



BRAZIL DECLARATION

“A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean”

Brasilia, 3 December 2014

We, the participating Governments of the countries of Latin America and the Caribbean,

Gathered in the city of Brasilia to commemorate the thirtieth anniversary of the Cartagena Declaration on Refugees of 1984, whose commemorative processes have enabled us to identify new humanitarian challenges and to propose effective solutions to improve the protection of refugees, displaced and stateless persons in the region, in a spirit of flexibility and innovation,

Underline the important, inclusive and constructive dialogue that the *Cartagena +30* process has fostered among Governments and civil society from all countries in the region, including refugee youth and refugee women, and pertinent regional and international organizations, through four subregional consultations held between March and September 2014 in the cities of Buenos Aires, Quito, Managua and Grand Cayman,

Highlight the achievements attained through the adoption of the Cartagena Declaration on Refugees of 1984, the San José Declaration on Refugees and Displaced Persons of 1994, the Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America of 2004 and the Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas of 2010,

Acknowledge the humanitarian commitments that we have made in relation to the protection of refugees, displaced and stateless persons, addressing newly identified challenges and reinvigorating the search for durable solutions,

Emphasize the convergence and complementarity of International Human Rights Law, International Refugee Law and International Humanitarian Law, to provide a common legal framework to strengthen the protection of refugees and other persons in need of it, on account of their vulnerable situation, in light of the *pro homine* principle,

Underline that States have the primary responsibility to protect refugees, displaced and stateless persons, and that international cooperation and solidarity are fundamental for responding to humanitarian challenges,

Recognize the efforts of the countries of Latin America and the Caribbean in their support for refugees, displaced and stateless persons, and in particular those of the Republic of Ecuador for hosting the largest number of refugees in the region,

Reaffirm the enduring applicability and validity of the principles and standards of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol for the protection of refugees, with a primary focus on the human being,

Highlight the importance of ensuring unrestricted respect, protection and promotion of the human rights of refugees, displaced and stateless persons, with special emphasis on groups in a vulnerable situation,

Highlight that the extended refugee definition of the Cartagena Declaration has been incorporated in large measure by the majority of Latin American countries in their internal legislation, and *recognize* the existence of new challenges regarding international protection for some countries of the region that need to continue making progress in the application of the regional extended refugee definition, thus responding to the new international protection needs caused, among others, by transnational organized crime,

Underline the gradual progress we have made to incorporate into national legislation high protection standards, with a comprehensive and differentiated age, gender and diversity approach, in accordance with the international obligations we have acquired in this area,

Recognize developments in the jurisprudence and doctrine of the Inter-American Court of Human Rights, in those countries in which they apply, regarding the content and scope of the right to seek and be granted asylum enshrined in the regional human rights instruments, their relationship to international refugee instruments, the *jus cogens* character of the principle of *non-refoulement*, including non-rejection at borders and indirect *refoulement*, and the integration of due process guarantees in refugee status determination procedures, so that they are fair and efficient,

Reaffirm the importance of consolidating national refugee status determination systems through the effective application of the standards of due process of law,

Appreciate the good practices in the region of regulating complementary protection and the grant of humanitarian visas to people who may not necessarily qualify as refugees under the Convention, but who may also benefit from protection responses,

Recognize that the specific characteristics and realities of the Caribbean require a dialogue for the adoption of a subregional strategy for the progressive development of asylum systems,

Highlight the changes in the dynamics of international migration within the continent, particularly the increase in mixed migration movements, which may include people who are in need of international protection,

Underline the need to analyse in depth and address the causes that generate displacement in the region, with the cooperation of States, international and civil society organizations, within a framework of cooperation and regional solidarity,

Recognize that, owing to a multiplicity of causes, the displacement of persons, including accompanied and non-accompanied children, forced to escape from their community of origin constitutes a new challenge in El Salvador, Guatemala and Honduras, and *highlight* the importance of promoting shared but differentiated responsibility among the States of origin, transit and destination and of providing a differentiated response in view of their high degree of vulnerability, as well as the need to work jointly and in close coordination between Governments, civil society and regional and international organizations, in order to guarantee to these persons due process, dignified treatment and respect of their rights,

Emphasize the importance of striking a balance between States' legitimate security concerns and the protection needs of asylum-seekers and refugees, including the application of the refugee definitions in a manner which is consistent with international instruments, jurisprudence and doctrine,

Highlight with concern the vulnerable situation and increased presence of accompanied and unaccompanied migrant children and adolescents, who may be in need of international protection,

Acknowledge the challenge posed by the disproportionate impact of mixed migration movements in the Caribbean owing to its geographical, economic and demographic characteristics and the need for effective mechanisms of international cooperation and solidarity,

Acknowledge that new realities in Latin America and the Caribbean require a comprehensive durable solutions strategy which, based upon the lessons learned in the implementation of the "Cities of Solidarity", "Borders of Solidarity" and "Solidary Resettlement" programmes of the Mexico Plan of Action, provides for simultaneous and inclusive implementation of local integration, resettlement and voluntary repatriation, and guarantees the exercise of the rights of binational families and of foreigners in conditions equal to those of nationals, as appropriate,

Recognize the measures implemented by countries of the South American region, in the framework of the migration agreements to which they are parties, permitting the free movement of people, in full respect of human rights, which can serve as a possible alternative durable solution for persons in need of international protection, with the due safeguards,

Recognize the importance of the "Solidarity Resettlement" programme as an effective protection and burden-sharing mechanism within a comprehensive durable solutions strategy, and *highlight* the importance of strengthening support from the international community for its continuation,

