**Cuestionario para el trabajo en grupos**

**Borrador de elementos para una Guía de prácticas eficaces para la admisión y estadía de personas que atraviesan fronteras en el contexto de desastres**

1. **Posible Guía de prácticas eficaces para atender a las personas que se ven obligadas a huir atravesando fronteras internacionales en situaciones de desastres:**

* ¿Cuáles son las circunstancias para las que se puede aplicar la Guía de prácticas eficaces (situaciones y contexto)?
* ¿Cómo y cuándo deben activarse las prácticas (mecanismos y procedimientos)?
* ¿Quién debe beneficiarse de las prácticas eficaces propuestas (quienes; individuos o grupos de personas)?
* ¿Qué marcos legales pueden ser aplicables? Podría proveer un ejemplo?
* En caso de activación, ¿cuáles son posibles normas para los arreglos de admisión y recepción (acceso al territorio, documentación, acceso a información y coordinación institucional, entre otros)? Podría proveer un ejemplo?
* ¿Cuáles podrían ser las normas mínimas de trato?
* ¿Cómo se puede facilitar la transición hacia la adopción de soluciones duraderas y la terminación de las medidas de protección temporales?
* ¿Qué instituciones están mejor situadas para responder a las necesidades de los desplazados y cuál es la mejor forma de coordinar el trabajo interinstitucional? Podría proveer un ejemplo?
* ¿Qué tipo de coordinación debe establecerse entre el país anfitrión y el país de origen? ¿Cuál sería la función de las organizaciones regionales? Podría proveer un ejemplo?

1. **Posible Guía de prácticas eficaces para atender a migrantes que ya se encuentran en el extranjero cuando ocurre un desastre en su país de origen**

* ¿Cuáles son las circunstancias en las que se pueden aplicar políticas de no expulsión (situaciones y contextos)
* ¿Cómo y cuándo deben activarse las prácticas (mecanismos y procedimientos)?
* ¿Quién debe beneficiarse de las prácticas eficaces propuestas (quienes; individuos o grupos de personas)?
* ¿Qué marcos legales pueden ser aplicables? Puede proveer un ejemplo?
* En caso de activación, ¿cuáles son posibles prácticas relacionadas con el acceso a las prácticas (acceso a información y coordinación institucional, entre otros)? Puede proveer un ejemplo?
* ¿Cuáles podrían ser las normas mínimas de trato?
* ¿Cómo se puede facilitar la transición hacia la adopción de soluciones duraderas y la terminación de las medidas de protección temporales (transición a otras categorías o condiciones migratorias)?

* ¿Qué instituciones están mejor situadas para responder a las necesidades de los desplazados y cuál es la mejor forma de coordinar el trabajo interinstitucional? Puede proveer un ejemplo?
* ¿Qué tipo de coordinación debe establecerse entre el país anfitrión y el país de origen? ¿Cuál sería la función de las organizaciones regionales? Puede proveer un ejemplo?

1. **Extranjeros que quedan atrapados en un país afectado por un desastre donde podrían encontrarse, residir o estar en tránsito.**

* ¿Cuáles son las circunstancias para las que se puede aplicar la Guía de prácticas eficaces (situaciones y contexto)?
* ¿Cómo y cuándo deben activarse las prácticas (mecanismos y procedimientos)?
* ¿Quién debe beneficiarse de las prácticas eficaces propuestas (quienes; individuos o grupos de personas)?
* ¿Qué marcos legales pueden ser aplicables? Puede proveer un ejemplo?
* ¿Cuáles podrían ser las normas mínimas de trato?
* ¿Cuál es la posible función de las políticas de no expulsión en tales circunstancias?
* ¿Qué tipo de coordinación debe establecerse entre el país anfitrión y el país de origen? ¿Cuál sería la función de las organizaciones regionales? Puede proveer un ejemplo?
* ¿Cuál es la posible función de la protección consular? Puede proveer un ejemplo?
* ¿Cómo se puede proteger mejor a los extranjeros o migrantes a través de la planificación de contingencias y las estrategias y planes de gestión de los riesgos de desastres?

1. People that in a disaster situation are crossing international borders:

Belize

* Context of hurricanes, earthquakes, droughts that cause destruction within the countries.
* In the context of a disaster, the country of origin almost always asks for support to the international community.
* Regarding to long onset disasters, there should be technical assistance provided among countries to strengthen prevention.
* The focus for the protection of people in disasters, should be on the severe level of the disaster impact.
* National governments should be responsive and transmit information to receive people who cross borders.
* Organización Nacional de Manejo de Desastres, Central Emergency Management.

