



Desplazados y Desconectados

Americas Part II

Argentina, Costa Rica, Dominican Republic,
Guatemala, Mexico and Trinidad and Tobago

The Displaced and Disconnected research series is part of UNHCR's Digital Inclusion programme. The Digital Inclusion programme, led by UNHCR's Innovation Service, aims to ensure that refugees and the communities that host them have the right, and the choice, to be included in a connected society, and can have their voices heard in the design and implementation of humanitarian response.

For more information, please visit <https://www.unhcr.org/innovation/digital-inclusion/> or email us at hqconref@unhcr.org

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Americas Part II

Argentina, Costa Rica, Dominican Republic,
Guatemala, Mexico and Trinidad and Tobago

Understanding how the regulatory frameworks in Argentina, Costa Rica, Dominican Republic, Guatemala, Mexico and Trinidad & Tobago affect forcibly displaced populations access to digital connectivity.

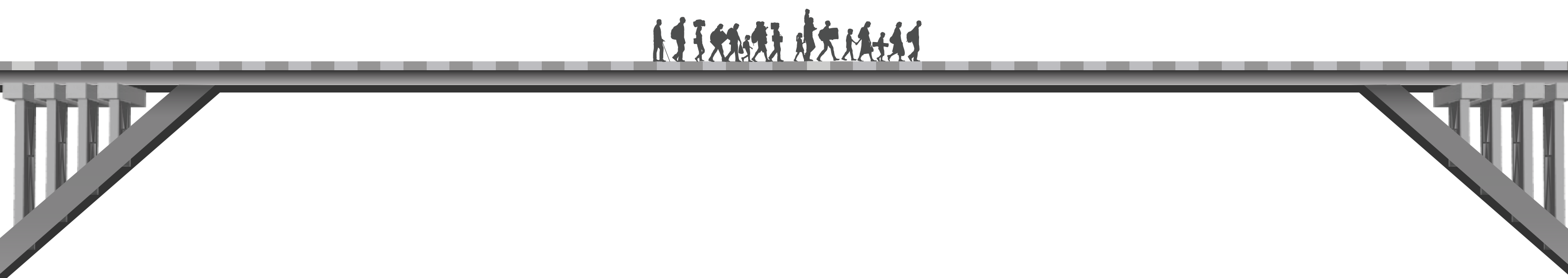
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Acronyms

AML	Anti Money Laundering
CBI	Cash Based Interventions
CDD	Customer Due Diligence
CFATF	Caribbean Financial Action Task Force
CFT	Combating the Financing of Terrorism
CITEL	Inter-American Telecommunication Commision
COMAR	Mexican Commission for Refugee Assistance
CONARE	Comisión Nacional para los Refugiados
CURP	Clave Única de Registro de Población
DGME	Dirección General de Migración y Extranjería
DIMEX	Documento de Identidad Migratorio para Extranjeros
DNM	Dirección Nacional de Migraciones
DPI	Documento Personal de Identidad
FATF	Financial Action Task Force
GAFILAT	Financial Action Task Force of Latin America
GSMA	GSM Association
ID	Identification
IGM	Instituto Guatemalteco de Migración
IMEI	International Mobile Equipment Identity
INM	Instituto Nacional de Migración
ITU	International Telecommunication Union
KYC	Know Your Customer
MERCOSUR	Mercado Común del Sur
MIRPS	Marco Integral Regional para la Protección y Soluciones
MNO	Mobile Network Operator
ONR	Oficina Nacional para los Refugiados
R4V	Interagency Coordination Platform for Refugees and Migrants from Venezuela
RENAP	Registro Nacional de las Personas
SIM	Subscriber Identity Mobile
SINPE	Sistema Nacional de Pagos Electrónicos
SUGEf	Superintendencia General de Entidades Financieras

Summary of Findings

Introduction

In 2019, the UNHCR Innovation Service published *Displaced and Disconnected*,¹ a research survey of twenty countries to shed light about the principal barriers that forcibly displaced populations faced to access key services such as mobile connectivity, banking and digital finance, including mobile money. In 2020, the Innovation Service explored how legal and regulatory barriers were restraining digital connectivity² for populations of concern in the Americas.³ In the context of a large-scale population movement created by the exodus of 5.6 million Venezuelans, the preliminary work for the Americas focused on five South American countries: Brazil, Chile, Colombia, Ecuador and Peru.

Using the *Displaced and Disconnected* methodology and following previous findings from the first *Displaced and Disconnected: South America* - covering Brazil, Chile, Colombia, Ecuador and Peru - this report focuses on how the regulatory frameworks in each of the six countries studied (Argentina, Costa Rica, Dominican Republic, Guatemala, Mexico and Trinidad & Tobago) affect forcibly displaced populations access to digital connectivity. This analysis was undertaken between the end of 2020 and the beginning of 2021. All six of the countries covered in the research followed a common trend with previous *Displaced and Disconnected* reports around the world: the importance that ID-related regulatory requirements have on impeding forcibly displaced populations' access to services. Reviewing the Subscriber Identity Mobile (SIM) registration requirements and the Know Your Customer/ Customer Due Diligence (KYC/ CDD) policies currently in place, the report explores the restrictive elements of the digital connectivity regulations and their direct effect on forcibly displaced persons. Legal frameworks that mandate a higher number of requirements in order to formally access mobile connectivity and financial inclusion drive forcibly displaced populations into informality and increase their vulnerability. Regulations that, by design, only acknowledge passports as the sole form of valid ID for foreigners create obstacles for populations fleeing violence and in need of international protection. As a result, populations of concern to UNHCR face greater challenges to communicate with others, obtain formal employment, receive humanitarian assistance and obtain information about their rights.

Research findings from the six countries covered in the study are divided in two focus areas: (i) access to mobile connectivity and (ii) access to financial services (including bank accounts and mobile money, where relevant). A third section of the report focuses on remarks and conclusions, followed by a fourth section with recommendations for governments, service providers and humanitarian organizations. Country briefs are annexed to the main report and provide greater details and local context.

1 UNHCR. *Displaced and Disconnected*: <https://www.unhcr.org/innovation/displaced-and-disconnected/>

2 The term "connectivity" used throughout this report refers to a wide range of concepts aimed at reducing the digital divide among refugees and migrants. This is, ensuring that digital transformation and the future of a connected society are accessible to all, they are the result of choice, and they are inclusive.

3 *Desplazados y Desconectados: Understanding legal and regulatory barriers to forcibly displaced persons' access to connectivity and financial services in South America*, UNHCR Innovation Service, June 2020 (Available at <https://www.unhcr.org/innovation/displaced-and-disconnected/>)

Legal barriers to mobile connectivity access

Five of the six countries studied in the report have SIM card registration regulations. With the exception of Mexico, which eliminated the regulation in 2012, all the countries require at least some form of identification in order to access connectivity, and additional requirements vary across countries. Identification requirements are highly relevant for populations of concern and can be restrictive, as asylum seekers and refugees often lack valid passports or other forms of valid identification (ID). Countries sometimes recognize temporary residence permits assigned to refugees as a valid identification to comply with the regulations, but country-specific obstacles often ultimately block the access to connectivity.

In **Argentina**, SIM card and International Mobile Equipment Identity (IMEI) number registration are compulsory, and a valid passport or national ID is required. The country accepts national IDs from Mercado Común del Sur (Mercosur) countries for registration and is temporarily accepting Venezuelan expired passports as a valid form of identification. The regulations reduced the barriers for the principal flows of displaced populations coming to the country, which are largely from Mercosur. Nevertheless, extra-regional asylum seekers and refugees still encounter obstacles to mobile connectivity.

In **Costa Rica**, SIM card registration is mandatory, and individuals need to present a valid passport in addition to proof of address. The law recognizes government issued refugee identification (DIMEX, Documento de Identidad Migratorio para Extranjeros) as equal to a foreigner resident permit and the DIMEX is accepted as a valid ID for SIM

registration. Asylum seekers, on other hand, are not covered by the legal framework and face challenges in providing a valid ID. In addition, proof of address can be complex for mobile populations, and those who have recently arrived in the country. Device IMEI numbers are registered by the service provider.

In the **Dominican Republic**, the regulator mandated the registration of IMEI and SIM cards at the point of purchase. The law considers temporary residence permits as a valid form of ID to comply with the registration process, but barriers for populations of concern remain in place. Asylum seekers' temporary documentation is not recognized by the telecommunication authorities for registration and temporary residence permits for refugees and forcibly displaced individuals, which are considered as a valid form of ID, are in practice very challenging to renew in the country. Recently, the country included biometrics as part of the compulsory requirements (see Box 1: Biometrics).

In **Guatemala**, the legal framework requires SIM cards and IMEI registration for all potential users. For foreigners, a valid passport is the sole form of ID accepted for the registration process, which creates obstacles for forcibly displaced people. When refugees are recognized by the country, they are assigned an identification card (DPI, Documento Personal de Identidad) that is valid for telecommunications/mobile registration purposes. However, in practice, refugees face delays in receiving DPI documentation, limiting the connectivity of refugees.

In **Mexico**, there are no current ID requirements for SIM Card registration. In 2011, the country repealed the existing registration regulations as authorities acknowledged they were ineffective. Prepaid SIM cards that do not require registration, are widely available in the country, facilitating refugees’ connectivity. In addition, IMEI registration is optional. Congress is currently reviewing the sanction of a new SIM card registration law, which could include biometric registration as a mandatory requirement.

In **Trinidad and Tobago**, SIM card and IMEI registration is mandatory by law. Populations of concern are requested to provide a valid passport to access connectivity, restraining the accessibility. In the country, UNHCR has the mandate for refugee determination, but photo ID cards assigned to asylum seekers are not recognized by the telecommunication authorities.

Biometric registration for mobile connectivity

Biometric registration for mobile connectivity has been debated in the region and a small of number of governments are reviewing its implementation, focusing on its potential effects in the reduction of mobile phone theft. In the region, Peru and Venezuela have biometric systems for mobile connectivity registration in place, and Dominican Republic has recently started requiring mandatory biometric registration as an additional requirement to register a SIM card.⁴ Users’ fingerprints are captured by service providers and stored in combination with IMEI numbers and personal information. Mexico is also debating a registration law, which includes additional biometric requirements. The bill will be discussed in the Senate later this year, after having been approved by the Lower Chamber in 2020.

While the use of biometric technology for SIM card registration purposes might offer advantages to

address security and criminal activity concerns, it can also pose risks of excluding vulnerable populations, in line with the lessons learned covered on GSMA’s report “Mandatory registration of prepaid SIM cards.”⁵ In addition, biometric SIM card registration can potentially have a restrictive effect on forcibly displaced populations’ digital connectivity and raises concerns about user’s privacy and data protection protocols. Biometric registration can add an extra layer of obstacles to a process that is already complex for forcibly displaced populations. For instance, if biometrics are validated against an official database, national ID or passports, it can create a bigger barrier for asylum seekers, who often do not have a valid form of ID. Additional concerns include discrimination issues and potential dangers of poorly enforced data protection protocols. Further research should study the specific effects biometrics requirements can have on refugees’ access to connectivity.

4 <https://www.biometricupdate.com/202001/comparitech-report-shows-17-countries-collecting-biometric-data-for-sim-card-registration>
5 https://www.gsma.com/publicpolicy/wp-content/uploads/2016/04/GSMA2016_Report_MandatoryRegistrationOfPrepaidSIMCards.pdf

Summary of Mobile Connectivity Regulations



MEXICO	
SIM registration	NO
IMEI registration	NO
Level of inclusiveness for PoC*	HIGH (registration is not required)

DOMINICAN REPUBLIC	
SIM registration	YES
IMEI registration	YES
Level of inclusiveness for PoC*	LOW (only passport)

TRINIDAD AND TOBAGO	
SIM registration	YES
IMEI registration	YES
Level of inclusiveness for PoC*	LOW (Only passport)

ARGENTINA	
SIM registration	YES
IMEI registration	YES
Level of inclusiveness for PoC*	MEDIUM (Mercosur national ID are recognized)

GUATEMALA	
SIM registration	YES
IMEI registration	YES
Level of inclusiveness for PoC*	LOW (Only passport)

COSTA RICA	
SIM registration	YES
IMEI registration	YES
Level of inclusiveness for PoC*	MEDIUM (DIMEX is recognized as a valid form of ID)

* We define levels of inclusiveness for PoC as a measure of how restrictive (or inclusive) is the existing legal framework for populations of concern. Level of inclusiveness reflects exclusively on regulation and does not cover other barriers that might affect refugees and asylum seekers’ access to digital connectivity. Level of inclusiveness has 3 categories: low (where the regulation requires elements that are challenging for PoC, such as passports or multiple forms of ID), medium (where regulations establish requirements that contemplate some of the challenges for specific displaced populations, such as accepting foreign national ID or expired passports) and high (where regulations establish specific mechanisms to include all populations of concern). The countries coloured/highlighted in green were part of “Desplazados & Desconectados - Part I”, which analyse the legal and regulatory challenges faced by refugees and migrants to be digitally and financially included in Brazil, Chile, Colombia, Ecuador and Peru.

