Regulatory Decree 4943 of 1999, the latter establishing the structure and functions of the institution and of each of its dependencies.

Functions of the General Directorate of Migration According to the Law That Created It and the Decree That Regulates It

Law 978 of 1996	Decree 4943 of 1999
<ol style="list-style-type: none"> 1) Grant entry permits to foreigners, according to the categories of admission laid down in this Act and its regulations; 2) Grant extension of stay or change of status to aliens admitted as temporary residents or non-residents; 3) Enable the places through which nationals and foreigners must enter or leave the country; 4) Control and monitor the entry and exit of passengers into and out of the country; 5) Keep record of entries and departures of domestic and foreign passengers; 6) Check the stay of foreigners with regards to their immigration status in the country, according to the provisions of this Act and its regulations; 7) Declare the entry or stay of foreigners illegal when they are not able to prove their immigration status in the country; 8) Withdraw the stay of foreigners in the cases specified by this Act; 9) Regularize the immigration status of illegal immigrants when appropriate; 10) Decide the rejection and expulsion of foreigners according to the powers granted by the law; 11) Enforce any judicial rejection and expulsion ordered by the competent authority; 12) Inspect international means of transport to verify compliance with current regulations relating to entry and departure of nationals, foreigners or crew, documenting the relevant offenses, if applicable; 13) Inspect workplaces and houses of foreigners to record potential violations related to immigration status; 14) Apply appropriate sanctions against violators of the immigration regulations laid down in the law and collect any fines that apply; 15) Receive the tariffs that foreigners must pay, as determined in the regulations to this 	<ol style="list-style-type: none"> 1) Supervise and regulate the admission, entry, stay and exit of foreigners within the territory of the Republic, in accordance with national laws; comply with and enforce the provisions of the Immigration Act, related laws and decrees; 2) Grant entry permits to foreigners, according to the categories of admission set forth in this Act and its regulations; 3) Grant extension of stay or change of status to aliens admitted as temporary residents or non-residents; 4) Enable the places through which nationals and foreigners must enter or leave the country; 5) Maintain records of entry and departure of passengers and abroad; 6) Declare the entry or stay of foreigners illegal when they are not able to prove their immigration status in the country; 7) Withdraw the stay of foreigners in the cases specified by this Act; 8) Regularize the immigration status of illegal immigrants when appropriate; 9) Decide the rejection and expulsion of foreigners when ordered by the competent authority; 10) Enforce any judicial rejection and expulsion ordered by the competent authority; 11) Inspect international means of transport to verify compliance with current regulations relating to entry and departure of nationals, foreigners or crew, enforcing the necessary measures according to the situation; 12) Supervise permanently the employment and residence status of foreigners in the country, in order to verify their legal authorization for such purpose within the national territory; 13) Apply appropriate sanctions against violators of the immigration regulations laid down in the law and collect any fines that apply; 14) Receive the tariffs that foreigners must pay, as determined in the regulations to this Act; 15) Collect and provide information about the conditions for repatriation of nationals and for immigration, and prepare instructions for the foreign

<p>Act;</p> <p>16) Collect and provide information about the conditions for repatriation of nationals and for immigration, and prepare instructions for the foreign service on these subjects;</p> <p>17) Receive repatriated nationals and immigrants;</p> <p>18) Coordinate with other national authorities and international organizations that can lend assistance to repatriated nationals and foreigners under the provisions of this Act;</p> <p>19) Plan migration policy together with other specialized agencies, based on the number and qualification of human resources required for the execution of the national development plan;</p> <p>20) Carry out studies on the emigration of nationals, its causes and effects, and propose plans and programs to address them;</p> <p>21) Conduct studies to determine the immigration the country needs, determining the areas of economic activity immigrants can contribute to, and, where applicable, the geographical location of their settlement;</p> <p>22) Carry out studies on the integration of foreigners to national society, and engage public agencies and/or private entities whose activities are related with this issue;</p> <p>23) Propose amendment of existing immigration rules whenever they require adjustment, issue interpretive rules, and establish administrative procedures; and,</p> <p>24) Delegate the exercise of its functions and powers to the Paraguayan consuls and the institutions it may determine, which shall act as instructed.</p>	<p>service on these subjects;</p> <p>16) Receive repatriated nationals and immigrants;</p> <p>17) Coordinate with other national authorities and international organizations that can lend assistance to repatriated nationals and foreigners under the provisions of this Act;</p> <p>18) Plan migration policy together with other specialized agencies, based on the number and qualification of human resources required for the execution of the national development plan;</p> <p>19) Carry out studies on the emigration of nationals, its causes and effects, and propose plans and programs to address them;</p> <p>20) Conduct studies to determine the immigration the country needs, determining the areas of economic activity immigrants can contribute to, and, where applicable, the geographical location of their settlement;</p> <p>21) Carry out studies on the integration of foreigners to national society, and engage public agencies and/or private entities whose activities are related with this issue;</p> <p>22) Propose amendment of existing immigration rules whenever they require adjustment, issue interpretive rules, and establish administrative procedures;</p> <p>23) To delegate the exercise of its functions and powers to the Paraguayan consuls and institutions it may determine, which shall act as instructed.</p> <p>24) To advise the Minister and Deputy Minister of the Interior in all matters concerning migration;</p> <p>25) To administer the funds allocated to the Institution in the General Budget Act of the Nation and other resources provided in this Act;</p> <p>26) Provide for the implementation of plans and programs for the achievement of the objectives set forth in this Act;</p> <p>27) Establish the internal organization of the General Directorate;</p> <p>28) Propose the appointment, promotion, removal and application of sanctions that may be applicable to officers and employees under its direction;</p> <p>29) Provide for the preparation of the Draft Annual Budget of the General Directorate of Migration;</p> <p>30) Carry out any other necessary action for the better fulfillment of the aims and objectives of the General Directorate of Migration;</p> <p>31) Set the transfer and rotation of officials and employees who serve under its direction; and</p> <p>32) Issue any administrative resolutions deemed necessary to best fulfill the objectives of this Act and others.</p>
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Source: DGM, OIM, 2010a

Regarding the SDRRC, besides the general functions assigned to it by both Act 227/93 and Act 3958/2009 cited above, the latter grants other specific functions as described below:

Art. 2. – The Development Secretariat for Paraguayan Returnees and Refugees will have the following powers:

- 1) Define the policies and strategies regarding these issues.*
- 2) Monitor the enforcement of policies; analyze migration phenomena; provide feedback for policy guidelines; and follow up on management mechanisms.*
- 3) Promote national and international participation on issues relating to the matter.*
- 4) Promote the repatriation of Paraguayans who have emigrated, for which this entity can:
 - a. Enter into covenants and cooperation agreements with similar or related institutions of other States;*
 - b. Process the reception of repatriated nationals and coordinate with other national authorities and international organizations that can lend assistance to them under the provisions of this Act;*
 - c. Issue a certificate for returnees attesting their status, in order to manage the benefits granted to them by law.**
- 5) Coordinate with other national authorities for planning and implementation of assistance to be offered to Paraguayans returning to the country to address problems that they may face in the resettlement process. To this end, promoting the return of nationals living abroad must be made in line with the needs and possibilities of incorporating human resources to the special resettlement programs, labor market requirements and conditions of national development.*
- 6) Promote the return programs, benefits and facilities granted to those who wish to return to the country through Paraguayan embassies and consulates abroad. To facilitate the promotion of return programs for Paraguayans, the Development Secretariat for Paraguayan Returnees and Refugees, in coordination with embassies and consulates, must keep an updated record of Paraguayans living abroad, which should record their profession, specialization, occupational profile and family composition, in order to inform about the practical possibilities of reintegration in their country.*
- 7) Coordinate with other specialized national and international organizations the procedures to be followed in order to facilitate the return of nationals who can be assisted by such organizations abroad or at home and carry out the programs that have been implemented for this purpose. Special assistance will be provided to compatriots who were victims of international trafficking or who are at risk of exploitation abroad (DGM/IOM, 2010a).*

As mentioned above, Decree 7,355 of 2011, regulating Acts 227/93 and 3.958/09, adds new powers but mostly concerning administrative procedures. Thus, Article 2 provides that the SDRRC shall

- a) *Develop an Organization and Functions Manual and develop the Institutional Organizational Chart;*
- b) *Issue Internal Rules of Procedure and other regulations necessary for the performance of their duties;*
- c) *Dictate institutional decisions with regard to any matter affecting the area of repatriation of nationals, both returnees and those who are in the process of returning;*
- d) *Dictate procedure manuals to enable the best performance of the functions of the Secretariat;*
- e) *Establish liaison and coordinate all state and non-state institutions, including the communities of Paraguayans abroad;*
- f) *Any other function necessary for the fulfillment of its mission.*

2.2. Forms of Inter-Institutional Coordination

In theory and according to legal mandates governing migration and repatriation as separate migration processes, the institutions in charge of those processes should coordinate with each other in both the formulation and enforcement of their actions. In order to facilitate this task, the aforementioned Inter-institutional Population Committee (IPC) was established by Decree 4,692 of 2005 and amended by Act 213 of 2008.

As stated earlier, the CIP is the lead agency for population policy, chaired by the Minister of the Interior, and composed of eighteen institutions, including those directly involved in the immigration issue: the Ministry of the Interior (and two of its dependencies: the General Directorate of Migration and the Population Directorate), the Ministry of Foreign Affairs and the Development Secretariat for Paraguayan Returnees and Refugees and other related agencies of the executive branch, including the Ministries of Justice and Labor, Health, and Education; the Departments of Planning, Social Action, and Women, Children and Adolescents; the Deputy Minister of Youth; the General Directorate of Statistics, Surveys and Censuses; the Directory for the Elderly; the Civil Registry; the Institute for Indigenous Affairs; and the National Institute of Rural and Land Development.

The unifying element of this institutional board is the Population Policy, which is meant to “coordinate, monitor and evaluate.” The overall objective of this policy is expressed in the following terms:

The population policy shall contribute, in the short, medium and long term along with other social and economic policies, to promote the sustainable development of Paraguay and elevate the quality of life of its inhabitants, favoring the creation of appropriate conditions to achieve this socio-demographic purpose, through measures linked to the dynamics, structure and territorial distribution of the population (MI, CIP, 2009).

One of the sectorial policies of the Population Policy, the comprehensive and intersectorial enforcement of which is set forth in Article 1 of Decree 4,692, is the National Migration Policy, consisting of five main regulatory lines, namely,

a) encouraging the population to remain in the place of origin; b) promotion of international and domestic migration flows that contribute to national development; c) intervention in the existing migration flows in order to reorient them; d) recovery of the national population that has emigrated by means of repatriation; e) sociocultural, economic, political, legal, and territorial integration of immigrants to the national society (ibid.).

Other areas to be included in intersectorial coordination associated with migration are the National Refugee Commission (CONARE) and the Interagency Board on Preventing and Combating Human Trafficking in Paraguay. The latter was created by Decree 5,093 of 2005 as part of “the strategies to identify victims of human trafficking through preventive actions, repression of this transnational crime and subsequent reintegration into society of those who were victims” and consists of 17 institutions (including the Ministry of the Interior, the DGM, the SDRRC, and the MRE).

The CONARE, in turn, as mentioned before, was created by Law 1,938 of 2002 in order to examine and resolve refugee claims filed by foreign citizens in the country. It is under the Secretary for General and Consular Affairs of the Ministry of Foreign Affairs and is composed of the following voting members: a) the Secretary of General and Consular Affairs of the Ministry of Foreign Affairs; b) the Assistant Secretary for Population and Community Relations of the Ministry of the Interior; c) the National Director of Migration; d) the Deputy Secretary of Human Rights or the Director of Human Rights from the Ministry of Foreign Affairs; e) a representative of the Ministry of Justice and Labor; f) a representative of the Human Rights Commission of the National Senate; g) a representative of the Human Rights Commission of the Chamber of Deputies; h) with voice but without vote, a representative of the UN High Commissioner for Refugees (UNHCR); and i) a representative of nongovernmental organizations (NGOs) or of welfare or religious nonprofit orgs with expertise in the subject matter.

2.3. The Migration Issue in the Legislative Power

As discussed above, the legislative treatment of migration has been quite poor in substance and in form. On this last point, technical errors and misunderstandings are evident in the wording of the laws and in the lack of internal consistency. Among other deficiencies, verbatim copies of previous standards, problems with the organization of the text, duplication of functions between institutions, and, in some cases, use of inappropriate terminology can be observed.⁹⁴

⁹⁴ For more detailed information on legislative deficiencies relating to the executive branch, see: *Diagnóstico Preliminar de la Estructura Actual del Poder Ejecutivo*, Proyecto de Innovación Estructural del poder ejecutivo de la República del Paraguay. Presidencia de la República, Secretaría General, Secretaría Técnica de Planificación, Secretaría de la Función Pública, Secretaría de la Mujer, Ministerio de Hacienda. [*Preliminary Diagnosis of the Current Structure of the Executive Branch*, Structural Innovation Project of the executive branch of the Republic of Paraguay; Office of the President, Secretary General, Ministry of Planning, Ministry of Public Service, Ministry of Women,

With respect to deficiencies of substance, it is obvious that successive legislatures responsible for passing laws on migration have not acted in line with the new political and institutional situation since February 1989, when the authoritarian regime ended. As noted, Act 978 of 1996 remains largely in the spirit of Act 470 of 1974, and despite the preexistence of the SDRRC created by Act 227 of 1993, the new Act appears to be unaware of the fact and includes some of its functions among those of the newly created DGM.

The situation was meant to be corrected with Act 3,958 of 2009, yet the Act maintains duplication of various functions between these institutions and ignores the explicit provision of a coordination or interagency mechanism despite the close affinity between the two.

These deficiencies have been repeatedly identified in previous studies and have been admitted, in fact, by institutional authorities who, in the absence of parliamentary initiatives on the matter, have tried to implement certain projects with the support of international cooperation aimed at the formulation of a national policy on migration and the development of a proposal to amend the immigration bill without having made progress on it so far (MRE, IOM, UNFPA, 2003).

2.4. The Migration Issue in the Judicial Power

Judicial intervention in immigration policy complements certain processes implemented by the executive branch. Thus, for example, the judiciary acts on the trials that grant the Paraguayan nationality to foreign-born children of Paraguayans. A lower civil court judge issues the final judgment, which is then registered in the Civil Registry of Persons.

To obtain the Certificate of Naturalization, which can be obtained by foreigners who meet the requirements of Article 148 of the Constitution, the decision is issued by the Supreme Court.

The Supreme Court or the respective chamber also dictates Decrees on certain procedures that require judicial action. Such is the case of Agreement No. 230, dated 23 November 2001, concerning the arrangements to be implemented for foreign travel of underage children and adolescents with one parent and written authorization of the other, as provided in Article 100 of Law 1,680 of 2001 (Code on Children and Adolescents).

This Decree regulates the procedures to be applied to enforce the free administration of justice in such cases (as provided in Article 167 of the Code), tending to remove obstacles to the exercise of the right of children for lack of funds.

3. State Migration Programs with or without Collaboration of International Organizations or Civil Society Organizations

As discussed in more detail in the next chapter, the implementation of immigration law as a substitute for an explicit migration policy, as well as the programs implemented by the relevant government agencies, have been characterized until recently by the absence of institutional participation channels and spaces for civil society. However, NGOs have mobilized, as shall be discussed in the next chapter, and have had an effect on the performance or consolidation of some programs and projects that deserve attention.

3.1. Immigration Programs

One of the main migration programs currently under way is being carried out by the DGM in the framework of implementation of Act 3,565/08, which regulates the agreement on national residency for citizens of MERCOSUR Party States, namely the program that seeks to regularize the residence of Brazilian immigrants. The program was launched in 2009 with the support of the Brazilian Consulate and consists of a plan that is executed in stages, which began in the border area of Alto Paraná and Canindeyú, then spread to the departments of Itapúa and Caaguazú, and is expected to gradually reach other departments of the country, including the Western region.

Until May 2011, the Migrant Regularization Program had conducted 10 regularization rounds in different districts of the departments mentioned above, in which 600 settlers obtained their permanent residency and 10,000 Brazilian immigrants submitted their applications. Nearly one-third of the beneficiaries of the program were immigrants who had more than 10 years of illegal residence. The procedure includes a first step of granting a Temporary Residency Card, and after a certain period, a Permanent Residency Card is issued (DGM, 2011).

The above program has at the same time promoted ordinary administrative measures to regularize immigrants of other nationalities, unlocking bureaucratic procedures from previous years in which the processing of applications had been delayed for decades, as has been established with the implementation of this program. Between 2005 and 2010, more than 20,600 Permanent Residency Cards were awarded, of which approximately 15,000 were issued in the period between 2008 and 2010. Nearly 40 percent were delivered to Brazilians and 17 percent to Argentinians (IOM, 2011).

On the other hand, the existence of several blind spots—entry checkpoints uncontrolled by DGM staff—has motivated the institution to set up the INTERFRON program for the Modernization and Adaptation of Checkpoints and Regional Offices, for which the support from the MERCOSUR Structural Convergence Fund (FOCEM) has been requested through the Ministry of the Interior to create the necessary infrastructure and to hire immigration officials. This program seeks to improve the coverage of services and the keeping of administrative records,

to which end it is projected to install full connectivity between immigration checkpoints and the central office of the institution (IOM, 2011).

The DGM was also active in the preparation of the Draft Immigration Amnesty Act held in December 2009, following up on the decisions of the First Paraguayan Immigration Forum. This activity, which welcomed the participation of the different groups of immigrants in Paraguay and which subsequently formed the Migrant Federation of Paraguay (FEDIPAR), culminated in the enactment in late 2011 of the Immigration Amnesty Act 4,429/11, already discussed above.

3.2. Programs for Paraguayan Nationals Abroad

One of the most recent programs aimed at assisting emigrants is the program developed through an interagency agreement through the DACPE signed between the National Housing Council (CONAVI), the current National Secretariat for Housing and Habitat (SENAVITAT), the Development Secretariat for Paraguayan Returnees and Refugees, and the Ministry of Foreign Affairs. The program, called “My Country, My Home,” forms part of the Public Policy for Social Development and consists of including Paraguayan emigrants as beneficiaries of the housing schemes being implemented in the country. Those who wish to participate must contact a Paraguayan Consulate in the country where they reside abroad to start the procedures and obtain advice. The program constitutes a linking element between the emigrated and their country of origin, and it also represents an expectation of future return or repatriation. Additionally, it seeks to provide trustworthy channels for the cash remittances that Paraguayans abroad send to their relatives in Paraguay.

The application to participate in the program must be made exclusively by the head of the household, who must be Paraguayan and of legal age, by submitting to the SDRRC a form, identity document, proof of residence abroad, and a power of attorney authorizing a person in Paraguay to represent him or her in meeting the requirements of the SENAVITAT to provide housing according to the plan selected. This institution will provide preferential treatment to applications of emigrants.

A broader institutional program is the one to “support the fight against trafficking in persons, especially women and children” that is implemented by the Ministry of Women with support from the IADB and the participation of 40 institutions that make up the table Against Trafficking in Persons, in which the DGEEC is in charge of systematizing the data on cases and victims. However, due to the clandestine nature of this criminal practice carried out by national and international networks of global scale and the pressure exerted on its victims, who are afraid to report cases in which they are involved, information on the number of cases is quite reduced.

In 2010, the DACPE initiated a Comprehensive Care Plan for Compatriots to be implemented in the main destination countries of Paraguayan emigration. The plan is meant to provide legal assistance for the regularization of documentation and guidance on employment, education, and health care. Documentary regularization

activities have been carried out especially in the border areas of Argentina, in Buenos Aires, and, with active participation of the consulates and the ID Directorate of the National Police (a dependency of the Ministry of the Interior) in some U.S. cities, providing or renovating Personal Identity Cards to the Paraguayans.

On the other hand, the SDRRC conducts its repatriation program on the basis of direct requests from nationals wishing to avail themselves of the benefits provided on the issuance of the Certificate of Repatriation. This certificate is issued by the Paraguayan consulates in the country of residence of the emigrant, and it enables access to benefits such as exemption from customs duties when entering personal assets, recognition of qualifications and recognition of studies abroad by the Ministry of Education, permits to bring along foreign spouses and foreign-born children of Paraguayans, scholarships, and labor certification for those who participate in the courses of the National Vocational Service, among others.

A special program is provided to nationals living abroad who are especially vulnerable for reasons of health, unemployment, or other causes. If sufficiently certified by the relevant authorities, they receive free return tickets. In extreme situations of death abroad, the SDRRC provides support for the repatriation of remains to the families in need. In recent years, these programs have provided assistance to many emigrants who have been affected by the economic and unemployment crisis in several European countries as well as to victims of natural disasters.

3.3. Programs on Internal Migration

As discussed above, the colonization programs have been shown to have the greatest impact in determining internal migration, the orientation of migratory flows, and even the geographical redistribution of the population.

Some government sectors would like to classify these programs under the scope of a general Agrarian Reform. This is symptomatic of the fact that this reform is long overdue and in need of implementing demographic, economic, social, and productive policies, as evidenced by problems of inequality in the land ownership structure and in land-use regulation.

The Agrarian Reform program today—more than a planned system of distribution, organization, and support of the different stages of formation and operation of rural production units—operates as a set of emergency responses to social pressures of organizations and groups of landless peasants occupying private properties, many of them considered “ill-gotten lands,” who demand the regularization of tenure as historical reparations for the distribution system that was applied in past decades.

A mere empirical observation suggests that internal flows continue to be concentrated in major urban areas, especially in metropolitan areas, but the real impact of internal migration and recent migration patterns can be accurately established only after the population census that is to be held in August 2012. Nonetheless, in this

regard there is an obvious lack of urban development plans and of land-use and general development planning, both from the central and the regional governments.

4. Bilateral, Regional, and Global Agreements

In addition to the above-mentioned MERCOSUR international agreements, the Agreement on Free Visa for Students and Educators of the MERCOSUR Party States was signed in the city of Cordoba, Argentina, on 20 July 2006 and approved by the Congress of Paraguay by means of Act 3,576 of July 2008.

Pursuant to this agreement, the holders of valid passports issued by MERCOSUR Party States (Argentina, Brazil, Uruguay, and Paraguay) obtain free visas when requesting residence in any other state to carry out any of the following activities on a temporary basis: a) pursue undergraduate or graduate studies at universities or educational institutions officially recognized in the host country; b) pursue secondary education in the context of exchange programs set up by officially recognized private or public institutions in the recipient country; and c) engage in teaching or research in officially recognized academic institutions or universities in the host country (Article 1). The benefit also applies to dependents of the main beneficiary.

In 2010, with IOM support, the Ministry of the Interior, the DGM, the government, and the Municipality of Itapúa signed with their peers in the Misiones Province of Argentina a framework agreement to implement the use of a border pass (Tarjeta Vecinal Fronteriza—TVF, for its acronym in Spanish) in order to facilitate routine movements of people across the San Roque González de Santa Cruz Bridge over the Paraná River between the cities of Encarnación and Posadas.

Since then, the TVF is issued to persons, including accompanied minors, who cross the bridge regularly between the two neighboring cities for work, study, health care, or any other reason, allowing them to move to within a 50 Km radius for a maximum period of 72 hours. The creation of the TVF to avoid regular immigration procedures as now implemented in the cities of Encarnación and Posadas, pursuant to the agreement signed between the authorities of both countries, is a pilot project, and it will be implemented in other border points (DGM, 2010).

PART III

THE PARTICIPATION OF CIVIL SOCIETY IN PUBLIC POLICIES AND PROGRAMS REGARDING MIGRATIONS

Since public policies are conceived as a competence of the state and because the latter has a monopoly on the exercise of power to enforce them, the involvement of civil society in the debate, design, definition, enforcement, monitoring, and periodic evaluation of public policies will largely depend on democratic development, the degree of awareness in civil society, and practices of participatory citizenship.

Before the transition to democracy in Paraguay in 1989, opening the state to include the role of civil society in the design and enforcement of public policy was virtually unthinkable, and mobilizations to demand rights and freedoms were severely repressed. From that year on, after the fall of the dictatorship, there was an explosion of NGOs and civil society organizations (social movements, politicians, farmers, trade unions, youth, women) that began to occupy increasingly greater participation spaces in their respective fields. However, in the area of population and migration policies, until very recently there has been an almost absolute absence of awareness and social pressure of citizenship.

This absence or weakness of citizen participation in these areas is evident in the analysis of the legal-judicial and institutional framework of migration in Paraguay, as discussed in the previous chapter, which allows us to infer that civil society has not enjoyed significant spaces or mechanisms of participation in migration policies and programs.⁹⁵

Current laws do not provide for participation of social actors in their definition, nor has there been a participatory process based on consultation with specialized NGOs or public hearings in the process of developing them, and, to the extent that these laws set the guiding principles of migration policies, no participation is to be observed in their monitoring and evaluation. Still, two very recent attempts to open these spaces for consultation and participation from the side of the government can be mentioned as a precedent, although they were frustrated in practice.

The first was a project implemented by the Ministry of Foreign Affairs between 2002 and 2003 with the support of IOM and UNFPA in order to develop guidelines for migration policy. To that end, an Inter-institutional Working Group (GTI) on Migration was created. And while the GTI was composed exclusively of representatives of government agencies, one of the articles of the establishing Decree specified that “the Inter-institutional Working Group may invite to its meetings representatives [...] of Civil Society and the Specialized Agencies,” although limited

⁹⁵ Furthermore, as will be demonstrated in this chapter, in essence, participation has been self-managed and has begun to be effective only recently.

to those who were engaged with “the issue of Brazilian immigration” (Article 3, Decree 11,484 of 12 December 2000 and 18,467 of 3 September 2002, amending the latter, MRE 2003).

The migration policy guidelines arising from this project included, among its many recommendations, to guarantee the operation of a network of inter-institutional coordination, maintaining or converting the GTI into an inter-institutional committee to include all public offices and institutions linked to the issue of migration as well as “academic and private sector organizations, to implement a differentiated national migration policy” (ibid).

The guidelines were used as the basis for a subsequent project implemented by the DGM with IOM support between 2004 and 2005 that proposed to develop the National Migration Policy, but both the preliminary version of this policy and the guidelines were shelved without any follow-up. Thus, all the contributions that social actors could have provided in the development of migration policy in the country and in the establishment of participatory mechanisms of civil society were left unnoticed.

The second attempt came about with the Decree establishing the Inter-institutional Population Committee (CIP), as discussed in the previous chapter, which set forth the “promotion of participation of non-governmental, academic and research organizations in the area of population, as a consultative body in the study and implementation of population policy.” The latter included, as mentioned above, immigration policy (Article 5, Decree 4692 of 10 January 2005, MDI, 2005). However, in the years of CIP’s operation, this provision has not been implemented.

On the basis of the above, the following discussion will refer to different institutional actors who are directly or indirectly involved, but not in an official capacity, in issues related to Paraguay migration through studies, research, advice, or support actions and services of different kinds to migrant communities, and that have or could have an active role in the formulation, monitoring, and evaluation of various activities linked to migration policies and programs except that they currently lack official and recognized institutional spaces.

We shall begin with a brief overview of the historical background, but special emphasis will be on groups and organizations that have emerged recently and have obtained visibility due to their advocacy work, achieving important results in specific aspects of supplementary migration legislation and implementing service programs for migrants that, to some extent, make up for the absence of the state in certain areas of the management of migration flows.

1. Identification and Characteristics of Civil Society Actors Involved in Migration Actions

This section is based on a field study based on interviews with qualified actors representing different civil society organizations, as well as consultations with various secondary sources.⁹⁶ First, however, it is important to trace the history of some pioneering civil society organizations that stood out in one way or another, especially because their protagonists were the first immigrants in the country, and their impact is still felt in Paraguayan society.

At first, the activities of these associations were not especially directed toward legal-judicial issues or immigration policy. They were organized in order to maintain internal cohesion of ethnic or national ties of immigrants and to establish solidarity and facilitate integration into the society that welcomed them, developing some of the more constructive aspects of human mobility. This was also useful in their relations with government agencies and as a contribution to the history of immigrant organizations.

1.1. Immigrant Associations

Although immigration was not substantial in quantitative terms, its presence has been qualitatively significant, as stated in the opening section. This is reflected in the high level of social and cultural integration achieved by the various national and ethnic components that arrived in Paraguay, as well as in the civil, social, political, religious, cultural, economic, scientific, and sports associations and entities that they created, many of which have survived over time, as discussed below.

1.1.1. First Organizations: The Italian Community⁹⁷

If only because of its long presence in independent Paraguay, the most visible and active community has been that of Italian immigrants. The main contingents of Italians began arriving in the country by the end of the War of the Triple Alliance, and the flow gained momentum in the late 19th and early 20th centuries. Italian immigrants displayed a large variety of activities that contributed to creating extensive and tight links with Paraguayan society while establishing the strongly associative character of this community and its representativeness in different types of organizations.

As service providers, artisans, industrialists, traders, farmers, bankers and financiers, architects and builders, journalists, educators, and artists, the Italians left traces in all sectors of national life. However, at the beginning, their situation in

⁹⁶ For a list of interviewees and their respective associations, see the list at the end of this chapter. For the secondary sources, see the footnote citations and the bibliography at the end of this chapter.

⁹⁷ The main secondary source of information in this section is the work of Rubiani (2002) and the numerous references to be found there, whereby the Embassy of Italy is of special relevance.

Paraguay was not easy, and the many vicissitudes they faced on arrival, especially in the difficult postwar years of the 1870s, prompted the creation of various forms of mutual aid organizations. The first was the *Società Italiana di Mutuo Soccorso*, founded in 1871.

This Italian Society of Mutual Help was at first called *Unione e Benevolenza* (Unity and Benevolence), “a name that conveyed the intention of proclaiming values that would counter the dispersion and hostility that prevailed then, both among immigrants and in Paraguay.” It was formally constituted on 8 September 1871 to promote, according to its statutes, “moral and material support, as well as unity and benevolence among Italian residents in the capital of Paraguay and brotherhood among similar institutions in South America, and also promote instruction and Italian culture for its members and their children” (Rubiani, 2002).

Beyond what was stated in its statutes, the Italian Society came to play an important role in organizing “the largest foreign community in Paraguay as necessary for proper dialogue with the national government” (ibid.). It also deployed vast activity in the social and cultural fields not only among the Italian community but also in Paraguayan society as a whole. To carry out its activities more effectively, it acquired a valuable property in the heart of the capital where, under the direction and design of Italian professionals, the headquarters of the society was built. It still functions at that same address. Gradually, between the late 19th and early 20th centuries, local subsidiaries founded in other major cities outside Asunción would be added, such as Concepción, Pilar, and Villarrica.

In November 1893, a counterpart society, the *Società Italiana di beneficenza Femminile Margherita Di Savoia* (the Margaret of Savoy Italian Beneficence Society for Women) was established to house wives, daughters, and female descendants of the community. About 150 women signed the foundation act, and it is highly significant that the first female association materialized so early and that it originated with Italian immigration. As stated in its foundation act, its purpose was “to promote the spirit of brotherhood and patriotism, morality and progress, based on charity for members and their families and for all Italians in general; to promote instruction for the children of members” in addition to offering “monetary relief, the entity’s economic resources permitting” (ibid.).

The Margaret of Savoy Society also managed to acquire its own premises, just a hundred meters from the Mutual Help Society, serving as the venue of numerous social and educational activities. Already by 1895, the two companies jointly founded the Dante Alighieri School, which began to operate in the local Mutual Help Society and whose predecessor was the establishment more than a decade earlier of a school to teach Italian language to children and adults, which opened daily in the evenings under the direction of an improvised language teacher.

The Dante Alighieri faced several difficulties that forced it into temporary closures. In 1900, it had to suspend activities until 1927, when the creation of the *Comitato della Dante Alighieri* (the Dante Alighieri Committee), which mobilized the support of the Italian international community, made it possible to reopen the

school on its own premises with the enrollment of over 230 students and outstanding faculty. In 1934, the school went on to be administered by the Italian state, under whose guardianship secondary education was established in 1937.

Italy's participation in World War II forced a second closure of the school until it was finally reopened 1947. Today, it is one of the most prestigious schools in the country and, with a main campus in Asunción and a subsidiary one in a neighboring district, it has harmoniously integrated students from the Paraguayan and the Italian descendant communities, as well as children of other nationalities.

In 1908, while the Dante Alighieri School was inactive, the Italian community decided to found the *Italian Institute Regina Elena* (Queen Helen's Italian Institute), established with support from the two established associations and, particularly, the Margaret of Savoy, which lent its premises. The Queen Helen imparted Italian, music, embroidery, and painting lessons until 1912, when by order of the Ministry of Education, they added a "Spanish section with five grades of elementary school, pursuant to the Paraguayan curriculum" (ibid.).

When the Dante Alighieri School reopened, the Institute was no longer required. Yet both institutions had a great impact on Paraguayan society and Paraguayan–Italian integration processes, with contributions not only to education and the dissemination of the Italian language, but also to culture in general, sports, and welfare services.

Other important educational institutions were those created by Bishop Monsignor Louis Lasagna of the Salesian Congregation, founded by Don Juan Bosco, both Italian, among which were the Salesian School Bishop Lasagna, founded in 1896; the Salesian School Mary Help of Christians for women in 1900; and the Small Salesian School in 1916, all of which are still functioning and have an active presence in Paraguayan education.

On the other hand, the two pioneering Italian associations in Paraguay—of which the Mutual Help Society is still active, integrating men and women alike—also displayed their activity in the area of health care, creating in 1880 the *Comitato per l'Ospedale Italiano* (Italian Hospital Committee), under whose management the *Italian Sanatorium* was constructed, commencing operations in the early 20th century. This is a modern health center that is active to date, offering an open insurance system to the Italian community and their descendants, as well as to Paraguayan communities in general. Other committees that were created with the support of the two mentioned associations were the Italian Cemetery, still in operation, and the Sports Field, which has had outstanding participation in the founding of major sports clubs in the country today.

But those were not the only associations that have had a significant impact on Paraguayan life since the late 19th century. Several associations created at the time went on to become long-lasting institutions, such as the *Dopo Lavoro Club* (After Work Club), founded in 1912, and the *Circolo Italiano* (Italian Circle), founded in 1916, which engage in recreational activities. Others have already disappeared.

Among the surviving entities and of considerable national importance, the *Fundación La Piedad* (Mercy Foundation) should be mentioned. It was started by the eminent Paraguayan physician, scientist, and humanist Andrés Barbero, son of Italian immigrants, together with his brothers and sisters. After his death and in order to continue his philanthropic work, his siblings created the foundation in 1951.

This foundation to this day supports the Paraguayan Red Cross, created by Andrés Barbero in 1919, and the Cancer Institute and Clinic, the Institute Andrés Barbero (with its School of Nursing and Midwifery), the Scientific Society of Paraguay, the Indigenous Society of Paraguay, and the Institute of Historical Research (or Paraguayan Academy of History). Of great interest for the treasures it hosts and its organization is the Andrés Barbero Ethnographic Museum, also a subsidiary of the *Fundación La Piedad*.

On the other hand, the fact that the Italian “*Jure Sanguinis*” (Right of Blood) continues to rule in Paraguay—bestowing the nationality of their ancestors onto descendants of Paraguayan-born Italians from the paternal line—has made the emergence in recent years of regional Paraguayan-Italian associations possible, named after their places of origin in the Italian peninsula. Thus, there are Trentino, Liguria, Basilicata, Sicily, Calabria centers, circles, or associations, among others, bringing together Italians of origin or adoption and promoting the culture, language, customs, and socio-cultural integration of both nationalities, united by common descent.

It should be noted, however, that none of these organizations is directly linked to issues of law or immigration policy, which has to do with the fact that there are no longer any important immigration flows that would motivate specific interest in this phenomenon. Rather, they are more committed to strengthening integration into national society through educational, cultural, social, and scientific activities, which are their dominant and overriding goals and objectives.

Some of these institutions, such as the Dante Alighieri School, carry out an important task in the teaching of Italian language. This is especially of benefit to people who want to migrate to Italy, as is the case of many nursing graduates who have chosen this country as a destination for temporary or permanent employment, as there is a high demand for these professionals. Italy also offers better wages than they would earn in Paraguay.

1.1.2. Other Historical and Recent Immigrant Associations

One of the oldest associations of immigrants in Paraguay is the *Deutscher Turn und Sportverein* (German gym and sports club), known as the German Sports Club, which, as its name implies, is for sports and recreation. Founded in 1907, this club has large facilities, with rooms suitable for social gatherings, sports tournaments, parties, dances, and celebrations, evoking the origin of the German community, although at present a large number of its members are Paraguayan and German descendants.

The main purpose of the club is to promote German-Paraguayan cultural integration through the practice of sports in general and social and cultural activities, including traditional German festivals such as *Maifest* and *Oktoberfest*, as well as a Christmas market and Easter, New Year, and Carnival celebrations. Like the Italian associations, the club is not involved in activities related to migration; however, it provides evidence of the presence of German immigration in the country and its degree of integration.

More recently, in 1944, the Syrian Club was founded, also for recreational purpose and to keep the customs, celebrations, and cuisine of the country of origin alive. It also owns a large property for its social activities.

An even more recent foundation is the Lebanese-Paraguayan Cultural Center which, unlike those mentioned above, is located in Ciudad del Este, where a large Lebanese community has been settling in recent years.

As pointed out in the first chapter, a first flow of Syrian and Lebanese immigrants arrived in Paraguay in the early 20th century, and today they are recognized practically as Paraguayan families. They have been joined more recently by new contingents, which have settled mostly in the border areas of greater commercial activity, especially in Ciudad del Este and Encarnación, where there are about 15,000 (Ramirez, 2011). These new immigrants, not yet fully integrated into the national society, are the ones keeping closer ties to their language and culture of origin.

A characteristic of these communities is their religious practices, for which they have a mosque in the capital, two in Ciudad del Este, and a fourth in Encarnación. Spanish, English, and Arabic courses aimed at all age groups are offered in the Islamic Beneficence Cultural Center in Ciudad del Este, as well as Arabic classes for children and adults of this origin. Also, in Asunción, an Islamic cultural complex is under construction, which, according to one of their religious leaders, seeks to spread Islam and bring Arabic language and culture closer to Paraguayans (Ramirez, 2011).

Construction of the complex began in 2009 and could end in 2013. This is a very large venture that will have a mosque for men and women, a library, a trilingual school (Spanish, English, and Arabic) for all age groups, a sports center, and a residential building. It has received donations from Saudi Arabia and the Inter-American Development Bank.

The Arab presence on the Paraguay, Brazil, and Argentina border, with about 25,000 residents of this origin, has made significant contributions to economic and commercial development, has built a relationship between national and Arab culture, but has also become a focus of international tension after the terrorist attacks in the United States in September 2001, although no connections have been established between the groups who acted in those attacks and the residents of the “Triple Border” (ibid.).⁹⁸

⁹⁸ The government and the Congress of the United States maintain constant vigilance on the border area of Paraguay, Brazil, and Argentina, and they hold periodic monitoring. On 7 August 2012, five members

On the other hand, no organized associations have been identified in any of the two border cities with the largest number of Lebanese and Arab residents (Ciudad del Este and Encarnación) that would be interested in the needs and interests of immigration, especially in assisting those in an irregular situation or those who need to solve working issues, although references collected from primary sources in the area indicate that there are numerous reported cases of irregularity affecting the Lebanese community in particular.

Despite the lack of civil society organizations representing the Arab community, the same primary sources of information in Encarnación indicate that it is probably their religious leaders who act as spokesmen for these concerns, but the degree of regularization of their residency status and of formalization of their businesses is very low, owing to various difficulties such as the language and the fact that the documents of origin are in Arabic.

1.1.3. First Political Impacts of Immigrant Organizations

With regard to immigrant organizations and their implications for legal and immigration policy, the most recent experience and the one of greatest impact has been the creation of the Migrant Federation of Paraguay (FEDIPAR). Three preexisting organizations played a relevant role in its creation: the Paraguayan Association for Migrant Support (ASOPAMI), AGORA–Civil Space, Paraguay, and the Congregation of the Missionaries of St. Charles Borromeo, Scalabrinians, working with the Archdiocese of Asunción since 2000 through the Migrants Parish, until recently Migrants Chaplaincy, all of which will be discussed in more detail below.

Acting as a catalyst for the interests and concerns of foreign associations—which have so far lacked visibility, are scattered, and have little capacity for intervention and little political weight in the management of migration on behalf of their respective communities—the abovementioned institutions have gathered and coordinated a large number of representatives of foreign associations, including those of Argentina, Bolivia, Brazil, Chile, Korea, Ecuador, El Salvador, France, Japan, Peru, Russia, Taiwan, and Uruguay, encouraging them to confederate in order to enhance their representation and their official procedures.

After some preparatory meetings, the aforementioned entities formalized their foundation in a constituent assembly on 24 February 2011 in the Migrant Parish, creating FEDIPAR and approving its regulations. Although it is still pending recognition of its legal status, on the strength it acquired from the weight of collective representation that it has through the federation of the most important and numerous immigrant associations in the country, FEDIPAR began to immediately carry out its institutional work by promoting, as the first activity of singular importance, the presentation of the Draft Immigration Amnesty Act.

of the House of Representatives of the Congress of the United States arrived at Ciudad del Este in a charter flight, to “familiarize themselves with the challenges of transnational crime.” See [notas/550673-Congresistas-de-EE.-UU.-llegan-para-analizar-crimen-en-la-Triple-Frontera](http://www.ultimahora.com/notas/550673-Congresistas-de-EE.-UU.-llegan-para-analizar-crimen-en-la-Triple-Frontera) <http://www.ultimahora.com/>

The initiative was supported by the DGM, and FEDIPAR, ASOPAMI, Agora, and the Scalabrinian Missionaries, who work with migrant communities in different regions of the country, and the co-sponsors of the initiative conducted an intensive advocacy activity before the Chamber of Deputies with the Migrants Parish as a platform. This led to a first debate experience in workshops and public hearings on a specific topic of interest for immigrants. These workshops and hearings included—along with members of immigrant associations—diplomatic representatives of the countries to which these communities belong, DGM officials, support NGO representatives, and Brazilian migrant communities accompanied by the Scalabrinian Missionaries.

That was how the amnesty bill for the regularization of immigrants who were residing irregularly in the country could be presented—with broad prior consensus. It was approved in May 2011 by the Chamber of Deputies and in September of that year by the Senate, being enacted by the executive on 4 October 2011 for a period of six months between 4 December 2011 and 4 June 2012.

In spite of the determination and effectiveness of this first step of the FEDIPAR, the glaring weaknesses of its operation—due to lack of financial resources and the voluntary nature of the participation of its members and of its board, all having to take time out from their professional or work responsibilities—have impaired its performance and, in many cases, delayed it with respect to the specific requirements of the organization. Thus, once the Immigration Amnesty Act was enacted, there was not sufficient capacity for outreach and mobilization of communities to allow an optimum use of the limited time permitted by the rules.

However, the FEDIPAR succeeded (although only two months after the Act was entered into force) in signing an agreement with the National Judicial Facilitators, whose purpose was to secure the assistance of Justice volunteers to guide immigrants on the steps to take and the institutions to go to in order to regularize their legal residency documents. The signing of the agreement between the FEDIPAR President and the Director of the National Judicial Facilitators was supported by the presence of the highest authorities of the Supreme Court, members of the diplomatic corps and representatives of ASOPAMI, and members of the Scalabrinian Missionaries and the Migrants Parish.⁹⁹

The short term provided by the Act (much of which was spent in the holiday months of both private individuals and public officials), the already mentioned lack of resources for a comprehensive outreach campaign, and the operational difficulties of the FEDIPAR were factors against the amnesty achieving the quantitative result that its proponents had expected. Nevertheless, the initiative and the fact of having achieved the enactment of the Act must be rated as a success of the Federation, with the support of other civil society entities and greater recognition of the power to be gained by a confederation of forces compared with scattered associations.

⁹⁹ <http://www.pj.gov.py/notas/6435-facilitadores-judiciales-asistir-an-a-inmigrantes-para-regularizar-documentos>

An additional problem of this campaign has been the fact that public institutions set the collection of fees for services as a priority. “The problem was that in the end, the Migration Directorate [DGM] was interested in immigrants registering, but at the same time it was not that interested because for this procedure only half of the amount to carry out a normal procedure was paid” (interview with MRK).

Indeed, it has been common practice of successive administrations of the DGM, with a few exceptions, to favor collecting tariffs as a source of income for the institution rather than deploying policies of openness and recognition of the rights of migrants through a prompt resolution of their residence formalities, which are indefinitely deferred by a bureaucracy more interested in collecting money.

In this context, and as an indication of the way some institutions act, a common culture of corruption pervades the behavior of some officials, who, to expedite the procedures, seek a kickback instead of collecting the legal fees. Corruption is responsible for the longstanding delay in DGM procedures. Some of its offices and immigration posts have been the subject of various interventions trying to clean them up, but it has not been possible to banish it radically. Immigrants suffer the consequences of the delays and higher costs of the procedures.

On the other hand, although FEDIPAR is still in the early stages of organization, thanks to the fact that some of its member associations (such as the Scalabrinian Missionaries) are well organized and historically consolidated, it can continue its activities with important institutional support from the Archdiocese of Asunción and the Migrants Parish. During the months of June and July 2012, its efforts focused on obtaining a 180-day extension of the Immigration Amnesty Act, which was finally achieved with the approval of both houses of Congress and the enactment by the executive and is currently in full force.

Since the new term granted by this extension is again six months, it is expected that the pending applications will be swiftly processed and that new applicants can also count on expedited and flexible processing. An underlying concern in this regard is that the executive took four months to enact the regulatory Decree for the previous Act. This was one of the main reasons, in addition to the difficulties and obstacles to obtain the required documentation for regularization, why such a small number of immigrants gained access to the benefits of this Act. The main challenges for FEDIPAR and other entities involved in this process are to overcome these obstacles and achieve higher goals with this extension.

1.1.4. Some Relevant FEDIPAR Associations

Undoubtedly, the presence of certain older and more consolidated associations in FEDIPAR has been instrumental in the foundation and role this entity has been able to play in the short term and will be able to play in the future. In what follows, we describe the most significant of these associations for their organic strength or the weight of their representativeness in the federation.

The Korean Association of Paraguay (ACP) was created in April 1965 and has brought together 200 families, for a total of 3,000 Korean and Korean-descendant residents in Paraguay. This association was established in July 1966 as a nonprofit entity. It now has its own premises in Asunción and maintains branches in cities where there is a large Korean community, such as Ciudad del Este, Pedro Juan Caballero, and Encarnación.

The ACP supports its community in negotiations with the Korean Embassy and Consulate, provides mediation and legal consultancy, and manages a community plan for various services, including a sports venue and a Korean cemetery. It organizes integration activities, such as celebrations of national holidays and the anniversary of Korean immigration, sports events, social assistance, assistance to the elderly, and food fairs, among others.

Other trade associations cooperate with the ACP, such as the Association of Korean Professionals in Paraguay; the Korean Chamber of Young Entrepreneurs; the OKTA (subsidiary of Korean Traders Association in the World); golf, football, and tennis associations; and the Association of Korean Women. The community also has an elementary and secondary school and a recreational park, among other facilities.

This solid setup grants the ACP not only the authority but also sufficient capacity to participate actively in the defense of the rights of migrants in Paraguay “as part of the Federation of Immigrants in Paraguay, in order to contribute together with other communities in the defense of the rights of immigrants” (interview with MRK). In this regard, the ACP has seen “the need to reform the current immigration law and an urgent need to create government immigration policies as the General Directorate of Migration is more concerned with cashing in fees than defending the rights of migrants” (ibid).

On the other hand, the Japanese community has been integrated in the country for many years and has several associations in different locations, some rural and others urban, at least 10 of which have been federated into the Federation of Japanese Associations of Paraguay, with over 1,000 members out of a population of 6,500 people of that origin. Of the member associations of this federation, the Japanese Association of Asunción (AJA) has been active from the beginning of the creation and operation of the FEDIPAR.

Founded in 1960, the AJA, shortly after its creation, obtained its legal status as a civil nonprofit organization. Since 1970, it also has had a Japanese Women Association and, that same year, the AJA played a decisive role in the creation of the Japanese Federation of Paraguay. Since 1985, AJA also has had a youth association.

The Japanese Association, which since 1975 has had its own premises, manages a sports field and a cemetery for the community. In 1988, thanks to the economic and financial cooperation of the government of Japan, the Japanese-Paraguayan Cultural Center for the Development of Human Resources was inaugurated in order to promote cooperation and integration of the two communities. This center offers artistic and sports education and has a large theater and facilities to serve as a venue for many kinds of events. The center is now managed by the Municipality of Asunción.

AJA worked temporarily in that building complex while it was renovating its own premises, but it moved back to them in 1998. It has developed highly valuable and relevant work in supporting and integrating migrants. The strength, organization, and working spirit of this association have been a great contribution to the creation and operation of FEDIPAR.

As for other immigrant associations, we must also highlight the role of the Peruvians, whose number has increased in recent years and is characterized by having several associations representing nationals of that country, such as the Association of Peruvian Residents, the Peruvian Women Residents, the Peru Cultural Center Association, the Paraguayan–Peruvian Friendship Association, the Peru House Association, Peruvian Residents in Ciudad del Este Association, and the Brotherhood of Our Lord of Miracles. An indication of the relevance of these associations is that the president of the Peru House Association is the current president of FEDIPAR.

Meanwhile, although the Brazilian immigrant community has a *de facto* representation, publicly and clearly visible as one of the largest in the country, it has not created strong associations. It has no proper national association created out of the initiative of its grassroots, but different communities located in different areas where a majority of Brazilians live, especially in the Eastern region of the country (Alto Parana Canindeyú and Itapúa). On the grounds of its significant representation, the Brazilian community engages in autonomous actions with regard to aspects of migratory regularization in Paraguay, as in the case of the amnesty law.

The main association of the Brazilian community at present is the recently created Guidance Representation and Council for Brazilians Abroad (CORBE), which has been operating informally for about a year, is based in Ciudad del Este, and seeks to gather centrally the majority of immigrants from that origin in the country.

CORBE is a unit of the Brazilian Foreign Ministry, which appoints officials in the capacity of Counselors in the various countries where the largest communities of Brazilian immigrants live. The creation of CORBE emerged from the Counselors appointed by the Brazilian Ministry of Foreign Affairs in Paraguay.

CORBE is in the process of being formally established. Only at the end of June 2012 did it hold a constituent assembly to formalize its creation, approve its regulations, and initiate the process to obtain legal personality. In any case, part of the strength of this association in the making is that one of the Counselors of Itamaraty, a resident of the border town of Naranjal, is a Brazilian priest of the Congregation of the Scalabrinian Missionaries, through which CORBE became actively involved in the creation of FEDIPAR.

The Argentine Center in Paraguay (CAP) also played a leading role in creating and providing the initial support for FEDIPAR. Considering that the Argentinean community is, along with the Brazilian, one of the oldest and most important foreign communities in the country, the constitution of CAP is very recent as it was founded in the 1990s.

*In the face of a real need and the neglect from all our national authorities [...] a group of Argentines with a great spirit of solidarity have united in order to help and assist our fellow Argentines who want to come and live legally in this blessed Guaraní land and to solve everyday problems that we have in Paraguay, as well as to look after all our fellow Argentines who are in transit and may face any problems, who for various reasons are not assisted by any Argentinean authority.*¹⁰⁰

In this regard, the CAP has as a main purpose to become a support network that tries to “help Argentines to regularize their status in the Republic of Paraguay in the shortest possible time, as well as to improve their personal and family welfare, avoiding a complete uprooting” through maintaining close ties with their country of origin and trying to “achieve an organized community with national identity” (ibid.).

The CAP remains closely linked with political life in Argentina through its relations with the embassy of that country, and its joint participation with other foreign communities in Paraguay has been very dynamic. In December 2009, for example, the CAP presided over the deliberations of the first Migrant Forum in Paraguay, which can be considered an immediate precedent for the creation of the entity that was to federate the most important associations of foreigners in the country, of which it has been an active member since its creation.

Reference must also be made to the Paraguayan Consultative Council “José Gervasio Artigas” (CC), the national association that brings together members of the Uruguayan community in the country. The Consultative Councils exist in all countries where there are Uruguayan residents. They are civil society associations without dependence on the state, but a requirement for their creation is that, wherever possible, there must be a consulate in the country with which the CC maintains close working links while rigorously scrutinizing the performance of its duties.

The Uruguayan CC in Paraguay has been developing an intense and outstanding work of assistance to their countrymen through different Secretariats, including a) the Under-Secretariat of Documentation, which in 2008–2009 conducted a census of Uruguayans lacking identity cards in Paraguay, making efforts to provide them with one, and dealt with the situation of retirees who have made pension contributions in both countries; b) the Under-Secretariat for Legal Aid to provide guidance and assistance to Uruguayans in an irregular situation due to their marital separation, custody of children, and other circumstances; c) the Under-Secretariat for the Social and Solidarity Fund, which assists low-income Uruguayans; as well as other under-secretariats engaged in their respective specialized activities (Communication, Events and Finance, Youth, etc.).¹⁰¹

The organizational and functional structure of the Uruguayan CC has endowed it with sufficient capacity and participatory representation in the creation of the Federation of Migrants of Paraguay. The CC also provides a strong support in the

¹⁰⁰ <http://www.centrodeargentinosenparaguay.com/nosotros/>

¹⁰¹ <http://www.d20paraguay.com>

consolidation process that is currently under way, particularly with regard to the steps that must be followed to achieve effective implementation of the Immigration Amnesty Law in the new period of validity that has just been granted.

Some of the other immigrant associations that are part of FEDIPAR—whether representing a relatively large community (such as Bolivian or Taiwanese) or corresponding to older, less visible immigration flows (such as the French or Russian)—have a less permanent presence in the federation, but they remain very active as national associations.

Besides these migrant organizations, the Congregation of the Missionaries of St. Charles, Scalabrini, which will be described later, is an entity that has actively formed part of FEDEPAR since its establishment.

1.2. Associations of Emigrants

For many years, the Paraguayan population that had emigrated remained hidden under a cloak of collective anonymity, although several organizations have been created since the mid-20th century, especially in the main host country, which has historically been Argentina. To a large extent, this anonymity was due to the way in which the authoritarian regime stigmatized emigration and the lack of space for visible participation of these immigrants in the state policies that directly affected them.

This reality begins to change progressively with the transition to democracy and, particularly, with the strengthening of organizations as an instrument of collective pressure of emigrants to claim respect for their rights.

1.2.1. Initial and Pioneering Organizations

Due to its long-time permanence and the political nature of much of the Paraguayan immigration to Argentina, the first associations of Paraguayan migrants abroad were registered in that country. These organizations took different forms, such as schools, clubs, “Paraguayan houses,” and associations, among others, not to mention political groups in exile after the 1947 civil war and armed resistance movements during the long 1954–1989 authoritarian rule.

In general, as already mentioned in the first section, in those years, “emigration” was a concept equivalent to “exile,” as was “émigré” to “exile” (Halpern, 2009). The magnitude of the Paraguayan exodus just in Argentina in relation to the size of the population of Paraguay reached almost 10 percent, which included the same proportion of men and women, as well as virtually all age brackets and social sectors.

In this context, the emigrated or exiled student population was at the time quite significant. It is no surprise, therefore, that the Paraguayan student centers in Argentina are among the earliest forms of organization, and all display an increasingly marked political bias. Despite this, or maybe for that reason, rather than dealing with the interests or claims of migrants, these associations became forums to

demand civil and democratic freedoms for Paraguay. In any case, since one of its main slogans then was “the return of all exiles,” they were indirectly demanding compliance with a right to migration.

