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Table of Contents

1. Introduction	3
2. Main Findings	4
3. Methodology	5
4. General characteristics of the population	6
5. Gaps in legal protection.....	8
5.1. Access to immigration permits.....	9
5.2. Access to international protection mechanisms.....	10
6. Protection risks at the border.....	13
6.1. Actors responsible for the protection threats	15
7. The protection needs of people in transit	16
7.1. Insecurity and access to justice	17
7.2. Housing and access to shelter	19
7.3. Access to livelihoods.....	20
7.4. Access to health services.....	21
8. Recommendations	23
8.1. To the humanitarian community	23
8.2. To the states.....	24

1. Introduction

The unprecedented magnitude of mixed migration flows in Latin America continues to exacerbate the protracted regional protection crisis. Refugees and migrants continue to flee persecution, widespread violence, massive human rights violations, armed conflicts, natural disasters, and other situations that impact the general enjoyment of human rights. Humanitarian organizations and the international community have systematically warned about the consequences of this crisis and the need to coordinate targeted protection responses. However, during 2023, the state response to mixed migration flows has tended to prioritize security, presenting refugees and migrants as potential threats to public safety. This change is evident in state discourses that blame migration for countries' security problems or indicate that the only alternative to guarantee orderly migration is through the militarization of borders.

In this context, borders are areas of heightened risks, where the presence of state institutions — as duty bearers — is insufficient and is conditioned by a security approach, rather than an approach based on human rights. Borders are porous areas, difficult to predict and plan, and organizations continue to have limited capacities to offer a response that is suited to the magnitude of the needs. Likewise, the humanitarian response has encountered numerous challenges in adequately reaching persons in transit. Despite efforts to monitor and document human rights violations in border areas, humanitarian actors and duty-bearers have been unable to obtain a clear view of borders and routes. Nevertheless, the available information shows that legal protection vacuums continue to accentuate people's exposure to multiple threats, among which extortion, violence, and threats against property¹ stand out. It also shows that refugees and migrants become more vulnerable while in transit.

This report aims to provide evidence to the humanitarian community based on the findings of the protection monitoring carried out by the Danish Refugee Council (DRC) in Colombia, Mexico, Peru, and Venezuela during 2023, and inputs that contribute to design a relevant humanitarian response². DRC implements protection monitoring activities directly and through local partners in Colombia, Mexico, Peru, and Venezuela. DRC works in partnership with Encuentros SJS³ for protection monitoring activities in Peru and with the Jesuit Refugee Services (JRS)⁴ in Ciudad Juarez, Mexico.

The goal of protection monitoring is to **collect, verify, and analyze systematic and regular information over an extended period to identify rights violations and protection risks for the population of interest to inform effective responses**. At the regional level, DRC analyzes trends and changes in the protection environment to promote and strengthen evidence-based responses, improve humanitarian programming, and obtain quality protection outcomes, as well as provide inputs and recommendations to strengthen advocacy processes in the region.

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¹ The *threats against property* category includes destruction and confiscation of property and theft.

² DRC began the implementation of protection monitoring in Colombia in 2019; in Peru and Mexico, in 2020, and in Venezuela, in 2022.

³ Encuentros - Servicio Jesuita para la Solidaridad (SJS) is a Peruvian NGO that works for refugees and migrants. It has been a DRC in Peru since 2020.

⁴ JRS Mexico works with refugees and migrants in the country. JRS has been partner of DRC in Mexico since 2020.

2. Main Findings



The shortcomings of international protection systems and the limited availability of alternatives for entry and regular stay in countries continue to increase the vulnerabilities of refugees and migrants in transit and at country of destination.

- A high percentage of people interviewed have experienced **protection threats while crossing borders** to Colombia (39%), Mexico (49.6%) and Peru (32.5%).
- **Extortion and threats against property** are the main protection threats identified.
- Irregular entry increases the vulnerability of affected populations: 84% of the people who experienced a protection threat entered irregularly.
- On average, 75% of the respondents affected by protection threats were women.

- Most of the people surveyed **informed an irregular entry** to Mexico (95.4%), Peru (86.6%) and Colombia (64.7%). 45.2% of Venezuelans who returned to their country did so irregularly.
- On average, **only 34%** of the people surveyed in Colombia, Mexico and Peru had an **immigration permit**.
- In Colombia and Peru, on average, only **3% of respondents** had requested asylum; in Mexico, **54% of respondents** had approached the Mexican Commission for Refugee Assistance (COMAR).



Borders are high-risk areas for refugees and migrants. Duty-bearers continue to fail in their obligation to guarantee protection mechanisms at the border.





People in transit are exposed to serious protection threats and high levels of vulnerability and have limited access to protection and humanitarian assistance mechanisms.



- In Peru, **6 out of 10** people in transit have been victims of some form of violence.
- In Mexico, **33%** of respondents said they had been **victims of some form of violence**, and only 9% of them had reported the incident.
- People in transit live in very precarious conditions. In Peru, **63% are homeless**; in Mexico, 49% lived in shelters and 22% on the streets.
- **8 out of 10 people** in transit in Mexico and Peru did not carry out any income-generation activity.
- **6 out of 10** people in transit in Peru have been exposed to violence during their transit through the country.

3. Methodology

The protection analysis presented in this report is based on the protection monitoring household survey carried out during 2023 with 3,023 families, corresponding to 10,566 people in the four countries where DRC has direct operations or implement activities through partners: Colombia (14.6%), Mexico (12%), Peru (26.8%) and Venezuela (46.6%). The information was collected between January 1 and October 30, 2023. However, in some cases, some questions may have a shorter or longer temporal scope, as well as a different sample size. The methodological specificities of each country are indicated.

	Colombia ⁵	Mexico ⁶	Peru ⁷	Venezuela ⁸
	1,534	1,270	2,839	4,923
	426	568	822	1,207

The data from the household survey has been complemented with available secondary data and information, and the qualitative information included in the DRC's protection monitoring reports. The protection analysis has been produced using the Protection Analytical Framework (PAF) and the digital tool named *The Deep*⁹ which support the systematization of relevant secondary information.

Certain methodological limitations should be considered when reading this report. The sample is not representative, and it is not collected randomly; instead, it depends on the DRC's operational prioritization according to its humanitarian programming. The conclusions presented here showcase protection trends and are not intended to generalize or oversimplify the situation in each country. The conclusions, therefore, are indicative and present evidence from the ground to guide decision-making for humanitarian programming.



⁵ Data from 01/01/2023 to 11/26/2023. The data shown here is based on protection monitoring aimed at the migrant population; it does not include data on people affected by the non-international armed conflict.

⁶ Data from 01/01/2023 to 11/10/2023. The data presented here is only on migrants and refugees; it does not include people surveyed in Mexico in areas of internal displacement.

⁷ Data collected between 01/01/2023 and 10/30/2023.

