



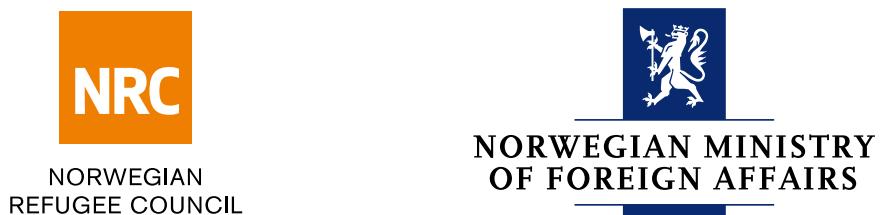
# Putting Protection at the Heart of the New Global Compact

Refugee Perspectives from Ethiopia, Kenya and Djibouti



## IN APPRECIATION

The Norwegian Refugee Council (NRC) and the authors would like to thank all the refugees who shared their experiences with us for this report. Without their help we would not have been able to comprehend and capture the breadth and depth of challenges facing refugees in the East and Horn of Africa region. We hope that this report allows the perspectives of refugees on the challenges they encounter to be heard around the world and to influence much-needed reforms in the asylum system. We would also like to thank all of the NRC staff who supported the research. This project would not have been possible without them.



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**Author:** Claire Beston, with contributions from Leeam Azoulay

**Research:** Claire Beston and Leeam Azoulay

**Project Manager:** Leeam Azoulay

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Top: Ali Addeh refugee camp in Djibouti. © NRC / Claire Beston, 2017.

Bottom: Portraits of refugees in Dadaab refugee camp who worked for NRC in 2016. © NRC / Fredrik Lerneryd, 2016.

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# Acronyms

**1951 Refugee Convention** – The Convention Relating to the Status of Refugees

**1967 Protocol** – The Protocol Relating to the Status of Refugees

**ARRA** – Administration for Refugee and Returnee Affairs (Ethiopia)

**CRRF** – Comprehensive Refugee Response Framework

**Dadaab** – Dadaab Refugee Camps

**DRA** – Department of Refugee Affairs (Kenya)

**DRC** – Democratic Republic of Congo

**Global Compact** – the Global Compact on Refugees to be adopted in 2018

**IGAD** – Intergovernmental Authority on Development

**Nairobi Declaration** – The Nairobi Declaration on Durable Solutions for Somali Refugees and Reintegration of Returnees, 2017 (IGAD)

**New York Declaration** – The New York Declaration for Refugees and Migrants, 2016

**NGO** – Non-Governmental Organisation

**NRC** – Norwegian Refugee Council

**OCP** – Out-of-Camp Policy (Ethiopia)

**ONARS** – L'Office National d'Assistance aux Réfugiés et Sinistré, the governmental refugee agency in Djibouti

**RAS** – Refugee Affairs Secretariat (Kenya)

**RCK** – Refugee Consortium of Kenya

**RSD** – Refugee Status Determination

**UNHCR** – The Office of the United Nations High Commissioner for Refugees

**Vol Rep** – Voluntary Repatriation programme (Kenya)

# I. Executive summary

In September 2016, the UN General Assembly adopted the 'New York Declaration for Refugees and Migrants' (New York Declaration).<sup>1</sup> UN Member States committed to strengthening and enhancing mechanisms to protect refugees and migrants and to move towards a more effective system of responsibility sharing in the international refugee response. States committed to working towards the adoption of a Global Compact on Refugees in 2018, to consist of a Comprehensive Refugee Response Framework (CRRF) and a Programme of Action for implementation. The content for the CRRF was annexed to the New York Declaration, covering four areas: rapid and supported reception and admission measures; support for immediate and ongoing needs; support for host countries and communities; and expanded opportunities for durable solutions.

To date, refugees' voices have been largely left out of consultations regarding what the content and priorities of the Global Compact on Refugees and CRRF should be. This study was undertaken to gather perspectives of refugees on the asylum system, its gaps and challenges, in order to bring those voices and perspectives into the discussions around the proposed content and priorities of the Global Compact and CRRF. Including refugees' voices is both important for increasing the relevance and effectiveness of the outputs of the CRRF roll-out process and for affirming the agency of refugees in decisions that will affect their lives. Research was conducted in Kenya, Djibouti and Ethiopia, which are all CRRF roll-out countries, and are stakeholders in a regional CRRF roll out on Somali

**"What would I ask of the government? Protection. Protection for all my rights, as a refugee and a human. My rights, my dignity, my humanity."**

Interview with Yemeni man, Markazi camp, Djibouti, 29/9/2017

refugees. While the concerns and priorities highlighted in discussions generally related to refugees' own experiences in their first country of asylum, many lessons can be drawn that are relevant to the wider global asylum system and to the over-arching framework to be represented in the Global Compact on Refugees.

## ▪ PRIORITY CONCERN 1 ▪

### Refugee status and identity-related concerns

Refugees reported multiple causes of insecurity over status and documentation and expressed frustrations over curtailment of rights attached to refugee status. Many refugees faced challenges with securing refugee status in the first place – and therefore legal stay in their countries of asylum. This impacts their access to international protection, basic assistance and services. Others who do have refugee status lacked certain types of documentation, were affected by anti-refugee rhetoric, or felt uncertain about the security of their status in the future.