Underline the need for voluntary repatriation to be based on objective and updated information on the country of origin and to be carried out in safety and dignity, as part of a comprehensive solutions strategy, taking into account national legislation, through tripartite mechanisms between the country of origin, the country of asylum and UNHCR, and considering the participation of the refugees themselves as a good regional practice,

Recognize the positive contribution that refugees can make to their countries of origin, through the experience and knowledge acquired in the countries of asylum, and their contribution to host communities by becoming promoters of local development,

Take note of the regional good practices in the adoption of public policies that promote the local integration of refugees, through joint efforts of States, UNHCR and civil society, and *highlight* the important role of local authorities and the private sector, with the active involvement of the refugees themselves and host communities,

Highlight the importance of making a distinction between the legal status of refugees and the migratory category or status granted to them for their residence in the countries of the region, in order to facilitate their local integration through the grant of permanent residence, without leading to the loss of their refugee status, in accordance with the national legislation in force,

Stress that every person has the right to a nationality and that statelessness is a violation of this individual right when a State's prerogative to regulate the acquisition, loss, renunciation and deprivation of nationality in its internal legislation infringes upon the limits set by international law,

Recognize the progress made in the region in identifying, preventing and reducing statelessness, bearing in mind the important challenges that still exist in this regard in some subregions,

Take note of UNHCR Executive Committee Conclusion No. 111 on civil registration of 2013, promoted by the Latin American and Caribbean Group (GRULAC) of States,

Recognize the challenges posed by climate change and natural disasters, as well as by the displacement of persons across borders that these phenomena may cause in the region, and *recognize* the need to conduct studies and give more attention to this matter, including by UNHCR,

Reaffirm our commitment to the consolidation of regional integration and *make a collective call* to deepen the degree of coordination, complementarity, cooperation and convergence between regional and subregional integration mechanisms, including on issues relating to migration, refugees, displaced and stateless persons,

AGREE TO,

Approve this Brazil Declaration “A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean” and the Plan of Action in annex.

Promote and implement this Declaration and the Plan of Action in annex to respond to the new challenges in international protection and in the identification of solutions for refugees, displaced and stateless persons in Latin America and the Caribbean in the next 10 years.

Congratulate the countries of Latin America and the Caribbean that acceded or ratified international instruments on refugees, displaced and stateless persons, and *invite* those countries that have not yet done so, to consider accession or ratification, as appropriate, to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, as well as the 1989 Convention on the Rights of the Child, the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the 1979 Convention on the Elimination of All Forms of Discrimination against Women, the 2000 United Nations Convention against Transnational Organized Crime and its Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and Against the Smuggling of Migrants by Land, Sea and Air (Palermo Protocols), and other relevant instruments; and to foster the progressive development of the interpretation of these instruments.

Deepen cooperation within the framework of regional integration mechanisms such as CELAC, MERCOSUR, the Andean Community, SICA and CARICOM, among others, in order to improve the analysis and understanding of displacement and address its causes; offer international protection to those persons in need; and continue moving towards the progressive harmonization of public policies, standards and procedures through the exchange of good practices for the protection of refugees, displaced and stateless persons.

Continue strengthening national bodies for the determination of refugee status, for example through quality assurance mechanisms, such as the *Quality Assurance Initiative* (QAI), allocating greater human and financial resources, strengthening bilateral and regional cooperation and implementing regional training programmes, thereby ensuring the effective implementation of the principle of due process of law established in international and regional instruments, as well as in national legislations.

Support the establishment of a regional dialogue in the Caribbean in order to adopt a strategy for institutional strengthening, which should envisage, among other things, a progressive approach for the development of asylum systems and the implementation of refugee status determination procedures, as appropriate.

Continue making progress in the identification, prevention, effective protection and the implementation of differentiated referral and response mechanisms for victims of sexual and gender-based violence, and in the development of specific programmes, within a rights-based framework and a community-based approach, that take into consideration the needs of groups and populations in a vulnerable situation.

Highlight that victims or potential victims of trafficking may, in some circumstances, be in need of international protection and that their access to refugee status determination procedures must be guaranteed, stressing the importance of early identification because of their great vulnerability and recognizing the complementarity of asylum systems and mechanisms for the protection of victims of human trafficking.

Promote the assessment of the protection needs of accompanied and unaccompanied children and adolescents, including their access to refugee status determination procedures, and *emphasize* that all considerations in this matter should be governed by the principles recognized in the Convention on the Rights of the Child, in particular the best interests of the child and non-discrimination, seeking to preserve family unity and recognizing children as persons entitled to rights and special protection.

Promote the increased presence in border areas, to the extent possible, of national bodies for the determination of refugee status, so as to provide dignified treatment to persons in need of international protection with full respect for their human rights.

Recognize that the deprivation of liberty of migrant children in an irregular situation, ordered solely for this reason, is arbitrary and that consequently we must make progress in adopting alternatives to detention, aimed at its prohibition, that promote their care and welfare with a view to their full protection in light of their particular vulnerabilities, taking into account Advisory Opinion 21/14 of the Inter-American Court of Human Rights, as appropriate.

Promote the adoption of comprehensive public policies and their inclusion in national development plans that address the needs of refugees, displaced and stateless persons, ensuring their participation and that of the host communities; and *multiply efforts* to guarantee the enjoyment of economic, social and cultural rights, including labour rights, taking into account the differentiated needs of groups and populations in a vulnerable situation, in order to promote their local integration.

Urge States to establish tripartite mechanisms between the country of origin, the country of asylum, and UNHCR to facilitate voluntary repatriation processes, considering the participation of refugees as a regional good practice.

Facilitate the issuance of personal identification documents to refugees, displaced and stateless persons, without mention of or reference to their status, in order to promote local integration in accordance with national legislation.

