

# North America <sup>and</sup> Caribbean <sub>the</sub>

**Antigua and Barbuda**

**Bahamas**

**Barbados**

**Belize**

**British overseas territories (Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Turks and Caicos Islands, Montserrat)**

**Canada**

**Dominica**

**Dominican Republic**

**Dutch overseas territories in the Caribbean (Aruba, Curaçao, Saint Maarten, Bonaire, Saint Eustatius, Saba)**

**Grenada**

**Guyana**

**Haiti**

**Jamaica**

**St. Kitts and Nevis**

**St. Lucia**

**St. Vincent and the Grenadines**

**Suriname**

**Trinidad and Tobago**

**United States of America**



A child in a settlement for displaced persons in Port-au-Prince, Haiti.

## | OPERATIONAL HIGHLIGHTS |

- The ministerial-level meeting facilitated by UNHCR in Geneva in December 2011 to mark the 50<sup>th</sup> and 60<sup>th</sup> anniversaries, respectively, of the Refugee and Statelessness Conventions saw a number of countries in the subregion either pledge to implement refugee laws or accede to the Statelessness Conventions. Some countries made commitments to reactivate refugee status determination (RSD) mechanisms and close protection gaps.
- UNHCR's monitoring activities in the subregion contributed to parole releases, improvements in detention conditions and the favourable consideration of alternatives to detention. UNHCR interventions in asylum procedures and in the courts led to positive results for a significant number of asylum-seekers.
- Training and public awareness programmes conducted by UNHCR resulted in a better understanding of the key precepts of international refugee law and the plight of persons of concern to UNHCR among government authorities and general populations.

# NORTH AMERICA AND THE CARIBBEAN



- Greater participation by current and former refugees and IDPs in decision making on issues affecting their lives led to concrete progress towards durable solutions. The Refugee Congress involving 60 participants identified key issues and concerns for refugees, and led to follow-up advocacy by refugees with the United States Congress, and officials at the state and local levels on issues such as preserving benefits for disabled and elderly refugees.
- In Haiti, undocumented IDPs were given birth certificates and identity documents, while survivors of sexual and gender-based violence (SGBV) were provided shelter, mainly in dedicated safe houses, as well as livelihood support.
- In 2011, approximately 43,000 persons were accepted for resettlement in the United States of America and almost 7,000 in Canada, with the latter country announcing a 20 per cent increase in its resettlement quota for 2012.

## Working environment

The political climate in the United States did not permit progress on legislative proposals related to refugees, including those linked to protection and the overhaul of the immigration system. Meanwhile, additional security measures put in place in the United States, resulted in substantial delays in resettlement admissions and more denials. Nevertheless, admissions to the United States accounted for more than 70 per cent of all resettlement facilitated by UNHCR.

In Canada, irregular migration played a central role in the political and social debate. The Government enforced the removal of foreign nationals who had broken the law. Following the 2010 arrival by sea of a significant number of

Sri Lankan asylum-seekers, the Government introduced legislation in Parliament intended to discourage migrants from using smugglers by imposing long detention periods, restrictions on family reunification and other measures.

In the Caribbean and in Belize, the difficult economic situation and security-related issues affected the capacity of host countries to deliver protection. The quality of protection safeguards and screening in maritime mixed-migration flows remained of concern. A significant number of “boat people”, largely from Haiti, have perished at sea, while countless migrants are systematically intercepted, detained and summarily returned.

With few exceptions, most countries in the Caribbean do not observe the advisory on the returns of Haitians issued by UNHCR and OHCHR in 2011. Some countries allow UNHCR to assist with processing refugee claims and permit refugees to remain on their territory, albeit with no local integration prospects, while UNHCR tries to find durable solutions for them. A surge in transnational organized crime in the Caribbean countries contributed to the hardening of attitudes against asylum-seekers and refugees.

## Achievements and impact

In the United States, the goals of UNHCR’s campaigns marking the anniversaries of the Refugee and Statelessness Conventions were to ensure that: RSD decision-makers adopt an appropriate refugee definition; asylum-seekers have access to territory; detention conditions and alternatives to detention are in line with international standards; and unaccompanied and separated children receive special attention. UNHCR also sought to encourage the

participation of refugees and former refugees in decision-making on issues that affect their lives.

