



COMPENDIUM OF GOOD PRACTICES IN ENABLING ACCESS TO LEGAL IDENTITY FOR UNDOCUMENTED MIGRANTS



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IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

This publication adheres to the IOM Legal Identity Strategy, in particular contributing to Pillar 2: Assisting migrants without legal identity documents and Pillar 3: Supporting national civil registration and identity management systems to facilitate regular migration and mobility through supporting Member States in the responsible use of biometrics. In addition, the publication is also in line with Objective 4 of the Global Compact for Safe, Orderly and Regular Migration: “Ensure that all migrants have proof of legal identity and adequate documentation.”

This publication was made through the support provided by the IOM Development Fund as part of the project “Facilitating Access to Legal Identity for Migrants: Sharing Good Practices and Developing a Global Guidance” to determine legal identity within the context of various migration procedures, which is an important condition for accessing rights and services. Especially for those without resident status in their host country, the specific processes of establishing legal identity and providing proof of such are not regulated internationally, and there is a lack of international guidance regarding practical ways to establish legal identity for migrants where proof of legal identity is lacking. The Compendium therefore aims to provide data and good practices on how States determine legal identity of foreign nationals without proof of identity, collected from participatory field research in six pilot countries, namely Bosnia and Herzegovina, Brazil, the Republic of Moldova, the Niger, Peru and Thailand. The report formulates innovative gender-sensitive global guidance in the form of a Compendium that will help guide Member States in establishing legal identity to uphold the rights of migrants and of their children, without putting them at risk. The opinions expressed herein are those of the author and do not necessarily reflect the views of the IOM Development Fund.

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INTRODUCTION

The establishment of legal identity is a crucial element in determining decisions within the context of various migration procedures, and is often essential for effective access to rights and services for migrants. These aspects include the issues related to applications for visas, other legal migration channels, and returns – including both short-stay and long-stay visas, residence permits and regularization, and family reunion. While States rely mostly on travel and identity documents to establish legal identity, in cases where these cannot be provided, authorities take recourse to a variety of methods, such as interviews, language analysis, or even DNA analysis and searches of data carriers such as digital devices.¹

Everyone has the right to recognition everywhere as a person before the law, as enshrined in human rights international instruments,² and States are obliged to respect, protect and fulfil the human rights of all migrants on their territory, including at their borders, regardless of documentation. However, the lack of proof of legal identity often greatly inhibits their access to protection and enjoyment of rights. For instance, according to a study on practices for establishing the identity of third-country nationals in migration procedures of European Union Member States, the inability to establish identity of an international protection applicant leads in some countries to a negative asylum decision.³

While immigration control is primarily a matter for national governments, responsibility for public services is a shared competence. Local authorities have difficulties catering for services and rights of migrants without proof of legal identity, and some have initiated local solutions such as municipal or local civic identity cards in cases where proof of identity, but not of immigration status, is required when accessing services such as enrolment in a school.⁴ The challenges to provide certain services to migrants without documentation have been further exacerbated by the COVID-19 pandemic. Indeed, access to health care or socioeconomic measures to address the sanitary crisis has been generally more difficult for those migrants without documentation proving their identity.

The Global Compact for Safe, Orderly and Regular Migration underlines the role of local authorities in issuing crucial documentation, including “registration cards”. The Compact (para. 20 (g)) proposes building “upon existing practices at the local level that facilitate participation in community life, such as interaction with authorities and access to relevant services, through the issuance of registration cards to all persons living in a municipality, including migrants, that contain basic personal information, while not constituting entitlements to citizenship or residency.”

Irregular migrants or migrants without proof of legal identity may also experience serious challenges in establishing the legal identity of their children. Migrants might be required to present identity documents when registering the birth of their newborns, which they avoid for fear of the risk of being detected, especially when public officials are required to report irregular migrants to immigration authorities.

This Compendium is part of a larger IOM effort aimed at supporting formulating guidance at local and/or national level to cater for the rights of migrants and of their children linked to legal identity, without putting migrants at risk.⁵

OBJECTIVES AND GOALS OF THE COMPENDIUM

Processes of establishing legal identity for non-citizens and providing documentary proof are not regulated internationally, except for the entire human rights law framework, which warrants, for example, respect for the right to identity, the right to privacy, not to be subjected to torture or any cruel or inhumane treatment, the prohibition of discrimination and the right to liberty, to name just a few. The Compendium is developed to address the gap that exists from this lack of international guidance regarding practical ways to establish a legal identity for non-citizens. The political and logistical challenges arising at

¹ European Migration Network (2018a). *Challenges and Practices for Establishing the Identity of Third-Country Nationals in Migration Procedures: EMN Synthesis Report*.

² Art. 6 Universal Declaration of Human Rights; Art. 16 International Covenant on Civil and Political Rights; Art. 24 of the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*; Article 5 of the African Charter on Human and Peoples' Rights.

³ European Migration Network (2018b). *Challenges and Practices for Establishing the Identity of Third-Country Nationals in Migration Procedures: EMN Synthesis Report*.

⁴ City Initiative on Migrants with an Irregular Status in Europe (C-MISE) (2019). *Migrants with Irregular Status in Europe: Guidance for Municipalities*. March.

⁵ For instance, several European cities have adapted registration procedures to the specific conditions of undocumented migrants – for instance through practices that do not require identity details of parents. See European Migration Network (2018b).



Members of the Quilawa community in Palma, Mozambique, listen attentively to a legal identity session during the creation of a community safety council. © IOM 2023/Terrence KAGURABADZA

different governance levels, as well as the ethical and legal challenges related to different methods of identity establishment, call for guidance and knowledge-sharing. Such knowledge is particularly useful in the context of the existing, but also any future, often sudden, emerging migratory contexts that may find many countries in a situation of having significant migrant populations on their territory that are unable to present documentary proof of their legal identity.

With the overarching goal of providing Member States and the broader expert community with an overview of good practices that States can use to address existing challenges and be prepared if such situations arise in the future, the Compendium:

- Elaborates and summarizes, based on the representative sample, the national policies and good practices related to establishing identity for migrants (non-nationals) without proof of legal identity on a given territory.
- Fleshes out the political economy of the registration process and the establishment of legal identity and issuance of identification credentials, and the related challenges in ensuring cooperation between different stakeholders, as well as system maintenance and sustainability.
- Provides a comprehensive overview of good practices on recording, keeping and sharing information in line with human rights and data privacy.
- Elaborates in detail, beyond the policy side, a compendium of registration business processes and implemented technical solutions.
- Highlights and elaborates on good practices in implementing these policies and facilitating access to proof of legal identity and documentation, through research and subsequent expert consultations.

The Compendium can be used as a source of baseline information to facilitate informed discussion between Member States and international experts with the view to addressing and overcoming challenges in upholding the rights and catering to the needs of migrants without proof of legal identity, while highlighting the benefits of good practices not only for migrants themselves, but for societies as a whole.

TARGETED MIGRANT CATEGORIES

The target of the research summarized in the Compendium are the different categories of undocumented migrants who entered the territory of the State in an irregular fashion or overstayed the time period granted upon entry. These categories are divided based on the availability or non-availability of the documents that could be considered as evidence of legal identity. Broadly, these migrants can be grouped as:

- Migrants claiming not to be in a position of holding any documentary evidence issued by the authorities of the country of origin or the host State that could be used to determine their legal identity.
- Migrants who are able to present some documents that they claim bear the correct information on their legal identity, yet are not internationally recognized documents, often issued in an unfamiliar script or language, including unfamiliar formats.
- Migrants who changed the characteristics of their legal identity as a result of a marriage that has not been officially registered; or children of migrants both on the territory of the host State and whose birth has not been registered and therefore lack any official documentary evidence of their legal identity.
- Internally displaced persons: irregular migrants for whom determining legal identity is linked to a specific country situation.

The Compendium is designed as a comprehensive tool that utilizes a wealth of data and information for analytical purposes, aimed at highlighting good practices and identifying crucial areas for intervention concerning migrants lacking documentary proof of legal identity. This information encompasses a range of factors such as the general circumstances that lead to migrants losing access to their identification, the political and policy debates shaping governmental responses, and the nuances of those responses. This includes the host State's legal frameworks, policies and institutional setups; how these regulatory elements translate into specific registration business processes; and the criteria employed for establishing legal identity. Additional considerations involve the methods for recording, storing and sharing identity data, whether through analog or digital means, as well as the design and security aspects of issued credentials. The Compendium also looks at the coordination between host States and the authorities of the migrants' countries of origin, specifically through consular channels, and assesses the risk factors related to the establishment of legal identity, such as the potential for long-term stays in the host country.

INFORMATION AND DATA COLLECTION METHODS

The collection of data and information for the Compendium consisted of two components: desk review and case studies of six preselected countries.

The desk review involved relevant research and publication on the topic of legal identity of irregular migrants available in the public domain, documentation collected in contacts with relevant national stakeholders and IOM missions during visits to the countries selected for case studies, and documentation referenced during consultation workshops and as referred by the participants, including international legal frameworks and good practices.

Six case studies were developed in the period October 2022–March 2023 and are based on the interviews with key informants in the countries preselected for the case studies. The selection of the case study countries was made following global consultations with IOM missions, their feedback on suitable States that could showcase their experiences in establishing the legal identity of undocumented migrants, and the official invitation by the authorities of these States to IOM to visit and document their experiences. These consultations further aimed to ensure an adequate accounting for global practices by selecting case studies to take place across four continents. As a result of these consultations, the case studies were conducted in: Bosnia and Herzegovina, Brazil, the Republic of Moldova, the Niger, Peru and Thailand.

METHODOLOGICAL APPROACH

The studies were developed using a combination of qualitative and quantitative research methodology implemented through a review of available data and information collected as part of in-depth interviews with key informants. In preparation for the study and the interviews, data-gathering focused on available background documents and official and published statistical information available on the Internet or obtained through respective IOM missions. The background document review was used to obtain a better understanding of these countries' migration situations, the magnitude of the problem of migrants without proof of legal identity, and national policies and interventions aimed at addressing the situation. Background document review was aided by additional documents collected during field visits.

Prior to making the country visits, the reviews of background material and consultations with respective IOM missions were used to decide on the list of stakeholders to be contacted and with whom to arrange interviews, and to define subject areas of further inquiry. These consultations resulted in a detailed programme of the visit with scheduled interviews with the key informants.

Key informants were selected from among:

- legislative authorities in charge of defining regulations on entry and stay of foreign nationals;
- authorities in charge of immigration and authorization of temporary and long-term stay of foreign nationals;
- authorities in charge of identity management of foreigners with resident status;
- migration management experts;
- authorities and civil society organizations working with migrants;
- civil registration authorities;
- front-office officers in charge of establishing legal identity;
- back-office practitioners handling applications for recording of legal identity;
- migrants without documentary proof of legal identity;
- academic scholars/researchers focusing on migration management;
- representatives of civil society organizations working directly with migrants;
- any additional stakeholders considered relevant to the field research.

Information and data collection during the visit to the countries were arranged as semi-structured interviews aimed at collecting descriptive responses and data in line with the enclosed guiding questions in Annex 1. Prior to each interview, a subset of questions from the guiding list were identified to ensure their relevance in the context of the informants' responsibilities. The interviews aimed to ensure that key issues were covered, but also that informants were encouraged to contribute their own insights and experience that might fall outside the planned question areas. Interviews will be reflected in the case studies, but findings will not be attributed to individuals.

ANALYTICAL PLAN

Qualitative methodology was used for the analysis of completed interviews in order to assess:

- Factors that influenced national authorities to address the problem of migrants without documentary proof of legal identity, as well as how the solving of this problem is linked with the protection of individual human rights, but also for national security and orderly migration management.
- How these considerations have been translated into specific policies and regulations.
- Key elements of policies and regulations, including specific criteria used to determine legal identity of concerned migrants (i.e. admissible documents, interviews, witnesses or other methods).
- Business processes for the operationalization of legal identity.
- Issuance of identification credentials to migrants following establishment of legal identity.
- Late registration of vital events that have occurred in the past of migrants without legal identity.
- Back-office identity management of the registered legal identity of migrants.
- Modalities of cooperation with the authorities of the country of origin in the process of establishing legal identity and after legal identity has been established.
- How authorities ensure that the process of establishment of legal identity is not abused for the fabrication of identities and creation of multiple identities.
- Validity of legal identity established by the host country authorities in the context of international travel and in relation to the authorities of the country of origin.
- Risks to migrants' well-being linked with the establishment and operationalization of legal identity.

Quantitative analysis was further used to provide an estimated number of migrants without legal identity contrasted with the total number of migrants on the territory of host States, and the number of migrants whose identity has been established and have supplied documents proving legal identity. Quantitative analysis was further used to establish the proportion of different types of evidence being used to establish legal identity, resources in terms of human workforce, and technical equipment employed to identify cases of migrants without legal identity and to operationalize their legal identity. Data were collected on the number of identification credentials issued and reissued, vital events registered, the age categories of migrants affected by the lack of legal identity, and the proportion of migrants without proof of legal identity in terms of the reasons that led them to the status of irregular migrants.

All the case studies and the review of available documents were analysed and grouped based on the root causes of the situation that led to migrants not being able to present their proof of legal identity. This was done with the view to understanding which kinds of challenges governments face and how their resources are invested to overcome them. It also highlighted situations and types of migrants without documentary proof of legal identity that are usually not immediately visible and therefore receive insufficient attention from governments and find themselves in a situation of protracted exclusion. Government policies, as well as already adopted legislation and regulations to tackle the problems of migrants without documentary proof of legal identity or evidence of legal identity, were cross-analysed to identify common features and key underlying interests that underpin the decisions of regulators.

The analysis of legal identity establishment business processes focuses on the use of institutional, technical and other resources to capture and process the claimed identity of individuals without legal identity. The analysis further extended to assessing the processes of providing migrants with documentary proof of legal identity through registration of vital events and issuance of identification documents. In addition, the analysis focused on the technical and institutional modalities of organizing back-office services to keep legal identity data secure and to update it as appropriate.

Particular attention was given to understanding the instruments that governments use to identify individuals or population groups without documentary proof of legal identity, as well as policies aimed at mobilizing and sensitizing migrants individually or as a group to approach the authorities in order to obtain these documents.

The Compendium benefits from the global workshop organized following the production of the Compendium draft. The primary objective of the workshop was to facilitate a platform for knowledge exchange and collaboration among IOM missions, international experts, migration stakeholders and academia in the research countries to discuss and recommend good practices that can be implemented to address the challenges faced by migrants without documentary proof of their identity. The participants mainly came from the countries targeted by the research, namely Bosnia and Herzegovina, Brazil, the Republic of Moldova, the Niger, Peru and Thailand. The workshop was held in Bangkok from 16 to 18 August 2023 and focused on identifying the best practices that have been successful in the context of each country, as well as the challenges faced by migrants and authorities in the process of establishing legal identity.

The workshop resulted in a comprehensive discussion on recommended practices, which are all synthesized in the Compendium, providing valuable guidance for policymakers and practitioners in the field of migration and legal identity. As the participants came mainly from the countries targeted by the research, the outcomes are grounded in real-life experiences and tailored to the specific contexts of these countries.



Returnees of displacement in the Quilawa community in Palma Mozambique benefit from the Legal Identity sensitization session during the creation of a community safety council. © IOM 2023/Terrence KAGURABADZA

Multifaceted approaches to migrant regularization

Countries employ various instruments to address the status of migrants within their territories, each providing, in one way or another, a path for the regularization of stay for migrants without documentary proof of legal identity. These instruments are often multifaceted, reflecting the complex nature of migration, and aim to cover as much ground as possible, from asylum claims to work authorization. These instruments commonly aim to provide short- to medium-term solutions for migrants lacking proper legal identity. Whether it be Bosnia and Herzegovina's temporary residence on humanitarian grounds, the Republic of Moldova's temporary protection based on government decisions, Peru's Temporary Stay Permit Licence (CPP), or Thailand's pink card, each of these systems seeks to offer a path to legal status, employment and often basic social services. All four countries demonstrate an interministerial or multi-agency approach, often involving ministries of interior, labour and health in coordinated efforts. Despite the diverse contexts and migrant populations they serve, these countries share a common thread in their policies: the flexibility to adapt to complex migration issues, the willingness to provide some form of legal status even in the absence of complete documentation, and the inclination to involve multiple stakeholders in the regularization process.

In Bosnia and Herzegovina, the approach is deeply rooted in its asylum legislation, which offers a range of protection mechanisms. These include refugee status, subsidiary protection and temporary protection based on the Refugee Convention. There are also provisions for temporary residence on humanitarian grounds, specifically aimed at categories such as victims of trafficking and organized crime, stateless persons and unaccompanied minors. Subsidiary protection is another innovative instrument that provides a complementary layer of protection for those who do not meet the stringent conditions for refugee status.

In the Republic of Moldova, temporary protection mechanisms have been codified based on existing laws. The country has recently adopted a decision that aligns its protection schemes with those of European Union Member States, especially in the context of displaced persons from Ukraine. The decision prescribes the conditions under which various identity documents, even if expired, can be accepted to grant temporary protection.

Peru's response to the Venezuelan migration crisis offers another layer of intricacy. Initially, it introduced the Temporary Permit of Permanence (PTP), which provided short-term relief to Venezuelan migrants. This was later replaced by the Temporary Stay Permit Licence (CPP), aiming for longer-term regularization. Peru also offers a specialized Humanitarian Visa for those fleeing dire circumstances, showcasing its adaptive and evolving policy tools in response to changing needs.

Thailand, meanwhile, employs the Non-Thai Citizen Temporary Card, often called the "pink card", to regularize the status of migrant workers, especially those from neighbouring countries. The pink card serves as a stopgap measure to allow these workers to gain temporary legal status and work in the country. One-Stop Service Centres facilitate the process, ensuring streamlined procedures involving multiple ministries. Even for those migrants who cannot provide proof of identity, the system allows for the issuance of a certificate of identity, illustrating a level of flexibility in the approach.

Each of these countries demonstrates a willingness to create frameworks that provide avenues for migrants lacking legal identity to regularize their status. These approaches, whether through asylum laws, temporary protection schemes or specialized permits, underscore the multiple ways in which States are seeking to manage the complex realities of migration while considering humanitarian aspects.

Regularization pathways tailored by migrants' country of origin

Countries frequently adopt tailored migration policies that cater to specific groups of migrants, rather than implementing a universal approach. The reason for such tailoring can often be attributed to high numbers of arrivals from certain countries or significant geopolitical developments that result in increased outward migration.

Brazil, for example, offers an intricate framework for migration management. Under the MERCOSUR agreement, nationals from member countries can obtain legal residence in Brazil. Additionally, Inter-Ministerial Ordinances have been implemented to grant residence permits to Venezuelans, Guyanese, Surinamese, Haitians and stateless individuals affected by various crises. Moreover, the Brazilian Government has also extended temporary humanitarian visas and residence permits to Ukrainians, Afghans, Syrians and Haitians affected by conflicts and human rights violations.

This experience in Brazil adds to the examples from Bosnia and Herzegovina, the Republic of Moldova and Thailand, highlighting the flexibility and adaptability of nations in dealing with migrants. While each nation adopts solutions nuanced to the specifics of different migrant populations, a common thread among these approaches is the capacity to invoke high-level governmental decisions, emergency provisions, or regional frameworks to adapt quickly to changing circumstances. These mechanisms – whether they be the Council of Ministers in Bosnia and Herzegovina, an Emergency Commission in the Republic of Moldova, Cabinet Resolutions in Thailand, or Inter-Ministerial Ordinances in Brazil – enable countries to expedite decision-making in response to various migration scenarios.

The management of the identity of migrants in transit often involves a collaborative approach with development partners and international organizations. For instance, in the Niger, the Directorate for Territorial Surveillance (DST) under the Ministry of Interior is primarily responsible for immigration services, such as border management and issuing travel documents. However, DST's capacity to manage the influx of migrants, particularly at the northern border, has proven to be insufficient.

To address this gap, DST has entered into partnerships with the International Organization for Migration (IOM). IOM has implemented a Migrant Resource and Response Mechanism (MRRM) project, which includes the establishment of six transit centres designed to offer accommodation and support to migrants. These centres not only act as holding areas while return travel arrangements are made, but also offer educational resources to migrants about the risks associated with cross-Saharan routes. Additionally, IOM assists in the process of assisted voluntary return and reintegration (AVRR), providing a more structured and humane approach to managing migration.

This cooperative model, involving national authorities and international development partners, provides a multilayered, more comprehensive system for managing the identity and needs of migrants in transit. It enables better data collection and identity verification, and ultimately better services and support for migrants.

Asylum applications – a central instrument for legal identity verification

The asylum request emerges as a crucial instrument across various countries for migrants lacking documents, initiating the process for recognizing and documenting their identity. In Bosnia and Herzegovina, Brazil, the Republic of Moldova and Peru, asylum procedures function as a pivotal pathway for such migrants. In Bosnia and Herzegovina, a formal “Attestation of Expressed Intent to Seek Asylum”, often called the “white paper”, is issued, which grants temporary access to reception centres. This process aligns closely with the Republic of Moldova's practice in which a temporary identity document is issued after an interview, good for 72 hours, effectively initiating the migrants into the country's asylum process. The Republic of Moldova also uniquely allows this process to be a one-time option and employs a State Identification Number for monitoring.

Brazil requires migrants lacking proof of identity to apply for asylum as per its migration legislation. The issuance of a “Protocol of Request for the Recognition of Refugee Status” serves as a preliminary step in the asylum process. Meanwhile, in Peru, the General Refugee Law specifies a rapid asylum recognition process, although it is limited only to those with existing identification documents. For Venezuelans in Peru, additional paths exist via the Temporary Permit of Permanence (PTP), but these are accessible only to those with identification documents.

Thus, while each country has its own particularities, they all demonstrate a reliance on the asylum procedure as the primary means to integrate migrants without documentation into a legal framework, thereby offering them a chance for their identity to be recognized and documented.

Other instruments for regularization generally rely on the presentation of valid proof of legal identity issued by the country of origin.

In Bosnia and Herzegovina, the procedure for asylum applications involves the collection of biometric data from migrants, especially when they are unable to provide valid proof of legal identity. This information is then forwarded to the Sector



Civil Registration Officials mobilize Internally Displaced Persons (IDPs) in Chiure Mozambique for the IDPs who lost their civil document to utilize the civil registration mobile station. © IOM 2023/Arlinda MACUACUA

for Asylum within the Bosnia and Herzegovina Ministry of Security, which is responsible for conducting asylum interviews. Biometric information is stored in a central database and serves as a critical tool for managing the identities of migrants in transit. In Brazil, the Reception and Documentation Centre (PiTRIG) sites serve as the primary locations for asylum applications and are operated by government and humanitarian partners, including UNHCR and IOM. Here, migrants attend information sessions where they decide whether to apply for temporary residence or asylum. The chosen path dictates the documentation process, which includes the collection of personal information such as names, birth dates, and parents' names. Biometric data such as fingerprints and photos are collected and stored in the Federal Police's electronic database. In the Republic of Moldova, asylum-seekers, particularly those without legal identity documents, are initially stopped at border crossings. An interview is conducted to determine the applicant's identity, which is recorded on a written form. Digital facial photos are taken to issue a temporary identity document valid for 72 hours and this information is entered into the border immigration software. Upon granting of international protection, the individual's details are stored in a database operated by the General Inspectorate for Migration.

In both the Republic of Moldova and Bosnia and Herzegovina cases, as well as in Brazil, the absence of valid documents for identity verification leads to a reliance on the declarations made by the migrants themselves. In the Republic of Moldova, the identity of asylum-seekers without valid documents is categorized as a "declared identity", which only verifies their legal stay without confirming their actual identity. Similarly, in Bosnia and Herzegovina, when migrants cannot provide valid proof of legal identity, biometric data are collected, but officials often start from the assumption that the personal information provided may very likely be incorrect. In Brazil, migrants without any proof of legal identity can only opt to apply for asylum, and their self-reported information, such as name and date of birth, is used to initiate the asylum protocol.

In all of these cases, the lack of valid identification documents puts greater emphasis on the declarations of the migrants themselves, which might not always be accurate. This underscores the importance and challenges of identity management in transit and asylum-seeking processes. The reliance on self-declaration in the absence of valid identification documents exposes the systems to potential vulnerabilities, requiring supplementary measures such as biometric data collection or follow-up verification procedures.

IDENTITY DATA COLLECTION AND MANAGEMENT

Across these countries, the collection of personal and biometric data stands out as a common practice. Biometric data serve as an essential tool for verifying identity, especially in the absence of valid legal documents. Additionally, these databases serve multiple functions beyond identity verification, including aiding in security measures and monitoring. However, the efficiency of these systems varies from country to country, influenced by factors such as staffing and technical capabilities.

Across the countries of Bosnia and Herzegovina, Brazil and the Republic of Moldova, the general procedure for personal data collection and management in the context of asylum-seeking and migration typically follows a sequential set of steps, which might vary slightly depending on the jurisdiction and the specific operational context. Here is a synthesized outline:

- a. **Initial identification:** When migrants arrive, they are initially screened. If they possess valid identity documents, these are used for the initial part of the process. If not, migrants are usually provided with an alternative pathway, which often involves applying for asylum.
- b. **Declaration and interview:** After the initial identification, an interview is generally conducted to collect basic information about the migrant. In the absence of valid identity documents, this information is based on the migrants' own declarations.
- c. **Biometric data collection:** To compensate for the lack of valid identity documents, biometric data, such as fingerprints and facial photographs, are often collected. This is aimed at establishing a more reliable record for identity management. Fingerprint deduplication technology allows authorities to identify repeat registrants and check for discrepancies between declared and stored identity data. It also helps in detecting whether a migrant has overstayed the allowed period of time.
- d. **Identity verification and cross-checking:** Advanced methods like fingerprint deduplication technology or database cross-referencing may be used to verify the identity against any pre-existing records in the system.
- e. **Database entry:** All collected information, including biometric data and interview responses, is entered into a centralized database for further tracking and processing.
- f. **Temporary documentation:** Migrants are typically issued a temporary identity document, often noting that the identity is "declared" if no valid identity documents are presented. This temporary identity might have time limitations and is used for internal tracking.
- g. **Asylum protocol initiation:** In most instances, migrants must formally initiate an asylum process, which involves further data collection and validation, potentially using international databases and collaboration.
- h. **Ongoing monitoring and updating:** As the migrants' legal status is reviewed, usually involving a legal procedure or court hearing, the database is updated accordingly, including any new identity documents or status changes.
- i. **Issuance of final documents:** Upon approval of asylum or another legal status, final identification documents are usually issued, sometimes replacing the initial temporary documents. These might be processed by a different agency that manages national or migrant records.
- j. **Role of international and national agencies:** Throughout these steps, various agencies, both national and international, may be involved in data collection, validation and management.
- k. **Data usage for security and other services:** The collected data not only serve identity verification purposes, but are also often used for broader security monitoring and provision of services, such as health care or financial assistance.

The reliance on self-declared information when valid identity documents are absent remains a common challenge across all systems. Supplementary measures like biometric data collection are often used to mitigate the risks associated with this.

IDENTITY VERIFICATION

Determining the legal identity of migrants, as registered by the authorities of their country of origin, is a critical aspect of immigration control and asylum procedures. Various methods are employed to ensure the accuracy of this identification.

The primary approach involves a semi-structured and open interview process, where officials can adapt the line of questioning based on the migrant's responses. Interpreters and cultural mediators are on hand to facilitate the interview in multiple languages. Migrants are encouraged to present any available identification documents, including passports and photographs. However, when documents are missing – often lost or confiscated during migration – officials may use other means like photographs and verbal questioning to establish identity and familial relationships.

The role of embassies in the process of identity verification for migrants is pivotal, especially in contexts where migrants arrive in host countries without sufficient or valid identity documents. Embassies serve as crucial intermediaries between the country of origin and the host country, filling the gaps in identity verification procedures and providing avenues for more robust and secure identity management. This cooperative mechanism between embassies and host countries not only streamlines the identification process, but also ensures that migrants have legal standing and can be accorded rights and responsibilities as per international and national laws.

For example, the case of the Republic of Moldova and Ukrainian citizens in crisis situations like the war in Ukraine shows that people often flee their homes without adequate documentation. The Embassy of Ukraine in the Republic of Moldova steps in here to facilitate the issuance of a “certificate of identity and citizenship”. This document is prepared in consultation with Moldovan authorities and serves multiple purposes: it allows migrants to cross borders, serves as a temporary identification document and enables Moldovan authorities to keep track of migrant flows. The certificate, in this instance, acts as a stopgap, buying time for both the migrant and the respective governments until more formal documentation procedures can be completed.

Similarly, embassies work with host countries to address more complex identification challenges. In some cases, families arrive with adult members holding complete documentation, but their children do not. In other instances, individuals may have no documents or have only expired or damaged ones. The embassy plays a key role in these cases, coordinating with multiple departments like the relevant agency in the home country to obtain vital records such as birth certificates. This underscores the embassies’ multifaceted role in ensuring identity verification – they serve as a nexus for document verification, identity proofing and legal formalities, often accelerating processes that could otherwise take a long time.

However, the role of embassies is not just confined to emergency situations. In normal circumstances, they work with host countries to continually verify the identities of migrants, sometimes engaging in laborious processes that may include interviews, biometric data collection and cross-referencing with databases in the home country. They also collaborate with host countries in creating special arrangements, like Memorandums of Understanding, that allow the establishment of identity verification centres, as seen in Thailand’s cooperation with Cambodia, Lao People’s Democratic Republic and Myanmar.