Foster hospitality and non-discrimination policies to strengthen local integration through the promotion of respect for diversity and interculturalism, highlighting the positive contribution of refugees, displaced and stateless persons to host communities.

Facilitate the naturalization of refugees and stateless persons through appropriate procedures, as part of a comprehensive durable solutions strategy, in accordance with national legislation.

Invite the countries of the region which have not yet done so to evaluate the possibility of participating in the regional resettlement programme, in a framework of international solidarity and cooperation.

Encourage traditional resettlement countries to continue receiving refugees from the region, in particular from those Latin American and Caribbean countries hosting large numbers of refugees.

Consider, in countries where the legal framework allows it, the implementation of temporary or permanent options offered by regional integration systems, such as labour mobility programmes for refugees, to promote their integration in third countries and as a regional solidarity mechanism to support countries hosting large numbers of refugees.

Reaffirm our commitment to the eradication of statelessness within the next ten years and *support* the campaign and the *Global Plan of Action to End Statelessness*, launched by UNHCR within the framework of the sixtieth anniversary of the 1954 Convention relating to the Status of Stateless Persons, by resolving existing situations, preventing new cases of statelessness and protecting stateless persons, through the revision of national legislation, the strengthening of national mechanisms for universal birth registration and the establishment of statelessness status determination procedures.

Request UNHCR to continue providing its support to States, including for the implementation of the Plan of Action in annex, through technical support and assistance, including the provision of legal assistance, opportunities for education and training, and dissemination of its policies and guidelines, as appropriate, to guide the work of States in the protection of refugees, displaced and stateless persons.

Urge UNHCR to prepare periodic reports on the implementation of the protection programmes for refugees, displaced and stateless persons in the countries of Latin America and the Caribbean, resulting from the implementation of the Plan of Action in annex and of the respective international instruments.

Disseminate widely the outcomes of the *Cartagena +30* process through the publication of its documents, with the support of the Government of Brazil, UNHCR and the regional and subregional mechanisms.

Express our deep gratitude to the Government and people of Brazil as the host country of the Ministerial Commemorative Event held in Brasilia on 2 and 3 December 2014; to the Governments of Argentina, Ecuador, Nicaragua and the Cayman Islands for having co-sponsored the subregional meetings; to UNHCR and the Norwegian Refugee Council as organizers; to the Human Rights Ombudsmen Offices and civil society organizations and to the Principal Experts, appointed by the High Commissioner, who made important contributions to this commemorative process.

Brasilia, 3 December 2014

cited in *Bringas-Rodriguez v. Lynch*
No. 13-72682 archived on December 10, 2015



BRAZIL PLAN OF ACTION

“A Common Roadmap to Strengthen Protection and Promote Sustainable Solutions for Refugees, Displaced and Stateless Persons in Latin America and the Caribbean within a Framework of Cooperation and Solidarity”

PREAMBULE

The commemorative process for the thirtieth anniversary of the Cartagena Declaration on Refugees of 1984 (the “Cartagena Declaration”), referred to as *Cartagena +30*, has been organized by the Government of Brazil in its capacity as host country, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Norwegian Refugee Council (NRC).

This dialogue process was conducted through four subregional consultations held in 2014 in Buenos Aires (18 and 19 March) for the countries of the Southern Common Market (MERCOSUR), in Quito (9 and 10 June) for the Andean countries, in Managua (10 and 11 July) for the countries of Mesoamerica and in Grand Cayman (10 and 11 September) for the Caribbean region. These consultations have fostered a broad debate among Government representatives from more than 30 countries of the region, observer countries, more than 150 civil society organizations, ombudsmen and the main competent international organizations.

Each of the consultations adopted a series of conclusions and recommendations that served as the elements for the preparation of the Brazil Declaration and of this Plan of Action. These were the subject of further consultations in the framework of the Latin American and Caribbean Group (GRULAC-UNHCR) based in Geneva. This inclusive and open consultation process has allowed for the identification of the programmes that constitute the core of this common road map for Latin America and the Caribbean to strengthen the implementation of the Brazil Declaration in the region for the next 10 years.

The Plan of Action, therefore, proposes programmes to be implemented by Governments that decide to do so, taking into account their legal systems and national legislation in this area, with the support of UNHCR and civil society.

CHAPTER ONE

The Situation of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean

Over the past thirty years, cooperation and regional solidarity in Latin America and the Caribbean have proven effective in dealing with situations of displacement. Despite the important political, social, economic and cultural advances in the region, as we commemorate the thirtieth anniversary of the Cartagena Declaration, challenges in this area still exist in Latin America and the Caribbean.

Although Latin America and the Caribbean have made significant progress in the field of international protection and the search for solutions, it is essential to continue such progress, through a comprehensive and differentiated approach to age, gender and diversity and the implementation of the highest human rights standards, to guarantee the protection of refugees, displaced and stateless persons.

Mixed migratory movements in Latin America and the Caribbean are increasingly complex and stem from a variety of causes. In recent years, there has been an increase in the number of asylum-seekers and refugees in the region, including asylum-seekers from other continents, often through networks trafficking in persons and smuggling migrants. Among particularly vulnerable groups in the context of mixed migration the following were highlighted: asylum-seekers and refugees; victims of trafficking in persons and smuggling; stranded migrants; women who are victims of violence; victims of violence and psychological trauma suffered during the migration process or persons with disabilities; lesbian, gay, bisexual, transgender and intersex people (hereinafter referred to as "LGBTI"); older persons; indigenous people; afro-descendants; and other vulnerable people such as pregnant women and accompanied and unaccompanied children.

In South America, significant progress has been made at both the normative and the political level, with the aim of creating a common space for all citizens of the countries of the region. This framework augurs well for the identification of innovative approach to the search for solutions for refugees that should be developed so that they may become, in the near future, instruments of solidarity.