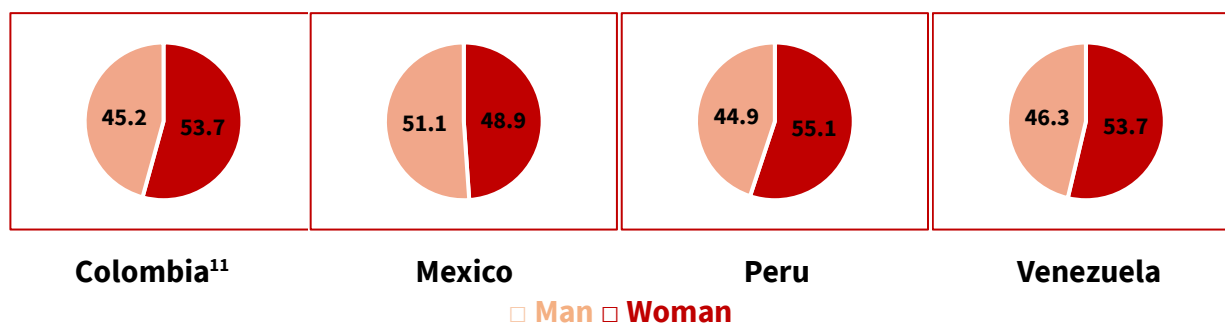
⁸ Data collected between 01/01/2023 and 11/27/2023.

⁹ The Deep is a collaborative tool for systematization and analysis of qualitative information. See more at: <https://app.thedeep.io/>

4. General characteristics of the population

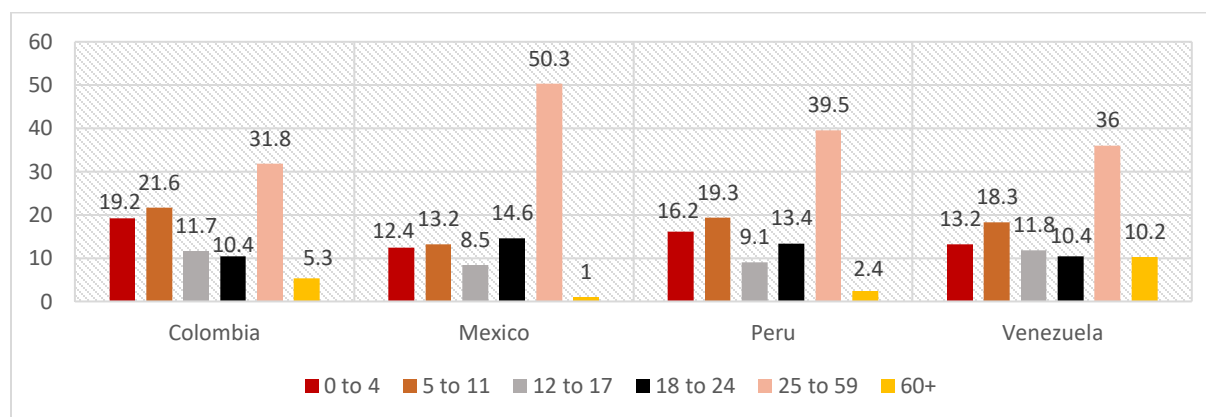
The distribution of the monitored population between sexes is relatively uniform, with a slightly higher percentage of women in all countries, except for Mexico. The distribution is consistent with what was observed by DRC in 2022¹⁰, and it shows that there have been no significant variations in this trend during 2023.

Table 1. Persons reached through protection monitoring by country disaggregated by sex.



In most countries, children and adolescents under 18 years of age represent the most significant age group. Children and adolescents represent 52.2% of the total in Colombia, 34.1% in Mexico, 44.6% in Peru, and 42.8% in Venezuela. This age range is followed by people between the ages of 18 and 49, and those between 25 and 59 years old.

Table 2. People reached through protection monitoring disaggregated by age group.



¹⁰ Danish Refugee Council (2022). Annual report. Protection monitoring: Colombia, Mexico, Peru and Venezuela. Bogotá: DRC.

¹¹ In the case of Colombia, 1.1% of respondents identify themselves as intersex.

The available data show that children represent the majority of the refugee and migrant population. Children and adolescents represent the main population that stays behind in Venezuela. Likewise, data highlights the need to guarantee an age-sensitive approach in humanitarian interventions. Equally important it is to acknowledge the presence of elderly persons in destination areas, on transit routes, and in countries with high exposure to protection threats and include them in age-sensitive assistance approaches. Elderly persons in displacement contexts are exposed to differential impacts and barriers associated with the loss of support networks in the country of origin, as well as the loss of social and economic capital¹² that further hinders their integration in societies that have structural barriers for the elderly.



Protection monitoring activities target multiple nationalities. In Colombia, most survey respondents were Venezuelans (78.5%), as it is the case in Peru (90.2%). In Mexico, DRC protection monitoring reached persons from diverse nationalities: Honduras (37%), Venezuela (23%), Haiti (10%), Guatemala (7%) and Chile (2%). DRC recorded a significant increase in Venezuelans in Mexico compared to 2022, when they only accounted for 8% of the total refugees and migrants surveyed in Ciudad Juárez and Tapachula.

Table 3. Percentage of persons with disabilities per each country.

Colombia	Mexico	Peru	Venezuela
9.5%	8.3%	16.7%	9.8%

Persons with disabilities continue facing protection risks in all monitored countries¹³. Refugees and migrants with disabilities are not only present in areas of destination, but they also travel through [dangerous routes](#) such as the Darién gap where they are exposed to multiple rights violations.¹⁴

¹² Fundación Saldarriaga Concha. (2017). Lo que la guerra no logró quitarnos. Memorias e impactos de la guerra sobre las personas mayores.

¹³ In Colombia, Mexico and Venezuela, disability is measured using the short set of the Washington group questions. In the case of Peru, DRC and its partner Encuentros are temporarily taking into account in the measurement all people who report a disability, which implies a greater emphasis on self-perception and represents a limitation for comparisons with Colombia, Mexico and Venezuela.

¹⁴ Human Rights Watch (2023). This hell was my only option: abuses against migrants and asylum seekers pushed to cross the Darien Gap.

5. Gaps in legal protection

While some migration regularization initiatives took place in countries such as Colombia and Peru, unprecedented levels of lack of legal protection due to irregular migratory statutes continued to be observed during 2023 both in terms of irregular entry and irregular permanence in the country. Regularization policies are still limited and temporary, and do not adequately address the complexities of the mixed movements observed in the region. [Visas, deterrence policies, and other entry restrictions](#) combined with general absence of international protection systems in border areas, continue to drive entry through irregular points. In Mexico, irregular entry reaches 95.4%; in Peru, 86.6%, and in Colombia, 64.7%.

