

MMC Research Report,
August 2024



Front cover photo credit:

© Armando David Hernández Gamboni

A painted sign reads 'Welcome to Paso del Coyote' in Ciudad Hidalgo, Mexico, near the border with Guatemala, 2024. In Latin America, 'coyote' commonly refers to a human smuggler.

Acknowledgements

Researched and written by:

Lucy Hovil, Olivia Bueno and Armando David
Hernández Gamboni

Reviewed by:

Bram Frouws, Simon Tomasi, Ximena Canal Laiton,
Charlotte Müller and Neila Zakraoui (Expectation
State)

Layout and design: Sol Mokdad

Suggested Citation:

MMC (2024). The Influence of Safe Mobility Offices on
Mixed Migration in Latin America.

The information and views set out in this report are those of the authors and MMC and do not necessarily reflect the official opinion of the Danish Refugee Council (DRC), implementing research partners, or any of the donors supporting the work of MMC or this report. Responsibility for the content of this report lies entirely with MMC.

About MMC

MMC is a global network engaged in data collection, research, analysis, and policy and programmatic development on mixed migration, with regional hubs in Africa, Asia and the Pacific, Europe and Latin America, and a global team based across Copenhagen, Geneva and Brussels.

MMC is a leading source for independent and high-quality data, research, analysis and expertise. MMC aims to increase understanding of mixed migration, to positively impact global and regional migration policies, to inform evidence-based mixed migration responses for people on the move and to stimulate forward thinking in public and policy debates on mixed migration. MMC's overarching focus is on human rights and protection for all people on the move.

MMC is part of the Danish Refugee Council (DRC). While its institutional link to DRC ensures MMC's work is grounded in operational reality, it acts as an independent source of data, research, analysis and policy development on mixed migration for policy makers, practitioners, journalists, and the broader humanitarian sector.

For more information visit: mixedmigration.org and follow us at: [@Mixed_Migration](https://twitter.com/Mixed_Migration)

Contents

Executive Summary.....	5
Key findings.....	6
1. Introduction.....	8
1.1 Methodology.....	8
1.2 Report overview.....	8
2. Background to mixed migration in LAC.....	9
2.1 A broader context of mixed migration in the region.....	9
2.2 Movement towards the US.....	13
2.3 The US immigration context.....	14
3. The creation of the Safe Mobility Offices.....	16
3.1 Overview of the SMOs.....	16
3.2 SMOs in numbers.....	18
4. Assessing the SMOs in practice: What has been achieved?.....	19
4.1 A dramatic increase in resettlement approvals.....	19
4.2 A strong level of coordination.....	20
4.3 Self identification.....	20
4.4 Providing information.....	20
5. Assessing the SMOs in practice: Barriers and challenges.....	21
5.1 Delays in processing.....	21
5.2 Challenges over accessibility.....	21
5.3 Lack of engagement with civil society.....	23
5.4 Managing expectations.....	24
5.5 Lack of 'other pathways'.....	25
6. The suitability of the SMOs as a tool to manage mixed migration.....	27
6.1 Significance beyond numbers.....	27
6.2 Obstacles to achieving their stated objective of reducing irregular migration.....	28
6.3 Concerns about sustainability.....	30
6.4 Protecting the most vulnerable?.....	31
6.5 SMOs sitting alongside increased border security and containment.....	32
6.6 What do SMOs mean for the right to seek asylum at the US Southern border?.....	32
7. Potential relevance of SMOs for other contexts globally.....	34
8. Conclusion.....	38

Executive Summary

Migration within and from Latin America and the Caribbean (LAC) is not new. However, current levels and drivers of movement are creating significant concerns around the safety of those moving. Ongoing persecution, generalised violence, massive violations of human rights and conflict, and growing pressure on economic opportunities, including from climate change impacts, are contributing to significant movement within countries, across borders and out of the region. At the same time, the reduction of safe pathways to access international protection and/or pathways for migration have led to growing risks for those who are moving. For instance, while countries in LAC have hosted approximately 6.5 million Venezuelans who fled their country since 2015,¹ economic hardships, exacerbated by the global pandemic, xenophobia and obstacles to integration, have caused hundreds of thousands of them to engage in secondary migration – often towards the US. Likewise there has been a significant increase in Haitians seeking safety from the turmoil in their country.

At a regional level, there has been a bifurcated response. On the one hand, a number of mechanisms have been put in place to try and limit this movement, including increased militarization of borders and increased administrative barriers for people to access international protection and other migratory pathways. On the other hand, there have been a series of efforts to extend humanitarian assistance and legal pathways, including through refugee resettlement, humanitarian parole and regularisation schemes.

The following report focuses on the Safe Mobility Offices (SMOs) initiative in LAC, a recent initiative by the United States (US) administration, in cooperation with host countries, the United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM) to offer safe alternatives to irregular movement. SMOs are operated by UNHCR and IOM in four countries (Colombia, Costa Rica, Guatemala and Ecuador) and provide a platform for applying for entry to the US (and in small numbers to Canada and Spain) by enabling individuals to apply through the SMO website. To date, 200,000 have reportedly registered on the platform, 21,000 have been approved for some kind of legal status and 9,000 have moved.²

The Offices and their functioning are embedded in the Los Angeles Declaration on Migration and Protection (LA Declaration), a regional framework signed by 22 States in the region in June 2022. The Declaration recognises the need to protect the human rights of migrants, asylum seekers and refugees, and calls for a regional response to irregular migration through a number of pillars, including promoting regular pathways for migration and international protection, humane migration management, a coordinated emergency response, sharing approaches to reducing, and managing irregular migration.³

The purpose of this study is to better understand this new migration management paradigm proposed by the US for the region and how it fits into broader regional migration patterns and structures. In order to do this, it presents the objectives of the SMOs; an assessment of how they function in practice, how and whether they are accessed, and by whom; it analyses how, if at all, they influence the migration planning and decision-making of people on the move; how, if at all, they influence broader mixed migration dynamics in the region, including irregular migration and migrant smuggling towards the US in particular; and, finally, whether a similar approach could be applied elsewhere.

¹ UNHCR, "Over 4 Million Venezuelan Refugees and Migrants Struggle to Meet Basic Needs Across the Americas" September 12, 2023. <https://www.unhcr.org/news/press-releases/over-4-million-venezuelan-refugees-and-migrants-struggle-meet-basic-needs>

² International Refugee Assistance Project, "Second Backgrounder on the Biden Administration's Safe Mobility Initiative." May 28, 2024.

³ Los Angeles Declaration on Migration and Protection, June 10, 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/06/10/los-angeles-declaration-on-migration-and-protection/>

Key findings

Overall, the findings point to a mixed picture. On the one hand, and despite their flaws, the Offices offer a new path to protection in an environment where such things are rare. In this regard, they are to be strongly applauded, albeit with challenges around implementation. On the other hand, in assessing whether or not the Offices are reaching their objective of providing access to safe and legal pathways to migrants in the region and, therefore, creating an environment for safer movement, the findings point to a number of structural challenges that mean the numbers are too small to affect movements overall, and that other pathways would need to be opened up in order to have a significant impact. In light of these findings, and with regards to whether or not the SMOs can or should be replicated in and to Europe, the picture is complex and there are multiple factors that would need to be considered. The following section provides an outline of key findings in relation to these three areas.

Implementation

From an operational point of view, the findings point to both successes and challenges. In the case of the former, the study found that the SMOs have been **significantly successful in expanding access to resettlement across the region** and speeding up processing to ensure that urgent needs can be met. They have been able to do this through strong commitment and collaboration across government agencies in the US and with host governments as well. In the case of the latter, however, they are facing a number of ongoing operational challenges, both in relation to resettlement but also more broadly.

- First, **although processing is faster than traditional resettlement, there are still significant delays.** In some of the Offices, interest has exceeded processing capacity, which has forced them to either limit the acceptance of new applications or the processing of those that have been accepted. On the US side, lack of available housing has also slowed relocation of those who have already been accepted for resettlement. It is important to remember that if the Offices do not work, or are too slow, migrants are likely to travel irregularly.
- Second, while **the creation of a web-based system has been innovative in allowing applicants to identify themselves, rather than via gatekeepers, it risks excluding those who struggle to access technology** including those without regular internet access and those who are illiterate. At the same time, while the Offices are receiving high levels of interest, **inconsistent outreach is causing concerns about whether those reached include those most in need.**
- Third, civil society has largely been left out in both the planning and roll-out of the Offices. Engaging them more comprehensively would help to address many of the challenges that are currently being faced.
- Finally, **limited immigration pathways available through the SMOs limit their impact.** While some of this is structural, it also reflects limited utilisation of pathways other than resettlement.

In sum, while there is much to applaud with regards to increased access to and speed of resettlement, a number of significant operational challenges, which those implementing the Offices are acutely aware of, continue to limit their efficacy.

The impact on migration in the region

Alongside some of these operational challenges, the findings point to a number of key structural issues that are limiting the impact of the SMOs on broader migration dynamics in the region. While there was clear recognition that the SMOs have symbolic (as well as actual) value within a broader context of responses to mixed migration, a number of structural factors limit their potential efficacy when judged against their stated objective of offering a dignified and orderly alternative to irregular migration.

- First, **the number that they are serving is much smaller than those seeking immigration opportunities.** While the numbers resettled are impressive, they are dwarfed by the number of the same nationalities arriving at the southern border. There are important challenges as well of managing the expectations of those who register, who understandably have strong hopes around travel.

- Second, **the limitation of which nationalities can access the offices and the length of time in the host country, limit the number of individuals that can be assisted**, which in turn, limits the capacity of the offices to offer alternatives to dangerous journeys.
- Third, **the volatile political situation in the US has raised concern about the sustainability of the offices.**
- Finally, **the Offices are no replacement for ensuring the right to seek asylum**, including ongoing access to the US border, and more needs to be done to invest in national asylum systems. While concerns among interviewees that they were being used as a cover for ‘externalisation’ had been largely assuaged, many interviewees still expressed concern that the Offices are undermined by control-oriented and securitised responses. Or worse, that they were being used as political cover for restrictive measures.

Ultimately, the reality is that if the SMOs are unable to offer an alternative that is more viable than that offered by the smugglers – or at least to appear to do so – then it is unlikely that they will change people’s plans to move.

Replicability in and to Europe

Although the Offices have so far been deployed solely in the Latin American context, many of the circumstances driving US immigration policy also apply to Europe. This has raised questions about whether a similar initiative could be useful in that context. Therefore, and despite the criticisms and challenges laid out in this report, there are clear elements of the SMOs that other countries can learn from – as well as pitfalls to avoid.

From an operational point of view, the findings show that **it is possible to create a system that increases both the speed and volume of resettlement**, which suggests that these same methods could be applied in other contexts and that there is no excuse for slow resettlement processing. However, **the extent to which the Offices are successful depends on their ability to refer people to a legal status**. As such, clarifying the framework within which any new Office would make referrals would be critical. In addition, and as stated above, **there is no substitute for the right to seek asylum on the territory, guaranteed under international law**. Therefore, any future initiatives need to ensure that they are not viewed as an alternative to access to territorial asylum. Additionally, it is clear that **technology can play both positive and negative roles**: it can democratise access by giving people the capacity to identify themselves, but it can also exclude those without access to the right technology and/or skills. This would need to be taken into consideration in any future initiatives.

Ultimately, and in recognition that migration policies are always highly politicised, the potential replication of elements of the SMOs would necessitate a deeply political conversation. In order for them to be effective they will need to offer real access to a variety of migration pathways – not only resettlement but also labour migration (not least given the high demand for migrant workers in many European destination countries) and family reunification, collaborate effectively with the states in which they operate and, fundamentally, not be used as a smokescreen for further externalisation of asylum.

In sum, with many wealthier governments increasingly shirking their responsibility in providing access to their territory for vulnerable populations, the SMOs give an inkling of what might be possible with some brave and careful thinking in a global migration context in which there is seldom good news. From here, however, additional engagement is needed to build on their successes and address their weaknesses, both in the current Offices but also in any potential future replication in other mixed migration contexts.

1. Introduction

This report focuses on the Safe Mobility Offices (SMOs) initiative in Latin America and the Caribbean (LAC), a recent initiative by the United States (US) administration, in cooperation with host countries, the United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM) to offer safe alternatives to irregular movement. The purpose of this study is to better understand this new migration management paradigm proposed by the US for the region and how it fits into broader regional migration patterns and structures. In order to do this, it presents the objectives of the SMOs; the results after the first months of implementation (including how they function in practice, how and whether they are accessed, and by whom); it analyses how, if at all, they influence the migration planning and decision-making of people on the move; how, if at all, they influence broader mixed migration dynamics in the region, including irregular migration and migrant smuggling towards the US in particular; and whether a similar approach could be applied elsewhere.

1.1 Methodology

Data was collected between April and August 2024. The research began with a comprehensive desk review of available information about the SMOs, including a review of official US government pronouncements about the initiative, reports by a number of US-based civil society, and details from the 4Mi interviews previously conducted by MMC with migrants in Colombia, Costa Rica and Mexico. The team also assessed available US immigration statistics in order to gather available data on the number of immigration cases handled by the SMOs. This was then compared to historical data on the number of individuals processed under the targeted immigration pathways in order to assess the extent to which the Offices are increasing or redirecting processing.

Qualitative interviews were then carried out with 74 interlocutors in Colombia, Costa Rica, Ecuador, Guatemala, the US and Europe. The majority of these were conducted in person, and a few were conducted online. Of this number, 18 interviews were conducted with individuals who have accessed the Offices (migrants, refugees and asylum seekers) who self-identified through communication circulated by relevant agencies and migrant community organisations; as well as with those in eligible populations who have not accessed the SMOs, identified through similar networks. The remaining fifty-six interviews were carried out with other relevant informants, including:

- Representatives of the US government, including the State Department including the Bureau of Population, Refugees and Migration), Department of Homeland Security (including the US Citizenship and Immigration Services (USCIS)) and the National Security Council
- Immigration-focused organisations in the US
- UNHCR, IOM and other partners
- Refugee and migrant advocates and service providers in the countries that have SMOs to understand how the new initiative has changed the context from their perspective
- Government immigration and refugee officials in a number of European countries.

The data was then analysed to determine key themes and triangulate findings, which forms the basis for this report.

1.2 Report overview

The report begins with an overview of mixed migration in LAC, focusing on the countries that either host SMOs and/or the countries of nationalities that are eligible for the scheme. It then gives an overview of the SMOs, including how they were created and designed and how they fit within a broader regional policy structure. This leads into an assessment, drawing on the primary data, of how they are functioning in practice, looking at both the successes of the Offices as well as the barriers and challenges that were identified. The final two sections look at the influence of the SMOs on broader regional migration dynamics, and considers potential replication in other locations. Finally, the report ends with overall conclusions.

2. Background to mixed migration in LAC

Mixed migration has become an increasingly salient feature in LAC where, over the last decade and a half, migration patterns have changed dramatically. The foreign-born share of the population has doubled in the region overall, driven largely by the exodus from Venezuela.⁴ This has pushed the region to grapple with new ways of responding to mixed migration in the region, innovating in a number of ways, including through the SMOs, which are the focus of this report. This section offers an overview of the key mixed movements within the region, as well as movements towards the US and the US policy responses that form the framework within which the SMOs were created and currently operate.

2.1 A broader context of mixed migration in the region

The term 'mixed migration' describes cross-border movements of people, including refugees fleeing persecution and conflict, victims of trafficking and people seeking better lives and opportunities. The term captures the fact that many of those moving are doing so as a result of multiple factors and often have a range of legal statuses as well as a variety of vulnerabilities. While they are entitled to protection under international human rights law, many of those who move are exposed to multiple rights violations both along their journey and in places where they stop, not least because many travel irregularly, sometimes with the assistance of smugglers, and often as a result of the lack of legal routes to access territories.⁵ The term has gained particular traction as a result of increased visibility of migration to wealthier states in the global north, and the compulsion to find categories to describe a situation in which it is not always apparent how to label those who are moving.⁶ As a result, it has moved from being a primarily descriptive term to gaining weight as a category of policy.

