

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

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Update on UNHCR's operations in the Americas

A. Situational context including new developments

Colombia situation

The first year of implementation of the provisions of Colombia's peace agreement with the Revolutionary Armed Forces of Colombia (FARC) has presented various challenges. Communities in several regions continue to be affected by the presence of armed groups and unlawful activities, such as drug trafficking and illegal mining. The demobilization of the FARC has also left a power vacuum in areas which are now disputed by armed actors and other dissidents.

This has increased uncertainty in an environment where State presence in many of the most affected areas remains weak, in particular along the Pacific Coast and in border areas where over 68,000 people were internally displaced, and a reported 78 leaders and members of social organizations were killed in 2017. With peace negotiations with the National Liberation Army (ELN) at a standstill and renewed attacks by the same group, the situation will likely remain critical in 2018. The number of displaced people is expected to grow, with the Government continuing to register newly internally displaced persons (IDPs). UNHCR aims to maintain its current presence in Colombia to monitor and respond to new internal displacement, as well as raise awareness of the issue. The Office is also liaising actively with the second UN political mission in Colombia which succeeded the former one in September 2017 and shifted from monitoring the disarmament of former combatants to verifying their political, economic and social reintegration.

In November 2017, the civil registry of Ecuador initiated a process to ensure that recognized refugees in the country are enrolled in its database and issued identity documents. This is the result of the adoption of the Human Mobility Law. The identity cards issued to refugees are valid for a two-year period and are similar to the personal documentation provided to national citizens and foreigners residing in the country. This is an important and commendable step undertaken by the Ecuadorian authorities and a key improvement of the legal status of refugees in Ecuador and their access to public programmes and services.

Venezuela situation

In the past few years, the deterioration of the socioeconomic situation in the Bolivarian Republic of Venezuela, including the lack of access to medicine, health care and other basic necessities, has triggered the movement of an estimated 1.5 million Venezuelans to neighbouring countries and beyond. According to figures provided by host governments, over 130,000 Venezuelans have lodged asylum claims since 2014, over half of these in 2017 alone. While another 190,000 Venezuelans have accessed alternative legal forms of stay under national or regional frameworks, including in Argentina, Brazil, Chile, Colombia, Ecuador, Peru and Uruguay, the vast majority find themselves in irregular situations, without documentation or permission to remain, which increases their risk of exposure to violence, exploitation and sexual abuse, as well

as trafficking. Host communities receiving Venezuelans are also under increasing strain, as they seek to extend assistance and services to those arriving.

UNHCR is working closely with governments and other partners across the continent to establish a coordinated and comprehensive response to support displaced Venezuelans and the communities that host them. Assessments, profiling and monitoring exercises are being carried out to better understand the needs, and UNHCR has scaled up its presence in border areas to monitor cross-border movements and provide assistance. It is also working to help strengthen asylum and registration systems throughout the region.

In addition, UNHCR is supporting the development of protection-based response plans and the construction, rehabilitation and management of shelters. Awareness and solidarity campaigns carried out with the support of the authorities, partners and host communities are being rolled out to combat discrimination and xenophobia.

Central America

In 2017, some 105,000 new asylum applications by nationals from countries in the north of Central America were registered in the region, 38 per cent higher than during the same period in 2016. Increases have also been observed in the United States of America, with some 89,000 new claims in the year (46 per cent higher than in 2016); in Spain, with more than 1,600 new applications (nearly twice as much as in 2016); and in Canada, with 1,000 new applications (nearly two and half times more than in 2016).

