

The necessary reform of
migrants and refugees
regulation in the Inter-
American Law: the 2022 Los
Angeles Declaration

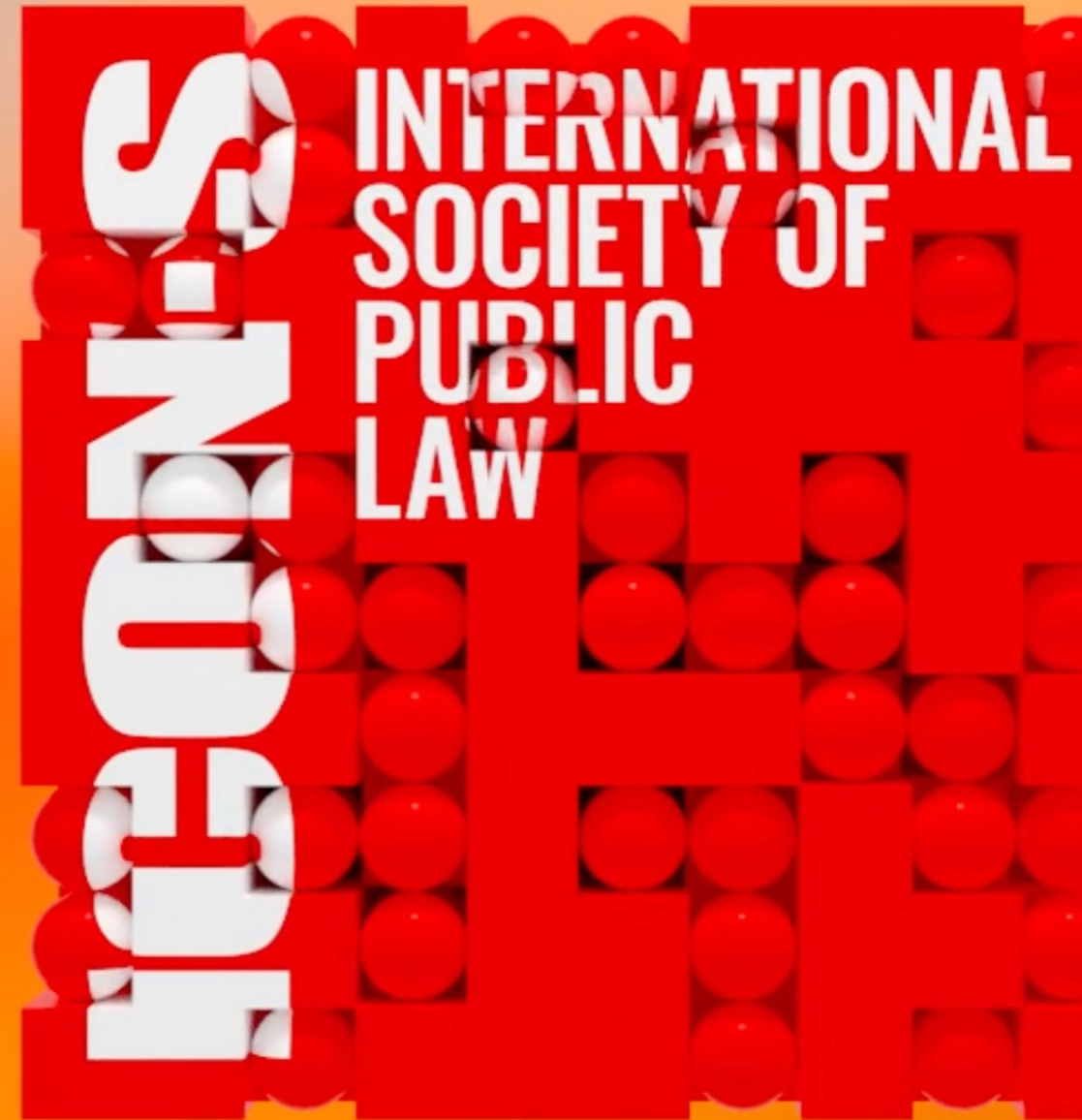
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The Inter-American Law: a snapshot



- The American Declaration and the OAS Charter (1948)
- The American Convention (1969)
- Other resolutions and international instruments (corpus juris)
- Inter-American Commission on Human Rights and the Inter-American Court of Human Rights
- The Rapporteurship on the Rights of Migrants

Human mobility in the Inter-American Law



Voluntary
human
mobility

Non-voluntary
(or vulnerable)
human
mobility

Migration pillars

Non-discrimination standards

Prohibitions on inhumane or
demeaning treatments

Asylum seekers and refugees

The asylum as an Inter-American
institution (the 1954 Caracas
conventions)