In LAC, mixed migration has increased over the last few years driven by new movements of refugees and migrants. By May 2024, 7.77 million Venezuelans were estimated to have left **Venezuela**, driven by the impact of a repressive state and consequent economic breakdown,⁷ of which about 6.59 million remain in Latin America and the Caribbean (including 2.86 million in Colombia, 1.54 million in Peru and about half a million in each of Brazil, Chile and Ecuador.)⁸ Gaining access to legal status in the countries to which they have moved is a challenge, with most states preferring alternative statuses to refugee status for Venezuelans. Regionally, only about 4.5 million have been granted some kind of formal status,⁹ of which 300,000 have recognised refugee status, with a further 1.1 million waiting for a decision on an asylum application.¹⁰

While states in the region have been generous in their response to the arrival of significant numbers of Venezuelans, their situation often remains precarious, with an estimated 36% of Venezuelans without a legal status.¹¹ For instance, while Colombia has offered temporary protection status for Venezuelans (EPTV and PPT), which gives them regular migration status for 10 years, in practice, restrictions on legal entry and documentation exclude many from accessing this status (for example, recent arrivals are not eligible for PPT),¹² and a recent survey showed that 32% of Venezuelans in Colombia remained there irregularly.¹³ In May 2024, a new effort to regularise parents and legal

⁴ UNDP, OECD and IDB, "How Do Migrants Fare in Latin America and the Caribbean?: Mapping socio-economic integration," 2023, <https://publications.iadb.org/en/how-do-migrants-fare-latin-america-and-caribbean-mapping-socio-economic-integration>

⁵ <https://mixedmigration.org/wp-content/uploads/2024/02/MMC-understanding-of-mixed-migration-and-smuggling.pdf>

⁶ See, for instance, N. Van Hear, R. Brubaker, and T. Bessa, (2009). "Managing Mobility for Human Development: The Growing Salience of Mixed Migration." Human Development Research Paper, 2009/20, June 1. [MPRA_paper_19202.pdf \(uni-muenchen.de\)](https://www.mpr.de/paper/19202.pdf). N. Van Hear, (2011) "Mixed Migration: Policy Challenges." Mixed Migration Observatory, March, <https://migrationobservatory.ox.ac.uk/resources/primers/mixed-migration-policy-challenges/> and more recently, Nicholas Maple, Susan Reardon-Smith & Richard Black (2020) "Immobility and the Containment of Solutions: Reflections on the Global Compacts, Mixed Migration and the Transformation of Protection". Interventions, DOI: [10.1080/1369801X.2020.1845775](https://doi.org/10.1080/1369801X.2020.1845775)

⁷ R4V, "R4V América Latina y el Caribe, Refugiados y Migrantes Venezolanos en la Región - May. 2024," May 2024,

<https://www.r4v.info/es/document/r4v-america-latina-y-el-caribe-refugiados-y-migrantes-venezolanos-en-la-region-may-2024>

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ UNHCR, "Venezuela Situation: Factsheet," November 2023, <https://data.unhcr.org/en/documents/details/104647>

¹² Welcome Venezuela and Amnesty International, "Regularization and Protection: International Obligations for the Protection of Venezuelan Nationals," September 2023, <https://www.amnesty.org/en/documents/amr01/7130/2023/en/>

¹³ UNHCR, November 2023

guardians of children with temporary protection status was announced.¹⁴ Overall, however, it is becoming increasingly difficult for Venezuelans, especially more recent arrivals to Colombia, to access documentation and services.¹⁵

In **Peru**, a Temporary Residence Permit card (TPP) theoretically allows Venezuelans to work, but is rarely accepted in practice and does not offer access to health care. The country's initial open door policy has increasingly been downgraded, and the government now requires Venezuelans to present a passport to apply for humanitarian visas, which many are unable to afford. Politicians are increasingly blaming Venezuelans for rising crime, and President Dina Boluarte has militarised the borders and declared a state of emergency, leaving many Venezuelans stranded at the border.¹⁶ In **Ecuador**, a regularisation effort that ran from October 2022 through to April 2024 granted a total of 95,809 Venezuelans Exception Residency Visas (VIRTE), which allowed them access to work and health care (valid for only two years), but excluding those who cannot meet documentary or legal entry requirements.¹⁷

As a result, increasing numbers of Venezuelans living in Colombia, Peru and Ecuador are seeking to travel to the US. In December 2023 alone, there were 46,916 encounters of Venezuelans with US Border Patrol at the southern border, up from only 6,205 a year before,¹⁸ and Venezuelans are now the second most commonly encountered nationality on the US southern border after Mexicans.¹⁹ They are also increasingly travelling through the Darién Gap to arrive at the border following a January 2022 decision by Mexican authorities to impose visas on Venezuelans travelling by air.²⁰

At the same time as hosting significant numbers of Venezuelan migrants, **Colombia**, which hosts one of the SMOs, is facing its own challenges. Although a 2016 Peace Agreement brought increased stability in Colombia, pockets of armed conflict have displaced a million people since the signing of the Peace Agreement.²¹ The country currently has 8.6 million people registered as internally displaced and more than 279,722 newly displaced in 2023.²² In the first four months of 2024, 2,806 Colombians sought refuge in Ecuador.²³

Meanwhile, the ongoing political crisis in **Haiti** has devastated the country and led to growing numbers leaving the country. With 80% of the capital now estimated to be controlled by gangs,²⁴ life has become increasingly untenable for the majority, and an estimated 312,000 Haitians were recorded as refugees or asylum seekers by mid-2023.²⁵ In March 2024, UNHCR issued new guidance on the protection of Haitians, pointing out that various categories of Haitians, including political activists, journalists, judges, lawyers, and others fighting corruption and crime, could qualify for refugee status under the 1951 Refugee Convention, while a broader category could qualify under the broader Cartagena Declaration definition, which recognises those fleeing generalised violence.²⁶ Yet Haitians, like Venezuelans, have also been pushed to explore onward migration from countries where they had previously sought

¹⁴ White House, "Fact Sheet: Third Ministerial Meeting on the Los Angeles Declaration on Migration and Protection in Guatemala," May 7, 2024, <https://www.whitehouse.gov/briefing-room/statements-releases/2024/05/07/fact-sheet-third-ministerial-meeting-on-the-los-angeles-declaration-on-migration-and-protection-in-guatemala/>

¹⁵ Adam Isacson, "Migrants in Colombia: Between Government Absence and Criminal Control," June 2024, <https://www.wola.org/wp-content/uploads/2024/06/COLOMBIA-REPORT-JUNE-2024-FINAL.pdf>

¹⁶ Paula Dupraz-Dobias, "Latin America makes it harder for Venezuelan refugees as xenophobia mounts," *The New Humanitarian*, April 17, 2024, <https://www.thenewhumanitarian.org/news-feature/2024/04/17/latin-america-venezuela-refugees-xenophobia>

¹⁷ Welcome Venezuela and Amnesty International, "Regularization and Protection: International Obligations for the Protection of Venezuelan Nationals," September 2023, <https://www.amnesty.org/en/documents/amr01/7130/2023/en/>; UNHCR, "Ecuador: Operational Update," April 2024, <https://reporting.unhcr.org/ecuador-operational-update-8359>

¹⁸ John Gramlich, "Migrant encounters at the US-Mexico border hit a record high at the end of 2023," Pew Research Center, February 15, 2024, <https://www.pewresearch.org/short-reads/2024/02/15/migrant-encounters-at-the-us-mexico-border-hit-a-record-high-at-the-end-of-2023/#:~:text=Historically%2C%20most%20encounters%20at%20the%2C%20in%20particular%2C%20stand%20out:US%20Customs%20and%20Border%20Patrol%20and%20Office%20of%20Field%20Operations%20Encounters%20by%20Area%20of%20Responsibility%20and%20Component,> available at <https://www.cbp.gov/newsroom/stats/nationwide-encounters>

¹⁹ Adam Isacson, "Migrants in Colombia: Between Government Absence and Criminal Control," June 2024, <https://www.wola.org/wp-content/uploads/2024/06/COLOMBIA-REPORT-JUNE-2024-FINAL.pdf>

²⁰ Indeed, Costa Rica and Belize have requested visas for Venezuelans since 2022, and Panama, Honduras, Guatemala, Nicaragua and El Salvador already had visa requirements in place. This means that there is no option to get closer to the US by air. Adam Isacson, "Migrants in Colombia: Between Government Absence and Criminal Control," June 2024, <https://www.wola.org/wp-content/uploads/2024/06/COLOMBIA-REPORT-JUNE-2024-FINAL.pdf>

²¹ UNHCR, "Colombia Situation," <https://reporting.unhcr.org/operational/situations/colombia-situation>

²² Unit for Victims - Unidad para las Víctimas: [Registro Único de Víctimas](https://www.unidadparalavictimas.gov.co/registro-unico-de-victimas), Julio 2024.

²³ UNHCR, "Colombia Situation," <https://reporting.unhcr.org/operational/situations/colombia-situation>, March 2024.

²⁴ Danica Coto, "Haitians scramble to survive, seeking food, water and safety as gang violence chokes the capital," AP, April 21, 2024, <https://apnews.com/article/haiti-gangs-violence-port-au-prince-airport-418c2a9fa54ea42c4d980917e146be3d>

²⁵ UNHCR, "UNHCR issues new guidance on international refugee protection for Haitians," March 20, 2024, <https://www.unhcr.org/us/news/press-releases/unhcr-issues-new-guidance-international-refugee-protection-haitians>

²⁶ Ibid.

refuge, with significant numbers moving from Chile and Brazil towards the US.²⁷ In 2024, they were the fifth most commonly observed nationality passing through the Darién Gap.²⁸

In **Cuba**, economic and political turmoil²⁹ have pushed nearly half a million Cubans to leave home in search of new opportunities in the last two years,³⁰ and migration to the US is at its highest rate since the 1959 Cuban Revolution. There were 121,103 encounters with Cubans recorded on the southern border in the first eight months of FY 2024³¹ and there has been an increase in interceptions at sea, with 2022 representing the highest number of interceptions since 1990.³² A growing number of Cubans have also begun using regular charter flights to Nicaragua, where they can enter without visas, while Panama and Costa Rica imposed transit visas on Cubans in early 2022 due to high numbers of migrants arriving en route, which has added to the visa requirements that already existed in other Central American countries. Most of those who arrive in Central America seek to move onwards towards the US.³³

The significant increase in Cubans migrating in 2022 prompted the US to include Cubans in the new targeted humanitarian parole programme for selected nationalities.³⁴ This led to an initial decrease in Cuban migrant encounters at the border in 2023, but numbers increased again by the end of 2023, explained by the long processing times, the availability of direct flights to Nicaragua and the end of Title 42, the public health provision that had allowed US immigration to use truncated procedures on the grounds of preventing COVID-19.³⁵ At the same time, Cubans are losing their preferential status as migrants to the US,³⁶ and those who attempt to land unauthorised by sea are barred from the humanitarian parole system.³⁷ Furthermore, it has become harder for Cubans to obtain legal status in the US as the US government has now ruled that the documentation most commonly issued to Cubans on arrival does not constitute legal admission to the country and therefore does not enable Cubans to benefit from the fast track to permanent residency laid out in the Cuba Adjustment Act of 1966. Even as this option has evaporated, however, the new option of humanitarian parole has allowed 50,000 Cubans to travel to the US under this programme,³⁸ and the US Embassy in Havana recently renewed its capacity to process applications for family reunification and other immigrant visas.³⁹

There are also significant levels of migration from and through **Central America**. Between January 2018 and June 2023, UNHCR reported that almost one in eight people in the country (935,065 individuals) had left **Nicaragua**.⁴⁰ Nicaraguans are fleeing the increasingly authoritarian regime of Daniel Ortega,⁴¹ which has sought to silence any form of dissent or criticism. University students, faculty and staff; people of Indigenous and African descent; the Catholic Church and those who are part of the *campesino* movement have all been specifically targeted.⁴² The largest numbers are moving to neighbouring Costa Rica, where Nicaraguans constitute 87% of the approximately 400,000 forcibly displaced persons in the country, while smaller numbers have headed to the US.⁴³

²⁷ Marcus, Rachel, et al., 'Children on the Move in Latin America and the Caribbean: Review of the evidence,' United Nations Children's Fund, Panama City, Panama, 2023, accessed 16 January 2024

²⁸ Migración Panama, "Tránsito Irregular por Darién, 2024," <https://www.migracion.gob.pa/wp-content/uploads/IRREGULARES-POR-DARIEN-2024.pdf>

²⁹ Mariakarla Nodarse Venancio and Alex Bare, "Five Key Trends in Cuban Migration in 2023," 20 December 2023, <https://www.wola.org/analysis/developments-cuban-migration-2023/#:~:text=Nearly%2042%20Cuban%20migrants%20came,January%2022%20through%20November%202023>

³⁰ Ibid.

³¹ US Customs and Border Protection (CBP Encounters), <https://www.cbp.gov/newsroom/stats/nationwide-encounters>

³² Priscilla Alvarez, "El número de cubanos que llegan por mar a EE.UU. llegó a un récord que no se alcanzaba desde los años 90," CNN, 23 September 2022, <https://cnnespanol.cnn.com/2022/09/23/record-cubanos-ee-uu-mar-1990-tray/>

³³ AFP, "Surge in Cuban and Haitian US Migration via Nicaragua," The ITC Times, 23 November 2023, <https://ticotimes.net/2023/11/23/surge-in-cuban-haitian-us-migration-via-nicaragua>

³⁴ Mariakarla Nodarse Venancio and Alex Bare, "Five Key Trends in Cuban Migration in 2023," 20 December 2023, [Five Key Trends in Cuban Migration in 2023 - WOLA](https://www.wola.org/analysis/developments-cuban-migration-2023/#:~:text=Nearly%2042%20Cuban%20migrants%20came,January%2022%20through%20November%202023).

³⁵ Ibid.

³⁶ Jiaxin Wei and Jeanne Batalova "Cuban Immigrants in the United States," Migration Policy Institute, 7 September 2023, <https://www.migrationpolicy.org/article/cuban-immigrants-united-states>

³⁷ United States Coast Guard News, "Task Force continues to prevent irregular, unlawful maritime migration to United States," 12 April 2024, <https://www.news.uscg.mil/Press-Releases/Article/3739500/task-force-continues-to-prevent-irregular-unlawful-maritime-migration-to-united/>

³⁸ Mariakarla Nodarse Venancio and Alex Bare, "Five Key Trends in Cuban Migration in 2023," 20 December 2023,

<https://www.wola.org/analysis/developments-cuban-migration-2023/#:~:text=Nearly%2042%20Cuban%20migrants%20came,January%2022%20through%20November%202023>

³⁹ Ibid.

