

Protection and Legal Assistance

SAFEGUARDING FUNDAMENTAL RIGHTS



Improving access to protection and legal assistance

Challenges

- Limited access to territory and asylum procedures
- Limited avenues for regularization
- Exposure to human trafficking and exploitation
- Xenophobia

Outcomes

- Stronger asylum systems
- Quicker durable solutions
- Wider protection environment
- Peaceful coexistence

Context

UNHCR leads and coordinates international action for the protection of refugees, safeguarding their rights and well-being. In this effort, UNHCR strives to ensure lasting solutions for forcibly displaced people, and that everyone can exercise the right to seek asylum and find safe refuge in another country, along with other solutions as necessary. In all its activities, UNHCR pays attention to the needs of children and promotes equal rights for women and girls.

In 2021, the COVID-19 pandemic has had negative impacts on the protection environment for displaced people in the countries under the Multi Country Office (MCO) in Panama. These include complex challenges to fundamental principles of refugee protection – access to territory, the right to seek asylum, and non-refoulement – and exacerbated protection risks in humanitarian situations. Moreover, vulnerable populations have been exposed to new threats, which have disproportionately impacted UNHCR's people of concern, including smuggling, trafficking, and abuse. Furthermore,

temporary suspensions or delays in refugee status determination procedures have further strained national asylum systems and the ability of asylum seekers to begin rebuilding their lives. Strict measures, including movement restrictions, have compelled many people to resort to negative coping mechanisms, including embarking on dangerous routes to seek asylum where borders are closed and access is denied, and exposure to exploitation and human trafficking.

Increased forced displacement and irregular cross-border movements, a rise in xenophobia and stigmatization, alongside disruption of basic services, have paired with access constraints both to protection and solutions. In this context, the provision of information and counselling, legal assistance, and support networks remain critical in preventing exploitation and abuse and safeguarding the basic rights of refugees and their well-being.

Milestones (mid-2021)

In **Aruba**, UNHCR and partner HIAS continue to advocate for vulnerable individuals and families to access legal assistance. So far this year, UNHCR screened and offered legal counselling to 768 individuals, and provided 14 persons with in-court legal representation on matters including preventing refoulement and gender-based violence.

In **Belize**, 387 persons from both displaced and host communities, benefitted from birth and late birth registration services this year. Moreover, UNHCR through partner Human Rights Commission of Belize (HRCB) provided legal assistance to 119 asylum-seekers and other persons of concern.

In **Panama**, 1,046 refugees and asylum-seekers received legal counselling and assistance. Additionally, UNHCR accompanied relevant authorities in four field missions where 600 legal procedures were carried out, including renewal of documents for refugees and asylum seekers in Darién. In coordination with the Human Mobility Working Group, UNHCR trained 131 border officials on international protection, as part of a broader strategy to strengthen access to territory and asylum process at border points, especially in Darién.

In **Trinidad and Tobago**, 1,052 persons living in remote areas with expired documentation received new UNHCR identification documents during registration and verification missions. Additionally, 1,873 people were newly registered with UNHCR this year, and 3,889 were pre-registered through partner Living Water Community.

Financial gaps

The ratification of the 1951 Refugee Convention and its 1967 Protocol varies across the sub-region and limited access to rights and services during the COVID-19 pandemic has put refugees and asylum-seekers in positions of greater vulnerability and risk. In a context of restrictions on access to territory and overstretched asylum systems, efforts to strengthen asylum capacities and protection-sensitive migration management remain a priority. Thus, in the absence of sufficient funding, UNHCR must prioritize providing life-saving protection. For a comprehensive response, legal assistance services, quality refugee status determination, biometric registration, and referrals to relevant services need to be combined with enhanced community outreach, communication, and specialized services for children, survivors of violence, and the LGBTIQ+ community.

With sufficient funding and support, UNHCR could

enhance national asylum systems and promote favourable protection environments in countries under MCO Panama, including the following:

- Provide legal assistance to **3,250 refugee and asylum-seekers**
- **Deliver 90 capacity-building sessions** on refugee status determination (RSD) and statelessness procedures to relevant stakeholders
- Register and provide UNHCR ID cards to **3,400 refugee and asylum-seekers**
- Continue advocacy efforts through at least **four public awareness campaign** and other high-level meetings to enhance asylum systems.
- Support Governments with **staffing needs and improvements of their asylum systems** that will create a more favourable protection environment for refugees and asylum-seekers in the subregion.