Table 4. Percentage of people who reported having entered the country irregularly¹⁵

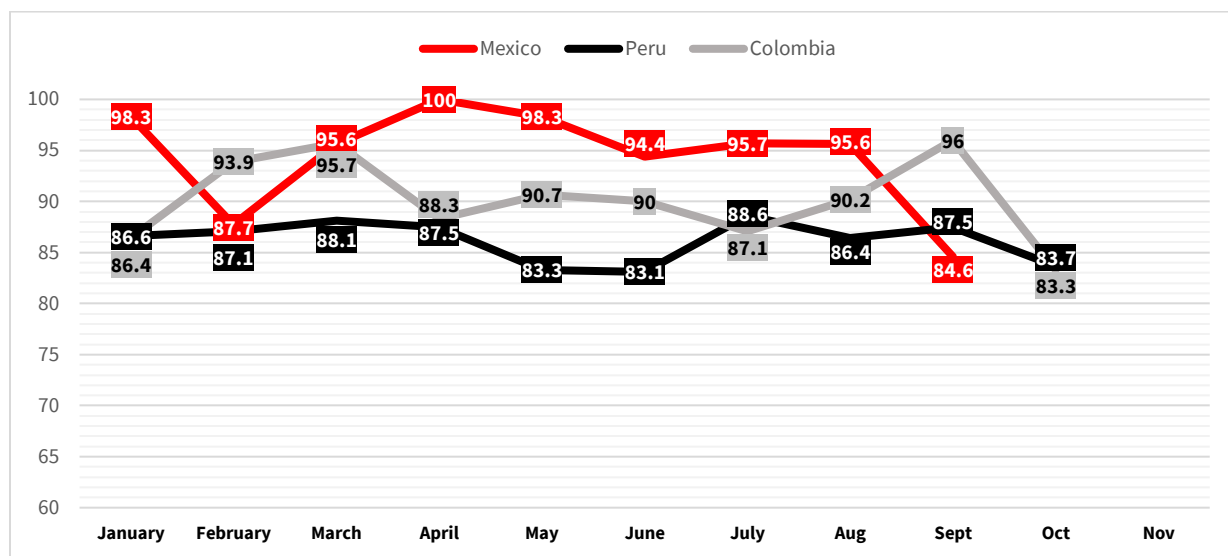
	Colombia	Mexico	Peru
Irregular	64.7%	95.4%	86.6%
Regular	33.6%	4.6%	13.4%
Does not respond	1.7%		

In 2023, the percentages of reported irregular entry remained as high as those recorded in 2022. The recorded averages above 80% in all targeted countries show that immigration policies remained restrictive, and they are indicative of a border response increasingly focused on a security approach throughout the year. A high percentage of irregular entry occurs in a political context of border militarization, as it has been observed in the case of [Chile and Peru](#), the [United States and Mexico](#), or in proposals for the militarization of the borders between [Panama and Colombia](#).



¹⁵ In Colombia, the question is asked to populations that have returned, those in transit, pendular migrants, and those that have settled. Host community members and internally displaced persons are excluded. In the case of Colombia, Mexico, Peru and Venezuela, the question is asked and to each person of the nuclear family.

Table 5. Percentage of people who have entered the country irregularly.



Entry through irregular points is observed even in the case of returnees to Venezuela: 45.2% of those who reported having returned to the country in the last year stated they had done so without going through a formal immigration point¹⁶. Multiple reasons explain this phenomenon, qualitative data suggests that those who left Venezuela through an informal border point without a valid passport cannot return through a regular border. In addition, Venezuelan refugees and migrants informed practices of extortion and theft by border authorities, which can be avoided by paying a small fee to irregular border crossing points controlled by civilians, non-state armed groups, and organized crime.

5.1. Access to immigration permits.

Access to immigration permits remains very limited in all the countries where protection monitoring is carried out and indicates few substantial changes in regularization dynamics compared to what was reported in 2022. Even in a country like Colombia, where an ambitious immigration regularization program was implemented more than a year ago, the percentage of persons who still do not have access to permits remains very high. As DRC has been documented in Colombia, the delivery of permits has been inefficient, there have been numerous errors in document issuance that have led to cases requiring reprocessing, and the protection results have been limited if compared to the proportion of the mixed migration flows regularly arriving in the country¹⁷.

¹⁶ This question is asked only to those respondents who indicate having returned to the country and was included starting in September 2023.

¹⁷ Danish Refugee Council (2023). Quarterly report from April to June 2023; (2023). Quarterly report from January to March 2023.

Table 6. Percentage of respondents who report having obtained an immigration permit.

	Colombia	Mexico	Peru	Venezuela ¹⁸
Yes	32.8%	39%	31.2%	11.8%
No	57.5%	61%	68.8%	88.2%
No answer	9.7%			

A similar trend has been observed in Peru, where two relevant policies regarding immigration regularization were implemented in 2023: the [New Temporary Residence Permit](#) (PTP in Spanish) and an [amnesty policy](#) related to fines that were imposed in the country to non-citizens without a valid immigration permit. As in the case of Colombia, the formal existence of the policies with well-intentioned and adequate objectives did not translate into an effective administrative system to implement them. DRC and its partner Encuentros SJS documented numerous barriers for accessing the legal benefits established by this new policy in Peru: limited availability of appointments to file applications, failures of the information systems, and unclear and poorly accessible information.¹⁹



5.2. Access to international protection mechanisms

The effectiveness of international protection systems remains one of the main challenges for the countries targeted by protection monitoring. The available data shows that the persons of concern continue to leave their countries for reasons recognized in the refugee definition contemplated in the 1951 Convention relating to the Status of Refugees, the Cartagena Declaration, as well as for grounds within the scope of complementary protection. In Mexico, fear of persecution was indicated by 51.4% of the interviewees as one of the reasons for leaving the country of origin, while violence was indicated in 49.5% of the responses. In Peru, 28.5% of respondents indicated that they had left the country of origin due to lack of effective access to social, economic, and cultural rights (health and education, among others), 12.1% informed they left for security reasons, and 4.1% for fear of persecution and gender-based violence (GBV). Finally, in Colombia, 22.5% of the respondents stated they had left the country of origin due to lack of effective access to social, economic, and cultural rights, and 5.5% for reasons linked to GBV, persecution, and violence.

