



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Costa Rica

Planning Year: 2006

OVERVIEW

1. Protection and socio-economic operational environment

With more than 8,000 Colombian refugees out of a total refugee population of 10,413 persons in 2005, Costa Rica hosts the second largest caseload of Colombian refugees in Latin America. Although the total number of newly arrived asylum-seekers from Colombia has declined over the last three years, there are still, on average, more than 1,440 new recognitions on an annual basis. The mainly urban and middle-class profile of this population combined with the limited prospects for voluntary repatriation in the short-term, have made local integration the principal objective of the Representative Office and its partners. Strengthening the capacity of the Costa Rican Government and fortifying the network of non-governmental actors involved in protection and self-reliance of this growing population, remain important objectives of the office. A resettlement program has been in place since 2003 as an important component of the protection-based durable solution strategy for a limited number of carefully selected refugees primarily with legal or physical protection needs, and out of consideration for the acknowledged difficulty of the Costa Rican authorities to guarantee protection for this small but important caseload.

The continued arrival of a limited but important number of new refugees, predominately from Colombia, has an important political impact in a society where the immigrant population is estimated at as much as 10 per cent of the total population. As with many other countries in the region, the Government is trying to strengthen migratory controls that include national legislation and regulatory mechanisms, and legislative commitment to refugee protection principles is generally overshadowed by the need to demonstrate strict and effective control of undocumented migrants. Nonetheless, Costa Rica has a long history of respect for the principles of asylum and international protection of refugees, is a party to both the 1951 Convention and its 1967 Protocol, and there are no indications that there will be any setbacks in terms of the practices of the Government in terms of access, status determination or the rights granted to refugees.

A revised law on immigration, expected to be finalized by the National Assembly before the end of the year 2005, was the subject of advisory comments by UNHCR on numerous occasions over the last two years. UNHCR has contributed positively to this process including the presentation of minimal but essential components to be included in the draft law that worked its way slowly through Congress in 2004 and 2005. UNHCR has been granted full and positive attention at all levels of both the Executive and Legislative Branches on this matter, although the adoption of the draft for year 2005 is still uncertain. Given that the presidential and legislative elections will take place early in February 2006 and that a new government will take office in May, the Office will continue to supervise the legislative process as much as it can, although it is likely that some sensitive topics, such as the adoption of the new migratory law, will not be considered during the pre-electoral campaign. Nevertheless, this process will require close monitoring and advice during the adoption of new regulations to the newly approved Law to secure adequate incorporation of refugee procedural provisions.

Security situation: Although Costa Rica remains one of the safest countries in the region, and due to the lack of a shared border with Colombia continues to represent one of the best options for Colombian nationals requiring international protection, there are factors which jeopardize Costa Rica's capacity to offer secure conditions for a sector of the beneficiary population. First of all, due to its geographic location as a land bridge between South and North America, Costa Rica is sensitive to the vulnerability of the country being used as a conduit for illicit trafficking, including war-related *materiel*. This has also led to an almost tacit recognition that the country is similarly vulnerable to the presence of members of Colombian illegally armed groups in Costa Rica.

In the course of 2004, UNHCR noted a significant deterioration in the security conditions of Colombian refugees, resulting in an increase of serious security incidents involving extortion, kidnapping, and shootings perpetrated allegedly by members of the many illegal armed groups from Colombia. As such, the security conditions in Costa Rica require that UNHCR continues to process for resettlement an increasing number of cases whose security cannot be adequately addressed by local authorities.

Linkages to other countries within a defined “situation”: With a large majority of the total refugee population originating from Colombia, there are important linkages with other countries in the region including both country of origin (Colombia) and countries of asylum (most notably, Ecuador, Panama and Venezuela).

