



COUNTRY OPERATIONS PLAN

**Country/Region: United States of America and
the Caribbean**

Planning Year: 2004

UNHCR Regional Office for the United States of America and the Caribbean: Country Operations Plan for 2004

Part I: Executive Committee Summary

(a) Context and Beneficiary Population(s)

The United States remains a country of critical importance for UNHCR. The US government is the largest single donor to UNHCR, and in recent years has offered significant support for UNHCR's major operations in Afghanistan, Africa and Iraq. Notwithstanding the serious impact of the events of 11 September 2001, the US resettles more refugees than any other country worldwide, and continues to be a key destination for individual asylum-seekers. Washington is considered to be one of the key media hubs for providing broadcast journalists with information on UNHCR's activities world wide. US NGOs are some of the most important and influential implementing partners for UNHCR programs in many parts of the world, and leading academic figures in the US are in the forefront of the key policy discussions in the implementation of the Agenda for Protection and Convention Plus. The US is also the seat of major multilateral and bilateral actors in the development field, thus an essential forum for the High Commissioner's initiatives such as the "4Rs" and "DLI."

While the US government is a long-established supporter of refugee protection and assistance and the US has an important private donor base, sustaining and enhancing this political and financial support of UNHCR requires considerable effort and continuous work on the part of RO Washington, especially in a time of anti-immigrant sentiment and a declining economy. The policymaking environment in the US is highly complex and multifaceted, and recent events have further complicated the context within which RO Washington must work. The declared "war on terrorism," the enduring effects of 11 September 2001, the establishment of the Department of Homeland Security (DHS), and recent events in Iraq have all intensified the complexity of refugee and asylum issues in the US. Against this background, RO Washington endeavors to carry out UNHCR's mission of providing assistance, protection and durable solutions to refugees. RO Washington meets regularly with key government interlocutors, in order to preserve and improve the resettlement and asylum systems, as well as to maintain support for UNHCR's work globally. Through interaction with civil society and the media, RO Washington promotes public awareness of refugee issues. In the Caribbean region, RO Washington continues to work toward establishing self-sustaining refugee protection and awareness systems.

Protection:

i) USA: Despite the consequences of 11 September 2001, the "war on terrorism" and the incorporation of immigration functions into the DHS, making access to the US more difficult than in the past, the number of asylum-seekers in the US in 2002 exceeded 100,000. Barring unforeseen events, the number for 2003 and 2004 should remain the same. To maintain the highest level of protection for asylum-seekers, RO Washington will continue to address such issues as: a) mandatory detention of certain asylum-seekers, refugees and stateless persons and the use of detention as a deterrent to future arrivals; b) expedited removal and prolonged detention of some arrivals; c) exclusionary bars to asylum and withholding of removal; d) anti-terrorism initiatives that restrict access to asylum; e) the "Safe Third Country" Agreement with Canada; and f) interdiction policies that do not comply with international protection standards.

Consistent with Article II of the 1967 Protocol and UNHCR's global priorities, RO Washington expects to multiply its advocacy efforts by working closely with the Department of Homeland Security, the Bureau for Population, Refugees and Migration at the State Department, the Office of Refugee Resettlement, as well as with NGOs, lawyers and other relevant players. RO Washington's legal team will continue to monitor detention centers holding asylum-seekers and explore with the US alternatives to detention, provide comments on the expedited removal process as it impacts asylum-seekers, provide advisory opinions on issues impacting refugees and conduct its training and dissemination activities nationwide. The legal unit will also be fully integrated as a support team for protection efforts in the Caribbean. Likewise, in regards to providing advice and influencing national legislation and policy, the legal team works with and through the external and government affairs section of the regional office.

ii) Caribbean: The Caribbean continues to experience a large degree of mixed migratory movement, primarily because it is perceived as a viable route for entry to North America. While much of this movement is economic, and involves both nationals of Caribbean states and extra-regional elements, there are among the migrants individuals seeking protection for refugee reasons. Although the absolute number of asylum-seekers in the region is not large in global terms, the relatively fragile economies in the region, coupled with a general lack of established procedures for dealing with them, means that even small numbers can pose significant difficulties for Caribbean states. Each of the 12 Caribbean islands covered by RO Washington is at a different stage of development with respect to the capacity to receive asylum-seekers, to determine their protection needs, and to offer durable solutions. In addition, the potential remains within the region for mass population movements out of Haiti and Cuba, the traditional sources of significant flows in the region. Three of the 12 states are not yet signatory to either of the international refugee instruments.

