

AMERICAS NETWORK ON NATIONALITY AND STATELESSNESS



ANNUAL REPORT 2017

LETTER FROM OUR BOARD OF DIRECTORS	2
INTERNATIONAL FRAMEWORK	3
DEVELOPMENTS ON NATIONALITY AND STATELESSNESS IN THE AMERICAS	4
FINANCING AND OPERATIONAL MANAGEMENT	5
MEMBERSHIP	5
BOARD OF DIRECTORS	5
IN- COUNTRY STRATEGIC MEETINGS	6
WEB SEMINARS	6
PUBLIC EVENTS	7
UNHCR'S EVENTS ON NATIONALITY AND STATELESSNESS	12
INFORMATIONAL BULLETINS	13
CHAMPION STATE	13
MULTIMEDIA	14
WEB SITE	14

INDEX

The American Network on Nationality and Statelessness (Red ANA) was created more than three years ago as a network of civil society organizations, academic initiatives, and independent experts committed to the issue of statelessness in the Americas and the Caribbean. Our work focuses on raising awareness about the current situation of statelessness in the region, identifying the people affected by it, and advocating for the recognition and respect of the rights of stateless persons. Red ANA has focused on the exchange of experience and knowledge around the issue of statelessness in order to create a consolidated network that can better defend the rights of stateless persons. Among our main activities is also cooperating with States to strengthen international protection mechanisms, and exchanging information with our sister organizations around the world.

The creation of Red ANA began during the Annual Consultation with Civil Society Organizations and the Retreat of Statelessness organized by the Regional Office of the United Nations High Commissioner for Refugees (UNHCR) in 2013. During these meeting, both the European Network on Statelessness and the Institute on Statelessness and Inclusion (ISI) observed the potential of establishing ties with civil society in the Americas through Red ANA.

Since its launch, the Red ANA has generated links with other organizations, networks, and international experts working on statelessness in Europe, Asia Pacific, Central Asia, and Africa. These links have allowed Red ANA act and dialogue at a global scale, and to make visible various issues of statelessness in our region.

In the four years since its creation, Red ANA wishes to reaffirm its commitment to eradicate statelessness in the Americas. Likewise, we reiterate that, given that the Americas present great potential to achieve this goal, our commitment continues to be to work closely and collaboratively with our members and allies worldwide

