

Caribbean countries are diverse in their regulatory environments for receiving refugees and migrants. Venezuelans arriving in the Caribbean face different challenges to regularize their stays.

## International Legal Instruments and Mechanisms

The 1951 *Convention Relating to the Status of Refugees* and its 1967 Protocol are the principal binding international legal instruments for international protection. The Dominican Republic and the Republic of Trinidad & Tobago are states parties to both instruments, while Guyana has not signed or ratified either. Whereas Aruba is bound by the 1967 Protocol, Curaçao does not consider itself bound by either. With a view to address remaining gaps in migration and asylum among member states, the United Nations General Assembly issued the *New York Declaration for Refugees and Migrants* in 2016, giving rise to the *Global Compact for Refugees* (2018) and the *Global Compact for Safe, Orderly and Regular Migration* (2019). These non-binding resolutions do not constrain states to their provisions but declare the intent of their endorsers to implement them. There is no comprehensive, binding international legal instrument regarding migration, but certain specific aspects such as migration for labour and trafficking in persons are governed by regional and international agreements.

Regionally, Curaçao, the Dominican Republic and Guyana participate in the Quito Process (initiated 2018) for Venezuelans displaced abroad, and the Netherlands (relevant for Aruba and Curaçao) is an observer. In the Caribbean, governments and international organizations participated in the Caribbean Migration Consultations over the years, which is a regional consultative forum to develop action plans, exchange information and share best practices on migrations. The Dominican Republic is also a member of the Regional Conference of Migration (RCM) or Puebla Process, which is a mechanism to coordinate policies and actions related to migration issues. Human rights issues in the member states of the Organization of American States (including Dominican Republic, Guyana, and Trinidad & Tobago) are monitored by the Inter-American Commission on Human Rights (IAHCR) in the framework of the *Charter of the OAS* and the *American Convention on Human Rights* (ACHR). Countries that are not party to the ACHR, such as Guyana and Trinidad & Tobago, still fall under the mandate of the IAHCR with reference to the *American Declaration of the Rights and Duties of Man*, which includes the right to seek and receive asylum.

## Entry and Migratory Pathways

- While Venezuelans previously entered **Aruba** and **Curaçao** without a visa for up to 90 days, as of 15 January 2021, Venezuelans are now required to apply for a visa in advance of traveling to the Dutch Caribbean.
- Starting in December 2019, the **Dominican Republic** required visas for all Venezuelans entering its territory. The requirement for a tourist visa was added to the existing visa regimens for family, work and study.
- Since June 2019, Venezuelans must obtain a visa to enter **Trinidad & Tobago**, the duration of which is at the discretion of the authorities.
- Venezuelans are also at risk of being trafficked to or through Caribbean countries. Trafficked persons are often brought irregularly to the destination country.



## National Asylum and Migration Frameworks



**Aruba** and **Curaçao** are autonomous constituent countries of the Kingdom of the Netherlands. While the Netherlands retains responsibility for matters of foreign policy and realization of Human Rights, Aruba and Curaçao are responsible for admission and expulsion of foreigners in accordance with international law.

### ARUBA

Entry to Aruba is regulated through the applicable legal framework consisting of the [National Ordinance on Admission and Expulsion](#) (LTU, using the Dutch acronym) and the [Admission Decree](#) (Tb, using the Dutch acronym). Aruba does not have specific asylum legislation, thus asylum seekers remain subject to the LTU and the Tb.

### GUYANA

The [Immigration Act](#) and the [Aliens \(Immigration and Registration\) Act](#) govern the entry of foreign persons to Guyana. Guyana does not have a national asylum and refugee legislation or government-led asylum procedure but has welcomed Venezuelan refugees and migrants.

### CURAÇAO

The State Ordinance for Admission and Expulsion (LTU by its acronym in Dutch) regulates the terms and conditions under which foreign nationals are granted access to the country. As per the LTU, residence permits are granted if the stay serves a substantial national interest. The LTU does not contain any provisions pertaining to international protection.