To promote effective refugee protection in the region, RO Washington will continue to raise awareness and train governments, NGOs, and civil society on refugee issues. Intensified cooperation with other international and regional organizations, such as the International Organization for Migration, should also assist in this task. Particular attention will be focused on those states not yet party to the 1951 Convention and its 1967 Protocol, encouraging them to accede. The regional office will also continue to promote on-going regional contingency planning for potential mass outflow with the US, Caribbean states and relevant regional organizations. The regional office will also continue to address concerns with protection of refugees in mixed or mass migration outflows, and interdiction policy. In the Dominican Republic, UNHCR's presence through a JPO post will continue to reap benefits in terms of intensifying UNHCR's relationships with important interlocutors and enhance protection for individuals of concern.

Resettlement:

The US is the largest resettlement country taking more than fifty per cent UNHCR's global resettlement caseload. More than 2.4 million refugees have been resettled to the US in the past quarter century making. Three federal departments, as well as state and local government in all 50 states administer resettlement and integration programs, with combined budgets exceeding \$500 million. Eight national NGOs and more than 400 local resettlement agencies carry out resettlement operations nationally. These refugee agencies are principal advocates with the US officials on refugee resettlement, and also on protection and assistance. The US, as a major

resettlement country, also contributes substantial and additional funds to UNHCR, to reinforce its field capacity and operations.

New procedures and restrictions adopted by the US in reaction to the events of 11 September 2001 have slowed US resettlement to historic low levels. The US resettlement program increasingly reflects US security and foreign policy concerns, and some refugee populations have less access to resettlement. RO Washington will focus on ways to mitigate any negative effects of these new US policies, and will encourage a greater responsiveness to UNHCR-defined resettlement cases. RO Washington will work closely with US partners to improve ways for identifying appropriate populations in need of protection, and durable solutions, who could benefit by resettlement. The regional office will continue to coordinate with UNHCR offices in the Americas region on resettlement issues both for the emerging resettlement countries, and for resettlement from countries of first asylum.

Public Information:

The goal of RO Washington's Public Information section is to develop public awareness and media coverage of UNHCR, refugees, asylum-seekers and IDPs in the Americas and worldwide. Increased awareness about UNHCR and its programs would allow the American public in particular to better understand the plight of refugees and create a more favorable environment for refugees and asylum-seekers in the US. A general public that is better-informed about refugee issues will result in a higher profile for UNHCR, better protection for refugees and increased levels of financial support, from both the public and private sectors.

RO Washington provides print/video and other materials daily to journalists, academics, private sector donors, teachers, NGOs, universities, refugee and asylum groups and the general public. Through its education awareness project, RO Washington's network of educators continues to expand with new partnerships with the National Geographic Society, the National Education Association, and Scholastic Solutions, as well as teachers' associations and universities nation-wide. RO Washington will expand the program into the Caribbean, liaising with NGOs, local press, teachers and universities and organizing media trainings (with a priority for Jamaica and the Bahamas) to create greater awareness among the local press about refugee issues. During 2004, RO Washington will organize World Refugee Day events throughout the US and Caribbean. In collaboration with the protection team, RO Washington will launch a public information campaign in 2004 related to issues of detention of unaccompanied children asylum-seekers in the US.

Private Sector Fundraising:

As UNHCR is looking increasingly to the private sector for financial support for its worldwide program, with its wealth of resources, the US is looked to as a major source. RO Washington will continue supporting USA for UNHCR private sector fundraising activities specifically with the aim to move it toward self-sustainability, and in particular by developing a donor data base. The regional office will also support USA for UNHCR initiatives to obtain major gifts from individuals, corporations and foundations.

External Relations:

Operating in a diverse and complex climate, RO Washington endeavors to garner support for refugees and asylum-seekers both within the US and worldwide. To sustain and enhance US support, RO Washington staff actively cover a wide range of meetings, conferences and congressional hearings and respond to questions and concerns raised by government officials, academics, NGO representatives, and the

media. RO Washington meets regularly with relevant US government agencies and members of the NGO community to promote UNHCR's point of view.

(b) Main Program Goals and Principal Objectives

Protection:

i) USA: RO Washington will continue to influence positively the protection regime in the US in the context of potentially increased hostility toward refugees, asylum-seekers and other immigrants. Specifically, the office will promote and comment on legislation and policies that affect refugee protection in the US, advise the US government on issues of international refugee law, and enhance partnerships with civil society to support refugee protection in the region. Priority activities include: (1) to monitor the impact of re-organization and transfer of immigration functions to Department of Homeland Security on asylum-seekers and refugees; (2) to monitor and intervene on anti-terrorism initiatives that restrict access to asylum; (3) to support initiatives to ameliorate the negative impact of 1996 immigration reforms; (4) to promote feasible alternatives to detention, along with systematic monitoring of detention facilities and jails holding asylum-seekers, refugees, and stateless individuals; and, (5) to monitor access to US asylum procedures, including interdiction policies and border procedures, particularly the US-Canada "Safe Third Country" Agreement. Particular emphasis will be on improving the situation of separated children seeking asylum in the US. RO Washington will comment on US legislation and policies impacting refugee protection; draft and disseminate UNHCR policy, advise DHS and the Department of Justice on issues of international refugee law; train legal service providers and government officials in the US and Caribbean; and draft analytical advisory opinions for use in asylum adjudications.

