



REPORT - ROUND TABLES ON STRENGTHENING NATIONAL ASYLUM SYSTEMS IN CENTRAL AMERICA AND MEXICO





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INDEX

3 INTRODUCTION

4 BACKGROUND

4 Context

6 Asylum Systems in the Americas

8 MIRPS

9 MIRPS Support Platform

10 Asylum Capacity Support Group (ACSG)

11 CONCLUSIONS AND RECOMMENDATIONS

20 REPORT ON THE ROUND TABLES

20 Shelter Management
Lead country: Colombia

23 Identification of international protection needs,
case management and biometric registration
Lead country: Canada

32 Use of differentiated modalities for case processing
Lead country: Brazil

39 Managing large refugee flows
Lead country: European Union

48 LIST OF PARTICIPANTS



INTRODUCTION

Four Roundtables for the strengthening of asylum systems in Central America and Mexico were held in May 2021. The Roundtables were organized by the Platform for Support to the Regional Integrated Framework for Protection and Solutions (MIRPS). The Roundtables were supported by the Spanish Agency for International Development Cooperation (AECID) and its Training Center in La Antigua, Guatemala, which works to create spaces for dialogue, learning and capacity building for public officials in Central America and Mexico.

The Roundtables were organized into the following topics: 1. Refugee management; 2. Identification of international protection needs, case management and biometric registration; 3. Use of differentiated modalities in case processing and 4. Management of large refugee flows.

The objective was to develop a set of recommendations through joint identification of solutions by officials and experts from the Support Platform, MIRPS countries and the Intake and Reception Work Group.

It is hoped that as a result of the recommendations that emerge from the follow-up work related to these Roundtables, a network of specialists from MIRPS states and the Platform will be created to provide continuity for the exchange of experiences, guidance and advice. Furthermore, these recommendations will be used by MIRPS countries to strengthen their asylum systems, including through requests for support from the Asylum Capacity Support Group (ACSG) that was established as part of the Global Compact on Refugees.



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BACKGROUND

CONTEXT

Despite the strong commitment and dedication of migration authorities in the region, the backlog of pending asylum claims remains a challenge. This is primarily due to an exponential increase in asylum claims exceeding the capacity of systems to process them. This trend is due to a number of factors, including an increase in human mobility coupled with an increase in insecurity, violence, human rights violations and conflict, forcing thousands of people to be a part of mixed migratory movements.

In light of this situation, MIRPS countries continue to strengthen their response to thousands of forcibly displaced persons. It has become imperative to adopt or provide a strategic response that adequately meets the growing number of asylum claims in order to maximize equity, efficiency, adaptability and integrity of systems.

There is also a need to promote regional cooperation, collaboration and solidarity in different ways, e.g. through training, partnership projects, the exchange of information and good practices. This is particularly important as governments in the Americas face similar challenges, share similar needs and receive a similar number of asylum claims.

It is important to highlight Latin America's role as a catalyst in generating significant developments in the area of refugee protection. These include the 1984 Cartagena Declaration¹ and the 2014 Brazil Plan of Action², which have resulted in cutting-edge legislation and systems. Workshops such as the ones detailed in this report are essential for strengthening asylum systems so that they can better respond to current realities.

1. <https://www.unhcr.org/about-us/background/45dc19084/cartagena-declaration-refugees-adopted-colloquium-international-protection.html>
2. <https://www.acnur.org/fileadmin/Documents/BDL/2014/9867.pdf>



ASYLUM SYSTEMS ON THE AMERICAN CONTINENT

Mass forced displacement has been a feature of the Americas for several years and has increased in scope, scale and complexity. Mixed migratory movements have been evolving and changing the asylum landscape, creating new and shared challenges for host countries. The number of asylum claims in countries in the region have been increasing for several years, causing asylum systems to collapse. This means that countries are unable to effectively manage the influx of new arrivals seeking international protection. Despite the strong commitment and dedication of asylum authorities, a number of shared challenges exist in the region, especially since the start of the pandemic.

In 2019, the Americas became the largest recipient of new asylum claims with nearly one million claims filed, primarily in the United States of America, Peru, Costa Rica, Mexico, Canada and Brazil.⁵ These high volumes of asylum claims have strained national asylum systems, affecting countries that do not have sufficient resources or mechanisms to identify persons of concern to UNHCR, resulting in significant delays that impact protection and the creation of durable solutions.

As a result, it has become imperative to assist receiving countries to develop adaptable and predictable asylum procedures, including robust registration procedures to manage large-scale movements of forcibly displaced persons more efficiently and fairly. The need to engage with and support States in relation to the registration and identification of refugees was fully recognized in the Global Compact on Refugees (GCRP) as a fundamental element of refugee protection and the search for solutions, in accordance with the Compact's principles of responsibility and obligation sharing.³

Several countries in the Americas have been developing their registration systems in recent years and have developed good practices such as creating units dedicated to the registration of refugees. These countries have also standardized procedures, manuals and protocols to identify the protection needs of asylum seekers and refugees. Despite these advances, countries continue to face common identification and registration problems with mixed movement situations, such as outdated computer and registration systems, lack of interoperability between migration and asylum registration databases, paper-based filing procedures and lack of training opportunities for registration and asylum staff.

While an effective registration procedure is essential to identify refugees who form part of large-scale and mixed movements, it is also important to design effective tools to process large volumes of refugee claims in a timely and efficient manner. This is particularly relevant when managing the backlog of refugee cases. Having a complex refugee status determination (RSD)

3. Consulte las secciones 1.4, 1.5 y 1.6, párrafos 49-63 del Pacto Mundial sobre Refugiados, <https://www.acnur.org/5c782d124>

4. For example, refer to the chapter on differentiated processes in the UNHCR Action Plan (chapter on differentiated procedures) <https://www.refworld.org/docid/584183c74.html> and the UNHCR Aide Memoire and Glossary on modalities for case processing, terms and concepts applicable to Refugee Status Determination under UNHCR's Mandate (The Glossary), 2020 <https://www.refworld.org/docid/5a2657e44.html>.
5. New York Declaration on Refugees and Migrants, para. 5, <https://www.acnur.org/5b4d0eee4>

procedure with long waiting times for decisions puts refugees at risk and prevents them from accessing assistance services, which would have a much more significant impact for those with specific needs. At the same time, this creates a negative public perception of government authorities and can lead to a politicization of procedures and reduced confidence in the asylum system.

The identification of sufficient financial and human resources, the creation of specialized units, training of government officials on RSD procedures, the generation of reliable and regular country of origin information and the implementation of differentiated case processing modalities and flexible procedures will help reduce the backlog of refugee cases.⁴ The pandemic has complicated this population's access to asylum, resulting in changes to the reception and management of asylum claims and an increased use of technology in this process. This has forced governments to transform their processes and implement user-friendly and technologically advanced procedures to comply with their international protection obligations while ensuring the integrity, fairness, effectiveness and adaptability of these processes.

In addition to effective registration and decision-making procedures, it is essential that countries are prepared to receive large volumes of refugees and migrants and are able to identify those in need of international protection. Adequate reception and admission procedures are essential for the provision of essential services to refugees such as "safe drinking water, sanitation, food, nutrition, shelter, psychosocial and health care..."⁵



THE MIRPS

The MIRPS is a concrete application of the Global Compact on Refugees, which encourages regional cooperation among countries of origin, transit and destination for greater responsibility sharing in matters of prevention, protection and durable solutions. Belize, Costa Rica, Guatemala, Honduras, Mexico and Panama adopted the San Pedro Sula Declaration in 2017 and agreed to jointly implement the Comprehensive Regional Protection and Solutions Framework (MIRPS). El Salvador joined this initiative in 2019.

It also entails a participatory approach by directly involving people with protection needs and populations impacted by violence and persecution. On the other hand, it integrates regional and international organizations, as well as cooperating States, which are committed to the humanitarian and development agenda.



MIRPS SUPPORT PLATFORM

The MIRPS Support Platform was created in December 2019 during the First Global Forum on Refugees to support the efforts of MIRPS countries to provide protection and seek solutions to forced displacement in Central America and Mexico. The Platform was also designed to mobilize support from other international and national actors in both the public and private sectors for these efforts.

The Support Platform functions as a mechanism for increased responsibility-sharing in accordance with the Global Compact on Refugees. The aim of the platform is to harness the support of as many States, international financial institutions, entities in international refugee sector and actors from the international community as possible. UNHCR has been working with the private sector, regional bodies and other stakeholders to provide increased protection and solutions for forcibly displaced persons in the region.

The MIRPS Support Platform currently consists of Argentina, Brazil, Canada, Colombia, France, Spain, the United States of America, the European Union, Switzerland, Uruguay, the Inter-American Development Bank (IDB), the Economic Commission for Latin America and the Caribbean (ECLAC), the Organization of American States (OAS) and the United Nations High Commissioner for Refugees (UNHCR).



ASYLUM CAPACITY SUPPORT GROUP (ACSG)

The ACSG Mechanism aims to ensure that asylum capacity support between States and other stakeholders is provided in a consistent and impactful manner globally. It does this by matching State request for support targeting positive improvements in the fairness, efficiency, adaptability and integrity of asylum systems with corresponding offers. The ACSG Mechanism could be a complementary tool to MIRPs countries by bringing matching and technical support on issues related to strengthening national asylum systems. This is particularly relevant as all seven MIRPS states have all made asylum-capacity pledges at the Global Refugee Forum in the area of self-improvement or supporting other States.

At the MIRPS Support Platform High-Level Meeting on 29 June 2020, the High Commissioner emphasized how initiatives like the ACSG can be used as a tool to provide technical assistance to MIRPS host countries to meet their commitments of strengthening asylum systems especially in light of the new challenges posed by COVID-19.





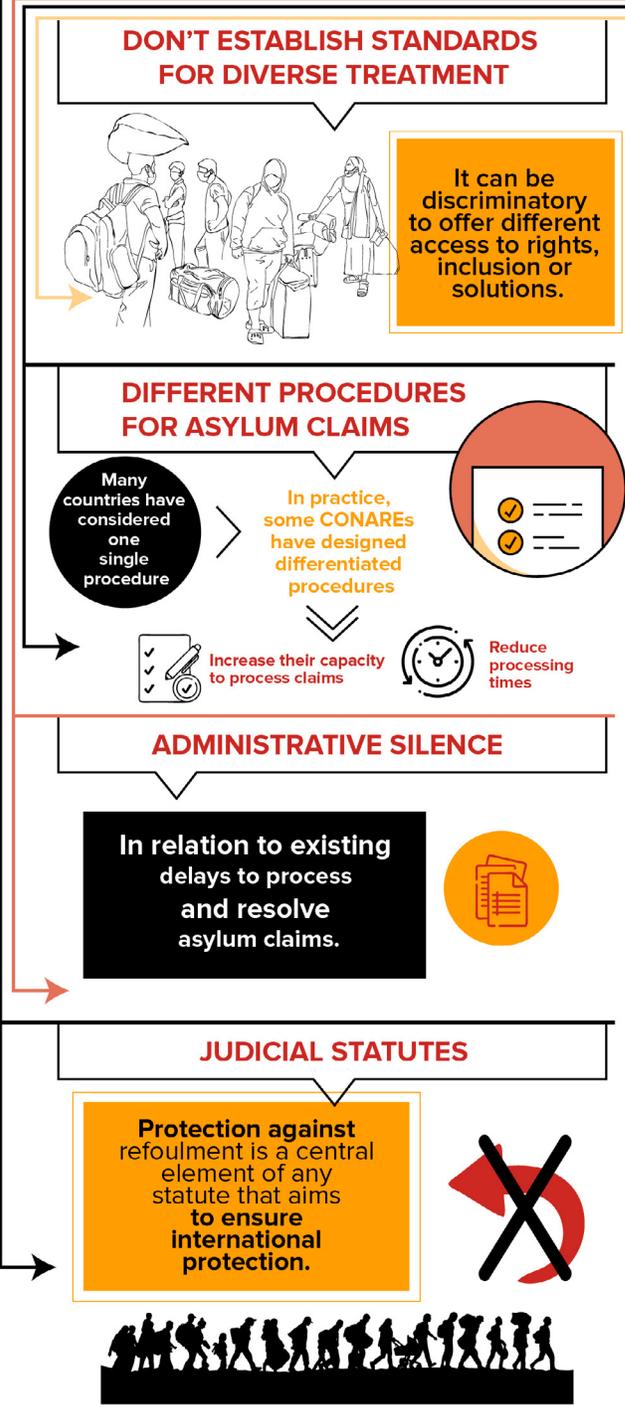
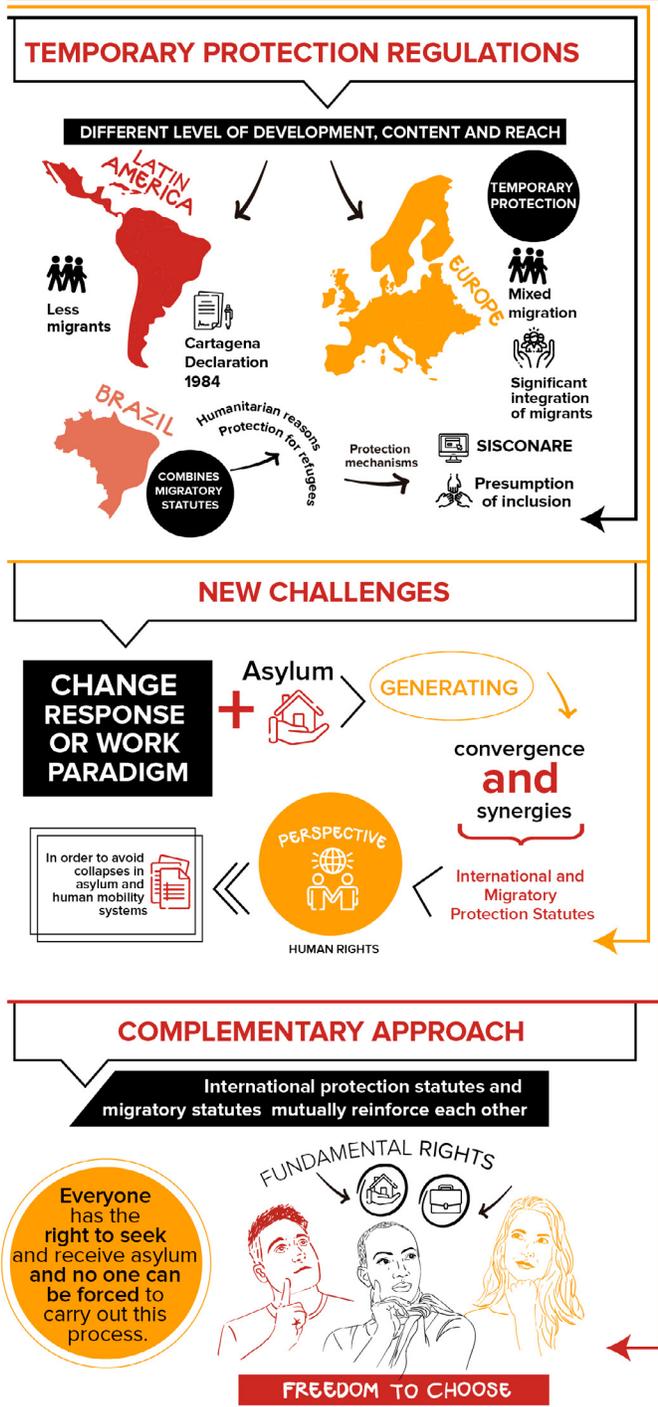
CONCLUSIONS AND RECOMMENDATIONS

