



ACCESS TO AND USE OF CIVIL REGISTRATION BY MIGRANTS AND REFUGEES IN LATIN AMERICA AND THE CARIBBEAN

Access to and use of civil registry by migrants in Latin America and the Caribbean



Digitech

Authors: Denis Doladille (Project Manager) Alexandra Castro (Lead Consultant), Ana Maria Lara-Salinas (Support Consultant) and Margaux Audet (Administrative and financial support) of DIGITECH.

General Coordination: Kendra Gregson, Regional Advisor for Child Protection, UNICEF - LACRO; Rebeca Omaña, Coordinator of the Universalization of Civil Identity Programme of the Americas -PUICA-, of the Organization of American States; and Roberto Rodríguez Meléndez, Child Protection Specialist, UNICEF - LACRO.

The United Nations Children's Fund (UNICEF) Regional Office for Latin America and the Caribbean (LACRO) with the Organization of American States (OAS) commissioned DIGITECH to prepare this report. This report has been endorsed by the Latin American and Caribbean Council for Civil Registration, Identity and Vital Statistics (CLARCIEV). CLARCIEV, OAS and UNICEF accept no responsibility for any errors contained in this document. All reasonable precautions have been taken by CLARCIEV, DIGITECH, OAS and UNICEF in verifying the information contained in this publication.

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ISBN 978-92-806-5590-2

Suggested citation: United Nations Children's Fund Regional Office for Latin America and the Caribbean, the Organization of American States and the Latin American and Caribbean Council for Civil Registration, Identity and Vital Statistics. Access To and Use Of Civil Registration by Migrants and Refugees in Latin America and the Caribbean. Panama City, United Nations Children's Fund Republic of Panama, July 2024.

Cover photo: © UNICEF/UNI466370/Billy/AFP-Services

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Panama City, Panama, July 2024.
Regional Office for Latin America and the Caribbean (LACRO)

Building 102, Alberto Tejada Street
City of Knowledge
P.O. Box: 0843-03045. Postal: 0843-03045

Panama City, Republic of Panama
Tel. +507 301-7400
www.unicef.org/lac

Foreword

Having a legal identity is not a privilege, but a human right of every person. The absence or omission of legal identity can affect everyone regardless of age, and often impacts disproportionately on children.

Lack of access to legal identity documents hinders access to other rights, such as education and health. For people in human mobility processes, either because they lack documents in their countries of origin or because they have lost them during their journey, they may find themselves in a situation of increased vulnerability and may be exposed to risks such as abuse, exploitation, trafficking and smuggling. Without documents, they may face obstacles in applying for a visa for a country, ensuring a family reunification or even accessing resources or services in a country.

UNICEF in partnership with the OAS Program for the Universalization of Civil Identity in the Americas (PUICA) and the Latin American Council for Civil Registration, Identity and Vital Statistics (CLARCIEV) developed this report on migrant and refugee access to civil registration systems in Latin America

and the Caribbean. Through a study of 20 countries in the region, this report identifies promising practices to facilitate migrants and refugees' access to civil registration systems, and subsequently the certificates necessary to obtain legal status.

This report also identifies challenges, for example related to access to information on civil registration procedures and requirements necessary for birth registration and other vital events such as marriage, divorce or death registration. In particular, the lack of birth registration can lead to a situation of statelessness, which can occur more frequently for people on the move.

This report identifies standards and good practices to facilitate and improve the use of and access to civil registration systems and vital statistics by migrants and refugees in Latin America and the Caribbean. We hope that this report will contribute to reflections at the national level to strengthen civil registration and facilitate its use and access by people on the move in the region.

Acknowledgements

CLARCIEV, OAS and UNICEF would like to thank the Government of Canada for their generous contribution to this report.

Many thanks to DIGITECH, especially Denis Doladille, Alexandra Castro, Ana Maria Lara-Salinas and Margaux Audet for their commitment to this project.

We also extend our sincere thanks to all those who have actively contributed by responding to the survey that contributed to this report, as well as reviewing earlier drafts.

This report benefited from the careful review by civil registry officials in the region: Paula Mariana Parisi (National Registry of Persons, Argentina); Jose Alfredo Trujillo Daza (Supreme Electoral Tribunal, Bolivia); Erendira Stefanly Bolivar Salazar and Gysela Etelvina Chavarria (Civil Registry Service of the Supreme Electoral Tribunal, Bolivia); Julia Mota (Association of Natural Persons Registrars, Brazil); Claudia Araya Fredes (Civil Registry and Identification Service, Chile); Fernando Cadena Guevara and Maria Cristina Manzano Noguera (National Civil Registry Office, Colombia); Minor Monge and Nicolas Prado Hidalgo (General Directorate of Civil Registry, Costa Rica); Lucia Flores and Enrique Delgado (General Directorate of Civil Registry, Ecuador); Nathalia Rebeca Quinteros Vargas (National Registry of Natural Persons, El Salvador); Monica Renee Recinos Casanova (National Registry of Persons, Guatemala); Raymon Cummings (General Register Office, Guyana);

Oscar Rivera (National Registry of Persons, Honduras); Charlton McFarlane (Registrar General Department, Jamaica); Roberto Zarate Rosas (Directorate of Coordination of Regulatory Review of the National Population Registry, Mexico); Gilberto Estrada de Icaza (National Directorate of Cedulization of the Electoral Tribunal of Panama); Carmen Campos (National Directorate of the Civil Registry, Paraguay); Luis Baltazar Bezada Chávez (Director of Civil Registries, Peru).

We also thank Julia de Bresser (Immigration and Borders Officer) and Isabella Dourado (Legal Identity Project Officer) of the International Organization for Migration (IOM) for their comments and observations, as well as Marina Capriola (Senior Protection Officer), Juan Pablo Terminiello (Senior Protection Officer), Alex Burns (Associate Protection Officer) and Fernando Bissacot (Statelessness Officer) of the Americas Bureau of the United Nations High Commissioner for Refugees (UNHCR).

From our UNICEF team we thank Daniela Ortega Allan, Maria Fernanda Valdes Herrera, Kendra Gregson, Luis Eduardo Rios and Roberto Rodriguez Melendez for their contributions.

Finally, thanks to Rebeca Omaña, coordinator of the OAS Program for the Universalization of Civil Identity in the Americas (PUICA) for all her support in this process.

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Abbreviations and acronyms

C&A	Children and adolescents	PPT	Temporary Protection Permit (Colombia)
CELS	Centre for Legal and Social Studies	PUICA	Civil Identity Program of the Americas
Court IAHR	Inter-American Court on Human Rights	R4V	Venezuelan Platform for Interagency Coordination for Refugees and Migrants
CRC	Convention on the Rights of the Child	RNEC	National Civil Registry (Colombia)
CURP	Unique Population Registry Code	RSH	Social Registry of Homes (Chile)
DNI	National Identity Document	RUMV	Unique Registry of Venezuelan Migrants
DTM	Displacement Tracking Matrix	UAH	Universidad Alberto Hurtado
IACHR	Inter-American Commission on Human Rights	UNDESA	United Nations Department of Economic and Social Affairs
IADB	Inter-American Development Bank	UNDP	United Nations Development Programme
ICCPR	International Convention on Civil and Political Rights	UNDS	United Nations Division for Sustainable Development
ID	Identification	UNECLAC	United Nations Economic Commission for Latin America and the Caribbean
IOM	International Organization for Migration	UNHCR	United Nations High Commissioner for Refugees
LAC	Latin America and the Caribbean	UNHRC	United Nations Human Rights Council
MERCOSUR	Southern Common Market (Argentina, Brazil, Paraguay and Uruguay)	UNICEF	United Nations Children's Fund
OAS	Organization of American States	WHO	World Health Organization
OECD	Organisation for Economic Co-operation and Development		
OHCHR	Office of the United Nations High Commissioner for Human Rights		
PAHO	Pan American Health Organization		

1 General introduction

1.1 A right for everyone: get a legal identity

As established by the Universal Declaration of Human Rights, the Pact on Civil and Political Rights and the Inter-American Convention on Human Rights, every person has the inherent right to an identity and to be recognized before the law. This right is put into practice by civil registries or legally recognized authorities who record vital information and issue proof of legal identity.

While legal identity inherently belongs to individuals, the mechanisms for establishing and verifying legal identity are often under the jurisdiction of the state. As has been established in various instruments of International Human Rights Law, States bear the responsibility of not only granting legal identity – such as through birth registration – but also ensuring that their own citizens possess valid proof of nationality, birth certificates and other relevant documentation.¹

Additionally, the civil registry is tasked with recording vital events such as births, deaths and various civil acts, both for their citizens and foreigners within their territory. In certain instances, particularly in the case of refugees, the administration of legal identity may fall under the purview of internationally mandated organizations like the United Nations High Commissioner for Refugees (UNHCR), with the consent of National authorities.²

Every child has a right to birth registration, a name and a nationality (Convention on the Rights of the Child [CRC], art. 7 and General Comment N° 6, paragraph 12; International Covenant on Civil and Political Rights [ICCPR], art. 24).³ The CRC specifies that “Children shall be registered as soon as possible after birth”, understanding that such registry is vital for legal identity and protection, as well as for access

to services such as health care, education and social security. The UNHCR executive committee has also encouraged the States to facilitate the inscription of births and the issuing of birth certificates and other appropriate documents.⁴ Moreover, at the procedural level, the United Nations Human Rights Council (UNHRC) has outlined that birth registration encompasses “three interconnected steps”: First, there is the declaration of the birth occurrence to civil registrars. Subsequently, upon notification, civil registrars officially document the birth. Registration entails recording the individual’s name, date and place of birth, along with, if feasible, the details of both parents, such as their name, age or date of birth, place of residence and nationality. Lastly, the State issues a birth certificate, serving as a personal document to confirm birth registration and symbolizing the State’s legal acknowledgement

- 1 According to the Universal Declaration of Human Rights article 15: “Everyone has the right to a nationality.” And article 6: “Everyone has the right to recognition everywhere as a person before the law”; CRC article 7: “The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents”; ICCPR article 16: “Everyone shall have the right to recognition everywhere as a person before the law.”
- 2 The Convention and Protocol relating to the Status of Refugees (arts. 25, 27 and 28), the Palermo Protocol against Trafficking in Persons (art. 8), the Protocol against Smuggling of Migrants (art. 18), the International Labour Organization’s Domestic Workers Convention (art. 9), and the International Civil Aviation Organization Convention (ninth edition, art. 13) insist on the State obligations related to the issuance of identity and travel documents. Legal identity might be administrated by the UNHCR in the particular case of the refugees under their protection in accordance to the 1951 Convention on the Status of Refugees. See also: <https://www.unhcr.org/registration-guidance/chapter5/documentation/>.
- 3 Children of a migrant worker shall also have the right to a name, to registration of birth and to a nationality as it has been established by the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, art. 29.
- 4 UNHCR, Child protection Issue Brief: Birth Registration, August 2013, <http://www.refworld.org/docid/523fe9214.html>.

of the child. Whether this process is automatically initiated post-registration or necessitates a separate application varies by country; nonetheless, “it is imperative that this document is easily accessible and provided without charge.”⁵

Furthermore, the Convention on the Rights of the Child insists on the right of every child to “preserve their identity, including nationality, name and family relations as recognized by law without unlawful interference, and where a child is illegally deprived of some or all the elements of their identity, States Parties shall provide appropriate assistance and protection, with a view to rapidly re-establishing their identity” (CRC, art. 8).

As of 2019, in Latin America and the Caribbean (LAC), 3.2 million (6 per cent) of children under 5

years of age had not had their births registered.⁶ Although the under-registration rate has decreased in recent years, it remains at 11 per cent in rural areas. According to recent data from the United Nations Children’s Fund (UNICEF), as of 2023, the rate of birth registration of children under 5 years of age in the region has reached 95 per cent.⁷ Furthermore, World Bank estimates indicate that 9.9 million children and adolescents (C&A) do not have a birth certificate or document to prove their legal identity and nationality (24.2 per cent in Bolivia, 12 per cent in the Dominican Republic, 15.5 per cent in Paraguay and 5 per cent in Mexico).⁸ In the adult population in LAC, it is estimated that 23 million people are not registered, representing 8 per cent of the population over 18 years of age. UNHCR highlights that there are no data available to determine how many of

these unregistered people, including C&A, can be considered stateless or at risk of statelessness.⁹

States are ultimately responsible for the recognition of individuals before the law, including children. The States must put in place legislative and administrative frameworks for the registration and recognition of the identity of the individuals in their territory and also through their consular authorities for their nationals abroad.¹⁰ This task could be achieved by developing robust national legal identity systems that are themselves human rights compliant. Finally, the registration of vital events has also been identified as capital for the realization of several other rights, such as access to health care and education, among others.¹¹

5 UNHRC, *Birth Registration and the Right of Everyone to Recognition Everywhere as a Person Before the Law: Report of the Office of the United Nations High Commissioner for Human Rights*, A/HRC/27/22, <https://www.ohchr.org/sites/default/files/Documents/Issues/Children/BirthRegistration/ReportBirthRegistration.pdf>.

6 World Bank, *Identification for Development Global Dataset*, 2018, <https://datacatalog.worldbank.org/search/dataset/0040787/Identification-for-Development-ID4D-Global-Dataset>.

7 UNICEF, *2023 Birth Registration*, <https://data.unicef.org/topic/child-protection/birth-registration/>.

8 World Bank, *Identification for Development Global Dataset*, 2018, <https://datacatalog.worldbank.org/search/dataset/0040787/Identification-for-Development-ID4D-Global-Dataset>.

9 Organization of American States (OAS), UNHCR, “Estudio Regional sobre Inscripción Tardía de Nacimientos, Otorgamiento de documentos Nacionalidad y Apatridia,” (2020), <https://www.oas.org/es/sap/dgpe/PUICA/docs/Estudio-Regional-sobre-Apatridia.pdf>.

10 IOM, “Institutional Strategy on Legal Identity,” (2021b), <https://publications.iom.int/books/iom-institutional-strategy-legal-identity>.

11 As it has been stated by the United Nations’ 1974 World Population Plan of Action: https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/E_CONF60_19_Plan.pdf.

1.2 Link between birth civil registration and nationality

There is a direct link between civil registration and access to nationality, as the civil registry includes information about the place of birth, the nationality and identity of the parents and their domicile, and basic information qualified as “essential for the confirmation or the acquisition of nationality.”¹² When nationality is acquired by birth in the territory (*jus soli*), it serves as proof of place of birth. When nationality is acquired by descent (*jus sanguinis*), it serves as proof of kinship and in those cases where legislation establishes a mixed system, the civil registry allows for establishing compliance with the parity of two out of the three components. Likewise, in the case of children born stateless, obtaining a birth certificate is essential to prove the fact of their birth in a specific State and establish the parental bond.¹³ It is, however, important to highlight that birth registration does not itself confer nationality upon a child.

According to the Universal Declaration of Human Rights, everyone has the right to a nationality and to not be arbitrarily deprived of one’s nationality nor denied the right to change one’s nationality (art. 15 Universal Declaration of Human Rights). In this regard, the Inter-American Court on Human Rights (Court IAHR) considers that nowadays: “Nationality is conceived as a human right that imposes certain limits on the discretion of States to regulate nationality, which are established by international law to protect human rights.”¹⁴ The 1961 Convention on the Reduction of Statelessness establishes rules for the acquisition, renunciation, loss and deprivation of nationality, aiming to prevent and reduce statelessness. It emphasizes that even if States have the freedom to establish the requirements and procedures for nationality acquisition, they need to ensure that such requirements and procedures do not encourage or allow statelessness.¹⁵ In 1995, the

United Nations General Assembly gave UNHCR the formal mandate to identify stateless people and collaborate to prevent and reduce statelessness around the world while protecting the rights of stateless people.¹⁶ Moreover, the Court IAHR has stressed that States “are obligated to ensure that children born in their territory acquire the nationality of the State in which they are born automatically if they would otherwise be stateless.”¹⁷ Also, according to the International Organization for Migration (IOM), conferring a legal identity must never be a way to elude the obligations of reducing statelessness.¹⁸ As a result, civil registration appears as both a right on its own as well as a means of fulfilling other essential rights such as that to nationality.¹⁹ However, civil registration faces challenges to respond not only to populations on the move but also to stationary populations such as indigenous peoples and communities in rural and dispersed areas.

12 OAS, UNHCR, “Estudio Regional sobre Inscripción Tardía de Nacimientos, Otorgamiento de documentos Nacionalidad y Apatridia,” (2020), <https://www.oas.org/es/sap/dgpe/PUICA/docs/Estudio-Regional-sobre-Apatridia.pdf>.

13 According to the Inter-American Commission on Human Rights (IACHR), In the case of children who are born stateless, obtaining a birth certificate is essential to prove the fact of their birth in a particular State. (IACHR case Yean y Bosico/2005).

14 Court IAHR, Propuesta de Modificación a la Constitución Política de Costa Rica Relacionada con la Naturalización, Opinión Consultiva OC-4/84, 19 de enero de 1984, Serie A N° 4. 16, pág. 32 y 33.

15 United Nations, *Convention Related to the Status of Stateless Persons*, 1954, <https://www.acnur.org/fileadmin/Documentos/BDL/2001/0006.pdf>.

16 More information available at <https://www.unhcr.org/what-we-do/protect-human-rights/ending-statelessness/how-unhcr-helps-stateless-people>.

17 IACHR, Case Yean and Bosico vs Dominican Republic. 6 March 2003.

18 IOM, “Institutional Strategy on Legal Identity,” (2021b), <https://publications.iom.int/books/iom-institutional-strategy-legal-identity>.

19 As it has been included in the IACHR art. 20.2 and interpreted by the IACHR. See for example, IACHR, “Ficha técnica sobre el derecho a la nacionalidad,” <https://acnur.org/fileadmin/Documentos/BDL/2017/11221.pdf>.



The lack of a civil registration due to the impossibility of obtaining some required documents – such as a copy of identification (ID) or birth certificate from parents – or lack of available mechanisms to access this service (for example, the inexistence of registration offices or consular services, among others) might be a way to restrict the access to nationality even when States apply a *jus soli* policy. This scenario pertains to children born in Colombia between 2015 and 2019 to Venezuelan parents who subsequently departed the country without obtaining a valid birth certificate to prove Colombian nationality. This occurred before the implementation of the special campaign known as ‘Primero la Niñez’,²⁰ which aimed to confer Colombian nationality by birth upon children born in Colombia to Venezuelan parents. This campaign provided a specific interpretation of article 96 of the Colombian Constitution. Under the application of this campaign, civil birth registries were updated to include a notation valid for proving Colombian nationality. However, many migrants had already left the country before the campaign came into effect and did not possess the updated birth certificate. Complicating matters, Colombian consular services did not provide copies of birth certificates, and obtaining them online was not feasible until 2023.²¹

20 Registraduría Nacional del Estado Civil de Colombia, “Resolución 8470 del 5 de agosto de 2019.”

21 As the migration plan of some of these families led them to Chile, the pilot programme “Nationality Project” has aimed to obtain updated birth certificates for these children born in Colombia, recognized as Colombians but residing in Chile. This will enable them to establish, in the latter country, that they possess Colombian nationality. See: Moreno, A., and M. Rodríguez. “El riesgo de Apatridia en Movimientos Mixtos sucesivos: La experiencia del ‘proyecto Nacionalidad’ en Chile, con niños, niñas y adolescentes hijos/as de venezolanos nacidos en Colombia.” UNHCR, UAH, 2023. <https://www.acnur.org/sites/default/files/2023-08/Informe%20Apatridia%20-%20Proyecto%20Nacionalidad%20Chile.pdf>.

1.3 The importance of civil registry

Civil registration is defined as “the continuous, permanent and compulsory universal recording of the occurrence and characteristics of vital events²² pertaining to the population, as provided through decree or regulation, in accordance with the legal requirements in each country, with full respect for the rules regulating the protection and privacy of individual information.”²³ Under the law, civil registration serves to confirm an individual’s legal existence and has historically been the primary method for conferring legal identity.²⁴ This is why, according to the United Nations Department of Economic and Social Affairs (UNDESA), it is crucial that laws, policies, rules and regulations do not impede the exercise of this right. Specifically, vital event registration should take place, even if the legally specified timeframe has lapsed. Moreover, it should be carried out without regard to migratory status, citizenship or any other requirements that

might hinder the recording of vital events that occurred within the territory.²⁵

According to the United Nations legal identity agenda, it is crucial to adopt a holistic approach to legal identity that spans from a person’s birth to their death.²⁶ Essentially, this means that a person’s legal identity is dynamic and is influenced by various events such as birth, changes in name or gender, marriages and, finally, death. Some of these declared events could help acquire citizenship or obtain regular migratory status in a foreign country. All these situations impact how individuals access their rights and services in accordance with the regulations in force in each State.²⁷

However, starting with the birth registry, many children are not registered within the first year of birth, meaning that civil registration does not collect

data on these children during the most vulnerable period of their lives.²⁸ Approximately 850 million individuals worldwide find themselves without legal identity – a gap that includes birth, marriage and death certificates, as well as ID cards and more.²⁹ In Latin America, according to the Inter-American Development Bank (IADB),³⁰ around 9 per cent of children from 0 to 4 years old do not have their birth registered due to reasons related to the distance to registration offices, lack of documentation from parents, and there is a correlation with the mother’s educational level and household income. According to the United Nations, there are approximately 166 million children under 5 whose births have not been registered and 237 million children without a birth certificate.³¹

A person without a birth certificate generally remains invisible to the State and can be isolated from legal

22 According to UNDESA, the vital events that most countries register, as internationally recommended, fall in the categories of live births, deaths, fetal deaths, marriages, judicial separations, divorces, annulments, adoptions, legitimations and recognitions. United Nations Division for Sustainable Development (UNSD), “Principles and Recommendations for a Vital Statistics System,” Rev. 3, para. 274, 2014, https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Principles_and_Recommendations/CRVS/M19Rev3-E.pdf.

23 UNDS “Principles and Recommendations for a Vital Statistics System,” Rev. 3, para. 274, 2014, https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Principles_and_Recommendations/CRVS/M19Rev3-E.pdf.

24 According to the United Nations Legal Identity Strategy, “Legal identity is defined as the basic characteristics of an individual’s identity. e.g., name, sex, place and date of birth conferred through registration and the issuance of a certificate by an authorized civil registration authority following the occurrence of birth.” <https://unstats.un.org/legal-identity-agenda/>.

25 UNDS. “Principles and Recommendations for a Vital Statistics System,” Rev. 1., 2021, <https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Handbooks/crvs/crvs-mgt-E.pdf>.

26 United Nations, “UN Legal Identity Agenda,” <https://unstats.un.org/legal-identity-agenda/>.

27 Vargas G., “Mecanismos de acceso a la identidad legal para personas migrantes en América Central, México y la República Dominicana,” IOM, San José, Costa Rica, 2023, <https://publications.iom.int/system/files/pdf/pub2023-137-mecanismos-de-acceso-a-la-identidad.pdf>.

28 ADB, “Conferencia Internacional sobre Gestión de la Identidad,” (2016), <https://publications.iadb.org/publications/spanish/document/Conferencia-Internacional-sobre-Gesti%C3%B3n-de-la-Identidad-Presentaciones.pdf>.

29 World Bank. “850 million people globally don’t have ID—why this matters and what we can do about it.” 2023. <https://blogs.worldbank.org/digital-development/850-million-people-globally-dont-have-id-why-matters-and-what-we-can-do-about>.

30 IADB, “Birth Registration, the Key to Social Inclusion in Latin America and the Caribbean.” 2013, <https://publications.iadb.org/en/birth-registration-key-social-inclusion-latin-america-and-caribbean#:~:text=Birth%20registration%20is%20a%20fundamental,be%20condemned%20to%20social%20exclusion>.

31 United Nations Legal identity taskforce <https://unstats.un.org/legal-identity-agenda/UNLIATF/>.

and administrative structures and basic services. This situation exacerbates the vulnerability of people, especially when they are on the move. As expressed by the Inter-American Commission on Human Rights (IACHR) Special Rapporteurship on Migrant Workers and Members of Their Families, the absence of identity recognition can result in individuals lacking legal proof of their existence, thereby hindering the full exercise of their civil, political, economic, social and cultural rights.³² In the context of human mobility, without proper ID, people may lack the right to recognition everywhere as a person before the law (ICCPR, art. 16); the right to leave any country (ICCPR, art. 12) and the right to enter one's own country (ICCPR, art. 12).

The lack of civil registration (especially a birth certificate) may also hinder access to basic services such as health, education and even social protection services. It also helps prevent and assess cases of child labour, child marriage and underage recruitment of child soldiers involved in armed conflict. In this sense, it is important to remember that C&A not only have the right to legal identity but also to quality health care, nutritious food, clean drinking water, education and safety, regardless of their legal status, nationality or citizenship.³³

The global identity gap is acknowledged in the 2030 Agenda, which established a specific target within the Sustainable Development Goals – Target 16.9 – “legal identity for all, including birth registration, by 2030”.

The universal right to an identity is not limited to civil documents; however, according to the IOM, the absence of documentary evidence of legal identity is of “particular concern for people on the move.”³⁴



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32 IACHR, Informe Anual. “Séptimo Informe de Progreso de la Relatoría Especial sobre Trabajadores Migratorios y Miembros de sus Familias correspondiente al periodo entre enero y diciembre del 2005,” OEA/Ser.L/V/II.124. Doc. 7, del 27 de febrero de 2006. <https://cidh.oas.org/annualrep/2005sp/cap.5a.htm>.

33 Marcus, R., et. al., “Children on the Move in Latin America and the Caribbean: Review of the evidence,” UNICEF, Panama City, Panama, (2023), <https://www.unicef.org/lac/media/40966/file/Children-on-the-move-in-LAC.pdf>.

34 IOM, “Institutional Strategy on Legal Identity,” (2021b), <https://publications.iom.int/books/iom-institutional-strategy-legal-identity>.

1.4 People on the move

Access to legal identity is a critical factor in migration and forced displacements as it is a complex determinant of cross-border movements. For governments, the proper ID of forcibly displaced, stateless persons and migrants is crucial for migration management, as well as for implementing regularization, reunification and return policies. In the absence of proper documents to establish their identity, forcibly displaced, stateless persons and migrants are unable to access critical services and even return to their country of origin.³⁵

“In some countries, a misconception has hindered universal birth registration. Some believe that registering a birth automatically confers citizenship. This misunderstanding has led certain registrars to refuse to record the births of children born to migrants, refugees, asylum-seekers, stateless individuals, and foreign nationals.”³⁶ In other cases, authorities refuse to register children born to foreign parents even when, according to the constitutional system of the country, they have the

right to access nationality by birth; in other cases, nationals living abroad find difficulties in registering vital acts through the consular services.³⁷ For the particular case of nationals living abroad, the Inter-American Rapporteur on Migrant Workers has emphasized that for nationals residing outside their home territory, the recognition of their nationality must be ensured through the issuance of identity and travel documents as a means to verify the nationality and the associated rights. This, in turn, secures nationality for their children and spouses as stipulated by the respective constitutional and legal framework.³⁸ The recently adopted guidelines from UNDESA (2023) have also highlighted the obligation to register all births and deaths that occur in the country, “including births to refugees, undocumented migrants, internally displaced persons, stateless persons, persons of undetermined nationality and members of nomadic peoples.”³⁹ Other vital events such as marriages and deaths must be registered, regardless of migratory status, with the identity of the person certified in

their travel document and in accordance with the legislation of the host country.⁴⁰

Providing civil registration appears challenging for migrants, especially those with irregular status, as special measures should be implemented in order to grant access to registration.⁴¹ The United Nations Global Compact for Safe, Orderly and Regular Migration (2018), aiming to address this situation, outlines practical means for governments to improve national legal identity systems, specifically under Objective 4: “Ensure that all migrants have proof of legal identity and adequate documentation,” where States expressed their commitment “to fulfil the right of all individuals to a legal identity by providing all our nationals with proof of nationality and relevant documentation, allowing national and local authorities to ascertain a migrant’s legal identity upon entry, during stay and for return, as well as to ensure effective migration procedures.”

35 Vargas G., “Mecanismos de acceso a la identidad legal para personas migrantes en América Central, México y la República Dominicana,” IOM, San José, Costa Rica, 2023, <https://publications.iom.int/system/files/pdf/pub2023-137-mecanismos-de-acceso-a-la-identidad.pdf>.

36 UNDESA, *Guidelines on the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems*, 2023, https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Handbooks/crvs/CRVS_GOLF_Final-E.pdf.

37 Marcus, R., et. al., “Children on the Move in Latin America and the Caribbean: Review of the evidence,” UNICEF, Panama City, Panama, (2023), <https://www.unicef.org/lac/media/40966/file/Children-on-the-move-in-LAC.pdf>.

38 IACHR, Informe Anual. “Séptimo Informe de Progreso de la Relatoría Especial sobre Trabajadores Migratorios y Miembros de sus Familias correspondiente al periodo entre enero y diciembre del 2005,” OEA/Ser.L/V/II.124. Doc. 7, del 27 de febrero de 2006. <https://cidh.oas.org/annualrep/2005sp/cap.5a.htm>.

39 UNDESA, *Guidelines on the Legislative Framework for Civil Registration, Vital Statistics and Identity Management Systems*, 2023, https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Handbooks/crvs/CRVS_GOLF_Final-E.pdf.

40 Vargas G., “Mecanismos de acceso a la identidad legal para personas migrantes en América Central, México y la República Dominicana,” IOM, San José, Costa Rica, 2023, <https://publications.iom.int/system/files/pdf/pub2023-137-mecanismos-de-acceso-a-la-identidad.pdf>.

41 OSCE Office for Democratic Institutions and Human Rights, “Compendium of Good Practices in Identity Management in the OSCE Region,” 2017, <https://www.osce.org/odihr/346906>.



Enhancing the capabilities of national civil registries is essential to ensure refugees and stateless individuals have prompt access to civil and birth registration, along with necessary documentation. Such enhancement includes leveraging digital technology and offering mobile services, all while adhering to stringent data protection and privacy principles. This commitment continues to be a key priority point in the Global Compact on Refugees,⁴² which emphasizes the crucial role civil registration plays in safeguarding and pursuing durable solutions for forcibly displaced and stateless individuals.

During the migration journey, after the return or when installed in a destination country, legal identity must be ensured and implemented as a means to empower people, including ensuring their civil, social and political rights.⁴³ This may require work on institutional capacity, strengthening registration systems, and statistical efforts that allow for identifying challenges and improvement opportunities.⁴⁴

42 United Nations General Assembly, Global Compact on Refugees, 2018, <https://www.unhcr.org/media/global-compact-refugees-booklet>.

43 IOM, "Institutional Strategy on Legal Identity," (2021b), <https://publications.iom.int/books/iom-institutional-strategy-legal-identity>.

44 Rachel, R., et. al., "Children on the Move in Latin America and the Caribbean: Review of the evidence," UNICEF, Panama City, Panama, (2023), <https://www.unicef.org/lac/media/40966/file/Children-on-the-move-in-LAC.pdf>.

2 Objective

Recognizing the crucial role that civil registration plays in the lives and well-being of all individuals and the particular relevance it holds in human mobility contexts, this study reviews the following issues for 20 countries⁴⁵ in the region:

1. Can refugees and migrants register in the civil registration system in the country where the vital event (i.e., birth, marriage, divorce, death) occurred? What are the requirements?
2. How is civil registration used in each country for applications to regularize migration status, both temporary protective status and permanent status? Is there a cost or any other identified barriers?
3. What are the time periods or expiry for temporary protective status, where it exists?
4. What services (e.g., health, education, child protection, social protection) require civil registration or regularization for refugees and migrants to be able to fully access them?



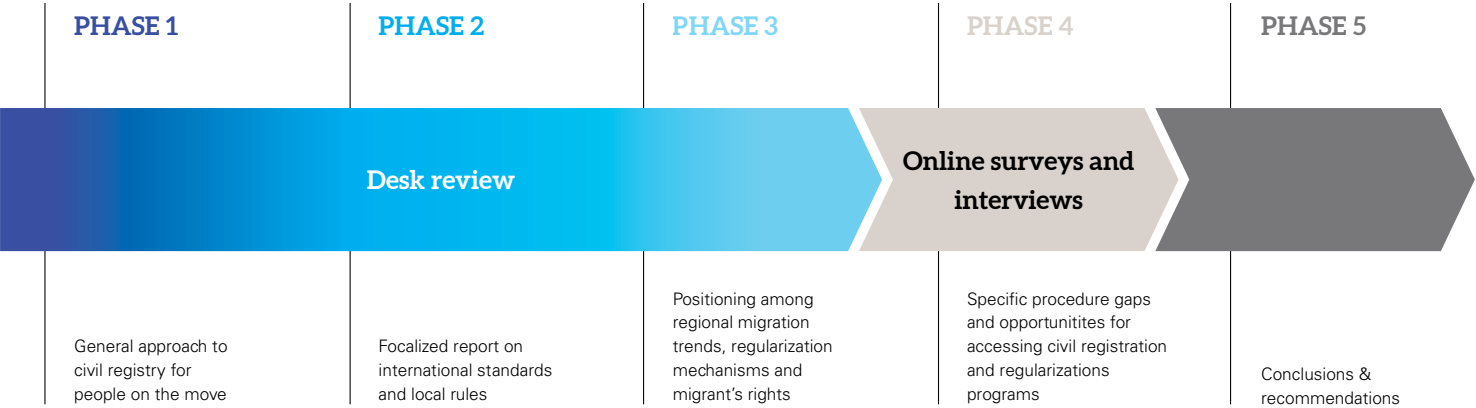
© UNICEF/UN0579980/Le Lijour

45 Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, Trinidad and Tobago and Uruguay.

3 Methodology

This document is the result of the use of primary and secondary sources, including from a desk review of constitutions, civil laws, rulings and procedures from each of the selected countries. Different international and regional reports were also consulted to analyse major regional trends in civil registration, access to nationality, regularization of migrants and access to public services. To complete the secondary sources, a survey was conducted and sent to all the selected countries; responses were received from 16 civil registry authorities from Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Jamaica, Mexico, Panama, Paraguay and Peru.

Figure 1: The five phases of the methodology used



Tables are used throughout this report to facilitate the presentation of information. They show general aspects for the 20 countries under study, from which some general trends and highlights of replicable best practices in other countries in the region are extracted. The information presented below does not have the same level of detail for all countries, which is due to the difficulty of accessing detailed and updated information for some countries and aspects through a document review.

4 Civil registration for refugees and migrants

4.1 Introduction

Keeping track of vital events might be challenging when people are on the move. Human mobility in the region is increasing exponentially, changing the social, economic and demographic dynamics. While the traditional movement from the countries in northern Central America and Mexico to the United States of America persists, three additional sets of mixed movements have gained prominence:⁴⁶ Venezuela has sparked one of the largest human displacements globally, with 7.7 million people leaving the country as of November 2023 (with 6.5 million Venezuelan refugees and migrants residing

in other nations across LAC. Colombia hosted 2.9 million, Peru 1.5 million, and Ecuador 474,000);⁴⁷ Over one million Haitians have left their country since the 2010 earthquake, some settling in neighboring nations⁴⁸ like the Dominican Republic, while others have opted for countries such as Chile, the United States or Canada;⁴⁹ and thirdly, there are movements within and throughout Central America and Mexico “where Mexico is emerging as a destination for refugees and migrants from different parts of the region.”⁵⁰



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46 Rachel, R., et. al., “Children on the Move in Latin America and the Caribbean: Review of the evidence,” UNICEF, Panama City, Panama, (2023), <https://www.unicef.org/lac/media/40966/file/Children-on-the-move-in-LAC.pdf>.

47 Information available at <https://www.r4v.info/es/refugiadosymigrantes>.

48 Information available at <https://datamig.iadb.org/es/movimiento-migratorio>.

49 Information available at <https://datamig.iadb.org/es/profile/HTI>.

50 Rachel, R., et. al., “Children on the Move in Latin America and the Caribbean: Review of the evidence,” UNICEF, Panama City, Panama, (2023), <https://www.unicef.org/lac/media/40966/file/Children-on-the-move-in-LAC.pdf>.

The surge in the number of refugees and migrants has prompted major countries in the region to heighten barriers to migrant arrivals by imposing visa conditions and restricting regular migration channels.⁵¹ Consequently, refugees and migrants are compelled to resort to increasingly perilous routes to reach their intended destinations, further exacerbating their precarious conditions.

In Latin America, Haitians face the highest number of visa restrictions compared to any other nationality on the continent,⁵² followed by Venezuelans, for which 24 countries in the region have imposed a visa restriction.⁵³ Within this context, for example, the Darien Gap (between Colombia and Panama) has become a critical point and a very dangerous route, with over 200,000

individuals attempting to traverse the jungle between Colombia and Panama in 2022 and 520,000 during 2023, exposing themselves to dangers posed by the jungle's characteristics and criminal gangs preying on refugees and migrants.⁵⁴ The southern border of the United States also presents a significant augmentation in the number of migrants and refugees. In 2022, the number of nationals from "non traditional nationalities" encountered at the border was around 400,000 people, whereas in 2023, this number increased to 2.5 million by the end of the year.⁵⁵ The number of migrant returns has also witnessed a notable increase, primarily to countries of northern Central America (i.e., El Salvador, Guatemala, Honduras). In 2023 alone, approximately 129,000 individuals returned to this geographical area.⁵⁶

Finally, in the Caribbean, diasporas are also on the rise, with emigration representing approximately 38 per cent and 56 per cent of the population in countries like Jamaica and Guyana, respectively.⁵⁷

There is a direct link between the migration and refugee movement's trends and their needs in regard to civil registry services, social services and the regularization of migrants. The table below aims to present a non-exhaustive picture of the needs of refugees and migrants in terms of civil registry according to their human mobility trend and stage (see Table 1). A list of countries, based on their mobility dynamics, is also proposed as those that may be more concerned by these needs.

51 "In June 2022, 21 countries, including the United States, Mexico, Costa Rica, Panama, and Honduras, signed the Declaration on Migration and Protection during the Summit of the Americas held in Los Angeles, United States. The declaration, led by U.S. President Joe Biden, includes commitments to strengthen and expand pathways for people to migrate and seek asylum safely and legally, as well as to ensure accountability for those who commit abuses against migrants. However, despite these commitments, an increasing number of Latin American governments, often influenced by the United States, have imposed restrictions on those attempting to enter their countries, sometimes violating the human right to seek asylum. For instance, recently imposed visa requirements prevent migrants and asylum seekers from various Latin American countries from taking flights to Mexico and Central America." Source: <https://www.hrw.org/es/report/2023/11/09/este-infierno-era-mi-unica-opcion/abusos-contra-migrantes-y-solicitantes-de-asilo>.