Legal barriers to financial services access

Barriers to access financial services are particularly relevant for forcibly displaced populations. KYC requirements are usually centered around a valid form of ID, even for simplified due diligence processes. Regulators put great emphasis on passports as the main proof of ID for foreigners in the country, failing to consider that refugees and asylum seekers may not have access to this form of identity documentation. Proof of identification remains the principal obstacle for accessing financial services for forcibly displaced persons in the six countries covered in this report.

In **Argentina**, the regulators recognize preliminary residence permits given to migrants and asylum seekers as a valid form of identification for the simplified due diligence process. Simplified due diligence exempts individuals from providing proof of address and a personal code of fiscal identification, while providing access to basic bank accounts with limited functionalities. Nevertheless, only a reduced number of banks apply the regulation. Mobile money shares the same requirements applicable to the traditional banking system in terms of risk-management and KYC policies, but only a reduced number of service providers offer services to populations of concern.

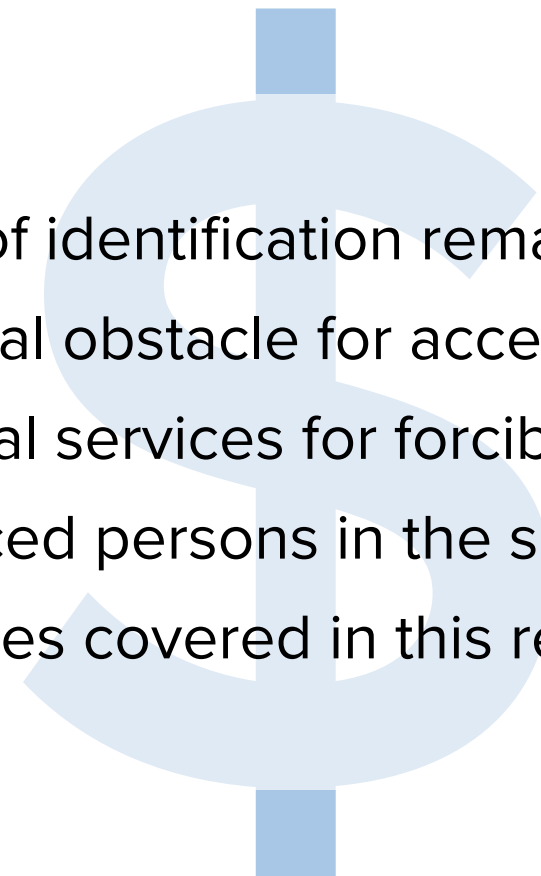
In **Costa Rica**, the authorities established a simplified due diligence process for basic bank accounts (levels 1 and 2) that benefited populations of concern. The difference between levels lies in the maximum amount of monthly transactions and in terms of ID requirements. Level 1 accounts can be opened with temporary documentation given to asylum seekers, while level 2 accounts require

DIMEX, which is assigned to refugees once they are recognized by the country. At this moment, mobile money and fintechs do not have a specific legal framework, although banks are allowed to operate on mobile platforms, and electronic payments are channeled through the National Electronic Payment System (SINPE).

In the **Dominican Republic**, the simplified due diligence process adopted by the regulator reduces the amount of information needed to access accounts with limits on monthly operations but had very limited effect on refugees and migrants. Valid passport in combination with temporary residence permit, proof of address and phone number are still mandatory. Currently, the country does not have a regulatory framework that oversees Mobile Network Operators (MNO) and fintechs providing financial services and mobile money applications.

In **Guatemala**, the regulator has not adopted a risk-based approach to KYC requirements. Foreigners are required to present a valid passport in order to open a bank account, in addition to information about their current address, anti-money laundering forms and proof of their migratory status. Extensive requirements and the absence of simplified due diligence policies place constraints on refugees and asylum seekers' access to financial services. The country does not have a regulatory framework that oversees MNO's and fintechs providing mobile financial services.

In **Mexico**, the regulator established different risk-based KYC requirements to access 4 different



Proof of identification remains the principal obstacle for accessing financial services for forcibly displaced persons in the six countries covered in this report.

types of bank accounts: level 1, level 2, level 3 and Traditional Accounts. Each level has different depository restrictions, specific transaction limits and different registration requirements (no ID is needed for level 1, basic customer information for level 2 and complete customer information for level 3). Although the regulation is inclusive for populations of concern, only one bank is currently providing services to displaced populations. Under the Fintech Law, which created a regulatory sandbox where firms can operate under temporary licenses assigned by the authorities, mobile money providers and fintechs have adopted the tiered KYC requirements based on customer risk evaluation. A reduced number of service providers have recently started to offer services to refugees and asylum seekers.

In **Trinidad and Tobago**, the country has adopted a simplified due diligence process for low-risk customers, but refugees and asylum seekers are not often identified as eligible for it. The country's high level of financial inclusion and modern risk-based approach towards due diligence requirements contrasts with a restrictive environment for populations of concern seeking to access financial services. Forcibly displaced populations are regularly requested two forms of identification, proof of address and proof of employment. In terms of mobile money, the country has recently sanctioned an E-money Issuer Order into law, that includes a risk-based approach towards its customer due diligence but doesn't specify the minimum requirements or thresholds.

Summary of Financial Services Regulations



* We define levels of inclusiveness for PoC as a measure of how restrictive (or inclusive) is the existing legal framework for populations of concern. Level of inclusiveness reflects exclusively on regulation and does not cover other barriers that might affect refugees and asylum seekers' access to financial inclusion. Level of inclusiveness has 3 categories: low (where the regulation requires elements that are challenging for PoC, such as passports or multiple forms of ID), medium (where regulations establish requirements that contemplate some of the challenges for specific displaced populations, such as accepting foreign national ID or expired passports) and high (where regulations establish specific mechanisms to include all populations of concern). The countries coloured/highlighted in green were part of "Desplazados & Desconectados - Part I", which analyse the legal and regulatory challenges faced by refugees and migrants to be digitally and financially included in Brazil, Chile, Colombia, Ecuador and Peru.

Conclusions

Regulatory landscape

Countries have adopted mobile connectivity and financial services regulations through the implementation of SIM card registration policies and know-your-customer requirements. Those regulations can have direct implications for forcibly displaced populations, benefiting their digital inclusion and connectivity on one hand or creating barriers and restricting their access to services on the other.

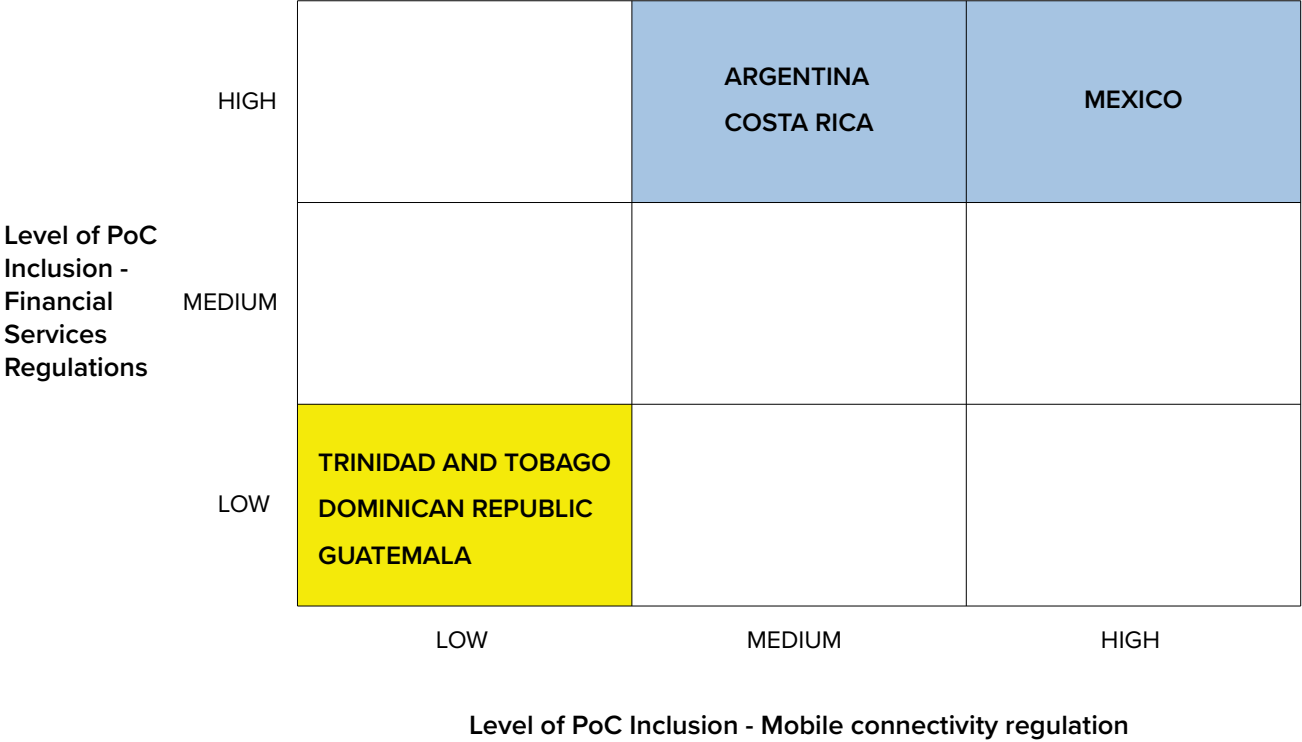
From a regulatory perspective, the countries studied can be divided into two groups regarding how inclusive their systems are for forcibly displaced persons (See Table 3 and Figure 1). A first lot of countries --composed of Argentina, Costa Rica and Mexico- have taken steps towards creating more inclusive regulatory environments for refugees and migrants. Access to mobile connectivity for populations of concerns has been facilitated to a certain degree in those countries by the recognition of neighboring countries national ID (in Argentina) or asylum seekers temporary documentation as a valid form of identification for registration (in Costa Rica) and by the elimination of SIM registration regulations (in Mexico). In terms of financial services, actions towards inclusion can include recognizing temporary residence permits given to asylum seekers and refugees as a valid form of ID for simplified due diligence processes (Argentina and Costa Rica) and risk-based KYC requirements that do not include a valid form of ID for the more basic type of bank account (Mexico).

A second group of countries -Dominican Republic, Guatemala and Trinidad & Tobago- shared more restrictive regulations towards the digital inclusion of populations of concern. Mobile phone registration regulations designed around the use of a valid passport as the sole form of valid ID for foreigners create obstacles for populations fleeing violence and in need of international protection. In similar fashion to mobile connectivity regulations, requirements of financial services regulations can create obstacles for forcibly displaced populations. The lack of a risk-based tiered KYC system (in Guatemala) and the obligation to provide two valid forms of ID to access financial services (in Dominican Republic and Trinidad & Tobago) can create a restrictive environment for populations of concern seeking to access financial services.

Table 3 - Summary of Digital Connectivity Regulations

Country	Argentina	Costa Rica	Dominican Republic	Guatemala	Mexico	Trinidad and Tobago
SIM/ IMEI registration	Yes	Yes	Yes	Yes	No	Yes
risk-based KYC	Yes	Yes	Yes	No	Yes	Yes

Figure 1- Level of PoC Inclusion - Digital Connectivity Regulations



Regulations do not guarantee access

Although regulations in some of the countries studied in the report grant - in theory - access to digital connectivity for forcibly displaced populations, in reality barriers to connectivity are not only in the fine print of the law. Compliance with the regulations is low in all six of the countries surveyed, both for mobile connectivity and for financial services. Information about populations of concern rights is often not widespread among service providers, thus leading to de facto barriers in the ground. In addition, enforcing the regulations is often challenging for governments.