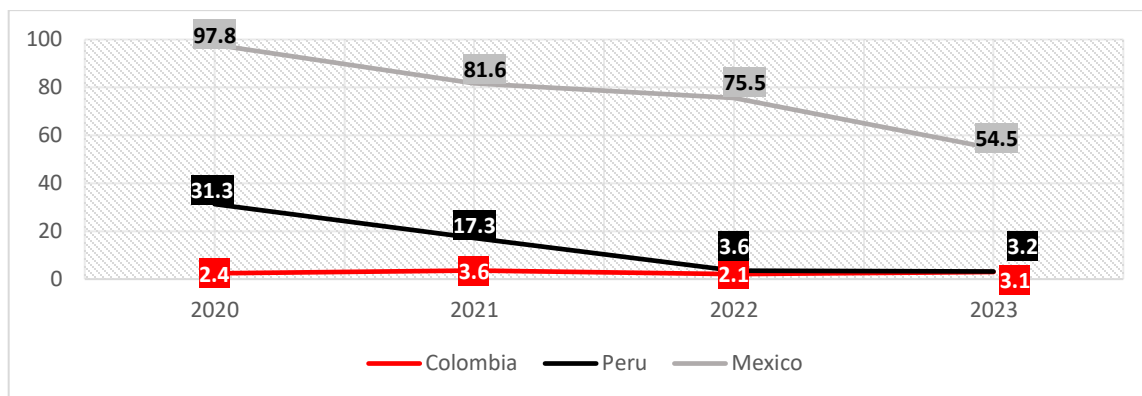
In this context, actions are required to effectively identify protection needs and enable access to mechanisms for refugee status determination for those in need of international protection. However, access to asylum procedures remains limited except for Mexico. In Colombia and Peru, a very small proportion of the people surveyed in 2023 had requested asylum (See Table 7), a trend that has remained relatively stable in the past four years. Most respondents pointed out that the lack of

¹⁸ Data collected between January and July 2023. Only the responses of Colombians in Venezuela are considered, with a sample of 62 people.

¹⁹ Danish Council for Refugees and Encuentros SJS. (2023). Peru Protection Snapshot: June to July 2023. (2023). Peru Protection Snapshot: August to September 2023.

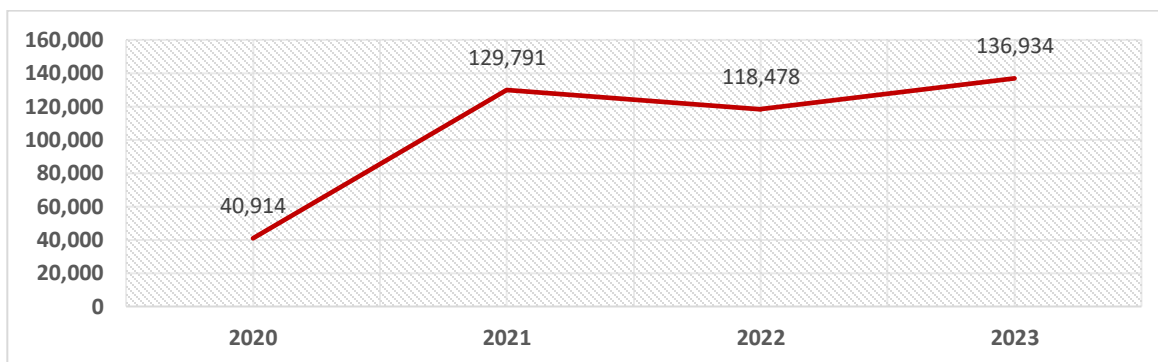
information about the processes and asylum requirements were some of the main reasons for not having applied.

Table 7. Percentage of people who reported having initiated asylum procedures²⁰



Mexico, on the contrary, continues to be the Latin American country that has received the most requests for recognition of refugee status in recent years. According to [COMAR figures](#), 136,934 persons requested asylum in 2023, a historical record for the country.

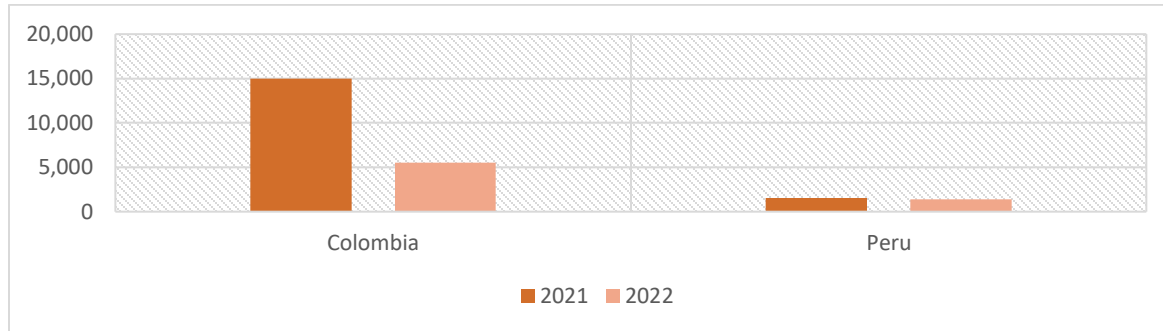
Table 8. Number of asylum applications submitted in Mexico (2020-2023)



²⁰ In the case of Mexico, percentage of people who have approached COMAR. The data only includes the responses given by participants of DRC protection surveys. In the case of Colombia, the information for 2023 covers the months from January to June 2023. In the case of Peru and Mexico, the year 2020 covers the months from October to December.

According to the [data collected by UNHCR](#), the total number of asylum applications remains low in Colombia and Peru.

Table 9. Number of asylum applications submitted



Several factors are relevant for understanding the differences in asylum request trends. Firstly, compared to the international protection systems of Colombia and Peru, the Mexican legal framework is much more efficient, clear, and predictable. For example, Colombian legislation does not even provide a timeframe for the final decision on asylum applications. Secondly, Mexican legislation establishes a favorable legal consequence for applicants, by granting a visitor card for humanitarian reasons (TVRH, in Spanish) that allows asylum seekers to access social services and to undertake income-generating activities. This can be an important incentive, although DRC has verified that in recent months the barriers and delays for its issuance have increased²¹. Finally, in absence of other regularization pathways for those who want to make a safe transit through Mexico on their way to the United States and/or Canada, requesting asylum becomes the only protection measure available.



Overall, there is a very low rate of favorable outcomes in refugee status determination procedures in the region. In November 2023, [the Inter-American Commission on Human Rights \(IACHR\) published a report](#) warning that, despite the high number of persons in need of international protection, only 3.1% of Venezuelan applicants had been recognized as refugees. This shows a limited application of the expanded refugee definition of the Cartagena Declaration, which, in the Commission’s view, applies to a large proportion of these requests.

²¹ Danish Refugee Council. (2023). Protection monitoring: Mexico - Snapshot September & October 2023.

The lack of legal protection and limited access to asylum systems for persons of concern is compounded with multiple barriers to the guarantee of basic human rights in host countries. Thus, access to education and health continues to be limited for refugees and migrants. For example, in [Peru](#) and [Colombia](#), DRC’s protection monitoring identified that the costs associated with education – including registration costs and school supplies – and insufficient school capacity continue to be the main barriers for accessing and remaining in the education system. Similar barriers are observed for access to health: in [Mexico](#) and [Colombia](#), DRC data shows that the costs associated with medical care and medications, as well as the distance from services, stood out as the main reasons why refugees and migrants cannot access health services in a timely manner.

6. Protection risks at the border

Crossing a border point is one of the most dangerous moments in the migratory route for persons in transit. Borders are among the areas where individuals are greatly exposed to protection risks: serious protection threats have been reported in all countries where protection monitoring is conducted, further aggravating the vulnerability resulting from irregular entries and limited presence of authorities.

