

University of Sydney Policy Reform Project

Research Paper for Global Migration Lab (Australian Red Cross): *Addressing Humanitarian Challenges and Protecting Migrants in the Global South*

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Acknowledgement of Country

We acknowledge the traditional custodianship and law of the Country on which the University of Sydney campuses stand, in particular the Gadigal people of the Eora Nation. We pay our respects to those who have cared and continue to care for Country, Aboriginal and Torres Strait Islander Elders past, present and emerging. Sovereignty was never ceded. It always was and always will be Aboriginal land.

About the Sydney Policy Reform Project

The Sydney Policy Reform Project ('Project') facilitates University of Sydney students to write research papers for policy organisations, and submissions to government inquiries, under supervision from University of Sydney academics. The Project is a volunteer, extra-curricular activity. The Project is an initiative of the Student Affairs and Engagement Team within the Faculty of Arts and Social Sciences, and the Division of Alumni and Development, at the University of Sydney. The Project is funded by a donor to the University of Sydney. Any inquiries about the Project or about this paper should be directed to the Administrator, Ms Maeve Cairns, at the following email address: <fass.studentaffairsandengagement@sydney.edu.au>.

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Policy Brief

Paper	Topic	Academic Supervisor
5 GML	Protection for Migrants in the Global South	Professor Mary Crock

About Global Migration Lab

The [Red Cross Red Crescent Global Migration Lab](#) (the Lab), hosted by Australian Red Cross, is an initiative of the International Red Cross and Red Crescent Movement (the Movement)¹ designed to strengthen the Movement’s capacity to harness operational research and data for evidence-based humanitarian diplomacy and advocacy. The Lab also seeks to amplify the voices, expertise and lived experience of migrants to guide and inform policies and programs and to promote a humanitarian agenda in global migration governance.

The Lab’s [flagship reports on COVID-19 and access to basic services for migrants](#) have influenced policy discussions and humanitarian diplomacy at the national, regional and global level. The [latest report on migrants’ trust in humanitarian action](#), which involved research with over 16,000 migrants across 15 countries in the Asia Pacific, Africa, Europe, and Latin America, has informed the work of the Movement on the provision of services and protection to migrants in need. Currently, the Lab is conducting a large research project to investigate the risks that migrant women and children face, and what can be done to prevent family separations, disappearances, and deaths from happening across Africa, the Americas and Europe.

Background

While most policy and media coverage focus on migrant movements to Europe and North America, many the world’s migrants (including asylum seekers and refugees) are located in the Global South. This include transit and host-countries like Colombia, Mexico, Kenya and South Africa, where humanitarian organisations are increasingly

¹ The International Red Cross and Red Crescent Movement is a global humanitarian network that helps those facing disaster, conflict and health and social problems. It consists of the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC) and the 191 National Red Cross and Red Crescent Societies (NS).

active in providing humanitarian assistance and protection to migrants in vulnerable situations.²

In this context, it is increasingly important to engage, and learn from, existing and alternative pathways for the protection of migrants in the Global South.³ This includes, but is not limited to: (i) the identification and assessment of protection needs; (ii) mechanisms for entry and stay based on human rights protection grounds; (iii) mechanisms for entry and stay based on discretionary grounds; and (iv) regularization and alternative pathways to return.⁴

Research questions

This project will answer the following questions:

1. How is protection for migrants understood and implemented in countries like Colombia, Mexico, Kenya and South Africa?
2. Which regional and domestic policies and/or mechanisms apply for diverse groups of migrants in each of these four countries?
3. Who are the main policymaking and implementing actors in each country and how do they influence protection in rhetoric and in practice at the national level?

For the purposes of this research, the Movement's broad and inclusive description of "migrants" should be used. This includes all persons who cross borders to seek safety or better prospects, including asylum-seekers, refugees, labour migrants, migrants with irregular status, and stateless persons, among others.⁵ When exploring existing and alternative pathways to protection, the project should focus on issues of humanitarian concern, which include, but are not limited to, (i) protecting migrants from death, violence, abuse and violations of their fundamental rights; (ii) guaranteeing that migrants, irrespective of legal status, have effective access to essential services; (iii)

² Humanitarian responses include, but are not limited to, activities for migrants who have protection or assistance needs, from emergency basic needs assistance (food, shelter, non-food items) to health care, psychosocial support, cash assistance, provision of information, legal advice and referrals, to restoring family links (including tracing missing persons and accompanying their families) and activities for detained migrants.

³ Protection can be understood as "... all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. HR law, IHL, refugee law)". See: [Inter-Agency Standing Committee, 2016](#).

⁴ See: [Office of the United Nations High Commissioner for Human Rights, n.d.](#)

⁵ See: [International Federation of Red Cross and Red Crescent Societies \(2009\)](#).

prioritising the most vulnerable; and (iv) using detention only as a measure of last resort.⁶ Students are encouraged to incorporate tables or other visual comparison tools in answering the research question(s), particularly questions asking for a comparison of existing legislative/policy landscapes.

Key Deliverables

The main task is to produce a brief on the topic of protection for migrants in the Global South, including an evaluation of existing responses and good practices with a geographical focus in Colombia, Mexico, Kenya and South Africa. The brief should draw from existing and recent research by academics in Australia and overseas (particularly Africa and the Americas), as well as by organisations such as the African Union, the Organisation of American States, the International Organisation for Migration, the International Labour Organisation, and the United Nations High United Nations High Commissioner for Refugees.

