

## LATIN AMERICA AND CARIBBEAN

# One Year of Implementation

Where are we and where are we heading to?

December 2015



*The final event of the Cartagena +30, December 2014. UNHCR/B. Barata.*

Virtually all states and territories in Latin America and the Caribbean, along with a significant number of civil society organizations, participated in the *Cartagena+30* commemorations. This provided an occasion to take stock of ongoing challenges and new opportunities to protect refugees, asylum-seekers, internally displaced and stateless people in the region.

Celebrating the principles of cooperation and solidarity, participants agreed on areas for intervention and specific programmes to further strengthen protection standards and foster comprehensive solutions in the region. This consultative process resulted in a renewed commitment to making positive change in the lives of millions of forcibly displaced and stateless people, with participants adopting the Brazil Declaration and Plan of Action (BPA) on 3 December 2014. One year on, significant achievements have been made in the following chapters of the BPA.

## The international protection of refugees and asylum-seekers and the consolidation of a common asylum space

### What is this about?

Most countries of the region have incorporated international protection standards in their legislation and have established refugee status determination (RSD) bodies and procedures as part of the legal framework relating to refugees. Nonetheless, challenges persist and countries in the region have agreed that further consolidation of legal and institutional frameworks is required.

#### ▪ Building and consolidating asylum systems

In the past year, the Caribbean has made important strides, with legislation on refugee protection being drafted or enhanced in the Turks and Caicos Islands and Trinidad and Tobago, and a refugee policy drafted in Curaçao. Operational progress was made in the Bahamas, as well as in Antigua and Barbuda, where a first group of Syrian asylum-seekers were recognized as refugees by an *ad hoc* Eligibility Commission. The re-activation of the Refugee Eligibility Committee in Belize, which considered and approved its first cases of asylum-seekers from Central America in 17 years, was also significant. Trinidad and Tobago, in close cooperation with UNHCR, implemented its refugee policy and established a refugee unit for the first time. In Ecuador, at the invitation of the National Assembly, UNHCR provided comments on the draft Human Mobility Law, which regulates all situations related to migration movements, and comprises a chapter on refugees and statelessness issues. Important improvements over the current asylum system include acknowledgement of the declarative character of refugee recognition (as opposed to the status of the visa holder under the current system), and refugees being entitled to a national ID (cédula).



A woman with her family who fled forced recruitment by an armed group in Colombia ©UNHCR Americas.

#### ▪ Quality Asylum Programme

Significant progress was also made in the context of the *Quality Assurance Initiative (QAI)*. Brazil, Costa Rica, Mexico, and Panama, which have already initiated the Programme, made progress towards aligning procedural standards in refugee status determination. More countries, including Argentina and Chile, joined the Programme, and Peru has expressed interests in take part in the initiative. Collaboration between Canada (CIC) and the United States of America (USCIS) resulted in a “twinning” capacity-building model, pairing with Mexico (COMAR) to strengthen RSD procedures.

#### ▪ Borders of Solidarity and Safety Programme

Important achievements were accomplished in Central America in the context of this Programme. In Guatemala, a border monitoring and protection network and a UN Task Force on children and migration were set up, and reception facilities in four shelters for deported people were improved. In neighbouring Honduras and El Salvador, protection networks were enhanced, protection-sensitive reception protocols and guidelines developed, and through training workshops, the capacities of reception centre personnel were strengthened. Efforts focused on responding to the humanitarian situation of thousands of deported unaccompanied children and adolescents. In Honduras, the Government inaugurated an Assistance Centre for Returned Migrants in Omoa. In South America, cross-border monitoring mechanisms were strengthened and consolidated in Bolivia, Brazil and Peru. Meanwhile, in Colombia, the reception capacity at the border was improved and UNHCR will be working with the Migration Office to train border officials.

## Comprehensive, Complementary and Sustainable Solutions

### What is this about?

Finding both traditional and innovative durable solutions, including voluntary repatriation, local integration, resettlement and labour mobility programmes with protection safeguards, in particular for those living in protracted situations such as Colombians, the largest group of refugees in the region.

#### ▪ Solidarity Resettlement Programme

UNHCR submitted 1,142 individuals for resettlement between January and November 2015, with the vast majority being Colombian refugees. As planned in the BPA, an independent evaluation of the Solidarity Resettlement Programme was undertaken in Argentina, Brazil, Chile, Paraguay, and Uruguay, and a draft report has been presented to involved Governments. The evaluation will assist stakeholders to understand what has gone well, gather feedback from the refugees themselves, share best practices, and makes recommendations for a way forward.

