

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<sup>1</sup> and its 1967 Protocol<sup>2</sup> are two principal binding international legal instruments for international protection. In the R4V Caribbean sub-region, the Dominican Republic is a [signatory to the 1951 Refugee Convention and its 1967 Protocol and enacted national asylum legislation in 1983](#). The Republic of Trinidad and Tobago has signed both instruments but has yet to adopt them into national legislation. Guyana has not signed or ratified either. Whereas Aruba is bound by the 1967 Protocol, Curaçao does not consider itself bound by either.<sup>3</sup> While Curaçao has not signed or ratified the 1951 Convention and its 1967 Protocol, Curaçao is bound by Article 3 of the European Convention on Human Rights,<sup>4</sup> through which persons in need of international protection can claim protection. The lack of policies and procedures limits other possible pathways to regularization.

To address remaining gaps in migration and asylum among member states, the United Nations General Assembly adopted 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 regional and international agreements govern specific aspects such as labour migration and combatting human trafficking. For instance, Aruba and Curaçao's [child labour laws](#) prevent the worst forms of child labour, limiting the minimum working age to 15.

Regionally, the Dominican Republic and Guyana are members of the [Quito Process](#) to address the displacement of Venezuelans in the region. Curaçao is an observer of the Quito Process, and the Netherlands (relevant for Aruba and Curaçao) is a member of the Group of Friends of the Quito Process as a donor.<sup>5</sup> In the Caribbean, governments and international organizations have participated in the Caribbean Migration Consultations over the years, which is a regional consultative forum to develop joint action plans, exchange information, and share best practices on migration. The Dominican Republic is also a member of the Regional Conference on Migration (RCM) or Puebla Process, which is a mechanism to coordinate policies and actions related to migration issues in Latin America. Furthermore, the Inter-American Commission on Human Rights ([IAHCR monitors human rights issues in the member states](#)) of the Organization of American States (OAS), including the Dominican Republic, Guyana, and Trinidad and Tobago, 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 and Tobago, still fall under the mandate of the IAHCR regarding the American Declaration of the Rights and Duties of Man, which includes the right to seek and receive asylum. In some sub-regional countries, including Trinidad and Tobago, there have been [reports](#) of [refoulement](#) of asylum-seekers and [human trafficking](#).

<sup>1</sup> The 1951 Convention Relating to the Status of Refugees-An international convention that pertains to refugee protection worldwide. It defines the term 'refugee' and outlines refugees' rights and States' legal obligations to protect them. The core principle is non-refoulement, which asserts that refugees should not be returned to a country where they face serious threats to their life or freedom. For more details see: <https://www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention>

<sup>2</sup> The 1967 Protocol broadened the applicability of the 1951 Convention, removing the geographical and time limits that were part of the 1951 Convention. These limits initially restricted the Convention to persons who became refugees due to events occurring in Europe before 1 January 1951. For more details see: <https://www.unhcr.org/ph/wp-content/uploads/sites/28/2017/03/3.3-1967-Protocol-relating-to-the-status-of-refugees.pdf>

<sup>3</sup> See Link to understand the Kingdom of the Netherlands Governance of Aruba and Curaçao, background on the Kingdom Affairs and the role of Netherlands in the Quito process. SEE LINK: <https://www.government.nl/topics/caribbean-parts-of-the-kingdom/governance-of-aruba-Curaçao-and-st-maarten>

<sup>4</sup> Article 3 ECHR is the national procedure – only pathway – for individuals to seek international protection in Curaçao. It entails protection against torture and inhuman or degrading treatment

<sup>5</sup> <https://www.refworld.org/es/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=v&docid=60c162944>

## Entry and Migratory Pathways

- While Venezuelans previously were able to enter Aruba and Curaçao without a visa for up to 90 days, since 15 January 2021, Venezuelans have been required to apply for a short-stay tourist [visa](#) in advance of travelling to the Dutch Caribbean, which allows them to stay in the country for a maximum of 90 days, with the possibility of extension. These visas do not include the ability to work legally.<sup>6</sup>
- Since December 2019, the Dominican Republic has required visas for all Venezuelans entering its territory, which allow them to stay in the country for 60 days in the first instance, with the possibility of extension. The requirement for a tourist visa was added to the existing visa regimens for family reunification, work, and study.
- Since June 2019, Venezuelans must obtain a visa to enter Trinidad & Tobago, the duration of which varies by case.
- Venezuelans do not require a visa to enter Guyana



<sup>6</sup> <https://www.Curaçao.com/en/questions/customs-and-immigration/what-documents-do-i-need-to-enter-Curaçao>

