



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

SAINT KITTS AND NEVIS

I. Background and Current Conditions

Saint Kitts and Nevis acceded to the 1951 Convention relating to the Status of Refugees in February 2002, but is not yet a party to its 1967 Protocol. To UNHCR's knowledge, the country has not passed any implementing legislation or administrative regulations on asylum or refugee status, nor established a national asylum procedure. When asylum-seekers are identified, their claims are examined and decided by UNHCR.

Saint Kitts and Nevis is party neither to the 1954 Convention Relating to the Status of Stateless Persons, nor to the 1961 Convention on the Reduction of Statelessness.

Saint Kitts and Nevis, located along the chain of islands of the Lesser Antilles, is among the Caribbean countries 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 Saint Kitts and Nevis, but has received information suggesting that Saint Kitts and Nevis 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 in need of refugee protection.

II. Achievements and Best Practices

UNHCR is not aware of any specific policies or practices in use in Saint Kitts and Nevis to identify asylum-seekers within mixed migratory movements and to provide them with differentiated treatment, including access to an asylum procedure. As such, it is difficult for UNHCR to comment on achievements and best practices.

When asylum-seekers have come to the attention of UNHCR and/or UNHCR's Honorary Liaison in Saint Kitts and Nevis, the Government has fully cooperated with UNHCR. This cooperation has included facilitating UNHCR access to detained asylum-seekers for review of their claims, as well as access to migrants for general screening purposes. In the last several years, UNHCR has undertaken only one mission to St. Kitts and Nevis, and cases screened were found not to qualify for refugee protection.

III. Challenges and Constraints

Similar to neighbouring states and territories in the Caribbean, Saint Kitts and Nevis 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 throughout the region, and constrain more pro-active engagement on the issues.

In addition to setting up a functioning asylum system, Saint Kitts and Nevis should be encouraged to ensure the protection of stateless persons in line with international standards. Stateless persons who satisfy the refugee definition contained in article 1A(2) of the 1951 Refugee Convention are afforded the necessary international protection associated with that status. However, the international refugee protection regime does not specifically address the entitlement to rights of non-refugee stateless persons in need of international protection.

Accession to the 1954 Convention relating to the Status of Stateless Persons would establish a framework to protection such individuals, even though they are likely very few in number, and would work to avoid the detrimental effects of statelessness on individuals and society by ensuring minimum standards of treatment of stateless persons, providing such persons with stability and security, and ensuring that certain basic rights and needs are met.

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 human rights treaties. An increase in the number of States parties is essential to strengthening international efforts to prevent and reduce statelessness.

IV. Recommendations

- UNHCR encourages the Government of Saint Kitts and Nevis to accede to the 1967 Protocol relating to the Status of Refugees and welcomes any initiatives of the

Government of Saint Kitts and Nevis 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 relating to the Status of Refugees.

- UNHCR recommends that the Government of Saint Kitts and Nevis accedes to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
- UNHCR encourages the Government of Saint Kitts and Nevis 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 its territory.

V. Capacity Building and Technical Assistance

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 Saint Kitts and Nevis, in order to strengthen the capacity of the Government to manage mixed migratory flows while protecting asylum-seekers.

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