

Annex

Legal Frameworks for Refugee Protection in Latin America

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Introduction

This annex was designed to provide a structured overview of legal frameworks for refugee protection in Latin America as of fall 2019 and is composed of three sections listing protection information at the regional and national levels. Section 1 provides information on the regime of the Cartagena Declaration on Refugees, comprising the 1984 Cartagena Declaration on Refugees (Cartagena Declaration), the 1994 San José Declaration on Refugees and Displaced Persons (San José Declaration), the 2004 Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America (Mexico Declaration and Plan of Action), and the 2014 Brazil Declaration and Plan of Action: A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean (Brazil Declaration and Plan of Action). Section 2 lists the regime of the Inter-American Human Rights System's main documents and decisions of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights for migrants in general and refugees in particular. Section 3 profiles refugee protection in the region, describing legislation at the national level based on nine categories: (1) right of asylum in national legislation, (2) law on refugees, (3) humanitarian visas, (4) adoption of the regional definition of refugees, (5) other criteria for refugee status, (6) no deadline for applying for refugee status, (7) noncriminalization of entry, (8) the right to work, and (9) resettlement program. These practices were selected for being connected to protection and because they are practices that set Latin America as a region apart. For this purpose, Latin America will encompass seventeen countries: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.

Information for this annex on issues of national policy largely use the United Nations High Commission for Refugees' (UNHCR) Refworld, the UNHCR's website for Latin America (ACNUR), and the OAS Database of Migration Legislation in the Americas (MILEX) and have been supplemented by the third cycle of UNHCR country compilation reports submitted for the Universal Periodic Review (UPR).¹ Documents and

decisions of the Inter-American Human Rights System can also largely be found at Refworld. More information about good practices in national legislation may be found at UNHCR’s website for Latin America.² The information provided in this annex is intended to be a tool for further research, and therefore is not exhaustive.

1. The Cartagena Declaration Regime

Cartagena Declaration

Date	22 November 1984
Link to Text	https://www.refworld.org/docid/3ae6b36ec.html
Adopted By	<p>Belize, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, and Venezuela.</p> <p>The Cartagena Declaration was embraced by the General Assembly of the Organization of American States (OAS) in 1985.³</p>
Incorporation in Internal Legislation	<p><i>Incorporation of Comprehensive Criteria</i>⁴ Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, and Uruguay.⁵</p> <p><i>Incorporation of Regional Definition</i> Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, and Uruguay.⁶</p> <p><i>Durable Solution: Voluntary Repatriation</i> Costa Rica-UNHCR-El Salvador, Honduras-UNHCR-Nicaragua, Costa Rica-UNHCR-Nicaragua, Mexico-UNHCR-Guatemala, and Belize-UNHCR-El Salvador.⁷</p>

San José Declaration

Date	07 December 1994
Link to Text	https://www.refworld.org/docid/4a54bc3fd.html

Adopted By	Argentina, Bahamas, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Peru, and Uruguay. ⁸
Incorporation in Internal Legislation	<i>Legislation on Internally Displaced Persons</i> Colombia (Law 387, 1997; Decree 2.569, 2000; Decree 250, 2005), Ecuador (Constitution, 2008, art. 42), Honduras (Executive Decree PCM-053-2013, 2013, art. 4), Mexico (General Law of Victims, 2013; Law for the Prevention and Care of Internal Displacement in the State of Chiapas, 2012; Law 487 To Prevent and Attend to the Internal Displacement in the State of Guerrero, 2014), and Peru (Law 28.223 Law on Internal Displacements, 2004; Supreme Decree 004-2005-MIMDES, 2005).

Mexico Declaration and Plan of Action

Date	16 November 2004
Link to Text	https://www.refworld.org/docid/424bf6914.html
Adopted By	Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay, and Venezuela. ⁹
Incorporation in Internal Legislation	<i>Adoption of New Asylum Legislation</i> Argentina. ¹⁰ <i>Discussions on Draft Legislation Regarding Asylum and Refugee Status Determination</i> Chile, Costa Rica, Ecuador, El Salvador, Mexico, Panama, and Uruguay. ¹¹ <i>Durable Solution: Borders of Solidarity</i> Ecuador, Panama, and Venezuela. ¹² <i>Durable Solution: Resettlement in Solidarity</i>

	Argentina, Brazil, Chile, Paraguay, and Uruguay. ¹³
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Brazil Declaration and Plan of Action

Date	03 December 2014
Link to Text	https://www.refworld.org/docid/5487065b4.html
Adopted By	Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Cayman Islands, Chile, Colombia, Costa Rica, Cuba, Curacao, El Salvador, Ecuador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Lucia, Suriname, Trinidad and Tobago, Turks and Caicos, Uruguay, and Venezuela.
Incorporation in Internal Legislation	<p><i>Legislation on Refugee Protection Drafted/Enhanced</i> Turks and Caicos Islands, Trinidad and Tobago.¹⁴</p> <p><i>Operational Progress Made</i> Bahamas, Antigua and Barbuda (first group of Syrian asylum seekers recognized as refugees, by <i>ad hoc</i> Eligibility Commission).¹⁵</p> <p><i>Quality Assurance Initiative (QAI) Initiated By</i> Belize, Brazil¹⁶, Costa Rica, Mexico, and Panama.¹⁷</p>

2. The Inter-American Human Rights System Regime

Inter-American Court of Human Rights

Advisory Opinions

On the Institution of Asylum

Case	Advisory Opinion OC ¹⁸ -25/18
Advisory Opinion	Asylum – both the right to seek and receive – is configured as a human right to seek and receive international protection in a foreign territory. However, diplomatic asylum is not protected under the 1969 American Convention on Human Rights (art. 22.7) or the 1948 American Declaration of the Rights and Duties

	<p>of Man (art. XXVII) and is, therefore, granted by the inter-State conventions which regulate it.</p> <p>The principle of non-refoulement is enforceable for any foreign person, including those seeking international protection and requires not only that the person not be returned, but also imposes positive obligations on States.</p>
Parties Involved	Ecuador
Date	30 May 2018
Link to Documents	https://www.refworld.org/cases,IACRTHR,5c87ec454.html
Topics Debated	Addresses the institution of asylum and its recognition as a human right in the Inter-American system of protection.

On the Rights of Children in the Context of Migration and/or International Protection

Case	Advisory Opinion OC-21/14
Advisory Opinion	<p>States must give priority to a human-based approach, with consideration for the rights, protection, and development of the child, “which should have priority over any consideration of nationality or migratory status”.</p> <p>It is the obligation of the State to identify non-national children who require international protection within their jurisdictions and, if in the best interest of the child, adopt special measures of protection. Children have the guarantee of due process, non-refoulement, and may not be deprived of liberty. States have an obligation to establish and follow fair and efficient asylum and refugee status determination procedures.</p>
Parties Involved	Argentina, Brazil, Paraguay, and Uruguay
Date	19 August 2014
Link to Documents	https://www.refworld.org/cases,IACRTHR,54129c854.html
Topics Debated	Addresses the rights and guarantees of children in the context of migration and/or international protection. Affirms the rights of

	the 1969 American Convention of Human Rights also apply to children.
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On the Rights of Undocumented Migrants

Case	Advisory Opinion OC-18/03
Advisory Opinion	Affirms the principle of equality and non-discrimination. Recognizes the right to due process “as one of the minimum guarantees that should be offered to any migrant”. The migratory status of a person cannot constitute justification of deprivation of human rights; therefore, the State is obligated to protect and guarantee the labor human rights of all workers “irrespective of their status as nationals or aliens”.
Parties Involved	Mexico
Date	17 September 2003
Link to Documents	https://www.refworld.org/cases,IACRTHR,4f59d1352.html
Topics Debated	Reaffirms principle of equality and non-discrimination, regardless of migratory status.

On the Guarantees of Due Process of Law

Case	Advisory Opinion OC-16/99
Advisory Opinion	Addresses the right of detained foreign nationals to have information on consular assistance – either at the time of arrest or before one makes his or her first statement before the authorities. Affirms due process of law.
Parties Involved	Mexico
Date	01 October 1999
Link to Documents	https://www.unhcr.org/protection/migration/4bfb8da09/inter-american-court-human-rights-advisory-opinion-oc-1699-right-information.html
Topics Debated	Reaffirms the principle of due process and addresses minimum judicial guarantees.

Contentious Cases

Case of Roche Azaña et al. v. Nicaragua

Case	Case of Roche Azaña et al. v. Nicaragua (Case 403)
Decisions Adopted	Develops standards regarding the duties of States to guarantee the rights of migrants to equitable and effective access to justice, stemming from the principle of equality and non-discrimination. Contributes to a greater precision of the term “migrant”.
Parties Involved	Roche Azaña, Nicaragua
Date	03 June 2020
Link to Documents	https://www.corteidh.or.cr/docs/casos/articulos/seriec_403_esp.pdf
Topics Debated	Addresses topics including right to personal integrity, judicial guarantees, and judicial protection.

Case of Expelled Dominicans and Haitians v. Dominican Republic

Case	Expelled Dominicans and Haitians v. Dominican Republic (Case 282)
Decisions Adopted	The State was declared responsible for the violation of, among other violations of the 1969 American Convention on Human Rights, the obligation to respect rights without discrimination (art. 1(1)) and the prohibition of collective expulsion of aliens (art. 22(9)). As a result, the Court ordered the Dominican Republic to implement training programs to ensure that racial profiling is never the reason for detention or expulsion.
Parties Involved	Expelled Dominicans and Haitians, Dominican Republic
Date	28 August 2014
Link to Documents	https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=555de39e4
Topics Debated	Addresses topics including discrimination, migrant rights, and the right to nationality.

Case of Pacheco Tineo Family v. Bolivia

Case	Pacheco Tineo Family v. Plurinational State of Bolivia (Case 272)
Decisions Adopted	The State was declared responsible for the violation of, among other violations of the 1969 American Convention on Human Rights, the right to seek and be granted asylum (art. 22.7) and non-refoulement obligations (art. 22.8). As a result, the Court ordered Bolivia to implement training programs for agents at government organizations who may have contact with migrants and asylum seekers.
Parties Involved	Pacheco Tineo Family, Bolivia
Date	25 November 2013
Link to Documents	https://www.refworld.org/cases,IACRTHR,52c53b154.html https://www.refworld.org/docid/53ce2cee4.html
Topics Debated	Addresses topics including access to procedures, international protection, non-refoulement, refugee status determination, asylum procedures, due process, procedural fairness, and voluntary repatriation.

Case of Nadege Dorzema et al. v. Dominican Republic

Case	Nadege Dorzema et al. v. Dominican Republic (Case 251)
Decisions Adopted	The State was declared responsible for the violation of, among other violations of the 1969 American Convention on Human Rights, the right to life (art. 4), the obligation not to discriminate (art. 1(1)), and the right to personal integrity (art. 5(1)). As a result, the Court ordered the Dominican Republic to implement training programs for officials of the Armed Forces, border control agents, and agents in charge of migratory procedures and to organize a media campaign on the rights of regular and irregular migrants.
Parties Involved	Nadege Dorzema, Dominican Republic
Date	24 October 2012

Link to Documents	http://www.corteidh.or.cr/docs/casos/articulos/seriec_251_ing.pdf
Topics Debated	Addresses topics including non-discrimination due to immigration status, migrant rights, access to legal procedures, expulsion, deportation, and forcible return.