Building on the 2014 Brazil Plan of Action and the 2016 San José Action Statement, the San Pedro Sula Declaration was adopted at a high-level regional conference in Honduras in October 2017. The conference launched the regional iteration of the comprehensive refugee response framework for Central America and Mexico. The MIRPS¹ includes national action plans for each participating country, developed through government-led consultations with all stakeholders, including persons of concern to UNHCR, UN country teams, and representatives of civil society, the private sector and academia as part of a “whole-of-society” approach. Regional networks and organizations support these national action plans and are setting up responsibility-sharing mechanisms. The MIRPS also focuses on the various dimensions of forced displacement in countries of origin, transit and destination, including to help address root causes, enhance protection in countries of transit and destination, and expand the access of asylum-seekers and refugees to third-country solutions. As a direct result of the MIRPS, Belize and Panama proposed actions to include refugees in national education services. In Costa Rica, refugees living in poverty will be able to access welfare programmes. Mexico took steps to guarantee the access of refugees to livelihood training, employment programmes and financial services, and Guatemala is providing access to job support services. Honduras started a project to map potentially contested land in future areas of return, developing a more participatory solutions approach.

In January 2018, UNHCR issued eligibility guidelines for assessing the international protection needs of asylum-seekers from Guatemala, under its mandate and in accordance with regional instruments, which complement guidelines on asylum-seekers from El Salvador and Honduras previously issued. After visiting El Salvador in October 2017, the UN Special Rapporteur on the human rights of IDPs urged the Government to take measures to prevent displacement and to protect the human rights of those who have been forced to flee their homes. As part of its mass information and outreach efforts, UNHCR launched a social media campaign called “*Confía el jaguar*” to increase the availability of reliable information and enable asylum-seekers in Guatemala and Mexico to make informed decisions.

¹ This initiative is known as the Comprehensive Regional Protection and Solutions Framework or MIRPS by its Spanish acronym.

The Caribbean

Several countries in the Caribbean are hosting increasing numbers of asylum-seekers and refugees. Considering their size and limited absorption capacity, the recent influx of Venezuelans has had an impact on them. Some 2,900 asylum applications were lodged in 2017. In particular, six times as many asylum applications were lodged in Trinidad and Tobago and Curaçao compared to the previous year, placing a severe strain on asylum systems. Against this background, UNHCR is carrying out advocacy, monitoring and capacity-building activities to promote access to territory, asylum procedures and legal assistance, as well as strengthening refugee self-reliance. UNHCR also assisted people displaced by the hurricanes in 2017 in the health, nutrition, shelter and livelihood sectors.

The second meeting of the Caribbean Migration Consultations was held in the Bahamas in December 2017, with the participation of the representatives of 18 countries and territories, CARICOM, the CARICOM Implementing Agency for Crime and Security, the International Organization for Migration (IOM) and the Bahamas Red Cross. States discussed progress achieved on refugee protection procedures and frameworks, key priorities for 2018, such as local and regional trainings, information-sharing and capacity-building visits between countries, and the adoption of refugee legislation. At the close of the meeting, the Caribbean Migration Consultations adopted an outcome document, formalizing its structure in order to better promote refugee protection and the effective management of mixed migration through a rights-based approach in the subregion.

The Southern Cone

In the Southern Cone, a series of legislative amendments brought the subregion closer to international standards. In November 2017, the Uruguayan Senate approved draft legislation on the prevention of human trafficking, which is now with the Chamber of Deputies for approval. In Peru, a Supreme Decree issued in January 2018 approved the extension of the temporary permit of stay for Venezuelan nationals entering Peru through regular channels by 31 December 2018. Over 25,000 residences have been issued since the introduction of this scheme in January 2017. In November 2017, Brazil issued a regulation to implement the Migration Law that was adopted in May 2017. The regulation provides alternative pathways to migration that will benefit significant numbers of people who were previously resorting to the asylum system to regularize their situation. As a result, with fewer asylum applications lodged overall, people in need of international protection will have better access to asylum systems and their claims will be processed more efficiently.

B. Achieving the global strategic priorities

Brazil Plan of Action

Following the national consultations with governments and civil society for the Brazil Plan of Action's triennial evaluation, three subregional thematic consultations were held in Buenos Aires, Nassau and Quito in November and December 2017, focusing on the quality of asylum, the eradication of statelessness, and comprehensive, complementary and sustainable solutions.

Marking the evaluation of the Brazil Plan of Action and the adoption of the 2017 San Pedro Sula Declaration, a consultation meeting of representatives of States in Latin America and the Caribbean is taking place on 19 and 20 February 2018 in Brasilia. Commitments and good practices from the region will be collected during the meeting, and recommendations presented as contributions to the global compact on refugees.