1 New York Declaration for Refugees and Migrants, (UN General Assembly Resolution 71/1), 19 Sept. 2016, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/71/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/1)

## Key issues raised around refugee status and identity

- **Protecting the asylum space:** Some asylum seekers faced barriers to accessing refugee registration due to government practises and policies that are making it increasingly difficult to seek asylum and be recognised, and many expressed fears that their refugee status could be taken away.
- **Securing refugee documentation:** Inability to and delays in accessing Refugee Status Determination procedures and refugee documentation exacerbate refugees' feelings of insecurity and have multiple knock-on effects – obstructing access to basic services and assistance, the ability to exercise certain rights, increased vulnerability to harassment and feelings of insecurity.

**“Freedom of movement and work permits are good, but not the most important thing. The most important thing is resolving the issue of documentation.”**

Interview with Ethiopian woman, Nairobi, Kenya, 21/09/2017

- **Legal identity:** While refugees often discussed the importance of refugee documentation to securing status and proving their identity in displacement, they also highlighted the challenges with obtaining civil documentation, such as registering their child's birth, which is crucial to protecting identity and accessing durable solutions such as resettlement or proving their child's identity on return to their country of origin.
- **Curtailment of rights:** Many refugees told us they felt that the curtailment of rights attached to refugee status made them feel refugees' humanity was not respected. Many refugees saw the curtailment of their rights as represented in their refugee documentation or ID card, and said they needed a different ID – one that allowed them to exercise their basic humanity. Curtailment of rights causes psycho-social stress and frustration.

- **Negative perceptions of refugees:** Negative rhetoric undermines refugees' security, heightens vulnerability to harassment and obstructs integration.
- **Specific protection concerns need more consideration:** Security concerns of political refugees, including individual security risks and the influence of geo-political factors on the security of certain groups, are not addressed in the CRRF and need greater consideration.

## Refugee status and identity

International refugee response often focuses on material needs and considerations. However, in all three countries of this research, the concerns most frequently repeated by participants related to more fundamental issues around the protection of the asylum space, the ability to access basic rights, their security of status, and issues around their identity as refugees.

Securing refugee status, legal stay and identity documents are fundamental to the physical and psycho-social well-being of refugees and also have further consequential effects on various aspects of their lives. In Kenya and Djibouti, refugees experience severe delays in accessing refugee registration and status determination procedures as well as identity documents. Particularly in Kenya, this inhibits their ability to access essential services and assistance and to exercise basic rights, and leaves them vulnerable to harassment. Refugees in both Dadaab and Nairobi talked about the delays they experience accessing or renewing refugee documentation and how this leaves them feeling insecure and vulnerable to police harassment. Conversely, many refugees spoke of the legal, social and psychological support gained through obtaining full documentation. Further, in the Dadaab camps of Kenya, refugee registration has been largely suspended since 2015 by the Government of Kenya, which deprives new arrivals and returning refugees, many of whom are from Somalia, their right to claim asylum and to access basic services and

Refugee girl in Dadaab, Kenya. © Nichole Sobecki



assistance in the camps. The overall absence of asylum space also contributes to perceived push factors present in Dadaab that are causing even recognised refugees to feel uncertainty over the future prospects of their international protection.

**"We are here because of circumstances, not because we don't want to work. We have skills, talents, abilities, competence, education, but we can't do anything. Leave me to help myself, feed my family."**

Participant, Great Lakes focus group discussion,  
Nairobi, Kenya, 20/9/2017

But refugee status and identity concerns also focused on a more fundamental issue – the recognition (or lack of recognition) of the basic humanity of refugees. Refugees in Djibouti, Ethiopia and Kenya are all subject to curtailment of certain rights. Many refugees reported feeling that this curtailment of their rights stripped them of essential agency and recognition of their humanity. This removal of agency is exacerbated by the prolonged uncertainty that is often characteristic of refugee experiences – uncertainty over the security of their status, inability to make decisions over their own lives and inability to plan for the future. In all three countries, refugees repeatedly stated that their refugee identity documents needed to have more rights attached to them – the identity documents themselves being perceived as the embodiment of the rights accorded to refugees.

Concerns around refugee identity and securing status were also repeatedly raised in relation to perceived or actual negative attitudes towards refugees on the part of authorities – represented explicitly through rhetoric and statements or implicitly in refugee-focused policy, and sometimes on the part of host communities. In many cases it was felt that negative representations of refugees on the part of the authorities influenced wider public attitudes and resulted in discrimination against refugees.

Refugees fleeing their countries for reasons of political persecution, rather than generalised conflict, raised a number of concerns that the protection system does not adequately address the individual or group protection concerns of political refugees, and does not take into account the risks posed by geo-political considerations.

The combination of insecurity of refugee status, delays in accessing and securing refugee and civil documentation, negative attitudes of authorities and curtailment of rights create significant feelings of insecurity on the part of refugees. CRRF roll-out plans at national levels should reflect that any interventions relating to material assistance, supporting self-reliance or other aspects of early and durable solutions must be preceded and underpinned by efforts to secure status and documentation as a priority upon which the ability to exercise any other rights is premised.

In line with the responsibility sharing principle of the CRRF, international assistance should be directed at efforts to improve documentation systems as a matter of priority. This should include technical assistance and funding. The framework should also contain measures to ensure the international community assumes responsibility for admission and documentation where national systems are not functioning.

