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Context and background: Regional Strategy for UNESCO's response to the situation of people on the move in Latin America and the Caribbean

Working document

Regional Bureau for Education in Latin America and the Caribbean (OREALC/UNESCO Santiago)



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Introduction

Based on the population censuses conducted between 2000 and 2010 in Latin America and the Caribbean, the number of Latin Americans living in countries other than their country of birth increased by approximately 32%. That increase was 35% higher for Central America compared to previous studies.¹ In general, the statistics from the 2010 census round suggest that 28.8 million Latin American and Caribbean people live in countries other than their countries of birth, which is equivalent to 4.8% of the region's population (Martínez and Orrego, 2016).

While current mobility trends in the region are related to historical patterns associated with extra-regional emigration, overseas immigration and interregional exchanges, contemporary movements present specific characteristics that were evident in the aforementioned census round (Stefoni, 2018). These unique characteristics include the progressive transformation of the place of origin of the immigrant population. While in 1970, 76% were people born elsewhere in the region (overseas migration) and 24% were people born in other regions of the world, the situation in 2010 was different: 37% were people born outside of Latin America and the Caribbean and 63% were people born in the region (Martínez, Cano and Soffia, 2014). There are many causes, including factors associated with global political contexts, regional and national political crises, poverty, structural violence in countries in the region and the significant impact of climate change on economic and agricultural activities, the availability of work for the rural population, the climate situation in the Caribbean and the Central American Dry Corridor and the prevalence of natural-triggered and anthropic disasters with prolonged effects on the affected areas and their inhabitants.

Over the past year, movements such as Venezuelan emigration and the Central American migrant caravans and intraregional mobility trends and the related vulnerability factors have contributed to a substantial increase in humanitarian aid needs in contexts of mobility and the emergence of important challenges for destination countries in the areas of migratory management and protection of the rights of the migrant population. The latter has been marked by an overloading of the systems associated with social protection and access to basic services in societies; an increase in the number of episodes of discrimination and xenophobia; and, more specifically, has consolidated structural obstacles and contributed to the emergence of specific barriers that do not guarantee the right to education of migrants, refugees, asylum seekers and returnees. This situation has permeated the high-level political dialogue and has opened up regional and sub-regional discussions regarding the development policies and agendas of the countries in the region.

International commitments such as the 2030 Agenda for Sustainable Development and the Global Compact for Safe, Orderly and Regular Migration (2018) elucidate these regional challenges and recognize human mobility as a multi-dimensional phenomenon that is fundamental to the sustainable development of countries of origin, transit and destination. They also recognize the need to develop responses with a human rights perspective and principles of non-regression and non-discrimination.

However, the convergence of international commitments, global spaces for government participation, regional integration processes and national realities is not always evident, particularly in the case of human mobility. The principle of sovereignty has allowed states to implement migratory policies and practices that go against international recommendations (Stefoni, 2018). This tension requires that United Nations agencies that have sought to contribute to guaranteeing the rights of individuals in contexts of mobility and the fulfillment of

¹ The latest census data for the region correspond to the 2010 census round, and they have been used due to their coverage and the possibility to draw comparisons among countries. More recent data on transnational movements have been used if available.

Sustainable Development Objectives define appropriate strategies for the regional context that promote this convergence and allow them to collaborate with member states to meet the terms of the commitments that have been made.

In response to this need, the UNESCO offices in Latin America and the Caribbean, under the coordination of the Regional Bureau for Education in Latin America and the Caribbean OREALC/UNESCO Santiago, have proposed the development of a regional strategy that provides a response from UNESCO based on the needs of the region's countries for guaranteeing the right to education of migrants, refugees, asylum seekers and returnees. The purpose of this document is to present key information for the development of the regional strategy. It reviews a set of information that contextualizes human mobility in Latin America and the Caribbean, recognizing contemporary trends, identifying their driving factors and describing the main demographic qualities that characterize them. The authors then address the needs for protection of individuals in the context of mobility in the region, particularly those associated with the exercise of their fundamental rights and processes of inclusion in social protection systems in the destination society. They then present the right to education as a multiplier right in contexts of human mobility, reviewing the main obstacles faced by migrants, refugees, asylum seekers and returnees. Finally, the text presents a discussion of UNESCO's role in this context based on the review of international regulatory instruments and frameworks, institutional frameworks, the work agenda at the regional level and the migratory institutional structure in Latin America and the Caribbean.

Contextual Information

Current trends in human mobility at the regional level and their characteristics

Historically, three international migratory patterns have been recognized in Latin America and the Caribbean, all of which are still current: emigration outside of the region, overseas immigration and intraregional exchanges. However, these patterns have undergone changes over the past decade. There has been a decrease in emigration to other regions and overseas immigration, while intraregional exchanges have progressively increased (Martínez and Orrego, 2016). The most recent census data available suggest that intraregional migrants represent 63% of all immigration in the region (Martínez, Soffia and Cano, 2014). However, this increase has also been accompanied by greater dynamism and diversification of international migratory flows that have transformed the intraregional migration patterns.

The increase in intraregional immigration in Latin America and the Caribbean is coherent with international mobility processes noted in the report conducted by IOM's Global Migration Data Analysis Centre (2015), which states that at the global level, south-south migration represented 37% of all international migration, followed by south-north (35%) and then north-north (23%) and finally north-south (5%). Furthermore, as mentioned above, this increase has been accompanied by a process of diversification of destination countries. Chile, Colombia and Uruguay have emerged as new alternatives. Furthermore, over the past few years it has been possible to identify migratory flows from countries like Cuba, the Dominican Republic and Haiti to destinations like Argentina, Brazil, Chile, Ecuador and Colombia (IOM, 2017a). Venezuela's role as a country that receives immigration has changed considerably: its political and economic crisis has increased the flow of people to new destinations, inverting the direction of one of the region's important migratory flows.

In the sections that follow, we review current mobility trends, a set of key socio-demographic characteristics and the factors that drive human mobility at the regional and sub-regional levels.

Main trends in human mobility in the region

It is possible to identify three central human mobility trends in the region, each of which is accompanied by variables that impact the form that they take, their protagonists' needs for protection and the type of political strategies developed to address them. These trends are, first, the consolidation of Latin America as a transit and destination region for the Caribbean population, particularly people from Haiti and Cuba (IOM, 2017b). Second, the emigration process of Venezuelans to regional and extra regional destinations was identified in 2016 (Martínez and Orrego, 2016), but reached historic levels in 2018 (IOM, 2018a; R4V, 2018). Finally, the Central American emigration process, particularly from countries in the Northern Triangle (El Salvador, Guatemala and Honduras) to the United States, has led to a net negative migratory balance for the countries of the area with the exception of Costa Rica and Panama (Canales and Rojas, 2018; ECLAC, 2018). A brief description of these three trends is presented below.

1. *Consolidation of Latin America as a sub-region of transit and destination for the Caribbean population*

Between 2010 and 2015, the Caribbean was the second leading region in the world after Central Africa in terms of having the greatest intentionality of emigrating, with 8.1% of the adult population planning to do so and 2.6% preparing to migrate (Laczko, Jasper & Daniel, 2017). If we add to this the fact that, based on recent estimates,

7,773,471 people from the Caribbean live in a country other than their country of birth, the Caribbean can be considered a sub-region with high levels of emigration (Mejía, 2018). While these flows have been focused on countries like the United States, Canada and other Caribbean nations, over the past decade an increase in Haitian and Dominican migration to countries in Latin America is notable (Stefoni, 2018).

In the case of Dominican migration, new destinations have emerged, including Argentina, Chile and Uruguay, where residency permits granted to this group have increased over the past few years (IOM, 2017b). Haitian migration to Latin America also has considerably increased over the past decade. Based on available data from census rounds, the number of Haitians living elsewhere in the region quadrupled compared to the previous census round, which was conducted approximately ten years earlier, while the increase in traditional destination countries such as Canada and the United States was only 50% (Martínez and Orrego, 2016; Stefoni 2018). In addition to the cases of Haiti and the Dominican Republic, there has been a growing presence of Cuban nationals in Latin America, particularly in Colombia and Ecuador (IOM, 2017b).

