

North America and the Caribbean

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

Recent Developments

North America remains an important region of asylum and of resettlement for refugees. In Canada, the number of asylum-seekers dropped in the first eight months of 2002 by 29 per cent compared with 2001 (partly as a consequence of new visa requirements). However, it is expected that the number of refugees who find a durable solution in Canada will remain roughly the same in 2002 as in 2001. This figure will include those who gain recognition as refugees within Canada's asylum procedure, those selected for resettlement from abroad, and close relatives of refugees (admitted for family reunification). In the United States, the average number of asylum-seekers submitting asylum claims will also remain the same in 2002 as in 2001.

The events of 11 September 2001 continued to have a wide range of impacts on North America's



immigration and refugee policies. In October 2001, the US Congress passed anti-terrorism legislation (USA PATRIOT Act), which included several provisions affecting asylum-seekers and refugees in the United States, including an expansion of the restrictions on asylum, and the possible detention of spouses and children of suspected terrorists. In May 2002, the US Congress passed a Border Security Bill, which required a study of the feasibility of expanding pre-inspection at foreign airports to include persons travelling to Canada and Mexico. In June 2002, the President of the United States of America proposed a re-organisation of the Federal Government by merging the Immigration and Naturalisation Service (INS) and 22 other federal agencies into a new Department of Homeland Security. There is, however, some unease over the possible incorporation of the INS (the agency responsible for the reception of asylum-seekers and refugees) within a department devoted to domestic security issues.

In Canada, immigration and refugee policies have long been intertwined. A new Immigration and Refugee Protection Act entered into force at the end of June 2002 to respond to heightened security concerns. The Act includes front-end security screening of asylum-seekers, measures aimed at preventing the abuse of the asylum procedure, as well as combating human smuggling and trafficking. It also establishes a consolidated procedure for assessing protection needs under the 1951 Convention Relating to the Status of Refugees, the Convention against Torture, and other international instruments related to human rights. The Act was to have introduced the right of appeal based on the merits of Canada's RSD system, and a Refugee Appeals Division was to have been created within the Immigration and Refugee Board to handle such appeals. However, the Government postponed the implementation of this section of the Act.

The relationship between Canada and the United States in the area of immigration and refugee policy has also taken on renewed importance. In August 2002, Canada and the United States initialled the final text of the Agreement for Co-operation in the Examination of Refugee Status Claims from Nationals of Third Countries, a “safe third country” arrangement, which is expected to enter into force at the beginning of 2003. This agreement will create new monitoring responsibilities for UNHCR on the border between Canada and the United States.

The events of 11 September 2001 in the United States, led to several delays in the resettlement programme in 2002. These delays were mainly due to the implementation of new security procedures, marking, by the end of the year, the lowest level of resettlement (28,000 refugees) in a quarter of a century. However, the United States expressed its commitment to raise the number of refugee admissions to 70,000 in 2003. In Canada, resettlement continued as planned and the target for government-sponsored resettlement admissions increased by 200 places, to 7,500 for 2003.

In Canada, the media and the public demonstrated a high level of interest in humanitarian affairs. As a consequence, and as part of the broader effort urged by the Executive Committee to diversify its sources of funding, UNHCR extended its private sector fund raising programme to Canada. During 2002, UNHCR launched its first direct mail campaign, which will continue in 2003. In the United States, USA for UNHCR through direct mail campaigns and donations from individuals, corporations and foundations yielded some USD 1.1 million in 2002.

Strategic Objectives

UNHCR’s presence in North America serves three main purposes: to advocate the highest possible standard of refugee protection in asylum policy and practice; to support and promote resettlement programmes which respond to the protection needs of refugees overseas; and to build governmental and public awareness and general support for refugees and UNHCR, including mobilising financial support from governmental and non-governmental sources. While recognising the legitimate goals of anti-terrorism efforts, UNHCR will

seek to ensure that they do not cause any lowering of refugee protection standards.

In the Caribbean, UNHCR will focus on building state and civil society capacity to deal with refugee protection challenges by: promoting accession to international refugee and statelessness instruments, assisting States to put in place the necessary implementing legislation and procedures, as well as ensuring adequate facilities for the reception of asylum-seekers.