## **Putting protection at the heart of the Global Compact**

The Global Compact and all measures included within the Programme of Action must place at their centre the protection of refugees' rights. Significant commitments should be made to improving recognition of refugees' status and rights at national and international levels.

Under international law, refugees have the same basic rights as all other persons – refugees should receive at least the same rights and basic help as any other foreigner who is a legal resident, including the right to be issued civil documents and travel documents, freedom of movement, the right to work, access to medical care and schooling,

access to the courts, and the right to a family life.<sup>2</sup> Recognising these rights, measures must be included in the Global Compact and Programme of Action to ensure that suspension or curtailment of the basic rights of refugees only occur when strictly necessary and for the shortest time possible. This is particularly essential in protracted encampment situations where people have been subjected to long-term suspension of their rights and basic agency as human beings, sometimes for their whole lives.

As well as the interventions outlined in the CRRF to improve systems and procedures for refugee admission and documentation, efforts must be included to safeguard and respect refugee status at a more fundamental level. The CRRF does not mention xenophobia, despite the fact that this issue is mentioned several times in the New York Declaration. Measures must be included in CRRF roll-out plans and in the Global Compact to address negative perceptions of and rhetoric towards refugee communities.

## Key issues raised on self-reliance and durable solutions

- **Freedom of movement:** Protracted encampment is not a long-term solution. Refugees spoke of poor living conditions and limited access to services, but also of the stifling inactivity and enforced dependency of encampment, and the resulting inability to advance studies or careers, or have any vision of a future. Policies restricting freedom of movement cause significant frustration, obstruct access to services and livelihood and the ability to exercise other rights.
- **Self-reliance, right to work and the ability to work:** Refugees expressed an overwhelming desire to support themselves and make decisions over their own lives. After freedom

### ▪ PRIORITY CONCERN 2 ▪

#### Durable solutions – self-reliance and the possibility of integration

Refugees widely expressed frustrations over lack of freedom of movement and the inability to work, earn an income and be self-reliant, which limit refugees' basic agency, control over life decisions and ability to envisage a future.

of movement, the most frequently mentioned concern was the inability to work, mostly due to restrictions on the right to work, but also due to obstacles to the ability to work in practice.

- **Refugee returns:** Refugees in all locations asserted a fundamental wish to return to their home countries if the circumstances were conducive. But many refugees had the perception that the asylum space was closing and that they face limited options apart from return.

## Freedom of movement

The New York Declaration and annexed CRRF, while asserting refugees' fundamental freedoms, does not explicitly mention freedom of movement. However, the lack of freedom of movement was a dominant concern among all participants in this research, both as a restriction of a basic freedom, and because of the further impacts this has on many areas of life, including the ability to access services and opportunities and impact on family life. Freedom of movement was closely linked in refugees' minds to sensitivities around their refugee status and recognition of their basic humanity and equality. For multiple participants this was cited as the biggest frustration over their situation.

2 See the Refugee Convention (1951), and Protocol (1967), <http://www.unhcr.org/1951-refugee-convention.html>. For more explanation, see also, UNHCR, "The 1951 Convention and its 1967 Protocol Relating to the Status of Refugees," <http://www.unhcr.org/uk/about-us/background/zecc262dfg/1951-convention-relating-status-refugees-its-1967-protocol.html> and UNHCR, Protecting Refugees: Questions and Answers, 2002, <http://www.unhcr.org/afr/publications/brochures/3b779dfe2/protecting-refugees-questions-answers.html>

**"Freedom of movement needs to be addressed first... Many refugees... feel confined within the camp, it's like a prison, taking away people's freedom."**

Interview with Eritrean man, Addis Ababa, Ethiopia, 23/10/2017

Freedom of movement is also an essential precondition of self-reliance including the ability to work. Long-term suspension of basic rights should not be a feature of any refugee situation – freedom of movement and the right to work are essential rights to live in dignity.<sup>3</sup> Greater refugee self-reliance also often produces mutual economic benefits for both refugees and host communities. The Global Compact and the Programme of Action must commit to guaranteeing the freedom of movement of all recognised refugees, and must further acknowledge, and reflect in proposed interventions, the fact that freedom of movement is an essential pre-condition of self-reliance, the ability to work, and possibilities for integration.

## **Self-reliance and greater integration**

A desire to be able to work and to be self-reliant, instead of having to depend on assistance, and to be able to envisage a sustainable future for themselves and their families was iterated by the overwhelming majority of participants in this study. Discussions were characterised by a wish not to merely survive on assistance, but to live with

dignity. This was particularly centred on the desire to exercise the right to work, which is essential to enabling self-reliance and creating possibilities for the durable solution of local integration.<sup>4</sup>

The New York Declaration commits to "actively promote durable solutions, particularly in protracted refugee situations, with a focus on sustainable and timely return in safety and dignity"<sup>5</sup> [emphasis added]. The final Global Compact and accompanying Programme of Action must ensure that this focus on returns does not outweigh efforts directed at other durable solutions, acknowledging that returns are not an option in a number of situations.