In addition, embassies often engage with host countries to resolve identity-related complications. Whether it is a matter of citizenship disputes or the verification of a migrant’s criminal record, the embassy liaises with multiple agencies in both the home and host countries. This collaborative approach ensures that identity verification is as thorough as possible, minimizing the risks of fraud, misidentification or any legal ambiguities that might arise.

The cooperation between embassies and host countries is instrumental in ensuring a comprehensive identity verification process for migrants. This collaboration establishes a foundation of trust and legal integrity, upon which more stable and secure migration systems can be built. It embodies an international commitment to humane and lawful treatment of migrants, fortified by rigorous and dependable identity verification procedures.

In the case of Mali’s embassy in the Niger, for instance, once a migrant is interviewed by local officials, the collected information and biometric data are sent to the capital city of Bamako. Here, the police authorities conduct further verification before issuing a *laissez-passer*, a necessary travel document for the migrant. This shows a deep level of cooperation between local and central authorities in Mali, facilitated by the embassy in the host country. The intricate process also involves dialect identification through phone calls, sometimes reaching out to the migrant’s home village, to affirm their true origins.

The Nigerian embassy, on the other hand, prefers a more traditional face-to-face approach. Migrants are interviewed in person and a series of questions is used to test the information they have provided. After verification, this information is then entered into a national database for further scrutiny before a *laissez-passer* is issued. This example highlights how physical presence can augment the process by allowing for a more in-depth interpersonal assessment.

Special arrangements also exist for countries lacking diplomatic representation. Organizations like IOM have worked with countries like Sierra Leone and Liberia to accept specially issued travel certificates. This shows how embassies and international organizations collaborate to ensure that no individual is left undocumented due to logistical or bureaucratic issues. Sierra Leone provides an example of adapting to challenges by utilizing technology. Since Sierra Leone does not have



Returnees of displacement in the Quilawa community in Palma Mozambique benefit from the Legal Identity sensitization session during the creation of a community safety council. © IOM 2023/Terrence KAGURABADZA

a physical diplomatic presence in the Niger, a “virtual consulate” has been set up. Officials in Freetown are connected via Skype to migrants, facilitated by IOM. These virtual interviews serve as in-depth probes into the information initially provided, illustrating how technological tools are leveraged for identity verification, even in the absence of physical diplomatic facilities.

Thailand has a multifaceted approach to verifying the identities of irregular migrants, particularly those lacking proper documentation due to inadequate civil registration systems in their home countries. Through Memorandums of Understanding with neighbouring countries, Thailand allows for the establishment of identity verification centres. These centres are operated by consular authorities from migrants’ home countries and issue Certificates of Identity to regularize the migrants’ status. The verification process is tailored to the policies of each home country. For instance, Cambodian officials conduct year-round nationality verification in Bangkok, while Lao authorities run periodic checks at public locations. Myanmar, on the other hand, involves a pre-screening process in the home country followed by official verification and the issuance of temporary passports.

Identity management of minors

The practices of different countries in verifying the identities of refugee or migrant minors reveal a mix of unique and shared strategies. While the challenges are often similar across borders, each country brings its own set of methods to the table. These approaches offer valuable insights into forming a comprehensive, multilayered framework for addressing this complex issue globally.

In countries like Bosnia and Herzegovina and Thailand, multidisciplinary teams play a significant role. These teams are made up of social workers, psychologists and cultural mediators or other specialists. They engage in interviews and assessments, often using structured questionnaires to determine the age and family status of the minors.

Adding another layer of complexity, legal frameworks help guide the identification process. In Brazil, the National Council for the Rights of the Child and the Adolescent (CONANDA) establishes guidelines for verifying a minor’s identity. Thailand’s Ministry of Social Development and Human Security performs a similar function. These agencies advocate for a legal approach that prioritizes the minor’s well-being, typically erring on the side of caution.

Flexibility is often key, especially when traditional identification documents are lacking. Bosnia and Herzegovina uses culturally sensitive questionnaires to collect necessary information. In Thailand, if a child’s age remains uncertain, medical examinations may be used for further verification.

When it comes to age assessment, Brazil adopts a cautious stance. If an individual’s age is unclear, Brazilian law prefers to classify the individual as a minor, eliminating the need for further age determination processes. In Thailand, initial age assessments are based on the child’s own declarations, but these can be supplemented with medical examinations if there is doubt.

For long-term considerations, continuity of services is a key element. In Brazil, residence permits for minors can be converted into indefinite ones once they reach adulthood. Thailand offers a pathway to potential citizenship over time, based on the child’s individual circumstances.

Cultural nuances are another factor that cannot be overlooked. Bosnia and Herzegovina's multidisciplinary teams are specially trained to navigate language barriers and cultural differences, ensuring that the process is as inclusive and respectful as possible. Determining the family relationships of migrants, especially those travelling with minors, is crucial for a multitude of reasons. First, the accuracy of these relationships directly impacts the well-being of the minors involved. There have been cases where adults, seeking better accommodation and facilities offered at reception centres, lie about their relationship with a child. This deception places children in potentially dangerous situations and undermines the integrity of facilities designed to offer specialized care to families. Staff must be vigilant and discerning to protect these vulnerable minors.

Second, the accuracy of family relationship documentation is essential for the possibility of family reunification. If family relationships are not correctly recorded at the point of entry or during residence in a temporary reception centre, it can complicate or even thwart efforts to reunite separated family members later. This is not just a logistical concern, but an issue of human rights and emotional well-being for both children and adults.

Finally, the issue extends beyond mere identification and facility allocation; it is also a matter of security and crime prevention. Incorrect or fraudulent family relationship claims can mask severe criminal activities such as human smuggling and trafficking. In-depth interviews and thorough checks are not just bureaucratic steps – they are safety measures. For instance, rigorous interviews have led to the discovery of minors who were victims of human trafficking.

Verification of identity of migrants who entered regularly

When migrants enter a country through regular means such as air or sea border crossings, the initial identification process is fairly standardized. They typically present a travel document and a valid visa for entry. If they are unable to provide these, they can request asylum, at which point the relevant authority collects their personal data, including biometrics and any existing travel documents. The facial image or fingerprint scan collected during this process serves as a backup identification method, sufficient for the issuance of the registration card.

If migrants lose their original documents after arrival, they have the option to initiate the renewal process through their respective embassies in Brazil or a nearby country. Digital records maintained by national authorities can be leveraged to obtain a copy of the original document, serving as preliminary legal identity proof for interacting with consular authorities. Moreover, should migrants lose their registration card, they can have it reissued through biometric verification methods like facial recognition and fingerprint scanning. In practical terms, even a scanned image registration card that, for example, contains a QR code can be sufficient to access the central repository. This repository may also include scanned copies of documents from the migrants' countries of origin that were uploaded during the initial registration process. This multilayered, tech-enabled approach ensures a robust system for verifying the identities of migrants, even when physical documents are lost or unavailable.

REGISTRATION OF VITAL EVENTS OF MIGRANTS WITHOUT IDENTITY DOCUMENTS

The information from Bosnia and Herzegovina – and to an extent from the Niger – elucidates the reality that the ability to register vital events is not just a bureaucratic necessity, but a fundamental human right. The effectiveness of registration systems hinges on their flexibility, inclusivity and adaptability to the unique challenges presented by undocumented migrants. These are crucial considerations for any country aiming to improve its civil registration and vital statistics systems.

The example of Bosnia and Herzegovina illustrates several important aspects that underscore the necessity of enabling undocumented migrants to register vital events. In the first place, Bosnia and Herzegovina has a universal approach to civil registration that aims to include all newborn children in the country, regardless of nationality. Drawing upon prior experience in registering Roma children who often lacked personal documents, the country has demonstrated that it is possible to adapt and fine-tune existing systems to cater to undocumented populations.

However, it is important to note that challenges still remain. Migrants, especially those with refugee or asylum-seeker status, face barriers such as language difficulties. These barriers can prevent them from fully understanding the requirements for registration or effectively communicating with civil servants. This points to the need for systems to be adaptable and flexible to meet the diverse needs of migrants.

Moreover, the issue of document verification is particularly tricky. Even when official documents are issued by the host country, local institutions sometimes ask for additional documents from migrant' countries of origin, complicating the registration process. As a solution, some institutions in Bosnia and Herzegovina have adopted more flexible approaches, recognizing documents issued by third-party organizations like IOM. This highlights the need for policies that allow alternative proofs of identity, particularly for those who have lost their original documents or cannot access them for other reasons.

In cases of death, Bosnia and Herzegovina goes to great lengths to ensure proper registration. The authorities work closely with embassies of the deceased's country of origin to verify identity, providing another example of how international cooperation can be invaluable in facilitating the registration of vital events for undocumented migrants.



A civil registration official from the Government of Mozambique leads a group discussion during a monitoring visit to evaluate the civil registration activity in Chiure, Cabo Delgado. © IOM 2023/Arlinda MACUACUA

For comparison, the Niger's civil registration reform also offers valuable insights. Like Bosnia and Herzegovina, the Niger has taken robust steps to modernize its registration system, focusing on inclusivity. It has created registration centres specifically within migrant and refugee communities, and formulated legal frameworks that allow for alternative methods of identity verification, such as affidavits and interviews. This shows how a comprehensive legal overhaul can make civil registration systems more adaptable to the complexities of registering undocumented migrants.

ONLINE PLATFORMS SUPPORTING IDENTITY MANAGEMENT

The introduction of online technologies has revolutionized the identity management of migrants, providing a more efficient, secure and accessible way to handle the complexities involved in the migration process. The online technologies for identity management have a multifaceted impact. They make the process more efficient by cutting down on time and resources, providing flexibility and adaptability to migrants, and enhancing the security of the identification process.

In Brazil, the digital platform Sisconare is used for the registration and case management of asylum-seekers. The system is remarkably comprehensive; it allows individuals to self-register, monitor the progress of their applications and even receive notifications. This level of involvement empowers the asylum-seekers to be active participants in their cases. The online process begins simply with an email address and basic information. Once registered, the system allows for the absence of traditional identity proof, providing flexibility for those without documents. This serves as an initial step before meeting with the Federal Police for further verification, including providing biometric data. The use of such online systems accelerates the process, reduces physical paperwork and can be easily updated or corrected if necessary.

Similarly, Brazil's Digital Migrant Wallet offers a digital version of identity documents, which can be easily accessed via mobile phones. This innovation contributes to migrants' convenience, allowing them to carry a legally recognized form of identification without relying on physical documents. It highlights the adaptability and versatility that digital platforms can offer.

Moving on to the Republic of Moldova and Ukraine, the Diia mobile app stands out as a noteworthy example. It provides a digital wallet for official documents and serves as a one-stop access point for a multitude of public services. The app even allows for digital passports, which are legally recognized and can be easily verified through a QR code. This not only speeds up identification processes at borders, but also reduces the chances of document fraud, thereby enhancing security.

Lastly, Peru's Digital Agency showcases how digital technology can simplify migration-related tasks drastically. The platform provides a seamless way to submit various applications related to passports, visas or residency. Moreover, it significantly cuts down the waiting period for approvals, making the process more efficient for both migrants and officials. The system also includes an appointment scheduling feature, acting as a comprehensive hub for all migration needs.

COOPERATION WITH CIVIL SOCIETY ORGANIZATIONS

The value of cooperation between civil society organizations (CSOs) and national authorities in establishing and verifying migrants' identities cannot be overstated, as illustrated by initiatives like Operation Horizon in Sao Paulo and similar efforts in the Niger. Such collaborations enable the pooling of expertise; they streamline processes and facilitate data collection and sharing, enhancing the effectiveness and inclusivity of identity management systems. In Sao Paulo, NGOs bridge the knowledge gap on complex migration status cases, ensuring that migrants are better prepared for applications. They also assist in compiling necessary documentation, allowing the Federal Police to focus on decision-making.

In the Niger, a network of NGOs known as the Collective of ECOWAS Foreign Communities and Other African Countries plays a crucial role in issuing temporary identification cards to migrants. This process is particularly vital when migrants lack diplomatic representation in the Niger, or have challenges renewing identity documents from their countries of origin. After an initial verification process by diaspora NGOs and further vetting through community representatives, a recognized identification card is issued. This multilayered, cooperative approach not only expedites the identity verification process, but also serves as a safety net for migrants who may otherwise fall through the cracks.

Additionally, the established protocols for data collection and sharing improve system efficiencies and avoid bottlenecks. Iterative learning, facilitated through phased implementation and debriefings, allows NGOs to continually refine their support mechanisms, ensuring better outcomes for migrants. Their operations also complement existing systems, like the AGENDA system in Sao Paulo, without causing disruptions.

BOSNIA AND HERZEGOVINA



CAPITAL

Sarajevo



POPULATION

3,233,526 ^a



LANGUAGES

Bosnian, Croatian
and Serbian



INDEPENDENCE DAY

1 March

^a World Bank (2023). Population, total - Bosnia and Herzegovina.

GENERAL INFORMATION

Bosnia and Herzegovina in south-eastern Europe boasts a diverse geography that includes mountain ranges, lush valleys and a modest portion of the Adriatic coastline. With a land area of approximately 51,197 square kilometres, Bosnia and Herzegovina is home to an estimated 3.3 million people. The population primarily consists of three ethnic groups: Bosniaks, Serbs and Croats, along with several other ethnic minorities. Sarajevo is the capital and largest city of Bosnia and Herzegovina. The country is bordered by Croatia to the north and west, Serbia to the east and Montenegro to the south-east, and features a small coastline along the Adriatic Sea to the south. This strategic location has historically positioned Bosnia and Herzegovina as a crucial intersection for trade, migration and cultural exchange within the Balkan region.

Administratively, Bosnia and Herzegovina comprises two entities and one district: the Federation of Bosnia and Herzegovina, predominantly inhabited by Bosniaks and Croats; Republika Srpska, primarily with a majority Serb population; and Brcko District, which is inhabited by all three ethnicities. These entities and district possess a high degree of autonomy, reflecting the country's complex ethnic and political landscape.

Bosnia and Herzegovina, with its strategic geographic location, has become a key part of the so-called Balkan Route for migrants originating primarily from the Middle East, Africa and Asia. The route gained prominence after the closure of the main Western Balkan Route in 2016, which prompted migrants to find alternative pathways to reach their desired destinations. Border control measures and policies implemented by neighbouring countries, such as Croatia and further westwards in Slovenia, have also impacted Bosnia and Herzegovina, exacerbating the challenges faced by the country in managing transit migration.

The mixed migratory flows in the Western Balkans, consisting of a diverse population such as asylum-seekers, refugees and migrants seeking better opportunities, account for around 30 per cent of all irregular entries into the European Union in 2022. By the end of 2022, over 27,429 arrivals were recorded in Bosnia and Herzegovina, representing a 74 per cent increase compared with the total annual arrivals recorded by authorities in 2021. Migrants predominantly originate from Asia and Africa and are particularly susceptible to human trafficking, exploitation and abuse, with around one in 10 migrants being children.

MIGRATION CONTEXT

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⁶ IOM (2022a). *Bosnia and Herzegovina Crisis Response Plan 2023 – 2024*.



Source: <https://hphr.org/tag/bosnia-and-herzegovina/>.

Note: This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

Upon reaching Bosnia and Herzegovina, migrants and asylum-seekers have often endured several months of difficult travel, with many spending extended periods in countries such as Greece and Türkiye. More than 90 per cent of migrants express their intention to seek asylum, but very few stay to complete the asylum procedure.

Throughout their difficult journeys, migrants have frequently been subjected to violence, exploitation and abuse by smugglers. In 2020, the European Union Agency for Law Enforcement Cooperation (Europol) reported a surge in migrant-smuggling activities in the Western Balkans, noting that criminal networks have increasingly employed exploitative measures to bypass controls. More recent data published by IOM in 2022 reveal that 21 per cent of migrants travelling on the Western Balkan Route report having experienced at least one form of violence, exploitation or abuse. Additionally, the COVID-19 pandemic has brought an increase in border control and movement restrictions, making it challenging for migrants to continue their journeys.

Bosnia and Herzegovina has the highest proportion of emigrants relative to its population among all European countries. According to the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, over two million people originally from Bosnia and Herzegovina now live abroad, amounting to more than half of the country's current population of over three million. Through remittances, these emigrants contribute up to 9 per cent of the nation's GDP. Recent years have seen a significant increase in institutional capacity to harness the potential of the diaspora for development, particularly in fields such as health care and science, technology, engineering and mathematics (STEM).⁷

However, a concerning trend is the continued departure of young adults. This ongoing emigration is expected to result in labour and skills shortages in the short to medium term, negatively impacting several sectors of the Bosnia and Herzegovina economy.⁸ Additionally, barriers to workers' mobility persist, preventing emigrants from fully utilizing and benefiting from their skills and experience. This is exemplified by the high numbers of undeclared workers in the European Union, preventing emigrants from fully utilizing and benefiting from their skills and experience.⁹

MIGRATION MANAGEMENT POLICIES

Bosnia and Herzegovina witnessed significant migration flows following the devastating conflict of 1992–1995. As the nation embarked on a path towards recovery, it became vital to establish policies addressing the various migration challenges. These policies have evolved over time, focusing on the rights of refugees and asylum-seekers, border management and labour migration.

The foundation for Bosnia and Herzegovina's approach to migration lies in the Law on Asylum, enacted in 2003 and amended in 2016.¹⁰ It sets the stage for granting asylum and subsidiary protection to individuals fleeing persecution or serious harm in their home countries. The law also outlines the rights and obligations of refugees and asylum-seekers, while specifying the procedures for processing their applications. Other relevant legislation includes the [Immigration and Asylum Act in Bosnia and Herzegovina of 1999](#), the [Act on the Movement and Stay of Aliens and Asylum of 2008](#) and the [Law on Foreigners of 2014](#).

In response to the complex migration landscape, the Bosnia and Herzegovina Strategy for Migration and Asylum was introduced for the period of 2021–2025.¹¹ This strategy aimed to improve migration management by promoting a coherent, comprehensive and integrated approach. It addressed key challenges such as border management, the integration of refugees and asylum-seekers, labour migration and combating human trafficking. The strategy emphasizes coordination among relevant institutions and agencies and the adoption of European Union standards and best practices in border management.

The Law on Foreigners passed in 2015, and its later adjustments and amendments passed in 2021, regulate entry, stay and exit of foreigners, including labour migration in Bosnia and Herzegovina.¹² It defines the visa and non-visa regime, the types and validity of travel documents, the conditions and procedures for granting different categories of stay, the grounds and

⁷ IOM Bosnia Herzegovina (2022). *Emigration of Health and Information and Communication Technology Professionals from Bosnia and Herzegovina: Challenges and Opportunities*.

⁸ Organisation for Economic Co-operation and Development (OECD) (2022). *Labour Migration in the Western Balkans: Mapping Patterns, Addressing Challenges and Reaping Benefits*.

⁹ Leitner, S.M. (2021). *Net Migration and its Skill Composition in the Western Balkan Countries between 2010 and 2019*. Policy Notes and Reports 47, Vienna Institute for International Economic Studies.

¹⁰ Official Gazette of Bosnia and Herzegovina (2016). [Law on Asylum](#).

¹¹ Kurtic, A. (2022). [Bosnia to tighten border controls in line with EU demands](#). Balkan Insight, 9 December.

¹² Official Gazette of Bosnia and Herzegovina (2015). [Law on the Movement and Stay of Aliens and Asylum](#).

methods for removal of foreigners, the admission and surveillance of foreigners, and the competencies of relevant authorities. It also prescribes the violations and penalties for breaching its provisions. One of the important issues regulated by this law is the work permit system for foreigners who intend to work or perform other profitable activities in Bosnia and Herzegovina. Finally, Bosnia and Herzegovina signed readmission agreements with the European Union and countries such as Pakistan, Serbia, Montenegro, Türkiye and the Republic of Moldova.¹³ These agreements facilitate the return of Bosnia and Herzegovina citizens residing irregularly in other countries and foreign nationals irregularly entering/exiting and residing in Bosnia and Herzegovina.

IDENTITY MANAGEMENT OF MIGRANTS IN TRANSIT

The significant influx of migrants into Bosnia and Herzegovina that began in late 2017 posed numerous challenges to the country's institutions. The number of registered arrivals dropped in 2020 and 2021 compared with 2018 and 2019, probably as a consequence of the COVID-19 pandemic and related mobility restrictions. However, as of 2022 the numbers started to increase again. Visa-free regimes with some countries of origin and in some key transit countries also facilitate arrivals in the Western Balkans. Most people travel to Türkiye and then from Türkiye to Greece or Bulgaria, followed by North Macedonia, Serbia and Bosnia and Herzegovina; or Serbia, onwards to Hungary; or Serbia onwards to Croatia. Another route is the coastal route through Greece, Albania, Montenegro, and Bosnia and Herzegovina before reaching Croatia. Migrants often scout for suitable locations to cross borders along these routes. The mixed migration flow consists of both asylum-seekers escaping persecution or war zones and economic migrants seeking better opportunities. Secondary movements from Türkiye, especially among Syrians and Afghans, are also common. These individuals often find themselves in precarious situations, as their economic prospects in Türkiye diminish or they fear being forcibly returned to the Syrian Arab Republic.¹⁴

Table 1. Monthly arrivals recorded by the Ministry of Security of Bosnia and Herzegovina (as of 2 April 2023)

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
2017	77	66	37	5	22	11	29	60	52	105	76	215	755
2018	237	479	598	1,801	2,242	2,295	2,489	2,293	3,710	5,057	1,931	935	24,067
2019	732	1,117	1,721	2,631	2,603	2,096	4,465	2,913	4,557	3,326	1,925	1,110	29,196
2020	882	2,001	1,540	112	512	1,722	2,194	2,618	1,889	1,087	1,064	529	16,150
2021	670	773	1,269	1,271	1,937	1,855	2,236	1,362	1,591	1,547	704	525	15,740
2022	429	578	907	1,567	1,972	2,214	2,615	2,389	4,640	5,010	1,856	3,252	27,429
2023	1,363	1,460	1,960										5,201

Source: IOM Bosnia and Herzegovina migration response, situation report 12-25 June 2023.

Migrants entering irregularly in a country often do so by crossing rivers or green borders. In some cases, foreigners enter regularly, but may overstay or exit irregularly to reach the European Union.

Migration officials interviewed for this study underlined that in 2023 migrants tend to stay for shorter durations, with stays previously lasting up to three months. This changed when Croatia introduced a two-step procedure in the asylum process, which led to shorter stays for migrants in the region. Since 2019, the number of migrants entering Bosnia and Herzegovina has fluctuated between 16,000 to 30,000 people per year. The flow of migrants has increased dramatically in 2022, but it is characterized by rapid transit through the country. In March 2023, for instance there were fewer than 1,000 migrants hosted in reception centres. However, 45,827 registrations on arrival in the Western Balkans were reported by the authorities from January to May 2023, representing an increase of 14 per cent compared with same period last year. In Bosnia and Herzegovina, authorities registered 9,526 arrivals from January to May 2023, which is a 74.7 per cent increase compared with the same period in 2022.

According to migration officials and civil society representatives, most of these migrants either lack or hesitate to present documentary proof of legal identity. The reasons for this vary, but some migrants avoid providing genuine documents to stay off the radar of authorities and to avoid readmission. Migrants tend to transit through Bosnia and Herzegovina, as their

Figure 2. Main travel routes within the Western Balkans



Source: IOM, Migration Trends in the Western Balkans 2022.

Note: This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

¹³ IOM Bosnia and Herzegovina (n.d.) *Irregular Migration*.

¹⁴ IOM Bosnia and Herzegovina (2023). *Regional Analysis – Syrian nationals in the Western Balkans*. Report.

goal is to reach the European Union. The moment they enter a European Union country, they anticipate that should they decide to seek asylum, they will gain access to better support and opportunities. Therefore, they often do not formally claim asylum in transit countries, as they may anticipate that if the European Union country of their destination finds out that asylum has been requested previously in another country, they will be returned to the country where they initially claimed asylum. Since Bosnia and Herzegovina is not part of the Dublin Agreement, a European Union country would not have access to data on asylum-seekers who applied in Bosnia and Herzegovina. However, some may be returned to Bosnia and Herzegovina if any papers are found on them showing that they indeed applied for asylum in Bosnia and Herzegovina. Some interlocutors interviewed for the study suggested that some migrants may well think that if they apply in Bosnia and Herzegovina and later again in a European Union country, they may be returned to Bosnia and Herzegovina.

While in Bosnia and Herzegovina, migrants in transit often only provide their true documents when they think they have a strong chance of obtaining asylum or when they decide to return home.

The response of the Bosnia and Herzegovina authorities to this challenge is designed in line with its asylum legislation. There are different types of protection offered under asylum legislation, including refugee status according to the Refugee Convention, subsidiary protection and temporary protection. Furthermore, Article 58 of the Law on Foreigners also foresees temporary residence on humanitarian grounds for specific categories, such as victims of trafficking and organized crime, unaccompanied minors, stateless persons, witnesses in criminal cases and other categories decided upon by the Council of Ministers.

Temporary residence permits on humanitarian grounds are granted to victims of trafficking, even if they do not collaborate with the local authorities. However, they must have the need to stay in the country for rehabilitation purposes.



Subsidiary protection is a complementary form of protection for migrants who do not fulfill the conditions of the Refugee Convention, even if their lives are threatened or they face the death penalty. Subsidiary protection grants similar rights to refugee status, but with limitations. For example, recipients cannot travel freely or apply for citizenship, and they may not have access to family reunification or an ID number. Nevertheless, they do receive a subsidiary card, allowing them access to work, health and social services.

Temporary protection is another form of international protection used in cases of mass influx of people, when the asylum system cannot cope with the high numbers. Temporary protection is usually granted for one year and provides rights to people without requiring individual case assessments. In Bosnia and Herzegovina, temporary protection has not been used for Ukrainians or Syrians, but it does exist in the country's legal framework.

In some cases, the authorities may issue special decrees to deal with specific groups of migrants, such as Ukrainians or Syrians, depending on the situation. These decisions can be made by the Council of Ministers, which can grant temporary residency permits to specific groups.

In Bosnia and Herzegovina, temporary residence permits for humanitarian reasons have been granted to Ukrainians and Syrians under the decision of the Council of Ministers. However, they are still required to have valid identification documents, such as passports or ID cards, to apply for these permits. This requirement contrasts with the practices of some other countries, such as the Republic of Moldova, which have used emergency measures to grant protection to migrants without needing to go through the usual parliamentary processes.

In 2016, the authorities of Bosnia and Herzegovina initially faced significant challenges in addressing the problem of migrants in transit. The initial response was inadequate, due to the large influx of migrants and a lack of resources to manage the situation effectively. The authorities struggled to identify and register migrants properly, which further complicated their efforts to provide necessary assistance and services. This is evident in the fact that early versions of documents for transiting migrants were issued without biometrics, photographs, or even proper verification of personal information. Relevant authorities also benefited from the assistance of international stakeholders, such as IOM, the United Nations High Commissioner for Refugees (UNHCR) and other organizations to provide technical support, develop legal documents and establish guidelines. These organizations played a crucial role in helping the country manage the crisis and provide essential services, including accommodation and food to migrants.

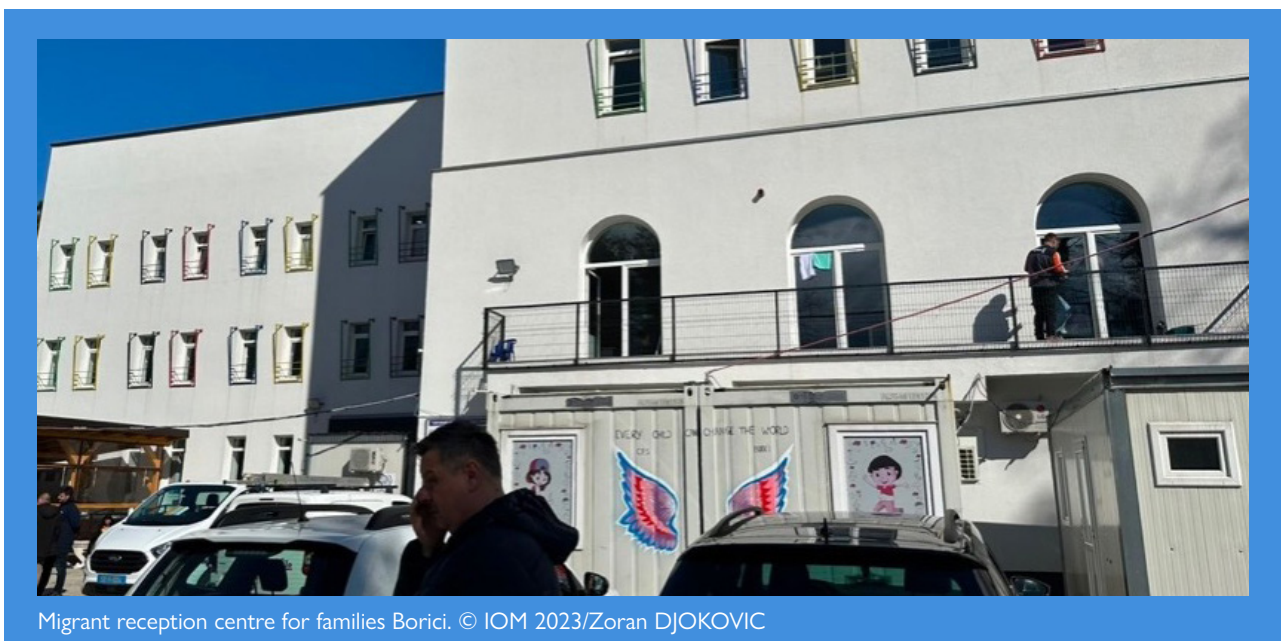
REGISTRATION OF ARRIVING MIGRANTS

Migrants can ask for asylum immediately on their first contact with the Bosnia and Herzegovina Border Police or at any of the 16 offices of the Service for Foreigners' Affairs spread across the country. If migrants initially express intent to seek asylum with the Bosnia and Herzegovina Border Police, they will be referred to the relevant unit of the Service for Foreigners' Affairs. After undertaking due procedure, the Service for Foreigners' Affairs provides each migrant with an "Attestation of Expressed Intent to Seek Asylum" (also known as the "white paper" or "attestation"). Migrants have seven days, extendable to 14 days in exceptional circumstances, to approach the authorities formally to submit their asylum request. In addition, this document grants – but it is not conditional on – access to reception centres. As part of the procedure for the issuance of the attestation, migrants are identified and their biometric data are collected. Biometric data are collected only if the person is unable to present valid proof of legal identity. The information collected is then forwarded to the Sector for Asylum within the Bosnia and Herzegovina Ministry of Security, which is responsible for migrants' asylum interviews.