Research Parameters

- Recent literature – includes both academic and grey literature, from 2000 onwards.
- Recent literature and government documents should be prioritised.
- **NB:** researchers should outline their search strategy, reasons for inclusion/exclusion of sources, and any possible limitations of included sources. It is strongly encouraged to take advantage of the University's [library services](#) to develop a robust research method. Please take care to ensure all information sources are referenced accurately and completely, according to the [Harvard Referencing Style](#).

Preliminary Resources

- [Migration Policy Institute Reports:](#)

⁶ See: [Council of Delegates of the International Red Cross and Red Crescent Movement](#) (2017).

List of Acronyms

ACAP = Accountability in Crisis-Affected Populations

ATD = Alternatives to Detention

CBP = U.S. Customs and Border Protection

CAT = Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

COMAR = Comisión Mexicana de Ayuda a Refugiados (Mexican Commission for Refugee Assistance)

CoRMSA = Consortium for Refugees and Migrants in South Africa

CURP = Clave Única de Registro de Población (Unique Population Registry Code)

CP = Comprehensive Program to Prevent, Treat, Punish and Eradicate Violence Against Women

DEL = Department of Employment and Labour (South Africa)

DHA = Department of Home Affairs (South Africa)

DRC = Danish Refugee Council

DRS = Department of Refugee Services (Kenya)

EAC = East African Community

ETPV = Estatuto Temporal de Protección para Migrantes Venezolanos (Temporary Protection Status for Venezuelan Migrants - Colombia)

EU = European Union

EO = Executive Order

FM3 = Temporary Resident Visa (Mexico)

GCM = Global Compact for Safe, Orderly and Regular Migration

GIFMM = Grupo Interagencial sobre Flujos Migratorios Mixtos

HIAS = Hebrew Immigrant Aid Society

ICRC = International Committee of the Red Cross

ID = Identity Document

IDP = Internally Displaced Person

IFC = International Finance Corporation (member of the World Bank Group)

IGAD = Intergovernmental Authority on Development

ILO = International Labour Organization

INM = Instituto Nacional de Migración (National Migration Institute—Mexico)

IO = International Organisation
IOM = International Organization for Migration
IRC = International Rescue Committee
IRB = Immigration and Refugee Board of Canada
LRCP = Law on Refugee, Complementary Protection and Political Asylum (Mexico)
MIRPS = Comprehensive Regional Protection and Solutions Framework
MPP = Migration Protection Protocols (U.S.-Mexico)
MSF = Médecins Sans Frontières
NCM = National Coordination Mechanism on Migration (Kenya)
NGO = Non-Governmental Organization
NRC = Norwegian Refugee Council
OAU = Organization of African Unity
OHCHR = Office of the United Nations High Commissioner for Human Rights
PWG = Protection Working Group
SADC = Southern African Development Community
SGBV = Sexual and Gender-Based Violence
SINTRA = Sistema Nacional para Prevenir, Sancionar y Erradicar la Trata de Personas (National Anti-Trafficking System – Mexico)
SoM = Smuggling of Migrants
SSP = Shelter and Services Program (Mexico)
TVRH = Temporary Humanitarian Residence Visa (Mexico)
UN = United Nations
UNHCR = United Nations High Commissioner for Refugees
UNICEF = United Nations Children’s Fund
UNODC = United Nations Office on Drugs and Crime
USCRI = U.S. Committee for Refugees and Immigrants
ZEP = Zimbabwean Exemption Permit (South Africa)

Executive Summary

This brief provides an overview of protection mechanisms for migrants in the Global South with a focus on Colombia, Mexico, Kenya and South Africa as major destination and transit countries. Each country faces unique challenges to protection whether it be shifting migration flows, resource constraints or trajectories towards securitisation.

National mechanisms typically prioritise general humanitarian needs, lacking responsiveness to vulnerable migrant groups including young people, LGBTQ+ people, women, victims of trafficking, and migrants living in rural areas. These groups continue to face higher risks of violence and barriers to support. It is important that protection policies include adequate screening for these groups and that tailored services are accessible and well-funded. Trauma-informed approaches for migrants facing SGBV are crucial.

In all four countries migrants face barriers to participation in the labour force, including concentration in informal work, vulnerability to exploitation, and limited permission to work. It is recommended that efforts to increase formal employment are underpinned by regularisation mechanisms, protections against exploitation are improved, skills programs are expanded, and permission to work is simpler to access.

Gaps between protection policy and implementation are often supplemented by international and local NGO assistance through extra funding, social programs, and legal advocacy. The support of international organisations, especially United Nations bodies and the World Bank, has been crucial for the development of protection policies and funding of services in all four countries. The adoption of regional migration frameworks varies, but many provide strong policy guidance. Close coordination between these state and non-state actors is important.

Irregular migrants face the most difficult challenges to accessing protection. Temporary regularisation mechanisms in Colombia and South Africa have been partially successful in addressing influxes of irregular migration. It is recommended that these might be implemented in other countries facing similar issues, but clear pathways from these mechanisms to permanent status are necessary to provide a sense of security.

Migrants also face many bureaucratic hurdles and language barriers. Access to protection should be democratised through the provision of translators and translated documents, ensuring migrants know their rights and the services available to them.