Following the Cartagena commemorative process, the Costa Rican Government stated the need for UNHCR and the international community to consider international cooperation to assist Costa Rica with its burden, based on the natural similarities of the Costa Rican situation with that of the Andean region. In this context, UNHCR has, through the strategic goals related to the Mexico Plan of Action, operationalized its situational approach. Goals and objectives for 2005 and 2006 for the Americas now include a recognition of the operational connections between Costa Rica and other countries with Colombian populations of concern, most particularly in the local integration and resettlement components.

Furthermore, the relative “invisibility” of the host country burden held by Costa Rica, in both financial and social terms, as a major destination country for Colombian refugees in Latin America is also reflected in the constraints UNHCR faces to offering resettlement as an effective mechanism of protection for the beneficiary population. The misinformation with regards to Costa Rica’s status as a host country is manifested in a relative lack of resettlement countries that are willing to consider referrals from Costa Rica. This is in stark contrast to resettlement programs in the Andean region where, despite having a very similar resettlement caseload, the legal and physical protection needs of the refugee population are amply recognized by resettlement countries. In this context, the resettlement program requires well-coordinated linkages with UNHCR operations in Ecuador and Headquarters, the former due to similarities in the resettlement operation and the latter as the interlocutor tasked with organizing selection missions from both traditional and emerging resettlement destination countries. Stronger linkages with UNHCR operations in Argentina, Brazil and Chile are foreseen as well, especially for the mutual need to ensure smooth operationalization of the resettlement programs under the Mexico Plan of Action.

Public awareness activities will also be planned within a broader regional communication strategy, in keeping with the Americas strategic goals for 2005 and 2006.

2. Operational goals and potential for durable solutions

It is expected that by the beginning of 2006 there will be as many as 11,883 recognized refugees in Costa Rica, most of them of Colombian origin and with an increasingly high percentage of these nearing the status of “long-stayers” due to the period of concentrated new arrivals between 2001 and 2002. A key protection concern for the office is that, due to extremely limited prospects for voluntary repatriation to Colombia in at least the near-term, and the important obstacles faced by Colombian refugees in terms of local integration in Costa Rica, the situation for Colombian refugees in Costa Rica could eventually become a protracted refugee situation with worsening prospects for the achievement of durable solutions for all but a minority of the caseload. For this reason, the chief protection consideration of the Office is to concentrate efforts on building the capacity of governmental

and non-governmental institutions to address structural difficulties faced by refugees for their self-sufficiency.

The following is a summary of the main protection goals and objectives of the Office in 2006:

- Strengthening national legislation and other procedural tools (Agenda for Protection Goal 1, Objective 2)
- Achievement of effective national institutions and procedures for refugee status determination (Agenda for Protection Goal 1, Objectives 2, 5 and 9)
- Comprehensive strategy for local integration and self-sufficiency (Agenda for Protection Goal 5, Objectives 1, 4 and 7)
- Strengthening of existing protection advocacy networks and activities that involve both governmental and non-governmental members, as well as an expansion in terms of representation and geographic scope (Agenda for Protection Goal 3, Objectives 2, 3, 4 and 5).
- Effective use of resettlement as a protection tool (Agenda for Protection Goal 3, Objective 6 and Goal 5, Objectives 5 and 6).
- Proactive and enhanced public awareness activities and media coverage of refugee issues in Costa Rica to improve the environment for local integration (Agenda for Protection Goal 1, Objective 8)

UNHCR will continue its fundamental role in strengthening local capacities to enable the national institutions and local protection networks to assume a progressively greater responsibility over refugee issues. This will require constant coordination and monitoring.

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 activities, taking into account the characteristics of the refugee population in the country.

Therefore, the UNHCR resettlement program will continue to identify cases with primarily legal and physical protection needs to refer to traditional and emerging resettlement countries. In addition, UNHCR shall continue to facilitate resettlement to a third country for a very select number of extremely vulnerable cases for whom local integration is not possible, paying particular attention to the protection needs of female refugees, and taking special care not to create a pull factor or otherwise contradict UNHCR's overall durable solution strategy to promote self-reliance and local integration.