



UNHCR

United Nations High Commissioner for Refugees

Haut Commissariat des Nations Unies pour les réfugiés

Country/Regional Operations Plan 2008-2009

Mexico

**(Belize, Cuba, El Salvador, Guatemala,
Honduras, México, Nicaragua)**

Country/regional Operations Plan (2008-2009)
RO Mexico
(Belize, Cuba, El Salvador, Guatemala, Honduras, México, Nicaragua)

Part One: Context and Strategy

1.0 Operational Context

1.1 Political, Social, Economic, Security, Human Rights and Asylum Issues

The UNHCR Regional Office in Mexico (ROMEX) covers UNHCR operations in Belize, Cuba, El Salvador, Guatemala, Honduras, Mexico, and Nicaragua. With the exception of Cuba, all countries are signatories to the 1951 CSR and its 1967 Protocol. Currently, the region is characterized by an increasingly complex migratory context. ROMEX will continue to cover the above-mentioned countries through 2009, and beyond.

States in the region are increasingly taking steps to control the movement of undocumented migrants in the region. Interception, detention and deportation practices have intensified in recent years. The participation of all the countries in the region in the “Puebla Process” (the multi-lateral Regional Conference for Migration) reflects this reality. Within this environment, UNHCR will continue to work with its government and civil society partners, to keep the door open for asylum, ensuring that asylum seekers both from within the continent (principally, from Colombia, Central America and the Caribbean) as well as extra-continental refugees (mainly from Africa, the Middle East and Asia) are detected among mixed migratory flows, and have access to fair and efficient asylum procedures.

UNHCR’s presence along the southern border at Tapachula, the principal border crossing between Central America and Mexico, is essential in the pursuit of the aim that asylum seekers travelling within massive mixed migratory flows have effective access to international protection mechanisms. UNHCR Field Office Tapachula constitutes the only UN presence in one of the most complex migratory environments in the continent.

1.2 New Governments in Mexico, Nicaragua and Honduras

Mexico’s new government installed in late 2006 and headed by President Felipe Calderon Hinojosa of the “National Action Party” (PAN), is consolidating its position following a closely contested presidential election which Mr. Calderon won by a margin of 0.58 over his rival from the Democratic Revolutionary Party (PRD), Mr. Andrés Manuel López Obrador (i.e. 35.89% versus 35.31% of the 40 million votes). In Nicaragua and Honduras, newly installed governments following 2006 elections are consolidating their position.

1.3 Mexico Plan of Action

ROMEX’s efforts towards opening a dialogue with the new Mexican Administration began in early 2007. Within the context of the MPA, ROMEX hopes to explore, among other things, the possibility of Mexico becoming a country of resettlement for refugees, under the regional “Solidarity Resettlement Programme” of the Mexico Plan of Action.

1.4 Populations of Concern/Themes addressed by UNHCR Programmes

1.4.1 Mexico

An overarching topic in the region is the massive flow of undocumented migrants, including trafficked persons travelling from South to North, among which some are persons in need of international protection. Mexico is mainly a transit country for them, while using mostly clandestine, and often dangerous channels. Migrants crossing the southern border are predominantly from Central American countries. Poverty and youth gang violence (“*maras*”), compounded by destruction of infrastructure in recent natural disasters, all contribute to massive migration of Central American nationals aiming to reach the U.S. and Canada. Human smuggling as well as human trafficking for purposes of sexual or economic exploitation are reportedly widespread.

Within the migratory flows there are thousands of unaccompanied children who are particularly vulnerable to human rights violations, and often victims of smugglers and/or traffickers. These migrants converge into the stream of Mexican nationals seeking to cross the Mexico-U.S. border in an irregular fashion. As such, Mexico's southern border is the last bastion for persons seeking protection before they get absorbed into an even vaster flow of undocumented migrants.

UNHCR's objective in this complex context is to establish national and civil society mechanism that will enable refugees travelling among this flow of people to gain access to international protection mechanisms.

1.4.2 Central America

The Central American countries covered by the UNHCR Regional Office in Mexico are signatories to the 1951 CSR and its 1967 Protocol. UNHCR assists them in strengthening national legislative frameworks for refugee protection, building national institutional capacity to decide upon asylum claims, delivering protection training, fostering the establishment of national civil society protection networks and seeking durable solutions for refugees through local integration. The work is done with the support of local NGO implementing partners.

