

PERU | PROFILE 2019

MIGRATION  
GOVERNANCE  
INDICATORS



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PERU | PROFILE 2019

# MIGRATION GOVERNANCE INDICATORS



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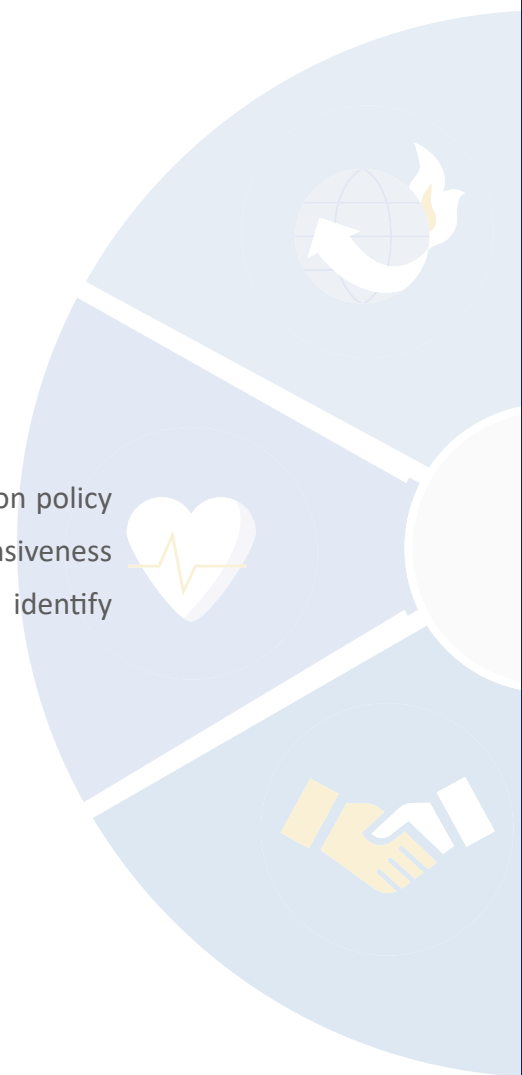
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## OBJECTIVE

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.



The MGI can be used to spark a discussion within governments, with other relevant stakeholders in the country, on their 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.<sup>1</sup> 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”.<sup>2</sup>

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.<sup>3</sup> The Framework was welcomed by IOM Member States in the same year.

In an effort to operationalize the MiGOF, IOM worked with The Economist Intelligence Unit 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 offers insights on policy measures that countries might want to consider as they progress towards good migration governance.

This country profile presents a summary of the well-developed areas of the migration governance structures of the Republic of Peru (hereinafter referred to as Peru), as well as the areas with potential for further development, as assessed by the MGI.<sup>4</sup>

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<sup>1</sup> IOM Standing Committee on Programmes and Finance, seventeenth session (S/17/4 of 29 September 2015), article 2.

<sup>2</sup> 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>.

<sup>3</sup> Ibid.

<sup>4</sup> The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of the Economist Intelligence Unit. Funding is provided by IOM's 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.

At the basis of

### PRINCIPLES

1. **Adherence** to international standards and fulfillment 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.

## 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 12

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 14

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 15

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 16

Indicators in this area assess countries' policies regarding 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 18

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 19

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.



## 1

## ADHERENCE TO INTERNATIONAL STANDARDS AND FULFILMENT OF MIGRANTS' RIGHTS

### I.1. International conventions ratified

**Table 1.** Signature and ratification of international conventions

Convention name	Ratified
International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97)	No
United Nations Convention relating to the Status of Refugees (so-called Geneva Convention), 1951	Yes (1964)
United Nations conventions on statelessness, 1954 and 1961	Yes (2014)
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 (ICRMW), 1990	Yes (2005)

### I.2. Migration governance: Examples of well-developed areas

The Political Constitution of Peru guarantees access to healthcare to all people in the country. Furthermore, Legislative Decree No. 1350 of the Migration Act of 2017 (hereinafter, the Migration Act) guarantees the fundamental rights of migrants (such as access to healthcare, education and work) under equal conditions to citizens. Law No. 26842 (General Health Law) guarantees that every person has the right to the protection of their health in accordance with the terms and conditions established by law.

