



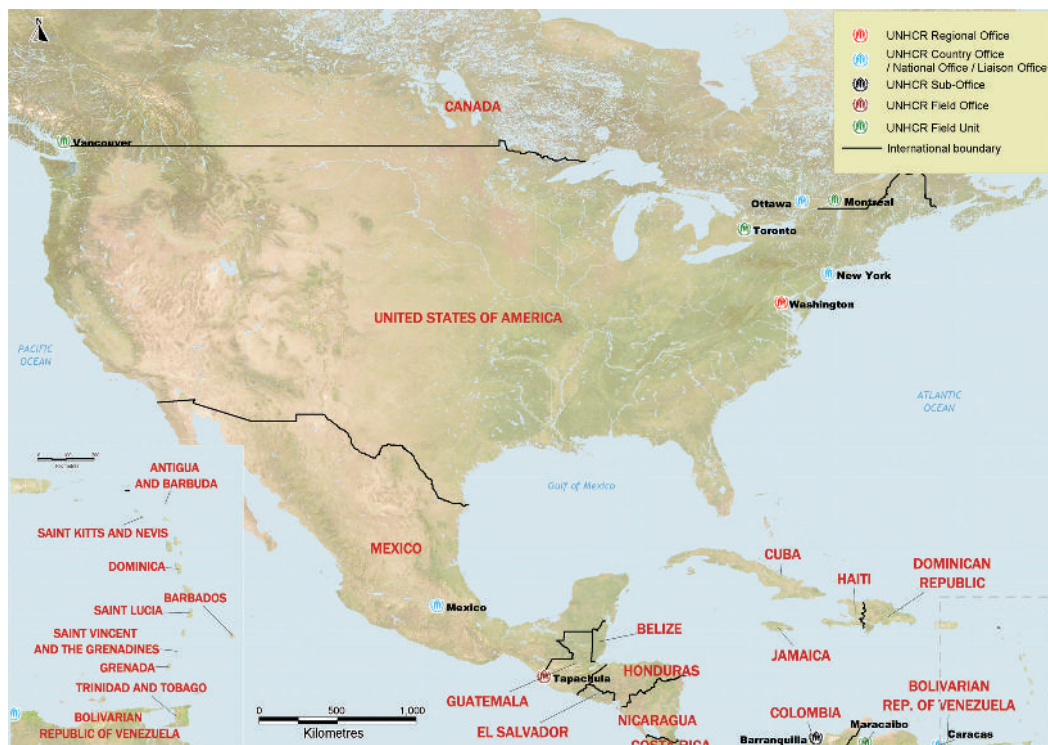
Antigua and Barbuda  
Bahamas  
Barbados  
British overseas territories (Anguilla,  
Bermuda, British Virgin Islands, Cayman  
Islands, Turks and Caicos Islands, Montserrat)  
Canada  
Dominica  
Dominican Republic  
French overseas departments (Martinique,  
Guadeloupe)  
Grenada  
Haiti  
Jamaica  
St. Kitts and Nevis  
St. Lucia  
St. Vincent and the Grenadines  
Trinidad and Tobago  
United States of America

Children outside an UNHCR tent in Camp Hope run by the American Refugee Committee.

# North America and the Caribbean

## | OPERATIONAL HIGHLIGHTS |

- UNHCR continued to seek the political and financial support of the Governments of the United States and Canada for its work to protect and find durable solutions for refugees.
- In the United States, UNHCR sought to ensure that the country's laws and policies, as well as their implementation, were in accordance with its obligations under the 1967 Protocol relating to the Status of Refugees. Specifically, UNHCR promoted reforms to the way in which the refugee definition is being applied in US law and urged an effective process for consideration of waivers of "terrorist"-related grounds of inadmissibility, which continued to affect thousands of recognized refugees. UNHCR urged reform of detention policies related to asylum-seekers and raised the profile of stateless persons in the United States. UNHCR also encouraged the Government to review its asylum procedures to enhance their fairness and efficiency and to improve the quality of decision-making.
- The United States is the largest resettlement country in the world, and accepted some 61,000 people referred by UNHCR in 2009. More than 80 per cent of UNHCR's global resettlement referrals are to the United States and Canada.
- In Canada, UNHCR worked to ensure that asylum-seekers were allowed into the country and had access to its refugee status determination (RSD) procedures. UNHCR staff undertook missions to ports of entry, with a particular focus on key land borders.
- UNHCR also sought to ensure the right of asylum-seekers to appeal, based on the merits of their case, if found not to be refugees by the Canadian Immigration Review Board. In 2009, Canada resettled more than 12,400 refugees, of whom 6,500 were referred by UNHCR.
- In the Caribbean, UNHCR provided humanitarian assistance and legal aid to asylum-seekers and refugees through its implementing partners and a network of Honorary Liaisons. The Office registered asylum-seekers and determined their status in non-signatory States as well as a number of signatory States that did not have refugee legislation or national asylum procedures. It also gave priority to the search for durable solutions by supporting local integration and the strategic use of resettlement.
- The Governments of the United States, Canada and several key Caribbean States participated in the 10-Point Plan Conference on Refugee Protection and Mixed Migration in the Americas. Organized by UNHCR and IOM, the conference aimed to strengthen regional responses for protecting refugees and other vulnerable groups within the hemisphere's complex migratory environment.