Access to asylum

With Ecuador joining the Quality Assurance Initiative (QAI) programme in 2017, there are now 10 countries in the region aiming to enhance fairness and efficiencies in their asylum systems. In 2017, UNHCR continued to offer support for capacity-building and technical advice within the QAI framework.

A number of countries have amended national legislation or adopted internal regulations strengthening access to asylum. Brazil introduced new registration forms that better capture data on asylum-seekers and their vulnerabilities in order to prioritize cases. The country also developed a protocol for special attention to be given to unaccompanied children. Ecuador will issue humanitarian visas to asylum-seekers which will be valid for 90 days and renewable for the duration of the refugee status determination procedure. This will ensure refugee protection throughout the asylum process. Mexico is considering the adoption of a protocol to accelerate the processing of cases of vulnerable individuals, such as unaccompanied children and survivors of sexual and gender-based violence, including lesbian, gay, bisexual, transgender and intersex persons. Despite not having asylum legislation, the Bahamas has adopted standard operating procedures to respond to asylum claims.

Comprehensive solutions

While a five-year trend of growth in global resettlement quotas saw a reversal in 2017, most States in the region reaffirmed their commitment to seeking solutions to the plight of refugees. In 2017, some 25,000 refugees were resettled in the United States of America, while Canada received nearly 27,000 refugees – about two thirds of whom were privately sponsored – surpassing its target of 25,000. Canada has committed to welcoming 27,000 refugees through resettlement and private sponsorship programmes in 2018, while the official admissions ceiling for refugees in the United States of America has been reduced to 45,000.

Through their participation in a joint IOM and UNHCR initiative, the emergency resettlement country mechanism, Argentina, Brazil and Chile progressed in the implementation of their resettlement and private and community-based sponsorship programmes. Argentina received more than 330 Syrian refugees in 2017 and continued to invest in strengthening the capacity of stakeholders working in the areas of reception and integration, and to forge new partnerships with the private sector and education institutions. With UNHCR's support, Brazil advanced in its resettlement programme design by engaging with civil society and the private sector, carrying out a high-level mission to Jordan on identification and referral issues, and drafting a comprehensive legal framework on resettlement and sponsorship.

The support that UNHCR provides to emerging resettlement countries is also channelled through a stakeholder coalition, the Global Refugee Sponsorship Initiative. Chile resettled nearly 70 Syrian refugees, with a further 60 to be resettled in early 2018, and UNHCR and the authorities are now exploring options to include private sector and civil society stakeholders in the programme. Uruguay extended its solidarity resettlement programme to refugees from the north of Central America.

In the north of Central America, the protection transfer arrangement that was piloted in El Salvador was expanded to Guatemala and Honduras in order to cover three countries of origin. By January 2018, approximately 180 people have benefitted from the transfer scheme, including nearly 90 who found a durable solution in the United States of America, 30 in Australia, 20 in Uruguay and 10 in Canada. Argentina and Brazil have also expressed a commitment to participate in the programme in 2018, highlighting the value of such responsibility-sharing mechanisms as good examples of international cooperation. Uruguay became the first country in South America to receive four refugee families from the north of Central America through the protection transfer arrangement in November 2017.

Cities and municipalities in the region continue to adopt public policies on integration and inclusion, with the support of the private sector. Draft criteria for a local government to be considered a “city of solidarity” was presented to government counterparts at the subregional meeting in Quito in November 2017. This paved the way towards a certification process which recognizes the increasingly important role that local governments play in providing effective refugee protection and integration. The draft criteria for “cities of solidarity” will also be shared with other UN agencies, including IOM, so that the certification process can include both migrants and refugees. The municipality of Quito launched a “seal of inclusion” that certifies that local business are meeting inclusion standards. In Buenos Aires, the Housing Institute and UNHCR are identifying housing for refugees, asylum-seekers and resettled Syrians by including them in existing support programmes for vulnerable families. In São Paulo, the Legislative Assembly approved a bill that waives the fees in public universities for the validation of the undergraduate, masters and doctorate degrees of refugees. Mexico City took steps to expand the access of refugees and asylum-seekers to employment and social programmes.