The Political Constitution of Peru guarantees access to initial, primary and secondary education, which are compulsory. All immigrants in Peru have the same status as citizens in terms of access to compulsory education. There are no additional requirements for immigrants who wish to enter professional training.

All categories of immigrants in Peru have equal access to social protection under equal conditions as citizens. The Constitution and the Migration Act form the legislative framework that guarantee access to social protection of immigrants in Peru.

The government of Peru has bilateral agreements with eight countries on the portability of social security benefits: Argentina, Canada, Chile, Colombia, Ecuador, the Republic of Korea, Spain and Uruguay. Furthermore, Peru is party to the Ibero-American Multilateral Convention on Social Security (Convenio Multilateral Iberoamericano de Seguridad Social, CMISS).<sup>5</sup>

Permanent residents, residents with temporary permits obtained within a period of less than one year and residents with family reunion permits have the right to work. The Migration Act, which covers the right to work, promotes the elimination of discrimination and is based on the principles of equality and non-discrimination of migrants.

<sup>5</sup> The Convention is an international standard, agreed to by several States to coordinate their national legislations on the subject of pensions.

All citizens of the country may vote in national elections if they live in another country. To vote abroad, it is enough that Peruvians confirm the address of the locality in which they live in with their National Identity Document (Documento Nacional de Identidad, DNI), without the need to previously register at the respective Consular Office.

### **1.3. Areas with potential for further development**

There are certain limitations for immigrants to access employment. Legislative Decree 689 “Law on Hiring of Foreign Workers”, which was issued in 1991, imposes limits on the number of foreign workers and their salaries, with some exceptions. According to the law, foreign employees are limited to 20% of the total number of workers and salaries are limited to 30% of the total payroll and salaries of each company. Employment contracts may not exceed a period of three years for foreigners. The foreign worker must renew his/her residence permit each year.

Only certain foreign residents in Peru may vote in local elections. They must have resided in the country for over two years and may not reside in border municipalities, in accordance with the Municipal Elections Act (N° 26864). To exercise this right, the foreign national shall be identified by his/her Foreign National Identity Card (Carné de Extranjería) as a resident, and must previously register with the Electoral Register of Foreigners which is managed by the National Register of Identification and Civil Status (Registro Nacional de Identificación y Estado Civil, RENIEC).



## 2

## FORMULATES POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

### 2.1. Migration governance: Examples of well-developed areas

Peru has a solid institutional and normative framework on migration, with competent institutions that promote comprehensive and intersectoral migration governance. In 2017, the Government of Peru issued Supreme Decree No. 015-2017-RE which approved the National Migration Policy (Política Nacional Migratoria, PNM) 2017 – 2025. The PNM is based on the main international human rights principles. Likewise, it recognizes IOM's Migration Governance Framework as a useful tool for designing migration initiatives. The policy establishes the main objectives and guidelines to respond to the entire migration cycle. The main thematic areas covered are human rights, social inclusion, integrity, intersectoral and intergovernmental engagement, migrant protection, assistance and guidance, intercultural acknowledgement, and gender.

The Ministry of Foreign Affairs (Ministerio de Relaciones Exteriores, MRE) is the body responsible for the implementation of the National Migration Policy, which seeks to guarantee an efficient inter-institutional and intergovernmental coordination in migration management. The National Migration Authority (Superintendencia Nacional de Migraciones, MIGRACIONES), a technical body of the Ministry of the Interior, is the authority on immigration matters. The MIGRACIONES proposes sectoral policy in the areas of its competency and implements internal migration policy.