52 VisalIndex, "Haiti Passport ranking," no date, <https://visaindex.com/es/pais/ranking-pasaporte-haiti/> (accessed on 18 December 2023).

53 Martina Rapido Ragozzino and Juan Pappier, "'Este infierno era mi única opción'; Abusos contra migrantes y solicitantes de asilo en el Tapón del Darién," 2023, <https://www.hrw.org/es/report/2023/11/09/este-infierno-era-mi-unica-opcion/abusos-contra-migrantes-y-solicitantes-de-asilo>.

54 Information available at <https://www.rcplac.org/en/ibcs-and-working-groups/ibc-on-human-mobility/ibc-human-mobility-dashboard>.

55 Information available at <https://datamig.iadb.org/es/movimiento-migratorio>; <https://www.rcplac.org/en/ibcs-and-working-groups/ibc-on-human-mobility/ibc-human-mobility-dashboard>.

56 Information available at <https://www.rcplac.org/en/ibcs-and-working-groups/ibc-on-human-mobility/ibc-human-mobility-dashboard>.

57 Jaupart Pascal. International Migration in the Caribbean: Background paper for the World Development report 2023: Migrants, Refugees and Societies. <https://thedocs.worldbank.org/en/doc/3c5cf49b10dd0607472f4a2fb8a063ce-0050062023/original/WDR2023-Caribbean-Background-Paper-FORMATTED.pdf>.

Table 1: Example of civil registry needs according to the mobility phase

Migration phase	Needs in terms of civil registry	Countries in this research that might be more concerned
Before departure from the country of origin	Getting copies of the birth and marriage registration	Argentina, Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico
During transit	Registering births and deaths, accessing basic services (health, child-care), accessing copies from their birth registration through the consular services	Bolivia, Colombia, Costa Rica, Ecuador, Guatemala, Panama, Peru, Paraguay
In the destination country	Registering any vital event, births, deaths, marriage, divorce; accessing basic and complex social services (health, education); participating in regularization processes; accessing consular services to register and obtaining copies of the birth registration from the civil registry	Argentina, Brazil, Colombia, Chile, Costa Rica, Dominican Republic, Uruguay
Return	Filing late birth registration in order to access nationality, accessing all types of social services (health, education), getting copies of vital event registrations that took place while abroad	Colombia, Guatemala, Honduras, Jamaica, El Salvador, Trinidad and Tobago

Source: Information from the desk review. Authors own work.

For the purpose of this research and having these needs in mind, this report focuses on the vital events of birth, death, marriage and divorce. For each one of these, the general requirements for any person, as well as the specific requirements for refugees and migrants, are reviewed. The possibility of and the conditions for the late birth registry are also considered.

4.2 Birth registration

Birth registration is a declarative procedure, the first one any person is involved in. To corroborate the live birth, the civil registry may request a series of substantive requirements or evidence, which may consist of legal documents, certificates, testimonies or a combination of these.⁵⁸ Some requirements are standard and are transposed from one country to the other, such as the need to provide proof of birth (live birth certificate) or ID of those who approach the civil registry to make the declaration (such as national ID documents or passports, among others). Other requirements are particular to specific places. According to IACHR, such requirements should be well established in the legislation and not be interpreted in an arbitrary manner.^{59,60}

The requirements, procedures and mechanisms for achieving both timely and late birth registration, as well as obtaining an identity document proving nationality, are regulated by the internal regulatory framework of each State. In most cases, it is established by laws and internal regulations. Their application directly impacts effective access to birth registration and identity documents.

There are usually internal procedures on birth registration that reflect the administrative organization of the country, particularly in those countries with non-centralized systems,⁶¹ such as Argentina and Mexico. There are also often links with other entities to facilitate the civil registration process, such as hospitals and other health facilities. General requirements are presented to get a birth certificate,

and special requirements are added for the refugees and migrant population. It is important to note that the requirements presented below correspond to the general conditions for the registration of births that have taken place in hospital facilities.

4.2.1 General requirement

The table below shows the general requirements for birth registration (see Table 2). Most of the countries studied require valid ID from the declarant and proof of birth (birth record, live birth record).⁶² Other requirements include the need to provide an apostilled and translated birth certificate (if born abroad) and proof of residence (from the person who makes the declaration). Additional specific requirements for each State are presented in the last column.

58 UNDESA Statistics Division, “Principles and Recommendations for a Vital Statistics System,” ST/ESA/STAT/SER.M/19/Rev.1, 2021, Para. 365, 2021, <https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Handbooks/crvs/crvs-mgt-E.pdf>.

59 Court IAHR, “Cuadernillo de jurisprudencia sobre debido proceso; Caso Vélez Loor Vs. Panamá. Excepciones Preliminares, Fondo, Reparaciones y Costas. Sentencia de 23 de noviembre de 2010.” Serie C N° 218, 2010, https://www.corteidh.or.cr/docs/casos/articulos/resumen_218_esp.pdf.

60 In the Americas there are three different types of systems: Centralized or non-federal: that Bolivia, Chile, Costa Rica, Ecuador, Guatemala, Panama, Peru and Dominican Republic have; Decentralized or federal system like that of Mexico and Argentina; and, mixed system like that of Colombia and Uruguay. (See more in OAS, UNHCR, “Estudio Regional sobre Inscripción Tardía de Nacimientos, Otorgamiento de documentos Nacionalidad y Apatridia,” 2020, <http://www.oas.org/es/sap/dgpe/PUICA/docs/Estudio-Regional-sobre-Apatridia.pdf>).

61 “A decentralized system is one in which the local registration offices are administered by the state or provincial authorities following state or provincial laws and regulations with no national office to direct their activities except possibly to coordinate them.” Moriyama, Iwao, “Considerations in the organization of national civil registration and vital statistics systems,” 177, https://unstats.un.org/unsd/demographic-social/crvs/documents/IIVRS_papers/IIVRS_paper36.pdf.

62 Certificate of Live Birth; Birth Proof; Birth Registry; the name of this document may vary according to the legislation of the countries in the region. For the purposes of this study, the term “proof of birth” has been chosen to refer to the document issued by the health authorities responsible for receiving the newborn.

Table 2: General birth registration conditions for nationals and migrants, by country

Country	General conditions (for nationals and migrants)						Source	
	For newborns			From parents/declarant				
	Proof of birth (live birth certificate)	Two witnesses	Other	Parents' ID	Marriage certificate	Other		
							Additional information	
Argentina	x	x	Vaccination certificate or medical certificate indicating the reasons why the newborn cannot be vaccinated.	x			One testimonial statement from two adults with IDs that attest to the relationship between the person who gave birth and the child or a public medical certificate with the age and presumed date of birth in case no proof of birth is available. Requirements may differ from one province to another. There is a vaccination requirement in some provinces, such as Rio Negro.	Argentina, Régimen Administrativo para la Inscripción de Nacimientos, Administrative system for birth registration, Executive Decree N° 185/2019, March 2019, arts. 1-5. See also: Argentina, Ley de Registro del Estado Civil y Capacidad de las Personas, Civil Registry and Capacity of the People's Act, N° 26,413, October 2008, art. 29. For requirements in each province, see: Argentina, Province of Santa Fe, Births: Registration in the Civil Registry; Argentina, Province of Buenos Aires, Registration of births up to 60 days and registration of births of people over 13 years of age (legal). See also: Argentina, Ley de Registro del Estado Civil y Capacidad de las Personas, Civil Registry and People's Capacity, Act, N° 26,413, October 2008, art. 29. For the Rio Negro Province Requirements: https://registrocivil.rionegro.gov.ar/tramite/2/inscripcion-recien-nacido?n=MjAzO3M2NTsyMzE ; For the city of Argentina also see: https://buenosaires.gob.ar/tramites/inscripcion-del-nacimiento .
Bolivia	x	x	School notebook or any other document in which the name appears.		x	Proof of filiation regarding the father or the mother.	To prove the paternal and maternal filiation of the child, the declaration of both or one of them is sufficient. In the case that they are not present, the relationship of the child concerning his or her father or mother will be demonstrated with the presentation of one of the following documents: • Civil marriage certificate or family book of parents; • Documents of recognition of the child granted by his father or mother; • Medical certificate of live birth; • Court ruling declaring paternity or maternity; or • Court ruling declaring possession of State.	Bolivia, Reglamento para inscripción de nacimientos, Birth registration regulations, Supreme Electoral Court Res. N° 071/2012, December 2012, arts. 12, 13, 14, 15, 25, 26. Available at https://www.refworld.org/pdfid/53071dd44.pdf .

Country	General conditions (for nationals and migrants)							Source
	For newborns			From parents/declarant				
	Proof of birth (live birth certificate)	Two witnesses	Other	Parents' ID	Marriage certificate	Other		
Brazil	x			x		If only the married mother is present, the marriage certificate must be presented.		Ley Federal 6015/1973; About foreigners, see: https://www2.camara.leg.br/legin/fed/lei/1970-1979/lei-6015-31-dezembro-1973-357511-norma-actualizada-pl.pdf .
Chile	x	x		x			Two witnesses (Chilean nationals or foreigners with domicile); Agreement document to establish the order of surnames, signed by both parents	Ley N° 4,808. Reforma la ley sobre el Registro Civil. Artículo 28-33; For the registration of migrants: Decreto 2128 – Reglamento Orgánico del Servicio de Registro Civil. 1993. Artículo 92; https://www.registrocivil.cl/principal/canal-tramites/nacimiento .
Colombia	x	x	Blood type (Rh). ²⁾	x			When a live birth certificate cannot be provided, a sworn statement from two witnesses or a baptismal record with notation of the person who performed the ceremony or annotations of the corresponding religious origin for individuals of other faith. Indigenous authorization for individuals belonging to indigenous communities and/or peoples. Declaration of parental bond to prove filiation or presence of the father for recognition.	Decreto 1260 de 1970. Available at https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=8256 .
Costa Rica	x			x				Ley N° 3504, Ley Orgánica del Tribunal Supremo de Elecciones y del Registro Civil, artículos 48, 49 y 95 inciso c). Ley N° 8764, Ley General de Migración y Extranjería, artículo 33.2. - Reglamento del Registro del Estado Civil, artículos 18 y 20, inciso a). Manual de Instrucciones para la Calificación de Documentos, Sección de Inscripciones, artículo 22. Ley N° 5476, Código de Familia, artículos 69 y 84. Acta N58-2020 de la Sesión celebrada por el Tribunal Supremo de Elecciones el 16 de junio de dos mil veinte.

Country	General conditions (for nationals and migrants)							Source
	For newborns			From parents/declarant				
	Proof of birth (live birth certificate)	Two witnesses	Other	Parents' ID	Marriage certificate	Other		
Dominican Republic	x			x	x	Electoral card from parents.	There are no alternative documents for proving the identity of parents.	República Dominicana. Ley 659-44 sobre Actos del Estado Civil que dista disposiciones sobre los registros y actas de defunción. Capítulo I, artículo 39.
Ecuador	x	x		x		Special power of attorney in case the birth is registered by a third party.		Ecuador, Ley de Registro Civil, Identificación y Cedulación, Civil Registry, ID and Identity Card Issuance Act. Article 29. Organic Law on Identity Management and Civil Data. Art. 31. Manual de Procesos y Procedimientos del Registro Civil, Handbook of Processes and Procedures of the Civil Registry. 11 August 2008
El Salvador	x			x		Driver's licence or passport.	.	https://www.elsalvadormipais.com/registrar-recien-nacido-el-salvador .
Guatemala	x		Legalization of signature of the parents.	x		Boleto de Ornato. ¹⁾		Reglamento de Inscripciones del Registro Civil de las Personas. Art. 16 Apartado 1.1.1 71.
Guyana			Information about the birth.	x	x	Information about the parents.		https://gro.moha.gov.gy/birth-registration/ .
Haiti	x	x		x	x			http://www.gisti.org/spip.php?article4539#:~:text=Les%20parents%20ont%20vingt%2Dcinq,fran%C3%A7ais%2C%20par%20l%E2%80%99officier .
Honduras	x			x				https://consultoriojuridico.unah.edu.hn/assets/cjgCabinas/faq-administrativo2.html#:~:text=Requisitos%20para%20registrar%20a%20un,partera%20si%20naci%C3%B3%20en%20casa .

Country	General conditions (for nationals and migrants)							Source
	For newborns			From parents/declarant				
	Proof of birth (live birth certificate)	Two witnesses	Other	Parents' ID	Marriage certificate	Other		
Jamaica	x			x		Presence of both parents and signature from both parents; Presence of the father if they are not married.		https://www.rgd.gov.jm/index.php/products-and-service/cert-of-vital-events/birth ; https://www.rgd.gov.jm/images/PDF_FILE/RGD_Updated_Form/flow_diagram_dealing_with_bedside_registration.pdf .
Mexico	x	x		x		Domicile proof in some States; in others, mother's birth certificate and two witnesses.	Requirements may vary according to the state.	https://actas.cdmx.gob.mx/ ; https://www.tramitescoahuila.gob.mx/alias/actas-de-nacimiento.html ; https://www.cdmx.gob.mx/public/InformacionTramite.xhtml?idTramite=598 ; Registro Nacional de Población e Identificación Personal. Preguntas frecuentes sobre la Clave Única de Registro de Población Temporal para Extranjeros. Actualizado al 03 de abril, 2019. Available at https://www.gob.mx/segob/renapo/acciones-y-programas/preguntas-frecuentes-sobre-la-clave-unica-de-registro-de-poblacion-temporal-para-extranjeros .
Panama	x	x		x				Panama, Ley de Registro Civil, Ley 31, julio 2006, art. 89; Reglamento de la Ley de Registro Civil, Decreto N° 3, febrero 2008. Art. 3 y art. 21.
Paraguay	x			x	x		For the ID of the parents there are no replacement documents.	Paraguay. Ley N° 1266 del Registro del Estado Civil., Law N° 1266 of the Civil Registry. Article 38, 55. Ley N° 3156, Law N° 3156. Article 1 and 2. https://www.bacn.gov.py/leyes-paraguayas/2492/del-registro-del-estado-civil .

Country	General conditions (for nationals and migrants)							Source
	For newborns			From parents/declarant				
	Proof of birth (live birth certificate)	Two witnesses	Other	Parents' ID	Marriage certificate	Other	Additional information	
Peru	x		Certificate granted by a person authorized by the corresponding health establishment to have attended or confirmed the birth, or a sworn declaration from a political, judicial or religious authority confirming the birth for remote areas where health professionals are unavailable.	x				Peru, Ley Orgánica del Registro Nacional de Identificación y Estado Civil, Organic Law of the National Identification and Civil Registry, N° 26,497, July 1995, arts. 47, 49; Peru, RENIEC, Ordinary Registration (Birth and Registration in Peru).
Trinidad and Tobago	x		Letter or card from the hospital.	x	x	Parent's birth certificate.		https://agla.gov.tt/registrar-general/registrar-general-civil-registry/ .
Uruguay	x			x			Presence of both parents if they are not married. For the ID of the parents, there are no replacement documents.	https://www.gub.uy/tramites/inscripcion-nacimiento .

¹⁾ In Guatemala, the 'boleto de ornato' refers to a municipal fee or tax for the upkeep and beautification of public spaces. It is an annual payment required by municipal authorities and is intended to contribute to the maintenance and improvement of urban areas, parks, sidewalks and other public infrastructure.

²⁾ Substitute document.

4.2.2 Additional requirements for refugees and migrants

While general requirements are demanded of any person willing to register a birth, some special requirements have been established for foreigners, including the need to identify themselves using other means such as passports, immigration documents and refugee documents (see Table 3).

Table 3: Additional birth registration requirements for Refugees and Migrants, by country

Country	Specific conditions (only for migrants)				Source
	From parents/declarant				
	Passport	Migrant document: regular status document, refugee card	Other		
Argentina	x	x	National ID for the Southern Common Market (MERCOSUR) citizens.	Conditions may change according to the municipality; information recovered from the city of Buenos Aires in this chart; sources from other municipalities available.	Argentina, Régimen Administrativo para la Inscripción de Nacimientos, Administrative system for birth registration, Executive Decree N° 185/2019, March 2019, arts. 1-5. See also: Argentina, Ley de Registro del Estado Civil y Capacidad de las Personas, Civil Registry and Capacity of the People's Act, N° 26,413, October 2008, art. 29. For requirements in each province, see: Argentina, Province of Santa Fe, Births: Registration in the Civil Registry; Argentina, Province of Buenos Aires, Registration of births up to 60 days and registration of births of people over 13 years of age (legal). See also: Argentina, Ley de Registro del Estado Civil y Capacidad de las Personas, Civil Registry and People's Capacity, Act, N° 26,413, October 2008, art. 29. For the Rio Negro Province Requirements: https://registrocivil.rionegro.gov.ar/tramite/2/inscripcion-recien-nacido?n=MjAzO3M2NTsyMzE ; For the city of Argentina also see: https://buenosaires.gob.ar/tramites/inscripcion-del-nacimiento .
Bolivia	x		Two witnesses with their IDs.		Bolivia, Reglamento para inscripción de nacimientos, Birth registration regulations, Supreme Electoral Court Res. N° 071/2012, December 2012, arts. 12, 13, 14, 15, 25, 26. Available at https://www.refworld.org/pdfid/53071dd44.pdf .
Brazil	x	x	Any official document with a photo.	Migrant's ID from their country of origin may also be presented.	Ley Federal 6015/1973; About foreigners, see: https://www.r4v.info/pt/document/guia-pa-ra-protecao-de-criancas-e-adolescentes-desacompanhados-separados-e .

Country	Specific conditions (only for migrants)				Source
	From parents/declarant				
	Passport	Migrant document: regular status document, refugee card	Other	Additional information for registration of a migrant's child	
Chile	x	x		Foreigners may also present a passport or unique migratory card. In the event that they lack these documents, the registration process continues, but the Immigration and Foreign Affairs Services is informed to confirm if Chilean nationality may be granted. ⁶³	Ley N° 4,808. Reforma la ley sobre el Registro Civil. Artículo 28-33; For the registration of migrants: Decreto 2128 – Reglamento Orgánico del Servicio de Registro Civil. 1993. Artículo 92. Law 21.325 immigration and foreign affairs available at https://www.bcn.cl/leychile/navegar?idNorma=1158549 .
Colombia	x	x		Venezuelan migrants may present Temporary Protection Permit documents to prove their identity or a valid or expired foreign ID card, valid or expired Venezuelan passport or valid or expired Venezuelan ID card.	Decreto 1260 de 1970. Available at https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=8256 .
Costa Rica	x	x	Declaration from two witnesses.	Legal permanence document provided by the National Direction of Migration. In case this document cannot be provided, present a declaration from two witnesses with ID. If birth took place outside of a medical facility, migrants must also present a document 'migratory movements record' provided by the Migration Authority.	Ley N° 3504, Ley Orgánica del Tribunal Supremo de Elecciones y del Registro Civil, artículos 48, 49 y 95 inciso c). Ley N° 8764, Ley General de Migración y Extranjería, artículo 33.2. Reglamento del Registro del Estado Civil, artículos 18 y 20, inciso a). Manual de Instrucciones para la Calificación de Documentos, Sección de Inscripciones, artículo 22. Ley N° 5476, Código de Familia, artículos 69 y 84. Acta N58-2020 de la Sesión celebrada por el Tribunal Supremo de Elecciones el 16 de junio de dos mil veinte.

⁶³ The Law 21325 establishes the criteria: article 173. Prevention of statelessness. For the purposes of this law, a transient foreigner shall be understood as a person who is passing through the national territory, without intentions of establishing themselves therein and who falls into any of the migratory subcategories of temporary stay established in accordance with article 53. Any person born in the national territory who falls into any of the exceptions in the first point of article 10 of the Political Constitution and who would otherwise be stateless, shall be considered Chilean by birth. Unless proven otherwise, it shall be presumed that an abandoned child found in the national territory was born in the country, to parents who possess Chilean nationality.

Country	Specific conditions (only for migrants)				Source
	From parents/declarant				
	Passport	Migrant document: regular status document, refugee card	Other	Additional information for registration of a migrant's child	
Dominican Republic	x	x		There are no other documents to prove identity of parents. Foreigners with an irregular status may register the birth of their children in the 'foreigners registry', which does not grant access to Dominican nationality or legal ID. In the Dominican Republic, the Constitution establishes that the children of 'foreigners in transit' or those who reside illegally in the country are not considered Dominicans. Foreigners Registry (Ley169-14. art. 6, Law 169-14. Art. 6). "To proceed to this registration, they must provide: (i) certificate of live birth issued by a public hospital or private health centre that indicates the name of the mother, the gender of the newborn and the date of birth; (ii) act before a Public Notary consisting of 7 Dominican nationals who are witnesses and can indicate the date and place of birth, as well as the name of the child and the parents; (iii) affidavit by means of an instrument certified by a Public Notary from the midwife who delivered the child, indicating the date and place of birth of the child, as well as the name of the mother; or (iv) affidavit by means of an authentic instrument before a Public Notary signed by Dominican relatives of the child in the first or second degree of consanguinity who have Dominican national documentation".	República Dominicana. Ley 659-44 sobre Actos del Estado Civil que dista disposiciones sobre los registros y actas de defunción. Capítulo I, Artículo 39.

Country	Specific conditions (only for migrants)				Source
	From parents/declarant				
	Passport	Migrant document: regular status document, refugee card	Other		
Ecuador	x	x	Parents' National Identity Documents (DNIs) if they are citizens of the Andean Community member countries.		Ecuador, Ley de Registro Civil, Identificación y Cedulación, Civil Registry, Identification and Identity Card Issuance Act. Article 29. Organic Law on Identity Management and Civil Data. Art. 31. Manual de Procesos y Procedimientos del Registro Civil, Handbook of Processes and Procedures of the Civil Registry. 11 August 2008.
El Salvador	x	x	Resident card or ID from their country of origin are also accepted.		https://www.elsalvadormipais.com/registrar-recien-nacido-el-salvador .
Guatemala				There is no information about conditions for foreigners.	Reglamento de Inscripciones del Registro Civil de las Personas. Art. 16 Apartado 1.1.1 71
Guyana			Birth certificate from parents.		https://gro.moha.gov.gy/birth-registration/ .
Haiti				There is no information about conditions for foreigners.	http://www.gisti.org/spip.php?article4539#:~:text=Les%20parents%20ont%20vingt%2Dcinq,fran%C3%A7ais%2C%20par%20l%E2%80%99officier .
Honduras	x		ID from their country of origin.	For foreigners, ID document from their country may also be presented.	https://consultoriojuridico.unah.edu.hn/assets/cjgCabinas/faq-administrativo2.html#:~:text=Requisitos%20para%20registrar%20a%20un,partera%20si%20naci%C3%B3n%20en%20casa .

Country	Specific conditions (only for migrants)				Source
	From parents/declarant				
	Passport	Migrant document: regular status document, refugee card	Other	Additional information for registration of a migrant's child	
Jamaica				There is no information about conditions for foreigners.	https://www.rgd.gov.jm/index.php/products-and-service/cert-of-vital-events/birth ; https://www.rgd.gov.jm/images/PDF_FILE/RGD_Updated_Form/flow_diagram_dealing_with_bedside_registration.pdf .
Mexico		x	With a Unique Population Registry Code (CURP), ¹⁾ migrants may identify themselves for up to one year.	For their ID, foreigners may present certificates of identity or nationality issued by the consular authorities. Refugees and asylum claimers may use their asylum claimer/refugee certificate document of admission for processing.	https://actas.cdmx.gob.mx/ ; https://www.tramitescoahuila.gob.mx/alias/actas-de-nacimiento.html ; Registro Nacional de Población e Identificación Personal. Preguntas frecuentes sobre la Clave Única de Registro de Población Temporal para Extranjeros. Actualizado al 03 de abril, 2019. Available at https://www.gob.mx/segob/renapo/acciones-y-programas/preguntas-frecuentes-sobre-la-clave-unica-de-registro-de-poblacion-temporal-para-extranjeros .
Panama	x	x	They may present any document containing general information and a picture.		Panama, Ley de Registro Civil, Ley 31, julio 2006, art. 89; Reglamento de la Ley de Registro Civil, Decreto N° 3, febrero 2008. Art. 3 y art. 21.
Paraguay				There is no information about conditions for foreigners.	Paraguay. Ley N° 1266 del Registro del Estado Civil., Law N° 1266 of the Civil Registry. Article 38, 55. Ley N° 3156, Law N° 3156. Article 1 and 2. https://www.bacn.gov.py/leyes-paraguayas/2492/del-registro-del-estado-civil .

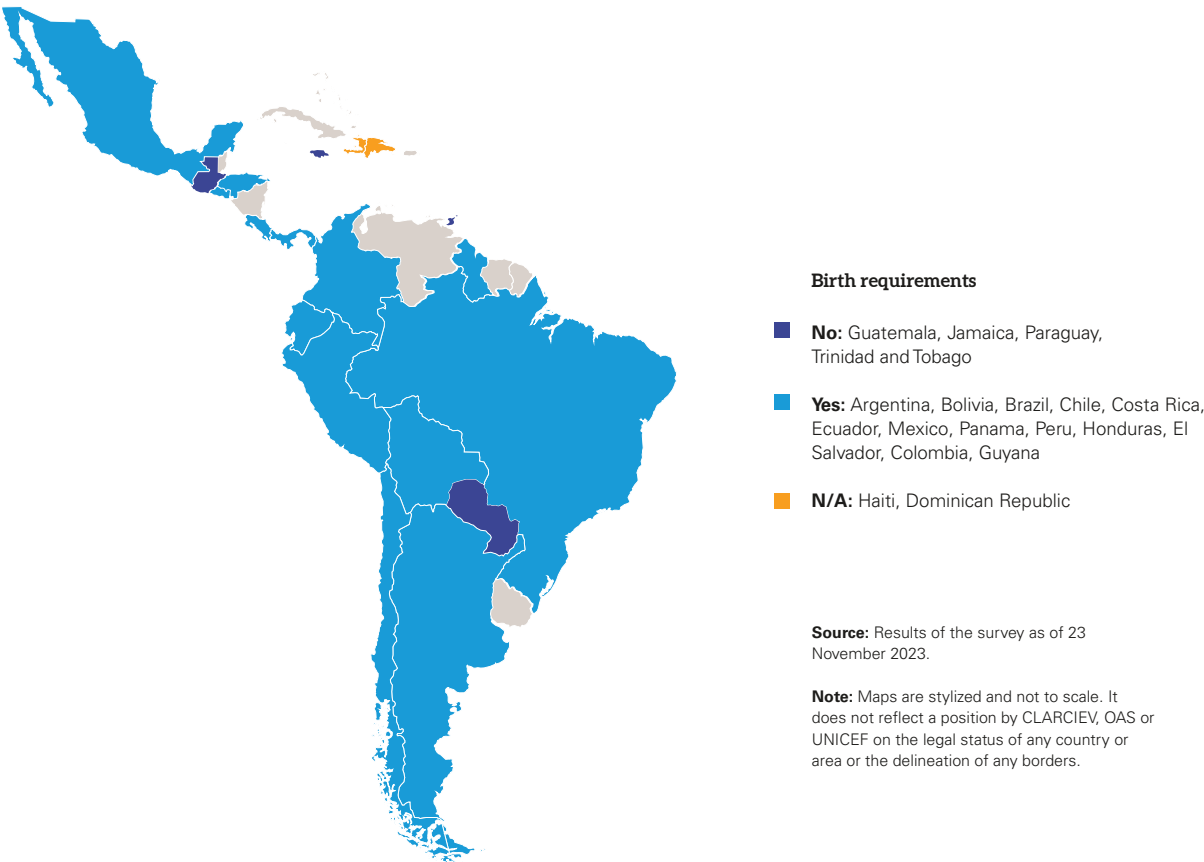
Country	Specific conditions (only for migrants)				Source
	From parents/declarant				
	Passport	Migrant document: regular status document, refugee card	Other		
				Additional information for registration of a migrant's child	
Peru	x	x	Identity card from the country of origin, passport, foreigner ID card, birth certificate.		Peru, Ley Orgánica del Registro Nacional de Identificación y Estado Civil, Organic Law of the National Identification and Civil Registry, N° 26,497, July 1995, arts. 47, 49; Peru, Registro Nacional de Identificación y Estado Civil, Ordinary Registration (Birth and Registration in Peru); Terms of Use of Law N° 27444 of the General Administrative Procedure. Supreme Decree 02-2017-IN, DS 010-2020, and Superintendent Resolution N° 109-2023-MIGRATIONS.
Trinidad and Tobago				There is no information about conditions for foreigners.	https://agla.gov.tt/registrar-general/registrar-general-civil-registry/ .
Uruguay				There is no information about conditions for foreigners.	https://www.gub.uy/tramites/inscripcion-nacimiento .

¹⁾ The CURP is a unique identity code for both citizens and residents of Mexico.

4.2.3 Information from the survey

In order to complete the information registry authorities were questioned about basic aspects of the research. When asked about the existence of conditions for the registration of births by foreigners, almost half of the respondents to the survey reported that there were no special conditions, which means that no difference was made between nationals and foreigners for the birth registry. However, the need to present specific ID documents such as passports or visas could be considered a particular condition for refugees and migrants, as shown in the chart above.

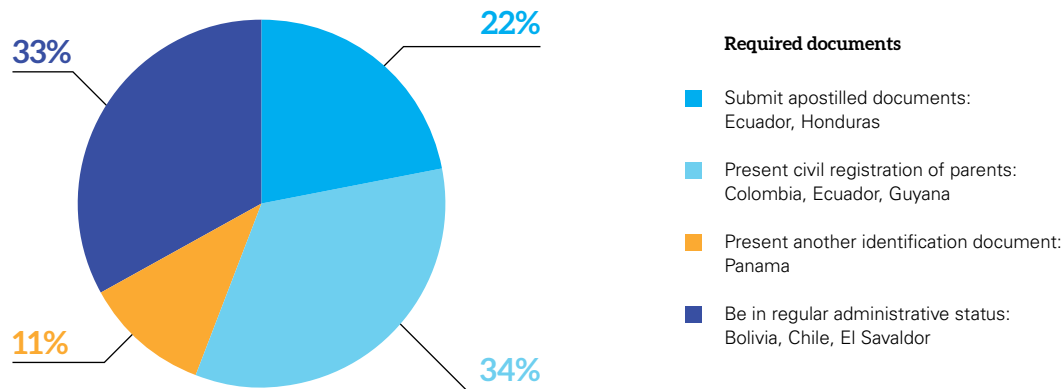
Figure 2: Map of special requirements in each country for foreigners to register births



When asked about those special conditions, 33 per cent of the respondents included the need to have a regular administrative status; 22 per cent added the need to present apostilled documents (such as parent’s birth certificate or other official documents produced by authorities from other countries). The survey showed that, in some countries, apostille documents (especially birth certificates) were demanded for registering a birth in a country other than where the birth took place.

Figure 3: Special requirements for birth registration

Source: Results of the survey of 23 November 2023.



The need for the parents to present a civil registry document (without specifying which one) was included in 34 per cent of the cases, and the presentation of other ID documents was obligatory in another 11 per cent of the cases. However, it is important to note that, according to this desk study, in most cases, even if such documents were requested of refugees and migrants, they could replace them by providing other documents, specifically to establish the parent’s identity.

Registral authorities were also consulted about the digitalization of the basic civil registry information. Only three respondents answered negatively to this question and only one responded negatively when questioned about the possibility of accessing any type of remote civil registry services.

4.2.4 Main barriers (for migrants)

Migrants and refugees in the countries under study do not face an absolute impossibility to register their vital events. However, there are a series of general conditions to access these services that can be particularly challenging for migrants, such as the requirement for apostilles and official translations. Regarding birth registration, in some cases, there are barriers, with the requirement to present witnesses, passports or documents that are difficult to obtain in order to verify the identity of the parents (in countries such as Argentina, Chile, Costa Rica and Mexico). In some others, however, replacement documents are proposed, such as consular IDs.

In countries like Dominican Republic, Guatemala, Paraguay, Peru and Uruguay, the law does not provide alternatives for the lack of documentation for parents during the registration process. In Peru, however, if parents are under 18 years old, they can identify themselves with their birth certificate. In other countries like Panama, they are required to provide a valid passport or migration card, which can be replaced by a general ID document with personal data and photos. In Colombia, Venezuelan refugees and migrants may identify themselves using special residence permit documents (Temporary Protection Permit [PPT] and Temporary Permanence Permit) and also expired passports and identity cards from Venezuela. In Mexico, the Certificate of Admission for processing the refugees' status is allowed as

ID. In Argentina, in order to register births, parents must provide a vaccination record; in Colombia, they must know their newborn's blood type⁶⁴. As many migrants with an irregular administrative status cannot afford access to health care services, these conditions may be impossible to fulfill.



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⁶⁴ According to the registry authorities consulted, despite the establishment of the need to report blood type in order to ensure the proper provision of health services in case of emergency, this does not constitute an essential requirement for registration, as established by article 52 of Decree Law 1260 of 1970.

BOX 1

Main barriers to birth registration▲ **Apostilled civil registry documents**

The obligation to present apostilled civil registry records might be complex for refugees and migrants, especially since this procedure might represent expenses and bureaucratic barriers. According to the desk study, this is the case for refugees and migrants coming from countries such as Venezuela and Haiti.⁶⁵

▲ **Regular migratory status**

Three countries that completed the survey demand a regular migratory status for migrants to access birth registration (Bolivia, Chile and El Salvador). In the case of Chile, there is a disconnect between the survey and the national regulation, which indicates that the registration of the child's birth is done even if the parents do not have a regular migratory status. This condition represents a disproportionate requirement, which denies access to basic rights based on a migratory status.

▲ **ID documents**

ID documents asked of parents in some cases are difficult to obtain with no substitution available; such is the case in Dominican Republic, Guatemala, Paraguay and Peru.

▲ **Proof of domicile**

Transit migrants and other mobile populations might not be able to provide proof of domicile, other documents such as vaccination certificates or the baby's blood type.

▲ **Different requirements depend on the area concerned**

In countries such as Mexico and Argentina, specific requirements for accessing birth registration may differ between one state or province and another, as the registry system is decentralized.

▲ **Lack of digital services**

The possibility of getting copies from the civil registry differs from one country to another. In countries such as Argentina, Brazil, Costa Rica, Mexico and Panama, copies from the civil registry may be easily obtained online, from any civil registry office or even in supermarkets; however, in other countries such as Colombia, information is not systematized and people have to go in person to the civil registry office in order to obtain a copy or provide a power of attorney to someone else to do it on their behalf. This is also the case of Haiti where civil registry is not computerized.⁶⁶

65 See: Moreno, A., and M. Rodríguez. "El riesgo de Apatridia en Movimientos Mixtos sucesivos: La experiencia del 'proyecto Nacionalidad' en Chile, con niños, niñas y adolescentes hijos/as de venezolanos nacidos en Colombia." UNHCR, UAH, 2023. <https://www.acnur.org/sites/default/files/2023-08/Informe%20Apatridia%20-%20Proyecto%20Nacionalidad%20Chile.pdf>.

66 See: Marcus, R., et. al., "Children on the Move in Latin America and the Caribbean: Review of the evidence," UNICEF, Panama City, Panama, (2023), <https://www.unicef.org/lac/media/40966/file/Children-on-the-move-in-LAC.pdf>; OAS, UNHCR, "Estudio Regional sobre Inscripción Tardía de Nacimientos, Otorgamiento de documentos Nacionalidad y Apatridia," (2020), <http://www.oas.org/es/sap/dgpe/PUICA/docs/Estudio-Regional-sobre-Apatridia.pdf>.

BOX 1

Main barriers to birth registration (continued)

Fear of the authorities

The fear of being deported could also discourage migrants from approaching to register the birth of their children, as has been evident in cases such as the Haitian population in the Dominican Republic.⁶⁷

Difficulties with the national language

This study has identified that the pages and information available in all countries regarding requirements and steps for civil registration are not translated into other languages. This could pose a barrier to the civil registration of births for migrants who do not speak the official language of the country.

Lack of awareness about civil registration

Other barriers or challenges to the civil birth registration of refugees and migrants have been identified in previous studies. These barriers include the lack of awareness regarding the procedures for both timely and late registration,⁶⁸ as well as discrimination and xenophobic attitudes from public officials.⁶⁹



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67 See: Marcus, R., et. al., "Children on the Move in Latin America and the Caribbean: Review of the evidence," UNICEF, Panama City, Panama, (2023), <https://www.unicef.org/lac/media/40966/file/Children-on-the-move-in-LAC.pdf>.

68 More information available at <https://www.unicef.org/es/historias/registro-nacimiento-importante>.

69 OAS, UNHCR, "Estudio Regional sobre Inscripción Tardía de Nacimientos, Otorgamiento de documentos Nacionalidad y Apatridia," (2020), <https://www.oas.org/es/sap/dgpe/PUICA/docs/Estudio-Regional-sobre-Apatridia.pdf>.

The increase in extra continental refugees and migrants on regional mobility routes poses greater challenges to birth registration. Without economic means to cover specific expenses or without the possibility to carry ID documents while travelling through dangerous routes, refugees and migrants may be unable to meet the requirements imposed by national regulations.

Some of the requirements imposed on the refugee and migrant population do not consider their special vulnerable condition and may not be oriented to children's best interests, against the order from the Court IAHR.⁷⁰ In this context, it is important to remember that, as has been said by the Office of the United Nations High Commissioner for Human Rights (OHCHR), whenever the documentation required for registration is excessive or impossible

to obtain, it becomes an obstacle to accessing the registry,⁷¹ which, in the end, would lead to the violation of multiple human rights, including the right to legal identity and nationality, and complicate the enjoyment of other rights such as the right to education and health care, among others.⁷² In the same vein, UNHCR encourages States to adopt legal and practical measures to overcome barriers related to the presentation of substantive requirements that hinder birth registration.⁷³ Finally, in May 2023, the Human Rights Council adopted a resolution acknowledging "that migrant children, in particular separated or unaccompanied children and children of migrants, asylum-seekers, refugees and stateless persons, may face additional barriers to accessing birth registration or obtaining related documents, thereby increasing their risk of statelessness and hindering the full realization of human rights, including

a risk of being deprived of some or all of the elements of their identity and of not knowing their origins", reminding the States of their obligation to register all births without discrimination of any kind.⁷⁴

In the LAC region, countries and territories that apply *jus soli* with restrictions include the Bahamas, Chile, Colombia, Dominican Republic and Suriname. Whereas Aruba, Curacao and Haiti do not apply *jus soli* under any circumstances (see **Table 4**). In this scenario, being able to register a birth is particularly important not only for newborns but also for their family members. As will be presented in the next chapter, family members in some countries have the possibility to regularize their migratory status based on their family ties, such as in Costa Rica, Guatemala, Honduras and Mexico, among others.

