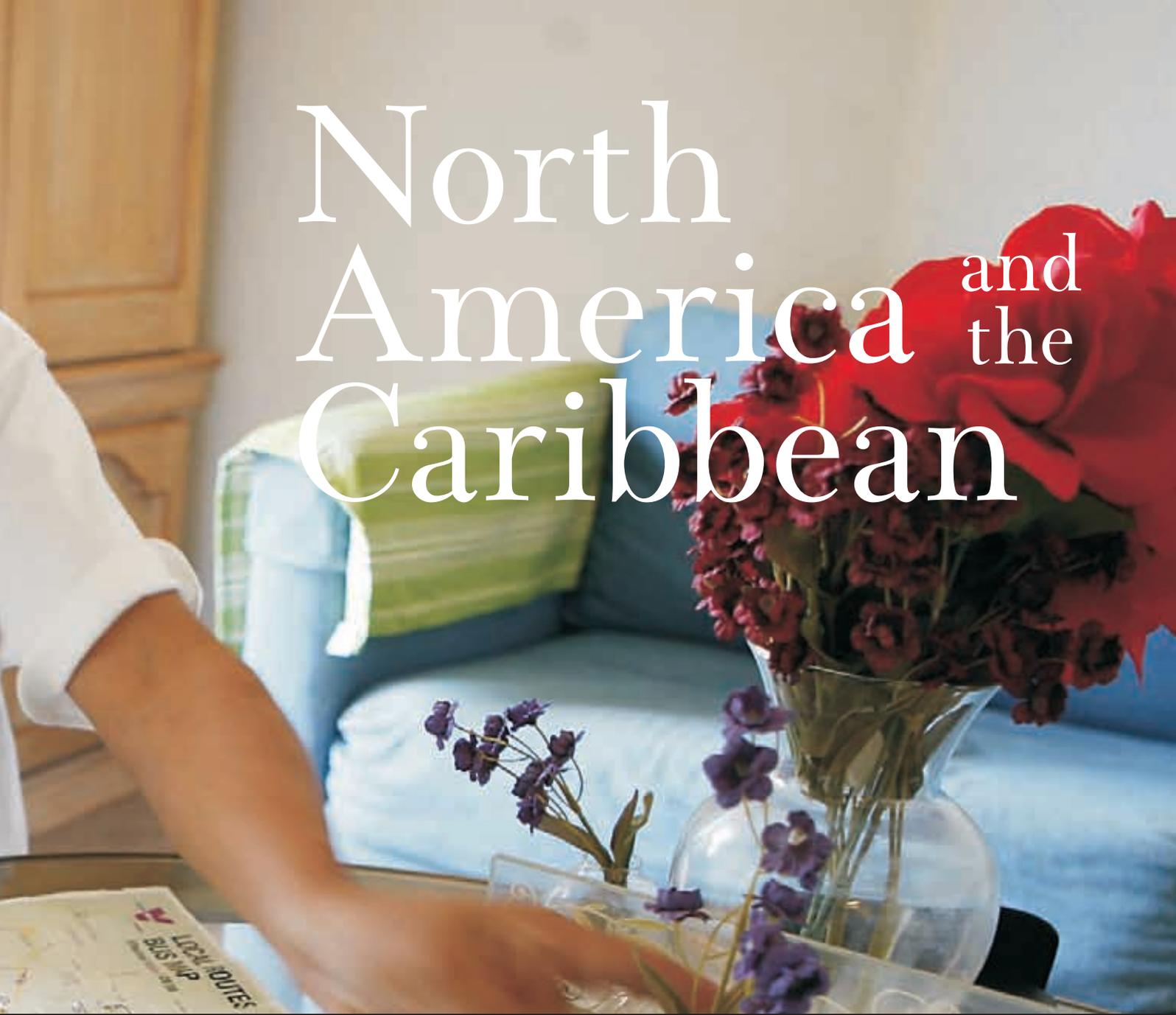




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- Canada**
- Dominica**
- Dominican Republic**
- French overseas departments  
(Martinique, Guadeloupe)**
- Grenada**
- Haiti**
- Jamaica**
- St. Kitts and Nevis**
- St. Lucia**
- St. Vincent and the  
Grenadines**
- Trinidad and Tobago**
- United States of America**

