#

**MEETING OF THE REGIONAL CONSULTATION GROUP ON MIGRATION (RCGM)**

**REGIONAL CONFERENCE ON MIGRATION (PUEBLA PROCESS)**

**Mexico, November 10th, 2015**

**Presentation of the United Nations High Commissioner for Refugees**

The Office of the United Nations High Commissioner for Refugees (UNHCR), is grateful to the Regional Consultation Group on Migration (RCGM), the Pro Tempore Presidency of the RCM and its Technical Secretariat, for the opportunity offered to refer, in tis twentieth anniversary, to the most important aspects concerning the international protection of refugees, displaced persons and stateless persons in the region. We would also like celebrate the incorporation of UNICEF as an observer organization in the RCM. Undoubtedly it will be a new ally in our efforts to protect migrant and refugee children in the region.

# **Introduction: The Declaration and Plan of Action as a new regional roadmap**

This is our first intervention in the Regional Consultation Group on Migration after the adoption of the Brazil Declaration and Plan of Action in December 2014, instrument that falls under the title of: *“A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean”.*

Within this framework, States agreed to move forward in a process of ten years towards the protection of refugees and the achievement of durable solutions for these persons. In the Plan os Action countries pointed to the desirability of including the topics that were discussed in the drafting process of the Brazil Declaration and Plan "in the agendas of the Regional Conference on Migration, the South American Conference on Migration and the MERCOSUR Specialized Forum on Migration”.

**Trends and challenges in the current context**

In this context of common regional action, allow us to note some trends and challenges that are of primary concern to the UNHCR in the current scenario:

1. **With regard to displacement of people from the Northern Triangle of Central America**

This issue is highlighted in the Brazil Plan of Action’s Chapter Four, entitled “Solidarity with the Northern Triangle of Central America in Seeking and Implementing Durable Solutions”. Here, States recognized the increased amount of persons of people of Central American nationality seeking asylum in the region due to multiple causes, among these, the actions of transnational organized crime. As the High Commissioner on Refugees, Antonio Guterres, indicated three weeks ago “*the dramatic refugee crises we are witnessing in the world today are not confined to the Middle East or Africa (…) we are seeing another refugee situation unfolding in the Americas*”. The High Commissioner made a call to Central and North American countries to recognize the growing situation of refugees in the region.

The 1200% increase in the number of asylum applications from nationals of the Northern Triangle of Central America from 2013 to 2014 in other countries of the region demonstrates the magnitude of the problem.

States also recognized the impact of this issue on the most vulnerable groups, such as women, accompanied, unaccompanied and separated children and LGBTI persons. They also emphasized on “the increased number of asylum claims in neighboring countries and other countries within the continent, as well as of pending asylum applications and of refugees”. During 2014, 28,698 applications for refugee status determination were presented from persons of the Northern Triangle of Central America and 3,401 people were recognized with that status in countries as Canada, Mexico, United States, Costa Rica, Nicaragua, Belize, and Panama. Also in 2014, the regional average indicated that the number of recognitions closed in more than 35% of the number applications. In 2008 this average was 13% and in 2013 of 30%. This confirms the growing trend in the determination of refugee status of Central Americans in the region.

 About 90% of applications and 70% of recognitions were registered in the United States; followed by Mexico and Canada, with approximately 14% and 9% of the total recognitions in the region. By June 2015, Mexico had received 1,383 applications and recognized 284 persons as refugees.

 In other countries, such as Costa Rica, Nicaragua and Panama, the number of applications continue to grow and a significant amount of cases have been recognized.

Other country as Costa Rica, located south of Central America, had received 566 applications by September (more than in 2014), and registered 56 recognitions. Panama, Nicaragua and Belize have also experienced and increase in applications. Therefore, it must be concluded that Central Americans are not only fleeing to the north in search of protection, but also to the south of the region.

All this must be analyzed in a scenario of significantly increased deportations to the Northern Triangle countries between 2014 and 2015. We considered that the continued strengthening of the asylum infrastructures and the effective access to asylum systems along the region, will lead to increasing numbers of applications, refugee recognitions, and the adequate protection of persons who require it.

A particularly important issue is that of unaccompanied and separated children and adolescents. After the so-called "humanitarian crisis" of fiscal year 2014, the number of apprehended unaccompanied children and adolescents trying to cross the southern United States border reached nearly 70,000; in fiscal year 2015, this number decreased, but reached nearly 40,000[[1]](#footnote-1). By June 2015, Mexico reported 11,893 children and adolescents, mainly from Guatemala, Honduras and El Salvador. Of these, 6,113 were unaccompanied or separated[[2]](#footnote-2). Unfortunately, the migration of Central American children under these conditions was not new before 2014, nor has ceased.