Informal workarounds, such as asking locals to register SIM cards, reaching out to street vendors and informal markets may have provided short-term solutions for mobile connectivity but drives populations of concern into informality and increases their vulnerability. As many of the countries in the report are strengthening their actions against mobile phone theft and a couple of them are considering the roll out of biometric registration, informal access to mobile connectivity is declining. The mobile money market is slowly progressing in the region and SIM card registration policies will be even more relevant than ever before to ensure digital inclusion of forcibly displaced populations.

At the same time, financial inclusion remains a challenge for populations of concern. Even in countries where the regulations provide a framework and pathway for financial inclusion, service providers often do not apply simplified due diligence processes for refugees and asylum seekers. The latter are often required to provide a valid passport and additional information, or simply denied access to bank accounts. In Mexico or Argentina, for instance, where regulations contemplate the inclusion of refugees and migrants, the majority of the banking ecosystem restrains their access to bank accounts, to the exception of individual banks that have signed partnerships with UNHCR. The shortfall on the adoption of regulations might be partly explained by information systems constraints⁶ but also because of low interest from a commercial point of view.



Inclusive regulations that contemplate the rights and realities of forcibly displaced populations are crucial to promote access to digital connectivity for populations of concern. Half of the countries covered in the report have made advances towards that goal from a regulatory perspective. The experience of those cases could be used to promote a regional regulatory convergence towards more inclusive frameworks. Additionally, research findings suggest that even inclusive legal frameworks cannot promote change on their own and should be complemented with interventions focused on paving the way towards effective accessibility.

⁶ Please see Argentina’s and Mexico’s country briefs for a detailed explanation about information systems constraints

Recommendations

The recommendations presented in this report for governments, service providers and humanitarian organizations build on the work done through previous Displaced and Disconnected research⁷ and complement the suggested actions included in past reports. These range from recommendations to government agencies and regulatory bodies to expediting the issuance of ID credentials, include forcibly displaced persons in foundational ID platforms, and explore regulatory changes, to recommendations for UNHCR and other organizations to promote good practices, facilitate registration and documentation process, and explore eKYC mechanisms, among others.⁸

The following high-level recommendations are elaborated after analyzing the countries covered in this report. Country-specific recommendations are included in each of the dedicated country chapters.

Governments should:

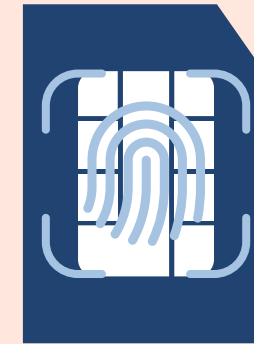
1. **Review KYC requirements:** Countries should review the minimum requirements needed for simplified due diligence processes, with a special focus on ID forms requirements and anti-money laundering forms. Evidence from the region, in addition to the Financial Action Task Force of Latin America (GAFILAT) and Financial Action Task Force (FATF) recommendations, suggests that the adoption of a risk-based tiered customer due diligence process can have a positive effect on financial inclusion. Simplified processes for accounts with limited functionalities, such as the ones adopted by Costa Rica, Mexico or Argentina can promote financial inclusion among refugees and asylum seekers with little risk for the banking ecosystem.
2. **Promote regional cooperation:** Regional cooperation can often promote a race to the top in terms of regulatory standards and provide regional solutions to the challenges forcibly displaced populations face at the regional level. Regional meetings and working groups such as the ones organized by ITU, the Inter-American Telecommunications Commission (CITEL) and the GSM Association (GSMA) could provide the platform to promote regional harmonization of SIM cards registration regulations and its impact on refugees and migrants.

In the context of GAFILAT and Caribbean Financial Action Task Force (CFATF) work, regulators should exchange best practices about the implementation of tiered KYC systems and the inclusion of populations of concern. Regional knowledge and peer to peer feedback could be leveraged in order to design better regulatory frameworks.

⁷ <https://www.unhcr.org/innovation/wp-content/uploads/2019/04/Displaced-Disconnected-WEB.pdf>

⁸ Specific recommendation made to stakeholders in analyzed countries in the Americas can be found on the “Desplazados and Desconectados: South America” report: <https://www.unhcr.org/innovation/wp-content/uploads/2020/06/Displaced-Disconnected-South-America-WEB062020.pdf>

3. **Support regulatory innovation:** The regulatory sandboxes and innovation hubs currently being developed for mobile money could be great vehicles for a refugee-adapted simplified KYC proof of concept. A successful pilot could provide concrete evidence to persuade the authorities and financial service providers and catalyze the financial inclusion of populations of concern.
4. **Analyze the impact of biometric registration:** Regulators, in partnership with humanitarian organizations and civil society should carefully approach the design of the new legal frameworks for SIM card registration, putting a strong emphasis on the potential effects of biometric requirements for SIM registration on vulnerable populations, including asylum seekers and refugees.



Service providers should:

1. **Promote information sharing:** Clear information about the rights of forcibly displaced populations and guidelines about how to provide services to them should be shared across service providers and branches. Lack of information about the legal framework and companies' procedures might lead to discrimination of refugees and asylum seekers trying to access connectivity.
2. **Establish common protocols:** A countrywide agreement promoted by the Banking or Fintech Associations on how to conduct customer due diligence and deliver services for populations in the move could promote standardization, reduce the transactions costs both for services providers and populations of concern and reinsure regulators.
3. **Build partnerships:** The evidence from Argentina and Mexico suggests that establishing partnerships with humanitarian organizations is an effective way to bring financial services to displaced populations. In recent years, UNHCR has taken the lead working with the few banks that provide financial services to refugees and migrants, and further steps can be taken in the same direction including MNOs and fintechs.

Humanitarian organizations should:

- 1. **Promote advocacy:** At the regional level, the international community should promote advocacy and recommend policies that contemplate the rights and needs of forcibly displaced populations. Using regional forums such as the Quito Process and the Interagency Coordination Platform for Refugees and Migrants from Venezuela⁹ (R4V), humanitarian organizations can create awareness of the implications of SIM card registration policies as a barrier to mobile connectivity. Additionally, at the national level, the region has a handful of cases where more inclusive simplified due diligence processes were adopted to the benefit of refugees’ and migrants. Building on Mexico, Argentina or Costa Rica’s examples, UNHCR and the international community, the regulators and MNOs could work together to promote small modifications to the regulation that would have a great impact.
- 2. **Implement partnerships at the national level:** Through collaboration schemes with governments and the private sector, UNHCR and the humanitarian organizations can promote the expansion of services to populations of concern. Building on previous successful experiences with GSMA and national banks in the region, the international community can provide know-how to advance projects in the best interest of refugees and asylum seekers. During the COVID-19 pandemic, country operations established partnerships and new ways to provide humanitarian assistance for populations of concern, creating a positive inertia for advancing collaborations, particularly in terms of mobile money.



- 3. **Design innovative pilots:** A joint task force, with regulators and MNOs could contribute to unlocking the information systems problems that limit the expansion of mobile money services across the population of interest. In addition, financial innovation schemes, such as blended finance, can be designed to promote private sector engagement.

9 <https://r4v.info/>

Annexes - Country reports



Argentina

People of Concern in the country as of July 2020,

Refugees
3,953
Asylum seekers
9,037
Venezuelan displaced abroad
175,335
Other persons of concern
448

The main refugee population in the country is from Colombia (558), Peru (544), Syria (403) and Venezuela (312). As for asylum seekers, the main populations are Venezuelan (3,556), Senegalese (1,418), Cuban (858) and Haitian (783). Refugees, asylum seekers and migrants are principally located in the city of Buenos Aires and its metropolitan area AMBA (Area Metropolitana de Buenos Aires). The principal route used to enter the country is by air (Ezeiza is the main international airport) and, to a lesser extent, by land across the north border.

Asylum claims are handled by CONARE (Comisión Nacional para los Refugiados) which assigns preliminary residence permits to asylum seekers 20 days after their application. Additionally, Argentina currently applies the residence framework agreement of Mercosur (Acuerdo sobre residencia para nacionales de los Estados Partes del MERCOSUR, Bolivia y Chile)¹⁰ which allows individuals coming from member and associate countries to apply for residence in the country.¹¹

The country has a staged residence process coordinated by the migration authority (Dirección Nacional de Migraciones) which consists of three steps: a preliminary residence permit while the application process is underway (residencia precaria), temporary residence permit (residencia temporaria) and permanent residence permit (residencia permanente). In addition, in mid-2020 and due to the lockdown measures imposed to contain the COVID-19 pandemic, the CONARE allowed for online asylum requests once persons are in the territory and the migration authority (DNM, Dirección Nacional de Migraciones) launched the digital certificate of preliminary residence (certificado digital de residencia provisoria).

SIM/IMEI Registration

Argentina requires SIM cards¹² registration, which users can do either online, via SMS or in a customer service office. In order to complete the process, the law requires customers to provide a valid ID and address in the country (no need to present a document as a proof of address). In the case of foreigners, the regulation requires them to register in person and allows them to pursue registration with a valid passport or foreign ID card belonging to a Mercosur country. The latter played a key role in the expanded access to mobile connectivity to refugees and asylum seekers coming from Mercosur countries, who have national IDs more often than passports. In addition, Venezuelan passports expired for less than two years are recognized as valid in the country,¹³ a decision that also contributed to fostering connectivity access. Nevertheless, ID requirements are a barrier to extra-regional asylum seekers, who will not have access to a national ID until their asylum application is approved, a process which can be extended in time depending on the nationality of the asylum seeker. In practice, informal workarounds usually consist of asking nationals to register SIM cards for asylum seekers, which increases refugees' informality and vulnerability, potentially creating legal problems in the medium and long-term.

Regulation also requires the provision of information about one's length of stay in the country, as lines are deactivated and reassigned. Providing an address can be especially burdensome for asylum seekers who have recently arrived in the country. Furthermore, there is no strict limitation to the number of lines that a user can register, but on-site registration is necessary for five or more. Information is stored in a registry (Registro de Identidad de Usuarios del Servicio de Comunicaciones Móviles) jointly created by the Ministry of Security and the Communication regulator.¹⁴

¹⁰ Ley 25.903, Acuerdo sobre residencia para nacionales de los estados partes del Mercosur, 2004

¹¹ Mercosur is composed by 5 sovereign member states: Argentina; Brazil; Paraguay; Uruguay and Venezuela (suspended since December 2016); and 7 associated states: Suriname, Guyana, Colombia, Ecuador, Peru, Chile and Bolivia

¹² Resolución 8507 - E/2016- Ente Nacional de Comunicaciones

¹³ Disposición 520/2019, Dirección Nacional de Migraciones

¹⁴ Resolución Conjunta n°6 de los Ministerios de Seguridad y de Comunicaciones

Financial Regulations

According to the World Bank's Global Findex (2017) database, Argentina's index for financial inclusion (defined as having an account in a bank, other types of financial institutions or mobile money) is 49%. In recent years, the country has focused on financial inclusion, launching a financial inclusion national strategy (Estrategia Nacional de Inclusión Financiera) in 2019.¹⁵ In 2020, a new a revised strategy was launched for 2020-23.¹⁶ The strategy builds on the tiered KYC policy that the country adopted in 2017, which established different due diligence processes (simplified, traditional and enhanced) according to the risk evaluation of customers (categorized as low, medium and high).

In 2019, a Central Bank resolution¹⁷ granted access to a free bank account to migrants and asylum seekers with preliminary residence permits (certificado de residencia precaria), recognizing the latter as a valid form of registration,¹⁸ as long as an identification ID from the country of origin is provided (ID card, passport). The legal framework considers foreigners that have taken steps towards residence low-risk customers and applies a simplified due diligence process.¹⁹ In addition, simplified due diligence exempts individuals from providing proof of address and a personal code of fiscal identification (Código Unico de Identificación Tributaria). Low-risk accounts are also limited in the maximum total balance of the account (the equivalent of 25 monthly minimum wages - around 5,875 USD) and its monthly operations cannot be larger than four minimum wages²⁰ (940 USD).

