



Migration Governance Profile: Republic of El Salvador

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

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With research and analysis by



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.

Name of the convention	Ratification
ILO Migration for Employment Convention (Revised), 1949 (No. 97)	No
Convention on the Status of Refugees, 1951	Yes (1983)
Convention relating to the Status of Stateless Persons, 1954	Yes (2015)
Convention on the Reduction of Statelessness, 1961	No
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No
Convention on the Rights of the Child (CRC), 1989	Yes (1990)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990	Yes (2003)

1.2. Migration Governance: Examples of well-developed areas

El Salvador's Ministry of Health guarantees access to health services, which it deems a human right. This right is also reflected in the 2012 [National Policy on Social Participation in Health](#), which on the one hand ensures universal access to basic health services, and on the other, the right to social security for holders of work permits or of long-term residence permits.

Once permanent residency has been obtained, the formalities for naturalization can begin. Under Article 92 of the [1983 Constitution](#), "The following may obtain Salvadoran status by naturalization: first —Native Spaniards and Hispano-Americans with one year's residence in the country; second—migrants of any origin, with five years' residence in the country."

Family reunification is possible. The Ministry of Foreign Affairs issues reunification visas for permanent and temporary residents. Because El Salvador is a signatory to the Convention on the Rights of the Child, the families of migrant children and adolescents can obtain visas of this kind. Likewise, those with an irregular immigration status are requested to regularize their situation. This process entails paying a fine, which varies depending on the time spent in the country without proper documentation. Once the situation of the migrant has been regularized, the migrant may apply for residency.

1.3. Areas with potential for further development

Migrants do not have immediate access to the formal labour market. Noteworthy among the requirements that must be met in order to apply for a work visa is having a job offer in the country and evidence that local workers are not being displaced, not having a criminal record in the country of origin, and being in good health. Additionally, under Articles 7, 8 and 10 of the [Labour Code](#), most companies have a quota for international employees which may not exceed 10 per cent of their total workforce.

Migrants have limited scope for civil participation as they are not allowed to vote in municipal elections. Under Articles 72 and 73 of the 1983 Constitution, only Salvadoran citizens have the right to vote. The 1983 [Migration Law](#) does not extend political participation to immigrants, for example, at the local level.

El Salvador is not a party to the ILO Migration for Employment Convention (Revised) [No. 97](#) of 1949; or to the Migrant Workers (Supplementary Provisions) Convention [No. 143](#) of 1975.

El Salvador is the only Central American country that is not a signatory to the 1961 Convention on the Reduction of Statelessness. In 2017, however, consideration was given to aligning Article 7.4 of the Convention with Article 94.1 of the 1983 Constitution of the Republic of El Salvador.

2. Formulates policy using evidence and whole-of-government approach

2.1. Migration Governance: Examples of well-developed areas

The country has an organized migration governance infrastructure. All administrative procedures relating to migration control of entries to and departures from the country, as well as the processes of receiving and assisting returning Salvadorans are the purview of the [General Directorate of Migration and Immigration](#) (DGME), which is attached to the Ministry of Justice and Public Security. The lead agency for national policy on Salvadorans abroad and returning Salvadorans is the National Council for the Protection and Development of Migrants and their Families (CONMIGRANTES), an autonomous and decentralized body attached for budgetary purposes to the Ministry of Foreign Affairs.

In July 2017, El Salvador devised the strategy called the [National Policy for the Protection and Development of Salvadoran Migrants and their Families](#), which addresses the causes of irregular migration, protection and assistance for migrants in transit, the settlement and integration of Salvadorans abroad, and comprehensive assistance for returnees.

Efforts have been made to ensure the horizontal and vertical coherence of migration policy. CONMIGRANTES is an inter-institutional body designed to act as a liaison between various governmental institutions such as the Ministry of Foreign Affairs, the Ministry of Labour and Social Security, the Ministry of Health, the Ministry of Education and the Ministry of the Economy, among others. Local experts have confirmed that the Government is also working on the vertical harmonization of migration policy.

2.2. Areas with potential for further development

The relationship between migration issues and development strategy is recognized. The [Five-Year Development Plan 2014-2019](#) addresses the topic of emigration. Immigration could nonetheless be promoted, for example, by including the topic in the aforementioned plan.

