

REPUBLIC OF PERU | SECOND PROFILE 2021

MIGRATION GOVERNANCE INDICATORS



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MIGRATION GOVERNANCE INDICATORS

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OBJECTIVE

The MGI aims to support well-managed migration policy by helping countries assess the comprehensiveness of their migration governance structures and identify priorities on the way forward.

MGI follow-up assessments identify the migration policy developments that have occurred since the countries' first MGI assessments, thus helping governments track their progress on national priorities as well as commitments taken at the regional and international levels.

The MGI can be used to spark a discussion with governments and other relevant stakeholders in the country on existing migration policy structures. It can help assess whether these structures, which have often been in place for several years, still address the main challenges and opportunities of today's reality.

INTRODUCTION

This is an era of unprecedented mobility, and the need to facilitate orderly, safe, regular and responsible migration and mobility is becoming increasingly relevant.¹ The need to face the challenges and to maximize the opportunities that this mobility brings has been recognized with the inclusion of migration in the 2030 Agenda for Sustainable Development, which highlights the positive contribution of migrants to inclusive growth and development. Migration is integrated in a number of Sustainable Development Goal (SDG) targets, such as ending modern slavery and addressing the vulnerability of migrant workers. However, the central reference to migration in the SDGs is target 10.7 on facilitating “orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.²

The incorporation of target 10.7 into the 2030 Agenda created the need to define “planned and well-managed migration policies”. This is why, in 2015, the International Organization for Migration (IOM) developed the Migration Governance Framework (MiGOF). This Framework offers a concise view of an ideal approach that allows a State to determine what it might need to govern migration well and in a way that suits its circumstances.³ The Framework was welcomed by IOM Member States in the same year.

In an effort to operationalize the MiGOF, IOM worked with Economist Impact to develop the Migration Governance Indicators (MGI), a standard set of approximately 90 indicators to assist countries in assessing their migration policies and advance the conversation on what well-governed migration might look like in practice.

The MGI helps countries identify good practices as well as areas with potential for further development and can offer insights on the policy levers that countries can use to develop their migration governance structures. However, the MGI recognizes that all countries have different realities, challenges and opportunities that relate to migration. Therefore, the MGI does not rank countries on the design or implementation of their migration policies. Finally, the MGI does not measure migration policy outcomes or institutional effectiveness. Instead, it takes stock of the migration-related policies in place and operates as a benchmarking framework that provides insights on policy measures that countries might want to consider as they progress towards good migration governance.

MGI follow-up assessments aim at showing the progress that countries have achieved in their migration governance policies since their first MGI assessment. Concretely, this report presents a summary of the main changes and achievements that have taken place in the migration governance structures of the Republic of Peru (hereinafter referred to as Peru), since the first assessment in 2019,⁴ as well as the areas with potential for further development, as assessed by the MGI.⁵

¹ IOM Standing Committee on Programmes and Finance, Seventeenth Session (S/17/4 of 29 September 2015), Article 2.

² IOM Council, 106th Session, Migration Governance Framework (C/106/40 of 4 November 2015), page 1, footnote 1. Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

³ Ibid.

⁴ *Migration Governance Indicators Profile 2019 – Peru* is available at www.migrationdataportal.org/es/overviews/mgi/peru#0.

⁵ The MGI initiative is a policy-benchmarking programme led by IOM. Funding is provided by IOM Member States.

CONCEPTUAL FRAMEWORK

MiGOF

The IOM MiGOF sets out the essential elements to support planned and well-managed migration. It seeks to present, in a consolidated, coherent and comprehensive way, a set of three principles and three objectives which, if respected and fulfilled, would ensure that migration is humane, orderly, and benefits migrants and society.

PRINCIPLES

1. **Adherence** to international standards and fulfilment of migrants' rights.
2. **Formulates** policy using evidence and "whole-of-government" approach.
3. **Engages** with partners to address migration and related issues.

OBJECTIVES

1. **Advance** the socioeconomic well-being of migrants and society.
2. **Effectively** address the mobility dimensions of crises.
3. **Ensure** that migration takes place in a safe, orderly and dignified manner.

At the basis of

MGI

WHAT IT IS



A set of indicators that offers insights on policy levers that countries can use to strengthen their migration governance structures



A tool that identifies good practices and areas that could be further developed



A consultative process that advances dialogues on migration governance by clarifying what "well-governed migration" might look like in the context of SDG target 10.7

Which supports the measurement of

WHAT IT IS NOT



Not a ranking of countries



Not assessing impacts of policies



Not prescriptive



TARGET 10.7

"Facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and **well-managed migration policies**."



KEY

FINDINGS

The MGI is composed of around 90 indicators grouped under the 6 different dimensions of migration governance that draw upon the MiGOF categories:



MIGRANTS'
RIGHTS
PAGE 14

Indicators in this domain look at the extent to which migrants have access to certain social services such as health, education and social security. It also looks at family reunification, access to work, and access to residency and citizenship. The international conventions signed and ratified are also included.



WHOLE-OF-GOVERNMENT
APPROACH
PAGE 16

Indicators in this area assess countries' institutional, legal and regulatory frameworks related to migration policies. This area also looks at the existence of national migration strategies that are in line with development objectives and overseas development efforts, as well as institutional transparency and coherence in relation to migration management.



PARTNERSHIPS
PAGE 18

This category focuses on countries' efforts to cooperate on migration-related issues with other States and with relevant non-governmental actors, including civil society organizations and the private sector.



WELL-BEING
OF MIGRANTS
PAGE 20

Indicators in this area assess countries' policies on the recognition of migrants' educational and professional qualifications, provisions regulating student migration and the existence of bilateral labour agreements between countries. Aspects of diaspora engagement in the country of origin and migrant remittances are also under this domain.



MOBILITY DIMENSION
OF CRISES
PAGE 22

This category looks at the type and level of preparedness of countries when they are faced with mobility dimensions of crises. The questions look at the processes in place for nationals and non-nationals both during and after disasters, including if humanitarian assistance is equally available to migrants as it is to citizens.



