Migration Governance Snapshot: Republic of Colombia

May 2018

In 2015, the International Organization for Migration (IOM) developed a Migration Governance Framework (MiGoF) to help countries define what “well-managed migration policy” might look like at the national level. The MiGoF was welcomed by IOM’s Member States in the same year. The Migration Governance Indicators (MGI)¹ were developed to assist countries operationalize the MiGoF by using a standard set of approximately 90 indicators that could be applied across six key policy domains.

The MGI is a tool based on policy inputs, which offers insights on policy levers that countries can use to develop their migration governance. The MGI is not intended to function as a measurement of outcomes related to migration policies and institutions. Instead, it operates as input-based benchmarking framework that offers insights on policy measures that countries can use to strengthen migration governance. The MGI is not meant to rank countries in the assessment of the comprehensiveness of their migration policies, or to identify gaps and areas that could be strengthened. The MGI aims to assist countries while advancing the conversation on migration governance by clarifying what “well-governed migration” might look like in the context of the Sustainable Development Goal Target 10.7, “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.”

This country snapshot presents a summary of well-governed areas of the Republic of Colombia’s (hereafter referred to as Colombia) migration governance structures, as well as the areas with potential for further development, as assessed by the MGI.

¹ The MGI initiative is a policy-benchmarking programme led by the IOM and implemented with the support of the Economist Intelligence Unit. Funding is provided by the Government of Sweden.

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With research and analysis by

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ECONOMIST INTELLIGENCE UNIT

SWEDEN
Key findings

1. Adherence to international standards and fulfilment of migrants’ rights

1.1. International conventions ratified

The table below follows a standard format and looks at the ratification of specific international conventions. The list of conventions covered is by no means exhaustive.

<table>
<thead>
<tr>
<th>Name of the convention</th>
<th>Ratification</th>
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<tbody>
<tr>
<td>ILO Migration for Employment Convention (Revised), 1949 (No. 97.)</td>
<td>No</td>
</tr>
<tr>
<td>Convention relating to the Status of Stateless Persons, 1954</td>
<td>No</td>
</tr>
<tr>
<td>ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)</td>
<td>No</td>
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1.2. Migration Governance: Examples of well-developed areas

Regular migrants may access public health services on the same terms as Colombian citizens, and in keeping with the requirements laid out in Decrees 2353 of 2015 and 1495 of 2016. On the contrary, migrants who are in the country irregularly may access emergency services only. Under Resolution 5797 of 2017, Venezuelan migrants who have been issued a Special Residence Permit (PEP), which is available to persons having entered the country with a passport stamped before 28 July 2017, may access the basic services that are offered to any Colombian citizen, at least for a period of two years. Owing to the current political and economic situation in Venezuela, there has been a massive influx of Venezuelan citizens to Colombia. Effective measures have therefore been taken specifically addressing these migrants.

Education is accessible to all. Article 44 of the Constitution stipulates that education is a fundamental right of all children. In 2012 the Ministry of Education affirmed through Decree 4807 of 20 December 2011 that education is free of cost for all children in the country up to the secondary level. Efforts have been made to ensure that services are provided to all migrant children and adolescents proceeding from Venezuela. The Ministry of Education issued Circular No. 216 of 2016, which was extended by Circular No. 025 of 2017 regulating the provisions for incorporating Venezuelan minors in Colombia into the educational system. Likewise, Joint Circular 01 from the Vice-Ministry for Pre-school, Primary and Secondary Education and the Special Colombia Migration Administrative Unit facilitates the process of registering immigrant minors in pre-school, primary and secondary educational institutions.

All persons with a regular status in the country are entitled to work, but must have a work permit issued in accordance with Resolution 6045 of 2017. Adopted in 2017 by the Ministry of Foreign Affairs, this Resolution sets out new provisions on visas for immigrants, in line with the principle of streamlining formalities and administrative procedures. This restructuring took effect on 15 December 2017 and reduces the excessive number of categories and sub-categories of visas and identifies the migration profile of immigrants by means of three types of visas: "V" – Visitor, "M" – Migrant and "R" – Resident. To guarantee the right of immigrants to work, the respective formalities must be completed to obtain the visa and the corresponding work permit. Immigrants will thus be able to work in Colombia without restrictions provided they are in possession of a resident visa (R visa). Holders of a migrant visa (M visa) who are either spouses of Colombian nationals, have refugee status, or are nationals of Mercosur member countries are also permitted to work in the country without restrictions. Migrants who do not fall into these categories may obtain a work permit if they have a
fixed or long-term job in Colombia on a migrant visa, or may obtain a work permit for temporary, occasional or short-term work on a visitor’s visa. In these cases, the application must indicate and furnish proof of the identity of the prospective employer or contractor.

