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Update on UNHCR's operations in the Americas

A. Situational analysis including new developments

Colombia situation

Talks are ongoing between the Colombian Government and *Fuerzas Armadas Revolucionarias de Colombia* (FARC) to negotiate an end to five decades of conflict. Similar discussions with *Ejército de Liberación Nacional* (ELN) are foreseen, which would significantly improve the prospect of peace in Colombia and facilitate durable solutions for the displaced. Additionally, the Colombian Constitutional Court has extended the scope of the Law on Victims and Land Restitution to include persons victimized by criminal entities as well as by illegally armed and demobilized groups, making assistance and reparation available to many more displaced persons.

Despite these positive developments, populations continue to be newly displaced in Colombia. Intensified conflicts in Chocó, Nariño, Norte de Santander and Putumayo departments induced new displacements, while violent clashes for territorial control in the cities of Medellín, Buenaventura and Tumaco have caused large intra-urban displacements. In addition to the continuous arrival of over one-thousand asylum-seekers per month in Ecuador, there was a surge in border crossing from the Catatumbo area into Venezuela in July 2013. Humanitarian needs among the affected populations remain acute. A balanced approach to prevention, protection and solutions remains essential.

Prevention and reduction of statelessness

States in the Americas continued to make progress in the prevention and reduction of statelessness. Nicaragua adopted both conventions on statelessness¹ in July 2013 and other States, including Argentina, Colombia, El Salvador, Haiti and Peru, are considering or are in the process of ratification. Other countries are exploring ways of identifying stateless populations and providing solutions to stateless individuals, such as Brazil, Costa Rica, Peru, the United States of America and Uruguay. UNHCR is closely working with the Governments of Haiti and the Bahamas on nationality laws.

Comprehensive solutions

In May 2013, a conference on solutions for displaced persons was jointly organized by the Colombian Government, the Capital Cities Association, the Mayor of Bogotá, the United Nations Development Programme (UNDP) and UNHCR. The conference enabled international, national and local partners to exchange best practices in order to inform public policy. Assistance for local integration, relocation and return of IDPs is being provided under the aegis of the Transition Solutions Initiative (TSI) in

¹The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness

17 locations.

In Costa Rica, livelihoods strategies involving the private sector are providing job opportunities for refugees. UNHCR, in turn, offers vocational training to refugees to prepare them for opportunities provided by private enterprises and corporations.

Panama recently adopted Bill 623, which allows refugees who have resided in the country for at least three years to obtain a permanent residency permit, facilitating opportunities for local integration.

In Brazil, UNHCR is working with the authorities to explore protection-sensitive migration solutions within existing regional legal frameworks. This could expand the possibility of finding solutions for many refugees in Latin America who might otherwise remain in protracted refugee situations.

Central America

The unprecedented level of violence due to the illegal activities of transnational organized crime groups in Central America continues to have a major humanitarian impact, particularly as protection mechanisms are weak. UNHCR, supported by the European Commission's Directorate-General for Humanitarian Aid and Civil Protection (ECHO) is increasing its presence in Central America, improving the quality of data to better assess and monitor new displacement patterns, and intensifying its advocacy on behalf of asylum seekers, refugees and other persons of concern.

Cartagena Declaration approaching 30 years

The year 2014 will mark the 30th anniversary of the Cartagena Declaration (Cartagena@30). This occasion represents an opportunity to reflect on both progress and persisting protection challenges facing the continent. It is also an occasion to build on the results of the 2004 Mexico Declaration and Plan of Action to Strengthen International Protection of Refugees in Latin America (*Plan de Acción de México*). The commemoration process of Cartagena@30 will aim for States of the region to adopt a new declaration and plan of action to drive the region's protection and solutions strategy for the next decade. Themes of the discussions will likely include the quality of asylum and refugee status determination systems; protection within mixed migration movements; statelessness; protection needs of those fleeing transnational organised crime; and innovative initiatives for comprehensive solutions, including the use of migratory frameworks.

B. Progress and challenges in achieving strategic priorities

Strengthening protection standards in the Americas

UNHCR advocated with relevant authorities for the inclusion of protection considerations for persons of concern in legislative instruments such as the United States' comprehensive immigration reform bill, which is currently under discussion. Issues such as access to territory and asylum, alternatives to detention, as well as recognition of stateless status, are target areas for reform or new legislation.

In Canada, a ground-breaking decision from the Supreme Court in the *Ezokola* case rejected the principle of 'complicity by association,' preventing automatic exclusion of those asylum-seekers whose role in committing excludable crimes has not been ascertained through a full exclusion analysis.

Following the positive outcome of the quality assurance initiative (QAI) in Costa Rica, Mexico and Panama, Argentina is considering extending QAI to its National Eligibility Commission. Wider participation in the QAI will support a harmonized approach towards refugee status determination in the region.

Protection in mixed migratory flows

Complex mixed migratory flows, which often combine persons of concern traveling alongside irregular labour migrants, are common in the Caribbean region. In May

2013, the Bahamas hosted the UNHCR-IOM Caribbean Regional Conference on the Protection of Vulnerable Persons in Mixed Migrations Flows - Promoting Cooperation and Identification of Good Practices. Discussions focused upon the need to enhance national and regional capacities to more effectively manage these migratory flows. Caribbean States and civil society agreed on the need to establish differentiated procedures for vulnerable refugees, asylum-seekers and migrants, including victims of trafficking and unaccompanied children. However, insufficient institutional capacities and scarcity of resources are significant constraints to establishing protection-sensitive entry systems.

In 2013, UNHCR, together with with other United Nations agencies, began the two year project entitled “Supporting the strengthening of government institutions and civil society capacities to improve the protection of vulnerable migrants in transit and persons in need of international protection”. The project includes physical improvements to infrastructure, including shelter and information communication technology, and capacity-building initiatives for personnel. Staff working in shelters will improve their knowledge of detention and referral mechanisms, and a comprehensive project is underway for strengthening capacity of migration personnel on best interest determination procedures.

Age, Gender and Diversity

UNHCR has conducted interviews with 400 unaccompanied and separated children apprehended while attempting to enter the United States by crossing various sites of the US-Mexico border. These interviews are part of research being conducting on the root causes of migration to the United States of America from Central America and Mexico. Most of the interviewees have been children from El Salvador, Guatemala and Honduras. The study aims to devise ways to better provide international protection to unaccompanied and separated children.

In Haiti, a safe house operated by UNHCR partner SEROvie offers shelter, vocational training and relocation support to displaced lesbian, gay, bisexual, transsexual and intersex (LGBTI) victims of sexual and gender-based violence (SGBV). Recently, a spike in public protest and widespread discrimination against LGBTI people have fuelled acts of violence against this group, who experience increased protection challenges that UNHCR and its partners are working to address.

C. Financial information

The approved initial 2013 budget for the Americas was US\$ 101.6 million. The current budget is US\$ 102.1 million. The slight increase is mainly due to additional funds for regional SGBV prevention and response, HIV/AIDS prevention and the urban refugee profiling exercise in Ecuador.