Operations

In both Canada and the United States, UNHCR will concentrate on monitoring state practices, and providing comments and advice to the authorities on those practices, as well as on relevant laws and regulations. Particular attention will be paid to monitoring the implementation of the United States-Canada “safe third country” arrangement and the detention centres where refugees and asylum-seekers may be held. UNHCR will work with its partners to strengthen the protection afforded to particularly vulnerable asylum-seekers, such as separated children and persons with mental disabilities. The Office will intervene when appropriate in precedent-setting cases in the courts, organise and participate in conferences and training events, and publish position papers on relevant refugee protection issues.

In the United States, UNHCR will continue to call for the reform of detention policies, especially the Government’s use of detention as a deterrent, the inconsistency in policies amongst the various INS offices concerning the release of asylum-seekers from detention, and the limited use of alternatives to detention. It will also focus on policies and laws that affect access to asylum, such as expedited removal, interdiction and statutory restrictions to asylum and *non-refoulement*. UNHCR will closely monitor the re-organisation of INS and its possible inclusion within the Department of Homeland Security.

In order to maximise the availability of resettlement opportunities for refugees in need of resettlement, UNHCR will increase the public’s awareness of the Office’s resettlement criteria, and of the characteristic of flexibility in US and Canadian resettlement policy. The Office will focus on maintaining the

region's receptivity to refugees of all nationalities. Both Canada and the United States increasingly look to UNHCR to identify refugees in need of resettlement, and in order to support this, the United States is providing additional resources to enhance UNHCR's identification and referral of cases. Canada's new Immigration and Refugee Protection Act designates UNHCR as the principal "referral agent" for the Canadian resettlement programme. These developments call for closer cooperation between UNHCR and the authorities in both countries. The offices in Washington and Ottawa will provide support to other UNHCR offices around the world to ensure that an adequate number of resettlement submissions are made to Canada and the United States in a timely manner. UNHCR will hold seminars and training sessions with NGOs and government counterparts to guide them on how to promote UNHCR's resettlement priorities. The Office will advise NGOs and individuals in Canada on resettlement and family reunification matters to ensure the full implementation of Canada's unique mechanism of offering private sponsorships for the resettlement of refugees.

In both Canada and the United States, UNHCR will undertake a range of activities to reinforce governmental and public understanding of refugee issues, to create a more sympathetic environment for refugees, and to generate political and financial support for UNHCR's work. These activities will include: media briefings and interviews; public events; the development and dissemination of educational and public awareness tools; regular exchanges with government counterparts and parliamentarians on issues of concern; and outreach to NGO groups, think-tanks and academics. In Canada, the private sector fund raising programme will be expanded, in particular through direct mail campaigns, on-line appeals, and partnerships with corporations, as well as with others. In the United States, UNHCR will continue to advise and support USA for UNHCR in its efforts to make contact with private sector donors.

In the Caribbean, depending on available funds and prioritisation on how best to reach its goals, UNHCR will work to establish new partnerships with State institutions and civil society at large to promote refugee protection. The Office will concentrate on ensuring access to asylum through train-



Canada: Refugees in a language class in Montreal. UNHCR / S. Colvey

ing, guidance and the inclusion of more protection elements in the terms of reference of partners in the region. UNHCR will work with the Government of the Dominican Republic to reduce the backlog of undecided claims, mainly Haitian asylum-seekers. The Office will continue to discuss responses to potential population movements and monitor interdiction and interception practices in the region, while providing protection to asylum-seekers in accordance with international standards. In Cuba, UNHCR will continue to provide assistance to refugees and vulnerable asylum-seekers, while negotiating the gradual establishment of national structures to offer protection to asylum-seekers and refugees. In the short term, resettlement will remain the only effective durable solution for refugees in Cuba. UNHCR will also continue to encourage the remaining non-signatory countries – Barbados, Cuba, Grenada and St. Lucia – to accede to the 1951 Convention Relating to the Status of Refugees. UNHCR's strategy for the Caribbean will include an active campaign to develop contacts with Inter-American bodies, to further strengthen the links between human rights and refugee issues.

UNHCR will also expand its public information and external relations activities in the Caribbean, by working with the United Nations Information Centre, universities and teachers, and organising media training to create greater awareness of refugee issues among the local press.

Budget (USD)	
Country	Annual Programme
Canada	1,113,226
Cuba	581,000
United States of America	2,680,954
UNHCR Liaison Office in New York	1,770,998
Regional Activities ¹	222,400
Total	6,368,578

¹ Includes local integration of refugees and capacity-building in the Caribbean.