Refugees resettled from Nepal  
to Phoenix, Arizona, USA



# North America and the Caribbean

## | OPERATIONAL HIGHLIGHTS |

- UNHCR advocated for the political and financial support of the Governments of the United States and Canada and sought their backing for protection and durable-solutions programmes for refugees.
- In 2008, UNHCR worked to ensure that the United States' laws and policies as well as their implementation were in accordance with the country's obligations under the 1967 Protocol. The refugee-protection arms of the United States Citizenship and Immigration Services, in particular the Asylum Division and the Refugee Corps, were strengthened.
- UNHCR worked to ensure that asylum-seekers had access to the territory of Canada and its refugee status determination (RSD) procedures. Towards this end the Office undertook numerous missions to ports of entry, with a particular focus on key land borders.
- In Canada, UNHCR sought to ensure the right to an on-the-merits appeal for all asylum-seekers found not to be refugees by the Immigration Review Board.
- The United States resettled some 65,000 refugees in 2008. Of these some 49,000 (or 75 per cent) were referred by UNHCR. This represents the highest absolute number and highest proportion of UNHCR referrals in the past 20 years. In 2008 Canada resettled over 10,000 refugees—some 7,300 through its government-assisted programme and more than 3,500 through its Private Sponsorship of Refugees scheme.
- In the Caribbean, UNHCR provided humanitarian assistance and legal aid to asylum-seekers and refugees through its implementing partners and a network of Honorary Liaisons. The Office registered asylum-seekers and determined their status in non-signatory States as well as a number of signatory States that did have refugee legislation or national asylum procedures. It also gave priority to the search for durable solutions by supporting local integration and the strategic use of resettlement.

# North America and the Caribbean



## Working environment

With national security concerns affecting domestic asylum policies in the United States, the Department of Homeland Security continued to emphasize enforcement, including more use of detention and stricter border controls. The economic recession had a significant impact on the capacity of refugee assistance agencies at the local level.

In Canada much media attention has been focused on perceived abuse of the asylum system negatively affecting the general public's perception of asylum-seekers.

A legal challenge to the Safe Third Country Agreement launched by Canadian and United States-based NGOs and lawyers' groups failed at the Federal Appeals Court level in January 2009. The plaintiffs were denied the option of appealing to the Supreme Court.

The operational context in the Caribbean is defined by the lack of protection safeguards for asylum-seekers and refugees travelling within complex mixed migratory movements. Each year, tens of thousands of undocumented migrants use migratory routes, by sea and air, through the Caribbean region. Asylum-seekers and refugees often travel within these flows to try and reach countries where they may have a chance of seeking asylum and receiving protection. In recent years the number of migrants arriving from outside North America by sea and air has risen noticeably. In addition to being a site of continuous mixed migratory movements, the Caribbean region also has the potential to experience large-scale mass-influx and refugee emergencies.

## Achievements and impact

UNHCR continued to make efforts in the United States to ensure that international standards of protection were met for all persons of concern, taking into account their age, gender and personal background. With respect to the problem of overly broad terrorism-related standards barring refugees from protection in the United States, in 2007 legislation was enacted that substantially expanded the Administration's authority to exempt individuals from the legislation. However, in 2008, the Department of Homeland Security declined to use its new authority when it denied approximately 700 applications by refugees for their status to be adjusted to lawful permanent residence. After concerns were raised by NGOs and UNHCR, and following several prominent media stories, the denials were halted and the cases were being revisited.

The United States Government expanded its waiver authority in duress cases involving designated terrorist organizations. UNHCR's work on the impact of the terrorism-related bars to protection in the United States continued to confirm the value of partnerships with asylum and refugee advocates, educating key media organizations on the role of UNHCR and its operations, and working closely with field offices to receive up-to-date information on resettlement operations affected by the bars.

The United States Congress enacted legislation on the treatment and processing of unaccompanied and separated children which mandates that children's claims be heard in a non-adversarial setting. Among other positive provisions,

the legislation encourages government funding for the development of *pro bono* counsel networks. This was the most positive immigration bill enacted in several years.

A key objective for UNHCR in 2008 in Canada was to ensure that persons of concern who were detained were not mixed with accused or convicted criminals. Owing to UNHCR's and other stakeholders' interventions, detention conditions were improved for detained asylum-seekers, especially with regard to access to information and support regarding asylum procedures, particularly for those detained in provincial jails.

Cooperation with the Canadian Border Services Agency (CBSA) was enhanced through joint missions to ports of entry and regular meetings. Formal and informal training was provided to hundreds of CBSA front-line employees at airports and land borders. UNHCR also provided training materials for newly hired CBSA staff. In 2008, the training expanded to include sessions for CBSA staff college teachers.

An increase in missions to the Caribbean in 2008 enabled UNHCR to have a greater impact on asylum-seekers and refugees and more interaction with NGO partners and Honorary Liaisons in the region. A higher number of asylum-seekers thereby gained access to the Office's RSD procedures. UNHCR advocated more strongly for local integration while also processing a higher number of resettlement submissions. An increase in the field presence also proved essential to maintaining and enhancing dialogue with Caribbean governments.

