



# **COUNTRY OPERATIONS PLAN**

**Country: Costa Rica**

**Planning Year: 2004**

## **COUNTRY OPERATIONS PLAN – 2004**

### **COSTA RICA**

#### **Part I : EXECUTIVE SUMMARY**

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

The rationale for UNHCR's presence and involvement in Costa Rica can be summarised as follows:

- 1) Costa Rica hosts the largest caseload of Colombian refugees in the region, as a result of significant numbers of Colombian nationals who have uninterruptedly arrived since June 2000 due to the deterioration of the Colombian conflict.
- 2) The need to strengthen local capacities of Government Institutions and national protection networks with a view to support refugee protection and refugee self-reliance as a means to contribute to local integration and other durable solutions including resettlement to third countries.

##### **Political context**

During the first quarter of the year 2002, the significant influx of persons in need of protection, coming overwhelmingly from Colombia, continued at the same pace as the previous year. However, the establishment of the visa request to Colombian nationals in April 2002 had a negative impact as the number of Colombian asylum seekers was reduced by 28% as compared to the year 2001. This trend has stabilized during the first quarter of the year 2003. While there does not seem to be clear indicators signalling that the number of asylum seekers might rise again, the grim possibilities of getting the peace process back on track in Colombia, can only support the idea that the continuous exodus of Colombian asylum seekers to Costa Rica will not change much during the year 2004.

##### **Security situation**

LO Costa Rica continues monitoring with particular interest some indicators pointing at the security conditions for asylum seekers and refugees in Costa Rica, mainly from Colombia. UNHCR has systematically highlighted the increasing arrival of Colombian asylum seekers and refugees as a result of the deterioration of the conflict within Colombia. It should be noted that some of the reasons that justify the arrival of Colombians in search of protection, should likewise be considered when trying to understand the overall security situation in Costa Rica, in most cases, also affecting Colombian asylum seekers and refugees. These reasons are:

- a) Costa Rican migratory policy not to request entry visa to Colombians. Although, this policy changed as of April 2002, the open-door policy applied until then,

created a pull factor for “all sorts” of Colombians to Costa Rica including but not limited to genuine refugees.

b) The proximity Costa Rica – Colombia. In addition to the hundreds of Colombians legally arriving by air (three hours away) the proximity Costa Rica/Colombia particularly after the visa request was established, has also encouraged the illegal migration of Colombians, especially through Panama by road.

c) The weakness of migratory control mechanisms at borders (coasts, airports, Frontiers) to monitor the entry/exit of persons arriving and leaving Costa Rica. Local authorities continue to be concerned on the situation in Limon (Atlantic coast, bordering with Panama). There are unofficial reports that there is now an illegal channel to enter into Costa Rica from Panama, by sea. In this regard, there have been allegations made by the local press regarding the presence of paramilitaries *sicarios* from Colombia in such area. While this information has been denied by local authorities, they have acknowledged the increasingly difficult delinquent/migratory situation faced in that area along with the increasing presence of illegal migrants from Colombia some of whom would appear to be involved in such activities.

The above situation has produced a certain amount of fear and uncertainty among some refugees who have approached both UNHCR and its implementing partner to express their concern. There has been a considerable increase in the requests of information on Resettlement possibilities throughout the year 2002 which has continued during the first quarter of the year 2003.

In addition, there have been a number of security related incidents including “subtle” or indirect threats from some asylum seekers and refugees pertaining to a small refugee group (who have been rejected assistance and/or have been denied unjustified petitions of multiple nature). As a result, the group has contributed to misinform some refugees particularly on sensitive issues such as resettlement to third countries. Such situation, led to the reinforcement of the security of both UNHCR’s premises and its implementing partner’s (ACAI). UNHCR will have to continue monitoring the security situation of both refugees and UNHCR’s staff, particularly following the establishment of a US funded resettlement program in Costa Rica, which started its implementation in February 2002, despite actions taken by UNHCR in conjunction with the Ombudsperson Office and key Government Institutions and NGO’s, which led to clearly demonstrating the absolute lack of grounds of the accusations made by this group.

### **Protection issues**

After the adoption of the visa for Colombians in April 2002, the arrival of Colombians to Costa Rica continue in an orderly manner at a pace of two hundred asylum claims per month. Although no big changes are expected in this regard, it is worth highlighting the continuous increase of refugee numbers in Costa Rica in a consistent manner. It is expected that at the beginning of year 2004, there will be in Costa Rica approx. 8.000 recognized refugees of Colombian origin, which represents one of the largest Colombian refugee caseload in the region.