Moreover, bearing in mind the previously mentioned special situation with respect to migrants from Venezuela, the Labour Migration Policy Management Group of the Ministry of Labour issued Circular 056 of 2017 instructing public employment service providers to give work-related guidance to all Venezuelan citizens free of cost.

There are paths for obtaining permanent residency and acquiring Colombian nationality. Migrants in possession of an M visa may apply for an R visa (resident) after five years of uninterrupted residence in Colombia, and after only two years of uninterrupted residence if they are spouses of a Colombian, parents or children of a Colombian by adoption, or if they are nationals of any State party to the Agreement on Residence for Nationals of States Parties to Mercosur, Bolivia and Chile. Persons who are Latin American or Caribbean by birth may apply for Colombian nationality if they have remained in the country for a period of one year on a residence visa, in other words after being in the country for a period of four to six years in total. Spaniards by birth who wish to apply for Colombian nationality must have completed a period of two years on a residence visa, or a total of five to seven years. Immigrants who are neither Latin American, Caribbean nor Spanish may apply for citizenship after five years of uninterrupted residence in Colombia, i.e., after remaining in the country for a total of seven to ten years.

Family reunification is possible by means of a beneficiary visa, which can be obtained by relatives within the first degree of consanguinity or affinity with the holder of an R visa (resident); with the holder of an M visa (migrant); or with the holder of a V visa (visitor), provided that the latter has been issued for the following reasons: (i) to undertake journalistic coverage or to work as a press correspondent for foreign media; (ii) to provide services to a person or legal entity in Colombia; iii) to fill a position at the Colombia head office of a foreign company abroad; (iv) to enter the country as an official of a foreign government or a trade representative of a foreign government, on a mission that does not entail accreditation to the Colombian Government.

As regards self-employment, migrants can apply for a migrant visa (M) if the applicant is qualified to operate as an independent professional and has the funds to cover costs and maintenance in Colombia. Likewise, independent activities may also be practised by immigrants holding a resident or R visa granted for any of the reasons indicated in Resolution 6045 of 2017, and those who have been granted a migrant visa as nationals of a State party to Mercosur, Bolivia and Chile, or as spouses of Colombians.

Colombia is not a party to the Ibero-American Convention on Social Security. It does, however, have bilateral agreements on pensions with Spain, Chile and Argentina, and is currently in negotiations with Peru and Ecuador.

The Government of Colombia has taken steps to ensure that migrants enjoy certain rights enumerated under international human rights law, such as compensation for victims of the armed conflict who have left the country. For these persons, Law No. 1448 of 2011 provides for compensation abroad with the support of Colombian Consulates, and if they so wish, they may return to the country in the "solidarity return" (retorno solidario) category pursuant to Law 1565 of 2012. Besides, the Government of Colombia has ratified the following international agreements and conventions: the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1995); the Convention on the Status of Refugees (1961); the Convention on the Rights of the Child (1991) and the 1961 Convention on Reducing Statelessness (2014).
2. Formulates policy using evidence and whole of government approach

2.1. Migration Governance: Examples of well-developed areas

Colombia has a solid institutional framework for migration management. The Ministry of Foreign Affairs (Foreign Ministry) is responsible for formulating and implementing migration policy as well as for issuing permits to enter the country based on the respective visas. Furthermore, the Government of Colombia has a Special Colombia Migration Administrative Unit, which is responsible for overseeing and controlling migration. Meanwhile, the Ministry of Labour has a specific group, the Labour Migration Policy Management Group, which is charged with formulating, implementing and assessing policies relating to labour migration.