⁴⁰ Human Rights Council, "Report of the Group of Human Rights Experts on Nicaragua," 28 February 2024

⁴¹ Human Rights Watch, Nicaragua: Events of 2022, 2023, <https://www.hrw.org/world-report/2023/country-chapters/nicaragua>

⁴² Human Rights Council, 2024

⁴³ Charles G. Ripley III, "Crisis Prompts Record Emigration from Nicaragua Surpassing Cold War Era," 7 March 2023, <https://www.migrationpolicy.org/article/record-emigration-nicaragua-crisis>

Additionally, migration within and from the **Northern Triangle (El Salvador, Honduras and Guatemala)** is on the increase, driven by violence, corruption and economic and environmental stresses. All three countries have high rates of homicide, as well as gang violence that leads to recruitment among young people. As a result, migration from the region has increasingly included families and children.⁴⁴ In addition, 59% of Guatemalans live below the poverty line;⁴⁵ and a full degree rise in temperature in the region since the 1950s has increased the frequency of drought, making farming more difficult and pushing people to move in search of livelihoods. A destructive coffee rust and back-to-back hurricanes in 2022 has further contributed to food insecurity, and the World Bank estimated in 2018 that up to four million could be displaced from the region due to the impact of climate change over the next three decades.⁴⁶ Corruption and meagre tax revenues, particularly in Guatemala, have hindered governments' ability to tackle these challenges and provide services.⁴⁷ As a result, there were 213,266 encounters on the southern borders with Guatemalans, 53,348 with Salvadorans and 180,659 with Hondurans in FY 2023.⁴⁸ Up to the time of writing in FY 2024, Guatemalans are the third most encountered nationality at the US southern border, after Mexico and Venezuela,⁴⁹ and there were an estimated 1.3 million Guatemalans in the US in 2020.⁵⁰

Within this context, **Costa Rica**, which hosts one of the SMOs, has the second-largest share of foreign-born population in Latin America, with migrants and refugees constituting 10% of the population. It has become an important transit route from the Darién Gap up through Central America to the US Southern border.⁵¹ Traditionally a welcoming host, there are also ongoing challenges, including the slow speed in processing asylum claims, a failure to integrate refugees and migrants into national health and social protection frameworks,⁵² and a 2022 decree imposed new obstacles on the ability of asylum seekers to work legally.⁵³ In 2023, Costa Rica declared a state of emergency as a result of increased numbers of migrants.⁵⁴ However, there are signs that this hardening is reversing. At the ministerial meeting following up on the LA Declaration in May 2024, Costa Rica committed to modernisation of its asylum system through "digitalisation, data-driven socialisation and adopting practices to streamline refugee status determination."⁵⁵ In June 2024, Costa Rica revised its refugee law introducing several progressive changes such as eliminating deadlines for filing refugee claims and offering work authorisation to asylum seekers.⁵⁶ However, these positive changes were yet to impact the perspectives of migrants at the time field research was carried out in early June.

Ecuador, which also hosts an SMO, is also facing growing insecurity driven by the operation of gangs seeking to control coveted routes for transporting cocaine from Colombia and Peru, the world's two largest producers. By the end of 2023, Ecuador had the highest homicide rate on the continent,⁵⁷ and the International Rescue Committee placed it on its annual list of worsening humanitarian crises.⁵⁸ This has led to increased onward movement by migrants and nationals alike. Indeed, Ecuadorians, who until recently were not included in the list of nationalities of those eligible to use the SMOs, were the nationality second most commonly recorded crossing the Darién Gap in

⁴⁴ Council on Foreign Relations, "Central America's Turbulent Northern Triangle," 13 July 2023,

<https://www.cfr.org/backgrounder/central-americas-turbulent-northern-triangle>

⁴⁵ USAID, "Migration," <https://www.usaid.gov/guatemala/migration>

⁴⁶ Council on Foreign Relations, 2023

⁴⁷ Ibid.

⁴⁸ US Customs and Border Protection (CBP Encounters), <https://www.cbp.gov/newsroom/stats/nationwide-encounters>

⁴⁹ Ibid.

⁵⁰ Asociación Pop Noj, MPI, IOM, and USAID, "Migration from Huehuetenango in Guatemala's Western Highlands, March 2022,

https://www.migrationpolicy.org/sites/default/files/publications/mpi-huehuetenango-report-eng_final.pdf

⁵¹ UNHCR, Costa Rica, <https://reporting.unhcr.org/operational/operations/costa-rica>

⁵² Ibid.

⁵³ Martha Guerrero Ble, Ariana Ames, "Asylum Seekers in Costa Rica Struggle to Survive as New Decree Restricts Access to Work," Refugees

International, August 24, 2023,

<https://www.refugeesinternational.org/perspectives-and-commentaries/asylum-seekers-in-costa-rica-struggle-to-survive-as-new-decree-restricts-access-to-work/>

⁵⁴ Mixed Migration Centre, "Security risks in the Darién Gap and assistance needed among migrants," February 2024,

<https://mixedmigration.org/resource/security-risks-darien-gap-assistance/>

⁵⁵ White House, "Fact Sheet: Third Ministerial Meeting on the Los Angeles Declaration on Migration and Protection in Guatemala," 7 May 2024,

<https://www.whitehouse.gov/briefing-room/statements-releases/2024/05/07/fact-sheet-third-ministerial-meeting-on-the-los-angeles-declaration-on-migration-and-protection-in-guatemala/>

⁵⁶ Katherine Estrada Téllez, "Gobierno de Costa Rica restablece derechos a los solicitantes de refugio," Nicas Migrantes, 14 June 2024,

<https://confidencial.digital/migrantes/gobierno-de-costa-rica-restituye-derechos-a-los-solicitantes-de-refugio/>

⁵⁷ Paula Dupraz-Dobias, "Aid agencies struggle to adapt to Ecuador's new (violent) normal," The New Humanitarian, 7 May 2024,

https://www.thenewhumanitarian.org/news-feature/2024/05/07/aid-agencies-struggle-adapt-ecuadors-new-violent-normal?utm_source=The+New+H+umanitarian&utm_campaign=198f4f63e3-EMAIL_CAMPAIGN_2024_5_10&utm_medium=email&utm_term=0_d842d98289-198f4f63e3-75449257

⁵⁸ Ibid

2023.⁵⁹ While a state of emergency declared in January 2024 initially appeared to create some stabilisation,⁶⁰ a new round of violence has since erupted.⁶¹

2.2 Movement towards the US

While the vast majority of those moving stay within the region, a growing number of migrants have sought to reach the US border. In order to do so, political obstacles to legal migration have forced many to move through irregular routes, which often involve travel in inaccessible and precarious regions.

There are a number of transit areas that are particularly dangerous, of which the most notorious is the Darién Gap, a 106 km long strip of land that connects South and Central America. With no paved roads, it takes four to ten days to cross through dense jungle without mobile network and having to fend off wild animals and cross fast-flowing rivers. The area is also largely controlled by smuggling and criminal networks,⁶² including the Gulf Clan, a Colombian organised armed group whose primary focus is trafficking drugs but who also profit from the movement of migrants – although usually by taxing smugglers rather than transporting them directly.⁶³ In 2023, more than half a million people passed through the Gap and 141 deaths were recorded, likely a gross underreporting. Those travelling through the Gap have described it as ‘very dangerous’, with 86% saying that this was the most dangerous part of their journey; more than half reporting injury or ill health, robbery and physical violence; and just under half reporting that they had witnessed a death.⁶⁴ Other dangerous regions include desert areas, various Mexican cities and regions, and the Río Bravo/Río Grande river at the US Southern Border.

One approach to navigating physical and political challenges to migration is to use smugglers, who promise that their services will allow users to circumvent these obstacles. While not all migrants use smugglers – indeed, surveys conducted by MMC in 2023 show a decline in use of smugglers between 2022 and 2023 to only 34%⁶⁵ – some of the nationalities targeted by the SMOs, particularly Cubans and Venezuelans, are more likely than others to hire smugglers, with 40 and 42% respectively reporting having used their services.⁶⁶

While most migrants see smugglers as service providers and relatively few identified them as potential sources of threat (only 16% in a recent survey),⁶⁷ they are associated with additional vulnerabilities. For instance, the use of smugglers is expensive and debts accrued typically take 11 to 19 months for successful migrants to pay off;⁶⁸ and smugglers are known to abandon their clients in dangerous areas if approached by police or other threats. In addition, research suggests that those who use smugglers are more likely to experience or witness violence and be victims of extortion than those who do not.⁶⁹

⁵⁹ Ibid

⁶⁰ Carolina Mella, “State of emergency declared in Ecuador as security crisis worsens,” El País, January 9, 2024, <https://english.elpais.com/international/2024-01-09/state-of-emergency-declared-in-ecuador-as-security-crisis-worsens.html>

⁶¹ Ibid

⁶² Ximena Conal Laiton, “Secondary actors: the role of smugglers in mixed migration through the Americas,” 2024, https://mixedmigration.org/wp-content/uploads/2024/03/319_Secondary-actors-the-role-of-smugglers-in-mixed-migration-through-the-Americas.pdf

⁶³ International Crisis Group, “Bottleneck of the Americas: Crime and Migration in the Darién Gap,” Latin America Report No 102, 3 November 2023, [Bottleneck of the Americas: Crime and Migration in the Darién Gap \(crisisgroup.org\)](https://www.crisisgroup.org/publications/latin-america/bottleneck-of-the-americas-crime-and-migration-in-the-darien-gap)

⁶⁴ Mixed Migration Centre, “Security risks in the Darién Gap and assistance needed among migrants,” February 2024, https://mixedmigration.org/wp-content/uploads/2024/02/313_Security-Risks-Darién-Gap.pdf

⁶⁵ Conal Laiton, 2024

⁶⁶ Ibid

⁶⁷ Ibid

⁶⁸ Ruiz Soto, Ariel G., et al., ‘Charting a New Regional Course of Action: Complex motivations and costs of Central American migration,’ World Food Programme, Migration Policy Institute, and Civic Data Design Lab at Massachusetts Institute of Technology, 2021, accessed 16 January 2024

⁶⁹ Conal Laiton, 2024

2.3 The US immigration context

While the majority of migrants have remained within the LAC region, the increase in numbers of people moving, often at risk to their safety, has also been felt in the US. Enforcement encounters on the southern border have reached unprecedented levels, increasing from approximately 1.7 million in FY 2021, to 2.4 million in FY 2023, and are on pace for 2.6 million in FY 2024.⁷⁰ This rise has made immigration a polarised domestic political issue once more, putting pressure on the US administration to address the situation. While the previous Trump administration came to power with promises of controlling immigration and finishing the construction of the border wall, the Biden administration has been criticised both by immigrant rights activists for doing too little to undo Trump era policies, and by conservatives who argue that he has done too little to address the 'crisis' at the southern border.⁷¹

There is some evidence to back up both perspectives. On the one hand, the Biden administration made 296 executive actions on the issue of migration in its first year. These included a more selective approach to immigration enforcement, focusing on those who pose a national security risk, have committed certain crimes or who have entered recently, (as opposed to the Trump administration, which focused on *all* migrants without legal authorisation to remain). This shift has led to a decline in the number of detentions;⁷² has made new types of protection available to migrants, including humanitarian parole and temporary protected status; and has increased the refugee resettlement quota from 15,000 under Trump to 125,000 in Biden's first year.⁷³ Current policy also envisions a 13% increase in employment-based visas.⁷⁴

On the other hand, opportunities to seek asylum at the border appear to have become more restrictive. For instance, the Biden administration recently encouraged the passage of immigration reform in the form of the *Emergency National Security Supplemental Appropriations Act*.⁷⁵ Although this Act has not yet passed, some of its measures were reflected in the Biden Administration's Presidential Proclamation and accompanying Interim Final Rule issued on 4 June 2024. The measure, which bypasses the normal notice and comment period accompanying such rulemaking in US procedure, shuts off access to asylum at the border when there have been more than 2,500 people encountered between ports of entry over a seven day period, and stays in effect until another seven day period in which the average has fallen below 1,500. This threshold was determined to have been reached the following day⁷⁶ and seems likely to remain in place for a long time because, in the words of one US advocate, "it has not been below those numbers for a long time."⁷⁷

⁷⁰ US Customs and Border Protection, "Southwest Land Border Encounters," <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>. It is also worth noting that the foreign-born population in the US grew by 912,000 between 2021 and 2022. See Migration Policy Institute, "Frequently Requested Statistics on Immigrants and Immigration in the United States," March 13, 2024, <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states-2024#:~:text=This%20Spotlight%20offers%20information%20about,are%20in%20the%20country%20legally>.

⁷¹ Muzaffar Chisti and Jessica Bolter, "Biden at the One-Year Mark: A greater Change in Direction on Immigration than is Recognized," Migration Information Source, January 2022, <https://www.migrationpolicy.org/article/biden-one-year-mark>

⁷² Ibid

⁷³ Ibid

⁷⁴ American Immigration Council, "The Emergency National Security Supplemental Appropriations Act (HR 815), February 2024, https://www.americanimmigrationcouncil.org/sites/default/files/research/senator_border_bill_2024_factsheet.pdf

⁷⁵ White House, "Fact Sheet: Biden-Harris Administration Calls on Congress to Immediately Pass the Bipartisan National Security Agreement," February 4 2024,

<https://www.whitehouse.gov/briefing-room/statements-releases/2024/02/04/fact-sheet-biden-harris-administration-calls-on-congress-to-immediately-pass-the-bipartisan-national-security-agreement/>

⁷⁶ Human Rights First, "Joint Analysis of Biden Border Proclamation," June 5, 2024,

<https://humanrightsfirst.org/wp-content/uploads/2024/06/Joint-Analysis-of-Biden-Border-Announcement.pdf>

⁷⁷ Interview with US advocate, June 25, 2024.

The rule also limits access to screening for lesser protections such as “withholding of removal” or protections under the Convention against Torture. Importantly under this new rule, immigration authorities are **no longer required to ask prospective deportees whether they fear return**, cutting off a vital safety valve that previously required at least a cursory examination of entitlements to protection. It is unclear whether this rule will remain in place, given that a similar order imposed by President Trump was subsequently found to be unlawful in federal court.⁷⁸ The Interim Final Rule that imposes these restrictions explicitly mentions the Safe Mobility Offices: it frames the action in the context of broader efforts to increase enforcement while “at the same time overseeing the largest expansion of lawful, safe and orderly pathways and processes for individuals to come to the United States in decades,” *inter alia* through the Safe Mobility Offices.⁷⁹

Map 1. Main migration movements of SMO target nationalities and SMO offices



⁷⁸ Human Rights First, 2024

⁷⁹ “Securing the Border, a rule by the Homeland Security Department and the Executive Office for Immigration Review,” June 4, 2024, <https://www.federalregister.gov/documents/2024/06/07/2024-12435/securing-the-border>

3. The creation of the Safe Mobility Offices

Alongside national initiatives, the Biden administration has sought to mobilise a strong regional response to migration. The Los Angeles Declaration on Migration and Protection (LA Declaration) is a regional framework signed in Los Angeles by 22 States in the region in June 2022. It creates a framework for joint action on a number of pillars, including addressing root causes and supporting the integration of migrants to foster long-term stabilisation, expanding lawful pathways and strengthening humane enforcement.

The SMO initiative is nested under the expanding lawful pathways pillar of the framework.⁸⁰ Because the LA Declaration is intended to foster collaboration, the contours of this pillar continue to evolve. For example, at the follow up Ministerial Meeting in May 2024, expansion of the SMOs Initiative in Guatemala to include Hondurans, Salvadorans and Nicaraguans was agreed. In addition, Canada confirmed that it would also take referrals for resettlement through the SMOs.⁸¹ It is also important to note that the SMOs are intended to be complemented by other actions aimed at improving access to other protection pathways and efforts to address root causes.

3.1 Overview of the SMOs

The SMOs initiative is led by the US, with cooperation from other states who accept some migrants and refugees, and host countries that allow the operation of the Offices. Spain and Canada are also receiving small numbers of migrants and refugees through the process, and UNHCR and IOM are key partners in providing services. The Offices were announced as part of a package of reforms intended to manage regional migration, including new options for legal migration. These include a new mechanism to encourage migrants to present themselves at a port of entry, new family reunification processes, a significant increase in the number of refugee admissions from LAC, and expanded parole processes for targeted nationalities, coupled with strengthened enforcement for those without a legal basis to stay.⁸² In the words of a Department of Homeland Security Fact Sheet that describes the Offices, they are accompanied by measures “imposing stiffer consequences for failing to use lawful pathways,” which includes increasing removals of those without legal permission to stay.⁸³

The SMOs were set up with the stated aim of “protecting migrants from abuse by smugglers” by ensuring that “refugees and vulnerable migrants do not have to undertake dangerous journeys in search of safety and better opportunities.”⁸⁴ It is a response by the Biden administration to increasing pressure to simultaneously respond to increasing numbers of asylum seekers at the US-Mexico border and in the country, yet also maintain its reputation as more pro-immigrant and pro-asylum as compared with the Trump administration.⁸⁵ It is also reflective of what it is possible for the administration to do, given the poor prospects of the president’s proposed comprehensive immigration reform in the divided legislature.⁸⁶ The initiatives have been discussed and endorsed at a high level. For example, former Colombian Foreign Minister Álvaro Leyva and Ambassador Luis Gilberto Murillo met with Homeland Security Secretary Alejandro Mayorkas to discuss the establishment of the Safe Migration Office in June 2023,⁸⁷ and the SMOs were discussed in a meeting between US President Biden and Mexican President Andrés Manuel López Obrador in November 2023.⁸⁸

⁸⁰ Sara L. McKinnon, Year One of Safe Mobility Offices in Colombia. May 2024. University of Wisconsin-Madison

<https://migrationamericas.com/marts.wisc.edu/wp-content/uploads/sites/2087/2024/05/MIAP-Policy-Report-0524-SMO-Offices-2.pdf>

⁸¹ White House, “Fact Sheet: Third Ministerial Meeting on the Los Angeles Declaration on Migration and Protection in Guatemala,” May 7, 2024, <https://www.whitehouse.gov/briefing-room/statements-releases/2024/05/07/fact-sheet-third-ministerial-meeting-on-the-los-angeles-declaration-on-migration-and-protection-in-guatemala/>

⁸² US Department of Homeland Security, “Fact Sheet: U.S. Government Announces Sweeping New Actions to Manage Regional Migration,” April 27, 2023, <https://www.dhs.gov/news/2023/04/27/fact-sheet-us-government-announces-sweeping-new-actions-manage-regional-migration>

⁸³ Ibid

⁸⁴ US Department of State, “Safe Mobility Initiative,”

<https://www.state.gov/refugee-admissions/safe-mobility-initiative/#:~:text=The%20Safe%20Mobility%20initiative%20facilitates,in%20Colombia%2C%20Costa%20Rica%2C%20Guatemala>

⁸⁵ KII, United States (online), June 2024.

