

GENERAL FRAMEWORK FOR EXECUTION OF THE MULTILATERAL COOPERATION PROGRAM FOR THE ASSISTED RETURN OF EXTRA-REGIONAL MIGRANTS STRANDED WITHIN MEMBER COUNTRIES OF THE REGIONAL CONFERENCE ON MIGRATION (RCM), OR PUEBLA PROCESS

1. Background

1.1 Introduction

This document has been prepared in response to the mandate formulated by the Vice Ministers during the Eighth Meeting of the Regional Conference on Migration (RCM), held in Cancun on May 29-30, 2003, wherein they agreed to:

“Continue the evaluation of the Multilateral Cooperation Program for the Assisted Return of Extra-Regional Migrants Stranded within the Member Countries of the Regional Conference on Migration (RCM). Mexico, after prior internal consultation and based on applicable international legislation, shall prepare a proposal for a general framework for execution, in collaboration with the IOM.”

Said Multilateral Cooperation Program was drawn up by the IOM, upon request from the RCM at its Fourth Meeting in San Salvador in January of 1999, and was endorsed by all of the Member Countries. Following up on the aforementioned, the updated Plan of Action adopted at the Fifth RCM Meeting in Washington, D.C., in March of 2000 set forth that each government, according to its needs, would identify with the IOM the specific terms for the instrumentation of the Program.

Subsequently, during the Sixth RCM Meeting in San Jose in March of 2001, it was agreed to “Invite the RCM Member Countries who so desire to adopt the document entitled *Framework for Execution of the Regional Conference on Migration’s General Cooperation Program for the Return of Extra-Regional Migrants*, as a basis of reference for the negotiation of agreements between the IOM and the RCM Member Countries, in conformance with the legal framework of each country.” Said agreement was confirmed at the Seventh RCM Meeting in Antigua, Guatemala, in May of 2002.

In concordance with repeated agreements adopted by the RCM, the development of the Framework for Execution shall ensure full respect for the rights of migrants, based on the applicable mechanisms set forth in international human rights norms.

1.2 International Law and Relevant Clauses

All operations related to the return of extra-regional migrants shall be carried out in conformance with the legislation and policies of the Member Country, and also in conformance with its obligations under those international treaties to which said country is a party.

1.3 Target Population

Upon request from a Member Country of the Regional Conference on Migration (RCM), the IOM shall provide assistance for the assisted return of extra-regional¹ migrants to their countries of origin or permanent residence, when such migrants fall under any of the following circumstances:

- a. Those who have entered the territory of a Member Country in an undocumented manner, and are not subject to such special protection as they would be entitled to in the event they were to request refugee status or political asylum, or in the event said Country were to unilaterally determine that they qualify for such migratory status, particularly in cases where the 1951 Convention on the Condition of Refugees and its 1967 Protocol are applicable, along with the principle of *non-refoulement*.²
- b. Those who have been detained in international waters, in conformance with the procedures set forth in Article 8 of the *Protocol against the Smuggling of Migrants by Land, Air, and Sea that Complements the United Nations Convention against Transnational Organized Crime*.

2. Negotiation and Coordination among the Countries and the IOM

Those RCM Member Countries who so desire should enter into multi and/or bilateral agreements with the IOM or other RCM Member Countries for purposes of putting into practice this General Framework for Execution with respect to the return of those extra-regional migrants who fall under the circumstances described in Paragraphs 1.3(a) and 1.3(b).

3. Logistical and Operational Aspects of the Return Process

3.1 Documentation

The IOM shall collaborate in obtaining the necessary entry permits or travel documents that the country of origin or permanent residence requires of the migrants, in order to ensure their prompt return.

3.2 Evaluation of Assistance Needs

The interested Countries shall be able to request collaboration from the IOM for purposes of sheltering and providing the proper care and maintenance for the migrants, with special attention being given to the needs of vulnerable groups such as women,

¹ Those migrants whose country of origin or permanent residence is not a Member Country of the RCM.

² Under the terms established by the 1951 Convention on the Condition of Refugees and its 1967 Protocol.

children, disabled or sick persons, and victims of trafficking, until such time as they embark on whatever means of transport is used to return them to their country of origin or permanent residence.

3.3 Notification

Upon request from the Member Country, the IOM shall collaborate in informing the authorities of the migrants' countries of origin concerning the migrants' detention, especially in the case of those who have no diplomatic nor consular representation within the requesting country, without prejudice to the obligations undertaken by the Signatory States of the 1963 Vienna Convention on Consular Relations.

3.4 Transfer and Transportation

The Member Country in question may request assistance from another RCM country for the return of migrants to their country of origin or permanent residence.

Upon request from the Member Country, the IOM shall obtain discounted air transport rates for the return of extra-regional migrants, in conformance with such agreements as the IOM may have entered into with the corresponding airlines.

4. Information Exchange

The Member Countries, with support from the IOM, shall exchange information with respect to the extra-regional migratory flows and trends within the Region and, when applicable, in observance of their own domestic legislation, with respect to those traffickers or criminal organizations involved.