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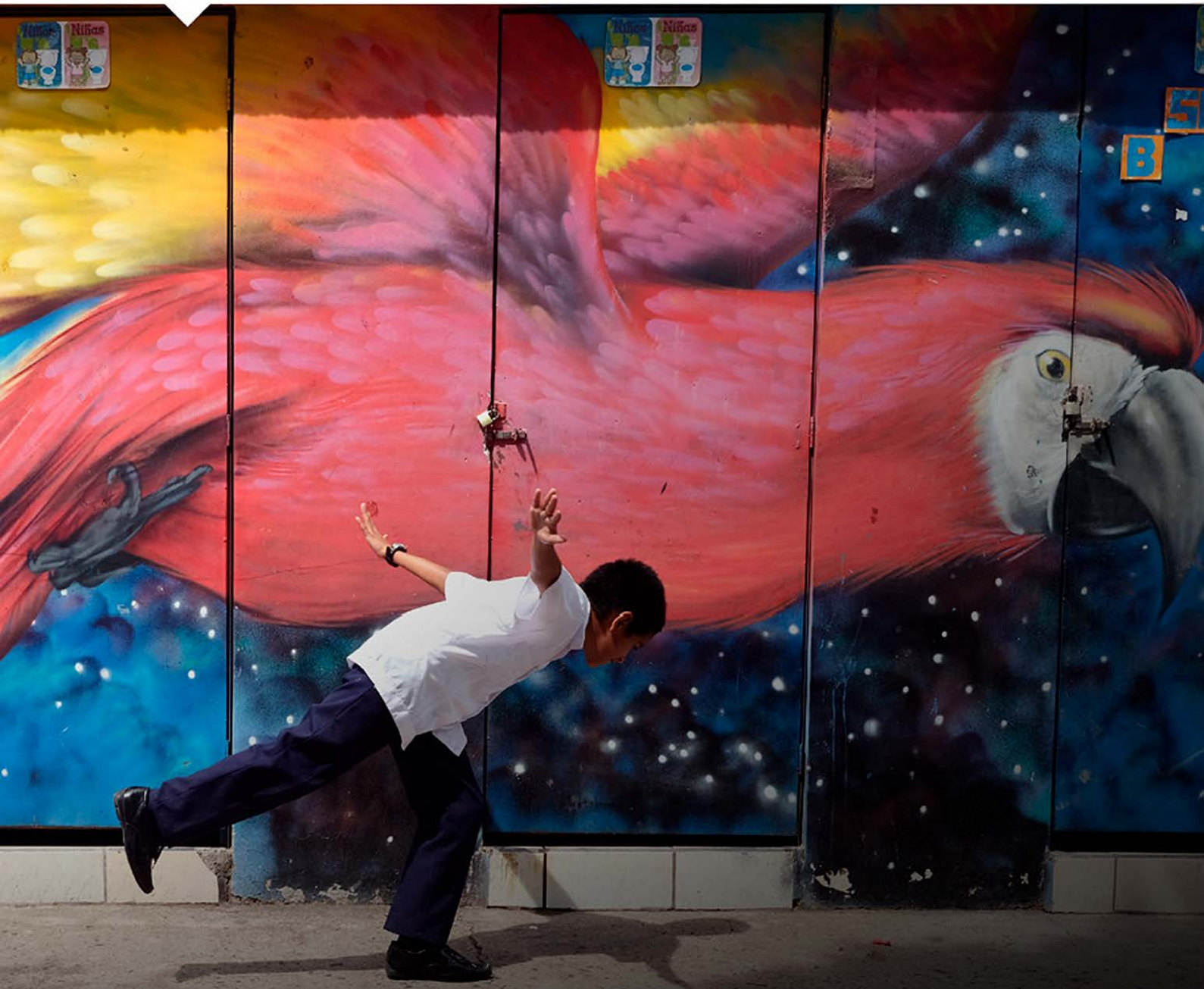

BRAZIL PLAN OF ACTION FINAL IMPLEMENTATION REPORT 2014-2024

Cover page: A boy playing in a community center fos displaced people in Honduras. © UNHCR/Santiago Escobar-Jaramillo

BRAZIL PLAN OF ACTION
FINAL
IMPLEMENTATION REPORT
2014-2024

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List of acronyms

The following acronyms have been used throughout the report:

ACSG	Asylum Capacity Support Group
ALADIPRE Network	Latin American Network on the Law and Integration for Refugees
ANA Network	Americas Network on Nationality and Statelessness
ANAM	National Association of Municipalities of Guatemala
BIA	Best Interest Assessment
BID	Best Interest Determination
BPA	Brazil Plan of Action
CARICOM	Caribbean Community
CARICOM IMPACS	Caribbean Community Implementation Agency for Crime and Security
CCSS	Costa Rican Social Security Fund (Costa Rica)
CENTROESTAD	Central American Commission for Statistics
CEPR	Special Commission for Refugees (Peru)
CLARCIEV	Latin American and Caribbean Council for Civil Registration, Identity and Vital Statistics
CMC	Caribbean Migration Consultations
COI	Country of Origin Information
COMAR	Mexican Refugee Commission (Mexico)
CONARE	National Committee for Refugees
COVID-19	Disease caused by the coronavirus known as SARS-CoV-2
CRISP	Sustainable Resettlement and Complementary Pathways Initiative
CRRF	Comprehensive Refugee Response Framework
CURP	Unique Population Registry Code (Mexico)
ECLAC	Economic Commission for Latin America and the Caribbean
ENJ	National Judicial College (Dominican Republic)
ENM	National Migration School (Dominican Republic)
ERCM	Emerging Resettlement Countries Joint Support Mechanism
ESCR	Economic, Social, and Cultural Rights
GAIN	Global Academic Interdisciplinary Network
GA-OAS	General Assembly of the Organization of American States
GARPAB	Regional Working Group for the Brazil Plan of Action
GCR	Global Compact on Refugees
GRF	Global Refugee Forum
HLS	High-Level Segment on Statelessness
I/A Court of HR	Inter-American Court of Human Rights
IACHR	Inter-American Commission on Human Rights
IAHRS	Inter-American System for the Promotion and Protection of Human Rights
IARMJ	International Association of Refugee and Migration Judges
IDP	Internally displaced people
ILO	International Labour Organization
IMAS	Joint Social Welfare Institute (Costa Rica)
INM	National Institute of Migration (Mexico)
INSABI	National Institute of Health for Welfare (Mexico)
IOM	International Organization for Migration

IRCC	Department of Immigration, Refugees and Citizenship of Canada
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer and other persons whose gender identity is fluid or non-binary
MERCOSUR	Common Southern Market
MIRPS	Comprehensive Regional Protection and Solutions Framework
NCA	Northern Central America
NNA	Children and adolescents
NSIs	National Institutes of Statistics
OAS	Organization of American States
OBSICA	Observatory and Index of Democratic Security of SICA
OECO/OECS	Organization of Eastern Caribbean States
ONPAR	National Office for Refugee Care (Panama)
PAHO/WHO	Pan American Health Organization/World Health Organization
PDD	Platform on Disaster Displacement
PRIMES	UNHCR Population Registration and Identity Management EcoSystem
PTA	Protection Transfer Arrangement
PUICA	Universal Civil Identity Programme in the Americas (OAS)
QAI	Asylum Systems Quality Assurance Initiative
QII	Case Registration and Management System (Peru)
R4V	Regional Interagency Coordination Platform for Refugees and Migrants from Venezuela
RACBI	Regional Asylum Capacity-Building Initiative
RALRA	Legal Support Network for Refugees in the Americas
RCM	Regional Conference on Migration
RSD	Refugee Status Determination
SACM-OSUMI	South American Conference on Migration
SAIME	Administrative Service of Identification, Migration and Foreign Affairs (Venezuela)
SBS	Social Welfare Secretariat of the Presidency of the Republic (Guatemala)
SENNIAF	National Secretariat for Children, Adolescents and Family (Panama)
SENNIAF	National Secretariat for Children, Adolescents and Family (Panama)
SG-SICA	General Secretariat of the Central American Integration System
SIAS	Comprehensive Healthcare System (Guatemala)
SICA	Central American Integration System
SIRE	Refugee Information System (Mexico)
SISCONARE	Interoperable registration systems between different state entities providing protection (Brazil)
SLA	Secretariat of Legal Affairs of the OAS
SOP	Standard Operating Procedures
SS	Support Spaces (regional initiative promoted by the R4V Platform)
TAM	Migration Administrative Court (Costa Rica)
UNDG-LAC	United Nations Development Group for the Development of Latin America and the Caribbean
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USCIS	U.S. Citizenship and Immigration Services

Older people associations support the inclusion of refugees in Ecuador. © UNHCR/Jaime Giménez

Foreword

By Mauro Vieira, Minister of Foreign Affairs of Brazil

Almost forty years ago, in 1984, Brazil was one of a small group of countries that adopted a document that would go on to revolutionize how refugees are treated in Latin America and the Caribbean. The Cartagena Declaration broke new ground by going beyond the general definition in the 1951 Convention relating to the Status of Refugees and adopting an extended refugee definition. The instrument quickly became a key milestone in the protection and asylum context of the region.

There is no doubt that the modern and visionary Cartagena Declaration had a decisive influence on the national legislation enacted by many countries in the region. In the case of Brazil, this influence is evident: our Law 9,474 of 1997 extends the concept of asylum and provides protection in new contexts, such as cases of serious and widespread human rights violations, a measure that has become increasingly relevant in recent years.

Over the years, the region's commitment to the spirit of Cartagena remained strong. In 1994, under the leadership of Costa Rica, and in 2004, under the leadership of Mexico, new commitments boosted the humanitarian legacy and consolidated the tradition of solidarity of Latin American and Caribbean countries. The small group of 1984 signatory countries was enlarged.

The Brazil Plan of Action (BPA) was adopted in 2014 to mark the 30th anniversary of the Cartagena Declaration and included ambitious commitments until 2024. This final implementation report is a summary of good practices in the region to benefit refugees, asylum seekers, displaced persons, and stateless persons. It was a complex compilation work, taking into account the many programmes and initiatives in the region over the last decade.

The document follows the same structure as the BPA chapters: international protection; Comprehensive, complementary and sustainable solutions; Solidarity with the countries of northern Central America in the search for and implementation of durable solutions; Solidarity with the Caribbean for a comprehensive international protection response; Eradicating statelessness; and regional cooperation. In each chapter, a summary of the decade's progress demonstrates the region's specific contribution to the international protection regime and the 2018 Global Compact on Refugees.

Brazil is proud of its national contribution during the decade. In 2017, we adopted a new Migration Act (Law 13,445) that consolidated a migration policy based on the principles of universality, interdependence of human rights and rejection of the criminalization of migration. The central principle of "non-refoulement" was also granted to migrants in conditions of risk or vulnerability. Law 13,445/2017 also established simplified procedures for granting nationality to stateless persons and incorporated the humanitarian reception visa to welcome foreign persons from countries in a situation of serious or imminent institutional instability; armed conflict; major calamity; environmental disaster; or serious violation of human rights or international humanitarian law. Finally, "Operation Welcome" and its innovative interiorization strategy, established in 2017, form part of our contribution to the challenges common to the region.

Like Brazil, the countries of Latin America and the Caribbean advanced, each at its own pace and according to their national circumstances and priorities. Although the challenges faced have not always been the same, the capacity to adapt and the determination to find solutions were constant. Regional cooperation forums, such as the Comprehensive Regional Protection and Solutions Framework (MIRPS) and the Quito Process, facilitated dialogue and allowed us all to learn from the successful responses of our neighbours.

The progress and achievements recorded here confirm the determination of the countries of Latin America and the Caribbean to continue on the path of solidarity. This historical tradition makes the region a leader in a world that urgently needs such an example. We have a lot to say in a world shaken up by armed conflicts and humanitarian crises, where more and more borders are closing. One need only recall the unprecedented number of refugees, asylum seekers, stateless persons and forcibly displaced persons: 110 million people, according to the latest UNHCR estimate. More than ever, our region is facing the challenge of reaffirming the principle of shared responsibilities as central to the international refugee agenda.

In this context, Brazil closes the Cartagena+30 decade with a feeling of satisfaction, knowing it has fulfilled its duty. As we submit this final report, we not only celebrate our achievements, but also prepare for the challenges ahead. This ending is also a new beginning. Under Chile's leadership, we commit to the launch of Cartagena+40 with renewed determination.

Mauro Vieira
Minister of Foreign Affairs of Brazil

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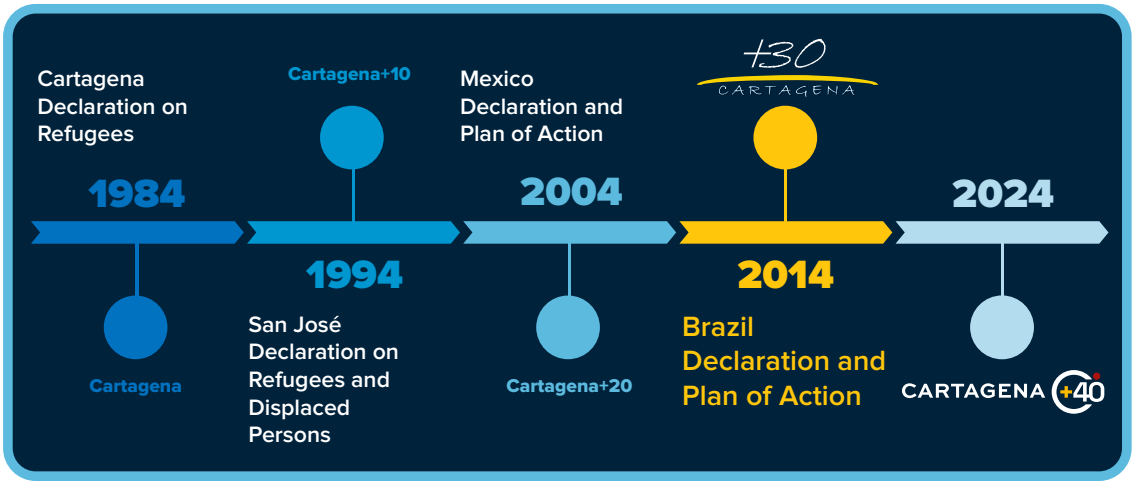
INTRODUCTION

1. INTRODUCTION

1.1. Scope of the Brazil Plan of Action

1.1.1. A significant milestone in a historical process

In 1984, the **1984 Cartagena Declaration on Refugees**[1] (Cartagena Declaration) was adopted, marking a new milestone in the generous tradition of solidarity, asylum and cooperation in the Americas. It created an innovative and flexible framework, providing a strategic response to the legal and humanitarian challenges facing the region in the area of international protection. In particular, it recommended an extended refugee definition[2] be adopted, extending protection to persons forced to flee in circumstances other than those provided for in the 1951 Convention relating to the Status of Refugees.



1 Cartagena Declaration on Refugees, adopted by the "Colloquium on the International Protection of Refugees in Central America, Mexico and Panama: Legal and Humanitarian Problems", held in Cartagena, Colombia, 19-22 November 1984, available at https://www.refworld.org/docid/3ae6b36ec.html

2 Currently, 15 countries in the region have incorporated the regional or extended definition into their legislation.

Following this Declaration, Latin America established the tradition of commemorating it every ten years, initiating the **Cartagena Process.**

Thus, in **1994** the **San José Declaration on Refugees and Displaced Persons** was adopted in Costa Rica[3], analysing the importance of the Cartagena Declaration as a protection tool and the need to address the situation of internally displaced persons. In **2004**, the **Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America**[4] was adopted. This was an innovative step that included a ten-year regional action plan introducing pioneering programmes for protection and durable solutions, such as Borders of Solidarity, Solidarity Resettlement and Cities of Solidarity.

In **2014**, to commemorate the 30th anniversary of the Cartagena Declaration **(Cartagena+30)**, the **Brazil Declaration and Plan of Action**[5] **(BPA)** were adopted, involving Caribbean States and territories for the first time. The **BPA** set out a road map for the decade 2014-2024 as part of a process of developing, updating and celebrating the 1984 Cartagena Declaration on Refugees. It also put into practice the principles of solidarity, international cooperation and responsibility-sharing, later included in the **2018 Global Compact on Refugees**[6]; it included statelessness as a new area of protection along with quality asylum and solutions; and it set out strategies for the Caribbean and northern Central America, given the complex scenarios they faced.

The Brazil Declaration and Plan of Action were adopted following implementation of the Mexico Plan of Action as the result of extensive dialogue between governments, civil society, refugee youth, refugee women, and regional and international organizations. Adopted by acclamation in December 2014 by 28 States and three overseas territories in Latin America and the Caribbean, the Brazil Declaration and Plan of Action were a milestone in the long process of the region's contribution to the international protection system. By including the Caribbean, the Cartagena Process was able to reach a large geographical area in the Americas, which even today remains exceptional in the region:

3 *San José Declaration on Refugees and Displaced Persons*, adopted by the "International Colloquium: 10 Years of the Cartagena Declaration on Refugees", held in San José, Costa Rica, 5-7 December 1994, available at: https://www.refworld.org/docid/4a54bc3fd.html

4 *Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America*, Mexico City, 16 November 2004, available at: https://www.refworld.org/docid/424bf6914.html

5 *Brazil Declaration* (A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean) and the *Brazil Plan of Action* (A Common Road Map to Strengthen Protection and Promote Sustainable Solutions for Refugees, Displaced and Stateless Persons in Latin America and the Caribbean within a Framework of Cooperation and Solidarity), Brasilia, 3 December 2014, available at: https://www.refworld.org/docid/5487065b4.html

6 United Nations. *Global Compact on Refugees*, New York, 2018, available at: https://www.unhcr.org/media/global-compact-refugees-booklet

The Brazil Plan of Action reflected the standards of binding international instruments such as the 1951 Convention Relating to the Status of Refugees (70th anniversary was commemorated in 2021) and its 1967 Protocol; the 1954 Convention Relating to the Status of Stateless Persons; the 1961 Convention on the Reduction of Statelessness; and the 1969 American Convention on Human Rights (Pact of San José, Costa Rica). The result was agreement on strict protection standards, under a comprehensive approach, differentiated by age, gender and diversity.

Both the Brazil Declaration and the Brazil Plan of Action reaffirmed the extended regional refugee definition in the Cartagena Declaration, and addressed the important challenges that the region would face in the years to come: enhancing shared responsibility, solidarity and international cooperation between the countries of origin, transit and destination; reinforcing durable solutions and complementary protection and humanitarian visas for non-refugees in need of protection; seeking a balance between legitimate safety concerns of States and international protection needs; and paying special attention to displaced children with international protection needs, among others.

New challenges were also identified, such as mixed flows and the need for protection at borders. A clear concern was expressed for people with specific protection needs; the commitment to regional integration was reaffirmed; and a call was made to deepen the levels of coordination, complementarity, cooperation, and convergence between regional and subregional integration mechanisms.

More specifically, the Declaration and the BPA reaffirmed many of the protection principles that are essential to tackle the mixed movements that have prevailed over the past decade, such as the right to seek and receive asylum, the principle of *non-refoulement*, non-discrimination, family unity and due process.

Although the region has undergone substantial changes in the last decade, the BPA designed many of the tools that have enabled countries to deal with complex scenarios such as large-scale displacement; increased violence and insecurity in some parts of the region; displacement due to disasters and the effects of climate change; mixed movements along shifting routes; and even the COVID-19 pandemic. This consolidated the visionary nature of the BPA and reaffirmed its historical and current value and its strength as a comprehensive and pragmatic road map for a region of solidarity.

Given these characteristics, and as will be seen throughout this report, the BPA has been a strategic and effective regional instrument on protection and solutions for refugees, displaced and stateless persons; it also constitutes a substantive contribution by Latin America and the Caribbean to international protection at the global level.

The strength of the BPA also lies in the fact that it addresses national and regional challenges in a non-political, humanitarian, geographically comprehensive and integral way, which is characteristic of the Cartagena Process: since its inception it has transcended geopolitical contingencies by bringing together all States, without exception.

From the outset, the Cartagena Process understood that nationality should not be a dividing factor and that no country – be it of origin, transit or destination – should be an obstacle to improving solidarity and cooperation. It is also for this reason that the Cartagena Declaration incorporated the extended refugee definition, on the understanding that people may be forced to flee their countries even when they are not suffering persecution or when the situations that generate their departure are beyond the actions of their governments and authorities, such as in the case of foreign aggression, widespread violence generated by non-state armed groups or serious public disorders. The extended refugee definition is the result of the realization that forcibly displaced persons may also come from objective situations that put their life, liberty and integrity at risk, resulting in a need of international protection.

In 2023, Cartagena+30 came to an end following a decade of implementation of the BPA. Fulfilling the mandate of the States, together with Brazil which has led the process since 2014, UNHCR delivers this

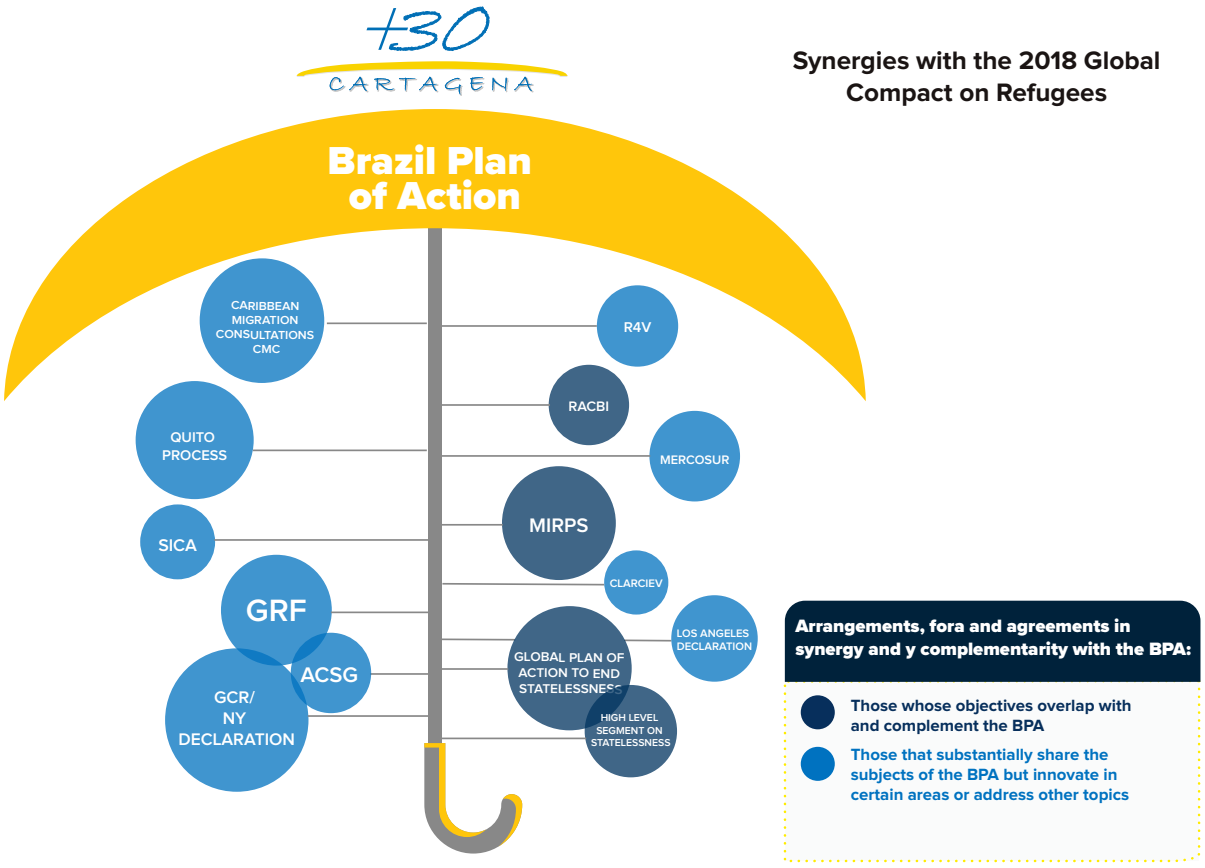
final implementation report of the BPA 2014-2023, following on from the two triennial progress reports published, respectively, in 2018[7] and 2021[8].

This report presents regional and national good practices developed by all countries that adhered to the principles of the BPA and made use of its innovative and flexible tools over the decade.

1.1.2. Synergies and complementarities with other global and regional actors

Multiple global and subregional integration, cooperation and coordination mechanisms in Latin America and the Caribbean bring countries together on the subject of human mobility or statelessness; a large number of countries in the region have also signed declarations and agreements at the global or regional level.

Notably, these mechanisms and declarations are in full synergy and complementarity with the objectives, principles and purposes of the BPA, confirming its fundamental and cross-cutting value, as can be seen in the diagram below:



7 United Nations High Commissioner for Refugees (UNHCR), *Brazil Plan of Action. First Triennial Progress Report. 2015-2017*, available at: https://www.refworld.org.es/pdfid/5c883e844.pdf

8 United Nations High Commissioner for Refugees (UNHCR), *Brazil Plan of Action. Second Triennial Progress Report. 2018-2020*, https://www.acnur.org/media/brazil-plan-action-second-triennial-progress-report-2018-2020

In this context, it should be noted that the synergies with the Global Compact are particularly significant, both in terms of the specific contributions made by the region to this global agreement and the content of the BPA itself, which anticipated some of its themes.

BRAZIL PLAN OF ACTION PROGRAMMES	**GLOBAL COMPACT ON REFUGEES** ACTIVE PROGRAMMES
BPA, CHAPTER 2: PROTECCIÓN	
QUALITY ASYLUM	- IDENTIFYING INTERNATIONAL PROTECTION NEEDS - REGISTRATION AND DOCUMENTATION - ATTENDING TO SPECIFIC NEEDS - SAFETY AND PROTECTION
BORDERS OF SOLIDARITY AND SAFETY	- IMMEDIATE RECEPTION ARRANGEMENTS - ALTERNATIVES TO DETENTION - IDENTIFYING INTERNATIONAL PROTECTION NEEDS - ATTENDING TO SPECIFIC NEEDS
BPA, CHAPTER 3: COMPREHENSIVE, COMPLEMENT ARY, AND SUSTAINABLE SOLUTIONS	
VOLUNTARY REPATRIATION	- SUPPORTING COUNTRIES OF ORIGIN AND VOLUNTARY REPATRIATION
LOCAL INTEGRATION	**ATTENDING TO COMMUNITIES' NEED FOR SUPPORT** - EDUCATION, EMPLOYMENT, LIVELIHOODS, HEALTH - WOMEN, BOYS, GIRLS, ADOLESCENTS, AND YOUNG PEOPLE - PROMOTING GOOD RELATIONS AND PEACEFUL COEXISTENCE
SOLIDARITY RESETTLEMENT	- RESETTLEMENT AND COMPLEMENTARY ATHWAYS FOR ADMISSION TO THIRD COUNTRIES
BPA, CHAPTER 4: SOLIDARITY WITH THE NORTH OF CENTRAL AMERICA	
PREVENTION	- SUPPORTING COUNTRIES OF ORIGIN AND VOLUNTARY REPATRIATION - EARLY NOTICE OF CONTINGENCY, PREPARATION, AND PLANNING
DIGNIFIED AND SAFE TRANSIT	- IDENTIFYING INTERNATIONAL PROTECTION NEEDS - REGISTRATION AND DOCUMENTATION - ATTENDING TO SPECIFIC NEEDS - SAFETY AND PROTECTION - IMMEDIATE RECEPTION ARRANGEMENTS - ALTERNATIVES TO DETENTION - IDENTIFYING INTERNATIONAL PROTECTION NEEDS - ATTENDING TO SPECIFIC NEEDS

Within the framework of the first assessment of the implementation of the BPA in 2018 and with a view to adoption of the Global Compact, in February 2018, 35 countries in the region approved by acclamation ***The 100 Points of Brasilia. Inputs from Latin America and the Caribbean to the Global Compact on Refugees***[9]. This document compiled one hundred outstanding regional good practices, making it a concrete and substantive contribution to the Global Compact, and beginning the link between the Cartagena Process and this global agreement.

In addition, as shown in the image, the BPA programmes anticipated many of the themes of the Global Compact, in addition to establishing the fundamental value of cooperation and shared responsibility at the regional level.

In line with these synergies and complementarities, at both the **First Global Refugee Forum**[10] in 2019 and the subsequent **2021 High-Level Officials Meetings**[11], the Americas region made **254**

9 *The 100 Points of Brasilia. Inputs from Latin America and the Caribbean to the Global Compact on Refugees*, available at: https://www.acnur.org/fileadmin/ Documentos/BDL/2018/11590.pdf

10 First Global Refugee Forum 2019, information available at: https://www.unhcr.org/events/global-refugee-forum-2019

11 2021 High-Level Officials Meetings, information available at: https://www.unhcr.org/events/high-level-officials-meeting

pledges[12] (153 by States and 22 by cities, municipalities and local authorities), representing 15 % of the global total.

These pledges concern asylum capacity, inclusion, solutions, education and statelessness, all matters closely related to BPA programmes. At the end of the decade of implementation of the BPA, 151 pledges had been fulfilled or were in the process of being implemented**.**

This made the BPA a tool contributing to the development of the Global Compact and then to its effective and adapted regional implementation. Conversely, the Global Compact provided Latin American and Caribbean countries with new tools for meeting the commitments of the BPA, as it allowed them to access, for example, other global initiatives or platforms for support and cooperation.

Finally, in terms of global initiatives, there are also significant complementarities and synergies between the BPA and the Global Action Plan to End Statelessness, the *#IBelong* campaign and the High-Level Segment on Statelessness, which have played a significant role in the region's progress over the last ten years. This is discussed in Chapter VI of this report, Eradicating Statelessness[13].

Synergies with other regional or subregional initiatives

There is particular synergy between the BPA and the series of cooperation mechanisms that preceded it or have emerged in recent years to respond to new or growing displacement situations.

As will be seen throughout this report, there are remarkable complementarities between the BPA and the Comprehensive Regional Protection and Solutions Framework[14] (MIRPS), created in 2017 to tackle displacement in Central America and Mexico, which, among others, has developed thematic roundtables on quality asylum, and has been consolidated in the area of comprehensive regional responses; the Quito Process[15], which at the initiative of Ecuador in 2018 brought together various States in the region to provide coordinated technical responses to the displacement of Venezuelan people; and the Caribbean Migration Consultations[16] (CMC), created in response to a request from the BPA itself in its Chapter on Solidarity with the Caribbean and which today constitute the only subregional mechanism focused exclusively on human mobility and protection of displaced persons; among others.

There are moreover synergies with mechanisms that, although not specifically created to address migration and displacement, facilitate regional integration and contain themes on human mobility, such as the Common Market of the South[17] (MERCOSUR); the Central American Integration System[18] (SICA); and the Caribbean Community[19] (CARICOM). The BPA also complements migration-oriented mechanisms that have contributed through their work to the protection of persons on the move in contexts of mixed movements, including forcibly displaced persons, in particular the Regional Conference on Migration[20] (RCM) and the South American Conference on Migration[21] (SACM).

In addition to the above, various platforms support States in the region, such as the Inter-Agency

12 https://globalcompactrefugees.org/pledges-contributions *information as of October 2023.*

13 See section 6.1.2. of Chapter VI of this report, Eradicating Statelessness.

14 On the Comprehensive Regional Protection and Solutions Framework (MIRPS), see section 4.2.1 of Chapter IV of this report, about northern Central America.

15 On the Quito Process, see section 7.2.1. (2) of Chapter VII of this report, about regional cooperation.

16 On the Caribbean Migration Consultations, see section 5.2.1. of Chapter V of this report, about solidarity with the Caribbean.

17 On the Common Market of the South (MERCOSUR) and in particular the CONAREs meeting, see section 7.2.1. (2) of Chapter VII of this report, about regional cooperation.

18 On the Central American Integration System (SICA), see section 4.2.1. (2) of Chapter IV of this report, about solidarity with northern Central America.

19 On the Caribbean Community (CARICOM), see section 5.2.1. of Chapter V of this report, about solidarity with the Caribbean.

20 On the Regional Conference on Migration (RCM), see section 7.2.1. (2) of Chapter VII of this report, about regional cooperation.

21 On the South American Conference on Migration (SACM), see section 7.2.1. (2) of Chapter VII of this report, about regional cooperation.

Coordination Platform for Refugees and Migrants from Venezuela (R4V); the MIRPS Support Platform; and the UNHCR Regional Platform for Strengthening Asylum Systems in the Americas[22]; plus the Regional Asylum Capacity-Building Initiative[23] (RACBI), aimed at strengthening the asylum system in Mexico; and the significant role played by the Latin American and Caribbean Council for Civil Registration, Identity and Vital Statistics[24] (CLARCIEV) in eradicating statelessness.

Finally, the *Los Angeles Declaration on Migration and Protection*[25], adopted in June 2022 by many States in the Americas, provides a hemispheric approach to mixed movements and the protection of displaced persons. The synergies of this Declaration with BPA programmes (quality asylum; borders of solidarity and safety; comprehensive, complementary and sustainable solutions; and regional cooperation) are analysed in a cross-cutting manner throughout this report.

All these initiatives have commonalities and significant complementarities with the BPA in the areas of international protection, durable solutions and eradication of statelessness. This is described in detail throughout this report, both in Chapter VII on Regional Cooperation and in the analysis of the implementation of the other chapters and programmes of the BPA.

1.2. Methodology of the evaluation process

In Chapter Eight of the BPA on Implementation and Follow-up, the States requested that UNHCR prepare triennial progress reports on its implementation; on that basis, they also required UNHCR to submit a final report at its end.

The first progress report for the 2015-2017 period was published in 2018; to prepare it national, thematic and subregional consultations were held to identify progress and challenges, as well as priorities for the three-year period to come.

The second triennial progress report, covering the period 2018-2020, was published in 2021. Like the previous report, it covered the progress and good practices of the time, the challenges still pending, and the recommendations agreed upon by the countries to move forward in the last phase of implementation of the BPA.

To ensure efficiency and not overwhelm countries with already highly demanding contexts in the region, it was decided that the final implementation report would be drafted and published directly in 2023. Its objective is to report on the progress and advances of the decade in the Latin American and Caribbean region, in each of the BPA programmes, concluding the BPA and the Cartagena+30 phase.

Additionally, in a departure from the first two follow-up reports, Brazil – the country that, as host of the Brazil Declaration and Plan of Action, played a significant role in its advancement and implementation throughout the decade – coordinated the drafting of this final report, reaffirming the governmental leadership inherent to the Cartagena Process.

As commissioned by the States in the BPA, this report details:

1) the progress and good practices reported in the first two triennial progress reports, drawn up using a methodology based on extensive national and subregional consultation processes;

22 On these three platforms, see section 7.2.2 of Chapter VII of this report, which deals with regional cooperation.

23 On the Regional Asylum Capacity Building Initiative (RACBI), see section 7.2.1. (2) of Chapter VII of this report, which deals with regional cooperation.

24 On the Latin American and Caribbean Council for Civil Registration, Identity and Vital Statistics (CLARCIEV), see section 6.3.2. of Chapter VI of this report, about eradicating statelessness.

25 *Los Angeles Declaration on Migration and Protection* 2022; see section 7.2.1. (1) of Chapter VII of this report, which deals with regional cooperation.

2) the progress reported over the last three years in global and subregional mechanisms and forums, such as the Comprehensive Regional Protection and Solutions Framework (MIRPS), the Quito Process, the First Global Refugee Forum, the High-Level Segment on Statelessness, the Meetings of National Commissions for Refugees (CONAREs) of Mesoamerica and the Common Market of the South (MERCOSUR), among others; information regularly transmitted by States to UNHCR and other information disseminated by countries; and, finally, good practices as described in thematic reports published by the Inter-American Commission on Human Rights (IACHR), the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the South American Conference on Migration (SACM), the Regional Conference on Migration (RCM) or the Platform on Disaster Displacement (PDD), among others; and

3) information provided by States as part of a simplified consultation process, led by Brazil in 2023, whereby countries were asked to select two or three of their most outstanding good practices or achievements from the decade 2014-2023. To this end, the following criteria were proposed:

    - that the good practice met the objectives of the Brazil Declaration and the commitments of the Brazil Plan of Action;
    - that it had been effectively implemented and that concrete results of its implementation could be reported;
    - that these concrete results were of benefit to persons in need of protection;
    - that the good practice contained the necessary basis (legal or otherwise) to be sustainable and maintained over time; and
    - that, if involving the use of resources, it would show their rational and efficient use.

    And, where applicable:

    - that it could be replicated or set an example for other countries in the region;
    - that it may have constituted a paradigm shift or a form of innovative solution; and
    - that it contained the necessary adaptability to meet emerging challenges.

    The good practices selected by countries as part of this consultation have been incorporated and highlighted in text boxes throughout this report.

Taking into account the sources of information that support it, this report offers a comprehensive and complete overview of the progress made in the region over the last decade; it reports on the most noteworthy good practices that are in harmony with the spirit and commitments of the Declaration and the Brazil Plan of Action at the end of its term; and it reports on the mechanisms and forums – both the emergence of some and the consolidation of others – that have strengthened regional cooperation and that, given their synergies and complementarities with the BPA, have contributed to make progress in its implementation.

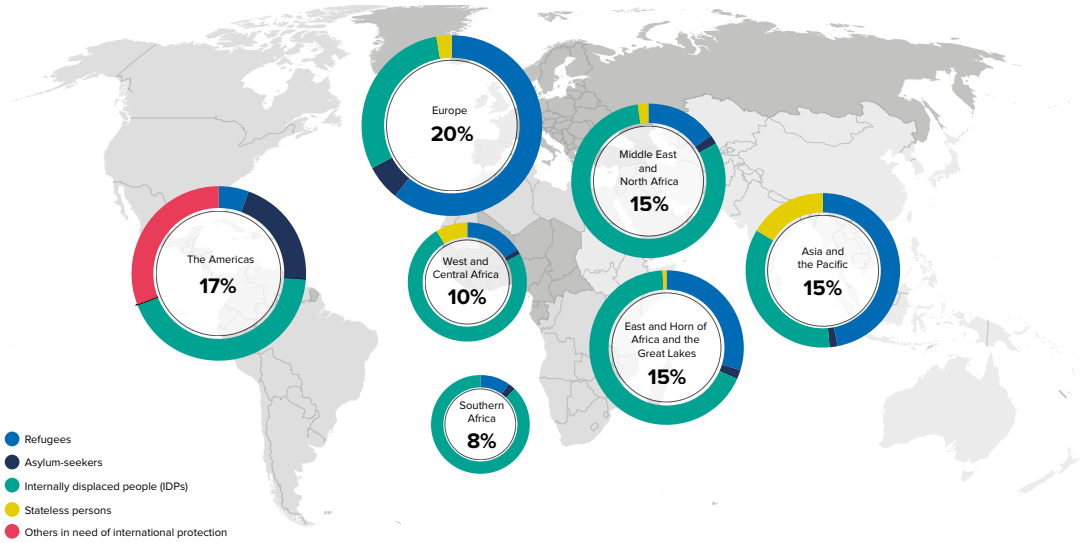
In terms of structure, partial conclusions are given in each of the chapters of this report.

Indeed, while the BPA is solidly consistent overall and its objectives and principles are cross-cutting, it also has autonomous chapters and programmes, which contributes to its strategic nature (having anticipated that progress in the implementation of its programmes and thematic areas could be simultaneous and successive, depending on the reality, needs and capacities of the States). In doing so, this report aims to deliver autonomous working documents on protection, solutions, eradicating statelessness, solidarity with northern Central America, solidarity with the Caribbean and regional cooperation, while also contributing to the future reflection of the countries in 2024, with a view to defining a new road map for the decade to come (C+40).

1.3. The regional context and trends in the decade 2014-2023

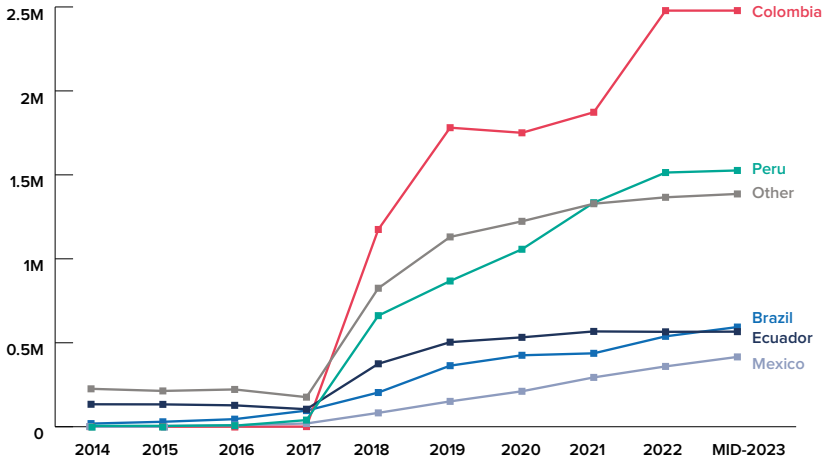
During the decade of implementation of the Brazil Plan of Action, the regional context underwent profound changes that aggravated the already difficult situation of people seeking protection – refugees, asylum seekers, internally displaced persons, returnees, and stateless persons – creating unprecedented challenges in the countries.

Forcibly displaced and stateless people in the world, mid-2023



Human mobility and forced displacement increased in the region; in fact, the complexity and magnitude of movements reached unprecedented levels. Between 2014 and 2023, the number of forcibly displaced persons across Latin America and the Caribbean increased exponentially.

Refugees, asylum seekers, and other people in need of international protection the top 5 host countries in Latin America and the Caribbean

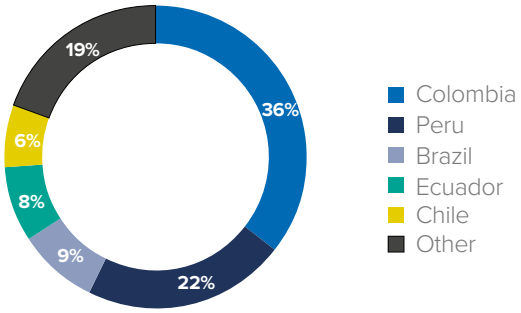


By mid-2023, according to the UNHCR Mid-Year Trends in Forced Displacement Report, there were 110 million people forcibly displaced worldwide due to persecution, conflict, violence, human rights violations and events seriously disturbing public order; of that number, 22.07 were in the Americas.

Today, one in six of the world's forcibly displaced people are in the Americas.

These figures show that Latin America and the Caribbean have continued to receive the majority of the continent's displaced people, with two countries in the region being among the top five recipients of asylum applications globally: United States and Mexico. These flows have had an exceptional impact in small countries and territories where the ratio of displaced people to the national population is extremely high (such as in Aruba and Curaçao, which are among the top five countries globally).

Percentage of refugees, asylum seekers and other people in need of international protection in host countries in Latin America and the Caribbean



Number of refugees and other people in need of international protection related to national population (Aruba and Curaçao are two of the top 5 countries in the world)

1 IN 6
ARE DISPLACED

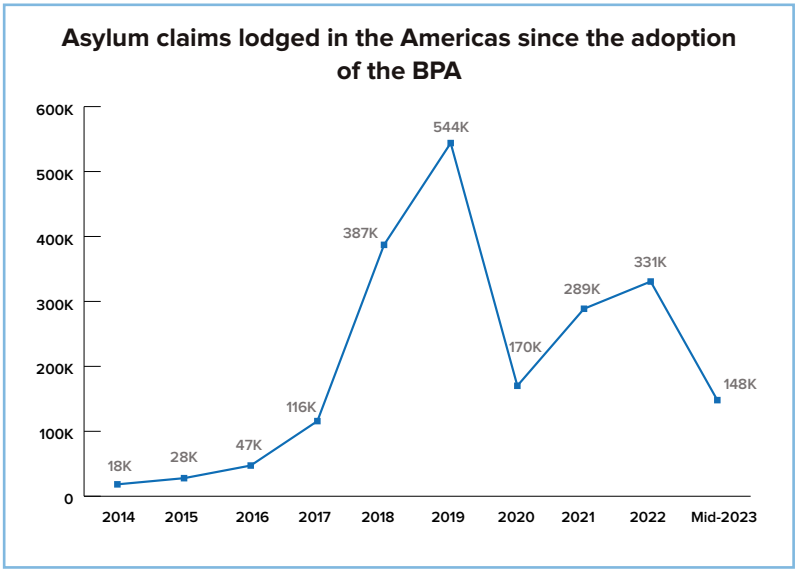
Relative to their national populations, the island of Aruba (1 in 6) hosted the largest number of refugees and other people in need of international protection, followed by Curaçao (1 in 14), Colombia (1 in 21), Peru (1 in 23) and Costa Rica (1 in 23).

- **Aruba** 1 in 6
- **Curaçao** 1 in 14
- **Colombia** 1 in 21
- **Peru** 1 in 23
- **Costa Rica** 1 in 23

These alarming figures are due to the fact that, since 2014, new forms of forced displacement have gradually emerged due to multidimensional factors: economic and social crises; political tensions; serious human rights violations; limitations in State structures and national protection networks; organized crime, extortion, kidnappings and extremely high homicide rates; armed conflict; and devastating natural disasters.

As a result of this and the multiple causes of displacement, there has been exponential growth in large-scale mixed movements of refugees, migrants and IDPs, as well as a general increase in protection and assistance needs. This complex dynamic has led to a dramatic increase in irregular and extremely dangerous journeys across the whole continent, mainly through Central America and Mexico towards the US border (almost 500,000 people crossed the Darien in 2023). These journeys are undertaken by migrants, refugees, asylum seekers and people in need of international protection (including an alarming percentage of women, and accompanied, separated or unaccompanied children and adolescents).

These displacement patterns have also increased exposure to other equally serious risks or situations, such as xenophobia and discrimination, violence and exploitation, risks of abduction and death in transit, gender-based violence and even serious risks of statelessness (difficulties in accessing birth registration procedures, lack of documentation to prove nationality or the acquisition of a nationality at birth), which particularly affects women and children.



In transit and destination countries, these mass displacements have presented new challenges for the humanitarian and protection response; they also put additional pressure on asylum and protection systems and host communities, exacerbating problems of access to humanitarian assistance and basic services, including health and education.

The causes of forced displacement (both internal and transnational) include disasters and events caused by the effects of climate change, which played a significant and growing role throughout the decade. This was anticipated by the BPA, which in 2014 announced the need for countries to pay particular attention to this phenomenon, including to prevent what was to come in the coming years.

Latin America and the Caribbean has been and continues to be the second most affected region in the world by climate change and extreme weather events[26]: one third of the population of Latin America and the Caribbean lives in areas at high risk of natural disaster[27]. In fact, the so-called “Dry Corridor” of Central America – home to 10.5 million people – is one of the most critical areas, with an extended dry season and increasingly erratic rainfall patterns. Throughout the decade, an increasing number floods, hurricanes, wild fires, volcanic eruptions, earthquakes, cyclones, tropical storms and droughts occurred, resulting in severe humanitarian situations.

According to OCHA figures, from 2000 to date, disasters have affected over 190 million people in Latin America and the Caribbean[28]. In other words, three out of every ten of its inhabitants have had to face a hurricane, an earthquake, a drought, a landslide or volcanic activity, among some of the most common disasters in the region, with over 1,500 occurrences in the period in question.

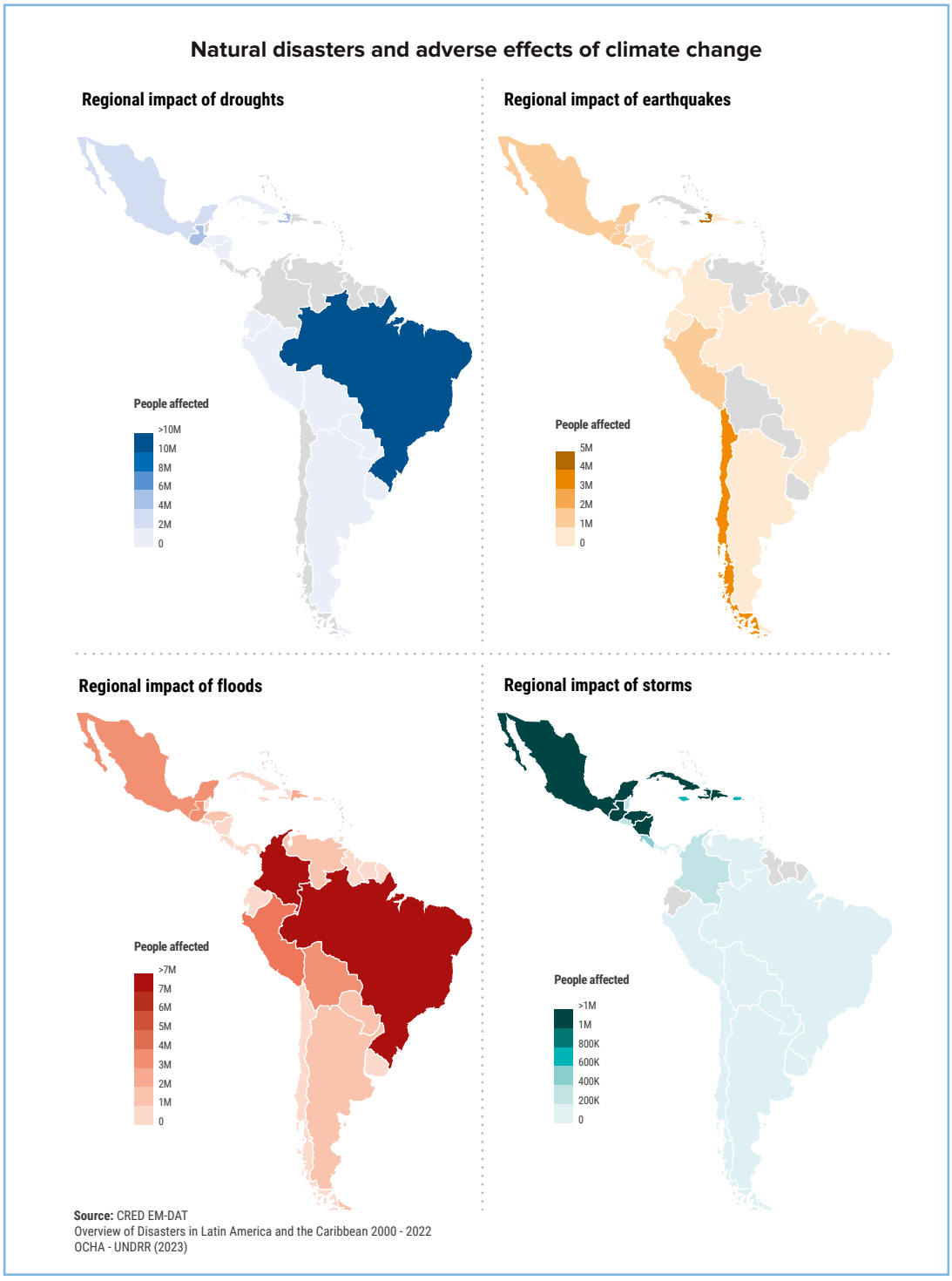
These events severely damage health, food security and crops; they also lead to water and energy shortages (to mention a few basic elements of survival) and undermine the socioeconomic development of the countries and the region as a whole. In the Caribbean storms can cause catastrophic damage to housing, infrastructure and economies when they land; in fact, some areas can be rendered virtually uninhabitable[29].

26 United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Natural Disasters in Latin America and The Caribbean 2000-2019:* https://reliefweb.int/report/world/natural-disasters-latin-america-and-caribbean-2000-2019

27 Economic Commission for Latin America and the Caribbean (ECLAC), *Desastres en América Latina y el Caribe (Disasters in Latin America and the Caribbean)* (infographic), available at: https://www.cepal.org/sites/default/files/infographic/files/desastresing.pdfSee also United Nations Office for Disaster Risk Reduction (UNDRR), *Regional Assessment Report on Disaster Risk in Latin America and the Caribbean. Challenges in disaster risk reduction and progress towards the Sendai Framework for Disaster Risk Reduction (2015-2030) targets,* 2021, available at: https://www.undrr.org/publication/undrr-roamc-regional-assessment-report-disaster-risk-latin-america-and-caribbean-rar

28 United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *América Latina y el Caribe, la segunda región más propensa a desastres naturales en el mundo (Latin America and Caribbean world's second most disaster-prone region)*, 9 September 2023, available (in Spanish) at: https://news.un.org/es/story/2023/09/1523932

29 UN News, *Un clima inclemente desplazará a casi 100 millones de niños de sus hogares (Inclement climate will displace almost 100 million children from their homes)*, available in Spanish at: https://news.un.org/es/story/2023/10/1524682 in reference to UNICEF's 2023 report Children displaced in a changing climate, the first global analysis of children displaced from their homes between 2016 and 2021 due to floods, storms, droughts and wildfires.



As a result, forced displacement in subregions such as the Caribbean and other countries in the region has increased substantially. For example, it was reported that during the 2017 hurricane season alone (Irma, Harvey and Maria), almost three million people from sixteen Caribbean countries were displaced in a region where disasters have been increasingly severe and diverse (hurricanes, extreme heat waves, coastal flooding, among others)[30].

30 Luis Villazón, *¿Como influye el cambio climático sobre la migración en América Latina? (How does climate change influence migration in Latin America?)*, 13 September 2022, available (in Spanish) at (Inter-American Development Bank): https://blogs.iadb.org/migracion/es/como-influye-el-cambio-climatico-sobre-los-flujos-migratorios-en-america-latina/

Community mural in Quito, Ecuador. © UNHCR/Santiago Escobar-Jaramillo

In South America, climate or hydrometeorological hazards have been the main cause of new displacement due to disasters (64 % of the total between 2008 and 2020), compared to geophysical hazards (46 %, earthquakes). Floods for example caused over 7 million displacements[31] between 2008 and 2020.

Disaster-induced displacement has had a significant impact on the lives of people, who often lose their homes, livelihoods and communities, and it makes those already severely affected even more vulnerable, exposing them to violence, exploitation and abuse[32]. This has further increased the challenges faced by host communities and governments, as in many cases they themselves are exposed to the same events (as is the case within the Caribbean).

The impact of these events on the children of Latin America and the Caribbean, one of the most vulnerable populations in the world to expulsion from their homes, was particularly serious. Figures show that between 2016 and 2021, 2.3 million children were displaced in the region due to climate disasters; 1.7 million of these children were displaced by storms alone and 620,000 by floods[33].

31 Luis Villazón, *¿Como influye el cambio climático sobre la migración en América Latina? (How does climate change influence migration in Latin America?)*, 13 September 2022, available (in Spanish) at (Inter-American Development Bank): https://blogs.iadb.org/migracion/es/como-influye-el-cambio-climatico-sobre-los-flujos-migratorios-en-america-latina/

32 UNHCR, *Climate Change, Displacement and Human Rights*, March 2022, available at: https://www.refworld.org/docid/6241c27d4.html

33 UN News, *Un clima inclemente desplazará a casi 100 millones de niños de sus hogares (Inclement climate will displace almost 100 million children from their homes)*, available in Spanish at: https://news.un.org/es/story/2023/10/1524682 in reference to UNICEF's 2023 report Children displaced in a changing climate, the first global analysis of children displaced from their homes between 2016 and 2021 due to floods, storms, droughts and wildfires.

The COVID-19 Pandemic

Although it was a short period when viewed from the perspective of an entire decade, the COVID-19 pandemic wreaked havoc and its consequences are still being felt. Globally, Latin America and the Caribbean was the region hardest hit by the COVID-19 pandemic, which began in 2020: by December of that year, some 11 million people were infected and the number of deaths was close to half a million[34].

For displaced persons in need of international protection, the pandemic brought new and serious challenges: they were disproportionately affected by prolonged quarantines, movement restrictions, curfews, border closures and the suspension of the functioning of many asylum systems. This made it nearly impossible to seek asylum and receive protection; in fact, a sharp decline in asylum applications was observed across the region.

The economic downturn caused by the pandemic also had a particular impact on forcibly displaced people, including IDPs: their ability to integrate into host countries and communities was severely affected, and previously self-sufficient people became overwhelmingly dependent on humanitarian assistance provided by host countries or by international organizations and civil society.

The pandemic also led to a steep increase in gender-based violence, mental health care needs, food insecurity, malnutrition and poverty. The number of displaced homeless persons increased, which damaged the public perception of migrants and refugees. Indeed, high levels of infection in most Latin American and Caribbean countries, already with overburdened healthcare capacities, increased tensions in host communities that at times stigmatized and blamed displaced populations.

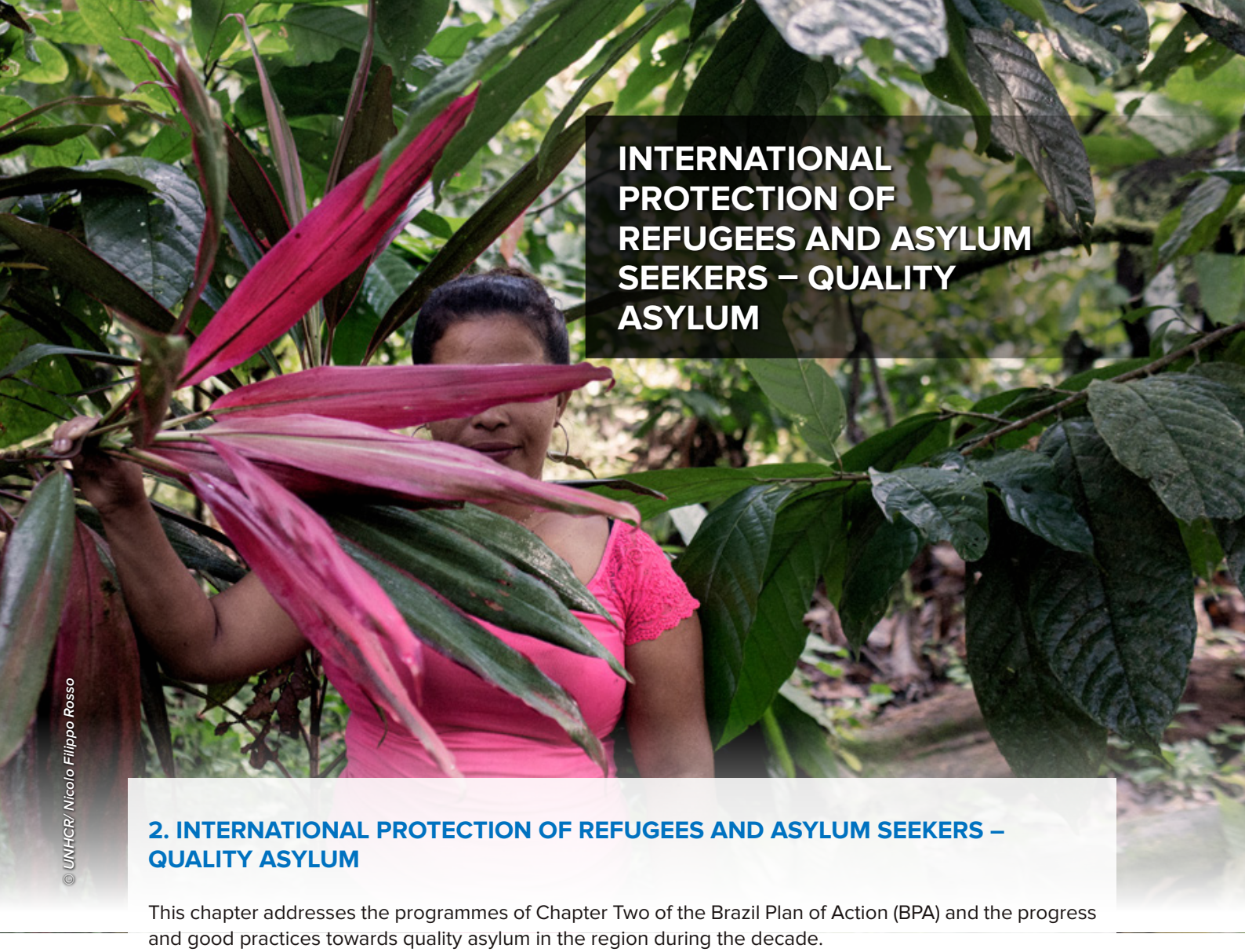
> The decade 2014-2023 was an extremely challenging time for countries of origin, transit and destination, with circumstances that could be considered alarming given the proportion of specific and international protection needs they have had to address, and the growing and urgent need to strengthen durable solutions, along with mechanisms for peaceful coexistence, cooperation and solidarity in the continent.
>
> It is indeed worrying that these needs and emergencies have steadily increased over the years.
>
> However, this scenario can also be viewed optimistically.
>
> As will be seen throughout this report, the Brazil Plan of Action and the other global, regional and subregional initiatives or mechanisms created or strengthened in the region in the last decade have provided solid tools for supporting countries in facing these challenges.
>
> The countries have made significant progress and developed sound good practices over the decade, which have been geared towards protection, solutions and eradicating statelessness. This shows the importance of the BPA which, in line with the Cartagena Process, designed tools that were crucial to the progress observed. It was also a forward-looking instrument, which not only observed the difficulties and challenges that prevailed in 2014, but also anticipated many of those that were to come. For example, as will be seen throughout this report, the Quality Asylum programme proved to be an efficient, flexible and adaptive mechanism for countries to address large-scale displacement; the local integration and cities

34 Economic Commission for Latin America and Caribbean (ECLAC), *CEPAL Review no. 132. Special Issue. COVID-19 and the socioeconomic crisis in Latin America and the Caribbean,* December 2020, available at: https://www.cepal.org/en/publications/46921-cepal-review-132-special-issue-covid-19-and-socioeconomic- crisis-latin-america

of solidarity programmes were key to strengthening the growing need for comprehensive, complementary and sustainable solutions; and the study requested from UNHCR on disaster and climate change induced displacement was a useful tool for addressing the scenarios that emerged during the decade.