This student presence materialized organizationally in 1952 with the creation in Buenos Aires of the Center of Paraguayan Students in Argentina (CEPA), which aimed to strengthen the bonds of solidarity and patriotism of the young persons who were studying in that country. Although at the time of its founding their activities were geared more toward the academic, recreational, cultural, and festive, a sense of responsibility and political commitment to the fate of the country soon began to emerge, especially after the military coup of General Stroessner in 1954 and the influx of exiles recorded in the following years (CEPA, 1955/1960).

By 1960, CEPA had contacted other Paraguayan student centers based in different Argentine cities and even one in Montevideo: the Paraguayan University Student Center in Uruguay (CEUPU). Along with this and other similar centers in La Plata, Córdoba, Misiones, and Rosario, they staged that year the 1st Congress of Paraguayan Students Abroad, a conference that was marked by the strong claims for democratization of the country and the return of exiles (ibid.).

In 1953, a year after the founding of CEPA, the Paraguayan House of Buenos Aires was created “in response to a particular historical moment,” as they describe it on their website.¹⁰² According to this publication, the Paraguay House was also a consequence of the massive emigration caused by the civil war of 1947 and a response to the gregarious spirit and need for social cohesion of Paraguayans in exile. Its mission is to “strive for the effective union and brotherly coexistence of the Paraguayan family, [...] be the common home and shelter to all Paraguayan residents or transients in Argentina and to all Argentine nationals who identify with their objectives” (ibid.).

Although not without partisan political manipulation at some points in its existence, the Paraguay House in Buenos Aires today provides assistance to immigrants in their filing procedures and document regularization. Along with this, other Paraguay Houses also function in Posadas (since 1965), Resistencia (since 1975), and Rosario. The latter has as a remote precedent the Paraguayan Union, founded in 1899 and refounded in 1922 as Paraguayan Center, and the Asunción Club (established in 1955). These two institutions merged in 1970 to become the Paraguay House in Rosario.

Other Paraguayan associations in Argentina have been the centers that gather nationals from certain towns or cities in the country, such as the *Acevalense* (from Benjamin Aceval), *Artiguense* (from General Artigas), *Capiateño* (from Capitata), *Iteño* (from Ita), and *Pilarense* (from Pilar) centers. In other immigration destinations, there are also such centers of Paraguayan nationals as Caraguatay in the United States. In Argentina and Spain, there are also clubs, leagues, and sports associations that carry out competitions, especially soccer.

¹⁰² http://www.casaparaguayadebsas.com.ar/historia_casa.html, consulted on July 2012.

All associations of Paraguayan immigrants in Argentina, with the active participation of sectors of the population of that country, have played an important role in the cohesion and solidarity of migrants who have reached this destination at different times in the Paraguayan exodus. Social and family solidarity networks also function actively to facilitate the journey, provide accommodation, assist with job searches, and offer other support in the first stages of residence.

In this regard, it is also worth mentioning the role played by the *Albergue* (lodge) created by the Paraguay House in Resistencia, which welcomes fellow Paraguayans, their families, and guests who come to this city from nearby areas of Paraguay, and in particular those who require medical attention in specialized centers, contributing a small amount for their accommodation.

1.2.2. Influential Development of Paraguayan Organizations Abroad¹⁰³

The year 2007 witnessed intense electoral political activity in the country, encouraged by the emergence of an unusual campaign for the Presidency of the Republic, that of former bishop Fernando Lugo of the Catholic Church. As a presidential candidate, he made an alliance with political forces of diverse ideological persuasions, ranging from the left to conservative liberalism. But Lugo also included in his campaign a mechanism to attract votes that had not been hitherto applied by any other candidate: visiting communities of Paraguayan migrants abroad.

This strategy actively mobilized clubs, groups, associations, federations, and organizations of Paraguayan migrants abroad, which became increasingly visible on the national political scene. Migrants acquired a place through formal representation, and their claims have become increasingly apparent from that time.

Thus Paraguayan organizations abroad, which were very strong in their first stage in Argentina and to a lesser extent in the United States, also became gradually visible in other countries around the world and particularly in Europe, especially in Spain, which in the first decade of the 21st century had become the second most important destination for Paraguayan migrants; the organizations began to act in a more coordinated and institutionalized way to lay their claims in the country. A publication summarizes the situation thus:

Worthy of note are the Paraguayan migrant congresses, some in Asunción and others in Argentina, USA and Spain. In all cases, the problems of migrants in the world are discussed comprehensively, regarding human rights in general, labor rights, documentation, social security, healthcare, education, housing and good treatment in the countries of residence, as well as civil rights in Paraguay, especially the right to vote and the claim for more extended and efficient consular services abroad (IOM, 2011).

¹⁰³ Under this heading we transcribe, slightly modified and with authorization of the author, the chapter “Emergencia de las comunidades paraguayas en el exterior (Development of Paraguayan communities abroad) from the paper “Cuatro hitos históricos de la dinámica poblacional y territorial del Paraguay independiente” (Four historical landmarks of the population and territorial dynamics of Paraguay since independence) presented by Hugo Oddone at the IV Paraguayan Population Conference, Asunción 16 to 18 November 2011. In: ADEPO, digital version.

Along with a variety of demands and expectations put forward before the possible future government, the demand to regain the right to vote from their countries of residence was the most prominent. This right had been stripped during the National Constituent Assembly of 1992 at the behest of the ruling party, the National Republican Association (Colorado Party), which had controlled power since 1940 and had kept it in the 20 years of the democratic period, opened in 1989 when the authoritarian regime of General Stroessner was overturned, although it had always been supported by that party.

Until 1989, the authoritarian ruler strongly characterized Paraguayan emigration with political exile and exile with opposition and resistance to the political regime precisely because that was one of the factors of emigration. As a remnant of that vision, the constituents of the Colorado Party imposed, with a majority vote, Article 120 of the 1992 Constitution, which excluded nationals living abroad from the right to vote.

The campaign of the future President Lugo actively mobilized Paraguayan communities abroad and apparently played an important role, although difficult to accurately assess, in his victory and his ascent to the presidency in August 2008,¹⁰⁴ bringing to an end the one-party rule held by the Colorado Party since the 1940s.

The new President was elected in April 2008, and before his inauguration in July of that year, the First Paraguayan Migration Congress took place in Asunción, organized by the Paraguayan Federation in Argentina (FEPARA), the Paraguayan Pastoral Team in Argentina (EPPA), the Association of Paraguayan Professionals in Argentina (APPEA), and the Association of Paraguayans Returned from Exile (APRE). The conference was attended by numerous delegations of immigrants from Argentina, Germany, Belgium, Brazil, Spain, the United States, France, Italy, and Switzerland, and with the support of national and international organizations such as the Commission for Social Development, Population and Housing; the Chamber of Deputies; the Paraguayan Association of Population Studies (ADEPO); the International Organization for Migration (IOM); and the United Nations Population Fund (UNFPA).

Following up on these mobilizations, migrant communities held several other meetings and conferences after 2008. In Asunción as well as in Argentina, the United States, and Spain, there was a great display of political lobbying for their rights, in which they reiterated the claims expressed in the first Congress and included additional claims for better assistance by the government in the diplomatic services of the country in the consulates and embassies abroad.¹⁰⁵

¹⁰⁴ Caravans of Paraguayans residing in Argentina, who had kept their registration in the electoral roll with their former address in Paraguay, travelled in trains and buses to vote on 21 April 2008. Argentina supported this participation, allowing special paid leave from work to be granted to those who could provide evidence of their vote.

¹⁰⁵ For some of the demands and claims formulated in the migrant conferences, see UNDP, *op. cit.* Annex 2: Documents; 194-200; and Congreso Permanente de la Migración Paraguaya en la Argentina

Among those meetings, it is worth mentioning the second and third Paraguayan Migration Congresses held in Asunción in 2009 and 2010; the First Congress of Paraguayan Migrants in the United States held in January 2009 in New York with representatives of communities residing in Atlanta, Boston, Connecticut, Florida, New Jersey, New York, and Maryland, which became the Permanent Representation of the Paraguayan Communities in the United States; and finally the First Congress of Paraguayan Immigrants in Spain and the Second Encounter of Paraguayan Associations in Spain in joint session on 30 and 31 May 2009, which brought together associations of Alicante, Albacete, Barcelona, Bilbao, Cadiz, Guadalajara, the Balearic Islands, Madrid, Marbella, Murcia, and Seville, among others; at the end of this encounter, they formed the Federation of Paraguayan Associations Residents in Spain (FAPRE).

As a result of these local conferences and other meetings conducted in the respective countries of residence, particularly in Argentina, the Permanent Congress of the Paraguayan Migration in Argentina (COPEMPARA) was also established, and a series of relationships between communities and the existing associations were formed in the same or in different foreign countries, creating new associative spaces and even federations on the basis of personal meetings and intensive use of social networks via the Internet.

The main achievement of this process, which takes on a historical dimension in the political life of Paraguay, was produced in 2011 when emigrant communities and various sectors of national society allied with them deployed strong political pressure on party caucuses of both Houses of Congress to finally enact the law that calls for a public referendum to decide an amendment to Article 120 of the Constitution incorporating the right to vote for Paraguayan citizens living abroad. This referendum, held on 9 October 2011, was in favor of the amendment, which was automatically enacted, and the preparation of electoral rolls abroad began immediately.

In the final two months of 2011, the Superior Court of Electoral Justice (TSJE) enrolled just over 20,000 voters living in Argentina, Spain, and the United States, which was considered a meager figure by most Paraguayan communities. They objected that the two-month period and the method employed for registration—which consisted of sending a few officials of this Court responsible for carrying out the inscriptions to some cities in those countries—were not adequate for a proper enrollment of the large number of individuals wishing to practice this right that had been achieved after a long struggle. Subsequently, the communities abroad began a campaign of complaints to open a new period of enrollment on the electoral register to allow the widest possible citizen access to the electoral roll.

Organized communities have offered their cooperation in locating and registering their members, families, and friends, and have insisted on the use of more efficient and technologically sophisticated methods, ranging from the use of existing

(Permanent Congress of the Paraguayan Migration in Argentina) at <http://www.paraguaymipais.com.ar/comunidad-paraguaya/2011/01/congreso-permanente-de-la-migracion-paraguaya-en-argentina/>

electronic media and the consular services in countries with Paraguayan immigrants, to automatic and universal registration of all Paraguayans. Against these proposals, the TSJE authorities have argued several legal and bureaucratic problems that neither they nor the legislature are willing to address.

By contrast, both the TSJE and both Houses of Congress tried to allocate a million-dollar budget via reprogramming in order to cover the costs of an administrative bureaucracy proposed by the Electoral Justice that they wanted to deploy in some cities abroad to extend the registration period.

The lack of response to the proposal of the communities to participate in the registration and the attempt by the Court to increase spending prompted strong reactions from the communities against the TSJE and Parliament, which impacted the national citizenship. Through a mobilization driven by social networks, multitudes blocked the parliamentary initiative and managed to abort the project.

However, the registration campaign was also marred abroad so that the final number of enrollments for the 2013 elections has been limited so far to just over 20,000 Paraguayans living abroad. Additionally, the procedures for participation and vote counting have not been clearly established in the electoral legislation. The impeachment of President Lugo and his removal in late June 2012 altered the course of the debate on the participation of Paraguayan communities abroad, which has, for now, moved into the background.

Despite this temporary impasse, émigré communities have continued to claim their rights by different means, although many are now focusing on their rejection of the trial and impeachment of President Lugo, which they deem to be an “institutional coup.”

The fact that so many hundreds of thousands of Paraguayan men and women living in different countries have managed to create closer links with their country of origin thanks to and through the exercise of political rights can be seen as an extraordinary contribution to national political dynamics and also possibly their best quality.

In this sense, despite the difficulties, it is clear that the growth of the Paraguayan communities abroad, their greater visibility, and the *lobbying* power they achieved had their peak moment in Europe when on 24 March 2012, Paraguayan immigrant organizations in Germany, Austria, Belgium, Spain, France, England, Italy, Luxembourg, Switzerland, Portugal, and the Czech Republic founded the Congress of the Paraguayan Migration in Europe (COMIPAE), equivalent to a permanent confederation of the existing associations and federations in Europe.

Significantly in this respect, the first public demonstration of COMIPAE occurred less than a month after its foundation through two statements addressed to the government, Congress, the Superior Court of Electoral Justice, and Paraguayan public opinion claiming their rights as citizens and denouncing the impediments, obstacles, and budgetary manipulation set up by the legislative and electoral authorities against the effective exercise of these rights.

On the other hand, the demands and activities of the associations and federations of Paraguayan communities living abroad are not centered solely on their domestic interests in Paraguay. They display a range of claims to achieve better living conditions in the countries where they reside. The statements and conclusions of the congresses held in Asunción, Argentina, the United States, and Europe, to which reference has already been made, express these claims clearly.

An example of this is provided by the Collective Paraguay France, created in 2008 and a member of COMIPAE:

With regard to solidarity with Paraguayan migrants in France [...] it quickly led to focus a series of actions and activities in this sector of the Paraguayan community which was suffering multiple deprivations and persecutions, mainly linked to two issues: a) The precariousness linked to their irregular immigration status (undocumented migrants) that limited or hampered their access to a number of basic rights: housing, access to medical services, protection from the risk of persecution and expulsion, etc. b) A hostile cultural environment and a different language, which makes access to certain networks of solidarity, employment and daily living more difficult (interview with GZ).

After an analysis carried out by the team of the Paraguay Collective, we conclude that the “mother of all battles” for migrants in Europe was to avoid expulsion, since the rest of the project of most migrants depended on this: helping the family in Paraguay, building the prospect of returning in the long term to the country or integrating and regularizing their condition and search for permanent residence in the host country. For this reason, we launched an initiative called the “Legal Defense Solidarity Fund” which functions as a mutual fund in which, through fixed monthly contributions by members and through fundraising activities, a fund is created that allows mutual members to have the amount needed to pay the fees of independent counsel if they face arrest and deportation. The Paraguay Collective was inspired in a system that the Bolivian community in Paris had already in place. They also provided contact with a lawyer who had social sensitivity, worked at an affordable price, and was very effective in releasing Paraguayans who had been detained because of their immigration status (ibid.).

As can be seen, the activities to be developed by migrant communities through their associations cover the wide range of problems and situations faced by those who have chosen to reside in foreign lands, most of the time for economic reasons that have not been resolved in their countries of origin. This problem is common to emigrants and immigrants, and only organization, solidarity, and cohesion enable them to face these challenges with any chance of success.

1.3. Nongovernmental and Religious Organizations that Support Migrants

It can be said that the creation, existence, and operation of nongovernmental and civil organizations that support migrants—including foreigners residing in Paraguay and Paraguayans residing overseas, be they relatively longtime or recent migrants—only lately began to emerge and become apparent. In this sense, it is not arbitrary to track this surge to the time of the election and presidency of Fernando Lugo, when, as mentioned earlier, there was an emergence of emigrant associations.

One must understand that Paraguayan society was subject to authoritarian rule for 35 years and then, in 1989, began a prolonged process of constructing citizenship and allowing the exercise of liberties and democratic practices, all under the dominance of the same political party that had monopolized power during the previous 60 or 70 years. Only recently was the country able to experience a substantive political shift when, in April of 2008, national electoral results were reported and, in August of 2008, the first transition of power between rival political parties occurred since the beginning of the 20th century.

This event, characterized by the pluralistic composition of the political group that rose to power (comprised of a coalition of parties from the left, center, and right), marked a new dynamic of citizen mobilization and sparked a collaborative drive and a surge in new forms of organization and social mobilization regarding migration issues, which were measured by greater visibility and concrete impacts. This is how migrant communities of foreigners settled in the country and communities of nationals residing overseas began to emerge and occupy their own spaces on the national stage.

At almost the same time, there emerged groups and civil associations interested in the immigration issue and in supporting the migrants' cause: their right to vote, their recognition as organized entities, and the processes of regularization and integration into their countries of residence. In spite of their relative youth, it is also evident that there were very important precursor organizations of emigrants as well as immigrants and other groups that had already been working on supporting both types of associations.

1.3.1. Religious Organizations

The Congregation of Missionaries of Saint Charles–Scalabrinians was founded in 1887 by the Blessed Juan Bautista Scalabrini, Bishop of Piacenza, Italy, to work with Italian emigrants who arrived to the Americas at the end of the 19th century and the beginning of the 20th century.

The Scalabrinian Missionaries entered Paraguay from Brazil in 1974 to assist and support the process of integrating migrants from this country and promoting intercultural coexistence among their communities and the local community. With this goal, the Scalabrinians promoted the founding of the Parish of Nuestra Señora del Rosario in a neighborhood in the Ciudad del Este and launched a seminar for training new missionaries in Paraguay.

The Scalabrinian helped Brazilian migrants who entered Paraguay through the eastern border region, established their first agricultural colonies, and, shortly afterward, founded several cities in the region, including Santa Teresa, Santa Rosa del Monday, Naranjal, Los Cedrales, Tavapy, and Santa Rita, all in the province of Alto Paraná, as well as Nueva Esperanza, Katueté, and Corpus Cristi in the province of Canindeyú. In the words of one of the Congregation's priests:

Our mission mostly focused there, in Alto Paraná, which is where the first Brazilians were who came from the south. The communities were and continue to be comprised of Brazilian migrants coming from the states of São Paulo and Minas Gerais, from the northeast and Midwest of Brazil, though the majority come from the south of Brazil and are of Italian and German ancestry. The first community that the Scalabrinians helped in the process of its establishment was that of Los Cedrales. Eventually, the Scalabrinians founded several missions in the Alto Paraná to assist Brazilian communities (interview with JG).

*Being priests, the **Scalabrinians** were dedicated to aiding migrants on a religious level, but also on a social level, in the areas of education, health, legal aid, human development and other areas in which the state was sometimes absent and the Church, in this case, filled the void. Since the 1970s, the 'father' was and continues to be a model for migrants. Even today, for example, migrants remember the first Fathers, Florindo Ghiggi, Giuseppe Corradin and Beniamino Basso, among others, as their defenders and as exemplars in the face of the abuses of the military, of exploitation. The priests gave us focus, they helped us and they were our security, migrants remember (ibid.).*

In this fashion, the Congregation was founded and extended in recent years to establish sites in 2000 in the Parish of Nuestra Señora de Fátima in the country's capital and in the Social Pastoral of the Paraguayan Episcopal Conference to organize the Pastoral Care of Migrants and Refugees in the Archdiocese of Asunción. In 2002, given the need for migrants to have a reference point, the Archbishop of Asunción ceded the Chapel and Ex-Seminary of Asunción as a Chaplaincy for Migrants and Refugees, today the Migrant Parish.

Taking a position in Asunción meant that the Scalabrinians would extend their mission to migrants of other nationalities as well as focus their attention on Paraguayan emigrants without abandoning the regions of Alto Paraná and Canindeyú, which had the largest influx of Brazilian immigrants and where the Scalabrinians are currently part of the Diocese of Ciudad del Este that serves both provinces. They are in the process of establishing a new pastoral mission in the city of Encarnación in the province of Itapúa.

The expansion of their missionary presence is based on the concept that:

Today, there are not just geographic borders but political borders that emerge in the different places where there are state agencies and institutions, where there is the power of political decision making, and this is why it is important to have a presence in any place where there are migrants (ibid.).

In spite of the small number of missionaries from this Congregation, who total approximately 700 members in the 35 countries they work in, of which 12 are priests in Paraguay, their support for immigrants and emigrants has grown stronger in recent years, backing and participating in important initiatives that have resulted in success, such as the creation of FEDIPAR and the enactment of the Law of Immigration Amnesty in 2011.

Once the Chaplaincy for Migrants in Asunción was established, it launched a nongovernmental organization, the Paraguayan Foundation of the International Catholic Commission on Migration (FPCCIM), in 2004 with the goal of strengthening

the Scalabrinians' work. After eight years of concerted effort, with few resources and great difficulties encountered due to the volunteer nature of the majority of its members, the Foundation has changed in its composition. It is now directly under the Congregation of Scalabrinian Missionaries and is called the Scalabrini Foundation for Migration (FSM).

Working in coordination with the Scalabrini International Migration Network (SIMN) of the same Congregation of Scalabrinian Missionaries, the Foundation's goal is to advocate for migrants' integration and organization, especially those most in need, regardless of color, nationality, ethnicity, religion, or ideology.

Among other things, the Foundation proposes the following activities: a) welcoming and valuing migrants, their culture, and their history so that they may discover their roles and contribute to society; b) giving aid to migrants, providing them with the necessary conditions for their integration into society; c) organizing projects and initiatives in the area of public assistance, education, and organization, as well as any activity that serves migrants and their family members; d) organizing campaigns and other initiatives that guarantee material, human, and financial resources to develop programs on aid, advocacy, and organization for migrants; e) conducting studies on migration issues, to contribute to developing guidelines for shaping a National Migration Policy in Paraguay; f) coordinating with people and institutions in the country and abroad interested in the same goals who decide to support the Foundation's work.

In this sense, the presence of the Congregation of Scalabrinian Missionaries in the country has been critical to the incorporation of the Migrant Pastoral into the Social Pastoral of the Church. In this regard, we highlight the services provided by the Missionary Sisters of Saint Charles Borromeo–Scalabrinians in the Executive Secretariat of the Pastoral Care of Human Mobility of the Paraguayan Episcopal Conference, whose mission is the national coordination of the pastoral aid provided by the Catholic Church in the country.

The Scalabrinian Missionary Sisters of Saint Charles Borromeo arrived in Paraguay shortly after the Scalabrinian Priests and, like them, started their pastoral work focusing on Brazilian immigrants in the border region of the Alto Paraná:

Our first mission was launched in Santa Teresa, province of Caaguazú, above Kilometer 30 on Route 7, entering towards the middle, which is no longer in the province of Alto Paraná. This was around 1975, just after the first priests arrived. From there, they went to Santa Rosa del Monday, Los Cedrales, Santa Rita and Naranjal, all Brazilian communities in the Alto Paraná (interview with Sister IC).

In 1992, the Scalabrinian Sisters also established a site in Asunción. Since that year, they have been dedicated to aiding the Santa Librada Crossing House, a refuge where they perform work in the areas of training, orientation, and labor integration of women who arrive from rural areas seeking domestic work.

Financed by the private Santa Librada business foundation, from which the Crossing House took its name, the Scalabrinian Sisters provide housing; courses in

professional training; human, civic, and religious development; and job-seeking services to young women internal migrants who came to Asunción seeking employment:

Initially, the House was under the charge of the Vincentian Sisters and a family that lived there who were aided by social workers that helped in the morning. The goal was to find work for the girls in family houses. We arrived in 1992 and took charge of this work (ibid.)

The House was dedicated to providing a period of training so they could get around in the city. It also helped those women who worked and had no relatives they could spend the day or rest with, or who found themselves changing employment due to bad circumstances:

Until 2008, the young women arrived and we found them work right away, until they found employment and left, but 4 years ago that changed because we realized that they were coming from rural areas and didn't have any knowledge of how to manage home appliances (electronics, kitchenware, etc.) so we decided, before finding them work, to offer a month-long course in home maintenance taught by professors from a School of Hotel and Restaurant Management. The course included the subjects of cooking, cleaning, ironing, etiquette, child care, care for the elderly, and others. Upon the course's conclusion, they received a stipend and a certificate as a guarantee of good work. Additionally, on Sundays, there were courses in hairstyling, dressmaking, manicures and pedicures so that they would also be able to work in other professions and jobs (ibid).

Up to 700 young women arrived from rural areas to the House every year, especially at a time in which internal migration was intense and flowed mainly to Asunción. Currently, many of them immigrate to Argentina and other countries, including many who were trained in the House and found their first domestic job, then later emigrated in search of higher salaries and better living and working conditions. The training and experience obtained thanks to the House have been a great help to them in this process.

In addition to directing the House, the Scalabrinian Sisters do some work for the Executive Secretariat of the Pastoral Care of Human Mobility of the Paraguayan Episcopal Conference (CEP). From there, they take action that supports migrants in obtaining documents. They worked on founding FEDIPAR and on elaborating the Law of Immigration Amnesty, advocating for including the greatest number of immigrants to acquire documentation. In conjunction with other religious women in Brazil, Argentina, Bolivia, and Spain, they have also guided support efforts for Paraguayan emigrants who live in these countries and immigrants who need orientation to acquire documentation in Paraguay. Additionally, the Scalabrinian Sisters' presence in Asunción and in the Pastoral Care of Human Mobility has been an important factor in converting the Chaplaincy into the Personal Parish for Migrants in Asunción, under the charge of the Scalabrinian priests.

The Scalabrinian Missionaries recognize that one challenge to improving their work with migrants is achieving greater coordination of the work performed by the male and female Congregations.

In addition to the Congregations, whose specific mission is to serve migrants and promote a greater conscience and commitment of the Church of Paraguay regarding migrants, we highlight the efforts among religious organizations of the Paraguayan Pastoral Team in Argentina (EPPA). It was created in the 1970s when the authoritarian government intensified its repression in the country, which affected many Jesuit priests who were accused of being subversives, seized, and deported, and when the Catholic Church confronted the double challenge of taking a stand against the dictatorship and, at the same time, maintaining its evangelization efforts.

In this context,

of the thousands of Paraguayan migrants who fled to Buenos Aires in the 1960s, many young workers came who belonged to Church organizations, like the Young Catholic Workers (JOC), for example. There were also former seminarians and unionists. In this period, a group of Paraguayan migrants from the JOC founded the Paraguayan Union Movement. As can be seen, there were organizations dedicated to serving their conationals in different fields, but there was a void. This void started being filled during Holy Week in 1970, when a group of 16 laymen met with Father Oliva (Jesuit priest expelled from Paraguay in October of 1969) in a reflection session. The main issue was: 'Is it worth continuing to be Christian in migration?' [...] They discussed how migrants, the majority rural farmers, had become workers in a large city. These sessions resulted in convincing them that, more than ever, they should put into practice faith in God and service to brothers. Consequently, the EPPA was born.¹⁰⁶

Since 1973, the EPPA has played a support role for Paraguayan migrants in Argentina, aiding them not just in the spiritual and religious sense, but also helping them obtain documentation, employment, and maintain their Paraguayan culture and customs. In addition to this help, the EPPA played an important role in the First Paraguayan Congress on Migration, held in Asunción, and in other initiatives to protect the rights of Paraguayan migrants residing in Argentina.

In this fashion, with a small number of laymen and with the leadership of an exiled emigrant priest and some clergymen, they began in Buenos Aires:

the first pastoral mission, modest in scope, inaugurating, without making it explicit, a new era in the pastoral history of Latin America. The partner organization of the Church of a country assumes the responsibility to pastorally aid compatriot emigrants (ibid.).

EPPA currently has

more than 1,500 pastoral agents distributed in more than 350 grassroots communities of four Archdioceses: Capital Federal, La Plata, Mercedes-Luján and Rosario Santa Fe; and 12 Dioceses: Quilmes, Avellaneda-Lanús, Loma de Zamora, San Justo, Laferrere, Morón, Merlo-Moreno, San Martín, San Miguel, San Isidro, Zarate-Campana and Mar del Plata (ibid.).

This new way of being a Church in exodus began in a context of expulsion, primarily politically and then economically, and grew with the communion and participation of laymen who desired to walk alongside the pastors of the Churches of

¹⁰⁶ <http://agenciapie.blogspot.com/2009/11/breve-resena-historica-del-equipo.html>

the native and destination countries as a singular people of God. The mission's 42 years of experience as of 2012, combining the years of operation of the (Paraguayan) native Church and the (Argentine) destination Church and promoted by the EPPA, express the importance of cooperation among religious communities or migrants' native and destination countries and of support for their process of inclusion in destination communities.

In addition to the work of the aforementioned Catholic organizations, we must also remember that of the different Dioceses, Parishes, Chapels, Religious Congregations, Church Movements, and other Catholic entities throughout the country that serve immigrants who arrive to Paraguay and Paraguayans who emigrate. We must also point out the work performed by other churches specifically serving immigrants who arrive to Paraguay and the Paraguayan emigrants residing in different countries.

We must mention the Committee of Churches for Emergency Aid (CIPAE), an ecumenical nonprofit organization that promotes defense and promotion of the basic human rights of all people, including migrants. It was created by three Christian churches—the Disciples of Christ Christian Church, the Evangelical Church of Río de la Plata, and the Catholic Church—on 28 June 1976, in politically challenging times. When it was unable to secure its own legal registration, it worked under the legal auspices of the three founding churches that comprise it even now.

CIPAE helped the persecuted and political prisoners in the time of the Stroessner dictatorship and has had a significant positive effect in different social areas, including the protection of the dignity of the rights of migrants and refugees.

1.3.2. Nongovernmental Organizations

With regard to nongovernmental organizations supporting migrants, once again the Congregation of Scalabrinians and its site in the Santa María Parish, Mother of the Migrants of Asunción, played a fundamental role by including in its agenda important initiatives such as the previously mentioned Scalabrini Foundation for Migration. At this site, they also have a shelter for their meetings and the initial exchange of their projects, as well as effective aid from the priests of the Congregation, the associations already existing, and others that are being established, driven by the interest of organizations like FEDIPAR, which was already mentioned earlier.

Some of the oldest and best structured immigrant organizations, such as the Korean, Japanese, Argentine, Peruvian, and Uruguayan ones, were the special inspiration for the initiative to establish the Federation that was formally launched in 2011. It is worth mentioning, in any case, that in the initial inspiration and push to establish FEDIPAR, another recently created organization played an active, driving role in an upturn in the changes registered since 2008: the Paraguayan Association for Migrant Support (ASOPAMI). ASOPAMI is a civil organization of volunteers who also participated in the elaboration and implementation of the draft Law of Immigration Amnesty.

The members comprising ASOPAMI, in turn, come from another civil organization created earlier, the Association of Paraguayans Returned from Exile (APRE), a group of Paraguayans who were repatriated after the restoration of democracy in the country in February of 1989. As people who endured the hardship of politically motivated emigration and who lived in exile, some APRE members who had the opportunity to attend the Second Forum on Migration and Citizen Rights, organized by the Latin American Community of La Plata (CLAP) and held in 2008 in the city of La Plata, Argentina, decided to create ASOPAMI and were invited to name Paraguay the site of the Third Forum that CLAP would organize the following year.

In December 2009, Asunción was home to the Third International Forum on Migration and Citizen Rights, co-organized by ASOPAMI and CLAP. At the same time, the First Forum on Migrants of Paraguay was convened. As in previous opportunities, the Forum tackled questions related to citizen participation of foreigners in their countries of residence and in their native countries, the right to vote, regularization and documentation status, and issues in the fields of health, education and labor, discrimination, xenophobia, and human trafficking.

The Forum garnered the support and participation of the Parish of the Migrant, the Scalabrinian Missionaries, the Scalabrinian Missionary Sisters, the DGM, and the IOM, along with various immigrant associations that had already been founded (Argentine, Bolivia, Chilean, Peruvian, Uruguayan, and Venezuelan) or that were in the process of being founded (Brazilian). This created an environment that was appropriate for addressing the issues that drove the establishment of FEDIPAR while at the same time its conclusions constituted a framework to guide the enactment of the Law of Immigration Amnesty, among other issues of immediate interest.

Another NGO that has been aiding migrants and that participated in founding FEDIPAR is Main Square Civil Space Paraguay, comprised of a group of volunteers “focused on promoting democracy, its strengthening through citizen participation, exercising the right to social control of public issues in a mechanism of shared responsibility founded on ethical principles,” in the words of its representative (interview with IL).

The members of Main Square PY are professionals of diverse backgrounds (administration, law, business, economics) who work in other organizations, some dedicated to regional integration, others to combatting the crime of human trafficking, the Guaraní language as a development factor, transparency and other issues. In this context, one achievement has been the establishment of an Interagency Working Group for the Prevention and Fight against Human Trafficking, ratification of the Palermo Protocol to Prevent, Suppress and Punish Human Trafficking, especially the Sexual Exploitation of Women and Children; then, in 2007, advocating for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ibid.).

This reveals that the activities of this NGO incorporate work of extreme importance in the field of human mobility, such as the fight against the crime of international human trafficking. The aforementioned Interagency Working Group is

an official entity in which many NGOs working on migration issues participate, among them the FPCCIM (now the Scalabrini Foundation for Migration), the Coordinator of Human Rights of Paraguay (CODEHUPY), and BASE-IS, a center for studies that we will examine later.

The volunteers of Main Square PY

inspired by the work performed by the Pastoral of Migrants, [...] resolved to become an NGO in 2005, concentrating our efforts on the analysis of Paraguayan migration and its advocacy in the economic, social and political realms; at the same time assessing existing migrant collectives in our country from a focus on rights, in accordance with the National Constitution and the Convention on Human Rights (ibid).

It is in this manner that the NGO has supported the establishment of FEDIPAR, the elaboration and administration of the Law of Immigration Amnesty, and the participation of civil society, especially of migrant associations, in shaping migration policies in Paraguay and in MERCOSUR.

1.4. Centers for Studies

There is no doubt that academic institutions and centers for studies in Paraguay have played a singularly important role in promoting public knowledge about the reality of the country's migration situation about the cause of migrants' search for recognition of their rights and their expectations and for better living conditions for people living outside their native countries.

Vital work, in this respect, has been carried out by a fifty-year-old institution called the Paraguayan Center for Sociological Studies (CEPES). Founded in 1964, its first years were dedicated to socio-demographic processes and, in particular, to internal and international migration. CEPES is one of the centers with skilled researchers whose work has been published throughout the years in a quarterly journal, the Paraguayan Journal of Sociology, which has also periodically presented some illustrative indices with the articles listed by year and by author.¹⁰⁷

In that respect, a recent piece commemorating the anniversary of its founding reflected that

*those studies made it possible to know and to understand the main socioeconomic and cultural impacts that migration began to have on Paraguayan society, such as, for example, with regard to external migration, the occupation of the country's territory through the process of settlement and the incipient urbanization that emerged.*¹⁰⁸

CEPES also made some key contributions to understanding the conditions of rural dwellers, poverty, and inequality, as well as structural problems of the economy

¹⁰⁷ More than 100 issues of the journal have been published, as has a historical compilation of the work published in the first 30 years, under the title "Past and Present of the Paraguayan Social Reality," Volume I, Social History, CEPES, Asunción, 1995.

¹⁰⁸ Diario ABC Color, 1 April 2004.

and the political-social processes of the country and of Latin America. In research conducted by CEPES and in studies published by the *Journal*, Paraguayan and foreign professionals have participated in its production and have not just covered the national situation, but have also addressed international aspects as well. Additionally, they have highlighted important contributions to the conceptual and methodological debate of social sciences and their contributions to public policies.

CEPES is a center associated with the Latin American Council on Social Sciences (CLACSO) and is currently based in the Latin American Social Sciences Faculty (FLACSO) in Asunción, with which it has collaborated since 2007 on academic projects and postgraduate courses in social sciences to train high-level professionals to teach these disciplines.

High-value contributions to understanding migration have been made by the Catholic University Nuestra Señora de Asunción through the Paraguayan Studies Journal, a publication in circulation since 1973 that has featured prominent Paraguayan and foreign researchers and writers, as well as by the Department of Population and Development Studies (DEPYC) of the Faculty of Economics at the National University. Since 1990 and for more than 20 years, the Catholic University Nuestra Señora de Asunción published the Population and Development Journal each semester with the support of international aid organizations, although it is currently on hold and in a stage of restructuring.

More recent appearances have been made by scientific and academic organizations with a social focus, such as the Center for Integrated Regional Studies (CERI), the Center for Social Research (BASE-IS), and the Paraguayan Association for Population Studies (ADEPO). All of these centers for studies and research have promoted important publications dedicated to social and demographic issues and have frequently focused on migration issues on national and international levels, paying attention in this way to internal migration and, generally, the ties between migration and conditions of economic development and social structure in Paraguay.

Prominent sociologists, anthropologists, political scientists, researchers, and students from these centers have produced publications of extraordinary value to understanding migration issues. CERI began as a center for regional studies in the zone of Itapúa and later gained a more national focus. BASE-IS, founded in 1989, has paid special attention to migration and its link to poverty and processes of “deruralization,” emphasizing the harmful effects of the large expansion of soybean cultivation on rural life and land tenants.

Both centers, under the direction of notable researchers and backed by high-level interdisciplinary teams, have carried out research of great importance to understanding migration, poverty, and rural displacement. For its part, ADEPO, founded in 1991 by a skilled team of demographers, sociologists, anthropologists, psychologists, and statisticians, has deepened the study of socio-demographic processes in Paraguay and, with United Nations sponsorship, has organized various research contests and promoted the study of migration.

In 2011, with the goal of celebrating its 20th anniversary, ADEPO declared it “the year of migration” and, in association with other institutions including the Paraguay Franc Collective, promoted support for the referendum and for the vote of Paraguayans overseas. It has also held four biannual population congresses, the last in 2011, always including migration and its relationship to population dynamics, poverty, and territorial and economic development as one of the topics to be examined.

Halfway between an NGO and a religious organization is the newly created Paraguayan Center for Studies “Antonio Guasch” (CEPAG), which was established through the Jesuit community in Paraguay but is closer in nature to a civil nonprofit organization focused on studying the national reality. Launched in 1967 as a Center for Research and Social Action, it first embarked on a path of study and reflection on the country’s outlook under the authoritarian regime from sociological, political, and religious perspectives. Various Jesuit priests formed part of the initial team who, in a short amount of time, were expelled from the country under the accusation of subversion, as were university professors and rural leaders.

Reorganized in the 1980s and then in 2001, CEPAG is now dedicated to educational work and promoting rural development. Its researchers and specialists pay special attention to the areas of culture, history, and anthropology, emphasizing indigenous and rural issues, and, in this way, they habitually come across issues of internal and international migration.

CEPAG publishes Action Journal, initially with quarterly issues and now with 10 issues per year. Additionally, it has created the Loyola Editorial to sustain its publications, which, since 2001, has been converted into Montoya Editions with a heavy amount of editorial production. CEPAG and its publications have demonstrated great interest in migration issues and have developed a strong bond of solidarity with migrant groups.

1.5. The Communications Media

In the last several years, some alternative media, such as community radio stations, information agencies, and independent and non-business newspapers, as well as public information media (state-run radio and television), have begun playing an informative role in the migration phenomenon, contributing to the formation of public opinion for an improved understanding about the migrant situation, especially of the Paraguayan communities abroad. Occasionally, the business media have added their own informational contributions and editorial opinions by specialized columnists who are interviewed or invited to examine certain aspects of the topic.

One of the first radio stations to address migration was *Radio Viva*, whose FM broadcast links weekly to foreign stations, especially in Spain, and which broadcasts programs with the participation of representatives of communities of Paraguayans living abroad. Begun as a community radio station in July 1995 in a populous neighborhood of Asunción, *Radio Trinidad FM* became *Radio Viva FM* in 2006 as an outgrowth of a cooperative organization (*Cooperativa Ñeecoop Limitada*). It brings together all of the workers in the media and competes in the publicity market

through advertising and bidding, and it also develops communication projects with the support of cooperating national and international organizations.

It can be said that engagement and connection with the topic of migration are an integral part of the functioning of the station and the organizations (both the cooperative and the association) that sustain it.

Migration is one of the central topics of our journalism and is at the same time a strategic part of the work of the association as well as the cooperative, and was always a part of the editorial line of the station because, in the first place we have a large number of colleagues who are immigrants (Chileans, Argentineans, Brazilians, Canadians, North Americans, some of them nationalized), that had some kind of role in the work at the radio, so the topic of migration is always present (interview with OB).

This situation also explains the inclusion of a large open and permanent space for the Paraguayan communities that live abroad. Soon after the station began as community radio in 1995 with modest equipment and a short range, those in charge began seeking international support to improve the technical capabilities of the radio station, initially obtaining the cooperation of the Embassy of Switzerland. During this agreement process, they made contacts, traveled abroad, and established the first relationships with a few Paraguayans living in the United States and Europe, and interest in the situation of these immigrants was awakened.

Beginning in 2004, recognizing the increase in the migratory flow of Paraguayans to other countries, Radio Viva adapted the programming to incorporate the topic of migration, some music, some international topics of interest to migrants, and some information about distinguished Paraguayans abroad within the fabric of each of the programs. From this process, a new program about migration, 'The meat of the issue,' began in 2006. Currently, Radio Viva is permanently connected to Paraguayan emigrants, who follow the programs via the Internet in all of the countries in which they live (ibid.).

Radio Viva has discovered over the years of connection with emigrants that the main interest of the communities abroad centers around political issues, public policies that affect them in some way, such as the system of voting, the topic of the referendum at the time, and above all, the request for mediation for improved attention to their situation in Paraguayan consulates and embassies in the countries of their residence. "There is strong criticism on the topic of the incompetence of the embassies. Mediation is what the emigrants need. In this sense, Radio Viva positioned itself historically as a channel of expression for their grievances" (ibid.). Collecting the grievances of the migrants, this medium of communication attempts to direct them to the appropriate institutions.

In addition, the station cooperates directly in its attention to problems related to migration, such as family violence or the support for the labor issue in the homes of emigrants, for which there is a Department of Legal Counsel in which contracted professionals work but are not part of either the Cooperative or the Association. Likewise, the station organizes neighborhood forums to address certain topics and devotes special programs to them, as in the case of the referendum, to which they dedicated four live broadcasts from the station's facilities.

In a similar way, the radio has participated in the interests of immigrants, as, for example, in the case of a legal problem that affected the Trentino Community of Italy in Paraguay. Radio Viva engaged in public mediation through a radio program that linked the Trentinos in Italy with those living in Asunción to air a debate in which the issues in a conflict that had arisen between both communities were clarified. All these programs and contributions have led to the development of an institutional memory now in electronic format that is published periodically and partially online as “*Jaku’éke*” (“Let’s move!”).

This extensive work with and attention to migrants earned special recognition for Radio Viva from the First Congress of Paraguayan Immigrants and the Second Meeting of Paraguayan Associations in Spain, in whose meeting

it is resolved to thank and recognize the Trinity Citizenship, Culture and Development Association/Radio Viva 90.1 FM, as the Radio of Paraguayan Migrants, as a result of its serious and responsible coverage in support of the rights of migrants and the development of the country.

The Congress urged its associations to maintain permanent contact with this medium to broadcast their activities and needs and to exercise “citizen control of the management activities of the Paraguayan authorities” (UNDP, 2009).

A more recent but no less important development is the Paraguayan News Agency (APE Paraguay), created as the Agency of Paraguayan Journalists Abroad, with the slogan “*Momarandu’hara Paraguay’gua rembiapo tētā ambu’e guive*” (“Reporting on the work of Paraguayans from foreign countries”). It began its activities in Argentina in 2008 as a group of eight young workers and university students especially from the communications field who, from their status as emigrants, decided to assist with the task of telling about the situation of emigrants, men and women, and their living conditions abroad.

From a small team, the group grew and incorporated other members, including Argentinean nationals interested in the initiative. Currently the Agency is composed of a nucleus of young persons from the communications and other professions, such as lawyers, political scientists, sociologists, and others who, beginning in 2010, for the most part have returned to Paraguay after having resided in Argentina as students. They keep the Agency active with other members resident in Argentina by means of a digital publication.¹⁰⁹

The first contributions of APE Paraguay, between 2008 and 2009, unfolded through a blog that shared the activities of migrants in Argentina and to respond to

a climate of expectations that was generated among them because of the change that occurred in the elections of April 2008. In this context, the main demands of the emigrants were aired, especially those of the organizations of migrants residing in Argentina, such as FEPARA, the Paraguayan Sports Club, the Association of Paraguayan Professionals in Argentina (APPEA), and the Paraguayan Pastoral Team in Argentina (EPPA) (interview with MP).

¹⁰⁹ <http://www.apeparaguay.org/py/>

APE Paraguay has also fulfilled an important role in the accompaniment and airing of the demands of emigrants for their right to vote and their protest in favor of the referendum. Young members of APE Paraguay point out that, previously, it was the Colorado, Liberal, and Communist parties that had the most contact with migrants through their political agents in Argentina. Since 2008, the media have begun occupying those spaces and helping the organizations articulate their agenda, report on their conferences, prepare presentations and conferences, and accompany them in their efforts to attain greater visibility.

While the members of APE Paraguay resided in Argentina, the agency acted as a bridge between the migrants and the Paraguayan authorities, although not to the Argentinean authorities. With the return of many of the members of APE to Paraguay in 2010, it was decided that they would support those who remained in Argentina; they also established contacts with emigrants residing in France and Spain. This support was facilitated by the growth of the group in Paraguay and Argentina, and it assumed a broader identity than just that of communicator and defined itself as a group of individuals committed to the cause of migrants.

Since 2011, APE Paraguay has had a weekly program called “*Ápe ha Upépe*” (“Here and There”) on the National Radio of Paraguay, as a continuation of a similar program broadcast previously on *Solidaridad*, the community radio station run by the Jesuits that operates in the slum neighborhood of Asunción, Bañado Sur. In this sense, the young staff of APE Paraguay defines itself as “a nucleus committed to social justice that has been growing since the triumph of President Lugo and as a progressive independent group, without partisan commitments” (ibid.), whose primary activities in Argentina were carried out jointly with the large Paraguayan organizations mentioned above.

Its most recent contribution has been the publication of the book *Migrants: Critical Perspectives on the Migration Processes of Paraguay*, an anthology of unpublished articles by various authors on the issues faced by migrants from a variety of perspectives and angles, released in March 2012 with the imprint of APE Paraguay and the sponsorship of the Vice Ministry of Youth and Binational Itaipú. Currently, in addition to its work as an alternative news agency, APE Paraguay is a group that exercises its commitment to migrants within the framework of political participation and advocacy for broader demands for the exercise of citizenship and democratic consolidation in the country.

A third and more recent alternative medium of communication is the periodic publication of *E’a*,¹¹⁰ begun in mid-2007 to provide continuity with the previous publication experiences of other media that were disappearing for financial reasons. They had arisen as a result of the instability and layoffs within private business, so in that year, a group of more than 20 communications professionals associated with the Journalists’ Union of Paraguay and with training in social sciences, history, culture, design, literature, and other areas decided to create *E’a* as a digital and print publication.

¹¹⁰ *E’a* is an exclamation of surprise or admiration in the common language of Paraguay.

E'a is a medium with a cooperative base of about 50 independent professionals under the name Atycom Ltd. Communicators Work Cooperative, which defines itself as

*a medium of information, research, interpretation, analysis and entertainment. [...] E'a hopes to construct an informative agenda that is different from that of the large commercial media, an agenda that shows other realities that are hidden or omitted by the dominant media. [...] It is an independent medium, not subject to partisan or religious interests or to national or transnational capital, but to the interests of the partners of the Atycom Ltd. Cooperative.*¹¹¹

Its print edition is bimonthly, and the digital version is updated daily on its website.

The contribution of *E'a* to the cause of the migrants has been emphasized by the Paraguayan communities abroad, especially its participation in the legal process in favor of the referendum for the constitutional reform that returned the right to vote to Paraguayan emigrants.

Another recent communication experience that has had a positive impact is that of the private cable television company UNICANAL, which broadcasts an interesting program called The Immigrant's Diary (Ddi). It consists of a series of filmed interviews that are testimonials of immigrants in Spain and present the life stories of workers, small businesspersons, employees, and domestic service workers, both men and women, with a possibility of extending the program to other countries in the world.

The program, which by June 2012 had already been on the air for seven weeks, is broadcast on Saturday afternoons and again on Wednesday mornings, so there is ample opportunity for tuning in. In addition, all of the aired programs from the series' beginning can be accessed on the Internet by going to The Immigrant's Diary Facebook page.¹¹² This is a private business enterprise of great value because it offers personal, firsthand testimonies with high audiovisual quality and a serious and realistic approach, free from artificial dramatization.

Together with these forms of alternative media should be mentioned the enormous diversity of networks and communications proposals that are being created on the Internet that allow a rapid gathering and sharing of activities that migrants and their associations engage in as well as the connections that they establish among themselves. Along these lines, just one testimony allows the impact of social networks on sharing the interests of Paraguayan communities abroad to be understood.

This Paraguay French Collective shows the significance

of the social networks to raise awareness in the population about the importance of voting YES for constitutional reform for the right to vote. On Facebook we have created a group for YES that counted about ten thousand members and today has become an important venue for the exchange of information between members of the various Paraguayan communities in the world (interview with GZ).

¹¹¹ <http://ea.com.py>

¹¹² www.facebook.com/DiarioDelInmigrante

Other media, such as Public TV Jajotopa (“Meeting Together”), which has been in operation since mid-2011 with a high level of quality and independence from political power, was created in a space that at the time was relevant not just for addressing migration issues, but also to allow Paraguayans trained abroad and integrated into the country to fulfill communications functions at a high technical level. Since the impeachment and removal of President Lugo, it has entered into a period of conflict and ideological questioning that has had ramifications in some of the emigrant organizations in Europe, which the emigrants denounced.

For its part, the public station National Radio of Paraguay functioned for decades as the official medium at the exclusive service of the party and government authority. After passing through several inept administrations accused of corruption in the democratic period, in recent years it has begun the difficult task of reconstructing and positioning itself as an independent communication medium. In this new mode, it has launched several programs related to migrant communities and could fulfill an even more focused and supportive function in the future.

In 2012, the Migrants of Asunción Parish, in coordination with FEDIPAR, began a radio program on the Catholic University Radio Caritas station directed toward immigrants and emigrants, presenting topics relating to the process of introduction into the host society.

Finally, the AM radio station *Fe y Alegría* of the Jesuit community in Paraguay and the previously mentioned monthly magazine *Acción* of the Paraguayan Center for Studies “Antonio Guasch” (CEPAG) of the Ignatian order have both made committed contributions to reporting and sharing the concerns, demands, and activities of the migrant associations.

1.6. Social Movements

Due to the political change in Paraguay in 1989, a diversity of movements and rural organizations that had previously operated clandestinely began to appear, generically identified as the “landless rural workers’ movement.” The visibility that this movement, the most representative of those existing in the country, is gathering is directly associated with the strategy it employs: occupation of privately owned lands that it considers illegitimately occupied or that are fiscal surpluses.

Within the new democratic scene that began that year, the peasant movement increasingly directed itself toward the creation of associative and federative organizations whose power to influence was expressed, on the one hand, in the National Constituent Assembly of 1992 for the attainment of Agrarian Reform and its explicit recognition as a right endorsed in the new Constitution passed in June of that year, and on the other in a long struggle utilizing popular occupations and mobilizations over the last 20 years.

The consolidation of the primary rural workers’ organizations into coordinating committees and federations (with some differences in their attack strategies) has aimed to empower their claims that point to the definitive implementation of

Agrarian Reform as “one of the fundamental factors to achieving rural development,” as stated in the National Constitution (Chapter IX, Section II, Article 114). Among the most important peasant organizations are the National Coordinating Desk of Peasant Organizations (MCNOC), the National Peasant Federation (FNC) created in 1992, and the National Coordinating Committee of Rural and Indigenous Women Workers (CONAMURI), founded in 1999.

While the FNC appeals in a special way to the large annual mobilizations of its members in the capital to put pressure on and begin direct negotiations with the government, MCNOC considers that the most certain way to gain rights is through the direct occupation of lands and negotiation with state bodies through direct action. Along similar lines but more radical and combative is the National League of Carperos (LNC), formed more recently in 2008 and very active in the recent events in the struggle for land through occupation and steadfast resistance to evictions.¹¹³

One of the organizations participating in MCNOC, which brings together 10 of the oldest organizations of the peasant struggle, is the Rural Paraguayan Movement (MCP), formed in 1980 and which, with MCNOC, has been an agent in the founding of the Latin American Committee on Rural Organizations (CLOC) and a cofounder of the General Workers’ Trade Union (CUT).

With regard to migration, the negative attitude of the social and rural organizations is clear. It is portrayed by MCNOC as a “problem,” and the reasoning behind this point of view, according to MCNOC, is based on the detrimental impact that the waves of immigration have brought with them, in particular those of Brazilians, because of their appropriation of productive lands, destruction of forests, and environmental contamination.

The rural challenge essentially targets the established production model of extensive soy plantations using mechanized cultivation and harvest with the use of agrochemicals, fertilizers, and herbicides because of their polluting effects on the environment and harmful health effects, according to the claims of the social movements. Regarding migration, the leader of MCNOC emphatically states that “it is a problem for Paraguay for one simple reason: migration is the result of a model, of a policy applied in Paraguay that, in the case of the rural organizations, produces a forced migration from the country to the city and from there, abroad” (interview with LA).¹¹⁴

The second reason, according to this position, is that in Paraguay, Agrarian Reform was never carried out, which has obligated the rural organizations to develop a strategy of occupation of lands considered to be illegitimate large estate holdings

¹¹³ On 15 June 2012, a property occupied by the LNC was evicted through a tax provision, producing a violent confrontation between police and rural workers that resulted in 17 deaths and several wounded. This incident was the final trigger in the decision of both chambers of Congress to call for an impeachment between June 21 and 22 and dismiss the President of the Republic, Fernando Lugo.

¹¹⁴ The interview took place in the Guaraní language, and the extracted paragraphs are translations by the author of the current report.

with the objective of pressuring the state to respond to the demands. This situation creates a climate of conflict with the landowners and provokes repression in order to force rural workers to dismantle their temporary encampments and abandon what they consider to be the “unjust private properties,” forcing them into permanent displacement and, in short, the need to emigrate.

The rural organizations reject the model, saying that

this is an economic model that is constantly increasing in our country and that did not change the nature of the large landholdings. The size of the landholdings did not change. What changed is the method of exploitation, how the large landholdings are utilized. The model of agro-exporter was introduced into Paraguay, and when this model is introduced into the rural communities, it produces forced migration, and the rural communities are liquidated, the indigenous communities are liquidated, by force. But there is also an annihilation as a result of repressive politics, because 95% of the 2,200 settlements that exist today are a result of this occupation (ibid.).

And on the other hand, from a legal perspective, these occupations are legitimate, but they are illegal and are carried out through force, through the force of repression. The rural community members are expelled from the settlements, and the social ties between them disintegrate. Therefore, migration is a very serious problem that attacks family stability. Entire families in Paraguay, formerly identified by surnames, have been eliminated: the González, the Báez, all those surnames that expressed the productive potential of families are eliminated now. And that is due to the fact that migration directly attacks family stability. That is the price of the model that affects us most. And that is exactly why we are against that model that produces [promotes] that migration policy (ibid.).

It is clear that the fundamental challenge of the rural organizations centers on the modern, mechanized business model of production that occupies large expanses of land, with farming based on the extensive planting of genetically modified varieties of soy or corn and the intensive use of agrochemicals (“agrotoxics,” in the vernacular of the rural community members). This model is considered part of the cause-and-effect relationship with migration, whether immigration, internal migration, or emigration.

The rural people’s negative perspective on the production model views the Brazilian immigrants as responsible for having introduced it into the country and therefore explains their hostility toward these immigrants. This hostility reached peak tension with the burning of Brazilian flags, the occupation of agricultural lands farmed by Brazilians, and the destruction of their agricultural machinery, all of which the press covered amply at the time.

The daily *ABC-Color* reported on 2 November 2009:

For example, on May 15, 2008, less than one month after the election of Fernando Lugo as president of the Republic, rural workers from the Curupayty settlement, adjacent to Paso Kurusu, led by Elvio Benítez, of the Táva Guaraní settlement, engaged in the burning of a Brazilian flag in front of the Teixeira property, supposedly declaring ‘war’ on the Braziguayos. At the time, Benítez gave a speech saying that it was the beginning

of the 'second independence of Paraguay.' A march was held with 'red berets,' and placards of 'sovereignty or death' were displayed by the rural workers¹¹⁵

This mobilization was a result of the acquisition in 2007 of a private property of 22,000 hectares by a Brazilian who later entered into negotiations with the state for its sale through Agrarian Reform. The property extended across two districts and two departments of the northeast region bordering Brazil.

