

NGO statement on the Americas

Dear Chair,

This statement was drafted through a wide consultation with NGOs and reflects a diversity of views.

Overview

Conflict, violence, the impact of climate change, political instability and repression, and economic crisis have pushed displacement and human mobility within the Americas to historical high levels.¹ There has also been an increase of people from Asia and Africa moving through the region, joining those from South America transiting the dangerous Darién Gap between Colombia and Panama. Rising insecurity, discrimination, and increased enforcement in many countries in the region have overshadowed new protection and complementary pathways and local integration programs, leading to secondary migration, and leaving many asylum seekers stranded or in orbit and subject to forced returns. Among the people on the move are numerous vulnerable groups, including children and adolescents and women travelling alone, who face serious protection risks, including gender-based violence and trafficking. Internal displacement as a result of the conflict in Colombia, generalized violence in several countries, and the presence of non-state armed actors or criminal gangs in border areas, are having major adverse localized impacts with potentially serious consequences across Latin America.

Unprecedented Migration through the Darién Gap

With visa requirements blocking safer routes, over half a million people traveled through the treacherous Darién Gap between Panama and Colombia in 2023-- more than double the number of 2022-- and Panamanian authorities assess that this number will rise in 2024. Harsh conditions are compounded by the presence and control of irregular armed groups and migration has altered the political economies of communities along the route.² Reports have documented compounded protection risks, a lack of sufficient humanitarian support along the route, abuse of people making the crossing (including robbery, kidnapping, gender and sexual violence), and the rising number of children (including unaccompanied minors) making the journey.³ Additionally, NGOs

¹ "In a Dramatic Shift, the Americas Have Become a Leading Migration Destination," MPI, April 11, 2023

² "Record half million people crossed the treacherous Darién Gap in 2023" <https://www.theguardian.com/us-news/2024/jan/03/record-half-million-people-crossed-darien-gap-2023>

"Migración irregular aumentará 20% en 2024" <https://www.laestrella.com.pa/panama/nacional/migracion-irregular-aumentara-20-en-2024-DE6042612>

"A Ticket to Disney: Politicians Charge Millions to Send Migrants to the US" <https://www.nytimes.com/2023/09/14/world/americas/migrant-business-darien-gap.html>

³ "The Darien Gap Migration Crisis in Six Graphs, and one map" <https://www.thenewhumanitarian.org/maps-and-graphics/2024/01/15/darien-gap-migration-crisis-six-graphs-and-one-map>

report⁴ emotional exhaustion, ineffective self-care techniques, the use of negative coping strategies among refugees and migrants and an increase in instances of domestic violence and self-harming behaviors. UNHCR’s own monitoring has indicated that most Venezuelans, who make up a large majority of those transiting from Colombia to Panama, are leaving directly from Venezuela. It is the first displacement for some, but a second for others who could not integrate following return to Venezuela due to the persisting humanitarian crisis and lack of employment prospects.⁵ Venezuelans are also leaving from Colombia, Peru, and Ecuador, the latter of which is facing an uptick in violence (sometimes falsely blamed on Venezuelans) that is also leading to displacement of an increasing number of Ecuadorians.

U.S. border policy and Mexican enforcement efforts

Many of those transiting the Darién Gap intend to go to the United States—and frequently report even worse treatment, including by officials, on the way through Guatemala and Mexico.⁶ Since May 2023, to be eligible for asylum in the United States if coming through the southern border, asylum seekers need to make an appointment to appear at one of eight ports of entry using CBP One, an app available only on certain smartphones and which is accessible in only three languages. Demand for appointments far outstrip supply and there are many parts of the border far from a port with appointments. Asylum seekers waiting for their appointments (for an average of two months but for as long as six months) have been subject to kidnapping and theft.⁷ Those who cross the border without authorization are ineligible for asylum (with rare exceptions) and must meet a higher burden of proof to have their removal deferred. Implementation of this policy has led to the repatriation of tens of thousands of Guatemalans and Hondurans, who continue to flee their countries and come to the U.S. border in huge numbers, and the return to Mexico—by agreement with Mexico—of thousands of Venezuelans (and fewer Cubans,