This migration strategy has been incorporated into Colombia's National Development Plan. The current plan is called "Bases of the National Development Plan 2014-2018: All for a New Country" ([Bases del Plan Nacional de Desarrollo 2014-2018: Todos por un Nuevo Pais] and was issued in 2014. Specifically, the Plan promotes actions designed, inter alia, to improve migration statistics and monitoring, strengthen cooperation among government agencies and other players in society, and favour orderly migration and access to social security. The CONPES 3603 Document of 2009 through which the Government approved the Comprehensive Migration Policy (PIM) is the programme document that systematically lays out the guidelines, strategies and actions to assist Colombians abroad and immigrants in Colombia.

Colombia strives for greater migration policy coherence across the country's decentralized departments. Migration policy is among the responsibilities of the Ministry of Foreign Affairs (Foreign Ministry). Through Decree 1239 of 2003, the National Intersectoral Migration Commission (CNIM) was set up as the body to coordinate and guide the implementation of the country's migration policy. It comprises the Minister of Home Affairs and Justice, the Minister of Foreign Affairs, the Minister of National Defence, the Minister of Social Protection and the Minister of Commerce, Industry and Tourism.

Moreover, Law No. 1465 of 2011 established the National Migration System (SMN), as "a harmonious combination of institutions, civil society organizations, norms, processes, plans and programmes through which to undertake the design, implementation, monitoring and evaluation of migration policy so as to enhance the quality of life of Colombian communities abroad, bearing in mind all aspects of emigration and immigration". The National Intersectoral Migration Commission is a member of the SMN.

For nationals who have returned, the Government has set up the Intersectoral Commission for Returning Residents (Comisión Intersectorial para el Retorno), chaired by the Foreign Ministry which also provides technical secretariat services. This Commission meets once a month and has made it possible, among other things, for those wishing to return to apply online for returnee benefits, so long as they fulfil the requirements laid down in Law 1565 of 2012.

The Migrant Assistance Offices are an initiative of the Ministry of Foreign Affairs and various governorships and municipal authorities, and they are intended to handle, steer and refer applications from migrants, returnees and their families. Those offices represent a pooling of efforts by various public and private institutions as well as social and professional organizations, so as to form a network to offer support, attention and services in the realms of education, health, legal counsel, emergency humanitarian aid and in the handling of urgent requests from migrants, returning residents and their families in Colombia. There are currently nine such offices in the country.
3. Engages with partners to address migration and related issues

3.1. Migration Governance: Examples of well-developed areas

Colombia participates in various regional consultation processes on migration, aimed at migration policy cooperation. Colombia is a member of the South American Conference on Migration (SACM), which runs the South American Observatory on Migration (OSUMI), a platform that gathers information on the SACM and migration-related topics of interest to the countries. Colombia is part of the Ibero-American Network of Migration Authorities (RIAM), a forum for consultation and dialogue on migration. Colombia is also an Observer of the Regional Conference on Migration or the Puebla Process. In addition, Colombia is a member of the Latin American Forum on Migration and Development.

Colombia is an associate member of Mercosur, a regional integration process that includes human mobility. Through the Agreement on Residence for Nationals of the States Parties of Mercosur, citizens of Argentina, Brazil, Paraguay, Uruguay, Bolivia, Chile, Peru and Ecuador may obtain temporary residence for a period of two years, after which they may apply for permanent residence. Colombia is also a member of the Andean Community of Nations (CAN), which facilitates labour migration in the region (through Decision 545). Colombia also belongs to the Community of Latin American and Caribbean States (CELAC), which comprises 33 countries of Latin America and the Caribbean and promotes integration and regional dialogue.

Colombia is also a party to the Pacific Alliance, a mechanism that strives, in a participatory and consensual manner, to build deep integration leading gradually towards the free movement of goods, services, capital and people between Colombia, Mexico, Chile and Peru.

The Government of Colombia maintains agreements with other countries to facilitate migration management. For example, in 2001 Colombia and Spain signed an agreement regulating the existing migration flows from Colombia to Spain. The agreement between the Government of the Republic of Colombia and that of the Dominican Republic on implementation of a mechanism for the exchange of migration alerts was signed in 2015. Colombia also has bilateral agreements with Ecuador, Panama, Chile and Peru, among other countries.

