



iarmj

international association of refugee and migration judges

RAPPOORTEURSHIP

XII

**WORLD CONFERENCE
INTERNATIONAL ASSOCIATION
OF MIGRATION AND REFUGEE JUDGES
February 17th – 21st, 2020**





Twelfth World Conference International Association of Refugee and Migration Judges

The International Association of Refugee and Migration Judges held its Twelfth World Conference from February 17th to 21st, 2020 at the Radisson Hotel, San José, Costa Rica; under the following motto:

“A new world on the move: The realities of massive irregular migration and the challenges that refugee and migration judges face”

I. Background

The Administrative Migration Tribunal, due to its competence and structure, has been viewed as a maximum deconcentrating body attached to the Government and Police Ministry, which is characterized by being a non-hierarchical entity, comptroller of legality, impartial and with functional independence, created by the *Ley General de Migración y Extranjería* No. 8764 (General Law on Migration and Aliens), of August 19th, 2009, published in La Gaceta No. 170 on September 1st, 2009, in order to look at the appeals filed against the final resolutions and precautionary measures of the General Head Department of Migration and Aliens, on migration matters, as well as the final resolutions of the Commission on Restricted Visas and Refuge, on matters of refuge, ensuring that the actions of said bodies comply with the legal system, guaranteeing the legality, efficiency, efficacy and legal certainty of acts that affect the rights of migrants and refugees that are submitted to its attention.

In the framework of the strengthening activities carried out by the Administrative Migration Tribunal, its members have been part, since 2016, of the International Association of Refugee and Migration Judges (IARMJ), founded in Warsaw in 1997, after two highly successful conferences in London and Nijmegen in the previous two years. Its foundation originates from the interest of worldwide judges and adjudicators as for the correct interpretation and judicial and contentious application within the 1951 Geneva Convention countries, as well as for the promotion and strengthening of refugee's rights.

One of the most important functions of the IARMJ is to bring together all the decision-making judges on refugee and migration law to reach a common understanding of the international practice of law applicable to refugees and migrants. The common application, understanding and interpretation of international law allows a fairer result for all those who seek to be recognized as refugees in all the States parties to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol and the regional instruments of protection, as well as those who need to resolve their immigration status at the national level. Furthermore, the IARMJ promotes the professional development of its members. It analyzes specific issues and jurisprudential developments that affect the regions, and examines the possible influence of developments in other jurisdictions.

The IARMJ has several chapters in different regions: American, European, African and Asian Chapters. Since its creation, it has held chapter conferences and world conferences to have a meeting place with judges and adjudicators from different continents regarding asylum and migration processes.



Costa Rica was selected as the host country to hold the Twelfth World Conference of said Association, designating the Administrative Migration Tribunal, as a counterpart institution for event coordination, logistics and methodology.

In this sense, since the end of 2018, a coordination process began with different government institutions and international organizations, in order to set up an organizing committee, coordinated by the IARMJ presidency and the TAM (Administrative Migration Tribunal), with the support of an event organization company (O/Keith Organización de Eventos) in charge of planning the Conference.

Starting in February 2019, the work baselines were established through inter-institutional coordination and the support of other institutions in Costa Rica was requested, which, as the Court, are part of the Government and Police Ministry such as the General Head Department of Migration and Aliens and the National Printing Office. In addition, coordination took place with AERIS - Juan Santamaría International Airport and with the Ministry of Public Security. Actions were also coordinated with the Ministry of Tourism and with national and regional offices of international organizations such as the United Nations High Commissioner for Refugees, the International Organization for Migration, the Swiss Embassy in Costa Rica, an organization of civil society GMIES (Independent Monitoring Group), the Institute of Human Rights (IIHR) and the Inter-American Court of Human Rights.

Meetings were established between June 04th and 15th, 2019 with the representatives of some of these instances, during the visit made to Costa Rica by the President and the Secretary of the IARMJ, Katelijne Declerck and Sebastian de Groot, respectively, with the intention of presenting the Conference, coordinating with the members of the Organizing Committee, establishing actions to follow, preparing the agenda of topics to be discussed at the Conference and defining key aspects related to the organization of the event.

From that moment on, work was carried out through online meetings and the exchange of communications, in order to move forward in defining the final agendas and logistical aspects of the Twelfth Conference.

II. Methodology

The conference was developed in two modalities: Pre Conference y Conference.

- a. **Pre Conference:** It was held on Monday, February 17 and Tuesday, February 18, 2020.
 - Levels: Intermediate (Spanish and English) and advanced (English)
- b. **Conference:** It took place from Wednesday, February 19 to Friday, February 21.
 - Languages: Spanish, English and French.



Participant profiles

PRE-CONFERENCE	
<ul style="list-style-type: none"> ▪ Judges, adjudicators, decision makers from different regions (Americas, Africa, Asia and Europe, IARMJ members and Non-Members). ▪ Border Police - Migration Police - officials related to migration management, decision making and analysis of refugee applications and migration processes. ▪ <u>Observers</u>: International organizations, representatives of regional spaces, among others. 	<p>INTERMEDIATE LEVEL: Participants with less than 5 years of experience in migration and refuge matters.</p>
	<p>ADVANCED LEVEL: Participants with 5 or more years of experience in migration and refuge matters.</p>
CONFERENCE	
<ul style="list-style-type: none"> ▪ Judges, IARMJ adjudicators members ▪ Judges, adjudicators who are IARMJ non-members, who work directly related to decision-making and analysis of refugee applications and migration processes. ▪ <u>Observers</u>: International Organizations 	

Topics in both modalities were presented by plenary sessions/interactive panels of experts with questions and answers. In addition, work sessions were held in which the discussions among the participating judges and experts were used as best possible to exchange knowledge and good practices.

Each session was closed with the plenary conclusions from each working session.

The conference allowed separate meetings to be held for the working groups established by the IARMJ and offered the possibility for judges or adjudicators to join these working groups, therefore, regional and interregional meetings were recommended.

III. Participants

- International judges - IARMJ members and non-members.
- Government Authorities of Costa Rica:
 1. Mrs. Epsy Campbell Barr, First Vice President of the Republic.
 2. Mr. Michael Soto Rojas, Minister of Public Security.
 3. Mr. Carlos Andrés Torres Salas, Government and Police Vice Minister.
 4. Mrs. Raquel Vargas Jaubert, Migration and Aliens General Director.
 5. Mr. Daguer Hernández Vásquez, Migration and Aliens Deputy Director.
 6. Administrative Migration Tribunal (TAM) Judges
- Ambassadors from participating countries.
- International Organizations Representatives: UNHCR - IOM - Inter-American Court of Human Rights.