The MRE presides over the Permanent Multi-Sectorial Commission named “Inter-sectorial Round Table for Migration Management” (Mesa de Trabajo Intersectorial para la Gestión Migratoria, MTIGM), created in 2011 with the aim of coordinating, assessing, proposing, prioritizing and supervising policies and actions linked to the comprehensive management of migration. The MTIGM includes representatives of 22 public institutions and 3 Observers, and meets periodically (generally on a monthly basis) in ordinary or extraordinary sessions. Public institutions which are part of the MTIGM participated in the development of Supreme Decree No. 015-2017-RE which approved the National Migration Policy 2017–2025.

The Ministry of Foreign Affairs has been driving the decentralization of the National Migration Policy via the MTIGM. Through the decentralized offices of the MRE, intersectoral round tables have been established in 12 regions of the country. Additionally, the National Migration Authority has competency in matters of internal migration policy and coordinates migration control with diverse national institutions .

In accordance with the National Migration Policy 2017–2025 and the Migration Act, the Ministry of Foreign Affairs (Ministerio de Relaciones Exteriores, MRE) is the institution responsible for international migration policy. The MRE, through its consular network, provides assistance and protection to Peruvians abroad. Furthermore, it coordinates and engages with the Peruvian diaspora as part of its approach towards migration and development.

The most extensive law on immigration and emigration is the Migration Act of 2017. The decree regulates the entry of people and classification of foreign nationals in the country. There are additional regulations, which are published on the MIGRACIONES website.



# 3

## ENGAGES WITH PARTNERS TO ADDRESS MIGRATION AND RELATED ISSUES

### 3.1. Migration governance: Examples of well-developed areas

Peru is one of the founders of the South American Conference on Migration (Conferencia Suramericana sobre Migraciones, CSM), which was created in 1999 in the setting of a South American meeting on migration held in Lima. In 2019, 20 years of this regional advisory process was celebrated, with Peru holding the presidency *Pro Tempore*.<sup>6</sup> Peru is also an observer at the Regional Conference on Migration or Puebla Process. Likewise, Peru forms part of the Specialized Migration Forum (Foro Especializado Migratorio, FEM) of MERCOSUR, of the Ibero-American Forum on Migration and Development, as well as of diverse multilateral dialogue and cooperation processes on migration.

Peru is a Partner State of MERCOSUR, a regional integration process which includes human mobility. Through the Agreement on Residence for Nationals of States Party to MERCOSUR, Plurinational State of Bolivia and Chile, citizens of Argentina, Plurinational State of Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay and Uruguay may obtain temporary residence for a period of two years, at the end of which permanent residence may be processed. Peru is also a member of the Andean Community (Comunidad Andina, CAN), which facilitates labour migration in the region (through its Decision 545). Furthermore, it is part of the Community of Latin American and Caribbean States (Comunidad de Estados Latinoamericanos y Caribeños, CELAC) which includes thirty-three countries of Latin America and the Caribbean and promotes regional integration and dialogue. Peru is also part of the Pacific Alliance, a mechanism which seeks to build, in a participative and voluntary manner, an area of enhanced collaboration to progressively advance towards the free movement of goods, services, capital and peoples between Chile, Colombia, Mexico and Peru.

Peru formally cooperates with civil society organizations in the development of programmes and activities to address migration issues. The MTIGM has two Coordination Commissions, one inter-agency and another for coordinating with civil society organizations.

Peru formally cooperates with members of its diaspora and expatriate communities in the preparation of programmes and in the implementation of development policy. Through its consular network, the government works with the diaspora to understand their needs and develop policies. Additionally, in 2005 the MRE created the Abroad Peruvian Communities Secretariat, currently named General Directorate of Abroad Peruvian Communities and Consular Affairs.

Peru has bilateral agreements on migration matters such as social security (Argentina, Canada, Colombia, Chile, Ecuador, Republic of Korea, Spain, Uruguay), recognizing driving licenses (Plurinational State of Bolivia, Chile, Colombia Republic of Korea and Spain), migration and consular cooperation (Argentina, Plurinational State of Bolivia, Colombia, Chile, Mexico, Uruguay), as well as agreements which allow migrants to reside in the other country (Argentina, Plurinational State of Bolivia, Ecuador).