### TRINIDAD & TOBAGO

Entry to Trinidad & Tobago is governed by the 1969 [Immigration Act](#) (last amended in 2005). A strategy entitled "[A phased approach towards the establishment of a National Policy to address refugee and asylum matters in the Republic of Trinidad and Tobago](#)" was adopted in 2014, but the Refugee Policy is yet to be fully implemented. As a result, persons in need of international protection remain subject to the provisions of the 1969 Immigration Act.

### DOMINICAN REPUBLIC

The institutional framework governing migration includes the Constitution, the [Migration Law \(LM\) \(285-04\)](#), the [Labour Code \(Law 16-92\)](#), and other complementary provisions and resolutions. Presidential Decrees No. 1569 in 1983 and No. 2330 in 1984 created the National Commission for Refugees (CONARE), responsible for adjudicating asylum claims. In January 2021, the Ministries of Foreign Relations and Interior & the Police issued [Resolution 0119-21](#), establishing regularization procedures for Venezuelan nationals who entered the country as tourists between 2014 and 2020. Asylum seekers, persons with infectious diseases, mental health issues and disabilities are, nevertheless, not eligible for the Resolution's mechanism.

## Protection Environment and Asylum Procedures

### ARUBA

Aruba has a national mechanism to determine refugee status managed by the Department of Integration, Management and Admission of Foreign Nationals (DIMAS), regulated by Article 19 of the Admission Decree.

### CURAÇAO

The Government of Curaçao published the procedure to analyze requests for protection under Article 3 of the European Convention on Human Rights in July 2019, replacing the 2017 policy.

### DOMINICAN REPUBLIC

Individuals wishing to apply for asylum must first lodge their asylum claims with the National Refugee Office (ONR) within 15 days of entering the country. ONR subsequently conducts interviews and makes initial recommendations to CONARE, the body responsible for issuing final decisions on refugee recognition.

### GUYANA

Refugee status determination (RSD) is carried out by UNHCR for non-Venezuelans who are issued a UNHCR certificate. Renewal of the entry permit is a lengthy process that may require up to three months, making it de facto impossible for Venezuelans to maintain legal status in the country.

### TRINIDAD & TOBAGO

At this time, there is no national legislation in Trinidad & Tobago governing asylum matters.

UNHCR conducts RSD under its mandate and issues documentation accordingly. In June 2019, the Government conducted a one-time registration exercise for two-weeks to register Venezuelans present in the country, including those who entered irregularly or overstayed, subject to police clearance.

## Registration

### ARUBA

In 2018, the Government of Aruba requested UNHCR to suspend its registration activities and assumed responsibility for registering and conducting refugee status determination of cases.

### CURAÇAO

In 2017, UNHCR suspended registration activities in Curaçao as per the Government's request.

### DOMINICAN REPUBLIC

Registration is conducted by the Government authorities (ONR, CONARE). Venezuelans seeking asylum are issued temporary stay permits which must be renewed every 30 days.

### GUYANA

The Government conducts registration of Venezuelans using UNHCR's Population Registration and Identity Management Eco-System (PRIMES) tools. Registrants are issued an entry permit valid for three months. Permits are renewable, but through a lengthy process.

### TRINIDAD & TOBAGO

UNHCR conducts strategic registration and RSD to prioritize persons with high protection or specific needs. Registered individuals receive a UNHCR card. The rest of the population who approach UNHCR are pre-registered by UNHCR's implementing partners and provided with a certificate identifying them as an asylum-seeker, relevant information and counseling.