Another media outlet reported that the rural workers

warned the Brazilian settlers that they would not permit the cutting of trees for the cultivation of soy in the northern department of San Pedro [...]. The farmworkers also released a manifesto in which they urged the Brazilian president Luiz Inácio Lula Da Silva to work for the withdrawal of settlers that were farming lands in Paraguay. 'We will no longer permit trees to be felled or forests to be destroyed for the cultivation of soy,' declared Elvio Benítez, leader of the rural organization that held the march.¹¹⁶

It is important to note, however, that currently this tension is specifically related to the passivity and poor management of the state in matters concerning a solution to the problem of illegally acquired lands that were referred to in the first chapter, returning them to the rural workers, and the lack of compliance with the Agrarian Reform Policy, authorized in the National Constitution. Ultimately, the hostility is focused on the "usurpers" of the large landholdings rather than the immigrants themselves.

It is also necessary to extract from these extreme positions the appraisal that the rural organizations make of their traditional culture, represented by values such as family stability and unity, their rural roots, the production system using natural (not genetically modified) seeds, diversified production for personal use and for income, and the "popular" cooperatives. All of these are viewed as a part of the rural worker's way of life, defined as the "rural family economy," as opposed to the business model based on soy production.

The family economy is defined by the family as a work unit, and production must be for personal use and income. Rural family agriculture, its potential, is first, production for personal use and for income as well, but not soy because soy leaves people out. It is not that people leave soy out; it is soy that leaves people out. The soy model leaves the rural family model out, because soy comes within a technological package, and the small producer isn't capable of affording the cost of this package, unless the partners are part of the cooperatives, which must be popular, not official. If they are in cooperatives, they are slightly more capable, but individually the families do not have the power for this technological package, because they have to buy seed, insecticides, machinery, and for harvesting it is necessary to have machinery. So the small landholdings become the property of Sir John Doe, because over time the partners leave their lands and they fall to the large producer. The small producer cannot challenge the model of soy and exportation. And that's how emigration results (interview with LA).

¹¹⁵ <http://www.abc.com.py/edicion-impresa/economia/quema-de-bandera-del-brasil-fue-parte-de-un-teatro-del-caso-teixeira-36707.html>

¹¹⁶ <http://www.financiero.com/industria/campesinos-paraguayos-queman-bandera-brasil-y-rechazan-cultivos-soja.asp>

From this perspective of the rural family culture and economy, the method of diversified production with natural seeds is especially valued as opposed to the monoculture of soy or corn on large plantations with the use of genetically modified seeds owned by large international companies.

The elements of the rural family economy must be diversified, including cotton, corn, vegetables, animals; no genetically modified seeds. We are against that. The rural family economy must be diversified as much for consumption as for income. Monoculture is a problem, whatever is cultivated; if it's sugarcane it's a problem, if it's cotton it's a problem, if it's corn it's a problem, bananas, fruit also are problems and if it's soy alone it's also a problem. It's a problem for the producer and for the environment. Rural production also includes animals, livestock, small-scale and diversified (ibid.).

Finally, even though for MCNOC migration is an issue only indirectly associated with the main problem that motivates its organization and its struggle, it is nevertheless interested in participating in outlining migration policy and legislation that takes into account the legitimate interests of the “peasant class,” their culture, their roots, their economy, and their well-being.

1.7. Private Sector Business

As radical as the stances of the social and rural movement are, those of the private business sector are in the completely opposite direction, whether they are those businesses joined around the Paraguayan Rural Association (ARP) or those that are a part of the Producers' Trade Union (UGP). The latter, formed in April 2005 with representatives of the various entities dedicated to “rural, agro-industrial and agro-export” business production, states the primary purpose of its actions as the “defense of common interests and of each member union, the respect for private property, the operation of the free market, free competition and fiscal austerity.”¹¹⁷

The UGP brings together 11 unions of large producers, among them the Association of Seed Producers of Paraguay (AGROSEMP), the Association of Soy, Cereal and Oil Producers (APS), the Paraguayan Rural Association (ARP), and some producers of agrochemicals, such as the Chamber of Pesticides and Fertilizers (CAFYF). In this sense, an illustrative stance of the UGP with respect to the challenges by MCNOC on the topic of genetically modified seeds is the repeated reference that it makes in its communications to the supposedly favorable position of the Catholic Church on biotechnology.

A communication released by the UGP on 24 June 2012 under the suggestive title “Opinions on coffee and the scientific truth about transgenics” and in reply to “the recent declarations of a bishop of the Catholic Church” records “the conclusions of a meeting that took place in the Pontifical Academy of Sciences of the Vatican” that declares itself in favor of the advances of genetic engineering. In the foreword of this note, the UGP points out that “biotechnology and one of its principal developments, the genetic engineering of plants, has been the object of a series of

¹¹⁷ <http://www.ugp.org.py/>

legends and myths produced for the most part by ignorance.”¹¹⁸ On 6 August 2012, in another communication with similar content published under the title “The Church Accepts Biotechnology as a Tool to Combat Hunger,” a note by the ANTAMA Foundation¹¹⁹ is echoed in which it refers to a position, even prior to the Church, in favor of genetically modified organisms, and this perspective is linked with the Social Doctrine of the Church.¹²⁰

The emphasis and visibility that the UGP gives to the support of the Church for biotechnology, genetically modified seeds, and the use of chemical products in agricultural production apparently represents a communication strategy to gain support for the cause of the large unions of agro-production and agro-exportation that consider these advances to be new paradigms of development and are directly opposed to the vision of the rural organizations that consider them technological packages contrary to their interests and their economic capabilities in use, in addition to being detrimental to the environment and health and a cause of emigration.

In addition, just as the rural organizations mobilize in defense of their interests by occupying lands, closing roads, and organizing mass marches on the country’s capital, the large producers use their tractors, agricultural machinery, and heavy vehicles as part of a counter-protest strategy, holding “*tractorazos*” to close roads and express themselves in defense of their own interests:

*Some 700 Braziguayan settlers mobilized more than 300 tractors yesterday at the Itakyry intersection to demand from the Court a ruling on the dispute over the possession of about a thousand hectares in the Mbaracayú zone, a district located 120 kilometers to the north of Alto Paraná, because the problem is preventing them from working. The mobilization began at around 8 am and around mid-day the demonstrators held a march on the route, followed by a *sentata*¹²¹ of women, which resulted in the closure of the route for more than an hour.¹²²*

In addition, the UGP, as well as its main unions of large producers, closely accompanied and from the beginning supported the impeachment and dismissal of President Lugo, whom they accused of having begun his government with the support and complicity of the most radical rural organizations, especially the National League of Carperos. Currently they offer firm support to the new government of Federico Franco, whose origin has been questioned by regional integration bodies such as MERCOSUR and UNASUR, which suspended the country’s full membership in their bodies when Argentina, Brazil, and Uruguay withdrew recognition of the new government.

¹¹⁸ http://www.ugp.org.py/index.php?option=com_content&view=category&layout=blog&id=6&Itemid=13

¹¹⁹ www.fundacion-antama.org

¹²⁰ http://www.ugp.org.py/index.php?option=com_content&view=article&id=240:la-iglesia-acepta-la-biotecnologia-como-herramienta-contra-el-hambre&catid=6:comunicados2 &Itemid=13

¹²¹ A *sentata* is a standard type of protest in which the participants remain seated for a long time in protest or as pressure in support of their demands.

¹²² <http://www.ultimahora.com/notas/550782-Colonos-realizaron-Tractorazo-para-exigir-a-la-Justicia-mayor-celeridad>

In contrast, the reaction of the unions and the business community in favor of the recognition was immediate and was noted specifically in the zone of Alto Paraná. The press of that region stated:

*The ‘Braziguayo’ producers and cooperativists of the northern and southern zones of Alto Paraná joined together yesterday with the consul of Brazil in Ciudad del Este, Flavio Roberto Bonzanini, so that he could act as an intermediary with Itamaraty for the ‘immediate recognition’ of the liberal president Federico Franco. They said that they have renewed hope that the new Government will bring peace to the countryside. [...] ‘This decision is extremely necessary to provide tranquility for the Paraguayan people and for this great Brazilian community,’ say the two points of the communiqué that the consul Bonzanini submitted to the ambassador, Eduardo Dos Santos, for him to deliver to Itamaraty.*¹²³

The newspapers reported a situation that hinted that the confrontations between immigrants and Paraguayans were provoked by the ousted government:

The producers said that they have a great deal of hope that Franco will return peace to the countryside. ‘The agricultural workers took their life in their own hands during Lugo’s rule. They couldn’t work,’ stated Aurio Frighetto, president of the Paraná subsidiary of the Agricultural Coordinating Committee. The ‘carperos’ are a huge concern for the producers, concluded Frighetto, on mentioning that Franco could return tranquility and legal security to work. In turn, Romeu Holzbach, president of the Pindó de San Cristóbal Cooperative, asked President Rousseff to recognize the Government of Federico Franco. ‘We want to produce, and for that, we need MERCOSUR,’ he stated. Romildo Maia [Advisor of CORBE], ex-mayor of San Alberto (north of CDE), also asked for the recognition (ibid.).

This political posturing of the large producers has contributed once again to the increase in polarization of the rural sectors of the country and to the perception of migration as a conflict between Paraguayans and foreigners and a conflict of interest between different models of production with their social implications in the popular and rural sectors and in some emigrant associations and civil organizations that support migrants, and which have demonstrated against the impeachment and the new government.

In a different sphere, the Paraguayan Industrial Union (UIP), which joins together representatives of the most important unions and industrial businessmen of the country, has protested regarding the crisis of representation of the Paraguayan government at the regional level, saying, “Paraguay must seek out other market alternatives, and make contact with new commercial partners and the rest of the world.”¹²⁴

In a communiqué entitled “What Do We do about MERCOSUR?,” the UIP says that

¹²³ <http://diariovanguardia.com.py>, 25 June 2012.

¹²⁴ www.uip.org.py, 2 August 2012.

*Paraguay is a free country, independent and sovereign, which has been achieved through the sacrifices of those that have lived in this country since their birth, often with the spilling of too much blood. Therefore, we cannot permit ourselves to be humiliated and devalued by the four presidents of these other countries for the simple reason that we don't share the same 'ideological orientation' with them.*¹²⁵

The communiqué denounces MERCOSUR's and UNASUR's breach of international agreements and treaties signed jointly with Paraguay, but only inasmuch as it applies to the commercial aspects of interest to the unions. It does not make reference to other similar treaties on migration in the region subscribed to by members of MERCOSUR, including Paraguay; nor does it take a position on the situation of the thousands of Paraguayans, both men and women, who live and work in those countries aside from any ideological consideration that could differentiate their governments and business interests; nor does it evaluate the consequences that regional marginalization could have for them.

The position of UIP regarding migration can be inferred from its previous stances and, in particular, from the one that led to the signing in 2010 of an interagency agreement in which it committed to reducing the use of immigrant labor in Paraguay. At the time, the press reported that the

*authorities of the Paraguayan Industrial Union (UIP), of the Paraguayan Chamber of Aluminum and Glass (Aluvi), of the Directorate of Migration and of the Ministry of Justice and Labor (MJT) met yesterday in a press conference to announce new measures that they will implement to jointly try to reduce the work of immigrants in the country.*¹²⁶

At the event, Gustavo Volpe, head of UIP, said that they are already working on a future agreement with the Directorate of Labor and the Directorate of Migration to seek to reduce the labor of undocumented workers that come from abroad. 'It's a very serious problem for Paraguay. Here any person can come in without a visa and start working.' [...] The UIP official mentioned that this topic presents two very important dilemmas: the first, which is illegal, here as in anywhere else in the world, when a person without documentation comes to work, and secondly, when in this situation, a Paraguayan citizen is left without the possibility of obtaining a job (ibid.).

Despite the immediate measures taken in this regard, the migration and labor authorities recognized at that time that

they don't have even approximate data on how many immigrants might be in our country working outside compliance with the labor conditions required by law. In that sense, they have indicated that now they will work together with the UIP to begin collecting statistics beginning with the complaints that are arising in the sector. The objective is to cover the border areas, which are most susceptible to the influx of foreigners, and soon have some statistics in hand. Volpe alerted the members of the UIP that the union will publish the names of businesses that operate using illegal labor (ibid.).

¹²⁵ http://www.uip.org.py/c/document_library/get_file?uuid=eb0142ff-e6d6-4039-93e5623a5b9a8434&groupId=10192

¹²⁶ <http://www.abc.com.py/edicion-impres/economia/preocupan--inmigrantes-que-trabajan--en-forma-illegal-140160.html>, 2 August 2010.

Neither the migration or labor authorities nor those of the industrial union reported how the joint measures in question would fit within the spirit and letter of the international and bilateral agreements signed by Paraguay on this subject, such as the International Convention on the Protection of the Rights of All Migrant Workers and their Families adopted by the United Nations in 1990 and ratified by Paraguay by Law 3.542 of 2009, or the agreements on regularization of migratory residence in the member and associate countries of MERCOSUR, which have been analyzed in the previous chapters.

Conclusions

In summary and as can be inferred from the brief preceding analysis, the recent change of government has created a new political scenario in which it is premature to evaluate the course of action on migration, especially concerning the roles of business groups and popular and migrant organizations.

The government resulting from the impeachment of June 2012 has only 10 months of active administration, since in April 2013, the scheduled general elections will result in an almost complete renewal of the major bodies of power (President, Vice President, Senators, Deputies, Governors, and provincial Councils), and, once the new authorities are elected, a transition period of four months will last until August, when they take office.

In that brief period, the government resulting from the impeachment of June 2012 will have to confront large challenges, such its isolation from the regional system, the support of Congress for its contingency programs, and the polarization of the citizenry that has been produced by the lack of consensus over the decision to impeach and dismiss the President elected in April 2008, when his term should have ended a few months later.

In this context, since the primary bodies of civil society analyzed above find themselves with a heightened level of awareness about the necessity to reform migration legislation and position it within a public policy clearly oriented toward the principles of full respect for human rights and the integration of a sustainable national development model, it is not clear that the current government can respond to this challenge in particular in the brief time period it has to govern the state.

This is one reason more to propose reasonable terms of no less than a year in order to apply strategies and actions to be undertaken with the goal of gaining broad arenas for the participation of civil society in the definition and implementation of policy and new migration law in Paraguay.

2. Characteristics of Civil Society and Its Links to Migration

Finally, and as a way of generally summarizing the situation, a review will be made of some key aspects of the various civil society organizations that have been identified through qualitative research and secondary information consulted in the present chapter and their relationship to migration issues.

2.1. Composition

As far as their composition, the migrant associations are those that appear to be most numerous and diverse, and, now that the historical stage of individual and even associative dispersion of migrants has ended, they appear more structured and interconnected across borders through electronic networks and the intense activity that they have developed in the last four or five years, joining forces in spite of the distance between their different places of residence.

It is appropriate to note, however, the still-apparent lack of any adequate connection between the immigrant and emigrant associations, which, were it to be in place, would have a large positive impact on their visibility and initiatives and help them gain attention for their claims to rights and improved living conditions, which are common to all of the groups wherever they may reside.

The civil, religious, and communications support organizations, as well as study centers, are less numerous and more homogeneous, although, like those cited above, they are infused with a virtuous volunteerism that allows their mobilization to move forward in spite of severe limitations and, especially, a lack of resources. In their work, the study centers and support NGOs all emphasize the decreasing level of assistance offered by the international organizations of cooperation, perhaps because of the economic and financial crisis felt in recent years in the developed countries, which have been the traditional sponsors of those organizations and that have motivated them, including to adopt severe restrictions on immigration.

The high level of training and capacity of the majority of individuals who are active in these associations can be confirmed. In all of them, the degree of awareness about the migrant cause is a result of a special sensitivity but at the same time of a solid understanding of the issues gained as much through the quantity and varied range of studies and research existing on the topic today as through the growing mobilizations that the migrants themselves organize in demand of their rights.

As far as the social movements, especially the rural ones, with their secondary interest in migration in general and the critical view they have on immigration as a factor that is part of a production model and way of life that affects them negatively, it is also evident that these organizations and their various levels of leadership maintain a solid ideological training that fully enables them to continue active and constructive participation in the planning of a meaningful and humane migration policy, as long as their prospects for improved living conditions are satisfactory as well.

As a reflection of the profile of Paraguayan emigration, it is possible at all of these levels to say that the roles are fulfilled equally by men and women and that priority is given to the inclusion of youth as the primary agents. At the same time, and especially in the research and study centers, there is a qualified team of experienced professionals with a long history and sufficient conceptual maturity to offer support for future initiatives in the area of formulation of policy and the redesign of the legal foundations of migration.

2.2. Objectives

It is possible to separate the purpose and goals of these associations into three large overlapping and complementary categories.

First, there are the immediate, even “utilitarian” goals of the migrants themselves with claims for the recognition of their status and the acquisition of certain direct benefits for their condition, such as job opportunities and access to health care.

Second, there are the goals for the defense of the rights of migrants and the dissemination and support of their activities from a perspective outside of their associations, such as in their roles as management bodies and legal advisors that civil, nongovernmental, and religious organizations and the media are granted.

Finally, the study centers take action around academic objectives out of an interest in and need to increase scientific understanding about the processes of human mobility, its characteristics, its volume, its impact, and its consequences in the countries of origin and destination. They must always keep in mind the premise of social science that warns that “all scientific knowledge has a tendency to be used” (Nadel, 1978) and, therefore, the understanding that its contributions on the subject will not just be theoretical and academic, but will be applied to the cause of migrants and their claims, as in fact they are.

This merging of objectives, which are related and complement each other, contributes to the dynamic of migration and its relation to civil society in today’s Paraguay with a powerful multiplying effect that anticipates a positive scenario for the broad revision of legislation and policy orientation on migration in the country in the second decade of the 21st century.

2.3. History

With regard to the history of civil associations related to migration, it is no doubt significant that the majority have arisen, gained greater visibility, or even experienced qualitative and decisive transformation between 2007 and 2008—coincident with the electoral process and the later political turnover of executive power—because of the expectations created in that process for the interests of the Paraguayan communities abroad, as mentioned before. Many of these organizations have explicitly expressed this, and the dates of their principal mobilizations correspond precisely to the last four or five years.

Several centers of study, NGOs, religious organizations, and media are older and were working prior to this political juncture, although in a different vein during that time period. The preceding mention is important especially in light of the political change that occurred in Paraguay at the end of June 2012, when President Lugo was dismissed after an impeachment carried out by the legislative powers by means of a constitutional clause.

This event, as mentioned earlier, has not only produced an institutional turnaround whose effects on migration processes and on the cause of migrants are

still difficult to predict, but it has positioned many of the Paraguayan emigrant organizations and those that support their cause in an attitude critical toward the impeachment and overthrow of the electoral mandate of 2008. Several communiqués broadcast in the following days by these associations and alternative media have testified to this effect.

In any event, beyond the temporary nature of the political events that produced the changes of 2008 and 2012, the underlying political process of both events will follow its course and, in this context, the work and struggles of the organizations in favor of the cause of migrants will continue growing and contributing to reaching the common objectives mentioned above.

2.4. Conceptualization of the Subject

The representations of civil society, at least those that we have been able to consult in this research, in general share a common vision about the complexity of the topic of human mobility, recognize its cause as essentially economic (though interlaced with legitimate rights and life objectives of those that emigrate), admit the serious transgressions against human rights that contaminate the processes, and reiterate both some positive and negative aspects in the countries of origin and of destination.

From the academic as well as civil and religious perspective, human mobility is *a very complex phenomenon, very difficult to delineate and define. And though it is clear that there is a variety of causes, the economic one is one of the primary ones [...] we believe that at the root, as one of the fundamental causes, is the economic question, poverty, misery at the place of origin that causes individuals to leave and go to locations where there is work available to develop a better life. Therefore, economic conditions, social causes, war, violence, all of these are causes. But it is also necessary to keep in mind that the migrant dreams of a new world, and emigrates freely* (interview with JG).

Coinciding with this perception, a recent investigation presented to the 4th Paraguayan Congress on Population emphasized “the existence of a life objective much more complex than simple emigration for labor reasons and the expectation of future reintegration at the point of origin, as a symbol of personal achievement,” as documented in testimonies collected in a qualitative research project on Paraguayan women immigrants to Spain, a life objective that is described with the Guaraní phrase “*aháta aju*” (“I go and I return”; ADEPO, 2012).

Another testimony adds a focus on human rights to the issues as well, saying:

From our organization we perceive migration as an ancestral right, as the oldest of human rights. From this perspective, we condemn forced emigration caused by war (international or civil) and also by situations of extreme poverty that oblige individuals to leave their countries under very precarious circumstances. Likewise, we condemn the criminalization of immigration especially in the wealthy countries and that the fundamental rights of working migrants are restricted, limited or eliminated by laws which are unjust and contrary to international human rights agreements (interview with GZ).

Similarly, concepts that emphasize the constructive aspects of emigration and prejudices about it are expressed:

The contributions of migrants to their host societies are a fact confirmed by various studies, their economic, cultural, social contributions have been amply demonstrated, and, on the other hand, their supposed cost and unsustainable burden for the host country continue to be difficult to demonstrate and defend (ibid.).

Also, regarding the presence of Paraguayan migration in other countries of the world,

if analyzed politically, it can be seen that the revolutionary ideas of the Paraguayans who have seen other models and democratic movements in which they may be active in the countries where they're residing, now feed a large engine that seeks change in Paraguay beyond whoever may be president (interview with OB).

And regarding the emigrant contribution to the host country, “in cultural terms it is evident that they have made large contributions to art, music, culture, even Paraguayan cuisine, that are being promoted in other countries” (ibid.).

But on the other hand, together with the positive elements, there is the fact that

one can see that the departure of Paraguayans and their work abroad, generating resources and remittances for the country, have been a very important help to many families, though there are always bitter parts of these stories as well, that can be seen in social terms, or as psychologists would say, in psycho-affective terms, that have upset the composition of family unity, and that's very unique in Paraguay [...] and so we hear about the crisis of children that grow up without fathers and mothers, of marriages that end in divorce (ibid.).

As can be seen, the variety of perceptions about migration has a shared undercurrent with the dual nature of its impact that distinguishes the positive and negative aspects of its causes and consequences, but which stems from the common understanding of human mobility as a right, as an aspect of the personal development of the migrants, and as a contribution to human development, in the countries of origin as well as in those of destination. These elements become important when migration policy strategy is being delineated.

2.5. Primary Areas of Activity and Participation

In a generalized way, the civil society associations involved in migration issues do not contribute material assistance, which is amply explained by their lack of resources and the honorary nature of their work, except for a few cases of aid to immigrants or emigrants who generally depend on state organisms, including consular services.

In effect, that type of support is relegated to the public sphere, like that which is occasionally and in a limited way provided by some consulates to their co-nationals (of Paraguay abroad and of foreigners in Paraguay), as well as the Secretariat of Repatriation for cases of Paraguayan emigrants in vulnerable situations, including that which some existing organizations have been offering in certain countries, as in the case of support of the autonomous regions of Spain for the migrant communities.

On the other hand, the majority of the associations that have been studied concentrate on equally valuable aspects that can be considered from two perspectives.

In the first, it is clear that the academic, research, and study centers and organizations that focus on migration issues contribute a wealth of knowledge about the reality of migration, which is becoming increasingly broad and reliable, through documents, publications, and events (such as technical meetings, seminars, and conferences) at a national as well as an international level. Of special note along these lines are the contributions of the media, both network and private (even if in a somewhat circumstantial way) as well as of the public and alternative media discussed above.

In the second line of action, technical and legal assistance and the accompaniment and management of civil and religious organizations and organized communities of both immigrants and emigrants are included. In some cases, mutual funds are created for the hiring of legal consultants, as was seen in the case of the Paraguayan French Collective or the Uruguayan Advisory Board in Paraguay.

This type of solidarity activity, oriented toward support for migrants, has been offered by several other associations as well, such as those of immigrants who join FEDIPAR in Asunción or those of Paraguayans in FAPRE in Spain; EPPA, APPEA, and FEPARA in Argentina; or ASOPAMI and other NGOs in Paraguay.

2.6. Social Activities that Promote Community Cohesion

There are activities that promote integration carried out primarily within civil organizations for immigrants as well as emigrants, whether of a festive, sports, social, or cultural character, commemorating days and special events (such as patriotic holidays, the day or week of the migrant, anniversaries of the founding of certain cities in their home countries or of their associations), or participating in the national commemorations of their host countries. Some NGOs and media and religious organizations support and accompany these activities. Of note are the religious organizations that, because of the consistency with which they promote religious and social activities (weekly, monthly, and annual celebrations), promote community and family cohesion in a systematic way.

Along these same lines are the frequent meetings, festivals, dances, book presentations, film exhibitions, theater productions, and concerts that are held by the communities and related civil organizations, all of which enable the remembrance and practice of national traditions and customs (dance, song, music, food, clothing, traditional decorations, and more). These events not only act as cohesive elements for the migrant communities but also give them notable visibility and often become high-quality expressions of culture of a superior aesthetic level, especially when they include the participation of noted artists and intellectuals that live or are traveling abroad.

These experiences are valuable because they contribute to consolidating the ties of the communities living outside the country and help them to gain recognition in the host societies, which can contribute to processes of integration for those who have decided to reside there permanently. At the same time, these experiences maintain connections with the countries of origin through an interest in their economic, political, and social life with the expectation that the emigrants may one day return.

2.7. Participation in Politics and Migration Legislation

Almost all civil society organizations hold a position that is critical of current migration legislation in Paraguay and express the need for its revision and the creation of a new law in line with the current challenges of migration and framed within a policy of respect for human rights and promotion of active contribution to the development processes of the countries involved.

The following statements accurately summarize the above:

While we believe that public policy and normative guidelines that regulate the migration process are on the horizon, they should adhere to a logic of respect for basic rights for human beings and should include a systematic vision at an international scale that takes into account the enormous gap between developed countries and impoverished ones, as well as [the persistence of] unjust economic policies that perpetuate the underdevelopment of the latter and allow the expropriation and irrational exploitation of natural resources in general, to the detriment of these societies. A world in which migration is a right and an option is a world in which social relationships are based in justice and an adequate distribution of wealth (interview with GZ).

This position—which is favorable to the revision and correction of the current standards and includes well-defined lines for migration policy, as well as a favorable predisposition to contribute to that process with trained human resources or with active participation in meetings, debates, and public forums either as a part of immigrant or emigrant associations, study centers, religious organizations, NGOs, media and social movements—constitutes a favorable strategic scenario to begin the process.

An adequate division of tasks would reinforce the results of such activities. As part of the four stages in the development of public policy proposed by Leiras (2007, cited in Chiarello, 2011), the collaboration of study centers and NGOs is included in the stage of “elaboration of information about migration issues” and in that of “definition of policy” and the shaping of the law and its regulatory dispositions.

In the last case, it would be appropriate to plan for a strategic consultancy and the close collaboration of legislators with study centers and NGOs. At both stages, all of the agents mentioned—along with the participation of the media, migrant associations, social movements, and religious organizations—will be able to contribute to wide debate and joint creation of the contents of both instruments through discussion groups, public forums, and legal counsel.

At both stages, a strict monitoring should be exercised to guarantee that the instruments to be developed and approved fit as strictly as possible within the framework of human rights, that they overcome restrictive and bureaucratic processes, that they facilitate social and cultural integration, and that they direct migration processes toward a vision of human development.

As for the third and fourth stages, that of “implementation and execution of policy” and that of “monitoring and evaluation of implemented programs” (Chiarello, 2011), there is no doubt that it will be the pertinent bodies of the state that will assume the primary responsibility. However, more active and efficient mechanisms of participation should be planned for by civil organizations that are interested in migration management and ensuring compliance with policy, legal, and regulatory proceedings.

PART IV

PROPOSALS FOR SPACES AND INSTRUMENTS AIMED AT CITIZEN PARTICIPATION IN THE DEFINITION AND IMPLEMENTATION OF PUBLIC POLICIES REGARDING MIGRATION

The ideas set forth in the previous chapters clearly demonstrate that Paraguay currently lacks an explicit public policy on migration that establishes objectives, strategies, and actions regarding immigration and emigration. Furthermore, the law that provides the basic administrative regulations for the same and should contain policy guidelines on the matter is considered obsolete by both civil society actors and the migration authorities themselves.

In view of this, the following pages formulate proposals for the creation of spaces and instruments aimed at citizen participation in the design, implementation, and monitoring of public policies on migration, and they include some considerations regarding the measures that will hopefully be adopted by the political powers in order to overcome the above-mentioned deficits and guarantee those spaces for civil society.

It is worth recalling that Migration Law 978, currently in force, was designed without any citizen participation despite the fact that it was ratified by the legislative branch and issued by the executive when the country had already returned to a fully democratic regime (1996).¹²⁷ That absence of public debate and citizen participation made said law a mere continuation of Law 470, which dates back to the authoritarian regime (1974) and its regional and international geopolitical context in which the Doctrine of National Security (DSN) prevailed. This was reflected in the Law's restrictive and discriminatory view of human mobility, a view that prevailed, with practically no changes, in the law replacing it 22 years later.

It has already been pointed out in the relevant chapter that if any guiding principle is to be found in the migration law, it is based on the disregard for the socio-demographic reality at the time of its issuance, or at least on a mismatch between the regulations and the new reality that emerged as a result of the changes in and evolution of the population dynamics in the 20th century and of the new, democratic political scenario of Paraguay.

In view of this situation, simultaneous actions are the most recommended strategy in order to create spaces and instruments for civil society participation. However, for methodological reasons, the proposals set forth below regarding the

¹²⁷ This statement was corroborated by one of the interviewees who was a Senator when Law 978/1996 was ratified.

activities that need to be carried out in order to remedy the historically accumulated deficiencies in this field follow a sequential logic.

In this sense, the proposals are organized as follows: first, those regarding actions that need to be carried out in order to increase, consolidate, and disseminate accurate information regarding migrations, their causes, and their consequences; second, proposals aimed at creating ample and generalized awareness of the issue among the citizens, particularly the key actors; and finally, proposals aimed at ensuring citizen presence and decisive participation in the definition of policies and the design of a new migration law, as well as their implementation, monitoring, and periodic evaluation.

1. Proposal for citizen participation in the strengthening of objective, timely, and pertinent information, rearguing the causes, characteristics, and effects of migrations

As made evident throughout this paper, the available substantial, descriptive, and analytical information regarding migration processes, their causes, and their effects is practically the exclusive result of private research and initiatives of NGOs or specialized study centers, as well as of a few select universities, all of them generally financed by international organizations since said entities have scarce resources for such purposes.

Neither the General Directorate for Migrations (DGM) nor the Development Secretariat for Paraguayan Repatriates and Refugees (SDRRC) provides citizens with detailed activity reports on migration management, except for the summaries the executive branch submits annually to the National Congress and whose dissemination is restricted to that sphere. On the other hand, the National Directorate for Statistics, Surveys and Censuses (DGEEC) includes statistical data provided by the DGM in its annual reports, but these data are limited to the number of immigrants admitted permanently by year, gender, and country of origin, the last of which dates back to 2010 and contains information for three years (2008 to 2010). Nevertheless, this information does not reflect the flow of incoming immigrants, but rather provides fixed figures regarding those who obtained permanent residence during each one of those years.

In this context, scholars have made a special effort to insert the migration issue into the wider field of socio-demography, thus linking it to the economy and to political and social processes. Thus, the Paraguayan Association of Population Studies (ADEPO) has contributed significantly through research contests, publications, and, especially, work sessions, courses, seminars, and congresses, including the issue of remittances and their macro- and microeconomic impacts as a relevant point of discussion.

On the other hand, as stated above, the soundest historical studies have been produced by the Paraguayan Center for Sociological Studies (CEPES) while the most recent ones carried out by the Center for Social Research (BASE-IS) and the Center for

Integrated Regional Studies (CERI) stand out for their strong emphasis on migration movements, including internal migrations, the condition of poverty, and rural flight.

Nevertheless, acknowledging the insufficiency of these efforts, the most recent Paraguayan Congress on Population has declared that

the community of demographers and social scientists must intensify their studies of migrations from the demographic, territorial, economic, labor, legal, educational, gender and public policy perspectives, given their great impact on population dynamics, on the development of countries of origin and destination, and on globalization processes, as well as their Human Rights implications. We recommend special consideration of the socio-cultural elements that inspire, drive, and guide “the life projects of migrants” and their repercussions on the structure and functions of the family (ADEPO, 2012).

In this line of thought, it is worth emphasizing the importance of the issue of remittances, whose recent boom has motivated some studies, especially of their economic aspects, which have found space in diverse publications. However, there has been no in-depth analysis of their microeconomic aspects with respect to the impact on the receiving families and on the people who send part of their salaries or savings from abroad.

Beyond the economic considerations, this issue reveals interesting human implications when one examines the personal motivations of migrants, the way they organize and manage their income, and the sacrifices and deprivation entailed by sending some of their earnings, all of which relate to the issue of “life projects” mentioned above and which can be of great use in awareness creation strategies.

Although a few rather superficial essays do exist, they do not pay much attention to the effects of emigration and remittances on the émigré’s nuclear family, especially with respect to the preservation of the marriage bond between spouses who have been separated by the emigration of one of them, and on the children who are left behind under the care of family members or relatives. The human aspect of these problems requires specialized researchers and interdisciplinary work, because in many cases, the separation of children from their parents entails consequences for health, education, emotional stability, and development of personality, according to some preliminary results.

Anticipating what could be the future research agenda, the above-mentioned document states that

deeper knowledge regarding the predominantly young and female profile of migration deserves a privileged spot on the academic and public agenda, as do the increasing number of communities of Paraguayans residing in different countries, made visible through important and diverse forms of association, and their participation in our political, economic, and socio-cultural development processes (ibid.).

Consequently, it seems necessary to take these recommendations into account and continue this line of work, seeking a wider and more explicit collaboration with other actors such as the media, religious organizations, social movements, migrant associations themselves, foreigners residing in the country, and Paraguayans residing in different parts of the world.

In this sense, certain successful experiences—such as the alliance between ADEPO and the Paraguay France Group, or between the latter and the alternative media (APE Paraguay, Radio Viva, E'á, *Acción* magazine) in order to rally massive participation in the October 2011 referendum—can be replicated with a greater explicit commitment and include alliances that involve a greater number of actors.

The conducting of the 2012 National Population and Housing Census, scheduled for October 2012, and the promise to disseminate its initial partial general results around May 2013 is an opportunity to reach an agreement with DGEEC in order to include migration data in those preliminary results and allocate part of the Treasury funds and an international loan obtained by said institution to finance the census to promote a joint agenda for the intensive future utilization of the upcoming census information.¹²⁸

These research and study programs must establish communication channels with the government agencies responsible for the issue so that their results and recommendations can be applied to public policies instead of being merely theoretical attempts.

The Final Declaration of the 4th Paraguayan Congress on Population held in November 2012 set forth a similar proposal aimed at joining forces and resources between civil organizations and the public sector, not only to implement an agenda to increase studies, research, publishing and academic activities, and dissemination of results, but also to rally support from academic institutions and national and international cooperation organizations. The declaration also emphasized a generally neglected aspect, the lack of institutions in Paraguay aimed at preparing qualified specialists in the field of knowledge of migrations.

In fact, the declaration states that

*the Congress strongly encourages academic institutions, the relevant government organizations, and cooperating agencies to maintain and increase their support for demographic studies and training in our country, and to create and support such spaces if it were the case. The lack of academic programs aimed at preparing students in the field of population is more than evident, as is that of established demography courses linked to other university courses in the social, economic, political, historic, environmental and health areas, as well as to those offering new academic approaches, such as human ecology, social engineering, and civil service programs, among others.*¹²⁹

Migrations should occupy an important position as a specialized or graduate field of study within the general framework of preparation in socio-demography at the university level. These higher studies should also include intermediate degrees, such as technical ones, that facilitate the training of personnel currently working in the government's migration agencies or planning to do so and seeking their

¹²⁸ This will be the first time that a national population census includes a special module aimed at gathering information regarding emigration, albeit partial information, obtained from the émigré's family.

¹²⁹ ADEPO, Final Declaration in the Final Systematization of the Congress, digital version to be posted shortly on the institution's web page (www.adepo.org.py).

professionalization in the area of civil service. These proposals were analyzed during the design of the Guidelines for a Migrations Policy, mentioned in a previous chapter and that were discarded.

Another aspect that needs to be studied in greater depth, especially when the new census information is available, is that of internal migrations, whose impacts on the spatial distribution of the population and on territorial ordering and development were discussed in previous chapters. This topic is closely related to the demands of peasant organizations whose participation in the research agenda would greatly enrich the approaches and the possibilities of translating the results into public policy recommendations for the sector.

Perhaps by taking up previous recommendations and proposals together with those summarized herein, the leadership of one or more of the organizations mentioned in this document will manage to drive forward a mobilization of the other organizations in order to sustain the discussion of migration issues, which, as we have seen, has arisen in the country during the past few years.

Considering that the Scalabrini Foundation for Migrations in Paraguay works in coordination with the Center for Migration Studies of Buenos Aires (CEMLA) and the Center for Migration Studies of São Paulo (CEM), which form part of the Federation of Scalabrinian Study Centers and have over 40 years of experience in interdisciplinary research and academic publications on the different aspects of migrations in Latin America, its alliance with one or two of those study centers could serve as the basis for the creation of leadership to head and propose a plan of action and rally others around this “crusade.”

The latter should aim at obtaining results with respect to objective, timely, and pertinent information on the causes, characteristics, and effects of migrations, and to the two proposals outlined below.

2. Proposal for citizen participation in creating awareness about the positive impact of migrations and the human rights of migrants

An improved and more widespread knowledge of the reality of migrations, their contributions to development, and their links to human rights, arising from the efforts outlined above, is a first step that needs to be supplemented with creating social awareness regarding the impacts of migrations in both the countries of origin and destination.

Special attention must be given to the issue of Brazilian immigration, which is the most rejected due to a feeling firmly rooted in the collective imagination, particularly that of the rural population, given the migration flows of the 1960s and ‘70s and their implications for the agrarian policies of the authoritarian regime of the time.

Thus, the information provided in this respect has to clearly separate the business component of those Brazilian settlements from the settlement of Brazilians

in working agrarian colonies that have given rise to important urban centers and who have acquired permanent residence and originated a generation of Paraguayan descendants that are fully integrated into national society.

There is evidence that, in its initial phase, Brazilian immigration was historically made up of groups of small or medium producers with modest incomes who arrived in Paraguay due to the high cost of real estate in Paraguay when compared to that in Brazil, to the fertility of the soil in the High Paraná region, and to processes that tended to drive them away from their country of origin.

A large part of those pioneer groups accompanied more prosperous immigrants for whom they carried out the tasks of deforestation, cleanup, and preparation of the land for cultivation by those great landowners. The former, who remained in the position of poor wage laborers, usually immigrated back to their country of origin or remained in Paraguay in precarious conditions that differed greatly from those of their prosperous fellow nationals.

The assistance provided by Scalabrinian priests to those immigrants since the 1970s is closely linked to the history of that period, and the testimonies gathered by the Scalabrinian congregation are very valuable to clarifying the dualism of economic and social power that characterized those migration movements and should be used in all of the advocacy and awareness campaigns that need to be carried out. This task could be carried out by the Scalabrini Foundation for Migrations (FSM) jointly with qualified spokespersons, such as the alternative media that have expressed their commitment to the migration issue.

It is also clear that what currently generates the most hostility among poor Paraguayan peasants and their organizations is “the productive model” represented by agro-export production companies that are no longer exclusively Brazilian but transnational, associated with or subsidiaries of big multinationals such as Monsanto, Cargill, and ADM (Archer Daniels Midland), among others, which are strongly opposed by social movements who consider the Brazilian and “*Braziguayo*” producers closely linked with this model.

On the other hand, it is also necessary that the actions aimed at raising social awareness of the positive aspects of migration and of the human rights of migrants take into account the legitimate aspirations and demands of peasant organizations for an authentic agrarian reform that facilitates the economic development of their productive units and promotes social well-being in their communities while respecting their cultural options with respect to forms of work and living and promoting the integrated human development of farmers and their families.

The peasant leaders consulted for this paper agree that many Brazilian farmers who have settled in Paraguay lead a family life similar to that of Paraguayans, a style that is defended in opposition to the fragmenting power of the model represented by the big soy production companies and the “transnational agribusiness companies.” This acknowledgment must be used in benefit of a greater solidarity between

immigrants and non-immigrants who suffer similar hardships and share common values and ideals regarding well-being and development, especially in rural areas.

According to one of the Scalabrinian priests consulted, “It is easy to defend those who have land and money; I do not worry as much about the Brazilian immigrant who has everything; I worry about the peasants who are there and end up emigrating to Argentina, Spain, or Brazil” without making any type of ethnic discrimination among those who make up the category of “peasant” (interview with ADP). Using a similar approach aimed at supporting peasant families who work hard on their small and medium farming units without discrimination by nationality, the Scalabrinians themselves, in alliance with CORBE (Council for the Orientation and Representation of Brazilians Abroad), could contribute greatly to coexistence in rural areas by strengthening common values and interests and helping eradicate xenophobia.

In order to counteract the conflict, it is necessary to use experiences regarding the positive aspects and the autonomous model of rural development contributed by other communities, such as the Japanese, the Mennonites, and Europeans in general, as well as the labor, professional, scientific, cultural, social, and artistic contributions of other communities that are so firmly rooted in Paraguayan society that it is difficult to differentiate them, such as the Italian, Spanish, Argentinean, and Uruguayan communities, among others.

The Migrant Federation of Paraguay (FEDIPAR), representing a wide spectrum of these nationalities, should assume leadership in this task, which must nevertheless be a collective one, striking alliances with other civil society organizations such as the Scalabrini Foundation for Migrations and ASOPAMI (Paraguayan Association for Support to Migrants). It is also advisable to strengthen those events that are already being carried out and which help to show and disseminate the cultural contributions of these groups. Festivities and commemorations such as migrant month, week, or day, as well as certain national holidays (such as the Argentinean, Bolivian, Peruvian, and Uruguayan, among others) are events that help appreciate the positive presence of those people in the country without the negative connotations that could still be attributed to some immigrant communities, and in which a greater participation of Paraguayans should be encouraged in order to foster integration.

Fortunately, much of the xenophobia caused at some point by the presence of certain types of immigrants, especially those who are ethnically different such as Asians, has disappeared thanks to the efforts made by the immigrants themselves to achieve their acceptance in the country. For example, this is the case with the Korean community, one of whose main referents attests to the way in which it became possible to overcome their initial discrimination and finally feel completely integrated into Paraguayan society.¹³⁰

¹³⁰ In an interview with a representative of the Korean Association of Paraguay, reference was made to the significant role played by a well-known television anchor of Korean origin, whose outstanding work, admiration for Paraguayan culture, and personal integration experience helped disseminate a positive image of Korean presence in the country and contributed to their acceptance.

As we can see, greater knowledge of the active participation of immigrants in Paraguayan society, their family links to members of the same, and their outstanding performance in certain spheres of the country's institutional life have a key role in creation of awareness, and the immigrants themselves should participate in its dissemination.¹³¹ Paraguayan history and memory include numerous cases of outstanding professionals, civilians, military officers, clergymen, artists, and scientists of diverse origins: Russians, Italians, Ukrainians, Brazilians, and Spaniards, among others, who have earned social recognition for their actions in Paraguay.

On the other hand, if anything has contributed to a similar acknowledgment of Paraguayan émigré communities, it is the volume of remittances with which they support their families, helping, in many cases, to alleviate their condition of poverty and contributing foreign currency to the Treasury. Unfortunately, the macroeconomic repercussions of remittances have been mainly material, thus detracting from the consideration of their human dimension. At a certain point, some of the émigré communities themselves contributed to this phenomenon by creating the slogan "your remittance is worth a vote" in support of the campaign in favor of a constitutional amendment that would restore their right to vote.

As pointed out in the previous section, it is important to revisit the issue of remittances from a more humane perspective, as the fruit of the sacrifice of many men and women who have to deprive themselves of many personal needs or wishes in their countries of residence in order to raise the amount of money they need to send to their families each month so that they can cover their food, clothing, health, or education expenses, especially those families who have stayed behind with a large number of children. Religious organizations could be key actors in raising social awareness about these values.

Nevertheless, the greatest lack felt by émigré communities is the deficient attention provided in the existing Consulates abroad or the nonexistence of such entities, which impedes their conditions of residence abroad due to lack of work orientation, legal aid, expedited issuance of documents, and humanitarian assistance in extreme cases. Advocacy on the part of nongovernmental, civil, or religious organizations before the Ministry of Foreign Affairs, the DGM, the SDRRC, and the legislative branch aimed at pressuring against indolence and pushing for a solution to these deficiencies requires a greater coordination between those organizations and the Paraguayan community organizations abroad.

Those émigré communities have always complained about an issue that is particularly sensitive for national sentiments and which has unquestionable domestic repercussions: the loss of nationality imposed by the Constitution on those who at some point have to obtain citizenship in their countries of residence despite the fact

¹³¹ Another important experience in overcoming ideological discrimination suffered by an immigrant community was that of the Slavs, especially the Ukrainians of Itapúa, who were persecuted during the Stroessner regime as communist agents. Their resistance and perseverance were essential to their permanence and full integration in the country. Their experience is narrated in the above-cited work by Roberto Zub K. (2011).

that the Constitution itself provides for multiple nationalities through international treaties. The Paraguayan Ministry of Foreign Affairs has not actively pushed for that type of treaty in defense of its nationals even in view of the large number of Paraguayans residing abroad, many of them for a long time, who have always hoped to keep their nationality and return to Paraguay at some point.

In the above-mentioned cases involving émigré communities, Paraguayan associations and federations abroad, such as those in Europe (COMIPAE and FAPRE) and Argentina (FEPARA, APPEA, and EPPA, among others) should mobilize but without discarding strategic alliances with support organizations existing in the country. In this context, it is worth reiterating something we have said before and will repeat: the importance of contacts and agreements for joint solidarity actions among immigrant and emigrant associations.

The media must play a central role in the wide awareness campaign that needs to be carried out. Public television and radio must have relevant participation, but leadership should be in the hands of the alternative media, some of which were analyzed in the previous chapter. Furthermore, when interest in the issue reaches the business media, it will be possible to garner their valuable support, as was the case with *The Immigrant's Diary*, broadcast by a private cable TV channel.

3. Proposal for citizen participation spaces in government actions aimed at defining, implementing, and monitoring migration policies

According to what we have said throughout this document, the need for a migration policy and the subsequent comprehensive reform of the respective legislation is more than evident. In order to achieve these objectives, an ample national debate needs to be launched regarding the fundamental principles and strategic lines that need to be included in the policy and new regulations.

Since on numerous occasions, at least in the last decade, different authorities have expressed their intention to accomplish this objective (which has failed or the advances have been left behind), it is essential for civil society to take up the initiative now and push it forward, mobilizing all of its knowledge, experiences, and capacity and ensuring debate and active participation by the main actors and those directly involved in the issue.

This is particularly decisive now that, once again, after the impeachment of President Lugo, the current administration's DGM authorities have declared their interest in formulating the policy and revising migration law, to which effect negotiations aimed at obtaining the support of international organizations are under way.¹³² However, given that the current administration's mandate ends in August

¹³² Information gathered at the local office of the International Organization for Migration (IOM).

2013, it is possible that they will try to achieve their plan in the shortest time possible by administrative decision, doing without citizen participation yet again.

The historical precedent of a law approved in the closed sphere of state powers without the active presence of citizens and without the innovations required by the socio-political and constitutional context established in 1992 makes it even more necessary for the new migration policy and its legal application mechanisms to be the product of a previous participatory process. In such a process, the directly involved civil society actors, interacting with public agencies with competence in the matter, should be able to express their interests and expectations in order that the migration experiences of hundreds of thousands human beings in the country and abroad are fully reflected within a framework of rights and positive contributions to the development of persons, their families, their communities, and the nation.

In view of this, the following strategies can be recommended, which, together with those suggested above for the consolidation of raising knowledge and awareness on the issue, will contribute to guaranteeing the success of the endeavor.

1. *Wide alliances:* Above all, it is essential to seek and materialize alliances among actors who advocate better knowledge and defense of migrants, starting with their own organizations. To achieve this, it is not necessary to separate the interests of immigrant and emigrant communities. On the contrary, as we insisted above, it is convenient for them to establish solid mutual contacts thorough their respective associations and federations under the assumption that the vindications they each seek are, in the end, almost identical though arising in different geographic settings.

It is also convenient to identify mechanisms for the consolidation of the existing immigrant and emigrant associations and to try to get them to join larger federative organizations such as FEDIPAR and COMIPAE.

2. *Joint leadership:* It would be extremely fruitful for future activities to have a dynamic, charismatic, and reliable leadership right from the start. Some of the NGOs or nonprofit civil associations could be thought of for this role, trying to achieve an agreement among two or three organizations for joint leadership, thus providing them with a wider base and avoiding a monopoly on leadership.

Furthermore, in order to avoid any type of political or religious bias in leadership, it is advisable that those exercising it be civil associations without exclusive relations to specific creeds or ideologies.¹³³

3. *Continuity of actions:* The acting civil organizations should maintain the continuity of the already initiated actions that have shown their commitment, made

¹³³ In order to avoid that bias and due to its inconvenient lengthiness for operational purposes, the name of the so-called Paraguayan Foundation of the International Catholic Commission on Migrations was changed to Paraguayan Foundation for Migrations (FPM).

contributions in the matter, and produced the first positive results, for example, in the case of immigrant organizations, the issuance of the Migration Amnesty Law and the mobilization in favor of achieving the highest possible number of regularizations, such as the program aimed at the regularization of the resident status of Brazilians, which was being carried out in different departments of the country.

In the case of emigrants, it is important to strengthen their mobilization and actions in favor of achieving their right to vote through their effective registration abroad, to extend registration periods, and to contact the greatest possible number of Paraguayans eligible to vote residing in all foreign countries.

Migrant support organizations should actively join the latter as mediators with the pertinent government agencies and as effective means of dissemination. To this effect, they should establish mutual contacts, as it is necessary to coordinate those associations by establishing a leadership that drives the initiative to practice. As a communications agency and given its dynamism, contacts abroad, and previous experiences in the field, it seems that APE Paraguay could lead this activity, and it would be convenient to incorporate other media such as *Radio Viva*, *Radio Fe y Alegría*, *Acción*, and *E'á*, as well as public networks.

4. Active debates: Simultaneously, it is important to reactivate, make visible, and disseminate debates on migration policy, taking advantage of the spaces that had been granted to civil society in the public sector (such as the Inter-institutional Population Committee referred to earlier), but at the same time creating and occupying new spaces that have not been contemplated by the authorities and in which they should be invited to participate, thus committing them to joint actions.

In deploying this strategy, it will be essential to have the support of radio and television programs in the alternative media, carry out teleconferences with the participation of representatives of Paraguayans residing abroad, organize panel discussions and proposal sessions with renowned actors in the field, and promote sending collective communications to migration authorities, the Ministry of Foreign Affairs, and other involved agencies, making concrete petitions regarding the matter.

It is advisable for the debates to include the country's educational institutions, especially schools and universities. Lectures and information sessions that at the same time serve as spaces to gather proposals regarding the contents of the migration policy and law could become part of academic and even curricular activities, thus awakening the interest of young people and future professionals in the multiple aspects of the complex reality of human mobility.

A first step toward creating interest in the educational environment is the commemoration of events such as migrant day, week, or month, as well as the national holidays of different countries, organizing festivals and assigning students research projects on the ways of life, the work, and the contributions of immigrants and emigrant communities wherever they reside. It is possible that such events already take place in some institutions, but it would be necessary to identify them,

attempt to integrate them, and channel their efforts as part of the strategies and objectives of these proposals.

5. *Technical and conceptual advances:* At the same time, it would be convenient for a technical group to start gathering the first policy proposals and prepare discussion and work documents to disseminate among the actors participating in the process in order to have a starting point, albeit partial and provisional, for the subsequent comprehensive formulation and consensus prior to negotiation with the authorities.

6. *Legal support:* Organizations with legal secretaries or advisors should encourage them to acquire in-depth knowledge and carry out critical analyses of the current Migration Law and its regulations in order to compile a legal repertoire of observations regarding their deficiencies and of corrective proposals within the wider framework of considerations that arise in the process of formulating a new migration policy.

Given the special effort and additional work that this would entail, it is necessary to seek possible financing sources in order to cover the costs of this activity, which left to volunteers could compromise its continuity.

7. *Intensive advocacy:* Interested organizations that are committed to driving this process and their leaders should start an intensive advocacy campaign, raising awareness and trying to gain adepts for this cause among those actors known to oppose immigration or the inclusion of migrants as participants with full rights in the societies where they reside.

8. *Legislative participation:* It is necessary to engage members of the legislative branch in the debate right from the beginning, especially those belonging to the work committees directly related to migration in both Houses. The directly relevant committees in both the Chamber of Deputies and the Senate are the Social Development, Population and Housing, Legislation and Codification, Constitutional Affairs, and Human Rights Committees.

Taking into account the fact that the current legislature shall be replaced after the national elections of April 2013, it is necessary to provide for mechanisms ensuring continuity and links to the future congressmen, not only for debates but also to participate in the discussion of draft bills brought before Congress. A way to do this is to convene those elected in April 2013, especially those who are first-time congressmen.

9. *Reasonable time frame:* In this same logic, it is highly recommended that any formulation of a migration policy and law be formalized during the upcoming legislative period in order to ensure the sustainability of the process of participatory debate and its outcomes, trying to avoid the interruption of said process due to the change of government and legislature.

Furthermore, it would be wise for technical and legal advisors from NGOs, study centers, or civil organizations engaged in migration issues to participate, providing support to the relevant committees of both houses of Congress during the current and upcoming legislative periods, for which purpose they should be established as permanent advisories in the new migration law.

10. Decentralized administrations: Likewise, it would be extremely important for decentralized governments (department and municipality) to participate in the debates and formulation of the migration policy, especially those from regions where there are interethnic conflicts or that suffer more intensely the impacts of internal migrations, temporary or definitive displacements, and the need for an adequate territorial ordering.

11. Migrant fronts: A strategy that has proven to be effective is the creation of “fronts” to make visible and strengthen demands in favor of a certain cause. Such is the case of the Front for the Defense of Children, which includes diverse representatives of civil society (politicians, professionals, legislators, intellectuals, clergymen, communicators) and has obtained important recognition of its demands, such as the recently enacted Early Childhood Nutrition Guarantee Law.

Alliances among different associations for the achievement of certain demands could be established under the figure of a Front for the Support of Migrant Communities.

12. Institutionalization: None of the above-mentioned actions can be carried out outside the official migration institution framework. Civil society actors can suggest initiatives, but it is essential to work in coordination with the authorities from the beginning so that the process is developed jointly, thus avoiding the possibility of opposing tendencies.

One of the first tasks of the leadership called for in section 2 of these proposals should be establishing the contacts and agreements necessary for this coordination.

13. A few considerations regarding migration policy and law: Finally, the following are some essential topics that should form part of the agenda aimed at the review and debate regarding the formulation of a new migration policy and law:

- a) Grounding both instruments in guiding principles based on fundamental human rights, agreements, and conventions signed by Paraguay, and the current socio-demographic reality of the country and its long-term projection rather than limiting itself to merely administrative regulations and political, economic, and social interests that respond to immediate needs.
- b) Establishment of migration regulations on the basis of an adequate consideration of the socio-demographic aspect, starting out from the assumption that migrations

are part of the dynamics of population and that, as such, the groups making up the migrant population (differentiated by age, gender, place of residence, educational level, qualifications, and career track) are affected differently depending on whether they are children, older adults, men, women, people with little education, unskilled workers, etc.

