



## The way to San José

A review of the  
implementation of  
UNHCR's urban refugee  
policy in Costa Rica

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# The operational context

1. In September 2009, UNHCR issued a new Policy on Refugee Protection and Solutions in Urban Areas (hereafter the Urban Policy). Three months later, the High Commissioner made a commitment to undertake real-time evaluations of the implementation of the new policy in a number of pilot sites, including San José, Costa Rica. Similar evaluations have also been undertaken in Sofia, Bulgaria; Nairobi, Kenya; Kuala Lumpur, Malaysia; and Dushanbe, Tajikistan.

## **Legal framework**

2. Costa Rica is party to the 1951 Convention relating to the Status of Refugees, and its 1967 Protocol. The government of Costa Rica undertakes refugee status determination, under a new procedure established by the Immigration Act (March 2010).

3. Under these reforms, the Refugee Department was reinstated (having been abolished in 2005), a Commission for Visas and Refugees was established (which is responsible for refugee eligibility), and provision was made for the creation of an Administrative Immigration Tribunal. Regulations for the new law have not yet been issued.

## **Refugee population**

4. The total refugee population of Costa Rica as of September 2010 was 12,373, including 10,229 persons of Colombian origin. The majority of the Colombian refugees have been in the country for more than six years, with the largest influx arriving between 2000 and 2002 (when a visa was imposed for Colombians).

5. Asylum and refugee issues in Costa Rica should be seen as part of the broader migration context, with growing mixed migration movements within the region. A more recent phenomenon is the increase in asylum seekers and migrants arriving from countries outside the region, adding further complexity to the protection environment. The remaining refugee population includes persons from over 30 other countries, ranging from El Salvador, Nicaragua, Cuba, Bangladesh, Nepal, Ethiopia, Somalia, Zimbabwe, Eritrea, and Pakistan.

6. Office statistics show that 80per cent of asylum seekers enter the country irregularly from Panama, mainly due to the difficulty in obtaining a visa to enter Costa Rica. As such, the border with Panama and the detention centre for irregular migrants has become a protection hotspot. At the end of 2009, a joint UNHCR-IOM regional conference took place in Costa Rica to discuss the asylum-migration nexus and the UNHCR 10 Point Plan of Action, which sets out a strategy for improving refugee protection within mixed migration movements.

7. In line with the new Immigration Act, refugee status determination is carried out solely by the Refugee Department, under the Immigration Office. The numbers of asylum applications during 2008, 2009 and the first six months of 2010 were 965, 1,184 and 592, respectively. During 2009, an average of 90 people per month sought refugee recognition and the overall recognition rate was approximately 40per cent.

8. It is also interesting to note the increased diversity of application claims - in addition to Colombian claims, there are also claims from conflict, violence and persecution in Africa and Asia with extra-regional asylum seekers originating from Bangladesh, Ethiopia, Somalia, Eritrea, Pakistan, amongst others.

9. Furthermore, given the socio-political context of neighbouring Central American countries, there has been an increased number of asylum applications alleging persecution from non-State actors, such as the gangs known as maras, from Guatemala, Honduras and El Salvador. The vast majority of these cases have been rejected, indicating that there is significant scope for training and more information on non-traditional and more current asylum claims.

### **Pilot site**

10. One of the reasons that Desamparados was selected as a pilot site was because of its innovative approach to integrating refugee protection into the local development strategy. It is a multi-cultural city with a large population of nationals, refugees and migrants - UNHCR estimates that some 20 per cent (3,600 persons) of its total population of concern in Costa Rica resides there. Yet it is also one of the most populated and impoverished cities in Costa Rica.

11. Today the population is estimated at over 250,000 with more than half living in poverty-stricken neighbourhoods, such as Los Guidos and Managuita. Competition for scarce resources such as housing, employment and basic services is high.

12. The municipality of Desamparados is well aware of its multicultural character, which requires additional social programs to improve co-existence among the residents from Nicaragua, Colombia, Cuba, Haiti, El Salvador and others. Working in partnership with the municipality, UNHCR has tried to avoid a parallel system for refugee support and instead promoted an integrated approach whereby refugees are treated at least equally and with the same rights, as the other inhabitants of the city.

### **Operational challenges**

13. The survey highlighted the significant degree of education that characterizes the Colombian refugee community in San Jose, with 39.7per cent having tertiary education qualifications and 42.7per cent having completed secondary school. However, the discrepancy between the level of education and the level of employment clearly shows the significant problems in obtaining employment, such that only 11.6per cent of the target groups were formally employed and a further 23.5per cent were self employed. The remainder was overwhelmingly unemployed.

14. Local integration programmes have therefore prioritised livelihoods and self-reliance. However, these efforts are often hampered by a lack of public awareness about the nature of refugee status. There has also been increased discrimination and xenophobia against Colombians, who are often perceived as a potential security threat. In recent years, a very restrictive immigration policy towards Colombians has resulted in a decrease in the number of visas issued and an increase in the number of unauthorized entries at the Panama border.

15. The changes in the government during this year and the implementation of new immigration legislation have also posed challenges. The new Immigration Act came into force in 2010 and the general consensus is that it has been successful in integrating immigration control, human rights concerns and the recognition of local integration. However, certain areas require further work.

16. The creation of the Administrative Immigration Tribunal is still an important pending issue whilst regulations for the new law are urgently required and have not yet been promulgated - UNHCR has worked closely with the government on a draft proposal that is now being assessed by the government internally.

17. It is also of concern that the human trafficking unit has in a sense been demoted, politically-speaking. Under the former government, human trafficking policy was defined within the Ministry of Public Security and Governance, but it has now been moved to a unit within the Immigration Office.

18. The fact that this new unit is not a department established by law, like the Refugee Department, and is no longer at ministerial level, could result in fewer opportunities for inter-ministerial coordination. It is hoped that it will be assigned a more formal character in the pending regulations.

## **Partnerships**

19. In addition to supporting the establishment of the new Refugee Department, UNHCR has a large number of programmes with institutional, donor and civil society partners, and is well connected to a number of other human rights and migrants' rights organizations, providing a broad protection network. This has been crucial in implementing the Urban Policy.

20. Some of the most important partners include:

- Asociación de Consultores y Asesores Internacionales (ACAI) is the main provider of material and economic assistance, psychosocial support and legal counselling to refugees. It also focuses on access to employment and micro-financing opportunities.
- Asociación de Profesionales en Desarrollo (APRODE) is a micro-finance institution with extensive experience in the field of self-employment.
- Pastoral Social-CARITAS Costa Rica (CARITAS) identifies and refers refugees to UNHCR and other partners, in the provinces of San Jose (Rincon Grande de Pavas), Puntarenas and Guanacaste.
- Casa de Derechos de la Municipalidad de Desamparados was a joint effort between the UNHCR, the Municipality of Desamparados, ACAI and the University of Costa Rica. It is intended as a community support centre, where legal and psychosocial assistance is provided.
- The University of Costa Rica has an agreement that allows senior students to work with ACAI, the Casa de Derechos or the Refugee department during their professional practice placements.

- Defensor de los Habitantes (Ombudsman) has an agreement to allow the presence of a liaison person at the Ombudsman's office near the Panama border in the city of Neily.



# Implementing UNHCR's urban policy

## **Protection space and guiding principles**

21. The evaluation analyzes the degree of protection space available to urban refugees. While the notion of protection space does not have a legal definition, it is a concept employed in the Urban Policy to describe the extent to which a conducive environment exists allowing internationally recognized rights of refugees to be respected and their living needs met in acceptable conditions.

22. In an urban context, the refugee community is potentially exposed to the full range of protection risks to differing degrees (detention, deportation, harassment, exploitation, discrimination, violence, etc.) which all impact on the degree and type of protection they are afforded.

23. However, it should be noted that the concept of protection space is not a static one, but expands and contracts periodically according to changes in the political, economic, social and security context. As such, it is assessed primarily in a qualitative manner. For example, the extent to which protection space exists in the urban area of San Jose and the Greater Metropolitan Area can be assessed in terms of the circumstances in which UNHCR and its humanitarian partners are able to work freely in Costa Rica.

24. The evaluation also takes into account the guiding principles referred to in the Urban Policy, which underpin and apply to all aspects of UNHCR's work, namely: the respect of refugee rights, including access to justice and non-discrimination; state responsibility for refugee protection; effective partnerships; comprehensive needs assessments; age, gender and diversity mainstreaming; equity among refugees; a community-based approach; UNHCR outreach to refugees; and self-reliance.

25. The remainder of this section addresses each of the twelve issue areas that comprise the Urban Policy and evaluates how they are currently being applied in the Costa Rica operations.

## **Reception**

26. According to the Urban Policy it is important that asylum seekers and refugees have direct access to UNHCR offices. In a context where the government is responsible for refugee status determination, this should be interpreted as reception on first arrival and access to asylum procedures. There should also be systems in place to provide information, appointments and referrals.

27. Refugee status procedures are centralized in the San José immigration office and access to asylum procedures in other areas is dependent on effective referral mechanisms. Crucially there are no formal identification or referral procedures at the borders and international airports. Since border and airport officials often lack adequate training, and the capacity to provide information on the right to seek asylum, detection of asylum seekers and other persons of concern is limited.

28. The UNHCR office has worked with the Ombudsman's office and IOM on improving the reception procedures at the border with Panama through protection workshops on asylum procedure. A training proposal has been sent to the migration authorities and, if an agreement is reached, a comprehensive training program will be implemented for this purpose.

