

**Executive Committee of the  
High Commissioner's Programme**

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**Update on UNHCR's operations in the Americas****A. Situational context****Colombia situation**

The peace agreement signed between the Government of Colombia and the Revolutionary Armed Forces of Colombia (FARC) was approved by Congress and entered into force on 1 December 2016. The Government has also initiated peace negotiations with the National Liberation Army (ELN). Drawing upon its knowledge of the affected communities, UNHCR supports the peacebuilding efforts in accordance with the role it was assigned by the peace agreement, namely assisting victims. In addition, UNHCR monitors the situation in volatile regions, which are experiencing displacement due to the appearance of armed groups in areas vacated by the FARC.

In Ecuador, the National Assembly unanimously passed a human mobility law, which updated the framework for regularizing refugee and migratory status in the country. The law also reaffirmed important principles such as equal treatment of all people before the law, the principle of non-refoulement and non-criminalization of irregular entry. UNHCR continued to promote the inclusion of refugees and others of concern in national plans and policies. Moreover, the host country agreement (*accord du siege*) between UNHCR and the Government of Ecuador was approved by the National Assembly and came into force in mid-January.

**Venezuela (Bolivarian Republic of)**

Recent developments in the Bolivarian Republic of Venezuela resulted in the arrival of an increasing number of Venezuelans in many countries in the region. Between 2011 and 2016, more than 40,000 Venezuelans applied for asylum in the Americas and beyond, including over 27,000 who applied in 2016, mostly in Brazil, Costa Rica, Peru, Spain and the United States of America. Others are trying to regularize their status under different migratory schemes in host countries. In the Caribbean, given the small size of some of the island States, the arrival of Venezuelans— even if the numbers are relatively small – has had a disproportionate impact on reception capacities.

**Central America**

Despite several positive policy and institutional interventions by the Governments of Guatemala, El Salvador and Honduras and civil society organizations, forced displacement within and from the Northern Triangle of Central America continued unabated. This was caused by a multitude of interconnected factors, including violence by organized criminal groups. UNHCR strengthened its cooperation with the governments of the region by signing a memorandum of understanding with Guatemala to strengthen its asylum system and the management of mixed movements. The Office also provided direct support to Honduran and Salvadoran institutions dealing with displaced persons and victims of violence to assist their nationals abroad in need of international protection. Strategic alliances were forged with the Ombudsperson, faith-based

organizations and civil society partners to provide protection and assistance to individuals and communities affected by violence, as well as to deportees with protection needs. The inter-agency working groups led by UNHCR have been key to including a protection perspective in United Nations frameworks and programmes, as well as the United Nations Development Group for Latin America and the Caribbean at the regional level.

While the impact of the violence is widespread, it affects particularly children, women and Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) individuals. Many of them seek international protection in neighbouring countries and beyond.

Unlike previous years, when the rise in asylum-seekers was recorded mainly in the United States and Canada, the steepest increase in asylum requests by individuals from the Northern Triangle of Central America was recorded in neighbouring countries in 2016. Mexico received close to 9,000 new asylum applications, representing a spike of 156 per cent compared to 2015. Similar increases in the asylum applications have also been noted in Costa Rica and Panama, and to a lesser extent in Belize and Nicaragua.

### **The Caribbean**

In December 2016, representatives from 14 States gathered for the first substantive meeting of the Caribbean Migration Consultations, which was hosted by Trinidad and Tobago, with the support of UNHCR, the International Organization for Migration (IOM), and the Caribbean Community. These consultations created opportunities to develop consistent approaches to respond to mixed movements in the Caribbean, which involve Haitians, Cubans and people from other continents.

Trinidad and Tobago also started the implementation of the quality asylum programme, and is in the process of drafting a national refugee framework. Other countries in the Caribbean have expressed interest in starting discussions on national refugee decrees.

### **The Southern Cone**

In Argentina, the National Secretary for Families, Children and Adolescents in the Ministry of Social Development started to provide direct assistance to vulnerable asylum-seekers. At the same time, civil society has expressed concern about a decree adopted in January 2017 as an amendment to Argentina's migration law<sup>1</sup>, which has a more restrictive approach towards border management.

In Brazil, Congress approved the Migration Bill (2516/15) which prioritizes humanitarian reception, regularizes documentation and socio-economic inclusion, as well as access to public health, care and welfare services for foreigners, including asylum-seekers and refugees. The Bill will come into force only after approval from the Senate. An amnesty for those who entered Brazil before July 2016 is also foreseen.