Since 2004 there has been an increase in the number of refugees in the countries of the Andean subregion. New political developments in Latin America and the Caribbean provide hope that - during the term of this Plan of Action - sustainable and fair solutions for the vast majority of this population can be achieved; without detracting from the continuous attention that should be focused on new situations of displacement.

In the Northern Triangle of Central America, displacement was observed of persons forced to escape their community of origin due to among other causes, transnational organized crime. In particular, there has been a significant increase in the numbers of Guatemalan, Honduran and Salvadoran citizens who leave their countries in search for international protection or who are displaced internally owing to security reasons. These movements include significant numbers of accompanied and unaccompanied children and women.

The Caribbean is a region of origin, destination and transit for thousands of migrants and displaced persons, including people who may require international protection. The complexity of this phenomenon, together with the characteristics of the countries of the region, requires a detailed analysis to develop effective regional responses, within a rights-based framework, with special attention to the prevention of trafficking in persons and smuggling of migrants, as well as to the introduction of safeguards in refugee status determination procedures.

Although the principles of *jus sanguinis* and *jus soli* for the acquisition of nationality are enshrined in the constitutions of most countries in the region, there are still some legislative gaps and omissions in State practices to prevent statelessness. The phenomenon of migration in some countries of Latin America and the Caribbean has led to a situation of thousands of persons, especially children, lacking birth registration, with the risk of becoming stateless. There have also been cases of statelessness linked to the situation of children of nationals born abroad. Although no precise statistics are available, estimates of people at risk of becoming stateless in the region remain high.

CHAPTER TWO

The International Protection of Refugees and Asylum-Seekers

The subregional consultations analysed achievements since the adoption of the 2004 Mexico Plan of Action to Strengthen the International Protection of Refugees in Latin America ("Mexico Plan of Action"). They recognized that most of the countries have incorporated in their legislation high international protection standards and have established refugee status determination bodies and procedures within a solid legal framework relating to refugees. The consultations underlined the importance of further developing the legal and institutional frameworks in order to consolidate high-quality international protection systems in the course of the next decade. The Caribbean, in general, has subscribed the international refugee instruments. The current priorities in the subregion are the establishment or strengthening of refugee status determination procedures, the enactment of legislation and the adoption of specific policies in this area.

Mention was also made of: the progressive development of normative and institutional frameworks in this area; enshrining the right to asylum in national constitution; the adoption of legislation incorporating high protection standards based on international refugee law and human rights law; the strengthening of national bodies for refugee status determination; the mainstreaming of a differentiated approach to gender, age and diversity; and greater involvement of asylum authorities in the adoption of public policies on refugees.

The consultations also acknowledged the situation in border zones, as complex areas, sometimes with limited socio-economic conditions or insufficient presence of State social institutions. The Mexico Plan of Action designed a series of measures to address the specific conditions in these areas through the "Borders of Solidarity" programme. During the subregional consultations it was noted that additional efforts were needed to strengthen border and transit areas through actions aimed at the timely identification of asylum-seekers and other persons in need of protection, respect for the principle of *non-refoulement*, their timely attention through immediate referral to national protection institutions and the fulfilment of their differentiated protection needs. The consultations also recommended that practical methods should be developed and implemented to strike a balance between States' legitimate security concerns and a rights-based approach.

The "Quality Asylum" Programme

In the framework of renewed regional cooperation and coordination, and in order to progressively achieve harmonized asylum systems at regional level, the "**Quality Asylum**" programme, facilitated by UNHCR in the region, aims to improve the quality of status determination procedures, strengthen the capacity and knowledge of asylum authorities and introduce efficient management concepts and procedures. The programme is a useful tool, which is available to States. Should they decide to take part in the programme, a joint evaluation and assessment diagnostic of the asylum system of the country will be carried out to establish needs and specific priorities. Depending on the findings, the programme will include all or some of the following actions:

- (a) Establish a permanent internal mechanism to audit the functioning of the asylum system and improvement in quality, to detect gaps in the legal framework and in refugee status determination procedures, from the filing of an asylum claim to its final resolution.
- (b) Adopt or amend internal regulations to incorporate high standards of protection under international refugee law and human rights law, and to include provisions on specific protection needs based on age, gender and diversity.
- (c) Continue making progress in applying the regional extended refugee definition recommended in the Cartagena Declaration and its incorporation in the national legislation of the countries in the region.

- (d) Establish electronic registration and database systems that facilitate systematic data recording, information gathering and authorized access for the accurate tracking of cases and tabulation of statistics.
- (e) Strengthen the systems for the provision of country-of-origin information, with specialized officials and an ongoing training programme for eligibility staff in the use of this information in their decisions.
- (f) Consolidate national refugee status determination systems, particularly to guarantee:
 - i. Effective access to refugee status determination procedures, especially at borders, airports and ports, that respect due legal process and regional and international standards;
 - ii. Respect for the principle of *non-refoulement* and the right to legal representation, if possible through mechanisms that are free of cost, with qualified interpreters or translators;
 - iii. The principle of confidentiality for the applicants and their asylum claim and the applicants' right to be heard through a pre-established and objective procedure including an assessment of the risk to their most fundamental rights, and the possibility of contacting UNHCR;
 - iv. The asylum-seekers' right to receive a decision on their case in writing, which duly founded and reasoned, within a reasonable, set timeframe, applying the principles of good faith and benefit of the doubt.
- (g) Establish independent administrative appeal and judicial review bodies, respecting the right to appeal with suspensive effect until the competent authority takes a final decision.
- (h) Strengthen the differentiated approach to age, gender and diversity, both in refugee status determination procedures and in decisions regarding applications for family reunification, as appropriate.
- (i) Develop and implement priority procedures – with the participation of a legal representative and/or guardian as appropriate – in cases concerning unaccompanied and separated children, guaranteeing the minor's participation according to their age and maturity.
- (j) Develop protocols or procedures for protection, assistance and the search for durable solutions for refugee and asylum-seeking children who are unaccompanied and separated from their families.
- (k) Provide personal identification documents, as quickly as possible, in order to prevent discrimination against asylum-seekers and refugees.
- (l) Distinguish between the legal status of refugees from the migratory category or status granted for their residence.
- (m) Strengthen institutional capacities and the education and training of officials in order to maintain quality asylum systems through improved inter-agency coordination, the identification of additional human and financial resources, and implementation of regional training and twinning programmes through South-South cooperation.

