



# **COUNTRY OPERATIONS PLAN**

**Country: Mexico**

**Planning Year: 2004**

## **COUNTRY OPERATIONS PLAN – 2004**

### **Country: Mexico**

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

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

The number of asylum seekers and refugees in the region covered by the Regional Office, i.e. Mexico, Central America and Cuba is relatively modest as compared to other regions. Nevertheless, the refugee and asylum-seeker populations require particular attention, due to the very particular and sensitive geographic location of these countries within the region. Most of the asylum seekers and refugees who arrive in this region, from within this hemisphere and beyond, form part of broader flows of migrants whose ultimate goal is to reach the United States and Canada. Due to regional migratory realities, the countries under the responsibility of the RO are under particular pressure to effectively control flows of undocumented migrants through their territories. Since asylum seekers form part of greater migratory flows subject to increasing controls, it is increasingly important that UNHCR ensure the adoption and the effective functioning of mechanisms for the identification of asylum seekers, and fair and efficient procedures for refugee status determination.

During 2004, UNHCR's work in Mexico and the countries of Central America, which are all Parties to the international refugee instruments, will continue to be oriented towards the strengthening the protection of refugees and asylum seekers, mainly through building state capacity to adequately apply the refugee instruments. Due to UNHCR's very limited presence in the region, another important objective within this context is the creation and strengthening of national and regional protection networks; the purpose of the networks is to enhance the active participation of civil society organisations, in partnership with governments when possible, to further strengthen protection of asylum seekers and refugees.

Efforts will be redoubled with regard to durable solutions. Activities will be intensified to identify local integration opportunities such as employment for refugees in Mexico and Central America, to support voluntary repatriation when possible, and to facilitate and expand resettlement opportunities, in particular for refugees currently in Cuba.

In Mexico, an important and positive development occurred last year when the Government assumed responsibility for refugee status determination under the 1951 Convention and 1967 Protocol. The Government established an ad hoc refugee status determination procedure, thereby extending the role of the Mexican Commission for Assistance to Refugees -COMAR- (previously dedicated exclusively to the Guatemalan refugees who arrived in the 1980s), to encompass all refugees. COMAR functions as secretariat of the eligibility committee, and its legal staff receive and analyse refugee claims. Consequently, a significant part of UNHCR's resources and efforts during 2003 were devoted to working closely with the Mexican Government in the Federal capital and in Tapachula, Chiapas, the main southern entry point of migrants and asylum seekers moving to the North. UNHCR's efforts were aimed at the supporting implementation of the new procedure and the development of practices in accordance with international standards and UNHCR guidelines. Considerable progress has been made, but

much also remains to be done. The year 2004 is seen as a continuation of the transition period, during which the progress already made in the reception, examination and adjudication of asylum requests and the documentation of refugees by the Government will be further developed and consolidated. The adoption of a law on asylum will be a vital step in the institutionalisation of the new procedure and the new role of COMAR. There is a need to disseminate the new policy and procedures on asylum seekers and refugees, including instructions on the referral of cases to the competent authorities, in particular in airports, seaports and land border crossing points throughout the country. UNHCR's field office in Tapachula will also continue to provide training and technical advice to the authorities on the reception and treatment of asylum seekers, and the analysis of their claims.

In the Central American countries covered by the RO – Belize, Honduras, El Salvador, Guatemala and Nicaragua – refugee issues are absent from the political agenda of the governments, which are preoccupied with issues such as unemployment, extreme poverty and corruption. Nor are refugee issues a high priority for sectors of society that traditionally supported UNHCR in the past, which now give priority to issues such as access to justice, impunity, governance and economic migration of their own nationals. Despite these unfavourable circumstances, we expect to continue to move forward in these countries by continuing activities aimed at improving legislation, creating or reactivating refugee status determination procedures, and resolving the migratory situation of residual groups of long-staying Central American refugees who still remain without a valid migratory status. In Belize, redoubled efforts will be made bilaterally and through Caricom in order to reactivate the refugee status determination procedure which has been dormant for several years. We hope that the Government that was elected in March 2003 will increase its interest in and commitment to refugee issues will co-operate with UNHCR's requests to re-establish the eligibility committee, and that asylum seekers arriving in Belize will be treated in accordance with international standards.

Throughout the region we anticipate that access to the territory and to national refugee procedures may become increasingly difficult due to the presence of asylum seekers within mixed migration flows and the increasing emphasis on migration control measures by the States concerned. In the post- September 11th environment, the more rigorous application of political or security criteria to the movement of persons of certain nationalities, in particular from the Middle East and from Colombia, will continue to be the principal constraint to protection efforts. This will be further exacerbated during the duration of the current war in Iraq.