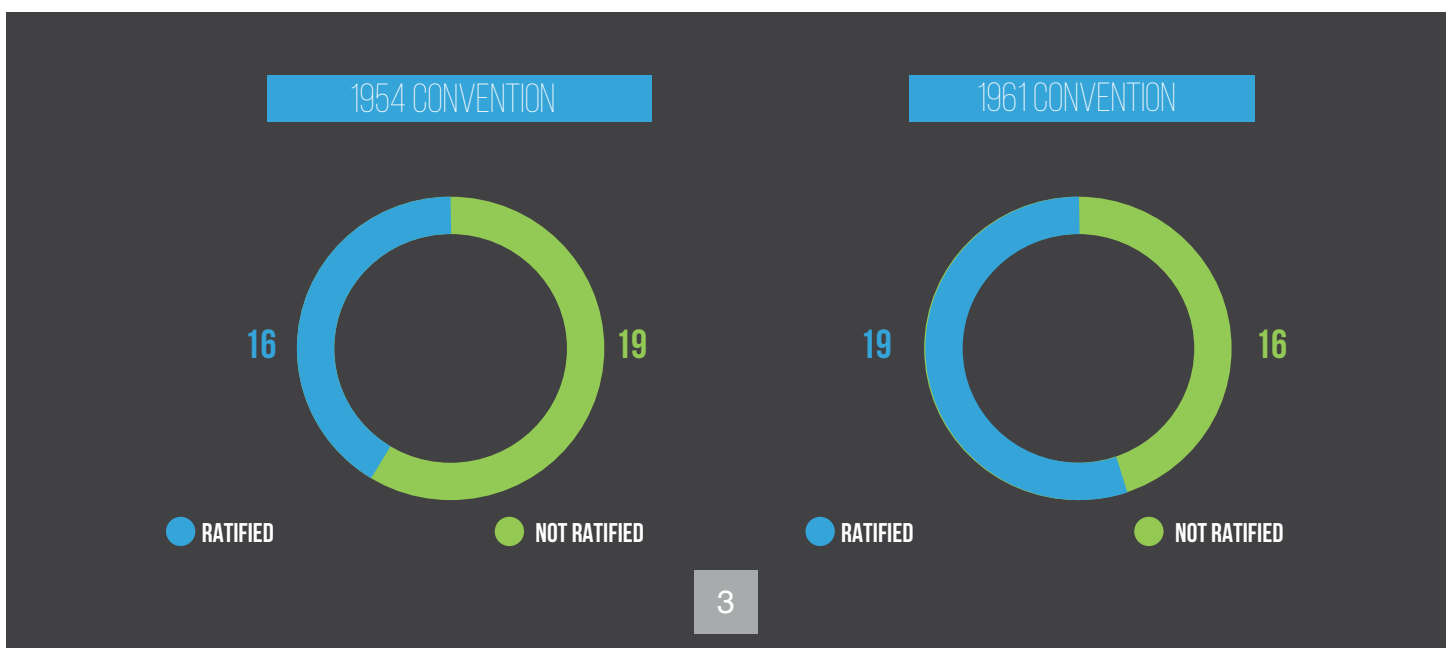
LETTER FROM OUR BOARD OF DIRECTORS

Do not hesitate to contact us through info@americasns.org if you have any questions regarding the information contained in this report. You can also find more information on our website: www.americasns.org.

INTERNATIONAL FRAMEWORK

The fight to eradicate statelessness has a robust international legal framework that allows to identify, grant protection, and facilitate the naturalization of stateless persons, as well as prevent the emergence of new cases of statelessness. These objectives are part of 1954 Convention Relating to the Status of Stateless Persons that regulates the rights to which stateless persons should have access, and the 1961 Convention on the Reduction of Statelessness, which in turn contains the obligations that States have towards the prevention and eradication of statelessness. Until the end of 2017, 19 of 35 States of the American continent are part of the 1954 Convention and only 16 have adopted the 1961 Convention.

Since 2014, the region has also developed the Brazil Declaration and Plan of Action, which contains the commitment to maintain the highest standards of protection for refugees, displaced persons, and stateless persons. Chapter 6 of the Brazil Plan of Action, for which Red ANA provided inputs for its preparation, is dedicated to the problem of statelessness, and recommends the implementation of a series of eight specific actions to address it in the region, including the ratification of the 1954 and 1961 Conventions, along with the harmonization of legal frameworks to guarantee access to nationality and the protection of stateless persons.



In 2017, important progress has been made on the issue of nationality and statelessness in the Americas. Some of the most important achievements were in Ecuador and Brazil, joining Costa Rica and Mexico in becoming countries with a formal procedure for the determination of statelessness, and a process of naturalization of stateless persons. In addition, in Colombia, an Administrative Order was modified in relation to the civil birth registry registration of the children of foreigners born in its territory. The new Administrative Order resolves that the Colombian nationality is proven by birth and provides a special registration procedure for cases of stateless minors.

On the other hand, although this year did not see any new adherence to the 1954 and 1961 Conventions, the Haitian Parliament voted in favor of joining the conventions, and it remains that the process be formalized before the United Nations. Likewise, other countries took promising steps, such as Peru, for example, where work is underway on a new Migration Law that provides a humanitarian visa that guarantees temporary residence for people in a situation of statelessness.

DEVELOPMENTS ON NATIONALITY AND STATELESSNESS IN THE AMERICAS

Additionally, at the end of 2017, Uruguay and Paraguay introduced the draft legislations, “Recognition and Protection of the Stateless” and “Protection and Facilitation for the Naturalization of Stateless Persons”, respectively. Both projects are still pending in the Legislative Powers of these countries.

Finally, we must celebrate the normative advances adopted in Cuba. This country adopted Decree-Law 352, which allows the children of Cubans born abroad to apply for Cuban nationality and thus avoid the risk of statelessness.

NEW POLICIES	NEW ADHESIONS
BRAZIL - "MIGRATION LAW" - 2017	BELIZE- 2015
CUBA – DECREE - LAW 352 (2017)	EL SALVADOR - 2015
ECUADOR – HUMAN MOBILITY LAW 2017	PARAGUAY - 2014
COLOMBIA –MODIFIED ADMIN ORDER NO. 68 – 2017	PERU - 2014
ARGENTINA, PANAMA, PARAGUAY	ARGENTINA - 2014
	COLOMBIA - 2014

FINANCING AND OPERATIONAL MANAGEMENT

MEMBERSHIP

BOARD OF DIRECTORS

FINANCING AND OPERATIONAL MANAGEMENT

The activities of Red ANA in 2017 would not have been possible without the financial support of UNHCR.