Figure 3. Unofficial translation and layout of the Attestation of Expressed Intent to Seek Asylum Form

The image shows two pages of a form titled 'CERTIFICATE OF EXPRESSED INTENT TO SUBMIT REQUEST FOR ASYLUM'. Page 1 includes fields for 'Name', 'Sex' (M/F), 'Place and date of issue', 'Date of birth', 'Nationality', and 'Date of issue'. Page 2 includes fields for 'Decision of reception', 'Validity period', 'Language', and 'PHOTOS OF FAMILY MEMBERS'. There are also checkboxes for 'The person who expressed the intention has a travel document that' and 'Family members who are accompanying the person who expressed the intention to submit asylum application'.

Source: Official Gazzete of Bosnia and Herzegovina No. 69/16.



Migrant reception centre for families Borici. © IOM 2023/Zoran DJOKOVIC

Over 2018–2019 the State’s response was rather slow, and in terms of migrants formally seeking asylum the country faced lots of challenges, lacking sufficient staff to process all claims, resulting in asylum-seekers waiting more than a year and a half to get an appointment for an interview. Since 2018 the number of attestations to seek asylum has increased significantly. Before that time, the State relied on personal testimonies or data provided by the individuals themselves. Many migrants did not reveal their documents or had none to present, while others deliberately concealed them.

The experience of the Service for Foreigners’ Affairs (SFA) from these practices suggests that in most cases where migrants express the intention to seek asylum, it is very difficult to ascertain if the legal identity information they have provided is correct. In fact, during the interviews SFA officials revealed that in their daily practice they start by default from the assumption that personal information declared in the absence of valid proof of legal identity is very likely to be incorrect.

Biometric information collected and stored in the central database is critical for the identity management of migrants in transit. According to the Service for Foreigners’ Affairs, by March 2023 close to 120,000 migrants in transit had provided their biometric data, which are kept in the central repository. The value of these data is mainly linked with enforcing security and monitoring. This remains key information to be used for the identification of intercepted migrants. Thanks to fingerprint deduplication technology at the central database, authorities can identify whether migrants subject to identity checks have been previously registered. If a match has been found in the database, the system also allows the authorities to check whether the declared identity information corresponds with the identity data already in the database. Fingerprint checks can also reveal whether a migrant has overstayed the originally allowed maximum period of time of 14 days, during which the migrant should have asked for asylum. Legal identity data during this period are of lesser concern until migrants formally approach the authorities to seek asylum.

Entering temporary reception centres (TRCs) is often the first point of contact where migrants approach officials of the Service for Foreigners’ Affairs. Apart from determining the identity of each migrant in the process of issuing them with the attestation, it is of utmost importance to verify the family status of migrants and their motives for travelling with minors, since some adults might use children as a cover to TRCs to present as families, which are generally offered much better facilities and accommodation.



Adult migrants in such instances lie about relationships to gain entry to TRCs by bringing with them a child that is not their own. In these situations, the staff must be cautious and observant to ensure the safety and well-being of the minors. They note that if family relationships are not accurately documented, it can be challenging to reconnect separated family members. This documentation process is important to ensure the safety of families and children residing in TRCs. Additionally, the problem of smuggling and human trafficking is another reason for conducting thorough interviews and checks. Through these interviews, one group of four minors who were victims of human trafficking has been discovered.

In order to determine the identity of each migrant – especially if this further requires establishing family relationships and age verification – the interview process in place is semi-structured and open, with the approach being modified according to the respondents’ answers. Interpreters/mediators are available in the most frequently used languages (English, Arabic, Farsi, Pashto, Urdu, French or Spanish). Migrants are invited to present passports, photos or other forms of identification. Ideally the officials should request passports and other documents to verify the identity and relationships between individuals. If no documents are available, they may ask for photographs or use translators to ask general questions about family members and relationships to assess whether individuals are genuinely related. In some cases, it can be difficult to prove relationships, especially when papers or certificates have been lost or confiscated during the migration journey.

In cases where a couple claims to be married, but lacks an official marriage certificate, wedding photos may be accepted as proof. Table 2 showcases the questions used to determine validity of information provided by male adult migrants.

Table 2. Example of questionnaire used for male family members

Full name and date of birth	What is the name of your town/village?	What languages do you speak?
When did you leave your country of origin?	Who did you leave your country of origin with?	Which countries did you pass through and how long did you stay in each?
Who did you come to Bosnia and Herzegovina with?	What is your relationship with the person you came to Bosnia and Herzegovina with?	If it is a brother/sister, ask if they have the same mother and father?
Did you separate during the journey?	If yes, why and for how long?	Did you have any problems during the journey?
Which members of your family stayed in your country of origin?	Do you have family members in another country? If yes, who and where?	What are your parents' names?
Did your parents have a job?	If yes, what job?	How many brothers and sisters do you have? What are their names?
Is any of your brothers/sisters married and do they have children? If yes, how many?	Does any of your brothers/sisters live with your parents? If yes, who?	How old is the youngest brother/sister?
Does your mother have brothers and sisters? If yes, how many brothers and how many sisters?	Does your father have brothers and sisters? If yes, how many brothers and how many sisters?	Are your father's parents (grandmother and grandfather) alive? What are their names/were their names?
Are your mother's parents (grandmother and grandfather) alive? What are their names/were their names?	What did the house you lived in look like?	Are you in contact with your parents? When did you last talk?
If you have a phone, do you have shared photos from your country of origin in it?	Do you have photos on social media?	Who took care of you when you left your country of origin?

Source: Guide for dealing with unaccompanied minors used by Temporary Reception Centre Ušivak.

IDENTITY MANAGEMENT OF MINORS

The process of verifying and establishing refugee or migrant minors can be complex, especially when dealing with unaccompanied or abandoned children. In many cases, these children lack proper identification documents, making it difficult for authorities to determine age, nationality and family relationships. This requires a combination of methods, such as interviews, medical examinations and investigations to establish their identities and ensure their well-being. Authorities in Bosnia and Herzegovina encounter language barriers and cultural differences when working with refugee and migrant minors. These challenges can make it difficult to communicate with children and their families, understand their backgrounds and navigate complex family dynamics. Additionally, authorities face logistical and legal issues when dealing with cases involving multiple countries, such as registering births or reuniting families separated across borders.

With the goal of verifying the age and family status of migrants, the authorities use a multidisciplinary team, consisting of social workers, psychologists and cultural mediators, assessing whether claims to be a minor or part of a family are genuine. This team uses questionnaires to gather information that can help determine the person's age without asking for specific names or dates, as this information is often unavailable or culturally irrelevant to the migrants. In recent years, there have been fewer instances of false claims regarding age or family status, but the verification process has proven successful in identifying cases where an individual is older than claimed or not part of a family. This process is crucial for managing resources and ensuring that the appropriate services are provided to those who need them the most.

Table 3. Example of questionnaire used for minor family members

How did you arrive at the camp?	What is your first and last name?	Where are you from?
Which city/province are you from?	Do you have any documents from your country of origin?	Can any of your family members send you a photo of the document?
Did you go to school? If the answer is YES:	How many years did you attend school?	How many grades did you complete?

At what age did you start school?	Did you learn to read and write?	Can you write your name and date of birth?
Did you work in your country of origin? If the answer is YES:	What job did you do?	How long did you work in that job?
At what age did you start that job?	Did you work during your education or after?	When did you leave your country of origin?
Did you leave right after finishing your education, or did you stay in your country of origin? If you stayed, how long?	How long have you been travelling from your country of origin to Bosnia and Herzegovina?	Which countries did you pass through and how long did you stay in each?
Do you have any documents from any of those countries?		

Source: Guide for dealing with unaccompanied minors used by Temporary Reception Centre Ušivak.

DETERMINING LEGAL IDENTITY FOR VOLUNTARY RETURN

In cases where migrants express the will to return to their country and decide not to apply formally for asylum in Bosnia and Herzegovina, the Service for Foreigner's Affairs will proceed with more detailed procedures for establishing legal identity information as a precondition for return, either in cooperation with the embassy of the migrant's country of origin or using IOM's assisted voluntary return and reintegration services. By March 2023, 800 such voluntary returns from Bosnia and Herzegovina had been successfully completed.

Based on voluntary return cases processed so far, as per the Service for Foreigners' Affairs, the original identity information declared by migrants at the point of obtaining the attestation almost never corresponds to the legal identity data established after additional verifications. Generally, at the point of requesting support for voluntary return, migrants present the document that can be used to trace their identity, either as an original or a copy that can be shared electronically. Very often, migrants send their original proof of legal identity such as a passport to relatives in the country of their final destination to lower the risks of losing it along the treacherous journey. Where the documentary proof of legal identity is not available, legal identity is established in communication with consular officials of their country of origin. To that effect, the Service for Foreigners' Affairs especially emphasizes the level of cooperation achieved with consular representatives of Morocco and Pakistan. In the case of Afghanistan, for instance, all verifications are done over Skype, given that Afghanistan does not have consular representation in Bosnia and Herzegovina.

EMBASSY OF PAKISTAN AND IDENTITY VERIFICATION

In terms of assistance provided by consular authorities of country of origin, the Embassy of Pakistan in Bosnia and Herzegovina experience shows that there is a mechanism in place that consular authorities use for the verification of migrants' nationality and identity. Migrants are required to present evidence of identity such as passports, National Identity Cards, or educational documents. Interviews are then conducted to collect information about the migrants' names, parents' names, family data and addresses. This information is sent to the concerned authorities in Pakistan, which then verify the migrants' identity and issue emergency documents or passports for them to return to Pakistan.

NADRA, the National Database and Registration Authority in Pakistan, has a strong capacity to issue identification documents and verify identity based on biometric data such as photographs and fingerprints. These data are used to identify individuals through the NADRA database of citizens of Pakistan. The embassy also provides services for Pakistanis in other countries in the region where there is no Pakistani embassy, such as Croatia. The Pakistani embassy observed that voluntary returnees tend to willingly provide their information as they are eager to return home.

For migrants whose identity has been verified, the Pakistani embassy issues an emergency passport valid for one month and for one-time use. These passports are issued for a specific time and for a single destination, with the option to provide another passport for travelling to other locations. It was noted that the emergency passport is intended for one-way travel and is applicable to all Pakistani nationals, residing regularly or irregularly in the host country.

PROCESSING OF ASYLUM REQUESTS

During any stage of their case processing, a migrant has the right to request asylum, which has significant consequences in terms of the efforts of the authorities to verify claimed identity if valid documents have not been provided. Once an asylum request is submitted, all interactions with the country of origin are halted.

Following the migrant's expression of intent to seek asylum, a registration officer of the Sector for Asylum of the Bosnia and Herzegovina Ministry of Security contacts the migrant, either at one of the reception facilities or at their registered private address, for an appointment for the registration interview. The Sector for Asylum of the Bosnia and Herzegovina Ministry of Security briefly asks the migrant questions related to their asylum claim and fills in their asylum application form for formal submission. The migrant is entitled to request the presence of a legal representative, such as a Vaša Prava (UNHCR free legal aid partner) or a lawyer at the time of the interview. If the migrant possesses a travel document when they are registered, it is temporarily held by the Sector for Asylum of the Bosnia and Herzegovina Ministry of Security, pending a final decision on their application.

Normally within three days of the registration interview date, the Sector for Asylum of the Bosnia and Herzegovina Ministry of Security issues an Asylum-Seeker's Card (the "yellow card"), which is valid for three months. The Sector for Asylum of the Bosnia and Herzegovina Ministry of Security contacts the migrant when it is ready. Registered asylum-seekers have the right to reside in the country until a final decision on the asylum claim is made.

However, the process of granting asylum is not always straightforward and the Service for Foreigners' Affairs should pass the papers to the Sector for Asylum, which is responsible for inviting migrants to interviews. Migrants face various challenges during this process, such as navigating complex legal systems and accessing crucial services to support their asylum applications. Ultimately, the situation remains complex and requires the attention of all stakeholders involved to ensure that the well-being and rights of migrants are protected.

Some undocumented migrants have been known to stay in the area for four or five years before applying for asylum. According to the officials, it is likely that a small percentage of migrants from North Africa may plan to stay in Bosnia and Herzegovina, but due to the lack of a regularization system they eventually move on. Access to the labour market is limited in the region, making it difficult for migrants to find work. This issue is further compounded by the requirement that asylum-seekers must wait for nine months after applying for asylum before they can access the labour market.

CIVIL REGISTRATION

One of the main challenges in dealing with migrants in transit is the registration of their vital events, mainly births, deaths and marriages. The challenge is compounded by the fact that the legal identity of migrants often cannot be verified. To register a newborn child in Bosnia and Herzegovina, civil registrars require the ID or passport of both parents. However, for many migrants passing through the country, these documents may not be available or may have been lost during the journey. Additionally, civil registration processes for migrants have not been clearly defined, leading to confusion and delays in registration.

To address these challenges, authorities rely on the existing registration processes designed for all newborn children in the country, regardless of nationality. In particular, the authorities have drawn on previous experience in registering Roma children, many of whom lacked personal documents.

However, challenges in registering migrants still persist, especially for those with asylum-seeker or refugee status. Language barriers often prevent these individuals from accessing assistance, as they may not be able to communicate with civil servants or understand the requirements for registration. Additionally, even when they are issued with official documents, local institutions sometimes request additional documentation from their country of origin. This can be difficult for migrants to provide, especially if they are unable to return to their home country or have lost their original documents.

To address these challenges, some State institutions have taken a more flexible approach, for example by recognizing documents issued by organizations such as IOM. However, the effectiveness of this approach depends on the willingness

and knowledge of the registration officials involved. Some civil registration officials may be resistant to accepting these documents, believing that they are not official or not recognized by the Government. As a result, authorities in Bosnia and Herzegovina continue to face obstacles in ensuring comprehensive civil registration and access to services for migrants in transit. Civil society organizations maintain the position that the regulation should be amended to enable registration of vital events of migrants with identities as provided on the attestation document. The experience of authorities in situations where identity has been verified, however, shows that very rarely does the identity declared during the issuance of the attestation correspond to the valid legal identity as confirmed by the country of origin, or after the migrant has succeeded in providing a valid copy or original document as proof of legal identity.

Significant efforts are made to register deaths and issue death certificates. In cases of death, all efforts are made to reach the embassy of the deceased's country of origin.

As in the case of voluntary assistance, it is the embassies that can conduct the necessary identity verification, based on the information from the central repository of the Service and additional information that family members or other individuals familiar with the deceased can provide.

In the situations where migrants have approached civil registration authorities to undertake marriage, migrants were able to present required proof of identity. However, registration authorities have had very few such cases.

CIVIL REGISTRATION OF UNREGISTERED ROMA POPULATION

In 2008 and 2009, around 5,000 Bosnia and Herzegovina nationals, mostly from the Roma community, were identified as unregistered. Many of these people, including children, did not have personal documents. Some were newcomers from neighbouring countries displaced by the war in the region. There was a general lack of understanding about the importance of civil registration among the most vulnerable populations. Working with civil registration officers and the Ministry of Interior, procedures and legislation were amended to focus on registering individuals and newborn children. Success in registering these individuals led to a better response from local communities.

BRAZIL



CAPITAL

Brasília



POPULATION

215,313,498 ^a



LANGUAGE

Portuguese



INDEPENDENCE DAY

7 September

^a World Bank (2023). Population, total - Brazil.

GENERAL INFORMATION

The Federative Republic of Brazil is the largest country in both South America and Latin America, and is the world's fifth-largest country by area and the seventh most populous. Comprised of 26 states and the Federal District, the Federation is bound by the Atlantic Ocean on the east with a coastline of 7,491 kilometres. It borders all other countries in South America except Ecuador and Chile and covers 47.3 per cent of the continent's land area.¹⁵

At 8.5 million square kilometres and with over 217 million people, Brazil is the largest country to have Portuguese as an official language and the only one in the Americas; it is one of the most multicultural and ethnically diverse nations, due to over a century of mass immigration from around the world. Its capital is Brasília and its most populous city is São Paulo.¹⁶

MIGRATION CONTEXT

In the last decade, migration has regained importance in Brazil. According to the Observatory of International Migration in Brazil (OBMigra), the most numerous nationalities of migrants currently in the country are Venezuelans, Argentines, Portuguese, Haitians and Bolivians.

After the Haiti earthquake in 2010, Brazil granted humanitarian visas and permanent residency to about 177,800 Haitians. Based on this humanitarian reception, there were 100,500 such registrations in total, of which 82,000 are still active. However, when aggregating numbers for all types of regularization

of stay, Brazil had a total of 177,800 Haitians registered as residents and currently 126,100 still hold valid registrations in the national migration registration system SISMIGRA.¹⁷ The migration crisis in neighbouring Bolivarian Republic of Venezuela – now marked by hyperinflation, goods shortages and hunger – has driven a growing influx of Venezuelans to Brazil.¹⁸ From 2017 to 2022, more than 836,613 refugees and migrants from the Bolivarian Republic of Venezuela have entered Brazil, with, as of 2022, more than 414,502 staying in the country.¹⁹ In this period, 345,320 Venezuelans have received a type of residence permit, 53,284 were recognized as refugees and 97,155 have refugee applications in process.²⁰

MIGRATION MANAGEMENT POLICIES

Brazil's current migration legislation is considered well advanced in terms of the protection and support that it provides for migrants. The policy is grounded in Migration Law No. 13,445/2017 and Refugee Law No. 9,474/1997. These laws, in addition to clarifying the rights and duties of migrants, are designed to reduce bureaucracy and burden on migrants in the process of issuance of documents. These facilitation policies speed up migration regularization and expedite access to rights and essential public services.

The regional migration management framework of MERCOSUR allows nationals of MERCOSUR countries and associated nations (Argentina, the Plurinational State of Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru and Uruguay)²¹ to obtain legal residence in Brazil in line with the Agreement on Residency for Nationals of States Parties to the Southern Common Market – MERCOSUR. In addition, [Inter-Ministerial Ordinance No. 19/2021](#) regulates residence permits for Venezuelans,

Figure 5. Geographical map of Brazil



Source: ISSUP Brazil Country Profile.

Note: This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

¹⁵ South America Mission (n.d.). [Where We Serve: Brazil](#).

¹⁶ Appropedia (n.d.). [Brazil Community Action](#).

¹⁷ Portal de Imigração (n.d.). [SISMIGRA](#).

¹⁸ *Ibid.*

¹⁹ Subcomitê Federal para Recepção, Identificação e Triagem dos Imigrantes (n.d.). [Migração Venezuelana Janeiro 2017 – Dezembro 2022](#).

²⁰ *Ibid.*

²¹ Ministério de Justiça e Segurança Pública (2021). [Acordo sobre Residência do MERCOSUL](#).

- Electronic form duly completed on the Federal Police website.
- Statement of address, phone number, email address and other means of contact.
- Travel document, even if the validity date has expired, as in many cases.
- Birth or marriage certificate or consular certificate to verify the names of the parents, if it is not included in the travel document presented. (Birth and marriage certificates may be accepted in some cases regardless of legalization and translation, provided they are accompanied by a declaration by the applicant, under penalty of law, regarding the authenticity of the document.) Furthermore, self-declaration of filiation (*filiação*)²³ is widely accepted with regard to nationals of the Bolivarian Republic of Venezuela, Afghanistan and other vulnerable migrants, according to § 2 of art. 68 of [Decree No. 9.199, 2017](#). In such cases (e.g. Venezuelans, Haitians, Afghans, Ukrainians);
- When the person has the original certificate, he/she signs a statement of confirmation;
- When the person has a copy of the certificate, he/she signs a declaration of filiation;²⁴
- When the person does not have the original certificate or a copy, he/she signs the declaration of filiation;
- Criminal records from the country of origin are requested, but in the case of vulnerable migrants, a self-declaration is accepted, under penalty of law, that they are not subject to criminal prosecution in any other country;
- [Declaration, under the penalties of the law](#) (for people 18 and over), of absence of criminal records in Brazil and abroad in the last five years prior to the date of application for residence permit.

The biometrics of all registered migrants, including asylum-seekers, are collected by the Federal Police to prepare the ID.

SOCIAL NAME FOR MIGRANTS

In the context of migration, the concept of a “social name” remains important in Brazil, in particular for transgender and transsexual migrants, but also for those who have names that are difficult to spell or write in Portuguese. This possibility allows people to use the name they chose in promoting a better integration. People migrating to Brazil from other countries, particularly those who are transgender or transsexual, may choose to use a social name that aligns with their gender identity rather than their legal name.

The recognition of social names helps to create an inclusive environment that respects individuals’ gender identity. It also seeks to reduce instances of discrimination and prejudice that migrants might face. As such, Brazil’s policies, including those related to migration, reflect this understanding and commitment to individual rights and identity.

Moreover, the importance of using social names extends to various sectors in Brazil. In public institutions, including schools and hospitals, the use of social names is encouraged.

Additionally, transgender migrants in Brazil can legally change their name and gender in the civil registry without the requirement of surgery or medical approval, thanks to a 2018 ruling by Brazil’s Supreme Court. This policy not only supports the respect for individual identity among the local population, but also extends this support to the migrant population, thus enhancing the inclusivity of Brazil’s migration policies.

Production of the CRNM takes an average of 90 days. At any point, applicants can check the Federal Police website to determine if the document is ready for collection. The document contains a range of security features that makes it hard to forge and fabricate, and the QR code on the document allows officials of the Federal Police to obtain a digital extract of the data on the document and verify it in the central electronic data repository. This database can also provide valuable assistance to migrants and refugees in cases where they misplace or lose their documents (as further explained below).

MIGRANTS WITHOUT PROOF OF LEGAL IDENTITY

In Brazil there two major groups of migrants who at different points in time may not be able to present a document proving their legal identity. The circumstances and the solution differ considerably depending on whether migrants arrived:

²³ The fact of being the child of a particular parent or parents.

²⁴ A declaration of filiation is a formal statement or legal document that establishes the relationship between a parent and a child. This relationship may be biological or legal, as in the case of adoption.

- via airport or seaport border crossing;
- regularly or irregularly at land border crossings.

MIGRANTS WHO ARRIVED VIA AIRPORT OR SEAPORT BORDER CROSSING

Migrants can arrive in Brazil via land, air or sea and can face a variety of situations where they cannot present proof of legal identity. For instance, migrants with regularized status in the country can lose their documents before applying for residence status or asylum. Documents can also be lost after migrants obtain official documents from the host country confirming their migratory status. In the Venezuelan migration, land borders became the predominant means of entry into Brazil, bringing new challenges in presentation of proof of legal identity.

Migrants who have originally arrived through air or sea border crossings (e.g. Haiti, Syrian Arab Republic or Afghanistan) should have been able to present a travel document and, as required, a valid Brazilian visa – the main requirement for entry. If migrants were not able to present a travel document, their personal data (biometrics and travel documents) would be collected by the Federal Police as they requested asylum in Brazil. In case of loss of documents, migrants' data can be accessed based on their facial image or fingerprint scan. This is generally sufficient to authorize the issuance of the CRNM for internal use in Brazil. In addition, the CRNM is recognized as proof of legal identity by all MERCOSUR countries and enables freedom of movement across MERCOSUR and associated countries. Should migrants decide to obtain valid documents from their country of origin, they must contact and initiate the renewal process at their embassy in Brazil or a nearby country. Records in the Federal Police digital repository can be used to obtain a copy of the original document, which then can be used as an initial legal identity proof when approaching the relevant consular authorities.

In cases where documents are lost after the CRNM has been obtained, the documents can be reissued based on facial image and fingerprint biometric verifications of the individual at the designated office of the Federal Police. In practice, even a scanned image of the CRNM with the QR code is sufficient to look up the data in the central repository of the Federal Police and access scanned copies of other documents from the country of origin, uploaded to the database during the initial enrolment.

MIGRANTS WHO ARRIVED REGULARLY OR IRREGULARLY AT LAND BORDER CROSSINGS

Starting from 2015, but picking up significantly since 2017, Brazil has experienced an unprecedented arrival of migrants from neighbouring Bolivarian Republic of Venezuela. Many of these were irregular, as they arrived in Brazil without any documents and were unable to present proof of legal identity. As per Brazilian migration legislation, persons who are unable to present documents as proof of their identity can only qualify for asylum, even if there is an ordinance to facilitate the regularization of specific nationalities through the temporary residence permit.

When a person requests refugee status in Brazil, the Federal Police issues a Protocol of Request for the Recognition of Refugee Status. [Law No. 9.474, of July 22, 1997](#) authorizes the person to remain in Brazil until a final decision is made regarding their request. The Protocol includes a specific registration number for their asylum application, which will be assessed by the National Committee for Refugees (CONARE).

CONARE

National Committee for Refugees: created by Law No. 9,474 of July 22, 1997 and implemented the 1951 Refugee Statute in Brazil. Authorized by Article 12 of the law, CONARE is responsible for analysing the application and declaring the recognition, at first instance, of the status of refugee, further deliberating on the cessation and loss of refugee status. The agency is also responsible for guiding and coordinating the actions necessary for the effectiveness of protection, assistance and legal support to refugees. CONARE has interministerial representation, with the presidency of the Ministry of Justice and Public Security, including the participation of a representative of civil society.

Because its validity is determined by the refugee application and subsequently provided Refugee Protocol, the DPRNM needs to be renewed annually. As long as the application is valid, the protocol is renewed annually by the Federal Police until there is a resolution issued by CONARE. The document provides the individual National Migratory Registration number of the migrant. If the person is granted asylum, their identification number remains the same, but they will receive a residence permit and be issued a CRNM with the same registered number.

DIGITAL MIGRANT ID

The Digital Migrant ID (*Carteira Digital do Migrante*) application allows migrants to carry a digital version of their CRNM or DPRNM on their cell phones and is valid throughout the Brazilian territory.

The digital version is regulated by [PORTARIA DG/PF Nº 16.362](#), issued on 15 June 2022; the digital version mirrors the documents issued from May 2020, due to the acquisition of new equipment by the Federal Police for capturing biometrics. The digital version became valid from 1 July 2022 and has the same legal value as the physical document, but does not exclude the need for issuing the physical document. Migrants can choose to use either the physical or digital version in their daily lives.

Figure 9. Digital Migrant ID



Source: <https://vargasgroup.com>.

DPRNM APPLICATION PROCEDURE

Upon entering Brazil, the applicant should visit a designated office of the Federal Police or immigration authority at the border and formally request protection from the Brazilian Government. To initiate the application, asylum-seekers should access [Sisconare](#), an online digital platform used by CONARE and the Federal Police as a registration and case management system. It is used by CONARE to enable asylum-seekers to register their information, receive notifications, monitor the progress of their applications and keep their personal data updated.

- To access Sisconare for the first time, asylum-seekers must have a valid email address and fill in some basic information. The system then sends them an email by means of which they generate the access code.
- Once they have the access code, they can self-register online directly on Sisconare by completing a 13-page Portuguese pre-registration form, which is accessed through a website. Asylum-seekers re-registering in Sisconare only need to complete a four-page Portuguese re-registration form.
- While completing the registration form, asylum-seekers are asked to provide a copy of a legal identity proof. In the absence of proof of legal identity, the applicant is allowed to declare identity data such as name, surname and date of birth, as well as identity information of their mother and father.
- Once self-registered, asylum-seekers must make an appointment with the Federal Police for the validation of the information in Sisconare, and to register their biometric data and take a photo. If they are at a point of entry, they can apply immediately.

The Federal Police verify the information in Sisconare, review the data, and take photographs and fingerprints. Once validated, the Refugee Protocol is issued with its corresponding number.

Consequently, asylum-seekers receive the DPRNM, issued by the Federal Police. This document is complementary to the Refugee Protocol and gives better access to basic rights, in view of its greater acceptance in society. Once the registration is complete, the applicant can proceed to the next steps in the asylum procedure, which are interview, legal evaluation, decision, notification and appeal.

In the absence of documents from the country of origin as proof of legal identity, the identity information declared during the asylum application process becomes proof of legal identity and is acceptable in Brazil, including when/if CONARE officially approves refugee status.

The COVID-19 pandemic led to the cancellation of many in-person appointments at government agencies, including the Federal Police. For migrants, this may have presented challenges, particularly in accessing services that require valid identification documents. However, certain ordinances²⁶ were put in place to alleviate some of these challenges,²⁷ ensuring that migrants could still use their identification documents even if they had expired during the closure of the Federal Police.

