

The Mexico Plan of Action to Strengthen International Protection of Refugees in Latin America

Main Achievements and Challenges During the Period 2005-2010

“In my travels around Latin America, I was impressed by the determination of people to find solutions for the internally displaced persons. This determination is reflected in the Heads of States, host communities, and even the displaced persons themselves.

*This spirit of collaboration is in line with the **Mexico Plan of Action (MPA)**, which was approved in 2004 by 20 countries in the region. The Plan is a milestone that, when marking tangible steps to promote durable solutions for both, refugees and internally displaced persons, formally recognizes people’s obligation to help and protect those in need. Since its approval, the good intentions stated in the Mexico Plan of Action have become a reality for millions of people in Latin America.”*

Antonio Guterres
High Commissioner for Refugees

Five years after its adoption, the time has come to measure real progress on issues of protection and durable solutions. A lot has been achieved as a result of the growing commitment of States and the cooperation of institutional and community actors, and the civil society. The time has also come to look ahead and see the new protection challenges, as well as new opportunities to strengthen the Mexico Plan of Action as a regional strategic framework of cooperation and solidarity.

Without being exhaustive, this document provides a regional overview of achievements and challenges regarding the three main axes of the MPA: Protection, Durable Solutions and Borders of Solidarity. Through an interactive text we also can see certain indicators of regional development, as well as good practices achieved in countries in the region.



Protection Component

I. Background

Within the protection emphasis, the Mexico Plan of Action identified the following priority areas: 1) Strengthening the regional normative framework; 2) Consolidation of national mechanisms for determining refugee status; 3) Strengthening national and regional protection networks and national mechanisms for the promotion and protection of human rights; and 4) the consolidation of a Latin American programme to promote international refugee law.

II. Advances and Good Practices

During the 2005-2010 period, since the adoption of the Mexico Plan of Action, the following highlights the progress of these priority areas:

Strengthening of the Normative Framework

In accordance with the regional human rights instruments, many Latin American countries have incorporated the **right of asylum in their national constitutions**. This good practice has also been recently reflected in the new constitution of **Ecuador** (2008), **Bolivia** (2009) and the **Dominican Republic** (2010). In **Ecuador**, public policy in international refugee protection stems from the new constitution. Also in **Mexico** is under discussion the proposed constitutional amendment to regulate the right to seek and be granted asylum.



Normative regulation on refugees in recent years has been intense. New legislation on refugees has been adopted in **Costa Rica** (2010), **Chile** (2010), **Colombia** (2009), **Nicaragua** (2008), **Argentina** (2006), and **Uruguay** (2006). It is also expected that the Mexican Senate will pass a bill on refugee in the coming months. This trend means that all Latin American countries parties to international refugee instruments have internal rules on the matter, which represents a significant change in the **legal framework for refugee protection** at the time of the adoption of the Mexico Plan of Action at the end of 2004.

The new legislation on refugees adopted in **Argentina, Chile, Colombia, Nicaragua** and **Uruguay** also includes the **broader refugee definition proposed by the 1984 Cartagena Declaration on Refugees**. This means that 15 countries in the region, including **Belize**, adopted this regional definition in their internal rules. All internal regulations adopted in South America since the adoption of the Mexico Plan of Action, inspired also by the recommendation of the Rio Declaration on Refugees, to recognize victims of massive human rights violations as refugees, have incorporated the regional definition of refugee.

Among the main developments in the implementation of a regional definition, it is important to highlight **the enhanced registration programme implemented by the government of Ecuador** that granted refugee status to 27,000 people on the basis of combined application of geographical and thematic criteria. In **Colombia**, the regional definition has been applied to grant asylum to a victims of persecution by Central American gangs, while **Mexico** has benefited persons of Haiti and Sri Lanka. **Brazil** also has allowed the recognition of refugee status to people outside the continent, mainly those of African origin.

As part of strengthening the regulatory framework, in recent years **Argentina** (2009) and **Venezuela** approved the internal rules of the National Refugee Commission, and currently the regulations of the legislation adopted in **Argentina, Bolivia, Chile, Costa Rica** and **Nicaragua** are under discussion. The refugee legislation in **Ecuador** and **Panama** is currently under revision and is expected to be reformed in the near future. Similarly, **Ecuador** is studying the adoption of an Organic Code on Human Mobility, which includes a chapter on refugees. There are projects for new immigration laws being debated in **Brazil** and **Guatemala**, which include safeguards for refugee protection.

It is important to emphasize that this positive regulatory development in refugee policy has positively affected the situation of others who, even when they do not qualify as refugees, may have specific protection needs on the basis of other human rights instruments, in particular protection provided against torture and cruel, inhuman or degrading treatment. In this sense, the refugee legislation discussed in the Mexican Senate also includes specific provisions to regulate **complementary protection**, just as national laws in **Argentina** and **Costa Rica** provide. The Procedures Manual of the Mexican Institute of Migration adopted in February 2010 already includes provisions for complementary protection. The proposed Organic Code on Human Mobility in Ecuador also provides specific provisions for complementary protection and stateless persons. A similar process was also initiated in **Colombia**.

Several countries take into consideration the fact that there are other foreigners who do not qualify as refugees, but require a protective response because of their vulnerability and as such, include internal rules granting **humanitarian visas** to these people. (**Argentina, Brazil, Chile, Costa Rica, Honduras, Mexico** and **Panama**) These humanitarian visas may be granted at the discretion of the authorities and are based on criteria such as kinship, illness, and humanitarian considerations and could also benefit victims of natural disasters. Such is the case of the new immigration regulations adopted in **Argentina**, which has benefited Haitian victims of the earthquake. Humanitarian visas have also been granted to Haitian citizens in **Ecuador, Mexico** and **Venezuela**.

