

**Bullet point summary of the strategic presentation on
UNHCR'S operations in the Americas**

**29th meeting of the Standing Committee
9-11 March 2004**

I. INTRODUCTION

- **Colombia situation:** Although the rate of new internal displacement fell significantly in 2003 compared to the previous year, the number of IDPs in Colombia is still growing and is now well above 2 million persons. There are also some 50,000 Colombian refugees in the region. Adequate funds are lacking for IDPs. Registration is still not effective and, consequently, IDP access to basic services is not guaranteed. Since 2002, Government policy has given priority to IDP returns and the implementation of bilateral agreements with neighboring countries aimed at stricter controls on borders, population movements and security. The Colombian conflict is affecting sensitive border areas, including those with Ecuador, Panama and Venezuela, where the spill-over of the conflict is creating a serious humanitarian crisis.
- **North America:** As is the case elsewhere, the sub-region faces the challenge of ensuring national security while respecting international refugee protection principles. Concerns relating to terrorism and illegal migration are leading to the adoption of more restrictive asylum policies, particularly in the USA. These include, among others, the enforcement of anti-terrorism legislation that restricts access to asylum; the increased use of mandatory detention of aliens of certain nationalities; and the transfer of immigration functions to the recently created Department of Homeland Security (DHS). In Canada, security considerations have also played a role in the proposed transfer of some of the responsibilities for asylum matters from Immigration to the Canadian Border Services Agency (CBSA), within the recently created Department of Public Safety and Emergency Preparedness, which is overseen by the Minister of Justice. The authorities will soon undertake an overall revision of the asylum system. Both countries are preparing to implement a Safe Third Country Agreement, signed in December 2002, to enhance the management of refugee claims. UNHCR was granted a monitoring role which still needs to be defined with both Governments.
- **Mexico, Central and South America:** Legal access of refugees and asylum-seekers to the territories of States in this sub-region has become increasingly difficult due to various interception measures and the imposition of more stringent visa regimes. Security checks of asylum-seekers became stricter, especially for certain nationalities such as Colombians or those from the Middle East. The opening of a UNHCR field office in Tapachula (Chiapas), Mexico in April 2003 will enable the Office to better monitor the treatment of asylum-seekers along the Southern border. In South America, there is potential for refugee flows from Colombia and, to a lesser extent, from other countries such as Bolivia. UNHCR is involved in the processes started in ten countries (Argentina, Colombia, Costa Rica, Ecuador, El Salvador, Honduras, Mexico, Panama, Peru and Venezuela) to revise immigration and asylum legislation and/or to adopt new RSD procedures. Other main areas of intervention focus on the promotion of refugee self-reliance; the establishment of stronger protection networks, and the resettlement of Colombian refugees, mainly through Costa Rica and Ecuador.
- **The Caribbean:** Despite relatively small numbers of asylum-seekers, the Office has continued to encourage accession by the five countries which have not yet signed the refugee instruments (Barbados, Cuba, Grenada, St. Lucia and Guyana), and to support the existing *ad hoc* procedures in the Bahamas, Dominican Republic, Jamaica and Trinidad and Tobago. Given the potential for mass population movements out of Haiti, UNHCR has recently established a presence in the Dominican Republic. Continuing efforts to strengthen protection networks (through the enhancement of the Honorary Liaison network and the development of relationships with universities, ombudspersons and professional

- associations) still require follow-up. A joint UNHCR/IOM Regional Seminar in Barbados on “Mixed Migratory Flows in the Caribbean: Contingency Planning, Migration Management and Refugee Protection,” for officials of 19 Caribbean nations, served to increase the awareness of governments in the region concerning their role and responsibilities in key protection areas.