INTERNAL RELOCATION, RECEPTION AND DETECTION POSTS

Given the complexity of the response required by the incremental displacement of Venezuelan people in the region, the United Nations Secretary-General asked UNHCR and IOM to coordinate the United Nations operational responses in April 2018. Thus, the R4V (Response for Venezuelans) Regional Interagency Coordination Platform was created at the regional level with the leadership of the two agencies in September of the same year. In Brazil, the R4V Platform started operating in 2019, complementing the coordination work of the federal government, and becoming an important network for articulating the work of United Nations agencies and civil society within the framework of the Acolhida (Welcome) Operation. This structure was launched following a decision by the Resident Coordinator and Representatives of the United Nations Brazil system, which transformed the Working Group for the Response to the Crisis in Venezuela into the new interagency platform. Since then, each year, R4V has defined its Refugee and Migrant Response Plan (RMRP), a joint appeal document designed to support and complement the efforts of national authorities throughout Latin America and the Caribbean.

Acolhida (Welcome) Operation is a humanitarian task force coordinated by the Brazilian Federal Government, and it has expanded to include the partnerships of United Nations agencies, civil society organizations, states and municipalities, and private initiatives. It was created by [Law No. 13,684 of 2018](#), which establishes emergency assistance measures for migrants fleeing humanitarian crises. As per [Decree No. 9,970 of 14 August 2019](#), it leads the Federal Emergency Assistance Committee, comprised of 11 ministries. Under the coordination of the Presidency Chief of Staff's Office of the Republic of Brazil, the Federal Committee is the leading agency responsible for defining guidelines and measures for emergency assistance to migrants. The Ministry of Defense led coordination in Roraima and Amazonas states.

Roraima was the site of major activities, with a huge volume of people and structures dedicated to serving incoming Venezuelans. These structures were established as Internalization, Reception and Detection Posts (PiTRIG), the first in Pacaraima, a major border crossing with the Bolivarian Republic of Venezuela, and the second in Boa Vista, the capital of Roraima.

²⁶ PORTARIA N° 21-DIREX/PF, DE 2 FEVEREIRO DE 2021.

²⁷ PORTARIA N° 28/2022-DIREX/PF, DE 11 DE MARÇO DE 2022.



PiTRIG post at Boa Vista (sites in white). © Google Maps 2023

PiTRIG post at Pacaraima (sites in white). © Google Maps 2023

Each of the PiTRIG posts is divided into distinct sections (rooms) operated by either a government authority or a humanitarian partner, part of the Acolhida (Welcome) Operation. UNHCR’s implementing partner, the Association of Volunteers in International Service (AVSI), assists asylum-seekers fill out necessary documentation. Migrants with identity documents opting for temporary residence are assisted by IOM staff, while migrants and refugees without any proof of legal identity can only opt to apply for asylum.

At the PiTRIG, Venezuelans attend information sessions (several groups during the day), regarding the options for migratory status regularization: residence permit and asylum application. After the session, each migrant must indicate whether they opt to pursue the residence or refuge path and are provided with an identification bracelet for residence (red) or refuge (blue). If any migrant without legal identity documents wishes to obtain a copy of their document via email or mobile services, the International Committee of the Red Cross offers phone call services free of charge, including to the Bolivarian Republic of Venezuela.

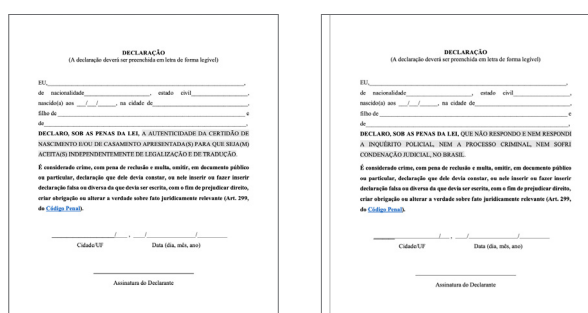
The entire centre is a complex of tent facilities divided into different rooms, with each room designed to provide specific services.

Room 0 is overseen by the Brazilian military, wherein hired civilians register all individual migrants passing through the PiTRIG in Acolhedor, the official system of the Federal Government designated for the registration of refugees and migrants.

Room 1 is operated by IOM and UNHCR, with the staff of AVSI, to provide pre-documentation for the residence or refuge room. This is the only space clearly divided into left and right areas, where migrants are divided according to their choice (temporary residence/refugee). All other rooms are common to all migrants. In Room 1, Venezuelans are directed to the left, where they are assisted in the completion of paper forms. In case of asylum-seekers (the only option for migrants/refugees without proof of legal identity), the paper forms contain questions that they would normally enter in the Sisconare online platform. Once the forms are complete, including name, date of birth and names of parents (in case of lack of proof of legal identity documents), this information is entered in the Federal Police software platform with UNHCR staff’s assistance. The asylum protocol is initiated and printed out, summarizing all relevant personal information, including a QR code for easy future identification of the record in the system by the Federal Police.

In cases where the migrant decides to seek temporary residence, they are directed to the right side of the room, where IOM staff provide assistance with the completion of relevant forms. IOM, UNHCR and AVSI staff finalize their part of the process by transferring information from the completed forms to the electronic database of the Federal Police. Similar to the

Figure 10. Samples of forms filled out by migrants at PiTRIG



Source: www.gov.br/pf/pt-br/assuntos/imigracao/declaracoes-e-formularios/declaracao-sob-as-penas-da-lei-da-autenticidade-da-certidao-ou-de-casamento.pdf

asylum-seekers, migrants receive printouts with all relevant information and a QR code.

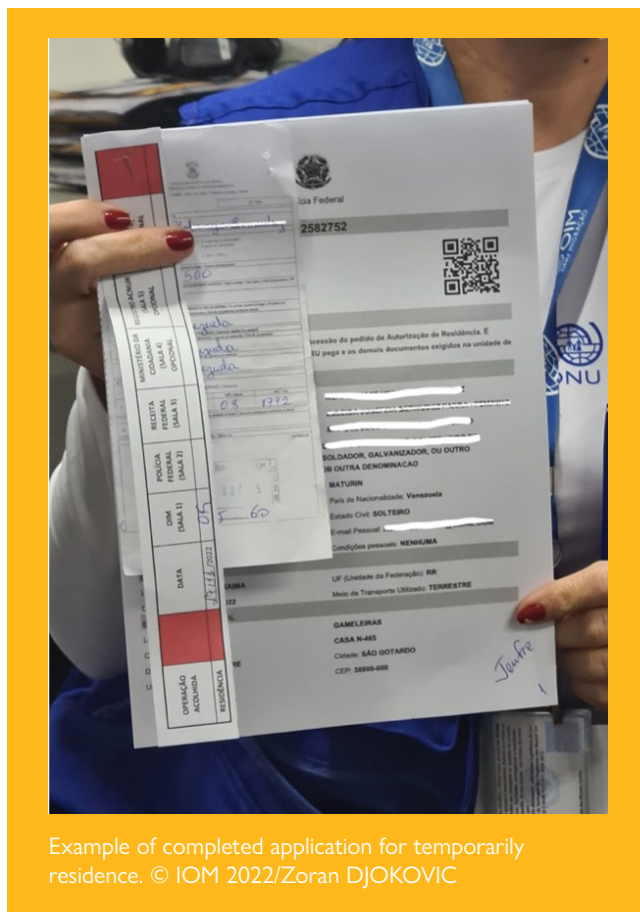
Room 2 A is the place where the Federal Police begins the documentation process with the collection of fingerprints, photo and review of documents prepared by IOM or AVSI/ UNHCR, and forward the residence permit or asylum application for the final decision by the Federal Police.

In **Room 2 B** the documentation process is finalized, wherein the protocol of residence or refugee request is given to applicants to be used as evidence of identity until the arrival of their DPRNM or CRNM. Applicants residing in Boa Vista receive their personal identification document in the same room. Other residents' documents are sent to the Federal Police office closest to their address. This normally takes about three months. For asylum-seekers, all documents are sent to regional capital Boa Vista.

Room 3 is operated by the Internal Revenue Service and is used to provide migrant with a CPF (Individual Taxpayer Registration) document to identify taxpayers. This identification number is issued to all citizens in Brazil and allows the opening of bank accounts and registration in public services, such as health care and education.

Room 4 is operated by the Ministry of Citizenship, where Venezuelans can receive assistance from the social assistance network (psychologist and social worker), which conducts an interview to assess the degree of social vulnerability of refugees and migrants.

Room 5 is operated by UNHCR for the registration of beneficiaries in the UNHCR ProGres case management system.



Example of completed application for temporarily residence. © IOM 2022/Zoran DJOKOVIC

SUPPORT BY UNITED NATIONS AGENCIES

[Resolution No. 9 of 1 November, 2019](#) of the Federal Emergency Assistance Committee asserts that the Federal Subcommittees will receive support from United Nations agencies, civil society and the private sector to conduct migrant/ refugee assistance activities within their jurisdiction. United Nations agencies and civil society organizations play a prominent role in Operation Acolhida (Welcome), supporting the government's activities in the three primary pillars: border control, reception and relocation.

IOM is leading the relocation process, supporting the Federal Subcommittee for Relocation, including identifying and preparing migrants and refugees to be relocated, along with their reception in destination cities. It builds the technical capacity of and finances civil society organizations that manage relocation shelters and provide services including professional training, language courses and job searches in the market to migrants. It provides support to the Federal Police in the processes involved with applying for temporary residency and helps the Federal Health Subcommittee in providing basic health care to migrants and refugees in Roraima. It supports homeless migrants and refugees in spontaneous settlements with the distribution of hygiene and cleaning kits, food and other materials.

Other agencies and organizations part of the Operation Welcome include, but are not limited to: UNHCR, United Nations Population Fund (UNFPA), United Nations Children's Fund (UNICEF) and UN Women.

MIGRANT CHILDREN WITHOUT PROOF OF LEGAL IDENTITY

Regularization and documentation of separated and unaccompanied children and adolescents can be an important step in ensuring their protection against human rights violations. However, it is important to note that the priority, when faced with the situation of a separated or unaccompanied migrant child, is to initiate the process of guaranteeing the rights of the child. Protection measures in such instances are analysed on a case-by-case basis, always prioritizing the best interests of the child.

The National Council for the Rights of the Child and the Adolescent (Conselho Nacional dos Direitos da Criança e do Adolescente – CONANDA) is a federal council established under the Statute of the Child and the Adolescent (Estatuto da Criança e do Adolescente – ECA) in 1991. An important part of Brazil's system for promoting and protecting the rights of children and adolescents, the Council is composed of representatives from government ministries and departments, as well as civil society organizations. Its mandate is to propose, monitor and evaluate policies related to the rights of children and adolescents. The council has been involved in a range of activities, including efforts to combat child labour, sexual exploitation of minors, and other forms of abuse and neglect, as well as promoting access to education, health services and other resources necessary for the well-being of children and adolescents.

CONANDA recommends prioritizing the rights of migrant children and adolescents, as well as those of their families. This recommendation is based on the Brazilian Constitution and the Statute of the Child and the Adolescent, which both affirm the shared responsibility of family, society and State to ensure the rights of children and adolescents.

The recommendation is also influenced by various international conventions on human and child rights, principles of non-refoulement for asylum-seekers, the rights of indigenous and tribal peoples, and the growing influx of migrants to Brazil.

Specific recommendations include:

- At the state and municipal level: proactive search for migrant children and their families, ensuring regular school enrolment for migrant children, promoting their rights to healthy food, play, family and community living, education, leisure and health, preventing all forms of violence against them, and respecting their cultural identity, ethnicity, habits and customs.
- At the federal level: strengthening the System for Guaranteeing the Rights of Children and Adolescents, particularly through professional training, and prioritizing migrant children and adolescents and their families in resettlement strategies.

Children and adolescents who are located at Brazilian borders or in any part of the national territory unaccompanied or separated may apply for a residence permit through the Public Defender's Office (DPU). In these cases, residence permits are valid until the child or adolescent turns 18, and upon reaching the age of majority, the child may convert the temporary residence permit to residence for an indefinite period, if the migrant person so wishes, pursuant to MJSP Ordinance No. 197 of 6 March, 2019, which applies to children of all nationalities, as well as stateless children.

The residence permit for a separate or unaccompanied child or adolescent requires some specific procedures, detailed in the Resolution [CONANDA Nº 232, of 28 of December 2022](#). Up until December 2022, these cases were ruled by Joint Resolution [CONANDA/CONARE/CNIg/DPU Nº 01, of 9 August, 2017](#). Among them were notification to the Guardianship Council and procedures for the migratory regularization of the child or adolescent. The following documents are required:

- a. Two 3x4 photos, with white background;
- b. Valid travel document or other document proving the identity and nationality of the child or adolescent, following the international treaties to which Brazil adheres;
- c. Document proving the affiliation of the child or adolescent, duly legalized and translated by a sworn public translator, unless the information is already contained in the document referred to in item (b); and
- d. Indication of the person or organization responsible for the child or adolescent in Brazil, if any, with the declaration of contact details.

The requirement of a valid travel document may be met with other documents, such as the birth certificate or consular certificate of the country of origin. The requirement of a travel document or any other document can also be met by an individual interview by the Federal Public Defenders' Office (DPU), judicial decision on custody, or detailed report of a

social worker, which can prove the affiliation ([Article 4 of Ordinance MJSP N° 197, 2018](#)). The identity determined as part of these interviews provides a pathway for the obtaining of documents that serve as proof of their legal identity in Brazil.

According to the legal framework for the rights of the child in Brazil ([Federal Law N° 8.069, of 13 July 1990: ECA – Estatuto da Criança e do Adolescente](#)) when there is reasonable doubt about the age of the adolescent, he or she is considered to be under 18, with no further procedures required for age determination.

According to the Federal Constitution of Brazil, if a child is born on Brazilian soil, they will be entitled to Brazilian nationality automatically, whatever the nationality or migratory situation of their parents. In this case, the migratory situation of the parents of the Brazilian child does not interfere with their right to civil birth registration, and the right to Brazilian nationality prevails regardless of the existence of proof of migratory regularization of the parents. Parents or guardians must register the child's birth at the Civil Birth Registry, recorded in a specific book held by the registry office. The birth certificate is the first legal validity document to recognize and protect any child.

The Ministry of Justice and Public Security and the Ministry of Foreign Affairs²⁸ have resolved to make changes to [Interministerial Ordinance N° 9, of March 14, 2018](#), which enables parents, representatives or legal guardians, either individually or jointly, to request a residence authorization for the regularization of the immigration status of a child, adolescent or person who is absolutely or relatively incapable. The revised Ordinance 19/2020 includes an amendment that allows for the waiving of birth certificate requirements for children under nine years old who are in vulnerable circumstances and cannot provide the necessary documents. This new ordinance supersedes the previous one, now including the added provision.

OPERATION HORIZON

Operation Horizon (Operação Horizonte) has been set up as an interagency project implemented in Sao Paulo, focused on registering and processing migrants' applications for residence, asylum-seeker status and ID cards. Launched during the COVID-19 pandemic partly in response to claims that migrants were unable to schedule appointments, it involves representatives from the Federal Police and the Immigrant Integration and Citizenship Centre, as well as nearly 30 NGOs that assist migrants with the registration process. The project helps migrants obtain legal status in Brazil and access civil rights, and separates responsibilities between government specialists and NGOs. It is a partnership between the Federal Police, the Immigrant Integration and Citizenship Centre (CIC do Imigrante), and two United Nations agencies, UNHCR and IOM, as well as other reference institutions in the third sector.

The operation emerged to address a persistent problem experienced both by migrants and the Federal Police in handling complex migration status regularization cases. Migrants lacked in-depth knowledge of the procedures and the requirements for migration status regularization. Depending on the complexity of each case, the resolution can often be equally complex, requiring very specific knowledge. In the absence of such knowledge, migrants' requests would be frequently turned down or applications would be refused as incomplete. For the Federal Police, this meant a growing number of dissatisfied clients and several hours spent processing failed attempts and general inefficiency.

Developed in cooperation with NGOs trained and briefed on various scenarios arising in the process of regularizing migration status, the project assists migrants in obtaining relevant documents to facilitate their regularization with support from the NGOs.

To support this, IOM has created a questionnaire for NGOs to capture migrants' information and data, which is consolidated by CIC and shared with the Federal Police to create appointments for cases with the relevant paperwork ready. Subsequently, the Federal Police is able to assist the migrant right away.

The operation is implemented in phases, where each phase starts with a briefing for NGOs and includes debriefing of unsuccessful requests/applications and explaining the reasons for rejection of particular applications. Thereafter, the NGOs create a list of migrants whom they intend to assist and help complete their applications. Finally, appointments are made with the Federal Police that include submission of necessary documentation for the regularization of migrant status.

²⁸ As per powers conferred to them by Article 87, paragraph 1, item II, of the Constitution, and in view of the provisions of paragraph 1 of Article 161 of Decree N° 9,199 of 20 November, 2017.

The third phase of Operation Horizon lasted for 10 weeks, from 7 January to 9 September 2022, and included immigrants who had been screened and assisted by partner institutions and then referred to the Federal Police for assistance at an appointment. The fourth phase lasted from 30 September to 16 December 2022.²⁹

Services offered during this last phase include requests for asylum, renewals of refuge protocols, issuance of duplicate Migration Registration Cards, applications for residence permits and extensions of deadlines for nationals of MERCOSUR countries, requests for humanitarian reception, and renewals of deadlines for nationals of Haiti, Senegal, the Dominican Republic, the Bolivarian Republic of Venezuela, Afghanistan and Ukraine.

Since the beginning of Operation Horizon, 2,203 vulnerable immigrants have been referred to the Federal Police headquarters in Sao Paulo. It is important to note that Operation Horizon is a coordinated action that does not affect the availability of appointments through the AGENDA system (the standard scheduling platform used by the agency), but rather complements the regular services provided by the Federal Police.

The initiative has been successful in helping immigrants, including those without proof of legal identity, to regularize their migration status in Brazil and access civil, social and economic rights. The operation successfully leverages the separation of responsibilities between government specialists and NGOs to allow for a more thorough analysis of each migrant case and is effective in streamlining the process and ensuring that migrants receive the necessary support and assistance throughout the process.

²⁹ In 2023, Operation Horizon had two additional phases: the fifth phase was between 27 January and 14 April, and the sixth phase between 5 May and 14 July 2023.

REPUBLIC OF MOLDOVA



CAPITAL

Chişinău



POPULATION

2,592,477 ^a



LANGUAGE

Romanian



INDEPENDENCE DAY

27 August

^a World Bank (2023). Population, total - The Republic of Moldova.

GENERAL INFORMATION

The Republic of Moldova is a landlocked country located in Eastern Europe, bordered by Romania to the west and Ukraine to the north, east and south. Its total land area is approximately 33,846 square kilometres, making it one of the smallest countries in the region. The population of the Republic of Moldova is estimated to be around 2.7 million people,³⁰ versus 4.4 million in 1991, decreasing by 190,000 persons in the last five years, while the population growth rate is negative (-1.8% p.a.) due to low fertility and rapid ageing. The capital is Chisinau, while other major cities in the Republic of Moldova include Balti, Tiraspol and Bender.

The Republic of Moldova is a developing country with a small, open economy that is heavily dependent on exports, particularly agricultural exports such as fruits, vegetables and wine. The country has a low level of industrialization and a large informal economy.

Remittances from Moldovans working abroad are an important source of income for the country, with an estimated one third of the population working abroad. However, this also means that the Republic of Moldova is vulnerable to external shocks such as economic downturns in other countries. The Moldovan economy remains in a state of transition with significant potential for growth and development, but also faces a number of challenges and vulnerabilities.

Figure 11. Geographical map of the Republic of Moldova



Source: U.S. Department of Health & Human Services - Centers for Disease Control and Prevention.

Note: This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

MIGRATION CONTEXT

Prior to the war in Ukraine, which dramatically changed migration flows in the Republic of Moldova, over the past few decades the country experienced significant levels of emigration. Since independence from the Soviet Union in 1991, the Republic of Moldova has been one of the poorest countries in Europe, with limited opportunities for economic growth and development. As a result, many Moldovans have sought better economic prospects in other countries, primarily in Europe and Russia. According to data from IOM, there were an estimated 828,000 Moldovans living abroad in 2020.³¹ The majority of these migrants live in Europe, with the largest numbers in Russia, Italy, Germany and Spain. Remittances from Moldovan migrants have been an important source of income for the country. According to data from the World Bank, remittances to the Republic of Moldova totalled USD 2.12 billion in 2021, which is approximately 15.5 per cent of the country's GDP.³² These funds help to support the families of Moldovan migrants and provide a boost to the country's economy.

MIGRATION MANAGEMENT POLICIES

Migration issues are addressed by several government institutions in the Republic of Moldova: labour emigration by the Ministry of Labour and Social Protection (MLSP); immigration by the Ministry of Internal Affairs' General Inspectorate for Migration (GIM), formerly the Bureau for Migration and Asylum, BMA; and diaspora engagement and reintegration of Moldovan nationals by the Diaspora Relations Bureau of the State Chancellery of the Government of the Republic of Moldova (Biroului Relații cu Diaspora, BRD). The MLSP regulates the emigration of Moldovan citizens by developing emigration policies, negotiating bilateral labour and social protection agreements with foreign countries for the protection of migrant workers and coordinating return migration for reintegration into the labour market. The National Employment Agency (NEA) supports the reintegration of returning migrants into the labour market by offering information on available jobs and professional training courses. The Ministry of Foreign Affairs and European Integration (MFAEI) provides consular

³⁰ World Bank (n.d.). [Population, total – Moldova](#).

³¹ IOM (2020a). [Migration Profile: Moldova](#).

³² World Bank (2022). [Moldova](#).

assistance and protection to citizens abroad through diplomatic missions and consular offices. The Centre for Combating Trafficking in Human Beings (CCTHB) of the General Police Inspectorate is responsible for investigation, criminal prosecution and prevention of human trafficking and complex transnational crimes and risks.

For the purpose of enabling data-driven policymaking, the National Bureau of Statistics (NBS) compiles statistics about international migration. The data sources for these statistics are not just its own operations, but also administrative data obtained from three organizations: the General Inspectorate of Border Police (GIBP), the Public Services Agency (PSA) and GIM. Among the data incorporated are the details of individuals crossing State borders. All of these statistics are produced in accordance with international recommendations and standards. GIM is also the designated authority for developing the Extended Migration Profile (EMP) of the Republic of Moldova, to systematically consolidate the evolving dynamics of migration and its impact on the country's socioeconomic development and on the well-being of the population.³³

To ensure coordination of all migration policies and programmes, the Republic of Moldova also has a comprehensive coordination mechanism that applies a whole-of-government approach to migration at both national and local levels. A commission was established to monitor and coordinate activities of migration, asylum, statelessness and local integration of migrants, as well as to ensure a uniform and coherent application of government policies. In addition, an Interministerial Committee of Diaspora, Migration and Development (DMD) was established to conduct coherent and participatory monitoring and evaluation processes and implementation of an integrated approach in DMD.³⁴

Migration issues are addressed in [the Republic of Moldova 2030 National Development Strategy](#) approved in 2020. The first objective of the Strategy outlines priorities, including (a) providing efficient social protection to returning migrants, such as transferability of benefits and recognition of knowledge and skills acquired through non-formal and informal education; and (b) effective reintegration of persons who have returned from abroad and use of the diaspora's potential in terms of skills and qualifications, among other migration-related priorities.

In 2018, Law No. 180 (2008) on labour migration was abolished and some of the provisions related to labour immigration were included in Law No. 200, while those related to emigration for work were incorporated into Law No. 105 (2018). The purpose of Law No. 105 is to prevent and reduce unemployment and its social effects, reduce the risk of unemployment, and ensure a high level of employment and adaptation of the labour force to the requirements of the labour market.

RESPONSE REFUGEE CRISIS INDUCED BY THE WAR IN UKRAINE

Since February 2022, Ukrainians and third-country nationals (TCNs) have been fleeing from Ukraine to neighbouring countries as a result of the war in Ukraine. According to the Moldovan General Inspectorate for Border Police, as of 20 November 2022, a total of 698,131 refugees were registered at the Ukraine–the Republic of Moldova border crossing points. According to the same source, 370,918 Ukrainian nationals and TCNs who entered the Republic of Moldova from all border control points since 24 February 2022 have gone back to Ukraine.³⁵

Moldovan authorities reacted swiftly in anticipation of the refugee influx and declared a state of emergency, activating an emergency commission that has decision-making powers similar to that of the parliament and government. To manage arrivals from Ukraine, the emergency commission's provisions allowed regular entry of refugees with no valid proof of legal identity.³⁶ To that effect, if a person has an expired national passport and national ID card, they may still be allowed to enter the country during an emergency situation. This extends not only to Ukrainian citizens, but also to non-Ukrainians who at that point had proof of resident status in Ukraine. Multidisciplinary teams were created by the commission to manage the massive influx of people at border crossing points, while temporary placement centres were established at the Palanca border crossing and at Calarasovca (Otaci), managed by the Ministry of Internal Affairs to provide basic items for displaced persons and allow them to stay at the centre for up to 72 hours. At the peak of the crisis, 132 refugee centres were established for refugees/temporarily displaced persons under the Ministry of Labour and Social Protection through the country.³⁷

³³ IOM (2022b). [National Voluntary Review Report on the status of implementation of the Global Compact for Safe, Orderly and Regular Migration by the Republic of Moldova](#).

³⁴ Ibid.

³⁵ IOM (2022c). [Ukraine Response – Republic of Moldova – Surveys with Ukrainian and Third-Country Nationals Crossing to Ukraine: Observed Trends in 2022](#).

³⁶ Although asylum is sought after arriving at the border, since all such arrivals get the status of temporary protection, UNHCR refers to all such migrants as refugees.

³⁷ La Strada (2022). [Mapping of Services Existing in the Republic of Moldova for Displaced People from Ukraine](#). Chisinau.



Refugee camp in Palanka, Republic of Moldova, on the border with Ukraine. © UN News 2022

The Ministry of Internal Affairs, jointly with IOM, UNHCR, the Ministry of Foreign Affairs and diplomatic missions, rapidly began facilitating evacuation and repatriation of foreigners in Ukraine in the first days of the war. Through intensive communication with third-country embassies, the ministry expedited delivery of emergency travel passports (issued by the respective embassies) at Palanca border crossings, as well as transport for TCNs to the airport in Chisinau or further into Romania.

SUPPORT OF UKRAINIAN EMBASSY (CHISINAU) IN ACQUIRING DOCUMENTS

For Ukrainian citizens who were admitted into the Republic of Moldova without valid proof of legal identity, the Embassy of Ukraine proved to be the key authority for obtaining valid proof of legal identity. To confirm the identity of Ukrainian nationals and provide them with legal identity documents, the embassy faced three categories of problems:

- families with adult members who had all required legal identity documents, but their children did not;
- individuals with no documents or expired or damaged documents;
- the Ukrainian embassy in the Republic of Moldova did not receive State-authorized blank documents to issue new legal identity documents due to the limited number of blanks issued for the Republic of Moldova through the ordinary procedure and planned in advance.

The issuance of travel documents and other documents related to identity and citizenship for Ukrainian citizens was linked with several challenges, including the lack of a travel document for returning into Ukraine. To address this, the Ukrainian embassy created a “certificate of identity and citizenship for Ukrainian citizens”, produced on a regular A4 paper sheet, containing a picture and identity information in Romanian, Ukrainian and English, to prove that the holder is a citizen of Ukraine and to enable authorities to identify the person.

The certificate was quickly recognized and accepted by relevant authorities in Ukraine, the Republic of Moldova and Romania. In March 2022 a meeting between Moldovan, Romanian and representatives of the Ukrainian embassy agreed that the certificate would give the holder the right to cross the Ukrainian–Moldovan and Moldovan–Romanian borders. The certificate also doubled as an acceptable travel document to return to Ukraine until July 2022, when the passport issuance service in Kyiv was restored.

Over May–December 2022, the embassy issued approximately 1,800 Ukrainian passports, while only about 180 emergency travel documents for returning to Ukraine were issued, which was a significant improvement compared with previous years, during which only about 20 travel documents were issued annually. Between February and July 2022, the embassy also issued approximately 1,500 “certificates of identity”.

When an applicant applies for a travel document from Ukraine and is not in a possession of valid Ukrainian national ID, the embassy seeks proof of the person's nationality from the State Migration Service of Ukraine, as without it the embassy cannot issue a travel document. However, there are difficulties in obtaining proof of identity and nationality for people in temporarily occupied territories like Crimea and Lugansk. In some cases, the Ukrainian mobile phone application "Diia" can help by providing a picture ID number, demographic number, tax number, citizenship, vaccination details and other information sufficient to prove identity under Ukrainian national law.

Ukrainian embassies do not have direct access to personal records kept by the Ukrainian State Registration Service, which maintains the population registry. The lack of digital access is linked to data protection concerns, as there have been numerous cyber attacks in recent years.³⁸ Consequently, frequent interruptions in communication make it difficult to access State registers in Ukraine.

The process of obtaining or renewing a passport, particularly for individuals who do not have any documents to prove their identity, may take several months, particularly when the person's identity has to be established. Therein, numerous steps must be taken in order to issue a travel document, including a request to the Ministry of Justice of Ukraine to provide proof of vital records, such as a birth certificate, proving that a person's parents were Ukrainian citizens, and so on. As all travel documents are personalized at one location in Ukraine, delivery using regular embassy channels can take months after the document has been produced. Recent contracts with private courier companies have shortened the delivery time, provided that the applicant is willing to pay for the service.

While the embassy can register marriages between two Ukrainians, it cannot register marriages between a Ukrainian and a foreigner. Additionally, the embassy may issue birth certificates, but these are typically issued only to Ukrainian citizens born in Ukraine who have been provided with a medical birth certificate.

DIIA APPLICATION

The Government's flagship digital effort, Diia (Ukrainian for "action" and short for *derzhava i ia* – "the State and I") is a mobile phone app and platform that provides a one-stop digital access portal for 120 public services and a wallet for digital versions of official documents, allowing people to apply for benefits and government programmes, pay taxes, access important documents, register and run businesses, and provide identification and digital signatures. Established at the Ukrainian Ministry of Digital Transformation (MDT) in 2019, the app was developed with the assistance of USAID, which provided legal, financial and technical support.

