



Reducing Irregular Migration from Central America through Alternative Regular Migration Pathways

Interim Report and Recommendations

**North and Central American
Task Force on Migration**

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The **North and Central American Task Force on Migration** is a non-governmental forum of academics, civil society and business leaders, and former policymakers in dialogue with current government officials created to facilitate a broadly driven solution dialogue among the countries involved in the crisis of migration and forced displacement in the region. Initiated by the World Refugee & Migration Council with the Center for U.S.-Mexican Studies, El Colegio de México, the Migration Policy Institute and the Inter-American Dialogue, the task force will issue concrete recommendations for collective, regional action based on evidentiary research to promote responsibility sharing across North and Central America. This report is part of the Task Force's series of interim reports on the following topics available at wrmcouncil.org/TaskForce:

- Humanitarian protection in the region, particularly for women and children who are at greatest risk, including addressing needs of internally displaced persons and building asylum/reception capacity in Central America and Mexico.
- Co-responsibility and cooperation for managing migration, focusing on enhancing regional approaches to migration in the region.
- Institutional frameworks and domestic political considerations, including rule of law, governance, corruption and accountability.
- Investment in long-term development to address violence and gangs, poverty and inequality, and the impacts of climate change.
- Strengthening regular pathways for migration as an alternative to irregular migration, including private sponsorship, family reunification and labor migration.

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Developing Alternative Regular Migration Pathways¹

While earlier Task Force reports have focused on addressing the drivers of Central American migration – corruption, weak rule of law, violence, poverty, inequality, environmental hazards – this report considers alternative pathways for migration from Northern Central America.

The short answer to the question of why so many Central Americans are setting off on dangerous irregular migration journeys is stunningly simple: because there is virtually no way that they can move through regular, legal, safe channels. This is true for those seeking better economic opportunities, for those fleeing persecution and violence, and for those who leave their countries because of a combination of economic, political, and environmental risks. This is not a new issue; researchers and advocates in North and Central America have long advocated for development of alternative pathways (e.g., Selee et al 2021; Newland and Riestler 2018; Hooper 2019). But given highly politicized responses to Central America it is more urgent than ever. Without alternative migration pathways, efforts to protect Central Americans and to manage borders will not succeed. Developing safe, legal migration channels would eliminate some of the negative consequences of irregular migration: extortion of migrants by unscrupulous smugglers, the suffering of separated families and human rights violations across the board.

Existing programs for temporary labor migration were mainly developed decades ago in a very different context and do not take into consideration the current conditions in Central America. In particular, demographic trends in

both North and Central America are moving in different directions. In the US, the number of people over the age of 65 is expected to double in the next twenty years; the number of those over 85 will quadruple. Meanwhile, the number of workers who will share the cost of social security will plummet. (Urban Institute 2021). Population growth in Canada is due mainly to immigration; indeed, while one person in five in Canada is an immigrant, the corresponding figure for the US is one in eight (INED 2021). And, as a recent *Economist* article summarized, “Mexico is aging fast,” with a falling birth rate, increasing life expectancy and low rates of immigration. The proportion of Mexico’s population under 20 years peaked in 2010 (Economist 2021). At the same time in Central America, the population of young people, aged 15-29 has surged 51 percent since 2000 compared to an increase of 16 percent in the US. Presently 30 percent of the population in Guatemala and Honduras and 28 percent in El Salvador are between 15 and 29; almost a third of young people in these three countries are not employed or in school or training programs (Spanos et al 2021). At a time when Canada and the US need young workers, Central America has many more young people than jobs. Yet existing bilateral labor migration programs were developed when conditions were very different.

If regional labor migration systems are outdated, the system for protecting refugees from Central America is broken: they are not protected in their home countries, in transit through Mexico, or at the US-Mexico border. Many, perhaps most, of the Central Americans encountered at the US border in 2021 do not meet the strict criteria for refugees as enshrined in US and international refugee law (although many, perhaps most of them would

¹ This report is largely based on background papers prepared by Michael A. Clemens ([Pathways for Labor Migration from Northern Central America: Five Difficult but Necessary Proposals](#)) and Jennifer Bond

([Alternative Protection Pathways in the Americas](#)). The paper also benefited from a presentation by Jayne Fleming on the work of Lamp Lifeboat Ladder.

meet the criteria in the 1984 Cartagena Declaration (UNHCR 1984). But there is simply no other way for them to enter the US, so they turn to the over-burdened asylum system and are often penalized for irregular entry. And yet, the drafters of the 1951 Refugee Convention recognized that people fleeing persecution may have no choice but to use irregular means to enter another country to ask for protection. Irregular entry should not be held against them – after all, asking for asylum is a basic human right. And few would blame Jews escaping Nazi Germany from using fake passports or paying smugglers to help them escape.

