

NGO Statement on the Americas and the Caribbean

This statement strives to reflect the diversity of viewpoints within the NGO community.

Madam/Mister Chair:

In the Americas, displacement soared to new record levels in 2022 due to a rise in mixed movements that affected nearly all countries in the region at once and expanded both in volume and complexity. The region currently accounts for the highest rate of forcibly displaced and stateless people worldwide, representing 16 percent, or over 20 million individuals, of the total figure.¹

The overall protection space shrank largely due to the introduction of restrictive migratory policies and measures that narrowed or limited safe routes and unrestricted mobility, putting refugees and people on the move at higher risk of suffering serious harm. Last year, at least 1,338 people lost their lives or disappeared in migratory routes trying to reach their destinations — mainly at the US-Mexico border and in the Caribbean. This is the highest number ever recorded, amounting to about 7,300 total documented cases since 2014.² After the Mediterranean, the Americas is the second-most perilous place for people on the move.

One crucial feature of the mixed movements of people in the Americas is that they have two scales: regional and domestic. First, the region has witnessed a crisis of human mobility linked to displaced Venezuelan, Haitian, Cuban, Nicaraguan, Honduran and Ecuadorian people seeking safety in the USA by travelling through the border. Second, natural hazards and armed conflict have exacerbated conditions for internal displacement within the countries El Salvador, Guatemala, Honduras, Colombia, Haiti, and Mexico.

NGOs are worried about the negative impact on protection, education, food security, livelihoods, health and water and sanitation availability that Internally Displaced People (IDPs), refugees, people on the move, stateless people and their host communities are experiencing in light of the economic growth slowdown, which is expected to continue into 2023.³ Efforts to address these challenges are critical.

We are also concerned by the persistent reports of gender-based violence, especially sexual violence, along migration routes like the Darién Gap (Colombia-Panamá border)⁴ and through Central America and Mexico. Current conditions have created a perilous environment especially for women and girls, where insecurity and absence of government interventions make most humanitarian programmes

¹ UNHCR Mid-year trends 2022: <https://www.unhcr.org/en-us/statistics/unhcrstats/635a578f4/mid-year-trends-2022.html>

² IOM, Missing Migrants Project, Americas: <https://missingmigrants.iom.int/region/americas>

³ ECLAC anticipates a general slowdown in Latin America and the Caribbean with growth of 1.4% in 2023, subject to considerable restrictions on both the domestic and international levels. Additionally, the poverty and extreme poverty levels projected by ECLAC for 2022 represent a 25-year setback, affecting over 200 million people (32.1% of the region's total population).

⁴ Several organizations, including the UN, released reports documenting the situation of gender-based violence across the region. See for example a UNHCR and HIAS study conducted in seven countries with more than 1,000 refugee and migrant women: <https://segurasenmovilidad.org/>

difficult to implement. Survivors experience restrictions in access to health services, psychosocial support, case management, and protection mechanisms in general.

Against this background, NGOs and authorities continue to respond while having insufficient capacity to assist people who are most in need, particularly in hard-to-reach and border locations. UNHCR's leadership to maintain a well-funded and coordinated response is urgent.

We hope the Los Angeles Declaration, signed in June 2022 by 21 governments, and the Buenos Aires Declaration, signed by 33 member nations of the Community of Latin American and Caribbean States (CELAC) in January 2023, can improve the deteriorated protection space for those forced to flee and promote a clear path to address and ensure a hemispheric focus on this ongoing crisis. We encourage UNHCR to ensure that NGOs in the region have a space for meaningful participation within this framework.

