



**Submission by the United Nations High Commissioner for Refugees
for the Office of the High Commissioner for Human Rights' Compilation Report
- Universal Periodic Review:**

ANTIGUA AND BARBUDA

I. Background and Current Conditions

Antigua and Barbuda acceded to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter referred to jointly as the 1951 Convention) in September 1995. The country has not yet passed any implementing legislation or administrative regulations on asylum or refugee status, nor established a formal national refugee status determination procedure.

Antigua and Barbuda succeeded to the *1954 Convention relating to the Status of Stateless Persons*, with reservations to Articles 23, 24, 25 and 31, in October 1998, but is not yet a State party to the *1961 Convention on the Reduction of Statelessness*.

Located along the chain of islands of the Lesser Antilles, Antigua and Barbuda is among many Caribbean island states that are geographically predisposed to receiving mixed migratory movements of undocumented persons. UNHCR has had access to little information about the nature, size and scope of undocumented migrants arriving to or in transit through Antigua and Barbuda. However, it is generally known that Antigua and Barbuda is an important transit point for migrants, asylum-seekers and refugees from Haiti attempting to reach Dominica and/or the French overseas departments of Martinique and Guadeloupe. Haitian nationals often arrive by air and stay in Antigua and Barbuda only in transit (e.g. in the airport). In some cases, Haitian migrants, asylum-seekers and refugees traveling by sea also – inadvertently or due to unscrupulous practices of human smugglers – end up in the territorial waters or on the shores of Antigua and Barbuda (in attempts to move north to reach the US territories in the Caribbean, for example). To UNHCR's knowledge, Antigua and Barbuda does not have a protection screening process in place to assess the potential protection needs of different categories of migrants and persons with specific protection needs, including asylum-seekers and refugees, within the context of these movements.

The Government of Antigua and Barbuda has informed UNHCR that an ad hoc national procedure does exist to examine asylum claims that may arise. However, to UNHCR's knowledge, there has not been a significant number of asylum-seekers processed through this ad hoc procedure in recent years. In light of the mixed migratory flows common throughout the Caribbean region, it is important that *all* Caribbean countries – whether countries of destination or of transit – develop their capacities to appropriately manage mixed migratory movements, including mechanisms to identify those persons who may be entitled to refugee protection and formal determination procedures.

The Government of Antigua and Barbuda cooperates with UNHCR and, to UNHCR's knowledge, has not knowingly violated the principle of *non-refoulement*. However, more efforts are required to strengthen the pro-active identification of persons in need of international protection, so that the Government does not inadvertently violate the *non-refoulement* principle due to gaps in the legislative and policy framework.

II. Achievements and Best Practices

The ad hoc national procedure that Antigua and Barbuda has employed in the past to process a few asylum claims is a good practice, and should be built upon to institutionalize best practices in relation to the processing of asylum claims. UNHCR also welcomes and congratulates the Government of Antigua and Barbuda on the 2010 passage of the Trafficking in Persons Prevention Act, and commends the efforts of Antigua and Barbuda to address the issue of trafficking in persons, which is one of the characteristics of the “mixed migratory” environment in the Caribbean region.

III. Challenges and Constraints

Similar to neighbouring states and territories in the Caribbean, Antigua and Barbuda is geographically located in a very complex migratory environment and is thus susceptible to the arrival of irregular migrants by air and sea. Limited resources are available to Caribbean governments in general to cope with the irregular arrival of non-nationals. The attention of the donor community to the migratory and refugee protection challenges faced by Antigua and Barbuda and elsewhere in the Caribbean region is clearly insufficient. As a result, other national objectives tend to take priority over the issue of irregular migration. This problem is common throughout the region, and limits the possibility for more pro-active engagement on the issue.

IV. Recommendations

- UNHCR welcomes any initiatives of the Government of Antigua and Barbuda to consider the passage of implementing refugee legislation and/or to develop administrative policies, which will ensure full compliance with obligations under the 1951 Convention.
- UNHCR encourages the Government of Antigua and Barbuda to enhance its dialogue and consultation with UNHCR in relation to any mixed migratory

flows, including through consultations on groups of irregular migrants detected in its territory.

- UNHCR encourages the Government of Antigua and Barbuda to develop further the existing ad hoc procedure for processing asylum claims, and to provide information about the composition of the ad hoc body and its activities in recent years in relation to asylum claims.
- UNHCR recommends that the Government of Antigua and Barbuda accede to the 1961 Convention on the Reduction of Statelessness. The 1961 Convention on the Reduction of Statelessness establishes an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life. This treaty is therefore complementary to standards contained in other human rights treaties. An increase in the number of States parties is essential to strengthening international efforts to prevent and reduce statelessness.
- Furthermore, UNHCR encourages the Government of Antigua and Barbuda to withdraw its reservations to the 1954 Convention relating to the Status of Stateless Persons.
- UNHCR also encourages the Government of Antigua and Barbuda to analyze the compatibility between nationality legislation and birth registration practices and the international obligations of the 1954 Convention Relating to the Status of Stateless Persons.

V. Capacity Building and Technical Assistance

UNHCR stands ready to provide training and capacity-building services in international refugee law, statelessness, and international protection principles. UNHCR also stands ready to deliver technical support and advisory services in the drafting of national refugee legislation, in order to strengthen the capacity of the Government to manage mixed migratory flows while protecting asylum-seekers.

Human Rights Liaison Unit
Division of International Protection
UNHCR
March 2011