

NORTH AMERICA AND THE CARIBBEAN

Antigua and Barbuda, Bahamas, Barbados, Canada, Cuba, Dominica, Dominican Republic, Grenada, Haiti, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago, United States of America

RECENT DEVELOPMENTS

The post 11th September 2001 period produced a new focus on security in North America, particularly along the border between the United States and Canada. The United States resettlement programme was also affected as new security procedures slowed down the processing of cases, which resulted in fewer resettled refugees arriving in the country.

Canada introduced “front-end” security screening for asylum-seekers at its borders and inland, a measure codified in the new Immigration and Refugee Protection Act, which came into force on 28 June 2002. Under this measure, Canada began directing some asylum-seekers back to the United States to await interviews with Canadian immigration authorities for a later date if resources did not allow their claim to be dealt with immediately.

Meanwhile, Canada and the United States continued negotiations on a cooperation agreement for the examination of refugee status claims from nationals of third countries. An agreement in principle was reached in June, which with exceptions will require individuals to ask for asylum in the first of the two countries they reach. UNHCR may be asked to monitor implementation of the accord, likely to enter into force in the third quarter of 2002.

In the Caribbean, ongoing political turmoil and economic instability in Haiti continued to generate steady outflows of asylum-seekers

and others from that country, but did not result in any large population movements.

PROGRESS TOWARD OBJECTIVES, AND CONSTRAINTS ENCOUNTERED

UNHCR continued to monitor and promote the improvement of established asylum procedures, and support refugee resettlement programmes in Canada and the United States. In Canada, while UNHCR welcomed the implementation of the new immigration and refugee law, it expressed concern over the Government’s announcement to delay implementation of a new Refugee Appeal Division. Financial constraints forced UNHCR to revise the work of its legal offices and led to the decision in March to close its office in Vancouver. UNHCR’s office in Ottawa is now assuming a greater role in covering the Canadian West Coast. On resettlement, the Government of Canada positively acknowledged UNHCR’s advocacy work by making UNHCR the only “referral agent” recognised so far under the newly implemented immigration and refugee law. However, the designation could serve as a constraint, given UNHCR’s limited operational capacity to identify and document resettlement candidates.

In the United States, UNHCR’s work to promote alternatives to detention for asylum-seekers was dealt a setback by an INS announcement that money Congress had earmarked in 2001 for alternatives to detention would instead now be spent on alternative detention facilities. Also, limited funding and resistance from some government

sources hampered UNHCR's efforts to encourage government and NGO partners to assume greater responsibility in providing documentation and legal assistance to asylum-seekers.

In the Caribbean, St. Kitts and Nevis acceded to the 1951 Convention relating to the Status of Refugees on 1 February 2002. Progress in the Dominican Republic on clearing a backlog of asylum applications was hampered by delays in the functioning of its Eligibility Commission.

UNHCR in Canada and the United States continued to promote public awareness of the needs of refugees in various forums, despite hardened public attitudes developed after 11 September.

Resettlement is the main durable solution for refugees in Cuba. The security checks introduced by resettlement countries after September 11, have resulted in a delay in the processing of cases of up to twelve months. UNHCR continues pursuing the creation of an eligibility mechanism, though no sign of progress was made during the reporting period.

ACTIVITIES UNTIL 30 JUNE 2002

In Canada, UNHCR provided written comments and oral testimony on the new immigration and refugee law and its regulations, and participated in training of government officials responsible for implementing different provisions of the law. Protection staff regularly monitored access to asylum at various ports of entry and assessed conditions at detention facilities where asylum-seekers and refugees were held. UNHCR also trained Canadian Red Cross workers on how to monitor detention facilities. UNHCR continued to work closely with governmental and non-governmental partners to improve the situation of unaccompanied asylum-seeking minors. In a continuing effort to promote the reduction of

statelessness, UNHCR organised a seminar in Ottawa on statelessness for government officials and practitioners in May. UNHCR also advocated for increased resettlement to Canada through workshops, official exchanges with government officials and public presentations.

In the United States, UNHCR continued to supervise a special study evaluating procedures for the expedited removal of people who enter the United States without valid documents or with false documents. UNHCR submitted comments on proposed legislation and regulations for various topics, including indefinite detention of asylum-seekers, treatment of unaccompanied asylum-seeking children and detention of juveniles. UNHCR also submitted an advisory opinion at the request of lawyers in litigation regarding an INS policy that led to the prolonged detention of Haitian asylum-seekers. In the area of resettlement, UNHCR organised a resettlement training in Washington, D.C., for non-governmental partners from the US and Canada, to prepare them for deployment to field locations worldwide. UNHCR continued to respond to resettlement inquiries from other UNHCR offices, members of Congress and NGO partners.

In the Caribbean, UNHCR undertook legal training and assessment missions to various countries, including the Dominican Republic, Trinidad and Tobago, Jamaica, and the Bahamas. The Office also provided analysis and advice on individual cases to governments. UNHCR enhanced its work with regional bodies by building contacts with the Secretariat of the Organisation of American States, and providing information to one of its committees tasked with reporting on achievements in refugee protection.

UNHCR completed various activities to maximise efforts to mobilise support for refugees and for the work of the Office. In Canada, UNHCR raised over Can \$ 280,000 from private donors, finalised preparations for

mass direct mail programs and targeted appeals to select groups. It also continued to assist Olympic Aid to bring sports programmes to refugees in Africa, Asia and the Middle East. In the United States, USA for UNHCR raised USD 1.1 million from a direct mail campaign, as well as contributions from individuals, corporations and foundations, and expanded its education awareness programme.

OUTLOOK FOR JULY-DECEMBER 2002

In the United States, resettlement security clearances are likely to continue to delay the

processing of resettlement cases. Given the expected shortfall of arrivals for 2002, it will be all the more important to rapidly identify priority cases.

In Canada, the process of implementing the new immigration and refugee law will continue. UNHCR will focus on providing advice and monitoring implementation of the law. In addition, it will continue to serve as a bridge between Canadian authorities and other UNHCR offices on resettlement policy matters, particularly its role as “referral agent” under Canadian law.

Financial Data (USD)

Country / Activity	Annual Programme Budget			
	Initial Budget	Revised Budget	Total Funds Available	Obligation Level
Canada	1,095,953	1,100,930	536,350	536,350
Cuba	581,000	581,000	244,022	242,747
United States of America	2,832,726	2,854,241	1,349,900	1,349,900
Liaison Office in New York ¹	1,649,200	1,788,111	825,600	825,600
Regional Activities ²	152,400	152,400	198,028	76,200
TOTAL	6,311,279	6,476,682	3,153,900	3,030,797

¹ Administrative costs for UNHCR's Liaison Office in New York.

² Includes local integration of refugee and capacity-building in the Caribbean.