

**Executive Committee of the
High Commissioner's Programme**
Sixty-first session
Geneva, 4-8 October 2010

30 September 2010

Original: English and French

Update on UNHCR's operations in the Americas - 2010

This update presents some examples of challenges, progress and developments in the region since the last strategic overview presented to the 47th meeting of the Standing Committee in March 2010. A more comprehensive report will be provided in the forthcoming Global Appeal 2011 Update.

A. Major challenges and new developments

The Enhanced Registration process in **Ecuador** was completed in March, resulting in the recognition of some 27,000 refugees. Despite this success, it is estimated that there will be some 15,000 new asylum claims at the end of the year and the backlog will remain at nearly 50,000, with Ecuador still the main asylum country for Colombians who are recognized refugees in Latin America. Strengthening the refugee status determination (RSD) process and enhancing the livelihoods and self-reliance of persons of concern to UNHCR, as well as efforts to support receiving border communities, remain major challenges.

In the **Bolivarian Republic of Venezuela**, the support provided to the Refugee Department to deal with the backlog of claims, particularly in the border areas with Colombia, has resulted in the review of some 1,600 claims in the first months of implementation.

In **Colombia**, 15 action plans for the prevention of forced displacement have been set up. These include the protection of land belonging to internally displaced persons (IDPs) or persons at-risk, notably the collective land tenure of indigenous and afro-Colombian populations, and the provision of identification documents, with some 60,000 out of the targeted 100,000 documents distributed so far. The Office has continued to engage with authorities at the local and central levels to ensure that measures are taken to protect IDP leaders who continue to receive threats.

In **Panama**, legislation was introduced to grant permanent residency to long-staying refugees, which so far has benefited some 240 persons.

In the Southern Cone, there were significant achievements in developing national and regional protection and legal frameworks (e.g. enactment of the refugee law in **Chile** and regulation of the migration law in **Argentina**, the adoption of a first draft refugee law in **the Plurinational State of Bolivia**, the enhancement of national RSD procedures, and the development of standard operating procedures for the identification and assistance of trafficked persons). While a number of countries were engaged in providing legal residence and documentation for identified stateless persons, the lack of resources hampered efforts to establish formal procedures for the determination of the status of stateless persons.

In **Canada**, the reform of the refugee system has resulted in a more protection-oriented refugee law, which preserves a full first instance hearing and has created an appeal procedure for all claimants receiving a negative decision. In addition, as part of the refugee reform package, an increase of 2,500 resettlement places has also been announced.

In the **United States of America**, advocacy work for protection and solutions made progress through court interventions, addressing the definition of membership of a particular social group and the interpretation of gang-related cases. Likewise, briefs were prepared on how to adjudicate the substantive aspects of children's asylum claims. The Office continues to engage closely with the Department of Homeland Security, including by providing recommendations on its major detention reform efforts.

In **the Caribbean**, the main focus has been on the humanitarian response to the massive earthquake that destroyed **Haiti's** capital in January, through the provision of emergency relief and shelter to more than 200,000 beneficiaries and the evacuation of injured people to the Dominican Republic. UNHCR provides support to the protection cluster led by the Office of the High Commissioner for Human Rights, and continues to implement quick impact projects along the border with the **Dominican Republic** as well as in remote areas outside of Port-au Prince. A new Office of the Chargé de Mission in Santo Domingo was formally opened on 1 June 2010. Discussions are under way on how to support the authorities with RSD, and national partners with humanitarian and local integration assistance.

UNHCR has been strengthening its working relationship with the **Organization of American States** (OAS) by providing technical support to relevant bodies. Resolutions on refugees, IDPs, and - for the first time - on stateless persons, were unanimously adopted by the OAS General Assembly held in Lima, **Peru**.

Following the November 2009 Regional Conference in **Costa Rica** on the 10-Point Plan of Action, UNHCR and the International Organization for Migration (IOM) jointly presented project proposals focusing on extra-continental migration, the setting up of profiling and referral mechanisms, and capacity building and training activities for immigration and border officials on protection considerations arising from migration movements. These activities will be implemented in Mexico and Central America and will be linked to the Regional Conference on Migration (Puebla Process). More project proposals have been identified but will require additional financial resources. It is expected that UNHCR and IOM's partnership at the field level will be strengthened through the implementation of these projects.

