



COUNTRY OPERATIONS PLAN

Country: China

(China, Hong Kong SAR, Macao SAR and Mongolia)

Planning Year: 2004

PART I: Executive Committee Summary

The office of the UNHCR Chief of Mission in Beijing, Popular Republic of China (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 also covers Mongolia. The UNHCR Sub-Office in Hong Kong Special Administrative Region (SAR) reports to the Regional Office in Beijing on activities in Hong Kong and Macau SAR.

(a) Context and Beneficiary Populations

The Regional Office provides international protection for and assistance to individual refugees and asylum seekers of various nationalities within the sub-region. These activities are undertaken in the absence of national refugee legislation or formal refugee status determination (RSD) procedures.

The Regional Office, the Sub-Office in Hong Kong SAR and the Liaison Office in Mongolia endeavour to find durable solutions for refugees principally through resettlement, and for Vietnamese refugees, through local integration and possible naturalisation. The Regional Office actively promotes the protection of refugees through advocacy activities, national legislation and related capacity building; the monitoring of compliance with internationally accepted asylum practices; public awareness, and private sector fund raising activities. The Regional Office's 2004 programme is structured around the following four beneficiary populations or themes and related goals.

i) Asylum seekers and refugees: *Enhance international protection, assistance, and solutions for refugees.*

The situation of North Korean asylum seekers remains of particular concern due to lack of access. UNHCR will pursue practical approaches with the Government to provide protection and facilitate durable solutions for North Koreans.

The quality of protection and dearth of durable solutions, for 60 urban refugees and asylum seekers in China and another 100 cases in Hong Kong SAR remain constrained by restrictions on their employment and education, the absence of local integration possibilities, and limited resettlement opportunities. UNHCR will remain actively engaged in RSD for asylum seekers and the provision of assistance to needy individual refugees, while advocating for their access to employment and expanded resettlement opportunities. UNHCR will prioritise individuals with security concerns, the medically at risk, the vulnerable, family reunion and long-stayer cases. UNHCR will further pursue efforts to limit UNHCR expenses, through timely status determination and resettlement processing, and the identification of alternative local sources of contributions in cash, kind, and services.

ii) Indo-Chinese refugees in South China: Recognizing that durable solutions have been achieved, UNHCR will phase down its involvement with the Indo-Chinese assistance programme. After more than 20 years of Chinese Government and UNHCR assistance, the majority of the 296,000 Vietnamese refugees residing in six southern provinces have achieved self-reliance. Through the provision of technical advice in 2004, UNHCR will remain associated with the Revolving Fund Based Credit Scheme (RFBCS). The Fund aims to ensure the local integration of up to 10 per cent of this population who reportedly remained below provincial poverty levels in 2002/3. UNHCR will also continue to provide modest vocational training grant assistance in support of employment opportunities for young refugee adults and vulnerable families with limited opportunities to benefit from RFBCS loan projects. UNHCR will advocate for the naturalization of the vast majority of Vietnamese refugees who are expected to stay in China. UNHCR will also remain prepared to assist with the voluntary repatriation of a small number who have expressed their wish to

return to Viet Nam, should this prove feasible and mutually acceptable to the concerned governments. UNHCR will also pursue citizenship for residual populations numbering 1,000 Cambodian and Laotian refugees who are *de-facto* integrated in China.

iii) Promotion of refugee protection: Promote accession to the Refugee Convention and the enactment of national legislation and procedures, or appropriate interim alternatives in the sub-region. At the beginning of 2003, draft national refugee regulations remained subject to further revision before adoption by China's State Council. As a signatory to the 1951 Refugee Convention and its 1967 Protocol, China did not extend the application of these instruments to Hong Kong. UNHCR will continue to seek progress on the adoption of national refugee legislation in China and promote the extension of the Refugee Convention to Hong Kong. In Hong Kong and Macao, a legal framework governing the practice of asylum does not exist. UNHCR will work closely with the authorities to develop co-operation procedures aimed at institutionalising internationally accepted asylum practice and refugee determination procedures. In Mongolia, it is envisaged that accession to international refugee instruments will take place in 2003/4. In 2004, UNHCR will assist the government with the development and implementation of national refugee legislation and determination procedures.

In China, UNHCR will focus on building constituencies and advocacy groups in order to improve protection. Networking with universities, legal associations, NGO's and advocacy groups on refugee rights and asylum will be further developed. Awareness building seminars and workshops will be undertaken for Government and officials responsible for asylum policy. Training programmes on refugee rights and RSD procedures will be intensified for immigration and public security officers as well as border police. UNHCR will also provide training in emergency preparedness and contingency planning for governmental and non-governmental counterparts to build constituencies and contribute to the development of early warning, planning and response capacities.

iv) Public affairs and private sector fund-raising: Build awareness and raise funds in support of UNHCR's mandate, goals and programmes. UNHCR will pursue awareness building within the government, academia, and civil society and, subject to the Regional Office's capacity, will explore public and private sector fund-raising opportunities. UNHCR will also continue to seek higher contribution levels in cash, kind and services from the Government in support of UNHCR's global programmes and develop local procurement possibilities. In Hong Kong, UNHCR will continue to solicit contributions from governmental, local charity and NGO sources to help cover the costs of the Hong Kong programme. Notwithstanding severe budgetary reductions, highly promising returns were achieved from a limited number of private sector fund-raising (PSFR) events in 2002. In Macao SAR, earlier plans to develop and test private sector fund raising strategies deferred due to budget reductions will be resumed.