Following up on Brazil's pledge at the United States Leaders' Summit on Refugees on 20 September, the Government issued a call for proposals for local integration projects to be implemented by civil society. As a result, four projects totalling US\$ 400,000 are now being carried out.

In January 2017, Peru enacted Migration Legislative Decree no. 1350-2017, which establishes a legal framework regulating entry, exit, permanence and residence for foreigners, as well as the migratory procedure. The decree recognizes the fundamental rights of migrants and refugees, and guarantees the non-criminalization of irregular entry, non-discrimination of foreigners and the determination of the best interest of the child, as well as maintaining family unity.

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<sup>1</sup> Migration Law No. 25.871 (2004), its regulatory Decree No. 616/2010 and Citizenship Law No. 346 (1879)

## **B. Achieving the global strategic priorities**

### **The Brazil Plan of Action**

Two years after its adoption, the Brazil Declaration and Plan of Action remains a relevant framework for strengthening protection standards and foster comprehensive solutions in the region. The “Instituto de Política Pública en Derechos Humanos” (IPPDH) of MERCOSUR<sup>2</sup> with the support of UNHCR is developing indicators to measure progress in most of the programmes of the Brazil Plan of Action, which will soon be shared with governments and civil society organizations. The San José Action Statement, agreed upon in July 2016, built upon the plan of action’s chapter on the Northern Triangle of Central America, with nine countries making substantial commitments. While the Brazil Plan of Action has proven to be an important framework for achieving protection and solutions, there is scope to maximize its use, particularly in the areas of solidarity and responsibility sharing.

### **Access to asylum**

UNHCR, together with States in the region, continues to strengthen reception, referral and response capacities, as well as emergency response preparedness and partnership with national and international organizations, to respond to forced displacement. Asylum systems continue to be reinforced under the quality asylum initiative in Argentina, Bolivia, Brazil, Chile, Costa Rica, Mexico, Panama and Peru. The Office also works with governments on promoting alternatives to detention. This year, more than 2,400 asylum-seekers were housed in eight shelters supported by UNHCR in Mexico.

In Mexico, a total of 725 new places in shelters are being created, with specific arrangements for families, LGBTI individuals, women with children and unaccompanied and separated children. Working with exiting shelter programmes, UNHCR has stepped up delivery of comprehensive support to asylum-seekers, including psychological counselling and legal advice. In Costa Rica, UNHCR supports the establishment of centres for migrants in border areas and of a shelter for female SGBV survivors and LGBTI asylum-seekers. UNHCR has strengthened its presence in the northern border area to ensure immediate registration and effective access to refugee status determination procedures.

### **Comprehensive solutions**

In January 2017, the Government of the United States announced a 120-day suspension of its refugee admission programme and a review of approved cases to ensure that they do not pose a threat to the security and welfare of the United States. In addition, the refugee admission programme for 2017 has been capped at 50,000 individuals, a serious setback for UNHCR’s resettlement programme.

Other States in the region maintained a strong commitment to the regional mechanism for solidarity and responsibility sharing for refugees. An important outcome of the United States Leaders’ Summit on Refugees, in September 2016, was the establishment of the Emerging Resettlement Countries Joint Support Mechanism - a fund to help countries set up sustainable resettlement or complementary pathway programmes for refugees. Argentina, Brazil, and Chile pledged to receive refugees, especially from the Syrian Arab Republic and the Northern Triangle of Central America, and have expressed interest in receiving support from the fund.

On 31 of January 2017, Mexico City promulgated its constitution, which included refugees and asylum-seekers as beneficiaries of the city’s social programmes. This allows people of concern to UNHCR to access training programs for employment, job placement opportunities, education grants and unemployment insurance.

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<sup>2</sup> Mercado común del sur

In Colombia, where possible, UNHCR will support the return and relocation of internally displaced persons (IDPs) and assist the local authorities with their efforts to legalize informal IDP settlements in urban areas.