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Country highlights



Aruba continues to receive the outflow of Venezuelan refugees and migrants, who often undertake dangerous journeys to reach safety. Curaçao and Aruba host the largest number of Venezuelan refugees and migrants compared to the local population in the world, ranking 1st and 3rd on the list, with 159 and 102 displaced people per 1,000 inhabitants, respectively. There are roughly 17,000 Venezuelan refugees and migrants in Aruba, and 17,000 in Curaçao, many of whom have struggled to regularize their status, and remain without access to work authorization, public health, and social services.

ARUBA AND CURAÇAO

Considering the lack of national asylum systems and the limited absorption capacity in Aruba and Curaçao, UNHCR continues to engage with partners including under the Response for Venezuelans (R4V) platform, to facilitate access to legal counselling and legal assistance, primary health care, assistance to vulnerable refugees and migrants (including survivors of gender-based violence), integration, peaceful co-existence, and self-reliance.

Prioritized specific needs

- Strengthen national asylum procedures and safeguards, providing training to legal actors, partners, and civil society to increase and develop competencies on 1951 Refugee Convention and its 1967 protocol, domestic proceedings, and other relevant instruments.
- Engage and establish working relationships with bar associations, universities, and judicial authorities.
- Strengthen the identification of vulnerable cases with specific needs and referral systems for specialized assistance (including gender-based violence, mental health and psychosocial support services, and cash-based interventions).



UNHCR speaks to asylum seeking family in Belize. ©UNHCR/Tom Hines

BELIZE

Belize continues to be a country of destination for refugees and asylum seekers fleeing widespread violence and rights violations. The country is currently home to approximately 2,500 refugees and asylum-seekers, 65% of whom are from El Salvador. Since 1991, the [National Refugees Act](#) regulates the determination of refugee status, and the government has been operating an asylum system. Moreover, because of a ruling of the Supreme Court in early 2020, the Government continued registering asylum claims while no longer applying the 14-day registration time limitation previously in place. However, due to government's hiatus on asylum claims because of health concerns, only 42 new applications were registered in the first half of 2021 (compared to 396 in 2019, before the pandemic). Nonetheless, indications are that persons continue to enter irregularly through informal border crossings. A recent investigation resulted in seven such cases being identified, involving 36 persons.

Prioritized specific needs

- Provide legal assistance and representation to asylum-seekers, seeking to facilitate access to the RSD procedure.
- Provide technical advice and support to strengthen the capacity of the state to improve the national asylum system.
- Continue to support advocacy actions with public and private sectors in order to educate the public on refugees and asylum seekers.

PANAMA

Panama is both a transit and an asylum country, home to more than 15,500 refugees and asylum-seekers mainly from Colombia, Nicaragua, Venezuela, Cuba, and El Salvador. The Government ratified the 1951 Refugee Convention and its 1967 Protocol, but it does not recognize the expanded definition of a refugee contained in the Cartagena Declaration, thus limiting access to asylum to some nationalities. Seeking to strengthen the asylum system and enhance local integration for asylum-seekers and refugees in the country, Panama joined Belize, Costa Rica, El Salvador, Guatemala, Honduras and Mexico in 2017 in a coordinated joint response to forced displacement in the region, the [Comprehensive Regional Protection and Solutions Framework \(MIRPS, in Spanish\)](#). However, challenges remain, including enhancing the institutional referral pathways for people with international protection needs in border areas and airports, reduction of the backlog of asylum claims, enhancing State capacity to provide a timely response to an increasing number of asylum seekers, and ensuring a swifter response for cases admitted to the RSD procedure, among others. In turn, UNHCR has provided technical support to relevant authorities, has supported identification and referral of persons with specific protection needs, and has provided counselling and legal assistance to persons of concern.

On the other hand, 2021 has seen a significant increase in irregular entries through the Darien Gap (border with Colombia). As of 30 August 2021, 70,376 persons in mixed movements have crossed the jungle seeking to transit northward in search of new opportunities, family reunification, or protection. In border areas, UNHCR and partners provide legal assistance and information on the right to seek asylum in Panama.

Prioritized specific needs

- Strengthen the asylum system and enhance access to the territory and to a fair and efficient asylum procedure.
- Strengthen information and legal assistance services for asylum-seekers and refugees.
- Strengthen coordination structures to improve protection responses.
- Support strengthening of State capacities in managing and responding to mixed movements.



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