**224,000**

Estimated Venezuelans in the Caribbean by end of 2021



**21,118**

Venezuelans with regular status, including residence permits, as of Nov 2019



**14,783**

Asylum-seekers from Venezuela, 2014-2018

## Access to Work and Services



- Any person requesting special status or protection in **Aruba** is granted a temporary permit if their asylum claim is still pending after four weeks of the date of their notification by the authorities of the "postponement of the order that denies entry to Aruba" following an asylum request. The recipient of the permit is not subject to restrictions concerning work for remuneration. Undocumented Venezuelans do not have access to the national health system. Children have access to primary education regardless of migratory status.
- As most Venezuelans in **Curaçao** are in an irregular situation, they do not have access to the national health system and do not have authorization to work. Venezuelan children have access to primary education.
- Asylum-seekers and those without a legal status in the **Dominican Republic** are not authorized to work, but have access to primary education and emergency medical care. Venezuelans who accede to the regularization procedure foreseen in Resolution 119-2021 will be eligible for a one-year, renewable non-resident permit, allowing temporary work or study.
- The government stay permits do not allow Venezuelans to legally work in **Guyana**. Household Registration Certificates issued through PRIMES include a stay permit with a provision against forced return, and facilitate access to education and to life-saving medical care.
- Through the government registration exercise, most Venezuelans were issued permits allowing them to remain and work in **Trinidad & Tobago** for six months, with the possibility to renew for another six months. The Government gave two consecutive six-month extensions, first in January 2020 and again in June 2020. In March 2021, the Government conducted a re-registration exercise for Venezuelans previously registered under its system, granting them another six-month extension. Even with this status, Venezuelan refugees and migrants have very limited access to rights and services.

## International Agreements

	ARUBA	CURAÇAO	DOMINICAN REPUBLIC	GUYANA	TRINIDAD & TOBAGO
Convention Relating to the Status of Refugees (1951)	—	—	✓	X	✓
Protocol Relating to the Status of Refugees (1967)	✓	—	✓	X	✓
European Convention on Human Rights (1950)	✓	✓	—	—	—
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987)	✓	✓	✓	✓	✓
International Covenant on Civil and Political Rights (1976)	✓	✓	✓	✓	✓
International Convention for the Protection of All Persons from Enforced Disappearance (2010)	✓	—	✍	X	X
Convention on the Elimination of All forms of Discrimination Against Women (1981)	✓	✓	✓	✓	✓
International Convention on the Elimination of All Forms of Racial Discrimination (1969)	✓	✓	✓	✓	✓
International Covenant on Economic, Social and Cultural Rights (1976)	✓	✓	✓	✓	✓
Convention on the Rights of the Child (1990)	✓	✓	✓	✓	✓
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (2003)	X	X	X	✓	X
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	✓	—	✓	✓	✓
Convention on the Rights of Persons with Disabilities (2008)	—	—	✓	✓	✓
Convention relating to the Status of Stateless Persons (1954)	—	—	X	X	✓
Convention on the Reduction of Statelessness (1961)	✓	✓	✍	X	X
Protocol against the Smuggling of Migrants by Land, Sea and Air (2000)	✓	—	✓	✓	✓
ILO Migration for Employment Convention (1949)	—	—	X	✓*	✓*
ILO Migrant Workers Convention (1975)	X	X	X	X	X
ILO Forced Labour Convention (1930)	✓	✓	✓	✓	✓
ILO Worst Forms of Child Labour (1999)	✓	✓	✓	✓	✓
American Convention on Human Rights (1969)	—	—	✓	X	X**
Inter-American Convention to Prevent and Punish Torture (1985)	—	—	✓	X	X

✓ PARTY TO OR BOUND BY

X NOT PARTY

— NOT APPLICABLE

✍ SIGNED BUT NOT RATIFIED

\* Excluding the provisions of Annexes I to III

\*\* Withdrew in 1998

Sources: United Nations Treaty Collection (<https://treaties.un.org>); Netherlands Treaty Database (<https://verdragenbank.overheid.nl>); OAS ([http://www.oas.org/en/sla/dil/inter\\_american\\_treaties.asp](http://www.oas.org/en/sla/dil/inter_american_treaties.asp))