

# **Ecuador Project Concept Notes**

## **FAVOURABLE PROTECTION ENVIRONMENT** **2**

- 1) REFORM OF THE LEGISLATION ON ASYLUM** **2**
- 2) MASS INFORMATION CAMPAIGN IN THE NORTHERN BORDER REGION** **5**
- 3) STRENGTHENING PROTECTION CAPACITY IN THE NORTHERN BORDER REGION** **7**

## **FAIR PROTECTION PROCESSES AND DOCUMENTATION** **10**

- 4) ENHANCED REGISTRATION OF COLOMBIANS IN NEED OF INTERNATIONAL PROTECTION IN THE NORTHERN BORDER REGION** **10**
- 5) SUPPORT TO THE AUTHORITIES TO ISSUE DOCUMENTATION FOR REFUGEES AND ASYLUM-SEEKERS** **13**
- 6) SUPPORT FAIR AND EFFICIENT REFUGEE STATUS DETERMINATION PROCEDURES** **15**
- 7) STRENGTHENING THE OPERATIONAL CAPACITY OF THE GENERAL DIRECTORATE FOR REFUGEES** **18**

## Favourable Protection Environment

### 1) Reform of the legislation on asylum

<b>Project Title</b>	<b>Reform of the legislation on asylum</b>
<b>Agency</b>	UNHCR
<b>RBM Sectors</b>	National legal framework / National administrative framework
<b>Overall Objectives</b>	Consolidate the asylum system in Ecuador
<b>Beneficiaries</b>	Refugees, asylum seekers and persons in need of international protection, Government and authorities
<b>Partners</b>	Ministry of Foreign Affairs, General Directorate for Refugees
<b>Duration</b>	2 years (as of mid 2009)
<b>Estimated cost</b>	USD 117,000

#### Summary of identified gaps:

Ecuador's legal and administrative framework, although largely in line with the basic principles of the 1951 Convention and 1984 Cartagena Declaration, lacks adequate legal and procedural mechanisms to fairly and efficiently determine an increasing number of refugee claims by Colombian nationals. Ecuador currently faces an asylum backlog of some 13,000 cases. Existing legal provisions do not provide mechanisms to expedite decision-making where protection needs are well-founded, nor do they guarantee full access to procedures and adequate protection for newly arriving refugees.

The climate towards strengthening asylum is positive: the Government is expected to adopt a new policy on asylum shortly and constitutional amendments are under consideration. The recently adopted mixed model of refugee status determination, and planned enhanced registration mechanisms are significant steps towards managing asylum flows, but currently lack any legal basis. A solid legal foundation for these initiatives is essential to ensure that fair and certain procedures are introduced, including improved individual RSD procedures and a new group determination procedure for cases of large influx at the border.

Legal reform is also required to address gaps in a number of other key areas:

- the processing of cases with specific protection needs such as victims of gender-based forms of persecution, separated minors and survivors of torture;
- the processing of family reunification cases, repeated asylum claims and manifestly unfounded applications.
- legal guarantees to ensure that persons in need of international protection, especially those without proper documentation, have access to the territory and to the asylum procedure (especially at official entry points and in detention centres).

Administrative capacity to swiftly handle increasing asylum claims is hindered by the limited operational guidance and training available to border officials and the General Directorate for Refugees (GDR). RSD decision-makers do not have access to comprehensive eligibility guidelines which take into account existing legal and country of origin information and the best practices of the Eligibility Commission are not uniformly

shared and applied among GDR staff. Further legal reform will increase the need for administrative guidance and regulations.

First instance and appeal RSD decisions are currently made by the same administrative body limiting the access of refugees and asylum seekers to an independent review of their cases. Asylum seekers have little or no access to free of charge legal assistance in presenting their cases.

**Activities proposed:**

**1. Technical assistance in the reform of refugee legislation**

UNHCR will provide the necessary technical legal advice to assist the legal department of the GDR in the preparation of a first draft of the asylum law. The law will incorporate the mixed RSD system and enhanced registration mechanism and raise standards in the treatment of refugees and asylum seekers;

UNHCR will promote the inclusion of other relevant ministries and state authorities in the legal reform process to identify necessary amendments to other legislation affecting refugees and consolidate coordination in the field of asylum;

UNHCR will share draft asylum legislation developed for the Americas region as well as regional best practices that can inform legal and administrative reform;

**2. Promotion of the draft Refugee Law**

UNHCR, in partnership with the GDR, will organise a series of workshops to broaden consultation on the draft refugee law and promote its adoption by Parliament.