70 See: Court IAHR, "Caso de las Niñas Yean y Bosico vs. República Dominicana," Sentencia, 9/08/2005, Serie C N° 130, paras. 146, 165-166, 171, 190-192, 239-241, 2005; Court IAHR, "Caso de Personas dominicanas y haitianas expulsadas Vs. República Dominicana, Excepciones Preliminares, Fondo, Reparaciones y Costas," 28/9/2014, Serie C N° 282, para. 470. 2014.

71 UNHRC, "Informe del Alto Comisionado para los Derechos Humanos, Fortalecimiento de las políticas y programas para la inscripción universal de nacimientos y la elaboración de estadísticas vitales, A/HRC/33/22, julio de 2016," 2016, <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=57e13b674>.

72 UNHRC, "Birth Registration and the Right of Everyone to Recognition Everywhere as a Person Before the Law: Report of the Office of the United Nations High Commissioner for Human Rights," A/HRC/27/22, <https://www.ohchr.org/sites/default/files/Documents/Issues/Children/BirthRegistration/ReportBirthRegistration.pdf>.

73 UNHCR, "Executive Committee, Conclusion N° 111 on Civil Registration, 2013, 61st Session," para. b. 2013, <https://www.refworld.org/docid/525f8ba64.html>.

74 UNHRC, "Fifty-second session, 27 February–4 April 2023. Agenda item 3 Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development," Page 3. A/HRC/52/L.23, 2023, A/HRC/52/L.23 Available at <https://www.universal-rights.org/report-on-the-52nd-session-of-the-human-rights-council/>.

Table 4: Principles of nationality

	Automatic <i>jus soli</i> ⁷⁵ and <i>jus sanguinis</i> ⁷⁶	Automatic <i>jus sanguinis</i> / Not automatic <i>jus soli</i>	Automatic <i>jus soli</i> / Not automatic <i>jus sanguinis</i>	Do not apply <i>jus soli</i> under any circumstances
Countries	Argentina, Bolivia, Brazil, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Jamaica, Mexico, Paraguay, Peru, Trinidad and Tobago	Bahamas, Colombia, Chile, Costa Rica, Dominican Republic, Paraguay, Suriname	Panama, Peru, Uruguay	Aruba, Curacao, Haiti

Source: Authors’ elaboration with information from the Migration Policy Regimes in LAC (IADB, 2022).

4.2.5 Good practices

▲ **Ease the process of getting a birth certificate**
According to Panamanian legislation (applicable to any person, even to foreigners), birth registration can be completed directly by the authorities without the parents’ intervention. This may happen when births occur in hospitals and are not registered within the first six months. In this way, even if parents cannot provide documentation, registration is done. It is important to note that this disposition does not make any reference to migrations or migrants. In Argentina, Bolivia, Chile, Colombia, Ecuador and Mexico, if the parents or applicants cannot be present or do not have the certificate of live birth, they can present two witnesses of legal age that attest to the birth.

▲ **Strengthen digital registration**
In Costa Rica, technology facilities have enabled the possibility to register and obtain copies from the civil registry online. By doing this, people do not need to travel long distances in order to get their registration done. In Panama, copies of civil registry records can be requested at any civil registry office, as well as at digital kiosks located in supermarkets. Jamaica has been implementing digital registration for all citizens, which is especially important for the diaspora and nationals abroad and is also useful for late registration.



75 *Jus soli*: The principle that the nationality of a person is determined on the basis of their [country of birth](#).
76 *Jus sanguinis*: The principle that the nationality of children is the same as that of their parents, irrespective of their place of birth. (Oxford reference <https://www.oxfordreference.com/display/10.1093/oi/authority.20110803100027515>).

4.3 Birth registration when the time limit has passed

According to article 7 of the CRC, a baby should be registered ‘immediately after birth’, a phrase implying urgency and the need to act within a reasonably short period. National legislations establish conditions but also a timeframe after the birth to complete the birth registration. This time limit differs from one country to another, from one month after birth (for most of the countries) to three or six months. Beyond this period, birth registration can still be pursued but is considered late. Late birth registration is particularly important in the scenario of return when people must confirm their nationality to access rights without ever having registered their

birth. Such situations occur in various countries in the region, such as Colombia, with children of Colombians born in Venezuela who did not claim their Colombian nationality until they moved to Colombia. Cases of this kind are also found in countries with voluntary or involuntary return trends, such as El Salvador, Guatemala and Honduras.

4.3.1 General and additional requirements for refugees and migrants

The first part of the table below describes the different requirements for people in the studied countries to declare a birth when the time limit

is over (national citizens or foreigners), followed by additional conditions applicable to the migrant population (see Table 5). In general, specific requirements for refugees and migrants are related to the proof of their presence in the country where the birth took place. The general requirements necessary for birth registration (ID, live birth certificate) are similar to those highlighted in the general conditions for birth registration, so this table provides information on additional requirements to enable late registration.



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Table 5: General additional birth registration requirements when the time limit is passed, by country

Country	General additional requirements when time limit is over for registration							Specific requirements for foreigners	Source
	Standard lapse for registration	Administrative authorization/ certification no previous registry	Judiciary authorization	Under oath declaration from parents	Two witnesses	Penalties/fine/cost (US dollars)	Other		
Argentina	1 year	x	x		x	x	Under 18 years: medical certificate specifying age, gender, full name and date of birth of the person to be registered; National Registry of People report or Pre-Identification Certificate. Over 18 years: Judicial document issued by the 'juez de paz'. ⁴⁾ The cost varies in each province.	There is no information about conditions for foreigners.	Argentina, Ley de Registro del Estado Civil y Capacidad de las Personas, Civil Registry and People's Capacity Law, N° 26,413, October 2008, arts. 28, 29. Decreto de necesidad de Urgencia N° 185-2019 – Régimen Administrativo para la Inscripción de Nacimientos, Necessity and Urgency Decree N° 185-2019 - Administrative System for Birth Registration. March, 2019. Article 1. Decree 285/2020 "Administrative System for birth registration" of 17 March 2020. See specific requirements for each province at: https://www.entrierios.gov.ar/registrocivil/index.php?codigo=143
Bolivia	12 years				x		Over 18 years, identity can also be proven with: ID card, unique national registration number, military service book, passport, civil or religious marriage certificate, baptism certificate or any document in which the person's name appears.	There is no information about conditions for foreigners.	Bolivia, Law N° 2616, 18/12/2003, art. 2. Amendment of articles 96, 97 and 98.

Country	General additional requirements when time limit is over for registration							Specific requirements for foreigners	Source
	Standard lapse for registration	Administrative authorization/certification no previous registry	Judiciary authorization	Under oath declaration from parents	Two witnesses	Penalties/fine/cost (US dollars)	Other		
Brazil	15 days, extendable for a maximum of three months to places located more than thirty kilometers from the office headquarters	x		x	x		Up to 12 years: certificate of authorization from the civil registry of the place of birth of the registrant; negative civil registration certificate¹⁾ from the place of residence of the parents at the time of birth; proof of address. Over 12 years: the interested party must complete the Late Birth Registration Request. Presence of two witnesses who are interviewed.	There is no information about conditions for foreigners.	Ley Federal 9.534/1997; https://legislacao.presidencia.gov.br/atos/?tipo=LEI&numero=9534&ano=1997&ato=2a0ETVE1ENJpW-Ta42 ; Disposition 149 del 30/08/2023 from the National Council of Justice.
Chile	60 days		x				After 60 days have passed, a decree from the ordinary justice is required to proceed with the registration. The judge may impose sanctions in case of fraud or malice.		Ley N° 4,808. Reforma la ley sobre el Registro Civil. Artículo 28-33; For the registration of migrants: Decreto 2128 – Reglamento Orgánico del Servicio de Registro Civil. 1993. Artículo 92.

Country	General additional requirements when time limit is over for registration							Specific requirements for foreigners	Source
	Standard lapse for registration	Administrative authorization/ certification no previous registry	Judiciary authorization	Under oath declaration from parents	Two witnesses	Penalties/fine/cost (US dollars)	Other		
Colombia	30 days			x	x		In case of doubt, the public official may question the informant.	Apostilled or translated birth certificate from newborn when birth takes place in another country. According to the Circular 045 of 2023 from the National Civil Registry (RNEC) maintains the obligation to present such apostilled documents but, exceptionally, if the birth cannot be proven with the document due to being a disproportionate, unreasonable and unjustified burden, the declaration of two witnesses who have had direct and reliable knowledge of the fact can be used as a supporting document.	Colombia, RNEC, Circular Única de Registro Civil e Identificación (Official Publication of the Civil Registry and Identification), 15 May 2020 Sections 3.3.2. Establishes the deadline for birth registration.; Ministerio de Justicia, Decreto 356, 03/03/2017. Information available at https://www.ambitojuridico.com/noticias/civil/civil-y-familia/conozca-el-tramite-para-la-inscripcion-extemporanea-de-nacimiento-en .
Costa Rica	30 days				x		Up to 10 years for a home birth (for hospital birth no additional requirements):affidavit of the person who delivered the baby and certification of pre- or postpartum appointments. Otherwise: proof of pregnancy and delivery. After 10 years: consultation with the Supreme Tribunal of elections.	Proof of migratory movements for migrants when the birth takes place at home.	Institutional Procedures: Registration of birth that occurred at home (over 10 years of age), Tribunal Supremo de elecciones, Institutional Procedure: Registration of birth that occurred at home (over 10 years of age) pg 2. Available at: https://www.tse.go.cr/pdf/requisitosytramites/Inscripcion-de-nacimiento-ocurrido-en-el-hogar-mayor-de-10-anos.pdf .

Country	General additional requirements when time limit is over for registration							Specific requirements for foreigners	Source
	Standard lapse for registration	Administrative authorization/ certification no previous registry	Judiciary authorization	Under oath declaration from parents	Two witnesses	Penalties/fine/cost (US dollars)	Other		
Dominican Republic	30 or 90 days	x					For children up to 16 years: biometric data for children over 12 years; education certificate (between 13 and 16). Over 16 years: certificate of non-registration; baptismal certificate; 2 x 2-inch photographs.	There is no information about conditions for foreigners.	Resolución sobre Declaraciones tardías de Personas Mayores de 16 años de edad. N° 07-2003. Inciso primero; Dominican Republic. Ley 659-44 sobre Actos del Estado Civil que dista disposiciones sobre los registros y actas de defunción. Law 659-44 on Civil Status laws that establish provisions on death records and certificates. Chapter I, Article 39.
Ecuador	60 days		x			x \$5 ⁵⁾	A judiciary procedure must be applied for delayed birth registration after 18 years.	There is no information about conditions for foreigners.	https://www.gob.ec/dgrecic/tramites/inscripcion-extraordinaria-nacimiento-mayor-18-anos-inscripcion-adopcion-orden-judicial-inscripcion-sentencia .
El Salvador	90 days		x			x \$2.85	After 90 business days from birth up to 7 years, a fine of \$2.85 would be payable, and before registering the birth, the registrar will seek an opinion from the Attorney General's Office. If after 7 years from birth, it has not been registered, the registration can only be done through notarial or judicial proceedings, depending on the case.	There is no information about conditions for foreigners.	https://www.elsalvadormipais.com/registrar-recien-nacido-el-salvador .

Country	General additional requirements when time limit is over for registration							Specific requirements for foreigners	Source
	Standard lapse for registration	Administrative authorization/ certification no previous registry	Judiciary authorization	Under oath declaration from parents	Two witnesses	Penalties/fine/cost (US dollars)	Other		
Guatemala	60 days	x			x		For C&A: baptismal certificate; certification of enrollment or proof of studies; certificate of the non-existence of birth registration; certifications from local authorities in the municipality where the child was born or affidavits from two witnesses of legal age. For adults: photocopy of the identity card; certificate of the non-existence of birth registration; certifications from local authorities in the municipality where the child was born; administrative affidavits from two adult witnesses; <i>boleto de ornato</i>⁶.	In the particular case of the unaccompanied child, a special procedure is established to determine their identity and country of origin (this is made by the Specialized Institute for the Protection of Childhood).	Registro Nacional de las Personas Guatemala. Reglamento de inscripciones del Registro Civil de las Personas, Registration Regulations of the Civil Registry of People. Article 17; for the unaccompanied children: https://igm.gob.gt/wp-content/uploads/2023/04/DocumentoDelDiaPdf-7-4-12.pdf .
Guyana	90 days; 9 months for remote areas	x					After 12 months, registration must be authorized by the Registral General.	There is no information about conditions for foreigners.	https://www.legaid.org.gy/files/gawl/041_lawa-ndyou_law.pdf .
Haiti	2 years		x				Certificate of non-existence of birth registration.	There is no information about conditions for foreigners.	https://www.refworld.org/policy/countrypos/unhcr/2024/en/147710 .

Country	General additional requirements when time limit is over for registration							Specific requirements for foreigners	Source
	Standard lapse for registration	Administrative authorization/certification no previous registry	Judiciary authorization	Under oath declaration from parents	Two witnesses	Penalties/fine/cost (US dollars)	Other		
Honduras		x					At least two of the following documents: proof of birth issued by the hospital director or health centre manager or a statement of childbirth care issued by a physician, nurse or State-authorized midwife; pre-school or school registration certification; baptismal certificate; vaccination card; birth registration certificate of any sibling; parents' marriage registration certificate; sworn statement declaring the paternity or maternity of the applicant; notarized certification of the resolution of possession of the status of a child.	Passport for foreigners. For the specific situation of unaccompanied children of Honduran origin returned to Honduras through the Family Assignment Program, the National Registry of Persons verifies data and prints birth certificates once they have arrived in the country.	https://consultoriojuridico.unah.edu.hn/assets/cigCabinas/faq-administrativo2.html#:~:text=Requisitos%20para%20registrar%20a%20un,partera%20si%20naci%C3%B3n%20en%20casa.
Jamaica	1 year					\$1.90 ²⁾	If the birth is registered from three months up to a year after delivery, a close relative or someone having knowledge of the birth will need to sign the registration form as an informant. After one year, parent(s) of the child, a relative, or a person who was present at the time of the birth should visit an RGD (Registry General Department) office and complete the procedure and pay the penalty indicated.	There is no information about conditions for foreigners.	https://jis.gov.jm/information/get-the-facts/get-the-facts-registration-of-births-2/ .

Country	General additional requirements when time limit is over for registration							Specific requirements for foreigners	Source
	Standard lapse for registration	Administrative authorization/certification no previous registry	Judiciary authorization	Under oath declaration from parents	Two witnesses	Penalties/fine/cost (US dollars)	Other		
Mexico	Depends on each State	x			x		ID of parents and additional documents where name, date and place of birth can be verified.	Proof that the mother was living in Mexico when the birth took place.	https://sre.gob.mx/documentacion-complementaria-para-actas-de-nacimiento-con-registro-externo-poraneo .
Panama	6 months/2 years (out of hospitals)	x			x		The request for an investigation into the birth registration is made in order to carry out the relevant inquiries in the database of the Electoral Tribunal and verify that, indeed, the person is not registered; If the mother is not present or deceased, evidence of the respective legal notice being posted; documentary evidence of the birth.	There is no information about conditions for foreigners.	https://www.panamadigital.gob.pa/InformacionTramite/inscripcion-tardia-de-nacimiento .
Paraguay	60 days		x		x		Statements from two witnesses of legal age are required for the timely of late registration of a homebirth; court intervention is required, regardless of age, for: • Child of single, deceased or undocumented parents • Abandoned minors • Loss or misplacement of the proof of birth issued by the health service.	Not mentioned; however, note that if parents are undocumented, registration will require a judicial procedure.	Paraguay. Ley N° 1266 del Registro del Estado Civil., Law N° 1266 of the Civil Registry. Article 38, 54, 55. Ley N° 3156, Law N° 3156. Article 1 and 2.

Country	General additional requirements when time limit is over for registration							Specific requirements for foreigners	Source
	Standard lapse for registration	Administrative authorization/certification no previous registry	Judiciary authorization	Under oath declaration from parents	Two witnesses	Penalties/fine/cost (US dollars)	Other		
Peru	30 or 90 days				x		Other evidential documents that might be provided are: baptism certificate; school enrollment certificate that certifies the grade level passed.	There is no information about conditions for foreigners.	Peru, Ley Orgánica del Registro Nacional de Identificación y Estado Civil, Organic Law of the National Identification and Civil Registry, N° 26,497, July 1995, arts. 47, 49; Peru, RENIEC, Ordinary Registration (Birth and Registration in Peru).
Trinidad and Tobago	90 days	x		x		\$3.69 to District Registrar/\$11.00 to Warden Officer. ³⁾	After three months, a vaccination certificate must also be provided. After one year, other requirements are: letter from school first attended; proof of birth of child/ children born before or after birth to be registered.	There is no information about conditions for foreigners.	https://agla.gov.tt/registrar-general/registrar-general-civil-registry/ .
Uruguay	10 days; 20 for rural areas.	x			x		Certificates and documents stating the name of the registered person.	There is no information about conditions for foreigners.	https://www.gub.uy/tramites/inscripcion-nacimiento .

¹⁾ Negative registration certificate refers to a document issued by a civil registry that states there is no record of a particular event, such as a birth, marriage, or death, for an individual in their records.

²⁾ Up to 27 December 2023. JMD\$1 = US\$0.00644975 as of 15 January 2024.

Source: <https://www.xe.com/fr/currencyconverter/convert/?Amount=300&From=JMD&To=USD> and <https://www.tse.go.cr/pdf/requisitosytramites/Inscripcion-de-nacimiento-de-una-persona-menor-de-10-anos-de-edad-nacida-en-el-hogar.pdf>.

³⁾ Up to 28 December 2023; TTD\$1 = US\$0.147726 as of 15 January 2024. Source: <https://www.xe.com/fr/currencyconverter/convert/?Amount=75&From=TTD&To=USD>.

⁴⁾ A 'Justice of the Peace', or a local-level judicial officer and friendly mediator who typically handles minor legal matters such as low-value civil disputes, minor offences and civil marriages.

⁵⁾ Unless otherwise stated, all monetary amounts shown in the report are in US dollars.

⁶⁾ The "boleto de ornato" in Guatemala is a municipal tax or fee that residents are required to pay or the maintenance and improvement of public spaces and services in the municipality.

4.3.2 Information from the survey

When asked about the possibility of accessing a late birth registration, most of the countries replied in the affirmative, with only two of them giving a negative response (Ecuador and Jamaica).

Figure 4: Map showing countries where birth registration can be late for returnees



This research has shown some differences between the conditions required to register a birth when done in a timely manner and when it is late or delayed, in which case additional requirements are included. These requirements aim to determine the reason why registration was not done before, the conditions surrounding the birth and the identity of the person. In most of the countries, the procedure differs according to age, demanding administrative or even judiciary authorizations. For example, in El Salvador, the registrar authority seeks an opinion from the Attorney General's Office and, if the child has not yet been registered 7 years after the birth, the registration can only be done through notarial or judicial proceedings. In Costa Rica, a certificate of migratory movements for foreign individuals is requested. In some countries, there is a fee for late birth registration, such as in Bolivia, Ecuador, El Salvador and Guatemala (Bolivia \$13.9, Ecuador \$5, El Salvador \$2.85, Guatemala \$3.21)

4.3.3 Main barriers (for refugees and migrants)

The same barriers to completing birth registration timely also apply to late and delayed birth registration, such as the difficulty of providing apostille and translated copies of the birth registration – when the birth took place in a foreign country – or the complications related to the ID and the providence of domicile proofs. Three specific barriers to this type of registry are shown below (see Box 2):

BOX 2

Main barriers to late and delayed birth registration

▲ Proof of stay in a country

The need to provide proof of their stay in the country might be difficult for migrants, particularly as, in some cases, legislation does not provide specific examples as to what should be considered as a proof of presence, which may lead to arbitrary interpretation of the disposition.

▲ Cost

The major difficulty regarding late birth registration relates to the requirement of paying fines, which, as we have seen, is common in some countries in the region. UNHCR⁷⁷ and UNHRC⁷⁸ have urged States to allow registration without imposing these fines. UNICEF⁷⁹ and the Civil Identity Program of the Americas (PUICA)⁸⁰ have argued that, while the payment of these fines may aim to encourage timely birth registration, in practice, it can have the opposite effect and hinder the registration process.

In some countries, after a period of time, late registration needs to be authorized by a judge. This judiciary procedure may represent costs and representation expenses for refugees and migrants.⁸¹

77 UNHCR, "Executive Committee, Conclusion N° 111 on Civil Registration, 2013, 61st Session," para. b. 2013, <https://www.refworld.org/docid/525f8ba64.html>.

78 UNHRC, "Birth registration and the right of everyone to recognition everywhere as a person before the law," A/UNHRC/RES/34/15, March 2017, para. 9, 2017, <https://www.right-docs.org/doc/a-hrc-res-34-15/>.

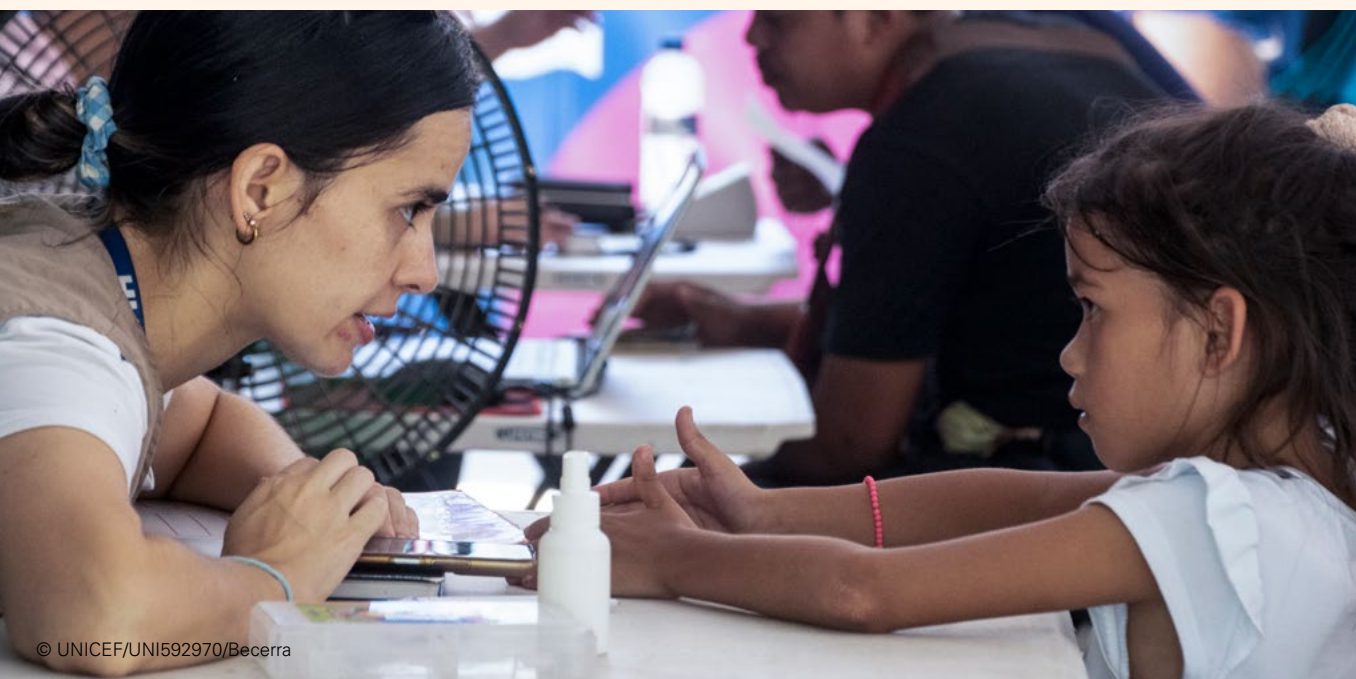
79 UNICEF, "El derecho a nacer, el derecho a tener derechos," *Innocenti Digest* N9, marzo de 2002, (2002), <https://digitallibrary.un.org/record/507298/files/digest9s.pdf?ln=ar>.

80 PUICA, "Diagnóstico del Marco Legal – Institucional y Administrativo de los Sistemas de Registro Civil en América Latina," https://www.oas.org/es/sap/docs/puica/diagnostico_legal_s.pdf.

81 In countries such as the Dominican Republic, UNICEF has encouraged legislative modification initiatives in order to modify the judicial procedure as a requirement for the late birth registry. See for more information: <https://www.unicef.org/dominicanrepublic/comunicados-prensa/unicef-valora-de-forma-positiva-la-propuesta-de-la-junta-central-electoral>.

BOX 2

Main barriers to late and delayed birth registration (continued)



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▲ Procedure not adapted for people who have left the country

The CRC and UNHRC have urged States to facilitate late registration.⁸² In some cases, conditions to complete these procedures might be difficult to fulfil, especially those related to providing witnesses (Mexico), documentary proof of the presence in the country or the apostille requirements, such as in Colombia⁸³ and Costa Rica. Without a support network in the country where the birth took place, migrants and refugees might not be able to complete the requirements for a late birth registration. This is particularly the case of migrants in transit who might have left the country soon after giving birth.

82 CRC. “General comment N° 7 (2005): Implementing Child Rights in Early Childhood” para. 25 (2006), <https://www.refworld.org/docid/460bc5a62.html>; UNHRC, “Birth Registration and the Right of Everyone to the Recognition Everywhere of His or Her Legal Personality, A/HRC/RES/34/15, 20/3/2017,” para. 9, 12, (2017), <https://digitallibrary.un.org/record/777737?ln=en>.

83 In Colombia, in the event of not having a foreign birth registration apostilled, whenever obtaining it becomes an “unreasonable, disproportionate, and unjustified” burden for the applicant of the registration, the declaration of two witnesses may be used as a supporting document. This has been specifically determined by the Constitutional Court for cases of individuals from Venezuela. Constitutional Court, Judgment S-393 of 9 November 2022. This criterion was further outlined in Circular 045 of 2023 by RNEC. It is worth noting that through Resolution 7300 of 2021, RNEC established a process for the annulment of birth certificates and the consequent cancellation of citizenship IDs due to alleged false identity of individuals who provided witness testimonies and other evidence and documents deemed fraudulent. As of September 2022, RNEC had cancelled approximately 43,700 identity documents, of which 26,812 belonged to Colombian individuals born in Venezuela. (Dejusticia, “Anulación de documentos a personas colombo-venezolanas: presentamos concepto técnico,” 2023, <https://www.dejusticia.org/litigation/anulacion-de-documentos-a-personas-colombo-venezolanas/>). See also: RED. LEM Informe sobre Colombia: Anulación de Registros Civiles de Nacimiento y la Consecuente Cancelación de Cédulas Colombianas. <https://migracionderecho.uniandes.edu.co/vwp-content/uploads/Informe-Red-LEM-Anulacion-y-cancelacion.pdf>

4.3.4 Good practices

▲ Using consular services

The approach to late birth registration varies among countries; on the one hand, some countries allow late birth registry only in their national territory. On the other hand, other countries, such as Argentina, Costa Rica, Mexico and Peru, facilitate late birth registration through consular services. This option proves beneficial for children born in these countries while in transit, enabling them to obtain birth registration even if they have already left the country. Additionally, it grants them access to nationality at birth. This practice is particularly advantageous for refugees and migrants who may not have had the opportunity to complete the birth registration process of their children born during transit but need to complete this procedure when they reach their destination country or when they return to their country of origin. Given that these countries automatically confer nationality by birth, this mechanism serves as a valuable means to prevent statelessness and offer protection to children born during transit.

4.4 Marriage registration

The possibility of contracting and registering marriages abroad is important for refugees and in various scenarios, including family reunification, visa processes and accessing some family services. Although getting married might not be the first priority for people on the move when they start their journey or during transit, as they get established in a destination country, the interest in completing and registering marriages may arise. To learn about the conditions for marriage registration, it was necessary to explore the requirements for refugees and migrants to access marriage. Restricting the research solely to the registration process of the marriage could not offer a comprehensive understanding of the specific conditions and challenges involved in completing this civil act. General conditions for accessing marriage (and subsequently registration) will be presented initially (for citizens and foreigners), followed by the addition of specific conditions required for refugees and migrants.

Note that the general conditions mentioned refer to the requirements for marriage when there are no divorces, previous children, cases of widowhood or prenuptial agreements. In the case of previous divorces, it was found for all countries that the registration of the previous divorce(s) needs to be presented; in the case of children, the need to present agreements regarding their maintenance and their birth certificate; in the case of widowhood, the need to present the death certificate of the deceased spouse.

4.4.1 General requirement

The table below provides information on the requirements for accessing marriage. Common criteria have been identified, including the necessity of presenting a birth certificate, providing witnesses, a certificate of singleness or proof of residency (**see Table 6**). For each country, the need to fulfil these requirements is documented, along with any other specific conditions unique to each country.

Table 6: General requirements for marriage registration, by country

Country	General requirements for marriage							Sources
	Birth registry	ID document	Witnesses	Singleness certificate/ declaration	Proof of residency	Cost (US dollars)	Other	
Argentina	x	x	x	x		\$1 ¹⁾ for Buenos Aires	The names and surnames, nationality, identity documents, address and profession of their parents; declaration of whether the person has been previously married.	https://www.argentina.gob.ar/normativa/nacional/ley-26994-235975/actualizacion#11.%20 ; https://www.gba.gob.ar/registrodelaspersonas/matrimonios_y_union/matrimonio#:~:text=Costo%20y%20medios%20de%20pago.libreta%20familiar%20es%20sin%20carga.%20 ; https://www.casamientos.com.ar/articulos/requisitos-para-matrimonio-entre-un-argentino-y-un-extranjero-c5196 .
Bolivia		x		x				https://www.boliviawdc.org/es/tramites-consulares/registro-civil/celebracion-de-matrimonio .
Brazil	x	x	x	x	x	Around \$100 ²⁾ Intent to marry and marrying licence have separate costs.	The marriage procedure involves different steps including: the registration of the intent to get married; publication of banns and issue of marriage licence. Original identity document with photo might be (RNE or protocol, Passport); Individual taxpayer's card (Cadastro de Pessoa Física, taxpayer ID); Date, place of birth and parents' address of residence (if deceased, just inform the date and place of death).	https://www.angloinfo.com/how-to/brazil/family/marriage-partnerships/marriage-requirements ; https://www.expat.com/es/guia/americadel-sur/brasil/18751-casarse-en-brasil.html .

Country	General requirements for marriage							Sources
	Birth registry	ID document	Witnesses	Singleness certificate/ declaration	Proof of residency	Cost (US dollars)	Other	
Chile		x	x			"Libreta de matrimonio" (marriage book) \$2 ³⁾		https://www.chileatiende.gob.cl/fichas/3373-reservar-hora-para-matrimonio-civil-o-inscripcion-del-matrimonio-religioso; https://www.bcn.cl/leychile/navegar?idNorma=225128; https://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0718-591X2020000200015.
Colombia	x	x	x		x	\$13.80 ⁴⁾	At least one of the future spouses must reside in the place where the marriage will take place.	https://www.suin-juriscol.gov.co/viewDocument.asp?ruta=Leyes/1827111; https://www.asuntoslegales.com.co/consumidor/condiciones-precios-y-otras-caracteristicas-del-matrimonio-por-lo-civil-en-colombia-segun-ciudades-y-los-tipos-de-tramite-estipulados-3715398.
Costa Rica	x	x	x					https://portalcostarica.org/matrimonio-civil-costa-rica-requisitos; https://www.tse.go.cr/pdf/requisitosytramites/Inscripcion-de-matrimonio-civil-o-catolico.pdf.
Dominican Republic	x	x	x	x		Costs are different according to the spouses' origins and administrative status: \$86 for a marriage between Dominicans or a Dominican and a foreigner (not legal resident); and \$172 for a marriage between a Dominican and a foreigner (not legal resident); \$244 for a marriage between two foreigners with no legal residence. ⁵⁾		https://ayuda.jce.gob.do/kb/a27/cuales-son-los-requisitos-para-un-matrimonio-civil.aspx.

Country	General requirements for marriage							Sources
	Birth registry	ID document	Witnesses	Singleness certificate/ declaration	Proof of residency	Cost (US dollars)	Other	
Ecuador		x	x	x	x	\$50		https://www.gob.ec/dgrcic/tramites/celebracion-matrimonio-sede-fuera-sede-registro-civil-0 .
El Salvador	x	x	x	x				https://rree.gob.sv/registro-estado-familiar/ .
Guatemala	x	x	x				Health certificate from both spouses; Ornato [®] certificate from both spouses.	https://aprende.guatemala.com/tramites/otros-documentos-tramites/requisitos-para-contratar-matrimonio-civil-en-guatemala/ .
Guyana	x				x	\$28.70 is the cost of the licence (mandatory permit to get married).	Getting married in Guyana demands several steps including publication of banns and obtaining a licence. Banns are managed by religious authorities.	https://gro.moha.gov.gy/marriage/ ; https://www.stabroeknews.com/2012/02/13/news/guyana/marriage-licence-to-cost-6000/#:~:text=A%20fee%20of%20six%20thousand,are%20being%20married%20in%20Guyana .
Haiti	x	x	x	x			Another document to provide is a prenuptial certificate issued by the Medical Service of the Social Welfare and Research Department.	http://jafbase.fr/DocAmeriques/Haiti/code%20civil%20mariage.pdf ; https://ht.ambafrance.org/Generalites.1114 .
Honduras	x		x				Medical exams for both spouses are required to get married.	https://rnlpm61prd-aucrnph01.cec.ocp.oraclecloud.com/site/RNPweb/servicios/Nacimiento.html .
Jamaica	x	x				\$25.90 is the cost of the licence. ⁶⁾	Any picture ID can be used. Obtaining a licence (permit to get married).	https://moj.gov.jm/ministers-marriage-licence .

Country	General requirements for marriage							Sources
	Birth registry	ID document	Witnesses	Singleness certificate/ declaration	Proof of residency	Cost (US dollars)	Other	
Mexico	x	x		x		Differs according to each municipality. For the Mexico City, the cost is \$81. ⁷⁾	Premarital courses.	https://www.inm.gob.mx/static/tramites/Estancia/Permisos_y_Certificaciones/AutorizacionparacontraerMatrimonio.pdf .
Panama	x			x			Prenuptial health certificate and blood tests. ⁸⁴	https://www.tribunal-electoral.gob.pa/requisitos-para-matrimonio/ ; https://www.panamadigital.gob.pa/InformacionTramite/matrimonio .
Paraguay	x	x	x				Certificate stating that there are no outstanding alimentary debts. ⁹⁾	https://www.registrocivil.gov.py/tramites ; https://www.pj.gov.py/notas/22867-csj-habilita-plataforma-web-del-registro-de-deudos-alimentarios-morosos .
Peru	x	x	x	x	x	Depends on each municipality. Around \$18.90. ⁹⁾	Medical certificate and counseling certificate on sexually transmitted diseases for both parties. Other requirements may be asked in specific municipalities. Notaries can also celebrate marriages.	https://www.gob.pe/20411-contrajer-matrimonio-civil?child=9621 ; https://www.matrimonio.com.pe/articulos/requisitos-para-un-matrimonio-civil-c5254 .
Trinidad and Tobago	x	x		x	x	\$50	Evidence of identity – such as a national ID card, driver's permit or passport, proof of address such as a utility bill; Give notice in person at a Civil Registry Office.	Miscellaneous Provisions (Marriage) Act, N°8 of 2017; https://foreign.gov.tt/services/getting-married/ ; https://agla.gov.tt/downloads/laws/45.01.pdf .

84 The blood test includes: complete blood count, HIV/AIDS test, hemoglobin electrophoresis, urinalysis, venereal disease research laboratory test. <https://www.clinicapdc.com/laboratorios-panama/paquetes-de-laboratorio/paquete-matrimonial-de-laboratorio/>.

Country	General requirements for marriage							Sources
	Birth registry	ID document	Witnesses	Singleness certificate/ declaration	Proof of residency	Cost (US dollars)	Other	
Uruguay		x	x			\$11.54 and the family book cost of \$8.89. ¹¹⁾		https://www.gub.uy/tramites/inscripcion-matrimonio-lavalleja ; https://www.impo.com.uy/bases/leyes/19355-2015/76 .

¹⁾ US\$1 = ARS\$812.330 as of 15 January 2024.

²⁾ US\$1 = BRL\$4.89616 as of 15 January 2024.

³⁾ US\$1 = CLP\$894.875 as of 15 January 2024.

⁴⁾ US\$1 = COP\$3,878.23 as of 15 January 2024.

⁵⁾ US\$1 = DOP\$58.1963 as of 15 January 2024.

⁶⁾ The 'boleto de ornato' in Guatemala is a municipal tax or fee that residents are required to pay for the maintenance and improvement of public spaces and services in the municipality.

⁷⁾ US\$1 = JMD\$154.216 as of 15 January 2024.

⁸⁾ US\$1 = MXN\$16.8197 as of 15 January 2024.

⁹⁾ US\$1 = PEN\$3.69956 as of 15 January 2024.

¹⁰⁾ Certificate stating that there are no outstanding alimentary debts is a document that confirms that an individual does not have any unpaid or overdue financial obligations related to child support or alimentary support.

¹¹⁾ US\$1 = UYU\$39.1535 as of 15 January 2024.

Important variations were found between the national requirements for getting married. Basic requirements such as birth certificate and singleness certificate are completed with particular conditions depending on each country. In some countries, special preparation is required for getting married (prenuptial courses in Mexico). In others, tax records are demanded (Brazil). Still others prescribe the need to provide health certificates (Guatemala, Haiti, Honduras, Panama, Peru).

In countries such as Argentina, Bolivia, Brazil and Jamaica, the presence of witnesses and single certification or special documents for widowers or divorcees are important to fulfil the requirements. Additional requirements for migrants are presented below.

4.4.2 Additional requirements for refugees and migrants

Specific requirements for the marriage of refugees and migrants have been identified below (see Table 7). Common requirements are presented such as the need to provide an apostilled and translated birth certificate as well as the need to present proof of regular migratory status. Other requirements are included in a separate column.