“Bottleneck of the Americas: Crime and Migration in the Darién Gap”, International Crisis Group, November 2023, <https://www.crisisgroup.org/latin-america-caribbean/andes/colombia-central-america/102-bottleneck-americas-crime-and-migration>

“Migrants left without protection as Darién Gap crossings reach half a million”, Doctors Without Borders, December 2023, <https://www.doctorswithoutborders.org/latest/migrants-left-without-protection-darien-gap-crossings-reach-half-million>

“Darién jungle: child crossings in 2023 now exceed the whole of 2022”, UNICEF, August 2023, <https://www.unicef.org/lac/en/press-release/darien-jungle-child-crossing-2023-exceed-whole-2022-statement-garry-conille-unicef-regional-director>

“MSF denounces the increase in brutality against migrants in the Darién jungle and demands action to stop it”, Doctors Without Borders, March 2024, <https://www.msf.mx/actualidad/msf-denuncia-el-aumento-de-la-brutalidad-contra-migrantes-en-la-selva-del-darien-y-exige-acciones-para-frenarla/>

⁴ HIAS Cross-border Protection Monitoring, August-October 2023, <https://reliefweb.int/report/colombia/monitoreo-de-proteccion-transfronterizo-colombia-panama-costa-rica-honduras-numero-5-agosto-octubre-2023>

⁵ Universidad Católica Andrés Bello, Encuesta de Condiciones de Vida, <https://www.proyectoencovi.com/encovi-2022>

⁶ “Para muchos migrantes el infierno está en México y no en el Darién,” January 2024, Efecto Cocuyo, <https://efectococuyo.com/venezuela-migrante/para-muchos-migrantes-el-infierno-esta-en-mexico-y-no-en-el-darien/>

“Violence remains one of the main risks for people on the move in Mexico”, International Rescue Committee, January 2024, <https://www.rescue.org/press-release/violence-remains-one-main-risks-people-move-mexico-irc>

“The price of passage: Migrants fear threat of extortion in Guatemala”, Al Jazeera, January 2024, <https://www.aljazeera.com/news/2024/1/4/the-price-of-passage-migrants-fear-threat-of-extortion-in-guatemala>

⁷ “For asylum seekers, CBP One App poses major challenges”, HIAS, November 2023, <https://hias.org/news/asylum-seekers-cbp-one-app-poses-major-challenges/>

Nicaraguans, and Haitians). Venezuelans returned to Mexico, as well as asylum seekers making their way northward through Mexico or waiting near a U.S. port of entry, have been blocked and sent southward (or to their home countries) by Mexican authorities without being given a chance to seek protection and sometimes separated from their family members.⁸ CBP One and the U.S. regulation barring asylum eligibility to almost all of those who cross the border unauthorized – a policy that violates Article 31 of the Refugee Convention by penalizing refugees for their manner of entry – has especially disadvantaged asylum seekers who are African and indigenous language speakers, populations also at risk of violence and extortion in Mexico.⁹ Increase in Mexican enforcement was particularly pronounced in the wake of negotiations with the United States at the end of 2022 and the end of 2023.¹⁰

Deaths and disappearances

Countries in the region should uphold the right to seek asylum; blocking asylum will not stop people from fleeing and instead will only result in more human suffering and loss of lives. Migrants and asylum seekers will look for less monitored yet more dangerous routes and ways to migrate, including by relying on smugglers and organised crime that will expose them to more protection risks.

At the U.S.-Mexico border, asylum seekers have lost their lives falling from the wall or drowning in the Rio Grande. In 2023, more than 1,200 refugees and migrants died or went missing while traversing land or maritime routes in the region.¹¹ However, the majority of deaths and disappearances remain unreported, primarily due to limited access to the areas and the absence of official statistics. Compounding this tragedy is the lack of robust protection mechanisms for victims and their families and strengthened cooperation between States to address this issue.