Eradication of statelessness

Countries in the Americas continued taking steps towards the eradication of statelessness. Chile’s parliament approved accession to both conventions on statelessness. Haiti is well on its way to depositing the instruments of accession to both conventions. Cuba eliminated a residence requirement for the acquisition of Cuban nationality, as of January 2018. A new decree establishes a non-automatic mode of acquisition of nationality through the submission of an application abroad or in the country, and defines criteria for its rejection.

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 the end of 2017, some 20,000 individuals are believed to have been issued birth certificates or national identity cards, although an official figure was not available for this report. UNHCR is currently working with the authorities and other actors to determine the size of the population that found an effective nationality solution under Law 169-14.

In Colombia, the civil registry plans to implement a mechanism to ensure that no child who is born in the country’s territory to foreign parents with an irregular migratory status is stateless. Ecuador passed a decree regulating the new Organic Law on Human Mobility, establishing a statelessness determination procedure. Brazil issued a regulation that implements aspects of protection mechanisms for non-refugee stateless persons, foreseen in its 2017 Migration Law, advancing the agenda of statelessness identification, protection and reduction.

The parliaments in Argentina, Paraguay and Uruguay are considering the adoption of domestic protection frameworks, in line with UNHCR’s “Draft articles on the protection of stateless persons and the facilities for their naturalisation”.²

In November 2017, at the XIV meeting of the Latin American and Caribbean Council of Civil Registry, Identity and Vital Statistics, 17 directors of civil registries agreed that regional cooperation is needed to grant a legal identity to all, including through universal birth registration, and committed to work towards eliminating the causes of statelessness.

Sexual and gender-based violence

The Regional Safe Spaces Network grew from three to five countries, welcoming Colombia and Venezuela (Bolivarian Republic of) in November 2017. In the Americas, more than 50 humanitarian and civil society organizations, national institutions and community volunteers groups are working to provide standardized services to displaced people, including children, who

² Available from www.refworld.org/docid/59ad4e784.html.

are at risk of sexual and gender-based violence, family separation and other serious protection risks.

Protection of children and youth

UNHCR continued to focus on ensuring safe and dignified access of children and youth to protection. During the Regional Conference on Migration (“Puebla process”), a workshop on procedures of the best interests of the child was organized for government officials, UN agencies and civil society organizations. Participants exchanged good practices and developed a workplan to better integrate procedures on the best interest of the child into migration, asylum and protection services.

Argentina, Brazil and Panama established new national protocols to ensure the access of child applicants to the asylum process, while taking into account the best interests of the child and promoting family reunification and alternative care as alternatives to detention. Multisectoral best interest determination panels have been established in the north of Central America to assess and prioritize the needs of children when providing access to international protection in third countries.

Regional cooperation

UNHCR commends the continued cooperation of Canada, Mexico and the United States of America in engaging in capacity-building projects to strengthen asylum systems across the region, and encourages these forms of responsibility-sharing and collective efforts to better respond to the plight of refugees.

In November 2017, UNHCR signed a memorandum of understanding with MERCOSUR³ to promote international refugee law, the adherence to international protection instruments, regional cooperation and responsibility-sharing mechanisms, and the implementation of joint activities for the protection of refugees and other displaced people, as well as stateless persons.

In addition, UNHCR signed a regional cooperation agreement with the Organization of Ibero-American States for Education, Science and Culture (OEI). The agreement commits both organizations to working together to facilitate access to education for asylum-seekers, refugees, IDPs and stateless persons in the Americas.

C. Financial information

In October 2017, the Executive Committee of the High Commissioner’s Programme approved the budget of \$152.6 million for the Americas in 2018. At the end of 2017, the total budget for the Americas amounted to \$151.4 million, including \$28.9 million for the north of Central America and \$3.9 million for countries affected by the Venezuela situation.

³ *Mercado común del sur.*