7. Isabel Márquez, Vice President, UNHCR Regional Office for the Americas.
8. Carole Simone Dahan- Senior Legal Advisor on Judicial Participation, UNHCR, Geneva, Switzerland.
9. Michele Klein Solomon, Director of the Department of Migration Research and Policy, IOM.
10. Milton Moreno, UNHCR Representative in Costa Rica
11. Roland de Wilde, Head of Mission, IOM Costa Rica
12. Kelleen Corrigan, Senior Protection Officer, UNHCR Costa Rica
13. Romina Sijniensky, Deputy Secretary of the Inter-American Court of Human Rights
14. José Thompson Jiménez, Director, Inter-American Institute of Human Rights.

Pre Conference: A total of 103 people participated, mostly from the Chapter of the Americas, in addition, IARMJ members from the African Chapter (16 people), the European and Asian Chapters (15 participants from each).

Conference: In total 130 people participated.

IV. Donors

In order to achieve the success of the XII IARMJ World Conference, strategic alliances were made with public institutions, non-governmental organizations and international organizations.

Technical and financial support was provided by UNHCR from its offices in Geneva, Costa Rica and the office for the Americas, through funding for participants and technical assistance in the construction of agendas.

We also had the support, through the inter-institutional coordination, from the Ministry of Public Security, the Ministry of Government and Police, the General Head Department of Migration and Aliens, the National Printing Office, the Inter-American Court of Human Rights, the Inter-American Institute of Human Rights and AERIS - Juan Santamaría International Airport. Actions were also coordinated with the Tourism Ministry and with the national and international offices of the International Organization for Migration, the Swiss Embassy in Costa Rica and the civil society organization GMIES (Independent Monitoring Group of El Salvador).

V. Thematic Axes and Exhibitors

A. Pre Conference (February 17-18, 2020)

At the Intermediate Level Pre-Conference, we had as speakers and as session mediators, officials from different offices (regional and international) from the United Nations High Commissioner for Refugees and officials in charge of procedure for determining the condition of the refugee person in the appeal stage of the Refugee Division of the Canadian Immigration and Refugee Board (IRB).

At the Advanced Level Pre-Conference, the members of the IARMJ were the ones who presented the different papers and led the discussions and interventions of the participants.



TOPICS

Intermediate Modality

- What is a refugee?
- Effective interview techniques for determining refugee status
- Credibility analysis
- Analysis of reasons supporting the Determination of Refugee Status
- State Protection
- Overview of exclusion from refugee protection
- Requests for International Protection of people with specific conditions of vulnerability: Sexual Orientation and Sexual and Gender-based Violence
- Practical challenges in the judiciary.

Advanced Modality

- Exclusion based on Organized Crime
- Exclusion based on Terrorist Activities
- Gender-based persecution
- Requests for protection based on Sexual Orientation.

B. Conference (February 19-21, 2020)

The different presentations at the Conference were offered both by judges and adjudicators, as well as by specialists from international organizations, such as UNHCR and IOM, among others.

The topics covered were:

- Global Pacts on Refuge and Migration
- Forced displacement due to climate change and environmental causes
- Asylum/migration in light of Human Rights
- Human Rights, International Criminal Law - Refugee exclusion clauses - Migration and public security issues
- Exclusion: Implications of Article 1F, subsection a) - Serious reasons to consider - Serious common crimes
- Application of international and regional human rights instruments other than the Refugee Convention and Human Rights Conventions by the International Courts of Human Rights
- Artificial Intelligence and Data Analysis
- Electronic evidence and social networks
- Secondary post-traumatic stress disorders in refugee and migration judges
- Resilience.

**Pre Conference Speakers**

- **Intermediate Level**

	Spanish Modality	English Modality
SESSION 1 - Who is a refugee?	Juan Pablo Terminiello , Senior Legal Officer, UNHCR for the Americas and Deborah Johnston , General Counsel, IRB.	Carole Simone Dahan , UNHCR, Geneva and Paula Thompson , Vice President, Refugee Appeal Division, IRB - Canada.
SESSION 2 - Effective interview techniques for determining refugee status.	Juan Pablo Terminiello , Senior Legal Officer, UNHCR Office for the Americas and Elise Escaravage , Commissioner, IRB.	Judith Gleeson , Judge, Immigration and Refugee Chamber, High Court, UK and Holly Holtman , Senior General Counsel, IRB.
SESSION 3 - Credibility assessment	Kelleen Corrigan , Senior Protection Officer, UNHCR Costa Rica and Deborah Johnston , General Counsel, IRB.	Sylvie Cossy , Judge of the Federal Administrative Court, Switzerland and Holly Holtman , Senior General Counsel, IRB.
SESSION 4 - Analysis of the reasons that support the wording in determining refugee status	Gabriela Richard Rodríguez , President, TAM and Elise Escaravage , Commissioner, IRB.	Isabelle Dely , President, IV Section of the Center for Research and Documentation, National Court of Asylum, France and Paula Thompson , Vice President, Refugee Appeal Division, IRB.
SESSION 5 - What does state protection include?	Deborah Johnston , General Counsel, IRB	Laurent Dufour , Senior Legal Counsel, National Court of Asylum, France and Paula Thompson , Vice President, Refugee Appeal Division, IRB - Canada.
SESSION 6 - Overview of refugee protection exclusion.	Juan Pablo Terminiello , Senior Legal Officer, UNHCR Office for the Americas and Elise Escaravage , Commissioner, IRB.	Isabelle Dely , President, IV Section of the Center for Research and Documentation, National Court of Asylum, France and Paula Thompson , Vice President, RAD / IRB - Canada.
SESSION 7 - Adjudication of sensitive claims	José Pablo Vega , Coordinator, Legal Support Network for Refugees of the Americas and Elise Escaravage , Commissioner, IRB.	Carole Simone Dahan , UNHCR, Geneva and Paula Thomson , Vice President, RAD / IRB - Canada.
SESSION 8 - Practical challenges of judging.	Esteban Lemus Laporte , Vice President, Administrative Migration Tribunal, Costa Rica and Elise Escaravage , Commissioner, IRB.	Judith Gleeson , Judge of the Immigration and Refugee Chamber of the High Court, United Kingdom and Sylvie Cossy , Judge of the Federal Administrative Court, Switzerland.



