

NORTH AMERICA AND THE CARIBBEAN

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

RECENT DEVELOPMENTS

In January, the United States Immigration and Naturalisation Service authorised NGO access to the expedited removal process for asylum seekers at United States ports of entry, which UNHCR and NGOs had been continuously advocating. This allows for greater transparency and more effective monitoring of the process.

In February, the Government of Canada tabled the proposed new Immigration and Refugee Protection Act in Parliament. UNHCR was invited to review this draft legislation and published its comments in March. UNHCR's Representative in Canada testified before the Parliamentary Committee considering the legislation, and UNHCR participated in consultations with government departments drafting the regulations to accompany the proposed legislation, including those on resettlement.

In June, the United States Supreme Court rendered an important decision affecting the detention of aliens. The Court held that aliens could only be detained for the period necessary to arrange for their deportation. The Court further ruled that the law does not permit indefinite detention. While the full implications of the ruling remain to be established, they could entail significant changes for refugees who have been detained.

During the first half of the year, some 3,900 young Sudanese men and women, including unaccompanied minors, were resettled in the United States. The group, commonly referred to as the "Lost Boys", received much media attention. UNHCR undertook

visits to meet the refugees and the agencies assisting them.

STRATEGIC OBJECTIVES: PROGRESS AND CONSTRAINTS

UNHCR worked with refugee advocates and publicly supported the efforts of the United States Senate to change restrictive provisions of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. In May, the Senate heard testimony from refugees and immigration advocates calling for reform of the expedited removal system, changes in the practice of extended detention, and the lifting of the one-year filing deadline for asylum claims. UNHCR met with Congressional staffers to explain its concerns and to support the proposed 2001 Refugee Protection Act, which seeks to revise the 1996 law.

In the United States and Canada, UNHCR has been providing information and advice on resettlement policies and procedures to government and NGO partners as well as channelling information to other UNHCR offices around the world. During his visit to the United States in March, the High Commissioner called for a significant increase in UNHCR and U.S. resettlement numbers. While echoed by NGOs and members of Congress, this increase will present a major challenge in terms of resources and staffing in the United States and Canada.

In the Caribbean, UNHCR has been promoting the accession to the 1951 Convention and 1967 Protocol of the five remaining non-signatory states: Barbados, Cuba, Grenada, St. Kitts and Nevis, and St.

Lucia. In Trinidad and Tobago, which acceded last year, the Office has been advising officials on fair refugee status determination procedures and against detention of asylum seekers. In addition, UNHCR has been promoting the development of regional contingency plans to respond to possible population movements in the region. This is particularly important given the continued political instability in Haiti. At the invitation of the National Commission on Haitian Migrants/Refugees, UNHCR consultants in Cuba participated in a training course on emergency preparedness.

ACTIVITIES UNTIL 30 JUNE

In line with its supervisory responsibility under the 1951 Convention, UNHCR initiated a comprehensive year-long programme of visits to **United States** detention facilities in which asylum-seekers are held. Eleven facilities, including adult and juvenile centres, were visited in southern California, Florida, and Louisiana, with particular attention being paid to the treatment of vulnerable groups, such as children, women, torture victims and the mentally ill. UNHCR, which also visited two ports of entry to observe expedited removal procedures, is currently expecting feedback on its findings from the Immigration and Naturalisation Service.

UNHCR obtained leave to intervene before the Supreme Court of **Canada** in an important case raising several significant refugee law issues, including the relationship between the 1951 Convention and the Convention against Torture, and the interpretation of Article 33(2) of the 1951 Convention. Having received UNHCR's written submission in March, the Court invited the Office to present oral arguments when the case was heard in May. As part of UNHCR's Global Consultations on International Protection, a workshop was organised in Ottawa on Incorporating Refugee Protection Safeguards into Interception Measures. Governmental and non-governmental representatives from

Canada and the USA attended the workshop, which was held in May. The resulting recommendations were endorsed the following month in Geneva by the full round of participants in the Global Consultations.

UNHCR commissioned a research paper on the situation of separated children seeking asylum in Canada. This paper, due to be published in August, will serve as a background document for a National Roundtable on Separated Children Seeking Asylum in Canada, scheduled for October.

In May, UNHCR and the US-based Women's Commission on Refugee Women and Children organised a consultation with refugee women from Canada and the United States. These talks coincided with a major conference on gender-based persecution, organised in Montreal by the Canadian Council for Refugees and attended by UNHCR.

In the United States and Canada, UNHCR continued outreach efforts and responded to an increased demand for educational resources as a result of promotional efforts at teachers' conferences. In the United States, a newsletter for teachers was published, while in Canada, a teachers' guide and a resource catalogue were produced in collaboration with the United Nations Association. The guide will be promoted and disseminated to teachers during the second half of the year. UNHCR also collaborated with the United States National Park Service in sponsoring a poster contest on the theme of Giving Hope to Refugees. *USA for UNHCR*, UNHCR's partner for private sector fund raising and public awareness, also made significant gains earlier this year when a major motion picture celebrity donated almost \$ 800,000, primarily for a variety of UNHCR core programmes in Africa.

UNHCR staff visited and assessed the situation in four refugee-receiving countries in the Caribbean, namely **the Bahamas, Cuba, the Dominican Republic and Jamaica**, where meetings were held with

government officials and NGO partners on protection policy and procedures. Immigration authorities in the Bahamas and the Dominican Republic noted their concern over increasing numbers of Haitian asylum-seekers as a result of deteriorating political conditions in Haiti.

In Cuba, UNHCR continued to receive a proportionately larger number of asylum-seekers from countries outside the Americas, and to expedite their status determination process. During the first half of the year, UNHCR provided accommodation and subsistence support to, and sought durable solutions for, some 69 asylum-seekers and refugees. In the larger refugee student programme, 706 students were receiving complementary assistance with 139 scheduled to graduate in July and return to their country of first asylum.

OUTLOOK FOR JULY-DECEMBER

The economic downturn in the United States could negatively affect the work of *USA for UNHCR* in the coming months, particularly as contributions from corporations and foundations have been lagging. The current

Chair of *USA for UNHCR* has announced his intention to step down in September.

In Canada, UNHCR will continue to follow the progress of the proposed new Immigration and Refugee Protection Act through Parliament. During the summer and autumn, the Office will participate in consultations on regulations to accompany the Act. Once entered into law, the bill will enable UNHCR to make submissions regarding cases brought before the Refugee Appeal Division. The work of UNHCR's legal team in Canada will be adjusted accordingly.

A Plan of Action for the Caribbean countries is being implemented, focusing on building the capacity of signatory countries; promoting accession to the refugee instruments; monitoring the situation in the region; and developing contingency plans. Planned activities include field missions, workshops on refugee protection and human rights principles, and a strategy meeting with UNHCR's honorary liaison officers in the region.

FINANCIAL DATA (USD)

Country	Annual Programme Budget			
	Initial Budget	Revised Budget	Total Funds Available ¹	Obligation Level
Canada	1,286,167	1,121,908	481,559	473,260
Cuba	585,300	427,553	270,292	260,740
United States of America	5,104,222	4,250,878	1,767,702	1,748,180
Regional Projects ²	125,000	78,400	130,600	39,200
TOTAL	7,100,689	5,878,739	2,650,153	2,521,380

¹ Includes income from unrestricted contributions, income from contributions restricted to the regional, sub-regional and/or country level, opening balance and adjustments.

² Covers activities in the Caribbean.