



# North America and the Caribbean

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## Recent developments

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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

In Canada, asylum and refugee issues are being widely and seriously debated. The Canadian Government envisages reforms to the refugee system, but stresses that it will uphold the country's humanitarian traditions and international obligations relating to persons of concern to UNHCR. The Office will continue to monitor access to the territory and to full and fair refugee status determination procedures, as well as to the use of detention centres.

The Safe Third Country Agreement signed in December 2002 between Canada and the United States took effect in December 2004. This agreement is part of the 32-point action plan associated with the Smart Border Declaration signed by Canada and the United States in December 2001, which seeks to reinforce US-Canadian cooperation in various areas. The agreement requires that asylum-seekers lodging refugee claims in the United States or Canada at a land border port-of-entry, after transiting through the other country, will be returned to the "country of last presence" for consideration of their claim. It is premised on the reasoning that they were in a country with adequate refugee protection procedures and safeguards. It pro-



vides exceptions for certain asylum-seekers, including: 1) those with “adult” family members (defined broadly) who have either legal status or a refugee claim pending in the “receiving country”; 2) unaccompanied minors; and 3) those who do not require a visa to enter the receiving country. The agreement allows the Parties the discretion, in the public interest, to examine claims that would otherwise fall under it.

UNHCR was formally invited by the Parties to monitor implementation of the agreement and UNHCR’s offices in Canada and the United States have been participating in its review. The Parties have also requested NGO input. In August 2004, prior to the implementation of the agreement, a tripartite meeting was held to discuss the proposed UNHCR Monitoring Plan (bringing together Canada, United States and UNHCR). The Plan was subsequently approved and presented for discussions to Canadian and US NGO representatives. As agreed with the Parties, UNHCR’s role is to monitor whether the Parties implement the agreement faithfully and in conformity with international law. The Office presented its mid-year observations and recommendations to the Parties

in July 2005 and will submit a final report at the end of 2005.

## Strategic objectives

UNHCR’s strategic objectives and activities in the United States and Canada will continue to be oriented around four principal themes of refugee protection, refugee resettlement, public information and external relations as well as mobilization of financial resources in the public and private sectors. Both country offices have a strong tradition of partnership with NGOs and Government agencies.

In the United States, apart from focusing on the priority areas of detention, access to asylum procedures, women and children and anti-terrorism, UNHCR will continue its efforts to enhance activities in the areas of cooperation with the Department of Homeland Security. The Office will focus on policy issues and implementation of the expedited removal process, on monitoring the Safe Third Country Agreement (in cooperation with UNHCR



Canada: French lessons for resettled refugees. *UNHCR / S. Colvey*

Canada) and ensuring the provision of legal counsel to unaccompanied minors with asylum claims.

In the Caribbean, the primary objectives will remain protection-related. UNHCR will thus continue to promote accession to international treaties and advocate for the drafting and adoption of implementing legislation and/or procedures that comply with international standards. UNHCR will

also conduct public information campaigns. The Honorary Liaison network in the Caribbean will be strengthened through new partnerships to serve as a link to relevant NGOs and government counterparts as well as to refugees and asylum-seekers. Regular training will continue for relevant ministries and others in the Caribbean, with particular emphasis on status determination procedures and the rights and obligations of asylum-seekers and

recognized refugees. UNHCR will engage in contingency planning activities in relation to possible larger population movements in the region.

In Canada, the protection strategy of the Office will focus on four areas: first, to ensure that asylum-seekers have access to the territory as well as to full, fair and effective refugee status determination procedures in Canada; second, to ensure that the processing and management of claims, as well as the decisions rendered by relevant Government and Immigration and Refugee Board officials, are of a high quality; third, to monitor the detention policy and practice of the Government as they relate to persons of concern to UNHCR; and lastly, to ensure that the special needs of women, children and the elderly are fully mainstreamed across the entire spectrum of work, whenever possible. The activities of the Office will, where necessary, be carried out in collaboration with other partners, including the Government, the Immigration and Refugee Board and NGOs.

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## Operations

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The functions of UNHCR's Regional Office for the United States of America are to promote assistance, protection and durable solutions for refugees and to sustain and enhance political and financial support for UNHCR. This occurs in the context of a complex political environment and the continuing aftermath of the terrorist attacks on 11 September 2001. In the Caribbean, the Regional Office continues to promote universal accession in the region to both international refugee instruments, appropriate treatment of arriving asylum-seekers and adequate contingency planning. The Office also continues its advocacy for the adoption of refugee legislation in accordance with international standards and/or the adoption of workable *ad hoc* procedures and policies to benefit asylum-seekers and refugees.

In the **United States**, UNHCR will continue to focus on five major protection issues. The first, access to asylum procedures, includes expedited removal, detention, and the ongoing work of a UNHCR consultant who will monitor the US-Canadian Safe Third Country Agreement.

Close relations with the US Coast Guard are also a priority in this context, ensuring the flow of information on interception at sea and access to asylum procedures in these situations. The second, intertwined with the first issue, is the detention of asylum-seekers, including conditions, alternatives to detention, indefinite detention, and release policies. This will be monitored through ongoing visits to detention centres. UNHCR will also advocate for asylum-seekers through interaction with key lawmakers and Department of Homeland Security personnel. On the third issue, concerning women and children, UNHCR will focus on US policy regarding gender-based claims, the custody and care of separated children, programme development with the United States Government Office of Refugee Resettlement and a focus on best practices regarding custody and care of separated children. The fourth issue is US policy and practice on statelessness. Lastly, UNHCR will focus on the impact of US anti-terrorism policies on asylum-seekers and refugees.