Therefore, efforts should focus in securing the adequate functioning of the national protection mechanism to process asylum claims, to guarantee the full respect for international protection standards, and full respect for the quality of the RSD process. Emphasis will continue to be given to the quality of the RSD procedures carried out by the Migration Department for Refugees (General Immigration Board), in order to grant the proper assessment of refugee claims within a reasonable time period in agreement with domestic legislation, as well as the prompt issuance of personal documentation, which constitutes an important tool to encourage the local integration process of this population within the Costa Rican society.

In this connection, it is necessary to provide continuity to the Agreement signed with the University of Costa Rica. This strategic alliance with the University, has proved to be key in the reinforcement of the Migration Department for Refugees in charge of RSD procedures, regarding the reduction of the asylum claims created during the previous years as a result of the sudden influx of asylum seekers, mostly Colombians. The University students have turned into an excellent indicator to measure the quality of the RSD Procedures having direct access to the process and therefore witnessing it from the beginning, when the refugee file is open, until a final resolution is adopted. At the same time, the support given by the University, has also contributed to the reinforcement of ACAI (UNHCR's implementing partner) in providing asylum seekers and refugees with social assistance and legal counselling. Therefore, and in order to address the most urgent humanitarian needs of new arrivals, material assistance and legal counselling provided by UNHCR's implementing partner will continue.

During the year 2004, UNHCR's local integration strategy will aim at its consolidation, by reinforcing the coordination links with the Ministry of Labor, with a view to promoting refugee self-reliance capacities. In this same line, continuity will also be given to the Micro Credit Project for refugees, carried out by ACAI, as a mean to reinforce refugee's capacities in the development of income generating activities. The Project that started in November 2002, has proved to be a useful mechanism to ease refugees's access to Costa Rican commercial markets.

With a view to continue monitoring the arrival of new asylum seekers to Costa Rica by different border points, the training programme addressed to Migration and Security Officers at borders will also be given continuity to sustain the effort initiated during year 2002 and consolidated over the year 2003. The main objective of this activity is to ascertain the situation at the border with Panama, where access by asylum seekers to RSD procedures is more difficult. Therefore, it is necessary to reinforce the identification and subsequent referral of asylum seekers to the Migration Department for Refugees (where refugee claims are officially processed).

Within the new migratory context faced by the country dealing with a new refugee influx, the Costa Rican Government is currently in the process of reviewing its immigration policy and legislation. During the year 2003, the Costa Rican Legislative Assembly is expected to pass a new Immigration Law. Access has

been given to UNHCR to provide its inputs to this new draft, thus, close monitoring to this issue will be required until the new law is approved.

The National protection networks, involving national NGOs, the Ombudsperson Office and Academic institutions will continue to play an important role within UNHCR's local integration strategy for refugees, to contribute more in the actual delivery of material assistance, legal counselling and promotion of human rights of asylum seekers and refugees. Those sectors will continue to actively participate on migration issues, particularly in advocacy and promotion of refugee law.

In January 2003, a small Resettlement Unit (one international and two local staff) was installed within UNHCR's Office. The US funded resettlement project, which is primarily for Colombian refugees, is a direct response to the Ministry of Foreign Affairs' concern on some security cases urging UNHCR to contribute to guarantee the protection of Colombian refugees with security problems in the country. However, not only security cases, but also other resettlement categories are being considered by UNHCR. The target for calendar year 2003 is resettlement of 67 cases (200 persons) in the US. If the project were to expand in 2004, recruitment of additional interviewing officers (local staff) would be necessary.

#### **UNHCR's role.**

UNHCR will continue playing its role aiming at strengthening local capacities to enable the national institutions and local protection networks to assume a progressive responsibility over refugee issues.

While continuing the provision of humanitarian assistance to new arrivals, UNHCR will seek the identification of durable solutions for refugees, particularly the promotion of local integration and self-reliance, taking into account the new refugee profile arriving in Costa Rica, vastly Colombians.

This will demand a close follow up from UNHCR to improve the coordination mechanisms with the Costa Rican Government and the national networks assisting migrants and refugees, with a view to enhancing the capacity to organize the local resources to better respond to the needs of asylum seekers and refugees. Refugees should also play an active/participative role in their own search for solutions to their problems.

In cases where voluntary repatriation or local integration is not a viable option, UNHCR shall continue to facilitate resettlement to a third country. The Resettlement Unit will be responsible for case identification and referral of selected cases, primarily to the US (the founder of the resettlement project in Costa Rica). However, individual cases that do not meet the US criteria will be referred for resettlement in alternative countries (i.e. Brazil, Canada).