¹⁵ <https://www.argentina.gob.ar/sites/default/files/estrategia-nacional-inclusion-financiera.pdf>

¹⁶ enif_2020-23_vf_011220_con_prologo_1.pdf (argentina.gob.ar).

¹⁷ <http://servicios.infoleg.gob.ar/infolegInternet/anexos/95000-99999/96650/norma.html>

¹⁸ Migratory registration process in Argentina has 3 steps: a) preliminary residence permit, b) temporary residence permit and c) permanent residence permit.

¹⁹ Article 29, Resolución UIF N° 30/2017

²⁰ Other conditions are a) no suspicion of money laundering or terrorism financing by the authorities, b) the individual is not politically exposed and c) they do not possess other bank account in the country

Bank accounts

In theory, the recognition of preliminary residence permits as a valid ID for bancarization benefited the majority of people in need of international protection entering the country,²¹ as access to preliminary residence permits is granted to asylum seekers and Mercosur²² migrants coming to the country, following the Acuerdo de Residencia del Mercosur. In practice, however, only two public banks and two private ones have adopted the resolution occasionally, and information about the process is not equally distributed among branches. In December 2020, UNHCR signed a partnership with Banco Ciudad, the public bank of the city of Buenos Aires, to promote financial inclusion of refugees and migrants in the country. The COVID-19 pandemic also presented an additional challenge for financial inclusion, as most banks had to adapt its customer onboarding process, as individuals needed to be physically present at the bank. In addition, the Cash Based Interventions (CBI) response in the country encountered roadblocks when operating through bank transfers. Implementing partners faced limits on the amounts of transactions they could conduct on a daily basis and restrictions caused by the lack of interoperability between the banking system and mobile money service providers. Some banks, including Banco Ciudad, successfully adapted the on-person process to online ones, allowing the opening of bank accounts remotely.

Mobile Money

According to the World Bank’s Global Findex (2017) database, Argentina’s mobile money penetration (in terms of account ownership for 15+ years old) is 2.42 per cent. By the end of 2017, the government regulated fintechs and other digital finance service providers,²³ establishing the same requirements applicable to the traditional banking system in terms of risk-management and KYC policies. In recent years, the market has grown considerably, going from 133 companies registered as fintechs in 2018, to 268 in 2020 (Bastante, 2020). Unfortunately, this growth did not result in an increased share of refugees and migrants using mobile money applications. Only a handful of players in the ecosystem opened the doors to them, such as Brubank and Xcoop. In addition, those service providers which tried to comply with national regulations encountered issues within the registration process, as the preliminary residence permit doesn’t have an ID number²⁴ and clashes with the system designed to store national ID numbers. MNOs and fintechs operate almost fully online and have no alternative way to overcome the online registration system limitation.

21 In 2019, 2.2 million migrants were living in the country, accounting for 5% of the total population. The vast majority of them are from the region (Bolivia, Paraguay and Chile are the principal nationalities).

22 The regulation also expands its coverage to associate countries of Mercosur, such as Chile, Colombia, Peru, Ecuador, Venezuela, Guyana and Surinam.

23 Resolución UIF N° 76/2019.

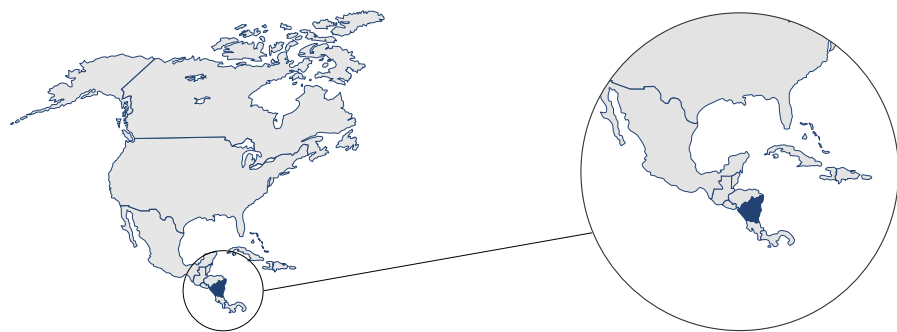
24 A national ID number is only given at the second phase of the registration process (temporary residence permit).

Conclusion and recommendations

In terms of digital connectivity, Argentina has adopted different approaches towards SIM card registration policies and know-your-customer requirements, which affect asylum-seekers, refugees and migrants in specific ways. Mobile phone registration requirements, such as a valid passport and providing an address, are a barrier to access for populations in need of international protection. Recognizing expired passports, such as in the case of Venezuelans, and the acceptance of Mercosur national IDs, have facilitated connectivity and it will be important to preserve these policies under the new administration. In addition, informal workarounds have also provided a short-term solution, but disempower refugees and migrants in the medium and long-term and negatively impact their digital inclusion. As the mobile money market is growing at a strong pace, SIM card registration policies will be more relevant than ever before to ensure digital inclusion. To do so, regulators and MNOs could work together to adapt the regulatory framework in place and consider accepting preliminary residence permits as a valid form of ID in the country.

In terms of KYC requirements for financial services, both traditional and mobile, the country is one of the few in the region that has adopted a risk-based tiered customer due diligence process and taken concrete steps towards the facilitation of financial inclusion of refugees and migrants. Although Argentina has a conducive legal framework for financial inclusion, service providers have been slow adopters of new regulations, partly because of information systems constraints (in the case of the mobile money ecosystem) and also because of information shortages across branches and low interest from a commercial point of view. In recent years, UNHCR has taken the lead in working with banks that provide financial services to refugees and migrants, leading the first Workshop on Financial Inclusion of Refugees and further steps can be taken in the same direction. As a result of the Workshop, UNHCR has been invited to participate in the National Coordination Council on Financial Inclusion.²⁵ A joint taskforce, with regulators, humanitarian organizations active in this space, and MNOs could contribute to unlocking the information systems problems that limit the expansion of mobile money services across the population of interest. In addition, financial innovation schemes, such as blended finance for example, can be designed to promote private sector engagement.

25 [Consejo de Coordinación de la Inclusión Financiera | Argentina.gob.ar](#).



Costa Rica

People of Concern in the country as of July 2020

Refugees

8,720

Asylum seekers

90,584

Venezuelan displaced persons

22,244

Stateless persons

221

Individuals of concern

52

The main refugee populations in the country are from Nicaragua (3,397), Colombia (2,327), El Salvador (1,318) and Venezuela (906). As for asylum seekers, the main populations are Nicaraguan (42,408), Venezuelan (5,949), Cuban (3,124) and Colombian (1,288).²⁶ Refugees, asylum seekers and migrants are principally located in the Gran Area Metropolitana (GAM) and, to a lesser extent, in the north of the country. Since the onset of the sociopolitical crisis in Nicaragua in April 2018, over 80,000 individuals have sought asylum in Costa Rica.²⁷

The agency responsible for receiving and processing refugee status applications is the Dirección General de Migración y Extranjería (DGME) and asylum seekers are granted an asylum seeker card (carnet de solicitante de refugio) after their initial interview with the authorities. After 90 days, asylum seekers can request a work permit. The carnet de solicitante is valid for a year, and during COVID all of them were renewed until January 2021.²⁸ In addition, by late 2018, the government introduced a set of modifications to the carnet de solicitante, including birth date, photo ID and a 12-digit personal number (which remains

²⁶ UNHCR's database for Costa Rica has 35k of asylum seekers registered as unknown

²⁷ UNHCR Fact Sheet Costa Rica Operation, July 2020

²⁸ According to the Circular DG-03-02-2021, the validity of the asylum seekers' documentation has been extended until the day of their renewal appointment.

the same once asylum is confirmed) among other features.²⁹ The card allows asylum seekers to access services such as enrolling their kids in school, access basic services and make payments. Once refugees are recognized by the country, they are granted a resident identification card (DIMEX).

SIM/IMEI Registration

In Costa Rica, to register a SIM card, the law requires the provision of a valid ID, proof of address in the country and e-mail.³⁰ In the case of foreigners, the regulation allows for the registration of a SIM card with a foreign passport or DIMEX. In addition, refugees are assigned a DIMEX once asylum is confirmed, which provides an inclusive legal framework for refugee connectivity. The regulation is unclear about the protocol for asylum seekers that don't possess a DIMEX, and reports indicate that some MNOs accept a carnet de solicitante for SIM card registration purposes. The registration should be done online by users, and MNOs should promote the practice.³¹ In addition, the regulation establishes that the documentation submitted by foreigners will be manually checked by the regulator.³²

Prepaid SIM cards can be purchased in numerous establishments, including gas stations and convenience stores, without presenting an ID. Such informal arrangements might have contributed to fostering access to connectivity by refugees and asylum seekers. Additionally, proof of address required for postpaid plans, such as utility bills or a copy of a lease, can be especially burdensome for asylum seekers who have recently arrived in the country. Furthermore, once-a-year renewals of SIM registration create constraints for asylum seekers, as they often face delays in their resident card renewal process which would impede the re-registration of their SIM cards.

Individuals can register up to 5 lines and registration is valid for one year. The registration database is administered by the regulator Superintendencia de Telecomunicaciones de Costa Rica (SUTEL) and service providers have shared access. In 2012, the regulator subscribed to an agreement with GSMA in order to create a blacklist registry for stolen cellphones in the country, connected to GSMA's global database. In 2020, the regulator created the Sistema de Gestión de Terminales Móviles (SGTM) to manage more efficiently the administration of white, grey and blacklists.³³ The system also aims to improve data sharing processes between service providers, GSMA and the regulator.³⁴ Service providers should supply the necessary information about stolen and reported IMEIs to the regulators, and also inform users if their device has been identified in the registry.

²⁹ Circular DG-30-09-2018, Dirección General de Migración Extranjería

³⁰ RCS-294-2014 - "DISPOSICIONES REGULATORIAS DE ALCANCE GENERAL PARA LA ACTUALIZACIÓN DE DATOS DE LOS USUARIOS DE TELEFONÍA MÓVIL PREPAGO

³¹ See Article 12 of the regulation

³² See Article 9 of the regulation

³³ In the case of blacklists, it could affect forcibly displaced populations that might have purchased unregistered cellphones and thus would be blocked.

³⁴ Disposiciones y aspectos operativos para la implementación del sistema de gestión de terminales móviles- 7879-SUTEL-SCS-2020

Financial Regulations

According to the World Bank's Global Findex (2017) database, Costa Rica's index for financial inclusion (defined as having an account in a bank, other types of financial institution or mobile money) is 68%. As a member of the GAFILAT, Costa Rica adopted a tiered know-your-customer policy in 2015. The regulator Superintendencia General de Entidades Financieras (SUGEF) established a simplified process (Cuentas de Expediente Simplificado) in order to promote financial inclusion in the country.³⁵ The process allows customers qualified as low risk to open a bank account with fewer requirements, following the recommendations of the FATF. Two types of accounts are available within the simplified process - level 1 and level 2 - and the difference between them lies in the maximum amount of monthly transactions (1000 USD for the first one and 2000 USD for the second level). In terms of ID requirements, level 1 accounts can be opened with a foreign passport, carnet de solicitante or national ID, but level 2 requires having a DIMEX. In summary, asylum seekers can access level 1 accounts, whereas refugees can opt for level 1 or 2.

Bank accounts

The implementation of a simplified process that contemplates the specific needs of refugees and asylum seekers has paved the way for their financial inclusion in the country. Additionally, the modifications introduced to the carnet de solicitante in recent years reinforced the government's efforts for inclusion. Even though some banks still ask refugees and asylum seekers to provide passports, the adoption of photo ID as part of the new carnet de solicitante might contribute to the de facto recognition of the latter as a valid identification for financial services. The lack of widespread information about the regulation, both among banks and asylum seekers, still remains a barrier to access financial services, especially outside of the Gran Area Metropolitana. During COVID-19, UNHCR's CBI strategy worked with traditional banks in order to provide refugee and asylum seekers with assistance, which can also contribute to greater partnerships between UNHCR and the banking system in the near future.

Mobile Money

The adoption rate of mobile money in Costa Rica has been low compared to other countries in the region. The country has not reported data on the World's Bank Findex survey (2011 to 2017) and the size of the mobile money market is hard to estimate. Mobile money and fintech does not have a specific legal framework to this day, although banks are allowed to operate on mobile platforms, and electronic payments are channeled through the SINPE. A more recent report from the IDB has observed a market growth trend in recent years, showing a 400% increase in the creation of new Fintech startups for the 2017-2019 period (Ernest, et al., 2019). Building on a conducive legal framework for financial inclusion of refugees, if mobile money penetration increases in the country, may have the potential to scale up access to digital connectivity for populations of concern.