3. Engages with partners to address migration and related issues

3.1. Migration Governance: Examples of well-developed areas

El Salvador takes part in regional consultation processes on migration such as the [Regional Conference on Migration](#) (RCM). Similarly, it has entered into bilateral agreements on migration with other countries. In 2013, El Salvador and Guatemala concluded an agreement on expedited passage and border security. In 2015, El Salvador and Ecuador signed an agreement on the rights of people in situations of human mobility. Other instruments are: the Alliance for Prosperity in the Northern Triangle of Central America, the Programme for

the Safe, Orderly and Dignified Return of Central American Migrants by Land between Central America and Mexico, and protection agreements between consulates.

El Salvador is engaged in formal negotiations with countries of origin and destination of migration movements. For example, the Governments of El Salvador, Guatemala and Honduras represent the Northern Triangle of Central America and coordinate ongoing efforts to protect migrants and manage human mobility. The country is also a member of the Central American Commission of Migration Directors, the [Central America-4 Border Control Agreement \(CA-4\)](#) and the [Agreement for the Creation of a Single Central American Visa for the Free Movement of Aliens in the Region](#). El Salvador has taken part in the discussions on the preparation of a regional declaration for the Global Compact for Safe, Orderly and Regular Migration. In addition, it belongs to the Tricamex consular coordination mechanism comprising the Foreign Ministers of the Northern Triangle of Central America and Mexico, and has worked formally with civil society organizations to help set migration policies. The Government has received technical and financial support from various agencies of the United Nations system such as the International Organization for Migration (IOM), and bodies like Catholic Relief Services (CRS). CONMIGRANTES comprises representatives of non-governmental organizations, various private universities and the University of El Salvador.

3.2. Areas with potential for further development

Recognition should be given to the efforts of CONMIGRANTES to promote coordination with the private sector and its inclusion in the formulation of migration policy. It also plans to promote the representation of associations of small and medium-sized enterprises (SMEs), a challenge that is yet to be taken up, however.

El Salvador is not a party to agreements on the promotion of labour mobility. However, the country has a Temporary Labour Migration Management Model, a programme that manages the mobility of Salvadoran citizens abroad and which is activated when another State so requests. This has now occurred on at least two occasions to assist workers from the meat industry migrating to Spain and Canada.

4. Advances the socioeconomic well-being of migrants and society

4.1. Migration Governance: Examples of well-developed areas

El Salvador has entered into formal bilateral labour agreements. For example, it has signed a bilateral agreement with Spain for the coordination of migration policy and flows. Furthermore, in 1983 it signed an agreement with the United States of America on employees assigned to official functions in El Salvador.

In July 2017 the Government adopted the [National Policy for the Protection and Development of Salvadoran Migrants and their Families](#). Its lines of action include: strengthening the operational capacity of consulates with additional staff; providing a free legal advice service; and ensuring support and monitoring in cases of deportation. CONMIGRANTES coordinates implementation of the mechanisms needed to attain the goals of the policy.

The [Social Housing Fund](#) (FSV) has a programme that facilitates access to remittance-backed mortgage loans for Salvadorans living abroad. Under this programme, the loan recipient commits to sending remittances to repay the loan.

4.2. Areas with potential for further development

Progress in terms of bilateral agreements, national policies and programme implementation could be supplemented by launching formal mechanisms for monitoring the labour market implications of migration. Similarly, programmes could be introduced to facilitate the granting of residence permits with a view to attracting experts or professionals with specific skill sets.

In El Salvador, immigrants have access to education free of cost up to the secondary level (baccalaureate). However, there is no legal framework in place to facilitate or promote job placement on the local market at the end of the studies. Meanwhile, international students are not permitted to accept paid employment.

5. Effectively addresses the mobility dimensions of crises

5.1. Migration Governance: Examples of well-developed areas

The Government of El Salvador has mechanisms for assisting its citizens in crisis situations abroad. These mechanisms mainly target people living in the United States of America, where most Salvadoran emigrants reside and where 18 consulates have been opened. Consular services provided on United States territory include: legal assistance, food allowances for needy families, and repatriation of Salvadoran citizens in vulnerable situations. Representatives of the Vice-Ministry of Foreign Affairs for Salvadorans abroad point out that present cooperation with local authorities is facilitating information sharing and collaboration with nationals abroad. Consular staff also receive the requisite training so as to adequately provide the relevant services and support.

Furthermore, in times of crisis the Government of El Salvador offers humanitarian services, irrespective of the country of origin of the vulnerable communities.

5.2. Areas with potential for further development

The [Five-Year Development Plan 2014-2019](#) – the main focus of which is to assist people proceeding from the United States of America – contains a description of the onset of a migration crisis. Additionally, it could include strategic lines for supporting people who must migrate because of insecurity, as well as the elements that go into delivering humanitarian aid to the immigrant community.