Shifts towards the securitisation in most countries are worsening migration policy outlooks. In Kenya however, the shift away from containment to integration is a step in a positive direction despite difficulties in implementation. Like in Kenya, migrants should be viewed as contributors to development, not passive recipients of aid.

Methodology

This paper uses a desktop-based research methodology, reviewing academic literature, government policy documents, and NGO and IO publications across databases such as JSTOR, UNHCR's Data Portal, and the IOM's Migration Data Portal.

Key Terms

- **Migrant:** “persons who leave or flee their habitual residence to go to new places... to seek opportunities or safer and better prospects” (IFRC 2009, p. 2), including refugees, asylum-seekers, labour migrants and migrants with irregular status. Internal migrants are not considered for the purposes of this report.
- **Protection:** Activities aimed at respecting the rights of individuals under international human rights, humanitarian and refugee law. This includes:
 - Protection from death, violence, abuse and exploitation.
 - Access healthcare, education, and social assistance
 - Prioritising the most vulnerable
 - Detention as a last resort

Despite its increasing relevance in migration studies, empirical evidence concerning migration between developing countries remains scarce ([Nawyn, 2016](#)). This policy report aims to address the knowledge gap by examining the phenomenon and regulation of South-South migration in four countries: Colombia, Mexico, Kenya, and South Africa. We examine domestic and regional protection mechanisms for diverse migrant groups and the influence of policymaking actors to contribute to more responsive, evidence-based migration regulation in these regions.

Country Contexts

Colombia: Colombia, previously considered a sender country, has experienced a significant rise in migrant arrivals in response to Venezuela's ongoing migration crisis, which has forced millions to flee in search of safety and stability (Carvajal 2017).

Approximately 2.9 million Venezuelan migrants resided in Colombia in 2025 (UNHCR 2025), making Colombia a primary host country for the Venezuelan crisis diaspora.

Mexico: Venezuelans also dominate the migrant population in Mexico, followed by migrants from Guatemala, Honduras, Europe and Africa ([IOM 2024](#)). Roughly 124.8k refugees (out of 1.7 million migrants) have sought formal asylum in Mexico (UN DESA 2023). The composition of migrants moving into and through Mexico is ever changing and dependent on politics of the Latin American region. Following changes in US foreign policy, Mexico has shifted from country of origin, transit and return to both transit and host with increasing cases of permanent immigration towards Mexico itself.

Kenya: Kenya is a major destination for refugees in the Horn of Africa, hosting hundreds of thousands of refugees from Somalia, South Sudan, and other countries. Historically, Kenya used a containment approach to refugee management (notably in the Dadaab and Kakuma camps). Recent developments—including the Refugees Act 2021 and the launch of the “Shirika Plan” integration strategy—indicate a policy shift towards local integration and self-reliance for refugees (World Bank, 2024; UNHCR, 2025b). This is occurring even as Kenya continues to grapple with resource constraints and security considerations in its migration management.

South Africa: South Africa has become a major destination country for labour migrants and asylum-seekers from across Africa due to its relative economic and political stability, recording 2.4 million foreign-born residents in 2022 (Stats SA 2023). Rising economic hardship and the belief that labour migrants are abusing the asylum system has seen migration increasingly securitised (Lennep 2019, Moyo & Zanker 2022). Protections are framed as “privileges” by state policymakers (DHA, 2024 p. 34) and xenophobic attacks are common (Moyo 2021).

Analysis

Migration policy across Colombia, Mexico, Kenya, and South Africa reflects a complex intersection of legal frameworks, socio-economic challenges, and gendered vulnerabilities. In all four countries, migrants, particularly women and young people, face high rates of informal employment, limited access to social protection, and systemic barriers to economic inclusion. (Bürkner 2011).

National protection mechanisms tend to prioritise general humanitarian needs, with insufficient attention to survivor-centred, trauma-informed, and gender-responsive services (World Justice Project 2019). Each country has adopted measures to address sexual and gender-based violence (SGBV), however, enforcement may be uneven, particularly in rural or underserved regions, where legal protections can fail to translate into meaningful support. Temporary protection schemes, such as Colombia’s ETPV and South Africa’s ZEP, reflect efforts to promote regularisation, and international uptake of such schemes would be positive (International Rescue Committee 2023).

A comparative overview is summarised in Figure 1 below, which contrasts key dimensions of migrant protection across the four countries.

Figure 1. Comparative Overview: Migrant Protection in Colombia, Mexico, Kenya, and South Africa

Category	Colombia	Mexico	Kenya	South Africa
Main Migrant Groups	Venezuelans (2.9M)	Venezuelans, Central Americans	Somalis, South Sudanese	SADC nationals, Zimbabweans
Legal Framework Strength	Strong	Strong	Moderate	Moderate
Access to Healthcare	Medium	Medium	Low-Medium	Medium
Access to Education	High	Medium	Medium	High
Labour Market Inclusion	Partial	Partial	Weak	Weak
Protection Against SGBV	Recognised	Recognised	Recognised	Recognised
Regularisation Pathways	Strong	Moderate	Weak	Moderate
Role of Non-State Actors	Strong	Strong	Very Strong	Strong

Source: Author’s own illustration (2025).