SAFE, ORDERLY
AND REGULAR
MIGRATION
PAGE 24

This area looks at countries' approach to migration management in terms of border control and enforcement policies, admission criteria for migrants, preparedness and resilience in the case of significant and unexpected migration flows, as well as the fight against trafficking in persons.

SUMMARY OF UPDATES SINCE 2019

Migrants' rights

Since the publication of the first MGI report in 2019, the social security coverage available under the Comprehensive Health Insurance scheme was expanded thanks to Legislative Decree No. 1466 (2020), to include expectant mothers, children under 5 years of age, and persons affected by COVID-19, regardless of the beneficiary's migration status.

In 2020, the National Migration Authority (MIGRACIONES), the Ministry of Labour and Employment Promotion, and local governments set up programmes to support entrepreneurship and self-employment among Venezuelan migrants. These include the *Emprende Seguro* initiative, dedicated to providing training for entrepreneurs, covering business planning, seed capital, financial education, business management advice, and support in drawing up and implementing health protocols.

Whole-of-government approach

Supreme Decree No. 010-2020-IN (2020), approving special, exceptional and temporary measures to regularize the migration status of foreign nationals, offers Venezuelan migrants a procedure for regularizing their migration status on Peruvian territory. Supreme Decree No. 002-2021-IN (2021) reforming the Regulations of the Migration Act (2017) and the Nationality Act (1996) brought in changes to the procedures for the certification and translation of documents issued abroad; the issuance of electronic passports, Foreign National Identity Cards (*Carnés de Extranjería*) and Temporary Migrant Identity Cards; as well as the granting and renunciation of Peruvian nationality, among other things.

Partnerships

In 2020, Peru assumed the presidency pro tempore of the Quito Process and acceded to the Joint Declaration issued by the Seventh International Technical Meeting on Human Mobility of Venezuelan Citizens in the Region, held in May 2021. Peru also participated in the approval of the Andean Migration Statute (2021) in the framework of the Andean Community integration scheme.

Well-being of migrants

As pertains to the registration and disaggregation of labour market data, in addition to the registration systems used by the Ministry of Labour and Employment Promotion – such as the Virtual Registry of Foreign Contracts (*Sistema Virtual de Contratos de Extranjeros*, SIVICE) and the Virtual Registry of Andean Migrant Workers (*Sistema Virtual del Trabajador Migrante Andino*, SIVITMA) – the year 2021 saw the launch of the First National Labour Market Survey, which asks about the nationality of respondents.

The number of countries with which Peru maintains agreements for the recognition of degrees and diplomas held by migrants increased from 38 in the first MGI assessment in 2019 to over 50 in December 2021.

Mobility dimension of crises

As of 2021, the Ministry of Environment of Peru has been working on the National Climate Change Strategy up to 2050, which is being elaborated through a participatory process.

Safe, orderly and regular migration

In 2021, MIGRACIONES launched the Pre-Registration mobile app, enabling both Peruvians and foreign citizens wishing to enter and/or leave Peru to expedite their migration procedures. Moreover, in early 2021, MIGRACIONES set up the Digital Migration Agency and its Online System (*Sistema en Línea*, SEL), through which applicants can effect their immigration procedures virtually. In 2020, the Government unveiled the Mobile Migration Registration (*Enrolamiento Móvil Migraciones*) app, sponsored by MIGRACIONES, which captures applicants' biometric data and enables them to register their signature electronically.

The Law on the Economic and Social Reintegration of Returning Migrants (2013) was amended in 2019 by Emergency Decree No. 023-2019. This amendment provides for the extension of the duration of tax benefits available to returning migrants when clearing goods through customs.

Law No. 31146 was adopted in 2021 amending the Criminal Code, the Code of Criminal Procedure and the Law against Trafficking in Persons and Smuggling of Migrants. The amendment reclassified the offences of exploitation, people trafficking and smuggling as crimes that affect the legal right to human dignity, and it provides for new mechanisms of civil redress for victims.



1

ADHERENCE TO INTERNATIONAL STANDARDS AND FULFILMENT OF MIGRANTS' RIGHTS

1.1. Migration governance: Examples of well-developed areas

The first assessment of Peru's Migration Governance Indicators (MGI) found a good level of development in the areas of access to health, education and training, and employment. Besides the application of Legislative Decree No. 1350 on the Law on Migration (Migration Act, 2017) and Supreme Decree No. 007-2017-IN (Regulations of the Migration Act, 2017), the new assessment has highlighted some aspects of the implementation of these indicators in Peru.

All regular migrants enjoy access to social protection, whether they are temporary or permanent migrants. The coverage provided by the Comprehensive Health Insurance scheme was expanded through Legislative Decree No. 1466 (2020) to include expectant mothers, minors less than 5 years of age and persons affected by COVID-19, irrespective of the beneficiary's migration status.⁶ Likewise, the Peruvian Government continues to guarantee the treatment of persons with HIV, regardless of their nationality or whether they have Comprehensive Health Insurance.

In 2020, the Functional Health Unit for Migrant and Border Populations was established under the umbrella of the Office of the Deputy Minister of Health through Ministerial Resolution No. 266-2020-MINSA. Its main purpose is to "formulate and propose policy, lines, plans, programmes and projects for comprehensive migrant health management, and for the health and human development of the border population".

The National Migration Authority (MIGRACIONES) launched the Digital Migration Agency in 2020, enabling applicants for family reunification to conduct the procedure virtually. Besides this, there have been changes regarding the documentation required in cases of family reunification applications submitted through a representative – of which there are three categories: adults; legal representatives of adults with disabilities; and fathers, mothers and guardians of minors. These changes were introduced through the Supreme Decree approving the Regulations of Legislative Decree No. 1350, along with new types of migration, as amended by Supreme Decree No. 002-2021-IN (2021).