MIXED MOVEMENTS

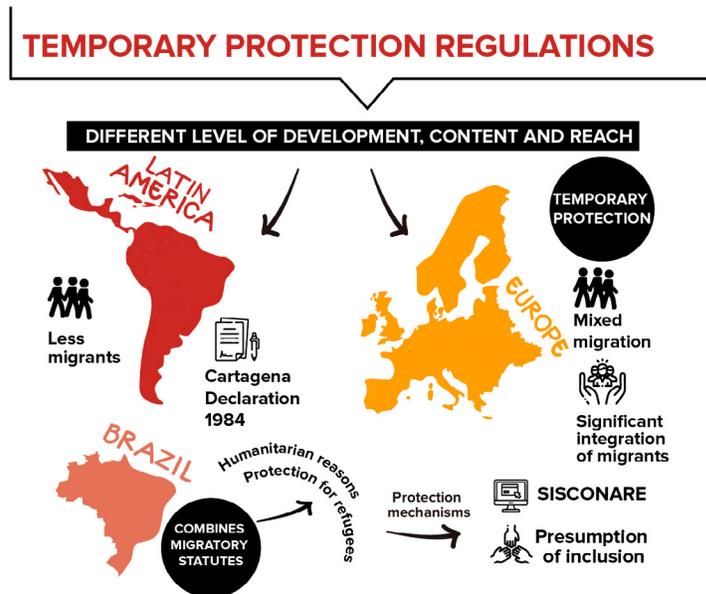
Flow of people who displace together, generally in an irregular manner, using the same migration routes and the same forms of transport but who have different reasons for migrating.



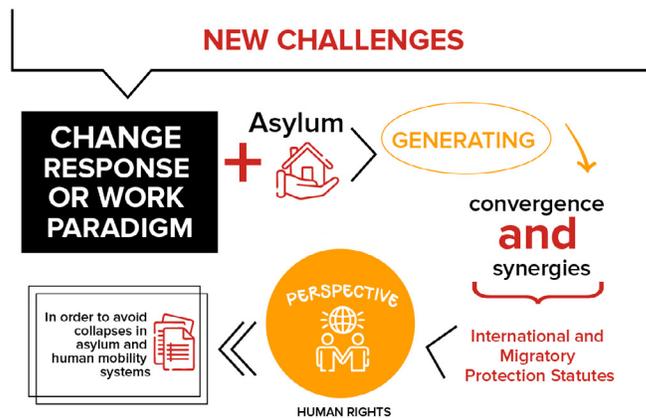
Men, women and children who travel in this way have often been forced to abandon their homes due to:



Conclusions and practical recommendations based on the exchange of experiences during the four Round Tables are detailed belows:

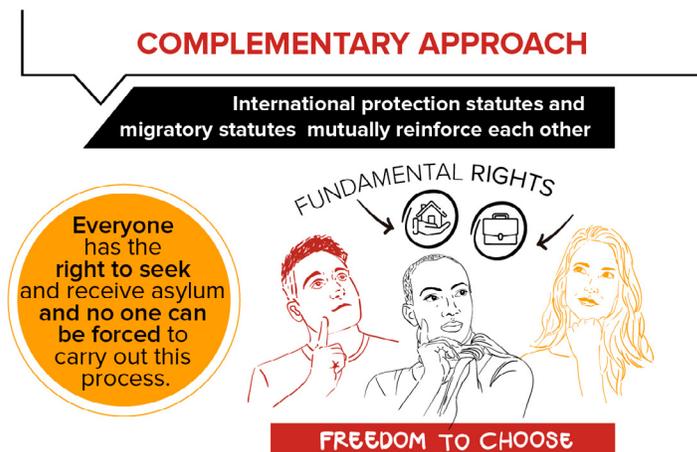


- **Temporary protection** regulations in the Americas and Europe have different levels of development, content and scope. In Europe, temporary protection was used as a practical tool to provide protection in the context of large-scale “complex movements” or “mixed movements”, specifically when refugee status determination was not possible or practical. In the Americas, temporary protection has not been more widely accepted or developed to date. In the past, countries have applied the regional refugee definition (Cartagena Declaration) to provide this type of protection. Currently, countries such as Brazil combine humanitarian migration statutes with refugee protection mechanisms through tools such as SISCONARE and the presumption of inclusion.



- Humanitarian situations in the region present new and enormous challenges. To better respond to these issues, it may be necessary to **change the paradigm of response** or work, increasing asylum capacities and generating convergences and synergies between **international**

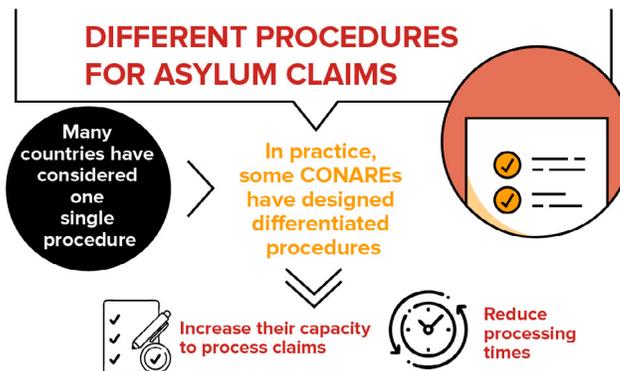
protection and migration statutes using a human rights perspective. This is particularly relevant in the context of collapsed national asylum systems and multi-causal people movements.



- The **complementary approach between** international protection statutes and migratory statutes implies that they are mutually reinforcing. Everyone has the right to seek and be granted asylum. While a State may establish a system of choice between different migratory statuses, some participants stressed that no person should be forced or encouraged to withdraw their asylum claim or have to choose between different fundamental rights (e.g., access to the right to work or to asylum).



- Participants highlighted the importance of **avoiding different standards** for the treatment of populations with the same protection needs, in order to avoid offering different access to rights, inclusion and solutions (e.g., permanent stay), in a manner that could be discriminatory.



- Many domestic laws establish a **single (regular) procedure** for assessing asylum claims. Despite these, and either in practice, through the regulation of procedures, or generically based on their duty to protect refugees, some CONAREs have designed differentiated procedures that increase their capacity to process cases and reduce processing times. .

ADMINISTRATIVE SILENCE

In relation to existing delays to process and resolve asylum claims.



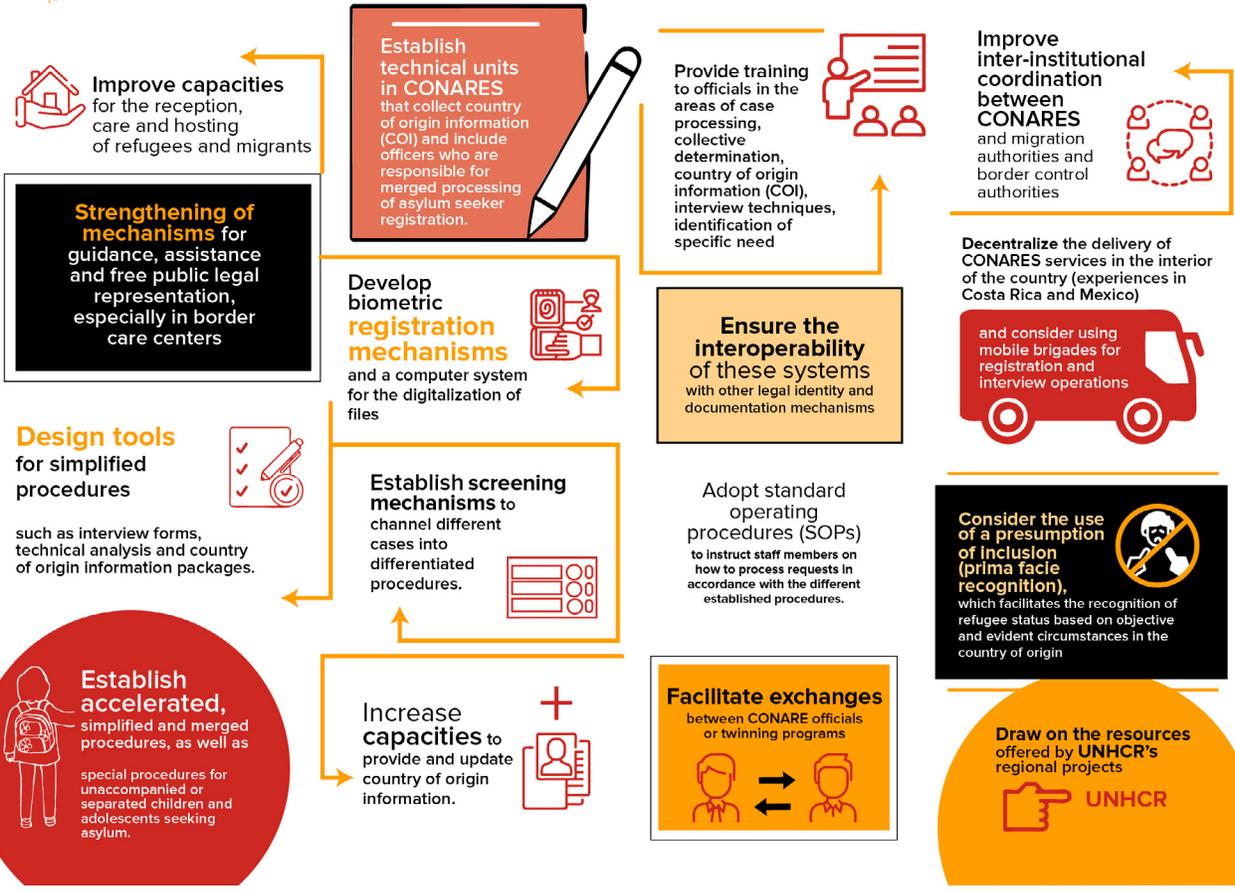
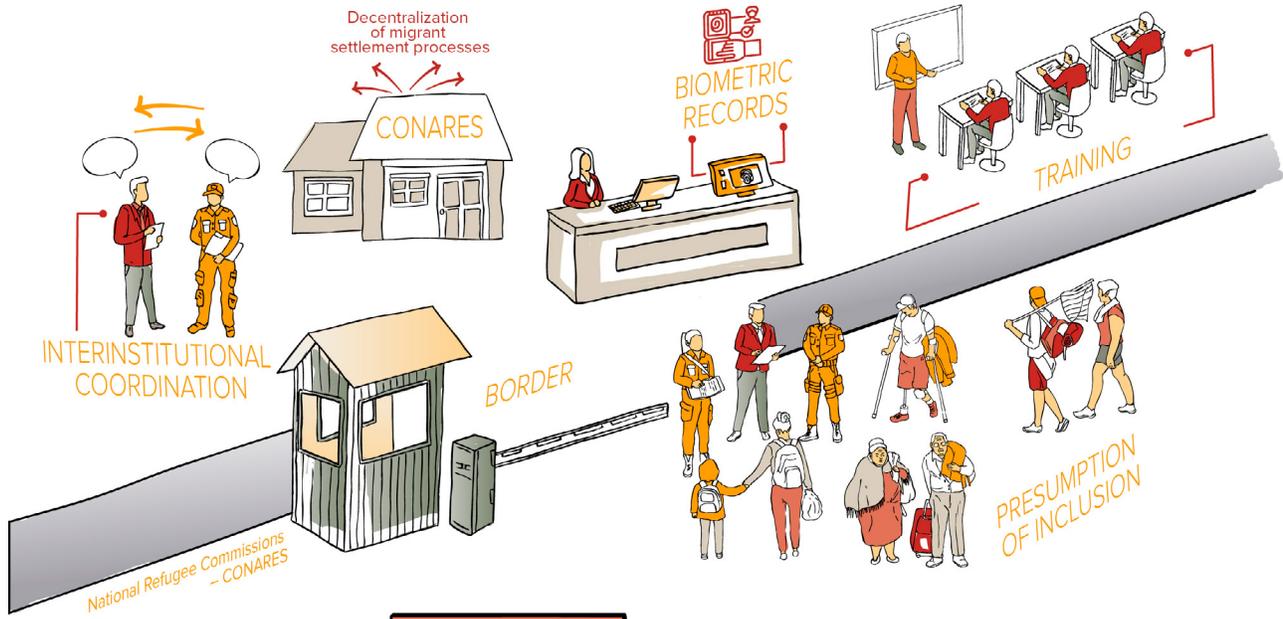
- Faced with existing delays in processing and resolving asylum claims, some participants discussed the legal effect of **administrative silence** in their countries. One participant noted that this can have a positive effect (recognition).