29. The first stop for asylum seekers is the Refugee Department in the Immigration Office, where the separate reception facilities seem to have dramatically improved access for asylum seekers and refugees. The fact that there is now a specialized department to deal with refugee issues should make the application process smoother. The director has also recently received specialized training from UNHCR.

30. Information on asylum procedures is available in Spanish and to a more limited extent, in English and French. The existing brochures are being updated with the new procedures. However, there is no provision of information in any other language, and this has proved to be a concern in the past year, with the arrival of extra-regional asylum seekers. Equally, a significant level of mistrust and fear on the part of asylum seekers is still evident, and it will take some time and effort for the Refugee Department to gain credibility as a protection entity and not solely a migration control entity.

31. Although there are no formal obstacles to accessing UNHCR staff directly, and some do approach the UNHCR office for information, the majority of asylum seekers are referred from the Refugee Department to partner organizations. The latter refer to UNHCR in situations where the specific involvement of Durable Solutions or Protection staff is needed. This occurs mostly in the case of resettlement candidates.

32. There appears to be relatively fluid communication and collaboration amongst these organisations, as demonstrated by two good practices which were identified. Firstly, the ACAI has a hotline which is manned full-time by staff members who can give concrete telephone advice or refer enquiries to the UNHCR or the Refugee Department. Secondly, UNHCR, ACAI, Casa de Derechos and APRODE have begun using a new joint database specifically designed to improve the identification of persons with special needs and avoid the duplication of services.

33. Most of the refugees interviewed gave positive feedback on their reception and assistance by these partner organisations, stating that if it were not for these institutions, they would not have survived in Costa Rica, since the government does not provide any institutional assistance to them.

34. Interestingly, it was observed in the focus groups that the men were generally less satisfied than the women, with the latter seeming to be less critical, and more appreciative, of ACAI, APRODE and UNHCR. It is likely that this reflects the differing gender priorities and circumstances in the urban context, and the fact that many of the women interviewed were single mothers whereas the men overwhelmingly arrived with families.

35. Outreach to areas outside the San Jose-Desamparados area is carried out when potential asylum seekers are identified. UNHCR has recently established a closer relationship with CARITAS in Rincón Grande de Pavas, a major migrant community, which will at least improve access to asylum for those residents. UNHCR also has a representative working for ACAI at Ciudad Neily near the

border with Panama. This representative is physically situated in the office of the Ombudsman and is responsible for giving asylum-related advice to persons entering the country. However, this is not exactly at the immigration crossing point of Paso Canoas, which means monitoring and referral have a limited scope and impact.

36. During the mission, some asylum seekers were identified in the immigration detention centre and it was clear that there was a lack of information and confusion on the state of their claims - case resolution is often dependant on negotiations with the director of the centre.

37. Detention centre monitoring is also limited and consists of two visits per month by UNHCR and/or ACAI staff. The conditions and procedures of the detention centre appear to have improved although they remain unsuitable for the more vulnerable cases whilst the arrival of large numbers of extra-regional persons would pose significant challenges.

38. UNHCR is aware that establishing mechanisms for child protection is an urgent pending issue, especially for those who are separated from their families or arrive unaccompanied. The National Children's Board (Patronato Nacional de la Infancia, PANI) is a large, bureaucratic institution with limited financial and human resources, which is difficult to navigate and negotiate with.

39. The UNHCR office has recently renewed efforts to contact the new Board administration, which appears to be more interested in working together, and is preparing a proposed memorandum of understanding to present to it. It has initiated contact with the International Children's Defence (Defensa de Niños y Niñas Internacional, DNI).

#### *Recommendations*

40. New reception procedures should be monitored at the Refugee Department and reception facilities improved. This could include the presence of a long-term refugee to instil confidence and trust in the process amongst newly arrived refugees.

41. Use of the new database amongst UNHCR and its partners should be monitored to improve the detection of, and communication on, cases with special needs, to avoid duplication.

42. UNHCR should strengthen its presence throughout the country through strategic partnerships, particularly in migrant communities in the Greater Metropolitan Area and on the border regions. A formal referral mechanism with immigration offices around the country should be established, so that people do not necessarily have to be in San Jose to apply for asylum. This will protect against *refoulement* and improve access to asylum. However, such referral mechanisms should not constitute a pre-screening of applicants and the refugee status determination should by no means be decentralized.

43. Monitoring of the detention centre should be stepped-up, including monitoring by lawyers and psychologists from ACAI, in order to detect asylum seekers and other persons of concern. UNHCR should advocate for more involvement from IOM and the Ombudsman's office in monitoring irregular migration in general.

44. Communication between the immigration authorities and detainees should be monitored to ensure information is accurate and does not cause undue stress for those in detention. A separate cubicle for interviews with detainees should be created at the detention centre. UNHCR should also prioritize formalising a working agreement with the National Children's Board, to bolster child protection and detection from the point of arrival.

## **Registration**

45. According to the Urban Policy, registration of refugees and asylum seekers is crucial. The evaluation team therefore assessed whether the government's new registry system allows for more reliable data collection and whether it effectively reached those beyond capital cities. In addition, the team reviewed the extent to which registration can be used as a tool for programme design to determine different types of assistance and, in particular, whether it could identify at-risk individuals and enable tailor-made durable solutions.

46. The government's registry system does not allow for reliable data collection and referral firstly because there is no separate registration for refugees in Costa Rica. The immigration department has a database that includes all those who have formally applied for an immigration status, meaning refugees are included alongside those who request immigration status.

47. Secondly, the current registration database used by the Immigration Office does not disaggregate statistics on the basis of nationality, sex and age, and there is no provision for issuing reports. The quantitative data is inadequate and often inaccurate, and qualitative information on individual cases is practically non-existent. The lack of government statistical reports is a major obstacle in assessing the precise numbers of refugees.

48. According to UNHCR, the Immigration Office has reservations about hiring a person to create a statistics module. The UNHCR office has therefore been working closely with the Refugee Department to design templates for statistical reporting on the status of applications, recognitions and denials, as well as on specific issues such as unaccompanied minors.

49. In addition, UNHCR employed two people to work in the Refugee Department to assist with statistics. For the first time, unaccompanied and separated minors are being registered. However, addressing these gaps is still dependent on the government's goodwill in implementing the templates and passing on the information.

50. Outside San Jose, the only registration process at work is on the southern border point, where all those who enter are now registered. Since they do not actually apply for asylum there they are simply given an official letter that allows them to travel to San Jose where they then apply for asylum.

51. This gap could be partially filled by UNHCR's new and comprehensive database system which became operational in January 2010 and which it shares with its partners, ACAI, Casa de Derechos and APRODE. It includes a file on the "active" refugee population, i.e. all asylum seekers and refugees that have been identified

and/or assisted by the UNHCR or its partners. It also covers areas outside the Greater Metropolitan Area where UNHCR has a liaison presence.

52. Despite clarification in the new Immigration law, the issue of whether refugees who opt for residence are still considered refugees remains a complex issue. For statistical purposes, until this year, such persons were not considered refugees, but now they are given the option of whether to renounce their refugee status or not.

53. It seems that many refugees take this option, especially those who have been in the country a longer time, so that they can travel to Colombia and visit family members. Apart from having serious protection implications it has also led to a discrepancy between the number of refugees in the government's registry and UNHCR database.

### *Recommendations*

54. A high priority should be the improvement of the government's data collection. UNHCR should continue working closely with the government to design and restructure its registration system, database and statistical reports, which can identify asylum seekers, refugees, and residents. Standardized indicators should be included to identify individuals with special protection concerns. Refugee statistics should be included as a separate but integral part of the official immigration statistics.

55. UNHCR should monitor the procedures that have led to refugees renouncing their status, in order to obtain resident status, and ensure they are able to make an informed choice.

56. Use of the UNHCR database should become part of the daily work, so that the entering and updating of data is done on a continuous basis. Formal mechanisms should be created to communicate the necessary information with the Refugee Department.

### **Documentation**

57. As stated in the urban policy, all urban refugees should be provided with documentation. The evaluation team reviewed whether refugees are provided with adequate official documentation (identity and legal status, birth registration, marriage and death certificates), whether the police and other government institutions recognize these documents, and whether they are accepted when accessing services provided by hospitals, schools and banks. In cases where this was problematic, the team evaluated to what extent UNHCR was able to advocate for measures to ensure that documentation was available and recognized.

58. Documentation remains a precarious issue. Asylum seekers are granted a laminated identification card when they apply for asylum, which protects them from police harassment and deportation. It does not give them the right to work, and interviewees stated that they were unable to access banking and other services with this document.

59. The government frequently runs out of supplies to make the cards, in which case it requests assistance from UNHCR to purchase them. This is clearly not a sustainable situation, and has a negative impact on asylum seekers, who, in the interim, are left with only a piece of paper as proof of their status.

60. Asylum seekers do not have the right to work and given the long delays in the processing of claims (much longer than the 3 months set out in the law) this often results in lost formal employment opportunities, severely limiting refugees' self-reliance (see below). Many resort to short-term work in the informal sector.

61. UNHCR had initiated advocacy efforts with the former government, calling for recognition of the right to work for asylum seekers, however a decree from the Migration Office giving asylum seekers the right to work was revoked after less than a week, in the face of opposition from the Ministry of Labour.

