



# **COUNTRY OPERATIONS PLAN**

**Country/Region: Southern South America**

**Planning Year: 2004**

**Part I: Executive Summary**

**(a) Context and beneficiary population(s)**

The new situation in Argentina, the steps taken to address the deep economic crisis, as well as the measures aimed at stabilizing the democratic process in Brazil and Chile, brings to the Region a new hope for the lives of refugees, asylum seekers and of course, local populations.

Nevertheless, socio-economic indicators show that more than 50% of the population live in poverty. Under this frame, the implementation of legal protection tools remains more necessary than ever.

The restrictive measures following September 11 have somehow had an impact for the refugees to accede to the asylum procedures all over the region.

In the framework of MERCOSUR, Argentina, Bolivia, Brazil, Chile, Paraguay and Uruguay signed an agreement granting free transit and residence for all their citizens who will be allowed to circulate or settle in any of these countries. The implementation of the agreement will have implications for refugees themselves and for those who are in a refugee like situation. It will facilitate the local integration of those who have fled one MERCOSUR country and sought asylum in another.

Brazil, Chile and Uruguay have opened their doors to some 200 Colombian refugees in view of the expanding conflict in Colombia.

While it would seem logical to view the member and associated MERCOSUR countries as a whole, significant differences remain amongst these countries in general and as regards refugees in particular. Therefore, the Regional Office combines a regional and national perspective.

Recently the Argentine-Brazilian-Paraguayan triple border once again has been signalled as a hiding place harbouring agents of Islamic fundamentalist groups interested in developing South American drug trafficking financing lines. The above has drawn the attention of US authorities who have pointed out the need for heightening security in the area. It has also become known that the Pentagon considers that the Triple Border has ceased to be an "area under surveillance" to become a "sanctuary for Islamic fundamentalism". Under this assumption, it may be expected that migratory controls be reinforced at the countries entry points.

UNHCR, in co-ordination with state and other national institutions based in the area like the Catholic Church, will closely monitor this issue. The above in order that even under these circumstances national authorities take duly consideration of the safe guard clauses related to asylum seekers and refugees, already incorporated in International instruments against terrorism and traffic of migrants.

Argentina: Underemployment represents 20%. About 55% of people live under poverty line. Of this total, 27% live under extreme poverty line. Unemployment is estimated at 30 %. This situation has somehow jeopardised refugees self-sufficiency levels reached in the previous years. It has also affected civil society networks strategy in favour of refugees, given that local institutions are more and more overcharged trying to respond to the increased needs and demands from the local population.

Brazil: Recently elected President da Silva faces enormous challenges: He is engaged in reaching crucial agreements with the Governors of 26 States

Brazil has played an important role in the context of MERCOSUR so that the initiatives adopted in such forum are in line with international standards on refugee matters.

Bolivia: There is a very fragile equilibrium between the Armed Forces and the Police. Political and social protest, pledges of general strikes and road blockages are part of the political scene in response to the policies/strategy proposed by the government. The government's power to enact legislation and to implement the austerity measures will be circumscribed by a fragile majority at the Congress.

Chile: Continuos to be a strong economy and a supportive country to refugees and asylum seekers. After almost 30 years of dicatorship Chile appears as one of the most solid democracies in the Southern Cone.

Paraguay: Paraguay continued to be confronted to political instability. It seems that the deterioration in public finances and the lack of sources of financing will make difficult for Paraguay to settle overdue obligations.

Uruguay: The Argentine economic crisis and the devaluation in Brazil have had a negative impact in Uruguay. The Uruguayan peso suffered a loss of value of about 70%. Social tensions are likely to remain high as real wages continue to fall, unemployment rises and the business sector demands debt restructuring and access to credit.

Human Rights: Migration and human rights are two critical subjects in intra-regional debates that also illustrate the growing interdependence of countries in the hemisphere. UNHCR has a role to play in the next years in helping to develop the capacity of government and civil society to fully implement the 1951 Convention and to pro-actively interact with these regional integrative processes.

In general terms, the authorities take a strict migration approach to deal with refugee issues. This may be attributable to the lack of knowledge of refugee law among migration and police officers who interact with those who come across the border, an issue that needs to be addressed through curriculum development

*Protection issues:* There is still a crucial need for supervision of the refugee status determination procedures. Current major protection issues are:

Argentina: a) the proposed immigration law reform. (b) The decisions to be taken on the proposed Schengen-type transfer-of-responsibility agreement for MERCOSUR proposed by Argentina, (c) the situation at the triple border area in the context of the implementation of anti-terrorist migration measures. d) The implementation of the second phase of the RSD project to prevent the increase of the pending backlog of asylum cases in the government refugee commission.