## 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 and stay in Aruba is regulated through the applicable legal framework consisting of the [National Ordinance on Admission and Expulsion](#) (LTU, using the Dutch acronym),<sup>7</sup> the [Admission Decree](#) (Tb, using the Dutch acronym), and the manual on admission of the Department of Integration, Management, and Admission of Foreign Nationals (DIMAS) (June 2023). The 1967 Protocol applies to Aruba and in 2018 the Government of Aruba introduced a national mechanism to determine refugee status, managed by DIMAS. Article 19 of the Admission Decree regulating the asylum procedures was amended as of 27 July 2019 and published in the Official Gazette stipulating the implementation of the “Schiphol” model—non-admission to territory pending preliminary adjudication of the claim (i.e., persons may be held in detention pending initial adjudication outcomes). While this procedure is still included in the Admission Decree, in 2022, the Higher Appeal Court held that the detention of asylum-seekers is unlawful, as the current procedures do not provide for the suitable safeguards (including the absence of the automatic review of a judge concerning the lawfulness of the detention).

<sup>7</sup> English LTU pdf. <https://www.dimasaruba.aw/wp-content/uploads/2022/07/ENGLISH-LTU.pdf>

### Curaçao

As in the case of Aruba, the State Ordinance for Admission and Expulsion (LTU by its acronym in Dutch)<sup>8</sup> regulates the terms and conditions under which foreign nationals are granted access to Curaçao. In July 2019, the Government of Curaçao published the procedure to analyze requests for protection based on the principle of non-refoulement under Article 3 of the European Convention on Human Rights, replacing the 2017 policy.

<sup>8</sup> The LTU is a law in Curaçao governing foreign nationals' admission. It's also known as the State Ordinance for Admission and Expulsion. The Admission Decree sets admission requirements and deposit rules. The LTU regulates admission, no asylum provisions, valid passport required. These laws oversee foreign nationals' entry and exit in Curaçao.

### 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. Individuals wishing to apply for asylum must submit 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. Venezuelans seeking asylum are issued temporary stay permits, which must be renewed every 30 days.

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](#).<sup>9</sup>

Approximately 43,000 of the estimated 100,000 Venezuelans in an irregular situation in the country in 2021 could register through this regularization exercise. As of December 2023, registration has not been re-opened for those who could not register in the first phase in 2021. Asylum-seekers, persons with infectious diseases, mental health issues and disabilities are not eligible for the Resolution's mechanism.<sup>10</sup>

<sup>9</sup> For details related to the Dominican Republic's Normalization Plan for Venezuelans (PNV), see: <https://www.r4v.info/sites/default/files/2023-04/R4V%20Summary%20of%20PNV%20Dominican%20Republic%202022.pdf>

<sup>10</sup> Although this clause is an official point in the Ministries of Foreign Affairs and Interior and the Police issued Resolution 0119-21, it is not applied in practice.

## National Asylum and Migration Frameworks

### Guyana

The [Immigration Act](#) and the [Aliens \(Immigration and Registration\) Act](#) govern the entry of foreign persons to Guyana. Guyana lacks national asylum and refugee legislation or government-led asylum procedures. UNHCR carries out Refugee Status Determination (RSD) under its mandate. Recognized refugees are issued a UNHCR Certificate. The number of Venezuelans who apply for UNHCR refugee protection is limited. In 2020, registration of Venezuelan nationals carried out by the Government through UNHCR's Population Registration and Identity Management Eco-System (PRIMES) tools was discontinued.

After entering the country, Venezuelan nationals are expected to approach the nearest immigration outpost to their port of entry, which will grant them a renewable Embarkation/Disembarkation Card, also known as a stay permit. These stay permits issued to Venezuelans upon entry are three months in duration (extendable for successive six-month periods), allowing refugees and migrants to have regular status in the country. However, these permits do not grant them the right to work. Furthermore, renewal of stay permits is a cumbersome and, at times, lengthy process.

