



MIGRATION AND DIASPORA

Opinion Articles



For an integrated approach to migration

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Migration has been part of the history of El Salvador for many decades, as it is a phenomenon with multiple causes associated with social, economic and security factors, and by a desire to reunite families. Today it is estimated that around 3 million people from our population are abroad, most of them in the United States of America, a country to which high levels of illegal migration have been recorded for years.

Faced with this reality, we have been working for eight years in the Government of El Salvador, and with increasing intensity since 2014, under the administration of President Salvador Sánchez Cerén, on a vision which would allow us to go beyond the former view of our migrants, that reduced them simply to senders of remittances. Now, from a broader perspective, the 2014-2019 Five Year Plan sees them as valued members of the nation and key actors in its development. We must take care of them, on the one hand by protecting and watching over their rights wherever they find themselves and, on the other hand by promoting their full citizenship from the exterior and their effective integration with national procedures.

This new focus is what has enabled us recently to take very significant steps and, specifically, it gives us great pride to share with you that, on July 2017, we presented a National Policy for the Protection and Development of Salvadoran Migrants and their Families, which is now the major public policy instrument specifically directed at this population.

The interrelatedness we have been seeking is expressed through seven strategic approaches, corresponding to the different stages of the migratory cycle. Therefore, the National

Policy looks at actions to deal with the causes of illegal migration, to offer protection and support for migrants in transit and their families, to ensure that Salvadorans abroad remain attached to their communities and can participate in processes of national development, and to support quality integration for compatriots returning to our country.

This has been the fruit of various months of inter-sectoral work, through the National Council for the Migrant Person and their Family, created in 2012, and is also the product of a series of consultations with Salvadoran men and women living abroad, whose voices, requirements and concerns have been taken into account in constructing the Policy.

This Policy therefore represents an essential step, as a commitment by the State, giving greater support and continuity to actions we have been encouraging for eight years, by which we have promoted the attachment and political participation of our community abroad through various consultation and dialogue processes, through the first experience of voting from outside the country in the presidential elections of 2014, and through development initiatives in the territories of origin.

Similarly, we should point out that since 2016 we have been operating an integration programme for people who have returned, offering them psychological support as well as support to set up small businesses and for their professional integration.

Furthermore, we have this year signed a Protocol for the Protection and Support of Salvadoran Child and Adolescent Migrants, and we have also reinforced our consular network,



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including mechanisms for cooperation such as the one known as TRICAMEX, through which we coordinate consular efforts in various cities of the United States near to Mexico and the other countries of the Northern Triangle of Central America (Guatemala and Honduras). With the two latter countries, it is important to also mention that we already have in operation the Alliance for Prosperity Plan of the Northern Triangle, in collaboration with the United States Government, which also tries from a broad perspective to discourage illegal migration from our countries.

Finally, all these actions have all been strengthened since the approval, voted by all the political parties in our Legislative Assembly, of a Fund for Special Activities to Support Salvadorans Abroad and People Returning (FOSALEX).

We have no doubt taken important steps, but beyond all this progress at national level, it is undeniable that these issues continue to present us with great challenges at global level. Therefore as a country we are insisting, in the various multilateral forums, on the need to move towards a more complete and multidimensional view of migration, promoting a rights approach to any security issue surrounding this world phenomenon.

We believe we should approach this topic by assuming shared responsibility between the territories of origin, transit, destination and return, and that, without losing sight of the fact that we are dealing with a matter with deeply human implications, we should move towards greater regional and multilateral cooperation in order to deal adequately with the issue. To this end, we are also promoting the theme of migrant women and girls, a particularly vulnerable group within these flows of people, during our current Pro Tempore Presidency of the Regional Conference on Migration (RCM). We are also striving to ensure that the needs of regions like ours are reflected in the Global Compact for Safe, Regular and Orderly Migration.

In this way, with integrated understanding of the topic and with the will to cooperate at bilateral, regional and global levels, these migration policies we are implementing in our domestic plans will be greatly strengthened and we will be far better placed to respond to this challenge.



European Agenda on Migration: a smart and humane policy

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In the never ending debate about migration, one tends to forget sometimes the tremendous contribution that migrants make to the economies and societies of their host countries as well as to their countries of origin. Historically Europe has been a source of migration. Pushed by hunger, war or economic hardship, Europeans have populated large areas of South America, North America and Australia, bringing with them skills, entrepreneurship and culture. The EU in turn values the positive economic, social and cultural contribution made by citizens of Latin America and the Caribbean to its Member States' societies.

The countries of Latin America and the Caribbean today enjoy a privileged relationship with the European Union, rooted in our inter-connected histories. The EU promotes continued cooperation on migration issues in order to ensure safe, orderly and regular migration between the two regions, with full respect of human rights. Engagement between the EU and Latin America and the Caribbean on migration and mobility must continue to follow a balanced and comprehensive approach. Working together, we can make progress on opening up pathways for legal migration; combatting and preventing irregular migration and the eradication of trafficking in human beings; international protection and the development impact of migration and mobility.

The EU-CELAC Structured and Comprehensive Dialogue on Bi-regional Migration provides the EU and the Latin America and Caribbean region an organised forum in which to exchange views on migration matters. The Dialogue, initiated on 30 June 2009, has the aim of addressing issues of mutual interest and

concern for both regions in the field of international migration. The last High Level Meeting under the Dialogue took place on 10 and 11 November 2016 in Santiago, Chile, in a positive and constructive atmosphere. Discussions focused on the two regions' approach to migration and development, and addressed the future priorities of bi-regional cooperation. Let us continue to make best use of this Dialogue going forward.

