

Overview of UNHCR's operations in the Americas

A. Situational context including new developments

Colombia situation

Despite significant challenges, a peace agreement, reached in August 2016, put an end to fifty-years of conflict between the Government of Colombia and the Revolutionary Armed Forces of Colombia (FARC). A de facto bilateral ceasefire prior to the final agreement facilitated the conclusion of this process. Following the signing of this accord, a national referendum will take place in October 2016 to approve and implement the agreement. Notwithstanding this progress, new displacement continues to occur both inside the country and across borders, mainly as a result of increased violence by illegal armed groups. UNHCR supported governments in the region to respond to new population movements, with rights-based contingency and emergency response plans. The Office continued to promote solutions for internally displaced persons (IDPs) through local integration, return and relocation programmes; as well as for Colombian refugees in the region, including through local integration programmes and, when conditions permit, voluntary repatriation assistance.

Colombians continued to seek protection in Ecuador, with around 400 asylum claims filed each month, according to the government. UNHCR is assisting the Government of Ecuador's efforts to improve its refugee determination procedures. On 16 April 2016, an earthquake claimed the lives of over 660 people in north-western Ecuador. UNHCR delivered 200 million tonnes of humanitarian aid in two airlifts and provided technical advice and support. The Office also led the protection response focused on promoting community-based initiatives; mainstreaming protection in camp management; ensuring access to civil registration and psychosocial support. The organization is also providing support by training governmental actors and strengthening national protection institutions. UNHCR is now gradually returning to its core mandate activities.

The difficult economic situation in Venezuela (Bolivarian Republic of) in 2016 affected the lives of the nearly 6,700 refugees and approximately 167,000 unregistered Colombians. A profiling exercise to address new protection challenges and secure solutions for persons of concern in Venezuela (Bolivarian Republic of) will be implemented this year together with the government counterparts.

Central America

The complex situation in El Salvador, Guatemala and Honduras continued to fuel mixed movements mostly to Belize, Costa Rica and Mexico, as well as further into North America. Children, adolescents and women, exposed to specific protection risks, including sexual and gender-based violence, continue to move in large numbers. In June 2016, UNHCR launched a Supplementary Budget Appeal to enable the Office to address

displacement in and from Central America, as well as to support the authorities in countries of origin, transit and asylum in the implementation of protection, reception and referral mechanisms as well as advocacy and awareness-raising activities. During 2016, UNHCR has reinforced inter-agency protection networks; expanded its presence and partnerships on the ground; it also implemented capacity building, registration and refugee status determination; conducted border monitoring; as well as provided basic legal advice.

UNHCR and the Organization of American States (OAS) co-facilitated a high-level roundtable on protection needs in the Northern Triangle of Central America, hosted by the government of Costa Rica and supported by the Central American Integration System. In a joint statement, governments acknowledged the need to strengthen the protection of asylum-seekers, refugees, returnees and internally displaced persons in the region. They also stressed the importance of developing and implementing legal frameworks and public policies to provide protection mechanisms for IDPs; of timely identification of persons in need of protection; of unhindered access to fair and efficient protection procedures; of providing alternatives to detention for asylum-seekers; and of ensuring their access to legal aid.

The Caribbean

While draft amendments to promote gender equality in citizenship matters under the Constitution of the Bahamas were rejected in a national referendum in June 2016, the Office continues to work towards eradicating statelessness.

The Office has developed a strategy which specifies a number of objectives to strengthen protection and solutions in the region, including through enhanced screening and identification in the context of mixed migration; the establishment of national asylum procedures and adequate reception facilities; as well as ensuring access to refugee status determination and alternatives to detention. It also includes efforts towards local integration, as well as eradicating statelessness.

UNHCR also delivered emergency assistance to thousands of residents of Belize including to asylum-seekers who were left in vulnerable conditions, in response to the devastating effects of Hurricane Earl.

The Southern Cone

UNHCR continued to strengthen its strategic partnerships with government counterparts in Southern Cone countries, to consolidate protection space in the subregion. While UNHCR worked with the private sector to facilitate the local integration of refugees, including by providing livelihood opportunities and through partnerships that complement the efforts of central and municipal authorities, the situation remained challenging. Support was also provided in Argentina, Brazil, Chile and Uruguay to strengthen the capacity of government counterparts and civil society to implement sustainable national resettlement programmes, as well as other forms of admission that will benefit refugees and people in need of international protection.