JUDICIAL STATUTES

Protection against refoulement is a central element of any statute that aims to ensure international protection.



- Some participants highlighted that beyond the legal denomination, it is important to understand which **protection safeguards** are offered by the different legal statutes that exist in a country. It was highlighted that **protection against refoulement is a central element** of any statute that seeks to secure international protection.



Some of the recommendations that emerged during the Roundtables were:

- Continue to work on **asylum capacity support** through arrangements to strengthen National Commissions for Refugees (CONARES) and equivalent bodies. This includes:



Improve capacities for the reception, care and hosting of refugees and migrants

- 1) Improve **capacities for the reception, care and hosting** of refugees and migrants, based on *Colombia's* experience.



Establish **technical units in CONARES** that collect country of origin information (COI) and include officers who are responsible for merged processing of asylum seeker registration.

- 2) In accordance with national needs, establish **technical units in CONARES** that collect country of origin information (COI) and include officers who are responsible for merged processing of asylum seeker registration and refugee status determination, based on *Canada's* experience.

Provide training to officials in the areas of case processing, collective determination, country of origin information (COI), interview techniques, identification of specific need



- 3) Continue to make progress with **training** officials in the areas of case processing, collective determination, country of origin information (COI), interview techniques, identification of specific needs, international refugee law and international human rights law. The need for **training in asylum capacity building**, and not just the technical aspects or substantive criteria for refugee status determination, was highlighted by participants.

Improve **inter-institutional coordination** between CONARES and migration authorities and border control authorities



- 4) Improve **inter-institutional coordination** between CONARES and migration authorities and border control authorities, which will help avoid revictimization and make the interview process more efficient.

Strengthening of mechanisms for guidance, assistance and free public legal representation, especially in border care centers

- 5) Make progress towards the establishment or strengthening of mechanisms for **orientation, assistance and free public legal representation**, especially in border care centers, based on the experience of *Operation Welcome in Brazil*.

Develop biometric registration mechanisms and a computer system for the digitalization of files



- 6) Develop **biometric registration** mechanisms and a computer system for the digitalization of files and the management of asylum claims.

Ensure the interoperability of these systems with other legal identity and documentation mechanisms

- 7) Ensure the **interoperability** of these systems with other legal identity and documentation mechanisms.

Decentralize the delivery of CONARES services in the interior of the country (experiences in Costa Rica and Mexico)



- 8) **Decentralize the delivery** of CONARES services in the interior of the country (experiences in Costa Rica and Mexico) and consider using mobile brigades for registration and interview operations.

Design tools for simplified procedures



such as interview forms, technical analysis and country of origin information packages.

- 9) **Develop tools** for simplified, accelerated or merged procedures such as interview forms, technical analysis, country of origin information packages and model resolutions, based on Mexico's experience.

Establish screening mechanisms to channel different cases into differentiated procedures.



- 10) Regarding the assessment of claims, it is recommended that **screening mechanisms** are established to channel different cases into differentiated procedures ("Venice" strategy). The regular procedure will be used to process the most complex cases (e.g., credibility, exclusion).

Adopt standard operating procedures (SOPs) to instruct staff members on how to process requests in accordance with the different established procedures.

- 11) Adopt **standard operating procedures (SOPs)** to instruct staff members on how to process requests in accordance with the different established procedures.



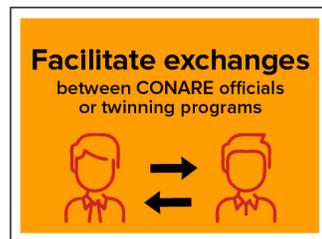
- 12) Consider the use of a **presumption of inclusion (prima facie recognition)**, which facilitates the recognition of refugee status based on objective and evident circumstances in the country of origin, based on *Brazil's* experience.



- 13) Establish **accelerated, simplified and merged procedures**, as well as special procedures for unaccompanied or separated children and adolescents seeking asylum.



- 14) Increase capacities to **provide and update country of origin information**.



- 15) Facilitate **exchanges between CONARE officials or twinning programs** supported by UNHCR, as well as other cooperation initiatives between CONAREs.

Draw on the resources offered by UNHCR's regional projects



16) Draw on the resources offered by UNHCR's regional projects on country-of-origin information, training and twinning, as well as regional platforms for the exchange of best practices to continue sharing information, experiences and lessons learned among different CONAREs, facilitating improved understanding and building capacities for these issues.

- Consider **granting complementary forms of protection** to people who are not recognized as refugees but cannot return to their countries of origin - based on the experiences of Costa Rica and Mexico.
- For persons in need of international protection, other legal stay arrangements and **regularization programs** may offer some degree of protection. However, it is important to take into account protection safeguards and access to solutions.



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IMPLEMENTATION OF THE ROUND TABLES

Shelter Management Lead Country: Colombia



El futuro
es de todos

Cancillería
de Colombia

On Tuesday May 18, 2021, the **MIRPS Expert Roundtable: Strengthening Asylum Systems and Management** hosted by the Government of the Republic of Colombia was held. This roundtable covered four thematic areas with the objective of learning about the progress made by Colombia in terms of reception, assistance and guidance for the migrant population.

1ST BLOCK: Maicao Comprehensive Care Center

The **first thematic area** was the **presentation of the Comprehensive Care Center (Centro de Atención Integral-CAI) in Maicao**, led by **Gabriela Ricardo, Office for Border Management and Migration from Venezuela, Presidency of the Republic**. Gabriela presented the experience of establishing the CAI as a multilateral cooperation exercise by the Government of Colombia with the Office for Border Management of Venezuela, the Danish Refugee Council and the UNHCR, and supported by the Mayor's Office of Maicao. This center guarantees humanitarian assistance and shelter for people coming from Venezuela while they wait for the issuing of their Temporary Protection Status for Venezuelan Migrants (ETPV)

Irene Van Rij, head of the UNHCR office in La Guajira, provided additional information about the operation of the CAI, which is divided into four phases. The first and second phases consist of isolating people during the COVID-19 test process. During phase three, food and a general medical assessment are provided along with an accompaniment plan. An identification card is given to all migrants, they are provided with accommodation and access to the safe phase when all comprehensive care services are available. The exit strategy used by the CAI consists of the provision of an economic disbursement and issuing of the Temporary Protection Status for Venezuelan Migrants (ETPV).

2ND BLOCK:
Assistance
and protection
measures for
migrant children

The **second area** consisted of the **presentation of the Measures for Assistance and Protection of Migrant Children** from **Iván Gaitán, Colombian Family Welfare Institute (Instituto Colombiano de Bienestar Familiar - ICBF)**, who discussed the assistance provided by the Institute so that children who have the ETPV can receive nutritional treatment. The main concerns for the ICBF are underage pregnancies, lack of access to family planning methods and sexually transmitted diseases. The Institute works with UNICEF to provide this assistance, which has supported the adaptation of these services.

The Institute's strategic priorities include international coordination, maintaining up to date data for migrant children and the implementation of specific projects that generate a political impact in multilateral cooperation forums.

3RD BLOCK:
Assistance
mechanisms for
walking migrants

The **third thematic area involved a presentation of the Assistance Mechanisms for "Caminantes" (walking migrants)** made by **Jaime Polanco, Border and Migration Management from Venezuela, Presidency of the Republic**. Jaime commented on the experience of the strategy titled "La Ruta del Caminante" (the walker's route), which consists of organizing the response from national and local government and cooperation agencies to meet the needs of people migrating from Venezuela. This strategy has helped understand what their needs and reasons are for leaving their country. The quantitative context of this situation is: 1,251 walking migrants in one week (May 3 to 9), 30,256 walking migrants to date in 2021 and 9,700 walking migrants aged between 0 to 17 years old. An increased number of children with nutritional problems have also been identified.

The challenges that have been identified involve improving coordination so that there is no lack of services along the migration route and reinforcing humanitarian assistance at six key points on the route so that migrants are aware of the type of assistance provided at each of these points: 1. Centro de los patios: First meeting with the authorities for both migrants looking to permanently settle in the country and those who are in transit to other countries in the south of the continent, 2. La Don Juana; 3. Bochalema; 4. CASP; 5. La Laguna and 6. Berlin.

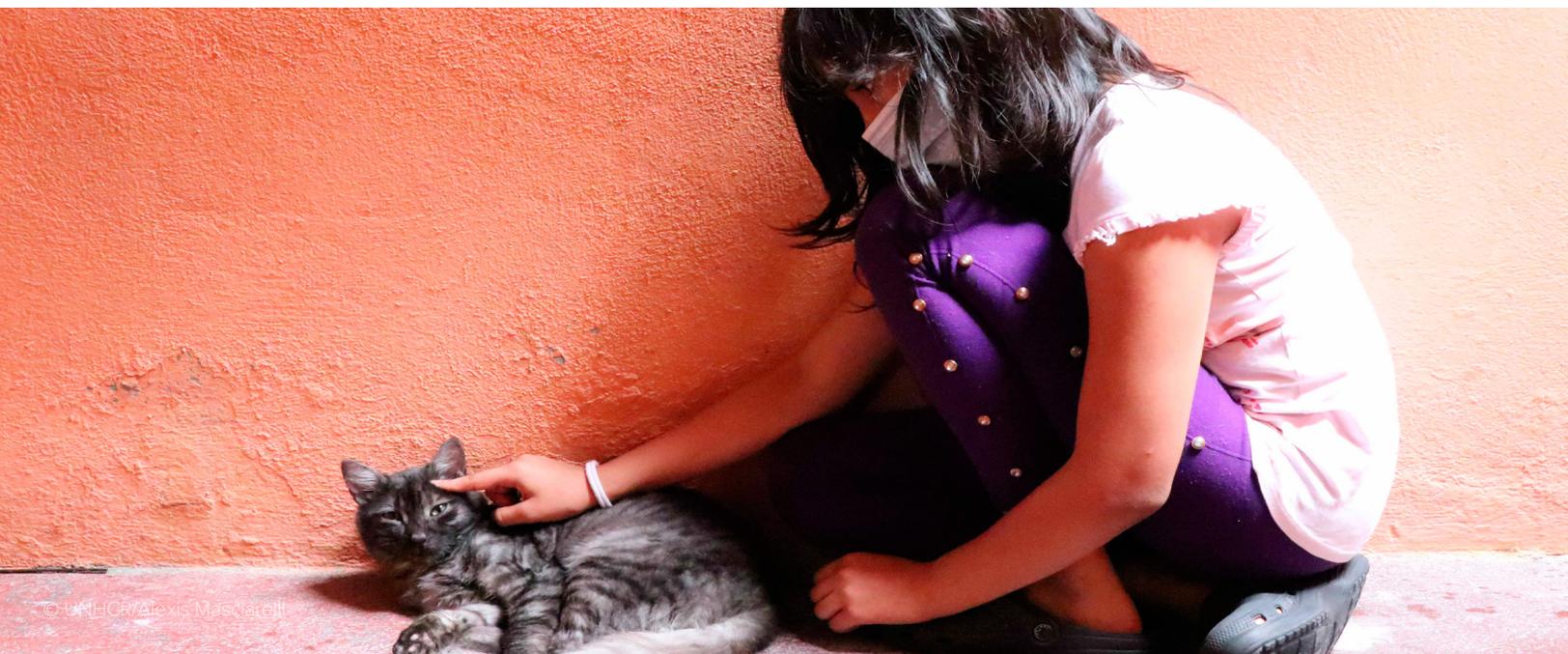
Peter Jansen, Coordinator of the Comprehensive Group for Mixed Migration Flows (Grupo Integral sobre Flujos Migratorios Mixtos - GIFMM). In relation to *walking migrants*, GIFMM tries to coordinate the migratory situation with about 75 agencies and non-governmental organizations (UNHCR, IOM and others). Peter emphasized that this is a regional initiative that functions as a coordination platform and has information management tools to visualize data on the response to the refugee and migrant population from Venezuela.

