

## **COUNTRY OPERATIONS PLAN**

**Country: China**

**(China, Hong Kong SAR, Macau SAR and Mongolia)**

**Planning year: 2003**

**Prepared by RO Beijing**

## **PART I: Executive Committee Summary**

The Office of the UNHCR Chief of Mission in Beijing, China was established in 1979. The Office was upgraded to a Branch Office in 1995 and to a Regional Office in 1997. The UNHCR Regional Office also covers Mongolia. The UNHCR Sub Office in Hong Kong Special Administrative Region reports to the Regional Office in Beijing on UNHCR's activities and interests in Hong Kong and Macau Special Administrative Regions.

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

The UNHCR Regional Office provides international protection for and assistance to individual refugees and asylum seekers of various nationalities within the sub-region. These activities are undertaken in the absence of national refugee legislation or formal refugee status determination procedures in the sub-region.

The Regional Office and its Sub Office in Hong Kong SAR endeavours to achieve durable solutions for individual refugees principally through resettlement, and for Vietnamese refugees, through local integration, expected naturalisation, or voluntary repatriation. The Regional Office actively promotes refugee protection by advocating accession to the 1951 Convention and 1967 Protocol relating to the status of refugees, adoption of national legislation on refugees and related capacity building; the monitoring of compliance with internationally accepted asylum practices; and the pursuit of public awareness as well as public and private sector fund raising activities. The Regional Office's 2003 programme is structured around the following four beneficiary populations or themes and related goals:

#### **i) Individual refugees and asylum seekers: UNHCR's goal is to improve access to, enhance international protection for and assistance to refugees and asylum seekers, and to seek durable solutions for refugees in China, Hong Kong SAR, Macau SAR and Mongolia.**

UNHCR will continue to pursue ways and means of harmonising approaches with the concerned governments to promote asylum, prevent *refoulement* and facilitate durable solutions for all asylum-seekers in the sub-region.

The quality of protection and durable solutions for some 40 to 60 urban refugees and asylum seekers in China and a further 90 to 100 cases in Hong Kong SAR remains constrained by restrictions on their employment and education, the absence of local integration possibilities and limited resettlement opportunities. UNHCR will remain actively engaged in refugee status determination and the provision of assistance for needy refugees, while advocating for their access to employment and expanded resettlement opportunities. These efforts will continue to prioritise individuals with security concerns, medically at risk persons and other vulnerable groups, family reunion and long-stayer cases. Efforts to contain and further reduce UNHCR's care and maintenance budget in China and Hong Kong SAR, including through the decrease in the duration of assistance through improved status determination and resettlement processing procedures and the identification of local sources of contributions in cash, in kind and services.

#### **ii) Indo-Chinese refugees in South China: UNHCR's goal is to achieve durable solutions for Indo-Chinese refugees – principally through local integration and naturalisation, and voluntary repatriation for those who wish to return to their country of origin.**

After more than 20 years of Chinese Government and UNHCR assistance, the majority of the 294,000 Vietnamese refugees residing in six southern provinces have achieved self-reliance. Through a joint advisory and monitoring association, which manages a former UNHCR sponsored Revolving Fund Based Credit Scheme, UNHCR will continue to support the local integration of up to 10 per cent of this population who reportedly remained below provincial poverty margins at the beginning of 2002. UNHCR will also continue to provide modest vocational training assistance grants in support of employment opportunities

for the dependants of aged and vulnerable refugee families who have limited capacities to benefit from RFBCS loan projects. It is expected that the vast majority of Vietnamese refugees will remain in China. However, UNHCR will continue to work with the Governments of China and Vietnam to implement the voluntary repatriation of a small number of refugees who have expressed their wish to return to Viet Nam while pursuing the granting of citizenship for the majority who will remain in China.

***iii) Promotion of refugee protection: UNHCR's goal in the sub-region is to promote accession to the international refugee protection instruments, the establishment and implementation of national legislation and procedures, or appropriate interim alternatives, which are consistent with international protection standards.*** At the beginning of 2002, draft national refugee regulations remained subject to approval for adoption by China's State Council. As a signatory to the 1951 Refugee Convention and its 1967 Protocol, China has not extended the application of these instruments to Hong Kong SAR. In Hong Kong and Macao no legal framework exists governing asylum. In Mongolia accession to international refugee instruments in the course of 2002 is expected following a submission of these instruments for Government approval earlier in the year. Parliamentary adoption is awaited.

