



Antigua and Barbuda

Bahamas

Barbados

British overseas territories
(Anguilla, Bermuda, British Virgin Islands,
Cayman Islands, Turks and Caicos
Islands, Montserrat)

Canada

Cuba

Dominica

Dominican Republic

French overseas departments
(Martinique, Guadeloupe)

Grenada

Haiti

Jamaica

St. Kitts and Nevis

St. Lucia

St. Vincent and the Grenadines

Trinidad and Tobago

United States of America

North America and the Caribbean

Working environment

The implementation of the Safe Third Country Agreement between Canada and the United States, in effect since December 2004, has been carried out according to the terms and principles of the bilateral accord. The agreement requires asylum-seekers who have transited through one country and lodged an asylum claim at a land border of the other to be returned to the “country of last presence” for consideration of their claim. The agreement provides exceptions for some asylum-seekers, including those with adult family members who have legal status or a refugee claim pending in the receiving country; unaccompanied minors; and those who do not require a visa to enter the receiving country.

In Canada, the termination of the so called “direct back” policy is a positive development in the implementation of the Safe Third Country Agreement. Through this policy, asylum-seekers arriving at certain border ports of entry were directed back to the United States and given an appointment for an eligibility interview at a later stage in Canada — without knowing if they would qualify for an exception under the agreement. This policy was of serious concern to UNHCR, because it risked undermining the principle of *non-refoulement*.

In the United States, the general preoccupation with national security and irregular immigration has to some extent affected access to protection for asylum-seekers and refugees. The application of the material support



bar to admission to the United States under the provisions of the 2001 Patriot Act and the Real ID Act has been of particular concern to UNHCR. As a result of this provision, many refugees in need of resettlement and some people with a genuine fear of persecution have been denied asylum and access to the territory of the United States. At the time of writing, UNHCR and the United States were discussing the issue.

UNHCR continues to monitor the situation in the Caribbean. The Office has increased its presence in the United States to ensure effective coverage of this region. In light of recent developments, UNHCR's immediate focus has been on updating contingency plans for potential population outflows in the region.

Strategy

In North America, UNHCR assists governments in maintaining high standards of refugee protection. Such standards ensure that asylum-seekers are granted full access to refugee status determination (RSD) procedures; that refugees and others of concern are given alternatives to detention; that gender-based asylum claims are considered in a manner consistent with international standards; and that separated children are treated appropriately.

The United States and Canada have highly complex asylum systems, and their policies and legislation on

asylum issues set standards for other countries. With the current strong emphasis on national security and migration, UNHCR is working to help find the right balance between legitimate security concerns and international refugee protection needs.

Another priority for UNHCR in the United States and Canada is to ensure these countries' political and financial support for UNHCR's operations worldwide. The Office will engage in dialogue with both countries on matters of policy and strategy. The Office will also seek greater support for the Mexico Plan of Action, an agreement that seeks to improve the protection of displaced people in Latin America.

Resettlement is a key area of cooperation between UNHCR, the United States and Canada. The Office will increase submissions to both countries, and will work to strengthen its capacity to process resettlement and maintain the integrity of resettlement programmes requests worldwide.

With regard to the Caribbean, UNHCR is improving its ability to react promptly and efficiently to any group of asylum-seekers. It will assist Caribbean Governments to make prompt refugee status determination decisions; build protection networks with NGOs and the legal and academic communities; and strengthen its network of honorary representatives in the region.



William arrived from Sudan as a teenager and is now fully integrated in Canadian Society. UNHCR / B. Dennehy

Constraints

UNHCR's work in North America will be greatly affected by political considerations. Since the 11 September 2001 terrorist attacks, public opinion in the United States has tended to favour more restrictive immigration laws, many of which are linked to anti-terrorism legislation. Lawmakers, including some who favour strengthening refugee protection, are reluctant to challenge restrictive national security legislation for fear of the political consequences. In such an environment, UNHCR expects that the judiciary will play an important role in striking a balance between individual (and refugee) rights and national security concerns.

Operations

In **Canada**, UNHCR's protection strategy focuses on three areas. First, the Office ensures that asylum-seekers have access to full, fair and effective RSD procedures. In this context, it monitors the implementation of the Safe Third Country Agreement, as well as claims lodged inland and at airports. The Office also tries to persuade the authorities to process asylum claims in line with the

highest protection standards and monitors the detention policies and practices of the Government as they relate to refugees and others of concern to UNHCR.

Canada is a major donor, an active member of UNHCR's Executive Committee and a key participant in international debates on a variety of topics related to migration and asylum, human security issues and other relevant subjects. UNHCR will therefore redouble efforts to give Canada a clear understanding of the Office's activities and goals, as well as the challenges it faces.

Canada is also a major resettlement country for refugees in need of such a durable solution. In 2007, the Office will seek the support of the Canadian Government and NGOs for the resettlement of as many refugees as possible. On the other hand, it will ensure that UNHCR personnel have a clear understanding of the Canadian Government's resettlement objectives and concerns.

In the **United States**, UNHCR will promote legislation and policies that take refugee protection into account alongside legitimate security concerns. To this end, the Office will push for a clear separation of asylum and terrorism issues among government agencies, Congress, the media and academic think-tanks.

UNHCR will also promote screening procedures for asylum-seekers that guard against *refoulement*. This will be done by monitoring expedited removals at ports of entry. The Office will also support the development of laws on the detention of asylum-seekers that take their rights into account. Furthermore, UNHCR will encourage the Government to guard against diluting asylum procedures in its efforts to combat immigration fraud.

To bolster its advocacy efforts in the country, UNHCR will conduct congressional briefings and organize missions to regions of strategic interest to the United States. It will promote tolerance and respect for refugees and others of concern to UNHCR through briefs for congressional officers and administration officials and media campaigns. UNHCR will work to maximize support in the United States for resettlement both within the country and in other States, particularly those participating in the regional resettlement programme of the Mexico Plan of Action.

In the **Caribbean**, UNHCR will develop contingency plans and review the human and material resources that could be mobilized in case of mass population movements. It will monitor political and human rights developments and socio-economic conditions while strengthening partnerships with other international organizations in the region. UNHCR will also disseminate information to Caribbean States on the procedural and legal issues related to massive refugee flows.

To make up for its lack of physical presence in the Caribbean, UNHCR will expand its network of honorary representatives in the region. The Office will develop standard operating procedures for honorary representatives to help them receive and channel asylum requests, undertake refugee status determination activities and search for durable solutions. At the same time, UNHCR will promote the adoption of legislation that guarantees minimum rights to refugees and others of concern. Other priorities will be self-reliance projects and alliances with voluntary organizations to promote local integration of recognized refugees.

Budget (USD)		
Country	Annual Programme Budget	
	2006	2007
UNHCR Office in New York ¹	2,780,654	3,002,256
Canada	1,638,952	1,877,024
Cuba	400,000	287,600
United States of America ²	3,689,220	3,477,033
Total	8,508,826	8,643,913

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

² Includes legal assistance and durable solutions for asylum-seekers and refugees in the United States, and refugee protection and capacity building in the Caribbean (Trinidad and Tobago, the Dominican Republic and Jamaica).