• **Advanced Level**

Exclusion based on Organized Crime	Round Table
<p>Session Chairman: Judge Howard Morrison, Chamber of Appeals, International Criminal Court, Netherlands.</p> <p>Speakers:</p> <ol style="list-style-type: none"> 1. Michael Soto Rojas, Public Security Minister, Costa Rica. 2. Holly Holtman, Senior General Counsel, Office of Immigration and Refugee, Canada (IRB) <p>Judicial Commentator: Nigel Holmes, South African Refugee Appeal Authority President (RAASA).</p>	<p>Session Chairman: Dunstan Mlambo, President of the Gauteng North Division of the High Court of Pretoria, South Africa.</p> <p>Illustrative Case Study Facilitator: Mark Symes, Lawyer, Garden Court Chambers and Intermediate Judge, High Court Refugee and Immigration Chamber, UK.</p>
Exclusion based on Terrorist Activities	Round Table
<p>Session Chairman: Isaac Lenaola, Supreme Court of Kenya, Vice President of IARMJ.</p> <p>Speakers:</p> <ol style="list-style-type: none"> 1. Laurent Dufour, Senior Legal Counselor, National Court of Asylum, France, Center for Research and Documentation Vice President, France. 2. Joseph Rikhof, Faculty of Law (Section of Civil Law), University of Ottawa, Canada. <p>Judicial Commentator: Isabelle Dely, President, IV Section of the Center for Research and Documentation, National Court of Asylum, France.</p>	<p>Session Chairman: Johan Berg, Head of Office at UNE, Office of Immigration Appeals, Norway.</p> <p>Illustrative Case Study Facilitator: James C. Simeon, Head of McLaughlin College, College of Liberal Arts and Professional Studies, York University, Canada. Coordinator of the “Working-Parties” Process of IARMJ Inter-Conference.</p>
Gender Based Persecution	Round Table
<p>Session Chairman: Judith Gleeson, Judge of the Immigration and Refugee Chamber of the High Court, United Kingdom</p> <p>Speakers:</p> <ol style="list-style-type: none"> 1. Carole Simone Dahan, Senior Legal Advisor on Judicial Participation, UNHCR, Geneva, Switzerland. 2. Gabriela Richard, Presiding Judge of Immigration Administrative Court, Costa Rica. <p>Judicial Commentator: Thami Beshe, High Court of South Africa, Eastern Cape Division, South Africa.</p>	<p>Session Chairman: Sylvie Cossy, Judge of the Federal Administrative Court, Switzerland.</p> <p>Illustrative Case Study Facilitator: Holly Holtman, Senior General Counsel, Refugee Appeal Division, IRB - Canada.</p>



Protection requests based on Sexual Orientation	Round Table
<p>Session Chairman: Russel Zinn, Federal Court, Ottawa, Canada.</p> <p>Speaker: Carole Simone Dahan, Senior Legal Advisor on Judicial Participation, UNHCR, Geneva, Switzerland.</p> <p>Judicial Commentator: John Bouwman, Vice President of Overijssel District Court, Department of Administrative Law, Netherlands. IARMJ Secretary – Treasurer.</p>	<p>Session Chairman: Zouheir Ben Tanfous, Administrative Court of Tunisia.</p> <p>Illustrative case study facilitator: Jonathan Bass Herrera, First District Court for Administrative Affairs, Mexico.</p>

Conference Speakers

Day 1 - Wednesday February 19th

1. Global Pacts on Migration and Refugees

Chairman: Isaac Lenaola

- A. Global Refugees Pact** - Isabel Márquez, Vice President, UNHCR Regional Office for the Americas.
- B. Global Migration Pact** - Michele Klein Solomon, Director of Migration Research and Policy Department, IOM.

2. Regional Courts of Human Rights

Chairman: Esteban Lemus Laporte

- A. IARMJ and the human rights approach to the definition of a refugee: Ottawa '98 to San José '20** - Hugo Storey, United Kingdom.
- B. African Court of Human Rights** - Dunstan Mlambo, Presiding Judge, Gauteng Division, High Court of South Africa.

3. Displacement due to climate change

Chairman: Michael Hoppe

- A. Teitiota v NZ: Imminence and Climate Change** - Martin Treadwell, Vice President, IPT, NZ.
- B. Environmental Refugees and the Convention of the Organization of African States** - John Mativo, High Court of Kenya.
- C. Climate Change and Displacement by Natural Disasters** - Carole Simone Dahan - Senior Legal Advisor on Judicial Participation, UNHCR, Geneva, Switzerland.
- D. Are environmental migrants adequately protected under international law?** - Alice Sironi, IOM



Day 2 - Thursday, February 20

1. Protection instruments - beyond the Refugee Convention

Chairman: Harald Döerig

- A. Europe** – Kimmerlin Dominique, President of National Court of Asylum Law, France.
- B. Africa** – Thami Beshe, High Court of South Africa, Eastern Cape Division, South Africa.
- C. Asia:** Brian Barbour, Regional Refugee Protection Advisor, Act for Peace.

2. International Criminal Law - Refugee Exclusion Clauses - Public Security Issues

Chairman: Julian Phillips

- A. International Criminal Law** - Howard Morrison, International Criminal Court Judge.
- B. Exclusion based on public order and national security** - María Bances del Ray, Senior Protection Coordinator, UNHCR Office for the Americas.
- C. Smuggling and Trafficking: Protection challenges and impacts on the perception of migrants** - Alice Sironi, IOM

3. Work sessions on "International Criminal Law and Exclusion"

- A. Criminalization at entry and exit points** - Yukari Ando, Japan.
 - B. When is a non-political crime serious?** - Michael Hoppe, Germany.
- Speakers:** Johan Berg and Sylvie Cossy

4. Decision making

Chairman: Tjerk Damstra

- A. Vicarious Trauma for Refugee Judges** - Martha Roche, IPT, New Zealand.

5. Work sessions in "Decision making"

- A. Social Networks and RSD** - Christine Cody, AAT, Australia
 - B. Persuasive Credibility Findings** - Martin Treadwell, IPT, New Zealand
- Speakers:** Isabelle Dely and Bernard Dawson

Day 3 - Friday, February 21

1. Visit to the Inter-American Court of Human Rights

Romina Sijniensky, Deputy Secretary.

2. Massive Migration and Asylum in Latin America

Chairman: Aikaterini Koutsopoulou

- A. Situation in Central America and Mexico** - Carlos Alberto Zerpa Durán, Magistrate of the Court of Administrative Affairs of the First Circuit.



- B. Brazil's responses to Venezuelan massive migratory flows-** Charles Gomes DaCosta, CEPRI
- C. Characterization of mixed migration flows and profiles of population in need of international protection** - Allan Rodríguez Vargas, Judge of the Administrative Migration Tribunal, Costa Rica.

3. Artificial Intelligence and Data Analysis

Chairman; Russel Zinn

- A. Artificial Intelligence** - Jim Guszca, US Chief Data Science, Deloitte Consulting
- B. Technology on the margin: Artificial Intelligence, Migration and Human Rights** - Petra Molnar, School of Law, University of Toronto.

VI. Sessions

Below, a brief review of the main topics discussed in the different sessions of both events, with conclusions derived from presentations and interventions of participants.

PRE CONFERENCE – INTERMEDIATE LEVEL

Day 1 - Monday, February 17

➤ **Session 1: “Who is a refugee?”**

In this session, the refugee figure was contextualized, through the definition of the Convention on the Statute of Refugees, 2018 global level data and the principles that accompany the definition of a refugee. In addition, participants reflected on the interpretation of the element of persecution and the causal links, which are broken down into the definition of a refugee.