I. A regional displacement crisis: The Darién Gap

In 2022, 248,000 people on the move⁵ made the treacherous crossing through the Darien Gap, a record figure according to official data.⁶ One point of note is the demographic shift in human mobility flows, which consists largely of Venezuelans but with an increasing number of Ecuadorians and Colombians. Two factors explain this shift. First, barriers and changes in migration policies in southern countries of the continent have hindered the regularisation of the Venezuelan population. The economic downturn affecting much of the region, increase in policies targeting Venezuelans (e.g. in Peru) and limited socioeconomic integration opportunities have led to people on the move who had planned to settle in South America abandoning the subregion to head through Darién and onwards to the USA. Second, the deterioration of the quality of life, natural hazards, and increased violence have exacerbated conditions for internal displacement within the countries (Guatemala, Honduras, Colombia, Haiti and Mexico).

In the last six months, due to continued restrictive U.S. migration policies, many refugees and people on the move have been stranded in Colombia, Panama and in Northern Central America or they have been returned to their countries of origin, including Venezuelans, Haitians and Hondurans. Most of these individuals are running out of resources; some are heading for a new destination due to newly enacted policy restrictions. In this new reality, human mobility in the region no longer has a single direction but is made up of ebbs and flows, northwards, southwards and internally. People on the move are facing a humanitarian crisis that is multi-faceted and includes unemployment, discrimination, food insecurity, and a lack of basic services combined with a risk of falling victim to extortion, murder, injury, human trafficking, and sexual abuse, especially women and children.

II. Trends in major displacement situations

Colombia

Despite the peace agreements in 2016, many areas of the country have experienced a violent reconfiguration, particularly border areas. Diverse non-state armed groups and criminal actors have expanded into areas formerly controlled by FARC with an aim to control legal and criminal economies, and to establish presence and control through disputes or territorial distribution arrangements. Assassinations, confinements, displacements, and forced recruitment into armed gangs, in particular of children, adolescents and youth, are means to govern the inhabitants in areas of control. This violence has had an immense humanitarian impact, and there has also been an increase of humanitarian needs in cities with less conflict as refugees and people on move seek to avoid conflict zones. This situation also affects refugees and people on the move that are victims of armed

⁵ According to Panamanian authorities mainly from Venezuela (150,327 people), Ecuador (29,356) and Haiti (22,431), among other nationalities:

https://www.migracion.gob.pa/images/img2022/PDF/IRREGULARES_POR_DARIEN_DICIEMBRE_2022.pdf

⁶ A big jump compared to 2021 when 158.000 crossed the border.

conflict and face obstacles to receive humanitarian assistance from the government. Over 7.7 million people remain in dire need of protection and humanitarian assistance. IDPs, forcibly confined communities, and vulnerable people on the move and refugees are particularly exposed to protection risks stemming from the conflict.

Haiti

Since October 2022, Haiti has plunged further into a multidimensional crisis. Events like the assassination of the prime minister, armed disputes among gangs and state forces, riots, looting, assassinations and kidnapping of civilians,⁷ and attacks on staff of different NGOs are common. These events, combined with restricted access to fuel due to the control exercised by criminal gangs over the principal oil port, a new cholera outbreak, and famine, are evidence of a complex crisis. Despite the UN Security Council and the U.S. and Canadian government's resolutions (sanctions) this critical situation has remained, particularly access to essential goods such as water and food. This crisis has the potential to generate new or increased internal displacement and flows of people in different directions. Haitians desperate for refuge have taken to sea and increasing numbers have been detained and returned to Haiti, despite the UNHCR's call not to do so, by authorities in the Bahamas, Turks and Caicos, and the U.S.⁸

Dominican Republic

The government has stepped up the forced expulsion of people of Haitian descent. This has led to high levels of family separation, protection risks and violations of basic rights. Between August-October 2022, 60,204 people were forcibly removed from the Dominican Republic, with 108,436 total removals in 2022 (40% of those people being expelled are women, pregnant women, accompanied and unaccompanied children and adolescents). Many of the affected people were born in the DR and had the constitutional right to Dominican nationality. Many others came to the country as children and have minimal memories of Haiti. The expulsion operations have led people of Haitian descent to go into hiding to protect themselves and their families, which affects their ability to earn and survive, attend school, and seek medical treatment. As a result, food insecurity, malnutrition and problems with maternal and child health are likely to increase but go unmeasured. Using official data, at least 567,126 people are at risk of summary expulsion⁹, although in practice, the numbers are far higher, since expulsions are arbitrary and without due process.