The United States Department of Homeland Security (DHS) announced plans to reform the detention system for asylum-seekers, changing it from a criminal to a civil model. This will include different types of detention facilities and an expansive “alternatives to detention” programme. The plans are to house non-criminal, non-violent populations, including asylum-seeker arrivals, at appropriate facilities and to expand legal support services. The DHS will also develop an assessment tool to identify those suitable for alternatives to detention.

The United States Government has shown greater interest in the situation of stateless individuals in the country. It has established an internal working group to create

consistent administrative policies for the treatment of stateless individuals. Congressional offices have also expressed interest in including language in relevant bills which would provide a method for stateless individuals to gain lawful permanent residence in the United States and eventual citizenship.

In 2009, the United States authorities removed HIV and AIDS from the list of diseases which bar individuals from admission to the country without a waiver. Removing this legal bar—in place for almost two decades—had been a longstanding UNHCR objective. Mandatory testing of refugees for HIV and AIDS prior to arrival was also eliminated.

In Canada, a key objective for UNHCR in 2009 was to ensure that people of concern who were detained were not comingled with suspected or convicted criminals. Interventions by UNHCR and other stakeholders have resulted in improvements in detention conditions for detained asylum-seekers, especially with regard to access to information and support regarding asylum procedures, and particularly for those detained in provincial jails.

Cooperation with the Canadian Border Services Agency (CBSA) was enhanced through regular meetings and joint missions to ports of entry. Formal and informal training sessions were conducted for hundreds of CBSA front-line employees at airports and land borders. UNHCR also provided training materials for newly hired CBSA staff. In 2009, training expanded to include sessions for CBSA staff college teachers. UNHCR also provided training opportunities for and monitored hearings conducted by Immigration and Refugee Board (IRB) decision-makers.

In the Caribbean, better identification of asylum-seekers, including through enhanced monitoring of detention centres by UNHCR and its partners, saw more people of concern accessing RSD procedures. UNHCR registered twice as many asylum-seekers in the Caribbean region in 2009 as in the year before. Resettlement activities in the Caribbean were also significantly expanded in cooperation with the United States Government. Meanwhile, NGO partners and Honorary Liaisons improved their capacity to identify potential asylum-seekers and to target special assistance or protection interventions for vulnerable cases within a complex migration environment.

## Working environment

In the United States, the Government has demonstrated a commitment to its international obligations, particularly with regard to the parole of asylum-seekers and stateless individuals. However, adjudications by the immigration courts and administrative appellate bodies diverged from international standards. The economic recession has affected the capacity of refugee assistance agencies at the local level.

In Canada, the media’s focus on perceived abuse of the asylum system has had a negative impact on the public’s perception of asylum-seekers.

In Canada, a legal challenge to the Canada-USA Safe Third Country Agreement launched by Canadian and United States-based NGOs and lawyers’ groups failed at the Federal Appeals Court level in January 2009. The plaintiffs were denied the option of appealing to the Supreme Court.

Legislative efforts to enable asylum-seekers rejected in first instance refugee status determination procedures to appeal negative decisions to the Refugee Appeals Division were defeated in December 2009. Until planned reforms to its refugee law are introduced, Canada will continue to provide only a single tier system for the review of asylum claims

The operational context in the Caribbean is characterized by lack of protection safeguards for asylum-seekers and refugees travelling by sea and air within complex mixed migratory movements. Each year, tens of thousands of undocumented migrants travel through the Caribbean towards North America, where they hope to have a better chance of receiving protection.

In 2009, the number of extra-regional asylum-seekers and refugees identified within large-scale migratory flows in the Caribbean rose more than 140 per cent with asylum-seekers from at least 28 different countries identified during the year. The risks of mass migration and refugee emergencies persist in the northern Caribbean.

## Achievements and impact

UNHCR continued to work to ensure that international standards of protection were met for all people of concern in the United States. The Government rescinded the restrictive 2007 parole guidelines for asylum-seekers and issued new rules effective from January 2010 which reflect UNHCR’s recommendations.

**| Constraints |**

Despite advances in reforming the detention system, asylum-seekers continued to be detained in penal facilities in the United States. In addition, administrative adjudication bodies continue to make decisions inconsistent with international law and standards, in particular with regard to the particular social group category.