³⁵ Decreto Ejecutivo N° 36948-MP-SP-JP-H-S

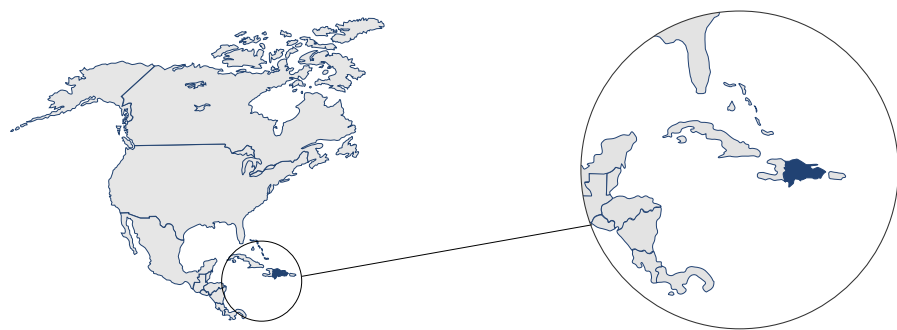
Conclusion and recommendations

Costa Rica has adopted regulations for SIM card registration and know-your-customer requirements, which can benefit the digital inclusion and connectivity of refugees and asylum seekers in concrete ways. The country has a specific legal framework that recognizes the use of a DIMEX as a legal form of identification to access services, such as mobile connectivity and financial services. Naturally, it creates a favorable environment for refugee inclusion, which should be combined with information campaigns and advocacy to extend those regulations to asylum seekers who are still in the process of getting a DIMEX and consequently still face barriers to access connectivity. For instance, it could also be expanded to carnet de solicitante. Nevertheless, a specific set of features of the SIM card registration process - registration expiration and proof of address - may have a direct impact on refugees and asylum seekers and could be reviewed to prevent populations of concern falling into informal workarounds.

In terms of KYC requirements for financial services, the country's risk-based tiered customer due diligence process has focused on the rights of refugees and asylum seekers in terms of financial inclusion. ID requirements - the biggest barrier to digital inclusion of refugees and asylum seekers - were specifically contemplated, and the fine print of the legal framework includes both the carnet de solicitante and DIMEX. Regulations combined with widespread information about the rights of populations of concern can be the key to digital connectivity. Furthermore, the growth of the mobile money market in Costa Rica has the potential to bring financial inclusion across the territory, reducing geographic and technical barriers. As the country has not yet shaped its fintech and mobile money regulation, it also provides an opportunity for regulators, MNOs and the wider humanitarian community to advocate for refugees and asylum seekers.

Lastly, the COVID-19 pandemic has also demonstrated again that refugees and asylum seekers often face barriers to digital inclusion, even in countries with inclusive legal frameworks. Over the last year, the renewal of the carnet de solicitante and DIMEX was postponed, and DGME extended their validity up to January 2021. Since that date, many of them have expired, creating roadblocks to connectivity and other services. Delays on the resolution of asylum claims and the expiration of asylum seekers' provisional certificates are issues that can jeopardize their access to digital connectivity and could be addressed with minor changes in the legal framework. For instance, accepting expired documentation issued by DGME to fulfil KYC requirements, such as instructed by Circular DG-03-02-2021,³⁶ for low-risk users could contribute to overcoming inclusion roadblocks.

³⁶ According to the Circular DG-03-02-2021, the validity of the asylum seekers' documentation has been extended until the day of their renewal appointment.



Dominican Republic

People of Concern in the country as of September 2020

Refugees

162

Asylum seekers

603

Venezuelan displaced persons abroad

114,050

The main refugee population in the country is from Haiti (162), most of whom are in protracted displacement and were recognized as refugees by UNHCR in the 1980s and 1990s. As for asylum seekers, the main populations are Haitian (263), Venezuelan (256), Cuban (45) and Colombian (10), and there are also individual cases of extracontinental cases from Afghanistan, Yemen, Iran etc. Since 2018, the number of Venezuelans entering the country has increased, making Dominican Republic the state with the highest number of Venezuelan refugees and migrants in the Caribbean. In December 2019, the Dominican Government introduced a visa requirement for Venezuelans, who previously were able to obtain a tourist stamp on arrival.³⁷

Asylum seekers have 15 days after entering the country to complete their asylum application. The agency responsible for receiving and processing refugee status applications is the Oficina Nacional para los Refugiados (ONR) and asylum decisions are made by the CONARE. Asylum seekers in the country receive a card (carnet) that allows them to stay in Dominican territory for 60 days until a final decision on the asylum claim is made. When refugees are recognized by the country, they are assigned a temporary residence permit valid for 1 year.³⁸ In January 2021, the national government announced a stay arrangement (Normalización Migratoria) to issue non-resident permits for Venezuelans who regularly entered the country between 2014 and 2020.³⁹ The non-residence permits can be issued under two modalities: temporary worker or student visas, which will be valid for one year, renewable until the Ministry

³⁷ Factsheet Dominican Republic RMRP 2020

³⁸ <https://help.unhcr.org/dominicanrepublic/en/applying-for-asylum/>

³⁹ Resolución MIP-EXT-00119-2021 (available at: https://mip.gob.do/transparencia/images/docs/base_legal/Resoluciones/RESOLUCION-NO-M-MIP-EXT-00119-2021-QUE-NORMALIZA-DENTRO-DE-LA-CATEGORIA-LA-SITUACION-MI.pdf)

of Foreign Affairs announces that the extraordinary circumstances that motivated the reform have ceased. In addition, in March 2021, the Ministry of Foreign Affairs announced that the migratory authority Dirección General de Migraciones will accept expired Venezuelan passports as a valid identification for all migratory processes.⁴⁰

On January 26, 2010, a new Constitution was adopted in the Dominican Republic introducing a restriction to the automatic acquisition of nationality for those born in the territory of the country to foreign parents who, at the time of birth, resided illegally on Dominican territory. On September 23, 2013, by judgment 168-13, the Constitutional Court in the context of the resolution of an individual case, collectively and retroactively revoked the nationality of those born in the Dominican Republic since 1929, from parents with a “non-resident” or an irregular immigration status at the time of their birth. The vast majority of the population impacted by this ruling were Dominicans of Haitian descent.

Seeking to mitigate the impact of this Judgment, the Executive Branch of the Dominican Republic, promoted the adoption of Law 169-14 in May 2014. The first article of the said law, displayed the purpose of establishing: A) a special regime for the benefit of children of foreign non-resident parents born in the national territory from June 16, 1929 to April 18, 2007, that were inscribed in the books of the Dominican Civil Registry based on documents not recognized by the regulations in force for those purposes at the time of registration (commonly known as Group A); and B) the registration of children of foreign parents in an irregular situation born in the Dominican Republic and who are not registered in the Civil Registry (commonly known as Group B). Law 169-14 introduced a registration process before the Ministry of the Interior and Police (MIP) for Group B persons which was open for a period of 180 days. This process required individuals to register through a National Plan for the regularization of foreigners in order to receive a Permanent Residence Card which then allowed them to opt for ordinary naturalization after two years.

According to official estimates of the Central Electoral Board (JCE), the total number of the population in Group A is over 61,000 people. By August 2020, 26,102 people had already obtained their Dominican identity and electoral cards. This means that an estimated 34,900 Group A people have not received their Dominican identity document confirming their nationality to date.

According to official information provided by the Ministry of the Interior and Police,⁴¹ 7,159 individuals (Group B) applied to the regularization plan established in Law 169-14 and were approved by the MIP. By August 2020, out of the 4,076 permanent residence permits that had been issued by the National Directorate for Migrations (DGM), only 1,441 were still valid. The expiration date of these documents is two years. Nowadays, there is not a facilitated pathway to renew them. As of July 2020, 1,829 individuals had filed their application for naturalization with the MIP. On July 16, 2020, the former President of the Dominican Republic, Danilo Medina, signed the Decree 262-20, authorizing the naturalization of 749 beneficiaries of Group B under Law-169-14.

⁴⁰ The normative applies exclusively for the regularization process with DGM and does not specify for how long it will be valid for (Resolución 02-DGM-2021 available at <https://www.mirex.gob.do/medios/noticias/mirex-y-dgm-emiten-resolucion-para-admitir-pasaportes-vencidos-de-venezolanos>)

⁴¹ The 2016-2020 Management Report of the Vice Ministry of Immigration Management and Naturalization, published by the Ministry of the Interior and Police on July 16, 2020.

For practical purposes, UNHCR uses the nomenclature “Group B2” to refer to the population made up of those people who, complying with the requirements established in literal B of the first article of Law 169-14, were unable or unwilling to avail themselves to the registration procedure under Law 169-14, during the 180 days it remained open. Currently, there is no legal way to access Dominican nationality for this group. According to the Second National Survey of Immigrants (ENI) carried out in 2017 by the National Statistics Office of the Dominican State (ONE), there is a projection of at least 23,700 people born in the Dominican Republic before January 26, 2010, to both Haitian national parents, without a birth certificate (or any other kind of documents) and, thus, still pending a nationality solution.

SIM/IMEI Registration

The country requires mandatory registration of SIM cards, and users are requested to present a national ID, valid passport or residence permit. In addition, individuals need to provide an address in the country, IMEI number of the mobile phone to be used and get a picture taken by service providers.⁴² Additionally, the law permits individuals to register up to 8 lines. The regulation creates strong barriers to asylum seekers, refugees, undocumented beneficiaries of Law 169-14 and other persons in need of a nationality solution in the country as they often lack valid passports, the documents granted by the Dominican authorities are expired without a possibility to renew them and, in the case of asylum seekers, their temporary identification in the country (Constancia de Solicitud de la Condición de Refugiado) is not accepted as a valid ID. In the past, populations of concern found informal arrangements to access mobile connectivity. Prepaid SIM cards were widely available at informal stores, gas stations or sold by street vendors, without requiring an ID. Asylum seeker, refugees, undocumented beneficiaries of Law 169-14 and other persons of concern also appealed to locals to register SIM cards under their names. Such informal arrangements might have contributed to fostering access to connectivity for refugees, asylum seekers and individuals pending a nationality solution, but increased persons of concern’ vulnerability and are becoming less frequent practices nowadays due to government efforts to reduce informal supply.

Since 2021, it is now mandatory for service providers in the country to register users’ fingerprints when registering a mobile phone. The regulation is very recent, and the implementation route is somehow unclear, but further attention should be given to its potential effect on digital inclusion. Biometric SIM card registration can potentially have a restrictive effect on persons of concern’ digital connectivity. In particular, a biometric capture process requiring a valid passport, for example, can create a strong barrier for people in need of international and national protection. In addition, in recent years regulators have mandated that service providers are required to keep an updated blacklist of stolen cellphones, periodically exchanging information with GSMA’s international blacklist.⁴³

42 Article 10.2, Resolución 070-19- Indotel (available at: https://transparencia.indotel.gob.do/media/212976/res_signed_070-19_que_aprueba_la_norma_de_contratacion_y_activacion_de_servicios_signed-1.pdf)

43 Article 4, Resolución 92-19 Indotel (available at: https://transparencia.indotel.gob.do/media/213310/res_signed_092-19_-_celulares_robados_signed.pdf)

Financial Regulations

According to the World Bank’s Global Findex database (2017), Dominican Republic’s index for financial inclusion (defined as having an account in a bank, other types of financial institution or mobile money) is 56%. In the country, the legal framework requires that foreigners possess a valid resident permit and a valid passport in order to open a bank account,⁴⁴ in addition to proof of address, phone number and documentation about the origins of the funds, which is a challenge for persons of concern who do not have access to the formal labor market and frequently work under informal arrangements. In 2017, following GAFILAT’s recommendations, the country adopted a tiered KYC scheme with three levels of requirements (simplified due diligence, traditional due diligence and amplified due diligence) based on risk.

