



UNHCR
The UN Refugee Agency

+30
CARTAGENA



**BRAZIL PLAN OF ACTION
SECOND TRIENNIAL
PROGRESS REPORT
2018-2020**

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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
OECS/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



A Guatemalan family meets with UN High Commissioner for Refugees Filippo Grandi in southern Mexico. © UNHCR/Gabo Morales

A WORD FROM THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

The Brazil Plan of Action has become a vital guide for the protection, solutions and eradication of statelessness in these complex and difficult times for the world and, particularly, for Latin America and the Caribbean, caused by the COVID-19 pandemic and the multiple displacement crises and natural disasters that have intensified in recent years.

The region is well aware of these challenges: it has, on the one hand, a long history of exile, flight, and suffering, and, on the other, of accommodation, solidarity and hope. It is in this unique context that the 1984 Cartagena Declaration on Refugees was prepared, marking a turning point in the construction and strengthening of asylum, protection, and fraternity.

The Cartagena Declaration is an example for the world that has become a permanent and evolving process, which has inspired the Brazil Plan of Action and several other agreements in the region.

More than three years ago, I had the honour of participating in the regional meeting in Brazil, in which representatives of 35 countries approved the “100 points of Brasilia”, as the one hundred regional good practices that constituted a concrete contribution to the Global Compact on Refugees were called. The Brazil Plan of Action has also been a vital tool in the eradication of statelessness, giving an exceptional impulse to the global campaign on this issue.

The Plan has demonstrated its visionary, comprehensive and flexible nature, adapting to new and huge challenges in Latin America, which, in 2021, became home to one in five of the world’s displaced persons.

For all these reasons, UNHCR encourages the countries in the region to stay the course set by this extraordinary roadmap. Together with our strategic partners, we offer our full support for countries to maintain the tradition of openness, humanitarianism, shared responsibility and respect for the human rights of those in need of protection.

Filippo Grandi, United Nations High Commissioner for Refugees. Excerpts from the opening greeting of the Virtual Consultation of Latin American Countries for the elaboration of the Second Triennial Progress Report, 14 September 2021.

FOREWORD

Six years have passed since, in 2014, 28 states and 3 overseas territories in Latin America and the Caribbean adopted the Brazil Declaration and Plan of Action (BPA), as part of the commemoration of the thirtieth anniversary of the 1984 Cartagena Declaration on Refugees. In Cartagena, the countries had ratified “the peaceful, apolitical and exclusively humanitarian nature of the granting of asylum or the recognition of refugee status,” underlining “the importance of the internationally accepted principle whereby nothing may be interpreted as an unfriendly act towards refugees’ country of origin,” which is of the utmost importance in a context in which the State parties to the Brazil Plan of Action are countries of origin, transit, destination, and hosting.

The implementation of the Brazil Plan of Action, its objectives, programmes and commitments during the 2018-2020 three-year period has taken place in a scenario of profound and unsuspected changes, with serious impact on the situation of displaced persons. In the last three years, Latin America has experienced an unprecedented increase in forced displacement, including internally displaced persons and those displaced by natural disasters. One in five displaced persons is in the region, with the consequent burden on each of the host countries.

In addition, the region has been one of the main epicentres of the COVID-19 pandemic in the world, during which all countries have had to face major health, economic, and social challenges. For the vast majority of refugees and migrants, the impact of restrictive measures and the decline in economic development has been devastating. Border closing, the imposition of visas, increase in expulsions and deportations, and the closure or suspension of asylum procedures, among other restrictive measures, have led people in need of international protection to take very dangerous routes, crossing trails that put their integrity at risk and have caused the death of dozens of people who were unable to reach their destination. Gender-based violence has increased, with women, girls and LGBTIQ+ persons being the most affected. The precariousness of persons with specific protection needs, such as older persons and unaccompanied or separated children and adolescents, has increased.

The lack of documentation has increased the number of people in an irregular situation and, with it, the risk of abuse, exploitation, and discrimination. There have been manifestations of rejection and xenophobia. Despite the efforts made by the states in the region, many people working in the informal sector have lost their livelihoods and were left exposed to hunger and evictions. Many others have been left out of national healthcare and vaccination programmes. Of particular concern is the high number of children and adolescents who have been left out of the education system and, even more, have been deprived of their birth records, among other circumstances that expose them to a certain risk of statelessness. Added to this are displacements caused by natural disasters. The 2020 season was particularly devastating, and signs indicate that the situation will worsen in the coming years.

However, despite the difficult scenario, there have been responses that countries could be proud of that demonstrate the validity and strength of the commitments made in the framework of the Brazil Plan of Action and its programmes.

With regard to the Quality Asylum Programme, many countries in the region have responded to the massive flows with tools such as group screening under the expanded definition of Cartagena, regularization mechanisms, alternative measures to detention, and special measures to allow entry into the territories and guarantee non-refoulement, even in the context

of border closures for health reasons. In addition, innovative mechanisms have been created to strengthen asylum systems, such as the digitalization of processes and the increasing use of virtual methods. Finally, staff training and the strengthening of the authorities responsible for processing asylum claims have continued, and many countries continue to have successful experiences when implementing the Brazil Plan of Action Quality Asylum Programme and the Asylum Systems Quality Assurance Initiative (QAI).

Regarding the Brazil Plan of Action chapter on Comprehensive, Complementary and Sustainable Solutions, many countries have incorporated the refugee population into their general and sectoral public policies (including housing, employment and healthcare), even amid the COVID-19 pandemic. There are remarkable examples of socioeconomic integration (labour, banking, and financial), integration into formal education, and awareness and training programmes, among many others, which are opening up spaces for hosting and integration. Likewise, Cities of Solidarity have flourished in the region, a fundamental tool for strengthening local integration and peaceful coexistence with host communities.

Regarding the eradication of statelessness, new States have joined the 1954 and 1961 Conventions, and progress has been made in its prevention, such as the improvement of birth registries and documentation, intergovernmental work with cross-border populations and fewer restrictions on the acquisition of nationality.

The Brazil Plan of Action has, in its six years of implementation, addressed regional problems and their complex manifestations. It is a tool that demonstrates its full validity, and has been visionary and evolutionary, capable of adapting to changes and new scenarios and channelling effective responses. In addition, it complements and strengthens the main global and subregional initiatives already underway.

The Brazil Plan of Action was a forerunner in the shared responsibility that characterizes the Global Compact on Refugees. It has been the example for important regional cooperation mechanisms in force in Latin America and the Caribbean, such as the Comprehensive Regional Protection and Solutions Framework (MIRPS), which supports countries of origin, transit and destination, focusing on the admission and reception of displaced and returnee persons, addresses their immediate needs, and promotes the joint development of durable solutions. In addition, the Quito Process on Human Mobility of Venezuelan Citizens in the Region has been developed, with subject areas such as regional coordination in the areas of asylum, socioeconomic insertion, anti-trafficking, family reunification, education, and healthcare, among others. Also noteworthy is the work of the Latin American and Caribbean Council for Civil Registration, Identity and Vital Statistics (CLARCIEV), which guides many initiatives in the prevention of statelessness.

These have been difficult years, and the next three-year period of implementation of the Brazil Plan of Action may be even more complex. The socio-economic effects of the pandemic will continue to manifest and worsen, the region will remain exposed to climate change-generated disasters, and levels of violence and insecurity will not decline rapidly. However, through the roadmap of the Brazil Plan of Action, we can try to mitigate these effects. We cannot fail to mention that, even without having subscribed to the Plan, key actors—such as multiple civil society entities and networks, local governments and, increasingly, development actors and international financial institutions—are all playing a fundamental supporting role in the fulfilment of the ambitious goals of the various areas of the Brazil Plan of Action.

UNHCR will continue to collaborate with States in the implementation of each area and programme of the Brazil Plan of Action, and reiterates the invitation to continue using good practices in access to territory, regular stay, protection against refoulement and access to asylum procedures. All of these are the essence of the Brazil Plan of Action. UNHCR calls to continue strengthening local integration, social inclusion and, especially in these times of pandemic, access to healthcare for all persons in need of international protection. Additionally, UNHCR urges countries to persevere toward the goal of making Latin America and the Caribbean the first region in the world that is free of statelessness.

I can only hope that State parties will be able to respond to the challenges and priorities of the next three-year period of implementation of the Brazil Plan of Action, in order to achieve fruitful results that will allow us to continue moving forward in a spirit of collaboration and solidarity toward the significant date of Cartagena +40.

José Samaniego, Regional Director for the Americas, United Nations High Commissioner for Refugees.

EXECUTIVE SUMMARY

The **Second Triennial Progress Report of the 2014 Brazil Plan of Action (BPA)** covers the period from 2018 to 2020 and analyses the measures implemented by States in order to strengthen protection and promote solutions for refugee status seekers, refugees, displaced and stateless persons in Latin America and the Caribbean.

This second progress report draws on various public sources and the results of country fact sheets completed by Latin American countries of South America, Central America and Mexico. It also includes the conclusions of the two subregional consultations held with Latin American countries and Caribbean countries and territories. It is structured around the six areas and eleven programmes of the Brazil Plan of Action, and examines the evolution of national asylum systems in the region, efforts to eradicate statelessness, and protection responses and solutions over the past three years.

It provides a qualitative assessment of progress made, details national and regional achievements, and analyses selected good practices. The report also sheds light on current challenges, both longstanding ones and those that have arisen from recent adverse contexts, including large displacements of people, natural disasters, and the COVID-19 pandemic. Finally, it reports on the priority areas set by States for the next three-year period of implementation of the Brazil Plan of Action.

The report is divided into nine chapters.

The first introductory chapter recalls the creation process of the Brazil Plan of Action, its **historic role in the framework of the Cartagena Process and its validity** in meeting current challenges. It also describes the **methodology** used for the progress report and describes the **new scenarios** that the region has faced in recent years.

A second chapter analyses the **synergies and complementarity of the Brazil Plan of Action with the main ongoing global and subregional mechanisms**, in particular the Global Compact on Refugees and its Forum, the Global Action Plan to End Statelessness 2014-2024 and the High-Level Segment on Statelessness, the Comprehensive Regional Protection and Solutions Framework (MIRPS), the Quito Process on Human Mobility of Venezuelan Citizens in the Region, as well as the substantive contributions of the Organization of American States (OAS), namely, the Inter-American System for the Protection and Promotion of Human Rights (IAHRS), which has established the binding nature of many of the principles and rights contained in the Brazil Plan of Action.

Chapters three through eight follow the structure of the Brazil Plan of Action chapters and programmes (protection, solutions, Northern Central America, the Caribbean, statelessness, regional cooperation). They first discuss the **specific synergies** of each Brazil Plan of Action programme with the other mechanisms in place, then the **challenges** as well as **progress and good practices** achieved in the three-year period and, finally, the **focus areas** for the 2021-2023 period. The chapter on regional cooperation addresses **displacement due to natural disasters and the effects of climate change**, given the seriousness and urgency of this phenomenon.

Finally, the conclusions section summarizes the main progress of the three-year period, common challenges, and the factors that, according to the governments, explain both. It also summarizes the main focus areas identified by the countries, and concludes with final recommendations regarding the **need to make progress sustainable, reinforce the non-regression of guaranteed rights, and strengthen a long-term vision that makes it possible to anticipate new scenarios and respond to them efficiently, adequately, and in solidarity, with a view to the commemoration of Cartagena +40.**

A LOOK AT THE MAIN ACHIEVEMENTS OF THE 2018-2020 THREE-YEAR PERIOD

Chapter 3, Main Advances in the Field of Quality Asylum and Borders of Solidarity and Safety

<p><i>Prima facie</i> recognitions, and implementation of the Definition contained in the Cartagena Declaration</p>	<p>Differentiated procedures (accelerated, simplified, merged, group) and strategies to prevent and combat backlogs</p>	<p>Generation of digital systems for registration and case management, remote processes and large-scale registration centers</p>	<p>Timely and quality documentation that allows access to economic, social and cultural rights</p>
<p>QAI programme and strengthening of CONAREs, decentralization, staff reinforcement and training</p>	<p>Regularization of stay and complementary and temporary protection mechanisms, in addition to international protection</p>	<p>Substantive contributions from OAS-IAHRS to strengthen the protection of displaced persons</p>	<p>Legislation amendments for the protection of children and adolescents, and referral and care mechanisms to address specific protection needs</p>

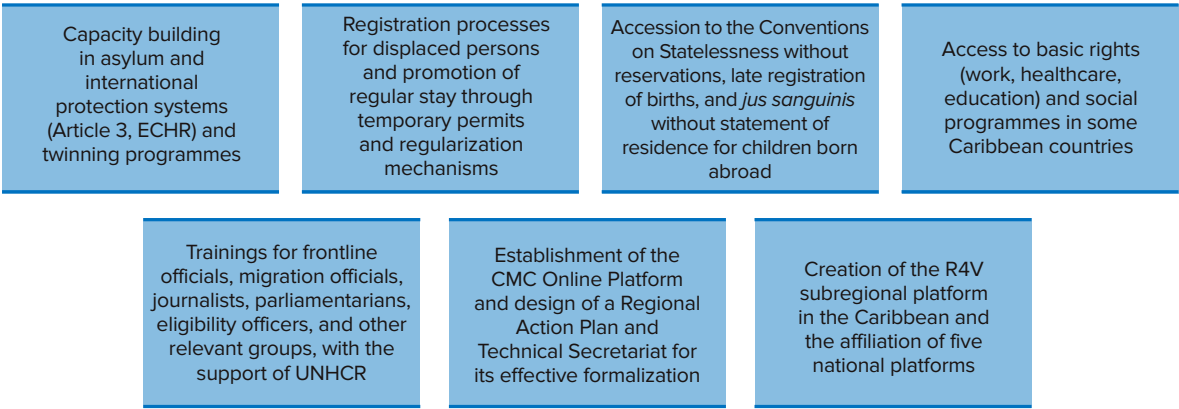
Chapter 4, Main Advances in Durable Solutions, Local Integration, and Resettlement

<p>Numerous new Cities of Solidarity, innovative integration mechanisms, and generation of regional and national networks of Cities of Solidarity</p>	<p>Resettlement programmes (including the PTA) and alternative channels of admission (humanitarian visas, family reunification)</p>	<p>Access to education, secure and regular employment, public healthcare systems and programmes, and the banking and financial system</p>
<p>Programmes for relocation and labour integration and socioeconomic integration (recognition of qualifications, training, self-employment)</p>	<p>During the pandemic, inclusion of displaced persons in social, humanitarian and healthcare programmes</p>	

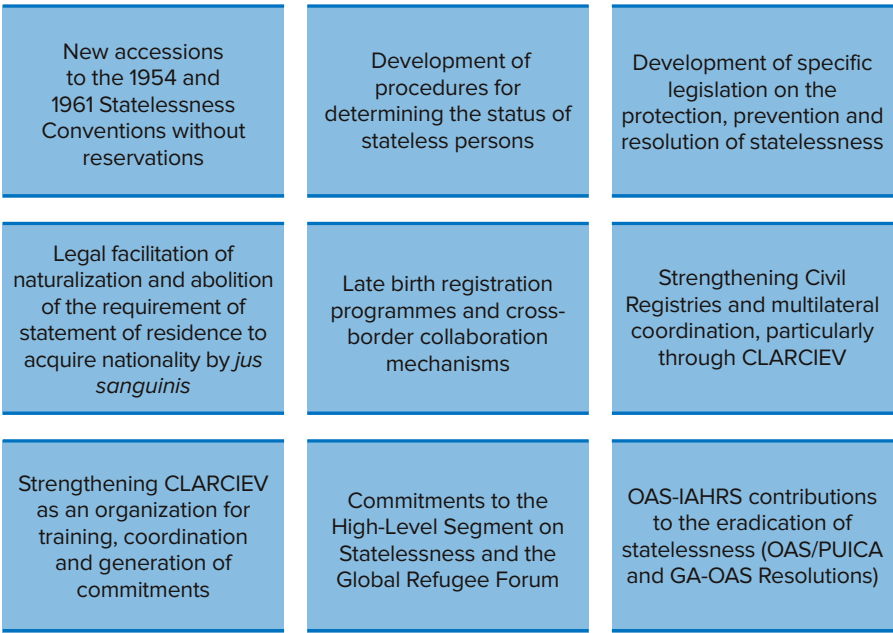
Chapter 5, Main Advances in Northern Central America

<p>In the MIRPS, development of national chapters, quantification process, MIRPS platform and Group of Friends</p>	<p>Regulatory and institutional progress in the prevention of forced internal displacement, protection and solutions</p>	<p>Creation of a Specialized Working Group on Migration and Forced Displacement CENTROESTAD/SICA</p>	<p>Creation and implementation of the Forced Displacement Monitoring System (CRISTOSAL & SICA)</p>
<p>Strengthening of asylum systems and solutions in Central America and Mexico for asylum-seekers and refugees, internally displaced persons, persons in transit, returnees and deportees</p>	<p>New initiatives and mechanisms, and strengthening of existing ones (PAIM SICA, ECLAC-IDP, Mesoamerican CONARES meeting)</p>		

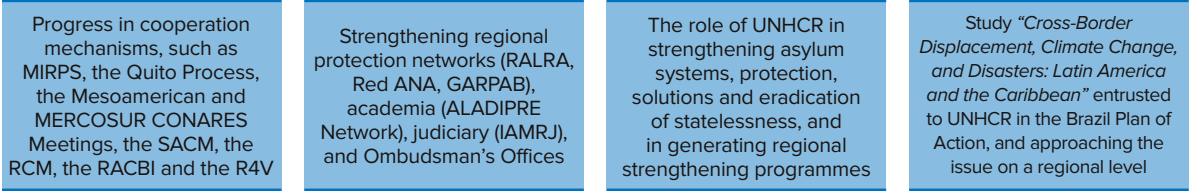
Chapter 6, Main Advances in the Caribbean



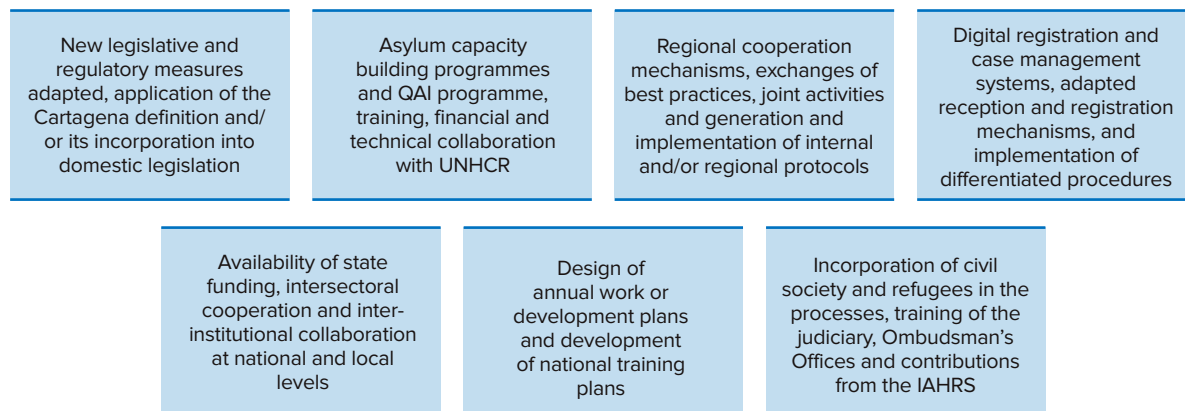
Chapter 7, Main Advances in the Eradication of Statelessness



Chapter 8, Highlights of the Main Initiatives that Have Improved Regional Cooperation



A LOOK AT THE MAIN FACTORS OR ACTORS THAT HAVE HAD AN IMPACT ON THE IMPLEMENTATION OF PROGRESS AND ALLOW FOR SUSTAINABILITY STRENGTHENING

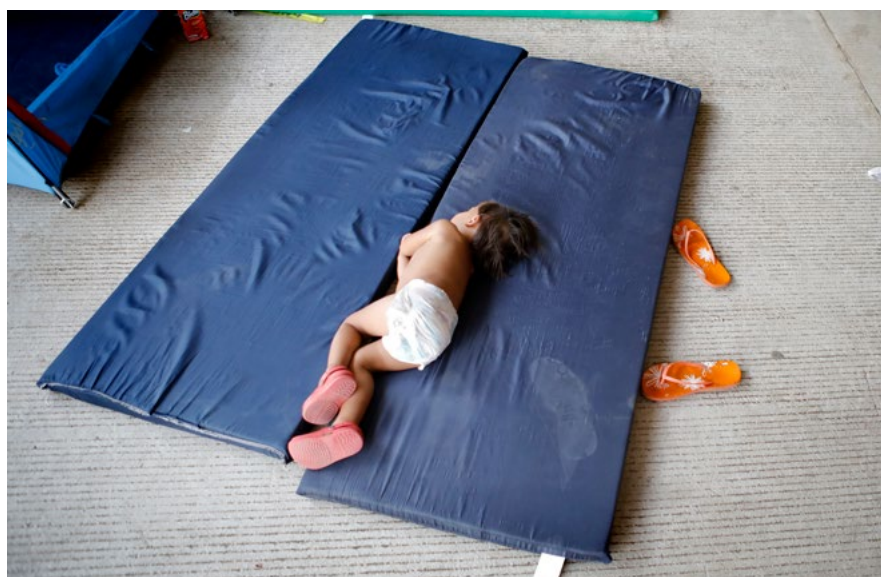


A LOOK AT THE MAIN CHALLENGES OF THE 2018-2020 PERIOD

Exponential increase in massive and mixed flows with the consequent collapse of asylum systems that have not been able to adapt, generating significant delays in the resolution of cases

Border closures, tightening of migration controls, refoulement and deportation, limited access to international protection systems and the weakening of some national asylum systems

Insufficient measures to guarantee regularity of stay and documentation, even for asylum-seekers, with the subsequent vulnerability and insecurity, including food insecurity



A three-year-old child from Honduras sleeps on a mattress in a temporary shelter in Tapachula, Mexico. © UNHCR/Daniel Dreifuss

Increase in forced displacement as a result of worsening social and political crises, violence and natural disasters in countries of origin

Differential impact of COVID-19 on socioeconomic, education, healthcare and safety issues, and lack of access to vaccination programmes and healthcare services in some countries

Increase in gender-based violence, abuse and sexual and labour exploitation in the displaced population, especially in women, children and adolescents, and the LGBTIQ+ population

Insufficient alternative measures to detention, including for children and adolescents and other groups with specific needs

Insufficient effective mechanisms of shared responsibility and solidarity to alleviate the burden on countries hosting the largest number of displaced persons

Increased xenophobia, discrimination and stigmatization among the most demanding host communities towards refugees, displaced persons, returnees, and deportees

Increased vulnerability of the displaced population due to greater danger along the way, border closures and the consequent irregularity of stay

Limited financial, human or material resources and no strengthening of management and technical skills and tools

A LOOK AT THE MAIN FOCUS AREAS FOR THE 2021-2023 THREE-YEAR PERIOD

Chapter 3, Main Focus Areas on Quality Asylum and Borders of Solidarity and Safety

Strengthening asylum capacities (QAI and other initiatives), efficiency and quality, through differentiated procedures and high standards of fairness and due process	Ensuring the right to seek asylum, immediate access to territory and international protection, the principle of non-refoulement, and alternatives to detention	Promoting policies for early risk identification and inter-institutional collaboration, and training and raising awareness of persons with specific protection needs
Generating alternatives for legal stay for persons with other international protection needs, including those affected by natural disasters and climate change	Collaborating with civil society, academia, Ombudsman's Offices and International Organizations as key contributors to procedural access and due process guarantees	Implementing digital registration and case management systems, including electronic issuance of quality documentation and ensuring early identification of persons with specific needs, including at borders
Strengthening the application and interpretation of the Cartagena definition and include gender-based persecution when obtaining refugee status	Respecting, without restrictions, the rights and guarantees established in the Brazil Plan of Action, whose binding nature has been established by the IAHRs	Implementing measures to prevent and address vicarious trauma and burnout among CONARE personnel who are highly stressed in mass influx contexts

Chapter 4, Main Focus Areas on Comprehensive, Complementary, and Sustainable Solutions

Guaranteeing timely and quality documentation for refugees and asylum-seekers, without mentioning their status, recognizable by all sectors, and guaranteeing access to economic, social, and cultural rights	Promoting socio-economic integration programmes (relocation and resettlement) and a multi-actor approach (public-private partnerships and inter-institutional cooperation) and removing legal and practical obstacles to access formal employment	Consolidating and expanding resettlement programmes, including community-based resettlement and the PTA, in accordance with the principle of shared responsibility and burden-sharing
Strengthening family reunification by removing legal and practical obstacles, and developing complementary access pathways (private or community sponsorship and humanitarian visas)	Expanding and strengthening Cities of Solidarity and their sustainability, continuing with the generation of Cities of Solidarity Networks, strengthening the #WithRefugees initiative, expand civil society support networks and partnerships with the private sector	

Chapter 5, Main Focus Areas for North Central America

Urging the international community to continue supporting the effective implementation of MIRPS, including concerted actions taken by States, civil society, academia, the private sector and international organizations	Consolidating the Specialized Group on Migration and Displacement of CENTROESTAD (SICA) and strengthening registration and monitoring systems for internally displaced persons, deportees, returnees and victims of violence	Improving the mechanisms for identifying and assisting returnees and deportees in need of protection and guaranteeing a comprehensive and inter-institutional response, particularly for children and adolescents	Continuing to make progress on internal displacement in El Salvador, Honduras and Mexico, developing and deepening policies and regulatory frameworks, and ensuring adequate funding
Providing regular and comprehensive information to persons in need of protection, including persons in transit, on their rights and duties, and training border officials on protection and non-refoulement	Intensifying programmes, projects and strategies to promote peaceful coexistence, support host communities, and reduce xenophobia, discrimination and stigmatization of refugees, displaced persons and returnees		

Chapter 6, Main Focus Areas for the Caribbean

Reinvigorating the CMCs as a space for exchange, homogenization of standards, coordination and joint evaluation of international cooperation needs, and distribution of responsibilities	Developing harmonized protocols on sensitive entry mechanisms, border management, identification of protection needs and vulnerabilities, and establishing referral mechanisms with a focus on age, gender and diversity	Prioritizing accession to the 1951 Convention and its Protocol, establishing national asylum systems, and strengthening the efficiency and quality of existing systems through support of the QAI Initiative	Guaranteeing respect for asylum-seeking, immediate access to territory, non-refoulement and alternatives to detention, and ensuring timely and clear information on rights and procedures and granting access to legal representation
Generating registration systems and campaigns for the displaced population, ensuring free, easily accessible national documentation and access to basic rights, and promoting regular stays	Implementing legal means of access to territories and alternative protection mechanisms, making visas more flexible in the case of displacement due to disasters, and strengthening CARICOM and OECS free mobility agreements	Generating responses to serious forms of abuse and exploitation, including gender-based violence, trafficking in persons and harmful coping mechanisms, and developing campaigns to counter discrimination and xenophobia	Generating protection mechanisms at sea to prevent shipwrecks and deaths and developing protocols on voluntary return that guarantee non-refoulement and prevent forced return
	Acceding to the conventions on statelessness without reservation, adopting adapted legislation, reviewing nationality laws with emphasis on eliminating gender discrimination, and promoting universal registration and late birth registration	Guaranteeing the acquisition of nationality by <i>jus soli</i> and <i>jus sanguinis</i> for stateless persons and persons at risk of statelessness, promoting solutions, facilitating naturalization and complying with commitments made before the GRF, HLS and CLARCIEV	

Chapter 7, Main Focus Areas on the Eradication of Statelessness

For States not party to the 1954 and 1961 Conventions, acceding to them without reservations and withdraw reservations for those State parties that have incorporated them	Continuing to work to prevent statelessness and protect stateless persons, and developing regulations, policies and strategies for the eradication of statelessness	Strengthening durable solutions for stateless persons and ensuring that stateless persons have access to simplified naturalization procedures	Promoting universal registration and late registration of births through all necessary legislative, administrative, and practical measures
	Ensuring the acquisition of nationality by <i>jus soli</i> and <i>jus sanguinis</i> for stateless persons or those at risk of statelessness	Undertaking additional policy efforts regarding the prevention and reduction of statelessness, to achieve the goal of becoming the world's first "statelessness-free" region by 2024	Fulfilling the commitments made in the framework of the Global Refugee Forum, the High-Level Segment on Statelessness and CLARCIEV

Chapter 8, Main Focus Areas on Regional Cooperation

Continuing with subregional and regional mechanisms on humanitarian and protection policies, exchange of best practices, and dialogue and information sharing	Responding in a concerted manner on a regional level, through regional bodies or mechanisms and their respective technical working groups, and reach effective mechanisms of shared responsibility	Strengthening joint mechanisms in and out of the region, and collaborating with civil society and international organizations to reinforce asylum systems, international protection, and solutions	Ensuring the sustainability of protection responses through consolidated and long-term policies, including technical and financial support from the international community that is predictable and proportional with the magnitude of the events
Strengthening the technical and financial support of the international community, including through UNHCR, and taking advantage of regional structures for the articulated search for cooperation, including through quantification exercises, as in MIRPS	Continuing to participate jointly in global meetings and forums aimed at strengthening protection, solutions and eradication of statelessness, by contributing good practices developed in the region	Strengthening regional and international cooperation, both technical, political and financial, to prepare for future challenges and enable new scenarios to be addressed through adaptable and flexible systems	Establishing regional or bilateral visa waiver and temporary stay agreements, integrating cross-border free movement and/or residency agreements, and promoting agreements on disaster risk management

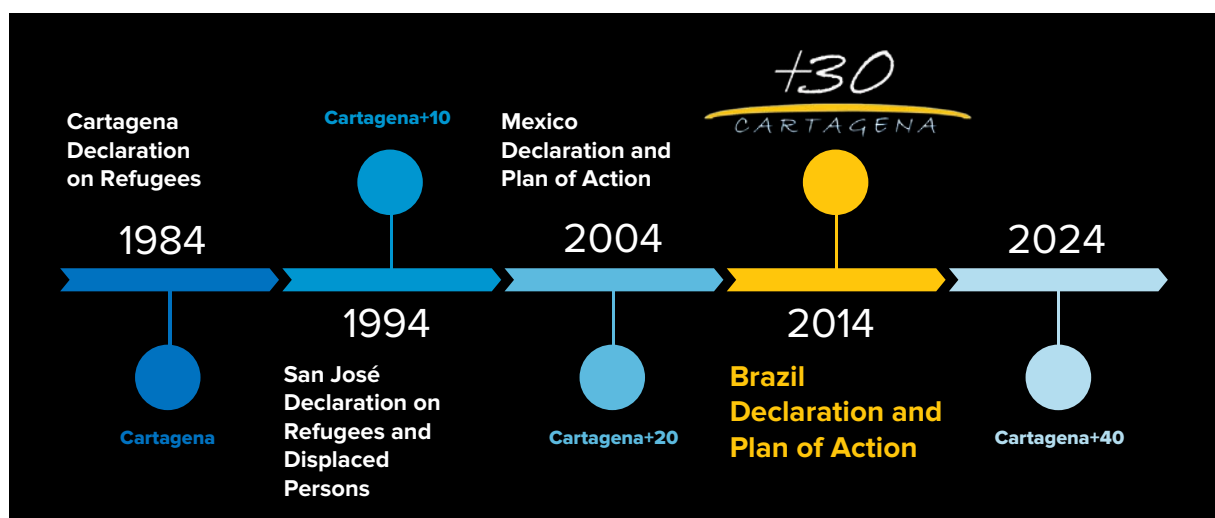
INTRODUCTION



1. INTRODUCTION

1.1. Scope of the Brazil Plan of Action: A Significant Milestone in a Historical Process

The **Brazil Plan of Action**¹ establishes a roadmap for the 2014-2024 decade as part of a process of evolution, updating, and celebration of the 1984 Cartagena Declaration on Refugees², which will mark its 40th anniversary in 2024. Thus, the Brazil Plan of Action was born under the slogan “Cartagena +30”, the thirtieth anniversary of the Cartagena Declaration, which revived the Latin American tradition of asylum and solidarity.



¹ United Nations High Commissioner for Refugees (UNHCR), *Brazil Declaration and Plan of Action*, 10 December 2014, available at: <https://www.acnur.org/5b5101644.pdf>.

² Regional Refugee Instruments and Related Issues, *Cartagena Declaration on Refugees*, Adopted by the “Colloquium on the International Protection of Refugees in Central America, Mexico and Panama: Legal and Humanitarian Problems,” 22 November 1984, available at: <https://www.refworld.org/docid/3ae6b36ec.html>.

The Declaration and the Brazil Plan of Action, adopted when the 2004-2014 Mexico Plan of Action was fully implemented, resulted from extended dialogue between governments, the civil society, young refugees and women refugees, as well as regional and international organizations. Adopted by acclamation in December 2014 by 28 States and 3 overseas territories in Latin America and the Caribbean, it was a milestone in the long process of the region's contribution to the international protection system. Additionally, for the first time in the Cartagena process, the Brazil Plan of Action included the Caribbean subregion, thus reaching an exceptionally wide geographical area in the Americas:



The Brazil Plan of Action reflected the standards of binding international instruments such as the 1951 Convention Relating to the Status of Refugees, whose 70th anniversary is 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, as well as the 1969 American Convention on Human Rights (Pact of San Jose, Costa Rica). The result was the agreement of 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 expanded regional definition of refugee in the 1984 Cartagena Declaration, and addressed the important challenges that the region would face in the years to come: the need for shared responsibility, solidarity and international cooperation; complementary protection and humanitarian visas for non-refugees needing protection; balance between legitimate safety concerns of States and international protection needs; specific concern about the situation of migrant and refugee children and adolescents who may require international protection, 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.

The Brazil Declaration and Plan of Action constitute a unique and strategic regional instrument for the protection of refugees, displaced and stateless persons, which is an effective contribution of Latin America and the Caribbean to the world. It is apolitical, geographically comprehensive, and with a broad spectrum in addressing regional problems. It is a tool capable of getting States involved, transcending governments, and projecting itself beyond contingencies, reaffirming the long Latin American tradition of asylum and solidarity.

Although the region has undergone substantial changes in recent years, particularly in the last three-year period, the Brazil Plan of Action contains much of the necessary foundations to address scenarios such as the forced displacement of millions of people in the region, the growing increase in violence and insecurity in some Central American countries, displacement due to natural disasters and climate change, large-scale mixed movements, and the recent COVID-19 pandemic. This consolidates the adaptability of the Brazil Plan of Action, reaffirms its historical and current value, as well as its strength as a comprehensive and pragmatic roadmap for the construction of a region that is strong and supportive in the protection of displaced persons.

1.2. Methodology of the Evaluation Process for the 2018-2020 Three-Year Period


The Brazil Plan of Action, which is innovative in terms of the instruments developed throughout the Cartagena Process, entrusts UNHCR with drafting triennial progress reports on its implementation³. The first progress report for the 2015-2017 period was published in 2018⁴ and for its preparation, national, thematic, and subregional consultations were held to identify progress and challenges, as well as priorities for the three-year period that has just ended.

This report is for the period 2018-2020. One last triennial report will be produced in 2023 and, in 2024, at the end of the duration of the Brazil Plan of Action and the 40th anniversary of the Cartagena Declaration, a final report will be produced.

The methodology used to produce this report was adapted to the regional context and the different realities of the subregions, taking care not to overwhelm the States, which already have enough in the current context. The report draws on the information gathered in the national and subregional thematic consultations, using as a reference the commitments of the Brazil Plan of Action itself, together with the priorities identified by the States in the First Triennial Report⁵. The information available in the global and subregional forums in force in the region was also used: Comprehensive Regional Protection and Solutions Framework (MIRPS), the Quito Process, the Global Refugee Forum (GRF) and the High-Level Segment on Statelessness (HLS), among others⁶, as well as the information gathered by UNHCR during the three-year period. In accordance with the Brazil Plan of Action's invitation to consider civil society and the Inter-American System for the Protection and Promotion of Human Rights (IAHRS), the public information provided by these bodies and entities was also taken into account.

³ Chapter VIII, paragraph 3 states: "UNHCR, as requested by the States adopting this Plan of Action, will produce triennial progress reports On the basis of which, it shall present a final report at the end of the duration of this Plan of Action."

⁴ 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>.

⁵  The priorities of the First Triennial Progress Report are listed in the [annex](#) to this report.

⁶ These initiatives and mechanisms will be described throughout this report. See, in particular, for MIRPS: Chapter 2, section 2.1.3. and Chapter 5, section 5.2; for the Quito Process, Chapter 2, section 2.1.4; for the GRF, Chapter 2, section 2.1.1.; and for the HLS, Chapter 2, section 2.1.2.

Finally, it should be noted that two different –albeit harmonious– methodologies were used to prepare the report for the countries of Latin America and for the countries and territories of the Caribbean, taking into account the specific characteristics of each subregion. In both cases, thematic subregional consultations were held with broad participation, since all the countries and territories of the Latin American and Caribbean region that share the spirit and content of the Brazil Plan of Action were invited, regardless of whether they had been part of its original adoption or not.

1.2.1. Central America, Mexico, and South American countries

The data gathering methodology consisted of two subsequent stages.

The first consisted of sending country fact sheets to each government⁷. To lighten the burden and the process, the forms were pre-completed with the information that the States had previously reported within the framework of the different global and regional initiatives in force. Thirteen countries reviewed and completed the forms and reported their responses.

Based on the systematization of the information provided by the governments, a virtual consultation was prepared and held on 14 September 2021, with Mexico as the host country in its capacity as *pro tempore* Coordinator for UNHCR of the Latin American and Caribbean Group (GRULAC). The specific objectives of the consultation were:

- a) To detail the main common conclusions emerging from the national consultations held between April and June 2021, as well as the regional situation in the 2018-2020 three-year period;
- b) To foster the exchange of good practices, innovative solutions and lessons learned among the countries in relation to the three thematic chapters of the Brazil Plan of Action (protection, solutions and statelessness), to prepare the second triennial report;
- c) Agree on the priorities for the next three-year period of implementation of the Brazil Plan of Action (2021-2023) based on the remaining challenges, the new challenges that emerged in the last three-year period and their causes; the priorities established in 2017 pending implementation; and the priorities and areas of focus set within the framework of other global, regional, and subregional initiatives in force in the region.

During this consultation, UNHCR presented an overview of the region in terms of protection of refugees and asylum-seekers (Brazil Plan of Action Quality Asylum and Borders of Solidarity and Safety programmes); complementary, comprehensive, and sustainable solutions; and eradicating statelessness. Throughout the consultation, reference was also made to regional cooperation across the board.

⁷ In country fact sheets, governments were asked to:

1. Validate and/or complement, to be mentioned in the final report, the most relevant advances developed by the State in the 2018-2020 three-year period and that the country would like to be considered in the Report;
2. Select one or two 2018-2020 good practices, which were defined as innovative, replicable or a model for other countries to follow; having been effectively implemented; having had an effective and significant impact on the population of concern; efficient in the use of resources; and containing elements that made them sustainable;
3. Identify factors and/or actors that made it possible to make progress in terms of protection and, in particular, in the fulfilment of the commitments acquired within the framework of the Brazil Plan of Action;
4. Identify factors and/or actors that can contribute to ensuring the sustainability of asylum systems and measures aimed at strengthening protection, solutions and solidarity, as well as eradicating statelessness;
5. Identify the main circumstances that had an impact on limiting the State's capacity to comply with the Brazil Plan of Action commitments or maintain good practices or progress reported in the previous Triennial Report;
6. Highlight innovative solutions that made it possible to face recent adverse contexts (pandemic, exponential increase of asylum-seekers, etc.) and adapt the asylum systems to the new scenarios;
7. Highlight lessons learned in the last three-year period;
8. Propose focus areas for the next three-year period of implementation of the Brazil Plan of Action (2021-2024).

In open plenary sessions, countries provided material information on their best practices, challenges, and proposals for focus areas for the next three-year period, making the consultation a fruitful and interactive event. Representatives from 17 Latin American countries attended,⁸ together with the *pro-tempore* presidency of the MIRPS, which is vested in Guatemala.

Participants referred to the Brazil Plan of Action as a current and necessary roadmap for the region, and reinforced their strong commitment as part of the Cartagena Process.

1.2.2. Caribbean Countries and Territories

For the Caribbean, the initial information gathering phase was based on UNHCR documents and reports, as well as on the information reported by the countries and territories to the forums in force in the subregion (mainly the MIRPS, the Quito Process, the Global Refugee Forum, and the High-Level Segment on Statelessness). Based on this information, preparations were made for the virtual thematic subregional consultation that took place on 15 October 2021, organized by UNHCR. Twenty-two Caribbean countries and territories participated in the consultation⁹.

The specific objectives of the consultation were:

- a) To foster the exchange of good practices developed in the last three-year period of implementation of the *Solidarity with the Caribbean* chapter of the Brazil Plan of Action;
- b) Identify the main challenges faced by the Caribbean region in the last three-year period and their causes;
- c) Establish priorities for the next three-year period (2021-2023), considering those established by the countries in the region in 2017 that are still pending.

In this consultation, the main results of the initial research phase were presented and five countries (Belize, Cuba, Haiti, the Dominican Republic, and Suriname) presented their good practices in: (i) asylum systems and management of mixed flows, (ii) comprehensive and durable solutions and regularization mechanisms, and (iii) prevention and reduction of statelessness.

The virtual consultation also included a module on subregional cooperation. The module reported on the progress of the Caribbean Migration Consultations (CMC), an organization whose origins lie in the Brazil Plan of Action, and CARICOM IMPACS made an analysis of the effects of climate change in the Caribbean, displacement due to natural disasters, and appropriate and adapted mechanisms to deal with them.

All presentations were followed by plenary sessions in which several countries shared their challenges and their needs for support and international cooperation, providing substantive information for the preparation of this report.

The results of the Consultation are reflected in Chapter 6 of this report on Regional Solidarity with the Caribbean for a Comprehensive International Protection Response and Durable Solutions.

⁸ Countries and forums present at the Consultation: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela, MIRPS (under the presidency of Guatemala).

⁹ Anguilla, Antigua and Barbuda, Aruba, Bahamas, Barbados, Belize, Cuba, Curaçao, Dominica, Grenada, Guyana, Haiti, Cayman Islands, Turks and Caicos Islands, Jamaica, Dominican Republic, St. Kitts and Nevis, St. Vincent and the Grenadines, St. Maarten, St. Lucia, Suriname, Trinidad and Tobago. CARICOM IMPACS was also present.

1.3. The New Regional Context

During the second three-year period 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.

1.3.1. Regional Trends

This period confirmed the trends reported in the First Triennial Progress Report, which reported new forms of forced displacement caused by 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 serious homicide rates, armed conflicts, and violent natural disasters.

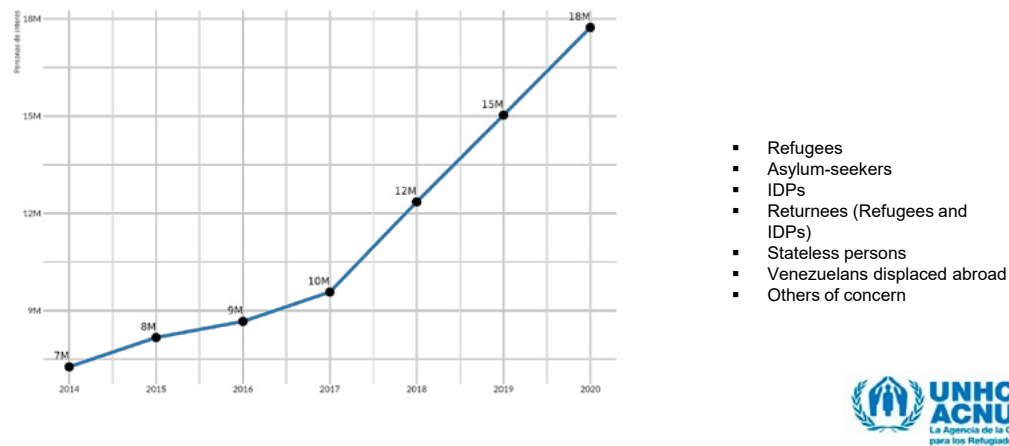
As of 2018, such trends were becoming more acute across the continent, resulting in the exponential growth of mixed flows of refugees, migrants, and internally displaced persons, and the drastic increase in protection and assistance needs. On top of that was the political and social crisis that began in Nicaragua in April 2018, which caused the departure of tens of thousands of people to neighbouring countries, mainly to Costa Rica.

During the period analysed in this report, the situation in Latin America was turbulent, with different displacement crises, as well as tensions in several host countries that began to see their capacity to receive displaced persons eroded. This worsening of problems coincided with the generation and strengthening of certain regional responses¹⁰.

As a result of these situations, the Americas region was facing a never-seen forced displacement crisis as of December 2020. The number UNHCR’s persons of concern increased from 12 million in 2018 to 16 million in 2020, meaning that one out of five displaced persons in the world are now in the Americas¹¹:

Displacement developments in the Americas since the adoption of the Brazil Plan of Action

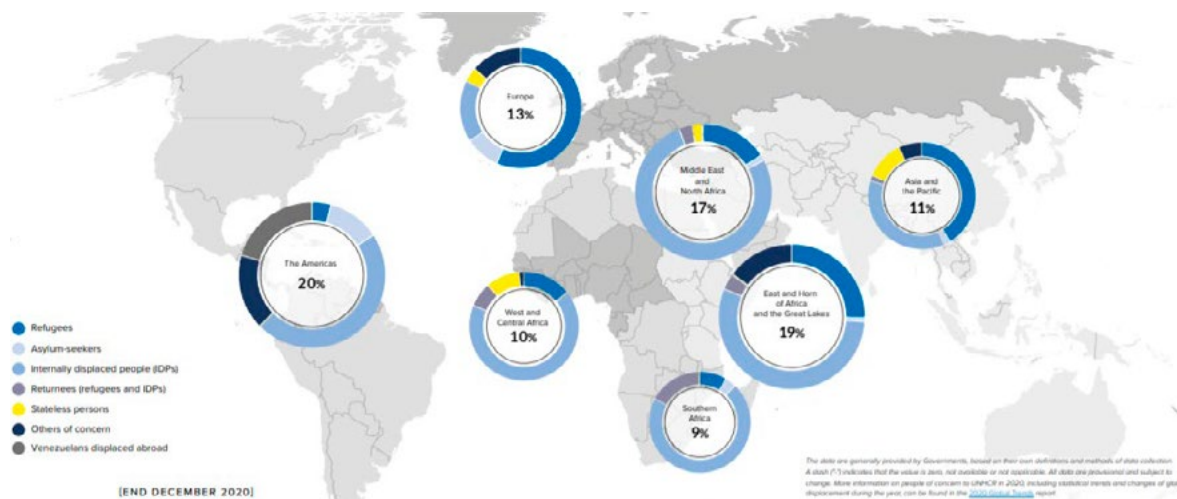
UNHCR Population of Concern in the Americas, 2014-2020



¹⁰ In Northern Central America, through the MIRPS (see Chapter 2, section 2.1.3. and Chapter 5, section 5.2.), the development of national action plans was initiated. The acute worsening of the situation in Venezuela deepened the Quito Process (see Chapter 2, section 2.1.4.). Several UNHCR action plans were formulated, some in coordination with the IOM, and initiatives in other instances. All this in synergy with the Global Compact on Refugees and the First Global Refugee Forum (see Chapter 2, section 2.1.1.), and UNHCR’s call to the High-Level Segment on Statelessness (Chapter 2, section 2.1.2.).

¹¹ See United Nations High Commissioner for Refugees (UNHCR), *Global Trends: Forced Displacement in 2020*, 18 June 2021, available at: <https://www.unhcr.org/statistics/unhcrstats/60b638e37/global-trends-forced-displacement-2020.html>.

Displacement developments in the Americas since the adoption of the Brazil Plan of Action



2 in every 5
Persons of Concern to UNHCR
are in the Americas

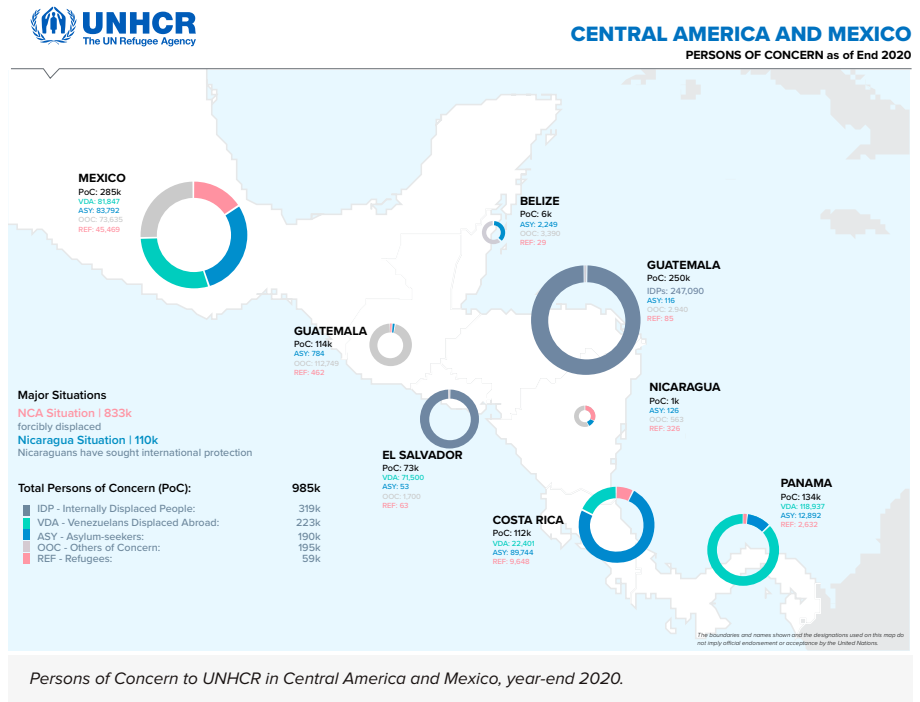


In the **Caribbean**, during the 2018-2020 three-year period, the disproportionate influx of refugees, asylum-seekers and displaced persons marked an upward trend that exacerbated problems of access to humanitarian assistance and basic services, including healthcare and education. Displaced persons in the Caribbean came from more than 50 countries, Venezuela being the main one (83%). The number of forcibly displaced persons increased by 75% in 2019 across the Caribbean, with a dramatic increase of more than 600% in Curaçao, and Trinidad and Tobago, and a particular impact on the Dominican Republic, the main host country for Venezuelans in the subregion. These flows also had an exceptional impact on small countries and territories where the number of displaced persons, in relation to the national population, is very high. Thus, one out of six persons in Aruba and one out of ten in Curaçao is Venezuelan.

Colombia is the second country in the world in terms of reception of displaced persons (after Turkey)¹², and in 2020 it continued to host the largest number of Venezuelans, more than 1.7 million counted in December 2020, in addition to persons in transit, those who make pendulum movements and the nearly 845,000 Colombian returnees and binationals. On the other hand, the pandemic, internal displacement, and violence by irregular armed groups restricted progress, in the interior of the country, as regards solutions for internally displaced persons, and limited humanitarian access and mobility for more than 60,000 people, where indigenous and Afro-Colombian communities along the Pacific coast and in border areas being particularly affected.