Across the region the main population of concern to UNHCR will continue to be asylum seekers and refugees mainly from Central American countries and the Caribbean, as well as modest numbers of extra-continental refugees from Africa, the Middle East, and Asia.

1.4.3 Cuba

The operational environment in Cuba differs from that in Mexico and Central America. Cuba is not a signatory to the 1951 Convention or the 1967 Protocol. Refugee status determination is carried out under Mandate. UNHCR negotiates with Cuban authorities for permission for persons of concern to UNHCR to remain in the country until RSD is completed and a durable solution is found. Local integration of Mandate refugees is a remote option and, thus, resettlement remains the preferred durable solution.

Lacking an implementing partner, UNHCR's programme of care and maintenance and complementary assistance for Mandate refugees will continue to be implemented directly. The government offers refugees protection from *refoulement*, free health care, and access to education. ROMEX will continue to participate in regional contingency planning for possible outflows of Haitian refugees.

Over the last 27 years, the Cuban government has been providing scholarships to students from developing countries. This assistance has been given through bilateral agreements between the Cuban Government and various countries, mostly in Africa. This is the case of the Saharawi students, who travelled to Cuba from the refugee camps in Tindouf, Algeria. Once graduated, the Saharawi refugees are expected to return to the refugee camps. In exceptional cases, non-Saharawi students of other nationalities have become refugees "sur place" and, thus, require resettlement to a third country. These refugees generally retain their migratory status as students and benefit from governmental assistance programmes like any other student until a durable solution is found.

Refugees and asylum-seekers arriving spontaneously are mainly of urban background. Most are single adult males but there are also, albeit less, single females, and families, including some children. Based on previous trends, it is estimated that the number of asylum seekers arriving in Cuba will remain somewhat static in 2007. It is however likely that most new refugee arrivals require UNHCR assistance until a durable solution can be found.

1.5 Summary Results of Assessments including Participatory Assessment with populations of concern, in the Annual Protection Report, Standards and Indicators, and other assessments undertaken by UNHCR and partners, per programme as defined by population of concern or theme.

AGDM exercises were carried out in late 2005 in Mexico and Nicaragua, and 2006 in Belize, Cuba, El Salvador, Guatemala and Honduras in 2006 with the active participation of refugees in the assessment of the problems encountered by the different age/gender groups of refugees/asylum seekers that affect their well-being and local integration. Main concerns were voiced regarding health, education, income generation, community participation, security, access to employment, exploitation, and access to banking facilities.

From the assessment, the following were identified as the most preoccupying of the hardships generally faced by the different age groups (18-60+) in the region that may adversely affect their local integration.

- Regularization of migratory status;
- Lack of job opportunities;
- Insecurity;
- Isolation, despair, Stress;
- Domestic violence (against women and children);
- Discrimination;
- Lack of educational possibilities;
- Economic hardship;

From 2007 to 2009 ROMEX will continue working with Governments and Implementing Partners to improve/eliminate these hardships.

2.0 UNHCR Strategy

2.1 Achievements to date per programme as defined by population of concern or theme

2.1.1 Capacity-building and dissemination of International Refugee Law (IRL) in Mexico and Central America

Since its establishment ROMEX has provided legal and technical advice on individual asylum applications throughout the region, and monitored the treatment of claims related to non-State Agents of persecution in gang violence, sexual and gender-based violence, and age-based and domestic violence.

UNHCR has been actively involved with advocacy in respect of IRL in the countries that are party to the 1951 Convention and its Protocol, and has also lobbied governments in the region to improve upon existing asylum and refugee legislation. ROMEX has periodically organized/participated in various seminars/workshops on capacity building of its main and potential interlocutors in the region.

RO Mexico has been advocating for the passage of new laws on refugees and statelessness in Mexico and Nicaragua. Efforts have also been made towards the reform of the regulatory decree of the National Law on Population in Mexico.

UNHCR's strategy in the region has also focused on informal and formal training and capacity-building activities, the protection of women and children refugees and asylum seekers; interpretation of the refugee definition within a gender dimension; application of UNHCR guidelines on gender-based persecution and Sexual and Gender-Based Violence (SGBV). This approach will continue to be followed through 2009, and beyond.

2.1.2 Voluntary Repatriation of Saharawi Students from Cuba

Since 1996, UNHCR has been implementing a voluntary repatriation project for some 1,400 Saharawi students, upon completion of their studies in Cuba. By December 2006, only 75 of these students were still remaining in the country. The project will continue on yearly basis until 2009 when all the students (from the initial list of 1,400) are expected to have returned to their country of asylum upon completion of their studies.

