CONCLUSIONS AND FINAL RECOMMENDATIONS

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This section highlights the cross-sectional and comparative perspective that we carried out in our research and dissemination work and addresses the similarities and differences that emerged in each country.

Borders have become institutions created and modified by human beings to put a distance with those who are created “different” to the community itself. From this topic, historical-political “constructs” have been created, aided by lines of geographical demarcation erected from the perspective of power. However, these geographical, physical boundaries end up deeply rooted in the social and emotional imaginary of the populations that separate, as well as those that group. Thus, they end up becoming differential evidence for those who live on either side of the border.

Regarding their spatial dimension, borders have a dynamic character. In other words, there is a difference between the economic concentration levels and the construction of space on both sides of the border, which affects how people develop and integrate. With this premise in mind, the authors focused on the transit of people and the circular mobility that keeps these spaces alive.

Since the fall of the Berlin Wall in 1989, multiple barriers, high and sophisticated, began to be erected along kilometres of borders: in Africa, Asia, America and again in Europe. None of them was built to stop the advance of enemy armies or barbarian invaders, but to prevent the transit of human beings. Especially immigrants and refugees.

The barriers raised as a symbol of exclusion of “the others” in the hope of leaving their own people alone through a false image of the so-called “national order”. All these are the signs of a manifest inability on the part of the States to govern the dynamics of migration triggered by globalization.
In this way, individuals are divided between those who are favoured by fate and the victims of circumstances. Mobility rates in the world are a sign that distinguishes the times currently running. For some, the globalized world means an extension of the space of their lives. However, for others, it is a drastic decrease in their range of action.

In recent years there has been an increase in the processes of control and externalization of borders by national states. The central measures of these securitization processes of the external borders are multiple and varied: the reduction or hardening of the legal channels of entry; the intensification of surveillance and security in border controls on land and sea; the outsourcing of border management; the outsourcing of border control in third countries through cooperation agreements; the criminalization of migrants and humanitarian agents acting at the border; the creation of detention centres in third countries; and return and repatriation agreements, among others.

The ultimate goals of these restrictive policies are to reduce the inflow of migrants and refugees and, less explicitly, to “protect” the labour market, the welfare system and the national culture from a substantial increase in immigration and ethnic diversity. Several authors of this book analysing different contexts and regions of the world have related the increase in border controls, with the rise in nativist discourses that see immigration as an economic and cultural threat against the nation-states. In addition to the case of refugees, the process of outsourcing the border may be related to a policy of distancing potential asylum seekers, since international law obliges them to attend them once they arrive in the territory of a signatory country of the convention.

Paradoxically, the same countries that claim and impose such border controls continue to demand and incorporate migrant workers in their economies, to the point that specific productive sectors in those countries have become structurally dependent on this cheap labour and flexible inflow. A contradiction that can be seen in developed states such as Australia, the US or the member states of the European Union, but which can also be found in developing countries such as Angola.

The negative consequences of these control and externalization processes that continue to act to this day—i.e., forced displacement, income inequalities, structural demand for immigrant labour by the developed economies—are numerous. Among the most critical are the growth of the irregular flows and entries, the increase in risks, abuses and deaths in the
processes of transit and entry and, linked to this, the creation of shadow spaces or black holes in the borders, where violence and abuse against human rights systematically occur. A fourth consequence would be the development of a migratory industry linked to these policies and, finally, the maintenance of an unequal global distribution when it comes to sharing the “burdens” of forced displacement, which continue to be disproportionately assumed by poor and developing countries. Some risks that, as has been reflected in the Australian and Mexican cases, are not neutral in terms of class, since they affect the poorest and most vulnerable countries, migrants and refugees to a greater extent.

The Australian case, analysed in detail in this book, is paradigmatic when it comes to an understanding and exemplifying of the development of this restrictive model. However, the truth is that it is a control and externalisation policy that is becoming more common in the developed states as in the European Union and the United States of America.

A paradigm of border control and externalisation that goes against transnational spaces and corridors—old and new—created by history and by international migration itself. Areas built from the circulation and transnational articulation of populations and territories that see their development and potential limited insofar as circulation and mobility are sanctioned. The Angolan case perfectly reflects this contradiction.