As Michael Clemens points out, from January through July 2021, 478,000 citizens of Northern Central America were apprehended at the US border. In that same seven months, Northern Central American citizens were given just 8,641 work visas and 1,520 grants of asylum by the United States. This meant that only one in 50 people apprehended at the border had any lawful channel for entering the US. For the other 49, there were no visas; there were no grants of asylum. They had only two alternatives: to migrate unlawfully, or simply to endure the conditions that drove them to this desperate and dangerous act. Even including other countries in the region would not much alter this picture. The total lawful channels for Northern Central America citizens to Canada, Mexico, or the United States amounted to about 3.5 for every 50 people apprehended at the US border.

In looking at possibilities for alternative regular migration pathways, we have followed convention and divided the possibilities into those for labor migration and for protection. But the pathways are connected in several ways. First, the motivations for migration are often mixed – often people move because they cannot survive at home: they cannot find jobs, social safety nets are non-existent, they are extorted by criminal gangs, drought has destroyed their crops or hurricanes have decimated their homes. As Abuelafia et al (2018) found, 40 percent of migrants from northern Central America cite fear of death

from generalized violence in the region as the reason for their migration and 40 percent state that their economic opportunities in their home country do not allow basic sustenance for their families. Economic deprivation and fear of death are not separate drivers of migration: deprivation exacerbates the effect of violence, and vice versa (Clemens 2021a; Bermeo and Leblang 2021; Ibáñez et al 2021). But the lack of legal migration pathways means that people are asking for asylum because there is no other possibility for entering the US. Developing more legal migration pathways is likely to reduce pressure on the asylum system. If there were safe, regular ways to enter the US, there would be less irregular migration.

It may seem crazy to talk about expanding regular migration pathways at a time when the pressure to close borders in the region is growing. But for several reasons, this is an opportune moment to press forward with this idea. First, obviously securitization of the border, the Migration Protection Protocol, and other restrictive measures are not working. Secondly, the lack of workers in the US at this particular moment in time would favor finding ways of increasing labor migration – a move which has been central to Canada’s immigration policy in recent years as well. Thirdly, the pressures of responding to the Afghan refugee situation in the US and Canada are leading to discussions of new protection pathways, such as private refugee sponsorship and in-country refugee processing, making this an opportune time to consider bold new ideas for dealing with migration from Central America. Fourthly, the time seems right to strengthen regional approaches to migration in Central America. Canada currently chairs the MIRPS Support Platform (Comprehensive Regional Protection and Solutions Framework to Address Forced Displacement in Central America) and will be followed by the US as chair – this is an opportunity for coordinated regional leadership of an important existing regional mechanism. Upon assuming the chairmanship of the UN Security Council, Mexican President Andrés Manuel López Obrador called for

a new global fund to address poverty, perhaps signalling an increased commitment to multilateral approaches to addressing root causes. It is also time to consider – as the Task Force spelled in its report on our Regional Co-Responsibility – a new regional mechanism built on the model of the Arctic Council where regional strategies for migration are agreed and implemented.

The background papers by Michael Clemens and Jennifer Bond prepared for this report provide excellent overviews of existing pathways for both labor migration and protection and we don't repeat their analyses here.

Labor Migration Pathways

As pointed out in the background paper, labor migration pathways (seasonal work schemes, other nonimmigrant and immigrant visas) for workers from northern Central America are extremely limited. Pre-pandemic possibilities for legal migration from northern Central America for the US, Canada and Mexico, amounted to just 35,795 places. In comparison, 355,363 visas were available for Mexicans to work in the US and Canada.

Lawful pathways are not only extremely few, but they are also highly skewed. Almost two thirds of the existing pathways are for Guatemalan farm workers, leaving all other workers in the region just 15,000 visas *per year*. For comparison, average apprehensions of NCA citizens at the southwest US border in 2021 have been 17,805 *per week*.² The tiny number of lawful pathways that exist bring economic benefits to participants that vastly exceed their best alternatives at home. For example, typical Guatemalan recipients of seasonal work visas in the US forestry sector multiply their monthly incomes *by a factor of 16* (Brodbeck et al. 2018). While seasonal work visas offer opportunities for a few Central Americans – and many more Mexicans – there have also

been cases of exploitation, abuse, and human trafficking of seasonal workers who have also been victims of fake visas, unscrupulous middlemen and employers (Legrain 2019).