The “Borders of Solidarity and Safety” Programme

Borders are characterized as being areas of entry and transit, and sometimes of permanent stay and return, for persons who are part of migratory movements, including those seeking international protection.

In order to preserve borders as areas of safety and protection for people and States, it is proposed to establish the **“Borders of Solidarity and Safety”** programme to be implemented through joint cooperation among the State, UNHCR, other international organizations and civil society actors. The programme will include the following actions:

- (a) Develop, disseminate and implement guidelines for the identification, immediate assistance and timely referral to the competent Government departments of persons in need of international protection.
- (b) Reinforce the presence in border areas of National Commissions for Refugees (CONAREs) or equivalent bodies and other protection institutions in border areas.
- (c) Design norms and operating procedures to introduce alternatives to administrative migratory detention of asylum-seekers, in particular for accompanied and unaccompanied children.
- (d) Provide continued training for State officials working in border areas on the rights of persons, the profiles of asylum-seekers and refugees in situations of vulnerability and on the measures adopted by the State in the implementation of the “Borders of Solidarity and Safety” programme.
- (e) Carry out broad information and dissemination campaigns, both at border posts and in areas along migratory routes, on the risks and dangers to which people are exposed when travelling as part of mixed migratory movements and on the protection mechanisms that exist in each country.
- (f) Improve basic care and assistance infrastructure for asylum-seekers and refugees, as well as access to social and community services.

CHAPTER THREE

Comprehensive, Complementary and Sustainable Solutions

The subregional consultations highlighted the importance of achieving durable solutions for refugees, particularly those living in protracted situations in host countries.

The three traditional solutions, voluntary repatriation, local integration and resettlement, together with labour mobility programmes within the existing regional integration frameworks in Latin America and the Caribbean, can be implemented in a joint, coordinated and complementary manner in order to achieve the most suitable and sustainable solutions for the entire refugee population through a comprehensive response.

The “Voluntary Repatriation” Programme

Voluntary repatriation is undoubtedly the preferred solution, since the aspiration of most refugees is one day to return voluntarily to their country of origin in conditions of safety and dignity. This solution was especially considered in the Andean subregional consultation and a number of particularly important actions were recommended:

- (a) Guarantee that voluntary repatriation is a free, individual and informed decision of refugees and that it takes place in conditions of safety and dignity as part of a comprehensive durable solutions strategy.

- (b) Actively continue binational cooperation between refugees' country of asylum and country of origin to find prompt and appropriate solutions.
- (c) Strengthen international cooperation in the search for durable solutions, giving priority to tripartite mechanisms for voluntary repatriation, emphasizing the experience of establishing quadripartite coordination commissions between the country of origin, the country of asylum, UNHCR and the refugees' own representatives.
- (d) Continue developing public policies to promote needed social, economic and protection progress in the areas of origin of refugees and displaced population and to implement specific assistance programmes for returnee populations to create the necessary conditions for voluntary repatriation in dignity and safety.

The "Local Integration" Programme

The subregional consultations confirmed that, under current conditions, local integration is the solution that poses the greatest challenges and is of great importance for the majority of refugees. All the consultations stressed the need for public policies and legal and economic frameworks that promote the local integration of refugees, highlighting the central role of the State but also the fundamental role of local municipal authorities, host communities, the refugees themselves, the private sector, civil society, and international cooperation through UNHCR and international and regional development and financing organizations.

Based upon the recommendations of the subregional consultations, it is proposed that the "Cities of Solidarity" programme be strengthened and updated through a new "**Local Integration**" programme, which would include the following actions:

- (a) Promote inclusive processes for the formulation of public policies and the corresponding amendment of internal legislation for the integration of refugees.
- (b) Strengthen the coordination of relevant governmental and non-governmental institutions to facilitate, within current legal frameworks, effective access for refugees to "solidarity-based public services", such as health care, education, housing and employment, and learn from the best practices on access to rights already applied by some countries in the region.
- (c) Create policies and a regional legal framework that respond to the challenges posed by the situation of binational families with regard to local integration and voluntary repatriation.
- (d) Design policies and programmes at the local level to promote intercultural integration of refugees and host communities, and acknowledge the contribution of refugees to community development.
- (e) Highlight the importance of personal identification documents, and of their issuance and renewal, which should if possible be free of charge and expeditious, without mention of or reference to refugee status, and promote their recognition by national banking systems.
- (f) Facilitate the change of the migratory status of refugees from temporary residents to permanent residents and naturalization processes, when so requested, through streamlined, accessible and low-cost procedures.
- (g) Promote, to the extent possible, income-generating or livelihood projects, as well as vocational and professional training programmes, and the active participation of the public and private sectors in generating employment for refugees through, for example, corporate social responsibility programmes, access to productive projects, microcredit, State social programmes and bank loans.