**3. Elaboration of administrative procedures and operational guidance**

UNHCR will assist in the development of standardised asylum procedures and operational guidelines to improve fairness and efficiency in decision-making. It will work with the GDR to promote good eligibility practices, the systematization of favourable decisions and best practices and elaboration of internal manuals. It will promote of procedures that are sensitive to gender, age and specific protection needs.

**4. Secondment of a technical assistant**

UNHCR will second a technical assistant to the GDR to provide support to aspects of the legal reform process including coordination with other relevant ministries, bodies and civil society, lobbying for the adoption of the law, legal research and advising on complementary government initiatives aimed at improving asylum.

**Expected outcome:**

- A draft refugee law is presented to the new Parliament
- The new draft law will consolidate the administrative reform process
- The new law will incorporate best practices and mechanisms established on an ad-hoc basis, and will provide the legal basis for an asylum system which effectively responds to the current challenges
- The mixed RSD model is given a solid legal basis
- An independent appeal procedure is established
- Refugees and asylum seekers are better able to enjoy their rights

- The new asylum law may serve as a reference (model) for the region

**Suggested costs:**

2009

	USD
Cost of national consultant	45,000
Sensitization campaigns (Northern border provinces, Pichincha, Sto Domingo and Azuay)	52,000
Workshops with relevant stakeholders (10 workshops at abovementioned provinces)	20,000
<b>Total</b>	<b>117,000</b>

2010

	USD
Cost of national consultant	22,000
Workshops with relevant stakeholders (10 workshops at abovementioned provinces)	10,000
<b>Total</b>	<b>32,000</b>

## 2) Mass Information Campaign in the Northern border region

<b>Project Title</b>	<b>Mass Information Campaign in the Northern border region</b>
<b>Agency</b>	UNHCR
<b>RBM Sectors</b>	Public attitudes towards persons of concern
<b>Overall Objectives</b>	To inform persons in need of international protection and the public opinion of the enhanced registration process
<b>Beneficiaries</b>	Persons in need of international protection and Ecuadorian inhabitants of the Northern border region
<b>Partners</b>	CIESPAL (Centro Internacional de Estudios Superiores de Comunicación para América Latina)
<b>Duration</b>	One year
<b>Estimated cost</b>	US \$ 110,625

### Summary of identified gaps:

The Enhanced Registration project, in order to be successful, will require specific and targeted communication efforts in every locality where registration of persons in need of international protection will be done. In terms of media and communication resources, the Northern border region presents peculiarities compared with other parts of the country. A study developed by CIESPAL in 2007 indicates the best communication strategy that could be developed in the different provinces of the Northern region and their possible impact.

According to the population survey sponsored by UNHCR in 2007, the main reasons for persons in need of international protection not approaching the asylum system in Ecuador are: a) lack of knowledge; b) living in isolated areas of the country where services are unavailable; c) fear to make themselves visible towards government institutions.

To address this situation a strategic communication campaign in the five provinces where the enhanced registration will take place will contribute to tackle the lack of information and to reduce the level of fear among the population regarding the process. This campaign will be followed by a nation-wide long term campaign to dissipate negative public attitudes towards the Government initiative to recognise an increased number of Colombian refugees; to prevent tension between local and refugee population; and also to inform the international community.

### Activities proposed:

#### 1. Study on communication methods

CIESPAL will adapt and expand the existing study on the use of communication methods in the Northern border region.

#### 2. Communication strategy

UNHCR will design a communication strategy specifically targeted for the reality of the Northern border region. It will also design and produce communicational products for this project.

### 3. Information campaign

Prior to the registration exercise, an information campaign will be launched on public media and through 'information teams' that will visit the areas covered by the registration exercise, with the involvement of local authorities and local community networks, to inform the target population and generate awareness among the general population, using traditional and non-traditional communication activities.

#### Expected outcome:

- Persons in need of international protection are informed about the registration process and approach the mobile teams in order to get registered and recognised as refugees
- Local inhabitants understand the advantages of the registration exercise, also for them, and contribute to disseminate the message in their communities regarding this governmental effort aimed to support the Persons in Need of International Protection.
- The public opinion nationwide is informed about this process and understands the humanitarian value of this action.