Long-term encampment has all-too-often become the default response to large-scale refugee situations in the East and Horn of Africa region. The New York Declaration recognises that "refugee camps should be the exception and, to the extent possible, a temporary measure in response to an emergency."<sup>6</sup> The Global Compact must go further, to ensure that encampment is never a long-term option, characterised as it is by an almost total absence of durable solutions. The experiences in the region highlight the undesirability of long-term encampment and other policies that inhibit self-reliance.

The governments of Kenya, Ethiopia and Djibouti have adopted encampment policies for a variety of reasons including that refugee influxes were considered temporary when the camps were first established, refugees are being perceived

3 International law allows states to restrict refugees' freedom of movement subject to certain conditions. Restrictions must be necessary and proportionate to the achievement of legitimate aims, and apply for the shortest time possible. Additionally, international law makes specific allowances for provisional measures, particularly when applied exclusively to refugees who are in their host countries irregularly, or who have not yet received official refugee status. Current encampment policies in Kenya, Ethiopia and Djibouti are of unlimited duration; have limited exceptions; do not distinguish between recognized refugees and non-recognized refugees; apply to no class of foreigners besides refugees; and may be disproportionate to the countries' national security concerns.

4 International law in the 1951 Refugee Convention provides strong and specific protections for refugees' right to work. Article 17(1) provides that State parties "accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances." Article 17(2) exempts refugees from "restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market" where such refugees have been resident in the country for more than three years or meet other specific conditions.

5 Para. 75, New York Declaration for Refugees and Migrants, (UN General Assembly Resolution 71/1), 19 Sept. 2016.

6 Para. 73, ibid.



Eritrean refugee boys in Adi Harush, Ethiopia. © Nichole Sobecki, 2016

as competitors in job markets, for the facilitation of control and administration of large numbers or refugees, and for stated security reasons. The latter is particularly the case in Kenya.

While encampment is considered desirable for governments in terms of the above reasons, the policy significantly inhibits the economic contribution refugees can make to their host countries, can create competition for limited resources in refugee-hosting areas, and also infringes on the basic rights of refugees which states have committed to uphold. There are positive indications that governments in the region are beginning to recognise this.

Refugees talked about the multiple ways encampment impacts on their lives – feelings of hopelessness, an inability to see a future or to plan for their family, the stifling forced dependency, the frustration and stress caused by long-term removal of agency, and the pressure that a lack of solutions can exercise on refugees to return to locations that remain insecure. The words ‘prison’ and ‘imprisonment’ were used repeatedly by refugees to describe their situation.

These issues were also cited as key causes for moving out of refugee camps or deciding on onward migration – why refugees eschew the relative protection and services offered in refugee

camps to face uncertain status and conditions in cities, or take risky onward journeys via irregular migration channels.

Significant attention should be paid in the final Global Compact and Programme of Action to expanding self-reliance and integration-related mechanisms. Political will and practical frameworks, technical expertise and financial support must be shepherded to reflect this priority. The final Global Compact and Programme of Action must ensure that self-reliance is actively supported as an alternative to the no-solution approach of long-term encampment and dependency.

**“We are not living here, we are just breathing while dying inside.”**

Interview with Eritrean woman, Addis Ababa, Ethiopia, 20/10/2017

Interventions to expand the right and ability to work will need to be accompanied by a range of supporting complementary policy changes and programmes to assist the realisation of those rights in practice. This will need to include resolution of documentation issues, removal of restrictions on freedom of movement, and ability to access financial services. Realising self-reliance for refugees will also require investment and job creation interventions. International support must be targeted

at such self-reliance and integration-oriented programmes in recognition of responsibility sharing, bearing in mind both the assistance required by developing countries with significant refugee populations and the rights of refugees. The CRRF should provide for the additional support that will be required for refugee populations transitioning from conditions of long-term dependency.

York Declaration's 'focus on returns' of the three durable solutions should not carry disproportionate weight in situations where returns are not a viable option; refugees must be protected from push factors creating pressure to return. Such a focus on returns could erode the asylum space. Minimum standards must be in place to ensure returns are voluntary, safe, dignified and sustainable.

## Returns

While many refugees expressed a fundamental desire to return to their home country if circumstances were conducive, the desire to return home was frequently expressed as a result of push factors from the country of asylum. The New

The Dadaab Voluntary Repatriation programme in Kenya has so far seen over 70,000 refugees return to Somalia from the Dadaab refugee camps. However, refugees in Dadaab spoke repeatedly of a raft of push factors which individually and collectively are reported to be significantly influencing decisions to return to Somalia based on the perception of having no alternative.

### ▪ KEY RECOMMENDATIONS ▪

#### Global Compact and CRRF roll out

- 1. The Global Compact and CRRF roll out must take an approach that has the rights and freedoms of refugees at the centre of all interventions and focuses on protection and should commit to protecting against situations of long-term curtailment of rights. This includes a shift in refugee narratives – including in the Global Compact itself – from viewing refugee populations as a 'burden' to active, rights-bearing members of society.**
- 2. Security of refugee status and legal identity are essential to refugees' physical and psycho-social well-being and underpin all other interventions. The Programme of Action must include essential efforts to secure refugee status and identity by preserving the asylum space, ensuring swift access to Refugee Status Determination and documentation, guaranteeing that basic rights are attached to refugee status and countering negative attitudes towards refugees.**
- 3. Freedom of movement must be guaranteed for all recognised refugees under the Global Compact and in all CRRF interventions. Protracted encampment is contrary to the spirit of the CRRF and Global Compact. Interventions agreed to by states including access to services, education and work opportunities are not feasible without freedom of movement. Encampment must not be used as a default long-term option in place of genuine solutions.**
- 4. Efforts and interventions towards economic and social integration for refugee populations, including the right to work, should be significantly expanded. There is a need to move towards situations of self-reliance in accordance with the widespread wishes of refugee populations to be able to envisage and have control over a sustainable future, and in order to enable them to economically contribute to their host societies.**