In terms of internal forced displacement, both **Colombia** (1997) and **Peru** (2004), have adopted internal policies and there is a national programme in **Brazil**. In **Colombia**, the regulatory framework for the care and protection of internally displaced persons has been strengthened and developed by enforcing the judgments of the Constitutional Court based on the full enjoyment of rights and their indicators. The Colombian government established a national system of comprehensive assistance for the internally displaced population. In **Ecuador** the

issue has been addressed in the 2008 Constitution through the design of contingency plans and emergency humanitarian assistance.

As a best practice, it is important to mention that legislation in **Guatemala** on human trafficking, specifically, provides for the right of victims to apply for recognition of refugee status, while in **Mexico**, legislation reiterates the need to provide training in human rights and international refugee law to officials who are fighting against this scourge. Also, State administrative practice dictates the recognition of refugee status to trafficked persons in **Argentina, Bolivia, Colombia, Costa Rica, Mexico** and **Peru**.

Considerations on Gender, Age and Diversity

Understanding the link between human trafficking and refugee protection has improved in recent years. However, it is necessary to continue the advocacy towards legislation concerning migrant smuggling and human trafficking, to include specific safeguards for refugees, including protection against *refoulement* and the right to seek asylum. Such safeguards have been included in the draft legislation on trafficking currently under discussion in **Bolivia, Chile** and **Venezuela**.

In **Costa Rica**, based on the new Immigration Act on human trafficking, victims are eligible for a special category of stay. The same happens in **Argentina** and **Mexico** where they can get a humanitarian visa or a temporary stay on humanitarian grounds, regardless of whether there is a complaint or a judicial process.

Regarding human trafficking, IOM and UNHCR have jointly adopted protocols for the assistance of trafficking victims in Latin America and the Caribbean, in order for those in need of international protection as refugees, to be referred to the relevant national organizations.

The specific needs on gender issues and protection of separated and/or unaccompanied children have been taken into account in the legislation of **Argentina, Brazil, Colombia, El Salvador, Peru** and **Venezuela**. In **Argentina, Brazil** and **Uruguay** unaccompanied children seeking refugee status are assisted by a legal guardian or court appointed guardian. In order to assess the protection needs of separated and unaccompanied children it is necessary to advance the establishment of national mechanisms to determine the best interests of the child. Such determination is made in the courts in **Argentina, Brazil** and **Ecuador**. **Costa Rica** calls for the creation of an inter-agency team led by the national institution for the protection of childhood.

In terms of protection for migrant and refugee children, it is necessary to point out the initiative taken by **Mexico** to appoint Child Protection Officers within the National Migration Institute, which is considered a good regional practice being replicated in other Central American countries. This mechanism allows the identification of minors in need of international protection in mixed migration flows, and their referral to the competent authorities responsible for the determination of refugee status.

The need of **international protection of indigenous peoples**, particularly those living in border areas in the Andean Region, and those who are most vulnerable to situations of forced displacement, have been taken into account in **Ecuador, Panama** and **Venezuela**. There is a precedent in the recognition of refugee status for indigenous people in **Ecuador** and **Panama**, which is considered a best practice in the region, and has granted temporary protection to indigenous communities in the **Venezuela** border. In **Ecuador**, the border communities have the right to dual nationality.

National Mechanisms to Determine Refugee Status



The determination of refugee status in Latin America is administrated and has been facilitated by the establishment of inter-institutional collegiate bodies, which encourage the adoption of public policies and governmental coordination. These bodies are known mainly as National Commissions for Refugees in many countries of the region. In **Honduras** the determination of refugee status is made by the General Directorate of Immigration, while in **Costa Rica** it is made by the Commission for Visas and Refugees. In **Mexico** there is now a committee of eligibility with the participation of the Ministries of Interior and Foreign Affairs.

The participation of civil society organizations within the national committees for the determination of refugee status in **Argentina, Brazil, Nicaragua, Panama** and **Uruguay**, is also a good regional practice. In **Nicaragua** and **Venezuela**, the Ombudsman's Office is actively involved in the meetings of the National Commission for Refugees. In **Ecuador** the Ombudsman and civil society organizations can be invited to attend meetings of the National Commission for Refugees.



Based on its responsibility for furthering implementation of the international instruments on refugees and adoption of the Statute, UNHCR provides technical advice to national mechanisms for determining refugee status in Latin America and the Caribbean. UNHCR also participates in most of these bodies as a member with no voting rights, or as an observer at the invitation of those committees. Similarly, UNHCR supports the training of members of national mechanisms for determining refugee status, with national and regional training, and provision of country of origin information for the analysis of individual cases.

As part of the consolidation of national bodies for the determination of refugee status, UNHCR is currently supporting a project of capacity building for the prompt resolution of pending cases in **Venezuela**, and promote decentralization of decision-making eligibility in **Costa Rica** and **Ecuador**. Although these bodies do not have their own budgets, it is important to note as a good regional practice the fact that different countries in the region have been gradually allocating more human and financial resources through the appropriate bodies. It is notable that the work of determining refugee status is more expeditious in countries where corporate bodies have Technical Secretariats.

Rates of recognition for refugee status vary from country to country in accordance with its regulatory framework, the implementation of the regional refugee definition, and the diversity of cases presented. This explains the recognition rate rise to 83% in **Ecuador**, 40% in **Brazil**, 18% in **Venezuela** and 10% in **Costa Rica**.

Most of administrative procedures for determining refugee status have a second independent body for the resolution of appeals to provide judicial review, all of which are considered good practice. There are some precedents for judicial review of cases involving asylum seekers, refugees, stateless persons and persons in need of complementary protection in **Argentina**, **Bolivia**, **Brazil**, **Colombia**, **Costa Rica** and **Ecuador**.

Strengthening National and Regional Protection Networks

Since the adoption of the Mexico Plan of Action, partners in protection and durable solutions have been diversified across the region, particularly in border areas of the Andean Region, and to implement the Cities of Solidarity and Solidarity Resettlement programmes. As indicated above, some civil society organizations and Ombudsmen are actively involved in national mechanisms for determining refugee status in several countries in the region.