#### Suggested costs:

	USD
Mobilization of informative brigades (5 persons, including driver)	47,775
Hiring of CIESPAL as specialized agency in charge of studying the communication trends in the northern border area and in charge to implement the communication campaign.	40,000
Local activities, meetings, transportation, organization	22,850
<b>Total</b>	<b>110,625</b>

### 3) Strengthening protection capacity in the Northern border region

<b>Project Title</b>	<b>Strengthening protection capacity in the Northern border region</b>
<b>Agency</b>	UNHCR
<b>RBM Sectors</b>	Access to territory / <i>Non-refoulement</i> or Law enforcement /Effects of armed conflict
<b>Overall Objectives</b>	Strengthen the protection response of the authorities, in particular law enforcement authorities, to protect refugees and persons in need of international protection
<b>Beneficiaries</b>	Refugees, asylum seekers and persons in need of international protection, law enforcement authorities
<b>Partners</b>	--
<b>Duration</b>	One year
<b>Estimated cost</b>	USD 260.000

#### Summary of identified gaps:

There is no formal mechanism to identify and refer asylum seekers from the border to the General Directorate for Refugees (GDR). In practice, border officials and immigration officials refer asylum cases to UNHCR field teams on the basis of informal understandings and following trainings and awareness raising activities, however there continue to be reports of non-admission, deportation, *refoulement* and detention of persons who attempt to enter Ecuador to seek asylum.

A survey commissioned by UNHCR in 2007 indicates that up to 35,000 persons have not accessed the asylum process in the northern border areas of Ecuador. The lack of formal referral procedures and information at the border contributes to this situation. Expulsion and deportation procedures do not follow international protection standards.

The detention of asylum seekers and refugees within the territory is also common due to a lack of awareness of protection principles among police. There have also been incidents of threatened detention for ransom and sexual exploitation reasons by police and border authorities. Survey results from 2007 indicate that women are most affected by these risks.

#### Activities proposed:

Ecuador has four official international border-crossing points in the Northern border region, three international airports throughout the country, and numerous unofficial entry points through land and rivers along the entire border, in addition to four army control posts. UNHCR will work with the Ministry of Interior, the General Directorate for Refugees (GDR) and the Ministry of Defence to raise awareness of international protection standards at border points and introduce procedures facilitating the identification and referral of refugees. The role of the GDR will be emphasised in this process, to strengthen the gradual handover of protection competencies to the government.

#### 1. Strengthening of Protection Network

Through its field presence, UNHCR will consolidate and expand in new provinces protection networks with organisations and authorities present in the field to ensure an effective response to the protection needs of the population of concern. To this effect two meetings will be organised to constitute/reinforce the network, coordinate activities, exchange views, strengthen relations. The capacity of members of the networks needs also to be built around key themes such as the institution of asylum, procedures at border and entry points, identification and referral of asylum seekers, and refugee-specific norms and safeguards.

## **2. Elaboration of guidelines and procedures**

The Office will prepare, in collaboration with immigration authorities, standard operating procedures and guidelines for immigration officers and border police to identify and refer asylum seekers and persons in need of international protection.

## **3. Joint border monitoring**

UNHCR with the General Directorate for Refugees (GDR) and with the Catholic Church (regularly present on both side of the border) will conduct regular joint border monitoring visits to major points of entry to observe border and interception practices. The findings of the visits will be used to draw up specific interventions and training plans.

## **4. Training**

UNHCR will organise training activities targeting in particular civil, military and police authorities with the goal to raise awareness on the institution of asylum, management of mixed migration flows, procedures at border and entry points, identification and referral of asylum seekers, and refugee-specific norms and safeguards.

Detentions centres staff will be trained to provide appropriate counselling and information, streamlining issues such as sexual and gender-based violence and adequate treatment of minors.

## **5. Support to referral at border**

In order to ensure that PNIP arriving at air and sea ports receive orientation on and access to the asylum system, in addition to training, UNHCR will provide fixed and distributable informational materials and disseminate procedures by which to communicate individuals' desire to apply for asylum. UNHCR will also assist in the provision of basic equipment and repairs of interview rooms at detention centres and sea and air ports.

## **6. Support to anti-human smuggling and trafficking network**

UNHCR will continue to support and expand the anti-human smuggling and trafficking network, composed of Governmental and non-governmental agencies, in order to ensure that victims of trafficking are oriented on and have access to the asylum system. Principal modes of information are via an information telephone line, information campaigns, and references to organisations that can provide protection, assistance and information.