Restrictive entrance policies for Dominican migrants in some countries in the region, such as Argentina and Chile, as well as language differences in the case of Haiti have posed significant challenges in inclusion in different social spheres, as well as the emergence of work exploitation contexts associated with irregular migration.

2. *Emigration from Venezuela*

The political, socio-economic and human rights situation in Venezuela has led millions to emigrate to neighboring countries and elsewhere in Latin America and the Caribbean (IOM, 2018a). According to estimates by governments in the region, the number of Venezuelans who have left their country increased from 700,000 in 2015 to over 3 million in November 2018. IOM and UNHCR estimates suggest that by December 2018, approximately 5,500 people were leaving Venezuela each day (R4V, 2018). Of all of those who have left Venezuela, approximately 950,000 hold residency permits in other countries in the region and approximately 365,000 have sought refugee status, while the rest are still in transit to their destination countries or in an irregular migratory situation (R4V, 2018). Irregular migratory status leaves Venezuelans with restricted access to services, impeding the exercise of their rights in many countries in the region.

This situation changes the characteristics that made Venezuela one of the destination countries for the largest migratory flows in Latin America (SICREMI & OAS, 2015). Beginning in the 1960s, rising oil prices and the subsequent process of industrialization and infrastructure improvement made this country an attractive regional labor destination. Venezuela also became a safe place for individuals fleeing political persecution under the military dictatorships that affected the region beginning in the 1960s (Stefoni, 2018). These historic migratory flows combined with the current situation have generated a mass movement of foreign nationals who lived in Venezuela to their countries of origin. This has made return a central characteristic of migratory flow from Venezuela, making it more difficult to address politically given the international coordination needs that the return involves.

It is important to consider the high costs of mobility combined with the lack of high-level services and goods, all of which has contributed to pendular migratory movements in border countries as people try to acquire food and medication or seek medical care (R4V, 2018). Finally, migratory flows are multidirectional and are present throughout the region.

3. *Emigration from Central American countries*

Over the past five years, there has been an increased flow of Central American migrants in transit through Mexico moving towards the United States. This includes an unprecedented number of unaccompanied minors and

women. It is especially difficult to calculate the number of people who have been displaced, given that people remain in Mexico for a short period of time and are not reflected in formal migratory studies (Rodríguez, 2016). The available data estimate that 417,000 people were in transit through Mexico from Central America to the United States in 2015. This presents a sustained growth of the flow beginning in 2011 (Canales and Rojas, 2018).

More recently, and specifically since October 2018, an estimated 16,000 people, mainly from Honduras and El Salvador, have crossed Guatemala into Mexico and are moving towards the United States. The Mexican government estimates that 8,000 people are in its territory as part of the migrant caravan (UNICEF, 2018). There is also a significant flow of people who have left Nicaragua due to the serious political and social crisis that has generated violence and abuse (IACHR, 2018). The flows have mainly been oriented towards Costa Rica and Panama.²

The causes of this migratory trend vary but may be found in factors such as poverty and rural poverty in countries of origin, the low participation of women in the labor market and variable unemployment. There are also factors related to contexts of violence: Honduras, El Salvador and Guatemala present the highest homicide rates in Central America. There are also environmental factors such as disasters triggered by natural hazards, such as droughts, family factors and family reunification processes given that 82% of those in transit from northern Central American countries have relatives in the United States. There are also other factors with the contexts of violence and insecurity in the countries of origin and transit (ECLAC, 2018).

This migratory flow is considered to be highly complex due to the increase in the number of people in transit and returnees as well as the increase in unaccompanied minors who travel through Mexico to reach the US border (ECLAC, 2018). The lack of protection of the latter is especially serious given the restrictive policies that have been implemented in the US. According to IOM data (2018d), some 180,000 unaccompanied minors were detained at the US border between 2013 and 2017. The people who have moved towards the Mexico-US border have experienced violence in their countries of origin, and during the transit stage of the migratory cycle this is still ongoing for many of them. Finally, this process of mobility has been accompanied by major return processes due to rejection at the border of the destination continues, which has triggered difficulties related to inclusion in the countries of origin.

Factors that drive human mobility

While human mobility has been a characteristic of human development throughout history, it is not a uniform phenomenon. There are many reasons that people choose to or are forced to migrate. Various theoretical models have been formulated around this line with different concepts, suppositions and frames of reference in an effort to explain why international migration occurs (Massey, et al., 1998). However, many of the authors of these studies agree on the existence of factors of expulsion and attraction that impact human mobility processes and the migratory projects that people develop.

In our region, entities like the Inter-American Commission on Human Rights (2015) have identified various factors of expulsion including violence perpetrated by state entities and other players; inequality; poverty; armed conflict; the absence of guarantees of economic, social and cultural rights; personal and family insecurity; corruption; discrimination; natural hazards triggering disasters; and climate change. They also have identified factors of attraction associated with the opportunity to attain better levels of human security, lower levels of violence and crime, greater political stability, family reunification, greater opportunities to access jobs or

² While there are no official data that elucidate the flow of people from Nicaragua, OHCHR and UNHRC have reported that 23,000 people requested residency permits in Costa Rica between April and July of 2018 (OHCHR, 2018).

education, greater access to services, favorable climate conditions, and others (OAS & IACHR, 2015, p. 12). These factors are also determined by historical and cultural elements that shape international movement. For example, the connections among countries promote transnational contacts and communication that influence the decision to migrate to a certain place (Maldonado, Martínez and Martínez, 2018). In this sense, and as many authors have observed, the factors operate in a dynamic manner and create intricate systems of interactions that shape the course of the migratory process (Castles and Miller, 2007).

A specific look at Latin America and its driving factors shows that the movements in this sub-region have been marked by labor migration. As such, the behavior of the countries' economies has had a significant impact on the intensity of these movements (Stefoni, 2018). In the case of Central America and Mexico, the increase in violence and insecurity are motives for population movement, but structural economic causes continue to play significant roles (UNHCR and OAS, 2016; Canales and Rojas, 2018). The dominant factors in the Caribbean are a high level of exposure to natural hazards and a limited capacity to reduce their negative consequences: disasters. This has resulted in mass displacements of people even at the regional level (Mejía, 2018). These factors are accompanied by the clear regional risk posed by climate change, the effects of which are especially radical in countries that have been most excluded from the gains and benefits of globalization (Stefoni, 2018) and that lead to transnational mobility processes in Latin America and the Caribbean.

Beyond sub-regional specificities, the factors that determine human mobility in the region are based on enormous international structural asymmetries in levels of development (Maldonado, Martínez and Martínez, 2018). In this sense, the determinant factors of migration are also factors that impact quality of life in economic, social and environmental terms for those who have not yet left their countries of birth.

Socio-demographic trends for migrants

International human mobility has led to important challenges for national demographic description systems. However, there is information available based on the last census round in the region and household surveys in a group of Latin American countries. While these data present limitations, they allow experts to identify some demographic trends in current contexts of mobility in the region. A review of important regional and sub-regional trends is presented below.