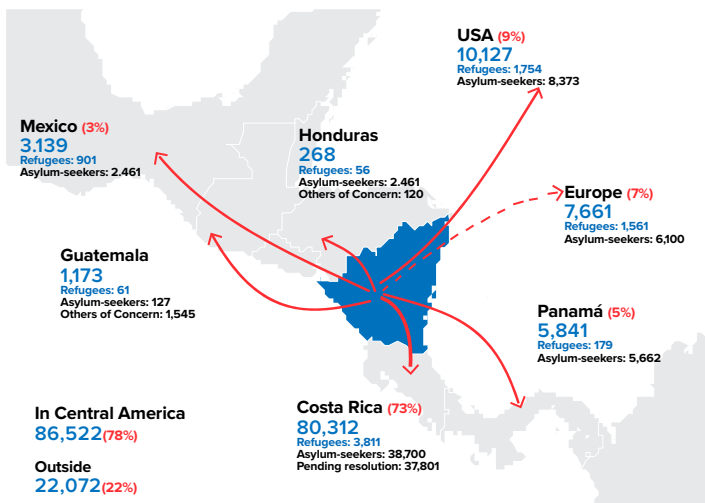
¹² United Nations High Commissioner for Refugees (UNHCR), *Mid-Year Trends 2020*, available at: <https://www.unhcr.org/5fc504d44.pdf>.

During the 2018-2020 period, three countries in **Northern Central America (NCA)**—Guatemala, El Salvador, and Honduras—experienced a noticeably increasing trend of forced displacement due to organized crime and drug cartels, high homicide rates, gangs, human rights violations, limited access to public services, aggravation of poverty, and other socioeconomic and institutional factors. Internal displacement also increased with thousands of families seeking protection within their own country, particularly in 2020 in the context of the pandemic and border closing.



Nicaragua Situation
Key population figures
End 2020

> Refugees and asylum-seekers from Nicaragua



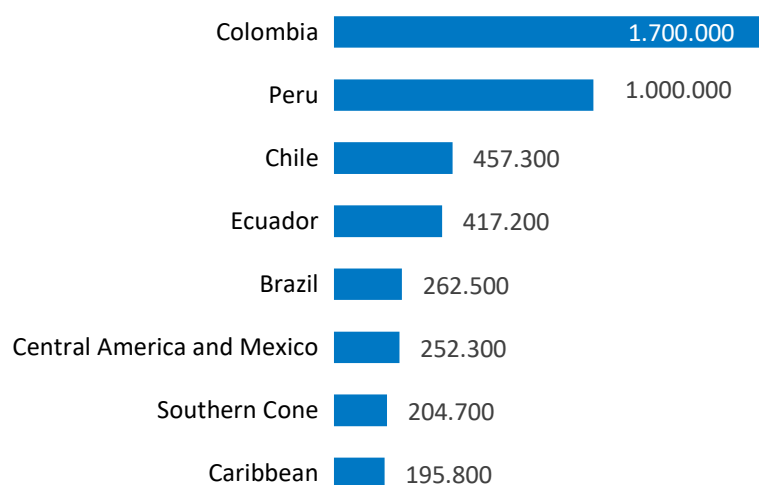
Moreover, between April 2018 and December 2020, the socio-political crisis and human rights violations in **Nicaragua** led nearly 110,000 people to flee and seek international protection — 85% of them to the neighbouring Costa Rica¹³. Within the country, the pandemic and natural disasters, combined with the lack of state infrastructure capacity and a poorly prepared healthcare system, had a devastating impact¹⁴.

Between 2018 and 2020, political and socioeconomic developments and the humanitarian crisis in the **Bolivarian Republic of Venezuela** (hereinafter, Venezuela) continued to cause the outflow of millions of refugees and migrants, espe-

¹³ Information available at: <http://www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf>.

¹⁴ Nicaragua, the second poorest country in the region, with a declining economy since 2018, experienced an additional 5.9% contraction of its economy in 2020 and was severely affected by hurricanes Iota and Eta, which hit the region in November that year.

cially to neighbouring countries¹⁵. Hundreds of thousands of people crossed the border into Colombia, while others headed for Brazil, Chile, Ecuador or Peru, and thousands more made risky journeys by sea to the Caribbean islands. As of January 2021, the exodus of Venezuelans constituted the second largest international displacement crisis in the world. Until then, 5.4 million had fled their homes, of which 4.6 million were in the Americas. Globally, there were 143,532 Venezue-



* Source: *Regional Inter-agency Coordination Platform, March 2019*

** *Caribbean sub-region includes data from: Aruba, Curaçao, the Dominican Republic, Guyana, Trinidad and Tobago; Southern Cone: Argentina, Uruguay, Paraguay; Central America and Mexico: Costa Rica, Mexico, Panama.*

Persons of Concern by host country (September, 2021).

lans recognized as refugees worldwide, 793,862 pending asylum applications, and more than 2.5 million regular status permits granted since 2014¹⁶. The remaining displaced Venezuelans are in a situation of irregular migration and face great vulnerability to various forms of exploitation and abuse, violence, and discrimination.

1.3.2. The COVID-19 Pandemic

In 2020, the great challenges and progress of previous years met with the COVID-19 pandemic, which made Latin America and the Caribbean the hardest hit region in the world. Available figures show that around 11 million people were infected, and the number of deaths reached almost half a million¹⁷.

Prolonged quarantines, movement restrictions, curfews, border closings and the resulting economic recession disproportionately affected refugees and asylum-seekers, internally displaced populations, stateless persons, and others in need of international protection. This was added to the suspension of the operation of numerous asylum systems in the region, which, coupled with the closing of borders, led to a drastic decrease in applications for refugee status:

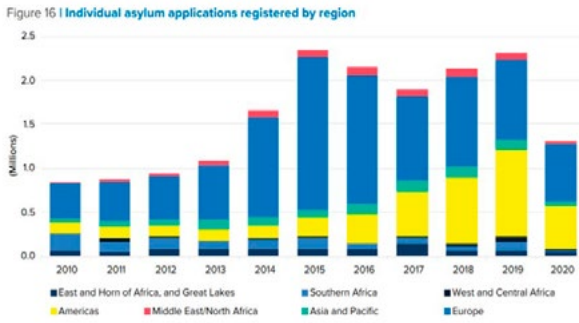
¹⁵ Information available at <https://r4v.info/es/documents/details/77821>.

¹⁶ Information available at: <https://reporting.unhcr.org/sites/default/files/UNHCR%20Venezuela%20situation%20fact%20sheet%20January%202021.pdf>.

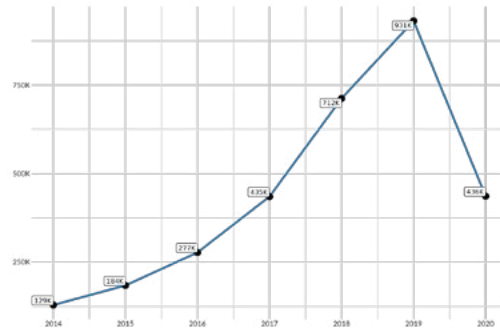
¹⁷ Economic Commission for Latin America and Caribbean (ECLAC), *ECLAC Review no. 132 - Special Issue. COVID-19 and the socioeconomic crisis in Latin America and the Caribbean*, December 2020, available at: <https://www.cepal.org/en/publications/46921-cepal-review-132-special-issue-covid-19-and-socioeconomic-crisis-latin-america>.

New asylum claims in the Americas since the adoption of the Brazil Plan of Action

New asylum applications (global) 2010-2020



New asylum applications (Americas) 2014-2020



The economic recession resulting from the pandemic particularly affected displaced persons, including internally displaced persons and other persons in need of international protection. Indeed, the economic crisis and social pressures severely impacted the ability of displaced persons to integrate into host countries and communities. As a result, many who were largely self-sufficient in the early 2020 became overwhelmingly dependent on humanitarian assistance provided by countries or by international organizations and civil society.

Prolonged pandemic-related border closures failed to stop forced displacement, and increased border controls pushed many people into irregular channels, exposing them to greater risk, deprivation, abuse, and violence.

The pandemic also led to a serious increase in gender-based violence, mental healthcare needs, food insecurity, malnutrition, and poverty. The number of displaced homeless persons increased, which degraded the public perception of migrants and refugees. Indeed, high levels of transmission in most Latin American and Caribbean countries with overburdened health capacities increased the stress of an environment that increasingly stigmatized and blamed displaced populations and other people on the move. It has been noticed that xenophobia and discrimination have increased in many host countries in the region.

1.3.3. Displacement due to Natural Disasters and Climate Change

Latin America and the Caribbean are exposed to devastating climate events that cause both internal and cross-border displacement, and is the second most disaster-prone region in the world, with floods being the most common¹⁸. One-third of the population of Latin America and the Caribbean lives in high-risk disaster-prone areas¹⁹. The 2018-2020 three-year period was particularly critical: hurricanes, forest fires,

¹⁸ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Natural Disasters in Latin America and The Caribbean 2000 - 2019*: <https://www.humanitarianresponse.info/en/operations/latin-america-and-caribbean/document/natural-disasters-latin-america-and-caribbean-2000>.

¹⁹ Economic Commission for Latin America and the Caribbean (ECLAC), *Disasters in Latin America and the Caribbean (infographic)*. Available at: <https://www.cepal.org/sites/default/files/infographic/files/desastresing.pdf>. See 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>.



An Awá indigenous teacher walks long distances to teach to his pupils in a rural community in Ecuador. © UNHCR/Jaime Giménez

floods, volcanic eruptions, earthquakes, cyclones, tropical storms, and droughts occurred throughout the region, generating serious humanitarian situations both in countries facing large flows of internal displacement and those hosting people displaced beyond their borders.

This situation has worsened in recent years. In the Atlantic, the 2020 season produced 30 storms, 14 of which became hurricanes, 7 of them major ones²⁰, to which were added other natural hazards: heavy rains, floods, volcanic and seismic activity, droughts, and forest fires, especially in the Caribbean²¹. In Central America and Southern Mexico, the last three-year period saw an increase in the intensity of rainfall and drought, with a consequent increase in displacement²². South America was also²³ increasingly affected by natural events such as landslides and floods and geophysical events, including minor and major earthquakes, as well as volcanic eruptions²⁴.

²⁰ This is the highest number of storms on record—more than 28 in 2005—and the second highest number of hurricanes registered: “Record-breaking Atlantic hurricane season draws to an end,” available at: <https://www.noaa.gov/media-release/record-breaking-atlantic-hurricane-season-draws-to-end>.

²¹ The exposure of small island countries in the Eastern Caribbean is particularly high: Platform on Disaster Displacement, *Report- 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*, available at: <https://disasterdisplacement.org/portfolio-item/cmc-report>; International Organization for Migration (IOM), *Free Movement in the Caribbean: Economic and Security Dimensions*, 2019, page 72, available at: <https://publications.iom.int/books/free-movement-caribbean-economic-and-security-dimensions>.

²² Towards the end of 2020, the subregion was hit by hurricanes Eta and Iota, one shortly after the other, which made that year the second most active hurricane season ever recorded, and it mainly affected Guatemala, Honduras, and Nicaragua. In addition to these events, the Amanda and Cristobal tropical storms, among others, strongly affected El Salvador, Guatemala, and Southern Mexico.

²³ Each year there is an increase in the frequency, intensity and unpredictability of hydrometeorological events. See, in this regard: Conferencia Suramericana sobre Migraciones, *Lineamientos regionales en materia de protección y asistencia a personas desplazadas a través de fronteras y migrantes en países afectados por desastres de origen natural (South American Conference on Migration - Regional Guidelines for the Protection and Assistance of Displaced Persons and Migrants in Countries Affected by Natural Disasters)*, December 2018, page 9 onwards, available in Spanish at: <https://www.refworld.org/es/docid/5e586fbe4.html>.

²⁴ The phenomenon of displacement due to natural disasters and climate change is analysed in Chapter 8, on Regional Cooperation, of this report, section 8.5.

BRAZIL PLAN OF ACTION AND OTHER GLOBAL AND SUBREGIONAL MECHANISMS



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2. BRAZIL PLAN OF ACTION AND OTHER GLOBAL AND SUBREGIONAL MECHANISMS



Initiatives or forums in synergy and complementarity with the Brazil Plan of Action:

- Those whose objectives overlap with and complement the Brazil Plan of Action
- Those that substantially share the subjects of the Brazil Plan of Action but innovate in certain areas or address other topics

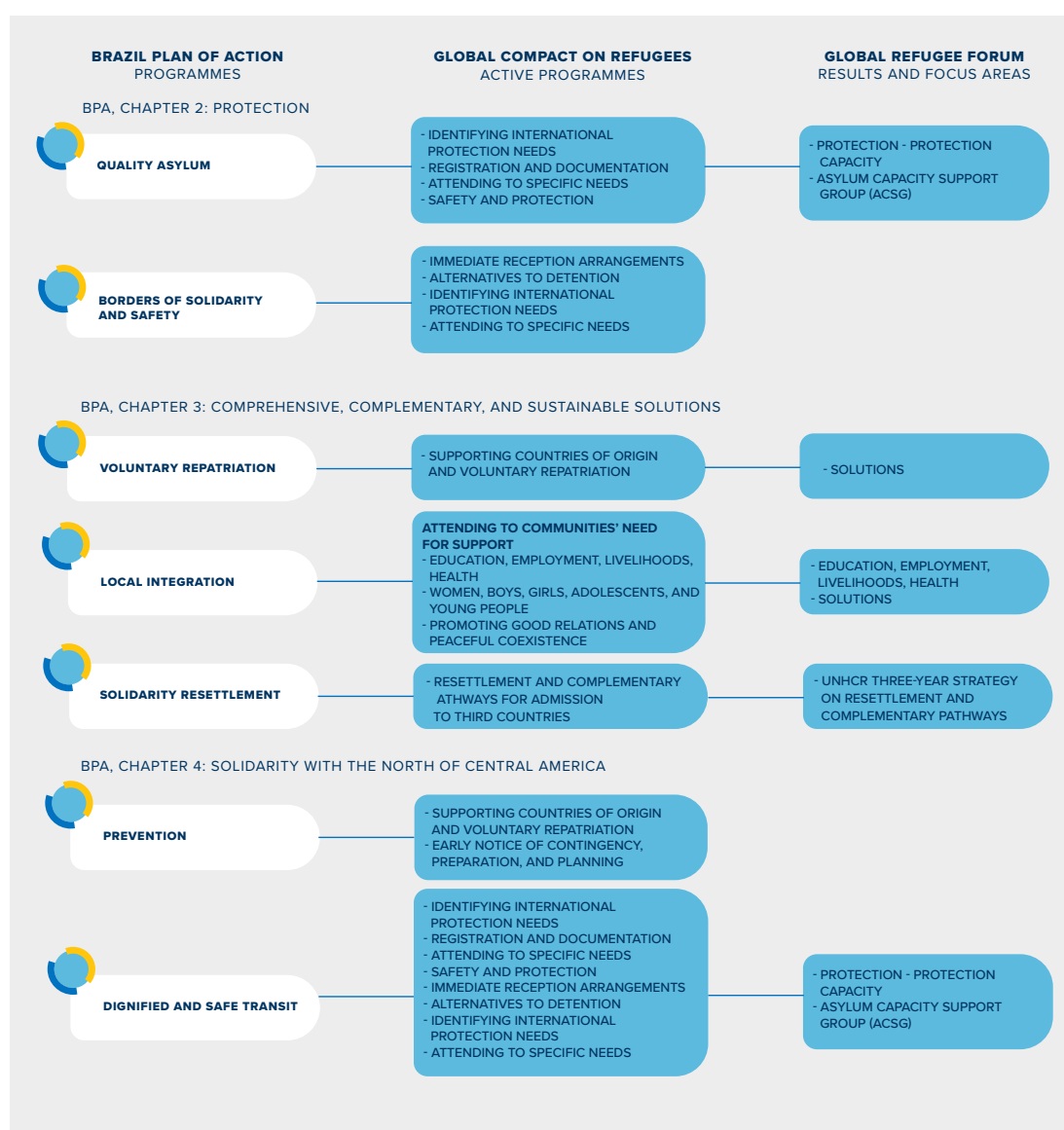
2.1. Synergies and Complementarities between the Brazil Plan of Action and Main Current Mechanisms in the Region

In Latin America and the Caribbean, there is currently a significant number of global and subregional integration, cooperation and coordination mechanisms, each of which has its own specific objectives, is different in nature and scope, and has different geographic dimensions, multiple origins and diverse impacts on the public policies of the countries that participate in them.

The Brazil Declaration and Plan of Action raised the need to coordinate this road map with other ongoing initiatives. Therefore, this chapter will reference the main current mechanisms and the synergies between them and the Brazil Plan of Action. This gives us an understanding of the complementarity and mutual reinforcement of such spaces and instruments, strengthening the fundamental and cross-sectional value of the Brazil Plan of Action.

2.1.1. The Global Compact on Refugees and the Global Refugee Forum

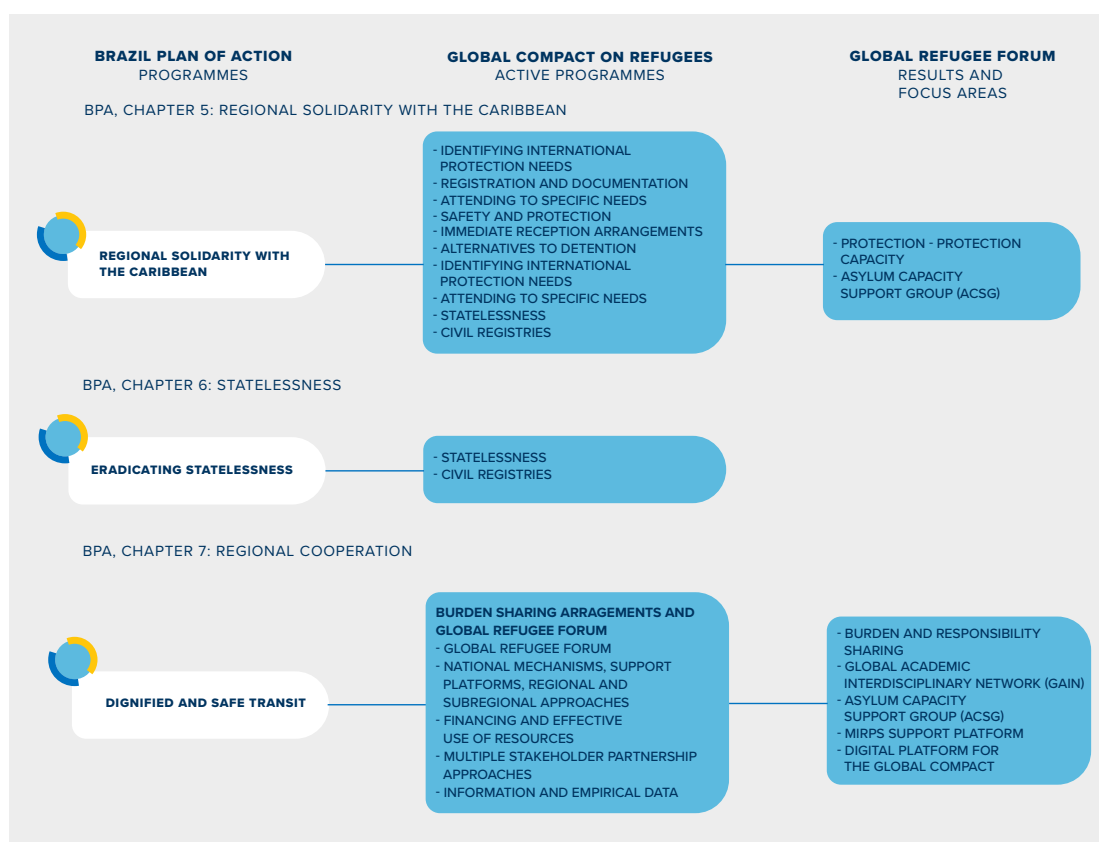
For the preparation of the First Triennial Progress Report of the Brazil Plan of Action (2015-2017)¹, in the “Consultation Meeting of Latin America and the Caribbean as a Contribution to the Global Compact on Refugees” held in February 2018—representatives of 35 countries approved by acclamation the “100 Points of Brasilia,”² the name given to the 100 outstanding best practices in the region that represented a concrete contribution to the **Global Compact on Refugees (GCR³)** adopted in December 2018.



¹ United Nations High Commissioner for Refugees (UNHCR), *Brazil Plan of Action. First Triennial Progress Report. 2015-2017*, February 2018, available at: <https://www.acnur.org/5c89774e4.pdf>.

² “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>.

³ Information available at: <https://www.unhcr.org/the-global-compact-on-refugees>.



The Global Compact sets four general objectives: 1) Alleviating the pressures on countries hosting refugees; 2) Developing refugees' self-sufficiency; 3) Extending access to resettlement in third-party countries and other complementary pathways; 4) Encouraging conditions that allow refugees to voluntarily return to their countries of origin in conditions of safety and dignity.

Such objectives create synergy with the Brazil Plan of Action. This is evidenced in Chapter III on Durable Solutions and the programmes on *Labour Mobility* and *Local Integration*, necessary for refugees' self-sufficiency and inclusion; on *Solidary Resettlement*, based on solidarity between countries and seeking to alleviate those receiving the heaviest burden; and on *Voluntary Repatriation*, containing substantial protection safeguards, in harmony with the Global Compact's fourth objective. Additionally, both Chapter IV on Solidarity with Northern Central America and Chapter V on Regional Solidarity with the Caribbean emphasize the need for sharing solidarity and relieving pressures on countries of origin, transit and destination, including the creation of conditions for a safe and dignified return, in synergy with the four objectives of the GCR.

It should be noted that, in order to follow up on its execution, the GCR created a global mechanism for international cooperation: the **Global Refugee Forum**⁴ (GRF). The first GRF was held in December 2019 and, as of February 2021, 14 countries from Latin America and the Caribbean had made commitments related to the GCR, most of them in harmony with the commitments contained in the Brazil Plan of Action: employment and livelihoods, solutions, education, shared responsibility and asylum capacity, among others⁵.

⁴ Global Refugee Forum, available at: <https://www.unhcr.org/global-refugee-forum.html>.

⁵ Argentina, Belize, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Peru, Dominican Republic. Information available at: https://globalcompactrefugees.org/sites/default/files/2021-07/Americas_2021_guidance_infographic_0.pdf.

Finally, the GCR established an initiative known as **Asylum Capacity Support Group⁶ (ACSG)**, targeted at collaborating with States in the development of fair, efficient and flexible national asylum systems, with integrity. This initiative allows for collaboration between States and other stakeholders. Thus, the ACSG is based on a strategy that shares the objectives of the Brazil Plan of Action *Quality Asylum Program* and complements them by providing additional tools and mechanisms for cooperation towards its implementation.

During the GRF, as determined by the GCR, the **Support Platform** of the “**Comprehensive Regional Protection and Solutions Framework**” (**MIRPS**)⁷ was established as a shared responsibility mechanism to support the efforts made by MIRPS countries to offer protection and seek solutions for people displaced by violence in Central America and Mexico, and to mobilize the support provided by other actors — either international or national, public or private. Drawing on the experience of the **Friends of MIRPS Group**, the Support Platform currently comprises Argentina, Brazil, Canada, Colombia, Spain, the United States of America, France, Switzerland, the European Union, Uruguay, the Economic Commission for Latin America and the Caribbean (ECLAC) and the Inter-American Development Bank (IDB). The platform is led by one of its members on a rotating basis. After Spain, Canada is now coordinating the Platform.

The Brazil Plan of Action represented a real and concrete contribution from Latin America and the Caribbean to the Global Compact and anticipated an important part of its central topics. It is also a tool that contributes to an effective regional and adapted application to the Global Compact. Conversely, the Global Forum and the ACSG provide countries in Latin America and the Caribbean with additional tools to meet their commitments with the Brazil Plan of Action, as they are inserted in global cooperation initiatives.

2.1.2. The Global Action Plan to End Statelessness, the High-Level Segment on Statelessness and the CLARCIEV

The global strategic framework for eradicating statelessness is contained in the “Global Action Plan to End Statelessness 2014-2024”⁸ and, on a regional level, in Chapter VI of the Brazil Plan of Action, which contains the Program on *Eradicating Statelessness*. Both instruments were born in 2014 and are in full harmony. In fact, the Plan of Action 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 Brazil Plan of Action.

In line with this, in 2018, the Americas region adopted the Evaluation and Follow-Up Mechanism “**Towards Zero Statelessness**”⁹ in order to monitor the region’s progress regarding the actions contained in the Brazil Plan of Action as well as in the Global Action Plan. Conversely, the region was also strengthened by the Global Plan, as UNHCR launched the #IBelong campaign in 2014 with the purpose of ending statelessness in 2024. Countries in Latin America and the Caribbean have joined this initiative, which has already begun to pay off, with the region taking huge leaps towards a statelessness-free region by 2024¹⁰. Finally, in 2019, UNHCR

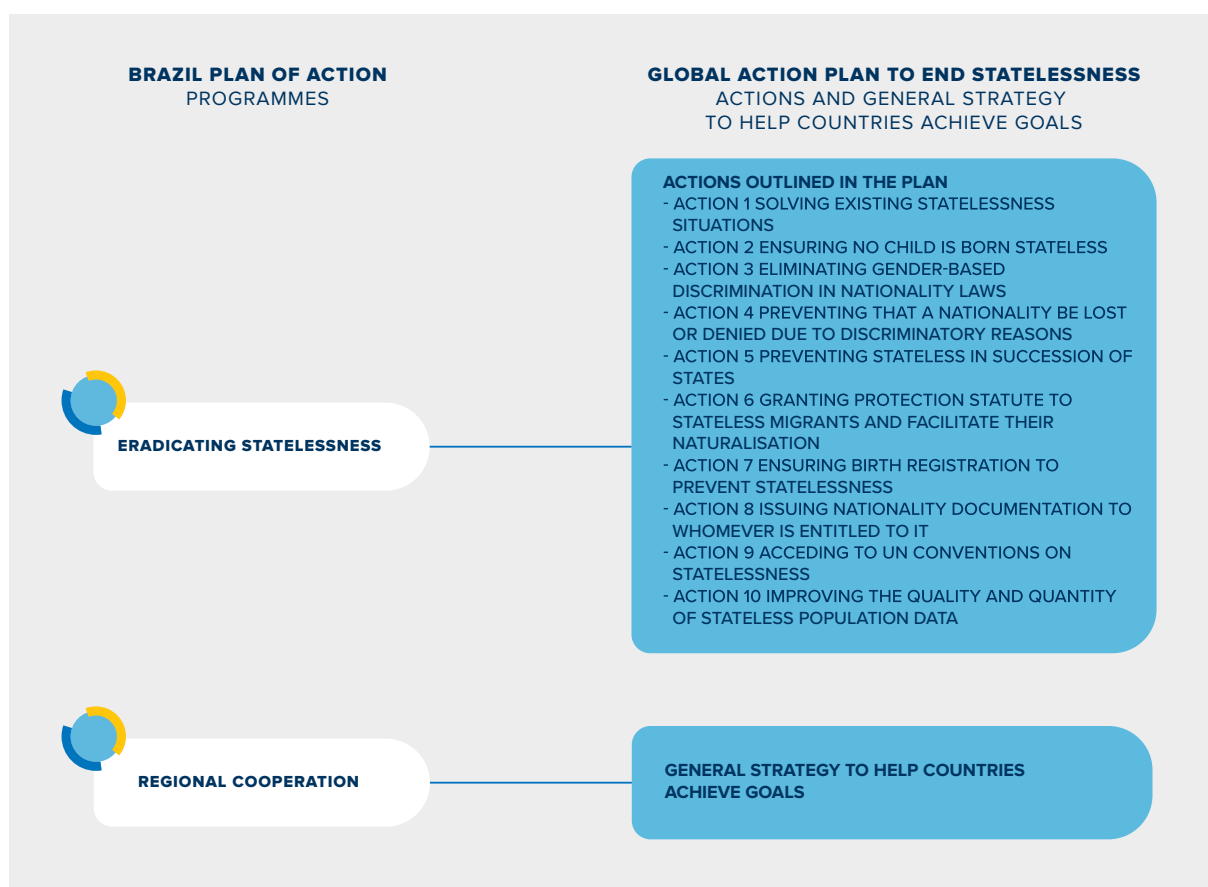
⁶ Asylum Capacity Support Group: <https://globalcompactrefugees.org/article/asylum-capacity-support-group>.

⁷ For more details on the MIRPS, see Section 2.1.3. below.

⁸ Global Action Plan to End Statelessness, available at: <https://www.unhcr.org/protection/statelessness/54621bf49/global-action-plan-end-statelessness-2014-2024.html>.

⁹ 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/5be084074.pdf>.

¹⁰ For details on the progress in eradicating statelessness in Latin America and the Caribbean, see Chapter 7 in this report, and for details on Solidarity with the Caribbean, see Chapter 6, Section 6.3.



convened a “**Global High-Level Segment on Statelessness**”¹¹ (HLS), in which specific commitments were presented in order to address statelessness within the subsequent five years of the #IBelong campaign. In this context, 13 countries in Latin America and the Caribbean presented commitments in the HLS, all of which are in line with the road map of the Brazil Plan of Action.

Additionally, the region has the Latin American and Caribbean Council for Civil Registration, Identity and Vital Statistics (**CLARCIEV**), which is made up of 21 countries¹² and whose main mission is that all individuals have their right to identity guaranteed, thus promoting collaborative work schemes that allow member States to exchange experiences and good practices, share information and learn about technologies and systems, in order to create improved mechanisms that guarantee identity and encourage new identification schemes. The CLARCIEV was created in 2005 as a regional body bringing civil registry institutions together. It holds annual meetings. Through exhibitions and discussion tables, it creates a space for the exchange of information and knowledge, updating institutions on the progress made in relation to registration matters in the region, and creates commitments to continue strengthening them. In each annual meeting, an agenda is established based on a topic chosen by the members through their representatives in the Management Committee. After the meetings, a **declaration**¹³ is elaborated, which

¹¹ High-Level Segment on Statelessness. Information available at: <https://www.unhcr.org/ibelong/high-level-segment-statelessness/>.

¹² Twenty-one countries are part of the CLARCIEV: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Uruguay and Venezuela. Information available (in Spanish) at: <http://www.clarciev.com/-/Paises-.html>.

¹³ In the period under study: “Declaración de la Asamblea XV Encuentro de los países Miembros del CLARCIEV Registro e Identidad: *Pilares para el Desarrollo Sostenible de América Latina y el Caribe*,” 19 October 2018, Cartagena de Indias, Colombia, available (in Spanish) at: <http://www.clarciev.com/IMG/pdf/2-declaracion-de-cartagena.pdf>; “Declaración de Santiago: XVI Encuentro del Consejo Latinoamericano y del Caribe de Registro Civil, Identidad y Estadísticas Vitales: *Innovación y Cooperación para cerrar brechas en Identidad Civil*,” 9 September 2019, Santiago, Chile, available (in Spanish) at: http://www.clarciev.com/IMG/pdf/declaracion_de_santiago_1.pdf, and “Declaración Asamblea Virtual Extraordinaria Encuentro del Consejo Latinoamericano y del Caribe de Registro Civil, Identidad y Estadísticas Vitales,” 23 October 2020, available (in Spanish) at: http://www.clarciev.com/IMG/pdf/declaracion_clarciev_ave.pdf.

includes the commitments made by the institutions to continue promoting their strengthening.

The essence of the CLARCIEV is that member States acknowledge the fact that they are “warrantors of the human right to identity for all people, promoting the right of each individual to a name, genealogy, place and date of birth, and identity as an individual and member of a community;” that “guaranteeing the right to identity for people in a vulnerable situation and/or under discrimination, taking into account and respecting their diversity, is a regional and strategic challenge for the protection of human rights;” and that “statelessness constitutes an infringement of the human right to a nationality, stated 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.”¹⁴

Thus, the CLARCIEV is directly linked to the Eradicating Statelessness Program of the Brazil Plan of Action, which was restated in the last Declaration, evidencing the synergies:

- “RECALLING the vital role played by Civil Registry and Identification offices in preventing and eradicating statelessness and the risk of statelessness, especially in situations of massive mixed mobility of migrants and refugees; complying with their obligations; registering births timely and with delays; granting identity documents; and acknowledging and granting nationality to stateless and migrant people, in accordance with the Global Action Plan to End Statelessness 2014-2024, the **Brazil Plan of Action of 2014**, highlighting actions 2 and 7: Ensuring that no child is born stateless and guaranteeing birth registration in order to avoid statelessness, as set forth in the Plan and the Evaluation and Follow-Up Mechanism “Towards Zero Statelessness” of the UNHCR;
- “RECALLING the effectiveness of the Global Action Plan to End Statelessness (2014-2024), the **Brazil Plan of Action of 2014** and the valuable commitments adopted by member States within the framework of the High-Level Segment on Statelessness held in Geneva, Switzerland, in October 2019, which require countries to encourage compliance with such commitments in the subsequent five years.”¹⁵

In this context, the work of the CLARCIEV across the region has constituted, from its very beginning, a mechanism that substantially contributes to the strengthening of civil registries in the region and the prevention and reduction of statelessness¹⁶.

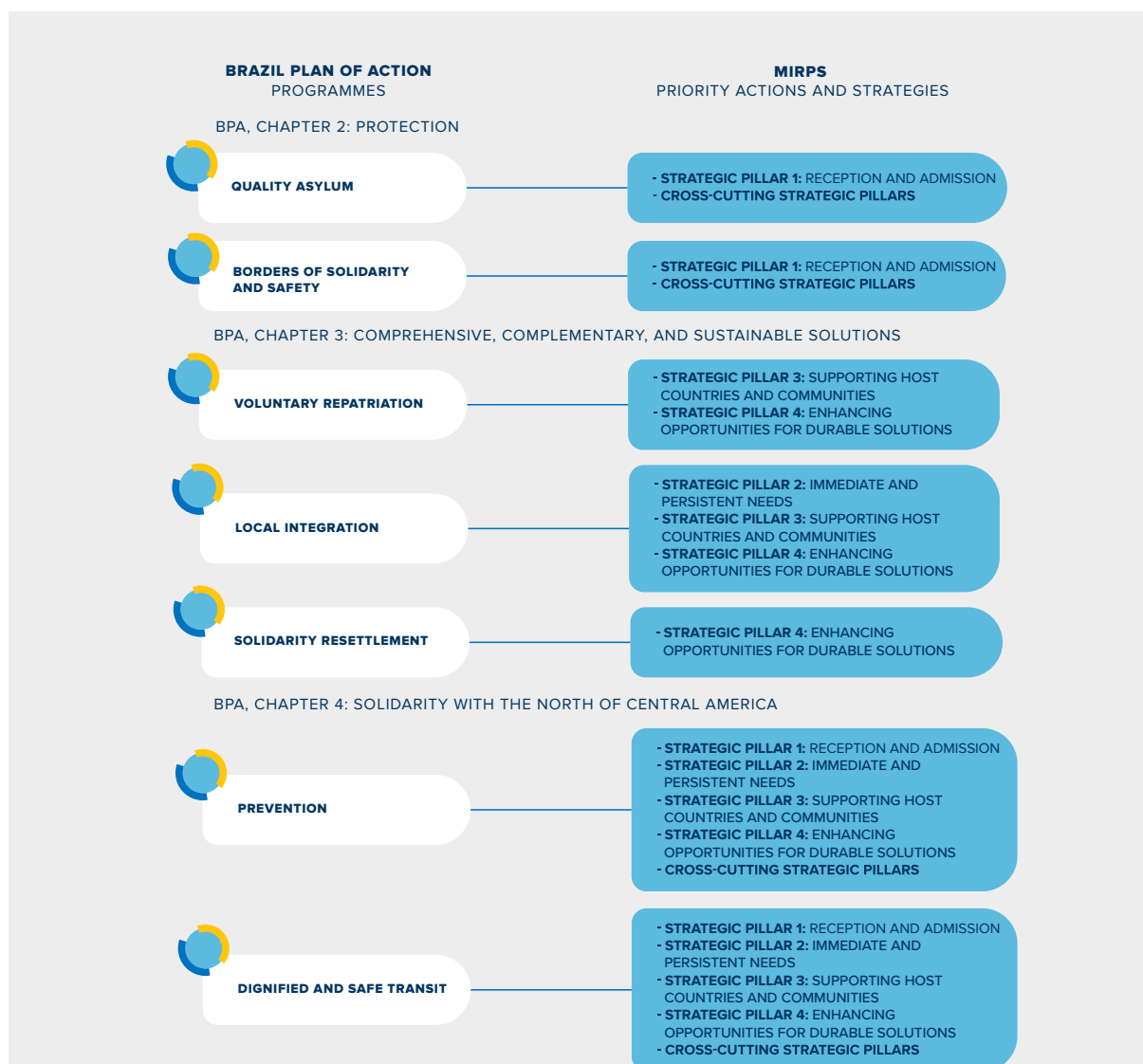
In the context of eradicating statelessness, the Brazil Plan of Action has served as a fundamental tool for strengthening the Global Plan and as an exceptional impulse for implementing the #IBelong campaign across the region. Conversely, global and regional mechanisms have encouraged the countries in the Brazil Plan of Action to confirm and complement their commitments and, by being inserted on a regional or global level, to get the technical and financial support, incentives and collaboration necessary for achieving the goal of making Latin America and the Caribbean a statelessness-free region by 2024.

¹⁴ “Declaración de la Asamblea XV Encuentro de los países Miembros del CLARCIEV Registro e Identidad,” *ibidem*.

¹⁵ “Declaración Asamblea Virtual Extraordinaria Encuentro del Consejo Latinoamericano y del Caribe de Registro Civil, Identidad y Estadísticas Vitales”, *op. cit.* note 13.

¹⁶ For additional information on the CLARCIEV and relevant actions in the last three-year period, see Chapter 7 in this report, section 7.2.

2.1.3. The Comprehensive Regional Protection and Solutions Framework: MIRPS



In the San Pedro Sula Declaration of 2017¹⁷, Belize, Costa Rica, 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 (CRRF¹⁸), in line with Annex 1 of the New York Declaration for Refugees and Migrants¹⁹, through the adoption and implementation of a “Comprehensive Regional Protection and Solutions Framework” (MIRPS). The States explicitly committed to the full application of the relevant national chapters that identify specific and enforceable actions within the framework of the four pillars of the CRRF for 2018-2020, thus strengthening regional cooperation, including the “Brazil Plan of Action” of 2014 and the “San José Action Statement” of 2016. In July 2019, El Salvador joined the process.

¹⁷ 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>.

¹⁸ Comprehensive Refugee Response Framework, available at: <https://www.unhcr.org/comprehensive-refugee-response-framework-crrf.html>.

¹⁹ New York Declaration for Refugees and Migrants, available at: <https://www.unhcr.org/events/conferences/57e39d987/new-york-declaration-refugees-migrants.html>.

The MIRPS gives a comprehensive response to the constant increase in the mobility of people in Central America and Mexico and is committed to the protection and solutions of displaced persons and returnees with specific needs, thus reinforcing and deepening the content of the chapter Solidarity with Northern Central America of the Brazil Plan of Action, which shares the same objectives. The synergy also occurs between the four strategic pillars of the MIRPS (1. Reception and admission; 2. Immediate and ongoing needs; 3. Support for host countries and communities; 4. Extending durable solution opportunities), as well as its five sectors: protection, employment and livelihoods, education, healthcare and social protection, which are reflected in the relevant National Action Plans, supported through this mechanism.



Nicaraguan children play with a UNHCR worker in northern Costa Rica. © UNHCR/ Santiago Escobar-Jaramillo

The MIRPS is addressed in more detail in Chapter 5 of this report on the Solidarity with Northern Central America²⁰.

Although the MIRPS incorporates innovative and relevant elements such as the quantification of resources and the implementation of a support platform, the harmony of its content with the Brazil Plan of Action sheds light on the fundamental and complementary value of this roadmap. In fact, the Brazil Plan of Action points to the relevance of solidarity regarding the situation in Central America in terms of Latin America and the Caribbean as a whole, while calls for south-south cooperation.

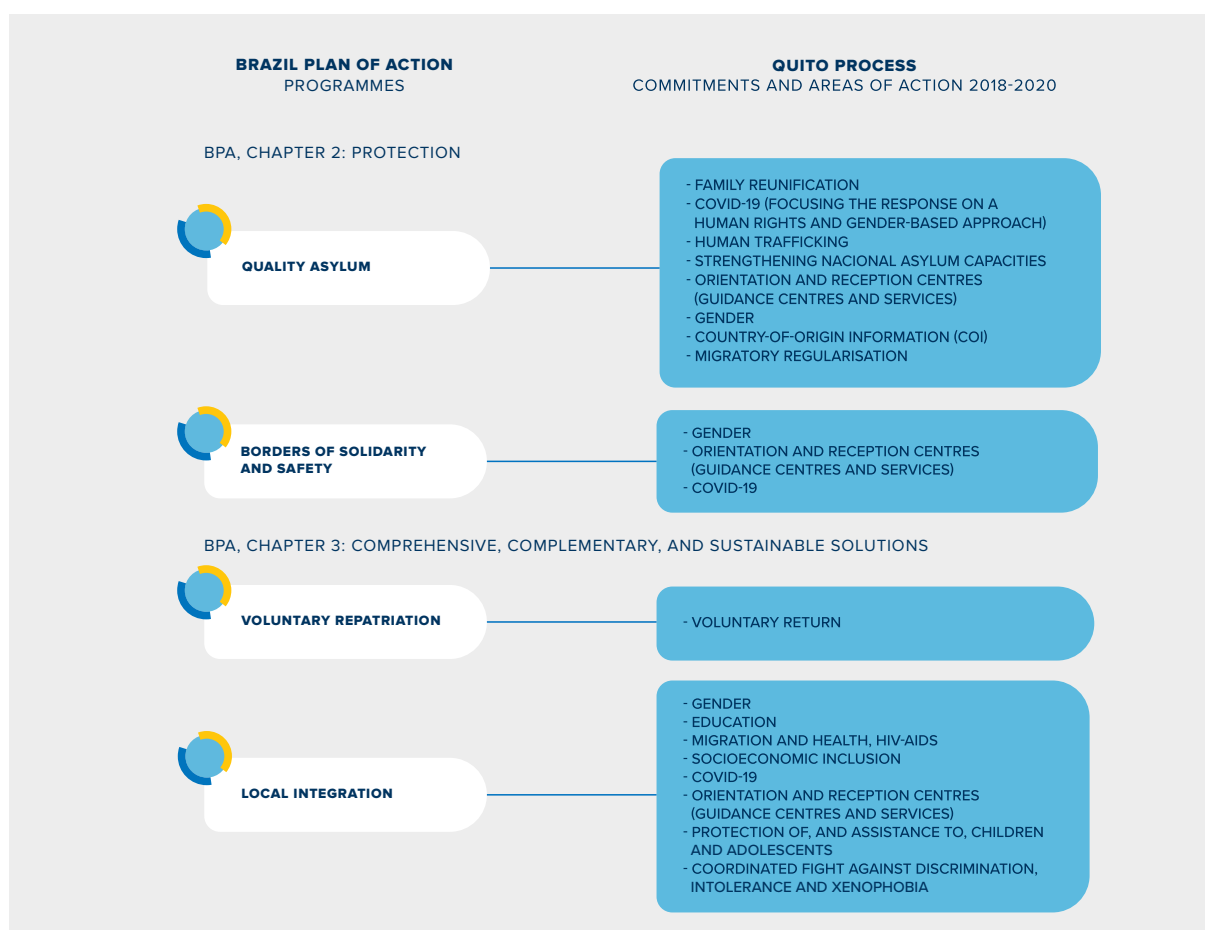
2.1.4. Quito Process: Human Mobility of Venezuelan Citizens in the Region

The Quito Process evolved out of the meeting between eleven Latin American countries in September 2018, which adopted the “**Quito Declaration on Mobility of Venezuelan Citizens in the Region**,”²¹ with the purpose of exchanging information and good practices, and articulating coordination regarding the crisis in relation to the displacement of Venezuelan citizens. Two months later, eight countries adopted the **Action Plan of the Quito Process** in order to strengthen the initiatives of the countries on the economic and social insertion of Venezuelan nationals, and the processes of normalizing migration in each host country, with the support of various organization of the United Nations system. Subsequently, three countries from Central America and the Caribbean joined the process²².

²⁰ For information on the MIRPS, see also Chapter 5, Section 5.2. of this report, on Solidarity with Northern Central America.

²¹ All relevant information on the Quito Process can be found on its platform, launched in 2021: <https://www.procesodequito.org/en>.

²² Current members of the Quito Process: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guyana, Mexico, Panama, Peru, Dominican Republic and Uruguay.



Since its inception, member countries of the Process have been celebrating periodical Rounds and have adopted a total of **six joint Declarations**, including the initial Declaration²³.

Particular noteworthy is the IV Technical Meeting, conducted in Buenos Aires in July 2019, where the “**Buenos Aires Chapter Road Map**” was approved,²⁴ including the project “Strengthening National Systems of Refugee Status Determination.” The Buenos Aires Road Map includes multiple innovations, including the proposal for a card of Regional Mobility, Reception and Assistance Centres for Migrants and Refugees, and a proposal for the creation of the **Group of Friends of the Quito Process**. This Group was formally created in September 2020, at the VI Round of the Quito Process in Santiago, with the purpose of providing visibility and keeping the Venezuelan migration crisis among the priorities of the international agenda, as well as obtaining technical and financial support²⁵.

²³ As described in: <https://www.procesodequito.org/en/timeline>, in November 2018, the **Second Declaration of the Quito Process** was adopted, which approved a three-approach plan of action: regularization of the migration situation of Venezuelan nationals in the region, regional cooperation with Venezuela and other countries, and international cooperation. In April 2019, countries signed the **Third Declaration of the Quito Process**, which further emphasizes seeking technical and financial cooperation in order to enhance the plan of action, and reinforces the commitment to the continuity of the Process. In July 2019, countries signed the **Fourth Joint Declaration of the Quito Process**, and the Buenos Aires Chapter Road Map was approved, with multiple innovations, including the proposal for a card of Regional Mobility, Reception and Assistance Centres for Migrants and Refugees, as well as a proposal for the creation of the Group of Friends of the Quito Process, and the organization of a regional workshop on trafficking in persons, among others. In November 2019, the **Fifth Joint Declaration** was adopted. Concrete regional actions were implemented and there was a call for each of the States to implement subjects on the exchange of migration information, a Migration Information Card, Guidance and Reception Centres, socioeconomic integration and childhood, among others. In September 2020, a total of 13 countries signed the **Sixth Joint Declaration**, strengthening the Quito Process and adding new challenges, such as family reunification and the impact of COVID-19 on Venezuelan migrants and refugees. Moreover, both the Technical Secretariat and the Group of Friends of the Quito Process were formally constituted. Finally, among the most important events to be mentioned, it should be noted that, in October 2020, the **first meeting for Chancellors** of member countries was held as well as the **first meeting of the Group of Friends** of the Quito Process. Additionally, the first meeting of the Authorities of the Consulate General had been previously held.

²⁴ Buenos Aires Chapter Road Map, available at: <https://data2.unhcr.org/en/documents/details/70458>.

²⁵ The Group of Friends of the Quito Process is composed of: Germany, Canada, Spain, the United States of America, France, Italy, the Netherlands, the United Kingdom, Switzerland, the European Union and the Inter-American Development Bank. In April 2019, there was a debate on the need to draw more attention to the international funding in favour of transit and host countries of Venezuelan nationals in the region, especially those receiving the greatest impact: Colombia, Ecuador and Peru.

Additionally, at this VI Meeting, the **Technical Secretariat of the Quito Process** was formally institutionalized, with the support of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). Moreover, the logo of the Quito Process was adopted as a symbol of consolidation of this inter-governmental space.

Finally, at the VI Meeting, in the context of recent events of human mobility made worse by the COVID-19 pandemic, 13 member States signed the **Santiago Declaration**²⁶. In this document, the States make a commitment to cooperate in matters such as unaccompanied children and family reunification; validation of foreign education credentials; socioeconomic integration of refugees and migrants; fighting against trafficking in persons; promoting dialogue among national asylum commissions; exchanging best practices among reception centres; mapping of spaces of support, prevention, diagnosis and treatment of HIV/AIDS; and acknowledging studies and standardizing competences.

At the beginning of 2021, the **Quito Process Web Platform**²⁷ was launched, with the support of UNHCR and the IOM, and under the coordination of the Technical Secretariat.

The Quito Process includes topics that are not part of the Brazil Plan of Action programmes, such as migration issues. However, the axes of the Quito Process are complementary and were inspired by various programmes of the Brazil Plan of Action: the approach to massive flows, the strengthening of asylum systems and CONAREs, the warranties of access to procedures and safe borders, the approach to specific needs (especially, for children and teenagers) and family reunification, all of which are found in the Brazil Plan of Action *Quality of Asylum* and *Local Integration* programmes. In addition, the regularity of stays, gender perspective and the fight against xenophobia are elements that deepen areas or lines of action of the Brazil Declaration and Plan of Action.

The Brazil Plan of Action is an important substantial and guiding base for the issues addressed by the Quito Process, giving content to many of them and inserting them into the Latin American tradition of the Cartagena Process, by approaching them from a much broader and comprehensive spectrum of protection. In fact, the Quito Process, limited to certain countries and issues related to Venezuelan refugees and migrants, in its complementarity with the Brazil Plan of Action, is strengthened by its broad technical nature, which is geographically comprehensive, apolitical, transcendent and strategic.

2.1.5. Other Regional and Subregional Integration Initiatives and Mechanisms

The Brazil Plan of Action, including its previous subregional consultations, points to the advisability of incorporating the topics discussed at the Cartagena +30 Process to the agendas of other subregional mechanisms. In the last three-year period, many of them have developed plans and actions in synergy with the Brazil Plan of Action. All mechanisms will be analysed throughout this report, mainly in Chapter 5 on Northern Central America, Chapter 6 on the Caribbean and Chapter 8 on Regional Cooperation. A significant example is the Central American Integration System (**SICA**) which, in partnership with UNHCR, has contributed to the development of the programmes contained in the chapter Solidarity with Northern Central America and has strengthened their implementation in the SICA countries²⁸.

²⁶ Joint Declaration of the VI International Technical Meeting on Human Mobility of Venezuelan Citizens in the Region. Santiago Chapter. 23 and 24 September 2020. Available at: <https://www.procesodequito.org/en>.

²⁷ <https://www.procesodequito.org/en>. As expressed in the Joint Declaration of the VI International Technical Meeting on Human Mobility of Venezuelan Citizens in the Region. Santiago Chapter (Santiago Declaration) op. cit., the Platform “will make it possible to share concerted actions and decisions, gather and unify relevant documentation, generate a space for interaction among States, technical agencies and civil society, as well as communicate activities and initiatives and allow for the dissemination of updated information on the Venezuelan migration and humanitarian crisis in the region.”