At this point, we consider it essential to resume to our findings from the 2014 reports: *Children on the Run* and *Uprooted,* where we highlighted the multiple causes for the displacement of children and adolescents and the connection between these and the reasons for leaving their countries. The first report reveals that at least 58% of the interviewed children from the Northern Triangle of Central America, who were trying to enter the United States, evidenced possible international protection needs. In the second report – concerning unaccompanied children trying to enter Mexico – 48.6% indicated reasons related to international protection needs as a motive for leaving their country.

A recent diagnosis also published by the UNHCR, called "Women on the Run", addressed the situations of violence faced by migrant and refugee women in the region, related not only to their decision of fleeing their country, but also to the ill-treatments suffered during the migration route in search of international protection. Of the 160 interviewed women for the study, all were recognized as refugees or at least were considered, by the government of the United States, to have a well-founded fear of persecution or torture. The study recommended that countries of destination, such as Mexico or the United States, continue to work, in order to allow an adequate access to the asylum systems for these women.

It is fundamental for the UNHCR to recognize the constant support and coordination with the various governments that are receiving Central American nationals.

However, we would like to insist that countries cannot address individually the problem of forced displacement and the protection needs of refugees. The regional approach will lead to better opportunities to impact on the causes of the phenomenon, guarantee the protection needs and find solutions. We hope that the Plan “Alliance for Prosperity”, prepared by the countries of the Northern Triangle of Central America, can address those causes and support the process of ensuring effective responds to this problematic region.

There is still great room for improvement to continue building institutionalized procedures that guarantee non-refoulement and allow the detection and care of persons in need of international protection and timely referral to asylum systems and the application of efficient registration mechanisms. It should also be ensured to guarantee adequate conditions and livelihoods for applicants during the proceedings, and the achievement of durable solutions for these people once recognized as refugees. Family reunification, even in the country of asylum or in a third country where family members are living, is an ideal tool for those who may be threatened by traffickers or smugglers, particularly unaccompanied or separated children and adolescents.

 In this context, let us briefly mention some examples of significant progress that has been made to cope with the situation, with concrete actions from the countries of origin:

* At a subregional level, UNHCR, along with the IOM/UCA in El Salvador, the Pastoral of Human Mobility in Guatemala, and the Scalabrinian Sisters in Honduras, has supported the implementation of three studies on the protection needs of the returning population.
* These governments have been supported in the implementation of protection measures or in the elaboration of specific protocols for the reception of national returnees or deportees, in order to identify possible protection needs and refer them to the competent authorities. Special emphasis has been placed on the issue of retuned or deported children and adolescents.
* The Council of Deputy Ministers of SICA approved, as set forth in the Brazil Plan of Action, the creation of a Regional Human Rights Observatory on Displacement, and requested the technical support of the UNHCR for its establishment.
* Bilateral workshops have been launched between Colombian and Honduran authorities on best practices and experiences related to the response to forced displacement in Colombia.
* We recognize the important efforts made by the Honduran Inter-institutional Commission for the Protection of Displaced Persons by Violence since its beginning in 2014. The Commission requested the National Institute of Statistics to conduct a study to identify the profiles and situation of internally displaced persons, which will be soon submitted by the Government. The UNHCR has contributed to the study technically and also in the elaboration of a criminal classification to penalize forced displacement for the country´s new criminal code.
* In the case of El Salvador, we celebrate the Government’s courageous decision to include the prevention of displacement due to violence, and the protection of victims of displacement in the Plan for a Safe El Salvador. The recognition of the challenges in this context and the commitment of the El Salvadorian State to address them, was reiterated before the Inter-American Commission on Human Rights a few weeks ago in Washington D.C.
* As a decisive step, we are currently supporting the Government of El Salvador in the preparation and development of a study to characterize the phenomenon of internal displacement in the country. We have also collaborated in the development of the Strategy for the Care and Protection of Returned Children and Adolescents and their Families in the Community Environment, coordinated by the El Salvadorian Institute for Children and Adolescents and the design of the National Policy for Protection and Development for the El Salvadorian migrant and its family.

 It is worth noting the technical support that, along with UNICEF, we gave to the General Coordination of the Mexican Commission for Refugee Support (COMAR) for the elaboration of a protocol to detect international protection needs of non-accompanied and separate children. This is an innovative tool that takes into account the challenges to identify, before being deported, non-accompanied children fleeing violence. The Protocol takes into account the participation of COMAR and also the National Migration Institute (INM), but particularly the System for the Integral Development of the Family (DIF), designated authority for this task based on the new General Law on the Rights of Children and Adolescents.