First, there is a process of growing feminization of migration in the region, with some differences at the sub-regional level. In the case of Latin America, based on the most recent census information, most of the migrants who were born in the sub-region are women: there are 96 men for every 100 women (Martínez, Cano and Soffia, 2014). The data for the Caribbean confirm that feminization at the regional level is not a homogeneous phenomenon, as the migrant population presents a slight male majority (Mejía, 2018). However, the trends from the past few decades show an increasing participation of women in the full migration cycle and an increase in the number of women whose own migration projects are oriented towards the search for employment and not family reunification (Platonova & Gény, 2017). This process of feminization has led to the emergence of questions about the role of women in migratory projects and a discussion of whether this labor participation involves the expansion of forms of female participation or perpetuates the already existing inequalities under which they join labor markets and the subsequent ongoing relationships of subordination in which they find themselves (Stefoni, 2018, p. 40) and the international transfer of care and hygiene (Paceñas, 2001). This is particularly important in light of the prevalent gender-based division of labor and significant presence of women migrants in care roles in some countries in the region (Stefoni and Fernández, 2011). In this sense, it is possible to observe specific forms of exclusion and violations in the lives of migrant girls and women that pose a double burden in the mobility process and that become even more acute when this is accompanied by an irregular migratory status in the receiving society.

Second, there is a high relative presence of children between the ages of 0 and 14. In all of the countries in which household surveys were conducted, the percentage of this population in migrant families was greater than that of the local population. Furthermore, these data show that the percentage of this age group among the general migrant population varies between 12% and 23% (Carrasco and Suárez, 2018). These numbers show how important it is to protect children in destination countries. However, the categories of children and adolescents in contexts of mobility are varied and involve a wide range of needs for protection: children and adolescents who migrate with their parents, returnee children and adolescents, children and adolescents who are born in the destination country and whose nationality depends on local regulations, and unaccompanied children and adolescents. The latter category increased between 330% and 400% from 2011 to 2014 (Ceriani, García and Gómez, 2014), and this trend is particularly important in Central America. While there continue to be significant barriers to accurately recording this phenomenon, some 45,000 unaccompanied minors who migrated from northern Central America in 2015 and 2016 were identified in Mexico (ECLAC, 2018). The causes of this trend are related to various factors: a climate of violence, the absence of social protection for children in northern Central American countries and the poverty experienced by children and adolescents (Martínez and Orrego, 2016). These factors introduce new questions about the protection of childhood in contexts that involve the implementation of national migratory policies that are often exclusively designed to address phenomena such as labor migration.

Priority protection needs

The region's mobility trends, particularly those that involve mass mobility, are marked by factors of vulnerability, risks, inequalities and needs for protection which condition the characteristics of this mobility and determine the opportunities for the realization of fundamental rights of individuals at different stages of the migratory cycle (origin, transit, destination and return). These are underlying factors and are frequently interrelated and drive each other. Furthermore, they come from different areas. Some emerge from the migratory profiles of individuals and others are structured on the basis of the characteristics of the social protection systems of the destination countries and always refer to the multiple dimensions of the structural inequality in the region (ECLAC, 2016).

The factors of vulnerability of people in contexts of mobility can be understood as predictors of the need for protection, wherein the region's social protection systems constitute potential satisfiers (Maldonado, Martínez and Martínez, 2018). The identification of these factors has become a priority for the entities that are focused on their protection in a context of mobility whose socio-demographic factors place tension on the protection policies directed at specific groups, such as women (Platonova & Gény, 2017; Stefoni, 2018) and children and adolescents (Ceriani, García and Gómez, 2014) in destination countries and present lacks in migratory governance, which has historically been focused on the Ministries of the Interior, Public Safety and Labor due to the emphasis on public safety and employment in efforts to address migratory flows in the region.

There are certain political-institutional factors (such as informal labor, irregular migratory status and poverty) and socio-demographic characteristics (such as gender, race, ethnicity and family structure) that structure vulnerability and inequality in contexts of human mobility (Maldonado, Martínez and Martínez, 2018). A series of needs for protection stem from these factors, which are reviewed below. While they have been organized by area of social protection to facilitate their description, it is important to consider that these are interrelated and interdependent in the experience of migrants, refugees, asylum seekers and returnees, and that they are fundamentally determined by the factors of vulnerability and inequality mentioned above.

Spaces of protection and needs for protection

1. *Legal identity, recognition of documentation and migratory status*

Despite the progress that has been made in universal registration, according to worldwide UNICEF data (2011), one in every ten children under the age of five has no birth certificate. The absence of a legal identity and

differences in verifiable records among the countries in the region present a major risk to the protection of individuals' rights in contexts of mobility. It can prevent people from entering the destination country, lead to failure to recognize family relationships and can result in an irregular migratory situation in the receiving society, which imposes a structural limitation on access to wellbeing, social protection and enjoyment of human rights (Maldonado, Martínez and Martínez, 2018, p. 35). The main reason for irregular migration status in Latin America is overstaying a visa due to difficulty providing enough documentation to obtain a new one (Stefoni, 2018).

Some countries have decreased the number of documents that are accepted to certify identity or request specific documentation based on the country of origin, which has caused people to be detained at the border. This is particularly common for Central Americans crossing the US border (Rodríguez, 2016). The flow of people from the Caribbean to Latin American countries, especially individuals from Haiti, has posed significant challenges in the validation of their documentation and legal identity in destination countries due to gaps between the registration systems in the respective countries. Finally, many Venezuelans have left their country without current documentation, which has led to significant administrative obstacles for those looking to regularize their situation in destination countries, exposing them to situations of exploitation, abuse, violence and discrimination in various social spheres (R4V, 2018).

Migratory irregularity is extremely difficult to quantify. One of the strategies used to estimate this is through ex post analyses of extraordinary regularization processes that have been conducted by a group of countries in the region. Some of these processes were systematized by Carolina Stefoni (2018), and they provide evidence of the dimension of the phenomenon. In Argentina, a total of 423,697 people were registered in the context of the Programa Patria Grande, which ended in 2010. Brazil registered 45,008 people in 2009. Chile registered 47,580 in 2007 and 2008, and Venezuela registered 798,314 in 2004. It is fundamental to keep in mind that these are extraordinary processes and therefore do not structurally resolve the irregularity in the countries where they occur.

2. Labor

Access to decent and formal labor by people in contexts of mobility is a significant challenge in the region, particularly given that this is one of the main reasons people decide to migrate. In some cases where it is not the main motivation, work is a channel for accessing multiple services and social rights (Canales and Rojas, 2018; Maldonado, Martínez and Martínez, 2018). However, the labor markets of Latin America and the Caribbean have been shaped by profound economic crisis, increased unemployment and a deterioration of the quality of employment in the region. Even given the limitations on the information available, multiple studies show high levels of labor informality of migrant workers and reveal that they enjoy levels of social security coverage that are much lower than those among the native population (ECLAC & ILO, 2017).

Another element to consider is occupational discrimination and segregation faced by individuals in destination societies. For example, 50% of Mexicans and 58% of Central American migrants are employed in their destination countries in low level positions such as day workers in the construction industry and employees who provide personal services (Canales and Rojas, 2018). In addition, the division of labor is based on gender in the case of migrants engaged in care position for women in Latin American countries (Stefoni and Fernández, 2011). In the case of the Venezuelan flow in the region, there has been an increase in cases of abuse and exploitation in the labor market as well as difficulties validating professional and academic degrees in contexts of mobility in general. This context of instability is exacerbated by the insufficient participation of the foreign population in union activity and collective bargaining (ECLAC and ILO, 2017).

Given that many residency permits depend on the recipient's job status and, often, the contracts of those who request them, labor instability also has consequences related to the ability to enter and remain in destination

societies. Labor informality of migrants in the region thus directly interacts with migratory irregularity and access to services associated with social security.

3. *Healthcare*

There is a marked international consensus that migration is a social determinant of health and that the significant changes associated with the migratory cycle imply increased vulnerabilities and risks to the health of migrants, refugees, asylum seekers and returnees (Bernales, Cabieses and McIntyre, 2017). The vulnerabilities and risks may be associated with violence in the country of origin, weather conditions, modes of transportation used in transit, the lack of availability of essential medications and healthcare in the destination countries and many other factors. Furthermore, the structural conditions of the destination society may cause changes in behavior and the adoption of new practices that pose significant health risks.