UNHCR has signed cooperation agreements with national agencies for the promotion and protection of human rights (Ombudsman) in **Central American countries, Bolivia, Colombia, Peru** and **Venezuela**. In **Mexico** a cooperation agreement was recently signed with the National Human Rights Commission. This has allowed joint monitoring of borders and the identification of persons in need of international protection as refugees in mixed migratory movements.

In order to complement protection and durable solution responses, there are also cooperation agreements with human rights organizations, public and private universities (**Argentina, Chile, Colombia, Costa Rica, Ecuador, Panama** and **Uruguay**), national roundtables on migration (**Guatemala**), agencies of United Nations such as UNICEF (**Argentina, Ecuador, Brazil** and **Panama**), UNFPA (**Ecuador**), UNIFEM (**Ecuador** and **Panama**) and UNDP (**Panama**) and other international organizations such as OIM (**Ecuador** and **Panama**). The interagency cooperation has been strengthened particularly in the border areas of the **Andean Region** where the agencies are actively working on joint projects (**Ecuador, Panama** and **Venezuela**).

In terms of cooperation with civil society organizations, is important to emphasize joint training programmes conducted in countries **in the Southern Cone**, meetings of protection networks in the **Andean** and **Central American countries**, and joint promotional activities for teaching, researching and dissemination of information on international refugee law. Special mention goes to programmes to promote integration of people of African descent, and to provide emergency assistance to asylum-seekers in border areas in **Brazil**.

Training, Doctrinal Development and Promotion of International Refugee Law

State practice for determining refugee status has been systematized in **Argentina** and **Brazil** and it is used as a reference in the field of administrative jurisprudence.

Through the Latin American Course on International Refugee Law, a regional forum has been developed for consolidating training and instruction for members of national committees for the determination of refugee status, and for officials responsible for designing and implementing public policies to protect refugees.

This regional effort has been complemented through various national and regional courses of international refugee law at undergraduate and postgraduate levels, such as the Sergio Vieira de Mello academic chair along with the creation of a network of universities in the **Southern Cone**. The development of a Central American network of universities; a Diploma in international refugee law in **Panama**; the completion of the first Virtual Course on International Protection of Refugees in the MERCOSUR area, focused on border officials from 10 South American countries, and a refugee training module of the Regional Conference on Migration have complemented this effort. In **Argentina** and **Chile** were established training areas within the respective Technical Secretariat of the Eligibility Committees, which have progressively taken the lead in the designing and planning of these activities in each country. In **Mexico**, COMAR, the National Institute for Migration and UNHCR, are developing a joint training programme for migration officers throughout the country. **Colombia** has established, at the request of the *Pontificia Universidad Javeriana* and UNHCR, a group called “Friends of the

Mexico Plan of Action” including embassies, academia, national government and civil society. The group promotes the dissemination of international refugee law among government officials, students and NGOs, and represents a political space for reflection on the subject.

Finally, [UNHCR web sites in Spanish](#) and [Portuguese](#) have allowed wider dissemination about aid and protection programmes for refugees and internally displaced people in the continent, and information about statelessness. The web sites provide a legal database and country of origin information, to support the work of the adjudicators on determining refugee status, and to meet requests for information from people interested in the issues of forced displacement, statelessness, migration and human rights.

Change of Migration Status and Naturalization

Most of the legislation in the region facilitates the change of status to refugees from temporary resident to permanent residence. This is particularly important in countries where naturalization is subject to obtaining permanent residency. It is necessary to better understand the difference between the legal status of refugees and, the immigration status given to their legal residence in a given country. The change of status should not be conditional to the resignation of refugee status. A refugee may opt for a more permanent immigration status, maintaining his/her status of protection, as it is in **Chile**. This is particularly important for protection against *non-refoulement* and in order to safeguard the declarative, not constitutive character of the refugee status.

In this way, it is considered good practice legislation of those countries that equate refugee status to permanent residence, as provided in the draft legislation in **Mexico**, and which do not demand the resignation of refugee status to opt for another immigration status. In **Panama** the adoption of internal rules that facilitate the change of migratory status to permanent resident for the protracted refugee situations is also considered a good practice as well as the Act to regularize persons under temporary humanitarian protection regime. Currently, national legislation on refugees in **Ecuador** and **Nicaragua** provide the best services for the naturalization of refugees in the region. In **Ecuador**, a refugee is eligible for naturalization three years after being recognized. In **Argentina** and **Chile**, it takes only two years.

Several regional programmes have facilitated migration regularization of migrants. Such is the case of the *Patria Grande* Programme in **Argentina**, and amnesty and migratory regularization programmes implemented by **Brazil** (2009) and **Chile** (2007-2008), and the Crisol de Razas Programme (**Panama** 2010). These migratory initiatives have benefited persons who do not qualify as refugees.

III. Difficulties and Future Challenges

Significant progress made during the period 2005-2010 in strengthening the legal framework for the protection of refugees and internally displaced persons in Latin America must be complemented with effective implementation of internal regulations, including regulations in those countries that require it, and promoting regional exchange of best practices. The pending legislative agenda is referring mainly to the following aspects: 1) the ratification of international instruments on statelessness and 2) the establishment of national mechanisms for the identification of persons in need of protection in mixed migration movements and their referral to the relevant procedures.

While the vast majority of Latin American countries are part of the international refugee instruments, only 13 countries are part of the 1954 Convention relating to the Status of Stateless Persons and only six nations are part of the Convention on the Reduction of Statelessness. Countries should also adopt national mechanisms for the determination of statelessness and the definition of immigration status for their legal stay in the country.

The protection considerations of people involved in mixed migratory movements across the continent show the need to identify refugees, victims of trafficking, unaccompanied or separated children, and other vulnerable immigrant victims of sexual or physical violence.