## ▪ METHODOLOGY ▪

Research for this study was conducted in September and October 2017 in Djibouti, Ethiopia and Kenya. The research took place in ten city and camp locations (Djibouti: Djibouti city, Ali Addeh, Hol Hol and Makarzi refugee camps; Ethiopia: Addis Ababa, Adi Harush, Mai Ayni and Hitsats refugee camps (Shire); Kenya: Nairobi and Dadaab refugee camps).

The aim of the study was to gather refugees' perspectives on the global asylum system, its gaps and challenges, and to understand the factors that at times influence refugees in the region to eschew the relative protection and the assistance offered in the camps, and to move to cities where they might be subjected to a range of challenges, or to undertake risky onward journeys via irregular migration routes. The intention was to include refugees' perspectives into the consultation processes happening around the proposed 2018 Global Compact on Refugees and the Comprehensive Refugee Response Framework.

In total, 294 refugees (124 females, 170 males) took part in 87 individual interviews and 19 focus group discussions. Participants originated from nine countries – Burundi, the Democratic Republic of Congo (DRC), Eritrea, Ethiopia, Somalia, South Sudan, Sudan, Uganda, and Yemen.

Interviews were conducted in English and French without a translator, and in Somali, Arabic, Afaan Oromo, Amharic, Tigrinya, Afar and Kiswahili using translators. Interviewees and focus group participants were identified using NRC's existing networks within refugee camps, community representatives in cities and with the assistance of the community officers of two refugee organisations in Nairobi. In addition, a number of key informant interviews were conducted to provide contextual information.

A combination of semi-structured interviews and focus group discussions was employed in data-collection, based around a common set of questions. The research process was not designed to produce quantitative results. Rather, the findings provide indications of the priority concerns, preoccupations and recommendations stemming from refugee communities for CRRF plans.

In general, this report uses the term "refugee" to refer to both refugees (those whose status is confirmed) and asylum seekers (those who have applied for asylum but whose status as a refugee is yet to be determined) in relation to issues that affect both groups. Where issues relate particularly to asylum seekers – for example, issues around delays in Refugee Status Determination processes – those concerned are referred to as asylum seekers.

## II. Introduction

### Towards a Global Compact on Refugees and a Comprehensive Refugee Response Framework

In September 2016, the UN General Assembly adopted the 'New York Declaration for Refugees and Migrants' (New York Declaration).<sup>7</sup> UN Member States committed to strengthening and enhancing mechanisms to protect refugees and migrants and to move towards a more effective system of responsibility sharing for refugee situations. States committed to working towards the adoption of a Global Compact on Refugees, as well as a Global Compact on Safe, Orderly and Regular Migration, in 2018 – to commit to new ways of working in the international response to unprecedented numbers of refugees and migrants. The Global Compact on Refugees (hereinafter, 'the Global Compact') is to consist of two parts, the Comprehensive Refugee Response Framework (CRRF) and a Programme of Action, to facilitate the CRRF's implementation.

The CRRF was annexed to the New York Declaration. It covers four key areas: rapid and supported reception and admission measures; support for immediate and ongoing needs; support for host countries and communities; and expanded opportunities for durable solutions. The CRRF has four key objectives: to ease pressure on host countries, to enhance refugee self-reliance, to expand third-country solutions and to support conditions in countries of origin for return in safety and dignity. Underpinning the New York Declaration is a growing consensus that refugees, including those who have been living in protracted displacement for many years, deserve better solutions than they currently have. While the two global compacts will be instruments of 'soft law' – that is, they will not set new, binding international legal commitments – the hope remains that they will set a new tone for the way the international community responds to displacement situations in years to come.

In the process of negotiating and finalising the Global Compact, the UN Refugee Agency, UNHCR, is holding consultations with states and other stakeholders, and a number of countries were identified as roll-out countries for the application of the CRRF framework (sometimes also called 'pilot countries'), including multiple countries in the East and Horn of Africa – Ethiopia, Uganda, Djibouti and Tanzania, and through a regional approach, the situation of Somali refugees. Kenya subsequently also became a roll-out country.

To date, refugees' voices have been largely left out of consultations regarding what the content and priorities of the Global Compact on Refugees and the Programme of Action should be. As the people whom the system, and any changes to the system, are supposed to protect, refugees' perspectives are essential in identifying priorities for action. The concerns of the international community are not necessarily the concerns of refugees.

In recognition of this, the Norwegian Refugee Council (NRC) undertook this study in three countries in the East and Horn of Africa region – Ethiopia, Kenya and Djibouti – to gather and represent in CRRF and Global Compact discussions refugees' own perspectives on the asylum system and the gaps and challenges they experience, as well as the systemic reforms they would like to see. While these perspectives generally relate to refugees' own experiences in their first country of asylum or the East Africa region, many lessons can be drawn that are relevant to the wider global asylum system and to the overarching framework developed under the banner of the CRRF.