Based on the information gathered in countries that have received the largest numbers of Venezuelan nationals in 2018, access to treatment for non-transmissible illnesses, essential medications, sexual and reproductive healthcare and treatment for HIV were identified as the main needs of this group (R4V, 2018). This is exacerbated by the access to healthcare in countries of origin due to the social, political and economic crises related to the decision to migrate. While health is an essential human right, the access afforded to migrants, refugees, asylum seekers and returnees is insufficient in many countries, especially considering the regulatory and administrative gaps faced by undocumented individuals.

4. *Housing*

Cities have become the main destinations for contemporary migratory flows. This is mainly due to the presence of greater opportunities for formal and informal employment (IOM, 2018d). The trend has generated increased demand in housing solutions and temporary shelters for migrants once they arrive at their destinations. Access to housing is already marked by significant patterns of inequality in the region (ECLAC, 2017), and the situation of individuals in contexts of mobility also presents gaps in access to subsidies and government rent programs because of requirements such as minimum residency in the country and issued residency permits.

Overcrowding in shelters in destination countries (Mejías, 2018) and subletting in disadvantaged conditions as compared to the national population have characterized the situations of migrants with limited resources who can only access the informal market and have limited qualifications (Maldonado, Martínez and Martínez, 2018). Access to housing solutions therefore is a priority need that covers not only housing but also its location and access to basic services.

5. *Education*

For people in a context of mobility, education is the key to accessing multiple sectors of social inclusion and is a protective factor against rights violations that are associated with many processes of moving to another country, such as child labor and exploitation in the workplace. However, factors associated with consistency among sectorial regulations, planning and management of admissions processes, educational inclusion policies and the recognition of skills, studies, degrees and certificates have presented specific obstacles to the enjoyment of the right to education of people in a context of mobility in the region.

While there are efforts to make education universally available to foreign students (Maldonado, Martínez and Martínez, 2018), access to services associated with the educational experience remains intimately linked to students' migratory status. There are first and second class students within the school system as a result of this

situation, and this limits the benefits that education offers in terms of inclusion in the destination country. Furthermore, contemporary movements have contributed to significant increases in academic and job mobility, which have challenged regulatory frameworks at the regional and global levels in regard to recognition of higher education qualifications, affecting the opportunities of students, teachers, researchers and people who are seeking work in their destination countries.

This addresses a limited part of the needs of protection of the migrant, refugee, asylum seeking and returned persons in the area of education. A more complete review is presented in the next section, which focuses on this group's right to education.

Transversal considerations

6. *Needs for protection of displaced persons, asylum seekers and refugees*

Prior to finalizing this section, it is important to highlight the situation of displaced persons, asylum seekers and refugees and their specific needs for protection in comparison to other forms of mobility. There are distinct needs that emerge in regard to this group in terms of their reception, registration and data collection, documentation, determining their condition as refugees, maintaining security, promoting relationships and means of subsistence and self-sufficiency, and access to basic services (UNHRC, 2009).

While the regulatory instruments such as the Cartagena Declaration on Refugees have sought to include individuals who are victims of situations of specific regional relevance in the definition of refugee (generalized violence, foreign aggression, internal conflicts, mass human rights violations and other circumstances that have severely impacted public order) (Stefoni, 2018), the implementation of specific modes of protection in these contexts remains a challenge for the States of the region.

7. *Discrimination based on sexual orientation and gender identity and expression*

Although the countries of the region have made important advances in the protection of the rights of people with diverse sexual orientations and gender identities and expressions, such as equal marriage in Argentina, Brazil, Colombia, Costa Rica and Uruguay, and the recognition of civil unions between people of the same sex in Chile and Ecuador, there are still significant challenges to face, many of which specifically relate to the situation of migrants, refugees, asylum seekers and returnees. In many cases, having a different sexual orientation or gender identity may be the root cause for a person's mobility from the country of origin (UNHCR, 2015). However, the serious human rights violations suffered by people who do not conform to culturally established gender norms are not only present at the beginning of their mobility; often, they accompany each stage of the migration process: transit, destination and return. In this context, LGBTI + displaced persons may require specific assistance, such as arrangements for reception or care; assistance in accessing asylum procedures and humanitarian programs; protection from physical harm or sexual violence, both in general and in detention; legal advice or representation, safe housing and other social services; medical care; and specific protection when they are at greater risk (UNHCR, 2011).

8. *The specificity of the situation of return*

While return is a classic phenomenon of transnationalism (Martínez and Orrego, 2016), this type of movement has become an important issue considering returns to northern Central America and people from various countries in the region who had migrated to Venezuela over the past few decades and have had to return to their countries of origin in recent years.

Over the past few decades, important conceptual discussions have developed around the idea of return, where the issue is the idea of point of origin, the centrality of place of birth and the location of transit countries (Martínez, Cano and Soffia, 2014). These discussions have moved from a binary concept of return associated with origin and destination to one that considers circularity and alternation. It also addresses the issue of the individual as a unit of analysis and considers the family dimension of return and its implications (for example, families that return to the country of origin of a spouse) (Martínez and Orrego, 2016). The implications of these distinctions at the political level are diverse, but they undoubtedly involve the need for countries to which individuals return to develop policies that allow for this type of mobility to be conducted in a framework of protection of human rights, particularly when it has not been planned and the reasons for the lack of protection that caused people to migrate in the first place are still there. Returning can pose even more specific challenges if we consider the case of young people who return to their countries of origin, but whose integration and reintegration processes reveal the absence of youth policies that allow their inclusion in the different social areas and, in addition, address the major challenges that led them to migrate in the first place: absence of educational opportunities, violence, absence of job opportunities that allow them to live a dignified life, generational inequalities, among many others (Rodríguez, 2011).

9. *Discrimination, racism and xenophobia*

Exclusion and inequitable access to services for people in a context of mobility reinforce discriminatory practices, racism and xenophobia. Receiving societies that face a mass influx of people have shown signs of emergent xenophobic sentiments based on the data gathered in the context of the Displacement Tracking Matrix. Over 35% of Venezuelans living in Lima reported being victims of discrimination due to their nationality (R4V, 2018). The recent influx of people from the Northern Triangle has also exacerbated this type of expression in Mexico.

Discrimination, racism and xenophobia grow and aggravate the inequalities suffered by people in contexts of mobility. One expression of this is the institutionalization of these practices, which tends to stand as an obstacle to processes associated with the entire migratory cycle, particularly because those attitudes, perceptions and practices are not always considered in the development of rights-based public policies (Maldonado, Martínez and Martínez, 2018).

10. *Information systems*

Decision-making regarding the spaces and needs for protection reviewed depends on the quality of the data available. Unfortunately, the absence of integrated information systems at the regional level that would allow for migratory flows, entries and exits and strategies for assessing irregular migration to be compiled and systematized is an important limiting factor for the design of comprehensive public policies (Martínez and Orrego, 2018). Census rounds and household surveys have made a significant contribution to efforts to identify trends at the regional level. However, the limitations of those data-gathering strategies do not allow the complexity of contemporary phenomena to be addressed as a whole. Specifically, irregular migration is an area of special concern in that the absence of the necessary quantitative data for its assessment leads to the invisibility of an extremely vulnerable and excluded group.

The right to education of migrant, refugee, asylum-seeking and returned persons

One of the major challenges posed by global human mobility for States is establishing ways people can exercise their fundamental human rights—particularly the rights to protection, dignity and education—regardless of whether they are migrant, refugee, asylum-seeking, stateless or returned persons (Muñoz, 2010). The contexts of mobility in our region and the aforementioned protection needs demonstrate that, despite efforts to guarantee such rights, persons in contexts of mobility still have significant protection needs. These needs become more acute in large-scale mobility scenarios like the ones the region is currently experiencing. Of these protection needs, education emerges as a tool essential to protecting human dignity, especially given its capacity to promote the guarantee of other rights and thus act as a multiplier right (UNESCO 2014).