With the interventions of the attendees, it was possible to go deeper into the fact that the breadth and conceptual inaccuracy of the persecution has allowed not to limit the concept and that the causal links must be interpreted according to the context and the times. In addition, discussions were held on how criminal matters could be used as a mechanism for persecution and the implications that this could have in light of the exclusion clause.

The following conclusions were derived from this session:

1. If there is a reasonable risk that the person suffers human rights violations, the element of persecution must be considered as proven. The protection system aims to prevent the person from suffering from such violations.
2. There is no clear definition of persecution, which should be seen as a positive aspect because this allows a dynamic interpretation of this term.
3. The interpretation of the causal links that are found in the 1951 Convention must also be interpreted dynamically.
4. Discrimination can be equated with persecution.



➤ **Session 2: "Effective interview techniques for determining refugee status"**

Speakers referred to the minimum standards and the stages of the interview, as an essential part and pillar of the due process of determining the status of a refugee, even when special procedures are carried out, as well as the importance of the principle of confidentiality and the obligation of the eligibility officer to provide the applicant with the information that is required. In addition, participants reflected on the role of the interviewer and the structure that the interview should follow, with relevant questions that should be pointed out.

For the interaction with the participants, the managers of the session handed out two stories, with the aim of developing a role play (interviewer - interviewee) and then, an exchange was made among those present on observations and debates that arose within the groups. In this regard, they discussed the elements that were not credible in the respective stories, as well as the way in which the gaps in the stories could be addressed.

Two important conclusions were derived from this session. The first one, that since the interview is the most important part of the refuge process, it is of utmost importance that the interviewer has the possibility of preparing it previously, with which they can have an interview strategy and important information for conducting the interview. The second conclusion is that inconsistencies or contradictions could be explained, so it is important to address them with the person being interviewed; as long as said inconsistencies are relevant to the determination of status.

➤ **Session 3: "Credibility Assessment"**

Speakers referred to the alterations in memory due to traumatic events that can affect the stories of people seeking international protection; in the same way to the indicators, relevant aspects of the stories and credibility analysis elements, as well as the treatment that should be given to the contradictions, inconsistencies and omissions (when they are serious and decisive for the decision and the opportunity has been given to the applicant to clarify them) and the time of departure from the country of origin (which must be considered according to each specific case).

During the interaction with the participants, a series of scenarios were offered in which various contradictions were presented in the person's story. The objective of the activity, which was accomplished with the intervention of the participants, was to talk in a group about the relevance of these contradictions in decision-making and what questions would be appropriate to ask to clear up the confusion.

As the conclusion of this session, it should be noted that not all confusions or contradictions are relevant to the determination of refugee status and it could be that they have an explanation, so it is important to corroborate the information with the person and if necessary, confront them about inconsistencies. In addition, the functioning of the memory must be taken into account, as well as the gaps that it may present, the difficulties for the reconstruction of memories and the obstruction that may be caused by the trauma.



➤ **Session 4: “Analysis of the reasons that support the wording in determining refugee status”**

The basic structure of the resolutions whereby it is decided on the procedure for determining refugee status, which varies according to different jurisdictions, was described. In addition, the participants reflected on the importance of the resolutions being clear and understandable for the applicants, which was analyzed through the interventions of the participants and it was concluded, based on that need, that the structure of the sentences should be strengthened, seeking the objectivity and clarity of the same.

Day 2 - Tuesday, February 18

➤ **Session 5: What does state protection include?**

In this session, participants studied in depth the capacity that States have to protect their citizens, the factors that should be considered when establishing the contextual approach, as a requirement to determine if the presumption of State protection has been rebutted and the burden of proof issue.

From the above and the intervention of the participants, relevant conclusions were derived:

1. The burden of proof must be viewed initially shared between the user and the State at the time the person makes the formal request for state protection. Due to the peculiarities of the persecution, the burden of proof is shared, in the sense that the applicant provides a complete and truthful story about the information on the facts and it is incumbent on the State to verify the account and its veracity by means of official sources, to carry out a thorough analysis, without having to limit it to material evidence.
2. The efforts made by the State are not always sufficient in order to counteract a cultural background. This would fall in the range that protection is not always adequate, and therefore the protection request takes relevance.
3. Although it is true, laws are the beginning of the change of moral values and institutions, the social problem of discrimination is not solved only with laws, but rather in the community. Positive and strategic actions must be materialized together with budget assignments that seek to eradicate that problem.

➤ **Session 6: Overview of refugee protection exclusion.**

During this session, essential elements on the subject of exclusion were discussed: the reasonableness of its existence (no merit of the person and prevention of the abuse of the figure), the criteria and legal standards for the exclusion of the protection of refugees, the general principles and standards of the evidence and the stages and framework of analysis, starting from the establishment of the facts.



The presentations and the participation of the attendees led to the conclusion that acts of terrorism endanger international security and peace, which in turn has an impact on relations between States and fundamentally affects the benefit of human rights. However, just the membership in a group/regime is not sufficient for exclusion.

Another conclusion is that the presumption of individual responsibility could be justified in the case of members of particularly violent groups or organizations or senior officers of repressive regimes. The burden of proof is reversed to some extent to the applicant, since they will have to demonstrate that their acts within the group in question were not carried out voluntarily or were not entirely carried out. Furthermore, the exclusion clauses can be applied to crimes committed when the applicant was a child or an adolescent. But the age of criminal responsibility, mental capacity, and the existence of circumstances that release individual responsibility and vulnerability or mitigating factors (situation as an experienced victim) must be considered.

➤ **Session 7 - Of sensitive claims adjudication**

Speakers explained the procedure to apply for international protection when it comes to violence against women and sexual violence. In both, the existence of state protection must be determined and the persecuting agent (state agent or armed group) must be clearly defined, in order to delimit and analyze elements that warrant international persecution.

The conclusions of the session include:

1. Determine whether or not the State is providing protection to the victim or whether, rather, because of their lack of protection, there is forced displacement
2. The emotional scars limit the speech before an eventual interview, making many of its features invisible
3. The requirement of documentation places a requirement of high or impossible compliance, even more if it is taken into account that violence against women often occurs in a space of privacy. Hence, the testimony is a key piece to determine if the woman requires international protection, understanding the context from which the person tries to flee. Absence of a complaint does not mean that the risk did not exist.
4. Discrimination can constitute persecution if it is represented individually or cumulatively dangerous.

➤ **Session 8 - Practical challenges of judging**

This session was about delving further into the importance of the existence of the courts, as a modern mechanism for access to justice, which recognizes the specialty in the matter and establishes filters for making it an ordinary legal issue, which also affects the possibility of oral proceedings and personalization of cases.

As another conclusion of the session, the complexity and increase in cases, coherence of systems, institutional and legal limitations, contextualization of requests, differences that exist between the systems and internally at legislations and the necessary independence of criteria and functioning were established as limitations for the adjudicators and decision makers.