Case of Vélez Loor v. Panama

Case	Vélez Loor v. Panama (Case 218)
Decisions Adopted	The State was declared responsible for the violation of, among other violations of the 1969 American Convention on Human Rights, the right to personal liberty (art. 7), the right to a fair trial (art. 8), and the right to humane treatment (art. 5). As a result, the Court order Panama to implement training programs that deal with the international standards related to the human rights of migrants.
Parties Involved	Vélez Loor, Panama
Date	23 November 2010
Link to Documents	https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=4d9accbb2
Topics Debated	Addresses topics including non-discrimination due to immigration status, undocumented migrants, immigration detention, migrant rights, and the right to liberty and security. ¹⁹

Inter-American Commission on Human Rights

Resolutions

Precautionary Measure No. 265-20

Case	Resolution 41/2020
Conclusions & Recommendations	The Inter-American Commission on Human Rights requests the United States adopt measures which protect the rights to life, personal integrity, and health of migrants who are detained by ensuring individuals have access to remedies. In addition, adopting measures necessary to ensure detention conditions

	comply with international standards with a particular focus on sanitation and access to medical treatment considering COVID-19.
Date	27 July 2020
Link to Documents	http://www.oas.org/en/iachr/decisions/pdf/2020/41-20MC265-20-US.pdf
Topics Debated	Addresses topics including rights to life, personal integrity, and health of migrants found in detention centers in the wake of COVID-19.

On the Forced Migration of Venezuelans

Case	Resolution 02/18 ²⁰
Conclusions & Recommendations	The Inter-American Commission on Human Rights urges OAS Member States to guarantee the recognition of refugee status to Venezuelan people, under the terms of the Cartagena Declaration; to respond with a differential approach to the specific needs of children, women, older persons, indigenous communities, people with disabilities, gay, lesbian, bisexual, trans and intersex (LGBTI) persons, journalists, human rights defenders, and other groups with specific protection needs; to consider the adoption of collective protection responses for the Venezuelan people given possible mass movements of Venezuelans to border regions of other countries; to respect the principle and right to non-refoulement; to expand regular, safe, accessible, and affordable channels for migration; to not criminalize Venezuelan migration; and to implement measures promoting social integration.
Date	14 March 2018
Link to Documents	https://www.refworld.org/publisher,IACHR,,,5aa956964,0.html
Topics Debated	Addresses topics including Cartagena Declaration, asylum seekers, complementary forms of protection, and human rights.

On the Human Rights of Migrants and International Standards: EU Directive

Case	Resolution 03/08
Conclusions & Recommendations	Addresses concerns brought forward by the “Directive of the European Parliament and of the Council on common standards and procedures in Member states for returning illegally staying third-country nationals” (“Return Directive”) approved by the European Parliament on 18 June 2008. The Commission reiterates principles of international human rights law, including non-discrimination, safeguarding the rights of individuals eligible for asylum, non-refoulement, and due process.
Date	25 July 2008
Link to Documents	https://www.refworld.org/publisher,IACHR,RESOLUTION,,488ed6522,0.html
Topics Debated	Addresses topics including migrant rights, non-refoulement, and return conditions.

Merits Reports

On Asylum Policy and Refoulement

Case	Report N. 78/11 (Case 12.586) ²¹
Conclusions & Recommendations	The Commission concluded that Canada was responsible for the violation of the right to seek and be granted asylum and right to protection from possible chain refoulement and recommended that Canada adopt the necessary legislative or administrative changes to ensure due process in asylum claims.
Parties Involved	John Doe et al v. Canada
Date	21 July 2011
Link to Documents	https://www.refworld.org/cases,IACHR,502b61572.html
Topics Debated	Addresses topics including access to procedures, asylum policy, deportation/forcible return, refoulement, right to seek asylum, and rule of law/due process/procedural fairness.

On the Right to Seek and Receive Asylum

Case	Report N. 51/96 (Case 10.675)
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Conclusions & Recommendations	The United States was declared responsible for the violation of, among other violations of the 1948 American Declaration of the Rights and Duties of Man, the right to seek and be granted asylum. The Commission recommended the United States provide adequate compensation to the victims for the breaches mentioned.
Parties Involved	The Haitian Centre for Human Rights et al. v. United States of America
Date	13 March 1997
Link to Documents	https://www.refworld.org/cases,IACHR,502a3c602.html https://www.refworld.org/cases,IACHR,3ae6b71b8.html
Topics Debated	Addresses topics including denial of refugee status, flight by land, air or sea, involuntary repatriation, refoulement, and rescue/interception at sea.

3. Good Practices in Refugee Protection in the Region

Argentina

Right of Asylum in National Legislation	The right of asylum is not explicitly articulated by the Constitution of Argentina 1994; however, article 75 establishes the precedence of international treaties over national laws whereby the 1951 Convention Relating to the Status of Refugees and 1967 Protocol Relating to the Status of Refugees must be interpreted as complementary rights. ²²
Law on Refugees	<i>General Migration Law</i> Constitution of the Argentine Nation, 1994. Extends equal rights to all foreigners. Argentinean courts have interpreted this to include individuals with an irregular immigration status, acknowledging civil rights (art. 14). ²³ Law 25.871 Migration Policy, 2003. ²⁴ Establishes a fundamental right to migrate. ²⁵ Further regulated by Decree 616/2010 Regulation of Migration Law 25.871, 2010.

	<p><i>Specific Refugee Law</i></p> <p>Law 26.165 General Law of Recognition and Protection of the Refugee, 2006.</p> <p>Establishes principles, such as the declaratory nature of refugee status (art. 2), family unity (arts. 5, 6), non-refoulement, and non-persecution for irregular entry (arts. 2, 40). Defines procedure for refugee status determination (arts. 32-56) and administrative bodies for recognition of refugee status (arts. 18-31).²⁶</p>
Humanitarian Visas	<p>Under Law 25.871 Migration Policy, 2003 (arts. 23(m)-(n), 29, 34) the Ministry of the Interior or the Ministry of Foreign Relations, International Commerce and Culture may admit temporary residents for humanitarian reasons²⁷; this is further established by Decree 616/2010 Regulation of Migration Law 25.871, 2010 which establishes that persons who are in need of international protection but do not meet the requirements for refugee status may, under the principle of non-refoulement, obtain residence on humanitarian grounds.²⁸ Victims of human trafficking who do not qualify for refugee status are among individuals who may apply for temporary residence (Decree 616, 2010, art. 23(m)(3)). Situations involving a mass influx of refugee applications are regulated by Law 26.165 General Law of Recognition and Protection of the Refugee, 2006 (art. 55).</p> <p>Furthermore, individuals unable to temporarily return to their countries of origin due to natural or environmental disasters are able to receive legal status as transitory residents (Decree 616/2010 Regulations to Migration Law 25.871, 2010, art. 24(h)).</p> <p>Special provisions for humanitarian visas include Provision DI-2017-1143-APN-DNM#MI Temporary Residence to Nationals from the Republic of Haiti, 2017 and Special Program for the</p>

	Issuance of Humanitarian Visas for Foreigners Affected by the Conflict in the Syrian Arab Republic, 2014, extended in 2015 and 2016. ²⁹
Adoption of the Regional Definition of Refugees	Argentina has adopted the regional definition of refugees in Law 26.165 General Law of Recognition and Protection of the Refugee, 2006 (art. 4(b)). ³⁰ Earlier adopted in Refugee Bill and Order 465/98 of the Refugee Eligibility Committee.
Other Criteria for Refugee Status	Law 26.165 General Law of Recognition and Protection of the Refugee, 2006 (arts. 28, 53) obligates “the special needs of women and children who have suffered violence or were affected by other circumstances” to be taken into consideration by the National Commission for Refugees (CONARE). ³¹ In addition, victims of human trafficking who may be eligible for refugee status should be informed of the possibility of formalizing a refugee claim (Law 26.842 Prevention and Penalization of Trafficking in Persons and Assistance for Victims, 2012, art. 4).
No Deadline for Applying for Refugee Status	There is no deadline for applying for refugee status in Argentina. ³²
Noncriminalization of Entry	No penalty for irregular entry is established by Law 26.165 General Law of Recognition and Protection of the Refugee, 2006 (arts. 2, 40). ³³
The Right to Work	<p><i>Paid Employment of Asylum Seekers</i></p> <p>Argentina grants asylum seekers and their families the right to work. Law 26.165 General Law of Recognition and Protection of the Refugee, 2006 requires the Ministry of Labor, Employment and Social Security to issue a temporary work permit to asylum seekers and working-age members of his or her family within thirty days after registration of the application (arts. 43, 51).</p> <p><i>Paid Employment of Refugees</i></p>

	Argentina grants refugees the right to paid employment. This is established through the migration laws which recognize the right to employment to all foreigners who are admitted or authorized as permanent residents, in which refugees are included (Law 25.871 Migration Policy, 2003, art. 51; Decree 616/2010 Regulation of Migration Law 25.871, 2010, art. 22(e)).
Resettlement Program	Solidarity Resettlement Program, 2005 to present. ³⁴

Bolivia

Right of Asylum in National Legislation	The right of asylum is established by the Constitution of the State of Bolivia, 2009 (art. 29). ³⁵
Law on Refugees	<p><i>General Migration Law</i> Law 370 Migration Law, 2013. Incorporates safeguards for protection of asylum seekers (exclusion of asylum seekers from application impediments for entrance, exclusion of refugees from sanctions prescribed in law, right of asylum seekers and refugees to obtain migratory legal residence) and the principle of non-refoulement.³⁶ Further regulated by Supreme Decree 1.923, 2014.</p> <p><i>Specific Refugee Law</i> Law 251 Law on the Protection of Refugee Persons, 2012. Establishes principles, such as non-refoulement (art. 4), non-discrimination (art. 8), family unity (art. 9), and confidentiality (art. 10). Outlines rights and duties of the refugee (arts. 13-14). Defines procedure for refugee status determination (arts. 28-45). Creates the National Refugee Commission (CONARE), which is in charge of adjudicating asylum claims.³⁷ Further regulated by Decree 1.440, 2012.</p>
Humanitarian Visas	Law 370 Migration Law, 2013 establishes that persons in need of international protection, who do not fall under the refugee

	<p>definition, may obtain temporary legal residence on humanitarian grounds (art. 30(4)). Situations involving a mass influx of refugee applications are regulated by Law 251 Law on the Protection of Refugee Persons, 2012 (art. 31).</p> <p>Furthermore, in the case of natural or environmental disasters, Bolivia will coordinate public policies that enable “if necessary, the admission of populations displaced by climate effects, when there is a risk or threat to life, and whether due to natural causes or environmental, nuclear, or chemical disasters” (Law 370 Migration Law, 2013, art. 65).</p>
Adoption of the Regional Definition of Refugees	Bolivia has adopted the regional definition of refugees in Law 251 Law on the Protection of Refugee Persons, 2012 (art. 15(I)(b)). ³⁸ The regional definition was also adopted earlier in Supreme Decree 19.640, 1983 (art. 2) and Supreme Decree 28.329, 2005 (art. 12).
Other Criteria for Refugee Status	Law 251 Law on the Protection of Refugee Persons, 2012, states “the gender, age, and diversity of the person requesting refugee status will be considered favorably” (art. 16).
No Deadline for Applying for Refugee Status	There is a deadline (ninety days after entry) for applying for refugee status, established by Law 251 Law on the Protection of Refugee Persons, 2012 (art. 32(I)). CONARE has the authority to evaluate and determine whether it is appropriate to process applications submitted after the deadline (art. 32(II)).
Noncriminalization of Entry	The Bolivian State will not impose criminal or administrative sanctions because of the irregular entry or presence of refugee status claimants (Law 251 Law on the Protection of Refugee Persons, 2012, art. 7).
The Right to Work	<i>Paid Employment of Asylum Seekers</i> Bolivia grants asylum seekers the right to work. Law 251 Law on the Protection of Refugee Persons, 2012 stipulates that upon registration of the application for refugee status, asylum seekers