The BPA provided a flexible framework that allowed countries – many of them faced with previously unknown and unprepared challenges – to adapt their asylum systems, often in revolutionary and paradigm-shifting ways.

All of this is analysed in this final report on the implementation of the Brazil Plan of Action, presented at the end of its 10-year term, at the conclusion of the Cartagena+30 Process and at the beginning of the new stage of the Cartagena Process, C+40.



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INTERNATIONAL PROTECTION OF REFUGEES AND ASYLUM SEEKERS – QUALITY ASYLUM

2. INTERNATIONAL PROTECTION OF REFUGEES AND ASYLUM SEEKERS – QUALITY ASYLUM

This chapter addresses the programmes of Chapter Two of the Brazil Plan of Action (BPA) and the progress and good practices towards quality asylum in the region during the decade.

2.1. Reference to the Brazil Plan of Action and other global and regional initiatives

The second chapter of the BPA addresses the international protection of refugees and people seeking refugee status, and advocates for two closely-related programmes: ***Quality Asylum*** and ***Borders of Solidarity and Safety.***

The ***Quality Asylum*** programme seeks to improve eligibility procedures, boost the skills and knowledge of asylum authorities, and introduce notions of management and efficient handling of refugee status determination procedures[1]. The ***Borders of Solidarity and Safety*** programme suggests implementing six actions through the collaboration between States, UNHCR, other international bodies and civil society with an aim to preserve borders as safety and protection areas for people and States[2].

The content of both programmes reflects the visionary, practical and flexible nature the BPA showed a decade ago when analysing the challenges that the region was facing at the time and that have grown over the years, and providing concrete responses and actions to address them. These characteristics have enabled the BPA to be in synergy with numerous existing mechanisms and forums in the region and provide

1 It defines thirteen actions aimed at building efficient, quality, customizable, and complete procedures. It calls for States to improve the quality and fairness of eligibility procedures, to fully respect due process, to optimize human and material resources, to make amendments to strengthen asylum systems and their institutions, to reinforce the capacity and knowledge of competent authorities, to establish internal audit mechanisms, and to pay special attention to registration systems (digitalization and case management mechanisms), as well as to the delivery of timely and quality documents.

2 This basically means respecting protection from *non-refoulement*, including non-rejection at the border, ensuring access to the territory and to refugee status determination procedures through greater presence of asylum entities at borders, and educating officials from different government institutions present in said areas. It also means establishing adequate and effective identification and referral mechanisms for persons in need of international protection.

concrete input to them, such as the 2018 Global Compact on Refugees **(GCR[3])**, the 2019 Global Refugee Forum, the MIRPS, CONAREs meetings, among others[4].

For example, one of the most significant contributions, as described later in this report[5], was the region's concrete contribution to the Global Compact on Refugees, through the *100 points of Brasilia. Inputs from Latin America and the Caribbean to the Global Compact on Refugees.* There are multiple cross-cutting synergies and complementarities between the BPA and other mechanisms, as briefly shown in the figure below:

***Quality Asylum* programme**

One of the most important of these synergies is the initiative called the **Asylum Capacity Support Group**[6] (**ACSG**), created at the first Global Refugee Forum in December 2019[7] to guarantee the consistency of support to asylum capacity between different States and stakeholders, as well as the greatest impact and the best use of resources. The Asylum Capacity Support Group is a strategy that shares the objectives of

3 Information available at https://www.unhcr.org/media/global-compact-refugees-booklet.

4 The fora and mechanisms in place in the region are described in Chapters IV, V and VII of this report for subregional fora.

5 See Chapter VII of this report.

6 Asylum Capacity Support Group (ACSG): https://globalcompactrefugees.org/article/asylum-capacity-support-group

7 On the Global Refugee Forum 2018, See Chapter VII of this report. The QAI Programme refers to efficient, quality asylum systems with integrity. Within the Asylum Capacity Support Group, these three characteristics divide into four (efficiency, quality, customization, and integrity), further specifying each of the properties that a fair and efficient asylum system must have.

the BPA ***Quality Asylum*** programme and complements them by providing additional tools and cooperation mechanisms for its implementation[8].

Borders of Solidarity and Safety programme

Special mention should also be made of the synergies and complementarities between the BPA and the Organization of American States (**OAS**) and the Inter-American Human Rights System (**IAHRS**): they complemented, developed and expanded each of the rights related to the due process in refugee status determination procedures, establishing on a regional level the binding nature of the fundamental pledges made by the States within the framework of the Brazil Plan of Action[9].

8 In the Americas, there have been requests for support from 11 Latin American and Caribbean countries in protection, asylum, asylum capacity-building, solutions and responsibility-sharing mechanisms. Information available at https://globalcompactrefugees.org and https://acsg-portal.org/.

9 The Organization of American States (**OAS**), through its General Assembly (**GA-OAS**) and its specialized entities and agencies, particularly, the Inter-American Commission on Human Rights (**IACHR**) and the Inter-American Court of Human Rights (**IACtHR**), which are part of the Inter-American System for the Promotion and Protection of Human Rights (**IAHRS**), continued to play a key role in the promotion and protection of the rights of refugee, displaced and stateless women, girls, men and boys. The OAS has become a fundamental ally in the implementation of the BPA by providing **technical collaboration and training**, developing **inter-American standards** and conducting **monitoring**, assisting Member States in the effective compliance with their international and regional obligations. Additionally, it participated, collaborated in or sponsored various **regional cooperation initiatives**, such as the MIRPS and the Quito Process. As regards the **protection** of displaced persons, refugee status seekers and refugees in the Americas, the efforts towards the promotion, monitoring and protection by the OAS, the IACtHR and the IACHR have allowed for the **development and dissemination of inter-American standards**. See: *Brazil Plan of Action: Second Triennial Progress Report*, Chapter Two, section 2.2., available at https://www.acnur.org/media/brazil-plan-action-second-triennial-progress-report-2018-2020. For the **ISHR's contributions to the protection of persons displaced by disasters**, see Chapter VII of this report, section 7.4.2.

2.2. Progress made on international protection of refugees and asylum seekers

Throughout the decade and the successive progress assessments in implementing the BPA[10], most countries reported advancements and good practices, even during the year and a half of the pandemic when millions of forcibly displaced persons faced border closures, restrictions on movement and the suspension of procedures.

More generally, despite the complex humanitarian situation that slowly but steadily ramped up over the years in the region – with unprecedented large-scale displacement for some countries – States did not neglect to strengthen their asylum systems. At times the adversities and new scenarios they faced in fact became a source of good practices that became sustainable.

2.2.1. Quality Asylum and asylum system capacities

During the decade, countries in the region continued their efforts to improve quality and efficiency in their refugee status determination procedures, in line with the ***Quality Asylum*** programme. This period was marked by significant changes in protection needs, large-scale displacement, mixed movements and increased specific protection needs in countries of origin, transit and destination. The COVID-19 pandemic added even greater challenges. In response, many countries implemented practical or innovative solutions to meet their international protection obligations.

A decade of strengthening CONARE in Peru

Since the beginning of the BPA UNHCR has supported Peru in promoting the work of the Special Commission for Refugees (CEPR) and its Executive Secretariat.

A computerized system was launched in 2018, allowing an increase in the number of visits from 400 per year to more than 800 per day; this system is constantly evolving. In addition, the CEPR occupied three floors of a building for a staff of over 80 people. Prior to the onset of the pandemic, it managed to help up to 900 people a day (refugees and asylum seekers). This effort was accompanied by improved working conditions for the staff at the Executive Secretariat: better conditions imply a better quality assistance for applicants and refugees.

These significant improvements in assistance and registration were accompanied by enhanced quality of decisions, developing technical training courses on refugee protection, eligibility interviews, legal analysis, credibility assessment and country of origin information research, among other topics. In addition, in order to respond to a large number of cases and to urgent protection needs, accelerated decision-making processes –adoption possible within 24 hours – were implemented for persons with specific health needs, suffering persecution or at risk of extradition.

Identification of such persons is supported by the urgent cases assistance network, developed by the CEPR with the support of UNHCR, other international organizations and civil society. The goal is to form an assistance network in which highly vulnerable cases are referred to the CEPR for rapid qualification for asylum and, at the same time, for the latter to refer cases that require any of the services provided by civil society.

Finally, a virtual asylum seeker's card, with a QR code for the verification of authenticity and validity, was developed.

10 See methodologies in the introduction to this report.

Strengthening national asylum systems and the Asylum Systems Quality Assurance Initiative

Implementation of the ***Quality Asylum*** programme was shaped in large part by the **Quality Assurance Initiative for Asylum Systems (QAI)**, implemented at different points in the decade by various countries in the region (Argentina, Bolivia, Brazil, Chile, Costa Rica, Guatemala[11], Panama, Peru and Trinidad and Tobago)[12] and almost continuously in other countries (Ecuador and Mexico[13]).

> **Asylum Systems Quality Assurance Initiative (QAI)**
>
> This initiative is an instrument to develop or strengthen national asylum systems. It refers to a set of guiding principles that form the basis for a process to continuously improve the refugee status determination procedure. QAI evaluates decision-making mechanisms and institutional resources in order to constantly improve procedures for the simple, rapid and fair processing of applications for international protection.
>
> In the framework of this Initiative, quality means the following: 1) following the rules and principles governing the asylum procedure (compliance with the law), as well as the principles of due process (absence of arbitrary decision-making); 2) the effectiveness and efficiency of the processes (including the absence of inefficiency and errors in case management); and 3) public confidence in the integrity of the refugee status determination system.
>
> The QAI helps to develop and strengthen national asylum systems through the application of standards of accessibility, transparency, simplicity, efficiency and impartiality, in full compliance with the due process standards embodied in the regional human rights instruments of the Americas. It is a useful tool for: 1) strengthening the efficiency of systems in challenging contexts through efficient and customizable models of case management and capacity-building, such as differentiated procedures or digital registration systems; 2) raising the standards for refugee status determination decisions and, consequently, their grounds, motivation and fairness; and 3) sharing regional and global good practices.

Especially during the first years of the BPA, the QAI helped strengthen asylum systems by incorporating a clear diagnostic methodology, followed by recommendations and action plans, which were often times implemented over the years. The QAI adapted to the different realities and evolving needs of asylum systems, and maintained its focus on UNHCR's technical advice and the goal of improving the efficiency, quality, integrity and adaptability of systems – including sustainability.

It should also be noted that the QAI is a clear predecessor to the Asylum Capacity Support Group[14] **(ACSG)**. This initiative was created at the first Global Refugee Forum in December 2019[15] to guarantee the consistency of support to asylum capacity among States and stakeholders, as well as the greatest impact and the best use of resources. The ACSG is a strategy that shares the objectives of the BPA ***Quality***

11 Guatemala adopted it in 2022.

12 In the Caribbean, including Belize. (See Chapter V of this report).

13 An example of this was Mexico, one of the first countries to implement the Quality Control Initiative for Asylum Systems and which maintains the programme to this day with the support of a technical team specialized in each of the areas. A more detailed description of Mexico's progress in this area can be found in IACHR, *Practical Guide on International Protection and Regularization of Legal Status in the Context of Large-Scale Mixed Movements in the Americas*, 2022, page 25, available (in Spanish) at: http://www.oas.org/es/cidh/Publicaciones/2022/guiaPractica_ProteccionInternacional_MovilidadHumana_SPA.pdf

14 Asylum Capacity Support Group (ACSG): https://globalcompactrefugees.org/article/asylum-capacity-support-group

15 On the Global Refugee Forum 2018, see Chapter VII of this report. The QAI Programme refers to efficient, quality asylum systems with integrity. Within the framework of the ACSG, these three characteristics divide into four (efficiency, quality, customization, and integrity), further specifying each of the properties that a fair and efficient asylum system must have.

People cross the border between Peru and Chile.
© UNHCR/Raul Garcia Pereira

Asylum programme and complements it by providing additional tools and cooperation mechanisms for its implementation[16].

Therefore, during the decade of implementation of the BPA, the QAI led to a large number of national good practices, which were shared within the region through regional cooperation forums and were even transmitted to countries that had not formally adopted it.

The Asylum Systems Quality Assurance Initiative (QAI) in Argentina

In 2013, the National Commission for Refugees (CONARE) and UNHCR signed an "Agreement on the Quality Assurance Initiative and Strengthening of Refugee Status Recognition Project" to strengthen capacities for processing, examination and decision-making concerning applications for refugee status recognition at all levels; to ensure the identification of specific protection needs of certain vulnerable groups; and to define and establish internal review mechanisms that, in an effective and sustainable manner, allow high standards of decision-making to be maintained.

In 2015 and 2016, the main QAI diagnostic phases were carried out jointly by the CONARE Executive Secretariat and UNHCR. These were followed by a consultancy on the same initiative that developed products for implementing the recommendations, starting in 2018: i) terms of reference for staff and departments of the Technical Secretariat, ii) interview guide and checklist, iii) new reporting format, iv) staff training plan and, v) internal audit mechanism. As of 2023, the eligibility department of the Technical Secretariat has two coordinators, so the procedure can be monitored and the content of the technical reports submitted to CONARE can be standardized. This provides general guidelines for analysis by nationality, ensuring a single, harmonized approach that is regularly updated on the basis of information from the country of origin.

16 In the Americas, requests for support have been made by 11 Latin American and Caribbean countries in protection, asylum, asylum capacity building, solutions and responsibility-sharing mechanisms. Information available at: https://www.unhcr.org/about-unhcr/who-we-are/global-compact-refugees and https://acsg-portal.org/

Thus, whether in the framework of the QAI or sometimes just replicating its good practices, the decade saw significant **institutional strengthening of CONAREs**[17], including ongoing **training** of officials (in most countries of the region[18]), as well as an innovative and appropriate use of **new technologies** in the various phases of the refugee status determination procedure (including the CONAREs' decision-making mechanism). As a result, the CONAREs organized **virtual sessions** (in countries such as Argentina, Brazil, Chile, Costa Rica and Uruguay), allowing remote access to the procedure (as in Argentina, Brazil, Costa Rica, Panama, Peru and Uruguay) or **remote eligibility interviews** (as in Argentina[19], Brazil[20], Chile, Colombia, Ecuador, Guatemala, Mexico, Peru and Uruguay), increased use of social media, the creation of information portals and mobile applications, and the activation of telephone lines or emails (as in Argentina, Ecuador,

17 Improved infrastructures, increased number of professionals in line with needs (as in Argentina, Brazil, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Panama and Peru), adoption of annual work plans (as in Mexico), more frequent CONARE sessions (as in Costa Rica and Ecuador). In addition, some CONAREs have decentralized, increasing their geographical presence, or expanded their physical spaces to raise reception, assistance and confidentiality standards (e.g. Argentina, Brazil, El Salvador, Guatemala, Honduras, Mexico, Panama and Venezuela).

18 In Argentina, for example, there were language courses; regional and extra-regional workshops (in France and Italy); conferences organised by civil society (e.g. by the Senegalese Association in Argentina) and by universities; and, in general, a large number of workshops and training sessions organised by UNHCR.

19 In Argentina, complementing *Law No. 26165 by Joint Signature Resolution No. RESFC-2021-281-APN-CONARE#MI* of 11 November 2021, the procedure for conducting remote interviews was adopted that same year (2021), inspired by UNHCR recommendations and good practices in countries such as France, Canada, Brazil, the United Kingdom and Spain. The procedure ensures respect for the principles of confidentiality and due legal process, while complying with the necessary safeguards to guarantee the right of the applicant to submit their case and to clarify the facts stated and the personal reasons on which the application is based. In the protocol for the remote interviewing procedure, the assumptions for its implementation were established: 1) cases where the applicant presents clear international protection needs as they are in a situation of high vulnerability; 2) manifestly unfounded cases; 3) cases where the interview is not expected to be very complex; and 4) cases where the person has been previously interviewed in person and the eligibility officer needs to clarify only a few aspects in order to resolve the case. In 2022, CONARE rectified the Resolution to expand the spaces in which interviews could be conducted by videoconference. The remote interview procedure, following the guidelines of legality in accordance with its protocol, proved to be a useful tool within the procedure. Given the backlog of pending applications, this helped shorten geographical distances, and avoid travel time and expenses, contributing to reducing the backlog of interviews.

20 On remote interviewing in Brazil, more information is available in *Buenas Prácticas Asilo Américas (Best Practices Asylum Americas)* (UNHCR) available (in Spanish) at: https://www.asiloamericas.org/brasil-entrevistas-remotas/

Honduras, Mexico, Panama and Uruguay). Venezuela also developed a strong programme of **CONARE training, capacity-building and institutional coordination**[21]**.**

More substantively, the QAI led to significant advances in the **quality and fairness of** asylum **decisions**: among others, respect for due process and other fundamental principles of protection, rigour and due application of the principle of proportionality in exclusion decisions, greater transparency, proper investigation and use of country of origin information (as in Argentina and Mexico) and, more generally, guaranteeing the right to a duly founded and explained written decision, applying the principles of good faith and the benefit of the doubt, as set out in the BPA[22]. The QAI was also an important technical support for the progressive implementation of alternatives to administrative detention, with special attention to specific needs, family unity and respect for human rights (Costa Rica[23], Mexico[24]). A relevant good practice was the Refugee Status Determination Handbook developed in Mexico in 2017 with support from the QAI, the first of its kind in Latin America[25].

Similarly, it led to progress in **procedural efficiency** by designing mechanisms to address backlogs that had accumulated disproportionately, given that most asylum systems had been designed for an infinitely smaller number of applications (e.g. Argentina, Chile, Colombia, Costa Rica, Ecuador, Peru). In addition, some countries (such as Brazil, Costa Rica[26], Mexico[27], Paraguay, Peru[28], and Uruguay) developed **differentiated procedures** to determine refugee status (expedited, simplified, merged, or group)[29], with different regulations and procedural modalities. Several CONAREs used claim analysis techniques, such as group recognition (Paraguay) or individual recognition with the *prima facie* approach (Brazil and Paraguay), and assumption of inclusion (Mexico). Finally, merged procedures were also used (in Mexico and Paraguay).

21 The Venezuelan CONARE has an office in the Capital District (covering the east and south of the country), and three regional offices strategically located in border areas (Zulia, Táchira and Apure states), so that it can receive on-site applications. In addition to this permanent presence, the CONARE carries out monitoring in border states, at international ports and airports and with other relevant authorities to coordinate immediate assistance for persons in need of international protection, and to make the corresponding referrals.

Between May and August 2023, fifteen training sessions were held at CONARE's regional headquarters for military officials from the Operational Integral Defence Zones (ZODI) and the Strategic Integral Defence Region (REDI), which have a permanent presence in the land and sea border zones and posts in the south, east and west of the country. There were also officials from the Bolivarian National Police, responsible for border assistance and transit, and officials from the Justice and Child Protection system. These training processes are carried out in order to raise awareness and be able to provide the necessary assistance and support to persons requiring international protection in accordance with domestic legislation, improving compliance with the international principles of *non-refoulement* and non-punishment for irregular entry, as set out in the relevant international conventions and treaties. By October 2023, a total of 520 officials (between 20 and 30 years old) had been trained, strengthening the capacity for response, inter-agency coordination and rapid handling of requests made by persons in need of international protection.

22 Similarly, regarding the use of country of origin information, documentation packages, research manuals or standardized models were developed during the decade (e.g. in Brazil, Costa Rica, Mexico and Panama; in Mexico, an IOC Unit was created (more information in *Buenas Prácticas Asilo Américas (Good Practices Asylum Americas)* (UNHCR) available (in Spanish) at https://www.asiloamericas.org/mex-unidad-coi/ and observation missions were carried out to countries of origin (as in Costa Rica and Mexico). For the interview and analysis stages, manuals and mechanisms for the identification of profiles and vulnerabilities were adopted to guarantee priority and differentiated attention, internal databases, templates or standardized models for legal analysis, interview guides or mechanisms for prioritising profiles were created (as in Argentina, Brazil, Ecuador, Honduras, Mexico, Peru and Uruguay).

23 Costa Rica, *Migration Act* No. 8764 (2009), arts. 6, 31, 41, 106, 116, 117 and 118; Decree No. 36831-G, *Regulations on Refugees*, arts. 7, 10, 63, 64 and 137.

24 See Report of the Inter-American Commission on Human Rights, *Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico*, 2013, chapter 3 on immigration detention and due process, available at: http://www.oas.org/en/iachr/migrants/docs/pdf/report-migrants-mexico-2013.pdf

25 See Brazil Plan of Action, *First Triennial Progress Report*: section 4.2.3., box page 53, available at: https://www.acnur.org/media/brazil-plan-action-first-triennial-progress-report-2015-2017

26 In the case of Costa Rica and in the framework of the implementation of the QAI, an accelerated/simplified procedure for pre-established profiles of nationals from Nicaragua, Venezuela and Cuba has been applied since May 2022. Under this procedure, once a case is identified, it is referred for an eligibility interview in which officers work with pre-established questionnaires and draft resolutions and cases are sent with priority to the Commission on Restricted Visas and Refugees (CVRR). By the end of August 2023, it is estimated that around 2,754 had been recognised under this procedure *[Data obtained by UNHCR from figures provided by the Directorate General for Migration and Foreigners (DGME)].*

27 Detailed descriptions of the differentiated procedures adopted in Mexico (merged, accelerated and simplified) can be found in *Buenas Prácticas Asilo Américas (Best Practices Asylum Americas)* (UNHCR), available (in Spanish) at https://www.asiloamericas.org/buenas-practicas/

About the Asylum Systems Quality Assurance Initiative (QAI) in Mexico, see: *Second Triennial Progress Report* (box in Chapter II of the report, section 3.2.1.) and Mexico's good practices in *Buenas Prácticas Asilo Américas (Best Practices Asylum Americas)* (UNHCR), in particular the registration centre in Tapachula, Chiapas: https://acsg-portal.org/tools/mexico-registration-centre-in-tapachula-chiapas/

28 The Special Commission for Refugees (CEPR) in Peru is conducting accelerated decision-making processes for cases of refugee claimants with specific health needs who are suffering persecution or are at risk of extradition; decisions can be made within 24 hours.

29 See UNHCR, *Aide Memoire and Glossary of Case Processing Modalities, Terms and Concepts Applicable to the Refugee Status Determination [RSD] under UNHCR's Mandate*, 2020, available at https://www.refworld.org/docid/5a2657e44.html

Differentiated procedures in Mexico

In July 2019, with the support of UNHCR through the Asylum Systems Quality Assurance Initiative (QAI), the country launched a system of differentiated procedures aimed at reducing procedural times and increasing the efficiency of the Mexican Commission for Refugee Assistance (COMAR), while maintaining high standards in the quality of decisions. In order to carry out the procedure, COMAR performs a prior objective analysis of the specific protection needs and risk profiles generated by the situations prevalent in the countries of origin. Standardized eligibility criteria and interview guides are developed, along with ongoing training for registration and eligibility officers. With this background, in the registration phase COMAR carries out early identification of cases with a high presumption of eligibility, which are channelled as a priority to the protection department for interviews and resolution. Most cases correspond to people coming from countries where there are massive human rights violations or a serious disturbance of public order, and COMAR has applied the Cartagena extended regional definition. This procedure, carried out by specific staff, is currently being implemented in Mexico City and Tapachula, Chiapas, and is in the process of expansion: there are plans for implementation in four new COMAR offices in the country[30].

Through this procedure, 147,388 applications were resolved between 2018 and August 2023; and, in 2021 alone, 38,119 individual applications were resolved.

Finally, in terms of quality asylum, it is worth mentioning the institutionalization of **legal representation and sponsorship or free legal advice** offered by Ombudsman Offices (Argentina[31], Brazil[32] and Ecuador[33] and Mexico[34]), along with progressive access to interpreters[35] and free legal advice and representation (e.g. Panama). In line with this, in 2017 several academic institutions, legal clinics, ombudsman offices and civil society organizations launched the Americas Network for Refugees Legal Aid (ANRLA)[36].

30 On the differentiated procedures in Mexico, see also *Buenas Prácticas Asilo Américas (Good Practices Asylum Americas)* (UNHCR), *Mexico: Simplified procedures* at: https://www.asiloamericas.org/mexico-simplified-procedures/; *Mexico: Merged procedures: combined registration and eligibility procedures and application of the broader definition*, at: https://www.asiloamericas.org/mexico-merged-procedures-eng/; and *Mexico: Accelerated procedures*, at: https://www.asiloamericas.org/mexico-accelerated-procedures-eng/.

31 In Argentina, there is an administrative appeal body independent of CONARE, i.e. the Ministry of Interior; once the administrative process has been exhausted, the applicant can file a claim against the State for review of the administrative act decision denying refugee status. The judicial process is carried out before the Federal Administrative Court.

32 About this good practice see: *Brazil: Asesoría y representación legal. Defensoría Pública de la Unión (Brazil: Legal advice and representation, Office of the Ombudsman of the Union)*, in *Buenas Prácticas Asilo Américas (Best Practices Asylum Americas)* (UNHCR) available (in Spanish) at: https://www.asiloamericas.org/bra-asesoria-y-representacion-legal-defensoria-publica-de-la-union/

33 Ecuador: Defensa Legal para solicitantes de asilo y refugiado/as (Ecuador: Legal Defence for Asylum Seekers and Refugees). The Ombudsman Office provides legal advice and representation to asylum seekers and refugees; for more information, see *Buenas Prácticas Asilo Américas (Best Practices Asylum Americas)* (UNHCR) available (in Spanish) at https://www.asiloamericas.org/ecu-defensa-legal-para-personas-solicitantes-de-asilo-y-refugiadas/

34 In Mexico, the Instituto Federal de Defensoría Pública (IFDP) provides legal advice and representation to persons seeking refugee status, more information in *Buenas Prácticas Asilo Américas (Best Practices Asylum Americas)* (UNHCR) available (in Spanish) at: https://www.asiloamericas.org/mexico-defensa-legal/

35 See, for example, in Brazil: *Brasil: Acuerdo entre CONARE y la Universidad de Brasilia para la provisión de intérpretes (Brazil: Agreement between CONARE and the University of Brasilia for the provision of interpreters)*, for more information, see *Buenas Prácticas Asilo Américas (Best Practices Asylum Americas)* (UNHCR) available (in Spanish) at https://www.asiloamericas.org/bra-acuerdo-entre-conare-y-la-universidad-de-brasilia-para-la-provision-de-interpretes/

36 In 2020, together with UNHCR, they published guidelines on legal assistance: UNHCR, *Ayuda Memoria para el establecimiento y fortalecimiento de programas de asesoría, asistencia y representación legal, pública y gratuita para personas de interés del ACNUR* (*Aide-Memoire for the establishment and enhancement of public and free legal aid, assistance and representation programmes for persons of concern to UNHR*), 9 April 2020, available (in Spanish) at https://www.refworld.org.es/docid/5e9224f34.html.

Advances in case law and regulations

Panama. An unprecedented number of refugees and migrants cross the Darien jungle seeking protection and dreaming of a better life. © UNHCR/Viola E. Bruttomesso

Since the adoption of the BPA and throughout the decade, many countries in the region have applied the **extended definition of refugee contained in the 1984 Cartagena Declaration**, with the times and circumstances in which this definition was applied naturally varying. Argentina[37], Brazil[38], Colombia[39], Chile, Mexico, Paraguay, Peru[40] and Uruguay applied this definition to people from other continents, as well as to nationals from countries in the region. More generally, the binding nature of the definition and its value as a regional practice was recognized by various supreme and constitutional courts, regional instruments and the ISHR: among others, the Inter-American Court of Human Rights **(IACtHR**) stressed its binding **nature** as part of the minimum content of the human right to seek and obtain asylum[41].

These advances were accompanied by the increasing involvement of national judicial, administrative and constitutional justice systems in asylum issues, on many occasions leading to stronger protection, with the development of substantive case law on due process guarantees and fundamental principles of protection, and even in-depth analysis in review bodies. The most noteworthy rulings in the region were recognized throughout the decade through the *Premio Sentencias Acceso a la Justicia de Personas Migrantes o Sujetas de Protección Internacional (Access to Justice for Migrants or Persons Subject to International Protection Rulings Award).* Since 2016, these awards have made the good practices of courts throughout the Americas visible, highlighting the importance of case law and the role of the judiciary in safeguarding the rights of migrants and refugees[42].

37 The extended regional definition is incorporated into Argentinean Law in the same terms as the Cartagena Declaration. CONARE has continued to adjudicate refugee status on the basis of this definition. This is evidenced by the fact that, between 2014 and 2023, 466 recognitions based on Art. 4(b) of the Law have been registered.

38 In 2019, Brazil applied the regional definition with *prima facie* recognition, within the framework of a simplified procedure. A description of the process can befound in *Buenas Prácticas Asilo Américas (Best Practices Asylum Americas)* (UNHCR), available at: https://www.asiloamericas.org/brasil-reconocimiento-prima-facie-en/. Applying the definition allows for cross-checking of data and faster processing of applications, which has been particularly relevant in the framework of Operation Welcome (see Chapter III on Solutions, section 3.2.1., number 2).

39 In Colombia, the extended definition was included in the *Comprehensive Migration Policy Act* (Act 2136 of 2021), reaffirming the definition existing in Decree 1067 of 2015, which includes the regulations on the procedure.

40 Peru has recognized refugee status by applying the extended definition for cases of vulnerable Venezuelan citizens: unaccompanied or stateless children and adolescents, people with serious illnesses or in need of surgery, and survivors of gender-based violence. In this way, it has sought to broaden the criteria for the application of international protection.

41 See Regional Instruments on Refugees and related topics, *La fuerza vinculante de la definición regional de la Declaración de Cartagena sobre Refugiados (The binding nature of the regional definition in the Cartagena Declaration on Refugees) (1984),* December 2018, available (in Spanish) at: https://www.refworld.org.es/docid/5d03d0b54.html

42 Additional information and references on the judgments are available (in Spanish) on the website of the organisation Sin Fronteras IAP: https://premiosentencias.sinfronteras.org.mx/; *see also detailed information in the Second Triennial Progress Report of the Brazil Plan of Action, section 3.2.1., box pages 56 and 57, available at* https://www.acnur.org/media/brazil-plan-action-second-triennial-progress-report-2018-2020.

2.2.2. Registration and Documentation

Another significant impact of the QAI during the decade of implementation of the BPA was its contribution to strengthening registration and documentation systems. The need to raise standards of protection and due process, and to adequately and efficiently receive and host large influxes of forcibly displaced persons led States to gradually recognize the importance of this key initial phase of the procedure and the need to create specialized departments within CONAREs.

A group of refugees and migrants coming from Guatemala enter Mexico after having crossed the Usumacinta river. © UNHCR/Nicolo Filippo Rosso

States also started to collect more qualitative and quantitative data, through the collection and analysis of information disaggregated by sex, age and diversity, and conducted demographic and socio-economic studies in order to improve protection responses (Brazil, Ecuador, MIRPS countries[43]).

Receipt, registration and digital management of asylum applications

The BPA recommended creating electronic registration and database systems to facilitate systematic data recording, information gathering and authorized access for accurate case tracking and statistical tabulation. This was one of the areas in which significant progress was made during the decade.

Computerized systems for the registration and management of cases were created, reinforced or began to be developed (as in Argentina[44], Chile, Costa Rica, Guatemala, Honduras, Mexico, Panama, Uruguay and Venezuela). These included the Qoriqancha[45] system in Peru, and the design and development – by the State of Brazil, since 2019 – of SISCONARE, an online digital platform used to register and process applications for recognition of refugee status[46].

43 About the MIRPS, see Chapter IV of this report.

44 In Argentina in 2019, the Executive Secretariat of CONARE set up a computerized registration system that uploads information from the application form and the biometric data of each applicant, to whom it assigns a unique number. The system has security measures to protect the confidentiality of the information and is used and consulted in the Migration Delegations and Offices of the National Directorate of Migration throughout the country. In 2023 the Executive Secretariat improved statistical work for strategic decision-making in accordance with the concept of "Smart Management", ensuring efficient management by the administrative department, which distributes staff according to the needs of the Secretariat. To achieve this, a team was also set up within the Technical Secretariat to produce statistical information based on key variables such as the number of applications received and pending procedures, as well as to carry out trend analyses. In the medium- and long-term, the aim is to continue to improve these capacities by training staff in the use and incorporation of new technologies, with a view to increasing administrative output. The tasks performed by the statistics team include responding to internal and external requests for information, producing regular statistical reports, monitoring key performance indicators, as well as maintaining and updating the statistical data published on the CONARE website.

45 Qoricancha II in Peru, more information on *Buenas Prácticas Asilo Américas (Best Practices Asylum Americas)* (UNHCR) available at: https://www.asiloamericas.org/peru-goricancha-ii-eng/

46 SISCONARE in Brazil, see also *Buenas Prácticas Asilo Américas (Best Practices Asylum Americas)* (UNHCR) available at: https://www.asiloamericas.org/brazil-sisconare-en/ and in IACHR, *Practical Guide* on *International Protection and Regularization of Legal Status in the Context of Large-Scale Mixed Movements in the Americas*, 2022, page 27.

The System of the National Committee for Refugees (SISCONARE) in Brazil

The System of the National Committee for Refugees (SISCONARE), created in 2019, is an online digital platform used by the National Committee for Refugees (CONARE) to register and process applications for refugee status recognition. This system, used by CONARE and the Federal Police, allows applicants to register and formalize their application quickly and easily, update their information[47], receive notifications, keep their personal data up-to-date and monitor the processing of their application, ensuring greater transparency in the process. SISCONARE also allows refugees to process various requests, from updating their information to applying for family reunification. The system also allows for a more dignified treatment by avoiding long queues during the procedure.

From CONARE's point of view, the system streamlines the procedure (scheduling interviews, preparing legal assessments, notifications), contributes to reducing the backlog of cases and guarantees the security of information. It also assists in the process of *prima facie* recognition of Venezuelan applicants by allowing the extraction of data according to specific criteria. In addition, since the pandemic, SISCONARE has allowed remote eligibility interviews using Microsoft Teams, reaching people living throughout Brazil. This system, which guarantees due process, has effectively reached hundreds of applicants who were waiting to be invited to interview. SISCONARE also includes the digitization of data, improving efficiency, security, transparency and accessibility. The digitilized data can now be easily searched, organized and shared between the agencies involved in the asylum application process, allowing for a quicker response. Access controls also ensure that only authorized persons can view or modify data, which enhances security and confidentiality.

Since 2019, SISCONARE has received a total of 222,000 applications. Currently, 87,800 are being reviewed. Of the 134,000 already resolved, 69,000 received a substantive ruling (recognition or rejection), while 65,000 were resolved without a substantive analysis (extinguished or archived).

The Brazilian experience has been of interest to several countries in the region and it has been shared in regional and multilateral forums.

Processes of **digitization** of physical archives were also carried out or initiated (e.g. in Brazil, Chile, Costa Rica, Mexico and Venezuela). Other countries put into operation **remote registration mechanisms** for new asylum claims, contributing to making the system and access to the procedure more efficient (as was the case in Argentina[48], Brazil, Bolivia, Ecuador, Paraguay, and Uruguay[49]). These measures were issued together with the registration of **biometric data** (as was the case in Ecuador, Honduras, and Mexico), which also became a valuable tool in view of the legitimate security concerns of the States. The systemization, analysis and periodic publication of **statistical data** (as was the case in Brazil, Mexico, and Panama) were also worth mentioning.

47 To gain access for the first time, applicants must have a valid email address and fill in some basic information. The system sends them an email through which they generate their password. Once they have their password, applicants can register online directly in the system. The Federal Police verifies the information in SISCONARE, using the asylum seeker's processing number, checks the data and takes photographs and fingerprints. Once validated, the Asylum Protocol is issued together with its corresponding number. The Federal Police can also issue a *Provisional National Migration Registration Document* (DPRNM), which complements the Asylum Protocol and ensures better access to the basic rights of applicants, considering their greater acceptance in society. Even as applicants, full access to public and social services is guaranteed, including medical care (through the Unified Health System), education, access to the labour market and social benefits.

48 In 2020, CONARE in Argentina adopted a *Joint Signature Resolution* approving the online procedure for initiating asylum applications. In addition, an explanatory guide was prepared for applicants. Internal instructions were developed on initiating online applications, how to respond to queries and the measures necessary to ensure due process. With a view to greater efficiency, in 2021 the CONARE Executive Secretariat implemented the online appointment system for the renewal of Provisional Documents granted to applicants, who must complete the form on CONARE's official website (*http://www.migraciones.gov.ar/dnm/solicitud.php);* and enter an email address where they will be notified of the date and time they must go to the Executive Secretariat to renew their document.

49 Further information on *Buenas Prácticas Asilo Américas (Best Practices Asylum Americas)* (UNHCR) available (in Spanish) at: *https://www.asiloamericas.org/uru-registro-remoto/*

The Comprehensive Refugee Management System (SIGESREF) in Venezuela

SIGESREF is a digitalized system for recording information used in the refugee status determination procedure, which also backs up CONARE's historical archives. This system was conceived in 2018 at the initiative of the government and has been operational and functional since 2021. It supports Venezuela's efforts to promote and protect the human rights of asylum seekers, and those at risk of statelessness[50]. Its design and implementation and the training of staff in its use were carried out within the framework of the collaboration agreement between the National Commission for Refugees (CONARE), the Ombudsman's Office and UNHCR[51].

This system allows for the systematization, processing and analysis of all information relating to applicants and refugees in order to develop actions for durable solutions. It is also designed as a database that can be used by national units in the future to view the legal status of persons and, at the same time, social work bodies can contribute to incorporating and assisting with vulnerabilities detected. It has a module for registering new applications, as well as for following up on cases and predetermined reports with statistical data, allowing for the generation of disaggregated information on refugees, applicants for refugee status and their family groups.

Interoperability between systems (asylum, migration, civil registries, police, etc.) was gradually introduced in some countries, ensuring better identification of persons in need of protection and their specific needs, better reception and entry into the refugee status determination procedure, and access to documentation, among others.

It is worth noting in this area that the progress observed was often facilitated by the exchange of good practices at the regional level and that UNHCR's technical advice, including through the Population Registration and Identity Management Eco-System (PRIMES)[52], was instrumental.

Remote asylum applications, eligibility interviews and decision-making in Uruguay

Uruguay established good practices during the pandemic which are still in place today.

In March 2020, in view of the closure of offices due to the pandemic, the possibility for people present in the country to apply for **asylum by e-mail** was established. For those at the border, application remained face-to-face, although during the pandemic an exception to the entry ban for persons with clear protection needs was established by Decree.

Upon receipt of the e-mail, the Refugee Commission (CORE) redirects to a form to be completed by the applicant. Once the form has been sent, the person receives a certificate of the start of the process, with which they must process their "arrival certificate" at the National Directorate of Migration. This certificate allows the National Directorate of Civil Identification to issue the provisional identity card as applicant.

50 For decades, applicants have found protection and social inclusion in the country. As a historical recipient country for refugees and people in need of international protection, Venezuela promotes public policies in favour of vulnerable sectors within its territory.

51 This agreement is part of the work to strengthen the relationship between the three institutions built on the basis of mutual respect, considering the functions and responsibilities the Law assigns to each of them and focusing efforts on coordination and collaboration to strengthen and optimize the national registration system.

52 The *Population Registration and Identity Management Eco-System* (PRIMES) is a set of digital tools and applications designed to collect, store and use data in UNHCR operations worldwide; it includes a specific tool for registration of persons of interest and biometric registration. Information available at: *https ://www.unhcr.org/registration-guidance/chapter3/registration-tools/*

In 2020, CORE adopted a procedure for conducting **remote eligibility interviews**. This allowed for continuity in the system, in addition to conducting interviews with people outside Montevideo, which was not previously possible. Interviews are conducted through the Microsoft Teams platform, preserving security and confidentiality. To provide access to a remote connection, an assistance point has been set up in Chuy (north of the country) with the support of civil society and UNHCR. If interpretation services are required**, interpreters may participate from any location, including outside the country**, subject to signing an affidavit and a confidentiality agreement. This has made it possible to have interpreters in languages that would otherwise have been difficult to obtain.

Eligibility officers **prepare their technical reports and submit them to CORE remotely** for resolution. The CORE holds its **sessions by videoconference** and then the Commissioners report to the Ministry of Foreign Affairs for face-to-face signature.

Documentation and digital identity

The actions of the BPA ***Quality Asylum*** programme include providing personal identification documents as soon as possible so that refugees and applicants do not suffer discrimination, as well as to differentiate the legal status of refugees from the migration status or category allocated to refugees for their residence. These actions provided for in the BPA have been implemented over the decade and have more than achieved their objectives: today, most countries in Latin America and some in the Caribbean issue individual documentation for refugees and asylum seekers.

Moreover, since the beginning of the implementation of the BPA, many countries have removed the reference to refugee or asylum seeker status from identity documents, facilitating access to basic rights and services, reducing the possibilities of discrimination and protecting the right to confidentiality (Argentina, Bolivia, Brazil, Colombia, Costa Rica, Ecuador and Peru). Further progress was made over the course of the decade: some countries gradually **digitalized the issuance and renewal of documentation** (such as Argentina, Chile, Costa Rica and Ecuador[53]). This trend accelerated during the COVID-19 pandemic, when several countries had to suspend the issuance of documents and extended the validity of documentation for refugees and migrants (such as Brazil, Colombia, Panama, Paraguay, Peru and Venezuela).

Some countries also introduced QR codes and formats similar to foreigners, residents and nationals. Therefore, all public and private segments recognized this documentation, which helped effective integration into work and civil life, and access to public services (as was the case in Brazil[54], Bolivia, Costa Rica, Ecuador and Venezuela). Along the same lines, several countries created documentation ensuring access to economic, social and cultural rights, especially the right to work (as was the case in Brazil, Bolivia, Ecuador, Guatemala, Uruguay, and Venezuela)[55].

A significant factor complementing the CONAREs registration systems was the progress made in the civil registries of the countries in the region, with the support of CLARCIEV; this is addressed in Chapter VI of this report on eradicating statelessness.

53 Ecuador implemented digitally verifiable electronic visas, further information in *Buenas Prácticas Asilo Américas (Best Practices Asylum Americas)* (UNHCR) available (in Spanish) at: https://www.asiloamericas.org/ecuador-visa-electronica-eng/

54 In Brazil, the new model of Provisional National Migration Registration Document (DPRNM) provided to applicants facilitates their access to rights, more information in *Buenas Prácticas Asilo Américas (Best Practices Asylum Americas)* (UNHCR) available (in Spanish) at: https://www.asiloamericas.org/brasil-documento-provisorio-de-registro-nacional-migratorio-en/

55 Quality documentation and access to rights are discussed in more detail in Chapter III, Section 3.2.1., no. 1) of this report.

Uruguay: Provisional document for asylum seekers

Since 2015, when people apply for refugee status recognition, a state-of-the-art provisional identity card is issued by the National Directorate of Civil Identification (DNIC). The card is valid for two years and has sophisticated, state-of-the-art security measures; it is compulsory for asylum seekers, as it is for any other inhabitant of the country, whether national or foreign (including children from the age of 45 days), and proves the applicant's status and regular stay in the country. Furthermore, it does not explicitly show the status of the applicant, but only mentions the organization to which the claim is being made (Refugee Commission), which is beneficial when it comes to job seeking. This document, identical to the one used by the other inhabitants of the country, contributes to integration, improving access to economic, social and cultural rights and limiting possible discriminatory practices; it also gives access to work, public health and education.

Provisional card for applicants in Venezuela

SIGESREF[56] allows a provisional document for asylum seekers to be issued, as laid down in Venezuelan legislation, in the form of an ID card with a QR code which can be read from an application on smartphones, tablets or other mobile devices. The provisional card displays basic data about the person (photograph, full name, date of birth, nationality, family composition, blood type) and contains the date of submission of the application. By means of the QR code, any authority can validate in real time the applicant's information, status and any other relevant information, which facilitates any coordination required to assist the asylum seeker and persons recognized as refugees. The card is individual in nature and complies with all the legal provisions in terms of validity period, speed of issue, and accessibility, and is free of charge .

2.2.3. Addressing specific protection needs

Since the adoption of the BPA, measures have been taken and arrangements made to reinforce the differential approach to age, gender and diversity, as well as to respond to specific protection needs. These measures and arrangments are mainly tailored to accompanied, unaccompanied or separated children and adolescents; survivors of torture, trafficking and gender-based violence; persons with disabilities; LGBTIQ+ persons; afrodescendant and indigenous persons; and older persons.

Many countries adopted and applied protocols, operational procedures, manuals, and attention and referral routes to activate the protection of persons with specific needs, especially focusing on protecting children and adolescents in accordance with the characteristics of the flows in the region (as was the case in Brazil, Ecuador, Guatemala, Honduras, Mexico[57], Panama[58] and Uruguay).

56 About SIGESREF, see text box above, section 2.2.2.

57 Mexico has developed alternative care policies for migrant children; in fact, it is a pioneer in this aspect in the region. In 2019, the National System for the Integral Development of the Family (SNDIF), in conjunction with UNICEF, developed a model of alternative care for migrant, asylum-seeking and refugee children and adolescents in Mexico, available (in Spanish) at: https://www.unicef.org/mexico/media/1866/file/Cuidados%20alternativos%20ninez%20migrante.pdf. See also the Government of Mexico's webpage (in Spanish) on alternative care for migrant children and adolescents at https://www.gob.mx/sipinna/articulos/conoce-los-cuidados-alternativos-para-ninos-ninas-y-adolescentes-nna-migrantes-103426

58 In 2018, the National Secretariat for Children, Adolescents, and Family (SENNIAF) and the National Office for the Attention to Refugees (ONPAR) adopted with the technical support of UNHCR a bi-institutional protocol on identification, care and referral of children in need of international protection. This protocol outlines the responsibilities of each institution and establishes an inter-agency procedure for best interests assessment (BIA) and best interests determination (BID). In 2018, the Cabinet Council approved Resolution No. 002, dated 16 January 2018, which *enables the creation of a system of guarantees and comprehensive protection for children and adolescents,* and in 2020, *Law No.* 171 on Comprehensive Protection of Early Childhood and Early Development was approved, available (in Spanish) at: https://www.gacetaoficial.gob.pa/pdfTemp/29135_C/GacetaNo_29135c_20201015.pdf.

In the first three years of implementation of the BPA, countries began to set up preliminary identification, care and protection procedures for unaccompanied or separated children and adolescents at border points, in order to give them priority and expedite the process, taking into consideration the best interests of the child (Brazil, Costa Rica[59], Panama); women and LGBTIQ+ survivors of gender-based violence were also included in the procedures.

Later in the decade, some countries introduced legal and regulatory reforms to incorporate child and adolescent protection in mobility (e.g. Brazil[60] and Mexico; and, in 2020, Panama[61]).

Incorporating a gender, age and diversity approach in Argentina and setting up a priority procedure

Law No. 26165[62] provides a legal framework for the protection of refugees and asylum seekers, including provisions on specific protection needs based on age, gender and diversity. This law establishes that CONARE will provide specialized psychological care for women or children and adolescents (especially if unaccompanied) who have been victims of violence. It also incorporates into the procedure compliance with UNHCR's recommendations made in the *Guidelines on the Protection of Refugee Women* and the *Gender-Related Persecution Guidelines*. In the case of children and adolescents, guidelines on their protection and care are incorporated, reporting to the bodies with primary responsibility for policies aimed at vulnerable groups, for the purpose of an effective and rapid containment solution that is effective for the relevant persons.

In compliance with the above, Argentina has continued to implement the 2011 *Protocol for the protection, assistance and search for durable solutions for unaccompanied or separated children seeking asylum.* This protocol defines a coordinated mechanism for intervention by the different actors involved to respond to and meet the protection and care needs of unaccompanied or separated children and adolescents seeking international protection in the country, from the moment they are identified until a long-term solution to their situation is found. In addition, the right to be heard is guaranteed and the principle of progressive autonomy is applied[63].

59 Costa Rica adopted the *Protocol for the detection, care and comprehensive protection of minors in need of international protection*, including psychosocial accompaniment for children and adolescents, assistance with accommodation, food or health services, sharing information from the country of origin and providing vocational and language training.

60 Brazil's new *General Migration Act* (2017) recognises unaccompanied foreign or stateless children and adolescents as a vulnerable group that should receive special protection. Among the measures envisaged to guarantee this protection are i) the possibility of exceptional entry into Brazilian territory of children or adolescents unaccompanied by a legal representative and without express authorisation to travel alone, regardless of the travel document they possess, followed by their referral to the Guardianship Council or, if necessary, to another institution that can provide the corresponding care; ii) the prohibition of repatriation of unaccompanied or separated children under 18, except in cases where it is demonstrated that this measure is more favourable to guarantee their rights or for reintegration with their family of origin, under the same terms applicable to asylum seekers in Brazil; and iii) the granting of residence permits, based on the best interests of the child, at the request of the Public Defender's Office of the Union. Unaccompanied children and adolescents are also exempt from fees to obtain migration regularisation documents, along with victims of human trafficking and slave labour, and persons benefiting from residence authorisation for humanitarian reception.

61 In 2018, the National Secretariat for Children, Adolescents, and Family (SENNIAF,) and the National Office for the Attention to Refugees (ONPAR) adopted with technical support from UNHCR a bi-institutional protocol on identification, care and referral of children in need of international protection. It establishes an inter-agency procedure for best interests assessment (BIA) and best interests determination (BID). It also outlines the responsibilities of each institution. In 2018, the Cabinet Council approved *Resolution No. 002,* dated 16 January 2018, which enables the creation of a system of guarantees and comprehensive protection for children and adolescents, and in 2020 *Law No. 171 on Comprehensive Protection of Early Childhood and Early Development was approved*, regulations available (in Spanish) at: https://www.gacetaoficial.gob.pa/pdfTemp/29135_C/GacetaNo_29135c_20201015.pdf

62 Argentina, General Law of Recognition and Protection of Stateless Persons, Law 2016 available (in Spanish) at: https://www.argentina.gob.ar/normativa/nacional/decreto-1710-2006-122610

63 In 2023 CONARE approved a form for withdrawal of the recognition of both statuses for children and adolescents from 13 to 17 years of age (inclusive). Similarly, CONARE decided that, at the time of initiating applications, children and adolescents between 13 and 17 years of age (inclusive) must be provided with information about the procedure, their rights and their obligations. A special section with this information has been incorporated into the application initiation forms.

> Regarding the gender approach, in 2019, CONARE agreed on the change of registration according to the self-perceived gender (gender identity) of the persons initiating their application. In addition, the categories "trans femininity", "trans masculinity", "transvestite", "non-binary" and "other (specify)" were added to the male and female categories.
>
> In 2021, for the first time since its creation by Law No. 26165, on the exercise of the right to gender identity of persons, CONARE amended a resolution adopted for a refugee recognized in October 2020[64].

In the first half of 2023, the National Committee for Refugees (CONARE) of Brazil approved a simplified procedure for assessing refugee status claims submitted by two groups of people with specific vulnerabilities: girls and women from countries where the practice of genital mutilation is common; and LGBTIQA+ people from countries that impose the death penalty or imprisonment on gay, lesbian, bisexual, and trans people. This simplified procedure entails a prima facie recognition of the refugee status.

In Mexico, a reform to the *Migration Act* and the *Law on Refugees, Complementary Protection and Political Asylum*[65] stipulated that, once it has knowledge of the separated or unaccompanied child or adolescent, the National Migration Institute (INM) cannot carry out a deportation process, but is obliged to inform the Systems for the Integral Development of the Family – at the municipal, state or federal level – and the Offices for the Protection of the Rights of Children and Adolescents, in order to initiate the process of best interests determination based on the safety of the child or adolescent in question. In cases where the Systems and the Protection Offices determine the need for protection of the principle of family unity, the INM is asked to regularize the situation, taking into account certain conditions.

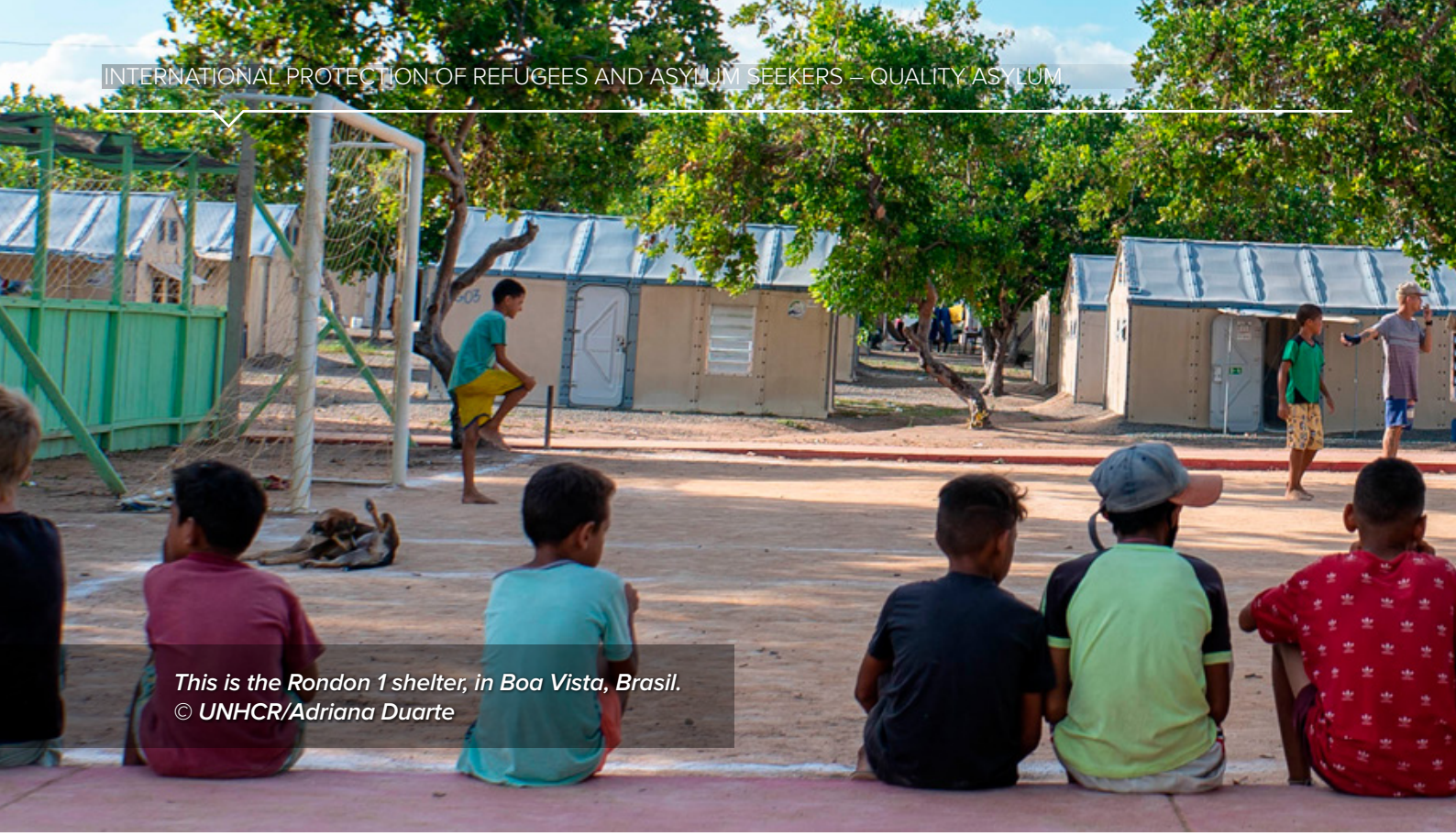
In Peru, in June 2023, within the framework of child protection and in accordance with a letter of understanding signed by UNHCR and the Ministry of Women and Vulnerable Populations, the *Protocol of the Special Protection Units for the care of refugee or migrant children and adolescents at risk of family vulnerability or lack of family protection* was approved; it aims to establish specific actions for the care of children and adolescents, as well as refugees or migrants at risk of family vulnerability or lack of family protection in the Special Protection Units (UPE).

Other countries such as Chile, Costa Rica and Uruguay assigned specific resources to the most vulnerable people in need of international protection, while Argentina, Brazil and Panama reinforced the social departments of their CONAREs. As part of their protection strategies, awareness-raising campaigns and regular training sessions on addressing specific protection needs were organized in Ecuador, Guatemala, Mexico and Panama. In 2021, Venezuela reported on the development of a national observatory for the identification of persons in need of protection; in 2016, Mexico published a protocol for the identification of unaccompanied children in need of international protection.

64 At that time, the names and surnames had been recorded in accordance with the documentation provided from the country of origin and their declarations. However, following the refugee's request to the Executive Secretariat, CONARE proceeded to rectify her data in accordance with her self-perceived gender in compliance with the provisions of Law No. 26743. Finally, it should be noted that CONARE has differentiated forms that incorporate the differential age, gender and diversity approach.

In Argentina in 2018 CONARE organized with the support of UNHCR coordination meetings with public sector and civil society actors involved in the assistance and integration of the refugee population. In 2020, CONARE began to coordinate with the Ministry of Women, Genders and Diversity as a result of the need identified for a specific approach to women and LGBTIQ+ people who experience violence due to their gender or sexual orientation. In 2021, social referrals were made to the programme for *Strengthening Access to Rights for Transvestites, Transsexual and Transgender People* of the Undersecretariat of Diversity Policies of the Ministry of Women, Genders and Diversity, in order to provide support to people who reported being in a situation of social, economic and psychological vulnerability. Referrals were also made to the Ministry of Women, Genders and Diversity's *ACOMPAÑAR* programme, which aims to promote economic independence for women and LGBTIQ+ people experiencing gender-based violence.

65 Passing and implementing the amendments to the *Migration Act* and the *Act on Refugees, Complementary Protection, and Political Asylum,* as regards migrant children and adolescents, to guarantee the rights and principles established in the *General Act on Children and Adolescents' Rights and its Regulation* (see *Decree amending various articles of the Migration Act* and the *Act on Refugees, Complementary Protection, and Political Asylum, as regarding migrant children),* DOF: 11/11/2020, available (in Spanish) at: https://www.dof.gob.mx/nota_detalle.php?codigo=5604705&fecha=11/11/2020



This is the Rondon 1 shelter, in Boa Vista, Brasil.
© UNHCR/Adriana Duarte

Finally, in 2022 a comprehensive regional study was published by UNHCR and HIAS[66] on gender-based violence against refugee women, entitled *Our right to safety: Placing forcibly displaced women at the center of searching solutions to address gender-based violence*. This report discusses good practices in gender-based violence prevention and risk mitigation initiatives, as well as response initiatives[67].

In the context of the COVID-19 pandemic and in application the principle of universality, state responses to prevent, contain, and mitigate the pandemic generally included the population in human mobility, including the refugee and asylum-seeking populations[68].

2.2.4. Complementary and temporary protection mechanisms

As mentioned above, in the last decade countries have experienced a progressive and sometimes dizzying increase in the number of people in a situation of human mobility, many of them in need of international protection. Challenges have emerged related to the characteristics and particularities of large-scale mixed movements in countries of origin, transit and destination[69]. This highly complex and challenging situation for States led to the adoption of both international protection mechanisms subsidiary to refugee status, such as complementary protection, and temporary protection measures[70].

66 HIAS. Welcome the stranger. Protect the refugee, https://hias.org/

67 Report available (in Spanish) at https://segurasenmovilidad.org/. Exeutive Summary available in English at: https://hias.org/wp-content/uploads/Our-right-to-safety-executive-summary-EN-2.pdf. The report highlights numerous good practices in Brazil, Colombia, Costa Rica, Ecuador, Mexico, Peru and Venezuela.