The lack of UNHCR presence in the countries of Central America and the very limited human and financial resources of our implementing partners will continue to act as a constraint on progress towards our goals. Despite such limitations, our implementing partners will continue providing refugees with emergency assistance and social and legal counselling. As no significant increase in arrivals is foreseen, the level of funding of refugee programmes and support for the management of our programmes by the implementing agencies will remain basically at the 2003 level during 2004. Efforts to diversify the sources of funding made by implementing partners with our support have not been successful, obliging UNHCR to maintain the present level of funding, which is at the minimum required to maintain the provision of the services mentioned above.

Since 2002, in response to the request of some governments of the region and implementing partners, this Regional Office has given more attention to the Central American region than previously. We will continue to do so within the limits of our human and financial resources. In El Salvador, support will continue to be provided to the Government for the application of the recently adopted law on asylum; in Nicaragua and Honduras the adoption of legislation on asylum will also require support, and in Guatemala efforts will continue in order to ensure that the recently established committee for refugee status determination meets on a regular basis.

Guatemala is facing its most serious political, economic and social crisis since the thirty-six year long civil war came to an end in 1996 with the signing of the Accord for Firm and Lasting Peace. According to the Mission of the Secretary General of the UN for Guatemala (Minugua), after a period of calm following the peace agreement "human rights compliance has actually deteriorated". This deteriorating situation has not affected the small group of refugees of various nationalities currently in Guatemala, but requires a close monitoring by this Regional Office with a view to possible repercussions in terms of the arrival of individual cases of Guatemalan refugees in Mexico. Although large refugee flows are not anticipated at this time, our field office in Tapachula at the Mexican border with Guatemala will stay abreast of developments, to obtain first hand country-of-origin information and to enhance early warning.

In Cuba, the positive working relationship with the Government established in 2002-2003 will be strengthened in 2004. Activities to promote refugee law, such as seminars, will be organized in co-ordination with the Government, which has shown interest in promoting better understanding of refugee law. Due to the serious economic crisis which prevents local integration of the refugees in Cuba, this Regional Office will give priority to the resettlement of a group of some 75 refugees there who are dependant on UNHCR assistance.

It is foreseen that resettlement of individual cases from Cuba and from the region as a whole to Canada, the United States and some Nordic countries will continue to experience serious delays due to post-September 11th security checks, especially for certain nationalities.

The problem of lack of an implementing agency for our material assistance programme for refugees in Cuba is likely to be resolved in 2004, as recent discussions in this regard with the Cuban Red Cross have been very positive.

### **Overview of Beneficiary Populations**

Beneficiary populations have reduced from 11,475 Guatemalans residing in settlements and dispersed in southern Mexico at the beginning of 2002, to 9,519 Guatemalans (this figure includes their Mexican-born children) at the beginning of 2003 as a result of the successfully completion of our local integration programmes at the end of 2001 and the acquisition of the Mexican nationality by 2,273 former refugees. During 2004, the Government of Mexico will continue processing the naturalization of remaining refugees. Due to budgetary constraints of the Government from a planned number of 3,200 naturalizations applications that were to be processed in 2003 only 650 have been

budgeted. Therefore, the remaining 2,550 applications may have to wait until 2004 to be processed. UNHCR's role will be primarily one of support to the Government in this process, ensuring that all refugee men and women continued to be treated in an equal manner. In addition to the Guatemalan rural refugees, there are in Mexico some 3,644 urban refugees of various nationalities. The majority of the newly-arrived are Colombians (114). Most of the urban refugees have successfully integrated. There is, however, a small group of refugees, mainly from outside the Continent, who have had serious difficulties to find employment. Renewed efforts will be made in 2003 and 2004 to find integration opportunities for local integration of all refugees.

In the Central American countries covered by this Office (Belize, Guatemala, El Salvador, Honduras and Nicaragua), there are 2,263 refugees. The overall majority is of an urban background and various nationalities. In Guatemala, El Salvador and Nicaragua, there are groups of long-staying refugees from Central America. This Office's efforts in 2004 will continue in order to promote with governments the granting of a permanent migratory status to these refugees as residents or through their naturalization. Negotiations with Guatemala for this purpose have resulted in the recent adoption by this country of a decree granting long-staying refugees a permanent residence status.

For 2004 it is expected the beneficiary population will slightly increase with the arrival of individual asylum seekers from Colombia, Guatemala and outside the Continent, in particular cases from Iraq, Iran, Sri Lanka and Sierra Leone. Refugees from outside the American Continent have difficulties to integrate, resulting invariably in longer periods of assistance.

In 2003, the population of concern in Cuba is 1,008, of which 886 are assisted under UNHCR's programmes. The refugee caseload consists of newly-arrived refugees mainly from the Middle East, Central Asia and Africa, and of refugee students (830) from North Africa who came to Cuba with scholarships. The largest group of refugee students are Western Saharan, and are assisted by UNHCR to return to Algeria (first country of asylum) upon the conclusion of their studies. The group of newly-arrived refugees (non-students) are assisted for resettlement, given the lack of local integration prospects.

