

## **COUNTRY OPERATIONS PLAN - 2002**

### **Country: Costa Rica**

#### **Part I: Executive Summary**

##### **(a) Context and Beneficiary populations**

The rationale for UNHCR's presence and involvement in Costa Rica could be summarised as follows:

- 1) Costa Rica is a traditional asylum country, which previously hosted over 20,000 Central American refugees. It is still providing needed support to the remaining 3, 500 to consolidate their local integration.
- 2) Costa Rica is currently one of the major asylum countries in Latin America. The increasing arrival of new asylum seekers and refugees, particularly Colombian nationals, presents new challenges in addressing their humanitarian and protection needs;
- 3) The Costa Rican protection systems need strengthening. In addition to reinforcing the government's refugee status determination process, UNHCR is committed to strengthening the capacity of national protection networks so that they can assume a greater portion of refugee assistance and legal counselling.
- 4) The Costa Rican office of UNHCR serves as a technical service provider. It has been significantly increasing co-operation with the organs of the Inter-American system as a means to integrate human rights into refugee protection. The Office supports the implementation of the protection and solution strategy of the Americas Bureau, through the promotion of refugee law, systemised training and resource materials (particularly in Spanish), the establishment of a UNHCR Spanish web site and the strengthening of gender equality mainstreaming.

##### **Political context**

Costa Rica has traditionally been one of the major asylum countries in Latin America. During the 80's, thousands of Central American refugees were granted protection and humanitarian assistance. Following the pacification efforts and the consolidation of democratisation processes in different countries of the region, the majority of the Central American refugees opted to return voluntarily to their countries of origin. At the same time, the Costa Rican government through different immigration amnesties during the 1990's has actively facilitated local integration through the change of migratory status. This has offered former refugees the opportunity to become permanent residents in the country.

Since mass displacement of Central Americans was no longer an issue in Costa Rica, and following local integration efforts, the government decided to close down the national body in charge of refugee policy during 2000. The relatively small number of asylum seekers and refugees coming from other countries in Latin America and outside the region (mainly from Africa and Asia) have been receiving UNHCR humanitarian and protection assistance. While refugee flows decreased,

economic migration within Central America continued to increase in the country and generate political and public attention.

During the second semester of the year 2000, however, a new influx of persons in need of protection started to arrive in the country, requiring a reorientation of UNHCR programmes. The deterioration of the armed conflict in Colombia and the subsequent increase in forced displacement of populations prompted persons to seek protection abroad. Steady arrivals of Colombians nationals became a consistent trend during 2000 and 2001, posing new challenges to an overwhelmed national status determination process as well as to the provision of humanitarian and protection assistance.

### ***Security situation***

Costa Rica remains one of the most stable and peaceful countries in the region and few security incidents have affected persons of concern to UNHCR. It should be noted, however, that with a stalling of economic growth in the country there has been a small but growing segment of the population expressing anti-foreigner sentiment.

### ***Protection issues and UNHCR's role***

The Costa Rican government is considering a cessation clause for the long staying Central American refugee caseload, which may be applied in 2001 or 2002.

In spite of the fact that Costa Rica is not a neighbouring country with Colombia, the country has become a regular destination for Colombians in need of protection. Costa Rica continues its generous asylum policy. However, the increased arrival of Colombian asylum seekers into the country has demonstrated the need to reinforce refugee status determination procedures for proper assessment of refugee claims within a reasonable time period (current recognition rate is 88%). This in turn demonstrates the need for prompt issuance of personal documentation for those who are granted protection. During the first quarter of 2001, the Government of Costa Rica received nearly as many asylum applications as the total number received in 2000, averaging 435 claims per month and causing a backlog of nearly eight months prior to claim resolution. This trend is expected to continue during the year 2002.

In order to address the most urgent humanitarian needs of new arrivals, material assistance and legal counselling is provided by UNHCR and its implementing partner. Because of the numbers involved, UNHCR's programme will require increased funding. As well, national protection networks, involving local NGOs, the Ombudsperson Office and the Catholic Church need to be further strengthened in order for them to contribute more in the actual delivery of material assistance and legal counselling to asylum seekers and refugees. Participants in the networks already actively participate in migration issues, particularly at advocacy and promotional levels.

In addition to the provision of limited emergency humanitarian assistance to new arrivals, UNHCR will continue its active search for durable solutions for refugees in Costa Rica, particularly the promotion of local integration.