The extended concept of refugees and
the 1984 Cartagena Declaration

Human mobility and the non-intervention principle



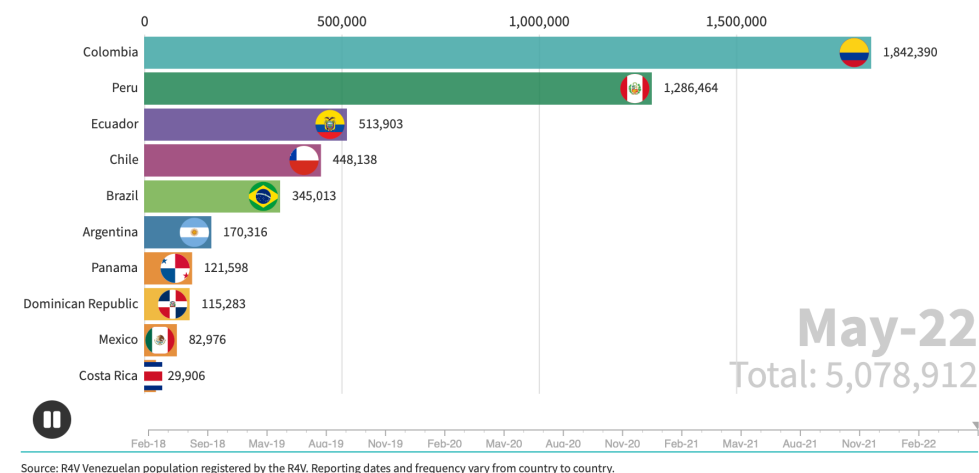
The Inter-American Law favors
a "global" framework for
migrants and refugees



The non-intervention principle
protects the right to regulate

The Venezuelan crisis: a turning point?

- Particularly since 2017, a massive migration flow started from Venezuela due to the complex humanitarian emergency and systematic human rights violations.
- 6.2 million Venezuelans have the country. 5 million are in Latin America (Colombia and Peru)

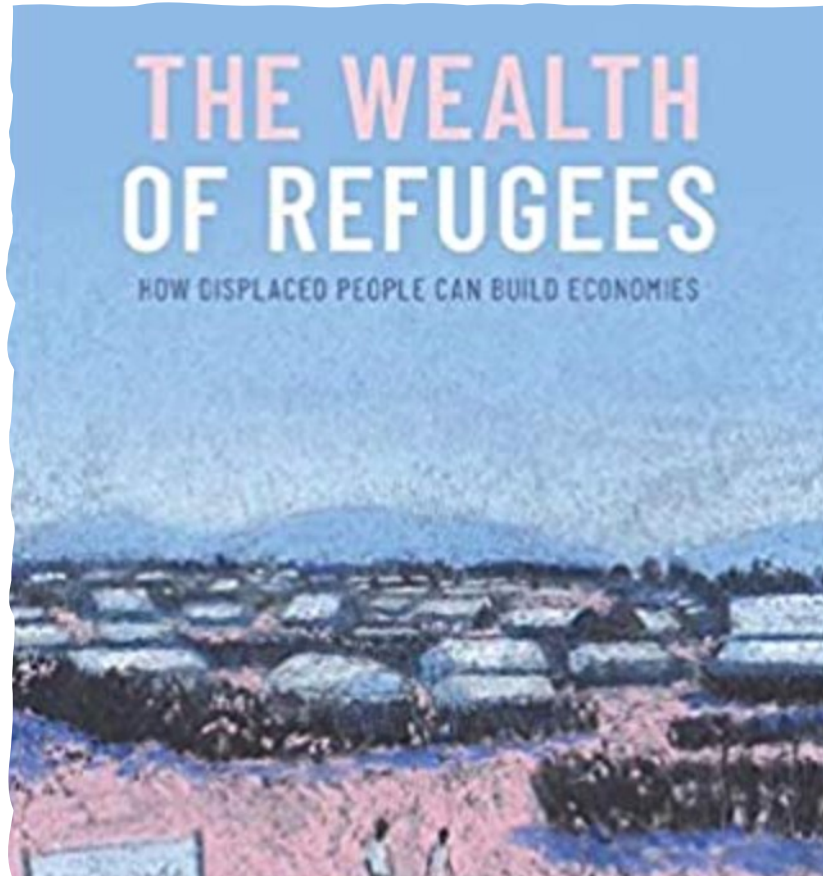


Migrants or refugees?

- The Commission: forced migration crisis and the prima facie refugees status (Resolution 2/18)
- Extended refugee status, based on the Cartagena Declaration
- Regular migration status (and the violation of the non-refoulment)
- The Colombia solution: a temporal protection status (2021)



What is missing in the Inter-American Law?



- The dichotomy between migrants and refugee is too rigid
- The migration standards are focused on preventing abuses, not on promoting safe, orderly, and regular migration (2018 Global Pact)
- The refugee standards are focused on provisional protection mechanisms
- The Inter-American Law does not favor the socio-economic integration

The Los Angeles Declaration: what is next?

- Reinforced the human rights standards
- Encouraged a renovated vision of migrants and refugees from the human mobility perspective
- Besides human rights protection, it is necessary to promote socio-economic integration.
- A proper framework can facilitate knowledge diffusion: human mobility as a development driver
- A balanced perspective between global human mobility and the right to regulate