GIFMM's strategy is based on identifying and informing migrants about the support points identified along the route (support points) so that the *walking migrants* know that these are safe spaces with basic services where they cannot necessarily spend the night, but they can stay for a while to rest and receive medical services and then continue their journey.

4TH BLOCK:
Temporary
protection
statutes for
Venezuelan
migrants and
refugees

During the **IV thematic area, involving a presentation on the Temporary Protection Status for Venezuelan Migrants (ETPV)** from **Guadalupe Arbeláez, Head of the Legal Advisory Office of Migration Colombia**, legal concepts such as the Temporary Protection Status for Venezuelan Migrants (ETPV) were presented. This is a pragmatic legal tool that complements the international protection regime for refugees. It is valid for ten years and allows access to various basic services provided by the Government of Colombia. It also facilitates their transfer from a temporary protection regime to the regular regime. The ETPV includes flexible measures, entry and stay permits, identification tools, registration and the provision of formal documentation and seeks to provide protection to the population that temporarily stays in Colombia.

During **the closing speech, Álvaro Calderón Ponce de León, Director of International Cooperation of the Colombian Ministry of Foreign Affairs**, concluded the roundtable by highlighting the importance of learning through responsibility sharing between different actors. This approach is at the center of the migration flows management from the Colombian government and society due to the migration of people from Venezuela for humanitarian reasons. The government has made several efforts to provide comprehensive assistance to the four types of migration flows: migrants with the intention of staying (regular and irregular), migrants in transit, migrants in the border area and Colombian returnees. Álvaro discussed the positive impact of international cooperation and the synergies that have been fostered to strengthen institutional capacities. He also mentioned the component of responding to the needs of migrants to ensure the efficient use of resources, avoid duplication and maintain the sustainability of services provided to this population.



Identification of international protection needs, case management and biometric registration

Leader: Canada



Immigration, Refugees
and Citizenship Canada

Immigration, Réfugiés
et Citoyenneté Canada

On Tuesday, May 25, 2021, the **MIRPS Expert Roundtable: Identification of International Protection Needs, Case Management and Biometric Registration** led by Canada was held with the objective of leveraging and strengthening the national systems of MIRPS member countries through bilateral cooperation and joint learning.

During the *opening ceremony*, **Brigitte Witzel**, *Senior Policy Analyst, Refugee Affairs, Immigration, Refugees and Citizenship Canada / Government of Canada*, highlighted the joint collaboration between all actors and the commitment to international cooperation among the countries that form the MIRPS as a positive example. **Christian Freres Kauer**, *Senior Expert - Humanitarian Action Office - Spanish Agency for International Development Cooperation* highlighted the support and commitment of AECID and the Spanish Cooperation Training Center in Antigua, Guatemala in the current context of increasing border flows and the need to strengthen processes related to assistance for the displaced population.

Icebreaker activity. **Nadia Williamson**, *Member of the Regional Bureau of the Americas, Office of the United Nations High Commissioner for Refugees (UNHCR)*, conducted an exercise for all MIRPS members to introduce themselves based on country blocks.

Regional context and legal standards

Regional context and legal standards. **Audrey Bernard**, *Senior Registration Officer, Office of the United Nations High Commissioner for Refugees (UNHCR)*, referred to the main challenges regarding biometric registration and the provision of assistance. Some of the challenges that governments face includes departments that implement parallel programs but do not communicate with each other. Many Excel and handwritten forms are used, the verification of people's identities is slow because there is no biometric system and systems are not prioritized. All of the systems are managed independently, which means that if an applicant arrives at one office, they register there and then they have to do the same at the next office. This

triplicates efforts and generates delays in the process. If there is no integrated system, it is difficult to know how many complaints or forms are processed. There are very few biometric systems in the region.

Audrey proposed establishing an integrated system that registers a person until refugee status is granted. This would establish differentiated procedures based on the profiles of applicants and will make the process more efficient. These systems should be practical so that they are easy to use for staff and applicants, and available in the language they need. UNHCR offered support with the implementation of electronic systems that use QR codes and address security issues to avoid fraud and increase data reliability. Audrey stated that data matching could be organized with other countries in the region.

Juan Ignacio Mondelli, *Regional Protection Officer (RSD), Office of the United Nations High Commissioner for Refugees (UNHCR)*, shared information regarding the legal standards that MIRPS countries have for refugee recognition, group or prima facie recognition, guidelines and identification, registration, special differentiated procedures, competence, and complementary protection. He stated that the 1951 Convention does not contain explicit references on the procedures for the refugee status determination nor procedural guarantees, and that the UNHCR Committee has highlighted the importance of formally establishing these procedures. IACHR provides guidelines for foreign children who should not be prohibited from entering a territory, even when they are alone, and the obligation for States to establish a database with a registry of children in order to provide them with adequate protection of their rights.

Highlights of the Canadian asylum program

Hilda Cukavac, *Assistant Director, Asylum Program Division, Directorate General for Strategic Operations for Resettlement and Asylum*, commented on the dual nature of the Canadian refugee system. The Canadian refugee system has two main parts: 1) the Refugee and Humanitarian Resettlement Program, for people who need protection from outside Canada and 2) the In-Canada Asylum Program for people making refugee protection claims from within Canada

This framework is based on international instruments and domestic legislation. Canada is a signatory to the 1951 and 1967 Convention and Protocol, as well as the *Convention against Torture*. Its legislation is based on the *Immigration and Refugee Protection Act*, the main federal legislation governing migration, that includes asylum seekers. Canada has incorporated the principles of international instruments in this Act, which offers protection for those persecuted and at risk, while ensuring security and respect for human rights. The second legal document is the *Canadian Charter of Rights and Freedoms*, which guarantees certain rights to all persons present in Canada, including those claiming refuge and asylum. This Charter also guarantees equality and access to justice.

She stated that there are three partner agencies that administer the asylum process in Canada: Immigration, Refugees and Citizenship Canada (IRCC), which is responsible for registering asylum claims within the country. The Canada Border Services Agency is responsible for border registration and

removes asylum seekers who are not granted asylum by the independent Immigration and Refugee Board (IRB) Canada. The IRB is the tribunal that hears asylum and protection claims, as well as appeals. If the response to the claim is negative, then it can be appealed. The asylum seeker has the right to be represented and to an interpreter. The hearing is non-adversarial, but it can become so if there are issues of credibility, exclusion or security presented. She indicated that biometrics are taken for each claimant, which includes personal data, fingerprints, etc. When a claim is found to be eligible, the case is referred to the Refugee Protection Division (RPD) of the IRB, which decides if there is a positive decision, and if this is the case the refugee can apply for permanent residence and family members can be processed for permanent residence. If the decision is negative, an appeal can be made to the appellate division or a judicial review by the Judicial Court of Canada. All refugee claimants have access to health benefits, social services, and work permits.

Case study registration (admission process) of asylum seekers arriving at the Canadian land border between ports of entry. All attendees were divided into two groups that had been previously determined.

GROUP 1. Case study of the border process in Canada

Group 1. discussed the **Canada Border Process Case Study**. This group included registration submission, the process for assessing admissibility, establishing identity (biometrics, database interactions), detention and benefits.

Jason Daigle, Manager, Refugees Unit, Intelligence and Enforcement Branch, [Canada Border Services Agency \(CBSA\)](#). Jason presented an overview of CBSA which was created in 2003 to bring together the 3 departments that managed border activities including refugee processing into one department. He commented that the CBSA identify threats and ensure public safety by ensuring a free flow of people and goods that meet the requirements established in Canadian legislation. Canada has 117 land border crossing points and entry via 13 international airports. They also have marine border operations that are shared with the United States.

In terms of the processing of migrants, in Canada this is regulated by the [Immigration and Refugee Protection Act](#), which applies to foreign nationals, temporary residents (students, visitors and workers), refugee claimants and permanent residents of Canada. This law protects people and promotes international justice, respecting human rights by denying access to criminal persons or those who represent a security risk to the country. In Canada, asylum is granted when there is persecution for reasons of religion, security, etc. This process includes a [Safe Third Country Agreement](#) established with the USA. In Canada, biometric, criminal and police records are captured by CBSA Border Services Officers who that allows them to determine temporary or permanent entry criteria and admissibility of refugees according to their eligibility.

At the end of the presentation, a *space was created for interventions and questions from the audience:*

- In terms of **Canada's metrics**, the collection of refugees fingerprints began 22 years ago. This system has changed over the years due to technology. It is now easier and faster to access this information as it is systematized and can identify individuals who are not eligible to enter Canada.

- In relation to **unaccompanied children**, they are eligible to make an asylum claim. Someone would be appointed to act on their behalf for asylum or border processing. We notify the provincial child services agencies of the presence of the minor in their territory. The provinces have social protection institutions and assume custody of the child or assign them a temporary or accompanying family.
- For **individuals who are inadmissible to Canada**, the option of detention can be utilized and should detention last more than 48 hours, the individual is referred to the [Immigration and Refugee Board](#) for a detention review.
- **Process to establish identity.** Part of the assessment involves ensuring that a person's identity is correct, for example, with a passport or other document used to identify themselves. It is not very likely that we will receive unidentified people because people generally always bring some form of documentation with them. Interpol and Frontex/European Border and Coast Guard Agency have been developing Project FIELDS (Frontex Interpol Electronic Library Document System). This project aims the creation of a system dedicated to increase the capacity of verification of the authenticity of the travel documents by border and police officials. All countries will have access to FIELDS and should you require more information you can contact your countries INTERPOL office for more information.
- In terms of continuing to **share best practices or exchanges**, Canada reinforced its commitment to continue to engage with ANCNU for these types of activities.
- In addition, a space was created **to share experiences with the members of MIRPS.**
- **Mexico.** Have an admission system that includes a Border Registry, which is operated by the Protection Department and interviews are conducted by Protection Officers. The admission and eligibility scheme uses a differentiated approach. Access to the beginning of the refugee status process is prioritized along with access for children and adolescents and groups in vulnerable situations.

GROUP 2.

The case of the Spanish border.

In **Group 2, the case of the Spanish border** was discussed.

Felicitas Grande Sánchez, *National Police Inspector, Head of the International Protection Section of the Central Border Unit of the General Commissariat for Foreigners and Borders*, detailed the procedure used by the Spanish Police when asylum claims are made at the border. Initially, when an asylum seeker is held at the border or at Baraja or Prad airports, an asylum claim is available for those foreigners who do not meet the requirements to enter Spanish territory and express their desire to seek asylum in Spain. The claim is processed in accordance with Law 12/2009 of October 30, 2009, that regulates the Right of Asylum and Subsidiary Protection and can be requested by non-EU nationals and nationals of other countries. An informative pamphlet with information related to the whole procedure is provided to the asylum seeker, which is generic information.

Once this brochure is provided, legal assistance is arranged (mandatory lawyer). If a lawyer is not appointed, then one will be appointed *ex officio* and an interpreter will be arranged in case the person does not speak Spanish. Corresponding medical assistance will be arranged if required. Once these needs have been met, the application will be formalized. This consists of an interview that contains personal data and the reasons that the asylum seeker cites as their reasons for requesting international protection.

At the end of the interview, all persons over 14 years of age are informed that they will have to cooperate with the authorities for fingerprinting, which will be stored in the EURO DAC database. This database contains the fingerprints of all persons over 14 years old who are asylum seekers, as well as those who have entered European territory in an irregular manner.

Asylum claim process. Once the fingerprints have been uploaded to the system and compared with the existing database, a result will be issued. The case will then either be analyzed by the Ministry of the Interior for processing or will not be admitted because there is no evidence to support the application. There is a time limit of 96 hours, which starts from the moment the applicant lodges their claim. If the claimant does not receive a formal response within this time period, then the asylum seeker is granted what is called admission by silence. During this period, these people remain in asylum rooms located at the airport. The people are not subject to any procedure of refoulement and return. The people are not allowed to leave these rooms while they wait for the response to the claim and Red Cross staff are available to attend to their needs. If their claim is rejected, then the person concerned has two days to request re-examination. In this case they are temporarily admitted and the person enters Spanish territory. If the examination is waived, a record will be created and the person will not be admitted for processing. This means that their entry has been denied and the person will be returned to their country of origin.