Table 10. Percentage of people who have reported a protection incident at the border.

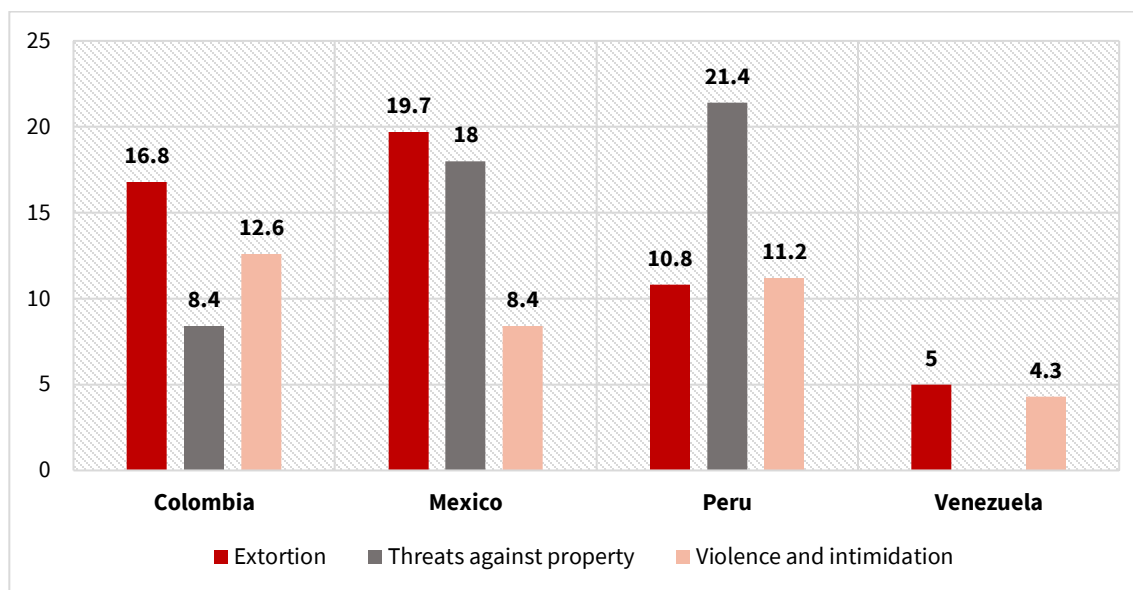
Colombia		39%
Mexico		49.6%
Peru		32.5%
Venezuela ²²		10.9%

Extortion and threats against property are the most recurring protection threats at the borders of the countries monitored by DRC and its partners²³:

²² In the case of Venezuela, the information refers to people who returned to the country.

²³ The questions are multiple choice. In the case of Colombia, the question is asked at the level of the respondent for each household.

Table 11. Percentage of the main threats reported by the people surveyed.



Protection monitoring data show that women are at greater exposure to these types of threats. The data available per country shows that women report experiencing protection threats more than men. These findings are consistent with the violations of women's human rights at border crossings reported by the press, humanitarian organizations, and academia. Among these violations, are cases of [disappearances on the northern border of Mexico](#), [massive sexual violence](#) against women who cross from Colombia to Panama through the Darién, as well as [sexual violence in the context of the Colombian armed conflict](#) in border areas between Colombia and Venezuela.

Table 12. Respondents reported having experienced abuse during entry into the country disaggregated by sex²⁴.

	Colombia	Mexico	Peru	Venezuela
Men	14.3%	45%	19.3%	15.8%
Women	85.7%	55%	80.7%	84.2%

Likewise, the available data shows that the type of entry is associated with a higher risk of abuse during a border crossing. In the cases of Colombia, Mexico, and Peru, most of the refugees and migrants who reported abuse during border crossing had entered irregularly.

²⁴ In general, women have a relatively higher percentage of participation in DRC protection monitoring surveys, which may influence the considerable disparity. However, the data allows to conclude that women experience higher levels of exposure to threats in border areas.

Table 13. Type of income of people who reported experiencing abuse during entry into the country.

	Colombia	Mexico	Peru	Venezuela²⁵
Regular	4.1%	2.6%	8.6%	47.3%
Irregular	95.9%	97.4%	91.4%	52.7%

Protection monitoring information singles out that migration status and sex are two key vulnerability factors in determining the protection risks faced by persons in transit in the region. Various reports published during 2023 have documented the types of threats that women face while crossing borders. Particularly, exposure to sexual violence is one of the most frequently documented threats while travelling between Colombia and Panama, and through Central America²⁶. The humanitarian organization Doctors Without Borders has declared that sexual and gender-based violence continues to have inadequate response and, in many cases, even access to necessary medical care is unavailable²⁷. As documented in the border between Colombia and Venezuela²⁸, Gender Based Violence (GBV) increases in areas affected by armed conflict and other situations of violence (OSV), as sexual violence becomes an instrument of violence to intimidate populations and to reinforce practices of social and territorial control.

6.1. Actors responsible for the protection threats

The available protection monitoring data shows that the main perpetrators of violence toward refugees and migrants in transit are non-state actors (armed actors, members of the host community). Only in Colombia state actors were identified as the main responsible parties. However, state authorities have also been reported as responsible for abuses at the borders in other monitored countries of the region, although to a lesser extent.

Table 14. Actors identified as responsible for threats at the border²⁹

	Colombia	Mexico	Peru	Venezuela
State actors	89.7%	43%	30.5%	58.8%
Non-state actors	10.3%	67%	79.9%	94.1%

During 2023, several organizations have documented abuses by state authorities in border areas including cases of sexual violence in public facilities, [such as those documented in Panama in the](#)

²⁵ In the case of Venezuela, the data refers to the returns of Venezuelans and whether such returns were made through official immigration points.

²⁶ ALBOAN. (2023). Invisibilizadas: mujeres migrantes en el cruce de fronteras.

²⁷ El País. (2023). Violadas y sin poder acceder a un hospital: la realidad de las mujeres migrantes en la ruta a Estados Unidos.

²⁸ Fundación Paz y Reconciliación. (2023). En la frontera las mujeres continúan viviendo la guerra en sus cuerpos.

²⁹ In Mexico, Peru, and Venezuela respondents can identify more than one actor, thus the percentages do not amount to 100%

Migrant Reception Stations located at the end of the Darien route. In December 2022, several United Nations Special Rapporteurs - among which there were the Special Rapporteur on the Human Rights of Migrants and the Working Group on Arbitrary Detention - had sent an official communication to the Panamanian government to share their concern on human rights abuses of refugees and migrants crossing through the Darien. Other organizations have documented forms of physical violence by US agents on the border between Mexico and the United States, as well as instances of risky border patrol high-speed pursuits and cases of negligence denying care to injured refugees and migrants. Similarly, DRC has identified practices in which authorities collude with non-state armed actors to carry out abusive acts. Protection monitoring data in Mexico shows that property confiscation (mentioned in 60% of the reported abuses) and extortion (53.3%) are the main abuses in which state police forces are involved. The data singles out that the States not only lacks an appropriate protection approach in border areas and along the main migration routes, but also - through action and omission - they accentuate persons in transit's exposure to protection risks by being excessively focused on security and pushbacks.