Engagement between the two regions in multilateral fora is also of paramount importance, following on from the New York Declaration adopted at the United Nations General Assembly in September 2016. In this vein, the EU and its Member States must work together with the countries of Latin America and the Caribbean to achieve an ambitious UN Global Compact for Safe, Orderly and Regular Migration and the development of the Global Compact for Refugees and the Comprehensive Refugee Response Framework.

The EU Dialogue with Latin America and the Caribbean is consistent with the development of a comprehensive approach to address all aspects of the migration challenge through the European Agenda on Migration. In the past years the EU has focused its efforts on renewing its legal migration policy, strengthening its common asylum policy, stepping up the protection of its external borders, tackling the root causes of migration and combatting irregular migration.

We want to be smarter and proactive when it comes to legal migration, particularly as regards our cooperation with non-EU countries. Europe is an ageing continent and we will need more



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skills from abroad, in addition to the employment efforts of our existing work force. We are working on changing the EU Blue Card scheme so that it becomes easier and more attractive for highly skilled non-EU nationals to come and work in the EU.

At the same time, we will continue investing more in integration because we are well aware that the early and effective integration of non-EU nationals is key if we want to maximize the benefits for the economy and cohesion of our society.

The European Union is not and will never be a fortress. This is also visible in our asylum policy: in 2016 alone, the EU resettled or granted asylum to an important share of the world's refugees, three times as many as Australia, Canada and the United States combined. The EU is proud to stand by its values and provide protection to those who need it in line with our commitments under the Geneva Conventions.

The European Union is also leading the way in tackling the root causes of migration. Providing over 50% of all global development aid, the EU and its Member States are collectively the world's leading donor.

Migration is not a European phenomenon, it is a global one. I therefore invite our international partners to match our efforts by taking in more refugees and increasing their aid contributions.

Migration into Europe continues to shape our societies. We live in an era of human mobility and we need to make the most of it. That is why we are working towards an asylum and migration policy fit both for the good and the challenging days. Let us lead the way by forging the most modern and forward looking migration policy. Working together, we can and will find a common, humane and smart solution to a global issue.



Progress in the Promotion of the International Governance of Migrations

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Migration will continue to be one of the political, socio-economic and humanitarian topics at the top of countries' agendas, both at national and international level, throughout the rest of the twenty-first century.

Balanced management of migration has therefore become one of the most complex aims of governmental management, as it requires the participation and coordination of a large number of governmental bodies with different, sometimes even conflicting, priorities. It also goes right to the heart of the relationship of the State with its citizens, national identity and the view we hold of the type of society in which we want to live and raise future generations.

Although the management of migration, because of its international nature, requires the participation of two or more countries, States still have a high level of autonomy and sovereignty to define their migration policies, and many are very concerned to maintain this total autonomy.

Similarly, the lack of any multilateral institutional framework that is formal and consistent to help manage migration, created from the top down, has generated a bottom-up approach of ad-hoc rules and informal agreements which States adhere to selectively, taking part in different processes and at different levels. Similarly, various international organisations with responsibilities for cross-cutting issues such as human rights, health, employment, security, climate change, etc., have incorporated specific aspects of migration into their agendas and the regulations they draw up, some of a binding nature.

This has resulted in the creation of a complex and heterogeneous system of procedures, standards and bodies working on matters related to migration at global, regional and sub-regional level, in parallel and in a disconnected way, as well as regulations that sometimes lack a holistic and integrated view of the complexity of the migratory phenomenon.

Against this background, the International Organization for Migration (IOM) has a broad and varied mandate in matters related to migration, and it has wide experience and considerable presence at global level in all areas of the field of migration. Although the IOM promotes the implementation of and respect for existing global and regional legal instruments for the rights of migrants, it is not mandated to create international regulations or standards of a binding nature.

Nevertheless, over recent years some political developments in the multilateral arena have revealed a major evolution in the international debate on migration.

In the first place, the inclusion of Migration as a specific goal in the Sustainable Development Goals (SDGs) of 2015 (10.7): "Facilitating the migration and mobility of people that is orderly, safe, steady and responsible, through, among other things, the application of planned and well monitored migration policies". In this way, migration is for the first time becoming part of the main remit of global development policies.

The Sustainable Development Agenda goes still further, incorporating migration and migrants within other objectives and



goals, and also including in these the impact of humanitarian crises and forced displacement on development; the need to empower vulnerable groups; the eradication of bonded labour, human trafficking and child labour; and the reduction of transaction costs for remittances, among other things.

In this way, the inclusion of migrants becomes a cross-cutting issue to ensure the fulfilment of one of the central objectives of the 2015-2030 agenda, that is, that sustainable development should benefit all “without leaving anyone behind”, and it reflects the recognition that migration favours development in both the country of origin and the destination country.

Other major policy advances are the inclusion of migration and human displacement in the Paris Agreement on Climate Change and a recognition that migration can be a measure for the prevention of, or a response or adaptation to these changes; as in the Sendai Framework for the Disaster Risk Reduction 2015-2030.