The aforementioned protection needs make the multiplying power of the right to education especially apparent as it emerges as the key to multiple sectors of social inclusion, including the opportunity to become full-fledged members of their host societies (UNESCO, 2018b). Education also protects against the rights violations that occur in many mobility processes: child labor for children and adolescents and labor exploitation for adults. However, it can only do so when the right to education is guaranteed. Despite multi-sectoral efforts, structural and specific obstacles continue to impede such a guarantee. Several efforts have sought to identify and characterize these obstacles (Stefoni, et al., 2010; UNICEF, UNHCR and IOM, 2012; IACHR, 2014; Muñoz, 2014; UNESCO, 2018) to determine how mobility trends, sociodemographic characteristics of the flows and the region’s regulatory and institutional framework influence their shape.

Primary obstacles to exercising the right to education of people in a context of mobility in the region

The following presents the main obstacles to exercising the right to education of migrant, refugee, asylum-seeking and returned persons in the region. It considers current mobility trends, the sociodemographic composition of the flows and the aforementioned protection needs as well as available literature. It is important to note that the limited information available on the regional situation (and the need to conduct updated fact-finding processes) make it difficult to characterize the educational needs of people with irregular migration status.

Regulatory framework, migration status, documentation and access to the educational system

While primary education in the region has experienced a process of universalization of access for children and adolescents in contexts of mobility (Maldonado, Martínez and Martínez, 2018), this has been achieved via extraordinary initiatives, like processing residential permits specifically for children and adolescents in order to meet the educational system’s minimum identity requirements (UNICEF, 2009; Interior and Public Safety Ministry, 2017). Nonetheless, regularizing migration status is not always possible due to the difficulty people have processing the required documentation.

While international instruments establish that children and adolescents cannot be denied the right to education on the basis of irregular migration status, lacking the required identity documents constitutes a barrier to access in many destination countries. At the national level, this situation led to complaints from Ombudsmen (United Nations, 2012) and cases filed before the Inter-American Court of Human Rights (IACHR, 2015). Even when alternatives to official identity documents have been proposed as a means for access to the primary and secondary education system, access to other school system services, including scholarships, meal programs and

preferential transportation rates, require the official documentation, which thereby impacts coverage assurances (Oviedo and Sánchez, 2013; Sánchez, 2013; Education Ministry, 2018).

Admission process documentation requirements also impact access to educational systems. Forced displacement in the region has caused entire families to move without the documentation considered minimum in the destination countries. As a result, families that must return to the one of their members' country of origin cannot take along educational records from the former host country (R4V, 2018). Since the countries' registration systems are not always homologous and not all countries in the region are part of international conventions like The Hague Convention, documentation must be legalized. This process involves validation by the issuing authority in the country of origin followed by recognition processes in the destination country. For some migrant and returned students, these difficulties translate into partial access to the education system. While they can attend school regularly, they do not have educational records, which hinders access to higher education systems in the future.

In several countries, the current large-scale movements have given rise to specific programs and protocols for children and adolescents, which seek to guarantee the rights of those lacking required documentation (Foreign Affairs Ministry, 2018). However, engagement of these initiatives within the education ministries' management and planning systems remains a challenge. Likewise, the absence of updated, systematized data on current regulations and requirements for access by children and adolescents makes it very difficult to clarify the gaps between national policy and international protection agreements and the regulatory framework. This also poses significant difficulties related to designing programs to address such gaps and informing the population in a context of mobility.

Planning and management in educational systems

In addition to gaps in access associated with documentation and migration status, host countries face significant difficulties serving the increased demand for registration at the region's educational establishments. As flows persist, particularly from Central America and countries bordering Venezuela, educational systems have experienced tension in their regular admissions systems. A lack of sociodemographic or territorial distribution data on the new students further hinders the planning process.

Reports from United Nations officials participating in the working groups on the situation of Venezuelans in Colombia, Ecuador and Peru have shown the difficulty that district offices and departments of education have experienced in guaranteeing access to the system (R4V, 2018). Difficulty planning and processing the increased demand has consequences beyond access to the educational system; it can define educational inclusion processes. The pressure that increased demand places on educational establishments can lead to discrimination that can exacerbate the vulnerability experienced by displaced students. It is important to consider that the manner in which the countries' educational systems are organized (e.g., centralized or decentralized) influences the shape of these difficulties.

Issues related to access have contributed to the emergence of informal educational spaces, some in the context of the priority actions of United Nations agencies (EHP Colombia, 2018) that include the situation on the Venezuelan border. The implementation of these parallel spaces has far-reaching implications for educational planning and requires coordination with and within governments for recognition, accreditation and subsequent integration into the formal education system.

Educational inclusion

Xenophobic, discriminatory and racist practices have been identified in several host society contexts, particularly cases of racism in the Caribbean population's destination countries (Rojas, Amode and Vásquez, 2015; Mejía,

2018) and abuse, discrimination and xenophobia in host countries receiving the Venezuelan population (R4V, 2018). In the last year, xenophobic practices have also emerged in countries that have historically welcomed migrants, like Costa Rica. In countries where migration flows are more recent, racist practices have emerged in public spaces and social networks, as is the case with Haitians in Chile (INDH, 2018).

In this scenario, some communications media has spread negative stories about people in the context of mobility as well as the idea that migration flows pose a threat to the countries (IOM, 2018d). Likewise, host country social protection systems and their shortcomings in meeting the protection needs of the national population have made people in the context of mobility targets of frustration.

Discrimination, racism and xenophobia have many consequences in educational contexts. They can keep the factors that protect education and its benefits for the life paths of foreign-born students from becoming a reality (Muñoz, 2014). Studies analyzing the situation of migrant children and adolescents in the region's educational context (Solera and Valdivieso, 2008; Tijoux, 2013; Sánchez, 2013) have found evidence of everyday forms of racism and discrimination that organize, and many times underlie, educational community relationships while giving rise to practices of violence, contempt, acts of intolerance, humiliation and exploitation. These experiences negatively impact victims' learning achievements. In educational establishments with high victimization rates, they can cause lower results on learning achievement tests across the board (UNESCO, 2015). Discriminatory, xenophobic and racist practices are an important obstacle to social and educational inclusion for migrant, refugee, asylum-seeking and returned persons.

Processes for surveying needs and studies on the situation in schools have identified significant educational inclusion challenges in the region. These challenges are particularly related to the absence of teaching practices that promote intercultural dialogue (Barrios-Valenzuela and Palou-Julián, 2014; UNESCO, 2015); absence of teacher training that prepares teachers to meet the educational needs of asylum-seeking and refugee persons (Sánchez, 2013); a lack of strategies to promote curriculum flexibility in culturally diverse contexts (MINEDUC, 2018); and the need for local-level technical assistance in educational institutions for prevention of xenophobia, violence and discrimination (CONPES, 2018).

Some of the region's government institutions have designed or are designing educational inclusion strategies for migrant children and adolescents that include spheres of action associated with the prevention of xenophobia and racism and the promotion of intercultural dialogue (CONPES, 2018; MINEDUC, 2018). However, articulation of these strategies in the school setting remains a significant challenge, especially in areas related to teacher training, school curriculum and teacher and learning materials.

Recognition of studies, professional degrees and diplomas

Many people in the context of mobility, particularly Venezuelans, have tertiary studies (IOM, 2018e). Consequently, the increased mobility of students, professionals and laborers has brought to light the significant challenges related to recognition of primary, secondary and higher education as well as degrees and diplomas. These challenges, the onerous administrative processes, associated economic costs and misinformation have impacted access to educational systems, continued higher education and work. Recognition depends on multilateral and bilateral agreements between the countries as well as national legislation.