Peru currently has the following social security conventions and administrative agreements in force: the Social Security Convention with Canada (2014), with its Administrative Agreement between the Government of the Republic of Peru and the Government of Canada on the Implementation of the Convention (2014); the Social Security Convention between the Republic of Peru and the Republic of Korea (2017), with its Administrative Agreement on the Implementation of the Convention (2018); the Social Security Convention and Administrative Agreement with Uruguay (1978), with its Administrative Agreement Regulating the Convention Implementing the Ibero-American Social Security Convention between Peru and Uruguay (2004); the Social Security Convention and Administrative Agreement with Ecuador (2011), with its Administrative Agreement on Social Security between Peru and Ecuador (2012); the Peru–Argentina Social Security Convention (1981), with its Administrative Agreement on the Implementation of the Convention (2010); the Peru–Spain Social Security Convention (2002), with its Administrative Agreement on the Implementation of the Convention (2007); and the Peru–Chile Social Security Convention (2002), with its Administrative Agreement on the Implementation of the Convention (2005).⁷

⁶ This is the health service provider attached to Peru's Ministry of Health. It offers coverage for Peruvians and resident foreign nationals who have no other valid health insurance.

⁷ More information is available at www.gob.pe/institucion/mtpe/informes-publicaciones/541126-trabajos-en-el-extranjero.

In addition, the Ibero-American Multilateral Social Security Convention (2007) continues in force as an instrument for coordinating the pension-related aspects of social security legislation in the various Ibero-American States that have ratified it and subsequently signed the corresponding Implementing Agreement.

The provisions authorizing migrants to work on the same basis as nationals have been maintained, subject to the legal exceptions relating to the twofold limit on the employment of foreigners – 20 per cent of the total number of workers and salaries limited to 30 per cent of the total payroll. MIGRACIONES, the Ministry of Labour and Employment Promotion, and local governments, supported by the International Labour Organization and the United States Agency for International Development, have implemented programmes that support entrepreneurship and self-employment, in part targeting Venezuelan migrants. Launched in 2020, the *Emprende Seguro* scheme provides “training in business plans, seed capital, financial education, advice on business management, and support for the formalization and implementation of health protocols to Peruvian or Venezuelan entrepreneurs from four districts of Lima”.

The Foreign National Identity Card provides immediate access to the job market and authorizes the holder to accept employment. Foreign workers may change employers by simply registering their new contract of employment with MIGRACIONES, without needing to leave the country to apply for a new visa. Similarly, tourists are able to change their migration status within the country should they receive an offer of employment during their stay.

1.2. Areas with potential for further development

The restrictions on the employment of foreigners found in the 2019 MGI assessment continue in force. These entail the twofold limit on the employment of foreign workers – 20 per cent of the total number of workers and salaries limited to 30 per cent of the total payroll, pursuant to Legislative Decree No. 689 (Law on the Hiring of Foreign Workers, 1991). These percentages could change when a foreign national fulfils the criteria laid out in the exceptions, such as having a spouse, an ascendant, a descendant or a sibling of Peruvian nationality; being a foreign citizen holding an immigrant visa; being a national of a country of origin with which Peru has a reciprocal labour agreement or an agreement on dual nationality; engaging in a certain type of qualified employment (such as being employed in a multinational corporation); being an international transport service provider; or being a performer in public shows on Peruvian territory for a period of less than three months per year.⁸

Although access to education is protected under the Political Constitution of Peru (1993) and the legal framework envisages universality and equal access, in practice, higher and professional education requires the applicant to provide a certificate of economic solvency, which restricts the ability of migrants and undocumented persons to benefit from this right. The Government has taken steps to enable undocumented persons to receive primary and secondary education based on the acceptance of a sworn declaration of identity for the purpose of registering as students. Their situation must be rectified by the submission of one of the accepted documents within a period of one year.

⁸ A list of the exceptions can be found in Article 3 of Legislative Decree No. 689 of 4 November 1991, promulgating the Law on the Hiring of Foreign Workers.



2

FORMULATES POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: Examples of well-developed areas

The Intersectoral Migration Management Roundtable formulates migration policy in Peru. As of December 2021, it comprises 23 government sectors, 3 observer institutions, 4 United Nations representations and 18 civil society entities. The Roundtable has become much better known through the 2019 MGI assessment, as borne out by the repeated mentions of and references to this entity and its work appearing in the preambles and conceptual bases of regulations and laws on migration that have been enacted in Peru since then.⁹ The output from the Roundtable includes the coordination of the National Migration Policy (*Política Nacional Migratoria*, PNM) (2017–2025); its impact on the coordination of COVID-19 management documentation as it relates to migrants, Peruvians living abroad and travellers; and the plans and strategies for regularizing the status of irregular migrants and refugees who are present in the national territory, especially as a result of the crisis in the Bolivarian Republic of Venezuela and the massive influx of Venezuelan migrants and refugees into Peruvian territory.¹⁰

The PNM contains general provisions and statements of intent, in addition to specific focuses on human rights, social inclusion, comprehensive action, intersectoral and intergovernmental participation, protection, migrant assistance and guidance, intercultural recognition, and gender.¹¹ Furthermore, there are specific action lines that ensure a gender-sensitive approach and the care of returning migrants.

Supreme Decree No. 010-2020-IN (2020), approving special, exceptional and temporary measures for regularizing the migration status of foreign nationals, offers Venezuelan migrants a procedure through which they can regularize their migration status on Peruvian territory. Ministerial Resolution No. 0207-2021-RE (2021) and Supreme Decree No. 002-2021-IN (2021) include the granting of humanitarian immigration status, a type of residency granted by the Ministry of Foreign Affairs based on humanitarian criteria for Venezuelan nationals who have applied for refugee status. They have also introduced changes to the procedures for the certification and translation of documents issued abroad; the issuance of electronic passports, the Foreign National Identity Card and the Temporary Migrant Identity Card; as well as the granting and renunciation of Peruvian nationality, among other things. Each year, the National Institute of Statistics and Informatics publishes the document entitled *Peru: Statistics on the International Emigration of Peruvians and Immigration of Foreigners* (*Perú: Estadísticas de la Emigración Internacional de Peruanos e Inmigración de Extranjeros*). The 2021 edition contains data for the period 1990–2019, which elucidates the sociodemographic characteristics of Peruvians who have emigrated and those who have returned, and of immigration.¹² This survey is designed to provide the State with a reliable and scientific source of information for the purpose of formulating, evaluating and following up on public migration policies, and also to serve as a basis for subsequent specialized research and studies. Moreover, the National Migration Authority gathers sociodemographic data in order to compile statistics on migration, jointly with the National Institute of Statistics and Informatics.