- c) Granting equal importance to the three forms of human mobility: emigration, immigration, and internal migrations, as well as to the most evident aspects of their causes and consequences (productive models, employment, remittances, poverty, landholding, territorial ordering, situations of vulnerability), establishing connections with other public policies and competent institutions for their implementation.
- d) Unification of the policies, regulations, and institutional framework for the return and repatriation of Paraguayan nationals with those related to migrations in general.
- e) Incorporation, through specific regulations, of human trafficking and labor and sexual exploitation as criminal aspects of human mobility.
- f) Establishment of explicit policies and regulations regarding the status of refugees and political asylum.
- g) Inclusion of lines of actions regarding temporary or permanent displacements of persons within the national territory due to adverse factors (climate, economic, and others).
- h) Inclusion in the migration policies and regulations of the indigenous populations whose displacements and internal uprooting currently constitute a serious problem of inequality and social and cultural disintegration.
- i) Provision of policies and measures to attend to migration flows deriving from disasters (such as those that recently occurred in Chile, Haiti, and Japan).
- j) Incorporation into the migration policy and law of the recognition of immigrant and emigrant organizations and of mechanisms for interaction with the same and with other pertinent institutions (such as the Ministries of Foreign Affairs, Justice, and Labor, the Deputy Ministry for Youth, the Ministry for Women, among others) in order to ensure adequate attention to their needs.
- k) Explicit inclusion of mechanisms, spaces, and forms of action for citizen participation in all the stages of regulation, revision, or reformulation of migration policies and regulations, as well as their design, implementation, monitoring, and periodic evaluation.
- l) Inclusion in both instruments of mechanisms of the periodic accountability to citizens by the administrative and political bodies executing the policies.

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ANNEX 1

Institutions and people interviewed

1. Asociación Paraguaya de Estudios de Población - ADEPO
Juan María Carrón (Socio fundador, actual Vicepresidente)
2. Ágora Espacio Civil Paraguay
Ivonne Lugo (Presidente)
3. APE Paraguay - Agencia Paraguaya de Periodistas en el Exterior
Milena Pereira (Secretaria General)
4. Asociación Paraguaya de Apoyo al Migrante - ASOPAMI
Gladys Cabrera (Presidente)
5. Asociación Coreana del Paraguay - ACP
Mi Ra Kim (Vicepresidente)
6. Centro Paraguayo de Estudios de Población - CEPEP
Juan María Carrón (Fundador y ex Director Ejecutivo), entrevistado también en su condición de ex sacerdote y ex Senador Nacional
7. Collectif Paraguay Francia
Gustavo Zaracho (ex Presidente)
8. Congreso de la Migración Paraguaya en Europa - COMIPAE
Gustavo Zaracho (Secretario)
9. Consejo de Orientación y Representación de Brasileños en el Exterior - CORBE
Romildo Maia de Souza (Presidente - Consejero de Itamaraty)
10. Federación de Migrantes del Paraguay - FEDIPAR
Mi Ra Kim (Secretaria General)
11. Fundación Scalabrini para las Migraciones - FSM
Jairo Guiddini (Director)
12. Hogar de Tránsito “Santa Librada”
Hna. Ilda Conradi, Secretaria Ejecutiva de la Pastoral de la Movilidad Humana de la Conferencia Episcopal Paraguaya
13. Mesa Coordinadora Nacional de Organizaciones Campesinas – MCNOC
Luis Aguayo (Secretario General)
14. Parroquia del Migrante de Asunción
Jairo Guiddini (Párroco)
15. Parroquia del Migrante de Encarnación
Agustinho Dal Pian (Párroco)

16. Parroquia del Migrante de Ciudad del Este
Luis Flavio Prigol (Párroco)
17. Radio Viva FM
Oscar Boltes (Director de Programa)

Se entrevistó además a:

- 1) Lorena Luján Espínola – Directora del Trabajo del Ministerio de Justicia y Trabajo de la ciudad de Encarnación.
- 2) Esmilce Silvero – Directora de la Dirección General de Migraciones de la ciudad de Encarnación.

Chapter IV

PUBLIC POLICIES ON MIGRATION

AND CIVIL SOCIETY IN PERU

Cesar Torres Acuña (Coordinator)

Isabel Berganza Setén

Carla Tamagno

Marcos Bubniak

Lima, Peru

March 2013

Acronyms

ACE	Agreement of Economic Complementarity
ACNUR	United Nations High Commissioner for Refugees (UNHCR)
ALC	Latin America and the Caribbean
APCI	Peruvian Agency of International Cooperation
ASPEM	Solidarity Association for Emerging Countries
CADEP-JM	Andean Center for Education and Promotion (Jose Maria Arguedas)
CAJ	Andean Commission of Jurors
CALC	Latin American and Caribbean Summit
CAN	Andean Community of Nations
CATP	Autonomous Trade Union of Workers of Peru
CCPM	Catholic Peruvian Migration Commission
CEAS	Episcopal Commission for Social Action
CEDAL	Center for Rights and Development
CEPAL	United Nations Economic Commission for Latin American and Caribbean
CGTP	Confederation of Peruvian Workers
CHS	Human and Social Capital Alternative
CMAN	Multi-Sectorial High Level Commission
CSM	South American Conference on Migration
CTP	Peruvian Workers Confederation
CUT	General Workers' Trade Union
CVR	Commission for Truth and Reconciliation
DIGEMIN	General Office on Immigration and Naturalization
DML	Office of Labor Migration
DNI	National Identity Document
ENHAO	National Housing Survey
ENJUV	Youth, Employment and International Migration Survey
ESSALUD	Health and Social Security

FIIAPP	International and Ibero-America Foundation for Administration and Public Policy
IED	Institute for Ethics and Development
INCAMI	Chilean Catholic Migration Institute
INEI	National Statistics and Computer Science Institute
INICTEL	National Institute of Telecommunications Research and Training
INPE	National Penitentiary Institute
ISCOD	Trade Union Institute of Cooperation and Development
MERCOSUR	Southern Common Market
MINDES	Ministry for Women and Social Development
MININTER	Round Table Against Human Trafficking
MRE	Ministry of Foreign Affairs
MTIGM	Interagency Working Group on Migration Administration
MTPE	Ministry of Labor and Promotion of Employment
OIM	International Organization for Migration (IOM)
OIT	International Labor Organization (ILO)
ONG	Non-Governmental Organization (NGO)
ONPE	National Office of Electoral Processes
OSEL	Socioeconomic Labor Observatory
PEMIDE	Peruvian Network on Migration and Development
PIR	Comprehensive Reparation Plan Law
PMH	Pastoral Care of Human Mobility
PNAIA	National Plan for Children and Teenagers
PNP	National Police of Peru
PNUD	United Nations Development Program (UNDP)
RAM	Andean Migration Network
RETMA	Andean Migrant Worker Registry
SAMI	Andean Migration Services
SBS	Superintendence of Banking and Insurance
SENAJU	National Secretary of Youth
SENCICO	National Secretary of Industrial Construction Training

SENEP	National Employment Service
SIN	National Society of Industry
SIS	Integral Health System
SIVITMA	Andean Migrant Worker Virtual System
SPP	Private Pension System
SUNAT	National Superintendence of Tax Administration
TAM	Andean Migration Card
TLC	Free Trade Agreement
UARM	Antonio Ruiz de Montoya University
UGT	General Workers' Union
UNASUR	Union of South American Nations
UNFPA	United Nations Population Fund

Introduction

Various elements, such as the existing differences and inequalities within countries and between countries, the growing ease of international traveling, and the improvement of communications, among other things, have allowed migration to become an important phenomenon in the global reality.

Migration in Peru constitutes a social phenomenon that has affected and continues to affect the political, economic and social realities of the country and of all its citizens. In years past there was internal migration, from the countryside to the city, from the mountains to the coast. Afterward, international migration appeared as Peruvians who sought opportunities to improve their quality of life establishing residency in other countries. Nowadays, given the current crisis, this phenomenon is changing and creating other realities, such as returnees and the increasing number of foreigners residing in Peru.

In this context, and taking into account that public policies are a series of principals and guidelines that the State draws up, administers and executes stemming from a necessity or national problem, it is fundamental to analyze what public policies the State has developed in regards to this reality.

Furthermore, one must take into account that the actors of civil society have also been accepting in recent years the necessity of tending to the migratory phenomenon from its various angles and, in as much, they have been increasing the social movements that know and present proposals in regard to the role that the Peruvian State must play in this phenomenon.

It is for this reason that this publication has the objective to analyze, starting from the existing reality, the policies that the State has developed concerning the issue of migratory phenomenon and the role that civil society has played in the creation, execution and evaluation of said policy, to end by making proposals concerning migration.

The first chapter will address the history and present condition of the migratory reality. From there we will move on to immigration, to foreigners who have chosen Peru as a destination to live. Even though historically this was an important phenomenon, in our times Peru has not been considered as a destination country for a large number of foreign peoples, an aspect that may change again given the current global situation. In the second part, internal migration will be addressed, which was one of the most important demographic phenomena in the 20th century in the country. People migrated primarily from the countryside to the cities and from the mountains to the coast, seeking better work and educational opportunities for themselves and for their families. Also, the violence existing in the country was an important reason why male and female citizens had to change their place of residence. Further on in

the chapter, the reality of international emigration is described, explaining the process that has caused approximately 3 million persons of Peruvian nationality to reside abroad today. Finally, we will discuss the new topic of returnees and the consequences that the migratory phenomenon has had on the country.

In the second chapter, we will analyze the regulatory framework of the public policies on migration in Peru. In this section, we will begin with an outline of the first public instruments related to the issue of migration, to arrive at a description of the current policies about migration in the country. Then we will analyze the international regulations, given that Peru must take them into account when developing its own legislation and policies. Likewise we will mention the bi-national and regional agreements that Peru has drawn up and signed with other States. Finally, we will analyze various specific laws and policies related to the subject of migration.

Further in the third chapter, we will consider the institutional framework of the public policies concerning migration, mentioning the different institutions that have responsibilities relating to migration and explaining their specific functions, as well as the different programs implemented on the issue. This section will allow us to situate ourselves in the complex flow chart that must be taken into account to lay out the design of public policies in Peru.

The fourth chapter will consider the role of civil society in the creation of public policies of migration, analyzing first in a general manner what its participation should be. We will describe, further on, the various agents of civil society and the networks that work on the issue of migrations in Peru. This chapter will provide insight into how the situation is and into the work of the organizations dealing with this subject.

To conclude, we will make proposals concerning the spaces and instruments of citizen participation in the definition and implementation of public policies concerning migration in the country, with the goal of helping the State and Peruvian society to be able to respond in a more coordinated and efficient manner to this migration phenomenon.

PART I

GENERAL ANALYSIS OF THE MIGRATORY DYNAMIC IN PERU

1. Demographic dynamic of the country

Peru is a country that has experienced an extraordinary demographic transformation throughout history as a consequence of the migratory phenomenon. In centuries past, it was foreigners who, for various motives, came to reside in Peru, above all because of the hard conditions in which they lived in Europe in those times, and because of the policies of European and Asian immigration adopted by the successive Peruvian governments. Nevertheless, in the current day a large number of foreign residents are not found in Peruvian territory. The country has not been seen as an attractive place for migration, especially because of its economic and social conditions.

Between 1950 and 1990, internal migrations have characterized the social processes of our country. During those years, Peru ceased being a demographic rural country and transformed into an urban country, with 70 percent of its population living in cities. This process of urbanization, driven by men and women of various rural areas, was related to the social and familial networks who guaranteed a helping hand in the new place of arrival and also permitted those who had migrated to stay in contact with their place of origin. Furthermore, this migratory movement brought about an urban organization that was united in the fight for recognition of social and political rights (Degregori, Blondet, Lynch, 1986). Currently internal migration continues to occur, although with less frequency, and a process of secondary urbanization has begun. In this context, not only Lima, the capital of the country, attracts migration, but also other cities on the coast, such as Chimbote, Tumbes, Chiclayo or Trujillo, as well as places in the interior of the country, like Juliaca, Huacayo, or Huánuco, are attracting people in search of employment and educational opportunities.

In period between the 1990s and today, the migratory phenomenon in Peru has been characterized by the emigration of Peruvians to other countries. Those who take part in this movement are people of emerging working-class sectors who seek to better their living conditions and widen their hopes of personal and family development. Because in the collective imagination there exists the idea that one must migrate in order to progress, thousands of people every year decide to undertake a journey to other countries to better their quality of life and that of their families. Transnational migratory networks are thus developed that encourage migration, as people begin to have nearby models of individuals who have previously emigrated and can open the doors for them. In spite of this, and due to the current global crisis and the economic rise of Peru in recent years, the rates of international emigration have begun to decrease.

In this chapter we will analyze the three principal migratory processes that have occurred in Peru. First, the immigration of foreigners to Peru with the intention of residing in the country; second, internal migrations, with the flux of people who moved from certain areas to others in the country, abandoning their places of birth to reside in other Peruvian municipalities, a phenomenon occurring, above all, between 1950 and 1990, which led to a profound transformation in Peruvian society; third, Peruvian emigration to other countries, which has resulted in a great loss of human resources as citizens departed for the outside world.

2. Immigration

There are ample data concerning the history of foreigners who have come to reside in Peru. Many different groups have chosen this country as a destination, especially Europeans and Asians. Nevertheless, nowadays, Peru has not been considered as a destination that attracts a large quantity of foreigners given its economic and social conditions.

2.1. Retrospective history of immigration

The analysis of immigration to Peru can be traced back to the 16th century, an era that saw the Spanish conquest of the country and in which the first foreign immigrants arrived from Spain. Afterward, during the 17th century and the beginning of the 18th, slaves arrived from Africa and, following the prohibition of importing African slaves, another type of immigrant began to arrive, mostly British and French soldiers, who participated in the wars of independence. Likewise, during the 19th century, German immigrants established themselves in Oxapampa (Cerro de Pasco), where even now there is still a German community that has maintained its customs, in spite of the many years since settlement. Additionally, around the mid-19th century, immigrants from Ireland arrived in Peru due to the hunger and poverty that the island country suffered in that era.

In 1873 the Society of European Immigration was formed to promote the arrival of European labor, primarily for agricultural work. This immigrant group was principally made up of Italian nationals, who arrived to Peru in large waves since the middle of the 19th century, to work in commerce and small business. Some families of Italian ancestry arrived and founded large companies, like the firm D'Onofrio.¹³⁴ In addition, Jewish immigration occurred at the end of the 19th century, primarily from Germany. In the 1930s, Jews who had recently arrived opened industries and businesses.

By the 20th century, starting in the year 1948, refugees from Central Europe began to arrive in Peru who had been in refugee camps in Italy, Austria or Germany

¹³⁴ [Translators Note] D'Onofrio is a Peruvian brand and business dedicated primarily to the sale of ice cream.

and who fled from the effects of the Second World War and the new totalitarian governments that sprang up in Europe during this period. These Croatian, Romanian, Hungarian, Polish, and Serbian immigrants propelled the fishing and agricultural industries in Peru.

In this era in the middle of the 20th century, Peru also embraced people originating from Asia, especially from China. These Chinese individuals came primarily to replace slave labor and to undertake work that Peruvians could not or did not want to do, above all in the guano islands and in the coastal plantations. Afterward, they diversified their labor to include import businesses, restaurants and corner stores. In turn, Japanese immigration began in 1899, the year in which the first group of Japanese immigrants arrived to Callao, and already by the year 1909 more than 6000 had arrived. In the 20th century, Japanese immigrants established themselves in the Amazon region, in the rubber-producing region of Madre de Dios and on the coast of Lima, where they worked in cotton production.

In the 1950s Peru experienced a fundamental turn in its migratory dynamic: it stopped being a country that primarily received immigrants and became a country that sent them, as more and more nationals left the country and, at the same time, fewer immigrants arrived. Starting from this period, the exterior migratory balance began to be negative, with figures of sustained departures of male and female Peruvians to other countries and a reduced number of foreign arrivals.

2.2. General characteristics of immigrants in recent decades

Peru has not been in recent years a point of attraction for foreigners who want to live in the land. The annual total of immigrants to the country has been scarce, with an average of around 3,500 persons, although the rates have been decreasing since 2005. According to data from The General Office on Immigration and Naturalization (DIGEMIN)¹³⁵ in the period between 1994 and 2009, the number of foreigners residing in Peru who did not register their migratory movement out of the country reached 58,964, of which 64.9 percent were men and 35.1 percent were women.

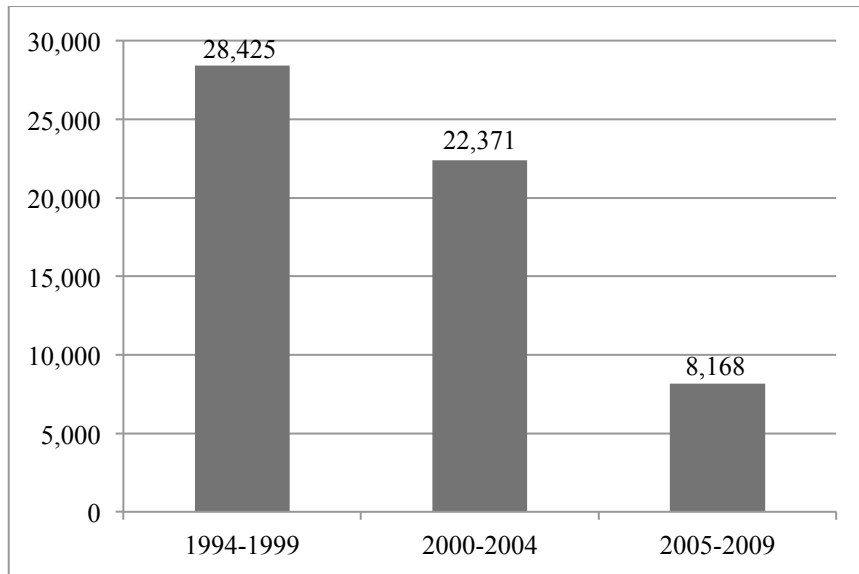
Analyzed by a period of arrival, we can notice that the influx of foreigners moving to Peru has been decreasing progressively with each year. The most intense period of foreign arrivals was in the 1990s, from 1994 to 1999. As the 21st century began, the number of foreigners arriving to reside in Peru has decreased, so this downward trend is more tangible in the last half-decade analyzed (2005 to 2009). This phenomenon has occurred in spite of the growth that the Peruvian economy has been experiencing.

¹³⁵ Data taken from INEI, DIGEMIN, OIM. (2010), Peru: Statistics of International Migration of Peruvians, 1990-2009. INEI, DIGEMIN, OIM, Lima.

Table 1. Foreigners arriving in Peru, by gender and year – 1994-2009

	Male	%	Female	%	Total	% on total residents
1994	2,075	65.1	1,112	34.9	3,187	5.4
1995	2,489	65.6	1,305	34.4	3,794	6.4
1996	3,247	69.8	1,402	30.2	4,649	7.9
1997	3,499	67.4	1,691	32.6	5,190	8.8
1998	4,294	65.3	2,278	34.7	6,572	11.1
1999	3,192	63.4	1,841	36.6	5,033	8.5
2000	3,064	62.2	1,864	37.8	4,928	8.4
2001	2,233	64.3	1,239	35.7	3,472	5.9
2002	2,067	59.8	1,392	40.2	3,459	5.9
2003	3,470	57.1	2,611	42.9	6,081	10.3
2004	2,943	66.4	1,488	33.6	4,431	7.5
2005	1,690	66.1	867	33.9	2,557	4.3
2006	1,077	64.3	599	35.7	1,676	2.8
2007	1,092	76.3	340	23.7	1,432	2.4
2008	1,345	72.5	511	27.5	1,856	3.1
2009	489	75.6	158	24.4	647	1.1
Total residents	38,266	64.9	20,698	35.1	58,964	100.0

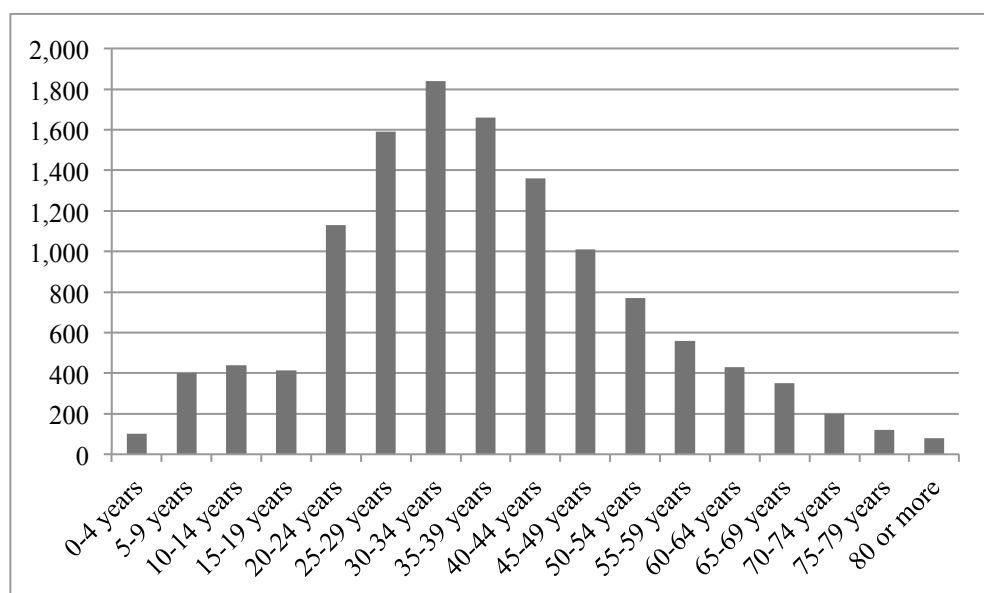
Source: INEI, DIGEMIN, IOM (2010), p. 52

Graph 1. Arrival of foreigners in Peru by half-decade: 1994-2009

Source: INEI, DIGEMIN, IOM (2010), p. 53

Of all the foreign population in Peru, according to figures obtained from DIGEMIN, 22,081 people had a foreign resident identification card in 2010. Of said population, 56.7 percent are men (12,509 people) and 43.3 percent are women (9,572 people). As far as the age of those persons with a valid foreign resident card (GRAPH 2), 52.2 percent are between 25 to 45 years of age and thus are of working age. The predominant age group is that of those between 30 to 34 years old (15 percent).

Graph 2. Foreigners with a valid foreign resident identification card, by age group: 2010



Source: INEI, DIGEMIN, IOM (2010)

Concerning the country of origin and nationality of this group of immigrants with a valid foreign resident identification card in 2010 (Table 2), the most representative are persons of American nationality (13.6 percent) and China (10.2 percent), followed by four Latin American nationalities: Colombia (9.8 percent), Argentina (5.9 percent), Brazil (5.4 percent) and Chile (4.9 percent). The most representative European citizens are the Spanish, which comprise 4.6 percent of foreign residents in Peru and Italians (3.5 percent of the total of foreigners with a valid foreign resident identification card). The total of Europeans reaches 15.2 percent of foreigners resident in Peru, followed closely by residents hailing from Asian countries, which comes to 13.1 percent. Considered as a whole, the most numerous group is that formed by people from Latin America and the Caribbean, which constitutes 43 percent of the total of foreigners with a valid foreign resident identification card.

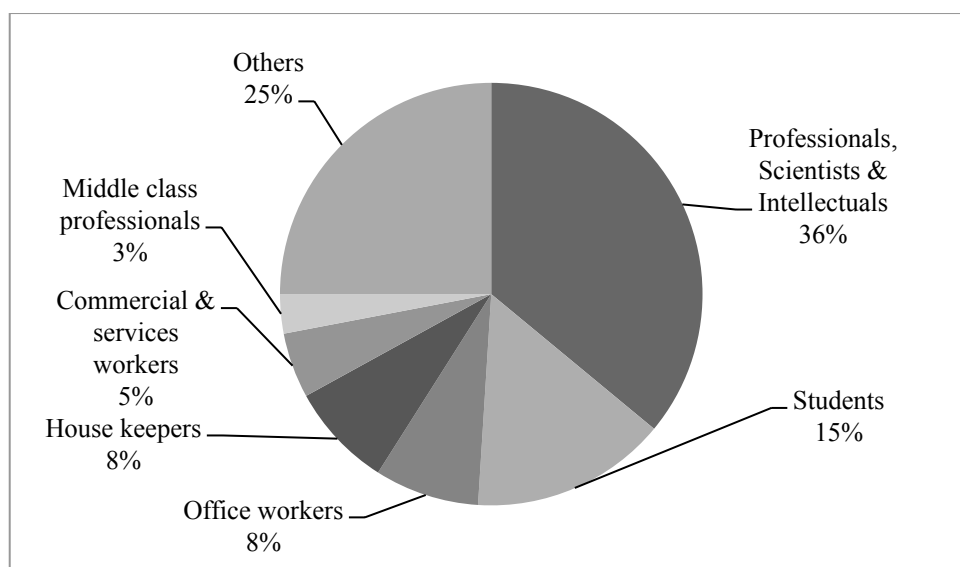
Table 2. Foreigners with a valid foreign resident identification card, by nationality: 2010

	Nationality	N	%
1	USA	1,701	13.6
2	China	1,276	10.2
3	Colombia	1,226	9.8
4	Argentina	738	5.9
5	Brazil	675	5.4
6	Chile	613	4.9
7	Spain	575	4.6
8	Bolivia	500	4.0
9	Ecuador	488	3.9
10	Italy	438	3.5
11	Cuba	400	3.2
12	Germany	388	3.1
13	Mexico	350	2.8
14	France	313	2.5
15	Venezuela	300	2.4
16	Korea	238	1.9
17	United Kingdom	188	1.5
18	Canada	175	1.4
19	Guatemala	125	1.0
20	Japan	125	1.0
21	Others	1,676	13.4
	Total	12,509	100

Source: INEI, DIGEMIN, IOM (2010)

Analyzing by principal occupation, that is, by the economic activity in which they work, the most numerous group (36 percent) is made up of professionals, scientists and intellectuals, followed by students (14.7 percent) and office workers (8.6 percent). Of a total of 7,880 foreigners who are grouped in the occupation “professionals, scientists and intellectuals,” 64 percent are clergy or missionaries; 10 percent, engineers, 5 percent, professors; 3.4 percent, company administrators, continuing with other professions with less than 2.0 percent of representation. The situation described allows us to affirm that we are in the presence of an important group of qualified people who come to the country to work in religious associations and NGOs, in delegations of foreign companies and in services, many of them men, accompanied by their wives with school-age sons and daughters. A part of these foreigners also have set up their own businesses and the Chinese community, whose percentage is higher among foreigners with a foreign resident identification card, is a good example. Therefore, considering the places of origin of the immigrants and their professions, we can maintain that they are not people who came to “flee” from bad living conditions, but that they are either people with a religious calling who came to reside in Peru to accomplish some service, or professionals who find in Peru an opportunity to rise in their career and come to hold work positions, linked to transnational companies.

Graph 3. Foreigners with a valid foreign resident identification card, by principal occupation – 2010



Source: INEI, DIGEMIN, IOM (2010)

With respect to the nationalization of immigrants in Peru in the 1990s, we can note that even though the arrival of foreigners continues at a constant level, a clear trend does not exist and the number is not very significant. The people who nationalize as Peruvians come above all from the United States, Argentina and Spain.

Table 3. Peruvian nationalization by nationality of origin – 1993-2000

Nationality	1993	1994	1995	1996	1997	1998	1999	2000	Total
USA.	154	269	304	308	188	197	179	124	1,723
Argentina	59	100	173	218	150	121	124	91	1,036
Spain	88	113	233	175	89	78	38	17	831
Venezuela	31	68	148	151	91	51	55	33	628
Switzerland	72	136	143	230	52	12	18	5	668
Chile	31	50	104	66	63	51	39	26	430
Germany	40	80	139	195	57	33	28	10	582
China	41	52	23	71	47	25	81	49	389
Italy	64	67	68	71	35	26	31	18	380
France	58	73	88	122	18	9	14	11	393
Others	231	681	628	675	348	305	290	195	3,353
Total	869	1,689	2,051	2,282	1,138	908	897	579	10,413

Source: DIGEMIN

The facts above reveal that Peru has not been in recent years a point of attraction for foreign peoples, and although some have come to reside in the country, they have not come in massive waves.

3. Refuge: tendencies and the current reality

A group of migrants who deserve special attention for their characteristics are refugees and asylum-seekers. In Peru, according to the Law 27891, the 2003 Law of the Refugee, a person who may be considered a refugee is (article 3):

1. A person who for fear of being persecuted for reasons of race, religion, nationality, membership in certain social groups, or political opinions, finds him or herself away from his or her country of nationality and cannot or because of this fear does not wish to take refuge in the protection of that country; or who lacking nationality and finding him or herself, as a consequence of such events, away from the country where before he or she was a habitual resident, cannot or because of said fear does not wish to return to it.
2. A person who sees him or herself as obligated to flee from his or her country of nationality or habitual residence by reason of massive human rights violations, foreign aggression, internal conflict, foreign occupation, or domination; or because of events that greatly disturb public order.
3. A person who finds him or herself legally in the territory of the Republic, owing to supervening reasons arising in his or her country of nationality or of residence, cannot or does not wish to return to said country for the fear of suffering persecution in accordance with the first point mentioned.

In 2012, according to the report prepared by the Catholic Peruvian Migration Commission (CCPM), an agency of the United Nations High Commissioner for Refugees (UNHCR) in the country, there were 284 people in Peru asking for asylum, who entered the country primarily from the northern border (the border with Ecuador), and through that of the southeast (the border with Bolivia). The majority of asylum-seekers are of Colombian and Cuban origin. Likewise, on the border with Colombia, in the area of the Putumayo River, people of Colombian origin enter who cannot count on access to the procedures for seeking asylum, as the State is practically absent in that area of the country.

With respect to the profiles of asylum-seekers, according to the most numerous nationalities, the following characteristics stand out:

- Colombian individuals arrive in a precarious situation, without economic means and with a minimum of personal belongings. These people usually have no professional training and are almost illiterate. The majority of asylum-seekers are farmers and come from rural areas. The CCPM has handled cases of persons who, having been refugees in other countries, given the fact that they were victims of

xenophobia, decided to change countries of residence and arrived in Peru by this border. Some of the asylum-seekers are single women and also single mothers with small children.

- Cuban individuals are, in the majority of cases, persons coming alone and traveling without their children, and their ages fluctuate between 25 and 38 years. These people have been university-educated, but they have problems revalidating their diplomas for lack of necessary authentications in Cuba. Those individuals who come from neighboring countries, Ecuador and Bolivia, face irregular entry conditions due to the fact that they lack respective visas.
- Nationals coming from Haiti have a low level of education. On many occasions these Haitians are victims of human trafficking, who are en route to French Guyana through Brazil. They speak Creole and French, and they do not know Spanish.
- African individuals come from various countries (Nigeria, Niger, Namibia, The Democratic Republic of the Congo, Sierra Leone, Gambia and South Africa). The majority of Haitians are victims of human trafficking and arrive through Brazil.

On the other hand, according to figures from the United Nations High Commissioner for Refugees (UNHCR), towards the end of 2011, there were 5,491 people with Peruvian nationality who were recognized with asylum status¹³⁶. At the beginning of this same year there were 4,834 applications for asylum status corresponding to Peruvian individuals pending resolution. Furthermore, throughout 2011 688 new applications for asylum status were submitted by Peruvian men and women.

In 2012 a total of 1,096 cases of Peruvian individuals were resolved, of which 91 (8.3 percent) were accepted, 758 (69.1 percent) were rejected, and 247 (22.6 percent) were closed for other reasons. Comparing these figures with those of 2006 we can note that the number of applications presented by Peruvian nationals has diminished (1,641 applications in 2006, compared to 688 in 2011). The percentage of cases that were accepted has also decreased, for in 2006, 15 percent were given asylum status, as opposed to 8 percent in 2011.

As far as the countries where Peruvian men and women seek refuge, according to the data of UNHCR, in 2011, Canada, the United States, and France all stand out (Table 4).

¹³⁶ In UNHCR. (2011), "A year in crisis. Global Tendencies 2011," electronic version: <http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=t3/fileadmin/Documentos/Publicaciones/2012/8850> (Accessed 15 August, 2012).

Table 4. Peruvian asylum applications by country of solicitation and state: 2011

Country	Pending applications early 2011	Applications presented in 2011	Resolved in 2011			
			Approved	Rejected	Filed for other reasons	Total resolved in 2011
Canada	257	106	16 (13%)	86 (71%)	20 (16%)	122
France	-	105	4 (4%)	100 (96%)	-	104
USA.	24	266	50 (17%)	51 (18%)	184 (65%)	285

Source: ACNUR

From these data, we can draw the following conclusions:

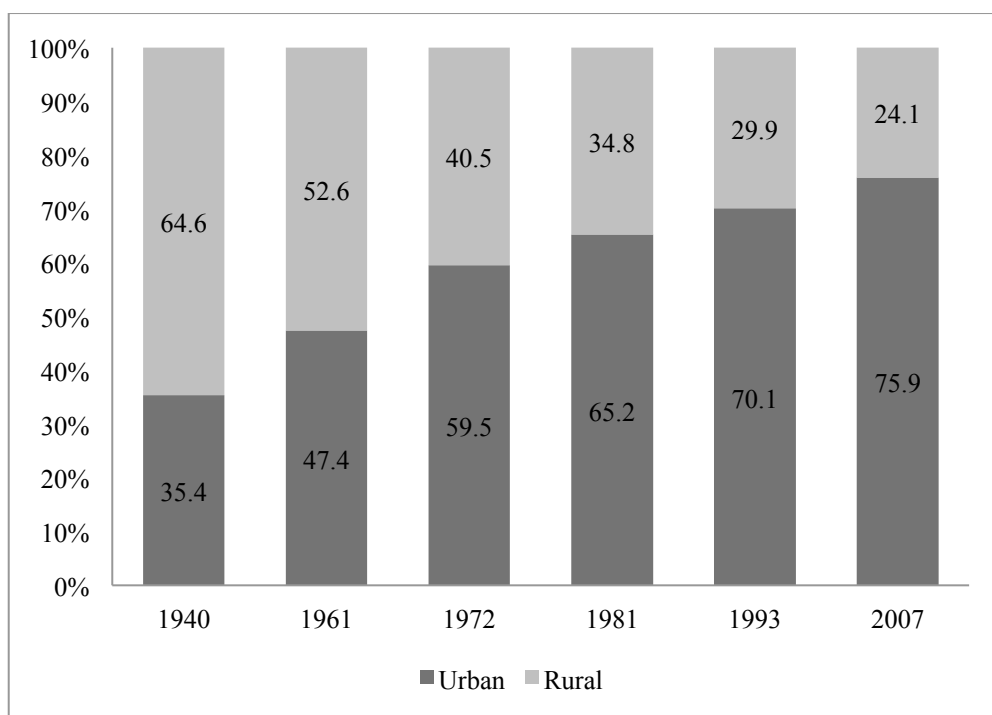
- Canada is the country where there were the most pending applications; nevertheless, the United States is where the most applications were made and where the most were resolved throughout 2011.
- In the three countries, the percentage of applications that were finally accepted is very low: in none of the countries is it more than 20 percent.

On the other hand, the number of asylum-seeking Peruvians has decreased in recent years, owing to the better political conditions in Peru. In turn, Peru does not register a very high number of asylum applications nor of refugees, as indicates the current tendency towards immigration in this country. Nevertheless, Peru possesses a strong dynamic of emigration and of internal migration.

4. Internal migrations

In the last 70 years, Peru has experienced a very important demographic change because of internal migration. According to the data of the Population and Housing Census carried out in 2007, more than five million Peruvian men and women are residing in a different place than that in which they were born. From the 1940s a massive tendency towards rural depopulation was underway, owing to various causes, especially the deterioration of rural activity, especially in the mountains, owing to the concentration or scarcity of agricultural lands, the unequal conditions of the countryside and the city, above all with relation to access to public services, such as health and education and, between 1980 and 2000, the internal violence occurring in Peru (INEI, 1995). During these years, massive groups of people with origins in the interior of the country flocked to large cities, especially to the capital, Lima. This process has had as a consequence that the country has transformed from a primarily rural population in 1940 (65 percent) to a predominately urban country in 1972 (60 percent), a trend that has continued growing so that, by the year 2007, 76 percent of Peruvian men and women were residing in an urban area (Graph 4).

Graph 4. Population by urban and rural area – 1940, 1961, 1972, 1981, 1993, 2007



Source: Population Census

Due to these internal migratory movements, the concentration of the population in Metropolitan Lima continues to increase: in 1940, 10 percent of the population lived in this city, while in 1993 the number rose to around 29 percent, which represents almost one in three Peruvians residing in the capital of the Republic. Nevertheless, from the 1980s on, internal migration began expanding towards other destinations and thus a process of secondary urbanization began, creating a slight decrease in the relative demographic concentration in the capital: in 2007 it had reduced slightly to 27.2 percent of the country's population.

But this growing process of urbanization has not only resulted in an increase in population in Lima, but it has also had an effect on medium-sized cities around the country. In this way, in the year 1940 there were 32 cities that represented 18 percent of the national population, and by the year 1993 they passed 50 percent: more than half of the population of the country was concentrated in barely 32 urban localities. In the year of the last census, 2007, 53 percent of the 27,412,157 residents in Peru were concentrated in 30 of its cities (INEI, UNFPA, UNDP, 2008). In the Sierra region, for example, the population continues to concentrate in the main cities, which have become recipients of an important part of the rural migration of the Andes, which brought about the dizzying growth of some of these cities, like Abancay,

Huancavelica, Huánuco, Ayacucho, Juliaca and Huancayo. These are urban zones that have transformed into centers of attraction, because they possess important traditional and artisanal manufacturing, in the care of productive family units, and, above all, because they are tied to the expansion of tertiary activities, especially commerce and services of various types. In turn, on the coast, there are other cities besides Lima that attract population. Trujillo, the third largest city by number of inhabitants in the country, is an attractive place for migrants for its economy and dynamic commerce; the leather and footwear industries, metallurgy, agro-industry, tourism and commerce are very important. Likewise, Tacna is a place that has received migrants as a result of the development of mining and commerce connected to its proximity to Chile. Finally, in the jungle, cities like Tarapoto, Iquitos, Pucallpa and Puerto Maldonado have increased in population due to the transformation of their administrative, commercial, and service centers, to support agricultural production and tourism in their respective regions (INEI, 2009; INEI, ECLAC, UNFPA, 2011). All these cities are beginning to struggle with the same problems that affect the biggest urban areas: shanty towns, slums, unemployment, and beggary, among others.

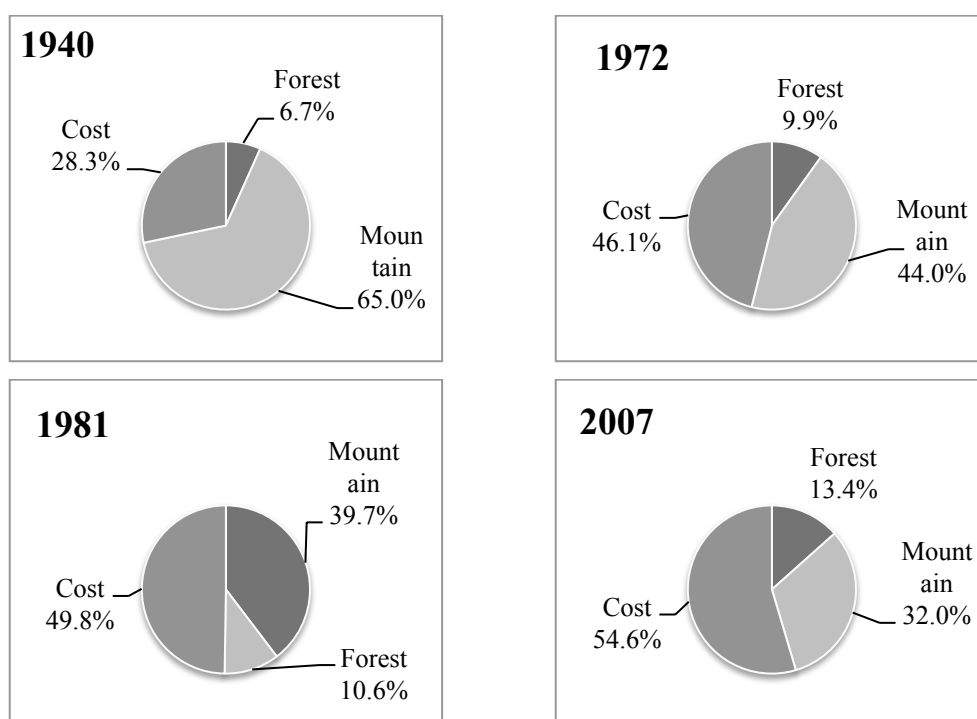
The migratory phenomenon has brought people from various provinces of Peru to the cities, especially to Lima, and this situation has led to the cities becoming a reflection of the diversity of cultures that exists today in Peru. The migrants begin to create clubs, departmental associations and folkloric groups where they recreate and spread in the neighborhoods the provincial life to those who arrive.

A specific process of migration that took place was during the era of internal violence (1978–2000).¹³⁷ According to the Repopulation Support Program, more than six hundred thousand people were displaced, fleeing from their places of origin for their own physical well-being. The areas most affected by the displacement were some mountain regions (Ayacucho, Apurímac, Huancavelica, Junín and Huánuco), which were the areas most hit by the violence. The regions that were the most important recipients of migrants were Lima and Ica, in the Coast, and Ayacucho, Huancavelica, Apurímac and Junín, in the Sierra. All these received 86 percent of the total of those displaced. Lima received nearly one hundred and twenty thousand people who settled in the districts on the outskirts of the city, known as “conos.” This forced displacement mainly affected the farming population and, second, the outlying urban sectors of the cities affected by violence. The displaced had to confront various problems, among which included the impossibility of verifying their identity for lack of documentation, lack of work experience needed for working in the city, and the precarious conditions of their housing, among others. These people also suffered political discrimination by being considered “terrorism suspects,” a problem that was very intense during the early years of the internal violence. And yet, when they tried to return to their place of origin they found that they could no longer recover their abandoned lands, since they had already been occupied by other owners.

¹³⁷ Coral, I. (1994), *Desplazamientos por violencia política. 1980–1992*. Draft no. 58. IEP, Lima.

Taking into account the population distribution in the natural regions of Peru – coast, mountain and jungle – during the stage of internal migration the country has experienced a process of lateralization, with a high concentration of population in the Coast (GRAPH 5), especially in the areas tied to agro-exportation. Thus, in 1940, for example, the population in the Coast represented 28.3 percent of the population, but in 2007 it hosted 54.6 percent of the country’s population. The opposite occurred in the mountains, which hosted 65 percent of Peruvian men and women in 1940, but only 32 percent in 2007.

Graph 5. Evolution of the distribution of enumerated persons, by natural region – 1940-2007 (%)



Source: Population Census

These data reveal that the two fundamental processes of internal migration that the country has experienced have been rural-urban and mountain-coastal displacements. However, in the 1980s a moderate reorientation of migratory movements towards the Region of the Selva (jungle) could be noticed as well (GRAPH 5). Consequently, we can speak of a process of “junglization.” In many instances these migrations are tied to the extraction of petroleum, gas and gold and also influence the new interconnection with Brazil, through the interoceanic highway, which encourages migration to this part of the country. In the 1940s, the jungle region represented 7 percent of the national population and in the 1970s this

number rose to 10 percent, finally representing 13 percent today. This moderate expansion is the result of the displacement of large population sectors coming from the mountains, which generated the so-called colonizations. The entry of migrants in jungle cities, in general, is precarious, disordered and the so-called slums end up becoming the place where they settle.

In these displacements, the originating population zone is the region of the mountains. This emigration from the mountains is due primarily to the harsh living conditions that the rural population experiences there compared to other parts of the country. In this context, migration turns out to be a valid solution, almost the only solution, to find a better life and it is the most obvious reason for the depopulation of this region.

For this reason, internal migration in the country has been formed around the idea that to progress and get to a better place there are no other possibilities than to emigrate and leave the place from which one lives (Franco 1991). According to Degregori, Blondet and Lynch (1986: 22):

The simple act of migrating is already in the majority of cases, for better or worse, an act of modernity. In general, it is not he who is resigned to his fortune who migrates, but rather he who rebels against fortune and seeks to change it in the outside world. Migration expresses, therefore, more and more, a certain spirit, a certain psychological attitude that accentuates openness to what is new and a positioning towards the future. For the others, although many times they perceive themselves as the most poor and oppressed, those that tend to migrate are the youngest, the most educated and not among the poorest of the poor in a community.

This process of internal migration has led to a transformation in Peruvian society. According to the Peruvian sociologist Carlos Franco (1991), it is the expression of the most important historical break of the 20th century in this country, as it entails the transformation of a rural society into an urban society, opening new paths for regional evolution. Franco analyzes the decision to migrate and affirms that people

between a lack of confidence in their abilities and a confidence in themselves decided for themselves; between habit and change they leaned towards change; between security and risk they opted for risk; between the past and the future they chose the future; between the known and the unknown they sought their fortunes in the unknown; between community and progress they preferred progress; between staying and leaving, they left. What is certain is that by choosing for themselves, for the future, for the unknown, for risk, for change, for progress and, in short, for leaving, hundreds of thousands or millions of young villagers, farmers and country dwellers in the most recent decades have defined themselves as "modern," that is to say, they have freed their subjectivity from the chains of tradition, of the past, of the dirt, of blood, of servitude, converting themselves psychologically into "free men." And, upon doing this, without being conscious of it, they closed the door on one era of Peru while opening the door to another. Upon affirming the profound nature of this change in their perception of themselves, of others, of time and of space, the multitudes involved in that experience and the vast geographic scenery in which it takes place, we can ask ourselves if, observing the history of the country in the 20th century, there was another psychological, social and cultural decision more crucial than that chosen by them (87).

To summarize, during the 20th century a migratory movement took place in Peru from the fields to the city that led to a growing urban concentration. This process took place similarly in other parts of the world. However, in Peru, this migration did not derive from a process of industrialization with a consequent increase in demand for workers but rather from a process of abandonment of harsh living conditions in the rural sectors and a flight to the urban centers, which led to urban growth, which in turn led to, in many cases, the structuring of cities into places with ghettoized neighborhoods, exclusion and poverty, informal work of low quality and problems of security. This situation also encourages people to consider the possibility of emigrating to other countries as a form of bettering the harsh living conditions in which they find themselves.

5. Emigration: characteristics, trends and challenges

The most numerous emigrations of Peruvian men and women have taken place in the last three decades of the last century. According to the anthropologist Teofilo Altamirano Rúa,¹³⁸ there are five identifying phases in this process of migration to various countries of the world. These phases are the following:

5.1. First phase: the 1920s to the 1950s

Peruvians migrated primarily to Western Europe for reasons of education, prestige and power. Young people from rich families traveled to study at universities like Salamanca (Spain), Sorbonne (France), Oxford or Cambridge (Great Britain). They also went to work in the United States.

5.2. Second phase: the 1950s and 1960s

Despite the fact that the emigrant population continued being of similar socioeconomic characteristics to those of the previous stage, in this second phase the emigration of middle-class families had begun, mostly liberal professions, entrepreneurs of mid-sized companies and students who headed primarily to the United States, a country that was growing during this time. Europe continued to be the preferred destination of the Peruvian oligarchy. Emigrating became a symbol of prestige. In the 1960s there was an economic recovery on the European continent, which served to further attract migrants from Latin America, among them many Peruvians.

Likewise, in this decade an array of destinations for emigration opened up, as many professionals changed their residence to Venezuela, due to the petroleum boom and the economic advantages offered to qualified workers, who had already experienced growing difficulties entering into the Peruvian labor market. Similarly,

¹³⁸ Altamirano, T. (2006), *Remesas y nueva "fuga de cerebros."* Impactos transnacionales. PUCP, Lima.

students began to migrate to Argentina, due to the conveniences that existed in that country for higher education. It was in these decades when Peru underwent a transition in its migratory dynamic, changing from a country of immigrants to one of emigrants.

5.3. Third Phase: the 1970s

In this decade the middle class participated massively in emigration, heading above all towards the United States in search of the economic and employment advantages that the country offers. Europe continued to be a destination for Peruvian emigrants, especially France, Spain, England and Italy. Furthermore, other destinations were added as well, such as the socialist countries of which the fundamental objective for emigration was education. Similarly, Canada began to accept Peruvian emigrants, mostly professionals and specialized workers. During this decade, Austria also became a destination for Peruvians.

5.4. Fourth phase: the 1980s to 1992

This era in Peru was marked by the return of democracy and the beginning of terrorist violence, by the economic crisis and the impoverishment of the country. For these reasons, by 1992 the Peruvian population abroad had tripled in comparison with 1981. At the end of this period there were already approximately a million and a half Peruvian men and women residing outside of the country.

Almost all social classes were represented in the emigrant population, from shepherds to members of the oligarchy. In this era there was a large migration of the middle class. Likewise, the number of destinations grew. For the first time Peruvians went to reside in Scandinavian countries, in particular as political refugees and as manual laborers. Europe continued receiving students. The countries of Central America received Peruvian men and women, and Canada accepted manual laborers and professionals. In the second half of the 1980s, Japan opened its doors to Nikkei manual laborers (Japanese descendants). In this decade, women were fully part of these migrations, many of them from rural towns and small cities.

5.5. Fifth phase: from 1992 to today

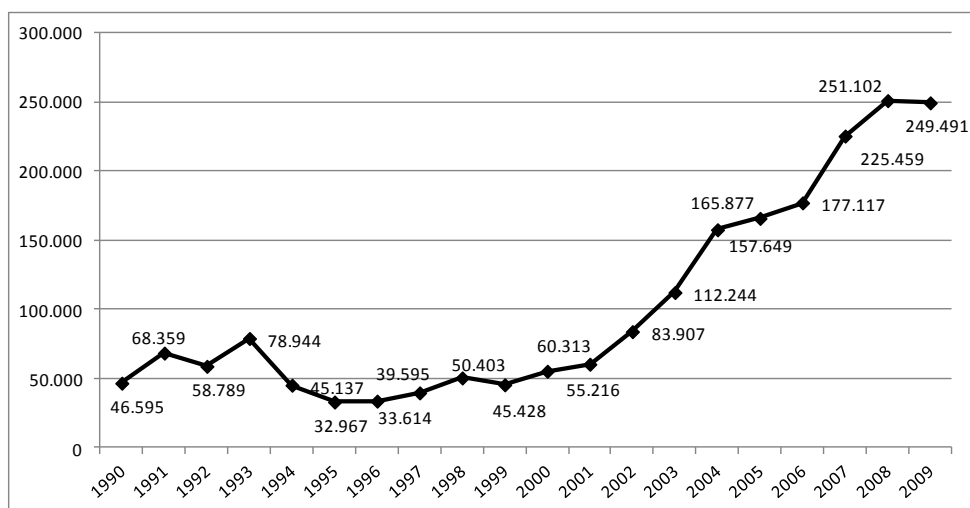
Emigration during this period became an option for every social class and cultural group of Peru, except for the poorest of the poor. In recent years, Peruvians of urban lower-middle class, in particular women, have emigrated to Chile, Argentina, Bolivia and Ecuador. Cultural values have been “transported” to different countries. The Peruvian migrant has become the most active promoter of Peruvian culture abroad.

Recently, primarily as a result of the start of the international economic crisis, there has also begun the phenomenon of returnees, people who had been emigrants

and return to Peru to establish their residence there. Although it is too soon to see the full consequences that the current global situation will have on migrations in Peru, we can already see some effects.

The most noticeable trend with regards to Peruvian emigration in recent years is the fact that the number of Peruvians who have emigrated has increased, especially in the last decade (GRAPH 6). The great Peruvian international emigration is a phenomenon of the 21st century, just now starting to decrease slightly from the year 2008, when the global economic crisis began. According to figures of INEI in 2009, Peruvians residing abroad represent 10 percent of the population, those who live outside the country numbering around 3 million. In the period 1990-2009, it is calculated that 2,038,107 Peruvian men and women have left the country and have not returned for, at the very least, six months since their departure.¹³⁹

Graph 6. International emigration of Peruvians – 1990-2009



Source: INEI, IOM, DIGEMIN (2010) *Peru: Statistics of International Migration of Peruvians, 1990-2009*. INEI; IOM; DIGEMIN, Lima, p. 14

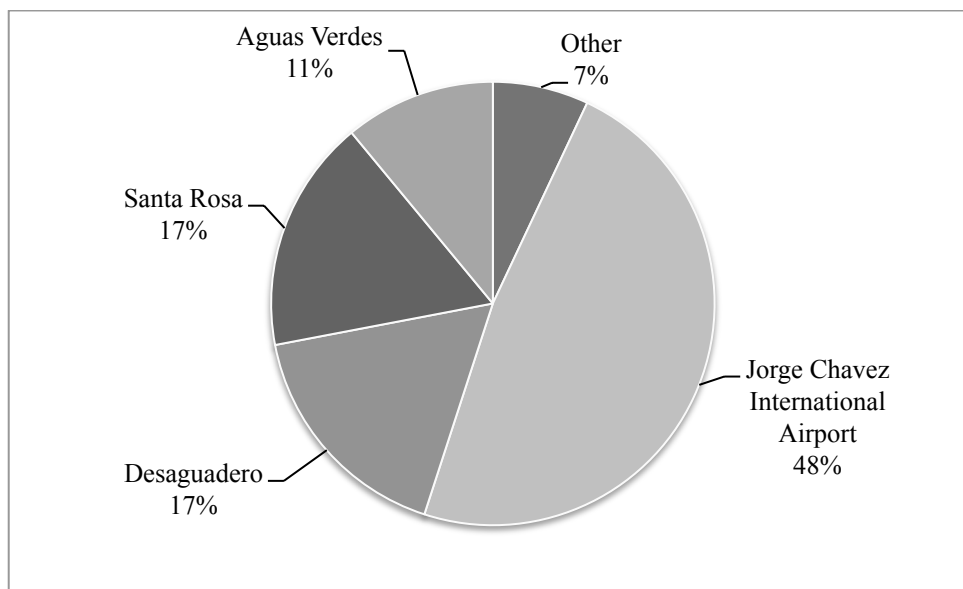
During the years studied (1990–2009), the Peruvian tendency towards moving abroad has grown. The departure of Peruvians to other countries has multiplied by more than five times, from 46,596 people who emigrated in 1990 to more than 249,000 in the year 2009. In the first five years analyzed (1990–1994), the yearly average of emigrants was 59,563 Peruvians leaving each year; while in the last five

¹³⁹ INEI, OIM, DIGEMIN. (2010), *Perú: Estadísticas de la migración internacional de peruanos, 1990–2009*, INEI; OIM; DIGEMIN, Lima. These statistics are based on figures from the migrational registry of Peruvians who left the country and had not returned before June 30, 2010, that is, who did not register their return in any of the points of migration control located in national territory.

years studied (2005–2009) the departure of Peruvians from the country has increased steadily and records a yearly average of 213,809 emigrants each year. However, this trend varied during 2009, in which it begins to decrease. The emigration of Peruvians in 2012 diminished by 0.6 percent compared to 2008. In any case, this slight decrease should not hide the fact that emigration can continue to be considered elevated, given that almost 250,000 people left the country in 2009 for destinations located outside Peruvian borders.

With regards to the points of migratory inspection through which Peruvian men and women pass when they migrate abroad (GRAPH 7), almost half (48 percent) leave through Jorge Chávez International Airport, and as such their departure is by air. The rest of border crossings are by land. The next two most important points (with 17 percent of emigrants each year) are situated in Desaguadero, on the Peruvian border with Bolivia, and in Santa Rosa, on the border between Tacna and Chile. The last important border crossing is found in Aguas Verdes, on the border with Ecuador, a place where 11 percent of emigrants pass out of the country. These departures by passing through bordering countries represent 45 percent of all emigration, a percentage close to that of departures by air.