The “Solidarity Resettlement” Programme

The subregional consultations highlighted the importance of resettlement as an instrument of refugee protection, of solidarity with countries hosting large number of refugees, and of regional and international cooperation. Countries that participate in the “Solidarity Resettlement” programme, since it was launched as part of the Mexico Plan of Action, recommended conducting a joint evaluation to share experiences and good practices, and consolidate the programme in line with the region's current reality. Moreover, the participant countries encouraged other countries in the region to join the Programme.

In order to energize and strengthen the “**Solidarity Resettlement**” programme, the following actions were proposed:

- (a) Jointly evaluate national resettlement programmes in order to identify obstacles and good practices during the selection and profiling phases and in the integration process. The evaluation will be conducted with the technical support and advice of UNHCR. The evaluation process should ideally be completed before the 2015 Annual Tripartite Consultations on Resettlement, where it will be presented.
- (b) Identify current and mid-term priority situations that may require the support of the “Solidarity Resettlement” programme. In this respect, the following actions are proposed as expressions of solidarity and cooperation:
 - i. Support the Republic of Ecuador as the country currently hosting the largest number of refugees in Latin American and the Caribbean.
 - ii. Cooperate with the three countries of the Northern Triangle given their vulnerability to the activities of transnational organized crime.
 - iii. Increase resettlement opportunities for refugees in the region.
 - iv. Demonstrate solidarity with international humanitarian crises through either the use of humanitarian visas or resettlement quotas.
- (c) Consider the possibility of establishing a *Transit Mechanism* to process resettlement cases, with the aim of enabling the transfer in transit, for short periods of time, of persons recognized as refugees in the Caribbean and the Northern Triangle. UNHCR is requested to carry out consultations with interested Governments and, based on these consultations, to submit a proposal preferably before the 2015 Annual Tripartite Consultations on Resettlement.
- (d) Explore the possibility of establishing a voluntary *Cooperation Fund* to strengthen the “Solidarity Resettlement” programme with contributions from the international community, including from Latin American and Caribbean States. UNHCR is requested to carry out consultations with interested Governments and, based on these consultations, to submit a proposal preferably before the 2015 Annual Tripartite Consultations on Resettlement.

The “Labour Mobility” Programme

As part of a comprehensive durable solutions strategy, the MERCOSUR subregional consultation discussed the possibility for refugees to benefit from existing migration options under regional integration frameworks, as a novel mechanism of cooperation and regional solidarity.

It is proposed to establish a “**Labour Mobility**” programme to facilitate the free movement of refugees to third countries where they can have access to gainful employment and achieve economic self-sufficiency, whose actions could be the following:

- (a) Carry out an in-depth study on the appropriate legal framework to facilitate labour mobility for refugees recognized in any member or associated State of MERCOSUR, including the necessary protection safeguards, such as: unrestricted respect for the principle of *non-refoulement*, confidentiality and facilitation of the issuance of personal identity and travel documents.
- (b) Establish subregional and/or bilateral framework agreements specifying the obligations of the country of asylum and the country receiving refugees benefiting from this programme.
- (c) Consider the option of making a distinction, within the legal framework, between the legal status or condition as refugee from the migratory status or category granted to them for their residence in the countries of the region, as is already done in a number of countries in Latin America.
- (d) Identify the labour needs of the country of destination and the professional profiles of refugees who choose this solution, in accordance with the demand, in countries hosting large numbers of refugees.
- (e) Promote vocational and professional training programmes and those to facilitate cultural, social and linguistic adaptation.
- (f) Establish effective and streamlined mechanisms for the recognition and accreditation of academic qualifications.
- (g) Guarantee the prompt delivery and renewal of personal identity documents.
- (h) Ensure that refugees' contributions to the host country's social security system are recognized in the first country of asylum should they return there.

CHAPTER FOUR

Solidarity with the Northern Triangle of Central America in Seeking and Implementing Durable Solutions

The Mesoamerican subregional consultation highlighted, in the Northern Triangle of Central America, migration owing to multiple causes, among them the actions of transnational organized crime that cause the displacement of persons forced to escape from their communities of origin. This problem has a particular impact on highly vulnerable groups such as women, accompanied and unaccompanied children and those separated from their families, and LGBTI persons. The principal forms of violence suffered by these extremely vulnerable populations include threats, harassment, extortion, forced recruitment, sexual abuse and gender-based violence.

This phenomenon is reflected in the increased number of asylum claims in neighbouring countries and other countries within the continent, as well as of pending asylum applications and of refugees. The importance of maintaining a balance between humanitarian needs and the legitimate security considerations of States was also highlighted.

The subregional consultation noted the importance and urgency of crafting regional actions, within the framework of the Central American Integration System (SICA), to prevent displacement, protect victims and search for durable solutions. The humanitarian response must be implemented in countries of origin, transit and destination and must include coordination mechanisms to give it coherence and strength. Moreover, the ability of transnational organized criminal groups to operate in different countries of the region, their complex networks and their demonstrated ability to persecute beyond a country's national territory should be taken into account. The consultation also recommended the strengthening of regional cooperation between States based on shared but differentiated responsibility and international solidarity, with the support of SICA, UNHCR, other international organizations and civil society, to support the programmes outlined below:

The “Human Rights Observatory on Displacement” Programme

Within the framework of the Cooperation Agreement between SICA and UNHCR, it is proposed to support the establishment of a “**Human Rights Observatory on Displacement**” in Central America for displaced populations who have been forced to leave their communities of origin. The goal is to set in place a common system for the analysis of quantitative and qualitative information about this phenomenon in order to facilitate the formulation of public policies and regional coordination and cooperation. The Observatory should also have an early-warning and emergency response system for situations with high risk of producing displacement and should conduct analyses of protection needs, including the identification of trends and profiles of these groups. It is suggested that synergies be fostered between the Observatory, other relevant international organizations, and regional processes such as the Regional Conference on Migration (RCM), with the aim of promoting actions in areas such as the sharing of good practices and experiences and the training of public officials, in matters of mutual interest, including in those where integrating an international protection component is considered appropriate.

