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Update on UNHCR's operations in the Americas - 2011

A. Situational analysis including new developments since March 2011

While the Americas have strong regional and national instruments for the protection of persons of concern to UNHCR, many challenges remain, including: concerns of States about national security: increased military presence at borders: low-recognition rates: the establishment of pre-admissibility procedures: increasing levels of violence and of cases of human trafficking. Nevertheless, UNHCR continues to work closely with Governments, civil society, other UN agencies, and communities in order to enhance the protection of persons of concern.

The Mexico Plan of Action continues to guide the strategies of all operations in Latin America. With regard to comprehensive solutions, UNHCR is pursuing efforts to enhance and expand partnerships for achieving local integration, despite an environment of growing discrimination and xenophobia, situations of sexual and gender-based violence (SGBV) and generalized violence in the region. An emphasis on comprehensive solutions has been identified as a major need particularly with some operations reporting difficulties in integrating the number of recognized refugees who have arrived in the past decade.

Countries in the Americas continue to demonstrate their commitment to supporting UNHCR's mandate by strengthening protection mechanisms for refugees, stateless persons, and internally displaced persons (IDPs) through accession to international instruments, the adoption of advanced national legislation and protection mechanisms and the enhancement of comprehensive solutions. Issues of particular concern in the region remain: a) the introduction of pre-admissibility procedures that might hamper access to asylum; and b) the use of administrative detention for migrants and asylum-seekers.

B. Progress made and challenges encountered in achieving the Strategic Priorities

For the 2011 regional strategic priorities, the focus was set on consolidating a favourable protection environment in the region: enhancing durable solutions: and improving protection in mixed migration movements and urban settings - all from an age, gender, and diversity perspective. The 2011 priorities are clearly reflected in the budget distribution between rights groups for the year 2011 where "favourable protection environment" and "durable solutions" take the lead. Progress in achieving the 2011 priorities continues despite the challenges outlined.

Reinforcement of national legislation, refugee status determination (RSD) procedures and protection mechanisms in the region

On 3 June 2011, Panama acceded to the 1954 and 1961 Statelessness Conventions: the first country to accede to the Conventions during the year commemorating the 50th Anniversary of the 1961 Convention on the Reduction of Statelessness. Other countries in the region are taking steps to accede or announce their intention to accede during this commemorative year.

Nicaragua has included a section on statelessness in its new Migration and Aliens Law, introducing preventive measures to: avoid risk of loss of nationality; strengthen complementary protection for persons not qualifying for refugee status yet still in need of international protection; and improve special protection for foreign children.

In Canada, UNHCR and the Government continue to work together closely on the regulations of the Balanced Refugee Reform Act which will come into effect in June 2012. In the United States of America, legislation was presented to extend the current Trafficking Victims Protection Act, enhancing the Government's efforts to combat human trafficking in the United States and abroad. Elsewhere in the region, in various countries in Latin America, UNHCR, along with the International Organization for Migration (IOM) and other partners, is playing a proactive role on issues related to trafficking in persons and unaccompanied children, in particular with regard to their identification and the assessment of their protection needs.

Following a surge of manifestly unfounded claims for refugee status, Ecuador introduced pre-admissibility procedures to the refugee status determination (RSD) process. The Government of Ecuador will undertake an evaluation of the procedures introduced, while UNHCR is offering technical support to help address the recommendations of the evaluation. Ecuador continues to be the country with the highest number of refugees and asylum-seekers in Latin America - some 55,000 recognized refugees as of June 2011. The Office has welcomed the decentralization of the Refugee Directorate in four new provinces of the country where it did not have presence before.

Central American countries continue to strengthen child protection with UNHCR's support through the introduction of child protection officers in Nicaragua and Costa Rica. Argentina has adopted an inter-institutional protocol for the protection of unaccompanied minor asylum-seekers and refugees, involving governmental, non-governmental and UN partners. Argentina, the Plurinational State of Bolivia, and Chile have adopted standard operating procedures for the prevention of sexual and gender-based violence (SGBV) and the protection of victims. Similar procedures are currently being finalized in Paraguay, Peru, and Uruguay.

Following the implementation of International Civil Aviation Organization (ICAO) standards for all travel documents, Peru and El Salvador have joined Canada, Ecuador, and the United States of America in issuing ICAO standard-compatible travel documents for refugees.

Levels of violence by non-state actors towards persons within mixed migration movements continue to be on the rise in Mexico and Central American countries, leading to an increase in the number of asylum applications owing to persecution by gangs and organized crime. In Mexico, UNHCR continues to implement the 10-Point Plan of Action. The Office is also a party to the frame agreements between the States of Oaxaca and Guerrero and the United Nations which present new opportunities to strengthen protection mechanisms.