Colombia

Historically, Colombia has been characterised by emigration, driven by armed conflict and economic instability that prompted millions of Colombians to emigrate (Carvajal 2017). Prior to 2017, Colombia's net migration rate stood at -0.6 per 1000 inhabitants, reflecting its position as a sender country (Integral Human Development 2021). However, since 2018, Colombia has seen a significant rise in migrant arrivals, largely due to the ongoing political and economic crisis in Venezuela. Currently, approximately 2.9 million Venezuelan migrants reside in Colombia (UNHCR 2025), making Colombia a key player in regional migration management and raising important humanitarian and socio-economic integration challenges (Bitar 2022).

Legislation such as Ley 1465 de 2011 and Decreto 4062 de 2011 created institutions like Migración Colombia and the National Migration System to coordinate policies and define the rights of migrants (Hussein & Nye 2024). The Temporary Protection Status for Venezuelan Migrants (ETPV), was introduced in 2021, granting over 2.5 million Venezuelans the right to reside in Colombia for ten years and providing access to employment, healthcare, and social protection (Poveda-Clavijo & Mena 2024). However, the relatively recent and extra-regional nature of immigration to Colombia has resulted in persistent gaps in existing literature, particularly concerning the country's treatment of labour migrants, irregular migrants, and asylum seekers (International Crisis Group 2022).

Health Conceptualisations

Health access is a pillar of Colombia's migration policy. Regularised migrants under the ETPV can join the public healthcare system (Poveda-Clavijo & Mena 2024). Yet administrative delays, under-resourced rural services, and discrimination hinder access, especially for vulnerable groups like pregnant women or those with mental health needs (International Crisis Group 2022).

Social Conceptualisations

Social protection in Colombia encompasses access to education, social assistance programs, and care for victims of gender-based violence. Migrant children, regardless of status, have the right to education, and initiatives have supported the enrolment of

Venezuelan minors (Freier & Parent 2019). For LGBTQ+ migrants, Colombia's constitution provides protections based on sexual orientation and gender identity (Human Rights Watch 2024), but organisations like Caribe Afirmativo advocate for more targeted protections (Vassigh 2024). Despite these efforts, access to effective support remains inconsistent, highlighting the need for stronger institutional coordination and targeted interventions (Bitar 2022).

Economic Conceptualisations

The ETPV supports economic integration by enabling formal employment, social security enrolment, and financial access (Poveda-Clavijo & Mena 2024). Yet many migrants remain in informal jobs due to discrimination, bureaucracy, and limited opportunities, particularly in rural areas (International Crisis Group 2022). While international partnerships have expanded livelihood programs, more effort is needed to ensure equitable job access and financial inclusion.

Regional and Domestic Policies for Migrant Protection

Colombia's migrant protection framework is shaped by both national and regional commitments. It is a signatory of the 1984 Cartagena Declaration, which broadens refugee definitions beyond the 1951 Convention to include displacement from violence and human rights violation, facilitating greater protection for displaced persons (Maldonado Castillo 2014).

Colombia also participates in the Quito Process, a regional initiative addressing the Venezuelan migration crisis (International Organization for Migration 2025). Domestically, it aligns its legal framework with international norms, Decreto 2840 de 2013 regulates recognition of refugee status and aligns Colombia's asylum system accordingly (Amnesty International 2018). The ETPV, as part of this framework, has regularised over two million Venezuelans and improved their access to basic services (Poveda-Clavijo & Mena 2024).

Despite these efforts, there are disparities in implementation. Urban centres like Bogotá and Medellín offer more comprehensive services, while rural border areas and areas affected by conflict face challenges due to limited institutional capacity and coordination (King & Hare 2024). These gaps exacerbate vulnerabilities, especially to

sexual and gender-based violence (SGBV) (Calderón-Jaramillo et al., 2022). Amnesty International reports a 71% increase in gender-based violence against Venezuelan women between 2018 and 2021, with many migrant women lacking access to justice and protection services (2022). While Law 1257 of 2008 provides legal frameworks to protect women from violence, implementation is inconsistent, with many regions failing to enforce protections effectively (United Nations Association of Australia 2020).

Key Policy Making and Implementing Actors in Migrant Protection

State Actors

On a domestic level, the Unidad Administrativa Especial de Migración Colombia oversees migration policies and border control (Bitar 2022). The Ministry of Foreign Affairs manages international cooperation, while the Ministries of Labour and Health facilitate migrants' access to employment and healthcare services. Local governments handle housing, education, and social services (International Crisis Group 2022).

Despite a welcoming stance towards migrants, Colombia faces challenges in translating policy commitments into effective protection. Political shifts have led to rising xenophobia, and there are concerns that anti-migrant rhetoric may affect future policy directions (King & Hare 2024).

Non-state Actors

Non-state actors, including international organisations and local NGOs, play a crucial role in complementing government efforts through humanitarian assistance, legal aid, and socio-economic integration programs. The Grupo Interagencial sobre Flujos Migratorios Mixtos (GIFMM) coordinates the global response to the Venezuelan migration crisis, mobilising resources from the UN, Red Cross, and local NGOs (King & Hare 2024). Additionally, the World Bank allocated \$1.6 billion to assist Colombia, supporting both migrant and host communities (World Bank Group 2021).

Local NGOs such as Fundación Capital and GOAL Global have implemented programs to promote financial inclusion and provide social support to tens of thousands of migrants across Colombia (Gómez & Romero 2024, GOAL 2025).

