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## **Update on UNHCR's operations in the Americas**

### **A. Situational analysis including new developments**

In the Americas region, the implementation of pledges made during the Ministerial Intergovernmental Event<sup>1</sup>, held in December 2011, have been consolidated in the following areas:

#### *Statelessness*

Several States in the region made pledges at the Intergovernmental Event to address statelessness, including in relation to accession to one or both of the statelessness conventions and the establishment of statelessness determination procedures. Paraguay has since completed its pledge to accede to the 1961 Convention on the Reduction of Statelessness.

#### *Refugee-related legislation and procedures*

In the Plurinational State of Bolivia, new legislation on refugee protection was approved. Law 251 includes such core international protection standards as the principle of *non-refoulement* and the non-imposition of penalties for illegal entry or presence. It also adopts an age, gender and diversity perspective in granting refugee protection. UNHCR is currently supporting the Government in finalizing the law's implementation.

In Ecuador, potentially significant amendments to asylum procedures were introduced with the passing of Decree 3301 in May. The decree reduces the time frame for lodging a refugee claim, creates additional possibilities for the revocation and revision of refugee status, and removes the extended refugee definition as provided by the Cartagena Declaration. UNHCR will assess the impact of these changes, seeking to ensure that safeguards and the fairness and quality of decisions are maintained.

Canada passed the Protecting Canada's Immigration System Act in June. The asylum reform introduces a series of procedural requirements aimed at reducing abuse of the system. UNHCR will continue to offer advice and engage constructively with the Canadian authorities as the new regulations are implemented.

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<sup>1</sup> Intergovernmental event at the ministerial level of Member States of the United Nations on the occasion of the 60th anniversary of the 1951 Convention relating to the Status of Refugees and the 50th anniversary of the 1961 Convention on the Reduction of Statelessness

In the United States of America, the reform of legislation affecting refugees and asylum-seekers has not progressed. Laws that include broad criminal and terrorism-related bars continue to prevent certain categories of refugees from being resettled.

Bolivia and Honduras passed anti-trafficking laws, which address the protection needs of victims.

Mexico took an important step towards improving its protection framework with the signing of the Law on Refugees and Complementary Protection, which fosters local integration. Costa Rica re-established its Refugee Unit and Administrative Migration Tribunal.

#### *Strengthening refugee status determination*

The legislative developments in Central America and Mexico have generated the political will needed for the implementation of the Quality Assurance Initiative. Launched earlier this year, this initiative between UNHCR, Costa Rica, Mexico and Panama strengthens the quality of asylum procedures and decisions and ensures that standards and safeguards are aligned throughout the region.

In the Dominican Republic, UNHCR welcomed the reactivation of the National Eligibility Commission, which met in June for the first time since 2005. The resumption of the Commission's work is a breakthrough for refugee protection in the country.

#### *Solidarity resettlement*

Since 2004, more than 1,100 refugees have been resettled in Argentina, Brazil, Chile, Paraguay and Uruguay under the Solidarity Resettlement Programme. The programme aims to provide support to countries in the region that are hosting large number of refugees. In Argentina, UNHCR signed agreements with the federal authorities and the National Eligibility Commission on the provision of housing and employment opportunities for resettled refugees. In Uruguay, resettlement in rural areas is being explored for a number of cases.

## **B. Progress made and challenges encountered in achieving strategic priorities**

#### *Addressing sexual and gender-based violence*

UNHCR offices in Colombia, Ecuador, Haiti and Venezuela (Bolivarian Republic of), as well as the Regional Office in Panama, benefitted from additional resources for activities to prevent and respond to sexual and gender-based violence (SGBV). Activities included the implementation of a data collection tool and community-based SGBV prevention projects in Colombia; micro-credit and vocational training programmes for SGBV survivors in the Bolivarian Republic of Venezuela; and the expansion of safe-house networks in Ecuador and Haiti, where a second safe house was opened. The creation of a dedicated UNHCR post in Panama to support regional implementation of UNHCR's updated SGBV strategy is planned for October 2012.

#### *Finding solutions through prevention, protection and durable solutions*

Internal displacement continues to be of concern in Colombia. In July, escalating violence in the west of the country resulted in the displacement of over 8,000 people, a significant increase compared to the same period last year. Based on Government statistics, displacement in Colombia is occurring at a rate of between 1,000 – 2,000 people per month, with the total number of displaced standing at some 3.9 million. Indigenous communities have been particularly affected by the violence as their lands are often in areas of strategic or economic importance. UNHCR continues to focus on activities, including awareness-raising campaigns, to address the specific needs of indigenous and Afro-descendant communities in the country. The impact of the Victims and Land Restitution Law, which was enacted in 2011,

and the establishment of the Department for Social Prosperity, which is responsible for assisting internally displaced persons, will become apparent by late 2012.

A survey of Colombian refugees in Ecuador conducted in December 2011 indicated that 84 per cent did not want to return home. While UNHCR supports refugees who opt for voluntary repatriation, resettlement remains the only solution for a significant number of them.

In the Bolivarian Republic of Venezuela, the registration of refugees in border areas was conducted as the result of a joint plan of action with the national Refugee Commission.

Following the adoption of a law in Panama that made it possible for persons under a Temporary Humanitarian Protection Regime to apply for permanent residency status, UNHCR is now working on self-sufficiency and livelihood activities for those affected.

#### *Strengthening child protection*

A surge in the number of unaccompanied and separated children (UASC) crossing the southern border into the United States is a matter of significant concern to UNHCR. The Office and Government authorities have agreed to further border monitoring and are discussing longer-term policies to ensure the adequate protection of children.

In Colombia, UNHCR is working in partnership with the Institute for Family Welfare to improve the protection of children, especially in rural areas.

Refugee children in Ecuador face protection problems, such as the lack of legal status, which can leave many exposed to sexual and economic exploitation. Issues such as access to education for refugee children and instances of discrimination and xenophobia are being addressed by UNHCR in partnership with the authorities.

The Office is working with the Venezuelan Ministry of Education and Ombudsman's office to address the challenges faced by many children of asylum-seekers who are unable to attend school due to documentation issues. A recent participatory assessment revealed the need for greater education on gender-based violence and sexual health.

### **C. Financial information**

The approved initial 2012 budget for the Americas was US\$ 95.5 million. The current budget is US\$ 101 million. The slight increase is due to adjustments in the Haiti and Dominican Republic operations, which received earmarked contributions. As financial support for key activities in the Americas region is for Pillar II (Global stateless programme) and Pillar IV (Global IDP projects), the Office continues to rely on un-earmarked funding to sustain activities under Pillar I (Global refugee programme).