	<p>will receive a temporary document issued by CONARE which allows the requesting person the right to work (art. 35(III)).</p> <p><i>Paid Employment of Refugees</i></p> <p>Bolivia grants refugees the right to paid employment implicitly, through granting refugees the rights and duties their constitution grants to their citizens (Law 251 Law on the Protection of Refugee Persons, 2012, art. 13(I)). The Constitution grants every person the right to dignified work (art. 46(I)(1)).</p>
Resettlement Program	*

Brazil

Right of Asylum in National Legislation	The right of asylum is established by the Constitution of the Federative Republic of Brazil, 1988 (art. 4). ³⁹
Law on Refugees	<p><i>General Migration Law</i></p> <p>Law 13.445 Migration Law, 2017.</p> <p>Establishes the rights and duties of migrants and visitors, regulates their entry and stay, and establishes principles and guidelines for public policies regarding the immigrant (art. 1).</p> <p><i>Specific Refugee Law</i></p> <p>Law 9.474 Refugee Act, 1997.</p> <p>Establishes principles, such as the declaratory nature of refugee status (art. 26), family unity (art. 2) and non-refoulement (art. 7 (I)). Outlines procedure for granting of refugee status (arts. 17-32). Defines mechanisms to implement the 1951 Convention Relating to the Status of Refugees. Created the National Committee for Refugees (CONARE).⁴⁰</p>
Humanitarian Visas	<p>Law 13.445 Migration Law, 2017 (art. 14 §3).</p> <p>Temporary humanitarian visas may be granted to stateless persons “or the national of any country in serious or imminent</p>

	<p>situations of institutional instability, armed conflict, major calamity, environmental disaster, or serious violation of human rights or international humanitarian law.”</p> <p>Humanitarian visas issued under the Migration Law include Inter-ministerial Order 10, 2018 granting temporary humanitarian visas for Haitian citizens and stateless persons residing in Haiti and Inter-ministerial Order 9, 2019 granting temporary humanitarian visas to persons affected by the armed conflict in Syria.</p> <p>While not considered a “humanitarian visa” under the new migration regime, Resolution of the National Migration Council 93, 2010 provides for the granting of permanent visas for foreigners considered victims of human trafficking. Also not an official “humanitarian visa,” but a practice which may be regarded as a response to a humanitarian crisis considering a focus on Venezuelan displacement⁴¹, Inter-ministerial Rule 9, 2018⁴² brings forth guidelines allowing for the temporary stay for individuals entering from any border state to Brazil.</p>
Adoption of the Regional Definition of Refugees	Brazil has adopted the regional definition of refugees in Law 9.474 Refugee Law, 1997 (art. 1(III)), but has limited the definition to persons who are ‘forced’ or ‘obligated’ to leave their country. This is slightly more conservative than generic threat recognized in the Cartagena Declaration definition. ⁴³
Other Criteria for Refugee Status	While there is no explicit mention of a gender approach in the refugee status determination procedures, CONARE has established protection for victims of gender-based persecution and prioritizes the protection of “at-risk” or “vulnerable groups” including women, children, and LGBTI individuals. ⁴⁴ If a foreign victim of trafficking has a well-founded fear of persecution, CONARE also recognizes their refugee status.

No Deadline for Applying for Refugee Status	There is no established deadline for formalizing the request for refugee status (Law 9.474 Refugee Law, 1997, art. 8). ⁴⁵
Noncriminalization of Entry	All criminal or administrative procedures pertaining to irregular entry are suspended until there has been a refugee status determination (Law 9.474 Refugee Law, 1997, arts. 8-10).
The Right to Work	<p><i>Paid Employment of Asylum Seekers</i></p> <p>Brazil grants asylum seekers and their families the right to work. Law 9.474 Refugee Act, 1997 directs the Federal Police Department to issue a protocol to asylum seekers, which in turn allows the Ministry of Labor to issue a temporary work permit (art. 21(§1)).</p> <p><i>Paid Employment of Refugees</i></p> <p>Brazil grants refugees the right to paid employment. This is established indirectly through their documentation (Law 9.474 Refugee Act, 1997, art. 6) and through recognizing foreigners rights, on equal terms with nationals, to economic rights (Law 13.445 Migration Law, 2017, art. 4(I)).</p>
Resettlement Program	<p>Signed Resettlement Agreement between the government and UNHCR in 1999.⁴⁶</p> <p>Solidarity Resettlement Program, 2002 to present.⁴⁷</p> <p>Law 9.474 Refugee Law, 1997 includes resettlement as a durable solution. 22 cities across the country have become part of the Cities of Solidarity Program, in addition to 80 new partners from the private and public sectors.⁴⁸</p> <p>Recently, a scheme for the interiorization of Venezuelans, which might resemble internal resettlement, has been in play.</p>

Chile

Right of Asylum in National Legislation	The right of asylum is not established in Chile's Constitution. ⁴⁹
Law on Refugees	<p><i>General Migration Law</i></p> <p>Decree 1.094 Migration Law, 1975.⁵⁰</p> <p>Establishes rules on foreigners and regulates migration issues in Chile. Further regulated by Decree 597 Immigration Regulations, 1984 and modified by Law 19.476, 1996.⁵¹</p> <p><i>Specific Refugee Law</i></p> <p>Law 20.430 Refugee Law, 2010.</p> <p>Establishes principles, such as the declaratory nature of refugee status (art. 35), non-refoulement (art. 4), confidentiality (art. 7), non-discrimination (art. 8), and family unity (art. 9). Defines procedure for refugee status determination (arts. 25-44). Creates the National Refugee Commission, which is in charge of adjudicating asylum claims. Outlines rights and duties of refugees (arts. 13-15). Complemented by Decree 837, 2011.⁵²</p>
Humanitarian Visas	Chile does not have legal framework for humanitarian visas. In 2018, UNHCR recommended introducing humanitarian visas for people fleeing armed conflicts or similar situations to the new Migration Law. ⁵³ Situations involving a mass influx of refugee applications are regulated by Law 20.430 Refugee Law, 2010 (art. 42) and Decree 837 Regulations to Law 20.430, 2011 (art. 59).
Adoption of the Regional Definition of Refugees	Chile has adopted the regional definition of refugees in Law 20.430 Refugee Law, 2010 (art. 2.2). ⁵⁴
Other Criteria for Refugee Status	Regulation of Law 20.430 (art. 3) states that a gender and age-sensitive approach should be applied in interpreting each of the elements of the concept of refugee. Law 20.430, 2010 (art. 41) establishes the notion of specialized care in the case of persons

	who submit an application and claim to have been victims of sexual or gender-based violence.
No Deadline for Applying for Refugee Status	There is a deadline (ten days after entry) for applying for refugee status, established by Law 20.430 Refugee Law, 2010 (art. 6).
Noncriminalization of Entry	No penalty for irregular entry is established by Law 20.430 Refugee Law, 2010 (art. 8) and Decree 837, 2011 (art. 8) provided those who wish to apply for refugee status present themselves to the authorities within ten days.
The Right to Work	<p><i>Paid Employment of Asylum Seekers</i></p> <p>Chile grants asylum seekers and their families the right to work. Law 20.430 Refugee Law, 2010 grants asylum seekers, refugees, and their families the rights and freedoms given to every person in the Constitution, including the right to access work (art. 13; Decree 837 Regulations to Law 20.430, 2011, art. 17).</p> <p><i>Paid Employment of Refugees</i></p> <p>Chile grants refugees the right to paid employment and explicitly extends that right to the refugee's family. Law 20.430 Refugee Law, 2010 grants asylum seekers, refugees, and their families the rights and freedoms given to every person in the Constitution, including the right to access work (art. 13; Decree 837 Regulations to Law 20.430, 2011, art. 17).</p>
Resettlement Program	Solidarity Resettlement Program, 1999 to present. ⁵⁵ Chile also supports and participates in resettlement programs of extra-regional refugees, including former Palestinian refugees. ⁵⁶

Colombia

Right of Asylum in National Legislation	The right of asylum is established by the Constitution of Columbia, 1991 (art. 36). ⁵⁷
Law on Refugees	<i>General Migration Law</i>

	<p>Decree 0.834, 2013. Provisions on matters of migration.</p> <p><i>Specific Refugee Law</i> Decree 2.840, 2013. Establishes principles, such as family unity (art. 25), non-discrimination (art. 28), confidentiality (art. 31), and non-refoulement (art. 32). Defines procedure for refugee status determination (arts. 7-8, 11-33). Outlines administrative bodies for refugee status determination (arts. 2-6).</p> <p>Decree 1.067, 2015. Filling asylum claims in airport transit zones is prohibited.⁵⁸ Does not establish a time limit for the Government to decide on an asylum claim.</p>
Humanitarian Visas	<p>Special provisions for humanitarian visas include Special Permit Permanence implemented through Resolution 5.797, 2017 which established the expedition procedure of Venezuelan nationals and Resolution 1.272, 2017 which implements the Special Permit of Permanence created by Resolution 5.797, 2017.</p>
Adoption of the Regional Definition of Refugees	<p>Colombia has adopted the regional definition of refugees in Decree 2.840, 2013 (art. 1(b)) and Decree 4.503, 2009 (art. 1(b)). Colombia initially incorporated the extended definition in 1995 and Decree 1.067, 2015 also includes the regional definition (art. 2.2.3.1.1.1).</p>
Other Criteria for Refugee Status	<p>Decree 2.840, 2013 includes “well-founded reasons to believe that one would be in danger of being subjected to torture or other cruel, inhuman or degrading treatment or punishment if a decision on expulsion, return or extradition to the country of your nationality or, in cases that lack nationality, country of habitual residence” as grounds for refugee status (art. 1(c)).</p>

No Deadline for Applying for Refugee Status	There is a deadline (two months after entry) for applying for refugee status, established by Decree 1.067, 2015 (art. 2.2.3.1.6.1) and Decree 2.840, 2013 (art. 13).
Noncriminalization of Entry	Colombia's domestic law does not explicitly set forth the principle of non-penalization for irregular entry.
The Right to Work	<p><i>Paid Employment of Asylum Seekers</i></p> <p>Colombia does not grant asylum seekers the right to work.⁵⁹</p> <p><i>Paid Employment of Refugees</i></p> <p>Colombia grants refugees the right to paid employment. This is established through granting refugees a temporary residence permit which includes the right to work (Decree 0.834, 2013, art. 7).</p>
Resettlement Program	*