B. Progress and challenges in achieving the global strategic priorities

Access to asylum

The region has observed a noticeable increase in mixed migratory flows, comprising mainly of Cubans and Haitians, moving north. Asylum applications, including those arising from such movements, have increased in the Americas, putting strain on the asylum space in countries of transit and destination. National asylum structures, some of

which require assistance to avoid backlogs of pending cases, are also under pressure to meet the protection needs of applicants from within the region. Despite these challenges, concerned States are committed to strengthening institutional capacity and training to uphold quality asylum systems within the framework of the Brazil Plan of Action.

The Quality Assurance Initiative (QAI) continued to improve the fairness and efficiency of refugee status determination in a number of countries in Latin America (Argentina, the Plurinational State of Bolivia, Brazil, Chile, Costa Rica, Mexico, Panama and Peru). For example, Brazil established a registration system for asylum-seekers that allows for a more predictable and manageable scheduling of the refugee status determination process, resulting in better protection against refoulement, arrest and detention, as well as access to assistance during the processing phase. Costa Rica strengthened the capacity of its national eligibility bodies both at first and second instances, assuming greater responsibility in processing of asylum claims and enabling them to address the existing backlog before the end of the year. Mexico recently finalised a constitutional amendment, which includes the right to seek asylum and refugee protection, and the OAS General Assembly, held in the Dominican Republic in June 2016, adopted a resolution on human rights, which includes references to the protection of refugee and stateless persons. A separate resolution on IDPs was also adopted.

A number of initiatives to improve asylum systems are currently being discussed throughout the region. Trinidad and Tobago is exploring the possibility of joining the QAI programme, becoming the first country in the Caribbean to apply QAI standards and methodology to develop national refugee status determination. A draft migration code, including a chapter on refugee issues, is before the National Congress in Guatemala. The identification of persons in need of protection, especially at border areas, has been recognized as a regional priority to ensure adequate access to refugee status determination.

Comprehensive solutions

In February 2016, the Government of Colombia launched a protection and reparations framework for the victims of armed conflict, designed to consolidate return, integration and relocation processes for Colombian refugees and IDPs.

In June 2016, UNHCR successfully completed the implementation of the three-year Transitional Solutions Initiative pilot project benefiting 17 communities in Colombia that were involved in local integration, return and relocation processes. Two evaluation exercises are expected to be finalized by the end of 2016. The results will allow further fine-tuning of UNHCR's protection and solutions strategy and include lessons learned to be shared with the Government.

In Ecuador, UNHCR contributed to the drafting of the human mobility law, which incorporates issues relating to refugees and stateless persons, with the aim of reinforcing access to asylum and legal integration of refugees. The organization also provided training and technical assistance on refugee status determination to the Refugee Directorate.

UNHCR continued to pursue new ways to achieve economic and legal integration solutions for Colombian refugees in Ecuador, including through the integration of protection safeguards to the MERCOSUR¹ visa scheme. The upcoming agreement between the Refugee Directorate and the Civil Registry is expected to result in the

¹ Mercado Común del Sur.

inclusion of refugees in the Registry and the provision of national identification cards to enable them to access basic services and other rights guaranteed under the Constitution.

The multi-year National Human Rights Plan that was adopted by Venezuela (Bolivarian Republic of) in February 2016 envisages an inter-institutional response to strengthen the protection of persons of concern and bring about solutions. UNHCR is focusing on assisting persons of concern to obtain documentation so that they have access to services and rights.

The city of Porto Alegre in Brazil hosted the first regional meeting of “Champion Cities” on the local integration of refugees and asylum-seekers, which proposed a set of basic criteria for “Cities of Solidarity”. São Paulo is the first city in Brazil to have established a public policy framework for the promotion and respect of the rights of refugees and migrants.

Countries in the region have demonstrated solidarity with global and regional refugee situations in the context of resettlement. Canada has accepted 44,800 refugees for resettlement during 2016, so far, representing its largest yearly resettlement intake in over three decades. Canada has also offered its assistance to other States interested in expanding their resettlement programmes, including by sharing their experience of private sponsorship of refugees as a unique, but replicable feature, of the Canadian resettlement programme. Argentina, for its part, announced its willingness to receive 3,000 Syrian refugees and Chile announced it would receive 120 Syrian refugees.