The United States Government undertook a major review of its resettlement programme and policies in response to the growing difficulties faced by refugees owing to poor economic conditions. Throughout the year, UNHCR participated in formal and informal discussions with officials and NGOs on ways to respond to these new challenges.

Since early 2006, UNHCR has been urging for vacant posts in the Canadian Immigration and Refugee Board (IRB) to be filled in order to avoid the re-emergence of a backlog. The number of asylum-seekers awaiting a decision at the IRB has increased from 20,000 in mid-2006 to more than 60,000 in 2009. Despite recent staff appointments, the IRB does not have sufficient resources to address the caseload.

In the Caribbean, systematic interception, detention and return policies are widely practiced. Most Caribbean States and territories do not have adequate procedures to identify asylum-seekers, and most lack the political will to address existing gaps. States in the region are not adequately prepared to receive, protect and assist arrivals in a potential mass influx

**| Operations |**

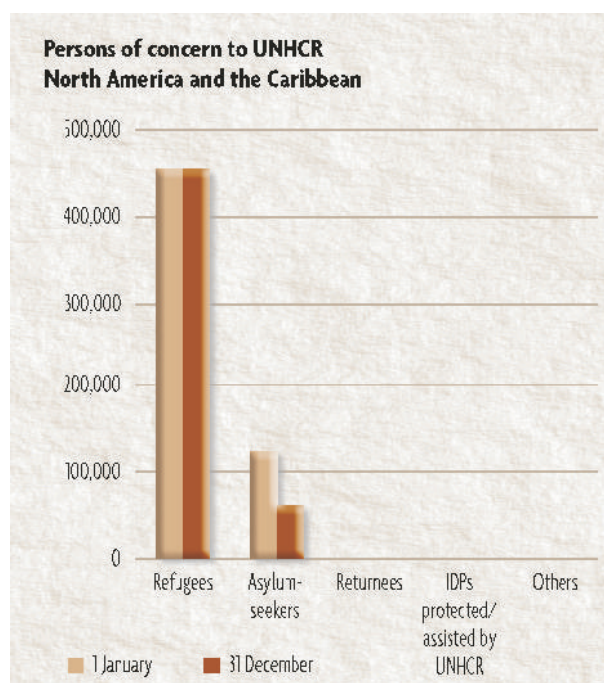
In the **United States**, UNHCR used various means to pursue its objective of ensuring that international standards of protection are met for all people of concern. These included advocating for continued improvement of the asylum system as well as efforts to address statelessness issues. UNHCR regularly engaged with the Government and also trained government adjudicators, immigration attorneys and non-governmental organizations.

UNHCR's overarching protection goal in **Canada** in 2009 was to support Canadian national asylum mechanisms. The Office promoted access to territory and full and fair RSD and lobbied for a generous resettlement environment. UNHCR's efforts to support and monitor refugee protection included interviewing and intervening regarding those at risk of refoulement.

In the **Caribbean**, 2009 saw UNHCR give priority to the provision of legal advice to governments on individual asylum claims and refugee policy. It also put emphasis on building the capacity of its NGO partners. Of equal importance were humanitarian assistance, legal aid, detention centre monitoring, registration and RSD. The search for durable solutions, including the expansion of resettlement opportunities continued.

**| Financial information |**

In 2009, the United States continued to be UNHCR's largest donor, providing USD 640 million, or 37.3 per cent of total contributions. Of this amount, 25 per cent was to support Iraqi refugees and displaced persons. Canada contributed USD 45.6 million in 2009, its highest contribution since 1992. UNHCR continues to seek the support of governments, civil society and, increasingly, the private sector in the two countries for its operations worldwide.



Budget and expenditure in North America and the Caribbean (USD)		
Country	Annual budget	
	Final budget	Expenditure
Canada	1,501,797	1,439,846
United States of America <sup>1</sup>	3,829,096	3,809,311
<b>Total</b>	<b>5,330,893</b>	<b>5,249,157</b>

<sup>1</sup> Includes legal assistance and durable solutions for refugees and asylum-seekers in the United States, as well as protection of refugees and capacity building in the Caribbean. Note: Excludes indirect support costs that are recovered from contributions against supplementary programmes and the "New or additional activities-mandate-related"(NAM) reserve.

Voluntary contributions to North America and the Caribbean (USD)			
Earmarking	Donor	Annual budget	Total
United States of America	United States of America	296,363	296,363
	<b>United States of America subtotal</b>	<b>296,363</b>	<b>296,363</b>
<b>Total</b>		<b>296,363</b>	<b>296,363</b>

Note: Contributions listed above exclude indirect support costs that are recovered from contributions against supplementary programmes and the "New or additional activities-mandate-related" (NAM) reserve.