62. Once a refugee is recognized as such, he or she can apply for an identification card. Interviewees maintained that this was much more useful than the asylum seeker card, but the new fee structure (as set out in the Immigration Law) means the cost of definitive documentation for refugees is excessively high, currently running at USD 123 per person.

63. Refugee documentation is valid for one or two years, and requires renewal at the same cost. Moreover, the fact that the word "refugee" is clearly stated on the card often causes serious problems when accessing jobs and services. Negative perceptions about asylum seekers and refugees means their documentation is often more of an obstacle than an aid to accessing services. Many refugees opt for a change of status through permanent residency and naturalization applications, so that their documentation makes no mention of the word "refugee".

64. That said, there is also a significant lack of information amongst refugees about the issue of changing immigration status from "refugee" to "resident", in addition to the excessive costs involved (currently running at USD 200 per person). Furthermore, many refugees interviewed maintained that the treatment they received at the Immigration Office was not positive, and there were frequent complaints of rude and discriminatory treatment, non-standard procedures, shifting requirements, excessive delays, and lost individual files.

65. The social security and public health system in Costa Rica is one of the best in Latin America and refugees should have access to it. However, access to the social security is currently undermined by a classic Catch-22 scenario. On the one hand, a person must have a valid immigration document to register for social security. But in order to renew an immigration document, a person needs to have uninterrupted registration with social security. Both come at a significant cost. UNHCR is lobbying for subsidized social security during the first year of being in Costa Rica, after which the refugees would likely contribute social security payments.

66. Although the relationship between UNHCR and the authorities is generally good with respect to the issue of documentation, there is little communication and coordination. A major challenge relates to maintaining the agreements made with the previous government and training the new public officials.

67. However, there is a strong commitment on behalf of UNHCR and ACAI, among others, to continue advocating for changes. Since the problems under the new law associated with documentation also apply to migrants, UNHCR has recently contacted the Jesuit Migrant Service to start joint lobbying on this issue, as this organization also participates in the National Migration Council.

#### *Recommendations*

68. A priority for UNHCR should be to advocate exceptions to immigration fees for refugees, and a reduction in the fees for permanent residence applications. The Immigration Office should ensure that the Refugee Department has sufficient resources to carry out its responsibilities, in this case, providing asylum seekers with the necessary provisional documentation.

69. UNHCR should advocate for more acceptance of the asylum seeker card, and for the recognition of the right to work, through a temporary work permit while the refugee status determination process is pending.

70. UNHCR should continue to advocate for the removal of the word “refugee” on the immigration document issued to refugees, so that it is not obvious to employers whether the person is a refugee or not. The document should be considered the same as a regular identification document for residents, although the person should be identified as a refugee in the registry.

71. UNHCR should advocate for the link between immigration documentation and registration in the social security system to be cut. A formal negotiation process with the National Social Security Institute should begin to discuss the facilitation of access to social security registration for refugees (for example, social security payments could be waived for the first year of a person being a refugee).

72. Another suggestion proposed during the real-time evaluation is for the National Social Security Institute and the Immigration Office to make a joint proposal to the National Migration Council, with respect to these issues, since they are both members.

#### **Refugee status determination**

73. The Urban Policy highlights the need for effective refugee status determination procedures which should be easily accessible, transparent and consistent. The team also reviewed whether those in need of international protection were recognized as refugees and whether UNHCR is monitoring the application of the new law with respect to refugee status determination.

74. In principle, the new refugee status determination procedure is a positive step and represents a good practice for the region, since it provides for both administrative review and a judicial appeals procedure. However, the transition to this new procedure has seen certain setbacks and is being implemented at a slow pace. A key element here is the drafting of the Regulations, in which it is hoped that many of the obstacles set out in the Immigration Law can be avoided.

75. Under the new Immigration Act, a separate and professional Refugee Department has been re-established, partly with UNHCR financing, which coordinates all asylum applications, conducts interviews and drafts proposed resolutions. This was significant in view of the 2005 decision to abolish the Refugee Department which had resulted in the deterioration of refugee status determination procedure.

76. This was characterised by long waiting periods for case resolution, the absence of specialized immigration staff, and a lack of information on the reasoning for final resolutions which hindered the appeal process. Nonetheless, despite its re-establishment, there is currently a shortage of capacity in the Refugee Department to process claims within the time period stipulated by the law whilst UNHCR funding is not a sustainable way to finance the office.

77. Moreover, there are significant delays in the resolution of asylum claims primarily due to a deadlock in the Commission. When a refugee application is made it is then presented to the newly created Commission for Visas and Refugees, operational since July 2010, which is the first-instance decision-maker. This Commission consists of three high-ranking government officials - the Vice Minister of Labour as president, and middle-ranking officials from the Ministry of Foreign Affairs and Ministry of Security and Justice. According to UNHCR, the recognition rate dropped to 9 per cent in the two months (July and August) of 2010 since the Commission began its work.

78. The majority of those recognized have been on review, or family extensions, as opposed to new cases. A very strong asylum case involving a family of 21 applicants from Honduras was rejected. To date even these resolutions taken by the Commission have not yet been formally signed or notified to the refugees, and UNHCR has not yet been informed of the reasoning used and the basis of the decisions taken.

79. Part of the problem with the Commissioners seems to be that they receive a stipend for their participation. The work usually takes place after normal work hours. As such it is not seen as part of their normal responsibilities and there is some resistance to working longer hours and receiving training on refugee status determination and international refugee law for only a symbolic sum.

80. Additionally, the high level of officials involved, and the honorary nature of the appointments, has tended to make the Commission a political organ, as opposed to a purely legal decision-making body. These setbacks and delays in the processing of asylum claims is of particular concern in view of the already significant backlog of asylum applications; there is a six-month backlog of cases for the Commission (approximately 500 claims pending).

81. There is also a review procedure known as *revocatoria*. According to the new procedures, a refused claim can subsequently be taken to appeal at the Administrative Immigration Tribunal. The Immigration Law stipulates that the National Migration Council (*Consejo Nacional de Migración*) is responsible for establishing the Tribunal, and the judicial appointments will be open to the public. However, this important new entity is not yet in existence.



82. This is a serious concern at present, because it results in a legal limbo for denied asylum claims, which cannot be completely resolved. As a result of a rights action (amparo), the Constitutional Court has given the Immigration Office a period of three months to set it up. Equally, there is a severe shortage of lawyers amongst the NGOs, who are trained and able to take on the challenge that the increased number of denied claims will present.

83. With important lobbying on the part of UNHCR, particular achievements regarding the new law include the elimination of a drastic regime on exclusions and cessation and the incorporation of the 1951 refugee definition and gender as a new persecution ground. However, there seems to be some concern among the stakeholders as to how the gender persecution criteria will be interpreted.

84. In addition, the new law establishes specific immigration status categories for victims of trafficking and for persons in need of humanitarian protection. There are no criteria or procedures as yet for these categories, although the UNHCR is working with IOM to establish regulations for the former category. According to the Director of Immigration, those in need of humanitarian protection will be analyzed on a case-by-case basis, as was done recently in the case of Haitians fleeing the earthquake.

85. The Team on Special Migration Situations (Equipode Situaciones Migratorias Especiales, ESME) is a recently established group. Its objective is to deal with newer issues such as the arrival of extra regional migrants and asylum seekers, rescue operations on the high seas, unaccompanied minors, and migrant smuggling situations.

86. The aim is to design a protocol to deal with these matters, which can be replicated in regional immigration offices and on the border. There is also an idea to do pre-screening. In addition, the Immigration Office is planning to establish an Integration Department, which will coordinate with the national development institute, and will take into account the experience of UNHCR and its partners.

### *Recommendations*

87. UNHCR should advocate for the provision of training to protection officers, Commission members, and eventually, to Tribunal judges. UNHCR should also advocate for a change in the honorary status of the Commission appointments, so that participation becomes part of the official's responsibilities. Alternatively, incentives to the members should be considered. This will help to prioritize the Commission's work.

88. The establishment of the Tribunal and the appointment of judges should be a priority. The promulgation of Regulations to the Immigration Law is also crucial but should take into account the inconsistencies in the law itself that negatively affect refugees and asylum seekers.

89. UNHCR could consider supporting litigation undertaken by other organizations, in preparation for the creation of the Tribunal. This could include strengthening the legal team in ACAI, or other organizations, so that challenges to denied claims in the court or in the Tribunal can be made.

90. UNHCR should advise the Immigration Office on the criteria for issuing visas for trafficking victims and for humanitarian reasons.

### **Reaching out to the community**

91. The Urban Policy highlights the need to ensure effective outreach to the refugee community. The evaluation team reviewed UNHCR's capacity building activities and their impact on the authorities' ability to engage in a positive manner with urban refugees. The real-time evaluation also targeted the effectiveness of UNHCR's partnership with the Casa de Derechos, and its ability to reach out to all segments of the refugee community. Finally, the team considered whether steps were being taken to design and support programs specifically for women and girls, victims of gender-based violence and trafficking, and for unaccompanied and separated minors.

92. Outreach is highly relevant for identifying persons who fall under the UNHCR mandate, and their special needs, because the urban population is so widely spread out and mobile. As such, UNHCR maintains close and collaborative relations with its partners ACAI, Casa de Derechos, APRODE and CARITAS, and a key strategic relationship with the Municipality of Desamparados.