Due to these policies, urgent humanitarian aid is needed for affected people, as well as the application of due process by the Dominican Republic and respect for human rights. A solution is needed for the lack of documentation of Haitians outside of their country. For a long time, the state of Haiti has been unable to document its people (both in and outside Haiti). The lack of official Haitian documents and documentation continues to block Haitians' access to existing and/or sporadic regularisation programmes across the region and results in serious and obvious protection threats. In 2022, little progress was made in implementing the DR's so-called Naturalisation Law of 2014, intended to remedy the denationalisation of over 130,000 persons of Haitian ancestry following a Constitutional Court ruling in 2013. On the contrary, a recent study, using official figures, estimates that some 137,794 persons are still without a solution to accessing their right to Dominican nationality.¹⁰

⁷ In 2022, more than 1,400 people were murdered, and more than a thousand were kidnapped.

⁸ UNHCR calls on States to refrain from forced returns of Haitians, Press Release, 3 November 2022: <https://www.unhcr.org/en-us/news/press/2022/11/6363acd64/unhcr-calls-states-refrain-forced-returns-haitians.html>; Migrant Returns and Reception Assistance in Haiti | Air and Sea | November 2022, Infographic, IOM: <https://reliefweb.int/report/haiti/migrant-returns-and-reception-assistance-haiti-air-and-sea-november-2022>

⁹ Data from the Dirección General de Migración from The Dominican Republic, based on number of people in 2017 estimated not to have a Dominican national identity card or regularisation card.

¹⁰ Participación Ciudadana, 'Informe Preliminar de la Investigación sobre la Implementación de la Ley No. 169-14', October 2022: <https://pciudadana.org/wp-content/uploads/2022/10/Informe-Ley-169-14-2.pdf>.

Venezuela

Venezuelans continue to flee to different destinations in the region as the country's economic and political situation remains critical. Additionally, natural hazards (floods and landslides), the wave of violence generated by criminal groups on the Venezuela-Colombia border, the Colombian armed conflict, and the environmental security issues in the Orinoco Mining Arc explain the push factors behind in the continuing exodus from the country. Venezuelans on the move are vulnerable to unemployment, discrimination, food insecurity, and a lack of basic services, and face different risks such as falling victim to extortion, murder, human trafficking, and sexual abuse, especially women and children. It is projected that there will be 6.83 million refugees and people on the move from Venezuela displaced in the region by the end of 2023, making Venezuelans one of the largest displaced populations in the world.¹¹

Nicaragua

Nicaraguans continue to flee to Central America and beyond¹² as the country's human rights situation continues to worsen. Record numbers of asylum applications by Nicaraguans were registered in Costa Rica, Mexico, and the U.S. in 2022. However, little attention is being paid to this situation. UNHCR and donors must redouble their efforts to keep the situation of Nicaraguan refugees and asylum seekers more visible. NGOs are also concerned for the possibility of an increased number of persons who could be at risk of statelessness in Nicaragua if denationalisation actions by the State continue to occur.

El Salvador, Guatemala and Honduras

Central American countries are currently dealing with increased mixed flows in the midst of an existing multifaceted humanitarian crisis that affects more than nine million people in Honduras, El Salvador, and Guatemala, while also being transit countries for the increasing number of people crossing the Darién gap and heading towards the USA. The cumulative effects of climate shocks reached a turning point last year, aggravating the acute humanitarian needs of millions, particularly regarding food security. Refugees and asylum seekers from these countries reached 636,000 in Central America and Mexico and internal displacement continues to be alarming, especially due to the lack of robust measures to address the needs of the population.

