



Submission by the United Nations High Commissioner for Refugees

for the Office of the High Commissioner for Human Rights' Compilation Report -

Universal Periodic Review

JAMAICA

I. Background and Current Conditions

Jamaica is a signatory to the 1951 Refugee Convention and 1967 Protocol. The country's geographic location in the northern Caribbean, neighbouring Haiti and Cuba, make the country highly susceptible to mixed migratory movements by sea. The most recent example of this is the maritime arrival in Jamaica of Haitians following the devastating earthquake that hit the Haitian capital and outlying areas on 12 January, 2010.

Although Jamaica does not have any domestic implementing legislation for the protection of refugees or the granting of asylum under the international refugee instruments, the Government took a very important step forward in strengthening the national framework with the 2009 adoption of a Refugee Policy. Furthermore, despite the lack of a legislative framework for asylum, Jamaica has provided refugees with protection in the past, including granting asylum to refugees arriving to the country individually as well as during periods of 'mass influx'. The most recent large-scale arrivals of refugees to Jamaica took place during 2004/2005 as a result of political upheaval and instability in Haiti during that period. Jamaica provided temporary protection to the Haitian refugees, and a small but significant number of these refugees were granted 1951 Convention status and permission to remain in the country indefinitely as a result of individual eligibility determinations. The Haitian refugees of that period were housed and assisted in a camp established by the Government, in cooperation with UNHCR, expressly for that purpose.

At the end of 2009, to UNHCR's knowledge there were 26 refugees present in Jamaica (including heads of family and their dependents). The majority of these refugees (24 persons) were Haitian "long-stayers" while only a small number (6

persons) were of diverse nationalities from outside the hemisphere. Refugees live in urban settings in different areas of the country, including the capital of Kingston as well as Falmouth, Montego Bay, and St. Mary.

Although refugees from outside of the hemisphere often have difficulties with socio-cultural integration in Jamaica, Haitian refugees for the most part are able to integrate and are accepted in Jamaican society.

II. Achievements and Best Practices

- The adoption of a national Refugee Policy in 2009, strengthening the pre-existing *ad hoc* framework for the determination of refugee status, is a positive model for other states and territories in the region.
- Jamaica is the only state in the Caribbean region which issues Convention Travel Documents to recognized refugees.
- The Jamaican Government, through designated social workers employed by the Ministry of Labour and Social Security, provides assistance and counselling to some of the Haitian long-staying refugees. The state social workers have played a particularly important role in facilitating and ensuring refugee children's regular attendance in school. UNHCR financial support for these families is channelled through these social workers. UNHCR and the state social workers have undertaken joint home visits to assess the integration challenges and assistance needs of these families together with state social workers. This model of cooperation does not exist anywhere else in the Caribbean, and certainly constitutes a best practice which should be replicated elsewhere.
- A 2-day training module on International Refugee Law, delivered by UNHCR staff, is incorporated into the Government of Jamaica's induction training programme for new Immigration Officer recruits. UNHCR has also been invited in the past to participate in capacity-building workshops to police trainees.

III. Challenges and Constraints

- To UNHCR's knowledge, there are no specific mechanisms for the identification of asylum-seekers arriving in larger mixed flows of undocumented migrants, which would be needed in order to ensure access to asylum and to prevent inadvertent situations of *refoulement*.
- Documentation and civil status for recognized refugees needs to be improved. Refugees do not receive a refugee document or other ID card, and this creates obstacles to exercise a wide range of social and economic rights.
- Most refugees find it impossible to qualify for a work permit, which seriously impacts on their ability to become self-sufficient. Some long-staying Haitian refugees have received work permit waivers, but others have

no right to work and are reliant on UNHCR material assistance for indefinite periods, which is unsustainable and also had an adverse psycho-social impact on the refugees.

- Most long-staying refugees in Jamaica have now met the ‘length of stay’ requirements that would qualify them to apply for naturalization, which would constitute a permanent durable solution. For those who may meet eligibility requirements for naturalization, this solution is still out of their reach due to prohibitively high costs associated with naturalization procedures.

IV. Recommendations

- Jamaica, together with all other countries and territories in the region, is encouraged to observe the joint call by OHCHR and UNHCR for the temporary suspension of involuntary returns to Haiti on humanitarian grounds, following the 12 January 2010 earthquake in Port au Prince, and to provide temporary protection for Haitians until such time as they can safely and sustainably return to their country. Given UNHCR’s unique expertise and the fact that UNHCR has been asked to exceptionally involve itself operationally with the earthquake-affected IDP population inside Haiti, the Jamaican Government is encouraged to seek UNHCR’s support and advice in relation to post-earthquake arrivals, especially in relation to the identification of persons with special needs or particular vulnerabilities.
- The Jamaican Government and UNHCR should work together to issue refugee documentation, address work permit challenges, and expedite durable solutions for long-staying refugees. The latter could include consideration of waiving or reducing fees normally associated with naturalization for refugees in light of their special status.

V. Capacity Building and Technical Assistance, if applicable.

- UNHCR stands ready to support the Jamaican Government in the drafting of national refugee legislation to fully incorporate obligations under the international refugee instruments into the domestic legal framework.
- UNHCR also stands ready to continue to provide technical support and training (including advanced and/or refresher courses for officials already trained in the past) to the Jamaican Government in International Refugee Law, as well as in other specialized areas of UNHCR expertise (such as contingency planning for mass influx; statelessness/nationality issues, etc.).
- Under the framework of the recently-adopted Refugee Policy, UNHCR is also available to provide targeted support to the Passport, Immigration and Citizenship Agency (PICA) for the further strengthening of the national

asylum procedure, including the identification of asylum seekers and the preparation of refugee status determination recommendations.

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