93. The local community centre, the Casa de Derechos, is a good because it is underpinned by, and has strengthened, mutual support and coordination among the local authorities, UNHCR and its partner agencies. As well as being a sustainable project, it is also a positive model for attracting target populations to a local community centre in order to counteract the scattered nature of urban refugees. The project stems from an agreement between UNHCR and the Municipality of Desamparados to protect the rights of, and provide counselling to, asylum seekers, refugees and persons of concern, as well as migrants and nationals.

94. This proactive approach has enabled outreach to many more refugees and persons of concern living in the most populated and marginalized cantons in Costa Rica. As well as providing a centralized point of access to services, it has also enabled a pooling of resources as each institution involved contributes resources and shares costs. The project contains innovative aspects, which follow the principles of the 10 Point Plan of Action, since services are provided on an equal basis and at no cost to refugees, migrants and nationals.

95. Although the UNHCR office considers it important to work with all segments of the refugee population, the results of age, gender and diversity mainstreaming participative assessments have identified groups with special needs. It has therefore prioritised programme efforts aimed at women and youth.

96. For example, UNHCR, ACAI and Casa de Derechos have developed a programme for refugees affected by gender-based violence. Mutual support groups have been set up for women affected by violence, and an integrated services model and protocol have been drafted and implemented. In practice, this appears to be working well, with more cases being detected and attended to.

97. Information materials are also distributed through ACAI and the Casa de Derechos on sexual and reproductive health issues and HIV prevention. UNHCR has started a programme aimed at reaching out and responding to the needs of

refugee women and girls, especially those who are destitute or may have to resort to survival sex and other negative coping mechanisms.

98. In conjunction with the Association for the Improvement of the Quality of Life of Women Workers and Ex Sex Trade Workers, UNHCR organized a Health Fair in 2009, specifically aimed at providing medical and psychological services, legal advice and general information about rights and health risks. Although few refugees were identified among the group of mainly migrants and nationals, the experience was positive and will be repeated this year.

99. In the survey results, 10 per cent of the interviewees stated they had no knowledge of the services available, indicating more scope for outreach and the promotion of services on the part of UNHCR and its partners. This is particularly true with respect to asylum seekers, who had less knowledge of the programmes available. Community outreach programmes and services are also highly centralized for the most part in San José and the Greater Metropolitan Area, since the UNHCR office estimates that the vast majority of refugees live in these areas.

100. However, detection of persons of concern outside these areas is difficult and sometimes impossible. There is no UNHCR or partner office in the field, except an ACAI representative near the border in Ciudad Neily. Although the UNHCR office does not see it as a priority to expand community outreach beyond the Greater Metropolitan Area, it has detected key areas and is extending its joint activities with CARITAS to the provinces of Guanacaste and Puntarenas. CARITAS has an alliance with the Jesuit Migrant Service, which provides advice on migration documentation and is in a strategic position to detect people who potentially fall under UNHCR's mandate and refer them accordingly.

#### *Recommendations*

101. In all outreach programmes, UNHCR and its partners should aim to create alliances with public institutions, community organizations, local governments, housing and other types of communal associations, in order to create mutually beneficial networks.

102. It is evident that in general the community services programmes in Costa Rica are well-developed and show a high level of success. Yet many of the activities and projects are isolated efforts, and are not integrated into a comprehensive community outreach programme. They also lack continued, secure and independent funding.

103. Although significant successes can be identified, they often respond to a particular need that arises, as opposed to being part of a broader strategic community services plan. It is hoped that the recent durable solutions strategy and the establishment of a community services committee will assist in promoting a more integrated approach in this regard. The impact and sustainability of these programmes should also be formally evaluated, so that they can continue with more beneficiaries and greater commitment from those already involved, including in terms of funding.

104. As the overwhelming majority of the refugee population resides in the Greater Metropolitan Area, UNHCR should continue to expand its representation in this

wider urban area. In particular, it is well-positioned to strengthen its relationship with migrant organizations in the area, including the Jesuit Migrant Service. Training should be provided to them on case supervision and follow-up in order to strengthen their ability to detect UNHCR's persons of concern. Attention could also be paid to how to achieve better outreach in more remote locations where there is under-representation, primarily for needs detection.

105. UNHCR and its partners, particularly the Municipality of Desamparados, should promote the Casa de Derechos as a sustainable model. They should assess the most suitable location and potential partners to replicate the model in another municipality.

106. UNHCR and its partners should consider including refugees themselves as key elements in community services programs, to act as guides and leaders for new arrivals to the country.

107. UNHCR and its partners should consider developing programmes that focus on the specific needs of men and boys, based on discussions with these groups about what programmes and trainings would be beneficial to them. This should not in any way detract from the successful results being obtained from the programmes that encourage the participation of women and girls.

### **Fostering constructive relations with refugees**

108. The Urban Policy states the need for UNHCR to foster constructive and sustainable relations with, and between, refugees and the host community. The real-time evaluation assessed how UNHCR encourages this through advocacy and programming. In particular, the team assessed how the Casa de Derechos supports the integration of refugees into the wider community. It also evaluated to what extent UNHCR has made effective use of the resources and capacities existing in the refugee community. Finally, it reviewed whether there is monitoring of the impact of partner activities and if such partners have accountability mechanisms that allow for refugee involvement in programme design.

109. In a recent independent survey in the main metropolitan area 25per cent of people who responded said they knew UNHCR. Furthermore, 50per cent chose the correct refugee definition, although 41per cent of the people surveyed chose the option that defined a refugee as an economic migrant. As far as the perception of refugees is concerned, whilst a majority (67per cent) said they have a positive opinion of the refugees who live in Costa Rica, 64per cent believed that the presence of many refugees in the country could have negative consequences.<sup>1</sup>

110. Recent political statements and campaigns have emphasized the issue of public security, detracting attention from the human rights discourse and fuelling xenophobic tendencies amongst some of the local population. In the media and social perception, refugees are commonly mistaken for economic migrants and many Costa Ricans associate Colombians with drug dealers. They are often blamed for the increased crime and insecurity in the country. This is exacerbated further by the fact that the positive contributions made by refugees are generally not given media

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<sup>1</sup> Conducted by a private company, IPSOS Latin America

attention and the fact that the refugee population is often isolated.

111. Two events stand out in recent years. In 2006, the Minister of Security shared the list of Colombian refugees with the Colombian government in order to check criminal records. This story was taken up by the media and reinforced the link between public security and migrants. Following the 2008 bombing of a FARC camp in Ecuador by the Colombian army, the Minister of Security in Costa Rica made allegations that FARC had used refugee status as a channel to infiltrate Costa Rica, with the collaboration of high-level politicians. This created a new media scandal. On both occasions, UNHCR expressed its concern to the authorities, highlighting the serious breaches of the principle of confidentiality and the security implications to the Colombian refugee population, as well as to their families in Colombia.

112. During the focus group interviews, it became clear that Colombian refugees, who are the overwhelming majority, experienced a double discrimination from the host community, on the basis on their nationality and because they were refugees. In particular, the women told of how their children were often exposed to harassment in schools due to their nationality, whereas the youth, although aware of the situation, considered their education and work ethic to be superior to their local peers and so were less perturbed by it.

113. UNHCR has an active Communications/Public Information unit, which works on cultural activities and produces a significant amount of promotional materials, including a recent documentary. This unit works with journalists and journalism students, as well as youths (national, migrant and refugee) in San Jose, and focuses on success stories that show the positive contribution made by refugees to Costa Rican society. It is one of the most active within the UN system in Costa Rica on an inter-agency level.

114. Furthermore, the Media Watchdog for Refugees and Migrants (Observatorio de Medios de Comunicaci3n sobre Poblaci3n Migrante y Refugiada), an important tool for public awareness, has an office in the Casa de Derechos, which enables it to be close to day-to-day refugee issues. However, this mechanism could be further integrated into the work of UNHCR, particularly with respect to media work and the training of journalists.

115. The empowerment of refugees is a key factor in fostering acceptance of refugees, access to their rights, and participation in programme design. Age, gender and diversity participatory assessments continue to be conducted as part of an ongoing process. The UNHCR office has also implemented use of the Heightened Risk Identification Tool as a means of encouraging refugees to prioritize their needs, agree on those most in need and develop realistic expectations of UNHCR's assistance capacity.

116. Another way of fostering dialogue has been through mutual support groups. UNHCR has established "diversity groups", comprising members of the refugee population who have common goals, interests or problems. These include youth groups ("los parceros"), a group of women entrepreneurs ("las 1guilas Emprendedoras"), and a group of adult men, which has experienced more difficulties than the other groups with respect to cohesion and purpose.

117. These groups have become an important forum for the exchange of ideas and experiences. However, diversity groups remain a unique UNHCR and ACAI project and have been isolated from the wider community. In addition, they are almost exclusively Colombian, with almost no other nationalities, and notably no Colombians of afro-descent, participating.

118. Some community outreach activities are specifically designed to foster integration into the host community. One of these involved a large-scale community project (Lazos Sin Fronteras) which included refugee, migrant and national youths in the design and organisation of a conference held in early 2011. The topic to be addressed at the conference was the integration challenges faced by refugee and migrant youths in Costa Rica.

119. Interestingly, the main challenges they identified included: the cost and time taken to obtain documentation from the Refugee Office, and the lack of institutions in rural areas; the issue of access to education and the inclusion of intercultural education in the national curriculum; access to health services for the youth; access to student loans and scholarships; access to a decent employment; and youth participation in general.