#### ▪ Other forms of admission

As an expression of solidarity, the Chilean Government reactivated its Resettlement Programme for Syrian refugees and Brazil extended 8,000 humanitarian visas to Syrians and others affected by the Syrian conflict. Brazil also signed a technical cooperation agreement with UNHCR to improve the process of granting the special visa more efficiently and secure. Another aim is to improve the process of identifying people with specific needs, affected by the Syria conflict, who may qualify for a special visa for Brazil, potentially benefitting. The Government of Brazil also granted permanent residency on humanitarian grounds to 43,700 Haitians living in the country, who were displaced by the 2010 earthquake. Also Argentina extended and revised its humanitarian visa programme for Syrians for another year.

#### ▪ Local Integration Programme

In Costa Rica and Ecuador, important achievements were obtained in securing the legal, socio-economic and cultural integration of refugees through innovative multi-year initiatives, which aim at identifying inclusive

and sustainable solutions. In this context, the graduation model was piloted in both countries, involving more than 650 families, and is already providing promising results. By equipping each household with the skills and means to generate income to break the cycle of dependency, the project's gradual but systematic approach is designed to create a self-sustaining safety net to lift refugees and nationals in vulnerable conditions from poverty to improved living conditions and more stable livelihoods. In Ecuador, this approach will be extended to all parts of the country where UNHCR and its partners operate. In Costa Rica, the graduation approach was included in the National Development Plan (2015-2018). In Brazil, the commitment to integrate refugees is being realized through greater investment in integration projects, and a series of initiatives to provide comprehensive and updated information for refugees on local integration.



*A Colombian refugee in a livelihoods program in Ecuador ©UNHCR/S. Aguilar.*

### ▪ Labour Mobility Programme

As a way to operationalize the labour mobility concept, Brazil approved CONARE's Normative Resolution #19 in December 2014, regulating the Regional Mobility and Socioeconomic Integration of Colombian Refugees pilot project. The two countries are pursuing discussions to consider a possible project for implementation in 2016.

As planned, an independent study on migratory alternatives for refugees under the framework of the MERCOSUR regional migratory policy was finalised and distributed to governments and stakeholders in the region.

Key findings and recommendations were discussed at the meeting of the MERCOSUR CONAREs in November 2015. The Study concludes that the current migratory system in the MERCOSUR (the Residence Agreement) offers a unique opportunity to facilitate the mobility of refugees and expand their prospects for finding durable solutions. The Study, however, recommends MERCOSUR countries to explore the possibility of incorporating specific protection safeguards based on International Refugee Law and International Human Rights Law. The Labour Mobility Programme is also an example of bilateral solidarity to provide alternative solutions for refugees in the region.

## Solidarity with the Northern Triangle of Central America in seeking and implementing durable solutions

### **What is this about?**

Helping to mitigate the root causes of displacement within, among and from countries of the Northern Triangle (El Salvador, Guatemala and Honduras) and enhancing regional actions to protect, and search for durable solutions, for displaced populations.

### ▪ Status

Progress was made in all three of the Programmes under this chapter of the Brazil Plan of Action (i.e. the "Human Rights Observatory on Displacement", the "Prevention", and the "Dignified and Safe Transit" Programmes). In early June 2015, SICA (*Sistema de la Integración Centroamericana*), the economic and political organization of Central American States, approved the establishment of a "Human Rights Observatory on Displacement", as per a proposal in the Brazil Plan of Action. The aim of the Observatory is to build a common regional system for data collection and analysis of quantitative and qualitative information on displaced populations in Central America, facilitate policy formulation, and foster regional coordination and cooperation.

In the context of the Dignified and Safe Transit Programme, a profiling exercise of internally displaced people (IDPs) was concluded in Honduras. This diagnostic was undertaken by the Inter Institutional Commission for the Protection of People Displaced by Violence (CIPPDV), jointly with the National Institute for Statistics (INE) and ERIC-SJ (*Equipo de Reflexión, Investigación y Comunicación de la Compañía de Jesús*), and with the technical support of the Joint IDP Profiling Services (JIPS) and UNHCR, provides important information on the trends, causes, victims and consequences of internal displacement in Honduras, and will assist the development of policies and the adoption of measures to prevent forced displacement.

## Regional solidarity with the Caribbean for a comprehensive response on international protection and durable solutions

### What is this about?

Addressing the challenges in responding to complex mixed movements, and seeking to find a balance between ensuring the integrity of borders and addressing the protection needs of asylum-seekers in the region.