### **Expected outcome:**

- Persons in need of international protection have access to the territory and to asylum procedures
- Standards operating procedure and guidelines are produced and disseminated

- Border authorities, immigration officials, the army are trained on refugee issue and on procedure and guidelines
- A protection network is established and their capacity built
- The number of cases of refoulement, deportation, non admission and detention of asylum seekers and persons in need of international protection is reduced

**Suggested costs:**

	USD
5 Community projects to enhance protection networks	75,000
Information material on international protection guidelines	15,000
Communication equipment	15,000
Training activities for civil, military and police authorities	30,000
Border monitoring costs (including personnel, mobilization)	125,000
<b>Total</b>	<b>260,000</b>

## Fair Protection Processes and Documentation

### 4) Enhanced registration of Colombians in need of international protection in the Northern border region

<b>Project Title</b>	<b>Enhanced registration of Colombians in need of international protection in the Northern border region</b>
<b>Agency</b>	UNHCR
<b>RBM Sectors</b>	Registration and profiling / Access to asylum procedures
<b>Overall Objectives</b>	Increase access to the asylum system and provide protection and assistance to persons in need of international protection, through supporting enhanced registration
<b>Beneficiaries</b>	Colombians in need of international protection in the Northern border region, Ministry of Foreign Affairs, General Directorate for Refugees, National Programme for the Northern Region
<b>Partners</b>	Ministry of Foreign Affairs
<b>Duration</b>	One year
<b>Estimated cost</b>	USD 1,327,088

#### Summary of identified gaps:

The asylum system of Ecuador is not appropriate to respond to the current refugee situation in the country, in particular in the Northern provinces bordering Colombia. This region has limited presence of state institutions, poor access to basic social services, a slow development pace and is affected by the internal conflict in Colombia, particularly intensive in the Southern part, with growing displacement, violence and criminality.

In 2007, the Office carried out a survey that drew the profile of the Colombian population in the Northern region. The survey identified some 85,000 Colombian citizens, out of which 35,000, who declare having left Colombia for reasons related to the conflict, are not registered by the authorities and have not regularised their legal situation; additionally, the General Directorate for Refugees (GDR)' registration database shows that 15,000 persons have their refugee status determination decisions pending for up to two years. There are, therefore, some 50,000 persons in need of international protection, eligible for refugee status and not enjoying their fundamental human rights. The causes for these gaps are the lack of information on the existence of an asylum system and lack of access to registration services, due to the limited state presence in the area; and the inability of the system to face the growing number of applications.

In order to face this situation, the Inter-ministerial Working Group<sup>1</sup>, created to address the situation in the Northern region, endorsed UNHCR's recommendation to carry out an enhanced registration exercise to register, determine refugee status and document all persons in need of international protection. This initiative falls under the framework of Plan Ecuador, a development plan launched by the President in 2007 that has as its main objective to bring security and peace to the isolated Northern border, and which includes as one of the main axis human rights, humanitarian assistance and refugees and access to justice.

---

<sup>1</sup> With representatives from the Ministries of Foreign Affairs (through the GDR), Coordination, Interior, Defence, Justice and the Secretariat of the Plan Ecuador.

### **Activities proposed:**

The GDR) with the support of UNHCR will carry out an enhanced registration exercise in urban and remote areas and communities of the Northern border region, combined with an expedite group refugee status determination on the basis of the 1984 Cartagena Declaration refugee definition, incorporated in the national legislation, as well as the documentation of refugees and asylum seekers as appropriate.

The project will start to be implemented during the second half of 2008 and will continue through 2009. The results of the exercise will be systematised into a best practice report. To guarantee sustainability of this project, UNHCR will submit to the National Consultations, proposals to support the exercise with complementary measures aiming at 1) strengthening the capacity of the asylum system, 2) ensuring that refugees are not discriminated and 3) providing concrete opportunities to increase refugees' self reliance and local integration and support host communities.

#### **1. Coordination and Planning**

UNHCR and GDR will form a task force to supervise the project with a Project Coordinator and support staff. The work will consist in supervising the operations in addition to preparing all relevant legal and logistical documentation.

#### **2. Improvement of the mobile registration tools and of the registration database**

UNHCR will second temporarily a ProGres Consultant and provide equipment to support in setting up the database for the registration exercise. The consultancy will involve the design and development of the registration forms, user interface; provide expert advice and setup of the connectivity systems with satellite connection, as well as training additional field support technicians to accompany the registration teams. A process of consolidation of the ProGres database is also envisaged and will require a small team for data entry and database management during and after the registration exercise.