Costa Rica

Right of Asylum in National Legislation	The right of asylum is established by the Constitution of Costa Rica, 1949 (art. 31) ⁶⁰ and Law 8.764 Migration Act, 2010 (arts. 6(6), 31(8)).
Law on Refugees	<p><i>General Migration Law</i></p> <p>Law 8.764 Migration Act, 2010.⁶¹</p> <p>Establishes principles such as non-refoulement (arts. 31 (9), 115) and family unity (art. 106). Modified process for refugee status determination.⁶²</p> <p><i>Specific Refugee Law</i></p> <p>Decree 36.831-G Refugee Regulations, 2011.</p> <p>Establishes principles, such as the declaratory nature of refugee status (arts. 14, 107), equality and non-discrimination (art. 5), confidentiality (art. 8), non-refoulement (art. 39), and family unity (arts. 63-65). Regulates the procedure for refugee status</p>

	determination in accordance with Law 8.764 Migration Act (art. 49).
Humanitarian Visas	Law 8.764 Migration Act, 2010 allows for persons to be granted asylum for humanitarian reasons and be provided with humanitarian visas (arts. 93, 94(12)). ⁶³ Law 8.764 Migration Act, 2010 (arts. 94(10), 107) allows the General Directorate of Migration and Foreigners to grant temporary stay for victims of human trafficking. Situations involving a mass influx of refugee applications are regulated by Decree 36.831-G Refugee Regulations, 2011 (art. 145).
Adoption of the Regional Definition of Refugees	Costa Rica has not adopted the regional definition of refugees national legislation. ⁶⁴ However, the Administrative Dispute Tribunal, 2014 (vote number 0103-2014 IV) concluded the Cartagena Declaration should be interpreted as a part of the national system on future occasions.
Other Criteria for Refugee Status	Law 8.764 Migration Act, 2010 incorporates persecution based on “gender” as a specific ground for refugee status (arts. 106(1), 115). ⁶⁵ A differentiated approach for “stateless persons, unaccompanied minors, victims of trafficking, female and male victims of gender-based violence, seekers of refugee status” should permeate all stages of the administrative procedure, in accordance with Decree 36.831-G Refugee Regulations, 2011 (art. 10).
No Deadline for Applying for Refugee Status	There is no established deadline for formalizing the request for refugee status. ⁶⁶
Noncriminalization of Entry	The State of Costa Rica will not impose criminal or administrative sanctions, because of the irregular entry or presence of an asylum seeker (Decree 36.831-G Refugee Regulations, 2011, art. 137).
The Right to Work	<i>Paid Employment of Asylum Seekers</i> Costa Rica can grant asylum seekers a provisional document incorporating the right to work, on the condition that their

	<p>request for refugee status determination is not resolved within three months (Decree 36.831-G Refugee Regulations, 2011, art. 54).</p> <p><i>Paid Employment of Refugees</i></p> <p>Costa Rica grants refugees the right to paid employment. This is established indirectly through their identification documentation from the General Directorate of Migration (Law 8.764 Migration Act, 2010, art. 108).</p>
Resettlement Program	*

Ecuador

Right of Asylum in National Legislation	The right of asylum is established by the Constitution of Ecuador, 2008 (art. 41). ⁶⁷
Law on Refugees	<p><i>General Migration Law</i></p> <p>Constitution of Ecuador, 2008.</p> <p>Human mobility is regulated in more than fifty articles.</p> <p>Law 938 Human Mobility Law, 2017.</p> <p>Establishes principles, such as equal treatment before the law (art. 2), non-refoulement (art. 2), family unity (art. 77), and the noncriminalization of irregular migration (arts. 2, 119).⁶⁸</p> <p>Regulated by Decree 111 Regulation to the Human Mobility Law.</p>
Humanitarian Visas	Law 938 Human Mobility Law, 2017 (arts. 58, 66) states that foreign nationals who do not meet the requirements for a regular migratory status, but are in need of international protection, may have access to a humanitarian visa for a term of up to two years. This includes victims of natural or environmental disasters.

	Special provisions for humanitarian visas include a visa for Venezuelan migrants (Spanish: <i>Visa de Excepción por Razones Humanitarias (VERHU)</i>). ⁶⁹
Adoption of the Regional Definition of Refugees	<p>Ecuador has adopted the regional definition of refugees in Law 938 Human Mobility Law, 2017 (art. 98).</p> <p>The regional definition was also adopted earlier in Decree 3.293, 1987 (art. 2). This was repealed by Executive Decree 1.182 Refugee Decree, 2012 which did not include the regional definition; however, the regional definition was restored by Sentence 002-14-SIN-CC, 2014 of the Constitutional Court which declared several provisions of Decree 1.182 unconstitutional. Decree 1.182 was later repealed by Decree 111 Regulation to the Human Mobility Law.</p>
Other Criteria for Refugee Status	Law 938 Human Mobility Law, 2017 establishes the principle of non-refoulement when rights to life, liberty or integrity risk being violated due to “gender” or “sexual orientation” (art. 2). Priority for processing applications submitted by children and unaccompanied adolescents who are victims of torture, or victims of sexual abuse or gender-based violence, and others in priority attention groups is established by Law 938 Human Mobility Law, 2017 (art. 99(8)).
No Deadline for Applying for Refugee Status	There is a deadline (ninety days after entry) for applying for refugee status, established by the Law 938 Human Mobility Law, 2017 (art. 100).
Noncriminalization of Entry	Law 938 Human Mobility Law, 2017 (arts. 2, 119) and the Constitution of Ecuador, 2008 (art. 41) establish the principle of noncriminalization of entry.
The Right to Work	<p><i>Paid Employment of Asylum Seekers</i></p> <p>Ecuador indirectly grants asylum seekers the right to work as foreign nationals residing in Ecuador are entitled to the right to work (Law 938 Human Mobility Law, 2017, arts. 51, 90) and applicants for international protection are granted humanitarian</p>

	<p>visas until the international protection status is formally recognized (Law 938 Human Mobility Law, 2017, arts. 57, 100)⁷⁰.</p> <p><i>Paid Employment of Refugees</i></p> <p>Ecuador explicitly grants refugees the right to paid employment through Law 938 Human Mobility Law, 2017 (art. 90), in addition to acknowledging the right of foreign nationals residing in Ecuador to work (art. 51).</p>
Resettlement Program	*

El Salvador

Right of Asylum in National Legislation	<p>The right of asylum is established by the Constitution of El Salvador, 1983 (art. 28)⁷¹, Decree 286 Special Law on Migration, 2019 (art. 19(8)), and Decree 918 Law for the Determination of Refugee Status, 2002 (art. 1).</p>
Law on Refugees	<p><i>General Migration Law</i></p> <p>Decree 286 Special Law on Migration, 2019.⁷²</p> <p>Establishes principles, such as equality (art. 5), family unity (art. 6), non-refoulement (art. 8), and non-discrimination (art. 19(5)). Outlines the rights and duties of foreigners (arts. 18-21). Repealed earlier Decree 2.772 Migration Act, 1958 (art. 345(1)).</p> <p><i>Specific Refugee Law</i></p> <p>Decree 918 Law for the Determination of Refugee Status, 2002. Establishes principles, such as family unity (art. 37) and non-refoulement (art. 46). Details clear procedures for requesting asylum and refugee status determination (arts. 14-31). Outlines rights and duties of the refugee (arts. 35-39). Regulated by Decree 79, 2005 which establishes principles, such as the declaratory nature of refugee status (art. 5).</p>

Humanitarian Visas	<p>Decree 286 Special Law on Migration, 2019 allows for individuals who do not meet the requirements for refugee status and declare to the General Directorate that they cannot return to their country of origin or residence due to an imminent risk to his or her life or freedom may be granted temporary residence for a period of two years (extendable) (art. 109(21)). Furthermore, persons who justify special treatment on grounds of humanitarian reasons before the General Directorate may be granted temporary residence for a period of up to two years (extendable) (art. 109(20)) and persons who the General Directorate deems appropriate may be considered transitory residents for humanitarian reasons, in accordance with international instruments (art. 104(7)). Transitory residents are granted a visa for a period of six consecutive months.</p> <p>Situations involving a mass influx of refugee applications are regulated by Decree 918 Law for the Determination of Refugee Status, 2002 (art. 53) and Executive Decree 79, 2005 (arts. 2, 34-36).</p>
Adoption of the Regional Definition of Refugees	El Salvador has adopted the regional definition of refugees in Decree 918 Law for the Determination of Refugee Status, 2002 (art. 4(c)). ⁷³
Other Criteria for Refugee Status	Decree 918 Law for the Determination of Refugee Status, 2002 incorporates persecution based on “gender” as a specific ground for refugee status (arts. 4, 46).
No Deadline for Applying for Refugee Status	There is a deadline (five business days after entry) for applying for refugee status, established by Decree 918 Law for the Determination of Refugee Status, 2002 (art. 19).
Noncriminalization of Entry	Decree 286 Special Law on Migration, 2019 (arts. 9, 47) establishes the principle of noncriminalization of entry for asylum seekers or stateless persons on the condition that he or she presents him or herself before the authorities without delay.
The Right to Work	<i>Paid Employment of Asylum Seekers</i>

	<p>El Salvador grants asylum seekers the right to work. Decree 286 Special Law on Migration, 2019 directs the General Directorate to grant a provisional card to asylum seekers, which confirms their right to work (art. 128).</p> <p><i>Paid Employment of Refugees</i></p> <p>El Salvador grants refugees the right to paid employment (Decree 79, 2005, art. 42). Decree 286 Special Law on Migration, 2019 directs the General Directorate to grant a Special Temporary Permanence Card once refugee status is determined, which confirms the right to work (art. 129).</p>
Resettlement Program	*

Guatemala

Right of Asylum in National Legislation	The right of asylum is established by the Constitution of Guatemala, 1985 (art. 27) ⁷⁴ and Decree 44 Migration Code, 2016 (art. 10).
Law on Refugees	<p><i>General Migration Law</i></p> <p>Decree 44 Migration Code, 2016.</p> <p>Establishes principles, such as the right to migrate (art. 1), family unity (arts. 4, 15), non-discrimination (art. 9), equality (art. 51), and confidentiality (arts. 52, 181). Addresses the rights to recognition of refugee status, political asylum, and humanitarian assistance (Ch. V).</p> <p><i>Specific Refugee Law</i></p> <p>National Migratory Authority Agreement 2-2019 Regulations of the Refugee Status Determination Procedure, 2019.⁷⁵</p>
Humanitarian Visas	Conditions which establish grounds for humanitarian visas are established in Decree 44 Migration Code, 2016 (art. 68) and include natural catastrophes in neighboring countries, medical emergencies, and reasons of armed conflict.

Adoption of the Regional Definition of Refugees	Guatemala has adopted the regional definition of refugees in National Migratory Authority Agreement 2-2019 Regulations of the Refugee Status Determination Procedure, 2019 (art. 4(b)). Guatemala formerly adopted the regional definition of refugees in Government Agreement 383-2001 Regulation for the protection and determination of refugee status in the territory of the State of Guatemala, 2001 (art. 11(c)) which was later repealed by Decree 44 Migration Code, 2016 (art. 242). ⁷⁶
Other Criteria for Refugee Status	<p>National Migratory Authority Agreement 2-2019 Regulations of the Refugee Status Determination Procedure, 2019 incorporates persecution based on sexual violence or other forms of gender or sexual orientation persecution as specific grounds for refugee status (art. 4(c)). The procedure for refugee status determination may be streamlined by the National Refugee Commission to attend to special circumstances such as “children, adolescents, victims of sexual violence, among others” according to Decree 44 Migration Code, 2016 (art. 186).</p> <p>Victims of human trafficking have the right to be provided with information on their rights and services, including asylum procedures, in accordance with the Law Against Sexual Violence, Exploitation and Trafficking in Persons, 2009 (art. 2(h)).</p>
No Deadline for Applying for Refugee Status	Guatemala has no deadline for applying for refugee status.
Noncriminalization of Entry	Migration Code, 2016 establishes no criminal sanctions for traveling without identity and travel documents, or not having proper administrative requirements for entry; however, there is an obligation to pay administrative expenses and he or she will be returned to their country of origin (art. 50).
The Right to Work	<i>Paid Employment of Asylum Seekers</i>

	<p>Guatemala grants asylum seekers the right to work (National Migratory Authority Agreement 2-2019 Regulations of the Refugee Status Determination Procedure, 2019, art. 8). This is further established indirectly through identity documentation, which is considered valid in obtaining paid work (Decree 44 Migration Code, 2016, art. 53).</p> <p><i>Paid Employment of Refugees</i></p> <p>Guatemala grants refugees the right to paid employment through National Migratory Authority Agreement 2-2019 Regulations of the Refugee Status Determination Procedure, 2019 (art. 8) and Decree 44 Migration Code, 2016 (art. 6).</p>
Resettlement Program	*