68 The main measures adopted during the pandemic that have benefited refugees and asylum-seekers are described in Chapter IV of this report. Chapters III on Solutions, IV on Solidarity with northern Central America and V on Solidarity with the Caribbean describe further progress and good practices in this area.

69 IACHR, *Practical Guide on International Protection and Regularization of Legal Status in the Context of Large-Scale Mixed Movements in the Americas*, 2022, page 8.

70 Temporary protection mechanisms may constitute an **interim protection response** through temporary permits, stay agreements, visas or labour migration mechanisms. They provide protection to a broader category of persons than those covered by the 1951 Convention, regional instruments or complementary forms of protection. UNHCR. *Guidelines on Temporary Protection or Stay Arrangements*, February 2014, available at: https://www.unhcr.org/media/guidelines-temporary-protection-or-stay-arrangements. Regarding the **minimum standards** that these measures must meet see UNHCR, *Guidance Note on the Outflow of Venezuelans*, March 2018, available at: https://www.refworld.org/docid/5a9ff3cc4.html. As the IACHR points out, according to the *Refugee Protection and Mixed Migration: A 10-Point Plan of Action* (https://www.unhcr.org/what-we-do/protect-human-rights/asylum-and-migration/10-point-plan-action), establishing differentiated procedures for the different categories of persons travelling as part of mixed movements makes it possible to provide responses that are adapted and appropriate to the needs of the persons concerned. This should be by means of the expansion of regular, secure and accessible channels through visa facilitation regimes or other measures, such as complementary protection, temporary protection, granting humanitarian visas and family reunification. IACHR. *Practical Guide on International Protection and Regularization of Legal Status in the Context of Large-Scale Mixed Movements in the Americas*, 2022, page 41. In the same vein, the Global Compact on Refugees established the need to provide other pathways for the admission of persons in need of international protection that can facilitate their access to it.

These advances responded in substance to the BPA insofar as, although it did not foresee in its programmes the development of complementary or temporary protection mechanisms, it did recognize the principle of *non-refoulement* (including *non-refoulement* at the border and indirect *refoulement*[71]) as a peremptory norm, to which it reaffirmed its unreserved commitment.

Complementary protection

Complementary forms of international protection are those granted to persons who do not qualify as refugees, but whose return would be contrary to the principle of *non-refoulement*. To this end, the Inter-American system recommends the implementation of mechanisms to identify persons in need of international protection and those who are in a situation of vulnerability or who have special protection needs[72].

In line with the above, during the decade Costa Rica implemented a Temporary Special Category for asylum seekers who are Nicaraguan, Venezuelan and Cuban nationals and whose application for international protection is pending or has been rejected[73]. Chile included complementary protection in its new Migration Act[74]. These countries joined Nicaragua[75] and Mexico[76] which had already incorporated this form of protection in their legislation prior to 2014.

71 The Inter-American Court of HR (IACtHR) states that the conventionally mandated principle of *non-refoulement* offers complementary protection for foreigners who are not asylum-seekers or refugees in cases where their freedom or their right to life is threatened for the reasons listed. See *Advisory Opinion OC-25/18, dated 30 May 2018, on the institution of asylum and its recognition as a human right in the Inter-American System of Protection,* Recital 186, available at: https://www.refworld.org/docid/5c87ec454.html.

72 IACHR, *Practical Guide on International Protection and Regularization of Legal Status in the Context of Large-Scale Mixed Movements in the Americas*, 2022, recommendation no. 9, page 41.

73 By means of *Decree 43809/22*, Costa Rica implemented a Temporary Special Category for asylum seekers from Nicaragua, Venezuela and Cuba whose application for international protection was pending or had been rejected. According to official information, as of 31 August 2023, 822 applications had been approved. Information available (in Spanish) at: https://www.migracion.go.cr/Documentos%20compartidos/Circulares%20y%20Directrices/2022/DECRETO%2043809%20MGP%20CATEGORIA%20ESPECIAL%20TEMPORAL.pdf

74 Article 10 of Law 21325 on Migration and Foreigners, enacted and published in 2021 (but entered into force in February 2022), available (in Spanish) at: https://www.bcn.cl/leychile/navegar?idNorma=1158549

75 Migration Act (2011), art. 220 on complementary protection.

76 Arts. 52, 53, 74 (on humanitarian visas) and arts. 3, 52-V, 54 (on complementary protection) of the Law on Migration (2011), and arts. 2-IV, 3, 6, 7, 15-17, 48 of the Law on Refugees and Complementary Protection (2011); arts. 8 and 48 of the Regulation of the 2011 Law on Complementary Protection. This law was reformed in 2014 and is now called *Law on Refugees, Complementary Protection and Political Asylum*.

Migration regularization, temporary protection and humanitarian visas[77]

During the decade, based on national legislative provisions, many countries (Argentina[78], Brazil[79], Chile[80], Costa Rica[81], Ecuador,[82] Mexico, Panama[83], Peru[84] and Uruguay[85]) created **humanitarian visas** for people in a situation of human mobility who, although not refugees, do need other forms of protection. In more specific cases, humanitarian visas and various **temporary residence** mechanisms were issued, often for specific periods: in Brazil for certain nationalities or in Ecuador with the Exception Visa for Humanitarian Reasons[86] (VERHU) in 2019[87] and the Exception Temporary Residence Visa for Venezuelan citizens (VIRTE), in 2021, which was later extended to include other nationalities. In 2018, Chile launched a one-time extraordinary **regularization** process, which gave legal residence and documentation to more than 250,000 people in an irregular situation in the country[88] and, under the new migration law, in 2021 it developed a second fully digitalized extraordinary regularization process, limited to foreigners with regular entry to the territory before 18 March 2020[89].

77 Various other humanitarian protection measures, both legislative and administrative, have been adopted by Latin American and Caribbean countries for the protection of persons displaced by natural disasters. These are discussed in Chapter VII of this report, and those adopted by Caribbean countries are discussed in Chapter V.

78 Articles 23, 29, 34 of Law No. 25871 (2004), *Argentine Migration Policy on Humanitarian Visas*.

79 Brazil, *Migration Act* (2017), art. 14 §3 on temporary visa for humanitarian reasons; *Normative Resolution No. 126* (2017), National Immigration Council on residence permit for Venezuelans; and Normative Resolution No. 13 (2007), National Refugee Commission on humanitarian visas. In the framework of the enhancement of national protection systems, a new General Migration Law was adopted in 2017. Among other aspects, the new law establishes that Brazilian migration policy must be governed by the principles of universality, indivisibility and interdependence of human rights; the rejection and prevention of xenophobia, racism and any form of discrimination; the non-criminalization of migration; non-discrimination based on the criteria or procedures by which the person was admitted to the national territory; the promotion of regular entry and document regularization; reception for humanitarian reasons; and international cooperation between the States of origin, transit and destination of migratory movements, in order to guarantee the effective protection of the human rights of migrants, who, in Brazilian territory, are guaranteed - on equal terms with nationals - civil, social, cultural and economic rights and freedoms; the right to transfer resources derived from their personal income and savings to another country; access to public health and social assistance services, and to social security; right to public education (in fact, discrimination on the grounds of nationality or migration status is prohibited); and the right of migrants to be granted the same rights and freedoms as nationals of other countries.

80 Article 70(8) of Law 21325 on Migration and Foreigners, enacted and published in 2021 (but entered into force in February 2022), available (in Spanish) at: https://www.bcn.cl/leychile/navegar?idNorma=1158549.

81 Costa Rica, *Migration Act* (2009), arts. 93 and 94-12, on humanitarian visas.

82 Arts. 57 and 58 of the *Organic Law on Human Mobility*, see above.

83 Panama, Decree Law No. 3 (2008), arts. 6 and 18.

84 Peru, *Legislative Decree on Migration* (2017), art. 29, on humanitarian visas; and *Executive Decree* No. 002-2017-IN on temporary residence permits for Venezuelans.

85 Uruguay, *Migration Law* No. 18250 (2008), arts. 34, 43, 44 on humanitarian visas.

86 The VERHU visa, created in Ecuador in 2019 by *Executive Decree No. 826* and *Ministerial Agreement No. 103* (26 July 2019) allowed from July 2019 to March 2021 (implementation period) the registration and issuance of 56,052 visas out of a total of 75,328 procedures initiated by persons of concern.

87 The registration and regularization process is implemented in three phases through Executive Decrees 436, 698, 753 and 350: the first, for Venezuelan citizens who entered regularly before 1 June 2022; the second, for foreigners of other nationalities who entered regularly and are currently in an irregular situation; and the third, for Venezuelans who entered irregularly. Persons participating in the three phases must complete three stages, namely: 1) migration registration, under the responsibility of the Ministry of Interior; 2) the regularization process, under the responsibility of the Ministry of Foreign Affairs and Human Mobility; and 3) the identification process, under the responsibility of the General Directorate of Civil Registry, Identification and Identification. In addition, a process is envisaged for the registration and regularization of unaccompanied children and adolescents, which began in November 2022. So far, 78,782 visas have been issued. Chapter III, section 3.2.3., No. 4) of this report also describes the new VERHA visa for family reunification.

88 Chile, *Exempt Resolution* No. 1965, dated 9 April 2018, adopted by the Ministry of the Interior and Public Security, which provides for a process of extraordinary regularization of the stay in the country for indicated foreigners, available (in Spanish) at: https://www.extranjeria.gob.cl/media/2020/06/Memoria-DEM-2019.pdf

89 Further information available (in Spanish) at: https://www.gob.cl/noticias/gobierno-inicia-hoy-segundo-proceso-extraordinario-de-regularizacion-migratoria-100-digital/ . Other examples of humanitarian visas in the region have been, for example, Argentina, which, under Provision 417/2022, granted humanitarian residency to 158 Ukrainian persons (96 women and 62 men) between February 2022 and June 2023. Also, with the support of UNHCR and in compliance with the complementary pathway established in Article 23.m of the *Migration Law* No. 25871, four Eritrean men received humanitarian visas in 2021 and four Afghans (three women and one man) received humanitarian visas in 2022. Resolution 97 of the National Council of Migration, dated 12 January 2012, instituted humanitarian visas for Haitians, who initially received them for two years, but the programme has been extended several times.

Regularization processes and migration alternatives in Peru

Between 2021 and 2023, different complementary migration alternatives and a fine amnesty were put in place for migrants, asylum seekers and persons with other international protection needs. There were two main regularization processes through issuance of a Temporary Permit to Stay Card or CPP (the first valid from 2021-2023 and the second from May 2023 to November of the same year), benefiting people who had entered the country irregularly. Humanitarian Migration Status for asylum seekers was also implemented. Peru decreed an amnesty on fines, available for 6 months and implemented in parallel to the current regularization process with the aim of facilitating regularization[90].

Temporary Protection Statute for Venezuelan Migrants in Colombia

In 2021, Colombia created the Temporary Protection Statute for Venezuelan Migrants (TPS[91]), as an unprecedented effort to extend temporary protection to people on the move in contexts of large-scale mixed movements. Its duration (10 years) and the access to rights guaranteed to its beneficiaries represent one of the most relevant developments in the region in the implementation of this type of response. The statute seeks to regularize Venezuelan migrants, making them visible as subjects of rights, and granting them protection and access to state goods and services on equal terms with Colombian citizens, including the health, education, labour and social security systems. As of September 2023, the figures reported[92] 1) persons with a completed Single Registry of Venezuelan Migrants (RUMV): 2,482,589, 2) persons with profiling survey completed: 2,389,618, 3) statistics from the Biometric Register: 2,157,735 persons. Regarding the Temporary Protection Permit (PPT), as of September 2023, 1,930,646 PPTs had been authorized, there are 1,860,066 people with PPTs printed and 1,793,804 people with PPTs issued.

More recently (in July 2023), the Panamanian Ministry of Public Security issued Executive Decree No. 112, which created a temporary residency called “Temporary Protection Permit”; it is available to all foreign persons who entered Panama irregularly and who have remained in the country for at least one year without initiating a regularization process. The procedure will be available until 19 July 2024, and offers temporary residence for a period of 2 years[93].

Alternatives to detention

In Mexico, since July 2016, the National Migration Institute (INM) and COMAR have implemented a mechanism of alternative accommodation to detention, a measure that is used for all applicants and that allows for their release from detention to shelters run by civil society organizations. In September 2020, legislative reforms to the Migration and Asylum Acts were passed, prohibiting the detention of children and adolescents due to their immigration status. These legislative reforms were also a confirmation that

90 In addition, as reported in the second triennial BPA Progress Report, between 2017 and 2020, Peru issued the Temporary Permits to Stay (PTP) and the Special Migratory Quality, implemented to ensure the sustainability of the PTP measures. The main regulatory references are DS N°002-2017-IN, DS N°023-2017-IN, DS N°001-2018-IN, DS N°010-2020-IN, Superintendence Resolutions N°00000043-2018-MIGRACIONES, N°00000058-2019-MIGRACIONES, N°00000391-2019 and N°00000127-2020-MIGRACIONES, available (in Spanish) at: https://elperuano.pe/.

91 Further information on *Buenas Prácticas Asilo Américas (Best Practices Asylum Americas)* (UNHCR) available (in Spanish) at: https://www.asiloamericas.org/col-estatuto-temporal-de-proteccion-para-migrantes-venezolanos-bajo-regimen-de-proteccion-temporal/

92 Information available (in Spanish) at https://unidad-administrativa-especial-migracion-colombia.micolombiadigital.gov.co/etpv/etpv

93 Decree available (in Spanish) at: https://www.gacetaoficial.gob.pa/pdfTemp/29824_B/99543.pdf

INM's responsibility for migrant children was transferred to the National Child Protection System, created in 2014 to protect all children in the country. Detention of children and adolescents in immigration detention centres is therefore prohibited; instead, they should be referred to the relevant child protection authorities[94]. In 2016, COMAR published a protocol for the identification of unaccompanied children in need of international protection and organized – together with UNHCR and UNICEF – a series of capacity-building activities for its implementation. Also in 2016, local authorities in Tabasco opened the only government-run open-door shelter for unaccompanied refugee and asylum-seeking children, which focuses on supporting their local integration.

Costa Rica also gradually implemented alternatives to administrative detention, with special attention to specific needs, family unity and respect for human rights[95].

2.2.5. Borders of Solidarity and Safety

Between 2014 and 2023, several countries implemented **missions and visits or a permanent CONARE presence at border crossings.** In addition to ensuring access to the asylum procedure, this allowed for the delivery of humanitarian aid and timely attention (such as in Brazil, Colombia, Costa Rica, Honduras, El Salvador, Mexico, Panama and Venezuela). For example, in recent years Panama has extended the presence of the National Office for the Attention to Refugees (ONPAR) in critical border areas, to respond to the needs of people entering the country as part of mixed movements through the Darien Gap. This has made it easier to identify and follow up on specific cases that have requested international protection in Panama, and others that otherwise would not have done so.

During the COVID-19 pandemic with its widespread closure of land, sea and air borders, some countries authorized the exceptional entry of persons in clear need of international protection, for humanitarian reasons or family reunification (such as Argentina[96], Ecuador, Panama, Peru and Uruguay[97]).

In terms of **larger-scale mechanisms, Brazil implemented Operação Acolhida (Operation Welcome)**[98] to guarantee humanitarian assistance for Venezuelan migrants and refugees upon their arrival in the country, creating separate shelters and implementing a process of interiorization to other Brazilian states. As of July 2023, this operation had allowed for the reception of nearly 950,000 people at the border[99]. Colombia meanwhile created the **Comprehensive Attention Centre (CAI)**, a border service point for people coming from Venezuela providing humanitarian assistance and protection in accordance with international standards to refugees, migrants and returnees in different situations of vulnerability, including those belonging to the Wayuu people[100].

94 The *Sistema Nacional para el Desarrollo Integral de la Familia* (National System for Comprehensive Development of the Family - DIF) and the *Procuradurías de Protección a la Infancia* (Offices for the Protection of the Rights of Children and Adolescents - PPNNA) are responsible for protecting migrant children and determining their best interests. The new provisions designate public and private Social Assistance Centres (shelters) as the appropriate establishments to temporarily accommodate children and adolescents. Mexican Law also establishes that this migrant population and their families should receive temporary humanitarian migration status to provide them with protection while the Protection Offices draw up an individualised plan for the restitution of rights. International Detention Coalition, *Gaining Ground. Promising Practices to Reduce and End Immigration Detention*, May 2022, page 38, available at: https://idcoalition.org/wp-content/uploads/2022/05/Gaining-Ground-Report-2022.pdf

95 Costa Rica, *Migration Law* No. 8764 (2009), arts. 6, 31, 41, 106, 116, 117 and 118; Decree No. 36831-G, Regulations on Refugees, arts. 7, 10, 63, 64 and 137.

96 In cooperation with UNHCR, Argentina drafted a document to establish a set of criteria for assessing which cases should be exempted from the prohibition of entry into the country, taking into account the principle of *non-refoulement* and the ban on rejection at the border. This measure benefited refugees, stateless persons, applicants in both situations, persons wishing to exercise the right to family reunification and foreign nationals invoking humanitarian reasons justifying special treatment.

97 Uruguay, *Decree No. 104/020 Autorización del ingreso al país únicamente de ciudadanos uruguayos y extranjeros residentes provenientes del exterior (*Authorisation of Entry to the Country Only for Uruguayan Citizens and Foreign Residents From Abroad), which establishes exceptions for the prohibition of entry to the territory in accordance with a series of assumptions, such as persons with a clear need of international protection, family reunification situations, and other humanitarian reasons; available (in Spanish) at: https://www.impo.com.uy/bases/decretos/104-2020

98 A **description of Operation Welcome** can be found in **Chapter III on Solutions in this report, where the interiorization process is also described (see box in Section 3.2.1., number 2)**. Further information on the Operation in *Buenas Prácticas Asilo Américas (Best Practices Asylum Americas)* (UNHCR) available (in Spanish) at: https://www.asiloamericas.org/bra-operacion-acogida/.

99 Information available (in Portuguese) at https://brazil.iom.int/sites/g/files/tmzbdl1496/files/documents/2023-08/informe_migracao-venezuelana_jul23.pdf

100 Access to basic services, fundamental rights and durable solutions is promoted through inter-institutional and inter-agency action

Afghan refugee women at a temporary shelter in São Paulo, Brazil. © UNHCR/Miguel Pachioni

In the context of the management of mixed movements, **Panama and Costa Rica** continue to coordinate actions to address the humanitarian needs of the population in transit. In Panama, two Temporary Migration Reception Stations were established (in Lajas Blancas and San Vicente) where medical care, psycho-social support, legal orientation, food and shelter are provided, with the support of civil society and agencies of the United Nations System (mainly in relation to the coordination and referral of cases requesting international protection, and those related to the protection of children and survivors of violence).

From 2021, working groups on human mobility were established with the support of UNHCR at the northern border of **Costa Rica** – in the strategic cantons of La Cruz, Los Chiles, Upala and more recently Guatuso – to coordinate and improve assistance to refugees, asylum seekers, stateless persons and those at risk of statelessness in the region. In this context, tools were developed to assess and analyse needs, for inter-agency case referral, to identify operational gaps and map of actors to identify key supports to fill these gaps[101]. The groups are currently led by the local authorities, which have formed a **Territorial Roundtable** in which the four cantons established a **Joint Action Plan 2024-2026,** which will guide the response to refugees and migrants.

In addition to the above, and in response to the guidelines of the BPA, many countries developed **training** programmes on the identification of persons in need of international protection for border officials and to improve reception conditions (including El Salvador, Guatemala, Honduras and Panama).

Finally, the countries of northern Central America developed good practices for the care and protection of persons in transit and in search of international protection, strengthening border mechanisms, all of which are described in Chapter IV of this report.

2.3. Regional cooperation for the enhancement of asylum systems

In the context of the large-scale displacements faced for the first time by many countries in the region, particularly in the Southern Cone and the Caribbean, regional cooperation and the sharing of experiences, knowledge and strategies became particularly essential. Many countries lacked the tools and knowledge to deal with the new scenario and had to adapt their largely rigid and structurally inefficient asylum systems. Against this backdrop, several initiatives and forums aimed at improving cooperation between States and other actors called upon to provide international protection were strengthened or created. Although the roles and prominence of each initiative naturally varied over the decade, many of them left significant

involving non-governmental organisations and UN agencies under the coordination of UNHCR.

101 As a good practice, in Los Chiles, institutional **mechanisms and communication channels for case management** were strengthened, assessing their capacities and requesting complementary support from cooperation agencies.

Children playing with a kite at the Rondon 3 shelter, in Boa Vista, Brazil. © UNHCR/Vincent Tremeau

footprints and represented major progress towards achieving the goals of the BPA.

While Chapter VII of this report discusses global and regional forums and their contribution during the decade, it is useful to discuss several that had a particular impact on the implementation of the BPA ***Quality Asylum*** programme. For example, the CONAREs forum of MERCOSUR States Parties and Associated States played a key role in the first years of implementation of the BPA[102]: it favoured a coordinated implementation of the BPA and constituted an effective regional space for the discussion and harmonization of protection practices and standards, and for the coordination of initiatives – a common register of volunteer interpreters was created for remote use, training modules on refugee status determination were created, and a mechanism was introduced for the exchange of statistical information and, more generally, good practices in decision-making, case management and protection responses. The Forum of National Refugee Commissions of Mesoamerica also played a significant role during the decade, particularly in the exchange of good practices in the area of protection[103]. Beyond the geographical reference of the BPA, a forum for cooperation between Mexico, Canada and the United States was created for capacity-building and enhanced cooperation on asylum procedures, supported by UNHCR. Over the years, fact-finding missions were organized to El Salvador and Honduras, workshops on refugee status determination were held and a handbook on country of origin information research was drawn up[104].

Finally, training also took place in the form of courses and workshops, generally organized by UNHCR, which contributed to training government representatives on quality protection and asylum (including Ombudsman's Offices and the judiciary). In particular, Regional Roundtables of the Quality Assurance Initiative for Asylum Systems (QAI) were organized to discuss common concerns and exchange good practices as well as defining common capacity-building strategies and sharing technical reflections on the way forward in the region[105].

102 See the relevant section of Chapter VII of this report.

103 This forum is described in Chapter IV.

104 Chapter VII of this report also addresses this initiative.

105 Among others: 2018, Second Regional QAI Round for the Americas: *Determinación de la condición de Persona refugiada. Procesamiento*

2.4. Summary of the decade's progress

During the decade, the region faced significant challenges in terms of asylum and refugee protection. With the support of the BPA and in particular of the Asylum Systems Quality Assurance Initiative (QAI), countries adapted and strengthened their systems to respond to these challenges. The main progresses achieved are outlined below:

- In terms of **quality asylum and asylum capacity-building**, the decade imposed challenges that were unthinkable when the BPA was adopted. With the support of the BPA ***Quality Asylum*** programme (through the QAI), countries often had to take measures that sometimes involved a paradigm shift at the staffing level (increase and specialization of eligibility and registration officers), forming registration teams with people trained in the management, protection and assistance of specific needs, and strengthening the reception and admission phases. With regard to refugee status determination, decisions with high legal standards were developed, which was supported by the gradual strengthening of the right to defence and due process, including at the appeal stage. In many countries the use of tools such as differentiated procedures, model decisions, *prima facie* decisions, identifying profiles of persons in need of protection and incorporating the extended definition of Cartagena as a solution adapted to large-scale flows of persons in need of international protection provided a cutting-edge and flexible approach, consistent with the innovative and adaptive nature of the BPA.
- Significant progress and advances were made during the decade in terms of **reception, registration, digital management and documentation**. To a large extent, countries were able to use and adapt their systems to the advances that technology offered, incorporating them without affecting protection guarantees or standards. In this context, and with the support of UNHCR, the QAI was a key tool. Computerized case registration systems were created, most notably the sophisticated SISCONARE in Brazil; processes and archives were digitalized; and remote registration mechanisms were implemented, alleviating the centralization of CONARE and favouring documentation issuance and access to rights. In addition, by means of the interoperability of the systems, the incorporation of biometric registration mechanisms and the collection of statistical data it was possible to better identify protection needs and strengthen reception and registration mechanisms and also to contribute to meeting the legitimate security concerns of States. In terms of individual documentation, significant progress was made: the vast majority of countries in the region now provide individual identification and status documents that are similar to those of nationals (omitting references to refugee or asylum seeker status), facilitate access to rights, and are easier to issue and renew thanks to digitalization.
- In relation to **addressing the specific protection needs** that have increased over the years – in the context of large-scale mixed displacements across the continent and all the associated risks – several States have stepped up the differential approach to gender, age and diversity, and have gradually regulated how to address specific needs, particularly for children and adolescents, establishing protocols and incorporating adapted procedures for identification, attention, referral, care and protection.
- **Complementary or temporary protection mechanisms** for persons who have not applied for asylum or do not qualify as refugees but are in need of international protection became indispensable in the context of mixed movements. Although there were discreet regulatory advances in terms of complementary protection, there was significant development of

de casos diferenciados y estrategias de reducción del Rezago *(Refugee Status Determination. Processing Differentiated Cases and Strategies to Reduce Backlog)* (Lima, Peru); 2018, XVI Regional Workshop on International Refugee Law (Antigua, Guatemala); 2018, Conference among Constitutional Judges from Colombia and Central America in the Inter-American Institute of Human Rights (San Jose, Costa Rica); 2019, XVII Regional Workshop on International Refugee Law (San Jose, Costa Rica); 2019, First Regional Meeting of Public Defender's Offices and Ombudsman's Offices: *Defensa legal y determinación de la condición de persona refugiada en el contexto de movimientos mixtos a gran escala en Latinoamérica (Legal Defence and Refugee Status Determination in the Context of Large-Scale Mixed Movements in Latin America)* (Quito, Ecuador); 2019, Third Regional QAI Round for the Americas: *Determinación del estatuto de persona refugiada en el contexto de flujos masivos mixtos en las Américas (Refugee Status Determination in the Context of Large-Scale Mixed Movements in the Americas)* (Mexico City, Mexico).

temporary protection mechanisms: most host countries developed humanitarian channels for entry and stay in their territories, through legislative regulations on humanitarian visas or even specific issuances for certain nationalities, generally temporary. Special migration categories were also established, and there was a massive regularization process (particularly in Colombia and Ecuador).

- **Borders** represented one of the greatest challenges of the period, and several countries took steps to increase decentralization and the CONARES presence in these areas and to train officials. In Latin America, with the support of UNHCR and other international agencies, Brazil (Operation Welcome) and Colombia (Comprehensive Attention Centre) created large spaces to receive people in adequate humanitarian conditions, identify international protection needs and address specific protection needs.
- **Regional cooperation**, extensively addressed by the BPA, was particularly relevant in the area of quality protection and asylum. Indeed, forums such as those of MERCOSUR or Mesoamerican CONAREs allowed for significant exchanges of good practices, the sharing of tools and experiences, and the generation of common documents, protocols and training, with a view to strengthening protection; they also favoured coordination between States and the implementation of the BPA. UNHCR played an important role, providing cross-cutting technical advice in each of these forums.

In short, the landmark BPA ***Quality Asylum*** and ***Borders of Solidarity and Safety*** programmes were gradually implemented throughout the decade, with their signature flexibility and adaptability. They were a guide, and the QAI was indeed a complete and comprehensive tool to review, improve and strengthen all aspects of asylum systems. Countries were also able to address the challenges posed by the unprecedented rise in the number of people on the move (in addition to the COVID-19 pandemic); and, in many instances, they were able to benefit from lessons learned to improve efficiency, quality and protection.

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COMPREHENSIVE, COMPLEMENTARY AND SUSTAINABLE SOLUTIONS

3. COMPREHENSIVE, COMPLEMENTARY AND SUSTAINABLE SOLUTIONS

This chapter addresses the programmes of Chapter Three of the Brazil Plan of Action (BPA) and the progress and good practices towards comprehensive, complementary and sustainable solutions during the 2014-2023 period of implementation of the BPA.

3.1. Reference to the BPA and other global and regional initiatives

Chapter Three of the Brazil Plan of Action comprises five programmes. This report does not include *Voluntary Repatriation* or *Labour Mobility* Programmes, as they were not specifically implemented in the region nor was significant progress made during the decade. As a result, this report addresses only those programmes which led to active progress in terms of comprehensive, complementary and sustainable solutions.

The ***Local Integration*** programme refers to a durable and comprehensive solution for refugees to find a home in the country of asylum and to integrate into the local community, building a new life. This involves multiple interconnected dimensions that are inextricably linked, such as legal, socio-economic and socio-cultural dimensions, which place significant demands on both the individual and the host society. Obtaining the nationality of the country of asylum often marks the end of local integration.

The ***Solidarity Resettlement*** programme was one of the most innovative components of the Mexico Plan of Action 2004-2014. It is an alternative solution for refugees based on the shared responsibility principle. Resettlement consists of moving refugees from the first country of asylum to another State which has agreed to receive them and, ultimately, grant them permanent residency.

The ***Cities of Solidarity*** programme is the result of recommendations made by States on the occasion of the Mexico Plan of Action, re-confirmed in 2014 by the Brazil Plan of Action. This programme seeks to promote and recognize the efforts made by local governments to improve the protection and integration of refugees and asylum seekers.

The content of the programmes reflects the visionary, practical and flexible nature of the BPA a decade ago, analysing the challenges that the region was facing and that have grown over the years, and offering

concrete responses and actions to address them. These characteristics have enabled the BPA to be in synergy with and provide specific input to numerous existing mechanisms and forums in the region, such as the 2018 Global Compact on Refugees **(GCR**[1]), the 2019 Global Refugee Forum, the MIRPS and CONAREs meetings, among others[2]. For example, one of the most significant contributions, as described later in this report[3], was the region's concrete contribution to the Global Compact on Refugees, through the *100 points of Brasilia. Inputs from Latin America and the Caribbean to the Global Compact on Refugees.*

There are multiple cross-cutting synergies and complementarities between the BPA and other mechanisms, as shown in the figure below:

Special reference should be made to the Inter-American System for the Protection of Human Rights (IAHRS), which complements, develops and furthers the obligations of the States to grant access to economic, social, and cultural rights (ESCR), enshrining on a regional level the binding force of the fundamental pledges made by States within the framework of the BPA.

1 Information available at https://www.unhcr.org/about-unhcr/who-we-are/global-compact-refugees

2 The forums and mechanisms in place in the region are described in Chapters VII (Regional Cooperation), IV (Northern Central America) and V (Caribbean Solidarity); Chapters IV and V are of particular relevance with regard to subregional forums and mechanisms.

3 See section 7.2.1 of Chapter VII of this report, about regional cooperation.

3.2. Progress made on comprehensive, complementary and sustainable solutions

Throughout the decade and the successive assessments of the progress in implementing the BPA[4], most countries reported progress and good practices, even during the year and a half of the pandemic when millions of forcibly displaced people lost their livelihoods, faced significant adversity in terms of food, health, education, housing and work, and suffered various forms of abuse and exploitation.

Overall, despite the complex humanitarian situation that slowly but steadily ramped up over the years, with unprecedented large-scale displacement for some countries, States did not neglect durable solutions for refugees and asylum seekers (including local integration, resettlement and other admission pathways such as humanitarian visas)[5]. Local authorities and communities also played a very important role, along with the international community, mainly through UNHCR.

The decade's advances are described below and demonstrate the importance of the public policy and multi-stakeholder coordination approach that the BPA proposed in anticipation of the *Global Compact on Refugees* in 2018.

3.2.1. Local integration

Local integration – understood as a comprehensive durable solution – involves multiple closely-connected dimensions (including legal, socio-economic and socio-cultural). In line with the BPA recommendation to develop inclusive public policies and strengthen local integration programmes to address these dimensions, some **CONAREs (**in Argentina, Brazil, Chile, Costa Rica, Mexico, Panama and Peru, among others) **reinforced their role** in promoting, defining and developing local integration policies for the refugee population. Specifically, countries such as Chile, Costa Rica and Uruguay assigned **specific resources** to the most vulnerable people in need of international protection[6].

Additionally, **inter-institutional coordination** efforts to obtain access to healthcare, education, and labour inclusion were stepped up (as in Chile, Colombia, Honduras, Mexico, Peru[7] and Uruguay). Some countries, like Panama, ensured involvement of the refugee population in consultation processes on the development of public policies on social matters.

> **Inter-institutional round tables on refugees and complementary protection in Mexico**
>
> The Inter-Agency Round Table on Asylum and Complementary Protection (linked to the MIRPS) is an inter-agency coordination mechanism created in 2019 to address the integration gaps of persons in need of international protection, through the drafting and adoption of public policies. It is chaired by the Under-Secretariat for Human Rights, Population and Migration and COMAR is the technical Secretariat.
>
> This Inter-Agency Round Table operates through four thematic panels – on educational inclusion, access to health, labour inclusion and identity and documentation – which, in turn, are coordinated by the Ministry of Public Education, the Ministry of Health, the National Employment Service (STPS) and the National Population Registry. It is made up of 21 state

4 See *Methodologies* in the Introduction to this report.

5 Humanitarian visas and other temporary protection measures are described in section 2.2.4 of Chapter II of this report, on protection and quality asylum.

6 On the subject of addressing specific protection needs, see also section 2.2.3 of Chapter II of this report, on protection and quality asylum.

7 In recent years, Peru has strengthened the Intersectoral Round Table for Migration Management under the responsibility of the Ministry of Foreign Affairs; one of the main lines of action is liaising with public institutions for foreigners living in Peru. In the last year 17 members have joined, aiming at implementation of the *National Migration Policy*.

agencies at the national level (all of them linked to the four thematic panels), five civil society organizations and eight international or development organizations, which play an active role in the diagnoses, analyses and projects.

This structure is replicated identically at state and municipal level, ensuring effective integration with local communities[8]. As a result, the mechanism now has a large territorial reach in the northern and southern border regions and in the centre of the country. Since 2019, the Round Table has had concrete results on integration[9].

Refugees and asylum-seekers take jewelry-making courses in Belize. © UNHCR/Jeoffrey Guillemard

In order to support public policies on local integration, some governments in coordination with UNHCR conducted **socio-economic studies** – mainly between 2015 and 2017 – to collect data on refugee profiles, improve the identification of needs and opportunities and thus strengthen local integration strategies (e.g. in Argentina, Bolivia, Chile and Uruguay and, in 2022, Peru[10]). Some countries also conducted market studies to identify job placement and self-employment opportunities for refugees and applicants, and to ensure a market-based approach to livelihood programmes (as in Argentina, Chile and Peru). Finally, in 2019 the Sergio Vieira de Mello Chair[11] conducted a study on the socio-economic profile of refugees in Brazil[12].

8 See, for example (in Spanish): https://www.gob.mx/segob/prensa/se-celebra-en-gobernacion-la-septima-sesion-ordinaria-de-la-mesa-interinstitucional-sobre-refugio-y-proteccion-complementaria

9 Regardless of the various projects in progress in terms of employment, the institutions on the round table have been made aware since 2019 of the need to facilitate procedures to provide employment opportunities for asylum seekers and refugees. COMAR has collaborated with the National Employment Service and the International Labour Organization to create a microsite for people in the context of human mobility; it has also managed to include the refugee population in the operating manuals of the *Banco del Bienestar (Welfare Bank)* to guarantee financial inclusion. In terms of education, the first complementary pathway programme to resettlement through higher education was developed (in fact, a first group of young people with international protection needs from Afghanistan was received); the selection process for students from Latin American countries was also initiated. In addition, the national back-to-school strategy of the Ministry of Public Education included children and adolescents in need of international protection and the protocol was disseminated for access to education for the educational inclusion of this population (children and adolescents) in a migration situation. Finally, in terms of identity and documentation, biometric equipment was updated, the interoperability of the RENAPO-COMAR systems was implemented, and the CURPS issuance model was replicated by state civil registry offices.

10 In February and March 2022, the National Institute of Statistics and Computing (INEI) of Peru conducted the *Encuesta Dirigida a la Población Venezolana que reside en el País (Survey to the Venezuelan Population Residing in the Country* - ENPOVE II), with the aim of obtaining reliable data on the living conditions and situation of the Venezuelan population residing in Peru in order to formulate, assess and follow up policies, plans, programmes or projects aimed at this population.

11 Regarding the Chair and its relevance in the region, see section 7.3 of Chapter VII (Regional Coordination). The Chair has proven to play a key role in ensuring that refugees and asylum seekers have access to rights and services in Brazil, offering valuable support to the local integration process. Education, research, and dissemination are the key pillars. More information (in Portuguese) at https://www.acnur.org/portugues/catedra-sergio-vieira-de-mello/

12 UNHCR, Sergio Vieira de Mello Forum, *Perfil Socioeconómico dos Refugiados no Brasil (Socio-economic Profile of Refugees in Brazil)* 2019, available (in Portuguese) at: https://www.acnur.org/portugues/wp-content/uploads/2019/07/Pesquisa-Perfil-Socioecon%C3%B4mico-Refugiados-ACNUR.pdf.

1) The legal dimension of local integration

In order to effectively implement local integration policies, the vast majority of countries in the region made progress in guaranteeing regular residence for refugees and asylum seekers, along with timely and quality documentation, a key element for preventing or mitigating discrimination and ensuring greater access to basic public services, the labour market and the banking system. Access to and exercise of rights was facilitated by the progressive replacement throughout the decade of documentation previously issued by CONARE with documents or cards issued by the national identity management systems[13].

2) The socio-economic dimension of local integration

The socio-economic dimension of local integration is particularly broad, as it encompasses access to economic and social rights such as healthcare, social security, housing, education, formal employment and financial inclusion. In most countries in the region, significant advances were made during the decade, mainly thanks to the initial momentum given by the BPA from 2014, later complemented by regional mechanisms such as the MIRPS or the R4V Platform[14].

A general framework that was maintained throughout the decade was access to social security for refugees (e.g. Mexico and Argentina). Uruguay incorporated foreigners into its psychological care and social protection programmes for pregnant women and early childhood. Costa Rica meanwhile launched the Social Security Programme in 2019.

Agreement between UNHCR and the Costa Rican Social Security Fund

In December 2019, the Costa Rican Social Security Fund (CCSS) formalized an agreement with UNHCR to provide temporary health insurance every month in 2020 to 6,000 refugees and asylum seekers with chronic health conditions. This initiative seeks to guarantee protection and the right to healthcare of vulnerable persons or persons who are waiting for documentation, which prevents them from accessing the available insurance schemes.

This way, beneficiaries can go to any national healthcare centre of the CCSS in the country and receive any type of medical treatment. It also allows for support of the right to work, which improves living conditions for beneficiaries and makes it easier for them to select a job opportunity.

Given the success of the programme, in 2021 this coverage was extended to 10,000 people for an additional year; in 2022 a third agreement was signed to provide health insurance to 6,000 people per month; and, thanks to the availability of funds, a fourth agreement was signed in 2023, which continues to benefit 6,000 people.

In terms of **access to healthcare**, many countries included or continued to include foreigners in public healthcare on an equal footing with nationals; they also continued to guarantee **free universal access** to the public health system (as was the case in Argentina, Brazil[15], Chile, Colombia[16], Cuba, Costa Rica, Guatemala[17], Mexico[18], Venezuela[19] and Uruguay), which was maintained during the COVID-19 pandemic.

13 For a description of good practices on residency and issuance of documentation, see section 2.2.2 of Chapter II of this report.

14 On these mechanisms, see Chapters IV (Northern Central America) and VII (Regional Cooperation) of this report.

15 Free universal access to the public healthcare system is established the *Migration Act* and in Article 196 of the *Constitution of the Federative Republic of Brazil*, *available (in Portuguese) at:* http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm.

16 In Colombia, this is true for emergency services, regardless of immigration status. Since asylum seekers and refugees have a regularized status, they can access the subsidized healthcare system.

17 Universal access to healthcare is guaranteed in the *Political Constitution of the Republic of Guatemala*, available (in Spanish) at: https://www.cijc.org/es/NuestrasConstituciones/GUATEMALA-Constitucion.pdf.

18 Inclusion of foreigners in the amendment to the General Health Act created by the National Institute of Health for Wellbeing (INSABI). Information available (in Spanish) at: http://www.ordenjuridico.gob.mx/Documentos/Federal/pdf/wo11037.pdf.

19 In Venezuela, victims of gender-based violence receive guidance through psychological and clinical care programmes, access is granted to physical therapy for the elderly, as well as to general practice, medical specialities, dental, and surgical areas of healthcare.

Regarding the **right to education**, the region maintained and strengthened its good practices and, by the end of the BPA period of implementation, most grant access to public education for children and adolescents without the need to prove migration status (such as Brazil, Cuba, Panama, Venezuela and many other Latin American countries). Education programmes with a technical-vocational approach are encouraged (Guatemala and Venezuela) and access to educational scholarships is provided (Mexico and Uruguay). Progress was made on the development of mechanisms for the homologation, validation and recognition of studies for people in mobility (for example in Argentina, Guatemala and Peru). Some countries promoted free classes to learn the language of the host country (such as Argentina, Brazil and Ecuador), and others developed informative material and training sessions for teachers on migration, human rights and prevention of discrimination (such as Costa Rica, El Salvador and Uruguay).

Regarding the need for accreditation of studies in the country of origin – one of the main challenges for the educational and labour insertion of people in human mobility – many countries have eliminated the requirement for stamps from the country of origin (such as Brazil, Cuba, Mexico and Panama) or the recognition of qualifications under certain conditions (such as Bolivia and Ecuador). Particular progress was made on the homologation, validation and recognition of studies in Argentina, Guatemala[20] and Peru[21]. Finally, the Sergio Vieira de Mello Chair was established by UNHCR and, although initiated in 2003, it grew and became stronger gradually throughout the decade, playing a significant role in the access of refugees to higher education in Brazil, among other issues[22].

Homologation, validation and recognition of studies abroad in Argentina

Law No. 26165 (article 42) establishes that certificates of studies, diplomas and academic degrees of higher university education can be recognized by the Ministry of Education, even if Argentina has not signed an agreement of mutual recognition of certificates with the issuing country. If there is an agreement with the country on mutual recognition of certificates – under the system of accreditation of programmes or degrees that have completed the various stages of the national accreditation processes and, at the same time, have accreditation in force in both States – the requirement for a certified copy of the programmes studied, authenticated by the university authorities, can be avoided.

If the refugee does not have the originals and if they would be at risk taking the necessary steps in their country of origin, with the Hague Apostille or the Argentine consular legalization the Ministry of Education will ask CONARE to apply to the Ministry of Foreign Affairs, through the consular authorities in the country of origin, to obtain the legalization or the missing documentation to initiate the recognition process in order to allow professional practice in Argentina. In the event that the consular process is unsuccessful, the person will be required to provide other additional, fully reliable evidence to assess the validity of the diploma accrediting the university degree.

20 Guatemala, *Ministerial Agreement 1753-2019* of the Ministry of Education: *Reglamento de equiparación y equivalencias de los estudios en los niveles de educación preprimaria, primaria y media, y en los subsistemas de educación escolar y extraescolar (Regulation on equivalencies of studies at preprimary, primary and middle education levels, and in the curricular and extracurricular education subsystems)*, available (in Spanish) at: https://digeex.mineduc.gob.gt/digeex/wp-content/uploads/2020/09/1753-2019-Reglamento-de-Equiparacion-y-Equivalencias-de-los-Estudios-en-los-Niveles-de-Educacion-Preprimaria-Primaria-y-Media-y-en-los-Subsistemas-de-Educacion-Escolar-y-Extraescolar.pdf

21 Peru, *Resolution No. 099-2020-SUNEDU/CD* of the Governing Body whereby the Regulation to recognize degrees obtained abroad is approved, which relaxes the requirement of apostille and legalization procedures when there are other reliable alternative verification procedures. Available (in Spanish) at: https:// www.sunedu.gob.pe/resolucion-del-consejo-directivo-no-099-2020-sunedu-cd/.

22 On the Sergio Vieira de Mello Chair, see section 7.3 in Chapter VII (Regional Cooperation) of this report.

Regarding the **right to work**, state policies and initiatives focused on facilitating access to formal employment through intersectoral coordination (as in Guatemala[23]), creating job banks, job fairs, information material, public-private partnerships and mechanisms to promote self-employability and inclusion in the productive system (as in Brazil[24], Costa Rica[25] and the municipality of Montevideo[26], in Uruguay). Mexico and Panama[27], among others, allowed access to technical training and the recognition of labour competences and skills.

In addition, two important initiatives focus on **internal relocation** and **labour-market integration**: from 2016 to 2023, a UNHCR **internal relocation**[28] project in Mexico in cooperation with federal and state authorities and more than 140 private companies relocated over 19,000 refugees[29] and connected them to formal employment opportunities; in Brazil, the interiorization programme was developed within the framework of Operação Acolhida (Operation Welcome):

> ***Operation Welcome* and interiorization process in Brazil**
>
> Launched in March 2018, ***Operação Acolhida (****Operation Welcome*)[30] forms the basis of the federal government's response to ensure humanitarian care for refugees and migrants from Venezuela upon their arrival in the country; it has been rolled out in the cities of Pacaraima (on the border with Venezuela), Boa Vista and Manaus[31].
>
> The Operation shows the strong leadership of the government, to which it owes its success: it is a multisectoral effort coordinated by the *Casa Civil* (Chair of the Federal Committee for Emergency Assistance, CFAE), which brings together more than 115 partners, including ministries, armed forces, state and municipal entities, United Nations agencies, civil society and private entities. A series of policy and regulatory frameworks allow these mechanisms to

23 Thanks to inter-institutional coordination with the Ministry of Labour and Social Planning, priority is given to receiving, analysing, ruling and issuing work permits for people whose refugee or asylum-seeker status has been determined, ensuring a fast process. In 2022, the *Renacer en Guate (Reborn in Guate)* Campaign was launched through the MINTRAB website, social media, media, among others. More information available at: https://mirps-platform.org/en/resources/good-practices/renaciendo-en-guate-campaign/

24 ***Proteja o trabalho*** *(Protect Work)* campaign, launched by the Ministry of Economy, UNHCR, IOM and ILO, and focusing on refugees and migrants and the prevention of labour risk (including forced labour) of children, among others.

25 In Costa Rica, the initiative for access to decent employment for migrants, refugees and asylum seekers consists of implementing a coordination strategy to promote orderly access to the programmes offered by the National Employment System, involving a national process of identification, registration and regularisation of the beneficiary population (migrants, refugees and asylum seekers). More information available at: https://mirps-platform.org/en/resources/good-practices/access-to-decent-employment/

26 Montevideo provides job training for refugees and migrants. In Uruguay, the programme is part of the agreement between UNHCR and the Secretariat of Ethnic-Racial Equity and Migrant Populations of the capital. 76 people completed training provided by the *Casa de la Mujer de la Unión* women's organisation on topics such as customer service, home care services, sales and marketing, as well as e-commerce and logistics. More information available at: https://www.acnur.org/sites/default/files/2023-04/14005_0.pdf

27 In Panama, since 2018 attempts have been made to include refugees and migrants in the training system of the National Institute of Vocational Training and Capacity Building for Human Development (INADEH). More information available at: https://mirps-platform.org/en/resources/good-practices/inadeh-training-system/

28 UNHCR designed and implemented this programme in coordination with local, national and international players (IOM and IRC). The objective is to relocate refugees and asylum seekers to municipalities located in the industrial corridor in the centre and north of the country, where there is greater demand for labour and absorption capacity in the education and health sectors. This creates better conditions for integration. More information is available in UNHCR, *Reception and Integration of Migrants and Refugees in Cities of the Americas*, 27 April 2023, pages 52-53, available at https://www.oas.org/en/sare/publications/Report_OAS_PADF_IOM_UNHCR.PDF. *In addition,* as a MIRPS good practice described at https://mirps-platform.org/en/resources/good-practices/local-integration-programme/, further information can be found in UNHCR, *2020 Highlights UNHCR Mexico*, available at https://www.acnur.org/mx/sites/es-mx/files/legacy-pdf/60c15f9d4.pdf

29 More information is available in UNHCR, *Reception and Integration of Migrants and Refugees in Cities of the Americas*, 27 April 2023, page 53, available at https://www.oas.org/en/sare/publications/Report_OAS_PADF_IOM_UNHCR.PDF

30 On *Operação Acolhida* (*Operation Welcome)*, see (in Spanish): https://www.asiloamericas.org/bra-operacion-acogida/

31 All Venezuelans arriving in the country go through reception and triage centres that guarantee regularization (application for residence authorization or asylum claim; issuing national alien registration and work permits); healthcare (provision of emergency medical services; issuing Unified Health System (SUS) and vaccination cards according to the Brazilian schedule) and social assistance services (with qualified counselling and specific referrals for vulnerable populations, such as unaccompanied children, indigenous people, women in situations of domestic violence and the elderly). Accommodation is also available, with capacity for 9,000 people (including three that are exclusively for indigenous populations), providing meals, personal hygiene facilities, counselling, training, leisure activities and basic healthcare.

Refugees and locals rehearse at the Aguascalientes Jesús María Youth Orchestra, in Mexico. © UNHCR/Nicolo Filippo Rosso

be replicated in other contexts, making the initiative viable[32].

Brazil currently hosts 499,650 Venezuelan nationals – including migrants, refugees and asylum seekers – although almost 1 million (964,043) have passed through the country since January 2017[33]. Entry to the country does not require a visa and people can regularize their migratory situation with the Federal Police by applying for asylum[34] or for a residence permit. Thanks to the extensive possibilities for regularization, the number of Venezuelan nationals in an irregular situation in Brazil is minimal.

The operation is based on three pillars: (i) border management (reception), (ii) accommodation and (iii) interiorization.

The **interiorization process** is the most innovative aspect of the Brazilian response, as it has contributed to reducing the pressure on social assistance services on the northern border. It consists of the voluntary relocation of Venezuelans to other units of the federation and has already benefited almost **110,000 people** who have been resettled in **976 municipalities**. Only regularized, immunized and clinically assessed persons with a signed term of voluntariness can participate in the interiorization campaigns. There are four modalities: (i) family reunification; (ii) social reunification (through friendship ties); (iii) institutional, from one reception unit to another; and (iv) interiorization "with a designated job offer".

Due to its extensive coordination of public, private, international and civil society actors, interiorization has boosted the creation of relevant networks to advance the integration of migrant and refugee populations, as well as to strengthen host communities, which benefit from the knowledge, experience and culture of refugees and migrants[35].

32 *1) Law No. 13684 of 2018*, which establishes emergency assistance measures for receiving persons in a situation of vulnerability due to a migration flow caused by a humanitarian crisis, and other provisions. The law established a Federal Committee for Emergency Assistance (CFAE), composed of thirteen ministries and chaired by the *Casa Civil* (Chief of Staff of the Presidency of the Republic), which acts as a space for coordinating governmental actions (at federal, state and municipal levels) to support the reception of the Venezuelan population. This law also provides for federal transfers to state and municipal health, education and social assistance funds of the affected entities, according to budget availability; *2) Decree No. 9970 of 2019*, which establishes the organisation and functioning of the Federal Committee for Emergency Assistance (CFAE); and 3) *Interministerial Resolution No. 19 of 2021*, which regulates the residence permit for migrants who are in Brazilian territory and are nationals of a border country where the *Residence Agreement for Nationals of MERCOSUR States Parties and Associated Countries* is not in effect.

33 Data relating to the period January 2017 to August 2023 from the Subcommittee on Reception and Interiorization, available (in Portuguese) at https://brazil.iom.int/sites/g/files/tmzbdl1496/files/documents/2023-10/informe_migracao-venezuelana_ago23.pdf. Accessed 6 October 2023.

34 Brazil applies an extended refugee definition in accordance with the *Cartagena Declaration* (1984), which allows for cross-referencing and faster processing of applications.

35 About the crucial role of UNHCR and IOM, see UNHCR, *Reception and Integration of Migrants and Refugees in Cities of the Americas*, 27 April 2023, page 53, available at https://www.oas.org/en/sare/publications/Report_OAS_PADF_IOM_UNHCR.PDF.

Finally, completing the spectrum of basic social rights for effective local integration and as a durable solution, in terms of **access to housing**, during the decade some countries gave access to public housing programmes to refugees and resettled persons (such as Brazil, Chile, Costa Rica, Mexico and Uruguay) or to refugees and asylum seekers (such as Brazil and Venezuela).

Access to social services and schemes in Venezuela

Pursuant to its constitutional mandate[36], in 2003 the Bolivarian Government of Venezuela created the "Hugo Chávez" National System of Missions, Great Missions and Micromissions[37], to guarantee the fundamental rights of the most vulnerable population and their integration, including refugee and asylum seekers, refugees, those granted asylum and stateless persons.

In the area of **education**, asylum-seeking and refugee children and adolescents were guaranteed access and integration in the three levels of the public education system (Robinson, Ribas and Sucre Missions[38]); they also benefited from the School Feeding Programme (PAE) and received school supplies. Many of them also participate in the National Symphony Orchestra System through the Simón Bolívar Musical Foundation. In relation to the right to **housing**, refugee families were incorporated into the *Gran Misión Vivienda Venezuela* housing schemes, and into the *Barrio Nuevo Barrio Tricolor* programme for the physical refurbishment of their homes. The legal documentation of refugees and asylum seekers allows them and their family group to access the subsidized **food** programme (*casa por casa*) and to participate in the Local Supply and Production Committees (*Comités Locales de Abastecimiento y Producción* - CLAP), and public and private supermarket chains.

The CONARE meanwhile has a monitoring tool to identify which basic services and social plans asylum seekers and refugees regularly access and need to access, allowing for its collaboration with Local Councils and community leaders in order to achieve the effective integration of refugees and asylum seekers into host communities.

3) The sociocultural dimension of local integration

The socio-cultural dimension of local integration is based on creating a sense of inclusion, belonging and social participation in the host community, without renouncing one's own culture. From the perspective of the host community, local integration aims to foster understanding, acceptance and respect for displaced persons in their humanity, dignity and also their need; from a dual perspective, it aims for diverse cultures to recognize and enrich each other.

36 The preamble of the Constitution of the Bolivarian Republic of Venezuela provides for the creation of a democratic, participatory, multi-ethnic and multicultural society, consolidating, among others, the values of freedom, independence, peace, solidarity, the common good, territorial integrity, coexistence and the rule of law for this and future generations; it ensures the right to life, work, culture, education, social justice and equality without discrimination.

Similarly, Article 19 establishes that the State will guarantee to all persons, in accordance with the principle of progressiveness and without any discrimination whatsoever, the inalienable, indivisible and interdependent enjoyment and exercise of human rights, closely related to Article 21 of the Constitution, which establishes that we are all equal before the Law and, consequently, no discrimination will be permitted on the grounds of race, sex, belief, social status or that, in general, has the purpose or result of nullifying or impairing the recognition, enjoyment or exercise, on equal terms, of the rights and freedoms of all persons.

37 The "Hugo Chávez" National System of Missions, Great Missions and Micro-missions is a strategic management body chaired by the President of the Republic, coordinated by the Vice-President for Social Affairs and by the social Vice-Presidents. Missions are regulated by the Organic Law on Missions, Great Missions and Micro-missions. The purpose of this law is to regulate the mechanisms through which the Venezuelan state, jointly and in coordination with the People's Power, promotes social development and the social protection of citizens, in order to ensure the universal exercise of the rights enshrined in the constitution.

38 Information on these three Missions available (in Spanish) at: http://www.fidelcastro.cu/es/internacionalismo/mision-educativa-en-venezuela-robinson-ribas-y-sucre

The *Somos Panas Colombia* initiative (We are friends, Colombia)

This remarkable campaign was launched in December 2017 and is described as "millions of reasons to believe in integration between Colombians and Venezuelans that can benefit us all".

It seeks to discourage xenophobia and encourage solidarity towards the Venezuelan population that had to leave its country to seek safety and a better future in Colombia. The campaign also seeks to promote integration between Venezuelan refugees and migrants and Colombian people, on the understanding that through values such as solidarity, empathy and tolerance it is possible to build more opportunities for everyone.

Measures are fostered to reduce xenophobia, strengthening ties between people from both nations; useful information on topics such as access to health, work and the protection of human rights is provided[39]. The programme has been sustained and strengthened over the years and is now widely disseminated on the web and social media.

This dimension was particularly important in the last decade, as displaced persons faced expressions of discrimination, xenophobia and stigmatization that intensified during the pandemic. To promote integration, peaceful coexistence, social cohesion with host communities and the positive contribution of refugees and migrants to host societies, anti-cross-cutting xenophobia campaigns were promoted in many countries in the region; some of them specifically promoted training for teachers and managers to create an inclusive environment.

In many instances, these multiple initiatives and campaigns to prevent xenophobia, racism and discrimination include the active participation of both refugees and asylum seekers and UNHCR. In addition, on a regional level, the **Inter-agency Coordination Platform** (R4V)[40] launched initiatives to support and reinforce the message conveyed by the national campaigns *#SonBienvenid@s* (You're welcome) and *Acortemos distancias* (Let's bridge the gap)[41].

With the support of UNHCR, the Academia has extended the Sergio Vieira de Mello Chair[42] to several Southern Cone countries (through the Association of Universities of the Montevideo Group), which was and continues to be a good practice to raise awareness of the protection needs and challenges of refugees in the subregion.

Peaceful coexistence and integration initiatives in Chile

In Chile, employment programmes were accompanied by strong messages to convey that migrants and refugees make a contribution to the economies that receive them, that they contribute to creating intercultural environments, and that they contribute through their knowledge and the wealth of social, cultural and educational capital that they bring with them. This is the case of *Compromiso Migrante* (*Migrant Commitment)*, a recognition given by the State of Chile to institutions, companies and associations for their inclusion, intercultural approach and non-discrimination in their internal composition, management and relationship with the environment. The general objective is to contribute to an inclusive, intercultural and non-discriminatory Chile by promoting good practices regarding the work of Chilean and foreign people in institutions, companies and associations throughout the country[43].

39 This initiative is a UNHCR campaign in partnership with governmental entities such as the Mayor's Office of Bogotá D.C., the Mayor's Office of Santiago de Cali, the Ministry of Culture, the Ministry of Labour and the National Library of Colombia, in addition to other organisations of the United Nations System, civil society and private companies. More information available (in Spanish) at: https://somospanascolombia.com/

40 About the R4V Platform, see section 7.2.2 of Chapter VII (Regional Cooperation) of this report.

41 Further information available (in Spanish) at https://www.r4v.info/en/documents/details/79588

42 On the Sergio Vieira de Mello Chair, see section 7.3 in Chapter VII (Regional Cooperation) of this report.

43 Further information available at https://serviciomigraciones.cl/en/migrant-commitment/

In recent years Chile also organized the initiative *Mi Mesa es tu Mesa (My Table is your Table)*[44], developed by UNHCR and the Social Gastronomy Foundation, with the support of the Ministry of Social Development. In this project, displaced people share their rich gastronomic heritage while learning about their host culture and customs and finding a space for protection and personal development. Culture, gastronomy and social action are combined to demonstrate that cooking is a powerful tool for peaceful coexistence, social cohesion, intercultural dialogue and integration. The initiative resulted in the publication of two books with recipes from around the world, which have been widely distributed in the country[45].

4) Local integration during the COVID-19 pandemic[46]

The COVID-19 pandemic certainly made the reception of displaced persons more complex and difficult and put all host countries to the test. Therefore, it is of note that these people were included in state responses to prevent, contain and mitigate the pandemic, such as the provision of humanitarian assistance, vouchers for informal, self-employed and unemployed workers, suspension of evictions and service payments, technological facilitation programmes for virtual classes for children, among others.

Special programmes were even developed for migrants and refugees, such as (i) access to the national health system for people who tested positive for COVID-19 and inclusion in national vaccination, treatment and testing campaigns (as in Argentina, Costa Rica, Mexico, Panama, Peru, Uruguay and Venezuela); (ii) facilitating the revalidation of qualifications for refugees and applicants who are health professionals (as in Chile and Mexico) and incorporating Venezuelan doctors into the public health system (as in Argentina); (iii) installing temporary isolation centres and temporary shelters (as in Brazil, Colombia – CAS Tienditas in Norte de Santander[47] –, Ecuador and Mexico[48]); or (iv) special facilities with biosecurity conditions for temporary support in border areas (as in Colombia[49]).

