

THE INTER-AMERICAN STANDARDS ON HUMAN MOBILITY AND  
THE LOS ANGELES DECLARATION

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During the Ninth Summit of the Americas, several countries signed the *Declaration on Migration and Protection*, or the [Los Angeles Declaration](#). The Declaration is a milestone of the Inter-American Law regarding migrants, refugees, and human mobility, paving the way for the renewal of that framework, considering the trends summarized in the 2016 New York Declaration and the 2018 Global Compacts on migrants and refugees.

**The Inter-American standards towards migration and refugees**

Since the end of the 19<sup>th</sup> century, with the first *Conference of American States*, the region has been building an Inter-American Law centered on human rights. The American Declaration, the OAS Charter, and, more specifically, the American Convention establish the general human rights framework covering migrants, refugees, and asylum seekers' human rights. Particularly, the Inter-American Law has contributed to developing an International Law framework on human mobility with contributions to the [asylum regulation](#) and the expanded refugee concept with the 1984 [Cartagena Declaration](#). The Inter-American Commission on Human Rights oversight the fulfillment of that framework through the [Rapporteurship on the Rights of Migrants](#).

However, this Inter-American legal framework is mainly based on human rights protection founded on the dichotomy between migrants and refugees. Regarding migrants, the main focus has been to prevent discriminatory and abusive behaviors, while the refugee framework aims to provide temporal safeguards of the non-refoulement right. That approach has resulted in remarkable achievements. But it is time to move forward.

**From migrants and refugees to the safe, orderly, and regular human mobility**

The dichotomy between migrants and refugees seems inadequate to the current trends, characterized by mixed flows that do not fit on rigid dichotomies. Also, it is not enough to assure non-discrimination standards

and temporary protection mechanisms. In addition, and as summarized in the 2016 [New York Declaration](#) and the 2018 [Global Compact on migration](#), the main objective of the Inter-American Law should be to promote a safe, orderly and regular human mobility as a necessary condition to promote development, considering the right of the host state to regulate human mobility.

The Los Angeles Declaration moves in that direction. Ratifying the protection standards for migrants and refugees, the Declaration advances Inter-American commitments to “*create the conditions for safe, orderly, humane, and regular migration and to strengthen frameworks for international protection and cooperation.*” Human mobility “*should be a voluntary, informed choice and not a necessity.*” For that purpose, the Declaration enumerates standards to prevent forced human mobility -through and holistic perspective- and to assure that human mobility can be conducted through regular pathways.

### **The eight Inter-American standards embedded in the Declaration**

It is possible to deduce eight standards on human mobility from the Declaration:

1. **Human rights protection.** The Declaration is based on the Inter-American corpus juris centered on the “*dignity of all migrants, refugees, asylum seekers, and stateless persons.*” Also, it ratifies the principle of non-refoulement.
2. **Complementary protection.** Without prejudice to protection mechanisms such as the refugee status, the Declaration highlights the relevance of complementary protection pathways for vulnerable persons. In the region, the best example of that complementary protection is the statute enacted by [Colombia](#), that grants temporary protection mechanisms to the Venezuelan people without the necessity to declare their refugee status formally. In any case, the complementary protection should be designed to facilitate economic integration through a regular status: the human dignity of refugees and other vulnerable persons requires something more than temporary assistance. As the Declaration recognized, they also need regular and accessible pathways to integrate into the host state's economy.

3. **Regular migration.** Human mobility should be conducted following the regulations adopted by the host countries, not only to protect the state's right to regulate but also, to prevent abuses such as human trafficking. According to the Declaration, the "regular status" is crucial to "rebuild" the lives of vulnerable people while favoring the well-being of the host state's communities. The regular status should also include family reunification.

4. **Economic integration.** Regular status is necessary to facilitate economic integration, that is, the capability of foreign persons to participate in the economy, particularly encouraging the diffusion of their [productive knowledge](#). The Declaration "*recognizes the positive contributions of refugees and migrants to the socio-economic development of their host communities.*" The regular status "*promotes safer and more orderly migration.*" Integration is, in any case, a [two-way process](#), that requires the adaptation of the host communities to human mobility.

5. **Labor mobility.** The regular status to create favorable conditions for economic integration is complemented by labor mobility standards that protect human rights and facilitate formal employments that could benefit the host countries. Also, the Declaration emphasizes "*the recognition of qualifications and the portability of social benefits.*"

6. **Institutions for human mobility.** The regular status partially depends on the host country's capability to effectively implement regulations regarding human mobility. Failures in that capacity could trigger irregular flows. Consequently, the Declaration assumes the commitment "*to strengthen the institutions responsible for migration management in our countries and exchange best practices to provide efficient and adequate care to migrants and access to protection for refugees*".

7. **International cooperation.** Human mobility is global and, therefore, requires a global approach. To "*collectively leverage the benefits of migration while addressing its challenges in countries and communities of origin, transit, destination, and return,*" the Declaration reinforces the shared responsibility among States and the necessity of international cooperation, particularly

regarding the financing and assistance of human mobility crises. For that purpose, it is necessary to advance regional integration efforts, particularly regarding multilateral development banks.

8. **Holistic perspective.** Human mobility is affected by social, economic, and political circumstances. To address forced or non-voluntary flows, tackling the root cause of those flows through international cooperation mechanisms is necessary. The final goal of that holistic approach is to assure that human mobility is voluntary, which will facilitate the ability of the host state to promote regular human mobility depending on the productive knowledge required in their economies.

### **The path forward**

The Declaration has *“non-legally binding commitments to enhance cooperation and shared responsibilities on managing migration and protection in ways grounded in human rights, transparency, non-discrimination, and State sovereignty”*. This doesn't mean that the Declaration is irrelevant. On the contrary, the Declaration includes an Inter-American proposal to tackle human mobility following the recent trends derived from the New York Declaration.

In that sense, the eight standards outline an action plan that should include at least four areas: (i) to advance complementary mechanisms of protection towards vulnerable people, together with policies that tackle the root causes; (ii) to promote regular economic mobility, particularly regarding labor regulation and based on a two-way integration process; (iii) to build capable institutions that can facilitate regular human mobility and (iv) to reinforce regional cooperation. Eventually, those actions will require discussing an Inter-American Convention on human mobility that, in harmony with the Declaration, will renew the region's human mobility framework.