However, the most important progress took place on the 19 September 2016 with the New York Declaration for Refugees and Migrants being adopted by the General Assembly of the United Nations. This Declaration proposes a more integrated, predictable and sustainable response to forced displacement, as well as a system of governance for international migration.

In this Declaration, 193 Heads of State and Government made the following statements, among others:

- They reiterate the commitment of the international community to the rights and protection of refugees and migrants;
- They recognise a shared responsibility for managing large movements of refugees and migrants in a humane, sensitive, compassionate and people-centred manner;
- They commit to tackling the causes of these huge population movements;
- They condemn acts and displays of racism, discrimination and xenophobia against refugees and migrants, and the stereotypes with which they are often associated;

- They have decided to strengthen the global governance of migration by incorporating the United Nations system into the IOM.

The New York Declaration also includes concrete plans to initiate negotiations leading to the development of Global Pacts, one on refugees and another on migration. The Global Pact for safe, steady and orderly migration will be approved at an international conference in 2018.

The agreement to progress towards this integrated framework is a momentous one as it implies that migration, like other spheres of international relations, will be structured by a set of common principles and approaches. However, this integrated framework is not starting from zero. We now have a series of regulations and principles relating to human rights and labour standards which must compulsorily be applied and which do not distinguish between nationals and foreigners, independently of the administrative migration situation in which a country finds itself.

But above all, this Global Pact offers a unique historic opportunity to establish the principles and commitments of the international community towards an integrated approach to migration that includes its humanitarian, development, human rights, climate change and peace and security dimensions.

This is an opportunity which, in my opinion, we must seize with both hands!



Towards a new migrant culture in South America: Which will welcome, protect, nurture and integrate the migrant person as a subject bearing rights

Pedro Hernández

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To achieve Governance of International Migrations, access to justice for migrants is a fundamental dimension of migratory policy. This concept implies that the migrant person is accepted as a subject bearing rights. To make this vision real, we must distinguish between access to justice as a value and access to justice as a right.

The implementation of access to justice as a value involves making efforts to eradicate discrimination, xenophobia, and racism in every sphere. Access to justice as a right requires migrants to have legal guarantees for access to their rights and for the protection of these rights.

International Migration Law lays down provisions for access to justice for migrants in the Universal Declaration of Human Rights (1948), the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Ibero-American Programme on Access to Justice, and the Protocols against Trafficking and Migrant Smuggling, among other international mechanisms.

Also worthy of note are the Sustainable Development Goals 2030, in which States have made a commitment to face up to the challenges associated with migration, without forgetting anyone and reaching those left furthest behind, by means of recognising the specific needs of migrants and refugees. To this end, we must facilitate orderly, safe, regular and responsible migration and mobility by applying carefully planned and well-managed migration policies.

We should also mention the Global Compact for Safe, Orderly and Regular Migration, an agreement in which the international community seeks to promote the inclusion of migrants through access to justice and by reinforcing the governance of international migration.

At regional level the South American Conference on Migration (SACM) stands out. This has continuously focussed on access to justice. Member countries of the SACM have established the bases for a New Culture of Migration, which would welcome, nurture, protect and integrate migrants, now ratified in the Lima Declaration (September 2017), proposing and driving the following initiatives:

- a) Global Protection of the Human Rights of All Migrants and Members of their Families;
- b) Social inclusion of migrants, ensuring access to health, education, work, decent housing and justice for migrants;
- c) Framework for the Assistance and Care of Migrant Women and their Family Members, particularly migrant children and adolescents;
- d) Promoting the regularization of the migration status of migrants, in accordance with National and International Migration Law;
- e) Action plan with aims and objectives against Racism, Xenophobia and Discrimination;



- f) Strengthening of Consular and Migration Cooperation;
- g) Global and Regional Platform to process data and integrated information on international migration processes;
- h) Eliminating International and National Networks of Illegal Trafficking of Migrants and People Smuggling;
- i) Furthering the debate on movements of humans caused by environmental factors, including climate change.

In accordance with what is set out above, Chile has launched a set of initiatives among which we may highlight:

- a) The process of the Global Compact on Migration must be informative and educational in nature, promoting principles, commitments and understandings in the field of migration, bringing this reality to civil society and to the various actors who take part in the migration process;
- b) Strengthening International Migration Law, establishing a “Rule of Law at global level”, through adhesion to and ratification of instruments and agreements concerning the human rights of migrants;
- c) Mechanisms for bi-national and regional cooperation, through Binational Agreements for Cooperation on Migration and Consular Affairs, as well as developing cross-sectoral work to tackle the challenges of the latest flows of migration;
- d) Assessing and Highlighting the Role of Local Governments in the process of integrating migrants, with the creation of Cross-Sectoral Boards of Local Governments to develop local policies and Programmes for the care and assistance of migrants;
- e) Policies for Creating Links with nationals abroad, to assist and care for communities living abroad, reinforce consular management and promote the exercise of the right to vote;
- f) Implementing regional and global diversity, developing a work schedule to promote themes of shared interest, for

the benefit of the most vulnerable migrant groups, as in the EU-CELAC dialogue on Migration;

- g) Prevention and multi-sectoral focus to respond to situations of natural disasters, crisis and emergencies, implementing Consular Programmes and Networks for the Care and Assistance of Persons Displaced by Natural Disasters and Climate Change;
- h) Joint responsibility for migratory flows, strengthening the role of the Consular Network in the countries of origin, transit, destination and return, for the assistance and protection of the human rights of migrants; and
- i) Updating of Statistical and Administrative Information on Migratory Flows and Balances, to continue furthering the development of studies on migratory flows; developing indicators of a social nature through records made in devices such as population censuses.