These efforts helped influence the very substantial pledges made by the United States at the ministerial meeting, such as: facilitating the monitoring by UNHCR of the screening for protection of unaccompanied and separated children along the southern border with Mexico; improving detainee release practices; granting greater access to the asylum process; and providing updated training related to identifying individuals with protection needs for law enforcement personnel participating in interdiction operations. In addition, UNHCR's work contributed to the Government's agreement to grant parole from detention to 79 per cent of arriving asylum-seekers.

In Canada, UNHCR continued to promote high standards in asylum policy and practice, as well as improved detention conditions and alternatives to detention. It also advocated for a generous resettlement environment. UNHCR provided inputs to the Government on various legislative proposals and continued its monitoring and advisory role in key areas, such as access to territory and asylum procedures, RSD and conditions of detention. Cooperation with the Canadian Border Services Agency was expanded through training and information sessions for hundreds of the agency's employees at airports and land borders, as well as for teachers at its staff college. UNHCR also provided training to Immigration and Refugee Board (IRB) decision-makers and observed hearings conducted by them.

In the Caribbean, UNHCR worked to ensure access to territory and accession to the Conventions. It lobbied for the adoption of regulations aimed at implementing fair and effective RSD mechanisms, conducting individual registration, and improving self-reliance and livelihoods. UNHCR also sought progress on statelessness and documentation issues, the prevention of SGBV, the provision of protection and/or durable solutions to survivors of sexual violence, and the availability of services for groups with specific needs, including women and children.

These efforts resulted in Haiti pledging to accede to the Statelessness Conventions, to adopt legislative and regulatory measures and to reform the system of birth registration and civil registry. The Dominican Republic pledged to strengthen its National Refugee Committee in collaboration with UNHCR. In Haiti, undocumented IDPs were given birth certificates. Extremely vulnerable IDPs and survivors of SGBV were given shelter, mainly in safe houses, and livelihood support.

## | Constraints |

In the United States, the polarized political climate, exacerbated by the difficult economic situation, presented a major challenge to UNHCR. Solutions requiring legislative interventions could not be implemented. In the course of 2011, the authorities instituted new security checks that brought down the number of resettlement admissions. The slow economy and high unemployment made it difficult for refugees in the country to find and retain jobs. State and local governments had to cut or curtail many social services, including some vital to refugees. The economic strains in some communities created opposition to accepting more refugees. The media focus on domestic economic and financial matters made it difficult to engage the public on refugee issues.

In Canada, resource constraints continued to affect the RSD process. The number of asylum-seekers awaiting a decision stood at 41,000 at the end of 2011. While Canada made a commitment to increase resettlement arrivals, it has requested UNHCR to coordinate closely on further resettlement referrals in view of the large backlog.

In the Caribbean, the main constraints on UNHCR's protection agenda included a complex mixed-migration and maritime environment, the reluctance of States to institute asylum safeguards or engage in a meaningful dialogue on refugee issues, and the impact of the United States' interdiction policy and its disembarkation practice on mixed movements. Other hurdles included the lack of political will among Caribbean States to grant documentation, work permits and residency rights to refugees; the persistence of discriminatory and xenophobic practices *vis-à-vis* persons of concern to UNHCR; and a lack of capacity among UNHCR's implementing partners in the Dominican Republic and Haiti.

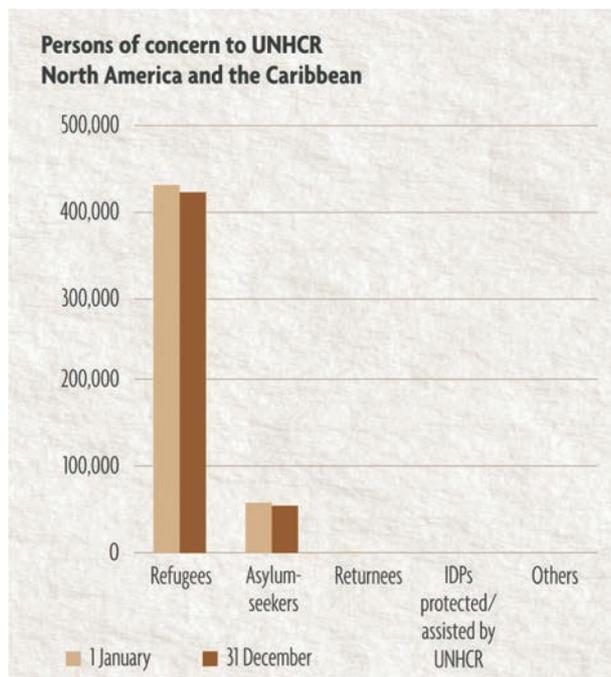
## | Operations |

In the **United States**, UNHCR continued to raise concern with the Government regarding the country's interdiction policy and practices, in order to ensure that they do not hinder asylum-seekers' access to fair and effective procedures. Another key priority was to address detention and expand the use of alternatives to it. UNHCR also focused on broader activities related to the anniversaries of the Conventions aimed at identifying the protection gaps in the United States and encouraging the authorities to adopt