At the high-level roundtable in Costa Rica, the United States of America committed to working with UNHCR to expand its refugee admissions programme to help vulnerable people fleeing Northern Triangle of Central America countries. In addition, Costa Rica committed, through a new protection transfer agreement, to accept up to 200 pre-screened vulnerable individuals from the NTCA, for periods of up to six months, while their asylum applications are processed by the United States of America.

Eradication of statelessness

Progress towards the eradication of statelessness continued in the region within the framework of the Brazil Plan of Action. In April, Costa Rica established a statelessness determination procedure², and the Government of Bolivia (the Plurinational State of) adopted a resolution to facilitate the naturalization of refugees and stateless persons by removing requirements of minimum residence periods, and by significantly reducing financial obstacles. Moreover, Chile enacted a law, modifying the requirements for naturalization in favour of children of refugees and stateless refugees³. The #IBelong campaign continued with a series of capacity-building and advocacy initiatives, including a workshop convened by the Americas Network on Nationality and Statelessness for non-governmental organizations.

In the Dominican Republic, the Civil Registry proceeded with the issuance of civil documents to several thousands of individuals, thus bringing an effective solution to their nationality status. The remaining individuals included in the list of 55,000 cases released by the Central Electoral Board in 2015 are expected to obtain their civil documents as communities gain more awareness of their rights under the naturalization law (Law 169-

² Costa Rica. Executive Decree No. 39620. “Reglamento para la Declaratoria de la Condición de Persona Apátrida”. Available from: http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NRTC&nValor1=1&nValor2=81511&nValor3=103965&strTipM=TC

³ Chile. Law 20.888. “Modifica los Requisitos para Obtener la Nacionalización”. Available from: <https://www.leychile.cl/Navegar?idNorma=1086208>

14). Individuals not included in the 2015 list, however, continue to report difficulties in obtaining their documents. UNHCR continues to pursue appropriate nationality solutions for individuals born in the Dominican Republic, to whom Law 169-14 is not applicable.

UNHCR signed a Memorandum of Understanding with MERCOSUR in February this year, incorporating the non-binding commitments of Member States on statelessness, such as promoting accession to the statelessness conventions and eradicating statelessness in the region.

Child protection / Sexual and gender-based violence prevention and response

In Colombia, a decision by the Constitutional Court confirmed that any child recruited by an armed group, including post-demobilization groups, has the right to reparations guaranteed by the Victims' Law; an important step in ensuring adequate reintegration support.

In Central America, an ad hoc group on child protection was established to develop regional standards for child migrants, asylum-seekers and refugees. Through a joint statement developed by the participants at the high-level roundtable in Costa Rica, organizations and States acknowledged that sexual and gender-based violence and child protection risks are key causes of displacement and committed to implement joint actions to prevent and respond to the needs of the most affected populations. A sexual and gender-based violence and child protection strategy was developed to ensure the implementation of joint prevention and response programmes in the Northern Triangle of Central America.

Important progress in ending the detention of migrant and refugee children has been made in the context of UNHCR's global strategy "Beyond detention 2014-2019". Improvements have been made in North America in areas such as the adoption of protective regulations to rule out child detention in Mexico; prioritization in the processing of the asylum claims of children in the United States of America and Canada; enhanced reception programmes in the United States of America and Mexico as well as increased legal representation and identification of children with international protection needs.⁴

C. Financial information

In October 2015, the Executive Committee of the High Commissioner's Programme approved the budget of \$115.6 million for the Americas in 2016. The current budget stands at \$138.2 million. The increase of \$22.6 million represents support for emergency response to the earthquake in Ecuador, strengthening UNHCR presence in Canada and for the cost-sharing of global staff positions covering the Syria situation in the United States of America. The bulk of the increase of \$16.9 million went to strengthen and expand the protection and solutions strategies in Mexico, Central America and the Northern Triangle of Central America.

⁴ UNHCR, Progress Report mid-2016, "Beyond detention – a Global Strategy to support governments to end the detention of asylum-seekers and refugees – 2014-2019". Available from: <http://www.unhcr.org/protection/detention/57b579e47/unhcr-global-strategy-beyond-detention-progress-report.html>