#### **3. Training of staff**

UNHCR and GDR will organise training for all projects staff on refugee issues and asylum system in Ecuador and, according to their role, on interviewing techniques, registration procedures, eligibility criteria and information dissemination.

#### **4. Registration and refugee status determination**

The registration and RSD exercise will consist in 'teams' that will visit communities in the provinces along the Colombo-Ecuadorian border, gather all persons in need of international protection who are not yet registered and offer them the possibility to get registered and, if recognised as refugees on the basis of the broad definition included in the Cartagena Declaration, to be documented. An Eligibility Commission will form part of the 'teams' team. Complex cases with possible exclusion elements will be channelled through the individual RSD procedure. UNHCR's participation throughout the project will ensure quality control and consistency of the decision taken by the eligibility commissions with international protection principles and standards.

#### **5. Monitoring and evaluation**

GDR and UNHCR will jointly carry out monitoring visits throughout the exercise and will conduct a mid-term and a final participatory evaluation exercise. A public event will be organised to inform about the result and output of this innovative registration

mechanism. A publication on the use of the Cartagena Declaration in the country will be made to celebrate the 25<sup>th</sup> Anniversary of the Cartagena Declaration.

**Expected outcome:**

- A mechanism to rapidly grant refugee status to persons in need of international protection present in the Northern region of Ecuador is set in place
- Persons in need of international protection are registered, have their status determined, are documented and will enjoy protection (especially against *refoulement*, arbitrary arrest and detention)
- UNHCR and the authorities have reliable information to provide protection and assistance interventions to persons in need of international protection

**Suggested costs:**

	USD
Coordination	20,000
Teams ( 4 teams of 18 persons each)	320,208
Support staff ( 1 ProGres database expert to provide support to all teams, Data Entry Clerks (probable), 1 Administration Clerk and 1 Logistics Officer)	38,600
Registration and eligibility (Team mobilisation)	749,280
Evaluation	9,000
Mobilization costs	190,000
<b>Total</b>	<b>1,327,088</b>

The Government will contribute to the funding of the project with the salary of the Director/Supervisor, Commission Officers and team secretaries through the General Directorate for Refugees (DGR). In addition, the Ministry of Government will contribute with security personnel for each team. Despite there not being an official amount for the contribution from the Government, authorities have assured that funds will be provided through the Ministry of Finance.

## 5) Support to the authorities to issue documentation for refugees and asylum-seekers

<b>Project Title</b>	<b>Support to the authorities to issue documentation for refugees and asylum-seekers</b>
<b>Agency</b>	UNHCR
<b>RBM Sectors</b>	Individual documentation
<b>Overall Objectives</b>	Strengthening capacity of Ecuadorian asylum system to provide protection and enable persons in need of international protection to enjoy full rights
<b>Beneficiaries</b>	50% of the Colombians in need of international protection, Ministry of Foreign Affairs, General Directorate for Refugees
<b>Partners</b>	
<b>Duration</b>	One year
<b>Estimated cost</b>	USD 354,050

### Summary of identified gaps:

Participatory assessments carried out by UNHCR with the population of concern identified the lack of documentation as one of the main concerns for the Colombian population residing in the country.

Documentation is currently issued by the General Directorate for Refugees (GDR) of the MFA through its two Offices in Quito and Cuenca.

UNHCR, through its Field Offices covering the five northern border provinces, distributes identity documents for asylum-seekers and refugees on behalf of the GDR due to its limited geographical coverage. This situation, whereby UNHCR assumes responsibilities of the Government, however does not only cause a high level of inefficiency in the procedures and delays in the documentation of persons in need of international protection, but also a confusion about the roles of UNHCR and the GDR among local authorities and beneficiaries.

UNHCR's strategy is focused on the transfer of responsibilities to the national authorities (GDR) and the creation of capacities in order to ensure prompt and efficient documentation of asylum-seekers and refugees. One of the main obstacles in this sense is the limited geographical coverage of the GDR Offices. The decentralization of the GDR in the northern border provinces is key to consolidate the asylum system, bring the services of the GDR closer to the point of delivery and ensure access to rights of all persons in need of international protection through proper documentation.