²⁸ To this, some other mechanisms can be added, such as the Latin American and Caribbean Council for Civil Registration, Identity and Vital Statistics, CLARCIEV (Chapter 7, Section 7.2.); the MERCOSUR CONARE Meetings (Chapter 8, Section 8.2.); the Caribbean Migration Consultations (Chapter 6, Section 6.2.1.); the South American Conference on Migration (Chapter 8, Section 8.2.).

2.2. Synergies and Complementarities between the Brazil Plan of Action and the Organization of American States and the Inter-American System for the Promotion and Protection of Human Rights

During the 2018-2020 three-year period, 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 (I/A Court of HR), which are part of the Inter-American System for the Promotion and Protection of Human Rights (IAHRS), continued playing a key role in the promotion and protection of the rights of refugee, displaced and stateless women, men and children.

The OAS has become an ally in the implementation of the Brazil Plan of Action 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 has participated, collaborated or sponsored various **regional cooperation initiatives**, such as the MIRPS and the Quito Process²⁹.

As regards the **protection** of displaced persons, seekers of refugee status and refugees in the Americas, the efforts towards the promotion, monitoring and protection by the OAS, the I/A Court of HR and the IACHR have allowed for the **development and dissemination of Inter-American standards**³⁰. In this respect, the following resolutions, advisory opinions, statements and reports, issued during the 2018-2020 three-year period, are to be highlighted:

- Advisory Opinion OC-25/18 of 30 May 2018, requested by the Republic of Ecuador, “The Institution of Asylum and its Recognition as a Human Right in the Inter-American Protection System (interpretation and scope of Articles 5, 22.7 and 22.8, in relation to Article 1.1 of the American Convention of Human Rights).”³¹
- Resolution 04/19 approved by the IACHR on 7 December 2019, “Inter-American Principles on the Human Rights of all Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking.”³²
- Statement of the I/A Court of HR, “COVID-19 and Human Rights: The Problems and Challenges Must Be Addressed from a Human Rights Perspective and with Respect for International Obligations,” 9 April 2020³³.
- Report “Due Process in Procedures for Determination of Refugee Status and Statelessness and the Granting of Complementary Protection,” approved by the IACHR on 5 August 2020³⁴.
- “Resolution on the Promotion and Protection of Human Rights” of the OAS General Assembly of 21 October 2020³⁵, which urges States to continue increasing, with the support of UNHCR and the ACSG³⁶, their national asylum capacities in order to improve the response to the massive influx of people in need of international protection.

²⁹ Ibidem.

³⁰ See the following publications of the I/A Court of HR in 2020: (i) *Actualización de Cuadernillo de jurisprudencia No2 sobre personas en situación de migración o refugio*; (ii) *Actualización de Cuadernillo de jurisprudencia No3 sobre personas en situación de desplazamiento* and (iii) *Infografía de Opinión Consultiva 25 sobre la institución del asilo y su reconocimiento en el sistema interamericano*.

³¹ The Advisory Opinion can be found at: <https://www.refworld.org/cases/IACRTHR,5c87ec454.html>.

³² The Resolution can be found at: <http://www.oas.org/en/iachr/decisions/pdf/Resolution-4-19-en.pdf>.

³³ The Statement can be found at: https://www.corteidh.or.cr/tablas/alerta/comunicado/Statement_1_20_ENG.pdf.

³⁴ The Report can be found at: <https://www.oas.org/en/iachr/reports/pdfs/DueProcess-EN.pdf>.

³⁵ General Assembly, Organization of American States, AG/RES. 2961 (L-O/20) *Promotion and Protection of Human Rights*, approved at the fourth plenary session, held on 21 October 2020, available at: https://www.oas.org/en/sla/dil/docs/AG-RES_2928_XLVIII-O-18.pdf

³⁶ In relation to the ACSG, see Chapter 3, Section 3.2.1. of this report.

- Advisory Opinion OC-26/20 of the I/A Court of HR of 9 November 2020, requested by the Republic of Colombia on “The Obligations in Matters of Human Rights of a State that Has Denounced the American Convention on Human Rights and the Charter of the Organization of American States.”³⁷

The content of advisory opinions, statements and reports, as well as the links with the Brazil Plan of Action are numerous, particularly in relation to **due process and its diverse components**. This is an integral part of the Brazil Plan of Action *Quality Asylum Program*³⁸, in which the States undertook to guarantee procedures for refugee status determination in observance of the principle of due process of law:

The Brazil Plan of Action establishes that the *Quality Asylum Program* will include all or some of the following actions: (...) f) Consolidate national refugee status determination systems, particularly to guarantee i. **Effective access to refugee status determination procedures**—especially at borders, airports and ports—that respect due process of law and regional and international standards; ii. Respect for the **principle of non-refoulement** and the **right to legal representation**, if possible, through mechanisms that are free of cost, with qualified interpreters or translators; iii. The **principle of confidentiality** for the asylum-seeker and their claim, and their right to be **heard through a pre-established and objective procedure**, including an assessment of the risk to their most fundamental rights, and the possibility of contacting UNHCR; and iv. The asylum-seekers’ right to receive a **decision on their case in writing, which is duly founded and reasoned**, within a reasonable, set timeframe, applying the principles of good faith and benefit of the doubt. g) Establish **independent administrative appeal and judicial review** instances, respecting the right to appeal with suspensive effect until the competent authority makes a final decision³⁹.

In relation to this, the **IAHRS**, as compiled in the document of the IACHR on “**Due Process in Procedures for Determination of Refugee Status and Statelessness and the Granting of Complementary Protection**,”⁴⁰ has defined that, in order to adhere to international and regional standards, at least the following rights must be guaranteed:

- The right to asylum as a human right;
- The principle of non-discrimination and gender equality;
- The *pro persona* principle;
- The principle of due process and its guarantees;
- The principle of non-refoulement;
- The principle of respect of family unity;
- The incorporation of a gender perspective and differentiated approaches;

³⁷ “(...) the Court finds it pertinent to point out that (...) the collective guarantee implies a duty by the States to act jointly and cooperate to protect the rights and freedoms which they have undertaken to uphold internationally through their membership of the regional Organization and, in particular, (...) (4) grant international protection, in accordance with commitments arising from international human rights law, international humanitarian law, and refugee law, by admitting potential asylum-seekers to the territory, guaranteeing their right to seek and receive asylum, and respecting the principle of non-refoulement, among other rights, until a durable solution is achieved (...)” (page 53 of the English document). The Advisory Opinion can be found at: https://www.corteidh.or.cr/docs/opiniones/seriea_26_eng.pdf.

³⁸ The *Quality Asylum Program* is analysed in Chapter 3 of this report.

³⁹ United Nations High Commissioner for Refugees (UNHCR), *Brazil Declaration and Plan of Action*, 10 December 2014, page 10, available at: <https://www.acnur.org/5b5101644.pdf>.

⁴⁰ Op. cit. note 34.

- Access to territory (non-rejection at borders, prohibition of collective expulsion and obligation to make a reasonable and objective case-by-case analysis, no penalty for irregular entry, no immigration detention);
- The rights and procedural guarantees in the context of the recognition of protection statutes (right to appropriate information and guidance, right to a no-cost translator or interpreter, right to free legal aid, right to contact a UNHCR representative);
- Minimum procedural guarantees (impartial authorities qualified to identify international protection needs, personal interviews and the right to be heard, confidentiality and protection of personal data and information, the possibility of using all lawful and legally allowed means of proof and receiving the benefit of the doubt in the assessment of the facts and circumstances surrounding applications, reasoned and substantiated decision, notification of the interested person, right to a suitable and effective remedy, reasonable duration of the process);
- Access to economic, social, and cultural rights (ESCR) during proceedings;
- Specific procedural guarantees regarding determination of the protection statute of stateless persons.

Additionally, it should be noted that the GA-OAS has stated that the **definition of refugee contained in the Cartagena Declaration of 1984** is an instrument that guides the protection of refugees in the Americas as a true reference framework. The IACHR asserted the authority of the regional definition of refugee as a matter of principle. Finally, the **I/A Court of HR has highlighted its binding character** as part of the minimum content of the human right to seek and obtain asylum⁴¹.

Additional reference should be made to the **follow-up and monitoring** of state responses in the context of humanitarian crises and the increase in forced displacement in the region⁴², as well as the protection of affected people and communities by the IAHR⁴³. The work of the Rapporteur on the Rights of Migrants by the IACHR should be highlighted, which focuses on the respect and guarantee of the rights of migrants and their families, asylum-seekers, refugees, stateless persons, victims of trafficking in persons, internally displaced persons, as well as other groups of vulnerable people in the context of human mobility⁴⁴. Every year, the IACHR has conducted public hearings on matters of displacement and migration, published official communications that deal with the rights of people on the move⁴⁵ and has regularly organized training sessions on this matter.

⁴¹ On the application of the definition contained in the 1984 Cartagena Declaration by the countries in the period under study and its recognition in diverse regional instruments. Additionally, see Chapter 3, Section 3.2.1. of this report.

⁴² For example: *Internal Displacement in the Northern Triangle of Central America: Public Policy Guidelines: approved by the Inter-American Commission on Human Rights on 27 July 2018*, available at: <http://www.oas.org/en/iachr/reports/pdfs/InternalDisplacement.pdf> and *Forced Migration of Nicaraguans to Costa Rica: Approved by the Inter-American Commission on Human Rights on 8 September 2019*, available at: <https://www.oas.org/en/iachr/reports/pdfs/ForcedMigration-Nicaragua-CostaRica.pdf>.

⁴³ For example, in 2020, the I/A Court of HR ordered urgent protection measures for the healthcare, life and integrity of migrants in Migration Reception State (in the context of the supervision of compliance with judgment of case Vélez Loo Vs. Panama).

⁴⁴ This action is in line with the priorities established in the 2017-2021 Strategic Plan of the IACHR, which includes migrants, refugees and victims of the trafficking in persons, available at: <https://www.oas.org/en/iachr/mandate/StrategicPlan2017/docs/StrategicPlan2017-2021.pdf>.

⁴⁵ For example: Press Release dated 17 April 2020, *The IACHR urges States to protect the human rights of migrants, refugees and displaced persons in the face of the COVID-19 pandemic*, available at: https://www.oas.org/en/iachr/media_center/PReleases/2020/077.asp; Press Release dated 20 June 2020, *On the occasion of World Refugee Day, the IACHR observes serious challenges in the comprehensive protection of the rights of refugees and urges States to adopt effective and urgent measures in the context of the COVID-19 pandemic*, available at: http://oas.org/en/iachr/media_center/PReleases/2020/142.asp.

Additionally, the OAS and the IACHR have created mechanisms and issued resolutions in relation to the situations in Venezuela and Nicaragua⁴⁶. The most important reports were the report “OAS Working Group to Address the Regional Crisis Caused by Venezuela’s Migrant and Refugee Flows,”⁴⁷ in 2019, and the “Report on the Situation of Venezuelan Migrants and Refugees in Chile,” in 2020⁴⁸.

Finally, in relation to **statelessness**, the OAS, through the Secretariat Office, the Committee on Juridical and Political Affairs and the IAHR, has continued playing a **vital role in the development of Inter-American standards and the monitoring and safeguard** of the rights of stateless persons. The OAS has assisted member States through the Universal Civil Identity Program in the Americas (**PUICA**) and the **CLARCIEV** for the strengthening of the civil registry systems, with the purpose of guaranteeing legal identity for all people and the protection of the rights of populations in situations of vulnerability, displacement and/or discrimination, as well as preventing and eradicating statelessness and allowing for universal and equal access to essential public services. It is important to mention the annual resolutions of the GA-OAS in relation to statelessness⁴⁹, as well as the IACHR Report on Due Process in Refugee and Stateless Status Determination Procedures and the Granting of Complementary Protection, which deals specifically with procedures for the determination of statelessness⁵⁰.

Both the Cartagena Declaration of 1984 and the Brazil Declaration and Plan of Action acknowledge the fundamental value of the IAHR bodies, especially the case law and doctrine of the I/A Court of HR on the right to seek and receive asylum, its link with international instruments in relation to refugees, the *jus cogens* character of the principle of non-refoulement, including non-rejection at borders and indirect return, as well as the integration of due process regulations in refugee status determination procedures, so that they are fair and efficient.

This gradually contributes to building systems that are non-regressive, guided by the *pro persona* principle and targeted at protection, which guarantee principles and fundamental rights, such as the principle of non-refoulement, the right to seek and receive asylum, and the guarantee of social, economic and cultural rights, which is of particular importance taking into account the current context of the region, within the framework of the Brazil Plan of Action implementation and the continuity of the Cartagena Process, which started 36 years ago.

⁴⁶ During the three-year period under study, the situations in Venezuela and Nicaragua and the displacement of their nationals in the region have caught the attention of the OAS. In 2018, the IACHR adopted the *Resolution on Forced Migration of Venezuelans* (op. cit.). Moreover, a General Secretariat Office for the Crisis of Venezuelan Migrants and Refugees was created, 2019: *OAS Working Group to Address the Regional Crisis Caused by Venezuela’s Migrant and Refugee Flows*, available at: <http://www.oas.org/documents/eng/press/OAS-Report-to-Address-the-regional-crisis-caused-by-Venezuelas-migrant.pdf>. 2020: *Report on the Situation of Venezuelan Migrants and Refugees in Chile, based on a visit made in Chile by a team of the General Secretariat Office for the Crisis of Venezuelan Migrants and Refugees*, available (in Spanish) at: http://www.oas.org/documents/spa/press/Informe_Situacion-de-los-migrantes-y-refugiados-venezolanos-en-Chile.pdf; in October, 2019, the Special Monitoring Mechanism for Venezuela (MESEVE) was implemented, information available at: <https://www.oas.org/en/iachr/jsForm?File=/en/iachr/meseve/default.asp>. In June 2018, the IACHR created the Special Monitoring Mechanism for Nicaragua (MESENI), information available at: <https://www.oas.org/en/iachr/jsForm?File=/en/iachr/meseni/default.asp>. For more information on the IACHR and Nicaragua, see Chapter 5, Section 5.2. of this report on the Solidarity with Northern Central America.

⁴⁷ Report available at: <http://www.oas.org/documents/eng/press/OAS-Report-to-Address-the-regional-crisis-caused-by-Venezuelas-migrant.pdf>.

⁴⁸ Based on a visit made to Chile by a team of the General Secretariat Office for the Crisis of Venezuelan Migrants and Refugees. Report available (in Spanish) at: http://www.oas.org/documents/spa/press/Informe_Situacion-de-los-migrantes-y-refugiados-venezolanos-en-Chile.pdf.

⁴⁹ For more details, see Chapter 7 of this report on Eradicating Statelessness.

⁵⁰ Op. cit., note 34.



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INTERNATIONAL PROTECTION OF REFUGEES AND ASYLUM-SEEKERS - QUALITY ASYLUM

3. INTERNATIONAL PROTECTION OF REFUGEES AND ASYLUM-SEEKERS - QUALITY ASYLUM

This chapter addresses the programmes outlined in Chapter II of the Brazil Plan of Action and its synergies with other ongoing initiatives, progress, and good practices towards quality asylum in the region during the 2018-2020 period, as well as current challenges and focus areas defined by governments for the next three-year period of Plan implementation.

3.1. Reference to the Brazil Plan of Action and Other Global and Regional Initiatives

3.1.1. The *Quality Asylum* and *Borders of Solidarity and Safety* Programmes in the Brazil Plan of Action

The second chapter of the Brazil Plan of Action addresses the international protection of refugees and people requesting 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, strengthen the capacity and knowledge of asylum authorities, and introduce management and efficient handling concepts to the procedures for determining refugee status. It defines thirteen actions aimed at building efficient, quality, customizable, and complete procedures¹. 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.

¹ The Asylum Systems Quality Assurance Initiative (QAI) programme of the Brazil Plan of Action refers to efficient, quality, and complete asylum systems. Within the Asylum Capacity Support Group (ACSG, see section 3.2.1. below), a Global Refugee Forum mechanism, 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 **Borders of Solidarity and Safety** programme suggests implementing six actions through collaborative work among States, UNHCR, other international bodies, and civil society. It seeks to preserve borders as safety and protection areas for people and States. This basically means respecting protection from *non-refoulement*, including non-rejection at the border, ensuring access to the territory and to procedures to determine refugee status through greater presence of asylum entities at borders, and educating officials from different government institutions present in said areas. This also means establishing adequate and effective identification and referral mechanisms for persons in need of international protection.

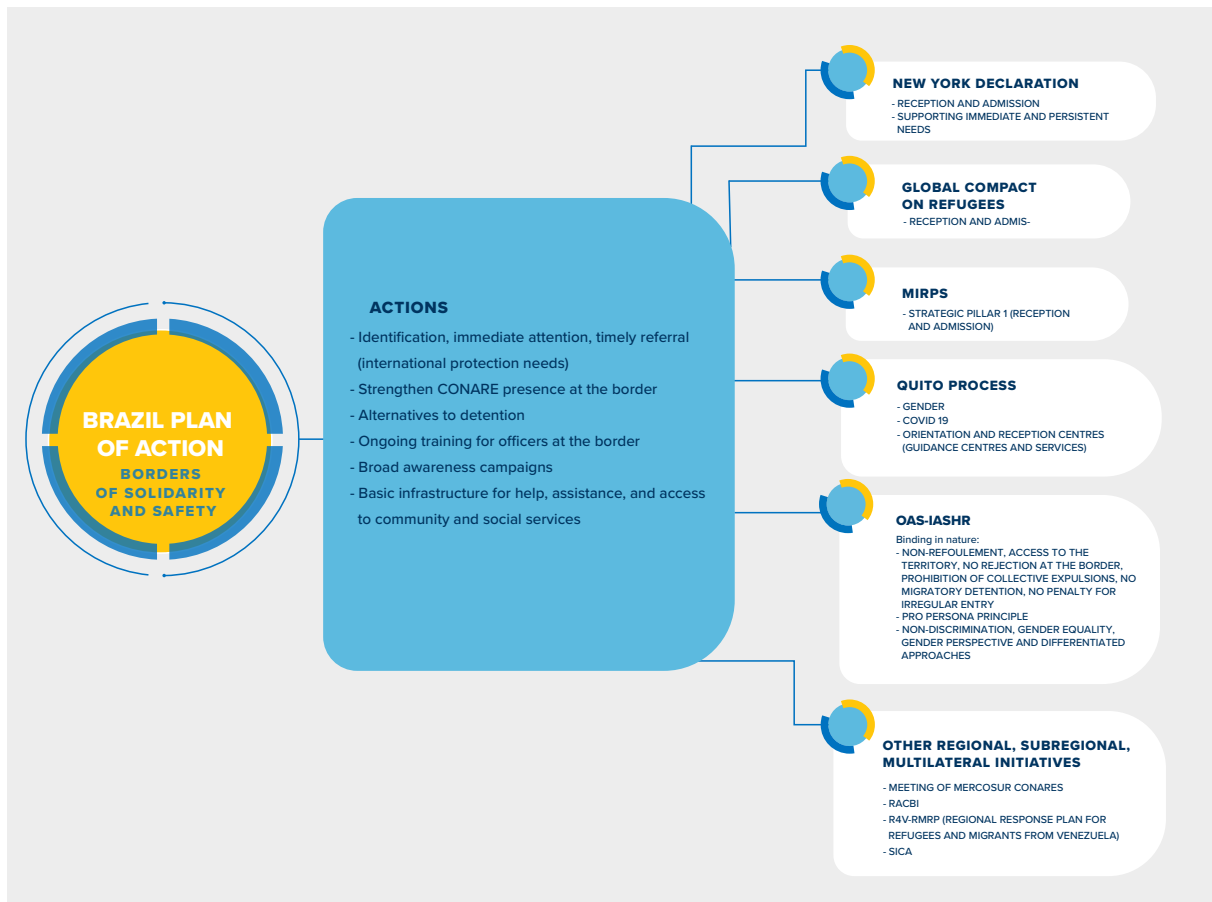
3.1.2 Synergies between the *Quality Asylum* and *Borders of Solidarity and Safety* Programmes and the Main Global and Sub-Regional Mechanisms

Synergies and complementarities between the Brazil Plan of Action and the main current global and subregional mechanisms² also manifest in the *Quality Asylum* and *Borders of Solidarity and Safety* programmes of the Brazil Plan of Action, which are aligned with the key points, objectives, and commitments of said initiatives, as seen in the following chart:

Quality Asylum Program:



² See Chapter 2 of this report.

Borders of Solidarity and Safety Program

Lastly, as regards synergies, reference must be made to the Inter-American Human Rights System (IAHRS), as it complements, develops, and expands each of the rights related to the due process to determine refugee status, which on regional level establishes the binding force of fundamental commitments made by the States within the framework of the Brazil Plan of Action³.

3.2. Progress made on ⁴International Protection of Refugees and Asylum-seekers

During national and subregional consultations⁵, countries detailed progress made in relation to commitments made within Chapter II of the Brazil Plan of Action on international protection of refugees and asylum-seekers, as well as those in the First Triennial Progress Report 2015-2017 (*Primer Informe*

³ For information on the IACHR and due process guarantees, see Chapter 2, section 2.2, of this report.

⁴ "Progress made" gathers the progress in the 2018-2020 three-year period reported by countries in national and subregional consultations (May-September 2021); the information provided by countries in global, regional, and subregional forums; and the information made available by UNHCR, the Inter-American Human Rights System, and civil society. Some progress reported before the three-year process is still current. Given the extension limits of this report, the progress list should not be deemed comprehensive.

⁵ For information about the methodology followed to prepare this report and its different stages, see the Introduction.

Trienal de Progreso 2015-2017), published in 2018⁶. Likewise, they re-affirmed their commitment to the Brazil Plan of Action as a valid and current roadmap to face new challenges in international protection in the region.

3.2.1. Quality Asylum and Asylum System Capacities: Progress and Good Practices Reported in the 2018-2020 Three-Year Period

During the three-year period, countries in the region continued their efforts to strengthen quality and efficiency in their procedures to determine refugee status, in accordance with the *Quality Asylum* programme.

This programme contains the **Asylum Systems Quality Assurance Initiative (QAI)**. In the 2018-2020 period, the QAI, whose main objective is to achieve efficient, complete, and quality systems, continued to inspire projects to strengthen national asylum systems capacities in the region. Countries such as Argentina, Brazil, Costa Rica, Ecuador, and Mexico⁷ continued making progress on the implementation of recommendations and products within the QAI framework. Likewise, national strategies for backlog reduction or elimination continued, as was the case in Costa Rica, Ecuador, Mexico, and Panama, whether within the QAI framework or that consisting in strengthening projects supported by UNHCR.

The Asylum Systems Quality Assurance Initiative (QAI) Program in Mexico

A remarkable action is the creation of a multidisciplinary QAI team in 2019 to strengthen the capacities of the Mexican Refugee Commission (COMAR). The team comprises two national experts on registration and eligibility, and two QAI experts from the state of Chiapas (namely, from Tapachula and Palenque), border areas with Guatemala, where COMAR receives most claims. With technical support from the QAI team and the technical supervision and coordination of the UNHCR Protection Unit, tools were developed, simplified and merged procedures were implemented, resolution models and recognition applying the Cartagena Declaration definition were implemented, a Unit on information about the country of origin (COI Unit) was created, and a National Training Plan was designed and implemented. As regards registration, the case management system was strengthened (SIRE, whose management team is comprised of the newly-created Analysis and Statistics Unit, UNHCR's data management officer, and the QAI registration team), as well as data and statistics management; files were digitized; and temporary national identification numbers (CURP) were issued for asylum-seekers. A Registration Centre was also established in Tapachula, Chiapas, which allows receiving and registering an average of 500 persons per day.

The QAI programme was complemented by the Asylum Capacity Support Group (**ACSG**), created in the first Global Refugee Forum in December 2019⁸ to guarantee that support to asylum capacity among States and interested parties be coherent and have the most impact and best use of resources. In the Americas, 11 countries in Latin America and the Caribbean have requested support in protection, asylum,

⁶ United Nations High Commissioner for Refugees (UNHCR), *Brazil Plan of Action. First Triennial Progress Report. 2015-2017*, February 2018, available (in Spanish) at: <https://www.refworld.org/es/docid/5c883c4e4.html>.



The *annex* to this report gathers the priorities established in the First Triennial Progress Report, which have also served as a basis for the analysis of progress in this report:

⁷ In the Caribbean, including Belize, see Chapter 6, section 6.2.3., of this report.

⁸ For information on the Global Forum, see Chapter 2, section 2.1.1, of this report.

strengthening of asylum capacities, and responsibility sharing solutions and mechanisms. These areas are in synergy with the contents of the programmes included in the Brazil Plan of Action⁹.

As regards **strengthening the quality and efficiency of asylum systems**, especially in the interview and analysis stages, measures were taken to reinforce the work performed by eligibility officers, such as adopting manuals, establishing mechanisms to identify profiles and vulnerabilities to guarantee priority and differential attention, creating internal databases, templates or standardized legal analysis models, interview guides or mechanisms to prioritize profiles to process requests (as was the case in Argentina, Brazil, Ecuador, Honduras, Mexico, Peru, and Uruguay).

Regarding the **optimization of material and human resources**, several countries developed CONARE institutional strengthening projects. This has translated into improving infrastructure, hiring more professionals when deemed essential (as was the case in Argentina, Brazil, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Panama, and Peru), adopting annual work plans (as was the case in Costa Rica and Mexico), higher frequency of CONARE sessions (as was the case in Costa Rica and Ecuador), and implementing virtual sessions (as was the case in Argentina, Brazil, Costa Rica, and Uruguay). **Use of new technologies** increased in the three-year period and was consolidated during the COVID-19 pandemic. Many countries reported allowing remote access to the procedure (such as Argentina, Brazil, Costa Rica, Panama, Peru, and Uruguay); similarly, remote eligibility interviews increased (as was the case in Brazil, Chile, Colombia, Ecuador, Guatemala, Mexico, Peru, and Uruguay). In the context of the pandemic, some countries suspended or extended their administrative and judicial deadlines, and others continued their asylum procedures (as was the case in Brazil, Colombia, and Mexico).

Given the increase in the flow of displaced persons and the unprecedented pressure on most of the systems, some countries (such as Brazil, Costa Rica, Mexico¹⁰, Paraguay, Peru, and Uruguay)¹¹ developed **differentiated procedures** to determine refugee status (expedited, simplified, merged, or group)¹², with different regulation and procedural modalities, complementing the standard determination procedure. Many CONARE used claim analysis techniques, such as group recognition (Paraguay) or individual recognition with the *prima facie* approach (Brazil and Paraguay), and inclusion supposition (Mexico). Finally, the application of merged procedures (in Mexico and Paraguay) is also worth noting.

In terms of regulatory or case law progress, during the 2018-2020 three-year period, there was an increase in the number of countries that applied the **broadened definition of refugee included in the 1984 Cartagena Declaration**. Brazil, Mexico, Paraguay, Peru, and Uruguay applied this definition

⁹ Global Compact on Refugees (GCR) and Asylum Capacity Support Group. Information available at: <https://www.unhcr.org/the-global-compact-on-refugees> and <https://acsq-portal.org/> <https://globalcompactrefugees.org/article/asylum-capacity-support-group>. Regarding support commitments and requests, see: https://acsq-portal.org/acsq-matches/?_sft_region=americas-caribbean

¹⁰ Detailed descriptions of differentiated procedures adopted in Mexico (merged, expedited, and simplified) can be found in the regional good practices platform, available (in Spanish) at: <https://www.asiloamericas.org/buenas-practicas/>

¹¹ In most countries, procedures have been adopted by CONARE decisions or plenary agreements. This is facilitated by the fact that, in eleven countries, CONAREs have express or reasonably implicit competence to regulate special measures or procedures. Legislations in six countries provide for the possibility of recognizing refugee status through group or *prima facie* procedures (Argentina, Brazil, Chile, El Salvador, Mexico, and Peru), and legislations in nine countries provide guidance to respond to large-scale influx situations (Argentina, Bolivia, Chile, Costa Rica, Ecuador, El Salvador, Mexico, Peru, and Venezuela).

¹² In **simplified procedures**, interview stages and evaluations can be simplified to increase efficiency; for example, using pre-completed forms that include relevant information about the country of origin (COI) and pre-made profile-based legal analyses. **Expedited** procedures provide for reducing all or some of the deadlines to complete the different stages of the process. **Merged** procedures combine the registration and refugee status determination stages, which results in high efficiency standards. **Group recognitions** (which can be applied based on national groups profiles, person categories, or other criteria) are those in which the individual aspect in case analyses is ignored and the collective approach is adopted. All these procedural tools can be combined with different legal analyses (*prima facie*, inclusion presumptions, etc.). See UNHCR, *Aide-Memoire & Glossary of case processing modalities, terms and concepts applicable to RSD under UNHCR's Mandate*, 2020, available at: <https://www.refworld.org/docid/5a2657e44.html>



to people from other continents, as well as to nationals from countries in the region. Although the use of this definition by the Migration Administrative Court of Costa Rica (TAM, in Spanish) is not included in the country's domestic legislation, it is especially noteworthy.¹³ In broader terms, the binding aspect of the definition and its value as a regional custom were recognized by different supreme and constitutional courts, many regional instruments, and the IAHRs¹⁴.

Additionally, Guatemala reported a brand-new 2019 regulation, which includes **persecution based on gender or sexual orientation**¹⁵, a definition that has been applied by CONARE during the period being analysed¹⁶.

¹³ Migration Administrative Court of Costa Rica, Resolution No. 1072-2018-TAM, dated 6 September 2018, which applies the precedent of Constitutional Chamber of the Supreme Court of Justice. This precedent sets forth that the human rights instruments effective in Costa Rica not only have a similar value to that of the Constitution, but also that they are above it if and when they grant greater rights or guarantees to people. In this respect, the term 'instrument' includes not only conventions, treaties, or agreements formally signed and approved in accordance with the constitutional procedure required, but also any other instrument aimed at protecting human rights. In this context, even if Costa Rica did not sign the 1984 Cartagena Declaration when it was adopted, it did adopt the 1994 San Jose Declaration on Refugees and Displaced Persons, which recognizes and reaffirms the Cartagena Declaration. Therefore, according to the Court, the latter must be considered an integral part of national regulations, even if it was not formally incorporated into domestic legislation.

¹⁴ See Regional Instruments on Refugees and related topics, *La fuerza vinculante de la definición regional de la Declaración de Cartagena sobre Refugiados (1984)*, December 2018, available (in Spanish) at: <https://www.refworld.org/es/docid/5d03d0b54.html>. Regionally, different instruments recognize the value of this definition: the San Jose Declaration on Refugees and Displaced Persons (1994), the Mexico Declaration and Plan of Action to Strengthen International Protection of Refugees in Latin America and the Caribbean (2004), the Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas (2011), the Brazil Declaration and Plan of Action (2014), and the "100 Points of Brasilia" (2018). In turn, the General Assembly of the Organization of American States (OAS) has pointed out that the Cartagena Declaration is an instrument that guides the protection of refugees in the Americas as a true reference framework. The Inter-American Commission on Human Rights (IACHR) reaffirmed the authority of the regional definition of refugee as a matter of principles. Finally, the Inter-American Court of Human Rights (I/A Court H.R.) has highlighted its **binding nature** as a part of the minimum contents of the human right to request and be granted asylum.

¹⁵ National Migratory Authority Agreement 2-2019, *Reglamento del procedimiento para la protección, determinación y reconocimiento del Estatuto de Refugiado en el Estado de Guatemala*, available (in Spanish) at: <https://igm.gob.gt/wp-content/uploads/2017/09/ACUERDO-2-2019-Reglamento-Refugiado-1.pdf>.

¹⁶ In Colombia, the broadened definition was recently included in the *Migratory Comprehensive Policy Act* (Act 2136 of 2021), reaffirming the definition existing in Decree 1067 of 2015, which includes the regulations on the procedure.



Venezuelans crossing to Colombia through the Táchira river, in 2019. © UNHCR/Vincent Tremeau

Brazil's *Prima Facie* Application of the Broadened Definition of Refugee included in the 1984 Cartagena Declaration

It is worth noting the application of a regional definition under a ***prima facie* recognition**, within the framework of a **simplified procedure**. As described on the [asiloamericas.org](https://www.asiloamericas.org) site¹⁷, this was implemented after passing [Resolution No. 29](#), dated June 2019, which establishes the use of [SISCONARE](#) (online system for registering and processing asylum claims in the country) and authorizes expedited or simplified procedures with the possibility of **not doing an eligibility interview** in the case of **manifestly justified** claims. Consequently, in December 2019, CONARE established these procedures for asylum-seekers from Venezuela or stateless persons usually residing in Venezuela, if and when they meet a series of requirements: official entry into Brazil, having a national identity document or passport regardless of its expiry date, having no criminal records in Brazil, being older than 18, and having no other residence permit to live in Brazil.

Regarding asylum claims from people who did not meet the criteria above, especially indigenous persons with no documentation, the CONARE carried out an eligibility mission in 2020 at the north border and held simplified interviews focused on establishing the nationality and/or usual residence in Venezuela of said population.

As a result, in 2021, more than 46,000 persons have been legally recognized as refugees through this procedure.

¹⁷ A more detailed description and the legal grounds of this mechanism can be found (in Spanish) at: <https://www.asiloamericas.org/2021/05/19/bra-reconocimiento-prima-facie-de-refugiados-venezolanos/>

Other national progress reported on quality asylum include:

- **Using information from the country of origin:** preparation of documentation package; research manuals or standardized models (as was the case in Brazil, Costa Rica, Mexico, and Panama); creation of a COI Unit¹⁸ (in Mexico); training for eligibility officials (in Panama); and observation missions to countries of origin (as from Costa Rica and Mexico);
- **Information channels and remote attention:** preparation and distribution of informative handouts; greater use of social media; creation of information portals and mobile applications (apps); activation of telephone lines or email addresses (as was the case in Argentina, Ecuador, Honduras, Mexico, Panama, and Uruguay);
- **Access to free interpreters and legal counselling and representation** (as was the case in Argentina, Brazil, Mexico, and Panama)¹⁹;
- **Decentralization, increase in the geographical presence of CONAREs, and strengthening physical spaces for attention** to elevate standards in terms of reception, attention, and confidentiality (as was the case in Argentina, Brazil, El Salvador, Guatemala, Honduras, Mexico, Panama, and Venezuela);
- **Return of UNHCR to CONARE assignment sessions** as *ex officio* observing member, with the purpose of providing legal technical support to guarantee lawful reasoning behind decisions according to international protection standards, and creation of a working session with the participation of representatives from the Ombudsman's Office, the Bolivarian National Guard, the SAIME²⁰ and UNHCR, among others (Venezuela);
- Implementation of in-person or remote **constant training** for eligibility officials and other entities involved in asylum systems (mostly in countries in the region).

Additionally, **progress was observed** on a regional level regarding quality asylum. It is worth noting that asylum capacities have been strengthened through **regional and subregional courses and seminars** contributing to the education of government representatives on quality protection and asylum, including ombudsman's offices and the judiciary²¹.

On a multilateral level, the continuation of the Regional Asylum Capacity-Building Initiative (**RACBI**) is noteworthy. Through this initiative, the Immigration, Refugees and Citizenship Canada (IRCC) Department and the U.S. 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. Likewise, it allows for the exchange of good practices among the three countries. RACBI is implemented through annual Plans of Action agreed upon by the three countries, with UNHCR's technical support.

¹⁸ The unit was created within the QAI framework with support from Canada in the context of the Regional Asylum Capacity Building Initiative (RACBI), explained later in this section. The objectives of the COI Unit are to investigate and gather information about the COI, to prepare RSD toolkits on countries with greater requests in Mexico, to standardize eligibility criteria both in interviews as in resolutions, and to create, coordinate, and carry out training sessions on COI and eligibility. Information from the platform on regional good practices developed by UNHCR, available (in Spanish) at: <https://www.asiloamericas.org/2021/06/28/mex-unidad-coi/>.

¹⁹ More information available (in Spanish) at: <https://www.asiloamericas.org/category/programas-de-orientacion-asistencia-y-representacion-legal-de-solicitantes-de-asilo/>.

²⁰ Administrative Service for Identification, Migration, and Foreign Affairs, available (in Spanish) at: <http://www.saime.gob.ve/oficina/fijas>

²¹ Among others: 2018, Second Regional QAI Round for the Americas: "Determining Refugee Status. 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: "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: "Refugee Status Determination in the Context of Massive Mixed Movements in the Americas" (Mexico City, Mexico).

Finally, regarding regional initiatives, from a broader perspective, mention should be made of the **Award for Judgments Related to the Right of Access to Justice for Migrants and Persons with International Protection Needs**, which has made it possible, since 2017, to showcase the good practices by judges and courts in the Americas, highlighting the importance of case law and the role of the judiciary in the protection of the rights of migrants and refugees²²:

Regional Award for Judgements 2018-2020

- 2018, Supreme Court of El Salvador: it safeguarded the right to family, property, safety, freedom of movement and freedom of residency **jurisdictional and non-jurisdictional protection**. Appeal judges concluded that petitioners were victims of forced displacement and stated that an *amparo* action is a sound mechanism to protect the rights of vulnerable groups.
- 2018, Constitutional Court of Colombia: it guaranteed the **right to healthcare** of two Venezuelans (a mother and a son), both with serious conditions.
- 2018, Federal Administrative Court of Argentina: it protected the **due process** of migrants subjected to **expulsion** administrative procedures, as a consequence of the modification of the Migration Act, which was not in line with international treaties signed by the country, which infringed the freedom of movement of those affected, as well as their right to family unity.
- 2018, special mentions: Appeal Court of Santiago de Chile, which freed 18 people who had been unlawfully detained for more than 20 days in **inadequate and degrading conditions**. Eighth Amparo District Court for Administrative Cases in Mexico City, which protected the right of non-profit associations to **defend human rights and exercise their corporate purpose**, as well as the right that detained migrants and refugees in Migration Stations have to a **legal representative** and guarantee their due process.
- 2019, Federal Court of La Plata, Argentina: protected the right to **family unity**, the guarantee of **legal protection**, the right to **defence** and **due process** (equality before the law and non-discrimination).
- 2019, First Circuit Administrative Court of Appeal in Mexico City: it guaranteed the **best interest of the child**, legal assistance, the right to personal liberty, and the principle of family unity.
- 2019, District Court of the Auxiliary Centre of the First Region in Mexico City: it protected migrants' right to **request asylum**, the principle of **non-refoulement**, and **access to justice**.
- 2019, special mentions: Migration Administrative Court of Costa Rica (TAM), which applied the regional definition contained in the **Cartagena Declaration**, even though it is not formally included in Costa Rican domestic legislation, for a Venezuelan person living with HIV²³; and two **recognitions to litigants**, one of whom defended the first-place winning judgment (2019, Argentina), which proves the importance of having good human rights defence lawyers²⁴.

²² Additional information and references to available judgments is available in Spanish on the organization Sin Fronteras IAP's webpage at <https://premiosentencias.sinfronteras.org.mx/> and on the website of the Mexican Association of Judges (AMIJ) <https://amij.org.mx/premios-sentencias/>. <https://amij.org.mx/premios-sentencias/>.

²³ For information on the contents of this judgment, see note 13 above.

²⁴ Information available (in Spanish) at: <https://www.acnur.org/noticias/press/2019/11/5dc045124/argentina-mexico-y-costa-rica-reciben-primeros-lugares-en-premio-sentencias.html>

- 2020, Constitutional Court of Ecuador, with two judgments: (i) **minimal guarantees in airport retentions** and **24-hour** limitation for the action not to become random and illegal detention; and (ii) defence of the right to due process in guaranteed access to a **qualified interpreter** and in presenting, either verbally or in writing, the **reasons or arguments** that the person feels support them; the right to **request asylum**; the right to, and principle of, **non-refoulement**; and the right to **effective legal protection**.
- 2020, Administrative Court of Costa Rica: judgment with a human rights perspective, which emphasizes the **right of access to justice** that migrants and persons under international protection have.
- 2020, Eight District Court in the State of San Luis Potosí, Mexico: it protected a person with an irregular status who required affiliation to the **State Social Protection Program** at State Healthcare, because they suffered HIV and tuberculosis.
- 2020, special mention: Judicial Unit for Family, Women, Children, and Adolescents of Ecuador, which protected an unaccompanied Venezuelan teenager who gave birth to a boy, was **denied the right to civil registration** because she was underage, and then was detained and separated from her baby for ten days until an infringement of her rights was declared and **compensation measures** were issued²⁵.

3.2.2. Registration and Documentation: Progress and Good Practices Reported in the 2018-2020 Three-Year Period

Registration

Several countries in the region have continued strengthening CONARE registration areas, convinced of the importance of this stage for comprehensive efficiency and quality of asylum systems.

This resulted in the establishment or reinforcement of **computer systems for case registration and management** (as was the case in Chile, Costa Rica, Guatemala, Honduras, Mexico, Panama, Peru, Uruguay, and Venezuela) and the **digitalization**—whether completed or pending—of physical files (as was the case in Brazil, Chile, Costa Rica, Mexico, and Venezuela). Other countries put into operation **remote registration mechanisms** for new asylum claims (as was the case in Argentina, Brazil, Bolivia, Ecuador, Paraguay, and Uruguay), which proved very useful in the context of movement restrictions during the pandemic. These measures were issued together with the registration of **biometric data** (as was the case in Ecuador, Honduras, and Mexico). The systemization, analysis, and periodic publication of **statistical data** (as was the case in Brazil, Mexico, and Panama) were also remarkable. Finally, Honduras and Venezuela reported having **mobile registration brigades** to reach remote areas, leveraging the occasion to train local officials.

QII in Peru

In Peru, in 2018, the Special Commission for Refugees (*Comisión Especial para los Refugiados*, CEPR) began working on a new **case registration and management system** called QII (in its second, improved version), which was supported by UNHCR. The system was officially implemented towards the beginning of 2019, and, among other actions, it required the migration of 18 Excel worksheets managed by the CEPR and other entities.

²⁵ Information available (in Spanish) at: <https://www.icrc.org/es/document/sentencias-judiciales-de-ecuador-costa-rica-y-mexico-ganan-el-premio-sentencias-2020>

QII allowed for the decentralization of the national registration system. It also allowed issuing cards for asylum-seekers (which includes the CEPR in Lima, twelve offices throughout the country, and another one in the northern border). QII allows remote pre-registration, card issuance, and obtaining an online work permit for asylum-seekers. In addition, it streamlines the analysis of specific needs, allows for pre-loading information for prioritization and automatic assignment of cases to certain eligibility officials, and includes biometric registration. The card issued to asylum-seekers is fraud-proof and does not have an expiry date. Its authenticity can be verified with a QR code, and it can be renewed online²⁶.

Documentation²⁷

For persons in need of international protection to effectively exercise their human rights, timely access to documentation following registration is critical. Between 2018 and 2020, some countries gradually **digitalized the granting and renewal of documentation** (such as Argentina, Chile, Costa Rica, and Ecuador). This tendency expedited during the COVID-19 pandemic, and many countries **postponed the expiry date** of documentation of refugees and migrants (as was the case in Brazil, Colombia, Panama, Paraguay, Peru, and Venezuela)²⁸,



Registration is carried out in southern Mexico. © UNHCR/Carlos Colmenares

continued issuing them (as Mexico), and others, such as Ecuador, organized **card issuing brigades** to make documentation granting easier.

As regards documentation **quality**, some countries reported introducing QR codes and similar formats to documentation issued to refugees, residing foreign persons, and nationals. Since all public and private segments recognize this documentation, it helped the effective integration into work and civil life, and access to public services (as was the case in Brazil, Bolivia, Costa Rica, Ecuador, and Venezuela).

The creation of documentation ensuring **access to economic, social, and cultural rights**—especially the right to **work**— was reported (as was the case in Brazil, Bolivia, Ecuador, Guatemala, Uruguay, and Venezuela). Likewise, documentation was issued that does not mention the asylum-seeker status (Argentina, Bolivia) or refugee status (Argentina), preserving the right to confidentiality.

²⁶ Detailed information on QII can be found (in Spanish) on the regional good practices platform at: <https://www.asiloamericas.org/2021/01/28/per-goricancha-ii/>.

²⁷ On quality documentation, see Chapter 4, section 4.2.1.

²⁸ In 2021, Costa Rica extended the validity of work permits from one to two years.

3.2.3. Attention to Specific Protection Needs: Progress and Good Practices Reported in the 2018-2020 Three-Year Period

One of the components of the Quality Asylum programme is strengthening an age, gender, and diversity approach. During the three-year period, measures and devices were adopted to respond to specific protection needs, mainly tailored to accompanied, unaccompanied, or separated children and adolescents; survivors of torture and gender-based violence; persons with disabilities; human trafficking survivors; LGBTIQ+ persons; indigenous persons; or older persons.

Apart from legal and regulatory amendments to include the **protection of children and adolescents on the move** (as was the case in Mexico²⁹ and Panama³⁰), in the period being studied, many countries adopted and applied protocols, operational procedures, manuals, and attention and referral routes to put into operation the protection of persons with specific needs, specially 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, Panama, and Uruguay). Likewise, safe spaces for children and adolescents on the move were created (Guatemala³¹).



A little girl playing in the temporal shelter in Brazil. ©UNHCR/ Santiago Escobar-Jaramillo

Countries such as Chile, Costa Rica, and Uruguay dedicated specific resources to highly vulnerable persons in need of international protection, while Argentina, Brazil, and Panama reported having strengthened the social area of their CONARE. Awareness-raising campaigns and periodic training

²⁹ 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. This includes non-detention in Migration Stations or Stays, best interest determination, extension of protection visa and interim regularization. See *Decreto por el que se reforman diversos artículos de la Ley de Migración y de la Ley sobre Refugiados, Protección Complementaria y Asilo Político, en materia de Infancia Migrante*, DOF: 11/11/2020, available (in Spanish) at: https://www.dof.gob.mx/nota_detalle.php?codigo=5604705&fecha=11/11/2020.

³⁰ In 2018, the National Secretariat for Children, Adolescents, and Family (SENNIAF, Spanish) and the National Office for Refugee Care (ONPAR) adopted a bi-institutional protocol on identification, care and referral of children in need of international protection, adopted with technical support from UNHCR. 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.

³¹ In Guatemala, under the general implementation framework (Migration Code, Decree No. 44-2016) that addresses the issue of children and adolescents on the move, various protocols were generated or updated in the reporting period, which incorporate access to the national asylum system and access to protection: *Protocolo de Recepción de Niñez y Adolescencia Migrante No Acompañada* (Social Welfare Secretariat of the Presidency of the Republic), *Lineamientos y medidas de atención y Protección de niñas, niños y adolescentes retornados en el marco del COVID-19* (Undersecretariat of Protection), *Protocolo para la Atención Integral a Familias Migrantes con Enfoque de Derechos y Enfoque Psicosocial para los procesos de atención de unidades familiares en contextos de movilidad humana* (Social Works Secretariat of the President's Wife), *Protocolo Psicosocial para la Atención y Protección Consular a la Niñez y Adolescencia Migrante con Enfoque de Derechos* (Ministry of Foreign Affairs) and *Protocolo Nacional de Recepción y Atención de Niñez y Adolescencia Migrante que se encuentren en territorio de Guatemala* (inter-institutional).

on addressing specific protection needs comprised protection strategies (as was the case in Ecuador, Guatemala, Mexico, and Panama), while Venezuela reported having developed a national observatory to identify persons in need of protection.

In the context of the COVID-19 pandemic, and while applying the principle of universality, **state responses to prevent, contain, and mitigate the pandemic** generally addressed the population on the move, including the refugee population and asylum-seekers³².

3.2.4. Complementary and Temporary Protection Mechanisms: Progress and Good Practices Reported in the 2018-2020 Three-Year Period

International law provides for the existence of **complementary protection**, understood as those forms of protection provided to persons who are not refugees according to the 1951 Convention or the regional definition of refugee (Cartagena Declaration) but who, nevertheless, require international protection because they are at risk of serious harm in the event of returning to their country of origin. As defined by the I/A Court of HR (OC 25/18): “(...) *the conventionally mandated prohibition of 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. Protecting the principle of non-refoulement established in the aforementioned provision reaches, consequently, all foreigners and not only a specific category of foreigners, such as asylum-seekers and refugees.*”³³

The creation of a Special Temporary Category of Complementary Protection in Costa Rica³⁴, the inclusion of complementary protection in Chile’s new Migration Law³⁵ and the continued application of complementary protection in Mexico stand out during the three-year period³⁶.

UNHCR has recognized the appropriateness of **temporary protection** mechanisms, which 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 and, in this sense, are subsidiary, and **priority should always be given to international protection mechanisms**. Temporary protection may constitute an appropriate emergency response to humanitarian crises, complex or mixed population movements and large-scale displacement, especially when existing responses are insufficient or do not allow for an immediate and emergency reaction. Likewise, this figure can be based on multilateral cooperation and favour equitable distribution of burdens and responsibilities³⁷. In any case, these measures must comply with certain **minimum standards** in order to be in line with international refugee

³² The main measures adopted during the pandemic that have benefited refugees and asylum-seekers are described in Chapter 4 of this report, section 4.2.1.

³³ Recital 186 of OC 25/18. See also: “185. (...) Article 22(8) of the American Convention prohibits the expulsion or return of any “foreigner” to “another country”, whether or not of origin - that is, to his country of nationality or, in the case of statelessness, to that of his habitual residence or to a third State - where “his right to life or liberty” are “at risk of being violated on account of race, nationality, religion, social status or political opinions.” Inter-American Court of Human Rights (I/A Court of HR), *Advisory Opinion OC-25/18, dated 30 May 2018, requested by the Republic of Ecuador. The institution of asylum and its recognition as a human right in the Inter-American Protection System. (Interpretation and scope of Articles 5, 22.7 and 22.8, in relation to Article 1.1 of the American Convention on Human Rights)*, 30 May 2018, available at: <https://www.refworld.org/docid/5c87ec454.html>.

³⁴ Resolution of the Department of Migration and Foreign Affairs that creates a *Categoría Especial Temporal de Protección Complementaria para personas venezolanas, nicaragüenses y cubanas a quienes se les haya denegado su solicitud de refugio*, 14 December 2020, No. DJUR-0190-12-2020-JM, available (in Spanish) at: <https://www.migracion.go.cr/Documentos%20compartidos/Circulares%20y%20Directrices/2020/N%C2%B0%20DJUR-0190-12-2020-JM%20Cateqor%C3%ADa%20Migratoria%20Complementaria.pdf>.

³⁵ Article 10 of *Law 21.325 on Migration and Foreign Affairs* approved by the Chilean Congress in December 2020, enacted and published in 2021 (entry into force pending issuance of its regulations), regulations available (in Spanish) at: <https://www.bcn.cl/leychile/navegar?idNorma=1158549>.

³⁶ Mexico continued implementing complementary protection throughout the period under study, as described in the regional platform of good practices, available (in Spanish) at: <https://www.asiloamericas.org/mex-proteccion-complementaria/>.

³⁷ Temporary protection or stay agreements should be developed on a multilateral/regional level, without prejudice to the fact that their implementation should be carried out by each State. United Nations High Commissioner for Refugees (UNHCR), *Guidelines on Temporary Protection or Stay Arrangements*, February 2014, available at: <https://www.refworld.org/docid/52fba2404.html>.

law and respect for human rights. UNHCR has summarized the standards for temporary protection measures to ensure effective protection: **legality, accessibility, access to basic rights and guarantees of non-refoulement**³⁸.