Honduras

Right of Asylum in National Legislation	<p>The right of asylum is established by the Constitution of Honduras, 1982 (art. 101)⁷⁷ and Decree 208-2003 Migration and Foreigners Law, 2004 (art. 52).</p>
Law on Refugees	<p><i>General Migration Law</i></p> <p>Decree 208-2003 Migration and Foreigners Law, 2004.</p> <p>Establishes principles, such as non-refoulement (art. 44), family unity (arts. 42, 47), and voluntary repatriation (art. 48). Regulated by the Regulation of the Migration and Foreigners Law, 2004.</p> <p><i>Specific Refugee Law</i></p> <p>Executive Decree PCM-053, 2013.</p> <p>Creates the Interinstitutional Commission for the Protection of Persons Displaced by Violence, which aims to promote the formulation of policies and the adoption of measures for the prevention of forced displacement by violence, as well as for</p>

	care, protection, and solutions for displaced people and their families.
Humanitarian Visas	Decree 208-2003 Migration and Foreigners Law, 2004 grants the General Directorate of Migration and Foreigners the authority to grant special permits of permanence for humanitarian reasons for a period of up to five years (art. 39).
Adoption of the Regional Definition of Refugees	Honduras has adopted the regional definition of refugees in Decree 208-2003 Migration and Foreigners Law, 2004 (art. 42(3)) and specifies that ‘generalized violence’ must be ‘grave and continuous’. ‘Other circumstances that seriously disturb public order’ is not included in Honduran legislation. ⁷⁸
Other Criteria for Refugee Status	Decree 208-2003 Migration and Foreigners Law, 2004 incorporates persecution “derived from sexual violence or other forms of gender-based violence” as a specific ground for refugee status (art. 42(3)(e)). ⁷⁹
No Deadline for Applying for Refugee Status	There is no established deadline for formalizing the request for refugee status.
Noncriminalization of Entry	No penalty for irregular entry is established by Decree 208-2003 Migration and Foreigners Law, 2004 (art. 46).
The Right to Work	<p><i>Paid Employment of Asylum Seekers</i></p> <p>Honduras indirectly grants foreigners, and thereby asylum seekers, restrictive access to paid employment. Foreigners who have a job offer should obtain a work card from the Secretary of State in the Labor and Social Security Offices (Decree 208-2003 Migration and Foreigners Law, 2004, art. 15). As the Secretary of State in the Labor and Social Security Offices requests a job offer or employment contract in order to grant a work card, and the employer asks for a work card in order to make a job offer, access to this right is restricted in practice.⁸⁰</p> <p><i>Paid Employment of Refugees</i></p>

	Honduras indirectly grants foreigners, and thereby refugees, restrictive access to paid employment. Foreigners who have a job offer should obtain a work card from the Secretary of State in the Labor and Social Security Offices (Decree 208-2003 Migration and Foreigners Law, 2004, art. 15). As the Secretary of State in the Labor and Social Security Offices requests a job offer or employment contract in order to grant a work card, and the employer asks for a work card in order to make a job offer, access to this right is restricted in practice. ⁸¹
Resettlement Program	*

Mexico

Right of Asylum in National Legislation	The right of asylum is established by the Constitution of Mexico, 2011 (art. 11). ⁸²
Law on Refugees	<p><i>General Migration Law</i> Migration Act, 2011. Establishes principles, such as non-discrimination (art. 67). Regulated by the Regulations of the Migration Act, 2012.</p> <p><i>Specific Refugee Law</i> Law on Refugees, Complementary Protection, and Political Asylum, 2011. Establishes principles, such as the declaratory nature of refugee status (arts. 12, 47), non-refoulement (arts. 5-6), non-discrimination (arts. 5, 8, 59), family unity (arts. 5, 12, 38, 58), and confidentiality (arts. 10, 60). Defines procedure for refugee status determination (arts. 18-27). Outlines rights and duties of refugees (arts. 44-45). Regulated by the Regulations of the Law on Refugees and Complementary Protection, 2012.</p>
Humanitarian Visas	The Law on Refugees, Complementary Protection, and Political Asylum, 2011 establishes a framework for complementary

	<p>protection of individuals in need of international protection who are not recognized as refugees (arts. 2(IV), 6, 15-17). Complementary protection may only be considered after receiving a decision of non-recognition of refugee status, in accordance with Regulations of the Law of Refugees and Complementary Protection, 2012 (art. 48). The Secretariat also has authority to grant complementary protection to foreigners who require protection but do not qualify for refugee status under the Law on Refugees, Complementary Protection, and Political Asylum, 2011 (art. 28).</p> <p>Furthermore, the conditions which establish grounds for a humanitarian visa are outlined in the Law on Refugees, Complementary Protection, and Political Asylum, 2011 and include: unaccompanied migrant children or adolescents; those who request political asylum, refugee status, or complementary protection until their migratory status is resolved; and offended parties, victims, or witnesses of any crime including victims of human trafficking (art. 52(V)).⁸³ Situations involving a mass influx of refugee applications are regulated by the Law on Refugees, Complementary Protection, and Political Asylum, 2011 (art. 26) and Regulations of the Law of Refugees and Complementary Protection, 2012 (art. 44).</p>
Adoption of the Regional Definition of Refugees	Mexico has adopted the regional definition of refugees in the Law on Refugees, Complementary Protection, and Political Asylum, 2011 (art. 13(II)). ⁸⁴ The regional definition was also adopted earlier in the General Population Law (Reform), 1990 (art. 42), which has since been repealed.
Other Criteria for Refugee Status	The Law on Refugees, Complementary Protection, and Political Asylum, 2011 (art. 13(I) and 13(III)) and Regulations of the Law on Refugees and Complementary Protection, 2012 (art. 4(IV)) incorporate persecution based on “gender” defined as “the

	<p>applicant's gender or sexual preferences" as a specific ground for refugee status.</p> <p>Regulations of the Law on Refugees and Complementary Protection, 2012 (art. 7(II-III)) includes persecution by associations or organizations that control a territory or part of a State and non-state agents as grounds for refugee status.</p>
No Deadline for Applying for Refugee Status	<p>There is a deadline (thirty business days after entry) for applying for refugee status, established by Law on Refugees, Complementary Protection, and Political Asylum Act, 2011 (art. 18). If eligible for refugee status, but was unaware upon entry, the deadline for submitting the application will run from the day after he or she becomes aware of the facts referred to in that provision.</p>
Noncriminalization of Entry	<p>No penalty for irregular entry for refugees is established by the Migration Act, 2011 (art. 2), the Law on Refugees, Complementary Protection, and Political Asylum, 2011 (arts. 5(V), 7) and the Regulations of the Law on Refugees and Complementary Protection, 2012 (art. 12).</p>
The Right to Work	<p><i>Paid Employment of Asylum Seekers</i></p> <p>The Migration Law opens up the possibility of guaranteeing the right to work, as it specifically mentions asylum seekers have the right to an identification document for humanitarian reasons opening up possibilities for work (Migration Act, 2011, art. 52(V)(c)). In practice, however, this right may be restricted for asylum seekers as individuals require a Unique Population Code (CURP) to be hired and existing administrative arrangements do not allow for this code to be issued to asylum seekers.⁸⁵</p> <p><i>Paid Employment of Refugees</i></p> <p>Mexico grants refugees the right to paid employment Law on Refugees, Complementary Protection, and Political Asylum, 2011 (art. 44(IV)).</p>

Resettlement Program	*
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Nicaragua

Right of Asylum in National Legislation	The right of asylum is established by the Constitution of Nicaragua, 1987 (art. 5). ⁸⁶
Law on Refugees	<p><i>General Migration Law</i> Law 761 General Migration and Foreign Act, 2011. Regulated by Decree 31-2012, 2012.</p> <p><i>Specific Refugee Law</i> Law 655 Refugee Protection Law, 2008. Establishes principles, such as non-discrimination (art. 2), confidentiality (art. 19), family unity (arts. 3, 33), and non-refoulement (art. 8). Defines procedure for refugee status determination (arts. 18-27). Outlines rights and duties of refugees (arts. 11-12). Recognizes UNHCR's role during the refugee status determination procedure.⁸⁷</p>
Humanitarian Visas	Law 761 General Migration and Foreign Act, 2011 establishes complementary protection through humanitarian visas to those who suffer human rights violations and victims of human trafficking (art. 220).
Adoption of the Regional Definition of Refugees	Nicaragua has adopted the regional definition of refugees in Law 655 Refugee Protection Law, 2008 (art. 1(c)). ⁸⁸
Other Criteria for Refugee Status	Law 655 Refugee Protection Law, 2008 incorporates persecution based on "gender" (art. 1(a)) and statelessness (art. 1(b)) as specific grounds for refugee status.
No Deadline for Applying for Refugee Status	There is a deadline (one year after entry) for applying for refugee status, established by Law 655 Refugee Protection Law, 2008 (art. 10(a)). May be justified outside of the established term in exceptional cases.

Noncriminalization of Entry	Law 655 Refugee Protection Law, 2008 (art. 10) stipulates principles of non-penalization for irregular entry. ⁸⁹
The Right to Work	<p><i>Paid Employment of Asylum Seekers</i></p> <p>Nicaragua grants asylum seekers the right to work. Law 655 Refugee Protection Law, 2008 (art. 23) directs the General Directorate of Migration and Foreigners to grant a document to asylum seekers, which confirms their right to work.</p> <p><i>Paid Employment of Refugees</i></p> <p>Nicaragua grants refugees the right to paid employment. This is both through the Temporary Residence Card document issued to those determined as refugees by the General Directorate of Migration and Foreigners (Law 655 Refugee Protection Law, 2008, art. 29(A)) and indirectly through granting refugees the rights and duties granted to their citizens, including the right to employment (Law 655 Refugee Protection Law, 2008, art. 12).</p>
Resettlement Program	*

Panama

Right of Asylum in National Legislation	The right of asylum is not established in Panama's Constitution. ⁹⁰
Law on Refugees	<p><i>General Migration Law</i></p> <p>Decree 3, 2008.</p> <p>Creates the National Migration Service and determines other provisions. Regulated by Executive Decree 320, 2008.</p> <p><i>Specific Refugee Law</i></p> <p>Decree 5 New Provisions for the Protection of Refugees, 2018.</p> <p>Establishes principles, such as non-refoulement (art. 7), non-discrimination (art. 10), confidentiality (art. 11), and family unity (art. 12). Defines procedure for refugee status</p>

	<p>determination (arts. 28-67). Outlines rights and duties of refugees (arts. 81-84).</p> <p>Law 74, 2013.</p> <p>Outlines procedure for applying for permanent residence as a refugee or asylee.</p>
Humanitarian Visas	<p>Decree 3, 2008 lists a function of the National Migration Service as granting identification documents to persons under temporary protection for humanitarian reasons (art. 6(9)). Situations involving a mass influx of refugee applications are regulated by Decree 3, 2008 (arts. 23, 57-58).</p> <p>Special provisions for humanitarian visas include Executive Decree 34, 1999 which protected Nicaraguan citizens who, in the wake of Hurricane Mitch that hit Nicaragua, were in Panama irregularly.</p>
Adoption of the Regional Definition of Refugees	<p>Panama has not adopted the regional definition of refugees.⁹¹</p>
Other Criteria for Refugee Status	<p>Decree 5 New Provisions for the Protection of Refugees, 2018 incorporates persecution based on “gender” as specific grounds for refugee status (art. 5(1)). “Gender” is later defined in article 104(4).</p>
No Deadline for Applying for Refugee Status	<p>There is a deadline (six months from the day of entry) for applying for refugee status, established by Decree 5 New Provisions for the Protection of Refugees, 2018 (art. 30).</p>
Noncriminalization of Entry	<p>Decree 5 New Provisions for the Protection of Refugees, 2018 (arts. 9, 83(3)) stipulates principles of non-penalization for irregular entry.⁹²</p>
The Right to Work	<p><i>Paid Employment of Asylum Seekers</i></p> <p>Panama does not grant asylum seekers the right to work.⁹³</p> <p><i>Paid Employment of Refugees</i></p>