In conclusion, the promotion of clear laws and policies and the correct administration for immigration system, understanding migration as a reality, are necessary.

PRE CONFERENCE – ADVANCED LEVEL

Day 1 - Monday, February 17

➤ **Session 1: “Exclusion based on Organized Crime”**

Speakers presented the theory and concrete examples of organized crime in the region to exemplify the regional context and the implications of the participation in criminal organizations in determining refugee status.

It was concluded that there is a great challenge for adjudicators and decision makers in the analysis of these cases, due to the large number of elements that must be considered in the analysis, as well as the consequences derived from the exclusion of people (application of the principle of non-refoulement, irregular immigration status, family reunification, etc.)

➤ **Session 2: Round table discussion on “Exclusion based on Organized Crime”**

From the round table that followed this panel, it was derived, through a case study, the relevance that reasonableness and credibility analysis acquire in the analysis of these cases, in addition, the importance of country of origin information and the interview that is carried out with the applicant.

➤ **Session 3: “Exclusion based on Terrorist Activities”**

In this session, the correct application of Article 1F of the Convention in these cases and the existence of “reasonable doubt” as an obstacle in determining individual responsibility were analyzed. In addition, the figure of terrorism was contextualized, highlighting the difficulty of definition and treatment that occurs (mainly in European countries), despite the fact that there is a consensus on some terrorist acts.

As conclusions, the issue of inclusion/exclusion and the redefinition of the political response to these cases were derived, as well as the means of obtaining information, which cannot focus solely on the element of persecution narrated by the applicant person.

➤ **Session 4: Round table discussion on “Exclusion based on Terrorist Activities”**

From the round table on this topic, it was concluded that it is not possible to decide these cases without adequate contextualization. In addition, the real willingness of being part of the organization and the involvement in the facts must be analyzed, since the mere membership of a terrorist organization is not enough to exclude.

It was also reminded that for some decision makers the time to request asylum is significant, so it could be a topic to be consulted in the interviews.

**Day 2 - Tuesday, February 18****➤ Session 5: “Gender-based persecution”**

In this session some important definitions were presented in order to contextualize this type of persecution. Furthermore, reflection was made on discrimination and when it can be considered as persecution, when it is recurrently reproduced and/or the State of origin does not grant protection or does not recognize certain rights.

Some legislations recognize “gender” as a motive for persecution in addition to those established in the 1951 Convention, always pointing out the need for a causal link to exist and recommending that the motives contemplated in the Convention be interpreted from a gender perspective (mainstreaming), that IPO be valued in the same sense and considering that there is not always the possibility or desire of the applicant to avail himself of state protection.

Among the conclusions derived, the need was established for the laws to be clear and, as far as possible, to include the clear definition of the social groups established or to include gender as a motive for persecution.

➤ Session 6: Round table discussion on “Gender-based persecution”

From this discussion, the difference between theory and practice in these cases is rescued through case studies, in which Canada stands out as a progressive country in the analysis of this type of requests. In addition, participants reflected on the special considerations that must be taken into account for credibility: not be limited to state protection, but also consider the communal and cultural context and the reasonableness of the possibility of internal flight, consider women as a specific social group.

The possibility of interviewing minors and the special considerations that should be taken in these cases should also be studied, respecting the due process that must be followed with minors.

➤ Session 7: “Requests for protection based on Sexual Orientation”

Some important cases of requests for international protection based on sexual orientation were contextualized in this session. It was noted that it should be considered that many times, the applicants do not expose this situation at first due to the prejudices existing in many countries and the information of the country of origin of the applicant must always be considered to take into account the context.

From the exchange with the participants, it was derived that there is a difficulty of an evidentiary nature, so as not to violate the dignity of the applicant. In addition, the need for the interview environment to provide confidence to the applicant so that they can tell their story and express themselves calmly was highlighted. Furthermore, a differentiated analysis of credibility must be carried out, due to the particularities of the stories.



➤ **Session 8: Round table discussion on “Requests for protection based on Sexual Orientation”**

Participants reflected, through the study of cases, on some elements that the interviewer and the decision maker must take into account, regarding specific conditions of vulnerability that people who have suffered persecution for their sexual orientation may have, in order to avoid re victimization, and the strong relevance of the information of the country of origin in the study of cases submitted for analysis.

CONFERENCE

Day 1 - Wednesday February 19

- **Session 1: Opening ceremony**
- **Session 2: Global Pacts on Migration and Refugees**
- ✓ **Global Compact on Refugees (GCR)**

Adopted by the UN General Assembly on December 17, 2018. The guiding principles were pointed out as well as their basis (international refugee protection regime, regional protection instruments and international instruments on human rights and international humanitarian law); the applicability of the Migration Pact to this issue (large-scale and protracted refugee situations, focus on inclusive support); the objectives of the pact (shared burdens and responsibilities, international cooperation through the Global Refugee Forum, solidarity responsibility of the international community, multi-area financing approach, and effective/efficient use of resources).

Regarding the World Refugee Forum, the following results were obtained: 3 support platforms (SSAR, IGAD, MIRPS), 5 new arrangements requested by GCR, launching of the Asylum Capacity Support Group and the Global Interdisciplinary Academic Network, additional support for the 3-year strategy on resettlement and complementary pathways, creation of a digital platform for GCR and of the indicator framework for the GCR.

Some areas in need of support were identified: reception and admission of the migrant population, identification of needs for international protection, preparation of security and protection, registration and documentation, specific needs in host countries and access to basic services.

The following conclusions were derived: the need for inclusive support to refugees and host communities based on national and sub-national planning, area-based approaches and participation in development, the Global Compact for Migration of burdens and responsibilities applies to the reception and protection of refugees and finally, that the World Refugee Forum should seek to lay the foundations for the long-term implementation of the Global Compact for Migration, in a space where it is intended to generate multilateral agreements, contributions and good practices.



✓ **Global Compact for Migration**

Some components of the 2016 New York Declaration were analyzed (priority of safe migration and mobility and from a Human Rights approach that provides assistance to migrants, differentiates the vulnerability of certain sectors and IOM entered as an organization in the system of United Nations); comments were made on the process of development, review and analysis of the Pact; the state after implementation (promotion of inclusive plans that are not mandatory, but the decisions of which are binding, reviews at the international level to define priorities regarding implementation challenges and the purpose of the United Nations general report, which seeks to achieve reinforcements and factors that define particular gaps).

As conclusions, the migratory routes and flows of the first decades of the XXI century showed the need to give assistance and support from a global perspective. In compliance with the Global

Compact for Migration, it is recognized that migration can be an empowering experience for migrating families to improve their quality of life, as well as an opportunity for host countries, who can take advantage of the migration phenomenon, due to the fact that most governments seek to analyze migration policies that promote cooperation from the international community and not confront this phenomenon alone, but as a front among all.