II. PROGRESS ON GLOBAL OBJECTIVES AND IMPLEMENTATION OF THE AGENDA FOR PROTECTION

The Global Goals 1, 3, 4, 5 and 7 are highlighted as follows:

Accession (Goal 1/ Obj. 1.1 – AfP Goal 1)

- **St. Vincent and the Grenadines** acceded to the 1967 Protocol. The Bureau renewed its contacts with the other five non-signatory states and mobilized support from the OAS and other regional organizations such as CARICOM. **Barbados** has indicated that accession to the 1951 Convention and 1967 Protocol is under consideration.

Refugee Protection Framework (Goal 1 and AFP Goal 1)

- (Obj. 1.2) The legal protection framework was strengthened by the adoption of new legislation in El Salvador, Peru and Venezuela regulating national RSD procedures. UNHCR’s written comments on the contents of the new draft laws on asylum of Argentina, Colombia, Costa Rica, Ecuador, Honduras, Mexico and Panama were shared with the respective national legislators.
- (Obj. 1.2) In 2003, UNHCR provided the **USA** authorities with a study and recommendations on how to improve the expedited removal procedure in terms of minimum procedural guarantees. The Office also provided technical inputs to key aspects of the USA/Canada Safe Third Country Agreement.
- (Obj. 1.2) UNHCR continued to undertake RSD in 4 countries – **Guatemala, El Salvador, Belize and Cuba** – and to participate with voice/no vote in the eligibility mechanisms of 9 countries – **Argentina, Bahamas, Bolivia, Brazil, Chile, Ecuador, Mexico, Panama and Peru**. The first National Eligibility Commissions of Paraguay, Uruguay and Venezuela started their work in late 2003.
- (Obj. 1.2) The Office has made efforts in the **Dominican Republic** in encouraging the government to take long delayed action on pending cases and improve access to the refugee process.
- (Obj. 1.2) UNHCR’s advocacy and capacity building efforts, including through its Honorary Liaison in **Trinidad and Tobago** resulted in an *ad hoc* asylum procedure, including the release of asylum-seekers to the custody of the HL (an NGO), and openness to UNHCR RSD recommendations.
- (Obj. 1.2) Given their territorial status, initial contacts with the authorities of Aruba and Curacao allowed some very limited success in the assessment of a small number of individual cases.
- (Obj. 1.2) The Bureau, through the Regional Legal Unit based in Costa Rica, continues to provide valuable advice to offices in the region on legal and protection matters. Moreover, the Spanish language website, which promotes refugee law and UNHCR’s activities in the Americas, has been further expanded in 2003 and is now visited by more than 70,000 users every month.
- (Obj. 1.4) Mexico agreed to support the Bureau’s initiative to celebrate the 20th anniversary of the Cartagena Declaration in 2004, and thus, further promote the application of its extended refugee definition in the region.

Promotion of the Highest Protection Standards (Goals 1, 3 and 7 – AfP Goals 2 and 3)