There are currently several mechanisms in the region for recognizing primary and secondary education for persons in the context of mobility: legalization of certificates when the country of origin and destination are part of multilateral agreements, bilateral agreements and special validation tests. Depending on the country, the latter may be administered in centralized manner by the Education Ministry or a decentralized manner by local governments or educational establishments. Regional-level multilateral agreements include the Andrés Bello

Agreement and the MERCOSUR Protocol on Educational Integration and Recognition of Certificates, Degrees as well as Primary- and Non-Technical Secondary Level Studies in member countries.

Recognition processes for higher education are more complicated. Like primary and secondary education, these processes are governed by multilateral and bilateral agreements. In the region, when professional degrees have been issued in countries without agreements, authorities delegate the responsibility for recognition of the qualification to an educational entity. However, the increased demand has exceeded the capacity of these institutions as well as exposed the high economic cost of the recognition process and difficult access to information on the requirements. While the Regional Convention on the Recognition of Studies, Diplomas and Degrees is in the process of adoption, it does not entail automatic recognition. Countries will face the challenge of establishing a clear mechanism that permits recognition of studies within the national regulatory framework and in coordination with other institutions of higher education.

Finally, the current situation has also required recognition of technical-professional training. Despite regional agreements like MERCOSUR's Educational Integration Protocol on the Revalidation of Diplomas, Certificates and Degrees and the Recognition of Secondary-Level Technical Studies, implementation processes vary by country. Similarly, while national-level initiatives like the Employment Skills Certification System in Chile exist, not all countries have certification mechanisms available. Where they do exist, the migrant, refugee, asylum-seeking and returned population needs to be made aware of them. Regional-level inter-system cooperation channels also need to be established.

Governance and the institutional structure of the immigration department

The obstacles presented herein are consequences of the characteristics of migration governance and institutional structure. Regional migration governance, in turn, is intimately tied to agreements and integration opportunities developed in recent decades. Caribbean Community (CARICOM) and Organization of Eastern Caribbean States (OECS) in the Caribbean; and the Southern Common Market (MERCOSUR) and the Andean Community of Nations (CAN) in South America stand out for their strategic nature and binding participation. These instances have resulted in mobility policies that enable access to specific residence permits as well as space for political dialogue between Interior Ministers to harmonize and standardize legislation and policies on migration issues (Mejía, 2018; Stefoni, 2018). Consolidation of inter-regional flows has given renewed impetus to these integration instances and challenges, particularly among the sub regions.

These instances of integration have established opportunities for dialogue with the Interior Ministry, the entities governing immigration policy and those entrusted with engaging protection of the rights of foreign-born persons. A list of these entities, by country, is available in Annex 1. While an analysis of the institutions' characteristics and missions does not determine their capacity to establish protection policies, it does reveal the link with matters of State security and reveal the absence of institutions associated with social protection.

The Interior Ministry is responsible in 18 countries; the Foreign Affairs Ministry in 6; the Justice Ministry in 4; a specialized ministry in 1; and the President, Vice President or Presidential Delegate in 1 (Maldonado, Martínez and Martínez, 2018). The Interior and Foreign Affairs Ministries' prevalence as the institutions governing and articulating national-level migration policy poses important challenges, especially in matters related to guaranteeing fundamental rights.

This last challenge becomes especially relevant in light of the obstacles presented in the previous section, particularly those associated with migration status (legal status which depends on immigration policy) and access to the educational systems, which is primarily regulated by the Education Ministry and its supervisory bodies. Harmonization between sectors remains pending with the additional challenge of vertically coordinating the

different levels of the educational system at the local level. These intersectoral challenges are also related to coordination with the Labor and Foreign Affairs Ministries, which are closely tied to the processes of recognizing studies, skills and degrees.

Frameworks, instruments and agreements to guarantee and protect the right to education of people in contexts of mobility

There are a series of instruments that aim to guarantee and protect the right to education of people in contexts of mobility. These include the Universal Declaration of Human Rights of 1948 (art. 26) and the 2030 Agenda for Sustainable Development. The international agreements and covenants include: the International Covenant on Economic, Social and Cultural Rights (1966), the Convention Relating to the Status of Refugees (1967), Convention on the Rights of the Child (1989) and, more recently, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) and Global Compact for Safe, Orderly and Regular Migration (2018). Their spheres of protection include: the right of all persons to education, equal access of refugees and nationals to compulsory education, enshrinement of the fundamental right of the children of all migrant workers to access education under conditions equal to the nationals of the State, and enshrinement of the right to education regardless of the irregular status of the children of migrant workers.

Highlights among these agreements are the 2030 Agenda for Sustainable Development, the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees. Given its role as an organizer of global objectives and targets for sustainable development, the first explicitly addresses human mobility and the need to protect people in that context. It also establishes the interdependence of those objectives. The last two set protection priorities, establishing the specific points on which Member States must make progress. Furthermore, they set specific priorities to guarantee the right to education of migrant, refugee and asylum-seeking persons and signify a renewed commitment by the Member States on such matters.

2030 Agenda

In September 2015, the United Nations member states adopted the Sustainable Development Goals (SDGs), which are part of the 2030 Agenda for Sustainable Development. In its objectives and targets, the 2030 Agenda recognizes migration as a fundamental consideration for development. Similarly, target 10.7 explicitly aims, “to facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies” (IOM, 2018c). However, several goals and targets are contingent on a human rights-based approach to international mobility.

Current evidence shows that migration can help achieve sustainable development in the world, boost investment in countries of origin, reduce employment gaps and promote innovation, cultural diversity, economic development and implementation of inclusive policies in host countries. This makes it an important tool in reduction of poverty, not just of persons in contexts of mobility, but also of the population in origin and destination countries (ODI, 2018). However, this is impossible when persons in contexts of mobility are deprived of their fundamental rights, among which education is paramount.

Overcoming barriers to making the right to education a reality for persons in the context of mobility is essential for achievement of Sustainable Development Goal 4 (SDG 4). It is also essential to a broad set of other Sustainable Development Goals, considering the significant evidence on the contribution of education to improving living conditions, better health, reducing gender inequality, higher tolerance and political participation levels, and greater environmental awareness (ODI, 2018; IOM, 2018c).

Global Compact for Safe, Orderly and Regular Migration (2018) and the Global Compact on Refugees (2018)

In 2016, the New York Declaration gave way for creation of two global compacts: the Global Compact for Safe, Orderly and Regular Migration (2018) and the Global Compact on Refugees (2018). Among other themes, both compacts make reference to commitments established in SDG 4 and list the education-related challenges that States must meet in order to guarantee the right to education of priority groups.

First, the Global Compact on Safe, Orderly and Regular Migration, adopted by all the Member States in the region except Chile and the Dominican Republic, establishes a series of education-related needs, which are summarized below:

- Develop disaggregated data for each country on a series of migration-relevant aspects in a national context, including disaggregated data on education.
- Invest in human capital development by promoting entrepreneurship, education, vocational training and skills development.
- Adapt options and pathways for regular migration in a manner that facilitates labor mobility and optimizes education opportunities.
- Protect unaccompanied children at all stages of migration through the establishment of different procedures and access to different protection systems, including education.
- Protect and respect the rights and best interests of the child, regardless of their migration status and ensuring access to different protection systems, including education.
- Provide inclusive and equitable quality education to children and youth, as well as facilitate access to lifelong learning opportunities, by strengthening the capacities of education systems and by facilitating non-discriminatory access to early childhood development, formal schooling, non-formal education programs for children for whom the formal system is inaccessible, on-the-job and vocational training, technical education, and language training, as well as by fostering partnerships with all stakeholders that can support this endeavor.
- Promote school environments that are welcoming and safe, and support the aspirations of migrant children by enhancing relationships within the school community, incorporating evidence-based information about migration in education curricula, and dedicating targeted resources to schools with a high concentration of migrant children for integration activities in order to promote respect for diversity and inclusion, and to prevent all forms of discrimination, including racism, xenophobia and intolerance.
- Promote independent, objective and quality reporting of media outlets, including internet based information, including by sensitizing and educating media professionals on migration-related issues and terminology, investing in ethical reporting standards and advertising, and stopping allocation of public funding or material support to media outlets that systematically promote intolerance, xenophobia, racism and other forms of discrimination towards migrants, in full respect for the freedom of the media.
- Engage migrants, political, religious and community leaders, as well as educators and service providers to detect and prevent incidences of intolerance, racism, xenophobia, and other forms of discrimination against migrants and diasporas and support activities in local communities to promote mutual respect, including in the context of electoral campaigns.
- Promote inter-institutional networks and collaborative programs for partnerships between the private sector and educational institutions in countries of origin and destination to enable skills development opportunities for migrants, communities and participating partners, including by building on the best practices of the Business Mechanism developed in the context of the Global Forum on Migration and Development.
- Facilitate mutual recognition of skills, qualifications and competencies of migrant workers at all skills

levels.