Graph 7. Peruvian emigration by border crossing used – 1990-2009 (%)



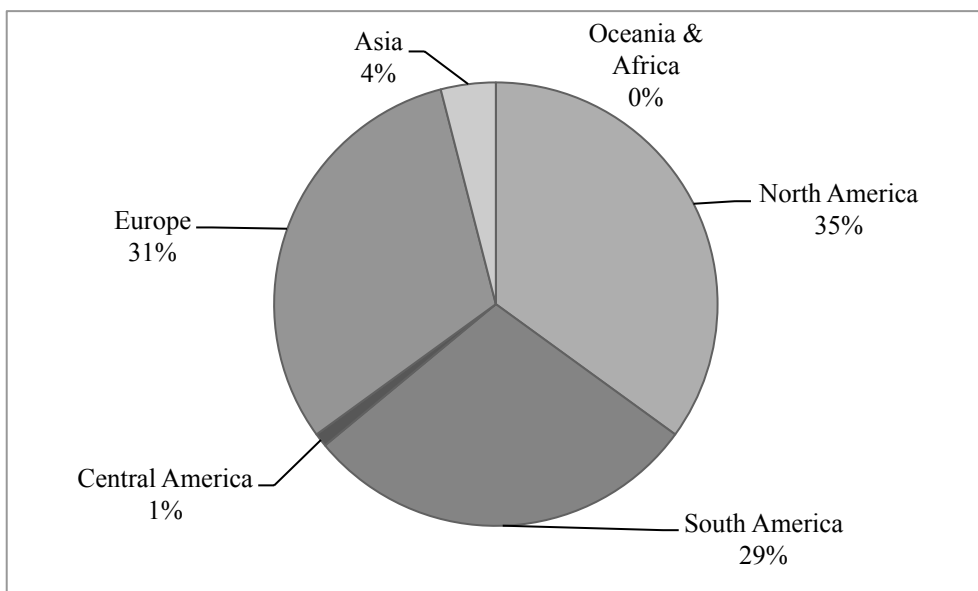
Source: INEI, IOM, DIGEMIN (2010)

These data reveal that border migrations are important in the Peruvian migration dynamic and, of these, the following borders stand out:

1. The border with Bolivia (Desaguadero): Peruvians who migrated to Bolivia, especially to El Alto, used this border crossing. This border crossing is also used by some people who wish to reach Chile but cannot pass through or are afraid of not being admitted by Chile through the border crossing at Santa Rosa, since this crossing is the most controlled.
2. The border with Chile (Santa Rosa): This is a very active border crossing, used above all by Peruvians in transit to northern Chile, to the cities of Arica and Iquique, to work in various sectors, such as agriculture, commerce and domestic service. There is a great deal of commerce around this border, conducted especially by the Aymara people (Berganza and Cerna, 2011).
3. The border with Ecuador (Aguas Verdes): This border is used primarily by Peruvians emigrating to southern Ecuador who come to work in sectors like the seafood industry, mining, flower plantations and commerce. It is a border that sees both permanent and transitory migration (Berganza and Purizaga, 2011). Currently the Ecuadorian-Peruvian Permanent Statute is in effect, which has facilitated the regularization of the border region.

Peruvian migration is directed mostly to other countries in the Americas, where 65 percent of those who emigrated during the period studied (1994–2009) now live, especially in the United States and some countries in South America, of which Argentina and Chile stand out. 31 percent chose Europe as their destination, especially Spain and Italy, and 4 percent reside in Asia, where the primary recipient country of Peruvian emigration is Japan.

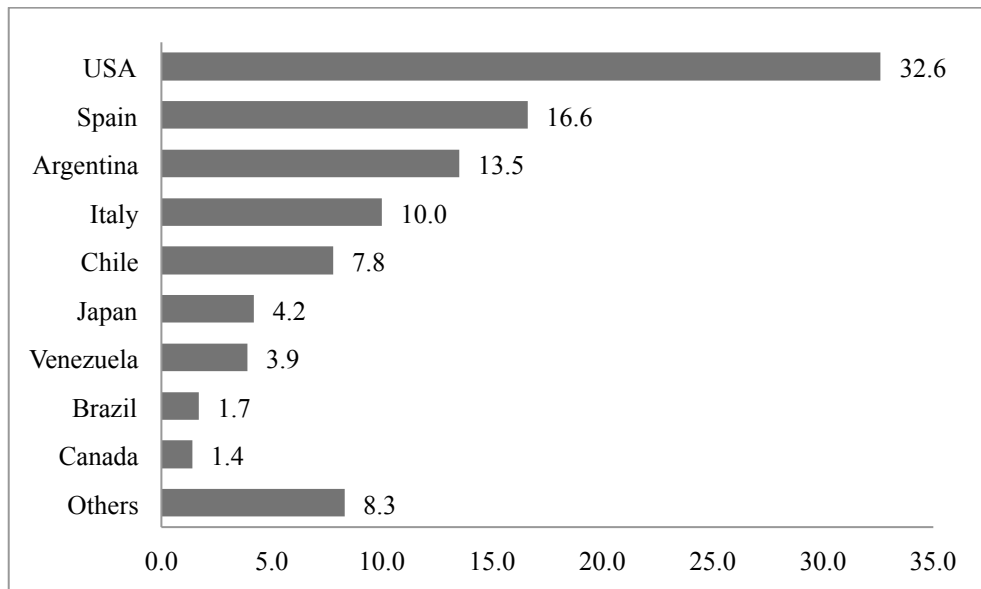
Graph 8. Peruvian emigration by continent of residence – 1990–2009 (%)



Source: INEI, IOM, DIGEMIN (2010)

To further specify the place of residence and analyze the countries to which Peruvians emigrate (GRAPH 9), a greater number of Peruvians who reside abroad do so in the United States (32.6 percent). This country is in relative contrast with regards to the other countries, which are Spain, which hosts 16.6 percent of Peruvians abroad, Argentina, with 13.5 percent, Italy with 10.0 percent and Chile with 7.8 percent. Following these are those countries whose share of the total Peruvians abroad does not pass 5 percent. These numbers can testify to the great diversity of destinations that receive Peruvian emigration.

Graph 9. Peruvian emigration by country of residence – 1990–2009 (%)

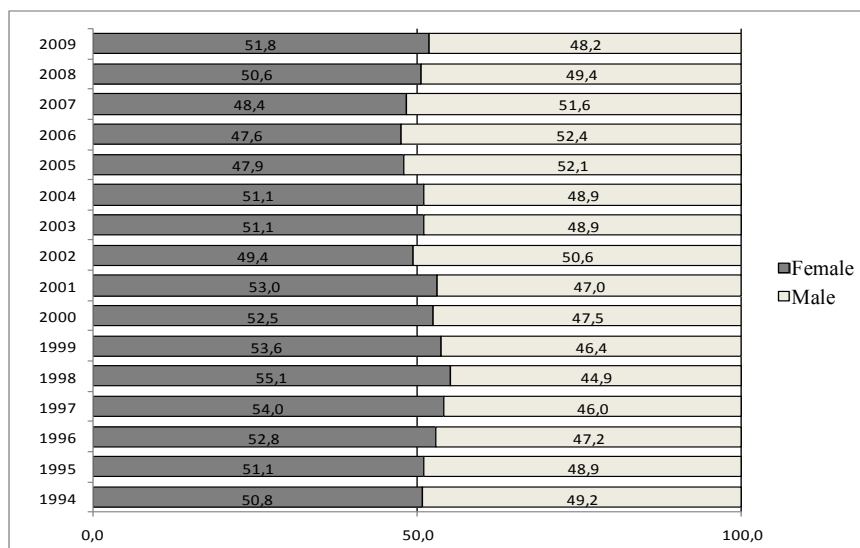


Source: INEI, IOM, DIGEMIN (2010)

With regards to the profile of emigrating persons, the following characteristics must be noted:

a) Sex

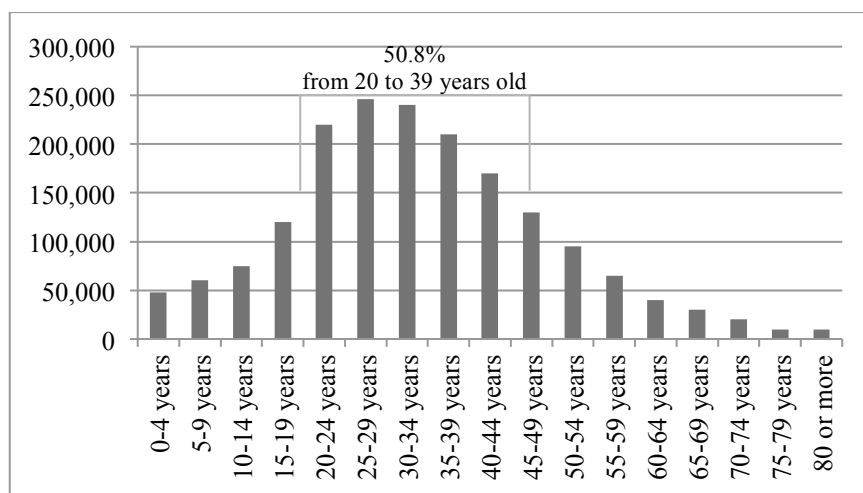
Of the total of 1,785,429 Peruvians, 50.4 are women and 49.6 percent are men. This statistic shows that there is a higher feminine population of Peruvians living abroad. As can be seen in GRAPH 10, from 1994 to 2009, women have participated widely in these migratory phenomena.

Graph 10. Peruvian emigration by sex – 1994–2009 (%)

Source: INEI, IOM, DIGEMIN (2010)

b) Age

It can be affirmed that the majority of emigrants at the moment of departure are young people, of productive and reproductive age. 50.8 percent of emigrants leave when they are between 20 to 39 years of age and, thus, of working age. On the other hand, the emigrant population who are dependents make up only 14.4 percent of the total (10.1 percent from 0 to 14 years old and 4.3 percent who are older than 65).

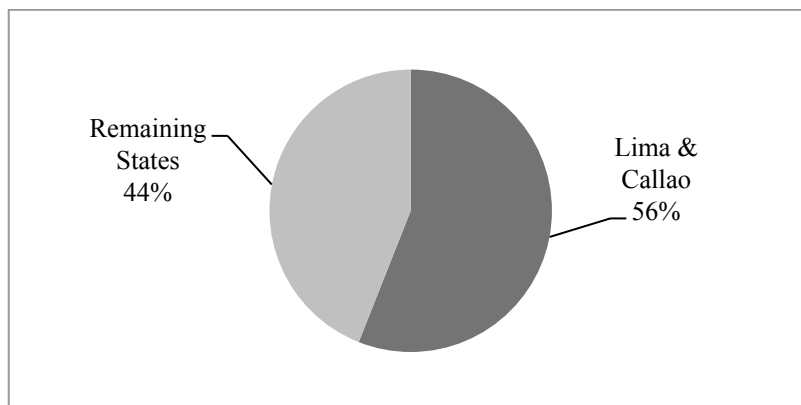
Graph 11. Peruvian emigration by age

Source: INEI, IOM, DIGEMIN (2010)

c) Place of birth

The birth place of Peruvian emigrants is primarily Lima and the Constitutional Province of Callao, where 56 percent of those living abroad were born. This reveals that it is people in the capital of the country who make up the majority of those who emigrate.

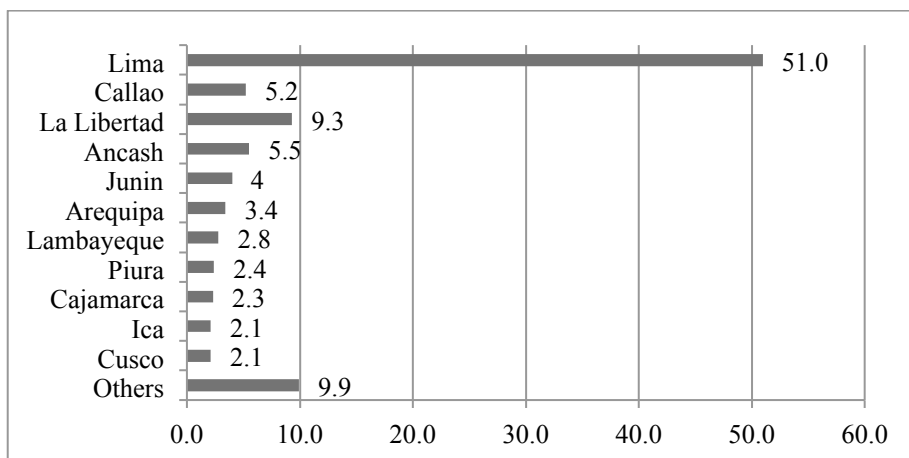
Graph 12. Peruvian emigration by place of residence (%)



Source: INEI, IOM, DIGEMIN (2010)

From the rest of the regions (GRAPH 13), people who emigrate come especially from the regions of La Libertad and Ancash, both coastal and situated in the North of Lima. The next place is Junín, from which 5.5 percent of emigrants hail. This region is located in the interior of the country and lies next to the Department of Lima.

Graph 13. Peruvian emigration by department of origin (%)

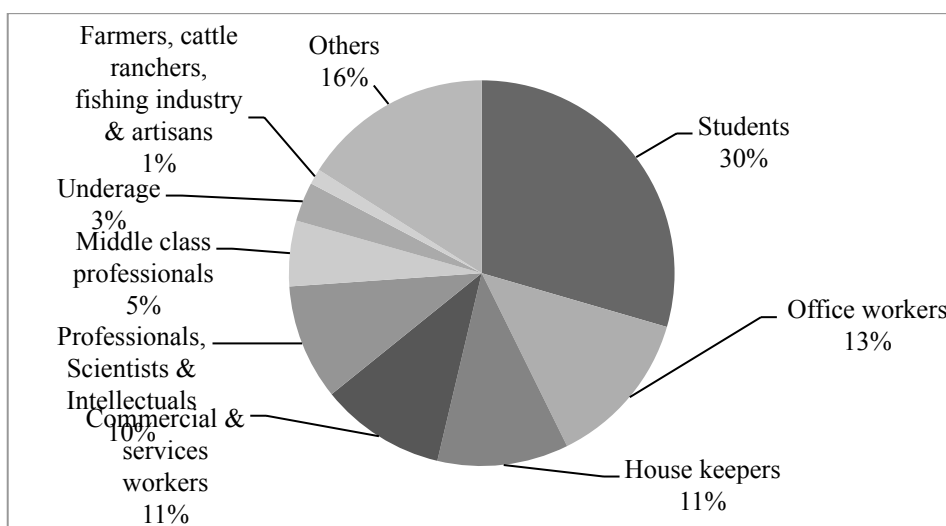


Source: INEI, IOM, DIGEMIN (2010)

d) *Principal occupation*

According to data supplied by DIGEMIN, almost 3 in 10 persons who emigrated from Peru between the years 1993 and 2009 were students. 13.2 percent of this group was office employees and 11 percent considered themselves homemakers. Meanwhile, 10.5 percent worked in the service or commercial sectors, 9.7 percent were professionals, scientists and intellectuals and 5.5 percent were mid-level technicians and professionals.

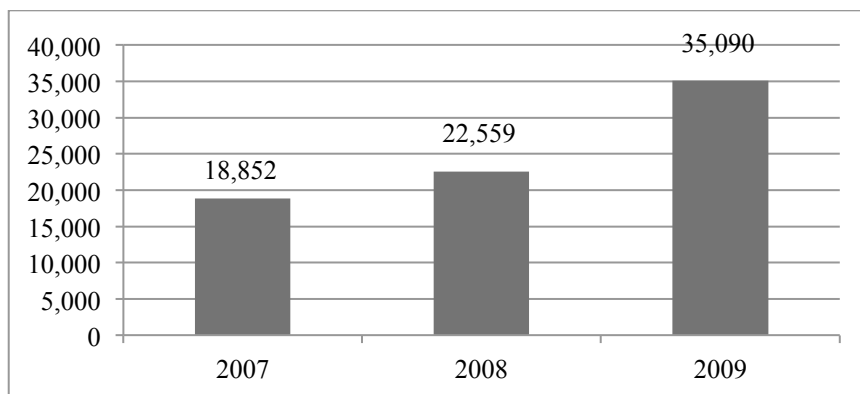
Graph 14. Peruvian emigration by principal occupation – 1990–2009 (%)



Source: INEI, IOM, DIGEMIN (2010)

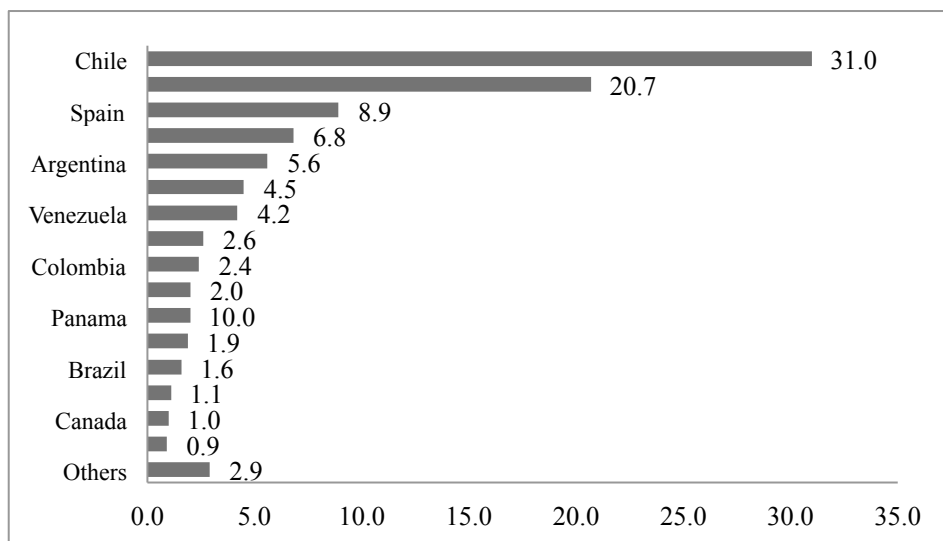
6. Returning migration and perspectives of the future

In recent years, as was mentioned before, the international economic situation has brought about changes, especially due to the global crisis that is occurring now. This economic situation has also affected the phenomenon of migration and has begun to be seen in the process of the return of people who had left the country, who had been living abroad and now decide to return to live in Peru. In the year 2010, the International Organization of Migrations, the National Statistics Institute and the General Office on Migrations and Nationalization conducted a study concerning people of Peruvian nationality who lived abroad for more than a year and decided to return to the country between 2007 and 2009 and have not gone abroad again before the date of analysis of the study, the 30th of June, 2010. During this period 76,501 returnees were registered, of which 52 percent (39,771) were women and 48 percent (36,730) were men. The number of returnees has been increasing with the years (GRAPH 15). This is primarily due to the advent of the global crisis and the better economic situation found in Peru today.

Graph 15. Peruvian returnees, by year of return – 2007-2009

Source: INEI, IOM, DIGEMIN (2010)

With regards to the countries from which they returned, three countries make up 60.6 percent of Peruvians returning from abroad. The highest number of returnees was reported to come back from Chile (31.0 percent, corresponding to 23,698 people), followed by the United States of America (20.7 percent, 15,810 people) and Spain (8.9 percent, 6,816 people). In next place is Bolivia with 6.8 percent of returnees, followed by three South American countries: Argentina (5.6 percent), Ecuador (4.5 percent), and Venezuela (4.2 percent). These figures show that the majority of returnees come from other Latin American countries.

Graph 16. Peruvian returnees, by country of return

Source: INEI, IOM, DIGEMIN (2010)

In spite of this increase in return, a survey conducted in 2009 among people from ages 15 to 29 residing in four of the principal Peruvian cities, Arequipa, Huancayo, Trujillo and Metropolitan Lima, (Youth, Employment and International Migration Survey (ENJUV 2009)) showed that 54 percent of those surveyed had lived in another country before and, of these people, 26.2 percent were planning to travel abroad in the next 3 years. Likewise, in the setting of the National University Census, the figures revealed that, by that 2009, the undergraduate university population comprised 782,970 individuals, of which 89.7 percent were young people (15 to 29 years old) and of these 63.9 percent planned to migrate upon finishing their studies. These figures foretell that, in spite of increasing numbers of returnees, there will continue to be a strong phenomenon of emigration.

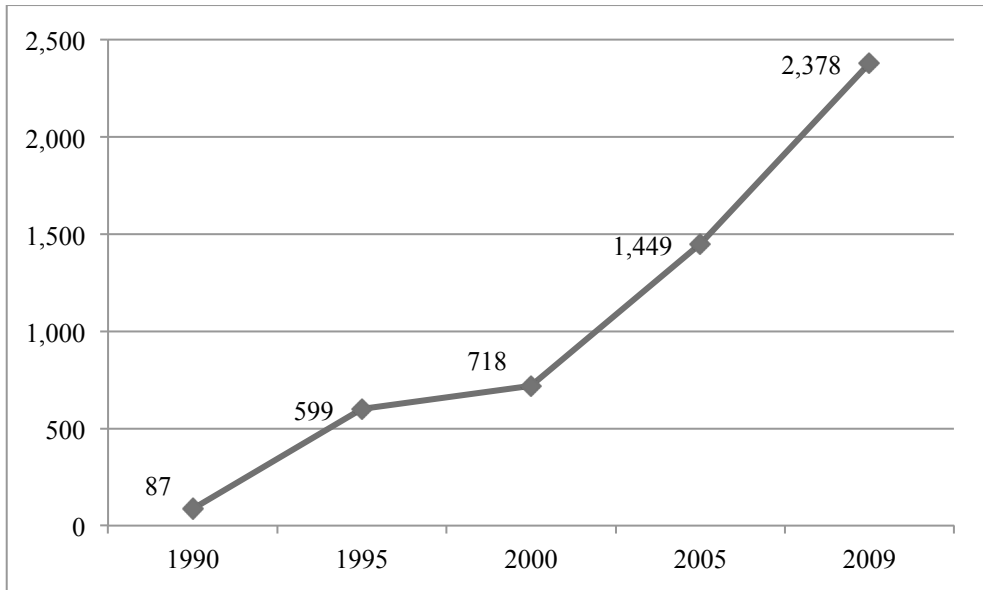
The reasons that youths want to migrate are primarily in search of better economic conditions (56.9 percent), followed by those who want to leave Peru to study (25.7 percent). In other words, young people still have the idea that to better their lives they must leave the country. According to Germaná (2005), in Peru, the emigration of millions of people is evidence of the intense social, economic, political and cultural disruptions that the country has experienced in recent years. International migration reveals the lack of well-being in the social order.

7. Impact of emigration

Emigration in Peru has had various consequences. One of them, probably the most analyzed, is the increase of remittances received. Remittances throughout the world have greatly increased in recent years. In Peru as well (GRAPH 17) this influx of money has increased considerably in the last twenty years. In the year 1990, \$87 million USD was sent, and by 2000 the number had already reached \$718 million USD. In 2009 this number climbed to a total of \$2.378 billion USD, though this figure represents a slight decrease compared to 2008 levels (INEI, OIM 2010). This increase in remittances goes hand in hand with the increase of people who have emigrated and live in other countries.

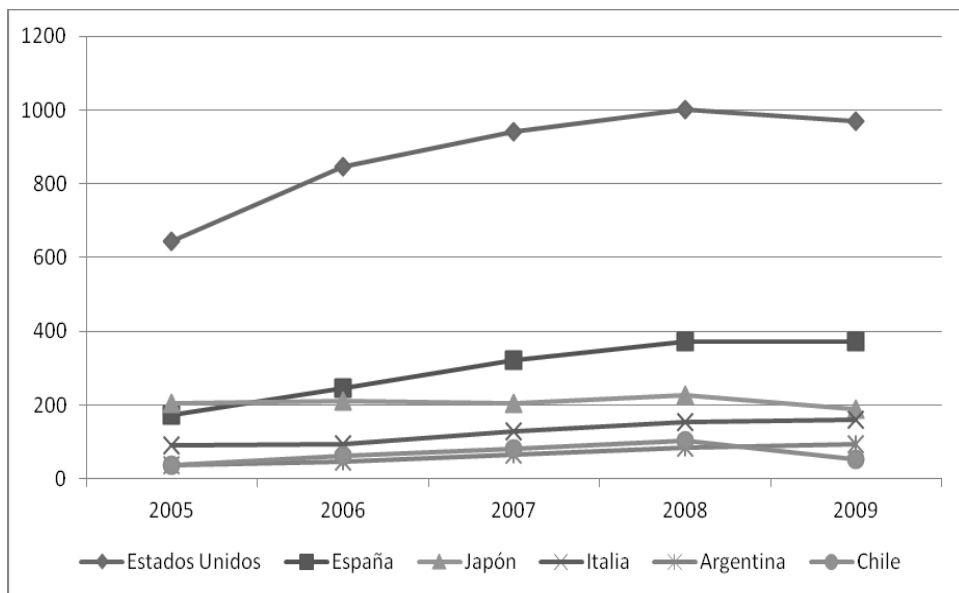
These remittances come primarily from four countries that are not in the region (the United States, Spain, Japan and Italy) and two which are in the region (Chile and Argentina). From 2005 to 2009, all these countries, except Japan, have increased in the number of remittances sent, owing to the situation of the international economy.

Graph 17. Evolution of remittances in Peru (1990–2009) – thousands of millions of USD



Source: INEI, IOM, (2010)

Graph 18. Evolution of remittances in Peru (2005–2009), by sending country – thousands of millions of USD



Source: INEI, IOM, (2010)

With regards to the relative importance of the countries in terms of remittances sent (Table 5), although the United States continues occupying the first place in the list of countries from which remittances are sent to Peru, its participation has diminished. The same has occurred with remittances coming from Japan. On the contrary, remittances from European countries, especially Spain, and from South American countries, mostly Argentina, have continued to increase with respect to the total.

Table 5. Remittances by country of origin (# and %) 2005-2009

	2005		2006		2007		2008		2009	
	#	%	#	%	#	%	#	%	#	%
United States	644	44.7	845	46.0	941	44.2	1,002	41.0	971	41.8
Spain	174	12.1	246	13.4	322	15.1	373	15.3	372	16.0
Japan	205	14.2	212	11.5	206	9.7	228	9.3	190	8.2
Italy	92	6.4	94	5.1	128	6.0	153	6.3	159	6.9
Argentina	37	2.6	48	2.6	65	3.1	84	3.4	93	4.0
Chile	36	2.5	61	3.3	82	3.8	105	4.3	52	2.2
Other countries	252	17.5	332	18.1	387	18.2	498	20.4	484	20.9
Total	1,440	100.0	1,838	100.0	2,131	100.0	2,443	100.0	2,321	100.0

Source: INEI, IOM, (2010)

Comparing the countries from which remittances are sent with the countries where Peruvians reside, it is clear that the South American countries (Argentina and Chile) have a higher share in emigration than in the sending of remittances, while it is the opposite case in Japan. This leads us to believe that people emigrating to South America have less ability to save money and to send remittances compared with those Peruvians who emigrate to the other countries.

Table 6. Remittances by country of origin and migration by country of residence – 2009

	% of remittances by country of origin		% of migration by country of residence
United States	41.8	United States	32.6
Spain	16.0	Spain	16.6
Japan	8.2	Argentina	13.5
Italy	6.9	Italy	10.0
Argentina	4.0	Chile	7.8
Chile	2.2	Japan	4.2
Other countries	20.9	Other countries	15.3
Total	100.0	Total	100.0

Source: INEI, IOM, (2010)

According to studies carried out by the INEI and the IOM in 2009, at a regional level, the population who primarily receives remittances lives in the province of Lima and in the Constitutional Province of Callao, 64.4 percent and 7.2 percent, respectively. In the rest of the Regions of Peru, the head of the list is the Region of La Libertad, with 6.9 percent, followed by Arequipa and Ancash (4.2 percent), Lambayeque (2.3 percent) and Junín (2.1 percent). These regions coincide with those from which the highest levels of emigration take place.

The characteristics that stand out concerning the households and people who receive remittances are the following:

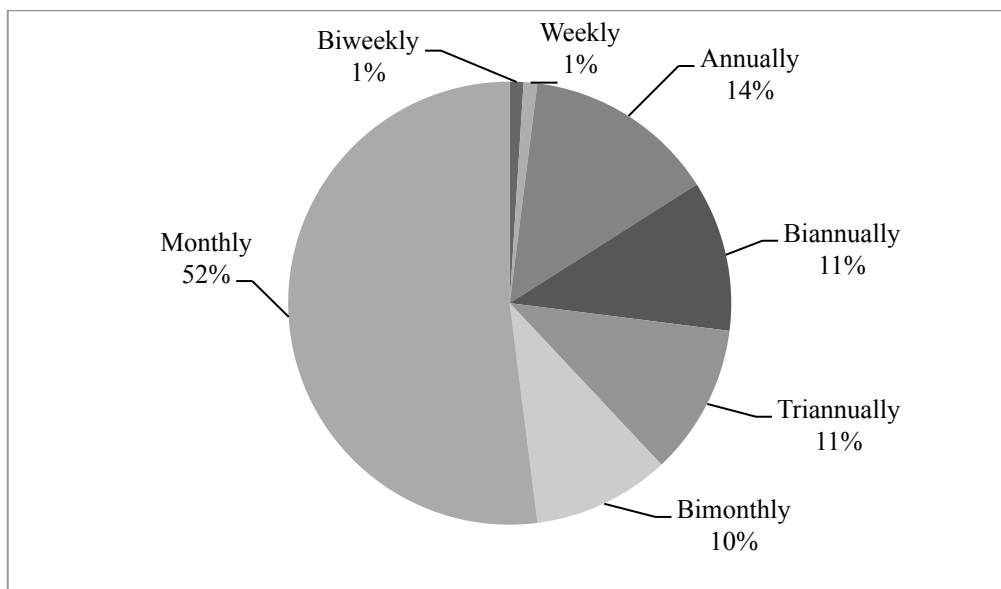
- They are lower-middle, middle, and upper-middle class households; with a small percentage being the poorest homes;
- They are homes located primarily in the urban area (95.3 percent);
- Those receiving the remittances are predominately women (67.7 percent, as opposed to the 32.3 percent who are men).

Homes that receive international remittances, compared with those that do not receive them:

- Have higher access to potable water;
- Have a higher percentage of access to electricity inside the house;
- Have better access to telephones, both land lines and cellular phones, and the Internet;
- Of these homes that receive remittances or that have had a family member migrate internationally, the school-age population, from 3 to 16 years old, attends some regular center of learning in a higher proportion to that of the school-age population in homes at a national level (according to data from ENHAO 2006).

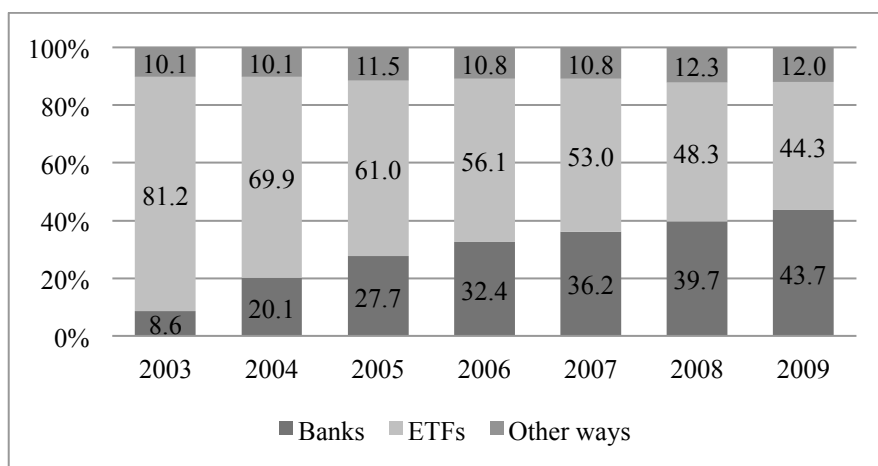
These characteristics confirm that living conditions are significantly better in households receiving remittances or in households with international migration, compared to the conditions of the average Peruvian household.

The frequency of sending and receiving remittances in Peru (GRAPH 19) is in the majority of cases monthly (52 percent), which could in turn be considered similar to a salary due to its regularity. Next are those who receive remittances annually (14 percent), biannually and every three months (11 percent), and four times a year (11 percent). Fortnightly and weekly remittances are less frequent.

Graph 19. Remittances by frequency of sending – 2009

Source: INEI, IOM, (2010)

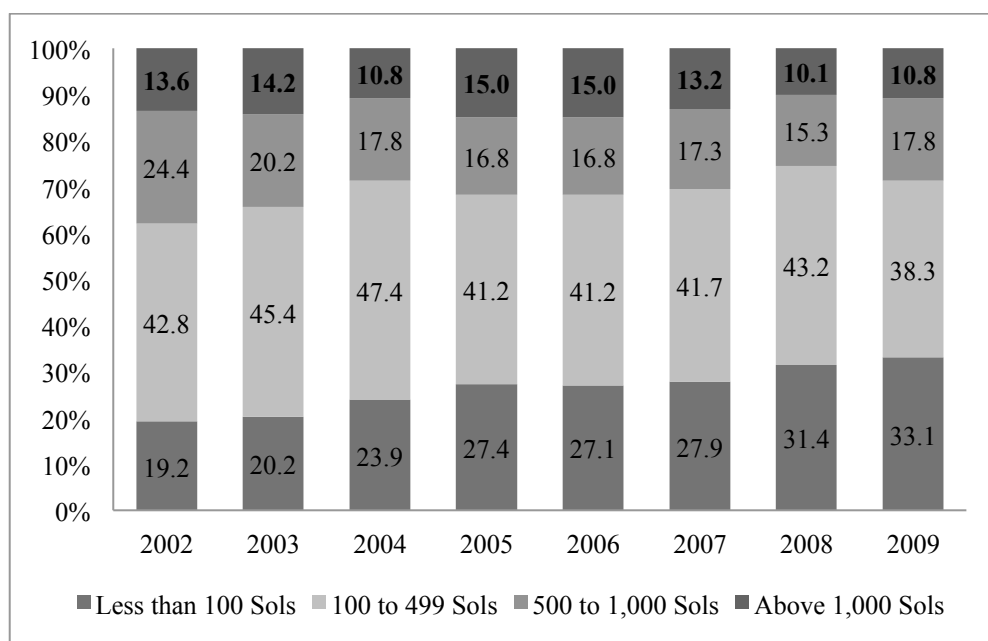
The types of remittances sent to Peru have changed with time. In 2003 these transfers were carried out mostly through money transferring businesses (MTBs), however, over the years, banks have also grown in importance when sending money. It should be noted that informal methods of sending money have always been less common.

Graph 20. Remittances by method of sending – 2003–2009 (%)

Source: INEI, IOM, (2010)

According to data from the National Household Survey (ENAHO), the monthly total of remittances sent in 2009 was S/. 421 nuevos soles. More than 70 percent of homes received a monthly amount inferior to 499 Nuevos Soles, of which 38.3 percent receive between 100 and 499 soles and 33.1 percent receive less than 100 soles. The percentage of money sent that is less than 100 soles has been progressively increasing throughout the years analyzed, while remittances of greater amounts decreased. Therefore, more people receive remittances but in lesser sums.

Graph 21. Population that receives remittances, by amount received – 2002–2009 (%)



Source: INEI, IOM, (2010)

Another important aspect of remittances is the way that they are used. In the case of Peruvian families, the great majority use their remittances to defray household expenses (66.2 percent), followed by educational expenses (21.4 percent). The remaining 12.5 percent is saved (4.8 percent), used for housing (3.2 percent), and used for other expenses (4.5 percent). In the last three years the number of families who dedicate the remittances to finance education has increased, while the number of families who use it for household expenses has particularly decreased. Likewise, there has been a slight increase in the percentage of families who use remittances primarily for housing and also an increase in the percentage of those who put the money into savings.

Table 7. Population that receives remittances, by principal usage - 2007-2009 (%)

	2007	2008	2009
Housing	2.3	3.3	3.2
Savings	3.6	5.3	4.8
Living Expenses	76.4	76.7	66.1
Education	15.0	13.7	21.4
Others	2.7	1.0	4.5
Total	100.0	100.0	100.0

Source: INEI, IOM, (2010)

We can observe that Peruvian families use remittances for immediate expenses. There is a debate about how the use of remittances favors better development in home-country populations. Some maintain that it is better to save the money because this permits investment in businesses that generate income in the long term, and yet others are of the viewpoint that dedicating the money to ordinary consumption costs already inserts more money into the home-country, which in and of itself fosters development. It should be noted that the percentage of remittances set aside for educational costs has increased, with the effect that more than a fifth of the money received by families in 2009 has been used to pay for young people's education. This use of the money coming from abroad serves to improve people's personal capital, which is beneficial to the country as it can then count on better-qualified citizens.

Other aspects which have been less studied are the social, familial and personal effects of the relatives who stay behind. Migration presupposes a readjustment in the family, regardless of which family member migrates (Ansi3n, Mújica and Villacorta, 2009). Emigration brings about changes in the responsibilities of the home, in who takes care of the children, who must in turn become accustomed to living without their father, their mother, or both. In this context, family networks are very important since, in many cases, relatives (aunts, grandmothers) are the ones who must assume the caretaking of the children. Likewise, the children have to come to terms with the departure of one or both parents. This separation brings them to maturity, although not without difficulties.

However, in spite of the problems, communication with relatives tends to be smooth, which allows them to continue with their current situation (ASPEC and Caiplo Fondazione, 2012). Additionally, new forms of internet communication make a form of intimacy much more possible. At the same time, the remittances sent and received, which improve the quality of life, are an incentive that allows the family to experience this separation with optimism.

To summarize, migration brings about positive and negative consequences to the country of origin. On one hand, it allows the migrating person to improve the economic situation of him or herself and that of his or her family and relatives who

have stayed in Peru; it also opens new horizons of development. On the other hand, migration also has negative consequences. The separation of loved ones creates suffering and a need to restructure relationships. These consequences should be taken into account in a holistic manner when designing migratory policies for Peru, an aspect that will be analyzed in the following section.

PART II

REGULATORY FRAMEWORK OF PUBLIC POLICIES ON MIGRATIONS IN PERU

Migratory policies in Peru have evolved along with the changing reality of migration. These public policies must take into account various aspects, such as emigration, immigration, applications for refugee status, and returnees, among others. Therefore, it is fundamental that the State develops an integral policy of managing migration that integrates all of these aspects. In this part, the evolution of public policies on migration that the Peruvian State has laid out is described, taking into account the reality of each historic moment and the existing international legislation.

1. Evolution of policies and migratory regulations in Peru

The Peruvian State finds itself in a revision process of its migratory policies with the goal of making these more comprehensive, as part of a process of restructuring and ordering of the public policies, reorienting them towards the national objective of ensuring the full validity of fundamental rights and the dignity of persons.¹⁴⁰

The Ministry of Foreign Affairs (MRE) considers the policies of migration as part of the Foreign Policy of Peru, but only in that which *involves ties with Peruvians abroad through its consulates*. Its scope, definition and control are found in the General Office on Immigration and Naturalization (DIGEMIN) of the Ministry of the Interior.¹⁴¹

Migratory policy has been drafted through a long historical process, with advances and setbacks. These have been due to international political circumstances, a result of prevailing doctrines and, at other times, as a result of the lack of political decisions. The present chapter describes the evolution of migratory policies in Peru, emphasizing the context and process of the formulation of Peruvian migratory policy up to today.

In the beginning of the Republic, Peru was a destination country for migrants. The first governors of this newly-independent nation, as with almost all of the Latin American countries during the 19th century, encouraged the permanent settling of foreigners, preferably Europeans, with the goal of increasing economic growth. In order to do so they created institutions and allurements plans for these groups of migrants. The economic incentives, such as land grants and tax exemptions, among

¹⁴⁰ CEPLAN. (2011), Plan Bicentenario: El Perú hacia el 2021. Lima, p. 11.

¹⁴¹ Ministry of Foreign Affairs website: <http://www.rree.gob.pe/portal/aconsular.nsf/0/3821FA5FD22C403A052570D5006DB1FB?OpenDocument> (Accessed September 30, 2012).

others, were important elements to ensure the arrival of adequate foreign labor. It is meaningful to note that this process of attracting foreign labor took place amidst an international background of wars, famine and European economic recession.

The first Law of “Immigration in Peru” is dated November 1849¹⁴², motivated by the intention to meet the demand for agricultural laborers with migrants of European ancestry. In this first period, commerce was the principal activity stimulating budding foreign immigration, and these arrivals made use of the many advantageous terms that were conceded to them. As this regulation was aimed towards confronting the degree of undeveloped state of the agriculture of the country for a lack of labor, the benefits that the law authorized consisted of:

- A bonus of 30 pesos for each foreign colonist of both sexes, between 10 to 40 years old;
- The exemption of foreign colonists from military service and from paying property taxes for 10 years;
- The granting of uncultivated lands free of charge for 25 years.

However, these schemes to attract European migrant labor did not achieve the expected results. Instead, it attracted workers from China, who primarily undertook agricultural work and provided much needed labor (Romagnoli 1995).

The situation of recruiting, hiring and settling this Asian labor was complicated. Many times these immigrants were subject to abusive and discriminatory conditions (Torales *et al* 2003, 67). The abuses and humiliations they suffered led in 1884 to the first bilateral migratory agreement between Peru and China, called “Peace, Friendship, Commerce and Navigation.” This agreement recognized the inalienable right of the individual to migrate in search of work, commerce or the establishment of a new place of residence, and that this emigration would be by one’s own free and voluntary consent, rejecting all violence or deception used to attract migrants from China (Torales *et al*, 68).

In 1873 the second Law of Immigration was passed. This new regulation was aimed at attracting European labor to activities of irrigation in lands on the coast and putting aside the old tendency toward the colonization of the jungle, given that the migrants did not have the necessary finances for developing the land in these areas.

¹⁴² The entry of foreigners in the Republic of Peru began after the declaration of independence, July 28, 1821. Free entry into the country was allowed for and incentives to begin productive activities. However, this wide right was restrained through the decree of March 4, 1822, which prohibited the arrival of foreigners to Peru without an entry license issued by the Government, which consisted of the reasons of purpose for arrival and permission for staying. A month later, this decree was scrapped and replaced by another that established freedom to take up residence in the country, and the promise of citizenship for the foreigner who promised to defend the country’s independence and obey its laws, and to invest or establish commerce. Commercial activity was the motor of external immigration that began to manifest itself (Torales *et al* 2003, 67).

In addition, this regulation dealt exclusively with the immigration of artisans, laborers and domestic workers of both sexes with the goal of finding enough people to do these activities and created the European Immigration Society, in response to the intermediaries' lack of success in bringing European immigrants in general (Romagnoli 1995). The principal functions of this institution consisted of:

- Hiring and administering the funds allotted by the State to European immigration programs;
- Financing the passage of the immigrants and providing them with lodging and support;
- Leading them to the places where they would reside and distributing the lands assigned by the State.

In 1893 the third Law of Immigration was passed, aimed at determining which foreigners would be invited to enter national territory, based on several characteristics. The selection criteria were based on race, age (less than 60 years of age) and occupation. Likewise, the law mentioned the various benefits that the immigrants would receive.

In the 1930s profound changes were underway in the understanding of what it meant to admit foreigners, as the State adopted a more restrictive policy as a form of safeguarding national security and operated under the argument that foreign labor was in unequal competition with that of nationals, especially Asian foreign labor.

It is important to note that during this era it was evident that the prevailing hegemonic doctrine was the preservation of the State against national and international threats, developing in this way schemes inspired by national security and many times with *totalitarian* tendencies. On this basis restrictive and punitive measures were applied to the entry, stay or departure of nationals and foreigners (UNDP 2011).

In 1936 the Supreme Directive 399 was signed, which limited the admission of foreigners to Peru, especially Asians and all those who could compete with the Peruvian labor force. This regulation was based on principles of preserving the ethnic and economic patrimony of the nation, of protecting Peruvian workers and industries from harmful competition that tended to accompany immigration and of entrusting the government with the responsibility of avoiding those activities which, by their nature and importance, could compromise the security of the State (Romagnoli, 1995).

Another particular characteristic of these amendments was the introduction of the "immigration quota," which established the following parameters in the admission of foreigners:

- 16,000 immigrants of each nationality. For reasons of computation a man or woman older than 10 years was considered one unit of immigration, even when the person belonged to the same family.

- 80 percent of national employees and workers and only 20 percent of foreigners in businesses and commercial and industrial establishments of the entire country.

In 1937 the “Rule of Immigration 417” was passed, which completed an immigration policy with a strong emphasis on *population control*. This explains the decision made through the Supreme Directive 21,702 on the 29th of November, 1976, which caused the transfer in its totality of the Office of Migration and Naturalization, belonging up to that point to the Ministry of Foreign Affairs, to the Ministry of the Interior. This change was made with the understanding that the task of controlling the migratory movement of nationals and foreigners as well as making the development of the activities of the immigrants in the territory subject to its laws, involving aspects of natural security and internal order (Torales *et al* 2003, 69).

In the beginning of the 1980s, complex situations arose relating primarily to the welfare of the country and the social order. In response to the hyperinflation and economic recession that afflicted the Peruvian economy,¹⁴³ and the internal armed conflict in the country, a stage of Peruvian migration to other countries began, whose figures were presented in the previous chapter.

Furthermore, because of the effects of the armed conflict, a considerable increase in the internal displacement of the population was noted, proceeding from the Andean zones of the country, as was mentioned in the first chapter of this investigation. This phenomenon gravely affected the pattern of occupation of the Andean territory. However, this grave situation was characterized by silence and relative invisibility, remaining unknown to political representatives, the State and a large part of society, until a very late stage in the conflict (CVR 2003).

In the beginning of the 1990s, after a period of violence and economic recession, a process of internal pacification began, as well as the recovery of the national economy and structural reforms in the entire State apparatus. On the migratory front, substantial changes took place only regarding migration regulation. In 1992 the current Alien Law was passed, which is complemented by the introduction of the components of regulation and protection of Peruvians abroad.¹⁴⁴ This same year, two decrees that sought to complement the regulation related to the adoption of regulations connected with the contribution of foreigners to the development of the country were signed into law:

- *Legislative Decree 663 or the “Migration-Investment Program,”* whose objective was to encourage the immigration of foreign citizens who contributed their

¹⁴³ In the final period of the Garcia government in 1989 there was a hyperinflation never before seen in Peru, which eventually accumulated a rate of over 7.000 percent by 1990. But, fundamentally, the phenomenon that marked the end of the Garcia government was the virtual destruction of the State as an institution capable of acting on behalf of the community (Abusada *et al* 2000, 16).

¹⁴⁴ Website of the Organization of American Status: http://www.oas.org/dil/esp/Ley_de_Extranjeria_Peru.pdf (Accessed 24 September 2012).

experience and capital and were disposed to contribute funds and/or invest in the country to generate new jobs, stimulate exportation and technology transfer.¹⁴⁵

- *Legislative Decree 689, called "Hiring of Foreign Laborers,"* fixes the preferred ratio corresponding to national workers, in their number as well as in the total amount of wages paid by the company. Up to 20 percent of the total number of service workers, employees and laborers can be foreigners and their salaries may not exceed 30 percent of the total of all wages and salaries.¹⁴⁶

In this same year, the subject of refugees was also broached, through decrees of Peru's adhesion to the international Conventions and Protocols that seek to regularize the legal situation of refugees and political asylees. In turn, in the mid-1990s, the first attempts were made to establish ties between the State and the diaspora, with the signing of the Dual Nationality Law (1995) and the Voting Law for Peruvian citizens residing abroad (2001).

The last eleven years of this new century have been the most significant in the advancement and involvement of the various social, political and state actors in the construction of migratory policy, especially directed towards the strengthening of the protection and outreach services for Peruvian migrants abroad. Migratory policy advanced through the introductions of interagency cooperation mechanisms to accomplish its objectives.

These reforms and innovations have occurred in a context of globalization and democratic transition, recovery of institutions and national reconciliation with the goal of overcoming the grave political, social and economic crisis of the 1980s and 1990s, characterized by hyperinflation, the internal armed conflict, corruption and its effects on the political and social fabric.¹⁴⁷

In a break from the past, from 1990 on the majority of migrant Peruvians were people from all social sectors, who left the country due to the socioeconomic crisis and with the purpose of entering the labor market, especially in developed nations, in which labor wages were much higher than in Peru (MRE 2005, 10). Nevertheless, this migration would not have been possible without the consolidation of the community networks of Peruvians abroad who supported the inclusion of these new migrants in society and labor.

In addition, it is important to note the role of the Peruvian diaspora in the presidential elections of 2001. During Peru's electoral process, candidate Alejandro

¹⁴⁵ Website of the Ministry of Justice: [http://spij.minjus.gob.pe/CLP/contenidos.dll/CLPlegcargen/coleccion00000.htm/tomo00399.htm/a%C3%B1o67788.htm/mes69222.htm/dia69492.htm/sector69505/sumilla69506.htm?f=templates\\$fn=document-frame.htm\\$3.0#JD_modifica2530](http://spij.minjus.gob.pe/CLP/contenidos.dll/CLPlegcargen/coleccion00000.htm/tomo00399.htm/a%C3%B1o67788.htm/mes69222.htm/dia69492.htm/sector69505/sumilla69506.htm?f=templates$fn=document-frame.htm$3.0#JD_modifica2530) (Accessed 30 September 2012).

¹⁴⁶ MTPE website: www.mintra.gob.pe/archivos/file/normasLegales/DL_689_1991.pdf (Accessed 30 September 2012).

¹⁴⁷ The state promoted the creation of the Truth and Reconciliation Commission and recognized the importance and necessity of the principle of transparency and access to public information through the promulgation of Law 27806, Law of Transparency and Access to Public Information regulated in Consolidated Text DS 043-2003-PCM.

Toledo recognized the importance of migrants in the country's development, calling them the "Fifth Province"¹⁴⁸ (Berg and Paerregaard 2005).

The initiatives concerning the process of Peruvian migratory policy came from various discussion forums on an international level that sought to include migration in the global agenda. The most notable example took place in the mid-1990s, a period characterized by the occurrence of a climate of political discussion on the topic of migration.

The beginning of the Regional Advisory Procedures on Migration, starting with the Cairo World Conference on Population in 1994, driven by the United Nations,¹⁴⁹ opened the first spaces of cooperation in those that attempted to generate more informal and non-binding regional spaces, in which the migratory questions were discussed (ILO–Migrandina 2009a; Hansen 2010; Núñez 2010).

Although in the Cairo Conference of 1994 the central theme was not migration, the need to promote a sustainable development was emphasized and the creation of jobs to reduce migratory flows, counting on the cooperation of the destination countries. The result was the Action Program of the International Conference on Population and Development, which recommends a series of objectives on this subject, besides the adoption of rational economic policies, certain forms of temporary migration and the collaboration in the promotion of voluntary return.¹⁵⁰

Another arena of international debate on migratory policy that has influenced Peruvian migratory policies has been called the "Berne Initiative," promoted by the government of Switzerland in 2001 as an advisory process between States to enable better management of migration at a global level through inter-state cooperation. This forum was the origin of four advisory regional meetings, in which points of view about the subject of migration were exchanged with the goal of adding the initiative to the international agenda for managing migration. It was meant to serve as a reference for governmental officials and those interested in the subject of migration to create or enhance the capacity for the development of effective policies of international migration, the development of legislation, the creation and strengthening of administrative structures, as well as more effective international cooperation on the subject, while completely respecting national sovereignty.¹⁵¹

Additionally, at the South American level, fourteen meetings of the South American Conference on Migrations were carried out by 2012, aimed primarily at

¹⁴⁸ [Translator's note] The word translated as "Province" refers to an Incan geographical and political division, province, or region, of which there were four; thus "the fifth province" carries more significance with contextual knowledge of the Incan history in Peru.

¹⁴⁹ United Nations website: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N95/231/29/PDF/N9523129.pdf?OpenElement> (Accessed 30 August 2012).

¹⁵⁰ United Nations website: http://www.un.org/popin/icpd/newslett/94_19/icpd9419.sp/1lead.stx.html (Accessed 30 August 2012).

¹⁵¹ OIM website: http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/berne/conclusions_eng_newlogo.pdf (Accessed 24 September 2012).

creating agendas for the understanding of the migratory phenomenon and sharing experiences on the topic; searching for converging positions and consensus; and developing policies, laws and practices about migration governance with a focus on the human development of migrations (Hansen 2010).

One of the most remarkable results of these conferences was the creation of the “South American Human Development Plan for Migrants,” recognized by the governments of this subregion as a common body of principals of migration governance.

On the other hand, it can be stated that these examples correspond to the actions that the Peruvian government has been encouraging in recent years through a series of bilateral and multilateral agreements to link migration to employment, inspired by the recommendations of the Multilateral Framework of the ILO for Labor Migration (2006). This framework is a quasi-regulatory reference (it is non-binding), whose lines explain how important it is that governments, in consultation with development partners, formulate and apply ways to prevent abusive practices, the trafficking of migrants and other persons, as well as to put extra efforts into preventing irregular labor migrations (ILO 2005, 23).

Under these principles, the creation of integral policies of migration aimed at migrant workers and their families will be based on the protection of rights during the entire migratory process (ILO – Migrandina 2009b).

In Peru, the existence of a new approach to migratory policy is reflected in the National Accord, the first forum of democratic governance that gathered the leaders of political parties, of social organization and religious institutions with the goal of strengthening democratic institutions through dialogue and reconciliation. The first declaration was laid out in 2002 with the development of 31 State policies related to various aspects of society, the economy and politics and a shared vision of the country’s future (National Accord, 2002).

The importance of the National Agreement would not be significant if the effect of its proposals had not been related to earlier reforms in migration management conducted by the Ministry of Foreign Affairs. Given the urgency of revamping the consular function because of the dysfunction of its service amid the new setting of the Diaspora and the new Peruvian communities, a situation that urgently needed to be addressed, the Foreign Ministry set out in its foreign policy to prioritize the assistance and protection of Peruvian citizens living abroad.

Peru must study in depth a comprehensive policy of managing migration that would consider the effects of the international economic crisis and the need to create specific reintegration policies for the massive waves of eventual returnees. It is also necessary to strengthen the policy of protecting rights and promoting the welfare of Peruvians abroad, to foster national and cultural outreach programs and to promote these Peruvians’ contribution to national development, for which negotiation and observation of international agreements, the optimization of consular services and the organization of our communities abroad is a priority (MRE 2009).

In this way, the new policy laid the foundation for the development of a migration policy defined in the following lines of action: the Policy of Qualitative Reform and Improvement of Consular Services, the Legal Protection Policy, the Humanitarian Assistance Policy, the Policy of Support for Productive, Legal, and Respectful Integration of Human Rights of Peruvians in the Societies of the Receiving Countries; the Policy of Promotion of and National and Cultural Ties, and the Policy of the Promotion of the Exercise of Citizenship and Democratic Participation of Peruvians Abroad (SRM, 2005). Also in 2001 the Assistant Secretary for Peruvian Communities Abroad was created¹⁵², whose main function was to protect the rights of Peruvian migrants around the world.

Moreover, the advisory councils, forums for participation, dialogue and cooperation between associations in the Peruvian community residing abroad and the consular service were also established (Vono 2006, 57).

This period of reforms to strengthen the protection of migrants' rights abroad is entered into with a significant change in consular management, changing from the form and profile of the "Prefect Consul," – essentially bureaucratic and elite, and since being created by the MRE in 1821 had become obsolete and dysfunctional – to that of a "Public Service Consul," belonging to the Democratic State and appropriate for the reality of massive Peruvian communities abroad, who demanded efficient and effective services (MRE 2005).