Although high irregularity percentages persist in the region among foreigners and stateless persons (between 40 and 50% towards the beginning of 2020, a percentage that increased throughout the year³⁹), during the 2018-2020 three-year period, some countries in the region created **special entry authorizations** into their territories and **regular residence** mechanisms under various modalities, denominations and requirements for effective accessibility (as was the case in Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, and Honduras).

In terms of temporary protection, **humanitarian visas** and various mechanisms for **temporary residence** in Brazil⁴⁰, the Exception Visa for Humanitarian Reasons (VERHU) in Ecuador⁴¹, Temporary Residence Permits (PTP) and Special Migratory Quality in Peru stood out⁴². These state responses allowed pragmatic solutions to be provided to some people on the move, particularly Central Americans, Venezuelans, Syrians, Cubans, and Haitians.

Status of Temporary Protection in Colombia

In Colombia, the **Status of Temporary Protection (EPT)** for refugees and migrants from Venezuela represents an unprecedented effort to extend temporary protection to people on the move in the context of large-scale mixed movements. It is expected to benefit close to 1.8 million people. 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 to situations of large mixed flows⁴³.

In 2018, Chile launched an extraordinary, one-time regularization process that gave legal residence and documentation to more than 250,000 foreigners who were in an irregular situation in the country⁴⁴.

³⁸ On the requirements of legality, accessibility, access to basic rights and guarantees of non-refoulement, see United Nations High Commissioner for Refugees (UNHCR), *UNHCR: Guidance Note on the Outflow of Venezuelans. 2018*, March 2018, available at this address: <https://www.refworld.org/docid/5a9ff3cc4.html>.

³⁹ At the beginning of 2020, 44% of the population covered by UNHCR's protection monitoring activities did not possess a legal status or residence permit in the country of destination. This included both persons who had entered irregularly and those who had overstayed their visas or stay permits and had not been able to access regularization channels. Fourteen percent reported having a tourist permit or visa, while only 22% referred to a temporary permit. Similarly, only 5% had some form of permanent residence in the host country. United Nations High Commissioner for Refugees (UNHCR), *UNHCR: Venezuela Situation: Key Aspects of Protection Monitoring. July - December 2019*, March 2020, available at this address: <https://www.refworld.org/es/docid/5f2d8eda4.html>. Preliminary results corresponding to Protection Monitoring activities developed in 2020 by UNHCR revealed that the percentage of persons in an irregular situation amounted to 50%, while the percentage of persons residing with a simple tourist visa remained at 14%.

⁴⁰ Portaria No 13/2020, *Visa temporal y residencia humanitarias para nacionales de Haití y apátridas residentes en Haití*; Portaria Interministerial No 9/2018, *Residencia temporal para nacionales de Venezuela*; Portaria Interministerial No 4/2019, *Autorización de residencia para nacionales de Cuba del Programa Mais Médicos*; Portaria Interministerial No 5/2019, *Autorización de residencia para nacionales de la República Dominicana que tengan un procedimiento de reconocimiento de la condición de refugiado en curso*; Portaria Interministerial No 9/2019, *Visa temporal y autorización de residencia humanitaria para personas afectadas por el conflicto armado en la República Árabe Siria*; Portaria Interministerial No 10/2019, *Autorización de residencia para nacionales de la República de Senegal que tengan un procedimiento de reconocimiento de la condición de refugiado en curso*.

⁴¹ 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 February 2021 (implementation period) the registration and issuance of 50,093 visas out of a total of 75,328 procedures initiated by persons of concern. This visa consisted of a registration and regularization process for Venezuelans residing in Ecuador prior to 26 July 2019, who met additional requirements: regular entry to Ecuador, passport (valid or expired), certified criminal record from the country of origin, absence of criminal record in Ecuador, payment of a fee of USD 50. Although the VERHU implementation period has ended, the Government of Ecuador foresees issuing a new *Exceptional Temporary Residency Visa for Venezuelan citizens (VIRTE)* under the migration regularization process that the country expects to carry out by the end of 2021.

⁴² The Special Migratory Quality was implemented to ensure the sustainability of 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, regulations available (in Spanish) at: <https://elperuano.pe/>.

⁴³ More information on this temporary status on the regional platform on good practices, available (in Spanish) at: <https://www.asiloamericas.org/2021/03/14/col-estatuto-temporal-de-proteccion-para-migrantes-venezolanos-bajo-regimen-de-proteccion-temporal/>.

⁴⁴ 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>.

3.2.5. Borders of Solidarity and Safety: Progress and Good Practices Reported in the 2018-2020 Three-Year Period

Ensuring protection in border areas, including airports, is essential for States to comply with international obligations and to ensure international protection. Therefore, in line with the Borders of Solidarity and Safety programme, several countries implemented **missions or visits or permanently established a CONARE at border crossings**. In addition to ensuring access to the refugee status determination procedure, this allowed the delivery of humanitarian aid and timely attention (as was the case in Brazil, Colombia, Costa Rica, Honduras, El Salvador, Mexico, and Panama).



A Venezuelan family walking through a mountain pass in Colombia. © UNHCR/Hélène Caux

It should be noted that in times of COVID-19 and generalized closure of land, sea and air borders, some countries in the region authorized **exceptional access** to their respective territories for **humanitarian reasons** or **family reunification** (as was the case in Argentina, Ecuador, Panama, Peru, and Uruguay).

Opening Borders for Persons in Need of International Protection in Uruguay during COVID-19

During the pandemic, Uruguay maintained the possibility of entry into the country for persons in **clear need of international protection**, who required it for **humanitarian reasons** or for the purpose of **family reunification**⁴⁵.

In this context, simplified virtual processes were adopted to facilitate the processing of asylum claims, and protocols were implemented with various national institutions to give asylum-seekers or migrants access to a free COVID-19 test and to quarantine contingency centres. In addition, the possibility of vaccination was granted even before receiving documentation, all of the above in the context of claims or entries through the dry border with Argentina and Brazil. This way, Uruguay maintained its asylum system uninterrupted, and welcomed people in need of protection under the same conditions as Uruguayan nationals returning to the country amid the pandemic.

⁴⁵ Decree N°104/020 on *Autorización del Ingreso al País Únicamente de Ciudadanos Uruguayos y Extranjeros Residentes Provenientes del Exterior*, which establishes exceptions for the prohibition of entry to the territory in accordance with a series of assumptions, such as persons with clear need of international protection, family reunification situations, and other humanitarian reasons. Regulation available (in Spanish) at: <https://www.impo.com.uy/bases/decretos/104-2020>

In turn, Brazil implemented **Operation Reception**⁴⁶, a response by the Federal Government to ensure humanitarian care for migrants and refugees from Venezuela upon their arrival in the country. This operation involved generating structures in Pacaraima and Boa Vista (operational since June 2018) and, more recently, in Manaus. Differentiated shelters were created and an internalization process was implemented in other states of the country. This was executed and coordinated by the Federal Government with support from UN agencies and from more than 100 non-profit associations. By the year 2021, this Operation had made it possible to receive close to 900,000 people at the border.

It is also worth mentioning Colombia's **Comprehensive Attention Centre (CAC)**. Located in the municipality of Maicao, La Guajira, the CAC is a service point for the population coming from Venezuela and aims to generate a coordinated response to guarantee humanitarian assistance and protection for vulnerable refugees, migrants, returnees, and Wayuu people coming from Venezuela, in accordance with international standards⁴⁷.

Finally, another important activity to ensure borders of solidarity and safety is the **permanently training** officials at the borders, so that they may be able to identify persons in need of international protection and improve reception conditions. Countries such as El Salvador, Guatemala, Honduras and Panama reported having strengthened this component, and El Salvador and Guatemala reported having provided **information to the population in need of protection**.

3.3. General Overview of Identified Challenges

Notwithstanding the progress reported, during the consultation process it was possible to identify persistent challenges, as well as new challenges compared to the previous three-year period.

The challenges are multiple, fuelled by the growing number of mixed movements and forced displacements, migration irregularity, natural disasters, and the COVID-19 pandemic. This was combined with legislative, political, technical and operational constraints, as well as limited availability of technical, financial, human and material resources, which are persistent needs in the region.

The following is a **selection of the most relevant challenges** identified. These are often related to the progress reported by some countries, which demonstrates the need for the region to strengthen the exchange of good practices, as well as regional cooperation and solidarity, so that progress and good practices are replicated and extended to all countries in the region, thus reaching similar standards in terms of protection.

3.3.1. Quality Asylum Challenges

- Unprecedented pressure from countries and asylum systems, the consequent accumulation of delays in the resolution of applications, the scant application of

⁴⁶ For more details on this Operation, see the regional platform on best practices, available at: <https://www.asiloamericas.org/2021/05/03/bra-operacion-acogida/>, together with official information from the Brazilian State, available (in Portuguese) at: <https://www.gov.br/casacivil/pt-br/acolhida/>. On the internal relocation process, see Chapter 4, section 4.2.1, of this report.

⁴⁷ Through an inter-institutional and inter-agency action with the participation of Colombian Government institutions, agencies of the United Nations System under the coordination of UNHCR and non-governmental organizations, the CAC promotes access to basic services, fundamental rights and durable solutions through humanitarian assistance in various sectors. The Temporary Health Care Centre (CAST) in Cucuta (north from Santander, Colombia) should also be highlighted, as it is a care strategy designed by local authorities supported by UNHCR and the Interagency Group on Mixed Migratory Flows (GIFMM, belonging to R4V: <https://www.r4v.info/en/node/383>), to provide shelter and temporary care for the basic needs of refugees and migrants.

differentiated procedures and limited access to refugee status determination procedures or their suspension, especially amid a pandemic;

- Infringement of fundamental principles of confidentiality, non-refoulement and some situations of lack of access to the territory, to the procedure and expulsions at borders;
- Limitations in the normative recognition and insufficient application and/or limits in the interpretation of the regional definition contained in the Cartagena Declaration of 1984;
- Insufficient decentralization of asylum authorities, which leads people to travel long distances for the different phases of the process, including registration, which weakens access to procedures.

3.3.2. Registration and Documentation Challenges

- Limited availability in the region of single, digital, efficient, secure and interoperable registration and case management systems, with the consequent limitations in terms of efficiency and quality, preparation of reliable statistics, effective registration of all persons, case follow-up and possibly safeguarding the confidentiality of the processes;
- Limitations in terms of adequate, timely and quality documentation, in particular for persons requesting refugee status;
- The lack of interoperability among systems within government entities and the subsequent need for people to undergo successive interviews on identical matters for different purposes;
- The differences in quality and speed between the documentation provided to applicants for refugee status and that provided to migrants, which sometimes discourages access to asylum procedures and the request for international protection.

3.3.3. Challenges Regarding Specific Protection Needs

- Limited identification and referral mechanisms for persons with specific protection needs, particularly unaccompanied children and adolescents, victims of gender-based violence, victims of trafficking, LGBTIQ+ persons, persons with disabilities, or older persons;
- Limited allocation of resources for the prevention of, and response to, gender-based violence, as well as non-existent or incipient mechanisms for timely and differentiated care and referral;
- Limited application of the principle of the best interests of the child in refugee status determination procedures and the absence of special protocols for protection, assistance and referral.

3.3.4. Challenges for Regularity of Stay and Access to Legal Residence

- Challenges in the establishment of mechanisms for entry and regular or temporary stay, especially for children and adolescents without travel or identity documents, which has been aggravated by the closing of borders and the suspension of services provided by migration and asylum authorities amid the COVID-19 pandemic;

- Insufficient complementary or temporary protection mechanisms, or the establishment of mechanisms that are not in line with standards of legality, accessibility, access to basic rights and guarantees of non-refoulement, leaving people in need of international protection unprotected.

3.3.5. Challenges for Borders of Solidarity and Safety

- Border closing, tightening of migration controls, expulsions and the imposition of entry visas, particularly in times of COVID-19, all measures that have exposed forcibly displaced persons to protection and refoulement risks, the use of irregular entry routes and irregular stay; as well as abuses, various forms of violence, harmful survival mechanisms, labour and sexual exploitation, smuggling, trafficking and gender-based violence;
- Restrictions on the entry and exit of people from their territories, very long waits at borders, often without access to food, healthcare, or decent and adequate housing conditions, with a differential impact on vulnerable people, especially children and adolescents;
- Limited alternative measures to detention or accommodation for people in need of international protection, including children and adolescents.

3.4. Focus Areas Identified in National and Subregional Consultations

As a result of the national and subregional consultations⁴⁸ held between May and September 2021, countries identified several focus areas for the next three-year period implementation of the Brazil Plan of Action, thus reiterating their commitment to this roadmap, which is part of the historic Cartagena process initiated 36 years ago.

As it may be seen below, these focus areas are consistent with the priorities, programmes and actions contained in the Brazil Plan of Action, with those established in the first three-

year progress report pending implementation, as well as other existing regional and global initiatives aimed at strengthening protection.



A Garifuna community leader in Honduras. © UNHCR/ Juan Camilo Jiménez Garces

⁴⁸ For information about the methodology followed to prepare this report, see the Introduction.

3.4.1. Quality Asylum Focus Areas

The following is a schematic description of the main areas defined for the next three-year period:

Capacity and Quality of Asylum Systems

- Incorporate the definition of refugee contained in the 1984 Cartagena Declaration into national legal systems, which includes acknowledging its value as a regional custom, and strengthening proper interpretation and application;
- Guarantee unrestricted access to the procedure for persons in need of international protection;
- Strengthen the efficiency, quality, adaptability and integrity of asylum systems;
- Implement internal mechanisms to review the quality of decisions in all aspects (quality of interviews, legal analysis, country-of-origin information used, credibility analysis, among others);
- Guarantee, without exceptions, respect for the principle of confidentiality and due process at all stages of the procedure, including free legal guidance and guidance, as well as access to suitable interpreters or translators;
- Strengthen the availability and appropriate use of country-of-origin information in refugee status determination procedures;
- Maintain UNHCR support through the QAI initiative or other strategies for capacity building of asylum systems;
- Develop ongoing training programmes for eligibility staff, border staff, immigration staff, and all CONARE staff, not limited to eligibility officers;
- Strengthen the capacities of all authorities concerned to identify persons in need of international protection and refer them, in an appropriate and timely manner, to the refugee status determination procedure;
- Respect, in an unrestricted manner, fundamental rights and guarantees recognized in the Brazil Plan of Action, whose binding nature has been established by the IAHRs.

Differentiated Procedures and Streamlining of Procedures for Efficiency

- Implement differentiated procedures (simplified, accelerated, merged, group) to increase efficiency while processing and solving refugee status determination claims and, within this framework, give special emphasis to triage procedures, as a key tool for building an efficient and quality asylum system throughout all phases;
- Develop strategies and mechanisms to prevent and reduce case backlogs and waiting times, possibly with technical support from UNHCR;
- Strengthen digital case registration and management systems as an essential tool for an efficient and quality procedure, in all its phases, including the analysis and resolution phase;
- Ensure access to complete and timely information throughout the territory, including at borders, so that people can request protection, access the procedure and, in general, know their duties and demand their rights;

Infrastructure and Human Resources

- Guarantee fully equipped, adequate and functional spaces in different strategic points of the country, which guarantee the confidentiality of the processes and differentiated attention, as well as adequate working conditions for government personnel;
- Decentralize CONARE and strengthen its presence in border areas through, where appropriate, the implementation of mobile brigades;
- Increase the capacity for registration, attention and resolution through the generation of adapted registration centres and the reinforcement of trained human resources, ensuring them decent, adequate and safe working conditions;
- Implement measures to prevent and attend to vicarious trauma and burn out among CONARE personnel, highly demanded in contexts of mass influxes.

Cooperation and Collaboration

- Collaborate with civil society and international organizations to strengthen protection systems and establish south-south cooperation programmes;
- Develop or strengthen intra- and extra-regional twinning projects aimed at exchanging best practices and fostering technical collaboration;
- Continue to develop regional courses and regional and subregional initiatives and programmes to strengthen national asylum systems and harmonize standards on a regional level.

3.4.2. Registration and Documentation Focus Areas

- Recognize the right to an identity as a fundamental right;
- Guarantee timely and quality documentation that ensures access to economic, social and cultural rights, especially to jobs, education and health;
- Develop unique digital registration and case management systems that allow the digitization of files, that are interoperable with other relevant services in the country, that include biometric registration systems, and that are accessible at various points in the territory, including the possibility of renewing and issuing identity documents online;
- Increase the intensive use of technological tools and digital channels for remote attention and processing, with due protection safeguards, including confidentiality, ensuring effective accessibility to processes and maintaining face-to-face access channels for people with specific needs or practical difficulties in accessing online systems;
- Implement mobile registration brigades, particularly at border or remote areas;

3.4.3. Focus Areas for Addressing Specific Protection Needs

Legislation and Institutional Framework

- Expressly include gender-based violence as a reason for refugee status determination and acknowledge sexual and gender diversity;

- Periodically update guidelines and protocols for the early identification of specific protection needs, and strengthen intersectoral mechanisms to attend to those needs;
- Design strategies to address specific protection needs and allocate financial, human and material resources to carry them out;
- Strengthen coordination and collaborative work, including host communities, refugees, civil society and specialized international organizations;
- Strengthen social work and case management by CONARE.

Identification, Care and Referral Mechanisms

- Prioritize the best interests of the child, generate specialized institutions for the care of children in need of international protection, and create social protection mechanisms, such as foster families or youth homes to create safe spaces;
- Map profiles of people with specific needs, conducting vulnerability interviews by trained personnel and, in general, assigning their cases to personnel duly trained in the particularities of each situation;
- Prioritize early attention and referral of persons with specific protection needs, especially vulnerable women, children and adolescents, LGBTIQ+ persons, persons with disabilities, older persons, victims of gender-based violence, and victims of torture;
- Establish a priority focus on gender-based violence cases and LGBTIQ+ population with international protection needs.

Training and Awareness-Raising

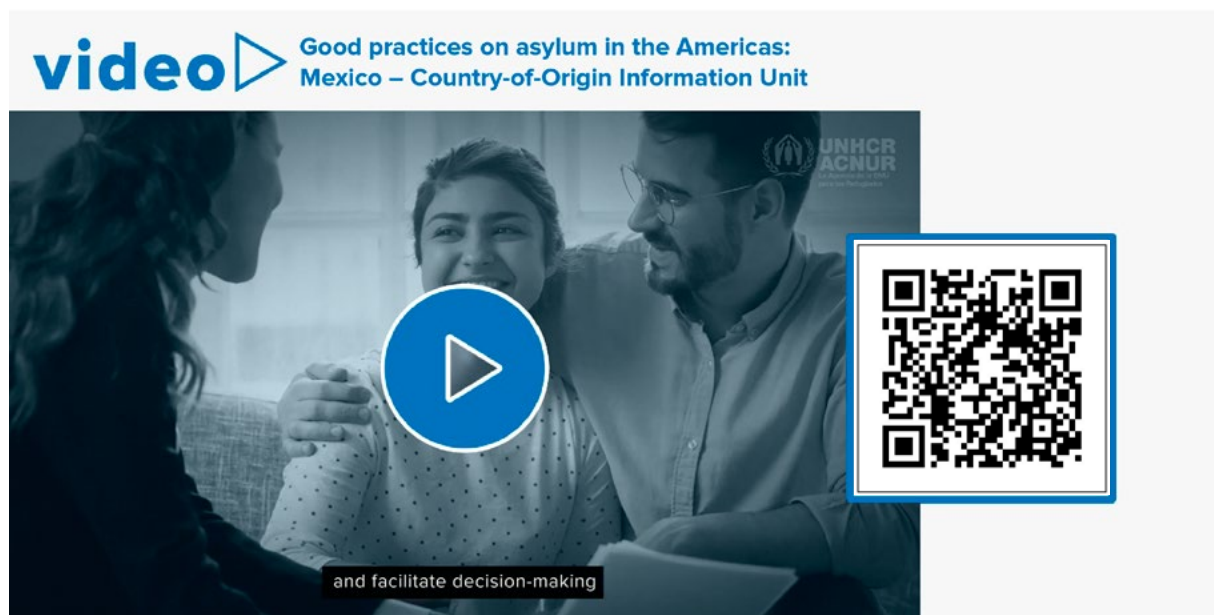
- Organize awareness-raising events with host communities and institutions involved, on a national and local level, on the reality of forcibly displaced persons and their needs.


3.4.4. Focus Areas for Complementary or Temporary Protection Mechanisms

- Generate legal stay alternatives to promote the regularity of stay of persons with other international protection needs, thus providing an effective response to forced displacement, including those resulting from natural disasters and climate change;
- Adopt timely and sustainable complementary protection measures that meet standards of legality, access to basic rights, guarantees of non-refoulement, and access to asylum systems;
- Address manifestly unfounded cases or persons with other international protection needs, through migration and durable solutions;
- Develop extraordinary regularization programmes, processes, and temporary protection mechanisms that reduce pressure on asylum systems, address the reasons for displacement, and avoid irregularity of stay and its harmful consequences.

3.4.5. Focus Areas for Borders of Solidarity and Safety

- Guarantee access to the territory for persons in need of international protection, including those in international airport transit zones, and establish exceptions to border closures in times of pandemic or other national or global emergency based on the principle of non-refoulement, including non-rejection at the border;
- Strengthen alternatives to immigration detention and establish a prohibition on the detention of children and other persons with specific protection needs;
- Strengthen the presence of CONARE at border points to ensure effective identification, as well as timely access to the refugee status determination procedure;
- Ensure the delivery of complete and timely information to persons in need of international protection, including persons in transit, about the procedures, their rights and obligations, information whose content and form of transmission should have a differentiated approach, considering variables such as age, gender and disability;
- Strengthen training and awareness-raising for government personnel at the border, especially on human rights and non-refoulement;
- Strengthen mechanisms for the identification of international protection needs and referral;
- Implement specialized, differentiated, safe and dignified reception conditions, particularly for children and adolescents, including in border areas;
- Generate protective policies aimed at addressing irregular entry;
- Work with border communities to reduce xenophobia, stigmatization and discrimination;
- Respect the rights and guarantees established in the Brazil Plan of Action, whose binding nature has been established by the IAHRs.





COMPREHENSIVE, COMPLEMENTARY, AND SUSTAINABLE SOLUTIONS

4. COMPREHENSIVE, COMPLEMENTARY, AND SUSTAINABLE SOLUTIONS

This chapter presents the programming included in Chapter III of the Brazil Plan of Action, as well as its synergies with other ongoing initiatives. Additionally, it addresses the progress made and good practices towards comprehensive, complementary, and sustainable solutions in the region during the 2018-2020 period, together with current challenges and focus areas defined by governments for implementing the Plan within the next three-year period.

4.1. Reference to the Brazil Plan of Action and Other Global and Regional Initiatives

4.1.1. *Local Integration, Solidarity Resettlement, and Cities of Solidarity Programs in the Brazil Plan of Action*

Chapter 3 of the Brazil Plan of Action includes five programmes. This report does not include *Voluntary Repatriation* or *Labour Mobility Programs*, as they are not being currently implemented in the region nor have they had significant progress in the three-year period, as evidenced in national and subregional consultations¹. As a result, this report addresses only those programmes which have allowed 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 implies multiple dimensions that are inextricably linked, including the legal, socio-economic, and socio-cultural dimensions, which place significant demands on both the individual and the receiving society. Often, obtaining the nationality of the country of asylum marks the end of this process.

The **Solidarity Resettlement** Program 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.

¹ For information about the methodology followed to prepare this report, see the Introduction.

Resettlement consists in moving refugees from the first country of asylum to another State which has agreed to receive them and, as a final resort, grant them permanent residency.

The **Cities of Solidarity** Program derives from States’ recommendations on 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.

4.1.2. Synergies between the Local Integration, Solidarity Resettlement, and Cities of Solidarity Programs and the Main Global and Sub-Regional Mechanisms

The aforementioned synergies and complementary aspects between the Brazil Plan of Action and the main current global and subregional mechanisms² are also manifested in the programmes included in Chapter III of the Brazil Plan of Action, which are aligned with said initiatives’ key points, objectives, and commitments, as expressed in the chart below:



² See Chapter 2 of this report about the synergies between the Brazil Plan of Action and the main current initiatives in the region.

Finally, as regards synergies, reference should be made to the Inter-American System for the Protection and Promotion of Human Rights (IACHR), which complements, develops, and expands States' obligations to provide access to economic, social, and cultural rights (ESCR) during procedures. This establishes, regionally, the binding force of fundamental commitments made by the States within the framework of the Brazil Plan of Action³.

4.2. Progress made⁴ on Comprehensive, Complementary, and Sustainable Solutions

During national and subregional consultations⁵, countries detailed their progress in relation to the commitments made within the framework established in Chapter II of the Brazil Plan of Action, concerning international protection of refugees and asylum-seekers, as well as those included in the First Three-Year Progress Report 2015-2017 (*Primer Informe Trienal de Progreso*), published in 2018⁶.

All countries reported progress and good practices in the 2018-2020 period, even during the year and a half of the pandemic, where millions of forcibly displaced persons have lost their livelihoods and faced great adversity as regards food, healthcare, education, housing, and work, and have suffered different types of exploitation and abuse.

Despite the health and humanitarian response, States did not neglect durable solutions for refugees and asylum-seekers, including local integration, resettlement, and complementary pathways, such as humanitarian visas. The work performed by Cities of Solidarity is also remarkable.

4.2.1. Local Integration: Progress and Good Practices Reported in the 2018-2020 Three-Year Period


As regards local integration, and despite COVID-19 restrictions, progress was reported on access to healthcare, social security, housing, education, formal employment, and financial inclusion, which favoured displaced persons in some host countries.

During the 2018-2020 three-year period, some CONARE in the region continued playing a key role in the promotion, definition, and development of local integration policies for refugees (as in Argentina and Panama). **Inter-institutional coordination** efforts to obtain access to healthcare, education, and labour inclusion were strengthened, both on a national level (as in Colombia, Honduras, Mexico, and Uruguay) and on a municipal level (*Sello Migrante* and the *Compromiso Migrante* initiative in Chile). Some countries, like Panama, ensured involvement of the refugee population in **consultation processes** on the development of public policies on social matters. Likewise, **many studies on socio-economic integration** were carried out during the three-year period.

³ For information on the IACHR and due process guarantees, see Chapter 2, section 2.2, of this report.

⁴ "Progress made" gathers the progress in the 2018-2020 three-year period reported by countries in national and subregional consultations (May-September 2021); the information provided by countries in global, regional, and subregional forums; and the information available to UNHCR, the Inter-American Human Rights System, and civil society. Some progress reported before the three-year period is still ongoing, but is not necessarily reflected in this report, which informs on the progress made in the second three-year period. Given the extension limits of this report, the reported information should not be considered comprehensive.

⁵ For information about the methodology followed to prepare this report and its different stages, see the Introduction.

⁶  The [annex](#) to this report gathers the priorities established in the First Three-Year Progress Report (*Primer Informe Trienal de Progreso*) published in 2018, which has also served as a basis for progress analysis in this report. 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>.

In the **legal dimension of local integration**, an important aspect was the access of asylum-seekers and refugees to timely and quality documentation, which allowed for greater access to basic public services, the labour market, and the banking system. In many cases, this documentation includes a national identification number, which allows the recognition by public and private institutions (as in Mexico, Paraguay, and Venezuela).⁷ Similarly, linking mechanisms to provide documentation to refugees with **national identity management systems** (National Registry of People, Civil Registries, etc.) is key to boosting inclusion as a new road to protection. Replacing documentation issued by asylum bodies with documents or cards issued by civil registries makes it easier to access and exercise rights. This system exists in several countries in the region, and two countries reported progress in this area during the period under study. Ecuador reported amendments to provide documentation to people recognized as refugees, and Guatemala did so for both asylum-seekers and refugees⁸.

As regards the **socio-economic dimension of local integration**, universal access to the public healthcare system was guaranteed or continued to be guaranteed (including Brazil⁹, Colombia¹⁰, Guatemala¹¹, and Venezuela¹²). As for Mexico, the country included foreign persons in the amendment to the General Health Act¹³, while Uruguay included them in its social protection programme for pregnant women and early childhood, and for psychological care. The Costa Rican Social Security Fund Program, which assists vulnerable persons in Costa Rica, is also noteworthy:

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 to 6,000 refugees and asylum-seekers with chronic health conditions¹⁴. 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 available insurance programmes. This way, beneficiaries can go to any national healthcare centre of the CCSS and receive any type of medical treatment, which also contributes to the national strategy for mitigating COVID-19 related to concomitant medical conditions. It also allows for the promotion of the right to work, which improves life conditions for beneficiaries and makes it easier for them to choose a job opportunity.

⁷ For information on the progress made in terms of documentation, see Chapter 3, section 3.2.2 of this report.

⁸ Agreement 31 – 2021, Regulation on Issuing Special Personal Identity Documents, National Registry of People (RENAP), 19 July 2021. “RENAP emite Reglamento para emisión de DPI especial para refugiados” (available in Spanish) <https://www.prensalibre.com/ahora/guatemala/comunitario/renap-emite-reglamento-para-emision-de-dpi-especial-para-refugiados/>.

⁹ Free universal access to the public healthcare system is established 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, and in the Immigration Act.

¹⁰ 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.

¹¹ 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>.

¹² In Venezuela, victims of gender-based violence receive guidance through psychological and clinical care programmes, and the elderly are given access to physical therapy and general, specialized, dental, and surgical areas of healthcare.

¹³ Inclusion of foreign persons in the amendment to the General Health Act created by the National Institute of Health for Welfare (*Instituto Nacional de Salud para el Bienestar*, INSABI). Information available (in Spanish) at: <http://www.ordenjuridico.gob.mx/Documentos/Federal/pdf/wo11037.pdf>.

¹⁴ Given the programme’s success, this coverage was extended in 2021 to 10,000 people for an additional year.

Another important aspect for successful local integration is to effectively guarantee the **right to education** for children and adolescents, as well as for adults, asylum-seekers, and refugees. In this regard, countries reported significant progress. Brazil reported Resolution No. 1, dated November 13th, 2020, on the right that migrant children and adolescents, refugees, stateless persons, and asylum-seekers have to enrol in the public education system, even if they do not have documentation evidencing previous school attendance. Enrolment must be guaranteed immediately¹⁵. In 2018, Costa Rica’s Ministry of Public Education, together with UNHCR, developed the Guide “Refugee Population in the Costa Rican Education System” (*Población Refugiada en el Sistema Educativo Costarricense*) to facilitate access to the education system for asylum-seekers and refugees¹⁶. Guatemala¹⁷ and Venezuela¹⁸ promoted education with a technical-vocational approach; Mexico granted access to “Benito Juárez” scholarships for basic and upper secondary education; and Uruguay granted access to education scholarships for girls and boys, promoted initiatives to provide information on the education system functioning and implemented cross-cultural education programmes. Venezuela reported having granted access to the public system to refugee and asylum-seeking children and adolescents, by including them in the national system of leisure and cultural activities. In addition, several countries developed information materials and training sessions for teachers regarding migration, human rights and the prevention of discrimination (as was the case in Costa Rica, El Salvador and Uruguay).



A Nicaraguan child with the kitty her family has just adopted in Guatemala. © UNHCR/ Alexis Masciarelli

For people on the move, **standardizing, validating, and acknowledging studies** undertaken abroad is essential and requires specific measures from asylum countries. From 2018 to 2020, countries like Guatemala¹⁹ and Peru²⁰ made progress in this area.

Finally, during this three-year period, the 15th anniversary of the **Sergio Vieira de Mello Forum**²¹ was

¹⁵ Resolution available (in Portuguese) at: http://portal.mec.gov.br/index.php?option=com_docman&view=download&allias=165271-rceb001-20&category_slug=novembro-2020-pdf&Itemid=30192.

¹⁶ Guide available (in Spanish) at: <https://www.mep.go.cr/educatico/poblacion-refugiada-sistema-educativo-costarricense>. Following the creation of this guide, training sessions were held for teaching and administrative staff working at the education centres of the Ministry of Public Education.

¹⁷ QUÉDATE Training Centres coordinated with local governments, community leaders and international organizations to promote access to education with a technical-vocational approach.

¹⁸ Technical training for skilled labour (with a financial compensation), benefiting refugee housewives in extreme poverty, as well as the integration of adolescents and single women in training courses and productive systems.

¹⁹ 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”, available (in Spanish) at: <https://gt.vlex.com/vid/acuerdo-ministerial-no-1753-794332277>.

²⁰ 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. Regulation available (in Spanish) at: <https://www.sunedu.gob.pe/resolucion-del-consejo-directivo-no-099-2020-sunedu-cd/>.

²¹ Since 2003, UNHCR has implemented the Sergio Vieira de Mello Forum in cooperation with national universities. Over the years, the forum 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 at: <https://www.acnur.org/portugues/catedra-sergio-vieira-de-mello/>.

celebrated, which represents a good practice to grant refugees access to higher education in Brazil. In 2019, the amount of people who had access to it doubled. In addition, in the same year, a study was conducted concerning the socio-economic profile of refugees in this country²².

Regarding the **right to work**, state policies and actions focused on facilitating access to formal employment through intersectoral coordination (as in Guatemala²³ and Mexico²⁴), generating job banks, job fairs, information material, public-private partnerships and mechanisms to promote self-employability and inclusion in the productive system (as in Brazil²⁵, Costa Rica, Guatemala, Mexico, Panama, Uruguay, and Venezuela). In addition, Panama reported on the progress made in access to employment by approving a permit for asylum-seekers admitted for processing. Furthermore, public-private partnerships were established to expand job opportunities for refugees (as in Brazil, Chile, Costa Rica, Guatemala, and Panama). Mexico and Panama, among others, allowed access to technical training and the recognition of labour competences and skills. As regards the **financial inclusion** of refugees, Mexico cooperated with four banks, while Brazil doubled efforts to promote financial education. Ecuador reported that its documentation allows access to the banking system, and Paraguay reported partnerships with private banks for that purpose.

In addition, there are two important initiatives aimed at **internal relocation** and **labour market insertion**. From 2016 to 2020, in Mexico, a UNHCR project in cooperation with federal and state authorities and more than 140 private companies relocated 8,151 refugees and connected them to formal employment opportunities. In 2020, 2,306 refugees were relocated despite the pandemic²⁶. In Brazil, a similar programme was developed within the framework of *Operação Acolhida* (Operation Welcome).

Internal Relocation Program in Brazil within the Framework of Operation Welcome

Thanks to the programme, more than 50,000 Venezuelans were relocated from the isolated northern state of Roraima to more than 670 Brazilian cities, significantly improving their quality of life. The programme comprises Operation Welcome, a robust response by the federal government to the arrival of Venezuelan refugees and migrants in Brazil. The purpose of the programme is to reduce pressure on vulnerable border communities and encourage integration in other cities. Since 2018, IOM and UNHCR have collaborated in registering beneficiaries, performing pre-boarding and documentation checks, administering mandatory vaccinations, conducting medical examinations, financing travel expenses, finding suitable reception facilities for people with specific needs, including funding for infrastructure improvements, and raising awareness among employers for recruitment purposes, among others²⁷.

²² UNHCR, Sergio Vieira de Mello Forum, “Perfil Socioeconómico Dos Refugiados No Brasil”, 2019, available (in Portuguese) at: <https://www.acnur.org/portugues/wp-content/uploads/2019/07/Pesquisa-Perfil-Socioecon%C3%B4mico-Refugiados-ACNUR.pdf>.

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 the speed of the process.

²⁴ Creation of a “labour inclusion working group” coordinated by the Ministry of Labour and Social Planning (particularly, the National Employment Service), together with the Mexican Refugee Commission (COMAR) and other government agencies.

²⁵ The “Proteja el Trabajo” (Protect Work) campaign launched by the Ministry of Economy, UNHCR, the International Organization for Migration (IOM), and the International Labour Organization (ILO) focused on refugees and migrants and on the prevention of forced labour and labour risks for children, among others.

²⁶ More information at UNHCR, 2020 UNHCR Mexico Highlights, available (in Spanish) at: https://www.acnur.org/op/op_fs/60c15ec04/2020-principales-resultados-acnur-mexico.html.

²⁷ This initiative is explained in the platform of good regional practices: <https://www.asiloamericas.org/2021/05/14/bra-reubicacion-interna/> (in Spanish). See Chapter 3 of this report for more information about Operation Welcome.

In terms of **access to housing**, countries that provide access to public housing programmes for refugees and resettled persons (such as Chile and Uruguay) or for asylum-seekers and refugees (such as Venezuela) stand out.

As regards the **cultural dimension of local integration**, specific mechanisms have been used for integration (as in Venezuela); additionally, there are several initiatives and awareness campaigns to prevent xenophobia, racism and discrimination, which have included active engagement of refugees and asylum-seekers:

Campaigns Against Xenophobia and Discrimination in the Region

In the last three-year period, displaced persons have had to face intensified discrimination, xenophobia, and stigmatization that intensified during the pandemic. To promote their integration, peaceful coexistence, social cohesion with host communities, and the positive impact of refugees and migrants on host societies, campaigns against xenophobia have been boosted since the end of 2018 in countries like Colombia, Peru, Ecuador, Panama, Costa Rica, and Brazil. In addition, on a regional level, the Regional Platform for Interagency Coordination (R4V)²⁸ has launched two initiatives to support and reinforce the message conveyed by national campaigns: “#SonBienvenid@s” (They’re welcome) and “Acortemos Distancias” (Let’s shorten distances)²⁹.

An outstanding example is the “**Somos Panas Colombia**” (We are friends, Colombia) initiative, launched in December 2017 with the purpose of discouraging xenophobia and encouraging 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. In this context, measures are taken to reduce xenophobia, strengthening ties between people from both nations and, in addition, useful information on topics such as access to health, work and the protection of human rights is provided³⁰.

Finally, as stated above³¹, countries like Costa Rica and Uruguay provided **specific resources** to highly vulnerable people in need of international protection, while Argentina, Brazil, and Panama reported on the reinforcement of the role of the **social area of their National Commission for Refugees (CONARE)**. In addition, awareness campaigns and periodic training activities were part of the protection strategies (as in Ecuador, Guatemala, Mexico, and Panama). Costa Rica reported having included asylum-seekers and refugees as a category in the social information form of the Joint Social Welfare Institute (*Instituto Mixto de Ayuda Social*, IMAS), which guarantees access to all social assistance programmes on equal terms with Costa Rican people.

In the COVID-19 context, considering the universality principle, **state responses to prevent, contain, and mitigate the pandemic** generally considered people on the move, including refugees and asylum-seekers:

²⁸ For more information about Platform R4V, see Chapter 6, section 6.2.2., and Chapter 8, section 8.2. of this report.

²⁹ More information available at: <https://www.r4v.info/en/documents/details/79588>.

³⁰ This initiative is an UNCHR campaign in partnership with United Nations agencies and the civil society, as well as private companies, other national partners and governmental entities, including *Señal Colombia*, City Hall of Bogotá D.C., City Hall of Santiago de Cali, and the Ministry of Labor. More information available in Spanish at: <https://somospanascolombia.com/>.

³¹ For information about progress made on specific protection needs, see Chapter 3, section 3.2.3., of this report.

- Provision of humanitarian assistance, including food baskets (as in Colombia, Panama, and Uruguay);
- Distribution of assistance kits, food stamps for vulnerable populations or monthly stamps for informal and self-employed workers and the unemployed (as in Brazil, Honduras, and Panama);
- Suspension of evictions regardless of the rental fee, suspension of utility payments, and prohibition of the disconnection of telecommunication services (as in El Salvador, Panama, Peru);
- Access to national healthcare systems for people who tested positive for COVID-19 and inclusion in national vaccination, treatment and testing plans (as in Argentina, Costa Rica, Mexico, Panama, Peru, Uruguay, and Venezuela);
- General moratorium and measures to alleviate the economy and protect employment (as in Brazil, Guatemala, and Panama);
- Implementation of the programme “*Aprendo en Casa*” (I learn at home) in Peru, and an agreement between the Panamanian State and cell phone companies for virtual classes for children;
- Simplification of university degree revalidation for refugees and asylum-seekers who are healthcare professionals (as in Chile and Mexico) and inclusion of Venezuelan doctors in the public healthcare system (as in Argentina);
- Establishment of temporary isolation centres and shelters (as in Brazil and Ecuador);
- Special communication channels for humanitarian assistance, legal support, and psycho-social assistance (Panama);
- Implementation of exceptions to mobility restrictions for humanitarian personnel and their suppliers (as in Argentina, Chile, Paraguay, and Uruguay).

4.2.2. Cities of Solidarity: Progress and Good Practices Reported in the 2018-2020 Three-Year Period

Cities of Solidarity (as of 2020)



In the Americas, most asylum-seekers, refugees, and internally displaced persons live in urban or peri-urban areas. In this context, local authorities play a key role in searching for and achieving durable solutions, mainly in local integration processes. **Cities of Solidarity** were greatly strengthened in the three-year period. Hence, they were developed both within the framework of the Brazil Plan of Action and the Comprehensive Regional Protection and Solutions Framework (MIRPS)³². As such, during the 2018-2020 period, the region was enriched by **26 new Cities of Solidarity**, including municipalities associations and provinces³³. Consequently, in December 2020, there were nearly 38 Cities of Solidarity in Latin America, including provinces and national municipality groups. During the three-year period, collaboration agreements were established with the Brazilian National Confederation of Municipalities, which includes more than 5,500 municipalities, and with the Guatemalan National Association of Municipalities (*Asociación Nacional de Municipalidades de Guatemala*, ANAM), which has 9 regional branches³⁴.

Within the context of the Cities of Solidarity, there are different innovative initiatives; for example, the creation of specific institutional areas within town councils, as was the case in the cities of Quilmes in Argentina and Sao Paulo in Brazil.

The Municipal Council of Immigrants in the City of Sao Paulo and its Municipal Public Policy Plan

In 2018, the town council created a Municipal Council of Immigrants, an elect body composed of refugees and migrants, to allow them to participate in city life and have influence on decisions that affect their own lives, including the development, implementation, monitoring, and evaluation of city policies. The members of the Council represent seven different nationalities³⁵.

In August 2020, the town council launched its first Municipal Policy Plan for Refugees and Migrants³⁶, a pioneering initiative that involves refugees and migrants. The plan—to be implemented between 2021 and 2024—seeks to guarantee that public policies respond to the needs of displaced persons. In keeping with the spirit of the Town Council's policies, the Plan was developed from the start in close collaboration with refugees and migrants living in the city.

Additionally, different initiatives on migration and forced displacement were implemented, such as information centres, specialized service offices, and mobile devices³⁷. The studies on refugees and

³² For information on the MIRPS, see Chapter 2, section 2.1.3., of this report.

³³ Córdoba, Quilmes, Godoy Cruz, Province of Salta, Salta (Argentina); National Confederation of Municipalities (Brazil); Estación Central, La Pintana, Ñuñoa, Recoleta, Santiago (Chile); Mocoa, Puerto Asís, Valle del Guamuez (Colombia); Desamparados (Costa Rica); La Unión, San Salvador, Santa Ana, Zacatecoluca (El Salvador); Esquipulas, Flores, San Benito, Guatemalan National Association of Municipalities, ANAM (Guatemala); Saltillo (México); Rivera, Canelones (Uruguay).

³⁴ More information available (in Spanish) at: <http://site.anam.org.gt/organiograma/>.

³⁵ The Municipal Council of Immigrants of the City of Sao Paulo and its Municipal Public Policy Plan currently has representatives of seven nationalities: Democratic Republic of the Congo, Senegal, Mali, Guinea, South Korea, Angola, and Bolivia, which could change. For more information on this initiative, see: "*En Brasil, la ciudad de São Paulo pone a las personas refugiadas en el centro de sus políticas*" (In Brazil, the city of São Paulo puts refugees at the centre of its policies) available (in Spanish) at: <https://www.acnur.org/noticias/noticia/2020/10/5f9ced1b4/en-brasil-la-ciudad-de-sao-paulo-pone-a-las-personas-refugiadas-en-el-centro.html>

³⁶ More information available in the Global Compact on Refugees platform at: <https://globalcompactrefugees.org/article/how-city-sao-paulo-placing-refugee-perspectives-heart-its-policy> See also the Municipal Policy Plan for Refugee and Migrants, available at: <https://www.acnur.org/portugues/wp-content/uploads/2020/10/Plano-do-Munic%C3%ADpio-de-S%C3%A3o-Paulo-de-Po%C3%ADticas-para-Imigrantes-2021-2024-ENGLISH.pdf>.

³⁷ Buenos Aires, City of Rosario, Province of Salta, Province of San Luis (Argentina); Sao Paulo (Brazil); Canelones, Montevideo, and Rivera (Uruguay). Other cities reported good practices as regards including asylum-seekers, refugees, and migrants, such as Mendoza, General Pueyrredón, Tandil, Province of Cordoba (Argentina), and San Miguel in Ecuador.

migrants are also worth noting — e.g., in the Maldonado Municipality in Uruguay and La Matanza Municipality in Argentina. The latter studied the social insurance coverage of migrants and refugees, and access to jobs, in order to foster socio-economic inclusion.

Development of Cities of Solidarity Networks in South America

In 2019, in Argentina, representatives of the local governments of cities in Argentina, Chile, and Uruguay gathered 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 received 19 local governments under the theme “*Shared responsibility: towards a new solidarity compact for access to economic, social, and 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. Additionally, conversations were held with town councils which expressed interest in joining at a later stage. In this meeting, the **Uruguayan Cities of Solidarity Network** was established.

Finally, it should be noted that a great number of cities, provinces, and regions signed the **Solidarity Declaration #WithRefugees**³⁸. This initiative invites cities and local authorities from all around the world working to promote inclusion, support refugees, and unite communities, enabling the involvement of local authorities in the integration of refugees in line with the Brazil Plan of Action and its Cities of Solidarity Program.

4.2.3. Solidarity Resettlement: Progress made and Good Practices Reported in the 2018-2020 Three-Year Period

Solidarity Resettlement

Resettlement programmes are a key tool for protection and solutions to cases of high vulnerability, and a special show of solidarity and responsibility sharing with countries that host increasing numbers of refugees.

Until 2019, the UNHCR-IOM initiative Emerging Resettlement Countries Joint Support Mechanism (ERCM), which started in 2016³⁹, allowed different countries in the region to keep receiving support to appropriately host and integrate resettled refugees. As such, Chile and Argentina resettled Syrian people through programmes requiring joint efforts by national authorities, local governments, donors, and host communities.

³⁸ Buenos Aires, Government of the Province of Salta, Province of San Luis (Argentina); Cachoeirinha, Esteio, Guarulhos, Rio Grande do Sul, São Paulo (Brazil); Quilicura, Arica and Parinacota Region, Santiago Metropolitan Region, Valparaíso Region, Villa Alemana (Chile); Arauca, Department of Chocó, La Guajira, Maicao, Mocoa, Puerto Asís, Putumayo, Quibdo, Valle del Guamez (Colombia); Alajuela, Curridabat, Desamparados, Escazú, Los Chiles, Upala, San José (Costa Rica); Quito, Province of Pichincha (Ecuador); Mexico City, Coahuila de Zaragoza, Saltillo (Mexico); Canelones, Montevideo (Uruguay). More information available at: <https://www.unhcr.org/withrefugees/cities/>.

³⁹ More information available at: <https://reliefweb.int/report/world/iom-unhcr-support-resettlement-refugees-south-america>.

Additionally, during the three-year period, the **Protection Transfer Arrangement (PTA)** was expanded to the north of Central America. This programme, which started as a pilot in El Salvador in July 2016, was fully implemented in Guatemala and Honduras in 2018. Costa Rica continued to be a transit country, and Brazil and Uruguay were added as receiving countries in the region. In this context, Uruguay developed a **Rural Resettlement Program**, through which it received 35 refugees from Central America, giving them access to employment and decent housing in cooperation with UNHCR, the civil society, the private sector, and host communities. Thus, since the start of the **PTA** in 2016 until December 2020, a total of 196 Hondurans, 346 Guatemalans, and 740 Salvadorans were resettled, which amounts to 1,282 persons⁴⁰.

In global terms, including the PTA, in the 2018-2020 three-year period, three South American countries managed to receive 104 refugees⁴¹, despite the closing of borders and the COVID-19 pandemic that slowed down resettlement initiatives in the region:

Resettlement to Latin American countries in 2018-2020, including the PTA:

SYRIA (15 persons)

2018: 9 persons of Syrian nationality to Argentina
 2019: 5 persons of Syrian nationality to Argentina
 2020: 1 persons of Syrian nationality to Argentina

GUATEMALA (6 persons)

2019: 6 persons of Guatemalan nationality to Uruguay

EL SALVADOR (52 persons)

2018: 8 persons of Salvadoran nationality to Uruguay
 2019: 38 persons of Salvadoran nationality to Brazil
 2020: 6 persons of Salvadoran nationality to Uruguay

HONDURAS (31 persons)

2018: 6 persons of Honduran nationality to Brazil
 2018: 10 persons of Honduran nationality to Uruguay
 2019: 7 persons of Honduran nationality to Brazil
 2019: 8 persons of Honduran nationality to a Uruguay



Complementary Pathways for Admission to Third Countries

Complementary admission pathways are **safe and regulated pathways** for refugees, which complement resettlement by offering legal stay in a third country where their needs of international protection are met⁴². In the three-year period under study, States in the region continued creating and developing these pathways as a pragmatic answer to the complexities of mixed flows, migratory flows, and massive forced displacement⁴³, concurrently with their systems for determining the refugee status.

⁴⁰ Since the start of the PTA Program in 2016 until December 2020, the number of people **submitted to the programme** was 1,187 Hondurans, 1,108 Guatemalans, and 696 Salvadorans, that is, **a total of 2,991 persons**.

⁴¹ Results retrieved from <https://rsq.unhcr.org/en/#40Fj> at UNHCR's Resettlement Data Portal, available at: <https://www.unhcr.org/resettlement-data.html>

⁴² United Nations High Commissioner for Refugees (UNHCR), *UNHCR: Complementary Pathways for Admission of Refugees to Third Countries: Key Considerations*, April 2019, available at: <https://www.refworld.org/docid/5ceb3fc4.html>.

⁴³ Complementary pathways are not intended to substitute the protection granted to refugees under the international protection scheme, but to complement it, and they serve as an important expression of global solidarity and international cooperation, and as a contribution to a fairer responsibility sharing. More information available at: www.resettle.org.

Argentina amended its Syria Program in 2019 and has been designing community sponsorship strategies, drawing inspiration from other countries and regions' good practices.

As regards **family reunification**, Chile added this right to its new migration law⁴⁴ and reported having authorized⁴⁵ issuing letters of safe-conduct to undocumented Venezuelans for family reunification purposes or other exceptional humanitarian situations⁴⁶. Uruguay reported progress on family reunification during the pandemic⁴⁷. In relation to **humanitarian visas**, Brazil implemented and granted entry visas to Syrians in 2019, and to people from Haiti in 2020⁴⁸. Similarly, Chile reported having authorized issuing democratic responsibility visas for people from Venezuela⁴⁹.