Second, in education, the Global Compact on Refugees (2018), adopted by all countries in the region except the Dominican Republic, establishes the need to:

- Contribute resources and expertise to expand and enhance the quality and inclusiveness of national education systems to facilitate access by refugee and host community children (both boys and girls), adolescents and youth to primary, secondary and tertiary education.
- Contribute to expand educational facilities and teaching capacities. Likewise, areas for support include efforts to meet the specific education needs of refugees and overcome obstacles to their enrollment and attendance.
- Adopt flexible certified learning programs, especially for girls, as well as persons with disabilities and psychosocial trauma, when necessary.
- Facilitate recognition of equivalency of academic, professional and vocational qualifications.

These objectives and global commitments are aligned with education-related protection needs at the regional level and approaches to the specific obstacles presented herein to realization of the right to education. The objectives focus on access to education systems, particularly the need to overcome gaps associated with migration status and the need to develop frameworks of recognition for certifications and competencies; as well as the centrality of education as a tool for promoting diversity and inclusion and for preventing discrimination, racism and xenophobia.

Regional and sub-regional political and social dialogue on migration

The human mobility situation in the region, specifically forced displacement, has taken a leading role in the political agendas of the countries in the region, as expressed through the spaces for political and specialized dialogue that have been implemented in the last two decades. Particularly noteworthy are those established by the Organization of American States: the Committee on Migration Issues (CAM) and the Inter-American Program for the Promotion and Protection of the Human Rights of Migrants, which have focused on the processes of harmonizing legislation and migration policy.

In Latin America, the MERCOSUR Specialized Forum, implemented in 2003 has made specific recommendations for member states. The South American Conference on Migration, where twelve countries from the sub region participate, has as well (Stefoni, 2018). In the Caribbean, sub regional coordination and integration efforts stand out. These include Caribbean Migration Consultations and The Caribbean Platform for Migration Governance (CPMG), as well as dialogue initiatives coordinated by the Caribbean Policy Development Centre (CPDC), Center for Immigration Observation and Social Development in the Caribbean (OBMICA), Caribbean Institute for Human Rights (ICADH), Binational Observatory on the Domains of Migration, Education, Environment and Trade (OBMEC) and the National Roundtable on Migration in the Dominican Republic (MNM-RD) (Mejía, 2018).

In Central America, organizations include: Regional Network for Civil Organizations on Migration (RNCOM, which includes seven countries in Central America, Mexico, the United States, Canada and the Dominican Republic), the Regional Conference on Migration (RCM) and the Regional Parliamentary Counsel on Migration (COPAREM). Also noteworthy are the spaces for dialogue coordinated by the Mesoamerica Integration and Development Project, Mesoamerica Program's International Organization for Migration (IOM), the Central America and Mexico (CAM) Regional Program and the Latin American Observatory on Human Trafficking and Migrants Smuggling (Canales and Rojas, 2018).

The entities that create these spaces of political dialogue primarily convene the institutions governing national-level migration policy. The resulting alliances constitute an opportunity to include addressing the aforementioned obstacles to realizing the right to education for people in contexts of mobility on the regional agenda.

Response from the United Nations System

In 2018, the Secretary General of the United Nations requested that the United Nations High Commissioner for Refugees (UNHCR) and the International Organization on Migration (IOM) coordinate and steer an operational response to the situation of displaced Venezuelan persons. In September 2018, the UNHCR and IOM established the Regional Inter-agency Coordination Platform in which 17 UN agencies, 14 non-governmental agencies, 5 donors and 2 international financial institutions participate.

In the last quarter of 2018, the platform worked on developing a Regional Response Plan for 2019. It began with three priority action areas: Direct emergency assistance; protection, socio-economic and cultural integration; and strengthening host government capacities. UNICEF, Save the Children, IOM and UNHCR are among the agencies and organizations participating in education-related initiatives. The proposed initiatives are related to raising awareness of the requirements for access to the education system in the countries receiving the greatest flow of Venezuelan people; establishing and creating safe spaces for children and youth in border contexts; and promoting educational activities with a focus on inclusion of school-age children within the educational systems (R4V, 2018).

While the platform is designed to include government participation in coordination with UN system agencies, involving them remains a challenge. Consequently, the work of the Platform's national roundtables, which are responsible for implementing the platform at the local level, has been delayed. It also spurred the redesign process that is currently underway (January 2019) for the structure of the Regional Platform and the mechanisms of interaction between it and the national working groups, both of which are led by the IOM and UNHCR. In this context, agencies like UNESCO, whose mandate is directly tied to the political and technical work of the Education Ministries, acquire relevance. UNESCO participates in the Platform at all of its levels. At the regional level, it participates through OREALC/UNESCO Santiago and at the national level, through the UNESCO offices around the region.

Response from UNESCO offices in the region

UNESCO Offices have already begun responding to the current context by participating in inter-agency instances at the regional and national level, and by designing and implementing specific initiatives associated with the right to education of migrant, refugee, asylum-seeking and returned persons. The following is a brief review of the initiatives designed and/or implemented by UNESCO offices in the region.

- UNESCO Office in Brasília

The UNESCO Office in Brasília has participated in United Nations System general instances of national coordination (UNCT) and the Inter-Agency Coordination Platform for Migrants and Refugees from Venezuela national roundtable. Within the country, it published the 2019 Global Education Monitoring Report, which brought together education specialists, advocates and journalists. In June 2018 and in conjunction with the UNHCR, UNAIDS, UN WOMEN, UNICEF and the GLOBO television network, the office implemented a "Respect World Refugee Day" campaign directed at the general population.

The Brasília Office is also working to publish relevant materials, like the translation and adaptation of the UNESCO publication "Cities welcoming refugees and migrants"; the update of "*Portas abertas*: Portuguese for immigrants" teaching materials; the creation of a guide for teachers with migrant students; the consolidation of best practices in the city of São Paulo; and the publication of the practical guide for addressing diversity in school "Teaching with

respect” and the document titled “Education sector responses to homophobic bullying” in Portuguese.

Finally, the following unfunded proposals have also been made: diagnosis of the situation and needs, from an educational perspective, in the border region and Manaus; diagnosis of the educational situation and mapping of the specific needs of indigenous populations in vulnerable situations and development of recommendations for municipal and state education administrators on issues related to addressing the needs of indigenous children and intercultural dialogue; development of material and informational tools and promotion of themed workshops to present the rights of migrants in the context of Brazilian legislation (education, children’s rights, women’s rights, sexual and reproductive health, etc.); promotion of Portuguese courses for refugees and migrants with special attention paid to children and women in order to increase their employability; advocacy and training with the Education Ministry, the state and municipal education secretaries involved in incorporating migrant children into the Brazilian education system and promoting educational efforts to reduce stigma, discrimination and bullying; teacher training on how to minimize violence and possible conflicts in the school environment and providing early response to all types of violence, intolerance and psychosocial support; and development and promotion of training for education professionals and the school community in order to provide the tools for receiving refugees and migrants in schools, expanding acceptance, reducing discrimination and drop-out rates.