 Additionally, in the case of the United States important measures have taken place to strengthen the capacity of asylum systems seeking to respond to the increasing number of applications, to ensure legal representation in favour of asylum seekers, and the expansion of the program on alternatives to detention.

Within the context of these regional and national efforts to address the protection of migrant and refugee people in the region, we would like to highlight the efforts of the Ad Hoc Group on Migrant and Refugee Children and Adolescents of the RCM, particularly, in the encouragement of the analysis and eventual adoption of regional consular standards of protection for unaccompanied children and adolescents, and in the development of regional consular platforms of registration, in order for these to be approved as guidelines between the Member States of this forum.

In this regard, we are pleased to have been part of the inter-agency team comprised of the UNHCR, UNICEF and IOM, that recently presented two specific proposals to be studied and that address both issues, to the Technical Secretariat of the RCM, at the request of the Ad Hoc Group itself. These documents take as reference the Mexican Protocol for the Consular Attention of Non Accompanied Children, elaborated by the Mexican government and UNICEF. UNHCR participated in the technical discussions for the elaboration of these Mexican protocol, and gave inputs for its content.

We welcome the possibility that these documents can be deeply reviewed and analyzed in the context of the Ad Hoc Group, in specific workshops with consular staff at regional and national levels, under the framework of the Regional Consultation Group on Migration, and eventually, by the meeting of Deputy Ministers of the RCM.

1. **Refugees of Colombian and Cuban nationality and extra-continentals**

However, the situation of refugees in the region also includes the traditional influx of Colombian nationals fleeing persecution in the context of the armed conflict in the country. We want to be very emphatic in the fact that, despite the benefits that a peace agreement may have for the Colombian society, the situations that have caused large refugee flows, will not cease in the short term.

A recent analysis made by UNHCR, and published in September 2014, concludes that the levels of violence and internal and external displacement are still significant in Colombia.

Even if the peace process concludes successfully, analysts have pointed out that Colombia will probably face a "difficult transition", given that the dissident guerrilla groups could decide not to demobilize. A series of new armed groups and drug trafficking organizations could try to take advantage of an eventual demobilization of the FARC. As a result, some groups will retain the profile of highly vulnerable, such as indigenous communities, Afro-descendants, persons exercising professions susceptible to extortion, local and regional government authorities, witnesses, human rights defenders, journalists, women with certain profiles, children at risk of recruitment or the LGBTI community. Some observers have concluded that it would take at least 10 years before peace is effectively restored.

Moreover, applications and recognitions from refugees from Cuba or African and Asian countries, such as Nepal, Bangladesh, Nigeria, Sri Lanka, Pakistan, Somalia, Democratic Republic of Congo, among others, continued as a trend. The training of officials in the proper reception of these citizens and the processing of these cases with relevant and updated information from the countries of origin, remains an important challenge for the States in the region

1. **Statelessness**

Lastly, on the issue of statelessness, it is important to emphasize that the region is moving towards the eradication of statelessness in the next 10 years, through the adoption of Chapter 6 of the Brazil Plan of Action.

Regarding the Statelessness Conventions, in the past year, countries like Argentina (2014), Belize (2015), Colombia (2014) and Peru, became States Parties to the 1961 Convention on the Reduction of Statelessness; while El Salvador (2015), Paraguay (2014) and Peru (2014), became State Parties to the 1954 Convention relating to the Status of Stateless Persons.

It is worth mentioning that countries like Argentina, Brazil, Costa Rica, Ecuador, Panama and Uruguay have advanced in the development of new regulatory frameworks based on the UNHCR´s Model Law, some of which include facilities for the naturalization of stateless persons.

The efforts of Costa Rica and Panama towards advancing with initiatives related to the confirmation of nationality in the border area (Ngäbe-Buglé Community), should also be noted. These include the late registration of births and the issuance of documentation attesting nationality

**Conclusion**

Ladies and gentlemen, it is clear that the situations described represent growing regional challenges that require regional solutions. We propose to use the Brazil Action Plan as an opportunity to agree on short and meddle term practical measures to improve the protection space and mitigate the effects of forced displacement in the region. We believe that this forum, the RCM, is ideal for identifying and sharing best regional practices and to address these challenges.

The UNHCR stands ready to keep working with governments to develop a regional agenda to strengthen the existing protection mechanisms in countries of origin and also the asylum systems in countries that are receiving persons with international protection needs.

Thank you.

ACNUR/UNHCR

1. See http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children. [↑](#footnote-ref-1)
2. See http://www.inm.gob.mx/index.php/page/Boletin\_3815 [↑](#footnote-ref-2)