Colombia takes on board civil society, the private sector, academia as well as diaspora organisations when formulating migration-related initiatives. Besides setting up the National Migration System (SNM), Law 1465 of 2011 provides for the creation of a "National Civil Society Committee " as an initiative under the Foreign Ministry’s Colombia Nos Une (Colombia Unites Us) programme, which includes NGOs, academia and Colombian organizations abroad whose remit includes migration-related topics. With the support of Colombia's consulates, several "National Civil Society Committees" have been convened in different countries in order to provide civil society with forums enabling them to participate in reinforcing Colombia’s migration policy. Another example is the creation of "Diaspora Knowledge Incubators for Latin America" (Incubadoras de Diásporas de los Saberes para América Latina) (CIDESAL). This project aims to identify, characterize and coordinate highly qualified Colombians living outside the country who can contribute through their experience and knowledge to the initiative on innovation, science and technology on which the national government is now focused. Moreover, the Labour Migration Policy Management Group of the Ministry of Labour is working with private sector companies to manage labour migration policies through the Public Employment Service.
4. Advances the socioeconomic well-being of migrants and society

4.1. Migration Governance: Examples of well-developed areas

There are processes in Colombia for monitoring the labour market, the demand for immigrants and for ensuring the ethical treatment of migrants. The aforementioned Labour Migration Policy Management Group within the Ministry of Labour is responsible for formulating, proposing, implementing and assessing labour migration policy in coordination with the relevant bodies. One of its functions is to follow up on offers of employment for immigrants in the country or Colombian nationals abroad, jointly with the National Training Service (SENA). This task is of crucial importance as these offers are usually the means by which human trafficking is perpetrated for the purposes of labour exploitation.

Another function of this Group is to develop mechanisms for the proper treatment of migrant workers in keeping with labour migration policies and trade agreements. To that end, orientation booklets have been produced for Colombians residing in Spain, Chile, the United States, Peru and Mexico, containing information on their rights as well as options for returning to work in Colombia.

As indicated in Article 9 of Resolution 6045 of 2017, immigrants in possession of any kind of visa that is valid for 180 days or longer may pursue studies during the authorized period of stay, with two exceptions: if it is a tourist visa or one issued for the purposes of airport transit.

The Ministry for National Education participates in various multilateral initiatives that address both common qualification systems as well as simple mechanisms for the revalidation of qualifications. For example, the Ministry of Education has worked on the recognition of qualifications and international qualification frameworks in bodies such as the Pacific Alliance, Mercosur and Unasur.

4.2 Areas with potential for further development

Colombia recently began assessing the impact of labour migration. Nevertheless, there are still no estimates that provide an up-to-date picture of the situation in the country.

The Government of Colombia has looked into the idea of promoting remittances. For example, CONPES Document 3603 on migration policy, issued by the National Economic and Social Policy Council, proposes measures such as developing a strategy for the productive use of remittances and the establishment of a remittances committee. However, thought could be given to developing formal programmes for harnessing this source of income, with the involvement of bodies such as the Central Bank, the Ministry of Trade, Industry and Tourism, and the Foreign Ministry.

5. Effectively addresses the mobility dimensions of crises

5.1. Migration Governance: Examples of well-developed areas

The Government has a disaster management strategy that contains provisions on displacements in crisis situations. The National Disaster Risk Management Policy, adopted through Law 1523 of 2012, sets forth the different actions to be taken in the event of displacements and other impacts stemming from nature and climate change. The National Risk Management Unit (UNGRD) is the lead agency for this policy. The National Disaster Risk Management Plan was published in 2015 and comprehensively lays out objectives and actions in respect of risk identification and reduction as well as disaster management.
Colombia has strategies for managing migration movements triggered by climate change. The National Climate Change Adaptation Plan prioritizes the identification of precarious settlements located in risk areas and which could be affected by the increased frequency of extreme events – especially flooding, heavy rainfall, tropical storms and landslides. Furthermore, one of the aims of the plan is the planning of adequate housing for populations in risk areas.

The immigration process in Colombia allows for exceptions to facilitate immigration for persons whose country of origin is in crisis. The visitor visa (type V) and migrant visa (type M) afford immigrants the possibility of entering and remaining in Colombia as refugees.