Change is needed to offer more regular labor migration pathways for workers from northern Central America.

Recommendations

1. The US, Canada and Mexico should use bilateral and multilateral regulation to increase labor migration pathways. The US could renegotiate the Central America Free Trade Agreement to include, along with other needed reforms, a provision for labor mobility – not only to workers with a university degree and specialized knowledge (as included in NAFTA) but also vocationally-skilled workers who are essential to the US economy. The US, Canada and Mexico could also develop or expand existing bilateral labor migration agreements to include workers from northern Central America. Canada has had a bilateral agreement with Guatemala since 2003 – now the largest lawful channel for labor mobility in the entire region – and with Mexico since 1974. Mexico and Guatemala in 2014 signed a formal agreement for a large-scale program to regulate temporary labor migration between the two countries beyond the four southern states currently eligible for Mexico's Guest Worker Card though this has yet to be implemented. Relative to private employer-driven worker recruitment, bilateral government to government agreements provide less opportunity for third-party recruiters to impose coercive bribes ("recruitment fees") on workers. While seasonal agricultural worker visas do provide income for a limited period of time, unless they provide a route to permanent

² In the most recent statistics available as of October 10, 2021, encounters of NCA citizens at the

Southwest Land Border have [totaled 569,746](#) for the eight months of January through August 2021.

residency, they do not address the underlying insecurity of migrants.

2. The US and Canada should develop provisional – rather than only temporary – labor migration programs. While there is a long history of temporary or seasonal pathways – particularly in agriculture – provisional visas allow migrants to work for a certain period which is fixed in advance. And then if certain conditions are met – usually continuous employment and no criminal record for a number of years – the worker becomes eligible for permanent residence.

The number of temporary and provisional labor visas for Central Americans should be expanded to 50,000 per year; this would be an important increase which would signal to Central Americans an opening of legal channels – but not so high that it would provoke a negative popular reaction.

3. Given demographic and labor market trends, the US and Canada, should consider developing labor migration schemes for care workers in both the childcare and elder care sectors (AARP 2020; US Bureau of Labor Statistics 2021). Care work is the fastest growing area of the economy and is an area where women’s skilled work is in high demand giving women a route for migration that is not dependent on a familial relationship with a male applicant. This should be a route for direct permanent or provisional immigration rather than temporary work. Until 2014, Canada had a migrant care worker program that ensured workers would be eligible for permanent residence after completing two years of work; however, since 2014 there has been no guaranteed eligibility for permanent residence.
4. The US and Canada should invest in skilled labor mobility through a Global Skills Partnership – an idea endorsed by all 3 northern Central American countries in the Global Compact for Safe, Orderly and Regular migration. The US and Canada, at a minimum, could negotiate such a partnership with Northern Central American countries, linking skilled migration with investment in skills. At the same time,

Canada, Mexico and the US should invest in credentialing systems which would expeditiously recognize the qualifications of those receiving training and work experience in other countries.

5. Both the US and Canada should consider establishing independent, apolitical, credible agencies to recommend regulations for immigration in the national interest (Meissner et al 2006; Gutierrez et al 2016). The highly politicized environment in the US and the lack of transparency on how criteria are set for specific visas, such as the H-2B visa, are not conducive to making immigration policy. A national nonpartisan body, including significant worker representation, could come up with a comprehensive policy for migration from northern Central America, such as the right mix of permanent, temporary and provisional visas; the sectors of priority for Global Skill Partnerships; and changing visa numbers to respond to changing conditions both in countries of origin and countries of destination.
6. The US, Canada and Mexico should seek to coordinate their labor migration policies to ensure complementarity. While labor migration policies will be determined in large measure by national labor market needs, if these policies are considered in isolation from one another, they may end up working at cross purposes. And working out regional labor migration schemes requires the involvement of ministries of education, trade, labor, interior, foreign affairs and justice.
7. The US and Canada, either unilaterally or jointly, should develop strategic migration policies in recognition that future migration is likely to be shaped by climate change and the lack of existing policies on the mobility of people displaced by climate change. Criteria related to climate could be explicitly included in the migration system described above. This could perhaps be based on New Zealand’s Pacific Access Category visa which is a regionally specific visa intended to regulate economic migration but which was deliberately established as a mechanism to partially address migration pressure in the region

expected to result from climate change (ESCAP 2014).

Protection Pathways

In recent years, the primary regional response to Central American displacement has been a strategy of containment, with dire consequences for both individual protection seekers and regional migration management. New political commitments by the United States and Canada to engage constructively with displacement issues together with recent positive steps by Mexico (including strengthening its asylum system), also open opportunities for progress.