On the other hand, the financing of Red ANA was complemented with contributions that the Center for Justice and International Law (CEJIL) granted for the administration and operations of the Network. This is because CEJIL is the organization that houses Red ANA.

Finally, Open Society Justice Initiative -OSJI- financially supported specific events of the network and the participation of its members.

MEMBERSHIP

Red ANA was founded by six organizations: the Center for Justice and International Law, Open Society Justice Initiative of the Open Society Foundations, the Canadian Center on Statelessness, the Human Rights Center of the Diego Portales University, the Center for Migratory Observation and Social Development in the Caribbean (OBMICA), and the Robert F. Kennedy Center for Human Rights. In its third year of operations, the Red ANA continues to consolidate its membership.

BOARD OF DIRECTORS

During 2017, the Executive Committee of Red ANA was composed of: Francisco Quintana of CEJIL, Jocelyn Kane of the Canadian Center for Statelessness, David Baluarte of Washington and Lee University, Angelita Baeyens of Robert Kennedy Center for Human Rights and Liliana Gamboa of Open Society Justice Initiative.

IN-COUNTRY STRATEGIC MEETINGS

1. Chile: Dialogue on Nationality and Statelessness

In December 2017, Red ANA and the Open Society Justice Initiative participated in an inter-institutional dialogue between UNHCR, Diego Portales University, Alberto Hurtado University, the Jesuit Migrants Service (SJM), and various state agencies. The dialogue was focused on evaluating the results of the “Chile Reconoce” Program and to determine the steps to take in 2018 in pursuit of the protection and defense of the rights of stateless persons in the country.

WEB SEMINARS

1. Statelessness in Argentina

In May 2017, Red ANA offered a webinar on statelessness in Argentina, led by Diego Morales of the Center for Legal and Social Studies (CELS) and Lucía Galoppo of the Argentine Commission for Refugees and Migrants (CAREF). This webinar addressed the recently adopted legislative changes in immigration matters and cases of statelessness in Argentina. The webinar is available here: <http://www.americasns.org/video/>

2. Statelessness Costa Rica

In June 2017, Eugenia Gutiérrez and María Julia Cerdas from the Ministry of Foreign Affairs of the Republic of Costa Rica gave a webinar on the statelessness situation in the country. Costa Rica has been characterized by its commitment to the goal of eradicating statelessness. To this end, in 2016 Costa Rica adopted a procedure for the determination of statelessness status - being the second country in the region to do so.

The webinar is available here:

<http://www.americasns.org/video/>

STRATEGIC MEETINGS

WEB SEMINARS

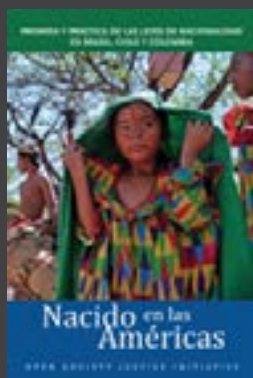
PUBLIC EVENTS

1. REGIONAL COURSE ON STATELESSNESS

In May 2017, the Red ANA, together with the Institute on Statelessness and Inclusion and the Ministry of Foreign Affairs of the Republic of Colombia, offered the first specialized course on statelessness issues with a focus on the Americas. The course brought together 34 participants and 9 facilitators from 12 countries in the Americas and Europe. In five days, participants took classes, studied cases of statelessness in the region, carried out team activities, discussed ideas to deal with statelessness and developed specific lines of action to implement in their countries. In parallel, a training course on statelessness was conducted for officials of the Colombian Government who work in the different institutions responsible of addressing issues of statelessness.

2. PRESENTATION AND DISCUSSION ON THE REPORT “BORN IN THE AMERICAS” IN BOGOTÁ

Red ANA and the Open Society Justice Initiative, in collaboration with the Thinking Institute of the Pontificia Universidad Javeriana, presented in May 2017 the report “[Born in the Americas: Promise and Practice of Nationality laws in Brazil, Chile and Colombia](#)” The event was held within the context of the Regional Course on Statelessness in Bogotá, Colombia.



3. ACADEMIC WORKSHOP ON STATELESSNESS

In the month of June, Red ANA participated in the Academic Workshop on Statelessness organized by the Institute on Statelessness and Inclusion in collaboration with the Center for Global Affairs of New York University and the Open Society Justice Initiative. The event explored how academics have addressed statelessness in the past and how we can commit to statelessness in a multidisciplinary way for the future.