Bolivia: a) The continued refusal of the Bolivian Supreme Court to nullify its decisions granting extradition to the country-of-origin to legally-recognised refugees; (b) the difficulties for UNHCR and its implementing partner to receive advance notice to be able to attend RSD meetings. (c) the weak role of civil society in supporting refugee protection.

Brazil. a) The situation at the triple border area in the context of the implementation of anti-terrorist migration measures the difficulties to consolidate the local integration of the resettled refugees. b) the difficulties of the Brazilian government refugee commission (CONARE) to produce written reasons for its decisions.

Chile: a) The local integration of resettled refugees. b) Strengthening the functioning of the national institution involved on RSD procedures. c) The Modification of the Migration Law, in which a refugee chapter on refugee will be proposed.

Paraguay: a) Implementation of the National Refugee Law. b) Dissemination of the a/m National Refugee Law. c) Building Constituencies/awareness to promote it. d) The situation at the triple border area in particular at Ciudad del Este as a sensitive protection issue.

Uruguay: a) Promotion on the adoption of the National refugee law draft currently under consideration at the Parliament. b) Building awareness and constituencies on IRL. Strengthening involvement of national institutions on refugee issues.

#### UNHCR's role and goal in the region

The goal of UNHCR in the region is to build constituencies in Argentina, Bolivia, Brazil, Chile, Paraguay and Uruguay and progressively hand over responsibility for refugee protection and local integration to national institutions. In addition, for Argentina, Brazil, Chile, the challenge is that they develop into active partners on the humanitarian scene: in international (EXCOM) and regional fora (OAS, MERCOSUR). For Chile and Brazil the challenge is in receiving refugees from outside the region through resettlement.

In this same vein, the RO will be monitoring any MERCOSUR or national initiatives to combat terrorism or migrant smuggling. Appropriate safe guards have been introduced to preserve the asylum institution in the context of the 51 Convention and 67 Protocol.

Agreement of Free transit and residence for all MERCOSUR citizens: The region hosts thousands of migrants. In December 2002, Argentina, Bolivia, Brazil, Chile, Paraguay y Uruguay signed an agreement granting free transit and residence for all their citizens. All citizens will be allowed to circulate or settle in any of these countries allowing them to enjoy the same civil, social, cultural and economic rights as nationals of receiving countries. The category of illegal immigrant will no longer exist for MERCOSUR citizens residing in any of the MERCOSUR countries. The situation of those currently in illegal conditions will automatically be regularised.

The implementation of the agreement will have implications for refugees themselves and for those who are in a refugee like situation. It will facilitate the local integration of those who have fled one MERCOSUR country and sought asylum in another. (Bolivia and Paraguay).

Migratory procedures will remain unchanged, except that “the only requirement will be to present a certificate of good antecedents, valid passport, and birth certificates”. Through this measure the illegal situation of 300.000 Argentines in the region; 600.000 Paraguayans, 500.000 Bolivians, 10.000 Brazilians, 100.000 Uruguayans in Argentina and 380.000 Brazilians in Paraguay could be regularised.

Overview of each beneficiary population: numbers, origin, and demographic composition.

An estimated number of 7700 refugees and asylum seekers that have grounds to be granted refugee status will have benefited from UNHCR assistance by the end of 2004. (see annex 10)

There are two main groups of asylum seekers and refugees in the region: Latin American Caribbean refugees (in Argentina, Bolivia, Brazil, Chile) the extra regional group, mainly coming from Africa (in Brazil), from Central Europe and Asia (in Argentina, Chile, Paraguay and Uruguay),

A third group will be composed of around 50 refugees who are expected to request repatriation.

Like in other urban caseloads, almost half of the caseload is composed of young men (17 to 35 years), most of them single. Women represent a third of the adult population. Although minor differences exist between countries, a similar demographic distribution applies to all caseloads all over the region.

Considering both new arrivals and delays in the issuance of documentation, the assisted caseload will depend on temporary financial assistance for their basic needs, especially food and shelter. There are also approximately 50 cases of elderly European persons (Tolstoy Foundation) in Argentina, Brazil, Chile and Paraguay.