Nowadays, most countries in the region only have national mechanisms for determining refugee status and in some cases for the care of victims of trafficking. There is a lack of national mechanisms to identify the profiles and the protection needs of those involved in mixed migratory movements. In light of increasing extra continental migration due to trafficking and smuggling networks, several countries utilize national procedures of refugee status determination in order to regulate migration on a temporary or transitory basis. On the other hand, it is necessary that the new immigration rules on trafficking and smuggling of persons include specific safeguards to protect refugees. The pressure on the procedures of refugee status determination will decrease by better understanding the rights of migrants, and providing them more legal migratory options.

The protection needs of trafficked persons and separated or unaccompanied children must be evaluated in all cases, regardless of whether they require international protection as refugees or not. Therefore, it is essential to keep improving the understanding of the link between the international protection of refugees and human trafficking, as well as to establish other mechanisms to protect victims of trafficking that don't wish to return to their countries of origin. In the case of separated or unaccompanied children, it is necessary to strengthen national mechanisms for determining the best interests of the child on the basis of the legal and institutional rules of each country.

Keeping in mind the practice developed by the 15 countries that have included in their internal rules the regional refugee definition, is important to systematize the different experiences, promote the exchange of best practices and reflects on the desirability to adopt a handbook for the interpretation of such definition.

The regulation of domestic legislation on protection and humanitarian visas should be used to provide protection to those who need it, based on other international human rights instruments, after assessing their needs for international protection as refugees, and not at the expense or, as a substitute for international refugee protection.

Since persecution might be related to gender, age and diversity, it is essential to promote an interpretation of the refugee definition sensitive to these considerations, and adopt differentiated protection programmes aimed at indigenous communities and people of African descent.

As part of strengthening national mechanisms for determining refugee status, it is a crucial that more human and financial resources are allocated by the governments in the region. The small number of applications for recognition of refugee status in some countries should not affect the operation of these mechanisms, which should have technical secretariats to ensure efficiency and continuity.

National and regional networks of protection, with the active participation of civil society organizations and national institutions for the promotion and protection of human rights play a significant role in monitoring the borders and, the identification of persons in need of protection in mixed migration movements.

On a continent where forced displacement exists, there are new challenges to international protection, such as the prevention and reduction of statelessness and protection considerations of mixed international migration, it is necessary to continue to foster an institutional culture to preserve the humanitarian space. For that reason, the work done with universities, regional forums, the interagency cooperation, and civil society organizations in the promotion of international refugee law, should be strengthened.



Borders of Solidarity

I. Background

The Mexico Plan of Action emphasizes the increasing difficulty of provinces and Border States to promote a humanitarian response to people in need of international protection. Although this analysis refers specifically to the countries of the Andean Region, we can identify common aspects characteristic of many border regions in Latin America: Low institutional presence, inadequate provision of basic services and infrastructure, high levels of poverty and unemployment. At the same time, many of these areas have become the routes of human trafficking with high levels of violence and crime.

Border areas are spaces of transit and residence of persons in need of international protection. Between 40% and 60% of the refugee population in **Ecuador**, **Panama** and **Venezuela** are living in border areas. Many of these families in need of international protection are in conditions of invisibility, social exclusion and extreme vulnerability to exploitation and abuse situations. Forced displacement has had a disproportionate impact on indigenous and Afro-Colombians. Across the continent, complex population movements are characterized as increasingly “mixed” migrations. In addition to the traditional migration patterns, a small but growing number of asylum-seekers come from other continents, arriving in migration movements. A high percentage of these people in need of protection are women and girls.

In this context, the Borders of Solidarity Programme features a territorial approach rather than a population approach. The main objective is to identify and respond differentially to the humanitarian and protection needs of people. Local integration is promoted through comprehensive strategies that benefit people in need of international protection as well as the local host population. To ensure impact and sustainability, this programme is closely connected to regional development and national plans to combat poverty.

II. Advances and Good Practices

Population Diagnostics as a Protection Tool

One of the main recommendations from the Mexico Plan of Action regarding border areas of the Andean Region is “to establish a reliable assessment of the magnitude and nature of the problem of refugees, in order to determine their protection and assistance needs.” To this end, in **Ecuador**, **Chile** and **Venezuela** diagnoses were conducted **to determine the profile and characteristics of the Colombian population in need of protection**. These diagnoses were conducted by specialized research centers in coordination with state institutions. In Ecuador, this research was the basis for identifying the needs of the population and to take protection actions. An estimated 130.000 to 140.000 Colombians in need of protection are living in the country, of which 40% reside in the provinces of the northern border.

As for the profile, it is a predominantly young population with a high percentage of single parent families, low educational level and mostly without identity documents for legal residence in **Ecuador**. Based on this empirical observation, in 2009 the Ecuadorian government launched a comprehensive registration and documentation programme. In the course of a year, the Enhanced Registration Programme was carried out to register and document 27,000 Colombian persons in need of protection, living mostly in Northern provinces of the country. The diagnosis also helped identify people with specific protection needs to promote adequate assistance and, in certain cases, to facilitate their resettlement in a third country.

With regard to **mixed migratory movements**, a first study was conducted in **Mexico** to analyze the international protection problems of unaccompanied minors on the southern border (2006 - 2008). Subsequently, following the **San Jose Conference on Refugee Protection and International Migration** (2009), OAS, UNHCR and IOM, launched a regional study to identify the characteristics and protection and assistance needs of migrants and extra-Continental refugees in Mexico and Central America. This study is being conducted by FLACSO and will advance our understanding of these movements and identify mechanisms for institutional response to these protection needs.

International Protection Environment: Institutional Presence and Assistance to Refugees



In recent years, some countries in the region have facilitated **access to the procedure of refugee status determination** in entry areas to the territory, particularly in border areas. In **Venezuela** the National Office for Refugees has three Regional Technical Secretariats in Maracaibo, San Cristobal and Guasdalito. In **Panama**, the National Office for Refugee Affairs (ONPAR) has established three offices in the provinces of Darien and San Blas. In **Ecuador**, the Directorate General for Refugees, of the Ministry of Foreign Affairs, initiated a process of capacity building and decentralization with the establishment of three offices in border Northern provinces (Lago Agrio, Ibarra and Esmeraldas). Migration delegations have a similar function at key entry points such as Tapachula in **Mexico**, and Arica and Iquique in **Chile**.