⁸⁶ See for example, Roberto Suro, “Congress has killed immigration reform. It’ll regret that,” *The Washington Post*, December 19, 2022, <https://www.washingtonpost.com/opinions/2022/12/19/congress-immigration-reform-dead-end/>

⁸⁷ White House, “Readout of Principal Deputy National Security Advisor Jon Finer’s Meeting with Colombian Foreign Minister Alvaro Leyva,” June 11, 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/06/11/readout-of-principal-deputy-national-security-advisor-jon-finers-meeting-with-colombian-foreign-minister-alvaro-leyva/>

⁸⁸ White House, “Readout of President Joe Biden’s Meeting with President Andres Manuel Lopez Obrador of Mexico,” November 17, 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/11/17/readout-of-president-joe-bidens-meeting-with-president-andres-manuel-lopez-obrador-of-mexico/>

Since the SMO initiative was announced in April 2023, SMOs have been set up in Colombia, Costa Rica, Guatemala, and Ecuador (the Ecuador office was opened in October). The application criteria are different in each national context but are limited to a few nationalities (Cubans, Guatemalans, Haitians, Nicaraguans, Colombians and Venezuelans, and recently expanded to Hondurans, Salvadorans and Ecuadorans).⁸⁹ Only in Guatemala are nationals of the country in which the Office is located eligible to submit applications. They have been set up in this way at the request of the Office's host countries.⁹⁰ In addition, candidates must have been present in the partner country prior to the opening of the Offices in Colombia, Costa Rica and Ecuador (the exact date depends on the country). Registration requirements for the Offices in Colombia and Ecuador require the applicant, at the time of application, to "have a regular status or are in the process of regularisation in the country". However, as outlined above this may be difficult, if not impossible, thereby limiting access to the scheme by those actively on the move.

The 'Offices' are not primarily new physical spaces, but are new mechanisms operated by UNHCR, IOM and other partners. Applications are made online, and although there is a phone number available, there is no facility for walk-ins to submit an application (although there are facilities for in person interviews after the assessment of the online interview). Once an application is made through the website, consideration can be made for the various eligible immigration pathways, each of which has limitations and procedures.⁹¹ Depending on their answers, the applicants are then directed to either UNHCR or IOM. The cases for protection needs are carried out by UNHCR. When they find an applicant to be eligible, UNHCR refers the case to the US Refugee Admissions Program where they can be considered for refugee resettlement. The resettlement cases are considered within the framework of the overall allocation of refugee resettlement spaces in the overall refugee admissions programme.

If a person is found not to have protection needs or is otherwise ineligible for resettlement, they are referred to IOM for counselling and information on other legal pathways. The most common other legal pathway is humanitarian parole, a programme that allows Cuban, Haitian, Nicaraguan and Venezuelan nationals to travel to the US supported by a US based sponsor. Recipients of humanitarian parole receive two year temporary residence. The programme can take much larger numbers than the refugee resettlement programme (which has been capped at 125,000 per year worldwide for the last three years),⁹² having reportedly vetted and cleared 435,000 by May 2024 and admitted 270,000 individuals by November 2023. This number refers to individuals processed both within and outside of the SMO initiative. Disaggregated numbers are not available.⁹³ Additional immigration processes about which information can be provided are:

- Family reunification which allows individuals to be reunited with family members with certain statuses, including asylee status, and those with U and T visas (designed for victims of trafficking and other crime) in the US.⁹⁴ As with the humanitarian parole applications, these need to be initiated by the relevant family member in the US.⁹⁵
- Work visas, including H-2A and H-2B visas which allow individuals to work in the US, although like humanitarian parole and family reunification, these processes generally have to be initiated by the United States.⁹⁶

However, and significantly, IOM does not facilitate access to these pathways – it only gives information about them.

⁸⁹ White House, "Fact Sheet: Third Ministerial Meeting on the Los Angeles Declaration on Migration and Protection in Guatemala," May 7, 2024, <https://www.whitehouse.gov/briefing-room/statements-releases/2024/05/07/fact-sheet-third-ministerial-meeting-on-the-los-angeles-declaration-on-migration-and-protection-in-guatemala/>

⁹⁰ Kathleen Bush-Joseph, "Outmatched: The U.S. Asylum System Faces Record Demands," February 2024, https://www.migrationpolicy.org/sites/default/files/publications/mpi-us-asylum-report-2024_final.pdf

⁹¹ Movilidad Segura Website, <https://movilidadsegura.org/en/>

⁹² Migration Policy Institute, "Refugee Resettlement Ceiling and Number of Refugees Admitted 1980 - Present," <https://www.migrationpolicy.org/programs/data-hub/charts/us-refugee-resettlement>

⁹³ US Department of State, "U.S. Government Response to Migration in the Americas," November 17, 2023, <https://www.state.gov/briefings-foreign-press-centers/us-government-response-to-migration-in-the-americas/>; White House, "Fact Sheet: Third Ministerial Meeting on the Los Angeles Declaration on Migration and Protection in Guatemala," May 7, 2024, <https://www.whitehouse.gov/briefing-room/statements-releases/2024/05/07/fact-sheet-third-ministerial-meeting-on-the-los-angeles-declaration-on-migration-and-protection-in-guatemala/>

⁹⁴ SMO website, <https://movilidadsegura.org/en/guatemala/>

⁹⁵ US Department of State, "Follow-to-Join Refugees and Asylees," <https://travel.state.gov/content/travel/en/us-visas/immigrate/follow-to-join-refugees-and-asylees.html#overview>

⁹⁶ SMO website, <https://movilidadsegura.org/en/guatemala/>

Concerning Spain, while public information is scarce, reportedly a few hundred people moved to Spain via the SMOs, although it is not entirely clear whether they moved as part of a labour migration pathway – which seems to be the general understanding and would be an indication of a function of the labour migration pathway of the SMOs, albeit in very small numbers – or as part of the resettlement pathway, as mentioned by PRM Principal Deputy Assistant Secretary in a hearing in Congress.⁹⁷ One interviewee commented that many of those who are eligible for the SMO can work in Spain regardless.

3.2 SMOs in numbers

According to the US State Department, over 200,000 individuals from the seven originally selected nationalities in four countries have expressed interest through the SMOs. Of these, approximately 21,000 have been approved for resettlement,⁹⁸ of which 9,000 have been relocated to the US (all of whom count towards the 125,000 global cap on refugee resettlement).⁹⁹ There is no publicly available disaggregated data showing the number coming through each SMO and/or on non-resettlement immigration pathways.

While additional figures are not publicly available, through the interviews and research undertaken for this study, it appears that the Colombia SMO is the most used, likely accounting for more than half of the total number of registrations.¹⁰⁰ The next appears to be the one in Ecuador, despite opening later. There has been more difficulty in making the system operational in Costa Rica and Guatemala, where the number of registrations has been lower. In addition, tracking of applications and processing outside of refugee resettlement has been a challenge. Because most non-resettlement pathways are formally initiated on the US side by a sponsor, employer or relative, these pathways cannot be formally initiated through the SMO. Therefore, even if the SMO provides information about the process or supports a migrant in some way, it is difficult to tie approvals through those processes directly to the SMOs.

In addition, while the resettlement numbers are impressive and represent a significant increase, they are dwarfed by the total numbers of migrants who approach the US Southern Border each year, averaging over a million each year over the past three years.

Table 1. US Border Patrol encounters of SMO targeted nationalities fiscal years 2021-2023¹⁰¹

Country of nationality	2021	2022	2023
Colombia	5,838	124,540	154,077
Cuba	38,139	220,321	116,498
Ecuador	95,692	23,944	113,813
El Salvador	95,930	93,136	53,348
Guatemala	279,033	228,220	213,266
Haiti	45,532	29,004	1,112
Honduras	308,931	199,186	180,659
Nicaragua	49,841	163,552	97,757
Venezuela	47,752	187,286	200,668
TOTAL	966,688	1,245,269	1,131,198

⁹⁷ US Congress, Principal Deputy Assistant Secretary for the Bureau of Population, Refugees, and Migration (PRM), [Marta Youth's Testimony Before the House Homeland Security Subcommittees on Border Security and Enforcement; and Oversight, Investigations, and Accountability, March 21, 2024 Hearing.](#)

⁹⁸ Webinar with civil society, June 7, 2024

⁹⁹ International Refugee Assistance Project, "Second Backgrounder on the Biden Administration's Safe Mobility Initiative." May 28, 2024

¹⁰⁰ As of 25 April 2024, Sarah McKinnon, "Policy Brief: Year One of the Safe Mobility Offices in Colombia," May 2024, <https://migrationamericas.com/marts.wisc.edu/wp-content/uploads/sites/2087/2024/05/MIAP-Policy-Report-0524-SMO-Offices-2.pdf>.

¹⁰¹ From U.S. Customs and Border Protection data: <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

4. Assessing the SMOs in practice: What has been achieved?

A key focus of the research was to understand how the SMOs are functioning on a day-to-day basis. While it is early days to assess the accomplishments or otherwise of the Offices, interviewees pointed to both successes and challenges that have been encountered in the initial stages of their roll-out. Indeed, while there was a strong level of optimism about the potential of the Offices, all of those involved in operationalising the SMOs were candid in saying that they are a work in progress, often referred to as a pilot programme that continues to evolve daily. The following section, therefore, gives an overview of some of the main achievements before turning to some of the challenges they have faced in the following section.

4.1 A significant increase in resettlement approvals

First, the SMOs have been extremely successful in **resettling a large number of refugees quickly**. Nine thousand had been resettled as of May 2024, and an additional 11,000 have been approved for resettlement but have not yet been relocated. This has been made possible by a US policy framework that has significantly expanded the number of resettlement slots available for the region. As one interviewee who has been involved in operationalising the SMOs said, “if you look at resettlement numbers they’ve doubled over the past 5 or 6 years, and the SMOs are a big piece of that. They have streamlined, simplified and accelerated the way that cases are processed and achieved, and there has been a lot of innovation.”¹⁰² As another interviewee said, “It has given a major boost to resettlement as a solution.”¹⁰³

The official statistics back this up. In the financial year 2023 (ending on 30 September 2023), the US resettled more than 6,000 individuals from LAC, a 1,400% increase from FY 2021, and more than double the FY 2022 arrivals (although it is worth noting that this was less than half of the proposed ceiling of 15,000). The proposed allocation for Latin America for FY 2024 was between 35,000 to 50,000, a significant increase that will be easier to fill with the SMOs in place.¹⁰⁴ While it is not entirely clear how many of these cases were processed through the SMO sites vs older resettlement processes,¹⁰⁵ interviews suggest that the vast majority of them were.¹⁰⁶ Certainly, the SMOs have facilitated significant increases in resettlement. This increase in numbers is particularly striking in a context in which, globally, resettlement numbers have been reduced significantly, and in which resettlement to the US from Latin America has been historically extremely low.

Not only have numbers increased, but **the Offices have cut processing times from years to months or even, in some cases, weeks**.¹⁰⁷ **This is unprecedented.** For refugees around the world who have waited years, or even decades, for their resettlement applications to be processed, the idea that this could be done in a matter of weeks is extraordinary (and probably infuriating). The primary factor in expediting the process has been greater processing capacity. The US government has USCIS adjudicators on the ground “almost all year round” to enable this to happen.¹⁰⁸ In addition, significant effort has been made to make the process more streamlined. This has involved reviewing and simplifying the information that needs to be applied. It has also involved revamping processing.

As one interviewee explained, “Whereas the adjudication, vetting and medical all used to happen sequentially, now we have a 9 or 12 day module where people are able to do all of these processes together. Doing it all in parallel makes it much quicker and more efficient.”¹⁰⁹ Improved technological systems have also helped, including digital signatures and more automated communications between various UN mechanisms. In short, the US government has

¹⁰² KII, US, June 2024

¹⁰³ KII, Panama, June 2024

¹⁰⁴ US Department of State, “Report to Congress on Proposed Refugee Admissions for Fiscal Year 2024,” 3 November 2023, <https://www.state.gov/report-to-congress-on-proposed-refugee-admissions-for-fiscal-year-2024/#whq>

¹⁰⁵ International Refugee Assistance Project, “What We Know about the Biden Administration’s Safe Mobility Initiative,” 18 January 2024, <https://web.tresorit.com/lrcYU#DdmkLUtvJG0anslqohn71Q&viewer=xaEV8lIjBsuII00RuAAxE5PThBaNdnrw>

¹⁰⁶ KIIs, May and June 2024

¹⁰⁷ Katherine Hartman Heretik, “Safe Mobility initiative registers first US arrivals,” January 2024, <https://statemaq.state.gov/2024/01/0124itn04/>

¹⁰⁸ KII, US, May 2024

¹⁰⁹ KII, US, May 2024

put “huge effort”, including resources, into making it faster.¹¹⁰ As a result, a process that has traditionally taken years has been reduced to a few months for some, and the numbers point to significant success. In Costa Rica, for example, one case took only 10 weeks. While most are currently taking more like 3 to 4 months, mainly slowed down by challenges over issues of reception in the US, this still represents a dramatic improvement over previous processing.

4.2 A strong level of coordination

Second, the Offices have demonstrated what can be achieved through **high levels of coordination** between different sections of the US government, and between the US government, IOM and UNHCR. In the case of the former, the strong collaboration across the US government that allowed the SMOs to be up and running in a relatively short period of time was referred to as a “bureaucratic victory” by one informant, with multiple different departments working together.¹¹¹ The government created a Task Force to bring the different elements together, described by another interviewee as “unprecedented”.¹¹² At the same time, many interviewees spoke of the level of coordination between the US government and UNHCR and IOM – referred to by another interviewee as three legs of a stool. It is clear, therefore, that the SMOs have demonstrated what can be achieved with strong coordination and cooperation (as well as resource).

4.3 Self identification

Third, experts pointed out that the SMOs **allow refugees themselves to self-refer** for resettlement for the first time. This democratises access to resettlement and has the potential to create new modalities. A number of interviewees referred to the fact that it gives individuals agency, and that the SMOs represent the first time that refugees are able to sign up for resettlement themselves rather than go through gatekeepers such as UNHCR who typically select individuals and families for resettlement.