7. The protection needs of people in transit

Regularly monitoring the protection needs of persons in transit is one of the main challenges for protection analysis and response. These challenges include difficulties in identifying the targeted population and conducting consistent information collection exercises. Despite these difficulties, the available data points out that persons in transit experience considerable difficulties in accessing basic services. The main findings of protection monitoring data analysis in Mexico and Peru (where DRC has reached a greater number of persons of concern) are presented below.

The analysis brings together data from 510 household surveys (1,056 persons) carried out in Mexico between January and November 2023, and from 99 household surveys in Peru (310 persons), carried out between January and October 2023. In both cases, the persons in transit were identified through questions concerning their intentions to stay at the location of the survey.

Firstly, it was observed that most persons in transit were without a regular migratory status. In the case of Mexico, 78.5% of the respondents lacked immigration documentation issued in the country, while in the case of Peru, the percentage increases to 89.1%. This data is explained primarily by the absence of immigration regularization pathways for persons in transit. In Mexico, many persons in transit requested asylum, despite not having the intention of remaining in the country, as an alternative way for seeking legally safe transit³⁰ or - as documented by DRC - because many persons began the process without the assistance of a lawyer and not knowing the eligibility criteria for refugee status determination³¹. This situation contributes to further burdening the asylum system and affecting

³⁰ Danish Refugee Council. (2023). Protection Monitoring: January to February 2023.

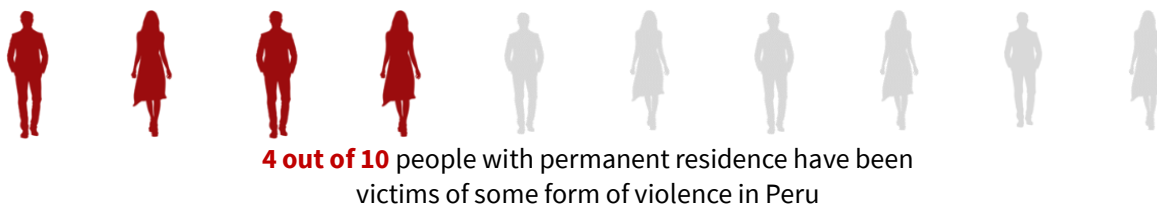
³¹ Danish Refugee Council. (2022). Protection Monitoring: Semi-annual report: July to December 2022

asylum procedures. The use of the refugee system as a regularization mechanism and the only viable access to some protection has also been documented by UN agencies such as IOM³².

Similarly, in the case of Peru the immigration regularization processes are very difficult to access: the process is full of administrative obstacles, and it requires a considerable of time and effort, and it can involve high financial costs when legal aid from humanitarian organization is unavailable³³. In these circumstances, these processes are not a practical and real alternative for persons in transit to other destination countries. These temporary protection gaps increase the protection risks faced by persons in transit throughout the entire route. Additionally, border protection monitoring in Tacna (border between Peru and Chile) has shown that most persons in transit to and from Peru lack resources to fulfill their basic needs. These findings have informed humanitarian interventions such as the delivery of multipurpose emergency cash assistance³⁴, which has proven to be one of the most effective humanitarian responses for persons in transit.

7.1. Insecurity and access to justice

In Peru and Mexico, available data shows that persons in transit are highly exposed to protection threats related to violence. In Peru, 61% of the monitored households in transit has been exposed to some form of violence while among respondents settled in Peru this percentage was 40%.



The main forms of violence affecting persons in transit in Peru are robbery (25.2%), extortion and bribery (11.4%), assault and physical harassment (6.5%), eviction (5.7%), violence within the community (3.3%) and arbitrary detention (2.4%).

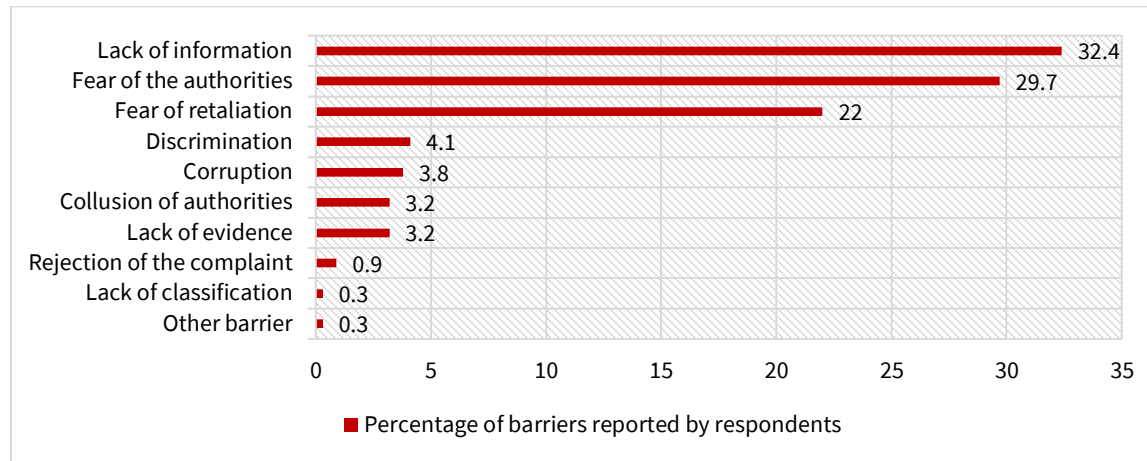
³² International Organization for Migration. (2022). Monitoring of migratory flows in Tapachula and Tenosique, Round 2.

³³ Interviews with key informants conducted by DRC and Encuentros SJS in Peru during 2023.

³⁴ DRC and its partner Encuentros SJS, as well as UNHCR, provide in Tacna (Peru) Emergency unconditional Multipurpose Cash Assistance (MPCA) as one-off aid to refugees and migrants in transit. DRC/Encuentros MPCA is provided within 24 hours from the selection of the beneficiary household.

In the case of Mexico, 33.3% of the persons in transit reported having been victims of a crime in the country. Of these, only 9.5% reported the incidents to the authorities. Additional protection monitoring data illustrates the type of barriers to which refugees and migrants in transit are exposed and the reasons why many of them prefer not to use institutional protection. 57.7% of the persons surveyed reported barriers to access justice, lack of information and fear of Mexican authorities stood out as the main causes.