## | Constraints |

The United States' terrorism-related bars to admission continued to have a negative impact on resettlement. Despite the enactment by Congress of broader exemption authority in late 2007, the use of the expanded authority has been extremely limited. The bars continue to have an adverse impact on the ability of thousands of refugees to resettle, adjust their status to lawful permanent residency after resettlement, or gain asylum in the United States.

Asylum-seekers continued to be detained in penal facilities, affecting their ability to gain access to the asylum system. The US Immigration and Customs Enforcement authorities issued new draft performance-based detention standards and enhanced the monitoring of detention conditions. However, they continued to maintain the parole policy issued in 2007 which makes it difficult for asylum-seekers to be released from detention.

Since early 2006, UNHCR has been urging the Canadian Government to fill vacant posts in the Immigration and Refugee Board (IRB) in order to avoid the re-emergence of a backlog. The number of asylum-seekers awaiting a decision at the IRB has increased from a low of 20,000 in mid-2006 to more than 54,000 in 2008. The IRB does not have the resources to address the caseload.

In the Caribbean, where systematic interception, detention and return policies are widely implemented,

returns are often implemented through bilateral agreements which lack specific asylum safeguards. Most of the Caribbean States and territories do not have adequate procedures to identify asylum-seekers, and most lack the political will to address existing gaps. UNHCR also faces resource constraints, including limits on programme funding and human resources and an insufficient travel budget, which make it difficult to achieve objectives.

## | Operations |

In the United States, UNHCR used various means to pursue its objective of ensuring that international standards of protection are met for all persons of concern. These included advocating for the Government's enhancement of the asylum system and its efforts to address statelessness issues; strengthening support for UNHCR's global programmes; and helping refugees to find durable solutions. UNHCR engaged with the Government on a regular basis through meetings, comments on legislation and regulations and policy discussions, and by submitting legal opinions where appropriate. UNHCR also trained government adjudicators, immigration attorneys and non-governmental organizations.

UNHCR's overarching protection goal in Canada in 2008 was to support Canadian national asylum mechanisms. The Office engaged in this task by promoting access to territory and full and fair RSD as well as by lobbying for a generous resettlement environment. UNHCR's efforts to support and monitor refugee protection included interviewing those at risk of *refoulement*.

In the complex migratory environment of the Caribbean, UNHCR gave priority in 2008 to providing legal advice to governments on individual asylum claims and refugee policy. It trained government officials in international refugee protection and provided substitute services where national capacities were lacking, principally through humanitarian assistance, legal aid and RSD. The Office also helped to find durable solutions, principally by promoting local integration and using resettlement as a strategic option.

## | Financial information |

Although operations in the subregion were fully funded, the budget covered only a small percentage of the needs. The lack of physical presence and limited financial and human resources have curtailed UNHCR activities in parts of the region.

In 2008, the United States continued to be UNHCR's largest donor, providing USD 510 million, or 31.9 per cent of total contributions. Of this amount, 35 per cent was to support Iraqi refugees and displaced persons. Canada contributed USD 42.8 in 2008, its largest contribution since 1992 when denominated in Canadian dollars. UNHCR continues to seek the support of the governments, civil society and, increasingly, the private sector in the two countries for its operations worldwide.

## North America and the Caribbean

### Budget and expenditure in North America and the Caribbean (USD)

North America and the Caribbean	Annual Programme Budget	
	Final budget	Expenditure
Canada	1,629,056	1,583,674
United States of America <sup>1</sup>	4,139,653	3,423,935
<b>Total</b>	<b>5,768,709</b>	<b>5,007,609</b>

<sup>1</sup> Includes legal assistance and durable solutions for asylum-seekers and refugees in the United States, as well as protection of refugees and capacity building in Trinidad and Tobago, the Dominican Republic and Jamaica.

Note: Excludes indirect support costs that are recovered from contributions against supplementary programmes and the "New or additional activities-mandate-related" (NAM) reserve.

### Voluntary contributions to North America and the Caribbean (USD)

Earmarking	Donor	Annual Budget	Total
<b>North America &amp; The Caribbean</b>	United States of America	1,200,000	1,200,000
<b>North America &amp; The Caribbean Subtotal</b>		<b>1,200,000</b>	<b>1,200,000</b>
<b>United States of America</b>	United States of America	213,000	213,000
<b>United States of America Subtotal</b>		<b>213,000</b>	<b>213,000</b>
<b>Total</b>		<b>1,413,000</b>	<b>1,413,000</b>

Note: Contributions shown exclude indirect support costs that are recovered from contributions against supplementary programmes and the "New or additional activities - mandate-related" (NAM) reserve.