7 New York Declaration for Refugees and Migrants, (UN General Assembly Resolution 71/1), 19 Sept. 2016.

The findings and recommendations in this report are not intended to be comprehensive or necessarily prescriptive of the solutions to the issues identified, but are intended to bring refugees' perspectives and voices to the process in order to

highlight priorities from those who will be most affected by any commitments that emerge in the Global Compact. These priorities and concerns should be considered in the identification of responses and interventions.

## **The Global Compact on Refugees**

### Understanding the relationship between the instruments

**The Comprehensive Refugee Response Framework (CRRF):** The CRRF is an annex to the New York Declaration, which was endorsed during the High Level Summit on Large Movements of Refugees and Migrants on the margins of the 2016 meeting of the UN General Assembly. This annex was designed to specifically highlight state commitments in response to large movements of refugees and to "outline steps toward the achievement of a Global Compact on Refugees in 2018."

The CRRF is being progressively rolled out in various countries and regions both (1) to capture learning from the roll out to inform the Global Compact on Refugees, and (2) as part of fulfilling the commitments to implementing the New York Declaration, which will be an ongoing effort. It is expected that once it is endorsed by the UN General Assembly, the Global Compact will replace the CRRF as the guiding framework for refugee response.

**The Global Compact on Refugees:** The Global Compact on Refugees is expected to be endorsed by the General Assembly in late 2018. The content of the compact is meant to reflect a "refinement" of the CRRF, based on experience in the CRRF roll-out countries, and on thematic and regional consultations on refugee response that are being carried out by UNHCR. UNHCR will draft the Global Compact on Refugees, and the High Commissioner will present UNHCR's proposed compact in his annual report to the General Assembly in 2018. It will then be considered by the General Assembly for endorsement. Once it is submitted to the General Assembly, the compact may

be further refined through Member State negotiation before receiving endorsement.

UNHCR has stated that the GCR will be comprised of two core components: (1) the CRRF, which will remain unchanged from the text endorsed as part of the New York Declaration, and (2) a Programme of Action. Additional framing text may be added to the CRRF. UNHCR will not change the CRRF text, in part, because there is already Member State consensus on this language. It must be noted, however, that Member States may choose to reopen the language in this component of the Global Compact, after UNHCR's proposed version is submitted to the General Assembly for endorsement.

**The Programme of Action:** According to UNHCR, the Programme of Action will "[set] out actions that can be taken—both by Member States and by other relevant stakeholders—to underpin the comprehensive refugee response framework, to ensure its full implementation, and to share more equitably the responsibility for implementing it." The Programme of Action is meant to provide specific guidance for states and other stakeholders to predictably and equitably operationalize the CRRF across the globe. The zero draft of the Programme of Action will be produced as part of the zero draft for the Global Compact on Refugees in February 2018. UNHCR is currently using thematic consultations and the 2017 High Commissioner's Dialogue on Protection Challenges as the primary vehicles for receiving input on what should be included in the Programme of Action.

# III. Background

## Ethiopia, Kenya, Djibouti – refugee contexts and the CRRF

The emphasis placed on responsibility sharing in the New York Declaration, recognising that in large scale movements of refugees “[n]eighbouring or transit countries, mostly developing countries, are disproportionately affected” is highly relevant to the East and Horn of Africa region – the site of a number of large-scale movements of refugees fleeing conflict, political repression and persecution and, more recently, the impacts of climate change. The protracted nature of many of these situations has seen refugees living in camps in the region – some of which are among the world’s largest – for over two decades in some cases.

Kenya, Djibouti and Ethiopia are CRRF roll-out countries, and are host countries in the CRRF roll out for a ‘regional response to the Somali situation.’ In each country, CRRF planning has progressed slowly and implementation is limited at time of writing. Each country is adopting a different approach.

### Kenya

Kenya is host to almost 500,000 registered refugees and asylum seekers, most from Somalia and South Sudan, with smaller numbers from Ethiopia, the Democratic Republic of Congo, Eritrea, Burundi,

Rwanda, Sudan, Uganda and Tanzania.<sup>8</sup> Most live in the camps of Kakuma, in the country’s north-west, and the four-camp complex that makes up Dadaab camp, in the east, near the Somali border, which was until recently the world’s largest refugee camp. Both Kakuma and Dadaab camps have hosted refugees for over 25 years. South Sudanese refugees receive *prima facie* refugee status,<sup>9</sup> but the government ended *prima facie* status for Somali refugees in April 2016.