In this context, Argentina, Brazil, Chile and Uruguay have contributed to strengthening the results of Sustainable Resettlement and Complementary Pathways Initiative (**CRISP**), and Argentina and Uruguay expressly stated their willingness to continue expanding their resettlement programmes. CRISP is a key tool for implementing the actions identified in the three-year strategy (2019-2021) on resettlement and complementary pathways considered in the Global Compact on Refugees⁵⁰.

Everything above is consistent with the wish expressed by UNHCR: "Resettlement through community sponsorship and other complementary forms of admission could reposition our region as a pioneer in the protection of refugees, showing solidarity with major humanitarian crises"⁵¹.

4.3. General Overview of Identified Challenges

During the consultation process it was possible to identify new and some persistent challenges, compared to the previous three-year period. The challenges identified are multiple, increased by the growing number of mixed movements, massive forced displacements, irregularity of residence status, natural disasters and the COVID-19 pandemic.

This has been combined with the economic, political, social, and security challenges that preceded the pandemic (in both countries of origin and host countries), and the growth of xenophobia, stigmatization and

⁴⁴ Reference to the right to family reunification stated in Law 21.325 on Migration and Alien Status, Article 19, enacted and published in 2021 (enforcement pending the issuance of its regulation), regulation available (in Spanish) at: <https://www.bcn.cl/leychile/navegar?idNorma=1158549>. available (in Spanish) at: <https://www.bcn.cl/leychile/navegar?idNorma=1158549>.

⁴⁵ Exempt resolution No. 3042, dated 9 August 2019, adopted by the Ministry of Foreign Affairs on the possibility of issuing letters of safe-conduct for Venezuelans without a passport or with expired passports for reasons of family reunification or other exceptional humanitarian situations, available (in Spanish) at: <https://www.bcn.cl/leychile/navegar?idNorma=1135162>.

⁴⁶ On a multilateral mechanisms level, it is worth noting that, within the Quito Process framework, a working group was established on family reunification issues, that the principle of Family Unity was reaffirmed in the Declaration of Santiago (dated September 2020), and that there is an ongoing study on family reunification mechanisms. For information on Quito Process and its different Declarations, see Chapter 2, section 2.1.4, of this report.

⁴⁷ Adoption of Decree No. 104/020 that establishes exceptions to the prohibition of entry to the territory including persons with manifest international protection needs, family reunification and other humanitarian reasons. A digital platform was enabled to request exceptional entry authorizations in cases of family reunification.

⁴⁸ *Portaria Interministerial No. 9/2019*, dated 8 October 2019, that *Dispõe sobre a concessão e os procedimentos do visto temporário e da respectiva autorização de residência para fins de acolhida humanitária a pessoas afetadas pelo conflito armado na República Árabe Síria*, available (in Portuguese) at: <https://www.in.gov.br/web/dou/-/portaria-interministerial-n-9-de-8-de-outubro-de-2019-220791848>; y *Portaria Interministerial No. 13*, dated 16 December 2020, that *Dispõe sobre a concessão do visto temporário e da autorização de residência para fins de acolhida humanitária para nacionais haitianos e apátridas residentes na República do Haiti*, available (in Portuguese) at: <https://www.in.gov.br/en/web/dou/-/portaria-interministerial-n-13-de-16-de-dezembro-de-2020-295228173>. Resolution 97 of the National Council of Migration, dated 12 January 2012, instituted humanitarian visas for Haitians. Initially intended to benefit them for two years, the programme has been successively renewed.

⁴⁹ Official Letter No. 96, dated 9 April 2018, from the Deputy Secretary of Foreign Affairs to *Instruct the issuance of Democratic Responsibility Visas for nationals from the Bolivarian Republic of Venezuela*.

⁵⁰ More information available at: www.resettle.org.

⁵¹ UN High Commissioner for Refugees (UNHCR), *Protección de personas apátridas y refugiadas. Progresos y desafíos a 30 años de la creación del Mercosur*, (Protection of refugees and stateless persons. Progress and challenges 30 years after the creation of Mercosur) 24 June 2021. Closing remarks by Juan Carlos Murillo, Regional UNHCR Representative in the south of Latin America, in the webinar "Protection of refugees and stateless persons", available (in Spanish) at: <https://www.refworld.org/es/docid/60d51b2b4.html>.

discrimination — particularly within the communities most affected by the arrival of displaced persons. Significant factors were the impact that the COVID-19 pandemic had on health, the economy, society, food, work, and education, as well as increased vulnerability in the pandemic with a differential impact on refugees and migrants. Among these, severe setbacks were observed in people who had achieved a certain level of stability and economic, cultural, and social inclusion. All this happened in a context of limited availability



A child sweeps away water at the Benito Juárez Sports Complex in Tijuana, Mexico, in 2018.
© UNHCR//Daniel Dreifuss

of technical, financial, human, and material resources, and insufficient intersectoral coordination.

The following is a selection of the **most relevant challenges** identified. These are often related to the progress reported, which demonstrates the need for the region to strengthen the exchange of good practices, regional cooperation and solidarity, **so that progress and good practices are replicated and extended to all countries in the region, reaching similar standards in terms of solutions.**

4.3.1. Local Integration Challenges

- Practical obstacles, including the lack of timely and quality documentation, which limit access to formal, secure and dignified employment, particularly affecting asylum-seekers and, in general, difficulties accessing the banking and financial system;
- In some countries, persistent lack of access to vaccination programmes, public healthcare, and social security, generally linked to the absence of documentation and regularity of residence status;
- Insufficient action to address a significant increase in exploitation, abuse, employment discrimination, underemployment, human trafficking and harmful coping mechanisms;
- Increased discrimination, stigmatization, and xenophobia, particularly within host communities where the largest number of displaced persons are concentrated;
- Considerable challenges in access to education and recognition of studies through the cycle of displacement of children and adolescents, and difficulties in the certification and standardization of studies;
- The long suspension, during the pandemic, of immigration and asylum procedures, including the possibility of requiring visas and residence permits, even in urgent cases of international protection needs.

4.3.2. Challenges for Solidarity Resettlement and Complementary Pathways for Admission

- In resettlement programmes in countries in the region, limitations in planning and sustainability, as well as weakness of mechanisms for effective integration, especially in terms of employment and livelihoods;
- The difficulty of resettlement in asylum countries that already host a significant number of displaced persons;
- The need to expand and simplify legal and administrative procedures aimed at promoting family reunification;

Several practical barriers, despite legally recognizing the notion of Family Unity in the regulations of countries in the region, which hinders the reunification process for families divided by displacement, leading to a prolonged separation that negatively affects their capacity to integrate and thrive⁵².



This Venezuelan woman is working as a delivery biker in a small business supported by UNHCR in Ecuador. © UNHCR/Ramiro Aguilar Villamarin

4.4. Focus Areas for the Next Three-Year Period Identified in National and Subregional Consultations

As a result of national and subregional consultations⁵³ held between May and September 2021, considering the progress made and good practices reported, as well as the persistence of certain challenges and the emergence of new ones, Latin American countries (South America, Central America and Mexico) identified several focus areas for the next three-year period implementation of the Brazil Plan of Action. By

doing so, they reaffirmed their commitment to this roadmap, which is part of the historic Cartagena Process that began 36 years ago.

Reaffirming the above, these focus areas are consistent with the priorities, programmes and actions of the Brazil Plan of Action, with those established in the First Triennial Progress Report pending implementation, and with other existing regional and global initiatives aimed at strengthening protection and solutions.

The following is a schematic description of the main areas defined for the next three-year period:

⁵² The barriers that families may face include: 1) lack of information and knowledge about procedures to access family reunification; 2) complexity, delays, requirements/documentation, and costs (fees) of family reunification procedures; 3) need for orientation and legal assistance in family reunification procedures; 4) limitations in logistics aspects (travel preparation and arrangements); 5) family separation can increase protection risks for the members that have been separated (exploitation, abuse, human trafficking, etc.).

⁵³ For information about the methodology followed to prepare this report, see the Introduction.

4.4.1. Local Integration Focus Areas

- Strengthen access to programmes, social services and humanitarian assistance as essential elements of adequate local integration, particularly for vulnerable refugees and asylum-seekers;
- Immediately issue free and accessible quality documentation for refugees and asylum-seekers, containing mechanisms that allow fast and full recognition by both the public and private sectors, that omit reference to the status as refugee or asylum-seeker, that include recognition of gender diversity, and that allow effective access to economic, social, and cultural rights, especially to work, healthcare, education, and social security;
- Besides guaranteeing the right to work for refugees and asylum-seekers, encourage their inclusion in the formal labour market and their access to the banking system through intersectoral public policies promoted by CONARE;
- Promote inclusion in training, skills certification and self-employment programmes, as well as encourage and facilitate the recognition of diplomas and certificates;
- Expand regional relocation and resettlement programmes that allow effective local integration and relief of host communities, especially those located in border areas;
- Provide and facilitate access to the public education system for children and adolescents, and recognize their studies regardless of their residence status and availability of documentation;
- Continue to strengthen mechanisms for identification, referral and treatment of cases with specific needs;
- Work closely with the civil society and host communities for effective local integration;
- Establish initiatives to fight discrimination, racism, and xenophobia in cooperation with international organizations (especially UNHCR), such as trainings, awareness campaigns, and activities with host communities;
- During the pandemic, regardless of the regularity of residence status, ensure free COVID-19 testing and vaccinations, access to contingency centres and public economic mitigation measures, as well as admission into the territory under the same conditions as nationals returning to their countries amid a pandemic.

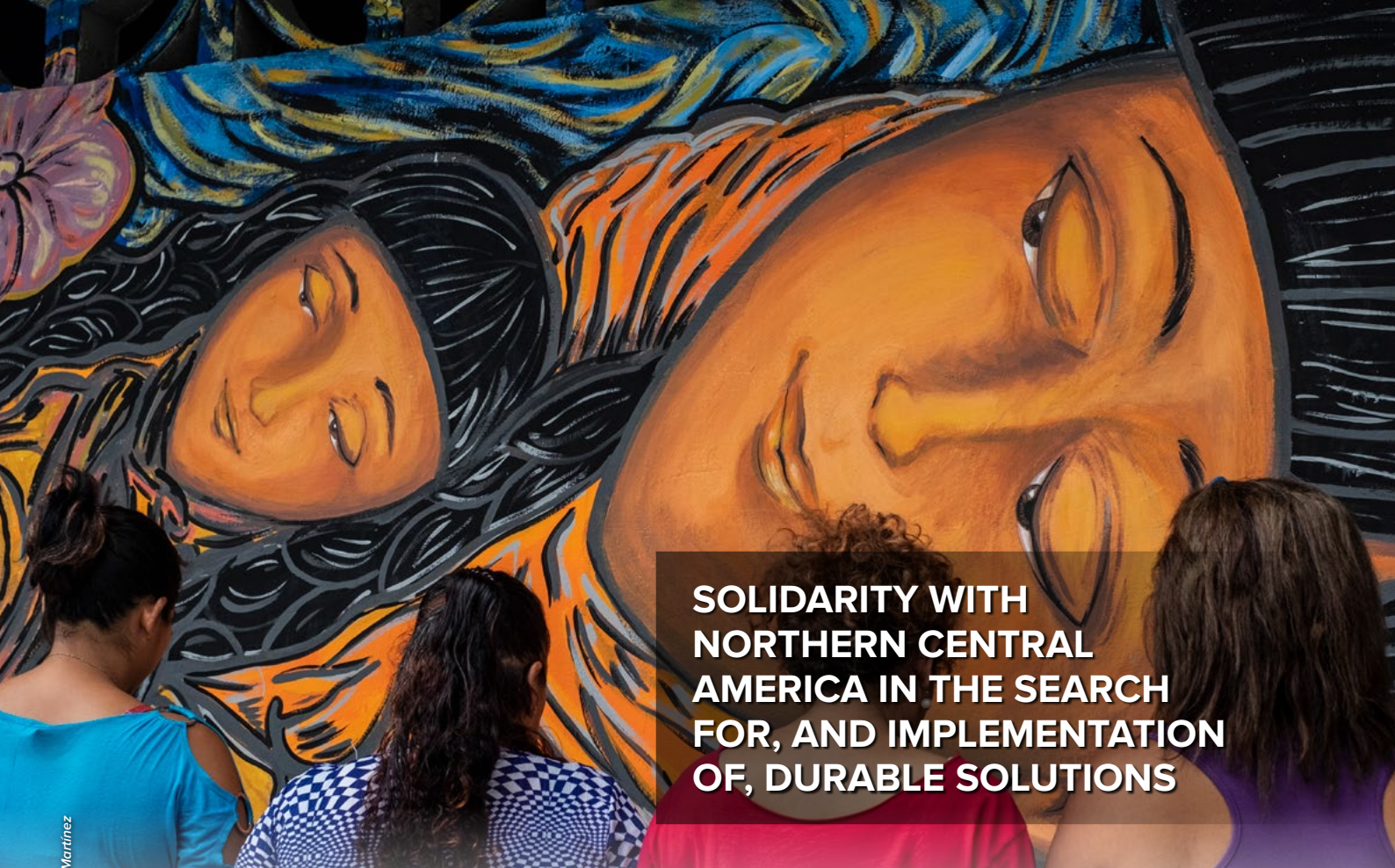
4.4.2. Cities of Solidarity Focus Areas

- Increase the number of Cities of Solidarity as a tool with a particular impact on integration into host communities, strengthening peaceful coexistence, mitigating xenophobia, discrimination, and stigmatization, and intersectoral cooperation;
- Strengthen existing Cities of Solidarity to ensure their sustainability and continue with national and regional events of Cities of Solidarity to generate networks that favour the exchange of good practices, innovative solutions, cooperation, and collaboration;
- Expand support networks with civil society organizations, generate strategic public-private partnerships, and explore new agreements with UNHCR, the private sector, and other governmental entities on a local or national level.

4.4.3. Solidarity Resettlement and Complementary Pathways for Admission Focus Areas

- Expand, strengthen and provide sustainability to resettlement programmes, and extend community-sponsored resettlement;
- Incorporate and strengthen complementary admission pathways, such as private sponsorship and humanitarian visas, expanding nationalities and profiles;
- Guarantee and facilitate the right to family reunification by removing practical obstacles involving very long waiting times and a complexity of requirements that are often difficult to meet, thus reducing the effectiveness of this right;
- Collaborate with civil society and local communities to foster local integration of resettled people;
- Ensure access to the job market and housing for resettled people, and map profiles for their effective work integration in appropriate sectors;
- Encourage adherence to the CRISP programme (Sustainable Resettlement and Complementary Pathways Initiative) as a mechanism to strengthen the commitment of receiving countries and obtain support from the international community for its implementation.

The image is a video thumbnail. At the top left, the word "video" is written in blue with a play button icon. To its right, the title "Afghan teen makes her mark on Ecuadorian city that gave her refuge" is displayed in blue. The main visual is a photograph of a young woman in a black headscarf looking out over a city. A large blue play button is overlaid on the left side of the photo. In the bottom left corner, the text "the largest refugee population in Latin America" is written in yellow and white. A QR code is located on the right side of the image, enclosed in a blue border. The UNHCR logo is visible in the top right corner of the photo area.



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

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

This chapter presents the programme in Chapter IV of the Brazil Plan of Action (BPA) and its synergies with other ongoing initiatives; it addresses the progress and good practices in relation to Northern Central America (NCA)¹ during the 2018-2020 period and the current challenges and focus areas defined by governments for the next three-year period of the Plan implementation.

The current context in Northern Central America was explained in the Introduction to this report and Chapter 8 on Regional Cooperation (Section 8.5) addresses forced displacement due to natural disasters and the effects of climate change.

5.1. Reference to the Brazil Plan of Action and Other Global, Regional, and Subregional Initiatives

5.1.1. The Human Rights Observatory on Displacement, Prevention, and Dignified and Safe Transit programmes in the Brazil Plan of Action

After describing the complex situation in the subregion², chapter IV of the Brazil Plan of Action on Solidarity with Northern Central America aims at articulating 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 mechanisms of coordination in order to ensure the coherence and strength of humanitarian responses, through three programmes:

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

² “The subregional consultation for Mesoamerica emphasises, in the Northern Triangle of Central America, on migration due to multiple causes, among which are the actions of transnational organized crime, which trigger the forced displacement of people that flee from their communities of origin. (...) Threats, harassment, extortion, forced recruitment, sexual abuse, gender-based violence and trafficking in persons are, among others, the main forms of violence experienced by these populations.”

The **Human Rights Observatory on Displacement** programme, which aims at establishing a common system of collection and analysis of quantitative and qualitative information about displacement with the purpose of facilitating public policy-making and regional coordination and cooperation, as well as an early-warning and emergency response system, among other protection-related issues.

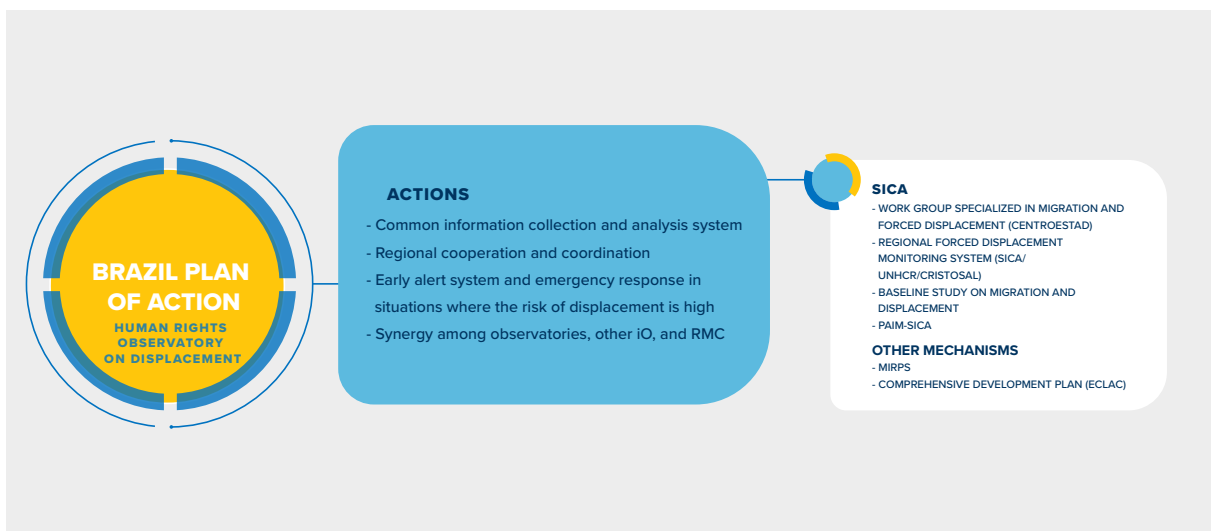
The **Prevention** programme, which is targeted at strengthening national mechanisms of protection and assistance for populations in vulnerable situations, including the registration of victims and displaced persons, inter-institutional coordination, attention and training programmes, as well as the provision of greater resources to relevant institutions.

The **Dignified and Safe Transit** programme, whose purpose is to improve access to 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”³. Likewise, it seeks to promote safer border zones, including the delivery of information for displaced persons, migration agent training and a human rights approach that includes procedures for the determination of children’s best interest.

5.1.2. Synergies between the Human Rights Observatory on Displacement, Prevention, and Dignified and Safe Transit programmes and the Main Global, Regional and Subregional Mechanisms

The aforementioned synergies and complementarities between the Brazil Plan of Action and the main current global and subregional mechanisms⁴ are also seen through the programmes in Chapter IV, as shown in the chart below:

Human Rights Observatory on Displacement Programme



³ The Guidance Note is available at: <https://www.refworld.org/docid/4bb2ffa02.html>. Since the adoption of the Brazil Plan of Action, the UNHCR has published guidance on specific eligibility in order to assess international protection needs of asylum-seekers from El Salvador, Guatemala and Honduras, which are available at: <https://www.refworld.org/docid/56e706e94.html> (El Salvador, 2016), <https://www.refworld.org/pdfid/5a5e03e96.pdf> (Guatemala, 2018) and, <https://www.refworld.org/pdfid/579767434.pdf> (Honduras, 2016).

⁴ See Chapter 2 of this report about the synergies between the Brazil Plan of Action and the main current initiatives in the region.

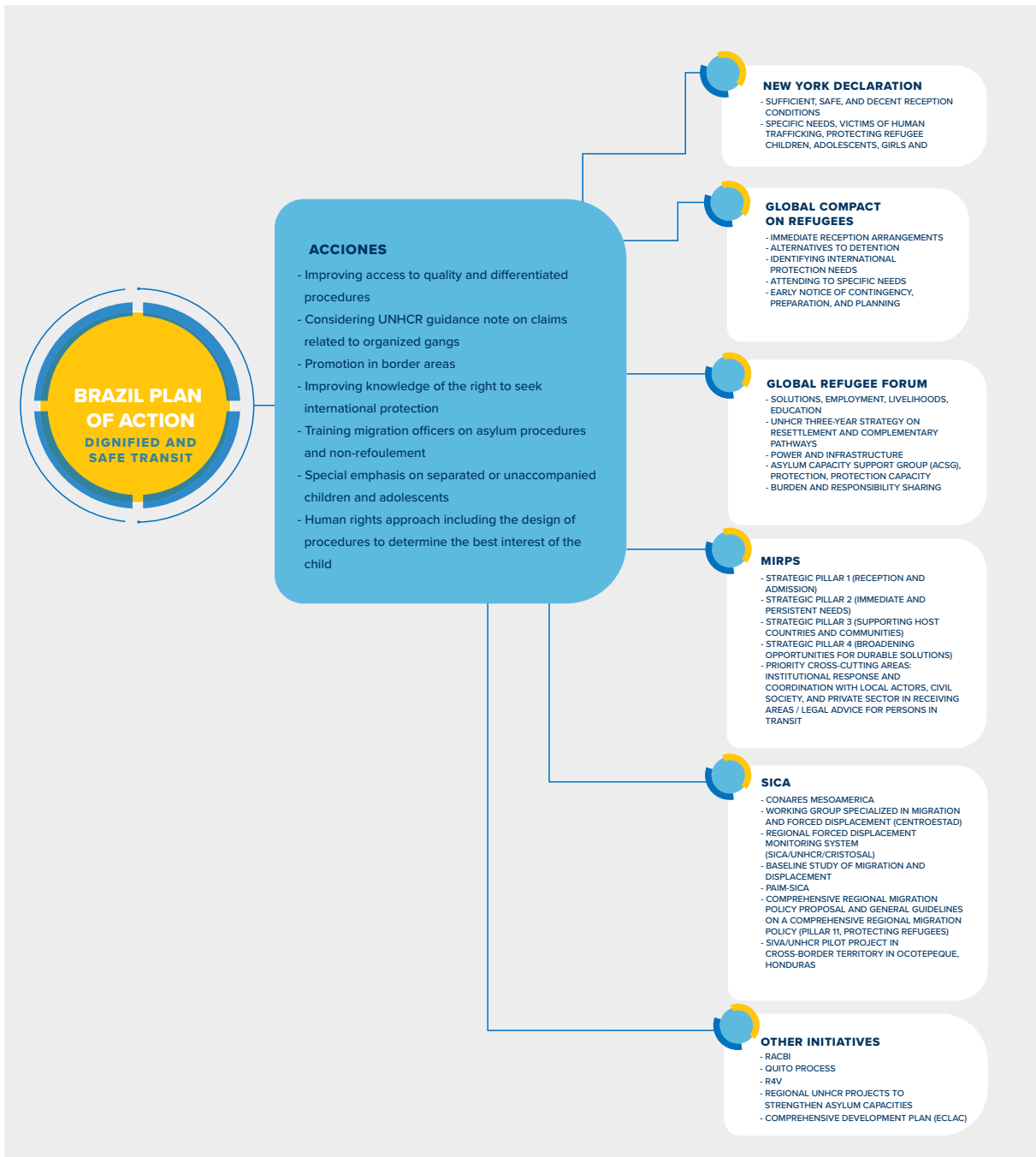
As can be seen and analyzed later in this chapter, the program Human Rights Observatory for Displacement has been almost entirely assumed by SICA. That has allowed its tailored development, adapted to the subregion’s reality, contexts, and needs, besides having a team dedicated to its implementation in collaboration with civil society. That didn’t affect the complementarity of the program with the MIRPS and the Comprehensive Development Plan (coordinated by ECLAC), which also contributed to the fulfillment of its objectives.

Prevention Programme



The Prevention Program, particularly important for NCA, is certainly one of the most difficult programs 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 program has with ongoing subregional and global initiatives are specifically relevant since the expected progress will only be achievable through cooperation, coordination, and joint efforts. Global initiatives (New York Declaration and Global Forum) provide 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 NCA.

Dignified and Safe Transit Programme



As can be seen, the Dignified and Safe Transit Program includes many synergies and complementarities with existing mechanisms in the region. Indeed, the program contains and addresses a significant number of the elements already contained in the BPA's Quality Asylum and Borders of Solidarity and Safety programs. All that, without detriment to giving particular emphasis to the specific challenges that characterize the NCA situation: protection of children, protection against 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 NCA countries, addressing the specific persecution they face.

5.2. Progress Made⁵ on Solidarity with Northern Central America

During the 2018-2020 three-year period⁷, the situation in Northern Central America and its main host countries presented the progress made through subregional mechanisms, mainly through the Regional Comprehensive Protection and Solutions Framework (**MIRPS**) and the Central American Integration System (**SICA**), as well as the support from and the efforts of bodies, such as **UNHCR**, the Economic Commission for Latin America and the Caribbean (**ECLAC**) and the Organization of American States (**OAS**), as detailed below.

During the analysed period, **MIRPS**⁶ held annual meetings in which member states developed technical and political dialogue⁷ and, at the national level, the technical teams planned and implemented work plans with support from the UNHCR, the OAS, the SICA and the United Nations Development Group for the Development of Latin America and the Caribbean (**UNDG-LAC**). These plans include commitments on international protection, social protection, healthcare, education, employment, and livelihoods. The **MIRPS Support Platform**,⁸ launched within the framework of the Global Refugee Forum in 2019, organized thematic workshops in order to provide technical assistance and share good practices. Finally, we should mention the creation of an **innovative quantification process** for the financial resources needed for protection and assistance⁹.

In May 2018, the **General Secretariat of SICA (SG-SICA)** and the **UNHCR** extended their Collaboration Agreement for four additional years in order to strengthen cooperation in relation to forced displacement and the protection of refugees, stateless persons and other persons with international protection needs. In 2020, they established a series of objectives: promoting cooperation, regional alliances and mechanisms of shared responsibility; strengthening institutional capacity; promoting the exchange of good practices, regional cooperation and the production and analysis of information on forcibly displaced populations; promoting and harmonizing legal frameworks and public policies; and elaborating and implementing assistance and protection projects.

Furthermore, heads of states and governments of SICA member countries gathered in June 2018 and instructed the Council of Ministers of Foreign Affairs of SICA countries and the SG-SICA to assess the causes and consequences of migration in the region, which resulted in the proposal of the Comprehensive Action Plan for Addressing Migration in the SICA region (**PAIM-SICA**)¹⁰.

Between 2019 and 2020, upon the request of the Governments of El Salvador, Guatemala, Honduras and Mexico, the **ECLAC** coordinated a **Comprehensive Development Plan (CDP)** in

⁵ "Progress made" gathers the progress in the 2018-2020 three-year period reported by countries in national and subregional consultations (May-September 2021); the information provided by countries in global, regional, and subregional forums; and the information available to UNHCR, the Inter-American Human Rights System, and civil society. Some progress reported before the three-year period is still ongoing, but is not necessarily reflected in this report, which reports the progress made in the second three-year period. Given the extension limits of this report, the reported information should not be considered comprehensive.

⁶ For a general overview of the MIRPS and its objectives, see Chapter 2, section 2.1.3., of this report. See also *What is the MIRPS?*, available at: <https://www.ocnur.org/5f11bb644.pdf>; and the most updated information in the *III Annual Report of the Comprehensive Regional Protection and Solutions Framework, MIRPS 2020*, available at: https://reliefweb.int/sites/reliefweb.int/files/resources/opendocpdf_1.pdf.

⁷ The MIRPS annual declarations can be found (in Spanish) at: <https://www.refworld.org.es/topic/57f5047278/5c6446dd4.html>.

⁸ Information about the MIRPS Support Platform available at: <https://globalcompactrefugees.org/mirps-en/support-platform>.

⁹ Information about the quantification process, available at: <https://globalcompactrefugees.org/mirps-en/quantification-of-the-MIRPS>.

¹⁰ Within the framework of collaboration between SICA and the UNHCR, a Baseline Study was elaborated 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 adjacency areas; needs of refugees, displaced persons and asylum-seekers with a differentiated approach; comprehensive, complementary and sustainable solutions for refugees; situations of massive influx of asylum-seekers, refugees and displaced persons; ongoing training for officials in international protection; and systems of information collection and analysis.

order to address the structural causes of migration. The plan revolves around five pillars: economic development, social welfare, environmental sustainability, climate change adaptation and disaster risk reduction, and the comprehensive management of the migration cycle¹¹.

In turn, the **IAHRS** also played a prominent role in the analysis and response to forced displacement in NCA. Among other actions¹², in 2019 the IACHR published the document

“Internal Displacement in the Northern Triangle of Central America: Public Policy Guidelines”¹³.



A resident in a shelter for refugees and migrants in Mexico City. © UNHCR/Santiago Escobar-Jaramillo

5.2.1. Human Rights Observatory on Displacement: Progress and Good Practices Reported in the 2018-2020 Three-Year Period

As stated in the First Triennial Progress Report of the Brazil Plan of Action¹⁴, the Observatory was initially conceived as a component of the SICA Observatory and Index of Democratic Security (**OBSICA**), created in February 2010 to produce reliable data on the region’s security¹⁵. Since 2018, the strategy proposed in the Brazil Plan of Action was adapted to the reality of the subregion and became a strengthening project of the **National Statistics Institutes (NSI)** of the eight SICA member countries¹⁶ that make up the Central American Commission for Statistics (**CENTROESTAD**).

In this context, in 2019 the UNHCR Regional Office team and the SG-SICA promoted the creation, inside the CENTROESTAD, of a **Work Group specialized in migration and forced displacement**, comprised of one focal point from each NSI, under the coordination of the NSI in Honduras. Regional seminars were held in order to familiarize the group members with displacement issues, and the specialized group’s action framework was

¹¹ The Comprehensive Development Plan is an innovative proposal that addresses the structural causes of migration with a focus on growth, equality, and environmental sustainability. More information available at: <https://www.cepal.org/en/pressreleases/comprehensive-development-plan-innovative-proposal-addresses-structural-causes> and <https://www.cepal.org/en/pressreleases/eclac-reaffirms-its-commitment-working-central-american-countries-mexico-un-agencies>.

¹² The contributions of the IAHRS in the three-year period and its complementarity with the Brazil Plan of Action are analysed in Chapter 2, Section 2.2, of this report. It should be noted that, regarding the situation in Nicaragua, in June 2018, the OAS installed the Special Follow-up Mechanism for Nicaragua (**MESENI**), the description of which is available at: <https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/meseni/default.asp>, and that the IACHR Rapporteur on the Rights of Migrants held some work visits to Costa Rica and Panama with the purpose of monitoring the situation of Nicaraguans that were forced to flee to both countries. In 2019, the IACHR published a Report on Forced Migration of Nicaraguans to Costa Rica, available at: <http://www.oas.org/en/iachr/reports/pdfs/ForcedMigration-Nicaragua-CostaRica.pdf>.

¹³ IACHR 2019 Report available at: <http://www.oas.org/en/iachr/reports/pdfs/InternalDisplacement.pdf>.

¹⁴ United Nations High Commissioner for Refugees (UNHCR), *Brazil Plan of Action. First Triennial Progress Report. 2015-2017*, February 2018, page 48, available at: <https://www.refworld.org/es/pdfid/5c883e844.pdf>.

¹⁵ 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>.

¹⁶ Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Dominican Republic. For more information: <https://www.sica.int/centroestad/> (available in Spanish).

agreed on together with its objectives, scope and strategic activities¹⁷. Moreover, in line with the content of the Brazil Plan of Action, the **Forced Displacement Monitoring System**¹⁸ was presented, which was designed by **CRISTOSAL**¹⁹, a foundation that specializes in forced displacement, along with technical support from IOM.

5.2.2. Prevention: Progress and Good Practices Reported in the 2018-2020 Three-Year Period

Regulatory Progress on Forced Internal Displacement in El Salvador, Honduras and Mexico

El Salvador passed the *Ley Especial para Atención Integral de Personas en Condición de Desplazamiento Forzado Interno* (Special Act for the Comprehensive Assistance for Forcibly Displaced Persons) (January 2020), which establishes, for the first time, a national system of comprehensive assistance and protection with specific protection mechanisms for affected people by giving state institutions roles and responsibilities²⁰.

In 2019, the presentation of the Inter-Institutional Commission for the Protection of Persons Displaced by Violence (CIPPDV) officially took place before the National Congress of Honduras, contained in the Draft Bill for the Prevention, Attention and Protection of Internally Displaced Persons²¹, which defines the national response structure for displacement, establishes specific protection measures, promotes the protection of goods abandoned due to violence, and creates the Early-Warning System for the prevention and protection of displacement²². Further legislation progress was made in Honduras with the classification of forcing displacement as a crime within the new Criminal Code²³.

In April 2019, the Mexican State recognized, officially and for the first time, the presence of internal forced displacement in its territory²⁴ and, in 2020, it included this topic in its National Human Rights Programme²⁵. Finally, the *Ley General para Prevenir, Atender y Reparar Integralmente el Desplazamiento Forzado Interno* (General Law to Comprehensively Prevent, Assist, and Repair Internal Forced Displacement, LGPARIDFI²⁶) was proposed and unanimously adopted by the

¹⁷ It was decided that a new strategy should be established, taking into account the political and social context of the region and the international recommendations of the Expert Group on Refugee and Internally Displaced Persons Statistics (**EGRIS** Group). See (in Spanish): Expert Group on Refugee and Internally Displaced Persons Statistics, *Recomendaciones Internacionales y Manual de Implementación*, https://www.sica.int/documentos/recomendaciones-internacionales-del-grupo-egris-y-manual-para-ine-s_1_123349.html.

¹⁸ This system is very flexible and adapts to institutional needs by using a mixed quantitative-qualitative methodology with victim registration tools and in-depth victim and key leader in the field interview guides. CRISTOSAL has developed pilot experiences with state institutions in Guatemala, El Salvador and Honduras in the fields of education and healthcare through agreements, by training the staff at the central and local levels, and by providing technical assistance for the design of displacement indicators.

¹⁹ More information on the CRISTOSAL foundation can be found at: <https://cristosal.org/en/home/>.

²⁰ The law is in accord with the UN Guiding Principles on Internal Displacement and international standards, and aims to recognize the right to apply for and receive humanitarian assistance, the right to protection of family unity, the restitution of violated rights as a consequence of displacement, and the creation of mechanisms to protect and recover real and personal property, among others. As a consequence, a proposed regulation and execution protocol and a dissemination plan were developed together with the institutions and organizations involved. Information available (in Spanish) at: <https://www.refworld.org/es/docid/5e691b974.html>.

²¹ More information available (in Spanish) at: <https://www.sedh.gob.hn/component/tags/tag/direccion-general-de-atencion-y-proteccion-a-las-personas-desplazadas>; see also the press release by UN and IACHR experts (27 January 2021) that calls for the immediate adoption of a protection law for internally displaced people, available at: http://www.oas.org/en/iachr/jsForm?File=en/iachr/media_center/preleases/2021/014.asp.

²² See "Honduras: ACNUR saluda la entrega oficial del Proyecto de Ley de Desplazamiento Interno a miembros del Congreso hondureño", 27 March 2019, available (in Spanish) at: <https://www.acnur.org/noticias/press/2019/3/5c9be26c4/honduras-acnur-saluda-la-entrega-oficial-del-proyecto-de-ley-de-desplazamiento.html>.

²³ See Article 248 of the Criminal Code, available (in Spanish) at: <https://www.tsc.gob.hn/biblioteca/index.php/codigos/830-codigo-penal-2019>. More information available (in Spanish) at: <https://www.sedh.gob.hn/noticias/3/837-sedh-y-cippdv-capacitan-a-jueces-y-fiscales-sobre-el-nuevo-delito-de-desplazamiento-forzado-en-el-nuevo-codigo-penal-de-honduras>.

²⁴ "CMDPDH celebra estudio de SEGOB y CONAPO sobre desplazamiento interno forzado y hace un llamado para que se elaboren instrumentos especializados", 22 April 2019, available (in Spanish) at: <http://cmdpdh.org/2019/04/cmdpdh-celebra-estudio-de-segob-y-conapo-sobre-desplazamiento-interno-forzado-y-hace-un-llamado-para-que-se-elaboren-instrumentos-especializados/>.

²⁵ *National Human Rights Program 2020-2024. Ministry of the Interior. Special Program 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.

²⁶ Draft Bill available (in Spanish) at: http://sil.gobernacion.gob.mx/Archivos/Documentos/2020/03/asun_4019970_20200318_1584045220.pdf.

Lower House in September 2020; it has now made its way to the Senate. In 2020, a law on internal displacement was passed in the State of Sinaloa²⁷, thus becoming another state to have specific regulation in place on this matter, in addition to Chiapas and Guerrero.

In addition to the regulatory progress, the ongoing efforts of NCA countries to **strengthen institutions** working on human mobility and internal forced displacement should be highlighted. In Honduras, the Protection of Internally Displaced Persons by Violence Office was established within the Department of Human Rights (SEDH)²⁸. In El Salvador, various bodies were formed: the Vice Ministry of Diaspora and Human Mobility, ascribed to the Ministry of Foreign Affairs; the Division of Human Mobility and



An LGBTQ activist in Ibarra, Ecuador. © UNHCR/Sebastián Narváez

Attention for Migrants, which deals with issues related to origin, transit, destination and return²⁹; and the Unit of Internal Forced Displacement of the Republic's General Attorney's Office³⁰.

In relation to **registration, profiling and statistics**, Honduras published the "Profiling Study of Internal Displacement Due to Violence in Honduras 2004-2018"³¹ and the Department of Human Rights launched a project in order to establish a national response system that includes a unique registration of internally displaced persons. In 2018, the Salvadoran Ministry of Justice and Public Safety (MJSP) published, with support from UNHCR and other regional and international institutions, the "Profiling Study on Internal Mobility Due to Violence in El Salvador,"³² which provides objective information on the characteristics and impacts of forced displacement caused by violence in said country.

NCA countries also reported having developed initiatives in relation to **information** (the "Quédate" campaign in Guatemala³³), **incidence, awareness raising and training**, including for border officials (El

²⁷ *Ley para prevenir, atender y reparar integralmente el desplazamiento forzado interno en el Estado de Sinaloa*, 21 August 2020, available (in Spanish) at: https://gaceta.congresosinaloa.gob.mx:3001/pdfs/leyes/Ley_159.pdf. Additional information can be found (in Spanish) at: <http://cmdpdh.org/temas/desplazamiento/marco-normativo>.

²⁸ Additional information can be found (in Spanish) at: <https://www.sedh.gob.hn/quienes-somos/dependencias/coordinacion-interinstitucional-para-proteccion-de-personas-desplazadas-internamente-por-la-violencia>.

²⁹ Additional information can be found (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/>.

³⁰ Additional information can be found (in Spanish) at: <http://www.informacionpublicapgr.gob.sv/index.php/es/m-infooficiosa/m-servicios-pgr/m-udfi>.

³¹ Additional information can be found in: <https://www.iips.org/uploads/2020/05/Honduras-ProfilingReport-InternalDisplacement-2019-EN.pdf>.

³² Executive Branch, *El Salvador: Profiling Study on Internal Mobility Due to Violence in El Salvador. Final Report, March 2018*, available here: <https://www.iips.org/uploads/2018/03/El-Salvador-profiling-report-EN.pdf>.

³³ In Guatemala, the "QUÉDATE" campaign has sought to inform the local population of the risks of irregular migration for children and adolescents; more information is available (in Spanish) at: <https://comunicares.com/userfiles/2021/04/Quedate-Guia-para-programas-Radiales-1.pdf>.

Salvador and Honduras); and, particularly, El Salvador adopted specific measures in relation to the right to **education**: training, protocols and infrastructure³⁴.

Moreover, there was continuation in the development of specific strategies for **returnees and internally displaced persons**. Thus, Honduras developed two pilot projects of emergency humanitarian assistance for returnees with needs of protection and persons internally displaced due to violence.

Finally, the expansion of the Protection Transfer Arrangement (**PTA**) during the 2018-2020 period is noteworthy, which is addressed in the Chapter on Comprehensive, Complementary and Sustainable Solutions³⁵.

5.2.3. Dignified and Safe Transit: Progress and Good Practices Reported in the 2018-2020 Three-Year Period

During the 2018-2020 three-year period, the UNHCR and the SICA *pro tempore* presidency organized **CONARE meetings of Mesoamerican countries**³⁶ in which the challenges and opportunities of national asylum systems were analysed, the technical and cooperation dialogue was strengthened, and the exchange of experiences and good practices related to international protection and internal displacement was promoted.

The countries of the subregion sought to strengthen the **attention, protection and comprehensive humanitarian assistance for people in transit**. For example, Guatemala, with technical and financial support from UNHCR, opened shelters as safe spaces³⁷ in an effort to complement the work made by the Social Welfare Secretariat (SBS) of the Presidency of the Republic on shelters hosting children and adolescents in transit with needs of protection. Likewise, Guatemala increased the accessibility to the mechanism of human rights violation claims for people whose rights have been violated in routes and borders through the implementation of *Procumóviles*³⁸ (mobile offices). Additionally, the Guatemalan Migration Institute promoted the claims reception mechanism through its institutional web page, implemented sticker-printing projects, and created a Monitoring Centre.

For its part, Honduras continued strengthening the capacities of the Centres for Attention of Irregular Migrants (CAMI)³⁹ for dignified and high-quality attention and the identification of immediate and international protection needs among persons in transit; and, in the emergency phase of the pandemic, it improved the inter-institutional coordination for the attention and humanitarian assistance of these people (legal counselling, identification of protection needs, medical assistance and humanitarian assistance).

In turn, Panama and Costa Rica upheld the agreement to ensure orderly, regular and safe transit, called “Controlled Migrant Flow Operation,” which facilitates the transit of extra-regional migrants and mixed movements. In order to address the humanitarian needs of this transit population, Migratory Reception Stations were established in Panama, which provide medical care, food, and shelter, with support from UN Agencies and civil society.

³⁴ In El Salvador, trainings on internal forced displacement were held for 132 teachers, a guide and protocols for the assistance of displaced and deported children with protection needs at the school centre were elaborated, and the infrastructure and equipment of 27 school institutions were improved in order to prevent and respond to school dropout due to forced displacement and recruitment by criminal groups; this would benefit ten thousand students.

³⁵ On the PTA, see Chapter 4 of this report, Section 4.2.3.

³⁶ From 2012 to this day, five regional workshops have been held with the CONAREs. More information available (in Spanish) at: <https://www.sica.int/sica-acnur/eventos>. The IV CONARE Workshop of Mesoamerica was held in Belize in November 2018 and the V 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 the impact of the pandemic on the functioning of the Commissions, experiences and the lessons learnt, and differentiated processes and procedures to identify people in mixed movements with diverse protection problems.

³⁷ 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>.

³⁸ More information on *Procumóviles* can be found (in Spanish) at: <https://www.pdh.org.gt/comunicacion/noticias/oficiales-de-procumovil-sensibilizan-a-elementos-del-ejercito-de-guatemala.html>.

³⁹ More information on the CAMI can be found (in Spanish) in: <https://proceso.hn/acnur-brinda-apoyo-financiero-de-3-9-millones-de-lempiras-al-inm/>

Finally, the **main countries hosting** people from NCA and Nicaragua, such as Belize, Costa Rica, Panama and Mexico, continued developing specific policies of reception and strengthening their asylum systems⁴⁰. In 2020, Costa Rica created a “special temporary category of complementary protection” for certain nationalities with denied asylum claims⁴¹. Within the framework of the MIRPS and the GRF⁴², Mexico worked on four integration areas: access to education, healthcare, employment and documentation through the Inter-Institutional Table; and the COMAR strengthened its asylum system. In Panama, every person from NCA received identical treatment and access to rights as any other person with needs of international protection.

5.3. General Overview of Identified Challenges

In spite of the progress made in the 2018-2020 three-year period, during the consultation process new persistent challenges were identified when compared to the previous three-year period.

Due to the COVID-19 pandemic, the situation of violence and chronic insecurity and the internal displacement crisis were exacerbated in NCA⁴³, placing the lives of tens of thousands of people at risk. During the pandemic, some criminal groups took advantage of border blockages and confinement measures in Honduras, El Salvador and Guatemala in order to strengthen their control over communities by increasing extortions, illegal trafficking and gender-based violence, resulting in a growing rate of forced disappearance, murders, and threats. Medical and economic blockages caused many displaced persons to lose their livelihoods in contexts where access to basic services—such as healthcare, accommodation, food, and drinking water—is limited. Consequently, harmful survival mechanisms increased, such as sex work. This, in turn, increased health risks, as well as the risk of exploitation by the organized crime. Additionally, the pandemic had an impact on host countries, which increased the difficulty for people from NCA to seek international protection beyond their borders.

The gloomy scenarios triggered by the pandemic were compounded by an increase in forced displacement due to natural disasters and climate change⁴⁴, such as the Eta and Iota hurricanes, which at the end of 2020 swept away entire agricultural areas, bridges, roads, and houses, leaving numerous rural populations in situations of extreme poverty and enormous damage in areas near the Atlantic coast of Honduras, Nicaragua and Guatemala.

Below, is a presentation of the **most relevant challenges identified** for compliance with the programmes outlined in Chapter IV of the Brazil Plan of Action. These are related to much of the progress reported, which demonstrates the need for the increased exchange of good practices, and for strengthening cooperation and solidarity, **so that progress and good practices be repeated and spread to all countries and similar protection and solution standards may be reached.**

⁴⁰ For progress in relation to asylum systems, borders and solutions in Costa Rica, Mexico and Panama, see Chapters 3 and 4, respectively, of this report on International Protection and Durable Solutions. As regards Belize, see Chapter 6 on the Solidarity with the Caribbean.

⁴¹ Ministry of Government and Police, Department of Migration and Foreign Affairs, N°DJUR-0190-12-2020-JM, 14 December 2020, which establishes a “temporary special category of complementary protection for Venezuelans, Nicaraguans and Cubans who have been denied their asylum claim”, legislation available (in Spanish) at: <https://www.migracion.go.cr/Documentos%20compartidos/Circulares%20y%20Directrices/2020/N%C2%B0%20DJUR-0190-12-2020-JM%20Categor%C3%ADa%20Migratoria%20Complementaria.pdf>.

⁴² For more information on both initiatives, see Chapter 2 of this report.

⁴³ UNHCR, “Central America’s displacement crisis aggravated by COVID-19”, available at: <https://www.unhcr.org/news/briefing/2020/5/5ebe47394/central-america-displacement-crisis-aggravated-covid-19.html>.

⁴⁴ On forced displacement due to natural disasters and climate change, see also the introduction to this report, Section 1.3.3., and Chapter 8, Section 8.5.



A woman who survived gender-based violence in Honduras. © UNHCR/Daniel Dreifus

5.3.1. Challenges for the Human Rights Observatory on Displacement

During the period analysed, the following challenges were observed; some of them are persistent since the implementation of the first programme in Chapter IV of the Brazil Plan of Action:

- The existence of a great diversity of forced displacement issues in SICA member countries and the different approaches to address such phenomenon, which have an impact on the possibility of having a coordinated, coherent, and consistent approach at the subregional level.
- The technical and budget limitations of the NSIs, which are key in a context of highly complex governance of statistical systems.
- The absence of comprehensive and regularly updated information, despite the work of CENTROESTAD and support from CRISTOSAL, to track and monitor forced displacement flows, populations in need of international protection, returnees and deportees with protection needs, and to monitor the general trends of NCA countries.
- The still pending consolidation, adoption, and support from all SICA member states of the CENTROESTAD Specialized Group in Migration and Displacement, and the persistent need for raising awareness on the importance of providing information with evidence-based input to decision makers in order to support response design and national and subregional responses.

5.3.2. Prevention Challenges

In spite of the progress made in certain areas in the last three-year period, particularly within the context of the COVID-19 pandemic, the challenges were intensified in relation to the prevention of forced displacement:

- The lack of reliable, dynamic information and indicators to monitor levels of violence, despite the progress made in the measurement of their impact
- The extreme difficulty, for all actors involved in the protection and assistance of victims of violence, to access high-risk communities
- The continuous arrival of returnees, which stresses the institutional capacity for social and economic reintegration
- The increase in incentives to join informal and illegal activities due to the non-viability of internal displacement or trans-border flight for many people
- The pressing need for strengthening the reinsertion of people affected by displacement through access to employment and public services, including healthcare and assurance of basic needs
- Obstacles to the integration of displaced people and returnees within host communities related to stigmatization and discrimination based on their condition

5.3.3. Challenges for Dignified and Safe Transit

- The increase in the number of seekers of refugee status in Belize, Costa Rica, Guatemala, Mexico, and Panama which challenges institutional capacities, thus triggering the accumulation of pending cases in some countries.
- The imposition of peremptory terms to submit refugee status claims.
- The impact to the principle of non-refoulement the information among persons of concern about the possibility of seeking asylum is misleading and there is a lack of clear reference mechanisms between border-control entities and those responsible for refugee status determination.
- The still insufficient responses to protection for the most vulnerable groups, including the absence of prioritization mechanisms for the presentation of claims and adjudications, swift references for medical or safety reasons, in-person interviews for children and adolescents, and sensitive procedures for LGBTIQ+ persons and survivors of gender-based violence and torture.
- The insufficient programmes on alternatives to administrative detention, particularly in children and adolescents.
- The increase of xenophobia, stigmatization, and discrimination and the difficulties in achieving peaceful coexistence with some host communities that are highly stressed and under many demands, and even more so during the pandemic⁴⁵.
- The increase in the region of restrictive migratory control measures associated to the rise in

⁴⁵ Mexican Liaison Group for the Brazil Plan of Action. *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/>.

forced displacement and the surge of “caravans” of refugees and migrants to the United States of America via Mexico, which sometimes led to protection challenges and return situations.

- The establishment of Asylum Cooperation Agreements (ACA) regarding the Examination of Protection Claims between the United States and Guatemala⁴⁶, El Salvador⁴⁷ and Honduras⁴⁸ in the context of weak strengthening of asylum systems and the mechanisms of hosting, reception and humanitarian assistance provision, in spite of the previous efforts to increase the capacities in the three countries.⁴⁹
- The implementation of Migrant Protection Protocols (MPP), also known as “Remain in Mexico,”⁵⁰ because of which over 70,000 people desiring to seek asylum in the United States were returned to Mexico until their hearings were held⁵¹ and involved a great challenge in guaranteeing appropriate reception conditions and the provision of humanitarian assistance in places where security was a major problem. Moreover, the MPP posed serious due process challenges, mainly regarding access to legal representation.
- The expulsions, initiated at the end of March 2020 by the United States pursuant to “Title 42”⁵² (legislation in relation to public health). Under the provision of this law, border authorities conducted over 400,000⁵³ expulsions of persons from El Salvador, Guatemala, and Honduras to Mexico or directly to their countries of origin, without the possibility of their stating their needs of international protection and, in some cases, without receiving any information about their destination when being put aboard expulsion flights.

