

**Bullet point summary of the Strategic Presentation on
UNHCR's Operations in the Americas**

**26th meeting of the Standing Committee
4-6 March 2003**

I. INTRODUCTION

- The humanitarian crisis in **Colombia**, which has produced over 2 million internally displaced persons, is still worsening with little prospects for longer-term solutions. Displacement increased of 4.7% from 254,000 in 2001 to 266,000 in 2002. The High Commissioner visited Colombia in November 2002 to meet with President Uribe and to present the UN Humanitarian Action Plan. The Colombian conflict also increasingly affected its neighbouring countries, as well as Costa Rica, where UNHCR is assisting some 21,000 Colombian refugees and asylum seekers and reinforcing their asylum systems to facilitate access to international protection.
- The events of 11 September 2001 continue to have a significant effect on immigration, asylum and refugee policies in **North America**. The USA and Canada adopted several anti-terrorist laws, for which UNHCR expressed protection concerns, and signed a readmission agreement, to be implemented in May 2003. UNHCR was granted a monitoring role and is in the process of defining it with both governments. In the USA, administrative rules were adopted by the Immigration and Naturalization Service, including special registration requirements for visa holders of certain countries, which could negatively impact access to asylum. In addition, resettlement arrivals were drastically reduced by enhanced security screening procedures.
- In **Mexico**, UNHCR relocated its field office in Comitán to Tapachula, to maintain an international presence at the Southern border of Mexico and ensure access to protection of refugees and asylum-seekers in the midst on migration flows. In 2002, some 1500 naturalization documents were issued to Guatemalan refugees in Mexico. In countries of **Central and South America**, the backlog of application claims was completely cleared in Costa Rica at the end of the RSD project in December 2002. In El Salvador, a new decree and implementing mechanisms were adopted in August 2002. In Paraguay, a refugee law was passed in May 2002, based on the model law prepared by UNHCR and presented to all MERCOSUR countries.
- UNHCR continued efforts to promote accession among the five **Caribbean** countries who have not yet signed the 1951 Convention: Barbados, Cuba, Grenada, Guyana, and St. Lucia. Regarding the development of asylum systems, UNHCR remains concerned over various countries' asylum practices. In the Dominican Republic, the only country in the Caribbean that has adopted refugee legislation, there has been no progress in clearing the backlog of pending asylum cases. In the other countries of the region, no legislative framework for processing asylum claims yet exists, which means long delays in identifying asylum-seekers and assessing their claims. Generally in the region, harsh immigration laws have led to the detention of asylum-seekers.

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

Support governments in the provision of protection and assistance (Strategic Goal 1)

- While no new accession to the international refugee and stateless persons instruments took place, the awareness of the five non-signatories states has been heightened through bilateral contacts with governments and with the support of regional *fora* such as the OAS and CARICOM (*Global objective 1.1*).

