Recommendations of Working Groups – Regional Conference on Refugee Protection and International Migration
San José, Costa Rica, 19-20 November 2009

	Recommendation 1	Recommendation 2	Recommendation 3	Recommendation 4	Recommendation 5
Working Group A Respecting the human rights of people on the move irrespective of status	*States are encouraged to harmonize their national legislation with their international obligations arising from declarations and treaties. Those States that have not ratified relevant conventions, including the 1990 Convention on Migrant Workers are encouraged to do so.*	*States are encouraged to adopt national and regional measures to combat xenophobia, discrimination against refugees and migrants and subsequent threats/attacks. Such measures could include public information campaigns on the positive contribution of migrants and refugees to the development of host societies, as well as close cooperation with the media.*	*Detention should be a measure of last resort and experiences and initiatives on alternatives to immigration detention should be shared between States and other key actors in the region. Where detention is necessary, it should be applied in accordance with minimum standards under international human rights law.*	*States are encouraged to accept the jurisdiction of the Inter-American Court of Human Rights and to comply with recommendations and guidelines of regional and international human rights protection mechanisms.*	*States are encouraged to pursue criminal offenses against offenders of refugees and migrants in their national courts to combat impunity.*
Working Group B Identifying and providing international protection to refugees	*States are encouraged to allocate more resources for enhancing the capacities of national asylum procedures, and undertake trainings to ensure enhanced expertise of staff.*	*All stakeholders should promote twining projects and the exchange of good practices through international cooperation and north-south and south-south regional cooperation.*	*States are encouraged to enhance cooperation with civil society, including through tripartite agreements with NGOs and UNHCR, and to replicate best practices in the region, such as involving NGOs in the counseling of migrants and asylum seekers, identification of vulnerable cases, monitoring of detention centers and border areas, and provision of legal aid and representation to asylum seekers.*	*States are encouraged to strengthen due process in asylum procedures in the region to address* inter alia *lack of access to legal representation, lack of access to adequate interpretation and lack of independent appeal procedures.*	*Access to protection for victims of gang-related violence could be improved by adopting eligibility guidelines and providing regular country of origin information*
Working Group C The protection of victims of human trafficking	*A joint screening instrument should be elaborated by all stakeholders to better identify trafficked persons within mixed migration, and to ensure adequate and timely referrals to assistance and protection mechanisms.*	*Existing cooperation mechanisms should be broadened to include more actors in counter-trafficking initiatives, in particular labour ministries and the private sector given the recognition of the existing nexus between trafficking in persons and the dynamics of labour markets.*	*States are encouraged to integrate counter-trafficking provisions into national legislation and policies concerning migration, labour, gender, children and security.*	*All stakeholders are encouraged to strengthen national coalitions against trafficking in persons and replicate good practices in countries that have not yet established such a coalition.*	*International/regional organizations and civil society organizations are encouraged to carry out a regional study to document the trends and characteristics of internal trafficking.*

Working Group D The protection of irregular migrants and smuggled persons	*States and other key actors are encouraged to implement regional awareness campaigns highlighting the risks and dangers of irregular migration in countries of origin, transit and destination, and regular migration options. Regional information packages for refugees and migrants could be elaborated.*	*States are encouraged to replicate successful regularization programmes for irregular migrants (such as those implemented in Argentina, Brazil and Uruguay).*	*It is necessary to provide more resources to border personnel, to avoid the high turnover of staff and to equip border officials with clear guidelines on protection obligations in the form of a booklet or a manual which is easily accessible and readily available.*	*UNHCR and IOM are encouraged to carry out joint sub-regional training sessions of national authorities, including immigration and border officials as well as law enforcement officials to address protection considerations within mixed migration movements. Replicate the joint training implemented by Canada, Mexico and USA with the support of UNHCR under the framework of the Regional Conference on Migration.*	*All stakeholders are encouraged to provide adequate information to refugees and migrants about their rights, as well as procedures for asylum applications, mechanisms to report abuses and regular migration options. Regional information packages for refugees and migrants may be used to this end.*
Working Group E Profiling and referral mechanisms	*All stakeholders should engage in a needs assessment at an early stage to categorize different groups and use profiling or pre-screening mechanisms to tailor responses and referrals according to individual needs.*	*The exchange of best practices in the region should be strengthened with a view to integrate and harmonize existing profiling and referral mechanisms. UNHCR and IOM are called upon to convene a workshop and explore possibilities of elaborating a common regional or sub-regional profiling and referral questionnaire, which could also be used to better address extra-continental arrivals. National institutions for the promotion and protection of human rights, the Red Cross, and civil society organizations should be invited to participate and monitoring procedures should be discussed.*	*All stakeholders are encouraged to implement the recommendations of the regional political and migration platforms and processes on profiling and referral mechanisms and make use of already existing tools of, including the trafficking screening questionnaire elaborated under the Regional Conference on Migration (RCM).*		
Working Group F The protection of extra-continental	*National authorities and other key partners could nominate a focal point for the arrival of extra-continental refugees and*	*Enhanced cooperation between all stakeholders, including international organizations and civil society partners with*	*UNHCR and IOM should undertake a joint study on the magnitude, trends and protection considerations of*	*Stakeholders should promote cooperation with countries of origin to develop common strategies to prevent*	*States and other key actors are encouraged to create regional funds for voluntary return and reintegration*