- (Obj. 1.2) Capacity building projects on RSD were implemented in Ecuador and Argentina contributing to improvements in the work of the eligibility commissions and to the reduction of the existing backlogs. Both countries benefit from the cooperation of their national universities in the treatment of asylum claims, as per the terms of an agreement promoted by UNHCR. RSD response capacity has also been developed in Paraguay and Peru through the training of border, immigration and eligibility officials. In the Caribbean context, there is a standing invitation to train immigration officials in Jamaica and the Bahamas.
- (Obj. 1.4) In a North/South cross-fertilization approach, the Bureau, through the offices in Canada and Mexico, promoted on-the-job training for Mexican eligibility officials by RSD Canadian experts. In a South/South cross-fertilization approach, the UNHCR Offices in Mexico and Washington jointly facilitated a capacity-building visit to Mexico of the Head of the Refugee Office of the Dominican Republic. The Bureau also organized, through the Regional Legal Unit in Costa Rica, the first Latin American Course on Refugee Law for government officials of practically all Latin American countries, including Belize and the Dominican Republic. Furthermore, the Bureau facilitated the participation of Governmental officials of Dominican Republic, Mexico, Panama and Venezuela in the San Remo Course on International Refugee Law. UNHCR Washington and Ottawa actively assisted with the organization of The Americas Chapter of the International Association of Refugee Law Judges (IARLJ).
- (Obj. 7.2) The Bureau pursued its strategy of creating and supporting Protection Networks - that include NGOs, human rights organizations, ombudsman institutions, churches and other civil society advocacy groups – as a means to promote refugee protection, particularly in countries where there is no UNHCR presence. The Bureau started a process of revising the content, scope, functioning and financing of these networks in 2003. In Mexico and Central America, following the annual meeting of the members of the regional refugee protection network, a one-year regional plan of action was adopted. The plan sets forth the main objectives of the network (to identify refugees in the midst of migration flows), and country-specific activities in five main areas: training, inter-institutional coordination, advocacy, public information, and national legal frameworks. In Colombia and bordering countries, networks have been established to improve access to protection and basic services as well as to raise awareness about refugee and IDP issues, including among the beneficiaries themselves. UNHCR's alliance with the Catholic Church was strengthened through the *Bishops Conference* which set up a large protection network of Parishes active in both sides of the borders between Colombia, Ecuador, Panama, Peru and Venezuela. NGOs in Peru, Ecuador and Venezuela (e.g. Caritas and JRS), play an important role in registering and processing asylum claims. UNHCR is also working with the Human Rights Departments of the State Universities in Argentina, Brazil, Ecuador, Peru and Venezuela for promoting the dissemination of international refugee law (e.g. Sergio Vieira de Mello Chair projects in Argentina and Costa Rica). In the Caribbean, the network of Honorary Liaisons facilitates UNHCR's interaction with Immigration Officials on an *ad hoc* basis.
- (Obj. 3.1) On registration and documentation, following the creation of the National Refugee Commission, a registration project was initiated in Venezuela on the basis of the successful experience of Ecuador. However, in Ecuador the system is being overstretched, resulting in a large backlog of asylum-seekers. Progress was also noted in **Costa Rica, El Salvador and Mexico**. In **Costa Rica**, asylum claim backlogs of previous years ended following UNHCR's intervention and refugees now receive ID cards (with the work permit incorporated) without delay. In **El Salvador**, the Government finally issued IDs and CTDs to all but mandate refugees. In **Mexico**, the average time for issuance of new refugee IDs was reduced from 4-5 months in 2002 to 1 month in 2003. In Colombia, UNHCR supports the National Registry Office through a mobile unit that issued some 60,000 ID cards to IDPs.

- (Obj. 1.6) As regards migration control measures, the Bureau, through the Regional Offices in Mexico and Argentina, participates in the Regional Conference on Migration (RCM), a.k.a. *Puebla Process*, as well as in the *South American Conference on Migration*. The main objective of UNHCR within these *fora* is to ensure that policies, measures and actions adopted by the Process are compatible with refugee protection. Some progress has been made in the RCM, including the inclusion of a refugee protection module in training activities organized by the Conference; and UNHCR's participation in 2003, for the first time, in the training programme for immigration authorities implemented by Puebla state members.

Promotion of Refugee Issues in Regional Bodies (Goal 1/ Obj. 1.4 – AfP Goal 1)

- **OAS Bodies** (Commission of Legal and Political Affairs, and the Inter-American Commission on Human Rights) have been briefed on the issue of State accession to the refugee instruments and the cases of Barbados, Cuba, Grenada, Guyana, and Saint Lucia, as well as on the importance of adopting national enactment mechanisms, and the incorporation and consistent application of the Cartagena refugee definition. Pursuant to the 2002 OAS GA resolution on refugees, the Secretary-General reported back to the GA on refugee issues for the first time ever in 2003.
- The RO in Argentina continues to provide technical advice to the **MERCOSUR** Working Group on Migration on the proposed adoption of a Dublin-like agreement on transfer of state responsibility for assessment of asylum claims.
- UNHCR Argentina and DIP participated in the **Inter-Parliamentary Union** Assembly held in Santiago de Chile (7-12 April 2003) and, among others, used this event to launch the Spanish version of the IPU-UNHCR Handbook on Refugee Law for Parliamentarians.