From the exchange with the participants, the important role played by civil society and the adjudicators in the achievement of the objectives of the pacts and the joint work that IOM and UNHCR must carry out to attend to migratory flows and respect for the commitments made by the States was evidenced.

• **Session 3: Regional Courts of Human Rights**

✓ **IARMJ and the human rights approach to the definition of refugee: Ottawa '98 to San José '20**

Among speakers and attendees, the way in which the human rights courts offer elements for the decisions of the judges that affect refugees is discussed (human rights approach, role of academics, exchange of experiences between national judges and judges of the courts, jurisprudence on refuge issues). Furthermore, it was established that the reasons for giving the human rights approach to the refuge issue are based on autonomous justification, justification of legitimacy, dynamism and transparency.

✓ **African Court of Human Rights**

The implementation of the African Court on the subject of Human Rights, migration and refuge and the limitations of this Court were discussed since, despite the need to optimize the approach of migration to the challenges posed by climate change and natural disasters, this Court lacks jurisdiction in many of the cases that arise.

The African Court has neither stepped forward nor achieved its goals of interpreting and applying human rights in general; but neither the Court nor the Commission can be accused of not applying the Universal Declaration of Human Rights, since their reasoning must be seen from an integral perspective of the African continent, and not from a domestic point of view.



As a consequence, the need to promote that the judges of the Inter-American Court of Human Rights meet with national judges from different countries of the European continent to discuss current trends in the issue of asylum. In addition, converging points must be sought between internal regulations and control of conventionality when making decisions and, finally, seek progressive perspectives in the application of international and regional protection instruments, assuming a more universal approach in legislation.

- **Session 4: Displacement due to climate change**

- Teitiota v NZ: Imminence and Climate Change.**

When talking of Teitiota, climate change was conceptualized as a situation of persecution valid from a human rights perspective in International Refugee Law (Art. 6 Convention of 1951), the obligation of States to protect their population in these conditions due to the collateral effects (which must be clearly demonstrated) that climate change has. This session led to the conclusion that an open mind approach must be kept in the application of human rights and the underlying danger caused by natural disasters and one needs to be familiar with the difference between natural disaster and climate change.

- ✓ **Environmental Refugees and the Convention of the Organization of African States.**

The extent to which the conventions provide protection to those displaced by environmental factors was analyzed, since it is a new phenomenon and the 1969 Convention does not have a distinctive criterion between voluntary or forced displacement, deepening the challenge that this represents for African judges.

One of the most important derived conclusions was that the right to request asylum is in the 1969 OAU Convention. However, there is no specific regulatory framework that provides a clear route for dealing with cases and the broadest definition of refugee, does not give legal certainty regarding the specific rights that this population has in this context.

- ✓ **Climate Change and Displacement by Natural Disasters.**

It was analyzed that it is clear that climate change increases. It is described as a disaster booster or a multiplier of migrations and that events that disturb public order must be seen or interpreted in favor of migrations caused by natural disasters. It was concluded that, in cases where there is a total loss of the territories, there may be the possibility of requesting refuge.

- ✓ **Are environmental migrants adequately protected under international law?**

Speakers reflected on the types of natural disasters and the climatic effects produced in turn by different types of movements of people (multi-causality) and the legal protection given to these phenomena, from which it follows that there are no instruments that unify these issues and that provide people displaced for environmental reasons with sufficient protection that also guarantees their integrity and health (in many cases).



However, from the multiplicity of instruments, basic principles and obligations for States can be deduced, which were compiled in a draft of articles for the protection of people in disaster events, in 2016.

The Global Compact for Migration includes these principles and obligations and allows the progressiveness that characterizes human rights to also be applicable to situations that merit the application of urgent and immediate measures to protect victims or displaced persons due to disasters and/or climate change.

It was concluded from this session that many States that sign the Pact do not incorporate specific regulations for this issue into their internal regulations. However, through the commitments derived from the Pact, it is possible that, either through dialogue between legislation and courts or from the work carried out with the Pact, they find guidelines and guiding principles for regulation or recommended measures for attending to these populations.

- **Session 5: Meetings of IARMJ chapters.**

Day 2 - Thursday, February 20

- **Session 6: Protection instruments beyond the Refugee Convention**

- ✓ **Europe**

The place of the French judge is a limited sphere: within the framework of the Geneva Convention and European regulations, his/her mission is to ensure the constitutional principles of the French Republic, which is not a legality in a classical way. It is evident that the asylum judge is not responsible for the execution of his/her own decisions. It is the prefect who is in charge of the rejections that are confirmed and what the judge must do, is to respect the terms requested by the legislator (5 months).

In conclusion, the Court aims to dematerialize the resource and communicate with the outside world. In addition, 20% of the cases that reach cassation are accepted as refugees, but it must be clear that this is a cassation, not an appeal and, if the figures are compared with Japan, which has a 0.1% system of recognition for refugees because there is a system where more bureaucratic decisions come in, it is concluded that bureaucratization underlying the decisions must put aside so that the judges can resolve more expeditiously.

- ✓ **Africa**

Sub-Saharan Africa is home for more than 18 million displaced people, according to the IFRC, a figure that the UN Refugee Agency (UNHCR) puts at 25.4 million, 26% of all refugees in the world. Poverty, conflict, discrimination and exclusion of all kinds, as well as climate change are fundamental factors that go against plans for the development and protection of African refugees and displaced people.



Compared to other regions, Africa has a well-developed legal framework related to situations of forced displacement. However, States often face difficulties in implementing and applying these frameworks due to the cultural and social differences that are represented.

✓ **Asia**

When observing the behavior of Asian states, it can be seen that these are practices at the state level, not regional, which are still developing and outside the provisions of the Convention, since in Asia there is a principle of non-interference. There is resistance to the Convention, but there is a human rights framework, which may differ from country to country and is subject to the particularities of each country, ranging from mere concepts to state policies.

As a general conclusion, there is no strength at the regional level, which has led to the development of different legal frameworks for each country. In addition, there is a lack of legal infrastructure. However, it is not an absolute absence of legality, so it is suggested not to assume that there is no legal framework, but rather to start from what they already have and develop a refuge system based on what each Asian country has implemented so far. It was also considered that a regional framework could be made without disrespecting the principle of non-interference, but, as Chimni already advanced in his work on International Law, each country should develop its own containment plan.

- **Session 7: International Criminal Law - Refugee Exclusion Clauses - Public Security Issues**

✓ **International Criminal Law**

The speakers commented that international judges often want to work within the jurisdiction in which they are accustomed, but it is important to look at the local law, because it is the one that paves the way for international law. It was noted that there is a recent publication about the requirement that if there is information that suggests that they have been linked to crimes, the applicant is denied refuge.