5.4. Focus Areas for the Next Three-Year Period Identified in National and Subregional Consultations

In national and subregional consultations⁵⁴, as well as in MIRPS and SICA documents and work plans,⁵⁵ the countries identified diverse focus areas in relation to Solidarity with NCA, in accord with the Brazil

⁴⁶ United States of America and Guatemala, “Agreement Between the Government of the United States of America and the Government of the Republic of Guatemala on Cooperation Regarding the Examination of Protection Claims” (2019).

⁴⁷ United States of America and El Salvador, “Agreement Between the Government of the United States of America and the Government of the Republic of El Salvador for Cooperation in the Examination of Protection Claims” (2019).

⁴⁸ United States of America and Honduras, “Agreement Between the Government of the United States of America and the Government of the Republic of Honduras for Cooperation in the Examination of Protection Claims” (2019).

⁴⁹ For a legal analysis of these measures from the UNHCR’s perspective, see: United Nations High Commissioner for Refugees (UNHCR), *Inter-American Commission on Human Rights (IACHR). 175th Period of Sessions. Thematic Hearing on asylum and refugee systems in the face of humanitarian situations in the region - Information Note by the United Nations High Commissioner for Refugees (UNHCR)*, 6 March 2020, page 17, available (in Spanish) at: <https://www.refworld.org/es/docid/5ffc40f4.html>.

⁵⁰ For an analysis from civil society perspective, see: Mexican Liaison Group for the Brazil Plan of Action. *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), op. cit., note 45.

⁵¹ UNHCR, *Inter-American Commission on Human Rights (IACHR). 175th Period of Sessions. Thematic Hearing on asylum and refugee systems in the face of humanitarian situations in the region - Information Note of the United Nations High Commissioner for Refugees (UNHCR)*, 6 March 2020, page 7, op. cit., note 49.

⁵² Title 42 of the United States Code, Section 265.

⁵³ U.S. Customs and Border Protection official information, available at: <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics-fy2020>.

As of October 2021, this figure had grown to more than 1.2 million persons. Since August 2021, more than 16,000 people have been expelled under a new method that involves the transfer from the Rio Grande Valley to California, Arizona, and Texas, to be expelled via Tijuana, Agua Prieta, Nogales, and Ciudad Juárez, as well as through direct flights from McAllen and Brownsville (TX) to the cities of Villahermosa (Tabasco) and Tapachula (Chiapas) in southern Mexico.

⁵⁴ For information about the methodology followed in the preparation of this report, see the Introduction.

⁵⁵ “Approval of the MIRPS 2021 Regional Plan with Guatemala as Pro-tempore Presidency”, January-March 2021: https://globalcompactrefugees.org/sites/default/files/2021-04/Dashboard-Jan-Mar_2021_ESP_ENG.pdf.

Plan of Action commitments and the priorities set forth in the First Triennial Progress Report,⁵⁶ which are yet to be fulfilled.


5.4.1. Focus Areas for the Human Rights Observatory on Displacement

The implementation of the *Human Rights Observatory on Displacement* Programme was adapted in recent years to the political and technical realities and to the contingencies of countries, which made possible the accomplishments of many of the priorities established in 2017, though with some variations. For the next three-year period, countries have identified the following focus areas:

- Consolidating the CENTROESTAD Specialized Group in Migration and Displacement through a more systematic and motivating induction that brings group members together, thus creating a sense of belonging and identity able to strengthen collaborative and coordinated work.
- Providing the NSIs of SICA countries with a kit of statistic methodologies and homogenous and standardized questions which take into account the dynamics of the situations.
- Implementing EGRIS Group's International Recommendations⁵⁷, assuming an inclusive and participatory approach that articulates the governmental sector with key and specialized players belonging to the civil society, in order to provide high-quality information and contribute to the formulation of public policies.
- Consistently strengthening the capacities of NSIs to overcome technical and budget limitations, thus impacting the governance of statistical systems.
- Highlighting the different needs arising out of a constantly transforming reality and addressing phenomena, such as the displacement due to natural disasters and climate change, in training processes.

5.4.2. Prevention Focus Areas

- Improving the procedures for the identification, reference and follow-up of returnees and deported people with needs of protection in order to ensure a comprehensive and inter-institutional response and cover their needs for accommodation, food, education, employment and healthcare, both in the short and the long term, with a special emphasis on children.
- Implementing assistance and protection plans that facilitate the reception, assistance, and reference of internally displaced persons and strengthen the technical and financial capacities of the governmental institutions concerned.
- Including deported, displaced, and returned children and adolescents within mechanisms of prevention and protection.
- Furthering the progress made in relation to internal displacement in El Salvador, Honduras, and Mexico by developing policies in accordance with international standards and assigning the necessary human and financial resources for the correct

⁵⁶  The priorities established in the First Triennial Progress Report can be found in the [annex](#) to this report.

⁵⁷ On the EGRIS Group, see note 17 above.

implementation of prevention and protection systems. Additionally, in countries where they have not been developed yet, implementing a national system of protection for internally displaced persons that includes the development of legal frameworks and public policies in accordance with international standards that ensures access to rights and the promotion of spaces for dialogue and consultation with displaced populations.

- Continuing to strengthen state presence in at-risk communities by developing prevention and protection programmes differentiated by risk causes and profiles.
- Reinforcing communication and awareness-raising strategies on the rights of internally displaced people, returnees and deported people, in collaboration with host communities and local governments.
- Developing and strengthening early-warning systems in order to ensure effective responses of governments and civil society in high-risk situations to improve readiness and contingency plans.

5.4.3. Dignified and Safe Transit Focus Areas

The chapters on international protection⁵⁸ and comprehensive, complementary and sustainable solutions⁵⁹ of this report have dealt with focus areas for the next three-year period that can be fully applied to the NCA issues and the objectives of the *Dignified and Safe Transit* programme. Consequently, it is important to refer to those chapters. However, included below is a description of the most relevant focus areas for the NCA, the areas included in the MIRPS 2021 Work Plan,⁶⁰ and the areas contained in the First Triennial Progress Report that have not been fully implemented yet:

Effective and high-quality procedures for refugee status determination:

- Strengthening coordination among national eligibility institutions, as well as migration and border control entities, with the purpose of ensuring non-refoulement and a quick and prompt access to the procedures for refugee status determination.
- Ensuring decentralization of the CONAREs for reception and registration at borders and strengthening the quality and efficiency of mechanisms of admission, reception, and processing of claims submitted by people in need of protection, from an age, gender, and diversity approach.
- Increasing the number of alternatives for the administrative detention of seekers of refugee status, mainly unaccompanied children and adolescents, families, the elderly, persons with healthcare needs and, in general, vulnerable populations.
- Improving the efficiency and quality of refugee status determination systems in order to favour quick and fair resolutions of claims and the adoption of more efficient and differentiated procedures to end case delays.
- Incorporating the best interest of children in refugee status determination procedures,

⁵⁸ See Chapter 3 of this report.

⁵⁹ See Chapter 4 of this report.

⁶⁰ The Work Plan is related to the MIRPS work areas, which, as of 2020, can be found in: MIRPS - Comprehensive Regional Protection and Solutions Framework, *III Annual Report of the Comprehensive Regional Protection and Solutions Framework MIRPS 2020 - Implementing the Global Compact on Refugees in Central America and Mexico*, 8 December 2020, available at: https://www.acnur.org/es-es/publications/pub_mirps/60c2ae8f4/iii-annual-report-of-the-comprehensive-regional-protection-and-solutions.html.

when addressing accompanied, unaccompanied, and separated children and adolescents.

Understanding rights and protection:

- Providing regular and comprehensive information to persons of concern about their rights and duties, particularly in relation to the admission to the territory, refugee status determination procedures, and systems of assistance for refugees and asylum-seekers.
- Training border officials on the principle of non-refoulement, mechanisms of international protection, refugee status determination procedures, and general rights of asylum-seekers, refugees, and other persons with international protection needs.
- Including international and national law on refugees in the training programme of the authorities involved in border control and migration issues.
- Strengthening government institutions that contribute to protection, particularly those responsible for refugee status determination procedures.
- Training and awareness-raising of officials that work with displaced populations for a comprehensive approach that takes into account age, gender and diversity, with special attention to unaccompanied children, women at risk, the LGBTIQ+ population, victims of human trafficking, older persons, persons with disabilities and other persons in vulnerable situations.
- Restructuring, adapting, developing or strengthening the institutions responsible for assisting and protecting children and adolescents that have been returned, deported, are in transit, or in need of international protection.

Strengthening solutions:

- Including displaced persons with protection needs in the strategies for socio-economic recovery — especially regarding their access to the labour market and their professional training.
- Strengthening the local integration of refugees and asylum-seekers, especially in relation to documentation, employment, access to basic services, skills certification, and training.
- Intensifying programmes, projects and strategies to promote peaceful coexistence, support host communities, and reduce xenophobia, discrimination and stigmatization of refugees, displaced persons, and returnees.
- Increasing the number of Cities of Solidarity as a tool with a particular impact on local integration into host communities, strengthening peaceful coexistence, inter-sectoral cooperation, and mitigating xenophobia, discrimination, and stigmatization.
- Strengthening existing Cities of Solidarity to ensure their sustainability and hold national and subregional events to generate networks that favour the exchange of good practices, innovative solutions, cooperation, and collaboration, as well as to continue with programmes that reinforce “communities of solidarity,” with local and territorial interventions.
- Expanding support networks with civil society organizations, generating strategic public-private partnerships, and exploring new forms of agreements with UNHCR, the private sector, and other governmental entities at the local or national level.

5.4.4. Cross-Disciplinary Focus Areas

In the MIRPS Work Plan for 2021, some priorities on the strengthening of partnerships with different sectors are established as part of its action axes. They create synergy with the Solidarity with NCA chapter of the Brazil Plan of Action, and are described below:

- Consolidating the efforts made within the framework of the MIRPS around local governance.
- Consolidating mechanisms of continual dialogue with civil society organizations, both at the national and regional level, and including academics.
- Establishing strategic partnerships with the United Nations System (UNS) in order to explore synergies between the national commitments of the MIRPS, UNS mechanisms, and bodies of the Inter-American System for the Protection and Promotion of Human Rights (IAHRS).
- Strengthening strategic partnerships with coalitions of companies and associations in order to contribute to durable solutions and, with support from the OAS, holding national and regional meetings with representatives of the private sector.
- Improving complementarity between the MIRPS Platform and the Regional Conference on Migration (RCM), organizing joint training, seeking opportunities for synergies and coordination with other mechanisms such as the SICA, and creating spaces of conjunction and dialogue of high political level between the most representative mechanisms on a regional level, including the Comprehensive Development Plan, to address the structural causes of human mobility in NCA countries and Mexico.

video  **World Refugee Day in Honduras; a baseball match in El Triunfo**



Cruz Ordóñez
Voluntario

Hoy, con este evento, yo pienso que

UNHCR ACNUR



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

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

This chapter presents the programme outlined in Chapter V of the Brazil Plan of Action and its synergies between other ongoing initiatives; it addresses progress and good practices towards Solidarity with the Caribbean during the 2018-2020 period, and current challenges and focus areas defined by countries and territories for the next three-year period of the Plan's implementation.

The current Caribbean context was explained in the Introduction to this report and Chapter 8, on Regional Cooperation (Section 8.5), addresses disaster-related displacement and the effects of climate change.

6.1. Reference to the Brazil Plan of Action and Other Current Initiatives

6.1.1. The Regional Solidarity with the Caribbean Programme in the Brazil Plan of Action

It is worth highlighting the innovation of the Brazil Plan of Action to **include the Caribbean in the Cartagena Process**, broadening its geographic coverage and comprehensively including all the problems in Latin America and the Caribbean, strengthening the development of the *Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean*, which is the main objective of the Brazil Declaration.

Chapter V of the Brazil Plan of Action acknowledges in the Caribbean the “special challenges in the complex management of mixed migration movements due to efforts to find a balance between ensuring the integrity of its extensive maritime borders and addressing the protection needs of an increasing number of asylum-seekers in the region, in a context of limited financial, technical, human and material resources to respond in an adequate manner”¹. Additionally, the Brazil Plan of

¹ United Nations High Commissioner for Refugees (UNHCR), *Brazil Plan of Action. First Triennial Progress Report. 2015-2017*, February 2018, page 61, available (in Spanish) at: <https://www.acnur.org/5c89774e4.pdf>.

Action delivers the tools² to face said challenges, which have increased in the last three-year period.

6.1.2. Synergies between the *Regional Solidarity with the Caribbean* programme and the Main Subregional and Global Mechanisms

The aforementioned synergies and complementary aspects between the Brazil Plan of Action and the main current global and subregional mechanisms³ are also manifested in the Programmes included in Chapter V of the Brazil Plan of Action, in line with the key points, objectives, and commitments⁴ of those initiatives, as expressed in the chart below:



6.2. Progress Made⁵ on Regional Solidarity with the Caribbean

As reflected in the *First Triennial Progress Report 2015-2017*, after a consultation in the Bahamas in November 2017, within the Caribbean Migration Consultations (CMC) framework⁶, countries and territories

² As mentioned in the First Triennial Progress Report, "In a renewed spirit of regional cooperation, the 'Regional Solidarity with the Caribbean' programme is a framework for overcoming these challenges and strengthening the protection and solutions agenda for asylum-seekers, refugees and stateless persons, through measures that would ensure phased, coherent and sustainable progress, and take into account the specificities of each country." UNHCR, *Brazil Plan of Action. First Triennial Progress Report. 2015-2017*, page 61, op. cit. note 1.

³ See Chapter 2 of this report about the synergies between the Brazil Plan of Action and the main current initiatives in the region.

⁴ The specific synergies related to statelessness are not addressed in this section, but in section 7.1.2., Chapter 7, in this report.

⁵ "Progress made" gathers the progress in the 2018-2020 three-year period reported by countries in the subregional consultation (October 2021); the information provided by countries in global, regional, and subregional forums, including the MIRPS; and the information available to the UNHCR, the Inter-American Human Rights System, and civil society. Some progress reported before the three-year period is still current. Given the extension limits of this report, the progress list should not be deemed comprehensive.

For information about the methodology used in the preparation of this report and its various stages, see the Introduction.

⁶ Regional Consultation for the elaboration of the triennial progress report of the Brazil Plan of Action, Chapter 5 "Solidarity with Caribbean," Caribbean Migration Consultation (CMC), Nassau, Bahamas, 4-6 December 2017, available at: <https://www.acnur.org/fileadmin/Documentos/BDL/2018/11495.pdf>.

identified several priorities that had to be addressed in the region, considering the characteristics of each country⁷.

In addition, this chapter gathers the contributions made by many of the 22 countries and territories in the Caribbean, which participated in the virtual, subregional consultation on 15 October 2021, to elaborate this report⁸ and, specifically, the good practices shared by five of them (Belize, Cuba, Haiti, Dominican Republic, and Suriname).

The progress the subregion has made in the different areas of the Brazil Plan of Action will be analysed below.


6.2.1. Regarding the Caribbean Migration Consultations

The main objective of the *Solidarity with the Caribbean* programme under the Brazil Plan of Action is to promote regional dialogue by establishing a Regional Consultative Mechanism (RCM), which aims at efficiently managing mixed migration movements. This programme also seeks to strengthen regional cooperation in managing mixed movements through a right-based approach. The objectives are to increase national and regional capabilities; to gradually establish asylum systems and refugee status determination procedures; and to develop programmes that promote comprehensive durable solutions, with a focus on local integration⁹.

In compliance with the above, States constituted the **Caribbean Migration Consultations (CMC)** in 2016 as a regional government-led consultation process on the protection of refugees and migrants. CMCs provide a regional platform for States to discuss about their shared challenges, to share information and good practices, and to work for shared responsibility, solidarity, and an effective approximation of the rights on human mobility management, including the situation of migrants, refugees, and stateless persons in the context of massive mixed movements.

During the period being analysed, in compliance with the priorities established in the first Triennial Progress Report, the **Online Platform of the CMC** (Caribbean Migration Portal: www.caribbeanmigration.org) was created, where different events, seminars, courses, and forums are published, and where related documents and audio-visual material are stored. The portal also enables to share information and capabilities between the participants of each of the Specialized Thematic Networks established within the CMCs, through both public and private forums. In the three-year period, UNHCR and IOM continued contributing to the development of CMCs through technical and financial support for meetings and workshops, and with the development of specific tools as requested by participating States, countries, and territories.

Additionally, during the “Preparatory Meeting for a Regional Approximation to Migration and International Protection” held in Kingston, Jamaica, in December 2019, the 21 participating

⁷  The *annex* to this report includes said priorities, which, together with the Brazil Plan of Action, have contributed substantially to the analysis detailed herein.

⁸ Countries and territories that participated in the Consultation in October 2021: Anguilla, Antigua and Barbuda, Aruba, Bahamas, Barbados, Belize, Cuba, Curaçao, Dominica, Granada, Guyana, Haiti, Cayman Islands, Turks and Caicos Islands, Jamaica, Dominican Republic, Saint Kitts and Nevis, St. Vincent and the Grenadines, Sint Maarten, St Lucia, Suriname, Trinidad and Tobago. CARICOM IMPACS was also present.

⁹ UNHCR, *Brazil Plan of Action. First Triennial Progress Report. 2015-2017*, page 61, op. cit. note 1.

States, countries, and territories of the Caribbean **recommended establishing a Technical Secretariat** as a formal administrative mechanism for CMCs, designed with the support of IOM and UNHCR, and located in the CARICOM IMPACS, thus keeping the inter-governmental feature of the forum.

Likewise, with the purpose of guaranteeing CMCs continuity and sustainability, technical discussions began in order to pave the way to **formalize the CMCs** at a high-level meeting¹⁰. In this context, participants developed three preliminary documents¹¹ to work for: (i) a defined structured and operative ways 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 CMCs' technical recommendations in a strategic and coordinated way, and with specific deadlines.

6.2.2. Regarding the Strengthening of Regional Cooperation in the Management of Mixed Movements through Right-Based Approaches

Regarding the goal of strengthening regional cooperation in the management of mixed flows, three main intervention areas stand out in the three-year period: 1) capacity building through training, certifications, and workshops; 2) contingency plans to respond to massive arrivals of persons of concern; and 3) establishment of cooperation through the Regional Interagency Coordination Platform for Refugees and Migrants from Venezuela (R4V).

Capacity Building

During the 2018-2020 three-year period, regional and national **workshops and training sessions** were organized with the support of the international community (including UNHCR, IOM, and other specialized bodies), as well as regional mechanisms (CARICOM, among others). These events continued despite the pandemic and addressed a broad range of thematic areas, migrants' rights and migration legislation; emergency responses; diaspora participation; statelessness; migration and sustainable development; labour migration; natural disasters and climate change; fight against human trafficking; border management; migration and healthcare; migration data gathering and management; migration in crisis situations; and protection of refugees.

The following courses and workshops are worth mentioning, among others:

Capacity Building on a Regional Level

- 2018: CMC, "High Level Workshop on Human Mobility and Disasters in the Caribbean"
- 2019: CMC, "Consultation towards a Regional Cooperation Framework on Human Mobility in the Context of Disasters and Adverse Effects of Climate Change in the Caribbean"
- 2019: CMC, Webinar on World Refugee Day

¹⁰ This meeting was to be held during the fourth quarter of 2020, but was postponed until 2021 due to the pandemic.

¹¹ The three documents were the following: 1. Operating Procedures; 2. Regional Action Plan Matrix; 3. Guiding Principles.

- 2020: Commission of the Organization of Eastern Caribbean States (OECS), “Capacity Building of OECS Border Officers to address displacement situations due to disasters in entry points”
- 2020: CARICOM IMPACS, “Securing our Community in Times of COVID-19 following the Virtual Conference on Security 2020”
- 2020: CARICOM IMPACS, “Rights and Responsibilities of Persons in Need of International Protection in the Caribbean”
- 2020: UNHCR, “Training on Refugee Status Determination Procedures” for the Northern Caribbean

Capacity building at the National Level

- 2019: UNHCR, cooperating with the Judiciary National School (ENJ), training 90 judges and judiciary officials about Act 169-14 and about legislation on nationality, in the Dominican Republic
- 2019: UNHCR, collaborating with IOM, UNICEF, and the National Migration School (ENM), seven joint training sessions for members of the armed forces and migration authorities deployed in border provinces, in the Dominican Republic
- 2020: UNHCR, “Haiti Statelessness Workshop”
- 2020: UNHCR, together with the National Immigration Institute (INM-RD), “Certification on International Rights of Refugees and Stateless Persons”, in the Dominican Republic
- 2020: UNHCR, together with the Judiciary National School (ENJ), 20 judges and judiciary officials completed an on-line course on International Refugee Law, in the Dominican Republic
- 2020: UNHCR, collaborating with the Ministry of Health, the World Health Organization/Pan American Health Organization (WHO/PAHO), and the National Migration School (ENM), virtual training on prevention of and response to COVID-19 emergency for healthcare personnel and the general public, Dominican Republic

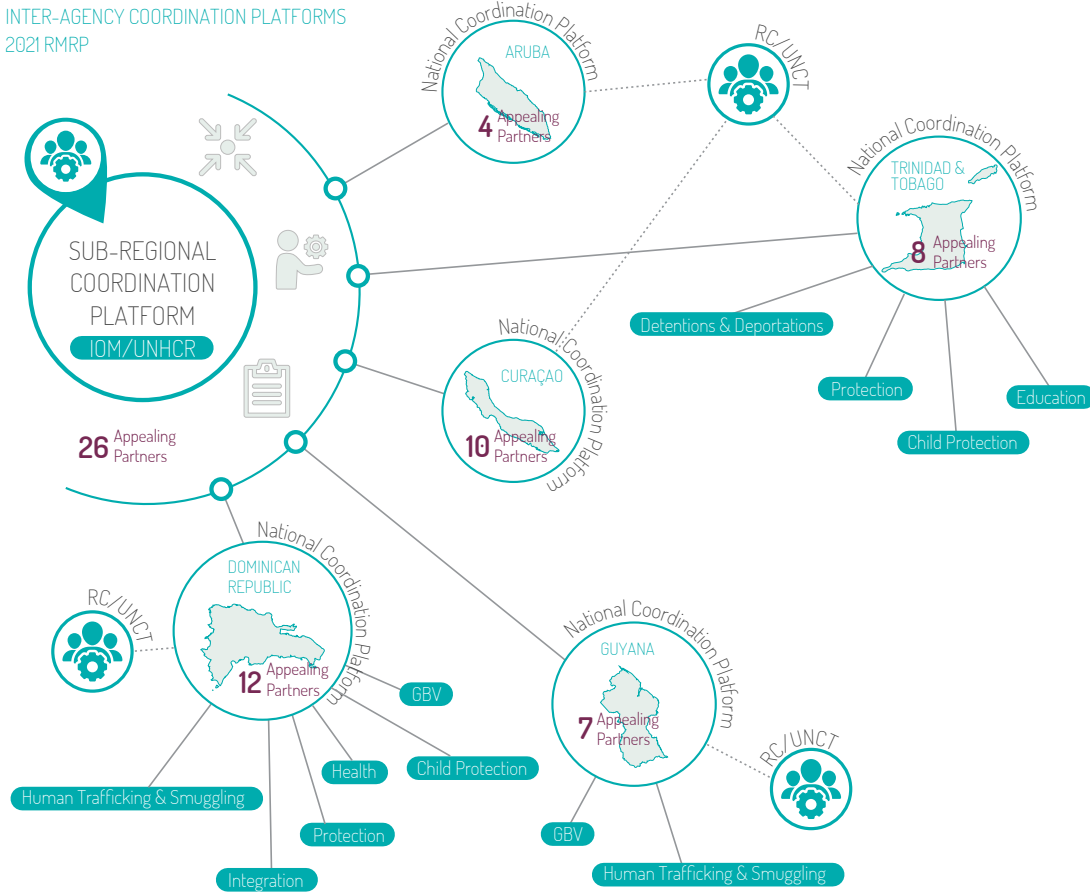
Contingency plans to respond to the massive arrival of persons of concern

In 2017, the countries agreed to establish working groups with multiple actors in the management of mixed movements, including contingency plans for natural disasters and massive migration scenarios with the goal of planning, preventing, and designing strategies for multi-dimensional responses. A highlighted good practice in the region: In 2020, **Trinidad and Tobago** began to develop contingency plans to face natural disasters and massive migration scenarios.

Establishment of cooperation through the Regional Interagency Coordination Platform for Refugees and Migrants from Venezuela, R4V

R4V - CARIBBEAN

STRUCTURE OF THE SUB-REGIONAL AND NATIONAL INTER-AGENCY COORDINATION PLATFORMS
2021 RMRP



Updated Jan 2021

The **Coordination Platforms** are a mechanism that bring together UNCT member organisations and various governmental, non-governmental, international and civil society organisations, or other international cooperation bodies.

Objectives

To promote the **coordination** of the RMRP activities aiming to ensure the recognition and **protection** of refugees and migrants, and jointly deliver an effective and efficient **humanitarian response** to their material needs, in complementarity and reinforcing the country's government's response.

Tasks and Responsibilities

- Establish and facilitate coordination activities to support service delivery;
- Apply and promote standards, guidelines and good practices, including capacity building;
- Undertake relevant emergency preparedness actions;
- Develop common messages and consensual opinions to advocate on behalf of affected populations;
- Ensure accountability to affected populations, including Communication with Communities;
- Monitor the implementation of programs/projects funded under the joint plan;
- Act as the focal point for communication and coordination with the Sub-Regional Coordination Platform.

RC = Resident Coordinator (UN System)
UNCT = UN Country Team
● = Sector Working Group

Subregional Coordination Platform in the Caribbean - R4V¹²

In 2018, the Subregional Coordination Platform in the Caribbean was established with the purpose of promoting coordinated activities carried out by the Refugee and Migrant Response Plan (RMRP) to guarantee the recognition and protection of refugees and migrants, and to jointly deliver an efficient humanitarian response to their material needs. It complements and reinforces Governments' response. As an integral part of the subregional platform, in 2019, four national coordination platforms were implemented in **Aruba, Curaçao, Dominican Republic, Guyana, and Trinidad and Tobago**, which were reinforced and implemented in 2020.

6.2.3. Regarding the Progressive Establishment of Asylum Systems and Refugee Status Determination Procedures

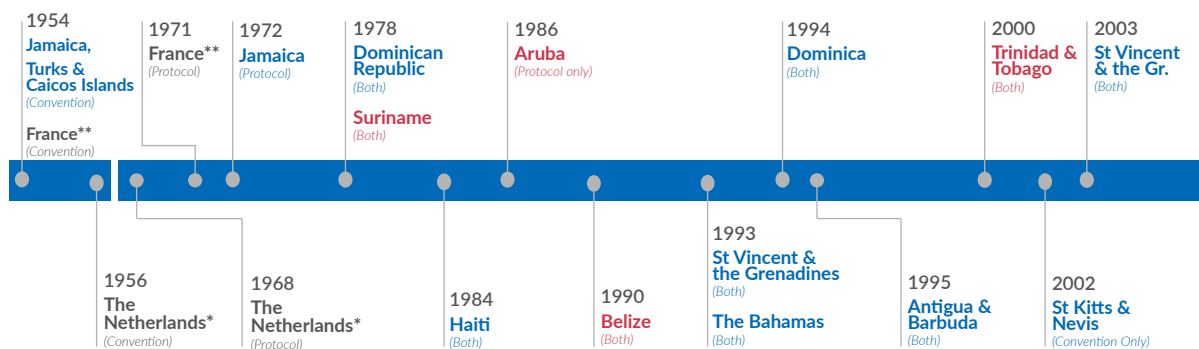
Creation or strengthening of asylum or international protection systems

¹² For more information, see <https://www.r4v.info/> and the Regional Cooperation chapter in this report.

International protection mechanisms and Refugee Status Determination in the Caribbean



Caribbean Signatories to the 1951 Refugee Convention and/or its 1967 Protocol



Non-Signatories		
Anguilla	Curacao	Martinique
Bermuda	French Guiana	Montserrat
Barbados	Grenada	St Lucia
British Virgin Isl.	Guadeloupe	Sint Maarten
Cayman Islands	Guyana	

*Bonaire and St Eustatius & Saba are party to the Convention and Protocol as part of The Netherlands.
 ** St Martin is party to the Convention and Protocol as part of France.

— Covered by UNHCR at MCO-Washington
 — Covered by UNHCR at MCO-Panama
 — Covered by UNHCR in France.

Creation date: 11 Feb 2021 Last Updated: 30 Sep 2021 Created by: UNHCR Washington Feedback: usawaimo@unhcr.org

Countries and territories that have established or reactivated **national** mechanisms: Aruba, Belize, Bahamas, Cayman Islands, Turks and Caicos Islands, Jamaica, and Dominican Republic; or delivered another form of international protection: Aruba (European Convention on Human Rights [ECHR], Article 3, and 1967 Protocol Relating to the Status of Refugees) and Curaçao (ECHR, Article 3).

Countries and territories where **UNHCR** is in charge of the procedure to determine refugee status 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.

In the 2018-2020 three-year period, the strengthening and development of asylum systems in some countries in the region stand out.

Aruba 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 the three-year period, it began implementing its national asylum system, available to asylum-seekers once they are on the island, those previously registered by UNHCR, and those in deportation proceedings that request asylum¹³. In 2019,

¹³ In addition, the government is working to improve the asylum processing capacity in the Department of Integration and Management and Admission of Foreigners: Department of Integration and Management and Admission of Foreigners (DIMAS, in Spanish). This is the government department in charge of receiving, analysing and resolving asylum claims.



Refugees and migrants in Aruba celebrating World Refugee Day. © UNHCR/Freeway

Belize adopted measures to implement the Quality Asylum Initiative (QAI¹⁴), to which it had joined in November 2018¹⁵. In this context, in 2018, they started an alliance with Costa Rica, and, in October 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 Commission carried out an information mission on country of origin to El Salvador. Additionally, in January 2020, the application of the 14-day deadline to submit requests for determination of refugee status established in the Refugees Act was declared inadmissible by a decision of the Supreme Court of Justice of Belize¹⁶.

In 2019, the Government of **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 protection against refoulement for people who have claimed for protection. In 2018, the Government of the **Dominican Republic** elaborated an Asylum Law aimed at ensuring that the country's new regulation framework met international standards and due process guarantees; this law is currently under revision by the new Government authorities. The same year, as part of a workshop on the QAI, the first evaluation on the different proceeding stages of the asylum system was carried out, including registration, interviews, decision-making, appeals, human resources and infrastructure, in order to plan strengthening actions.

¹⁴ Regarding the contents of the QAI initiative and its implementation in Latin American countries in South America, Central America, and Mexico, see section 3.2.1. of Chapter 3 of this report.

¹⁵ United Nations High Commissioner for Refugees (UNHCR), *II Annual Report of the Regional Comprehensive Protection and Solutions Framework (MIRPS)*, 2019, 8 November 2019, page 14, available at: <https://www.refworld.org/es/docid/5dc5e78d4.html>.

¹⁶ Judgment of the Supreme Court of Justice of Belize on 21 January 2020, reflected in motions No. 72, 83, 193 of 2019.

Protection against refoulement and access to the territory

Open Borders in Guyana amid the Pandemic

Guyana has not ratified the 1951 Convention nor does it have a national legal framework on asylum. However, since 2018, no cases of refoulement were reported, and Guyana has implemented a solidarity good practice by keeping its borders open and allowing the entry of people to its territory, especially from Venezuela. Additionally, after the pandemic broke out in March 2020, Guyana's borders were formally closed, and all official ways of entry by sea or lake were suspended, even for those arriving in boats from San Felix (Guayana City). However, Venezuelans who arrived through rivers through an irregular border crossing were allowed to enter and were granted three-month, renewable stay permits.



Warao indigenous families from Venezuela have found a new home in Guyana. © UNHCR/ Diana Díaz

Cuba is not a party to the 1951 Convention Relating to the Status of Refugees nor to the 1967 Protocol. Despite this, it adheres to the imperative character of non-refoulement, and, during the period between 2018 and 2020, it guaranteed safe stay in national territory for asylum-seekers who had arrived in the country.

Reception Standard Operating Procedure in Belize and the Border Centre

In May 2019, **Belize** opened a first border centre for reception and information, playing a key role in the application of its Standard Operating Procedure (SOP) related to 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. Following the SOP, every person identified as in need of international protection or who expresses so, regardless of their regular or irregular entry to the country, should be referred to the Refugees Department. To better identify these needs, police officers and immigration officials participated in different training sessions, with special attention to awareness vulnerable persons (e.g., victims of human trafficking and unaccompanied children and adolescents).

Once the asylum claim has been filed, the asylum-seekers and their family receive a document as proof of their regular stay status for three-months, which can be renewed, although it does not allow them to work. UNHCR collaborates with the implementation of SOPs with its presence in strategic places.

Alternatives to detention

Trinidad and Tobago have implemented an innovative application of their Migration Act by issuing Supervision Orders that can constitute an alternative to detention in certain circumstances. When persons in need of international protection are detained by the Immigration Division, they are interviewed and, if they meet certain requirements (such as having an official ID, not having criminal records, having a local address, paying bail), they are released with a Supervision Order. However, this is granted under certain conditions: persons must regularly appear before Immigration, and they cannot travel outside their specific jurisdiction without prior notice. In practice, most people in an irregular detention situation have access to this document.

Registration Processes and Facilitation of Regular Stay

Registration Exercises

In October 2019, **Guyana** became the first country in the region to implement a national registration system through PRIMES¹⁷, aimed at biometric registration and issuing documentation for displaced Venezuelans. Under this system, a Registration Certificate is issued, which includes a government stay permit. This is the first national identification document given to Venezuelans in the country¹⁸.

Registration Process in Trinidad and Tobago

In 2019, **Trinidad and Tobago** carried out a two-week exercise to register 16,523 Venezuelans. This helped registered persons to access a temporary stay through a free Minister's Permit¹⁹, valid for six months, that could be renewed only once. This way, beneficiaries and their dependent children obtained the possibility of staying in the country in a regular status and with a work permit.



Refugees and migrants receive counselling by UNHCR staff in Trinidad and Tobago.
© UNHCR/Shemuel London

¹⁷ The term Population Registration and Identity Management EcoSystem (PRIMES) comprises all inter-operative tools and applications for registration, identity management, and case management of UNHCR (both existing, as proGres and BIMS, and those to be developed). More information available at: <https://www.unhcr.org/blogs/wp-content/uploads/sites/48/2018/03/2018-03-16-PRIMES-Flyer.pdf>.

¹⁸ It is worth noting that this system has been suspended since the beginning of the pandemic, and there is a pending data sharing agreement (DSA) with UNHCR.

¹⁹ 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.

Regular Stay and Documentation for Refugees or Asylum-Seekers

Guyana grants Venezuelans three-month stay permits which are free and renewable regardless of the regularity of their entry into the country²⁰. 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*”), which is paid and should be renewed annually. **Jamaica**, a country with a national asylum procedure, allows persons legally recognized as refugees to apply for a work permit for refugees, which is paid. The **Dominican Republic** issues paid identity documents to refugees, which are valid for one year, and can be renewed. It allows the bearer to work.²¹ It also issues paid travel documents for refugees, valid for a year and renewable. Regarding **Suriname**²², since April 2018, refugees and asylum-seekers registered by UNHCR (which issues a certificate) can apply for stay permit that allows them work, carry out independent activities, and access public education. It is a renewable one-year permit requested on an online portal. It is necessary to provide a copy of a passport or identity document, the certificate issued by UNHCR, a declaration of financial support or proof of sufficient income (may be a work contract), and the receipt of the fee. The permit is issued after an interview at the Ministry of Justice and Police and can only be denied due to serious public order reasons. The decision can be appealed²³.

Regularization Plan for Venezuelans in the Dominican Republic

On 22 January 2021, the **Dominican Republic** announced a migration status regularization plan for Venezuelans in the country who were in an irregular situation and had entered the country between January 2014 and March 2020, according to Resolution 119-21 of the Ministry of Interior and Police²⁴. It benefits those who entered the country using a tourist card or visa, and who have extended their presence beyond the validity of their documentation. Beneficiaries of this plan will be able to access a permanence extension and to request a non-resident permit (renewable and valid for a year) in the subcategories of student or temporary worker, with a fee (about USD 150 per person)²⁵. Issuing visas requires, in addition, a security verification procedure through Interpol, the General Attorney’s Office, and intelligence offices. Visas help fight human trafficking, and grant access to the labour market, the financial and banking system, and the social security system. This programme has been developed with support from UNHCR and IOM²⁶.

²⁰ Temporary Stay Permit (PTP) - Immigration Act, Aliens (Immigration and Registration) Act. Between March and October 2020, the Department of Immigration suspended permit issuance, without prejudice to the non-refoulement principle and without making any deportation. In November 2020, permits began to be issued again.

²¹ This document, in practice, 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 integrating the National Commission for Refugees.

²² In 1978, Suriname adhered to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol, and the admission of refugees is included in their Act on Foreignness of 1991, 16 January 1992 Act, related to 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.

²³ If a decision has not been made within six months, admission as refugee should be deemed denied, and the person must leave the country or be deported, at their own expense.

²⁴ 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://www.mirex.gob.do/medios/noticias/resolucion-que-normaliza-dentro-de-la-categoria-de-no-residente-la-situacion-migratoria-irregular-de-los-nacionales-venezolanos-en-territorio-dominicano>.

²⁵ The request must be made online and has two stages: in the first one, Venezuelans should request, within a month, an extension of their stay (as tourists) for a period of 60 days (renewable). Once extended, the person may apply, within six months, for a student or temporary worker visa.

²⁶ As of October 2021, 43,000 applications have been filed and 4,465 Venezuelans have obtained a visa.

6.2.4. Regarding the Formulation of Programmes that Promote Comprehensive Durable Solutions, with an Emphasis on Local Integration

Access to Healthcare

In **Cuba**, persons who have been recognized as refugees by the UNHCR have free access to public healthcare centres. There are also plans to include asylum-seekers and refugees in vaccination plans once they are initiated at the national level. **Belize** continues to provide low-cost basic healthcare to refugees and asylum-seekers, who benefited from the healthcare response during the pandemic on the same conditions as locals²⁷. In **Haiti**, persons in need of international protection can access public services free of charge, including health and psychosocial support. This, however, is subject to the limited resources and infrastructure of the public healthcare sector. In the **Dominican Republic**, asylum-seekers have access to primary health care.

Right to Education



Refugees and migrants working to a mural paint in the community center Valle de Paz, in Belize.
© UNHCR/Aida Escobar

In **Aruba** and **Curaçao**, even undocumented Venezuelan children have access to primary and secondary schools, although there are administrative and financial barriers that may limit access. On both islands, classes are taught in Dutch. In **Belize**, primary education is free for both boys and girls, although challenges persist in accessing secondary education²⁸. In **Cuba**, children and adolescents have access to education and approximately 45%

of refugees benefit from higher education scholarships. In **Suriname**, every child has the 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.

Labour Integration Policies

In **Belize**, despite the country's economic challenges, migrants and refugees have access to informal training services for learning English, strengthening vocational skills, and developing micro and small

²⁷ However, barriers to tertiary healthcare still persist for people with serious or chronic diseases. Information available at: MIRPS - Comprehensive Regional Protection and Solutions Framework, *III Annual Report of the Comprehensive Regional Protection and Solutions Framework MIRPS 2020 - Implementing the Global Compact on Refugees in Central America and Mexico*, 8 December 2020, page 12, available at: <https://www.refworld.org/es/cqj-bin/texis/vtx/rwmain/opedocpdf.pdf?reldoc=y&docid=5fcf9e8d4>.

²⁸ MIRPS, *III Annual Report of the Comprehensive Regional Protection and Solutions Framework MIRPS 2020*, op. cit., page 12

businesses. They also have safe legal opportunities to associate with production and marketing cooperatives. The relative independence of local governments leaves room for opportunities to facilitate the successful start-up of micro businesses in traditional and low-risk subsectors of the informal economy.

6.3. Regarding the Eradication of Statelessness

Currently, the following Caribbean countries and territories are a party to the **1954 Convention**: Antigua and Barbuda, Aruba, Barbados, Belize, Bermuda, Curaçao, Guadeloupe, British Guiana, French Guiana, Haiti, British Virgin Islands, Martinique, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago. The following are a party to the **1961 Convention**: Aruba, Belize, Bermuda, British Guyana, Curaçao, British Virgin Islands, Cayman Islands, Haiti, Jamaica, Montserrat, and Turks and Caicos Islands. The Dominican Republic signed the 1961 Convention, but has not yet ratified it.

In the period under study, significant progress has been made in four Caribbean countries:

In 2020, **Belize's** Vital Statistics Unit, with support from UNHCR and UNICEF, conducted an innovative mobile campaign to boost birth registration. This campaign combined registration with the delivery of food and hygiene supplies –especially relevant in times of pandemic–, and drafted messages in Spanish, English, Q'eqchi' and Mayan Mopan on the importance of birth registration. As of November 2020, 30 communities had been reached and 201 children and adolescents had been registered²⁹.

Preventing the Statelessness of Children Born out of Cuba

In December 2017³⁰, **Cuba** eliminated the “statement of residence” requirement to acquire nationality, a policy that came into effect in 2018. With this measure, the children of Cubans born and living abroad, can obtain citizenship without the need to stay for 3 months in the country, as was previously established³¹. This statement can be made at any of the 140 Cuban consulates abroad or at the country's emigration offices.

This policy was enshrined in the new Constitution of the Republic of Cuba of April 2019, which additionally provides that Cuban citizenship is acquired by birth or naturalization, that Cubans may not be deprived of their citizenship by change in their marital status or acquisition of another nationality, nor be deprived of their nationality except on the basis of legal grounds and after a judicial proceeding³².

Three years after the beginning of its implementation, 3,984 children of Cubans abroad have benefited from this amendment, 2,131 in consulates and 1853 in the country³³.

²⁹ “Mobile campaign boosts registered births in Belize despite COVID-19,” <https://www.unicef.org/lac/en/stories/mobile-campaign-boosts-registered-births-belize-despite-covid-19>.

³⁰ 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>.

³¹ As of 30 April 2021, 3,458 children of Cuban citizens born abroad have acquired Cuban citizenship.

³² See Articles 33 and 38 of the Constitution of the Republic of Cuba, proclaimed on 10 April 2019, available (in Spanish) at: https://www.gacetaoficial.gob.cu/sites/default/files/gac-2019-ex5_0.pdf.

³³ Figures as of October 2021.

The **Dominican Republic** reported significant progress in the effective implementation of its 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. By the end of 2020, about 30,000 people had benefited from this legislation³⁴.

Accession to Statelessness Conventions and Registration Operation in Haiti

Haiti acceded in 2018³⁵ to the 1954 and 1961 Conventions. In 2020, in compliance with the commitments made before the High-Level Segment on Statelessness (HLS)³⁶, it issued two decrees.

The first, dated November 2019, on late birth registration, which 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 objective of having all persons pending registration registered 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, which makes it possible, among others, to strengthen synergies between various services (e.g., with the Ministry of Justice and Public Security and the national archive).

6.4. General Overview of Identified Challenges

As indicated in the Introduction to this Report, in the last three-year period the Caribbean was faced with four major challenges that affected it considerably: the massive arrival of people in need of international protection, intra-regional displacements, the increase in displacements due to natural disasters and the effects of climate change, and the COVID-19 pandemic.

In 2020, the pandemic had a significant impact on local economies — especially tourism, an essential source of income for many Caribbean countries and territories. As a result, the displaced population faced little or no opportunities for income generation and self-sufficiency, and was plunged into situations of extreme poverty and growing food insecurity. In particular, despite the imposition of entry visas and the necessary border closing measures due to COVID-19, Venezuelans continued

³⁴ 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 establishes and defines groups A and B. GROUP A: As of August 2020, out of 61,198 beneficiaries of paragraph A of the first article of the Law, 26,102 persons had accessed their identity cards and electoral cards, which confirm their Dominican nationality. GROUP B: In July 2020, out of 7,147 beneficiaries of paragraph B of the first article of the Law, whose cases had been approved, 1,829 persons had presented their naturalization request. 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. However, none have yet been able to access the documents proving their nationality, and the vast majority of the beneficiaries of Group B who were granted identity documents for foreigners and permanent residence permits are still waiting to be naturalized; their documents expired with no administrative possibility of renewal.

³⁵ The Parliament of Haiti ratified both Statelessness Conventions on 22 March 2017, which were published in the *Moniteur* (Official Journal of the Republic of Haiti), special issue 41, of 4 December 2017. The instruments of accession were deposited on 27 September 2018, and the Conventions entered into force in December 2018.

³⁶ See chapter 2, section 2.1.2. of this report.

to arrive in small boats and enter irregularly: if in 2019, 113,500 sought protection, in 2020, the figure reached 195,979, also noting a significant increase of persons in vulnerable situations and with specific protection needs.

The most relevant challenges identified during the three-year period are described below. These are often related to the progress reported, which demonstrates the need for the Caribbean to strengthen the exchange of good practices, regional cooperation and solidarity, so that progress and good practices are replicated and extended to all countries, **reaching similar standards in terms of protection, solutions and eradication of statelessness.**

- Some Caribbean countries face challenges in achieving a balanced approach to addressing mixed flows, particularly in terms of efforts to combat irregular migration, smuggling, and trafficking in persons. Access to the territory is sometimes limited even for persons in need of international protection, and the risks of refoulement and forced returns have increased. Certain restrictive policies have meant that people attempting to access the islands do so by dangerous routes and in precarious vessels, and there have been reports of sea shipwrecks and deaths.
- The need to implement alternatives to immigration detention persists in some countries. In some cases, there is a lack of adequate and timely information on the rights of persons and procedures, of legal assistance and interpreters, and the lack of notification of the grounds for detention and the possibility of appealing against this measure, which leads to serious difficulties in accessing asylum procedures or international protection.
- In many Caribbean countries, national refugee status determination procedures are incipient or non-existent, and several others lack alternative forms of legal stay and regularization, as well as sensitive identification mechanisms. There is also a recurrent lack of safeguards to identify and address persons with specific needs, as well as limitations in terms of registration and documentation.
- Displaced persons continue to require humanitarian assistance due to their limited access to services and the high cost of living, despite opportunities for local integration in several Caribbean countries and territories. In some of them, there is no access to the education system, public services, the healthcare system, or social and emergency benefits. In others, the educational and healthcare systems, which are already highly burdened, have limited absorption capacity. Sometimes, access to education is also affected by financial, administrative, language or other barriers, and some undocumented children do not have access to the diplomas that allow them to certify their studies.
- Despite reported good practices, in the Caribbean subregion the vast majority of displaced persons have no regular status or possibility of working legally, having to resort to precarious and informal jobs, exposing themselves to situations of abuse and exploitation. The pandemic increased protection risks and precariousness in the face of the impossibility of generating income in the context of the tourism standstill, which, although often informal, was the main source of work for the vast majority of the displaced population. Thus, this population has been faced with the impossibility of surviving independently, food insecurity and extreme poverty, sometimes aggravated by exclusion from social programmes and basic healthcare services.

- The pandemic increased situations of discrimination and xenophobia among the local population already hardly hit by the economic crisis and the health impact of the pandemic.
- The climatic disasters in the region not only impacted the safety of displaced persons, but also affected them in the long term to the extent that they were not always—and have not been—included in national response mechanisms.
- As regards the eradication of statelessness, notwithstanding significant progress in some countries, the Caribbean continues to face a series of challenges related to prevention, protection and resolution. These include limitations in civil registration and documentation systems, strict deadlines and high costs for birth registration and personal documentation, lack of state capacity to reach remote areas, lack of awareness among parents regarding the importance of registering the birth of their children, as well as the existence of inadequate legislation and policies on the acquisition of nationality or gaps in their effective implementation.
- Challenges also persist related to gender discrimination in nationality laws, which may give rise to situations or risks of statelessness, and to the lack of policies to prevent statelessness at birth. The large movements of undocumented persons, especially of Venezuelan nationality (or with habitual residence in that country), have a strong impact on the risk of statelessness or situations of statelessness, to the extent that many births of children are not registered and several of them do not obtain any nationality at birth. Finally, prolonged situations of statelessness or risk of statelessness persist in certain countries of the region, and ratification of the 1954 and 1961 Statelessness Conventions remains very limited in the subregion.

This complex scenario demonstrates the relevance of the Brazil Plan of Action *Solidarity with the Caribbean* programme, insofar as it addresses the region's comprehensive needs, including the strengthening of cooperation between countries of origin, transit, and destination, the need to increase national and regional capacities to optimize the management of mixed flows, implement comprehensive responses within a framework of rights and with a focus on protection, establish asylum systems, pass laws and formulate programmes that favour solutions and the eradication of statelessness.

6.5. Focus Areas for the Next Three-Year Period

In the first triennial progress report of the Brazil Plan of Action, Caribbean countries identified several priorities to be addressed in the region for the 2018-2020 three-year period, taking into consideration the significant achievements and good practices reported by some of them, as well as the challenges hindering the implementation of the Plan. The following topics were identified in 2017 as areas requiring further coordination and development: regional cooperation to establish asylum systems; coordination to share information on border management and large-scale flows; capacity building of protection-sensitive entry mechanisms; and strengthening regional spaces for dialogue and analysis.

Similarly, at the subregional consultation³⁷ held in October 2021, several countries and territories identified focus areas for the next three-year period of the Brazil Plan of Action implementation. These are in addition to the priorities, programmes and actions contained in the Brazil Plan of Action and in the first triennial progress report pending implementation, as well as those foreseen in the other

³⁷ For information about the methodology followed in the preparation of this report, see Introduction.

regional and global initiatives in force in the Caribbean aimed at strengthening protection, solutions and eradication of statelessness.

In light of the above, the main focus areas that could enable the Caribbean to move towards a comprehensive implementation of the Brazil Plan of Action in the years remaining for its full execution are outlined below.

6.5.1. Focus Areas regarding the Caribbean Migration Consultations

- Use the CMCs as an opportunity to follow up on the principles and objectives contained in the Brazil Plan of Action, the Global Compact on Refugees, the Global Action Plan to End Statelessness and the Global Compact for Orderly, Safe and Regular Migration, giving effect to these regional and global frameworks, and increasing the visibility of the Caribbean's particular challenges, concrete achievements, and opportunities for collaboration with the international community.
- Reinvigorate the CMCs as a space for governmental meetings to exchange best practices, search for and define common solutions, develop and implement joint tools to ensure homogeneity of standards, and move towards adequate and effective shared responsibility.
- Design and implement, with the support of IOM and UNHCR, the Technical Secretariat of CMCs within the framework of CARICOM IMPACS, approve and implement the Regional Action Plan of the CMCs and its guiding documents, and consolidate the CMCs to optimize the management of mixed movements and implement comprehensive responses for persons in need of international protection within a rights-based framework.