The existence of illegal migrants impacts heavily on the refugees and asylum seekers. Among these migrants there are undetermined numbers that have simply given up on asking for asylum, even though they tried to do so initially. This is linked to the poor functioning of the asylum process. It is a significant protection problem that the office has so far failed to tackle successfully.

They are unaware of their rights and/or have in fact shunned seeking asylum. They are looked at with suspicion, reinforcing xenophobic and racist attitudes, while confronting a series of problems going from lack of legal status and scarce possibilities for local integration.

Strengthening and expanding "protection networks" through existing and or additional partners is therefore one of the major objectives of this Office. Such efforts are however limited by lack of resources and a very reduced number of staff time that can be devoted to this task. The aforementioned protection network would provide information about reasons for leaving/moving, as well as routes and destinations.

To live up to the challenge, UNHCR must see that state and non-state actors ensure the safety and security of the refugees, asylum seekers and others who have been forced out of their homes.

### **Resettlement**

Refugee resettlement programmes in Chile and Brazil offers both challenges and opportunities for strengthening the overall refugee protection regimes in these countries. The framework agreement and related sub-agreements offer new mechanisms for tripartite collaboration on refugee matters, while also heightening the attention of government officials to address existing gaps in the access of refugees to national systems (health, education, housing, etc.). Nevertheless, UNHCR efforts to assist in establishing sustainable resettlement programmes are challenged by the need to work simultaneously to address existing barriers to integration experienced by most refugees and asylum seekers, as well as the need to identify additional resources (nationally and internationally) to support local integration for those who arrive directly to these countries.

### **Capacity Building**

Within this capacity building approach, UNHCR will gradually lessen its involvement with routine activities and act more as a catalyst and maximise the impact of its

limited resources. It will focus its limited resources on the national and regional legislative processes, on the actual implementation of the law as well as on support and strengthen coordination mechanism amongst civil society institutions involved directly/indirectly on refugee issues.

#### Public Information and Public Awareness

Public Information and Public Awareness activities will support Regional Office efforts towards improving the protection and local integration of refugees in the region in multiple ways. Amongst them:

Advocacy efforts through the publication of numerous Op Ed's in the region's leading newspapers around key dates or important regional migration meetings.

Support the resettlement program by closely co-ordinating a comprehensive media strategy with Implug and government interlocutors, leading to media coverage which was both positive and accurate at the outset.

PI will assist asylum seekers and refugees in acquiring familiarity with RSD procedures as well as of available local integration venues through the dissemination of a comprehensive information manual for asylum seekers and refugees in Argentina. This manual is intended to be adapted by other countries in the region, in close co-ordination with local counterparts.

In the area of local integration, PI will continue to encourage partners' activities through the publication of articles on their activities for UNHCR publications and web sites as well as for those of sister agencies.

In addition to targeted media activities, sustained efforts will be made towards enhancing the general visibility of the refugee problem. The continued pro bono support of advertising agencies in Argentina and Brazil was instrumental in raising awareness on the refugee condition.

On the occasion of WRD a complete media kit will be drawn up and sent to journalists throughout the region.

In the year 2004, the Regional Office plans to continue to draw upon a pool of dedicated volunteers who have enabled the Office to steadily expand its range of activities.

#### **Capacity and Presence of Implementing partners**

In a region in which asylum is overshadowed by migration, it is almost inevitable that law enforcement officials tend to include each and every irregular mover into the broad category of economic migrant. UNHCR certainly realises that the majority of people who migrate are not persons in need of international protection. Yet, unknown numbers of genuine refugees run the risk of refolement unless proper measures, such as active monitoring, early warning and legal counselling, are implemented appropriately. Therefore the Regional Office must continue to enhance national capacities to be prepared and to respond in a timely manner, and to take preventive measures where possible.

The civil society protection networks are expected to perform the following critical protection tasks:

- Building awareness of refugee protection principles and rights;
- Protection monitoring for the timely identification of asylum-seekers and refugees;
- Legal counselling;

- Act as a filter to bring to UNHCR's attention jurisprudence making cases.

In most of the Southern Cone countries although at different levels, our partnership is yielding concrete results. National societies are gradually assuming a more active role concerning refugee protection and assistance.