2.1.3 Care and Maintenance of Urban refugees in Cuba

Whilst awaiting durable solutions, UNHCR provides material assistance to refugees (for shelter and subsistence) and, on an exceptional basis, to vulnerable asylum seekers while they undergo the refugee status determination process. UNHCR has also provided complementary material assistance to refugee students.

2.1.4 Refugee Status Determination (RSD)

Since Cuba is not a signatory to the 1951 CSR and its 1967 Protocol, ROMEX has been undertaking RSD under UNHCR's mandate.

2.1.5 Resettlement

Resettlement has been the most preferred durable solution for refugees in Cuba due to the lack of local integration opportunities for refugees there. In the past refugees have been resettled mainly in Sweden, Norway, the United States, and Canada.

2.2 Protection and Solutions Strategy for 2008-2009 per programme as defined by population of concern or theme.

Resettlement will continue to be the durable solution for refugees in Cuba lacking options for local integration in the country. Urban refugees in Cuba will continue to receive material and legal support. The provision of legal support and material assistance (on an exceptional basis) for refugees in Mexico and Central America will continue until adequate national structures are in place. Promotion of refugee law and capacity building of government officials and other interlocutors in the region will continue. Voluntary repatriation of the residual caseload of Saharawi students mentioned in section 2.1.2 will continue up to 2009. Starting from 2007 ROMEX is prioritizing local integration as a durable solution for refugees in Mexico and Central America.

2.2.1 Overall Objectives and their links to the 2008-2009 Global and 2007-2009 Regional Strategic Objectives (GSO/RSO)

In compliance with the 2008-2009 GSO and 2007-2009 RSO, the following constitute the overall objectives of ROMEX for 2008-2009:

1. **GSO 1.2/RSO 1.1** ensure that newly recognized refugees receive appropriate documentation and work permits in an expeditious manner.
2. **GSO 1.1/RSO 1.1:** Ensure access of asylum seekers in Cuba to RSD procedures under UNHCR Mandate, and develop protection strategies for persons of concern to UNHCR Mexico and Central America in the framework of the Mexico Plan of Action (MPA).
3. **GSO 2.1/RSO 2.1:** Continue with advocacy for International Refugee Law (IRL) in the countries that are party to the 1951 Convention and its protocols, and also lobby governments in the region to improve upon existing asylum and refugee legislation.
4. **GSO 2.3/RSO 2.2:** Strengthen the legislative framework of asylum in the region by providing technical/legal assistance and advocating for the passage of a refugee law, and reforms to the current Regulatory Decree to the General Population Law in Mexico, and the passage of a new refugee law in Nicaragua. UNHCR will also promote lifting of reservations and declarations made to the Convention and Protocol by certain countries in the region.
5. **GSO 2.3/RSO 2.2:** Capacitate judges and attorneys in Mexico and Central American countries in IRL and relevant local legal provisions; train attorneys in litigation techniques and encourage them represent refugees in asylum proceedings in the region.
6. **GSO 3.1:** Negotiate access of all refugees and asylum seekers to the national medical institutions in the countries covered by ROMEX, and extend vaccination and health information campaigns to the refugee community; strengthen HIV/AIDS prevention, care and surveillance.
7. **GSO 3.3/RSO 3.1:** Work towards the elimination/improvement of problems identified in the participatory assessments of Age, Gender and Diversity Mainstreaming (AGDM) conducted in the countries covered by ROMEX in 2005 and 2006, including protection against sexual and gender-based violence, abuse, intimidation and exploitation.

