

*Regional Consultation for the Elaboration of the Triennial Progress Report*

*Brazil Plan of Action (Chapter Eight)*

**Comprehensive and durable Solutions Program (Chapter Three)**

**Quito, 13-14 November 2017**

**Introduction**

On the 3<sup>rd</sup> of December 2014, 28 states and 3 overseas territories of Latin America and the Caribbean unanimously adopted the *Brazil Plan of Action* (BPA) as the conclusion of the process commemorating the 30<sup>th</sup> anniversary of the 1984 Cartagena Declaration on Refugees. It was a response to new international protection challenges and addressed the identification of solutions for refugees, displaced and stateless persons in Latin America and the Caribbean in the next 10 years.

Within the framework of the evaluation and monitoring mechanism of the 2014 BPA, a regional thematic Consultation was organized on the implementation of Chapter Three of the BPA regarding comprehensive, complementary and sustainable solutions. On 13 and 14 November 2017, the Government of Ecuador and UNHCR held this Consultation in Quito, in order to produce inputs for the first progress report (2014-2017) as proposed by Chapter Eight of the BPA. The Consultation included the participation of Ecuador, Argentina, Brazil, Costa Rica, Chile, Jamaica, Mexico, Trinidad and Tobago, Suriname, and Uruguay, with contributions from various international organizations<sup>1</sup> and civil society organizations<sup>2</sup>.

The meeting had as specific objectives to: 1) analyze the progress made on the implementation of Chapter Three of the BPA, with a focus on the local integration program; 2) encourage the exchange of good practices and lessons learned; 3) identify persistent challenges and recommendations on areas that require greater efforts and international cooperation for the implementation of the BPA.

The meeting was divided into four Modules: 1) legal integration; 2) socio-economic integration; 3) sociocultural integration; 4) solidarity resettlement and community sponsorship. In addition, the meeting included a discussion on the role of local governments in refugees' integration issues and the implementation of the program "Cities of Solidarity".

In the inaugural session, the Minister of Foreign Affairs and Human Mobility of Ecuador, Mr. José Luis Jácome, reiterated that the BPA was groundbreaking in including solutions programs that created a regional framework for all actors involved, through a constructive dialogue, based on spirit of innovation, flexibility and solidarity. He invited States to consider the outcome of the Quito consultation as a Latin America contribution to the Global Compact on Refugees that will be adopted in 2018, following the 2016 New York Declaration on Refugees and Migrants. It was emphasized that refugees and asylum seekers should be considered as rights holders entitled to a decent life, free from violence and discrimination, and with effective access to all human rights.

**Module 1: The legal dimension of integration**

The legal dimension refers to the set of laws that applies to refugees and asylum seekers ensuring effective enjoyment of human rights in the host country. The process of legal integration ideally leads to the possibility of obtaining the naturalization in the country of asylum. Participants stressed the importance that adequate documentation has for the identification of people in need of international protection and for the access to a number of rights. It was also mentioned the need to improve deadlines in decisions of refugee status determination to guarantee legal certainty, reiterating the importance of the principle of extraterritoriality of said condition.

From the interventions emerged a series of positive legislative developments in the area of registration and documentation for refugees and asylum seekers, including the good practice of avoiding any mention to refugee status in ID documents, to prevent discrimination and limitations to the enjoyment of rights. In this area, it was emphasized the good practice of provisional documents, including humanitarian visas, that could provide effective and immediate access to rights, including to formal employment and basic services. Delegates highlighted the fundamental importance of the form and content of documentation that should look, as closely as

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<sup>1</sup> OEA, CIDH, Corte IDH, IPPDH, OIM, UNICEF, UNFPA.

<sup>2</sup> HIAS Ecuador, FUDELA Ecuador, Asylum Access Ecuador, CDH Ecuador, Fundación Mujer Costa Rica, ADRA Argentina, Encuentros Perú, SEDHU Uruguay, PCR México, Caritas Rio De Janeiro, NRC Ecuador, Sin Fronteras México, CAREF Argentina

possible, like national identity cards, with digits compatible with those of national documents. In this regard, it was emphasized the importance of strengthening inter-institutional coordination and communication, both in the public and private sectors, especially to improve awareness of the validity of identity documents and residence permit of refugees and asylum seekers in the host country.

The good practices of those States that grant permanent residence to refugees were pointed out. It was also reiterated the need to promote the adoption of normative frameworks that facilitate the option for permanent residence, with simple and expedited procedures, preferably free or at low-cost. Another good practice recommended was that the terms to obtain permanent residence or naturalization begin to run from the moment of the lodging of an asylum application.

