



North America and the Caribbean

Major developments

Antigua and Barbuda

Bahamas

Barbados

Canada

Cuba

Dominica

Dominican Republic

Grenada

Haiti

Jamaica

St. Kitts and Nevis

St. Lucia

St. Vincent and the Grenadines

Trinidad and Tobago

United States of America

The Safe Third Country Agreement (STCA) signed in December 2002 between Canada and the United States entered into force in December 2004. The Agreement requires that asylum-seekers who transit through the United States or Canada lodge their refugee claim in the "last country of presence" on the grounds that they were in a country with adequate refugee protection procedures and safeguards. The Agreement applies only at US-Canadian land borders and provides exceptions for certain asylum-seekers, including those with adult family members who have either legal status or a refugee claim pending in the receiving country and unaccompanied minors and those who do not require a visa to enter the receiving country. UNHCR has been formally invited by both Governments to monitor the implementation of the Agreement and will participate in its review, along with NGOs.

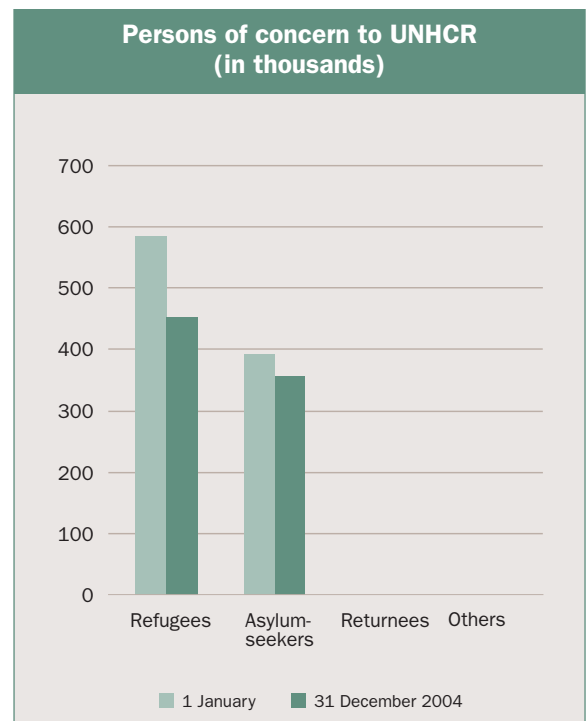
In Canada, the restructuring in December 2003 of a number of ministries led to the creation of a Canada Border Services Agency (CBSA) and culminated in October 2004 with the transfer of certain responsibilities from Citizenship and Immigration Canada (CIC) to CBSA. The CBSA is henceforth responsible



for intelligence, interdiction and enforcement, as well as the immigration operations at ports of entry. Pre-removal risk assessment has been shifted back to CIC. With respect to immigration operations at ports of entry, CIC maintains functional guidance and policy development, and continues to focus on citizenship, selection, settlement and integration.

In the United States, domestic security and anti-terrorism continued to be the primary focus of the Department of Homeland Security, UNHCR's government counterpart on protection matters. In 2004, the United States reinvigorated its resettlement programme, admitting over 53,000 refugees during the year. In the Caribbean, political violence culminated in the departure of Haiti's president Jean-Bertrand Aristide at the end of February and sparked an exodus of some 2,500 to 3,000 Haitians, mostly by boat towards the United States or neighbouring islands. Most of them were intercepted and returned home by the US Coast Guard and the Government of Bahamas. The 30 who arrived in Cuba, and the more than 500 who arrived in Jamaica, were received by the respective government authorities and cared for with UNHCR's assistance. By the end of the year significant numbers had voluntarily

repatriated (all 30 from Cuba and 300 of those arriving in Jamaica). An undetermined number of Haitians also fled by land to the Dominican Republic.



Challenges and concerns

Canada and the United States have reinforced their cooperation within the framework of the Smart Border Declaration and the 30-Point Plan which limit, to the extent possible, access to their respective territories to suspected criminals and security threats. Stronger cooperation includes coordination of visa policies, the exchange of information on immigration and asylum matters, return of persons not in need of international protection and cooperation on the deployment of immigration officers.

In a climate of continued concern about international terrorism and domestic security, the Senate and the House of Representatives introduced legislation in 2004 to implement the recommendations of the 9-11 Commission overhauling the US intelligence system. However, the 9-11 Recommendations Implementation Act contained a number of asylum and immigration provisions that would have a detrimental effect on refugees and asylum-seekers in the United States, including an increased burden of proof on asylum-seekers, an expansion of bars to asylum and the withholding of removal.

In Canada, the Immigration and Refugee Board (IRB) is in the process of introducing a fast track scheduling policy (to be implemented in 2005) under which simple cases will be dealt with rapidly, at a hearing or in an expedited interview. The aim is to reduce the turnaround time for the processing of cases from 14 months to an average of six.

Operations and progress towards solutions

UNHCR does not implement assistance programmes in Canada and the United States, but aims instead to build public and governmental support for refugees, providing them with international protection, seeking durable solutions through resettlement and mobilizing support for refugee issues through intensive collaboration with governmental and non-governmental partners. In both countries, UNHCR remained consistently active on the issue of access. Staff undertook missions to various ports of entry, particularly to designated land borders, which will be the focus of UNHCR's monitoring role within the framework of the STCA. Both Governments accepted UNHCR's proposed monitoring plan of the Agreement before the STCA entered into force.