Table 7: Specific marriage registration requirements for migrants, by country

Country	Specific requirements for migrants					Sources
	Apostilled and translated birth certificate	Passport	Regular status document	Refugee card	Other	
Argentina	x	x	x	x	Interpreter services if one of the spouses does not speak Spanish. Regular status is only required when both the spouses-to-be are not residents.	https://www.argentina.gob.ar/normativa/nacional/ley-26994-235975/actualizacion#11 ; https://www.gba.gob.ar/registrodelaspersonas/matrimonios_y_union/matrimonio#:~:text=Costo%20y%20medios%20de%20pago,libreta%20familiar%20es%20sin%20carga;https://www.casamientos.com.ar/articulos/requisitos-para-matrimonio-entre-un-argentino-y-un-extranjero-c5196 .
Bolivia	x	x	x		Singleness certificate provided by the consular authorities. The price for getting married doubles when one of the spouses is a foreigner.	https://www.boliviawdc.org/es/tramites-consulares/registro-civil/celebracion-de-matrimonio#:~:text=Pasaporte%20o%20Documento%20de%20Identidad,familiares%20y%20no%20necesariamente%20bolivianos .
Brazil	x	x	x	x	Original declaration of civil status (birth certificate) with all signatures certified by a notary public and apostilled. For divorced foreigners: original apostilled divorce certificate; original apostilled marriage certificate. For widowed foreigners: original apostilled death certificate; original apostilled marriage certificate.	https://www.angloinfo.com/how-to/brazil/family/marriage-partnerships/marriage-requirements ; https://www.expats.com/es/guia/america-del-sur/brasil/18751-casarse-en-brasil.html .
Chile		x	x		ID documents from their country of origin or passport. Tourist visa. The requirement of regular migratory status has inspired multiple constitutional actions that have been solved without uniform criteria.	https://www.chileatiende.gob.cl/fichas/3373-reservar-hora-para-matrimonio-civil-o-inscripcion-del-matrimonio-religioso ; https://www.bcn.cl/leychile/navegar?idNorma=225128 ; https://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0718-591X2020000200015 .
Colombia	x	x	x		It has been registered that some notaries demand documents proving the regular status of the future spouses; Singleness certificate.	https://www.suin-juriscol.gov.co/viewDocument.asp?ruta=Leyes/1827111 ; https://www.asuntoslegales.com.co/consumidor/condiciones-precios-y-otras-caracteristicas-del-matrimonio-por-lo-civil-en-colombia-segun-ciudades-y-los-tipos-de-tramite-es-tipulados-3715398 .

Country	Specific requirements for migrants					Sources
	Apostilled and translated birth certificate	Passport	Regular status document	Refugee card	Other	
Costa Rica	x	x			A sworn statement affirming the ability to enter into marriage.	https://portalcostarica.org/matrimonio-civil-costa-rica-requisitos ; https://www.tse.go.cr/pdf/requisitosytramites/Inscripcion-de-matrimonio-civil-o-catolico.pdf .
Dominican Republic	x	x			Foreigners must present a valid passport and another ID (national ID document).	https://ayuda.jce.gob.do/kb/a27/cuales-son-los-requisitos-para-un-matrimonio-civil.aspx .
Ecuador		x	x		ID cards or documents (passport or identity document from the country of origin; nationality certificate); sworn statement of civil status and nationality of the bride or groom or of foreign brides or grooms who are in a migratory condition of refugee, stateless or asylum. If any spouses or witnesses do not speak Spanish, they must have a translator. The singleness certificate must be apostilled or legalized and translated if applicable.	https://www.gob.ec/dgrcic/tramites/celebracion-matrimonio-sede-fuera-sede-registro-civil-0 .
El Salvador		x			Foreigners need to present passport or national ID for the registration.	https://www.transparencia.gob.sv/institutions/159/documents/216005/download .
Guatemala	x	x			Singleness document with apostille and translation.	https://conservisabogados.com/matrimonio-en-guatemala-con-extranjero/ ; https://aprende.guatemala.com/tramites/otros-documentos-tramites/requisitos-para-contraer-matrimonio-civil-en-guatemala/ .
Guyana		x			Non-residents are required to use their passport as the ID document. Obtaining a licence is mandatory for foreigners, at least one of the contracting parties must be a resident in Guyana 15 days before a licence can be issued.	https://gro.moha.gov.gy/marriage/ ; https://www.stabroeknews.com/2012/02/13/news/guyana/marriage-licence-to-cost-6000/#:~:text=A%20fee%20of%20six%20thousand,are%20being%20married%20in%20Guyana .
Haiti					No information available.	http://jafbase.fr/DocAmeriques/Haiti/code%20civil%20mariage.pdf ; https://ht.amba-france.org/Generalites.1114 .

Country	Specific requirements for migrants					Sources
	Apostilled and translated birth certificate	Passport	Regular status document	Refugee card	Other	
Honduras					No information available.	https://rnlpm61prd-aucrnph01.cec.ocp.oraclecloud.com/site/RNPweb/servicios/Nacimiento.html .
Jamaica		x			Any official picture ID such as a passport or driver's licence. Future spouses must be present in the country at least 24 hours prior to the wedding.	https://moj.gov.jm/ministers-marriage-licence .
Mexico	x	x			Provision of an interpreter if one of the spouses does not speak Spanish. Special marriage permit from the National Migration Institute.	https://www.inm.gob.mx/static/tramites/Estancia/Permisos_y_Certificaciones/AutorizacionparacontraerMatrimonio.pdf .
Panama	x	x	x		Birth certificate must be apostilled or authenticated by the Consul of Panama in the country of origin of the documents. These documents must be taken to the Ministry of Foreign Affairs in Panama to authenticate the signature of the Consul of Panama. If you do not provide your certificate of singleness and birth certificate from your country of origin, you must submit a Notarized Sworn Declaration, including your general information (name, date of birth, address, parents' details) and marital status (single). In the case of individuals with a foreign ID card, the notarized sworn declaration of singleness must be provided. Prenuptial health certificate and a valid passport with copies of entry and exit stamps from the country.	https://www.tribunal-electoral.gob.pa/requisitos-para-matrimonio/ ; https://www.panamadigital.gob.pa/InformacionTramite/matrimonio .
Paraguay		x			If one of the parties is a foreigner, present a copy authenticated by the Notary Office of the passport (or identity document for citizens of MERCOSUR countries), with proof of entry to Paraguay granted by the General Directorate of Migration.	https://www.registrocivil.gov.py/tramites ; https://www.pj.gov.py/notas/22867-csj-habilita-plataforma-web-del-registro-de-deudores-alimentarios-morosos .

Country	Specific requirements for migrants					Sources
	Apostilled and translated birth certificate	Passport	Regular status document	Refugee card	Other	
Peru	x	x	x		Singleness certificate, divorce statement or death certificate with the apostille and translation. At least one of the future spouses must reside in the municipality and present proof of residence.	https://www.gob.pe/20411-contrajer-matrimonio-civil?child=9621 ; https://www.matrimonio.com.pe/articulos/requisitos-para-un-matrimonio-civil-c5254 .
Trinidad and Tobago		x	x		Permission to marry from Immigration Control.	Miscellaneous Provisions (Marriage) Act, N°8 of 2017; https://foreign.gov.tt/services/getting-married/ ; https://agla.gov.tt/downloads/laws/45.01.pdf .
Uruguay		x			Foreign persons, single, of legal age, must present an identity document. If the person does not speak Spanish, present a public Uruguayan translator.	https://www.gub.uy/tramites/inscripcion-matrimonio-lavalleja ; https://www.impo.com.uy/bases/leyes/19355-2015/76 .

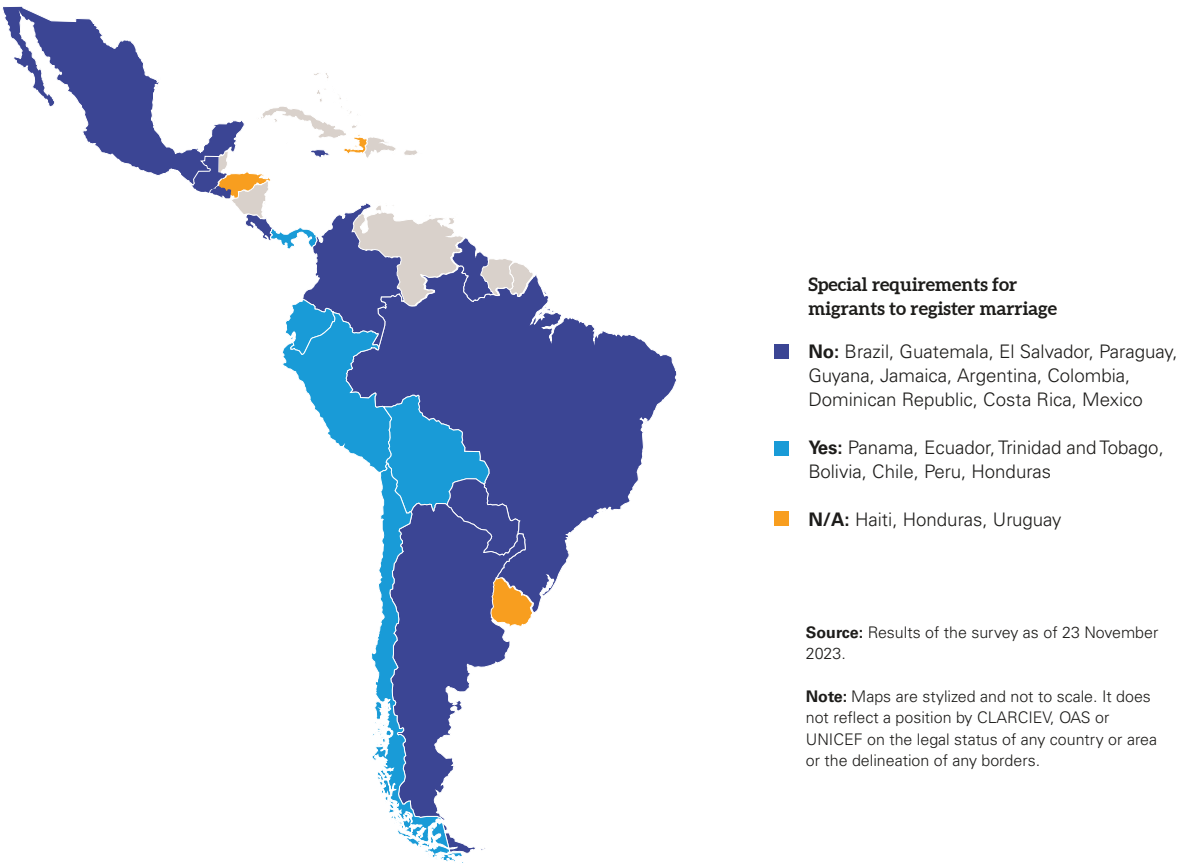
In many countries, there is the obligation to present a valid passport as an additional requirement for migrants, along with the restriction that only migrants with a regular status can marry (Argentina, Bolivia, Chile, Colombia, Panama and Trinidad and Tobago, according to some sources). In Mexico and Trinidad and Tobago, there is an obligation to present a specific permit provided by migration authorities. In Chile, the discussion has been raised about the nature of the right to get married, with multiple constitutional actions presented aiming to ease the conditions for getting married for foreigners.⁸⁵

85 A. Ibañez, "Extranjeros en situación migratoria irregular y su derecho a contraer matrimonio en Chile," *Revista de Derecho (Concepción)* vol. 88 N° 248 Concepción, December 2020, https://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0718-591X2020000200015.

4.4.3 Information from the survey

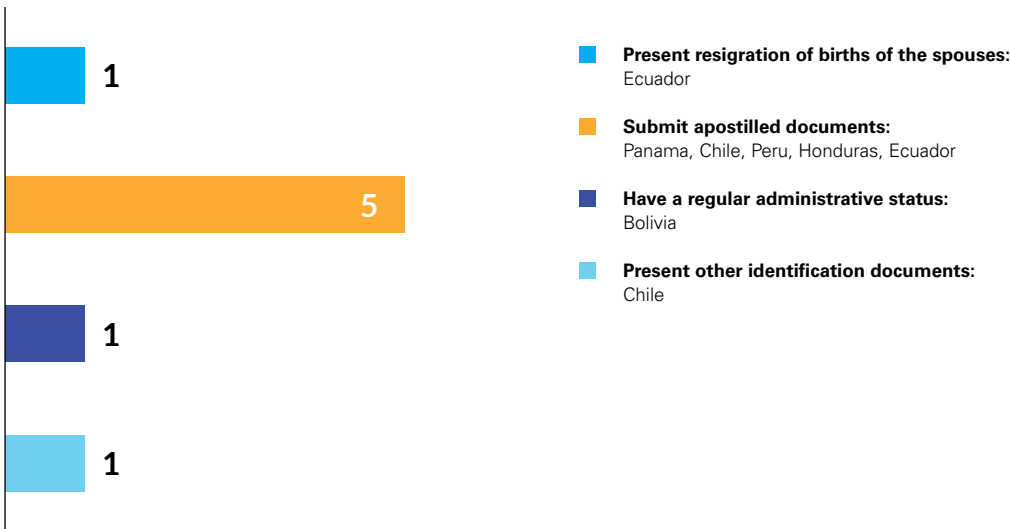
The survey conducted with registrar authorities from 17 countries in the region provided general information about the existence and extent of special requirements for foreigners to register marriages.

Figure 5: Special requirements for foreigners to register marriage, by country



Half of the respondents to the survey declared the existence of specific requirements for migrants to register marriages. It has been found, however, that the passport requirement is needed for most of the countries under study. For example, in Brazil, the desk review found that foreigners need to present an apostilled birth certificate, original marriage declaration and valid passport with an entry stamp for Brazil.⁸⁶ The situation is similar in Colombia, where a valid passport and apostilled documents are required. Among the specific conditions required for migrants, the majority of respondents have underscored the need to present apostilled documents, as follows:

Figure 6: Requirements for marriage licence, according to survey results



Source: Results of the survey as of 23 November 2023.

86 These documents are necessary in some cases. The Service Standards of the State of São Paulo clarify that: “A person who is a national of another country or stateless may provide evidence of age, marital status, and filiation through a valid ID document, consular certificate, or birth certificate, provided that it is legalized by a Brazilian consular authority or apostilled by a competent foreign authority, translated by a sworn public translator, and registered by a Registrar of Deeds and Documents, and proof of marital status and filiation by declaration of witnesses or consular certificate (Topic 56 of Chapter XVII). More information available at <https://api.tjsp.jus.br/Handlers/Handler/FileFetch.ashx?codigo=152657>.

4.4.4 Main barriers (for refugees and migrants)

BOX 3

Main barriers to marriage registration for refugees and migrants

▲ No possibility of substitute documents

The main barrier to getting married and registering marriages is that no exceptions or replacement documents are established. In contrast, birth registrations sometimes allow the presentation of substitute documents for refugees, and migrants may identify themselves using other credentials. Only in Panama is it possible to provide an oath declaration when a civil registration document or proof of singleness cannot be provided, and in Peru, the Administrative Procedure Law establishes the obligation to accept replacement documents, even if the information reported for marriage does not mention it. A refugee, for example, would not be able to marry in any of the studied countries if they do not have a valid passport and a copy of their civil birth registration duly apostilled and translated.

▲ Cost

Marriage expenses and conditions might be difficult to cover for refugees and migrants, such as providing an interpreter if they do not speak the local language. Regarding this matter, the case of Bolivia stands out, where the cost of getting married is doubled for foreigners.

▲ Language

It can be difficult to provide an interpreter, especially for extra-continental migrants coming from African and Asian countries. Completing specific courses or providing a health certificate might also be difficult for migrants and refugees who do not speak the local language.

▲ Regular migratory status

Some specific requirements for the registry of vital events are justified by the need to ensure the veracity of some statements and facts as well as to corroborate the identity of a person. Even if they might be difficult to fulfil, there is a logic behind some specific requirements, such as providing a singleness certificate to ensure that the person is not married or in another sort of civil union, or to provide ID documents. However, regarding the obligation to provide regular status documentation for getting married – which is the case for countries such as Chile, Panama and Trinidad and Tobago – this document cannot be considered necessary to establish the identity or the ability of one person to enter into a private act such as a marriage. As the regular status document serves the purpose of migration control, requiring such a document for getting married could be considered to be an unjustified barrier, especially considering international commitments regarding the need to allow and ease civil registration.

4.4.5 Good practice

▲ **Substitute document**

Panama provides a replacement document for the certificate of singleness and birth certificate from the country of origin: a Notarized Sworn Declaration, including general information (name, date of birth, address, parents’ details) and marital status (single). This allows migrants who might encounter difficulties obtaining such documents another option. However, Panama restricts the possibility of getting married to migrants with a regular migratory status.⁸⁷

4.5 Death registration

In the regional migratory context, some migrants traverse dangerous paths attempting to evade immigration controls to reach their intended destinations. Refugees are often forced to take dangerous routes to find international protection, exposing them to risk their lives. The IOM’s Missing Migrants Project has reported 8,838 deaths or disappearances in the Americas region between 2014 and December 2023.⁸⁸ According to the same source, over 5,112 people have died trying to cross the border from Mexico into the United States, 503

have perished going from the Caribbean to the United States, and 360 lives have been claimed by the Darien Gap. All these events, along with the deaths of refugees and migrants occurring in the destination countries, require that refugees, migrants and their relatives can access the death registry. This would enable them to facilitate procedures for the repatriation of bodies, succession processes and other civil obligations. As seen earlier, death registration may be necessary for marriage procedures and may also be required in some countries to allow the departure of national children accompanied by only one parent in cases where the other parent has passed away.⁸⁹

Despite the relevance of the death registration, little information and analysis was found about this procedure. Even accessing information on the general conditions for the death registry for each country was complicated, as in some cases, information was not found in a single document, and the ID requirements (from the deceased and the declarant) were not clear. In order to provide information about the requirements to complete death registration, general requirements (for citizens and foreigners) are presented jointly.

Note that the requirements for death registration presented here apply to deaths that occurred naturally and not due to violent or presumed deaths. For the latter, additional requirements and procedures are needed in each of the countries.

4.5.1 General and specific requirement for migrants

For the presentation of the general requirements for death registration, common elements were identified in each country under study and in line with what has been described by UNDESA.⁹⁰ General requirements relate to the ID of the informant and the deceased, as well as the presentation of the medical-legal certificate.⁹¹

Regarding the existence of specific requirements for foreigners to report a death or for a death to be registered, there was a lack of official documentation available. However, the regulations in some countries report the possibility of presenting ID documents or the need to provide apostilled or translated documents, among other things (**see Table 8**).

87 More information available at <https://www.tribunal-electoral.gob.pa/requisitos-para-matrimonio/> and <https://www.panamadigital.gob.pa/InformacionTramite/matrimonio>.
88 Information updated to December 2023. Available at <https://missingmigrants.iom.int/region/americas>.
89 Such is the case of countries such as Chile, Colombia and Panama, being part of the Hague Convention of 25 October 1980 on The Civil Aspects of International Child Abduction: Hague Conference on Private International Law, “28: Convention of 25 October 1980 on the Civil Aspects of International Child Abduction,” 1980, <https://www.hcch.net/en/instruments/conventions/full-text/?cid=24>.
90 UNDESA, *Handbook on Civil Registration and Vital Statistics Systems Management, Operation and Maintenance Rev1*, 2021, <https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Handbooks/crvs/crvs-mgt-E.pdf>.
91 According to UNDESA, “It is essential not to confuse the medical certificate of the cause of death with the death certificate issued by the civil registry, which reflects the information certified by an official recorded in the civil registry. The medical certificate of the cause of death contains key information necessary for legal and statistical purposes.” (Idem, pr. 189).

Table 8: General and specific requirements for death declaration, by country

Country	General requirements for death declaration				Specific requirements for migrants		Source
	Deceased's ID	Declarant's ID	Medical certificate of cause of death	Other	ID document: passport	Other	
Argentina	x	x		A recent online procedure has been implemented.	x		Ley N° 6711. Tarifaria 2024; https://www.gba.gob.ar/registrodelaspersonas/otros_tramites/inscripcion_de_defuncion ; https://www.argentina.gob.ar/salud/deis/cace/participacionmedico/documentacion .
Bolivia	x	x	x	Witness who saw the death. This person must be of legal age, legally competent, not a relative of the deceased, and must have their identity card.		No specified requirements for migrants.	https://www.municipio.com.bo/certificado-de-defuncion.html .
Brazil	x	x	x	The declarant must be the closest family member, who will present their ID document to prove the relationship, as well as all the documents of the deceased that they can obtain, such as identity card, taxpayer ID, birth or marriage certificate, social security benefit card, work card, or voter registration card.		No specified requirements for migrants.	Lei Federal 6.015, de 31 de dezembro de 1973... - Veja mais em https://economia.uol.com.br/guia-de-economia/certidao-de-obito-como-tirar-o-que-levar.htm?cmpid=copiaecola .
Chile	x	x	x	Online services are not available to people who do not have a national ID.		No specified requirements for migrants.	https://www.registrocivil.cl/principal/canal-tramites/defuncion .

Country	General requirements for death declaration				Specific requirements for migrants		Source
	Deceased's ID	Declarant's ID	Medical certificate of cause of death	Other	ID document: passport	Other	
Colombia	x		x	ID from the deceased. Additional requirements should be met when the death registry is registered late or the death does not occur by natural causes.	x	Original and valid passport must be presented if the declarant or the deceased is a foreigner.	https://www.registraduria.gov.co/Registro-de-defuncion.html .
Costa Rica			x		x		https://www.tse.go.cr/pdf/requisitosytramites/Inscripcion-de-defuncion-ocurrida-en-el-pais.pdf .
Dominican Republic	x		x		x	Passport from the deceased; birth certificate registry, if available.	https://ayuda.ice.gob.do/kb/a30/cuales-son-los-requisitos-para-registrar-una-declaracion-oportuna-de-defuncion.aspx .
Ecuador		x	x		x	Passport, refugee card or identity document from the applicant's country of origin might be presented as ID document from the declarant.	https://www.gob.ec/dgrecic/tramites/inscripcion-ordinaria-extraordinaria-defuncion-atencion-medica .
El Salvador	x		x	Birth certificate of the deceased; If the deceased's ID is not provided, it is necessary to present a certification of the Documento Único de Identidad or a certificate of non-registration of identity issued by the National Registry of Natural Persons.		No specified requirements for migrants.	Art. 40 Ley Transitoria del Registro del Estado Familiar y de los Regímenes Patrimoniales del Matrimonio. https://rree.gob.sv/servicios-oficinas-regionales/registro-estado-familiar-or/#:~:text=Si%20uno%20de%20los%20contrayentes,esta%20legal%2C%20convencional%20o%20judicial .

Country	General requirements for death declaration				Specific requirements for migrants		Source
	Deceased's ID	Declarant's ID	Medical certificate of cause of death	Other	ID document: passport	Other	
Guatemala	x		x	ID from the deceased, in this case, no provision is made for the case when the deceased is a foreigner. If no ID is available, deceased's birth certificate may be provided.		No specified requirements for migrants.	https://www.renap.gob.gt/servicios/requisitos-minimos-que-debe-contener-el-informe-de-defuncion .
Guyana	x		x	To present other ID documents from the deceased; a close relative must complete the procedure.	x		https://gro.moha.gov.gy/death-registration/ ; https://www.parliament.gov.gy/publications/acts-of-parliament/registration-of-births-and-deaths-amendment-act-2021 .
Haiti				No information is available.			
Honduras	x		x	If the required legal document certifying the death for registration does not exist, an authenticated affidavit and two witnesses must be presented to provide information about the time, day, month, year and place of death. An ID or a copy of the birth registration is also asked for the ID.		There is no official information about requirements for the death registration of foreigners.	https://www.elheraldo.hn/honduras/inscripcion-nacimientos-defunciones-registro-nacional-honduras-KD6630158 .
Jamaica			x	The medical certificate of cause of death needs to be taken to the Local District Registrar for registration. There is a registration fee of \$5.50. ¹⁾			https://jis.gov.jm/information/faqs/obtaining-a-death-certificate/ .

Country	General requirements for death declaration				Specific requirements for migrants		Source
	Deceased's ID	Declarant's ID	Medical certificate of cause of death	Other	ID document: passport	Other	
Mexico	x	x	x	Conditions may change according to the municipality. In some places, birth certificate from the deceased to prove filiation, proof of residency.			For Ciudad de Mexico: see Código Civil para el Distrito Federal, Artículos 117, 118, 119, 120, 122, 123, 124, 126 y 129. For Guanajuato see: https://tramitesyservicios.guanajuato.gob.mx/admin/uploaded/attachments/c7a6355402657654a571ec6871b713af.pdf .
Panama	x	x	x	A simple photocopy of the personal identity card or passport of the deceased and the applicant; in the case of a passport, it must be certified by a public notary, Panamanian Consul, or Civil Registry official. The service has a cost of \$3.	x		https://www.tribunal-electoral.gob.pa/certificado-de-defuncion/ .
Paraguay	x	x	x	Photocopy of the deceased's Identity Card. Original and photocopy of the declarant's Identity Card. If a medical death certificate is not available, present a photocopy of the Identity Card of two witnesses. Marriage certificate if the deceased is married.		No specified requirements for migrants.	https://www.registrocivil.gov.py/tramites .
Peru	x	x	x	Medical certificate of cause of death duly signed and sealed by a health professional or affidavit from the political, judicial or religious authority in places where there is no health professional to certify the death. Delivery of the deceased's DNI or Sworn Declaration of Loss signed by the declarant. The declarant must present their own DNI.	x	In the case of foreigners, show the immigration card or present a simple copy of the passport or identity card.	https://www.gob.pe/22436-inscribir-acta-de-defuncion-en-reniec .

Country	General requirements for death declaration				Specific requirements for migrants		Source
	Deceased's ID	Declarant's ID	Medical certificate of cause of death	Other	ID document: passport	Other	
Trinidad and Tobago	x	x	x	Valid photo ID of an informant. ID of deceased, if available. Birth registration of deceased, if available.		No specified requirements for migrants.	https://agla.gov.tt/registrar-general/registrar-general-civil-registry/ .
Uruguay	x	x	x	Two declarants are needed, with a valid identity document in good condition, over 18 years of age. Copy of the deceased's identity document and civic credential ²⁾ if possessed.		No specified requirements for migrants.	https://www.gub.uy/tramites/inscripcion-defunciones .

¹⁾ US\$1 = JMD\$154.257 as of 15 January 2024.

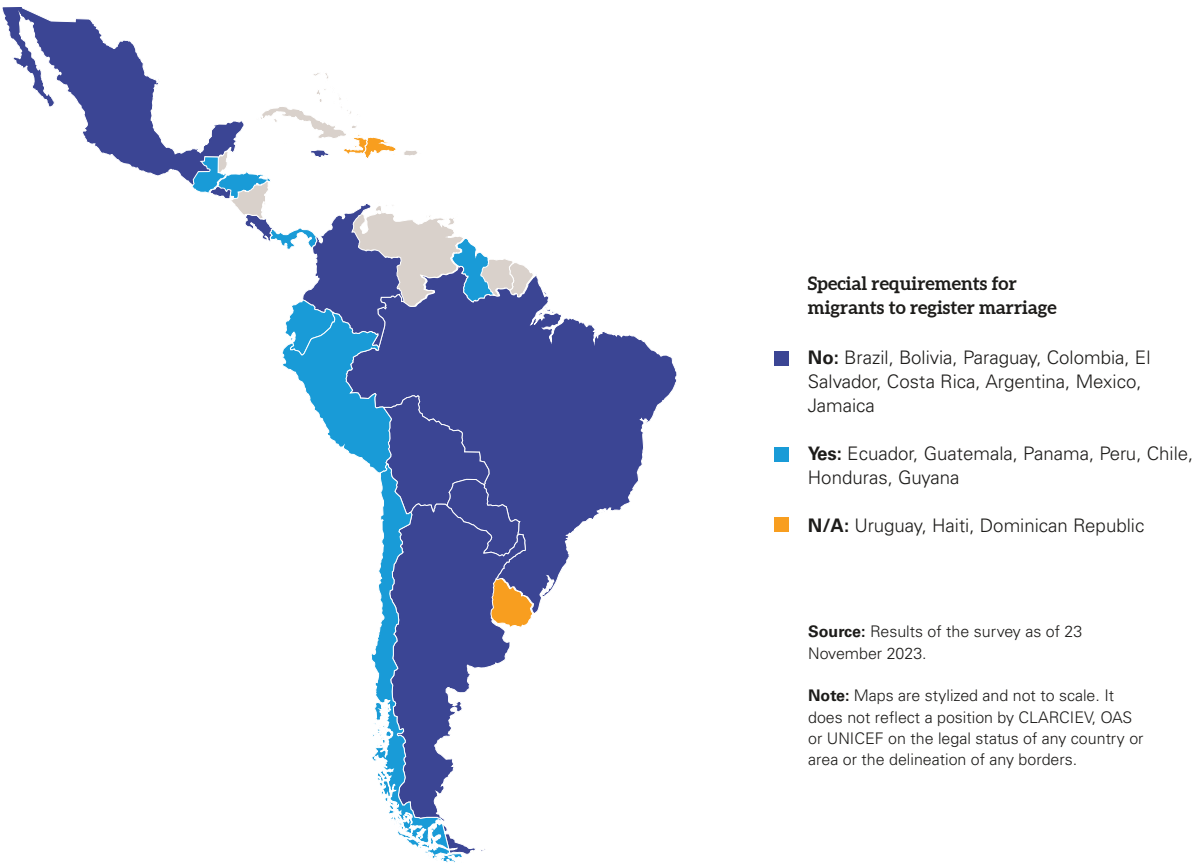
²⁾ The only document that verifies identity when appearing before the vote-receiving commissions in electoral events, such as national and departmental elections, internal party elections, plebiscites, referendums, or before the commissions receiving endorsements in the preparatory acts for the referendum process. Source: <https://www.gub.uy/tramites/credencial-civica>.

Requirements for death registration are, in general, similar in the countries under study, with some specific exceptions regarding the need to provide a proof of domicile and a birth certificate from the deceased (Mexico, El Salvador).

4.5.2 Information from the survey

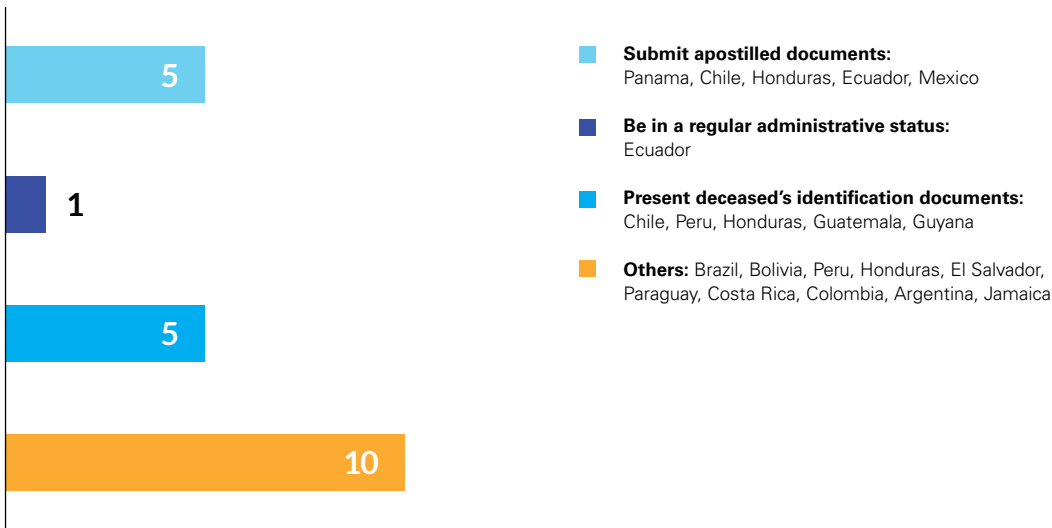
According to the survey for the registry of deaths, half of the respondents reported the existence of specific requirements for migrants.

Figure 7: Map showing the special requirements for death registration, by country



These requirements include presenting specific ID documents from the deceased, apostilled documents (birth certificates) and, in one case, having regular migratory status. Other requirements include, in the case of foreigners, presenting a passport copy from the deceased and the declarant in some countries (**see Figure 8**).

Figure 8: Special requirements to register death of foreigners



Source: Results of the survey as of 23 November 2023.

4.5.3 Main barriers (for refugees and migrants)

In the event of the death of a migrant or a refugee, and in the specific context of irregular movements, the fulfilment of certain requirements can pose significant challenges for refugee and migrant populations (**see Box 4**).

BOX 4

Main barriers for death registration for refugees and migrants

- ▲ **Providing proof of domicile when they are mobile population**
- ▲ **Providing a passport from the deceased (when the deceased is a foreigner)**
- ▲ **Demanding the presence of a relative or a power of attorney; this condition may represent important expenses for a migrant's and for a refugee's family**
- ▲ **In some cases, presenting a copy of the birth registration of the deceased**

The most challenging situation is that of Ecuador, where – according to the survey but without a specific reference in the applicable legislation – a regular status is required to register a death.



4.6 Divorce registration

No information was found in the research – whether from studies, reports, guidelines or other sources – related to divorce among the population in a condition of human mobility. As noted for marriages, obtaining a divorce might not be the first priority of migrants and refugees during transit or during the first days or months after their arrival at their destination. However, this procedure can be especially relevant for foreigners in contexts such as human trafficking, particularly in scenarios of forced marriages and in instances of exploitation and violence, where the possibility of obtaining a divorce might not only be possible but also needed. As was done in the section regarding marriage, this research sought to identify the existing challenges in accessing divorce registration. This task required examining the conditions for obtaining a divorce decision in each of the countries. The aim was not to provide a superficial understanding of this civil act but to capture the difficulties and challenges it may pose for the refugee and migrant population.

It is important to note that the research has focused on the general requirements for divorce by mutual agreement; for this purpose, general requirements are provided in the first section, and specific requirements are considered afterwards. It is also relevant to note that divorces registered within the territory of the States are those corresponding to a marriage celebrated within its territory or, if

celebrated abroad, at least one of the spouses holds the nationality of the State.

4.6.1 General and additional requirements

The general requirements (for national citizens or foreigners) to obtain a divorce depend on whether it is by mutual consent or if there is a need to have a representation and present a case before a judge based on specific legal clauses (see Table 9).

While the complexity and the requirements for obtaining a divorce are substantially different between one country and the other, the subsequent registry process seems to present homogeneous requirements regarding the need to provide a divorce statement, a marriage certificate and an ID. Regarding specific requirements for migrants in the divorce registration process, no significant elements were found beyond the possibility of presenting ID documents. For Ecuador, this may include passports or visas; for the Dominican Republic, passports; and for Peru, an immigration card, passport, or identity card.

Particular case: Mexico – Article 69 of the General Population Law establishes that, for the processing of a divorce proceeding proposed by a foreigner, this person must provide a certification issued by the Ministry of Interior to demonstrate their legal residence in the country, and that their migration condition and status allow them to carry out the act.⁹²



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92 More information available at https://www.diputados.gob.mx/LeyesBiblio/pdf/140_120718.pdf.

Table 9: General and specific requirements for divorce, by country

Country	General requirements for divorce procedure					Sources
	ID	Marriage certificate	Legal representation	Other	Cost (US dollars)	Specific requirements for foreigners
Argentina	x	x		The registration of the divorce is carried out through the judicial document completed either in paper format (submitted to the Civil Registry) or in electronic format (through the Electronic Document Filing System of the Supreme Court of Justice of the nation).	\$1.14 ¹⁾	There are no specific requirements for migrants. https://www.argentina.gob.ar/justicia/derechofacil/leysimple/divorcio#titulo-1 .
Bolivia	x	x	x	Legal representation is required for judicial divorce but not for notary divorce.	\$361 ²⁾	There are no specific requirements for migrants. https://www.oas.org/dil/esp/Codigo_Familia_Bolivia.pdf .
Brazil	x	x	x	A lawyer is mandatory if the couple have underage or incapacitated children or if the divorce is not consensual, in which case, divorce is pronounced by a judge.	\$49.34	Foreigners must have regular migratory status. Ley N° 11.441/07; Enmienda Constitucional N° 66/2010. https://onpi.org.ar/brasil-divorcio-extrajudicial-unilateral/ ; https://www.notariado.org.br/clipping-jornal-contabil-divorcio-esta-menos-burocratico-veja-como-fazer-esse-processo-no-cartorio/ ; https://unstats.un.org/unsd/demographic/meetings/wshops/chile/2015/docs/Session10-Brasil.pdf .
Chile	x	x	x	For divorce, it is necessary to present a document indicating the cessation of cohabitation, three witnesses and the complete ID, along with the ID cards of the spouses.	The certificate of cessation of cohabitation has a cost if not done online; free legal counsel can be provided by municipalities.	No specific dispositions were found regarding the divorce requirements for foreigners. Ley N° 19.947; “Ley de Matrimonio Civil”, artículos 53 y siguientes. https://www.chileatiende.gob.cl/fichas/316-asesoria-juridica-gratuita-pa-ra-tramites-de-divorcio .

Country	General requirements for divorce procedure					Sources	
	ID	Marriage certificate	Legal representation	Other	Cost (US dollars)		Specific requirements for foreigners
Colombia	x	x	x	Fees and expenses, depending on the particular case.	Notary divorce has a cost of around \$126 ³⁾	There are no specific requirements for migrants, but they have an obligation to notify migration authorities about their divorce if their immigration status is based on their marital status.	https://www.minjusticia.gov.co/programas-co/LegalApp/Paginas/Que-debo-hacer-para-divorciarme-cuando-mi-esposa-no-esta-de-acuerdo.aspx .
Costa Rica	x	x	x	Fees and expenses, depending on the particular case. The divorce demand can only be presented after three years of marriage; domicile proof demanded.		No specific dispositions were found about the divorce requirements for foreigners.	https://portalcostarica.org/tramite-de-divorcio-en-costa-rica ; https://www.oas.org/dil/esp/codigo_de_familia_costa_rica.pdf .
Dominican Republic	x	x	x	A special term has been created for the divorce when one of the spouses is a foreigner or a national living abroad: the ‘steamed divorce’. It is pronounced with the presence of only one of the spouses and an agreement validated by the consular services of the country where the other spouse is located.	\$768 ⁴⁾	Passport is needed.	https://morillosurielabogados.com/divorcio-al-vapor-para-extranjeros-republica-dominicana/ ; https://www.oas.org/dil/esp/Ley%201306-BIS,%20Sobre%20Divorcio,%20de%20fecha%2021%20de%20mayo%20de%201937.%20G.O.%20No.%205034%20Republica%20Dominicana.pdf ; https://www.dominicanaenlaweb.com/proceso-divorcio-republica-dominicana/ .
Ecuador	x	x	x		\$17.90	Passport or visa.	https://www.epn.edu.ec/wp-content/uploads/2018/08/COGEP.pdf ; https://www.viven.gob.ec/wp-content/uploads/transparencia/literal/11.LN.pdf ; https://www.conceptosjuridicos.com/ec/divorcio-de-mutuo-acuerdo/ .
El Salvador	x	x	x	Birth civil registry from both spouses is needed to register the divorce. Divorce is pronounced by a judge.	\$2.20 ⁵⁾ for judiciary expenses, plus around \$68 for representation.		https://www.elsalvadorlegis.com/divorcio-mutuo-acuerdo-con-conyuge-en-el-extranjero/ .