As a means to enhance the legal refugee framework in the Americas through the integration of human rights and refugee protection, a close working relationship with

the organs of the Inter-American system is being developed. Parallel with UNHCR's work in Strasbourg, the Office in Costa Rica will be the equivalent in the Americas to promote refugee protection through the existing system of human rights protection, leading UNHCR to progressively assume its supervisory function.

Based on the above, UNHCR will play a catalytic role in the strengthening of local capacities to enable the national government institutions and national protection networks to assume progressive responsibility over refugee issues. By doing so, UNHCR will be able to focus on its supervisory function and the consolidation of strategic partnerships with other external actors for the enhancement of the legal refugee framework in the Americas.

### **Overview of each beneficiary population**

For planning purpose, UNHCR's main beneficiary populations in Costa Rica include:

- 1) Some 3,500 long staying Central American refugees, for whom a cessation clause is eventually expected to be applied;
- 2) New asylum seekers and refugees, mainly Colombian nationals, involving some 5,500 persons.
- 3) Persons of concern to UNHCR in the Americas benefiting from the capacity building projects supported by the regional technical services of the Costa Rica Office.

The beneficiary caseload receiving assistance under UNHCR programmes can be broken down as follows:

- 85% of the assistance is given to Colombians refugees,
- 6% to Extra-continental refugees,
- 5% to Cuban refugees,
- 4% to the rest of the refugee population.

It is worth noting that only 2% of assistance is given to Central American refugees, mainly to vulnerable cases.

Regarding the profile of the beneficiary population, it is relevant to mention that the majority of the population is composed of individual cases with family groups representing only 38% of the population. Women heads of households represent 25% of the family groups. Some 57% of the total population are men, and 43% women, with 25% of the population being minors.

### ***Policy issues and linkages***

While UNHCR adopted a regional strategy for Colombians in need of protection, it particularly addressed neighbouring countries in the Andean region. The increasing arrival of Colombian asylum seekers and refugees in Costa Rica and Central America will require that UNHCR review its regional strategy for Colombians and incorporate the growing Costa Rica Colombian refugee population as well. As a part of this review, it is clear that financial resources will need to be increased and reallocated.

In the provision of technical services, UNHCR Costa Rica will consolidate strategic alliances with the organs of the Inter-American system (particularly the Court, the Commission and the Institute). UNHCR will strengthen these key protection

partnerships through the implementation of specific capacity building projects, particularly in areas related to promotion of human rights and refugee law, joint publications and training.

### **Capacity and presence of implementing partners**

UNHCR's main implementing partner for the provision of assistance and legal counselling will remain CAI (Consultores y Asesores Internacionales). Based in the capital city, it has an important outreach throughout the metropolitan area, where the major part of the beneficiary population is concentrated. They have also proved themselves able to perform in outlying areas whenever necessary.

### **Presence and roles of other UN agencies and international organisations**

While different international organisations and UN sister Agencies are present in the country, their programmes do not address issues directly related to populations of UNHCR concern. However, UNHCR actively participates in two UN Working teams: 1) UN Interagency Group for Migration, where IOM is also represented, and 2) The Gender Inter-Agency Group, aimed at fostering the mainstreaming of gender issues on all the activities undertaken by UN in the country.

### **(b) Programme Goals and Objectives**

<b>Selected Programme Goal and Principal Objectives:</b>	
<b>“Newly arriving refugees and recognised refugees in Costa Rica receive adequate assistance and legal advice, to facilitate their local integration process.”</b>	
<b>Principal Objective</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• Needy asylum seekers meeting specific criteria receive limited material assistance until eligibility is determined.</li> </ul>	<ul style="list-style-type: none"> <li>• The criteria established ensures that men and women asylum-seekers have equal access to material assistance.</li> <li>• Assistance criteria address the current context where delays in recognition retard local integration due to the lack of work permits.</li> <li>• Asylum-seekers benefit from an accelerated refugee status determination process, thus reducing time required for assistance.</li> </ul>
<ul style="list-style-type: none"> <li>• Newly arrived asylum seekers and refugees receive legal counselling and orientation.</li> </ul>	<ul style="list-style-type: none"> <li>• Refugees are assisted in gathering the legal documents required to complete their refugee file.</li> <li>• Refugees receive legal orientation regarding local integration (change of status, naturalisation, etc.)</li> </ul>
<ul style="list-style-type: none"> <li>• Local social institutions increase their incorporation of newly arrived asylum-seekers and newly-recognized refugees into their services.</li> </ul>	<ul style="list-style-type: none"> <li>• More access to local social/health institutions is made available for asylum seekers and newly-recognized refugees.</li> <li>• Medical/psychological assistance is available for special protection cases with particular attention given to refugee women's needs.</li> </ul>

