

North America and the Caribbean

Recent Developments

Following the devastating terrorist attacks on New York and Washington D.C in September, the United States enacted a new anti-terrorism law that allows for the detention of immigrants suspected of committing crimes, without filing charges against them, as well as the deport terrorist suspects without submitting any evidence.

In Canada, following these attacks, Prime Minister Chrétien made a statement in Parliament affirming Canada's continued commitment to immigration and refugee protection. Nonetheless, there is heightened attention on security concerns in all areas of immigration and refugee policy, and Canada has introduced in Parliament a new anti-terrorism bill.

Following royal assent on 1 November, Canada enacted a new law on Immigration and Refugee Protection. The Law has some major changes that positively affect refugee rights, including the establishment of an appeal on the merits within the refugee determination procedure. The law also implements security screening for all applicants, and removes some avenues of appeal for persons considered a security threat or accused of serious crimes.

Strategic Objectives

In Canada and the United States, as in other industrialised countries where UNHCR does not implement assistance programmes, UNHCR's activities will continue to focus on: promoting the highest standards of refugee protection; supporting in close co-operation with governmental and non-governmental partners and encouraging refugee resettlement; and building public and governmental support for refugees and for UNHCR worldwide.

UNHCR will continue in 2002, to monitor and promote the improvement of established asylum procedures in Canada and the United States. In Ottawa and Washington, UNHCR will support the refugee resettlement programmes, by providing information and advice on policies and procedures, and co-ordination on resettlement matters, with other UNHCR offices around the world. Through public awareness campaigns especially targeting educators; the media, legislators and government agencies; as well as through private-sector fund-raising activities, UNHCR will maximise efforts to mobilise support for refugees and for the work of the Office.

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



In the Caribbean, UNHCR will provide support for signatory countries to develop and expand their asylum systems. It will encourage the remaining five non-signatory countries in the Caribbean to accede to the 1951 Convention and/or the 1967 Protocol.

Operations

In Canada, UNHCR will reorganise the work of its legal units located in Montreal, Ottawa, Toronto and Vancouver in response to the passage of the new Immigration and Refugee Protection Act. Canadian legislation gives UNHCR the role of observer in the national refugee status determination procedure. The new law gives UNHCR an expanded role, including the possibility to observe proceedings before the Immigration and Refugee Board, and to make submissions to the new Refugee Appeal Division. The latter role enables the Office to set out its views where important issues of refugee law are at stake in precedent-setting cases.

In 2002, UNHCR will build upon current efforts in Canada to increase awareness of the needs of asylum-seeking children, particularly separated children. Special attention will be given to the specific issues of identification, guardianship and care,

as well as mechanisms for resettlement of separated refugee children.

UNHCR will advocate for the Government of Canada to maintain its 2002 resettlement programme at least at the same level as in 2001. It will participate actively in efforts to ensure that Canada's unique mechanism for private sponsorships enables at least several thousand other cases to be admitted to Canada. UNHCR will monitor legislative and policy developments concerning resettlement and will work with Canadian governmental and non-governmental entities to promote approaches which correspond to UNHCR's resettlement priorities.

UNHCR's public awareness work in Canada will focus on following up on the educational campaign launched, in co-operation with the Department of Citizenship and Immigration and the UN Association of Canada, in late 2001. It also focused on strengthening and expanding relations with Canadian media. UNHCR will conclude its current assessment of, and make recommendations regarding the potential of private-sector fund-raising for UNHCR in Canada.

In the United States, UNHCR will provide legislators and interested groups with advice and comments on legislative efforts to



USA: Refugee children from various countries at school in Florida. *UNHCR/B. Press.*

revise the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. The focus will be on removing provisions from the law that attenuate refugee protection. These include the mandatory and long-term detention of asylum-seekers, refugees and stateless persons; the process of expedited removal of asylum-seekers arriving at ports of entry; and the expansion of exclusionary clauses barring asylum, including significant extension of the list of crimes defined as “aggravated felony”.