Promising but inadequate pathways and integration efforts

One of the reasons Venezuelans travel northward towards the United States in large numbers is because of stalling or ineffective efforts at their integration in several countries in the Americas, including Colombia, Ecuador and Peru.¹² Similarly, Mexico needs to further invest not only in its

⁸ “Digital Metering,” Human Rights Watch, January 2024, <https://www.hrw.org/news/2024/01/22/dhs-oig-and-crcl-complaint-regarding-digital-metering>

⁹ “U.S. border and asylum policies harm black asylum”, Human Rights First, February 2024, <https://humanrightsfirst.org/library/u-s-border-and-asylum-policies-harm-black-asylum-seekers/>

¹⁰ “Civil Society Organizations Across the Americas Condemn US Government Expansion of Title 42 and Regional Restrictions to Asylum Access; Sound the Alarm on Growing Humanitarian Crisis”, WOLA, November 2022, <https://www.wola.org/2022/11/civil-society-condemn-us-government-expansion-title-42-restrictions-asylum/>
US-Mexico immigration coordination producing results, official says, Reuters, January 2024, <https://www.reuters.com/world/americas/us-mexico-immigration-coordination-producing-results-official-says-2024-01-21/>

¹¹ <https://missingmigrants.iom.int/region/americas>

¹² “A Forgotten Response and An Uncertain Future: Venezuelans’ Economic Inclusion in Colombia,” Refugees International, November 2023, <https://www.refugeesinternational.org/reports-briefs/a-forgotten-response-and-an-uncertain-future-venezuelans-economic-inclusion-in-colombia/>

asylum system but also in economic integration programs for refugees and asylum seekers.¹³ In Costa Rica, recent policies have limited access of asylum seekers to the labor market rather than fostered integration.¹⁴ Drivers of secondary migration by Venezuelans and Nicaraguans include limited economic and educational opportunities, lack of access to health services, as well as rising xenophobia.

In the second half of 2023, the United States began the Safe Mobility Initiative in four countries—Colombia, Costa Rica, Ecuador, and Guatemala—that allows people to be screened for eligibility for migration pathways. As of now, eligibility is limited to certain nationalities, and can also be contingent on entry into the country by a certain date and applying or attaining legal status in the country. As of January 2024, the vast majority of applicants have been screened for refugee resettlement in the United States (and several thousand have been approved) through the initiative. A few hundred have also learned about applying for parole programs to the United States, though these have a separate application process, and there is not yet a connection to labor pathways through the Initiative.¹⁵ The Initiative will only achieve its potential if eligibility is expanded, more countries agree to receive resettled refugees or labor migrants, and more pathways are made available.

Internal Displacement

The humanitarian situation inside Haiti continues to deteriorate. Displacement in Haiti grew tremendously in 2023 due not only to increasing insecurity and violence but also because of expulsions and forced returns of over 200,000 people mostly from the Dominican Republic but also by other countries through interdiction at sea—including of unaccompanied children-- and return flights despite UNHCR’s non-return order (which has been in effect since November 2022).¹⁶ Haiti is not safe for returns and instead needs increased aid to address gender-based violence and food insecurity.

“Decent Work for displaced people: Lessons from the experiences of Venezuelan Migrant and Refugee workers in Colombia and Brazil,” ILO, January 2024,

https://www.ilo.org/americas/publicaciones/WCMS_906738/lang--es/index.htm

“Medium and Long Run Economic Assimilation of Venezuelan migrants to Peru”, Inter-American Development Bank, Medium and Long Run Economic Assimilation of Venezuelan migrants to Peru, January 2024

<https://publications.iadb.org/en/medium-and-long-run-economic-assimilation-venezuelan-migrants-peru>

¹³ “Refugee Relocation in Mexico: Findings from the UNHCR Local Integration Program,” Medium and Long Run Economic Assimilation of Venezuelan migrants to Peru, 2023, <https://www.unrefugees.org/refugee-relocation-in-mexico-findings-from-the-unhcr-local-integration-program/>