ii) Caribbean: UNHCR's work in the Caribbean will continue to focus on building asylum capacity, both for regular asylum processing and for dealing with the potential for mass population displacement for refugee reasons. RO Washington's goals in the Caribbean continue to emphasize the promotion of accession by non-signatory states; the development and improvement of partnerships with civil society and regional organizations to raise awareness and support refugee protection in the region; the promotion of legislation and policies improving refugee protection; and the promotion of a consolidated regional approach on interdiction and contingency planning. Depending on the particular stage of development in the individual state, the focus will be on encouraging accession, establishing procedures (both for processing claims for asylum as well as for registering and documenting children born to refugee parents), assisting with refugee status determination, and promoting the drafting and adoption of refugee, asylum and statelessness/citizenship legislation. The JPO deployed in Santo Domingo will devote particular attention to training officials, improving access to the procedure and the timely processing of claims, and monitoring the protection situation in the state. Increased partnerships with the network of *pro bono* honorary liaisons, lawyers, NGOs, universities, ombudspersons, and professional associations will be nurtured, both as a support to reception of asylum-seekers and to finding durable solutions for refugees, and for contingency planning purposes.

Resettlement:

The chief goal of RO Washington's resettlement section is to ensure that refugees in need of resettlement for protection or durable solution have appropriate access to the US resettlement program. Related to this is ensuring that cases referred to the US

are approved and resettled in a timely manner, regardless of nationality or location. Given the significant changes in US agencies, policies, and program requirements, RO Washington will regularly advise and update UNHCR offices in the field and Geneva to ensure that UNHCR referrals are interviewed and accepted at a high rate. RO Washington will promote outreach, informational, and educational activities on UNHCR's resettlement needs and policies, with a focus on NGO partners and state and local agencies throughout the US. The office will seek to find ways to support resettlement partners with an eye towards ensuring that US resettlement capacity is strengthened. RO Washington will develop and disseminate information on specific caseloads of concern that are to be resettled to the US. The regional office will participate in key resettlement meetings and events, and prepare and distribute resettlement materials in written and electronic formats to maximize coverage in the US.

Public Information:

RO Washington's main public information goal is to increase visibility in the US media and among the general public and US decision-makers both in terms of international refugee protection and assistance and domestic US asylum policy. This long-term investment toward constituency building and awareness raising is intended to gain political and private donor support and create a more positive environment for refugees and asylum-seekers. RO Washington will continue its media work, community outreach and speaking engagements to a variety of audiences and particularly to journalists, learning institutions, NGO partners, youth and refugee/asylum and community-based groups in the US and the Caribbean. The regional office will expand its network of educators who use UNHCR's teaching materials, through continued and new partnerships and outreach to teachers in the US and Caribbean.

Private Sector Fundraising:

RO Washington will support USA for UNHCR's efforts to raise US\$3.5 million of private sector funds via direct marketing, corporations and foundations, board development and major gifts.

External Relations:

The principal goal of RO Washington's External Relations function is to maintain and increase US financial support and political backing of UNHCR operations globally. The office will attempt to influence legislation affecting UNHCR funding and substantive policies regarding refugees by continuing to cultivate relevant contacts in the US government and civil society. RO Washington will continue to conduct outreach to members of the US Congress and their staff, briefing them and responding to ongoing queries about current refugee situations, UNHCR programs, and UNHCR's funding needs. The office will report on its Congressional activities, liaising at Geneva with the Americas Bureau, the Donor Relations Resource Mobilization/DCI, the Executive Office, and other relevant Bureaus, paying particular attention to the development of strategies that ensure appropriate support for programs and budgets.

RO Washington will continue to seek the crucial support of the Bureau of Population, Refugees and Migration (PRM) at the US State Department and relevant White House agencies (National Security Council and Office of Management and Budget). Efforts toward civil society will focus on liaising with NGOs, including the 160-member InterAction coalition and the 18-member Refugee Council USA, various think tanks and academic institutions. RO Washington will also promote and organize missions of senior UNHCR staff to the US to facilitate maximum exposure of UNHCR programs and policies to key Congressional, government and NGO officials.

Conversely, the office will promote and assist visits by its key interlocutors in government and civil society to UNHCR field operations, to promote better understanding and appreciation of UNHCR's humanitarian work on behalf of refugees in the field.