Additionally, during the last two years, UNHCR and its partners have trained more than 7,000 government officials responsible for migration tasks in border areas of 12 countries in the region.

Simultaneously, civil society has gradually increased its presence in border areas to meet the needs of persons requiring international protection. In the Andean region, in addition to the 14 UNHCR offices in border areas, more than 100 non-governmental organizations are implementing national and international protection and assistance programmes. In **Colombia**, UNHCR continues to support the Ombudsman in the departments of Nariño, Putumayo, North

of Santander and Arauca to maintain early warning and active monitoring systems. As part of a regional approach, UNHCR is also supporting the monitoring programme of the *Border Pastoral* in the border between **Colombia** and **Ecuador**. In **Costa Rica**, the **Ombudsman** also plays an important role in monitoring and promotion of international protection at the border with Panama. In **Guatemala** as in southern Mexico, **several shelters run by the Catholic Church** offer accommodation, security and specialized health care to people in need of international protection, in coordination with human rights organizations, UNHCR and IOM.

Enjoyment of Rights and Promotion of Local Integration

Latin America is characterized by its generous tradition of asylum. Currently, all countries of the region allow asylum-seekers and refugees access to health and education systems. In addition, in recent years some countries have developed **specific policies and programmes** to ensure the reception – in safety and dignity conditions– of applicants, as well as the social integration of refugees living in border areas. In **Ecuador**, the government introduced the **Comprehensive Plan for Peace and Development** – known as Plan Ecuador – which aims to address the humanitarian challenges and the fight against poverty in the northern border. In this comprehensive framework, specific strategies are presented to promote the protection and integration of the refugee population in the provinces of Sucumbios, Carchi, Imbabura and Esmeraldas. In **Venezuela**, **Banco del Pueblo Soberano and FUNDESTA** have granted in the past two years 285 productive loans amounting to USD 700.000, to 300 refugees. In **Chile**, the government allocated USD 100,000 to support persons in need of international protection in Iquique and Arica.

The border areas are a priority in **UNHCR operations**. In the Andean region, UNHCR has a wide network of “mirror offices” that monitor both sides of the border: seven in **Colombia** and eight in the asylum countries (**Brazil, Ecuador and Venezuela**). Among other operational activities, UNHCR carried out 392 projects in 198 border communities, between 2008 and 2010, benefiting more than 100,000 refugees as well as the local population.

Inter-agency cooperation has also helped to increase the supply of services in border areas to benefit local and refugee populations. In **Ecuador**, 12 agencies participate in the Thematic Group of the northern border, led by UNHCR. In **Venezuela**, a similar group was established to coordinate projects in the states of Zulia, Tachira, Apure and Amazonas. These groups promote a series of activities related to human rights, protection of children and adolescents, reproductive health, HIV / AIDS and support to local development. In **Panama and Costa Rica** joint projects have been implemented with UNICEF, IOM, UNFPA and UNAIDS on issues of documentation of children and prevention of gender-based violence. In **Chile**, an interagency committee was also created to support the regional government on HIV / AIDS issues. It is remarkable the dynamics of the Humanitarian Team in **Colombia**, which promoted the creation of clusters in the major areas of displacement, four of which cover border areas.

III. Difficulties and Future Challenges

The main challenge in **Latin America** is continuing to strengthen the institutional presence of States in the border areas to promote respect for human rights and a sustainable development process, to benefit local population and people in need of international protection. In the context of the Andean Region, several border areas have increased their rates of violence and crime, affecting, disproportionately, indigenous and Afro-descendant population, women and youth living in conditions of risk and vulnerability. Therefore, it is vitally important to redouble efforts to strengthen mechanisms to prevent displacement, and ensure the protection of refugees, and

internally displaced populations. Besides the main role of States, it is essential to continue promoting the presence of civil society and international cooperation to preserve the humanitarian space and to strengthen safety nets.

Invisibility: Registration and Documentation Problems

One regional priority is to improve the mechanisms and procedures for recognizing refugee status, particularly with regard to registration and documentation of asylum-seekers and refugees. According to studies conducted in several countries, many in need of international protection have not sought protection for various reasons, ranging from lack of knowledge regarding procedures to the fear of being returned back. In **Venezuela** it is estimated that in addition to the 15,000 asylum-seekers and refugees, about 120,000 people in need of international protection are living in the border states of Zulia, Tachira and Arauca. Venezuelan authorities have launched a process to register and document some 13,000 asylum-seekers who have waited several years for a determination by the State. However, tens of thousands of people who also require international protection would be still pending in terms of identification and registration. To a lesser extent, the same kind of situation of “invisibility” exists in **Brazil, Costa Rica, Ecuador** and **Panama**.

Specific Needs of Indigenous and Afro-descendant population

According to the Constitutional Court of **Colombia**, some indigenous groups are in danger of extermination by the internal armed conflict and have been victims of extreme violations of their rights. More than 40 of these groups live in border areas. During recent years, there have been several migratory movements to **Ecuador, Panama** and **Venezuela**. In rare cases, these groups have been granted refugee status (Embera-Wuonam group in **Panama**) and the vast majority remains in their ancestral territories across the border without seeking the protection of the receiving State. Internal displacement also has disproportionately affected the Afro-descendant population. This group represents 8% of the total population in **Colombia**; however, 12% of internally displaced persons in the country, and about 20% to 30% of refugees in the region are Afro-Colombians. Under the Mexico Plan of Action, it is essential to develop mechanisms of cooperation among States to improve preventive mechanisms and take action to protect the individual and collective rights of these populations.