Pope Francis wishes to dedicate the World Day of Peace 2018 to the theme of “Migrants and refugees: men and women in search of peace”. He states that leaders must know how to welcome, nurture, protect and integrate migrants, pointing out that migrants and refugees build peace and justice, as they bring with them the wealth of their courage, abilities, energies and aspirations, and of course the treasures of their own culture. This New Culture of Migration is the new road to Peace.



Ibero-American Multilateral Agreement on Social Security

Gina Riaño
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Ibero-American Social Security
Organization.

The Ibero-American Multilateral Agreement on Social Security is a pioneering experiment with the objective of guaranteeing the rights of Ibero-American migrant workers and their families to a contributory old-age, disability or survivors' pension within a common area, the Ibero-American Community, formed by 22 countries of Latin America and the Caribbean and the European Union.

This is a pioneering experiment because, firstly, it aims to reach an agreement in matters of Social Security in an area where there is no previous political partnership which might provide a legal background to support this.

It is also pioneering because not only it is an attempt to reach agreement between countries which internally apply very different Social Security models from each other (in a region of the planet where systems financed by the capitalisation of individual contributions co-exist with systems of simple shared distribution and mixed models which apply both methods of financing, either in parallel or at different times) but also because the coverage, scope or range of benefits also vary greatly from one country to another.

However, this disparity makes this type of Agreement necessary, in an area of the world where migratory movements are particularly heavy, affecting over 25 million people, according to the Economic Commission for Latin America and the Caribbean (ECLAC). Among the countries of Ibero-America alone, ECLAC calculated that over five and a half million people were living and working in a different Ibero-American country from

the one they came from and who would evidently derive direct benefit from the Agreement, as would all those who found themselves in a similar situation in the future.

The initiative for this Agreement came from the Fifth Ibero-American Conference for Ministers and Senior Administrators Responsible for Social Security, held in Spain in 2005 and was unanimously welcomed at the Fifteenth Ibero-American Summit of Heads of State and Government which also took place in Spain. In the same year work to implement it was mandated to the Ibero-American General Secretariat and to the Ibero-American Social Security Organization.

A process was then begun which culminated in 2007, when the Agreement was unanimously adopted by the Seventeenth Ibero-American Summit of Heads of State and Government at Santiago in Chile and, by this action, was already signed up to by twelve of the countries taking part in the Summit.

In 2017 the Agreement has already been signed by 15 Ibero-American countries: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Spain, Paraguay, Peru, Portugal, Dominican Republic, Uruguay and Venezuela. It is currently in operation in 11 countries: Argentina, Bolivia, Brazil, Chile, Ecuador, El Salvador, Spain, Paraguay, Peru, Portugal and Uruguay.

This is an Agreement which coordinates national legislation, starting from total respect for such legislation, as well as for the validity of other existing bilateral or multilateral agreements



between the 22 countries of the Ibero-American Community, complementing these instruments by extending and supplementing the scope of their activity.

The actual scope of the application of the Ibero-American Multilateral Agreement on Social Security deals with contributory financial benefits for disability, old-age, survivors, and those resulting from accidents at work and occupational illnesses, but the Agreement itself includes the possibility that two or more Member States in the agreement may agree between them to broaden the scope of the application.

The Agreement brings together and fully respects the generally commonly accepted principles on instruments to coordinate Social Security matters at international level and which also constitute the basis of European Regulations 883/04 and 987/09, of the Multilateral Social Security Agreement of MERCOSUR and of Decision 583 of the Andean Community which are its immediate antecedents.

It is also an instrument which is fully comparable to other similar agreements, as has been apparent in the case of the European Regulations in force. The Judgment of the European Economic and Social Committee (EESC), of November 2012, therefore refers to the Agreement as “the authentic heir to European norms of coordination” and includes the hope on the part of the EESC itself that “...other Member States of the European Union, in addition to Portugal and Spain, may join this Agreement in the future...”

The European Parliament itself declared along the same lines, in its Resolution of 14 March 2013 on “...the external dimension of the coordination of social security systems in the EU”, with the following words: “... in this context we welcome the Ibero-American Multilateral Agreement on Social Security and suggest the possibility that other Member States may join with Portugal and Spain in this initiative as a platform for coordination at European level”.

In conclusion, we are looking at a truly outstanding instrument for the millions of migrant workers in the Ibero-American Region, as well as for their families and, therefore, for all of our citizens and for civil society, which represents some 600 million people across Ibero-America.



Courting Latin American Emigrants and the Redefinition of Citizenship

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Although not a new practice, courting diasporas to cultivate bonds with emigrants has become a generalised and enhanced practice around the world as a form of governing populations abroad. Together with the recent process of national legislation update, policy reform and regional agreements reached in Latin America, it is contributing to redefine the notion and the practice of citizenship at the national and regional level. Four main features of these processes are highlighted here.

First, state efforts to forge bonds with emigrants may or may not engage emigrants -- a point resumed below -- but it certainly involves a number of other actors too and, therefore, offer multiple channels for cross-regional cooperation.