In Brazil, the major role played by Caritas in the adoption of public policies is a very clear indicator of this trend. In this respect, the political role of the Vicariate in Chile, the increased role of SEDHU in Uruguay, the efforts of the CEB in Bolivia and the operational multiplier effect of the FCCAM in Argentina must also be noted.

Until the end of 2002, civil society institutions and UNHCR's implementing partners in the region covered around 31 % of refugee needs. Argentina covered around 25 %, Brazil 42 % Chile and Uruguay 35% and Bolivia 20% of refugee assistance in terms of health, education, vocational training and counselling from non-UNHCR funds. Without their contribution, most of these services would not have been provided to refugees.

This is much valuable in the context of the severe crisis in Argentine, which produced a reduction in the 2002 contribution with respect to 2001. (It was about 40%).

This approach of increasingly drawing on national players and resources requires constant support and follow-up from UNHCR. The experience confirms that none of the achievements so far should be considered as permanent.

The Office is continuously involved in the agreement negotiation processes, as well as in co-ordination matters. All these agreements are based on cost sharing. Therefore, a formal financial commitment from UNHCR remains required. Any precipitated reduction in UNHCR's financial support will have a negative impact on the implementation of the whole component of the agreed upon activities, and will potentially undermine any efforts made by UNHCR to build humanitarian networks and constituencies for refugee matters.

Considering the paramount role played by UNHCR implementing partners in the region, a priority for this Regional Office is to foster the technical and institutional capacity of our operational counterparts all over the region. UNHCR foresees to continue strengthening our implementing partners capacity through training in protection and local integration, as well as the establishment of appropriate management tools.

### **Presence and roles of other UN agencies and International organisations.**

In Argentina, regular contacts with the UN Resident Co-ordinator and UN sister agencies are maintained. In the region, this co-ordination is more difficult to achieve given there is not direct UNHCR presence in the countries. Nevertheless, contacts are made for specific purposes such as administrative issues, PI campaigns, events, amongst others.

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

Beneficiary population: By the end of 2004 the total population living in the region (refugees and asylum seekers) will be of some 10120. Estimations have taken into account the population as at 31.12.02, the estimated number of new arrivals and the estimated recognition rate. The resettlement caseload expected to arrive in Chile and Brazil is also included in this figure (30 persons per year in each case). Out of this caseload, the assisted population by the end of 2004 has been estimated to be some

7700 (5300 as at 31.12.02 + 1200 new arrivals in 2003 + 1200 new arrivals in 2004). In order to meet UNHCR objectives, the establishment of strict assistance criteria has been agreed with the implementing partners.

**Main Goals:** The project is aimed at promoting and supporting the local integration of refugees from Africa, Europe, Latin America and Asia residing in Argentina, Bolivia, Brazil, Chile, Paraguay and Uruguay.

To achieve this goal the project will provide:

Legal assistance,

Basic assistance/care and maintenance (6-8) months. Given the worsening situation in Argentina, the assistance period may be extended after a carefully needs assessment.).

Labour insertion orientation and support to the a/m refugees bearing in mind the differentiated needs of women and men, as well as minors.

UNHCR will continue promoting self-sufficiency of documented refugees by providing support in the fields of documentation, training and labour insertion.

UNHCR will also continue strengthening partnerships with state and civil society institutions with the aim of further broadening the volume and types of assistance provided by the host communities.

### **UNHCR Objectives in Southern South America**

Main Objectives	Related Outputs
<p>The promotion of a legal framework at national and regional levels.</p> <p>Raising the political profile of refugee issues to a regional level is designed to help induce the governments in the region to fulfil their responsibilities at the national level as well as regionally.</p> <p>The above implies:</p> <p>More supervisory role in refugee protection;</p> <p>Promotion of a national refugee law and regional harmonisation;</p> <p>Support for creation of refugee law clinics;</p> <p>Improving gender sensitivity and child protection.</p>	<p>Blocking or minimising the effect of immigration or anti-terrorism measures that has a negative impact on refugee protection.</p> <p>Legal assistance is provided to refugees through specialised organisations, legal clinics.</p> <p>Consolidation of protection and assistance networks and partnerships.</p> <p>Issuance of documentation for refugees as a result of negotiations with Government authorities.</p> <p>MERCOSUR has more and more become a fundamental forum to discuss at regional level policy issues regarding migrants, security and refugee issues.</p> <p>Refugee issues are more and more raised in MERCOSUR meetings.</p> <p>Special safe guards are set up/implemented to preserve the provisions of the 5t1 convention and 67 Protocol.</p> <p>MERCOSUR representatives are aware of the relevance of ensuring refugee protection as a result of UNHCR lobby.</p>