Mexico

In Mexico, migrant protection is founded on rights-based legal, social, and economic systems. Article 11 of the Constitution guarantees migrants access to protection and human rights. Key instruments include: (i) the 2011 Migration Law (ML), treating irregular migration as an administrative offense and prohibiting abuse by public servants (Art. 6, ML); (ii) the 2011 Refugee and Asylum Law, which outlines asylum procedures; (iii) Mexico's ratification of the 1951 Refugee Convention and commitment to non-refoulement (UNHCR); and (iv) the broader refugee definitions under the 1984 Cartagena Declaration, including gender-based persecution (Center for Human Rights, Gender & Migration, 2020; Global Compact on Refugees, 2025).

Policies and Protection Mechanisms

The IOM identifies Mexico's migration governance as aligned with its national development through the *Plan Nacional de Desarrollo 2019–2024* (Migration Data Portal 2025). Mexico has adopted the Mexican Model of Human Mobility, promoting migrant integration (Gobierno de México 2024). All migrants, regardless of status, are entitled to health and education (Art. 8, ML).

Labour Migrants

Under the 1990 UN Migrant Workers Convention, Mexico protects labour migrants and emigrants. Migrants may enroll in the Mexican Social Security Institute or use municipal services via the People's Insurance program.

Trafficked Persons

Trafficking for labour and sexual exploitation occurs along the Eastern Migration Route—particularly in Tapachula, Chiapas, Quintana Roo, Tijuana, and Sonora (Correa-Cabrera, 2017; Institute for Economics & Peace 2025; Zhang, 2014; Vision of Humanity 2025). Mexico, a Palermo Protocol signatory, criminalizes trafficking under federal law (2007 Código Penal Federal; 2012 Anti-Trafficking Law). While Sonora has reduced trafficking via coordinated state efforts (Vision of Humanity 2025), protection elsewhere remains inconsistent. Some states offer shelters; others depend on out-of-state facilities (U.S. Department of State, 2023). The SINTRA system monitors anti-

trafficking programs, and the INM provides temporary visas and work permits to victims.

Irregular Migrants

Irregular status is exacerbated by legal and deterrence policies (Alvarez Velasco 2016). From January to May 2024, the INM recorded 1.39 million irregular migrants (OHCHR 2024). Legal pathways include the TVRH, valid for one year with limited labor rights (Art. 77, General Health Law). A dedicated Working Group manages irregular migration, monitors routes, and oversees the Human Mobility Model (Gobierno de México 2024). Yet, increasing militarization—such as National Guard deployment—has led to detentions and deportations, contradicting protective rhetoric (Rizzo Larra 2022).

Asylum Seekers

Mexico functions as a transit country. Children and guardians receive automatic humanitarian parole and can apply for asylum without family separation or detention (Art. 52-V-b, ML; Art. 99, ML; Art. 6, ML). Asylum seekers may apply for TVRH and receive a CURP to access public services. COMAR oversees applications, and UNHCR supports integration through its Local Integration Program (UNHCR 2025).

Barriers include: (i) COMAR's limited capacity (Butron 2023); (ii) isolated COMAR locations (Human Rights Watch 2022; National Immigration Forum 2023); (iii) no presence at ports of entry (WOLA 2021); (iv) language and tech issues with CBP One (Norwegian Refugee Council 2024); (v) misinformation (PWG 2024); and (vi) lack of documentation (UNHCR 2024).

Refugees

Refugees may settle anywhere with COMAR notification (Art. 49, LRCP). They receive the most benefits, including: (i) access to education and healthcare via MIRPS (MIRPS 2022); (ii) job integration through the Mexico Employs You platform (Gobierno de México 2024); (iii) inclusion in UNHCR's integration programs (UNHCR 2023); and (iv) welfare access through multiservice centres in Tapachula and northern Mexico (Gobierno de México 2024).

Returns

US-Mexico agreements and executive orders have led to securitized shelters and reception centres. The "Mexico Embraces You" strategy provides returnees with welfare support, jobs, and transport (Gobierno de México 2025). Social security is ensured through bilateral agreements (e.g., 1996 Canada-Mexico Social Security Agreement; PRIM program) to prevent trafficking and promote income stability (International Labour Organization 2021). Non-Mexican returnees receive less government assistance (DW 2025).

SGBV

24–80% of women and up to 50% of LGBTQ+ individuals face SGBV during migration (Amnesty 2011). Despite Mexico's commitment to the CAT, 2007 General Law on Women's Access to a Life Free of Violence and the CP, SGBV and societal stigma persist (Amnesty International 2022, UN 2023, IRB 2024). Asylum officers have been provided trauma-informed training (Washington University 2020), but most rely on NGOs for protection (Red Nacional de Refugios 2020; Schmidt and Buechler 2017).

Policymaking Actors

Although migrant rights are legally binding, violations occur due to impunity and violence by both state and non-state actors (Kovic and Patty 2017; Schmidt and Buechler 2017; Bassnett 2021). Abuses include persecution, arbitrary detention (Danish Refugee Council 2023), and extrajudicial killings (Kryg and Andrade 2024; Human Rights Watch 2025; Alaminos 2024). Since 2018, Mexico shifted from a rights-based approach (PEM 2014–2018) to deterrence via militarised enforcement, with migration policy now overseen by the Ministry of Foreign Affairs (Fundación para la Justicia 2020; INM 2016; Masferrer et al. 2023).

