

Cartagena +40: Rethinking Protection

The Cartagena Declaration remains an ambitious and important framework for providing international protection to those displaced in the Americas. Yet, 40 years on, there are limitations to this ambitious declaration that the Cartagena +40 process can work to address.

The first limitation is that, increasingly, refugee systems are not used in countries party to the Declaration. Venezuelans, who make up the largest displacement crisis in the region, are considered refugees under the Cartagena Declaration definition, and should enjoy prima facie refugee status approval in countries party to the Cartagena Declaration. Yet, in practice, most countries' asylum systems are not capable of processing refugee status applications on a large scale without significant support from the international community, and often leaders are reluctant to provide refugee status to displaced people as it typically signifies access to a more permanent stay and binds countries to accept returnees removed from countries like the U.S.. Therefore, many countries have moved towards temporary protection schemes. These schemes, while more widely available, are outside the purview of the Cartagena Declaration definition. Because of this, most Venezuelans, and some Nicaraguans, Haitians, and Cubans (who have access to temporary schemes in certain countries), are left in more insecure situations than their counterparts with refugee status.

A second and critical limitation is that, despite increased access to temporary protection in the region, temporary protection is only the start of what displaced people need. Very quickly after finding safety, they need the opportunity to support themselves by accessing work. For instance, until recently, asylum seekers in Costa Rica [faced restrictions that severely limited their access to work](#), increasing their risk of exploitation and abuse. [In Peru](#), the one-year duration of available temporary status has limited the ability of Venezuelans to acquire formal jobs, and inadequate integration efforts have limited their access to key services like healthcare. In Colombia, Venezuelans have widespread access to long-term regular status, which grants them access to important services like health and social security. Yet in 2023, while more Venezuelans left Venezuela than in previous years, the number going to Colombia decreased, despite Colombia's outstanding support, because of a lack of access to dignified jobs there. This lack is increasing the vulnerability of forcibly displaced individuals, pushing many to leave host countries or seek protection elsewhere. Once on the move, they risk falling prey to trafficking networks, criminal groups, or following dangerous routes. Without access to economic and social integration, the goal of protecting displaced people in the region will fall flat.

Finally, there are key populations who are excluded from receiving international protection, such as those displaced by climate change. Although climate change can be considered a disturbance to the public order, in practice, countries do not apply this standard to cases of people fleeing climate related events. As climate change continues to displace more people in the Americas, ensuring those affected by climate change can receive refugee status through the Cartagena definition becomes ever more urgent.

Refugees International

In order to ensure that the Cartagena Declaration lives up to its true ideal of providing a broader group of displaced people access to international protection, Refugees International proposes the following recommendations:

1. Incorporate temporary protection schemes into the Cartagena +40 process

Temporary protection statuses have become the standard regularization option in the region. Therefore, ways to improve them must be incorporated into the Cartagena +40 commitments. These commitments are not meant to supplant efforts to strengthen refugee systems, but rather be designed to increase the ways people can receive comprehensive protection, even if they don't obtain refugee status.

To ensure provision of meaningful protection, temporary protection options should:

- a. Have longer validity and the option to renew. A one year scheme, for example, is a poor replacement for refugee status. But a five or ten year temporary protection scheme can provide people enough time to integrate into their host communities without fear of imminent removal or falling into undocumented status. For displaced people who wish to stay longer in their host country, there should be an option to renew their status or a path to permanent residence or citizenship. This will ensure displaced people with temporary statuses do not fall into vulnerable situations and continue to be protected and integrated in their host country as well as protecting mixed-status families from separation.
 - b. Link temporary statuses with traditional "resettlement" support programs. For example, new arrivals to a host country who are granted temporary protected status could still access programs that help with finding housing, link them to their diaspora community, support them in enrolling children in school, etc. These programs should be led by refugee-led organizations and local NGOs but should receive financial support from the federal government and international community.
 - c. Be widely disseminated and met with increased resources towards processing applications. This wider dissemination would ensure that displaced persons are aware of the pathways available to them as well as what rights they have in their new country. Increasing resources towards processing will ensure those who have applied are given their documentation in a timely manner.
2. Use the comprehensive protection approach outlined in the Cartagena +40 process to declare integration as a form of protection and support socio-economic inclusion initiatives as part of the reception process.

It is becoming increasingly clear that integration is a necessary form of protection. Displaced people who cannot access decent work, health services, education, and other key services are at higher risk of exploitation, trafficking, living unhoused, and unable to meet basic needs such

as food and shelter. Solutions to effective integration must be included in the Cartagena +40 commitments. These solutions can include:

- a. Facilitating access to labor permits when applying for international protection. This would include providing labor permits at the onset of a protection claim application (whether for a temporary status or asylum) and ensuring that labor permits are widely recognized by employers and are not tied to one specific employer.
 - b. Ensuring the inclusion of forcibly displaced individuals in national development plans and granting them access to public services like health, education, and social protection.
 - c. Reducing the practical and legal barriers for forcibly displaced individuals to access the formal labor market. This includes expanding efforts to validate and accreditate credentials for foreign professionals; creating mechanisms to report abuses at the workplace; facilitating the formalization of those self-employed; collaborating with businesses to hire forcibly displaced individuals; among other initiatives.
 - d. Ensuring that those with intersectional vulnerabilities (such as indigenous and afro-descendent individuals, LGBTQ+ people, those with language barriers, women, youth, etc) are able to access specialized support services to find employment. This includes upskilling and training programs.
3. Allow those displaced by climate change to be granted refugee status under the Cartagena Declaration.
- a. Apply the provision regarding “disturbance to the public order” to apply to those whose lives have been seriously affected by climate change and were forced to leave their homes.
 - b. Ensure adequate due process, including comprehensive screenings and protection from return, when reviewing refugee claims of climate-displaced people.
 - c. Train refugee officials on the application of Cartagena standards to climate-affected individuals.

Conclusion

The Cartagena +40 process is an exciting opportunity to continue to innovate and seek creative ways to ensure that all displaced people who meet the definition can access a standard of protection that will enable them to live a dignified life in their host community. By broadening our thinking around protection and what it means in practice, the Cartagena +40 process can meet its potential and ensure displaced people in the region have full access to their rights.