8. **GSO 3.3/RSO 3.1:** Ensure adequate access of refugees and asylum seekers to education and other community services; ensure that refugee children of school age have immediate access to the national education system.
9. **GSO 3.5/RSO 3.3:** Ensure that newly-recognized refugees receive refugee documentation and work permits in an expeditious fashion, and ensure that long staying Mandate, Convention and prima facie refugees benefit from permanent residence and, whenever possible, naturalization to facilitate their local integration in countries of asylum.
10. **GSO 4.2/RSO 4.2:** Ensure that urgent/vital needs of refugees and vulnerable asylum seekers are met, with special attention to the specific needs of refugee women, children and adolescents.
11. **GSO 5.3/RSO 5.2:** Promote and support local integration of refugees in Mexico and Central America.
12. **GSO 5.4/RSO 5.3:** Promote resettlement as a durable solution for refugees in Cuba where local integration is not a viable option.
13. **GSO 5.1/RSO 5.1:** Promote the voluntary return of Saharawi students to their first country of asylum, Algeria (Tindouf).
14. **GSO 6.1/RSO 6.1:** Strengthen collaboration with UN Agencies, NGOs and government partners, particularly on mixed flows in southern Mexico with unaccompanied and separated children, as well as victims of trafficking.
15. **GSO/RSO 7.1:** Apply AGDM analysis to all operations in Mexico, Central America, and Cuba.
16. **GSO/RSO 8.2:** Enhance the visibility of UNHCR in the region through increased Public Information (PI) that highlights and reinforces UNHCR's objectives and achievements in the region.
17. **GSO/ 9.1/RSO 9.1.** Maintain close contact with SMT members and security officials, and ensure that staff are adequately oriented on matters with concern to the security.
18. **GSO 10.5/RSO 10.5:** Ensure the regularization of the status of consultants working for UNHCR.
19. **GSO 10.1 / RSO 10.1:** Create and implement efficient resource allocation procedures that support a sustainable balance between the operational, admin and staffing component of ROMEX's budget.

2.2.2 Planning Figure Table

Planning Figures¹				
Population	Dec. 2006	Dec. 2007	Dec. 2008	Dec. 2009
Belize	508	500	500	500
Cuba	667	650	650	650
El Salvador	39	40	40	40
Guatemala	382	350	350	350
Honduras	22	20	20	20
Mexico (Rural)	354	0	0	0
Mexico (Urban)	3,319	1,500	1,500	1,500
Nicaragua	199	200	200	200
Total	5,490	3,260	3,260	3,260

2.3 Partnership and Collaboration

¹ These planning figures should summarize Annex 3 of the 2007 COP/ROP.

ROMEX will continue to implement its activities in the region with the following Implementing/Operational Partners:

Cuba – Ministry of Internal Commerce (MINCIN), UNDP

Belize – Help for Progress

El Salvador - Anglican Church of the Central America (El Salvador)

Guatemala - Asociación de Desarrollo Integral (ASI);

Honduras - Centro de Investigación y Promoción de los Derechos Humanos (CIPRODEH)

Nicaragua - Consejo de Iglesias Evangélicas Pro-Alianza Denominacional (CEPAD)

México – Comisión Mexicana de Ayuda a Refugiados (COMAR); Sin Fronteras I.A.P, Amnesty International, Albergue Belen; CONAPRED - National Commission for the Reduction of Discrimination, Mexico (only at the level of a letter of understanding)

2.4 Assumptions and Constraints

2.4.1 Constraints

The following are among the main constraints that RO Mexico envisages to face during the period 2008-2009:

- a. Inadequate legislative framework and lack of legal representation and refugee jurisprudence in Mexico and Central America will pose a challenge to access to asylum procedures in the region.
- b. Lack of effective protection mechanisms for unaccompanied/separated minors and women or girl victims of trafficking crossing Mexico's southern border in Tapachula, who may need to seek asylum.
- c. The region is characterized by frequent changes of political appointees responsible for making decisions regarding asylum and refugees.
- d. The problem of lack of employment opportunities and insertion into the labour markets of the region. This is likely to constitute an obstacle to refugee integration and self-sufficiency.
- e. Throughout the region refugees encounter difficulties in regularizing their status. This will continue to pose a challenge to efforts to assist with the integration of refugees into local communities.
- f. Local integration in Cuba is not currently a viable option. Resettlement will continue to be the preferred durable solution for refugees in Cuba.
- g. Limited human resources within the office and of the IPs could pose a challenge to regular monitoring of asylum matters, particularly in Central America – notwithstanding a substantive reorganization and re-profiling exercise conducted by ROMEX in 2007.

2.4.2 Assumptions

UNHCR's activities will be implemented during 2008-2009 on the assumption that:

- a. Asylum seekers will arrive within large, mixed migration flows of undocumented migrants seeking to cross the Mexico-U.S. border.
- b. There will be political stability in the region and security will improve.
- c. Governments in the region will be open to the passage of legislation and the improvement of asylum systems where necessary.
- d. ROMEX will dispose of adequate financial and human resources to enable it to achieve its objectives.
- e. There will be no major turnover of political appointees in the region.
- f. There will be no major feelings of xenophobia and discrimination against foreigners.

