

**Executive Committee of the
High Commissioner's Programme**

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Overview of UNHCR's operations in the Americas

A. Situational context

The Brazil Declaration and Plan of Action

At a ministerial meeting in Brazil in December 2014, representatives of 28 countries and three territories in Latin America and the Caribbean reaffirmed their commitment to upholding the highest international and regional protection standards, implementing innovative solutions for refugees and other displaced persons and ending the plight of stateless persons. This commitment was embodied in the Brazil Declaration and its 10-year Plan of Action.¹ The ministerial meeting concluded a year-long process known as the *Cartagena+30* process,² which commemorated the 30th anniversary of the 1984 Cartagena Declaration on Refugees.

The Plan of Action provides a concrete roadmap for delivering on the commitments made and features strategic programmes for implementation by governments including in the areas of: asylum; border safety; comprehensive solutions; labour mobility; safe transit; and statelessness.

Colombia situation

Despite significant challenges, the peace dialogue in Colombia has brought the country closer than ever before to ending 50 years of conflict. Progress continues to be made, building expectations for the establishment of a ceasefire and the conclusion of a peace agreement later this year. A ceasefire would help improve the humanitarian situation, particularly in areas most affected by conflict, resulting in decreased internal and external displacement. The peace agreement would represent a historic moment for the country and pave the way for solutions for millions of people displaced in Colombia and across borders.

Ecuador is the largest refuge-hosting country in Latin America, and UNHCR continues to assist the Government in providing protection and assistance to refugees and bringing about solutions to their plight. An estimated 900 people cross into Ecuador each month, having fled hostilities in southern Colombia. While they would normally file asylum claims with the authorities, increasing numbers are opting to apply for a temporary two-year

¹ The Brazil Declaration: "A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean," and the Brazil Plan of Action: "A Common Roadmap to Strengthen Protection and Promote Solutions for Refugees, Displaced and Stateless Persons in Latin America and the Caribbean within a Framework of Cooperation and Solidarity" are available from: <http://www.refworld.org/docid/5487065b4.html>.

² See <http://www.acnur.org/cartagena30/en/background-and-challenges/>.

MERCOSUR³ residence visa in Ecuador. Although this alternative is easier to access, the opportunity for renewal after the two-year period is uncertain. UNHCR is discussing with the authorities potential protection safeguards for holders of this type of visa who may continue to require international protection.

In Venezuela (the Bolivarian Republic of), UNHCR continues to assist the authorities with the consolidation of refugee status determination procedures. Support is also being provided to the mobile registration brigades, which are critical in ensuring that refugees acquire documentation and thus have access to basic services and livelihood opportunities.

Central America

El Salvador, Guatemala and Honduras continued to be affected by violence perpetrated by transnational organized criminal groups and other illegal armed actors, posing serious risks to local populations and affecting regional security. The situation has prompted more than 120,000 persons to flee to Mexico and further into North America in search of international protection. The Brazil Plan of Action supports the establishment of a “human rights observatory on displacement” to facilitate regional coordination, monitoring of this phenomenon, and the creation of early-warning and rapid response mechanisms for population groups at risk, namely unaccompanied and separated children.

The upsurge in irregular mixed movements and asylum applications has created considerable challenges for receiving countries. In November 2014, UNHCR released a second study on the root causes of displacement of children on the move in the region. Violence and displacement caused by gangs and other criminal actors, as well as sexual and gender-based violence, were found to be among the main reasons for their flight from Central America.

In 2014, over 21,000 children and adolescents, mostly from El Salvador, Guatemala and Honduras, were detained in Mexico by migration officials. Half of them were unaccompanied and most were returned to their countries. UNHCR estimates that almost half of these children have international protection needs. In the United States of America, despite a drop in the number of unaccompanied and separated children arriving in the country between October and December 2014, there have been significant increases in arrivals in recent years and the upward trend is expected to continue in 2015.

Asylum applications filed by persons from Central American countries have progressively increased in recent years, particularly in Canada, Costa Rica and the United States of America.

The Caribbean

The Brazil Plan of Action is expected to give new momentum to advancing refugee protection in the Caribbean. It foresees the establishment of a regional consultative mechanism to manage mixed migration. Enhanced coordination will strengthen protection at sea, improve the identification of international protection cases and provide more opportunities to achieve comprehensive solutions, including through local integration and resettlement.

In the Dominican Republic, Law 169-14 adopted in May 2014 was meant to redress a 2013 Constitutional Court ruling which retroactively deprived thousands of people of foreign descent of their Dominican nationality, leaving them stateless. The law would facilitate the restoration of Dominican nationality for some and provide a path to citizenship for others. However, only a very limited number of people were able to file cases for

³ *Mercado Común del Sur* (Southern Common Market)

consideration and the registration deadline expired on 1 February 2015. In August 2014, the Inter-American Court of Human Rights found that the Constitutional Court ruling and the special registration for foreigners set forth in Law 169-14 were in breach of the American Convention on Human Rights and the right to nationality. UNHCR, together with other partners, will continue to support the authorities to find a solution for those whose nationality remains undetermined.