Interagency co-operation and linkages with other country programmes: The Regional Office in Beijing actively participates in the various UN Country Teams to assist with the implementation of United Nations Development Assistance Frameworks for China and Mongolia. The Regional Office also remains in contact with those United Nations agencies, governmental and non-governmental organisations, within and beyond the region. As the only UN agency present in Hong Kong, the UNHCR Sub-Office will continue to provide liaison and mission support services to sister UN agencies.

(b) Selected Programme Goals and Objectives

Beneficiary Population: Asylum seekers and refugees
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Goal: Enhance international protection, assistance and durable solutions for refugees.

Principal Objectives	Related Outputs
<p><u>In China and Hong Kong:</u></p> <ul style="list-style-type: none"> • Improve ad hoc asylum procedures and access to rights through strengthened inter-action with authorities. <p><u>In Hong Kong:</u></p> <ul style="list-style-type: none"> • Promote stronger commitment and co-operation by the authorities on asylum and protection. <p><u>In Macao:</u></p> <ul style="list-style-type: none"> • Assist authorities to develop formalised RSD procedures in conformity with international standards. 	<ul style="list-style-type: none"> • Informal procedures which would be acceptable to the authorities, refugees and UNHCR. • Increased involvement of NGOs, in monitoring and reporting of airport and land border arrivals. Enhanced advocacy for greater Government involvement. • Increased advocacy from Consulate Generals to instil the importance of asylum and refugee protection. • RSD procedures approved by the Macao authorities.

Beneficiary Population: Indo-Chinese refugees in South China

Goal: As durable solutions have been achieved, phase down UNHCR involvement with the Indo-Chinese programme

Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Seek China and Hong Kong governments' recognition that durable solutions have been achieved. • Ensure an orderly and mutually acceptable phase-out of UNHCR's involvement with the RFBCS by end-2004. 	<ul style="list-style-type: none"> • China/UNHCR agreement on transfer of assets provided under UNHCR grant assistance programmes prior to inception of the RFBCS in 1994. • China/UNHCR agreement on hand-over of UNHCR sponsored Revolving Fund liquid and physical assets.
<ul style="list-style-type: none"> • Reach consensus with the Chinese Government on timing and modalities for the granting of citizenship to Vietnamese refugees, and for other Indo-Chinese nationalities (Cambodian and Laotians) who are similarly integrated. 	<ul style="list-style-type: none"> • Definitive understanding through bilateral consultations with the Government of China on citizenship modalities and timeframe.

Beneficiary Population: Promotion of refugee protection

Goal: Promote accession to the Refugee Convention, and implementation of national legislation and procedures, or appropriate interim alternatives in the sub-region

Principal Objectives	Related Outputs
<p><u>In China and Mongolia:</u></p> <ul style="list-style-type: none"> • Promote the enactment of refugee regulations. 	<p><u>In China:</u></p> <ul style="list-style-type: none"> • Dialogue with counterparts regarding best practice legislation and international standards is re-established. <p><u>In Mongolia:</u></p> <ul style="list-style-type: none"> • Definitive plan of action, including timeframe for development of national refugee legislation and RSD procedures is adopted.

<p><u>In Hong Kong,</u></p> <ul style="list-style-type: none"> • Promote refugee law to better protect refugees through the civil society networks, universities and Consuls General. 	<ul style="list-style-type: none"> • Constituency groups formed within civil society and diplomatic community that support the extension of the 1951 Refugee Convention to Hong Kong.
<p><u>In Macao</u></p> <ul style="list-style-type: none"> • Support the implementation of asylum regulations including RSD and undertake capacity building to this end. 	<ul style="list-style-type: none"> • Co-operation agreement incorporating local regulations and joint RSD procedures.

Beneficiary Population: Public Affairs and Private Sector Fund-Raising	
Goal: Build awareness and raise funds in support of UNHCR's mandate, goals and programmes	
Principal Objectives	Related Outputs
<p><u>In China sub-region:</u></p> <ul style="list-style-type: none"> • Enhance understanding and awareness; build constituencies within governments and the public at large of UNHCR's global role and mandate. 	<ul style="list-style-type: none"> • Enhanced public awareness and increased support for UNHCR mandate and global programmes.
<p><u>In Hong Kong:</u></p> <ul style="list-style-type: none"> • Optimise income contributions from the public and corporate sectors. 	<ul style="list-style-type: none"> • Achievement of predictable and sustainable private sector contributions consistent with HQs benchmarks, initially towards the UNHCR Hong Kong refugee programme