- UNESCO Office in Guatemala, UNESCO Office in Mexico and UNESCO Office in San José

The UNESCO Offices in Guatemala, Mexico and San José have worked together to develop priority work areas in light of the situations in Costa Rica and Panama; in El Salvador, Guatemala and Honduras; and in Mexico.

For Costa Rica and Panama, they propose a direct response that includes promoting access to the right to education and essential information for migrants and refugees, as well as supporting social and economic integration of the migrant and refugee population.

For El Salvador, Guatemala and Honduras, they propose a response that includes supporting social reintegration for children, youth and young adults that have returned to their countries, voluntarily or forcibly, and preventing future migration of children and youth through education and improved employability.

For Mexico, the response includes implementing socio-emotional support methodologies in educational contexts; strengthening the capacities of journalists, communicators and other stakeholders in private and public communications media in order to combat hate speech toward migrants and refugees and to promote knowledge and spread of human and cultural rights, as well as a culture of diversity; and enhancing social cohesion among migrant persons and host communities through participation in cultural activities.

- UNESCO Office in Lima

With the arrival of more than 600,000 Venezuelans in Peru, the UNESCO Office in Lima has participated in the IOM and UNHCR’s Regional Inter-Agency Coordination Platform at the national level in two working groups: cash-based interventions and children and youth protection.

Specifically, this office is conducting an intercultural, inclusive education project with Venezuelan students at three public schools in Lima. The project aims to promote intercultural and inclusive education through institutional, pedagogical and administration management strategies at the schools. In order to adequately meet the group’s needs, the Lima Education Secretariat and the former director of Venezuela’s intercultural department are collaborating on the project’s design.

- UNESCO Office in Montevideo

The UNESCO Office in Montevideo has promoted the work of the Coalition of Latin American and Caribbean Cities against Racism, Discrimination and Xenophobia. Similarly, in conjunction with the International Center for the Promotion of Human Rights (CIPDH-UNESCO), it has published an SDG Cities Guide. The publication is a practical tool that includes 13 actions local governments can take to manage international human mobility with a focus on human rights and from the perspective that social participation and systematic production of information are

factors that sustain those rights. The office is currently working with local governments to implement the guide in the region.

- UNESCO Office in Quito

The UNESCO Office in Quito has actively participated in national roundtables as part of the Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela. These roundtables are in the final stages of designing initiatives for United Nations agencies and other organizations in Ecuador, which has led to a matrix of working groups. UNESCO has focused its work on “access to education and child development services in receiving communities” and “livelihoods and technical professional training”. The office collaborated with the Ecuadorian Education Ministry on the design of ministerial policy for foreign-born students. The joint efforts include technical assistance on drafting strategy, participatory strategy drafting processes with teachers and relevant teacher training processes.

Toward a regional UNESCO strategy

International experience indicates that the capacity of the state to address large-scale international movements only decreases in the absence of political solutions based on international solidarity (Collect & Le Coz, 2018; R4V, 2018). The aforementioned specific and structural obstacles to guaranteeing the right to education of migrant, refugee, asylum-seeking and returned persons demonstrate the need to develop the type of political solution that, in addition to being based on human rights and on people, includes participation by the main governmental institution responsible for migration issues, parliament, civil society and the different inter-agency groups from the United Nations System as well as persons in contexts of mobility.

The information presented herein shows that convergence of international commitments, regional integration processes and the State's national policies poses a crucial challenge for guaranteeing the fundamental rights of people in contexts of mobility. The tension between international commitments and the principle of State sovereignty lends renewed relevance to regional instances of dialogue and cooperation, especially in light of the region's immigration-related intersectoral coordination challenges. In this context, UNESCO's power to convene as an 'honest broker' (UNESCO, 2018c) and its capacity for technical assistance and facilitation of political dialogue can significantly expand these spaces and optimize them to address the aforementioned obstacles to realizing the right to education.

This becomes especially relevant given that in response to the urgent protection needs of the persons in the context of mobility and their institutional mandates, other United Nations System response strategies in the region have been aimed at providing emergency assistance to persons in transit and those recently arrived in the destination countries (R4V, 2018). In this sense and in accordance with UNESCO's Institutional Framework on crisis preparedness and response (2018)—which notes the need to strengthen ties between humanitarian action and assistance for long-term development—its role must aim to meet the countries' needs in order to guarantee the right to education of persons in contexts of mobility. UNESCO must prioritize addressing obstacles related to access to formal education systems, planning and management of admissions systems, educational and social inclusion of persons in contexts of mobility and recognition of studies and competencies that enable those people to continue their studies and work in their field.

UNESCO may collaborate with countries to develop such solutions through actions within the organization's spheres of action: information and knowledge; political dialogue, regulatory framework and international cooperation; technical assistance; generation of capacities; and awareness and communication. This, in the framework of the mandate entrusted to the region's education ministries via the Buenos Aires Declaration on supporting its efforts to help the education systems "develop better responses, capacity to respond and resilience in order to guarantee rights and meet the needs of migrant and refugee persons, in accordance with the countries' policies; taking into consideration global challenges associated with conflicts, violence, discrimination, pandemic and disasters" (UNESCO, 2017, p. 12).

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Annex 1: Governing institutions that engage protection of the human rights of migrant persons

Country	Entity Specializing in Migration	Type of Authority Coordinated or Exercised Governing Institution
Antigua and Barbuda	Department of Immigration	Ministry of Foreign Affairs, International Trade and Immigration
Argentina	National Migration Directorate	Interior, Public Works and Housing Ministries
Bahamas	Department of Immigration	Minister of Foreign Affairs & Immigration
Barbados	Barbados Immigration Department	Prime Minister's Office
Belize	Department of Immigration and Nationality Services	Presidency, Vice Presidency or Presidential Delegate
Bolivia (Plurinational State of)	Directorate General of Immigration	Ministry of Government
Brazil	Migration Department	Justice and Public Safety Ministry
Chile	Department of Immigration and Migration	Interior and Public Safety Ministry
Colombia	Colombia Migration	Foreign Affairs Ministry
Commonwealth of Dominica	Immigration Division	Ministry of Justice, Immigration and National Security
Costa Rica	Directorate General of Migration and Immigration	Governance and Police Ministry
Cuba	Directorate of Identification, Immigration and Migration	Interior Ministry
Ecuador	General Commander of the National Police/National Migration Directorate	Governance and Police Ministry
Ecuador	Directorate of Immigration	Governance and Police Ministry
El Salvador	Directorate General of Migration and Immigration	Justice and Public Safety Ministry
Granada	Ministry of Legal Affairs	Ministry of Legal Affairs
Guatemala	Directorate General of Immigration	Governance Ministry
Guyana	Ministry of Foreign Affairs	Ministry of Foreign Affairs
Haiti	n/a	n/a
Honduras	Directorate General of Migration and Immigration	Governance and Justice Ministry
Jamaica	Passport, Immigration and Citizenship Agency (PICA)	Ministry of National Security
Mexico	National Migration Institute	Governance Secretary
Nicaragua	Directorate General of Migration and Immigration	Governance Ministry
Panama	National Migration Service	Government and Justice Ministry
Paraguay	Directorate General of Migration	Interior Ministry
Peru	National Migration Superintendency	Interior Ministry
Dominican Republic	Directorate General of Migration and Immigration	State Secretary of Interior and Police
Saint Kitts and Nevis	n/a	n/a
Saint Vincent and the Grenadines	n/a	n/a
Santa Lucía	n/a	n/a
Suriname	Foreign Affairs Ministry	Foreign Affairs Ministry
Trinidad and Tobago	Immigration Division	Ministry of National Security
Uruguay	National Migration Directorate	Interior Ministry
Venezuela (Bolivarian Republic of)	National Migration Commission	Ministry of Popular Power for Foreign Relations

Developed by the authors on the basis of ECLAC data on social institutional structure: <https://dds.cepal.org/bdips/dim23.php>