44 Information available (in Spanish) at http://mimesaestumesa.cl/

45 The first version of *Mi Mesa es tu Mesa* won the Gourmand Award in the "migrant cookbook" category in 2022. Further information available (in Spanish) at: https://www.acnur.org/noticias/comunicados-de-prensa/chile-libro-mi-mesa-es-tu-mesa-gana-el-premio-gourmand-2022-en-la

46 For more details on these measures, see *Second Triennial Progress Report on the Brazil Action Plan 2018-2020*, available at: https://www.acnur.org/media/brazil-plan-action-second-triennial-progress-report-2018-2020

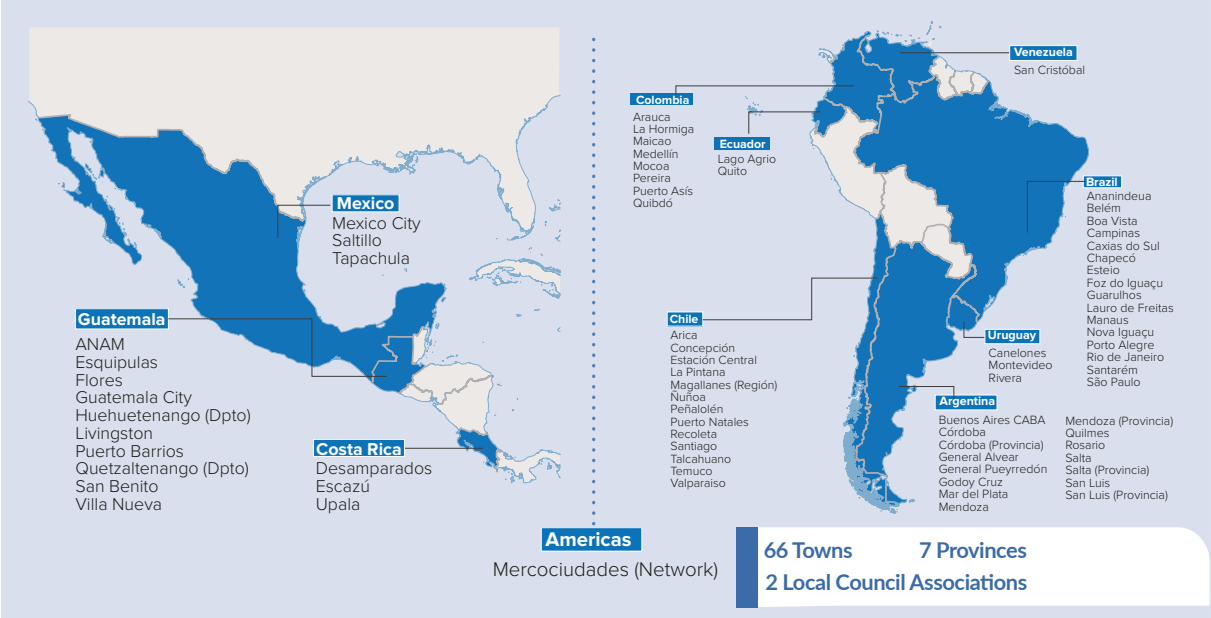
47 The Tienditas Healthcare Centre (CAST), located in Norte de Santander, municipality of La Parada (Villa del Rosario), which shares a border with the town of San Antonio, Táchira State (Venezuela), was a healthcare station opened in 2020, in the context of the COVID-19 pandemic. Venezuelan migrants were able to stay at the Tienditas CAS for up to 48 hours before returning to their country. The idea is that people should be able to stay in the facilities in dignity, that they should undergo health screening, and that they should have access to a hygiene kit. The physical conditions of women, children and other people who had walked for 15 to 20 days to reach the border from different countries in South America and cities in the interior of Colombia were also checked. Upon arrival, each person was fully identified by name and identity documents, and the station worked alongside security authorities to ensure migrants arrived in an orderly fashion. The initiative overcame critical conditions: at one point, more than 1,000 Venezuelan citizens with the intention of returning to Venezuela remained crowded on the International Highway, near the Simón Bolívar International Bridge, in the middle of the border and without biosecurity conditions to control the possible spread of the pandemic. In order to be able to ensure the entry and exit of people to and from the CASTs in an orderly manner, the territorial and national entities and international organisations that are partners in the project, including UNHCR and IOM, coordinated with each other. Coordination activities involved not only entities in Norte de Santander but also others within Colombia's 31 departments, especially the cities of Cali, Bogotá, Bucaramanga, and Medellín, as far as the border between the department of Nariño and the neighbouring country of Ecuador, from where migrants were still arriving. The participation of the local authorities in each case led to coordinated management to provide economic and human resources for the viability and sustainability of the support spaces along the route of the migrant travellers. Public-private partnerships, including with organizations of the Catholic Church, also helped to strengthen services provided. More information is available in UNHCR, *Reception and Integration of Migrants and Refugees in Cities of the Americas*, 2023, op.cit., page 80.

48 *Protocol for Emergency Humanitarian Assistance for Migrants and/or Persons in Need of International Protection, Mexico City, Mexico*, the description of which can be found in UNHCR, *Reception and Integration of Migrants and Refugees in Cities of the Americas*, 27 April 2023, page 81, available at https://www.oas.org/en/sare/publications/Report_OAS_PADF_IOM_UNHCR.PDF. This protocol was initially implemented in the context of the migrant caravans arriving at Mexico's borders in 2018 and 2019; this precedent facilitated its implementation in the context of the COVID-19 pandemic. It is a support and humanitarian assistance strategy for people in transit that provides assistance at their initial reception (including health and food services), as well as facilitating their stay in the city.

49 *CAS Tienditas Healthcare Centre, Norte de Santander*, a description of which can be found in UNHCR, *Reception and Integration of Migrants and Refugees in Cities of the Americas*, page 80.

3.2.2. Cities of Solidarity

In the Americas, most asylum seekers, refugees and internally displaced persons have lived in urban or peri-urban areas for decades. In this context, cities have been the first line response for the reception, protection and integration of refugees and migrants; the role of the authorities has been fundamental in the implementation of policies that guarantee their rights and allow them to survive, integrate and thrive. In response to this, the *Mexico Plan of Action 2004-2014* developed the ***Cities of Solidarity*** programme, which was included in the Brazil Plan of Action. The programme seeks to promote and recognize the existing efforts made by local governments to improve the protection and integration of displaced persons[50].



The number of ***Cities of Solidarity*** has grown exponentially over the decade: **in 2014 there were less than ten, by 2023 there are 71 Cities of Solidarity**, including the association of **two municipalities and seven provinces**[51]. In addition to the above, there are collaboration agreements with the Brazilian National Confederation of Municipalities, which includes more than 5,500 municipalities, and with the Guatemalan National Association of Municipalities (ANAM), which has nine regional branches.

The process of developing Cities of Solidarity was strongly supported throughout the decade by cooperation and exchange between local authorities at the regional level. In May 2016, the Municipality of Porto Alegre in **Brazil** hosted the first regional meeting of local integration, *Champion Cities,* and, in August 2016, the Municipality of Quilicura in Chile organized an international seminar on *Migrants and Refugees: Human Rights and Local Governments*. Both events improved the information exchange and coordination on reception, integration and inclusion.

In 2019, representatives of the local governments of cities in Argentina, Chile, and Uruguay gathered in Argentina to share good practices and information in order to innovatively respond to the inclusion needs of refugees in urban settings. The cities committed to promoting socio-economic inclusion and **expanding the Cities of Solidarity Network.**

In 2020, the First National Meeting of **Cities of Solidarity** in Argentina hosted 19 local governments under the theme *Shared responsibility: towards a new solidarity compact for access to economic, social and*

50 The initiative was renewed through a UNHCR awards and distinctions mechanism, under which local governments – cities, municipalities and provinces – that are officially recognised as *Cities of Solidarity* receive an official seal of approval. The initiative has developed a self-assessment tool aimed at providing diagnostics and prioritisation on public policies related to inclusion. This framework was builds on ten basic criteria based on various aspects of local integration, the backbone of the ***Cities of Solidarity*** framework. Detailed information on the ***Cities of Solidarity*** programme and its good practices can be found (in Spanish) at https://www.acnur.org/que-hacemos/construir-un-futuro-mejor/ciudades-solidarias

51 Information available at https://www.acnur.org/sites/default/files/2023-04/14005_0.pdf

A Warao artisan takes part in an income-generation workshop in Brazil. © UNHCR/Felipe Irnaldo

cultural rights of refugees and stateless persons, asylum seekers, and other persons with international protection needs in urban contexts. It established the **Argentinian Cities of Solidarity Network**. That same year, Uruguay held its First National Meeting with five local governments: Canelones, Maldonado, Montevideo, Rivera and Rocha; at that time, the establishment of the **Cities of Solidarity Network in Uruguay** was agreed.

Finally, in terms of global initiatives, it should be noted that a large number of cities, provinces, and regions signed the **Solidarity Declaration #WithRefugees**[52], which calls on local authorities around the world[53] to work to promote inclusion, support refugees and unite communities.

As might be expected with so many cities formally and effectively committed to solidarity, there were many good practices over the decade, often innovative and with great scope and impact in terms of local integration and fostering peaceful coexistence. For example[54], in Chile the new migratory regulation[55] complemented the *Sello migrante*, which now has 98 registered municipalities[56]; the ***Local Integration Programme*** (PIL) or the ***Relocation and Labour Insertion Programme*** in 11 cities in Mexico; and the ***Interiorization*** programme in Brazil, one of the main strategies of ***Operation Welcome***[57].

52 Further information available at https://www.unhcr.org/withrefugees/cities/

53 There are cities around the world that are helping displaced people rebuild their lives: the ***Cities of Light***. For further information, see https://www.unhcr.org/news-and-stories/special-features/cities-light

54 The good practices referred to in this report are independent of others that were, for example, highlighted in the two previous triennial progress reports, in UNHCR's recent report on integration in cities (UNHCR, *Reception and Integration of Migrants and Refugees in Cities in the Americas*, 27 April 2023, *op. cit.)* or the *Report on good practices in Brazilian cities, as detailed in the recent report published by UNHCR,* available (in Portuguese) at https://www.acnur.org/portugues/wp-content/uploads/2022/05/Relatorio-Cidades-Solidarias-Brasil.pdf

55 Chile's new migration law (*Law No. 21325 of 2021, on Migration and Foreign Nationals*) incorporated a number of provisions that refer to the role of local governments in migration policy, including the participation of municipalities in the Migration Policy Council.

56 The *Sello Migrante* programme was created by the Chilean government in 2015 and today has 98 registered municipalities, 38 certified municipalities and 9 revalidated municipalities. This programme enables coordination with the central government; in addition, it is a recognition given through the National Migration Service (SNM) to municipalities that develop plans, programmes and actions aimed at inclusion of the migrant population. It is based on standards of inclusion and non-discrimination inspired by a rights-based approach. For a detailed analysis of the *Sello migrante* in Chile and its concrete results, see UNHCR, *Reception and Integration of Migrants and Refugees in Cities of the Americas*, 27 April 2023, pages 33, 50 et seq, available at https://www.oas.org/en/sare/publications/Report_OAS_PADF_IOM_UNHCR.PDF

57 See previous note.

Cities of Solidarity in Brazil and the example of São Paulo

In Brazilian cities, there have been initiatives to institutionalize local policies through the adoption of specific regulations. For example, São Paulo and Florianópolis are the only cities that have municipal laws establishing a municipal migrant and refugee policy, while the city of São Paulo[58] and the states of Rio de Janeiro and Amazonas have local plans for assisting refugees and migrants[59].

The *Coordination of Policies for Immigrants and Promotion of Decent Work of the City of São Paulo* was created by law in 2013. In 2014 it developed a specific service for migrants with the participation of the Municipal Council of Migrants: the Immigrant Attention and Referral Centre (Centro de Referência e Atendimento para Imigrantes - CRAI Oriana Jara[60]); and, in 2020, the *Immigrant Municipal Policy Plan*. Finally, UNHCR has highlighted Ananindeua as one of the most supportive cities for refugees and migrants in Brazil.

The Municipal Secretariat for Citizenship, Labour and Social Assistance is developing initiatives to promote access to rights for the Warao indigenous population, in the form of employment contracts for interpreters and cultural mediators at the Social Assistance Referral Centre[61].

It is important to mention the strategic regional agreement signed in 2022 by UNHCR and the Mercociudades Network[62] in Montevideo, Uruguay. This agreement seeks to facilitate incorporation of the local governments making up this network (Mercociudades Network) into the ***Cities of Solidarity*** initiative, promoting actions to ensure protection and socio-economic inclusion. The agreement also aims to develop strategies to facilitate access to policies, programmes and services, as well as to promote the exchange of good practices, build capacities and facilitate awareness among officials[63].

From twelve cities involved at the beginning, Mercociudades is now the largest network in South America, bringing together 375 cities in ten countries of the continent (Argentina, Bolivia, Brazil, Chile, Colombia, Paraguay, Peru, Ecuador, Uruguay and Venezuela), with a combined population of more than 120 million; there also two partner states in Brazil (Minas Gerais and São Paulo) and two partner provinces in Ecuador (Tungurahua and Pichincha)[64].

58 In particular, the city of São Paulo has been developing and strengthening its integration policy over the years. More information on the development of this good practice is available in UNHCR, *Reception and Integration of Migrants and Refugees in Cities of the Americas*, 2023, op.cit., pages 31 and 32.

59 UNHCR issued a report on ***Cities of Solidarity*** in Brazil in 2023, which describes 27 good practices of 17 municipal authorities that promote actions for the integration of refugees in five thematic areas: housing, protection, shared responsibility, education and local integration. Information available (in Spanish) at: https://reporting.unhcr.org/cities-solidarity-americas-spanish and in Portuguese at: https://www.acnur.org/portugues/wp-content/uploads/2022/05/Relatorio-Cidades-Solidarias-Brasil.pdf

60 The CRAI offers specialized and multilingual support to migrants, focusing on providing information on migratory regularization and access to basic rights as well as on reporting human rights violations. Between November 2014 and October 2019, the CRAI supported 11,834 migrants and refugees. See (in Portuguese): https://www.prefeitura.sp.gov.br/cidade/secretarias/direitos_humanos/imigrantes_e_trabalho_decente/crai/

61 https://reporting.unhcr.org/cities-solidarity-americas-spanish

62 As stated on its website, Mercociudades was born in 1995, inspired by a different kind of regional integration, respecting diversity and with the goal of building a participatory citizenship without borders: "27 years later, we are one of the largest networks of local governments in South America and an outstanding reference in the processes of regional integration. *Enhance identity and regional integration to ensure the development of cities and well-being in South America*". The network's thematic units include Human Rights and Migration. Further information available (in Spanish) at https://mercociudades.org/.

63 The Mercociudades thematic units include human rights and migration, a committee in which rights are not only considered as a way to limit oppression and authoritarianism, but as a conceptual framework to guide the process of formulating, implementing and evaluating public policies, and as a guide to the obligations of States, the scope of social participation and the mechanisms of identification, reporting and accountability that are needed at the local and regional level. This means rethinking rights from a comprehensive perspective and using a rights-based approach to design public policies. On World Refugee Day 2022, the human rights unit issued a statement expressing the need to work together with the different regional players in a South American union of local governments that can have an active participation in the governance of asylum policies, while recognizing the need to develop general actions to continue on the path of protecting the integrity of asylum seekers. Further information (in Spanish) at https://mercociudades.org/mensaje-de-mercociudades-en-el-dia-mundial-del-refugiado/ and https://reporting.unhcr.org/cities-solidarity-americas-spanish

64 https://mercociudades.org/ciudades-miembro/

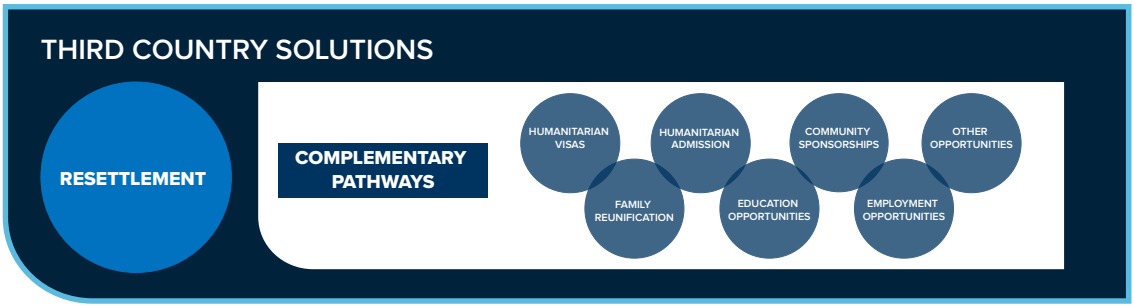
Finally, at the regional level, it is worth highlighting the ***Inclusive Cities, Communities of Solidarity*** initiative[65]: a strategic alliance between UNHCR, IOM and the United Nations Human Settlements Programme (UN-Habitat) with the support of the European Union. This initiative seeks to implement innovative actions from a perspective of care and protection for refugees and migrants, as well as to promote socio-economic integration, migration governance and planning for inclusive urban development. In this sense, it transcends the context of humanitarian assistance and, in turn, creates a link with the factors for the integration of the refugee and migrant population intending to remain in the host communities, with special attention to the potential and specific needs of women and persons with disabilities. This project, with a multi-scale scope at three levels (national, local and intra-urban), is being implemented in nine pilot cities in six countries in Latin America and the Caribbean[66].

3.2.3. Solidarity Resettlement and other solutions

The ***Solidarity Resettlement*** programme was one of the most innovative components of the Mexico Plan of Action 2004, as it appeals to the principles of international solidarity and shared responsibility within the region for the benefit of Latin American refugees. Later, it was included in the BPA from a broader perspective, since resettlement programmes are a key tool for protection and seeking solutions for the most vulnerable cases. These programmes are also indicative of solidarity and shared responsibility with countries hosting increasing numbers of refugees.

In recent years, global and regional **complementary admission pathways** have been developed: safe and regulated ways to offer refugees a legal stay in a third country, where their international protection needs are met[67]. Complementary pathways are in addition to the resettlement solution and do not replace the protection given to refugees under the international protection regime, but complement it and serve as an important expression of global solidarity, international cooperation and a contribution to a more equitable sharing of responsibilities[68].

A particular feature of complementary pathways is that refugees can access them directly, based on publicly available information and using existing administrative mechanisms. Refugees can therefore find their own solutions. In the decade in question, States in the region continued creating and developing these pathways as a pragmatic answer to the complexities of mixed flows, migratory flows and large-scale forced displacement, concurrently with their refugee status determination systems. These pathways respond to objective two of the Global Compact on Refugees, which is innovative on durable solutions, including a specific focus on family reunification.

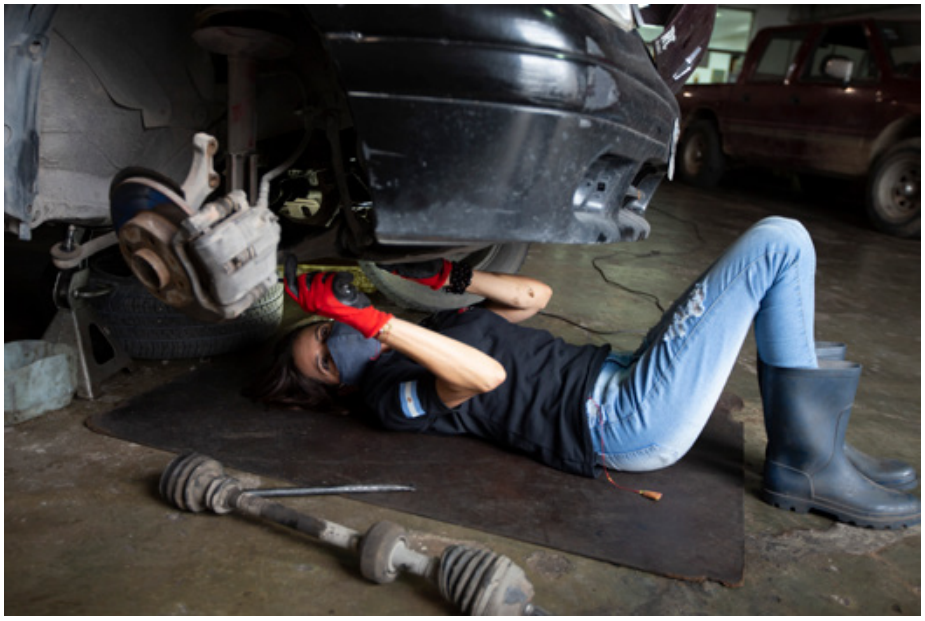


65 https://en.ciudadesincluyentes.org/

66 The six countries are: Colombia, Dominican Republic, Ecuador, Panama, Peru, and Trinidad and Tobago.

67 UNHCR, *Complementary Pathways for Admission of Refugees to Third Countries. Key considerations*, April 2019, available at https://www.refworld.org/docid/5cebf3fc4.html

68 Further information available at https://www.unhcr.org/what-we-do/build-better-futures/long-term-solutions/complementary-pathways-admission-third-3 and www.resettle.org



A Venezuelan woman working at a mechanical workshop in Salta, Argentina. © UNHCR/Gianni Bulacio

Some countries in the region developed resettlement programmes and various complementary admission pathways over the decade. In many cases, these initiatives were supported by the international community, mainly through UNHCR, and were part of the global initiatives supported by UNHCR in recent years.

Progress in the region was encouraged and strengthened by the Sustainable Resettlement and Complementary Pathways Initiative (**CRISP**[69]), a tool that was essential to implement the actions identified in the three-year strategy (2019-2021) on resettlement and complementary pathways and that is included in the 2018 *Global Compact on Refugees*[70]. The phase following the CRISP began in 2022, with the publication of the *Third Country Solutions for Refugees: Road map 2030*[71] which focuses on the transition from foundation to implementation and broadening the scope of solutions involving third countries, under the guiding principles of protection, durable solutions, burden and responsibility sharing, addition of complementary pathways, non-discrimination and family unity.

In addition, until 2019 the ***Emerging Resettlement Countries Joint Support Mechanism (ERCM),*** a joint UNHCR-IOM initiative launched in 2016[72], led to the consolidation of sustainable protection-focused resettlement programmes and continued support for the capacities of several countries in the region in order to adequately host and integrate resettled refugees. The vast majority of Southern Cone countries that implemented resettlement programmes received support from this initiative, with significant technical advice from UNHCR[73].

1) Traditional resettlement programmes

Complementing the ***Syria Programme***, discussed below, Argentina implemented its *GROW Resettlement* Programme[74], through which 16 Syrians (5 women and 11 men) arrived in the country in April 2022. Brazil meanwhile developed numerous resettlement programmes between 2014 and 2019 that benefited 113 people of various Latin American nationalities and also extra-continental

69 Further information available at www.resettle.org.

70 For example, CRISP was instrumental in enabling UNHCR to develop activities for the reception and local integration of Afghan refugees in Brazil in 2021 and 2022.

71 More information is available at: https://www.unhcr.org/what-we-do/build-better-futures/long-term-solutions/resettlement and at https://globalcompactrefugees.org/sites/default/files/2022-08/Third%20Country%20Solutions%20for%20Refugees%20-%20Roadmap%202030.pdf

72 Further information available at https://reliefweb.int/report/world/iom-unhcr-support-resettlement-refugees-south-america and https://resettle.org/

73 The region's advances in terms of temporary protection mechanisms are described in Chapter II of this report (Protection), section 2.2.4., in the section on complementary protection and other temporary protection mechanisms; the measures adopted by Latin American and Caribbean countries for the protection of persons displaced by natural disasters are discussed in Chapter VII of this report, section 7.4, on Regional Cooperation.

74 The *GROW programme*, launched in 2020 by UNHCR, aims to encourage third country solutions for refugees and to promote UNHCR's efforts with the private sector to boost social and financial support for refugees. Further information available at https://resettle.org/sites/default/files/2022-02/CRISP%20Newsletter_Issue%203_January%202022.pdf

nationalities (from Afghanistan and Sri Lanka[75]). The last programme in 2019 was primarily funded by the State of Brazil and was carried out under the ***Protection Transfer Arrangement*** (PTA)[76].

In 2017 Chile resumed its traditional resettlement programmes: it received 66 Syrian refugees (14 families) from Lebanon[77]. In the same vein, in 2014 Uruguay developed a *Resettlement Programme for Syrians*, which allowed the arrival of 42 people. This was complemented by the *Rural Resettlement Programme*, implemented under the PTA, which between 2018 and 2020 benefited 35 people from El Salvador, Guatemala and Honduras by providing them with access to employment and decent housing in cooperation with UNHCR, civil society, the private sector and host communities. Finally, between 2021 and 2022, Uruguay reinforced its *Resettlement Programme* with support from the CRISP, receiving three Venezuelan nationals in 2021 and four Venezuelan and Afghan nationals in 2022.

2) Protection Transfer Arrangement

In 2016 Costa Rica adopted the **Protection Transfer Arrangement (PTA)**, a humanitarian evacuation mechanism for northern Central American countries to facilitate the transfer of persons in need of international protection to a third country. The PTA expanded over the years, incorporating northern Central America. This programme, which started as a pilot in El Salvador in July 2016, was fully implemented in Guatemala and Honduras in 2018.

The PTA began with the United States, Australia and Canada as host countries; they were joined by Brazil[78], Uruguay and Costa Rica, which remains the transit country. From the beginning of the PTA in 2016 to September 2023, 815 Salvadorans, 417 Guatemalans and 304 Hondurans had been resettled; followed by one person from the Democratic Republic of Congo and one Costa Rican in 2022 (a total of 1,538 persons resettled since the start of the programme).

3) Humanitarian visas and other complementary pathways

In Argentina the ***Syria Programme*** was launched in 2014. It is a humanitarian visa mechanism with a community-sponsored reception scheme[79] that involves a joint effort by national authorities, local governments, donors and host communities. In 2019[80] it was reformed to strengthen it, drawing on good practices from other countries and regions. Argentina thus received 460 Syrian nationals between 2014 and September 2023, thanks to the support of 247 host communities.

Additionally, under *Provision 417/2022*, Argentina granted humanitarian residency to 158 Ukrainians (96 women and 62 men) between February 2022 and June 2023. With the support of UNHCR and in compliance with the complementary pathway established in article 23.m of the *Migration Law 25871*, four Eritrean men received humanitarian visas in 2021 and four Afghans (three women and one man) received humanitarian visas in 2022.

75 In 2014, 27 Colombians, one Afghan, one Syrian, eleven Ecuadorians and five Sri Lankans were resettled; in 2015, ten Colombians and one Syrian; in 2016, 31 Colombians; in 2107, two Cubans; and in 2019, under the PTA, 21 Salvadorans and three Hondurans. It should be noted that since the start of the ***Solidarity Resettlement*** programme envisaged in the *Mexico Plan of Action*, Brazil resettled around 683 refugees (more than 500 of them Colombian nationals) between 2005 and 2019.

76 About the PTA, see next section.

77 Chile received 66 Syrian refugees in 2017, more information at https://www.unhcr.org/news/news-releases/chile-becomes-latest-country-resettle-syrian-refugees

78 Through the PTA, Brazil resettled 28 refugees from Central America in 2019, with a special focus on women and children and adolescents at risk.

79 Further information available at https://www.unhcr.org/news/stories/syrian-refugees-reap-benefits-argentinas-new-visa-rules

80 Further information available (in Spanish) at: https://www.acnur.org/noticias/historias/acnur-celebra-los-avances-del-nuevo-marco-normativo-del-programa-siria

Humanitarian visas in Brazil

The new 2017 *Migration Act* incorporated the humanitarian reception visa to allow the reception of foreigners from countries in a situation of serious or imminent institutional instability; armed conflict; major calamity; environmental disaster; or serious violation of human rights or international humanitarian law, in accordance with specific regulations. Prior to the adoption of the regulatory instrument, Brazil already granted humanitarian asylum to Haitians (since 2012) and Syrians (since 2013), but the new law institutionalized the procedure, providing greater predictability to beneficiaries.

Currently, the Brazilian government grants humanitarian visas to:

- Haitian nationals and stateless persons affected by major calamities, environmental disasters or the situation of institutional instability in the Republic of Haiti[81] (this resolution represents a major step forward in complementary pathways for international protection, recognizing that a major calamity or environmental disaster is grounds for humanitarian asylum);
- persons affected by the armed conflict in Syria[82];
- Afghan nationals, stateless persons and persons affected by serious or imminent institutional instability, or a serious violation of human rights or International Humanitarian Law in Afghanistan (in this regard, Brazil is one of the few countries in the world that maintains an active policy of receiving Afghans and persons affected by the situation in the country and the latest text improves the Brazilian policy by guaranteeing an aslyum structure before Afghans actually arrive in Brazil, preventing their exposure to situations of great vulnerability)[83]; and
- Ukrainian nationals and stateless persons affected or displaced by the war in Ukraine[84].

As of August 2023, 10,088 visas had been issued for Afghans, 91,594 visas for Haitians, 1,532 visas for Syrians and 191 visas for Ukrainians.

4) Family reunification

Family reunification is a complementary pathway and a right that is realized through administrative procedures, ensuring that families of persons with legal status – refugees and sometimes migrants – located outside the host countries are safely reunited with their relatives. The countries in the region have over 90 regulations that recognize and determine the **requirements for refugees to extend their status to their family members**, as well as for other foreigners with legal status, many of whom have international protection needs, to **access family reunification procedures**.

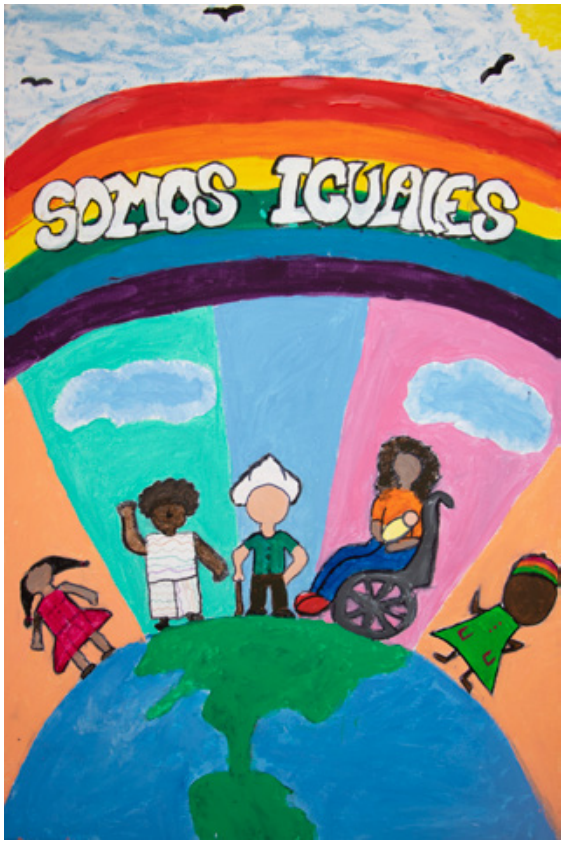
81 Resolution continuously renewed since 2012. *Interministerial Resolution No. 37* (valid from 30 March 2023 to 31 December 2024) is currently in force and has benefited over 90,000 Haitians. This Resolution represents a major step forward in complementary pathways for international protection, recognising that a major calamity or environmental disaster is grounds for humanitarian asylum. In addition to granting humanitarian visas to Haitians and stateless persons, *Interministerial Resolution No. 38* (valid from 10 April 2023 until 31 December 2024) was adopted, facilitating procedures to authorize prior residence and the respective granting of temporary visas for family reunification to Haitian nationals and stateless persons who have family ties in Brazil (up to the second degree). Since then, the Ministry of Justice and Public Safety and Security has analysed the documentation directly, prioritizing applications involving women, children, the elderly, persons with disabilities and their family groups.

82 Resolution continuously renewed since 2013. *Interministerial Resolution No. 9*, dated 8 October 2019, is currently in force with no expiry date. Almost 10,000 people have benefited.

83 *Interministerial Resolution No. 24* of 3 September 2021, subsequently replaced by *Interministerial Resolution No. 42* of 22 September 2023, valid until 31 December 2024.

84 *Interministerial Decree* No. 36 (valid from 13 March 2023 to 31 December 2024). It has benefited around 180 Ukrainians, although it is estimated that more than 1,500 Ukrainians have arrived in Brazil, thanks to the visa waiver for stays of up to 90 days.

As of 2023, the extension of refugee status is included in numerous legislations in the region (such as Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Mexico, Panama, Paraguay and Uruguay); there are also broad concepts of family (e.g. in Argentina, Brazil, Costa Rica, Colombia, Ecuador, Mexico and Uruguay) which allow for the possibility of same sex spouses or partners applying for the extension of refugee status, as well as for family reunification of other legal statuses.



Ecuadorian locals and refugees bond during a workshop on art in Quito. © UNHCR/Ilaria Rapido Ragozzino

Specifically, Uruguay has consolidated a broad concept of family, recognizing spouse or partner, minor children, children with disabilities, parents, parents-in-law, single adult children, siblings, aunts and uncles, grandparents and nieces and nephews. It should also be noted that proof of financial dependency is not required in Brazil in cases involving the spouse or partner, one's own or a partner's children up to the age of 18, grandchildren, mothers, fathers, grandparents, great-grandparents, siblings who are studying.

Several countries have regulated and functioning family reunification procedures for refugee family members, the vast majority of which are effectively free of charge. Finally, in terms of access to information, Ecuador and Mexico are the countries that use the most communication channels to inform refugees about the processes of family reunification or extension of refugee status; Costa Rica and Panama meanwhile have provided toll-free telephone numbers and the option of messaging through commonly used applications, such as WhatsApp and Telegram in Panama[85].

Humanitarian entry visa for family members of Afghan refugees in Ecuador

In February 2023 Ecuador created a temporary exceptional visa for humanitarian reasons, called VERHA, for family reunification of Afghans recognized as refugees in Ecuador. This visa allows family members to travel to the country and, once there, to initiate the family reunification process or to file an individual refugee application. The refugee must initiate the procedure in Ecuador. In September 2023, the first three Afghans to benefit from this visa entered Ecuador from Pakistan.

In terms of special considerations for children and adolescents, Colombia has issued two instruments making exit permits more flexible, one legal and one administrative; it has also strengthened the mechanisms for family tracing in cases of separated or unaccompanied children and adolescents with the aim of making family reunification viable[86].

85 For family reunification, countries do not require apostilled or legalized documentation from applicants. In particular, in the case of Argentina, in situations where the person concerned does not have their identity document, they can file a complaint. In Bolivia, the legislation does not give an exhaustive list of the documents that can be considered as proof of family ties, so it leaves open the possibility of presenting any information that proves such a connection. Uruguay meanwhile recognizes the travel document of the International Committee of the Red Cross (ICRC) as a valid travel document.

86 *Resolution 0760* of 25 May 2016 issues the *Manual de Procedimientos del Proceso de Control Migratorio para la Unidad Administrativa Especial (Manual of Procedures of the Migration Control Process for the Special Administrative Unit)*, as well as the *Tercera Guía de Control Migratorio de Niños, Niñas y Adolescentes (Third Guide for the Migration Control of Children and Adolescents)*.

In Mexico, a reform to the *Migration Act* and the *Law on Refugees, Complementary Protection and Political Asylum*, stipulated that, once it has knowledge of a separated or unaccompanied child or adolescent, the National Migration Institute (INM) cannot carry out a deportation process, but is obliged to inform the Systems for the Integral Development of the Family – at the municipal, state or federal level – and the Offices for the Protection of the Rights of Children and Adolescents, in order to initiate the process of the best interests determination based on the safety of the child or adolescent in question. In cases where the Systems and the Protection Offices determine the need to protect the principle of family unity, the INM is asked to regularize the situation, taking into account certain conditions.

Finally, it should be noted that in many countries – such as Argentina, Bolivia, Brazil, Chile[87], Ecuador, Mexico, Panama, Peru and Uruguay – family reunification is recognized for persons who are not refugees but have another legal status; on occasions, the procedure has been facilitated for some nationalities or stateless persons, as in Brazil[88].

As can be seen, in 2023 the countries in the region have achieved a solid legal structure and good practices in the area of family reunification. This is fully consistent with the BPA, insofar as this durable solution and this right of refugees are fundamental to their well-being and effective integration. It is also a significant complementary pathway in that, by being legislated and enshrined, it provides a permanent status and therefore offers effective international protection.

3.3. Summary of the decade's progress

Throughout the decade, the countries in the region made substantial progress on solutions, even in the face of unanticipated and unpredictable challenges.

Although as early as 2014 the BPA argued that, under the conditions prevailing at the time, local integration was the most challenging solution, this difficulty was certainly exacerbated by large-scale intraregional displacement – it posed unprecedented challenges for many countries. Local governments and authorities were faced with a sudden increase in population, generally in urban areas; their survival depends on basic elements (such as food, housing, health), which translates into demands for public services of all kinds. Some host communities also reacted in a hostile and at times xenophobic manner to these new arrivals, as they were affected by the massive presence of people from a different culture.

Finally, the COVID-19 pandemic put all States to the test, including, of course, in terms of local integration policies. Despite this particularly challenging context, the countries of the region made outstanding progress during the decade, as described below.

- In terms of **local integration**, it is worth mentioning the access to social security in some countries and, in particular, the inclusive programme of the Social Security Fund launched by Costa Rica in 2019 in collaboration with UNHCR.

87 Chile incorporated this right into its new migration regulations for resident foreigners, *Migration and Immigration Act 21325*: "Article 19. Family reunification. Residents may apply for family reunification with their spouse or with a person in a relationship that, in accordance with applicable law, produces effects equivalent to marriage, parents, minor children, children with disabilities, unmarried children under 24 years of age who are studying and minors under their personal care or guardianship; the State is required to protect the unity of the family. Applications for family reunification of children and adolescents with resident aliens will be processed on a priority basis." This regulation, although enacted and published in 2021, came into force in 2022; available (in Spanish) at https://www.bcn.cl/leychile/navegar?idNorma=1158549.

88 Brazil, in addition to granting humanitarian visas to Haitians and stateless persons, adopted *Interministerial Resolution No. 38* (valid from 10 April 2023 until 31 December 2024), **facilitating procedures to authorize prior residence and the respective granting of temporary visas for family reunification to Haitian nationals and stateless persons** who have family ties in Brazil (up to the second degree). Since then, the Ministry of Justice and Public Safety and Security has analysed the documentation directly, prioritizing applications involving women, children, the elderly, persons with disabilities and their family groups.

Refugees took part in the Rio de Janeiro carnival, in Brazil, in 2022. © UNHCR/Ruben Salgado Escudero

- **Access to free public healthcare** became almost universal in the region, which was generally maintained for the foreign population during the pandemic. States progressively guaranteed the right to education until this became a cross-cutting regional good practice (mechanisms were introduced for facilitating the recognition of academic degrees and certificates, a fundamental element for reducing barriers to accessing the formal labour market, as well as for recognizing displaced persons in the dignity of their cultural background and knowledge).
- **The right to work** was progressively guaranteed in most countries in the region, and innovative programmes were developed, such as the internal relocation programme (Mexico) and the interiorization process under *Operation Welcome* (Brazil). In addition, there were some isolated but very important initiatives of governmental collaboration with the private sector. In some countries, access to housing was supported, which is very significant as it involves a significant investment of resources.
- In terms of **secure and quality documentation**, significant advances were made with features that guarantee confidentiality, reduce the possibility of discrimination and allow access to services: this is possibly one of the areas in which the decade of implementation of the BPA was the most significant, insofar as in 2014 many countries still had precarious documentation.
- In terms of the socio-cultural dimension of **local integration**, countries developed programmes and initiatives to reinforce peaceful coexistence, reduce xenophobia, mitigate discrimination and strengthen interculturality, often with the support of UNHCR and other international agencies (there were numerous good practices, all of them innovative, creative and with significant impact).
- The progress on ***Cities of Solidarity*** during the decade was exceptional: in 2014 there were less than ten, by 2023 there were 71 Cities of Solidarity, including the association of two municipalities and seven provinces. This is particularly important because the BPA highlighted the crucial role of local authorities in effective integration, through programmes and initiatives for access to rights that allow for dignified survival, identifying and addressing specific needs and the indispensable strengthening of peaceful coexistence. Development of the Cities of Solidarity networks was an

example of exchange of good practices, regional cooperation and solidarity across the continent (in particular, the leadership of the city of São Paulo and the development of exemplary good practices). Moreover, in recent years, two initiatives have been strengthened to complement the BPA ***Cities of Solidarity*** programme: the Mercociudades Network (with the support of UNHCR) and the Inclusive Cities - Communities of Solidarity initiative (with the support of the European Union through a strategic alliance between UNHCR, IOM and UN-Habitat).

- In the case of ***Solidarity Resettlement,*** during the first years of implementation of the BPA, Brazil, Argentina, Uruguay and Chile maintained traditional resettlement programmes that benefited both refugees from the region (mainly from Guatemala, El Salvador and Honduras) and refugees from outside the continent (from Syria, Afghanistan and Sri Lanka). This example of solidarity and burden-sharing, in line with the principles inspiring the BPA and then taken up by the *Global Compact on Refugees*, was recognized at the global level.
- An outstanding good practice was the 2016 creation of the Protection Transfer Arrangement (PTA). Created by Costa Rica in collaboration with UNHCR, it is a humanitarian evacuation model that facilitates transit through Costa Rica for persons in need of international protection – from northern Central American countries to a safe third country). As of 2023, and since the beginning of this programme in 2016, 1,538 people have benefited from the programme.
- In recent years, in line with initiatives stemming from the *Global Compact on Refugees*, such as the CRISP, countries in the region have begun to develop complementary admission pathways. This alternative and pragmatic solution was implemented in various, sometimes innovative, ways, leading to an increase in durable solutions in the region, in an effective manner that was also coherent with the States' capacities.
- Other **complementary pathways** were also developed in various forms (including humanitarian visas and hybrid resettlement mechanisms such as community sponsorship), usually for people coming from countries in conflict such as Syria, Haiti, Afghanistan and Ukraine.
- With regard to **family reunification**, by 2023 the vast majority of Latin American countries have already recognized this right in their legislation for refugees and, to a large extent, for other displaced persons or migrants with regular status. Noteworthy good practices were developed in this area, such as the recognition of same sex couples under the concept of family, the strengthening of information mechanisms, and the facilitation of admission and entry pathways to the country. In this context, some countries have also developed regulations, policies and procedures to identify and address the specific needs of children and determine their best interests.

In short, notwithstanding the undoubted complexity and difficulty of developing durable solutions throughout the decade, countries made significant progress by developing legislation, policies and practices that enhanced the integration of refugees and other durable solutions. Against this backdrop, the elements and tools proposed by the BPA were appropriate and effective in improving the solutions: public policies and an appropriate legal and economic framework to promote the local integration of refugees, strengthening the central role of the State, the fundamental role of local authorities at municipal level, host communities, the refugee population itself, the private sector, civil society, international cooperation through UNHCR, as well as assistance from other international or regional agencies, including development and funding.

Overall, despite challenges such as large-scale displacement and the COVID-19 pandemic, countries in the region made significant progress in the last decade in terms of solutions. They excelled in areas such as access to healthcare and education for displaced persons; promotion of the right to work and internal relocation programmes; issuance of quality documentation; anti-xenophobia initiatives; a significant expansion of Cities of Solidarity; implementation of resettlement programmes; and support for complementary pathways for admission and family reunification. The tools proposed by the BPA proved to be effective and highlight the importance of public policies, legal frameworks and cooperation between different actors, such as local authorities, host communities, the private sector, civil society and international organizations.

SOLIDARITY WITH THE COUNTRIES OF NORTHERN CENTRAL AMERICA IN THE SEARCH FOR, AND IMPLEMENTATION OF, DURABLE SOLUTIONS

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4. SOLIDARITY WITH THE COUNTRIES OF NORTHERN CENTRAL AMERICA IN THE SEARCH FOR, AND IMPLEMENTATION OF, DURABLE SOLUTIONS

This chapter addresses the programme of Chapter Four of the Brazil Plan of Action (BPA) and the progress and good practices connected to the countries of northern Central America[1] during the decade of implementation of the BPA. Chapter VII of this report (Regional Cooperation) addresses forced displacement due to natural disasters and the effects of climate change, as well as the measures adopted by Latin American and Caribbean countries to address them.

4.1. Reference to the Brazil Plan of Action

After describing the complex situation in the subregion, Chapter Four of the Brazil Plan of Action on Solidarity with northern Central America aims to link regional actions targeted at the prevention of displacement, the protection of victims and the search for durable solutions. It urges countries of origin, transit and destination to take action and implement coordination mechanisms in order to ensure the coherence and strength of humanitarian responses, through three programmes, as follows:

1. The ***Human Rights Observatory on Displacement*** programme, intended to establish a common system for gathering and analysing quantitative and qualitative information about displacement to facilitate the formulation of public policies and regional coordination and cooperation, as well as an early-warning and emergency response system, among other protection-related issues.
2. The ***Prevention*** programme, which is targeted at strengthening national protection and assistance mechanisms for populations in vulnerable situations, including the registration of victims and displaced persons, inter-institutional coordination, assistance and training programmes, as well as the provision of increased resources to relevant institutions.
3. The ***Dignified and Safe Transit*** programme, whose purpose is to improve access to

1 Although the "Northern Triangle of Central America" was the term adopted in Chapter Four of the Brazil Plan of Action, this report will use the geographical reference "northern Central America", which has been generally accepted in recent years.

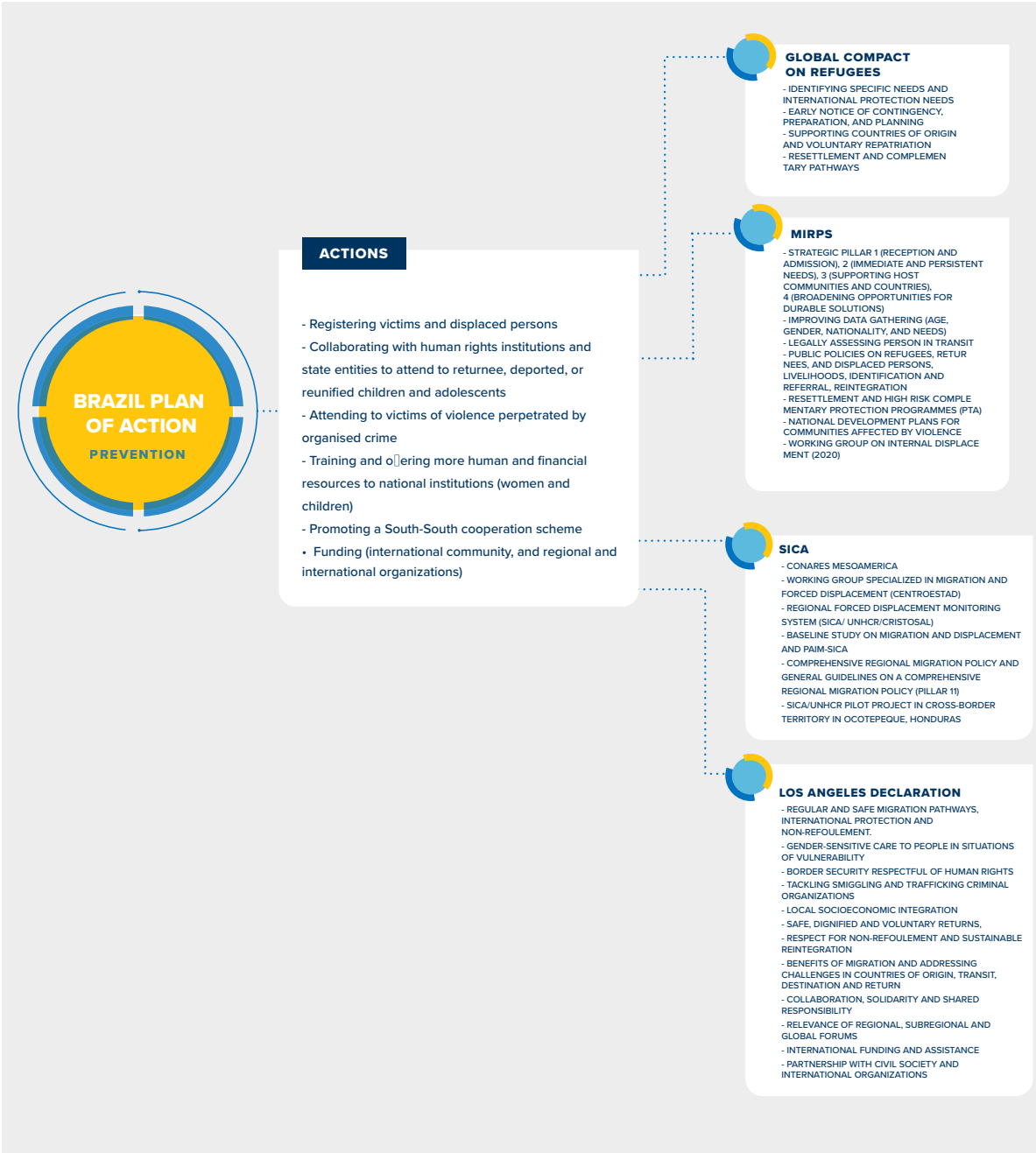
differentiated and high-quality procedures for refugee status determination and to disseminate and take into account the UNHCR *Guidance Note on Refugee Claims Relating to Victims of Organized Gangs*[2]. In addition, it seeks to promote safer border zones, including the delivery of information for displaced persons, training of migration officials and a human rights approach that includes procedures for the determination of children's best interest.

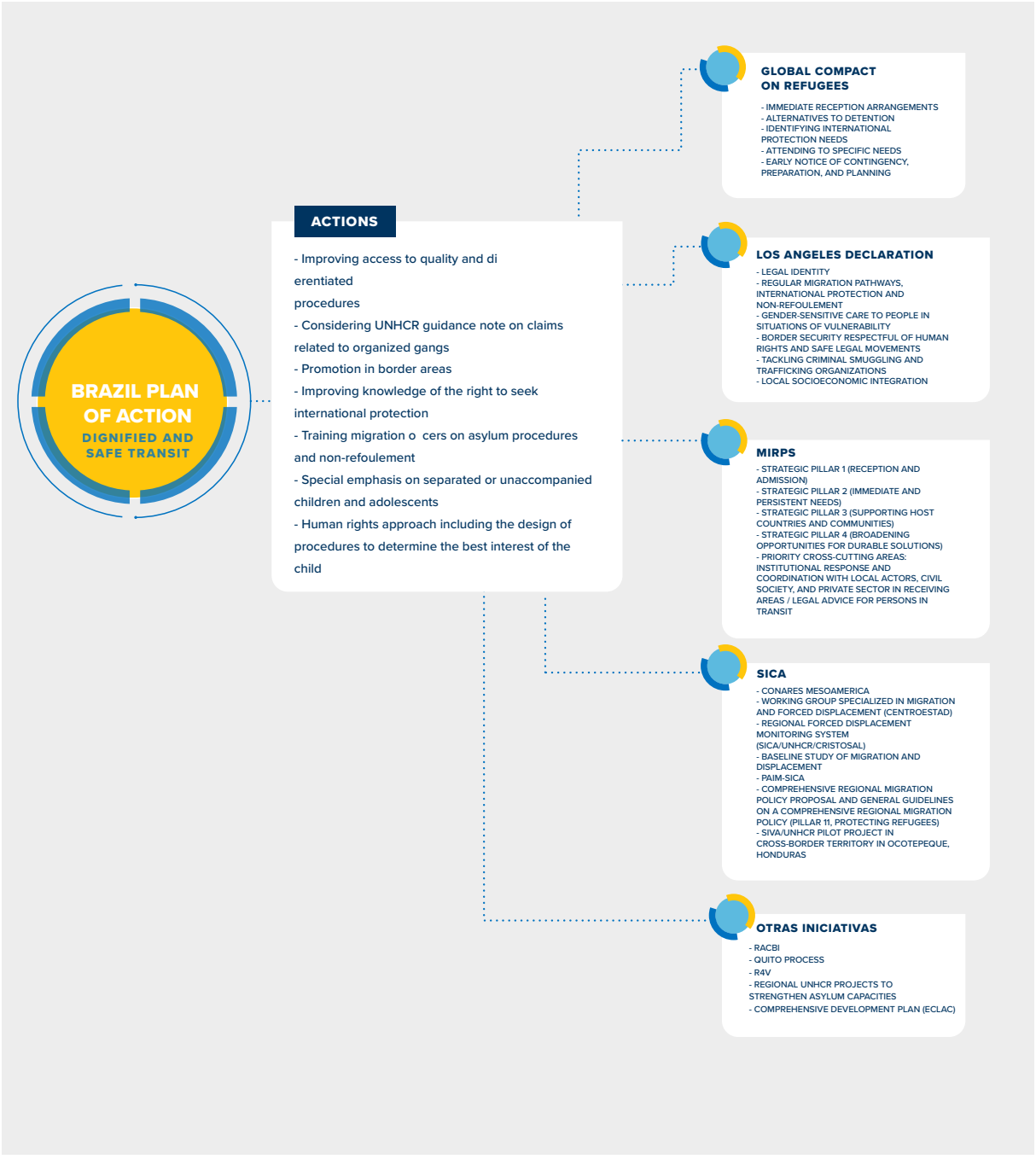
It should be noted that, without prejudice to its specific focus on the countries of northern Central America and their particularities, this chapter and its programmes align with the main global agreements and mechanisms, as well as other existing regional or subregional initiatives, as shown in this outline:

As can be seen in the chart (and will be analysed later in this chapter), the ***Human Rights Observatory on Displacement*** programme has been almost entirely assumed by the Central American Integration System (SICA). That has allowed its tailored development, adapted to the subregion's reality, contexts and needs, besides having a team dedicated to its implementation in collaboration with civil society. That did not affect the complementarity of the programme with the Comprehensive Regional Protection and Solutions Framework (MIRPS) and the Comprehensive Development Plan (coordinated by ECLAC), which also contributed to the fulfilment of its objectives.

2 The Guidance Note is available at: https://www.refworld.org/docid/4bb21fa02.html

The ***Prevention*** programme, particularly important for northern Central America, is certainly one of the most difficult programmes to implement, given the diversity and complexity of the problems it addresses, many of which are structural and long-standing in the subregion. For this reason, the synergies that this programme has with ongoing subregional and global initiatives are particularly important since the expected progress will only be achievable through cooperation, coordination and joint efforts. The Global Compact on Refugees provides a general framework to make the problems visible and address them, and the MIRPS and SICA provide a specific momentum to reinforce their objectives, obtain greater international cooperation and South-South cooperation and thus make further progress in the much-needed support to countries of origin and in addressing the causes of forced displacement in the region.





As shown in the chart, the ***Dignified and Safe Transit*** programme includes many synergies and complementarities with existing mechanisms in the region. Indeed, the programme contains and addresses a significant number of the elements already contained in the BPA's ***Quality Asylum*** and ***Borders of Solidarity and Safety*** programmes but particularly stresses the specific challenges that characterize the situation in the countries of northern Central America: child protection, *non-refoulement*, protection-sensitive entry arrangements, and, in particular, the need for host countries to use objective and exhaustive country of origin information in order to provide protection to refugees from the three countries (El Salvador, Guatemala and Honduras), addressing the specific persecution they face.

4.2. Progress made on solidarity with the countries of northern Central America

Chapter Four of the BPA was undoubtedly innovative in defining strategies adapted to a subregion that required, and still requires, a specific and comprehensive approach in view of the diversity and complexity of the challenges it faces (many of them structural and long-standing).

Despite the complexity of the situation, protection and solutions were successfully improved in the countries of northern Central American during the decade, achieving significant implementation of the BPA programmes, as shown below.

4.2.1. Subregional advances

The BPA notes that the 2014 subregional consultation on the countries of northern Central America stressed the importance and urgency of coordinating, within the framework of the Central American Integration System, regional actions aimed at preventing displacement within the region, protecting victims and seeking durable solutions. It also specified that humanitarian response must be developed in countries of origin, transit and destination, with coordination mechanisms to give it coherence and strength (the 2018 Global Compact on Refugees was a precursor in this regard). Regional cooperation also played an important role on the basis of shared (but differentiated) responsibility and international solidarity, with the support of SICA, UNHCR, other international organizations and civil society.

In line with the above, during the decade, the situation in northern Central America and its main host countries in Latin America and the Caribbean – such as Belize, Costa Rica, Mexico and Panama – showed progress within the framework of subregional mechanisms: the creation of the Comprehensive Regional Protection and Solutions Framework **(MIRPS)**, the strengthening of **SICA** in the area of protection, the support and work of organizations such as **UNHCR** and other United Nations agencies, as well as the Organization of American States **(OAS)**.

1) Creation of the Comprehensive Regional Protection and Solutions Framework

In the San Pedro Sula Declaration[3] adopted in **2017**, Belize, Costa Rica[4], Guatemala, Honduras, Mexico and Panama expressed to the United Nations High Commissioner for Refugees their intention to work on a regional, practical and detailed application of the Comprehensive Refugee Response Framework (CRRF[5]), in line with Annex 1 of the *New York Declaration for Refugees and Migrants*[6]. In this context, the same year saw the creation of the **Comprehensive Regional Protection and Solutions Framework (MIRPS**[7]), whose main objective is to promote a coordinated response to forced displacement (displaced persons and returnees), involving all relevant parties and promoting major initiatives in the humanitarian (public and private) and development sectors. In July 2019, El Salvador joined the process.

It should be underlined that **the MIRPS is a concrete implementation of the 2018 Global Compact on Refugees**, as it fosters regional cooperation between countries of origin, transit and destination for greater shared responsibility in terms of prevention, protection and durable solutions. It also has a participatory approach by involving people in need of protection, populations affected by violence and

3 Regional Meetings, *San Pedro Sula Declaration as a Regional Contribution to the Global Compact on Refugees*, 27 October 2017, available at: https://www.acnur. org/5b58d75a4.pdf

4 Costa Rica's Comprehensive Refugee Response Framework (CRRF) - known locally as the *Marco Integral Nacional de Atención y Respuesta a las Personas Refugiadas*, MINARE - guides the country's response to forcibly displaced persons by implementing strategic commitments to address the situation of this population. It incorporates a whole-of-government and whole-of-society approach by bringing into its working structure five ministries and four institutions that support or are directly involved in the response. Since its adoption in 2018, MINARE has provided the government with a forum for discussion and decision-making on international protection. In 2022, the Government of Costa Rica formalised MINARE, through Executive Decree 43393, as the national platform for inter-institutional coordination on refugee matters.

5 Comprehensive Refugee Response Framework, available at: https://www.unhcr.org/comprehensive-refugee-response-framework-crrf.html

6 *New York Declaration for Refugees and Migrants*, available at: https://www.unhcr.org/events/conferences/57e39d987/new-york-declaration-refugees-migrants.html

7 About the MIRPS see https://mirps-platform.org/en

insecurity, regional and international organizations, and cooperating states that are part of the **MIRPS Support Platform**[8] and therefore are committed to the humanitarian and development agenda.

The MIRPS gives a comprehensive response to the constant increase in the mobility of people in Central America and Mexico, reinforcing and deepening the content of the chapter *Solidarity with Northern Central America* of the Brazil Plan of Action. Specifically, it has **four strategic pillars**: **1.** improve mechanisms for reception and admission; **2.** respond to humanitarian and protection needs; **3.** support host countries and communities; and **4.** enhance opportunities for durable solutions. Moreover, it has **six focus areas**, which are reflected as a series of policy commitments within the respective national action plans[9].

At the regional level, a rotating Pro-tempore Presidency manages an **annual work plan** with the support of the Technical Secretariat, constituted by the OAS and UNHCR (every year, the Presidency and the Technical Secretariat hold technical-political meetings[10]). At the **national** level, the technical teams plan and implement **work plans** with support from UNHCR, OAS, SICA and the United Nations Development Group for Latin America and the Caribbean (**UNDG-LAC**).

The **MIRPS Support Platform**[11] organized thematic workshops in order to provide technical assistance and share good practices. The MIRPS also has an **innovative quantification process** for the financial resources needed for protection and assistance.

Since its creation, the MIRPS has gradually and sustainably constituted a comprehensive regional mechanism for an effective response to protection challenges in the countries of northern Central America. In particular, it has implemented actions based on shared responsibility and has proposed

8 For a description of the MIRPS Support Platform see https://mirps-platform.org/en/support-platform/

9 For a comparative table and synergies between the MIRPS and BPA, see *Second Triennial Progress Report on the Brazil Plan of Action 2018-2020*, pages 40 and 41, available at https://www.acnur.org/media/brazil-plan-action-second-triennial-progress-report-2018-2020

10 The annual MIRPS declarations can be consulted (in Spanish) at: https://www.refworld.org.es/topic/57f5047278/5c6446dd4.html.

11 About the Support Platform, see also Chapter VII (Regional Cooperation) of this report.

durable and sustainable solutions for refugees, asylum seekers, internally displaced persons, returnees and people in need of protection. This cooperation has enabled the promotion of joint policies and has improved protection within each country[12]. This aligns the MIRPS with the objectives and programmes of the **BPA, which was a pioneer in highlighting solidarity with the situation in the countries of northern Central America, calling from the outset for South-South cooperation, solidarity and shared responsibility**.