6.5.2. Focus Areas regarding the Strengthening of Regional Cooperation in the Management of Mixed Movements through a Rights-Based Approach

- Through regional dialogue and cooperation, adoption of concrete and coordinated measures to improve protection-sensitive entry mechanisms, and consolidation of CMCs to develop harmonized protocols for border management, sensitive identification of vulnerabilities and protection needs, combined with effective referral mechanisms with special attention to age, gender and diversity.
- Joint articulation and assessment, within the framework of the CMCs with the support of UNHCR and IOM, the subregion's needs in terms of international cooperation, and the support not only of humanitarian donors but also of development actors such as the Inter-American Development Bank (IDB) or the World Bank, invoking the principle of shared responsibility that is a structural part of the Brazil Plan of Action and the Global Compact on Refugees.
- Improvement of regional cooperation as an essential tool to address the risks of large-scale forced displacement, and strengthening regional responsibility-sharing mechanisms to effectively and adequately manage mixed and mass movements from a protection and rights-based approach.
- Collaboration with the international community (e.g., through UNHCR and IOM) in providing technical support, capacity building, and human rights training for frontline officials, government officials, parliamentarians, journalists, and other relevant groups.

- Promotion of study visits, exchanges or twinning projects between countries in the region and beyond, to learn from other contexts and exchange experiences and best practices.
- Use of available tools to address mixed flows in a methodical manner and with high standards, through, among others, the UNHCR 10-Point Plan in Action on Refugee Protection and Mixed Migration³⁸.
- Generation of protocols for visa flexibility in the event of displacement due to natural disasters or climate change, as well as strengthening of the implementation and scope of CARICOM and OECS free mobility agreements, among others.

6.5.3. Focus Areas regarding the Progressive Establishment of Asylum Systems and Refugee Status Determination Procedures

- Prioritizing the accession to relevant conventions, including the 1951 Convention and its 1967 Protocol, as well as adopting domestic legislation for their implementation, establishing national refugee status determination systems, procedures and policies, using the “UNHCR Technical Guidance for the Development of Refugee Legislation in the Caribbean” and the “Checklist for a Comprehensive Asylum System” as practical tools³⁹.
- Strengthening the efficiency of existing asylum systems in order to reduce backlogs and long waiting times, as well as strengthening the quality of decisions through the support of the Quality Asylum Initiative (QAI).
- Establishing differentiated procedures and case processing in order to efficiently manage mixed movements from a human rights approach.
- Ensuring respect for the right to seek and receive asylum, and allow immediate access to territory and international protection, ensuring protection against return;
- Implementing alternatives to detention through the development of SOPs respecting international human rights law, which among other things implies that detention cannot be an obstacle to the right to seek asylum and international protection, cannot be arbitrary, must be based on an individual assessment of the particular circumstances of each person and, more generally, can only be decided when it is a necessary, reasonable and proportionate measure, and always fully respecting due process guarantees⁴⁰.
- Creating mechanisms for protection at sea to prevent shipwrecks and deaths, and reconsidering the relevance of the International Convention on Maritime Search and Rescue and the United Nations Convention on the Law of the Sea, which provide the international framework for the protection of persons in distress at sea, as established by the Brazil Plan of Action.
- Generating systems and campaigns for registration and documentation of foreigners and strengthening them with high technical standards to ensure robust security and fraud prevention checks.
- Ensuring timely and quality national documentation to registered persons, free of charge and

³⁸ United Nations High Commissioner for Refugees (UNHCR), *Refugee Protection and Mixed Migration: 10-Point Plan in Action*, available at: <https://www.unhcr.org/50a4c2b09.pdf>.

³⁹ Documents available at: https://caribbeanmigration.org/sites/default/files/unhcr_technical_guide_for_refugee_legislation_in_caribbean_and_cover_note.pdf and https://caribbeanmigration.org/sites/default/files/unhcr_checklist_for_a_comprehensive_asylum_system.pdf.

⁴⁰ United Nations High Commissioner for Refugees (UNHCR), *Detention Guidelines: Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, available at: <https://www.refworld.org/docid/503489533b8.html>.

easily accessible, that proves the person's status and is recognizable and accepted by all authorities, the private sector and other stakeholders.

- Developing information campaigns on the rights and responsibilities of the displaced population, particularly with regard to detention and administrative or judicial remedies to appeal these measures, as well as on asylum procedures or other mechanisms that allow access to regular migration or international protection.
- Guaranteeing access to free legal representation, as well as to skilled interpreters and translators.
- Promoting and implementing alternative international protection mechanisms (complementary or temporary protection).

6.5.4. Focus Areas regarding the Formulation of Programmes that Promote Comprehensive Durable Solutions, with an Emphasis on Local Integration


- Generating programmes to identify, prevent and respond to severe forms of abuse and exploitation, including gender-based violence, trafficking in persons and harmful survival mechanisms with special attention to victims of violence or torture, LGBTIQ+ persons, women, girls and boys.
- Facilitating local integration by ensuring that asylum-seekers and refugees, as well as other persons in need of international protection, have access to migratory regularity and receive non-discriminatory documentation that allows them to access economic, social and cultural rights, including access to employment, education, housing, healthcare and social services.
- Developing awareness campaigns with support from UNHCR and IOM to counter discrimination and xenophobia.
- Developing harmonized protocols on voluntary return, with high standards to ensure voluntariness and informed consent, protection against return and deportations.
- Promoting and implementing legal channels of access to the territory (family reunification, humanitarian visas) and strengthening regular stays, including for displaced persons as a result of natural disasters and climate change.
- Implementing expeditious, free and safe regularization processes that not only provide protection and access to basic rights to the displaced population, but also ensure greater knowledge on the part of the authorities of the foreigners residing in the country.

6.5.5. Focus Areas regarding the Eradication of Statelessness

- Establishing accession to relevant conventions as a priority, including the 1954 and 1961 Statelessness Conventions, and adopting domestic legislation for their implementation, establishing adapted procedures, institutions and policies.
- Reviewing and adapting nationality laws to international standards on the prevention of statelessness and human rights in general, focusing on the elimination of gender discrimination.

- Promoting universal birth registration and late birth registration through all legislative, administrative and practical measures necessary to facilitate and ensure such registrations.
- Guaranteeing *jus soli* for children at risk of statelessness and eliminate the irregular migratory status of the parent as an obstacle to the acquisition of nationality; guaranteeing *jus sanguinis* for children born abroad of a national mother or father, with no requirement of national residence or statement of residence.
- Working on joint activities with UNHCR to raise awareness about statelessness, promoting durable solutions for stateless persons and facilitating their naturalization.
- Fulfilling the commitments made in the framework of the Global Refugee Forum, the High-Level Segment on Statelessness and CLARCIEV.

video ▶ **With love from Central America: Honduran family starts a new life in Belize**



We moved several times inside the country



ERADICATION OF STATELESSNESS

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7. ERADICATION OF STATELESSNESS

This chapter deals with the Eradicating Statelessness programme, which is addressed in Chapter VI of the Brazil Plan of Action. This chapter also discusses the synergies between the programme and other ongoing initiatives, as well as the progress and good practices in this matter in the region during the 2018-2020 period, and current challenges and focus areas defined by governments for the next three-year period of Plan implementation.

7.1. Reference to the Brazil Plan of Action and Other Global and Regional Initiatives

7.1.1. The *Eradicating Statelessness* Programme in the Brazil Plan of Action

The ***Eradicating Statelessness*** programme dealt with 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 in relation 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.

7.1.2. Synergies between the *Eradicating Statelessness* Programme and the Main Subregional and Global Mechanisms

The synergies and complementarities between the Brazil Plan of Action and the main current global and subregional mechanisms¹ are also reflected in the programme of Chapter VI of the Brazil Plan of Action, aligned with the key points, objectives and commitments of such initiatives, as expressed in the chart below:

¹ See Chapter 2 of this report about the synergies between the Brazil Plan of Action and the main current initiatives in the region.



Finally, as regards synergies, reference should be made to the Resolutions of the OAS General Assembly and the Inter-American System for the Protection and Promotion of Human Rights (IAHRS). They complement, develop and expand the States’ obligations in terms of eradicating statelessness, which establishes, on a regional level, the commitments made by the States within the framework of the Brazil Plan of Action², and through the IAHRS, the binding character of many of them.

7.2. Progress Made³ in Relation to the Eradication of Statelessness

During the national consultations and the subregional consultation⁴, countries specified in detail their advances in relation to the commitments of Chapter VI of the Brazil Plan of Action on Statelessness, as well as the priorities set forth in the First Triennial Progress Report of 2015-2017⁵. In addition, they reasserted their commitment to the Brazil Plan of Action as an effective road map in order to progress towards a statelessness-free region.

² For information on the contributions of the OAS and the IAHRS, see Chapter 2, Section 2.2., of this report. See also Section 7.2. below.

³ “Progress made” makes reference to the main advances made in the 2018-2020 three-year period, which were reported by countries at the national and subregional consultations conducted between May and September 2021. Other sources were the information provided by countries within the framework of global, regional, and subregional forums; publicly available UNHCR information; the Inter-American Human Rights System; and civil society. Some advances had already been reported by other countries prior to the three-year period analysed, many of which are still in full effect. Given the extension limit of this report, the description of the 2018-2020 advances should not be considered comprehensive.

⁴ For information about the methodology used in the preparation of this report and its various stages, see the Introduction.

⁵ United Nations High Commissioner for Refugees (UNHCR), *Brazil Plan of Action. First Triennial Progress Report. 2015-2017*, February 2018, available at: <https://www.acnur.org/5c89774e4.pdf>. The *annex* to this report gathers the priorities established in the First Triennial Progress Report.

Below, the **national and regional advances** during the 2018-2020 three-year period in the Latin American countries in South America, Central America and Mexico are presented. The advances in the **Caribbean** are addressed in Chapter 6 of this report, on Solidarity with the Caribbean.

On a **regional level**, several relevant initiatives were adopted, thus creating synergies with the progress made internally in order to achieve the aim of making Latin America and the Caribbean the first statelessness-free region in the world by 2024. Hence, the region is a world leader in the fight for the eradication of statelessness.

In the regional context, through the Secretariat Office, the Committee on Judicial and Political Affairs and the Inter-American System for the Protection and Promotion of Human Rights, the **OAS** continued playing a vital role in the investigation of statelessness in the region, the development of Inter-American standards, and the monitoring and safeguard of the rights of stateless persons. In this context, there was close collaboration between UNHCR, the OAS Universal Civil Identity Programme in the Americas (**PUICA**) and the Latin American and Caribbean Council for Civil Registration, Identity and Vital Statistics (**CLARCIEV**)⁶. In addition, **two reports** of special importance were issued in 2020 and towards the beginning of 2021⁷. The annual resolutions of the OAS General Assembly are also of great importance, and they continued contributing to the promotion of the global fight for the eradication of statelessness in the region⁸.

In 2018, the Americas region adopted the **Evaluation and Follow-Up Mechanism “Towards Zero Statelessness”**⁹ in order to monitor the progress in the actions contained in the Brazil Plan of Action as well as the Global Action Plan to End Statelessness 2014-2024. At the beginning of 2019, the government of Costa Rica joined this mechanism and conducted a thorough assessment that made it possible to highlight various initiatives for the prevention and protection of stateless persons, as well as to define concrete actions to attain the global aim of eradicating statelessness, which served as the basis for the commitments adopted in the 2019 **High-Level Segment of Statelessness**¹⁰ (**HLS**).

Argentina, Belize, Bolivia, Chile, Colombia, Costa Rica, Ecuador, Guyana, Haiti, Mexico, Panama, Peru and Uruguay also presented commitments in the **HLS** and the Global Refugee Forum (**GRF**) in 2019¹¹, thus reinforcing the region’s engagement and leadership in this matter.



UNHCR supports the Americas efforts to move towards “Zero Statelessness” in the region. © UNHCR

⁶ For information on the CLARCIEV, its origin and mission, see Chapter 2 of this report, Section 2.1.2.

⁷ United Nations High Commissioner for Refugees (UNHCR), *Estudio regional sobre inscripción tardía de nacimientos, otorgamiento de documentos de nacionalidad y apatridia: estándares, mejores prácticas, barreras y desafíos en Argentina, Bolivia, Chile, Colombia, Costa Rica, Ecuador, Guatemala, México, Panamá, Paraguay, Perú, República Dominicana y Uruguay*, 5 January 2021. Available (in Spanish) at: <https://www.refworld.org/es/docid/5ff517834.html>. This study was jointly conducted by the CLARCIEV, the OAS and UNHCR.

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.oas.org/en/spa/depm/puica/docs/Emergency-response-CR-offices-COVID-19-pandemic.pdf>. This study was jointly conducted by the CLARCIEV, the OAS and UNHCR.

⁸ OAS, General Assembly, *Prevention and Reduction of Statelessness and Protection of Stateless Persons in the Americas*, Resolution AG/RES. 2826 (XLIV-O /14) (2014); *Promotion and Protection of Human Rights*, 14/6/2016, AG/RES. 2887 (XLVI-O/16), par. V.1, V. 3 (2016); *Promotion and Protection of Human Rights*, 28/6/2019, AG/CG/doc.2/19 rev. 1, par. i.4; *Promotion and Protection of Human Rights*, Resolution AG/RES. 2908 (XLVII-O / 17) (2017). *Promotion and Protection of Human Rights* Resolution AG/RES. 2961 (L-O/20), 21 October 2020, par. iii.

⁹ United Nations High Commissioner for Refugees (UNHCR), *Brazil Plan of Action, “Eradicating Statelessness” Program, Evaluation and Follow-Up Mechanism “Towards Zero Statelessness,”* available at: <https://www.acnur.org/5be084074.pdf>.

¹⁰ More information on the Global Action Plan to End Statelessness and the High-Level Segment on Statelessness (HLS) can be found in Chapter 2 of this report, Section 2.1.2.

¹¹ More information on the GRF can be found in Chapter 2, Section 2.11., of this report. The commitments and contributions for the implementation of the Global Compact on Refugees are available at: <https://globalcompactrefugees.org/channel/pledges-contributions>; and those presented before the High-Level Segment on Statelessness are available at: <https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/>.

Additionally, as a result of the collaboration between UNHCR, the OAS/PUICA and the CLARCIEV, which was the only **organization** that presented a series of regional pledges at the HLS to guarantee access to birth registration and the issuance of identity documents for all persons in the region. Moreover, the commitment to promote the interoperability between national databases (on migrants and refugees) and the Civil Registry databases was adopted¹². In the declaration elaborated after the 2020 CLARCIEV meeting¹³, participating States agreed to:

- Strengthen civil registration and identity as a fundamental activity.
- Promote the universal registration of births, the granting of identity documentation validating nationality, and the actions to prevent and/or resolve statelessness.
- Promote the development and implementation of projects intended to eradicate statelessness (even in massive movements of refugees and migrants).

The 2020 declaration is expected to strengthen the collaboration with civil registries in order to move forwards in the access to legal identity and civil documentation for people in need of protection.

Additionally, in the 2018-2020 period, **regional meetings, workshops** and **courses** were conducted in relation to statelessness, such as:

- XLIV Course on International Law, organized in Rio de Janeiro in August 2017 by the OAS Department of Law, whose publication, which includes all the lessons taught in the form of an article, was issued in 2018¹⁴.
- Regional Preliminary Meeting of the High-Level Meeting on Statelessness of 2019 and Presentation of the Evaluation and Follow-Up Mechanism “Towards Zero Statelessness” (operative plan so that States can meet the commitments of the #IBelong campaign) organized by UNHCR, 13 and 14 June 2018, Santiago, Chile¹⁵.
- XLV Course on International Law, organized by the Inter-American Juridical Committee and the Department of International Law of the OAS Secretariat for Legal Affairs (SLA), in which UNHCR gave a module on statelessness, 6 to 24 August 2018, Rio de Janeiro, Brazil¹⁶.
- VII Regional Course on Statelessness organized by UNHCR for State officials in the region, with the participation of over 60 officials from the CONAREs, immigration offices, Ministries of Foreign Affairs, Ministries of Labour, Ministries of Justice and Interior and Civil Registry, as well as members of Parliaments and former stateless persons, 10 and 11 October 2018, Antigua, Guatemala¹⁷.
- XV CLARCIEV Meeting, “*Identificando retos sobre migración, estadísticas vitales y*

¹² Intervention of the United Nations High Commissioner for Refugees (UNHCR) before the OAS Permanent Council, Session of the Committee on Juridical and Political Affairs: “Eradication of Statelessness in the Americas,” Thursday, 11 March 2021, page 5. UNHCR’s internal document, information on the session available at: <http://www.oas.org/en/council/CAJP/Past/view/Default.asp?q=&e=123434&evento=>

¹³ “Declaración Asamblea Virtual Extraordinaria Encuentro del Consejo Latinoamericano y del Caribe de Registro Civil, Identidad y Estadísticas Vitales,” 23 October 2020, available (in Spanish) at: http://www.clarciev.com/IMG/pdf/declaracion_clarciev_ave.pdf.

¹⁴ The publication contains a chapter on nationality and statelessness in the jurisprudence of the Inter American Court of Human Rights, available (in Spanish) at: http://www.oas.org/es/sla/ddi/docs/publicaciones_digital_XLIV_curso_derecho_internacional_2017_Publicacion_Completa.pdf.

¹⁵ Information available (in Spanish) at: <https://www.acnur.org/5d5442de4.pdf>.

¹⁶ Information available (in Spanish) at: http://www.oas.org/es/sla/ddi/XLV_curso_derecho_internacional_2018.asp.

¹⁷ 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/press/2018/10/5bc0fb8e4/acnur-facilito-sus-cursos-anales-sobre-derecho-internacional-de-refugiados.html>.

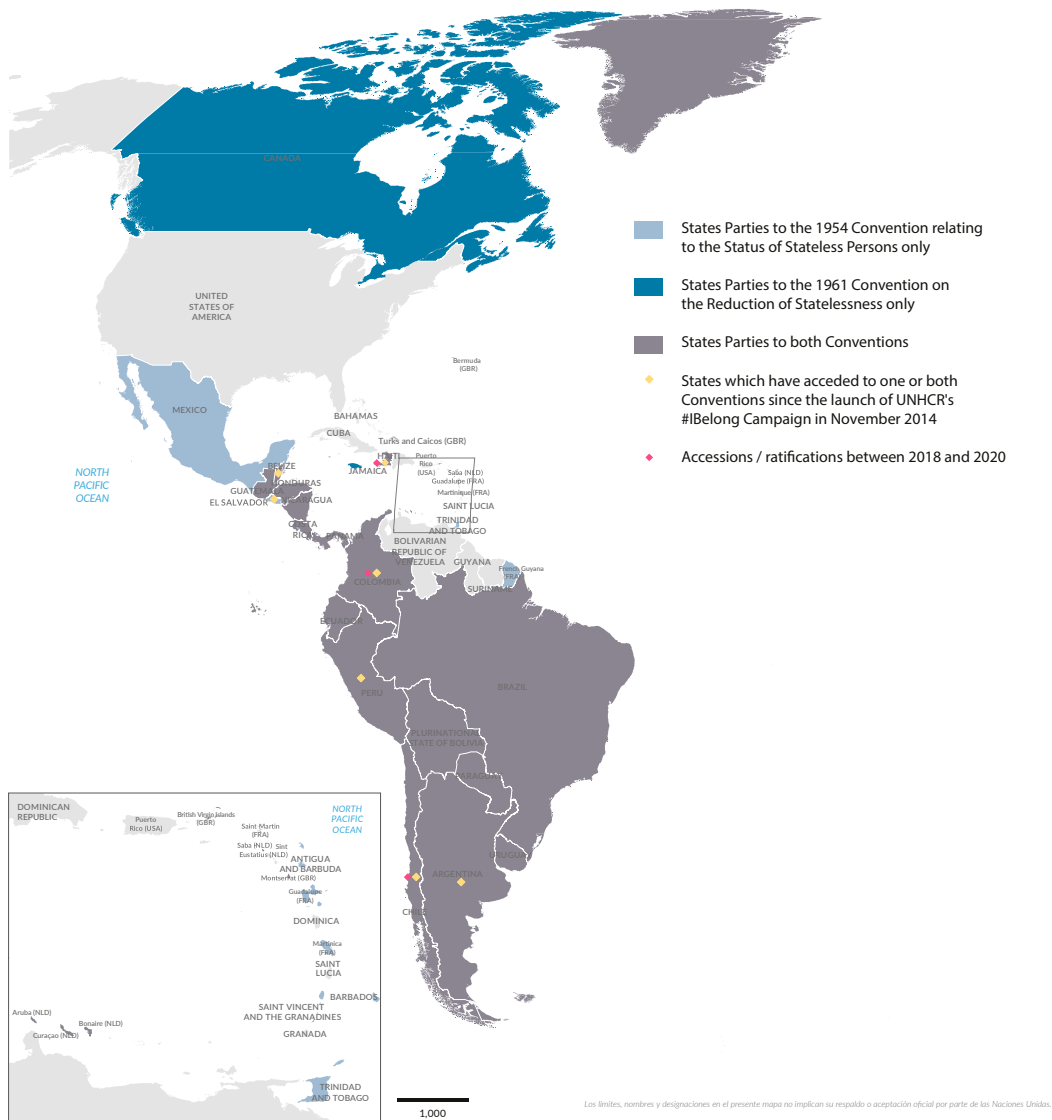
reconocimiento de la diversidad de género,” 17-19 October 2018, Cartagena de Indias, Colombia¹⁸.

- VIII Annual Course on Nationality and Statelessness, organized by UNHCR, targeted at public officials from Latin America and the Caribbean, UNHCR staff and civil society organizations, 15 and 16 August 2019, Costa Rica.
- XVI CLARCIEV Meeting, “Innovación y cooperación como herramientas para cerrar brechas en identidad civil,” 9 to 11 September 2019, Santiago, Chile, supported by the OAS/PUICA and UNHCR¹⁹.



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IN THE AMERICAS

As of 14 July 2021



¹⁸ Available (in Spanish) at: <https://clarciev.com/Finaliza-XV-Encuentro-CLARCIEV-en-Cartagena-identificando-retos-sobre-migracion.html>.

¹⁹ Available (in Spanish) at: <https://clarciev.com/Inicia-en-Chile-el-XVI-encuentro-del-Consejo-Latinoamericano-y-del-Caribe-de.html>.

7.2.1. Prevention: Advances and Good Practices Reported in the 2018-2020 Three-Year Period

During the 2018-2020 three-year period, Chile²⁰ and Haiti²¹ adhered, unreservedly, to the 1961 Convention on the Reduction of Statelessness, which currently comprises 77 participating States around the world²².

During the three-year period, countries in the region were proactive in the adoption of measures to **strengthen their civil registry systems** (such as Belize, Brazil, Costa Rica, Ecuador and Paraguay). Also, Colombia, Costa Rica, Ecuador and Panama conducted projects, with support from UNHCR, to provide access to the **late registration of births** and grant **documentation** to cross-border populations and indigenous communities. The practice of **mobile units** for the late registration of births was implemented, for example, by Honduras and Ecuador²³. Additionally, during the period analysed, various **institutional cooperation agreements** were entered into between countries in the region for identification, registration and documentation at border areas²⁴. Support measures were also put into practice for the **access to birth certificates**²⁵.

These examples are relevant considering the fact that the rights to identity, the recognition of legal capacity and nationality have been laid down as irrevocable human rights, and that the universal registration of births is essential in order to reduce and prevent statelessness. The lack of birth registration and identity documents proving the related nationality exposes people to a series of protection needs.

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**. For example, Panama opened special offices for the registration of births and deaths and achieved the birth registration of 90 children born to people in transit in Panamanian territory, stranded due to mobility restrictions. Costa Rica made possible the virtual acquisition of birth certificates. Another significant measure was the exceptional extension of the validity of identity documents during the health crisis under various modes and terms (as was the case in Argentina, Bolivia, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Panama and Peru)²⁶.

Regulatory frameworks and administrative practices in relation to nationality acquisition, revocation,

²⁰ Decree No. 111 enacting the Convention on the Reduction of Statelessness, Ministry of Foreign Affairs, 27 October 2018, available (in Spanish) at: [Http://Bcn.Cl/2pmog](http://Bcn.Cl/2pmog).

²¹ Haiti's Parliament ratified both Conventions on Statelessness on 22 March 2017, which were published in Moniteur (the official journal of the Republic of Haiti), special edition no. 41, 4 December 2017. Accession instruments were filed on 27 September 2018 and the conventions became effective in December: UNHCR, "Le HCR se félicite de la décision de l'Espagne et de Haïti pour faire cesser l'apatridie," 29 September 2018, available at: <https://www.unhcr.org/news/press/2018/9/5ba7c604/unhcr-welcomes-spain-haiti-move-counter-statelessness.html>.

²² As of 16 August 2021, see at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsq_no=V-4&chapter=5&clang=en.

²³ Ecuador implemented a system of mobile brigades for registration services for populations inhabiting border areas, rural or difficult-to-access areas, with support from UNHCR, to provide access to birth registration and grant nationality documentation to cross-border populations, including indigenous communities. More information available (in Spanish) at: UNHCR, *Estudio regional sobre inscripción tardía de nacimientos, otorgamiento de documentos de nacionalidad y apatridia*, op. cit. note 7, page 30.

²⁴ Information on the various binational and multinational agreements available (in Spanish) at: UNHCR, *Estudio regional sobre inscripción tardía de nacimientos, otorgamiento de documentos de nacionalidad y apatridia*, op. cit. note 7, pages 39 and 40.

²⁵ Brazil established support measures through institutions and protection networks for access to civil registries in order to obtain birth certificates of Brazilian nationality for children born in Brazil to refugee and migrant parents.

²⁶ 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: UNHCR, *Emergency Response by Civil Registry and Identification Offices during the COVID-19 Pandemic*, op. cit. note 7, pages 16 and 37.

waiver, and restitution are fundamental in order to prevent statelessness risks and situations. In this regard, special attention should be given to the **legislative measures adopted to regulate and interpret**, in the most restrictive way possible, the exceptions to the provisions on the acquisition of nationality by birth in the territory (*jus soli*), as was the case in, for example, Argentina²⁷, Chile²⁸ and Colombia²⁹. The same applies to the clauses on the acquisition of nationality by filiation (*jus sanguinis*), as in the cases of Mexico³⁰, Paraguay and Peru³¹. In fact, Paraguay adopted a new law on statelessness which automatically grants nationality to children born abroad who would otherwise be stateless³².

“Primero la Niñez” (Children First) Programme in Colombia

Within the framework of the temporary programme “Primero la Niñez” (Children First)³³, Colombia granted nationality *jus soli* to children of Venezuelan parents that do not meet the legal domicile requirement. The programme became effective on 20 August 2019 for a term of two years and has benefited 70,000 children from Venezuelan families born in Colombia, including babies born since January 2015. In this context, civil registry offices across the country reviewed their registries to identify children who may be eligible to receive Colombian nationality and modify their birth certificates. This measure gave Colombia a pioneering role in terms of statelessness prevention among Venezuelan refugees and migrants³⁴. The programme finished on 20 August 2021 and was then extended for two years, with a possible additional extension in appropriate circumstances, to guarantee the fundamental right of more children to a nationality and contribute to eradicating the risk of statelessness or situations of statelessness.

Additionally, countries like Bolivia and Panama reported instances of **training and awareness raising** on stateless people and those at risk of statelessness, and on the mechanisms of prevention, protection and resolution. Similarly, Costa Rica reported the creation of an Inter-Institutional Liaison Commission for Statelessness³⁵.

²⁷ Argentina: granting of nationality to people born in Argentine territory and granting of nationality to children born in national territory regardless of the migration situation of their parents. General Law of Recognition and Protection of Stateless Persons, Law 27.512 of 2019, available (in Spanish) at: <https://www.boletinoficial.gob.ar/detalleAviso/primera/214533/20190828> (see textbox below in Section 7.2.2).

²⁸ Chile: definition of stateless person in line with international standards and definition of the term “foreign passer-by.” Article 173, Law No. 21.325 of Migration and Foreigners, enacted and published in 2021 (implementation pending the publication of its regulations), available (in Spanish) at: <https://www.bcn.cl/leychile/navegar?idNorma=1158549>.

²⁹ Argentina: non-requirement of domicile for the recognition of Colombian nationality by birth of minor children born in Colombian territory, children to Venezuelan parents and who were at risk of statelessness (Resolution No. 8470, dated 5 August 2019) (see text box).

³⁰ Mexico: amendment to the Political Constitution of the United Mexican States, Article 30, Section A, sub-section II in relation to nationality, 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, shall have Mexican nationality. Available (in Spanish) at: http://www.diputados.gob.mx/LeyesBiblio/pdf_mov/Constitucion_Politica.pdf.

³¹ Peru: Article 52 of the Political Constitution of Peru provides 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, enrolled 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>

³² Paraguay, Law No. 6.149 of 2018 on the Protection and Assistance to Enable Naturalization for Stateless Persons of 2018, Article 72 and subsequent ones, grants Paraguayan nationality to children of nationals born abroad and who would otherwise be stateless, available (in Spanish) at: <https://www.bacn.gov.py/leyes-paraguayas/8669/ley-n-6149-proteccion-y-facilidades-para-la-naturalizacion-de-las-personas-apatridas>.

³³ More information available (in Spanish) at: <https://www.migracioncolombia.gov.co/primeroalaninez/>.

³⁴ “Colombia gives Venezuelan newborns a start in life,” available at: <https://www.unhcr.org/news/stories/2019/10/5da42be64/colombia-gives-venezuela-newborns-start-life.html>.

³⁵ Costa Rica: Inter-Institutional Liaison Commission for Statelessness, whose objective is to serve as a space for coordination and agreement to favour the development by each institution of actions targeted at preventing, identifying and protecting stateless persons, as per their field of competence. Executive Decree No. 42794-RE, dated 10 December 2020 (published in the official journal on 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.

7.2.2. Protection: Advances and Good Practices Reported in the 2018-2020 Three-Year Period

During the 2018-2021 three-year period, Chile³⁶, Colombia³⁷ and Haiti³⁸ adhered, unreservedly, to the **1954 Convention relating to the Status of Stateless Persons**, which currently comprises 96 participating States around the world³⁹.

Some relevant measures taken by States in order to provide protection for stateless persons were the adoption of **specific internal legislation** (Argentina⁴⁰, El Salvador⁴¹, Paraguay⁴² and Uruguay⁴³) and the creation and implementation of **procedures for the determination of the status of stateless person** (Argentina⁴⁴, Brazil⁴⁵, Panama,⁴⁶ Uruguay⁴⁷ and Ecuador⁴⁸). In the context of the pandemic, some countries adjusted some of their procedures to the **virtual mode**, as was the case in Ecuador⁴⁹ and Costa Rica⁵⁰. Additionally, missions were organized in Panama and Costa Rica to identify people at risk of statelessness and facilitate their access to determination procedures.

General Law on the Recognition and Protection of Stateless Persons in Argentina

Law 27.512⁵¹, enacted on 17 July 2019, establishes, in its first Article, that “The protection of stateless persons shall be governed by the provisions of international law, particularly of human rights, applicable in the Argentine Republic, the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness, as well as any other international instrument on statelessness ratified hereafter, and by what is set forth in this law (...).”

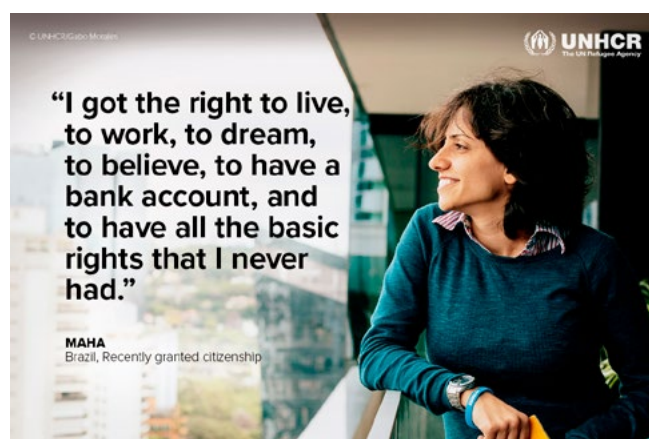
- ³⁶ Decree No. 112 which enacts the Convention relating to the Status of Stateless Persons, Ministry of Foreign Affairs, 27 October 2018, available (in Spanish) at: <http://Bcn.Cl/2/50p>.
- ³⁷ “ACNUR aplaude la decisión de Colombia al ratificar la Convención sobre el Estatuto de los Apátridas de 1954,” available (in Spanish) at: <https://www.acnur.org/noticias/press/2019/10/5d9e16be4/acnur-aplaude-la-decision-de-colombia-al-ratificar-la-convencion-sobre.html>.
- ³⁸ For regulatory references, op. cit., note 21.
- ³⁹ Accessions as dated 16 August 2021, available at: https://treaties.un.org/Pages/ViewDetailsI.aspx?src=TREATY&mtmsg_no=V-3&chapter=5&Temp=mtmsg2&clang=en.
- ⁴⁰ Argentina: General Law on the Recognition and Protection of Stateless Persons No. 27.512, available (in Spanish) at: <https://www.boletinoficial.gob.ar/detalleAviso/primera/214533/20190828>.
- ⁴¹ 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/instituciones/dgme/documents/296650/download>.
- ⁴² Paraguay: Law 6149 on Protection and Assistance to Enable Naturalization for Stateless Persons of 2018, available (in Spanish) at: <https://www.bacn.gov.py/leyes-paraguayas/8669/ley-n-6149-proteccion-y-facilidades-para-la-naturalizacion-de-las-personas-apatridas>.
- ⁴³ Uruguay: Law No. 19.682 on Recognition and Protection of Stateless Persons of 2018, which gives assistance for the naturalization of stateless persons and grants 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>.
- ⁴⁴ Argentina: General Law of Recognition and Protection of Stateless Persons, Law 27.512, of 2019, op. cit. note 27.
- ⁴⁵ 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/quest/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, thus 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.
- ⁴⁶ Panama: Executive Decree No. 10 dated 16 January 2019, which regulates Law 28 dated 30 March 2011, which approves the Convention relating to the Status of Stateless Persons of 1954, drafted in New York on 28 September 1954, available (in Spanish) at: <https://www.refworld.org/es/pdfid/5c461a884.pdf>.
- ⁴⁷ Uruguay: Law No. 19.682 on Recognition and Protection of Stateless Persons of 2018, which gives assistance for the naturalization of stateless persons and grants 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>.
- ⁴⁸ Ecuador: Manual of Procedures of the International Protection Office (based on the 017 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 stateless module in its registering system and case management (proGres v4).
- ⁴⁹ Ecuador adapted its procedures for the determination of statelessness in order to address the challenges posed by the pandemic (remote procedures, extension of the validity of documentation, among others) and developed further coordination in order to provide access to the registration of births and nationality documentation during the pandemic.
- ⁵⁰ Costa Rica adapted the procedures for the determination of statelessness to address the challenges posed by the pandemic (extension of the validity of documentation, among others), creating mechanisms to adjust the procedure to the virtual mode through the submission of applications by e-mail, virtual interviews with applicants and witnesses, and a hotline to serve interested people. Additionally, a decree is under way which has the purpose of reducing the delay time for the resolution of applications for the determination of the status of statelessness.
- ⁵¹ Argentina: General Law of Recognition and Protection of Stateless Persons, Law 27.512, of 2019, op. cit. note 27.

The purpose of Law 27.512 is to guarantee stateless persons and people applying for the recognition of such status the most comprehensive use possible of their human rights and to regulate the determination of the status, protection, assistance and granting of support for the naturalization of stateless persons that are not refugees. This new legislation is based on high international standards and makes CONAREs responsible for processing and solving cases of statelessness. It also guarantees free legal aid and establishes special procedures for children, adolescents and people with disabilities.

In 2018, Brazil **recognized the status of statelessness for the first time** under Migration Law No. 13.445, which was made effective in 2017⁵². So far, a certain number of cases have been solved in the countries that have procedures in place for determining the status of statelessness. During the three-year period, Brazil recognized the status of statelessness of 16 people, Costa Rica recognized 78 people, and Uruguay recognized the first 2 cases in 2020.

7.2.3. Reduction and Resolution: Advances and Good Practices Reported in the 2018-2020 Three-Year Period

An efficient way to reduce the number of stateless persons involves **facilitating naturalization procedures** (as was the case in Argentina⁵³, Brazil⁵⁴, Paraguay⁵⁵ and Uruguay⁵⁶). In 2018, Costa Rica was the first Latin American country to nationalize a stateless person. Similarly, Brazil allowed for more flexibility in the Portuguese knowledge test requirement for the process of naturalization and, in this context, this benefited three persons that were recognized as stateless⁵⁷.



7.3. General Overview of Identified Challenges

Despite the advances made in the 2018-2020 three-year period, the process of consultation with countries and the recent reports jointly prepared by UNHCR, the OAS and CLARCIEV⁵⁸ make it possible to identify, in comparison with the previous three-year period, new and ongoing challenges in relation to the prevention, protection, reduction and resolution of cases of statelessness and cases of risk of statelessness.

⁵² Brazil: Law No. 13.445, of 2017, which establishes the Migration Law, available (in Spanish) at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=es&p_isn=107187. 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-boletin-17-espaol?e=caf85194f9>.

⁵³ Argentina: assistance for the naturalization of stateless persons, General Law on the Recognition and Protection of Stateless Persons, Law 27.512, op. cit. note 27.

⁵⁴ 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.

⁵⁵ Paraguay: Law No. 6.149 of 2018 on Protection and Assistance to Enable Naturalization for Stateless Persons of 2018, op. cit. note 32.

⁵⁶ The legal mechanism was implemented for the first time, successfully applying it to the first cases. Law No. 19.682 on the Recognition and Protection of Stateless Persons of 2018, which allows for the naturalization of stateless persons and grants competence to the Refugee Commission. Legislation available (in Spanish) at: <https://www.gub.uy/ministerio-desarrollo-social/sites/ministerio-desarrollo-social/files/documentos/publicaciones/1942.pdf>.

⁵⁷ It is also relevant to mention that Panama reported the first resolution that recognizes a stateless person in the country on 30 April 2021.

⁵⁸ See note 7 above.

The following is a **selection of the most relevant challenges**. These are often related to the progress reported, which illustrates the need for the region to strengthen the exchange of good practices, cooperation and solidarity, so that progress is replicated and extended to all countries, thus achieving similar standards in terms of protection and the global aim of becoming a statelessness-free region.

7.3.1. Prevention Challenges

- Lack of accession to the 1961 Convention on the Reduction of Statelessness or continuous reservations by some States;
- The need to implement accessible, creative and flexible procedures (cost and time reduction) in order to guarantee the universality of birth registration, including late registration;
- The need to train relevant authorities and improve inter-institutional and binational coordination;
- Solving gaps in national regulatory frameworks on nationality and persistent challenges in relation to the residency requirement for children of nationals born abroad in order to be granted nationality by blood or obtain documents proving nationality;
- The importance of making families aware of the significance of registering their children;
- The need for harmonizing national policies with international standards on the prevention of statelessness and human rights;
- Increasing situations that put people at risk of statelessness or cause statelessness cases within the context of the increase in forced displacement (birth **of children to mothers** in transit, difficulties accessing civil registry services, lack of nationality documentation of the father or mother, among others) and the ongoing humanitarian crisis in the region, in particular for certain profiles of children⁵⁹;

7.3.2. Protection Challenges

- Lack of accession to the Convention relating to the Status of Stateless Persons or continuous reservations by some States;
- Despite significant improvements attained in the three-year period in some countries, some others still lack national regulatory frameworks for the protection of stateless persons or have a great number of procedures for the determination of the status of statelessness that do not work properly or are not in compliance with international standards;
- Absence of efficient mechanisms for the identification and reference of stateless persons or those at risk of statelessness, as well as proper administrative procedures;
- Insufficient mapping of stateless persons or those at risk of statelessness and the persistent need for promoting information and awareness campaigns in order to regularize the situation of stateless persons.

⁵⁹ As regards the increasing situations that put people at risk of statelessness or cause statelessness in recent years, the following profiles can be observed: 1) children and adolescents (NNAs) born in the country of origin whose births have not been registered, who cannot return to their country to complete their registration (or either there is no process for late registration or it is burdensome) and who are in a third country; 2) NNAs born in the territory of a third country that does not grant nationality upon birth and who do not automatically acquire the nationality of their parents; 3) NNAs born in the territory of a third country that does not grant nationality upon birth and who find it difficult to document and confirm their nationality by filiation; 4) NNAs born in the territory of a transit country whose births have not been registered; 5) NNAs born in the territory of a host country whose births have not been registered and who face difficulties to access birth registration procedures.

7.3.3. Reduction and Resolution Challenges

- The need for granting documentation proving nationality at no cost and without legal or practical obstacles;
- In some countries, ongoing absence of mechanisms of late birth registration for the most vulnerable or disadvantaged populations;
- Lack of mechanisms to facilitate naturalization processes for stateless persons in a great proportion of countries in the region;
- Ongoing challenges regarding access to durable solutions, mainly the local integration of people recognized as stateless and their naturalization.

7.4. Focus Areas for the Next Three-Year Period Identified in National and Subregional Consultations

As a result of the national and subregional consultations⁶⁰ conducted between May and September 2021, countries identified several focus areas for the next three-year period for the implementation of the Brazil Plan of Action, thus reaffirming their commitment to this road map, which is part of the historic Cartagena Process that started 36 years ago.

As observed below, these focus areas are consistent with the priorities, programmes and actions of the Brazil Plan of Action, with those established in the First Triennial Progress Report pending implementation, and with other regional and global initiatives aimed at eradicating statelessness.



An Awá indigenous girl is registered with her family in a mobile civil registration exercise in northern Ecuador.
© UNHCR/Jaime Giménez

The following is a schematic description of the main areas defined for the next three-year period:

7.4.1. Prevention Focus Areas

- Adhering to or ratifying the 1961 Convention on the Reduction of Statelessness without reservations;
- Implementing the Evaluation and Follow-Up Mechanism of the “Towards Zero Statelessness” strategy;
- Recognizing and guaranteeing the right to a nationality and identity as fundamental rights;

⁶⁰ On the methodology followed in the preparation of this report, see the Introduction.

- Reviewing and adapting laws on nationality to international standards on the prevention of statelessness and human rights in general;
- Promoting universal birth registration and late birth registration;
- Guaranteeing *jus soli* for children at risk of statelessness or stateless children and eliminating their parents' irregular migration status as an obstacle in the acquisition of nationality by the application of *jus soli*;
- Guaranteeing *jus sanguinis* for children born abroad to national parents, without a residency or statement of residence requirement;
- Establishing mechanisms of coordination between civil registries in different countries and the authorities in charge of determining statelessness;
- Strengthening the presence of civil registries in border areas, rural areas or geographically-remote areas, inhabited by indigenous communities or isolated or disadvantaged populations, through mechanisms such as national or binational mobile brigades;
- Meeting the commitments acquired within the framework of the Global Refugee Forum, the High-Level Segment on Statelessness and the CLARCIEV.

7.4.2. Protection Focus Areas

- Adhering to or ratifying the 1954 Convention relating to the Status of Stateless Persons, without reservations;
- Including the definition of stateless person in domestic legislation, in accordance with International Law;
- Establishing procedures for determining the status of statelessness and naturalization, pursuant to International Law;
- Improving the quality and efficiency of the procedures for determining the status of statelessness by reducing the time for resolution, guaranteeing appropriate human and financial resources, and regularly monitoring their functioning through consultations with the people concerned;
- Adopting a community approach to the service and protection of stateless persons or those at risk of statelessness;
- Creating efficient mechanisms for the identification of stateless persons or those at risk of statelessness and improving the quality and volume of data and the production of statistics in relation to statelessness and risk of statelessness;
- Improving the quality of interviews, establishing vulnerability profiles and addressing them from an age, gender and diversity approach in the procedure to determine the status of statelessness;
- Ensuring prompt issuance of adapted and high-quality identity documents and travel documents for stateless persons;
- Meeting the commitments acquired within the framework of the Global Refugee Forum, the High-Level Segment on Statelessness and the CLARCIEV.

7.4.3. Reduction and Resolution Focus Areas

- Strengthening the prompt identification and resolution of statelessness cases;

- Establishing effective procedures to facilitate the naturalization of stateless persons and stateless refugees and to validate nationality, such as late birth registration, including the possibility of completing these procedures from abroad;
- Creating inter-institutional commissions as spaces for coordination and agreement in order to prevent cases of statelessness and identifying and protecting stateless persons;
- Raising awareness, educating and training the general public, local communities, the civil society and the public sector in statelessness matters;
- Promoting economic integration and durable solutions for stateless persons and guaranteeing effective access to programmes, social services, humanitarian assistance measures and mitigation of the COVID-19 pandemic;
- Meeting the commitments acquired within the framework of the Global Refugee Forum, the High-Level Segment on Statelessness and the CLARCIEV.

7.4.4. Institutionality and Cooperation Focus Areas

- Achieving sustainability through adequate funding and strengthening international cooperation;
- Maintaining and strengthening regional cooperation mechanisms and the exchange of good practices;
- Meeting the commitments acquired within the framework of the Global Refugee Forum, the High-Level Segment on Statelessness and the CLARCIEV;
- Fully respecting the fundamental rights and guarantees set forth in the Brazil Plan of Action and whose binding character has been established by the IAHR.

video  **No longer invisible. No longer stateless.**



NO LONGER INVISIBLE

8. REGIONAL COOPERATION

8.1. Reference to the Brazil Plan of Action

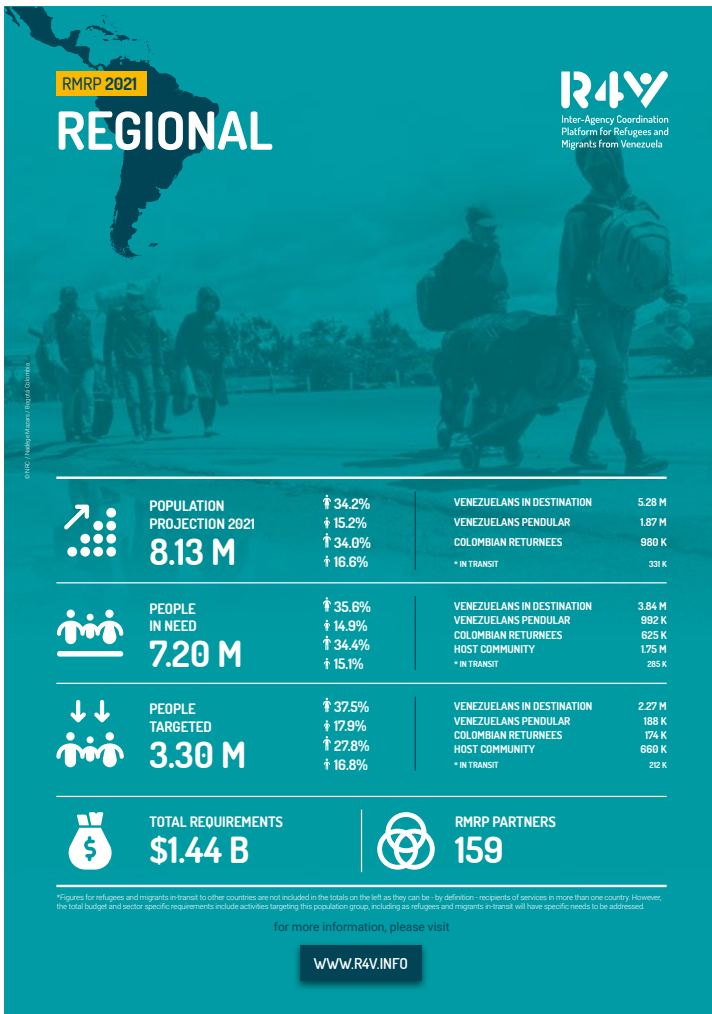
Chapter VII of the Brazil Plan of Action deals with regional cooperation and calls for an increase in the coordination, complementarity, cooperation and convergence between regional and subregional mechanisms of integration in relation to migration, refugees, displaced, and stateless persons. Consequently, cooperation and solidarity reflected in the 1951 Convention were decisive elements in the Declaration and the Brazil Plan of Action and are cross-sectional in its spirit and content, and essential for its effective implementation.

In the last three-year period, the profound changes across the regional context promoted the strengthening of existing cooperation mechanisms and the creation of new instances and forums, which went beyond regional limits, involving extra-regional players in some cases, and having a global dimension that had a positive impact on Latin America and the Caribbean in others.

Some mechanisms mentioned in the Brazil Plan of Action, such as the Community of Latin American and Caribbean States (*Comunidad de Estados Latinoamericanos y Caribeños*, CELAC), the Andean Community (*Comunidad Andina*) and the Union of South American Nations (*Unión de las Naciones Suramericanas*, UNASUR), among others, had a lesser effect on matters related to the Brazil Plan of Action. Therefore, they are not addressed in this chapter.

Next, by complementing cooperation mechanisms specified in other chapters of this report¹, additional reference will be made to some instances, forums and coordination systems that, in the last three-year period, have had a significant effect on strengthening international protection and the achievement of the objectives sought by the Brazil Plan of Action.

¹ The following mechanisms and forums have been discussed in other chapters of this report: (GCR) and (GRF), in Chapter 2 (Section 2.1.1); the Global Action Plan to End Statelessness and the Global High-Level Segment on Statelessness (HLS), in Chapter 2 (Section 2.1.2); (CLARCIEV), in Chapter 2 (Section 2.1.2) and in Chapter 7 (Section 7.2); (MIRPS), in Chapter 2 (Section 2.1.3) and 5 (Section 5.2); the Quito Process on Human Mobility of Venezuelan Citizens in the Region has been addressed in Chapter 2 (Section 2.1.4); (OAS) and (IAHRS), in Chapter 2 (Section 2.2); (ACSG), in Chapter 3 (Section 3.2.1); (RACBI), in Chapter 3 (Section 3.2.1); (ECLAC), (SICA) and its bodies, such as the CENTROESTAD and the Mesoamerican CONAREs Meeting, in Chapter 5 (Section 5.2); (CMC) are analysed in Chapter 6 (Section 6.2.1); (PUICA), in Chapter 7 (Section 7.2).



R4V Response Plan for Refugees and Migrants from Venezuela 2021 at a glance. © R4V

8.2. Advances in Relation to Regional Cooperation

Regional Interagency Coordination Platform for Refugees and Migrants from Venezuela (R4V)

The R4V Regional Platform aims to address—together with governments’ responses—the needs for protection, assistance and integration of Venezuelan refugees and migrants in the affected States in Latin America and the Caribbean². The R4V comprises 8 national and subregional³ platforms that are in charge of the operational coordination and implementation of the **Regional Refugee and Migrant Response Plan (RMRP)**, a coordinated road map intended to respond to urgent humanitarian needs and guarantee the social and economic inclusion of host communities⁴. Although the R4V is a non-governmental platform, it operates in coordination with the States and complements them in the search for durable solutions.

It is relevant to note that, in relation to the special needs of protection, 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 needs⁵.

