NGO Statement on the Americas

Agenda item 3(a)iii

Dear Chair,

This statement has been drafted through a wide consultation within the NGO community.

To start with a reference to the Refugee Compact and the recent regional Conference organized in Brazil, we commend the adoption of the “100 points of Brasilia”. This document renews the commitments made by States in Latin America and the Caribbean to strengthen high protection standards for people in situation of displacement and statelessness.

Now looking at more specific aspects across the region:

We welcome the leadership of Argentina in promoting access to justice through a Specialized Commission that provides free legal assistance to asylum seekers at all steps of the RSD procedure. However, we note that the Act 70/2017 violates basic principles of international protection such as non-refoulement and due process.

In Brazil, NGOs commend the new 2017 Migration Law, which differentiates between refugee status and migratory status. We also welcome the implementation of an electronic record management system by the National Refugee Committees. However, we note that some electronic registers do not yield reliable, updated and disaggregated data and asylum seekers cannot access their own information.

NGOs also raise deep concerns regarding the Flight Reservation requirement to obtain a travel document as it is in contradiction with Article 28 of the 1951 Geneva Convention.

NGOs appreciate the Canadian government on having a welcoming policy allowing 300,000 new permanent residents including refugees. However, the persistence of the Safe Third Country agreement with the U.S. contradicts Canada’s approach, as it requires asylum seekers to request refugee status recognition in the first safe country they reach.

In Chile, NGOs commend the implementation of “Chile Reconoce”, a program allowing access to Chilean nationality for people registered under non-citizen status and children born to foreign
parents. However, we would welcome specialized legal and medical services for the benefit of refugees.

We welcome the ratification of the Peace Agreement by the **Colombian** Government with FARC. However, the persisting violence that generates internal and external forced displacements is of great concern.

We are also concerned about the lack of comprehensive and timely refugee status determination process. The Colombian government has not recognized Venezuelan refugees under the RSD process and has interrupted the issuance of the Border Mobility Card, demonstrating a lack of political will to recognize the expanded refugee definition established in the Cartagena Declaration.

We commend **Costa Rica**’s commitment to enhance the quality of asylum and expect this to be reinforced through the National CRRF plan, by establishing efficient asylum claim processes, issuing temporary IDs to asylum seekers and applying the extended refugee status definition. We also note some difficulties such as associated to the remaining high cost of refugee documentation.

In **Ecuador**, unclear requirements and procedures of migratory regularization processes i the Human Mobility Law are concerning, as they cause a legal insecurity for people. Likewise, the absence of clear mechanisms to correct the irregular migratory status and complementary protection mechanisms need to be resolved.

On the other hand, NGOs welcome the Human Mobility Roundtables and the issuance of identity cards for refugees identical to national IDs. This promotes integration and works against discrimination.

We condemn the **Salvadoran government**’s silence on the recognition of internal and cross border forced displacement, despite actions taken by the Supreme Court related to the current displacement crises.

In **Honduras**, NGOs commend the recognition of forced displacement provoked by violence in Decree PCM 053-2013. We suggest the implementation of a systematic process for registering displaced people in order to apply effective policies and legislation.

We raise concern about the **Mexican** Commission for Refugee Assistance (COMAR) decision to suspend deadlines for issuing decisions on refugee applications, leaving 5000 people in uncertainty.

COMAR’s practices contradict the principle of impartiality by not providing the criteria used to recognize or deny protection status and linking any type of tattoo with organized crime.
In Panama, the asylum seekers’ situation is of great concern. Due to lack of legal representation, they have difficulty being notified of decisions related to their case. This means that some may continue being detained indefinitely without the possibility of an appeal, violating their right to due process.

The new visa requirement for Venezuelan people exacerbates the lack of protection mechanisms and prohibits transit without a visa. Given Panama’s specific geographical location, this prevents many people in need of international protection from finding safe passage to a place where they can receive protection.

In Peru, NGOs commend the extension of the Temporary Residence Permit granted to Venezuelans. However, we note that asylum seekers’ provisional documentation is not recognized by the health system.

In Trinidad and Tobago, legislation to protect refugees is lacking. Asylum-seekers are vulnerable to refoulement at ports of entry and face discrimination if they do not speak Spanish. There are high rates of sexual and gender-based violence, arbitrary detention, harsh penalization for illegal entry, passport confiscation, lengthy delays in the issuance of supervision order and lack of access to legal representation.

In the United States, the Supreme Court decision to deny court hearings to immigrants, including asylum seekers, being detained or deported, is extremely worrying. It violates the Due Process and equal protection clauses. Additionally, the removal of the Temporary Protected Status (TPS) for Nicaraguans, Haitians and Salvadorans prevents people in need of international protection from accessing safety.

We regret attempts to implement travel bans which particularly affect resettlement programs.

In Uruguay, NGOs note progress regarding the protection of unaccompanied children, through issuing identity cards similar to national ID cards, and prohibiting deportation or legal actions without proper representation or guidance.

The current humanitarian crisis in Venezuela is forcing citizens to move to other countries in the region under vulnerable conditions. We urge the government to alleviate shortages of medicines, medical treatments and food.

All governments must guarantee a humanitarian response to this situation through their RSD procedures, complementary protection and regularization mechanisms under a human rights-based approach.

A longer version of the statement is available on icvanetwork.org.
Thank you, Chair.