<b>Selected Programme Goal and Principal Objectives:</b>	
<b>Strengthening the capacity of national structures as evidenced by:</b>	
<b>1. Efficient and effective application of protection standards for asylum seekers and refugees in Costa Rica; and</b> <b>2. Provision of a greater degree of assistance by the Protection Network to asylum seekers and refugees.</b>	
<b>Principal Objective</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>Reinforcement of the Migration Department for Refugees and other local institutions to assist asylum seekers upon arrival.</li> </ul>	<ul style="list-style-type: none"> <li>RSD procedures within the Migration Department for Refugees are reinforced and improved so that asylum claims are processed with no delays.</li> </ul>
<ul style="list-style-type: none"> <li>Inclusion of a Refugee Chapter within the New Migration Law.</li> </ul>	<ul style="list-style-type: none"> <li>A New Migration Law, with a Chapter on asylum and refugees conforming with refugee conventions and protocols, is adopted.</li> </ul>
<ul style="list-style-type: none"> <li>Monitoring and support to the developing protection network (Governmental institutions, NGOs, Church, media) in providing assistance to asylum seekers and refugees.</li> </ul>	<ul style="list-style-type: none"> <li>The Forum for Migrants actively promotes the protection of asylum seekers and refugees.</li> <li>Ombudsperson's Office becomes a regular UNHCR counterpart in protecting asylum seekers and refugees.</li> <li>More actors are identified and included within the protection network.</li> </ul>

<b>Selected Programme Goal and Principal Objectives:</b>	
<b>Provision of Regional Support Services throughout the Americas to promote refugee law and the mainstreaming of gender equality principles in all aspects of operation.</b>	
<b>Principal Objective</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>Human rights are integrated into asylum and refugee protection through the strengthening of UNHCR co-operation with the organs of the Inter-American system and UN Human Rights' organs.</li> </ul>	<ul style="list-style-type: none"> <li>Sustainable training and promotion of refugee law and human rights are jointly undertaken.</li> <li>The legal framework for asylum and refugee protection is strengthened by the Inter-American Human rights protection system.</li> <li>UN treaty and non treaty Human Rights' monitoring mechanisms are used more systematically by UNHCR staff to strengthen asylum and refugee protection</li> </ul>
<ul style="list-style-type: none"> <li>UNHCR offices have a better understanding of the importance and relevance of UN and OAS human rights organs and mechanisms, through the provision of legal advice</li> </ul>	<ul style="list-style-type: none"> <li>UNHCR offices are better prepared to integrate human rights into asylum/refugee protection</li> <li>Legal advice is provided to UNHCR offices</li> <li>UNHCR's supervisory function is strengthened</li> </ul>

<ul style="list-style-type: none"> <li>• A more cost effective and sustainable training strategy is further consolidated in the Americas</li> </ul>	<ul style="list-style-type: none"> <li>• Training activities are systematised and harmonised, based on objectives and impact.</li> <li>• Training is undertaken in co-ordination with other external actors, such as the Inter-American Court of Human Rights, the Inter-American Commission of Human Rights and the Inter-American Institute of Human Rights.</li> <li>• Refugee law norms and principles are applied through enhanced local capacities.</li> </ul>
<ul style="list-style-type: none"> <li>• Data and documentation on asylum and refugee protection are available in Spanish and widely disseminated in the Americas</li> </ul>	<ul style="list-style-type: none"> <li>• Translation and publication services/facilities are further consolidated</li> <li>• Refugee research projects and publications are regularly undertaken in the Americas.</li> <li>• UNHCR Spanish Web site is operational.</li> </ul>
<ul style="list-style-type: none"> <li>• UNHCR staff are fully acquainted with and apply UNHCR's guidelines on refugee women and sexual violence and UNHCR's policies on gender equity.</li> </ul>	<ul style="list-style-type: none"> <li>• In all UNHCR activities, men and women of concern are able to enjoy protection and assistance equally.</li> <li>• Gender equity policies are practiced by UNHCR staff and its operational partners.</li> </ul>
<ul style="list-style-type: none"> <li>• Sustainable mechanisms are in place for the Regional Gender team to move the gender mainstreaming agenda forward in the Americas</li> </ul>	<ul style="list-style-type: none"> <li>• The Regional Gender Team functions in such a way as to continue ensuring the equal protection of refugee men and women in the Americas, irrespective of changes in programs or staffing.</li> </ul>