

COUNTRY-REGIONAL OPERATIONS PLAN – 2003

Regional Office Mexico covering

Mexico, Belize, Cuba, Guatemala, Honduras, Nicaragua

Executive Committee Summary

(a) Context and Beneficiary Populations

UNHCR Regional Office's presence and role in Mexico has been changing during the past three years as the focus of our work has evolved from protection and local integration of Guatemalan refugees to broader protection issues. With the change in government in December 2000, Mexico has begun a process of opening up to multi-lateral entities and has paid particular attention to the United Nations. Mexico is currently a member of the Security Council and became a full member of UNHCR's Executive Committee in May 2001. The Mexican government also participated in the Global Consultations and recently hosted the UN Conference on Financing for Development in Monterrey, Mexico. This participation signals a see-change in Mexico's foreign policy and provides ample space for UNHCR to expand its relationship and raise it to a new level. UNHCR enjoys great prestige in Mexico and its presence in Chiapas is especially appreciated by the government. After more than twenty-years of presence in Mexico, UNHCR is uniquely situated to work hand-in-hand with the Mexican government in support of UNHCR's policies in the region and in the world.

UNHCR's work in Mexico will therefore be carried out on two levels: one will be focused on developing mechanisms for Mexico's support and interest for refugee rights on a regional and world-wide basis; the second will be based on concrete activities undertaken by the office in support of the government's assumption of refugee status determination and management of the new refugee caseload of various nationalities residing in urban areas. Via continued training and technical support to the National Institute of Migration and the *Comisión Mexicana de Ayuda a Refugiados* (COMAR), UNHCR will ensure that refugee status determination is carried out according to international standards.

In addition, UNHCR will need to actively supervise access to asylum in the context of migration control, which receives far greater attention and resources than refugee matters do. In this arena UNHCR will work directly at the field level via the presence of a Roving Field Officer – Protection, based in Chiapas to monitor migration flows at the southern border areas where the main entry points of migration from south to north of the continent are located. UNHCR will continue to address refugee rights and protection within the framework of the Regional Conference on Migration (the Puebla Process) in its role as an observer. Here the Office must ensure that the principle of *non-refoulement* and the right to asylum are respected and that while every state has the right to control migration, their international obligations cannot be forgotten. UNHCR will continue to advocate this comprehensive approach both during the Conference Technical Group meetings and in bi-lateral relations with all governments under the aegis of R.O. Mexico.

Another means of achieving our protection objectives in Mexico and Central American Countries covered by the Regional Office, is through the national protection networks where members of civil society involved in migration and human rights issues act as referrals for individual cases seeking asylum and to provide orientation and emergency assistance during processing of cases. Many of the local NGOs supported by UNHCR also form part of the

Regional Network of Civil Organisations for Migration which works in conjunction with the Puebla Process. In this way, UNHCR has ample fora for presenting its message and garnering support.

Cuba is not party to the 1951 Convention or the 1967 Protocol. The government abides by the principle of *non-refoulement* and allows asylum-seekers to have access to UNHCR. The R.O. Mexico carries out refugee status determination under Mandate, with UNHCR requesting admission by the Cuban Government of newly recognised refugees under Mandate. Extension of authorisation of stay is negotiated while resettlement is pursued. For the time being, local integration is still not a feasible durable solution for refugees in Cuba.

Emergency assistance to refugees and vulnerable asylum-seekers is provided by UNHCR through the Cuban Red Cross (CRC), after careful assessment of each case. UNHCR will continue to provide protection and assistance to this population while negotiating the gradual establishment of national structures to offer protection to asylum seekers and refugees, in accordance with international standards. In the meantime, resettlement will remain the alternative for effective durable solutions.