⁹ Examples are Migration Authority Resolution No. 000069-2021-MIGRACIONES, extending the immigration pre-registration timeframe for the extraordinary regularization of foreign nationals (2021), and Supreme Decree No. 010-2020-IN approving special, exceptional and temporary measures for regularizing the migration status of foreign nationals (2020).

¹⁰ For more information, see Migration Authority Resolution No. 000069-2021-MIGRACIONES and Supreme Decree No. 010-2020-IN.

¹¹ Guided by an intersectional and gender-based approach, this policy framework identifies the various negative and disproportionate impacts on women emanating from gender stereotypes and structural discrimination, and which constitute gender-based structural violence. The PNM itself states: “Law No. 28983, Law on Equal Opportunities between Men and Women; the National Gender Equality Plan 2012–2017; and the National Plan to Combat Gender Violence (2016–2021), approved by Supreme Decree No. 008-2016-MIMP, are instruments that provide for gender mainstreaming in public policies and governance at all three levels of government, in this way linking back to the National Immigration Policy.” The Decree further affirms that “equality between women and men is a universal legal principle recognized in international instruments and which implies providing the same conditions, treatment and opportunities without any distinction based on gender, in this case, applicable to migrants, whether nationals or foreigners”.

¹² See: INEI, 2021a.

Similarly, the National Survey of Budget Programmes (*Encuesta Nacional de Programas Presupuestales*) has had an international migration module since 2013 containing socioeconomic information on migrants, broken down by gender.

2.2. Areas with potential for further development

One area with potential for improvement is the degree of coordination between strategic planning documents and the PNM. Specifically, *Bicentennial Plan: Peru towards 2021* (CEPLAN, 2011) was drawn up in a migration context different from what is prevailing in Peru today.¹³

Besides the above, it is hoped that there will be an increase in the presence and implementation of programmes by Peruvian agencies abroad, more particularly through the General Directorate of Peruvian Communities Abroad and Consular Affairs of the Ministry of Foreign Affairs, which handles consular affairs and international migration and provides protection and assistance to Peruvians abroad.

¹³ It is estimated that in 2020, Peru was host to a migrant population of 1.2 million people (Migration Data Portal, 2021). As of September 2021, the population of Venezuelan migrants and refugees in Peru was estimated at 1,049,970, according to reports from the Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (2022). In contrast, it is estimated that the total migrant population in Peru in 2010 – around which time the Bicentennial Plan was drawn up – was 104,700 (Migration Data Portal, 2021) and that about 2 per cent of that population was of Venezuelan origin (INEI, 2010).



3

ENGAGES WITH PARTNERS TO ADDRESS
MIGRATION AND RELATED ISSUES

3.1. Migration governance: Examples of well-developed areas

Peru maintains relations with other States, international organizations and non-governmental organizations, and is party to bilateral treaties and regional and multilateral processes for the purpose of managing migration flows, not only nationally, but also regionally and globally.

In 2020, Peru assumed the presidency pro tempore of the Quito Process, an intergovernmental initiative launched in 2018 among countries of Latin America and the Caribbean to coordinate a regional strategy for dealing with the mass migration of citizens from the Bolivarian Republic of Venezuela. The Quito Process held its most recent Technical Meeting in May 2021 and issued the Seventh Joint Declaration in which member countries reiterated their commitment to dealing with the Venezuelan migration and humanitarian crisis, now in the context of the COVID-19 pandemic.

Peru participates in the South American Conference on Migration and the South American Observatory on Migration, inaugurated in 1999. Peru is a founding member of the South American Conference on Migration and held the presidency pro tempore in 2019. Peru is an observer of the Regional Conference on Migration (or the Puebla Process) and a member of the Ibero-American Forum on Migration and Development (established in 2008 in the Ibero-American Conference framework). Peru is also an associate member of the Southern Common Market (*Mercado Común del Sur*, MERCOSUR), whose principal aim is to promote a common area that generates commercial and investment opportunities by competitively integrating its members' national economies into the world market.

As a member country of the Andean Community of Nations (*Comunidad Andina*, CAN), Peru participated in the 2021 adoption of the Andean Migration Statute, which provides for temporary Andean residency, whereby CAN citizens are authorized to remain for up to two years in the territory of a member country besides that of their nationality. Similarly, the Andean Permanent Residency status accords citizens of the four member countries indefinite leave to remain in any member territory besides that of their nationality, provided they submit the relevant application within 90 days prior to the expiry of their Andean Temporary Residency status. Andean citizens who obtain (temporary or permanent) residence status are free to enter, leave, move about and remain in the immigration territory subject to compliance with the requisite formalities. Furthermore, they are entitled to access any economic activity (self-employed or otherwise) on the same terms as the nationals of the receiving countries, in accordance with the laws of each.

Since the preceding MGI assessment, the processes emanating from integration schemes have been solidified – in particular, Decision No. 545 of CAN (Andean Instrument for Labour Migration) (2003). There are now new technologies for registering foreign contracts, with the already existing Virtual Registry of Andean Migrant Workers being subsumed into the new Virtual Registry of Andean Migrant Workers so as to optimize, modernize and simplify the registration of Andean worker contracts.¹⁴ The MERCOSUR Residence Agreement continues in force, allowing nationals of one State Party to obtain residency (first temporary and then definitive) in another State Party, and to work on an equal footing with the nationals of the receiving State. The Virtual Registry of Foreign Contracts was then introduced in 2020, allowing for the virtual registration of labour agreements with foreign employers.¹⁵

¹⁴ A communiqué issued by the Ministry of Labour and Employment Promotion of Peru on 27 July 2021 is available at www.instagram.com/p/CR2W51LoHwn/?utm_medium=copy_link.

¹⁵ A communiqué issued by the Ministry of Labour and Employment Promotion of Peru on 3 November 2020 is available at www.gob.pe/uploads/document/file/1427380/comunicado_funcionamiento_del_sistema_virtual_de_contratos_de_extranjero%20%281%29.jpg.jpg.