Country	General requirements for divorce procedure					Sources
	ID	Marriage certificate	Legal representation	Other	Cost (US dollars)	
Guatemala		x	x	Divorce needs to be pronounced by a judge. A minimum of one year of marriage must be complete to file for a divorce.	Representation costs are not standard information.	https://www.conservisabogados.com/el-divorcio-en-guatemala/ ; https://www.oas.org/juridico/pdfs/mesicic4_gtm_org.pdf .
Guyana		x	x	No divorce by consent is available. It is only possible on the grounds of adultery, cruelty or malicious desertion. ⁷⁾ There is a procedure involving witnesses and proving the legal causes.	Procedural and representation fees are reported, no specific amount is found.	https://www.legalaid.org.gy/files/gawl/023_lawandyou_law.pdf ; https://www.wikiprocedure.com/index.php/Guyana_-_File_for_Divorce .
Haiti	x		x	Divorce can be pronounced without the presence of both spouses.	Between \$1,500 and \$2,500. ⁷⁾	https://avibopost.com/en-haiti-divorcer-prend-du-temps-et-coute-cher/#:~:text=La%20requ%C3%AAt%20adress%C3%A9e%20au%20Doyen,qui%20est%20la%20deuxi%C3%A8me%20comparution.%20%C2%BB .
Honduras	x	x	x	Divorce is pronounced by a judge. Expenses and legal representation are involved in the procedure.	\$649.90 ⁹⁾	https://honduras.cuentanos.org/es/articles/9789521741853 .
Jamaica	x	x	x	Divorce is pronounced by a judge, after a minimum of two years of marriage. A divorce in Jamaica can begin through a petition from either party as long as he/she is a Jamaican national, is domiciled in Jamaica at the commencement of the proceedings, and resides in Jamaica or has done so for at least 12 months before the beginning of the procedure.	No specific amount is retained, but according to some sources, the high expenses linked to the divorce procedure and the required representation discourage people from getting a divorce.	https://www.hg.org/jamaica-divorce-law.asp ; https://divorcelawyersjamaica.com/i-got-married-in-jamaica-how-do-i-get-divorced/#:~:text=Before%20any%20of%20the%20parties,of%20the%20Marriage%20Certificate%20available ; https://www.jamaicaobserver.com/allwoman/2014/07/26/separated-and-unhappy-because-divorce-is-costly/ .

Country	General requirements for divorce procedure					Sources
	ID	Marriage certificate	Legal representation	Other	Cost (US dollars)	Specific requirements for foreigners
Mexico	x	x		Fees and expenses may differ according to the state.	\$1.90	Article 69 of the General Population Law requires, for the processing of the divorce proceeding proposed by a foreigner, that they present the certification issued by the Ministry of the Interior to demonstrate their legal residence in the country and that their migration conditions and status allow them to carry out the act.
Panama		x	x	Divorce is declared by a judge.	\$35.00	
Paraguay	x	x		Divorce is declared by a judge. It is available only after three years of marriage.	Reported as costly, depends on the particular situation. For registration, an amount of \$1.90 needs to be paid. ⁸⁾	
Peru	x	x		The divorce can be carried out through a notary or judicial process before the municipalities. Either of these can be chosen according to the particular circumstances, and each involves specific costs. There is the possibility of pursuing an intermediate stage called 'conventional separation' after two years of marriage before municipal authorities.	From \$54 according to the particular case and authority. ⁹⁾	Foreigners can present a simple copy of the immigration card, passport or ID card.

Country	General requirements for divorce procedure					Sources
	ID	Marriage certificate	Legal representation	Other	Cost (US dollars)	
Trinidad and Tobago	x	x		It is only possible to file for divorce after one year of marriage unless specific hardship is proved. Only judiciary divorce is available, and one of the spouses needs to have residence in the country. The divorce petition is filed online.	Around \$14.70 ¹⁰⁾	No specific dispositions were found about the divorce requirements for foreigners.
Uruguay	x	x	x	Divorce is decided by a judge under four different procedures, at least after two years of marriage. Costs and fees depend on the specific case.	Can be without cost if a court-appointed lawyer is assigned.	

¹⁾ US\$1 = ARS\$814.964 as of 15 January 2024.

²⁾ US\$1 = BOB\$6.90377 as of 15 January 2024.

³⁾ US\$1 = COP\$3,946.57 as of 15 January 2024.

⁴⁾ US\$1 = DOP\$58.5442 as of 15 January 2024.

⁵⁾ US\$1 = SVC\$8.75000 as of 15 January 2024.

⁶⁾ When one party has left the matrimonial home without either a good reason or the consent of the other party, or has treated the other party so badly that she/he has been forced to leave. This is the ground most often used.

⁷⁾ US\$1 = HNL\$24.6193 as of 15 January 2024.

⁸⁾ US\$1 = UYU\$39.3475 as of 15 January 2024.

⁹⁾ US\$1 = PEN\$3.70316 as of 15 January 2024.

¹⁰⁾ US\$1 = TTD\$6.77924 as of 15 January 2024.

As previously stated, this research delved into the examination of divorce procedures in the countries studied to enhance the understanding of the implications of this legal act. In this regard, some general conditions were identified, such as the need to have legal representation and to appear before civil or judicial authorities to complete the process. Additionally, specific requirements were found based on the couple’s particular situation and the presence of children. Concerning the divorce procedure itself, noteworthy is the requirement to present the birth certificates of the spouses (in El Salvador). In the case of the Dominican Republic, a special provision called ‘steamed divorce’ exists for the divorce process of foreigners and nationals abroad. This process allows the advancement of divorce with the attendance of only one of the spouses and involves the participation of consular authorities.

4.6.2 Main barriers (for migrants and refugees)

For divorce registration, no barriers or specific conditions for migrants were found besides the need to provide specific ID documents and, in only one case, the need to have a regular status. It is important to point out that divorce registration and procedures might affect migrant’s regular status, particularly for those bearing a spouse visa.



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5 Focus on consular services

5.1 Introduction

Through consular services, nationals abroad can access some public and notarial services, information and official procedures. These cover a wide range of aspects, from the possibility of accessing consular protection,⁹³ to receiving assistance in case of detention, and to the ability to register vital events such as birth, marriage, adoption, death or even get married in the consular post. This assistance is crucial in specific contexts, such as for victims of human trafficking or smuggling or for unaccompanied children. Consular services can also assist foreigners whose vital events occurred within a country's territory and, upon leaving, they turn to consular services to obtain copies of their registration or to register these events.

The availability and the extent of such services vary from one country to another in the region.⁹⁴ While registering births abroad is possible in most of the countries studied, it is not always possible to register marriages or deaths or to obtain copies of civil records. In the same way, while in some countries, the registration of vital events is free, in others, this

represents a cost. The inability to obtain copies from consulate offices can hinder the exercise of basic rights for nationals abroad and migrants, including allowing them access to services and the regularization processes.



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⁹³ Established in the Vienna Convention on Consular Relations, consular protection has been considered by the Inter-American Court of Human Rights as an integral element of the right to due process as enshrined in: Court IACHR, "Opinión Consultiva de la Corte Interamericana," Number 16/1999, 1999, https://www.corteidh.or.cr/docs/opiniones/seriea_16_esp.pdf.

⁹⁴ Since the early 2010's, previous studies have pointed out the differences in the availability and scope of consular services that exist in the region, despite the existence of regional agreements on consular assistance. To learn more about this topic, please refer to: Castro, Hernandez, and Herrera, *Migración y Estado en la Región Andina* (ILSA, 2011), https://www.researchgate.net/publication/342383820_Migracion_y_Estado_en_la_Region_Andina.

Domestic legislation from each country may authorize consuls to carry out registration procedures. The regulations of all the countries under study, with the exception of Jamaica and Trinidad and Tobago, allow for the registration of a birth that occurred abroad to national parents through the State consulate. This registration is carried out for many purposes, including to confirm or acquire nationality by consanguinity. Likewise, all legislation allows the request for identity documents that prove nationality through the consulate. To a lesser extent, as shown in the birth registration promising practices section, only three States authorize consulates to register births that occur within the national territory of the country they represent. This implies that nationals and foreigners who have left their country without registering their births or who were born in transit and do not register their births face difficulties or the impossibility of accessing late birth registration and identity documents that prove their nationality from another State through the consular route.⁹⁵

5.2 Consular services provided
for migrants

While the study inquired about the availability of civil registry services through consular authorities and the cost of the registration by itself, it did not gather information about the costs associated with obtaining these documents, such as transportation costs associated with accessing consular services in the capital cities of the destination countries or in the cities where the consular representation is provided.⁹⁶ Tables 10 and 11 below present details on the civil registration services provided in the consular post: obtaining civil registration copies, declaring birth registration to get a birth certificate, declaring marriage registration and declaring a deceased person to get a death certificate.

95 OAS, UNHCR, “Estudio Regional sobre Inscripción Tardía de Nacimientos, Otorgamiento de documentos Nacionalidad y Apatridia,” (2020), <https://www.oas.org/es/sap/dgpe/PUICA/docs/Estudio-Regional-sobre-Apatridia.pdf>.
96 In countries like Colombia, civil society has lodged complaints about the high cost of services provided through consular offices, which could exceed up to 300 per cent of the cost of the same services obtained within the national territory. See for example: <https://www.colexret.com/consulados/300-diferencia-precios-tramites-en-consulados-con-los-del-interior-de-colombia/>; in other countries, such as Paraguay, consular services are charged according to the particular condition of the nationals living abroad. See for more information: Ministerio de Relaciones Exteriores Paraguay, “Aranceles consulares se cobran atendiendo la situación de vulnerabilidad de compatriotas en el exterior,” 2019, <https://www.mre.gov.py/index.php/noticias-de-embajadas-y-consulados/aranceles-consulares-se-cobran-atendiendo-la-situacion-de-vulnerabilidad-de-compatriotas-en-el-exterior>.

Table 10: Birth registration requirements, by country

Country	Possibility to obtain civil registry's copies	Birth registration					Sources
		Original birth certification of the father or the mother (or both)	Passport or valid ID of the parent	Original birth certificate for the newborn, translated (if applies), legalized with the apostille	Cost (US dollars)	Additional information	
Argentina	Copies are obtained online	x	x	x	40 'consular units' (US dollars or euros, depending on the destination country)	Valid national ID of both parents if they are Argentinian and a valid passport or identity card if one is a foreigner.	Ley 20.957 de 1975 artículo 20.; https://cmadr.cancilleria.gob.ar/es/inscripci%C3%B3n-en-argentina-del-matrimonio-celebrado-en-el-exterior ; https://www.cancilleria.gob.ar/es/servicios/nacionalidad-argentina/opcion-de-nacionalidad-argentina-para-hijos-de-argentinos-nativos ; https://cbarc.cancilleria.gob.ar/es/fallecimientos-0 .
Bolivia	x		x	x	\$15	After 12 years, the procedure requires administrative authorization: two witnesses of legal age; some consulates report the need to present a marriage certificate from parents if married.	https://www.boliviawdc.org/es/tramites-consulares/registro-civil/copia-de-certificados ; https://embajadadebolivia.eu/tramites-consulares-gratuitos/ ; https://consulados.cancilleria.gob.bo/madrid/registro-civil/#Inscripci%C3%B3n%20de%20partidas%20de%20defunci%C3%B3n ; https://consulados.cancilleria.gob.bo/madrid/aran-cel-consular/ .
Brazil		x	x	x		Birth registration after 12 years demands other requirements.	https://www.gov.br/mre/pt-br/consulado-madri/registro-civil#RG12 .

Country	Possibility to obtain civil registry's copies	Birth registration					Sources
		Original birth certification of the father or the mother (or both)	Passport or valid ID of the parent	Original birth certificate for the newborn, translated (if applies), legalized with the apostille	Cost (US dollars)	Additional information	
Chile	Copies are obtained online		x	x	\$5.40	Proof of domicile. In cases of individuals of legal age, the registration must be done by the interested party. It is also possible to register a birth that took place in Chile but was not registered on time.	https://www.chile.gob.cl/madrid/tramites-del-registro-civil-de-chile ; https://www.chileatiende.gob.cl/fichas/2404-inscripcion-consular-de-matrimonio-en-el-extranjero .
Colombia			x	x		Information about the blood type.	https://madrid.consulado.gov.co/tramites_servicios/tramites_exterior_registro_civil .
Costa Rica			x	x		If registration is done after the twenty-fifth birthday, the person will not access the Costa Rican nationality automatically. If only one of the parents has Costa Rican nationality, he/she needs to be present for the registration.	Manual de Trámites Consulares.pdf ; https://www.rree.go.cr › files › includes › files .

Country	Possibility to obtain civil registry's copies	Birth registration					Sources
		Original birth certification of the father or the mother (or both)	Passport or valid ID of the parent	Original birth certificate for the newborn, translated (if applies), legalized with the apostille	Cost (US dollars)	Additional information	
Dominican Republic	x	x	x	x		Consular birth registration is possible by providing: birth certificate from the country of birth (apostilled and translated if necessary); Dominican identity card of either parent (if available); Dominican passport of the parents (if available); Dominican birth certificate of the parents (if available); ID document of the foreign parent; marriage certificate if both parents are married to each other; recent photograph of the child. One witness. Both parents need to be present. Consular offices have the right to refuse to process a birth declaration if they doubt the accuracy of the information provided by the declaring parents.	https://esp.mirex.gob.do/hacimiento/ .
Ecuador	x		x	x	\$56	National ID or passport are accepted as ID documents. If the birth took place before 2014, the price for the registration is higher.	https://www.cancilleria.gob.ec/madrid/2021/03/09/inscripcion-de-de-funcion-ordinaria-y-extraordinaria/ .

Country	Possibility to obtain civil registry's copies	Birth registration					Sources
		Original birth certification of the father or the mother (or both)	Passport or valid ID of the parent	Original birth certificate for the newborn, translated (if applies), legalized with the apostille	Cost (US dollars)	Additional information	
El Salvador	x		x	x	After six months, \$5	If the declarant is not a relative, he/she must provide an original ID.	https://rree.gob.sv/registro-estado-familiar-se/ ; https://sites.google.com/site/consuladoenmilan/requisitos/declaraciones-consulares .
Guatemala		x	x	x			https://embajadaguatemala.se/es/servicios/ ; https://www.renap.gob.gt/servicios/inscripcion-de-matrimonio-en-el-extranjero-consular ; https://www.minex.gob.gt/Visor_Pagina.aspx?PaginalD=149 ; https://www.minex.gob.gt/Visor_Pagina.aspx?PaginalD=150 .
Guyana	x	x	x	x	\$37		https://guyanaconsulatetoronto.com/registration-of-overseas-births/ .
Haiti		x	x	x	\$55	Resident card from the destination country and medical insurance (for Haitians in Quebec).	https://consulat-haiti-montreal.org/celebration-de-mariage/ ; https://consulat-haiti-montreal.org/declaration-ou-enregistrement-de-naissance/ ; https://embajadahaiti.cl/web/es/matrimonio/ .

Country	Possibility to obtain civil registry's copies	Birth registration					Sources
		Original birth certification of the father or the mother (or both)	Passport or valid ID of the parent	Original birth certificate for the newborn, translated (if applies), legalized with the apostille	Cost (US dollars)	Additional information	
Honduras			x	x	\$27	The certificate provided must be presented in Tegucigalpa directly or by a power of attorney in order to complete the registration. The passport from at least one of the parents or other ID document is mandatory.	https://www.consuladohondurasmadrid.es/inscripciones-de-nacimiento/; https://www.consuladohondurasmadrid.es/inscripciones-de-defuncion/.
Jamaica	Application is made online					General guidelines on consular services and specific websites from consulates do not report the existence of services linked to the civil registry of births, marriages and deaths.	https://jamaicanconsulateatlanta.org/ufags/how-to-apply-for-your-jamaican-birth-certificate/; https://embassyofjamaica.org/ja_citizens/general_guidelines.pdf.

Country	Possibility to obtain civil registry's copies	Birth registration					Sources
		Original birth certification of the father or the mother (or both)	Passport or valid ID of the parent	Original birth certificate for the newborn, translated (if applies), legalized with the apostille	Cost (US dollars)	Additional information	
Mexico	x	x	x	x		Allows birth registration, even for late birth registration. Documents from Spanish authorities do not require apostille. ID from the newborn is also required. Marriage certificate from both parents if they are married or birth registration if they are not. Two witnesses. It is important to note that not all the consulates are authorized to proceed with the birth registration.	https://www.gob.mx/sre/acciones-y-programas/servicios-consulares-5881 ; https://embamex.sre.gob.mx/espana/index.php/component/content/article/6-tramites-consulares/401-registro-de-nacimiento .
Panama			x	x	\$138	Sworn statement given by the father or mother of Panamanian nationality and a residence certification. Only possible for people under 18 years of age.	https://mire.gob.pa/wp-content/uploads/2022/01/carta_Tarifas-consulares-2.pdf ; https://www.consuladodepanamaenmiami.com/newpage8b409269 .
Paraguay			x	x		Registry does not grant Paraguayan nationality as they need to establish their domicile in the national territory. Witnesses need to be provided.	https://www.consuladodepanamaenmiami.com/newpage45abb269 ; https://www.consuladopybcn.com/inscripcionenllibrodenacimientos ; https://www.paraguay.gov.py/oe/ministerio-de-justicia/483 ; https://embapar.jp/archivos/nacionalidad-paraguayal/ .

Country	Possibility to obtain civil registry's copies	Birth registration					Sources
		Original birth certification of the father or the mother (or both)	Passport or valid ID of the parent	Original birth certificate for the newborn, translated (if applies), legalized with the apostille	Cost (US dollars)	Additional information	
Peru			x	x		Parents need to provide the original Peruvian ID passport; provide a hospital certificate where the hour and exact date of the birth is noted; marriage certificate from parents if applicable.	http://www.consulado.pe/es/milan/tramite/Paginas/Registros-Civiles/Nacimientos.aspx ; http://www.consulado.pe/es/milan/tramite/Paginas/Registros-Civiles/Defunciones.aspx ; Art. 52 de la Constitución Política del Perú; art. 51° de la ley 26497 Orgánica del RENIEC.
Trinidad and Tobago	x					Besides the copies from the civil registry, there is no evidence of consulates providing civil registry services.	https://foreign.gov.tt/missions-consuls/tt-missions-abroad/diplomatic-missions/high-commission-london-united-kingdom/ .
Uruguay	Online services, including through WhatsApp.	x	x		\$18	Two witnesses.	https://www.gub.uy/ministerio-educacion-cultura/registro-civil ; https://www.gub.uy/tramites/inscripcion-defunciones ; https://embassyofuruguay.us/index.php/es/inscripcion-en-el-registro-civil-nacimiento/ .

Table 11: Marriage and death registration requirements, by country¹⁾

Country	Possibility to get married at the consulate	Marriage registration				Death registration				
		Marriage certificate with apostille and translation	ID from spouses	Cost (US dollars)	More information	Apostilled and translated death certificate	Original ID or passport from deceased	ID or passport from the declarant	Cost (US dollars)	Others
Argentina					In Argentina, only a judge can validate marriages of nationals abroad. The consulate only intervenes in the preparation of the power of attorney so that someone in the country can represent the spouses.	x	x	x	\$40 or 40 euros	
Bolivia	x	x	x	\$30 for Bolivian Citizens, \$100 when one of the spouses is a foreigner	For non-Bolivians, passport is mandatory; two witnesses. For getting married at the consular post, the same requirements for regular marriages in Bolivia must be met. The cost of getting married in the consulate is \$50 for Bolivians and \$150 if one of the spouses is not Bolivian.	x	x	x	\$10	Birth certificate from the deceased is also accepted; two witnesses are required.

Country	Possibility to get married at the consulate	Marriage registration				Death registration				
		Marriage certificate with apostille and translation	ID from spouses	Cost (US dollars)	More information	Apostilled and translated death certificate	Original ID or passport from deceased	ID or passport from the declarant	Cost (US dollars)	Others
Brazil	x	x	x	\$24	For the registration of a marriage, birth registration of both spouses is required. To get married at the consulate, a residence certificate is required.	x	x	x	None	Declaration must be done by a Brazilian or a foreign family member or a representative authorized by the family who must be present at the consulate. The consular death certificate must subsequently be transcribed in Brazil at the 1st Civil Registry Office of the deceased's place of residence or the Federal District. One of the following pieces of information about the deceased must be presented: Individual Taxpayer ID Number; Identity Card Number and issuing authority; Birth Certificate Registration Number; Voter Registration Number; National Social Security Institute enrollment, if an individual contributor; PIS/PASEP (Civil Servant Asset Formation Program) Number; Social Security Beneficiary Number, if the deceased person is the holder of any benefit paid by the National Social Security Institute; Work Record Book Number and Series.
Chile		x	x	\$5.40	Passport from foreigners.	x	x	x	\$5.40	Chilean ID document from the deceased can be expired.
Colombia		x	x	None	An original copy of the birth registration of the Colombian party; an original copy of the ID document of each of the contracting parties, which should be the Citizenship ID for Colombians and a valid passport for foreigners.	x	x	x	None	National ID from the deceased must be provided. Passport from the declarant.

Country	Possibility to get married at the consulate	Marriage registration				Death registration				
		Marriage certificate with apostille and translation	ID from spouses	Cost (US dollars)	More information	Apostilled and translated death certificate	Original ID or passport from deceased	ID or passport from the declarant	Cost (US dollars)	Others
Costa Rica		x	x	None		x		x	None	
Dominican Republic	x	x	x		Dominicans can get married at the Consulate, presenting: passport or Dominican ID Card; birth certificates of the couple; sworn statement of singleness from both parties.	x	x	x		National ID from the deceased if available; passport from the deceased if available; Birth civil registry from the deceased if available; one witness.
Ecuador	x	x	x	\$56	Current identity card of the Ecuadorian spouses or passport or civil registry. Foreign spouse must provide valid passport.	x	x	x	\$56	Medical death certificate where the cause of death is stated; the deceased's birth registration is also accepted as ID; passport from the declarant must be valid.
El Salvador	x	x	x	\$5 after six months	Birth registration from both spouses. If the declarant is not one of the spouses or a relative, a special power of attorney must be provided. Salvadorians may get married in the consulate. Providing the same documents needed for a marriage in the country. A copy of the civil registration needs to be demanded at the city hall.	x	x	x	\$5 after six months	Birth registration from the deceased. If the declarant is not a relative of the deceased, he/she must provide a special power of attorney and a valid ID.

Country	Possibility to get married at the consulate	Marriage registration				Death registration				
		Marriage certificate with apostille and translation	ID from spouses	Cost (US dollars)	More information	Apostilled and translated death certificate	Original ID or passport from deceased	ID or passport from the declarant	Cost (US dollars)	Others
Guatemala		x	x		Marriage can be notified at the consulate. The registration needs to be completed in the civil registry in Guatemala territory. For this procedure, a form is sent by the consulate to the Civil Registry office. Spouses need to provide a recent birth registration copy.	x	x	x		A notification of death can be done at the consular service, which will be transmitted to the civil registry.
Guyana					No information available.					No available information.
Haiti	x	x	x	\$70	Birth registration from both spouses.					No available information.
Honduras		x	x	\$27	Consulates provide a marriage certificate for marriages pronounced in a foreign country. Later on, this certificate must be presented in Tegucigalpa to be registered (along with the civil registry of the Honduran spouses).	x	x	x	\$27	When the death takes place in another country, the consulate may provide a certificate, but this document must be presented (along with the civil registration) in Tegucigalpa.
Jamaica					No information available.					

Country	Possibility to get married at the consulate	Marriage registration				Death registration				
		Marriage certificate with apostille and translation	ID from spouses	Cost (US dollars)	More information	Apostilled and translated death certificate	Original ID or passport from deceased	ID or passport from the declarant	Cost (US dollars)	Others
Mexico	x				To get married in the Mexican consulate, both partners must have Mexican nationality; for the registration of marriages that took place in a foreign country, only the registry offices in Mexico have competence.	x	x	x		Passport from the deceased, birth certificate; ID from the declarant; official medical document establishing the cause of death.
Panama		x	x	\$90		x	x	x	\$90	Panamanian ID from the deceased is needed; declarant may identify him/herself using any ID, but he/she must be a relative of the deceased.
Paraguay					Marriages can only be registered in the country.					The registration of deaths is not reported as a service available through the consular services.
Peru		x	x		In some destination countries, this procedure can be carried out using postal services. The marriage is registered at the consulate as long as it does not contravene Peruvian law.	x	x			In some destination countries, this procedure can be carried out using postal services; any document to prove Peruvian nationality of the deceased such as birth registration, passport or ID; marriage certificate if he/she was married; hospital document providing hour of death.
Trinidad and Tobago					No information available.					
Uruguay					No information available about the possibility of registering marriages through consular services.	x		x	\$18	Two declarants are needed; they do not need to be family members. Valid ID documents from the destination country are accepted as ID from foreigner declarants.

¹⁾ The sources are the same as in the previous chart.

In addition to the possibility of registering births, marriages and deaths through consular offices, some countries offer the option of obtaining copies of these records abroad; however, some do not provide these services. This compels their nationals living abroad and migrants to create notarized powers of attorney so that, on their behalf, someone else can obtain copies of their civil records in the country and send them by mail. The survey conducted with civil registry authorities asked them about this specific possibility, finding that only three countries reported not providing such services (Brazil, Honduras and Paraguay). For the latter, Brazilian consulates only provide copies of the acts they have processed in their offices, while for those processed in Brazil, copies can be obtained directly from the civil registry through digital means. In the case of Colombia, while the survey results indicated the possibility of accessing these documents, the desk study has shown such services are not available through the consulates. However, starting from September 2023, the possibility of digitally obtaining copies of the civil registry was enabled.⁹⁷ This possibility undoubtedly helps to overcome the particular situation presented below.



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97 More information available at <https://www.registraduria.gov.co/Los-colombianos-ya-pueden-obtener-la-copia-de-su-registro-civil-de-manera.html#:~:text=Agendamiento%20de%20 citas-Los%20colombianos%20 ya%20pueden%20obtener%20la%20 copia,registro%20civil%20de%20manera%20digital&text=Los%20colombianos%20podr%C3%A1n%20descargar%20la,exclusivamente%20para%20realizar%20este%20 tr%C3%A1mite.>

Particular case: Children born in Colombia to Venezuelan parents during transit – Colombian consulates abroad do not provide the service of granting copies of the civil registry. This practice has complicated the situation for the children born in Colombia to Venezuelan parents. These children initially could not access Colombian nationality by birth but benefited from normative measures (the ‘Primero la Niñez’ programme),⁹⁸ under which the retroactive modification of the birth registration of children born in Colombia to Venezuelan parents was ordered. Having left the national territory before obtaining copies of the birth registration for their children, these individuals faced difficulties

in confirming their Colombian nationality by birth since they could not access copies of the modified birth certificates through consulate offices. This reality was highlighted by the study conducted with the support of UNHCR and Universidad Alberto Hurtado.⁹⁹ In an interview with the study’s author, she confirms the challenges posed by the lack of access to copies of the civil registry in consulate offices; the difficulties faced by this Venezuelan population that, in transit, had children in Colombia; and the need for greater coordination between registration authorities and consulate authorities to provide more efficient services. Additionally, there is a need for the development of technological

tools that allow virtual access to copies of the civil registry, which ordered the retroactive modification of children’s civil registry.¹⁰⁰

5.2.1 Good practice

Bolivia, Brazil, Dominican Republic, El Salvador, Ecuador, Haiti and Mexico allow their nationals abroad to get married at the consular offices. Considering the difficulties in completing the conditions for getting married in the destination countries, nationals may approach the consular services in order to get married.¹⁰¹

98 More information available at <https://wapp.registraduria.gov.co/identificacion/primero-la-ninez/>.

99 Moreno, A., and M. Rodríguez. “El riesgo de Apatridia en Movimientos Mixtos sucesivos: La experiencia del ‘proyecto Nacionalidad’ en Chile, con niños, niñas y adolescentes hijos/as de venezolanos nacidos en Colombia.” UNHCR, UAH, 2023. <https://www.acnur.org/sites/default/files/2023-08/Informe%20Apatridia%20-%20Proyecto%20Nacionalidad%20Chile.pdf>.

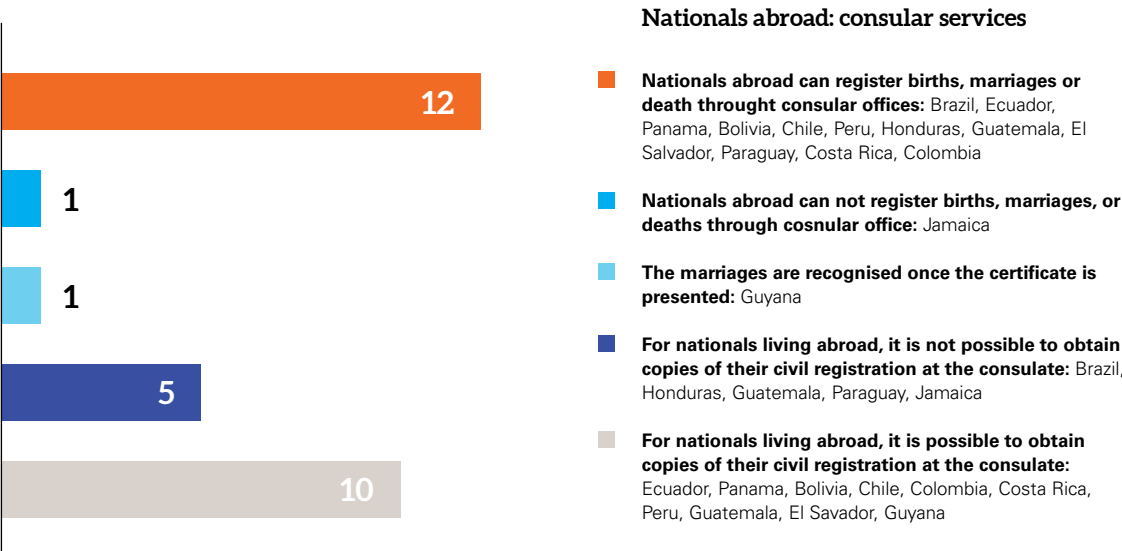
100 Information gathered during interview with Ana Maria Moreno, co-author of the study: Moreno, A., and M. Rodríguez. “El riesgo de Apatridia en Movimientos Mixtos sucesivos: La experiencia del ‘proyecto Nacionalidad’ en Chile, con niños, niñas y adolescentes hijos/as de venezolanos nacidos en Colombia.” UNHCR, UAH, 2023. <https://www.acnur.org/sites/default/files/2023-08/Informe%20Apatridia%20-%20Proyecto%20Nacionalidad%20Chile.pdf>.

101 More information available at <https://consulmex.sre.gob.mx/losangeles/index.php/es/regcivil-podnotariales-menu2020/matrimonio>.

5.3 Information from the survey

Registral Authorities were asked about the possibility of registering vital events through the consular services; all the respondents replied affirmatively, with the exception of Jamaica.

Figure 9: Survey results showing available consular services for nationals abroad



Source: Results of the survey as of 23 November 2023.



The survey also enquired about the efforts that had been done to encourage the birth registration of nationals living abroad. Around 60 per cent of the respondents noted that some efforts had been made.

A relevant experience that was presented was that of El Salvador, where the Consular Family Status Registration Service coordinates the work between the authorities responsible for registration — the comprehensive registration system of the Ministry of Foreign Affairs, the Municipal City Hall of San Salvador, and the system of the National Registry of Natural Persons (called the System of Registration of Vital and Family States) — which has helped to reduce registration times from abroad. The process now takes two to three hours instead of the previous three to four months.¹⁰²

5.4 Main barriers

The primary challenge related to accessing consular services is associated with the difficulty of meeting the documentary requirements for registering births, deaths and marriages. The insistence on a passport as an ID document can be insurmountable in cases of irregular migration, where previous studies¹⁰³ have sufficiently documented the difficulties linked to obtaining passports. This is also the case with the requirement of providing copies of civil registration certificates if those cannot be obtained at the consular office. The need to provide witnesses for the birth, marriage and death registration may also be a major obstacle, especially for migrants in transit who might not be accompanied.

¹⁰² Information obtained through survey with civil registration authorities.

¹⁰³ Moreno, A., and M. Rodríguez. “El riesgo de Apatridia en Movimientos Mixtos sucesivos: La experiencia del ‘proyecto Nacionalidad’ en Chile, con niños, niñas y adolescentes hijos/as de venezolanos nacidos en Colombia.” UNHCR, UAH, 2023. <https://www.acnur.org/sites/default/files/2023-08/Informe%20Apatridia%20-%20Proyecto%20Nacionalidad%20Chile.pdf>; A. Castro, ed., *Venezuela Migra: Aspectos sensibles del éxodo hacia Colombia*. Temas de derecho Internacional público (Universidad Externado de Colombia, 2018), <https://publicaciones.ueexternado.edu.co/gpd-venezuela-migra-aspectos-sensibles-del-exodo-hacia-colombia-9789587900866.html>.

6 Regularization linked to civil registration

The study has aimed to identify mechanisms for migratory regularization,¹⁰⁴ making a distinction between: those permanent and available at any time for any migrant who finds themselves with an irregular administrative status according to the national legislation; and those that are extraordinary, offered during certain periods and sometimes to favour specific population groups.

In general terms, regularization processes seek to respond to specific migratory dynamics, needs or situations. These may involve, on the one hand, the situation of migrants who have stayed or entered irregularly into the territory of the State and wish to continue living in the territory, having stayed for some time, establishing family and work relationships, or having particular conditions of vulnerability that warrant granting them special protection; and on the other hand, the processes

created to address large numbers of migrants from a particular nationality with vulnerable travelling and living conditions.¹⁰⁵

In the region, there is an increase in the adoption of mechanisms or agreements for legal stay aiming to provide a protective response to refugees and migrants moving in contexts of large-scale movements. The implementation of such mechanisms has been extremely relevant in the States' responses to the legal and protection needs of refugees and migrants from Venezuela.¹⁰⁶ Similar initiatives have been identified in Costa Rica to address the situation of nationals from Cuba, Nicaragua and Venezuela who were rejected or awaiting adjudication of their asylum claims in the national refugee status determination procedure.¹⁰⁷



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¹⁰⁴ Any process or programme by which the authorities of a State allow non-nationals in an irregular situation to stay lawfully in the country, by granting them a regular status. More information available at https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf.

¹⁰⁵ The IACHR has stressed that "effectively migrants are in a vulnerable situation as human rights subjects, in an individual condition of absence or power difference with respect to non-migrants (nationals or residents). This situation leads to differences in the access of each other to public resources administered by the State; persons in irregular immigration status, have been identified as a vulnerable group, as they are most exposed to potential or actual violations of their rights and suffer, as a result of their situation, a high level of vulnerability of their rights and differences in access to public resources administered by the State." Court IACHR. "Opinión Consultiva OC-18/03 de 17 de September 2003," <https://www.acnur.org/fileadmin/Documentos/BDL/2003/2351.pdf>.

¹⁰⁶ Venezuelan Platform for Interagency Coordination for Refugees and Migrants (R4V), "Programas de regularización y facilidades administrativas para las personas refugiadas y migrantes de Venezuela," 2022, <https://www.r4v.info/es/document/programas-de-regularizacion-y-facilidades-administrativas-para-las-personas-refugiadas-y-migrantes-de-venezuela>.

¹⁰⁷ Costa Rica: Decreto 43809 MGP - Categoría Especial Temporal para personas nacionales de Cuba, Nicaragua y Venezuela cuyas solicitudes de reconocimiento de la condición de refugiado se encuentren pendientes o hayan sido denegadas, 1 Diciembre 2022, <https://www.refworld.org/es/leg/legislation/002/2022/es/131925>.

It has been found that in some countries, extraordinary regularization processes were established in the past, particularly after 2013. However, many of them are no longer available, especially since the COVID-19 pandemic, which is a concern for migrants with an irregular status who are unable to regularize their administrative situation. This report emphasizes those that are currently in effect while acknowledging that previous studies have noted that most regularization processes and programmes in countries such as Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico and Panama were created between 2015 and 2021.¹⁰⁸ Currently, we are witnessing a reverse process in several countries in the region, with increased migration controls, barriers to regular migration and restrictions,¹⁰⁹ which is also reflected in the availability of regularization processes. The table below presents the existence of permanent or extraordinary regularization mechanisms for the countries under study (see Table 12).

Table 12: Regularization process: permanent and extraordinary

Country	Permanent mechanisms		Extraordinary mechanisms	
	Available	Not available	Available	Not available
Argentina	x		x	
Bolivia¹¹⁰		x		x
Brazil	x			x
Chile¹¹¹		x		x
Colombia		x	x	
Costa Rica	x		x	
Dominican Republic		x	x	
Ecuador	x		x	
El Salvador	x			x
Guatemala	x			x
Guyana		x		x
Haiti		x		x
Honduras	x			x
Jamaica		x		x
Mexico	x			x
Panama	x		x	
Paraguay	x			x
Peru	x		x	
Trinidad and Tobago		x		x
Uruguay	x			x

Source: Information from the desk review.

108 IOM, “Estudio regional: Programas y procesos de regularización migratoria,” (2021a), https://www.programamesoamerica.iom.int/sites/default/files/estudio_regional_programas_y_procesos_regularizacion_web.pdf.

109 Marcus, R., et. al., “Children on the Move in Latin America and the Caribbean: Review of the evidence,” UNICEF, Panama City, Panama, (2023), <https://www.unicef.org/lac/media/40966/file/Children-on-the-move-in-LAC.pdf>; J. Janderón and C. Audebert (ed). “El Sistema Migratorio Haitiano en América del Sur, Proyectos, Movilidades y Políticas Migratorias. Colección Grupos de Trabajo,” Clacso, (2022), <https://www.clacso.org/wp-content/uploads/2022/11/El-sistema-migratorio-haitiano.pdf>.

110 While Law N° 370 on Migration establishes the possibility of establishing permanent regularization channels, it has been through the issuance of temporary decrees that migrants have been regularized, none of which are currently in force. Law 370 is available at <https://www.acnur.org/fileadmin/Documentos/BDL/2014/9556.pdf>

111 In Chile, there are permanent mechanisms for the regularization of C&A (not extendable to the family group) under article 41 of Law 21,325, which are not being applied in the present moment, and there is also the possibility of activating extraordinary regularization mechanisms (which, however, are not available at the moment).

6.1 Permanent regularization procedure

Among the studied countries, most of those that have incorporated permanent regularization mechanisms have included them in new migration laws they have passed since 2000.¹¹² This includes Argentina and Honduras (2004), Uruguay and Panama (2008), Costa Rica (2009), Mexico (2011), Bolivia (2013), Guatemala (2016) and Brazil, Ecuador and Peru (2017). The only exception is Paraguay (whose procedure is in its 1996 Migration Act).¹¹³

The table below contains information about the permanent regularization mechanisms currently available in the countries under study (see Table 13). Since this report aims to determine the need and use of the civil registry for the regularization procedures, emphasis is placed on this requirement.