Our transversal vision on the dynamics of the borders is the following:

1. Migration patterns are dynamic and have diversified as far as local realities are changing and transforming migratory flows. In recent years there has been an increased in the complexity and combination of these migratory flows, configuring what can be called a mixed migratory flow, a “grey zone” between refugees and socio-economic migrants, regular and irregular migrants. The causes of theses migratory flows are also mixed, in some cases driven by economic factors (mainly looking for labour opportunities) and family reunification. In other cases, they are driven by a deep political crisis that implies persecution, growing situations of violence and armed conflicts, and the need for international protection. One consequence of this situation in the emergence of different migrant status: regular and irregular migrants, internally displaced people, circular migration, people with need of international protection (PNIP), asylum seekers, detainees, deportees and returnees. In Latin America
and the Caribe, this is clear this mix of migratory flows both to the North (US) and to the South (Chile).

2. “The reality at the border shows that a number of the migration policies designed by the government do not work to manage migratory flows or to protect the fundamental rights of migrants” (Yaksic, 2020, p. 114). There is not only specific measures in the borders zones, but also on bordering practices, “those activities that may affect the constituting, sustaining, or modifying of borders” (Olayo, 2020, p. 55), and focus on social interaction and ‘everyday’ practices of control over mobility. These policies and practices configure what can be called a “vertical and elastic border”, which includes not only the line that defines the political border but that extends to the whole bordering country, as the case of Mexico with the US. Restrictive migratory frameworks and rigidities that hamper regularity do nothing but translate migration in social vulnerability.

3. There are also “counter practices” that emerge in those contexts of migration-related with people’s precarity, practices of solidarity and support to the forced migrants to make possible their way during the whole journey from the place of origin to the transit and destination countries. This “counter practices” have been adjusted their services to fit the changing profiles of migrants better. The assistance they provide consists of food, shelter, medical care, legal assistance, educational instruction on human rights and health—especially AIDS prevention—, and information about the risks and dangers on the route. All this help is the type of support that allows migrants to make the whole journey and cross the border. “Slowly, these humanitarian groups have gained prominence and have impacted the political landscapes as well as the bordering practices that appear all over migration routes” (Olayo, 2020, p. 76), both in Mexico and Peru/Chile.

4. Nowadays are taking place severe violations of the human rights of migrants, who migrate in situations of vulnerability. In many cases, these violations are negative consequences of control policies like the growth of the irregular flows and entries, the increase in risks, abuses and deaths in the processes of transit and entry and, linked to this, the creation of shadow spaces or black holes in the borders, where violence and abuse against human rights systematically occur. This can be seen in the increase in violence, extortion, kidnapping, mutilation, robbery, beatings, abuses from migration or police officers, physical
violence, sexual assault, labour and human trafficking, accidents, homicides, the increasing number of feminicidios (female killings) and the existence of smuggling networks. These abuses are partly due to an overlap between the migratory routes and the routes used by drug traffickers and criminal gangs. These severe violations of the human rights of migrants are taking place both in Mexico-US and in Peru/Chile borders.

Other several situations should be removed from the border dynamics like the “hot returns” in the Spanish case. This returns are related to the use of violence and are morally unacceptable practices that put people's lives at risk. It would therefore that they stop since they hinder the EU Community legality (Ares, Buades, de la Fuente, & Manzanedo, 2020). The protection in transit of those who have been abandoned to their fate is other situation that should be guaranteed. For example, in the middle of the Mediterranean Sea in the Spanish case, or in the desert in the Mexican case.

When it comes to asylum applications, we found that most of the borders have an agreement with the country of transit or the country of origin to proceed with an immediate return without paying attention to the different issues that have to do with the search for asylum and refugee situation. According to this issue, the search for asylum and refuge at the borders is having a solution: humanitarian aid. We must point out that humanitarian aid must be delivered. At the same time, other more sustainable solutions are explored so that communities become self-reliant and promote resilience, as noted in the Chapter about Asia.

The borders cannot continue to be factors that confront communities with each other. Borders should be bridges to unite different worlds, for the development of “cross-border subjects” open to interculturality, agents of change in their territories, committed with a more just, inclusive and fraternal society as already written in the case of the Colombo-Venezuelan border.

Challenges: political and humanitarian proposals

**AT THE LOCAL LEVEL**

- As Pope Francis invited the Christian community and everyone, we must learn to welcome, protect, promote and integrate the migrants into the communities. As Kofi Annan (2015) said, “the
migrants are fleeing poverty, war or oppression or are searching for a better life in a new land” (n. p.).

- Local communities, religious institutions and NGOs are called to provide essentials such as food, clothing, lifesaving medicines, and hygiene kits. They may also provide support with legal and psychological counselling; protect children and women from violence and abuse. Finally, an essential part of this call is to promote a sense of acceptance; establish interaction with the local communities; and help migrants and their families integrate themselves into local communities while acknowledging the differences that exist in the languages, cultures, and habits.

- People at all levels can create awareness, educate others and strengthen collaboration and people’s participation using existing social integration mechanisms and cultures.