The Government cooperates with civil society organizations that participate in the Intersectoral Migration Management Roundtable (*Mesa de Trabajo Intersectorial para la Gestión Migratoria*). Moreover, as of December 2021, the National Migration Authority is in possession of 110 signed agreements, with another 130 in the process of negotiation, involving a diverse range of organizations and institutions such as universities, foundations, non-governmental organizations, private companies and migrant support institutions.

3.2. Areas with potential for further development

Organizations of Peruvian communities abroad take part in migration policy coordination schemes through the Ministry of Foreign Affairs, though without direct permanent representation in the Intersectoral Migration Management Roundtable. The formation of alliances in this connection is an area that could be further improved so that the interests of Peruvian communities abroad can have a greater impact and be better visualized within Peruvian governance.

Another area that could enhance migration governance would be studying and proposing the inclusion of different countries in the region in already existing multilateral schemes such as CAN, MERCOSUR and the Quito Process, with a view to achieving greater regional cohesion, greater integration and more efficient, region-wide coordination of migration policies. The inclusion of key players would go some way towards meeting structural challenges and creating better planning and cooperation channels for migration and related matters.



4

ADVANCES THE SOCIOECONOMIC
WELL-BEING OF MIGRANTS AND SOCIETY

4.1. Migration governance: Examples of well-developed areas

In addition to the registration systems in use by the Ministry of Labour and Employment Promotion – such as the Virtual Registry of Foreign Contracts and the Virtual Registry of Andean Migrant Workers – the National Institute of Statistics and Informatics conducted in 2021 the First National Labour Market Survey to include the question regarding nationality. The evaluation of that aspect will facilitate the calculation of indicators relating to labour migration and the needs of Peru's labour market.¹⁶ The Second National Labour Market Survey is currently in progress.

The number of countries with which Peru maintains agreements on the recognition of degrees and diplomas held by migrants was up from 38 in the 2019 MGI assessment to over 50 in December 2021.

Peru participated in the Remittances and Financial Inclusion Programme,¹⁷ which ended in 2021 after 16 years of operation. It had been designed to support central banks and other authorities in developing regulatory and normative frameworks to foster the design of suitable financial services and products for people making remittances. The country also participated in the publication of precise, disaggregated and up-to-date information on remittances. The study entitled *International migration, remittances and financial inclusion: The case of the Republic of Peru (Migración internacional, remesas e inclusión financiera: El caso de la República del Perú)* (2021) was conducted in the framework of this programme, and it involved a “survey of Peruvian nationals living abroad who visited their country of origin for the December 2018 festivities”.¹⁸ The study found that the average cost per remittance represents 3.36 per cent of the value of the remittance.

In 2021, Peru's Bank of the Nation (*Banco de la Nación*) continued to implement the Mobile Wallet (*Billetera Móvil*) launched in 2016 and which enables both Peruvian nationals and foreigners in possession of a Foreign National Identity Card to send and receive remittances. There are also other private applications that work with foreign passports, and while some of them list the National Identity Document as a requirement for opening a remittance account, regular migrants are able to access some remittance services free of charge. Because of the COVID-19 health crisis, withdrawal commissions in the Mobile Wallet framework were suspended in 2020, until 31 July 2021.

In addition, Superintendency Resolution No. 187-2019-SUNAFIL (2019) enacted the Protocol on the inspection of compliance with provisions on the hiring of foreign workers, with the aim of ensuring fulfilment of the obligations stipulated in Decree Law No. 689 (1991), or the Law on the Hiring of Foreign Workers and its Regulations, adopted by Supreme Decree No. 014-92-TR (1992).

The study entitled “Venezuelan immigration to Peru: Macroeconomic characteristics and impacts” (*Inmigración venezolana a Perú: características e impactos macroeconómicos*), conducted by BBVA Research in 2019, shows that most of the Venezuelan migrant population are of working age and have completed more years of study than the average for the Peruvian population. The Venezuelan migrant population has boosted the availability of human capital and labour in Peru as well as the demand for

¹⁶ Considering the especially vulnerable situation of migrants and refugees, Ministerial Resolution No. 176-2018-TR (2018) has made an exception to this rule by eliminating the requirement to register employment contracts for refugees and beneficiaries of Temporary Residence Permits.

¹⁷ The Remittances and Financial Inclusion Programme operates with the funding, collaboration and coordination of the Multilateral Investment Fund of the Inter-American Development Bank, through the Center for Latin American Monetary Studies (*Centro de Estudios Monetarios Latinoamericanos*, CEMLA) as implementing agency, and domestically, with the technical cooperation of the Central Reserve Bank of Peru.

¹⁸ The subject area of the survey covered various aspects of the profile of those migrants, such as gender, age, education, sector of activity in which they work abroad and income levels, the sending of remittances and, as appropriate, the amount of the transfer, as well as financial inclusion indicators (CEMLA, 2021).

goods and services, and it is therefore concluded that Venezuelan migration has positively impacted Peru's GDP.

4.2. Areas with potential for further development

While most of the policies and measures studied in this domain contain provisions that promote the socioeconomic well-being of migrants, they form part of schemes that are more diffuse and neither focused on nor specifically targeting the migrant population. One area of further development could be the express inclusion of migrants in some of these provisions so as to avoid ambiguity and create a clearer normative framework that offers better guarantees. For example, in addition to the legal guarantees laid out in the Political Constitution of Peru (1993) and the provisions of the General Migration Act (2017) against forced labour and slavery, specific measures could be brought in to ensure the ethical hiring of migrants.

The Administration has legislated the promotion of gender equality in the labour force as a high priority. The provisions in place guaranteeing these rights apply broadly to the entire population, with no specific measures for migrants in instruments such as Law No. 30709 prohibiting wage discrimination between men and women (2017), and Law No. 28983 on equal opportunities for women and men (2007) laying down the principle of equal pay for equal work. The female migrant population is mentioned in the National Gender Equality Policy (2019) in convergence with the National Plan to Combat Gender Violence (2016–2021), but these documents do not address the labour aspect as a principal concern.