In China, UNHCR will continue to seek progress on the adoption of national refugee legislation and promote the extension of China's 51 Convention signatory status to Hong Kong. In the interim, UNHCR will continue to work closely with the concerned authorities in Hong Kong to develop co-operation procedures which will institutionalise internationally accepted asylum practices and refugee determination. In Mongolia, UNHCR will assist the Government with the development and implementation of national refugee legislation and determination procedures.

In China and Mongolia, networking with universities, legal associations, NGO's and advocacy groups on the rights of refugees and asylum seekers will continue. Awareness building seminars and workshops will be undertaken for senior Government responsible for asylum policies. Training programmes in refugee rights and refugee status determination procedures will be intensified for immigration and public security officers as well as border police. UNHCR will also continue to provide training in emergency preparedness and contingency planning for governmental and non-governmental counterparts, principally as a means of building consultative constituencies while contributing to the development of early warning, planning and response capacities.

***iv) Public affairs and private sector fund raising: UNHCR's goal is to build awareness in support of UNHCR's global mandate, goals and programmes.*** In China, UNHCR will continue to build awareness and supportive constituencies within the Government, the corporate sector and civil society, while developing and testing fund-raising strategies in order to gauge emergent private sector fundraising opportunities. UNHCR will also continue to seek higher contribution levels from the government both in cash, in kind and in the form of services benefiting UNHCR's global programmes. In Hong Kong, UNHCR will continue to solicit contributions from Government and local charity sources to defray programme costs in Hong Kong. It will also implement a private sector fundraising strategy developed in 2002 aimed at benefiting UNHCR's global programmes. In Macau, a similar strategy will be developed and tested.

**Interagency co-operation and linkages with other country programmes:** The UNHCR Regional Office in Beijing actively participates as a member of the UN Country Team in the implementation of the United Nations Development Assistance Frameworks for China and Mongolia. The Regional Office also remains in contact with United Nations agencies and governmental and non-governmental organisations, within and beyond the sub-region. With regard to the prospective voluntary repatriation of Vietnamese refugees from China to their country of origin, the Regional Office will continue to extend its "good offices" in collaboration with the UNHCR Regional Office in Bangkok. As the only UN agency resident in Hong Kong,

the UNHCR Sub Office will continue to provide liaison and mission support services for sister UN agencies.

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

<b>Beneficiary Population : Individual refugees and asylum seekers</b>	
<i>Goal: Enhance international protection for, and assistance to, refugees and asylum seekers and durable solutions for refugees in Mainland China, Hong Kong SAR, Macau SAR and Mongolia.</i>	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• Access to and the quality of asylum for individual refugees is improved.</li> <li>• Adequate RSD and resettlement processing capacity in order to avoid backlogs, minimise costs and ensure earliest possible durable solutions are ensured.</li> </ul>	<ul style="list-style-type: none"> <li>• Agreement of the respective Governments to implement more flexible asylum policies.</li> <li>• No backlog of cases pending RSD/ resettlement processing.</li> </ul>

<b>Beneficiary Population : Indo-Chinese refugees in South China</b>	
<i>Goal: Achieve durable solutions for Indo-Chinese refugees.</i>	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• Consensus is reached with the Chinese Government regarding the timing and modalities for the granting of citizenship to Vietnamese refugees who wish to remain in China, and for other Indo-Chinese nationalities (Cambodian and Laotians) who have similarly de facto integrated.</li> </ul>	<ul style="list-style-type: none"> <li>• Definitive understanding through bi-lateral consultations with the Government of China on citizenship modalities and timeframe.</li> </ul>

<b>Beneficiary Population : Promotion of refugee protection</b>	
<i>Goal : Promote accession to the international refugee protection instruments, and the establishment and implementation of national legislation and procedures, or appropriate interim alternatives in the sub-region, which are consistent with international protection standards</i>	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<p><u>In Mongolia,</u></p> <ul style="list-style-type: none"> <li>• Pursuant to accession, the Government is assisted with the development and implementation of national refugee legislation, determination procedures, with priority emphasis on interim RSD procedures, and relevant capacity building relevant thereto.</li> </ul>	<ul style="list-style-type: none"> <li>• Definitive plan of action including timeframe for development of and progress towards national refugee legislation and RSD procedures.</li> </ul>