- Social media must be used to unite people rather than dividing them based on differences.

AT THE NATIONAL LEVELS

- The politicians and governments must acknowledge that migrants are not there to ‘steal their jobs’ but rather contribute to the economy of the country.

- National governments must encourage NGOs and social scientists to study the phenomenon and make laws, policies and schemes based on scientific evidence that help migrants to integrate themselves into the local communities.

- Create mechanisms for cultural exchange among people such as food festivals, cultural programs such as dance, music, theatre, etc.

- Provide legal and psychological support and help migrants to access the facilities that are available only for the locals.

AT INTERNATIONAL LEVELS

- The Global Compact for Safe, Orderly and Regular Migration, expected to be the first inter-governmentally negotiated agreement, prepared under the auspices of the United Nations in December 2018 in Morocco, is an outstanding attempt. It is hoped that this will cover all significant dimensions of international migration holistically and comprehensively. This is a very positive indication.

- Build stronger alliances and networks among nations and states.
Conclusions and Final Recommendations

- Monitor and ensure that the national governments and state actors do not violate the various UN declarations, where they are signatories, such as the declaration on human rights and the declaration on the rights of indigenous people.

At the borders, people should experience standardized entry procedures that are the same at any border, with clearly understandable ways to apply for international protection, or the ability to inform the authorities why they have otherwise arrived. The procedures must change so that families are more easily reunited with each other. People must be offered decent and standard reception conditions that meet their basic needs, be informed about what asylum and immigration procedures they will experience, and how they can get legal and social help to navigate those procedures and exercise their rights.

Detention should only be used as a truly last resort and only after alternative measures are exhausted. Asylum seekers should not be detained, and neither should migrant children and their families. The Regulation must be radically reformed so that people’s preferences and protection needs are considered first. There must be a better way for the States to share responsibility for offering protection to people. Despite all of the difficulties, indignities, and abuses that asylum seekers, migrants, and refugees experience at the borders, what is remarkable is that people still come. Many would still do so even if they were hypothetically given a second chance to decide.

Recommendations and Proposals

There is an international challenge to regulate migration and borders while respecting people’s rights and, above all, a bet on mobility as a source of development and opportunities for both origin and reception migrants at host countries.

Migratory movements have a strong human dimension, in which the person has to be the main focus when considering regulation and borders. It is also important to take into account the sovereignty of states and the framework of human rights. No state nor international organization can address migration on its own because of the inherently transnational nature of the phenomenon. It requires a whole-of-society approach, with international, regional and bilateral cooperation and dialogue.
Finally, let us recall the basis of international human rights law and the defence of the principles of non-regression and non-discrimination. In this sense, some of the most vulnerable groups deserve special attention: migrant women, unaccompanied and separated children, LGBT groups and indigenous communities, among others.

Once the results of this study are presented and the conclusions reached, governments, institutional agencies, as well as for the private sector and civil society need to take these recommendations and proposals to improve the management of their borders. The proposal structure is as follows: short-term, medium-term, and long-term.

**SHORT-TERM PROPOSALS**

**Humanitarian aid and emergency resources**

Country organizations must offer humanitarian and emergency resources to those countries and areas with conflicts, natural disasters and a high concentration of migrants, refugees, and displaced people. Also, establish coordinated international efforts on missing migrants. Humanitarian aid must always be carried out within the framework of respect for human rights and open to transition towards lasting solutions.

**Summary returns and deportations**

Throughout each of the chapters, a common fact was detected among the borders analysed, the use of violence to repel people from even approaching the border. This practice and summary returns are also morally unacceptable practices that put people’s lives at risk. Countries and organizations must prevent deportations of migrants to countries where people’s fundamental rights are not respected. The principle of non-refoulement (i.e., the right not to be returned to a country in which person’s life or integrity is at risk) does not admit exceptions.

**Protection in transit and legal paths**

Each state must guarantee the fundamental rights of people in transit and, where appropriate, the availability and flexibility of pathways for regular migration. Confinement as a result of health emergencies presents us with the harsh reality of people who migrate and live undocumented in an irregular administrative situation. This situation generates a lack of defence and violation of rights.
Uphold the right to asylum
The states must guarantee the right to asylum or other forms of international relief, including the right to due process. People in need of international protection cannot be rejected at the border; forced migrants are generally in need of international protection. The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees.