Mexico

* The circumstances should refer to the natural phenomenon that strikes a country and each nation should define the procedures to respond.
* The procedures should have an order to provide support to people in need when a disaster impacts, so coordination should be the main guideline.
* When should be put into practice this Guideline?
* The discussion should facilitate the negotiations between countries for the activation of protection protocols for population from different States.
* We should refer to sudden onset disasters while establishing best practices that most of the countries already have.
* Who should define the disasters status?
* There is no need of distinction for the protection of individuals or groups on the basis on sudden on-set disasters.
* Mexico proposes to work on a paper that states the background on the legal framework.
* Delivery of a document that states good practices for the protection of people in foreign countries that could be affected by a disaster that encompasses the administrative and legal frameworks.
* Mexican Migration Law already includes main international principles of protection and treatment.
* Collaborate and cooperate on technical issues among States to establish long term solutions to immigration situations.
* Manual de Procedimientos para la Atención de Connacionales en el Exterior – Guideline Protocol for the Attention of Mexican Nationals Abroad; and a Registry of Mexicans Abroad.

Canada

* There are already tools that can be developed, and there is much that is already done on this matter.
* We should develop a Guide, not a Guideline and be careful with the words we choose.
* There is no need of distinction for the protection of individuals or groups on the basis on sudden on-set disasters.
* Canada has no concerns about the legal framework that should be implemented to develop the Guide.
* Consular assistance, documentation, teams of volunteers who work on information sharing among embassies on the country’s mechanisms of protection.
* Canada looks for long term solutions to regulate immigration.
* Department of Foreign Affairs and Trade

**Agreements A**

1. The Guide could facilitate cooperation between countries for the activation of protection protocols for population from different States as a previous step due to the impact of sudden-onset disasters.
2. Affected countries by a disaster based on their inner and sovereign protocols and concepts (aligned to international law) might establish a declaration of emergency or disaster as the first step to ask for support to the International Community and to activate the protection protocols of each country’s nationals.
3. People benefited by the protection of countries in disaster situations could not be distinguished between individuals or groups; therefore, the focus for their protection could be on the severe level of the disaster’s impact. There could be a special consideration extended to groups in situation of vulnerability such as women, children, and elderly, among others.
4. The Guide would be used based on the current legal framework that each country has developed for the protection of people in case of disaster situations.
5. Each delegation could be delivering a document that states good practices for the protection of people in foreign countries that might be affected by a disaster and which encompasses their administrative and legal frameworks, as well as the main principles of protection and treatment.
6. To collaborate and cooperate on technical issues among States to establish long term solutions to immigration situations due to sudden-onset disasters.
7. There are specific institutions within each State that coordinate the protection response to people affected by sudden-onset disasters.
8. Best practices to protect immigrants already abroad when a disaster strikes

Canada

* Specific policies.
* Canada Border Services are responsible for removal of people.
* Resources to research on countries’ conditions to increase information sharing.

US

* TPS

Mexico

* Legal framework states the priority of the protection of the individual and the respect to his/her rights.
* Foreigners in Mexican territory receive the same treatment rights that nationals do.

**Agreements B**

1. We, the countries, support the policies of non-forced return when immigrants are already abroad in a disaster situation, to provide the attention they require based on the legal frameworks and procedures. The only exception to this point applies to people who committed serious criminality, in a manner consistent with international law.
2. People benefited by the protection of countries in disaster situations could not be distinguished between individuals or groups; therefore, the focus for their protection could be on the severe level of the disaster’s impact. There could be a special consideration extended to groups in situation of vulnerability such as women, children, and elderly, among others.
3. The Guide would be used based on the current legal framework that each country has developed for the protection of people in case of disaster situations.
4. Resources that are already invested on research of countries’ conditions and to increase information sharing among CRM member States could be useful on this matter.
5. Regional mechanisms such as CEPREDENAC could provide assistance to countries on information gathering and sharing.
6. Migrants affected by a disaster in their country of origin or transit

Mexico

Having a registry of nationals living abroad, supported by embassies and consulates, telephone communication, monitoring of information, support of OEN/IOM, armed forces of Mexico

Priority given to foreign nationals desirous of repatriating back to their home country, cooperation among pool of consulates abroad of the various RCM member states, establishing linkages between consulates in Mexico to facilitate greater coordination and communication

Do not think that Mexico has had experiences where irregular migrants in Mexico during times of sudden on-set disasters; however they would be able to remain in Mexico in such cases

Mechanism already exist via the RCM mechanism to cooperate on these matters, incorporate NANSEN initiative with the existing RCM framework which will result in continuity of the work of both organizations

Protocol of protection during sudden on-set disasters that focuses on prevention and response

Improve channels of communications between institutions that provide assistance to victims of sudden on-set disasters, and consular networks. Establish protocols of communication between national disaster response institutions at local levels

SELA has discussed a proposal to establish a fund which can be used during times of sudden on-set disasters by its members

There are natural disasters that can be predicted, for instance hurricanes, volcanic eruptions, where prevention can be contemplated

US

Have a registry of US citizens in RCM member states, have own emergency action plan

Canada

Not a member of the NANSEN initiative, and would have to do internal consultation in order to take a position on a possible merger between the NANSEN initiative and the RCM

Currently developing operational readiness plans which can be shared when completed

**Agreements C**

1. The recommendations that arise from this conference can be taken to the consular network of the RCM for consideration, with the support of the NANSEN initiative
2. The States recommend considering the use of a Protocol of protection that focuses on prevention and response in cases of sudden on-set disasters