### Trinidad & Tobago

[Trinidad and Tobago is a signatory of the 1951 UN Refugee Convention but has yet to adopt national legislation on asylum.](#) In July 2023, a High Court judge in Trinidad and Tobago ruled that the 1951 Convention does not apply to the Republic of Trinidad and Tobago as there has been no domestic incorporation. UN experts pointed out that non-refoulement is also a principle of customary international law and noted the risks of deportation for those seeking international protection. A strategy entitled [“A phased approach towards establishing a National Policy to address refugee and asylum matters in the Republic of Trinidad and Tobago”](#) was adopted in 2014, but the [proposed Refugee Policy is yet to be fully implemented](#). UNHCR conducts Refugee Status Determination under its mandate and issues documentation accordingly. Registered individuals receive a [UNHCR card to document refugees and asylum-seekers](#). However, this does not replace official documentation issued by the Government of Trinidad and Tobago and/or the Immigration Division, such as work permits for which applicants need to follow the established processes under the national law. In 2019, the Government conducted a one-time Migrant Registration Framework (MRF) exercise, which was opened for two weeks to register, to issue six-month work permits to Venezuelans present in the country, including those who entered irregularly or overstayed, subject to police clearance. Approximately 16,000 Venezuelan individuals registered and were issued work permits. Renewal of these permits has been offered consecutively since 2019. As of October 2023, approximately 7,000 of the originally registered 16,000 Venezuelans renewed their permits.

## Access to Work and Services



- In **Aruba** and **Curaçao**, a sponsoring employer is needed to obtain a work permit. Undocumented individuals do not have access to the national public health systems and do not have authorization to work in these countries. Children have access to primary education regardless of migratory status.
- Venezuelans registered under the 2021 Normalization Plan in the **Dominican Republic** receive a one-year, renewable non-resident permit, allowing them to work or study. Asylum-seekers and those without a regular status in the country are not authorized to work but have access to primary education and emergency medical care.<sup>11</sup>
- In **Guyana**, the government's temporary stay permits do not allow Venezuelans to work legally. A sponsoring employer is needed to apply and cover the costs to obtain a work permit. Household Registration Certificates issued to refugees through PRIMES, UNHCR's registration and identity management system, include a stay permit with a provision against forced return. Venezuelan nationals in Guyana can access public services, including education and healthcare.
- In **Trinidad and Tobago**, refugees and migrants registered under the government's 2019 Migrant Registration Framework can access the formal labour market and primary and emergency healthcare services; however, to date, children have not been able to access public education. In July 2023, the government announced that registered migrant children would be allowed to attend public schools. However, as of December 2023, although 100 children had been identified as fulfilling the requisites, none had started attending classes. Undocumented refugees and migrants in Trinidad and Tobago have access to emergency healthcare but cannot work legally.

<sup>11</sup> Venezuelans are allowed access to the Dominican public health system, especially for primary health care. However, lack of resources makes it difficult for the public health system to cater to all needs. Furthermore, needs persist regarding secondary, more complex, or longer-term treatments, and notably, support is required for lactating/pregnant women and the elderly. Specialized medical care, including Mental Health and Psychosocial Support (MHPSS), and assistance for these persons are a priority for R4V partners.

## International Agreements

	ARUBA	CURAÇAO	DOMINICAN REPUBLIC	GUYANA	TRINIDAD & TOBAGO
Convention Relating to the Status of Refugees (1951)	—	—	✓	X	Signatory
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)	✓	✓	✓	✓	X
International Covenant on Civil and Political Rights (1976)	✓	✓	✓	✓	✓
International Convention for the Protection of All Persons from Enforced Disappearance (2010)	✓	—	Signatory	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)	✓	✓	Signatory	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

\* 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))

MULTILATERAL DECLARATIONS AND RESOLUTIONS	ARUBA	CURAÇAO	DOMINICAN REPUBLIC	GUYANA	TRINIDAD & TOBAGO
New York Declaration for Refugees and Migrants (A/RES/71/1, 2016)	Adopted Without Vote				
Resolution A/RES/73/151 (2018) of the General Assembly affirming the Global Compact for Refugees (A/73/12 part II) as outlined in the New York Declaration.	N/A	N/A	Abstained	Yes	Yes
Global Compact for Safe, Orderly and Regular Migration (A/RES/73/195, 2019))	N/A	N/A	Non-Voting	Yes	Non-Voting
American Declaration on the Rights and Duties of Man (1948)	N/A	N/A	Yes	Yes	Yes

UN General Assembly (GA) resolutions reflect the views of the Member States, provide policy recommendations, assign mandates to the UN Secretariat and the subsidiary bodies of the GA and decide on all questions regarding the UN budget. Except for certain decisions regarding payments, GA resolutions/decisions are not binding for Member States; the implementation of the policy recommendations contained in resolutions/decisions is the responsibility of each Member State. (Source: The GA Handbook, [https://research.un.org/ld.php?content\\_id=36397685](https://research.un.org/ld.php?content_id=36397685))

<https://digitallibrary.un.org/collection/Voting%20Data?ln=en>