The National Financial Inclusion Strategy (2015), drawn up by the Ministry of Economy and Finance of Peru, has continued in force until the end of 2021; but so far, no public document has been produced describing the outcomes of its implementation or mentioning possible updates or extensions.

One area with potential for further development is the possibility of working and studying simultaneously, as the current regulations contain the requirement of economic solvency to be able to obtain a study visa (Government of Peru, 2021a), and with the exception of the Vacation and Work Programme of the Pacific Alliance,¹⁹ students are not authorized to engage in paid activities during their period of studies.

In light of the surge in migration in Peru, the study of the labour market demand for migrants and the impacts of foreign labour on the local labour market is an area with potential for further development. The aforementioned First National Labour Market Survey and the study entitled “Venezuelan immigration to Peru: Macroeconomic characteristics and impacts” are documents which contain data and recommendations that could be adopted as the basis for migration policy lines and documents.

¹⁹ Introduced in 2014, the Pacific Alliance's Vacation and Work Programme was designed “so as to offer greater opportunities to young nationals of the Pacific Alliance States, to enable them to appreciate the culture and way of life of the countries that make up this mechanism. ... Participants will be allowed to engage in paid activities in order to help cover their board and lodging expenses. Work must not be the participant's main activity during their stay.” This opportunity is available exclusively to citizens of the countries that make up the Pacific Alliance.



5

EFFECTIVELY ADDRESSES THE
MOBILITY DIMENSIONS OF CRISES

5.1. Migration governance: Examples of well-developed areas

Since the 2019 MGI assessment, Peru's Ministry of Environment has been working on the National Climate Change Strategy up to 2050 (2021), which is being devised in a participatory process. The third round of inputs has meant incorporating in its Information-Gathering Matrix for the Third Working Round of the Participatory Process of the National Climate Change Strategy up to 2050 a commitment to "include an aim of responding to the implications of migration and population displacement driven by the effects of climate change", which will figure in the final document to come out of these meetings.

The Government is working on an ad hoc basis to incorporate mobility into its crisis response – for example, by introducing the Temporary Residence Permit (*Permiso Temporal de Permanencia*, PTP) to deal with cases of immigrants whose country is in crisis, as well as the inclusion of migrants in COVID-19 response plans.²⁰ In the case of the Bolivarian Republic of Venezuela, use of the PTP began in 2018. This led to the large-scale regularization of foreign citizens through the issuance of PTPs, on the basis of Supreme Decree No. 006-2021 (of July 2021), approving the Single Text of Administrative Procedures of the National Migration Authority.

In terms of managing large-scale population movements in times of crisis, Peru can point to the strategies and plans implemented to cope with the needs that the country was facing in the wake of the Venezuelan exodus of 2016. Peru thus became the second-largest recipient of Venezuelans in the world in 2021, after Colombia, according to the website of the Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela.

The Government has taken a largely multilateral approach to handling the coordination of the Venezuelan migration crisis and the impacts of COVID-19. In the framework of the South American Conference on Migration (2021), for example, work was done on the topics of migration and access to rights, the challenges the region is facing in relation to the COVID-19 pandemic, experiences and lessons learned, and a look forward. Similarly, an agreement was reached in the Quito Process on the Joint Declaration of the Seventh International Technical Meeting on Human Mobility of Venezuelan Citizens in the Region, Lima Chapter (2021).

Consulates have set up online forms for requesting assistance and arranging virtual appointments for consular assistance in connection with COVID-19. Biosecurity measures have also been clarified, and a constant flow of news has been maintained on the situation in Peru, the emergency decrees in response to the pandemic, and updates as to the countries of origin that are admitted at a given time and those that are not.²¹

5.2. Areas with potential for further development

One area deemed to have potential for improvement is the implementation of post-crisis recovery and management strategies that specifically take account of migrants, even though the prevailing criterion is based on the vulnerability of those potentially affected by the crisis.

²⁰ Different response plans have been drawn up in the framework of the health crisis triggered by COVID-19. Ministerial Resolution No. 835-2021-MINSA of 9 July 2021 approves the Technical Document: Response plan for the second and possible third COVID-19 pandemic wave in Peru (*Plan de respuesta ante segunda ola y posible tercera ola pandémica por COVID-19 en el Perú*) (2021), and annulled Ministerial Resolution No. 928-2020-MINSA of 9 November 2020, which had approved the Technical Document: Preparedness and response plan for the possible second COVID-19 pandemic wave in Peru (*Documento Técnico: Plan de preparación y respuesta ante posible segunda ola pandémica por COVID-19 en el Perú*). It is believed that other ad hoc plans could be prepared in this regard, if the crisis so demands.

²¹ For example, on the website of the Consulate of Peru in Geneva, on its page titled "Coronavirus: important information" (*Coronavirus: información importante*); in the COVID-19 information brochure published by the Consulate of Peru in New York; and under the "Frequently asked questions about COVID-19" tab created by the Consulate of Peru in Miami.

The express inclusion of migrants in disaster risk management and response plans continues to be an area for improvement, as identified in the preceding assessment. No legislation specifically addresses the rights of migrants after a crisis, although their rights are guaranteed under the Political Constitution of Peru (1993) and the Migration Act (2017).

The National Civil Defence Institute is the government agency tasked with national civil defence, and the National Centre for Disaster Risk Estimation, Prevention and Reduction implements disaster risk management and response. The regulatory frameworks available through the National Institute for the Defense of Competition and Protection of Intellectual Property and the National Centre for Disaster Risk Estimation, Prevention and Reduction do not specifically address the rights of migrants after a disaster. Although the legal system has been expanded since the preceding MGI assessment to include the National Disaster Risk Management Policy up to 2050 (2021)²² (which, together with the Constitution, the National Disaster Risk Management Plan (PLANAGERD 2014–2021) and the Migration Act, forms the legal crisis response framework), none of these instruments includes specific provisions for either migrants from abroad or internationally displaced persons.

²² Through Supreme Decree No. 038-2021-PCM.