Among the group of 75 newly-arrived refugees, UNHCR hopes that around 40 of these will be accepted for resettlement during 2003, and travel during that same year or during early 2004. At the same time, it is expected that around 10 new arrivals could be recognised as refugees under Mandate during the year. Therefore, taking into account departures through resettlement and new arrivals, the total number is expected to decline. It is expected that around 45 refugees (including newly arrived during the year) may require UNHCR assistance.

Among the refugee student caseload, it is expected that 150 W. Saharan students currently under UNHCR assistance programmes will be assisted to return to Algeria in 2003, therefore the total number assisted should decline. However, should Cuba accept

new students, a small group of them may require UNHCR assistance. The estimated total number of refugee students to be assisted in 2004 is 925.

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

Name of Beneficiary Population/Theme:

**Promotion of Refugee Law, Strengthening Capacities of National Structures, Lobbying for Full Application of International Commitments, Expanding Protection Monitoring, and Facilitating Durable Solutions**

Main goal(s):

**Strengthening implementation of the 1951 Convention and the 1967 Protocol, protecting refugees within broader migration movements, and redoubling durable solutions**

Principal Objectives	Related Outputs
<ul style="list-style-type: none"> <li>• In Mexico and Central America, ensure the adoption and/or full implementation of national refugee legislation.</li> <li>• In Mexico and Central America, strengthen capacity of states to ensure access of asylum seekers within mixed migration flows to national territories and RSD procedures.</li> <li>• In Mexico and Central America, enhance the role of civil society in protection of asylum seekers and refugees, through strengthening of national and regional protection networks.</li> <li>• In Cuba, promote a better understanding of international refugee law and enhance UNHCR relations with the government</li> <li>• In Mexico, Central America and Cuba,</li> </ul>	<p><b>In Mexico and Central America</b></p> <ul style="list-style-type: none"> <li>• In Mexico and Central America, asylum seekers have access to RSD procedures, and refugee claims are adjudicated by national bodies in conformity with international standards and UNHCR guidelines.</li> <li>• Members of national and regional protection are sensitised to refugee rights and refugee law and practice, and members co-ordinate activities and exchange information.</li> </ul> <p><b>In Mexico</b></p> <ul style="list-style-type: none"> <li>• Draft law on asylum, refugees and statelessness is passed, and COMAR’s role in the national RSD process is institutionalised.</li> <li>• Mexico actively participates in EXCOM and other fora related to refugee issues.</li> <li>• Local integration of urban refugees is enhanced through new initiatives for economic integration and self-sufficiency.</li> </ul> <p><b>In Cuba</b></p> <ul style="list-style-type: none"> <li>• Relations between the Government and UNHCR continue to improve, and knowledge of refugee law and practice is enhanced, towards the long-term goal of Cuba’s accession to the 1967 Protocol.</li> <li>• Resettlement solutions are found for those refugees who are unable to opt for return.</li> </ul> <p><b>In Belize</b></p> <ul style="list-style-type: none"> <li>• Government re-establishes eligibility</li> </ul>

<p>redouble the search for durable solutions, through promotion of local integration (assisting refugees to obtain permanent residency and enhance their economic opportunities), and through facilitation of resettlement for those refugees without local integration prospects.</p> <ul style="list-style-type: none"> <li>Newly arrived Refugees in all Central American countries, Mexico and Cuba, , will be provided with basic subsistence pending a durable solution.</li> </ul>	<p>procedures, and asylum seekers’s claims are admitted to a procedure.</p> <p><b>In Guatemala</b></p> <ul style="list-style-type: none"> <li>GA 383-2002 is fully implemented, the CNR is fully functioning, and the interim regime to facilitate permanent residence for long-staying refugees is fully implemented.</li> </ul> <p><b>In El Salvador</b></p> <ul style="list-style-type: none"> <li>The CODER is fully functioning, and newly-recognised refugees are documented and provided with work permits in an expeditious fashion.</li> <li>In every country, UNHCR through a specified implementing partner, ensures orientation and assistance to refugees.</li> </ul>
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Name of Beneficiary Population/Theme:

**Public Information and Public Awareness**

Main goal(s):

**Public Information activities in Mexico and in the region covered by RO Mexico will continue to be aimed at raising awareness about the refugee plight among public opinion in general, with an anti-xenophobic approach, following and supporting the Office’s Agenda of Protection for Mexico and the countries under its region.**

<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>The Public Information Unit will support HQs efforts to include the Central American region and Mexico within their information activities through the provision of timely information and images when required.</li> <li>Public Information will continue providing useful and relevant information to governmental counterparts and other relevant actors in</li> </ul>	<ul style="list-style-type: none"> <li>Local refugee developments are followed-up and documented in a timely fashion and included within UNHCR global information devises.</li> <li>Different actors and counterparts are deemedly and timely informed about relevant refugee issues of the region and the world, including country of origin information as required.</li> <li>The Protection Unit will be able to rely on the P.I. Unit to gather relevant information and to</li> </ul>

the region and support the Protection Unit with the Agenda for Protection.	have working awareness materials to support Protection activities and Protection needs in the region.
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