Bank accounts

The simplified due diligence process reduces the amount of information needed to access accounts with limits on monthly operations, but a valid passport in combination with a valid residence permit, proof of address and phone number are still mandatory. In addition, the regulator recommends increasing the level of risk forecasted for any type of operations that involve foreign citizens.⁴⁵ The simplified process eliminated some of the minimum requirements that could be particularly challenging for refugees’ and asylum seekers, such as original documentation on the origin of their savings. Nevertheless, the regulation fails to overcome the principal obstacle that populations of concern face in their quest for financial inclusion- ID requirements-. Refugees and asylum seekers face strong challenges to obtain valid temporary permits, often encounter delays in their renewal process and come across a variety of limitations to possess (or renew) a valid passport. The effective implementation of Law 169-14, providing documents that prove the confirmation or acquisition of Dominican nationality, remains limited. In addition to it, the Group B population face strong challenges to obtain and renew permanent residence permits while awaiting naturalization Decrees. On the other hand, for Group B2 individuals there is no existing legal pathway to obtain any kind of ID documents or access to a nationality solution. In that light, the minimum conditions established for low-risk consumers have little effect in reducing the barriers to bancarization. Refugees in the country have also reported being requested additional documentation by the banks, such as employment contracts.

During the COVID19 pandemic UNHCR’s CBI operations recurred to a PIN transfer service provided by Banco BHD Leon, to provide cash solutions to populations of concern. Although the implementation was supported by the bank’s network of ATMs, the solution consisted principally on transfers to beneficiaries through PIN codes sent by SMS to be cashed-out at ATM’s and the process didn’t involve the creation of bank accounts.

44 Ley No. 155-17, contra el Lavado de Activos y Financiamiento del Terrorismo (available at: https://www.poderjudicial.gob.do/documentos/PDF/leyes/LEY_ley_no_155_17_que_deroga_la_ley_no_72_02_del_26_de_abril_de_2002.pdf)

45 Instructivo sobre debida diligencia- Superintendencia de Bancos de la República Dominicana

Mobile Money

In terms of digital financial inclusion, Dominican Republic’s mobile money penetration (measured as a percentage of account ownership for 15+ years old) is 3.89%, according to the World Bank’s Global Findex database (2017). Currently, the country does not have a regulatory framework that oversees MNO’s and fintechs providing financial services. The market for digital financial services is growing in the country and in 2021 the Dominican Association of Fintechs represented 37 companies. Following the upward trend, the regulator (Banco Central de la Republica Dominicana) has committed to evaluate a specific framework for the industry over the period 2018-2021. Reforms may be introduced in the Institutional Strategic Plan to be announced in the first quarters of 2021.

Conclusion and recommendations

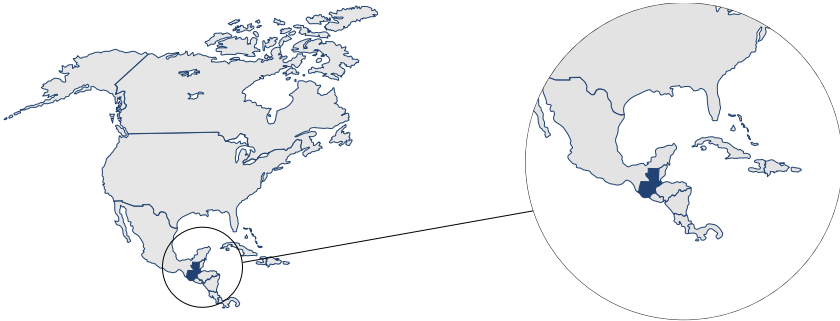
Dominican Republic’s regulation on SIM card registration and financial services have generated barriers for refugees, asylum seekers, undocumented beneficiaries of Law 169-14 and other persons of concern’ access to digital connectivity. SIM card registration requirements, such as a valid residence permit or passport, are an obstacle for populations fleeing violence and in need of international protection or population pending a nationality solution. Informal workarounds may have offered temporary solutions to mobile connectivity but these are not longer-term solutions and are disempowering persons of concern. In addition, the country is currently at a crossroad, facing the roll out of a new biometric registration requirement for mobile connectivity. The adoption of the new mandatory requirement could potentially replicate or increase the legal barriers that populations of concern face in the country, leaving them more vulnerable and disconnected. Nevertheless, regulators, MNO’s and the international community could work together to adapt the legal framework and put technology to the service of digital inclusion. Biometrics could be used as a sufficient condition to prove identity in lieu of a valid passport, for instance. In addition, measures such as accepting expired passports of refugees and asylum seekers escaping violence have already been in place in the country for specific migratory processes. The same mechanism could be extended to access basic services and digital connectivity. Similar measures have provided expanded connectivity access to displaced populations in other countries -such as Argentina and Costa Rica.

In terms of financial services, the current legal framework limits the bancarization of refugees, asylum seekers, undocumented beneficiaries of Law 169-14 and other persons of concern, through identification requirements and anti-money laundering forms. As a member of the GAFILAT, Dominican Republic has adopted a tiered know-your-customer policy based on users’ risk, but the latter had little effect on refugees and beneficiaries of Law 169-14’ financial inclusion. The adoption of a simplified due diligence process in the Dominican Republic overlooked the principal obstacle for populations of concern, as proof of 2 different types of ID are still required for low-risk consumers.

The region has a handful of cases where more inclusive simplified due diligence processes were adopted to the benefit of refugees, stateless or at risk of stateless populations and migrants. Building on Mexico, Argentina or Costa Rica’s examples, UNHCR and the international community, the regulators and MNO’

s could work together to promote small modifications to the regulation that would have a great impact.⁴⁶

Furthermore, the growth of the mobile money market also provides an opportunity to expand financial services for displaced populations and populations in need of national protection. Taking advantage of the nascent demand for mobile money regulations, a regulatory sandbox can be used to test the implementation of looser know-your-customer requirements for low-risk consumers, focused on refugees, asylum seekers, persons in need of a nationality solution and migrants.



Guatemala

People of Concern in the country as of December 2020

Refugees

450

Asylum seekers

793

Others of concern

112,749

Guatemala is part of the Comprehensive Regional Protection and Solutions Framework (MIRPS, Marco Integral Regional para la Protección y Soluciones) for Central America and Mexico, a state-led regional application of the Global Compact on Refugees to address the forced displacement crisis in their region.⁴⁷

The main refugee populations in the country are from El Salvador (265), Honduras (67), Nicaragua (61), and Venezuela (27). As for asylum seekers, the main populations are Honduran (295), Salvadorian (223), Nicaraguan (129) and Venezuelan (76).

⁴⁶ See Displaced and Disconnected reports for Mexico, Argentina and Costa Rica

⁴⁷ Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico and Panama are part of the MIRPS (<https://www.acnur.org/marco-integral-regional-para-la-proteccion-y-soluciones-mirps.html>)

Guatemala was historically a transit country for migrants and people escaping violence but is increasingly becoming a country of destination for people fleeing violence and persecution. During 2020, the country also received a strong influx of returnees (more than 22,000 arrived in Guatemala, from Mexico and the United States, between January and mid-May 2020) (UNHCR, 2020). The agency responsible for receiving and processing refugee status applications is the CONARE. Asylum seekers in the country receive a temporary residence permit (Estatus de Permanencia Provisional- EPP) issued by the Instituto Guatemalteco de Migración (IGM) which cannot be used as identification in the country and needs to be renewed every 30 days.⁴⁸ Originally, the EPP could only be renewed physically in Guatemala City, but recently, electronic renewal has been instated. Once refugees are recognized by the country, they can request an identification card (Documento Personal de Identificación para extranjeros domiciliados) issued by the Registro Nacional de las Personas (RENAP). Previously, in 2016, the Guatemalan authorities issued the Cedula de Refugiado, an identification card for refugees issued by IGM, which was discontinued in 2020 and replaced by the DPI for foreigners domiciled in Guatemala.⁴⁹ There is a law where asylum-seekers should receive a Documento Personal de Identificación Especial from RENAP prior to the adjudication of their asylum claim, however, in practice this document is not currently being issued.

SIM/IMEI Registration

Guatemala requires SIM card registration, which should be done at the moment of purchase. Service providers should ask users to provide a valid ID (Documento Personal de Identificación) and leave a physical or electronic copy of the identification. In the case of refugees and asylum seekers, the regulation mandates that foreigners need to present a valid passport.⁵⁰ The information about users, corresponding phone number and IMEI is stored in a registry (Registro de Identidad de Usuarios del Servicio de Comunicaciones Móviles) administered by the Communication regulator.⁵¹ The law does not mandate a maximum number of lines that can be registered to the same individual. The regulatory framework creates strong access barriers for asylum seekers in the country - the vast majority of the populations of concern - as their temporary identification in the country (permiso temporal de permanencia) is not accepted as a valid ID for these purposes. In theory, mobile connectivity should be accessible to refugees, which are assigned a DPI when the country validates their asylum claim. In practice, DPI assignment has substantial delays - as long as 2 years in some cases - and forces refugees into informality. Historically, prepaid SIM cards were widely available at informal stores and were often sold by street vendors, without presenting an ID. Asylum seekers and refugees also appealed to locals to register SIM cards under their names. Such informal arrangements might have contributed to fostering access to connectivity for refugees and asylum seekers but increased their informality and vulnerability and are becoming less frequent nowadays, due to government efforts to reduce informal supply.

48 Article 84, Código de Migración, Decreto 44-2016

49 A decision to discontinue the Cedula de Refugiado was made by the authorities on the premise that a faster asylum process will accelerate the provision of DPIs for refugees.

50 Capítulo 4: Obligaciones, Decreto n 8-2013, Ley de Equipos Terminales Móviles (available at http://ww2.oj.gob.gt/es/QueEsOJ/EstructuraOJ/UnidadesAdministrativas/CentroAnálisisDocumentaciónJudicial/cds/CDs%20compilaciones/Compilación%20Leyes%20Penales/expedientes/16_LeyEquiposTerminalesMoviles.pdf)

51 Resolución Conjunta n°6 de los Ministerios de Seguridad y de Comunicaciones

In Guatemala, mobile phone theft has been on the public agenda for the last few years and regulators have been working on the implementation of a blacklist for stolen and forfeit devices. In 2007, Congress approved a law that set the basis for the registration of stolen mobile phones.⁵² In the initial bill, service providers were required to create their own blacklist and share it regularly with the authorities. In 2013, a modification of the law created a centralized national blacklist administered by the regulator.⁵³ The new blacklist requires that service providers update their customer registration information and IMEI registration on a daily basis and includes international information on reported cellphones.

Financial Regulations

According to the World Bank’s Global Findex (2017) database, Guatemala’s index for financial inclusion (defined as having an account in a bank, other types of financial institution or mobile money) is 44%. In the country, customers are required to present a national ID (DPI) or valid passport, in the case of foreigners, in order to open a bank account,⁵⁴ in addition to providing information about their current address and completing anti-money laundering forms (formulario de la Intendencia de Verificación Especial- IVE).⁵⁵ Proof of address can represent an access barrier for forcibly displaced persons in the country as often they do not have a utility bill or rental contract in their own name. Foreigners also need to present proof of their migratory status and, if they are not resident in the country, the name of the legal person who will represent them.

Banks accounts

Although Guatemala is part of the GAFILAT, the banking ecosystem has yet to adopt risk-based KYC requirements and does not have simplified due diligence processes. For refugees and asylum seekers, who often do not have a valid passport, the barrier to accessing financial services is high, caused by the lack of recognition of the temporary stay permit (permiso temporal de estadía) as a valid ID to access a bank account and the delays associated with obtaining the DPI. Often financial institutions introduce stricter KYC requirements than those mentioned in the law for forcibly displaced persons. Although temporary stay permits are given to asylum seekers by the Instituto Guatemalteco de Migración after finishing the application, they do not grant access to financial services and asylum seekers still face access barriers such as proof of address. In addition, delays in the resolution of applications and assignment of a DPI -up to 2 years in some cases- and lack of issuance of DPI to asylum seekers in practice despite what it is contained in the law, represent a strong impediment for refugees trying to open a bank account.