Ukraine is the first country where digital passports and driving licences have the same legal status as paper originals.³⁹ Ukraine therefore legally recognizes digital passports without presenting a hard copy. If applying for a passport for the first time, it takes up to 20 days to process, provided that the necessary supporting documents were submitted. If applying for a new passport in case of passport loss, theft, damage, expiry or marriage (data change), it takes nine documents, up to 20 days and UAH 363 payment (about USD 14). The e-passport resolves these problems, as it does not require reissuing and it cannot be lost, stolen or damaged.⁴⁰

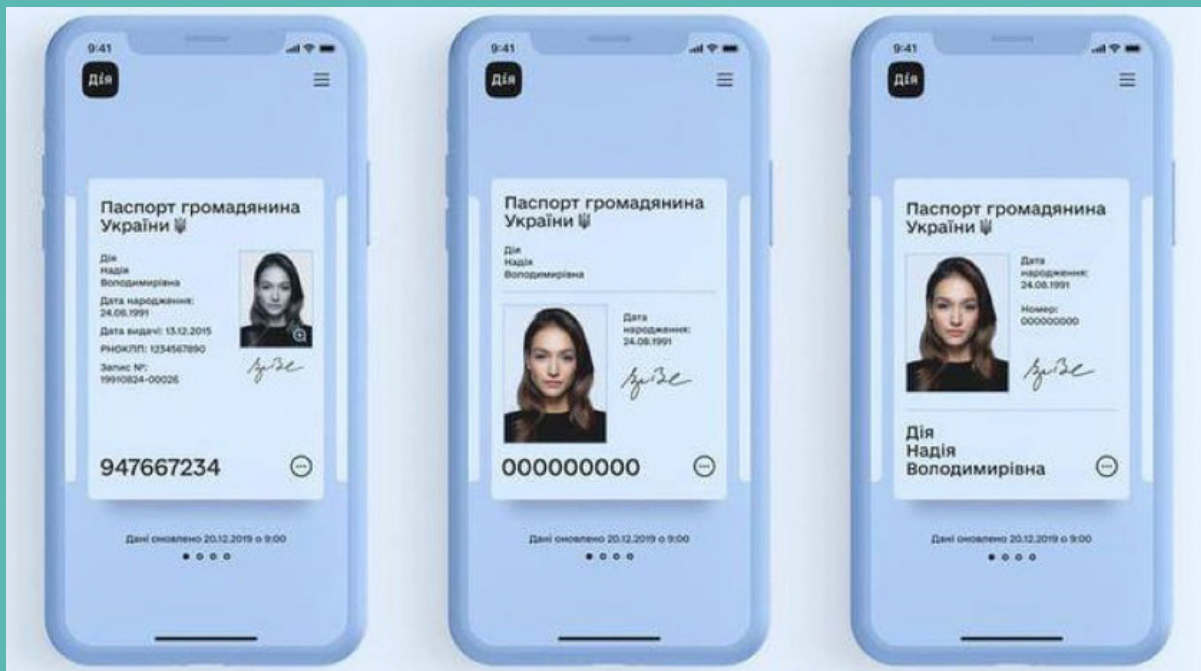
As per a bilateral agreement with Ukraine, Moldovan migration authorities recognize the Diia digital passport as a valid document for identification, allow its use for entry, and have secure and encrypted access to the Ukrainian-hosted application platform. The passport can be verified by a QR code displayed on the mobile phone screen. Using an encrypted connection with the central Diia database in Ukraine, the QR code validates the authenticity of the passport.

³⁸ Smith, J.A. (2023). *Cyber War and Ukraine*. Report. Center for Strategic and International Studies.

³⁹ Iosad, I. and O. Large, (2022). *State of resilience: How Ukraine's digital government is supporting its citizens during war*. Commentary, 18 March. Tony Blair Institute for Global Change.

⁴⁰ EU4DigitalUA (2021). *Evaluation Report of Diia: A Comprehensive Digital Transformation of Public Services in Ukraine*.

Figure 12. Example of a digital passport displayed in the Diia app



Source: Diia Mobile.

Since February 2022, Diia has become even more important for the citizens of Ukraine, as government services have become unavailable in certain areas and many Ukrainians have become displaced. The app has allowed people to receive services. Diia can track registered Ukrainians within Ukraine and provide limited cash aid, social support, and access to aid and other critical services.

At the close of 2021, the Tony Blair Institute for Global Change reported that there were 13 million Diia users in Ukraine, indicating that nearly 30 per cent of Ukrainians used the Diia app in 2021. While this was partially influenced by the introduction of COVID-19 aid and vaccine certification through the app, the success of Diia has caught the attention of other countries and Ukraine is now sharing this technology with others. Estonia is among the countries that have worked with MDT on the transfer of code, user experience design and user interface design, and has recently announced the formal adoption of a Diia-like application for Estonian citizens.

SEEKING ASYLUM WITHOUT OR WITH EXPIRED PROOF OF LEGAL IDENTITY

The Republic of Moldova has a procedure for granting asylum to individuals who are seeking protection from persecution or other serious threats in their home country. The asylum procedure in the Republic of Moldova is governed by the Law on Asylum in the Republic of Moldova, which was adopted in 2008 and amended in 2023. The procedure for seeking asylum in the Republic of Moldova generally involves the following steps:

- a. Application: The first step is to submit an application for asylum to the GIM as the government agency responsible for processing asylum claims, or other authorities as provided for in the law.
- b. Interview: Once an application is submitted, the applicant will be scheduled for an interview with a GIM officer, to collect information about the applicant's background, including the reasons why they are seeking asylum.
- c. Document verification: The GIM will conduct checks to verify the applicant's identity, background and documents.
- d. Decision: Based on the information gathered during the interview and the verification process, the GIM will make a decision on whether to grant asylum or not.
- e. Appeal: If the application is rejected, the applicant has the right to appeal the decision to the Court.
- f. Final decision: The Court will review the case and make a final decision on the asylum claim. In cases where the claim is rejected, the applicant may be subject to deportation.

Asylum processes in the Republic of Moldova can take several months or even years to complete and the outcome of the asylum claim is not guaranteed.

For Ukrainian citizens without proof of legal identity arriving in the Republic of Moldova since the onset of the war in Ukraine, seeking asylum has been the only option for entering Moldovan territory. Claiming asylum also remains the only option for entry for third-country nationals arriving either without valid legal identity document or with expired documents.

In such instances, the person is stopped at the border crossing or would voluntarily approach border officials to seek asylum.

The applicant is then escorted to a

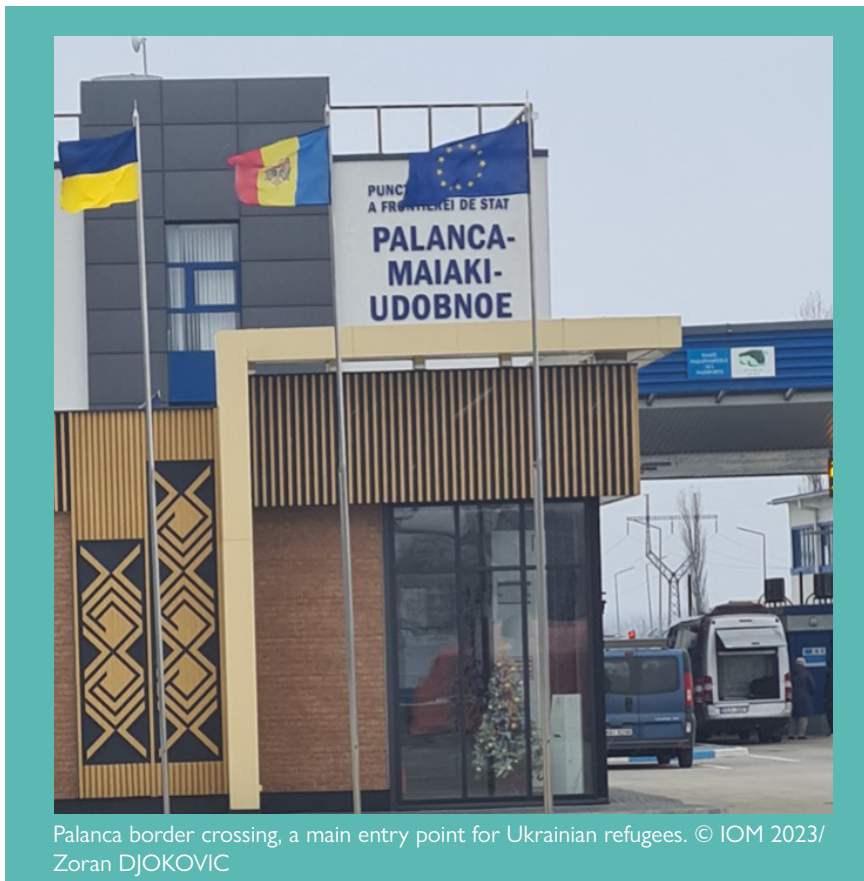
designated room where an interview is held to determine the identity of the asylum-seeker and is recorded on a written form. Owing to the low number of asylum applications logged before 2022, GIM did not develop a digital platform for processing applications at the border crossings, although computers are used to fill out the asylum application form.

In the next step, a facial digital photo is taken and used to issue a temporary identity document using the photo and the identity data. The temporary identity document is printed on a plain A4 paper sheet and is valid for identification for 72 hours. Immediately thereafter, the information from the document is entered into border immigration software, which records the entry of the individual into Moldovan territory.

When the international protection (refugee status or humanitarian protection) is granted by the Court, the information is stored in the GIM operated database. Documentation⁴¹ of beneficiaries of international protection ID is done by the Public Service Agency, which is also the custodian of the population register.

The temporary document for asylum-seekers without valid proof of legal identity indicates a “declared identity”, proving only the fact that the person is staying legally on the territory and not his/her identity. This designation is initially noted when asylum is granted and is carried over into other documents, unless a valid proof of identity issued by the authority of the country of origin is provided.

Entry without a valid passport is allowed only once – whether entering the country under Emergency Commission regulations or as an asylum-seeker, the State Identification Number of the Natural Person (IDNP), issued by the Moldovan Government for all incoming visitors, is recorded at the first entry of visitors and is used to determine the number of entries per visitor.



Palanca border crossing, a main entry point for Ukrainian refugees. © IOM 2023/ Zoran DJOKOVIC

TEMPORARY PROTECTION

Temporary protection was instituted based on Article 21 of Law 270/2008, which stipulates that temporary protection is granted through the decision of the government at the proposal of the Ministry of Internal Affairs, based on a report presented by the General Inspectorate for Migration regarding the need to grant temporary protection. Through the government decision, the measures and the period for which temporary protection is granted are also established.

⁴¹ “Personalization” is the technical term used to describe the process of adding personal data to the blank document.

To that effect, in 2023 the Government of the Republic of Moldova adopted the “decision regarding the granting of temporary protection to people displaced from Ukraine”, which largely meets the temporary protection schemes offered to Ukrainian citizens by European Union Member States, which were set based on European Union legislation and the Council decision.⁴²

The Government decision grants temporary protection to individuals who meet specific conditions. For Ukrainian citizens, national identity cards, internal passports, passports for travel, or identity certificates of Ukrainian citizens issued by the Embassy of Ukraine in the Republic of Moldova will suffice, even if expired. For minor Ukrainian citizens, a birth certificate and a national identity card with an expired validity term or an identity certificate of a Ukrainian citizen issued by the Embassy of Ukraine in the the Republic of Moldova is acceptable. Stateless persons and third-country nationals other than Ukrainians benefiting from international protection or equivalent national protection in Ukraine on 24 February 2022 must present a valid identity document or an expired identity document issued in accordance with Ukrainian law, certifying their status and legal residence in Ukraine on 24 February 2022. Members of the families of the aforementioned must provide a marriage certificate, birth certificate, or legal act confirming the institution of adoption, guardianship or trusteeship.

The “identity document of the beneficiary of temporary protection” contains the following information: the issuing authority’s name, series and number, name and surname, date of birth, IDNP, nationality or an indication of “Stateless person”, sex, photograph of the holder, date of issue, expiry date). When the system is fully operational, applicants will be required to use an online platform, where upon registration, they will be able to enter identity and other relevant information for preregistration. The platform allows applicants to upload required supporting documentation for onward processing.

The application processing and identity management platform was developed by the Moldovan Ministry of Interior with UNHCR support. As per the Government Decision, the platform is connected to the Moldovan MConnect interoperability platform and is available for access by other government authorities in line with their sectoral responsibilities. When operational, this will be the first government identity management system of non-nationals that would be connected to the e-government platform.

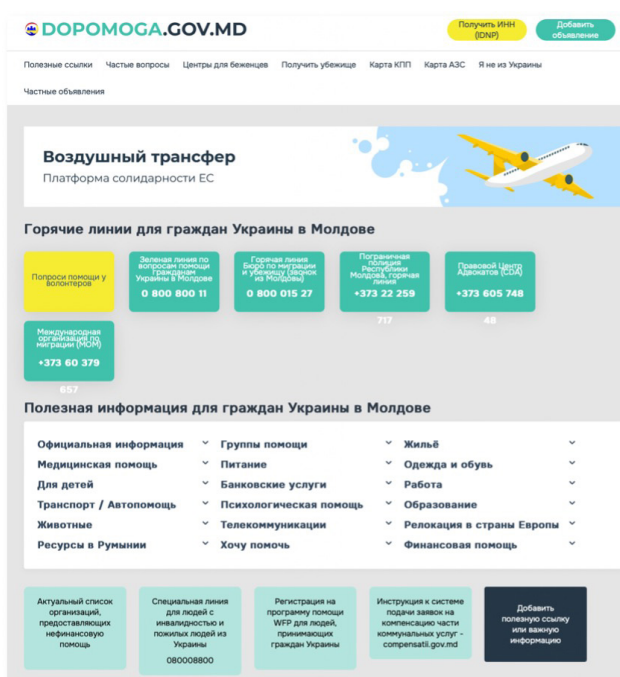
The Moldovan Government’s interoperability platform MConnect ensures facilitation, security, data exchange between information systems, and interoperability within and between the public sector and private sector, to improve the quality of public services provided and create new electronic public services

STATE IDENTIFICATION NUMBER (IDNP)

Until the temporary protection platform is fully operational, the Republic of Moldova e-Governance Agency has developed a digital solution that allows refugees to obtain a State Identification Number (IDNP), a unique identification number assigned to them upon crossing the Moldovan border.

In accordance with [Government Decision No. 333 dated 18 March 2002](#), on the approval of the Concept of the automated information system “State Population Register” and the Regulation regarding the State Population Register, each individual residing within the territory of the Republic of Moldova is subject to identification and is assigned an index – the State Identification Number (IDNP), an abbreviation for “Identification Number of Person”. The IDNP is a basic number to identify personal people on Moldovan territory. To obtain it, Ukrainian refugees can use the [dopomoga.gov.md](#) platform, which provides access to information on all aid granted to each Ukrainian citizen during their stay in the Republic of Moldova. The IDNP information can be obtained by entering personal data from an ID document

Figure 13. Landing web page of [www.dopomoga.gov.md](#)



Source: [www.dopomoga.gov.md](#).

⁴² GOVERNMENT DECISION No. 21 of 18-01-2023 regarding the granting of temporary protection to displaced persons from Ukraine.

such as a foreign passport, ID card or birth certificate. The information can be downloaded in PDF format and used for accessing public services, including employment, enrolling children in kindergartens or schools, opening a bank account and registering a company. IDNP can also be obtained at the GIM or BPI.

This eliminates the need for refugees to show multiple documents to access public services. The platform also ensures the authenticity of the IDNP information by providing a QR code that public entities can scan to check its validity.

The IDNP is valid upon presenting the identity document on which its issuance was based.

The information is issued based on the data provided by the Public Services Agency, recorded when a person crosses the Moldovan border. Ukrainian refugees were allowed to access their IDNP data online by the Commission for Emergencies based on its Decree No. 7 of 4 March 2022. The dopomoga.gov.md platform has been accessed by almost 100,000 visitors since its launch, indicating its utility. In cases where an IDNP cannot be obtained through the dopomoga.gov.md portal, foreign citizens staying temporarily in the Republic of Moldova can approach one of the Multifunctional Centres of the Public Services Agency or the General Inspectorate for Migration. This ensures that all refugees have the opportunity to obtain their IDNP and access public services in the Republic of Moldova.

CIVIL REGISTRATION OF PERSONS WITHOUT PROOF OF LEGAL IDENTITY

Individuals with expired documents or without documents face difficulties in registering births, getting married, or obtaining birth or death certificates. Given the legal constraints to obtaining such documents, Ukrainians prefer to register vital events at the Ukrainian embassy. Children of documented parents have been registered without problems. As per bilateral agreement, Ukraine recognizes vital events certificates issued by Moldovan authorities, which facilitates registration in Ukrainian civil registration records.

THE NIGER



CAPITAL

Niamey



POPULATION

26,207,977 ^a



LANGUAGE

French



INDEPENDENCE DAY

3 August

^a World Bank (2023). Population, total - the Niger.

GENERAL INFORMATION

The Niger is a landlocked country in West Africa. It is a unitary State bordered by Libya to the north-east, Chad to the east, Nigeria to the south, Benin and Burkina Faso to the south-west, Mali to the west and Algeria to the north-west. It covers a land area of almost 1,270,000 square kilometres, making it the second-largest landlocked country in West Africa, after Chad. Over 80 per cent of its land area lies in the Sahara. Its predominantly Muslim population of about 25 million live mostly in clusters in the further south and west of the country. The capital Niamey is located in the Niger's south-west corner.

The economy is concentrated around subsistence agriculture, with some export agriculture in the more fertile south, and export of raw materials, including uranium ore. It faces challenges to development due to its landlocked position, desert terrain, higher fertility rates without birth control and resulting overpopulation.

Figure 14. Geographical map of the Niger



Source: Wikipedia.

Note: This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

MIGRATION CONTEXT

The Niger is historically a central crossroads of migration in sub-Saharan Africa. Its geographical position as a country at the crossroads between West and North Africa places it as a determining axis of migratory flows in sub-Saharan Africa, the Maghreb and Western Europe. In the Agadez region alone, the main transit area, migratory flows of all origins increased from fewer than 100,000 individuals in the early 2000s to more than 300,000 migrants in 2016 alone.⁴³

The situation of instability prevailing in the Sahel has affected the Niger, given the immensity of the length of the borders (5,697 km to the north with Algeria and Libya, to the east Chad, to the south Nigeria and Benin, to the west Burkina Faso and to the west Mali) that it shares with seven neighbouring countries that are (or have been) recently in a situation of security crisis. The Niger, because of its internal stability, has become the rallying point for several migratory currents. These are linked, on the one hand, between the Gulf of Guinea, North Africa and Europe, and on the other hand, between the Gulf of Guinea, the Horn of Africa and the Middle East.

Despite this pressure to flow towards Europe and the Middle East, the fact remains that most migration dynamics remain polarized within Africa. Thus, only 12 per cent of migrants are destined for Europe, while 82 per cent remain in the interior of the continent.⁴⁴

To facilitate migration dynamics at the subregional level, the Economic Community of West African States (ECOWAS) – of which the Niger is a member – has provided a wide range of legal facilities through its Protocol on Free Movement, Right of Residence and Establishment. Article 2 states that “Community citizens shall have the right to enter, develop and establish themselves in the territory of the Member States.”

The other Member States of ECOWAS comprise Benin, Burkina Faso, Cabo Verde, Côte d'Ivoire, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Nigeria, Senegal, Sierra Leone and Togo.

The Protocol on the Free Movement of Persons and the Right of Residence, adopted by ECOWAS in 1979, provides for the progressive introduction of the right of free movement, residence and establishment for citizens of Member States.

⁴³ Issaka Maga, H. (2017). Migration in Niger — National Profile 2016–2017. Full provisional version. European Union, ECOWAS, IOM, International Centre for Migration Policy Development (ICMPD) and the ILO. September.

⁴⁴ IOM (2020b). *Africa Migration Report: Challenging the Narrative*. Addis Ababa.

Visa-free travel entered into force upon ratification of the Protocol in 1980, and other protocols on the right of residence and establishment followed in 1986 and 1990 respectively, enabling citizens of ECOWAS countries to enter and remain on the Niger territory. While their long-term stay would require formal establishment of residence status, this provision is not systemically enforced. Residence is established mainly in instances where there is a need to enter into legal transactions (e.g. employment or opening a bank account). ECOWAS Member States citizens operating in an informal economy rarely formalize their residence status.

The Niger is also a signatory to the African Treaty on the Free Movement of Persons in Africa (2018), which provides for the gradual introduction of free movement for African citizens, rights of establishment and residence rights in all African countries, as well as the free movement of people and goods. However, free movement remains a long-term goal under the African Union's Agenda 2063.⁴⁵ In the meantime, in the case of the Niger this Treaty has not been fully enforced, as non-ECOWAS African citizens still need a visa to enter the Niger, including those with service passports and United Nations passport holders.

Since the 1990s, the Niger has become an important transit area for migration from West and Central Africa to Libya and in some cases further on to Europe – all the more so since the other migration routes from West Africa via the Canary Islands and Mali have been blocked.⁴⁶ In 2016 alone, IOM counted 292,000 migrants on the main routes in the Nigerien Sahara who travelled towards Libya, while a further 34,000 moved towards Algeria. In addition, a total of around 111,000 migrants travelled in the opposite direction.⁴⁷

ACCESS TO LEGAL IDENTITY IN THE NIGER AND ACROSS THE REGION

A lack of registered legal identity or a lack of proof of registered legal identity can be a major impediment to entering another State – as an obstacle to immigration-related procedures, such as obtaining a permit to stay or being granted a visa, as well as to accessing resident status once abroad, limiting access to employment, family reunification and other rights. Regular and safe migration is conditioned upon presenting documents issued by relevant national authorities and which foreign authorities consider valid for admission and stay on their territory. These travel or identity documents reflect the legal identity of the document holder. A lack of proof of legal identity has a detrimental effect on migrants, starting from their ability to exercise their right to leave and return to their country, extending to integration into mainstream society and, ultimately, on the effective protection of their rights.

Challenges that migrants face in the context of accessing the documents to prove their legal identity are decisively related to the strength of civil registration and identification systems in the Niger, its neighbouring countries and wider region of western Africa. The reality of many of these countries is that their civil registration and identification systems are, in many cases, still done manually and are paper-based, although recent developments suggest that countries across the region are making efforts to digitize their systems. Nevertheless, according to the latest United Nations e-governance survey, the Niger and neighbouring countries have the lowest digitalization of public services in the world.⁴⁸ Many of the citizens of these countries do not have any proof of legal identity, whether this is a birth certificate or identification document. Such documents are generally more accessible to the urban and economically well-off population. However, in rural areas and in the areas where the population operates, mostly in the non-formal economic sector, fewer citizens have a birth certificate or an identification document. Some interlocutors have argued that in fact, one of the reasons for making the decision to migrate in the first place is the result of lack of access to services provided by State and other public or private entities carrying legal or financial liabilities. One of the key reasons for being denied the access is the lack of any documentary proof of legal identity of these individuals.

⁴⁵ African Union (2021). *African Union Strategy for a Better Integrated Border Governance*.

⁴⁶ Boyer, F. and H. Mounkaila (2018). Europeanization of migration policies in the Sahel. Niger in the security imbroglio. In: Grégoire, E., J.-F. Kobiané and M.-F. Lange (eds.), *The Rehabilitated State in Africa. Reinventing public policy in the neo-liberal era*. Karthala, Paris.

⁴⁷ IOM (2018). *Flow Monitoring Point Statistics. Overview 2016–2017: Niger*.

⁴⁸ United Nations (2022). *UN E-Government Survey 2022*.

Table 4. Overview of percentage of population with identification documents in the ECOWAS region

ECOWAS Member States	Population	Birth Registration (BR)%	BR Paper / BR Digital	National ID (NID) Coverage %	NID Paper / NID Digital
Benin	11 459 000	80.2	Paper	68	Paper
Burkina Faso	19 173 000	76.9	Paper	36	Paper
Cabo Verde	539 560	91.0	Digital	95	Digital
Côte d'Ivoire	23 816 000	55.0	Paper	45	Digital
Gambia (the)	2 120 000	52.5	Paper	No data	Digital
Ghana	28 210 000	62.5	Paper	2.1	Digital
Guinea	13 291 000	57.9	Paper	No data	Paper
Guinea-Bissau	1 816 000	39.0	Paper	87	Paper
Liberia	4 730 000	24.0	Paper	No data	Paper
Mali	18 690 000	80.8	Paper	No data	Digital
Niger (the)	21 564 000	63.9	Paper	No data	Paper
Nigeria	191 836 000	29.8	Digital	6	Digital
Senegal	15 410 000	73.0	Paper	No data	Digital
Sierra Leone	7 396 000	78.0	Paper	No data	Paper
Togo	7 606 000	77.9	Paper	9	Paper

Source: West Africa Unique Identity for Regional Integration and Inclusion (WURI), 2018.

LEGAL IDENTITY OF MIGRANTS ON THE TERRITORY OF THE NIGER

The issue of access to the proof of legal identity of migrants on the territory of the Niger is characterized by their migration context. When it comes to migration context, among migrants coming from neighbouring countries or other countries in the region, the following cases could be observed:

- Migrants who arrived in the country with fabricated (fraudulent) legal identity documents;
- Migrants who transited with or without documents to Libya and Algeria and had been expelled back to the Niger;
- Migrants who arrived in the country with valid legal identity documents, which have either expired or have been lost.

MIGRANTS WITH FABRICATED LEGAL IDENTITY MIGRANTS WITH FABRICATED LEGAL IDENTITY DOCUMENTS

In the context of the migration situation in the Niger, most migrants who come from ECOWAS countries will arrive with an ECOWAS travel document. As holders of these documents, migrants would have rights to reside and work in the Niger for 90 days without the need to undergo any specific registration procedures, provided that they carry a valid national ID issued by the identification authority of their State. However, this is not the case for migrants arriving from non-ECOWAS countries, who can only enter the territory of the Niger with a valid travel document. Often, however, in order to reach ECOWAS countries, migrants engage in obtaining a fake ECOWAS travel certificate and fake national ID card

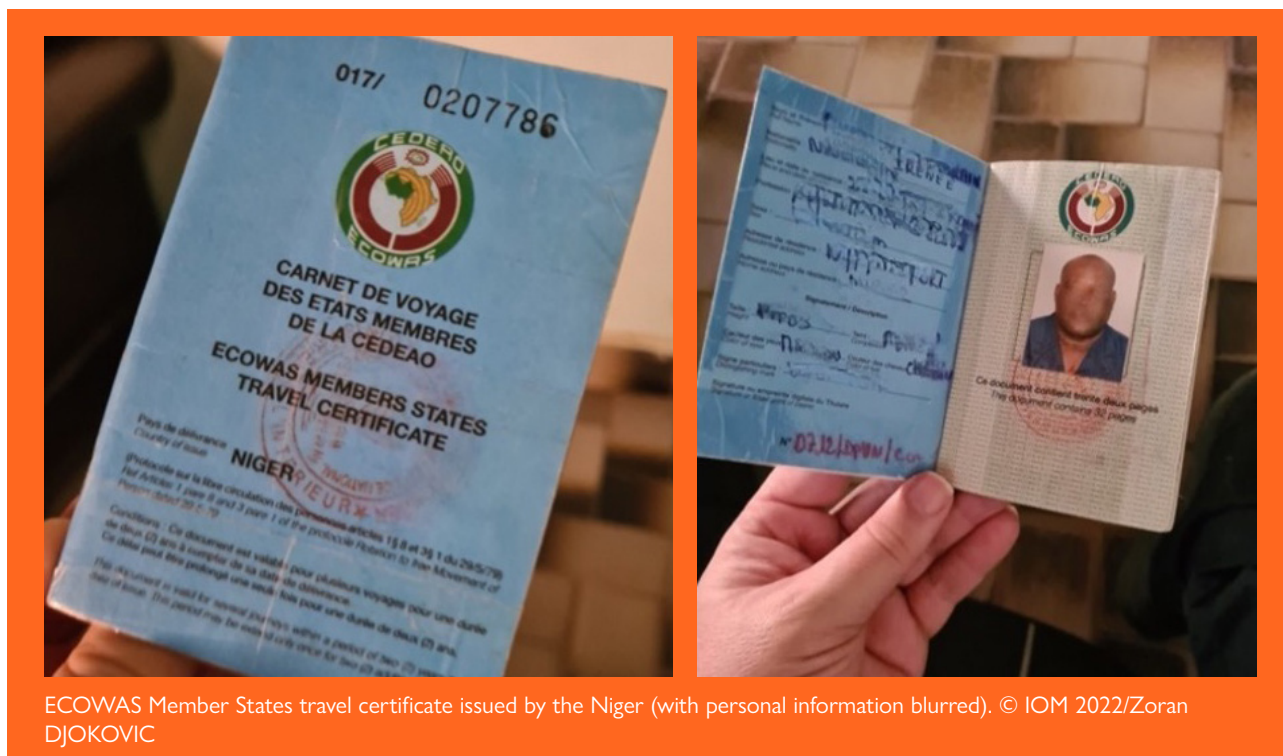
Figure 15. Geographical map of the ECOWAS region



Source: West African Health Organization.

Note: This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

of an ECOWAS Member State. Depending on the country, these documents can be fabricated and falsified with different degrees of difficulty and obtained on the black market.