6

ENSURES THAT MIGRATION TAKES PLACE IN A SAFE, ORDERLY AND REGULAR MANNER

6.1. Migration governance: Examples of well-developed areas

Under Legislative Decree No. 1350, or the Migration Act (2017), the National Migration Authority (MIGRACIONES) empowers migration and/or border control posts in such a way as to ensure that any person entering or leaving the country, whether a Peruvian or foreign national, is registered. The Migration Services Management Department is responsible for the procedures for the entry, stay and exit of foreigners, while the Migration Movement Division controls the entry and exit of Peruvians and foreigners, as well as the rectification and regularization of their entry and exit, through the Integrated Migration System.

Since the previous MGI assessment, the country's greatest progress has taken the form of technological advances and digitalization processes. One of these is electronic pre-registration, which allows both Peruvian and foreign nationals who need to enter and/or leave Peru to expedite their immigration procedures through the MIGRACIONES Pre-Registration mobile application. This minimizes both contact during the process and waiting time at the country's international airports.

Besides the above, another activity that is worth noting is the implementation of the MIGRACIONES Digital Agency in 2020, which is an integrated web-based system for effecting immigration procedures. In addition, the Government of Peru has designed the Mobile Migration Registration app, sponsored by MIGRACIONES and which captures applicants' biometric data and enables them to register their signature electronically. It was launched in 2020 and last updated in August 2021. Finally, the *págalo.pe* system has been launched, which allows users of various government services to pay corresponding fees online.

The Law on the Economic and Social Reintegration of Returning Migrants (2013) was amended by Emergency Decree No. 023-2019 (2019).²³ This reform extends the duration of the tax benefits given to returning migrants when clearing goods through customs.

Peru has the Law against Trafficking in Persons and Smuggling of Migrants (2016) and its Regulations, covering a set of measures for the prevention, prosecution and punishment of the crimes of human trafficking and migrant smuggling, and for protecting and assisting the victims of said crimes. The Ministry of the Interior leads the Permanent Multisectoral Commission against Trafficking in Persons and Smuggling of Migrants, and since January 2016, it has been working through the General Directorate of Democratic Security to further the process of formulating, implementing and monitoring the National Plan against Trafficking in Persons (2017–2021).

Law No. 31146 was approved in 2021 amending the Criminal Code, the Code of Criminal Procedure and the Law against Trafficking in Persons and Smuggling of Migrants.²⁴ The reform redefines the offences of exploitation, smuggling and trafficking in persons as crimes against the legal right to human dignity and "recognizes that trafficking in persons constitutes the impairment of the essence of all fundamental rights, which are the core of human personality, and prevents any violating treatment designed to objectify a person".

²³ Emergency Decree No. 023-2019 (2019) extends the validity of the tax benefits brought in by Law No. 30001 on the Economic and Social Reintegration of Returning Migrants (2013).

²⁴ Law No. 31146 (2021) amends the Criminal Code, the Code of Criminal Procedure and Law No. 28950 (Law against Trafficking in Persons and Smuggling of Migrants) (2016), with a view to standardizing the articles on the crimes of human trafficking and exploitation, and classifying them as crimes against human dignity.

In 2019, the General Directorate of Public Defence and Access to Justice developed the Action Guidelines for Public Defence against Trafficking in Persons, in order to buttress the work of public defenders charged with providing free legal technical assistance to persons aggrieved by the crime of forced labour and other forms of modern slavery.

The country has aligned itself with international standards on child labour. In 2003, the Ministry of Labour and Employment Promotion set up the National Steering Committee for the Prevention and Eradication of Child Labour. It is still operational in 2021 and tasked with coordinating, evaluating and following up on efforts to phase out child labour in the country.

6.2. Areas with potential for further development

Peru's regulatory framework does not specifically guarantee that the detention of migrants is used only as a measure of last resort. The Political Constitution of Peru (2013) guarantees personal liberty and security of all persons in the country, but it does not specifically address matters relating to migrants and detention. According to Article 1 of Legislative Decree No. 1350, or the Migration Act (2017), "the State guarantees respect of the fundamental rights of foreign nationals in accordance with provisions under the current regulatory framework". Peruvian immigration legislation does not explicitly state that detention must be a last resort, but it does guarantee freedom for migrants and nationals alike. Thought could be given to expressly mentioning the exceptional nature of immigration detention, and to explicitly incorporating other administrative and non-custodial measures that can be deployed in the event of non-compliance with immigration regulations.

Another area with development potential is the structuring of an institutional framework that includes an action protocol with procedures for seeking and locating missing migrants, including references to highly vulnerable groups (such as unaccompanied minors or pregnant women). The Foreign National Identity Card makes it possible to trace and identify missing migrants within the national territory through the Central Registry of Foreign Nationals, which is not in the public domain.



PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)

This annex summarizes key national COVID-19 policy responses in Peru from a migration governance perspective. It is based on 12 questions that were added to the standard Migration Governance Indicators (MGI)¹ assessment in the country in order to effectively assess national migration governance in the context of the COVID-19 pandemic.



The Political Constitution of Peru (1993) guarantees health protection for all people in the country. Besides this, Legislative Decree No. 1350 on the Law on Migration (2017) “grants foreigners the enjoyment and exercise of the fundamental rights laid down in the Political Constitution of Peru, such as access to health care ... on an equal footing with nationals, subject to the prohibitions and limitations stipulated in the current regulations”. Accordingly, Law No. 26842 (General Health Law) (1997) guarantees that every person has the right to the protection of their health. In the context of COVID-19, migrants diagnosed as infected or suspected of being so fall under the exceptions envisaged in Legislative Decree No. 1466 (2020), which provides that they could be enrolled to the Comprehensive Health Insurance scheme, even in the event that they do not have the relevant documentation. Since April 2021, migrants have also had access to COVID-19 immunization programmes on an equal footing with nationals, in accordance with the principles of Communiqué No. 479 of the Ministry of Health (2021).



Migration Authority Resolution No. 000104-2020 was adopted in 2020,² suspending administrative deadlines, cancelling immigration-related fines, extending the validity of immigration documents and suspending the deadlines for the execution of departure orders. This resolution was repealed in 2021 by Migration Authority Resolution No. 000170-2021-MIGRACIONES, which reintroduced the immigration-related terms and conditions that had been suspended owing to the pandemic.