Another important factor in raising awareness about the issue of migration among the Peruvian authorities, leading them to define and implement migration policies in line with the new challenges of migration flows in the country, was the visit of the Human Rights Rapporteur for the United Nations in 2004 to observe the situation of international migrants in Peru. The recommendations of the report were to establish mechanisms of protection and guidance for potential migrants, because large sectors of the population, especially young people, perceived emigration as the only solution to unemployment and poverty (Rodríguez 2005).

In 2009 there began a process of institutional changes in the Peruvian State, which will be discussed later, beginning with coordination conducted by the Ministry of Foreign Affairs (MRE) along with the Ministry of Labor and Employment Promotion (MTPE), for the implementation of a labor migration management policy committed to ensuring the guidance and protection of migrant workers.¹⁵³

¹⁵² Now called the General Office on Overseas Peruvian Communities and Consular Affairs, which is composed of Directorate for Consular Policy and the Directorate for Protection and Assistance of Nationals.

¹⁵³ In Peru and the Andean Region, this process has been going on since 2008, stemming from a situation of international crisis and positioning of the migratory theme in the region, carrying out awareness activities at a level of international cooperation with the different organizations of the State to incorporate labor migration management in the political agenda of the State. The contribution of the Andean Region International Labor Organization (ILO) through the ILO-MIGRANDINA Project RLA/07/03M/SPA, ("Institutional Strengthening on the migration issue to contribute to the development of the countries in the Andean region") stands out, in the implementation and institutionalization of

One of the main accomplishments of these sectors was the creation of the "Interagency Working Group on Migration Administration" (MTIGM), which was set up as a model of policy coordination between different ministries, and it has made the role of the MRE and the MTPE more visible, as both are responsible for labor migration management.¹⁵⁴

Since August 2009, with the participation of twelve ministries and State agencies, fourteen meetings of coordination, consultation and cooperation were arranged between the different national sectors linked to migration management (DP 2009; Núñez 2010; ILO 2012a).

Among the most important objectives of the Bureau are: to propose State policies of a comprehensive nature on migration management, related to promoting employment, protecting and promoting the welfare of migrants, maximizing the impact of migration on development and inclusion of "co-development" as a pragmatic tool for local governments to incorporate nationwide (ILO 2012e).

Currently, the Bureau has come up with a "Work Plan and Guidelines for Policy in 2015," which is waiting to be implemented as soon as a way to finance it is found (ILO-Migrandina 2012b).

Other major changes concerning the subject of labor migration also occurred in mid-2009 with the new responsibilities of labor migration management, which the MTPE assumes exclusively with the promulgation of the Law 229831: the Organization and Functions of the same sector,¹⁵⁵ which expounds on responsibilities concerning labor migration; the Rules of Organization and Functions with Supreme Decree No. 004-2010-TR, which institutionalizes the Directorate of Labor Migration as part of the organizational structure of the Directorate General for Employment and the development of the matrix of division of powers and assignment of the functions of the sectors of Labor and Promotion of the Employment-Supreme Decree No. 002-2010-TR,¹⁵⁶ which considers the implementation of coordinated actions with the functions assigned to regional and local governments (Velásquez *et al* 2012, 64–66).

In 2010, the MTPE, with the Directorate of Labor Migration, through the "Project for Strengthening Regional and Local Governments in the Context of MTPE Labor Migration Management (2011–2014)," – delineated within the National Plan

policies and structures of labor management in the Andean countries. This project was carried out in the period of 2008–2012 and was funded by the Ministry of Labor and Immigration of Spain. For the implementation of activities it counted on collaboration with the Joint Project "Promotion of Employment, Youth Entrepreneurship and Labor Migration Management" (ILO, UNFPA, IOM, UNDP) Youth, employment and migration were funded by Spanish cooperation 2009–2012.

¹⁵⁴ This space was implemented with the technical assistance of the ILO-Migrandina Project (2008–2012).

¹⁵⁵ This law is based on Law 28806, General Law of Labor Inspection 2006, which gives the Ministry of Labor responsibilities on labor migration. MTPE website: http://www.mintra.gob.pe/archivos/file/VIH_SIDA/nomas_vih_sida/ley_28806.pdf (Accessed 24 September 2012).

¹⁵⁶ MTPE Website: http://www.mintra.gob.pe/migrante/pdf/migracion_laboral.pdf (Accessed 24 September 2012).

of Development of the Capacity for Public Management and Good Governance of Regional and Local Governments – led to the implementation of decentralized awareness workshops with the aim of streamlining migration management between the three levels of government (national, regional and local) and integrating the participation of civil society and the migrant population (ILO 2012b). This was done with the support of international cooperation.

The current process of decentralization of the entire State apparatus, which occurs mainly through the transfer of functions and powers to the regional governments, is one of the main components by which the MTPE has introduced labor migration management in the regions. It is expected that this process will be sustainable so that it can continue bringing the issue of migration to the forefront at all levels of government, because so far its activities have been paralyzed by lack of resources and institutional capacity.

Nevertheless, instances of co-development have been observed in the Peruvian Central Sierra in which, long before the decentralization process, the participation of transnational migrant organizations played a major role in local economic development.

In recent years a specific agenda about the issue of migration has been consolidated thanks to the participation of civil society, especially unions and social organizations that work with migrants. In 2010, with the support of the MIGRANDINA Project and ISCOD, the Inter-Union Bureau of Labor Migration was created which put forth an Action Plan for 2014 with guidelines for the protection of migrant workers, but it lacked resources for its implementation (ILO – Migrandina 2012b).

However, as we will analyze in the third chapter, such involvement has remained invisible due to the lack of concrete proposals on the subject of migration. Many of the initiatives and advocacy activities have been short-term and many depended on international cooperation.

In the same way, even if the participation of Peruvian migrants in organizations can be found abroad has achieved notable growth and importance, they are still weak; that is to say, their ties and participation in the construction of policies at the various levels of government are poorly visible.

Migration is a new issue in the political arena and has made important advances in the way it is approached by institutions responsible for managing it. However, political will and better effort on the part of the State are required to make it an issue properly tackled by all the various sectors and level of government, allocating human resources and funds for the implementation of programs that can be efficient and effective and that would be at the service of migrant citizens, as much within the country as outside of it.

In general, we can conclude that policies of migration in Peru are characterized by having been brought about throughout a series of political changes, Peruvians adjusting themselves in accordance with the migratory reality of Peru's diaspora.

There are however many challenges concerning these policies, since the resources to implement them have not changed and are insufficient to meet the demands of Peruvians abroad, as well as those of potential migrants, immigrants and returnees (Office of the Ombudsman 2009; Andean Parliament 2011).

2. Legal Framework for Migration

The Legal Framework for Migration in Peru is based on what is written in Article 3 of the Political Constitution of Peru in 1993 with regard to “the defense of the human person and the respect of his or her dignity are the supreme goal of society and of the State.” The legal importance of this premise includes all people who reside in the country, whether or not they are born in Peru.

However, the Peruvian State’s process of managing migration is subject to full disposition and concordance with the international treaties to which Peru belongs, with the purpose of avoiding incompatibilities between them (Constitutional Tribunal 2009, 3).

2.1. Ties with international instruments concerning migration

International instruments protect rights of a universal and inalienable character. They are guaranteed to all individuals present in a State and cannot be legally denied to anyone, whether nationals or not, regardless of an individual’s legal status. It is important to mention that “the lack of a link to nationality cannot be an excuse to justify denial or unequal treatment, damaging of fundamental rights acknowledged in these instruments” (CIDH 2003).

In this way, we find that the principal source of legal regulation of human rights, which includes that of migrants, is sustained in the Universal Declaration of the Rights of Man and of the Citizen, which is the inspiration for the following Agreements of the Universal System:

- The Universal Declaration of Human Rights (1948),
- The International Covenant on Civil and Political Rights (1966),
- The International Covenant on Economic, Social and Cultural Rights (1966),
- The International Convention on the Elimination of All Forms of Racial Discrimination (1965),
- The Agreement on the Prevention of Torture and Inhumane or Degrading Punishment or Treatment (1984),
- The International Convention on the Elimination of All Forms of Discrimination Against Women (1979),
- The International Convention on Rights of the Chile (1989),

- The Convention for the Protection of the Rights of All Migrant Workers and their Families (18th of December, 1990), the Palermo Convention and its three Protocols on International Delinquency, and Human Trafficking and Smuggling (1992).

In the same way, in the regional sphere, the following are applicable towards the protection of migrant persons:

- The American Declaration on the Rights and Duties of Man (1948),
- The American Convention on Human Rights (1969),
- The Additional Protocol at the American Convention on Human Rights on the subject of Economic, Social and Cultural Rights (1988),
- The Inter-American Convention to Prevent, Penalize and Eradicate Violence Against Women – Belém do Pará (1994),
- The Inter-American Democratic Charter (2001).

2.1.1. International Convention for the Protection of the Rights of all Migrant Workers and their Families

The International Convention for the Protection of the Rights of all Migrant Workers and their Families of 1990 is the principal International Treaty that defines the principal framework of migration legislation in Peru and of almost all the countries that signed and ratified this treaty, which are characterized as migrant-sending countries.

In this treaty, as stated in the Preamble, apart from the United Nations agreements already mentioned, the agreements of the ILO are cited as inspiration: the agreement relative to migrant workers (No. 97), and the agreement on migrations in abusive conditions and the promotion of equal opportunities and of the treatment of migrant workers (No. 143), although these last few have not been ratified by Peru. The regulation mentioned should be considered as the “International Charter of Migrants’ Rights” (Geronimi and Taran, 2005).

In principle, the International Convention for the Protection of the Rights of All Migrant Workers and their Families (henceforth from the Convention) forms a part of the internal legal apparatus of the Peruvian legislation on migration. Since its ratification in September 2004, this Convention is a constitutional interpretive source. Therefore, it is accorded a constitutional ranking within the Peruvian legislative system, in accordance with Constitutional Tribunal relative to the cases of Human Rights Treaties (Moura *et al* 2012, 35).

The Convention is the most complete instrument of international law on the subject of protecting migrants’ rights. The Convention sets up a minimum framework of protection for all migrant workers, in which all fundamental rights and some economic and social rights are included, such as the right of social security (article 27), the right of emergency medical attention (article 28) and the right of the

children of migrant workers to have access to education (article 30) (Office of the Ombudsman 2009, 71).

In addition, the Convention lays down the rights of migrants in each moment of their migratory journey: before and after their departure, in transit, and the totality of their period of stay in the destination country, as well as during their return to the State of origin or State of habitual residence (United Nations 1991).

To monitor the fulfillment of this treaty, the Secretary General of the United Nations has designed an evaluation committee called the “Committee of Protection of the Rights of All Migrant Workers and their Families,” which assumes responsibility for reviewing the reports of the Member States that sign and ratify the Convention within a year, starting from when the Convention comes into force and, henceforth, each five years or each time that the Committee requests it.¹⁵⁷

The Peruvian State, which was then obligated to submit the initial report in 2007, and having to present the following report in 2012, has not yet presented the first official report to the Committee, although civil society has presented a “Shadow Report” that tracks the implementation of the Convention (Moura *et al* 2012, 17). However, it is recommended that the State carry out with presenting a report that synthesizes all of the methods implemented since 2006, to comply with this Convention (Andean Parliament 2012, 66).

On the other hand, the Convention also includes other international instruments that establish a special framework of protection for groups of migrants in a special situation of vulnerability, like victims of human trafficking and human smuggling, as well as refugees and asylum seekers, among others. These last groups of migrants are regulated by the following treaties:

- The Palermo Protocol of the United Nations Convention Against Transnational Organized Crime to Prevent, Erase and Penalize Human Trafficking, Especially Women and Children (2002).
- Protocol against Illegal Trafficking of Migrants by Land, Sea and Air, which supplements the Convention of the United Nations against Transnational Organized Delinquency (1999).

2.1.2. International obligations assumed by the Peruvian State

As noted by the Office of the Ombudsman (2009), the international obligations of the Peruvian State can be classified into three types: the obligations of States of origin, the obligation of the States of transit and the obligation of the destination States. These obligations come from the Convention and are required of each one of the States involved in the migratory process.

¹⁵⁷ It is important to note that, in 2011, the Ambassador Marco Núñez Melgar, Director of the MTPE General Office on Overseas Peruvian Communities and Consular Affairs, was elected as a member of this Committee to ensure the implementation of the Convention in the different countries that subscribed to it.

The right to freely leave one's country of origin: The right of people to leave their country of origin or habitual residence is recognized by the Universal Declaration of Human Rights (article 13.2), the International Covenant on Civil and Political Rights (article 12.2), the American Convention on Human Rights (article 22.2) and, specifically, in the Convention of 1990 (article 8.1), which establishes the following:

Migrant workers and their families may freely depart from any State, including their State of origin. This right will not be submitted to any restriction, except those that are established by law, being necessary to protect national security, public order, health or public morality or the rights and freedoms of others, and being compatible with the other rights recognized in the present part of the Convention. (United Nations, 1990)

The right to receive information during the migratory process: The migrant has to right to count on adequate information, both relevant and objective, avoiding the possibility of being misled. It is a right belonging to all migrant workers, regardless of their status, recognized in articles 33 and 37 of the Convention. The information about their rights and the requirements for their admission and obligations must be precise, in accordance with the law, according to the practices of the Destination State, in such a way that they can complete the administrative and other formalities to obtain work in said State.

The right to receive consular protection and assistance: Article 23 of the Convention recognizes the right to turn to the protection and assistance of the consular or diplomatic authorities of the State of origin, in all cases in which the rights of the migrant seem undermined, in particular in cases of expulsion. Consular protection can be exercised by consular authorities or diplomats of the State of origin, or by anyone else who represents the interests of the State (NU, 1990).

Furthermore, article 65.2 complements what has been already mentioned, establishing the obligation of States to maintain adequate consular services, as well as other services that would be necessary also attend to the social, cultural and other needs of migrants.

The right of return and of comprehensive reintegration: The right of people to return to their own country is recognized in several international instruments of human rights protection. It is established specifically for migrant workers and their families in the Convention (article 8.1).

The right to return entails various aspects, among which include the right to remain in one's own country, to return after leaving and also to enter for the first time in the case of someone who was born abroad but possesses nationality of the country to which he or she decides to immigrate.

Other obligations: The right to participate in the political life of a country, to vote, to elect and to be elected, is recognized in several international instruments, like the Universal Declaration of Human Rights (article 21), the International Covenant on Civil and Political Rights (article 25 a and b) and the American Convention on Human Rights (article 23).

Furthermore, the Convention sets forth the duty of States of origin to facilitate, as appropriate and in accordance with their legislation, the exercise of this right (article 41). In this sense, article 42.3 of the Convention recognizes that migrant workers may be able to enjoy the political rights of the State where they work if in the exercise of the State's sovereignty it grants them this privilege. For example, in Portugal, migrants of Brazilian, Peruvian, Uruguayan, Argentinean, Chilean and Venezuelan nationality are allowed the right to vote in local elections (Office of the Ombudsman, 2009, 97).

2.2. Regional and Bilateral Agreements

2.2.1. Regional Agreements

In order to improve certain aspects of migration management in the transit of persons and also concerning the large migratory flows that take place in the Andean region, Peru has signed migratory agreements as a member of the Andean Community of Nations (CAN) and as an associated country of the Southern Common Market (MERCOSUR), which will be discussed in the following paragraphs.

Andean Community of Nations (CAN)

The CAN, of which Peru is a member state, has adopted several *decisions* that assist the migratory processes of the nationals of its member states. These "decisions" are binding and of direct implementation between member states. The following can be found among the principal decisions adopted by CAN:

Decision 397, which establishes the Andean Migration Card as a document to facilitate and simplify migratory control and the exit and entry of the members of the countries of CAN, and to contribute to the knowledge of the characteristics of migratory flows. The implementation of this format of card by Peru, as well as by the member states, is being carried out efficiently, although information about the difficulties of the card for an effective control of migration has been identified. For this reason it is expected that the criteria for the proposal will be unified to create a single format.

Decision 459, on "community policy for integration and border development" (1999), which seeks to facilitate the free circulation of people, goods, capital and services through border passes, through community work in the areas of physical infrastructure, customs, migrations and harmonization of the regulations and legislation of the member countries.

Decision 501, which sets up areas of border integration in CAN, with the objective of creating optimal conditions for sustainable border development, according to five criteria: a) social development, b) economic development, c) environmental sustainability, d) institutional sustainability and e) border sustainability, which takes

into account the free transit of people, vehicles, merchandise and services, and furthermore the harmonization and simplification of migratory procedures, customs control, and plant protection products.

Decision 502, on the “Bi-national centers for securing borders,” which seeks to promote the direct international transport of passengers and merchandise by highway, facilitating expedited flow of people, equipment, merchandise and vehicles through border crossings.

Decision 503, which recognizes the National Identity Document (DNI) as sufficient documentation for exit and entry between countries in the community for the purpose of tourism. However, a certain lack of knowledge exists among Andean citizens concerning the use of national identification documents for any civil and migratory procedures, including judicial and administrative procedures in the country, and thus there have been cases of Andean citizens wronged by some private companies who persisted in demanding that they present their passport in order to perform credit card transactions.

Decision 526, which requires the States to implement a counter that would facilitate the transit and migration inspection of tourists who are nationals and residents of the member countries. However, these one-stop CAN counters have yet to be installed in any Peruvian international airports (OIM- CAN 2012, 141).

Decision 545, or the Andean Labor Migration Instrument, which considers regulations for the progressive and gradual circulation and permanence of Andean nationals in the subregion with intent to work, with contracts of employment, and also recognizes the principle of equal treatment and opportunities for all Andean migrant workers in the community space (article 10).

This decision establishes a new classification of Andean migrant workers as well as recognizes a series of benefits and rights. Nevertheless, in spite of being binding and directly applicable, only Peru has followed through with this decision through the implementation of a simplified virtual registration system called the Andean Migrant Worker Virtual System (SIVITMA), directed by the Ministry of Labor and Employment Promotion.

As a new model in the region, MTPE has shared its experiences with its peers of the other CAN member countries, through subregional workshops and informative subregional missions, relating positive achievements in registering and the possibility of a future with an information system on the community labor market, beginning with this system (Tamagno 2010).

Decision 548, on the Andean Cooperation Mechanism Responsible for Consular Assistance and Protection and Migratory Affairs, establishes a mechanism of cooperation in consular assistance and migratory protection, for the benefit of Andean citizens who find themselves outside their countries of origin for various reasons.

Decision 583, or the Andean Instrument of Social Security for Migrants, whose objective is:

to guarantee adequate social protection of migrant workers and their beneficiaries so that, as a consequence of migration, they are not deprived of their social rights. The regulatory framework arranged by the Peruvian State has been favorable toward the implementation of this decision, because in terms of health and pensions, equal rights are established for citizens and foreigners, so that they both may have access to the various affiliation that the national social security system offers. (OIM- CAN 2012,168)

Southern Common Market (MERCOSUR)

In the Citizen's Primer of MERCOSUR, a document that regulates goods, correspondence and duties, post and parcels, education, and the exercise of economic activities, the topic of the mobility of persons is also included. The milestone thereof is the Agreement on Travel Documents of Member States of MERCOSUR and the Associated States. It is important to note that Peru is in this last category.

This agreement recognizes the validity of the personal identification documents of each Member State and Associate, such as travel documents for the transit of nationals and/or regular residents of the respective Member States and Associates of MERCOSUR.

Furthermore, a Residence Agreement for Nationals of Member States and Associates of MERCOSUR also exists (MERCOSUR RMI/CT/ACTA No. 04/04), according to which:

Nationals of a Member State of MERCOSUR who wish to reside in the territory of another Member State can obtain legal residence there, through the accreditation of their nationality and the presentation of the requirements like not having a penal or judicial history, among other conditions established in said agreement (MERCOSUR 2008).

It is important to note that as opposed to Decision 545, which gives automatic citizenship to Andean citizens, this agreement only facilitates legal residence through certain procedures.

The implementation of this last Agreement took place in Argentina. In 2005, the National Migration Office of that same country released Disposition 20880, which incorporated Peruvian citizens to the provisions of that Agreement, applying the criterion of nationality for migration regularization. Therefore, any Peruvian citizen, regardless of his or her migratory situation, can obtain permission to *temporarily settle* for two years, just by being a national of Peru (Moura et al., 2012, p. 51).

Union of South American Nations (UNASUR)

Although UNASUR is a recent forum of regional integration, before its creation space was made for a *real South American Community of Nations* (Álvarez, 2009, 2). In October of 2006, at the Cochabamba Summit, President Evo Morales presented a

proposal of regional integration of various components, among which are movement and transit of persons, entitled “Progress towards a South American citizenship.” This proposal puts forth ways to facilitate migration between countries in the region, guaranteeing the validity of its human and labor rights, all aimed at the establishment of a South American citizenship¹⁵⁸.

This proposal is very important for Peruvians abroad, considering that it goes beyond the MERCOSUR Agreement, which allows Peruvian emigrants to live and undertake any legal activity, with simple proof of nationality and a lack of criminal record. It does not even require an accreditation of the worker through a contract, nor does it depend on his or her regularity, which constitutes the most advanced instrument in the guaranteeing of migrants’ rights. It also foresees the recognition of South American citizenship for all citizens of the countries of the subregion, which would benefit directly and indirectly around 700,000 Peruvian emigrants (Andean Parliament 2011, 59).

Pacific Alliance

In June of 2012, Mexico, Colombia, Peru and Chile signed an agreement with the purpose of promoting economic, energy and infrastructural integration, and also of strengthening their economic ties with Asia. In this way, just as with other types of commercial treaties, the circulation of goods and services in this new integrated space would make procedures of hiring and obtaining residency more flexible for migrants in these countries.

Under this plan, during a meeting of the ministries of the Pacific Alliance that took place in Mexico, a Multilateral Tourism Cooperation Agreement was signed in order to work towards the strengthening of tourism in emerging countries in this bloc. One of the first measures adopted in this first accord was the elimination of tourist visas that were required by Mexico of citizens of Peru who did not have a visa for the United States.¹⁵⁹ This came into effect in 2012.

Latin American and Caribbean Summit (CALC)

The CALC is a meeting of the leaders of different Latin American and Caribbean countries that takes place every two years. Its objective is to promote the coordination of the procedures of integration and development in the Member States, especially in the face of challenges such as the financial crisis, the economic crisis and the food crisis, among others (SELA, 2012). In this way, this forum evaluates the advances recorded on the subject of economic cohesion, the fight against poverty, equality and social justice in Latin America and the Caribbean, among others.

¹⁵⁸ CAN website: http://www.comunidadandina.org/unasur/propuesta_boliviana.htm (Accessed 19 August 2012).

¹⁵⁹ Andina website: <http://www.andina.com.pe/Espanol/noticia-mexico-eliminaria-visas-para-turistas-paises-de-alianza-del-pacifico-426338.aspx##> (Accessed 30 August 2012).

With regards to the subject of migration, in June of 2011 the Regional Meeting on Migrant Protection took place in the headquarters of the Foreign Ministry of Peru, which included the participation of authorities from the following member countries of the CALC: Argentina, Bolivia, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, the Dominican Republic and Venezuela.

In this meeting the “Lima Declaration” was approved, which agreed, among other things, to present the following recommendations to the Summit of Heads of State and of Government:

- To promote the full respect and guaranteeing of human rights of migrants and their families, in their countries of origin, transit and destination, regardless of their condition of migration, and to work to make migration occur in an informed and safe manner and in accordance with the provisions relating to consular assistance;
- To promote the recognition of the capability of migrants as political, economic, cultural and scientific actors, who are fundamental in promoting procedures of development and integration in the societies of origin and destination;
- To encourage the development of a regional strategy that facilitates the integration of migrants in the host society, promoting legal, labor, productive and cultural integration, in accordance with national legislation, with the goal of promoting a joint position in bi-regional dialogues.¹⁶⁰

South American Conference on Migrations

The development of the South American Conference on Migration (CSM) stems, just like other regional advisory processes, from the need to find consensus and harmonization of migration policies in the region through a non-binding intergovernmental space. Its principal characteristics, as well as its evolution, can be observed from the moment of its creation in 2000 (X CSM 2010, 3).

In July of 1999, the first “South American Conference on Migration, Integration and Development” was held in Lima, with the participation of representatives from the South American countries. In the final declaration of the conference, the need to work together on the issue of migration was expressed, to accompany the processes of subregional integration, which are MERCOSUR and CAN, as well as the connection between the economic and social development of the countries and origin and migration, and also the defense of the human rights of migrants (Gamarra 2000). This meeting signified the beginning of the discussion that created the South American Conference on Migrations.

¹⁶⁰ Ministry of Foreign Affairs website: [http://www.rree.gob.pe/portal/boletin Inf.nsf/d1157535cb83ae7e05256e1600705488/8d2d6e1bc31adfa6052578c000762246?OpenDocument](http://www.rree.gob.pe/portal/boletin%20Inf.nsf/d1157535cb83ae7e05256e1600705488/8d2d6e1bc31adfa6052578c000762246?OpenDocument) (Accessed 30 August 2012).

From 2000 to 2012, 12 editions of the conferences have taken place in Buenos Aires, Santiago, Quito, Montevideo, La Paz, Asunción, Caracas, Montevideo, Quito, Cochabamba, Brazil and Santiago, respectively.

The Peruvian government has actively participated in all the editions of the conference, putting itself into this consensual process of migration policy creation from the perspective of protecting the human rights of migrants and their families. The Peruvian government has done it in harmony with the international instruments on human rights and the guidelines and programs delineated in the *South American Plan for Human Development of Migrations*, created in the 10th Conference, which lays out the path of South American governments in the management of international migrations.¹⁶¹

2.2.2. Bilateral Agreements

Peru has signed a series of accords and bilateral agreements with different countries where there are a great number of Peruvians who live in those countries for different reasons. In this sense, those agreements span from registrations, requirements for the entry and exit of Peruvians and foreigners, duration of residence, requirements for work, duties and rights and much more. The following are among the bilateral agreements signed by Peru:

Agreements with Argentina

In order to enhance the benefits of the August 12, 1998 Migration Agreement between the Republic of Peru and the Republic of Argentina, the governments of both countries signed a Supplemental Protocol to this Agreement on December 16, 2002, which went into effect on June 11, 2004.

The cited protocol, among other benefits, expands the period of validity of temporary residence from 6 months to 3 years, simplifies the renewal of temporary residence (substituting the process of periodic renewal, which involves a service tax payment to the respective migratory authorities, for one of annual verification exempt from these payments), and reduces the registration procedure by considering the consulate's recognition of the validity of the original documents to be sufficient.

- Between the agreements signed by the Governments of the Republic of Peru and the Republic of Argentina, the following are found: Administrative Agreement for the Application of the Agreement of Social Security, ratified by Supreme Decree No. 077-2011-RE, on March 22nd, 2010;
- Agreement on Residence for Nationals of the Republic of Peru and the Argentinean Republic, ratified through Supreme Decree No. 016-2008-RE, on June 15th, 2007;

¹⁶¹ See the website of the South American Conference on migrations: www.csmigraciones.info

- Additional Protocol to the Agreement on Migration between the Republic of Peru and the Republic of Argentina, on December 16th, 2002;
- Agreement of Recognition of University Qualifications between the Republic of Peru and the Argentinean Republic, ratified by Supreme Decree No. 024-98-RE, on August 12, 1998;
- Agreement on Recognizing Certificates of Primary or Middle Level Studies or their Equivalent Designations between the Republic of Peru and the Argentinean Republic, ratified by Supreme Decree No. 023-98-RE, on August 12, 1998;
- Agreement on Migrations between the Republic of Peru and the Republic of Argentina, ratified by Supreme Decree No. 005-99-RE, August 12, 1998;
- Agreement on Social Security, approved by Law Decree No. 22985, on June 17th, 1979.

Agreements with Bolivia

On January 26th, 2002, the Republic of Peru signed an agreement of Migratory Registration with the Republic of Bolivia, which was in effect until 2004. The beneficiaries of this agreement also extended to the relatives of migrants: spouse, single children under the age of 18 and children under the age of 25 who are economically dependent for reasons of study or disability, as well as to parents, as long as they were dependents.

The agreements signed between the Governments of the Republic of Peru and the Government of the Republic of Bolivia include the following:

- Agreement on Recognition of Studies, Academic Degrees and University Qualifications, ratified by Supreme Decree No. 003-2007-RE, on February 20, 2006;
- Agreement on Student Visas, on December 14, 1998;
- Agreement on Facilities for the Transit of Persons between the Territories of Both Countries, approved by Supreme Decree No. 0009-RE, on January 24th, 1992;
- Safe-conduct Regime for Border Area Traffic adjacent to Lake Titicaca, July 22, 1940.

Agreement with Brazil

In 2004, the Government of the Republic of Peru signed an agreement with the Government of the Federal Republic of Brazil on facilities for the Entry and Transit of its Nationals in its Territories, ratified by Supreme Directive No. 052-2004-RE, on February 10th, 2004.

Agreements with Chile

The Government of Peru signed the “Agreement for the Entry and Transit of Peruvian and Chilean Nationals with Identification Documents as Tourists,” on July 2005. This agreement has been in effect since December 9th, 2005.

Moreover, in the framework of the Peru-Chile Economic Complementarity Act 38, the “Memorandum of Understanding on the Subjects of Labor and Migration” was signed on August 22nd, 2006.

The agreements signed by the Government of Peru with the Government of Chile are the following:

- The Agreement of Economic Complementarity (ACE) 38 Peru-Chile, “Memorandum of Understanding the Subjects of Labor and Migration,” ratified by Supreme Decree No. 019-2009-RE, on August 22nd, 2006;
- Agreement on Social Security, approved through Legislative Resolution No. 28067, on August 23rd, 2002;
- Administrative agreement for the implementation of the Agreement on Social Security between the Republic of Peru and the Republic of Chile, ratified through Supreme Decree No. 104-2005-RE, August 23rd, 2005;
- Agreement for the Entry and Transit of Peruvian and Chilean Nationals with Identification Documents as Tourists, ratified by Supreme Decree No. 055-2005-RE, on July 6th, 2005;
- Agreement that allows political authorities in the cities of Tacna and Arica to expedite collective safe-conducts, which would let them visit the cities of Arequipa and Iquique, on February 6th, 1998.

Agreements with Colombia

On the 20th and 21st of May 2010, the 2nd Round of Negotiations for the Endorsement of a Cooperation Framework Agreement in Migratory Matters took place with Colombia in the Peruvian Foreign Ministry, an opportunity in which a text was agreed upon by both delegations. The objective of this agreement-framework is to promote an ordered migration while emphasizing human rights. Its ratification by both countries is currently awaited for its later implementation.

The following are among the agreements signed between the Government of Peru and the Government of Colombia:

- Agreement on the Mutual Recognition of Certificates, Qualifications and Academic Degrees of Higher Education, approved by Supreme Decree No. 019-96-RE, on April 26th, 1994;
- Agreement on the elimination of Visas in Ordinary Passports, on February 7th, 1986.

Agreements with Ecuador

On February 19th, 2008, the Government of Peru signed the “Amplifying Agreement to Regularize the Labor and Migration Situation of Peruvian and Ecuadorian Nationals in the Extended Border Integration Region.” This agreement constitutes an exceptional migration regime, of a humanitarian and progressive character, which permits the continued regularization of the migration situation of Peruvian and Ecuadorian workers originally established in the “Agreement to Regularize the Labor and Migration Situation of Peruvian and Ecuadorian nationals in the Extended Border Region,” on December 22, 2006.

Moreover, in order to guarantee easy execution and coordination, as well as a better understanding of the rights and obligations of citizens and authorities, and a result of the passing of the Permanent Migratory Statute Ecuadorian-Peruvian, the Bi-national Charter for the execution of the Ecuadorian Permanent Migratory Statute was signed. In this way, its implementation will seek to eliminate irregular migration and defend migrants’ human rights, under parameters of equal treatment and non-discrimination (Ecuador-Peru, 2011).

The accords and agreements signed between the Governments of Peru and Ecuador are the following:

- Agreement to Extend the Validity of the Agreement on Cooperation and Mutual Recognition of Professional Qualifications, Academic Degrees and University Studies between the Republic of Peru and the Republic of Ecuador, on October 26th, 2010;
- Regulation of the Transit of Persons and Land Vehicles of the Agreement between Ecuador and Peru on the Transit of Persons, Vehicles, Fluvial and Maritime Vessels and Aircraft, on August 24th, 2010;
- Bilateral Agreement to Bring Attention to the Mutual Health of Nationals of the Republic of Peru and the Republic of Ecuador, on June 10th, 2010;
- Permanent Ecuadorian-Peruvian Migration Statute, ratified by Supreme Decree No. 0100-2010-RE, on October 15th, 2008;
- Agreement on Cooperation and Mutual Recognition of Professional Qualifications, Academic Degrees and University Studies between the Republic of Peru and the Republic of Ecuador, ratified by Supreme Decree No. 064-2003-RE, on March 8th, 2003;
- Agreement on the Regime of Cross-border Transit of People from the Provinces of Morona, Pastaza, Orellana, Sucumbios, Napo and Azuay, in Ecuador and the Departments of Amazonas, Loreto and Lambayeque, in Peru, on December 16th, 1999;
- Agreement on Transit of Persons, Vehicles, Fluvial and Maritime Vessels and Aircraft, on January 19th, 1998;

- Agreement on Recognition and Co-Validation of Scholastic Studies, on January 13th, 1997;
- Agreement on the Transit of Persons in the Peruvian-Ecuadorian Border Zone, approved by Supreme Resolution No. 0597, on June 5th, 1971.

Agreements with Spain

The Republic of Peru signed the Agreement on Cooperation in Immigration with the Kingdom of Spain on July 6th, 2004, and the object of this agreement is the cooperation between migration authorities in both countries with the goal of improving the management of migration and foreign immigration.

This agreement was signed by Peru in July of 2004, and entered into effect on May 31, 2005.¹⁶² It is important to note that in spite of its ratification, this agreement has yet to be implemented, due to the transfer of responsibilities from the same Agreement of the Ministry of the Interior to the Ministry of Labor of the Spanish Government.

This agreement benefits workers who are or have been subject to the legislation of one or both countries, as well as their family members and rightful claimants (these latter, defined in Peru in Article 30 of the Regulation of the Law No. 26790, passed by Supreme Decree No. 009-97-SA and Supreme Decree No. 002-99-TR, Regulation of the Law No. 27056, Law of Creation of Social Health Security). In that way, the economic benefits can be claimed regardless of if the applicant resides or is staying in Spain or Peru.¹⁶³

Moreover, in 2009 another agreement was passed on the participation in municipal elections of nationals of each country residing in the territory of the other, with the aim of integrating Peruvian residents into Spanish society as much as including Spanish residents in Peru in political participation in municipal or local elections.¹⁶⁴

The accords and agreements signed between the Governments of Peru and Spain include the following:

- Mutual Agreement on the Exercise of the Right to Vote in Elections by Residents of Both Countries, ratified by Supreme Decree No. 068-2010-RE, on February 6, 2009;

¹⁶² MTPE website: http://www.mintra.gob.pe/migrante/Convenios_Bilaterales_1.php (Accessed 20 August 2012).

¹⁶³ MTPE website: http://www.mintra.gob.pe/migrante/pdf/convenio_bilateral/Folleto_informativo_convenio_SS_Espana.pdf (Accessed 20 August 2012).

¹⁶⁴ MTPE website http://www.mintra.gob.pe/migrante/pdf/convenio_bilateral/Voto_elecciones_Espana.pdf (Accessed 27 August 2012).

- Administrative Agreement for the Implementation of the Agreement on Social Security between the Republic of Peru and the Kingdom of Spain, ratified by Supreme Decree No. 017-2008-RE.
- Agreement for Cooperation in Immigration, ratified by Supreme Decree, No. 073-2004-RE, on July 6, 2004;
- Agreement on Reciprocal Recognition and Exchange of National Driver's Licenses, ratified by Supreme Decree No. 051-2004-RE, on December 22, 2003;
- Agreement on Social Security, approved by Legislative Resolution No. 28158, on June 16, 2003;
- Additional Protocol on the Agreement on Dual Nationality between Peru and Spain, ratified by Supreme Decree No. 0075-2001-RE, on November 8, 2000;
- Supplemental Agreement on International Technical Cooperation on Labor and Social Issues between the Kingdom of Spain and the Republic of Peru, approved by Supreme Resolution No. 0270-RE, on February 18, 1997;
- Agreement on Dual Nationality between Peru and Spain, approved by Legislative Resolution No. 13283, passed December 15, 1959.

Agreements with the United States

On June 11, 2012, the Government of Peru signed an agreement with the Government of the United States, which it also signed with Ecuador, Honduras and the Philippines. The goal of this agreement is to work, conjointly, on the dissemination of information on United States labor laws among the immigrants of these countries. In this way, the agreement seeks to let Peruvian immigrants trying to head to the United States know their right to safe labor environments and to receive complete payment of appropriate salaries, according to United States laws.

In the agreement it is agreed that the Department of Labor of the United States, through the Occupational Safety and Health Administration of the Department and its Wage and Hour Division, will cooperate with the Peruvian consulates to spread among nationals the information related to United States labor laws on health, safety and wages.¹⁶⁵

Agreements with Mexico

The Government of Peru signed the "Memorandum of Understanding on Consular Cooperation and Migration Matters" with the Government of Mexico, on October 25, 2002. This framework was ratified in 2004, in the "1st Meeting of the Cooperation Mechanism on Consular and Migration Matters." The purpose of this

¹⁶⁵ Website of the *United States Department of Labor* <http://www.dol.gov/opa/media/press/ilab/ilab20121175s.htm> (Accessed 20 August 2012).

instrument is to encourage the exchange of good practices and the transfer of information concerning consular matters as well as migratory policies.

Finally, based on a Multilateral Accord on Tourism Cooperation, signed in 2012, tourist visas will be eliminated, which currently are required for Peruvian citizens without a United States visa.

Agreements with Italy

In 2004, the Governments of Peru and Italy signed the “Memorandum of Understanding on Cooperation in Matter of Migration.” This document was the closest antecedent for the negotiation and drafting of the Agreement of Cooperation and Technical Assistance with Labor Migration between the Ministry of Labor and Employment Promotion in Peru and the Ministry of Labor and Social Policies in Italy.

The goal of this agreement on managing migration is to design strategies that facilitate an ordered and regulated migration, as well as to promote research on the subject of labor migration and an exchange of experiences and coordination of forums of dialogue between institutions for joint decision-making between both States.¹⁶⁶

2.2.3. Social Security Agreements

Ibero-American Multilateral Social Security Agreement

Peru adopted the Ibero-American Multilateral Social Security Agreement within the framework of the 17th Ibero-American Summit of Heads of State and Government, held in Santiago de Chile, in 2007. That agreement is fully operational for Bolivia, Brazil, Ecuador, Uruguay and Spain, as these countries had already ratified the Agreement and signed the corresponding Implementation Agreement. Peru still has not ratified them and has not currently begun the internal process necessary for their ratification.

Social security agreement with Argentina

In the framework of the State Visit of the Argentinean President, on March 22, 2010, the Administrative Agreement for the Implementation of the Agreement on Social Security was signed with the Argentinean Republic, and Agreement from June 17, 1979

¹⁶⁶ MTPE website: <http://www.mintra.gob.pe/mostrarResultios.php?codNoticia=3105> (Accessed 28 August 2012).

Social security agreement with Chile

The objective of the Agreement on Social Security between the Republic of Peru and the Republic of Chile, passed on August 23, 2002, is to regulate the relations of both countries in the area of social care. That agreement, among others, allows for the benefit of receiving social security for periods completed under the legislation of both countries.

Social security agreement with Ecuador

On July 22, 2011, the Foreign Ministries of Peru and Ecuador signed a Social Security Agreement within the Presidential Meeting and the 4th Peru-Ecuadorian Binational Cabinet Meeting.

Social Security agreement between the Republic of Peru and Spain

This agreement was signed in Madrid, Spain, on June 16, 2003, and was approved through the Peruvian Congress through Legislative Resolution No. 28158, on December 11, 2003. Later it was confirmed through Supreme Decree No. 036-2004-RE, on June 4, 2004. This agreement came into effect for both countries on February 1, 2005. Later, an Administrative Agreement for the Implementation of the Social Security Agreement was signed between the Republic of Peru and the Kingdom of Spain. This was negotiated and agreed upon on April 17, 2007, and it ratified through Supreme Decree No. 017-2008-RE and came into effect on July 1, 2008.¹⁶⁷

2.3. Peruvian Migration Regulation

At a regulatory level, migratory policy is recognized in the Peruvian Constitution¹⁶⁸ itself and is expressed in the Bicentennial Plan for 2021,¹⁶⁹ which describes the policies of the State of Peru. The rules that regulate migratory policy in Peru or establish measures to help migrants are: the Alien Law (Law Decree No. 703);¹⁷⁰ the Refugee Law (Law No. 27891);¹⁷¹ the Migration Incentives Law (Law

¹⁶⁷ Available on the MTPE website: http://www.mintra.gob.pe/migrante/Convenios_Bilaterales_1.php (Accessed 20 September 2012).

¹⁶⁸ “Defense of the human person and respect of human dignity are the supreme goal of society and of the State” (art. 1) and that “The State should guarantee the monitoring of human rights, as well as protect the security of the population” (art. 44). Website of the Constitutional Tribunal: www.tc.gob.pe/constitucion.pdf (Accessed 24 September 2012).

¹⁶⁹ “Peru develops a migratory policy of assistance and protection of its communities abroad, fostering programs of national and cultural ties, and enabling their contribution to national development, for which negotiation and observance of international norms is a priority, and the optimization of consular services and the organization of our communities abroad” (CEPLAN 2011, 20).

¹⁷⁰ MTPE website: http://www.mintra.gob.pe/migrante/pdf/modificacion_ley_extranjeria.pdf (Accessed 24 September 2012).

No. 28182); and the Law against the Trafficking and Smuggling of Migrants (Law No. 28950), which we will now introduce.

2.3.1. Alien Law

In 1977, during the military government of President Francisco Morales-Bermudez, the Ministry of the Interior assumed control of management and the procedures of naturalization, a function that had before belonged to the Foreign Ministry.¹⁷² Consequently, the Ministry of the Interior, through the General Office on Immigration and Naturalization (DIGEMIN), has the task of regulating and controlling the procedures of the naturalization and migratory registration of foreigners in the country.

Law 29334, on the Organization and Functions (ROF) of the Ministry of the Interior, sets forth in article 76 that this sector is in charge of the migration inspections of Peruvians and foreigners regarding their entry and exit from the country and participates in the definition of the population policies linked to migration.¹⁷³ In 2012, Strategic Plan 2012-2016 of the Office of Migrations and Naturalization was approved; its objective is the modernization of the sector's management to create better care and more efficient services for nationals and foreigners, optimizing public resources.¹⁷⁴

The Alien Law is regulated through Legislative Decree No. 703 (1992),¹⁷⁵ which establishes norms for the entry, stay, residence, exit, reentry and inspection of foreigners in the territory of the Republic and regulates their legal situation concerning the same. The Alien Law classifies 17 types of migration for which visas are authorized, and these are of two types: temporary visas and resident visas. The Temporary Visa authorizes the admission and stay of a foreigner in the territory of the Republic for up to 90 days and may be extended. The Resident Visa authorizes the admission and residence of a foreigner in the territory of the Republic for a year and also may be extended.

¹⁷¹ DIGEMIN website: www.digemin.gob.pe/documentos/normalegal_8.pdf (Accessed 24 September 2012).

¹⁷² Law Decree 21702 “Separated from the Ministry of Foreign Affairs to the General Office on Migration, incorporating it to the Ministry of the Interior, on January 1, 1977”, Law N° 26.473 intended to restructure the Migration Office (1995) / Law Decree 21.702 – Incorporate the Migration Office to the Ministry of the Interior (1976) / Supreme Decree 3-95-In – Modifies the Single Text of Administrative Procedures of the Ministry of the Interior in the Part Relative to The General Office of Immigration and Naturalization (1995). MINJUS website: [http://spij.minjus.gob.pe/CLP/contenidos.dll/temas/colección00000.htm/tomo00931.htm/libro00932.htm/sumilla00933.htm?f=templates\\$fn=document-frame.htm\\$3.0#JD_DL21702](http://spij.minjus.gob.pe/CLP/contenidos.dll/temas/colección00000.htm/tomo00931.htm/libro00932.htm/sumilla00933.htm?f=templates$fn=document-frame.htm$3.0#JD_DL21702) (Accessed 24 September 2012).

¹⁷³ DIGEMIN website: http://www.digemin.gob.pe/documentos/rof_mininter_2012.pdf.pp.57 (Accessed 27 August 2012).

¹⁷⁴ DIGEMIN website: http://www.digemin.gob.pe/Informacion/transparencia/Planeamiento_y_organizacion/Planes_PoliticasyPEI/Plan%20Estrat%C3%A9gico%202012-2016.pdf (Accessed 27 August 2012).

¹⁷⁵ DIGEMIN website: http://www.digemin.gob.pe/documentos/normalegal_10.pdf (Accessed 27 August 2012).

In Article 8 of this Law the creation of a “National Counsel for Foreigners” is laid out as the highest-level consulting organism of the President of the Republic on the subject of alien immigration policy. This Counsel is presided over by the Ministry of the Interior and is integrated with the Ministries of Foreign Relations, of Labor, and of Industry, Tourism and Integration. In Article 10, it is written that this Counsel will have the responsibility of proposing to the President of the Republic:

- a) General guidelines on Foreign Immigration Policy;
- b) Plans for organized, selective or guided immigrations with the goal of promoting socioeconomic development in specific areas of national territory through the settling of professionals, technicians and qualified foreign labor;
- c) The maximum yearly limit of foreigners who can be admitted as residents;
- d) The changes that should be introduced in existing legislation on foreign immigration.

On March 11, 1992, the members of the National Counsel for Foreigners were named by Supreme Resolution No. 0289-92-IN-DM, but this Counsel has not yet come into being.

The Alien Law was modified in 2008, through Legislative Decree No. 1043,¹⁷⁶ with the goal of adapting internal migratory regulation to the criteria contained in international agreements of commerce and private investment, especially in relation to the TLC with the United States of America.

With regard to immigration policy in Peru, the link between the management of the flow of people and economic development can be considered a priority of the Peruvian State, an aspect also considered through Law 662 of the Migration-Investment Program and Law 689 for the hiring of qualified foreign personnel.

The Foreign Labor Hiring Regime is not found in migration legislation, but rather it was created by Legislative Decree 689 in 1991,¹⁷⁷ called the Foreigner Hiring Law and contains its own respective regulation approved by Supreme Decree No. 014-92-TR.¹⁷⁸ This regulation is especially relevant because in Article 4 the preference of domestic workers over foreigners is established, and the quota of non-domestic workers in each company is capped at 20% of the total number of employees, as indicated in the Labor Code.

¹⁷⁶ In the modification the definitions of Student, Businesses, and tourist were omitted in the category of Temporary Resident, and added in the category of Aid Worker, Exchange, Journalist, Official Family, Business with Business Trip, Designated Worker, Renter, and Resident Family (Legislative Decree N° 1043 (26 June 2008). DIGEMIN website http://www.digemin.gob.pe/documentos/normalegal_13.pdf (Accessed 30 September 2012).

¹⁷⁷ DIGEMIN website: http://www.digemin.gob.pe/documentos/normalegal_2.pdf (Accessed 6 October 2012).

¹⁷⁸ DIGEMIN website: http://www.digemin.gob.pe/documentos/normalegal_3.pdf (Accessed 30 September 2012).

In Article 5, the decree states that work contracts cannot exceed three years and can be extended successively by periods no longer than three years. Furthermore, foreigners with a Peruvian spouse, ancestor or descendent are not subject to the approval process for contracts nor to the aforementioned limitative percentages, and neither are those who have an immigrant visa nor those who are citizens of a country with which Peru has labor reciprocity agreements (Torales *et al* 2003, 79).

It is important to note that the implementation of this regulation has been heavily criticized, because it stands in contradiction to the proposal in Decision 545, Andean Instrument of Labor Migration. Being part of the internal legislation of the country, it is hoped that it will be modified soon to line up with community legislation.

2.3.2. Refugee Law (Law No. 27891)

The Refugee Law was created on December 20, 2002, to regulate the entry, recognition and legislative relations of the Peruvian State with the refugee, in conformity with the international instruments to which Peru belongs and the internal laws on the subject.

This law creates regulation for entry, stay, residence, exit and inspection of refugees. In conformity with article 6 of the Law, the principal institution responsible for this issue is the Ministry of Foreign Affairs, which is in charge of ensuring the fulfillment of the obligation and compromises made by the State in relation to the international rights of refugees, as well as of the internal laws on the issue.

Besides the specific functions of the Ministry of Foreign Affairs, the Special Commission for Refugees and the Commission of Review for Refugee Affairs have been created.

The Special Commission for Refugees is the body in charge of receiving, studying, processing and resolving everything corresponding to applications for refuge and periodically reviewing the qualifications thereof. Moreover, it must decide on the treatment and implementation of the statute of who is entitled to be declared a refugee and to ensure that all intervening entities on the issue of refuge fulfill the agreements contained in the international instruments signed by Peru. The Special Commission for Refugees is made up of:

- a) The Director of Human Rights and Social Matters of the Ministry of Foreign Affairs, who presides over it;
- b) The Director of State Security National Police of Peru or his representative;
- c) The Director of Legal Support and Humanitarian Assistance of the Ministry of Foreign Affairs;
- d) The Executive Secretary selected by the President of the Special Commission for Refugees, without the right to vote; and
- e) A representative from UNHCR, without the right to vote.

The Review Commission for Refugee Matters is the body functionally tied to the Ministry of Foreign Affairs that, periodically called together by its President, resolves, finally and definitively, the appeals filed against the resolutions issued by the Special Commission for Refugees. This commission is made up of:

- a) The Deputy Minister of Foreign Relations or his representative, who presides;
- b) The Deputy Minister of the Interior or his representative;
- c) The Deputy Minister of Justice or his representative; and
- d) A representative of UNHCR, without the right to vote.

2.3.3. Law of Migration Incentives (Law No. 28182)

Issued in 2005, the Law of Migration Incentives sought to facilitate and promote the productive return of nationals with the economic capacity to invest in the country with the goal of working in professional and/or entrepreneurial activities. The law considers the establishment of incentives and actions that would encourage their return, helping to generate productive employment and improved revenue collection.

This law makes it so that in order to receive the established incentives, it is necessary to have stayed abroad no less than five (5) years, and to write to the competent authorities one's interest in returning to the country as part of this norm. In that sense, those who do take part are then free from paying any sort of tax that would be levied on their goods upon entering the country, as well as on their furniture, automotive vehicle, professional instruments, machinery, equipment, capital goods and all other goods that they would use in the performance of their profession, trade or business activity, up to a maximum of one hundred thousand dollars. The National Superintendence of Tax Administration (SUNAT)¹⁷⁹ was in charge of the supervision and control of the management of these incentives.

It is important to note that the law is still under discussion for its next reform and inclusion in more integral legislation, related with the return of Peruvians, because it only benefits a small quantity of Peruvians who have a more entrepreneurial profile.

2.3.4. Law against the Trafficking and Smuggling of Migrants (Law No. 28950)

The Law against the Trafficking and Smuggling of Migrants was created on January 16, 2007. It stipulates that the selling of children, beggary, sexual and labor exploitation, as well as the extraction and trafficking of human organs or tissue, will be classified as a crime of human trafficking, which will be penalized with incarceration of up to 35 years.

¹⁷⁹ National Superintendence of Tax Administration (SUNAT): http://www.sunat.gob.pe/orientacion_aduana/incentivosmigratorios/index.html (Accessed 24 September 2012).

The legal disposition guarantees assistance and protection to the victims of these crimes and to their directly dependent relatives, collaborators, witnesses and experts. As a minimum, the aid will be medical, psychological, social, legal, and will include safe repatriation, lodging when in transit and mechanisms of social insertion. Moreover, the regulation stipulates tools of investigation, such as efficient collaboration, undercover agents, intervention and control of communications and private documents for a better elucidation of these crimes.

The Law against the Trafficking and Smuggling of Migrants specifies that those who commit the first crime in question in its aggravated form will not be entitled to any prison privileges.¹⁸⁰

2.3.5. Advisory Councils of Peruvian Communities Abroad

The Advisory Councils are based in Law No. 29495 and its consequent regulation, established in accordance with Supreme Decree No. 057-2010-RE.¹⁸¹ This regulation attempts to recognize the Advisory Councils of Peruvian Communities Abroad as an expression of Peruvian civil society residing outside the country. In this way, the goal of the Advisory Councils, in accordance with the law, is to build a space of dialogue and cooperation with the consular offices to join efforts to contribute to solving problems that confront nationals residing abroad.

2.3.6. Consular Reform for Peruvians Abroad

The Ministry of Foreign Affairs has exclusive responsibility in protecting the rights of Peruvians abroad. Its mandate is guided by the Consular Regulation based on the Vienna Convention on Consular Relations. In recent years it has started a modernization process aimed at gaining efficiency and proximity to Peruvian migrants abroad. In 2005, the new Consular Regulation was approved through Supreme Decree No. 076-2005-RE, emphasizing the need to adapt the regulations to the existing legislation and to update to a modern administration of the consular function.¹⁸²

The policy of consular service has been progressively modified to respond to the profound transformation taking place during recent decades in the composition and configuration of Peruvian communities abroad, which have experienced high growth and are concentrated, primarily, in the large cities of developed nations and neighboring countries. This new scenario, which has gained greater prominence

¹⁸⁰ MTPE website: http://www.mintra.gob.pe/migrante/pdf/Ley_28950_Trata.pdf (Accessed 24 September 2012).

¹⁸¹ Ministry of Foreign Affairs website: [http://www.rree.gob.pe/portal/aconsular.nsf/f7e99ca6ad554d4505256bff006da07a/19ceef080f4ec5ff052570d600106203/\\$FILE/Ley_N_29495.pdf](http://www.rree.gob.pe/portal/aconsular.nsf/f7e99ca6ad554d4505256bff006da07a/19ceef080f4ec5ff052570d600106203/$FILE/Ley_N_29495.pdf) (Accessed 24 September 2012).

¹⁸² Supreme Decree N° 076-2005-RE, paragraph 5. MINJUS webpage: [http://spij.minjus.gob.pe/CLP/contenidos.dll/temas/coleccion00000.htm/tomo00931.htm/libro00932.htm/sumilla00941.htm?f=templat es\\$fn=document-frame.htm\\$3.0#JD_DS076-2005-RE](http://spij.minjus.gob.pe/CLP/contenidos.dll/temas/coleccion00000.htm/tomo00931.htm/libro00932.htm/sumilla00941.htm?f=templat es$fn=document-frame.htm$3.0#JD_DS076-2005-RE) (Accessed 24 September 2012).

since the 1990s, has created great challenges in the reformulation of the policies of linking the Peruvian State with its emigrants.

Migration accelerated even further at the beginning of the new century, which led the Peruvian State to justify, through its Foreign Ministry, turning 180 degrees on its policy of seeking ties with the communities abroad. The old paradigm of “*Prefect Consul*” became dysfunctional in light of the duties of the State towards its nationals who had settled abroad. The need therefore arose to redefine the paradigm, by completely replacing it, to one of “*Public Service Consul*” based on a new foreign policy of protecting the nationals who reside abroad.

In this new scheme, which took shape after the restitution of rule of law and the democratic regime, the consular office is in service of the citizens and has before him or herself fundamental tasks of:

- Providing protection and assistance to Peruvians abroad;
- Offering services in an efficient and timely manner through consular reform;
- Being an agent of cultural and economic connection between Peruvians and their country in general and particularly with their communities of origin (MRE 2005, 13).