ECOWAS Member States travel certificate issued by the Niger (with personal information blurred). © IOM 2022/Zoran DJOKOVIC

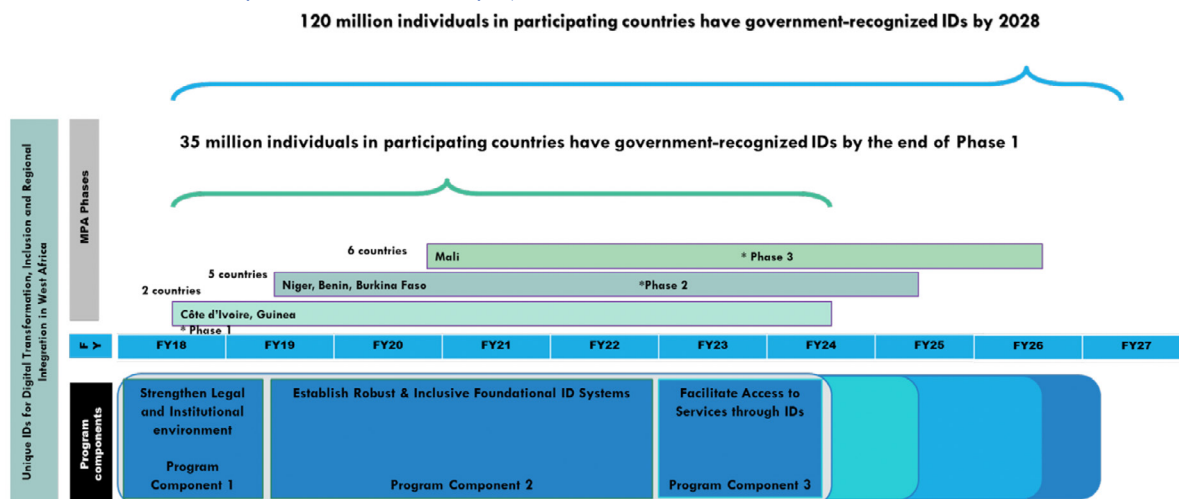
Holders of these fabricated documents may also possess their genuine legal identity documents from their country of citizenship. In many instances, however, it may be the case that the individuals have never had the opportunity to acquire documentary proof of their legal identity, or even to register their identity with the relevant authority. Motivations for the fabrication of identity can range from purely benign to having clear criminal intent. At present, other than at certain border crossings, the authorities have limited opportunities to assess the extent of use of fake ECOWAS documents, as there are fewer service points where holders of these documents will be required to identify themselves with the official document and the document thoroughly checked.

However, in the situation, where holders of the documents interact with the government, such as for instance, marriage, divorce, birth of a child, death of a relative, with the national, the authorities, do, in fact, have the opportunity to inspect present document at greater detail. Only then, if they determine that the document is fabricated, they can proceed with enforcement measures. Generally, the holder of such a document would be considered criminally liable and in effect for the authorities represent individuals without documentary proof of legal identity.

A solution to this complex problem that is characteristic not only to the Niger, but also other countries in the region, is sought through the implementation of a regional system for digital identification designed to be interoperable between West African nations. The West Africa Unique Identification for Regional Integration and Inclusion (WURI) project, financed by the World Bank, intends to build foundational identity systems in ECOWAS. This project will support the establishment of a biometric ID for domestic and regional use.

The WURI project begins in each country with the strengthening of legal and institutional frameworks, identifying gaps in the existing legal foundation. The second component is the establishment of robust and inclusive identification systems, including unique identification numbers linked to biometric data. The governments will then issue credentials free of charge. The third component of the project is intended to provide documents that can be used to access public- and private-sector services. These credentials are intended to support cross-border service access through the verification and authentication of users' digital identities. Biometric identification will be used to provide access to basic public services. The project is not intended to replace the existing national civil status systems of any of the countries where it is being implemented, but rather to extend these with a regional credential that is recognized not only within the country, but also in all countries within the ECOWAS region.

Figure 16. Timeline for the implementation of WURI project



Source: World Bank, 2018.

The project aims not only to strengthen national identification systems in the countries where it is being implemented. More importantly, it is designed as a holistic system of interoperable identification systems across a range of countries within ECOWAS. The digital nature of these documents will allow the authorities to verify digitally and instantly if the present document is a valid document, issued by the authorized agency in the country of origin, and that it has not expired. This interoperability will function between different countries. Once it has been enabled, it will unlock other types of services to be developed, leveraging the possibilities of digital verification of identity. For example, for the consular representations in the embassies of neighbouring countries in the Niger, new services might be provided in future to citizens of these countries residing in the Niger, including remote renewal of identification documents, travel documents, or even civil registration certificates.

For the time being, however, this remains only a distant future prospect. Citizens of these countries, including the Niger, will probably experience the first benefits of this cross-border interoperability only in the second half of this decade.

MIGRANTS IN TRANSIT WITHOUT DOCUMENTARY PROOF OF LEGAL IDENTITY

The Niger, located at the heart of the central Mediterranean route, also faces challenges in maintaining very long borders, which makes these borders quite porous. It has been a transit country for almost two decades, with hundreds of thousands of migrants transiting each year through Agadez in the centre of the country, on their way to North Africa and, for some, onward to Europe. Estimates vary, but it is thought that between 80,000 and 150,000 people crossed the harsh and arid desert zone in north-eastern Niger on their way to Europe in 2015 alone.⁴⁹ Since then, Agadez, one of the largest the Niger's cities in the north, has become a transit city for many migrants trying to reach Libya to cross the Mediterranean to Italy. Northern parts of the Niger have also been a gateway for many migrants trying to reach Algeria on the route to the Mediterranean and Europe.

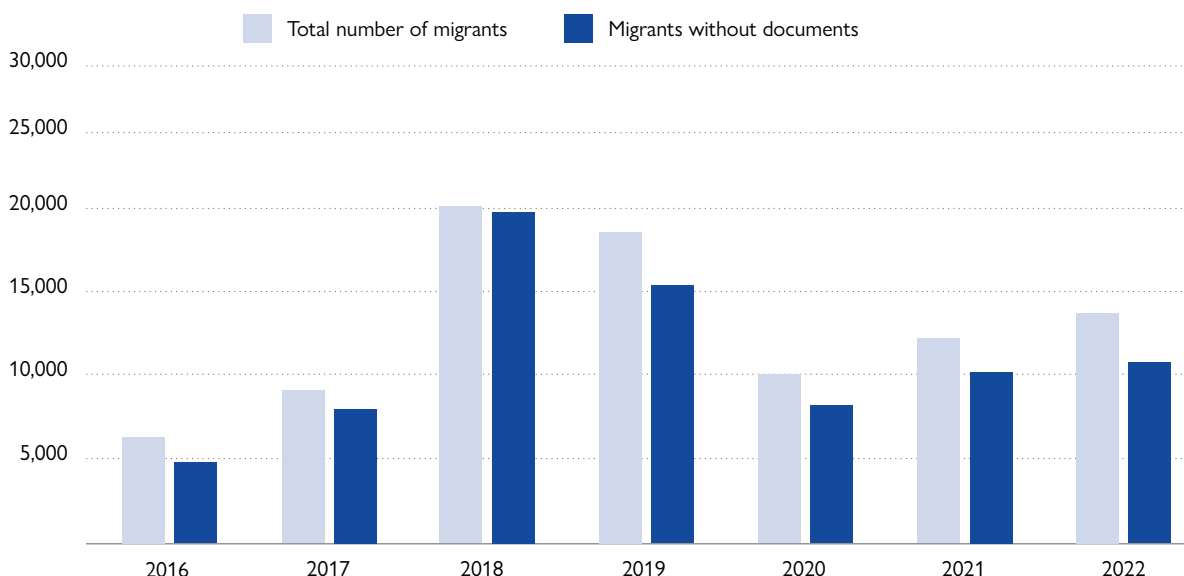
Neighbouring countries in the north maintain tight entry policies and pursue a policy of combating irregular entry. As consequence, a significant number of identified irregular migrants or regular migrants engaged with smugglers' networks in these States are regularly being expelled, with large numbers of them transported to the border with the Niger. The Niger has therefore become a holding centre for forced returnees. While Nigeriens are mostly brought to Agadez in convoys, other deportees from West and Central Africa – but also from the Syrian Arab Republic, Yemen, the Occupied Palestinian Territory,⁵⁰ Bangladesh and Sri Lanka – are abandoned in the desert at the Algeria–the Niger border and then ordered by force of arms to walk towards the Nigerien border post at Assamaka, 15 km away.

Adding to the already difficult situation, expelled migrants arrive largely stripped of their belongings, including all the documents they could use as valid evidence of their legal identity.

⁴⁹ Oxfam (n.d.). [The perilous migration across the desert of Niger: Africa's hidden story](#).

⁵⁰ Reliefweb (2019). [UNHCR appeals for access to refugees on Algeria-Niger border](#). Press release, 3 January.

Figure 17. Number of non-Nigerien migrants processed in IOM transit centres



Source: IOM Niger.

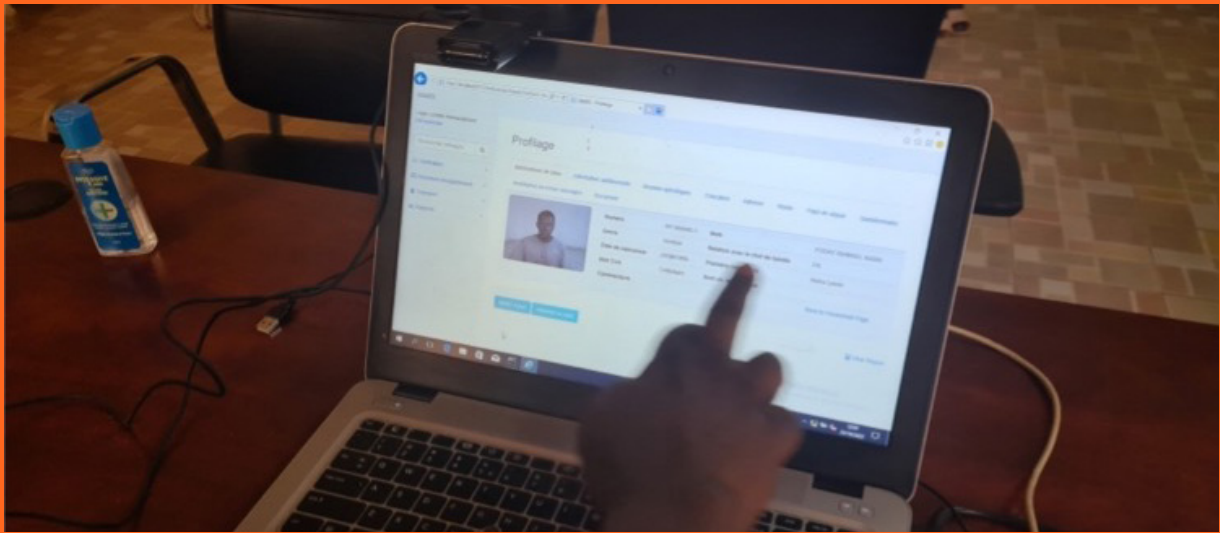
The Directorate for Territorial Surveillance (DST) of the National Police under the Ministry of Interior is responsible for the Niger’s immigration services tasked with border management, and is a key government authority responsible for the return and reintegration of third-country nationals passing through the Niger by providing temporary travel documents and issuing visas and passports. DST is responsible for handling all incoming migrants expelled through the northern border, but the capacity to process the incoming migrants to this date does not match the needs of incoming migrants. For the extensive means required to operate this mandate across a vast country facing multiple threats in border areas, DST partially relies on support from international partners, primarily IOM, which has been recognized as a key partner in sensitizing migrants in transit on the perils of taking cross-Saharan migratory routes, and of legal importance in assisting migrants to return voluntarily to their country of origin. In response, IOM has mobilized the Migrant Resource and Response Mechanism (MRRM)⁵¹ project aimed at addressing the needs of migrants. As part of its functions, it operates six transit centres, providing accommodation and assistance dependent on the consent of the persons concerned to assist voluntary return to the country of origin. A transit centre is a reception facility where migrants who have opted for assisted voluntary return and reintegration (AVRR) are hosted while their return travel is organized. Transit centres are open, meaning that accommodation there is voluntary and migrants can leave at any time. The main condition for accommodation in the centres is a willingness to return home voluntarily.

As Figure 26 shows, the legal identity of most migrants cannot be ascertained, which in effect means that any management of identity information of these individuals cannot rely on the identity information as registered by the authorities of the country of their origin, which at that point represents their legal identity. Therefore, IOM has devised a provisional identity management system strictly for the purpose of AVRR. This identity management system is part of a broader AVRR management system that also takes care of all management and logistics of the return process.

All migrants arriving at one of the six centres are registered, profiled and briefed by IOM staff. In the centre, migrants are provided with basic assistance such as food, shelter and medicine. For the two centres operating at the Niger’s northern border (Dirkou and Agadez), identity data are collected right after they have been accepted into the centre. For this purpose, IOM Niger introduced an innovative software application, the Migrant Assistance Registration System (MARS), which is used for identity data management, as well as for other logistical aspects of AVRR arrangements. This software also enhances collaboration between IOM units and allows for a quicker and more efficient referral of cases between missions for a successful reintegration programme.

MARS will allow IOM Niger to assist more migrants across the country, including voluntary returnees, and facilitate data exchange between IOM missions in the region. Once a migrant is registered, his or her profile and type of assistance are recorded and can be accessed by IOM staff to provide tailored assistance based on his or her needs. Migrants can be assisted in five different locations across the country, as well as in their country of origin, including for registration, protection and

⁵¹ MRRMs are flexible cooperation arrangements among key partners, tailor-made to fit each country’s migration patterns and needs, taking into account the specific social, political, economic and legal context, seeking to formalize cooperation among IOM, government agencies, civil society organizations and United Nations agencies dealing with migrants in need.



An IOM officer operates MARS software. © IOM 2022/Zoran DJOKOVIC

even reintegration. The system is an innovative tool designed in the context of the MRRM. With this innovative approach, the software allows for the management of migrants' personal information. In instances where migrants do not have documentary proof of legal identity, they can declare their identity, which is then recognized by all stakeholders involved in their voluntary return to the country of origin. Finally, once they reach the country of origin, the information stored in the software will help the migrants and the authorities to verify identity data in the official records, and to provide migrants with a valid document that proves their legal identity.

The software provides identity data through two distinct components. If a migrant has documentary proof of their legal identity, a dedicated section of the software can be populated with the data, including copies of the document. This indicates that the documents needed to proceed with the return process are in order and IOM can go forward with the logistics of the return and expedite the procedure.

However, in those cases where migrants do not have any documentary proof of legal identity, a different component of the software is used. If this is the case, the software requires the operator to enter identity data as has been declared by the migrants. The declaration of identity information represents the first stage in the process of restoring a migrant's legal identity. The information is not limited necessarily to the name, family name and date of birth. Other information is also collected, such as nationality, name of mother and father, marriage status and information on the place of residence in the country of origin, as well as other information that might be relevant for the determination of their nationality and identity.

IOM Niger also produces identity cards for internal use that migrants can use for easier tracking of their case as they interact with various IOM units with specific tasks in the return process. The card can be used to inform law enforcement and Nigerien authorities that the migrant is enrolled in IOM programmes – such as assisted voluntary return – in cases where the migrant is intercepted in the transit country. The card provides basic identity data and a barcode that can be used for easy look-up of the record in the MARS software. Other than this, the document has no legal value and cannot be used for travel.

The identity information in MARS is used in the second critical stage of the return and legal identity documentation process, the verification of provided identity data by the relevant authority of the host country. For verification purposes, IOM relies on cooperation with the foreign diplomatic representations in the Niger. In the absence of valid travel documents, the return of a migrant to the country of origin can be arranged only if the authorities of the country of origin can verify identity of the migrant and subsequently issue a *laissez-passer*.

For the purpose of completing identity verification, IOM prepares and periodically submits to each relevant embassy the documentation generated by the MARS software. This documentation provides an extended set of personal information, as well as facial images of migrants claiming certain citizenship and legal identity. The embassies or consular representations can use this information for further verification and determination of eligibility for the *laissez-passer*. In the third stage, it is up to

the embassy/consulate staff to undertake the identity verification process. The procedures for identity verification differ broadly, depending on the particular embassy. For instance, in the case of the Sierra Leone authorities, each migrant is requested to undergo an IOM-facilitated Skype call, during which the claims in the files submitted by IOM are further tested and verified. Sierra Leone currently does not have diplomatic representation in the Niger. IOM takes responsibility for submitting the list of Sierra Leone migrants to authorities in Freetown through its office in Sierra Leone for the purpose of obtaining travel documents. The authorities then conduct interviews with the migrants via Skype, and upon completion of the interviews, they authorize the Directorate for Territorial Surveillance to issue travel documents to the migrants.

The same Skype interview process is followed for Liberian migrants, but in this case, the travel documents are issued by the Liberian authorities and then sent to the Niger via delivery service.



Layout of the IOM-issued migrant identification card. © IOM 2022/Zoran DJOKOVIC

Some consulates and embassies interviewed for this research, such as Mali, regularly receive lists of migrants wishing to return. According to embassy staff, according to appearance and the names declared on the form, they can often establish if individuals are nationals of Mali. Furthermore, they can associate the family name with the respective villages on the form, as generally the two are correlated. In case of a doubt in declared identity, the consulate arranges with IOM assistance for a call with the migrant.

Figure 18. Extract from MARS software with migrant's identity information (personal data redacted for privacy protection)

Source: IOM 2022/Zoran DJOKOVIC.

gauge if the information stated on IOM forms is correct. In addition, a form designed by the Nigerian authority in charge of migration management is used to collect the additional data for each migrant. All the information provided by IOM and on the form is then entered into the database of the migration management authority, where it is further processed before the laissez-passer can be issued. The embassy was not in a position to elaborate further on the content of the form, including the procedures for verification applied by the migration authority in Nigeria's capital. In instances where IOM is not involved in the facilitation of return, embassies require migrants to appear in person at the embassy facility in order to process their requests.

In the final stage on the path to restoration of legal identity documents, migrants are referred upon arrival back in their country to obtain legal identity documents. However, it is up to the migrant to decide if obtaining legal identity documents is their priority. Large numbers of migrants from rural areas in many countries in the region have never registered their identity information with relevant State authorities and will remain undocumented even after returning.

Crucially important is that for migrants from countries without diplomatic representation in the Niger, arrangements have been made to allow for these countries to accept special travel certificates issued by DST.

Migrants in transit who express the wish to stay in the Niger and are not in possession of legal identity documents are directed to apply for asylum; provided that they meet other criteria for granting asylum in the process, their identity data are registered on the basis of the identity information as declared by the migrant. Provided that their request is processed successfully, they are issued with a document confirming their refugee status and the identity information as originally declared is considered as their legal identity. At the time when the research was conducted (2022), migrants originating from Afghanistan and the Syrian Arab Republic benefited mostly from this type of protection offered by the State. Asylum-seekers from these two countries benefit from expedited procedures that allow them to obtain documents soon after they arrive in the country.

Nigerien authorities in cooperation with IOM participate in migrants' resettlement programmes, where migrants, provided they fulfil conditions of the destination State, are being resettled in European countries, the United States of America and Canada. These resettlement programmes are already implemented at the stage when the migrants are seeking asylum and the identity data registered may be as declared by the migrant. In these cases, the country of final destination will issue a *laissez-passer* based on their declared identity. Only when they reach the resettlement destination country do the authorities at the destination undertake an independent set of interviews to verify the identity data. Once the verification is completed, the authorities of the country of final destination will accept the declared and verified identity as legal identity in the legal affairs of that country. If a travel document is issued or an ID allowing international travel, then the validity of the identity is extended internationally.

RESIDENT MIGRANTS WITH EXPIRED OR LOST LEGAL IDENTITY DOCUMENTS

Migrants from neighbouring countries or the wider region who are holders of genuine documents from their home country are required to travel back to their home country in order to renew or obtain documents that prove their legal identity if the previous ones have expired. For the time being, no embassy of any neighbouring country, or in the region, provides these services at their embassies operating in the Niger's capital Niamey. In cases where the document has expired, the embassies can only provide the service of issuing *laissez-passer* that can be used as authorization to travel and enter the country of origin. Problems arise in situations where resident migrants come from countries that do not operate diplomatic representation in the Niger. Compounding this problem, many of these migrants based on regional or bilateral agreements are not formally required to register long-term residence or obtain residence permits.

To address this problem, Nigerien authorities cooperate with a regional network of non-governmental organizations working with diaspora known as the Collective of ECOWAS Foreign Communities and Other African Countries in the Niger. This network issues identification cards that the Niger authorities accept as temporary proof of identity in situations where migrants for different reasons experience difficulty in obtaining/renewing their legal identity documents from their country of origin.

The process of issuance of the identification card requires that, in the absence of valid legal identity documents, the migrant communicates her/his identity data at the point of application. The data are then communicated to the NGO representing the diaspora of the country of which migrants claim to be citizens. After the initial verification, the respective diaspora organization will arrange an interview to determine if the person is not trying to impersonate a fabricated identity. In addition, interviews can be organized with the representatives of local community/village in the country of origin of the migrant to determine if identity can be confirmed. Only when the identity is confirmed can the organization issue the identification card and update the record of issued cards. Both the ID and the record of issued ID cards is recognized by the Niger authorities as proof of identity.

Figure 19. Identification card issued by the Collective of ECOWAS Foreign Communities and Other African Countries in the Niger



Source: IOM 2022/Zoran DJOKOVIC.

ACCESS TO REGISTRATION OF VITAL EVENTS

Since 2015, the Niger has embarked on a modernization of its civil registration system according to a Plan (2017–2020) that focused on the overhaul of the National Civil Status Policy in 2019. To this end, special provisions have been made for foreigners to enjoy the same registration privileges as Nigeriens. Similarly, important innovations are made with regard to migrants and members of the Nigerien diaspora in terms of civil status.

Unique to this reform is that the law allows for the creation of civil registration centres within sites that are housing migrants and refugees. To that effect, the Decree No. 2019-463 of 23 August 2019 sets the modalities for the application of Law No. 2029-29 of 1 July 2019 on the civil status regime in the Niger. Article 7 stipulates in this regard that the heads of civil status registration centres are, among others:

- the heads of Nigerien communities living abroad, appointed by the heads of diplomatic missions and consular posts;
- the duly mandated representatives of displaced communities in cases of emergency.

Generally, the proof of the legal identity of migrants is the responsibility of their country of origin, which must provide the identifying elements to the Niger administration. However, the birth of children of migrants on the territory of the Niger can be registered in cases where one or both migrant parents cannot present proof of legal identity. If one parent can provide proof of legal identity, the registration of the child is done by registering the name of that parent. The other parent's name can be added later when the concerned parent restores access to documentary proof of legal identity. Civil registration authority will accept the declared identity of parents and will support the registration record with an affidavit that testifies to the process of verification of claimed identity of both parents.

In instances of accompanied and unaccompanied children without birth certificates to prove their identity and parents' information, authorities conduct specially designed interviews with parents to establish if claimed parenthood can be ascertained. Where the process involves voluntary return to the country of origin or resettlement into a third country, IOM participates in the process by collecting children's profile information in its MARS software.

PERU



CAPITAL

Lima



POPULATION

34,049,588 ^a



LANGUAGE

Spanish



INDEPENDENCE DAY

28 July

^a World Bank (2023). Population, total - Peru.

GENERAL INFORMATION

The Republic of Peru is in the Andean region of South America. It borders Ecuador and Colombia to the north, Brazil to the east, the Plurinational State of Bolivia to the south-east, Chile to the south, and the Pacific Ocean to the west. Peru's territory is divided into 26 units — 24 regions, the Lima Province and the Constitutional Province of Callao. The regions are subdivided into 196 provinces, which are composed of 1,869 districts.

Peru is a highly diverse country, with habitats ranging from the arid plains of the Pacific coastal region in the west to the peaks of the Andes mountains extending from the north to the south-east of the country, to the tropical Amazon basin rainforest in the east with the Amazon River. Peru has a population of 32 million, with Lima its capital and largest city. At 1.28 million square kilometres, Peru is the 19th largest country in the world and the third largest in South America.

Figure 20. Geographical map of Peru



Source: U.S. Department of Health & Human Services - Centers for Disease Control and Prevention.

Note: This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

MIGRATION CONTEXT

Traditionally, Peru has seen high emigration, particularly among young people seeking better living conditions in other countries due to political and economic instability. However, in recent years, the country has seen a rise in its immigrant population, mainly refugees and asylum-seekers from the Bolivarian Republic of Venezuela. Historically, Peru has mainly served as a transit State for refugees and asylum-seekers from Cuba and Haiti, rather than a final destination. Internal migration in Peru is driven by economic factors, mostly rural to urban. The lack of public services, and environmental issues such as deforestation, illegal mining, pollution and climate change in the Amazonian region (specifically Loreto, Ucayali and Madre de Dios) are key factors for indigenous communities' relocation.⁵²

Since 2016, Peru has seen an increase in Venezuelan and Haitian migrants and refugees entering the country mainly through the north (Tumbes and Piura regions) or the east (primarily Madre de Dios, crossing to Cuzco). Since 2019, these flows have largely been characterized by irregular entry. Upon arrival in Peru, most international immigrants settle in Lima, which is home to approximately 76.5 per cent of the immigrant population and offers better job prospects, as well as legal, health and economic integration services. Other regions such as Callao, La Libertad, Arequipa, Ica and Piura also have significant immigrant populations.⁵³

MIGRATION MANAGEMENT POLICIES

In 2017, Peru approved its [Migration Law, Legislative Decree 1350 and its Regulations, Supreme Decree 007-2017-IN](#), currently in force. Unlike the previous Legislative Decree No. 1236, which addressed migration economically and demographically, this law takes a human rights approach towards migrants and incorporates important principles such as integrity, the non-criminalization of irregular migration and family reunification.

Peru approved the Refugee Law in 2002 (Law 27891) and its regulations in 2003 through [Supreme Decree 119-2003-RE](#). The Peruvian State adopts the traditional and expanded definition of the Cartagena Declaration of 1984. Although 15 countries in Latin America, including Peru, have included the refugee definition of the Cartagena Declaration into their domestic laws, Peru does not apply this definition for Venezuelan citizens. Beyond these laws, the main framework governing migration is the [National Migration Policy 2017–2025](#), which emphasizes respect for human rights, promoting equality and inclusion of

⁵² [Migration Profile Peru](#).

⁵³ *Ibid.*

migrants, including migration regularization and residence as a starting point. However, this policy, under the responsibility of the Ministry of Foreign Affairs, has not been implemented completely to date through actionable plans or operational documents that establish guidelines or concrete actions, or define institutions responsible for meeting each deliverable.

As established in the National Migration Law in Peru, the State actors in charge of migration are the National Superintendency of Migration (NSM) of the Ministry of Interior (internal migration) and the Ministry of Foreign Affairs (external migration). In 2011, the Intersectional Body for Migration Management, chaired by the Ministry of Foreign Affairs, was created to coordinate and supervise policies and actions on international migration management. It publishes annual and biannual reports, conducts social security agreements and validation of academic degrees, and promotes economic integration, among other activities.⁵⁴

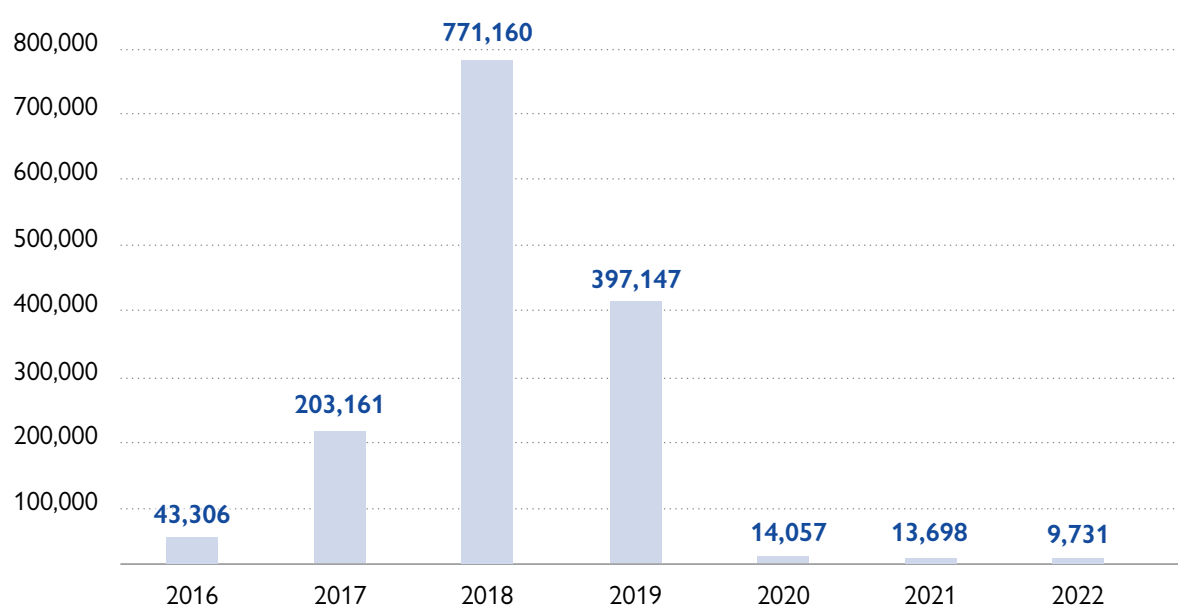
The NSM operates as a specialized technical body of the Ministry of Interior that executes the internal migration policy and coordinates immigration control with Border Security actors. Peru has ratified the 1971 International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and signed the United Nations Convention against Transnational Organized Crime and the Palermo Protocol to prevent, suppress and punish trafficking in persons.