Regional Conference on Migration (RCM)

The Regional Conference on Migration, established in 1996, is a migration-related multilateral mechanism of policy and action coordination⁶. In 2018, the XXIII Conference was held in Panama; in 2019, the XXIV Conference was in Guatemala; and the XXV Conference took place in Costa Rica. Before each of these conferences, there were workshops, round tables and webinars on best practices, preparation for and approach of massive regional flows, migration during the COVID-19 pandemic, and best practices in the processes of searching for missing migrants, among others.

² More information available at: <https://www.r4v.info/en>.
³ 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>.
⁴ Regional Refugee and Migrant Response Plan for Venezuelan Refugees and Migrants, 2020, available at: <https://www.r4v.info/en/document/rmrp-2020-review-covid-19> and <https://www.r4v.info/en>.
⁵ More information available at: <https://www.r4v.info/en/supportspaces>.
⁶ The RCM comprises 11 Member States and 5 Observer States. It is a forum aimed at discussing regional migration issues and exchanging information and experiences. Topics, events and publications in the Regional Conference on Migration portal can be found at: <https://portal.cmsv.org/en>.

South American Conference on Migration (SACM)

In November 2018, the XVIII Conference was held in Sucre, Bolivia, under the heading “South American Citizenship: New Culture of Free Human Mobility towards Universal Citizenship”. The central theme was the reassurance of the commitment to guarantee unrestricted and permanent respect for the human rights of migrants and their families, regardless of their origin, nationality, gender, ethnicity, age or migration administrative status. In October 2020, the SACM XIV Intersessional Meeting took place, in which Argentina took the *pro tempore* presidency, and whose central theme was “*Migración y acceso a derechos. Los desafíos de la región frente a la pandemia del COVID-19. Experiencias, lecciones y una mirada a futuro*” (Migration and access to rights. Challenges in the region in the face of the COVID-19 pandemic. Experiences, lessons and a look towards the future)⁷.

Southern Common Market (MERCOSUR): CONAREs Meeting of MERCOSUR Member States and Partner Countries

The CONAREs Meeting of MERCOSUR continued holding sessions periodically during the 2018-2020 three-year period, thus maintaining close coordination with the MERCOSUR Specialized Migration Forum (FEM).

The meetings of 2018 presented good practices with an emphasis on the profiles and nationalities of people seeking refugee status and dealt with advances in relation to the eradication of statelessness, among others. In 2019, countries shared their good practices and needs regarding the establishment of procedures for the recognition of statelessness, computer systems for applications of the recognition of the refugee status, and experiences involving the trafficking in persons of migrants and asylum-seekers. In 2020, the following topics were addressed: measures adopted by countries in the face of the COVID-19 pandemic and exchange of good practices and challenges in relation to border closing, access to territory and functioning of CONAREs; systems for the registration of distance applications and interviews; continuity of work for the preparation of a statistic data matrix with the support of UNHCR; structured proposal for the preparation of CONAREs’ case law exchange matrix; and protocol for serving Venezuelan children and adolescents with expired or insufficient documentation⁸.

8.3. UNHCR’s Role

It is important to note that during national and subregional consultations, most countries highlighted UNHCR’s collaboration as a key factor in their advances and good practices in line with the objectives sought by the Brazil Plan of Action. This is according to the Plan itself, which states: “(...) Governments reaffirmed the importance of working closely with UNHCR regarding asylum-seekers, refugees, returnees, displaced and stateless persons and those without a clear nationality or at risk of statelessness. The need to consult UNHCR about matters related to its mandate, to make rapid prevention interventions in these areas, was recognized.”

⁷ Information available (in Spanish) at: <http://www.csm-osumi.org/>.

⁸ In June 2021, the webinar “*Protección de personas apátridas y refugiadas. Progresos y desafíos a 30 años de la creación del MERCOSUR*” (Protection of refugees and stateless persons. Progress and challenges 30 years after the creation of MERCOSUR) was held. UNHCR presented some of the achievements and advances made by the subregional organization as a space for the protection of refugees and stateless persons. Moreover, it made reference to the remaining significant challenges, such as “the need for upholding the principles that asylum and the protection of refugees are humanitarian, apolitical and pacifist matters that should not generate tensions between States” and expressed the need for strengthening the CONAREs with financial and human resources and encouraging their decentralization. UN High Commissioner for Refugees (UNHCR), *Protección de personas apátridas y refugiadas. Progresos y desafíos a 30 años de la creación del Mercosur*, 24 June 2021, available (in Spanish) at: <https://www.refworld.org/es/docid/60d51b2b4.html>.

In fact, in accordance with its mandate and the Brazil Plan of Action, UNHCR continued supporting States in the implementation of the Plan's programmes, in addition to having a key role in many mechanisms and initiatives that have been analysed in this report. An example of this is its role in the MIRPS Technical Secretariats and the Quito Process, the SICA and the R4V platform, among others, as well as the technical and financial bilateral coordination targeted at strengthening asylum capacities in numerous countries in the region.

Moreover, mention should be made of the training exercises, conducted in the Caribbean and in South America, Central America and Mexico, as well as the strengthening of the QAI programme in countries like Mexico, Ecuador and Costa Rica, which is addressed in Chapter 3 of this report.

In line with this, in 2020 UNHCR presented four **regional strengthening projects**: “*Capacitación y Hermanamiento*” (Training and Twinning), “*Información de País de Origen*” (Information of Country of Origin), “*Plataforma Digital de Buenas Prácticas*”⁹ (Digital Platform of Good Practices) and “*Modelo Regional de Sistema de Asilo*” (Regional Asylum System Model). They were targeted at strengthening the systems of all countries in the region, by directly applying the Brazil Plan of Action *Quality Asylum* Programme.

Finally, UNHCR also played a prominent role in relation to the strengthening of civil society organizations, academics and Ombuds Offices, through training, network coordination, courses, webinars, project funding, and even the development of partnership mechanisms.



International Association of Refugees and Migration Judges Americas chapter meeting, in 2018.
© UNHCR

8.4. Advances in Relation to Regional Protection and Academic Networks

The Brazil Plan of Action states that “the subregional consultations recommended strengthening national and regional civil society networks, including academics, to carry out research in this area, exchange good operational practices, contribute to the legal representation of asylum cases and ensure respect for human rights standards for the protection of asylum-seekers, refugees, displaced and stateless persons”. In parallel to this, the following are the highlights of the three-year period:

- The creation of the “**Global Academic Interdisciplinary Network**”¹⁰ (**GAIN**), by the Global Refugee Forum and in compliance with the GCR, which involves universities, academic alliances and research institutes, together with UNHCR and other relevant stakeholders.
- The subscription, by the Latin American Academic Network on the Law and Integration for Refugees (**ALADIPRE** Network) of the “*Charter of Santiago for the Global Refugee Forum. Commitment for the Global Refugee Forum by the Latin American Academic Network on the*

⁹ www.asiloamericas.org platform, mentioned on several occasions throughout this report.

¹⁰ About the Global Academic Interdisciplinary Network, see: About the Global Academic Interdisciplinary Network <https://globalcompactrefugees.org/article/about-global-academic-interdisciplinary-network>.

Law and Integration of Refugees”, whose preliminary results were published in 2019¹¹.

- The official launch¹² of the **Legal Support Network for Refugees in the Americas (RALRA)** in April 2018, in coordination with the Inter-American Institute of Human Rights and the UNHCR.
- The **First Regional Meeting of Public Defender’s Offices and Ombuds Offices** on “*Legal Defense and the Refugee Status Determination in the Context of Mixed Big-Scale Movement in Latin America*”¹³ was especially relevant. It was held in August 2019 in Quito, Ecuador, and was organized by RALRA, sponsored by the Public Defender’s Office of Ecuador and supported by UNHCR.
- Moreover, UNHCR, in collaboration with RALRA, published in 2020 the “**Ayuda Memoria para el establecimiento y fortalecimiento de programas de asesoría, asistencia y representación legal, pública y gratuita para personas de interés del ACNUR**”¹⁴ (Guidelines for the establishment and strengthening of public, free legal aid, assistance and representation programmes for UNHCR’s persons of concern).
- The ongoing exchange of knowledge, development of capabilities and promotion conducted by the Americas Network on Nationality and Statelessness¹⁵ (**Red ANA**), as stated in its 2018 Annual Report¹⁶ and in the regular bulletins¹⁷ that include regional news on statelessness, webinars, new members and reports.
- The publication, in 2018, of the report “*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)¹⁸ by the **Regional Working Group for the Brazil Plan of Action (GARPAB)**. This report highlights 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”, and states that “in some international forums, some States representatives have insisted on their commitment to the human rights of people on the move and have reiterated their interest in improving support based on the principle of shared responsibility”. However, it adds that “civil society warns about the need to transform these commitments into concrete actions”¹⁹.
- In turn, in the publication period of this report, the **Mexican Liaison Group (GAM)** issued its report “*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)²⁰.
- The **Americas Chapter Conference of the International Association of Refugee and Migration Judges (IARMJ)** held 1-5 August 2018 in Washington DC, USA. It was the first conference of asylum judges in ten years²¹.

¹¹ More information can be found in: “*Resultados preliminares de Carta de Santiago 2020*” (Charter of Santiago 2020 Preliminary Results) available (in Spanish) at: <https://globalcompactrefugees.org/sites/default/files/2021-04/Resultados%20Carta%20de%20Santiago%202020.pdf>.

¹² In May 2017, the regional meeting “*Construyendo la Red de Apoyo Legal para los Refugiados en las Américas*” (Building the Legal Aid Network for Refugees in the Americas) was held with 38 organizations in the region. After a year of consultations, coordination and preparation, the official launch was held at the Inter-American Institute of Human Rights in April 2018: <https://www.acnur.org/noticias/press/2018/4/5b0851054/lanzamiento-de-ralra-la-red-de-apoyo-legal-a-las-personas-refugiadas-en.html> (available in Spanish).

¹³ Information available (in Spanish) at: <https://www.acnur.org/noticias/noticia/2019/9/5d6d2d864/defensorias-publicas-y-defensorias-del-pueblo-de-latinoamerica-se-reunen.html>.

¹⁴ United Nations High Commissioner for Refugees (UNHCR), *Guidelines: Establecimiento y fortalecimiento de programas de asesoría, asistencia y representación legal, pública y gratuita para personas de interés del ACNUR*, 9 April 2020, available (in Spanish) at: <https://www.refworld.org/es/docid/5e9224f34.html>.

¹⁵ Americas Network on Nationality and Statelessness, Red ANA: <https://americasns.org/>.

¹⁶ More information available at: <https://americasns.org/wp-content/uploads/2020/01/FINAL-30-04-English-version.pdf>.

¹⁷ More information on the Network’s bulletins can be found in: <https://americasns.org/press-publications/>.

¹⁸ Report 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>.

¹⁹ Executive Summary 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>. Additionally, in 2021, the GARPAB Network issued a “*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/taq/sin-fronteras/>.

²⁰ Report 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/>.

²¹ <https://www.iarmj.org/events/event/56-iarlj-americas-chapter-conference>.

The **12th IARMJ World Conference**, 17-21 February 2020 in San José de Costa Rica, sponsored by the Costa Rican Migration Administrative Court (**TAM**) under the slogan: “*Un Nuevo Mundo en Movimiento: Las realidades de la Migración Irregular Masiva y los Desafíos que enfrentan los Jueces de Refugio y Migración*” (A New World in Movement: The Realities of Massive Irregular Migration and Challenges Faced by Refugee and Migration Judges). At this conference, a new Board of Directors was chosen for the Americas Chapter and, for the first time in history, the presidency was bestowed on a Latin American Judge, a TAM member²².

8.5. Displacement due to Natural Disasters and Climate Change

In the Brazil Declaration, 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” are specifically recognized.

In line with that, the Brazil Plan of Action asked UNHCR to perform a study with the aim of supporting the adoption of appropriate national and regional measures, tools and guidelines, including response strategies in countries in the region, contingency plans, comprehensive responses of disaster risk management and humanitarian visa programmes, within the framework of its competence²³.



La Lima, Honduras, remains inundated by floodwater in the wake of Storm Eta.
© UNHCR/Rafael Mattar

Responding to such request, in 2018 together with the Platform on Disaster Displacement (**PDD**²⁴), **UNHCR** published the study “**Cross-Border Displacement, Climate Change and Disasters: Latin America and the Caribbean. Study Prepared for UNHCR and PDD at Request of Governments Participating in the 2014 Brazil Declaration and Plan of Action**”²⁵.

The main theme of the study is cross-border or international movement in the context of disasters

²² International Association of Refugee Law Judges, Americas Chapter, available at: <https://www.iarjl.org/regionalchapters/americas-chapter> (when this report was prepared, the web page was being updated).

²³ The 2014-2017 First Triennial Progress Report states that “an underpinning common concern relates to the management of out-flows due to natural disasters that, by nature, are unpredictable” and reminded that the region is particularly exposed to devastating climate events causing displacement and that a third of the population lives in high risk areas that are prone to natural disasters. UNHCR, *Brazil Plan of Action. First Triennial Progress Report. 2015-2017*, February 2018, op. cit., page 98.

²⁴ More information on the platform can be found at: <https://disasterdisplacement.org/the-platform/the-context-and> https://disasterdisplacement.org/wp-content/uploads/2019/10/20102019_FINAL_EN_LEAFLET_SCREEN_compressed.pdf. The Platform is an initiative led by States with the aim of providing better protection for displaced persons across borders within the context of disasters and climate change.

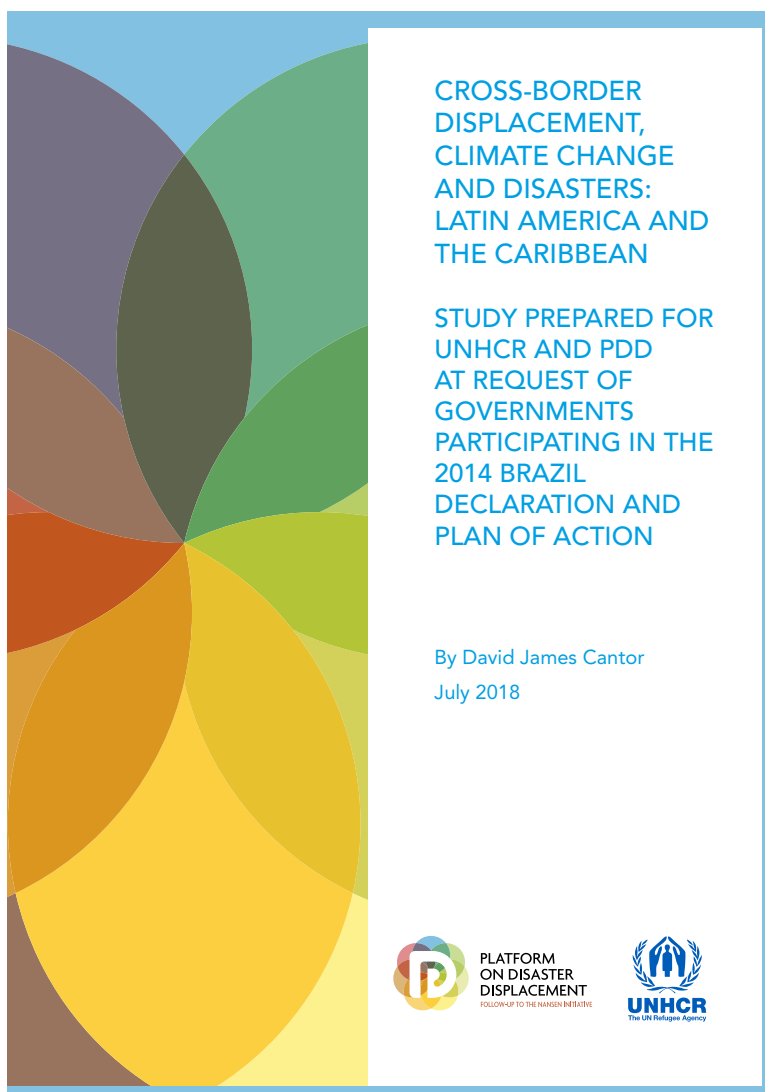
²⁵ UN High Commissioner for Refugees (UNHCR), *Cross-Border Displacement, Climate Change and Disasters: Latin America and the Caribbean. Study Prepared for UNHCR and PDD at Request of Governments Participating in the 2014 Brazil Declaration and Plan of Action*, July 2018. Available at: <https://www.unhcr.org/protection/environment/5d4a7b737/cross-border-displacement-climate-change-disasters-latin-america-caribbean.html>.

associated with natural threats and climate change. It addresses the protection needs of cross-border displaced people in this context.

The report deals with International Law and the promotion of synergies and analyses laws, policies and national practices in Central America and Mexico, South America and the Caribbean. In the conclusions, it states that “(...) this is not some remote futuristic scenario but rather a process that is already established for some of their citizens, even as the impact of climate change will likely exacerbate such challenges, in the coming years, will reach more sectors of the population”²⁶ but, encouragingly, it expresses that the region’s response to displacement due to disasters is among the most developed²⁷. In this context, it proposes that States develop “national and regional measures, tools and guidelines”²⁸.

As for the final recommendations, the study divides them into three sections: at the global level, at the regional/bilateral level and at the national level. As regards the last two, which are thoroughly developed, the following stand out:

On a regional/bilateral level: to respond jointly, through regional bodies such as the Regional Conference on Migration, the South American Conference on Migration and the Caribbean Migration Consultations, and their respective technical work groups; to promote international cooperation in order to develop collective understanding of movements, regional or bilateral visa waiver arrangements and adopt a regional strategy on the temporary stay of non-nationals; to consider how this issue can be integrated into the future development of free movement and/or residency arrangements; to integrate specific disaster risk management and climate change challenges at the national level, including cross-border movement and risk management agreements or protocols²⁹.



²⁶ UNHCR, *Cross-Border Displacement, Climate Change and Disasters: Latin America and the Caribbean*, op. cit., page 69.

²⁷ UNHCR, *Cross-Border Displacement, Climate Change and Disasters: Latin America and the Caribbean*, op. cit., page 69.

²⁸ UNHCR, *Cross-Border Displacement, Climate Change and Disasters: Latin America and the Caribbean*, op. cit., page 70.

²⁹ UNHCR, *Cross-Border Displacement, Climate Change and Disasters: Latin America and the Caribbean*, op. cit., page 70.

At the national level: to gather more precise and standardized data; to integrate planning/response to cross-border displacement across laws and practices; to promote appropriate use of positive discretion in applying regular migration categories and legal tools, including visas and other humanitarian reasons; to act within the limits of international obligations in relation to the rights of refugees and human rights; to develop durable solutions and to create complementary pathways to protection, as per the Brazil Plan of Action; and, in the context of displacement risk management, to integrate planning/responses that consider the specific challenges of disaster displacement by nationals and non-nationals, including cross-border movement as a possible adaptation strategy to climate change, drawing on the *Words into Action* Guidelines on Disaster Displacement³⁰.

Furthermore, we should mention some consideration and analysis milestones on disaster and climate change displacement in the three-year period. In terms of courses, workshops and publications, we can mention the following, among others:

- In 2019, the **SACM**, together with the International Organization for Migration (**IOM**) and the Platform on Disaster Displacement (**PDD**), published the “*Lineamientos regionales en materia de protección y asistencia a personas desplazadas a través de fronteras y migrantes en países afectados por desastres de origen natural*” (Regional Guidelines on the Protection and Assistance of Displaced Persons Across Borders and Migrants in Countries Affected by Natural Disasters)³¹.
- In 2019, the **IOM** and the **PDD** organized, in Trinidad and Tobago, 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”³².
- In 2019, the **RCM** published a “Guide to Effective Practices for RCM Member Countries: Protection for Persons Moving Across Borders in the Context of Disasters”, prepared by the **Nansen Initiative** for RCM member countries³³.

Finally, it should be noted that, on their portal, the Caribbean Migration Consultations (**CMC**) have a thematic page on climate migration³⁴; the **IOM** regularly publishes literature on migration and climate change³⁵; the **ECLAC** has dealt with this issue from diverse fields³⁶; and additional information can be found on the website of the Caribbean Disaster Emergency Management Agency (**CDEMA**)³⁷, the regional inter-governmental agency for disaster management in the CARICOM.

8.6. Focus Areas for the Next Three-Year Period Identified in National and Subregional Consultations

In national and subregional consultations, countries identified diverse focus areas in relation to

³⁰ The UN Office for Disaster Risk Reduction (UNDRR), “*Words into Actions*”. *Disaster Displacement: How to Reduce Risk, Address Impacts and Strengthens Resilience. A companion for implementing the Sendai Framework for Disaster Risk Reduction 2015-2030*, 4 July 2018, available at: https://www.preventionweb.net/files/58821_wiadisasterdisplacement19051fwebeng.pdf.

³¹ Guidelines available (in Spanish) at: <https://environmentalmigration.iom.int/lineamientos-regionales-en-materia-de-proteccion-y-asistencia-personas-desplazadas-trav%C3%A9s-de>.

³² *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*. Conference Report available at: <https://disasterdisplacement.org/portfolio-item/cmc-report/>.

³³ Publication available at: <https://temas.crmsv.org/en/categoria/5>.

³⁴ “Environmental Migration”, information available at: <http://caribbeanmigration.org/thematic-networks/environmental-migration>.

³⁵ Information available at: <https://rosanjose.iom.int/site/en/blog>.

³⁶ Information available at: <https://www.cepal.org/en>.

³⁷ Information available at: <https://www.cdema.org/>.

regional cooperation, in line with the Brazil Plan of Action commitments and with the priorities to be implemented, as set forth in the First Triennial Progress Report³⁸. Governments reinforced the importance of cooperation and shared responsibility as well as the need to strengthen bilateral, subregional and regional coordination instances, exchange of good practices and international cooperation.

Additionally, new topics were addressed, such as the need for a **common approach of the causes** of forced displacement, the importance of **guaranteeing the sustainability** of policies and actions targeted at providing protection in the context of massive flows, the relevance of **preparing for future challenges** with a long-term perspective, and the usefulness of **coordinating agreed and new strategies** in order to strengthen international cooperation and the support of bodies, such as UNHCR, which are key to facing growing challenges in the region.

Particularly, the importance of the following actions was emphasized:

- To continue strengthening mechanisms, programmes and projects, and their respective technical groups established at the subregional and regional level, in particular the agreed response, the exchange of good practices, the dialogue and exchange of information, action in networks, and the strengthening of the relationship among the CONAREs.
- To develop more mechanisms of shared responsibility, by creating bilateral, subregional and regional policies that allow for equal distribution of the burden and a consistent supporting response among the countries in the region.
- To continue with and strengthen technical and financial support from the international community, either directly or through UNHCR, and take advantage of regional action structures to seek cooperation, including replicating on a regional level the exercise of quantifying public investment in serving people in need of international protection conducted by MIRPS, as an efficient and articulated mechanism before the international community.
- To guarantee the sustainability of humanitarian and protective responses, for which it is essential to have consolidated, long-term policies in place, as well as technical and financial support from the international community that is predictable, long-term and according to the magnitude of the phenomena, since the situation in the region tests the response capacities of institutions and can create tensions among certain communities.
- To collaborate with civil society and relevant international organizations to strengthen asylum systems, international protection mechanisms and solutions.
- To generate a robust architecture of articulation and coordination between national governments, territorial governments, international cooperation partners (donors, organizations implementing humanitarian and integration actions, including UN agencies, funds, and programmes), civil society organizations, the private sector and the academia, thus allowing for the design and implementation of actions based on subsidiarity, inter-agency work, the added value of each actor, and efficiency in resource management, with a greater impact and scope.
- To diversify twinning mechanisms within and outside the region, as a useful tool to strengthen asylum systems and move towards a region with the highest protection standards.





The MIRPS second Annual Meeting took place in Mexico City, in 2019. © UNHCR/Arturo Almenar

- To join efforts, with a spirit of solidarity and humanity, in order to assist the millions of displaced persons in the region, including those displaced by natural disasters, by supporting them in the reconstruction of their life projects and their peaceful insertion into host communities.
- To strengthen asylum systems in order to prepare for future challenges with a long-term perspective, facing new scenarios through the creation of adaptable and flexible systems.
- To build free and extraordinary regularization programmes and processes that alleviate pressures on asylum systems and generate visas and humanitarian assistance mechanisms.
- To establish regional or bilateral visa waiver arrangements, strengthen intraregional free movement agreements, give temporary-stay mechanisms a regional perspective, and integrate free movement and residency agreements into discussions, particularly including people displaced by disasters.
- To integrate specific disaster and climate change challenges at the national level, including cross-border movement approach and generating agreements and protocols on risk prevention and management.
- To continue participating jointly in global meetings and forums aimed at strengthening the protection, solutions and eradication of statelessness (Global Refugee Forum and High-Level Segment on Statelessness, among others), contributing to new good practices developed in Latin America and the Caribbean.



CONCLUSIONS

9. CONCLUSIONS

9.1. Evaluation

Despite the complex scenario the region has faced, many countries reported relevant progress made during the 2018-2020 three-year period towards meeting the recommendations and goals of the Brazil Plan of Action. It is particularly significant that this progress has not only been achieved on a national level, but also on a subregional and regional level, showing the importance of cooperation and solidarity, which the Brazil Plan of Action highly advocates.

The evaluation made it possible to reflect on the challenges faced by States — both persistent challenges and those that have emerged in recent contexts. The analysis of progress and challenges made by countries included identifying factors and actors that impacted such progress and challenges, so this evaluation provides an additional tool to establish the way forward for an effective implementation of the Brazil Plan of Action.

9.1.1. Leveraging and Maintaining Achievements

As in the previous three-year period, the evaluation shows that countries in the region have taken concrete measures, although at different paces and levels, to gradually improve, consolidate or establish asylum systems, strengthen durable solutions, and eradicate statelessness¹, implementing both the recommendations of the Brazil Plan of Action and the priority areas set at the end of the first three-year period of implementation².

The areas in which the greatest and most unified progress was observed in each chapter and

¹ United Nations High Commissioner for Refugees (UNHCR), *Brazil Plan of Action. First Triennial Progress Report. 2015-2017*, February 2018, page 102, available at: https://www.acnur.org/publications/pub_prot/5c89774e4/brazil-plan-of-action-first-triennial-progress-report-2015-2017.html.

² See annex of this report.

programme of the Brazil Plan of Action are related to:

- Expanding, institutionalising, and effectively implementing the QAI programme, as well as developing other programmes to strengthen capacities, with the resulting improvement of quality, efficiency, integrity, and adaptability of asylum systems;
- Strengthening asylum systems by applying differentiated procedures, developing registration units as well as registration and case management digital systems, digitising files, including biometric data, and improving statistics;
- Using new technologies and remote processes at various stages of the procedure to recognize the refugee status;
- Offering training, preparing manuals and resolution models, and applying the regional definition included in the Cartagena Declaration, including through *prima facie* recognition;
- Making legislation amendments to better protect children and adolescents, as well as establishing reference and assistance mechanisms to address specific protection needs;
- Granting temporary or complementary protection to persons who have not applied for refugee status or have not been recognized as such, but who require international protection;
- Creating registration and reception centres with the capacity to receive, register, and provide assistance to mixed and massive flows of displaced persons at borders from an age, gender, and diversity approach;
- Issuing non-discriminatory documentation that guarantees access to employment, healthcare, education, and social security, including asylum-seekers; developing access to employment and labour relocation programmes; and creating awareness campaigns to tackle growing xenophobia, stigmatization, and discrimination;
- Considerable increase and development of cities of solidarity, continuation of resettlement programmes, including the expansion of the Protection Transfer Arrangement (PTA) to countries in the region, and the development of complementary pathways for admission such as humanitarian visas, and family reunification mechanisms;
- In Central America and Mexico, legislation progress made in internal forced displacement, consolidation of regional cooperation mechanisms, such as the SICA and the MIRPS, implementation of a system to monitor forced displacement in Northern Central America, and strengthening of programmes and institutions for the care, protection and humanitarian assistance of asylum-seekers, refugees, internally displaced persons, returnees, deported persons, and persons in transit;
- Establishing of mechanisms of temporary protection and access to migratory regulation in response to the lack of legislation, or implementing asylum systems in the Caribbean, registering persons in need of international protection, strengthening capacities through workshops, seminars, and courses, including, among others, on the topics of forced displacement, informed entry measures, statelessness, and late birth registration;
- In the case of three countries in Latin America and the Caribbean, accession to one or both Conventions on Statelessness, legislation amendments that guarantee the acquisition of nationality by *jus sanguinis* and *jus soli*, and that eliminate the requirements that are a barrier to such acquisition; adoption of concrete measures, including cooperation agreements between countries, to prevent and reduce statelessness and to protect stateless persons, especially for the universal registration of births and late registration;

development of procedures to determine the status of statelessness and assistance for naturalization;

- Development of initiatives and programmes to strengthen regional cooperation, including twinning programmes; improvement of subregional cooperation, especially in Central America through the MIRPS and the SICA, and the Quito Process in Latin America and the Caribbean, as well as strengthening regional networks of protection and academic networks, and strengthening of Ombudsman's Offices and the judiciary;
- Publication of the report requested by the Brazil Plan of Action on natural disasters and cross-border forced displacement, development of training and awareness on this topic, publication of guidelines by the South American Conference on Migration, and implementation of contingency plans to face natural disasters;
- Award for Judgements Related to the Right of Access to Justice for Migrants and Persons with International Protection Needs, which highlights the good practices by judges and courts in the entire American continent, emphasizing the importance of case law and the role of the judiciary in safeguarding the rights of migrants and refugees.

As it has been mentioned, during the process of national consultations, Latin American countries had the opportunity to identify factors and/or actors that contributed to **strengthening** their protection **systems** and those that favoured the **sustainability** of existing progress and might strengthen it in the future.

Regarding the main **factors and/or actors, including good practices, which influenced the reported progress**, countries agreed on the following:

- New adapted legislative and regulatory measures;
- Programs to strengthen asylum capacity and the QAI programme, as well as technical and management skills for CONARE personnel;
- Topic-based training, in-person or online (border personnel, CONARE personnel, personnel responsible for child protection);
- Establishment of electronic case management systems, and adapted reception and registration mechanisms;
- Implementation of differentiated, merged, expedited, simplified or in-group procedures, which have allowed for an approach to the analysis and resolution of cases from a new paradigm;
- Application of the broadened regional definition of refugee recommended in the Cartagena Declaration and/or its incorporation into domestic legislation of the countries in the region;
- Financial and technical collaboration of UNHCR and availability of state funding;
- Intersectoral cooperation and inter-institutional collaboration on a national and local level;
- Support from and collaboration with civil society;
- Creation and implementation of internal and/or regional protocols;
- Regional cooperation mechanisms;
- Exchange of good practices and twinning projects.

Regarding **factors and/or actors** relevant to **guaranteeing the sustainability** of asylum systems and measures aimed at strengthening protection and solutions, Governments identified the following:

- High standards in the national regulation system and unrestricted compliance;
- Mechanisms and programmes to strengthen asylum systems (which impact, among others, the quality and availability of the information on the country of origin and the creation of differentiated procedures);
- Design of annual work or development plans;
- Development of national training plans;
- Systems that are adapted and adaptable to current and future scenarios;
- Funding for protection and solutions systems in the national budget;
- Inclusion of civil society and refugees in the processes;
- Education for the judiciary and Ombudsman's Offices;
- Advisory opinions from the I/A Court of HR, guidance from the IAHRs, and *in loco* or virtual topic-based work visits from the IACHR;
- Regional and international cooperation through predictable and multi-annual funding.

9.1.2. Recognizing and Addressing Common Challenges

During the evaluation process, particularly at regional and topic-based consultations, various challenges were identified, which, during the 2018-2020 period, affected the effective implementation of the Brazil Plan of Action and compliance with the priorities set in the first Triennial Progress Report.

The challenges identified are numerous and, in general terms, respond to limitations on the legislation, political, technical, and operational levels, aggravated by the constantly growing numbers of mixed movements, as well as, more recently, COVID-19 and growing natural disasters.

The most relevant challenges in the region during the period under study are summarized below. It is worth noting that these are related to many of the advances reported, which shows the need for a greater exchange of good practices and the strengthening of cooperation and solidarity, **so that progress and good practices are replicated and extended to all countries in the region, reaching similar standards in terms of protection, solutions, and eradication of statelessness.**

- Border closing, the reinforcement of migratory controls, and the imposition of entry visas, even for persons in need of international protection. This led many of them to take dangerous routes and to cross borders illegally, being exposed to an irregular stay and the resulting risks of refoulement and deportation, abuse, various forms of violence, harmful survival mechanisms, labour and sexual exploitation, smuggling, trafficking in persons, and gender-based violence;
- Long waiting times at borders, usually with no access to food, healthcare or decent and adequate accommodation conditions, which had a differential impact on persons in

vulnerable situations, especially children and adolescents;

- In many countries, access to the territory to refugee status determination procedures and to international protection was greatly affected, limiting the protection of those who were fleeing persecution and violence, and worsening their vulnerability. In addition, it was observed that some national asylum systems weakened in terms of reception, registration, and case-processing capacity;
- The protection of gender-based violence survivors remained a challenge. Border crossings remained high-risk areas, which also worsened dramatically during the pandemic. Gender inequality and discrimination especially exposed women, girls, and the LGBTIQ+ population to sexual exploitation and abuse during their fleeing and, in general, to harmful means of survival;
- There were persistent difficulties, within mixed flows, in identifying the persons in need of international protection, even when they were potential victims of smuggling or trafficking in persons, unaccompanied or separated children, and other groups with specific needs;
- Many States continued to face challenges to act in the best interest of children in the procedures to determine refugee status;
- The lack of free legal aid and the limited participation of civil society in refugee status determination procedures, which are needed to ensure due process and to contribute to an appropriate quality of interviews and resolutions, continued to pose challenges in many countries;
- Some countries developed alternative legal options for the admission and stay of persons in need of international protection, which, in some cases, guaranteed immediate physical protection, but not necessarily accessibility, guarantees of non-refoulement, access to the procedure to determine refugee status or protection in terms of access to rights, especially in the long term. Additionally, severe practical difficulties were observed in accessing the benefits of such formally established mechanisms;
- Despite the legislative recognition of the principle of family unity in many countries, there were persistent significant challenges, both legal and practical, in terms of family reunification;
- In countries where access to the procedure was not restricted, the exponential increase in the number of persons requesting refugee status resulted in significant delays in some asylum systems that were not able to adapt in time through differentiated and more efficient procedure modalities and/or the strengthening of their registration systems. This resulted in long waiting times and, occasionally, given the lack of documentation and protection of asylum-seekers, the exposure to vulnerable, exploitation, and abuse situations, and even risk of refoulement and deportation;
- In many countries, the weakness of registration units persisted, with the resulting absence of efficient case management, impacting the quality and efficiency of procedures and, in some cases, the due protection of confidentiality;
- There were persistent challenges in terms of alternatives to administrative detention or accommodation, and situations of refoulement and deportations, even of children

and adolescents, were observed;

- Practical and legislative barriers continued, which limited the access to safe and formal employment, healthcare (even essential vaccination in times of the pandemic in some countries), education, housing, social security, and humanitarian assistance programmes, with serious consequences in terms of local integration and livelihoods, and an important weakening of peaceful coexistence with host communities;
- There were still insufficient measures to fight exposure to violence, abuse, and labour and sexual exploitation with a perspective on age, gender, and diversity; and stigmatization and discrimination associated with the migration status continued to be a challenge for social and cultural integration;
- In Northern Central America, high levels of violence increased during the pandemic, leveraged by criminal groups to reinforce their control and, despite some progress, the lack of reliable information to monitor the situation continued to be a problem; the continuous arrival of returnees and deported persons and the increase in internal displacement put more pressure on national institutions that were already at the limit of their capacity and, beyond the borders, the main host countries were sometimes overwhelmed with the exponential increase in the number of claims;
- In some countries in the Caribbean, challenges to develop sensible entry mechanisms, including alternatives to detention, persisted; the establishment of consistent and harmonized asylum systems was still pending; and local integration posed a great challenge given the under-registration of displaced persons, the lack of timely and quality documentation, and the great difficulties in accessing employment and safe livelihoods; in addition, the constant increase of natural disasters exacerbated the need for already-limited financial, human, and material resources;
- Regardless of the progress made, the unreserved accession to the Conventions on Statelessness was still pending in some countries in the region; the lack of awareness on the importance of birth registration and the difficulties in reaching rural and remote areas continued hindering the universality of birth registration; under-registration increased due to births of children in transit, which led to statelessness or risk of statelessness in countries where *jus soli* and/or *jus sanguinis* are limited or non-existent; practical and legal obstacles in terms of late birth registration continued; specific requirements (such as residency) to access nationality and gender-based discrimination continued; and, in certain countries, long situations of statelessness or risk of statelessness persisted;
- In terms of regional cooperation, some mechanisms for the coordinated approach to high-scale forced displacement continued being weak, and the need to implement effective mechanisms of shared responsibility and to request, in a joint and coordinated way, the support of the international community on a regional level continued;
- Work and coordination with civil society, academia, Ombudsman's Offices and international organizations remained a challenge in some countries;
- As regards forced displacement due to natural disasters and climate change, legal and practical gaps to address them from a protection perspective persisted, as well as a lack of mechanisms of cooperation and shared responsibility that help alleviate the burden on the most affected countries and regions.

In the consultation process, countries had the opportunity to identify **factors** that contributed to **intensifying challenges on a national level**:

There was agreement on the fact that external factors, such as COVID-19 and the resulting border closing, natural disasters and climate change, and the difficulties associated with mixed flows and large-scale forced displacement, had a significant impact on the difficulties in making progress towards implementing the commitments of the Brazil Plan of Action.

Additionally, countries identified internal factors that contributed to the weakening of some aspects of their protection and solutions systems, such as:

- Limitations in financial, human or material resources;
- Lack of strengthening of management and technical skills of the personnel involved in protection systems;
- Lack of technical tools to face new challenges;
- Difficulty identifying and addressing specific protection needs across sectors;
- Increasing growth of xenophobia and insufficient work with host communities.

9.2. The Way Forward

The national and subregional topic-based consultation process to prepare this report allowed for a detailed analysis of the scenario of the last three-year period. Taking into account the comprehensive nature of the Brazil Plan of Action, this study has considered all the areas in which States have an international responsibility in terms of protection of persons requesting refugee status, refugees, stateless persons, internally displaced persons, returnees, and other persons in need of international protection.

In this context, Governments were able to analyse their progress, persistent challenges and new challenges that arose in the last three-year period, as well as reflect on the focus areas to prioritize for the next three years of the implementation of the Brazil Plan of Action. This exercise also allowed for reflection on the role of the Brazil Plan of Action, its historic significance, the current nature of its contents, its synergy and complementarity with other ongoing global and subregional initiatives, and its power as a tool to improve frameworks for protection in all countries in Latin America and the Caribbean, with a spirit of solidarity, responsibility sharing and cooperation.

It is also relevant that the Brazil Plan of Action has become a reference tool even for countries that did not participate in its initial adoption, thus becoming a consolidated roadmap in Latin America and the Caribbean³.

9.2.1. Fundamental Focus Areas for the Following Years of the Brazil Plan of Action Implementation

Considering the current situation resulting from the evaluation and the follow-up of highlighted good

³ The following countries were mentioned in this report: Argentina, Aruba, Bahamas, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Curaçao, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, Dominican Republic, Suriname, Trinidad and Tobago, Uruguay, Venezuela.

practices, the following are the main focus areas that would allow for substantial progress in the last years of implementation of the Brazil Plan of Action.

It is worth noting that each one of these will be certainly reinforced as long as countries unrestrictedly respect the fundamental rights and guarantees recognized in the Brazil Plan of Action, addressed throughout this report, and whose binding nature has been determined by the IAHRs.

Focus Areas Related to Protection: Quality Asylum and Borders of Solidarity and Safety

- Adopting national policies on the protection of refugees respecting the highest standards of human rights, including age, gender, and diversity approaches, especially ensuring respect for the right to seek and receive asylum, immediate access to the territory and international protection, alternatives to migratory detention, the principle of non-refoulement, and the prohibition of collective expulsions;
- Strengthening the efficiency, quality, adaptability and integrity of asylum systems through the implementation of differentiated procedures and the reinforcement of registration systems to help face the large flows of persons in need of international protection, and continue strengthening the support for asylum capacity through the QAI and other State-led initiatives, with support from UNHCR, including training and technical capacities of asylum authorities to keep high standards in terms of fair decision-making and respect for due process;
- Strengthening the application and interpretation of the regional definition of refugee included in the 1984 Cartagena Declaration, through legislation and regulation amendments, jurisdictional application and/or practical measures;
- Developing CONARE registration units and implementing digital systems for registration and case management that help meet high standards of efficiency and quality, including the digital issuance of timely and quality documentation to grant access to rights, both legally and in practice, and early identification of specific needs; and promoting appropriate assistance and referral, even at borders, through the decentralization of asylum authorities, among others;
- Generating legal stay alternatives for persons with other international protection needs, including persons displaced due to natural disasters and climate change, such as temporary or complementary protection or humanitarian visas; as well as favouring the extraordinary regularization processes to address the major increase in irregular entries and stays;
- Collaborating with civil society, academia, the judiciary, Ombudsman's Offices and international organizations that provide assistance for asylum-seekers and refugees, as key contributors in the access to both the procedure to determine refugee status and guarantees of due process, by providing guidance, counselling, and legal representation;
- Including persecution due to gender, sexual orientation, or gender identity as a reason to obtain refugee status;
- Promoting policies for early identification of risks and for inter-institutional collaboration of the agencies involved in the protection of children, women, and survivors of gender-based violence, torture or other serious forms of violence, as well as training and raising awareness on the situation of persons with specific protection needs.

Focus Areas Related to Comprehensive, Complementary and Sustainable Solutions

- Ensuring timely and quality documentation, both for refugees and persons requesting refugee status, with no mention of their status, recognizable by all public and private sectors, and that grants complete access to economic, social and cultural rights, including access to the labour market, education, healthcare, social protection, banking and financial systems, and, in general, assistance, humanitarian and emergency public policies for persons in a vulnerable situation;
- Promoting socioeconomic integration policies and programmes, such as relocation and internal resettlement programmes, strengthening an approach that includes multiple actors and guarantees effective integration strategies, including through public-private partnerships and inter-institutional cooperation, ensuring the participation of refugees, host communities, civil society, and local authorities;
- Consolidating and expanding resettlement programmes, including community resettlement and the PTA, according to the principle of shared responsibility and burden distribution;
- Guaranteeing and strengthening family reunification through the elimination of barriers, both legal and in practice, and developing complementary pathways, such as private or community sponsorship and humanitarian visas;
- Expanding and strengthening cities of solidarity and their sustainability as critical actors for the effective integration of asylum-seekers, refugees, and persons in need of international protection, broadening support networks with civil society organizations, and establishing public-private partnerships.

Focus Areas Related to Northern Central America

- Urging the international community to continue supporting the region through cooperation mechanisms, such as the MIRPS;
- Consolidating the Specialized Group on Migration and Displacement of the CENTROESTAD (SICA) and supporting the strengthening of systems for the registration and monitoring of displaced persons and victims of violence in Central America, ensuring the communication and inter-operability of the systems in the various state institutions and appropriate collaboration with civil society and international organizations;
- Improving procedures to identify and assist returnees and deported persons in need of protection to guarantee a comprehensive and inter-institutional response, and meet their needs, including, in particular, the needs of returnee children and adolescents;
- Building on the progress made on internal displacement in El Salvador, Honduras and Mexico by developing and expanding policies, adopting regulatory frameworks in accordance with international standards, and assigning the necessary human and financial resources for the correct implementation of prevention and protection systems;
- Providing regular and comprehensive information to persons in need of protection, including persons in transit, about their rights and responsibilities, especially in relation to admission to the territory, the procedures to determine refugee status, and assistance systems, and training border officials in these topics so they guarantee non-refoulement and access to procedures;

- Intensifying programmes, projects and strategies to favour peaceful coexistence, support host communities, and reduce xenophobia, discrimination, and stigmatization of refugees, returnees, and displaced persons.

Focus Areas Related to the Caribbean

- Reinvigorating the CMCs as spaces to share good practices and to develop and implement shared tools and protocols that ensure homogeneous standards; to follow up on the goals of the Brazil Plan of Action and the GCR; to jointly coordinate and evaluate international cooperation needs; to improve regional cooperation as a key tool to address large-scale forced displacement and an effective distribution of responsibilities; to seek, in an articulated way, technical and financial support for the strengthening of institutions and training on human rights; and to promote study visits and twinning projects;
- Consolidating the CMCs to improve sensible entry mechanisms, a border management respectful of international standards, the identification of protection needs and vulnerability, and effective referral mechanisms, all with a special focus on age, gender, and diversity;
- Prioritizing the accession to relevant conventions, including the 1951 Convention and the 1967 Protocol; creating national systems to determine refugee status or other international protection systems; and strengthening existing systems in terms of efficiency and quality, with the support of the QAI Initiative;
- Guaranteeing the right to seek and receive asylum, allowing for immediate access to the territory and international protection, ensuring protection against refoulement and alternatives to detention through the development of standards and protocols aligned with refugee international rights and human rights; creating mechanisms for protection at sea to help prevent shipwrecks and deaths; and developing harmonized standards and protocols on voluntary return that guarantee effective will and informed consent, and protection against refoulement and deportations;
- Creating systems to register foreigners, developing information campaigns on their rights and responsibilities, guaranteeing national documentation for registered persons that is free, easily accessible, ensures access to basic rights (work, education, healthcare) and is recognized and accepted by the public and private sectors;
- Creating protocols for visa flexibility in the event of forced displacement due to natural disasters or climate change, as well as strengthening the implementation and scope of the CARICOM and OECS free mobility agreements, implementing legal pathways to enter the territory (family reunification, humanitarian visas), promoting and strengthening regular stays, and creating alternative mechanisms for international protection (temporary or complementary protection);
- Creating programmes to identify, prevent, and respond to major forms of abuse and exploitation, including gender-based violence, trafficking in persons, and harmful survival mechanisms, and developing awareness campaigns to fight discrimination and xenophobia, with support from UNHCR and the IOM;
- Prioritizing unreserved accession to the 1954 and 1961 Conventions on Statelessness and adopting domestic legislation for the effective implementation thereof; reviewing and adapting nationality laws to international standards on the prevention of statelessness and human rights in general, with a special focus on eradicating gender-based discrimination; promoting universal registration of births and implementation of late

registration of births; guaranteeing nationality acquisition by *jus soli* and *jus sanguinis* for stateless children or children at risk of statelessness; promoting durable solutions for stateless persons, especially facilitating their naturalization; and, on a more general note, complying with the commitments made within the framework of the Global Refugee Forum, the High-Level Segment on Statelessness and the CLARCIEV.

Focus Areas Regarding the Eradication of Statelessness

- For States that are not parties to the 1954 and 1961 Conventions, adhering to them without reservations and withdrawing reservations for those States that have incorporated them;
- Continuing the work to prevent statelessness and protect stateless persons, incorporating an approach based on solutions and strategies for the eradication of statelessness, and ensuring stateless persons have access to simplified naturalization procedures;
- Strengthening durable solutions for stateless persons;
- Promoting universal birth registration and late birth registration through all legislative, administrative, and practical measures necessary to facilitate and ensure such registrations;
- Guaranteeing the acquisition of nationality by *jus soli* for stateless children or children at risk of statelessness, eliminating the irregular migratory status of the parent as an obstacle to the acquisition of nationality by the application of *jus soli*; and guaranteeing the acquisition of nationality by *jus sanguinis* for children born abroad to a national parent, with no requirement of residence or statement of residence;
- Making complementary efforts within the legislative frameworks in Latin American and Caribbean countries regarding the protection, prevention, and reduction of statelessness, in order to meet the goal of becoming the first region in the world to be “statelessness-free” by 2024, representing a global model and leading the global goal of eradicating statelessness;
- Fulfilling the commitments made in the framework of the Global Refugee Forum, the High-Level Segment on Statelessness and CLARCIEV.

Focus Areas Related to International and Regional Cooperation

- Continue strengthening mechanisms, programmes, and projects established on the subregional and regional levels aimed at instituting common humanitarian and protection policies and at sharing good practices, and creating dialogue and information exchange spaces that allow for an effective and equal distribution of the burden and a supportive, concerted and uniform response;
- Guaranteeing the sustainability of humanitarian and protection responses, for which it is essential to have consolidated, sustainable, long-term public policies in place, as well as the support from the international community through technical and financial resources that are predictable and proportional to the magnitude of the phenomena;
- Leveraging regional action structures to seek cooperation, expanding, on a regional level, the exercise of quantifying public investment in serving people in need of international protection conducted by the MIRPS, as an efficient and articulated action mechanism before the international community;
- Strengthening twinning mechanisms within and outside the region;

- Collaborating with civil society, academia, Ombudsman's Offices, the judiciary, and international organizations to strengthen asylum systems and international protection mechanisms and solutions;
- Incorporating into the joint debate specific disaster and climate change risk management challenges on the national and regional levels, including the cross-border movement approach, and generating agreements or protocols on risk prevention and management;
- Establishing regional or bilateral visa waiver arrangements, strengthening intraregional free movement agreements, giving temporary-stay mechanisms a regional perspective, and integrating free movement and residency agreements into discussions, particularly including people displaced by disasters;
- Continuing to participate jointly in global meetings and forums aimed at strengthening the protection, solutions, and eradication of statelessness (Global Refugee Forum, High-Level Segment on Statelessness, among others), contributing with novel good practices developed in Latin America and the Caribbean.

9.2.2. Final Considerations: Towards Cartagena +40

Considering the advances and progress made, the complex context facing the region, the persistent challenges in countries of origin, the specific difficulties faced by transit countries, as well as the significant pressure on asylum systems and host communities in destination countries, the task of moving towards an effective and sustainable implementation of the Brazil Plan of Action is an arduous one.

During the last three-year period, countries faced extremely complex situations that were not always foreseeable: neither the millions of displaced persons nor the pandemic were elements that could be predicted six years ago, when the Brazil Plan of Action was adopted. Nonetheless, many countries in the region have managed to adapt their systems, policies, laws, and practices to accommodate and protect displaced persons, and regional cooperation, as well as the support of the international community, have played a very important role.

Countries have taken on important priority focus areas for the next three-year period, many of which are based on good practices, usually innovative, that have emerged in the region. This is highly relevant since all countries participating in the consultations agreed on the need to continue strengthening solidarity, shared responsibility, and humanitarianism on the national and regional levels.

This will not be easy, but countries have the tools to achieve this, contained for the most part in the Brazil Plan of Action. In addition, identifying the main factors that have strengthened or weakened their systems is a useful tool to focus on what makes them stronger in the long term and in terms of sustainability.

As long as States remain determined to make their progress sustainable, strengthen a long-term perspective that allows them to anticipate new scenarios and respond accordingly and with solidarity, reinforce the non-regression of the rights guaranteed to persons in need of international protection, unrestrictedly respect the principles and obligations whose binding character has been established by the IAHRs, and collaborate

with civil society, international organizations, Ombudsman's Offices, and the judiciary, the region will be able to make firm progress towards effective implementation of the Brazil Plan of Action, anticipating the celebration of the 40th anniversary of the Cartagena Declaration, which will mark a new milestone in the region.



Refugee and migrant children are particularly vulnerable along the displacement cycle. © UNHCR/Daniel Dreifuss

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