The “Prevention” Programme

The establishment of a “**Prevention**” programme is proposed in the countries of the Northern Triangle in order to strengthen national protection and assistance mechanisms for populations in vulnerable situations. This programme includes the following actions: the design and implementation of protocols for the registration of victims and displaced persons; coordination between human rights institutions and the competent State agencies responsible for the welfare of children returned or deported and reunified with their families; the development and implementation of assistance programmes for victims of violence perpetrated by organized criminal groups; and the provision of training and increased human and financial resources for national institutions for the protection of women and children. The importance of promoting South-South and triangular cooperation schemes for the implementation of this programme, based on best practices and experiences of other countries in the region, is recognized.

Moreover, as a complementary action, international and regional organizations and the international community, including Latin America and the Caribbean, are invited to support and finance the *Plan Alliance for the Prosperity of the Northern Triangle* jointly presented by the three countries to the Secretary-General of the United Nations. The goals of this initiative are to energize social and economic development, promote settlement of migrant populations in their own communities, and implement long-term measures to respond to the underlying causes of displacement.

The “Dignified and Safe Transit” Programme

It is recognised that the complexity of the displacement of persons forced to leave their communities owing to transnational organized crime requires better understanding of the international protection needs of the victims. To this effect, the “**Dignified and Safe Transit**” programme proposes, among other actions, to improve access to differentiated and quality procedures for refugee status determination and to disseminate and take into account the *UNHCR Guidance Note on Refugee Claims Relating to Victims of Organized Gangs*. In addition, the programme will seek to promote in border areas: better understanding among people of their right to seek international protection; the training of border officials on national mechanisms for refugee status determination, particularly concerning accompanied and unaccompanied children; and a rights-based approach that includes the design of procedures based on the best interests of the child.

CHAPTER FIVE

Regional Solidarity with the Caribbean for a Comprehensive Response on International Protection and Durable Solutions

The Caribbean region faces special challenges in the complex management of mixed migratory movements due to efforts to find a balance between ensuring the integrity of its extensive maritime borders and addressing the protection needs of an increasing number of asylum-seekers in the region, in a context of limited financial, technical, human and material resources to respond in an adequate manner.

Protection at sea is an important feature in the Caribbean, in particular during interception, disembarkation and return procedures. For this purpose, the Caribbean subregional consultation underlined the relevance of the International Convention on Maritime Search and Rescue and the United Nations Convention on the Law of the Sea, which provide the international framework for the protection of persons in distress at sea.

Within the framework of a renewed spirit of regional cooperation, the Caribbean wish to overcome these challenges and move forward in strengthening the protection and solutions agenda for asylum-seekers, refugees and stateless persons, through measures that would ensure phased, coherent and sustainable progress and take into account the specificities of each country. The subregional consultation also supported the global commitment to eradicating statelessness in the next decade.

To achieve these goals, the Caribbean has given consideration the launch of a **“Regional Solidarity with the Caribbean”** programme, whose main objective is to promote a regional dialogue, which may lead to the establishment of a Regional Consultative Mechanism (RCM) for the efficient management of mixed migration. The creation of a RCM would require the agreement of the Caribbean region and the support of the international community through UNHCR and the International Organization for Migration (IOM), among others. Its establishment, were it to be agreed, must occur gradually through the creation of a structure, which could be located within existing regional platforms such as the Caribbean Community (CARICOM) or the Organization of Eastern Caribbean States (OECS). The RCM would have four main areas of action:

- (a) Strengthen cooperation between the countries of origin, transit and destination of asylum-seekers and refugees in order to increase national and regional capacities to optimize the management of mixed movements and implement comprehensive responses within a rights-based framework, with a focus on protection of persons at sea. Among other means, this could be done through bilateral and multilateral agreements that would include protection safeguards, such as the respect for the *non-refoulement* principle and the right to seek and receive asylum.
- (b) Progressively establish asylum systems through the formulation of public policies and internal regulations and the implementation of procedures for the identification of and differentiated assistance to the different groups in situations of vulnerability, guaranteeing access to refugee status determination procedures and alternatives to detention for asylum-seekers, and accompanied and unaccompanied children.
- (c) Formulate programmes that promote comprehensive durable solutions, including measures to promote integration in local communities and the inclusion of refugees in national plans and policies, as well as the promotion of international cooperation and regional solidarity to facilitate the resettlement of refugees, including to South American countries, and voluntary return of migrants, and thus relieve the disproportionate burden on some island countries.
- (d) Initiate measures to foster coordination in the Caribbean in order to promote appropriate implementation of refugee status determination procedures.

CHAPTER SIX

Statelessness

The subregional consultations identified challenges and actions required to eradicate statelessness in the region. At the end of the next ten years, we hope to be in the position to affirm that the countries of Latin America and the Caribbean succeeded in eradicating statelessness, provided that legislation and practice do not create new cases of statelessness (prevention); protect stateless persons arriving in their territories while providing access to definitive solutions such as naturalization (protection); and resolve existing cases of statelessness, promoting the restoration or recovery of nationality through inclusive legislation and policies on nationality (resolution).