120. Another example of such community activities, mentioned earlier, is the mutual support group for women victims and survivors of gender-based violence, which has been successful in bringing similarly situated refugee, migrant and national women together and fostering social support networks. A model manual has been produced to further such group work.

121. There has been a positive response amongst refugees, migrants and nationals to their mutual interaction at the Casa de Derechos. The centre has allowed people to confront stereotypes and learn skills to live together in greater harmony. The Casa de Derechos provides a positive model that has gained attention from other municipalities that are interested in starting up similar community centres, with the Mayor as the focal point for the promotion of the project.

122. However, outside the Casa de Derechos project, there has been minimal concrete involvement by public institutions in community services that aim to integrate the refugee and migrant populations with the host community. UNHCR is attempting to build more productive relations with the National Children's Board and the National Women's Institute.

123. Interagency coordination appears to be relatively good between UNHCR and its partners, with respect to these community outreach activities. Most activities are organized together, whether at the Casa de Derechos or in the wider host community. There is a Community Services Committee that works together on these activities, and past experience in the specific communities of the Greater Metropolitan Area mean that there is already a certain level of trust, which makes the integration of programmes easier.

124. However, the sustainability of specific activities is something that should be addressed, since almost all are funded by UNHCR. One of the many good practices that can be identified in this respect is a University Community Service programme (Trabajo Comunal Universitario) of the University of Costa Rica, which aims to raise awareness about the reality of being a refugee, their reasons for fleeing from their

country of origin, and their situation in Costa Rica.

### *Recommendations*

125. Although youth programmes have been a particular priority, with the corresponding awareness tools such as social media and music concerts successfully targeting them, additional attention could be paid to outreach programs for other age groups. In particular, ways to address older persons in the refugee and host communities that do not have access to these forms of mass communication should be explored.

126. The perspectives and needs of refugee men and the specific challenges they face in achieving integration and self-reliance seem to be under explored.

127. Given the current political panorama, extra effort is required to strengthen the participation and representation of the refugee population in public events. A more positive and assertive discourse on the contribution made by the refugee population should also be promoted. This would also reduce the self-segregation often resorted to by the refugee population.

128. Consideration should be given to promoting specific activities for the diversity groups outside the UNHCR-ACAI environment, which could allow their voices to be heard more widely. This would promote refugee awareness, and thereby foster better relations with the host community. Although some groups may prefer a low profile within the local community, the youth groups, for example, could be a good vehicle for change within schools and university environments.

129. UNHCR should continue its efforts to specifically include the Immigration Office and the Refugee Department in community outreach services. In order to achieve a greater impact and degree of efficiency in terms of outreach and integration, UNHCR needs to work towards greater internal cohesion. Although there are mechanisms in place for coordination between the various operational units (including Protection, Durable Solutions, Community Services and Programmes) the actual programmes appear to operate separately and could benefit from greater coherency in terms of objectives and activities.

130. To ensure the sustainability of the programmes, there should first be a medium to long-term strategic community outreach plan, which can attract additional resources from UNHCR and other sources including local government. The aim would be for the latter entities to assume primary responsibility for the integration of refugees, migrants and nationals within their scope of operation.

### **Maintaining security**

131. According to the Urban Policy it is important that UNHCR ensures staff are protected from possible security incidents and that refugees' rights are not violated when security agents are present on UNHCR premises. It also highlights the fact that UNHCR needs to train local police to ensure that human rights are not violated when they interact with refugees.

132. As such the evaluation team assessed whether UNHCR's efforts to train local police and security forces with refugee protection principles are sustainable and have an appreciable impact. The team also reviewed whether police and private security guards are regarded as positive protective elements by the refugee community.

133. The evaluation team considered it necessary to broadly interpret the concept of security as stated in the Urban Policy. The rationale for this is to ensure that refugees are made the focal point for protection, not only humanitarian staff. As such, the assessment also covered conditions in detention, the local community's xenophobic perceptions, the political link established between migration and security, and the actual exposure of refugees to persecution or to urban crime and violence.

134. With respect to the physical security of staff and refugees, the presence of security guards on UNHCR and partner premises was observed. There were no reports of intimidation, violence or harassment of refugees by security guards, and there were no recent incidents of violence caused by refugees themselves. However, there is no security system in place in the newly established Refugee Department to safeguard against incidents that could affect asylum seekers, refugees or office personnel.

135. In general it seemed that refugees felt protected by the police and security forces and there were no reports of violation of human rights principles. There were no specific incidents of police violence reported on the border or in the detention centre. These findings were supported by the focus group interviews, in which all refugees said that they generally felt protected by the police and did not fear harassment. Of those who did not feel protected, many stated that although they did not feel at risk of violence or harassment by the police, that they were unsure whether the police would intervene if they faced a protection or security risk.

136. Among the Colombian refugee community in particular, a certain level of distrust for other co-nationals was identified, which stems back to the complex civil unrest situation in Colombia. This created a general feeling of insecurity as there have been reported killings of refugees in the Colombian refugee community. Some refugees explained that their families tried to stay away from the refugee community in order to avoid being identified by persons with links to opposing factions in Colombia. Some even reported having family members who were afraid of leaving their houses due to the risk of being recognized, further adding to their general feeling of isolation.

137. In the current socio-economic climate of increased crime and violence, where there are on-going political debates on security and migration, refugees are considered a national and public security risk. This not only creates obstacles to integration and self-reliance, but, if these sentiments are allowed to grow, also poses potentially serious security risks to asylum seekers and refugees in the country. So far there has not been any reported xenophobic violence targeted at the refugee community in Costa Rica.

138. Security risks to asylum seekers can also arise when they are deprived of their liberty in detention centres, especially when it is for uncertain and prolonged periods of time. In this context, it was reported that detained asylum seekers were occasionally at risk from incidents of general violence from other detainees.



139. Although detention conditions are greatly improved (UNHCR having financed the creation of separate male and female sections), there is little provision for separating particularly vulnerable cases, such as mentally ill detainees, and unaccompanied minors. Capacity is limited, increasing the risk of overcrowding - there were no more than 30 people in detention at the time of the evaluation, but this number can increase dramatically when groups of extra-regional migrants and asylum seekers are detained.

140. In addition, many of those interviewed were uncertain about the status of their asylum claim, their alternatives for another immigration status or simply the length of their detention until deportation would take place. The evident despair of those we spoke to indicates that conditions and access to information need to be improved. The IOM, the Ombudsman's office and UNHCR have recently collaborated with the Immigration Office to prepare a manual for detention centre procedures, although this has not yet been finalized.

141. It is important to note that in Costa Rica, immigration agents are actually police agents, who form part of a Migration Police Force. According to the new law this force will grow to 150 agents. UNHCR has provided training in the past to security forces at the border and in San José, as well as to migration authorities (some in conjunction with IOM) but it is evident that this will have to be a priority now that there are new migration officials as well as the new Migration Police Force.

142. With these new security-focused developments, greater emphasis on protection and general human rights issues is required, to minimize the risks of the participation of public security elements in migration and asylum issues. Continuing collaboration with IOM in this regard would seem to be beneficial.

#### *Recommendations*

143. The Refugee Department needs to strengthen its security system for personnel as well as for asylum seekers and refugees; for example, installing surveillance cameras in the waiting area as well as in the eligibility offices where interviews are carried out. Protocols that set out how to act in the event of natural or human-related security incidents, panic buttons, emergency exits, evacuation routes, first aid kits, etc are also necessary.

144. UNHCR should step up detention centre monitoring for asylum seekers and other persons of concern. It should continue to work with the Immigration Office, to guarantee appropriate conditions for vulnerable cases, and advocate with consular officials for the timely issuance of travel documents in the event of deportation.

145. UNHCR should continue its efforts to secure refugee law and human rights training for the police and security forces.

146. UNHCR should continue its important information awareness campaigns, to reverse the negative perceptions about refugees among some of the host community. It should further include its partner organizations and the Refugee Department in these campaigns.

## **Promoting livelihoods and self-reliance**

147. The evaluation also considered whether UNHCR's strategic partnerships are effective in supporting employment and self-employment projects, and in particular, what steps are in place to strengthen access to micro credit opportunities for men as well as women at risk.

148. An interesting integration survey conducted in 2002 concluded that 42 per cent of Colombian asylum-seekers had prior experience in running their own business. Indeed, the micro-credit programme is the cornerstone of the UNHCR's livelihoods strategy adopted in Costa Rica and is vital for providing self-reliance to those refugees in Costa Rica fitting the profile for self-employment.

149. Refugees face serious barriers to accessing state and private financial institutions for productive loans and other services. This is despite a ruling by the Constitutional Court that obligates banks to consider refugees as legitimate clients for all financial services. Requirements include extensive guarantees and costly formalization procedures, which are beyond the reach of most refugee credit seekers.

150. As such, the microfinance programme aims to: (i) facilitate the self-reliance of refugees through the financing of small business ventures and the provision of complementary services, such as on-going business management training; (ii) target women entrepreneurs and female heads of household through the provision of credit and complementary services and (iii) achieve program sustainability through healthy loan recuperation and trust fund management practices.

151. It is funded primarily by a revolving credit fund administered by APRODE, with the support of ACAI and Casa de Derechos. To date UNHCR has invested 550,000 USD. Loan sizes range from US\$ 1,000 - 2,500 and the interest rate on the loans is 24.9 per cent. A maximum of 30 per cent of these funds may also be used to benefit qualifying migrants and/or nationals. The current program targets the development of small businesses in a variety of sectors, including commerce, light industry, the services, agriculture and fisheries.