It was also pointed out that circumstances that led to these charges can be taken into account, but innocence must be presumed because sometimes we do not have conclusive evidence and if someone is acquitted after a fair trial, weight should be given to that, but it is clear that it sometimes depends on whether evidence is found that there has been a crime or offense, because it is likely that if there is enough evidence to start an investigation they would have enough to deny asylum or refuge on that basis. They spoke about the lack of proportionality when it comes to rejecting refuge based on a criminal record.

It was concluded that there is an urgency to harmonize international law with domestic law, based on population growth and limited resources, which will generate conflicts and pressure for migration-resource wars. In addition, the judicial career in refugee and asylum issues should be promoted, cultural sensitivity should be developed and a proportionality analysis should always be carried out when taking into account the crimes committed by a person who is seeking refuge in a country.



✓ **Exclusion based on public order and national security**

Security concerns were reviewed without undermining refugee protection, indicating that, as a general consideration, there is a system of checks and balances on the impact of security measures versus criminalization, which has been reflected in the exclusion of many people for having committed crimes in the past.

In conclusion, international political rights provide the right not to be returned to the country where the person could be tortured. Articles 32, 33 and 1F are highlighted: reasons of exclusion for national security or public order vs. principle of non-refoulement, with which, a person can be removed from the country under the premise of national security but they cannot be returned to the country of origin.

In addition, it was indicated that reception arrangements are the key to managing this type of displacement, including identity and security systems, they must combine the administration status with the registry and one must make profiles of the information and define priorities of the role of the judicial system of persecution in cases in which a crime has been committed by the applicant.

✓ **Smuggling and Trafficking: Challenges for protection and impacts on the perception of migrants**

Trafficking is a complex crime and may involve the transportation of persons, but it is an essential element because it is difficult to differentiate it from other crimes, there must be coercion, it could be physical force or other forms of coercion subtle; trafficking is aimed at the exploitation of a person, but there is no agreed definition of "exploitation".

It was pointed out that there are many difficulties in identifying, tracking and quantifying cases of trafficking. However, international companies can follow reporting guidelines and can act on cases before reaching the judicial authorities.

In addition, differentiation was made between the terms trafficking vs. smuggling, the latter is the provision to obtain the financial benefit by giving an illegal income. It does not necessarily always translate into national legislation. It is not against the person being trafficked, it is a crime against the state.

With regard to trafficking, the protocols are good, but the judicial authorities must be sensitized to identify this type of case; With respect to the smuggling of migrants, the objective and purpose of the protocol have been distorted in the way in which it is translated into practice, but expressly, it is to protect, to prevent the criminalization of the migrant.

• **Session 8: Work sessions on "International Criminal Law and Exclusion"**

✓ **Criminalization at entry and exit points**

Speakers discussed the criminalization rates, with deportation being the main objective, since its purpose is to prevent people from reapplying for a visa. In addition, it was indicated that alleging refuge at the time of arrest does not guarantee an exclusion from punishment if refuge is not granted at the end of the procedure and that each country implements criminalization for illegal entry into their country in different ways, which is why they find opposite positions in this regard.



In some countries there is deportation, while in others there is detention, after a person alleges refuge until it is proven that person meets the requirements for refuge protection.

Once the session ended, it was resolved that, on some occasions, it is inhumane to deport to the country of origin due to the length of the arrests or the consequences on arrival. Furthermore, the arrest and deportation of asylum seekers turn out to be forms of prior criminalization, so protection must be activated before the final resolutions.

✓ **When is a non-political crime serious?**

Article 1F (b) provides for the exclusion of refugee status for those who have committed a “serious common crime” outside the country of refuge before being admitted to it as refugees.

According to UNHCR, for a crime to be considered political, political objectives must be consistent with the principles of human rights and fundamental freedoms, while a crime should be considered common when other motives are the predominant feature of the particular crime committed. When there are no clear links between the crime and its alleged political objective, or when the act in question is disproportionate in relation to the alleged political objective, common motives predominate.

The severity will depend on the nature of the act, the actual harm caused, the procedure used to prosecute or judge the crime, the nature of the penalty, and whether most jurisdictions would consider it a serious crime.

- **Session 9: Decision making**

✓ **Vicarious Trauma for Refugee Judges**

Reflecting on vicarious trauma, which is one that occurs to professionals who work with this trauma, upon learning of traumatic events that happen to others. Its symptoms and the way it affects decision-making (impaired credibility, anxiety in interviews/hearings, loss of empathy and concentration).

In the conclusions, recommendations were made so that the judges can deal with symptoms or manifestations of vicarious trauma: trainings, culture change, group sessions, therapy, counseling, reduction of workloads and exposure outside work, resilience)

- **Session 10: Work sessions on "Decision making"**

✓ **Social Networks and Social Media**

During this session, it was commented that, in 2019, a guide for the use of social networks by judges was created, which is not binding, but which nevertheless indicates that decision-makers must have a minimum knowledge in the matter, including the form in which evidence is generated for decision-making, which involves the availability of training and qualification on these issues.



Social networks allow obtaining information on the country of origin, while forcing decision makers to carry out a more thorough credibility analysis and considering the aspects surrounding the use of technologies and the way people manage the information on social media.

As for the evidence obtained, it is only half of the evidence, since it is important to remember that the strength of the evidence depends on the particularities of the story and that the admission of the evidence obtained by these means will also depend on the form of access to information and that it is always found in the file of the applicants.

In conclusion, it was indicated that each country should implement the regulation that it considers best on these issues, taking into account respect for the human rights of applicants and the basic principles of due process.

✓ **Persuasive credibility findings**

There was more in depth discussion that it should be explained (clearly, forcefully, concisely, correctly) when someone is rejected due to credibility issues, to persuade readers and not delve into credibility issues on specific topics or points that are not relevant to the decision, always keeping in mind that there are other aspects that can influence credibility and that do not mean falsehood of the story.

If the analysis of a credibility problem is well done, the reader will agree, since these are interests that have weight (cumulative weight). In addition, the standard of proof in the matter of refuge (consistent, transparent and frank) must be considered. Don't make the argument sound louder by adding weak positive reasons. When there is no evidence, you have to look at the COI, to see if there is external consistency and if there are doubts, it should be resolved in favor of the applicant, since their story is also evidence, with the exception that each story must be studied and analyzed case by case and considering the conditions of the applicant and the possible traumatic effects.

Day 3 - Friday, February 21

• **Session 11: Visit to the Inter-American Court of Human Rights**

The deputy secretary of the Inter-American Court of Human Rights contextualized the Inter-American Protection System (States parties to the OAS, States that have ratified the American Convention on Human Rights, and countries that have accepted the jurisdiction of the Inter-American Court of Human Rights (CoIDH). In addition, the procedure for filing complaints before the Inter-American Commission and its advisory function were studied in depth, and the issue of the international responsibility of States, groups in vulnerable situations and the reparations system was conceptualized.