Persistent challenges were also raised during the discussions, in particular those related to: the high costs for changing migratory category, especially for large families; the discrepancies in the documentation granted to the applicants that lead to discrimination; the long delays for obtaining permanent residence, and the lack of information and inter-institutional cooperation, both in public and private sectors, on documentation and refugee status.

The Consultation emphasized that naturalization should not represent the only option ensuring the effective exercise of rights and access to services.

Recognizing the efforts and goals achieved, participants agreed on the following recommendations:

- Continue promoting the documentation of refugees and asylum seekers as a protection tool, in order to guarantee access to socio-economic rights and to basic services, such as health, education and employment;
- Consolidate documentation systems in an expedited, individualized, free, and in a long-term renewable manner, without any mention to refugee status;
- Ensure that documentation is fully recognized by public and private authorities and institutions, and that it endows refugees with the same rights as nationals, based on the principle of non-discrimination;
- Strengthen registration and documentation systems, particularly in the current situation of exponential increase in asylum applications, and of new types of displacement or migration;
- Facilitate the change of migratory status for refugees, from temporary to permanent residence, including - when requested - the naturalization process, through simple, accessible, and low-cost procedures.

## **Module 2: The socio-economic dimension of integration**

The socio-economic dimension of local integration concerns the possibility of ensuring adequate livelihoods and effective path towards self-sufficiency for refugees and asylum seekers. The Consultation reiterated the fundamental importance of maintaining a focus on gender, age and diversity - based on human rights - throughout the whole integration process, to ensure the highest protection of individuals.

Participants pointed out examples of legislative progresses and good practices that facilitate access to work through documentation that grant access to economic, social and cultural rights, including access to aid programs, and through promotion of inter-institutional harmonization of procedures - in both public and private sectors .

Delegates highlighted the good practices of several national programs and projects related to the insertion into the labor market, corporate social responsibility in support of refugees, including information on job search, training and vocation, as well as language classes, especially of the host country. On the right to education, the following good practices were shared: the abolition of the requirement to prove migratory status - including stamps from the country of origin -, the validation of the degrees obtained in the country of origin and programs of free language classes of the asylum country to facilitate local integration. It was also highlighted the good practice of ensuring shelter and psychological attention to people, with priority for children and adolescents. In addition, participants mentioned the practices of ensuring social security insurance for refugees, with some efforts to extend it to asylum seekers.

Delegates placed a special emphasis on the important role of decentralization of measures and coordination between municipalities and local governments, in order to better meet the needs of refugees and asylum seekers with regards to integration. In this respect, emphasis was placed on the importance of ensuring access to housing, education and health at the local government level.

In relation to pending challenges, the Consultation determined that - alongside legal and administrative barriers - there are challenges and practical barriers that limit the exercise of rights and the access to formal, safe and

dignified employment. Concrete challenges still persist in the access to decent, safe and adequate housing, access to basic services, particularly for those women heads of household, moving alone, and responsible for the care of their children. The importance of fighting against discrimination and stigma was also addressed, particularly with respect to ensure safe jobs, preventing exploitation and salary discrimination, and to prevent and guarantee protection in cases of human trafficking.

Participants recommended the following areas for further strengthening:

- Continue placing efforts aimed at guaranteeing effective access to economic, social and cultural rights, eliminating barriers to their exercise, taking into account the economic conditions of each asylum country;
- Implement and strengthen sustainable strategic alliances between institutions of public and private sectors, that contemplate mechanisms of participation of the civil society as well as of refugees and asylum seekers;
- Develop and implement programs and policies to raise awareness among local communities of the situation and difficulties experienced by refugees and asylum seekers, in order to fight against discriminatory practices and social exclusion;
- Adopt or strengthen programs that promote the inclusion of refugees and asylum seekers in the national anti-poverty system; promote public policies focused on these persons based on human rights and respectful of the gender, age and diversity dimension, including LGBTI persons, women victims of trafficking, children, girls, adolescents and indigenous peoples;
- Fight against labor exploitation, precarious and informal work, and promote effective access to income-generating activities, with the support of the private sector, and promote affiliation to social insurance;
- Promote access to governmental programs - on equal terms with nationals - that favor professional and vocational training for refugees and asylum seekers to seek employment and/or self-employment and promote access to banking services;
- Ensure access to education and university studies, and promote the validation and homologation of degrees obtained in the country of origin.

