

North America and the Caribbean

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

Major Developments

The terrorist attacks of 11 September prompted a joint review of border security by the United States of America and Canada. This led to an eight-point agreement providing for improved co-operation on border security matters and reinforcement of security. Two of the eight points dealt with co-operation on overseas interception measures and the negotiation of a safe third country agreement (see glossary). New anti-terrorist legislation passed in the USA included sweeping provisions for the detention of suspected terrorists and illegal aliens.

In Canada, the new Immigration and Refugee Protection Act received royal assent in November and is set to come into force on 28 June 2002. The Act introduces the right of asylum seekers to appeal to the Immigration and Refugee Board regarding the merits of their cases, and gives UNHCR the right to make submissions at the appeal level. In addition, the Act provides for the Board to assess applications for asylum in a consolidated procedure under which applications are decided, not only on the basis of the 1951 Convention, but also on the basis



of the 1984 Convention against Torture and the prohibition of cruel and unusual treatment or punishment contained within the Canadian Charter of Rights and Freedoms. However, on the enforcement side, the Act will broaden the categories of persons inadmissible to the asylum procedure, reduce access to appeal before removal in some cases, increase penalties for people-smuggling and trafficking; and the circumstances under which detention can be used.

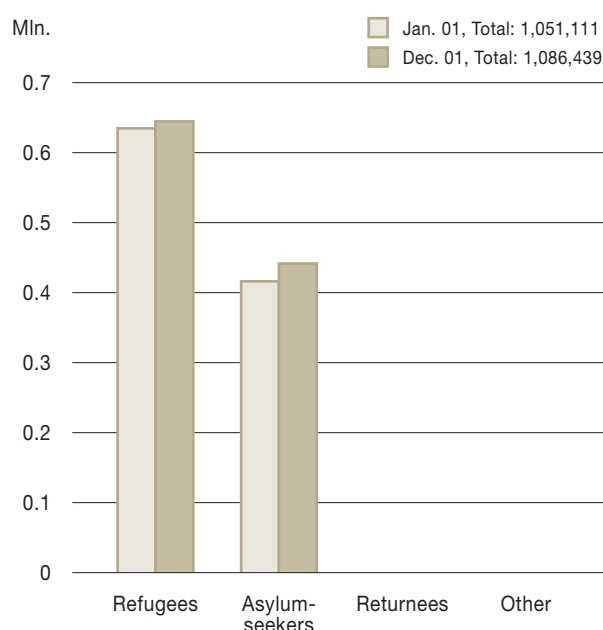
In the Caribbean, UNHCR's efforts to secure accession to the refugee and statelessness conventions by the region's five non-signatory states received a boost when the Government of St. Kitts and Nevis announced at the Ministerial Meeting of States Parties in December 2001 that it would soon sign the 1951 Refugee Convention.

Challenges and Concerns

Since the 11 September attacks, attitudes towards

asylum-seekers and refugees in the USA and Canada have shifted in favour of greater restrictions and controls. Both countries actively practice interceptions, and an asylum responsibility agreement being negotiated between the two countries, would be a matter of concern to UNHCR if it resulted in the lowering of protection standards. Whilst the USA continued to provide financial support for humanitarian assistance, particularly in response to the UN special appeal launched to fund Afghanistan operations, many legislative programmes promoting refugee protection were shelved. Of utmost concern was the post-September 11 suspension of the United States' resettlement programme, as a consequence of security concerns. As a result, only about 800 out of 14,000 expected refugees were admitted for resettlement in the last quarter of the year. When resettlement resumed in December it progressed at a slower pace. Over 20,000 prospective refugees approved for resettlement and ready for travel were put on hold. Some were people in difficult circumstances referred by UNHCR.

Persons of Concern to UNHCR



In Canada, public debate about asylum issues has been accompanied by various efforts to control and lower asylum applications. The debate allowed a generous airing of the view that Canada's immigration procedures and policies towards refugees are open to abuse and in fact attract fraudulent claims for refugee status. Increases have indeed been recorded in the number of people applying for asylum in Canada which was, up 38 per cent in 1999, and up 13 per cent in 2000. Critics also point to the fact that as many as 50 per cent of all asylum-seekers entered Canada through the USA, where they could have sought asylum. Tools to control this flow have included renewed negotiation of a safe third country agreement between the USA and Canada; overseas interception and the imposition of visa requirements for citizens of Hungary (the leading source of asylum-seekers in Canada) and Zimbabwe (the fourth largest source).