2) Strengthening the Central American Integration System in the field of protection

Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama and the Dominican Republic make up the **Central American Integration System** (**SICA**): its objective is to achieve the integration of Central America as a "region of peace, freedom, democracy and development"[13].

In April **2014**, the **SICA General Secretariat (SG-SICA**) and **UNHCR** concluded an agreement, later extended in 2018, to strengthen cooperation and coordination relations in matters related to Central American integration, regional security and the strengthening of governmental and civil society institutions. This led to specific work on the protection of people in situations of human mobility and forced displacement, refugees, stateless persons and others in need of international protection.

In 2018, the ***Action Plan for the Comprehensive Management of Migration*** **(PAIM-SICA)**[14] was approved in response to the analysis of the causes and consequences of migration in the region. Later, in **2020**, a series of common objectives were established: to promote cooperation, regional alliances and shared responsibility mechanisms; to build institutional capacity; to promote the exchange of good practices, regional coordination and the production and analysis of information on forcibly displaced populations; to promote and harmonize legal frameworks and public policies; and to formulate and implement assistance and protection projects.

These objectives have been achieved over the years; the SICA is therefore an important mechanism for the implementation of the BPA programmes, which will be discussed below.

3) Advances in the framework of the Mesoamerican Nacional Refugees Commissions (CONAREs) meetings

In December 2017, after four years of inactivity, the Mesoamerican National Refugee Commissions (CONAREs) meetings were reactivated with the Third Regional Workshop organized by Panama, the Pro Tempore Presidency of SICA and UNHCR, under the auspices of El Salvador, Nicaragua and Panama. The workshops continued over the years[15], making the meeting a space for Mesoamerican countries to reflect on the quality of their asylum systems and to cooperate and exchange good practices for their strengthening, which is particularly relevant insofar as SICA countries are countries of origin, transit and destination, with a diverse range of experiences, challenges and geopolitical situations.

12 At the commemoration of five years of MIRPS, countries committed to further strengthening the mechanism: *Tegucigalpa Declaration*, December 2022, available at: https://www.unhcr.org/news/central-america-and-mexico-reaffirm-commitment-address-needs-displaced-people-region

13 For further information on SICA (in Spanish), see https://www.sica.int/. SICA also has regional and extra-regional observers; in this regard, see (in Spanish) https://www.sica.int/sica/vista.aspx?ldm=1

14 Within the framework of collaboration between SICA and UNHCR, a **Baseline Study** was drawn up establishing **12 axes**, which was approved by the Council of Ministers of Foreign Affairs in June 2018. **Axis 11** on the **Protection of Refugees** is based on six main guidelines: legal framework; actions at borders and adjacent areas; needs of refugees, displaced persons and asylum seekers with a differentiated approach; comprehensive, complementary and sustainable solutions for refugees; situations of mass influx of asylum seekers, refugees and displaced persons; ongoing training for officials in international protection; and information collection and analysis systems.

15 Further information available (in Spanish) at https://www.sica.int/sica-acnur/eventos. The 4th CONAREs Workshop of Mesoamerica was held in Belize in November 2018 and the 5th Workshop took place in San Salvador in November 2019. In December 2020, the SG-SICA and UNHCR organized three webinars of the Mesoamerican CONAREs on how the pandemic was impacting the functioning of the Commissions, the experiences and lessons learned, and differentiated processes and procedures to identify people in mixed movements with diverse protection problems. In December 2021, the 7th Virtual Workshop was held, focusing on the needs to explore further, as identified by the CONAREs. In this regard, consensus was reached on six priority areas: **1)** biometric registration and digitalization, **2)** differentiated procedures for processing cases (with a view to carrying out exchange visits with countries such as Mexico or Costa Rica), **3)** specialization of protection officials (with a view to carrying out specialized regional courses and exchanging innovative practices), **4)** complementarity between asylum processes, migration statutes and regularization processes (most countries have complementary protection or legal migration or stay mechanisms and present interesting and innovative practices, based on a flexible approach), **5)** need for a communication strategy (on complementary protection options and asylum procedures), and **6)** need for technical capacity-building (to identify profiles, diversify protection alternatives, and improve the quality of analysis and country of origin information).

4) Comprehensive Development Plan for El Salvador, Guatemala, Honduras and South-Southeast Mexico

Clearly consistent with the BPA and the Plan of the Alliance for Prosperity in the Northern Triangle (PAPTN), in 2019 the ***Comprehensive Development Plan for El Salvador, Guatemala, Honduras and South-Southeast Mexico*** **(CDP)** was conceived as a development and investment initiative by El Salvador, Guatemala (a pilot phase was carried out in this country), Honduras and Mexico to strategically address the multidimensional causes of irregular migration and ensure adequate coordination in order to tackle it comprehensively. The CDP seeks to generate sustainable and coordinated development and opportunities at the local level, to make the region economically dynamic and inclusive, with substantially improved quality of life and a comprehensive vision that addresses the migration cycle from a broad perspective of rights and human safety[16].

This plan is of particular note because its driving force is the political commitment of the four governments: it is therefore a coordinated proposal of the entire United Nations system[17] and is supported by subregional integration institutions, including SICA. The CDP is currently being drawn up and is expected to be in line with the objectives of the BPA, which are still in force, albeit adapted to developments over the last decade.

5) Contributions by the Inter-American Commission on Human Rights (IACHR)

During the decade, the Inter-American Commission on Human Rights (IACHR) also played an important role in analysing and responding to forced displacement in the countries of northern Central America. Its efforts include the 2018 publication of the report *Internal Displacement in the Northern Triangle of Central America*: *Public Policy Guidelines*[18] and, in August 2021 it published the *Basic Guidelines for Investigating Crimes against Human Rights Defenders in the Northern Triangle*[19].

Asylum-seekers at the Mexican southern border. © UNHCR/Nicolo Filippo Rosso

16 For further information on the CDP, see https://www.cepal.org/en/about-comprehensive-development-plan

17 ECLAC, which serves as coordinator, and UNHCR, UN Women, UNODC, IOM, FAO, UNIDO, UNAIDS, UNICEF, UNOPS, WFP, UN Environment, UNDRR, ILO, UNDP, PAHO and WHO, the International Fund for Agricultural Development (IFAD), UN Habitat, UNFPA, UN Human Rights.

18 IACHR, *Internal Displacement in the Northern Triangle of Central America: Public Policy Guidelines*, 2018, available at http://www.oas.org/en/iachr/reports/pdfs/InternalDisplacement.pdf

19 IACHR Press Release, No. 204/21 of 6 August 2021, available at https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/204.asp; Guidelines available at: https://www.oas.org/en/iachr/reports/pdfs/Directrices-TrianguNorte-en.pdf

This year (2023), these four particularly relevant reports (in Spanish) were disseminated: **1)** *Organized Crime and the Rights of Children, Adolescents, and Young People in Northern Central America*[20]*;* **2)** *Impact of Organized Crime on Women, Girls, and Adolescents*[21]; **3)** *Poverty, Climate Change and DESCA in Central America and Mexico, in the Context of Human Mobility*[22]*; and* **4)** *Human Mobility and the Obligation to Protect: Towards a Subregional Perspective,* tackling access to and protection of human rights for populations in human mobility contexts in El Salvador, Guatemala, Honduras, Mexico and the United States[23]. In addition, the situation of persons in a human mobility context – including forced internal displacement – was systematically addressed in national reports on human rights in the countries of northern Central America.

Although the above list is not exhaustive, it reflects the fundamental role that the IACHR plays in monitoring and analysing the human rights situation and protection gaps in the countries of northern Central America; in defining guidelines to strengthen protection standards; and in contextualizing and understanding forced displacement and its impact on the region. The IACHR's particular interest in the three countries of this subregion has been a significant complement to the BPA: it offers tools and public policy guidelines to address the situation in the countries of origin, transit and destination; it also highlights violations of the rights of the most vulnerable people and their specific needs, and analyses the agents of violence, such as organized crime.

4.2.2. *Human Rights Observatory on Displacement* Programme

The ***Human Rights Observatory on Displacement*** provided for in the BPA was initially conceived as a component of the SICA Observatory and Index of Democratic Security (OBSICA[24]), created in February 2010 to generate reliable data on security in the region. Since 2018, the strategy proposed in the Brazil Plan of Action has been adapted to the reality of the subregion and it has become a project to **strengthen the national statistics institutes** of the SICA Member States that make up the Central American Commission for Statistics (**CENTROESTAD**).

In 2019, UNHCR and the SG-SICA promoted the creation within CENTROESTAD of a **Working Group specialized in migration and forced displacement** to improve the registration of internally displaced persons and document the nature and dynamics of forced displacement. This Group adopted the International Recommendations of the *Expert Group on Refugee, IDP and Statelessness Statistics* (**EGRISS** Group[25]) as its guide. In 2021, CENTROESTAD launched a **pilot data-collection project including a breakdown by displacement type** in Honduras, which was then extended to **El Salvador**[26], where information on **durable solutions** was also collected. In 2022, based on national diagnoses, a **regional diagnosis** was carried out on the status of the production of official statistics on forced displacement.

In recent years, CENTROESTAD's work has drawn on international cooperation and gradually gathered statistical data essential for the adoption of appropriate public policies, and adapted legislation and protection and support mechanisms. This work to produce official statistics on forced internal displacement has been recognized as an innovative good practice at the regional level[27], as it reflects the commitment of

20 Report available (in Spanish) at https://www.oas.org/es/cidh/informes/pdfs/2023/NorteCentroamerica_NNAJ_ES.pdf

21 Report available (in Spanish) at https://www.oas.org/es/cidh/informes/pdfs/2023/NorteCentroamerica_Mujeres_ES.pdf

22 Report available (in Spanish) at https://www.oas.org/es/cidh/informes/pdfs/2023/probreza_cambioclimatico_centroamerica_mexico_movilidad_humana_spa.pdf

23 Report available (in Spanish) at https://www.oas.org/es/cidh/informes/pdfs/2023/Informe_Movilidad_Humana.pdf

24 The OBSICA is a Technical Unit of the SICA General Secretariat's Democratic Security Department. More information available (in Spanish) at: https://www.sica.int/esca/obsica.aspx.

25 Expert Group on Refugee and Internally Displaced Persons Statistics, *International Recommendations and Implementation Manual, available (in Spanish) at:* https://www.sica.int/documentos/recomendaciones-internacionales-del-grupo-egris-y-manual-para-ine-s_1_123349.html

26 Note that, as explained later in this report, in March 2018 the report on *Profiling Study on Internal Mobility Due to Violence in El Salvador* was published, available at https://www.jips.org/uploads/2018/03/El-Salvador-profiling-report-EN.pdf. The survey has been updated until 2023, through the inclusion of a module in the Multipurpose Household Survey (MPHS); the new version will be available in 2024.

27 In April 2023, the Joint Group of EGRISS member organisations – CENTROESTAD, UNHCR, the Joint IDP Profiling Service (JIPS) and IOM

Central American countries on prevention and protection and, consequently, on the objectives of the BPA in these countries.

> Although they are not national initiatives, it is worth mentioning the work and presence of the United Nations system in Central America and, with regard to data collection on forced displacement in Central America and Mexico, the work of UNHCR.
>
> Within the framework of a platform[28], UNHCR systematizes and disseminates updated information provided by governments on forced displacement in the region and by country, including a breakdown of refugees, asylum seekers and internally displaced persons in Honduras and El Salvador. It also provides information on asylum applications from nationals of northern Central American countries in neighbouring countries, the main host countries. In addition, it continuously conducts and publishes protection monitoring at the main transit and destination points in northern Central America.
>
> For its part, the International Organization for Migration has a Displacement Tracking Matrix that includes, among other things, the follow-up of migrants in transit through the Americas and profiling of the migratory flow[29].

4.2.3. *Prevention* and *Dignified and Safe Transit* programmes

Analysing the progress of an entire decade is particularly complex in a region of constant changes in terms of factors generating violence and its various manifestations, patterns of displacement, the intensity and frequency of natural disasters, return and deportation policies, displacement routes and protection needs, among other factors that determine, characterize or cause forced displacement. This is compounded by political changes within countries and changes in regional geopolitics.

Valley of Peace, in Belize, is a safe place for refugees fleeing violencia and persecution. © UNHCR/Tom Hines

– agreed on a *Strategic Agenda 2023-2025* to strengthen the capacities of as many Latin American and Caribbean countries as possible, which the group will lead with SCA-ECLAC. The Agenda has two main objectives: 1) making good practices visible and promoting the use of the EGRISS recommendations in Latin America through the consolidation of alliances with regional platforms such as CENTROESTAD and CEA-ECLAC and influencing plans of work; and 2) strengthening the production of official statistics on persons of concern, refugees and stateless persons, and promoting national coordination with the institutions responsible for protecting and assisting this population.

28 https://data2.unhcr.org/en/situations/cam

29 https://rosanjose.iom.int/en/interactive-dashboard-migrants-transit-through-americas; has regular reports on data such as migration trends in the region: https://rosanjose.iom.int/en/overview-migration-data-and-trends-region

Substantially sustainable (usually regulatory) national developments, the most notable current good practices, and some examples of good practices that were very significant despite being limited to a given period are reported below.

1) Prevention

The advances made on the BPA ***Prevention*** programme can be grouped into four main areas:

- protection and assistance to victims of violence, including internally displaced persons;
- reception, assistance and protection of returnees in need of protection;
- capacity building for the protection of women, children and adolescents; and
- socio-economic inclusion of displaced persons, returnees or persons at risk of displacement.

Significant progress was reported in all of these areas in the countries of northern Central America, as well as in the main countries that have received the displaced population that has crossed the borders of northern Central America.

Protection and assistance to victims of violence, including internally displaced persons

Regulatory progress on forced internal displacement in El Salvador, Honduras and Mexico

El Salvador passed the *Special Law on the Comprehensive Assistance for Forcibly Displaced Persons* (January 2020), which establishes, for the first time, a National Assistance and Comprehensive Protection Service with specific protection mechanisms for the persons affected, and roles and responsibilities for state institutions[30].

In December 2022, the National Congress of **Honduras** approved the *Law for the Prevention, Attention and Protection of Internally Displaced Persons*, which sets forth a series of comprehensive measures to prevent internal displacement through early warning systems, prevention and contingency plans, humanitarian assistance, protection of affected rights (such as education, housing, land and abandoned or dispossessed property) as well as seed capital and access to justice to achieve durable solutions[31]. Another regulatory development in Honduras was the definition of the crime of forced displacement in the *Criminal Code*[32].

In April 2019, **Mexico** formalized the phenomenon of forced internal displacement in its territory and, in 2020, the *General Law to Prevent, Address and Fully Repair Forced Internal Displacement* (LGPARIDFI[33]) was proposed and unanimously approved by the Chamber of Deputies in September 2020 (the initiative is currently before the Senate). In the same year, the *Law on Internal Displacement in the State of Sinaloa*[34] was passed, following the States of Chiapas and Guerrero. Another advance was the development of the National Human Rights Programme (2020-2024)[35], containing actions to tackle forced internal displacement and recognizing that it is one of the current challenges facing the State[36].

30 The law is in line with the *United Nations Guiding Principles on Internal Displacement* and international standards and aims to recognize the right to apply for and receive humanitarian assistance, the right to the protection of family unity, the restitution of violated rights as a consequence of displacement, and the creation of mechanisms to protect and recover real estate and movable property, among others. Information available (in Spanish) at https://www.refworld.org.es/docid/5e691b974.html.

31 Further information available at https://mirps-platform.org/en/resources/good-practices/law-on-internal-displacement/.

32 See Article 248 of the Criminal Code, available (in Spanish) at: https://www.tsc.gob.hn/biblioteca/index.php/codigos/830-codigo-penal-2019.

33 Draft Bill available (in Spanish) at: http://sil.gobernacion.gob.mx/Archivos/Documentos/2020/03/asun_4019970_20200318_1584045220.pdf.

34 *Ley para prevenir, atender y reparar integralmente el desplazamiento forzado interno en el Estado de Sinaloa (Law to prevent, tackle and fully repair internal forced displacement in the State of Sinaloa),* 21 August 2020, available (in Spanish) at: https:// gaceta.congresosinaloa.gob.mx:3001/pdfs/leyes/Ley_159.pdf. Further information is available (in Spanish) at http://cmdpdh.org/temas/desplazamiento/marco-normativo.

35 Special Programme derived from the National Development Plan 2019-2024, available (in Spanish) at: http://derechoshumanos.gob.mx/work/models/Derechos_Humanos/PNDH/Documentos/DOF-Diario_Oficial_de_la_Federacion-PNDH_2020-2024_Programa.pdf.

36 See UNHCR, *Internal Displacement in Mexico: A look at the progress made and challenges encountered in the protection and solutions*

In addition to the regulatory progress, the **northern Central American countries have made ongoing efforts to strengthen the institutional response to human mobility and internal forced displacement.**

Since 2016, **Honduras** has included support for awareness-raising and advocacy campaigns on internal displacement as a key element of the work of the Inter-Institutional Commission for the Protection of Persons Displaced by Violence (CIPPDV) (its successor, as of December 2022, is the Inter-Institutional Commission for the Protection of Forcibly Displaced Persons (CIPPDEF), created by the new *Law on Internal Displacement*). This was achieved by creating spaces for dialogue and training officials and civil servants from different State institutions, including national institutions for the protection of women and children.

The Directorate for the Protection of Persons Internally Displaced by Violence, established and attached to the Secretariat for Human Rights (SEDH), implemented in 2021 a pilot project for humanitarian assistance and seed capital for self-reliance and livelihood development, the first to be implemented directly by a public institution at the national level[37]. In 2016, the National Commission for Human Rights (CONADEH) created the Internal Forced Displacement Unit (UDFI), which seeks to guarantee the human rights of displaced persons and persons at risk of displacement by providing psychosocial care, legal advice and protection services through referrals to other UNHCR partners. In 2021, the UDFI had national coverage in all 18 departments of the country.

In **El Salvador**, the 2020 *Law on Internal Displacement* created the Directorate for Victim Support of the Ministry of Justice and Public Safety and Security, the leading agency on forced internal displacement. In 2021 the Vice-Ministry of Diaspora and Human Mobility (attached to the Ministry of Foreign Affairs) and the Directorate for Human Mobility and Migrant Assistance were created to address issues related to situations of origin, transit, destination and return[38]. Finally, in 2021, the Organic Law regulating the Office of the Attorney General of the Republic established the Internal Forced Displacement Unit, to identify, assist and propose durable solutions to victims of internal forced displacement who request assistance from the institution[39].

> **Registration, profiling and statistics on internal displacement**
>
> In 2018, **Honduras** published the study *Profiling of Internal Displacement Due to Violence in Honduras (2004-2018)*[40] and, in the same year, with the support of UNHCR and other regional and international institutions, **El Salvador** published *Profiling Study on Internal Mobility Due to Violence in El Salvador*[41], which provided information on the profile and impact of forced displacement caused by violence. El Salvador indicated that an update of the information on forced displacement will be published in 2024.

Reception, assistance and protection of returnees in need of protection

Honduras has set up three Centres for Attention to Returned Migrants (CAMiR) since 2018; as of 2022, they had helped 9,400 returnees and their families with protection needs receive counselling and access to services (in 2023, 606 people have been assisted). In addition, local governments have made significant

for internally displaced persons , June 2022, available (in Spanish) at https://www.acnur.org/mx/sites/es-mx/files/legacy-pdf/62c3360b4.pdf

37 UNHCR, Honduras - *Fact Sheet,* May 2022, available (in Spanish) at https://www.acnur.org/media/acnur-honduras-hoja-informativa-mayo-de-2022

38 Further information available (in Spanish) at https://www.presidencia.gob.sv/nuevo-viceministerio-de-diaspora-y-movilidad-humana-sera-un-canal-directo-entre-salvadorenos-en-el-exterior-y-el-gobierno-del-presidente-nayib-bukele/.

39 Further information is available (in Spanish) on the website at https://www.informacionpublicapgr.gob.sv/index.php/es/m-infooficiosa/m-servicios-pgr/m-udfi

40 Further information available at https://www.jips.org/uploads/2020/05/Honduras-ProfilingReport-InternalDisplacement-2019-EN.pdf.

41 Executive Branch, *El Salvador: Profiling Study on Internal Mobility Due to Violence in El Salvador.* Final report, March 2018, available at https://www.jips.org/uploads/2018/03/El-Salvador-profiling-report-EN.pdf.

efforts: for example, the Municipality of San Pedro Sula, with the support of UNHCR, has developed a Municipal Mechanism for Emergency Humanitarian Assistance (MMAHE) to provide humanitarian assistance and protection to internally displaced persons and persons at risk of displacement[42].

> **Returnee Reception Centres in Guatemala**
>
> Through the Guatemalan Migration Institute (IGM), Guatemala set up two Returnee Reception Centres: one located in the city of Ayutla in Tecún Umán, San Marcos, which receives returnees by land from Mexico; and the second, in Guatemala City, receives deportees by air from Mexico and the United States, seeking to ensure that the return process is dignified, orderly and flexible.
>
> With the support of UNHCR, IOM and UNICEF, various state and civil society institutions have a presence at the Returnee Reception Centres providing humanitarian assistance and documentation services, psychosocial services, information, identification of cases with protection needs, assistance to children and adolescents, and guidance.

Similarly, with a broader spectrum of beneficiary population, in 2021 **El Salvador** set up four ***A tu lado* (By Your Side) support spaces** – in San Salvador, San Miguel, Santa Ana and San Vicente – offering comprehensive assistance in safe spaces to returnees with protection needs, as well as to refugees, asylum seekers and internally displaced persons or persons at risk of displacement. This is a joint initiative between UNHCR, the Ministry of Justice and Public Safety and Security (MJSP), local governments and non-governmental organizations.

Capacity building for the protection of women, children and adolescents

In 2021, **Honduras** created an Internal Displacement Unit within the Directorate of Children, Adolescents and Families (DINAF). Together with the Secretariat of Foreign Affairs and International Cooperation (SRECI), DINAF manages the Belén Care Centre for Migrant Children and Families[43], created in 2016 as a makeover of the former El Edén Centre to host children and their families; it provides recreational childcare, and medical and psychological assistance, and applies specific operational procedures to identify returnee children and families at risk.

A girl playing with her shadow at a UNHCR-supported health center in Guatemala. © UNHCR/Victor Sánchez Mejía

42 UNHCR, Honduras - Fact Sheet, May 2022, available (in Spanish) at https://www.acnur.org/media/acnur-honduras-hoja-informativa-mayo-de-2022

43 More information available (in Spanish) at: https://nortedecentroamerica.iom.int/es/news/director-general-de-oim-visita-centro-de-recepcion-en-honduras

El Salvador, through the Ministry of Education, Science and Technology, took specific measures regarding the **right to education of displaced children:** it developed training, protocols and infrastructure and adopted a Guide and a Manual for the care of displaced children, adolescents, young people and teachers displaced or those at risk of forced internal displacement (both instruments seek to promote timely handling and to ensure educational continuity)[44].

In **Guatemala**, the Social Welfare Secretariat has two shelters for unaccompanied children and adolescents in human mobility contexts, where asylum seekers and children in transit or in a situation of vulnerability are detected. In 2016, a specialized centre with a residential option was established with the support of UNHCR to care for unaccompanied children and adolescents (refugees, asylum seekers and those in transit). In the framework of the national protection network, the Attorney General's Office can recommend to the Courts for Children and Adolescents that unaccompanied children be sent to such a shelter. Since 2021, mobile units have been established with the support of UNHCR to prevent human trafficking, sexual exploitation and violence[45]. The Commission for the Comprehensive Care of Migrant Children and Adolescents created teams in border areas and in the capital specialized in the reception of vulnerable persons in transit, including children, adolescents and families.

A Nicaraguan family at the border with Costa Rica. © UNHCR/Kai Odio

In terms of protecting women survivors of violence, in 2022 **Honduras** developed a case management protocol to document risks, needs and gaps in the State's response to gender-based violence. With the support of UNHCR, the pilot test of this protocol involved 150 women from communities in San Pedro Sula, Choloma, Bajo Aguán and Santa Bárbara. As for **El Salvador**, it has strengthened over the years the Salvadorian Institute for the Development of Women (ISDEMU[46]) through an capacity building programme[47] for the identification, documentation and protection of returnee women in need of protection. El Salvador has also developed a comprehensive programme of information, counselling, psychological care and legal advice for survivors of gender-based violence (free telephone hotline, the 126 *Te Orienta Sin Fronteras* platform, and six *Ciudad Mujer* Specialized Assistance Centres throughout the country[48]).

44 In 2023, 132 teachers received training on forced internal displacement; a guide and assistance protocols for displaced and deported children with protection needs in the school were drawn up.

45 https://www.acnur.org/noticias/news-releases/guatemala-con-unidades-moviles-se-busca-prevenir-la-violencia-sexual

46 Website available at https://isdemu.gob.sv/

47 See Salvadorian Institute for the Development of Women, *ISDEMU inaugurates Sonsonate Specialized Care Center* at: https://isdemu.gob.sv/2022/12/06/isdemu-inaugura-centro-de-atencion-especializada-de-sonsonate/

48 Information available at: https://isdemu.gob.sv/2022/02/14/las-mujeres-podemos-enfrentarnos-a-situaciones-de-violencia-en-cualquier-momento-y-lugar-por-ello-nosotras-estamos-cerca-de-ti-todos-los-dias-y-a-cualquier-hora/

More recently, in 2022, 323 Ministry of Health staff (221 women and 102 men) received training on forced displacement, law and health, in order to provide inclusive specialized healthcare services to women and people in need of medical and psychosocial care. In the case of **Guatemala**, the Women's Directorates of the Municipalities of Guatemala, Villa Nueva, Esquipulas, Izabal, Livingston, San Benito and Flores were strengthened in terms of medical care and prevention of violence; the integration of refugees was also reinforced within the framework of Cities of Solidarity.

Socio-economic inclusion of returnees, internally displaced persons or persons at risk of displacement.

In 2016, **Guatemala** created the *Quédate (Stay)* training centres, the first State effort to prevent irregular migration of adolescents who are returnees or at risk of migrating through free technical training that aims to provide tools and opportunities for employability and self-employment in their departments of origin[49]. There are currently three centres, strategically located in departments with constant mobility flows.

In **Honduras,** access to employment and decent and sustainable livelihoods has been facilitated in recent years through the Municipal Returnee Assistance Units (UMAR). In 2021, 53 people received cash support for a business venture through the pilot project with the Human Rights Secretariat concerning self-reliance grants for self-employment. Of those who benefited from the project, 62 % (55 % women, 45 % men) increased their income by an average of 35 % three months after the start of the interventions[50].

> **Facilitating job opportunities in El Salvador**
>
> In 2021, through partnerships with the private sector, **El Salvador** launched the *Mi Primer Trabajo (My First Job)* programme to facilitate job opportunities. This programme enables young people without work experience to access their first formal work experience in private companies under an apprenticeship contract, receiving the current minimum wage and social security. To participate in the programme's selection process, young people must meet the required profiles and be displaced or at risk of displacement.
>
> Between 2021 and October 2023, this programme has helped 616 young displaced persons or persons at risk of displacement to enter the formal labour market. Women represent 60 % of the total, and 12 youth employment routes have been generated, consisting of a training process to develop soft skills. The project is supported by 184 private sector companies.

2) Dignified and Safe Transit

The ***Dignified and Safe Transit*** programme contains and addresses a significant number of the elements already included in the BPA's ***Quality Asylum*** and ***Borders of Solidarity and Safety*** programmes, but places particular emphasis on the specific challenges of the countries of northern Central America: child protection, *non-refoulement*, protection-sensitive entry arrangements, and, in particular, the need for host countries to use objective and exhaustive country of origin information in order to provide protection to refugees from the countries of northern Central America, depending on the specific persecution they face.

49 More information available (in Spanish) at: https://www.sbs.gob.gt/centros-de-formacion-quedate/

50 UNHCR equipped three training laboratories in community centres in high-risk areas of La Central and Rivera Hernández (San Pedro Sula) to offer computing courses, train electricians and maintain refrigerators; it obtained certification from the National Institute for Vocational Training (INFOP) for these courses.

International protection for persons in transit and at borders

Between 2014 and 2023, several countries in Latin American implemented **missions and visits or even a permanent CONARE presence at border crossings.** In addition to ensuring access to the asylum procedure, this allowed for the delivery of humanitarian aid and timely assistance (such as in Brazil, Colombia, Costa Rica, Mexico, Panama and Venezuela). For example, in recent years Panama has extended the presence of the National Office for the Attention to Refugees (ONPAR) in critical border areas, to respond to the needs of people entering the country as part of mixed movements through the Darien Gap. This has made it easier to identify and follow up on specific cases that have requested international protection in Panama, and others that otherwise would not have done so. During the COVID-19 pandemic with its widespread closure of land, sea and air borders, some countries also authorized the exceptional entry of persons in clear need of international protection, for humanitarian reasons or family reunification (such as Argentina, Ecuador, Panama, Peru and Uruguay).

Since November 2016, and particularly in recent years, **Mexico** has been expanding the presence of the Mexican Commission for Refugee Assistance (COMAR) throughout the territory, including in border areas. Within the framework of the Quality Asylum Systems Initiative (QAI), it has increased the efficiency and quality of the refugee status determination procedure[51] (in fact, it has been using the Cartagena extended regional definition for the reception and protection of persons coming from the northern Central American countries).

In **Costa Rica**, since the QAI was implemented, applications for refugee status are registered at border entry points and then referred to the determination procedure. **Costa Rica** and **Mexico** also developed protocols for the identification and referral of persons in need of international protection in border areas; in **Panama**, ONPAR and the public institutions responsible for border control[52] drafted two protocols that are pending signature and implementation.

A Central American asylum-seeker in Panama, the country where he's trying to rebuild his life after his son's murder. © UNHCR/Diana Diaz

In the context of the management of mixed movements, **Panama and Costa Rica** continue to coordinate certain actions to address the humanitarian needs of the population in transit. In Panama, two Temporary Migration Reception Stations were established (in Lajas Blancas and San Vicente), providing medical care, psycho-social support, legal orientation, food and shelter with the support of civil society and agencies of the United Nations System (mainly in relation to the coordination and referral of cases requesting international protection, and those related to the protection of children and survivors of violence).

51 Specifically in the Delegation of Chiapas, as well as a liaison office established in Tenosique, Tabasco.

52 National Migration System (SNM) and SENAFRONT.

From 2021 working groups on human mobility were established with the support of UNHCR at the northern border of **Costa Rica** – in the strategic cantons of La Cruz, Los Chiles, Upala and more recently Guatuso – to coordinate and improve assistance to refugees, asylum seekers, stateless persons and those at risk of statelessness in the region. In this context, tools were developed to assess and analyse needs, for inter-agency case referral, to identify operational gaps and map actors to identify key supports to fill these gaps[53]. The local authorities lead the round-tables and have formed a **Territorial Roundtable** in which the four cantons established a ***Joint Action Plan 2024-2026*****,** which will guide the response to refugees and migrants.

The three northern Central American countries also improved **care, protection and comprehensive humanitarian assistance for people in transit**:

> **Shelters and protection and information mechanisms for people in transit and in need of protection in Guatemala**
>
> In recent years, Guatemala has developed various protection strategies for displaced persons, persons in transit, persons with specific protection needs and victims of violence. For example, in 2018 Guatemala opened shelters as safe spaces[54] with support from UNHCR in an effort to complement the work by the Social Welfare Secretariat (SBS) of the Presidency of the Republic on shelters hosting children and adolescents in transit with protection needs. In collaboration with UNHCR, UNICEF and IOM, the seven Migrant and Refugee Assistance Centres (CAPMiR)[55] also offer guidance, assistance, and identification and referral services for people in transit.
>
> Throughout the decade, Guatemala increased accessibility to the mechanism for reporting human rights violations on the routes and borders through the Mobile Units of the Human Rights Protection Office. The Guatemalan Migration Institute also promoted the complaint reception mechanism through its institutional web page and set up a Monitoring Centre.

Similarly, **Honduras** continued strengthening the capacities of the Irregular Migrant Assistance Centres (CAMI)[56] to provide dignified and high-quality assistance and to identify immediate and international protection needs among persons in transit. In the emergency phase of the of the COVID-19 pandemic, it improved the inter-institutional coordination for humanitarian response and assistance of these people (legal advice, identification of protection needs, medical and humanitarian assistance). **El Salvador** created the ***A tu lado (By Your Side) safe spaces*** in 2021: they host returnees in need of protection and offer comprehensive assistance in a safe space[57].

In terms of **information** for the population of concern, written materials (brochures, posters, leaflets, etc.) about refugee status determination procedures for persons of concern were produced and disseminated in most countries of origin, transit and destination. In **El Salvador**, the authorities trained their consular network to advise their citizens with potential international protection needs on the asylum systems of the respective country of destination.

Along the same lines, *Confía en el Jaguar (Trust the Jaguar)* is a good practice implemented by UNHCR

53 An example of a good practice is Los Chiles, where **mechanisms and communication channels for case management** by the institutions were strengthened, assessing their capacities and requesting complementary support on the basis of cooperation.

54 More information on the shelters can be found (in Spanish) in: https://www.acnur.org/noticias/historias/espacios-seguros-en-guatemala-ofrecen-un-refugio-las-personas-en-movimiento.

55 More information available (in Spanish) at: https://help.unhcr.org/guatemala/acnur-en-guatemala-2/centros-de-atencion-capmir/

56 More information on the CAMI can be found (in Spanish) at: https://proceso.hn/acnur-brinda-apoyo-financiero-de-3-9-millones-de-lempiras-al-inm/

57 https://mirps-platform.org/en/resources/good-practices/by-your-side-support-spaces/

in 2017 in collaboration with governmental entities in Mexico and Guatemala. It is a mass information initiative targeting displaced persons from Central America and is implemented through Facebook; it is also promoted through other materials, such as reels, brochures, posters, videos, and posters in border areas and shelters. This initiative circulates information on the right to seek asylum, access to protection in transit and safe spaces *en route*.

In general terms, throughout the decade of implementation of the BPA most of the countries in the region developed **training** programmes to enable officials present at borders to identify persons in need of international protection, as well as to improve reception conditions.

International protection in northern Central America as a region of destination

The **main host countries** for people coming from the northern Central American countries, such as Belize, Costa Rica, Panama and Mexico, continued to develop specific policies for assistance and reception and to strengthen their asylum systems (the three northern Central American countries supported these efforts). All advances are described in Chapter II of this report, under the programme ***Quality Asylum*** and in Chapter III on Solutions[58]. However, some good practices can be discussed in this chapter:

Specifically concerning the three northern Central American countries, considerable progress has been made in recent years:

- In **El Salvador**, between January and June 2022, a total of 31 identity documents were issued to asylum seekers and 18 persons were granted refugee status and received a legally recognized identity document. Monitoring is also carried out to identify people in need of protection and immersed in mixed flows in the national territory; work is being done in 2023 on a *Comprehensive care protocol for asylum seekers and refugees* in order to expand the care response[59].
- In 2016, **Guatemala** adopted Decree 44-2016 *Migration Code*, establishing the recognition of refugee status, diplomatic asylum and humanitarian assistance; not only it grants asylum seekers the right to work, but it also offers refugees and asylum seekers a more favourable migration status[60]. This legislation was a key precedent insofar as, between 2021 and 2022, the number of people requesting international protection in Guatemala increased by almost 160 percent[61]. Since 2022, Guatemala has implemented the Quality Asylum Initiative (QAI) in order to strengthen the efficiency and quality of the refugee status determination process.
- **Honduras** has increased its human resources for identifying persons in need of international protection; specifically, it has hired 23 new human rights officers who are assigned to the different entry and exit borders[62].

58 See also information on the Protection Transfer Arrangement (**PTA**), which is discussed in Chapter III of this report on comprehensive, complementary and sustainable solutions.

59 This is a step prior to the revision of a draft bill on international protection.

60 Guatemala, *Migration Code, Decree 44-2016*, available (in Spanish) at http://www.acnur.org/fileadmin/Documentos/BDL/2017/10978.pdf.

61 UNHCR, press release, UN Assistant High Commissioner for Refugees calls for joint action to address shifting challenges of mixed movements in the Americas, 9 November 2022, https://www.unhcr.org/news/news-releases/un-assistant-high-commissioner-refugees-calls-joint-action-address-shifting

62 Honduras is also working on the reform of the Law on Migration and Aliens to mitigate the existing legal loopholes in the current legislation, as well as on a document to withdraw the existing reservations with respect to articles 7 (exemption from reciprocity), 17 (right to gainful employment) and 34 (naturalisation) of the Convention Relating to the Status of Refugees, and thus contribute to the early socio-economic insertion of asylum seekers and refugees.

Solutions in the countries of northern Central America as a region of destination

Guatemala, Honduras and El Salvador also developed significant good practices in terms of comprehensive, complementary and sustainable solutions (particularly in relation to local integration and its legal, socio-economic and socio-cultural dimension, areas in which considerable cross-cutting progress was made). Six cities, two departments and the national association of Guatemalan municipalities also joined the Cities of Solidarity programme, and the three northern Central American countries collaborated in the implementation of the Protection Transfer Arrangement (PTA).

The progress of the northern Central American countries in terms of solutions is described in Chapter III (Solutions) of this report, together with the analysis of the progress reported in the other Latin American countries.

Eradicating Statelessness in the countries of northern Central America

Lastly, the three countries made progress on eradicating statelessness during the decade. In particular, in 2015 El Salvador ratified the *1954 Convention relating to the Status of Stateless Persons* without reservations. The progress of the northern Central American countries in terms of solutions is described in Chapter VI (Eradicating Statelessness) of this report, together with the analysis of the progress reported in the other Latin American countries.

4.3. Summary of the Decade's Progress

The BPA was undoubtedly innovative in defining strategies adapted to a subregion that required, and still requires, a specific and comprehensive approach in view of the diversity and complexity of the challenges it faces and the various forms in which violence manifests. In anticipation of the 2018 Global Compact on Refugees, the BPA called to strengthen the humanitarian response in the countries of origin, transit and destination. It also called for coordination mechanisms to strengthen the response and ensure it is coherent, in addition to giving an important role to regional cooperation on the basis of shared (but differentiated) responsibility and international solidarity, with the support of SICA, UNHCR, other international organizations and civil society.

In line with the above, the situation in northern Central America and its main host countries showed progress during the decade within the framework of subregional mechanisms or international and regional organizations: the creation of the Comprehensive Regional Protection and Solutions Framework **(MIRPS)**; the strengthening of **SICA** in terms of protection; the support and work of organizations such as **UNHCR** and other United Nations agencies, as well as the Organization of American States **(OAS)**:

- The **MIRPS** is undoubtedly an implementation of the call made by the BPA, globally significant as a concrete implementation of the 2018 Global Compact on Refugees. Since its creation in 2017, it has progressively and sustainably provided a comprehensive and effective response to the steady increase in the movement of people in Central America and Mexico, through a shared responsibility for prevention, protection and durable solutions for refugees, asylum seekers, internally displaced persons and returnees in need of protection. Its innovative quantification mechanisms and its Support Platform have enabled the effective implementation of its national and regional plans, as it has the necessary technical and financial support to implement them.
- In 2019, design of the *Comprehensive Development Plan for El Salvador, Guatemala, Honduras and South-Southeast Mexico* (CDP) began, to strategically and comprehensively address the multidimensional causes of irregular migration and establish adequate coordination. The CPD is still being implemented but it is an example of cooperation that resulted from the commitment of governments; it is a coordinated proposal of the entire United Nations system and is supported by subregional integration institutions, including SICA.

An asylum-seeking girl in Guatemala during the COVID-19 pandemic. © UNHCR/Alexis Masciarelli

- The Inter-American Commission on Human Rights (IACHR) played a crucial role in the decade through its constant monitoring and analysis of forced displacement and its impact in the region. The IACHR complemented the implementation of the BPA by providing guidelines and tools to address the situation in countries of origin, transit and destination, highlighting the needs of persons in vulnerable situations and conducting analyses on the agents of violence, such as organized crime.
- The Central American Integration System (SICA), supported by UNHCR since the beginning of the BPA, worked on the protection of people in situations of human mobility and forced displacement, refugees, stateless persons and others in need of international protection. Within SICA, meetings of the National Refugee Commissions (CONAREs) were held to promote the exchange of good practices and joint reflection on national asylum systems. The SICA Central American Commission for Statistics (CENTROESTAD) created a Working Group specialized in migration and forced displacement, which led to the gradual implementation of the BPA programme ***Human Rights Observatory on Displacement***, supporting registration, profiling and statistical data on forced internal displacement in Honduras and El Salvador.

Significant progress in implementing the BPA was also made at the national level:

- With regard to the implementation of the BPA ***Prevention*** programme, noteworthy regulatory advances were made in the field of forced internal displacement. El Salvador and Honduras established national legislation with the highest international standards; Honduras also created the criminal offence of forced displacement. Mexico meanwhile for the first time recognized the existence of internal displacement at the federal level; it developed a substantive draft bill and public policies on human rights as a result. In addition to these legislative advances, there were significant institutional strengthening achievements in Honduras and El Salvador.
- All three countries have a strong policy of setting up reception centres and reception, assistance and protection mechanisms for displaced persons and returnees in need of protection. In the various centres created, comprehensive assistance is offered in safe spaces along with medical and psychological care, and mechanisms for detecting specific needs,

referral pathways and access to services are implemented. Some of them receive thousands of people per year, providing an adequate response to the needs generated by the growing number of people in transit and mobility. Guatemala has shelters that take in children and adolescents in transit with protection needs as safe spaces[63] in an effort to complement the work by the Social Welfare Secretariat (SBS) of the Presidency of the Republic; it has also set up seven Migrant and Refugee Assistance Centres offering guidance, care, identification and case referral services to persons in transit.

- El Salvador, Guatemala and Honduras placed significant importance on the gender approach and child protection, through institutional strengthening for the protection of women, children and adolescents, including specialized shelters and reception centres. In terms of the care and protection of women, Honduras and El Salvador developed solid policies for women at risk, displaced by violence, returnees in need of protection or survivors of gender-based violence, providing a concrete response to the BPA. In the case of Guatemala, the Women's Directorates of seven municipalities were reinforced in terms of medical care and prevention of violence, along with the integration of refugees within the framework of Cities of Solidarity.
- In terms of solutions, programmes were developed for the socio-economic inclusion of displaced persons, returnees or those at risk of displacement, such as the *Quédate* Training Centres and the role of the Municipal Returnee Assistance Units in Guatemala; the pilot project for financing entrepreneurship that benefited 55 % of women in Honduras in 2021; and the *Mi primer trabajo* programme in El Salvador. These policies address the multi-causality of forced displacement, demonstrating a clear adherence to the diagnosis and recommendations of the BPA.
- Concerning implementation of the ***Dignified and Safe Transit*** programme, in addition to progress in the main host countries (such as Belize, Mexico and Panama) for displaced persons from northern Central American countries, these countries also strengthened their policies for persons in transit or seeking international protection in their territories.
- With regard to persons in transit, Guatemala developed protection strategies for persons in transit by providing them with shelters, guaranteeing access to Migrant and Refugee Assistance Centres and strengthening the Mobile Units of the Human Rights Ombudsman's Office, a strong national initiative that allows for human rights violations claims to be filed for persons affected along the routes and at the borders. Honduras also included assistance for persons in transit in its Migrant Assistance Centres, while El Salvador did so in its *A tu lado* support spaces. There were also regular information campaigns along the territories and borders, and ongoing training for officials and other actors present at the borders to identify people in need of protection.
- Asylum systems were strengthened in all three countries, such as the new refugee protection legislation in Guatemala in 2016, and significant progress was made in eradicating statelessness, with El Salvador ratifying the 1954 Convention relating to the Status of Stateless Persons without reservation.

In short, protection and solutions were improved in the northern Central American countries during the decade: there was significant implementation of the BPA programmes. The response to the BPA's urgent call to coordinate regional actions targeted at the prevention of displacement, the protection of victims and the search for durable solutions undoubtedly played an important role, especially through MIRPS and SICA.

Moreover, individually – though often with the support of UNHCR and other international agencies – countries also targeted their policies and actions at protecting persons with specific needs, understanding the distinction and particularities of the challenges faced and suffered by refugees, internally displaced persons or persons at risk of displacement, returnees in need of protection, persons in transit, asylum

63 More information on the shelters can be found (in Spanish) in: https://www.acnur.org/noticias/noticia/2018/3/5b0be7c012/espacios-seguros-en-guatemala-ofrecen-un-refugio-a-las-personas-en-movimiento.html

seekers and stateless persons, without excluding any group or individual in need of protection. In addition, the special attention given to women survivors of gender-based violence and to children and adolescents, with the implementation of preventive actions and comprehensive protection measures, demonstrates the deep adoption of the objectives and strategies of the BPA, which highlighted from its inception the specific needs of these groups in situations of vulnerability.

In short, protection and solutions were improved in the northern Central American countries during the decade. The response to the BPA's urgent call to coordinate regional actions targeted at the prevention of displacement, the protection of victims and the search for durable solutions undoubtedly played an important role, especially through MIRPS and SICA. Moreover, the countries - often with the support of UNHCR and other international agencies - targeted their policies and actions at protecting persons with specific needs (i.e. refugees, internally displaced persons or those at risk of displacement, returnees with protection needs, in transit, asylum seekers and stateless persons), without excluding any group or individual in need of protection.

REGIONAL SOLIDARITY WITH THE CARIBBEAN FOR A COMPREHENSIVE INTERNATIONAL PROTECTION AND DURABLE SOLUTIONS RESPONSE

© UNHCR/Carla Bridgal

5. REGIONAL SOLIDARITY WITH THE CARIBBEAN FOR A COMPREHENSIVE INTERNATIONAL PROTECTION AND DURABLE SOLUTIONS RESPONSE

The Brazil Plan of Action **(BPA**) stands out for having incorporated the Caribbean into the Cartagena Process for the first time, expanding its geographic coverage to include the entire region; it also reinforced ***the regional cooperation and solidarity to strengthen the international protection of refugees, displaced and stateless persons,*** which is the main objective of the Brazil Declaration.

Chapter Five of the BPA discusses the Caribbean region: it begins with a reference to the challenges and needs of the region, and then sets out the desire of the countries to "overcome these challenges and move forward in strengthening the protection and solutions agenda for asylum seekers, refugees and stateless persons, through measures that ensure staggered, coherent and sustainable progress, and that respond to the specificities of each country". This chapter also reports on the Caribbean's adherence to the global commitment to eradicate statelessness in the next decade. In line with the above, the BPA provides tools to address the challenges, through the programme ***Solidarity with the Caribbean.***

5.1. Reference to the Brazil Plan of Action

The main objective of the BPA ***Solidarity with the Caribbean*** programme is to "promote a regional dialogue, which may lead to the establishment of a Regional Consultative Mechanism (RCM) for the efficient management of mixed migration". The purpose of this mechanism is to strengthen regional cooperation in managing mixed movements through a rights-based approach, in order to improve national and regional capacities, gradually set up asylum systems and refugee status determination procedures and create programmes promoting comprehensive durable solutions with a focus on local integration.

It should be noted that, although special attention is paid to the Caribbean and its particularities, this chapter aligns with the main global agreements and mechanisms, as well as other existing regional or subregional initiatives, as shown in this figure:

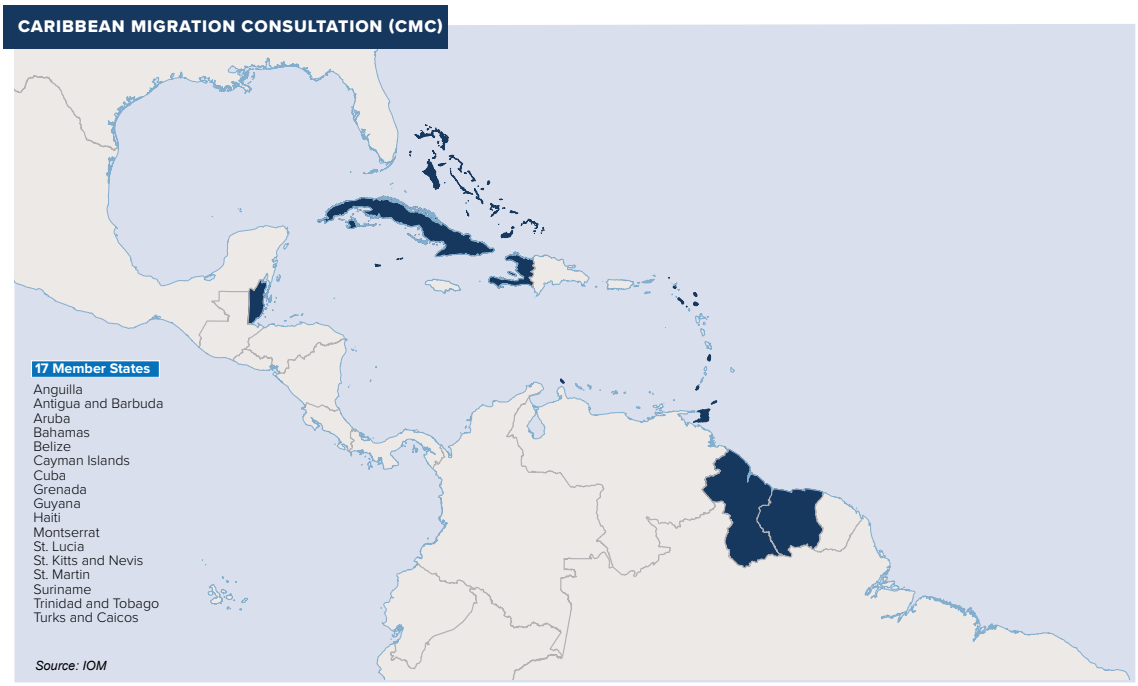
5.2. Progress made on Regional Solidarity with the Caribbean

During the decade of implementation of the BPA, Caribbean countries made progress in relation to the main goals set out in the programme ***Regional Solidarity with the Caribbean*** demonstrating their commitment to the Brazil Declaration, the implementation of the BPA and the Cartagena Process, which they joined in 2014. Progress was achieved even with the difficulties already announced by the BPA (in particular, the challenge of finding a balance between ensuring the integrity of extensive maritime borders and adequately responding to growing protection needs in contexts of mixed movements, in a scenario of limited financial, technical, human and material resources).

These difficulties were later compounded by the impact of the COVID-19 pandemic, which disproportionately affected the region, and the devastating effects of natural disasters that relentlessly battered Caribbean countries, all of which tested the resilience of many countries, territories and communities. An analysis is shown below of the Caribbean's advances during the decade of implementation of the BPA on the various subjects it addresses.

5.2.1. Caribbean Migration Consultations and other regional mechanisms

Caribbean Migration Consultations



A primary objective of the BPA was to promote regional dialogue through the establishment of a Regional Consultative Mechanism (RCM) in the Caribbean. The first regional step towards this goal was the creation of the **Caribbean Migration Consultations (CMC)**, a forum resulting from the *Preparatory Meeting for the Caribbean Migration Consultations* (**Belize, 2016**). Eight countries[1] were present and together they identified the main issues to be addressed in the framework of this new mechanism, including the need to develop rights-based migration policies as a basis for comprehensive and effective mixed migration management.

In this context the **CMCs** were created as a government-led regional consultation process on the protection of refugees and migrants, and as a regional platform for States to discuss about their shared challenges, to share information and good practices, and to work towards shared responsibility, solidarity, and an effective inclusion of rights in human mobility management (including the situation of migrants, refugees, and stateless persons in the context of large-scale mixed movements)[2]. Then, in accordance with a priority identified during the **Second Meeting on Refugee Protection (Bahamas, 2017)**, the **CMC online platform** was created (currently available at *https://www.iom.int/caribbean-migration-consultations-cmc*), where various events, seminars, courses and forums within the CMCs are published, and related documents and audio-visual materials are hosted.

1 Aruba, Bahamas, Belize, the Cayman Islands, Jamaica, Guyana, Trinidad and Tobago, and the Turks and Caicos Islands.

2 The **First CMC Technical Meeting (Trinidad and Tobago**, **2016**) was attended by 20 Caribbean countries (Antigua and Barbuda, Aruba, Bahamas, Barbados, Belize, Cayman Islands, British Virgin Islands, Cuba, Curaçao, Dominican Republic, Grenada, Haiti, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, and Turks and Caicos Islands), as well as entities such as the Caribbean Community Implementation Agency for Crime and Security (CARICOM IMPACS), the Embassy of the Netherlands in Panama and the Embassy of the United States in Trinidad and Tobago. This technical meeting addressed the protection of refugees, border management, and the collection and exchange of information and data on migration-related issues. The **Second Meeting on Refugee Protection (Bahamas**, **2017**) was attended by eighteen countries, and in addition to addressing the protection of refugees, stateless persons and large-scale forced displacement, the first triennial assessment of the BPA took place. Information available at *Regional Consultation for the elaboration of the triennial progress report of the Brazil Plan of Action*, *Chapter 5 (**Solidarity with the Caribbean***), Caribbean Migration Consultation (CMC), Nassau, Bahamas, 4-6 December 2017, available at: *https://www.acnur.org/fileadmin/Documentos/BDL/2018/11495.pdf*.

During the **Preparatory Meeting for a Regional Approach to Migration and International Protection (Jamaica**, **2019**), the 21 participating countries recommended setting up a Technical Secretariat as a formal administrative mechanism for the CMCs. This Secretariat, although designed with the support of IOM and UNHCR, will be hosted by the Caribbean Community Implementation Agency for Crime and Security (**CARICOM IMPACS**)[3], maintaining the intergovernmental character of the forum. Technical discussions began in order to pave the way to formalize the CMCs at a high-level meeting[4]. The Jamaica meeting was followed by a webinar in May 2020 on IOM's Standard Operating Procedures for front-line border officials at points of entry in response to the COVID-19 outbreak.

In 2019 a **Consultation Towards a Framework for Regional Cooperation on Human Mobility in the Context of Disasters and the Adverse Effects of Climate Change in the Caribbean**[5] was held in Trinidad and Tobago. The sessions were on 1) managing displacement risk and building resilience, addressing the environmental drivers of forced migration; 2) protecting and addressing the needs and rights of persons displaced by climate change and disasters and environmental migrants in the Caribbean; and 3) helping people move out of harm's way.

Lastly, within the scope of the CMCs a draft *Plan of Action to address human mobility in the context of disasters and adverse effects of climate change in the Caribbean* (2020-2022) was drawn up with the aim of pragmatically addressing climate change-induced cross-border movements and displacement.

Currently, as stated in their platform, the objectives of the CMCs are to **1)** Create a non-binding forum that allows member countries to openly discuss migration topics in order to develop consistent and coordinated regional efforts for the effective management of migration; **2)** Coordinate and promote information exchange between member States, with emphasis in sharing good practices related to migration governance; and **3)** Develop policies with a rights-based approach aimed at an effective comprehensive migration governance in the region.

From the perspective of implementation of the BPA, the creation of the Caribbean Migration Consultations has been a significant achievement as the only Caribbean intergovernmental mechanism dedicated exclusively to human mobility and aimed at fostering effective cooperation between countries, efficient coordination, exchange of good practices and knowledge, as well as strengthening protection. Its very creation involved the region making an exceptional commitment to the BPA by fulfilling its fundamental objective of creating a regional dialogue and a regional consultative mechanism.

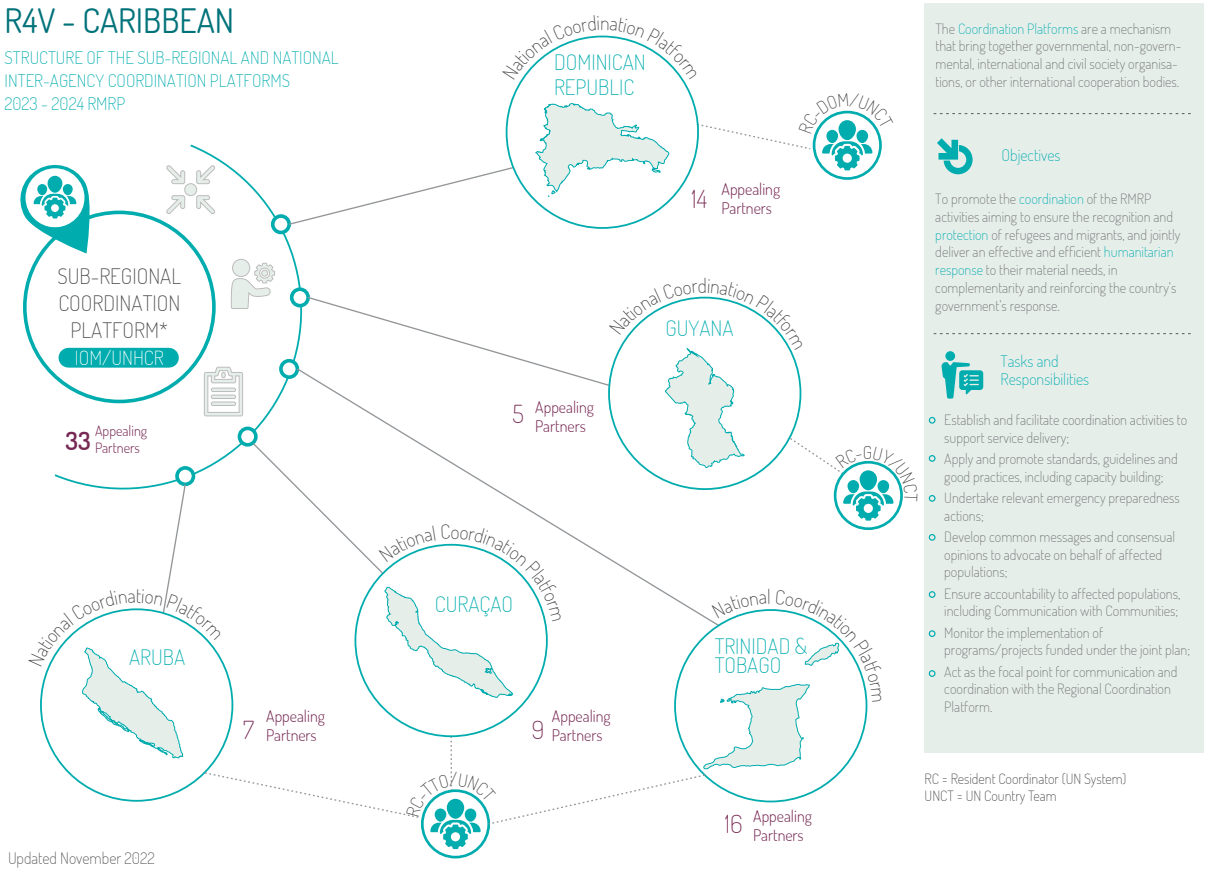
Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela

The **Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V),** created in **2019,** aims to complement governmental responses to address the needs for protection, assistance and integration of Venezuelan refugees and migrants in the relevant States in Latin America and the Caribbean. It is made up of more than 200 organizations – including civil society, United Nations agencies, faith-based organizations and non-governmental organizations – in 17 countries in Latin America and the Caribbean. Although the R4V is not an intergovernmental platform, it operates in coordination with the States and complements them in the search for durable solutions.

3 https://www.caricomimpacs.org/

4 In this context, participants developed three preliminary documents to work towards (i) a defined structure and operating procedures to define leadership, membership, the frequency of meetings, and other relevant issues; (ii) a declaration of CMC goals and objectives; and (iii) a Regional Plan of Action to implement the CMC technical recommendations in a strategic and coordinated way, and with specific deadlines. The three documents are: 1. Operating Procedures; 2. Regional Action Plan Matrix; 3. Guiding principles.

5 Report available at https://crisisresponse.iom.int/sites/g/files/tmzbdl1481/files/appeal/documents/report-climate_change_and_human_mobility_f_0.pdf



In 2018, the **Caribbean Subregional Coordination Platform**[6] was established and, as an integral part of it, **national coordination platforms** were implemented in **Aruba**, **Curaçao**, **Dominican Republic**, **Guyana,** and **Trinidad and Tobago** in 2019 (these platforms were strengthened and started operating in 2020). This specific focus on countries that are facing a disproportionate burden in relation to their reception capacity constitutes an important step forward in protection, as the main objective is to ensure the recognition and protection of refugees and migrants, as well as to provide an effective and efficient humanitarian response to their material needs – complementing and reinforcing governmental responses. The platforms are thus an example of international solidarity and effective support for Caribbean countries facing situations that, despite political will and a spirit of solidarity, they do not always have the tools to face in isolation.