152. The direct beneficiary population of the micro-credit program is classified into two categories: (i) small business owners (who are already self-employed but lack access to capital to increase production and grow their business) and (ii) first-time entrepreneurs (who have prior experience and/or interest in starting a small business, but who require orientation and business management training in addition to start-up capital to create a viable project).

153. The programme has proved extremely successful; as of October 2010, 923 loans were provided to 665 beneficiary families, with a non-repayment rate of only 13 per cent. 55 per cent of the beneficiaries were women - UNHCR obtained additional funding for the programme from the Women Leading Livelihood programme, which provides loans specifically to women. The revolving fund continues to grow, with excellent sustainability prospects. It is expected that in two years the project will be completely self-sufficient and will not require further UNHCR funding.

154. The importance of the micro-credit scheme was highlighted during the focus group interviews, where many stated it had been invaluable to them becoming more independent and self-reliant. Several expressed the view that they would never have

been able to establish a successful livelihoods venture without access to this programme.

155. The employment search programme (Bolsa de Empleo) is administered by ACAI and is relatively new. It is a good practice, since it aims to match training and skills with job opportunities, establish relationships with allied employers, and provide individual consultations on interview and CV preparation as well as advice on labour issues. ACAI also has a scholarship programme for certain internship opportunities that may lead to further employment.

156. However, the survey results showed few refugees had used the programme, whilst of those who had used it only one third reported that it had helped them in their process of reaching self-reliance. These findings are also supported by the focus group interviews where refugees who had used the programme stated they had not obtained a significantly greater degree of access to the labour market. The scheme is still new and UNHCR is aware of the problems that exist and is taking steps to improve the impact. The programme has recently been restructured and more tailored to the needs of the employment context. ACAI now has one full-time person who is in charge of this programme.

157. ACAI, APRODE and Casa de Derechos administer the vocational training programme. The survey results indicated a high degree of satisfaction among the users of the programme although many had not taken advantage of the trainings, despite being aware of them.

158. These results point directly to the practicality of accessing the vocational trainings in terms of location and times, which may need to be tailored more specifically to the needs of the refugee population, especially the working men. The evaluation team also noted that, although the trainings are open to all refugees, there seemed to be a bias towards specific types of trainings aimed at women and girls, and the users also tended to be mostly women.

159. The Youth, Migration and Employment Ventata Programme is funded by the Government of Spain and is operated through the various UN agencies together with some government institutions, and is represented in the Casa de Derechos by a UNFPA staff member. It aims to expand the employability of young people aged 15 to 35, primarily by providing technical training, working on personal development plans, and matching employment profiles with local companies.

160. The Centre for Labour Rights is a project administered by CARITAS at various locations in San José and also has representation in the Casa de Derechos. Through this project, refugees, asylum seekers and migrants can obtain information on their right to work and advice in cases of conflicts with employers, through training sessions and individual consultations.

161. Access to labour rights for the population in general, and particularly for non-nationals, is a notorious issue in Costa Rica. Restrictive legislation and delays in processing claims mean justice is often not sought by the target population due to a fear of reprisals if a charge is laid against an employer. Through this project, beneficiaries can access free orientation, advice or representation for conciliation with the employer, and legal representation for judicial cases.

### *Recommendations*

162. Some of the refugee men interviewed felt there was a need for more micro-credit options to support medium-sized businesses. It was suggested that larger currency loans, in certain cases where the loan applicant had prior experience or an already established business, could be provided since commercial bank loans are generally unavailable even for these people.

163. UNHCR and ACAI should monitor the progress and impact of the employment search programme, making adjustments where necessary. This could be done by expanding the network of partners, linking it to other employment search programmes, and using the results from available employment opportunities to inform vocational training design.

164. Vocational training should be linked, and designed specifically in conjunction with available employment opportunities, in order to ensure a greater impact. An evaluation of the types of vocational trainings offered, and some consultation with men and boys on their needs and priorities, could go some way to making the programmes more inclusive in terms of subject matter and practical logistics for this target group.

165. UNHCR should explore options to advocate for the inclusion of persons of concern in national vocational schemes run by the Ministry of Labour, as well as explore additional options directly with the private sector.

166. Care should be taken to ensure the various programmes do not duplicate services and are complementary. This requires more communication and coordination among the various projects in order to share progress on individual cases, identify potential advocacy issues that could be jointly addressed, and thereby intensify the impact of the programmes on achieving self-reliance.

### **Ensuring access to services**

167. A high priority for the Urban Policy is adequate access to health, education and housing. By law, Costa Rica grants refugees almost the same rights to health, decent housing and education as citizens, and most refugees are aware of their rights to these services. The real time evaluation therefore reviewed the extent to which refugees have access and reviewed whether UNHCR's advocacy efforts to promote access are effective, particularly for persons of concerns with specific needs. It also focused on the extent to which the Casa de Derechos project was successful in providing access to these and other services.

168. With respect to education, in general, refugee children do not face significant obstacles and do relatively well when compared with national children. UNHCR provides assistance through ACAI for school necessities for those refugees most in need. It also advocates in special cases, for example where there may be obstacles caused by documentation requirements, so that all refugee children can go to school.

169. However, discrimination in schools is a continuing problem, particularly for Colombian refugees. During the focus group interviews with women, it was evident that almost all of their children had experienced some form of discrimination, violence or name-calling from the other children due to their refugee background.

UNHCR has started training sessions for teachers to promote intercultural education and a safe and non-discriminatory learning environment, primarily through awareness workshops and advocacy. IOM is preparing teachers' guides on intercultural education, which are to be incorporated into the national education plan.

170. Whilst access to basic education is not an issue in Costa Rica, access to technical tertiary education is characterised by two serious problems. Firstly, access itself is limited. For example, the evaluation team found that the National Learning Institute (Instituto Nacional para el Aprendizaje, INA), offered few opportunities to refugees to take technical courses, and appeared to prioritize the national population.

171. In response, UNHCR and its partners are providing adult education programs in languages and computer skills, among others. Secondly, those with prior tertiary education face serious obstacles in validating their university or technical diplomas. This was one of the most striking problems the team encountered and it appears there has been much institutional resistance to understanding the particular challenges that refugees face in obtaining documents from their country of origin (primarily Colombia and Cuba in this case) and in making exceptions for refugees within the larger pool of foreigners.

172. With respect to housing, it appears almost impossible for refugees to access social housing programs. However, ACAI does have one agreement with the Canada-Costa Rica Foundation, which allows for housing loans, although the interest rates are high and there is strict monitoring of loan repayment. Only refugees who are well established are in a position to take advantage of this agreement.

173. During the focus group interviews, refugees revealed that it had been difficult for them to access decent housing as there is much discrimination against foreigners. This was particularly the experience of Colombian refugees, who asserted that landlords generally discriminated against them, since they did not want security problems associated with Colombians in their buildings.

174. Despite this reality, most refugees that UNHCR has contact with appear to have decent living conditions. The evaluation team visited several areas where refugees reside and the general standard was decent, and indeed remarkably better than the slum areas where migrants reside. However, UNHCR does not have any information about how many refugees live in slum areas in San Jose.

175. The challenge of safe housing for child and adolescent asylum seekers, both unaccompanied and separated, remains a serious issue. UNHCR has established contact with the National Children's Board, which also manages safe houses, for specific cases. However, past experiences have shown that the best interests of the child were not always addressed in the proposed course of action.

176. The Costa Rican public health system is generally good, although refugees are facing increasing problems in accessing it. Where refugees are beneficiaries of the social security system, health services are of a high standard, but there is little access to preventative medicine and non-emergency services.

177. Furthermore, access to mental health services is severely limited. In the absence of access to the public health system, economic assistance is provided to individual cases with specific needs under private health care, although this is not a sustainable situation for preventative care or for cases that could be attended to in the public health system.

178. UNHCR has an agreement with the National Social Security Institute to facilitate access to primary medical care and provide insurance for those in need of medical attention for chronic illnesses, on an emergency basis. However, in reality this only covers a limited number of refugees. UNHCR and its partners also promote various community health services, for example, through the Casa de Derechos, and have organized special health fairs where refugees can obtain access to preventative medicine.

179. Training has been given to the National Social Security Institute in an attempt to promote awareness of refugee issues, although this certainly needs to be strengthened. Refugees reported in focus groups that they simply did not access health services because they had not renewed their refugee documentation card.

180. In order to bolster refugees' access to adequate legal and psychological services the Casa de Derechos provides a range of services with a multi-disciplinary approach, and an effective referral system for the most vulnerable cases. Various partners provide services in the centre (including ACAI, APRODE, the Centre for Labour Rights, the University of Costa Rica and the National Lawyer's Association). These services include legal advice, and litigation services where required, for immigration and refugee issues, family law, gender violence and other issues. There are also a large number of training courses in a variety of subjects.

181. Childcare is also an important issue. The government services are generally considered weak and inadequate, and the system is poised to undergo reform in the near future. UNHCR and ACAI support two community childcare centres administered by refugees, which have proven to be successful, and have obtained government approval and registration.