The Salvadoran State has adopted key measures to mainstream the topic of migration in various policy areas. Disaster management and post-crisis recovery strategies could nonetheless also address this issue.

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

6.1. Migration Governance: Examples of well-developed areas

The General Directorate of Migration and Immigration (DGME) is responsible for monitoring entries and departures and for keeping a record of stays in the country. The staff of the various border posts receive regular training on a range of topics relevant to their functions. In addition, the institution has a [website](#) which clearly describes the requirements for visas and residence permits.

There are government programmes in El Salvador that focus on facilitating the reintegration of returning migrants. “*El Salvador es tu casa*” (El Salvador is your home) is an initiative intended to establish an inter-institutional mechanism for information and coordination with different sectors, with a view to stepping up

psycho-social assistance and increasing academic, employment and entrepreneurial opportunities for the benefit of returning Salvadorans. Moreover, other initiatives are being launched by different institutions such as the National Commission for Micro and Small Enterprises (CONAMYPE), the Social Investment Fund for Local Development (FISDL) and the Salvadoran Institute of Professional Training (INSAFORP).

El Salvador's National Council against Human Trafficking is an institution set up to fight crimes of this nature and is regulated by an established legal structure. In 2014, the Legislative Assembly issued the [Special Law against Trafficking in Persons](#), which lays out the relevant legislative framework and policy. In this connection and pursuant to Article 23 of the Law, "all State agencies, branches and municipalities shall be responsible for implementing the National Policy and Plan of Action, in accordance with their institutional competence and under the coordination of the Council".

6.2. Areas with potential for further development

Progress in buttressing the institutional and regulatory framework relating to human trafficking in El Salvador could include the regular publication of statistics on the fight against sexual and commercial exploitation, as well as human trafficking and smuggling. The Office of the Attorney-General of the Republic currently keeps a record of the number of human trafficking cases, which it includes in its annual reports, while the Ministry of Justice and Public Security and the Ministry of Foreign Affairs periodically share their annual reports.

Key sources

Legislative Assembly of the Republic of El Salvador

- 1958 *Migration Law*, 19 December 1958. May be viewed at:
https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_072943163_archivo_documento_legislativo.pdf.
- 1972 *Labour code*, 30 June 1972. May be viewed at:
https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_072951854_archivo_documento_legislativo.pdf.
- 1983 *Constitution of 1983*, December 1983. May be viewed at:
http://www.oas.org/juridico/spanish/mesicic3_slv_constitucion.pdf.
- 2014 *Special Law Against Trafficking in Persons*. May be viewed at:
https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_073511571_archivo_documento_legislativo.pdf

General Directorate of Migration and Immigration

- N.d. Temporary and permanent residence. May be viewed at:
<http://www.migracion.gob.sv/residencias-temporales-y-definitivas/>

Ministry of the Interior and Territorial Development, General Directorate for Civil Protection and Disaster Prevention and Mitigation

- 2017 *National Plan for Civil Protection and Disaster Prevention and Mitigation*. May be viewed at:
<http://proteccioncivil.gob.sv/plan-nacional-de-proteccion-civil/>

Ministry of Foreign Affairs

- 2017 *National Policy for the Protection and Development of Salvadoran Migrants and their Families*. May be viewed at:
<https://reliefweb.int/sites/reliefweb.int/files/resources/Politica%20Nacional%20para%20la%20Proteccion%20y%20Desarrollo%20de%20la%20Persona%20Migrante%20Salvadorena%20y%20su%20Familia.pdf>.

Ministry of Foreign Affairs, Ministry of Labour and Social Welfare

- 2011 Temporary Labour Migration Management Model in El Salvador. May be viewed at:
<https://slidex.tips/download/ministerio-de-relaciones-exteriores-ministerio-de-trabajo-y-prevision-social-org>

Ministry of Health

- 2012 *Agreement No. 1889: National Policy on Social Participation in Health*, December 2012. May be viewed at:
http://asp.salud.gob.sv/regulacion/pdf/politicas/politica_nacional_participacion_social_en_salud.pdf.

International Organization for Migration (IOM)

2015 Migration Governance Framework, Document C/106/40, 4 November 2015. May be viewed at: <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

Office of the President of the Republic of El Salvador, Technical and Planning Secretariat

2014 *Five-Year Development Plan 2014-2019*. El Salvador: productive, educated and safe. May be viewed at: <http://www.secretariatecnica.gob.sv/plan-quinquenal-de-desarrollo-2/>.