52 Decreto N° 09-2007- Ley de Registro de Terminales Telefónicas Móviles Robadas o Hurtadas (available at <http://ww2.oj.gob.gt/es/QueEsOJ/EstructuraOJ/UnidadesAdministrativas/CentroAnálisisDocumentaciónJudicial/cds/CDs%20leyes/2007/pdfs/decretos/D009-2007.pdf>)

53 Decreto N° 8-2013

54 Article 21, Ley contra el lavado de dinero u otros activos, Decreto n 67-2001 (available at https://www.oas.org/juridico/PDFs/mesicic2_gtm_ley_lavado_dinero_act.pdf). The law does not mention a specific document, only that the ID credential should be “reliably verified”.

55 Intendencia de Verificación Especial (IVE) oversees compliance of anti-money laundering requirements in the country. Instructions on how to fill these forms sometimes specify DPI or passport, but those requirements are not in the Law.

Currently, Guatemala is part of the list of countries where GAFILAT is conducting an enhanced follow-up, to assess the progress in the implementation of the new requirements related to the FATF recommendations. The country is committed to reviewing the implementation of risk-based profiles for due diligence, which opens a window of opportunity for UNHCR’s advocacy efforts. The adoption of a simplified due diligence process for refugees and asylum seekers, similar to Costa Rica, Argentina, or Ecuador, can result in a flexibilization of mandatory documentation required from banks and facilitate refugees’ access to financial services.⁵⁶

Mobile Money

In terms of digital financial inclusion, Guatemala’s mobile money penetration (measured as a percentage of account ownership for 15+ years old) is 2.13%, according to the World Bank’s Global Findex (2017) database. Currently, the country does not have a regulatory framework that oversees MNOs and fintech companies providing financial services. The regulator (Superintendencia de Bancos) created an Innovation Hub for fintechs in 2019 to work together with key stakeholders and potentially use it as a regulatory sandbox.⁵⁷ In the past, Guatemala had created a regulation for mobile financial services provision in 2011, but the resolution only conceived of traditional banks and credit card companies as authorized institutions.⁵⁸

The COVID19 pandemic has created an increased demand for digital financial services in the country, and banks have started exploring collaborations with MNOs and fintech firms. In January 2021, the Guatemalan Fintech Association represented 40 service providers and is expected to double the number of firms in the next five years.⁵⁹ In addition, prepaid debit cards- often used for CBI programming in the region- also require a DPI.

Conclusion and recommendations

Guatemala’s regulatory frameworks on SIM card registration and financial services have created barriers to digital connectivity for refugees and asylum seekers, restricting their access to services. Mobile phone registration requirements, such as the provision of a valid passport, are an obstacle for populations fleeing violence and in need of international protection. Informal workarounds, like procuring SIMs from street vendors and informal markets, are a common practice and may have provided short-term solutions for mobile connectivity, although they drive populations of concern into informality and increase their vulnerability. As the mobile money market is growing at a strong pace, SIM card registration policies will be more relevant than ever before to ensure digital inclusion, not only for those asylum seekers recently arriving to the country but also for refugees waiting for their DPI. To do so, regulators, MNOs and the international community could work together to adapt the regulatory framework in place, focusing on refugees’ needs and rights. In addition, measures such as accepting expired passports of refugees and asylum seekers escaping violence or recognizing temporary residence permits as a sufficient identification credential for SIM registration could reduce barriers to connectivity. Similar measures have provided expanded connectivity access to displaced populations in other countries - such as in Argentina and Costa Rica.

In terms of know-your-customer requirements for financial services, the current legal framework constrains the bancarization of refugees and asylum seekers, through passport requirements and anti-money laundering forms. Evidence from the region,⁶⁰ in addition to GAFILAT and FATF recommendations, suggests that the adoption of a risk-based tiered customer due diligence process can have a positive effect on financial inclusion. Simplified processes for accounts with limited functionality, such as the ones adopted by Costa Rica, can promote financial inclusion among refugees and asylum seekers with little risk to the banking system. The country is currently working towards the implementation of GAFILAT’s recommendations to implement a risk-based tiered CDD process, which provides an excellent advocacy opportunity for UNHCR and the international community. Furthermore, the growth of the mobile money market can enhance access to financial services for displaced populations. In the context of the SIB Innovation Hub and the preamble of a potential regulatory sandbox, a joint task force with regulators and MNOs⁶¹ could contribute to the design of an inclusive regulatory landscape for mobile money in Guatemala.

⁵⁶ See also GAFILAT, Third Enhanced Follow-up Report of Guatemala, 2018

⁵⁷ <https://www.sib.gob.gt/SIBInnovationHUB/web/sib/inicio>

⁵⁸ Resolución JM-120-2011- Reglamento para la prestación de servicios financieros móviles (https://www.sib.gob.gt/web/sib/lavado_activos/funciones-IVE?__cf_chl_jschl_tk__=af6647febde17def4064d95f07cfe80469b3bdd5-1614631820-0-AT8dGCJBpMs_pIxllYU4yzalkS3ZUIK6dmDiYslxt4Cw7bHtjEchxYi-VBfBgm1NZH81fC4sDdKFLzudXvnKe1kGzSVMZBybZEWN_-nvdvwO6bGLujJpeHLB3_Mz6fjkskKBkW0uooe0mun02wzhDZBKbr8jXWWwY2JcSK_L2Kw9t58UJo3AVIOK5udaLmEGjGH3HL8UAwtvvAm1FMmCiEFpaY_HVO3TYnrli3DgKhvCDkmBuDz8tukxWr4huAVVeXvGZH3D9yt08n90yeQ-L3Xb22xWU8_r58uX0fziHZwSpQGLD8oP7axV_sq9Fu_C1awo451VcaNq3elr4FGuKuPaKGc0cyNkZvZ7_YeBLZjSOD)

⁵⁹ <https://forbescentroamerica.com/2021/02/08/guatemala-tendra-60-fintechs-en-los-proximos-5-anos-afg/>

⁶⁰ See Displaced and Disconnected reports for Mexico, Argentina and Costa Rica

⁶¹ For more advocacy tactics for legal and regulatory barriers affecting refugees and other displaced populations’ digital inclusion, please refer to the “Displaced and Disconnected Advocacy Plan” (links to be added)



Mexico

People of Concern in the country as of July 2020

Refugees

34,946

Asylum seekers

78,619

Venezuelan displaced persons

82,773

Stateless persons

13

Individuals of concern.

8,473

The main refugee populations in the country are from Honduras (11,833), Venezuela (10,771), El Salvador (8,136) and Guatemala (1,501). The vast majority of asylum seekers enter the country through the southern border of the country. It is mandatory that asylum seekers stay in the same state where they request asylum during the entire duration of their application, and the agency responsible for receiving and processing refugee status applications is the Mexican Refugee Commission (COMAR). COMAR provides a certificate stating they started the process (Constancia de tramite) and a Unique Population Registry Code (CURP by its initials in Spanish). The certificate allows asylum seekers to obtain a temporary humanitarian visa issued by the Instituto Nacional de Migración (INM),⁶² which grants access to basic services and the right to work in the country. Once refugees are recognized by the country, they are granted permanent residency.

⁶² <https://help.unhcr.org/mexico/en/como-solicitar-la-condicion-de-refugiado-en-mexico/>

SIM/IMEI Registration

Mexico is one of the few countries in the region that does not require users to register their SIM cards. In 2009, the country had approved a mandatory SIM registration regulation (Ley Federal de Telecomunicaciones) which was repealed by the government in 2011.⁶³ Prepaid SIM cards can be purchased in numerous establishments, including gas stations and convenience stores, which contributed to fostering access to connectivity for refugees and asylum seekers. Nevertheless, refugees and asylum seekers have sometimes reported difficulties and compatibility issues, in terms of frequency bands, when trying to activate a foreign mobile phone. In addition, IMEI registration is optional in the country and subnational governments, like the city of Mexico, have recently promoted IMEI registration campaigns as a way to reduce mobile phone theft. Currently, the national government is revisiting the idea of SIM registration, including a biometric registration process. The bill has been approved in 2021. However, at the time of writing this report, companies were using legal resources to fight the new Padrón Nacional de Usuarios de Telefonía Móvil, the national users registry which came into effect on 16 April 2021. Different NGOs focused on human rights have protested against the inclusion of a biometric component, arguing that it could be used to discriminate indigenous and vulnerable populations. Further details of the proposal would be needed in order to determine its impact on asylum seekers and refugees' connectivity.⁶⁴ In particular, a biometric capture process requiring a valid passport, for example, can create a strong barrier for people in need of international protection. Furthermore, the Mexican government is currently reviewing the mission, role and budget of the telecommunication regulator (Instituto Federal de Telecomunicaciones) which could also affect the regulatory landscape in the near future.

Financial Regulations

According to the World Bank's Global Findex database (2017), Mexico's index for financial inclusion (defined as having an account in a bank, other types of financial institution or mobile money) was 37%. As a member of the GAFILAT, Mexico was one of the first countries in the region to adopt a tiered know-your-customer policy in 2011. The regulator established different risk-based KYC requirements to facilitate access to 4 different types of bank accounts: level 1, level 2, level 3 and traditional ones. Each level has different depository restrictions (from 370 USD at level 1, to 3715 USD at level 3), specific transaction limits and different registration requirements (no ID is needed for level 1, basic customer information for level 2 and complete customer information for level 3). The reforms might have contributed to a strong increase in the financial inclusion in the country, as the percentage of adults having a bank account grew by 10% between 2011 and 2017 (Findex, 2017).

⁶³ GSMA did a case study on Mexico, available at https://www.gsma.com/latinamerica/wp-content/uploads/2014/06/GSMA_White-Paper_Registro-UsuariosPrepagos.pdf

⁶⁴ The draft mandates that MNO's will be responsible for biometric registration, in addition to verifying the personal information of users. A preliminary version of the draft can be found at: http://sil.gobernacion.gob.mx/Archivos/Documentos/2020/12/asun_4124010_20201210_1607643531.pdf

The following table provides an overview of the features of banking account in Mexico (transactional limit in parenthesis):⁶⁵

	Level 1 (280 USD)	Level 2 (1,114 USD) ⁶⁶	Level 3 (3,15 USD)	Traditional Bank Account
Customer file	No ID needed	Basic customer information ⁶⁷	Complete customer information	Complete customer information
Customer documentation	Not applicable	No need to keep a hard copy		Required to keep hard copy
Face to face process	No	No (bank could decide for a face procedure)	Yes	Yes
Point of access	Bank branch/banking agent/internet/mobile phone/third-party call centre		Bank branch (banking agent)	Bank branch

Banks accounts

Nevertheless, access to bank accounts has proven to be difficult for refugees and asylum seekers. In practice, banks only open bank accounts to refugees and asylum seekers with valid passports, and some of them also request a CURP. This shows a clear disconnection between the policy and practice. Both asylum seekers with temporary humanitarian visas and refugees with permanent residence often do not have a valid passport and face strong barriers to bancarization. In addition, banks’ internal systems are outdated in terms of understanding the requirements needed to process a bank account application, making the onboarding process for refugees and asylum seekers extremely burdensome. The Mexican Banks Association, which represents the principal banks in the country, has committed to adapt IT systems to favor financial inclusion but no hard deadline has been set to do so. Similarly, commercial banks have shown little interest in expanding services to populations of concern. In early 2020, UNHCR launched a partnership with BanCoppel to grant access to financial services to asylum seekers and refugees. Under the partnership, the bank committed to recognize as an official ID the temporary documentation provided to asylum seekers and refugees by the Mexican government.