<p>Increased use of local legal capacities to promote institutionalisation of refugee law training for border control agents.</p> <p>UNHCR's overall protection objective is to progress from an operational to a supervisory role. This requires capacity building of the governments and civil society so that they can increasingly take operational responsibility for refugee protection, specifically in terms of refugee status determination, local integration, and additionally third-country resettlement.</p>	<p>The use of the existing local resources for capacity building is maximised, through relevant training carried out by the ten legal consultants working throughout the region for UNHCR's implementing partner agencies. This strategy has the additional benefit of building capacity for refugee protection in civil society since the implementing partner agencies are all significant actors in the civil societies of their respective countries</p> <p>Inclusion of refugee law training as permanent component of regular training for border control agents, will help ensure access to asylum procedure at the borders.</p> <p>Representatives from police training centres and academies specifically targeted.</p> <p>“Action plans” for each of the police and border control agencies established in Argentina and Brazil.</p>
<p>Promote the integration strategy based on the support of the civil society in each of the countries covered by this Office.</p> <p>UNHCR will support local integration of refugees through both providing direct assistance and strengthening civil society networks in favour of refugees.</p> <p>Beneficiaries will receive appropriate assistance to cover minimum standards in the fields of subsistence, documentation, education at primary and secondary level, labour training and legal and social counselling. Assistance should be solutions oriented to promote/facilitate self-sufficiency.</p> <p>In countries affected by the recent crisis (particularly in Argentina) try to keep the interest and the involvement of civil society institutions on refugee matters although their contribution may be substantively reduced.</p>	<p>Legal assistance is provided to refugees through specialised organisations.</p> <p>Protection and assistance networks and partnerships are consolidated.</p> <p>Beneficiaries receive appropriate assistance to cover minimum standards in the fields of subsistence, documentation, education at primary and secondary level, labour training and legal and social counselling.</p> <p>Documentation for refugees is issued as a result of negotiations with Government authorities.</p> <p>Partnerships willing to integrate asylum seekers and refugees in their agenda/ programmes are set up/consolidated.</p> <p>Micro credit scheme developed and enhanced in Argentina, Bolivia, Brazil, Chile and Uruguay to support local integration.</p>
<p>Support the protection/ integration/ resettlement of refugees through PI/PA activities.</p> <p>Thanks to close co-ordination of objectives and activities with other units in the Office, PI has gone a long way</p>	<p>Advocacy efforts are supported by media work and publications: Opinion pieces, in articles and interviews, and in materials produced by RO ARG.</p> <p>Partners' local integration efforts are encouraged through articles/RO ARG</p>

<p>towards effectively supporting the Office's specific objectives. It will continue to work in this direction and towards raising the general visibility of the refugee problem.</p>	<p>publications on their efforts in that area. Communication strategies are regularly co-ordinated with local partners in relation to resettlement in Brazil and Chile.</p> <p>Material is produced to enhance asylum seekers' understanding of RSD process, protection and integration prospects.</p> <p>Material is produced to reflect UNHCR efforts in the region, including in Portuguese.</p> <p>The free broadcasting/publication of HQ and locally produced publicity and the use of photo exhibits to raise general awareness of the refugee problem.</p> <p>Material on international dimensions of refugee problem is regularly distributed to local partners.</p>
<p>Resettlement from abroad in Brazil and Chile.</p> <p>Within the context of constituency building activities, resettlement project are being implemented in Chile and Brazil. The region has, therefore, shifted from being region-producing refugees towards a region receiving refugees from outside the region itself.</p>	<p>Both Brazil and Chile have agreed to continue Resettlement, expressing its political will to be henceforth considered resettlement countries. It is expected that Chile will receive 30 refugees in 2003, with a potential to increase in the years ahead.</p> <p>Concerning Brazil appropriate steps toward integration of 30 refugees will be taken in 2003. Efforts will be made to expand resettlement projects in 2004. Nevertheless budgetary provisions are initially submitted for 30 persons, in the understanding that should more cases arrive, the project will be revised accordingly.</p>