182. Another main objective of the Casa de Derechos is to integrate their services with those provided by local public institutions in order to avoid duplication. This model appears to work successfully, from the point of view of the beneficiaries - they are well received and are not judged for their migrant, refugee or low-income status, as they often are when they approach service institutions directly. It is also interesting to note that the beneficiaries are not exclusively from Desamparados, as people are received from all over the country, and at times are even referred from the border regions.

183. In general there are good and effective working relations between the organizations providing services to refugees in the Casa de Derechos. One reason for this is that UNHCR and several of its partners are based at the Casa de Derechos enabling staff to interact on a daily basis, which in turns has allowed greater collaboration.

184. This has been further strengthened by coordination meetings that are held on a monthly basis with all partners working in the Casa de Derechos. Since the Casa de Derechos has proven to be a good model for improving access to services, the

Municipality has plans to introduce additional services, such as alternative dispute resolution services and perhaps consular representation.

185. Nonetheless, during the interviews certain areas were identified where UNHCR could improve relations with other public institutions not present in the Casa de Derechos. These include: the National Children's Board in order to improve coordination on child protection issues, as well as information that is provided to refugees; the National Women's Institute (Instituto Nacional para la Muter, INAMU) in order to improve access to their services for refugee women; and the National Learning Institute in order to enable easier access to their educational courses.

186. Initial efforts to establish relationships with these institutions under the old government were not successful. In recent meetings with new officials, there has been some interest in more structured and formal coordination and training.

### *Recommendations*

187. UNHCR should endeavour to promote agreements with universities in Costa Rica and universities in Colombia for the revalidation of tertiary studies. The Refugee Education Trust could be a key facilitator in this respect.

188. UNHCR should analyze alternative options for technical training and UNHCR should promote campaigns in schools, to address and limit xenophobia towards refugee children.

189. UNHCR and its partners should endeavour to prioritize the issue of improving access for all refugees to the public health system, through continued negotiations with the National Social Security Institute and the Immigration Office. UNHCR financial resources could be used primarily for asylum seekers or serious cases that may need private care. UNHCR should approach its partners, including the Refugee Department and public institutions that are responsible for child welfare.

190. UNHCR should promote closer relationships with certain public institutions that have been identified as weak when it comes to dealing with members of the refugee community. This would improve the treatment of refugees at these institutions and ensure that information is communicated in an effective and timely manner.

### **Meeting material needs**

191. UNHCR states in its Urban Policy that the organization should strive to ensure that material needs of refugees are met. The evaluation team assessed to what extent basic material needs (in terms of shelter, food, and health etc) were met in this urban context, and to what extent some members of the refugee community were obliged to resort to involvement in illicit or degrading activities as a means of survival.

192. The team also evaluated whether UNHCR projects effectively meet the needs of particularly vulnerable individuals or groups. Finally, the team assessed to what extent assistance distribution policies implemented by UNHCR and its partners integrated the values of accountability, consistency and transparency.

193. Traditionally, refugees have depended on economic or material assistance from UNHCR to meet basic material needs; the Costa Rican government does not provide any support. UNHCR and ACAI have a written assistance policy, which is reviewed periodically, but assistance is currently reserved for extremely vulnerable cases and is only granted as a last resort. Livelihoods and self-reliance options are considered priorities in this context. According to UNHCR policy, where humanitarian assistance is provided it is always linked to self-reliance options, so that a refugee who receives a subsidy is required to present him or herself to the employment scheme.

194. However, there is still a small group of refugees who have fewer options to become self-reliant and for whom meeting even basic material needs should be prioritised. The economic crisis and discrimination on the basis of nationality linked to security concerns have intensified the problem in recent years.

195. Vulnerable cases include those refugees that lack support networks or face particular difficulties due to their age, sex or condition. These include older refugees, refugee women head of household, victims/survivors of sexual and gender-based violence, pregnant women, persons with a critical health condition, etc.

196. Emergency assistance is also provided to recently arrived asylum seekers, since they are not allowed to work until they receive a refugee document. At present this is something of a concern, as the current backlog in the resolution of asylum claims means there are more people experiencing problems meeting their basic needs.

197. If a significant portion of the population cannot meet their basic material needs, the commitment to integration and self-reliance programs is compromised, since many may need to focus solely on survival. Budget cuts for material needs are of great concern under these circumstances.

198. One significant challenge in providing assistance has been the fact that the overwhelming majority of the population with which UNHCR and its partners have contact is Colombian. Gaining information on non-Colombian populations is difficult; the evaluation team was able to speak with only one non-Colombian, and from the responses received from staff it appears the organizations have little contact with the wider community, which includes persons from other countries in the region, and possibly, extra regional refugees. Minimal information was available on the living conditions and integration of Afro-Colombian refugees, and the team was unable to interview any of this group.

199. The team did visit one of the poorest areas known as Los Guidos, a suburb of Desamparados, where there were no paved roads and the rain had made thoroughfare impossible in certain areas. The living standards are precarious and it is unknown how many refugees or potential asylum seekers live in this area. It is said that the area is predominantly migrant, with a large portion of persons from Nicaragua.

200. Equally, there is also little knowledge about the extent to which members of the refugee community are forced to resort to illicit activities for survival, with such information rarely disclosed. UNHCR and its partners have spearheaded access to health services campaigns in an attempt to identify persons in vulnerable situations.



201. These may all be outreach issues, but are highly relevant with respect to meeting basic needs. It took on particular relevance with the arrival of large groups of non-Spanish speaking asylum seekers to the country. Initially there was some support from local civil society organizations, but this waned, and the situation became one of emergency.

202. Local public and civil society options for emergency shelter are limited and present a challenge in general. This is particularly relevant for victims of domestic violence, or trafficking and unaccompanied minors. The UNHCR office does have some options for emergency housing including small hostels, one of which is managed by the Centro de Amigos para la Paz (House Ridgway).

203. Meeting the basic needs of refugees and asylum seekers is a complex issue for UNHCR and its partners in this urban setting. The dispersed nature of the population and the cycles of self reliance and integration that refugees necessarily go through, when living in cities, complicate assistance distribution.

204. Moreover, refugee perceptions about the selective nature of assistance points to a need to improve communication and transparency in assistance policy. During the focus group interviews, many refugees expressed concern at the way in which assistance was provided by ACAI, with some stating that in their opinion one had to be “liked in order to receive assistance”.

#### *Recommendations*

205. UNHCR should advocate for the Costa Rican government to implement assistance policies for refugees, as well as a temporary work permit system for asylum seekers.

206. UNHCR and ACAI should make assistance criteria more coherent and update evaluation mechanisms to respond to new needs and protection risks. They should also make certain criteria of their joint assistance policy public, make home visits to assess needs, and increase use of the new database to identify special needs cases. It is also important that both institutions speak with one voice in explaining assistance criteria to refugees.

207. UNHCR and ACAI should continue directing their assistance programmes at newly arrived asylum-seekers and refugees and those with a higher degree of vulnerability.

208. Special attention should be paid to establishing a UNHCR-partner policy for meeting the basic material needs of asylum seekers when they do not have the right to work.

209. Special attention should also be paid to establishing relationships and formal agreements with NGOs or local government authorities who could give additional support to asylum seekers particularly in emergency situations. Those with special needs such as pregnant women, unaccompanied minors, victims of trafficking, etc could also benefit from this additional support. Given past experiences and the precarious detention conditions, a solution needs to be urgently explored for special cases, such as the arrival of groups of non-Spanish speaking, extra-regional asylum seekers.

## **Finding durable solutions**

210. The Urban Policy mentions the need to find durable solutions for refugees and persons of concern. The real-time evaluation addressed what steps are being taken by UNHCR to facilitate access to the residence permit and naturalization processes, and the impact of advocacy efforts in terms of guaranteeing transparent and consistent procedures. It reviewed whether new initiatives are being undertaken to assist those who have been in the country for 6 years or more and are in need of further support to integrate.

211. Finally, the evaluation addressed the steps being taken to implement the Durable Solutions Strategy with respect to the use of resettlement as a strategic protection tool. The team considered whether there was adequate information available to refugees about their resettlement options, and whether access to resettlement was fair and transparent. It also reviewed whether mechanisms are in place to identify the most vulnerable cases, and the effectiveness of such mechanisms.

212. Refugees and asylum seekers who have access to UNHCR and ACAI, and face a certain risk level, receive an individualized service with tailor-made durable solutions. A durable solutions committee operates with members from UNHCR and its agency partners, to assess specific individual needs and courses of action.

213. A new strategy for durable solutions, tailored to the operational context, is in the process of being finalized by the UNHCR Costa Rica office. It aims to provide a comprehensive response to local integration and resettlement, with increased emphasis on enhancing self-reliance. It will include efforts to: promote employment possibilities with improved job profiling and higher levels of employability, through vocational training and job opportunity schemes; facilitate access to residency permits and naturalization procedures; and identify the candidates most in need of a resettlement solution.

214. Local integration is a high priority for the UNHCR office in Costa Rica. However, it is difficult to estimate the number of refugees who have been successful in integrating, due to limited data available about the population combined with the high mobility of the refugee community. The UNHCR's new database should prove an invaluable tool in this regard, helping to identify those still in need of assistance.

215. Many refugees report that integration is facilitated by the fact that they are primarily from a single origin country, speak the local language, have a decent level of education on arrival and share a common culture with the host community. For these reasons, the strategy to move from traditional assistance-based meeting of material needs to integration programmes, which promote self-reliance, has been broadly successful. Nonetheless, true integration and self-reliance may take much longer. This is primarily due to the fact that many still lack adequate documentation or a stable socio-economic situation.