In the Caribbean, UNHCR remains concerned by the need to build up asylum capacities in key countries through legislation. Progress in this direction will depend on sufficient funding, staffing and a rapid reversal of economic decline in the region. Deteriorating economic and political conditions in Haiti have prompted apprehension of a new wave of Haitian asylum-seekers. In Cuba, UNHCR's main concern is to ensure durable solutions for

newly arrived refugees, many of them from outside the Americas, for whom economic prospects of integration into Cuban society are minimal.

Operations and Progress Toward Solutions

In Canada, some 28,000 refugees found durable solutions to their plight, an increase of about 1,000 people over the previous year. This figure included 13,336 persons who were recognized as refugees by Canada's Immigration and Refugee Board, 10,874 who were selected overseas for resettlement in Canada and arrived during the year, and some 3,744 immediate relatives of refugees who arrived in Canada for family reunification. There was no slow-down in resettlement after 11 September, indeed in 2001, six per cent more refugees were selected overseas for resettlement in Canada than in 2000.

In July, UNHCR published a report on separated children seeking asylum in Canada, with 45 recommendations for improved practices. In October, UNHCR and two NGO partners organised a workshop on the same subject. This work on separated children has led to various governmental and NGO initiatives now underway.

In order to overcome some of the challenges it faced in the USA after September 11, UNHCR engaged in a range of public and government-level activities to promote awareness of and support for its position and programmes. It made appearances before congressional committees, testified at congressional hearings and nurtured contacts in the administration. UNHCR was involved in an educational awareness project aimed at 10,000 new teachers; was publicised its activities at two teachers' conferences attended by some 5,000 teachers; and made various public presentations. UNHCR staff inspected 25 refugee detention facilities, more than twice as many as in any earlier year. Standard procedures for access to detention facilities were also negotiated with the Immigration and Naturalization Service (INS), and discussion began on alternatives to detention.

In the Caribbean, UNHCR increased its monitoring of key refugee-receiving countries, and worked to build up asylum systems in the region. A number

of missions were undertaken to the three States receiving the largest number of asylum claims, including the Dominican Republic, the Bahamas, and Jamaica. Missions were also undertaken to Haiti, Trinidad and Tobago, and Cuba. In addition, training on refugee status determination, and legislation to implement international refugee conventions and international refugee law was provided in Jamaica. At the end of the year, a Caribbean Regional Conference on Refugee Protection was held in Miami. This brought together participants from within and outside the governments of 11 Caribbean countries. The conference served to reignite interest in accession to international refugee conventions; the development of legislative mechanisms for the execution of state obligations under international refugee law; and the establishment of procedures for refugee status determination.

Funding

In the USA, UNHCR in a joint effort with NGOs was successful in securing deletion, in the 2002 appropriation, of the notification requirement that Congress had previously imposed for funds allocated to UNHCR.

Private sector contributions from the USA increased in 2001. This can be attributed to the continuation of a direct-mail programme throughout the country and the launch of a more aggressive

fund raising plan. In addition, many new donors were added to the database. Angelina Jolie, UNHCR's Goodwill Ambassador, helped to raise UNHCR's profile through public fund raising appearances.



USA: Asylum-seekers of various nationalities attend primary school and learn English. UNHCR / P. Gutnisky

In Canada, UNHCR explored the feasibility of raising private sector funding during the last quarter of the year. The potential was judged modest, but the exercise was useful and provided additional benefits in terms of public awareness. UNHCR's initial activities during this period were boosted by a benefit concert and telethon organised by Canadian musicians for UN humanitarian agencies working in Afghanistan, raising about 300,000 Canadian dollars.

Voluntary Contributions - Restricted (USD)			
		Annual Programme Budget	
Donor	Earmarking ¹	Income	Contribution
United States of America	North America	261,000	261,000
TOTAL¹		261,000	261,000

¹ For more information on the various earmarkings, please refer to the Donor Profiles.

Budget and Expenditure (USD)		
	Revised Budget	Expenditure
Country	Annual Programme Budget	
Canada	1,132,730	1,082,711
Cuba	596,979	556,735
United States of America ¹	4,405,084	4,383,276
Regional Projects ²	171,400	135,451
TOTAL	6,306,193	6,158,173

¹ Includes costs related to the Liaison Unit in New York as follows: Revised Budget of USD 1,619,464 and Expenditure of USD 1,540,288.

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