Peru participates in bilateral negotiations, discussions and consultations with countries of origin and destination of its immigrants and emigrants. In 2019, Peru coordinated with its neighbours in order to address the Venezuelan migrant crisis in a comprehensive manner and to provide a regional response.

### 3.2. Areas with potential for further development

Peru could enhance the engagement of the private sector on the subject of migration. For example, the National Migration Policy 2017–2025 does not mention formal partnerships with the private sector.

<sup>6</sup> In 2009, the Conferencia Suramericana sobre Migraciones (CSM) began a process to improve political coherence, which was realized with the approval of the Declaration of principles and guidelines which constitute a policy for South American governments. Additionally, the CSM issued the South American Migration Human Development Plan (PSDHM) which serves as an action guide in the short and medium term for the management of migration, border management, rights of migrants and migration information.



# 4

## ADVANCES THE SOCIOECONOMIC WELL-BEING OF MIGRANTS AND SOCIETY

### 4.1. Migration governance: Examples of well-developed areas

Peru provides equal access to education to foreign students (for example, regarding fees, access to specific courses, etc.) and has current bilateral agreements with 47 countries on the recognition of degrees and diplomas.

In the context of the policy of inclusion of the Venezuelan school-age population that the Ministry of Education began implementing in 2019, vacancies have been opened for initial and primary education for Venezuelans in Metropolitan Lima. The slogan disseminated through this campaign is: “Lima Learns, No Child Out of School” (“Lima Aprende, Ni Un Niño Sin Estudiar”). This campaign includes the expansion of vacancies for initial and primary education in 114 educational institutions of Metropolitan Lima with the aim of bridging the gap of boys and girls who were unable to enrol in 2019.

In 2016, the National Migration Authority established the Migrant Integration Working Group, formerly known as the Migrant in Vulnerable Situation Service Team. The Working Group was formalized in April of 2018 (Authority Resolution N° 117-2018-Migraciones) and its general objective is to promote the integration of foreigners into Peruvian society, ensuring the protection, attention to and defence of human rights and cultural identity, based on three pillars: 1) preventing all kinds of violence and the respect for cultural expression and identity, 2) promoting of rights and duties of foreign nationals, and 3) providing assistance to migrants in vulnerable situations.

Peru has developed formal mechanisms to protect its workers abroad. The Ministry of Foreign Affairs (Ministerio de Relaciones Exteriores, MRE) defines its work in accordance with the 31 State Policies of the National Agreement. One of the objectives of the MRE is to provide assistance to migrants in a homeless or destitute situation abroad.

Consulates offer legal and humanitarian assistance to Peruvians abroad and prevent human and migrant trafficking. The MRE manages a network of Foreign Service Missions (órganos del servicio exterior, OSE) made up of 64 embassies, 117 consulates and consular sections, and 11 permanent representations at international and regional organizations such as the United Nations and the Organization of American States.

Peru has active formal bilateral labour agreements. For example, Peru and Ecuador have an agreement on agricultural, construction and domestic service workers in the Border Integration Region. The country also has agreements with Argentina to protect the rights of migrants, with Bolivia on undertaking joint measures to control irregular migration, and with Ecuador to formalize the migration and labour situation of their nationals in both countries.

In recent years, the government of Peru has focused on the construction of financial infrastructure that will facilitate remittances. Since the launch in 2015 of the National Financial Inclusion Strategy (Estrategia Nacional de Inclusión Financiera, ENIF), the Government has worked towards reducing the cost of electronic payments by supporting electronic funds, electronic wallets, and fintech, among others.