Other regional or subregional forums

During the decade, some countries joined or remained in forums or mechanisms that extend beyond the borders of the Caribbean, coordinating and developing policies that are aligned with the objectives of the BPA and in particular:

- The Dominican Republic and Guyana are part of the **Quito Process**, in which the Netherlands has observer status (relevant for Aruba and Curaçao)[7];
- Cuba, Haiti, Jamaica and the Dominican Republic are among the countries that make up the

6 For more information see *https://www.r4v.info/en;* and about the R4V Platform, see section 7.2.2 of Chapter VII (Regional Cooperation) of this report.

7 Aruba and Curaçao are autonomous constituent countries of the Kingdom of the Netherlands. While the Netherlands retains responsibility for foreign policy matters and the realization of human rights, Aruba and Curaçao are responsible for the admission and expulsion of foreigners in accordance with international law. See *Caribbean RMRP Legal Framework Asylum and Migration*, March 2021, available at *https://www.r4v.info/sites/default/files/2021-06/Legal%20framework%20-web.pdf*

Latin American and Caribbean Council for Civil Registration, Identity and Vital Statistics (CLARCIEV);

- Belize and the Dominican Republic are member countries of the **Regional Conference on Migration (RCM)**; and
- Belize forms part of the **Comprehensive Regional Protection and Solutions Framework (MIRPS).**

This participation allows each of the Caribbean countries to be integrated into cooperation, coordination, exchange of best practices and institutional strengthening mechanisms, which are elements of the BPA (insofar as cooperation and solidarity are part of the cross-cutting strategies it has established, and each of these forums has had an effective impact on its member countries)[8].

5.2.2. Strengthening of regional cooperation in the management of mixed movements through a rights-based approach

Highlights of the decade include capacity-building; the exchange of good practices; and the training of migration, eligibility and border officials, as well as high-level officials in the Caribbean (including during the COVID-19 pandemic). This strengthening was led primarily by international organizations such as UNHCR and IOM, together with regional mechanisms such as the CMCs, CARICOM IMPACS and the Organization of Eastern Caribbean States Commission (OECS)[9].

Countless **national and regional workshops and trainings** were organized throughout the decade, often attended by a wide range of officials, from the front-line at border posts to those responsible for refugee status determination procedures or members of the judiciary. On many occasions, workshops and trainings were targeted at high-level officials.

These events, workshops, symposiums and training courses covered most of the thematic areas linked to the BPA objectives and programmes, including the challenges described in Chapter Five and those identified in the triennial implementation progress reports. Accordingly, courses, forums and workshops were organized on protection at maritime and lake borders, international refugee law and the eradication

8 These forums and mechanisms are developed in a cross-cutting manner in this report (see Chapters on northern Central America, statelessness and regional cooperation).

9 These include the UNHCR Annual Regional Courses on International Refugee Law and Statelessness for Latin America and the Caribbean (2015 in **Curaçao**, 2016 in **Trinidad and Tobago**, 2017 in **Aruba**); the Second Roundtable on Alternatives to Detention (2015, **Cayman Islands** and **Trinidad and Tobago**); the Caribbean Regional Workshop on Alternatives to Immigration Detention (2016, **Trinidad and Tobago** with the participation of the **Cayman** Islands); the UNHCR Workshop on Refugee Preparedness and Contingency Planning for the Southern Caribbean (2016, **Trinidad and Tobago**); First Technical Workshop of Caribbean Countries in CMC Framework (2016, **Trinidad and Tobago**); UNHCR Regional Training on Refugee Protection conducted in Dutch (2017, **Suriname**); High-level Workshop on Human Mobility and Disasters in the Caribbean (2018, **CMC**); First Counter Trafficking Network Workshop of Caribbean Migration Consultations (2018, **Trinidad and Tobago**); CMC Workshop on Migration Data Collection and Management (2018, **Jamaica**); Consultation towards a Framework for Regional Cooperation on Human Mobility in the Context of Disasters and the Adverse Effects of Climate Change in the Caribbean (2019, **CMC**); *Webinar* on World Refugee Day (2019, **CMC**); Caribbean Regional Thematic Meeting on Trafficking in Human Beings and Smuggling of Migrants (2019, **Guyana**); Labour Migration (2019, **Jamaica**); Diaspora Engagement (2019, **Grenada**); Preparatory Meeting for a Regional Approach on Migration and International Protection (2019, **Jamaica**); seminar *Building capacity of border officials to address disaster displacement* (2020, **OECS/OECS** Commission); seminar *Securing Our Caribbean Community Within The Era Of Covid-19 and Beyond as a follow-up to the Virtual Conference on Security 2020* (2020, **CARICOM IMPACS**); workshop *Rights and Responsibilities of Individuals in Need of International Protection in the Caribbean* (2020, **CARICOM IMPACS**); Refugee Status Determination Procedures training for the Northern Caribbean attended by over 80 government officials and social workers from all countries (2020, **UNHCR**); UNHCR-facilitated workshop for 40 immigration officials in the **Bahamas** on a basic introduction to refugee law (2022, **Bahamas**) and regional training for twelve senior immigration officials from the Bahamas, Jamaica, Dominican Republic and Trinidad and Tobago on refugee law in Miami (2022, **Miami**). In April 2023, a UNHCR symposium was organized for **Aruba and Curaçao** on alternatives to detention of migrants; more than 60 participants attended, including the ministries of justice and integration, asylum departments and more than 20 judiciaries. In **Trinidad and Tobago**, UNHCR has organized several regional training sessions on International Protection for the National Police Service since 2021. In the same year, the **Caribbean subregional International Refugee Law and Statelessness Course** was held, together with the **Sub-Regional Consultation of the Brazil Plan of Action**, organized by UNHCR, with a view to preparing the Second Triennial Progress Report on the BPA. It included workshops on international refugee law and statelessness; due process in refugee determination procedures; international protection needs in the Caribbean; and consultations on the implementation of the BAP: good practices, challenges and recommendations. The forum also included presentations from Belize, Dominican Republic, Suriname, Haiti, Cuba and CARICOM IMPACS. The workshop was attended by more than 60 government officials, border officials, asylum authorities and eligibility officers, among others. See https://www.asiloamericas.org/caribbean-irl-statelessness-course/.

Children painting a mural in Santo Domingo, Dominican Republic, on World Refugee Day. © Courtesy of Globalizateradio

of statelessness (UNHCR regional courses), local integration and access to rights, cooperation in tackling mixed flows, capacity-building, migrants' rights and migration legislation, emergency responses, migration and sustainable development, labour migration, natural disasters and climate change, combating human trafficking and smuggling, migration data collection and management, migration in crisis situations, among others.

This relentless work of training, exchange of good practices, dialogue and common reflections played a key role throughout the decade, giving sustainability to efforts to strengthen protection systems and providing indispensable technical support to meet the objective of strengthening the management of mixed movements through rights-based approaches.

5.2.3. Progressive establishment of asylum systems and refugee status determination procedures

The BPA urged Caribbean countries to roll out asylum systems through public policies and domestic regulations, and implement procedures for the identification of differentiated assistance to various groups in situations of vulnerability, and to ensure access to refugee status determination procedures and alternatives to detention for asylum seekers (including accompanied or unaccompanied children).

Creation or strengthening of asylum or international protection systems

After the BPA was adopted in 2014, a growing number of Caribbean countries and overseas territories – including **Antigua and Barbuda, Aruba, Bahamas, Belize, the Dominican Republic, Jamaica, Trinidad and Tobago and Turks and Caicos Islands –** requested UNHCR's support in drafting legislation, regulations

and policies on refugee protection, and in implementing or strengthening their asylum systems. In response to requests from States, **UNHCR** developed the ***Technical Guide for the Development of Refugee Legislation in the Caribbean (hereafter referred to as the Technical Guide),*** which sets out refugee status determination procedures and specifies refugee rights and protection guarantees in accordance with international standards.

Some States used this tool to develop their national legislation and implement the provisions of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Countries that already had legislation in place used the Technical Guide to identify gaps and consider improvements. At the First Meeting of the CMCs in 2016, Caribbean countries discussed the use of the Technical Guide and requested that UNHCR develop a **Checklist for a Comprehensive Asylum System**, which was provided at the Second Meeting of the CMCs in 2017. In this context, in 2015 **Antigua and Barbuda** established an ad hoc Eligibility Committee to determine the status of a group of asylum seekers from Syria.

Advances in the international protection system in Aruba

Aruba is one of the two of the top five countries worldwide with the highest proportion of persons hosted compared to the national population. The country is part of the 1967 Protocol Relating to the Status of Refugees, it is bound by the European Convention on Human Rights (**ECHR**) and in 2018 it began implementing its national asylum system, available to asylum seekers registered by UNHCR and those in deportation proceedings that request asylum. In response, Aruba initiated the upgrading of the processing capacity (application intake, analysis and adjudication of asylum applications) of the Department for Integration, Management and Admission of Aliens (DIMAS).

Strengthening the asylum system in Belize

In June 2015 (after **18 years of inactivity**), **Belize** reactivated the **Refugee Eligibility Committee**; the following year, it re-established the Refugee Department and, in 2019, it launched the Quality Asylum Initiative **(QAI**[10], a BPA tool).

With the technical support of UNHCR and also within the framework of the MIRPS, these institutional milestones allowed significant progress to be made: **1)** in 2020, the Supreme Court of Justice declared the 14-day deadline for asylum applications under the Refugees Act[11] to be inadmissible; **2)** in 2021, an **amnesty** programme was launched to regularize the migration status of persons in need of international protection and registered asylum seekers and, as of September 2022, around 750 persons had applied for the respective reference letter; **(3)** the two-year project to strengthen the institutional capacity of the Refugee Department/Ministry of Immigration was launched in 2022 with the support of UNHCR (facilities, modernization of databases and case management, new eligibility officials and advanced technical training), leading to greater efficiency and quality in the processing of applications; and finally, **(4)** a **draft bill amending** the Refugee Act was prepared which includes strengthening the asylum system to to make it modern, streamlined and up to date[12].

10 In this context a partnership with Costa Rica was started (in fact in 2019, there was a reciprocal visit between both countries), which improved reference systems, communication among relevant institutions, and the reinforcement of reception and support. Belize also received support from Canada in 2019 and 2020 through training and education sessions, and members of the Eligibility Committee carried out a country-of-origin information mission to El Salvador. United Nations High Commissioner for Refugees (UNHCR), *II Annual Report of the Comprehensive Regional Protection and Solutions Framework (MIRPS),* 8 November 2019, page 14, available at https://www.acnur.org/media/ii-annual-report-regional-comprehensive-protection-and-solutions-framework-mirps. Regarding the contents of the QAI and its implementation in Latin American countries in South America, Central America, and Mexico, see section 2.2.1. of Chapter II of this report.

11 Judgment of the Supreme Court of Justice of Belize dated 21 January 2020, reflected in motions No. 72, 83, 193 of 2019.

12 The revision of the Refugee Act and adoption of the proposed amendments are in the pipeline. Some of the proposed changes to the legislation include a change to the structure of the asylum process (refugee status determination), asylum application deadlines and procedural deadlines, as well as non-criminalization of irregular entry and special permission for asylum seekers to access basic rights (including the right to work) while a decision on their application is pending.

Bahamas developed a regulatory framework for refugee status determination procedures, creating the Inter-Agency Working Group on Migration in 2015. Similarly, in late 2017, it implemented the issuance of machine-readable travel documents for refugees, in accordance with International Civil Aviation Organization (ICAO) standards, the first Caribbean country to do so. In 2019, **Curaçao** published a review of the procedure to claim for international protection under Article 3 of the ECHR, reinforcing the right to decision reviews and expressly mentioning the principle of *non-refoulement*.

> In the **Cayman Islands**, the right to seek asylum and make a claim is unreservedly respected[13]. In recent years, an appeals court has been established to deal specifically with asylum cases; it is a court separate from the judiciary, called the "Refugee Protection Appeals Tribunal", an entity composed of volunteer lawyers from the private sector. The appeals process is two-tiered: after a negative decision in the first resort and later by the Refugee Protection Tribunal, asylum seekers can appeal the second negative decision to the country's Supreme Court.

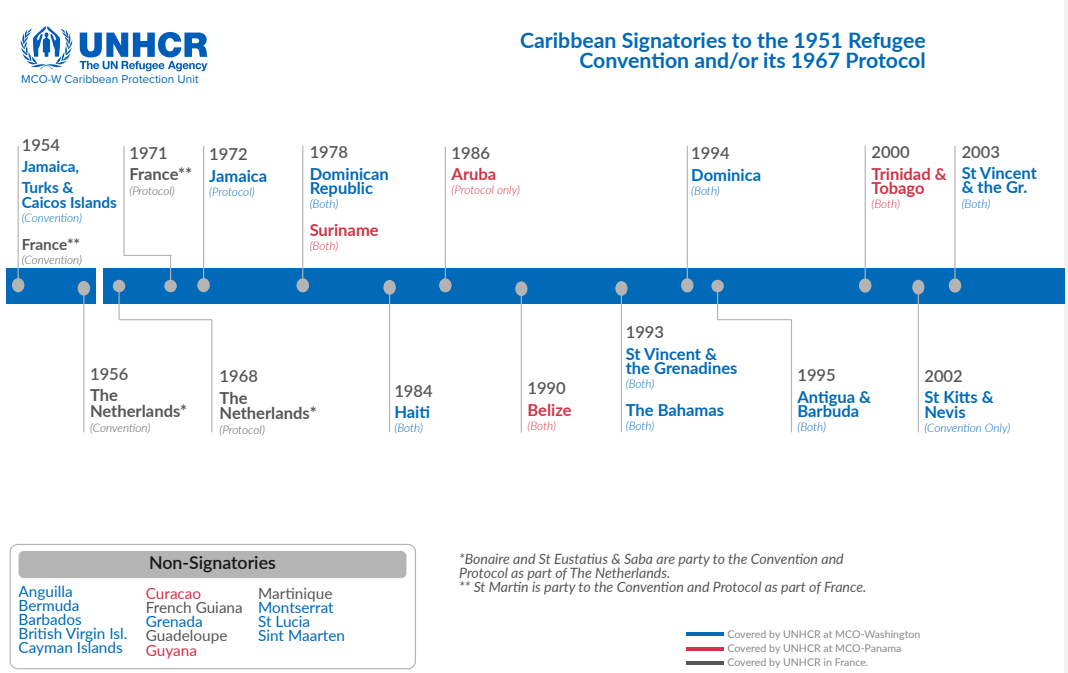
Finally, in 2015 the **Turks and Caicos Islands** established an Immigration Ordinance[14], including international protection for refugees and asylum seekers.

Locals and foreigners comprise The Challengers, a volleyball team in Trinidad and Tobago.© UNHCR/Carla Bridglal

13 When a person arrives in the Cayman Islands without proper documentation, government officials determine who they are and why they are there in order to refer them and begin the asylum process. The management of asylum falls to the CBC's migration management unit and the Customs and Border Control Act, which provides the legal framework for asylum. The Act gives strong consideration to the 1951 Refugee Convention and the 1967 Protocol for good practice considerations.

14 Immigration Ordinance No.16 of 2015. Available at: http://online.fliphtml5.com/fizd/tqyt/

Refugee status determination and international protection mechanisms[15] in the Caribbean



Countries and territories that have established or reactivated national mechanisms: Belize, Bahamas, Cayman Islands, Turks and Caicos Islands, Jamaica and the Dominican Republic

Countries that have provided another form of international protection: Aruba (Article 3 of the European Convention on Human Rights and 1967 Protocol Relating to the Status of Refugees) and Curaçao (Article 3 of the European Convention on Human Rights)[16].

Countries and territories where UNHCR is in charge of the refugee status determination procedure under its mandate: Anguilla, Antigua and Barbuda, Barbados, Bermuda, Cuba, Dominica, Granada, Guyana, Haiti, Montserrat, Saint Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Sint Maarten, Suriname and Trinidad and Tobago.

Protection against *refoulement* and access to the territory

In the last few years of implementation of the BPA some progress was made on access to territory and protection from *refoulement*, including in pandemic times:

- **Guyana**, which is not a party to the 1951 Convention and has no legal framework on asylum, has reported no cases of *refoulement* since 2018, pursuant to an open borders policy of solidarity for Venezuelan persons; in pandemic times, despite border closures, Venezuelan persons who arrived by rivers through an irregular border crossing were allowed to enter and were granted three-month renewable stay permits.

15 For a description of the status of accession of Caribbean countries to other relevant international instruments, see: *Caribbean RMRP Legal Framework Asylum and Migration*, March 2021, available at https://www.r4v.info/sites/default/files/2021-06/Legal%20framework%20-web.pdf

16 Aruba and Curaçao are autonomous constituent countries of the Kingdom of the Netherlands. While the Netherlands retains responsibility for foreign policy matters and the realization of human rights, Aruba and Curaçao are responsible for the admission and expulsion of foreigners in accordance with international law. See *Caribbean RMRP Legal Framework Asylum and Migration*, March 2021, available at https://www.r4v.info/sites/default/files/2021-06/Legal%20framework%20-web.pdf

- **Cuba** is also not a party to the 1951 Convention and its 1967 Protocol, but during the decade it maintained respect for *non-refoulement* and the guarantee of a safe stay for asylum seekers arriving in the country.
- **Belize** opened a Border Reception and Information Centre in May 2019 where it implemented the Standard Operating Procedure (SOP) concerning access to the territory. The SOP was reviewed and reinforced in 2020, improving reception standards at entry points in relation to identification and referral of persons in need of international protection[17].

Alternatives to detention

> **Sustainability of the alternatives to detention system in Trinidad and Tobago**
>
> In the decade under review, **Trinidad and Tobago** maintained an outstanding mechanism of alternatives to immigration detention. Through their *Supervision Orders*, a mechanism established in the 1969 Immigration Act, alternatives to detention – and freedom of movement – are provided under certain conditions (in addition to a personal interview, official identification and local domicile, bail and a clean criminal record are required).
>
> The Order carries with it certain obligations: regular filing with Immigration and a ban on travel outside the relevant jurisdiction without prior notice. In practice, most people in an irregular detention situation have access to this document. This mechanism was maintained throughout the decade of implementation of the BPA, despite the new difficulties and challenges faced by the country, which is an example of sustainability of a good practice.

Registration processes and facilitation of regular stay

In 2019, **Guyana** implemented a pilot national registration system for Venezuelan nationals through UNHCR's PRIMES Ecosystem[18], which includes biometric registration and issuance of documentation. Following this pilot programme, the government resumed registration under its own manual system, after which 3-month stay permits are issued (even to persons with irregular entry); while these permits do not grant the right to work, they do give access to education, healthcare and freedom of movement within the region/province where the person was documented[19]. They can be extended for periods of up to 6 months[20].

In **Haiti**, UNHCR is responsible for registration and refugee status determination procedures and, upon receiving a certificate from UNHCR, asylum seekers can request a work permit *("permis de séjour")* at a fee and should be renewed annually. In 2018, **Suriname**[21] adopted a general Ministerial Declaration, granting one-year stay permits to asylum seekers and two-year stay permits to refugees registered with UNHCR. These permits authorize work,

17 According to the SOP, every person identified as in need of international protection or who states they are, should be referred to the Refugees Department whether they entered the country regularly or not. To better identify these needs, police officers and immigration officials participated in different training sessions, with special attention to awareness of vulnerable persons (e.g. victims of human trafficking and unaccompanied children and adolescents). Once such persons have submitted their asylum application, they and their family members obtain a document that, while not allowing them to work, allows them to stay regularly; the document is valid for three months, but is also renewable. UNHCR collaborates with the implementation of SOPs through its presence in strategic places.

18 The term Population Registration and Identity Management Eco-System (PRIMES) encompasses all of UNHCR's interoperable registration, identity management and case management tools and applications (such as proGres and BIMS). Further information available at https://www.unhcr.org/blogs/wp-content/uploads/sites/48/2018/03/2018-03-16-PRIMES-Flyer.pdf.

19 Temporary stay Permit (PTP) - Immigration Act, Aliens (Immigration and Registration) Act. Between March and October 2020, the Department of Immigration suspended the issuance of permits, with the understanding that the principle of *non-refoulement* would be fully respected and no deportations would be carried out. In November 2020, the issuance of permits was reactivated.

20 In practice, the processing takes a long time because the system is manual and centralized at the national level.

21 In 1978, Suriname adhered to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol; the admission of refugees is included in the 1991 Immigration Act and the Law of 16 January 1992 on the Admission and Expulsion of Foreigners, under which refugees can obtain residence permits. However, Suriname has not yet developed a national refugee status determination procedure.

Warao women in Trinidad and Tobago. © UNHCR/Carla Bridglal

independent activities and access to public education, and include safeguards against *refoulement*[22].

Trinidad and Tobago conducted a two-week registration exercise in 2019 that benefited 16,523 Venezuelan nationals: they were given access to temporary stay through a free Ministerial Permit[23], which was valid for six months and could be renewed only once; as a result, the individuals, along with their dependent children, were authorized to work. The government twice extended the validity for an additional six months (January and June 2020) and, in March 2021, the government re-registered the previously registered persons, giving them an additional 6 months[24]. In June 2023, it was announced that issued permits would be extended until 31 December upon submission to the Immigration Division. The **Cayman Islands** grants refugees indefinite stay as well as a travel document and permission to work.

> In 2021 the **Dominican Republic** initiated a **plan to normalize** the migratory status of Venezuelans who entered the country with a tourist card or visa between January 2014 and March 2020[25], and who are in an irregular situation because they extended their presence beyond the validity of their documentation. The normalization plan allows for a stay extension and to apply for a non-resident permit (valid for a year and renewable, in the subcategories of student or temporary worker), with a fee of about USD 150 per person.
>
> The issuance of visas also involves a security vetting procedure through INTERPOL, the Attorney General's Office and intelligence offices. The visa helps to combat trafficking, gives access to the labour market, the education system, the banking and financial system and the social security system.
>
> By mid-2023, the government had issued 24,408 visas (20,861 in the temporary worker category and 3,547 for students). This programme has been developed with the support

22 The permit is applied for through an online portal and is issued after an interview with the Ministry of Justice and Police. It can only be refused on serious grounds of public policy by a decision subject to appeal. To obtain it, a copy of a passport or identity card, the certificate issued by UNHCR, a declaration of financial support or proof of sufficient income (this can be an employment contract) must be provided; a fee must be paid. If no response is received within 6 months, admission as a refugee is deemed to have been refused and the person will have to leave the country or will be deported (in which case they will have to bear all relevant costs). In 2021, an Inter-Ministerial Working Group was set up to analyse the problems faced by refugees and asylum seekers in the country and to advise the Minister of Justice and Police on actions to be taken.

23 Temporary stay through Minister's Permit, Immigration Act, Chapter 18:01. As of 8 March 2021, the Government in Trinidad and Tobago embarked on a national exercise to expand registration for Venezuelans who had been previously registered by the Government in 2019. The initial process began on 8 March and ended on 26 March 2021. An extension of the work and stay permit in Trinidad and Tobago was granted to 13,800 Venezuelans.

24 Even with such a status, reports indicate that in practice beneficiaries enjoy limited access to rights and services. *Caribbean RMRP Legal Framework Asylum and Migration*, March 2021, available at https://www.r4v.info/sites/default/files/2021-06/Legal%20framework%20-web.pdf

25 Resolution 119-21 of the Ministry of Interior and Police, which includes Venezuelans with an irregular migratory status within the Dominican territory in the Non-Resident Category, available (in Spanish) at: https://mirex.gob.do/resolucion-que-normaliza-dentro-de-la-categoria-de-no-residente-la-situacion-migratoria-irregular-de-los-nacionales-venezolanos-en-territorio-dominicano/

> of UNHCR, IOM and the R4V Platform[26]. It can also be noted that the Dominican Republic provides refugees with a one-year renewable identity document, which has a cost and allows them to work[27]; it also issues travel documents for refugees, which are valid for one year, renewable and at a cost.

Finally, in the **Cayman Islands**, refugees with indefinite stay do not require a minimum period of residence to access naturalization and citizenship. There is a pathway to British citizenship that is regulated by British law once they are granted asylum.

5.2.4. Formulation of programmes that promote comprehensive durable solutions, with an emphasis on local integration

The BPA urges Caribbean countries to formulate programmes that promote comprehensive durable solutions, including measures to promote local integration into communities and the inclusion of refugees in national plans and policies. It also invites them to promote international cooperation and regional solidarity to facilitate the resettlement – including to South American countries – and voluntary return of migrants, easing the disproportionate burden on some island countries.

Access to the labour market

A structural component of local integration is access to the labour market, the central element of which is the right to work; this allows migrants to access labour protection, reduce the possibility of abuse, increase or diversify their sources of income, avoid negative coping strategies, and integrate in a dignified manner into host communities, among others.

Haiti, Suriname, the Dominican Republic and **Trinidad and Tobago** have legislation or policies that provide for the issuance of work authorizations, either as an accessory right to migratory regularization or at the specific request of individuals (sometimes only for refugees, and sometimes for non-refugees, including persons with irregular entry into the country, either under extraordinary regularization processes or the usual procedure). **Jamaica**, a country with a national asylum procedure, allows persons legally recognized as refugees to apply for a work permit for refugees at a fee. Similarly, the **Cayman Islands** grants refugees the right to work (along with an indefinite residence permit).

> **Innovative policies in Belize on access to the labour market**
>
> In addition to the right to work, migrants and refugees in **Belize** have access to informal training services in English language learning, building vocational skills, and the development of micro and small-sized enterprises. They also have safe legal opportunities to join production and marketing cooperatives. On this subject, the relative independence of local governments leaves room for opportunities to facilitate the successful start-up of microbusinesses in traditional and low-risk subsectors of the informal economy.
>
> To implement these programmes effectively, since 2020 **Belize** has mobilized the search for resources to focus nationally on the growth of micro, small and medium-sized enterprises

26 *Caribbean RMRP Legal Framework Asylum and Migration*, March 2021, available at https://www.r4v.info/sites/default/files/2021-06/Legal%20framework%20-web.pdf

27 In practice, this document grants foreigners access to an identity card. Decree No. 2330 dated 10 September 1984, Regulation of the National Commission for Refugees. Decree No. 1569, creating and forming the National Commission for Refugees.

UNHCR has provided health workers with bicycles in Independence, Belize. © UNHCR/Kevin Z. Henry

(MSMEs). The purpose is to provide new avenues for refugees and asylum seekers to enrol in formal business development initiatives managed by the Trade and Investment Development Service, the Small Business Development Centre, and the Belize Training and Employment Centre[28]. Another notable factor from a local integration perspective is that Belize's technical vocational training services programme benefits **refugee, asylum-seeking and host community youth**; thus, foreigners in need of protection have access to the labour market while peaceful coexistence is enhanced[29].

These good practices in Belize are particularly significant insofar as effective access to the labour market also requires tools that, in practice and specifically, make it possible to diversify in terms of labour inclusion and access decent jobs that support a dignified livelihood.

Access to healthcare

In **Cuba**, persons recognized by UNHCR as refugees have free access to public healthcare facilities. **Belize** provides low-cost basic healthcare to refugees and asylum seekers, who benefited from the healthcare response during the pandemic in the same conditions as locals.

28 information available in the *Fifth Annual Report of the Comprehensive Regional Protection and Solutions Framework (MIRPS) 2022*, pages 34 et seq. available at https://mirps-platform.org/wp-content/uploads/2023/01/MIRPS_ENG_WEB.pdf

29 In 2022, the mobilization of resources continued to focus nationally on the growth of micro, small and medium-sized enterprises (MSMEs). Information available in the *Fifth Annual Report of the Comprehensive Regional Protection and Solutions Framework (MIRPS) 2022*, pages 34 et seq. available at https://mirps-platform.org/wp-content/uploads/2023/01/MIRPS_ENG_WEB.pdf

In **Haiti**, persons in need of international protection can access public services free of charge, including health and psychosocial support. Access is therefore only subject to the limited resources and infrastructure of the public healthcare sector. In the **Dominican Republic**, asylum seekers have access to emergency medical care and to the public primary healthcare system. Finally, in **Guyana**, access to primary public healthcare is free and universal, which also benefits non-nationals (regardless of their migration status).

Right to Education

In **Belize**, primary education is free for all children; however challenges persist in accessing secondary education[30]. In **Cuba**, children and adolescents have access to education and approximately 45 % of refugees obtain higher education scholarships. In **Suriname**, children have a constitutional right to education.

In the **Dominican Republic**, foreigners have access to education, but face difficulties obtaining and validating diplomas due to lack of documentation or regular status. In **Guyana**, public education is universal and free, and Venezuelan children documented with stay permits have access to education (although with certain barriers, such as the cost of uniforms and transport, the fact that in some remote areas school capacities are not sufficient to guarantee schooling, and the fact that classes are taught in English – although there are UNHCR-supported initiatives to provide supplementary language classes).

> In the **Dominican Republic** the Sérgio Vieira de Mello Chair was implemented for the first time in the Caribbean; the model originated in Brazil[31] and consists of a network of academic institutions that sign agreements with UNHCR to implement initiatives in support of the protection and integration of refugees, asylum seekers and stateless persons.
>
> Three universities joined the network: the Pontificia Universidad Católica Madre y Maestra (PUCMM), the Universidad Iberoamericana (UNIBE) and the Instituto Tecnológico de Santo Domingo (INTEC). In this context, UNHCR worked with INTEC to draw up a *Self-Learning Guide on Asylum, Refugee and Nationality Law*; in addition, two books were published: *Memorias del seminario Cuidados de Salud Mental en Personas en Movilidad (Proceedings of the seminar Mental Healthcare for People in Mobility)* and volume 6 of Miradas Desencadenantes: *una mirada de género a los desafíos y desigualdades en los nuevos contextos migratorios, trata de personas, nacionalidad y refugio en República Dominicana (A gender perspective on challenges and inequalities in the new migration, human trafficking, nationality and asylum contexts in the Dominican Republic).*
>
> In 2023, with the support of UNHCR, INTEC secured Canadian funding to implement the project *Cambio climático y desplazamiento forzado: su impacto en la vida de las mujeres y niñas (Climate change and forced displacement: Impact on the lives of women and girls.*

Resettlement

In the first three years of implementation of the BPA, Caribbean countries adopted the **Regional Refugee Transfer Mechanism (RRTM**) to facilitate durable solutions for refugees with specific needs in the region. The RRTM was a regional mechanism established in **Trinidad and Tobago** to transfer refugees from small islands to larger Caribbean countries; it began as a pilot project with four cases processed in the first year, followed by evaluation and adjustment. As of 2017, 17 refugees were successfully resettled from countries such as Barbados, St Lucia, and Antigua and Barbuda to Trinidad and Tobago.

30 MIRPS, *III Annual Report of the Comprehensive Regional Protection and Solutions Framework 2020,* op. cit., page 12.

31 For more background on this Chair and its current dimension in the region, see section 7.3 in Chapter VII (Regional Cooperation) of this report.

In recent years resettlement has been reinforced in the region under UNHCR's leadership, with the number of people resettled, all from Trinidad and Tobago, gradually increasing.

- in 2020, 8 people to Australia and the United States;
- in 2021, 48 people to Australia, 2 to Canada, 2 to Finland, and 3 to Uruguay (a total of 55);
- in 2022, 109 people to Canada and Australia; and,
- in 2023, as of 31 October, 224 persons to the United States, 51 to Canada and 38 to Australia (total of 313 resettled persons).

In 2023, the US conducted two other missions to Trinidad and Tobago, accepting 180 people for resettlement[32]. Australia meanwhile accepted 47 persons and Canada accepted 50 persons. In June and July 2023, the island of Aruba received its first mission from the United States, with a result of 59 people accepted on 31 October[33].

These figures are expected to increase as resettlement opportunities continue to expand in the Southern Caribbean region this year[34].

5.3. Eradicating statelessness in the Caribbean

One theme incorporated by the BPA into the Cartagena Process is addressing the eradication of statelessness, by means of a specific chapter on this issue. In line with this, the analysis of progress in Latin America and the Caribbean is reported comprehensively in Chapter VI of this report. However, the main progress in the Caribbean in the decade of implementation of the BPA are highlighted below.

5.3.1. Regional advances on eradicating statelessness[35]

Global Mechanism

During the decade the Caribbean countries, like their Latin American peers, joined the *Global Plan of Action to End Statelessness 2014-2024* and the *#IBelong* campaign, i.e. they were part of the efforts to achieve the goal of moving towards a statelessness-free region by 2024. Adherence to the principles of the 2018 Global Compact on Refugees also contributed to countries' commitment on this issue.

In this context, **Belize**, **Guyana** and **Haiti** submitted commitments to the 2019 Global High-Level Segment on Statelessness (HLS) and the 2019 Global Refugee Forum (GRF)[36], reinforcing the region's leadership on this issue. As will be seen below, these commitments have been transformed into concrete responses.

32 By 2023, the goal is to reach 500 individuals referred for resettlement to the United States.

33 In 2023, UNHCR in Cuba also received its first resettlement quota to the US after a 7-year hiatus (since 2016); as of September 2023, 59 people had been submitted, and the US will conduct a mission to interview them in December.

34 In 2023, following the increase in the resettlement quota, at least 380 persons from Trinidad and Tobago will be presented to the United States, Canada and Australia; similarly, 250 persons from Aruba and Curaçao and 100 persons from Panama will be presented to the United States. In the Dominican Republic, resettlement also increased significantly: in 2020, 40 people were referred for resettlement to Australia; this figure rose to 175 in 2021 and 315 in 2022 to Australia, the United States and Canada.

35 The Global Plan of Action to End Statelessness and the #IBelong campaign, the High-Level Segment on Statelessness and the CLARCIEV are described in Chapter V of this report.

36 As of September 2023, **13 Latin American and Caribbean countries had submitted a total** of **39 pledges**: Argentina, Belize, Bolivia, Chile, Colombia, Costa Rica, Ecuador, Guyana, Haiti, Mexico, Panama, Peru and Uruguay presented pledges to the **HLS** and subsequently to the Global Forum on Refugees in 2019, reinforcing the region's commitment and leadership on this issue. By 2023, seven countries (Colombia, Costa Rica, Ecuador, Mexico, Panama, Peru and Uruguay) have fulfilled one or more of their pledges, and seven are in progress (Argentina, Chile, Colombia, Costa Rica, Haiti, Mexico and Panama).

Regional Mechanism

Of the 21 countries making up the Latin American and Caribbean Council for Civil Registration, Identity and Vital Statistics (**CLARCIEV**), four are in the Caribbean (**Cuba, Haiti, Jamaica** and the **Dominican Republic**). This participation is significant insofar as CLARCIEV's work has, since the beginning, taken the form of a mechanism that significantly contributes to strengthening civil registry institutions in the region and preventing and reducing statelessness.

5.3.2. National advances on eradicating statelessness

Accessions to Statelessness Conventions

> During the decade of implementation of the BPA, in the Caribbean, **Jamaica** acceded in 2014 and **Belize** in 2015 to the 1961 Convention on the Reduction of Statelessness; **Haiti** acceded in 2018 to both the 1961 Convention and the 1954 Convention relating to the Status of Stateless Persons.

> Countries that are parties to the **1954 Convention relating to the Status of Stateless Persons:** Antigua and Barbuda, Aruba, Barbados, Belize, Bermuda, Curaçao, Guadeloupe, French Guiana, Haiti, British Virgin Islands, Martinique, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago.
>
> Countries that are parties to the **1961 Convention on the Reduction of Statelessness:** Aruba, Belize, Bermuda, Curaçao, British Virgin Islands, Cayman Islands, Haiti, Jamaica, Montserrat, and Turks and Caicos Islands[37].

> **Advances in eradicating statelessness in Haiti**
>
> In 2018[38] **Haiti** acceded to the 1954 and 1961 Conventions; and in 2020 in compliance with the pledges made before the High-Level Segment on Statelessness (HLS)[39] it issued two decrees. The first, dated November 2019, on late birth registration, grants a 5-year term to regularize civil status, giving access to a free birth certificate through a simplified procedure.
>
> In this context, Operation *Coup de Poing* was launched with the aim of regularizing the civil status of all unregistered persons by 2024. This operation has a particular focus on remote or isolated areas of the country, where there is a significant risk of statelessness. By the end of 2020, 130,000 people had been registered and granted documentation.
>
> The second decree, issued in June 2020 and related to the commitment to reform the Civil Registry, established the creation of a Unique National Identification Number and a Unique National Identification Card, helping inter alia to strengthen synergies with various services (e.g. with the Ministry of Justice and Public Safety and Security and the national archive)[40].

37 On 5 December 1961, the Dominican Republic signed the 1961 Convention on the Reduction of Statelessness, although it has not yet ratified it.

38 At the High-level Segment on Statelessness, held in Geneva in October 2019, the Government of Haiti committed to eradicate the risk of statelessness through three commitments: (1) simplify and improve access to birth registration to prevent the risk of statelessness in rural and hard-to-reach areas; (2) continue the civil registry reform initiated in 2005; and (3) review nationality legislation. About the High-Level Segment on Statelessness, see section 6.1.2 of Chapter VI of this report.

39 The Parliament of Haiti ratified both Statelessness Conventions on 22 March 2017; they were published in the *Moniteur* (Official Journal of the Republic of Haiti), special issue 41, dates 4 December 2017. The instruments of accession were filed on 27 September 2018, and the Conventions entered into force in December 2018.

40 In the summer of 2017, the Ministry of Justice and Public Safety and Security (MJSP) submitted a draft bill on nationality that was drafted with technical support from UNHCR. If adopted, it will be an important instrument to address the problem of Haitians at risk of statelessness in Haiti and in the Caribbean in general.

Asylum seekers and migrants wait their turn at a service center run by UNHCR and its partner Human People to People. © UNHCR/Aida Escobar.

In the summer of 2017, the Ministry of Justice and Public Safety and Security (MJSP) submitted a draft bill on nationality, drawn up with technical support from UNHCR; it is currently being processed by Parliament. This bill will contribute to solving the problem of Haitians at risk of statelessness in Haiti and in the Caribbean in general.

Other national advances on eradicating statelessness

In the period under review, progress was made in the prevention of statelessness and in the reduction and resolution of statelessness.

Elimination of the "avecindamiento" requirement to apply for Cuban nationality by birth in Cuba

On the issue of preventing statelessness, in December 2017[41] Cuba eliminated the requirement of "*avecindamiento*" (i.e. staying in the country for a certain period of time) for children born abroad to mothers or fathers of Cuban nationality to apply for citizenship. In its six years of implementation (from 2017 to mid-2023), 5,472 children born abroad to mothers or fathers of Cuban nationality have benefited from this reform – even if they were registered at consulates or in the interior of the country –.

The new Constitution of the Republic of Cuba, adopted on 24 February 2019, establishes that citizenship is acquired by birth or naturalization and empowers the President of the Republic to grant Cuban citizenship. As a result, in 2022, Cuban citizenship was granted by presidential decree to a statelessperson[42].

41 2017 Decree Law 352 of the State Council *"Sobre la Adquisición de la Ciudadanía Cubana por Nacimiento de los nacidos en el extranjero de padre o madre cubanos."* (Acquiring Cuban Citizenship for Being Born Abroad of Cuban Parents), more information (in Spanish) at: https://www.gacetaoficial.gob.cu/es/gaceta- oficial-no-63-extraordinaria-de-2017

42 See articles 33 et seq. of the Constitution of the Republico f Cuba, proclaimed on 10 April 2019, available (in Spanish) at: https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5_0.pdf

In January 2023, the **Dominican Republic** enacted a new *Law on Civil Status Acts* (Law 04-23)[43] , which introduces improvements in birth registration, such as the extension of the deadline for timely registration and the facilitation of late registration through an administrative rather than a judicial process. In addition, the declaration of birth can now be made by mothers or fathers (previously, the mother declared the birth and, for this, she needed to preent documents – her passport if she was a foreigner – while the father only acknowledged). The law is not retroactive, so it can be used for resolving cases of statelessness that arise after its adoption rather than pre-existing cases.

Finally, in **Bahamas** there was a change in case law that had a significant impact on the prevention of statelessness: the Constitution establishes rules on the acquisition of nationality based on the place of birth of the child or the marital status of the parents, that may result in a discriminatory difference based on gender. In May 2023, in the *Attorney General v. Rolle JCPC* ruling, the *Judicial Committee of the Privy Council* (JCPC), which serves as the highest court, introduced a **new constitutional interpretation stating that any person born out of wedlock to Bahamian men and foreign women automatically receives Bahamian citizenship from birth**, reversing the previous interpretation of the Constitution, which required an application for citizenship at the age of 18[44].

In terms of **restitution of nationality**, the **Dominican Republic** made some progress in the effective implementation of Law 169-14, which establishes a *Special Regime for Persons Born in the National Territory Irregularly Registered in the Dominican Civil Registry and on Naturalization*. Between 2014 and 2023, approximately 26,000 people (Group A[45]) reacquired their nationality, thus obtaining identity and electoral cards. Two presidential decrees were issued in 2020 and 2021 authorizing the naturalization of 799 children and adolescents (Group B).

5.4. Summary of the decade's progress

During the decade of implementation of the BPA, the Caribbean countries made progress on the goals set out in the programme ***Regional Solidarity with the Caribbean***. This showed their commitment to the Brazil Declaration, the BPA and the Cartagena Process, which they joined in 2014.

Progress was achieved even with the difficulties already announced by the BPA (in particular, the challenge of finding a balance between ensuring the integrity of extensive maritime borders and adequately responding to growing protection needs in contexts of mixed movements, in a scenario of limited financial, technical, human and material resources).

These difficulties were compounded by the impact of the COVID-19 pandemic, which disproportionately affected the region, and the devastating effects of natural disasters that relentlessly battered Caribbean countries, all of which tested the resilience of many countries, territories and communities.

43 As of September 2023, the Central Electoral Board (JCE) is in the process of drafting the implementing regulations for the Law.

44 The case focused on the interpretation of two constitutional articles: Article 6, which states that persons born in The Bahamas after 9 July 1973 become citizens if one of the parents is Bahamian, and Article 14(1), which defines "father" for children born out of wedlock as "mother". The Privy Council submitted that Article 6 refers to the biological parents and that Article 14(1) does not impose any legitimacy requirements on Article 6. In light of this ruling, Attorney General Ryan Pinder's office announced a review of citizenship legislation to address other problems it contains, including the need to grant automatic citizenship to those born abroad to Bahamian women married to men of another nationality.

45 Law No. 169/2014 establishing a special regime for persons born in the national territory irregularly registered in the Dominican civil registry and on naturalization. G. O. No. 10756 dated 26 May 2014. See articles 1 and 2 of the Law, which establish and define groups A and B. **GROUP A:** As of September 2023, out of 60,404 beneficiaries of paragraph A of the first article of the Law, 26,129 persons had accessed their identity cards and electoral cards, which confirm their Dominican nationality.

GROUP B: as of September 2023, of the 7,159 beneficiaries of Article 1(B) of the Law whose cases had been approved, 1,829 persons had submitted their naturalization application (before the closure, in March 2020, of the Unit of Law 169-14, located in the Ministry of Interior and Police, responsible for receiving and assessing applications for naturalization facilitated under this regulation). Decree 262-20 was then issued (July 2020), authorizing the naturalization of 749 beneficiaries of this group. Finally, Decree 297-21 was issued (April 2021), authorizing the naturalization of 50 persons. The 799 beneficiaries of both decrees were all minors when they filed their applications.

Curaçao, a constituent country of the Kingdom of the Netherlands, is among the territories that host the highest number of people in need of international protection in relation to the number of inhabitants. © UNHCR/Diana Diaz

The progress made in the implementation of Chapter Five of the BPA during the decade includes the following:

- Creation of the Caribbean Migration Consultations and the efforts towards their continuity, as the only Caribbean intergovernmental mechanism dedicated to human mobility and aimed at fostering effective cooperation on this matter, efficient coordination, and exchange of good practices in order to strengthen international protection. Its very creation shows an exceptional commitment to the BPA, which has the fundamental objective of creating a regional dialogue and a regional consultative mechanism in the Caribbean.
- Capacity-building of migration and asylum systems – through training of migration, eligibility and border officials, as well as high-level civil servants – primarily led by international organizations such as UNHCR and IOM, together with regional mechanisms such as the CMCs, CARICOM IMPACS and the Organization of Eastern Caribbean States Commission (OECS). This work was carried out through workshops, seminars and training sessions, highlighting the exchange of good practices, dialogue and common reflections, as well as the technical support needed to strengthen the management of mixed movements through rights-based approaches.
- Creation or strengthening of asylum or international protection systems. In **eight countries and territories that have national mechanisms** for refugee status determination or other alternative international protection systems, **five of these mechanisms were implemented or activated in the decade of the BPA**: Belize, Bahamas and the Turks and Caicos Islands; as well as Aruba (Article 3 ECHR and 1967 Protocol) and Curaçao (Article 3 ECHR). These five countries joined the Cayman Islands, Jamaica and the Dominican Republic.
- The exemplary development of a mechanism to facilitate regular stay in Trinidad and Tobago, through a registration exercise for the regularization of 16,523 Venezuelan persons in 2019 (the project was extended in 2023); and the remarkable plan for the normalization of migration status for Venezuelans, initiated in 2021 by the Dominican Republic and that has benefited 24,408 persons as of September 2023.

Afrodescendants Today cultural festival in Santo Domingo, Dominican Republic. © UNHCR

- Good practices in local integration, as many countries have guaranteed the right to work, to education and to public health systems. In terms of access to the labour market, Belize implemented noteworthy initiatives, such as English language training, vocational skills and micro and small-sized enterprise development programmes, secure legal opportunities for partnerships with production and marketing cooperatives, as well as joint training programmes for foreign and host community youth that encourage peaceful coexistence.
- Significant success in developing and expanding resettlement, starting with the Regional Refugee Transfer Mechanism (RRTM) developed between 2014 and 2017 within the Caribbean, aimed at facilitating durable solutions for refugees with specific protection needs: as of 2017, 17 persons were successfully resettled from countries such as Barbados, St Lucia, and Antigua and Barbuda to Trinidad and Tobago; and then, under UNHCR's leadership, the development of additional resettlement programmes that have enabled 485 refugees to be transferred from Trinidad and Tobago to Australia, Canada and the United States.
- In terms of eradicating statelessness, Jamaica and Belize acceded in 2014 and 2015 respectively to the 1961 Convention on the Reduction of Statelessness; Haiti acceded in 2018 to both the 1961 Convention and the 1954 Convention relating to the Status of Stateless Persons. Belize, Guyana and Haiti also made pledges to the High-Level Segment on Statelessness and the Global Refugee Forum.
- With regard to the fulfilment of commitments made on statelessness, in 2020 the national "*Coup de poing*" campaign was implemented in Haiti, through which 130,000 people were registered and documented. Cuba eliminated the requirement of "*avecindamiento*" (i.e. three months' residence in the country) for the acquisition of nationality for children born abroad to mothers or fathers of Cuban nationality (between 2017 and 2023, 5,472 children have benefited from this reform).In January 2023, the Dominican Republic enacted a new Law on Civil Status Acts (Law 04-23) , extending the deadline for timely registration and the facilitation of late registration through an administrative rather than a judicial process.

The good practices highlighted here demonstrate that the incorporation of the Caribbean into the Cartagena Process and the development of the ***Regional Solidarity with the Caribbean*** programme for a Comprehensive International Protection and Durable Solutions Response enabled many countries to move forward in strengthening their protection and solutions agendas for refugees, asylum seekers and stateless persons, through staggered, coherent and in many cases sustainable progress that overcame difficulties. Regional solidarity and the presence of the international community through UNHCR were key elements in the reported progress.

In short, the Caribbean countries showed significant progress in line with the Cartagena Process, which they joined in 2014. This was despite the many challenges already anticipated by the BPA, which were intensified by the COVID-19 pandemic and relentless natural disasters. Highlights of the decade include the creation of the Caribbean Migration Consultations as a mechanism for regional cooperation; the expansion and strengthening of asylum and international protection systems (five out of eight countries implemented national asylum systems); the development of regularization mechanisms; the drafting of progressive local integration policies; significant efforts in resettlement led by UNHCR; and concrete actions to combat statelessness (specifically, Jamaica, Belize and Haiti ratified the conventions on statelessness). This shows how significant the BPA was in strengthening the protection agendas for asylum seekers, refugees and stateless persons.

ERADICATING STATELESSNESS

© UNHCR/Felipe Álvarez

6. ERADICATING STATELESSNESS

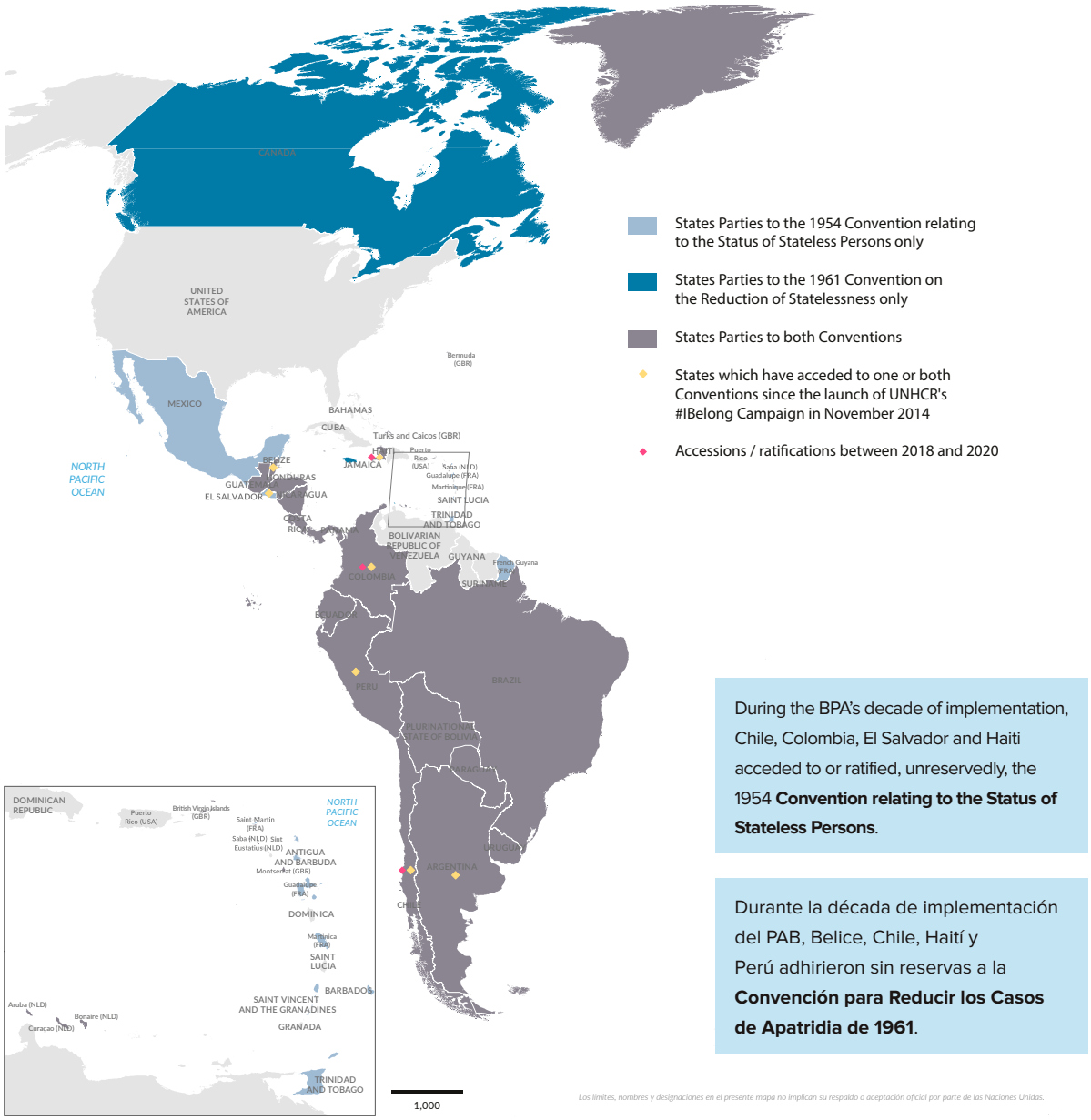
6.1. Reference to the BPA and Other Global and Regional Initiatives

6.1.1. The Eradicating Statelessness Programme in the BPA

The ***Eradicating Statelessness*** programme described in Chapter VI of the Brazil Plan of Action seeks to support States in Latin America and the Caribbean in the execution of eight actions connected to the prevention, protection, reduction and resolution of statelessness. This programme follows the guidance set forth in the 2010 *Brasilia Declaration to Strengthen the International Protection of Refugees and Stateless Persons in the American Continent*, the strategies developed by UNHCR to fulfil the mandate conferred by countries in this matter, and the OAS Resolutions on statelessness.

Within the framework of the Cartagena Process initiated in 1984, one of the innovations of the BPA was the incorporation of eradicating statelessness as a central theme. This achievement is one of many demonstrating how evolutionary and progressive the process is; and, given the progress in this area as described in this report, it is also a sign of how important and effective the BPA is in terms of protection in the region.

Accessions to Statelessness Conventions in the Decade of BPA Implementation



During the BPA's decade of implementation, Chile, Colombia, El Salvador and Haiti acceded to or ratified, unreservedly, the 1954 **Convention relating to the Status of Stateless Persons**.

Durante la década de implementación del PAB, Belice, Chile, Haití y Perú adhirieron sin reservas a la **Convención para Reducir los Casos de Apatridia de 1961**.

6.1.2. The Global Plan of Action to End Statelessness and the #IBelong Campaign

The global strategic framework for eradicating statelessness is contained in the **Global Plan of Action to End Statelessness 2014-2024 (Global Plan of Action)**[1]. This plan, like the BPA, was created in 2014 and establishes a 10-action guiding framework to be executed by the States with the support of UNHCR and other counterparts. Each of these actions, except for the fifth one that refers to extra-continental issues, are included in the BPA. UNHCR launched the **#IBelong** campaign in 2014 with the purpose of ending statelessness in 2024; **Latin American and Caribbean** countries have gradually joined this initiative, working towards a statelessness-free region by 2024.

The BPA is consistent with the Global Plan of Action. According to the above and the eighth BPA implementation and follow-up chapter, in 2018 the Americas region adopted the *Evaluation and Follow-Up*

1 *Global Plan of Action to End Statelessness*, available at: https://www.refworld.org/docid/545b47d64.html

Mechanism "Towards Zero Statelessness"[2] in order to monitor the progress made on the actions contained in the Brazil Plan of Action as well as in the Global Plan of Action, insofar as they are consistent with each other. This can be seen in the table below, together with the synergies and complementarities between other regional or subregional mechanisms, bodies and authorities, to be analysed in this chapter:

In 2019, UNHCR convened a **High-Level Segment on Statelessness**[3] (**HLS**), in which specific pledges were submitted in order to address statelessness within the subsequent five years of the **#IBelong** campaign. As of September 2023, **13 Latin American and Caribbean countries had submitted a total** of **39 pledges**: Argentina, Belize, Bolivia, Chile, Colombia, Costa Rica, Ecuador, Guyana, Haiti, Mexico, Panama, Peru and Uruguay presented pledges to the **High-Level Segment on Statelessness** and to the Global Forum on Refugees in 2019[4], reinforcing the region's commitment and leadership on this issue. By 2023, seven

2 United Nations High Commissioner for Refugees (UNHCR). *Brazil Plan of Action*, *Eradicating Statelessness* Programme, Evaluation and Follow-Up Mechanism "Towards Zero Statelessness," available at: https://www.acnur.org/sites/default/files/legacy-pdf/5be084074.pdf. In 2019, Costa Rica joined the mechanism and conducted a comprehensive assessment to define actions that served as the basis for commitments to the High-Level Segment on Statelessness.

3 High-Level Segment on Statelessness. Information available at: https://www.unhcr.org/ibelong/high-level-segment-statelessness/

4 Pledges for implementing the Global Compact on Refugees, available at: https://globalcompactrefugees.org/channel/pledges-contributions; and those submitted to the High-Level Segment on Statelessness are available at: https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/

countries (Colombia, Costa Rica, Ecuador, Mexico, Panama, Peru and Uruguay) have fulfilled one or more of their pledges, and seven are in progress (Argentina, Chile, Colombia, Costa Rica, Haiti, Mexico and Panama).

6.2. National progress on Eradicating Statelessness in Latin America

The most relevant national developments of the decade in the Latin American countries of South America, Central America and Mexico are presented below. The **advances in the Caribbean are described in Chapter V** of this report, on Solidarity with the Caribbean.

6.2.1. Prevention: Main Advances and Good practices of the Decade in Latin America

> During the BPA's decade of implementation, Chile[5] and Peru[6] (in addition to Belize[7] and Haiti[8] in the Caribbean) acceded, unreservedly, to the 1961 Convention on the Reduction of Statelessness.

Harmonizing nationality laws and practices with international standards

During the decade, **several countries adapted their legislation to international human rights standards on preventing statelessness**: in the matter of acquisition of nationality by filiation *(jus sanguinis*), there were constitutional reforms in Mexico[9] and Peru[10], and new legislation was adopted in Paraguay[11]. There were also new legislations that regulated or interpreted in a restrictive way the exceptions concerning acquisition of nationality by birth in the Territory *(jus soli*), for example in Argentina[12] and Chile. Brazil meanwhile eliminated the requirement to renounce the nationality of origin when applying for naturalization[13].

> **Legal reform in Chile for interpretation of the term "transient foreigner"**
>
> In 2021 Chile adopted a new regulation on migration and aliens that established the scope of who can be considered a "child of a transient foreigner", a situation provided for in the Constitution of the Republic as an exception to the acquisition of nationality by *jus soli*. The law enshrined a change in the case law of the Supreme Court, which had previously restricted the interpretation of the concept of "transient foreigner" to tourists or members of transport crews; as a result, persons born in Chile to foreign parents with irregular migration status, but with the intention of remaining in the country, can acquire Chilean nationality at birth. The law also introduced safeguards for preventing statelessness: Chilean nationality

5 Chile, Enacting Decree No. 111, Ministry of Foreign Affairs, 27 October 2018, available (in Spanish) at: *http://Bcn.Cl/2pmog.*

6 Peru acceded on 18 December 2014: *https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5&clang=_en*

7 Belize acceded on 14 August 2015: *https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5&clang=_en*

8 Haiti acceded on 27 September 2018: *https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5&clang=_en*

9 Amendment to the Political Constitution of the United Mexican States, Article 30, Section A, sub-section II, which establishes that any individual born abroad who is a son or daughter to Mexican parents (a Mexican mother or a Mexican father) including also those born abroad, will have Mexican nationality. Available (in Spanish) at: *http://www.diputados.gob.mx/LeyesBiblio/pdf_mov/Constitucion_Politica.pdf*

10 Article 52 of the Political Constitution of Peru stipulates that those who were born in the territory of the Republic are Peruvian by birth. The same applies to those who are born abroad to a Peruvian father or mother, if registered in the relevant registry while being a minor. Available (in Spanish) at: *https://www.gob.pe/institucion/presidencia/informes-publicaciones/196158-constitucion-politica-del-peru*

11 Law No. 6149 of 2018 *Protección y Facilidades para la Naturalización de las Personas Apátridas* (Protection and Assistance to Enable Naturalization for Stateless Persons) in Paraguay, Article 72 et seq., grants Paraguayan nationality to children of Paraguayan nationals born abroad who would otherwise be stateless. Available (in Spanish) at: *https://www.bacn.gov.py/leyesparaguayas/8669/ley-n-6149-proteccion-y-facilidades-para-la-naturalizacion-de-las-personas-apatridas*

12 Argentina: nationality granted to people born in Argentine territory and to children born in national territory regardless of the migration situation of their parents. General Law of Recognition and Protection of Stateless Persons, Law 27512 of 2019, available (in Spanish) at: *https://www.boletinoficial.gob.ar/detalleAviso/primera/214533/20190828*

13 Decree No. 8757 dated 10 May 2016, amending Decree No. 86715 dated 10 December 1981 to regulate the legal situation of Foreigners in the Federal Republic of Brazil, available (in Portuguese) at: *https://www.legistrab.com.br/239-decreto-8757-de-2016-altera-o-decreto-86-715-de-1981-para-dispor-sobre-a-situacao-juridica-do-estrangeiro-no-brasil/*

is granted to children born in the Territory who would otherwise be stateless (including children born to unknown parents[14]).

Scope of the concept of domicile in Colombia and the *Children First* programme

The Colombian National Civil Registry Office published Circular 168 of 2017, **guaranteeing the right to access a nationality for those born in Colombia** to foreign parents who do not meet the requirements of article 96 of the Constitution **(requirement of the** parents' official **domicile** in Colombia), when there is no other State that recognizes them as their national. The Circular established an inter-agency procedure between the Registry Office and the Ministry of Foreign Affairs: the necessary evidence is gathered to issue an opinion on the risk of statelessness and, if appropriate, the registration body proceeds with the recognition of Colombian nationality by birth[15].