External State Actors

US policies such as the MPP influence Mexican strategies (American Immigration Council 2025). Despite Mexico's humanitarian rhetoric, these bilateral deals foster enforcement over protection (Gomez-Mera 2024; Latin America Reports 2022), reinforcing the perception of migrants as security threats (Kovic & Kelly 2017). The

“Mexico Embraces You” response addresses consequences of US immigration reforms, including mass deportations, the CBP One ban, and other executive orders (ACAP 2025; Gobierno de México 2025).

Non-State Actors

IOs, INGOs, NGOs, and civil society collaborate with Mexico’s government. UNHCR supports refugee labor inclusion and ATDs (UNHCR Mexico 2017). INGOs provide services and legal aid. Civil society groups, such as *Centro de Derechos Humanos Fray Matías*, advocate for migrant rights (Global Compact on Refugees 2025; Caponio & Jones-Correa 2017). Casas del Migrante, though civil society-run, act as de facto refugee camps, offering safety from both state and cartel violence (Infante et al. 2022; Schmidt & Buechler 2017).

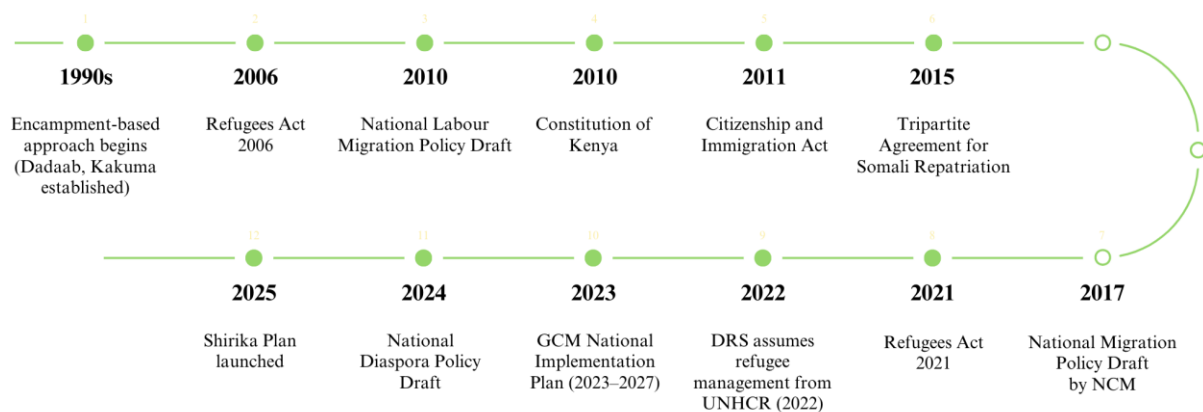
Future Directives

Between 2023 and 2024, Mexico saw a 97% drop in humanitarian visas, largely due to documentation barriers (IOM 2025; PWG 2023). Closure of legal entry into the US and cuts to USAID pushes migrants into reliance on smuggling networks (Mixed Migration Centre 2024) and violence is increasing in the North of Mexico (PWG 2024).

Kenya

Kenya has long played a central role in East Africa’s migration hubs, hosting over 830,000 refugees and asylum seekers as of early 2025, primarily from Somalia, South Sudan, and the Democratic Republic of Congo (Xinhua, 2025). Historically reliant on encampment policies—particularly in Dadaab and Kakuma (Abuya, 2007)—Kenya’s legal system shifted from containment to integration. This shift is part of a longer historical trajectory of policy evolution, as illustrated in Figure 2. The Refugees Act 2021 replaced the restrictive 2006 Act and grants refugees rights to work, education, healthcare, and property (Lugulu & Moyomba, 2023). It reconceptualises refugees as contributors to development rather than passive recipients (Halakhe & Omondi, 2024).

Figure 2. Timeline of Kenya’s Migration Governance Developments (1990s–2025)



Source: Author’s own illustration (2025).

However, contradictions between Kenya’s constitutional commitments and its implementation frameworks persist. The 2010 Constitution guarantees equal rights to all (Murray, 2013), but many refugees lack national IDs and face service access barriers (Okello, 2024). The 2025 Shirika Plan aims to convert camps into self-sufficient communities, but resource and security issues persist (Xinhua, 2025; Halakhe & Omondi, 2024).

Health

Healthcare provision remains a major challenge. Although the Refugees Act mandates access to basic services (The Refugees Act, 2021, [2021]), urban refugees often depend on UNHCR and NGOs for healthcare and nutrition (UNHCR, 2025).

Organisations such as HIAS (2022) and the Refugee Consortium of Kenya (2024) offer maternal health programs and SGBV services, but the absence of national ID numbers limits full access to government health insurance (Okello, 2024).

Social

Educational access exists in both public and camp-based schools, though NGOs support most unaccompanied children in urban settings. NGOs also offer protection services for children facing separation and abuse, especially in urban environments. The lack of birth registration among some refugee children further complicates access to services and integration (Mendenhall et al., 2015).