- **Session 12: Massive Migration and Asylum in Latin America**
 - ✓ **The situation in Central America and Mexico**

The migration scenario in Mexico-Central America region is complex, particularly in the area that comprises Mexico and the countries of the so-called Northern Triangle (El Salvador, Guatemala and Honduras), given the magnitude of people migrating in the south-north direction, trying to get to the United States. The complexity of this process is linked to the different factors that drive migration and to the policies and regulations that are applied in the countries of origin, transit and destination. But, in any context, the human rights of migrants constitute the central aspect on which the measures implemented throughout the migration process should focus.

This task constitutes the main challenge of public policies, since they must be comprehensive and holistic in nature, taking into account the structural causes and factors associated with migration. The human rights approach cannot be used to justify arrest or deterrence but for effective protection of migrants.

- ✓ **Brazil's responses to Venezuelan massive migration flows**

In this session participants reflected on the issue of massive deportations and strategic litigation in Brazil in response to this issue, due to some human rights violations that have occurred. The lecture focused on studying more in depth the standard regulation of deportation, the recourse of *habeas corpus* in cases of arrests.

As relevant conclusions it was indicated that civil society, UNHCR and the courts have an important role in pressuring governments for a more humanitarian reception of the massive flow of Venezuelans. In addition, it was indicated that accelerated deportations occur in many countries and that mechanisms are created to make summary deportations in cases of migrants with criminal records or who pose threats to national security, which is debatable and the relevance that strategic litigation in Brazil has had in order to put these issues on the table for discussion, was emphasized.

- ✓ **Characterization of mixed migration flows and population profiles in need of international protection**

The speakers made a tour of the main migration routes of Latin American people to different parts of the region and abroad. In addition, the reality of the apprehension centers for migrants in Costa Rica was reflected and they described the trends in requests for international protection and the profiles of the population in need of protection according to the nationality with the largest number of applicants.

Migratory flows in the Latin American region are increasing and political, economic and social conditions in the countries have a direct impact on the movement of people, both internally and outside the borders, and it is necessary that destination countries adopt measures for the care of migrants and in need of international protection, always ensuring compliance with the commitments made, security, integrity and respect for the human rights of the people who arrive in their territories.



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- **Session 13: Artificial Intelligence and Data Analysis**
 - ✓ **Artificial Intelligence / Technology on the sidelines: Artificial Intelligence, Migration and Human Rights**

From both sessions it is concluded that it is not yet possible to decipher the implications that the development of Artificial Intelligence (AI) will have in the world, mainly on social relations. However, it is about technology to implement goals that change the way societies connect and human psychology cannot be left aside and that it is where the great challenge of the AI is.

There are two factors that affect the judges' decisions: the equations and the algorithms, so the environments in which people make decisions must be studied, since modifications in this environment alter those decisions.



VII. Results and general conclusions

- ✓ Security is a challenge in the region. In many countries, being a member of an organized crime organization may lead to the inadmissibility of a refugee claim, but a balance must be struck between human rights and not over-evaluating refugee claimants who have participated in criminal activities.
- ✓ Country information is considered an integral and indispensable factor in asylum decision-making, since it allows for the information on the situation and the respect for economic, social and cultural rights, and the causes of forced migration and protection profiles and needs, to strengthen the analysis of judges and adjudicators in cases of applications for international protection. This, in response to the increasing and diverse migratory flows that take place in the different regions.
- ✓ Terrorism is an international threat to security and therefore should be given the importance it merits, which is why the United Nations has taken a decisive role in this regard. The exclusion of individuals is easier in relation to article 1F.c, since the United Nations standardizes its application, which is not the case in relation to articles 1F.a and 1F.b.
- ✓ The World Conference in its different modalities made it possible to strengthen the participation and exchange of experiences of decision-makers from the different regions covered by IARMJ, as well as migration and asylum systems.
- ✓ The topics presented during the Pre and World Conference, allowed the adjudicators and decision makers of the different systems to have tools to resolve new trends in applications for international protection, as well as mixed migratory flows, by constituting a space for exchanging experiences and strengthening capacities to generate commitments in the search for a comprehensive approach to solving cases.
- ✓ Among the most relevant results is the strengthening of the participation of decision-makers from different Latin American countries in the World Conference represented by a total of 130 People from the countries of Canada, Mexico, Honduras, El Salvador, Guatemala, Costa Rica, Panama, Ecuador, Brazil, Peru, Aruba and the Dominican Republic. It is the first time in a Conference that there is a representation of all these countries at the same time, which made it possible to make visible the great challenges facing the region in issues related to the care of migrant cases and those with international protection needs.
- ✓ The Conference made it possible to reinforce the need for specific training and education spaces for decision-makers in the aforementioned matter and to strengthen capacities for the resolution of cases effectively and respecting due process.



- ✓ The International Association of Refugee and Migration Judges is a unique space that allows the exchange of information to promote the recognition of people with protection needs, as well as to attend to the cases of migrants.
- ✓ Learning from other regions in the management of cases of migrants and asylum seekers, allows strengthening systems by promoting shared responsibility in all countries.

Special Relevance Result

- ✓ In this conference the members who will make up the General Board of Directors, the Chapter Boards and the Supervisory Council were elected.
- ✓ The General Board of Directors of the IARMJ was chaired by Africa and Belgium and there is representation from Greece (Vice-presidency), New Zealand (Secretariat) and the Netherlands (Treasury), to which must be added the representation of South Africa, Slovenia and Costa Rica, through the presidency of the Chapters of Africa, Europe and the Americas, respectively.
- ✓ On the Supervisory Board there is representation from United Kingdom, Philippines, Tunisia, Norway, Switzerland, Australia, Germany, France, South Africa, Brazil and Canada.
- ✓ With the election of the new Board of Directors of the Chapter of the Americas, the representation of Latin American and Caribbean countries is significant. Members of the Administrative Migration Tribunal hold the presidency (Esteban Lemus Laporte), along with Canada as the previous presidency (Russel Zinn) and the fourth position as Board Member (Gabriela Richard Rodríguez) and there is representation of United States and Canada in the Vice-presidency (Paul Schmidt and Shirzad Ahmed), the Dominican Republic in the secretariat (Claudia María Peña Peña), Canada in the treasury (Gaetan Cousineau) and United States (Mimi Tsankov), Peru (Janet Tello Gilardi) and Brazil (Clara Santos Pimenta Alves) as Board Members (Ad Hoc Directors).

VIII. Actions to follow

- ✓ Publication by electronic means and official web pages (Page of the IARMJ and the XII Conference) of XII World Conference of the International Association of Refugee and Migration Judges Rapporteurship in Spanish and English.
- ✓ Actions to strengthen the system capacities within the Chapters: Coordination for holding regional meetings, exchanging experiences and training on specific topics.
- ✓ Resource management initiatives to strengthen the work of the IARMJ as a specialized network on Human Rights of migrants and International Refugee Law.



Annexes

IX. Photographs





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