### Budget and expenditure in North America and the Caribbean | USD

Country		PILLAR 1 Refugee programme	PILLAR 2 Stateless programme	PILLAR 4 IDP projects	Total
Canada	Budget	2,321,843	0	0	2,321,843
	Expenditure	1,871,665	0	0	1,871,665
United States of America Regional Office <sup>1</sup>	Budget	6,452,322	2,372,077	6,477,459	15,301,858
	Expenditure	5,573,635	1,106,965	1,863,358	8,543,958
	<b>Total budget</b>	<b>8,774,165</b>	<b>2,372,077</b>	<b>6,477,459</b>	<b>17,623,701</b>
	<b>Total expenditure</b>	<b>7,445,300</b>	<b>1,106,965</b>	<b>1,863,358</b>	<b>10,415,623</b>

<sup>1</sup> Includes Puerto Rico, the US Virgin Islands, 12 Independent Caribbean States, 3 other CARICOM States and UK and Dutch territories in coordination with the Europe Bureau.



pledges at the ministerial-level meeting in December 2011 to address these gaps.

In **Canada**, UNHCR worked with national and regional authorities to ensure that asylum-seekers were allowed into the country and had access to its RSD procedures. UNHCR also worked with relevant government agencies to assist with reforms prompted by the new legislation, including the drafting of implementing regulations and the creation of an appeal-on-merit procedure for those persons found not to be refugees by the Immigration Review Board. UNHCR staff undertook missions to air, land and sea ports of entry to provide training and information sessions, and monitor compliance with Canadian refugee protection systems and international refugee instruments. Areas of particular focus were the search for alternatives to detention and

improvements in the reception and processing of vulnerable people at ports of entry.

In the Caribbean, UNHCR worked to ensure access to territory and asylum procedures; accession to the Statelessness Conventions by Haiti; the adoption of regulations implementing refugee and migration laws; and the reactivation of eligibility committees. It also sought to ensure the registration of people of concern and the provision of self-reliance and livelihood activities for them. Other priorities were the prevention and reduction of statelessness, including through documentation; measures to combat SGBV; the protection of SGBV survivors and the search for durable solutions for them; as well as the provision of services for groups with specific needs, including women and children.

## Financial information

In the United States, funding constraints made it difficult for UNHCR to monitor the expedited removal procedures implemented at the borders and within the country. This remains a critical issue, given that the non-implementation of protection safeguards could result in *refoulement*. UNHCR's ability to monitor Canada's asylum system, a role set out in the national legislation, was also limited by resource constraints, as the Office's presence in the country has been reduced over the last few years.

In the Caribbean, UNHCR was unable to monitor the key countries which fall under the purview of the Regional Office and influence their policies and practices in areas such as interdiction and rescue-at-sea, RSD, detention and alternatives to detention. Furthermore, the lack of resources meant UNHCR could not ensure that protection safeguards were in place in the countries receiving large numbers of people arriving by sea.

## Voluntary contributions to North America and the Caribbean | USD

Earmarking / Donor	PILLAR 2 Stateless programme	PILLAR 4 IDP projects	All pillars	Total
<b>UNITED STATES OF AMERICA REGIONAL OFFICE</b>				
Brazil		100,000		100,000
European Union	653,257	745,280		1,398,537
Japan Association for UNHCR		1,854		1,854
Private donors in Argentina		13,617		13,617
Private donors in Switzerland		36,503		36,503
Private donors in the United Kingdom		396		396
Spain		1,373,626		1,373,626
UN High Commissioner for Human Rights		100,000		100,000
United States of America	400,000		1,300,000	1,700,000
<b>United States of America Regional Office subtotal</b>	<b>1,053,257</b>	<b>2,371,276</b>	<b>1,300,000</b>	<b>4,724,534</b>
<b>Total</b>	<b>1,053,257</b>	<b>2,371,276</b>	<b>1,300,000</b>	<b>4,724,534</b>