4.4 Providing information

Fourth, many argued that the SMOs are **a source of information for refugees and migrants and are useful for dispelling misinformation and disinformation**. As one interviewee said, “Migrants or potential migrants access information about what is legal and what is lawful and what they should or should not do and who they should or should not pay. If we are able to play a role in dispelling the disinformation I think we have done these individuals a good service.”¹¹³ At the same time, the SMOs have also generated a significant amount of data for those agencies and governments that have access to it which, as another interviewee said, “has given us much deeper insight and understanding into the population that we are working with and helps us plan for the future.”¹¹⁴

Ultimately, therefore, **for those individuals who have applied successfully, the Offices are strongly positive and offer significant hope**. A young Guatemalan man living in Guatemala, who is responsible for his two younger brothers as his parents are both dead and who has been repeatedly threatened by gangs, applied 5 months ago through the SMOs at the advice of an NGO. He has been told by UNHCR he has a good chance of being resettled and is waiting for a decision. “The SMOs have given me hope that I can be safe and improve my life and that I can help my siblings start their lives again.”¹¹⁵ Or, as a Venezuelan migrant in Colombia said, “What is positive about the programme is that it offers legal ways to go to the United States, which offers hope for a better quality of life.”¹¹⁶ Furthermore, and as discussed below, the increase in resettlement numbers has a degree of symbolic significance in as much as it is a demonstration to countries in LAC hosting the majority of displaced populations of ‘sharing responsibility’ – with the emphasis on symbolic given the relative numbers.

¹¹⁰ KII, Panama, June 2024

¹¹¹ KII, US, May 2024

¹¹² KII, US, May 2024

¹¹³ KII, US, May 2024

¹¹⁴ KII, US, May 2024

¹¹⁵ Interview with Guatemalan man, Guatemala, June 2024

¹¹⁶ Interview with Venezuelan man, Colombia, June 2024

5. Assessing the SMOs in practice: Barriers and challenges

Undoubtedly, when measured against the metric of increased resettlement and tangible mechanisms for responsibility sharing for displaced populations, the roll-out of the SMOs has been a significant success. However, there was also a strong awareness of the multiple challenges the Offices have faced, many of which are caveats to the successes outlined above. Those within the US government and others involved in implementing the SMOs were the first to admit that there have been challenges, and there was a strong level of realism and honesty regarding the various struggles in implementation. An interviewee working for civil society in Panama, for instance, echoed the feeling of many of those interviewed: “The concept is good – having a mechanism in place in a number of countries to do in-country processing and have access to safety without the need to cross the region. But there are major problems in implementation.”¹¹⁷ This section, therefore, looks at some of the operational challenges that interviewees identified.

5.1 Delays in processing

First, there were concerns around the speed of processing. Although the number of resettlement places have been expanded significantly, they remain far short of demand. One response to this has been to control access to the process. In Colombia, the portal opens twice a week on Tuesdays and Thursdays at 8am and stays open until a given number of applications are received, which usually means that it is only open for about 15 minutes.¹¹⁸ The fact that more cases have been received than can reasonably be processed means that despite the increased capacity to carry out resettlement processing, there is **a delay in carrying out the assessments**. Those who are applying now are typically waiting months for that assessment. Even when being processed, some described the process as overly complex: “When you look at all the requirements and all of the forms that you have to fill, you could think that you are trying to sign a real estate contract with Donald Trump. There are so many details about the sponsor that need to be filled that some people just give up and go irregularly.”¹¹⁹

Further, there were concerns that despite the high numbers being processed and accepted for resettlement, there are then **delays in the relocation of successful applicants to a designated third country**. The cost of housing in the US was generally seen as the main reason for the bottleneck.¹²⁰ As one person explained, “The ramp-up of resettlement processing through the SMOs has not been met by adequate capacity on the domestic resettlement side [in the US]. The resettlement agencies have a monopoly on the process, which is why that’s the case, and it’s slowing down domestic resettlement capacity.”¹²¹ Initial success in the speed of processing, therefore, is not being backed up by the speed of relocation.

5.2 Challenges over accessibility

Second, there were concerns around accessibility and usability of the SMOs. In order to be effective, potential users must be aware of, understand and have a basic level of faith in the SMOs – and be able to access them.

Previous research by MMC showed a relatively low level of awareness and understanding of the process by migrants. Only 42% of those in Colombia or Costa Rica knew about the initiative;¹²² and in Ecuador, only three out of nine Colombian and Venezuelan migrants interviewed knew about the initiative.¹²³ Those who had heard about the SMOs had predominantly heard about it through relatives or other migrants, including through social media, and not through other channels. Official information is available through the websites, but it does not cover all questions that potential

¹¹⁷ KII, Panama, June 2024

¹¹⁸ Webinar with the University of Wisconsin, June 2023

¹¹⁹ Interview with community group, Colombia, June 2024

¹²⁰ KII, US, May 2024

¹²¹ KII, US, June 2024

¹²² MMC, “Safe Mobility Offices; Awareness, Migrants’ Interest and Potential Influence on mixed migration dynamics in Latin America and the Caribbean,” March 2024, https://mixedmigration.org/wp-content/uploads/2024/03/320_Safe-Mobility-Offices-Infographics_EN.pdf

¹²³ Interviews with Colombian and Venezuelan migrants, Ecuador, June 2024

applicants have, and many of those interviewed for this research stated that they are not authorised to give out information. For instance, partner organisations constantly deferred to the US government, with one saying that it is only the US government that is authorised to publicise the Initiative.¹²⁴ There have been press reports about the Offices, but some of these have been confused. More recently, there have been a number of outreach efforts, including the development of a Frequently Asked Questions (FAQ) sheet,¹²⁵ but it is clear that most people are hearing about the Offices by word of mouth.

Word of mouth has clearly been effective, and a number of civil society organisations have worked hard to supplement this by publicising the Offices themselves. Certainly, in Colombia and Ecuador the portal filled up very fast – although it has been slower in Guatemala and Costa Rica. One interviewee described how organisations of Venezuelans are doing their best to ensure that their communities know about the initiative: “We have been successful in reaching out to a large number of people through our social networks.”¹²⁶ A civil society activist in Costa Rica said that they had been asked to participate in training on the programme and then to disseminate information among those who use their services: “But generally, dissemination is done by word of mouth.”¹²⁷ A Guatemalan woman living in Guatemala who had moved from a rural area to the capital where she was facing domestic abuse in her work situation, approached an NGO that assists migrants for help. They told her about the SMOs and helped her apply in November 2023.¹²⁸ Likewise a Venezuelan migrant woman in Costa Rica, who had spent six months getting there (earning money on the way), found out about the SMOs through a diaspora organisation. They suggested she apply “because she is a woman and because she has been a victim of violence.”¹²⁹

However, word of mouth, while effective, has limitations. First, it has left some individuals confused or concerned about the purpose behind the Offices. There was a fair amount of misunderstanding about the types of cases that the Offices could process and also where they were located.¹³⁰ Previous MMC research also showed that there was a widespread misunderstanding that migrants needed to pay for SMO services.¹³¹ This is perhaps part of the reason that a large majority, 87%, had not registered. A few who had registered had decided to not to wait for the decision, but rather to proceed onward with their journey.¹³² For example, in Ecuador, one migrant interviewed told us that he had heard about the initiative on social media, but that he had not pursued it further because “there is a lot of nonsense on social media.”¹³³ It has also allowed misconceptions and fears to circulate. In Costa Rica, one interviewee said that many migrants are scared that if they register they might be expelled from the country.¹³⁴ In Ecuador, a woman interviewed asked if registering with the SMOs would disqualify her from applying for protection at the border if she were to travel to the US.¹³⁵

At one level, these findings are not surprising. After all, the scheme is relatively new and, given the eligibility criteria, does not target all migrants. Furthermore, from the perspective of those running the Offices, demand for them is significantly outstripping supply and, therefore, increased publicity is only going to increase that challenge. As one interviewee said, “In a context in which 20 million plus individuals are potentially eligible, and in which the Offices were only ever intended to be able to meet a small subset of that number, we can’t help everyone.”¹³⁶

¹²⁴ KII, June 2024

¹²⁵ KII, Online, June 2024. The FAQ sheet is available at <https://movilidadsegura.org/en/home-en/faq/>

¹²⁶ KII, Ecuador, June 2024

¹²⁷ KII, Costa Rica, June 2024

¹²⁸ Interview with Guatemalan woman, Guatemala, June 2024

¹²⁹ Interview with Venezuelan woman, Costa Rica, June 2024

¹³⁰ Mixed Migration Centre, “Safe Mobility Offices; Awareness, Migrants’ Interest, and Potential Influence on mixed migration dynamics in Latin America and the Caribbean,” April 2024,

<https://reliefweb.int/report/venezuela-bolivarian-republic/safe-mobility-offices-awareness-migrants-interest-and-potential-influence-mixed-migration-dynamics-latin-america-and-caribbean-march-2024>

¹³¹ Mixed Migration Centre, “Safe Mobility Offices; Awareness, Migrants’ Interest, and Potential Influence on mixed migration dynamics in Latin America and the Caribbean,” April 2024,

<https://reliefweb.int/report/venezuela-bolivarian-republic/safe-mobility-offices-awareness-migrants-interest-and-potential-influence-mixed-migration-dynamics-latin-america-and-caribbean-march-2024>

¹³² Mixed Migration Centre, “Safe Mobility Offices; Awareness, Migrants’ Interest, and Potential Influence on mixed migration dynamics in Latin America and the Caribbean,” April 2024,

<https://reliefweb.int/report/venezuela-bolivarian-republic/safe-mobility-offices-awareness-migrants-interest-and-potential-influence-mixed-migration-dynamics-latin-america-and-caribbean-march-2024>

¹³³ KII, Colombia, June 2024

¹³⁴ Interview with Venezuelan migrant man, Costa Rica, June 2024

¹³⁵ Interview with Colombian woman, Ecuador, June 2024

¹³⁶ KII, US, May 2024

However, the ways in which outreach is, or is not, conducted inevitably has an impact on who is likely to benefit from the initiative. In a context in which local outreach is inconsistent, those with family in the US, or those who have more time, money and internet access, are likely to know about (and therefore use) the system more than those who do not. While this group undoubtedly contains many in significant need, there is a risk that it will leave behind those most in need of the support that the Offices can provide.

Despite this, once potential applicants are aware of the platform they also need to be able to access them. For many, the online platform is useful and clear. One Venezuelan man in Colombia who had applied said that he had found it to be “really easy and straightforward.” However, for others the on-line platform was problematic. For instance, it was noted that some, in particular many of those who are likely to have access to the least resources and infrastructure, lack the necessary skills in how to use technology, internet access and/or smart phones. A Venezuelan migrant woman in Costa Rica talked of how hard it was to do the application because of internet challenges. She was asked to upload a photo, for instance, which she did not know how to do, and she had to restart her application several times because her internet kept going down. As a civil society worker in Guatemala said, “Many people in Guatemala in rural areas could qualify for resettlement or other legal routes, but they have no access to the internet and don’t know how to make an online application. They don’t even know about it. The fact that to access the programme you have to make a call and apply online is a very big limitation for the vast majority of Guatemalans who could have a suitable profile for the programme.”¹³⁷

In Colombia, the limitations that have been imposed to address the demand challenges have created further constraints, as people are forced to gather early and try multiple times in order to get access. The process of applying, therefore, can take weeks. A Venezuelan woman who had registered for the platform in April told us that she had repeatedly tried for weeks to successfully register in the short window of time in which the portal is open in Colombia each week.¹³⁸ In addition, applicants are required to have a phone to follow up their case, which many do not have. There is a hotline number advertised for the Offices on the website, but a Venezuelan man interviewed in Ecuador said that he had tried to call multiple times to get information on the status of his case, but was never able to get through.

All of this exacerbates problems of equality of access to the platform. UNHCR has identified this challenge and is well aware of it. In some cases, it has been able to provide support to intermediaries to assist. In addition, a number of community organisations are also stepping in to assist. For example, a Venezuelan woman who had registered for the platform in Cúcuta (Colombia) described being assisted by a local organisation.¹³⁹ These efforts are limited, however, and it is clear that more support is needed for applicants, particularly to ensure that the process is understood from the perspective of its most vulnerable users.

5.3 Lack of engagement with civil society

In the context of this lack of information, civil society is potentially an important ally. However, there were serious concerns around the **lack of engagement with civil society** over the setting up and running of the SMOs. Although there is a core of NGO actors that are being engaged in connection to the SMOs, there are many more who feel left behind. There is a select group of US based groups that get regular briefings on the process, and some NGOs are engaged to provide supportive services. But many described the process as “secretive”, which impedes the potential for civil society to support in disseminating information and avoiding disinformation spreading about the scheme.¹⁴⁰ While civil society organisations, including Venezuelan community organisations, are increasingly playing a key role in disseminating information about the initiative, more engagement would allow them and similar organisations to do more.

Furthermore, lack of transparency about the scheme has led some to express concern that the programme is a tool for externalisation by stealth.¹⁴¹ “There has been a lot of engagement with UNHCR and IOM, but in a very opaque way. There is very little public information or places NGOs can engage with the whole process.”¹⁴² This lack of engagement

¹³⁷ KII, Guatemala, June 2024

¹³⁸ Interview with Venezuelan woman, Colombia, June 2024

¹³⁹ Interview with Venezuelan woman, Colombia, June 2024

¹⁴⁰ KII, Colombia, May 2024

¹⁴¹ KII

¹⁴² KII, Panama, June 2024

was seen to be true of the LA Declaration process more generally. As one interviewee said, “NGOs have just been ‘accessories to the LA Declaration.’”¹⁴³ For instance, many interviewees referred to the fact that numbers are not made public, and organisations involved are told not to disclose any numbers. “Having this public/not public information is a struggle.”¹⁴⁴ While the US government produces and publishes monthly information about the number of encounters at the border, nothing parallel is currently available about the SMOs.

Furthermore, there is ongoing concern over whether or not, or at what stage, negotiations are taking place with other potential countries for those who are successful in their application. As one interviewee said, “We’re concerned because we know they’re negotiating with Italy and Greece, both of which have a terrible record for hosting refugees.”¹⁴⁵

In Guatemala, for instance, civil society actors interviewed stressed how “politically sensitive” the SMOs are, which has led to them only being given partial information. As one individual said, “[UNHCR and IOM] ask us to provide information, but they do not give us clear information... So we have very little to say to those who ask us. We have requested that we be given clear information about the profiles that have the opportunity for the programme, whether it is for a resettlement application or for other legal routes for migration, but they do not inform us clearly.” As the same individual also said, they have worked with both UNHCR and IOM in the past and it has always been a good relationship – it is just on the SMOs that they appear to be prevented from giving information. “The programme has many weaknesses, but the biggest weakness is that information is very restrictive and confusing.” Lack of information – which, in turn, has led to a lack of transparency – were therefore seen as major concerns.

In particular, refugee and migrant assistance organisations complained that with no official outreach to them, it was hard for them to advise their constituents about the process. Civil society actors who have direct engagement with the refugee community complained that the lack of official information impeded their ability to usefully support their clients. In the words of one, “our clients ask us about the initiative, and we do our best to answer, but without an official source of information, there is only so much we can do.”¹⁴⁶ Some feel that they could be helpful to the programme in referring cases. For example, a Venezuelan civil society organisation pointed out that they were aware of particularly vulnerable cases, including people facing continuing persecution in Colombia, and were concerned about the lack of a mechanism to draw these cases to the attention of authorities.¹⁴⁷

When asked about the lack of engagement with civil society, a US government official admitted, “that would be a fair criticism”.¹⁴⁸ However, from the US government’s perspective, the SMOs “got out of the door operationally fast, so we didn’t have a consultative phase.” They are now working on getting wider engagement in a number of ways, including doing quarterly briefings, including the first one in Spanish in June.

5.4 Managing expectations

Fourth, there is a need to manage expectations of what the Offices can achieve, which are reportedly very high.¹⁴⁹ As in any situation where needs are high, engagement with the Offices engenders hope that they can resolve key issues. After all, the Offices offer potential opportunities to individuals and families that are life-changing. The account of a Nicaraguan migrant who, along with his family, applied for assistance through the SMO in Costa Rica is one example. They heard about it from a diaspora network in San José and were also advised to apply by a legal aid clinic, which said it was otherwise unable to help them. “The SMO felt like a solution to our problems, so we filled out the online forms.” They filed their application in February – “it was expensive to access the internet to do so” – and have not yet received any response. As there is no phone number they can call or email address they can contact, they are unsure what has happened. When they visited the UNHCR Offices in person, they were told their case was ‘in process’. They know of others who have applied and already received a decision, so they are anxious that something has gone wrong.