Table 15. Barriers to access to justice reported by people surveyed in Mexico



The important number of refugees and migrants unaware of the systems to access justice is a clear indicator of the Mexican state’s gaps in fulfilling its obligations concerning the dissemination of information. A similar situation has been observed in other countries in the region. In Colombia, the [Red de Litigio Estratégico en Migración \(RED-LEM\)](#) has recently observed that the lack of information about procedures for applying to the victim’s registry (*Registro Único de Víctimas*) is one of the main barriers faced by refugees and migrants affected by the Colombian conflict to access reparations. Similarly, in Peru, lack of information is a cross-cutting barrier for accessing the State’s response including for GBV survivors who often do not know how to access justice and protection services.³⁵ This further results in higher levels of impunity as the number of GBV cases are underreported and the perpetrators are not prosecuted.³⁶ Limited access to information and services are rooted in the population’s fear to approach the authorities, language barriers for indigenous communities and non-Spanish speakers and few reliable sources in the abundant amount of information circulating through social media.

³⁵ Ombudsman's Office of Peru (*Defensoría*). (2021). *Violencia basada en género contra mujeres migrantes en el Perú*.

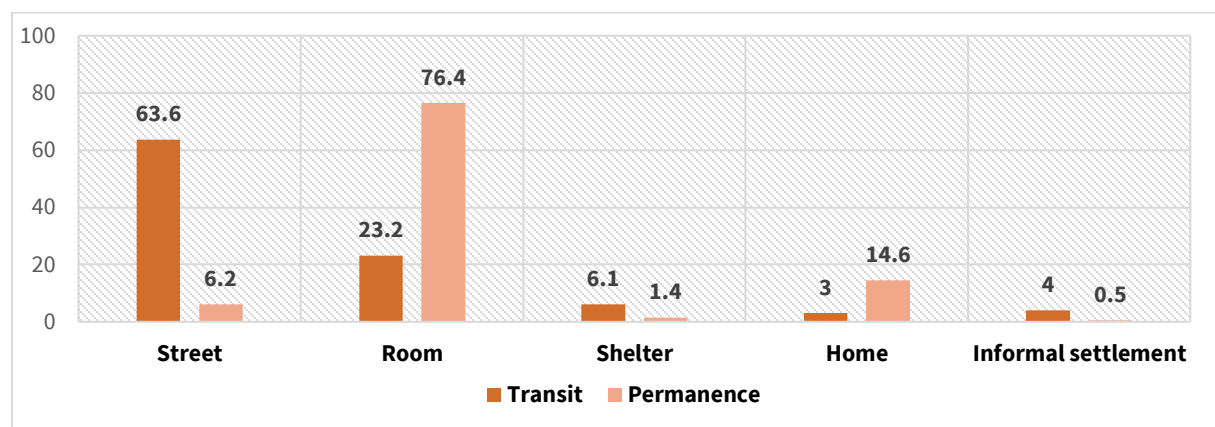
³⁶ Amnesty International. (2022). *Unprotected: Gender-based violence against Venezuelan refugee women in Colombia and Peru*.

7.2. Housing and access to shelter

Persons in transit face heightened difficulties in accessing collective shelters, and decent and safe living environments. This gap represents a vulnerability that increases exposure to protection threats, particularly when the persons in transit must sleep on the street at night. In the case of Mexico, 49% of the respondents were living in temporary collective shelters, 25.9% in a private home, and 22% were homeless (living on the streets). Different UN agencies and organizations have documented the challenges faced by collective shelters in Mexico in ensuring decent and adequate living conditions. As of October 2023, [the United Nations High Commissioner for Refugees](#) (UNHCR), informed that 13 shelters in Mexico City had exceeded their capacity. The lack of accommodation capacity implies a higher number of refugees and migrants spending the night on the streets, as has reported by [Doctors Without Borders](#).

The case of Peru shows a marked lack of protection for persons in transit. Although in Peru there is a lower flow of persons in transit compared to Mexico, the availability of collective shelters and institutional housing is so limited, that the percentage of homeless refugees and migrants is higher.

Table 16. Percentage of people who reported living in each type of housing in Peru.



Protection monitoring data concerning Peru showed that 63.6% of the persons in transit was homeless at the time of the interview, compared to the 6.2% of the refugees and migrants settled in the country. In other words, 6 out of every 10 persons in transit surveyed lived in the street, while only 1 out of 20 individuals already settled in Peru had to resort to this coping mechanism.

DRC has identified legislative frameworks that sanction people who are homeless, increasing their exposure to protection risks. For example, in Peru, Ordinance 518/MM establishes a series of regulations that disproportionately affect people who are in circumstances of extreme poverty, through the prohibition of the fulfillment of physiological needs in public spaces³⁷, despite the unavailability of public restrooms. Peruvian immigration legislation indicates that failure to comply with public health

³⁷ Municipality of Miraflores. (2019). Order 518/MM.

regulations may be grounds for an expulsion order³⁸. DRC has also documented and submitted relevant information to UN Special Rapporteurs on how the lack of income and housing are interlinked and reinforce each other to leave refugees and migrants in a situation of extreme precarity, in some cases even leading to the criminalization of poverty and homelessness³⁹.

Precarious housing has also been accompanied by poor access to drinking water. In Mexico, 44% of persons in transit do not have access to drinking water, while in Peru, the percentage is 30.6%. Access to water has been a [priority for the humanitarian response](#), since the lack of minimal hydration increases people's physical vulnerabilities and increases the probability of serious health effects, particularly in circumstances in which people [must walk long distances](#) exposed to extreme weather conditions.

7.3. Access to livelihoods

Persons in transit have disproportionate difficulties in accessing livelihoods, income generating activities and meeting basic needs. In Mexico, 82% of respondents in transit stated that they did not have access to any income-generation activity, a percentage aligned to the one observed in Peru, where 83% of interviewees indicated that they were in similar circumstances. On the other hand, 56% of the refugees and migrants settled in Peru reported that they had some type of economic activity. This data shows that people in transit have difficulties obtaining access to livelihoods, even in the informal economy.



8 out of 10 people in transit in Peru and Mexico
without an income-generation activity

In this context, the persons in transit must resort to very different coping mechanisms to obtain financial income to survive. These coping mechanisms range from begging for money and selling personal property, to relying on humanitarian assistance. In Mexico, 21.7% of respondents in transit informed that they rely on their savings or on the sale of personal properties; 11.7% depended on the financial help from other people, and 10.8%, on remittances. In the case of Peru, 23.2% of the persons in transit stated that they depended economically on begging, 10.1% on own savings, and 5.1% on remittances from relatives.

³⁸ Presidency of the Republic of Peru. (2017). Decree 1350.