#### ▪ Status

In addition to the various achievements noted in the context of enhancing asylum systems, nine key partner countries and territories – Aruba, the Bahamas, Belize, the Cayman Islands, Jamaica, Trinidad and Tobago, the Turks and Caicos Islands, and the United States – took important steps towards establishing a Regional Consultative Process for the Caribbean (RCP). The RCP aims to increase national and regional capacity to manage mixed movements and implement comprehensive responses within a rights-based framework with a focus on protecting people at sea.

An important example which confirms the spirit of renewed cooperation in the region is the regional refugee resettlement transfer mechanism, which was piloted by Trinidad and Tobago, to promote resettlement as a durable solution.



Children in Parroquia Maldonado in Ecuador. The EU Children of Peace initiative ©UNHCR / S. Escobar Jaramillo

## Eradicating statelessness

**What is this about?** Latin America and the Caribbean were the first regions to endorse UNHCR's call to end global statelessness within ten years. The participating countries of the Brazil Plan of Action are committed to achieve this goal by 2024.

- **Accession to the international statelessness instruments**

Since December 2014, El Salvador acceded to the 1954 Convention on the Status of Stateless Persons, and Belize and Peru acceded to the 1961 Convention on the Reduction of Statelessness.



Indigenous children from the Ngöbe Buglé awaiting their birth registration in Costa Rica. ©UNHCR Costa Rica.

- **Protecting stateless people and reducing statelessness**

In Colombia, the Government issued Circular 059, which establishes that all children born to aliens on Colombian territory should be registered, regardless of whether they are permanent residents or not, and thereby facilitating their access to Colombian nationality. *Chiriticos*, a project undertaken in Costa Rica in an alliance with the Registrar's Office of the Supreme Electoral Tribunal,

UNICEF and UNHCR, obtained significant results. The project aims to identify *Ngöbe Buglés* indigenous children and youth born in Costa Rica to Panamanian parents who were not registered at birth and assist them with late birth registration and documentation procedures. In just one year, the project assisted 3,000 persons and identified another 7,000 *Ngöbe Buglés* whose nationality has not yet been determined. In view of this need, the Tribunal requested the extension of the project to also include the northern border to benefit children born in Costa Rica to Nicaraguan parents and who may be in a similar situation. A major step towards the eradication of statelessness was also undertaken in Brazil with the passing of Decree 8.501 in August, which, through promulgation of an earlier Decree, approved Brazil's accession to the 1961 Convention on the Reduction of Statelessness.

In Peru, a new Migration Supreme Decree was adopted in October 2015, providing safeguards for stateless people residing in the country. In Uruguay, the Ministry of Foreign Affairs reviewed a draft law for the protection of stateless people and is expected to submit the law to Parliament before the end of 2015.

In June 2015, UNHCR, the Center for Justice and International Law, and the Open Society Justice Initiative organized the first regional meeting of the Americas Network on Nationality and Statelessness in San José, Costa Rica. Over 30 representatives from non-governmental organizations discussed common challenges related to preventing and responding to statelessness, particularly in the context of operationalizing UNHCR's Global Action Plan to End Statelessness 2014-2024 and the Brazil Plan of Action.

## Enhancing regional cooperation

### What is this about?

Countries in Latin American and the Caribbean are committed to consolidating regional and sub-regional mechanisms related to migration, refugees, displaced and stateless people.

#### ▪ Status



Children from Central America in a shelter in Mexico and Guatemala. ©UNHCR/R. Ramírez Arriola.

An inter-parliamentary meeting held in July between Mexico and Ecuador discussed state responses to regional challenges such as mixed movements and the displacement of unaccompanied and separated children. In follow-up to the Brazil Plan of Action, a technical exchange mission by delegates of the Ecuadorian Public Defender's Offices to Argentina took place. The mission provided an opportunity to learn from the experience of Argentinian counterparts when providing legal assistance to asylum-seekers and refugees through the RSD process.

The regional coordination mechanism of the CONAREs, the national Commissions for Refugees, of the MERCOSUR countries was established and its internal regulations and a triennial work plan adopted in June 2015. Also, a Letter of Intent was signed between the Institute of Public Policies on Human Rights (IPPDH for its Spanish abbreviation) of the MERCOSUR countries and UNHCR in May 2015 and a work plan was agreed to support the Brazil Plan of Action.



Children from Central America in a shelter in Mexico and Guatemala. ©UNHCR/R. Ramírez Arriola.