Economic

Increased urbanisation has led to more refugees seeking employment, yet complex work permit processes and poor coordination between refugee and ID systems hinder economic inclusion (Halakhe & Omondi, 2024). The IFC and UNHCR estimate refugee businesses in Kakuma contribute USD 56 million to the local economy (Nabenyo, 2019). While the Refugees Act affirms the right to work, bureaucratic delays and employer reluctance continue to marginalise refugee labour.

Protection Policies for Diverse Migrant Groups

Labour Migrants

Labour migrants from EAC countries benefit from regional mobility (Hirsch, 2023), while others face more complex entry rules. Though a National Labour Migration Policy has been drafted, it remains unadopted (ILO, 2020). Legal protections are mostly derived from general labour laws and bilateral agreements, with visa amnesties granted in crises (NCM Secretariat, 2020).

Trafficked Persons

Kenya functions as a destination, source, and transit country for human trafficking. As a known human trafficking hub (Offia, 2020), Kenya has adopted the 2010 Counter-Trafficking in Persons Act, providing rehabilitative support for victims (Odhiambo, 2017; Aziz, 2015; Owiso, 2019). However, victims are frequently misidentified as

irregular migrants, and prosecution rates remain low (Migrants & Refugees Section, 2020). IOM and NGOs provide shelter and care (Muriuki, 2022; IOM, 2023), but capacity is limited. Although officials receive anti-trafficking training (U.S. Department of State, n.d.), protection remains patchy.

Irregular Migrants

Irregular migrants face punitive enforcement under the Citizenship and Immigration Act 2011, which authorises detention and fines (Mbuthia, 2016). Many Ethiopians and Somalis are held in overcrowded facilities (Global Detention Project, 2020). Kenya's National Plan under the GCM (2023–2027) is non-binding (IOM, 2023), and although some border-crossers may be referred for asylum (Xinhua, 2025), most protection remains ad hoc (McNally et al., 2025).

Refugees and Asylum Seekers

Kenya's refugee regime is grounded in the 2021 Refugees Act, aligned with the 1951 UN Refugee Convention and 1969 OAU Convention (Amatsimbi, 2024). Responsibility for refugee management shifted to the DRS in 2022 (IRC, 2022), and Kenya participates in the IGAD Nairobi Declaration (2017). Most refugees remain in Kakuma and Dadaab (Xinhua, 2025), with about 16% in urban areas (Halakhe & Kara, 2025). The Shirika Plan promotes integration, but delays in ID issuance and permit processing remain key obstacles (Halakhe & Kara, 2025).

Returnees

Kenya supports the return of both nationals and refugees. Somali repatriation is facilitated through tripartite agreements (UNHCR, 2015), with IOM assistance (IOM, 2022). While premature returns—like the 2016 Dadaab closure—drew concern (NRC, 2016), Kenya generally upholds non-refoulement (Muriithi, 2022). Reintegration programmes under the GCM include entrepreneurship and psychosocial support (Utsch, 2020).

Policymaking and Implementing Actors

State Actors

Policy is led by the Ministry of Interior and the DRS, with support from the National Registration Bureau and Directorate of Immigration Services. Past enforcement operations, like Usalama Watch, drew rights criticisms (Human Rights Watch, 2015). The courts have played a protective role, blocking unlawful camp closures (Amnesty International, 2017).

Non-State Actors

Non-state actors fill service and accountability gaps. UNHCR supports camp operations and refugee integration (UNHCR, 2023b). IOM advises on trafficking, returns, and migration policy (IOM, 2016; NCM, 2022). NGOs like RCK, HIAS, and Kenya Red Cross provide legal and psychosocial support while documenting abuses (Yusuf et al., 2024; Human Rights Watch, 2015). Local churches and mosques offer grassroots aid (Parsitau, 2011). Donors like the EU and World Bank shape policy through funding incentives (Halakhe, Mukuki and Kitenge, 2024). Together, these actors promote a fragile but evolving protection framework.

South Africa

The Bill of Rights of the Constitution of the Republic of South Africa extends to everyone, including migrants, the rights to life, equality before the law, dignity, freedom, fair labour practices and education as well as the right to access housing, healthcare, food, water and social assistance. 'Justifiable' limitations apply based on government capability so discrepancies often exist between these rights, other legislation and actual service provision to migrants (Nzabamwita & Dinbabo 2022).

Health

Under the National Health Act 2003 and National Health Insurance Act 2023, healthcare is free for pregnant women, children younger than six, refugees and permanent residents. Otherwise, public healthcare costs are subsidised according to income. Only irregular migrants from outside the SADC pay full fee. The Department of Health has occasionally published provincial circulars that limit migrant access to healthcare (Sonke Gender Justice, 2019) and providers might refuse undocumented persons to avoid 'aiding and abetting illegal foreigners'.

Social

Permanent residents and refugees can access grants for child support, disability, old age and social relief of distress (food parcel/voucher) under the amended Social Assistance Act 2004 (Department of Social Development, 2012). However, access is suspended during permit renewals and restricted by language barriers and bureaucracy (Nzabamwita & Dinbabo 2022). Education is provided regardless of immigration status, upheld in a 2020 High Court ruling in *Center for Child Law vs Minister for Basic Education*.

Policies and Protection Mechanisms

Labour Migrants

90.1% of foreigners in South Africa migrated for work (Stats SA 2022). Unemployment is markedly lower among migrants (18.2% vs. 34.0%) but they are more likely to be in unskilled and informal jobs, working excessive hours, and not making contributions

that would entitle them to workers compensation and unemployment insurance (Stats SA 2022).