Colombia also developed a pioneering programme for preventing statelessness with the ***Children First* programme**, whereby **Colombian nationality** was **automatically** granted **to children of Venezuelan nationals** to address the practical difficulties in acquiring Venezuelan and Colombian nationality, as well as to prevent statelessness at birth[16]. Between 1 January 2015 and 30 July 2023, the fundamental right to a nationality was guaranteed for **100,387 children**. By automatic extension, as provided for in the sole paragraph of article 3 of *Resolution 8617 of 2021*, this measure has been successively extended (the most recent date was August 2023[17]).

Preventing statelessness through universal birth registration

Several countries implemented projects facilitating late birth registration through the removal of practical barriers, outreach strategies, strengthening civil registries, binational cooperation and inter-agency mobile brigades involving Government authorities, civil society and UNHCR.

Multiple countries (e.g. Belize, Brazil, Costa Rica, Ecuador and Paraguay) **strengthened their civil registry systems.** Also, Colombia, Costa Rica and Ecuador conducted projects, with support from UNHCR, to **provide access to the late registration of births** and issue **documentation to cross-border populations** and **indigenous communities**. Panama meanwhile strengthened birth registration for children born in transit in Panamanian Territory in the context of mixed movements. The practice of **mobile units** for the late registration of births was implemented by countries such as Honduras and Ecuador[18] Additionally, various **institutional cooperation agreements** were entered into between countries in the region for identification, registration and documentation at border areas[19]. Support measures were also put into practice for **access to birth certificates**[20]. The **Colombian** and **Panamanian** Civil Registries **collaborated to prevent late registrations** and avoid duplicate entries. The initiatives promoted included registration events where

14 Migration and Aliens Act No. 21325 of 2021, available (in Spanish) at: https://www.bcn.cl/leychile/navegar?idNorma=1158549

15 This Circular was extended in Resolution 8470 of 2019 and its final provisions stated that it would be applicable from the year of issue for a further 2 years.

16 Through Resolution 8470 of 2019, extended by Resolution 8617 of 2021, the National Civil Registry Office and the National Government consolidated the "Children First" measure, addressed at children born in the territory of the Republic of Colombia, as well as children of Venezuelan parents who do not meet the domicile requirements set out in Article 96 of the Political Constitution, allowing the recognition of their Colombian nationality by birth.

17 Information available (in Spanish) at: https://www.cancilleria.gov.co/newsroom/news/medida-primero-ninez-continuara-su-vigencia-aplicabilidad-despues-21-agosto-2023?utm_source=substack&utm_medium=email

18 Ecuador implemented a system of mobile brigades for registration services in indigenous communities, border areas, rural or difficult-to-access areas, with support from UNHCR, to provide access to birth registration and issue nationality documentation. United Nations High Commissioner for Refugees (UNHCR), *Regional Study on Late Birth Registration, Issuance of Nationality Documents and Statelessness*, 5 January 2021. page 30. Available at: https://www.refworld.org.es/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=61a9765b4

19 Information on the various binational and multinational agreements available at: UNHCR, *Regional Study on Late Birth Registration, Issuance of Nationality Documents and Statelessness*, op. cit. note 18.

20 Brazil established support measures through institutions and protection networks for access to civil registries in order to obtain Brazilian nationality birth certificates for children born in Brazil to refugee and migrant parents.

officials from both States entered neighbouring territories, including the Darien region, to identify people, register their births and issue identity documents[21]. Argentina also created administrative procedures for late birth registration, which until then was only possible through the courts[22], and a Pre-Identification Certificate (PIC)[23] for persons born in the country who never obtained a national identification document.

> **Book on Prevention of Statelessness in Panama**
>
> To strengthen the community-based protection approach to issues of prevention, response and protection of stateless persons, Panama published the book on Prevention of Statelessness[24] written jointly by the Ministry of Foreign Affairs and UNHCR. The book aims to guide people without a nationality by explaining in a user-friendly way the concept of nationality, the situations that lead to statelessness, the relevant Government entities and the means by which this vulnerable status can be overcome in order to obtain a nationality. It is aimed at the entire population, particularly State institutions and community leaders, so that they can provide guidance and information to stateless persons.

The COVID-19 pandemic significantly affected effective access to birth registration and identity documents proving nationality. In such an adverse context, several countries declared **civil and identification services as essential**. Some of them were able to effectively maintain an **uninterrupted** service and some others adopted **innovative solutions**[25]. In 2020, Costa Rica created an inter-agency liaison commission on statelessness, to coordinate with the various authorities for the integration of this population and their access to public services[26].

6.2.2. Protection: Main Advances and Good practiceGood practices of the Decade in Latin America

> During the BPA's decade of implementation, Chile[27], Colombia[28], El Salvador[29] (and Haiti[30] in the Caribbean) acceded to or ratified, unreservedly, the **1954 Convention relating to the Status of Stateless Persons**.

21 UNHCR. *Regional Study on Late Birth Registration, op. cit.* note 18. See also: IACHR, *Practical Guide for International Protection.*

22 Argentina, Law 27611, *Ley Nacional de Atención y Cuidado Integral de la Salud durante el Embarazo y la Primera Infancia (National Law on Assistance and Comprehensive Care during Pregnancy and Early Childhood)*, 15 January 2020, available (in Spanish) at: http://servicios.infoleg.gob.ar/infolegInternet/anexos/345000-349999/346233/norma.htm

23 The Pre-Identification Certificate (PIC), created in 2020, is an instrument acting as an affidavit to register the data of persons born in Argentina who have never had a national identity document (DNI); it also allows them to manage access to their basic rights while they initiate or continue the process of obtaining a birth certificate. Information available (in Spanish) at: https://www.argentina.gob.ar/interior/renaper/certificado-de-preidentificacion

24 Book available (in Spanish) at: https://mire.gob.pa/cuento-prevencion-de-la-apatrida/

25 For example, Panama opened special offices for the registration of births and deaths and completed the birth registration of 90 children born to people in transit in Panamanian territory, stranded due to the mobility restrictions. Costa Rica made it possible to acquire a birth certificate online. Another significant measure was that the validity of identity documents was exceptionally extended during the health crisis by various means and for different periods of time (as was the case in Argentina, Bolivia, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Panama and Peru). Information on the countries that declared civil registration and identification services as essential, countries that gradually resumed their services, and countries that never interrupted the provision of services can be found at: United Nations High Commissioner for Refugees (UNHCR), *Emergency Response by Civil Registry and Identification Offices during the COVID-19 Pandemic: Impact, best practices and innovative initiatives implemented in Latin America and the Caribbean*, December 2020, available at: https://www.refworld.org.es/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=609f11fb4. This study was conducted jointly by the CLARCIEV, the OAS and UNHCR, pages 16 and 37.

26 Costa Rica, Inter-institutional Liaison Commission on Statelessness, to Promote Prevention, Identification and Protection of Stateless Persons. In August 2023, the Commission met to assess the status of the pledges submitted in 2018 to the High-Level Segment on Statelessness and the Global Forum on Refugees: https://www.rree.go.cr/?sec=servicios&cat=press&cont=593&id=7359. Executive Decree 42794-RE, 10 December 2020 (published 30 April 2021), available (in Spanish) at: http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NRTC&nValor1=1&nValor2=94196&nValor3=125307&strTipM=TC

27 Decree No. 112 which enacts the Convention relating to the Status of Stateless Persons, Ministry of Foreign Affairs, 27 October 2018, available (in Spanish) at: http://Bcn.Cl/2j50p.

28 "ACNUR aplaude la decisión de Colombia al ratificar la Convención sobre el Estatuto de los Apátridas de 1954 (UNHCR welcomes Colombia's decision to ratify the 1954 Convention relating to the Status of Stateless Persons). https://www.acnur.org/noticias/press/2019/10/5d9e16be4/acnur-aplaude-la-decision-de-colombia-al-ratificar-la-convencion-sobre.html

29 El Salvador ratified it on 9 February 2015. Status of accessions available at: https://treaties.un.org/Pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=_en

30 Haiti acceded on 27 September 2018. Status of accessions available at: https://treaties.un.org/Pages/ViewDetailsII.aspx?src=IND&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=_en

In addition to these important accessions, during the decade of implementation of the BPA considerable progress was made on new legislation, regulations and statelessness determination procedures. This work was supported by UNHCR, including through the 2017 publication of the *Draft Articles on the Protection of Stateless Persons and the Facilities for their Naturalization*[31], which was developed to provide technical guidance to States interested in developing statelessness determination procedures and protection regulatory frameworks.

Delegates from 29 countries convened at the UN Headquarters in New York to sign the 1961 Convention on the Reduction of Statelessness. Mr. Mario Amadeo of Argentina is seen here signing the final act on behalf of his country.

In this context, some countries adopted **specific domestic legislation** (Argentina[32], Brazil[33], Costa Rica, Panama[34], Paraguay[35] and Uruguay[36]) or **procedures for the determination of statelessness** (Argentina[37], Brazil[38], Costa Rica[39], Panama[40] and Uruguay[41] and Ecuador[42]), and specific registration systems for stateless

31 UNHCR. *Draft Articles on Protection and Facilitation of Naturalization of Stateless Persons*, February 2017, available at: https://www.refworld.org/docid/59ad4e784.html

32 Argentina, *Ley General de Reconocimiento y Protección de Personas Apátridas* (General Law of Recognition and Protection of Stateless Persons), Law 27.512 available (in Spanish) at: https://www.boletinoficial. gob.ar/detalleAviso/primera/214533/20190828

33 Brazil's new General Migration Act of 2017 on the situation of stateless persons – who are particularly vulnerable in the context of forced migration – establishes that, during the process of recognizing statelessness, "all guarantees and mechanisms for protecting and facilitating social inclusion will be applicable", as stipulated in the Convention relating to the Status of Stateless Persons (1954) and the Convention relating to the Status of Refugees (1951), in addition to all the rights recognized for migrants. Once the status of statelessness is recognized, the individual is granted a permanent residence permit if they have no interest in naturalization; if they are interested, the stateless person is guaranteed a simplified naturalization process. Due to the new law, Brazil recognized global activist Maha Mamo and her sister as Brazilian citizens in October 2018.

34 In Panama, Executive Decree No. 4 dated 2 March 2023 was approved, which includes issuing work permits for recognized stateless persons. During 2023, a total of 385 government officials received training on statelessness, its prevention and the procedure for recognising statelessness in Panama.

35 Paraguay, Law No. 6149 of 2018 *Protección y Facilidades para la Naturalización de las Personas Apátridas* (Protection and Assistance to Enable Naturalization for Stateless Persons), available (in Spanish) at: https://www.bacn.gov.py/leyesparaguayas/8669/ley-n-6149-proteccion-y-facilidades-para-la-naturalizacion-de-las-personas-apatridas

36 Uruguay, Law No.19.682 *Reconocimiento y Protección al Apátrida* (Recognition and Protection of Stateless Persons) of 2018, which gives assistance for the naturalization of stateless persons and assigns competence to the Refugee Commission, available (in Spanish) at: https://www.gub.uy/ministerio-desarrollo-social/sites/ministerio-desarrollo-social/files/documentos/publicaciones/1942.pdf

37 Argentina, Law 27512, op. cit.

38 Brazil, *Portaria Interministerial* No. 5 dated 27 February 2018, which establishes the procedures to be adopted in relation to processing applications for the recognition of statelessness and the procedure for the naturalization of stateless persons, available (in Portuguese) at: https://www.in.gov.br/web/guest/materia/-/asset_publisher/Kujrw0TZC2Mb/content/id/4716363/do1-2018-02-28-portaria-interministerial-n-5-de-27-de-fevereiro-de-2018-4716359 and *Portaria Interministerial* No. 11 dated 3 May 2018, which establishes the procedures for the application of naturalization, equal rights, loss, reacquisition of Brazilian nationality and revocation of the decision to lose Brazilian nationality, as well as other measures, establishing naturalization procedures for persons recognized as stateless, available (in Portuguese) at: https://www.in.gov.br/materia/-/asset_publisher/Kujrw0TZC2Mb/content/id/12936945/do1-2018-05-04-portaria-interministerial-n-11-de-3-de-maio-de-2018-12936941

39 Costa Rica, Executive Decree 39620, dated 13 May 2016. Regulations for the *Declaration of Statelessness*, amended in 2022 (Executive Decree No. 43448 of 26 January 2022*)*, strengthening protection measures and bringing them into line with international standards. Executive Decree 39620, 13 May 2016. Regulations for the Declaration of Statelessness, available (in Spanish) at: http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValor2=81511

40 Panama, Executive Decree No. 10 dated 16 January 2019, developing Law 28 dated 30 March 2011, which approves the 1954 Convention relating to the Status of Stateless Persons, adopted in New York on 28 September 1954, available (in Spanish) at: https://www.refworld.org.es/pdfid/5c461a884.pdf

41 Uruguay, Law No. 19682 of 2018 *Reconocimiento y Protección al Apátrida* (Recognition and Protection of Stateless Persons), which gives assistance for the naturalization of stateless persons and assigns competence to the Refugee Commission, available (in Spanish) at: https://www.gub.uy/ministerio-desarrollo-social/sites/ministerio-desarrollo-social/files/documentos/publicaciones/1942.pdf

42 Ecuador, *Manual de Procedimientos de la Dirección de Protección Internacional (Manual of Procedures of the International Protection Office)*

persons or applicants for statelessness (Brazil with SisApatridia[43], Costa Rica[44]). Other countries refer to a determination procedure in their legislation, but do not yet have a regulated procedure (Bolivia, Chile[45], Colombia[46], Honduras and Nicaragua). Such legislation and procedures included various good practicegood practices such as 1) assigning competence to the *Comisión Nacional de Refugiado*s (National Refugee Commission, CONARE), 2) special procedures for unaccompanied or separated children, 3) no final deadlines to submit the application, 4) the possibility of initiating an *ex officio* procedure and submitting the application verbally, 5) the possibility of submitting the application regardless of migration status and in different locations in the country, 6) procedure free of charge, 7) free legal aid, 8) establishing mechanisms for identification and coordination with the refugee status recognition procedure, 9) measures of coordination with other special procedures, such as late birth registration, 10) prohibition on discrimination based on sexual orientation or gender identity, 11) protection of the family unit, including for people of the same sex, and 12) the gender, age and diversity perspective.

General Law on Recognition and Protection of Stateless Persons in Argentina

In 2019, Argentina adopted Law 27512 to "guarantee stateless persons and people applying for the recognition of such status the most comprehensive enjoyment possible of their human rights and to regulate the determination of status, protection, assistance and granting of support for the naturalization of stateless persons that are not refugees". The bill was prepared by CONARE, with technical support from UNHCR and based on the Draft Articles on Protection and Facilitation of Naturalization of Stateless Persons[47].

The Law makes CONARE responsible for determining statelessness and it also guarantees free legal aid and establishes special procedures for children, adolescents and people with disabilities, presumption of nationality in case of doubt, referral to procedures for late registration of births[48] or acquisition of nationality when the person is entitled to acquire Argentine or other nationality, and assistance with naturalization. The law also establishes that CONARE should facilitate and promote the naturalization of stateless persons and refugees as a long-term solution.

During the procedure, a provisional and renewable document is issued; although it does not prove their identity, this document does allow legal residence, paid work and access to basic social services and health and education benefits. Persons recognized as stateless are entitled to a 2-year temporary residence permit and a national identity card (DNI). At the

- based on the 2017 Organic Law on Human Mobility and the secondary legislation, which establishes guidelines for the standardization of processes at international protection units, including SOP on the statelessness module in its registry system and case management (proGres v4). National Assembly of Ecuador, *Ley Orgánica de Movilidad Humana (Organic Law on Human Mobility)* dated 6 February 2017, available (in Spanish) at: https://www.acnur.org/fileadmin/Documentos/BDL/2017/10973.pdf. See also the implementing regulation Executive Decree 111 dated 10 August 2017, available (in Spanish) at: https://www.refworld.org.es/docid/5a665fd14.html

43 In 2021, Brazil's Ministry of Justice and Public Safety and Security (MJSP) launched *SisApatridia*, an online platform for submitting and processing statelessness applications; several applications have already been submitted through the system and the MJSP is organising an information campaign to raise awareness of the platform. This system is expected to improve data on statelessness, speed up the processing of statelessness applications and, consequently, facilitate naturalization and improve the prospects for protection of stateless persons in Brazil. *SisApatridia,* available (in Portuguese) at: https://www.gov.br/pt-br/servicos/obter-reconhecimento-como-apatrida

44 In 2021, pursuant to a pledge made by Costa Rica to the Global Forum on Refugees, the Ministry of Foreign Affairs and Worship implemented a database to monitor the process for integrating stateless persons; it records all cases submitted to the Ministry through the statelessness determination procedure, allows for the tracking of each individual case that goes through the naturalization procedure and process, and facilitates liaison with the Civil Registry Office to address any problems related to the acquisition of nationality.

45 https://www.bcn.cl/leychile/navegar?idNorma=1158549&tipoVersion=0

46 Colombia, Comprehensive Migration Policy Act No. 2136 of 2021: Law setting forth the definitions, principles and guidelines for regulation and guidance on the integrated migration policy of the Colombian state (PIM), including other provisions, available (in Spanish) at: https://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=115641

47 See above.

48 In 2020, the Pre-identification Certificate (PIC) was implemented, an instrument acting as an affidavit provided by the National Registry of Persons (RENAPER), so that those whose birth in the country has not been registered in a timely manner can access basic rights while they begin or continue the process of obtaining their birth certificate and, subsequently, their national identity card (DNI).

end of this period, they receive permanent residence, which allows them to exercise all the social, economic and cultural rights recognized for foreigners residing in the country. Stateless persons are also entitled to a travel document that meets international standards.

As of August 2023, and since the implementation of the procedure[49], CONARE had registered 21 applications and the same year Argentina recognized for the first time the stateless status of five persons. One of them is in possession of their travel document and one has acquired Argentine nationality.

Additionally, since 2014, some countries have included **protection provisions** in their migration legislation (Brazil[50], Colombia[51], Ecuador[52], El Salvador[53] and Peru[54]) such as 1) legal residence and identity documents, 2) access to the effective enjoyment of fundamental rights and guarantees, such as freedom of movement, 3) the issuance of *laissez-passers* or travel documents[55] for stateless migrants, 4) humanitarian visas[56] or temporary residence permits, 5) the right to family reunification, 6) facilities for naturalization, 7) non-criminalization of irregular entry or 8) the right to exercise any remunerated activity.

Brazil recognized the statelessness of a person for the first time in 2018[57]; in Uruguay two people were recognized as having the status in 2020; and Panama, in 2021[58]. During the decade, Brazil recognized the stateless status of 16 persons, who have access to the possibility of applying for Brazilian nationality; by September 2022, Costa Rica had recognized 67 persons as stateless[59]. Brazil began issuing temporary visas and temporary residence permits for humanitarian reasons to Afghan nationals[60] and Ukrainian nationals[61] (in 2021 and 2022 respectively), including stateless persons and others affected by the situation in those countries of origin.

49 In 2021, steps were taken to implement the procedure by modifying the CONARE Executive Secretariat's computer system for registering applications and adopting a roadmap on the procedure, as well as a checklist and an interview guide. In addition, an information guide on the procedure was published on the HELP.org page under Argentina's profile, and similarly, detailed information (including on internal training activities) was published on the CONARE website.

50 *Lei de Migração (Migration Act),* Law 13 445, dated 24 May 2017, available (in Portuguese) at: http://www.lexml.gov.br/urn/urn:lex:br:federal:lei:2017-05-24;13445

51 Colombia, Comprehensive Migration Policy Act No. 2136 of 2021: Law setting forth the definitions, principles and guidelines for regulation and guidance on the integrated migration policy of the Colombian state (PIM), including other provisions, available (in Spanish) at: https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=168067

52 National Assembly of Ecuador, Organic Law on Human Mobility dated 6 February 2017, op. cit.

53 El Salvador, New Special Law on Migration and Foreigners, Enactment Decree dated Thursday 25 April 2019, available (in Spanish) at: https://www.transparencia.gob.sv/institutions/dgme/documents/296650/download.

54 Legislative Decree No. 1350, Legislative Decree on Migration, March 2017; Executive Decree no. 007-2017-IN (2017); Executive Decree enacting the Regulations developing Legislative Decree no. 1350, Legislative Decree on Migration and approving New Migration Qualities.

55 In Costa Rica, Executive Decree No. 43448-RE-MGP, reforming the regulations for declaring statelessness, established the right of applicants for statelessness to acquire a valid travel document for regular exit and entry to Costa Rican territory, which must comply with international standards. Decree available (in Spanish) at: http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NRTC&param2=1&nValor1=1&nValor2=97085&nValor3=130575&strTipM=TC&lResultado=3&nValor4=1&strSelect=sel

56 The Brazilian government grants humanitarian visas to Haitian nationals and stateless persons affected by major calamities, environmental disasters or the situation of institutional instability in the Republic of Haiti; to Afghan nationals, stateless persons and persons affected by serious or imminent institutional instability, serious violation of human rights or international humanitarian law in Afghanistan; and to Ukrainian nationals and stateless persons affected or displaced by the conflict in Ukraine. Regulatory references, see box on humanitarian visas in Brazil, in Chapter III on Solutions, section 3.2.3., number 4) Humanitarian visas and other complementary pathways.

57 Brazil, Law No. 13445, of 2017, which establishes the Migration Law, available (in Portuguese) at: https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/l13445.htm. See also The Americas Network on Nationality and Statelessness, Red ANA, Bulletin No. 17, April-June 2018, available (in Spanish) at: https://mailchi. mp/80e9252cb3e5/red-ana-boletn-17-espaol?e=eaf85194f9.

58 Panama currently has a total of 46 ongoing applications. In the last census conducted in 2023, questions about statelessness and birth registration were included. According to the final report, published at the time of writing, some 939 respondents indicated that they were not born in Panama, were not citizens of any country and had no civil registry from any country.

59 A further 125 persons were in the process of having their status determined (as of 30 June 2022). Information available (in Spanish) at: MIRPS Costa Rica 2022 Report, https://mirps-platform.org/wp-content/uploads/2022/09/Country-Explainer-COSTA-RICA-SPA-VFINAL.pdf

60 Brazil, *Portaria Interministerial* No. 24 dated 3 September 2021, available (in Portuguese) at: https://www.in.gov.br/en/web/dou/-/portaria-interministerial-n-24-de-3-de-setembro-de-2021-343300675. By the end of 2021, 339 visas had been issued and 393 more were in process.

61 Brazil, *Portaria Interministerial* No. 28 dated 3 March 2022, available (in Portuguese) at : https://www.in.gov.br/en/web/dou/-/portaria-interministerial-mjsp/mre-n-28-de-3-de-marco-de-2022-383558437.

In 2021, Costa Rica launched the ***You are not invisible*** campaign, supported by UNHCR, containing testimonies and visual materials about the existence of the statelessness determination procedure (videos available here and here).

Innovative approaches to eradicating statelessness in Costa Rica

In 2021, the Ministry of Foreign Affairs and Worship, the authority responsible for the determination of statelessness, implemented a methodology to apply a differentiated approach – age, gender and diversity – as a fundamental part of the procedure. This approach helps identify those in particularly vulnerable situations, where procedural requirements should be relaxed and timely referrals must be made to national institutions for access to social programmes and the effective enjoyment of their rights. As of 2023, of the 184 cases in which the differentiated approach was applied, 75 have been positively resolved (109 are pending resolution).

The Ministry also developed a community-based intervention methodology, aimed at bringing the procedure to those areas of the country where a high incidence of statelessness has been detected or where there is a risk of statelessness, in order to respond to consultations, open cases and conduct interviews with applicants. This methodology has been implemented with the participation of the Civil Registry in joint training and awareness-raising efforts aimed at local institutions and community leaders[62].

In line with the above, in 2021 the ***You are not invisible*** campaign was launched, containing testimonies and visual materials about the existence of the statelessness determination procedure (videos available here and here).

All these initiatives were carried out with the support of UNHCR.

6.2.3. Reduction and Resolution: Advances and Good Practices Reported in Latin America During the Decade

During the decade, Argentina[63], Brazil[64], Chile[65], Colombia[66], Ecuador[67], Paraguay[68] and Uruguay[69] adopted laws on the **facilitation of naturalization procedures;** and Bolivia[70] and Costa Rica[71] amended their regulations. These laws and regulations include facilities for the naturalization of stateless persons and stateless refugees by eliminating or reducing most of the established legal requirements (e.g. reducing the period of residence). In **2018, Costa Rica** was the first Latin American country to **nationalize** a stateless person.

62 More information available (in Spanish) at: https://www.rree.go.cr/?sec=servicios&cat=prensa&cont=593&id=7398

63 Argentina, facilitating naturalization of stateless persons, Law 27512, op. cit.

64 Brazil, *Portaria Interministerial No. 16 dated 3 October 2018, which makes the Portuguese fluency test for naturalization more flexible.* Available (in Portuguese) at: https://www.in.gov.br/materia/-/asset_publisher/Kujrw0TZC2Mb/content/id/43885878/do1-2018-10-04-portaria-interministerial-n-16-de-3-de-outubro-de-2018-43885761

65 Chile, Law 20888, Modifying the requirements for obtaining naturalization, January 2016 (enacted 4 January 2016, published 8 January 2016), available (in Spanish) at: https://www.bcn.cl/leychile/navegar?idNorma=1086208

66 The law guarantees a number of rights for stateless persons, including the right to travel documents and to facilitate their naturalization. This achievement is the result of a commitment made by Colombia in the framework of the Global Forum on Refugees. Comprehensive Migration Policy Act No. 2136 dated 2021: Law setting forth the definitions, principles and guidelines for regulation and guidance on the comprehensive migration policy of the Colombian state (PIM), including other provisions, available (in Spanish) at: https://www.cancilleria.gov.co/sites/default/files/Normograma/docs/ley_2136_2021.htm

67 Organic Law on Human Mobility, op. cit.

68 Paraguay, Law No. 6149 of 2018 *Protección y Facilidades para la Naturalización de las Personas Apátridas* (Protection and Assistance to Enable Naturalization for Stateless Persons), op. cit.

69 "*ACNUR aplaude la decisión de Colombia al ratificar la Convención sobre el Estatuto de los Apátridas de 1954* (*UNHCR welcomes Colombia's decision to ratify the 1954 Convention relating to the Status of Stateless Persons*). https://www.acnur.org/noticias/press/2019/10/5d9e16be4/acnur-aplaude-la-decision-de-colombia-al-ratificar-la-convencion-sobre.html

70 Bolivia, Ministry of Government, Ministerial Resolution No. 050/2016 dated 9 March 2016.

71 Costa Rica, Regulation on the procedures, requirements and criteria for the resolution of naturalization matters, Decree no. o 12-2012, published in Alcance no. 124 of *La Gaceta* no. 171, 5 September 2012, available (in Spanish) at: http://www.tse.go.cr/pdf/normativa/reglamentorelativotramitesnaturalizacion.pdf

UNHCR and UNFPA supported the publication of "This is who we are" in the Dominican Republic. © UNHCR

On the subject of **confirmation of nationality**, the inter-agency project ***Chile reconoce (Chile recognizes)*** sought to confirm the nationality of persons born in Chilean Territory to foreign parents in an irregular migratory situation at the time of birth[72].

One project on the subject of confirming nationality and issuing nationality documents during the decade was ***Chirititicos,*** a joint initiative of the Civil Registry of the Supreme Electoral Tribunal of **Costa Rica**, the Electoral Tribunal of **Panama** and **UNHCR,** for the late registration of births, verification of nationality and issuance of documentation for the Ngäbe-Buglé indigenous population, which transits and moves in the border area[73]. As a result of this initiative, the nationality of approximately 1,500 people was determined in 2017.

6.3. Regional progress

6.3.1. Organization of American States

During the decade, the Organization of American States **(OAS**), through its specialized bodies, played a crucial role in the study of statelessness in the region, the development of Inter-American standards, and the monitoring and safeguard of the rights of stateless persons.

72 They were foreign parents in an irregular situation, but with the intention to remain in the country. These children had been registered at birth as "children of a transient foreigner" (a circumstance that constituted a Constitutional exception to the acquisition of nationality by *jus soli*). In accordance with the new regulatory standards in force, these persons were granted the right to acquire Chilean nationality, restoring their nationality. In May 2017, the results of the ***Chile reconoce*** project were presented at an event attended by the President of the Republic who gave a speech in support of the *#IBelong* campaign. This situation was later resolved with the adoption of the new Chilean migration legislation, which reinterpreted the constitutional provision on "transient foreigner", Article 173, 2021 Migration and Aliens Act No. 21325, available (in Spanish) at: *https://www.bcn.cl/leychile/navegar?idNorma=1158549*. Between 2014 and June 2023, the Civil Registry rectified the birth records of 162 children.

73 Through the ***Chirititicos*** project, joint registration and documentation brigades bring civil registries to the population and assist in the processes of late birth registration, verifying nationality and issuing documentation for the Ngäbe-Buglé indigenous population. The Ngäbe-Buglé people regularly and periodically move between the Costa Rican and Panamanian borders to work on banana and coffee plantations in Costa Rican territory and were at risk of statelessness due to failure to register births.

The General Assembly of the OAS (GA-OAS) supported efforts to eradicate statelessness in the Americas, through:

- The adoption in 2014 of a specific resolution on statelessness *(Prevention and Reduction of Statelessness and Protection of Stateless Persons in the Americas*), which invited Member States to take advantage of the Cartagena+30 commemorative process to identify the challenges and actions needed to address statelessness and to consider including a chapter on statelessness in the resulting regional strategic framework (the BPA), which was welcomed by the adopting countries[74].
- Then, over the years, in its annual resolutions on "Promotion and protection of human rights", it followed up the accession and commitment of Member States to global mechanisms on eradicating statelessness (in particular the *#IBelong* campaign and the Global Plan of Action); it urged States to participate in the High-Level Segment on Statelessness, make pledges and then implement them; it recognized the importance of the 2030 Agenda for Sustainable Development on statelessness and its targets 16.9, 5.1 and 10.3; and, in 2023, it urged States to actively participate in the next Global Forum on Refugees.
- In addition, it regularly reiterated the value of the Brazil Plan of Action and its role in eradicating statelessness, highlighted the MIRPS as a follow-up tool and the role of the Universal Civil Identity Programme in the Americas (PUICA[75]) and CLARCIEV[76] in eradicating statelessness, urging them to continue providing assistance to the States of the region.
- On substantive matters, it regularly reiterated that every person has the universal right to a nationality, as enshrined in article 15 of the Universal Declaration of Human Rights and in several international instruments, and especially the recognition of this right in the Americas in article XIX of the American Declaration of the Rights and Duties of Man and in article 20 of the American Convention on Human Rights; it also stressed that statelessness is a serious humanitarian problem that has been aggravated by the effects of the health crisis and that it must be eradicated. In this context, it invited States to continue efforts to accede to the Statelessness Conventions and to adopt regulations on establishing statelessness determination procedures, with respect for due process standards, along with the elimination of gender-based discrimination in nationality laws and the promotion of an adequate resolution of existing statelessness cases. It also emphasized the importance of simplifying naturalization processes.
- Finally, the OAS-GA also followed up on regional developments, with several achievements in 2022: adoption of protection frameworks for stateless persons and procedures for the determination of the status of statelessness in eight countries in the region; the accession to one or both Conventions on statelessness by 12 countries; the adoption of legal and institutional frameworks to facilitate naturalization in six countries; and the elimination of discrimination based on gender, among other advances[77].

74 OAS, General Assembly. *Prevention and Reduction of Statelessness and Protection of Stateless Persons in the Americas*, Resolution AG/RES. 2826 (XLIV-O / 14) (2014), available at: https://www.oas.org/en/sla/dil/docs/AG-RES_2826_XLIV-O-14.pdf

75 About PUICA-OAS, see: https://www.oas.org/en/spa/depm/PUICA.asp

76 About the Latin American and Caribbean Council for Civil Registration, Identity and Vital Statistics (CLARCIEV), see below 6.3.2.

77 The GA-OAS Declarations and Resolutions are available at the following address: https://www.oas.org/en/council/AG/ResDec/Default.asp?q=&e=&evento=. The annual Resolutions on "Promotion and protection of human rights" are available in each annual Volume I of the Proceedings and Documents of the Regular Sessions.

A family receiving identity documents in Chile. © UNHCR

The Inter-American Commission on Human Rights (IACHR[78]) supported efforts to eradicate statelessness in the Americas through the adoption of resolutions, specific reports and on-site visits[79], notably the reports *Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons*: *Norms and Standards of the Inter-American Human Rights System (Human Mobility Report*), including standards on the right to nationality and the prevention of statelessness[80] in 2016; *Due Process in Procedures for the Determination of Refugee Status and Statelessness and the Granting of Complementary Protection*[81] in 2020; the Resolution *Protection of Haitians in Human Mobility*: *Inter-American Solidarity*[82] aimed at guaranteeing the rights of Haitian migrants, refugees, displaced, **stateless** and trafficked persons, in compliance with international obligations of humanitarian assistance, protection, cooperation and international solidarity, in 2021; and the *Practical Guide to Improve International Protection and the Regularization of Legal Status in the Context of Large-Scale Mixed Migration Movements in the Americas*, which includes regional good practices related to the prevention of child statelessness and introduces a recommendation to States on the prevention of statelessness[83], 2022[84].

The Inter-American Court of Human Rights (IACtHR) participated in the 2014 subregional consultations of the Cartagena+30 process and that same year adopted Advisory Opinion OC 21/14 on *Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection*, covering the protection of all migrant children, regardless of their nationality or statelessness status, and establishing guidelines on the procedure for determining the nationality of the child or, where appropriate, their statelessness[85].

78 IACHR calls on States to guarantee full enjoyment of the right to nationality, press release of 7 September 2023, available at: https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2023/212.asp

79 OAS, IACHR. *Report on the Situation of Human Rights in the Dominican Republic* Doc. 45/15 of 31 December 2015, available at: http://www.oas.org/en/iachr/reports/pdfs/dominicanrepublic-2015.pdf; OAS, IACHR. *Denationalization and Statelessness in the Dominican Republic*, August 2012, available at: http://www.oas.org/en/iachr/multimedia/2016/DominicanRepublic/dominican-republic.html.

80 OAS, IACHR. *Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American Human Rights System*, December 2015, available at: http://www.oas.org/en/iachr/reports/pdfs/HumanMobility.pdf.

81 OAS, IACHR. Report *Due Process in Procedures for the Determination of Refugee Status and Statelessness and the Granting of Complementary Protection*, 5 August 2020, available at: https://www.oas.org/en/iachr/reports/pdfs/dueprocess-en.pdf

82 OAS, IACHR. Res 02/21, *Protection of Haitians in human mobility*: *Inter-American Solidarity*, October 2021, available at: https://www.oas.org/en/iachr/decisions/pdf/2021/Res-2-21-en.pdf. This resolution reminds States that international solidarity is key for applying universality and the primacy of human rights in contexts such as Haiti, which demand coordinated action in the face of structural crises that affect the human rights of Haitians.

83 That States **i)** ensure and facilitate the registration of all births of children and adolescents in a timely or delayed manner; **ii)** allow children and adolescents born in the territory of asylum and protection to access nationality in accordance with the principle of *jus soli;* **iii)** grant facilities to naturalize persons in the context of human mobility, who would otherwise be stateless; and **iv)** ensure access to civil documentation proving nationality in contexts of mixed or secondary movements. OAS, IACHR. *Practical Guide for International Protection*, op. cit.

84 On the right to identity, recognition of legal personality, the right to a name and the right to gender identity, see *Gender Identity, Equality, and Non-Discrimination of Same-Sex Couples*. Advisory Opinion OC-24/17 of 24 November 2017, requested by the Republic of Costa Rica, OC-24/17, Inter-American Court of Human Rights (I/A Court H.R.), 24 November 2017, available at: https://www.escr-net.org/caselaw/2018/advisory-opinion-gender-identity-equality-and-non-discrimination-same-sex-couples-2017

85 IACtHR. *Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection.* Advisory Opinion OC-21/14, 19 August 2014. Series A No. 21.

New legislation in Colombia contributed to reducing the risk of statelessness of children born in the country to foreign parents.
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In 2014, the **IACtHR** also issued a binding decision[86] in a contentious case in which it provided important criteria for preventing and eradicating statelessness, as well as protecting stateless persons. Finally, in another binding judgment (2022), after recalling the obligations of States in terms of granting nationality – and in particular their duties to prevent, avoid and reduce statelessness and to provide individuals with equal and effective protection under the law without discrimination – the Inter-American Court of Human Rights set out the rules for the deprivation of nationality not to be considered arbitrary[87].

The Inter-American Juridical Committee (IAJC) published the *Guide on the Protection of Stateless Persons* in 2015, urging States to accede to the Statelessness Conventions, to adopt regulations in line with the UNHCR *Model Law (Draft Articles)* and to establish statelessness determination procedures and other measures[88].

86 IACtHR. *Case of Expelled Dominicans and Haitians v. Dominican Republic, Preliminary Objections, Merits, Reparations and Costs*, 28 August 2014. Series C No. 282.

87 IACtHR. *Case Habbal et al. v. Argentina*, 31 August 2022, available at: https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/039.asp

88 OAS, Inter-American Juridical Committee. *Guide on the Protection of Stateless Persons*, available at: https://www.oas.org/en/sla/iajc/docs/themes_recently_concluded_Protection_of_Stateless_Persons_guide.pdf. In April 2017, in its capacity as the IAJC Technical Secretariat, the Department of International Law presented this guide to the Committee of Juridical and Political Affairs of the OAS Permanent Council. Presentation of the Guide for the Protection of Stateless Persons, April 2017, available at: https://www.oas.org/en/sla/dil/newsletter_Guide_Protection_Stateless_Persons_Apr-2017.html.

6.3.2. The Latin American and Caribbean Council for Civil Registration, Identity and Vital Statistics (CLARCIEV)

CLARCIEV has explicitly recognized that its mission is linked to the BPA programme ***Eradicating Statelessness***. Thus, through its annual meetings, declarations and joint activities with UNHCR and PUICA-OAS, CLARCIEV has become a strategic and fundamental partner for implementing the BPA.

In 2015 it adopted the *Declaración de Asunción: Consolidando un Plan Estratégico para un Modelo de Gestión de la Identidad* (*Declaration of Asunción: Consolidating a Strategic Plan for an Identity Management Model)*[89], which promotes **the right to identity as a human right** and aims to support initiatives and projects to strengthen civil registries in the region. Along the same lines, three key meetings were organized during Inter-American Identity Week in 2016 (including the First Meeting of Ministers and National Authorities of the Americas on the Right to Identity); the outcome of the meeting was the adoption of the *Declaration on Identity*, which expresses the **need to strengthen and simplify access to civil registries**. At the 2017 annual meeting, which focused on digital identity, the outcome Declaration recognized that **statelessness constitutes a violation of the human right to a nationality**, enshrined in article XIX of the *American Declaration of the Rights and Duties of Man* and article 20 of the *American Convention on Human Rights*. At the meeting, it was also agreed to work towards **removing all barriers that could lead to situations of statelessness**[90].

As a result of its collaboration with **UNHCR** and **OAS/PUICA**, CLARCIEV was the only organization to present regional pledges at the High-Level Segment on Statelessness to ensure access to birth registration and issuance of identity documentation for all persons. Moreover, a commitment was made to promote interoperability between national databases (on migrants and refugees) and Civil Registry databases[91]. In the declaration issued after the 2020 CLARCIEV meeting[92], participating States agreed as follows: 1) to reinforce the civil registry and identity as a fundamental activity; 2) to promote the universal registration of births and the issuance of identity documentation proving nationality, and actions to prevent or resolve statelessness; and 3) to promote the development and implementation of projects intended to eradicate statelessness (even in large-scale movements of refugees and migrants).

Additionally, in close collaboration between UNHCR, PUICA/OAS and CLARCIEV **two reports** of particular relevance were issued in 2020 and early 2021, namely: (i) *Regional study on late birth registration, issuance of nationality documents and statelessness*: *Standards, good practices, barriers and challenges in Argentina, Bolivia, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Panama, Paraguay, Peru , Dominican Republic and Uruguay*; and (ii) *Emergency response by civil registry and identification offices during the COVID-19 pandemic: Impact, good practices and innovative initiatives implemented in Latin America and the Caribbean*[93].

CLARCIEV's annual meeting in 2022 brought together high-level representatives from 19 civil registry offices in the region and was attended by international and development organizations. It adopted a Declaration with **key commitments in support of the protection of stateless persons**, recognizing the partnership with UNHCR and the interoperability between the various database systems; it also paid special attention to situations of human mobility and mixed movements to ensure access to legal identity and documentation. The meeting also recognized the validity of the Global Plan of Action and State pledges under the High-Level Segment and the Global Forum on Refugees.

89 CLARCIEV. Declaration of the City of Asunción, Paraguay: *Consolidating a Strategic Plan for an Identity Management Model* (in Spanish), 9 October 2015. See: https://clarciev.com/

90 14th Meeting of the CLARCIEV Member Countries "Identity as the cornerstone of an integrated digital government strategy", Buenos Aires, Argentina, 10 November 2017. It should be noted that CLARCIEV continued in this vein in all post-2018 statements.

91 Intervention of the Office of the United Nations High Commissioner for Refugees (UNHCR) before the OAS Permanent Council, Session of the Committee of Juridical and Political Affairs: "Eradication of Statelessness in the Americas," Thursday, 11 March 2021, page 5. UNHCR internal document, information available at: https://www.oas.org/en/council/CAJP/Past/view/Default.asp?q=&e=123434&evento=

92 *Declaración Asamblea Virtual Extraordinaria Encuentro del Consejo Latinoamericano y del Caribe de Registro Civil, Identidad y Estadísticas Vitales (Declaration of Virtual Extraordinary Meeting of the Latin American and Carribbean Council of Civil Registries, Identity and Vital Statistics)*, 23 October 2020.

93 United Nations High Commissioner for Refugees (UNHCR), *Regional Study on Late Birth Registration, Issuance of Nationality Documents and Statelessness: Standards, best practices, barriers and challenges in Argentina, Bolivia, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Panama, Paraguay, Peru, Dominican Republic and Uruguay*; 5 January 2021. Available at: https://www.refworld.org.es/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=61a9765b4. *This study was jointly conducted by the CLARCIEV, the OAS and UNHCR.*
Published in English in October 2021: *Regional Study on Late Birth Registration, Issuance of Nationality Documents and Statelessness.*
United Nations High Commissioner for Refugees (UNHCR), *Emergency Response by Civil Registry and Identification Offices during the COVID-19 Pandemic: Impact, best practices and innovative initiatives implemented in Latin America and the Caribbean*, December 2020, available at: https://www.refworld.org.es/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=609f11fb4. This study was jointly conducted by the CLARCIEV, the OAS and UNHCR.

6.3.3. Capacity-building

Multiple national and regional courses, meetings and gatherings on statelessness were held throughout the decade (2015-2023). The regional events included the following:

By the **OAS**, the ***Course on Fundamental Elements for Identification and Protection of Stateless Persons and Prevention and Reduction of Statelessness in the Americas***[94] organized in 2015 by the Department of International Law (DIL) and the 42nd (2015)[95], 43rd (2016)[96], 44th (2017)[97] and 45th (2018)[98] editions of the "**Course on International Law**", organized by the Inter-American Juridical Committee and the Department of International Law of the Secretariat for Legal Affairs (SLA) of the OAS, all of which included a thematic area on statelessness, strengthened the understanding, approach and actions needed to prevent or resolve statelessness.

UNHCR organized **regional workshops on statelessness determination procedures** in 2016 and 2017; the **Regional Preparatory Meeting for the 2019 High-Level Meeting on Statelessness and presentation of the "Towards Zero Statelessness" Evaluation and Follow-Up Mechanism,** in 2018[99]; the **Regional Courses on Statelessness** held regularly between 2015 and 2019, including the 7th Regional Course on Statelessness for officials from the States in the region, with the participation of more than 60 CONARE officials, immigration offices, ministries of foreign affairs, ministries of labour, ministries of justice and interior and civil registries, as well as members of parliament and formerly stateless persons, in October 2018[100]; the second "**Inter-American Course on the Protection of Internally Displaced Persons, Migrants, Asylum Seekers, Refugees, Returnees in Need of Protection, Stateless**

Poster of the #IBelong campaign to end statelessness. © UNHCR

94 OAS, Course on Statelessness available at: https://www.oas.org/en/sla/dil/statelessness_courses.asp

95 OAS, XLII Course on International Law (2015), available at: https://www.oas.org/en/sla/dil/XLII_course_on_international_law_2015.asp.

96 OAS, XLIII Course on International Law (2016), available at: https://www.oas.org/en/sla/dil/XLIII_course_on_international_law_2016.asp.

97 OAS, XLIV Course on International Law (2017), held in Rio de Janeiro in August 2017. The publication which brings together, in article format, the lectures given and contains a chapter on nationality and statelessness in the jurisprudence of the Inter-American Court of Human Rights, is available (in Spanish) at http://www.oas.org/es/sla/ddi/docs/publicaciones_digital_XLIV_curso_derecho_internacional_2017_Publicacion_Completa.pdf.

98 XLV Course on International Law organized by the Inter-American Juridical Committee and the Department of International Law of the Secretariat for Legal Affairs (SLA) of the OAS, in which UNHCR taught a module on statelessness, 6-24 August 2018, Rio de Janeiro, Brazil, available at: https://www.oas.org/en/sla/dil/XLV_course_on_international_law_2018.asp

99 Information available (in Spanish) at: https://www.acnur.org/media/reunion-regional-preparatoria-para-el-segmento-de-alto-nivel-sobre-apatridia-2019-y

100 UNHCR gave annual courses on International Refugee and Statelessness Law to officials from Latin America and the Caribbean in the city of Antigua, Guatemala. Available (in Spanish) at: https://www.acnur.org/noticias/comunicados-de-prensa/acnur-facilito-sus-cursos-anuales-sobre-derecho-internacional-de

Persons and Victims of Trafficking in the Americas", organized by the OAS, UNHCR and IOM in 2021, then replicated in 2022 (third Inter-American Course) and 2023 (fourth Inter-American Course), was attended by over 150 participants and intended to train members of Permanent Missions to the OAS and Government officials by sharing good practices, reviewing international and regional standards related to forced displacement, asylum, statelessness and migration, and reflecting on the current challenges and dynamics in the region; and the **Subregional Course on International Refugee Law and Statelessness**, and the **Subregional Consultation for the Elaboration of the the Brazil Plan of Action**, organized by UNHCR for the Caribbean, for the preparation of the BPA Second Triennial Progress Report[13] in 2021. This course included workshops on International Refugee Law and Statelessness; due process in refugee status determination procedures; international protection needs in the Caribbean; as well as consultations on the implementation of the BPA: good practices, challenges and recommendations. The workshop was attended by more than 60 Government officials, border officials, asylum authorities and eligibility officers, among others.

CLARCIEV annual meetings usually include training sessions, such as the 15th Meeting "***Identificando retos sobre migración, estadísticas vitales y reconocimiento de la diversidad de género***" (Identifying challenges on migration, vital statistics and recognition of gender diversity) in 2018 or the 16th Meeting on "***Innovación y cooperación como herramientas para cerrar brechas en identidad civil***" (Innovation and cooperation as tools for closing gaps in civil identity) in 2019, supported by the OAS/PUICA and UNHCR.

6.4. Summary of the decade's progress

The BPA's innovation of including statelessness in the Cartagena Process for the first time undoubtedly had a positive impact on progress towards its eradication. The BPA, the Global Plan of Action to End Statelessness and the *#IBelong* campaign are all in line with each other, strengthening initiatives and policies in the region, and charting a common path in Latin America and the Caribbean. The High-Level Segment on Statelessness – including the 2019 Global Refugee Forum – represented a significant opportunity for countries to make concrete contributions. As of September 2023 **13 countries had submitted 39 pledges**. Seven countries had fully complied with one or more of their pledges, and seven were in progress. The contribution made by OAS, and in particular its bodies that conform the Inter-American Human Rights System, along with CLARCIEV, allowed for a comprehensive approach to the challenge of eradicating statelessness, from its legal construction to the more practical aspects of implementing norms and issuing documentation. Finally, UNHCR also played an important role throughout the decade, providing technical advice to countries on regulatory issues and on the design and implementation of projects and initiatives.

As a result, in a decade of great challenges for the region, steady and sustainable progress was observed:

- New accessions, without reservations, to the 1961 Convention on the Reduction of Statelessness and the 1954 Convention relating to the Status of Stateless Persons.
- In terms of preventing statelessness, several countries adapted their legislation to international human rights standards on the prevention of statelessness: in the area of acquisition of nationality (*jus sanguinis*), or birth in the Territory (*jus soli*). Prevention also took place by means of universal birth registration, strengthening civil registry systems, issuing documentation and late access to birth registration, including deployment to border areas, to reach remote and indigenous communities, particularly in the northern Southern Cone and Central America, often through the collaboration between States.
- In the area of protection, with significant support from UNHCR, some countries adopted specific legislation or procedures for the determination of the status of statelessness, including high human rights standards and numerous good practices. In line with this, some countries began to recognize statelessness for the first time during the decade.
- In the area of reduction and resolution, several countries adopted laws to facilitate naturalization procedures.
- In terms of regional advances, the Inter-American Human Rights System produced resolutions,

reports and documents aimed at reaffirming the substantive value of the BPA; encouraging States to submit and fulfil pledges at the global level; reaffirming the universality of the right of every person to a nationality; and defining standards on the prevention of statelessness, due process and the procedure itself for the determination of the nationality of the child or, where appropriate, their statelessness.

- CLARCIEV also carried out important work: an example of effective regional cooperation, which fostered important developments in the region's civil registries through meetings, exchange of good practices, declarations and joint projects, including pledges before the High-Level Segment on Statelessness.
- Finally, the decade was extremely productive in terms of capacity-building on the issue and the actions necessary to prevent or resolve the risk of statelessness and statelessness itself through courses, workshops, meetings and training sessions, both nationally and regionally (generally organized by UNHCR, with contributions by OAS and CLARCIEV).

In summary, in view of the progress made and its sustainability over the years, and the existence of global and regional mechanisms forming a comprehensive system aimed at supporting the individual efforts of countries to eradicate statelessness in their territories, the region can report that it has achieved a significant proportion of the goals and objectives defined in the BPA.

Courtesy of Uruguayan Parliament

REGIONAL COOPERATION

7. REGIONAL COOPERATION

7.1. Reference to the Brazil Plan of Action

Chapter VII of the Brazil Plan of Action (BPA) discusses regional cooperation and calls for increased coordination, complementarity, cooperation and convergence between regional and subregional integration mechanisms concerning migration, refugees and displaced and stateless persons, anticipating the principles contained in the Global Compact on Refugees. During the decade, the profound changes across the regional context led to the existing cooperation mechanisms being strengthened and new instances and forums being created, including regional protection networks, which in some cases went beyond regional limits, involving actors from outside the region, civil society, international and multilateral organizations and public and private entities[1].

Reference will be made to the main agreements, forums and mechanisms[2] which, during the decade of implementation of the BPA, had a particular impact on the coordination of joint responses or the adoption of common tools for protection and solutions to the conditions of people in human mobility. Reference will also be made to how displacement is addressed in contexts of natural disasters and when caused by climate change, which had already been anticipated by the BPA and have become more relevant at the global and regional level.

1 Among other international agencies, UNHCR, IOM, UNICEF, ILO, UN Women, UNDP and ECLAC at the regional level, European countries and Canada and the United States in the Americas; actors from outside the region such as the European Union and development actors or financial institutions such as the Inter-American Development Bank, the World Bank, the International Monetary Fund; civil society actors and ecumenical organizations; refugee networks; academia; as well as various private sector actors at the national level, under labour insertion mechanisms or support platforms.

2 The terminology used in this chapter – and throughout the report – refers to binding bilateral or multilateral commitments, at the regional or global level, which may take the form of declarations, agreements, conventions or protocols, among others, depending on their nature. The term *mechanisms* refers to bilateral, multilateral, regional or sub-regional structures or processes focused on cooperation and exchange and concerning one or more themes or objectives (generally linked to cooperation and public policies). *Forums* are spaces in which actors (countries, international organisations, civil society, etc., generally experts on the respective issues) meet to discuss, exchange good practices, reach agreements and common decisions, and generate mechanisms, among others. The *platforms* referred to in this report are digital spaces established for cooperation, coordination of actions or exchange of information, and for strengthening protection and solutions in countries of origin, transit and destination. Finally, the term *initiative* is used in this report to refer to agreements, mechanisms, etc., in their various forms.

7.2. Progress on regional cooperation in the period 2014-2023

7.2.1. Cross-cutting protection initiatives

1) Global and regional agreements

Adoption of the Global Compact on Refugees

On 17 December 2018, the United Nations General Assembly adopted the **Global Compact on Refugees (GCR**[3]), which provides a framework for more predictable and equitable burden- and responsibility-sharing among States, recognizing that international cooperation is essential to finding sustainable solutions to refugee situations, factors anticipated by the BPA[4].

Prior to adoption of the Global Compact on Refugees, when the First Triennial Progress Report of the BPA (2015-2017)[5] was drawn up, the "Consultation Meeting of Latin America and the Caribbean as a Regional Contribution to the Global Compact on Refugees" was held in Brasilia (February 2018). Representatives of 35 countries in the region approved by acclamation the ***100 points of Brasilia: Inputs from Latin America and the Caribbean to the Global Compact on Refugees***[6], the name given to the 100 outstanding good practices through which the countries of the region made a concrete contribution to the Global Compact on Refugees. In addition, this instrument created the **Global Refugee Forum**[7] **(GRF**), a meeting for international cooperation that takes place every four years to further implementation of the Compact; the first edition was held in December 2019. Two years later, in December 2021 the first series of **High-Level Officials Meetings (HLOMs**[8]), also laid down in the Global Compact on Refugees, took place. At both events, States were invited to make pledges.

By 2023, the Americas region had fulfilled **254 pledges**[9]**:** 153 by States and 22 by cities, municipalities and local authorities; this represents 15 % of the global total. Of these pledges, 151 have been fulfilled or are in the process of being implemented, in the areas of asylum capacity (MIRPS thematic roundtables), inclusion, solutions, education and statelessness; almost all relate to the BPA programmes. Moreover, the MIRPS has been consolidated through comprehensive regional responses.

The Brazil Plan of Action represented a real and concrete contribution to the Global Compact and anticipated many of its central topics. It is a tool that contributed to effective application of the Global Compact on a regional level. In the opposite sense this instrument provided countries in Latin America and the Caribbean with additional tools to fulfil their pledges within the Brazil Plan of Action, by granting them access to global cooperation initiatives.

3 The Global Compact on Refugees sets four key objectives: 1) ease the pressures on host countries; 2) enhance refugees self-reliance; 3) expand access to third-country solutions; 4) support conditions in countries of origin for return in safety and dignity (further information available at https://globalcompactrefugees.org/).

4 For a comparative table of the processes and synergies between the BPA, the Global Compact on Refugees and the first Global Refugee Forum, see *Second Triennial Progress Report on the Brazil Plan of Action 2018-2020*, pages 35 and 26, available at https://www.acnur.org/media/brazil-plan-action-second-triennial-progress-report-2018-2020

5 United Nations High Commissioner for Refugees (UNHCR), *Brazil Plan of Action. First Triennial Progress Report.* 2015-2017, February 2018, available at https://www.refworld.org.es/docid/5c883e844.html.

6 *The 100 points of Brasilia: Inputs from Latin America and the Caribbean to the Global Compact on Refugees*, available at https://www.acnur.org/media/100-points-brasilia-inputs-latin-america-and-caribbean-global-compact-refugees

7 Global Refugee Forum, available at https://globalcompactrefugees.org/global-refugee-forum. At this event, which takes place every four years, States and other actors come together to share good practices, provide financial support and technical expertise, and contribute to public policy changes, in order to achieve the objectives of the Global Compact. The Second Forum took place at the time of publication of this report, in December 2023, co-convened by Colombia along with Jordan, Japan, France, Niger and Uganda; Switzerland was a co-host country. https://www.unhcr.org/global-refugee-forum-2023

8 The Global Compact on Refugees provided for a mid-term review every two years, between Global Forums, in order to fulfil its objectives. High-Level Officials Meetings, information available at: https://globalcompactrefugees.org/about/high-level-officials-meeting

9 https://globalcompactrefugees.org/pledges-contributions *(information as of October 2023)*.

Adoption of the Los Angeles Declaration on Migration and Protection at the IX Summit of the Americas

In June **2022**, twenty countries of the region met at the **IX Summit of the Americas** and adopted the *Los Angeles Declaration on Migration and Protection*[10], in which they committed to increase national, regional and hemispheric efforts to create conditions for safe, orderly, humane and regular migration. The Declaration seeks a coordinated response based on international cooperation, solidarity and respect for human rights. It also acknowledges the urgent need to work together to protect the dignity, life and human rights of all people regardless of their migration status.

It also sets forth a commitment to strengthening protection systems and ensuring *non-refoulement* and access to fair and efficient asylum procedures, along with alternative pathways for legal residence or temporary protection. Finally, it acknowledges the valuable contributions made by refugees and migrants to the socioeconomic development of the host countries, and the need to promote their inclusion and integration. To achieve this, the States have arranged regular follow-up mechanisms on specific issues to move forward in implementing these commitments[11].

The Los Angeles Declaration provides a space to adopt a continental strategic approach for strengthening international protection frameworks in a spirit of shared responsibility and cooperation at the continental level for the Americas. This Declaration shares many of the principles and actions contained in the BPA, reaffirming the visionary and contemporary nature of the Plan.

2) Regional and subregional mechanisms

- *For the Caribbean Migration Consultations (**CMC**), see Chapter V of this report, about regional solidarity with the Caribbean.*
- *The substantial contributions by the Latin American and Caribbean Council for Civil Registration, Identity and Vital Statistics (**CLARCIEV**) are discussed in Chapter VI about statelessness.*
- *The significant advances in the Central American Integration System (**SICA**), the **Mesoamerican CONAREs** Meetings and the Comprehensive Regional Protection and Solutions Framework (**MIRPS**) are described in Chapter IV, about solidarity with the countries of northern Central America.*
- *The development and implementation of the **Global Plan of Action to End Statelessness** and the impact of the **High-Level Segment on Statelessness** are discussed in Chapter VI, which covers statelessness.*

Creation of the Quito Process on Human Mobility of Venezuelan Citizens in the Region

The **Quito Process** emerged in **2018** with the *Quito Declaration on Human Mobility of Venezuelan Citizens in the Region*[12] to exchange information and good practices, as well as to coordinate on the mobility situation of Venezuelan people. This declaration was followed by the **Quito Process Plan**

10 The Declaration is structured into five sections, as follows: 1) promoting stability and assistance for communities of destination, origin, transit and return; 2) promoting regular pathways for migration and international protection; 3) promoting humane migration management; 4) promoting a coordinated emergency response; 5) a shared approach to reduce and manage irregular migration. Source: *Los Angeles Declaration on Migration and Protection,* 10 June 2022, available at https://www.refworld.org/docid/62e3bfe54.html

11 Since the Los Angeles Declaration was adopted, governments in the region have launched important initiatives, including extended refugee resettlement programmes, family reunification and labour mobility schemes, and other safe legal pathways for protection and immigration to the US and other countries. Source: *One year after the Los Angeles Declaration, there has been some progress on migration and protection, but much remains to be done* (joint press statement by UNHCR and IOM), available here.

12 Information available at: https://www.procesodequito.org/en/timeline

Children at a kindergarten in Colombia celebrate World Environment Day. © UNHCR/Santiago Escobar-Jaramillo

of Action, to consolidate socio-economic insertion initiatives, and encourage migration normalization processes. The Quito Process currently has 13 Member States (including two from the Caribbean)[13].

In terms of institutionalization, as part of the *Buenos Aires Chapter Roadmap*[14] (July 2019), it was agreed to create a Group of Friends of the Quito Process: it was formally constituted in September 2020 in Round VI of the Quito Process in Santiago with the intention of making the Venezuelan migration crisis visible and keeping it among the international agenda's priorities, as well as to be able to rely on its technical and financial support[15]. In 2020, the Technical Secretariat was formally established, with the support of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). The following year (2021) the logo of the Quito Process was adopted and the web platform was launched[16].

The Quito Process has technical working groups led by UNHCR and IOM. Depending on the theme addressed, these teams are advised by ILO, UNICEF, UNAIDS, UN WOMEN, PAHO, UNDP and UNESCO; there are also champion countries which play a strategic role working with the technical teams to organize workshops and lead the progress of each area. In substantive terms, through their Statements[17],

13 The member States are Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guyana, Mexico, Panama, Paraguay, Peru and Uruguay. Information available at https://www.procesodequito.org/en/member-states (as of 1 October 2023).

