



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

DOMINICA

I. Background and Current Conditions

Dominica has acceded to the 1951 Convention on the Status of Refugees and its 1967 Protocol. However, the country has not yet passed any implementing legislation and, to UNHCR's knowledge, has not established a national asylum procedure.

Dominica, located at the center of the chain of islands of the Lesser Antilles, is among the Caribbean countries which are affected by 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 transiting through Dominica, but has received information suggesting that Dominica may sometimes be a point of transit for Haitian nationals *en route* to the French territories of Guadeloupe and/or Martinique. The movements of Haitians in the Caribbean region are by nature mixed movements, since Haitian asylum seekers often travel the same routes as economic migrants.

Within the above-mentioned context, it is important that all Caribbean countries – whether countries of destination or of transit – develop their capacities to appropriately manage these movements, including mechanisms to identify those persons within mixed flows who may be entitled to refugee protection. At present, to UNHCR's knowledge, Dominica has not taken the necessary steps – either legislatively or administratively – to establish mechanisms to identify and register asylum seekers or to decide their asylum claims.

II. Achievements and Best Practices

UNHCR is not aware of any specific policies or practices in use in Dominica to identify asylum seekers within mixed migratory movements and to provide them with differentiated treatment.

III. Challenges and Constraints

Similar to neighbouring states and territories in the Caribbean, Dominica finds itself geographically located in a very complex migratory environment and is thus susceptible to the arrival of undocumented persons by air and sea. Limited resources are available to Caribbean governments in general to cope with the undocumented arrival of non-nationals. At the same time, the donor community does not pay sufficient attention to the migratory challenges in the sub-region. Other national priorities will normally take priority over the issue of undocumented migration. These are challenges which are faced through the region, and constrain more pro-active engagement on the issues.

IV. Recommendations

- UNHCR welcomes any initiatives of the Government of Dominica to consider the passage of domestic refugee legislation and/or to develop administrative policies which will ensure that the country is in full compliance with its obligations under the 1951 Convention and 1967 Protocol.
- UNHCR encourages the Government of Dominica to enhance dialogue and consultation with UNHCR in relation to the mixed migratory flows experienced by the country, including through consultations on groups of undocumented migrants detected in Dominica's territory.
- UNHCR encourages the Government of Dominica to gather information on the numbers of undocumented persons known to have arrived to and/or transited the territory, the nationalities of these persons, and what steps were taken (if any) to determine whether any of these individuals feared being returned to their country of origin due to violence, conflict or persecution, which would also help in assessing whether the principle of non-refoulement under international refugee and human rights law is respected. This information, if shared with UNHCR, could be a valuable tool for enhancing engagement and ensuring that the Government of Dominica receives support from UNHCR to manage mixed migratory flows.

V. Capacity Building and Technical Assistance, if applicable.

UNHCR stands ready to provide technical support in the drafting of national refugee legislation, as well as to provide training and capacity building services to designated staff within the Government of Dominica, in order to strengthen the capacity of the government to manage mixed migratory flows while protecting asylum seekers.

**Protection Policy and Legal Advice Section
Division of International Protection Services
UNHCR
April 2009**