In order to increase awareness about trafficking in persons and the link to refugee protection, the joint standard operating procedures developed at the global level by UNHCR and IOM were validated in various national and regional meetings, and have begun to be implemented in the Americas. An increasing number of unaccompanied minors have been identified and documented in the southern border area between **Mexico** and **Guatemala**, and a joint project proposal to address their humanitarian concerns has been drafted by UNHCR and IOM.

Gang-related violence continues to generate forced displacement in Central America, particularly in **El Salvador**, Guatemala and **Honduras**. UNHCR's recent eligibility guidelines will help raise awareness about this phenomenon and the humanitarian considerations for those who flee and may be in need of international protection, and assist asylum countries in their interpretation of the refugee definition in this regard.

In Mexico's Congress, various hearings were held as part of the discussions for the adoption of new refugee legislation. Once adopted, all countries in Latin America, as Parties to the refugee instruments, will have enacted refugee legislation, contributing to the enhancement of the legal and institutional framework for the protection of asylum-seekers and refugees in the entire region. This leaves the Caribbean as the only priority region for accession to the international refugee instruments, the adoption of national legislation and the setting up of asylum systems. Advocacy efforts continued throughout the continent to increase the number of States Parties to the international instruments on statelessness.

B. Progress on strategic priorities

With the exception of the Caribbean, most countries have reported on improvements in international and regional instruments and national legal frameworks. However, access to procedures and fair and efficient status determination are priorities where targets are yet to be achieved. Likewise, according to reports, refugees are at risk of *refoulement* in at least three countries in the region.

Significant progress was achieved in community self-management and equal representation, by working with host communities and empowering refugees and displaced persons to take part in decisions and processes to access their rights. However, limited funding has hampered progress in improving self-reliance and livelihood standards.

The Mexico Plan of Action continues to be a relevant strategic framework for Latin America, notably in relation to strengthening reception mechanisms and protection-sensitive borders and promoting innovative ways to protect and integrate refugees in the urban context. As part of the implementation of UNHCR's policy on urban refugees and its direct linkage with the Cities of Solidarity component, a number of pilot cities have been identified. In order to improve the quality of asylum, new strategies and expertise are required to ensure refugees' access to housing, micro-credit, job placement and other income-generation activities. Promoting access to work permits for asylum-seekers is being pursued, particularly in countries where refugee status determination takes more than six months.

Argentina, Brazil, Chile, Paraguay and Uruguay have reaffirmed their commitment to the solidarity resettlement programme which, in 2010, has resettled 58 persons, with a total of over 1,000 resettled since its creation in 2004.

C. Financial information

The approved 2010 Global Needs Assessment (GNA) for field operations in the Americas was USD 78.5 million. The initial budget target was established at USD 49.9 million. Following the earthquake in Haiti, the 2010 revised GNA for the Americas Bureau was modified to USD 91 million. Following adjustments throughout the year, as of August 2010, the interim budget target (IBT) for the Americas was USD 57.3 million (excluding Haiti) or USD 61.3 million (including Haiti). The unfunded IBT 2010 (GNA vs. revised IBT) is USD 21.2 million (excluding Haiti), which constitutes a gap of 27 per cent. Total revised GNA vs. revised IBT = 67 per cent funded.

With the exception of the following operations, the rest are over 75 per cent funded for the GNA component:

- Ecuador: GNA USD 16.4 million, Revised IBT USD 9.7 million: 60 per cent funded
- Panama: GNA USD 2.3 million, Revised IBT USD 1.1million: 50 per cent funded
- Bolivarian Republic of Venezuela: GNA USD 6.7 million, Revised IBT USD 4.2 million: 62 per cent funded

The gaps in funding for Ecuador and the Bolivarian Republic of Venezuela affect UNHCR's capacity to support the Governments' efforts to establish and run efficient RSD systems. Likewise, income-generation and community-based activities that would promote the integration of refugees have had to be curtailed.