Seizing these overlapping windows of opportunity will require protection pathways that respond to region-specific drivers and dynamics of displacement, as well as the unique context of resulting protection needs (White House 2021). As emphasized in our report on humanitarian protection in the region, we strongly support efforts to reform and

streamline the asylum systems in the US, Canada and Mexico, but asylum reform cannot offer sufficient channels for protection.

As discussed in Jennifer Bond's background paper, there are a number of government-facilitated protection options available for northern Central American nationals seeking durable protection in North American countries. In practice, accessing these pathways can be nearly impossible. Above all, the scale of the protection need far exceeds available protection opportunities via existing pathways, which have well-documented challenges that hinder their efficiency and efficacy.

This disparity between protection objectives and outcomes stems mainly from two factors. First, policy development often fails to consider operational realities and constraints, and pathways designed for a particular protection objective thus consistently fall short because of barriers to successful implementation. Significant protection gains can be made by more explicitly embedding operational

Lamp Lifeboat Ladder

Lamp Lifeboat Ladder Lamp Lifeboat Ladder is a private resettlement program run by the international law firm Reed Smith. The program provides holistic protection and accompaniment for survivors of torture and sexual-gender based violence. Reed Smith began this program with operations in Haiti in 2010, expanded it to Jordan in 2015, and to Greece in 2016. The program provides shelter, food, access to health care and other essential support for torture survivors in flight. The ultimate goal is to identify long-term durable solutions for survivors. Accordingly, there is a resettlement component to the program, which Reed Smith also runs, and which includes two years of holistic support after a survivor reaches a safe country. Thus, Lamp Lifeboat Ladder is longitudinal - providing accompaniment from point of flight to point of self-reliance. In 2019, the Government of Canada entered into a public-private partnership with Reed Smith and the Canadian Center for Victims of Torture to enable survivors from Jordan and Greece to resettle in Canada. Reed Smith is standing in the shoes of UNHCR, identifying survivors in transit countries, developing legal cases, providing holistic accompaniment, addressing protection needs, and developing and implementing resettlement plans in Canada. The program is privately funded. Reed Smith and its partners have raised over \$1 million for the program to date, but to fulfill the promise of the program they need to raise another \$2 million. Lamp Lifeboat Ladder serves as an example of a creative response to an urgent humanitarian issue and points to the need for more engagement by the private sector and civil society.

considerations in the policy design process for both specific protection pathways and across systems.

Second, a coordinated policy and implementation strategy to explicitly address proactive approaches to pathway development from Northern Central America is lacking. This results in a lack of coherence across protection pathways that further exacerbates operational challenges. It also creates a major opportunity to achieve efficiencies and scale in pathway design and implementation by exploring collaborations between Canada, the United States and Mexico – including in the context of the MIRPS support platform.

Recommendations:

1. The United States and Canada should conduct a thorough review of the eligibility criteria for all protection pathways available to Central Americans, including refugee pathways, complementary protection, parole and other forms of temporary protection. This review, which should be carried out in the first half of 2022, should address protection gaps and consider ways of improving operational efficiency.

This review should consider whether the criteria are broad and flexible enough to meet protection needs on the ground; which forms of admission are best suited to different circumstances; and the post-arrival consequences of these forms of admission. With respect to refugee categories of admission, the review should result in clear guidance on the treatment of gender-based and gang violence under both the refugee definition and other eligibility categories, including the nexus to persecution based on membership in a “particular social group.” The review should also consider whether current protection categories adequately address forced displacement due to climate change, including extreme weather events and slow onset changes.

We strongly urge the US and Canadian governments to develop this review in cooperation with each other.

2. Governments of receiving countries – working closely with international organizations, NGOs, migrant worker organizations and other partners – should both ensure key policy decisions can be efficiently operationalized as part of the design process and improve existing processing infrastructure to facilitate scale

Specific areas to consider include:

- a. Further developing a network of qualified NGOs within the region to assist in identifying individuals in need of international protection, and working collaboratively to develop an efficient process for referring those individuals to a range of protection pathways.
 - b. Increasing capacity and streamlining procedures for in-country processing under CAM, PTA and other pathways that may require it, so that individuals at risk in their country of origin do not have to choose between prolonged uncertainty or dangerous irregular journeys. Civil society organizations should be encouraged to provide protection to individuals when making such applications.
3. Canada, the United States and Mexico should seek opportunities for collaboration to increase the availability, efficiency, and effectiveness of protection pathways. This collaboration should be multi-sectoral in nature (involving public and private actors) and should include both policy *and* operational collaborations. Such a partnership could be advanced under or alongside the MIRPS Support Platform and the Migration Council recommended by the Task Force, and could include the following types of actions, amongst others:
 - Joint assessment of protection needs and gaps;
 - Holistic review to identify potential synergies between pathways and

opportunities for greater efficiency and scale;

- Development of joint infrastructure and/or exploration of opportunities for mutual leverage; and
- Joint piloting of new programs, technologies and partnerships.