Colombia

The ground-breaking law on victims and land restitution has been approved by the Government of Colombia. This law aims at compensating victims of armed conflict in Colombia and at establishing a land restitution programme. To assist the Government of Colombia in the implementation process, an agreement was signed with the Ministry of Agriculture to provide technical support and training for

Ministry staff in areas such as reglementation of the law in relation to land restitution and priority restitution cases. The Office is also working closely with the Ministry of the Interior on procedures to ensure that every effort is made to mitigate the high security risks facing displaced leaders who are claiming their rights, including to land restitution. Internal displacement in Colombia continues to be a concern for UNHCR. According to government figures, group displacement is on the increase in 2011 compared to 2010, especially on the Pacific coast, in border areas and in the northern and Meta/Guaviare regions. The Office has signed an agreement with the Vice-President to assist his technical teams on gender, youth, indigenous and Afro-descendant issues. UNHCR has launched awareness campaigns to highlight the specific needs of indigenous and Afro-descendant communities in Colombia and the region who continue to be disproportionately impacted by the conflict and forced displacement.

Haiti situation and the Caribbean

In June 2011, UNHCR and the Office of the High Commissioner for Human Rights (OHCHR) issued a joint return advisory on Haiti, updating their joint communication of 18 February 2010 in respect of the humanitarian crisis in Haiti precipitated by the January 2010 earthquake. In the advisory, UNHCR and OHCHR appealed to Governments to: a) renew residence permits and other mechanisms on humanitarian grounds to allow Haitians to remain outside the country; and b) refrain from returning persons with special protection needs to Haiti in the current humanitarian context. One positive example in the region is the awarding by the National Immigration Council of Brazil of more than 400 permanent residence visas to Haitians who arrived in the country after the earthquake, requesting asylum.

In the Caribbean, maritime incidents continue to be a concern for UNHCR owing to the continuous flow of persons travelling in small and often unseaworthy vessels which are intercepted or rescued at sea. The maritime environment in the northern Caribbean is extremely complex and ensuring asylum safeguards in the context of interception and rescue-at-sea remains a challenge.

Comprehensive solutions

UNHCR continues to use the Mexico Plan of Action as the framework for comprehensive solutions in the region

In Ecuador, UNHCR opened a new office in Guayaquil in order to respond to the needs of persons of concern. The operation has reduced its interventions and community projects in border areas and has scaled up its presence in small municipalities and medium cities with greater focus on comprehensive solutions. In Colombia, UNHCR has played an advisory role in the development of mechanisms for prior consultation with Afro-Colombian and indigenous communities. It has also supported a recently launched study on The private sector and internal forced displacement in Colombia which has been undertaken by the University of the Andes and the Foundation for Ideas for Peace, and is funded by the United States Institute for Peace. Notably in the context of the land restitution law, UNHCR has promoted a comprehensive approach to solutions for IDPs with different stakeholders, including Accion Social, and is launching a joint initiative with the United Nations Development Programme (UNDP) to address solutions at a local level in five communities, in order to extract lessons learned for the overall national strategy, particularly for urban integration of IDPs.

A new income-generation scheme for economic integration has been launched in Brazil where State Committees in Sao Paulo and Rio de Janeiro continue to promote and support the integration of refugees. In March 2011, the House of Migrants was inaugurated in Iquique, northern Chile, where asylum-seekers and refugees will have access to information and legal advice.

In the United States of America, the first United States Refugee Congress, involving 60 refugees representing 60 decades of protection, took place in August 2011. The Congress adopted a proclamation encouraging UNHCR and Governments to include refugees and asylum-seekers as actors and decision-makers in the provision of protection and delivery of humanitarian support.

The mainstreaming of age, gender and diversity is a priority in the whole region. Following the Regional Dialogue with Women and Girls in Medellín, sexual and gender-based violence (SGBV) was highlighted as one of the major challenges faced by woman and girls in Colombia. UNHCR has updated the new multisectoral SGBV strategy in Colombia and Ecuador, which will be followed next year by the rest of the operations in the region. In Colombia, UNHCR, together with UNFPA, will pilot test as system for gathering SGBV data in the context of internal displacement in two municipalities. In Costa Rica, follow-up to the Ties without Borders youth conference led to the implementation of several projects to strengthen the local integration of young refugees.

Solidarity Resettlement continues to be a valuable protection and solutions tool in the region. The resettlement of Colombian refugees has been highlighted as a priority situation in the Annual Tripartite Consultations on Resettlement (ATCR) and UNHCR will continue to support the strengthening and expansion of the solidarity resettlement programmes in the Americas.

C. Financial Information

The approved 2011 Comprehensive Needs Assessment (CNA) for field operations in the Bureau for the Americas was US\$ 97,368,838. The initial budget target was established at US\$ 52.0 million.

Following a revision of Haiti's Consolidated Appeal Process (CAP), the CNA for the Americas Bureau was modified to read \$103,342,100.

Given adjustments throughout the year, the budget target for the Americas Bureau was \$59,830,346 at the end of July 2011.