It is hoped that the consular officer no longer be a passive agent who observes with bureaucratic distance the processes affecting the Peruvian communities abroad. In the new paradigm the classical notion, or even bureaucratic notion, of the consular function merges with social engagement, through a boosting and new direction of the functions of protection, assistance and promotion of the ties of the Peruvian migrant with his or her country of origin.

Moreover, this reform has brought about the creation of the following action guidelines waiting to be implemented in full: the Policy of Qualitative Reform and Improvement of Consular Services, the Legal Protection Policy, the Humanitarian Assistance Policy, the Policy of Support for Productive, Legal, and Respectful Integration of Human Rights of Peruvians in the Societies of the Receiving Countries; the Policy of Promotion of and National and Cultural Ties, and the Policy of the Promotion of the Exercise of Citizenship and Democratic Participation of Peruvians Abroad (MRE 2005).

However, the application of this reform has been a true challenge for the Peruvian State, because it is not regulated and is mandatory for Consulates Abroad. This has meant in many cases, particularly in Consulates where the number of Peruvians is high, that services are insufficient and restricted, which brings with it complaints from countrymen abroad and criticisms from the sectors that look after its fulfillment, like the Office of the Ombudsman, which presented the Defense Report 146 (2009) that accused the government of not complying with the established guidelines and demands its due fulfillment.

In accordance with a report from the Andean Parliament (2011, 36), many of these lines of action, generally, are still found to be in a state of sustainability, because they lack mechanisms for monitoring and evaluation to evaluate the

fulfillment of each of the activities they oversee. For example, regarding efforts to improve consular services, there are no general reports about the advances made in improving the efficiency and effectiveness of consular services vis-à-vis a growing number of Peruvians who need registration and notary services to legally stay in the destination country.

We must emphasize that this reform has been applied differently in the various Consulates, depending on the political will of the Consul, as it is not mandatory. For example, the Consulate of Atlanta, Georgia, in the United States, was considered as an example of governmental good practice in 2011, with the highly efficient “Traveling Consular Service” system between 2005-2009, which had a very important impact in the relation between the Consulate and the Peruvian Community. Its services were very efficient, personalized and highly specialized, and they were based on a digital platform, which allowed preliminary coordination *online* of the effectuated procedures. This Consulate was always available to the Peruvian community and was recognized by the community on several occasions for its great efficiency of service (Alvarez 2005, 14).

It can be said, however, that this good practice, if compared with other Peruvian Consulates, makes it clear that the application of the proposed guidelines of the consular reform remains an outstanding challenge.

2.3.7. New policy of connection with emigrants abroad

Through Supreme Decree 046-2005-RE, published in the official journal “El Peruano” on June 2005, the first article of Supreme Decree number 059-2001-RE (August 4, 2001) was modified, creating the Assistant Secretary for Peruvian Communities Abroad. Afterward, through Ministerial Resolution 910-2005-RE, published in “El Peruano” on August 4, 2001, the General Office on Consular Policy and the General Office on Rights of Peruvians Abroad were incorporated as organizational units of the Ministry of Foreign Affairs.

The General Directorate for Consular Policy is part of the Office of Consular Planning and Evaluation and the Office on Consular Procedures.

The General Office on Rights of Peruvians Abroad is part of the Office of Assistance to Nationals, The Directorate for Migration Policy and the Directorate for Protection of National Groups (Álvarez 2005, 14).

In 2010, this structure was modified, which is following the Rule on the Organization and Functions of the Ministries of Foreign Relations, and approved by Supreme Decree No. 135-2010-RE, on December 17, 2010, and is converted into the General Office on Overseas Peruvian Communities and Consular Affairs. In the Subchapter 10 of the Rule, this General Office is shown as composed of two specialized areas: a) The Directorate for Consular Policy and b) the Directorate for the Protection and Assistance of Nationals.¹⁸³

¹⁸³ MRE website: http://www.rree.gob.pe/politicaexterior/Paginas/Comunidades_Peruanas_en_el_Exterior.aspx (Accessed 28 August 2012).

2.3.8. National Policy Law on Population

The National Policy Law on Population (Legislative Decree No. 346 of 2005) is meant to be an instrument that plans and executes specified actions of the State related to the volume, structure, dynamics and distribution of the population in national territory. The rights to choose one's place of residence and to travel freely through national territory are guaranteed, as well as the rights to work and to social security in order to achieve a level of life that assures the wellbeing of one's family, among other rights.

One of the most important objectives is the promotion of an equal and harmonious relation between growth, structure and territorial distribution of the population and economic and social development, taking into account that the economy is at the service of man. It attempts to achieve a better distribution of the population throughout national territory, in harmony with adequate use of resources, regional development and national security. In this sense, this regulation attempts to connect development with the distribution and planned organization of the population, as established in Article 44:

The State encourages the repatriation and residence in the country of those Peruvians who, because of their training and experience, are indispensable in the cultural, scientific and technological development of the nation, allowing to this end administrative and tax incentives and facilities. When there are no nationals with the necessary capabilities, the State facilitates the entry into the country of those who do possess them.

In this way, the regulation establishes that economic, administrative, and service decentralization constitutes the principal strategy of redistribution of the population in national territory.

Finally, those who are tasked with completing the general and specific objectives of national population policy are the multi-sectorial organisms of the State, promoting the participation of non-state institutions of the entity, the private sector and individuals.¹⁸⁴

2.3.9. National Population Plan 2010–2014

The National Population Plan was sponsored by the Ministry of Women and Social Development (MIMDES) in 2009. The Plan explains the challenges and opportunities that are presented by demographic changes and all related to them, with the

goal of contributing, and decreasing poverty and eliminating existing inequalities, as well as to strengthen the capacity of the government to guide processes that allow advances in demographic transition and that achieve sustainable development, with a plurality of rights (MIMDES 2009, 6).

¹⁸⁴ UNFPA website: <http://www.unfpa.org.pe/Legislacion/PDF/Decreto-Legislativo-346-Ley-Poblacion.pdf> (Accessed 24 September 2012).

The Plan is conceived as a policy instrument that allows the analysis and incorporation of the changes and characteristics of demographic trends to policies and public programs of social, economic and territorial development. A way is thereby sought to contribute to improving efficiency and effectiveness considering important challenges that society has come to face in recent years due to demographic changes.

In this sense, the purpose of the plan is to confront demographic challenges and to take advantage of the opportunities that population changes in Peru offer, in order to contribute to decreasing poverty, reducing inequalities and social, ethnic and territorial inequities, and to improve the quality of life of all inhabitants of the country, with full protection of human rights, respect for the dignity of persons and equality between men and women. (MIMDES 2009, 7)

Another line of action that the Plan proposes is dealing with the problems derived from the rapid and disordered urbanization of the country, a product of constant internal migrations that have brought on a growing urban area with no prior plans of development, which exacerbates environmental and sanitation problems, as well as problems in housing, transportation, employment, and safety (MIMDES 2009, 24).

The Plan also calls for the support of those migrants who find themselves abroad, suggesting policies and action lines related to their links with networks of knowledge and business opportunities in the context of the demographic surplus (MIMDES 2009, 26).

3. Institutional framework of migration policies in Peru

The responsibilities of implementing migration policy in Peru are distributed throughout various institutions. Some of them have only to do with issues related to migration, while others have functions related to other aspects but affect or are affected by the migratory reality. In this following section we will describe the institutions that work in this field and the functions that each one of them possesses.

3.1. Functions of institutions that work on the issue of migration in the executive branch

3.1.1. Ministry of Foreign Affairs (MRE)

The organizational structure of the Ministry of Foreign Affairs with respect to the protection of migrants is made up of the following offices:

General Office on Peruvian Communities Abroad and Consular Affairs: responsible for consular affairs, international migrations and the protection and assistance of Peruvians abroad, in line with the objectives and guidelines established by the Deputy Minister. In order to achieve these objectives, the General Office counts on the following sub-offices that work for the protection of migrants' rights:

Directorate for Consular Policy: responsible for consular policy and for immigration from the State. Its functions are to propose, coordinate, execute and supervise immigration policy, as part of Foreign Policy. In the same way, it is in charge of coordinating, leading, controlling and evaluating the process of visa authorization and Peruvian migratory status abroad, entries in the Identity Registry, and the Civil Registry and the Consular Military Registry.

Directorate for the Protection and Assistance of Nationals: responsible for the policy of connecting and protecting nationals abroad in legal and humanitarian matters, and having to coordinate actions of protection and humanitarian assistance with public and private national and foreign entities, and international organizations.

This Office has the responsibility of safeguarding the wellbeing of Peruvian communities abroad, promoting the protection and defense of Peruvian nationals' interests and rights in the countries that host them, under the principles of truth, legality, rapidity, effectiveness, simplicity, participation and above all non-discrimination in consular work.

It can be emphasized that the policies of protection and assistance of Peruvians abroad are applied for both those who find themselves in a regular migration situation to those in an irregular one (ILO–Migrandina 2009b). Among the strategic objectives of these policies, the promotion of associative organizations with Peruvian communities abroad stands out. This objective lies within the general framework of the new consular policy, and it is specifically linked to the fifth policy referred to as the “Promotion of Cultural and National Ties,” and also in the sixth policy which calls for the search for “*Ties between Peruvians and Peru from a Production Perspective.*”

Fundamental to these policies is seeking to establish programs that act in the interest of Peruvian nationals who live overseas and to connect these migrant communities to the development of their country of origin.

3.1.2. Ministry of the Interior

The General Office on Immigration and Naturalization (DIGEMIN)

The principal function of the General Office on Immigration and Naturalization is the implementation of migratory policy, and therefore it must administer, coordinate and record migratory movement and naturalization as well as issue travel and identification documents for foreigners.

This body of the Ministry of the Interior administrates, coordinates and records the migratory movement of nationals and foreigners, being in charge of authorizing their entry into the country. It issues and validates passports, safe-conducts and other travel documents; it grants letters of naturalization and authorizes visas, extensions of stay and residence, registers foreigners in accordance with existing regulations and rules. Moreover, the Directorate participates in delineating population policies tied to migration. To do so, it counts on the following directorates within its structure:

Passport Office: in charge of issuing and validating ordinary Peruvian passports, issuing safe-conducts for foreigners and travel documents to foreign citizens who are refugees and in asylum. This office is made up of decentralized agencies that issue passports in Lima and Huancayo. Currently, passports are issued between a minimum of one hour and 35 minutes and a maximum of two hours.

Immigration Office: authorizes the migratory status of foreigners for their entry, stay or residence in Peru, as well as registers and monitors their stay and residence in the country, and issues their Foreigner Identification Card.

Nationalization Office: administers and authorizes naturalization letters to foreigners who request them and also administers the various registries of kinship, marriage with nationals, and other registries recognizing the Peruvian nationality of those being registered.

Migration Control Office: administers and carries out the migratory control of nationals and foreigners who enter or exit the country through authorized points for international travel, through border crossings. To accomplish this, the office counts on a database continuously updated with three to four months of registration information. This information is obtained by:

- Data obtained through migratory movements;
- Procedures carried out by immigration;
- Studies conducted by INEI; and
- The Andean Migration Card (TAM).

General Directorate on National Police of Peru (PNP)

This organization has a *Foreign Division* within its Office on State Security. The mission of this Division is to anticipate and investigate migratory infractions of foreigners in national territory. To accomplish this, an Early Alert System has been implemented, which allows for the identification of persons who for various reasons cannot or should not enter the country and of those who infringe the precepts of the Alien Law. Moreover, this Division counts on the support of INTERPOL for verification of the information accessed.

3.1.3. Ministry of Labor and Employment Promotion (MTPE)

The specific and exclusive function of the Ministry of Labor, through the Labor Migration Directorate, is to plan and regulate affairs concerning labor migration, with the goal of guaranteeing the fulfillment of the labor rights of migrants and their relatives. Moreover, this institution is empowered by the following functions: to promote and carry out national and sectorial policies concerning labor migration, in coordination with other sectors, and to regulate and supervise employment agencies for foreigners.

Office of Labor Migration (DML)

On June 16, 2009, through the law of Organization and Functions of the MTPE (Law No. 29831), exclusive responsibilities on the subject of migration were incorporated into the Ministry of Labor, creating the Labor Migration Office. Currently this organism is under the mandate of the General Office of Employment Promotion of the Deputy Ministry of Employment Promotion and Job Training.

This office had been proposed in the community regulation of CAN, through Decision 545 or “Andean Labor Migration Instrument,” which expressly stipulates the advantage of having a Labor Migration Office, dependent on the labor ministries of the member countries. It should be noted that, even if is a mandate that obligates the adoption of responsibilities on labor migration management in the Member Countries, the DML is not the office to comprehensively handle emigration, in accordance with the Multilateral Framework of the ILO (2005).

Currently, the Directorate carries out its activities based on the model of the Employment Promotion Single Counter, Guidance Service for Migrants, which provides information services and online consultations with those interested.¹⁸⁵ Among the principal actions that this sector is consolidating concerning the issue of migration are:

- To regulate processes of labor intermediation, through the approval of the National Procedure Board for Foreign Labor Intermediation Service, whose goal is to supply a regulatory technical framework that regulates the service process for the positioning of domestic workers outside the country;
- To design a Single Organized list referring to the Registry of Private Employment Agencies (domestic and foreign), which stipulates that Private Employment Agencies have the legal status to register them;
- A Strategy Proposal for Health Care for migrants and relatives of Peruvians abroad, which was presented before officials from the Ministry of Foreign Affairs, EsSalud and SIS;
- Concerning Temporary Work Programs for Migrant Laborers, of which the Ministerial Resolution No. 283 – 2009-TR of September 24, 2009, stands out and approves the National Directive No. 005-2009-MTPE/3/11.2- “Procedure for the Foreign Labor Intermediation Service.”¹⁸⁶

¹⁸⁵ MTPE website: http://www.mintra.gob.pe/migrante/direccion_migracion_laboral_1.php (Accessed 28 August 2012).

¹⁸⁶ OEA website: <http://www.sedi.oas.org/ddse/mide/minpet/countries.aspx?c=PER> (Accessed 24 August 2012).

3.1.4. Ministry of Economy and Finance–Superintendence of Banking and Insurance (SBS)

The Superintendence of Banking and Insurance of the Ministry of Economy and Finance is an organism in charge of the regulation and supervision of financial and insurance systems and of the private pension system, as well as to prevent and detect money laundering and financing of terrorism. Its fundamental objective is to preserve the interests of depositors, insurance policy-holders and members of the SPP.¹⁸⁷

The connection between the Private Pension System (SPP) and issues relating to Social Security for migrants can be shown in four pieces, which can be applied in accordance with the signing of agreements with other countries:

- Defining the scope of the principle of equal treatment and the trend toward the incorporation of this principle in the issue of social security, through the signing of agreements from Distribution Systems or Defined Benefits.
- Incorporation of the principle of aggregate periods and applying the principle of proportionate pension. This is a measure that limits the financial commitment of each party to what was originally budgeted in a social security agreement.
- Evaluation of the possibility of incorporation of the principle of aggregation of resources. This arises through the principles of capitalization and the possibility of mobilizing funds accumulated by workers during their active working life or during the payment of a benefit or change of permanent residence, etc. This issue is important because there also exists the possibility of creating a law of pensions, since there are resources that can be capitalized on and generate profit while invested in Peru.
- To make viable pension export mechanisms. To enable conditions for pensions paid in one country to be transferred to the country of origin of the pensioner (ILO–Migrandina 2012d).

3.1.5. Ministry of Justice and Human Rights

One of the specific responsibilities of the Ministry of Justice and Human Rights is the transfer of persons condemned in active and passive forms (ILO–Migrandina 2012d). Active transfer refers to those who have been sentenced abroad and express the wish to complete their sentence in Peru. Passive transfer is a foreigner sentenced in Peru who wishes to complete the sentence in his or her country of origin. With respect to active transfer, a series of difficulties are recognized:

- A limited number of Peruvians who wish to complete their sentence in Peru because of excessive procedures and the high costs of transfer;
- An unknown number of Peruvians sentenced; and

¹⁸⁷ SBS website: http://www.sbs.gob.pe/0/modulos/JER/JER_Interna.aspx?ARE=0&PFL=0&JER=4 (Accessed 28 August 2012).

- The lack of a budget on the part of the Peruvian State for this cost, leaving relatives in charge of covering the cost of the process.

With regard to passive transfer, the procedures have been improving. Currently the Law No. 29305 amending some articles of the Criminal Procedure Code relating to conditions of transfer and enforcement of sentences of foreigners.¹⁸⁸

Meanwhile, incarcerated foreigners who find themselves in Peru are under the supervision of the National Penitentiary Institute (INPE) and the Public Implementing Agency of the Justice Sector, rector of the National Penitentiary System. The principle functions of the Institute are to guide and administrate the National Penitentiary System, to carry out investigations on criminality and to elaborate policies of crime prevention, to give assistance post-prison, and to decide technical and administrative norms on the planning and construction of penitentiary infrastructure.¹⁸⁹

It covers foreigners who are in prison and those who, after having been imprisoned, gain access to prison privileges and are, therefore, at liberty.

3.2. Treatment of the issue of migration in the legislative branch: the Foreign Relations Commission

The Foreign Relations Commission of the legislative assembly has paid attention in recent years towards making visible the impact of migration in the political arena. Its work is based on studying and drafting reports on items on the Congressional agenda relative to foreign relations, which also include matters relative to migration.

One of the bills that this Commission has analyzed refers to the creation of an electoral district for migrants, given that there has been much legislation proposed to the Congress to this end. These bills are based on rights recognized by the Political Constitution of Peru that each citizen might participate in public affairs and in the political life of the country. Taking into account the number of Peruvians that reside abroad, it is clear that they would need specific representation in Congress. However, these bills have yet to be debated in Congress.

Given the situation of international crisis that is leading to the return to Peru of Peruvians who had emigrated, there have been several bills presented regarding incentives for the migration of return, giving various facilities to better carry out this process.

¹⁸⁸ MINJUS website: <http://spij.minjus.gob.pe/Normas/textos/221208T.pdf> (Accessed 24 September 2012).

¹⁸⁹ INPE website: <http://www.inpe.gob.pe/contenidos.php?id=460&np=1&direccion=1> (Accessed 28 August 2012).

3.3. Treatment of the issue of migration in the judicial branch

The principle functions of the judicial branch in relation to the subject of migration are related to the prosecution of crime. In this sense, the Regulation of the Law Against Trafficking and Smuggling of Migrants has developed the following actions that carry out this power of the State:

- Carrying out training activities about violence against children and adolescents for magistrates, judicial and administrative support staff, and operators of all sectors that deal with these cases, like abuse, commercial sexual exploitation and the trafficking of children and adolescents;
- Assigning responsibility to the National Criminal Court concerning cases of human trafficking, child sexual tourism, child pornography, among other offenses caused by organized crime;
- Adherence of the Judiciary to the implementation of the “100 rules of Brasilia for the access to justice of persons in vulnerable conditions” and the charter of Rights of Persons before the Judiciary. With this it is hoped that the operators of justice would take into account the special situation of the victims of these crimes, to reduce the level of harm that the penal process can cause them, contributing therefore to their recuperation;
- Approval and Implementation of the “Interagency Route of Prevention, Attention, Recuperation and Penalization in Cases of Sexual Abuse and Trafficking of Children and Adolescents,” whose implementation is already prepared in the framework of PNAIA 2011 – 2021, which is in the process of formation.

3.4. Other instances

3.4.1. Office of the Ombudsman

The Office of the Ombudsman is an autonomous public institution, responsible for defending and promoting the rights of people and the community. To do this, the Office of the Ombudsman supervises the performance of the State and the provision of public services, identifying possible indications of rights violations and influencing the improvement of public policy and management.

In this sense, the constitutional and legal mandate of the Office of the Ombudsman has to do with the supervision of the fulfillment of regulations established on the subject of migration on behalf of the public administration and to confirm if these guarantee the fulfillment of the minimum standards of respect of migrants’ rights (both of Peruvians abroad as well as foreigners in Peru).¹⁹⁰

¹⁹⁰ Office of the Ombudsman website: <http://www.defensoria.gob.pe/pdf/vision-mision.pdf> (Accessed 13 August 2012).

With regard to the migratory issue, the Office of the Ombudsman has established a set of mechanisms to protect the rights of migrants, which have been developed through the following actions:

- Intervention for the care of Peruvian prisoners in the Chilean city of Arica;
- Investigation to evaluate the way in which the Peruvian State attends to the protection of migrants;
- Care of foreign prisoners awaiting transfer to penitentiary establishments;
- Execution of a “Basic Migrant Guide,” which brings together basic information on migrations and the human rights of migrants in general, but also of migrant laborers specifically (ILO 2010).

The role of the Office of the Ombudsman has been important. In 2009, the Office of the Ombudsman presented the Defense Report No. 146 of supervision of the policies protecting migrant Peruvians’ rights, in which it evaluated the fulfillment of actions of the Peruvian State concerning migration and presented important recommendations to the Peruvian State that it might adopt an integral migratory policy with a focus on rights (Office of the Ombudsman 2010).

3.4.2. Andean Parliament

The Andean Parliament is the governing and supervisory body of the Andean Community. Its mission consists of formulating recommendations and giving its opinion on any subject that affects a member of the Andean Community. In this sense, the Parliament has proposed recommendations related to the implementation of the Agreement on Residence in MERCOSUR, which constitutes the greatest regional advance in the protection of Andean migrants’ rights.

Furthermore, another document important at the community level has been the “Andean Social Charter,” which places emphasis on a set of migrants’ rights, under a regulatory foundation referring to Conventions 97 and 143 of the ILO, as well as the United Nations Convention in 1990.¹⁹¹

In 2011 the Andean Parliament issued a “Report on Public Policy of the Peruvian State towards Peruvians abroad and human trafficking,” in which the administration of consular policy and policies on human trafficking are evaluated and in which recommendations are put forth on these issues (Andean Parliament 2012).

¹⁹¹ Andean Parliament website: <http://www.parlamentoandino.org/csa/documentos-de-trabajo/carta-social-andina.html> (Accessed 28 August 2012).

3.5. Forms of coordination between institutions

Currently, there exist efforts to strengthen the participation of the State in the protection of the rights of Peruvian migrants abroad through the consulates, following the precepts and best practices of consular administration.

The same Peruvian State has promoted also, from different government sectors, a new reassessment of national migratory policy and the structure of coordination, such as the Interagency Working Group on Migration Administration (MTIGM), an institutional forum made up of almost all the ministries of the State, actors of civil society and international cooperation (ILO–Migrandina 2012c).

Moreover, within the sphere of combating and reducing the victims of human trafficking in Peru, inter-institutional mechanisms and activities have been consolidated in order to create legislation that prevents this type of crime, from an interagency perspective.

3.5.1. Interagency Working Group on Migration Administration (MTIGM)

The Interagency Working Group on Migration Administration (MTIGM) was founded on August 11, 2009, in the headquarters of the Foreign Office, with the participation of representatives from 12 agencies of the Peruvian State and the technical assistance of the ILO – MIGRANDINA Project. Its goal is to establish a national policy for comprehensive migration administration, through the implementation of a permanent mechanism of enquiries and coordination between different national sectors tied to migration management. It works comprehensively and multi-dimensionally to confront the challenges of the migratory phenomenon, giving answers to the causes, origins and destinations of Peruvian migration (ILO – Migrandina 2012b).

This bureau was created through RM-910-2005-RE and the new “Rule of Organization and Consular Functions of the Ministry of Foreign Affairs” (DS-135-2010-RE). It was preceded by the “Assistant Secretary of Peruvian Communities Abroad” (DS-059-2001-RE), elevated to “Secretary” (DS-046-2005-RE).

The primary objective of the Bureau is to propose comprehensive State policies on migration administration, related to promoting employment, protecting and fostering the wellbeing of the migrants, and maximizing the impact of migration on development (Núñez 2012; ILO–Migrandina 2012b). From this perspective, the principal functions of the Bureau are the following:

- To formulate policy guidelines on comprehensive migration administration in Peru, as well as plans, programs and projects on the same issue;
- To formulate the strengthening and implementation of regulations on the subject of comprehensive migration administration;
- To foster the creation or strengthening of public or private alliances for more effective and suitable action on the issue of comprehensive migration in Peru;

- To coordinate and monitor the fulfillment of public policies on comprehensive migration administration;
- To promote the formulation of actions and strategies in favor of regular migration, as well as the strengthening of the guardianship of the rights and duties of migrants and immigrants;
- To formulate proposals to optimize the administrative procedures linked with comprehensive migration administration;
- To disseminate and support information on the migratory situation of Peruvians abroad and in the country;
- To promote the extension of coverage of social rights of migrants and their families, such as education, employment, and social protection, among others;
- Other functions required for the development of its competencies.

Subsequently, with the goal of establishing actions at an operative level for the formulation, application and evaluation of the activities that each member agency of the Bureau proposes to carry out jointly or individually, seven specialized work groups come together, aimed at the formulation of actions according to their institutional responsibilities, such as the Work Groups on Immigration, Health, Social Provision; Employment Promotion and Work; Access to Housing; Promotion and Protection of the Rights of Migrants and their Families; and Education and Culture (ILO–Migrandina 2012b).

Moreover, with the goal of establishing actions in coordination with the Bureau, the following commissions were created:

The Interagency Commission on International Cooperation: coordinated by the Peruvian Agency of International Cooperation (APCI). Until the end of 2011, it involved the participation of the MIGRANDINA Project of the ILO and the International Organization for Migration (IOM), with whom the financing of specialized technical consulting was coordinated.

The Civil Society Coordination Commission: counts on the participation of ten institutions tied to the issue of migration, which have an advisory role in the establishment of policies designed for migratory administration, to which the Inter-Union Bureau of Migration belongs.

In February of 2012, the 2nd Annual Planning Workshop of the Interagency Bureau of Migratory Administration was held; 30 representatives from various State institutions attended and a Work Plan 2012–2015 was created, joining the different sectors to exchange information and reach a consensus on actions tied to migration in their operative plans, in order to attend to potential migrants, returnees, foreigners in Peru and Peruvians abroad (ILO–Migrandina 2012d).

3.5.2. Round-Table against Human Trafficking (MININTER)

Human trafficking in the country has also been a point on the government agenda in recent years, because of its critical and sensitive nature in society and in public opinion. Ways are being sought to eradicate and prevent this type of practices that infringe upon liberty and fundamental rights.

In 2004, the Peruvian State created the Multi-Sectorial Work Group against Human Trafficking, headed by the Ministry of the Interior. The group is comprised moreover by the following ministries: the Ministry of Health, the Ministry of Women and Vulnerable Populations, the Ministry of Justice, the Ministry of Education, the Ministry of Labor and Employment Promotion and the Ministry of Foreign Affairs. The Group is also made up of two representatives from institutions from civil society that specialize in the issue.

The goal of this Group is to coordinate the actions of the State, civil society and institutional entities to combat human trafficking. Their areas of work are:

- Coordinating the actions of the different public and private entities engaged in the fight against human trafficking, including the creation of joint activities;
- Coordinating and promoting the establishment of a statistical system for the nurturing and systematization of information concerning human trafficking in the country;
- Promoting the adoption of prevention measures and protection of victims and witnesses;
- Acquiring articulation with regional and international organisms to make national efforts against human trafficking more effective, as well as ensuring the participation of the country in multi-national or international working groups to prevent, monitor, and control human trafficking;
- Proposing legislative measures to effectively clamp down on human trafficking;
- Supporting the creation of education and media campaigns as prevention measures;

One of the main achievements at the level of political advocacy of the Group was the passing of Law No. 28950 in 2007, which classifies Human Trafficking, in accordance with the Palermo Protocols on Trafficking and Smuggling, and which allowed the establishment of the following documents:

- Regional Action Plan against Human Trafficking in the Madre de Dios region 2011–2016, with the consequent creation of the Regional Multi-Sectorial Round-Table of Madre de Dios, in August 2010.
- National Action Plan against Human Trafficking, approved by the Peruvian Government, in July 2011.

3.6. State programs on migration

As part of the implementation of public policy on migration, various programs relative to the different aspects of migration have been developed by the Peruvian State. The most important programs will be described below, ordered by subject.

3.6.1. Immigration Programs

Andean Migrant Worker Virtual System (SIVITMA)

Beginning January 11, 2011, the Andean Migrant Worker Virtual System (SIVITMA) has replaced the RETMA (Andean Migrant Worker Registry).¹⁹² SIVITMA allows, by the web, automatic issuing of certificates of Andean migrant workers as well as automatic hiring approval. It is achieving time saved and the elimination of employers having to travel to the MTPE. Through the SIVITMA, the employer can register the complete data of an Andean migrant worker, the information of the work contract, the information on the company, as well as attach in a single PDF the work contract and passport and/or foreigner identification card of the Andean worker who he or she plans to hire.¹⁹³

The companies that draw up work contracts with citizens of Ecuador, Colombia and Bolivia will be able to access SIVITMA with their PIN and PUC number, in order to be able to register the present contract and in this way automatically obtain record of the Andean migrant worker as well as the respective approval of the work contract signed between both parties. The contract with the Andean migrant worker only becomes valid on the day following the issuing of the respective migration status, authorized by the General Office on Immigration and Naturalization – DIGEMIN.

3.6.2. Programs for migrants abroad

a) New consular policy of the Ministry of Foreign Affairs

As a result of the new consular policy, of protection, assistance and promotion of Peruvian communities abroad, the General Office on Peruvian Communities Abroad of the Ministry of Foreign Affairs (MRE) has established a series of actions, based on the following guidelines of consular policy.

Reform of Consular Services: corresponding to the administrative bureaucratic labor of the consuls, through processing public documents for which nationals

¹⁹² Modification of the Instruction for the application of that ordered in the Ministerial Resolution N° 279-2004-TR and the Decision N° 545, Andean Instrument of Labor Migration and Regulation of the Andean Migrant Worker Virtual System – SIVITMA – DIRECTIVA GENERAL N° 001-2010-MTPE/3/17.3 Created by: Office of Labor Migration of the General Office of Employment Promotion.

¹⁹³ MTPE website: http://www.trabajo.gob.pe/migrante/pdf/manual_SIVITMA.pdf (Accessed 24 September 2012).

abroad must pay a consular fee. With the reform it is hoped that the principle of consular public service would be put into practice with the following effects: improving the treatment of users, cutting the maximum time of document processing delay, avoiding if possible multiple visits to the consulate, extending working hours – including Saturday, and using the postal service, when this is efficient in the country where the consul is found.

The new proposals to carry out these reforms are based on the following initiatives:

- The “Traveling Consular Services”: consular officials achieve their work for nationals relatively far away from the consular office, which allows them to save time and money on transport;
- The incorporation of the use of an emergency 24-hour telephone number in each consular jurisdiction, besides a telephone number and central Foreign Office email address that responds to questions and complaints in no more than 24 hours;
- The adherence of Peru, in 2009, to the so-called “Hague Apostille,” by which countries that adopt it reduce the total necessary authorizing of documents of the sending country to a one and only “seal” or “stamp” (“apostille”), which is to say that there is only one process of document validation (Andean Parliament 2011, 36–37).

Legal protection for Peruvian migrants: besides referring to the protection of legal rights under the law of the receiving country, a way is sought to also develop a “Legal Support System for Nationals Abroad,” which includes both the direct action of the consular officials as well as the action of a set of public and private entities, and of competent professionals, involved in the legal defense of migrants abroad.

As a part of this policy, a People and Organizations Directory has been created that belongs to the Foreign Legal Aid System. Consular Offices will also give primary legal assistance and necessary guidance to Peruvians who ask for it.

Inter-Institutional Cooperation Agreement between the Ombudsman and the Ministry of Foreign Affairs: its purpose is the defense of the fundamental rights of Peruvians abroad, through the cooperation of both institutions, when it concerns circumstances in which Peruvians abroad require humanitarian action and legal support.

Saving and Mortgage Credit Programs “Mi Vivienda” and “Techo Propio”: the goal of these problems is to channel the productive use of remittances for the acquisition of homes, through credit made available for this purpose by national banking entities. Furthermore, the Ministry of Housing has joined this initiative to facilitate the financing of homes for the beneficiaries of remittances. Several families have already become beneficiaries of this program.

Work with Peruvian community organizations: in this regard, the MRE has put forth two strategies that seek to strengthen ties with Peruvian communities abroad as well as strengthen assistance in cases of migrants in vulnerable situations. At one

end, a Foreign Peruvian Associations Directory was created, and at the other an education program was promoted with long-distance education courses on Peruvian geography and history with the objective of not letting migrants lose their sense of identity and roots with their country.

Advisory Councils: are forums of dialogue between the Peruvian community and the Consulate, chosen openly and by free vote, which collaborate with the consuls in the formation and design of support programs for transnational communities. These counsels seek to establish synergies between members of the Peruvian community and consular agents.

- *Peruvian Association Presidents' Forums:* in this space the contribution of the different Peruvian associations of various types (consular, religious, sport, social, business, etc.) is reinforced and, through coordinated efforts with the Consulate, they seek to create a body of work benefiting the community.
- *Civic Participation Action Support:* the MRE lends support to the National Office of Electoral Processes (ONPE) in the development of the voting system for nationals abroad;
- *Humanitarian Assistance:* currently there is a fund for emergency assistance situations for nationals abroad, especially for the repatriation of cadavers, or persons with terminal illnesses, or relatives who need other types of assistance.

b) Information and intermediation programs through the MTPE

Migrant Guidance Service

Among the services offered by the office, in 2010 the PERU INFOMIGRA web portal was set up, and it offers accurate and reliable information and guidance on the process of labor migration and return, in order to facilitate a conscious and informed decision. Through this web portal, information and guidance are presented, designed to meet the needs of users concerning the process of labor migration, with the goal of promoting their employability and the protection of their socio-labor rights (Velásquez *et al* 2012, 60–61).

The dissemination of information will be directed at four target groups:

- **Potential Peruvian migrants:** this line of information will be designed under the outline of the possible itinerary that a Peruvian wishing to work abroad would follow;
- **Those nationals who wish to return:** this line of information will be directed towards Peruvians who reside abroad and have the intention to return to live in Peru, facilitating their return and reintegration into Peruvian society;
- **Those who are abroad:** this line of information refers to Peruvian residents abroad who have no intention to return to Peru;

- **Those who desire to work in this country:** this is the line of information that recognizes the procedures that Andean migrant workers and foreigners must follow to obtain permission to work in Peru, as well as other information of interest to this user group.

c) Return and labor restructuring programs

Productive Return Website

Considering the current context of the economic crisis in the main destination countries of Peruvian migrants, which is causing the return of nationals for lack of opportunities and work, the implementation of the Productive Return Website, although still in the first phases of execution, aims to guide and facilitate integration into the Peruvian labor market in a productive manner.¹⁹⁴

To use it, the MTPE requires the user registration of those interested in this virtual platform, and from there they can access job promotion programs and services, occupational guidance, information on the job market and work mediation, authorized by the National Employment Service (SENEP) and the Office of Labor Migration (DML).

Revalora Peru

The Revalora Peru (Revalue Peru) program, implemented at the end of 2008, has the objectives of promoting employment and improving the employability of those who are unemployed or those workers who are in risk of becoming so, due to the international crisis or to the effects of modernization processes or changes in the economic sectors of the country.¹⁹⁵ This program also covered returning migrants who had to return to Peru as a result of the economic crisis in their destination countries.

Currently, this program has been substituted by “Vamos Peru” (Let’s Go Peru).¹⁹⁶ Since its creation, this program has made it possible to train more than 40,000 workers, in entities like ESAN, CENFOTUR, SENCICO, National Engineering University, National University of San Marcos, and INICTEL with the following courses:

- Automotive mechanics, electrical engineering, metallurgy, woodworking, and food service industries;

¹⁹⁴ For more information on the procedures for accessing the benefits of this program, consult the following URL: http://www.mintra.gob.pe/migrante/plataforma_retorno_productivo_1.php (Accessed 28 August 2012).

¹⁹⁵ Peru Infomigra website: http://www.mintra.gob.pe/migrante/programas_incentivos.php (Accessed 20 August 2012).

¹⁹⁶ Vamos Peru website: <http://www.empleosperu.gob.pe/empleojoven/revalora.html> (Accessed 24 August 2012).

- Training in areas of office technology, assembly, network maintenance, metal carpentry and construction;
- Training in hospitality and tourism services;
- Administration, commerce, sales and information technology;
- Operating heavy machinery, maintenance of heavy machinery, hydraulic systems.

d) *Internal migration programs*

Comprehensive Reparation Plan Law – PIR

The Comprehensive Reparation Plan Law was created in 2005, through Law 28592, by recommendation of the Commission of Truth and Reconciliation (CVR) to develop a State policy of reparations to victims of political violence. In that sense, this Law creates a Regulatory Framework of the PIR for victims of political violence occurring during the period from May 1980 to November 2000.

This law defines reparation programs, the legal concept of the victim and the beneficiaries of those programs that are coordinated and supervised by the Multi-Sectorial High Level Commission – CMAN. The program creates the Victim Single Registry, made up of regional registries. Currently the CMAN is assigned to the Ministry of Justice, which also features a Council of Reparations.

The beneficiaries are those victims, relatives of victims and people groups who, because of the amount of massive violations, suffered Human Rights violations in an individual form and those who suffered damage in their social structure, through the violation of collective rights. These persons will receive some type of benefits through the Comprehensive Reparation Plan, recommended by the Commission of Truth and Reconciliation. The beneficiaries can be individuals or groups. The qualifications are not exhaustive, as long as the same benefits are not duplicated.

The victims of forced displacement are part of the beneficiary groups, for whom a special program of reparations has been implemented. They are understood to be in the following categories:

- Farming communities, natives and other population centers affected by the violence, who show specific characteristics, such as: concentration of individual violations, devastation, forced displacement, breakage or cracking of the communal institutions; loss of family infrastructure and/or loss of community infrastructure;
- Organized groups of non-returning displaced persons, coming from the affected communities in their places of insertion.

The ways in which the benefits of the program will be carried out are the following:

- Institution building, which includes measures to support the legal reorganization of the communities, the establishment of authorities and local powers, training in Human Rights, prevention and resolution of internal and intercommunity conflicts;
- The recuperation and reconstruction of economic, productive and commercial infrastructure, and the development of human potential and access to economic opportunities;
- Support for return, resettlement and repopulation, as well as for populations displaced as a consequence of the process of violence;
- Recuperation and reconstruction of the infrastructure for basic services of education, health, sanitation, rural electrification, and recovery of communal heritage and others who the group can identify.¹⁹⁷

As shown, the Peruvian State has been developing different programs that allow for the implementation of migratory policy in various fields. Programs relative to both internal and international migration have begun, taking into account the migratory reality of the country.

It is fundamental to evaluate these programs in order to improve them and widen the work on this issue. Moreover, it is important to keep in mind the role that civil society plays in the development and implementation of these programs, an issue that will be discussed in the following chapter.

¹⁹⁷ High Level Multi-sectorial Commission website: http://cman.pcm.gob.pe/index.php?option=com_content&view=article&id=69&Itemid=54 (Accessed 28 August 2012).

PART III

THE ROLE OF CIVIL SOCIETY IN THE DEFINITION OF PUBLIC MIGRATION POLICY

The growing visibility of the migratory phenomenon and the involvement of different social and governmental actors, as well as international organizations related to migration, are recent in Peru. The growing worries, most likely, are due to the significant amount added to the GDP through remittances sent by international migrants to their families and, ultimately, because of the social and economic impact of the return of migrants coming from countries that were traditionally attractive for international migration, a fact that is becoming more and more true due to the economic crisis felt across the world.

The appearance of the migratory phenomenon on the national political agenda led the Peruvian State to see itself as obligated to design a migration policy that, according to the report issued by the Office of the Ombudsman in 2009, has prioritized the perspective of national security, as well as the protection and care of nationals who decide to migrate abroad.¹⁹⁸ In this sense, having analyzed the public policies adopted by the Peruvian State in the previous chapter, in this chapter we will analyze the role of civil society in the definition of public policies. First, we will briefly digress to analyze what public policy consists of and the challenges therein; then, considering that many non-governmental organizations (NGO) and ecclesiastical institutions include as one of their main objectives the promotion of a political climate that prioritizes migrants' human rights, it will be necessary to stop and reflect on the characteristics of the public agenda promoted by civil society. Finally, we will analyze the role strictly speaking of civil society in the definition of public migratory policies throughout the various spheres of intervention in which they are involved.

1. Public policies and citizen participation

According to Eugenio Lahera,¹⁹⁹ public policies are courses of action or flows of information related to a democratically defined public objective. These flows are pushed along by the public sector, frequently, with the participation of the community and the private sector and can include guidance or content, instruments or mechanisms, institutional aspects and forecasts of results. The same author clearly

¹⁹⁸ Office of the Ombudsman. (2009), *Migraciones y derechos Humanos. Supervisión de las políticas de protección de los derechos de las personas migrantes. Serie Informes Defensoriales – Informe Nro 146*. Office of the Ombudsman, Lima.

¹⁹⁹ Lahera, E. (2004), *Introducción a las Políticas Públicas*. FCE, Santiago, Chile.

differentiates between public administration and public policies, noting that the former corresponds to a concept of equilibrium and structure, and the latter, a concept of dynamism, procedures and results.

When we speak of the policies, we refer to those of the national government, but each political-administrative level must design, administer and evaluate public policy or aspects thereof. (...) Public policies are different than other instruments of habitual use in the public sector, like laws, ministry goals, administrative practices and budget items or glosses. They are distinct operational concepts. Public policies correspond to transactions that actors of a society make, in the given institutional framework. This framework is crucial to the quality of politics, as an unstable and volatile institutional framework will produce policy of a similar quality (Lahera 2004).

Governments are the main actors in the creation of public policies and what is most important for governments are the results of social well-being. Public policies spring from society's demands. In this sense, a society that makes the migratory phenomenon a priority will propel the design of public policies as a response to a situation that demands the attention of the State as well as the whole political community. On the other hand, if the issue of migration is not considered important or a priority for society in general, then society will not show sufficient interest in creating public policies on the topic, giving greater importance to other topics that it deems to be relevant. In this last scenario, it is possible still to formulate public policies but without including them in the political agenda, thus leaving them tabled and awaiting definition and implementation.

This allows us to say that public policy can originate (or not originate) in participative processes, where the organized population and citizenry in general can express their opinions on them, opposing them or proposing modifications. Public policies are the intersection between government and the political system. The State, moreover, should establish adequate spaces for guaranteeing the participation of civil society. Social movements, which can be associations of migrants or the families of migrants, appear in the public scene as actors of organized civil society, and they do not necessarily correspond to an ideology or common interest but can instead continue to change in response with the circumstances and behavior of the State and the authorities. In this sense, social movements contribute to the articulations of social agendas and fill the gap that is left by the absence and/or scarcity of institutionalized political parties. Joan Prats²⁰⁰ maintains that:

Social movements have traditionally been considered as deviations from the norm, basically products of fragmentation, alienation and social frustration. But a hard look from a new perspective permits us to see individuals who are rational, socially active and well integrated in the community, but anxious to make their interests matter through different channels than those offered by established institutions (...). Social movements have become a complex and influential political actor. Social manifestations can even become an instrument of effective action on the part of political actors that are well established in the traditional system (Prats 2001).

²⁰⁰ Prats, J. (2001), "Gobernabilidad democrática para el desarrollo humano: Marco Conceptual y analítico", in *Revista Instituciones y Desarrollo*, N° 10.

By drawing a difference between public policy and public administration we can maintain that the former corresponds to “what to do” and the latter to “how to do it.” In effect, an “ideal” policy that lacks credibility and does not work well in practice or that is not carried out completely can create a greater effect of distortion than a “less optimal” policy that is stable and well-applied. There are six traits that significantly affect the ability of a policy to improve general well-being, to be sustainable with time and to contribute to general development: stability, adaptability, coherence and coordination, the quality of its implementation and fulfillment, orientation towards the general interest and efficiency.

The development of public policies requires the mastery of certain techniques but cannot be established from a monopoly of technocrats. The adoption of public policies requires also the involvement of a political process, where the technical and the political coincide. Prats notes on the subject:

Strictly technocratic focal points designed by politicians tend to ignore the critical steps of the design process, the negotiation, approval and application of the policies, processes that harbor within themselves the turbulent world of politics. The political process is inseparable from the process of policy formation. To ignore this link between both would lead, as in effect it already has, to inadequate reforms and disappointments (Prats 2001).

The worries concerning public policies focus on their efficiency and quality, and, telling of social actors, this would depend on the way they discuss, approve and apply policies. The content is important, but experience dictates that the content can be modified. In turn, the process that is developed to create them, apparently, results in something more complex. This has to do with institutions, a strong State, national political parties with legitimacy and validity, and an active civil society. All this will make possible a more appropriate development of the processes and will give them legitimacy.

The process of forming public policies is a dynamic game between actors who interact in various scenes. The actors range from officials with constitutional responsibility to actors with less defined roles but who are influential and capable of mobilization and pressuring. On one hand, we find the actors connected to the State: powers of the State, authorities, officials and political parties. On the other hand, we find all those who can be grouped as civil society: churches, guilds, unions, NGOs, companies, communication media, education entities and social organizations. Of all these actors, the weakest are the political parties. They are called to carry out an important role in the formulation of public policies. Political parties are important for debate and the articulation of public policy programs, because they collect items on the agenda from society.

The degree of institutionalization of a party system is important for the effects that they have on the design process of public policy. Institutionalized and programmatic parties create better stability in the political system, and they are better still if they are of a national scope, because they express themselves and act in accordance with national interests. Together with political parties, other important

actors appear, although they are not well defined, but they have great influence, and these are the social movements, which have become powerful political instruments, capable of articulating their meaning through the media and of creating rapid political changes.

Many NGOs define public policies as those which the government chooses to do or not do or as the set of responses from the State on various situations considered socially problematic. Other social actors, in turn, underline the idea of procedural public policy and claim that they are a process through which an issue on the sectorial or national agenda transforms into a problematic policy that the State must attempt to solve through public policies. In our opinion, we can define public policies as a series of principles and guidelines that the State draws up, administers and executes, arising from a need or national problem. To do this, in an ideal scenario, civil society makes its demands, and the parties recognize them and propose them in the national political agenda.

Challenges

- The processes of public policy creation are important, and they should ensure that policies follow the general interest. It is a challenge for institutions to creatively propose mechanisms that ensure the participation of organizations of civil society in the identification of needs and the creation of proposals for the relevant institutions;
- The population perceives that public policies do not respond to the needs of all the citizens, leaving many of them without the benefit of growth;
- The State must create a sense of national identity, a vision of a shared future. It is necessary to foster a sense of belonging to a political community, but to this end it is necessary to include neglected groups and sectors;
- We will have efficient political processes and better public policies when there are institutionalized and programmatic political parties. Institutions should question their role before political parties;
- It is important to promote functional leadership in institutions, keeping leaders from accumulating enough power to permit them to achieve personal objectives, at the expense of the strength of institutions.

2. Political advocacy

NGOs and ecclesiastical institutions, based on their institutional duty, have been tied to policy advocacy actions and processes in favor of migrants. Some NGOs and ecclesiastical institutions have gained more experience than others, due to the tenure of their existence or the areas in which they have specialized. With some exceptions, advocacy in migration affairs is not approached directly, but rather by way of the areas in which the organizations typically work, as it may be in the case of workers'

rights, local development, women, human trafficking, and childhood education. In all these areas, advocacy methodologies have been tested, some being quite structured and some more spontaneous.

To have a cursory understanding of advocacy methodology we can refer to the “Basic Manual on Policy Advocacy.”²⁰¹ This manual contains the following definition of political advocacy:

Political Advocacy is the effort of organized citizenry to influence the formulation and implementation of policies and public programs by means of persuasion and pressure on state authorities, international financial bodies and other institutions of power. It consists of a collection of activities intended to gain access and generate influence over persons who have decision-making power in matters of importance for a particular group or society in general (WOLA 2002).

In tune with this definition, we can affirm that NGOs, associations of migrants and their families and ecclesiastical institutions have different levels of experience in the development of advocacy plans. Some of these social agents have had the opportunity to systematize and strengthen their experiences and practices in policy advocacy, and others have not.

There are some limitations and problems to take into account when the concept of policy advocacy is associated with civil society alone. Policy advocacy by civil society could become too fragmented, sporadic and limited in its impact to improve the quality of a democratic regime if institutionalized political parties or organizations do not exist there. At the same time, there is a need to recognize the differences between advocacy actions and an advocacy plan, as well as to define who the subjects of the advocacy are and to reaffirm clearly the end goals of all these actions.

The definition of the agents of this advocacy and of who is called to be the principal agent in the advocacy activities bears some reflection. Some institutions related to the topic tend to think that NGOs should intervene as allies of the populations and social groups who are attempting to impact policy. Others, on the other hand, believe that NGOs should have policy advocacy plans in which the associations themselves are the primary agents. In this latter perspective, doing policy advocacy implies the organized and planned participation of the population, taking into account that it is not always civil society who engages in advocacy, since other institutions and organizations such as NGOs engage in it as well, developing processes that become bridges between civil society and the State, through areas of agreement from which public policy grows. The fact that an NGO leads the process does not mean that it is the only leader but rather that, generally, it is leading the process accompanied by other organizations, associations, institutions and groups.

It is difficult to try to arrive at a common definition, but it can be stated that policy advocacy is the collection of political activities realized by an organized

²⁰¹ McKinley, A. (2002), *Manual Básico para la Incidencia Política*. Washington Office on Latin American Affairs (WOLA), Washington, DC.

citizenry with the objective of influencing decision makers on the formulation, development and execution of public policy. Policy advocacy is an intentional, deliberate and systematic process through which proposals are presented that contribute to problem solving and generating changes in the public sphere. These changes benefit specific sectors of the population involved in the process. In this sense, policy advocacy complements democracy.

Challenges

- Always having the convictions that lead to consideration of the processes of policy advocacy;
- Planning is important. Dedicating time and resources in advance of advocacy to ensure clarity of objectives and adequate design of strategies and actions that lead to the end goal;
- Being attentive to what is happening in the local and global contexts will help to create pertinent advocacy processes. Therefore, it will be very helpful to promote research about the area in which advocacy is to be made;
- Establishing alliances and coalitions will ensure greater success at the point of policy advocacy and, at the same time, alliances will help to discern whether the objectives and strategies are appropriate;
- The objectives of advocacy and the methods that it uses should make use of creativity and courage as well as a discernment to understand its strengths and limitations;
- Policy advocacy can lead to the necessity of dealing with opposition. This should reinforce a tolerant attitude in order to avoid falling into confrontational discourse that distorts the approaches that supposedly have been adopted as migration public policy.

The participation of civil society in the definition of public policy is not always guaranteed, and often NGOs and ecclesiastical institutions serve as intermediaries to guarantee that the interests of the population are duly protected. It is necessary to keep in mind that participation in the arenas of definition of public policy requires some preparation or technical expertise on the topic, which is often limited among agents of civil society, especially on the topic of migration. Nevertheless, their participation is fundamental, as the Office of the Ombudsman's 2009 report says:

The information originating from civil society organizations and the migrant population is an extremely valuable component in enriching the design of policies on Peruvian communities abroad, since they possess the experience of becoming familiar with the various stages of the migration process as well as getting to know in situ the unique characteristics of each country (Office of the Ombudsman 2009).

3. Civil society organizations that work in migration affairs

The increase in migrations in Peru led many civil society organizations to integrate the topic of migrations into their agendas. Many of them did this within the specific thematic agendas to which they were already accustomed. Two projects have been conducive to the topic acquiring relevance in recent years: The first of these was the program “Peru: Promotion of Employment, Youth Entrepreneurship and Management of International Juvenile Labor Migration 2009-2012,” developed by the United Nations Population Fund (UNFPA), the International Labor Organization (ILO) and the United Nations Development Program (UNDP). It has as its counterpart to the National Youth Secretariat, the Ministry of Women and Social Development, the Ministry of Labor and Employment Promotion (MTPE), the Ministry of Foreign Affairs (MRE) and the National Statistics and Computer Science Institute (INEI). This program was outlined within the millennium goals, especially that of the eradication of poverty and hunger. The objective of this program was to increase and improve opportunities for youth labor participation so that they can find decent employment through the promotion of employment, youth entrepreneurship and management of international juvenile labor migration, with an emphasis on young women. The sphere of impact of the program was Metropolitan Lima (the provinces of Lima), Callao, Arequipa (coast and southern Sierra), Junin (central sierra) and La Libertad (north coast).

The second is the “MIGRANDINA Project,” sponsored by the Subregional Office of the ILO for the Andean countries, which proposes the strengthening of government capacities and social agents for the management of labor migrations and the establishment of social labor mechanisms that facilitate the voluntary return of immigrants through adequate policies that allow them to integrate quickly into the productive activity of the country (Office of the Ombudsman 2009).

The Migrandina Project has contributed to the design of management and coordination mechanisms of migration policy both in the Ministry of Labor and Employment Promotion (MTPE) and in the Ministry of Foreign Affairs, and at the same time it has strengthened mechanisms of dialogue with social partners, introducing the new concept of governance in labor migration management in the country. The mechanisms created by the Project are:

- (i) *The Office of Labor Migration in the Ministry of Labor and Employment Promotion, which has involved a change in its organizational structure;*
- (ii) *The Inter-Sectorial Working Group on Migration Administration, led by the Ministry of Foreign Affairs (MRE), which drafts, with 19 other institutions, national migration policy; and*
- (iii) *The Inter-Union Round Table on Labor Migration, an arena for coordination of the Four Unions that work for the rights of migrant workers. (Final Report-ILO Project 2012, 3)²⁰²*

²⁰² ILO. (2012), Multilateral Program of Technical Cooperation. Final Project Report “Institutional strengthening of migration material to contribute to the development of the countries of the Andean region – Migrandina.” ILO, Lima.

Another project that helped to strengthen work on migration is the “Strengthening of Dialogue and Cooperation between the European Union (EU) and Latin America and the Caribbean (ALC) for the Establishment of Models of Migration Management Policies of Development.” This project is financed by the European Union and is being jointly implemented with the International Organization for Migration-IOM (Brussels Mission), leader of the project, and the International and Iberoamerica Foundation for Administration and Public Policy-FIIAPP of Spain. One of the activities of IOM is the integrated development of the first component, related to Migration Data. Integrated development of the second component, related to Institutional Strengthening falls to the FIIAPP. And that of the final component, Productive Remittances, is implemented by both institutions jointly.²⁰³ The development of these three components is based in: (a) Migration Data: the activities of this component are associated with the compiling, processing and exchange of data on migration affairs. This allows the creation and development of migration profiles for all of Latin America and the Caribbean (ALC), which will complement the already-existing profiles or those being developed by IOM in coordination with the South American Conference on migration, contributing to the detailed knowledge about the migration situation in the region. (b) Institutional Strengthening: in this component the activities refer to capacity building for the promotion of a solid migration management through the implementation of a policy of reintegration. This component also includes a solid mechanism between the countries of the Andean Community and other countries that allows for maximization of the positive impacts of the migratory flows, improving the link between migration and reintegration through national labor markets. (c) Productive Remittances: this component proposes the promotion of the productive investment of remittances, so that through the increase in the capacities of migrants and their communities of origin, the necessary conditions for promoting and maximizing the investment of remittances will be created.²⁰⁴

These projects raised the profile of the migration phenomenon in the country and have awakened the interest of many organizations that work in migration. It is of note, however, that in civil society NGOs or institutions dedicated to working exclusively on the topic of migrations do not exist, with the exception of a few like the Pastoral Care of Human Mobility of the Peruvian Episcopal Conference, the Missionaries of Saint Charles Borromeo, Scalabrinians, or the associations of the families of migrants, which concentrate their efforts on promoting the defense of fundamental rights of migrants. As we have previously indicated, the organizations address the migration phenomenon insofar as it relates to the work they are already doing.