Social Exclusion and Job Insecurity

According to assessments done in **Ecuador, Panama** and **Venezuela**, nine out of 10 refugee families, are living below the poverty line. The Colombian government says poverty rates for the internally displaced population are very similar. In addition to structural factors characteristic of border areas, the refugee population has serious problems that limit their access to housing and the pursuit of productive activities. In **Venezuela**, over 50% of the refugee population lives in as squatters and/or rented homes, and 60% live in overcrowded conditions. Studies conducted in the **Venezuelan** state of Tachira, and the northern provinces of **Ecuador**, indicate that less than 10% have access to property or own land for farming. Regarding economic integration, between 40 and 60% of the population in need of international protection in **Ecuador** and **Venezuela** work in the informal sector. The situation is worse for women who can only find precarious and underpaid employment opportunities. In this context, UNHCR continues to support the refugee population with small micro-credit schemes that benefit a very limited group of people (i.e. less than 5,000 people in 2009 in the Andean region). Therefore, it is essential to encourage

concerted action by the State and civil society to expand the supply of services in border areas receiving refugees, through comprehensive programmes – i.e. Plan Ecuador – or micro-housing and finance programmes that incorporate the refugee population – i.e. *Banco del Pueblo Soberano* and FUNDESTA in **Venezuela**.



Durable Solutions (Cities of Solidarity and Solidarity Resettlement)

I. Background

The Mexico Plan of Action provides a common regional framework to develop programmes in order to promote local integration and self-reliance of people in need of protection in urban areas (**Cities of Solidarity**), and strategic use of resettlement as a tool of protection and regional solidarity (**Solidarity Resettlement**). In the chapter on Durable Solutions, the Mexico Plan of Action recognized **voluntary repatriation** as the best solution for refugees – as an individual right to be exercised voluntarily in conditions of safety and dignity – but did not anticipate the need to create a specific regional programmes.



Latin America currently hosts over 140,000 refugees and asylum-seekers, of which between 60% and 70% live in **urban areas**. In **Colombia** it is estimated that of the 3.3 million people internally displaced, more than 1.7 million have sought protection in 25 major cities. This population is predominantly young, with a growing percentage of families and women. Studies to assess the socioeconomic status of people in need of international protection revealed that about 50% live below the poverty line, and most of them have serious difficulties obtaining productive employment and access to housing. In this context, besides government’s participation, it is essential to involve municipalities, civil society and the private sector in the implementation of social programmes that incorporate the refugee population.

The regional solidarity resettlement programme is one of the most emblematic and innovative from the Mexico Plan of Action. Since the beginning of its implementation, more than 900 refugees with specific protection needs have been resettled – mainly from **Costa Rica** and **Ecuador** – in **Argentina, Brazil, Chile** and **Uruguay**. Paraguay has carried out the first screening mission to receive the first group of resettled refugees. Although UNHCR continues to support these programmes, several countries in the **Southern Cone** have been taking major policy and operational commitments to ensure the sustainability of the resettlement program. These two programmes fit perfectly into the new version of the **UNHCR Policy on Refugee Protection in Urban Areas**, which outlines the key principles and strategies for the protection of the refugee population and their integration into medium and large cities.

II. Progress and Good Practices

Protection in Urban Areas (size and profiles)

There are innovative tools to gather information from people of interest and studies in the region to analyze the profile and characteristics of the population in need of protection in urban areas. In **Costa Rica** an **inter-agency database** serves as a tool of protection and integration. The office there conducted an assessment **of the integration of refugee children and adolescents**, which enabled to redesign the programme of **community homes for boys and girls and provide school vouchers**. In **Brazil** the Human Rights Secretariat funded a study to determine the profile and level of integration of the refugee population in Rio de Janeiro and Sao Paulo. A similar study was conducted with the University of Manaus, to determine the number and characteristics of the population of concern to UNHCR. These studies allowed reformulating public policies and actions to take which would benefit the integration of the refugee population.

Normative and Institutional Framework for the Assistance and Integration of People in Need of Protection

In several countries, **governments** have a very active role in the design and implementation of public policies and the allocation of specific funds to assist and promote local integration of refugees. In 2009 the **Brazilian** government allocated approximately USD 1.2 million for humanitarian assistance for refugees, while the **Chilean** government has allocated USD 2 million over the last four years for the assistance of refugees and local integration activities. In **Argentina** the Under-Secretary of Housing and Urban Development signed an agreement in 2008 to facilitate access of refugees to social housing programmes. In **Paraguay** the memorandum of understanding signed by the National Commission on Refugees, the National Housing Council, CONAVI, UNHCR and CIPAE (2009), foresees to incorporate resettled refugees in housing programmes.





At **local government** level, several municipal and provincial authorities have supported the cause of refugees and displaced people in the region. In recent years, over 50 formal and informal agreements have been signed to facilitate the access of asylum-seekers, refugees and displaced persons, to education, health and employment. As an example, local authorities of **Venezuela's** Zulia state spent approximately USD 25,000 in coexistence and protection projects. In **Brazil**, the signed agreements with universities provide access to higher education for refugees.

Recently, under the Fourth World Social Forum on Migration, the **Meeting of Open Cities in Solidarity** was held with participation of delegates from municipalities of 11 countries in the region. The main objective of the event was to generate a debate among local governments to promote areas of protection and integration, to respect the right to citizenship to all migrants, refugees and internally displaced people. As a result, 20 municipalities signed the Declaration of Respect for the Dignity and Human Rights of the People on the Move in Urban Areas. Among the priorities agreed upon in this meeting were addressing: human mobility, refugee protection and the commitment to promote local integration.

Social Integration and Self-Sufficiency

Job placement and access to income generation and housing are the biggest challenges facing the refugee population in the process of integration in urban areas. In recent years the consolidation of alliances with national and municipal authorities has been promoted as the main strategic axis to increase the supply of public services to benefit refugees.

With regard to access to housing, in **Costa Rica** the Ministry of Housing and the Housing Mortgage Bank have included the refugee population among the beneficiaries of State bonds for housing construction. The **Costa Rica-Canada Foundation** has awarded 30 families with loans for housing construction. **Argentina** has taken steps to facilitate the access of refugee families to housing programs. A total of 55 families have been benefited from the **community programme "Madre Tierra."** In **Brazil**, *Minha Casa, Minha Vida* provides housing opportunities for refugee families.