In Venezuela (Bolivarian Republic of), an exercise was launched in December 2016 to profile the estimated 168,500 Colombians in the country and who may be in need of international protection. The results, which are expected by the second quarter of 2017, would be used to design policies and plans to ensure that people in need of international protection have access to solutions and are included in national social programmes. In Ecuador, UNHCR signed an agreement with the Ministry of Economic and Social Inclusion to facilitate the integration of refugees in national policy and programmes. UNHCR also signed an agreement with the civil registry to register refugees to facilitate their access to basic services and formal employment. This is due to start by the end of February 2017.

Argentina is preparing to receive the first 50 Syrian families in the context of the humanitarian visa programme that implements the pledge made at the United States Leaders' Summit on Refugees to receive 3,000 Syrian refugees. Chile advanced in preparations to resettle 120 Syrian refugees. Representatives from both countries attended a capacity building and lessons learned training that was organized in Beirut in November 2016 to support these programmes. Brazil plans to set up a private sponsorship programme to receive 3,000 Syrian refugees in 2017 and 2018, as well as a resettlement programme for refugees from the Northern Triangle of Central America. Private sponsors have already been identified for some 1,000 Syrian refugees, including a small number of unaccompanied minors.

The global refugee sponsorship initiative was launched in Ottawa in 2016, bringing together some 90 participants, including sponsorship groups, international delegates, partners and government officials to share the experience of Canada's private sponsorship model for refugees, and to develop practical guidance and tools for other countries looking to adopt similar programmes. This initiative is led by the Government of Canada, UNHCR, the University of Ottawa, the Radcliffe and the Open Society foundations.

In 2016, UNHCR initiated the "Protection transfer arrangement programme", which aims at the humanitarian evacuation of people at heightened risk from El Salvador to Costa Rica, and from there to other resettlement countries. A number of families have already benefited from this programme.

### **Eradication of statelessness**

In the Dominican Republic, important steps have been taken since the adoption of Law 169-14 in May 2014 to confirm Dominican nationality through the validation of birth certificates of individuals born in the country to two migrant parents. By November 2015, some 12,000 individuals had obtained their birth certificates or national identity cards. Thousands of individuals also are believed to have been issued their Dominican civil documents in the first half of 2016, although an official figure was not available for this report.

The first regional workshop on "Statelessness and nationality for parliamentarians from Latin America and the Caribbean" was held in Quito, Ecuador, in November 2016, putting an emphasis on the need to adopt comprehensive laws to ensure the protection of stateless persons, including naturalization. The naturalization of stateless people has been included in the migratory law in Brazil, the human mobility law in Ecuador and the regulations of the civil registry in Costa Rica.

In 2016, Chile reduced the minimum age required for foreigners to be eligible to acquire the Chilean nationality (from 21 to 18 years), and eliminated the age limit for refugee children with one parent who has become a Chilean national.

### **Child protection**

In 2016, there was a surge in the arrival of unaccompanied children from Central America in neighbouring countries and the region, therefore child protection interventions have been prioritized. In the United States and Canada, the implementation of the global initiative “Beyond detention<sup>3</sup>” advanced and helped the identification of alternatives to detention for children. While progress has been made in the identification of children in need of international protection in countries of transit and destination, identification and best interest determination procedures will have to be institutionalized.

### **Regional cooperation**

In November 2016, the Inter-American Commission of Human Rights in collaboration with UNHCR, published the report “Human rights of migrants, refugees, stateless persons, victims of human trafficking and internally displaced persons: norms and standards of the inter-American human rights system” on legal standards applicable to people in the context of human mobility. The Inter-American Court of Human Rights granted precautionary measures to avoid deportation in two cases involving victims of gang violence from El Salvador who had applied for asylum in the United States.

The Regional Conference on Migration met in San Pedro Sula, Honduras, in November 2016, where it focused on responsibility sharing in the management of migration, including issues related to refugee protection. The conference also approved a set of regional guidelines and recommendations on the protection and registration of children and adolescents on the move

## **C. Financial information**

In October 2016, the Executive Committee of the High Commissioner’s Programme (ExCom) approved the budget of US\$145.6 million for the Americas in 2017. At the end of 2016, the total budget for the Americas was US\$139.1 million, including a supplementary budget of US\$ 16.9 million to cover the needs in the Northern Triangle of Central America and Mexico.

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<sup>3</sup> [http://www.refugeecouncil.org.au/wp-content/uploads/2016/09/UNHCR\\_Beyond-detention\\_reports.png](http://www.refugeecouncil.org.au/wp-content/uploads/2016/09/UNHCR_Beyond-detention_reports.png)