Courting diasporas involves extending state authority to govern its population abroad. This is generally done in (formal and informal) collaboration with other states and non-state actors, involving relations at various levels of governance (i.e., not just national but also local, regional, and cross-regional). As a result, a number of institutions and mechanisms are created, linking countries and regions and opening up opportunities for partnerships with receiving states at the national and local level, NGOs, churches, etc. However, it is worth noting that very little scholarly and political attention has been given to the links between regions or trans-regional and local governance. In the realm of policy, we would expect to see a number of public-partnerships in place, but this is not the case in major sites of destination for Latin American emigrants coming to Europe, such as London, Madrid, and Milan¹. In short, efforts to forge

bonds inevitably open areas of trans-regional cooperation for public and private actors. For the regions under consideration here, this opportunity has not been fully seized yet.

Second, transnational bonds and migrant engagement are generally assumed rather than investigated, while states' capacities are probably overestimated.

Although the experience of cultivating relations between states of origin and emigrants has been documented for several cases, we do not know yet if policies are effective in this realm. There are no comprehensive and systematic studies of the impact of diaspora engagement policies. My own work documents that results have been mixed. This is partly the result of the evolution of these policies, several of which still face policy implementation and other challenges. State capacity in Latin America is still limited, especially at a long distance.

Policies in this area tend to follow different trajectories in each country.² Electoral cycles bring new perspectives and political orientation, thus adding to ruptures and detours. Interestingly enough, no country has tried to measure its impact on these matters.

My work on Southern Europe shows that the capacity of sending states to mobilise emigrants politically varies across countries of origin and across emigrants' destinations, and emigrants' organisation is largely fragmented and intermittent. This is compounded by the fact that at home emigration has not resonated



enough in domestic public debates. The issue usually gathers attention temporarily but it is never a constant, high priority concern. Together with other factors, this leads me to argue that courting diasporas advances through cycles of variable intensity of commitment and action. In the absence of emigration crises or a dramatic increase in migrant mobilization, it is plausible to expect the continuity of fluid, selective interactions between states and diasporas. Most likely, these exchanges will exhibit variable levels of both parties' engagement, or cycles of intense state involvement and bureaucratic inertia that may (or may not) converge with cycles of involvement and withdrawal in migrant activism and political mobilization.

Third, the political dimension of bonding remains weak. In particular, in the Latin American Southern Cone, emigrants' enfranchising exhibits and 'inclusion paradox' today.

Together with other measures, enfranchising emigrants is part of the invitation issued to expatriates to have a voice in the fate of the country, participate in home politics, and make membership to the nation effective. However, regarding the exercise of those entitlements, both states and citizens abroad have fallen short of enacting them, hence the paradox.³In comparison to other diaspora engagement initiatives, extra-territorial voting rights were not the priority. Governments did not act on this diligently or consistently. Progress toward approving parliamentary representation or empowering emigrant communities is very limited. There is little effort to expand voting rights beyond national presidential elections, encourage political mobilization, and increase turnout. As for citizens abroad, turnout has been quite low and political mobilization ambivalent and intermittent. This suggests the need to expand our understanding of emigrants' response to opportunities to exercise voting rights as part and parcel of a broader, complex link with the country of origin—a link that reflects their ambiguous relationship with home politics. Incipient studies on this dimension have started to document that several emigrant communities of Latin American origin exhibit lack interest in exercising voting rights and have an ambivalent attitude to voting. Their political engagement is shaped not necessarily by political motivations or partisan preferences alone but a mix of patriotism, nostalgia, and daily pressing needs that often supersede concerns with home politics, as well as negative attitudes about the institutions and/or politics that prompted their departure.

Fourth, for these reasons, to what extent has the notion and the practice of citizenship become transnationalised within and across regions?

This question requires re-conceptualising the issue from a dual perspective. We need to integrate the top-down process of enfranchisement by states (even if it may be prompted by social activism) with the bottom-up process embedded in the practices of individual and/or collective actors (i.e., emigrants, the addressees of such policy innovation or adaptation) who may or may not be willing to cultivate those bonds and pursue collective political mobilisation. We have a relatively well knowledge of the former, and a patchy record of the latter. Integrating both may unveil some neglected subjective factors, which are obviously difficult to measure. For example, most of the studies assume that emigrants, indeed, want to be included in the nation of origin and cultivate bonds. However, for some communities distrust of the state is a generalized sentiment, rooted in a long-standing crisis of political representation, unmet social expectations, and memories of the political and economic crises that prompted emigration. This tends to discourage transnational engagement. The call to contribute to the country of origin's re-construction and development still resonates with feelings and aspirations of some citizens abroad, but in many cases, it does not overcome the uneasiness caused by a traumatic record of state abuses and political disillusion. In addition, when origin and destination are geographically distant, transnational political practices have been proved weak. Again, we need to investigate this area in depth and from a dual (top-down and bottom-up) perspective to be able to discuss real policy impact.

Finally, generalizations and conclusions can only be partial. For most of the policies analysed here, it is too early to assess the long-term implications. The same can be said of regional agreements and the political project in the making to foster regional citizenship.