Considering the difficulties of people in need of protection in accessing **financial systems**, States have promoted actions to facilitate access to the banking system and to micro-finance programmes. In **Venezuela**, by agreement with the Superintendency of Banks and other financial institutions, services were set up to help refugees to access the financial system. In **Argentina** the Ministry of Social Development provides funding to micro-credit projects of the refugee population. In **Chile**, the Solidarity Fund and Social Investment (FOSIS) of the Ministry of Planning has contributed with USD 200,000 in non-reimbursable capital seed for the past two years to about 80 micro enterprises. Meanwhile **Costa Rica** has guaranteed access to the refugee population to the financial system through a ruling by the Supreme Court and in recent years, the **micro-credit programme (APRODE, ACAI, House of Rights in the municipality of Desamparados)** has directly benefited 538 people, mostly women (55%). In **Colombia**, it has access of internally displaced population to the country financial system has been guaranteed. FINAGRO offers preferential terms on interest rates and guaranties, with minimum documentation requirements.

Noteworthy is the role of municipalities and other local authorities in promoting integrated services that facilitate economic integration of persons in need of protection. The **House of Rights in Desamparados, Costa Rica**, provides legal services and psychosocial assistance to refugees, migrants and the local population. The institution has employment programs such as the Employment Window, Youth and Migration, a micro-finance scheme, and a counseling center on labor rights. The House of Rights in Soacha, **Colombia**, has an inter-agency mechanism to assist internally displaced population. The House also provides legal, social, and productive counseling and fosters local initiatives and economic integration of displaced persons into the host populations.

In the **job placement** and **production** areas, local governments and civil society, particularly the business sector, play an important role. In **Brazil**, refugees are incorporated into vocational training through an initiative of the **National Business Association (SENAI) and the National Trade Association (SENAC)**. In **Argentina**, shoes industry unions, car wash companies, construction and metallurgy unions incorporate refugees into their training courses. MANPOWER is a company that provides job counseling to refugees. There are agreements with private companies to allow refugees access formal jobs. In **Chile** several partnerships have been established between the implementing agencies and private companies that generate a significant number of jobs, while in **Ecuador** the refugees have access to a municipal training programme called CONQUITO. Also in **Ecuador**, in the city of Cuenca, the municipal center *Casa de la Solidaridad*, offers vocational training courses to the local population and refugees, to facilitate the local integration process. In **Mexico**, *Casa Espacio de los Refugiados* provides free Spanish classes to the population of interest. In **Colombia**, the National Learning Service (SENA) has designed technical training courses, and job placement programmes for internally displaced persons and refugees. In **Uruguay**, through an agreement with the Municipality of Montevideo, asylum-seekers, refugees and resettled refugees have access to employment scholarship programmes offered by the municipality. In **Paraguay** the National System of Career Development (SNPP), and the National System of Training and Employment Training (SINAFOCAL), is working along with CONARE to offer free training courses to refugees.

III. Solidarity Resettlement



Since 2005, about 5,500 Colombian refugees with specific protection needs have been resettled to third countries from **Ecuador** (70%), **Costa Rica** (23%) and, to a lesser extent, from **Panama** and **Venezuela**. About 20% were resettled to countries in the **Southern Cone**. The most common criterion to identify people in need of resettlement remains legal and physical protection. Since 2008, **Argentina** and **Chile** joined **Brazil** assisting **women at risk** and began the implementation of special programmes for this population. In this way, has been provided protection to 150 refugee women in the region. In **Brazil** many of these people have been resettled by the emergency approval procedure, which allows high-risk refugees to be resettled within 72 hours. It is noteworthy to mention that **Brazil** and **Chile** expanded their programmes to receiving resettled refugees from other continents, including Palestinian refugees to both countries.

Strategic Use of Solidarity Resettlement

In any resettlement programme, it is crucial to provide accurate and updated information to the population, identified by the respective Resettlement Units in **Costa Rica** and **Ecuador**, or other UNHCR offices in the region. Several countries have updated visual and written materials to provide better information in selected cases. Similarly, resettlement countries are undertaking screening visits, such as a recent familiarization visit of **Uruguayan** officials to **Ecuador**, to start a new resettlement programme.

Solidarity Resettlement and Protection Nets

A major achievement of the Solidarity Resettlement Programme is the expansion and consolidation of **protection networks**. As a result of a decentralization strategy, an increasing number of regional and municipal governments are joining the programme. Several states and 31 Brazilian cities receive resettled refugees. In **Argentina** there are seven agreements in place with partners including the cities of **Rosario** and Buenos Aires, and the provinces of Mendoza, Cordoba and San Luis. In **Uruguay**, the first agreement was signed with **the City of Montevideo**.

The participation of state agencies starts from the reception phase of the individuals to be resettled. The induction programme in **Argentina, Chile, Paraguay** and **Uruguay**, includes workshops on government operation, guidance and support to identify access to public services. In **Brazil** the training programme to learn Portuguese continues to benefit refugees. Specific support mechanisms for resettled refugees have also been set up. **Argentina** has established inter-ministerial mechanisms at national and provincial levels, to promote access of refugees to public assistance and integration programmes. In **Chile** there are various committees and working groups dealing with integration issues. In **Brazil** these coordination mechanisms play a key role in sensitizing the public opinion and promoting specific public policies to improve the access of refugee to public services. Locally, the Committee for Refugees of the State of Sao Paulo has a strategic role in integration issues. In **Uruguay** and **Paraguay** CORE and CONARE, respectively, have the support of partners working on issues of integration and assistance.

Internationally, these programmes continue to receive support from traditional resettlement countries such as Norway, which since 2007 has sponsored the organization of **meetings on twinning cities**, to exchange best practices and promote innovative strategies for resettlement and local integration.