Mobile Money

Mexico’s mobile money penetration (in terms of account ownership for 15+ years old) is 5.55 per cent, according to the World Bank’s Global Findex database (2017). Historically, Mexican regulators had established that only banks were allowed to provide mobile financial services, restricting the development of mobile wallets and digital applications by MNOs. Nevertheless, the market accelerated its development after the Fintech Law was approved in 2018,⁶⁸ reaching an annual average growth rate of 23% and a total

65 Source: Global Partnership for Financial Inclusion
66 There is a one-time traditional period to verify customers’ identifications (18 months). In this period, the transactional limit is 560 USD
67 Name, date, and place of birth, gender and address.
68 https://www.diputados.gob.mx/LeyesBiblio/pdf/LRITF_090318.pdf

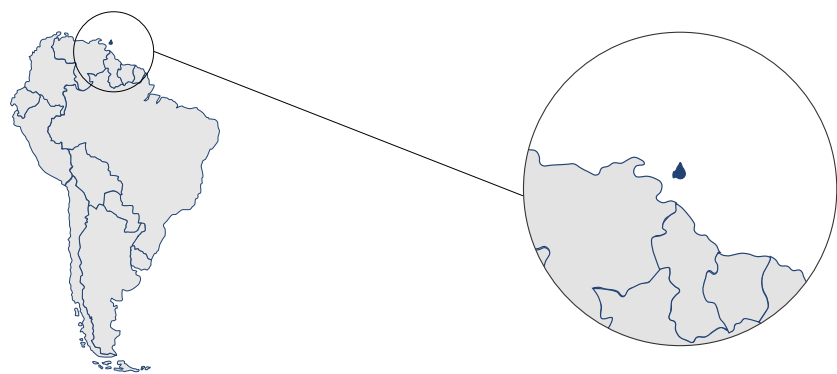
of 441 firms offering financial services in 2020,⁶⁹ The Fintech Law created a regulatory sandbox where firms can operate under temporary licenses assigned by the authorities, in two categories: electronic payment institutions and crowdfunding institutions.⁷⁰ Mobile money providers and fintechs have adopted the tiered KYC requirements based on customer risk evaluation and are offering services to refugees and asylum seekers. Some MNOs still require a CURP or a passport, but a few service providers are granting access with simplified due diligence processes. As mobile money penetration increases in the country, it has the potential to scale up access to digital connectivity for populations of concern. Interoperability between traditional banks and mobile money remains a challenge and can have a direct effect on refugees. Employers in the formal sector usually require a traditional bank account to enroll employees on the payroll, and sometimes reject digital wallets, creating a barrier to entry to the formal job market.

Conclusion and recommendations

Mexico has one of the most favorable regulatory frameworks for refugee digital inclusion and connectivity in the region. SIM card registration policies are currently not in place, and as a result, mobile connectivity is broadly available and accessible among refugees and asylum seekers. As the mobile money market is growing at a strong pace, SIM card registration policies will be more relevant than ever before to ensure digital inclusion. Regulators, MNOs, UN agencies, and civil society should carefully approach the design of the new legal framework currently being discussed in the country, putting a strong emphasis on the potential effects of biometric requirements for SIM registration on vulnerable populations, including asylum seekers and refugees.

In terms of KYC requirements for financial services, both traditional and mobile, the country is one of the few in the region that has adopted a risk-based tiered customer due diligence process. Although Mexico has a conducive legal framework for financial inclusion, the majority of traditional banks have not adopted the new regulations, partly because of information systems constraints but also because of low interest from a commercial point of view. In recent years, UNHCR has taken the lead in working with one of the few banks that provide financial services to refugees and migrants, and further steps can be taken in the same direction. A partnership with the Mexican Bank Association, for instance, could provide the adequate incentives for banks to update their systems to be able to provide banking services to refugees (and low-risk consumers generally). Mobile money providers, on the other hand, have proven to be quicker to adopt and implement tiered KYC policies, and are already offering services to people of concern. If interoperability issues are solved and information about the available services is spread across the country, mobile money has a strong potential to become a catalyst of digital financial inclusion for refugees and asylum seekers. In addition, from an economic perspective, this could create competition within the banking sector, which could result in more banks and MNOs offering financial services for refugees at lower prices.

69 <https://www.finnovista.com/wp-content/uploads/2020/05/FR-Mexico-2020.pdf>
70 <https://www.cgap.org/blog/mexicos-fintech-law-leading-new-trend-fintech-regulation>



Trinidad and Tobago

People of Concern in the country as of 31 December 2020

Refugees

3,098

Asylum-seekers

16,886

Others of concern

393

The main refugee population in the country are from Venezuela (3013), Cuba (268), Syria (91) and Jamaica (71). As for asylum seekers, the main populations are Venezuelan (16,849), Cuban (2,556), Nigerian (190) and Chinese (125). Since 2018, the number of Venezuelans entering the country has increased and Trinidad and Tobago continues to receive an outflow of Venezuelan refugees and migrants (86% of UNHCR's persons of concern are Venezuelan). In May 2019, the Government introduced a 2-week registration period for Venezuelans in the country. Once registration was approved by the authorities, Venezuelans received a Minister's Permit through which they obtained permission to work and to stay in the country for one year.⁷¹ Registration, which benefited approximately 16,500 individuals over the age of 16, did not guarantee that registered Venezuelans were able to access education and social services. In addition, by June 2019 Trinidad established a visa requirement for Venezuelan nationals travelling to the country.⁷² In March 2021, the government approved a re-registration process for those Venezuelan that had registered in 2019, requiring them to update their details in order to be granted six-month extensions on their permits.⁷³

⁷¹ <http://www.news.gov.tt/content/new-gov%E2%80%99t-registration-policy-benefit-venezuelans>

⁷² <http://www.news.gov.tt/content/processing-visa-applications-continue-trinidad-and-tobago-embassy-caracas>

⁷³ UNHCR Trinidad & Tobago Factsheet - Feb 2021

In Trinidad and Tobago, UNHCR registers asylum-seekers and conducts refugee status determination procedures in the country.⁷⁴ All asylum-seekers receive some form of UNHCR documentation, either a UNHCR certificate or a UNHCR Card. Asylum-seekers that are highly vulnerable qualify for a UNHCR Card after registration.⁷⁵ Asylum-seekers without specific needs are issued a UNHCR Certificate. Only the UNHCR Card has a photo of the holder while the UNHCR Certificate does not. If asylum claims are recognized, UNHCR issues the refugee a UNHCR Card confirming their refugee status.⁷⁶

SIM/IMEI Registration

In Trinidad, when purchasing a SIM card, it is mandatory to register with any form of identification (Electoral ID, Passport or Driver's Permit) at the point of purchase. For post-paid plans, additional requirements include proof of address (no older than 3 months). In addition, there is no maximum number of lines that an individual can register under his or her name. The regulation creates access barriers for asylum seekers and refugees in the country as they often lack valid passports. Although certificates given to asylum seekers include photo identification, they are not considered a legal document in the country to access services. In practice, informal arrangements are often used by populations of concern to access connectivity, including asking locals to register SIM cards under their names, a practice that is not sustainable and does not promote the digital inclusion of refugees in the long term.

Financial Regulations

Trinidad and Tobago is part of the CFATF, an organization that works towards the implementation of common counter-measures against money laundering.⁷⁷ In the country, the Anti Money Laundering / Combating the Financing of Terrorism (AML/CFT) regulations established a risk-based tiered customer due diligence process (simplified due diligence, regular due diligence and enhanced due diligence) for financial institutions in 2014.⁷⁸ The requirements for regular customer due diligence consist of one form of photo ID (valid passport, national identification card or driver's license), proof of address and documentation confirming the nature of the applicant's business (e.g., audited financial statements) or the applicant's occupation (e.g. job letter). The regulation also recommends that financial institutions require a second photo identification if higher risk is identified and enhanced due diligence is warranted.

Simplified due diligence for low-risk customers allows banks to reduce the quantity of information requested for identification, verification or monitoring purposes of limited functionality accounts (with transactions limited to TTD 90,000 – approximately USD13,000). Individuals are only required to present one form of ID, and less extensive financial documentation about the origin of the funds. The regulatory framework suggests its application for customers with limited identification documentation or those who are socially or economically vulnerable.⁷⁹

⁷⁴ <https://help.unhcr.org/trinidadandtobago/applying-for-asylum/how-do-i-apply-for-asylum/>

⁷⁵ UNHCR's identification document is the official document confirming the status of asylum-seeker in Trinidad and Tobago

⁷⁶ The Government of Trinidad and Tobago may also issue you an identification document in order to authorize your stay in the country

⁷⁷ <https://www.cfatf-gafic.org/>

⁷⁸ Financial Intelligence Unit of Trinidad and Tobago, Chapter 72:01 retrieved at https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/72.01.pdf

⁷⁹ Article 6.3, Guideline on Anti-Money Laundering and Combatting of Terrorism Financing, Central Bank of Trinidad and Tobago

Bank accounts

According to the World Bank's Global Findex database (2017), Trinidad and Tobago's index for financial inclusion (defined as having an account in a bank, other types of financial institution or mobile money) is 81%. In practice, refugees and asylum seekers encounter frequent barriers when trying to access financial services. Although the country has a simplified process for low-risk customers, the legal framework does not include foreigners as beneficiaries of the simplified process. In addition, banks are free to decide if the customer risk is suitable for a simplified process or if enhanced due diligence is required. As a result, only two financial institutions – Scotiabank and Republic Bank - offer refugees access to a bank account using a simplified process. In this instance, the Government registration cards given to the around 16,000 Venezuelans registered during 2019, are accepted as a valid ID by financial service providers. If not, it is common for asylum seekers to be requested to provide 2 forms of identification, proof of address and proof of employment, which increases the difficulties associated with opening a bank account. In addition, populations of concern report that exceptionally some banks have accepted UNHCR Cards, but the practice is not common.

Mobile Money

The market for mobile money and e-money is slowly growing in Trinidad and Tobago. Given the existing legal framework, the main providers of mobile banking services have been the commercial banks, with Mobile Network Operators (MNOs) having partnered with banks to offer services over the last few years.⁸⁰ The order includes a risk-based approach towards customer due diligence but does not specify the minimum requirements or thresholds. In terms of fintech regulations, the Central Bank, in collaboration with the Trinidad and Tobago Securities and Exchange Commission and the Financial Intelligence Unit of Trinidad and Tobago, has created the Joint Fintech Steering Committee. Regulators and service providers are collaborating on a Joint Innovation Hub and in the development of a regulatory.⁸¹

Refugees and asylum-seekers have not reported using mobile money in the country. Nevertheless, the recent regulations would open the market to new actors, such as telecom and payment services providers, and provide an opportunity for increased financial inclusion. In addition, the legal framework sets a platform to adapt KYC requirements to the needs of populations of concern, following the example of countries that already have conducive mobile money regulations in place.

Conclusion and recommendations

Trinidad and Tobago's regulatory approach towards digital connectivity has created strong barriers to refugee and asylum seekers' digital inclusion. Both regulations on SIM card registration and limitations in the access to financial services through rigid minimum requirements in terms of identification documents, seriously hamper access to digital services for those fleeing violence. In practice, workarounds may offer temporary solutions to mobile connectivity but reinforce asylum seekers and refugees' informality and vulnerability. As the mobile money market is slowly progressing, adapted SIM card registration policies will be even more relevant to ensure digital inclusion. Minor adjustments to mobile registration policies could go a long way for refugees and asylum seekers. Evidence from other countries in the region suggests that accepting expired passports up to 2 years for SIM registration/KYC purposes can have a strong effect on the population's access to connectivity. In addition, recognition of documentation provided by UNHCR as a valid photo ID for SIM card registration has the potential to affect the livelihoods of thousands as it provides a gateway to related financial services such as mobile wallets.

In terms of financial inclusion, Trinidad's legal framework makes financial services inaccessible for many refugees and asylum seekers. The country's high level of financial inclusion of nationals and modern risk-based approach towards due diligence requirements contrasts with a restrictive environment for populations of concern seeking to access financial services. The adoption of simplified procedures intended to create inclusive conditions for vulnerable individuals but failed to incorporate refugees and asylum seekers into the banking system. In contrast to other countries in the region, populations of concern are not considered low-risk individuals by the financial sector and are thus requested to comply with traditional or enhanced customer due diligence requirements, creating additional obstacles to banking services. A joint task force, led by UNHCR in partnership with the international community, regulators and MNOs, could propose minor adjustments to KYC requirements that would have a longstanding effect for refugees' financial inclusion. Building on international evidence and case studies, a strong argument could be made about the low risk that limited functionality bank accounts for refugees would create for the private sector. In addition, the multi-stakeholder collaboration scheme already existing in the country, in terms of mobile money and fintech regulations, can be used to the benefit of refugees and asylum seekers. The Innovation Hub and the regulatory sandbox currently being developed could be great vehicles for a refugee-adapted simplified KYC proof of concept. A successful pilot could provide concrete evidence to persuade the authorities and financial service providers and catalyze the financial inclusion of populations of concern.

⁸⁰ The E-Money Issuer Order, 2020 (available at <https://www.central-bank.org.tt/sites/default/files/page-file-uploads/E%20MONEY%20POLICY.pdf>)

⁸¹ <https://www.central-bank.org.tt/fintech>

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