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112 K. Bauer, “Extending and Restricting the Right to Regularisation: Lessons from South America,” *Journal of Ethnic and Migration Studies* 47, N° 19 (2019): 4497-4514, https://www.tandfonline.com/doi/pdf/10.1080/1369183X.2019.1682978?casa_token=NlfoHX_T0tQAAAAA:ghP2QYkeJ7MSiQJ1CFXkqeGolSmzqRZz4Fzzy_fghNwgDSPslijuqnQAnwWZ4qxWYKfd8VWHPhpUoA.
113 Diego Acosta and Jeremy Harris. “Migration policy regimes in Latin America and the Caribbean: immigration, regional free movement, refuge, and nationality,” IADB, p. 26, 2022, <https://publications.iadb.org/publications/english/viewer/Migration-Policy-Regimes-in-Latin-America-and-the-Caribbean-Immigration-Regional-Free-Movement-Refuge-and-Nationality.pdf>.

Table 13: Permanent regularization mechanisms, by country

Country	Permanent mechanisms						Source
	Immigration legislation or regulatory decree establishes the possibility to regularize irregular migrants using the existing migratory categories	Need to provide birth registration	Need to present a passport	Other ID	Duration of the regular status	Cost (US dollars)	
Argentina	Could be based on: their national origin (specifically for MERCOSUR nationals ¹¹⁴); or according to the foreigner's professional circumstances, their relationship with Argentinian nationals, the accredited duration of stay, and other personal and social conditions.	x	x	One of the documents listed in the MERCOSUR agreement for MERCOSUR nationals exceptionally, a Certificate of Nationality issued by a consular authority.	Varies depending on the specific case, between two and three years for the temporary residence.	MERCOSUR: \$1,000 DNI: \$60	Ley de Migraciones N° 25871; Decreto Reglamentario 616/10 Reglamentación de la Ley de Migraciones N° 25.871 y sus Modificadorias; https://sherloc.unodc.org/cld/uploads/res/document/ley-de-migraciones-25871-english_html/Ley_de_Migraciones_25871_English.pdf .
Brazil	Could be based on: their national origin (specifically for MERCOSUR nationals); nationals of bordering countries where the MERCOSUR Residence Agreement is not in force (Guyana, Suriname and Venezuela) on the general temporary residence grounds. (Including aspects such as labour and professional activity, education, family ties etc.).	Birth or marriage certificate or consular certificate.	x	Document that proves identity and nationality.	Up to two years, extendable for the same period from the moment it was requested.	Between \$34 and \$42 to acquire the residency status; however, there is no cost for vulnerable migrants or those unable to cover the fees.	Decreto 9.199 Regulamenta a Lei nº 13.445, de 24 de maio de 2017, que Institui a Lei de Migração. Available at https://portaldeimigracao.mj.gov.br/images/Leis%20e%20decretos%20-%20legisla%C3%A7%C3%A3o/LEI%20N%C2%BA%2013.445,%20DE%2024%20DE%20MAIO%20DE%202017.pdf ; https://portaldeimigracao.mj.gov.br/images/trabalho-estrangeiro/nova-legislacao/item/download/DECRETO_N%C2%BA_9.199_DE_20_DE_NOVEMBRO_DE_2017_3.pdf ; https://www.ohchr.org/sites/default/files/documents/issues/migration/cfis/regularization/submissions-regularization-conectas.docx ; https://brazil.iom.int/sites/g/files/tmzbd1496/files/documents/web%2520GUIA_DIREITOS_HUMANOS_ESPAÑOL.PDF.pdf .

114 MERCOSUR Member States and associated available at <https://www.mercosur.int/quienes-somos/paises-del-mercosur/>.

Country	Permanent mechanisms						Source
	Immigration legislation or regulatory decree establishes the possibility to regularize irregular migrants using the existing migratory categories	Need to provide birth registration	Need to present a passport	Other ID	Duration of the regular status	Cost (US dollars)	
Costa Rica	There are two permanent ways to regularize immigration status: 1) residence based on family ties and 2) residence for humanitarian and extraordinary reasons.	Birth/marriage registration needed for any person opting for regularization based on family ties.	x		Permanent but needs to be renovated annually.	The base cost of the procedure for the regularization based on family ties is \$50, plus the payment for certifications and stamp duties. In addition, there is the payment for the card, which has a cost of \$98. Changes in immigration category have a cost of \$200.	Ley General de Migración y Extranjería N. 8764 available at https://www.migracion.go.cr/Documentos%20compartidos/Leyes/Ley%20General%20de%20Migraci%C3%B3n%20y%20Extranjer%C3%ADa%208764.pdf ; Decreto 37112-G Reglamento de Extranjería, available at https://www.refworld.org/pdfid/5d0214e64.pdf .
Ecuador	Available for irregular migrants who lost their regular status because their permits have expired or been cancelled. They may regularize their status, opting for a new residence permit under the existing migration categories, including workers, students and investors, among others.	For migrants under 18 years; Also, for the protection permit when it is necessary to establish filiation with Ecuadorian or foreign citizens.	x		Depending on the specific visa.	Migrants with irregular status must cover the payment of fines for irregular stay plus the cost of the new residence permits. Visa requirement: \$50. Visa deliverance: \$200.	Decreto Ejecutivo 111 Reglamento a la Ley Orgánica de Movilidad Humana Available in: https://www.fao.org/faolex/results/details/es/c/LEX-FA-OC195705/ .
El Salvador	The four categories provided are: permanent residence due to family ties; temporary residence for humanitarian reasons, complementary protection, and collaboration with justice under the protection regime; temporary residence; and permanent residence for victims of human trafficking.	x	x		Two years, extendable.	The fine for irregular stay, plus payments for obtaining and authenticating required documents for the processes. However, the migration law stipulates that if individuals have been residing for a minimum of 10 years before the entry into force of the 2019 Law and demonstrate their roots, they can apply for regularization without paying the respective fines and fees. \$135 for individuals of Central American origin and \$354 for individuals from other countries for temporary residence due to being a victim of human trafficking.	Decreto 286 Ley Especial de Migración y Extranjería; Decreto N° 35 Reglamento de la Ley Especial de Migración y de Extranjería; https://www.sela.org/media/3221736/ley-especial-de-migracion-y-extranjeria-el-salvador.pdf ; https://elsalvador.unfpa.org/sites/default/files/pub-pdf/migrantes_nicaraguen-ses_arraigo_els.pdf .

Country	Permanent mechanisms						Source
	Immigration legislation or regulatory decree establishes the possibility to regularize irregular migrants using the existing migratory categories	Need to provide birth registration	Need to present a passport	Other ID	Duration of the regular status	Cost (US dollars)	
Guatemala	Regularization mechanism available for family members of nationals or migrants with temporary or permanent residency.	Birth or marriage registration to prove family ties not needed for Central American migrants.	x		Temporary residence is acquired for up to five years.	Fine for irregular stay (\$1.94 for each day) and \$100 for entering through an unauthorized point.	Acuerdo de Autoridad Migratoria Nacional N° 7-2019 Reglamento General del Código de Migración; Ley de Apoyo a la Regularización Migratoria de Extranjeros en Guatemala. Ciudad de Guatemala, Guatemala. Available at www.congreso.gob.gt/assets/uploads/info ; Acuerdo de autoridad migratoria nacional N° 7-2019. City of Guatemala, Guatemala Available at https://www.igm.gob.gt/wp-content/uploads/2017/09/ACUERDO-AMN-7-2019_Plantilla.pdf ; Decreto Número 44-2016. Ciudad de Guatemala, Guatemala. Available at https://www.acnur.org/fileadmin/Documentos/BDL/2017/10978.pdf . https://igm.gob.gt/wp-content/uploads/2021/11/1_Codigo-de-Migracion-Decreto-44-2016-del-Congreso-de-la-Republica.pdf ; https://igm.gob.gt/wp-content/uploads/2023/04/DocumentoDelDiaPdf-7-4-12.pdf .
Honduras	Possible to apply for eight options of residence, which include: people with income; retirees; investors; spouses, minor children, dependent adult children, retirees or investors; foreigners married to Hondurans; foreign children, siblings or grandparents of Honduran nationals by birth, among others, for cases of individuals married to Hondurans and other family ties.	Documents to prove the existence of family ties (birth or marriage).	x		There is no official information about the duration of this permit.	\$200 and the fine for irregular stay.	https://www.sjgd.gob.hn/servicios-y-gestiones-web/requisitos/servicios-de-atencion-al-ciudadano/extranjeria/1910-requisitos-de-extranjerias-revisados/file_200 .

Country	Permanent mechanisms						Source
	Immigration legislation or regulatory decree establishes the possibility to regularize irregular migrants using the existing migratory categories	Need to provide birth registration	Need to present a passport	Other ID	Duration of the regular status	Cost (US dollars)	
Mexico	Family ties, unauthorized activity and humanitarian reasons may justify the regularization of migrants.	Only when regularization is based on family ties. Birth or marriage civil registry.	x		Starting from one year or permanent, depending on the specific bases.	For the document expiration or non-authorized activity regularization: the reception and study of the application have a cost of \$91.27. ⁴⁾ In the case of a favourable decision, payment of an amount based on the requested length of residence, which can be either one year (costing 5,108 Mexican pesos) or permanent (costing 6,226 Mexican pesos) (between \$285 and US\$642). For the family ties regularization: The reception and study of the application cost 1,632 Mexican pesos. The cost of the permit depends on the length of residence, which can be either one year (costing 5,108 Mexican pesos) or permanent (costing 6,226 Mexican pesos). For the humanitarian regularization: no cost.	Agreement aimed at establishing the criteria according to which foreigners, of any nationality residing in national territory, may promote the obtainment of their migratory documentation in accordance with applicable regulations, under the non-immigrant migratory status, for the benefit of their legal security and family integration, as well as to prevent them from being subject to acts of corruption or violations of their human rights and individual guarantees. Ciudad de México. Available at www.scm.oas.org/pdfs/2008/CP20077T01migra.pdf . LINEAMIENTOS para trámites y procedimientos migratorios. City of México. Available at http://www.politicamigratoria.gob.mx/work/models/PoliticaMigratoria/CPM/DR11/normateca/nacional/Linea-mientosdetramitesyprocedimientosmigratorios.pdf .

Country	Permanent mechanisms						Source
	Immigration legislation or regulatory decree establishes the possibility to regularize irregular migrants using the existing migratory categories	Need to provide birth registration	Need to present a passport	Other ID	Duration of the regular status	Cost (US dollars)	
Panama	For family or professional ties. Migrants married to a Panamanian citizen, who have Panamanian children, are practicing professionals, work for public institutions or are employed within the 10 per cent foreign population in a company.	Birth and or marriage certificate to prove filiation.	x		One year, renewable up to six years.	Fines for irregular stay and entrance; \$250 for the requirement, \$800 for a repatriation deposit ¹¹ and \$50 for the migration card.	Decree Law N° 3 That creates the Service National Immigration, the Migratory Career and dictates other provisions; Executive Decree 167 Establishing the General Immigration Regularization Procedure; Executive Decree 145 Modifying Article 2 of Executive Decree 167; Executive Decree 235 that Establishes the Procedures and Requirements for the Renewal of Provisional Permits and to Opt for Permanent Residence. Executive Decree N° 169 of May 22, 2015, that authorizes the renewal of permits provisional residence permits granted within the immigration regularization processes extraordinary. City of Panama. Available at https://www.gacetaoficial.gob.pa/pdfTemp/27786_B/GacetaNo_27786b_20150522.pdf Executive Decree N° 167 of 3 June 2016, that establishes the procedure for general immigration regularization and repeals Executive Decree N° 547 of 25 July, 2012. Panama City. Available at https://www.migracion.gob.pa/wp-content/uploads/Decreto-167-3-junio-2016.pdf ; https://www.datosabiertos.gob.pa/dataset/migracion-deposito-de-repatriacion-2023 .
Paraguay	Could be based on their national origin (specifically for MERCOSUR nationals); it is also possible to opt for one of the existing migratory categories, obtaining an occasional (90 days) or a temporary residence (2 years).	For the temporary residence birth registration and a certification of singleness or marriage.	x		Two years, extendable.	Fine for irregular stay. \$84.80 ²⁰ plus the fee according to the specific permit.	Ley de Migraciones N° 6984 de 2022 available at https://www.gacetaoficial.gov.py/index/getDocumento/78999 ; https://www.migraciones.gov.py/index.php/servicios/aranceles .

Country	Permanent mechanisms						Source
	Immigration legislation or regulatory decree establishes the possibility to regularize irregular migrants using the existing migratory categories	Need to provide birth registration	Need to present a passport	Other ID	Duration of the regular status	Cost (US dollars)	
Peru	According to the recently adopted legislation, a special resident permit is provided to migrants who have previously regularized their migratory status (in an application for a temporary permit) and to vulnerable migrants. It is also applicable to family members who have lost their migratory status when a marital bond is dissolved.	Not needed if it was previously presented for accessing the temporary regularization procedure.	x		One year, renewable.	\$12.65	Decreto Legislativo N° 1582 available at https://busquedas.elperuano.pe/dispositivo/NL/2234429-1 .
Uruguay	The temporary resident categories are: migrant workers; scientists, researchers and academics; professionals, technicians and specialized personnel; students, scholarship holders and interns; business people, entrepreneurs, directors, managers and consultants; journalists; athletes; artists; religious workers; it is also possible to opt for the MERCOSUR residence. Migrants with a special vulnerable condition may opt for the definitive residence. ³⁾	For migrants under 18; marriage registry if married.	x	Special vulnerable migrants may present identity proofs and an under-oath declaration.	From six months to two years for the temporary resident categories.	The temporary residence process has a cost of \$557.30 Indexed Units, a value re-adjusted every six months, which today is equivalent to approximately \$66 or 2,560 Uruguayan pesos.	Ley 18.250 de Migración available at https://www.oas.org/dil/esp/Ley_Migraciones_Uruguay.pdf ; Decreto Reglamentario 118/018 (24/04/2018), del artículo 162 de la Ley 19.355. https://www.impo.com.uy/bases/decretos/118-2018 ; Junta Nacional de Migración, Uruguay. “Plan Nacional de Integración para personas migrantes, solicitantes de refugio y refugiadas, Uruguay 2023-2024,” (2023), https://www.gub.uy/ministerio-relaciones-exteriores/sites/ministerio-relaciones-exteriores/files/documentos/noticias/Plan%20Nacional%20de%20Integraci%C3%B3n%20para%20personas%20migrantes.pdf ; https://www.gub.uy/tramites/residencia-legal .

¹⁾ Fund created for users who apply for categories or subcategories of permits and withdraw.

²⁾ US\$1 = PYG\$7,289.52 as of 15 January 2024.

³⁾ It is understood as such a condition in which the person does not have appropriate and effective resources to obtain their migratory regularity, and that threatens or undermines access to fundamental rights to lead a dignified life (Decree 118 of 2018).

⁴⁾ US\$1 = MXN\$16,5694 as of 15 January 2024.

In most of the cases under study, permanent regularization mechanisms make use of visa issuance and residence acquisition criteria (designed for migrants with regular status), enabling migrants to utilize these mechanisms to regularize their migration status. In this regard, they facilitate regularization based on aspects such as family ties, nationality, the time passed in the country, the existence of stable job offers or humanitarian reasons for granting regularization.

Regarding the requirements to access these regularization processes and the use of birth and marriage registration in them, it has been found that civil registration is required in most cases to prove filiation and the existence of family ties. Birth registration or passport is also required to establish information on nationality and filiation during the regularization procedure. It is required for this purpose in Argentina, Mexico, Brazil, Bolivia, Costa Rica, Uruguay and Peru. In Brazil, it is important to demonstrate affiliation (by presenting a birth or marriage certificate or consular certificate), especially when regularization involves families. In Ecuador, birth registration is mandatory when the regularization concerns children.

It is important to note that the South American free movements, MERCOSUR and Andean Community agreements only allow for the regularization of migrants in a limited number of countries.

6.1.1 Main barriers

BOX 5

Main barriers to regularization

▲ Cost

The main barriers to accessing ordinary regularization procedures are their costs.

While those processes based on humanitarian reasons do not require payments in most of the countries studied (with the exception of Costa Rica and Ecuador), other types of regularization do demand payments to cover the investigation of the case and the fines for irregular stays.

In Central America, regularization also involves the payment of fines, as seen in El Salvador, Guatemala, Honduras, Panama and Paraguay. In the latter, there is an exception to fines for individuals who have remained irregularly for more than 10 years at the time the 2019 migration law came into effect. In this country, payments sometimes apply even to individuals in vulnerable situations: for example, \$135 for individuals of Central American origin and \$354 for individuals from other countries for temporary residence due to being a victim of human trafficking. Additionally, previous studies have pointed out other types of

associated expenses “for legal representation, transportation to government offices or obtaining certain documents.”¹¹⁵

▲ Difficulty accessing information

The information about the processes, conditions, deadlines and requirements for regularization is often not easily accessible or centralized in one place, which presents an obstacle to accessing regularization.

▲ ID needed

Other important barriers are those related to ID. It may not be easy to obtain the needed valid passports, copies from the civil registry (birth registration for children or marriage registration) or apostilled documents. These requirements could be even harder to fulfil for extra continental migrants whenever consular representation from their countries of origin is not available at the destination countries.

115 IOM, “Estudio regional: Programas y procesos de regularización migratoria,” (2021a), https://www.programamesoamerica.iom.int/sites/default/files/estudio_regional_programas_y_procesos_regularizacion_web.pdf.

BOX 5

Main barriers to regularization (continued)



▲ A complicated procedure

Civil society organizations have also pointed out several inconveniences of the regularization procedures, including limited accessibility for a significant number of migrants who fail to meet the imposed conditions. Regarding the specific issue of regularization processes based on the existence of employment contracts, organizations note that these do not consider the labour dynamics of migrants in the region, where the majority work informally or are self-employed, making it challenging for them to demonstrate formal employment contracts.¹¹⁶

¹¹⁶ Centre for Legal and Social Studies (CELS), CAREF, Conectas, et al., “Recomendaciones procedimentales para mejorar los mecanismos nacionales de regularización migratoria en América del Sur,” <https://www.ohchr.org/sites/default/files/documents/issues/migration/cfis/regularization/submissions-regularization-cels-annex-ii.pdf>. More information on barriers and opportunities for the regularization processes in the region at: OHCHR. Report on how to expand and diversify regularization mechanisms and programs to enhance the protection of the human rights of migrants 2023.2023. <https://www.ohchr.org/en/calls-for-input/2023/report-how-expand-and-diversify-regularization-mechanisms-and-programs-enhance>.

6.1.2. Good practice

▲ Help of the origin country

A previous study found that, in some cases, “Origin countries, under the principle of shared responsibility, facilitate the acquisition of documents and assist migrant individuals through their consulates or embassies in the destination country.”¹¹⁷ This is not the case for migrants from countries where consular services, where available, have not been involved in the assistance of their nationals aiming to participate in regularization processes.

6.2 Extraordinary regularization

LAC is characterized by the proliferation of extraordinary processes of migration regularization, set up temporarily and specifically to address, in most cases, particular migratory flows. With few exceptions, in which these mechanisms have been established through laws,¹¹⁸ extraordinary regularization mechanisms are enacted through decrees or regulations of lower rank decided

by the executive branch. This allows for quick implementation but also means that they may lose validity or be modified in a similar manner.¹¹⁹

According to information from IADB, from 2000 to 2022, these processes have been particularly notable in the Southern Cone countries, with 11 in Argentina, 5 in Brazil, 3 in Chile, 2 in Paraguay and 1 in Uruguay.¹²⁰ In the Caribbean countries, no regularization process, whether ordinary or extraordinary, has been carried out, with the exception of Trinidad and Tobago, where a migration registration and regularization process was conducted in 2019 and then replicated in 2021 exclusively for the Venezuelan migrant population.¹²¹ In the Andean countries, Bolivia has undertaken 11, Colombia has implemented 12, Ecuador 4, Peru 8 and Venezuela 3 regularization processes.

The proliferation of extraordinary regularization processes can be explained, on the one hand, by the difficulties that exist – and have been underscored – when regularizing the migrant population through the ordinary mechanisms established in the legislations

of the countries (or their absence).¹²² On the other hand, this proliferation could be explained by the increase in people in a state of human mobility, some of them displaced by climate catastrophes or due to the lack of safe conditions.

Nowadays, with an average duration of 2 years, the extraordinary mechanism that offers the longest duration is the one lasting for 10 years, designed for the regularization of the population from Venezuela and implemented in Colombia. Although the registration process for obtaining this permit in the Unique Registry of Venezuelan Migrants (RUMV) ceased on 24 November 2023, it remains valid for children who are enrolled in the national education system.¹²³

The table below provides a description of the extraordinary regularization mechanisms currently in effect in the countries under study, including specific information on the need to provide a copy of the civil registry (birth, marriage or death), their costs and their durations (**see Table 14**).

117 IOM, “Estudio regional: Programas y procesos de regularización migratoria,” 2021a, https://www.programamesoamerica.iom.int/sites/default/files/estudio_regional_programas_y_procesos_regularizacion_web.pdf

118 For example, in Chile, the Migration and Foreigners Law of 2021 created a Migration Regularization process commenced with the publication of the Migration and Foreigners Law and concluded in January 2022. This was also the case of Costa Rica in 2012, Guatemala in 2016 and El Salvador in 2019.

119 About the particularities of this type of mechanisms, see in French: A. Castro, *La protection temporaire dans le monde, une réponse ordinaire à des situations d'exil extraordinaires*, 2023, https://www.ifri.org/sites/default/files/atoms/files/note_castro_protectiontemporaire_2023.pdf.

120 IADB, “Migration Policy Regimes in Latin America and the Caribbean,” 2022, <https://publications.iadb.org/publications/english/viewer/Migration-Policy-Regimes-in-Latin-America-and-the-Caribbean-Immigration-Regional-Free-Movement-Refuge-and-Nationality.pdf>.

121 R4V, “Programas de regularización y facilidades administrativas para las personas refugiadas y migrantes de Venezuela. Análisis comparativo de ordenamientos jurídicos y buenas prácticas en América Latina y el Caribe,” 2022, <https://www.r4v.info/es/document/programas-de-regularizacion-y-facilidades-administrativas-para-las-personas-refugiadas-y>.

122 CELS, CAREF, Conectas, et al., “Recomendaciones procedimentales para mejorar los mecanismos nacionales de regularización migratoria en América del Sur,” <https://www.ohchr.org/sites/default/files/documents/issues/migration/cfis/regularization/submissions-regularization-cels-annex-ii.pdf>.

123 Information available at <https://www.migracioncolombia.gov.co/etpv/etpv>. The Colombian Constitutional Court has also issued orders in specific cases to open the possibility of opting for the permit retroactively, especially in cases of asylum seekers whose applications have been denied. See: <https://www.eltiempo.com/justicia/cortes/el-llamado-de-atencion-de-la-corte-a-migracion-por-cancelacion-de-ppt-a-migrante-3322818>.

Table 14: Extraordinary mechanisms for regularization, by country

Country	Extraordinary mechanisms					Source
	Mechanism	Need to provide civil registry	Need to provide a passport	Duration	Cost (US dollars)	
Argentina	For Venezuelan migrants, Argentina decided to continue providing MERCOSUR visas for its nationals, despite the fact that the country had been suspended from the Agreement and eased the requirements for granting this permit; Provision N° 417/2022 authorizing the entry and stay for humanitarian reasons for Ukrainian citizens and their direct relatives, regardless of their nationality.	Not needed for Venezuelans under 18 years; they do not need to present a valid ID or civil birth registry.	Yes for Central American citizens and Ukrainians; for the specific regularization mechanism for Venezuelans no ID is required; Disposition 2641 from 2022 eases the documentary requirements in case of massive and/or abrupt entry of individuals displaced by sudden socio-natural disasters from neighboring countries into the Argentine Republic.	Varies depending on the agreement and the country of origin of the migrants, but in most cases is two years; for Central American citizens, 3 years; For Ukrainians, 3 years.	MERCOSUR \$1.000 DNI: \$60; DNM N° 165/2014 excepted vulnerable population from paying migratory fees. For the specific case of Venezuelans, no cost.	Ley 25.871 artículo 23 and Decreto 616/2010; Ley 25.903; DNM N° 1891/2021; https://www.ohchr.org/sites/default/files/documents/issues/migration/cfis/regularization/submissions-regularization-pm-ar-gentina.pdf ; DNM National Migration Direction N° 981/2022; Disposición N° 2641/2022, BORA N° 86656, 27 de octubre de 2022, https://www.boletino-ficial.gob.ar/detalleAviso/primera/274488/20221027 ; https://www.boletinoficial.gob.ar/detalleAviso/prime-ra/246773/20210712?busqueda=1 .
Colombia	The Temporary Protection Statute was conceived to provide a regular status to Venezuelan migrants who entered the national territory until 28 May 2023, and registered in the RUMV, a registration that was available until November 2023. For school-aged children, registration and access to the permit remain available.	To access the Statute, it is necessary to complete the RUMV. The birth certificate is required only for children. Before this status, a Special Stay Permit was available and was proposed on 12 occasions.	Mandatory for those who enter Colombian territory after January 2022. It must be stamped.	10 years.	No cost.	Decree 216 of 2021 by which the Temporary Protection Statute for Venezuelan Migrants under the Temporary Protection Regime is adopted and other Provisions in migration matters are issued; Resolution 971 implementing the Temporary Protection Statute for Venezuelan Migrants adopted by Decree 216 of 2021: https://www.cancilleria.gov.co/sites/default/files/Normograma/docs/decreto_0216_2021.htm ; https://help.unhcr.org/colombia/otros-derechos/estatuto-temporal-de-proteccion-para-migrantes-venezolanos/ ; https://www.migracioncolombia.gov.co/etpv/etpv .

Country	Extraordinary mechanisms					Source
	Mechanism	Need to provide civil registry	Need to provide a passport	Duration	Cost (US dollars)	
Costa Rica	According to the law for the Protection of the Right to Nationality of Indigenous Persons and Guarantee of Integration of Transborder Indigenous Persons N° 9710, there is a mechanism currently available referring to the indigenous population in the transborder territory adjacent to Panama. The mechanism aims to address the problems of access to nationality for members of indigenous communities who lack ID documents.	No need.	Registry authorities approach communities to record essential identity data. Translators are provided to document the information in Spanish.	2 years with the possibility to extend the period another 2 years.	No cost is reported for this procedure.	https://www.refworld.org/legal/decrees/natleg-bod/2019/es/47630 .
Ecuador	The regularization mechanism in Ecuador is strictly linked to the registration process for obtaining a Certificate of Migratory Permanence, the registration period of which ended on 15 August 2023. For those who obtained this certificate, the regularization process through the Visa for Exceptional Temporary Residence (VIRTE) is staggered in dates as follows: First phase, Venezuelan citizens and their family members who entered the country regularly through migration control points: until 18 August 2023. Second phase, citizens of other nationalities who have entered the country regularly through migration control points: until 12 March 2024. Third phase, Venezuelan citizens who entered the country irregularly: until 5 April 2024.	Birth civil registry for children under 9 years, it must be apostilled or legalized. A consular registry is also valid.	For Venezuelans to participate in the regularization process, DNI and passport. However, people who do not have any documents will be able to register by presenting at least an identity document.	2 years.	The registration process with the Ministry of the Interior has no cost. The visa will be free. However, people must pay \$50 for the value of the application form and another \$10 for the ID order. Total \$60	Decreto 826 Otórguese una Amnistía Migratoria para todas las Ciudadanas y Ciudadanos Venezolanos; Decreto Ejecutivo 1020; Decreto ejecutivo 753; Acuerdo Ministerial 007; Acuerdo Ministeria 00054. Available at https://www.ministeriodegobierno.gob.ec/registro-migratorio-ciudadanos-venezolanos-ecuador/ ; https://www.inclusion.gob.ec/wp-content/uploads/2023/05/Norma-Tecnica-Atencion-y-Proteccion-Emergente_2022.pdf ; https://help.unhcr.org/ecuador/bienvenido-a/alternativas-migratorias/visas-y-alternativas-migratorias/#:~:text=1ra%20fase%2C%20ciudadanos%20venezolanos%20y.el%2012%20de%20marzo%202024 .

Country	Extraordinary mechanisms					Source
	Mechanism	Need to provide civil registry	Need to provide a passport	Duration	Cost (US dollars)	
Panama	Temporal protection mechanisms for irregular migrants.	For underage migrants, a document to prove the family ties must be provided.	x	2 years without possible extension.	Around \$1,000 for adults.	https://www.gacetaoficial.gob.pa/pdf-Temp/29824_B/99543.pdf .
Peru	Temporary regularization process for migrants (available until November 2023, currently unavailable);	For children, the original copy from the birth certificate of the child must be presented, legalized by the Peruvian Consulate and by the Ministry of Foreign Affairs or apostilled. In some municipalities, under-oath declarations and photocopies from documents might be accepted when the original document is not provided.	Or the current identity document.	1 year	\$12.65	A Resolución de Superintendencia N° 109-2023-MI-GRACIONES; https://busquedas.elperuano.pe/dispositivo/NL/2175675-1 ; Defensoría del Pueblo – Peru, “Documento Defensorial N° 001-2023-DP/ADHPD-PINVES. Resultados del primer monitoreo sobre el procedimiento de regularización migratoria, mediante el Decreto Supremo N°003-2023-IN,” (2023), https://www.defensoria.gob.pe/wp-content/uploads/2023/09/DD-001-2023-PINVES-Primer-monitoreo-CPP.pdf ; https://help.unhcr.org/peru/cmhl/ .



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The flow of Venezuelans in the region has resulted in the establishment of extraordinary regularization mechanisms in several countries in the region. However, most of these mechanisms have been losing validity over time despite the fact that the flow of refugees and migrants from Venezuela has not ceased.¹²⁴

This reality confirms the fragility of these extraordinary mechanisms, whose short duration and establishment through regulatory provisions affect their stability. As previously stated, the most representative case is that of Colombia, where, after implementing multiple temporary stay permits with a maximum validity of two years (similar to what Peru continues to do today), it was decided to introduce a mechanism of longer duration. This mechanism allows Venezuelan nationals to stay regularly in the national territory for a period of 10 years and to opt for any of the existing residence permits. However, as indicated, the possibility of registering in this mechanism was limited to migrants who entered the territory no later than 28 May 2023, and the registration process ended on 24 November 2023. The mechanism, however, remains accessible for children enrolled in the education system.¹²⁵

Ecuador, for its part, has also responded to the Venezuelan influx with an extraordinary mechanism implemented in 2021. The VIRTE is designed to benefit the Venezuelan population and other migrants with irregular administrative status. Initially (in phase one), registration for obtaining a Migratory Permanence Certificate was made possible for Venezuelans who entered the territory through a regular point (thus with a visa) before June 2022; subsequently (in phase three), for Venezuelan citizens who entered through irregular points starting from 17 February 2023. The mechanism also envisages the possibility of offering regularization to citizens of other nationalities who entered through regular points starting from 15 November 2022 (phase two).¹²⁶ The possibility of completing the registration stage to access this mechanism expired in August 2023, and the subsequent stage of submitting the VIRTE visa application ended for the last stage of registrants on 5 April 2024.

¹²⁴ According to information from R4V: "By the end of 2024, it is projected that there will be approximately 6.82 million refugees and migrants from Venezuela in the LAC region, including about 4.71 million people in need of assistance according to the RMRP 2024 update." More information available at <https://rmp.r4v.info/rmp2024-actualizacion/#:~:text=Para%20finales%20de%202024%2C%20se.la%20actualizaci%C3%B3n%20del%20RMRP%202024.>

¹²⁵ More information available at <https://globalcompactrefugees.org/good-practices/estatuto-temporal-de-proteccion-para-personas-venezolanos-etpv.>

¹²⁶ OHCHR, "Contribución de Ecuador (elaborada por el Ministerio de Relaciones Exteriores y Movilidad Humana – Viceministerio de Movilidad Humana) para la elaboración de la información que presentará el Relator Especial sobre los derechos humanos de los migrantes en la 53 sesión ordinaria del Consejo de Derechos Humanos, sobre Temática: 'Cómo ampliar y diversificar los mecanismos y programas de regularización para mejorar la protección de los derechos humanos de las personas migrantes en situación irregular,'" <https://www.ohchr.org/sites/default/files/documents/issues/migration/cfis/regularization/submissions-regularization-pm-ecuador.doc.>

In other countries in the region, different mechanisms were designed to assist the Venezuelan population and have been losing validity. For instance, in the case of the Dominican Republic, Venezuelans who entered the country regularly before March 2020 were allowed to regularize their migratory status for six months and then opt for a specific migratory category (students or workers).¹²⁷ Costa Rica offered a special category for nationals of Cuba, Nicaragua and Venezuela whose applications for recognition of refugee status were pending or had been denied.¹²⁸ The same situation is present in other countries, such as Peru and Trinidad and Tobago, where regularization processes were carried out for the Venezuelan population, but the registration and implementation stages of these processes have come to an end.¹²⁹

Finally, Argentina, having previously carried out multiple extraordinary regularization processes, has also designed a special Regularization Regimen allowing Venezuelans to access a temporary residence.¹³⁰ Furthermore, the conflict between

Ukraine and Russia has inspired the adoption of measures in Argentina and Brazil to facilitate the entry and regular stay of Ukrainians in those countries. Until February 2023, over 400 Ukrainians had obtained visas and entered Brazil,¹³¹ more than 125 asylum seekers were in Argentina, and 106 refugees were under the mandate of UNHCR.¹³²

In regards to the requirements, extraordinary regularization mechanisms may require the presentation of civil registry copies particularly of the birth registration for C&A (in Colombia, Peru) and marriage registration when required to establish marital bonds. The survey conducted with registration officials inquired about regularization processes and the need to provide civil registry copies to access them. In 47 per cent of the cases, the presentation of the civil registration certificates was noted as a necessary requirement to access regularization. In the case of Colombia, while the respondents indicated that civil registry is not necessary for the regularization process, official sources indicate it is needed for children.¹³³



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127 Decreto 327 que instituye el Plan Nacional de Regularización de Extranjeros en Situación Migración Irregular en la República Dominicana; Resolución que normaliza dentro de la categoría de no residente la situación migración Irregular de los nacionales Venezolanos en territorio dominicano.

128 Disposition N43809MGP, available at <https://web.archive.archive.unhcr.org/20231119064254/https://www.refworld.org/es/type/LEGISLATION,,,6390fcd54,0.html>.

129 For the process in Trinidad and Tobago see: <https://igualdad.cepal.org/es/repository-of-policies-and-strategies/proceso-de-regularizacion-migratoria-trinidad-y-tabago>.

130 Argentina has carried out a series of regularization processes for migrants from different parts of the world: Senegalese, Dominicans, Haitians and Koreans. In the case of Senegalese and Dominicans, official Argentine authorities worked in coordination with the governments of Senegal and the Dominican Republic in order to ease the process. Source: OHCHR. "Regularización de presentaciones Argentina," <https://www.ohchr.org/sites/default/files/documents/issues/migration/cfis/regularization/submissions-regularization-pm-argentina.pdf>.

131 More information available at <https://g1.globo.com/jornal-nacional/noticia/2023/02/24/mais-de-400-refugiados-ucranianos-receberam-visto-humanitario-do-brasil-desde-o-inicio-da-guerra.ghtml>.

132 More information available at <https://www.unhcr.org/refugee-statistics/download/?url=6W11PC>.

133 More information available at https://www.cancilleria.gov.co/sites/default/files/FOTOS2020/ok_esp-abc_estatuto_al_migrante_venezolano-05mar-2021.pdf.

6.2.1 Main barriers

BOX 6

Main barriers to extraordinary regularization

▲ Temporary regularization

The first barrier to mention regarding access to and enjoyment of extraordinary regularization mechanisms is precisely their temporary and exceptional nature, which makes them susceptible to changes in the benefits they offer and the conditions for access according to political modifications at a particular moment.¹³⁴ This problem becomes particularly evident when considering the loss of validity that most extraordinary regularization mechanisms created since 2019 have experienced.

▲ Stamped passport required

The second significant barrier is related to the requirement of presenting a passport or having entered the territory in a regular manner in order to access the mechanisms. This requirement does not consider the peculiarities of human mobility in the region, where migrants and refugees sometimes leave their countries without having these documents or their documents expire (required in Colombia, Dominican Republic, Ecuador and Panama).

▲ Cost

The cost of some of these mechanisms is also considered a barrier to access. This is particularly the case of Panama, where the recently created regularization figure represents costs of around \$1,000.¹³⁵



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134 A. Castro, *La protection temporaire dans le monde, une réponse ordinaire à des situations d'exil extraordinaires*, 2023, https://www.ifri.org/sites/default/files/atoms/files/note_castro_protectiontemporaire_2023.pdf.

135 More information available at https://www.gacetaoficial.gob.pa/pdfTemp/29824_B/99543.pdf.

Finally, these extraordinary mechanisms have the inconvenience of not considering the need to provide permanent pathways for the regularization of migrants. They have been conceived as temporary solutions under the assumption that migrants are in the country temporarily and will eventually leave or return to their countries of origin. However, reality shows that, due to a number of factors, people in human mobility often do not intend on returning to their country of origin,¹³⁶ and without lasting solutions, they will once again find themselves in irregular situations when the specified time elapses.

6.2.2 Good practice

In Colombia, the PPT was designed as a temporary mechanism with a duration of 10 years, which makes it the most enduring temporary protection mechanism in the region. Additionally, it establishes the possibility that, once the 10-year period is complete or during the validity of the permit, migrants can opt for visas and other stay permits, including residence and, subsequently, Colombian nationality. The PPT designed in Colombia for the Venezuelan population has a duration of 10 years, making it the longest-lasting temporary protection mechanism in the region.¹³⁷ However, with the deadline for opting for this alternative having expired,

Venezuelan migrants and refugees who did not opt for the mechanism or who enter Colombian territory without a visa currently do not have channels to establish their regular stay in the country, with the only exception being school-aged children.¹³⁸ In this regard, the best practice continues to be opting for permanent regularization mechanisms like the ones mentioned in the previous section.