Reception Mechanisms and Local Integration Process

Access to housing and income generation are two major challenges faced by resettled refugees in their integration process. To alleviate this situation, several countries in the **Southern Cone** are developing innovative programmes and practices. **Uruguay** has established a system whereby refugee families save money monthly into a bank account for payment of rent deposits. In **Argentina** a guarantee fund has been established, financed by UNHCR, for resettled people to have access to rental housing. In **Brazil** the first resettled persons have access to the housing programme *Minha Casa, Minha Vida*, in the State of Rio Grande do Norte.

In all resettlement countries, through partners of the programme, resettled people receive training and/or orientation on labor market particularities in each country, and on job searching. Since 2009, **Argentina** is implementing a solidarity programme with local business firms, through which refugees are referred to formal employment in companies that give them internal training. The collaboration is based on a formal agreement signed between the company and UNHCR. In **Uruguay**, the Municipality of Montevideo included resettled persons in their one-year employment scholarship programme.

III. Difficulties and Future Challenges

In the past five years, the Mexico Plan of Action has addressed many of the regional challenges, through innovative programmes that have allowed progress in the promotion of durable solutions. It is remarkable the governments' leading role in establishing public policies to facilitate the refugees' incorporation to social and economic programmes, and the increasing role of local authorities, civil society and private sector in the integration processes. However, the refugee population continues to face serious difficulties that impede their full enjoyment of rights, and their social and productive insertion.

To reduce Asylum-Seekers' Instability and Dependence



Eight countries of the region guarantee the refugees and asylum-seekers' right to work. In these countries, the issuance of temporary work permits allows applicants access the national social welfare systems and begin the early integration process. In the other countries, this population is totally dependent on humanitarian assistance and, in many cases, are the victims of exclusion and abuse. This situation is particularly relevant in our region since the delays in the refugee status determination process may exceed 18 months. To illustrate this phenomenon, at the end of 2009 more than 68,000 asylum-seekers were awaiting a determination by the national eligibility committees, many of them depending on institutional support to survive

Issues of Social Inclusion, Access to Housing and Income Generation



Despite being guaranteed universal access to education and health, the refugee population faces certain restrictions inherent to public system deficiencies or lack of affirmative action. In health, an important achievement is that in most countries of the region, HIV positive refugees have access to ARV (Antiretroviral therapy). However, in several countries refugees have no access to national systems of assistance for other specialized treatments.

There are also administrative problems to the recognition of qualifications and diplomas from countries of origin. To mitigate this situation, several countries have formalized ministerial agreements to provide specific support to the refugee population. For example, in **Argentina** agreements have been signed with the Ministries of Education, Social Development, Employment and Social Security, to facilitate the management of the refugee population in governmental institutions. In **Ecuador** there are similar agreements with the Ministries of Health and Education, as well as the Municipality of Quito.

Undoubtedly, **access to housing** has been identified as the main concern of the population in need of protection, living in urban areas. Despite some pioneering initiatives in **Argentina**, **Costa Rica** and **Brazil**, the housing deficit is alarming. Studies show that in **Costa Rica** only 7% of the refugee population are home owners, while in Rio de Janeiro and Sao Paulo (**Brazil**) only 20% have access to adequate housing, but 34% of the population lives in high-risk areas. To date, few refugee families have access to public housing programs in **Brazil**, and only a few families have benefited from programs run by private associations in **Costa Rica** and **Argentina**. Therefore, it would be important to identify other options to increase the supply of housing available to refugee families through government programmes, or projects funded by local authorities and civil society.

Additionally, the refugee population living in urban areas is finding serious difficulties in the process of inclusion into the **labor market**. However, there have been advances to facilitate the

economic integration of the refugees. In **Argentina** and **Chile**, governments are supporting micro-enterprise programmes that incorporate the refugee population, as well as *Banco Solidario del Pueblo* in **Venezuela**. Efforts have been made in technical training and job placement. Both, **Argentina** and **Brazil** have many options for vocational training for refugees, through programmes sponsored by unions and employers associations.

Despite these good practices, the employment situation remains very precarious. In **Brazil** half of the refugee population is underemployed or unemployed. In **Panama** more than 70% survive with informal jobs. This situation is particularly serious for refugee women, who are underpaid and often exploited. Therefore, it is important to continue to develop public policies that incorporate refugee population in employment programmes, and continue to explore private sector cooperation, particularly in micro-finance and job placement.

Sustainability of the Solidarity Resettlement Program

The Solidarity Resettlement Programme continues to be a strategic area of the Mexico Plan of Action, by promoting the fundamental principles of shared responsibility and regional solidarity. Although resettlement countries have reiterated their commitment to the regional programme and have assumed greater operational responsibilities, the programme continues to require external support from the international community. Therefore, the consolidation and sustainability of the programme will depend largely on a stronger commitment by the States on financial matters, and involvement of partners who have accompanied this process, particularly local governments, non-governmental organizations, and the private sector. There will also be a continued reliance on the technical and financial support of the international community, to open new spaces that allow international protection and durable solutions for refugees in the region.

To Promote Durable Solutions for Protracted Displacement

Five years after the adoption of the Mexico Plan of Action, the search for durable solutions remains the main challenge for Latin America. This topic is particularly relevant to refugees in the context of the Andean Region, where forced displacement is affecting, in some cases for more than a decade, hundreds of thousands of internally displaced persons. In this context, States should redouble efforts to promote the development and implementation of public policies that promote local integration, particularly in urban areas, return and/or relocation of internally displaced people.

This process should be framed by the principle of full enjoyment of rights and it must provide housing programmes, income generation and restoration of land by taking into account the different needs of the population. For refugees, the shared responsibility of States and international cooperation is crucial to moving forward in the process of local integration and resettlement programmes. In terms of voluntary repatriation, UNHCR will continue to support the tripartite processes to facilitate and assist the population that chooses to return home voluntarily in conditions of safety and dignity.