A National Labour Migration Policy and accompanying Employment Services Amendment Bill were drafted in 2022 in line with the SADC Labour Migration Action Plan (2020-2025) but is yet to be introduced to parliament. It would combat migrant exploitation and introduce visas to provide a regular pathway for low-skilled migration (DEL, 2022).

Trafficked Persons

The line between trafficking, people smuggling and labour migration is blurred along the 'Southern Route' from the Horn of Africa. Syndicates lure victims with promises of employment in South Africa that turn out to be illegal and exploitative (RMMS 2017, ENACT 2021). The Prevention and Combating of Trafficking in Persons Act 2013 guarantees free healthcare, accommodation, counselling and legal services to victims (DSD 2020), but screening mechanisms are inadequate and 'involuntarily repatriation' often occurs without these services (US Department of State 2024).

Irregular Migrants

Illegal foreigners are deported through the Lindela Repatriation Centre as per the Immigration Act 2002. Concerns about poor medical treatment, limited rights awareness, and prolonged detention in the facility have been raised by the South African Human Rights Commission (2014) and persist today despite a parliamentary monitoring committee.

During influxes of irregular migration, ad hoc regularisation mechanisms reduce burden on the asylum and deportation systems but are insecure in the long-term (Khan 2024). 250,000 irregular Zimbabwean migrants had been allowed temporary stay under Zimbabwean Exemption Permits (ZEP) since 2010. The program was precariously extended every few years until suddenly in 2021 ZEP holders were instructed to attain a visa or leave within 12 months.

Refugees and Asylum-Seekers

The UNHCR claims there are 250,250 refugees and asylum seekers in South Africa, but the DHA (2024) claims there are 1,334,174. Over 90% of asylum claims are rejected, with backlogs of up to 13 years (DHA, 2024). South Africa's non-encampment policy protects freedom of movement, but also makes identifying vulnerable migrants difficult (Nzabamwita & Dinbabo 2022).

Regressive amendments to the Refugees Act 1998 have attempted to limit asylum-seeker protections, including requiring application within five days of entry and permits for the right to work. However, the Constitutional Court has upheld non-refoulement in appeals, allowing asylum application despite delay, detention or criminality (Abioye & D'Orsi 2025).

Sexual and Gender-Based Violence

The National Strategic Plan for Gender-Based Violence and Femicide (Republic of South Africa 2020) recognises migrants as a vulnerable group but contains no migrant-specific strategies.

Policymaking Actors

State

The DHA is the main government body overseeing migration policy and implementation. Deportations have fluctuated with their securitized rhetoric. After their 2017 white paper claimed that irregular migration "leads to unacceptable levels of corruption, human-rights abuse, and national security risks" (DHA 2017, p. 5) annual deportations rose to 135,867 from 23, 454 (Stats SA 2023).

A recently adopted white paper (DHA, 2024) proposes legislation overhauls including withdrawing from the 1951 Convention and 1967 Protocol on refugees and acceding with reservations among other controversial measures.

Non-State

UNHCR, UNODC, IOM and ILO have worked closely with government bodies to implement a variety of international frameworks. Regional frameworks such as the

African Union's Migration Policy Framework for Africa (2018-2030) and the SADC Protocol on the Facilitation of Movement of Persons 2005 have largely failed to achieve compliance.

Major advocacy networks that undertake policy submissions and litigation include the Consortium for Refugees and Migrants in South Africa (CoRMSA) and the Helen Suzman Foundation.

Recommendations

- 1. Protection Mechanisms Tailored to the Needs of Vulnerable Groups:** Migrants who are young, women, LGBTQ+, victims of trafficking, or living in rural areas face challenges that need to be screened for and addressed with well-funded policy. This includes trauma-informed approaches to SGBV such as investing in safe shelters.
- 2. Formalization and Protection of Migrant Workers:** This includes simplifying permission to work, expanding social protection and skills programs, incentivising transition to formal work through regularization, and addressing exploitation risks.
- 3. Coordination Between State and Non-State Actors:** International Organisations should continue to assist state actors to develop and fund policy. Regional frameworks should be utilised by countries who have not yet adopted them. Local NGOs should be included in policy-making considering their direct connections to migrants.
- 4. Regularisation Mechanisms for Irregular Migrants:** Temporary regularisation mechanisms have been successful in responding to influxes in Colombia and South Africa. It is important that these include access to social assistance and clear pathways to permanent status in order to provide migrants with security.
- 5. Democratise Access to Protection:** Bureaucratic and language barriers to accessing protections persist. The availability of translators and translated documents is crucial to ensuring migrants know their rights and how to exercise them.
- 6. Shift Away from Securitisation:** A trajectory in public and government sentiment against migration is evident in Mexico and South Africa, and possibly Colombia as well. Kenya's movement towards a more inclusive rhetoric is a commendable approach.

Conclusion

Although Colombia, Mexico, Kenya, and South Africa all have different challenges and approaches for migrant protection, shared issues remain, including uneven execution, low capacity, and systemic inequalities. Targeted and accessible protections, regularisation mechanisms, cooperation with non-state actors, and positive rhetoric towards migration will strengthen a rights-based, context-sensitive approach so that all migrants, regardless of status, can access vital services and protections.

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