³⁹Danish Refugee Council. (2023). Inputs to the joint report of the Special Rapporteur on the right to adequate housing and of the Special Rapporteur on extreme poverty and human rights on efforts made to decriminalize offenses frequently associated with homelessness and poverty. Available at: <https://pro.drc.ngo/media/g15g4l3m/drc-inputs-to-the-decriminalization-of-homelessness-and-poverty-2023-eng.pdf>



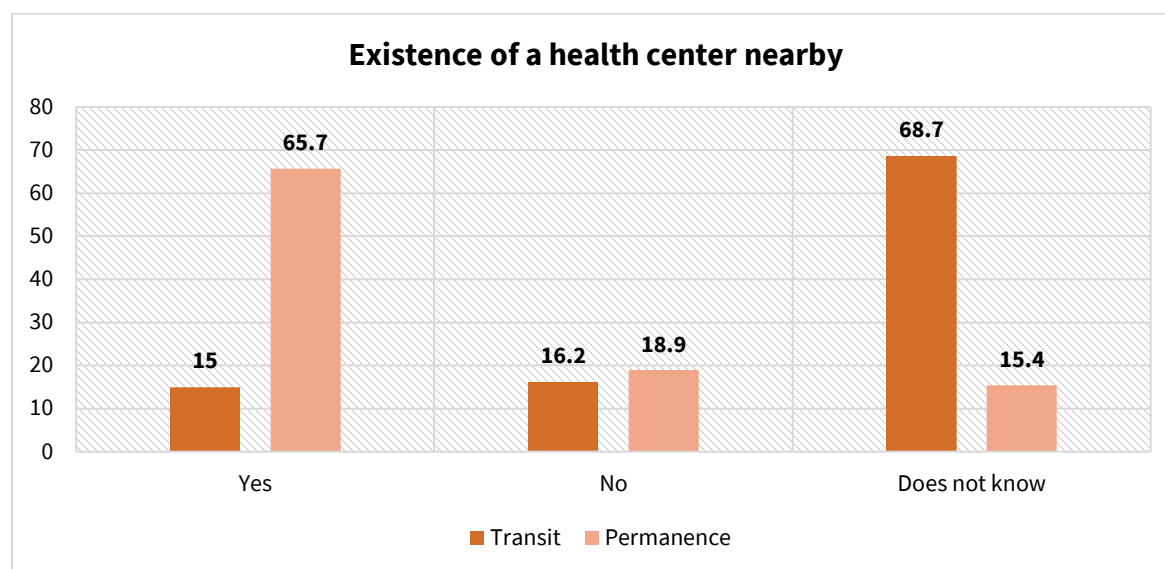
In Mexico and Peru, respectively 82% and 95.3% of the persons in transit reported barriers in finding some kind of livelihood activity. The lack of immigration status was indicated as the main barrier for accessing livelihoods by 29.6% of the respondents in Mexico, and by 37.1% in Peru. Discrimination was reported as another important barrier by 9.4% of the respondents in Mexico and 15.7% in Peru. Additionally, DRC identified specific barriers in each context. In Mexico, insecurity was identified by 19.2% of the respondents as a relevant barrier to accessing income-generating activities, while in Peru, caregiving responsibilities were mentioned by 22.8% of the interviewees.

Insufficient access to livelihoods weakens people's ability to satisfy basic needs including access to food. In Mexico, 50% of the monitored households stated that they did not have the possibility of preparing their own food; 24.7% reported that they could eat only once a day, and 32.1% that they could eat two meals per day. Just four out of ten respondents were able to have three meals a day. A similar situation was identified in Peru, where 58.3% of the monitored households reported eating twice a day and 38.9% mentioned having three meals per day.

7.4. Access to health services

Persons in transit have limited access to health services. In the case of Mexico, 40.7% of respondents informed that they have had the need to seek medical care and 41.2% of them did not access it. The costs associated with health services are the main access barriers, especially the costs for medications (50.4%), medical consultations (31.7%) and transportation (29.6%). The lack of information concerning how to access healthcare was identified as a barrier by 47.8% of the respondents. The lack of information about accessing health services is also alarmingly high among persons in transit in Peru.

Table 17. Percentage of people who have a health center nearby (Peru)



Health services are particularly deficient in border areas. In the last three years, the institutional health services in border areas have been focused on supporting the police response aimed to prevent refugees and migrants' entries, especially for persons suspected to be infected with COVID-19 virus. This was the case, for example, of Guatemala⁴⁰, El Salvador⁴¹ and Honduras⁴². Although health needs of refugees and migrants crossing international borders have been clearly documented⁴³, the health response has been overall limited, and poor health conditions of persons on the move have been paradoxically used as a justification to prevent access to the territory.

⁴⁰ International Organization for Migration. (2021). Guatemala: Baseline for the evaluation of irregular migratory flows and monitoring of mobility in border localities under the context of COVID-19, Round 4.

⁴¹ International Organization for Migration. (2021). El Salvador: Baseline for the evaluation of irregular migratory flows and monitoring of mobility in border localities under the context of Covid-19 Round 4 (March 2021).

⁴² International Organization for Migration (2021). Honduras_WHP - DTM EL Paraíso.

⁴³ See for example: International Organization for Migration. (2021). Argentina: DTM para Argentina, Ronda 8, Octubre 2021; Argentina: DTM para Argentina, Ronda 11, Diciembre and International Organization for Migration. (2021). Honduras_WHP - DTM EL Paraíso.



8. Recommendations

8.1. To the humanitarian community

- Prioritize multi-sector humanitarian responses in border areas including protection programming with harmonized protection monitoring which can generate harmonized evidence and analysis of the protection risks arising during transit.
- Strengthen gender-based violence responses, especially available services at the border or for persons in transit. Likewise, it is recommended to strengthen programs aimed at preventing GBV during transit.
- Document and analyze the legal aid needs of persons in transit.
- Include advocacy and strategic litigation actions into legal aid programming aimed at strengthening the protection environment for persons in transit. Although legal aid interventions for refugees and migrants in transit may be difficult to provide as these tend to remain in specific locations for only few days, persons in transit do have legal aid needs, mainly concerning their safe and regular transit in the country.
- Strengthen the dissemination of information on asylum procedures and systems as well as strengthen the provision of legal aid services to support effective access to international protection for those who need it.
- Enhance actions aimed to identify homeless refugees and migrants in transit to provide them with the required protection and humanitarian assistance (multipurpose cash, shelters, food security, water, hygiene, etc.).
- Protection monitoring programs must be continued and strengthened, both in transit and destination areas, including areas of return. Adequate collaboration and coordination between humanitarian actors are required to maximize the results.
- Increase financial resources in support to multi-country responses along mixed-migration routes.

8.2. To Duty-bearers

- Strengthen mechanisms to identify international protection needs at the borders and guarantee the availability to access asylum at the country entry points.
- Strengthen the public provision of legal aid services for refugees and migrants, with emphasis on redressing immigration sanctioning processes, detentions, and access to refugee status determination procedures.
- Strengthen institutions and mechanisms to expand the capacity to provide a holistic response to women who have been victims of GBV during transit.
- Train and provide information to public officials on State obligations towards the population in transit to strengthen a protection and human rights approach.
- Adopt measures to guarantee the dissemination of information about programs and services available for refugees and migrants who are in transit.
- Include homeless refugees and migrants in specific assistance programs. Meaningful inclusion must begin by identifying the legal and administrative barriers that prevent effective access to assistance programs.

CONTACT INFORMATION

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