The Special Commission for Refugees (CEPR), under the Ministry of Foreign Affairs, processes asylum applications as well as the evaluation and recognition of international protection. CEPR works in close coordination with the United Nations High Commissioner for Refugees (UNHCR) and other international organizations to ensure that refugee rights are respected and protected in Peru. It also works in close coordination with other government offices, such as the National Superintendency of Migration, to guarantee the issuance of identity documents of people with recognized refugee status.

RESPONSE TO THE MIGRATION CRISIS IN THE BOLIVARIAN REPUBLIC OF VENEZUELA

Peru has received the second-largest population of Venezuelan migrants and refugees and has processed the most refugee applications of Venezuelan nationals in the world. Figure 21 provides an overview of number of entries of Venezuelan citizens in the period 2016–2022.

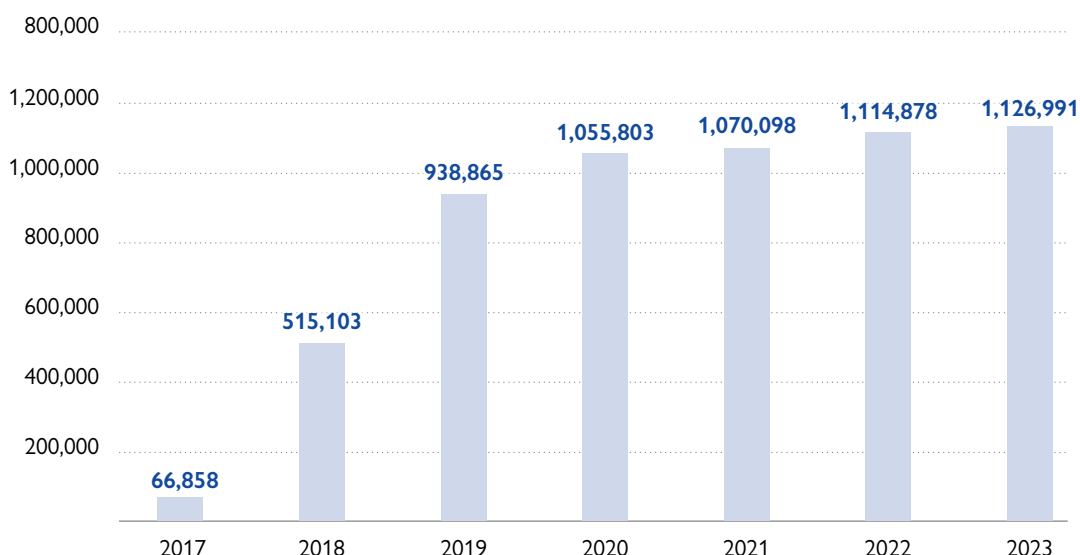
Figure 21. Venezuelan citizens who entered the country, by year



Source: IOM Office in Peru, Reunión Regional Sobre la Regularización Migratoria, 2022.

⁵⁴ Ibid.

Figure 22. Citizens of the Bolivarian Republic of Venezuela who remain in the country, according to the cut-off year, 2017–2023



Source: IOM Office in Peru, Reunión Regional Sobre la Regularización Migratoria, 2022.

In response to the Venezuelan migration that began in the region in 2015, Peru adopted alternative ad hoc measures for migratory regularization. In 2017, the Peruvian State created a special provision for regularization of stay in Peru, the Temporary Permit of Permanence (PTP), an identity document issued by the National Superintendency of Migration, allowing one-year residence and access to formal employment, as well as integration into Peruvian society. The PTP can be verified online, through which the regular migration status in the country is accredited and enables the beneficiary to carry out activities within the framework of Peruvian legislation. The PTP is not considered an identity document. This was the first instrument in the region that was specially designed to regularize the stay of Venezuelan citizens and benefited over 490,000 Venezuelan citizens until its elimination in 2019.⁵⁵ This permit offered a complementary form of protection and helped to streamline the legal migration process.

With the rapid increase in refugee applications (34,167 in 2017; 192,000 in 2018; and 482,571 in 2019), empathy and solidarity with Venezuelans was replaced by State concerns on the consequences of these numbers for Peru. Thereafter the Government began controlling immigration to the country by adopting the following measures in 2019:

- terminating the issuance of the PTP;
- introducing the requirement for a passport for anyone entering Peru;
- introducing a humanitarian visa for citizens of the Bolivarian Republic of Venezuela.

PROCEDURES FOR ENTRY AND DOCUMENTATION FROM 2016–2019

All individuals arriving from the Bolivarian Republic of Venezuela, regardless of document possession, could access protection and regularize their documents in Peru by applying for refuge through the Ministry of Foreign Affairs.

All individuals with valid Venezuelan identification documents could proceed further into Peru, while individuals without valid identification documents needed to initiate the asylum procedure as the only way to be admitted into the country. Venezuelans with valid proof of legal identity could request a PTP at the local National Superintendency of Migration office at their destination.

Figure 23. Layout of the Temporary Permit of Permanence (PTP)



Source: <https://steemit.com/spanish/@amaponian/recibi-el-ntp-permiso-temporal-de-permanencia>.

⁵⁵ See Supreme Decrees (DS) 002-2017-IN; DS 023-2017-IN; DS 001-2018-IN; 008-2018-IN.

The PTP allowed individuals to exercise fundamental rights and activities, such as access to education, health and justice, as well as the ability to work formally within the country. To be eligible for the PTP, applicants had to have entered the country legally by 31 October 2018, be in the country as “irregular” migrants due to the expiration of their residence or permission of permanence, or be a “regularized migrant” and opt for the permit. Applicants also could not have a criminal or judicial record at the national or international level. The deadline for submitting applications was 31 December 2018.

People seeking asylum for not having proof of legal identity or required identification documents to cross the border, had to declare their identity data, including name, surname and date of birth, for their refugee application.

Peru’s General Refugee Law – Law 27891 – provides for a rapid asylum recognition process, which should normally take up to 60 days. The process comprises the presentation of an application for asylum; an interview; evaluation by the government’s Special Commission for Refugees (Comisión Especial para los Refugiados); and then approval or rejection of the request for asylum.

Venezuelans in Peru, including asylum-seekers, could apply for a PTP while their asylum claim was being reviewed. The CEPR was obliged to issue a refugee applicant card or a certificate while waiting for the applicant card. However, access to PTPs remained limited only to Venezuelans with identification documents. Obtaining the PTP required the submission of a specific set of supporting documents, including proof of legal identity. In the interim, until the case was resolved by CEPR, asylum-seekers without proof of legal identity were not provided with any type of document that they could use as proof of identity while in Peru.

By the deadline, 280,634 Venezuelans had obtained special migratory status for access to the alien card, after which the PTP ceased as an instrument of regularization

PROCEDURES FOR ENTRY AND DOCUMENTATION AFTER 2019

At the beginning of the Venezuelan migration crisis, Peru was one of the few States that implemented policies to facilitate legal entry and stay for Venezuelan migrants. With the introduction of the PTP in 2017, thousands of Venezuelans were allowed to regularize their immigration status. This permit offered a complementary form of protection and helped to streamline the legal migration process. However, with the rapid increase in arrivals and with the structural problems being experienced in Peru, the general feeling of solidarity with Venezuelans started fading. The continuing crisis in the Bolivarian Republic of Venezuela has progressively increased the number of applications for asylum in Peru. This has created significant pressure, and per government assessment, it had exceeded the government’s capacity to respond adequately and in a timely manner, as well provide protection for all.⁵⁶

According to the National Statistical Institute (INEI), 97 per cent of Venezuelan immigrants were able to get a PTP by 2019, implying that most Venezuelan immigrants who had arrived up to that point were legally in Peru and able to work in both the formal and the informal sector.

Owing to growing political pressure to manage Venezuelan arrivals, on 6 June 2019 Peru’s president, Martin Vizcarra, announced new entry requirements that came into effect on 15 June 2019. Under these requirements, to enter the country Venezuelans were required to present a passport and a “humanitarian visa” that must have been acquired pre-arrival in Peruvian consulates.⁵⁷

Venezuelan refugees and migrants arriving via Ecuador at Peru’s northern border at Tumbes were met by new and stricter entry requirements. Under the new rules, Venezuelans are required to present a passport, irrespective of whether it is expired, and a visa obtained in Peruvian consulates before arrival in the country.

As per the [Resolution of Superintendence No. 000177-2019](#), specific categories of Venezuelans are allowed to enter Peru without a valid passport and visa:

⁵⁶ UNHCR (2023). [Venezuela Situation](#). Emergency appeal.

⁵⁷ ACAPS (2019). [Peru: Influx of Venezuelans in Tumbes](#). Briefing note. 25 June.

HUMANITARIAN VISA APPLICATION PROCESS

Application for a humanitarian visa can be submitted at a Peruvian consulate or embassy in the Bolivarian Republic of Venezuela or at the Peruvian migration office in Peru. You can only apply at the Peruvian consulates in the Bolivarian Republic of Venezuela. The application should include personal documents such as a passport, birth certificate, and police clearance certificate. Migrant need to provide evidence of the humanitarian situation in the Bolivarian Republic of Venezuela, such as news articles, reports from non-governmental organizations, or statements from relatives or friends. It is required that the applicant sits an interview with a consular or migration official to explain the reasons for the humanitarian visa request. Once the application is approved, pay the corresponding fee and wait for the visa to be issued. The Humanitarian Visa is a temporary solution, and not a work or permanent visa. The requirements and process for obtaining a humanitarian visa is subject to change depending on the political decision.

- Minors in transit to Peru to be reunited with their parents, without an identity card or passport, but only a birth certificate;
- Those of legal age, in transit to Peru, to meet their family residing in Peru;
- Adults in a situation of extreme vulnerability, in transit to Peru;
- Pregnant women in a situation of extreme vulnerability, in transit to Peru;
- Adults over 60 years of age, in transit to Peru.

Venezuelan arrivals were further complicated by the COVID-19 pandemic and its negative effects on the Peruvian economy. As a result of COVID-19 measures, the options for entry into Peruvian territory changed with the introduction of an entry ban, halting all reception of Venezuelans at the border.

Initially presenting an asylum claim was sufficient to enter Peru. However, under the new entry requirements, more stages and criteria have been established, effectively limiting the entry of Venezuelan migrants. A pre-screening stage has been introduced, wherein after filing the asylum request applicants are interviewed by CEPR personnel at the border. Their files are then sent to the CEPR office in Lima, where the decision is taken on whether to allow the applicant to enter the country to continue the regularization procedure. The prior evaluation takes 30 to 70 days, becoming an effective barrier to regular entry of Venezuelan migrants to Peru, including those who are unable to present proof of legal identity. As an illustration, between June and December 2019, only 13 per cent of asylum-seekers were allowed entry into the country.⁵⁸ The introduction of tightened entry regulations did not halt the Venezuelan arrivals, rather directing them towards smugglers' channels and green borders.⁵⁹

Figure 24. Layout of the Carnet de Permiso Temporal de Permanencia (CPP)



Source: *Rostros Venezolanos*, n.d.

In October 2020, the Government of Peru started issuing a new type of residence document called the temporary stay permit licence (Carnet de Permiso Temporal de Permanencia, or CPP), which offered a new opportunity for Venezuelans

⁵⁸ Camino, P. and U.L. Montreuil (2020). *Asylum under pressure in Peru: the impact of the Venezuelan crisis and COVID-19*. *Forced Migration Review*, November 2020, issue 65.

⁵⁹ "Green borders" refer to non-official or unauthorized crossing points at international borders. These are typically areas not monitored by border control or customs, often including forested or rural areas between formal, established border crossing points. The term "green borders" is used because these crossings often occur in nature-filled, or "green", areas.

inside Peru to regularize their status. Once implemented, the CPP granted two years of regular status and work authorization to all foreigners who entered Peru irregularly or whose authorized permits expired before 20 October 2020. Initially, the opportunity was extended until 9 July 2021, however, after three extensions granted as of early 2023, the closing date for applications was set for 3 March 2023, with chances of the deadline to be further extended with another decree issued in 2023.

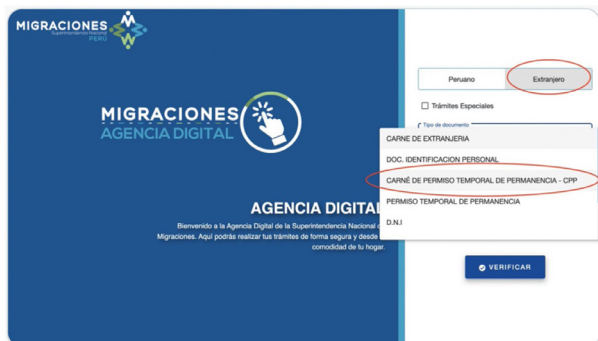
Applications are submitted online at the website [Digital Agency](#) of the National Superintendence of Migration. The CPP application can also be accessed on the same platform that applicants enter after obtaining the pre-registration code for the CPP. The platform requires the entering and uploading of all relevant identity data and required documentation, prior to the formal, in-person appointment when the decision for each individual application is determined.

Once approved for the CPP, the applicant is issued with a temporary permit, valid for two years, allowing legal residence, work or study in Peru, as well as access to government services such as education and travel within the country without any restriction.

During the two-year CPP period, individuals are required to comply with certain conditions, such as renewing their ID card every year and not leaving Peru for more than 90 days without prior authorization. Failure to comply with these conditions can result in the revocation of the permit. After two years, individuals who hold a CPP may be eligible to apply for a residence permit if they comply with the requirements of the Migration Law. This would depend on the time they have been residing in the country, their economic and social integration, and their compliance with the conditions of the CPP.

Digital Agency provides a wide range of services to individuals and organizations related to migration. The platform is run by the NSM and aspires to simplify and facilitate migratory processes by offering the ability to complete and submit online migration forms for renewing or obtaining a passport, applying for a visa, or registering as a resident. The agency's website is user-friendly and provides step-by-step instructions on how to complete the forms, as well as capturing any required documents.

Figure 25. Landing page of the Digital Agency



Source: <https://agenciavirtual.migraciones.gob.pe/agencia-virtual/identidad>.

Once logged in, individuals will be prompted to provide information such as their name, date of birth and current CPP expiration date. Individuals are required to upload digital copies of required documents, such as a valid passport or national ID, proof of residence and any other relevant documentation. Applicants must meet eligibility criteria for the programme, such as having lived in Peru for at least two years, not having a criminal record and not having pending deportation orders.

After the application and required documents have been submitted, the applicant will have to wait for immigration officials to review the application and make a decision. This procedure includes a face-to-face stage for the collection of biometric data. The evaluation of the application is carried out within 30 business days. If the application is approved, the applicant will be issued with a new CPP with an updated expiration date.

Digital Agency also offers a variety of tools and resources to help individuals and organizations navigate the migration process. This includes information on the different types of visas available, their application processes and what documents are required. The agency also provides guidance on how to renew a visa or passport for Peruvian citizens, as well as information on the rights and responsibilities of migrants. The platform allows individuals to schedule appointments with the NSM for visa or passport interviews, fingerprinting or similar requirements in the migration process.

The lack of easy pathways for regularization of stay in Peru is demonstrated by the prevailing sentiment of Venezuelan migrants in Peru, who highlight issues with regularization and documentation of their stay as one of their key problems.⁶⁰

⁶⁰ International Rescue Committee (2021). [Needs Assessment Report: Venezuelans in Peru](#). 28 October.

As part of the CPP process, between 16 January 2021 to 19 April 2022, 542,070 requests for immigration regularization were processed by the National Superintendency of Migration, of which 96.8 per cent were Venezuelan citizens (524,508 requests), followed by Colombian citizens. Of the applications registered during the pre-registration phase, 131,896 applications have been approved; 130,607 of these are pending resolution; and a little fewer than half did not start the process, despite showing their interest. Table 6 provides a detailed overview of Venezuelans who obtained their migration regularization through the CPP card.

Excerpt from the Needs Assessment Report: Venezuelans in Peru by the International Rescue Committee (28 October 2021). Three-quarters of the population in July (77.8%) reported having specific protection needs. Two-thirds of those interviewed reported that lack of legal documentation is their main need. This need is predominantly the reason that leads 85.3% of them to enter Peru by choosing informal routes.

Of those who do not have immigration documents, many noted it was because they did not have the money to pay the documentation fees (38%), or they did not know how to access the documents (15%); limited numbers noted they did not have documents because they were refused service by the authorities (9%), they do not think the documents are useful (8%), they do not have the Venezuelan documentation required to receive them (7%), or they were afraid to seek documentation (4%). Of the service providers interviewed, 17 noted that they provide legal aid services on site, 20 noted they provide referrals for legal assistance.

Legal documentation is a struggle for many Venezuelans in Peru. The majority (85%) of those surveyed have a Venezuelan ID document, but only one in three (29%) have a Venezuelan passport and very few (6%) have their birth certificate. Of those surveyed, 45% did not have any legal documentation for their stay in Peru. Those that did most frequently had a Carnet de Extranjería – an ID card for foreigners in Peru (27%); a Carnet de Permiso Temporal de Permanencia (CPP) – a one-year non-renewable temporary residence card⁷ (14%); a Permiso Temporal de Permanencia (PTP) – an older version of the CPP (10%); an application for refugee status (5%); and/or a humanitarian visa (1%).

Table 5. Status of the CPP immigration regularization process for Venezuelan citizens as of 19 April 2022

Status	Approved	Pending	cancelled, dene			Total
			given up	given up	not pre	
			or abandoned	seated	has not done	general of
					do the procedure	Venezuelans
Number	131,896	130,607	1,286	382	260, 337	524,508

Source: IOM Peru.

As of 26 April 2022, the NSM has registered 1,087,019 Venezuelan citizens residing in the country permanently. However, the Working Group for Refugees and Migrants (the national expression of the Response for Venezuelans platform) estimates that as of March 2022, there are 1,280,464 Venezuelans in the country, including refugee applicants.

MIGRANTS WITHOUT PROOF OF LEGAL IDENTITY

People who entered Peru from the Bolivarian Republic of Venezuela until 2019 were provided with a concrete opportunity to formally request asylum, even if they did not have any valid identification document with them upon arrival. Once individuals formally apply for asylum and establish their identity, their applications are processed by the Special Commission for Refugees. If approved, they receive a refugee card serving as their proof of legal identity. In instances where applicants lack identity documents, the Special Commission still seeks to verify their existence through any possible means. This can include obtaining document copies or verifying online public databases in the Bolivarian Republic of Venezuela. The aim is to ascertain whether an individual seeking asylum without identity documents can be found in Venezuelan records, and if so, to establish a connection between the asylum-seeker and that specific identity.

To this effect, refugee authorities relied on the of Venezuela's electoral register, which allowed an online search of registered Venezuelans.

Table 6. Number of Venezuelans regularized through CPP by year, month and issuance state

PERIOD	STATUS OF THE CARD CPP	
	PRINTED	DELIVERED
Total	280,634	250,666
2021-07	135	11
2021-08	3,568	3,077
2021-09	17,613	16,218
2021-10	24,480	22,162
2021-11	25,718	24,850
2021-12	17,147	16,619
2022-01	17,272	16,353
2022-02	14,163	13,358
2022-03	17,105	15,534
2022-04	12,553	11,447
2022-05	11,559	10,093
2022-06	10,531	9,726
2022-07	16,535	11,581
2022-08	26,952	24,277
2022-09	18,792	17,477
2022-10	6,164	5,281
2022-11	7,846	6,705
2022-12	9,983	8,653
2023-01	10,924	8,984
2023-02	11,594	8,260

Source: IOM Peru.

Ultimately, many Venezuelans without proof of legal identity rely on their relatives who remain in the Bolivarian Republic of Venezuela to obtain copies of required documents and send them electronically.

Figure 26. Layout of the National Electoral Council in the Bolivarian Republic of Venezuela

Source: www.cne.gob.ve/web/index.php.

The National Electoral Council (CNE) of the Bolivarian Republic of Venezuela manages the voter register and is responsible for maintaining accurate and up-to-date records of eligible voters, as well as for ensuring that the voter register is secure, accurate, up to date and free from fraud and manipulation. This includes registering new births, marriages, divorces and deaths, as well as updating the personal information of citizens, such as their names, addresses and dates of birth. The CNE also provides official certificates and documents that are necessary for various legal and administrative purposes, such as birth certificates, marriage licences and death certificates. In addition to updating the voter register, the CNE also implements several security measures to protect the integrity of the electoral process. For example, the CNE uses biometric technology, such as fingerprint scanning and facial recognition, to verify the identity of voters and prevent fraud. The CNE also employs measures to ensure the confidentiality and privacy of voter information, such as encryption and secure data storage systems.

Although the PTP and CPP provided an opportunity for migrants to regularize their stay, including asylum-seekers, migrants without proof of identity could not avail this opportunity. Asylum requests of individuals without proof of legal identity were accepted until 2019, but they were not given a document to be used as proof of identity when engaging with Peruvian institutions until their asylum request was formally granted, wherein they received a refugee document confirming that their identity data was recognized by the Special Commission for Refugees.

REGISTRATION OF VITAL EVENTS FOR PERUVIAN NATIONALS AND MIGRANTS

When Peru's Registro Nacional de Identificación y Estado Civil (RENIEC), or national registry of identity and civil status, was created in 1993, the responsibilities for civil registration and identification fell under a single national agency. However, RENIEC was only officially established in 1995 with the enactment of Peru's Organic Law. RENIEC has exclusive authority over identification functions, but in some cases the agency has delegated the responsibility for civil registration to the Offices of the Registries of the Civil State (OREC). While these offices were once part of the decentralized network of civil registration offices that existed before RENIEC, they have not been fully incorporated into RENIEC, but provide civil registration services. There are more than 1,300 decentralized civil registration offices under municipal governments, representing only 21 per cent of the total offices, but reaching more than two thirds of the population.

During its almost 25 years of history, RENIEC has made significant progress in implementing a widely decentralized system, increasing the coverage of registration of vital events, identifying citizens, and integrating civil registration and vital statistics, and ID management systems. It has built the civil registration database and the identification register by establishing standard processes and guidelines, introducing digital technology, and digitizing civil registration and identification records.

All Peruvian nationals must legally have a national ID card at birth. Citizens can visit any of RENIEC's ID offices to receive an ID card, including RENIEC offices in health facilities for newborns. Peruvians living abroad can obtain their national ID at consular offices. RENIEC issues two types of national ID cards: minor's ID (birth to 18 years) and adult's ID for ages 18 and over. RENIEC is not only responsible for keeping the civil register, but also for managing and updating the Registro Único de Identificación de las Personas Naturales, or unique identification register. Citizens' identity information is saved in this register's database from birth to death.

The Ministry of Foreign Affairs of Peru and its counsellor services across embassies around the world strongly rely on RENIEC to provide Peruvian diaspora with travel and renewed ID documents. Leveraging the direct electronic link between the embassies and RENIEC, consulate authorities confirm the identity of their citizens abroad, who may have lost access to legal identity documents. To determine citizens' identities, consulate representatives access identity data based on their unique identification number and the facial image saved in the RENIEC database.

However, when it comes to foreigners in Peru, access to civil registration services provided by RENIEC is strictly conditioned upon presentation of valid, legal identity documents (i.e. passports). For migrants without identity documents from the country of origin, access to registration of vital events, as in the case of access to the PTP and CPP, is not possible. RENIEC recognizes this as a significant gap in the regulations governing the registration of vital events in Peru. Search gaps are

mostly evident when a child is born in Peru and the parents as foreign citizens do not have valid proof of legal identity. As Peru grants nationality by jus soli (nationality attained by being born in a country), including that of foreign parents, the child is automatically a citizen of Peru and the State has the obligation to register identity information of the child, as well as the date of birth through the process of birth registration. The central premise of the process of birth registration is recording the identity data of the mother, which, in cases where the mother is a foreigner without valid proof of legal identity, means that RENIEC does not have a clear-cut solution that would enable it to complete this registration as per the existing regulations. RENIEC is actively seeking solutions to this particular problem that rely on good practices from other countries in this situation, where there are no clear globally applicable standards.

THAILAND



CAPITAL

Bangkok



POPULATION

71,697,030 ^a



LANGUAGE

Thai



NATIONAL DAY

5 December

^a World Bank (2023). Population, total - Thailand.

GENERAL INFORMATION

Thailand, officially known as the Kingdom of Thailand, is located in South-East Asia. It has a diverse geography, characterized by a mix of tropical rainforests, fertile plains and an extensive coastline. Covering an area of approximately 513,120 square kilometres,⁶¹ Thailand is the 50th largest country in the world by land area.⁶²

The population of Thailand is estimated to be around 70 million people, making it the 20th most populous country globally.⁶³ A significant majority of the population is ethnically Thai, while there are also various ethnic minorities such as Chinese, Malays and indigenous hill tribes. Bangkok, the capital and largest city of Thailand, serves as the country's political, economic and cultural hub. Thailand shares borders with four countries: Myanmar to the north-west, Lao People's Democratic Republic to the north-east, Cambodia to the south-east and Malaysia to the south. This strategic location has historically made Thailand an important crossroads for trade, migration and cultural exchange within the South-East Asian region.

MIGRATION CONTEXT

Thailand, a crucial hub for migration in the region, functions as a country of origin, destination and transit. Its middle-income status and shared land borders with Myanmar, Lao People's Democratic Republic, Cambodia and Malaysia result in a complex and distinct set of migration-related issues and challenges. Thailand experiences mixed migration flows. It is a country open to international investment, trade and tourism, with a substantial scale of labour migration. At the same time, it is also a place where displaced individuals are seeking safety, including in the context of the military takeover in Myanmar.

Large-scale labour migration to Thailand from Cambodia, Lao People's Democratic Republic and Myanmar began in the 1990s, coinciding with Thailand's economic boom. Thailand's initial migration policy provided leniency periods and mass registration in an effort to manage the migrant worker population, but it lacked a more comprehensive migration policy. This ad hoc approach has led to a precarious legal status for migrants, often working in limbo for years. As a response, bilateral Memorandums of Understanding (MoUs) were developed to formalize the migration process, and ever since they have been used as one of the cornerstone policies for addressing the needs of undocumented migrants and managing migratory flows. Apart from neighbouring migrant workers, Thailand's migration flows include stateless persons, asylum-seekers, refugees, professionals, investors, students and retirees. Internal and international migration of Thai nationals also remains significant, driven by uneven development between rural and urban areas and a lack of sufficient livelihood opportunities in rural regions.⁶⁴ Thailand has successfully promoted and deployed a large number of its workers abroad, although this has gradually declined due to rising prosperity and a consistently low domestic unemployment rate.

In addition to economic migrants, Thailand also receives migrants who are fleeing conflict and persecution in neighbouring countries. Since the 1980s, Thailand has been providing temporary shelters to displaced persons from Myanmar. At the height of this situation, there were over 200,000 displaced persons in Thailand, but as per the Department of Provincial Administration under Ministry of Interior there are now 77,721.

Figure 27. Geographical map of Thailand



Source: Wikipedia.

Note: This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

⁶¹ Trading Economics (n.d.) [Thailand Surface Area \(sq. km\) – data, historical chart, forecasts and calendar of releases](#).

⁶² World Population Review (n.d.). [Thailand: Location, population, area, and more](#).

⁶³ World Population Review (2023). [Population of Cities in Thailand 2023](#).

⁶⁴ United Nations Country Team Thailand (2020). [Working Group – Terms of Reference](#).

The primary challenge the Thai Government perceives with regard to migration is irregular movements, including human smuggling and trafficking, which impact the labour market. Out of the estimated 4–5 million migrants living and working in Thailand, around 1–2.5 million are believed to have irregular status. Many are deterred from legally entering the Thai workforce due to high costs, long waiting periods and bureaucratic hurdles. Ineffective law enforcement further exacerbates problems such as poor working conditions, exploitation, human smuggling and trafficking, and transnational crime.⁶⁵

As per data from the Department of Employment of the Ministry of Labour (MOL) of Thailand, in November 2022 there were 2.64 million registered migrant workers. About 2 million of these workers had their status regularized under one of the four cabinet resolutions enacted between 2020 and 2022. The remaining registered migrant workers entered Thailand through the MoU mechanism or the border employment scheme.⁶⁶

MIGRATION MANAGEMENT POLICIES

Over the years, Thailand's migration management policy and legal framework have evolved to tackle the complex and shifting dynamics of migration. The Nationality Law, specifically Thailand's Nationality Act of 2008 (amended in 2012), addresses matters of citizenship, including acquiring and losing Thai nationality. This law establishes a legal framework for determining individuals' nationality, encompassing migrants and their children. The Immigration Law, consisting of the Immigration Act of 1979 and various ministerial regulations and notifications, governs foreigners' entry, stay and departure in Thailand. This act specifies visa issuance, extension and revocation criteria and procedures, along with penalties for overstaying and other immigration violations.

Labour and employment laws, such as the Labour Protection Act of 1998, the Royal Decree Concerning the Management of Foreign Workers Employment of 2017 and its amendments, regulate migrant workers' employment in Thailand. These laws oversee foreign workers' recruitment, employment and working conditions, as well as employers' and recruitment agencies' roles and responsibilities. The Anti-Trafficking Law, or the Anti-Trafficking in Persons Act of 2008 (amended in 2015 and 2017), addresses human trafficking concerns in Thailand. This law criminalizes human trafficking, offers protection and aid to victims, and implements measures to prevent and suppress trafficking.