In addition, Supreme Decree No. 010-2020-IN (2020)³ created a new legal framework for regularizing persons in vulnerable situations on Peruvian territory and who are at risk of finding themselves without status.

¹ More information is available at www.migrationdataportal.org/overviews/mgi#0.

² Migration Authority Resolution No. 000104-2020 authorizes the rescheduling of appointments relating to administrative procedures and services provided by the organizational units of the National Migration Authority, suspends administrative deadlines, and brings in other provisions.

³ Supreme Decree No. 010-2020-IN approves special, exceptional and temporary measures for regularizing the migration status of foreign nationals.



PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)



Emergency Decree No. 090-2020 (2020), enacting exceptional and temporary measures to help remedy shortfalls in health personnel for the handling of the COVID-19 pandemic, allowed health professionals to provide services under the *Contratación Administrativa de Servicios* (CAS) COVID modality⁴ without having done the Rural and Marginal Urban Health Service (*Servicio Rural y Urbano Marginal de Salud*, SERUMS)⁵ programme or being registered with a professional association. The aforementioned decree allowed foreign doctors to join the national health system and exempted health professionals from the prerequisites of validation of qualifications or of being authorized by a professional association to practice medicine.



For COVID-19 management purposes, the National Migration Authority captures health statistics, including migration status, through the Migration Information Registry and the National COVID-19 Vaccination Registry, but they are not disseminated publicly. Migrants can access these systems and add or update their data via the virtual portal called the Data Updating System (*Sistema de Actualización de Datos*).⁶



Financial services (including banks and remittance transfer providers) have come into their own as carrying out a key activity during all of the states of emergency in Peru and could therefore continue to operate even in times of “high” alert (the most restrictive). Thus, the Mobile Wallet continued to operate under the auspices of the Bank of the Nation, allowing Peruvians and foreigners in possession of Foreign National Identity Cards to send and receive remittances.



Through Ministerial Resolution No. 204-2020-MINSA, the Ministry of Health of Peru promulgated the Technical Guide for the exceptional transfer of people away from their habitual residence by operation of the provisions of social immobilization (2020), subsequently amended by Ministerial Resolution No. 337-2020-MINSA (2020) containing provisions to facilitate the return and reintegration of migrants and foreign nationals present on Peruvian territory, whether accidentally or in transit to or from Peru.

⁴ CAS COVID is part of the Special Regime for the Administrative Procurement of Services under the terms of Legislative Decree No. 1057 (2008) and applies to health professionals helping to manage the COVID-19 health crisis.

⁵ SERUMS is a community service programme carried out by qualified and registered health sciences professionals, primarily in Peru's poorest and most remote communities, pursuant to Law No. 23330 of 2 December 1981.

⁶ This system operates under the auspices of the National Migration Authority (n.d.).





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ANNEXES

MiGOF: Migration Governance Framework²⁵

In an attempt to define the concept of “well-managed migration policies”, the International Organization for Migration (IOM) devised a Migration Governance Framework (MiGOF), which was welcomed by the IOM Council in November 2015. For the purposes of the Migration Governance Framework, IOM defines governance as “the traditions and institutions by which authority on migration, mobility and nationality in a country is exercised, including the capacity of the government to effectively formulate and implement sound policies in these areas”.

The Framework sets out the essential elements of “good migration governance” – 3 principles and 3 objectives which, if respected and fulfilled, would ensure that migration is humane, safe and orderly, and that it provides benefits for migrants and societies.²⁶ IOM’s view is that a migration system promotes migration and human mobility that is humane and orderly and benefits migrants and society:

When it:

- (i) Adheres to international standards and fulfils migrants’ rights;
- (ii) Formulates policy using evidence and a “whole-of-government” approach;
- (iii) Engages with partners to address migration and related issues.

As it seeks to:

- (i) Advance the socioeconomic well-being of migrants and society;
- (ii) Effectively address the mobility dimensions of crises;
- (iii) Ensure that migration takes place in a safe, orderly and dignified manner.

The MiGOF does NOT create new standards or norms. In drafting the Framework, IOM relied on its expertise and analytical work, as well as on existing commitments, non-binding declarations and statements. It does NOT address global migration governance that is the international architecture for dealing with issues related to migration and human mobility. Instead, the focus is on the governance and management of migration from the point of view of the State as the primary actor. It does NOT propose one model for all States. The Framework presents a “high road” or ideal version of migration governance, to which States can aspire.

The MiGOF is based on the understanding that, as the primary actor in migration, mobility and nationality affairs, a State retains the sovereign right to determine who enters and stays in its territory and under what conditions, within the framework of international law. Other actors – citizens, migrants, international organizations, the private sector, unions, non-governmental organizations, community organizations, religious organizations and academia – contribute to migration governance through their interaction with States and each other.

²⁵ IOM Council, Migration Governance Framework, 106th Session, C/106/40 (4 November 2015). Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

²⁶ Migration Governance Framework infosheet (2016). Available at <https://publications.iom.int/books/migration-governance-framework>.

The MGI process



1

Launch of the MGI process

The first step of the process is to explain what the MGI entails to key government officials, in order to ensure full understanding of the project and complete buy-in.



2

Data collection

The second step of the process is to start the collection and analysis of data, based on about 90 indicators grounded in the 6 dimensions of the MiGOF. A migration governance profile based on the analysis of the findings is then drafted and shared with the government counterparts.



3

Interministerial consultation

The third step of the process is to convene an interministerial consultation where all relevant ministries and other stakeholders discuss the good practices and main areas that could be developed further as identified in the draft migration governance profile, as well as priorities on the way forward. It is also an opportunity for them to comment and provide suggestions on the draft profile.



4

Publication of the report on the Global Migration Data Portal

After the migration governance profiles are finalized and vetted by government counterparts, they are published on the Global Migration Data Portal²⁷ and uploaded on the IOM Publications Platform.²⁸

²⁷ You can find the profiles at <https://migrationdataportal.org/overviews/mgi#0>.

²⁸ Please see <https://publications.iom.int/>.



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