In order to achieve this goal, the **“Eradicating Statelessness”** programme, which follows the guidelines set out in the Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas of 2010, the strategies developed by UNHCR pursuant to the mandate conferred by States on this matter, and the resolutions on statelessness adopted by the Organization of American States (OAS), aims to assist countries that will implement it, with the support of UNHCR and civil society, through the following actions:

- (a) Accede, as appropriate, to the 1954 Convention relating to the Status of Stateless Persons (“1954 Convention”) and the 1961 Convention on the Reduction of Statelessness (“1961 Convention”).
- (b) Promote the harmonization of internal legislation and practice on nationality with international standards.
- (c) Facilitate universal birth registration and the issuance of documentation, implementing the activities proposed in Conclusion No. 111 of UNHCR’s Executive Committee, promoted by Latin America and the Caribbean. These activities may include, among others: i) the adoption of simplified administrative procedures; ii) the periodic organization of awareness campaigns and community outreach activities; iii) the application of appropriate measures to ensure that rural or remote areas are reached, for example through mobile registration units.
- (d) Establish effective statelessness status determination procedures. The subregional consultations recommended including this competence within the functions of the CONAREs or equivalent institutions.
- (e) Adopt legal protection frameworks that guarantee the rights of stateless persons, in order to regulate issues such as their migratory status, identity and travel documents and, more generally, ensure full enjoyment of the rights protected by the 1954 Convention and other human rights treaties.
- (f) Facilitate naturalization in accordance with article 32 of the 1954 Convention.
- (g) Confirm nationality, for example, by facilitating late birth registration, providing exemptions from fees and fines and issuing appropriate documentation for this purpose. Given that cases of people who may require having their nationality confirmed frequently arise in situations of irregular migration or when people live in border areas, achieving this goal may require the strengthening of bilateral or multilateral dialogue and cooperation, as appropriate, between civil registration authorities, as well as binational civil registration and documentation projects.
- (h) Facilitate the restoration or recovery of nationality through legislation or inclusive policies, especially the automatic restoration of nationality as a solution for cases in which the person had been arbitrarily deprived of nationality.

CHAPTER SEVEN

Regional Cooperation

The *Cartagena +30* commemorative process has reaffirmed the commitment to consolidate regional integration and has made a collective call to deepen levels of coordination, complementarity, cooperation and convergence among regional and subregional integration mechanisms, including those related to migration, refugees, displaced and stateless persons.

States highlighted the advisability of including the themes discussed within the *Cartagena +30* process in the agendas of the Regional Conference on Migration, the South American Conference on Migration and the MERCOSUR Specialized Forum on Migration.

In addition, the subregional consultations highlighted the programmes carried out within the framework of CARICOM, Community of Latin American and Caribbean States (CELAC), the Andean Community, MERCOSUR, OAS, SICA and the Union of South American Nations (UNASUR), among others.

The subregional consultations of the MERCOSUR, Andean and Mesoamerican countries underlined the important contributions to the progressive development of international human rights law and international refugee law of the Inter-American Court of Human Rights and the regional agreements in this area, in countries in which they apply.

Moreover, reference was made to the great potential and benefits that could result from strengthening cooperation between Latin American and Caribbean countries in the field of international protection (South-South cooperation). In this area, mention was made of exchanges between national refugee status determination commissions, within the framework of both MERCOSUR and SICA, and the Cooperation Agreement between the General Secretariat of SICA and UNHCR in the area of protection of refugees and displaced persons.

A fundamental element for continuing to develop the legal and institutional framework for the protection of refugees, displaced and stateless persons, and to ensure the effective implementation of regional and international standards, is to promote knowledge and training among all stakeholders, which include States, international organizations and civil society, and ensure the dissemination of regional guidelines, doctrine and jurisprudence. The consultations particularly recommended reinforcing existing training programmes such as the Regional Course on International Refugee Law, the Introductory Course to the International System of Refugee Protection within MERCOSUR and its associate States, and the Regional Course on Statelessness for Latin America and the Caribbean.

In light of the new challenges posed by climate change and natural disasters, as well as by displacement of persons across borders that these phenomena may generate, UNHCR is requested to prepare a study on the subject with the aim of supporting the adoption of appropriate national and regional measures, tools and guidelines, including response strategies for countries in the region, contingency plans, integrated responses for disaster risk management and humanitarian visa programmes, within the framework of its mandate.

Throughout the entire preparatory process, attention was drawn to the importance of cooperation and collaboration among all relevant actors, including those outside the region, to respond to the current challenges of displacement and statelessness. In particular, Governments reaffirmed the importance of working closely with UNHCR regarding asylum-seekers, refugees, returnees, displaced and stateless persons and those without a clear nationality or at risk of statelessness. The need to consult UNHCR about matters related to its mandate, to make rapid prevention interventions in these areas, was recognized.

Finally, the subregional consultations recommended strengthening national and regional civil society networks, including academics, to carry out research in this area, exchange good operational practices contribute to the legal representation of asylum cases and ensure respect for human rights standards for the protection of asylum-seekers, refugees, displaced and stateless persons.

CHAPTER EIGHT

Implementation and Follow-up

In response to the request of States set out in the Brazil Declaration, UNHCR undertakes to disseminate the Brazil Declaration and Plan of Action widely at regional and international levels through publications and to promote it in international forums on refugees, displaced and stateless persons.

In order to promote international cooperation for the implementation of the different programmes included in this Plan of Action, the Governments will – once they have defined their priorities regarding these programmes – elaborate specific projects with the collaboration and technical advice of UNHCR and other organizations. States will explore the possibility of creating evaluation and follow-up mechanisms for this Plan of Action.

UNHCR, as requested by the States adopting this Plan of Action, will produce triennial progress reports on the basis of which it will present a final report at the end of the duration of this Plan of Action.

Brasilia, 3 December 2014

*cited in Bringas-Rodriguez v. Lynch
No. 13-72682 archived on December 10, 2015*