



COUNTRY OPERATIONS PLAN

OVERVIEW

**Country: China,
Hong Kong SAR, Macao SAR and Mongolia**

Planning Year: 2006

COUNTRY OPERATIONS PLAN FOR 2006

FOR MAINLAND CHINA, HONG KONG SAR, MACAO SAR AND MONGOLIA

PART I: OVERVIEW

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 supervises the Hong Kong Special Administrative Region (SAR) Sub Office and UNHCR's Liaison Office in Mongolia, where accreditation was granted to the Regional Representative in May 2000. The Regional Office monitors developments of interest in the Democratic People's Republic of Korea where UNHCR accreditation has not been granted. The UNHCR Sub Office in Hong Kong monitors UNHCR's activities in Macao SAR and provides a liaison function for sister agencies not represented in the SAR.

As a Refugee Convention signatory, China remains actively concerned with issues of asylum and migration. However, China has not yet enacted refugee regulations nor extended its Convention signatory status to Hong Kong SAR. In these circumstances, UNHCR undertakes refugee status determination and provides assistance to individual refugees and asylum seekers of various nationalities. UNHCR through its Regional Office in Beijing, Sub Office presence in Hong Kong SAR and Liaison Office presence in Mongolia, seeks durable solutions for individual refugees principally through resettlement, and for Vietnamese refugees in Mainland China through naturalization, in recognition of their successful local integration over some 25 years. UNHCR promotes the protection of refugees and the global aims and programmes of UNHCR in the Sub-region through: the advocacy of accession and/or legislation and related capacity building; the monitoring of compliance with internationally accepted asylum practices; and the pursuit of public awareness, and public and private sector fund raising activities.

Mongolia is not a party to the 1951 Convention and its 1967 Protocol, and it has no specific legislation regulating the refugee issues. Following the accreditation of the UNHCR Regional Representative in Beijing to the GOM in May 2000, UNHCR has established a reduced presence in Ulaan Baatar in February 2001, and a National Protection Officer was appointed. UNHCR RO is actively pursuing high level discussions with governmental agencies and ministries, disseminating refugee related information, providing local and international training on refugee protection and emergency undertakes refugee status determination and provides assistance to individual refugees and asylum-seekers.

The Regional Office's 2006 programme will be structured around the following five beneficiary populations, themes and related goals:

Beneficiary population #1: North Korean persons of concern in China

North East of China, a region where most North Koreans are believed to live and work, remains inaccessible for UNHCR. While the Chinese government claims that the all North Koreans in China are illegal economic migrants, due to excessive punishment they often face if (forcibly) returned to North Korea because of their illegal departure, UNHCR believes that they are persons of concern. Nevertheless, it is assumed that some common ground can be found in addressing the root-causes that compel North Koreans to leave their country, the problems faced by those North Koreans already living in China, and the situation of (forced) returns to the Democratic Republic of North Korea. In addition UNHCR will continue to intervene in the cases of individual asylum seekers approaching the office.

UNHCR will continue to monitor the situation of North Korean asylum seekers and related developments within and beyond the sub-region, through various sources, including UNHCR's representative offices and non-governmental organizations in asylum countries, and relevant advocacy constituencies.

Beneficiary Population #2: Individual Refugees and Asylum seekers

In Mainland China in the absence of national legislation and regulations, UNHCR will remain engaged in refugee status determination, in addition to providing material assistance and identifying durable solutions for refugees. Efforts to improve the quality of asylum for refugees, particularly in relation to enhancing their self reliance through more independent living arrangements and possibilities to work will be pursued further.

In Hong Kong SAR refugees do not have the right to work and rely almost exclusively on UNHCR for assistance. In view of Hong Kong's non-CSR51 signatory status and the absence of local integration possibilities, UNHCR will remain actively engaged in refugee status determination and resettlement solutions, while further advocating for access to employment for refugees.

Beneficiary Population #3: Indo-Chinese Refugees in Southern China

In Mainland China in view of the high level of local integration and self reliance achieved by some 295,000 Vietnamese refugees in Southern China after 25 years of assistance cooperation between UNHCR and China, UNHCR will gradually disengage from its decade long involvement in the implementation of the Revolving Fund Based Credit Scheme (RFBCS). UNHCR will continue to pursue the granting of citizenship for the vast majority of Vietnamese refugees who are expected to remain in China, and remain prepared to assist towards the voluntary repatriation of a small number who wish to return to Viet Nam, subject to agreement between the concerned governments.

In Hong Kong SAR, the local integration of the residual ex. CPA and ECV refugee population will be completed once these individuals have successfully fulfilled residency requirements. It is expected that the Hong Kong SAR government will guarantee to them permanent residence as of 2011, when they will no longer be persons of concern to UNHCR.

Theme # 1: Promotion of Refugee Protection

In Mainland China, despite the re-drafting of national refugee regulations in 2004, it is not expected that these regulations will be implemented by 2006. UNHCR will ensure, through continued training of government officials that the regulations are in line with internationally accepted protection standards. Public awareness of UNHCR mandate and activities through mass-media attention is expected to be increasingly broadening.

In Hong Kong SAR, in the absence of accession, UNHCR will continue to promote the need for refugee regulations. In view of the fact that no asylum regulations are yet being considered by Hong Kong, the SO will also build on Hong Kong's responsibilities regarding other human rights instruments to promote direct government responsibility towards asylum seekers and refugees. UNHCR will continue advising HK authorities to consider assessing the need for international protection of the applicants, by establishing a single procedure in which asylum claims would first be assessed, to be followed, where appropriate, by an assessment of torture claims.

Theme # 2: Public Affairs and Private Sector Fund Raising

In Mainland China, UNHCR will continue to build awareness and supportive constituencies within the government, academia, and civil society and, subject to the Regional Office's capacity, will test public and private sector fund-raising opportunities. UNHCR will also continue to seek higher levels of contributions from the government in cash, kind and services towards UNHCR's global programmes and develop further local procurement synergies to achieve mutual benefits in this respect.

In Hong Kong SAR, public awareness on UNHCR's role and PSFR activities will be essential to re-establish confidence and trust among government counterparts and the public in general thus creating a more positive atmosphere and understanding of refugee issues. Depending on the availability of funds, the PSFR/PA capacity of SOHK will be strengthened through the creation of two PSFR/PA posts.