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¹³⁶ According to the survey carried out to determine the demographic, social, economic, vulnerability and protection needs of the Venezuelan refugee and migrant population in Peru - Encuesta dirigida a la Población Venezolana II, 2022, 75.3 per cent of the refugee and migrant population of Venezuela In Peru, he expressed his intention to stay and live in our country, which compared to the results of the Encuesta dirigida a la Población Venezolana I, 2018 (93.8 per cent) was reduced by 18.5 percentage points. Regarding those who do not intend to stay and live in Peru, it is observed that this proportion has increased from 6.2 per cent in 2018 to 24.7 per cent in 2022. Source: <https://m.inei.gob.pe/prensa/noticias/el-574-de-la-poblacion-venezolana-que-reside-en-el-peru-tiene-entre-20-y-49-anos-de-edad-14164/>; In Colombia, the National Population Survey “ Pulso Migración” has recently reported that more than 80 per cent of the venezuelans were willing to remain in the country. National Administrative Department of Statistics, Encuesta Pulso Migración, resultados julio- 2023. Available at <https://www.dane.gov.co/index.php/estadisticas-por-tema/demografia-y-poblacion/encuesta-pulso-de-la-migracion-epm>.

¹³⁷ More information available at <https://www.r4v.info/es/document/gifmm-colombia-preguntas-y-respuestas-sobre-el-estatuto-temporal-de-proteccion-para>.

¹³⁸ According to R4V, as of August 2023, the number of Venezuelans with an irregular administrative status in Colombia was 503,682 people. More information available at <https://www.r4v.info/es/colombia>.

7 Access to public services

This part of the study refers to the use of civil registry and the need for regularization for accessing public services, including education, health and social assistance. Official sources and regulations were consulted as well as reports that have been produced by civil society about this specific aspect.

Access to social services for refugees and migrants is a fundamental element of their well-being, crucial at every stage of the migration journey. Even before leaving their home countries, it is considered a determining factor for embarking on the journey.¹³⁹ It remains important during the transit period due to the need to address specific health and social assistance contingencies. At the destination, it holds significant importance as a key factor for the integration of refugees and migrants and, in the event of their return, for their reintegration into society.

Most of the countries in the study have ratified the United Nations 1990 Convention for the Protection of Migrant Workers and Members of their Families and, therefore, have committed to ensuring access to basic services for all migrant workers regardless of their

administrative status.¹⁴⁰ However, the provisions that regulate and establish specific conditions to access each of the services sometimes create particularities that become barriers for the migrant population, especially when they find themselves with an irregular migratory status during transit or when they do not have ID documents. In some cases, these barriers change according to the administrative divisions of the territory and, in others, the barriers are reported to come from the local practices.

The issue of refugees' and migrants' access to social services is an aspect that generates significant debates within human mobility analyses, especially because it tends to spark political discussions around stereotypes about refugees and migrants and their contributions to society. These aspects, beyond the scope of this study, fuel discriminatory discourses and narratives against the refugee and migrant population, ultimately translating into structural barriers to accessing social services.¹⁴¹



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¹³⁹ See, for instance: IACHR, *Situación de Derechos Humanos en Venezuela*, (2017), <https://www.oas.org/es/cidh/informes/pdfs/Venezuela2018-es.pdf>.

¹⁴⁰ Complete list of countries having ratified the Convention is available at <https://indicators.ohchr.org/>.

¹⁴¹ In some countries in the region such as Argentina, Chile, Costa Rica, Dominican Republic and Uruguay, discrimination against migrants in accessing basic services becomes more pronounced, especially for “intraregional and neighboring migrants with phenotypic characteristics associated with indigenous and/or Afro-descendant traits” United Nations Economic Commission for Latin America and the Caribbean (UNECLAC), Rangel, M. “Protección Social y Migración, el desafío de la inclusión sin racismo y xenofobia,” 2020, <https://repositorio.cepal.org/server/api/core/bitstreams/45116f7a-7221-47f0-a00d-b8a06e0d21fe/content>. On this topic see also the United Nations Development Program (UNDP), “Ser migrante en América Latina y el Caribe,” 2023, <https://www.undp.org/es/latin-america/historias/ser-migrante-en-america-latina-y-el-caribe>; IDRC-CRDI, “Las experiencias de migrantes y refugiados requieren un gobierno colaborativo,” 2022, <https://idrc-crdi.ca/es/investigacion-en-accion/varados-en-una-pandemia-las-experiencias-de-los-migrantes-y-refugiados>.

7.1 Health services

7.1.1 Access to health services for migrants

Access to health care for migrant and refugee populations is a complex issue that poses significant challenges for host societies. On the one hand, national health care systems often have to cope with an increase in the number of users, sometimes without the necessary resources or infrastructure to accommodate such demands.¹⁴² On the other hand, refugees and migrants require health care services, treatment and rehabilitation from diseases, pre- and post-natal care, vaccinations and attention to their mental health.

The health care of refugees and migrants by health systems is at the centre of political debates on human mobility, sometimes seeking to justify restrictive positions against this population. In most

cases, debates about access to health care for refugee and migrant populations fail to emphasize that a percentage of this population is formally affiliated with the health systems of host countries and, to the extent possible, contributes to the financing of the system.

Some access barriers for refugees and migrants were found to be structural, responding to health policy and broader social policy. For instance, fear of deportation in the immigrant population acts as a barrier to seeking care. Immigrant policing directly impacts undocumented immigrants’ health by producing a type of fear-based governance that alters immigrants’ health behaviours and sites for seeking health services.¹⁴³ In countries such as

Chile, Colombia, Costa Rica, Ecuador, El Salvador and Mexico, general or specific plans have been designed to establish refugees’ and migrant’s access to the health care system, while in Argentina, Bolivia, Brazil, Guatemala, Honduras, Panama, Paraguay, Peru and Uruguay, general health care laws and policies include dispositions about this subject.¹⁴⁴

The table below describes the access to health care services for refugees and migrants. It points out the need to differentiate access to urgent health care from access to supplementary health insurance (**see Table 15**). For the latter, it creates a final differentiation factor linked to the need to complete a registration process in the national social security system as a requirement to fully access health care services.

142 This reality is particularly evident in border areas where, according to the Pan American Health Organization (PAHO), “The capacity of the health service network in border areas is characterized by a limited number of health facilities located in dispersed areas and of low complexity level. They lack sufficient infrastructure, qualified human talent, inputs or medications. Additionally, these institutions do not have the capacity to provide specialized care.” PAHO, “Health of Migrants in the Americas, Situation Report # 02-22,” p. 10, 2022, <https://www.paho.org/es/migracion-salud-americas>.
143 PAHO. “International Migrants Health: mapping of scientific literature,” 2023, <https://www.paho.org/en/file/131945/download?token=cVJ6UXih>.
144 PAHO “Health of Migrants in the Americas, Situation Report # 02-22,” p. 10, 2022, <https://www.paho.org/es/migracion-salud-americas>.

Table 15: Requirements for access to public health care services for migrants and refugees, by country

		Access to additional health care services		Need to register in the public health system to access additional health care			
Country	Basic emergency and vaccination services regardless of immigration status	Regular status	Civil Registry	Regular status	Civil Registry	Commentary	Sources
Argentina	x					All immigrants are equal to national inhabitants and have to present an ID document, but if the person does not have documents, they will receive services.	Ley de Migraciones N° 25.871 https://www.migraciones.gov.ar/pdf_varios/campana_grafica/pdf/Libro_Ley_25.871.pdf ; Decreto 616 de 2010 available at http://www.legisalud.gov.ar/dels/decreto616_2010.pdf ; Alianza por Venezuela. Guía para migrantes y refugiados venezolanos en Argentina. 2021. https://alianzaporvenezuela.org/project/guia/ .
Bolivia	x	x		x		While urgent health care is ensured for everyone, in order to receive other types of health care, migrants must register into the Unique Health Care System, which is only possible if they have a regular status or fall under one of the following categories: pregnant women seeking sexual and reproductive health care, children under the age of five, persons who have been officially recognized as having disabilities or people over 60 years old. The lack of documentation and the lack of knowledge about the conditions to register in the public health care system discourages migrants from accessing health care.	Law 475 of 30 December 2013 available at https://extranet.who.int/mindbank/item/5639 ; IOM, "Monitoreo de flujo de la población venezolana en Bolivia - Ronda 1," (2021d), https://dtm.iom.int/sites/g/files/tmzbd1461/files/reports/DTM_Bolivia_Ronda1_%28V8%29.pdf .

		Access to additional health care services		Need to register in the public health system to access additional health care			
Country	Basic emergency and vaccination services regardless of immigration status	Regular status	Civil Registry	Regular status	Civil Registry	Commentary	Sources
Brazil	x					In Brazil, the Unified Health System is a universal right. Everyone can access the services, regardless of nationality or immigration status. To facilitate access to Unified Health System services, a registration process is done, which only requires an ID document.	Lei nº 13.445 Institui a Lei de Migração available at https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/113445.htm .
Chile	x					Any migrant, regardless of the migratory status, has access to all primary health centres, emergency services, health posts and public hospitals. All migrant individuals have the right to access public health services, including fertility regulation methods, nutritional checks, vaccines, mammograms, pap smears, Elisa test applications, and care for communicable diseases (tuberculosis, HIV/AIDS, sexually transmitted infections), among others.	Ley 21325 de Migración y Extranjería available at https://serviciomigraciones.cl/normativa-migratoria/#:~:text=Ley%20N%C2%B0%2021.325%20de,nueva%20institucionalidad%20para%20estos%20fines.
Colombia	x	x		x	x	Emergency services, prenatal care and vaccination services for newborns are available to any person in accordance with the Colombian Constitution and international obligations. However, migrants have an obligation to register in the national health care system in order to access other health care services, and this procedure is only possible for migrants with a regular status. To register in the National Health Care System, children under 7 years old must present a passport, and those born in Colombia must present a birth certificate or certificate of live birth.	Ley 1751 de 2015, available at https://www.minsalud.gov.co/Normatividad_Nuevo/Ley%201751%20de%202015.pdf ; Decreto 780 de 2016 available at https://www.minsalud.gov.co/Normatividad_Nuevo/Decreto%200780%20de%202016.pdf ; Resolución 572 de 2022 available at https://www.minsalud.gov.co/Normatividad_Nuevo/Resolución%20no%20572%20de%202022.pdf .

		Access to additional health care services		Need to register in the public health system to access additional health care			
Country	Basic emergency and vaccination services regardless of immigration status	Regular status	Civil Registry	Regular status	Civil Registry	Commentary	Sources
Costa Rica	x					Emergency services: Accessible for any person as long as they present some form of ID. For ID, ACE-128-07-2019 establishes that they will be identified in health centres with a passport, document or card issued by the National Directorate of Migration and Foreigners. In practice, to access hospital services under the Costa Rican Social Security Fund, it is reported as a requirement to present a valid identity card for nationals or a document of similar rank duly recognized by the Government of Costa Rica for foreigners.	Directive 010-MPMIDEPLAN-MTSS-MSP-MGP-MRREE available at http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=N-RTC&nValor1=1&nValor2=86723&nValor3=112696&str-TipM=TC ; Anexo oficio GMD-10.791-2018-/GF-4033-2018 and - Circular ACE-157-08-18; Cortés, A. y Fernández, A. ¿Cobertura universal? Las barreras en el acceso a la salud para la población refugiada nicaragüense en Costa Rica. 2020. https://www.academia.edu/84845966/Cobertura_universal_Las_barreras_en_el_acceso_a_la_salud_para_la_poblaci%C3%B3n_refugiada_nicarag%C3%B-Cense_en_Costa_Rica .
Dominican Republic	x	x		x		Primary and emergency care services are available, but migrants with irregular status may not have access to treatment for complex conditions, including mental health and psychosocial support. Pregnant women may not have access to prenatal care. There have been reports of deportation processes for pregnant Haitian women, which discourages them from seeking prenatal care.	Ley General de Salud N° 42/01, available at https://repositorio.msp.gob.do/bitstream/handle/123456789/793/Leyno%2042-01.PDF ; https://dominicanrepublic.unfpa.org/sites/default/files/pub-pdf/EI%20acceso%20de%20inmigrantes%20y%20descendientes%20a%20la%20salud%20y%20la%20proteccio%CC%81n%20social%20en%20la%20Repu%CC%81blica%20Dominicana.pdf ; Wooding, P. COVID-19 Impacts on Haitian Migrants and their Descendants on the Southern Border of the Dominican Republic. Research Brief in Spanish & English, Caribbean Migrants Observatory. Santo Domingo, DR: Editora Buho. 2021. https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:-90b26a53-0248-4ca6-848e-0c392aa9fa8c ; https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:-90b26a53-0248-4ca6-848e-0c392aa9fa8c#pageNum=1 .

		Access to additional health care services		Need to register in the public health system to access additional health care			
Country	Basic emergency and vaccination services regardless of immigration status	Regular status	Civil Registry	Regular status	Civil Registry	Commentary	Sources
Ecuador	x					According to article 52 of the Organic Law of Human Mobility: "Foreign people residing in Ecuador have the right to access health systems. Public or private institutions that provide health services may not, under any circumstances, refuse to provide emergency care due to a person's nationality or immigration status. Any person has access to the health care system regardless of their identification."	Ley Orgánica de Movilidad Humana amended by Ley Orgánica Reformatoria de 2021 https://biblioteca.defensoria.gob.ec/handle/37000/3404 ; https://help.unhcr.org/ecuador/bienvenido-a/educacion-salud-alimentacion-y-otros-servicios/salud/salud/ .
El Salvador	x	x		x		According to the immigration Law, in exceptional cases and for humanitarian reasons, foreign individuals in transit who are in a situation of evident vulnerability and health risk may access timely medical or hospital care. Migrants can access health care through the Comprehensive Migrant Care Center, which is part of the General Directorate of Migration and Foreigners in El Salvador.	https://nortedecentroamerica.iom.int/es/news/oim-apoya-el-acceso-la-salud-de-las-personas-migrantes-en-el-salvador ; https://www.salud.gob.sv/archivos/pdf/webconferencias_2021/presentaciones/telesalud/presentacion18112021/DERECHO-A-LA-SALUD-Y-MIGRANTES-EN-EL-SALVADOR.pdf .
Guatemala	x	x		x		According to legislation, migrant women, whether with or without ID, have the right to access sexual and reproductive health services, gynaecological care, maternity services, and family planning. According to the responses from service providers, all establishments provide care regardless of whether the patient presents ID documents or not. However, transit migrants from Venezuela report the absence of health care services and the systematic deportation of those in irregular status.	Decreto 44- 2016 Código Migración available at https://www.acnur.org/fileadmin/Documentos/BDL/2017/10978.pdf ; http://www.healthpolicyplus.com/ns/pubs/18651-19121_GuatemalaMigrantHealthServicesES.pdf ; https://www.medicosdelmundo.org/actualidad-y-publicaciones/noticias/urge-la-atencion-y-proteccion-personas-migrantes-en-guatemala .

		Access to additional health care services		Need to register in the public health system to access additional health care			
Country	Basic emergency and vaccination services regardless of immigration status	Regular status	Civil Registry	Regular status	Civil Registry	Commentary	Sources
Guyana	x					According to public authorities, migrants, especially Venezuelans, have access to health care free of cost.	Guyana Health vision 2020. Available at https://faolex.fao.org/docs/pdf/guy169658.pdf ; https://www.ohchr.org/sites/default/files/documents/issues/migration/cfis/regularization/submissions-regularization-pm-guyana.docx ; IOM, “Guyana needs assessment on migration governance,” (2021a), https://kmhub.iom.int/sites/default/files/publicaciones/guyana-needs-assessment.pdf .
Haiti						Official and unofficial sources do not report any information about this topic. Article 22 of the Haitian Constitution of 1987 states, “The State recognizes the right of every citizen to decent housing, education, and social security.” However, health insurance only covers a small portion of the population (less than 10 per cent). The State only provides coverage for its officials. The country faces a shortage of medical centres and personnel for health care.	Available at https://mjp.univ-perp.fr/constit/ht2011.htm ; https://www.revue-quartmonde.org/10862 .
Honduras	x	x		x		Being a country of origin, return and transit of migrants, Honduras provides basic health care services to returnees and transit migrants through the Centre of Attention for the Returnee Migrant or The Centre of Attention for the Transit and the Irregular Migrants. A migratory registry is carried out at these facilities and no other ID appears as needed to access the services provided in these facilities. Access to other services requires regular administrative status.	https://salud.gob.hn/sshome/index.php/component/jdownloads/?task=download.send&id=283 ; Código de Salud de Honduras, Decreto 9097. Available at https://saludpublica101.files.wordpress.com/2012/09/cc3b3digo-de-salud-y-rsi.pdf .

		Access to additional health care services		Need to register in the public health system to access additional health care			
Country	Basic emergency and vaccination services regardless of immigration status	Regular status	Civil Registry	Regular status	Civil Registry	Commentary	Sources
Jamaica	x					All migrants in Jamaica have the same access to government-funded health services as citizens, and health professionals are not required to verify a migrant's legal status when providing care. Furthermore, programmes such as the National Health Fund and the National HIV/STI Response Programme are also available to migrants. The National Policy on International Migration and Development (2017) acknowledges the need to provide health care to groups such as undocumented migrants, refugees or displaced persons.	IOM, Migration Governance Indicators – Jamaica, (2019). https://www.migrationdataportal.org/sites/g/files/tmzbd1251/files/2019-12/Migration%20Governance%20Profile-%20Jamaica.pdf ; https://www.pioj.gov.jm/wp-content/uploads/2019/08/National-Policy-and-Plan-of-Action-on-International-Migration-and-Development-April-2017.pdf .
Mexico	x					The constitution grants the right to health care; however, the practice shows barriers when migrants cannot provide specific ID documents or are not on a regular status. Civil registration does not appear as a necessary condition for accessing the services.	Ley General de Salud available at https://www.diputados.gob.mx/LeyesBiblio/pdf/LGS.pdf ; la Ley de Salud del Distrito Federal, expedida el 26 de agosto del 2009 available at https://congresocdmx.gob.mx/archivos/transparencia/LEY_DE_SALUD_DEL_DISTrito_FEDERAL.pdf ; https://sinfronteras.org.mx/agendamigracioncdmx/assets/diagnostico_acceso_servicios_de_salud.pdf .
Panama	x					The Constitution of Panama, in article 105, establishes access to public and private medical services regardless of migratory status, and there are public health care centres in each corregimiento. However, public health care centres require payment, except for children up to 5 years old.	Panama Constitution available at https://pdba.georgetown.edu/Constitutions/Panama/vigente.pdf ; https://www.mingob.gob.pa/onpar/salud/ .

		Access to additional health care services		Need to register in the public health system to access additional health care			
Country	Basic emergency and vaccination services regardless of immigration status	Regular status	Civil Registry	Regular status	Civil Registry	Commentary	Sources
Paraguay	x						Art. 23 de la Ley General sobre Refugiados (N° 1938).; ley de migraciones 6984, available at https://www.bacn.gov.py/leyes-paraguayas/10973/ley-n-6984-de-migraciones .
Peru	x	x		x		The State “recognizes that foreigners enjoy and exercise the fundamental rights established in the Political Constitution of Peru, such as access to health care, education, and work on an equal basis with nationals.” However, in practice, migrants need to register into the Integral Health Care System to access additional health care, for which they need to provide ID. The Ombudsman has had to intervene to ensure the attention of Venezuelan migrants with chronic diseases.	Ley general de Salud, 26842, available at http://www.es-salud.gob.pe/transparencia/pdf/publicacion/ley26842.pdf ; https://www.defensoria.gob.pe/defensoria-del-pueblo-estado-peruano-debe-garantizar-atencion-oportuna-en-salud-a-personas-refugiadas-y-migrantes/ .
Trinidad and Tobago	x	x		x		Access to primary health care, including support for infant and young child feeding and for growth monitoring and immunization for children under 5 years old, is granted to all. However, there is limited access to these services for refugees, migrants and other non-national groups due to such issues as lack of knowledge of where to go, long waiting times, being denied services and quality of customer assistance. These challenges are of greatest concern to those with chronic health conditions, pregnant women and young children.	United States Agency for International Development, UNICEF, “Trinidad and Tobago: Impacts of COVID-19 on migrant children.” 2020: https://data2.unhcr.org/es/documents/details/78654 ; UNICEF, REACH. Indicadores de riesgo relacionados con el COVID-19 para migrantes en Trinidad y Tobago - Evaluación rápida multisectorial en Latinoamérica y el Caribe - Julio 2020. 2020. https://reliefweb.int/report/trinidad-and-tobago/indicadores-de-riesgo-relacionados-con-el-covid-19-para-migrantes-en ; UNICEF, “Situation analysis of children In the Eastern Caribbean,” 2019b: https://www.unicef.org/easterncaribbean/media/1896/file/ECA_Sitan.pdf .

		Access to additional health care services		Need to register in the public health system to access additional health care			
Country	Basic emergency and vaccination services regardless of immigration status	Regular status	Civil Registry	Regular status	Civil Registry	Commentary	Sources
Uruguay	x			x		Art. 8 of the Migration Act states that migrants and their families have the right to health care: Furthermore, art. 9 establishes that: "Under no circumstances shall irregular migration status prevent a foreigner from having free access to justice and health facilities." Between February and June 2023, migrants entering the country needed to provide medical insurance to enter the country.	Ley 18250 available at https://www.acnur.org/file-admin/Documentos/BDL/2008/6248.pdf ; Decreto 55/23 available at https://www.impo.com.uy/bases/decretos-originales/55-2023 ; https://www.gub.uy/ministerio-salud-publica/comunicacion/publicaciones/requisitos-para-ingreso-uruguay-personas-nacionales-extranjeras#:~:text=Ministerio%20de%20Salud%20P%C3%ABlica&text=Tampoco%20es%20necesario%20presentar%20la,de%20salud%20o%20seguro%20m%C3%A9dico .

7.1.2 Access to different levels of health care services

In all the countries examined, with the sole exception of Haiti, the provision of urgent health care is enshrined in legislation and official documentation as universally accessible, extending to migrants with irregular status. The constitutional recognition of the universal right to health care, as delineated in numerous national constitutions and subsequent legislative frameworks, confirms this commitment. These health services encompass elements such as vaccination and neonatal care. Conversely, access to other categories of medical services, preventative medicine, medication access and non-vital care is delimited in a significant number of countries, contingent upon migrants with regular migratory status and, at times, individuals registered in national health systems. This is the case of Bolivia, Colombia, Dominican Republic, El Salvador, Guatemala, Honduras, Peru and Trinidad and Tobago. While registration into the national health care system requires documentation in all cases, the need to

provide a civil registry was not found to be obligatory in any country.

This investigation, while not delving into the effective accessibility of medical services, underscores the complexities noted in previous studies when attempting to delineate what qualifies as an urgent service and the real accessibility of migrants to basic and complex health care. For example, in Brazil, it has been documented that Bolivian migrants encounter difficulties accessing health care, even if it is considered a right, because of difficulties in providing specific documentation to prove legal residency, such as a stamped passport or residency documentation.¹⁴⁵ In Colombia, while the right to health care has been considered fundamental by the constitutional court, irregular migrants are forced to present Constitutional Actions before the judges in order to receive health care attention that at first was not considered urgent.¹⁴⁶ In the Dominican Republic,

Haitians with an irregular status have reported difficulties in accessing all kinds of social services as well as discriminatory attitudes from health care personnel. Pregnant Haitian women have been subjected to deportation, which discourages them from seeking medical services.¹⁴⁷ In Chile, the Pan American Health Organization (PAHO) and the World Health Organization (WHO) reported that, in 2022, approximately 6 per cent (26,683 individuals) of the Venezuelan refugee and migrant population were estimated to be without health insurance coverage.¹⁴⁸ In Mexico, individuals in human mobility who lack the CURP are denied access to health services in public hospitals.¹⁴⁹ Studies in Costa Rica have also pointed out the difficulties for the Nicaraguan population to access health care.¹⁵⁰ Finally, according to UNICEF, in countries with an increasing number of refugees and migrants in transit, such as El Salvador, Guatemala and Honduras, refugee and migrant children risk not receiving proper health care.¹⁵¹

145 PAHO. "International Migrants Health: mapping of scientific literature," 2023, <https://www.paho.org/es/file/131932/download?token=TpwMisXN>.

146 According to some research, between 2018 and March 2021 around 4.000 constitutional actions were presented by migrants (around 7 daily), from which 80 % (3.164) concerned health care services. More information available at <https://consejoderedaccion.org/Especiales/salud-en-el-exilio/tutela-Colombia-salvavida-salud-venezolanos.html>.

147 More information available at <https://www.ohchr.org/es/press-releases/2023/09/dominican-republic-un-experts-condemn-detention-and-deportation-pregnant-and>. The official communication sent by the Special Rapporteur on the Human Rights of Migrants; Working Group of Experts on People of African Descent; Working Group on Arbitrary Detention; Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions; Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance; Special Rapporteur on Violence against Women and Girls, its Causes and Consequences, and Working Group on Discrimination against Women and Girls is available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28352>.

148 PAHO. "International Migrants Health: mapping of scientific literature," 2023, <https://www.paho.org/es/file/131932/download?token=TpwMisXN>.

149 OAS, UNHCR, "Estudio Regional sobre Inscripción Tardía de Nacimientos, Otorgamiento de documentos Nacionalidad y Apatridia," (2020).

150 Fourratt y Voorend 2018 in: Marcus, R., et. al., "Children on the Move in Latin America and the Caribbean: Review of the evidence," UNICEF, Panama City, Panama, (2023), <https://www.unicef.org/lac/media/40966/file/Children-on-the-move-in-LAC.pdf>.

151 <https://www.unicef.org/honduras/comunicados-prensa/inauguraci%C3%B3n-del-centro-de-atenci%C3%B3n-al-migrante-irregular-en-dan%C3%AD>.

It is important to note that the COVID-19 pandemic contributed to greater awareness about the need to grant health care assistance to migrants regardless of their administrative status. For example, in countries like Peru, access to health care was expanded by registering automatically all the uninsured resident population.¹⁵² In Brazil, 100 per cent of Venezuelan migrants are reported to be covered by the Unique Health Care System, a public, free and universal health care system.¹⁵³ Guatemala has an important experience regarding health attention to the migrants in transit, which is also the case of Honduras with the creation of the Centre for Attention to the Returnee Migrant (*Centro de atención al migrante retornado*).¹⁵⁴

In many countries, it is important to consider the role of the civil society organizations, which provide health services for migrants without any conditions. However, working with funds from international cooperation, services may become scarce when the project ends.¹⁵⁵ In Guyana, for example, civil society organizations have been working with the government and international development partners to provide additional support services to refugees and migrant groups.¹⁵⁶ Other services provided to refugees and migrants include immigration assistance, document translation, sexual and reproductive health services, and therapy sessions from non-governmental organizations.¹⁵⁷

152 Emergency Decree N° 017-2019 and Supreme Decree 002-2020-SA, which extended registration to any person with extremely vulnerable health conditions.

153 PAHO. "International Migrants Health: mapping of scientific literature," 2023, <https://www.paho.org/es/file/131932/download?token=TpwMisXN>

154 More information available at <https://salud.gob.hn/sshome/index.php/component/downloads/?task=download.send&id=283>.

155 According to PAHO and WHO, "Salud de Migrantes en Las Américas. Sitrep N° 02-2022. Noviembre-Diciembre 2022," Washington, D.C., 2022, <https://www.paho.org/es/documentos/reporte-situacion-salud-migrantes-americas-diciembre-2022>: "Up to 2020, 98 organizations had been identified in 11 countries. Colombia gathers the majority of them with 40 organizations, followed by Ecuador with 23 and Peru with 22. 50.2 per cent of these organizations are part of the United Nations System while 30.9 per cent are nongovernmental organizations".

156 Two examples of non-governmental organizations working in this specific area are: HIAS Guyana: an international organization that assists vulnerable Venezuelan migrants and refugees, Guyanese returnees, a small percentage of migrants of other nationalities as well as host communities. HIAS Guyana focuses on protection, gender-based violence, mental health and psychosocial support, and economic inclusion. Operational since 2020, HIAS Guyana reported that it has served 5,700 refugees with this comprehensive programming. HIAS Guyana works closely with UNHCR and its partners in multiple sectoral working groups led by UNHCR and the R4V platforms, including the gender-based-violence working group and the trafficking in persons sub-working group. Source: <https://hias.org/wp-content/uploads/HIAS-Guyana-Strategic-Overview-2022-2023-ENG.pdf>.

Blossom Inc: Blossom Inc., a local non-governmental organization, has also been working closely with UNHCR to address issues related to child sexual abuse and sexual and gender-based violence in Region One, where a large population of migrants from Venezuela currently reside. With support from its partners, Blossom Inc. provides psychosocial services to migrants and engages the host communities in education and awareness programmes. Some humanitarian assistance in the form of food and sanitation hampers is also provided with the support of the Pan American Development Fund.

157 OHCHR, "Government of Guyana Response to Call for Inputs: United Nations Special Rapporteur on the Human Rights of Migrants, 15 February 2023," 2023, <https://www.ohchr.org/sites/default/files/documents/issues/migration/cfis/regularization/submissions-regularization-pm-guyana.docx>.

7.2 Education services

7.2.1 Access to education for migrants

Ensuring access to the education system is very important for refugees and migrants. In the region, schools face many challenges when it comes to welcoming and integrating those children, particularly during massive migratory flows. According to IADB, the Organisation for Economic Co-operation and Development (OECD) and United Nations Development Programme (UNDP), in 9 countries in the LAC region (Argentina, Colombia, Dominican Republic, Ecuador, Mexico, Panama, Paraguay, Peru and Uruguay), the enrollment level of refugee and migrant children aged 6 to 16, is more than 10 percentage points below the native population (IADB, OECD, UNDP, 2023).¹⁵⁸

The table below details the information on access to education for the refugee and migrant population in the countries under study, highlighting the need to present civil registration to access basic and secondary education for high school enrollment and obtaining degrees, as well as for access to higher education (**see Table 16**).



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¹⁵⁸ Eighty-six per cent of foreign children were enrolled at school, while the percentage for the native population reaches 93 per cent. IADB, OECD, UNDP, “¿En qué situación están los migrantes en América Latina y el Caribe?” (2023), https://www.undp.org/sites/g/files/zskgke326/files/2023-07/how_do_migrants_fare_in_lac_spa_v07.pdf; Marcus, R., et al., (2023) has also pointed out the existence of important lags in school enrollment and attendance for migrants in the region. “Children on the Move in Latin America and the Caribbean: Review of the evidence, United Nations Children’s Fund,” Panama City, Panama, 2023, <https://www.unicef.org/lac/media/40966/file/Children-on-the-move-in-LAC.pdf>. More information on the education inclusion of refugees and migrants in Peru can be found at: Alcazar, Balarin. La inclusión educativa de NNA migrantes venezolanos en el Perú – una política que no se puede nombrar [Documento de Análisis PFIM, 2]. Lima: Equilibrium CenDE. 2020. <https://www.grade.org.pe/publicaciones/la-inclusion-educativa-de-nna-migrantes-venezolanos-en-el-peru-una-politica-que-no-se-puede-nombrar/ICG1>.

Table 16: Requirements for access to public education services, by country

Country	Requirements for registration basic education (primary, secondary)			Required for obtaining high school diplomas		Requirements for accessing higher education		Remarks	Source
	Birth certificate	ID from student	Regular status	Birth certificate	ID documents	Regular status	Birth certificate		
Argentina	x				x			According to legislation (Art. 7 law 25.871 and art. 143 26.206), in the case that migrants cannot provide the announced ID documents, they may provide documentation from their countries of origin. A passport is required for accessing higher education. No specific requirements consigned for obtaining a high school diploma.	https://www.argentina.gob.ar/tema/extranjeros/estudiar ; Ley de Migraciones N° 25871; Decreto Reglamentario 616/10 Reglamentación de la Ley de Migraciones N° 25.871 y sus Modificatorias; https://sherloc.unodc.org/cld/uploads/res/document/ley-de-migraciones-25871-english.html ; Ley de Migraciones 25871 English.pdf; artículo N° 143 de la Ley de Educación Nacional (N° 26.206) de 2006 available at https://www.argentina.gob.ar/sites/default/files/ley-de-educ-nac-58ac89392ea4c.pdf .
Bolivia	x			x	x	x	x	The government has been advancing programmes to guarantee access to migrants – especially Venezuelans, without asking for educational certificates – to basic education. Also, ID documents from the country of origin are accepted for the inscription to basic education.	https://www.opinion.com.bo/articulo/pais/que-estudian-antes-deben-ser-inscritos-lunes-cuales-son-requisitos/20230115171959894072.html ; https://www.bolivia.com/educacion/ninos-venezolanos-inmigrantes-podran-integrar-sistema-escolar-de-bolivia-328341 .

Country	Requirements for registration basic education (primary, secondary)			Required for obtaining high school diplomas		Requirements for accessing higher education		Remarks	Source
	Birth certificate	ID from student	Regular status	Birth certificate	ID documents	Regular status	Birth certificate		
Brazil	x			x	x		x	If no birth certificate or ID document is provided, the inscription on the education system proceeds and an Academic Registry number is provided; Until 5 years of age, migrant children have access to public nurseries.	https://www.imigrante-rs.com.br/portal-educacao ; IOM. ¡Soy inmigrante, tengo derechos! https://brazil.iom.int/sites/g/files/tmzbd1496/files/documents/Cartilha_web.pdf ; Lei Federal 8.069 de 1990 - Children's and Adolescents' Statute http://www.planalto.gov.br/ccivil_03/leis/L-8069.htm ; https://www.educacao.sp.gov.br/cartilha-orienta-educadores-sobre-o-acolhimento-de-estudantes-imigrantes/ . Lei Federal 9.394 de 1996 - National Education Guidelines and Bases http://www.planalto.gov.br/ccivil_03/leis/L9394.htm . Parecer CNE/CEB 11 de 2000 - National Curriculum Guidelines for Youth and Adult Education http://portal.mec.gov.br/cne/arquivos/pdf/PCB11_2000.pdf . Parecer CNE/CEB 18 de 2002 - Equivalence of studies carried out abroad http://portal.mec.gov.br/cne/arquivos/pdf/CEB018_2002.pdf .
Chile	x				x	x		The School Inclusion Law 20,845 of 2017 allows students with irregular migration status to access schools and related benefits, such as school meals, through a Temporary School Identifier this number, however, does not allow students to access higher education. They can register using the Temporary School Identifier, but they must send a scanned or photographed passport to the email in order to complete the registration process to participate in the Higher Education Access Test.	Ley de inserción escolar: 20845 available at https://www.comunidadescol.cl/ley-de-inclusion-escolar-2/ ; https://serviciomigraciones.cl/normativa-migratoria/#:~:text=Ley%20N%C2%B0%2021.325%20de,nueva%20institucionalidad%20para%20estos%20fines ; Law 21325 art. 17; art. 103 law N° 21.091.

Country	Requirements for registration basic education (primary, secondary)			Required for obtaining high school diplomas		Requirements for accessing higher education		Remarks	Source
	Birth certificate	ID from student	Regular status	Birth certificate	ID documents	Regular status	Birth certificate		
Colombia	x				x	x		A student visa is mandatory for any migrant in order to register for and access higher education. For children under 7 years of age, birth registration must be provided. In order to determine the education level of a student, grades and education reports must be provided with the corresponding apostille and translation. Exceptions to this rule have been made for the Venezuelan population. For them, no birth certificate is needed. They can access education with a special ID number provided by the education services. PTP document is also considered valid for accessing education services.	https://procesomatriculas.educacionbogota.edu.co/ords/r/edu_inscripciones/matr%C3%ADculas-sed/ini-documentacion-formalizar?session=408145480278349; Circular Conjunta 16 de 2018 del Ministerio de Educación Nacional, available in: https://www.mineducacion.gov.co/portal/normativa/Circulares/368675:Circular-Conjunta-N-16-de-2018_
Costa Rica					x			Official document proving the age of the student (for preschool and first grade); if such document cannot be provided, a sworn statement must be provided. The consular registry may be used for this purpose.	
Dominican Republic	x			x	x	x		The circular VSTP N° 620-2023 from the Deputy Ministry of Technical and Pedagogical Services of the Ministry of Education states that the right to education is universal, and therefore, school administrators cannot deny enrollment to students due to a lack of civil registration. However, upon reaching the eighth grade, the document becomes essential for taking the national exams.	https://www.diariolibre.com/actualidad/nacional/2023/07/26/ano-escolar-2023-2024-acogera-a-carentes-de-actas/2414952.

Country	Requirements for registration basic education (primary, secondary)			Required for obtaining high school diplomas		Requirements for accessing higher education		Remarks	Source
	Birth certificate	ID from student	Regular status	Birth certificate	ID documents	Regular status	Birth certificate		
Ecuador		x				x		The constitution grants rights to education. To access the national education system, migrants must provide a passport, a birth civil registration or a national ID. However, the lack of any of the required documents does not prevent access to the right to education. Originals or copies of any type of national or foreign documentation, birth certificate or any other documentation that clarifies the identity of the student can be used. In the event that the student or their legal representative does not have any type of national or foreign identity documentation, the registration system will generate a code for the record. No information was found from official sources about the requirements for obtaining diplomas.	Ley Organica de Educación Intercultural de 2021; Acuerdo MINEDUC 2020-00025-A, del 22 de abril de 2020; Acuerdo Ministerial 25 A-2020, articulado sobre requisitos no indispensables de acceso a la educación. UNESCO, Education Cannot Wait and UNICEF. Ficha técnica de Ecuador: Estudio «La inclusión educativa de migrantes venezolanos en Brasil, Colombia, Ecuador y Perú: recomendaciones de políticas a la luz de la experiencia de 10 países de América Latina». 2021. https://unesdoc.unesco.org/ark:/48223/pf0000378635 .
El Salvador	x		x		x			No official information is available about specific requirements for foreigners to register in the education system other than the need to have a regular migratory status. However, for returnees, the incorporation of studies and degrees demands the presentation of original and apostilled documentation. Official sources outline the existence of special measures to accompany the school enrollment of such populations.	Constitución de la República de El Salvador; Decreto 286 Ley Especial de Migración y Extranjería; https://siteal.iiep.unesco.org/sites/default/files/sit_accion_files/10221.pdf .