Some 2.4 million refugees have been resettled to the United States in the past quarter century through a complex programme, which involved three federal departments, 50 state refugee programmes, eight national NGOs, governments and hundreds of local NGOs. UNHCR will continue to work with a wide variety of partners to identify groups and individuals who could be referred to the US resettlement programme.

UNHCR expects to continue promoting political and financial support for refugees, not only in the United States and the Caribbean but worldwide. UNHCR's Regional Office in Washington garners support through advocacy and information sharing with the administrative and legislative branches of the United States Government, presenting and explaining challenges and constraints to decision makers and their staff through individual meetings and/or briefings.

UNHCR relies increasingly on the private sector in the United States for financial support for its global programmes and it will continue to support private sector fund raising by the national association, USA for UNHCR. The efforts which secured major donations from individuals,

corporations and foundations involved the provision of in-depth information on UNHCR's policies and priorities. Funds raised from the private sector will also be targeted to support projects benefiting refugee women and children. UNHCR will also promote fund raising for education projects benefiting refugee children. American students will be encouraged to participate in fund raising events for refugee children, such as the "Lend a Helping Hand to Refugees" campaign.

UNHCR aims to enhance media coverage and public awareness of UNHCR, refugees, asylum-seekers and internally displaced people in the United States, the Caribbean and worldwide. A well-informed public will encourage better protection of asylum-seekers, more rapid integration of refugees and increased levels of public and private sector financial support. UNHCR provides multimedia material to journalists, academics, private sector donors, educators, NGOs, universities, refugee and asylum groups and the general public on a daily basis. Through its education awareness project and its partners in the United States and the Caribbean, the Office's network of educators continues to expand. Media training sessions in the Caribbean are conducted to create better awareness of refugee issues among the press. Whenever possible, the Office will highlight to the media, educators and the general public the plight of refugee women and children, who constitute the majority of refugees.

As there are no offices in the region, UNHCR operates in the **Caribbean** through a network of honorary liaison officers and NGO protection partners who assist asylum-seekers and alert UNHCR to arrivals and departures and changing government policies. Strengthening the network and enhancing the protection capacity of Caribbean States are the main activities of the Office. Such activities will be further developed through the creation of a Caribbean Unit within the UNHCR Regional Office in Washington. The potential for mass exodus in the northern Caribbean has put the operational focus on contingency planning. States likely to be affected by any possible inflows will be assisted to prepare for fulfilling the protection and assistance needs of arrivals (in case small Caribbean countries are overwhelmed

by numbers perceived to be relatively modest elsewhere).

UNHCR's Regional Office in Mexico will continue to cooperate with the authorities in **Cuba** to monitor the arrival of Haitian migrants and asylum-seekers who arrive periodically in small groups and are temporarily sheltered by the Cuban Government in Punta de Maisi camp. Maisi camp renovations were completed in 2005. UNHCR will continue to provide access to an asylum procedure for those Haitians who wish to request asylum. UNHCR will also continue, under its mandate, to ensure access to a fair and expeditious refugee status determination procedure for the small number of asylum-seekers reaching Cuba from outside the Caribbean region. Given the lack of local integration prospects in Cuba, UNHCR will continue to give priority to the resettlement of a group of some 40 refugees who depend on UNHCR's assistance. While awaiting resettlement solutions, refugees continue to enjoy protection against *refoulement* and the Government ensures access to medical care and educational opportunities.

**Canada** is a country of asylum, a country of resettlement and a donor country. In Canada, UNHCR's work revolves around a number of protection themes. Due to similarities between asylum/refugee policies and practices in Canada and the United States, UNHCR's Branch Office in Canada and Regional Office in Washington envisage continuing their close collaboration. Coordination with other UNHCR offices in the Americas is undertaken in the context of support to the follow-up to the Mexico Plan of Action. UNHCR will continue to seek financial and technical support from Canada.

Canada's resettlement programme remains one of the largest in the world in absolute terms (not merely in per capita terms). It covers a wide range of nationalities and UNHCR's referrals and facilitation of this programme are of crucial importance. To this end, the UNHCR office in Canada liaises closely with the Government, UNHCR Headquarters, field offices and NGOs.

UNHCR has been actively seeking the support of private donors in Canada since 2002. The return on several years of investment in acquiring new donors is increasing. In 2004, the equivalent of more than USD 500,000 was donated to UNHCR by more than 10,000 private citizens in Canada. In 2005, roughly USD 615,000 of revenue is forecast.

In addition to being an important asylum and resettlement country, Canada remains an important donor to UNHCR's programmes, an active member of UNHCR's Executive Committee and a key participant in international debates on a wide variety of human security issues of relevance to UNHCR.

<b>Budget (USD)</b>	
<b>Country</b>	<b>Annual Programme Budget</b>
Canada	1,638,952
Cuba	400,000
United States of America	3,489,221
UNHCR Office in New York <sup>1</sup>	2,780,654
Regional activities <sup>2</sup>	200,000
<b>Total</b>	<b>8,508,827</b>

<sup>1</sup> Please refer to the Headquarters chapter under Executive Direction and Management.

<sup>2</sup> Includes protection of refugees and capacity building in the Caribbean.