²⁰³ Webpage of the project: http://www.migracion-ue-alc.eu/index.php?option=com_content&view=article&id=96&Itemid=704&lang=es-ES (Accessed July 20, 2012).

²⁰⁴ Webpage of the project: <http://www.migracion-ue-alc.eu/index.php?lang=es-ES> (Accessed July 20, 2012).

4. Approaching the migration phenomenon

4.1. Through reflection

The migration phenomenon has remained unnoticed among the population until recent years in Peru, when the country has become a large source of emigrants. This invisibility did not contribute to the State adopting migration as a priority when it defined its public policy.

Reflection on migration in Peru is very recent. Early studies were oriented toward an understanding of Peruvian citizens abroad, especially in Spain, Italy and the USA.²⁰⁵ The definition of the primary causes that contributed to a decision to leave the country and the dynamics of insertion into new arenas in the receiving countries initially captured the attention of the few researchers who ventured inquiry into the topic. They found few interlocutors when they presented their research and recommendations.

With the passage of time, research focused more on the feminization of migrations, remittances, labor migration and the families of migrants and placed special importance on the situation of minors whose parents were abroad and the management of international migration policy. Nevertheless, as Aldo Panfichi states in his introduction to the book *International Migrations*, “the importance of the phenomenon contrasts with the small number of studies dedicated to the issue, notwithstanding the pioneering and isolated efforts of teachers and students that in recent years have produced books and theses related to the migration phenomenon”.²⁰⁶

There were some significant publications between 2011 and 2012, such as: “The trip of those who remain: the other face of migration”, edited by ASPEM and the Cariplo foundation; the “Shadow Report – International Convention on the Protection of the Rights of all Migration Workers and their Families”, edited by CEDAL; “Mothers and children speak out”, by Lucía Alvites. In 2009 a report of the Office of the Ombudsman was published on “Migration and Human Rights – Supervision of the policies protecting migrant Peruvians’ rights,” which allowed the topic of migration to be placed on the public agenda of the country.

It is also of note that analysis of the migration phenomenon at the borders is scarce. Few serious studies on the topic exist. In an attempt to respond to this deficiency, the Department of Human Mobility of the Episcopal Conference of Peru, together with the Office of Social Coordination of the Company of Jesus in Peru, carried out research in the border zones of both the north and south of the country, on “Migration and Development. Diagnostic of the migrations in the northern region of Peru” and “Migration dynamics in the Peru-Chile border area. Arica Tacna and Iquique.” Both publications were edited by the monograph series of the University of

²⁰⁵ Altamirano, T. (1992, 1996, 2000). Berg, U. D.; Paerregaard, K. (Ed.) (2005); Germaná, C.; Meneses, M.; Valencia, I.; Colletón, R.; Samamé, D. (2005).

²⁰⁶ Panfichi, A. (2007), *Migraciones Internacionales*. PUCP, Lima.

Antonio Ruiz de Montoya. The IOM has also published some important statistical data on international migrations and training modules on migration management. These publications complement the publications on migration of an informative nature by NGOs and migrant family associations.

4.2. Through the media

The media have focused on informing the public about the topic of migration in a limited way, echoing news that has an impact at the international level or when Peru has come into question. For example, regarding the significant presence of some Haitians in the country who were trying to reach Brazil, this was an incident which occupied the pages of important newspapers and various broadcast television programs in the country.

The primary topics on which the media have focused their information in the final months of 2012 are related to migrants' returning, remittances and the economy, free transit, the situation of Haitians in Peru, labor rights of migrant workers, the representation of Peruvians abroad, and human trade and trafficking, among others.

Unlike other countries in the region, in Peru there is no evidence of the encouragement of discrimination or xenophobia towards foreign immigrants in the media. This is perhaps due to the fact that many of the immigrants who have arrived in Peru in recent decades have come from European countries, the United States or other countries of the region in order to fill executive positions in transnational companies. Right now, foreign immigrants are not perceived as a threat to Peruvian citizens. For this reason, their insertion into society is relatively easy in comparison with that of Peruvian citizens who have migrated to other countries. This tendency could change, however, if the economic growth the country has been experiencing in recent years continues, and if the economic crisis of developing countries continues. It should be remembered that immigrants from Latin America as well as Europe, the United States or Asia usually arrive in Peru with a professional profile that allows them to work in transnational companies, and Peruvian citizens could begin to perceive this population as a threat to the national labor market for well-paid work positions.

This allows us to say that immigration in Peru, for now, is not viewed as a problem; on the contrary, in Peru, the main risk of the media is showing emigration as a great possibility for achieving personal development. Stories of Peruvians abroad who, with much work have managed to get ahead, serve as motivation for other Peruvian citizens to leave the country. It is appropriate to note however, that in recent years, due to the international economic crisis, the media have more frequently shown the difficulties that Peruvian citizens abroad must contend with in work, culture and family, as well as those difficulties involved with the regularization of migrant status. Various media have released reports on the coyote system for crossing borders and the constant violations of basic rights. They have

also broadcast and published incidents of discrimination that Peruvian citizens abroad have experienced. These reports have raised awareness about the necessity of providing adequate and timely information to those who want to migrate abroad.

It should be noted that the media are called to develop a culture of respect for the basic rights of migrants. Similarly, they can play an essential role in light of the lack of information on legal ways to migrate. They are not currently doing so due to practical reasons, of an economic nature, that limit them to providing information that has an impact and sells.

It should also be considered that immigration in Peru is still not considered to be a central theme, except when it is an exceptional news event associated with crime or an extreme circumstance of vulnerability, as in the case of the Haitians who, in their frustrated attempt to enter Brazil or Chile, had to remain in Peru for several months without protection and humanitarian aid, which put them in a situation of extreme vulnerability.

The above allows us to conclude that, for now, there is not a real concern about migration on the part of the media, who address the topic in a tangential way. Migration, because it is not a part of the agenda, is presented and analyzed in a fragmented way. This can be seen in the training programs of communications and journalism schools, as in the case of the Bausate y Meza Journalism School, which has made efforts to introduce into its curriculum a focus on the promotion of respect for migrants' human rights, but it still has not been successful at making the migration phenomenon an integrated part of the curriculum. The school has held training workshops directed towards students and journalists, with the objective of raising awareness on the topic and has planned, through the research center, to begin a series of studies that reflects on and examines more closely the topic of "The Media and Migrations."

5. The intervention of NGOs in migration affairs

As we have indicated, NGOs that work directly in the area of migration are rare. Many of them are linked to migration inasmuch as it relates to the primary issues of their institution, such as labor and unions, economics, women, youth and others. Below we list some of the NGOs that are carrying out important work in policy advocacy for the definition and monitoring of migration public policy in Peru.

5.1. CEDAL – The Center for Rights and Development

CEDAL was created on April 11, 1977, with the mission of promoting the rights of individuals within a context of sustainable development and social justice in Peru, in partnership with other agents cooperating in development. The Center offers multidisciplinary services directed towards the strengthening of organizations of Peruvian civil society, in general, and of the labor sphere, specifically. Among other areas of work, the Center works for labor and union rights, the rights of migrant

workers and their families, the rights of indigenous peoples and the rights of the disabled. Within this work agenda, CEDAL promotes justice initiatives in the regional and universal systems for the promotion of human rights.

In exercising the right to check for compliance with the rights that stem from the International Treaties, CEDAL prepared the shadow report on the International Convention on the Protection of Rights of All Migrant Workers and their families. One of the main objectives of the Shadow Report was to impel the Peruvian State to comply with presenting an official report that accounts for the methods in use to promote and respect the rights of migrant workers in Peru.

5.2. The Trade Union Institute of Cooperation and Development (ISCOD)

In the sphere of promoting migrant workers' rights, it is important to digress to present the work done by the Trade Union Institute of Cooperation and Development (ISCOD). This organization was founded in 1990 under the auspices of General Workers' Union of Spain (UGT), one of the most important workers' confederations in modern-day Spain. Thanks to the collaboration of the AECI, they managed to sign cooperation agreements for development in different countries of the region, including Peru, Bolivia, Ecuador, Colombia, Brazil and Uruguay. These agreements enabled the implementation of several lines of action, including one for joint development on migration.

ISCOD develops initiatives related to unionized workers, independent workers and migrant workers. Specifically, in 2008 ISCOD began working in the area of labor rights of migrant workers. In the same year an empowerment process on the topic of labor rights for migrant workers was begun at the level of civil society, public administration and union organizations in Peru. "In the case of Peru, given the problem of the subject of rights affecting these individuals and the lack of participation and social dialogue that afflicts the formulation of public policies, in 2008 the trade unions began a unification process on the topic" (Migrant Dialogues Review #7 2011, 67).

Although early on many questions arose regarding the appropriateness of working in the area of migrant workers, these questions were cleared up thanks to the training the trade unions received from ISCOD. Much of the reluctance was related to stereotypes about the superior work conditions that migrant workers enjoyed compared to those experienced by workers remaining in Peru. Eliminating these stereotypes implied a training process that allowed for clarification of basic concepts about the migration phenomenon. In this way, ISCOD offered training courses directed at the four most important trade unions in Peru: the Confederation of Peruvian Workers (CGTP), the General Workers' Trade Union (CUT), the Autonomous Trade Union of Workers of Peru (CATP), and the Peruvian Workers Confederation (CTP).

These trainings allowed ISCOD, on one hand, to access information about the reality of the workers and, on the other hand, to understand the perception that the trade unions had about migration in the country. This approach allowed new initiatives on protecting the labor rights of migrant workers to be discussed. Beginning in 2008, the trade unions assumed an active role in the formulation of public policy proposals on protecting the fundamental rights of migrant workers:

They are developing a greater awareness of the key role they have in the debate and drawing up of national public policy, and in the promotion and defense of the rights of migrant workers. In this way, they have decided to become involved in the analysis, debate and reflection about the migrant labor phenomenon, with the goal of developing competencies in this area that contribute to the benefit of migrant workers, proposing more articulate actions with improved social impact (Migrant Dialogues Review #7 2011, 68).

It should be noted, however, that ISCOD has always endeavored to not be the protagonist in the process but rather to accompany other union organizations in attaining their rights.

The work of the labor unions has been directed towards providing responses, primarily, to changes in labor, as well as economic and social ones which have become interwoven over time, seeking ways to alleviate or improve the labor situation of the workers that have been affected by those changes, including migrants (Migrant Dialogues Review #7 2011, 67).

Considering that labor migration in Peru is very important, the trade unions understood that unions had to fulfill a key role in this process: “The union movement has a fundamental role in labor migrations and in any definition and design of public policy that involves human and labor rights in a coherent and effective way” (Migrant Dialogues Review #7 2011, 67). To achieve this objective, ISCOD engaged in a large empowerment effort to position and make visible the work of the unions in migrant affairs.

It is appropriate to remember that labor union organizations do not enjoy a positive reputation in the Peruvian national scene, since they are considered by some to be revolutionary organizations that renounce the system. This perception is accentuated in government spheres, where their activities are viewed with mistrust. This is the reason why labor union organizations are often left at the margins in defining public policy. The situation described motivated ISCOD to undertake an important effort to change this image and the way in which union organizations make their proposals. In this sense, the training process sought not only to familiarize union organizations with and manage matters related to the labor situation of migrants, but especially to position themselves as agents who intervene in the definition of migration public policy. After several years of training, the trade unions began incorporating migrant affairs into the union agenda and began to undertake joint activities with the ILO and the Working Group on Migration Administration promoted by the Office of the Chancellor.

In 2010 the Inter-Union Plan on Labor Migration (PIM) 2010–2014 was made public and is the first of its type in the Latin America region. As indicated in its presentation, the Inter-Union Plan pays special attention to the promotion of decent work in labor migration, which includes the promotion of workers' rights, the creation of more and better jobs, social protection against situations of vulnerability, social dialogue, and tripartism.²⁰⁷ In the same way, gender equality and non-discrimination are considered to be fundamental and high priority issues that need promotion and protection within the framework of the declarations of ILO, especially those related to the fundamental principles and rights of labor of 1998 and that of social justice and equitable globalization, adopted by the International Conference on Labor in June 2008.²⁰⁸

PIM is formed for a three-year period and is organized into three parts. The first is of an explanatory nature about the situation of labor migration in the international, regional and national contexts, as well specifying the premises, principles and general objective. The second part presents the justification, objectives and actions of the five axes of action. The third part contains an additional axis that identifies affairs related to the administration and evaluation of the Inter-Union Plan on Labor Migration. The preparation of the Plan relies on the technical support and accompaniment of the ILO, with the coordination of the Counselor of the Migrandina Project and the ACTRAV specialist for the Andean countries (ILO 2010).

As an institution, ISCOD works on three levels: with migrants and potential migrants, returnees and families of migrants; the strengthening of trade union organizations; and the strengthening of civil society, from which arose the technical secretariat of the PEMIDE network, which is currently in charge of the labor migration line. ISCOD also maintains direct coordination with the Office of the Chancellor, ILO and the Ministry of Labor on isolated cases related to its lines of action. For areas of public policy advocacy, ISCOD assists the trade unions, but they are clear about their role as assistant. The entities that engage in advocacy and participate in the definition of public policy are the trade unions.

5.3. Peru Solidarity Forum

Another important agent in recent years is the Peru Solidarity Forum, which is implementing the Migrant Peru project that seeks to promote the rights of migrants and strengthen the struggle against the illegal trafficking of migrants from Peru to the European Union. The project hopes to empower and strengthen the mechanisms of protection of migrants, both legal and illegal, articulating the actions and initiatives conducted by civil society organizations and public entities linked to the migration

²⁰⁷ Tripartism integrates state agents, employers and workers.

²⁰⁸ ILO. (2010), Inter-Union Plan on Labor Migration, 2010-2014. ILO, Lima.

process. As part of the project, a certificate program in Migration, Human Rights and Public Policy has been implemented.

According to information on the webpage of Migrant Peru, the project partners are: (a) Peru Solidarity Forum, whose main characteristics are networking to promote the coordination of social organizations with those whose voices it works to include in the dialogue and consensus-seeking in the definition of policies for a development that takes into account an intercultural, generational, gender and human rights focus. (b) The Office of the Ombudsman, an autonomous constitutional body created by the Constitution of 1993, whose mission is to protect the fundamental constitutional rights of individuals and communities, to oversee the fulfillment of public administration duties and the rendering of public services to citizens. From its legal and constitutional mandate, the Office of the Ombudsman is developing a line of work centered on the monitoring and protection of the rights of migrants, both of nationals who emigrate from Peru as well as foreigners who come to reside in our country. The supervision carried out by the Office of the Ombudsman includes all of the public institutions of Peru, including the Peruvian Consulates abroad. (c) Progetto Mondo Mlal, founded in 1966 and based in Verona (Italy), an NGO of international cooperation that sponsors development projects by sending partners to Latin America and Africa, with the support of volunteers on Italian soil. Progetto Mondo Mlal has been operating since 1974 in Peru, and its interventions cover the periphery of Lima and the Andean south, in such areas as rural development, urbanization processes, democratic governance and the promotion of economic solidarity, among others. Currently, this institution deals with areas of human rights related to the prevention of the illicit trafficking of migrants and the participation of children and youth workers in the processes of policy formulation at the municipal level. (d) Fondazione ISMU, an Italian entity dedicated to research since 2007, has devoted special attention to the migration of Peruvians to Lombardy (Italy) in its "Project Peru," which involved the various local agents with an interest in the topic as well as developing different activities including the creation of a network that continues to grow. ISMU has been collaborating with Progetto Mondo Mlal since October 2008, in the exchange of knowledge about migration and international cooperation.

5.4. Hope Foundation

The Hope Foundation, which works in the claims and defense of rights violations against individuals in the migrant and human mobility contexts, especially victims of human trading, trafficking of migrants, forced displacement and child exploitation should be mentioned. The foundation's activities center on the development of prevention and care strategies for a vulnerable population, from a social as well as a legal perspective; strategies for policy advocacy to mobilize the social and legislative agenda around prevention and solution of problems that concern the population; and research strategies to find out about the magnitude and manifestation of these problems and thus closely focus the agenda that has been

proposed regarding them. Its area of activity is centered in the Andean region, especially in the countries of Colombia and Ecuador.²⁰⁹

Currently the Foundation is carrying out the Andean Migration Services (SAMI) project. Its objective is to improve migration management in the Andean region, focusing on increasing knowledge about migration issues, deepening and outlining the synergies of civil society, advocating for public policy, broadening and strengthening the system of care, and contributing to existing service programs for returning persons.²¹⁰

Another program of interest worthy of mention is the experience of Junín Global. Since 2007 they have been implementing the Co-Development Pilot Program in the Junín Region, under INMIGRA-Peru. This program is being developed by a group of agents through an agreement that was signed in 2007 with the Regional Government of Junín, the local governments of the area, the National University of Central Peru and the association of businesspersons, represented by the National Society of Industry (SIN) of Junín. There are other institutional civil society agents as well that participate in this program, like NGOs and youth and entrepreneur networks.

This program stems from a vision utilized by other co-development projects, in which emigrants and their families are viewed as agents of change. From this perspective, activities are focused on motivating and incentivizing the participation of family members of these migrants and bringing development to their communities as a way to generate personal development for them.²¹¹ In this sense, the primary objective of the program is to increase the level of participation of migrants and their families in the development processes of their communities of origin and to facilitate their insertion into their communities of residence by means of co-development projects.

6. Migration research centers

In spite of the importance that migrations have been acquiring for the social reality of the country, research on this topic has not been as abundant as in other countries. Nevertheless, it is worthwhile to highlight the creation of research centers on migration promoted in several universities:

²⁰⁹ Webpage of the Hope Foundation: http://www.fundacionesperanza.org.co/joomla/index.php?option=com_content&task=category§ionid=2&id=7&Itemid=122 (Accessed August 5, 2012).

²¹⁰ Webpage of the Hope Foundation: http://www.fundacionesperanza.org.co/joomla/index.php?option=com_content&task=view&id=279&Itemid=2 (Accessed August 5, 2012).

²¹¹ Ministry of Foreign Affairs, ILO. (2010), *Exceptional Meeting of the Cross-Sectional Working Group on Migration Administration with the Commission on Migration of the European Union*. MRE, ILO, Lima, pp. 31-32.

6.1. The Socioeconomic Labor Observatory (OSEL) of the Catholic University Sedes Sapientiae

The Socioeconomic Labor Observatory (OSEL-North Lima) of the Catholic University Sedes Sapientiae was born as a project of the Ministry of Labor and Employment Promotion (MTPE). Initially, the Observatory studied the behavior of the districts of Comas, Puente Piedra and Ventanilla; later, in 2007, it included in the statistical development the districts of Los Olivos, Independencia and San Martín de Porres. Its objective is to participate in the integrated development of North Lima, producing and disseminating detailed, current and timely data on the labor market and the socioeconomic characteristics of the districts that comprise it.

The objective of the Observatory is to provide for the users (local governments, unions, business entities, institutions that develop social programs and the public in general) socioeconomic and labor information that enables them to improve the decision-making process. Among the Observatory's lines of inquiry is the topic of Immigration and Co-Development, and it carries out studies, from which the following stand out:

- “Remittances and Migration: Peruvians in the Madrid Community,” published in 2007, and focusing on the different aspects of the Peruvian diaspora in the Madrid market;
- “Remittances and Local Economic Development in North Lima: a local focus for general policy,” published in 2008, analyzing the migration phenomenon and the sending of remittances and its importance in the dynamics of co-development and local development;
- “Migration and Remittances: how is productive investment in the homes of North Lima?” was published in 2010, in which the effects of the receipt of remittances in homes with migrant experience are analyzed. “The interest in analyzing the process of migration, remittances and the effects on the beneficiary families has its origin in the evaluation of substantial changes in the local development of North Lima, primarily in the districts of Independencia, Los Olivos and San Martín de Porres” (OSEL 2010, 6).

6.2. The TUKUYMIGRA Research Institute of the Catholic University of Peru

The Pontifical Catholic University of Peru (PUCP) has the TUKUYMIGRA Research Institute, which promotes studies and research on the migration phenomenon.

6.3. The Institute for Ethics and Development (IED) of the Antonio Ruiz de Montoya University

The Antonio Ruiz de Montoya University (UARM), through its Institute for Ethics and Development (IED), is currently engaging in a study on the Migration Process and Transnational Family Networks in Peruvian Migrants and is supporting consultation with diplomats on migration topics.

These institutes help to broaden the analysis of the migration phenomenon, which nicely complements the accompaniment of migrants by religious institutions, NGOs and migrant family associations. These three elements can deliver a large impact on policy advocacy in migration affairs.

7. The Church and the accompaniment of migrants

In Peru, the Church was one of the first institutions that began to work accompanying migrants. Their work has centered primarily on accompanying and serving the diverse needs of migrants; it has also created arenas for reflection and research on the living situation of migrants. The training of pastoral agents and awareness-raising of civil society are also part of their work.

In recent years, from various spaces linked to the Church, work in policy advocacy has begun that integrates an accompaniment and research dimension in order to promote the human rights of migrants. The experience of direct contact that the Church organizations have with migrants places them in a favorable situation at the time of formulating public policy proposals on migration and, at the same time, challenges them to achieve a balance between accompaniment, training and research, and the formulation of advocacy plans oriented towards generating proposals for the design and implementation of public policy on migration.

7.1. The Department of Human Mobility of the Peruvian Episcopal Conference

The Pastoral Care of Human Mobility (PMH) of the Peruvian Episcopal Conference for many years has supported and encouraged, and this Ministry, especially in the border zones (with Ecuador, Chile and Bolivia, Brazil and Colombia), promoted and accompanied Bi-national Networks that provide superior care to migrants. The PMH has also concerned itself with training pastoral agents and raising awareness within society in general about the importance of migration.

The objective of the PMH is to contribute to the building of an open, brotherly, united and just society that respects migrants, refugees, displaced persons and their families, as a sign and leavening of the Kingdom of God, in the light of the Gospel and the teachings of the Church. Its pastoral guidelines are primarily welcoming and accompaniment, social and political awareness, and human, cultural and religious promotion.

Through the years it has established migration, pastoral teams have been in the various dioceses of the country through which it offers services to migrants. PMH acts in coordination with the other pastoral areas sponsored by the Peruvian Episcopal Conference, which allows them to address migration as an integrated phenomenon, improving the service that it offers.

Currently, with the pastoral restructuring of the CEP, this Ministry is a part of the Social Pastoral (deaconry), jointly with DEPASA, CEAS, Sharing Campaign and Caritas Peru; this makes it possible for the service to migrants to be shared by all the Social Area Departments, in awareness raising as well as in orientation and accompaniment (DMH 2009).

Some important milestones in the activities of the Pastoral Care of Human Mobility may also be mentioned:

- Beginning in 2000, the Peruvian Episcopal Conference had the support of the Missionaries of the Congregation of Saint Charles Borromeo – Scalabrinians, whose specific work is pastoral care of migrants and persons in mobility, for the executive directorate of the Pastoral Commission on Human Mobility.
- In January 2003, through Resolution No. 004-2003-CEP, the 82nd Ordinary Assembly of the Peruvian Episcopal Conference passed the proposal, presented by the Exc. Mons. Lorenzo Leon Alvarado, O. of M. Bishop of Huacho and President of the Peruvian Catholic Commission on Migration, for the creation of the Pastoral Department on Human Mobility. During that year, the Pastoral Care went around visiting various areas of the country, especially the northern and southern border zones.
- From December 14 to 21, 2003, a visitation mission to Peruvian migrants took place in Chile (Arica and Iquique). This mission was carried out by a team of migration pastoral agents of the Episcopal Conferences of Bolivia, Chile and Peru, with the goal of understanding the migrant reality, integrating migrants into communities, and encouraging close contacts with the two migration pastoral centers that exist in the two cities. Likewise, in 2003, visits to the Pastoral Care of Human Mobility of Ecuador took place.
- In 2004, the Peruvian Episcopal Conference, through the PMH, organized the *Sharing Campaign* around the migration phenomenon. With the theme “Let’s Globalize Solidarity with Migrants” – *I was a migrant and you welcomed me* (Matthew: 25, 35), this campaign, for the first time in the history of the Peruvian Church, was able to reflect on the importance of the phenomenon of human mobility in its various modalities in each of our Churches.
- During 2007, the participants at the bi-national meetings with the Pastoral Care of Human Mobility of Ecuador took note of the December 2006 publication by the Peruvian and Ecuadorian States of the Agreement to regularize the labor and migration situation of Peruvian and Ecuadorian nationals in the Expanded Border Integration area, which took effect on February 21, 2007 and expired on May 10, 2007. During meetings between both Pastorals it became clear that the execution deadline for this agreement was very tight to be able to make it known in the areas in the south of Ecuador. Since this meeting, advocacy actions were agreed

upon before the authorities of the Ministry of Foreign Affairs from both countries in order to achieve an extension of this agreement. Thanks to the actions of both Pastorals, both states were able to extend the agreement in February of 2008, which was summarized in the publication “Extending Agreement to regularize the labor and migratory situation of Peruvian and Ecuadorian nationals in the Region of Extended Border Integration.”

The Pastoral Care of Human Mobility of the Peruvian Episcopal Conference has been training pastoral teams in the various dioceses of the country on topics in human mobility, working in education centers in Lima and Callao with students and teachers with the permanent support of the Scalabrinian Missionaries and in alliance with the Social Sector of the Company of Jesus, and contributing knowledge gained from research about the reality of migration in our country.

7.1.1. Missionaries of Saint Charles, Scalabrinians

In 2000, with the increase in international migration and as a result of the invitation of the Peruvian Episcopal Conference, two missionaries from the Congregation of Saint Charles Borromeo – Scalabrinians, Fr. Marcos Bubniak, CS, and Fr. Isaldo Bettin, CS – landed in Peru from Brazil. These missionaries were welcomed by the Diocese of Callao and charged with oversight of the “Our Lady of Perpetual Help” parish, where they began to minister to migrants and their families with the support of a group of volunteers from the parish jurisdiction. Later, they formed the groups Lay Scalabrinians and Scalabrinian Youth, which, motivated by the congregational charisma, welcome migrants and their families.

From the beginning, the concern of the Scalabrinian Mission in Peru was that of promoting the work of caring for migrants and their families. In this sense, they were the first to launch the task of raising awareness around the importance of migration in the country. This work laid the groundwork for the migration pastoral care in the various dioceses of the country, primarily in those jurisdictions with a high rate of emigrants. They also promoted work that encouraged relationships with neighboring border dioceses, as in the cases of Peru-Chile-Bolivia, Ecuador-Peru, and Colombia-Peru-Brazil.

Having assumed the directorate of the migration pastoral of the Peruvian Episcopal Conference, they have shaped pastoral groups to care for migrants. At the same time, they have developed policy advocacy initiatives that have contributed to alliances with the various institutions associated with migration affairs, as in the case of IOM, the Office of the Chancellor, the Cross-Sectional Working Group on Migration, and the various non-governmental organizations. On the other hand, they have also developed ties with academic sectors to carry out research and training courses for pastoral agents of the various dioceses of the country, as in the case of the certificate in Migration and Development, which was developed in conjunction with the Antonio Ruiz de Montoya University and the office of the social pastoral of the Company of Jesus in Peru.

It is also appropriate to note that, since 2004, they have had an important presence in the second floor chapel of the “Jorge Chavez” International airport,

which has become an important referral point for the various institutions that are active in the airport. In addition, there are specific services for airport workers for their different celebrations, such as the employees from the business Taca, from the airport's Central Headquarters, and from other businesses. This has begun to motivate the Tourism Pastoral.

Because of the absence of a "Stella Maris" (house for seafarers) in Peru, a group of pastoral agents are carrying out a Sea Ministry with artisanal fisherman through meetings, celebrations, and visits each Saturday to the artisanal fishermen at the Port of Callao. The objective of these activities is to create a location in this important maritime port so that the Church is present in a concrete way to serve the seafarers (sailors, port workers, unions, artisanal fishermen and their families). In the last year, they have gained the approval of APM Terminals (operator of the north dock) and of the Diocese of Callao to begin pastoral ministry in the port.

7.1.2. The Jesuits and migration

The Company of Jesus in Peru has tried to respond to the challenge of the migrant reality of the country, organizing a network for migration from the Social Sector Coordination of the Province. Taking advantage of the experience of the Jesuit Service for Migration at the Latin American level, they have focused their intervention on training and research in conjunction with other Church and academic institutions. Their intervention takes place in coordination with other religious and institutional arenas promoted by the Company of Jesus in Peru. In this sense, they have carried out joint efforts with the Pastoral Care of Human Mobility of the Peruvian Episcopal Conference and with the Institute for Ethics and Development of the Antonio Ruiz de Montoya University, with whom they are implementing a training program for pastoral agents from the various dioceses of the country, and those of the borders with Ecuador, Chile and Bolivia.

The training program that is currently being implemented is through a blended learning certificate program entitled "Migration and Development," aimed primarily at diocesan pastoral agents. The objective of this plan is to train agents on topics of migration, development and human rights. The certificate is composed of eight study groups, situated in the North (Piura/Tumbes), Center (Lima and Callao), and South (Triple Border of Tacna/Arica/Bolivia). In the implementation of the training program, the study groups are confirming the regional characteristics of migration. The north and central regions emphasize the problem of human trade, migration caused by political violence, youth with families abroad, as well as more specific migration situations. The southern region, Tacna, Arica and El Alto in Bolivia, emphasizes border migration administration, infringement of human rights, including discrimination, human trafficking, contraband, unequal work treatment, exploitation, the coyote system, among others such as the principal problems of migration.

The training is accompanied by research, which has two-fold value: first, because Peru still lacks current studies and diagnostics on the problems of the border zones; and second, because the studies carried out will help to redirect lines of action

for the migration pastoral of the border dioceses. Currently, two studies have been done, one on the southern border and another on the northern border of Peru.

The work of accompaniment has centered on Tacna, where there has been an office for the care of migrants sponsored by the Global Citizen-Jesuit Service for Migration in Arica since April 2011. Tacna experiences two strong migration flows, one internal (the massive presence of the Aymara population coming from Puno) and the other external. Within the external migration, there are two flows: Latin Americans in transit to Chile and Peruvians taking advantage of the *Seven Day Convention* to work in Arica.

The *Arica-Tacna Convention* is an agreement between the States of Chile and Peru through which both Chileans and Peruvians can transition freely as tourists in Tacna and Arica. However, Peruvians utilize the freedom of the convention to work in Arica. This illegal situation, which both States tolerate, creates a diverse set of problems for the Peruvians: they do not enjoy workers' rights, they risk the possibility of deportation, and they suffer dreadful working conditions in Arica. It is calculated that between 3,000 and 4,000 Peruvians live by this mode of border mobility. Many minors also remain abandoned in Tacna, while their parents work in Arica. The border with Chile is restrictive, and frequently migrants are rejected. This creates the serious problem of human trafficking and the related problem of human trading. Both illegal activities create different types of mafia and swindlers who live off them.

In an attempt to respond to this situation, the office that cares for migrants offers information about the migration process. It also offers legal advice and social and spiritual services. There is also a presence in the land transportation terminals, with the idea of informing migrants before they become caught in the networks of traffickers and coyotes. In the case of migrants rejected from Chile and who therefore remain without work in Tacna, the problem is addressed according to the unique situations of each. Informational talks on migration and children for parents who work in Chile are also given in the Fe y Alegria 42 school. Minors who are left alone during the week are cared for within the normal prevention activities of the Cristo Rey Center for Children and Youth.

In 2011, together with the Regional Government of Tacna and the Office of the Ombudsman, migration issues have been made more visible, organizing a forum on Migrations and Trafficking, and a cross-sector working group was formed that addresses these issues. These arenas have served to denounce the impunity with which the mafias function in the terminals. The permanent link with the Global Citizen-Jesuit Service for Migrations in Arica is fundamental for the accompaniment and protection of human rights of migrants who cross the border from Tacna to Arica.

8. Participation in networks

Civil society organizations and the Church are aware that work performed with other institutions offers greater possibilities of generating impact and permits them to introduce their proposals to local and national agendas. Therefore, there is an

emphasis on collective building and participation that has given birth to a diversity of networks.

There are different types of networks. Some have only threads of communication. They are informal networks, without ties, interests or goals. Others are networks that are connected by identity, a sense of belonging, or mission. The situation becomes complicated when the networks are not simply social connections of personal and informal exchange, but involve contracts, interests and power. Undoubtedly the networks will need channels to guarantee that they will be at the service of the healthy growth of society and not destructive forces. This will require a strong authority that carries weight over the infinite diversity of ties and threads, but which doesn't interrupt the arenas of freedom and creativity (Cela 2012).²¹²

Many of the existing networks in Peru function, some better than others, by relying on the leadership and the common horizons that they outline. Nevertheless, some difficulties still persist that prevent adequate progress.

The process of cultural change within institutions does not always occur smoothly. Concentrated power structures that resist the invasion of networks penetrating the limits of confidential information still remain. The processes of cultural change at times proceed more slowly than technology because adequate ways to integrate it into new structures and social behaviors are not identified. The traditional structures feel threatened by the forces of change. In the modern world we find ourselves with a growing common body of knowledge as a key factor in development, constructed more every day through networks of connection and exchange, but nevertheless with a tendency towards the concentration of power in nuclei which make the expansion of networks difficult. These factions tend to slow the democratization processes of networks, attempting to limit their access and creating controls and exclusions (Cela 2012).

8.1. The Peruvian Network on Migration and Development (PEMIDE)

The Peruvian Network on Migration and Development brings together a group of entities committed to the topic of migration from a multidisciplinary perspective and whose goal is the creation of public opinion that influences the processes of formation and monitoring of public policy. Its emphasis is on the enforceability of rights and gender, and it seeks to achieve these goals through increasing awareness, generation of information, training and dissemination of migration issues that affect Peru.²¹³

The institutions within this network are: Human and Social Capital Alternative (CHS Alternativo); the Andean Commission of Jurists, PUCP TUKUYMIGRA; the FLORA TRISTAN Peruvian Women's Center; the Center for Rights and Development (CEDAL); the Trade Union Institute of Cooperation and Development

²¹² Cela, J. (2012), *Cómo trabajar en red sin diluirse en el intento*, formato electrónico en: <http://www.pedagogiaignaciana.com/admin/files/PDF/Cela%20Jorge.%20Como%20trabajar%20en%20red.%202012.pdf>

²¹³ Taken from the Rules of the PEMIDE network.

(ISCOD); the Peruvian Episcopal Conference; the Pastoral Department of Human Mobility; the Socioeconomic Labor Observatory (OSEL – Lima Norte) of the Catholic University Sedes Sapientiae; the Institute for the Study of Childhood and Family (IDEIF); the National Journalism Association/Center for Research and Development; PERU EQUIDAD; Solidarity Forum; the University Jaime Bausate y Meza. The International Organization for Migration (IOM); and the Albert Adriazén Andean Parliament also participate in this network, offering technical assistance.

The network has proposed two objectives: (a) From a multidisciplinary perspective, the end goal of the network is to generate public opinion that influences the processes of formation and monitoring of migration public policy with an emphasis on gender and enforceability of the exercise of the rights of Peruvians abroad; (b) Awareness, information generation, training and distribution of migration issues that affect the country.

8.2. The Andean Migration Network (RAM)

The Andean Migration Network is a pluralistic and diverse arena where the organizations that compose it structure their actions around information, training, promotion, advocacy and attention to migrants, with the end goal of contributing to safe and informed free human mobility and the protection and guarantee of the human rights of migrants.

The institutions within this network are: the José María Arguedas Andean Center for Education and Promotion (CADEP-JM), the Center for Rights and Development (CEDAL), the “Agustina Rivas” Support Center for Women, the AMAR Center, the Andean Commission of Jurists, the Human and Social Capital Alternative (CHS Alternativo), the El Pozo Movement, the Association of Family Members of Peruvian Migrants and Returnees of the Lima Region (AFAMIPER of the Lima Region), the Association of Family Members of Peruvian Migrants of the La Libertad Region (AFAMIPER LL), the Socioeconomic Labor Observatory of the Catholic University Sedes Sapientiae, the Andean Migration Observatory, TUKUYMIGRA (Pontifical Catholic University of Peru), Peace and Hope, the Awareness Diagnostic and Analysis (SENDA) and the Peruvian Network on Migration and Development (Red PEMIDE).

One of the primary concerns of RAM is the need to strengthen the debate with the State on migration procedures and the State’s priority actions on the subject. In this sense, RAM has made efforts to construct a social migration agenda, a political and technical instrument that establishes the position of civil society organizations on migration and its State administration. This agenda seeks to present civil society’s view and interpretation of migration and to establish the claims of civil society on the actions of the State in migration affairs and its obligations as agents of civil society.

8.3. Bi-national Networks of Border Pastorals

The reality of borders, the spot where two countries join, makes it necessary to initiate coordination projects and joint efforts between existing organizations on both sides of the border. Therefore, in order to offer a better and more effective service to migrants and to implement better advocacy on migration issues within Church projects in this sphere, several different networks that enabled joint activities were developed.

8.3.1. Ecuador-Peru Border Pastoral

In the face of the need to coordinate a comprehensive action plan for migrants on both sides of the Ecuador-Peru border, the National Pastoral Commissions of Human Mobility of both countries created in 2004 the Peruvian-Ecuadorian Border Pastoral, which jointly operates with the ecclesial border jurisdictions and holds annual meetings. These meetings have permitted the sharing of information about the reality of the migration situation in the area and the definition of action plans to offer hosting and accompaniment for migrating persons, particularly those who are most vulnerable. At the same time, it works in a systematic way with networks, local authorities and governments to change attitudes, practices, systems and policies so that those crossing this border are guaranteed their rights and dignity.

Advances in diagnostic aspects of the migration situation have been achieved, developing an initiative to share information about experiences and the work of border jurisdictions. Accomplishments include organizing pastoral missions and exchanges of experience to learn about the reality of working with migrants, as well as socializing methodologies and holding conferences with diplomatic representatives of the governments of Peru and Ecuador.

The Ecuador-Peru Border Pastoral was established through a process begun in 2004 that considered the following steps:

- Outreach to Peruvian brothers and sisters in Ecuador. In this way, the door was opened to the multiple requests of Peruvian migrants;
- Establishment of coordination mechanisms with the Offices of the Ombudsman from both sides of the border to address human rights cases;
- Organization of awareness campaigns for authorities;
- Establishment of initial contact with the Peruvian written press and civil authorities of Tumbes, Chulucanas, Piura and Chiclayo to distribute information;
- Promotion of dialogues and joint initiatives between the Church, civil society organizations, organizations of Peruvians and local authorities to address the needs of the migration phenomenon.

In 2004 the bi-national meetings began, in order to provide a joint response to the challenges of border migrations. Its proposals were brought together in the first

Bi-national Plan of the Ecuador-Peru Border Pastoral with the objective of promoting the humanization of the migration process on both sides of the border. The preparation of strategic plans beginning in 2004 reflects the concern for the vulnerable situation of migrating individuals. The main lines of action emphasized in their strategic plans are related to accompaniment, awareness, training and research, and policy advocacy on migration issues.

This bi-national pastoral network likewise recognizes various challenges, some of which are:

- Launching awareness-raising processes to overcome the general concept of the criminalization of migration, the xenophobic (passive or active) nature of resistance to the presence of migrants and the frequent practice of ignoring human rights;
- Launching advocacy efforts to decrease the time required to process paperwork or the suspension of projects and programs, the permanent change of civil servants, the opportunism of political parties, corruption and the neglect of local authorities;
- Strengthening arenas and networks for joint technical activities at the bi-national level;
- Strengthening bi-national committees where public policy proposals that are favorable to migrants are formed;
- Acquiring technical information about the reality of migrants (baseline);
- Strengthening the skills necessary for local teams to carry out effective and timely intervention;
- Improving communication between teams at the bi-national level;
- Supporting the training of priests, religious figures and lay persons in migration affairs.

8.3.2. The Peru-Bolivia-Chile Triple Border Pastoral

Because of the constant conflicts and accusations of human rights violations against migrants, since 2000 the Pastoral Commissions on Human Mobility of the Episcopal Conferences of Peru, Bolivia and Chile intensified their presence and attention to migrants in the border area between these three countries. It is notable that the primary government agents who intervene in human mobility affairs in this border zone are those associated with security: investigations police, departments of foreign affairs and migration, provincial governments and civil registries. To these can be added consulates, who offer very minimal information services and legal advice.

In 2001 the National Pastoral Commissions on Human Mobility of Peru and Bolivia and the Catholic Chilean Migration Institute (INCAMI) established a program of pastoral and social accompaniment for migrant communities in the border region between Chile, Peru and Bolivia. In coordination with the border Dioceses of Tacna (Peru), Arica, and Iquique (Chile), the three National

Commissions carried out two missions with migrants, in 2001 and 2003, and they have organized meetings between pastoral representatives, government representatives and civil society organizations.

The First Meeting of Bishops of the three Borders took place in October 2004 in the Diocese of Tacna, and subsequent meetings occur periodically to plan and evaluate the joint actions of pastoral accompaniment and the integrated promotion of dignity and rights for migrants in the border region. The last meeting took place in Tacna in 2011.

The above information about the various types of engagement of civil society agents in the area of migration reveals that the question of the role of civil society in the definition of migration public policy is still alive. There is no doubt that the State cannot create public policy on migration without promoting the participation of the agents involved. In this case, migration public policy cannot be defined without including the participation of the organizations that work within the area of migration and with the very persons who are involved, ignoring their participation.

The Office of the Ombudsman, in its 2009 report on Migration and Human Rights, indicated that “the State does not possess an adequate institutional structure to guarantee, in a coherent, coordinated and sustained way, the rights of Peruvian migrants in each of the stages of the migration process” (Office of the Ombudsman 2009). Likewise, it maintained that “neither a joint work plan between agencies nor common guidelines that allow for definition of functions and competencies of each of the sectors involved in the task of guaranteeing such rights exist” (Office of the Ombudsman 2009).

As a response, the State, through the General Office on the Rights of Peruvians Abroad within the Ministry of Foreign Affairs, organized the Interagency Working Group on Migration Management with the objective of establishing the guidelines and principles that should orient migration policy from an integrated perspective. This Working Group is composed of representatives from six ministries, and the Ministry of Foreign Affairs is responsible for its coordination. Seven working groups have been formed on Immigration, Health, Social Welfare, Promotion and Protection of the Rights of Migrants Abroad, Education and Culture, Employment Promotion, and Housing Access. In addition, two support commissions have been established: the Interagency Commission on International Cooperation, focused on offering technical support, and the Commission for the Coordination of Civil Society Institutions, which consults and collaborates with civil society institutions associated with migration affairs. In spite of the efforts to launch these commissions, there are still not adequate arenas set up for collaboration.

Likewise, Supreme Decree No. 057-2010-RE, Code of Law of the Councils of Consultation of Peruvian Communities Abroad, which recognizes the Councils of Consultation as an expression of the Peruvian civil society agents abroad has been passed. The aim of the Councils of Consultation, the law indicates, is to create a space for dialogue and cooperation with the consular offices to combine forces to focus on solutions to the problems faced by those with dual citizenship living abroad.

Therefore, there are two important arenas for consultation, dialogue and collaboration between civil society and the State that will focus on public policy on migration issues. For now, these arenas are in the process of being configured and the importance that they have for providing an integrated perspective on migration policy in the country has not been fully envisioned. The cause of this stems not only from the lack of budget and political will on the part of the State but also from the way in which civil society has focused policy advocacy and its link with migration issues. Often advocacy has been left to spontaneity or the charisma of an important personality in the national political sphere or, in the best cases, the influence that a particular civil society organization specializing in a specific topic related to migration can wield. The lack of a joint intervention policy, reflected for example by the absence of joint action plans among the networks, shows the tenuous nature of intervention by civil society in these arenas. Probably the greatest challenge for civil society agents stems from adapting to the new dynamics of working through networks. Stronger organizations should yield to joint actions, passing from centralized power to the logic of joint participation, where leadership can allow a blending of flexibility and the provisional nature of the networks with the importance of horizontal communication and a sense of commonality.

Challenges

- The participation of civil society and the migrants themselves, through NGOs, universities, the Church, consular councils, and other social agents, is essential in the definition of public policy and also allows the migration phenomenon to be addressed in an integrated way. At the same time, it offers the possibility of achieving a greater impact on the migrant population. In this sense, arenas for participation like the Commission for Coordination of Civil Society Institutions and the Councils of Consultation of Peruvian Communities Abroad should be strengthened.
- The results of work in civil society networks should be evident in joint plans of action with clear and defined objectives that allow policy advocacy to be conceived of as a tool for proposing migration public policy. These advocacy plans should include the accompaniment of migrants and research for a better understanding of the migration phenomenon.
- Technical support for the definition of migration public policy should encompass the integrated focus of the migration phenomenon, provided by civil society and the migrants themselves. Technical support is a tool that assists with the translation of the everyday needs and urgencies of migrants into the language of public policy.

PART IV

PROPOSALS FOR ARENAS AND INSTRUMENTS FOR CIVIC PARTICIPATION IN THE DEFINITION AND IMPLEMENTATION OF MIGRATION PUBLIC POLICIES

The participation of civil society in the definition and implementation of public policy is fundamental for the State to respond efficiently and appropriately to the problems that confront migrants and their families. These policies should guarantee the respect of fundamental rights, honoring agreements adopted at an international level. At the same time, they should help to strengthen the institutions of the democratic system, seeking greater inclusion of all those that have remained at the margins of concerns and policies promoted by the various governments that have led political life in the country. In this sense, one concern with identifying adequate arenas for civic participation in the definition and implementation of public policy on migration is for the recognition that people who migrate are human beings, bearing rights and obligations, people with their own identity and carrying with them the history of a whole collection of human social and cultural relationships.

It would be naive to think that technical definitions will solve the problems of all these persons. Nevertheless, it is important to recognize that well-designed and timely adopted public policy can help make the lives of many develop with dignity and justice, without infringement of basic human rights. The implementation of these policies will require a political will on the part of the State, and civil society should remain vigilant so that they are adequately implemented. However, the role of civil society does not end with the definition of public policy. Thanks to accompaniment and the direct contact that civil society has with migrants and their families, it is encouraged to continuously reinvent the dynamics of public policy in the hopes of responding adequately to the new situations that arise in this area.

Some proposals that can assist in improving accompaniment programs for migrants and their families are presented in this section. Many of these proposals bring together initiatives that are already in process. These proposals are not attempts to invent new initiatives but rather to strengthen already existing initiatives and arenas, to recognize the possibilities for cross-institutional collaboration, and to inform the direction for studies and research done by universities. These proposals are framed within an agreement shared with others, where the associations for migrants and their families, the NGOs, the religious institutions as well as the government and business sector should take advantage of the arenas where they meet and dialogue about the phenomenon of migration to better direct the actions of the State.

1. Proposals for strengthening the policy advocacy of civil society

- Strengthen existing alliances, networks and coalitions in civil society. This will ensure greater success at the time of policy advocacy, and at the same time alliances will help to discern whether goals and strategies are the most appropriate;
- The work in the civil society networks should be reflected in joint action plans, with clear and defined objectives that allow policy advocacy to be thought of as a tool for presenting proposals for migration public policy. These advocacy plans should include the accompaniment of migrants and research for a better understanding of migration. It is necessary for Civil Society to develop an integrated migration policy proposal;
- The objectives of advocacy and the methods that are used for it require creativity and boldness as well as discernment to understand the strengths and limitations of the advocacy itself. Planning is important. Dedicating time and resources in advance will ensure clarity of objectives and adequate design of strategies and actions that lead to the planned objective;
- Policy advocacy can lead to the necessity to deal with opposition. This should reinforce a tolerant attitude in order to avoid falling into confrontational discourse that distorts the approaches that supposedly have been adopted as migration public policy.

2. Proposal for arenas for civic participation in government administration for the definition, implementation and monitoring of migration policy

- Make use of the following arenas of existing civic participation to define the outlines of national State policy in the area of human rights in general and of migrants and their families in particular:
 - Participation in national consultation hearings on the development of the National Plan for Human Rights 2012–2016²¹⁴ and the validation committee on the chapter on measures directed at promoting and protecting the rights of migrants and their families;
 - Advocacy in regional migration round tables, where they exist, to promote the rights of the emigrant population and/or their families;²¹⁵

²¹⁴ See <http://www.minjus.gob.pe/plan-nacional>

²¹⁵ For example, in the Working Round-Table on the Rights of Migrants – Junin Region, created in 2012 with the participation of officials from the Regional Offices of Work and Communications; Office of the Ombudsman, Provincial Municipality of Huancayo, as well as local organizations such as Inmigra, REDES Institute, Flora Tristán and the Center of Initiatives for Human Development – CEIDHU.

- Support for conducting a periodic National Migration Survey that makes statistical information on the socio-demographic and economic characteristics of migrants and their families available, for the adequate formulation of migration public policies;
- Coordinated participation of organizations associated with the promotion of the rights of migrants in initiatives such as CERTIJOVEN, INFOMIGRA, and the Youth, Employment and Migration Survey, among others, implemented within the Joint Program “Promotion of Employment, Youth Entrepreneurship, and Management of International Juvenile Labor Migration” (implemented by ILO, UNFPA, IOM and UNDP) and financed with resources from the Millennium Development Fund (F-ODM).²¹⁶
- Make use of the participation resources planned for in articles 2 and 31 of the Political Constitution, in the Law of the Rights of Participation and Civil Control (Law No. 26300), the Organic Law of Municipalities (Law No. 27972) and the Law of Transparency and Access to Public Information (Law No. 27806) to promote public policies related to the promotion and protection of human rights of migrants and their families:
 - The LDPYCC regulates the exercise of participation rights and civil control in conformity with the Constitution (art. 1). The channels for this participation are: (i) the *Constitutional Reform* initiative; (ii) the initiative for the *formation of laws* (with the verified signatures of at least 0.3% of the national electoral population); (iii) the *Referendum* (with the verified signatures of at least 10% of the national electorate); (iv) the initiative for the formation of municipal and regional mechanisms; and (v) other participation mechanisms established by provincial law for regional or municipal governments (art. 2).²¹⁷

²¹⁶ The third result of the Program “Promotion of Employment, Youth Entrepreneurship, and Management of International Juvenile Labor Migration” foresaw contributing to public management of international juvenile labor migration from the point of view of policies of juvenile labor migration, which included anticipatory and planned migration activities, directed at emboldening juvenile labor trajectories. The Program has an internet portal “Peru Infomigra” (<http://www.mintra.gob.pe/migrante/infomigra.php>) and, in coordination with the Office of Labor Migration of the Ministry of Labor and Employment Promotion (MTPE), supported the design and conceptualization of the “Webpage of Orientation and Information Peru – Infomigra,” whose objective is to provide face-to-face and digital attention, facilitate timely, accurate, and reliable information and orientation, on the process of international labor migration and return, in order to promote informed decisions. The virtual platform contains information on the labor market in the main destination countries, the administrative procedures that one must go through before traveling and guides to facilitate integration, among other information directed at potential migrants, possible returnees, Peruvians abroad and Andean migrant workers and immigrants. A Training Program has also been implemented for 193 officials from 65 local and regional governments called “*Management of labor migration from local and regional governments. An alternative to creating development.*”

²¹⁷ Among these one can find what is called “*Demand for the issuing of sums,*” through which citizens (represented by a minimum of 20 percent or a maximum of 50,000 signatures from the electoral voting population in the respective territorial district) question the authorities concerning the budgetary execution and the use of appropriate funds in that sphere. The authority is required to answer (art. 31). It is important to note the difference between “*demand for the issuing of sums*” and “*issuing of sums.*” The “issuing of sums” occurs when an authority explains to the citizens the actions carried out during its

- Conduct a Referendum on (i) the complete or partial reform of the Constitution; (ii) the passage of laws, regional standards of a general nature and municipal ordinances; (iii) the repeal of laws, legislative decrees and emergency decrees, as well as prior regulations; (iv) the content regarding the decentralization referred to in article 190 of the Constitution (art. 38). It is appropriate, therefore, that with an adjustment along these lines, the organized population mobilize in favor of Constitutional reform to introduce an article that establishes the human rights of migrants and their families and that creates, with it, the need for the development of sub-constitutional standards that embody the mandates that the Constitution articulates in this regard; or in favor of the passing of a law, for example, for the approval of the rights of returnees; or in favor of a law or regional or local ordinance, respectively, for the creation or institutionalization of arenas of public-private cooperation on migration affairs at the national, regional or local level;
- Regarding legislative initiatives, if these were rejected or substantially modified by Congress, their supporters would be able to solicit the launch of a referendum process, accumulating the necessary signatures to complete the percentage required by law (art. 41);
- The Organic Law of Municipalities also includes the referendum as well as the open council, the participation in neighborhood committees, and management committees, all of which are instances in which the promotion of public policy measures on migration can be advanced;
- The Law of Transparency and Access to Public Information can be utilized as a mechanism of accountability on this subject at the municipal level.
- Participate in the formulation processes of the participatory budgets (Constitution, article #199 and the Framework Law of the Participatory Budget and its regulation, Law No. 28056 and Supreme Decree No. 142-2009-EF) to generate and broaden the available resource base for policy development (programs, projects and activities) in favor of human rights for migrants and their families:
 - Nominate representatives who promote projects in favor of migrants and their families;
 - Formulate and promote *social development projects* tied to the promotion and/or protection of the rights of migrants and their families;
 - Formulate and promote *local productive investment projects* that may or may not be tied to the use of remittances derived from the country by migrants;
 - Position the local *Coordination Advisory Boards* as arenas of agreement where the above-mentioned projects are discussed, especially in localities with a significant migrant presence.

management and how it has carried out the budget, which occurs before the participatory budgetary workshops begin. On the other hand, the “demand for the issuing of sums” constitutes a mechanism of regulatory control in Law 26300, through which the residents of a locality question their authorities on the use of public resources. This demand must be accompanied by a tender of questions and the National Council of Elections (JNE) will give the authority a period of 60 days in which to respond.

3. Proposal for civic participation in the strengthening of objective, timely and pertinent information about the causes, characteristics and effects of migration

- Promote research on the phenomenon of migration to generate data that allows for the definition of migration public policy that responds to the needs of migrants and their families. The alliances between NGOs, the Church and universities will allow for the integration of the *accompaniment-research-advocacy* dimensions to the benefit of the fundamental rights of migrants and their families;
- Associations of migrants and their families, as well as NGOs and religious institutions, should suggest topics for research on migration, helping universities conduct research which contributes to the process of migrant public policy definition as well as to improving the quality of service that is offered to migrants;
- NGOs, ecclesiastical institutions and the media should offer outlets to share objective information about legal ways to migrate and, at the same time, promote a culture of respect for the fundamental rights of migrants and their families;
- NGOs, ecclesiastical institutions and associations of migrants and their families should collaborate with those entities responsible for compiling information about migrations to align the sources of migration data.

4. Proposal for civic participation in a greater awareness for all of society of the positive impact of migrations and the human rights of migrants

- Continue with the accompaniment of migrants and their families. This accompaniment, promoted by civil society entities, is the source of legitimacy to suggest and propose public policy on migration. In this sense, the migration focus weeks promoted by the Catholic Church should be strengthened, since they provide appropriate arenas to show the human side of migrations and the advantages for human development at the social, cultural, economic and spiritual level.
- Continue with the implementation of training development plans and programs to impact the quality of civic participation relative to the government administration of migration policy:
 - Certifications, workshops or seminars for potential migrants, their families, social organizations, and organizations committed to the promotion and protection of human rights.
 - Master's degrees, certifications, workshops or seminars for government employees of all levels and sectors that are associated with the definition, implementation and monitoring of migration policy.

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