14 *Buenos Aires Chapter Roadmap*, available at: https://data2.unhcr.org/en/documents/details/70458

15 Canada, France, Germany, Italy, the Netherlands, Spain, Switzerland, the United Kingdom, the United States of America, the European Union, the World Bank and the Inter-American Development Bank are the members of the Group of Friends of the Quito Process.

16 https://www.procesodequito.org/en

17 Since the beginning of the Quito Process until 2022, regular rounds have been held and eight joint declarations have been issued, corresponding to the eight chapters of the Process (plus the Initial Declaration); information is available at https://www.procesodequito.org/en/timeline

member countries have increased their regional coordination role to ensure consistent national responses, reiterated their concern about the protracted situation affecting Venezuelans, and reaffirmed the need for technical and financial support.

In 2022, they highlighted the regional value of the Quito Process as a precursor to the Los Angeles Declaration and offered 13 technical recommendations on legal stay (regularization); asylum capacities; temporary protection; child and adolescent protection; socio-economic insertion; education; family reunification; and human trafficking. In June 2023, Member States met in Brasilia and refocused priorities for local governments on the crucial importance of the work of the communities, socio-economic insertion and, in summary, long-term local integration. They also stressed the need for continued support to address the serious mobility situation.

The Quito Process also focused on the National Commissions for Refugees (CONAREs) in the region (from the *Buenos Aires Chapter Roadmap*, which included the **Strengthening of National Systems for Refugee Status Determination** project to provide guidelines for the development of national projects to strengthen CONAREs, until the recent technical meeting with the CONAREs Specialist Group and other equivalent bodies that took place in Brasilia in June 2023)[18]. Finally, important child protection work was carried out, through the *Guía Operativa para la Cooperación transnacional en la Protección especializada de la niñez en procesos de movilidad humana (Operational Guide for Transnational Cooperation in the Specialized Protection of Children in Processes of Human Mobility)*[19].

Since its creation, the Quito Process has become a fundamental framework for coordinating the humanitarian response of governments receiving Venezuelan nationals throughout the region. It also harmonizes national policies in specific areas of cooperation such as asylum, the response to COVID-19, orientation and assistance centres, education, socio-economic insertion, gender equality, HIV/AIDS, child protection, family reunification and the fight against human trafficking.

Advances in the framework of the CONAREs Meetings of MERCOSUR States Parties and Associated States

The Meeting of National Refugee Commissions of the Common Market of the South (**CONAREs MERCOSUR**) is the only regional forum of the Southern Cone as a space for reflection, cooperation and exchange of information and good practices for consolidating the bloc as a humanitarian space for protection; it brings together the technical bodies responsible for the protection of refugees.

This Meeting played a key role in the origins of the BPA and in the first phase of monitoring and implementing the BPA[20]. Between 2015 and 2017, three Memorandums of Understanding were signed between UNHCR and MERCOSUR: 1) in 2015, including the MERCOSUR Institute of Public Policies on Human Rights (IPPDH), to agree on a workplan towards the implementation of the BPA; 2) in 2017, to carry out the first triennial progress evaluation of the BPA, so its results could be validated through the CONAREs Meeting; and 3) in 2017, as a cooperation agreement to promote International Refugee Law and other international protection instruments, regional cooperation and responsibility-sharing, as well as the implementation of joint activities.

In the following years, the **MERCOSUR CONAREs Meeting** continued to be convened periodically, continuing its work remotely during the COVID-19 pandemic. In June 2021, a webinar was held: *Protección*

18 This guide shared good practices and discussed various protection mechanisms (complementary protection, application of the Cartagena definition, differentiated processing modalities, etc.); it also identified possible regional initiatives or projects to be presented to the Asylum Capacity Support Group (ACSG) and the Group of Friends of the Quito Process.

19 UNHCR, IOM and UNICEF, *Guía Operativa para la Cooperación transnacional en la Protección especializada de la niñez en procesos de movilidad humana (Operational Guide for Transnational Cooperation in Specialised Child Protection in Human Mobility Processes)*, available (in Spanish) at https://www.procesodequito.org/sites/g/files/tmzbdl466/files/2023-02/GUIA-OPERATIVA.pdf

20 In July 2011 MERCOSUR Member States jointly requested for the first time an advisory opinion from the Inter-American Court of Human Rights, which resulted in a significant contribution to the development of International Refugee Law, through *Advisory Opinion OC-21/14 Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection*, dated 19 August 2014, requested by the Republic of Argentina, the Federative Republic of Brazil, the Republic of Paraguay and the Oriental Republic of Uruguay, available at https://www.refworld.org/cases,IACRTHR,54129c854.html

de personas apátridas y refugiadas: progresos y desafíos a 30 años de la creación del MERCOSUR (Protection of stateless persons and refugees: progress and challenges 30 years after the creation of MERCOSUR)[21]. It highlighted the progress of regulations and public policies for the acknowledgment and protection of refugees and stateless persons, at both national and regional level. Finally, in the MERCOSUR sphere, the adoption of the *2021 Regional MERCOSUR Guide for the Identification and Care of the Special Protection Needs of the Rights of Migrant Children and Adolescents* [22]was one of the decade's main achievements.

Within the scope of the Programmes arranged, the Brazil Declaration and Plan of Action were taken forward and the study *El MERCOSUR y la protección internacional: aplicabilidad de las políticas migratorias regionales a la luz del Derecho Internacional de los Refugiados* (*MERCOSUR and International Protection: Applicability of Regional Migration Policies in the Light of International Refugee Law*)[23] was presented in the framework of the Meeting, in compliance with the request laid down in Chapter Three of the BPA on Comprehensive, Complementary and Sustainable Solutions to "*Carry out an in-depth study on the appropriate legal framework to facilitate labour mobility for refugees recognized in any member or associated State of MERCOSUR, including the necessary protection safeguards*".

The MERCOSUR CONAREs cooperation forum not only allows for a coordinated approach to technical issues related to refugee status determination, but also facilitates the joint adoption of integration policies, assistance and a comprehensive approach to the protection of refugees (including through the adoption of tools, protocols, forms or other instruments, in a common or harmonized manner).

Advances in the framework of the Regional Asylum Capacity-Building Initiative

The **Regional Asylum Capacity-Building Initiative (RACBI**) was launched in 2015. Through this initiative, the Immigration, Refugees and Citizenship Canada (IRCC) Department and the US Citizenship and Immigration Services (USCIS) provide technical assistance to the Mexican Refugee Commission (COMAR) to strengthen its refugee status determination procedure and to address mixed movements. The initiative allows for the exchange of good practices among the three countries. UNHCR serves as the technical secretariat.

RACBI operates through annual action plans. The main developments related to the BPA over the decade were 1) development of a Country of Origin Information (COI) unit within COMAR; 2) improvement of country of origin information (e.g. translation of existing country of origin documentation); 3) the creation of a country of origin research methodology handbook for COMAR; 4) development of a registration module in COMAR's digital database; 5) implementation of an interpretation platform (language service), facilitating access to the necessary language services; and 6) development of the capacity to digitalize files in the office in Tapachula, Chiapas, in Mexico.

RACBI is a clear predecessor to the Asylum Capacity Support Group **(ACSG**)[24], created with the Global Compact on Refugees. It is an initiative that has succeeded in extending cooperation to other Latin American countries and represents a mechanism for efficient and effective technical cooperation between countries that face common problems and basically deal with asylum requests from the same nationals in transit or destination.

21 Regardless of making the pending challenges visible, it should be emphasized that since its creation in 1991 MERCOSUR has worked on creating institutions for the protection of human rights, and on drafting public policies with citizen participation to create a framework of regional belonging and integration. The approval of the MERCOSUR Citizenship Statute in 2021 was another regional good practice. Information (in Spanish) available at: https://www.ippdh.mercosur.int/se-realizo-el-seminario-abierto-proteccion-de-personas-apatridas-y-refugiadas-progresos-y-desafios-a-los-30-anos-de-la-creacion-del-mercosur/

22 Available (in Spanish) at: https://www.ippdh.mercosur.int/wp-content/uploads/2021/07/ESP-Gu%C3%ADa-Regional-del-MERCOSUR-para-la-Identificaci%C3%B3n-y-Atenci%C3%B3n-de-Necesidades-Especiales-de-Protecci%C3%B3n-de-los-Derechos-de-Ni%C3%B1os-Ni%C3%B1as-y-Adolescentes-Migrantes.pdf

23 Report available (in Spanish) at: https://www.acnur.org/fileadmin/Documentos/BDL/2015/10216.pdf

24 Asylum Capacity Support Group (https://globalcompactrefugees.org/article/asylum-capacity-support-group). *On this matter, see section 2.2.1 of Chapter II of this report, on protection and quality asylum.*

The Music for Integration Foundation in Chile fosters the inclusion of foreigners in Chilean society. © UNHCR/Eduardo Beyer

Advances in the framework of the Regional Conference on Migration (RCM)

In the decade of implementation of the BPA, the **Regional Conference on Migration (RCM)**[25] has made real efforts to promote cooperation – both at the national level and among member countries – by establishing and consolidating intersectoral, bilateral and multilateral partnerships, under the premise that adequate migration governance is a joint commitment between countries of origin, transit and destination[26]. Within this framework, the RCM has successfully paved the way to create regional agreements and frameworks, addressing various aspects of migration, such as border management, labour migration and refugee protection.

In the global context, the RCM has contributed to the Global Compact for Safe, Orderly and Regular Migration **(GCM)**[27] through a compilation of good practices, indicated the importance of the Compact[28] and announced its commitment to the New York Declaration. In this sense the RCM represents a unique liaison forum between the Global Compact on Refugees and the GCM.

The RCM worked on its various thematic areas throughout the decade, with special emphasis on protecting children and adolescents in a context of human mobility. Thus, during the first three years of implementation of the BPA, the RCM established a **Liaison Officer Network for the Protection of Migrant Children and Adolescents,** composed of government officials who specialize in child protection. Following the creation of this network, several regional guidelines were drafted[29]. A Strategic Plan for the Liaison Officer Network for the Protection of Migrant Boys, Girls and Adolescents of the Regional Conference on Migration 2017-2022 was created in 2017[30].

25 It is a forum for discussing regional migration issues and exchanging information and experiences. Topics, events and publications are available on the Regional Conference on Migration portal (*https://crmsv.org/en*).

26 21st Regional Conference on Migration (RCM), *Migration, A Shared Responsibility*, available at *https://disasterdisplacement.org/portfolio-item/xxi-regional-conference-on-migration-rcm-migration-a-shared-responsibility/*

27 See *Compilación de buenas prácticas presentadas por los Países Miembros de la CRM entre 1996 y 2016, atinentes a los temas de las consultas temáticas organizadas para la construcción del Pacto Mundial (Compilation of good practices presented by the RCM Member Countries between 1996 and 2016, regarding the themes of the thematic consultations organized for the construction of the Global Compact)*; *Compilation of the RCM statements made between 1996 and 2016 related to the themes of the thematic consultations organized for the construction of the Global Compact;* and *Report of the RCM and SACM Troikas to prepare a common position towards the negotiations of the GCM*, available at *https://temas.crmsv.org/es/categoria/18*

28 *Special Declaration of the Regional Conference on Migration related to the Global Compact for Safe, Orderly and Regular Migration*, November 2017, available at *https://temas.crmsv.org/sites/default/files/Documentos%20Files/pmm9_special_declaration_gcm-rcm_29-11-2017.pdf*

29 *Regional guidelines for the comprehensive protection of boys, girls and adolescents in the context of migration* (2016); *Regional guidelines for special protection in cases of repatriation of child victims of trafficking* (2017); and *Guía operativa para la aplicación del interés superior de la niñez y adolescencia en contextos de movilidad humana (Operational guide for the application of the best interests of children and adolescents in contexts of human mobility)* (2021).

30 Plan drawn up in collaboration with the Regional Network of Civil Organizations for Migration - ROCCM, UNHCR, UNICEF, IOM and the ILO,

Multiple documents and tools relating to other focus areas of the RCM were also created over the decade. Guidelines were drawn up on gender and migration[31], the search for missing persons in the context of migration[32], vulnerable persons[33], smuggling of migrants[34] or migration and emergencies (guide developed by the Nansen Initiative[35]); the migration governance portal **(migrantinfo)**[36] was also developed, along with technical courses and workshops for member countries.

Advances in the framework of the South American Conference on Migration

The South American Conference on Migration (**SACM**) is a regional consultative process created in 2000 by South American countries as an intergovernmental space to come up with a regional migration policy, discuss ideas and share good practices. It has 14 observers, including UNHCR, and is composed of 12 countries, as well as representatives of civil society and specific governments as observers[37].

During the decade of implementation of the BPA, six conferences were held in different parts of the region, focusing on human rights, access to justice, integration, gender focus, trafficking and smuggling, children's rights, the international projection of the South American region (strengthening the consultative relationship with the RCM), strengthening migration management[38], the relationship with civil society and, in recent years, integrated border management and climate change. At the XV Meeting in 2015, the members agreed to update the mandate of the SACM considering, among others, the 2014 Brazil Declaration and Plan of Action[39].

Finally, the SACM recently adopted an *Extraordinary Statement to the International Migration Review Forum* (IMRF) and a joint statement to the 27th Conference of the Parties to the United Nations Framework Convention on Climate Change (COP27)[40].

Advances in the framework of the Regional Conference on Women in Latin America and the Caribbean

The **Regional Conference on Women in Latin America and the Caribbean** is the main intergovernmental forum on women's rights and gender equality in the region. Organized by ECLAC and UN Women, it has a broad participation made up of governments, United Nations agencies and civil society organizations (mainly women's and feminist movements)[41].

available at: https://temas.crmsv.org/sites/default/files/Documentos%20Files/chld7_plan_de_trabajo_ninez_eng_11_09_2017.pdf

31 *Lineamientos para la atención y protección de mujeres en contexto de migración (Guidelines for the care and protection of women in the context of migration)* (2018), available (in Spanish) at: https://temas.crmsv.org/sites/default/files/Documentos%20Files/gen4_lineamientos_mujeresmigrantes2018.pdf

32 *Recommendations on regional coordination mechanisms for the search for missing migrants*, available at: https://temas.crmsv.org/sites/default/files/Documentos%20Files/chld8_recomendaciones_busqueda_de_personas_desaparecidas_en_el_contexto_migratorio_eng_0.pdf

33 *Regional Guidelines for the Preliminary Identification and Referral Mechanisms of Migrant Populations in Vulnerable Situations* (2021), available (in Spanish) at https://temas.crmsv.org/sites/default/files/Documentos%20Files/regional_guidelines.pdf

34 Liaison Officer Network to Combat Migrant Smuggling and Trafficking in Persons, *Counter-Smuggling Work Plan 2019-2025*, available (in Spanish) at https://temas.crmsv.org/sites/default/files/Documentos%20Files/plan_de_trafico_-_esp.pdf

35 Nansen Initiative for RCM member countries, *Guide to Effective Practices for RCM Member Countries*: *Protection for Persons Moving Across Borders in the Context of Disasters*, available at https://temas.crmsv.org/es/categoria/5

36 Migration Information Portal (Migrantinfo: https://migrantinfo.iom.int/en), which contains official information on migration procedures and services for migrants in countries of origin, transit or destination, and documents and resources focusing on labour migration for employers and public officials, available (in Spanish) at https://temas.crmsv.org/sites/default/files/Documentos%20Files/6.portalinformacionsobremigracion-v3.pdf.

37 The member countries are Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay, and Venezuela.

38 In November 2018, the XVIII Meeting was held in Sucre, Bolivia, under the heading "South American Citizenship: a New Culture of Free Human Mobility towards Universal Citizenship", to reassert the commitment to guarantee unrestrictive and permanent respect for the human rights of migrants and their families, regardless of their origin, nationality, gender, ethnicity, age or migration administrative status or any other cause, in order to ensure free mobility of South American citizens.

39 *Official Santiago Declaration of the XV South American Conference on Migration*, available at: https://csmigraciones.org/sites/default/files/2021-02/xv_csm_declaracion_de_santiago_2015_eng2.pdf

40 Documents available at: https://csmigraciones.org/es/conferencias-csm/xx-conferencia-suramericana-sobre-migraciones (The 2023 Conference will take place at the time of publication of this report).

41 https://www.cepal.org/en/subsidiary-bodies/regional-conference-women-latin-america-and-caribbean

In the last decade, the **Montevideo Strategy for Implementation of the Regional Gender Agenda within the Sustainable Development Framework by 2030**[42] was adopted in 2017. Among other issues, it covers strategies to achieve gender equality and non-discrimination for migrant women and to respond with a gender perspective to transnational phenomena such as migration, trafficking in women and girls, smuggling of migrants, forced displacement and refugee situations.

More recently, the **Buenos Aires Commitment**[43] was adopted in 2023, in the framework of the XV Regional Conference. This commitment proposes a path forward towards a care society, which is recognized as a right (the right to provide care, to receive care and to exercise self-care). It also promotes a systemic change in the approach to migration from intersectional, intercultural, gender and human rights perspectives to make the contribution by refugee, displaced, migrant and asylum-seeking women to societies more visible; and to eliminate the structural conditions that expose them to situations of vulnerability in the migration cycle, including human smuggling and trafficking (particularly of women and girls). The Commitment also refers to the adoption of cooperation agreements between countries of origin, transit, destination and return[44].

The Regional Conference approves commitments that conform the Regional Gender Agenda, a progressive, innovative and forward-looking road map to guarantee women's rights in all their diversity and achieve gender equality in all Latin American and Caribbean countries. The special attention to displaced women and girls in the Buenos Aires Declaration is undoubtedly a major step forward in protection.

7.2.2. Platforms of support to States in the region

1) Creation of Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela

Created in **2019, the Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V)** aims to address, alongside governmental responses, the needs for protection, assistance and integration of Venezuelan refugees and migrants in the host States in Latin America and the Caribbean. It is not an intergovernmental platform, as it is made up of more than 220 organizations – including civil society, United Nations agencies, faith-based organizations and non-governmental organizations – in 17 countries in Latin America and the Caribbean; it operates in coordination with States, and complements them in the search for durable solutions.

The **R4V Regional Platform** is made up of eight national and subregional platforms[45] that are responsible for the operational coordination and implementation of the **Regional Refugee and Migrant Response Plan (RMRP**[46]**)**, a coordinated road map intended to respond to urgent humanitarian needs and guarantee the social and economic inclusion of host communities. Since 2022, this Plan has been complemented by the **Refugee and Migrant Needs Analysis (RMNA**), which focuses on an area previously covered by Venezuelan refugee and migrant response plans.

42 Strategy available at: https://www.cepal.org/en/publications/41013-montevideo-strategy-implementation-regional-gender-agenda-within-sustainable

43 *Buenos Aires Commitment*, available at https://conferenciamujer.cepal.org/15/en/documents/buenos-aires-commitment

44 "23. Encourage a systemic change in the approach to migration from a gender, intersectoral, intercultural and human rights perspective to highlight the contributions made to societies by migrant, displaced, refugee and asylum-seeking women, and the elimination of the structural conditions that expose them to vulnerability in the migration cycle, including smuggling and trafficking in persons, in particular women and girls; 24. Consider the adoption of cooperation agreements between countries of origin, transit, destination and return of migrant, displaced, refugee and asylum-seeking women, with special attention to women in global and regional care chains, fostering their full participation in decision-making". Buenos Aires Commitment, op. cit.

45 Such platforms exist in Brazil, Chile, Colombia, Ecuador and Peru at the national level, and at the subregional level in the Caribbean (which articulates national platforms in Aruba, Curaçao, Dominican Republic, Guyana and Trinidad Tobago), Central America and Mexico (which articulates national platforms in Costa Rica, Mexico and Panama) and the South Cone (which articulates national platforms in Argentina, Bolivia, Uruguay and Paraguay). See https://www.r4v.info/en.

46 Since 2018, the R4V Platform has published annual Regional Refugee and Migrant Response Plans, highlighting the needs of vulnerable population groups, as well as the response strategies of the various Platform and sector groups, including a full review following the onset of the COVID-19 pandemic in March 2020. Based on valuable feedback from stakeholders, the R4V Platform decided to separate the RMRP into two documents , namely: (i) the Refugee and Migrant Needs Analysis (RMNA), which highlights the needs of refugees and migrants in Venezuela, while (ii) the RMRP will highlight the response strategy. The RMNA includes sectoral and multi-stakeholder analyses by Platforms and Sectors at all response levels (regional, national and sub-regional). This includes a review of data from the Regional Refugee and Migrant Response Plan for Venezuelan Refugees and Migrants, 2023-2024, available at https://www.r4v.info/en/rmrp2023-2024 and the RMNA (2022), available at https://rmrp.r4v.info/rmna2022/

The **Venezuelan Refugee and Migrant Response Plans** contain strategic objectives. For the period 2023-2024[47], for the first time in a context of a two-year strategy, the **strategic objectives** are 1) to provide and improve safe and dignified access to essential goods and critical services in synergy with sustainable development assistance; 2) to enhance the prevention and mitigation of protection risks and respond to corresponding needs by supporting the protection environment in affected countries; and 3) to increase resilience, socio-economic integration opportunities, social cohesion and inclusive participatory processes to improve the living standards of affected populations.

47 *Regional Refugee and Migrant Response Plan for Venezuelan Refugees and Migrants*, 3-2024, page 26, available at: https://www.r4v.info/en/rmrp2023-2024

It is relevant to note that, in terms of special protection needs, the R4V Platform has promoted the Support Spaces (SS) regional initiative, which aims to encourage, in a coordinated and joint manner, a network of spaces to provide information, guidance and basic quality services that respond to urgent needs[48].

Since its inception, the **R4V Platform** has enabled close cooperation between a large number of partners, facilitating coordinated intervention to support and complement national humanitarian response efforts, mobilizing resources and ensuring responsibilities are shared in a spirit of collaboration and synergies as appropriate for the GCR.

2) Creation of the Comprehensive Regional Protection and Solutions Framework Support Platform

The **Comprehensive Regional Protection and Solutions Framework (MIRPS)** has a support platform[49] created at the first Global Refugee Forum in 2019. Its goal is to support the efforts of MIRPS countries in providing protection and seeking solutions for forcibly displaced persons in Central America and Mexico. It serves as a mechanism for greater responsibility-sharing, as provided for in the Global Compact on Refugees, and seeks to leverage support from the widest possible range of States, financial institutions, the private sector, regional bodies and other stakeholders. The MIRPS is seen as an innovative good practice in regional collaboration and burden-sharing among States in response to forced displacement in the subregion.

The Support Platform is made up of Argentina, Brazil, Canada, Colombia, Spain, the United States, France, Switzerland, the European Union (EU), Uruguay, the Inter-American Development Bank (IDB), the World Bank Group, the Central American Bank for Economic Integration (CABEI) and the Economic Commission for Latin America and the Caribbean (ECLAC). UNHCR and the Organization of American States jointly form the Secretariat of the Platform.

3) Creation of the UNHCR Regional Platform for Strengthening Asylum Systems in the Americas

In connection with the BPA ***Quality Asylum Initiative*** (QAI) and the Asylum Capacity Support Group (ACSG)[50], in 2020 UNHCR created the **Regional Platform for Strengthening Asylum Systems in the Americas** (www.asiloamericas.org)[51]. This platform contains, among others, a description of multiple outstanding good practices developed by countries in the Americas in recent years, information on global and regional mechanisms, and the main humanitarian situations in the region. It is a space for States to exchange information, tools and lessons learned about refugee status determination procedures and, more generally, about strengthening asylum systems. The platform contains a virtual classroom providing various courses on the protection of refugees and stateless persons.

In addition to this Platform and its objectives, the **Regional Asylum Capacity-Building Initiative (RACBI)**[52] is also worth mentioning: it is a coordination mechanism with a focus on the enhancement of asylum capacities; it is linked to the exchange of good practices, cooperation and technical advice between States. It is related to the BPA ***Quality Asylum Initiative*** (QAI) and the **Asylum Capacity Support Group**.

48 More information available at: *https://www.r4v.info/en/supportspaces.* In addition, cash and voucher assistance (CVA) is provided through the Platform to respond to people's immediate needs, minimize the use of negative coping strategies and act as a safety net, along with the revival and recovery of local markets. More information available at: *https://www.r4v.info/en/cva*

49 Information about the MIRPS Support Platform available at: *https://mirps-platform.org/en/support-platform/*

50 About both mechanisms, see section 2.2.1 of Chapter II of this report.

51 *https://www.asiloamericas.org/*

52 See above, section 7.2.2, 2).

7.3. Advances on regional networks and other protection initiatives

The Brazil Plan of Action recommended strengthening national and regional civil society networks, including academia, to carry out research in this area, exchange operational good practices, contribute to the legal representation of asylum cases and ensure respect for human rights standards for the protection of asylum seekers, refugees and displaced and stateless persons. Between 2014 and 2023, several networks were created or strengthened and, while the COVID-19 pandemic affected the regularity of work, in the vast majority of cases, collective efforts were maintained, including the following:

This community leader in Ecuador is taking part in a mural painting against gender-based violence.
© UNHCR/Santiago Arcos Veintimilla

- The 2015 creation of the **Americas Network on Nationality and Statelessness (ANA Network**), which brings together civil society organizations, academic initiatives and expert voices committed to addressing statelessness in the Americas. The network presented these three pledges to the 2019 High-Level Segment on Statelessness[53] (HLS): to continue to support Latin American and Caribbean countries on identification, determination procedures, reintegration into nationality and promotion of ratification of the Conventions; to work with civil society; and to advocate for the *#IBelong* campaign and the Brazil Plan of Action.
- The 2016 creation of a **Regional Safe Spaces Network (RSSN**) in the Americas to report incidents of sexual and gender-based violence and other protection incidents and promote standardized services throughout the displacement cycle. This network focuses on improving access to services for survivors of trafficking or sexual and gender-based violence, and for children and LGBTIQ+ people with protection needs.
- The 2017 creation of the **Americas Network for Refugees Legal Aid (ANRLA)**, in coordination with the Inter-American Institute of Human Rights and UNHCR, with the participation of civil society organizations, including legal clinics, ombudsman offices and legal professionals. Among others, in 2020 UNHCR and ANRLA published an *Aide-Memoire for the establishment and enhancement of public and free legal advice, assistance and representation programmes for persons of concern to UNHCR*[54].
- The creation of the **Global Academic Interdisciplinary Network**[55] **(GAIN)**, by the Global Refugee Forum, which involves universities, academic alliances and research institutes, together with UNHCR and other relevant stakeholders.
- Strengthening of the **Sergio Vieira de Mello Chairs Model (CSVdM**), currently one of GAIN's flagship initiatives. Created by UNHCR in Brazil in 2003, this model coordinates higher education institutions and today includes 39 institutions, both in Latin America and the

53 Information available at: https://www.unhcr.org/ibelong/wp-content/uploads/Information-Note-2019-High-Level-Segment-on-Statelessness-.pdf

54 UNHCR, *Ayuda Memoria para el establecimiento y fortalecimiento de programas de asesoría, asistencia y representación legal, pública y gratuita para personas de interés del ACNUR (Aide-memoire for the establishment and enhancement of public and free legal aid, assistance and representation programmes for persons of concern to UNHCR)*, 9 April 2020, available (in Spanish) at https://www.refworld.org.es/docid/5e9224f34.html

55 About the Global Academic Interdisciplinary Network: https://globalcompactrefugees.org/article/about-global-academic-interdisciplinary-network.

Caribbean[56] and outside of the region. In particular, it raises awareness of the protection needs and challenges of refugees[57]; it is also a key actor for access to rights and services in Brazil and for local integration in general. CSVdM was also one of the main contributors to the process of drawing up the Brazil Action Plan[58].

- The **Latin American Academic Network on the Law and Integration of Refugees (LAREF Network**) signed the *Charter of Santiago for the Global Refugee Forum*: *Commitment for the Global Refugee Forum by the Latin American Academic Network on the Law and Integration of Refugees*, the preliminary results of which were published in 2019[59].
- The **Regional Working Group for the Brazil Plan of Action (GARPAB)**, a civil society group created to monitor the BPA. In 2018, it published the report *Brazil Plan of Action: 2014-2017 Evaluation by the Brazil Plan of Action Regional Liaison Group*[60], highlighting the importance of the collaboration among governments, civil society organizations and UNHCR, "with the purpose of devising feasible strategies of comprehensive public policies that honour the broad American tradition in relation to asylum, as well as the contribution of the region to the world"[61]. During the period of publication of the second triennial progress report, the Mexico Liaison Group (GAM-BPA) issued its report *The Brazil Plan of Action. 2017-2020 Advances. An Evaluation Conducted by the Mexican Liaison Group*[62].
- The **Americas Chapter Conference of the International Association of Refugee and Migration Judges (IARMJ)** in 2018 in Washington, D.C., USA (it was the first conference of asylum judges in 10 years)[63]. During the 12th IARMJ World Conference in February 2020, under the auspices of the Costa Rican Administrative Migration Tribunal (TAM), a new Board of Directors of the Americas Chapter was elected and, for the first time in its history, the presidency went to a Latin American judge, a member of the TAM[64].

7.4. Progress in protecting people displaced by disasters and the adverse effects of climate change

The *Brazil Declaration* specifically recognizes the "challenges posed by climate change and natural disasters, as well as by the displacement of persons across borders that these phenomena may cause in the region,

56 The Sérgio Vieira de Mello Chair was also implemented in the Dominican Republic, the **first replica in the Caribbean** of this initiative that originated in Brazil; three universities – the Pontificia Universidad Católica Madre y Maestra (PUCMM), the Universidad Iberoamericana (UNIBE) and the Instituto Tecnológico de Santo Domingo (INTEC) – joined the network. In this context, UNHCR developed with INTEC a *Guía de autoaprendizaje en derecho de asilo, refugio y nacionalidad (Self-learning guide on asylum, refugee and nationality Law)*, and published the *Memorias del seminario Cuidados de Salud Mental en Personas en Movilidad (Proceedings of the seminar Mental Health Care for People in Mobility)* and volume 6 of *Miradas Desencadenantes: una mirada de género a los desafíos y desigualdades en los nuevos contextos migratorios, trata de personas, nacionalidad y refugio en República Dominicana (a gender perspective on challenges and inequalities in the new migration, human trafficking, nationality and asylum contexts in the Dominican Republic)*. So far in 2023, with the support of UNHCR, INTEC has secured Canadian funding to implement the project ***Cambio climático y desplazamiento forzado: su impacto en la vida de las mujeres y niñas (Climate change and forced displacement: their impact on the lives of women and girls).***

57 Information available at: https://www.acnur.org/portugues/catedra-sergio-vieira-de-mello/ (in Portuguese) and https://globalcompactrefugees.org/sergio-vieira-de-mello-chairs-model-gains-flagship-initiative

58 *Declaración de la Academia en el Marco de Cartagena +30 - Declaración sobre Protección Integral a Refugiados y Otros Migrantes Forzados y para la Construcción de un Efectivo Espacio Humanitario (Declaration of the Academy in the Cartagena +30 Framework - Declaration on Comprehensive Protection of Refugees and Other Forced Migrants and for the Construction of an Effective Humanitarian Space)*, available (in Spanish) at https://www.unisantos.br/wp-content/uploads/2014/11/Declaraci%C3%B3n-de-la-Academia-en-el-Marco-de-Cartagena.pdf

59 *Resultados preliminares de Carta de Santiago 2020 (Preliminary results of the Charter of Santiago)* (2020), available (in Spanish) at https://globalcompactrefugees.org/sites/default/files/2021-04/Resultados%20Carta%20de%20Santiago%202020.pdf

60 GARPAB, *Plan de Acción de Brasil: Evaluación del Grupo articulador Regional del Plan de Acción de Brasil 2014-2017 (Brazil Plan of Action: 2014-2017 Evaluation by the Brazil Plan of Action Regional Liaison Group)*, available (in Spanish) at https://reliefweb.int/report/world/plan-de-acci-n-de-brasil-evaluaci-n-del-grupo-articulador-regional-del-plan-de-acci-n

61 Additionally, in 2021, the GARPAB Network issued *Pronunciamiento Red GAR-PAB. Por fronteras seguras, solidarias y no militarizadas. Por sociedades que promueven una movilidad humana en libertad y con garantía de derechos humanos* (*GAR-PAB Network Official Statement. Towards Safe, Supportive and Demilitarized Borders. Towards Societies that Promote Free Human Mobility and Guarantee of Human Rights*), available (in Spanish) at: http://fasic.cl/wp/tag/sin-fronteras/

62 GAM-BPA, *El Plan de Acción de Brasil Avances 2017-2020. Una evaluación elaborada por el Grupo Articulador México" (The Brazil Plan of Action. 2017-2020 Advances. An Evaluation Conducted by the Mexican Liaison Group)*, available (in Spanish) at: http://cmdpdh.org/project/el-plan-de-accion-de-brasil-avances-2017-2020-una-evaluacion-elaborada-por-el-grupo-articulador-mexico/

63 https://www.iarmj.org/events/event/56-iarlj-americas-chapter-conference

64 International Association of Refugee Law Judges, Americas Chapter, available at: https://www.iarmj.org/en/regional-chapters/americas-chapter. In December 2021, together with UNHCR, it held the virtual conference *International Protection and Asylum: Challenges and Opportunities in the Context of Forced Displacement in the Americas*. Further information available at: https://www.iarmj.org/en/publications/archived-events/event/73-international-protection-and-asylum-challenges-and-opportunities-in-the-context-of-forced-displacement-in-the-americas

and recognize[s] the need to conduct studies and give more attention to this matter, including by UNHCR". In line with this, the BPA asked UNHCR to conduct a study to support the adoption of national and regional measures, tools and guidelines, including response strategies, contingency plans, integrated disaster risk management responses and humanitarian visa programmes to address this situation[65].

In 2018, together with the **Platform on Disaster Displacement (PDD**[66]), UNHCR published the study *Cross-Border Displacement, Climate Change and Disasters: Latin America and the Caribbean. Study prepared for UNHCR and PDD at the request of the governments participating in the 2014 Brazil Declaration and Plan of Action*[67], which analyses cross-border or international movement in the context of disasters associated with natural hazards and climate change; and analyses protection needs in this context. This report comprehensively examines national laws, policies and practices in Central America and Mexico, South America and the Caribbean, and concludes that the region's response is one of the most developed globally.

UNHCR delegation visiting Casa Social Cultural y Memoria in Buenaventura, Colombia. © UNHCR

7.4.1. National developments

In terms of international protection for people displaced by climate change and natural disasters in cross-border contexts, refugee status was exceptionally recognized following the earthquake that struck Haiti in 2010 (due to the institutional breakdown and risks of violence associated with the event[68]); in Mexico and Panama, recognition was given under the 1951 Convention relating to the Status of Refugees; in Ecuador and Peru, recognition was based on the extended Cartagena definition[69]. However, the general trend continues to be that these movements are not covered by the *refugee* definition; therefore, the widespread regional practice has been to resort to migration legislation to extend admission and stay in receiving countries, based on regional agreements – both general and exceptional – on mobility and migration categories, such as humanitarian protection.

Although the legislation of the vast majority of countries in the region contains the category of *visas* or *residence permits on humanitarian reasons*, applicable to situations of forced displacement due to disasters[70], it is notable that many migration legislations in Latin America explicitly establish a special regime – *entry visas* or *stay permits*, generally under the humanitarian category – for persons displaced due to disasters[71]. The content of the definitions and descriptions differs, although the vast majority of them

65 The First Triennial Progress Report 2014-2017 noted "An underpinning common concern relates to the management of outflows due to natural disasters that, by nature, are unpredictable" and recalled that the region is particularly exposed to devastating climate events that create displacement and that one third of the population of Latin America and the Caribbean live in high-risk areas prone to natural disasters. UNHCR. *Brazil Plan of Action. First Triennial Progress Report, 2015-2017*, February 2018, page 98, available at https://www.refworld.org.es/docid/5c883e844.html

66 Platform on Disaster Displacement (https://disasterdisplacement.org/)

67 *Cross-Border Displacement, Climate Change and Disasters: Latin America and the Caribbean. Study prepared for UNHCR and PDD at the request of the Governments participating in the 2014 Brazil Declaration and Plan of Action*, available at https://www.unhcr.org/media/cross-border-displacement-climate-change-and-disasters-latin-america-and-caribbean

68 Cantor, David J. *Environment, Mobility, and International Law: A New Approach in the Americas, Chicago Journal of International Law*, Vol. 21, No. 2, Article 3, p. 292, 2021, available at https://chicagounbound.uchicago.edu/cjil/vol21/iss2/3

69 Zolberg Institute on Migration and Mobility. *Global Governance of Environmental Mobility, Latin America & The Caribbean, Regional Paper*, May 2021, p. 12, available at https://zolberginstitute.org/wp-content/uploads/2021/05/Climate-Governance-Regional-Paper_LAC_ARFrancis.pdf. In terms of regional disaster regulations, this study refers almost entirely to the articles and publications of James C. Cantor.

70 For a comprehensive, detailed analysis based on the different migration categories, the type of right they grant, the foundations, among others, see *Cross-Border Displacement, Climate Change and Disasters: Latin America and the Caribbean. Study prepared for UNHCR and PDD at the request of the Governments participating in the 2014 Brazil Declaration and Plan of Action*, op. cit.

71 It should be noted that, in any case, the absence of specific legislation in this area has not been an obstacle to adopting protection or migration flexibility measures in the context of disasters. For example, this was the case in Costa Rica in 2010 for Nicaraguans; and in Brazil, Chile, Colombia, Mexico, the Dominican Republic and Venezuela for Haitians in the same year. Most recently (in May 2022), Argentina adopted the

address the situation in a broad manner:

- **Argentina** refers to the consequences of natural or environmental disasters caused by mankind (2010)[72]
- **Bolivia** recognizes populations displaced by climate impacts using the category of *climate migrants* (2013)[73]
- **Brazil** refers to a stateless person or a citizen of any country in a situation of major calamity or environmental disaster[74]
- **Ecuador** mentions persons who demonstrate the existence of exceptional humanitarian reasons due to being victims of natural or environmental disasters (2023)[75]
- **El Salvador** refers to foreign persons who are in the national territory and do not meet the requirements for a migration subcategory and are in a situation of vulnerability or danger to life due to violence, natural disasters, environmental disasters and events that are proven (2019)[76]
- **Guatemala** refers to persons or groups of persons forced to save their lives due to natural disasters in neighbouring countries (2016)[77]
- **Mexico**, with its *humanitarian visa for family ties*, refers to foreigners who can prove they are victims of natural disasters (2014)[78]
- **Peru** refers to those who have migrated due to natural and environmental disasters (2017)[79]
- **Cuba**, although not a party to the *Geneva Convention* (1951), has established for several decades that refugees are those who, among others, are fleeing cataclysms or other natural phenomena (1978)[80], which is worthy of note

Humanitarian visas in Brazil and Argentina linked to displacement due to disaster

The Brazilian government grants humanitarian visas to Haitian nationals and stateless persons affected by major calamities, environmental disasters or the situation of institutional instability in the Republic of Haiti[81]. This represents a major step forward in complementary

Special Humanitarian Visa Programme for Nationals and Residents of the United Mexican States, Central America and the Caribbean Displaced by Socio-Natural Disasters (environmental humanitarian visa programme), which requires private sponsorship as detailed in *Provision DNM N°891/2022*, available (in Spanish) at https://www.boletinoficial.gob.ar/detalleAviso/primera/262784/20220519?busqueda=1

72 Argentina, *Regulation in development of Migration Act No. 25871 and its amendments (2010),* Decree 616/2010, art. 24, clause (h), available (in Spanish) at https://servicios.infoleg.gob.ar/infolegInternet/anexos/165000-169999/167004/norma.htm

73 Bolivia, *Migration Act, Law No. 370 dated 8 May 2013,* which expressly defines climate migrants as "groups of persons who are forced to move from one State to another due to climatic effects, when there is a risk or threat to their lives, whether due to natural causes, environmental, nuclear, chemical disasters or famine" (article 4 No. 16), available (in Spanish) at https://www.acnur.org/fileadmin/Documentos/BDL/2014/9556.pdf

74 "14. A temporary visa may be granted to an immigrant who arrives in Brazil with the intention of settling for a specified period and for one of the following reasons: [...] I (c) humanitarian reception [...] § 3 A temporary visa for the purpose of humanitarian reception may be granted to a stateless person or a national of any country in a situation of serious or imminent institutional instability, armed conflict, major calamities, environmental disasters or serious violations of human rights or international humanitarian law, or for other reasons specified in the regulations" [translation in the Platform on Disaster Displacement, page 98].

75 Ecuador, *Organic Law on Human Mobility (2023)*, article 58, available (in Spanish) at https://www.gob.ec/regulaciones/ley-organica-movilidad-humana-2023

76 El Salvador, *Decree No. 35, Regulation of the Special Law on Migration and Foreigners*, 24 May 2019, article 181, available (in Spanish) at https://www.transparencia.gob.sv/institutions/dgme/documents/reglamento-de-la-ley-principal

77 Guatemala, *Migration Code, Decree 44-2016*, article 68, available (in Spanish) at https://igm.gob.gt/wp-content/uploads/2021/11/1_Codigo-de-Migracion-Decreto-44-2016-del-Congreso-de-la-Republica.pdf

78 Mexico, *General Guidelines for the Issuance of Visas issued by the Ministries of the Interior and Foreign Affairs*, published in the *Official Journal of the Federation* on 10 October 2014. See, in particular, *Visa Application Procedure* (including *Resolution Criteria,* a.ii.), available (in Spanish) at https://dof.gob.mx/nota_detalle.php?codigo=5363603&date=10/10/2014#gsc.tab=0

79 Peru, *Legislative Decree on Migration no. 1350,* 7 January 2017, article 29, available (in Spanish) at https://www.acnur.org/fileadmin/documentos/bdl/2017/10995.pdf

80 *Regulation of the Cuban Migration Law* (1978), Article 80, D-5 (b).

81 These visas are granted by a resolution that has been continuously renewed since 2012. *Interministerial Resolution No. 37* (valid from 30 March 2023 to 31 December 2024) is currently in force and has benefited more than 90,000 Haitian nationals. In addition to granting humanitarian visas to Haitians and stateless persons, *Interministerial Resolution No. 38* (valid from 10 April 2023 until 31 December 2024) was adopted, facilitating procedures to authorise prior residence and the respective granting of temporary visas for family reunification to Haitian nationals and stateless

pathways for international protection, recognizing that a major calamity or environmental disaster is grounds for humanitarian asylum.

In May 2022, Argentina adopted the **Special Humanitarian Visa Programme for Nationals and Residents of the United Mexican States, Central America and the Caribbean Displaced by Socio-Natural Disasters**, which aims to provide humanitarian protection, planned relocation and durable solutions[82].

In the Caribbean, the practice of adjusting migration procedures in this context is prevalent. For example, during the 2017 hurricane season, several countries adopted cabinet decisions allowing border authorities to admit those fleeing from environmental events and exempt them from visa requirements[83].

7.4.2. Global and regional developments

After three years of consultations, in 2015 the Nansen Initiative produced the ***Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change***[84]**,** endorsed by 109 countries globally (including 17 Latin American and Caribbean countries)[85]. This Agenda is currently being implemented by the Platform on Disaster Displacement **(PDD)**, created in 2016 as a state-led initiative for the implementation of an international protection agenda for people displaced across borders in the context of disasters and climate change. In the region, Argentina, Brazil, Costa Rica and Mexico belong to the Platform[86].

In **2018**, the Global Compact on Refugees recognized that, in certain situations, **external forced displacement can be caused by sudden-onset natural disasters and environmental degradation**, and urged countries to take measures to assist people who have been displaced by natural disasters, considering the applicable national laws and regional instruments, and, where appropriate, practices such as temporary protection and humanitarian stay arrangements[87].

María Victoria, an LGTBIQ+ activist, proudly shows the transgender flag in Quibdó, Colombia. © UNHCR/ Catalina Betancur Sánchez

persons who have family ties in Brazil (up to the second degree). Since then, the Ministry of Justice and Public Safety and Security has analysed the documentation, prioritising requests involving women, children, the elderly, persons with disabilities and their family groups.

82 Argentina, *Provision 891/2022 of the National Migration Directorate*, 16 May 2022, available (in Spanish) at https://www.boletinoficial.gob.ar/detalleAviso/primera/262784/20220519. This programme was the first pledge to be met out of a total of 216 submitted globally by countries and civil society organisations as part of the first International Migration Review Forum (IMRF). Information available (in Spanish) at: https://globalcompactrefugees.org/good-practices/programa-especial-de-visado-humanitario-ambiental

83 Zolberg Institute on Migration and Mobility. *Global Governance of Environmental Mobility, Latin America & The Caribbean*, Regional Paper, op. cit., page 15.

84 *Protection Agenda*, available in English, French and Spanish at: https://disasterdisplacement.org/the-platform/our-response/

85 https://disasterdisplacement.org/wp-content/uploads/2018/02/Delegations-supporting-the-Protection-Agenda-1.pdf

86 https://disasterdisplacement.org/about-us/the-steering-group/

87 *Global Compact on Refugees*, 2018, paragraphs 12 and 63, available at https://www.unhcr.org/about-unhcr/who-we-are/global-compact-refugees

In **2019**, the IACHR adopted *Resolution 04/19 on Inter-American Principles on the Human Rights of all Migrants, Refugees, Stateless Persons and Victims of Human Trafficking*, which recognizes that "migration movements require differentiated and individualized forms of protection that cater to people at all stages of international displacement, including persons migrating for humanitarian, economic, or **environmental** reasons (...)[88]". In 2021, *Resolution 03/21 on Climate Emergency: Scope of Inter-American Human Rights Obligations* called on States to guarantee the human rights – such as protection against *non-refoulement* – of persons who move for reasons directly or indirectly associated with climate change, pending determination of their status[89].

In **2019**, in conjunction with the International Organization for Migration (IOM) and the Platform on Disaster Displacement (PDD), the South American Conference on Migration (SACM) published the *Regional Guidelines on the Protection and Assistance of Cross-Border Displaced Persons and Migrants in Countries Affected by Disasters*[90]. In the same year, the Regional Conference on Migration (RCM) published an *Effective Practice Guide for RCM member countries: Protection for people moving across borders in the context of disasters*, developed by the Nansen Initiative[91].

Refugees shared recipes from their countries of origen in a cookbook produced by UNHCR. © UNHCR

In **2022**, the SACM, IOM and PDD published the document *Mapping Migration, Environment and Climate Change in South America*[92] which provides information on the challenges facing the region and the policy initiatives developed to address them. In addition, IOM regularly publishes literature on migration and climate change[93] and ECLAC has addressed this issue from various approaches[94]. Finally, an explicit reference was made to disaster and climate change displacement in the 2023 *Buenos Aires Commitment* 2023 of the Regional Conference on Women in Latin America and the Caribbean[95].

88 *Resolution 04/19,* adopted by the Inter-American Commission on Human Rights on 7 December 2019, available at https://www.oas.org/en/iachr/decisions/pdf/Resolution-4-19-en.pdf

89 "20. Faced with migrant workers and others who mobilize for reasons directly or indirectly associated with climate change, States must guarantee due process during the procedure leading to the recognition of their migratory status, and in any case guarantee their human rights, such as the safeguard of non-refoulement while their status is determined. For their part, they must guarantee access to the right to health associated with climatic or meteorological phenomena to all people without discrimination based on national origin or any other reason prohibited under the contexts of human mobility. Likewise, access to justice, to reparation measures and guarantees of non-repetition to people forced to move by expansion of development projects that aggravate the adverse consequences of climate change must also be recognized." *Resolution 03/2021 on Climate Emergency: Scope of Inter-American Human Rights Obligations*, adopted by the IACHR on 31 December 2021, para. 20, available at https://www.oas.org/en/iachr/decisions/pdf/2021/resolucion_3-21_ENG.pdf

90 Guidelines available at https://csmigraciones.org/sites/default/files/2022-01/CSM_Lineamientos%20Regionales_ENG.pdf

91 Publication available (in Spanish) at: https://temas.crmsv.org/es/categoria/5

92 SACM, IOM, PDD, *Mapeo sobre migración, medio ambiente y cambio climático en América del Sur (Mapping Migration, Environment and Climate Change in South America)*, available (in Spanish) at: https://disasterdisplacement.org/portfolio-item/mapeo-sobre-migracion-medio-ambiente-y-cambio-climatico-en-america-del-sur/

93 Information available at https://www.iom.int/migration-environment-and-climate-change

94 Information available at www.cepal.org/en

95 "39. Also express solidarity with those, in particular women, adolescents and girls throughout the life cycle and in all their diversity, who have faced the adverse effects of climate change and disasters, and promote cooperation on adaptation and response to extreme weather events, disaster risk management and strengthening resilience, especially for women, adolescents and girls living in small island developing States;" Buenos Aires Commitment, op. cit.

In addition to the above, subregional mobility agreements, such as MERCOSUR's[96], are all relevant tools in the context of cross-border displacement due to disasters.

In the Caribbean, subregional integration mechanisms such as the Caribbean Community (CARICOM) and the Organization of Eastern Caribbean States (OECS) contributed to improving protection through indefinite stays, temporary admissions, labour agreements, among others (especially OECS during the 2017 hurricane season). As the regional intergovernmental agency for disaster management in CARICOM, the Caribbean Disaster Emergency Management Agency (CDEMA[97]) is geared towards developing a Caribbean Regional Response Mechanism. Its many projects include the following: one to strengthen integrated early warning systems for more effective disaster risk reduction through knowledge and tools transfer and another to strengthen integrated and cohesive preparedness capacity at regional, national and community levels, supporting concrete actions for an effective early warning system, and improving information management and operational capacity.

In 2019, the Caribbean Migration Consultations (CMC) held a *Consultation towards a Framework for Regional Cooperation on Human Mobility in the Context of Disasters and the Adverse Effects of Climate Change in the Caribbean*[98] and drew up a draft *Plan of Action to address human mobility in the context of disasters and the adverse effects of climate change in the Caribbean (2020-2022)* with the aim of pragmatically addressing climate change-induced cross-border movements and displacement. Also worth mentioning are the UNHCR-led capacity-building sessions[99] on mixed movements, environmental migration and disaster displacement in the Caribbean, such as the *Regional Workshop on Climate Action in the Americas*, held in the Northern Caribbean in 2023.

Finally, in Central America, within the framework of the Central American Integration System (SICA), a *Regional Mechanism for Humanitarian Disaster Assistance* and the *Central American Procedure for the Facilitation of Land Transit of Relief Consignments* were developed, both within the framework of the implementation of the *Central American Policy for Comprehensive Disaster Risk Management*[100].

7.5. Summary of the decade's progress

Latin America and the Caribbean made progress in cooperation, both at regional and subregional level, achieving one of the great ambitions of the BPA. The Brazil Plan of Action reiterated the importance of cooperation, coordination and solidarity between countries, which are necessary to even implement tools to strengthen protection, provide solutions and eradicate statelessness at the national level. This progress was mainly seen in the following areas:

- the region's concrete contribution to the 2018 Global Compact on Refugees through the *100 points of Brasilia. Latin America and the Caribbean's contribution to the Global Compact on Refugees,* and particularly the accession of many countries to this Compact, which resulted in **254 pledges** (of which 153 by States and 22 by cities, municipalities and local authorities), i.e. 15% of the global total;

96 Zolberg Institute on Migration and Mobility, *Global Governance of Environmental Mobility, Latin America & The Caribbean*, Regional Paper, op. cit., page 13.

97 https://www.cdema.org/projects

98 The sessions were on 1) managing displacement risk and building resilience, addressing the environmental drivers of forced migration; 2) protecting and addressing the needs and rights of persons displaced by climate change and disasters and environmental migrants in the Caribbean; and 3) helping people move out of harm's way. *Consultation Towards a Framework for Regional Cooperation on Human Mobility In the Context of Disasters and the Adverse Effects of Climate Change in the Caribbean,* report available at: https://crisisresponse.iom.int/sites/g/files/tmzbdl1481/files/appeal/documents/report-climate_change_and_human_mobility_f_0.pdf

99 In the last quarter of 2022, workshops were held in several Eastern Caribbean countries (Antigua and Barbuda, Commonwealth of Dominica, Grenada, Montserrat, St Kitts and Nevis, St Lucia, and St Vincent and the Grenadines) for sixty coastguards and immigration officers on the identification of persons in need of international protection in contexts of mixed flows, environmental migration and disaster-induced displacement in the Caribbean. In the Dominican Republic, workshops, training and intervention and information-gathering programmes were also conducted following, for example, Hurricane Fiona in 2022 and Tropical Storm Franklin, which also affected communities where refugees and asylum seekers reside.

100 Information available (in Spanish) at https://www.sica.int/Iniciativas/mecreg

- the adoption, within the framework of the Organization of American States, of the 2022 *Los Angeles Declaration on Migration and Protection*, which reflects many of the values and principles contained in the BPA and thus reaffirms the tradition of asylum and protection characteristic of the region;
- the creation throughout the decade of mechanisms such as the **Quito Process**, the **Comprehensive Regional Protection and Solutions Framework** (MIRPS) and the **Caribbean Migration Consultations** (CMC), as well as progress in the **Regional Conference on Migration** (RCM), the **South American Conference on Migration** (SACM) and the **Regional Conference on Women in Latin America and the Caribbean**. Regardless of their different areas of focus, these regional and subregional mechanisms and forums provided solid frameworks for governments to coordinate humanitarian responses; harmonize national policies; strengthen cooperation and solidarity between and with countries of origin, transit and destination; provide tools and share good practices on solutions and protection; address critical transnational issues like human smuggling and trafficking, large-scale displacement, humanitarian needs; and address specific protection needs including, in particular, children in situations of human mobility and women and girls at risk of or survivors of gender-based violence. The United Nations system and civil society, and even cooperation outside of the region, were included in all these mechanisms by means of the **Regional Asylum Capacity-Building Initiative** (RACBI);
- the collaboration between the Central American Integration System (SICA) and UNHCR, established by the BPA, which led to significant advances in international protection (in particular for displaced persons and persons in transit);
- the creation of regional and subregional platforms such as the United Nations system's **Inter-Agency Coordination Platform for Refugees and Migrants** (R4V); the **MIRPS Support Platform**, comprising countries from outside the region, development and United Nations system entities; and the **Regional Platform for Strengthening Asylum Systems in the Americas**, developed by UNHCR. Through their various areas of work, these platforms contributed to strengthening national asylum systems, protection and solutions in countries of origin, transit and destination; providing relief to host countries; dignifying the lives of displaced persons; and supporting host communities. As a result, they helped attain the objectives of the BPA, as well as reinforcing the national implementation of its various programmes;
- exchanges between the National Commissions for Refugee Status Determination (CONAREs) of MERCOSUR and Mesoamerica within the framework of SICA with the aim of strengthening international protection and asylum systems, responding directly to the BPA ***Quality Asylum and Borders of Solidarity and Safety****;*
- the advances of the regional networks and other civil society and academic protection initiatives related to consolidation of the various themes of the BPA, such as protection, solutions, local integration and statelessness (including legal support and strengthening the judiciary). In this regard, of particular note is the remarkable expansion within and outside the region of the Sergio Vieira de Mello Chair, a flagship initiative for implementation of the Global Compact's Global Academic Interdisciplinary Network (GAIN);
- the progressive institutional, normative and operational response by States, along with the strengthening of regional and subregional cooperation and coordination mechanisms to address and respond to displacement due to disasters and the adverse effects of climate change, and the report on cross-border displacement, climate change and disasters, drawn up in 2018 by UNHCR and the Platform on Disaster Displacement (PDD), at the request of the BPA, as the latter had anticipated since 2014 the brutal deterioration that would ensue;
- The recognition in Latin American legislation of categories of visas or residence permits for humanitarian reasons applicable to situations of forced displacement due to disasters, and even the establishment of specific regulations to address them (an example of a good practice is Argentina and Brazil issuing humanitarian visas to address such displacements from Mexico, Central America and the Caribbean and from Haiti, respectively);

- the practice in the Caribbean of adjusting its migration procedures to these contexts (disaster displacement), allowing border crossings and the admission of people fleeing weather events;
- the work of subregional integration mechanisms such as CARICOM, the Organization of Eastern Caribbean States (OECS), the Caribbean Disaster Emergency Management Agency and the Caribbean Migration Consultations, with some of their conferences, work and discussions addressing this sensitive issue (in addition to the ongoing UNHCR contribution in terms of training, workshops, and facilitation of coordination and cooperation).
- the resolution of the Inter-American Commission on Human Rights (IACHR), which was issued in 2019 and includes people migrating for environmental reasons, and the *2021 Resolution on Climate Emergency: Scope of Inter-American Human Rights Obligations*.

In short, throughout the decade the region reported the recognition, strengthening and creation of integration mechanisms, responding to the call of the BPA to increase the levels of coordination, complementarity, cooperation and convergence between regional and subregional integration mechanisms on issues related to migration and refugees and displaced and stateless persons. The Latin American and Caribbean countries were also in line with the flexible, evolving and adaptive nature of the BPA by developing new and innovative initiatives, such as the **MIRPS Support Platform**, or by integrating the principles, tools and objectives contained in global instruments, such as the 2018 Global Compact on Refugees, making effective use of its innovative cooperation and coordination mechanisms.

UNHCR High Commissioner, Filippo Grandi, standing in front of a mural in Acandí, Colombia. © UNHCR/Santiago Escobar-Jaramillo

CLOSING REMARKS BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, FILIPPO GRANDI

There is no doubt that the Cartagena Process has become a true regional tool for reflection and a source of inspiration for the adoption of new regional responses in line with the challenges and opportunities of recent decades. As such, the Cartagena Process is more than a Declaration or a regional definition of a refugee, it has strategic objectives that unite all of Latin America and the Caribbean.

The Brazil Plan of Action was adopted in 2014 to mark the 30th anniversary of the Cartagena Declaration on Refugees, and has led to progress in implementing protection responses and solutions for refugees and displaced persons throughout the last decade, as well as significant advances in the prevention and eradication of statelessness, expanding and integrating the regional protection space in Latin America and the Caribbean.

We hope that this comprehensive report, prepared by UNHCR under the leadership of Brazil, will show that the Brazil Plan of Action served as an effective guide for Latin American and Caribbean countries to develop innovative and flexible practices, adapting them to complex contexts and emerging challenges, such as large-scale mixed movements, the natural disasters that have intensified over the decade, as well as the COVID-19 pandemic. This report also reaffirms the region's tradition of solidarity and its historical commitment to humanitarian causes and international protection, as well as to the search for comprehensive solutions with a pragmatic approach.

The region should certainly be proud of the pioneering nature of the Cartagena Process and in particular of the Brazil Plan of Action, which anticipated and contributed to important aspects of the 2018 Global Compact on Refugees. Right from the start in 2014, the Brazil Plan of Action called to strengthen the humanitarian response in countries of origin, transit and destination, stressing the need to reinforce international solidarity, promote cooperation and shared responsibility, and enhance regional and subregional integration mechanisms: the cornerstones of the Global Compact.

The implementation of comprehensive solutions, including the Labour Mobility and Local Integration programmes and the Solidarity Resettlement programme, to mention just a few, is a key example of the synergies between these two complementary instruments. Likewise, the emphasis on solidarity with northern Central America and the Caribbean, subregions highlighted in the Brazil Plan of Action, demonstrated the need for shared responsibility and the alleviation of pressure on countries of origin, transit and destination, making a call that transcends individual aspects and looks at the entire route of people movement.

The Cartagena Process also became a tool for effective regional and tailored implementation of the Global Compact. For example, it inspired the adoption of the Comprehensive Regional Protection and Solutions Framework in Mexico and Central America (or MIRPS, as it is known) – a regional contribution to the Global Compact – and the experience of the Brazil Plan of Action aligns with the adoption of the Asylum Capacity Support Group, an initiative aimed at contributing with States to the development of national asylum systems that are fair, efficient, adaptable and with integrity. This synergy was also embodied in the 100 Points of Brasilia, a concrete and substantive contribution by the region to the development of the Global Compact, through the compilation of one hundred outstanding practices in Latin America and the Caribbean.

Finally, I hope that what we have learned from this past decade, presented in this final progress report of the 2014 Brazil Plan of Action, will also help as a legacy to guide the region's future vision and actions, in which solidarity, collaboration, shared responsibility and respect for human rights remain core values. The commemorations for the 40th anniversary of the Cartagena Declaration will allow us to once again reflect on achievements and areas for improvement, and to renew our approaches to action so that Latin America and the Caribbean continue to set an example for the whole world as a regional space for protection and solutions.

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