In Peru there are programmes that aim to promote the financial inclusion of migrants and their families, particularly if they are senders and/or receivers of remittances. The BIM mobile wallet programme boosts financial inclusiveness in Peru and enables the transfer of money orders and electronic funds.<sup>7</sup>

### 4.2. Areas with potential for further development

The Ministry of Labour and Promotion of Employment conducts annually the Employment Demand Survey (Encuesta de Demanda Ocupacional, EDO). The main objective of this survey is to capture of information on: i) future employment needs for personnel of formal private companies of 20 or more employees, and ii) qualifications needed for the required employment. It does not include variables which could provide an insight on the future employment of foreign workers.

<sup>7</sup> The BIM platform is an electronic wallet in a mobile telephone, which allows its users to make deposits, perform money transfers, withdraw funds and recharge the account balance of the cell phone. The platform was created in collaboration between the government and private sector.



Peru has different types of visas, but these are not structured to attract specific work skills. The types of temporary visas are artist, temporary worker and designated worker. The types of residential visas are resident worker and investor.

Peru collects data on the labour market disaggregated by migration status, but not thoroughly. The Andean Migrant Worker Virtual System (Sistema Virtual del Trabajador Migrante Andino, SIVITMA) is a virtual register created by the Ministry of Labour and Promotion of Employment (Ministerio de Trabajo y Promoción del Empleo, MPTE); the register aims to enable the automatic issuance of the Andean Community Migrant Worker Certificate (la Constancia del Trabajador Migrante de la Comunidad Andina, CTMA). The Quarterly Statistic Report - III Quarter 2018, for example, did not disaggregate by migration status and sex. Regarding the registration of other foreign workers, Supreme Decree No. 08-2018-TR modified the Regulations of the Law on Hiring Foreign Workers and put into effect the right to labour migration and the legislation on administrative simplification. The approval of employment contracts is now done automatically.

Peru has measures in place that promote gender equality in the country, but they do not specifically address immigrants in the work force. Law No. 28983, the Law on Equal Opportunities between Men and Women, of 2007, aims at establishing a standardized framework, for institutions and public policies at the national, regional and local level, to ensure that men and women exercise their rights to equality and dignity. In 2017, the government published Law No. 30709, which prohibits remunerative discrimination between women and men, through positions, functions and salaries that impede the implementation of the principle of equal pay for equal work.



## 5

EFFECTIVELY ADDRESSES THE  
MOBILITY DIMENSIONS OF CRISES

### 5.1. Migration governance: Examples of well-developed areas

The Ministry of Foreign Affairs (Ministerio de Relaciones Exteriores, MRE) keeps a register of citizens abroad through the network of Foreign Service Missions (órganos del servicio exterior, OSE) of the MRE. Peruvians abroad can register at the consular missions and request assistance in times of crisis. Consular services include legal and humanitarian assistance and consular missions are also involved in efforts to counter human and migrant trafficking.

In accordance with the Migration Act, asylum seekers and refugees do not require a visa nor a migratory status for their admission into and residence in the country. The decree also created the Humanitarian Visa category for those in a vulnerable condition who have not applied for asylum through the customary process.

In Peru there are communication systems for the public to receive information during a crisis. For example, the Disaster Risk Management Information System (SIGRID) can be downloaded on a mobile phone; users can then receive or share information on disasters and disaster risk management. The National Estimation, Prevention and Disaster Risk Reduction Centre (Centro Nacional de Estimación, Prevención y Reducción del Riesgo de Desastres, CENEPRED) has also put in place the Ad Hoc Department and Risk Assessment Integrated Information System (Sistema Integrado de Información de Delegaturas Ad Hoc y Evaluaciones de Riesgo, SIIDE). A person can register to receive alerts in crisis situations. There are also emergency telephone numbers and communication systems for the public to report emergencies to the government.

### 5.2. Areas with potential for further development

The National Civil Defence Institute (Instituto Nacional de Defensa Civil, INDECI) is the government agency responsible for national civil defence, and the CENEPRED, is in charge of disaster risk management and response. The information available from INDECI and CENEPRED on their crisis prevention, preparation and resilience plans shows that these agencies do not specifically address the rights of migrants after a disaster.