Indeed, Latin American states have moved towards encouraging regional citizenship lately via MERCOSUR (Common Market of the South) and UNASUR (Union of South American Nations) agreements, as a way of transnational citizenship within a region. Although this is a project that affects intra-regional migrants only, today the region is a mini-laboratory of wheth-



er citizenship beyond borders is being re-defined as a notion and as a practice. So far, my work on this dimension of the topic shows that the project is largely based on the principle of residency and portable socio-economic rights, leaving political rights and political representation (of both Latin Americans and extra-regional migrants alike) out of the negotiations. Moreover, ethnographic work shows that the project might be hindered by states' weak capacities and the lack of cognitive and affective roots. For this reason, to some extent, it mirrors the historical evolution that national citizenship had in South America and it is still a light version of transnational citizenship that I labelled 'a figurative frontier.'⁴

¹ For examples, see Margheritis, Ana. "Brasileiros no Mundo. A Global Approach to Governing Populations Abroad?" *International Affairs*, 93(3): 607-623, May 2017, DOI: <https://doi.org/10.1093/ia/iix049>; also "Transnational Associational Life and Political Mobilization of Ecuadorians and Argentines in Spain and Italy: What Role for Sending State Policies?" *Diaspora: A Journal of Transnational Studies*, Vol. 19, Issue 2/3, 2017, pp. 254-280

² See Margheritis, Ana. *Migration Governance across Regions: State-Diaspora Relations in the Latin American-Southern Europe Corridor*. New York and London: Routledge. 2016.

³ See Margheritis, Ana. "The Inclusion Paradox of Enfranchising Expats in Latin America," *International Migration*, 55(2): 126-143, DOI: 10.1111/imig12315, April 2017.

⁴ On this point, see Ana Margheritis, "South American Regional Citizenship as Figurative Frontier: European Influences in a Political Project in the Making," in *Shaping Migration between Europe and Latin America: New Perspectives and Challenges*, ed. by Ana Margheritis, London: ILAS Book Series, forthcoming in May 2018.



EU citizenship: between state nationality and supranational citizenship

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Enjoying rights as a matter of EU law

In 1992, the European Union established EU citizenship as a supranational form of citizenship, to which legal and enforceable rights were attached. EU citizenship is additional to state nationality, without replacing it. From an external perspective, EU citizenship can be seen as an agreement between EU states concerning the treatment to be enjoyed by their nationals once outside the state of own nationality, which is strongly linked with the principle of non-discrimination on the basis of nationality.

State nationality remains the relevant criterion for identifying EU citizens as evidenced by the special declaration on nationality attached to the Maastricht Treaty, according to which whether a person is a state national or not is decided by the national law of the state in question.⁵ Although the EU has no direct competences over nationality, the Court of Justice of the EU has stated that when exercising their powers in the sphere of nationality law, the Member States must have due regard to European Union law.⁶ EU citizens enjoy a special position: if the exercise of state power in the field of nationality law affects rights conferred and protected by the legal order of the Union, it must be amendable to judicial review in light of EU law.

Harmonizing the nationality laws of the 28 EU states has been suggested and highlighted as an important issue since acquiring nationality opens the way to EU citizenship and the right to free movement but it remains an open question. For example, the European Commission acknowledges the

need for sharing knowledge and exchanging experiences on conditions and procedures for attribution of state nationality, but perceives its role as being primarily about the dissemination of good practices and coordination. Nonetheless, the success of EU citizenship - as a special status enjoyed by persons who would otherwise be labeled migrants - can be grasped from statistical data showing low naturalization rates for mobile EU citizens. This suggests an interesting dynamic between EU citizenship and state nationality, in the sense that EU citizenship offers enough protection making naturalization in the host EU state unnecessary.

The limits of supranational citizenship

Although EU citizenship and the rights attached to it can serve as a model for the treatment of migrants, its shortcomings highlight the tensions that remain – even with a highly integrated regional bloc – between state nationality and the idea of a national community, and migrants' rights. EU citizenship excludes third country nationals from its scope. The EU has introduced a special regime for third country nationals who are long-term resident in a EU state, in an attempt to approximate their rights to those of EU citizens.⁷ EU citizens irrespective of how long they have resided in a host state can nevertheless be expelled. EU law sets limits to state power in this field, but the possibility of expulsion stresses the fact that EU citizenship is not a nationality status. Expulsion and removal are increasingly linked with termination of residence rights for economically inactive EU citizens who are seen as burdens on the welfare system of the host state, while criminal activity is another ground for expulsion.⁸



Brexit brings new challenges for EU citizenship and its model of membership. It shows that regional integration can be reversed and that supranational (citizenship) rights can be terminated. Once the UK leaves the EU, UK nationals will en masse lose their EU citizenship status and the rights attached to it. Conversely, EU-27 nationals resident in the UK will become foreigners subject to UK immigration law, rather than EU citizens entitled to EU rights. While residence and social rights have been the main areas of concern, political rights derived from EU citizenship will also be terminated. British nationals in the EU may qualify under one of the legal measures adopted in respect of TCNs, but this group lacks political rights. The uncertainty of the negotiations between the EU-27 and the UK in respect of citizens' rights is a source of concern for EU citizens. One strategy pursued by affected citizens is to acquire the nationality of their host state. However, EU citizens are confronted with different nationality policies and rules in relation to dual nationality, language requirements, integration measures etc, which may bring on the table the need to coordinate and, even harmonize nationality laws in the EU.