The enhanced registration project that will be carried out in the northern border region will allow for the registration and recognition of refugee status of all persons found to be in need of international protection through mobile brigades. Some 50,000 persons are expected to fulfill the criteria for recognition of refugee status and will need to be provided with refugee documents, that entitle them to freedom of movement throughout the country and which will form the legal basis for their integration in the asylum country.

The enhanced registration exercise will be a one time opportunity to document and formally grant the access to rights to those persons who have been living in remote areas of the northern provinces and who have ended up in a marginalized and vulnerable situation, often as 'invisible' persons due to fear of the authorities, insufficient

resources to reach a point where access to the asylum system is being provided or lack of awareness about the asylum procedure itself.

This special protection mechanism of the enhanced registration will need to be complemented by a punctual reform of the refugee decree to extend the validity of the refugee identity documents to a duration of at least 3 years to ensure an effective impact of the enhanced registration exercise in terms of presenting a remedy against “invisibility” and promoting durable solutions. Additionally, measures need to be adopted to facilitate the naturalization process (cost reduction and wider provision of legal counseling) for those refugees who wish to apply for Ecuadorian nationality following those 3 years of refugee status.

**Activities proposed:**

**1. Issuance of documentation during the enhanced registration exercise:**

During the implementation of the enhanced registration mechanism, mobile brigades will visit remote areas, small communities as well as urban settings to register persons in need of international protection, determine refugee status and issue refugee identity documents. Those persons who fulfill the eligibility criteria for refugee recognition will be provided the same day with a refugee card and with information on their rights and duties. Persons whose claims cannot be adequately processed within the enhanced registration mechanism (for example particularly complex cases with possible exclusion triggers, persons with mental problems etc.) will be channeled through the regular refugee determination procedures and will be issued initially an asylum-seeker document.

**2. Training the staff of the mobile brigades for the issuance of documentation:**

The documentation will be issued *in situ* during the enhanced registration exercise. In this respect, it will be necessary to provide intensive and specialized training to the newly hired registration officers of the GDR in charge of processing the cases within the framework of the enhanced registration on a variety of themes, such as refugee law and eligibility criteria, the use of the refugee database and of the mobile PVC card printers.

**Expected outcome:**

- Refugees are provided with proper refugee identity documents, certifying their regularization of their stay in Ecuador, entitling them to fundamental rights and services and thereby facilitating their integration process.
- UNHCR and the authorities will have full detailed information about numbers and profiles of the refugee population.
- Refugees and asylum-seekers are aware of their rights and duties.

**Suggested costs:**

	USD
Costs of refugee documents (50.000)	100,000
Registration and communication equipment for mobile brigades	223,620
Coordination and support	30,430
<b>Total</b>	<b>354,050</b>

## 6) Support fair and efficient refugee status determination procedures

<b>Project Title</b>	<b>Support fair and efficient refugee status determination procedures</b>
<b>Agency</b>	UNHCR
<b>RBM Sectors</b>	Fair and efficient status determination
<b>Overall Objectives</b>	Strengthen and improve refugee status determination procedures
<b>Beneficiaries</b>	Refugees, asylum-seekers and other persons in need of international protection, Ministry of Foreign Affairs, General Directorate for Refugees (GDR)
<b>Partners</b>	Ministry of Foreign Affairs, General Directorate for Refugees
<b>Duration</b>	One year
<b>Estimated cost</b>	USD 88,000

### Summary of identified gaps:

The Ecuadorian asylum system is overloaded due to an ever-increasing number of asylum-seekers being registered across the country, especially in the Northern border region, and as a result of the centralisation of the asylum system and inefficiencies in the RSD mechanisms. This situation has resulted in a backlog of some 13,000 persons who were registered as asylum-seekers and who are awaiting their eligibility interview with the General Directorate for Refugees (GDR), in some locations in the provinces, for up to two years. These deficiencies directly affect the situation of persons in need of international protection.

Consequently, there exists an urgent need to concentrate on the enhancement of the refugee status determination procedures, both to promote more efficiency and to strengthen operational capacity of the refugee department.

Eligibility practices, instead of being firmly based on refugee law standards, often depend on the personalities of the members of the Eligibility Commission or political criteria. On many occasions, members of the Eligibility Commission have resorted to national security to deny asylum to refugee claimants rather than applying appropriate legal criteria. The alleged presence of Colombian members of armed groups on Ecuadorian territory and the fears about a possible spill-over of the Colombian conflict continue to impact negatively on the institution of asylum. The relatively high turn-over of eligibility officers and members of the Eligibility Commission has also led to relatively inconsistent eligibility practices. To avoid this situation, the elaboration of operational guidelines that would include relevant standards in line with advances in eligibility practices and RSD procedures may be useful. The Government is also in the process of formally adopting a public policy on asylum (Lineamientos políticos del Gobierno en materia de refugio) which includes reforms in the field of asylum.