Refugees in Kenya face severe restrictions on their freedom of movement. The legal framework provides them with the right to work subject to the same restrictions as other non-nationals, but work permits are very difficult to obtain in practice. In recent years, the Kenyan government has taken steps that have made it increasingly difficult for refugees to reside outside camps and obtain official documentation and refugee status.<sup>10</sup> Since late 2012, government registration of refugees living outside camps has been intermittent.<sup>11</sup> These developments reflect a shift in public and political opinion in Kenya against refugees, fueled at least in part by rhetoric around national security concerns. Kenya has required refugees to live in camps for a number of years, but only formalised this policy in law in 2014.<sup>12</sup> Nevertheless,

8 UNHCR, “Kenya Factsheet,” October 2017, [http://www.unhcr.org/ke/wp-content/uploads/sites/2/2017/11/Kenya-statistics-package-Oct\\_2017.pdf](http://www.unhcr.org/ke/wp-content/uploads/sites/2/2017/11/Kenya-statistics-package-Oct_2017.pdf)

9 See UNHCR, “South Sudan Situation 2017,” p. 7 <http://www.unhcr.org/593e9e9b7.pdf>

10 NRC and IHRC, “Recognising Nairobi’s refugees: the challenges and significance of documentation proving identity and status,” Nov. 2017, <https://www.nrc.no/globalassets/pdf/reports/refugees-in-nairobi/recognising-nairobis-refugees.pdf>

11 Amnesty International, Nowhere Else to Go: Forced Returns of Somali Refugees from Dadaab Refugee Camp, Kenya, Nov. 2016, p. 11, <https://www.amnesty.org/en/documents/afr32/5118/2016/en/>

12 Refugees Act 2006, section 25(f) (the text of section 25(f) erroneously references section 15(2) instead of section 16(2)), [http://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/RefugeeAct\\_No13of2006.pdf](http://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/RefugeeAct_No13of2006.pdf). Although the offence of residing outside a designated area had been included in the Refugees Act since its inception, prior to March 2014 no areas had officially been designated as refugee camps: “The Refugees Act: Designation of Areas as Refugee Camps,” March 2014, The Kenya Gazette. This is loosely enforced.

47,000 refugees and asylum seekers still live in Nairobi, the country's capital, some of whom have obtained exceptions to the encampment requirement for study, medical or work reasons, or have been previously able to register in urban areas.<sup>13</sup>

From mid-2014 onward, the Kenyan Government has assumed responsibility from UNHCR for refugee registration and Refugee Status Determination (RSD) processes. However, this has been complicated by the disbanding of the governmental Department for Refugee Affairs (DRA) in 2016. DRA was replaced with the Refugee Affairs Secretariat (RAS), but RSD was stalled as RAS did not receive a legal mandate until mid-2017. Although it no longer has primary responsibility for RSD, UNHCR has continued to issue mandate certificates recognising refugee status in exceptional circumstances on a case-by-case basis.<sup>14</sup>

In June 2017, the Kenyan parliament passed a Refugees Bill, intended to replace the 2006 Refugees Act, which, among other concerns, continues the requirement for refugees to live in 'designated areas.'<sup>15</sup> In August 2017, the president refused to assent to the Bill and returned it to parliament on the basis that 'there was no public participation in its formulation.' The draft therefore remains open to amendment.

## Dadaab

For some time, the Government of Kenya has expressed an intention to close the Dadaab camps and return the refugee population to Somalia. In 2016 the Kenyan government issued a directive

to close Dadaab camps within the shortest possible period. The government then subsequently extended the closure until November 2016 and then again until the end of May 2017. At time of writing, the Dadaab camps continue to provide 'temporary' protection to more than 245,000 registered refugees according to UNHCR, the vast majority of whom are from Somalia. This includes thousands of Somali refugee children born and raised in Dadaab.

Refugee registration in Dadaab has been largely suspended by the Kenyan government since July 2015. UNHCR continues to register a small number of new arrivals on an *ad hoc* basis. The growing number of 'undocumented persons' in Dadaab at time of writing are mostly of Somali origin – returning refugees as well as some first-time asylum seekers – who have fled a worsening situation in Somalia characterised by drought, pre-famine conditions and ongoing conflict and instability. At least 5,000 such individuals have been recorded by UNHCR in Dadaab.<sup>16</sup> Reports from NRC and NGO partners in Dadaab indicate that this number may be higher, particularly on the rise since early 2017.

As of August 2017, authorities are continuing to work towards the camp's eventual closure, largely through encouraging the voluntary repatriation of Somali refugees living there. As of November 2017 the camp remains open. Due to a reduction in refugee populations over the last two years, one of the Dadaab camps, Kambioos, closed in February 2017, while another, Ifo 2, is scheduled for closure in March 2018.

13 UNHCR, "UNHCR Conducts Joint Verification of Refugees," Feb. 2017, <http://www.unhcr.org/ke/10374-unhcr-conducts-joint-verification-refugees-government-kenya.html>

14 See UNHCR, "Kenya Factsheet," June 2017, <http://www.unhcr.org/ke/wp-content/uploads/sites/2/2017/07/Kenya-Operation-Factsheet-June-2017.pdf>. UNHCR notes that in June 2017, "90 cases were exceptionally recognized under UNHCR mandate pending the resumption of RSD decision issuance by the government."

15 The Refugees Bill (2016), [http://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2016/TheRefugeesBill\\_2016.pdf](http://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2016/TheRefugeesBill_2016.pdf)

16 UNHCR, "Dadaab refugee camps, Kenya – UNHCR Dadaab biweekly operational update (1 - 15 Oct. 2017)," Oct. 2017, <http://www.unhcr.org/ke/wp-content/uploads/sites/2/2017/10/15-October-Dadaab-Bi-weekly-Operational-Update.pdf>

## Kenya and the CRRF

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In late 2017, Kenya became a CRRF roll-out country, as well as being a major stakeholder in the regional response to the Somali refugee situation. In March 2017, the regional body the Intergovernmental Authority on Development (IGAD) issued the 'Nairobi Declaration on Durable Solutions for Somali Refugees' accompanied by a 'Comprehensive Plan of Action,'<sup>17</sup> which is an important statement of principles with regards to a regional approach to the Somali refugee situation.