United States-Mexico border

A record 2.5 million expulsions under "Title 42" were carried out in the U.S. last year, drastically restricting legal migration pathways for those seeking protection. Despite several legal efforts, "Title 42" is still in place by court order as the Biden administration continues to expand the policy's use along the US-Mexico border with the cooperation of the Government of Mexico.¹³ While the administration introduced several humanitarian parole programmes to allow Venezuelans, Haitians, Cubans and Nicaraguans to apply for permission to stay in the U.S. temporarily if they have a private financial sponsor and meet other requirements, those who lack the connections and resources to access these programmes are left with no other option than attempting to cross the border irregularly. Recently, the Biden administration published a proposed policy that, if enacted, would prevent individuals from receiving asylum if they cross the border irregularly or transit through a third country without applying for protection there first, which would further limit access to safety in the U.S. There are exemptions included in the proposed policy meant to quell humanitarian concerns, but most provide inadequate safeguards to the most vulnerable at the United States-Mexico border. The most

¹¹ UNHCR, Refugee Data Finder, <https://www.unhcr.org/refugee-statistics/>

¹² There are some 267,000 refugees and asylum seekers from Nicaragua in Central America and Mexico according to UNHCR estimates.

¹³ On January 5, 2023, the Biden administration announced a series of policy changes that included expanding "Title 42" to nationals of Venezuela, Cuba, Nicaragua, and Haiti.

vulnerable and the poorest are effectively excluded. We urge UNHCR to redouble its efforts to accompany, protect and financially support the work of Mexican refugee and migrant advocates, human rights defenders, and service providers in both the northern and southern border areas as well as in the interior.

III. Recommendations and calls to action

Specifically, we call on UNHCR, governments and donors to:

1. Develop strategies to address human mobility in the region that consider all nationalities and causes of human mobility. Current mobility flows are composed of many nationalities, and strategies, programmes and funding must be designed appropriately.
2. Develop alternative approaches and temporary solutions to respond to the severe problem of lack of access to official documents and documentation faced by Haitians and Venezuelans within and outside their countries.
3. Coordinate with civil society, the different platforms for refugees, people on the move and stateless people, and relevant regional and state actors, to promote effective policies on protection and integration.
4. Facilitate the development of coordinated asylum and migratory policies across the region, to minimise the ripple effects that changes in one country's policy can have on individuals traveling to find safety. Promoting a human rights approach for border management is also critical.
5. Work with other agencies to harmonise and streamline the various humanitarian coordination mechanisms that exist for humanitarian affairs across the region, reducing the duplication and overload that exists for many humanitarian actors engaging in humanitarian coordination across the Latin America and the Caribbean.
6. Redouble efforts to maintain the visibility of the region's displacement crisis and ensure timely and adequate international funding to respond, particularly the integration of humanitarian funding mechanisms into development programmes. Such funding should reach civil society organisations and reduce the evident effect of hoarding and bureaucratising access to resources for response.
7. Renew efforts to effectively coordinate humanitarian leadership amid increased mixed flows, especially through existing mechanisms, and in cooperation with governments and NGOs.
8. Provide a clear action plan for Los Angeles and Buenos Aires Declarations and ensure that humanitarian actors can effectively contribute to them.
9. Develop policies, plans and funding mechanisms to strengthen, under a responsibility-sharing focus, the regional response to the climate drivers of forced displacement.
10. Encourage sustained social cohesion initiatives by recognising the positive contributions of refugees and people on the move to their host communities.
11. Engage refugee, migrant and stateless-led associations and host communities to address persisting stigma, racism and discrimination against refugees, people on the move and stateless people across the region.

Madam/Mister Chair, the region's historical asylum tradition shows that governments can come up with novel ideas, work together, and achieve challenging agreements to protect lives when they are motivated by shared values, and interests. As NGOs, we reaffirm our commitment to partner with UNHCR, governments and donors so that, together, we stand with forcibly displaced people and stateless.

Thank you.