CENEPRED implements the management of and response to disaster risk. It published its latest plan, the National Plan for Disaster Risk (Plan nacional de riesgos de desastres, PLANAGERD 2014–2021), which does not address the issue of displacement. For the past few years, displacement has been an issue addressed by the Ministry of Women and Vulnerable People, which acts as the governing body for the prevention of displacement and protection and care of displaced populations (stipulated in Law No. 28223, the Law on Internal Displacement).

The national strategy on climate change takes into account the fact that forced migration may be a result of environmental stressors and environmental degradation. However, there are no guidelines in place to address displacement due to this phenomenon. Similarly, main documents on disaster management also do not address this issue.

CENEPRED does not currently publish a contingency plan to manage large-scale population movements in times of crisis.



## 6

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

### 6.1. Migration governance: Examples of well-developed areas

In Peru there is a specific policy which focuses on facilitating the reintegration of Peruvians that return to the country. Law No. 30001, the Law on the Economic and Social Reintegration of the Returning Migrant, of 2013, and its Amendment, Law No. 30525, stipulate that returning Peruvians and their families have the right to request support and guidance from State institutions in the legal, educational, health and economic development fields. The Law also addresses tax and socioeconomic services.

A legislative framework exists to fight human trafficking and labour exploitation with Law No. 28950, the 2007 Law against Human Trafficking and Illicit Trafficking of Migrants.<sup>8</sup> In June 2017, the Government also approved, through Supreme Decree No. 017-2017-IN, the National Plan against human trafficking 2017–2021, which has as its main objective the prevention, control and reduction of this problem. The responsible bodies include the Ministry of the Interior, the Ministry of Women and Vulnerable People, the Ministry of Justice and Human Rights, the Ministry of Foreign Affairs and the Ministry of Foreign Trade and Tourism. There is also the permanent Multi-sectoral Commission against Human Trafficking and the Illicit Trafficking of Migrants. The National Institute of Statistics and Informatics (INEI) publishes annual reports on the number of cases reported to the police.

In Peru there are institutions dedicated to the integrated control and security of borders. More specifically, the Department of Migration Services is responsible for entry, residence and exit procedures for foreigners. The Office of Migration Movement monitors the entry into and exit from the country of Peruvians and foreigners. There is a formal framework for the training of its employees, by means of the personal development plan (plan de desarrollo personal, PDP) of the National Migration Authority. The plan presents strategic objectives, capacity-building, the methodological approach, and the evaluation and diagnostic results of training needs.

Peru has procedures in place and policies to guarantee the mitigation of risk for all migrants in transit towards an international destination and/or at the national borders, independently of their legal status. Article 23 of the Migration Act, establishes that “It is the legal authority of the Peruvian State to issue a safe-conduct to foreigners who are under a stateless, undocumented condition or for humanitarian reasons while in the country”.<sup>9</sup>

### 6.2. Areas with potential for further development

Peruvian law on migration does not explicitly establish that the detention of migrants must be a last resort, but it does guarantee the exercise of individual freedoms both for immigrants and citizens.

<sup>8</sup> Afterwards, in 2016, the Government approved No. 001-2016-IN a Supreme Decree which approves the regulations of Law No. 28950, the Law against Human Trafficking and Illicit Migrant Trafficking. There is also a National Policy against Human Trafficking and its Forms of Exploitation.

<sup>9</sup> The issuance of this safe-conduct is the responsibility of MIGRACIONES.



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ANNEX



## MiGOF: Migration Governance Framework<sup>10</sup>

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.<sup>11</sup> 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.

<sup>10</sup> 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>.

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## 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 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 Portal<sup>12</sup> and uploaded on IOM's Online Bookstore.<sup>13</sup>

<sup>12</sup> You can find the profiles at <https://migrationdataportal.org/overviews/mgi#0>.

<sup>13</sup> Please see <https://publications.iom.int/>.





[www.migrationdataportal.org/mgi](http://www.migrationdataportal.org/mgi)

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