In **Canada**, UNHCR made *démarches* with federal and provincial authorities to ensure that legal aid is guaranteed for asylum-seekers in the province of British Columbia. Significant progress was made on advocacy work for the protection of victims of human smuggling and/or trafficking and intercepted persons. UNHCR worked closely with the IRB on the Board's Plan of Action to ensure that policy changes would not have an adverse impact on persons of concern to UNHCR. Furthermore, the Office



USA: Resettled refugees – Bushara with her sister and brother in front of their "new" home in Utica, New York - "the town that loves refugees". *UNHCR/H. Caux*

monitored cases of women, children and elderly asylum-seekers and promoted a better understanding of gender-based persecution among relevant decision-makers. Regular visits were conducted to almost every Canadian detention facility where persons of concern to UNHCR were held. The Office remained active at both the national and regional levels to promote better reception and care of separated children arriving in the country, including finding alternatives to detention. As a result of collective

advocacy by UNHCR and NGOs, the new Immigration and Refugee Protection Act provides that detention of minors occurs only as a last resort.

During 2004, 7,400 persons were resettled through the government-assisted programme. As the sole refugee resettlement referral organization for Canada's government-assisted programme, UNHCR provided input concerning specific issues regarding UNHCR's group processing methodology, particularly its

application in East Africa. Canada supported group processing as an additional resettlement referral mechanism, and agreed to the group referral of 450 Somali refugees from Kenya in 2004.

Throughout the year, UNHCR published a series of refugee stories in the national and provincial media to further promote public awareness of refugee issues and to mark the 25th anniversary of private sponsorship for refugees. Canadian-specific educational and community fund raising materials were developed and distributed, and the Office engaged in public-speaking events for senior public servants and professional associations. UNHCR strengthened its relations with civic and professional organizations involved in peace building, development and conflict resolution, in order to bring a heightened awareness of refugees and displacement to bear on their advocacy and lobbying work.

In the **United States**, UNHCR monitored the detention of asylum-seekers and made constructive criticism of certain detention facilities, which led to positive changes at these facilities. Advisory opinions were drafted on issues affecting refugee protection in the United States, such as prosecution for illegal entry, gender-based asylum claims and claims based on membership of a particular social group. The Office carried out training activities on international refugee law for government officials, NGOs, pro bono attorneys representing asylum-seekers and others. UNHCR closely monitored anti-terrorism policy and legislation, taking appropriate follow-up action when necessary.

During 2004, a significant numbers of Haitians who arrived in Jamaica were allowed to remain under temporary protection in the aftermath of the February political crisis and armed uprising in Haiti. UNHCR provided funds to assist the Government of Jamaica and an NGO to respond to the needs of more than 500 Haitians (legal assistance included). UNHCR, in partnership with IOM, UNDP in Haiti and two Haitian human rights NGOs, negotiated and implemented the voluntary return of 300 Haitians from Jamaica during the year. The islands of Cuba, Dominica, the Dominican Republic, St. Kitts and Nevis, St. Lucia and Trinidad and Tobago also received Haitians, but in much smaller numbers.

In **Cuba**, UNHCR cooperated with authorities to rehabilitate the Punta de Maisí camp where some 30 Haitians were sheltered. By the end of 2004, the

Haitians had returned voluntarily with UNHCR and IOM's assistance. UNHCR determined the status of 21 asylum-seekers of other nationalities under its mandate. Of these, ten claims were recognized, including two gender-based persecution claims. Important advances were made in the resettlement of urban refugees. Some 50 persons were resettled, and an additional 14 persons' applications were submitted to resettlement countries.

UNHCR successfully completed refugee protection and RSD missions and training sessions in Antigua and Barbuda, the Bahamas, Dominica, the Dominican Republic, Jamaica and Trinidad and Tobago. As in 2003, UNHCR and IOM held a joint annual conference in the Bahamas for Caribbean governments and NGO partners on the management and protection of mixed migratory flows in the region. The meeting also addressed contingency planning for mass influx, using the 2004 Haiti crisis and its aftermath as a case study.

During 2004, the United States resettled 53,000 refugees, exceeding the initial target of 50,000. UNHCR focused on improving acceptance rates for its group referrals, and strengthening ties with NGOs. The UNHCR office in Washington supported the development of the methodology for group resettlement. During the year, successful group referrals were made from Guinea, Sierra Leone, Thailand, and Uganda.

Funding

USA for UNHCR raised more than USD 1.3 million from the private sector, with in-kind contributions amounting to an additional USD 1.2 million. In Canada, UNHCR raised CAD 620,000 in private funding. More than 96 per cent of which came from individuals, primarily through direct mail solicitations, notably in response to the Chad/Sudan emergency and UNHCR's Shelter Campaign.

In 2004, the Office reached out to US senators and representatives and worked with staff on the Foreign Relations, International Relations, Appropriations, Judiciary and Government Reform Committees in the House and the Senate – with respect to international assistance – ensuring that supplemental appropriations included funding increases for emergency operations and UNHCR's programmes.

Restricted voluntary contributions (USD)		
Earmarking ¹	Donor	Annual programme budget
North America and the Caribbean		
	United States of America	650,000
	USA for UNHCR	33,750
Total		683,750

¹ For more information on earmarking, please refer to the donor profiles.

Budget and expenditure (USD)		
Country	Revised budget	Expenditure
	Annual programme budget	
Canada	1,231,318	1,196,560
Cuba	435,647	420,379
Dominican Republic	85,852	85,852
United States of America	3,085,058	3,053,002
UNHCR office in New York ¹	2,224,535	2,224,535
Regional projects ²	943,779	942,465
Total	8,006,189	7,922,793

¹ For a description of activities relating to the UNHCR office in New York, please refer to the Headquarters chapter under Executive Direction and Management.

² Includes refugee protection and capacity building activities in the Caribbean and emergency assistance to Haitian refugees in the Caribbean.