2.5 Potential for Durable Solutions and Phase Out

2.5.1 Local Integration

During 2007-2009, local integration will constitute a major focus for ROMEX, as a durable solution for refugees in Mexico and Central American countries. Among the many problems that hinder local integration in the region, the following have been identified as the most serious:

- Inadequate asylum legislation;
- Difficulties in the regularization of migratory status;
- Reluctance of educational institutions and prospective employers to recognize the diplomas/certificates of refugees;
- Discrimination/xenophobia against foreigners;
- Lack of easy access to educational institutions and social amenities, like health institutions;
- Lack of job opportunities;
- Difficulties related to insertion into the labour market;
- Language Barrier (for extra-continental refugees)

Intervention mechanisms being adopted to facilitate local integration includes, but not limited to the following:

- In collaboration with ROMEX's main IPs in the region, improve networking with institutions (government and non-governmental) involved in the local integration of refugees; these include educational and health institutions as well as prospective employers;
- Continue negotiations with governments in the region to improve on asylum legislation to facilitate the integration of refugees;
- Continue with capacity building of government officials involved with decisions on refugee matters;
- Intensify public awareness campaigns on refugees;
- Implement micro credit schemes to facilitate self-sufficiency;
- Organise Spanish language classes especially for extra-continental refugees;
- Make efforts to ensure the incorporation of refugees in health and educational institutions;
- Organize workshops for refugees on their rights and responsibilities;

2.5.2 Employment schemes and promotion of labor insertion

UNHCR, along with its main NGO partners, will widen its contacts with relevant institutions to facilitate the integration of refugees in the Mexican and Central American labor markets.

2.5.3 Resettlement

Due to the lack of local integration opportunities for refugees in Cuba, ROMEX will continue to pursue resettlement as the preferred durable solution for refugees. Main resettlement destinations will continue to be Sweden, Norway, the United States, Canada, and possibly others. Efforts will also be made to resettle refugees in countries from the region in the spirit of the "Puebla process" ("Reasentamiento Solidario")

2.5.4 Voluntary Repatriation

ROMEX will promote voluntary return of the remaining 75 Saharawi students (re: section 2.1.2) to Tindouf, Algeria, their first country of asylum. This project is scheduled to end in 2009 following the expected graduation of all the 1,400 students for whom the project was designed.

2.6 Summary Management Strategy for UNHCR

UNHCR's strategy in the region will focus on the pursuit for the Agenda for Protection, and in particular on the Mexico Plan of Action (MPA). ROMEX will vigorously pursue its objectives outlined in section 2.2.1, and ensure easy access of asylum seekers in Cuba to RSD procedures under UNHCR Mandate, as well as develop protection strategies for persons of concern to UNHCR in Mexico and Central America in, the framework of the MPA.

ROMEX will endeavour to strengthen the legislative framework of asylum in the region by providing technical/legal assistance and advocating for the passage of refugee legislation and reforms to the current Regulatory Decree to the General Population Law in Mexico, as well as the passage of a new refugee law in Nicaragua. UNHCR will continue to assist the countries signatories to the 1951 CSR and 1967 Protocol to strengthen their national legislative frameworks for refugee protection.

In line with UNHCR's exit strategy, UNHCR assistance will include building capacity through training of implementing partner staff, government/migration officials and other key actors such as lawyers and judges

involved in processing asylum claims, in order to strengthen national civil society protection networks and encourage the creation of a net of attorneys to provide legal support on a pro bono basis to asylum seekers in the region.

ROMEX will continue to strengthen its relations with governments in the region and maintain its neutrality and objectivity in the face of changing political circumstances and counterparts in order to reinforce UNHCR's credibility.

Local integration will be vigorously pursued for refugees in Mexico and Central America as a durable solutions option whilst resettlement will be promoted as the most viable durable solution for refugees in Cuba due to their limited local integration prospects there. ROMEX will continue to promote the voluntary return of Saharawi students to their first country of asylum, Algeria (Tindouf).

ROMEX will continue to increase the awareness of the plight of minors stranded at the Mexico/Guatemala border at Tapachula. In 2006 a study conducted by a Child Protection Officer (CPO), working for UNHCR, on loan from "Save the Children – Sweden) highlighted the situation of unaccompanied children as the most vulnerable group within the mixed flows at Mexico's southern border. A follow up mission is scheduled for 2007 and results should lead to a plan of action to be implemented in 2008 and 2009.

The border monitoring project piloted by ROMEX in 2006 with the active participation of UNHCR's IPs will be sustained/supported in order to enhance the access of more asylum seekers to asylum procedures in the region.