

Update on UNHCR's operations in the Americas Executive Committee 2005

Part A: Major developments

- The Declaration and the Mexico Plan of Action (MPA), adopted in November 2004, which had as its main objectives to boost Latin America's capacity to protect refugees, asylum-seekers and others of concern, and to increase efforts in identifying durable solutions within the region. Since then, there has been progress in some thematic areas (legislation, refugee status determination, resettlement, capacity building, protection in and attention to border areas) and in the sub-regions (Andean and Southern Cone). Equally encouraging are the recent examples of South-South cooperation between Mexico, Colombia and Panama which aim at strengthening national eligibility practices. However, the implementation rate remains uneven as a result of the diversity of the protection situations in the region, the difficult context surrounding the Colombian conflict and the limited resources available.
- In Colombia, the authorities significantly increased the funds available for IDP protection and assistance while forced displacement continued apace. UNHCR continued to focus on strengthening Colombia's protection response to address the root causes of forced displacement and to provide protection to IDPs, in coordination with other UN agencies and civil society. The Office redoubled its efforts in the search for durable solutions for IDPs, particularly in urban areas. Coordination with other UN agencies was strengthened and included the preparation of a draft framework for work with OCHA. In the context of a situational approach, UNHCR's office in Colombia continued to work closely with other offices in the region by providing early warning of refugee movements and country of origin information used by eligibility bodies worldwide.
- In the United States and Canada, UNHCR continued to focus on strengthening political and financial support for the organization's global priorities and programmes, both in the private and public sectors. Both countries are top donors for UNHCR, important countries of asylum and maintain large resettlement programmes. Canada is considering increasing resettlement of Colombians, possibly as part of a larger regional effort. UNHCR's work in the region focuses on refugee protection, through advocacy based on international standards, advice on national legislation and regulations, and capacity building for government officials and NGOs. UNHCR offices in Canada and the United States are engaged with their respective Governments, and with their specific financial support, in monitoring the bilateral Safe Third Country Agreement which entered into force in December 2004.
- In Mexico, Central and South America, UNHCR continued to promote the consolidation of national refugee status determination procedures, capacity building (especially for asylum officers and members of eligibility commissions), and passage of national refugee laws compatible with international standards. In South America, the Office welcomed the progress made in the implementation of the resettlement segment of the MPA as well as in the adoption of new asylum legislation.
- In the Caribbean, UNHCR continued to support the existing ad hoc asylum procedures, urge the drafting and adoption of domestic legislation, and to build capacity, particularly for dealing with population movements out of Haiti. These movements may increase again late in 2005, as political tensions escalate in advance of scheduled elections. An imminent contingency plan mission to the region will update the plan for possible population movements within the region.

Part B: Progress on Global Objectives and Agenda for Protection

Strengthening the refugee protection framework: Strategic Goal 1 – AfP Goal 1

- In North America, anti-terrorism and security continue to affect refugees and asylum-seekers negatively. In the United States, the REAL ID Act was passed, which extends restrictions bars to asylum based on broadened definitions of terrorist activities. The protection of children was enhanced with the creation of a new Center for Refugee and Immigrant Children, funded by

UNHCR Goodwill Ambassador Angelina Jolie, which will train *pro bono* attorneys across the United States to represent separated children in immigration proceedings. In Canada, the Immigration and Refugee Board introduced fast-track procedures for manifestly unfounded claims. In the context of the ongoing reform of Canada's asylum system, UNHCR continues to call for the introduction of a form of appeal on the merits in the national refugee status determination procedure.