Overview of Beneficiary Populations

Beneficiary populations have reduced from 14,566 Guatemalans residing in settlements in southern Mexico at the beginning of 2001, to 11,475 Guatemalans and their Mexican-born children at the beginning of 2002 as a product of the successfully implemented local integration programme which finalised in 2001. During 2003, UNHCR will continue to focus its support on the naturalisation programme sponsored by the Mexican Government. Budget restrictions within the Mexican Government slowed-down the naturalisation process in Chiapas. From a planned number of 2,500 cards to be processed during 2002, only 855 are budgeted for. Therefore, the remaining population of some 3,000 will need to be processed in 2003. In this regard, UNHCR's role will be primarily one of support to COMAR in this process ensuring that all refugee men and women are able to participate in an equal manner. A similar process for the long-staying Central American refugees living in urban areas in Mexico, approximately 3,500 individuals, will be undertaken by the Mexican Government during 2002, but with only 50 cases being processed. Hopefully, a larger portion will be naturalised during 2003.

In Guatemala, El Salvador, and Nicaragua UNHCR will continue to work with governments to promote the exemption of costly residency and naturalisation procedures for long-staying refugees, the majority of whom are Central American. The negotiations are most advanced in Guatemala but with changes in counterparts results have been slowed down. With progress during 2002, the long-staying refugee population in Mexico and Central America should be decidedly smaller and less vulnerable.

The main beneficiary population in 2003 will consist of newly arriving refugees from the region, primarily Colombia, and from problem areas around the World (Afghanistan, Iran, Iraq, Sri Lanka, and Sierra Leone). As these individuals normally do not speak Spanish and are culturally and sometimes racially very different from the national populations, they have a more difficult time integrating. This results in longer periods of assistance and different types of assistance, such as language classes, being provided.

The population of concern in Cuba, 1,036, consists of newly arriving refugees and refugee students (some 700), mainly from the Western Sahara, who came from their first country of asylum (Algeria), to Cuba on scholarships. The number of asylum-seekers arriving to Cuba did not increase in 2001, but continued to be significant at 93 cases. In the past, this population consisted largely of single, urban, adult males coming from other regions, mainly the Middle East, Central Asia and Africa. However, the profile began to change during 2001,

with the arrival of entire families and female-headed households, in particular from Afghanistan. The assistance provided by UNHCR permits these refugees to satisfy basic material needs within the context of terrible economic conditions.

Policy Issues

While R.O. Mexico will continue to work with key implementing partners in all countries to increase their capacities and find alternative sources of funding, the process will be time consuming and we should not expect immediate results. This is particularly true in Central America.

After a period of decreased interest by the Cuban authorities during 2001, negotiations and discussions will begin anew during 2002. In this context it is very difficult to predict outcomes and so for 2003 a conservative approach should be applied assuring that adequate assistance is available to refugees.

Nevertheless, UNHCR will continue working with governmental and other actors with a view to gradually establishing national mechanisms for protection and assistance to asylum seekers and refugees. Links with immigration authorities should be strengthened as well as the mechanism of assistance to asylum seekers and refugees through the Cuban Red Cross.

To strengthen NGO and government's institutional capacities in the region, UNHCR will continue to work at increasing awareness and sympathy for refugee issues via established public information campaigns, including all forms of media, and activities with different sectors of society.

Selected Programme Goals and Principal Objectives.

- **develop a consensus on refugee rights and related humanitarian issues** at the international level;
 - **full application of the 1951 Convention and the 1967 Protocol** by Mexico and the governments in Central America; and
 - **continue refugee protection networks** to ensure that civil society plays a role in the protection of asylum seekers and refugees and to increase awareness of the refugee plight and the right to seek and enjoy asylum.
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- In Belize, ensure that the eligibility committee resumes its functions.
 - UNHCR will continue promoting Cuba's accession to the 1967 Protocol through negotiations with key state institutions.
 - In Honduras, Nicaragua and El Salvador, promote the promulgation of refugee law and adopt Refugee Status Determination procedures.
 - In Guatemala, ensure final adoption of draft refugee legislation, which is already very advanced.
 - In Mexico, participate in the Government's eligibility committee ensuring that international standards are applied.
 - In all countries develop national refugee protection networks.