MEDIUM-TERM PROPOSALS

Strengthen the response to the smuggling of migrants
An overwhelming and clear response against human trafficking networks is necessary. Intensify joint efforts to prevent and counter-smuggling of migrants by strengthening capacities and international cooperation to prevent, investigate, prosecute and penalize the smuggling of migrants in order to end the impunity of smuggling networks. In particular, the profiles, the vulnerability condition, and the economic and industrial sectors to which these people come as victims must be taken into account. In addition to the risk factors identified globally that refer to individual issues—age or gender—, there are other collective issues—belonging to a vulnerable, marginalized social group, coming from broken families or without supportive social networks, or having suffered assumptions of previous violence—especially in which a cause-effect relationship would operate, make certain people more likely to become victims of trafficking.

Regularization policies
The global health emergency has highlighted the enormous contribution that undocumented migrants make worldwide, especially in the areas of health, agriculture, small businesses and large areas, and especially in the care of the elderly, children and youth. This situation of confinement has also brought to light the great vulnerability of rights that these situations cause in people, given the loss of employment and social protection. For these reasons, it is necessary to promote a sensible regularization policy that helps the integration and the safeguarding of human rights as well as the construction of a ‘social fabric’.
Information at all stages of migration

States and organization must disseminate accurate information at the strategic points of the migratory routes so migrants know their rights in transit and the offices or places they could go in case of need or support. Also, strengthen efforts to provide, make available and disseminate accurate, timely, accessible and transparent information on migration-related aspects for and between States, communities and migrants at all stages of migration.

Protection of life at the border in a comprehensive and coordinated manner

States must manage borders in an integrated and coordinated manner. It is crucial to defend and support initiatives aimed at establishing mechanisms that ensure the protection of human lives and effective protection mechanisms at borders, especially for refugees and vulnerable migrants. The risk of violence due to the different armed groups present at the borders is another protection challenge.

Immigration detention and alternatives

States must ensure that any detention in the context of international migration follows due process. It must be non-arbitrary, based on law, necessity, and proportionality. Individual assessments must be carried out by authorized officials and be done in the shortest possible time, irrespective of whether detention occurs at the moment of entry, in transit or proceedings of return, and regardless of the type of place where the detention occurs. We further commit to prioritize non-custodial alternatives to detention that are in line with international law, and to take a human rights-based approach to any detention of migrants, using detention as a measure of last resort only.

LONG-TERM PROPOSALS

Observatories for human rights

States need to promote the placement of international observers of human rights at the borders. The States should recognize them and be given freedom of movement to be able to elaborate independent reports to ensure the defence of the rights of refugees and migrants at the borders.
Conclusions and Final Recommendations

Cooperation and readmission agreements

States need to cooperate in enabling safe and dignified return and readmission, as well as sustainable reintegration. It is crucial to ensure that migrants are duly received and readmitted, in full respect for the human right to return to one’s own country and the obligation of States to readmit their own nationals. States should promote economic empowerment, inclusion and social cohesion, in order to ensure that reintegration of migrants upon return to their countries of origin is sustainable.

International cooperation to minimize the causes of migration

Origin countries need to minimize the structural factors that compel people to leave the country. The vast majority of people who migrate do so because of conflict, war, hunger or difficulties in safeguarding their fundamental human rights. It is necessary to reinforce policies of cooperation and solidarity with the countries in greatest difficulty. This will help to ensure that millions of people not to be forced to leave their lands, in many cases living authentic personal and family dramas.

Integration and social cohesion as a key figure

States must reinforce integration and social coexistence in our plural and multicultural societies. Clear education and social empowerment programmes are needed to promote this integration process. Hospitality and integration are key elements to ensure that our diverse societies build a future and an inclusive citizenship. We believe that providing access to basic services for migrants and refugees is a good investment in the future of our societies and our world.

Migration as an opportunity

States must raise awareness to enlighten citizens about the reality of migration. Migration is a multidimensional reality of significant relevance for the sustainable development of countries of origin, transit and destination. Migration is an opportunity for societies to grow and be enriched not only from an economic and scientific point of view but also in the social and cultural fields and the world of values. There are increasing opportunities to promote the involvement of migrant and refugee diasporas in the development of their home countries.
Xenophobia, falsehoods and populist trends
Societies must eradicate all forms of discrimination and promote an evidence-based public discourse to shape perceptions of migration. Migrants and refugees are often the focus of prejudice. Regrettably, some populist political parties instrumentalize migration for their own interests, distorting data. We are called upon to fight against falsehoods and populist trends. It is in this sense that the myths are perceived by the host society, and are invariably part of the reality of the country. The fight against hoaxes and false news about migrants and refugees that spread, in most cases, is based on ethnic prejudice and can lead societies in the wrong path. We propose a vision of the migrant and the refugee closer to reality, which also illustrates the escalating scope of an erroneous diffusion of part of society.