- On 6 July 2005, the Office presented to Canada and the United States an oral report on its observations of the first six months of implementation of the Safe Third Country Agreement. UNHCR's overall findings were positive. The Parties accepted to look into UNHCR's recommendations, and take the necessary corrective measures, with a view to ensuring a better implementation of the Agreement.
- In Latin America, the legal framework was strengthened by the adoption of new asylum legislation in Argentina and Bolivia. The Argentinian legislation is compatible with international standards. Discussions continued on the contents of new draft legislation on asylum and on refugee status determination procedures with the authorities of Chile, Costa Rica, Ecuador, El Salvador, Mexico, Panama and Uruguay. As part of the implementation of the MPA, emphasis has been given to the strengthening of national eligibility commissions. For this purpose, twinning projects between Mexico and Colombia and Panama have been identified. On-the-job training is provided to members of national eligibility commissions in Argentina, Brazil, Chile, Costa Rica, Ecuador, Guatemala, Honduras, Panama, Peru, Mexico, Nicaragua and Venezuela.
- In Colombia, UNHCR continued to provide advice on national law and public policy relating to IDPs. The Office provided the Constitutional Court with a report on the Government's compliance with the landmark 2004 judgment on IDPs. Support to documentation campaigns in distant rural municipalities as well as in urban areas continued in close cooperation with the National Civil Registry. The Office also stepped up focus on sensitive border areas, including through the opening of a field office in Cúcuta on the border with Venezuela. It is also participating in the bilateral and tripartite mechanisms established by Colombia, Ecuador, Panama and Venezuela to discuss cross-border movements, the status of populations of concern and security-related issues.
- In the Caribbean, UNHCR closed its programme of assistance to Haitians in Jamaica and continued to offer to assist the voluntary return of Haitians, in cooperation with the International Organization for Migration (IOM) and other agencies. In Cuba, a non-signatory State, UNHCR continued to perform refugee status determination under its Mandate, implement an assistance programme, and search for durable solutions principally through resettlement.
- UNHCR participated in regional meetings of the Global Commission on International Migration in Mexico City, as well as to the tenth Regional Conference on Migration (RCM), known as the *Puebla Process*. A module on refugee protection was again included in RCM training activities for immigration officials. The Office maintained its interest in the adoption by the Organization for American States General Assembly of the annual resolutions related to the plight of refugees and IDPs, as well as the one related to the fight against terrorism and respect for human rights. UNHCR regretted that, for the first time ever, the OAS General Assembly could not adopt its annual resolution on refugees.

Durable solutions: Strategic Goal 5 – AfP Goals 1, 3 and 5

- The US resettlement programme is returning to its usual rate of implementation with some 50,000 refugees expected to be resettled in the United States in 2005. The planning figure for 2006 is once again 70,000 persons. Canada's resettlement targets remain unchanged (10,000 – 11,000 refugees). In Latin America, there has been significant progress in the implementation of the resettlement segment of the MPA. Argentina signed a resettlement agreement with UNHCR in June 2005 and is taking the necessary measures to welcome some 40 Colombian refugees currently in Ecuador and Costa Rica before this year's end. Chile hosts some 100 resettled refugees from Bosnia and Herzegovina, Afghanistan, Iraq, the Islamic Republic of Iran, Cuba and Colombia. A Chilean selection mission to Ecuador and Costa Rica is scheduled for early October 2005. In Brazil, the emerging resettlement programme now involves some 154 refugees and includes an emergency

procedure that this year benefited 26 persons with a majority of women-at-risk cases. Resettlement solutions were also found for 19 mandate refugees in Cuba.

- The MPA segment on durable solutions also foresees the enhancement of local integration and the promotion of refugee self-reliance in both urban centres (*Cities of Solidarity*) and border areas (*Borders of Solidarity*) affected by the Colombian conflict. In Mexico, Costa Rica and other countries in Central America, UNHCR continued to promote the naturalization of refugees, language and job training as well as the expansion of micro-credits to refugees with entrepreneurial skills. In Mexico, the Office initiated an ambitious employment-search project that targets large Mexican companies and also entered into an agreement with the city government to allow refugees equal access to job “banks”. In Costa Rica, job placement initiatives have produced measurable results for the first time since this programme started in late 2003. In El Salvador, a UNHCR census project for Nicaraguan refugees was completed, with a view to accelerating durable solutions for this population. In Ecuador, UNHCR is promoting development support for refugee-hosting areas. In Panama, the Government reaffirmed its commitment to regularize the status of some 831 Colombians who are currently under a temporary protection regime and to grant permanent residence to long-term urban refugees from Nicaragua and El Salvador. In Brazil, UNHCR signed an agreement with a well-known financial institution specialized in the provision of credit to the poorest segments of the population to ensure access to credit for production, housing and urgent needs to both refugees and locals in areas of high refugee concentration. In Colombia, the Office continued to work closely with authorities in urban areas to guarantee IDPs access to housing, education, health care and income-generation projects and to ensure their property rights were protected.