4. Governments in the region, particularly Canada and the US should seek ways to build on existing protection pathways and develop new ones. For example, the

Employment Mobility Pathways Pilot, now being implemented in Canada, brings refugees with needed skills to work in Canada through labor migration channels (Canada 2021).

The table below, prepared by Jennifer Bond in her background paper offer specific recommendations for building on existing pathways for those in need of protection in northern Central America.

Pathway Type	Recommendation
<p>1. Named Sponsorship</p>	<p>Building on infrastructure that already exists in Canada and is being rapidly developed in the US, as well as strong diaspora connections to northern Central America, a dedicated partnership/initiative could be assembled to mobilize and facilitate named sponsorship of Central American nationals at risk. This could include both civil society partners (for sponsor mobilization, training, mentorship, and north-south civil society collaboration, as well as potential screening of named cases) and national governments (to ensure efficient processing and undertaking any necessary policy and regulatory changes).</p>
<p>2. Urgent Protection Pathways</p>	<p>Prioritizing the creation of a new strategy for urgent protection cases in northern Central America. The Protection Transfer Arrangement (PTA) could be redesigned and re-negotiated to be fit for purpose, and other pathways that do not rely on a transit country – such as Canada’s Urgent Protection Program – could be utilized, replicated, and scaled. The US, Canada, and Mexico could also jointly consider the development of a standing emergency evacuation mechanism, offering immediate temporary protection and the opportunity to apply for more durable protection. Eligibility criteria for each of these pathways must be re-examined to ensure those at highest risk (including victims of gang violence) are not screened out. Given the ongoing risk to people during in-country processing, civil society could be financially and practically supported to provide housing and other forms of immediate protection in-country until solutions are identified, and processes for remote (i.e. virtual) screening and identification could be implemented to ensure accessibility.</p>
<p>3. Temporary Protection</p>	<p>Learning from examples in South America and elsewhere, MIRPS Support Platform countries could carefully consider the role that temporary protection could play in responding quickly to mixed movement and dynamic protection needs in northern Central America. Flexible temporary protection mechanisms could help meet a range of urgent humanitarian and protection needs, though any consideration of these options in the context of pathways needs to proceed with caution, ensuring that both meaningful protection and the availability of a more durable solution post-arrival are prioritized and systemically incorporated.</p>

<p>4. Family Reunification</p>	<p>Conducting a review of existing family reunification programs and exploring new opportunities as a pathway to protection is important in northern Central America given the number of tied cases. This should include consideration of further expanding eligibility criteria for the United States Central American Minors Program (CAM) and providing a mechanism for adjustment to permanent status for minors who arrive through parole, as well as relaxing restrictions on pathways that facilitate family reunification based on derivative status. Expansion of named sponsorship with appropriate policy gates can also be a part of a family reunification strategy.</p>
<p>5. Student Pathways</p>	<p>Building on existing infrastructure, developing education pathways that are appropriate and accessible for those at risk – including vocational and technical education pathways and professional conversion programs. These could align with skills shortages in host countries and build upon in-country mechanisms for the transfer/redeployment of professionals at risk (e.g., teachers, medical staff), adult or further education centres for people at risk, and aid-funded vocational and technical courses. Expansion of named sponsorship with appropriate policy gates can also be a part of a students-at-risk strategy.</p>

Alternative safe, orderly and regular migration pathways are urgently needed – to respond to labor needs in receiving countries, to address critical survival needs of Central Americans and to reduce the risks to people embarking on treacherous journeys. Development of such pathways would likely reduce demand on overburdened asylum systems and contribute to public perceptions that migration can be orderly, managed and beneficial to all concerned. At the same time, creative energy is needed to devise pathways to protect people whose lives are in imminent danger. Present mechanisms are simply too slow and too cumbersome to protect more than a handful of people. But we can build on those mechanisms and develop new ones to move people quickly and safely out of harm’s ways. The recommendations in this report provide a toolbox of options for moving forward. Implementing these measures will mean the difference between life and death for desperate Central Americans.

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Interim Report: Alternative Regular Migration Pathways

North and Central American Task Force on Migration

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