#### **Overview of each beneficiary population.**

During the year 2002, out of the 4,592 newly recognized refugees in Costa Rica, 4,478 (97,5%) were of Colombian origin. These new arrivals amounted the total refugee population in the country, as of January 1<sup>st</sup>, 2003, to 12,433. The main national group is comprised by Colombians 7,326 (59%), Nicaraguans 2,635

(21%), Cubans 1,107 (9%), Salvadorans 790 (6%), Peruvians 236 (2%) and other nationalities 339 (3%).

Most of these refugees are of urban origin and have settled in urban areas, mostly in San Jose. Moreover, 45% of the total population are women and 19% are minors below 18 years old.

### **Policy issues**

The trends of Colombian asylum seekers arriving in Costa Rica appears to have stabilized after the visa request for nationals of that country, was established. This has made it possible to focus on the support of local capacities, and the implementation of UNHCR's regional strategy for Colombians in need of protection. During the year 2004, efforts should continue through pursuing a clear strategy in support of local integration including: a) the implementation of a co-operation agreement with the Ministry of labour to promote refugee employment b) the continuation of the micro-credit activities and c) the promotion of marketing of refugee handcrafters, while supporting the resettlement programme to third countries mainly to but not limited to the US.

### **Linkages with other countries within a defined "situation"**

While UNHCR adopted a regional strategy for Colombians in need of protection, particularly addressed to neighbouring countries in the Andean region, the constant arrival of Colombian asylum seekers and refugees in Costa Rica continues requiring a permanent analysis and follow up of UNHCR strategy, based on a situational approach, to include Costa Rica, as the main Colombian refugee recipient country. According to regional statistics, up to date, Costa Ric hosts the largest number of recognized Colombian refugees, trend that continues at a pace of approximately two hundred asylum claims per month.

### **Capacity and presence of implementing partners**

UNHCR main implementing partner for the provision of assistance and legal counselling will remain ACAI (Asociacion de Consultores y Asesores Internacionales), which is an NGO devoted to refugee issues for more than 10 years already. It is based in San Jose, and has an important outreach over the metropolitan area, where the major part of the beneficiary population is concentrated. Furthermore, they have proved to have capacity to perform at field level, as and when needed.

ACAI just went through an internal reorganisation with the support of UNHCR in order to help them in the reorientation of the local integration programmes for refugees in Costa Rica, with a view to provide a better response to the new profile of refugees arriving in the country, vastly Colombians, with high levels of professional education and multiple skills.

UNHCR's partners include those institutions and organizations that participate at the Permanent Refugee and Migrant Populations Forum, chaired by the Ombudsperson Office. These institutions include NGOs, governmental offices, UN sister agencies, academia, the church and the Ombudsperson Office.

The participation in this forum enables its members to be updated about the activities and initiatives that are being taken by each member, with a view to support and/ or carry out different joint activities.

### **Presence and roles of other UN agencies and international organisations**

Although the relationship of UNHCR with other UN sister agencies during 2002 was mainly intended to coordination activities within the Resident Coordinator Program. During 2003 UNHCR and IOM will jointly work within the new resettlement program.

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

<b>Name of Beneficiary Population / Theme:</b>	
<i>“ The need to strengthen local capacities of Government Institutions and national protection networks with a view to support refugee protection and refugee self-reliance as a mean to contribute to local integration and other durable solutions including resettlement to third countries”.</i>	
<b>Principal Objective</b>	<b>Related Outputs</b>
1. Close monitoring to the national protection mechanism to process asylum claims to secure full respect for international protection standards.	<ul style="list-style-type: none"> <li>• Protection standards for asylum seekers and refugees are applied efficiently and effectively in Costa Rica.</li> <li>• Identification of asylum seekers at border points and their subsequent referral to MDR is improved to secure their access to RSD procedures.</li> <li>• Protection network assists asylum seekers and refugees to a greater degree in the defense of their Human Rights.</li> </ul>
2. Consolidation of the Local Integration Strategy for refugees in coordination with Governmental institutions and implementing partners in Costa Rica.	<ul style="list-style-type: none"> <li>• Refugees are actively involved in the development of self-reliance activities.</li> <li>• Refugee income and employment reaches reasonable conditions as compared to the local population.</li> </ul>
3. Strengthening of established resettlement mechanisms, as an alternative protection tool in individual cases where vol. rep. or local integration is not an option.	<ul style="list-style-type: none"> <li>• Well-functioning and swift resettlement procedures/ relations with various third countries, benefiting individual cases where resettlement is the only viable durable solution.</li> </ul>