¹⁴³ KII, Panama, June 2024

¹⁴⁴ KII, Panama, June 2024

¹⁴⁵ KII, Panama, June 2024

¹⁴⁶ KII, Colombia, June 2024

¹⁴⁷ KII, Colombia, June 2024

¹⁴⁸ KII, US, May 2024

¹⁴⁹ KII, Ecuador, May 2024

Therefore, those interviewed who were in the system and had not yet had a decision were frustrated that they did not know where they were in the process; and those who had received a decision or outcome were not sure why they had either been accepted or rejected.¹⁵⁰ As a Nicaraguan migrant in Costa Rica said, “There are no clear explanations of who is chosen, how the process is done, the stages, the development. I wish there was a person I could talk to.”¹⁵¹ It is clear, therefore, that a lack of clarity on the different steps of the process after registering is exacerbating the frustrations related to delays and access.

5.5 Lack of ‘other pathways’

A fifth key concern was that the SMOs, while proving highly effective for those who fit the criteria for resettlement, are **not sufficiently developing the other pathways**.

To some extent, this deficiency is structural. SMOs, which were created by Executive Order, cannot create new pathways to the US, so they must work within the legal frameworks laid out by the US Congress. In some cases, they can influence the numbers that are able to access those pathways, such as resettlement (although these numbers are set in consultation with Congress). In other cases, the number of visas available is set by Congress (as is, for example, the case for H2B work visas.) Thus, while SMOs can facilitate access to these pathways, they have limited influence over the total number that can migrate, although it is worth acknowledging that the administration has attempted to do that by making a larger percentage of global resettlement allocations open to Latin Americans and reading authorisation to grant temporary admission expansively to increase access to humanitarian parole.¹⁵² An additional challenge is the fact that most other pathways – whether humanitarian parole, work visas or family reunification – need to be initiated from the US sponsor, employer or family member and cannot be initiated by the prospective migrant. The emphasis on refugee resettlement is also reflected in the institutional structure. They are operated through the State Department which leads on refugee resettlement, rather than through the Department of Homeland Security, which is responsible for most immigration matters.¹⁵³ One exception appears to be family reunification, about which the team received some positive feedback. As one key informant said, “In Guatemala, it [the SMO] has helped children, young people and older adults to accelerate family reunification processes.”¹⁵⁴

However, other legal programmes can, potentially, accommodate a much larger number of individuals. For example the US government has indicated that it can grant travel authorisation to up to 30,000 non-citizens per month under the humanitarian parole programme. These applications, however, are only available to those with a US sponsor who have legal status in the US able to demonstrate ability to support the parolee¹⁵⁵ and with resources to cover the cost of their own travel. This limits this form of protection to those who have access to an appropriate sponsor, and money for travel, which may make it inaccessible to the most vulnerable (recognising that other travel mechanisms also impose limits and that alternative irregular journeys would also require significant resources). And there is no mechanism within the Offices to facilitate those requirements. Furthermore, a number of interviewees raised concerns that the Offices have created new possibilities for fraud. Offers to act as sponsors for a fee, many of them fake, have begun to circulate on social media,¹⁵⁶ and a number of interviewees mentioned that they had heard of cases of fraud where some people are paying people to sponsor them.¹⁵⁷

As a result, and as one interviewee said, the ‘other pathways’ have “born a lot less fruit.”¹⁵⁸ Those who are not deemed eligible for the protection pathway are directed to IOM for ‘counselling’. As an IOM interviewee explained, “Our support is only limited to counselling. We don’t support applications, we don’t get in touch with sponsors – we’re limited to any actions we can do at the host country level. Once we’ve provided information and counselling, we don’t pursue for the time being any applications, and we’re not in touch with possible sponsors.”¹⁵⁹

¹⁵⁰ KII, Colombia, June 2024

¹⁵¹ Interview with Nicaraguan man, Costa Rica, June 2024

¹⁵² Kathleen Bush-Joseph, “Outmatched: The U.S. Asylum System Faces Record Demands,” February 2024, https://www.migrationpolicy.org/sites/default/files/publications/mpi-us-asylum-report-2024_final.pdf

¹⁵³ Homeland Security, “Fact Sheet: Biden-Harris Administration Supplemental Funding Request,” October 20, 2023, <https://www.dhs.gov/news/2023/10/20/fact-sheet-biden-harris-administration-supplemental-funding-request>

¹⁵⁴ KII, Guatemala, May 2024

¹⁵⁵ USCIS, “Processes for Cubans, Haitians, Nicaraguans, and Venezuelans,” <https://www.uscis.gov/CHNV>

¹⁵⁶ Carmen Sesin, “Scammers target hopeful applicants to Biden’s humanitarian parole program,” NBC News, 6 February 2023, <https://www.nbcnews.com/news/latino/scammers-target-hopeful-applicants-bidens-humanitarian-parole-program-rcna68694>

¹⁵⁷ Interview with community group, June 17, 2024

¹⁵⁸ KII, on-line, May 2024

¹⁵⁹ KII, on-line, June 2024

For migrants, the lack of labour pathways effectively leaves them stranded within the system if they are not eligible for resettlement. A Guatemalan woman described how she put in an application and was called in February 2024 for an interview with IOM. They told her she did not qualify for resettlement, and suggested she contact her relatives in the US to try for family reunification. She has done that and returned to IOM multiple times, but not heard anything more since then.¹⁶⁰ Indeed, it appears that there is a gap in clarifying for applicants when they are not eligible. Other applicants told us that they had been given standard information about Welcome Corps, a new initiative intended to speed refugee resettlement by allowing private citizens to take on the role of welcoming and facilitating integration, rather than the traditional refugee resettlement agencies, by email but they were not really clear on how to use this and what this meant for their application overall. Many who had been waiting for months were not clear on whether their cases were still pending or had effectively been rejected. Furthermore, and as discussed below, the lack of legal pathways comes on top of wider eligibility criteria for accessing the Offices on the basis of nationality, length of time in the country in which the SMO is functioning, and the requirement to produce documentation (for the SMOs in Colombia and Ecuador).

¹⁶⁰ Interview with Guatemalan migrant woman, Guatemala, June 2024

6. The suitability of the SMOs as a tool to manage mixed migration

While the focus on individual migrants and the day-to-day operationalisation of the Offices is important, the SMOs also need to be viewed as part of a wider response to mixed migration in the region. They need to be viewed both as part of a regional commitment to responding to migration as outlined in the LA Declaration; and, as a component to that, assessed against their specific stated objective of ensuring that “refugees and vulnerable migrants do not have to undertake dangerous journeys in search of safety and better opportunities.”¹⁶¹ The following section, therefore, explores how interviewees perceived the functioning of the Offices within the broader range of responses to mixed migration in the region.

6.1 Significance beyond numbers

First, many interviewees were quick to point out that it would be a mistake to measure their success solely – or even primarily – in numerical terms. Instead, their *symbolic* value as part of a broader regional response needs to be taken into consideration. After all, and while not discounting the significant success around resettlement numbers, the numbers of potential beneficiaries that can be processed through the SMOs – let alone receive a favourable outcome – are minimal compared to the overall migration figures within the region. The 9,000¹⁶² who have arrived in the US so far through the Offices are small compared to the approximately 120,000 encounters on the Mexico/US border a month as is currently the case. It would be unrealistic to expect that increased resettlement alone could significantly impact overall migration dynamics in the region.

Therefore, and as one interviewee said, the Offices have to be viewed as one of multiple mechanisms: “It’s not a magic wand. It can’t resolve the problems of millions of people alone. It’s important that people understand that.”¹⁶³ Or, as another interviewee said, “the SMOs by themselves are not able to stop irregular movement. They have to be a part of a wider strategy to address the root causes of irregular migration.”¹⁶⁴ There was a strong sense of realism that the SMOs, by definition, will themselves never be the solution for the vast majority. Instead, and as another interviewee said, “we see the SMOs potentially being more than the sum of their parts – hopefully they can be part of a broader discussion with host countries, transit countries as pieces of a puzzle that can yield stronger results. But there’s a lot more work to do.”¹⁶⁵ Indeed, that work has started, with, for example, assistance to Costa Rica for reforming its asylum system agreed at the May Ministerial meeting, and by June a new refugee law had been adopted.¹⁶⁶

Instead, many interviewees argued that the Offices have symbolic significance inasmuch as they send a strong message of solidarity to states hosting significant numbers of refugees and migrants. As one interviewee in Colombia said: “What’s important is that it’s a responsibility sharing approach. It shows Colombia that while by far the largest investment in Colombia is local integration, you’re also off-loading some of the numbers. This is a very meaningful argument in Colombia, which is in the process of regularising 3 million people and has already regularised 2.5 million.”¹⁶⁷ Or, as another interviewee said, “I’m not saying the SMOs are a panacea, but they do send a message about sharing responsibility rather than shifting responsibility.”¹⁶⁸ A similar sentiment was echoed by an interviewee in Costa Rica who talked of the fact that the offices fulfil an international commitment to support Costa Rica in addressing a growing number of people moving through the country: “Costa Rica has long had a welcoming culture of refugee protection, but with numbers now increasing as a result of deteriorating situations elsewhere, especially in Nicaragua, it needs support, cooperation and solidarity from the international community.”¹⁶⁹

¹⁶¹ US Department of State, “Safe Mobility Initiative,” <https://www.state.gov/refugee-admissions/safe-mobility-initiative/#:~:text=The%20Safe%20Mobility%20initiative%20facilitates.in%20Colombia%2C%20Costa%20Rica%2C%20Guatemala>

¹⁶² International Refugee Assistance Project, “Second Backgrounder on the Biden Administration’s Safe Mobility Initiative.” May 28, 2024

¹⁶³ KII, Panama, June 2024

¹⁶⁴ KII, Costa Rica, June 2024

¹⁶⁵ KII, US, June 2024

¹⁶⁶ KII, US, June 2024

¹⁶⁷ KII, Colombia, May 2024

¹⁶⁸ KII, Colombia, May 2024

¹⁶⁹ KII, Costa Rica, June 2024

As such, therefore, the SMOs are a tangible indication of what responsibility sharing could or should look like. But as the numbers show, on their own they cannot redress the imbalance between those hosting the majority of displaced people and those whose borders are increasingly hard to penetrate. Furthermore, ensuring their continuity is critical: if they are closed down, as many fear will happen in the event that the Republicans win the next election, this will significantly damage the perceived commitment of the US to burden sharing.

6.2 Obstacles to achieving their stated objective of reducing irregular migration

While there was clear recognition that the SMOs have symbolic (as well as actual) value within a broader context of responses to mixed migration, there are significant concerns that the ways in which they are operating limit their potential efficacy when judged against their stated objective of offering a dignified and orderly alternative to irregular migration. Interviewees raised a number of concerns in this regard, outlined below.

Eligibility criteria

First, there were concerns around the eligibility criteria for accessing the Offices on the basis of nationality, length of time in the country in which the SMO is functioning, and the requirement to produce documentation.

Access to the Offices is currently **limited to nine targeted nationalities**. Although these represent some of the largest mixed migration movements, they do not encompass all of those who are moving. Furthermore, among nationalities that are targeted, only a limited subset are using the Offices. As one interviewee said, “Haitian numbers are single or double-digit; Colombians only count for a small proportion in Ecuador; and Cuban numbers are very low. They are only reaching Venezuelans in Colombia and Guatemalans in Guatemala in any meaningful way.”¹⁷⁰ This limitation was seen as constraining the potential effectiveness of the programme.¹⁷¹

At the same time, there were concerns that the US government had pushed for eligibility criteria based on the main nationalities arriving at the southern US border. As one interviewee said, “SMOs were designed as a US programme based on who is coming rather than on who might have the most need.”¹⁷² Others were surprised that eligibility criteria even existed in the first place, rather than allowing all migrants and refugees to apply regardless of nationality. UNHCR noted this concern, but also pointed out that previous resettlement mechanisms, which were not similarly restricted by nationality, continue to operate alongside the SMOs and can address a small number of particularly vulnerable cases that do not meet SMO criteria.

Criteria around the **length of time in the country of application** was also seen as problematic. As outlined above, to address host country and US concerns that the Offices would create ‘pull factors’, eligibility criteria were put in place to prevent those who had not been in the country prior to the setting up of the Offices from accessing them. The criteria for all SMOs, with the exception of Guatemala, excludes anyone who has moved to the country in the last 6 months to a year. By definition, therefore, this means that they are serving those who are settled rather than those who are actively moving through the country, thereby failing to create an alternative to irregular movement. It suggests that the scheme is aimed more at those already established in these countries rather than those who are en route to the US – although it is important to acknowledge that the US has indicated that it hopes to engage with other countries in the region to widen the eligibility criteria. As an interviewee in Guatemala said, “We don’t think it will impact their decision-making, because most migrants to the US can’t apply through the SMOs here.”¹⁷³ In sum, and given the eligibility restrictions, many of those interviewed raised concerns that the Offices are not targeting people in transit – only those who are already regularised and have been there for a certain period of time. As one interviewee stated, “the eligibility criteria means they’re not stopping those on the move.”¹⁷⁴

¹⁷⁰ KII, US, June 2024

¹⁷¹ KII, Costa Rica, June 2024

¹⁷² KII, US, June 2024

¹⁷³ KII, Guatemala, June 2024

¹⁷⁴ KII, on-line, June 2024

Additionally, **documentation** is necessary for anyone wanting to apply via the SMOs in Colombian and Ecuador, the two countries that received the most registrations. Here applicants have to prove they are legally in the country – which, again, excludes those who are in the country irregularly. Some do not have documentation from when they fled and find it hard to get documents outside of their country of origin, while others have been unable to regularise their stay in the country they are currently living in given the various restrictions outlined above. Access to passports for Venezuelans, for instance, can be expensive and dangerous, which impedes access to various types of services including the SMOs.¹⁷⁵ Likewise in Colombia, most Haitians are effectively excluded from accessing the SMO because the government of Colombia has made it so hard for them to get regular status.¹⁷⁶ As a result, Haitians are not visible in the process and numbers are ‘dramatically low’.¹⁷⁷ In other words, those without legal status – who are often particularly vulnerable as a result – are excluded from accessing the Offices.

The limited migration pathways available are also an obstacle to the effectiveness of the SMOs in changing overall migration patterns. They are delivering significantly on only one pathway – refugee resettlement. In this context, the number that can benefit is limited (and, indeed, is capped by a quota). It is also not equivalent to treatment at the border where, if an individual is able to run the gauntlet of obstacles to accessing the asylum system, there is consideration of their individual protection needs, rather than selection from within a larger group with established protection needs. In this context, the limitation on what SMOs can offer maintains incentives to explore other options.

In sum, while the concerns that have led to eligibility criteria are well understood, the various restrictions have had a detrimental impact on the efficacy of the Offices. It is widely understood, for instance, that those who have recently arrived and those without documentation are often among those who are most in need of protection – and also those who are most likely to move on irregularly. Therefore, many interviewees questioned whether the SMOs were targeting them as a result of these eligibility restrictions.