	Panama grants refugees the right to paid employment (Decree 3, 2008). Once refugee status is determined, documents will be issued to the refugee which are required for the application of a work permit (Decree 5, 2018, arts. 75, 84).
Resettlement Program	*

Paraguay

Right of Asylum in National Legislation	The right of asylum is established by Constitution of Paraguay, 1992 (art. 43). ⁹⁴
Law on Refugees	<p><i>General Migration Law</i></p> <p>Law 978 Migration Act, 1996. Regulated by Decree 18.295, 1997.</p> <p><i>Specific Refugee Law</i></p> <p>Law 1.938 Refugee Law, 2002.</p> <p>Establishes principles, such as non-refoulement (art. 5), confidentiality (art. 14), and family unity (art. 2). Defines procedure for refugee status determination (arts. 21-22, 30-31). Creates the National Refugee Commission (CONARE), which is responsible for refugee status determination.⁹⁵</p>
Humanitarian Visas	There are no humanitarian protection mechanisms available for people who require international protection, but who do not qualify as refugees.
Adoption of the Regional Definition of Refugees	Paraguay has adopted the regional definition of refugees in Law 1.938 Refugee Law, 2002 (art. 1(b)), but has limited the definition to persons who are ‘forced’ or ‘obligated’ to leave their country. This is slightly more conservative than generic threat recognized in the Cartagena Declaration definition. ⁹⁶
Other Criteria for Refugee Status	Law 1.938 Refugee Law, 2002 incorporates persecution based on “sex” as specific grounds for refugee status (art. 1(a)).

No Deadline for Applying for Refugee Status	There is no established deadline for formalizing the request for refugee status.
Noncriminalization of Entry	The national legislation in Paraguay does not explicitly establish the principle of non-penalization for irregular entry.
The Right to Work	<p><i>Paid Employment of Asylum Seekers</i></p> <p>Paraguay grants asylum seekers the right to work. Law 1.938 Refugee Law, 2002 (art. 23) grants a document to asylum seekers, which confirms their right to work.</p> <p><i>Paid Employment of Refugees</i></p> <p>Paraguay grants refugees and family members the right to paid employment. Law 1.938 Refugee Law, 2002 (art. 25) describes the issuance of an identity document for refugees and their family members, which confirms their right to work.</p>
Resettlement Program	Solidarity Resettlement Program, 2010 to present. ⁹⁷

Peru

Right of Asylum in National Legislation	The right of asylum is established by the Constitution of Peru, 1993 (art. 36) ⁹⁸ and Law 27.840 Asylum Law, 2002 (art. 2).
Law on Refugees	<p><i>General Migration Law</i></p> <p>Decree 1.350 Migration, 2017.</p> <p>Chapter 2 is dedicated to asylum and refuge. Considered to complement the legal protection of refugees in Peru.⁹⁹</p> <p><i>Specific Refugee Law</i></p> <p>Law 27.891 Refugee Law, 2002.</p> <p>Establishes principles, such as the right to non-refoulement (art. 5) and family unity (art. 25). Defines procedure for refugee status determination (arts. 9-19). Outlines rights and duties of</p>

	<p>refugees (arts. 20-29). Regulated by Supreme Decree 119-2003-RE.</p> <p>Law 27.840 Asylum Law, 2002.</p> <p>Establishes principles, such as the right to non-refoulement (art. 3 (3)), non-discrimination (arts. 3 (5), 15), and family unity (arts. 3 (6), 12).</p>
Humanitarian Visas	<p>Decree 1.350 Migration, 2017 (art. 29.2(k)) authorizes the humanitarian entry and/or residence of individuals who do not meet the requirements for asylum or refugee status but are in a “situation of great vulnerability or danger of life”. This is applicable for individuals who have migrated due to natural and environmental disasters, victims of human trafficking, unaccompanied girls, boys, and adolescents, and stateless persons. Situations involving a mass influx of refugee applications are regulated by Law 27.891 Refugee Law, 2002 (arts. 35-36).</p> <p>Special provisions for humanitarian visas include Supreme Decree 002-2017-IN Guidelines for granting temporary residence permit for people of Venezuelan nationality and Supreme Decree 023-2017-IN Guidelines for granting for granting temporary residence permit for people of Venezuelan nationality.</p>
Adoption of the Regional Definition of Refugees	<p>Peru has adopted the regional definition of refugees in Law 27.891 Refugee Law, 2002 (art. 3(b)), but has limited the definition to persons who are ‘forced’ or ‘obligated’ to leave their country. This is slightly more conservative than generic threat recognized in the Cartagena Declaration definition. In addition, Peru varies as the situation of generalized violence is excluded from the definition and ‘foreign occupation or domination’ has been added.¹⁰⁰</p>

Other Criteria for Refugee Status	No additional criteria for refugee status.
No Deadline for Applying for Refugee Status	There is a deadline (thirty days from date of entry) for applying for refugee status, established by Law 27.891 Refugee Law, 2002 (art. 13).
Noncriminalization of Entry	No penalty for irregular entry for refugees or asylum seekers is established by Law 27.891 Refugee Law, 2002 (art. 31) and Law 27.840 Asylum Law, 2002 (art. 3(4)) respectively.
The Right to Work	<p><i>Paid Employment of Asylum Seekers</i></p> <p>Peru grants asylum seekers the right to work. Law 27.891 Refugee Law, 2002 (arts. 14, 41) grants a provisional document to asylum seekers, which confirms their right to work.</p> <p><i>Paid Employment of Refugees</i></p> <p>Peru grants refugees the right to paid employment (Law 27.891 Refugee Law, 2002, art. 26).</p>
Resettlement Program	*

Uruguay

Right of Asylum in National Legislation	The right of asylum is not established in Uruguay's Constitution ¹⁰¹ ; however, the right of asylum is established by Law 18.076 Refugee Law, 2006 (art. 1).
Law on Refugees	<p><i>General Migration Law</i></p> <p>Law 18.250 Migration Law, 2008.</p> <p>Incorporates safeguards regarding the protection of asylum seekers and the prevention of refoulement at borders.¹⁰² Article 30 regulated by Decree 356/018, 2018.</p> <p><i>Specific Refugee Law</i></p> <p>Law 18.076 Refugee Law, 2006.</p>

	<p>Establishes principles, such as non-discrimination (arts. 10-11), non-refoulement (arts. 10(c), 13), confidentiality (arts. 10(f), 17), and family unity (art. 21). Defines procedure for refugee status determination (arts. 32-40). Creates the Refugee Commission (CORE) (art. 23), which is in charge of adjudicating asylum claims, and enshrines provisions relating to refugee status determination.¹⁰³</p> <p>Law 18.382 Framework Agreement for Refugee Resettlement, 2007.¹⁰⁴</p> <p>Establishes framework for refugee resettlement in collaboration with the United Nations High Commissioner for Refugees.</p>
Humanitarian Visas	Decree 356/018, 2018 Regulations to Law 18.250 Migration Law, 2008 establishes that emergency and humanitarian visas may be granted to any person with well-founded and accredited grounds for admission, including “medical treatment, assistance to a judicial hearing, death or health situation of a family member or friend, and those cases that, without being included, are authorized by the competent authority” (art. 1(f)).
Adoption of the Regional Definition of Refugees	Uruguay has adopted the regional definition of refugees in Law 18.076 Refugee Law, 2006 (art. 2(b)) and has additionally incorporated the situation of terrorism. ¹⁰⁵
Other Criteria for Refugee Status	Law 18.076 Refugee Law, 2006 incorporates persecution based on “gender” (art. 2(a)) and situations of terrorism (art. 2(b)) as specific grounds for refugee status. ¹⁰⁶
No Deadline for Applying for Refugee Status	There is no established deadline for formalizing the request for refugee status.
Noncriminalization of Entry	No penalty for irregular entry for refugees is established by Law 18.076 Refugee Law, 2006 (arts. 10(d), 15).
The Right to Work	<i>Paid Employment of Asylum Seekers</i> Uruguay grants asylum seekers the right to work indirectly as Law 18.076 Refugee Law, 2006 grants refugees and asylum

	<p>seekers the enjoyment and exercise of all rights recognized to other inhabitants (art. 20) and Law 18.250 Migration Law, 2008 grants migrants the same rights as nationals, with migrant meaning any foreign person who enters the territory with the intention of residing there temporarily or permanently (arts. 3, 8). Further, asylum seekers have the right to be provided with a provisional identification document (Law 18.076 Refugee Law, 2006, art. 42).</p> <p><i>Paid Employment of Refugees</i></p> <p>Uruguay grants refugees the right to paid employment and implicitly extends that right to the refugee's family. Law 18.250 Migration Law, 2008 grants migrants the same rights as nationals, with migrant meaning any foreign person who enters the territory with the intention of residing there temporarily or permanently (arts. 3, 8).</p>
Resettlement Program	<p>Solidarity Resettlement Program, 2009 to present.¹⁰⁷</p> <p>2017-2018 piloted the regional Refugee Solidarity Resettlement Program for persons fleeing violence from northern Central America.¹⁰⁸</p>

Venezuela

Right of Asylum in National Legislation	<p>The right of asylum is established by the Constitution of the Bolivarian Republic of Venezuela, 1999 (art. 69)¹⁰⁹ and Law 37.296 Refugees and Asylees Basic Law, 2001 (art. 2).</p>
Law on Refugees	<p><i>General Migration Law</i></p> <p>Law 37.944 Foreign and Migration Act, 2004.</p> <p><i>Specific Refugee Law</i></p> <p>Law 37.296 Refugees and Asylees Basic Law, 2001.</p> <p>Establishes principles, such as non-refoulement (arts. 2 (3), 7), non-discrimination (art. 2 (5)), and family unity (arts. 2 (6), 8).</p>

	<p>Defines procedure for refugee status determination (arts. 14-21). Outlines rights and duties of refugees (arts. 22-26). Describes the National Commission for Refugees and the procedure for refugee status determination. Regulated by Decree 2.491 Regulation on the Law on Refugees and Asylum Seekers, 2003.</p>
Humanitarian Visas	<p>Venezuela has adopted a temporary protection regime for mass influx situations in Decree 2.491 Regulation on the Law on Refugees and Asylum Seekers, 2003 (arts. 21-23).</p> <p>Special provisions for humanitarian visas include (social) visas for Haitian citizens to regularize their immigration status after entering the country due to the earthquake of January 2010.</p>
Adoption of the Regional Definition of Refugees	<p>Venezuela has not adopted the regional definition of refugees.¹¹⁰</p>
Other Criteria for Refugee Status	<p>Law 37.296 Refugees and Asylees Basic Law, 2001 (art. 5) and Decree 2.491 Regulation on the Law on Refugees and Asylum Seekers, 2003 (art. 1) incorporate persecution based on “sex” as specific grounds for refugee status.</p>
No Deadline for Applying for Refugee Status	<p>There is no explicit mention to a deadline in applying for asylum in Venezuelan national legislation; however, Law 37.296 Refugees and Asylees Basic Law, 2001 (art. 6) grants non-sanction of irregular entry and stay, provided that an asylum seeker “presents without delay before the national authorities”.</p>
Noncriminalization of Entry	<p>No penalty for irregular entry for refugees and asylum seekers is established by Law 37.296 Refugees and Asylees Basic Law, 2001 (arts. 2(4), 6).</p>
The Right to Work	<p><i>Paid Employment of Asylum Seekers</i></p> <p>Venezuela does not grant asylum seekers the right to work.¹¹¹</p> <p><i>Paid Employment of Refugees</i></p> <p>Venezuela grants refugees the right to paid employment. Law 37.296 Refugees and Asylees Basic Law, 2001 (art. 19) grants</p>

	an identity document for refugees, which confirms the right to work.
Resettlement Program	*

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Notes

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1. This comes with the exception of Paraguay and Venezuela, for which the most recent report available is from the second cycle, and Honduras and Panama for which an UNHCR submission to the UPR was unavailable.
2. Available at <https://www.acnur.org/buenas-practicas.html>.
3. Luisa Feline Freier, "A Liberal Paradigm Shift? A Critical Appraisal of Recent Trends in Latin American Asylum Legislation," in *Exploring the Boundaries of Refugee Law: Current Program Challenges*, eds. Jean-Pierre Gauci, Mariagiulia Giuffr , and Evangelia (Lilian) Tsourdi (Leiden: Brill Nijhoff, 2015), 118-145. See OAS. AG/RES. 774 (XV-O/8S), available at <http://scm.oas.org/pdfs/agres/ag03799S01.PDF>.
4. Inclusion of comprehensive criteria can be understood as including further elements of the Cartagena Declaration in national legislation (ratification of or accession to the 1951 Refugee Convention and the 1967 Protocol, the principle of non-refoulement, the voluntary and individual character of repatriation of refugees, et cetera), while inclusion of the regional definition is one aspect of this.