Country	Requirements for registration basic education (primary, secondary)			Required for obtaining high school diplomas		Requirements for accessing higher education		Remarks	Source
	Birth certificate	ID from student	Regular status	Birth certificate	ID documents	Regular status	Birth certificate		
Guatemala	x		x		x	x	x ¹⁾	For the inscription, a birth certificate is required. No disposition about replacing documents or exceptions for returnees. No further information about conditions for obtaining diplomas. For higher education, ID (passport or other documents) is required.	Acuerdo Ministerial 1258-2015 “Crear el Sistema de Registros Educativos Niveles de Educación Preprimaria, Primaria y media”; Acuerdo Gubernativo 1-2017 “Prohibir el requerimiento continuo del certificado de nacimiento a los alumnos de reingreso que asisten a los centros educativos públicos y privados; https://tramites.gob.gt/servicio/1377/ ; Decreto 44-2016 Código de Migración; Constitución Política de la República de Guatemala.
Guyana								Guyan Constitution grants the right to education only to citizens. However, according to official information, migrants, especially Venezuelans, have access to education. UNHCR has alerted about the difficult living conditions of Warao’s indigenous people coming from Venezuela to remote areas in Guyana and who lack access to education and other services. No specific information is available about the requirements for school registration, but public authorities have allowed Venezuelan migrants to enrol in basic education even if they cannot fulfill the requirements.	IOM, “Guyana needs assessment on migration governance,” (2021c); Constitution of the Co-operative Republic of Guyana Act 1980 available at https://www.constituteproject.org/constitution/Guyana_2016 ; https://www.ohchr.org/sites/default/files/documents/issues/migration/cfis/regularization/submissions-regularization-pm-guyana.docx ; UNHRC, “UNHCR concerned about difficult conditions of indigenous Venezuelans in Guyana,” 2021: https://www.unhcr.org/news/briefing-notes/unhcr-concerned-about-difficult-conditions-indigenous-venezuelans-guyana ; https://www.unicef.org/guyanasuriname/humanitarian-action ; https://newsroom.gy/2022/06/24/ngos-applaud-edu-ministry-for-integrating-migrant-children-into-local-schools/ .
Haiti								The right to education is limited to nationals.	Constitution de Haiti, available at https://mjp.univ-perp.fr/constit/ht2011.htm .

Country	Requirements for registration basic education (primary, secondary)			Required for obtaining high school diplomas		Requirements for accessing higher education		Remarks	Source
	Birth certificate	ID from student	Regular status	Birth certificate	ID documents	Regular status	Birth certificate		
Honduras	x		x		x			There are no specific provisions regarding the educational enrolment of immigrants. For those who do not have a birth certificate, there is an obligation to go before the authorities of the corresponding departmental directorate of education. Specific campaigns have been created for the educational reintegration of returned Honduran children. There is no information available on the requirements for obtaining a high school diploma.	https://noticias247.hn/presentan-en-honduras-campana-para-re-insersion-escolar-de-menores-retornados.html ; https://www.elheraldo.hn/honduras/requisitos-matricula-escolar-sistema-educativo-honduras-NP11877028 .
Jamaica								The right to education is only granted to nationals. There is no information on specific requirements for foreigners.	Jamaica (Constitution) Order in Council 1962 available at https://jis.gov.jm/media/Ja-Constitution-Order-in-Council-1962-full.pdf ; Caribbean Community Protocol on Contingent Rights, available at https://mfaft.gov.jm/csme-member-states-sign-on-to-contingent-rights-protocol/ .
Mexico	x	x			x	x	x ¹⁾	Birth certificate or equivalent document issued abroad, with or without apostille or legalization. Some studies show access barriers when civil birth registration is not provided. No information on the requirements for a high school diploma.	https://dgair.sep.gob.mx/storage/recursos/CE/normas_29042019.pdf ; SEP, Dirección General de Acreditación, Incorporación y Revalidación. Art 3.3.3.; https://www.unicef.org/mexico/comunicados-prensa/la-educaci%C3%B3n-de-ni%C3%B1as-y-adolescentes-migrantes-un-derecho-impos-tergable ; https://ceneval.edu.mx/examenes-acreditacion-acuerdo_286-acredita_bach/ .

Country	Requirements for registration basic education (primary, secondary)			Required for obtaining high school diplomas		Requirements for accessing higher education		Remarks	Source
	Birth certificate	ID from student	Regular status	Birth certificate	ID documents	Regular status	Birth certificate		
Panama	x	x			x	x		Access to education is available for migrants regardless of their migratory status. Refugees and migrants must submit credits for courses or degrees obtained in original and authenticated copy by the ministry of education of their country. These documents must also be apostilled. However, according to Executive Decree 1225 of 21 October 2015, the lack of documents does not prevent access to education.	https://docs.panama.justia.com/federales/leyes/47-de-1946-oct-2-1946.pdf ; Decreto Ejecutivo 1225 de 21 de octubre de 2015, available at https://www.gacetaoficial.gob.pa/pdfTemp/27897_B/GacetaNo_27897b_20151026.pdf .
Paraguay	x	x			x	x	x ¹⁾	Registration is required at the Unique Student Registry, an ID number (national or foreign) must be provided. No information on the requirements for a high school diploma.	Paraguay's Constitution, available at https://www.oas.org/juridico/spanish/mesicic2_pry_anexo3.pdf ; Unique Student Registry: https://rue.mec.gov.py/rue/ .

Country	Requirements for registration basic education (primary, secondary)			Required for obtaining high school diplomas		Requirements for accessing higher education		Remarks	Source
	Birth certificate	ID from student	Regular status	Birth certificate	ID documents	Regular status	Birth certificate		
Peru	x	x			x	x		ID documents accepted are: refugee applicant card, birth certificates or records from the country of origin, national identity card from the country of origin, passport from the country of origin, and other documents issued by the Ministry of Foreign Affairs; The lack of ID does not stop the registration process. If no ID is available, the father, mother, guardian or representative must make a sworn declaration regarding the veracity of the data and commit to regularizing the corresponding documents before the end of the school year. However, the principal barrier to accessing education for migrants is the shortage of school places.	Decreto Legislativo N° 1350 de Migraciones; Reglamento del Decreto Legislativo N° 1350, Decreto Legislativo de Migraciones; Decreto Supremo N° 015-2017-RE que Aprueba la Política Nacional Migratoria; ley 31803 de 2023 available at https://busquedas.elperuano.pe/dispositivo/NL/2190818-1 ; https://www.gob.pe/institucion/minedu/informes-publicaciones/2546257-mod-elo-de-declaracion-jurada-de-acreditacion-de-identidad ; IOM-Displacement Tracking Matrix (DTM), “Perú — DTM con enfoque en estudiantes refugiados y migrantes venezolanos y comunidad de acogida matriculados en el sistema educativo peruano,” en Lima Norte (Reporte 1) (2023), https://dtm.iom.int/reports/peru-dtm-con-enfoque-en-estudiantes-refugiados-y-migrantes-venezolanos-y-comunidad-de-0 ; https://www.gob.pe/institucion/minedu/informes-publicaciones/3738800-instructivo-del-proceso-de-matricula-2023-en-la-educacion-basica .

Country	Requirements for registration basic education (primary, secondary)			Required for obtaining high school diplomas		Requirements for accessing higher education		Remarks	Source
	Birth certificate	ID from student	Regular status	Birth certificate	ID documents	Regular status	Birth certificate		
Trinidad and Tobago	x	x	x		x	x		Education Act allows access to any type of education only for migrants with a regular status; the Ministry of Education has issued a memorandum confirming the specific requirements. No information available on the requirements for a high school diploma. In December 2019, the prime minister announced that the Government of Trinidad and Tobago would not prevent Catholic schools from educating children of Venezuelan migrants.	Education act, available at https://agla.gov.tt/downloads/laws/39.01.pdf ; Ministry of Education, Circular Memorandum N 17 of 20217 available at Ministry of Education, Circular Memorandum N 17 of 2017, information on this Circular available at: https://www.guardian.co.tt/news/minister-public-school-places-primarily-for-tt-citizens-6.2.1643318.3ed212ece7 ; Superville, Shane, "Archbishop Wants to Enrol Venezuelan Children in Catholic Schools", Newsday, 22 December 2019, https://newsday.co.tt/2019/12/22/archbishop-wants-to-enrol-venezuelan-children-in-catholic-schools/ .
Uruguay		x			x			Student's identity document might be a MERCOSUR ID or passport. ID documents from parents are also required for basic education.	Ley 18250 Migración, available at https://www.impo.com.uy/bases/leyes/18250-2008 ; https://www.gub.uy/ministerio-educacion-cultura/sites/ministerio-educacion-cultura/files/documentos/publicaciones/Gu%C3%ADa%20para%20el%20ingreso%20de%20migrantes%20al%20sistema%20educativo.pdf ; https://www.gub.uy/ministerio-educacion-cultura/comunicacion/publicaciones/guia-inscripcion-personas-migrantes-sistema-educativo-uruguayo/guia-2 ; https://www.dgeip.edu.uy/documentos/2023/porta/index.html .

¹⁾ Substitute/replacing documents.

In most countries in the region, the right to education is constitutionally and regulatorily guaranteed for all individuals present in the territory. However, in some countries, this right is exclusively guaranteed for the national population, such as in Jamaica and Haiti. This does not imply a prohibition of access to educational services for the foreign population; however, these countries do not have specific provisions to ensure educational access for the foreign population.

In Trinidad and Tobago, on the other hand, access to any level of education is restricted for migrants with regular status. In other countries, particularly those with more significant human mobility populations, normative developments related to access to education for refugee and migrant populations are evident, especially in primary and secondary education. In countries like Chile, specific national policies have been designed to ensure the entry of the migrant population into the educational system.¹⁵⁹

Some countries have responded to the educational needs of the refugee and migrant population through specific plans or programmes for refugee and migrant children in transit (such as the Certified Education Program for Children in Extended Transit in Ciudad Juarez, Mexico)¹⁶⁰ to combat the difficulties of school integration in the refugee and migrant population. Research on the barriers these populations face has been promoted in Argentina, Colombia and Peru, among others.¹⁶¹ The plans may also address issues related to school dropout; for example, the Lima Aprende (Lima Learns) programme in Peru stands out, as it has increased the school attendance of refugee and migrant children.¹⁶² Previous studies have reported that countries such as Argentina, Colombia, Ecuador, Mexico, Trinidad and Tobago and Venezuela have also developed specific policies or programmes for the educational inclusion of refugee and migrant populations. However, these programmes are sometimes implemented without a specific law or

resolution or even without specific institutions or a designated budget, which significantly diminishes their impact.¹⁶³

Issues related to the validation of academic degrees and the accreditation of identity frequently pose challenges when ensuring educational inclusion, especially in the early years of academic formation. This research has found that in Argentina, Brazil, Chile, Colombia, Dominican Republic, Mexico, Panama, Paraguay, Peru and Venezuela, the ID document can be replaced by other documents to ensure entry into education in the early years. Regarding access to higher education levels, the requirement to present civil records sometimes persists, and in all cases, it is mandatory to have some form of ID document.

159 Education Ministry of Chile, “Política Nacional de Estudiantes extranjeros (2018-2022),” (2018), <https://migrantes.mineduc.cl/wp-content/uploads/sites/88/2020/04/Pol%C3%ADtica-Nacional-Estud-Extranjeros.pdf>.

160 Details available in (Prado and Gomez, 2021) included in Marcus, R., et. al., “Children on the Move in Latin America and the Caribbean: Review of the evidence,” UNICEF, Panama City, Panama, (2023), <https://www.unicef.org/lac/media/40966/file/Children-on-the-move-in-LAC.pdf>.

161 Marcus R., et al., *Children on the Move in Latin America and the Caribbean: Review of the Evidence*, United Nations Children's Fund, 2023, <https://www.unicef.org/lac/media/40966/file/Children-on-the-move-in-LAC.pdf>; for Argentina, see: P. Ceriani y R. Fava, *Estudio sobre los derechos de niños y niñas migrantes a 5 años de la nueva ley de migraciones*, 2015, https://www.unla.edu.ar/documentos/centros/derechos_humanos/Estudio_completo.pdf; Buratovich, P. *Derecho a la educación de la población migrante en Argentina y en Chile: revisión de antecedentes sobre acceso, brechas y obstáculos para la inclusión educativa*. Instituto de Investigaciones Sociales de América Latina. Argentina. 2023. <https://doi.org/10.1590/1980-85852503880006910>.

162 Ibid.

163 OAS, “Educación para niñas, niños y jóvenes inmigrantes en las américas: situación actual y desafíos,” <https://www.oas.org/es/sadye/publicaciones/educacion-inmigrantes.pdf>.

7.2.2 Information from the survey

Civil registry officials were asked about the need to provide birth registration copies to access education (see Figure 10).

Figure 10: Access to Education, by country

A map (left) showing responses to the question “In your country, do the migrant have to present a childbirth certificate to access education services?” and a map (right) showing responses to the question “If yes, when is civil registration required?”



In most cases, birth registration was stated to be required for accessing primary and secondary education. However, in Panama, it is needed to obtain a diploma at the end of studies, and in Brazil, it is required to access professional and university training. In the Dominican Republic, this research has found that even if birth registration is required, children must be enrolled in school even if they cannot provide such a document. However, in order to complete the national exams (in the eighth grade), the presentation of the birth registration certificate is mandatory. Likewise, in Chile, although it is possible to access education without an ID document, it is mandatory for accessing higher education.

7.2.3 Good practices

One promising practice is the assignment of a special number to allow the registration of migrant children. Colombia established a system to provide a Unique Identification Number for school-age Venezuelan children who do not have a valid ID from their country of origin in order to allow them to register into the education system. This has

facilitated the school enrollment of this population, as parents only need to declare under oath that they are in the process of regularizing the immigration status of their children in the country.¹⁶⁴ However, this possibility is only available to the Venezuelan population. Similarly, in Chile, Ecuador and Peru, a Temporary School Identifier allows migrants with irregular status to enrol. In Chile, they can also benefit from school meals; however, for the higher education access exam, a passport is mandatory.¹⁶⁵

In Peru, parents are required to complete a sworn statement form and commit to providing valid ID documents before the end of the school year. In Costa Rica, for the inscription in preschool and the first grade, parents must provide an official document proving the age of the student; but if such a document cannot be provided, they may present a sworn statement or a consular registry. Finally, in Brazil, a school passport has been created in order to allow for the registration of undocumented migrants and also to keep school records and ease the mobility of refugees and migrants within the country.



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¹⁶⁴ OAS, UNHCR, “Estudio Regional sobre Inscripción Tardía de Nacimientos, Otorgamiento de documentos Nacionalidad y Apatridia,” (2020), <https://www.oas.org/es/sap/dgpe/PUICA/docs/Estudio-Regional-sobre-Apatridia.pdf>.

¹⁶⁵ In Chile, there are some school benefits that require registration in the Social Registry of Homes (RSH) (for registration in this registry, it is required that the head of the household has a regular migration status, which has meant that there are some benefits that C&A (NNA) of parents with an irregular migratory status cannot access. There are also special funds for educational establishments considering the vulnerability of students who are also registered in the RSH. This deprives establishments of having important funding to respond to NNA in vulnerable situations because they are not in the RSH. (Information obtained from consultation with Chilean official).

7.3 Access to other social services: the particular case of social protection services

The upsurge in migration and displacement in LAC is driven by economic inequalities, regional economic disparities and the impacts of climate change. Economic hardships and large regional gaps in per capita incomes fuel human mobility, forcing refugees and migrants to move, sometimes following dangerous routes in order to avoid mobility restrictions.¹⁶⁶ In this changing mobility context, refugees and migrants are forced to take alternative routes to reach their destinations, which exacerbates their vulnerability and increases their need for assistance. The COVID-19 pandemic has heightened economic stresses, contributing to increased migration but also highlighting gaps in state social systems, emphasizing the need to provide access to these systems for all populations, regardless of their condition and migratory status.

This study analysed refugees’ and migrants’ access to social assistance services. While these services can be grouped into a large number of programmes with diverse purposes and target populations, the intention is to provide a non-exhaustive sample of existing public assistance programmes in some of the countries under study in the region to demonstrate the potential for the foreign population to access them. The table below presents the findings of the study (see Table 17). The list is not exhaustive.



166 About this particular issue see: Liberona N, “Fronteras y Movilidad Humana en América Latina. Tema Central Nuso N 289/ septiembre-octubre 2020,” 2022, <https://nuso.org/articulo/fronteras-y-movilidad-humana-en-america-latina/>. See also Marcus, R., et. al., “Children on the Move in Latin America and the Caribbean: Review of the evidence,” UNICEF, Panama City, Panama, (2023), <https://www.unicef.org/lac/media/40966/file/Children-on-the-move-in-LAC.pdf>.

Table 17: Requirements for access to other social services, by country

Country	Name of the service	Commentary	Regular status	Source
Argentina	Universal Child Allowance, the Alimentar programme – known as the Alimentar Card – and the Empower Work Programme.	To receive the Universal Child Allowance, both children and parents must be Argentinian and reside in the country. If they are foreigners or naturalized, they must have at least two years of legal residence in the country.	x	https://dds.cepal.org/bpsnc/programme?id=162 .
Brazil	AUXÍLIO BRASIL is the new social income transfer programme aimed at reducing situations of poverty and extreme poverty in families (regardless of their national origin) and promoting the development of C&A.	To access, the person must complete a registration process. “To make effective the protection and defence of the rights of C&A in Brazil, a set of governmental and civil society institutions compose the System of Guarantee of Rights”. Nationals or migrants can access this system because its human rights perspective establishes that care should be provided without distinction of nationality or migratory status in order to ensure the full validity of their rights.	x	https://www.acnur.org/portugues/wp-content/uploads/2022/05/Informativo-Auxilio-Brasil_VF.pdf ; https://www.gov.br/mdh/pt-br/assuntos/noticias/2018/dezembro/Guia_v42.pdf .
Chile	Ethical Familial Income establishes a subsystem for safeguards and opportunities and considers three types of support: accompaniment or professional support, cash transfers, and social services and benefits	Household Social Registry is necessary to access social protection programmes (which is only available to those with a regular status); even special programmes during COVID-19 (money transfers and emergency allowances) were restricted to migrants with a valid ID and a tax number.	x	https://registrosocial.gob.cl/ ; https://www.chileatiende.gob.cl/fichas/20055-ingreso-etico-familiar-ief .
Colombia	Social assistance services including ingreso solidario, subsidiary health care assistance.	Some social assistance services are available for migrants, but they require a regular status to access them.	x	https://migravenezuela.com/economia/que-deben-hacer-los-venezolanos-para-recibir-el-ingreso-solidario/ .
Costa Rica	Family and individual assistance through the Mixed Institute of Social Help provides individual and family assistance in the form of monetary support.	Only nationals or migrants with proper documentation (residence card) may apply for this assistance.	x	https://www.imas.go.cr/es/beneficios/atencion-familias-1 .

Country	Name of the service	Commentary	Regular status	Source
Ecuador	Inclusion programmes for the life cycle and family through Child Development Centres and Growing with Our Children. The Child Development Centres are intramural care units aimed at pregnant women and children through daily care and bi-weekly family counselling for families with children up to 3 years old and pregnant women in conditions of poverty, extreme poverty and vulnerability.	The Social and Economic Inclusion Ministry proposes multiple programmes of economic assistance and pensions (such as the Human Development Bonus) restricted to the Ecuadorian population. For child inclusion services, the Ministry of Economic and Social Inclusion requires the citizenship ID of the child and the mother. For those who do not have it, the ministry creates a Temporary Unique Code so that the child can be entered into the service until they can obtain their ID document.	x ¹⁾	IOM. “Barreras para el acceso al Sistema de Protección Social que enfrenta la población migrante y refugiada en Ecuador.” 2022: https://www.r4v.info/es/document/oit-ecuador-barreras-pa-ra-el-acceso-al-sistema-de-proteccion-social-que-enfrenta-la .
El Salvador	For the returnees, public offer includes the ‘Welcome Home’ programme, vocational workshops for youth, distribution of agricultural packages and support for entrepreneurs by the Ministry of Foreign Affairs.	Since 2019, a welcome-back programme has provided the first attention for returnees and deported, including help with transportation and medical attention.		https://www.transparencia.gob.sv/institutions/rree/documentos/189908/download .
Guatemala	Unaccompanied Migrant Children Program. Provides services such as Shelter Services and Social Care and Training Services.	The purpose is to attend to and protect unaccompanied migrant girls, boys and adolescents who are returned via air and land from the United States and Mexico, as well as to ensure their rights.		https://www.sbs.gob.gt/programa-ninez-migrante/ .
Honduras	Centres for Returned Migrants manages and operated by the Ministry of Foreign Affairs and International Cooperation, providing: full meals, migration process with a biometric system, information about government social programmes, transportation to their places of origin and medical services, among others.			https://conmigho.sreci.gob.hn/centro-de-atencion-al-migrante-retornado-sps/ .
Mexico	The State of Mexico promotes programmes specifically for Mexicans abroad and their families, such as: 4x1 Migrants (on remittance sending and social investment); support for businesses owned by migrant family members (also focusing on productive use of remittances); migrant clubs; and the Mexican helpline.	The State of Mexico, with the purpose of reducing poverty, marginalization and vulnerability of individuals, promotes social programmes focused on the Mexican population, with a gender, age and ability focus. The non-Mexican population cannot access the same programmes.		http://bienestar.edomex.gob.mx/programas_sociales .

Country	Name of the service	Commentary	Regular status	Source
Panama	Family bonus for food (for rural areas with a strong indigenous presence); programme of social educative assistance (economic support granted to students enrolled in primary, pre-middle, middle and special education used to purchase food, personal hygiene supplies, medications, school supplies, uniforms, books, data and technological tools).	There is no specific mention of migrants in the scope of this program, but there is also no limitation to only nationals.		https://dds.cepal.org/bpsnc/programa.php?id=26 ; https://www.ifarhu.gob.pa/wp-content/uploads/2013/11/Manual-de-Procedimientos-del-Programa-Asistencia-Social-Educativa-Universal-Mo-dalidad-Digital.pdf .
Paraguay	Abrazo Program: a comprehensive programme aimed at preventing, intervening and protecting C&A in situations of hazardous child labour. It includes conditional cash transfers and other activities involving minors engaged in child labour and their families.	Any families and children in situations of hazardous child labour may apply.		https://www.minna.gov.py/pagina/229-abrazo.html ; https://dds.cepal.org/bpsnc/programa?id=28 .
Uruguay	Conditional Cash Transfer Programme aimed at C&A from households in vulnerable socioeconomic situations.	The Ministry of Social Development has a migration area that allows services to be adapted to the needs of the foreign population.	x	https://dds.cepal.org/bpsnc/programa?id=38 ; https://www.bps.gub.uy/5470/asignacion-familiar.html .

¹⁾ Replacing/optional documents.



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As has been evidenced in the case of health and education, the possibility of accessing official social assistance services by the refugee and migrant population varies significantly from one country to another. On the one hand, there are programmes aimed at the most vulnerable population that focus on economic support for families and individuals who can demonstrate their particular condition. In some countries, the services provided are restricted to the national population (as is the case in Jamaica, Mexico and Peru). In other cases, there is no specific mention of the possibility for foreigners to access these services, nor are there campaigns to publicize them to the refugee and migrant population, although there is also no mention that excludes them (this is the case, for example, in Panama with the Family Bonus for Food). Finally, in countries like Argentina, Brazil, Chile, Colombia, Costa Rica and Uruguay, migrants have the possibility to access the indicated services as long as they are in regular migratory status. In Honduras,

Guatemala and El Salvador, specific procedures are established for the care of unaccompanied children to establish their identity and for the assistance of returnees. Programmes like Bienvenido a Casa in El Salvador,¹⁶⁷ the Centro de Atención Migratoria para Guatemaltecos Retornados in Guatemala,¹⁶⁸ or the Centro de Atención al Migrante Retornado in Honduras¹⁶⁹ have focused on addressing the needs of individuals returned primarily from the United States, providing transportation, orientation and other basic services upon their arrival. It is important to note that any of the described programmes include in their conditions the presentation of civil registration to access them.

7.3.1 Good practice

Brazil is the only country in the region that grants non-nationals access to social assistance programmes regardless of their legal status. The Bolsa Familia programme is only conditioned on school attendance and health check-ups.¹⁷⁰

167 More information available at <https://www.transparencia.gob.sv/institutions/rree/documents/189908/download>.

168 More information available at <https://igm.gob.gt/wp-content/uploads/2023/04/DocumentoDelDiaPdf-7-4-12.pdf>.

169 More information available at <https://salud.gob.hn/sshome/index.php/component/downloads/?task=download.send&id=283>.

170 Shamsuddin, Ariel, Battaglin et al., "Integration of Venezuelan Refugees and Migrants in Brazil," *Policy Research Working Paper 9605*, World Bank Group, 2021, <https://openknowledge.worldbank.org/server/api/core/bitstreams/d93f1cd9-f102-57e5-b473-054761471b0d/content>.

8 General conclusions

The study on access to and use of civil registration in the LAC region confirms the significant role this registration plays. In particular, the civil registration of birth, which is known for its essential use as an ID document from an early age, is a requirement to acquire other ID documents upon reaching the age of majority and a prerequisite for obtaining nationality at birth. It has also been identified that, in many countries, this registration is necessary for marriage, enrollment in early school years, obtaining diplomas, registering in health care systems, participating in the regularization process, and even, in specific cases, for recording deaths. All these uses underscore the fundamental role of this document in ID and access to a wide range of rights and essential services for all individuals, including those in mobile situations. Marriage and death records also appear to be essential to access services, prove parentage, participate in regularization processes and access other records.

Analysing the changing migration dynamics in the region and taking into account the requirements in each country regarding ID and registration, this research has been able to confirm the importance of identity throughout all stages of the migration process and the need to ensure access to civil registration. Identity information often required of refugees and migrants includes the country of origin, travel documents, copies of vital records, school records and nationality. This is evident in the case of children crossing the Darien gap to reach the United States. “Many of these babies passing through the jungle were born in Colombia, Ecuador, Peru, or Argentina. They are children who do not yet have a homeland to lend them an accent or a land to put down roots and allow their identity to flourish. Or perhaps, identity has been just that: having bags packed and ready to flee because it couldn’t be here either.”¹⁷¹

During transit, while seeking access to essential services, and when registering births and deaths, refugees and migrants need to provide copies of birth, marriage or death registration, as well as other ID

documents that, in many cases, they do not possess. In their destination countries, refugees and migrants face the need to provide documentation and civil records in their attempt to access services and even regularization campaigns. Returned populations may also need these documents and related information to belatedly register births, marriages and deaths, or to seek access to services or even confirm their nationality by birth.

The challenges just mentioned become even more significant when considering vulnerable mobile populations such as trafficked victims, refugees and unaccompanied children, who are often forced to leave documents behind, lose them or destroy them during their journey, making it difficult for them to prove their legal identity. For extra continental migrants, accessing copies of their civil registration can be even more complicated when faced with the absence of consular services from their home countries. Obtaining apostilled copies of their records or translation and interpretation services for their native languages can also be challenging.

171 La Vorágine, “Los bebés del Darien,” 2023, <https://voragine.co/historias/reportaje/los-bebes-del-darien/>.

The human mobility context in the region has undoubtedly tested the institutions of transit and host countries. The procedures and conditions established for civil registration and access to various rights have had to adjust to address mobile populations, especially in countries that historically did not have a significant human mobility tradition but are now experiencing an exponential increase in the number of people passing through, staying or leaving their territories. Some countries have adapted their procedures and requirements for civil registration and access to social services to enable mobile individuals to meet affiliation and access conditions (this is the case in countries such as Colombia, Mexico and Peru). Others, however, have not made modifications to their conditions and procedures. In general, it has been found that in most countries in the region, the rules for accessing civil registration were established several decades ago and have not adapted to new realities linked

to high mobility in the region. Sometimes, this is due to the difficulty of making legislative changes and procedural adjustments. The same observation can be made regarding consular services, whose operation in some countries has not adapted to the growing demands of a population abroad. This results in the requirements and procedures not being aligned with the current human mobility dynamics.

After reviewing specialized reports, constitutions, laws, regulations and special regulations of the countries under study and conducting surveys with registration officials, it has been established that there is no absolute impossibility for refugees and migrants to register vital events in the registration system. However, some barriers complicate or make it nearly impossible for them to access this type of service. These barriers are related to the inability to submit requested documents, cover associated expenses,

comply with requirements and conduct translation. Some countries also impose specific requirements.

Regarding the impossibility of submitting certain documents, this challenge is directly associated with the conditions of human mobility. Refugees and people in extreme vulnerability find it more challenging to undertake the journey with ID documents or other support for identity, affiliation and kinship. The availability of resources to cover the costs associated with these procedures will also depend on travel conditions. This study has identified common requirements for the registration of vital events, with additional requirements for the foreign-born population. It has also identified opportunities or promising practices in countries where regulations have been adapted to facilitate access to civil registration for mobile people.

Among the most recurrent barriers identified are:

1. The obligation to provide official foreign documents accompanied by apostille and translation (in the case of documents in a language other than the official one). Given the difficulties in accessing apostilles in some countries in the region and the costs involved, this requirement can be challenging to meet. Still, it is necessary for specific procedures, such as registering a birth that occurred abroad or marrying when one or both spouses are of foreign origin.
2. Covering expenses can be a challenge, especially for marriage, divorce procedures and their subsequent registration, late birth registration and, in some countries, for accessing regularization. Additionally, there are costs related to travel to places where civil registration can take place, including consular offices, which have not been considered in this study but should be taken into account.
3. Another difficulty related to civil registration and ID concerns birth records established with ID documents that cease to exist or lose validity, such as foreigner ID cards, special permits of permanence or temporary visas. This complicates the ID of parents, obtaining copies and exercising rights related to parental authority.
4. Passports are the usual means of ID required for migrants. While some countries and procedures offer alternative means of ID, such as documents issued by consular authorities of the home countries, national identity cards or other documents from home countries, sometimes no alternative is provided to address the absence of a valid passport, hindering access to some services and procedures.
5. Regular status: It has been identified that a regular administrative status is still necessary in some countries in order to access civil birth registry, marriage registry or death registry, or to fully access social rights.
6. Additional barriers identified in certain countries include the obligation to present difficult-to-obtain documents like health certificates and premarital courses (in Spanish) for marriage, vaccination and blood type (Rh) certificates for registering births, and domicile certifications for various procedures.



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In general, it is essential to note that the conditions for the registration of vital events for refugees and migrants, compared to those for nationals, do not appear excessively complicated when considered in the abstract. However, in practice, they can represent burdens difficult to bear for the mobile population, given the particularities of their journeys and the conditions under which they occur. Hence, there is a need to raise awareness among registry authorities about regional human mobility dynamics and the specific needs of the refugee and migrant population in the region.

The study has also focused on the accessibility of services for nationals abroad and the possibility of registering vital events through consular representations. In this aspect, discrepancies were identified between services offered through consular offices. There are opportunities for improvement in several countries that do not provide the possibility of obtaining copies of the civil registry through these offices, hindering their nationals' access to educational and health services and limiting their ability to marry and participate in regularization campaigns.

From both the desk research and the survey of registry authorities, it has been observed that there is a certain level of awareness in the region regarding the need to promote the registration of births for the migrant, refugee and transit population, given the tremendous importance that this registration has for the exercise of basic human rights. However, there are no studies, analyses or comparisons in the region that focus on the possibility of advancing other registrations, such as marriage, death and, even less so, divorce. This could be explained by the misconceptions that are often held about human mobility as a transient and sudden phenomenon, which does not correspond to the reality of the dynamics experienced in the region. Refugees and migrants establish their lives in destination places and, consequently, get married, have children and access many services.

The use of consular declarations or certifications frequently appears as a substitute document to establish the identity of individuals. It is noteworthy that this possibility presents difficulties concerning extra-continental migrants from countries that may

not have consular representation in the transit or destination countries. It also presents difficulties for refugees and asylum seekers who, at times, may not be able or willing to contact the consular authorities of their countries of origin, especially when they have left their countries due to persecutions perpetrated by official agents.

In many cases, the passport is presented as the necessary ID document for the refugee and migrant population. The inability to present alternative ID documents hinders access to civil registration, social services and regularization processes when those leaving do not have the opportunity to carry their passports. This is especially relevant for the refugee population. While in some countries specific provisions were found authorizing their ID through asylum-seeker and refugee cards, in many others, no such provisions were identified.

Provisions have been adopted in Latin America to strengthen and modernize civil registration systems, aiming to achieve total coverage of the region's population. While efforts continue in this direction, there are discrepancies regarding the possibility of requesting and obtaining copies of civil registry records across the countries under study. These discrepancies hinder refugee's and migrants' access to these services. The World Bank, among other organizations, has provided recommendations for States to implement uniform registration procedures nationwide, ensuring clarity for all.¹⁷² However, this study has found that, at times, registration requirements can vary based on the location within the country. This is the case especially in those countries where administrative decentralization has granted local authorities the competence to

establish local rules regarding civil registration and access to public services, but also in other places where previous research has outlined the existence of discrepancies and additional requirements to complete civil registration or access services.¹⁷³

This research encountered numerous challenges in accessing online and up-to-date information about procedures, requirements and regulations. In most cases, it was necessary to consult five or six sources for each process to cross-reference information and reach the correct source. It is important to consider that the mobile population may face the same challenge when trying to obtain basic information about requirements and conditions for accessing civil registry, regularization and conditions to access social rights.

Finally, the engagement with civil registration authorities in some countries of the region drew attention to the lack of knowledge among these authorities regarding the use of civil registration to access educational and health services and regularization processes for the refugee and migrant population. Considering the regional landscape, where large-scale mixed movements could lead to an "increase in existing gaps in accessing birth registration and proof of nationality documents for individuals in human mobility,"¹⁷⁴ it is crucial to raise awareness not only about the realities and migratory dynamics of the region but also about the challenges that complying with the established civil norms' requirements poses for refugee and migrant populations and the consequences of the lack of registration, particularly for birth registration.

172 World Bank, UNICEF, UNDP, et al. "Principios para la identificación para el desarrollo sostenible: hacia la era digital," 2021, <https://documents1.worldbank.org/curated/en/371801496861423208/pdf/Principles-on-Identification-for-Sustainable-Development-Toward-the-Digital-Age.pdf>.

173 OAS, UNHCR, "Estudio Regional sobre Inscripción Tardía de Nacimientos, Otorgamiento de documentos Nacionalidad y Apatridia," (2020), <https://www.oas.org/es/sap/dgpe/PUICA/docs/Estudio-Regional-sobre-Apatridia.pdf>.

174 Ibid.

9 Recommendations

▲ Awareness campaigns for refugees, migrants and authorities

Conscious of the significance of birth registration and its various applications for regular, safe human mobility pathways as well as for accessing services, initiating other registrations or even benefiting from regularization processes, it is crucial to implement awareness campaigns for potential migrants. The goal is to encourage them to register vital events for themselves and their children in the place where the event or the civil act took place and especially before departing from their places of origin or transit. If possible, they should carry copies of these records to avoid undergoing these procedures belatedly or facing the impossibility of doing so. Access to civil registration across the country could specifically consider registration points near border crossings, transportation terminals and airports.¹⁷⁵

For the registry authorities, it would be useful to undertake training and awareness campaigns with the collaboration of the migration authorities and other civil and social authorities. The training topics should cover, for example, the diverse uses of civil records in their countries, as well as the migratory realities in the region and the difficulties

refugees and migrants face in accessing records, apostilles and translations.

▲ Ease civil registration for refugees and migrants

In light of the international obligations of States and the recommendations and observations established by international authorities such as the IACHR, UNHCR, UNICEF, OHCHR and IOM, among others, States should engage in processes to review their civil registration regulations. The aim is to adjust them so that the requirements imposed on refugee and migrant populations and other vulnerable groups do not constitute unbearable burdens for these people and their families. Some of the reviews could be aimed at the following areas:

- With regard to late birth registration, consider the possibility of exempting fines for cases of vulnerable refugee and migrant populations.
- For the requirement of civil records from their countries of origin, consider the possibility of offering alternative mechanisms for ID or establishing parentage.
- For the registration of deaths, consider easing some requirements that are difficult for refugees, migrants and their families to fulfil,

such as providing an original passport from the deceased or presenting witnesses.

- For the mandatory requirement of passports, consider allowing other means of ID, including national ID documents from the countries of origin.
- For the requirement of apostille, according to the extended criteria set by the Colombian Constitutional Court, obtaining apostilles can be considered a disproportionate, unreasonable and unjustified burden for some refugees and migrants. In such cases, it will be necessary to omit this obligation or replace it with other available mechanisms to safeguard higher interests. This criterion could be extended to other countries where the difficulty of obtaining apostilles is identified. Even though States are bound by the Hague Convention on Apostille, they could make a harmonious interpretation of these obligations in light of other international human rights obligations in order to ensure the registry of vital acts and, by these means, enable access to fundamental rights.¹⁷⁶

¹⁷⁵ Punctual registration campaigns have been evident throughout this study in specific borders such as that of Colombia and Panama.

¹⁷⁶ As established by the Vienna Convention on the Law of Treaties of 1986. More information available at https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf.

- It is particularly necessary to find mechanisms that allow verifying the identity of extra continental refugees and migrants when they lack ID and there is no consular representation from their country of origin, especially when this ID is required to complete the registration of births and other vital acts. While in some countries, ID through migration documents is allowed, this situation creates a vicious circle as, without an identity document or passport, migrants cannot access migration documents in their places of transit or destination.
- Regarding the requirement of regular administrative status to access civil registration and social rights, this practice should be eliminated as it does not contribute to the vital events registration process. On the contrary, it disproportionately and unnecessarily hinders the registration and access to rights by the refugee and migrant population.

▲ **Adjust civil procedures to the reality**

The requirement to present medical exams, blood tests or premarital courses for getting married may represent difficulties for individuals, especially for those who do not speak the local language. Adjustments in such procedures could be made in order to ease this requirement or make them accessible for refugees and migrants.

▲ **Strengthen consular services**

Efforts should be made to strengthen these services, particularly regarding the registration of vital events through consulates, obtaining copies of these records at reasonable prices and obtaining documents that serve to prove the identity of nationals abroad.

UNICEF has recommended protecting the rights of children via States committing to guaranteeing free and mandatory birth registration as well as free birth certificates so that C&A do not suffer conditions of exclusion and discrimination. Such recommendations should also be extended to consular services.¹⁷⁷

▲ **Ease regularization process**

For regularization processes based on the existence of family ties, additional mechanisms should be found to verify kinship when civil records cannot be presented.

▲ **Ease access to information**

Mechanisms should be promoted to centralize and update relevant information on requirements for accessing civil registration, social rights and regularization processes. Doing so would allow refugees and migrants to access information promptly and accurately.

▲ **Access to education for everyone**

In order to overcome the challenges that exist in ensuring access to educational services and obtaining diplomas due to the lack of birth registration, the practice of assigning provisional ID numbers could be replicated. Such ID measures would aim to streamline the process and ensure access to this essential service. Similarly, the assignment of provisional numbers, or the possibility to use other ID methods, could be used for obtaining diplomas, with the understanding that these assigned IDs could be corrected once the identity is established through other means.



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177 UNICEF, "Birth Registration for Every Child by 2030: Are we on track?" UNICEF, New York, 2019a. <https://www.unicef.org/media/62981/file/Birth-registration-for-every-child-by-2030.pdf>.

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States Parties undertake to
***respect the right of the child
to preserve his or her identity,
including nationality, name
and family relations...***

Convention on the Rights of the Child, art. 8



Published by UNICEF

Regional Office for Latin America and the Caribbean (LACRO)

Building 102, Alberto Tejada Street

City of Knowledge

P.O. Box: 0843-03045.

Panama, Republic of Panama

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