4 INTERNATIONAL MOBILITY CONFERENCE

In May, members of Red ANA's Board of Directors participated in the International Mobility Conference organized by the Center for Legal and Social Studies (CELS) and the Argentine Commission for Refugees and Migrants (CAREF). The event included a presentation by the Commissioner of the IACHR Margarette May Macaulay and the presentation of the report "Born in the Americas: Promise and Practice of Nationality Laws in Brazil, Chile and Colombia" by David Baluarte and Liliana Gamboa, members of Red ANA's Board of Directors.



5. PUBLIC HEARING BEFORE THE IACHR

In September, the Red ANA, along with other civil society organizations, participated in the 164th Extraordinary Period of Session of the IACHR at the public hearing on “Legal and judicial process for the recognition of refugees, stateless persons and beneficiaries of complementary protection in America.”

At the hearing, Red ANA presented the relevant advances in the region regarding the adoption of procedures aimed at the identification and recognition of the stateless populations. In addition, it highlighted the obstacles that exist to achieve the implementation of such procedures, as only 4 countries currently have a solid legal framework for the determination of statelessness status: Mexico (2007), Costa Rica (2016), Ecuador (2017) and Brazil (2017).

of civil society, indispensable actors in constructing public policies on human mobility, as well as to integrate their diverse perspectives for the elaboration of the Global Compact.

6. GLOBAL COMPACT ON MIGRATION

Red ANA participated in the Latin American Regional Consultation of Civil Society towards the Global Compact on Migration in Quito, Ecuador, which took place in October. This consultation is one of the seven regional consultations promoted by the International Organization for Migration (IOM), established in the resolution on the Global Compact on Migration. These consultations have the common vision of promoting the participation



7. SUBREGIONAL MEETING ON THE IMPLEMENTATION OF THE BRAZIL PLAN OF ACTION

On November 2 and 3, the Red ANA participated in the Subregional Meeting on the Implementation of the Brazil Plan of Action (2014 - 2017), which was held in Buenos Aires, Argentina. The event was attended by representatives of 15 countries in Latin America and the Caribbean, international organizations, and civil society. The purpose of the event was to evaluate the implementation of the programs related to the quality of asylum and the eradication of statelessness of the Brazil Plan of Action, collect inputs for the preparation of the three-year progress report, favor the exchange of good practices and lessons learned, as well as identify the remaining challenges and work priorities for the period 2018-2020. During the event, UNHCR appointed Red ANA as a good practice in the Americas.

8. SECOND FORUM OF HAITIAN MIGRATION FORUM

At the end of November, Red ANA participated in the Second Forum of Haitian Migration in the Americas in Miami, USA. The forum aimed to dialogue, socialize, and build concrete contributions in order to make Haitian migration a priority in the Global Migrant Agreement and the Global Refugees Pact.

Red ANA together with other organizations presented an update on the situation of Dominicans of Haitian descent in the Dominican Republic affected by the 2013 constitutional court ruling which left thousands of Dominicans, mostly of Haitian descent, without Dominican nationality and in a situation of statelessness.



9. PRESENTATION OF THE REPORT “BORN IN THE AMERICAS” IN A FORUM OF THE INTERAMERICAN SYSTEM

At the beginning of December, the Red ANA together with the Open Society Justice Initiative presented the report: “Born in the Americas: Promise and Practice of Nationality Laws in Brazil, Chile and Colombia” in Washington, D.C. The event was held in the context of the first Forum of the Inter-American Human Rights System organized by the Inter-American Commission and Court of Human Rights. The presentation of the report was part of the discussion “Rights of refugees and stateless persons in America: analysis of nationality laws, international refugee law and the standards of the IAHRs”. It aimed to publicize the strengths and weaknesses that exist in the nationality regimes in Colombia, Chile and Brazil, as well as the disproportionate impact these weaknesses have on indigenous groups, ethnic minorities, migrants, internally displaced persons, and children. The event was attended by Juliana Vengoechea, author of the report, and Macarena Rodríguez, Director of the Legal Clinic of Attention to Migrants at the Alberto Hurtado University, Luis Ernesto Vargas, Rapporteur on Migrant Rights, and Eduardo Ferrer Mac-Gregor Poisot, Vice President of the IHR Court.

10. PRESENTATION OF THE REPORT “BORN IN THE AMERICAS” IN SANTIAGO, CHILE

In December 2017, two Chilean universities - the Universidad Diego Portales and the Alberto Hurtado University - as well as the Open Society Justice Initiative presented the report “Born in the Americas”. Florencia Reggiardo, Red ANA’s coordinator, participated in the event and outlined the Red ANA’s efforts to address nationality issues within the context of rapid growth of human mobility in the Americas. In addition, the event acknowledged the importance of this unprecedented investigation, and how useful it will be to advocate for the human rights of stateless people.