5. See Flávia Piovesan and Liliana Lyra Jubilut, “Regional Developments: Americas,” in *Refugee Protection in Brazil and in Latin America – Selected Essays*, ed. Liliana Lyra Jubilut (London: Transnational Press London, 2018), 119-140.
6. Piovesan and Jubilut, “Regional Developments,” 133.
7. UNHCR, *Memoir of the Twentieth Anniversary of the Cartagena Declaration on Refugees: 1984-2004* (San José: Editorama, 2005), 105.
8. UNHCR, *Memoria coloquio internacional: 10 años de la Declaración de Cartagena sobre Refugiados* (San José: IIDH-ACNUR, 1995).
9. UNHCR, “Latin America (Mexico Plan of Action),” in *UNHCR Global Appeal 2007* (2006), 288-292.
10. William Spindler, “The Mexico Plan of Action: Protecting Refugees through International Solidarity,” *Forced Migration Review* 24 (2005): 64-65.
11. Spindler, “The Mexico Plan of Action”.
12. Stefania Eugenia Barichello, “Refugee Protection and Responsibility Sharing in Latin America: Solidarity Programmes and the Mexico Plan of Action,” *The International Journal of Human Rights* 20, no. 2 (2016): 200.
13. Ana Guglielmelli White, *A Pillar of Protection: Solidarity Resettlement for Refugees in Latin America* (Washington D.C.: UNHCR, 2012), 1; Barichello, “Refugee Protection,” 200; UNHCR, “Latin America (Mexico Plan of Action)”.
14. UNHCR, *Brazil Plan of Action: One Year Implementation* (2015).
15. UNHCR, *Brazil Plan of Action*.
16. UNHCR, *UNHCR Submission on Brazil: UPR 27th Session* (2016).
17. UNHCR, *Brazil Plan of Action*.
18. OC stands for Advisory Opinion (*Opinion Consultiva/Opinião Consultiva*).
19. Provisional measures have adopted by the Court on 26 May 2020 and 29 July 2020, indicating the right to health, life, and personal integrity of individuals found in migrant detention centers. Requires Panama to ensure access to essential health services, including early detection and treatment of COVID-19.

20. Resolutions are utilized by the Inter-American Commission on Human Rights (IACHR) to express consensus on public matters. In this Section, the focus is on the forced migration of Venezuelans and on the human rights of migrants. There are also some resolutions of the IACHR which address internal, administrative elements (for example, Resolution 1/16 On Measures to Reduce Procedural Backlog and Resolution 1/13 Reform of the Rules of Procedure, Policies, and Practices). Source: Legal Dictionary website, “Resolution” <https://legal-dictionary.thefreedictionary.com/resolution> and Inter-American Commission on Human Rights website, “Resolutions” <https://www.oas.org/en/iachr/decisions/resolutions.asp>.
21. At the merits stage, the IACHR determines the merits of the case being analyzed, meaning whether or not there were violations of human rights. This stage is completed with an approval of a Merits Report, which includes conclusions about whether the facts constitute human rights violations and, if so, includes recommendations to the State. Source: Inter-American Commission on Human Rights website, “Merits Reports” <http://www.oas.org/en/iachr/decisions/merits.asp>.
22. Freier, “A Liberal Paradigm Shift,” 132.
23. Barbara Hines, “The Right to Migrate as a Human Right: The Current Argentine Immigration Law,” *Cornell International Law Journal* 43, no. 3 (2010): 477.
24. In 2017 Argentina attempted to contradict Law 25.871 Migration Policy, 2003 and restrict migration with Decree 70/2017; local Argentine courts overruled this attempt in early 2018. Decree 70/2017 was widely criticized. See Victoria Finn, Cristián Doña-Reveco, and Mayra Feddersen, “Migration Governance in South America: Regional Approaches Versus National Law,” in *The Dynamics of Regional Migration Governance*, eds. Andrew Geddes, Marcia Vera Espinoza, Leila Hadj Abdou, and Leiza Brumat (Cheltenham: Edward Elgar Publishing, 2019), 36-53.
25. Hines, “The Right to Migrate,” 488.
26. Pedro F. Marcelino and Marcela S. Cerrutti, . “Recent African Immigration to South America: The Cases of Argentina and Brazil in the Regional Context,” in *Development, Institutional and Policy Aspects of International Migration between Africa, Europe and Latin America and the Caribbean*, ed. Jorge Martínez Pizarro and

- Leandro Reboiras Finardi (Santiago: United Nations, 2012), 136; UNHCR, *UNHCR Submission on Argentina: UPR 28th Session* (2017).
27. Hines, “The Right to Migrate,” 495.
 28. Freier, “A Liberal Paradigm Shift,” 135-136.
 29. UNHCR, *UNHCR Submission on Argentina*.
 30. Amanda Cellini, “Current Refugee Resettlement Program Profiles,” in *Refugee Resettlement: Power, Politics, and Humanitarian Governance*, eds. Adèle Garnier, Liliana Lyra Jubilut, and Kristin Bergtora Sandvik (New York: Berghahn Books, 2018), 255; Michael Reed-Hurtado, *The Cartagena Declaration on Refugees and the Protection of People Fleeing Armed Conflict and Other Situations of Violence in Latin America* (Geneva: UNHCR, 2013), 16.
 31. Freier, “A Liberal Paradigm Shift,” 137.
 32. Freier, “A Liberal Paradigm Shift,” 138.
 33. Marcelino and Cerrutti, “Recent African Immigration,” 136; UNHCR, *UNHCR Submission on Argentina*.
 34. Cellini, “Current Refugee Resettlement”; UNHCR, *UNHCR Resettlement Handbook, County Chapter – Argentina* (2013).
 35. Freier, “A Liberal Paradigm Shift”.
 36. UNHCR, *UNHCR Submission on Bolivia: UPR 34th Session* (2019).
 37. UNHCR, *UNHCR Submission on Bolivia*.
 38. Reed-Hurtado, *The Cartagena Declaration*, 16.
 39. Freier, “A Liberal Paradigm Shift”.
 40. Marcelino and Cerrutti, “Recent African Immigration,” 137.
 41. João Carlos Jarochinski Silva and Liliana Lyra Jubilut, “Venezuelans in Brazil: Challenges of Protection,” *E-International Relations*, July 12, 2018.
 42. Available at
https://lex.com.br/legis_27624738_PORTARIA_INTERMINISTERIAL_N_9_DE_14_DE_MARCO_DE_2018.aspx

43. Reed-Hurtado, *The Cartagena Declaration*, 17; Cellini, “Current Refugee Resettlement,” 262; UNHCR, *UNHCR Submission on Brazil*.
44. Maria Beatriz Nogueira and Carla Cristina Marques, “Brazil: Ten Years of Refugee Protection,” *Forced Migration Review* 30 (2008): 57-58.
45. Marcelino and Cerrutti, “Recent African Immigration,” 137; Karina Sarmiento and Jessica Soley, *Refugee Status Determination in Latin America: Regional Challenges and Opportunities* (Asylum Access Ecuador, 2013), 17.
46. Nogueira and Marques, “Brazil: Ten Years of Refugee Protection”.
47. Cellini, “Current Refugee Resettlement”; UNHCR, *UNHCR Resettlement Handbook, County Chapter – Brazil* (2013); UNHCR, *UNHCR Submission on Brazil*.
48. Nogueira and Marques, “Brazil: Ten Years of Refugee Protection”.
49. Freier, “A Liberal Paradigm Shift”.
50. There have been two projects to attempt to reform of the Migration Law, introduced in 2013 and 2017 respectively, to the National Congress (*Proyecto de Ley de Migración y Extranjería, Boletín 8970-06* and *Proyecto de Ley que establece Nueva Ley de Migraciones, Boletín 11395-06*), but both failed to be adopted. In April 2018, the government has introduced modifications to the 2013 draft Migration Law. See UNHCR, *UNHCR Submission on Chile: UPR 32nd Session* (2018).
51. Cellini, “Current Refugee Resettlement,” 266.
52. Cellini, “Current Refugee Resettlement,” 266; UNHCR, *UNHCR Submission on Chile*.
53. UNHCR, *UNHCR Submission on Chile*.
54. Reed-Hurtado, *The Cartagena Declaration*, 16.
55. Cellini, “Current Refugee Resettlement,” 265.
56. UNHCR, *El trabajo del ACNUR en Chile* (2013), 3.
57. Freier, “A Liberal Paradigm Shift”.
58. UNHCR, *UNHCR Submission on Colombia: UPR 30th Session* (2017).
59. UNHCR, *UNHCR Submission on Colombia*.
60. Freier, “A Liberal Paradigm Shift”.
61. UNHCR, *UNHCR Submission on Costa Rica: UPR 33rd Session* (2019).
62. UNHCR, *UNHCR Submission on Costa Rica*.
63. UNHCR, *UNHCR Submission on Costa Rica*.
64. Reed-Hurtado, *The Cartagena Declaration*, 16.