and stranded migrants and refugees	*migrants who can closely cooperate with their counterparts to share information on profiles.*	*different types of expertise is needed, as well as support for the Caribbean States to improve their assistance and protection capacities.*	*extra-continental refugees and migrants.*	*smuggling of extra-continental refugees and migrants, and to ensure that more decisive action is taken in the prosecution of smugglers.*	*programmes.*
Working Group G The protection of unaccompanied minors	*A best interest determination for the child should be undertaken at all stages of the migration process and children should be recognized as rights-holders by involving them in decisions that concern them, according to their age and maturity.*	*States should guarantee the protection of children and access to their rights, regardless of their migration status, equal to nationals (including the right to education and health) in accordance with the 1989 UN Convention on the Rights of the Child.*	*States and other key actors are encouraged to design and implement specialized protection and assistance mechanisms for unaccompanied/separated children to ensure implementation of the following protection safeguards: systematic registration (migratory and civil registry), timely designation of a legal representative, the identification of specific protection needs, including those of asylum-seeking children or those who have been trafficked, and referral to special procedures. When return is determined to be in the best interest of the child, it is also essential to ensure consular protection and specific supporting measures.*	*States are encouraged to ensure that all authorities involved in the protection and assistance of unaccompanied/separated children are equipped with child protection experts. International organizations and specialized civil society organizations could be invited to provide technical support to authorities. Specifically, training on interviewing techniques, specific treatment and assistance for children should be provided to government officials, consular staff, migration and police officials, social assistants, lawyers and judges. Initiating a project to replicate the appointment of child protection officers in Mexico in other countries in Latin America and the Caribbean would be a good practice.*	*Inter-agency standards for the assistance of unaccompanied children in the region should be elaborated which include differentiated processes and procedures with due regard for the case-specific situation of the children.*
Working Group H Enhancement of protection of refugees and migrants through regional mechanisms	*All stakeholders should enhance efforts to elaborate and promote the implementation of regional guidelines for the protection of migrants, refugees, victims of human trafficking and unaccompanied/separated children within the existing regional migration fora, most*	*All stakeholders should exchange information on their specialized experience and expertise to provide technical support to the regional migration fora for the further advancement of initiatives and guidelines for the protection of migrants, refugees, victims of*	*The Specialized Migratory Forum of MERCOSUR could be further utilized for the promotion of harmonization and the exchange of good practices on issues such as the facilitation of free movement of persons, the protection of refugees, the regularization of migrants and*	*Caribbean States and territories are encouraged to introduce the issue of protection considerations in mixed movements, including the issue of extra-continental and stranded migrants to the CARICOM agenda to identify common challenges of*	*Participation in regional mechanisms and processes by other branches of government (judicial and legislative) could be increased, as well as participation of other actors, including civil society and the media to*

	importantly within the South American Conference on Migrations, replicating the good experiences and lessons learned of the Regional Conference on Migration. Ensure effective follow-up and implementation of recommendations and agreements adopted within regional mechanisms.	*trafficking and unaccompanied/separated children.*	*the adoption of national policies and legislation on protection concerns.*	*Caribbean States and to develop protection-sensitive strategies for the region.*	*strengthen dialogue between the governments and civil society.*