⁵ *Declaration on Nationality of a Member State, attached to the Treaty of Maastricht, OJ 1992 C 191:98.*

⁶ *Case C-369/90 Micheletti, EU:C:1992:295; Case C-135/08 Rottmann EU:C:2010:104.*

⁷ *Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, OJ L 16, 23.1.2004, p. 44–53.*

⁸ *S. Mantu (ed.) Expulsion and EU citizenship, Nijmegen Migration Law Working Papers Series 2017/02, <http://repository.uibn.ru.nl/handle/2066/179152>*



Migrants' Access to Social Protection after Trump and Brexit: What Role for Sending Societies?

Jean-Michel Lafleur

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In 2016, strong promises to curb immigration on both sides of the Atlantic were made during the debates that preceded the Brexit Referendum and the US Presidential Elections. Following the pledges of British Conservatives to limit EU migrants' access to welfare in the UK and Donald J. Trump's commitment to deport millions of undocumented migrants, legitimate concerns have emerged in Europe and in the US that migrants may be at further risk of social exclusion in coming years. In parallel to these political developments, Europe has had to deal with a surge in arrival of asylum seekers, which has further politicized the issue of foreigners' access to welfare in destination countries. From the migrants' standpoint, this hostile political context has triggered uncertainty with regards to their own (and their family's) access to a wide variety of rights such as healthcare or a pension. As shown in previous research, such uncertainty may lead them to develop alternative strategies to deal with social risks, including the reliance of community networks or the strengthening of bonds with the homeland. As US and European immigration and welfare policies are transforming in this context of populism and heightened anti-immigration sentiment, it is thus an appropriate time to reflect on the role of sending states in the area of welfare.

In the study of migration, social protection has traditionally been perceived as the primary responsibility of receiving societies. Whether foreigners were coming for work or protection from persecution, it was expected that the welfare institutions in their new countries of residence would provide them with a modicum of protection to deal with social risks in areas such as health, pensions or family benefits. Numerous bilateral social

security agreements and international instruments such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families were developed over the years to guarantee migrants a minimum level of protection. At the regional level, both the EU and the Mercosur have taken additional measures for nationals circulating between Member States of these organizations to ensure that mobility does not entail automatic loss of welfare entitlements (e.g., measures ensuring pension portability or access to public health systems). Curiously however, unilateral responses of sending states to the needs of their citizens abroad is a widely understudied topic.

In a context where immigrant welfare is highly politicized, and where accusations of migrants being a burden on receiving countries are not uncommon, can migrants expect any support from homeland authorities? While some sending states have used rhetorical arguments to denounce the unfair treatment of their citizens in other countries, several sending states in Latin America and beyond have taken specific measures in recent years to respond to the needs of their nationals abroad. Building on some of Mexico's policies towards its citizens, 10 Latin American States are now cooperating in promoting access to healthcare and sometimes even delivering basic health services to migrants in the United States. In Europe, Colombia has also raised awareness about social protection programmes available in the host and home societies in a fair held in London, which last November gathered 700 participants. Similarly, numerous initiatives have been taken at the global level either to facilitate migrants' access to welfare abroad and/or support



the reintegration of return migrants into their homeland's welfare system. As revealed by Hoffmann, Pedroza and Palop García at Giga-Hamburg (<https://www.giga-hamburg.de/en/data/emigrant-policies-index-emix-dataset>), sending states' engagement in favour of migrants' social, economic and political rights at home and abroad is becoming increasingly common among Latin American States as well as in other major sending areas.

Similarly to the debates observed just a few years ago about the extension of voting rights to nationals abroad, sending states' involvement in the area of social protection however touches a series of important normative questions: Is sending state involvement encouraging the disengagement of receiving states' to extend access to social protection for migrants? Do sending states' programmes and support offered to citizens abroad reinforce or weaken welfare programmes for non-migrants in the home country? Are these policies just a symbolic token to make sure that 'loyal migrants' continue to send remittances back home? As migrants' access to social protection continues to be at the forefront of migration discussions in the coming years, these questions will undoubtedly feed heated debates in sending and receiving societies across the globe.

EU-LAC Foundation's Activities



Arica y Parinacota, Cultural Landscape of America

Book presentation in Hamburg with the support of the EU-LAC Foundation.

[...]

Long Night of the Consulates 2017

The EU-LAC Foundation participated for the fifth consecutive year in this event

[...]



Cooperation agreement

The Foundation formalises partnership with the Italo-Latin American Institute (IILA).

[...]



The Caribbean in the strategic partnership EU-CELAC

The EU-LAC Foundation organised an interdisciplinary Conference in collaboration with IdA.

[...]

Conference and talk by the Ambassador of the Eastern Republic of Uruguay to Germany

The Foundation supported the presentation of the H.E. Alberto Guani about the Italo- Uruguayan migration

[...]



Seminar-Presentation of ELANBiz Market Study

The EU-LAC Foundation supports a series of activities dedicated to the promotion of the Baltic States

[...]

Reflection Forum 2017

Representatives from the EU-LAC Foundation Members, academics and practitioners gathered for a dynamic dialogue in Madrid about productivity

[...]





Panel: What is the role of Culture in relations between the EU and LAC?

The Foundation in cooperation with OEI, EU-LAC Focus and the Ibero-American Institute of Berlin organised a panel about bi-regional cultural relations.

[...]

Institutional and regulatory foundations for the establishment of the European, Latin American and Caribbean Area for Higher Education, Science, Technology and Innovation

Book Presentation in Madrid in cooperation with the FLACSO Spain project, the University of Salamanca and the Spanish Government.