If they do not work – or if they are too slow – people will move anyway

Second, there was widespread concern amongst most of those interviewed that if someone was intending to move irregularly and is rejected by the Offices, is unable to access them, or if the process takes too long, then they will likely opt to move irregularly. One interviewee, a Nicaraguan migrant living undocumented in Costa Rica, had tried twice to register with the SMO there, but had failed as he did not understand the system and did not have all the information he needed. He said that he has decided to move irregularly to the US instead – paying a smuggler to get him over the border from Mexico into the US.¹⁷⁸

Several other interviewees talked about the impact of timing on decision-making. As one of the US government interviewees admitted, they do not yet know how long ‘too long’ is for those who have applied to the SMOs to wait for a decision: “We were making some assumptions that if people had legal status then they would not move irregularly, but now we are having to test that assumption. And when people engage, how long are they willing to wait? We’re estimating 90 –120 days. But is that right?”¹⁷⁹ While the findings do not conclusively put a timeline on this, it is clear that rapid processing is a key element to the SMOs – not least given the fact that there is very little available support for applicants while they are waiting for a decision. A civil society organisation engaged in supporting those in the process of applying through the SMOs, for instance, reported that only about 50% were part of some other type of assistance programme when they applied, and although some were able to access assistance while they waited, this was not automatic. It has left many in an extremely vulnerable situation and forced some to leave even as their cases were moving positively through the system.¹⁸⁰ As an interviewee in Guatemala said, “I have known people who have put in an application and then become desperate and decide to move irregularly because they did not have a timely response. People need an urgent response and they were waiting with no information.” Likewise a Venezuelan migrant woman in Costa Rica said she will continue irregularly if her application is not successful in the next few weeks.¹⁸¹

¹⁷⁵ Webinar, June 2024

¹⁷⁶ KII, online, June 2024

¹⁷⁷ KII, Panama, June 2024

¹⁷⁸ KII, Venezuelan man, Costa Rica, May 2024

¹⁷⁹ KII, US, May 2024

¹⁸⁰ KII, Colombia, June 2024

¹⁸¹ KII, Venezuelan woman, Costa Rica, May 2024

Previous experience of the movement of Venezuelans provides insights into the potential impact of the Offices. In October 2022, the US government announced a new legal pathway for Venezuelans to travel to the US, namely 'humanitarian parole'. In the weeks following the announcement of the new pathway, the number of Venezuelans travelling north through the Darién Gap temporarily reduced by 90%,¹⁸² which suggests that there is substantial interest in alternative pathways and that people are willing to delay their journeys to find out more. However, the fact that after this initial pause many Venezuelans once more moved towards the US border, likely as a result of limitations of the programme, shows that if those pathways do not deliver quickly, they will not be effective in changing overall patterns. In 2023, 201,281 Venezuelans transited irregularly through the Darién Gap,¹⁸³ and over the first five months of 2024, 109,895 individuals were recorded making the crossing, on pace to being a 30% increase over last year.¹⁸⁴

The lack of procedural clarity and information about where applications are in the process outlined above exacerbates the situation. As a civil society worker in Costa Rica said, "For those who have been approved, [the Offices] are great. But there is a large group of people who are waiting and are concerned that they have heard nothing about their status – even after 6 to 8 months. The uncertainty causes a lot of stress for them. And we can't do anything – they are only allowed to inquire from UNHCR."¹⁸⁵

In sum, if the SMOs are unable to offer an alternative that is more viable than that offered by the smugglers – or at least to appear to do so – then it is unlikely that they will change people's plans to move. As one interviewee said, the impact, if any, is likely to be negligible given the scale of movement: "If you look at migratory flows for the last year, nothing has changed. The numbers [the SMOs can process] are so low, it's not going to impact people's decision-making."¹⁸⁶ Therefore, in assessing whether or not they are reaching their objective of providing access to safe and legal pathways to migrants in the region, the answer is clearly yes, for some. But the numbers are too small to affect movements overall, and the other pathways would need to be opened up in order to make a dent.

6.3 Concerns about sustainability

Furthermore, migration policies need to be sustained and sustainable in order to have a significant impact. However, migration policies are always highly politicised, and there was significant awareness that political will is likely to have an impact on the durability of the scheme. Although the SMOs represent important collaborations, both within the US government and with host and other donor countries, they are clearly led by the current US administration. In this context, there was a strong awareness that migration is highly politicised in the US and that the initiative is likely to be discontinued in the case of a Republican win in 2024: "The Republicans don't like the SMOs, which operate under Executive Order. If I was a government in the region, I wouldn't want to put too much support into a programme you don't know if it will be around in the new year."¹⁸⁷ Indeed, there is already contestation over funding in the House of Representatives for the SMOs. Republicans have moved to strip its funding in the appropriations bill, whilst Democrats are asking for 300 million USD.¹⁸⁸ Interviewees were all too aware of these realities.

There was also recognition that the internal politics of states hosting the SMOs is critical to their ongoing functioning. For example, the Guatemalan government recently changed its position on allowing access to the SMOs for Nicaraguan, Honduran and Salvadoran nationals. As an interviewee in Costa Rica said, "The SMOs are all about political deals between countries, so their impact is directly related to international politics."¹⁸⁹ One interviewee talked of the dangers of language around 'crisis' in relation to migration, which was leading to increasingly repressive responses: "Our greatest challenge is the fact that our government has declared a migration crisis in the region, which has increased a xenophobic discourse towards migrants."¹⁹⁰

¹⁸² Mixed Migration Centre, "Access to information before and during the journey among refugees and migrants in Costa Rica," December 2022, <https://reliefweb.int/report/costa-rica/4mi-infographic-access-information-and-during-journey-among-refugees-and-migrants-costa-rica>

¹⁸³ Republica de Panama, "Tránsito Irregular por el Darién: 2023," https://www.migracion.gob.pa/wp-content/uploads/MOVIMIENTO_MIGRATORIO.pdf

¹⁸⁴ Republica de Panama, "Tránsito Irregular por el Darién: 2024," https://www.migracion.gob.pa/wp-content/uploads/MOVIMIENTO_MIGRATORIO.pdf

¹⁸⁵ KII, Costa Rica, June 2024

¹⁸⁶ KII, Colombia, May 2024

¹⁸⁷ KII, US, June 2024

¹⁸⁸ KII, US, June 2024

¹⁸⁹ KII, Costa Rica, June 2024

¹⁹⁰ KII, Costa Rica, June 2024

This all points to uncertainty. Furthermore, it is not clear what will happen to those in the system if the scheme is suddenly halted, with concerns that those accepted for resettlement but who have not yet moved will be stranded. There was also an awareness that if the scheme is suddenly closed down, rather than creating predictability it will do the opposite, and, as one person said, “that’s likely to encourage more irregular movement, not less.”¹⁹¹ And, as mentioned above, closing the Offices down would do significant damage to the argument that wealthier states are committed to ‘responsibility sharing’ in any meaningful way. While agencies are planning for this eventually – as one implementer said, “we’re looking at how you manage resettlement pipelines... so we’re not just sitting back, hoping for the best”¹⁹² – it emphasises the inherent fragility of the SMOs.

6.4 Protecting those most in need of support?

In looking at the role of the SMOs in the broader framework of mixed migration management, it is also important to view the role of the primary service that they are currently providing – refugee resettlement – in the context of the broader global policy landscape. Resettlement has often been seen as a safety valve for the ‘most vulnerable’ – “a life-saving solution for the most vulnerable refugees in the world.”¹⁹³ While acknowledging that this works imperfectly in other contexts as well, it is important to assess whether resettlement is playing that role through the SMOs.

First, it is worth noting that although the number of resettlement places available for the region has increased, the overall global number has not increased. So, more resettlement in LAC means less resettlement in other regions that also have substantial needs. And within LAC, as noted above, there were concerns that the eligibility criteria are excluding some of the individuals most in need of support, which undermines its ability to play this role. One way in which the US has sped up resettlement is to create profiles of eligible migrants. However, this can further disincentivise choosing cases that fall outside of this criteria. As an individual working for civil society in the US said, “they are not particularly equity based.”¹⁹⁴ Other interviewees expressed concern that SMOs have detracted from refugee processing in the region, including those who have been waiting years for a decision on their asylum or resettlement case. Furthermore, there was concern that there are far more applications already in the system than those that can be processed in the fiscal year. While a prioritisation scheme is being put in place, the mechanisms being used for prioritisation are not clear. This then limits the ability for civil society to make recommendations to refine these priorities, or to suggest particular cases that they might be aware of for consideration.

Second, it is important to remember that the number offered support through the SMOs are a small minority of those in need in the countries in which the Offices are located. For example, it has been reported that 109,303 individuals had registered for the SMO in Colombia as of April 2024, which is set against a population of 2.86 million Venezuelans in Colombia alone. Thus, it is critical that the SMO initiative be complemented by efforts to support those who remain in the SMO countries. This is, in fact, envisaged – not through the SMOs directly, but through the broader LA Declaration Framework, part of which addresses reinforcing national systems and supporting integration initiatives, which have already been, in many cases, very welcoming.

However, there was concern that not enough is being done to advance these aims, particularly in view of a trend to tighten access to status across the region in recent years. A number of interlocutors in Colombia, for example, noted that while USAID programmes were useful to support the integration of Venezuelans, the resources available for those programs were perceived to be under dwindling as resources were deployed to crises in Ukraine and Gaza.

¹⁹¹ KII, Brussels, June 2024

¹⁹² KII, Panama, May 2024

¹⁹³ UNHCR, Refugee Resettlement Factsheet, October 2023, <https://www.unhcr.org/us/sites/en-us/files/legacy-pdf/639929ddd4.pdf>

¹⁹⁴ KII, US, June 2024

Costa Rica offers an interesting example, where the hardening policies of the Costa Rican government were noted. As one interviewee who provides legal aid to migrants in Costa Rica explained,

“Many migrants would opt to remain in the country if they are able to regularise their stay through some form of legal status. This would enable them to work and access services, particularly in the case of a country such as Costa Rica, which has traditionally attracted significant numbers of migrant workers. But since 2022, things have tightened up here. There is a huge backlog in cases, and migrants cannot now request work permits immediately – they are subject to a request from an employer... This is drastically reducing the possibility for migrants to stay here.”¹⁹⁵

New support to address these concerns was announced through the LA Declaration Framework in May 2024, and the national refugee law was reformed in June to address some of these concerns, but the impact has yet to be felt, much less assessed. In the meantime, questions about the efficacy of these efforts and prioritisation remain.

6.5 SMOs sitting alongside increased border security and containment

A further concern about the SMOs within a regional context is their juxtaposition to border control and enforcement measures put in place by the US government – measures which, experts argue, actually increase smuggling. As has been described by the Migration Policy Institute, “As states implement extensive border controls and apply a wide variety of deterrence measures such as visas and carrier sanctions to prevent illegal migration, they indirectly push unauthorised migrants into the hands of smugglers and traffickers who promise to evade these controls.”¹⁹⁶

One interviewee, for instance, talked about the fact that Guatemala is getting significant help from the US with border security at the same time that it is getting support for the SMOs.¹⁹⁷ Similarly, the SMOs in Colombia and Ecuador are primarily offering safe mobility to Venezuelans, while nationals from both countries hosting the SMOs are crossing the dangerous Darién Gap. Yet the numbers crossing the Gap is directly linked to the imposition of visa requirements by countries further north, such as Mexico, Costa Rica and Belize, which imposed visa requirements on Venezuelans in 2022, reportedly in response to US pressure.¹⁹⁸

6.6 What do SMOs mean for the right to seek asylum at the US Southern border?

Many of those interviewed, especially those who engage with the asylum system in the US, were also concerned about the potential for the SMOs to accelerate the ongoing trend of limiting access to asylum in the US through externalisation policies that are aimed at keeping migrants and refugees away from the Southern border. Indeed, prior to the opening of the Offices, there was concern that they would completely shut down access to the border – a concern that needs to be viewed against the backdrop of an ongoing deterioration of access to asylum in the US over a number of years. As one person explained, “We’ve seen national asylum systems in the region deteriorate of late. So the political view, that SMOs are the rising star, is actually putting good asylum institutions in danger”.¹⁹⁹ As one interviewee said, “Initially we were worried it might be used as a reason to stop people claiming asylum at the US border. We relaxed when we saw how it was operating, but there is always the danger of a containment element creeping in.”²⁰⁰ This concern was also expressed by migrants themselves. For example, one Colombian refugee in

¹⁹⁵ KII, Costa Rica, June 2024

¹⁹⁶ Randall Hansen and Demetrios G Papademetriou, “Securing Borders: The Intended, Unintended and Perverse Consequences,” Migration Policy Institute, 2014, <https://www.migrationpolicy.org/research/securing-borders-intended-unintended-and-perverse-consequences#:~:text=As%20states%20implement%20extensive%20border,promise%20to%20evade%20these%20controls> .

¹⁹⁷ KII, US, June 2024

¹⁹⁸ Human Rights First, “Mexico/Central America: New Visa Restrictions Harm Venezuelans,” July 5, 2022,

<https://www.hrw.org/news/2022/07/05/mexico/central-america-new-visa-restrictions-harm-venezuelans>

¹⁹⁹ KII, Panama, June 2024

²⁰⁰ KII, Panama, June 2024

Ecuador, when interviewed, asked whether she would still have the option of applying for an asylum appointment in the US through CBP One if she applied to the SMO.²⁰¹

In sum, therefore, while the role of the Offices was generally seen as positive, concerns were expressed that they were being undermined by control-oriented and securitised responses. Or worse, that they were being used as political cover for restrictive measures.²⁰² Indeed, the pillar on increasing safe mobility in the LA Declaration, which is the framework for the adoption of the Offices, is paired with a pillar on “strengthening humane enforcement.” As one interviewee said, “There are strong positives about the SMOs. But the problem is that they are linked to border closure policies – the US government is tying these things together, and that feels really bad.”²⁰³

Further, in the 4 June 2024 presidential proclamation announcing new restrictions on access to asylum in the US, SMOs are specifically listed as part of efforts to create safe pathways cited in the explanation as to why the restrictive border measures are necessary.²⁰⁴ As another interviewee said, “Having a mechanism in several countries where you can do in-country processing and have access to safety without crossing the region is a really good concept. But if it’s an exchange for access to territory, then it’s not a solution.”²⁰⁵ While expanding resettlement is positive, therefore, it is not a substitute for honouring the US’s international and national commitments to protect refugees who reach its shores.

²⁰¹ Interview with Colombian woman, Ecuador, June 2024

²⁰² Kristie de Pena, Gil Guerra, “Managing mixed migration in the 21st century through the Safe Mobility Offices initiative,” September 20, 2023, <https://www.niskanencenter.org/managing-mixed-migration-in-the-21st-century-through-the-safe-mobility-offices-initiative/>

²⁰³ KII, US, June 2024

²⁰⁴ The White House, “A Proclamation on Securing the Border,” 4 June 2024

<https://www.whitehouse.gov/briefing-room/presidential-actions/2024/06/04/a-proclamation-on-securing-the-border/>

²⁰⁵ KII, Panama, June 2024

7. Potential relevance of SMOs for other contexts globally

The SMOs are part of a regional framework for responding to migration in LAC – a framework designed both to promote legal pathways, and strengthen enforcement against those without a legal basis to stay.²⁰⁶ Their stated intention is to offer legal alternatives to using smuggling networks, and to take pressure off the borders where large numbers of migrants are arriving. In other words, they respond to both a humanitarian and a practical imperative – to offer protection and fill gaps in the domestic labour market, while addressing host population disquiet about levels and perceived disorder in immigration processes. The findings, therefore, point both to significant achievements of the SMOs, but also a level of unease around some of the operational challenges and structural dynamics that underpin it.

Although they have so far been deployed solely in the Latin American context, many of the circumstances driving US immigration policy also apply to Europe, raising questions about whether a similar initiative could be useful in that context. Indeed, replication of the SMOs appears to be already under consideration in Europe. According to the International Centre for Migration Policy Development, EU governments and the Commission are ‘highly likely to explore proposals for the remote processing of asylum claims’ on the model of the SMOs. “A European equivalent (perhaps ‘EU Migration Transit Centres’) in strategic locations along key migration routes would be a significant flanking measure to the Pact’s reforms: supporting efforts to reduce irregular migration by sea; providing safe legal channels for those in need of international protection; and in certain cases helping to match skilled migrants with employers willing to sponsor their journey to Europe.”²⁰⁷ However, there are a number of key facets to the SMOs that would be important to consider in the event of any such replication.

First, and on the positive side, the SMOs represent a clear demonstration of the fact that, with sufficient resources and political will, **it is possible to create a system of expedited and accessible resettlement in regions that host the majority of the world’s refugees and migrants**, and to move refugees to safety in relatively large numbers. Furthermore, in doing this, they have created a concrete and visible example of responsibility sharing within a global context of forced migration – similar to the expansive response to Ukrainian refugees. In a context in which many wealthier governments are increasingly shirking their responsibility in providing access to their territory for vulnerable populations, the SMOs provide an important demonstration of what is possible when bold action is taken. Therefore, and despite all of the criticisms above, there are clear elements of the SMOs that other countries can learn from.