Under the existing legal framework, there is no specific residence card for foreigners who have obtained a residence permit in Thailand; instead, their resident status is indicated by a stamp in their passport. In Thailand's diverse labour landscape, many migrant workers from neighbouring countries like Myanmar, Cambodia and Lao People's Democratic Republic secure employment in sectors such as agriculture, fishing and construction. To work legally, these individuals need to navigate Thailand's regulatory system, which requires holding key documents. Among these are the Work Permit and the Non-Thai Citizen Card ("pink card"). The Work Permit, often a physical card or booklet, is a vital document granting foreigners the right to work in Thailand. The Non-Thai Citizen Card, distinctive in its colour, provides certain migrant groups, especially those previously undocumented, with temporary legal status and work rights. While other documents like temporary passports or visas are crucial, they are not typically issued as cards, but as paper documents or stamps inside passports.

Developing and implementing policies aimed at managing different migrant groups falls under the purview of the National Security Council. This body coordinates with the Foreign Affairs Division under the Ministry of Interior to manage policies and provide protection for these individuals.

Managing the migrant population, particularly those without proper documentation, has posed challenges for the Thai government. Irregular migrants in Thailand often lack proper documentation, making it difficult for authorities to manage and track their presence. This situation can lead to exploitation, human trafficking and other forms of abuse. Similarly, regular migrants who have lost their documents face challenges accessing social services, seeking legal employment and establishing their legal status. These individuals are more vulnerable to exploitation, as their lack of documentation may prevent them from reporting instances of abuse or seeking help from authorities.

In situations where migrants cannot present any proof of legal identity, the decision for deportation or repatriation is made by Immigration and the Ministry of Interior. Deportation authority is assigned to Immigration, although the Ministry of

⁶⁵ IOM Thailand (n.d.). [Migration Context](#).

⁶⁶ ILO (2023). [TRIANGLE in ASEAN Quarterly Briefing Note Thailand, April–June 2023](#).

Interior may hold the right to allow for extension of stay. However, both agencies still need to collaborate. If the Government decides to provide an extension, the migrant will be granted additional time, but will not receive a permit.

Regarding refugee policy, Thailand is not a signatory to the 1951 Refugee Convention and lacks a comprehensive legal framework for refugees. Thailand is located in a region with significant refugee movements. It has been a host to large numbers of refugees from neighbouring countries for several decades, and the government appears to prefer to manage these situations bilaterally or through regional mechanisms rather than by committing to global standards. In the wake of displacement issues originating from Myanmar, the Thai Government has partnered with the United Nations High Commissioner for Refugees (UNHCR) to offer interim protection to refugees and those seeking asylum. Thailand also supports several refugee camps along the border with Myanmar, assisting refugees and displaced individuals in partnership with international and non-governmental organizations.

Thai nationals who lose their documents while abroad also face difficulties. In such cases, they may require support from Thai embassies or consulates to obtain temporary travel documents, verify their identity and access essential services. These situations often demand significant resources and coordination between government agencies and foreign authorities to ensure the well-being and safe return of Thai citizens.

REGULARIZATION/AMNESTY FOR IRREGULAR MIGRANTS

With many channels used to facilitate regular migration of professional workers, Thailand has two official channels for low-skilled workers from Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam: (a) Memorandum of Understanding (MoU) and (b) border pass migrant workers (those living in a small area close to the border).⁶⁹ Irregular migrant workers can periodically regularize their status through a nationality verification process, which is provided by the Thai Government on an ad hoc basis.

Since the 1990s, the Thai Government, by way of a series of Cabinet Resolutions, has permitted undocumented migrants to regularize their status during periodic migrant worker registration windows. Thailand's national migrant management policy was implemented along with the master plan for foreign worker management proposed by the National Committee on Illegal Workers Administration in 2004. The plan consists of three main pillars:

- a. Open registration of irregular migrants from the three neighbouring countries, permitting one category eligible for employment and the other category to stay as dependants.
- b. Establish a nationality verification process that allows officials from the workers' sending country to carry out such verification, in order to work towards legalizing all migrants.
- c. Implement a memorandum of understanding regarding legal recruitment from and repatriation of workers to the three neighbouring countries.⁶⁸

In 1992, the Thai Government launched its first partial regularization programme for irregular migrant workers, focusing on those from Myanmar in specific areas and covering 10 border provinces. Since then, several registration and partial regularization initiatives have been implemented to account for the actual number of migrant workers from Myanmar, Cambodia and Lao People's Democratic Republic residing in Thailand. Nationwide partial regularization programmes for migrant workers from Cambodia, Lao People's Democratic Republic and Myanmar were first introduced in 2004 and again in 2009.

During the COVID-19 pandemic, migrant workers faced extreme difficulties, including job loss and expiration of visas, work permits, stay permits, or identity and travel documents, which affected their legal status. Travel restrictions also prevented them from returning to their home countries. To address these challenges, the Thai Government implemented several regularization schemes between 2020 and February 2023.

The majority of these regularization schemes targeted migrant workers from Myanmar, Cambodia, Lao People's Democratic Republic and Viet Nam whose work permits had either expired or were about to expire during specific periods, or who

⁶⁷ These border passes are not valid for Vietnamese migrants.

⁶⁸ Sugiyarto, G. and D.R. Agunias, (2014). A 'freer' flow of skilled labour within ASEAN: Aspirations, opportunities, and challenges in 2015 and beyond. Policy brief. Migration Policy Institute.

had entered Thailand irregularly without legal documentation. These workers were allowed to register with the Ministry of Labour and have their work permits issued or extended for up to two years without having to return to their home countries as per standard protocol. Once registered, their dependants, including children, were also issued Non-Thai Citizen Cards that eased their access to basic services such as health and education.

COOPERATION WITH NEIGHBOURING COUNTRIES

Thailand has taken significant steps to promote regular pathways for migrant workers by concluding bilateral memorandums of understanding (MoUs) on labour cooperation with its neighbouring countries, which are major sources of migrant workers. These countries include Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam (the CLMV group). As of 26 December 2022, a total of 564,357 migrant workers had been recruited through these MoUs. The largest group comes from Myanmar (351,183 people), followed by Cambodia (117,287 people), Lao People's Democratic Republic (95,756 people) and Viet Nam (131 people).⁶⁹

These MoUs aim to ensure fair and transparent recruitment, facilitate safe travel and enable enrolment in the Social Security Scheme; this is applicable also to in-country and cross-border seasonal migrant workers. This scheme provides benefits and compensation in cases of accidents, sickness, disability, death, childbirth, welfare for descendants, retirement and job loss, similar to those provided to Thai employees. Migrant workers under the MoUs can initially stay in Thailand for two years, with the possibility of extending their stay for up to another two years, which means four years in total without needing to return to their countries of origin.

Upon arriving in Thailand, MoU-based migrant workers undergo medical check-ups and receive orientation in their native languages at the Post-Arrival and Reintegration Centres for Migrant Workers in the border provinces of Tak, Sa Kaeo, Nong Khai, Mukdahan and Ranong. This orientation covers their rights and duties, an introduction to Thai culture and etiquette, and channels to seek assistance if needed. After completing this process they are issued work permits, which facilitate transactions such as opening bank accounts and enable them to move freely within Thailand.

NON-THAI CITIZEN TEMPORARY CARD

The Temporary Card, colloquially also referred to as the pink card, is a form of identification provided to migrant workers in Thailand, primarily from neighbouring countries such as Myanmar, Cambodia and Lao People's Democratic Republic. The card is meant to grant these workers temporary legal status, allowing them to work and reside in Thailand for a specific period.

The main purpose of the Non-Thai Citizen Temporary Card is to provide a regular pathway for migrants on Thailand territory in order to avoid irregular migration. For the authorities, it is also used as an instrument to reduce the number of undocumented migrant workers in the country. It aims to provide a temporary solution for workers who might not have proper documentation or visas, enabling them to stay and work legally in Thailand, thus improving their living and working conditions and allowing them to receive the same entitlements as MoU workers.

Non-Thai Citizen Temporary Card holders are allowed to work at their registered workplaces and they have access to health-care services and other essential facilities. However, the card comes with certain limitations, such as restrictions on movement (workers are generally not allowed to move between provinces) and the inability to change employers without proper authorization.

Obtaining a non-Thai Citizen Temporary Card in Thailand requires migrant workers to follow specific steps and procedures, which may vary depending on the prevailing policies and regulations at the time of application. Generally, the process involves the following steps:

For regular migrants, data are typically collected at points of entry, such as borders or when entering using regular migration channels. This includes personal information, such as names, surnames, dates of birth and biometric data. This information

⁶⁹ OHCHR (2022). *Submissions on the Regularization of Migrant Workers in Thailand*.

is subsequently stored in the Thai Immigration Bureau Information and Technology Centre's database. Initially, they must have a valid passport and obtain a non-immigrant visa, which is typically the first type of visa issued. Once they secure a work permit, they can then apply for a stay permit. If granted a stay permit, for instance for one year, individuals can proceed to apply for a Non-Thai Citizen Temporary Card. This card, which is issued by the District Office, features a 13-digit personal identification number and is valid for 10 years. It explicitly states that it is designated for non-Thai persons and should be presented alongside a passport or other identification document when requested by the police or local authorities.

Regarding irregular migrants, Thailand's policy aims to regularize these migrants on ad hoc basis through cabinet resolutions, providing opportunities for them to obtain legal status. This process involves interministerial cooperation between the Ministry of Interior, Ministry of Labour and Ministry of Public Health.

Thailand's Ministry of Labour established one-stop service centres (OSSs) across the country to facilitate the regularization of undocumented or irregular migrant workers. They have ceased to operate since the COVID-19 outbreak in 2020, despite demands from stakeholders to reactivate it. These centres provided a streamlined process where migrants could register, undergo health checks and complete other necessary steps all in one place. Migrant workers usually needed to have employers who agreed to register them. The employers played a significant role in the process, including providing employment information and sometimes accompanying the worker to the OSS. On visiting an OSS centre, the migrant and their employer were required to complete the initial registration. This usually involved filling out forms with the migrant's legal identity data and employment information. The migrant needed to provide certain documents, such as identification from their home country or a letter from their home country's embassy. With these documents in order, the migrant needed to undergo a health examination. OSS centres often have on-site facilities where migrants can complete this health check. The Ministry of Labour eventually provided migrants with documents to bring to the Ministry of Interior which, on the basis of which the final document (pink card) was issued.

This procedure was valid provided that these migrants throughout the entire procedure were able to present proof of identity and proof of citizenship. In cases where migrants do not have valid proof of identity and nationality issued by their State, they first need to obtain a certificate of identity.

CERTIFICATE OF IDENTITY

Many irregular migrants lack valid legal identity documentation from their home countries due to underdeveloped civil registration systems and therefore arrive to Thailand without the necessary proof of citizenship. Nonetheless, Thailand enforces strict rules regarding the verification of an individual's identity in order to grant stay on its territory and access to a Non-Thai Citizen Temporary Card.

In this context, Thailand collaborates with neighbouring countries through MoUs that allow authorities in these neighbouring countries to establish identity verification centres across Thailand, where representatives of consular authorities of these countries can assist irregular migrants in confirming their identity. Through this collaboration, Certificates of Identity are issued to migrants after their identity has been verified. This enables such migrants to be officially recognized, which in turn facilitates obtaining a Non-Thai Citizen Temporary Card and accessing services and rights in Thailand.

The method of identity verification varies from country to country by relevant consular representatives and is subject to policies of each of the countries that they represent. This case study does not include feedback from representatives of MoU countries. However, insights on the handling of identity information can be inferred from previous research conducted

Figure 28. Sample layout of Non-Thai Citizen Temporary Card



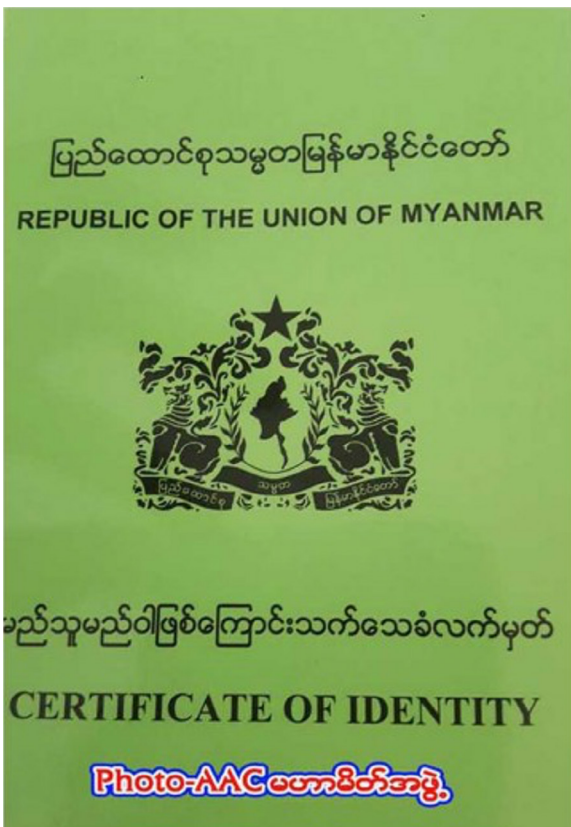
Source: www.bora.dopa.go.th/wp-content/uploads/2022/03/nationality.pdf.

on this topic. In that context, the process of nationality verification for Cambodian migrant workers is regarded as highly effective. The Labour Ministry allocated space in its Bangkok offices for Cambodian officials to conduct year-round nationality verification, which includes interviewing workers and issuing identification certificates. The Lao People’s Democratic Republic Government used a somewhat different approach and performed nationality verification periodically, establishing temporary offices in major public locations to confirm the identities of Lao migrants.

As per ILO research from 2010, when applying, migrant workers from Myanmar were required to include details about their family and home address on the application form. These applications were then subject to preliminary screening by the authorities in Myanmar. Once the authorities approved the information, workers were escorted to a designated location in Myanmar by their employer or an authorized agency for the official verification process. Upon successful completion, they received a temporary passport valid for three years. Workers could then apply for a non-immigrant visa and work permit in Thailand, where they needed to obtain medical clearance, a two-year non-immigrant visa and a work permit.⁷⁰

In all cases involved with the verification of identity, whether this is done by Thai authorities or relevant consular representatives, the process starts by interviewing the individual in question. From there, the interviews expand to include interviewing

Figure 29. Myanmar Certificate of Identity



Source: <https://english.dvb.no/burmese-migrants-from-pink-cards-to-green-books/>.

family members, witnesses and even the wider community, as needed. One valuable aspect of Thailand’s system is the presence of community leaders registered with the Ministry of Interior across the country. These community leaders can provide valuable insights during the verification process.

In addition to the community leaders, local health-care professionals such as doctors or public health personnel can also help confirm the individual’s stay and background. The verification process takes into account various elements of information, such as names, parents’ names and age.

Age verification in particular may be achieved through the examination of any existing documentation, such as school records, education certificates, birth certificates or even health-care documents, such as maternal care certificates. By cross-referencing these documents, the authorities can establish a more accurate and reliable understanding of the individual’s identity and background.

This structure includes a series of steps for community leaders or designated registrars to follow when registering individuals. Additionally, case examples are provided to assist those involved at the operational level with a better understanding of the process and how it should be conducted.

Finally, a registration form is provided for individuals to complete, containing all the necessary information required by the registration process. This form serves as a critical component for collecting and recording the pertinent details about each person, ensuring that the registration process is both accurate and efficient.

PERSONALIZATION OF THE NON-THAI CITIZEN TEMPORARY CARD FOR IRREGULAR MIGRANTS

Once the Ministry of Labour issues the work permit, migrants are required to approach the Ministry of Interior once more and formally request the Non-Thai Citizen Temporary Card. The relevant identity data are then entered into Bureau of

⁷⁰ ILO (2010). *Agenda for Labour Migration Policy in Thailand: Towards Long-term Competitiveness*. Bangkok.

Registration Administration (BORA) central database and the card is personalized and delivered. BORA collects two types of biometrics: fingerprint and facial, to prevent duplication in document issuance. Although the current Non-Thai Citizen Temporary Card is not machine-readable, plans are under way to introduce such technology.

After the data based on the information determined in previous steps by the Ministry of Labour are entered into the BORA registration database, these digital data are shared with the Ministry of Labour, Department of Employment. The cabinet determines how long these groups can stay in Thailand. Different ministries, such as the Ministry of Interior, Ministry of Labour and Ministry of Foreign Affairs, communicate with each other about migrants. For example, if a migrant with a work permit needs to deal with the Ministry of Foreign Affairs, their data are available and can be checked. The personal identification number ensures that all ministries can link to the data belonging to the same individual. Irregular migrants receive their personal identification number at the point where they formally apply for a Non-Thai Citizen Temporary Card when the documentation provided by the Ministry of Labour is found to be complete.

PERSONAL IDENTIFICATION NUMBER (13-DIGIT CODE)

The personal identification code was introduced nationwide when the Ministry of Interior (MOI) launched the Population Identification Number Project in 1982, facilitating the development of an electronic population database. Over 50 million records from the traditional paper registration system were converted into digital format within the centralized population database. This data entry process spanned more than three years, from 1984 to 1987. The Civil Registration Division set up a computer centre for the civil registration system, which later evolved into the Bureau of Registration Administration (BORA) under the Department of Local Administration within the MOI.

The Population Identification Number Project entailed converting household and individual personal data from the paper-based civil registration system to a centralized population database, where a unique identification number was assigned to each household and individual. As two entirely differently structured identifiers, the household identification number consists of 11 digits, while the individual identification number has 13 digits. In 1982, these household identification numbers and the Personal Identification Number became the primary keys for accessing the population records.



Equipment for the personalization of pink cards for approved applications. © IOM 2023/Zoran DJOKOVIC

Electronic population records are stored in BORA's computer centre, organized based on each individual's Personal Identification Number (PID). The file for each person contains all the relevant information from the population register. Birth and death certificates from registration offices across the country are sent to BORA and stored there. A PID is assigned to every individual at birth or when they are first entered into the population register. The district registrar provides the PID during the birth registration process.

The 13-digit PID is divided into five groups as follows:

1 2 3 4 5 6 7 8 9 0 1 2 3

The first digit (1) indicates the person's category. For example, "1" signifies a Thai citizen born and registered since 1 January 1984, when the law required all Thai citizens to have a PID; "3" represents a Thai citizen born and registered before 1 January 1984; and "0" denotes a foreign citizen permitted to reside temporarily in Thailand.

The second through fifth digits (2, 3, 4, 5) identify the location of the district-level registration office where the household and individual registered.

The sixth through tenth digits (6, 7, 8, 9, 0) specify citizen category groups registered at the district-level registration office or the serial number of the birth certificate registration book.

The eleventh and twelfth digits (1, 2) indicate the individual's order in the group or the serial number of the birth certificate in the registration book.

The last digit (3) is the modular arithmetic check digit used for calculating checksums within the identifier.⁷¹

The fees for regular migrants are typically higher than those for irregular migrants. Irregular migrants pay THB 60 (about USD 1.65) once a year, with an additional THB 20 processing fee for the 13-digit number registration. It appears that many employers absorb these costs, so migrants do not have to pay out of pocket. However, some migrants may not complete the entire registration process for various reasons. Some may decide to return to their home countries or travel to another country, while others may change employers.



CIVIL REGISTRATION OF IRREGULAR MIGRANTS

Many migrant mothers do not possess proper documentation, which poses difficulties in registering the births of their children. As a result, the birth hospital tries to work with organizations like IOM and other partners to provide support for issuing birth certificates or documents for newborn babies. Due to a lack of awareness, many migrant mothers do not understand the importance of birth registration. Consequently, the hospitals are making efforts to raise awareness and provide information about the significance of birth registration and the necessary documentation.

When a migrant dies, the hospital will issue a death certificate or medical certificate based on the information they have. If no relative is present to identify the deceased, the hospital records the person as an anonymous individual and notes the body's appearance and distinguishing marks. If a relative or friend is present, their declaration of the person's name and information is included in the certificate.

⁷¹ World Bank (2019). *Thai civil registration and vital statistics and unique identification number systems for universal health coverage: A case study.*

MINISTRY OF JUSTICE SUPPORT IN ESTABLISHING LEGAL IDENTITY

To support legal identity determination for people with legal status in Thailand, the Ministry of Justice offers various services. The Ministry of Justice has several channels for people to file requests, such as the 87 Justice Provincial Offices located in Thailand's 76 provinces, as well as the department in Bangkok. To improve access to justice, the Ministry offers a hotline service that operates 24/7, providing legal advice and enabling users to file requests. The hotline caters to speakers of several languages, although the availability of specific languages may be limited. Additionally, people can submit requests through the Ministry of Justice website or chat applications like LINE.

During the COVID-19 pandemic, the Ministry of Justice developed the Justice Care application, providing access to all of its services. To reach rural communities, proactive teams visit these areas and offer free legal advice and assistance in requesting legal identity. When a request for legal identity is submitted, the Ministry of Justice coordinates with the Central Institute for Forensic Science to provide identity verification services for free. The Central Institute for Forensic Science, a department under the Ministry of Justice, can also provide DNA tests for establishing family links for family reunification purposes.

CHILDREN'S AGE VERIFICATION PROCEDURE

Protecting the rights and welfare of child migrants is a key focus in Thailand. Children are not placed in immigration detention centres. Instead, the Ministry of Social Development and Human Security steps in to provide assistance and refers these children to appropriate shelters. The Department of Children and Youth then evaluates each case to determine if international protection is necessary.

Regarding age verification, the Department of Children and Youth under the Ministry of Social Development and Human Security has a budget allocated at the provincial level for age determination. This budget supports the collaboration with local hospitals to verify the age of migrant children as needed. The age verification process helps ensure that appropriate services and protections are provided to minors during their stay in Thailand.

The age verification for migrant children is primarily based on the declaration of the child's age. The multidisciplinary team at the provincial level, consisting of social workers, child protection officers, police and public health officers, assesses and determines if further age verification is needed. If the team sees no need for age verification, they will accept the declared age. However, if they believe further verification is required, they will arrange for medical checkups or screenings at local hospitals, using funds allocated by the ministry for this purpose.

The need for age verification varies depending on the circumstances of each case and the capabilities and capacities of the provincial offices. Some offices, with available budget or resources and good coordination between the multidisciplinary team, may opt for age verification for every child. In other instances, they will assess the need on a case-by-case basis. Unaccompanied children without proof of identity or parents are named by the official at the shelter during registration. A shared surname is used for these children, as declared by the officer managing the case. The Department of Children and Youth has a system in place to provide individual case management for children, which includes support for birth registration and parent tracing. In cases where there is no family or parent to be found, the department can appoint a guardian and support the child in finding a foster family or other mechanism for support. The department also has prevention measures in place, such as an application for reporting incidents and provincial shelters for children and youth.

THAI CITIZENS STRANDED ABROAD WITHOUT PROOF OF LEGAL IDENTITY

Thailand has 94 missions of Royal Thai Embassy and Consulate-General offices abroad, covering various countries, and if Thai citizens lose their passports in a foreign country, they can contact the relevant Embassy or Consulate-General for assistance.

To facilitate their return, consular affairs authorities at the Embassy or Consulate-General can issue a document called the Emergency Travel Document (ETD). This document is recognized by airlines and immigration offices, allowing the traveller to return home. During the issuance process, the applicant's national ID card information is entered into the system, a

facial photograph is captured, and then the applicant's fingerprint scan is taken. This is done to ensure a match with the existing data in the Ministry of Interior's BORA database. Once verified, the Emergency Travel Document can be issued. The Emergency Travel Document is a simple paper with the necessary details and photographs, and a photograph of the applicant's signature recorded on a sign pad and stamped for authorization. In cases where the individual resides abroad and there is no need for emergency travel, consulates or embassies can help issue a new passport.

During rescue missions and evacuations, such as those that took place in Ukraine at the beginning of 2022, the process generally involves verifying an individual's identity using an IT system operational at the consulate in cooperation with the BORA database under the Ministry of Interior. In cases where an individual declares their nationality and consular officers are present, even without any identification documents, officers can still gather information from them. They may ask for details such as their parents' names or their home address. This information is then cross-checked with the Ministry of Interior's database, and often within a matter of minutes, the person's identity can be verified. Once their identity is confirmed, the necessary documents can be issued.

During rescue missions, biometric verification is not available. Therefore, certificates of identity are issued instead of passports. The certificates contain the essential information, including a photograph and necessary details, that immigration officers and airlines need to process the individual.

FOREIGN TOURISTS STRANDED IN THAILAND WITHOUT PROOF OF LEGAL IDENTITY

In situations where foreign nationals lose their essential identification documents while in Thailand and cannot obtain replacements from their respective embassies or consulates, an emergency certificate is issued as a temporary solution. This certificate is specifically designed to allow foreign nationals to return to their home countries.

The process of obtaining an emergency certificate involves the submission of required documents, which primarily include a notice from the police station confirming the loss of the papers. Additionally, other documents that can help establish their identity, such as digital or printed copies of passports or national IDs, are also required.

Once the necessary documents are submitted to the appropriate division, officials will review them and carry out internal procedures to verify their validity. If approved, an emergency certificate is issued, which is only valid for a one-way trip back to the individual's home country.

The emergency certificate includes crucial information such as the specific flight and date of departure. Immigration officers at the airport will cross-check this information before permitting the individual to board their flight. This ensures that the emergency certificate is used solely for its intended purpose, which is to enable foreign nationals who have lost their papers to return safely to their home countries.

QUESTIONNAIRE FOR SEMI-STRUCTURED INTERVIEWS WITH KEY INFORMANTS

Migration management authority, migration management experts, civil society organizations, academia, IOM missions, UNICEF and UNHCR

- What is the extent of the problem of irregular entry into State territory?
- What are the proportions of migrants who irregularly entered the State and migrants who overstayed their allowed period of stay on State territory?
- What is the proportion of irregular migrants found in the territory without proof of legal identity? What proportion of these migrants possess no document whatsoever and what proportion of them possess some type of identity document, but which is not admissible under the existing entry regulations?
- What is the situation regarding irregular/undocumented migrants in the context of registration of their vital life events (registration of marriage, death, or birth of children)?
- What are the key elements of relevant policies aimed at establishing legal identity of irregular migrants without the proof of legal identity?
- What are the limitations of these policies and what are the major implementation challenges?
- What was the rationale used when determining which evidence of legal identity could be accepted as proof of legal identity (i.e. documents issued by country of origin, expired documents, witnesses, interviews, etc.)?
- What is the level of communication with the authorities of the country of origin in determining legal identity of irregular migrants without proof of legal identity?
- Have there been any attempts to reconcile information on established legal identity with the authorities of the country of origin? If yes, what were the results?
- What rights in terms of the access to identification/travel documents does this category of migrants have after their legal identity has been established?
- Is there a difference in the design of the identification documents (resident cards) issued to irregular migrants with established legal identity and irregular migrants in possession of valid travel document from their country of origin?
- Do irregular migrants have access to civil registration services? How are the deaths of migrants without proof of legal identity being registered, as well as registration of children whose parents have no proof of legal identity?
- Is their status processed differently in national legal identity management systems when compared with other foreigners on the territory of the State?
- What is the procedure for establishing legal identity of migrant children in the case of accompanied and in the case of unaccompanied children?

Immigration authorities

- What systemic measures do immigration authorities employ to assess the number of irregular migrants on the territory of the State?
- What are the common reasons stated by irregular migrants without documentary proof of legal identity for not having access to the proof of legal identity?
- What is the estimated percentage of irregular migrants that are capable of presenting valid travel documents from their country of origin?
- What is the percentage of regular migrants who entered the territory of the State in a regular fashion, but lost the documentary evidence of legal identity while on the territory of the State? What are the common reasons they state for losing their legal identity documents?
- Can you refer to examples of cooperation with civil society organizations in order to identify groups of irregular migrants that are not in possession of legal identity documents? In how many instances do you assess migrants individually approaching immigration authorities to resolve the problem and to what extent is this the result of systemic responses by the authorities, including as result of corporation with the civil society organizations?
- What is considered admissible evidence of legal identity for foreigners without documentary proof of legal identity?
- Describe the business process of establishment of legal identity for irregular migrants without the proof of legal identity. What human resources are involved and how are they being trained?
- How are migrants without proof of legal identity being sensitized in terms of approaching the registration authority

to obtain documentary proof of legal identity?

- What are the criteria for establishing authenticity of documents presented by migrants?
- What are the criteria for establishing authenticity of responses by migrants and witnesses during the interviews?
- How are interview questions being designed to ensure against fraudulent identity claims?
- How are the determined identity data being captured on paper and digitally?
- How are biometric data capture and verification being used to associate an individual with their claimed identity?
- What are the criteria for the collection of biometric data for children?
- What are the criteria used for age determination?
- Are immigration records, resident foreign records, including PNR [Passenger Name Record] and API [Advance Passenger Information] records being used to determine legal identity of migrants without documents?
- How are captured legal identity data kept and processed by the immigration back office?
- What is the design of the resident foreigner card, and is there a digital ID version issued?
- Does the law define mandatory use of a unique identification number (UIN)? If yes, by which authorities?
- What is the format of the unique identification number (logical construct versus random number)?

Migrants

- Did you ever obtain a birth certificate or a national ID in the country where you were born and where you grew up?
- How do you evaluate the readiness of authorities to operationalize legal identity and provide you with documentary evidence of legal identity?
- What prevents you from obtaining the proof of legal identity from your home country and what do you think the authorities of the host State could do in order to facilitate your access to legal identity as defined by your country of citizenship?
- What do you see as a major difficulty in the process of establishing legal identity?
- Are your identity characteristics different on the document of the host country when compared with the documents that you had in your country of origin?
- Do you think that your family links were properly established during the establishment of your legal identity?

Civil registration

- Do migrants have access to civil registration?
- What is the procedure for the registration of vital events of undocumented migrants?
- What is the procedure for the establishment of parenthood and age of undocumented migrant children?



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