- The legal protection framework was strengthened by the adoption of new legislation in El Salvador, Peru, Paraguay and Canada, which incorporates gender-based persecution. Protection of unaccompanied asylum seekers and refugee children are included in the laws in Peru and Paraguay (*Global objective 1.2*). Canada introduced a single procedure in its legislation for refugee status determination to comply with its international obligations under other human rights instruments. One country adopted a new refugee decree, which falls short of international standards, without prior consulting UNHCR (*Global objective 7.3*).
- The relevance of the Cartagena Declaration continues to be stressed in the region and its refugee definition was included in the new legislation of El Salvador, Peru and Paraguay (*Global objective 1.2*).
- UNHCR continues to participate in various Eligibility Commissions in Mexico, Guatemala, Panama, Ecuador, Peru, Argentina, Bolivia, and Chile to ensure a consistent and coherent interpretation of the provisions of the 1951 Convention and its 1967 Protocol (*Global objective 1.2*).
- The Regional Legal Unit, based in Costa Rica, gathers and analyses developments in law and jurisprudence, including them in the UNHCR Spanish web site, and provides legal advice to offices in the region to improve the legal framework for refugee protection (*Global objective 1.6*).
- The Bureau also supports the reinforcement of the legal regime through the integration of human rights norms and standards. To this effect, the working relationship with the Inter-American System has been strengthened. Training is provided to UNHCR staff and NGOs on the importance of the UN and Inter-American human rights standards and the recourse to universal and regional human rights mechanisms (*Global objective 1.6*).
- Capacity building projects on RSD were implemented in Costa Rica and Ecuador, contributing to the reduction of the backlog and to improvement in the functioning of the eligibility commissions. A similar project started in Argentina, which has a backlog of about 2000 cases, and is proposed for Dominican Republic (*Global objective 1.10*).
- UNHCR provided training and technical support to the Government of Mexico for the assumption of RSD responsibilities in 2002. Training of Eligibility Commissions is also planned in Panama and Ecuador. Co-operation agreements were signed with local universities in Argentina and Costa Rica to support national RSD procedures, through the provision of lawyers to the eligibility commissions (*Global objective 1.10*).
- In Colombia, UNHCR aims at strengthening State institutions' response to internal displacement to increase IDPs' protection and search for possible solutions. It supports IDP associations with the aim of defending and promoting their rights, creating employment and socio-economic opportunities, improving access to education and health services and strengthening their capacity (*Global objective 1.10*).
- Eligibility guidelines for Colombians in need of protection were adopted. In addition to granting refugee status under the 1951 Convention, the Bureau encouraged the granting of protection to all those fleeing generalised violence, armed conflict and massive violations of human rights under the Cartagena Declaration and/or any forms of complementary protection.
- The strategy continues of creating and supporting Protection Networks – to include NGOs, human rights organisations, churches, advocacy groups, civil society at large and State institutions – as a means to ensure a higher level of protection in particular in countries where there is no UNHCR presence. In Mexico and Central America national networks assist in identifying refugees in the midst of migration flows. In Colombia and bordering countries, networks have been established to improve access to protection and basic services, to collect information on cross-border movements and to raise awareness about refugee issues. In the Caribbean, the system of Honorary Liaison Officers was reviewed and will

be strengthened by working with other institutions and organisations, such as Ombudspersons, universities and professional associations (*Global objective 1.10*).

- On registration and documentation, emphasis is given to the issuance of individual personal documentation of asylum-seekers and refugees and to individual registration of refugee women. A registration database has been successfully developed in Ecuador, and is in the process of being replicated in the Andean region and in Panama. In Colombia, UNHCR supports the National Registry to improve the provision of documentation to IDPs in order to facilitate their access to humanitarian assistance and to basic services (*Global objective 1.10*).
- Migration control measures is a main issue on the agenda of countries in the region which are developing regional frameworks ("Puebla Process", Regional Conference for the Caribbean States, Regional Meeting for South America). UNHCR advocates the introduction of refugee safeguards and calls for the adoption of mechanisms for the proper identification and treatment of persons in need of protection and conducts training of border and immigration authorities. The Bureau is in the process of redefining its strategy for its participation in the existing migration *fora* while recognising that an operational arrangement needs to be defined with IOM, covering issues such as information-sharing, legal advice on immigration laws and joint training (*Global objective 1.4*).
- A resolution on the protection of refugees, returnees and internally displaced, presented by UNHCR, was adopted by the OAS General Assembly in June 2002. The resolution recalled the importance of States' acceding to international refugee and statelessness instruments and the adoption of national legislation and enactment mechanisms for their effective implementation (*Global objective 1.3*).
- OAS political and human rights supervisory organs are increasingly aware of the plight of refugees and other persons of concern to UNHCR in the Americas and refugee concerns are echoed at the regional level. Since 2002, UNHCR regularly briefs the OAS Committee of Legal and Political Affairs on the implementation of the OAS GA Resolution. The Inter-American Commission of Human Rights' report on terrorism and human rights included a chapter on asylum and refugee protection for the first time (*idem*).
- The Bureau will work to strengthen its relationship with other regional *fora* such as CARICOM, MERCOSUR and the Andean Community (*idem*).
- UNHCR, as the designated UN co-ordinator for IDP issues in Colombia, with OCHA support, led UN agencies in the development of a Humanitarian Action Plan for the protection and attention of IDPs. The plan provides a platform for action for a qualitative leap forward to UN co-ordination and joint planning in Colombia. The Plan will be made operational in four pilot areas in 2003. In the countries bordering Colombia, UNHCR is also following an inter-agency approach to the protection of Colombian refugees and asylum-seekers (*Global objective 1.7*).
- The Bureau will continue to aim at more visibility for the internal displacement crisis and to expand its field presence to provide better protection in conflict-affected areas. A fourth field office has now opened to cover the Atlantic Coast region.
- UNHCR will continue to work with the Government in the search for durable solutions to internal displacement, which include, when viable, voluntary return, but also local integration and relocation. This focus on the post-emergency phase requires a clear commitment from the Colombian Government which has the first responsibility for IDP issues.
- In order to strengthen refugee protection on border areas with Colombia, the Bureau is also focussing on border monitoring, increasing its field presence in Panama, Ecuador and Venezuela and consolidating protection networks with civil society, local NGOs, international organizations and State institutions.