65. UNHCR, *UNHCR Submission on Costa Rica*.
66. Sarmiento and Soley, *Refugee Status Determination in Latin America*, 19.
67. Freier, “A Liberal Paradigm Shift”.
68. UNHCR, “UNHCR Welcomes Ecuador's New Human Mobility Law,” January 13, 2017.
69. See the following article about this development:
<https://www.csem.org.br/noticias/ecuador-inicia-proceso-de-visas-humanitarias-para-migrantes-venezolanos/>.
70. For more on Ecuador see UNHCR, *UNHCR Submission on Ecuador: UPR 27th Session* (2016).
71. Freier, “A Liberal Paradigm Shift”.
72. Available at https://www.asamblea.gob.sv/sites/default/files/2019-09/Anuario_2018-2019_Tomo_I.pdf
73. Reed-Hurtado, *The Cartagena Declaration*, 16; UNHCR, *UNHCR Submission on El Salvador: UPR 20th Session* (2014).
74. Freier, “A Liberal Paradigm Shift”.
75. Available at <http://igm.gob.gt/wp-content/uploads/2017/09/ACUERDO-2-2019-Reglamento-Refugiado-1.pdf>.
76. UNHCR, *UNHCR Submission on Guatemala: UPR 28th Session* (2017).
77. Freier, “A Liberal Paradigm Shift”.
78. Reed-Hurtado, *The Cartagena Declaration*, 17.
79. Reed-Hurtado, *The Cartagena Declaration*, 17.
80. Grupo Articulador Regional del Plan de Acción Brasil 2017, *El derecho al trabajo de las personas solicitantes de asilo y refugiadas en américa Latina y el Caribe* (2018), 39.
81. Grupo Articulador Regional del Plan de Acción Brasil 2017, *El derecho al trabajo*, 39.
82. Freier, “A Liberal Paradigm Shift”.
83. Freier, “A Liberal Paradigm Shift”.
84. Mexico is the only state which has produced and adopted interpretative guidelines (Regulations of the Law on Refugees and Complementary Protection, 2012) for the regional refugee definition. See Reed-Hurtado, *The Cartagena Declaration*, 16-18.
85. UNHCR, *UNHCR Submission on Mexico: UPR 31st Session* (2018); Grupo Articulador Regional del Plan de Acción Brasil 2017, *El derecho al trabajo*, 39-41.

86. Freier, "A Liberal Paradigm Shift".
87. UNHCR, *UNHCR Submission on Nicaragua: UPR 33rd Session* (2019).
88. Reed-Hurtado, *The Cartagena Declaration*, 16; UNHCR, *UNHCR Submission on Nicaragua*.
89. UNHCR, *UNHCR Submission on Nicaragua*.
90. Freier, "A Liberal Paradigm Shift".
91. Reed-Hurtado, *The Cartagena Declaration*, 16.
92. UNHCR, , *UNHCR Submission on Nicaragua*.
93. Grupo Articulador Regional del Plan de Acción Brasil 2017, *El derecho al trabajo*, 50.
94. Freier, "A Liberal Paradigm Shift".
95. UNHCR, *UNHCR Submission on Paraguay: UPR 24th Session* (2015).
96. Reed-Hurtado, *The Cartagena Declaration*, 17; Cellini, "Current Refugee Resettlement," 289.
97. Cellini, "Current Refugee Resettlement," 289.
98. Freier, "A Liberal Paradigm Shift".
99. UNHCR, *UNHCR Submission on Peru: UPR 28th Session* (2017).
100. Reed-Hurtado, *The Cartagena Declaration*, 17.
101. Freier, "A Liberal Paradigm Shift".
102. UNHCR, *UNHCR Submission on Uruguay: UPR 32nd Session* (2018).
103. Cellini, "Current Refugee Resettlement," 302; UNHCR, *UNHCR Submission on Uruguay*.
104. Cellini, "Current Refugee Resettlement," 302.
105. Reed-Hurtado, *The Cartagena Declaration*, 17; UNHCR, *UNHCR Submission on Uruguay*.
106. Reed-Hurtado, *The Cartagena Declaration*, 17.
107. Cellini, "Current Refugee Resettlement," 302.
108. UNHCR, *UNHCR Submission on Uruguay*.
109. Freier, "A Liberal Paradigm Shift".
110. Reed-Hurtado, *The Cartagena Declaration*, 16; UNHCR *UNHCR Submission on Venezuela: UPR 26th Session* (2016).
111. Grupo Articulador Regional del Plan de Acción Brasil 2017, *El derecho al trabajo*, 63.

References

- Barichello, Stefania Eugenia. "Refugee Protection and Responsibility Sharing in Latin America: Solidarity Programmes and the Mexico Plan of Action." *The International Journal of Human Rights* 20, no. 2 (2016): 191-207.
- Cellini, Amanda. "Current Refugee Resettlement Program Profiles." In *Refugee Resettlement: Power, Politics, and Humanitarian Governance*, edited by Adèle Garnier, Liliana Lyra Jubilut, and Kristin Bergtora Sandvik, 253-305. New York: Berghahn Books, 2018.
- Finn, Victoria, Christián Doña-Reveco, and Mayra Feddersen. "Migration Governance in South America: Regional Approaches Versus National Law." In *The Dynamics of Regional Migration Governance*, edited by Andrew Geddes, Marcia Vera Espinoza, Leila Hadj Abdou, and Leiza Brumat, 36-53. Cheltenham: Edward Elgar Publishing, 2019.
- Freier, Luisa Feline. "A Liberal Paradigm Shift? A Critical Appraisal of Recent Trends in Latin American Asylum Legislation." In *Exploring the Boundaries of Refugee Law: Current Program Challenges*, edited by Jean-Pierre Gauci, Mariagiulia Giuffré, and Evangelia (Lilian) Tsourdi, 118-145. Leiden: Brill Nijhoff, 2015.
- Grupo Articulador Regional del Plan de Acción Brasil 2017. *El derecho al trabajo de las personas solicitantes de asilo y refugiadas en américa Latina y el Caribe*. 2018. <https://asylumaccess.org/wp-content/uploads/2019/07/Derechos-Laborales-Refugiadas-en-America-Latina-y-el-Caribe-final-ESP.pdf>.
- Hines, Barbara. "The Right to Migrate as a Human Right: The Current Argentine Immigration Law." *Cornell International Law Journal* 43, no. 3 (2010): 471-511.
- Jarochinski Silva, João Carlos and Liliana Lyra Jubilut. "Venezuelans in Brazil: Challenges of Protection." *E-International Relations*, July 12, 2018. <https://www.e-ir.info/2018/07/12/venezuelans-in-brazil-challenges-of-protection/>
- Marcelino, Pedro F., and Marcela S. Cerrutti. "Recent African Immigration to South America: The Cases of Argentina and Brazil in the Regional Context." In *Development, Institutional and Policy Aspects of International Migration between Africa, Europe and Latin America and the Caribbean*, edited by Jorge Martínez Pizarro and Leandro Reboiras Finardi, 107-145. Santiago: United Nations, 2012.
- Nogueira, Maria Beatriz, and Carla Cristina Marques. "Brazil: Ten Years of Refugee Protection." *Forced Migration Review* 30 (2008): 57-58.

- Organization of American States. "MILEX: Migration Legislation Database." Accessed September 2019. <http://www.migracionoea.org/index.php/en/milex-en.html>.
- Piovesan, Flávia, and Liliana Lyra Jubilut. "Regional Developments: Americas." In *Refugee Protection in Brazil and in Latin America – Selected Essays*, edited by Liliana Lyra Jubilut, 119-140. London: Transnational Press London, 2018.
- Reed-Hurtado, Michael. *The Cartagena Declaration on Refugees and the Protection of People Fleeing Armed Conflict and Other Situations of Violence in Latin America*. Geneva: UNHCR, 2013.
- Sarmiento, Karina, and Jessica Soley. *Refugee Status Determination in Latin America: Regional Challenges and Opportunities*. Asylum Access Ecuador, 2013. <https://www.refworld.org/docid/542906694.html>
- Spindler, William. "The Mexico Plan of Action: Protecting Refugees through International Solidarity." *Forced Migration Review* 24 (2005): 64-65.
- UNHCR. *Brazil Plan of Action: One Year Implementation*. 2015.
- UNHCR. *El trabajo del ACNUR en Chile*. 2013. https://www.acnur.org/fileadmin/Documentos/RefugiadosAmericas/Chile/Trabajo_del_ACNUR_en_Chile.pdf.
- UNHCR. "Latin America (Mexico Plan of Action)." In *UNHCR Global Appeal 2007*, 288-292. 2006.
- UNHCR. *Memoir of the Twentieth Anniversary of the Cartagena Declaration on Refugees: 1984-2004*. San José: Editorama, 2005.
- UNHCR. *Memoria coloquio internacional: 10 años de la Declaración de Cartagena sobre Refugiados*. San José: IIDH-ACNUR, 1995.
- UNHCR. *UNHCR Resettlement Handbook, County Chapter – Argentina*. 2013. Accessed September 2019. <https://www.unhcr.org/4b7bc3a19.html>.
- UNHCR. *UNHCR Resettlement Handbook, County Chapter – Brazil*. 2013. Accessed September 2019. <https://www.unhcr.org/4e2d622713.html>.
- UNHCR. *UNHCR Submission on Argentina: UPR 28th Session*. 2017. <https://www.refworld.org/country,,UNHCR,,ARG,,5a12ae130,0.html>.
- UNHCR. *UNHCR Submission on Bolivia: UPR 34th Session*. 2019. [file:///C:/Users/06040023/Downloads/UNHCR_UPR34_BOL_E_Main%20\(1\).pdf](file:///C:/Users/06040023/Downloads/UNHCR_UPR34_BOL_E_Main%20(1).pdf).
- UNHCR. *UNHCR Submission on Brazil: UPR 27th Session*. 2016. file:///C:/Users/06040023/Downloads/UNHCR_UPR27_BRA_E_Main.pdf.

- UNHCR. *UNHCR Submission on Chile: UPR 32nd Session*. 2018.
<https://www.refworld.org/country,,UNHCR,,CHL,,5c52ca3d4,0.html>.
- UNHCR. *UNHCR Submission on Colombia: UPR 30th Session*. 2017.
file:///C:/Users/06040023/Downloads/UNHCR_UPR30_COL_E_Main.pdf.
- UNHCR. *UNHCR Submission on Costa Rica: UPR 33rd Session*. 2019.
<https://www.refworld.org/country,,UNHCR,,CRI,,5ccabb157,0.html>
- UNHCR. *UNHCR Submission on Ecuador: UPR 27th Session*. 2016.
<https://www.refworld.org/country,,UNHCR,,ECU,,58ee427e4,0.html>.
- UNHCR. *UNHCR Submission on El Salvador: UPR 20th Session*. 2014.
<https://www.refworld.org/country,,UNHCR,,SLV,,5541dac54,0.html>.
- UNHCR. *UNHCR Submission on Guatemala: UPR 28th Session*. 2017.
<https://www.refworld.org/country,,UNHCR,,GTM,,5a12ae190,0.html>.
- UNHCR. *UNHCR Submission on Mexico: UPR 31st Session*. 2018.
file:///C:/Users/06040023/Downloads/UNHCR_UPR31_MEX_E_Main.pdf.
- UNHCR. *UNHCR Submission on Nicaragua: UPR 33rd Session*. 2019.
<https://www.refworld.org/country,,UNHCR,,NIC,,5ccabf2b7,0.html>.
- UNHCR. *UNHCR Submission on Paraguay: UPR 24th Session*. 2015.
<https://www.refworld.org/country,,UNHCR,,PRY,,5a12da090,0.html>.
- UNHCR. *UNHCR Submission on Peru: UPR 28th Session*. 2017.
<https://www.refworld.org/country,,UNHCR,,PER,,5a12ae1c0,0.html>.
- UNHCR. *UNHCR Submission on Uruguay: UPR 32nd Session*. 2018.
<https://www.refworld.org/country,,UNHCR,,URY,,5c52caf17,0.html>.
- UNHCR. *UNHCR Submission on Venezuela: UPR 26th Session*. 2016.
<https://www.refworld.org/country,,UNHCR,,VEN,,5a12bd360,0.html>.
- UNHCR. “UNHCR Welcomes Ecuador's New Human Mobility Law.” January 13, 2017.
<https://www.refworld.org/country,,UNHCR,,ECU,,5878cf164,0.html>.
- White, Ana Guglielmelli. *A Pillar of Protection: Solidarity Resettlement for Refugees in Latin America*. Washington D.C.: UNHCR, 2012.
<https://www.refworld.org/docid/5142e32e2.html>