At the end of the presentation, there was also a *space for sharing with the members* of MIRPS:

- **When submitting an asylum claim at the border post, you must always have the presence of a lawyer. This advice is free of charge.** There are agreements with the Spanish Bar Association to provide lawyers who assist claimants.
- The **people who remain in the airport terminals are deprived of their liberty and** guarded by the police **while they are waiting to enter Spanish territory** after having applied for asylum. This procedure lasts 8 days.
- The **police are the responsible for making the first claim on** behalf of the applicants, which is sent through a computer program.

PRESENTATION:
Managing the
Registration
Process in
Unprecedented
Times

Scenario 1: Border Surge and Scenario: 2 During a Pandemic. All attendees were divided into the same groups that had been previously determined.

GROUP 1.
Special
operational
measures
proposed to
respond to a
sudden increase

Grande Sánchez, *National Police Inspector, Head of the International Protection Section of the Central Border Unit of the General Commissariat for Foreigners and Borders* expanded information on cases of mass influx and explained that they usually occur due to different situations, often when large groups of people enter spaces that are enabled for border crossings. There are facilities available for them to stay there, which are called Asylum Rooms, and there are offices to process them. There are usually no problems with formalize these claims at the border. There are also cases of people who try to enter through non-authorized crossings, and at these crossings there are facilities for them to stay and an office for processing their cases. These situations occur in Ceuta and Melilla.

She presented real cases, including one that happened on August 30, 2019, when 153 Sub-Saharan Africans jumped the border fence at Ceuta and were transferred to the Asylum Room. Their fingerprints were collected and they were registered as having made an irregular crossing. Their data was transferred to EURODAC and all of them stated that they wanted to apply for international protection. This meant that their claims had to be processed rapidly. All of the asylum seekers were assisted by lawyers and were informed about all the options available to them.

A space was created for **questions and interventions** on the following topics:

- If a formal claim for international protection is not made in Spain, people must remain in temporary centers located at airports and they cannot enter Spanish territory until their legal situation is clarified. **If the persons already have an official application and it has been submitted, then they can enter Spanish territory.**
- If the **asylum seeker** at the border is **denied entry, they have the right to apply for an administrative appeal** to request precautionary measures, and the judge will decide whether to suspend their deportation, otherwise, the person will be returned. The Refugee Office assesses claims on a case-by-case basis.
- The **UNHCR does important work at border posts.** A UNHCR representative from Spain commented that the system in Spain has guarantees and provides entry through the admission by silence mechanism in case the claim is not assessed within the time limit. UNHCR monitors the procedure and issues a report on cases in which authorities communicate their intention to deny the request at the border. This acts as a double verification of the denial of the request.

GROUP 2.

Case study on the specific process for completing the asylum claim form and solutions implemented on asylum program processes during a pandemic

Group 2. Case study on the specific process for completing the asylum claim form and solutions implemented on asylum program processes during a pandemic by **Mireille Giroux**, *Assistant Director, Asylum Program Division, Resettlement and Asylum Strategic Operations*.

Canada's protection system took into account the COVID-19 pandemic situation for all persons, with mandatory quarantine required for three nights in a hotel at each traveler's expense. In addition, COVID tests were requested on the first day. There was no exception for asylum seekers, however, some of them did not have the resources to cover these quarantine costs, in which case IRCC funded these services such as testing and quarantine hotels at nine border posts. Those who did test positive for COVID-19 were referred to Public Health services for their quarantine.

In terms of services available for people who were already in Canada, services were provided via email due to the closure of the offices during the pandemic. Once all the applicant's information was available, the case officer acknowledged the reception of their documentation so that the applicant can access social and health services. epost Connect was used to receive asylum applications and so that documents are received and sent securely. The collection of biometric data could not be done virtually. Once the offices were set up with new hygiene protocols, the biometric enrollment was able to resume for people over 14 years old. These offices are now operating again, in limited capacity. In relation to information and technology systems, Microsoft Teams is used for communication with applicants. For example, most hearings are held using Microsoft Teams, but continues to be under evaluation due to concerns about the security of the information that is shared in these spaces. The Government of Canada applies cybersecurity recommendations to ensure computer security standards.

A space was created for *questions and interventions* on the following topics:

- **Use of biometric resources.** The use of remote biometric data collection is not considered because it is essential to hold a personal interview with the applicant.
- **Digital system for interviews.** A pilot program is being used to conduct interviews, which are being implemented using Microsoft Teams. Claimants are invited to participate the pilot and a virtual interview is scheduled. If they do not wish to participate, then a face-to-face interview will be held when possible.
- **People with mobility problems due to health.** People must be attend the office for the collection of biometric information. However, there have been cases in which people are in the hospital. We have portable devices for this purpose and we have eleven offices across Canada that they can attend.
- **Continue with the same practices following the pandemic.** This is a pilot project and at the end it will be decided if the procedure can continue. Currently, no final decisions have been made.
- **Participants requested the sharing of procedures and protocols.**

Lessons learned and discussion of recommendations

*In this space a guided discussion on registration practices relevant to the MIRPS region was held. This had the objective of presenting the final recommendations from **Audrey Bernard**, Senior Registration Officer, Office of the United Nations High Commissioner for Refugees (UNHCR).*

Mexico:

- Enable international registration procedures to guarantee the rights.
- Promote interoperability (*avoid re-victimization of claimants so that they don't have to repeat information several times during the process*).
- Input detailed information during the registration process

Honduras:

- Training of staff is essential for them to understand the information and the asylum process.
- Interoperability of all departments facilitates access to the same information, which enables efficient processing (*avoids the need to re-interview claimants several times*).
- Due diligence for expedited processing in border areas respects minimum standards (*e.g. interpreters/legal representation*).

Costa Rica:

- Strengthen units responsible for receiving applications at the border. Need technical knowledge so that they are well informed on how to fully carry out procedures.
- Need to adopt appropriate/acceptable methodologies to prevent suspension or limitation of the asylum system during a pandemic.
- Use the civil society alliance to help with the work (e.g. legal representation) and take advantage of the support offered by UNHCR.
- Robust protocols are needed for interviews to ensure secure virtual platforms (*and to not limit asylum procedures due to the pandemic*).
- Need to strengthen and improve procedures.

Guatemala

- Keep the asylum system open
- Accelerate procedures to make them more efficient.
- It is necessary to start the interview in a virtual space so that all applicants don't have to travel to the city

Belize:

- It is important not to suspend asylum procurement during the pandemic.
- Sharing of other information processing systems has already been implemented
- It is important to share best practices within MIRPS and beyond MIRPS.
- Need for capacity building with respect to interviewing techniques and decision writing to facilitate this process.



Use of Differentiated Modalities in Case Processing

Leader: Brazil



On Friday, May 28, 2021, the **MIRPS Expert Roundtable: Use of differentiated modalities in case processing**, led by Brazil, was held with the objective of presenting concrete regional and national experiences, as well as relevant legal standards regarding the use and processing of differentiated application modalities.

During the **opening ceremony**, **Ricardo Rizzo** from the Ministry of Foreign Affairs of Brazil highlighted the important opportunity for Brazil to build a joint cooperation agenda with MIRPS countries. This will be supported by the different experiences of providing accumulated protection of refugees arriving from Venezuela.

Elena Bravo Taberné, Head of the Prevention and Evaluation Unit, Humanitarian Action Office, Spanish Agency for International Development Cooperation (AECID) thanked all MIRPS partners and other actors. She mentioned the emergence of these roundtables as a measure to address the sudden increase in displacement and migration movements

She indicated that AECID conceives these roundtables as a second phase following the first phase of needs identification that began in 2020. She stressed that these spaces are an example of regional collaboration in which each partner takes ownership of the situation, conducts self-assessments, solutions are jointly sought and best practices and experiences are shared, which will be implemented in the near future as measures to address asylum situations.

1ST BLOCK:

Challenges when dealing with mixed movements

Prima facie recognition of refugee status in the Venezuela situation context

Luiz Coimbra, **Eligibility Coordinator, Brazil**, stated that there is a very big challenge in dealing with the asylum situation in relation to the needs of Venezuelans. He recalled the political context of this country in the last decade and how there were always entries and exits between the borders of Venezuela and Brazil, primarily for people who worked or studied in one country but lived in the other. These movements did not generate any problems. However, between 2014 and 2015, intelligence reports began to be received from international organizations that showed complex scenarios that required other types of collaborative measures.

Following the identification of this problem, Brazil began to define strategies for refuge and hosting of the migrant population and for border management through the provision of support and organization spaces. Regularization was also implemented, as the Refuge Law 474-1997 offers guarantees in this area. In 2020, 160,000 asylum claims from Venezuelans were registered, but Brazil did not have the capacity to process these requests. In this context, teams were organized and procedures were analyzed. A specific process was prepared for those people who were considered refugees because they had a situation of well-founded fear of persecution. When the interviews were carried out, staff identified people who were trying to flee because of the economic situation while others had suffered violations of their human rights. The broader definition of refugee was used in this case: “a person seeking to leave the country because of persecution linked to race, religion, political persecution”. However, the term refugee was also understood using the broader definition provided in the *Cartagena Declaration of 1984*. It was also necessary for the National Refugee Committee to establish how to act in this type of situation. In June 2019, a standard simplified procedure was issued. In 2019, the Committee expanded its capacity for processing asylum claims and began to process claims from all Venezuelans because it was assumed that their rights were being violated.

He stated that the Federal Police registers all current migratory movements. In order to attend to asylum claims, it is necessary that the people entering from Venezuela present documentation that accredits their nationality and their last migration record of entry to Brazil. Legislation requires that in order to process the requests, these people must be in the national territory, as they cannot be recognized as refugees if they are in another country. Additionally, these people must not have any current security alerts. Drug trafficking and torture, for example, are grounds for exclusion. Individuals must be over 18 years of age to minimize the risk of human trafficking, and they cannot have residence in the national territory. If people already have a work visa, they are not eligible for refugee status. Lists of people who make asylum claims are generated, which have made procedures more efficient. However, simpler ways need to be found to analyze and process this information.

Conclusions:

- **1st.** Processing and register systems are generally very conservative and are not subject to significant modifications so that they continue to provide protection to asylum seekers.
- **2nd.** The Brazilian refugee system, considers, that there are unequal situations for people with different characteristics. These differences define the system’s parameters.
- **3rd.** The analysis of Venezuelan asylum claims shows that there is a diversity of cases and that these should be analyzed differently

Interventions/question and answer session COMAR/Mexico

- For the implementation of accelerated procedures, profiles with a low presumption of eligibility are assessed. There may be exceptions,

but the screening of people recognized as refugees and analyzed in accordance with the provisions of the 51st Convention. In 2020, a COI unit was implemented to develop objective information and tools for these procedures. Exclusion clauses are applied, and the claimant is not notified that a differentiated procedure is being carried out. The application is received on a regular basis and after the screening the type of processing to be applied is determined.

- From the moment the application is registered, it is decided which procedure will be applied based on the claimant's profile.
- This paradigm shift was made as a result of the knowledge of this type of procedures, technical support was provided by UNHCR for its implementation due to an increase in requests and the need to maintain efficient systems in Mexico.

Article 24 of the Refugee Law states that if a person withdraws from the proceedings they cannot continue with the procedure, which means that in the Mexico these claims could not continue .

2ND BLOCK -WORKING GROUPS

The use of country of origin information (COI) and risk profiles to establish combined, simplified or accelerated RSD procedures was analyzed in Group 1.

Dania Ortega, Director of Protection and Return, (COMAR) commented on the application of differentiated case processing procedures. In these cases, prior research on objective information from countries of origin is extremely important to determine which situational events are applicable to certain profiles according to the Cartagena Declaration. Based on this research, specific risk profiles were established to carry out a more efficient procedure.

An investigation of the COI unit was conducted with the support of CAI colleagues. This led to the resolution of cases that received the merged procedure within a maximum period of 30 days from the date on which the claim was submitted. This analysis was done using an individual perspective. For the accelerated procedures, research was carried out on the nationalities with a high presumption of eligibility, so that screening occurs from an early stage to avoid saturation of the system and to provide a more effective response. This generated more objective information packages to make the resolution more efficient.

The application of these procedures is carried out in accordance with the criteria established in the Law on Refugees, Complementary Protection and Political Asylum.

At the end of the presentation, a **space was created for interventions and questions:**

COMAR/México:

- In the registration section, the people who attend to the claimants are officers with different professions and backgrounds, not lawyers. They

review the information, complete an initial form and the officers register it and verify if it is possible to refer the case to a merged procedure.

- The registration process is completed on the same day that the asylum claim is submitted. In locations where there is no COMAR presence, help from the National Migration Institute is requested. The processing time depends on how long it takes to send the documentation.
- These procedures were paused during the pandemic due to distance issues. However, asylum claims continued to be submitted, which were received in a staggered manner.
- Since the enactment of the Law in 2011, COMAR has been empowered to analyze these cases with the possibility of submitting claims individually or as a family in the case of children and adolescents. Children and adolescents can also submit claims when they are not accompanied by an adult or their family.
- For screening based on countries of origin, an investigation of the recently created COI unit was carried out, in which objective information about the prevailing situation in the country is identified and the risk situations and characteristics that a person faces there are identified.
- To obtain a regular immigration status, a person must go to the Migration Institute.