B. Achieving the global strategic priorities

Ensuring access to asylum and alternatives to detention

The quality asylum programme in the Brazil Plan of Action incorporates important elements of jurisprudence from the Inter-American Human Rights system and is expected to enhance asylum standards in the region. Meanwhile, advancements are being made in the implementation of UNHCR's quality assurance initiative, which aims to strengthen national refugee status determination procedures in Argentina, Brazil, Costa Rica, Mexico and Panama.

The Brazil Plan of Action features a "borders of solidarity and safety" programme. Key actions include: the development of guidelines on the identification and timely referral of persons in need of international protection; the design of norms and operating procedures that support alternatives to the detention of asylum-seekers, in particular unaccompanied and separated children; and the provision of protection training for officials working in borders areas.

Canada, Mexico and the United States of America were selected as focus countries to roll out UNHCR's *Global Strategy – Beyond Detention*.⁴ National action plans, to be implemented in coordination with the three governments, are currently under development.

Addressing displacement and mixed migration movements

UNHCR launched a regional initiative to respond to the high level of violence and displacement generated by transnational organized crime and to the complex mixed movements in Central America. The initiative has a particular focus on child protection. The Office is providing technical support to governments to strengthen the identification of persons in need of international protection, especially children and adolescents, including persons returned to their countries of origin. UNHCR is also supporting governments and partners to enhance protection capacity and improve the infrastructure of shelters and reception centres.

During the 2014 High Commissioner's Dialogue on Protection at Sea, Caribbean States and territories highlighted the challenges they face in responding to increased mixed migratory movements given their extensive maritime borders and limited financial, human and material resources to manage them. They agreed on the importance of developing a regional responsibility-sharing mechanism in order to alleviate the disproportionate impact of irregular migration in the Caribbean.

Achieving comprehensive solutions

The Brazil Declaration and Plan of Action reaffirm the importance of seeking comprehensive durable solutions. The proposed labour mobility programme, though not in itself a durable solution, could facilitate the realization of a durable solution by allowing refugees to gain self-reliance and valuable skills. It would allow persons of concern to

⁴ Available from <http://www.refworld.org/pdfid/536b564d4.pdf>.

benefit from migration options and visa regimes within existing regional integration frameworks, such as MERCOSUR. UNHCR is assisting Ecuador and Brazil with the implementation of a labour mobility scheme for Colombian refugees within the MERCOSUR framework.

In Ecuador, the comprehensive solutions initiative continued to facilitate solutions for refugees, including local integration and naturalization, resettlement to third countries for particularly vulnerable persons and voluntary repatriation to Colombia, security permitting.

In Venezuela (the Bolivarian Republic of), UNHCR strengthened interventions that foster refugee integration, including coexistence activities involving host communities. Meanwhile, the *El Sistema* programme is helping disadvantaged children and youth through exposure to music, which develops the cognitive and social skills necessary for them to do well at school. The programme is considered a model for replication in other operations to better address local integration challenges. In 2015, UNHCR will ramp up efforts to pursue comprehensive solutions for refugees and asylum-seekers in the country.

Eradicating statelessness

Argentina and Peru became the latest countries to accede to the 1961 Convention on the Prevention and Reduction of Statelessness at the end of 2014.

The Americas was the first region to respond to UNHCR's global #iBelong campaign,⁵ launched in 2014 by the High Commissioner with the aim of eradicating statelessness within a decade. The Brazil Declaration and Plan of Action support actions to achieve this goal in the region.

Ensuring an age, gender and diversity approach

The age, gender and diversity (AGD) approach is underscored in the Brazil Declaration and informs the design of the programmes in the Plan of Action. It is of particular relevance to the protection of children and adolescents in Central America, protection in border areas and the protection of lesbian, gay, bisexual, transsexual and intersex (LGBTI) persons.

Providing protection in border areas using a differentiated age, gender and diversity approach remains a challenge. An extensive mapping exercise was undertaken in the region to better understand the protection risks faced by people crossing borders, including exposure to sexual and gender-based violence (SGBV). A methodology to apply this differential approach and identify survivors of SGBV will be implemented in 2015.

A regional "training of trainers" workshop was conducted to strengthen the capacity of UNHCR and its partners to protect persons persecuted on account of their actual or perceived sexual orientation and gender identity. In Haiti, where discrimination and violence against LGBTI individuals remains an ongoing challenge, UNHCR, the Office of the High Commissioner for Human Rights (OHCHR) and a community-based organization called "SEROVie" organized in December 2014 a two-day roundtable on the protection of sexual minorities. The roundtable agreed to expand the services of the LGBTI safe-house to more persons in need of urgent protection, conduct a mapping exercise of LGBTI associations in Haiti and develop a communications strategy and capacity-building programme.

Building on a compilation of AGD good practices in the Americas published in 2012, UNHCR developed an updated practical AGD guide outlining methodologies to design and implement AGD-sensitive programmes.

⁵ See <http://ibelong.unhcr.org/>.

C. Financial information

The 2015 approved comprehensive needs assessment budget for the Americas stands at US\$117.3 million. The financial needs in the region are slightly higher compared to 2014, primarily due to activities under the regional initiative aimed at strengthening protection in Central America and Mexico, boosting solutions work in Colombia and Ecuador, responding to mixed migration flows in the Caribbean and investing in the implementation of the Brazil Plan of Action.