Second, however, **while the improved resettlement numbers are admirable, the offices have had limited impact on overall migration patterns**. This is largely due to the limited number of migrants who are eligible to access them, and to the limited migration pathways available to those who do have access. As stated above, the SMOs have worked best in the area of resettlement, where the pathway, and the process to access it, is most established and clear. For the version of the SMOs that exist in the Americas to be made more effective, more would need to be done to develop pathways other than resettlement.

The same would be true in the European context, where the success of such an initiative would depend on its ability to facilitate access to legal pathways. Yet right now, refugee resettlement numbers to Europe are significantly lower than they are to the US, relatively speaking, and other pathways would have to be made available in a more consistent way. Ultimately, the need for multiple pathways captures the essence of the SMOs given the diversity of those who are moving. In the words of one civil society actor, “key facets have potential: creating a multi-pathway, multi-country system that can connect people in a relatively light-touch manner tied to multiple opportunities to pursue protection and non-protection pathways would be an ideal. One tool in a wider set of tools to manage migration better. No individual approach will ever be a silver bullet.”²⁰⁸ In this context, a European initiative would not only need to consider increasing resettlement quotas, but also need to offer access to existing labour pathways and perhaps to open up new ones. While the need for increased and better legal labour migration pathways is widely

²⁰⁶ US Department of Homeland Security, “Fact Sheet: U.S. Government Announces Sweeping New Actions to Manage Regional Migration,” April 27, 2023, <https://www.dhs.gov/news/2023/04/27/fact-sheet-us-government-announces-sweeping-new-actions-manage-regional-migration>

²⁰⁷ Breaking Taboos: EU asylum and migration policy since 2020. International Centre for Migration Policy Development, 5 June 2024 <https://www.icmpd.org/blog/2024/breaking-taboos-eu-asylum-and-migration-policy-since-2020>

²⁰⁸ KII, US, May 2024

recognised in Europe,²⁰⁹ effectiveness and willingness to engage in such a process is likely to depend on receiving country perceptions about the need for migration.

Third, they require carefully managed political negotiations with key stakeholders. The Offices have created a positive framework for collaboration among key actors, including between the US and the states hosting the Offices, and between UNHCR, IOM and the US government. The model is also engaging other countries, including Canada and Spain, albeit at relatively low levels to date. Although it has not yet been fully developed, this collaboration shows the possibilities for creating efficiency in processing and expanding options for sharing resources. There are a number of elements to this that are key, however.

In the first instance, clearly defined roles have been important and effective. The SMOs have functioned as an important model of partnership, albeit spearheaded by the US government, but working closely with host countries, and with UNHCR and IOM providing services in tandem with each other. Each party has its own clearly defined roles. For example, receiving countries make final decisions about admissions, although with input based on the criteria negotiated with the host countries. This is something that would need to be considered if the approach was to be replicated elsewhere. Partnerships would be needed, but the success of the initiative would likely depend on careful construction of frameworks for their collaboration. There is, of course, a caveat to this. As outlined above, to the extent that SMOs are largely operated at the discretion of individual states, this creates an inherent fragility to the extent that they hinge on political will.

In addition, selecting which partners to engage with is also important. For example, when Greece and Italy suggested they might be willing to pledge to take individuals through the LAC SMOs, there was a scathing backlash. Some argued that this was inappropriate in light of the countries' ongoing issues in terms of reception of refugees and migrants.²¹⁰ Selecting and structuring partnerships, therefore, is necessary to define any new initiative.

Furthermore, the SMOs have worked in LAC because the US has had strong relationships with the countries in which they are operating, which has enabled them to navigate initial teething problems. In addition, they are framed within the LA Declaration, which was negotiated with the region as a whole, recognising, albeit imperfectly, the need to engage in multiple different locations along journeys taken by migrants. This framework allows the SMOs to be complemented by other measures, like reinforcing reception and integration systems in the countries in which the SMOs are located and where the largest numbers of migrants and refugees are settled. A similar regional framework would be useful in the countries from which most migrants to Europe come, and could lead to creating thinking about 'whole of route' approaches that resonate with the journeys that many migrants are taking.

At the same time, the negotiation with these countries has shaped the Offices in particular ways, including with regard to creating eligibility criteria to avoid the Offices becoming pull factors. However, as noted above, at times the criteria put in place to address this concern has undermined the ability of the initiative to support those most in need. Balancing the needs and desires of host countries with the aims of reaching a wide population to ensure effectiveness and to reach the broader policy objective, therefore, is likely to be contentious in any future application. And in many respects, this comes back down to the idea of the Offices being a genuine symbol of wealthier states' willingness not only to throw money at countries hosting the majority of the world's displaced, but also to welcome individuals into their countries. In other words, of true partnership. As an interviewee said, "It's not a good moment to pursue something that seems to be serving your own interests alone. It has to be based on genuine and meaningful cooperation."²¹¹

²⁰⁹ KII, European government representative, June 2024

²¹⁰ KII, Brussels, June 2024

²¹¹ KII, Brussels, June 2024

Linked to this, location is vital – but is not without challenges. Where Offices are located has an impact on which populations can access them, but also the safety of applicants while they wait. Understanding where on their journeys migrants are likely to get stuck is key in this regard. For example, and as interviewees were quick to point out, it would be both impractical and even dangerous to locate an Office in Libya due to ongoing insecurity in the country, even though it would be useful inasmuch as it could address a significant ‘trapped’ population. That said, the existing Emergency Transit Mechanism,²¹² which evacuates and relocates refugees and asylum seekers deemed to be at ‘heightened risk’ in Libya is, alongside a mechanism for legal pathways offered by the Italian government, in some respects, a variant of the SMO initiative. Ultimately, however, doing deals with Libyan authorities (both those who are officially recognised and de facto authorities) – which European countries have not shied away from previously – would create concerns about the country’s deeply problematic human rights record.

Finally, civil society has an important role to play in both advertising and critiquing any future initiative, as well as in supporting the identification of appropriate cases. In the SMO initiative, only a select few have engaged, while others have been left frustrated. Questions about how to manage and maximise civil society relationships would likely arise again in any new application.

Fourth, safeguarding asylum is fundamental. The right to territorial asylum is enshrined in international law. The SMOs are not designed for external processing of asylum claims as the EU has proposed in various contexts, but rather processing for other legal status, primarily resettlement, which occurs within a distinct legal framework, regardless of concerns about its impact on the asylum system.

While SMOs and any parallel initiatives that may be developed can offer helpful pathways from the regions most in need, they in no way can – or should – be considered as a replacement for maintaining proper asylum systems at the domestic level or upholding international legal obligations to those in need of protection. The asylum system in the US is clearly bounded by law, both international and domestic, that includes significant procedural protections and creates an obligation to accept those that meet the criteria, regardless of the number of arrivals (although this is being undermined in the context of the recent policy changes). The resettlement system, while vital, is discretionary, contains fewer procedural protections for applicants and allows the number of those accepted to be determined by the largesse of the receiving country, rather than the needs of the applicants. In this context, and as laudable as the resettlement system is, it is in no way a replacement for asylum. It is critical, therefore, that the SMOs are, as stated, part of a broader strategy under the LA Declaration that seeks to support national asylum systems (among other priorities). They must also be matched by a commitment to maintain accessibility of the US asylum system. In the same way, any future Offices must be accompanied by a strong, tangible commitment to bolster asylum systems, including through the challenges for countries hosting those who are unable to return to their country. Therefore, they must not be used as cover for shutting down asylum which, ultimately, has stronger procedural guarantees and accepts more people.

The fact that the SMOs are sometimes referred to as a model for ‘proposals for the remote processing of asylum claims’ is concerning. SMOs do not, and are not intended, to offer remote processing of asylum claims. This points to a fundamental misunderstanding of their purpose: they were designed to offer alternative routes to other countries, not to do external processing of asylum claims. The recent passing of the EU Pact on Migration and Asylum in December 2023, which is a set of regulations governing how states respond to people arriving in Europe, is reason for concern about the integrity of the asylum system. Designed to speed up the asylum process and accelerate the return of irregular migrants to home countries, it also, in theory, requires EU member states to ‘share responsibility’ for asylum seekers and take some of the pressure off ‘frontline’ states and offers an expansion of legal pathways. In practice, however, civil society has expressed strong reservations about the new pact, including concerns that it further criminalises those seeking asylum; it continues to view migration through a securitised lens; it expands and puts a strong emphasis on detention; and it allows for ‘emergency measures.’²¹³ As in the US context, care needs to be taken to ensure that such initiatives do not provide political cover for undermining legal protections of the right to territorial asylum.

²¹² UNHCR, Emergency Transit Mechanisms.

<https://www.unhcr.org/uk/unhcr-s-emergency-transit-mechanism-centre-rwanda#:~:text=risks%20and%20exploitation,-Through%20the%20ETM%2C%20refugees%20and%20asylum%2Dseekers%20at%20heightened%20risk.to%20secure%20long%2Dterm%20solutions>

²¹³ HIAS, ‘EU Adopts Migration Pact Curbing the Right to Asylum.’ April 2024, <https://hias.org/statements/eu-adopts-migration-pact-curbing-right-asylum/>

Finally, they should use technology judiciously. The use of technology in this initiative was both lauded for its considerable success, and criticised for some of the challenges it has raised. In the case of the former, as one activist said, “The idea that individuals can self-refer for resettlement, that they don’t have to go through a gatekeeper, is innovative.”²¹⁴ In addition, the technology has allowed for efficiencies in processing, and the investment has been laudable. However, the online system can disfavour those most in need, those who are not literate, and those who do not speak the right languages or do not have access to both technology and a robust internet connection. The system, therefore, needs to be considered from the perspective of the user and the advantages and disadvantages of technological solutions will need to be balanced.

In conclusion, therefore, the potential replication of elements of the SMOs would necessitate a deeply political conversation, but with profound significance for those who are seeking to use migration as a key coping strategy to navigate their circumstances. In order for them to be effective they will need to offer real access to a variety of migration pathways, collaborate effectively with the states in which they operate and, fundamentally, cannot be used as a smokescreen for further externalisation of asylum.

²¹⁴ KII, Brussels, June 2024

8. Conclusion

Responses to 'mixed migration' remain a significant challenge. To date, many of the responses have been driven primarily by an approach designed for the benefit of wealthy nations who want to prevent people from reaching their shores rather than for the protection of those who are moving.²¹⁵ Meanwhile, a lack of solutions in refugee-hosting countries and regions, a wide range of persistent reasons of why people leave their countries of origin and a strong demand for (irregular) migrant labour in many destination countries, continue to drive people towards irregular, onward and often dangerous migration journeys, causing enormous harm and huge profits for smugglers.

The SMOs have engaged directly with this challenge and have put the spotlight on an issue that needs creative thinking. They have provoked a discussion rooted in something tangible by taking bold and significant action. Specifically, they have made important strides forward in making resettlement more accessible and faster, which is no mean feat in a global context in which resettlement numbers are faltering – at best.

However, and as all those interviewed who are involved in rolling out the new Offices are quick to admit, in order to reach their potential there is much work to do – some of which is operational, and some of which is more structural. The research highlights a number of key areas that would strengthen the Offices moving forward.

- First, and despite their flaws, the Offices offer a new path to protection in an environment where such things are rare. As one activist put it, “we have to fight for them with our lives. Politically, we are not going to get anything better.”²¹⁶ However, if the Offices are to make any significant impact on creating an environment for safer movement, eligibility criteria needs to be expanded and challenges to accessibility addressed to make them more user-friendly and ensure greater access. Furthermore, the lack of non-resettlement, and particularly labour, migration pathways remains a significant obstacle. It needs to be expanded beyond simply the provision of information in order to offer access to more diverse pathways through the SMOs.
- At the same time, it is important to recognise that the SMOs on their own have only a limited impact on mixed migration dynamics in the region for a number of reasons, including the small numbers of those who can be helped by the Offices compared to the total numbers of those who are moving. Inasmuch as they are part of a broader system under the LA Declaration, therefore, there is a need for clarity that the Offices are not a substitute for either asylum in the countries in which the SMOs operate or territorial systems in the main destination countries, both of which have to be maintained as a core commitment alongside the SMOs. Additionally, they need to be substantively reinforced by support for integration in countries hosting the majority of individuals in need of protection. This is an important contribution to a truly robust response to mixed migration and these other measures need to be given due consideration and attention.
- Linked to this, civil society can play an important role in supporting the SMOs through information sharing, identifying viable cases and offering support to those in the system. But this contribution cannot be maximised, nor can confidence in the process on the part of the host country population be built, without far greater transparency.
- The SMOs appear to be a generous example of responsibility sharing that is bold, unique and inspiring. However, their aim of making migration more orderly and safer is being persistently undermined by other US policies, including putting pressure on neighbouring states to impose visas or enhance enforcement, which only force more migrants into dangerous and irregular situations. Of course, at some level this is not surprising given the political negotiations to which these policies are subject, but more needs to be done to ensure dignified and safe options – and genuine commitment to making sure this happens in practice.
- Ultimately, therefore, long-term solutions are still vital. As difficult to achieve as these are in an environment in which mixed migration issues are so politically charged, long-term strategies are needed to build confidence and achieve significant results.
- Finally, while in theory there might be future options for replicability of aspects of the SMOs in situations that have similar challenges and needs, this is likely to be extremely challenging in the current political climate.

²¹⁵ L Hovil and S Jespersen, “Forced into Slavery: Eritreans Caught Between Refugee and Migration Policies.” *Journal of Modern Slavery*, Volume 8, Issue 1, 2023

²¹⁶ KII, on-line, June 2024

As Filippo Grandi summarised in a recent speech:

“The [SMOs are] an impressive feat of collaboration between the US Administration, several key host countries, IOM and UNHCR towards setting up a one-stop-shop mechanism for resettlement and migration pathways in multiple countries in a matter of months. Together, we have achieved a proof of concept! But to reach its full potential, this initiative needs to be broadened to reach further eligible populations and must be part of a comprehensive ecosystem of well-coordinated efforts. It is crucial, let me add this point, that these pathways are not used as trade-offs to access to asylum at borders – something that must be safeguarded but as an additional important element in the bigger effort to manage population movements effectively. This is an issue which we have repeatedly raised – not always successfully – with the US Administration.”²¹⁷

In a global migration context in which there is seldom good news, therefore, the SMOs give an inkling of what might be possible with some brave and careful thinking. From here, however, additional engagement is needed to build on the successes of the Offices and address their weaknesses, to make use of lessons learned, and to implement similar initiatives that offer access to various legal pathways from countries of origin and transit in other migratory contexts.

²¹⁷ Remarks by Filippo Grandi, United Nations High Commissioner for Refugees at Georgetown University, Washington, DC, Speech <https://www.unhcr.org/us/news/speeches-and-statements/remarks-filippo-grandi-united-nations-high-commissioner-refugees>



MMC is a global network engaged in data collection, research, analysis, and policy and programmatic development on mixed migration, with regional hubs in Africa, Asia and the Pacific, Europe and Latin America, and a global team based across Copenhagen, Geneva and Brussels.

MMC is a leading source for independent and high-quality data, research, analysis and expertise. MMC aims to increase understanding of mixed migration, to positively impact global and regional migration policies, to inform evidence-based mixed migration responses for people on the move and to stimulate forward thinking in public and policy debates on mixed migration. MMC's overarching focus is on human rights and protection for all people on the move.

MMC is part of the Danish Refugee Council (DRC).

For more information visit: mixedmigration.org and follow us at @Mixed_Migration

Expectation State provides a different approach to inclusive growth in emerging states, to benefit society as a whole. We are an employee owned business of committed development experts rooted in our countries, sharing ownership and benefits across a business that we are passionate about.

With teams in Jordan, Tunisia, Ghana, Kenya, Zambia, Zimbabwe and the UK, we work with Governments, donors, investors, family offices, charities, startups, multinationals and communities to deliver growth that is increasingly inclusive in the markets and regions where we work

For more information visit: expectationstate.com