In **Group 2. Presumption of inclusion, group recognition and other tools to simplify refugee status determination procedures** were discussed.

Ana Carolina Ribeiro, Social Policy Analyst, COI Unit, Brazil. In Brazil, the procedure had to be adjusted to deal with the situation in Venezuela because it was an emerging situation. However, the content of the Cartagena Declaration had already been applied to other people of different nationalities even if they were part of less intense migration flows. This involved group recognition, or what is called the presumption of inclusion. The Parecer Model is used, which facilitates the work of eligibility officers, as well as profiles that are prepared for each nationality. The most accelerated recognition process is for LGTBI persons, and work is being done to identify asylum seekers who are in child marriages or forced marriages. The decision to grant asylum in Brazil is made by the Committee. Most of the members of the Committee are political appointments. The work of public officers is limited to purely investigative work.

At the end of the presentation, there was a **space for exchange on the implementation of group recognition systems:**

- **UNHCR** has different guides and other tools for the recognition of refugees and support for countries to implement these differentiated modalities. The tools used include documents and notes on international protection and eligibility guidelines, which inform profiles based on a person's country of origin. This process makes it possible to identify profiles of people who are fleeing humanitarian

situations that involve high levels of human rights violations for groups in need of protection.

There are certain groups or populations who have specific vulnerabilities or higher risks, for example, LGBTI persons, and with whom other types of procedures can be carried out. In the case of unaccompanied children, procedures must be carried out in which a guardian or legal representative, etc. must be present. It is important to identify these needs so that procedures can be adjusted.

- **Guatemala.** There was an option to work on group responses to asylum claims, but this depended on the people who directed the National Commission for Refugees (CONARE) and these authorities are currently changing positions. Assistance has now been individualized, while before families of up to eight people could submit a group asylum claim. In these cases, an opinion and resolution were generated that applied to all family members. With cases of unaccompanied children we now prioritize younger children (between 2 and 3 years old) to expedite their claims and not delay our response to the claims. In addition, a profile is identified from the moment the claim is received. However, we have not been able to identify a mechanism to expedite the claims of people who have a higher presumption of eligibility. Based on Mexico's presentation, it will be necessary to analyze our procedures in order to design an official system that will allow us to move forward.
- **Mexico.** The information packets generated by COMAR with support from UNHCR don't just include information on COI (*country of origin*), but they also include the design of guides for public officials that include essential information on guidelines for pre-established profiles. This package also includes information on the cases that are most common in the country, such as Cuba and Haiti, which have increased exponentially in recent years.
- **Brazil** has a very large database that contains all of its asylum claims. However, it is important to monitor individual country situations. To achieve this goal, quarterly updates of the COI situations should be carried out. In Brazil, as in Guatemala, the composition of the Committee affects this process because the people who sit on the Committee often change, and people must frequently learn about the work that is being done. There is a record of all decisions that have been made in the past in order to objectively explain the criteria established by the Committee.
- **Costa Rica.** There is a need to have jurisprudence from the region to understand applicable criteria. This is because when information is required on any topic other sources are consulted, and it is important to be aware of how Mexico resolves other cases. This would be a useful tool for resolutions. There is a need to continue to promote these spaces to share how the *prima facie* is being implemented.

Summary and conclusions of the Roundtable

By **Juan Ignacio Mondelli** Senior Regional Protection Officer (RSD), UNHCR (RBAC).

- For the case of **COMAR/Mexico**
 - The process that is applied to each profile was explained in great detail.
 - A set of model guides and interviews were generated and used by the Registration Officers.
 - The differentiated process has different stages that provide broader information on procedures that are only applied where COMAR has a presence.
 - No new legislation has been generated and the ordinary process is applied. The change is that response times have been reduced to improve efficiency and effectiveness.
- In **Costa Rica**, the processing of asylum claims is still underway with the support of UNHCR implementing the CAI. Profiles and information from the countries of origin are currently being created, so this was an enriching experience for staff from the country.
- For the case of **Brazil** and the assistance given to claims, as well as group claims.
 - Regarding the design of mechanisms for handling group claims, in Guatemala there have been difficulties with change in public officials. This is because group resolutions were initially received, but now all asylum claims have been individualized.
 - Mexico implements differentiated modalities for the three types of procedures based on the analysis they made of the increase in claims. Brazil carried out information exchange with Canada due to the influx of Haitian people. Brazil also designed questions to support Registration Officers with the screening process and to refer cases to different procedures.
- UNHCR raised the possibility of sharing information through regional databases.
- Strong ideas that have emerged from discussions in this roundtable:
 - **No decision to alter, simplify or modify procedures can be taken without having current information and the capacity** to seriously deal with these issues faced by people in need of international protection who have decided to leave their homes or countries for different reasons.
 - **More exchanges** should be **promoted**. UNHCR is important in this process. Work should be strengthened with countries that have similar situations in order to create shared mechanisms.

- **The problems faced in the region are very similar.**
- **Sharing information and accumulated knowledge** has been requested. It is important to access the information packages that Mexico produces on its procedures.
- This **exchange of best practices is substantial**, however, it is important that UNHCR share this information in an objective manner at the regional level.

Closing remarks

Luiz Coimbra, Brazil, closed the roundtable by recalling the figure of the refugee since the beginning of time as people who came from other places, countries, organizing themselves, sharing their experiences and overcoming conflicts through the recognition of social differences. The migration and refugee issue is not usually a priority, but this paradigm is changing in these countries because the situation has intensified in recent times. **This means that these countries must evolve their systems to provide efficient and adequate care by sharing experiences and best practices.**



Managing large refugee flows

Leader: European Union

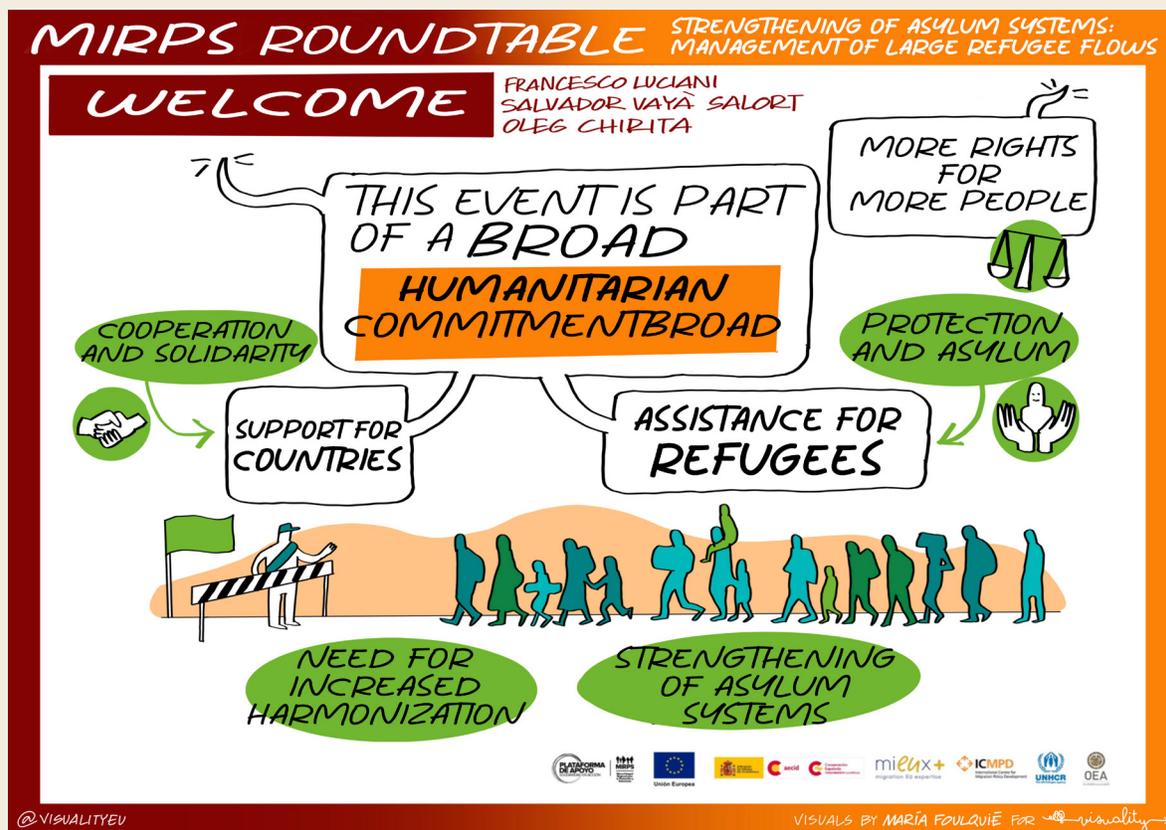


European Union

miex 5 years
migration EU expertise

ICMPD
International Centre for
Migration Policy Development

On Thursday, May 20, 2021, the **MIRPS Expert Roundtable Strengthening Asylum Systems: Managing Large Refugee Flows** led by the European Union was held with the objective of building on and strengthening the national systems of MIRPS member countries through bilateral cooperation and joint learning.



During the **opening ceremony**, **Francesco Luciani**, Coordinator of INTPA.G.6 Unit "Migration and Forced Displacement", Directorate General for International Partnerships, European Commission, highlighted the efforts of MIRPS countries and the joint collaboration to organize this meeting.

Salvador Vayá Salort, *Humanitarian Cooperation Technician Central America/ Caribbean, Asia and Palestine, Humanitarian Action Office, Spanish Agency for International Development Cooperation (AECID)* reinforced the interest of Spanish Cooperation in continuing and renewing the commitment with UNHCR-MIRPS to strengthen integrated work, South-South cooperation, regional mechanisms for shared responsibility and international cooperation; **Oleg Chirita**, *Head of Global Initiatives, International Center for Migration Policy Development (ICMPD)* expressed his gratitude for bringing together different actors including Spain, EU, Guatemala Training Center, UNHCR and OAS through the organization of these roundtables. Oleg emphasized the importance of being able to share new policies and practical solutions that are innovative for the region in relation to migration issues.

Background to the round table

Alfred Woeger, *Senior Project Manager of the International Center for Migration Policy Development*, stated that more than a month ago the first meetings were held between the countries that form the Support Platform and the MIRPS countries. During these meetings the countries were questioned about strengthening the needs of the countries that had been previously identified: What is the current situation of large refugee flows in each country? What are the main challenges they are facing in each of the countries? How has the pandemic affected all countries? In addition, participants identified limited operational capacity to identify persons in need of international protection within mixed migratory flows and the regional approach that is used were identified as issues.

Methodology

The **Roundtable was structured into two blocks. The first block, which was open to MIRPS countries and members of the Support Platform**, involved the presentation of successful regional and national experiences and legal standards for the response to large-scale migratory movements.

The second block was exclusively for MIRPS countries and focused on sharing and analyzing national experiences in the South American region and other EU countries.

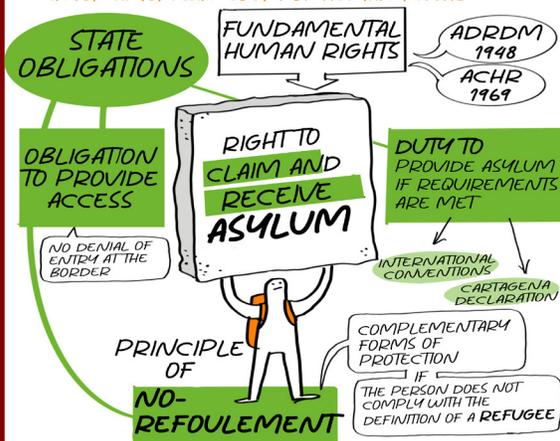
Taking into account the challenges faced by MIRPS countries, and in order to respond to them, **three working groups were structured: 1. Digitalization as a response to large-scale migratory movements; 2. The expansion of reception capacity during large-scale migratory movements; and 3. Procedural issues and temporary protection during large-scale migratory movements.**

MIRPS ROUNDTABLE STRENGTHENING OF ASYLUM SYSTEMS:
MANAGEMENT OF LARGE REFUGEE FLOWS

REGIONAL EXPERIENCES

PROTECTION OF REFUGEES IN THE
CONTEXT OF LARGE-SCALE MIGRATORY
MOVEMENTS IN THE AMERICAS

ROMINA SIJNENSKY, ASSISTANCE SECRETARY,
INTER-AMERICAN COURT OF HUMAN RIGHTS

LARGE-SCALE MOVEMENTS OF
REFUGEES AND MIGRANTS:
LESSONS LEARNT FROM EUROPE

ROMINA SIJNENSKY, ASSISTANCE SECRETARY,
INTER-AMERICAN COURT OF HUMAN RIGHTS



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1ST BLOCK:
Regional
experiences

Romina Sijniensky, Deputy Secretary, Inter-American Court of Human Rights (IACHR), gave a presentation on the legal systems for refugee protection established by the Court based on a human rights perspective, which establishes guidelines for protection in large-scale migratory flows in the Americas.