1. UNHCR'S STATELESSNESS RETREAT AND ANNUAL CONSULTATION WITH NGO'S

Red ANA was in Geneva, Switzerland, to participate in the Statelessness Retreat and the Annual Consultations with NGOs, which are held during the month of June. In both events, Red ANA had the opportunity to share its work, discuss future actions towards the eradication of statelessness, and highlight the need to address statelessness in the Americas.

2. STATELESSNESS IN THE UNITED STATES

In October, Red ANA participated in an event on statelessness in the United States organized by UNHCR and the Center for Migration Studies (CMS). The event brought together academic experts, United States government officials, human rights and statelessness experts, as well as stateless persons to discuss the issue of statelessness in the United States and the importance of collecting data on that population in the United States.

3. PRESENTATION OF FACT SHEETS ON THE INTER-AMERICAN SYSTEM FOR THE PROTECTION OF HUMAN RIGHTS AND THE PROTECTION OF PERSONS OF CONCERN TO UNHCR.

In December, within the framework of the first Forum of the Inter-American System, the Red ANA participated in the presentation of the fact sheets on the Inter-American System for the Protection of Human

Rights and the protection of persons of interest to UNHCR. The fact sheets address the content of different rights established by the American Convention on Human Rights and the American Declaration of the Rights and Duties of Man, and make a link with the International Law of Refugee Status. Likewise, they address state obligations in preventing internal forced displacement and protecting the victims of this type of displacement.

UNHCR'S EVENTS ON NATIONALITY AND STATELESSNESS

Fact sheets prepared by UNHCR and CEJIL seek to strengthen the interrelation and normative dialogue between the different areas of international law, while also serving as a tool for work and study on the protection of people in the context of forced displacement and statelessness from a human rights perspective.



INFORMATIONAL BULLETINS

From January to December 2017, 5 newsletters were published in English and Spanish. Through this tool, the Red ANA kept members of the network and the community informed about their activities.

Check the bulletins here:

<http://www.americasns.org/publications/>



INFORMATIONAL BULLETINS

CHAMPION STATE

CHAMPION STATE

Costa Rica

In 2017, the Red ANA recognized Costa Rica as a champion in the fight for the prevention and eradication of statelessness in the Americas. This recognition was published on the website of the government of Costa Rica. Through Presidential Decree No. 39620, the administrative procedure to recognize statelessness was established. The Decree establishes that the procedure must be free of costs and must be processed within a period of 12 months. It may exceptionally be extended to 24 months, if the procedure involves requesting information from another State or from UNHCR. During the procedure, a provisional six-month provisional documentation is granted, allowing the stateless person to work and reside in the country. Once the status of statelessness is declared in Costa Rica, the country guarantees permanent residence, authorization to leave and enter the country, and the right to work according to the legislation in Costa Rica for foreigners.



MULTIMEDIA

The multimedia section of our website allows users to access informative videos. A first section publishes all the videos made from the Red ANA Webinar Series. All of them contain expositions of substantive content on statelessness in specific places in the Americas and other topics that interact with statelessness.

Likewise, Red ANA has 4 institutional videos in Spanish and English. The videos of presentation on Red ANA and on the current state of the statelessness in the Americas are available in Spanish and English. The video on the 10 actions of the UNHCR Global Action Plan and its implementation in the Americas, is available only in Spanish.

In addition to the institutional videos, Red ANA has three external podcasts, consisting of an episode about a girl born in Texas who cannot prove her existence, an interview with Liesl Muller, Head of the Lawlessness for Lawyers for Human Rights project, and an episode about Juliana Deguis Pierre, a Dominican of Haitian descent known to be the catalyst for the case that ended with sentence 168 of the Constitutional Court of the Dominican Republic.

Finally, in this section of the website, users can find videos of UNHCR regarding their institutional statelessness campaigns.

WEB SITE

Our website www.americasns.org serves as an information center on statelessness in the Americas. Visitors can contact Red ANA, access newsletters, annual reports, information about Red ANA, courses, webinars, country frameworks, news by country, and multimedia and information of interest from other human rights organizations that address the theme of nationality and statelessness. In 2017, our website reached 2,321 visits, 4,107 page views and an audience of 1,823.



MULTIMEDIA

WEB SITE

AMERICAS NETWORK ON NATIONALITY AND STATELESSNESS



ANNUAL REPORT 2017