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Dirección General para Asuntos Consulares y Vinculación

MINISTRY OF FOREIGN AFFAIRS

Directorate-General for Consular Affairs and Liaison

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Dialogue on GCM Implementation

Voluntary Sharing of Initiatives, Experiences and Lessons Learned - Uruguay

Below are some significant initiatives implemented by Uruguay, which adjust or respond to the commitments made in the Global Compact for a Safe, Orderly and Regular Migration.

1. Uruguay has created normative, regulatory and administrative instruments aimed at providing safe, orderly and regular routes of international mobility and permanence or residence in its territory, facilitating access to documentation and regularization. This constitutes one of the pillars of the national migration policy and the rights approach on which it is based.

The most significant instruments in this regard are the following:

a) Regulatory framework: Law 18.250 (6/1/2008), Migration; Law 18.076 (12/19/2006), Right to Refuge and Refugees; (Law 19.254 (8/28/2014), Processing of permanent residence for nationals of the Mercosur States Parties and Associates and relatives of Uruguayans of foreign origin; Law 19.362 (12/31/2015), Natural Citizenship; Law 19.682 (26/10/2018), Recognition and Protection of stateless persons.

Of particular note is Law No. 19.254, which aims to facilitate the permanent residence in the Republic of nationals of the States Parties and Associates of Mercosur and foreigners who are spouses, concubines, parents, brothers or grandchildren of Uruguayan nationals. The competent management body is in this case the Ministry of Foreign Affairs. This law deepens the internalization of regional residence agreements that significantly facilitate free mobility, positioning Uruguay internationally in a vanguard place¹.

The main characteristics of the residence process enshrined in this law are the following: access to the Uruguayan identity document at the beginning of the procedure; gratuity; exemption to prove means of livelihood and health card; possibility of starting the residence procedure in Uruguay or from the Uruguayan Consular Offices abroad.

b) Creation of the Rapid Response Plan for permanent residences processed by the National Migration Directorate of the Ministry of Interior, which allows extra Mercosur nationals to obtain the identity card at the same time as the permanent residence process begins. In force since 2013.

c) Granting of legal residence to people who have remained in the country illegally but are in a particularly vulnerable situation. Decree 118/018 (04/24/2018).

¹ 1 In 2017, the International Organization for Migration (IOM) highlighted Uruguay's migration policy as a good practice and an example in the region. He pointed to Uruguay as a model country for its policy of free mobility for South American migrants, within the framework of an approach of respect and promotion of the human rights of Migrants, which places it at the forefront of migration policies in the region. Reference available at: http://www.inm.gub.uy/images/documentos/Nota_OIM_MRREE_ROU.pdf.

d) Diversification of the types of visas to enter the country, for those nationalities that require it, in order to order migratory flows and ensure that they are regular and safe. Decree 356/2018 (10/29/2018).

e) Signature of bilateral residence agreements with Brazil and Paraguay, complementary to the regional residence agreements referenced above. Similar agreements with Argentina, Chile and Colombia are under study. In addition, to the already existing "Working Holidays" agreements signed with Australia and New Zealand, agreements were signed with Germany, France, the Netherlands and Sweden, and they have been proposed to Spain and Italy.

f) From January 1, 2019, electronic documents for migratory purposes that can be verified electronically are exempted from legalization or apostille, which facilitates access to administrative regularity. Law No. 19.670, art. 112 (10/25/2018).

g) Free family reunification process for foreigners who need a visa to enter the country. Law No. 19.670, art. 113 (10/25/2018). Also those who have made their temporary or permanent residence request from Uruguay's Consular Offices abroad are exempted from paying the consular fee.

h) Based on the coordination done within the National Migration Board, the National Migration Directorate and the INAU (Childhood and Adolescent Institute of Uruguay) created the "Action Protocol for the care of undocumented Venezuelan children and adolescents". This document is a response to the growing number of arrivals of this group, which has no possibility of proving the link with the people who accompany them, thereby seeking to guarantee the protection of their rights and also identifying possible situations of trafficking in persons, among other situations.

2. The Ministry of Social Development, with the collaboration of other organizations, has organized workshops on the dissemination of information on labour, education and health rights aimed at migrants and carried out in the main cities of reception.

3. Information that facilitates the migration process, such as referential guides and information leaflets on requirements necessary to reside, study, work, access to social security, health services and justice are made available to migrants. Consultation on procedures in Uruguay is also promoted in a reference web portal. Recently, new graphic and audiovisual material has been created for the dissemination of Uruguayan migration policies, the rights and contributions of migrants, procedural guides, as well as practical recommendations for travelling.

4. Law 19.643 (7/20/2018), "Trafficking in persons. Rules for prevention and combat", has been passed for the prevention, prosecution and punishment of trafficking and exploitation of persons, the fight against related crimes such as illegal traffic, as well as care, protection and reparation of victims, applying a comprehensive approach to the problem.

5. Uruguay guarantees access to basic services for all people living in the country, regardless of their immigration status. National legislation recognizes migrants and their families the right to migration, family reunification, due process and access to justice, as well as equal rights with nationals, without distinction. It also guarantees rights and equality with nationals regarding work, social security, health and education.

Migration irregularity does not prevent foreigners from having free access to justice and health facilities, while the access of their children to educational institutions cannot be denied or limited due to the irregular situation of the parents. All bodies must inform people of ways to regularize their stay in the country. On the other hand, the Migration Law establishes the prohibition of collective expulsion of migrants. Within the framework of the existing regularization processes, Uruguay also makes it possible to change the migratory category within the country.

6. Creation and institutional strengthening of the National Migration Board, coordinating and advisory body for migration policies, of an intergovernmental nature and with the institutionalized participation of civil society, which allows for better governance of international human mobility. The policies promoted and implemented in this area aimed at ensuring a safe, orderly and regular migration by applying a comprehensive approach.

7. Strengthening of the policies related to the Uruguayan community living abroad in which civil society participates through the Consultative Councils and Associations of Uruguayans, key actors recognized in the Migration Law.

The World Encounters of these groups and the Youth Encounters abroad, both biennial and organized by the Directorate of Liaison with the Uruguayans abroad, at the Ministry of Foreign Affairs, as well as the annual Regional Meetings organized by civil society in which the State participates, are examples of success in the channeling of proposals, recommendations and needs, as well as in the integration of the diaspora, the guarantee of their rights and the improvement in their contribution to the development of the country.

Other fundamental characteristics of the linkage policies implemented by the Uruguayan State within the framework of the country's immigration policy include: normative recognition of the liaison policies and of the agency that defines and executes them; incentive for the creation and strengthening of Consultative Councils and Associations, as well as other groups and networks of Uruguayans residing abroad; high coordination and inter-institutional articulation, involving Secretariats, Agencies and public service providers, with the cross-cutting objective that the State agencies as a whole include programs to meet the requirements and recommendations of the diaspora; construction of effective information

and expression channels, democratic, durable, participatory and inclusive, between the State and civil society, and among the groups or individuals that make up the latter, with active participation of consular agents; surveys on territorial distribution and profile of diasporas; promotion of cultural activities abroad to strengthen identity and links with the country; strengthening of development policies, with the participation of highly prominent members of the diaspora.

In the latter case, meetings between highly qualified Uruguayans residing abroad, from various disciplines, with local counterparts have been facilitated to channel the contribution of their knowledge and experiences in strategic areas prioritized by the Government.