There are two components in these mechanisms. Seeking and receiving asylum in the Inter-American human rights system through the granting of refugee status, and its expanded definition. This expanded regional definition has already been adopted by 15 countries in their domestic legislation. The IACHR, in its advisory capacity, paid special attention to this definition and considered that the obligations to receive asylum seekers are also inclusive. It explained that the principle of non-refoulement means that no State may, by expulsion or refoulement, in any way place a refugee at the borders of territories where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion. Non-refoulement is also an autonomous right in Article 22.8 of the Inter-American Commission, which also operates in the European system. This principle of non-refoulement has consequences because if a person does not receive asylum and cannot be returned to their country of origin, they cannot be left in legal limbo. The IACHR has provided a solution for some states in the region called complementary forms of protection in which minimum rights are granted.

The IACHR also conceptualized that international protection is understood as the protection offered by a State to a refugee whose rights have been violated or threatened in a country where this protection was not provided. It is essential to consider whether these persons are asylum seekers in accordance with international conventions or asylum seekers based on the expanded definition in the Cartagena Declaration. There is also a need to identify persons in need of international protection and not penalize or sanction them for irregular entry or their presence in the country, and to not detain them. It is important to provide effective and fair access to the refugee process, ensure minimum guarantees of due process, adapt procedures to specific needs, grant international protection if applicants meet the requirements for the granting of refugee status and restrictively interpret exclusion clauses.

The IACHR, in accordance with the UNHCR, establishes collective or prima facie recognition when refugee status does not apply. This status should not be confused with forms of temporary protection or other types of agreements. The IACHR verifies that States are responsible for non-refoulement and access to protection.

Large-scale movements of refugees and migrants:

The **Lessons learned from Europe** presentation was delivered by **Steven Haegemans**, Sector Coordinator, Operational Tools Sector, Country Operational Unit, Operational Support Center, European Asylum Support Office.

Four specific processes in which asylum systems have been implemented and have a large operational support base were presented. The experience of international support provided to Spain, Greece, Malta and Italy for asylum processing was presented. All of this support involved operational plans and all operations have clear processes for providing information, applying for asylum status, prior vulnerability assessments, the special needs of persons and requests for voluntary relocation. In the cases of voluntary relocation no decisions are taken, as these are the prerogative of the relevant Member State. These procedures support most of the asylum process. For example in Italy, the process and access to the registry is supported and managed at a central level. In Spain, the new model for the reception of applications was initiated by supporting reception services in the Canary Islands.

The overall impact of the 2020 analysis, which took into account the COVID-19 situation, evidenced that 30,000 requests for international protection have been processed. To provide this service, training is promoted as part of operational activities. There is a training center for migration and asylum officers who support relocation activities. This work is done with the humanitarian network of Member States, as well as operationally in EU countries for relocation activities. Support is also provided to other countries that are part of the European Union's geographical priorities, such as Turkey, as well as the rest of the EU regions that face large refugee movements.

Other practice tools are in the framework of the Dublin procedure. These consist of an electronic tool that determines whether the person applying to the protection system requires special support. Practical tools are available

for standards and indicators and include the review of an electronic system to assess whether the quality standards defined by Europe are being met.

The Operational Support Center promotes capacity building activities with national cooperation authorities, many reflecting lessons learned, as well as focusing on quality indicators, creating a development culture and leadership development through inclusive processes.

During the three working groups, the experiences of different countries were discussed, focusing on how the countries overcame specific challenges, implemented solutions and collaborations between the public sector and other national and regional actors

2ND BLOCK
Working groups

The **concluding** section for the groups was moderated by **Betilde Muñoz-Pogossian**, Director, Department of Social Inclusion, Secretariat for Access to Rights and Equity, OAS.

MIRPS ROUNDTABLE STRENGTHENING OF ASYLUM SYSTEMS: MANAGEMENT OF LARGE REFUGEE FLOWS REGIONAL EXPERIENCES

WORK GROUP 1 DIGITALIZATION AS A RESPONSE TO LARGE-SCALE REFUGEE MOVEMENTS

SWEDEN ALEXANDRA GIBBONS
UNIT HEAD, DEPARTMENT OF HUMAN RESOURCES, SWEDISH MIGRATION SERVICE

DIGITALIZATION:
ONLINE CLAIM TO SPEED UP THE PROCESS

LARGE INFLUX OF ASYLUM
2015

SYRIAN ASYLUM CLAIMANTS

2020
MY PAGE
CLAIMANTS CAN VIEW PROGRESS WITH THEIR CASE

ACCELERATION OF THIS INITIATIVE IN RESPONSE TO COVID-19

PROBLEMS WITH PEOPLE CLAIMING ASYLUM ONLINE WHILE IN OTHER COUNTRIES?

ARE THERE PARALLEL SYSTEMS FOR PEOPLE WITHOUT INTERNET ACCESS?

THIS ISN'T A BIG PROBLEM IN SWEDEN

FUTURE PLANS
• WEB CHAT FUNCTION WITH INTERPRETING

YES, COMPUTERS AND TECHNICAL ASSISTANCE ARE AVAILABLE

COSTA RICA: PROBLEMS WITH ACCESS TO SERVICES AND RIGHTS

PERU ROSA ELENA ARIAS ROJAS
LEGAL ADVISOR, DEPARTMENT OF HUMAN RIGHTS, MINISTRY OF FOREIGN RELATIONS.

2020
LARGE INFLUX OF ASYLUM CLAIMANTS

2019
ONLINE ASYLUM CLAIMS

98% VENEZUELAN

SIGNIFICANT IMPROVEMENTS TO THE SYSTEM THANKS TO THE PANDEMIC

7 STEPS

APPOINTMENT

QR CODE

NATIONAL SCOPE FEBRUARY 2020

1 DAY

ASYLUM CLAIMANT IDENTIFICATION CARD

PROBLEMS:
• CLONING
• ASYLUM CLAIMS FROM OTHER COUNTRIES
• DUPLICATION OF REQUESTS

ACCESS TO THE ASYLUM CLAIMANT CARD

RENEWAL OF WORK PERMITS

POSSIBILITY OF UPDATING DATA

FUTURE PLANS: DIGITAL IDENTIFICATION CARDS. HOW DO YOU GET THEIR FINGERPRINTS?

ELIGIBILITY INTERVIEWS AT BORDER CROSSINGS TO SPEED UP THE PROCEDURE

YES, THROUGH A VIDEO CALL INTERVIEW TO VERIFY THE PERSON'S IDENTITY

CAN YOU OBTAIN AN ID CARD ONLINE?

IS THERE A SPECIAL ASSISTANCE UNIT AT BORDERS?

@VISUALITYEV

VISUALS BY MARÍA FOULQUIÉ FOR VISUALITY

GROUP 1.
Digitization
as a response
to large-scale
refugee
movements.

Digitalization as a response to large-scale refugee movements. During the group work, the experience of **Sweden** was presented, sharing the various digital mechanisms used to deal with large flows that began to increase in 2015 as a result of the war in Syria. They implemented two mechanisms, one that gives asylum seekers an appointment to avoid overcrowding, and the second is an application that allows migration officials to immediately obtain information and answers to specific questions through a chat.

The experience of **Peru** was also presented, with a focus on different mechanisms that have been implemented between 2019 and now. These have facilitated improved processes in migration offices in Lima where the response to asylum applications now takes just one day for their registration and to obtain official documentation. Other electronic modules have been designed that are not yet fully operational and accessible, but these will facilitate access to the procedure at the national level.

Costa Rica commented that they have faced problems with the assistance given to users, the timeframe involved and the way their systems are organized for people requesting international protection and itinerant migrants. **Mexico** was interested in learning about the interviews carried out at border crossings to register and obtain ID cards online. It was indicated that the interviews are conducted using video calls, and then the information is cross-checked. It was concluded that it is important to verify a person's identity to make sure that it is the same person, and that these electronic processes speed up procedures for immigration centers and asylum seekers.

Conclusions:

Online applications can expedite this process. It is important to offer alternatives to people without internet access.

Some countries have implemented online eligibility interviews. It is essential to outline procedural safeguards and increase the capacity of officials to conduct these interviews.

MIRPS ROUNDTABLE

STRENGTHENING OF ASYLUM SYSTEMS: MANAGEMENT OF LARGE REFUGEE FLOWS

WORK GROUP 2 INCREASING RECEPTION DURING LARGE-SCALE MIGRATION MOVEMENTS

BELGIUM

TIM LAGRANGE
ATTACHÉ (FEDASIL), FEDERAL AGENCY COORDINATION UNIT FOR THE RECEPTION OF ASYLUM CLAIMANTS

RECEPTION LAW

HOW

- ACCOMMODATION
- FOOD / CLOTHES
- PSYCHOLOGICAL SUPPORT
- AGREEMENTS (W/ CROSS)
- QUALITY STANDARDS
- AID BUILDINGS
- QUALITY

model

SHARED RESPONSIBILITY

WAITING SPACES

INACTIVE BUILDINGS

ACTIVATION AND DEACTIVATION

CHALLENGES

ACTUAL MANAGEMENT

TRAVEL VACCINATION STRATEGIES

2000 DOUBLE SPECIFIC SLOTS

ASB STRIKES

PROVIDING PROTECTION

TRANSFERRED TO THE MOST VULNERABLE

FREE ACCESS

HOTELS

PUBLIC SPACES

ETC.

FOR ALL AGES

LARGE VARIETY

INDIVIDUAL

COLLECTIVE

LAST RESORT

QUALITY

AGENCIES

HIGH COST

EFFICIENCY

FLEXIBILITY

PRIVATE SECTOR

LIMITED AGREEMENTS EXPERIENCE

PERU

PATRICIO MARCIAL RUBIO CORREA
SUBDIRECTOR OF INTERNATIONAL LAW ISSUES FOR REFUGEES, DEPARTMENT OF HUMAN RIGHTS, MINISTRY OF FOREIGN AFFAIRS

FROM VENEZUELA

9 PEOPLE IN THE TEAM

2016

17000

13600

2017

33000

17000

2018

100000

2019

223 700

2020

PANDEMIC

COMPLICATIONS INCREASING

LAND ACQUISITION

ALL ARRIVE BY LAND

CEBAD BINATIONAL CENTER

TENTS

WITH DOCUMENTS

WITH NO DOCUMENTS

FULL!!!

ASYLUM CLAIMS ARE POSSIBLE FROM ANY SITE

LET ME HELP YOU

UNHCR SUPPORT

WE ISSUED 9000

TO CHECK

IN 20 MINUTES

DRAFTED ASYLUM CLAIM SYSTEM

90 TO 80

→ SOME PEOPLE A DAY (SOME DAYS)

ATTACKS BY HACKERS

ONLINE CLAIMS SYSTEM

WEISS

QR

ONLY ACCEPT PEOPLE WITH HIGH VULNERABILITY

WAS A PROBLEM

EVEN OBTAINING A PENCIL

SIGNIFICANT ACCELERATION

VACCINATIONS

PROVEN FEAR OF PERSECUTION

HIGH VULNERABILITY

ILLNESS

MINORS

STATELESSNESS

VICTIMS OF GENDER VIOLENCE

LGBTQI

"DON'T CLOG UP THE REFUGEE SYSTEM"

COMMENT: COSTA RICA

GRANTING OF ASYLUM

SPECIFIC SITUATION WITH VENEZUELA

FACILITATE ACCESS TO WORK

SINGLE RECORD

REQUIRES COMMUNICATION

CAN REPLACE THE IDENTITY DOCUMENT

MIGRATORY FLOW MANAGEMENT

CARTAGENA DECLARATION

ACT OF FAITH

RECORD DNA

WE CAN'T DEMAND IDENTIFICATION

ROLE?

UNDOCUMENTED BABY

VERIFY

REGISTRATION

REGISTRATION

HUMANITARIAN REFUGEE ENTITY

STATELESS PERSONS

MINOR WITH PARTNER (SOMETIMES WITH CHILDREN)

THERE AREN'T ALWAYS CERTAINITIES

DOCUMENTATION IS NOT IDENTIFICATION

QUESTION: WHAT TO DO WITH GUATEMALA?

UNDOCUMENTED BABY

VERIFY

REGISTRATION

REGISTRATION

HUMANITARIAN REFUGEE ENTITY

STATELESS PERSONS

MINOR WITH PARTNER (SOMETIMES WITH CHILDREN)

THERE AREN'T ALWAYS CERTAINITIES

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FACILITATE ACCESS TO WORK

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REQUIRES COMMUNICATION

CAN REPLACE THE IDENTITY DOCUMENT

MIGRATORY FLOW MANAGEMENT

@VISUALITYEV

VISUALS BY ELENA URIZAR FOR VISUALITY

GROUP 2.