The policy on displaced persons addresses the matter of returning after the conflict. The Office of the Ombudsman offers mechanisms for protecting abandoned properties and territories. Specifically, Law 387 of 1997 (Article 2) on the prevention and management of displacement envisages the right of displaced persons to return to their place of origin. Moreover, the Constitution expressly protects individual rights against State actions and defends the right to private property.

Similarly, the Ministry of Foreign Affairs programme “Colombia Nos Une (Colombia Unites Us) coordinates matters relating to the productive return (retorno productivo) and the humanitarian return (retorno humanitario) of migrants. The Labour Migration Policy Management Group within the Ministry of Labour takes the lead in respect of people returning in order to work (retorno laboral).

In concert with the National Risk Management Unit and the Colombian Red Cross, the National System for Humanitarian Care of Returnees handles crisis situations, especially with the return of Colombian families and mixed families (a frequently encountered concept given the current situation in Venezuela). In this connection, families are received upon arrival in Colombia and are fed and temporarily housed, as well as given access to the livelihood programme, which consists of supporting a business project as a means of recovering the pre-crisis economic status.

Lastly, there are consular protocols in which the Foreign Ministry has included two-way support for migrants affected by natural disasters, whether Colombians abroad or immigrants in Colombia. These protocols were introduced in 2016 as a result of the tragedy that befell the Chapecoense flight from Brazil.

5.2. Areas with potential for further development

The disaster management strategy laid down in the National Disaster Risk Management Plan does not include migration-related provisions in respect of crisis prevention and preparedness.

6. Ensures that migration takes place in a safe, orderly and dignified manner

6.1. Migration Governance: Examples of well-developed areas

Since 2012 the Special Colombia Migration Administrative Unit has been optimizing control and verification processes as well as immigration formalities by incorporating concepts of innovation, transparency and efficiency, including early warning systems, biometric identification and online formalities, among other things. Similarly, the unit discharges Judicial Police functions in coordination with the Office of the Public Prosecutor, with respect to the fight against migrant smuggling, human trafficking and the forgery of documents.

Immigrants who have overstayed the authorized period may not apply for a new visa. Persons in this situation must contact Migration Colombia regarding their immigration status and obtain a salvoconducto [a temporary emergency document] allowing them time to apply for a new visa or a salvoconducto for leaving the country.
Colombian visa applications can be effected entirely online. The online visa system is available 24 hours a day, 7 days a week, and may be accessed from anywhere in the world.

The aforementioned "Colombia Unites Us" programme is run by the Directorate for Immigration, Consular Affairs and Citizen Services (Dirección de Asuntos Migratorios, Consulares y Servicio al Ciudadano) of the Ministry of Foreign Affairs and is intended to strengthen the Colombian community abroad. This initiative offers support programmes for returnees, more specifically those returning to work and to engage in productive activities (Law 1565 of 2012). Furthermore, Colombia has launched reintegration programmes for people implicated in the internal armed conflict, such as those set out in Law 1448 of 2011 regarding support for victims of the conflict. The Returnee Plan is another programme being implemented by the Foreign Ministry to assist returning migrants, and covers matters such as employment agency and support for entrepreneurship.

The 2007-2012 Comprehensive National Strategy to Combat Human Trafficking was adopted through Decree 4786 of 2008 and extended until 23 June 2016. Subsequently, on 24 June 2016, the new national strategy was adopted through Decree 1036. This strategy remains in force for the period 2016-2018 and envisages the following main lines of action: coordination and sustainability; prevention; protecting and assisting victims; investigation and prosecution; international cooperation; knowledge generation and management; and monitoring and evaluation. The Ministry of Home Affairs undertakes coordination and streamlining in this regard and publishes statistics on the fight against trafficking. For example, departmental or municipal committees are coordinated from the Ministry of Home Affairs when there are cases of trafficking, and are activated depending on where the victim is located. Also linked to the process are the police, the Office of the Public Prosecutor, Family Welfare Services (if minors are involved), the Ombudsperson's Office, and the Secretariat for Women's Affairs. The Ministry of Home Affairs undertakes subsequent monitoring in order to ensure that the person concerned receives all the benefits of the programme.
Key sources

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