- Contingency planning was revised in Ecuador, and updates are currently underway in Panama and Venezuela.

Durable Solutions (Strategic Goals 5, 6 and 7)

- In the Americas there is a wealth of best practice in fostering local integration of asylum-seekers, ranging from issuance of individual personal documentation, change of status to permanent residency and naturalization, to vocational training and micro-credit schemes to promote self-reliance (*Global objectives 5.1 and 7.1*).
- An evaluation of local integration experiences in the region led to further efforts to promote the self-sufficiency of refugees aimed at reducing dependence, in particular that of refugee women, on UNHCR's assistance. While past experience focused mainly on refugees in rural settings, the Bureau is exploring ways to apply this approach to refugees in urban areas. Micro-credit schemes are being implemented in Costa Rica, Ecuador and the Southern Cone, while community-based projects, which would benefit the refugee and local communities alike, have been initiated in border areas with Colombia in Panama, Ecuador and Venezuela (*Global objectives 1.9, 5.2 and 7.2*).
- Emphasis will also continue to be given to the issuance of individual personal documentation to facilitate the access of both men and women to education and health and to work permits. To facilitate the change of status to permanent residence for long-staying refugees in Central America and Panama; and, to promote naturalization initiatives in Central America and Ecuador (following the successful naturalization of some 6000 Guatemalan refugees in Mexico). (*Global objectives 5.2 and 7.1*).
- The programme for two emerging resettlement countries, (Brazil and Chile) faced some initial constraints in 2002, linked to the high expectations of the resettled refugees compared to the socio-economic conditions of the host countries, as well as the considerable investment in terms of financial and human resources. The Bureau is proposing the reinforcement of the local entities in charge of resettlement, and is looking into the possibility of having a more regular UNHCR presence. An integration expert will continue to be based in Brazil to support local efforts. The experience gained by NGOs in North America could be an element of cross-fertilization and a proposal for twinning arrangements is to be submitted to possible donors. In future, beneficiaries of this programme will be given more detailed information on country conditions, with video material to inform selected resettlement cases.
- Resettlement is also used as a strategic protection tool for Colombians in need of protection in the Andean region and elsewhere. Resettlement units are being opened in Costa Rica and Ecuador to refer Colombians in need of resettlement to the USA.

Enhancing gender equality and participation (Strategic Goal 7)

- The Bureau implemented the High Commissioner's five commitments for refugee women and specific commitments for industrialised countries were developed.
- In the Americas, refugee women are granted individual documentation as asylum-seekers and upon status recognition (ID cards, CTD, work permits, etc). Legal counselling and special medical and psycho-social treatment are provided for victims of sexual and gender-based violence. The provision of sanitary materials has been contemplated in all countries where material assistance is delivered. The Bureau is in the process of designing an information booklet for refugees to raise awareness of their rights as well as obligations of States, UNHCR and implementing partners towards them, as a means to empower them and prevent abuses.

- As part of rights-awareness training on sexual and gender-based violence, workshops on the protection of children and women have been organised through the Inter-American System in co-ordination with NGOs.
- In Colombia, training was provided to women belonging to IDP associations enabling them to assume leadership positions, and share in decisions on income-generating activities.