Expansion of the reception in times of large-scale movements.

During the working group, Belgium presented its reception system to participants. The differences between the collective and individual reception systems and the measures taken to ensure a high level of quality in the different reception centers were explained. To improve its management of large flows of refugees, Belgium has established a contingency system and identified a number of buffer zones that can be operational at short notice as temporary reception centers.

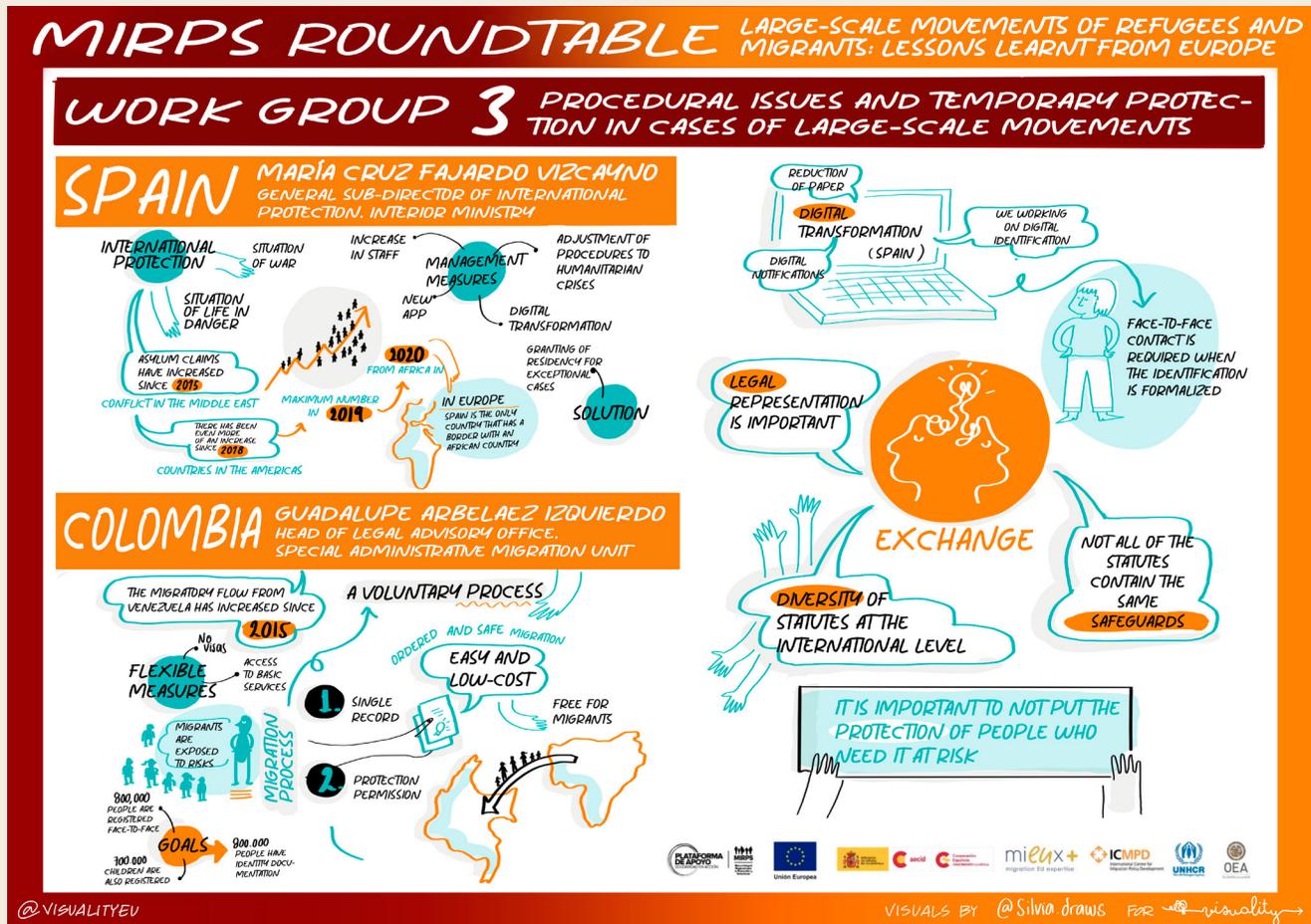
Experiences were shared regarding identity documents provided to Venezuelans and the type of documentation provided to persons with refugee status. This is required to verify how to coordinate actions with other agencies such as migration offices and the legal value of these documents that are provided on a provisional basis.

Peru has used the Cartagena Convention to protect vulnerable Venezuelans, such as the LGBTI population and unaccompanied migrant children. They have prioritized these population groups for their recognition as refugees. At the beginning, when the wave of Venezuelans started to arrive, Peru established a rapid mechanism to accelerate their transit to the interior of the country. With UNHCR support they quickly processed the refugee cases. This was in 2018 and 2019, and while the flows have reduced since then, it was a significant experience.

CONCLUSIONS:

Flexibility and shared responsibility are essential for managing large-scale movements and to ensure minimum reception standards.

Diversification of sectors and stakeholders is important to provide effective and quality reception.



GROUP 3. Procedural problems and temporary protection in cases of large-scale movements.

A comparative analysis was carried out on the different experiences of Spain and Colombia. Spain has faced two large migratory flows in recent years: from the Middle East and Africa since 2015; and from Latin America since 2018. Between 2014 and 2019, the annual number of asylum claims increased from 5,952 to 118,446, which has meant that Spain has had to adapt and reorganize their processes. This adaptation has been focused on 4 areas: strengthening staff; design of a new computer application; digital transformation, including an adaptation of processes, forms and transparency; and the adaptation of processing applications so that they take into account humanitarian crisis circumstances. In the specific case of applications for international protection for Venezuelan nationals, Spain opted to issue “Exceptional residence authorizations for reasons of international protection”. While this document authorizes

their residency, it does not protect Venezuelan citizens against the principle of non-refoulement. As part of this legislation, international protection may be refused and humanitarian status may be granted.

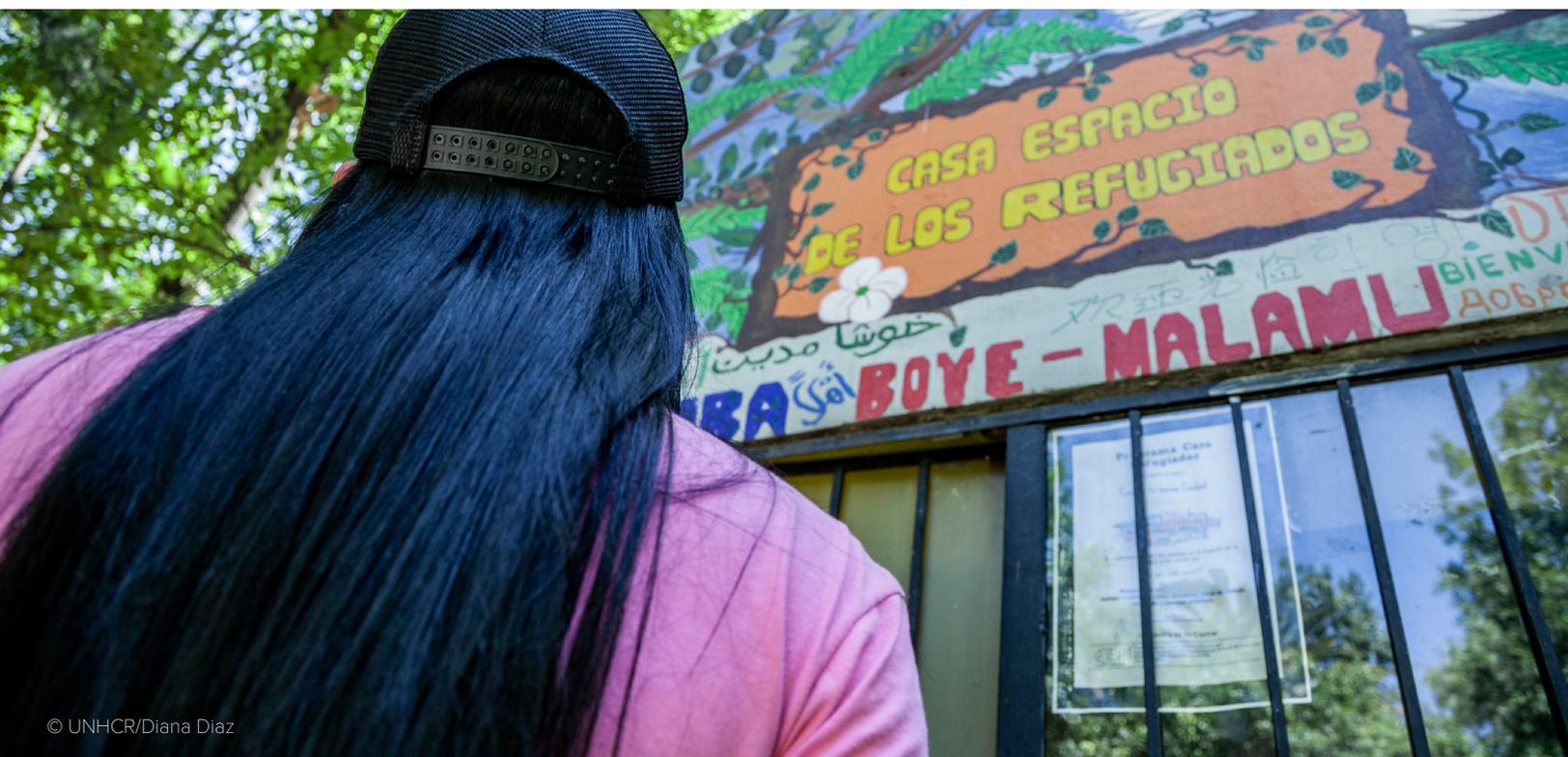
In Colombia, there was a need to generate a regulatory body to address these large-scale refugee movements. There is a significant difference between the statutes and the established legal instruments. The digitalization of applications occurs from the beginning of the application. Safeguarding is exclusively for Venezuelans and the complementary process must be at the request of the party, but is completely free of charge. It was concluded that it is important to share best practices with countries that are using these categories, as well as the requirements in each country, which will harmonize assistance large mobility flows. It was also concluded that complementary or safeguarding processes and categories should be adopted for refugee applicants.

Conclusion

The cases of Colombia and Spain demonstrate the need to adapt migratory processes to specific humanitarian situations, although these adaptations can take very different forms.

Closing remarks

Closing remarks were made by **Francesco Luciani**, Coordinator of INTPA.G.6 Unit “Migration and Forced Displacement”, Directorate General for International Partnerships, European Commission. Francesco thanked all representatives for their participation, the experts from Spain and the EU and Latin American countries, as well as staff from IACHR, the international agencies, OAS and the organizers of the event. He stated that this exchange was very useful and interesting and urged the continuation of joint collaboration as the best way to learn about challenges and possible solutions.





LIST OF PARTICIPANTS

MIRPS

- **Belize**
Department of Refugees, Ministry of Immigration.
- **Costa Rica**
Directorate-General for Migration and Foreigners,
Administrative Migration Court, Costa Rica's Restricted
Visa and Refugee Commissio.
- **El Salvador**
Ministry of Foreign Affairs.
- **Republic of Guatemala**
Ministry of Foreign Affairs.
Ministry of Labor and Social Security Guatemalan Institute of Migration.
Social Welfare Secretariat of the Office of the President of the Republic.
- **Republic of Honduras**
National Institute of Migration.
- **Mexico**
Ministry of Foreign Affairs.
Mexican Commission to provide assistance to Refugees.
- **Republic of Panama**
Ministry of Foreign Affairs.
National Office for Refugees.

SUPPORT PLATFORM

- **Colombia**
International Cooperation Agency, Ministry of Foreign Affairs Colombian
Institute of Family Welfare (ICBF)

Management of Venezuelan Border and Migration, Presidency of the Republic of Colombia.

- **Canada**

Immigration, Refugees and Citizenship Canada (IRRC).

Asylum Program Division.

Directorate General of Strategic Resettlement and Asylum Operations.

Shelter, Intelligence and Enforcement Unit, Canadian Border Services Agency (CBSA).

- **Brazil**

Ministry of Foreign Affairs

National Committee for Refugees (CONARE)

- **European Union**

International Associations, European Union Commission INTPA

International Centre for Migration Policy Development (ICMPD)

European Asylum Support Office.

- **Spain**

Spanish Agency for International Development Cooperation (AECID).

Spanish Cooperation Training Centre / La Antigua Guatemala Ministry of Foreign Affairs, European Union and Cooperation (MAEC).

International Protection Section of the Central Border Unit of the General Commissariat for Foreigners and Borders, National Police.

OTHER PARTNERS

Inter-American Court of Human Rights (I/A Court H.R.).

Department of Social Inclusion of the Secretariat for Access to Rights and Equity, OAS.

Office of the United Nations High Commissioner for Refugees UNHCR.



Immigration, Refugees and Citizenship Canada / Immigration, Réfugiés et Citoyenneté Canada



European Union

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mieux 5 years migration EU expertise