### Activities proposed:

#### 1. Elaboration of operational guidelines

The Office will support the GDR in elaborating operational guidelines and regulations that would include issues, such as: 1) group recognition of persons in need of international protection, using the 1951 Geneva Convention and the Cartagena Declaration refugee definitions; 2) enhanced registration mechanism, which combines

registration and refugee status determination interview for border areas; 3) expedited or accelerated procedures for asylum-seekers with particular protection needs or high profile cases; 4) procedural safeguards for the processing of cases with special protection needs; 5) guidelines on procedural issues such as the processing of repeated asylum applications, family reunification, manifestly unfounded claims, the renewal of refugee visas, cessation procedures, archiving of pending asylum applications; 6) a simplified format for the legal reasoning to be provided on asylum applications; 7) a simple asylum application form to be shared with other government institutions such as migration police, military, detention centres, in order to facilitate access to asylum seekers in the provinces where there is no presence of refugee authorities, UNHCR or its partners and for persons wishing to seek asylum who might be determined inadmissible because of previous deportations; 8) the provision of notifications of decision on asylum applications that appropriately explain the legal reasoning behind them.

## **2. Collection of best practices**

UNHCR will elaborate good practices and precedent-setting through a systematisation of favourable decisions of the Eligibility Commission.

## **3. Training on asylum law and RSD procedures**

UNHCR will conduct coaching, formal and informal training, technical advice, provision and systematisation of relevant country of origin information, elaboration of procedural guidelines and promotion of favourable and consistent eligibility practices.

## **4. Improve use of country of origin information**

A research institute will analyse the massive and dispersed country of origin information produced in Colombia, and will systematise it and summarise it for the use of the Government and UNHCR eligibility.

## **5. Improve management of the GDR office**

UNHCR will facilitate a twinning arrangement with the refugee office of another country to exchange best practice and improve the management of the office.

## **6. Advocacy for a national forum on asylum policies**

Lobbying for the constitution of a permanent inter-ministerial forum to discuss and develop asylum policies in the country,

### **Expected outcome:**

- RSD decisions are done in a more fair and efficient manner and the backlog is reduced
- Decisions on asylum applications are taken within a maximum of 6 months throughout the country
- Procedures and guidelines are issued and staff is trained accordingly
- The management of the GDR office is reinforced by the gradual assumption of financial and logistical responsibilities
- An inter-ministerial forum to discuss and develop the asylum policy of the country is created

### **Suggested costs:**

	USD
International training for GDR staff	16,000
COI analysis	48,000
Local workshops to disseminate operational guidelines and best practices	24,000
<b>Total</b>	<b>88,000</b>

## 7) Strengthening the operational capacity of the General Directorate for Refugees

<b>Project Title</b>	<b>Strengthening the operational capacity of the General Directorate for Refugees</b>
<b>Agency</b>	UNHCR
<b>RBM Sectors</b>	Fair and efficient status determination
<b>Overall Objectives</b>	Strengthening capacity of Ecuadorian asylum system to provide protection and assistance to persons in need of international protection; Transferring responsibilities and capacity-building in the field of registration, eligibility and documentation to the Government; Decentralising the asylum system
<b>Beneficiaries</b>	Refugees, asylum-seekers and persons in need of international protection, Ministry of Foreign Affairs, General Directorate for Refugees
<b>Partners</b>	Ministry of Foreign Affairs
<b>Duration</b>	One year
<b>Estimated cost</b>	USD 352,960

### Summary of identified gaps:

Although the General Directorate for Refugees is formally responsible for the registration of asylum claims and the determination of cases, UNHCR continues to play a major role in refugee affairs at the border including registering and interviewing cases, ensuring the management of the refugee database and providing documentation.

The new protection strategy of UNHCR focuses on the enhancement of the refugee status determination procedures, by aiming at strengthening operational capacities and expanding geographical coverage. It contains four main elements: 1) the gradual and progressive transfer of responsibilities to the Government, while maintaining a supervisory role 2) the decentralization of the asylum system, 3) the promotion of more efficiency in the RSD procedures and 4) the development of other areas within the asylum system.