¹⁴ “Asylum Seekers in Costa Rica Struggle to Survive as New Decree Restricts Access to Work,” Refugees International, August 2023, <https://www.refugeesinternational.org/perspectives-and-commentaries/asylum-seekers-in-costa-rica-struggle-to-survive-as-new-decree-restricts-access-to-work/>

¹⁵ “What We Know About the Biden Administration’s Safe Mobility Initiative,” International Refugee Assistance Project, January 2024, <https://refugeerights.org/news-resources/safe-mobility-offices-smos-101-what-we-know-about-the-biden-administrations-smo-initiative>

¹⁶ “Haiti: More than 60% of forced displacements happened in 2023, a year of growing brutality”, IOM, January 2024,

<https://haiti.iom.int/news/haiti-more-60-forced-displacements-happened-2023-year-growing-brutality>

Statistic on forced returnees from Haiti, IOM,

<https://app.powerbi.com/view?r=eyJrIjoiYWZiYzU2MzktOWFkMC00MDk4LWFlOTQ0NmQ0YTU1ODkzOTQ2IiwidCI6IjE1ODgyNjJkLTltZmltNDNiNC1iZDZlLWJjZTQ5YzhlnjE4NiIsImMiOjhh9>

Colombia remains in the [top 5](#) countries with the highest number of internally displaced persons in the world and local populations continue to bear the brunt of the conflict's impacts in the country. Direct and often deliberate attacks by armed actors against civilians, child recruitment and attacks on schools in violation of international humanitarian law are increasing. Abuses by armed groups in many remote areas in recent years have reached [similar levels to those that existed before the peace process in 2016](#). Nearly [6 million Colombians](#) continue to live in areas where non-state armed actors are present while humanitarian access is [deteriorating](#).¹⁷ Although official displacement figures within Venezuela are not available, thousands of people are migrating within the country to mining areas bordering Brazil and Guyana perceived to have better access to livelihood opportunities though having limited education, health, water, and sanitation services. Clashes between the government and criminal gangs (who control mining activities and often resort to the use of child labour and sexual exploitation) have led to violence, extortion, and forced evictions.

The Danger of Boundary Setting and the Promise of Cartagena +40

We are concerned by the attempts to lobby UN agencies into reducing the financial value of Humanitarian Response Plans through a so-called “boundary setting” exercise that leads to reduced figures for people in need and lower target populations and appeal figures, despite humanitarian needs continuing to grow. Sectors of particular importance in the response to the humanitarian needs of people on the move have been especially affected. We hope that this trend will not be replicated in the Regional Migrant and Refugee Response Plan, and we disagree with arbitrary cuts to Humanitarian Response Plans that are being developed to respond to domestic donor priorities.

This year marks the 40th anniversary of the 1984 Cartagena Declaration, celebrated for its commitment to providing asylum and protection to refugees. The formulation of a new 10-year regional action plan in 2024 as part of the Cartagena +40 process presents a critical opportunity to collectively tackle current challenges. NGOs call for the inclusion of explicit commitments to address displacement resulting from disasters and climate-related events, with a particular focus on Central America, collaboration among governments, civil society organizations, and the UNHCR on protection and inclusion as solutions to displacement, and financial commitments from international donors, financial entities, and the private sector to bolster humanitarian and development efforts, spanning emergency assistance and long-term solutions.

Thank you.

“When the Coast Guard Intercepts Unaccompanied Kids,” Propublica, December 2023,

<https://www.propublica.org/article/when-the-coast-guard-intercepts-unaccompanied-kids>

¹⁷ 2023 Global Report on Internal Displacement, Internal Displacement Monitoring Center, <https://www.internal-displacement.org/global-report/grid2023/>

Human Rights Watch, Colombia, Events of 2023, <https://www.hrw.org/world-report/2024/country-chapters/colombia>

Colombia: Summary Humanitarian Needs Overview 2023, OCHA, 2023,

<https://reliefweb.int/report/colombia/colombia-summary-humanitarian-needs-overview-2023>

“Open letter to the parties in conflict in Colombia”, OCHA, February 2024,

<https://www.unocha.org/publications/report/colombia/carta-abierta-las-partes-en-conflicto-en-colombia>