[...]



Lateinamerika Herbst and Emigrants Seminar Opening ceremony

The Foundation organised the inauguration of the Lateinamerika Herbst Festival & Seminar “Forging Bonds with Emigrants: Challenges for Europe, Latin America and the Caribbean” with the support of the Senate of the City of Hamburg and the German Institute of Global and Area Studies (GIGA).

[...]

Seminar: Forging Bonds with Emigrants: Challenges for Europe, Latin America and the Caribbean

The EU- LAC Foundation organised a Seminar on Emigrant Policies in collaboration with GIGA Institute of Global and Area Studies and CAF Development Bank of Latin America

[...]





EU-CELAC Economic Forum- Channels for a joint future

The Foundation supported the Forum organised by Bruegel in Brussels in order to promote the analysis of the new geopolitical scenario and its effects on the EU, Latin America and the Caribbean trade, migration, and technological channels.

[...]

Conference “Peace Agreements, Post-Conflict Society and Irregular Migration in El Salvador” with the Foreign Affairs Ministry of El Salvador, Hugo Martínez

The Foundation in cooperation with the Senate of the City of Hamburg, the Embassy of El Salvador in Berlin, and the GIGA Institute organised a GIGA Distinguished Speaker Lecture

[...]



II Congress of Political Sciences and International Relations “Global & Regional Scenario: A look from the South”

The Foundation presented the work carried out through a videoconference

[...]



International Colloquium: Which kind of universities does the 21st century need? From the student reform of Cordoba (1918) to the Guadalajara proposal (2017)

The Foundation supported and participated in the Colloquium

[...]





RedGob Conference: The Sustainability of Democracy in the Trump Era

The EU-LAC Foundation supported the event in cooperation with the GIGA Institute in Hamburg and the IDEA Institute for Democracy and Electoral Assistance of Chile.

[...]

Latin American and the Caribbean Festival

Coordination of the 3-month festival (September– December 2017) held in Hamburg

[...]



Young Researchers

-
Koen Voorend

A Welfare Magnet in the South? Migration and Social Policy in Costa Rica

The incorporation of Nicaraguan migrants in Costa Rica's welfare arrangements is polemic, especially because the country's 'exceptional' social policy regime and its flagship healthcare institution are under (financial) pressure, and the principle of universalism is in erosion. In this context, this research analyses the ways in which migration and social policy interact, and migrants' access to social services, specifically healthcare. It constitutes an important empirical contribution to a public policy debate in the country centred around the idea that Costa Rican health services constitute a welfare magnet for Nicaraguan migration, through which the legitimacy of their claim to health services is questioned. It is argued, however, that there is little empirical foundation for this idea.

At the same time, it speaks to larger debates on social exclusion and universalism. It discusses institutional processes of exclusion, in the form of restrictive state reactions to migrant inclusion in the context of the social security crisis. Despite acknowledgement of human rights frameworks, the state finds inventive ways to circumvent these and restricts migrants' access to healthcare by giving a central

role to healthcare institutions in (internal) migration management. This research then argues that such state reactions correlate to negative perceptions of migration, migrant incidence and the legitimacy of migrant healthcare demands of officials of crucial institutions for migrant inclusion. However, such perceptions are not backed by empirical data.

Finally, the research strongly argues the need to go beyond the recognition of formal social rights and look at the extent and ways in which migrants actually access social services. Based on focus group discussion with migrants and primary survey data, this document contains an elaborate discussion of the factors that determine mi-grants' access to public health insurance, health services and medicine.

The findings suggest that regularization is a necessary, but insufficient, condition for social integration, thereby questioning the state's limited understanding of integration, which focuses exclusively on the regularization of 'illegal' migrants. More importantly, however, it shows that universalism in social policy does not apply equally to nationals and migrants, and is in fact, stratified.

[...]

The selection of the Young Researcher project is done through a call published on the EU-LAC Foundation social networks and website.

Publications



EU-LAC FOUNDATION

EU-LAC Foundation. (2017)

Vademecum on EU- Cooperation Programmes with LAC. EU-LAC

EU-LAC Foundation, Hamburg.

EU-LAC Foundation, CERALE, Institut des Amériques (2017)

The Internationalisation of Latin American SMEs and their Projection in Europe. EU-LAC Foundation, Hamburg.

EU-LAC Foundation, Hamburg.

Botella Rodríguez, E., James Heredia, J., Velasco, G. K. (2017)

Food Security in the European Union, Latin American and the Caribbean: The Cases of Cuba and Spain

EU-LAC Foundation, Hamburg.

Sánchez, F. & Hernández Nieto, R. (2017)

Institutional and regulatory foundations for the establishment of the European, Latin American and Caribbean Area for Higher Education, Science, Technology and Innovation

EU-LAC Foundation, FLACSO Spain and University of Salamanca.

EU-LAC Foundation. (2017)

The Caribbean in the EU-CELAC Partnership

EU-LAC Foundation, Hamburg.

Events of the Foundation



15th February

Presentation of the studies “The Caribbean in the European Union - Community of Latin American and Caribbean States Partnership” and “Food Security in the European Union, Latin America and the Caribbean: The Cases of Cuba and Spain”

Havana, Cuba

23rd February

Presentation of the publication “Latin America- The political year 2017”

Berlin, Germany

15th May

Long Night of the Consulates 2018

Hamburg, Germany

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