UNHCR has already handed over to the Government registration and eligibility interviews in Quito and Cuenca (the two main urban centres where the GDR has a permanent presence) in addition to the management of the refugee database. However GDR RSD missions to other provinces have proven completely inadequate to respond to the increasing numbers of asylum-seekers and process asylum applications in the provinces within reasonable time frames. The deterioration of the conflict in Colombia has provoked increasing numbers of asylum seekers, and a proactive registration strategy carried out by UNHCR field teams, has identified considerable numbers of “invisible” refugees who have never been registered. The current RSD backlog at consists of some 13,000 cases with asylum seekers waiting up to 30 months for decisions on their cases. There is an urgent need to introduce more efficient mechanisms to register and process cases in remote areas, so that those in need of international protection can access a timely response to their needs.

While the ‘Enhanced registration project in the Northern border region’ will address the backlog in an expeditious manner, it is important create the necessary capacity for the

Government to respond to new asylum flows in order to overcome the structural problems in the system and prevent the accumulation of new backlogs and the reappearance of the phenomenon of “invisibility” of refugees. In order to fully assume its responsibilities and provide the necessary framework for the processing of cases in the northern border provinces, it is indispensable for the Directorate General for Refugees to establish a permanent presence in at least two locations in the northern border region (Ibarra and Esmeraldas). In the longer term the opening of DGR offices in other provinces (Santo Domingo) may also be necessary.

The Office will evaluate each stage of the transition process, conditioning the transfer of responsibilities to a clear commitment by the Government, also in terms of taking over financial obligations, and with a close monitoring and accompaniment, in line with the strategy to gradually and progressively transfer responsibilities to the Government.

### **Activities proposed:**

#### **1. Establishment of two GDR offices in the Northern provinces**

UNHCR will assist the GDR in establishing a permanent presence in at least two locations in the Northern border provinces to allow for the registration, interviewing, documentation and processing of asylum claims in these decentralized offices.

In particular, the offices will be provided with adequate facilities to conduct interviews in a confidential and non-threatening environment; computers and facilities to support the refugee database and ensure confidentiality of all information related to individual cases. Whereas the GDR will be supported with the coverage of the installation costs and salaries of its staff (3 registration/eligibility officers and one admin. officer for each office) in the starting period (the first year of its operation), the Government should commit itself to gradually assume the operational costs thereafter.

#### **2. Training of newly recruited staff**

Capacity building activities, training sessions and on the job training will be provided to newly recruited staff. Training will focus on international refugee law and the asylum system in Ecuador, interviewing techniques, registration procedures, eligibility criteria, documentation, durable solutions, as well as age, gender and diversity issues. To this effect, UNHCR protection teams in the field (now composed of 3 national protection UNVs in Lago Agrio, 3 in Ibarra and 2 in Esmeraldas) need to be reinforced.

#### **3. Supervisory functions**

UNHCR will monitor the functioning of the newly established GDR offices. It will progressively transfer responsibilities in registration, interviews and in documenting asylum applicants and refugees, while continuing to carry out its advisory and supervisory role and participating (with voice without vote) in the Eligibility Commission. UNHCR staff will observe interviews and decision-making processes and will provide guidance, coaching, systematised country of origin information and specific recommendations and technical advice, such as the elaboration of procedural guidelines and the promotion of consistent eligibility practices.

**Expected outcome:**

- A permanent presence of refugee authorities in the Northern provinces is in place and functioning in line with established standards
- The refugee offices in the Northern provinces assume responsibilities in registration, processing of asylum claims and documentation
- Persons in need of international protection in the Northern provinces are registered, have their status determined, are documented and will enjoy protection in a more expeditious manner
- Processing time of asylum applications in the Northern provinces will be reduced and, over the time, aligned with applications made in Quito
- A structure is in place that is effectively able to respond to the demands, including in the event of larger influxes across the border.
- Problems such as the invisibility of refugees and accumulative backlogs of pending cases are resolved.

**Suggested costs:**

	USD
Salaries MFA personnel (2 Eligibility Officers at each office)	49,200
Vehicle/mobilization (including maintenance, fuel and insurance)	43,800
Computer Equipment	27,800
Mobilization Expenses	16,000
Administrative Salaries (1 Driver and 1 Assistant at each office)	34,800
Administrative Expenses	57,360
ID Cards (for 15,000 persons)	124,000
<b>Total</b>	<b>352,960</b>