Colombia situation

- (Obj. 1.5) UNHCR continues to promote the implementation of Colombia's national IDP legislation while supporting governmental agencies and IDP associations directly involved in promoting the rights of IDPs; focusing on the impact of the government's IDP return policy; monitoring return movements and, when viable, assisting in voluntary return. A major challenge in this regard is the establishment of Tripartite Mechanisms with the neighbouring countries. In these countries, the focus has been on increasing UNHCR's field presence, particularly in border areas, in strengthening protection networks and assistance programs that also benefit host communities.
- As a protection tool, working with the media has been very effective. UNHCR's sustained efforts to inform the public at large as well as the donor community on the plight of Colombian IDPs and refugees has resulted in a greater understanding of the humanitarian aspects of the Colombian crisis.
- (Obj. 2.2) The Bureau will continue to update contingency planning in the region.

Durable Solutions (Goal 5 – AfP Goals 1, 3 and 5)

- (Obj. 5.2) The Bureau continued to promote local integration, notably through the promotion of self-reliance schemes, naturalization and issuance of residence and refugee documentation. This was particularly the case in Argentina, Brazil, Colombia, Costa Rica, Ecuador and Venezuela. Guatemala's decree granting long-staying refugees the right to obtain permanent resident permits was an important development. In Nicaragua, UNHCR funded a new project to facilitate documentation for long-staying refugees who, for different reasons, do not have proper IDs and residency documents. In Costa Rica, UNHCR signed a cooperation agreement with the Ministry of Labor to promote and support employment of refugees.

- (Obj. 5.3) The potential of Brazil and Chile as emerging resettlement countries is increasingly recognized. The re-establishment of a UNHCR's Office in Brazil will enable the Office to implement a comprehensive resettlement strategy.
- The experience of the Resettlement Units in Costa Rica and Ecuador benefited some 317 refugees, of which 260 were resettled in the USA.

Gender and age mainstreaming (Goal 4 / Obj. 4.3, 4.6, 4.9 and AFP Goal 6)

- The main challenge ahead is to achieve gender mainstreaming in our program and protection activities in accordance with the pilot model that will be tested in Canada and Colombia. In 2003, all Representatives were required to include gender objectives in their Country Operation Plans and individual objectives, and to report on progress made at year's end.
- Our main achievements include the appointment and training of female eligibility officials who are operating RSD in such countries as **Argentina, Brazil, Mexico, Costa Rica and Ecuador**.
- Forty per cent of the self-reliance projects benefited female refugees in **Argentina, Costa Rica and Chile**. This is an important contribution to an effective empowerment of refugee women and the rise of gender equity.
- UNHCR is promoting the incorporation of a gender focus in all asylum legislation under development by governments. The Bureau's influence has been recognized in the practical implementation and mainstreaming of activities relating to gender and a checklist was devised for monitoring purposes. All training activities included a focus on gender based persecution, SGBV, special needs and standards of treatment of women and children asylum-seekers and refugees, and protection and care of unaccompanied and separated children and adolescents.
- In Colombia, UNHCR is supporting 1,215 displaced women who are organized in associations and support groups. The Office promotes the participation of women in IDP groups and trains displaced women, together with governments and other partners, in IDP legislation. Community development activities and income generating projects in support of IDP integration or return also give due consideration to IDP women. 198 displaced women are benefiting from micro-credit programs. Our program also grants support to schools and training to teachers to facilitate the integration of more than 30,000 children (both IDPs and local population).
- In December 2003, the VI Gender Regional Meeting included the participation of refugee women and a representative from DOS.

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