UNHCR will continue working closely with the United States Immigration and Naturalisation Service (INS) to enhance compliance with international standards of refugee protection. Systematic monitoring of detention facilities and jails holding asylum-seekers and refugees throughout the country will continue, with UNHCR providing regular feedback to INS about facilities whose conditions are inadequate. The Office will encourage INS to include self-help materials in every detention

facility so those asylum-seekers with no counsel can be better equipped to protect their rights.

UNHCR will work with relevant counterparts to establish a consolidated approach with the United States Government on its policy regarding interdiction on the high seas and treatment of boat arrivals intercepted in territorial waters. Joint collaboration in the area of gender-based asylum claims will also be pursued, particularly for claims based on domestic violence.

To promote greater awareness and support for resettlement criteria and potential applicants, UNHCR will undertake outreach activities with the nine national resettlement agencies and 400 affiliated local resettlement offices through the United States. In addition, UNHCR will work with government authorities to maintain support for its global resettlement programme, including the establishment of a roster of trained resettlement resource persons; deployments of NGO staff;



implementation of the resettlement case tracking system; and special contributions towards resettlement activities.

UNHCR will concentrate on its public information and external relations activities in the United States and increasing public awareness for the refugee cause as well as providing information, particularly to national legislators, on UNHCR operations world-wide. UNHCR will continue its education awareness project, which enables students to be exposed to refugee issues through a network of 2,000 educators, and partnerships with schools across the nation. UNHCR will also continue its collaboration with the National Parks Service, which provides information about refugees to persons visiting the Statue of Liberty. The Office will liaise closely with key Congressional Committees and individuals, briefing them and responding to ongoing queries. To improve the ability of the United States Government to provide timely contributions, UNHCR will advocate for the repeal of the current Congressional advance-reporting requirement.

Depending on the availability of funds, UNHCR will enlarge and strengthen programmes initiated under a Caribbean Plan of Action developed in 2001. UNHCR will provide more training, guidance and precise terms of reference for the pro-bono honorary local experts.

The option of hiring local attorneys in key receiving countries will also be evaluated. In addition, UNHCR will increase the number of missions to the region in order to better monitor the deteriorating situation in Haiti, as well as in neighbouring countries. It will look at ways to build the region's capacity to respond to potential population movements in the area. The possibility of enlarging the existing minimal assistance programmes in key receiving countries will also be examined.

Negotiations with key state institutions and sensitisation activities with government officials, NGOs and the academia will continue to promote Cuba's accession to the 1967 Protocol. Advocacy work will continue with governmental and other actors to establish national mechanisms for protection and assistance to asylum-seekers and refugees. In the interim, refugee status determination will continue to be pursued by UNHCR's regional office in Mexico. Through implementing

partners, UNHCR in the Caribbean, will continue to provide assistance to newly arriving asylum-seekers and refugees while keeping up resettlement efforts for some 95 refugees. The refugee student assistance and return programme, primarily concerning students from Western Saharan refugee camps, will terminate at the end of the school year in June.

Elsewhere in the Caribbean region, UNHCR will work to encourage the remaining non-signatory countries - Barbados, Grenada, St. Kitts & Nevis, and St. Lucia - to accede to the 1951 Convention Relating to the Status of Refugees. UNHCR will strive to obtain additional accessions among these countries through negotiating with key state institutions, and providing information to relevant government officials, NGOs and academics. In signatory countries, UNHCR will work to expand each Government's capacity to process asylum claims and respond to new arrivals through training and increased monitoring, as well as providing feedback on proposed legislation.

BUDGET (USD)

Country	Annual Programme
Canada	1,095,953
Cuba	581,000
United States of America	2,832,726
Liaison Office in New York ¹	1,649,200
Regional Activities ²	152,400
Total	6,311,279

¹ Administrative costs for the UNHCR Liaison Office in New York.

² Includes local integration of refugees and capacity-building in the Caribbean.