### **Module 3: The socio-cultural dimension of integration**

The socio-cultural dimension of integration is based on the creation of a feeling of inclusion, belonging and social participation in the host community, without renouncing to one's own culture. The consultation determined that within this dimension, the most important challenges refer to practices of discrimination, stigmatization, and xenophobia. It was reiterated that asylum seekers and refugees are rights holders, stemming from on obligations under international human rights law.

Good practices related to socio-cultural integration were pointed out, based on a social, cultural and interactive process. These projects aim to include persons of concern in the local community through cultural events and various forms of training to strengthen personal skills. Special emphasis was placed on the importance of promoting self-employment by transforming refugees and asylum seekers into agents of change, in particular, the methodology for training teachers and school directors to create an inclusive environment.

To combat discriminatory practices, the consultation stressed the need to take the following actions:

- Raise awareness in the local community on the conditions and difficulties experienced by refugees, through investment in cultural actions and with the active participation of refugees and the local population; promote the creation of spaces for the participation in public policies that allow refugees to be heard;
- Promote training and awareness of public officials, in particular at local level, and encourage inter-ministerial instances, coordination between the federal (when applicable), national and local governments, as well as the interaction with public and private actors;
- Consider the use of cultural spaces that already exist to link them with refugees' integration initiatives;
- Continue to develop cultural integration projects at local level, with the leadership of the Central Government, and show concrete evidence on how the contributions of refugees to the local economy result in the generation of wealth for the entire local community.

#### **Module 4: Solidarity resettlement and community sponsorship**

The Consultation reiterated that the solidarity resettlement program represents one of the most innovative components of the 2004 Mexico Plan of Action, and an alternative solution within the local integration of refugees, according to the principle of shared responsibility. Participants emphasized the need to diversify among the various resettlement possibilities within the framework of South-South cooperation, and as a contribution of the Latin American and Caribbean region to the Global Compact for Refugees, raising the possibility of articulating a solidary resettlement program within the UN 2030 Agenda, which includes many of its elements.

Participants also underlined that the principle of shared-responsibility should not only apply to governments, but also involve different international actors, and should be coordinated at global level. Likewise, special focus was placed on the importance of having the leadership of the States in resettlement programs - as the main responsible and guarantors - emphasizing how these programs can revitalize strategies for durable solutions.

The following good practices regarding solidarity resettlement were highlighted:

- The “Syria Program”, in Argentina, is an initiative of private individuals (or “inviting families”) that jointly receive families of Syrian refugees from Lebanon. Emphasis was placed on the importance of political and inter-ministerial articulation of this project, combining several actors of civil society, private individuals, as well as federal and local governments. Argentina stressed the need to implement actions and measures that support the efforts of the host families, as well as coordination with international cooperation in reception initiatives.
- In Uruguay, the good innovative practice of “rural resettlement”, which includes access to free public housing, has helped both local communities and refugees.
- In Costa Rica, the Protection Transit Arrangement (PTA), a humanitarian evacuation mechanism from Northern Central America countries to facilitate the transit of people in need of international protection to a third country.
- In Chile, the solidarity resettlement program for refugees coming from Lebanon.

Participants raised a number of challenges related to: high costs of resettlement and the difficulties in resettling numerous Syrian refugees in those countries of asylum that are already hosting a significant number of refugees; language barriers for Syrian or African refugees; lack of information about the country of asylum; the need to provide better support to families hosting refugees; the need to improve validation and recognition of diplomas; and the work in unworthy or precarious conditions.

The Consultation made the following recommendations:

- Consolidate resettlement programs for refugees from different regions and increase the contribution of resources to ensure their sustainability;
- Encourage and promote actions to ensure that developed countries contribute to these programs with greater economic and human resources, ensuring their sustainability and enhancing international, regional, bi-national, and national coordination; promote inter-ministerial and inter-sectorial coordination, including the civil society and the private sector;
- Carry out evaluations and assessments on the effectiveness of resettlement programs, including needs for readjustment;
- Promote public policies ensuring clear criteria for comprehensive resettlement - from the very identification of candidates - and keep looking for strategies and alliances, according to the principle of shared responsibility;
- Provide psychological support and information on the country of asylum to resettled persons;
- Coordinate resettlement initiatives with civil society and consider working with host families to prepare them for the reception of refugees;
- Continue developing and exploring, within the region, all existing opportunities for resettlement, through the increase of quotas.