216. The UNHCR resettlement programme is well developed and has in fact downscaled over the years, although it is now facing new challenges with the increase in denied asylum claims by the government. In this respect, its main challenge is to be effective in identifying the most vulnerable cases in need of resettlement.

217. The programme is managed by UNHCR without much publicity among the refugee population in order to avoid it being a pull-factor and to avoid high expectations. Although some level of satisfaction with the programme was detected in the survey, there are also significant levels of anxiety and distrust among refugees due to a lack of accurate, detailed and timely information.

218. Resettlement is used as a strategic protection tool and as a durable solution for a limited number of refugees with specific needs. UNHCR Costa Rica works with traditional resettlement countries as well as with Solidarity Resettlement programs in South America. From February 2003 to December 2008, a total of 1,270 refugees were resettled to Argentina, Brazil, Chile, Sweden, the United States and Canada, out of a total of 1,849 applications. During 2009, 185 refugees were resettled and this annual target remains.

219. The United States programme benefits from a close relationship between UNHCR, IOM and Department of State Bureau of Population, Refugees and Migrants (BPRM), where potential resettlement cases are first screened by UNHCR and then sent on to the BPRM representative for further interviews and case processing. The majority of cases presented are women-at-risk applications, although there is a high rejection rate. In general, refusals occur because of a lack of credibility, security issues or because refugees are considered to be firmly settled.

220. Since 2008, UNHCR has diversified the identification methods for persons in need of resettlement. This has included increased coordination and partnership with UNHCR's partners and key national actors to increase the number of external referrals. Closer coordination between the UNHCR Protection and Durable Solutions staff has also been established to ensure effective referrals. Additionally, UNHCR, together with ACAI, is systematically reviewing cases dependent on UNHCR assistance, through the new data base function, which identifies those with special needs, as well as in its durable solutions committee meetings.

221. Changes in the process and outcome of refugee status determination have increased the number of cases which might be eligible for recognition under the UNHCR mandate, and possible resettlement. This has been the case in 2009 and 2010, due to the significant increase in the number of rejected asylum applications, and non-Colombian claims. This has led to growing numbers of cases being assessed for resettlement.

222. In the focus group interviews with refugees, some stated that they would consider resettlement not purely for reasons of insecurity, but also because of the constant social humiliation and xenophobia that their life as a refugee meant in Costa Rica. However, many were of the opinion that there was little information provided to them on resettlement options, and that there was a lack of transparency with respect to the process and outcome of resettlement applications.

223. The interviews illustrated that the refugees who had been in contact with UNHCR's durable solution staff, and had been informed about options for resettlement, were very satisfied with the information that was provided to them about their options. Over half said that they had received counselling regarding resettlement.

224. The third durable solution of voluntary repatriation is not common in this operational context, and there are no official UNHCR schemes in place for it. Voluntary repatriation does not seem to be a priority for the majority of the refugees in Costa Rica. None of the Colombian refugees interviewed during the focus groups wished to return to Colombia permanently, although many travel back for personal reasons when they obtain residency status.

225. The refugees reported that they did not want to repatriate due to the ongoing conflict in Colombia and because they had now settled in Costa Rica. This was also the case for refugees from other nationalities. However, despite a high level of integration in Costa Rica, few reported that they intended to obtain citizenship.

### *Recommendations*

226. UNHCR and its partners should continue the integration programmes, as outlined elsewhere in this report. They should also make provision for special consideration of cases where particular integration difficulties have arisen, for example, on behalf of Afro-Colombian or non-Colombian refugees, who have language differences or minimal social networks at their disposal.

227. Although it is understood that UNHCR and its partners do not wish to promote resettlement as an option (and thus encourage high expectations), some steps could be taken to address general questions, concerns and misinformation about the resettlement process as a whole. This is necessary given that fluid informal communication amongst the refugee population often fuels myths, comparisons and misinformation. UNHCR should also continue its efforts for more accurate detection of potential resettlement cases. UNHCR should also keep open the option of voluntary repatriation, should there be any cases with special needs.

### **Addressing the issue of movement**

228. Although the issue of freedom of movement in the Urban Policy is rather ambiguous, it does emphasize the need to pay attention to secondary movements. The evaluation team therefore assessed how UNHCR is addressing the regional challenges of mixed migration.

229. The team also considered whether UNHCR is promoting an effective and coordinated response among various stakeholders, regarding the continued trend of mixed migration flows (particularly extra-regional flows), and to what extent it can effectively identify those in need of international protection. The degree of UNHCR's implementation of the 10 Point Plan of Action on Refugee Protection and Mixed Migration, and the level of cooperation with the International Organization on Migration was also reviewed.

230. Considering the guidance provided by the Urban Policy is relatively vague on this issue, the evaluation team chose to focus primarily on two issues. The first relates to the issue of effective protection for Colombian refugees in Costa Rica, and the degree to which they feel safe in the country. It also relates to whether they would consider moving elsewhere, principally in a non-assisted secondary movement.

231. The second issue of importance in the Costa Rican context is the phenomenon of extra-regional mixed migratory movements, which, as previously mentioned, have started to pose serious protection concerns. These movements have opened up new areas of collaboration amongst stakeholders, due to the needs of the population.

232. With respect to the first issue, it is clear that the protection environment for Colombian refugees in Costa Rica is becoming increasingly more complex. During the focus group interviews, the majority were concerned about how they in particular are considered by Costa Rican society. Yet few expressed an overwhelming desire to leave the country. Hardly any wished to return to Colombia or move to another country in an irregular manner.

233. These results are evidently informed by the fact that the overwhelming majority of those interviewed had fled violence and persecution in Colombia, a country still in the grips of an internal armed conflict, finding refuge in a historically peaceful country.

234. The interviewees also indicated an absence of serious and generalized protection risks facing them, despite increased discrimination, which appears to primarily affect their ability to integrate and prosper, rather than their physical safety. Their main concerns were with making a decent living, being able to be productive members of society, and achieving personal development. In the youth focus groups, there was more of a sense of the country having welcomed them and protected them, despite their awareness of the practical and administrative obstacles they continue to face.

235. With respect to the issue of extra-regional mixed migratory movements, in the past year, several groups of extra-regional migrants and asylum seekers have arrived in Costa Rica, primarily from Eritrea, Somalia, Ethiopia, Sudan and Nepal. This situation seems to have posed an additional challenge to all stakeholders in recent years. Even if this proved to be a new situation, the lack of clarity on procedures, and coordination amongst stakeholders, pose serious protection concerns. There was mandatory detention of these asylum-seekers, in contrast to those from the region, and the risk of deportation and *refoulement* therefore exists.

236. UNHCR has facilitated access to refugee status determination, but an additional problem is that the asylum-seekers' intention to seek protection in Costa Rica is not always clear. At present, it seems immigration officials have generally opted to 'ignore' these movements allowing them to transit through the country. There is a concern that the experience of extra regional arrivals not actually wanting to stay in the country, or abandoning their applications before resolution, will predispose the government to not considering future arrivals as potential asylum seekers.

237. There is little cooperation between organizations on shelter and assistance, and the fact that there is no refuge or shelter in San Jose made matters worse. Since there is no clear policy on how to deal with asylum applicants who are unaccompanied minors, and in this case there were such cases, the protection issues for this vulnerable group were exposed.

238. This mixed flow of people from beyond the region is likely to continue, and the institutional and organizational stakeholders remain unprepared, with weak

coordination amongst them. These groups will continue to face serious protection risks, in particular for the more vulnerable among them, such as unaccompanied minors.

239. One response has been the creation of an informal group consisting of the ombudsman, IOM, Immigration Office, UNHCR and ACAI. It is in the process of devising procedures to consider these cases, which relate to the 10 Point Plan.

240. Consideration is being given to profiling, pre-eligibility and referrals from the border, ways to resolve the individual's situation through several courses of action, such as through cooperation in judicial processes against smugglers, voluntary return, asylum application, and the reserved option of deportation. It is important to note that deportation does not happen very often, due to resource limitations.

#### *Recommendations*

241. Public awareness efforts to promote a positive image of refugees should be continued. Additional integration of the work and experience of the Media Watchdog into UNHCR activities could also assist in widening the scope of protection in this regard.

242. The arrival of large groups of extra-regional asylum seekers requires further attention, particularly with regards to the establishment of procedures that will facilitate access to asylum. Some work is already being done with IOM, however, this international organization does not have a protection mandate so other nongovernmental actors should also be involved. If pre-screening is to be an option, it should be carefully designed and monitored so as not to increase the protection risks.

243. Alternatives to detention for extra-regional asylum seekers and other irregular migrants with protection needs should be considered for all, not only for women and children.

244. UNHCR should advocate for a regional response to the issue of extra regional flows.

## Acronyms

ACAI	Asociación de Consultores y Asesores Internacionales
APRODE	Asociación de Profesionales en Desarrollo
CARITAS	Pastoral Social-Caritas Costa Rica
ESME	Equipo para Situaciones Migratorias Especiales
INA	Instituto Nacional para el Aprendizaje
INAMU	Instituto Nacional para la Mujer
NGO	Non Governmental Organization
SGBV	Sexual and Gender Based Violence
PANI	Patronato Nacional de la Infancia
IOM	International Organization for Migration
USD	United States Dollar
UNHCR	United Nations High Commissioner for Refugees