IGAD's Plan of Action commits to several measures relating to fostering conditions for return in Somalia and to addressing the situation of refugees outside the country. Under country-level pledges, Kenya included seven pledges, four of which involved continuing with actions already ongoing: facilitating enrolment of refugees in institutions of basic education; extending access to the education system, schools and training institutions at all levels; allocating financial resources towards the development of infrastructure and social amenities to expand access to economic opportunities and social services in refugee-hosting areas; and providing access to health services and facilities to refugee populations. It is not clear if these pledges to continue ongoing actions indicate that there would be any increase in these efforts under CRRF-related processes.

The three further pledges Kenya made were to:

- Undertake self-reliance and inclusion measures including providing economic opportunities;
- Facilitate legal status for those refugees with legitimate claims to citizenship and/or residency in Kenya through marriage or parentage as per the laws of Kenya; and

- Facilitate and expand business infrastructure and opportunities for refugee populations in order for them to pursue sustainable livelihood opportunities in trade occupations.

## Djibouti

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Djibouti currently hosts around 27,000 refugees,<sup>18</sup> most of whom live in three refugee camps – Ali Addeh and Hol Hol in the south of the country, which predominantly house Somalis, Ethiopians, and Eritreans; and Obock in the north, which predominantly houses Yemenis along with very small numbers of Somalis, Ethiopians and Eritreans who had been in Yemen for a long period when war in Yemen broke out. Djibouti is also a transit point for a large number of Eritreans, Ethiopians and others pursuing irregular migration through the Gulf of Aden in the hope of finding work in Saudi Arabia and the Gulf.

Refugees in Djibouti are not allowed to work. Further, Djibouti generally has a policy of encampment – refugees are required to be in one of the camps, though a small number reside in the city on exceptions to the encampment policy on the grounds of medical issues, family circumstances and some *ad hoc* situations. A representative of the government refugee agency told NRC during research that refugees already have freedom of movement, but there are restrictions on it for security reasons and 'for the interests of the refugees.' Refugees in the camps currently have to obtain a travel permit to move to other parts of the country.

Somalis and Yemenis receive *prima facie* refugee status. Ethiopians and Eritreans pass before a government commission called la commission nationale d'éligibilité to determine their status. The commission is composed of six government

17 IGAD, "Nairobi Declaration on Durable Solutions for Somali refugees and reintegration of returnees in Somalia," March 2017, [https://igad.int/attachments/article/1519/Special\\_Summit\\_Declaration\\_Nairobi\\_Declaration.docx.pdf](https://igad.int/attachments/article/1519/Special_Summit_Declaration_Nairobi_Declaration.docx.pdf), and "Nairobi Comprehensive Plan of Action for Durable Solutions for Somali Refugees," <https://igad.int/attachments/article/1519/Annex%20to%20the%20Declaration%20-%20Final%20Plan%20of%20Action%2011.04.2017.pdf>

18 UNHCR, "Djibouti: Applying the Comprehensive Refugee Response Framework," <http://www.unhcr.org/djibouti-592fde724.html>



Markazi refugee camp in Djibouti. © NRC / Alvild Stromme, 2017

ministries or agencies – the Ministries of Interior, Foreign Affairs, Justice, Public Health, the governmental refugee agency (ONARS - L'Office National d'Assistance aux Réfugiés et Sinistré), and the Office of the President.<sup>19</sup> UNHCR has observer status. A representative of ONARS stated that the inclusion of multiple entities is “to engage the country to accept giving refugee status to these people.”<sup>20</sup> But as detailed in this report, during the course of our research NRC encountered many people who did not receive a decision on their refugee status from the commission for many years.

## Djibouti and the CRRF

Detailed plans for the CRRF roll out in Djibouti appear to be still in development. At the Leaders’ Summit for Refugees in September 2016 the Djiboutian government made two pledges:

- Adopt a new refugee law providing access to education, legal help and the justice system for refugees; and

- Give all refugee children access to accredited education through:
  - assessing and training an adequate number of refugee teachers to teach refugees;
  - establishing certificate equivalency for the English-language curriculum taught in Djibouti’s refugee camps and the translation of the Djiboutian curriculum into English;
  - convening a regional refugee education meeting for refugee education technical experts to reach agreement on certificate equivalency.

The same pledges from the Djiboutian government were included in the IGAD Nairobi Declaration Comprehensive Plan of Action. A new National Refugee Law in Djibouti was adopted in January 2017. The law now has to go through an implementation decree, which will reportedly be signed by the end of the year. The law was not available at the time of writing, but NRC's understanding is that the draft implementation decree

19 See, Décret n°2001-0101/PR/MI modifiant le décret n°77-054/PR/AE du 09 novembre 1977 portant création de la commission nationale d'éligibilité au statut des réfugiés, <http://www.presidence.dj/PresidenceOld/LES%20TEXTES/decre0101pro1.htm>

20 Meeting with ONARS official, Djibouti city, Djibouti, 30/10/2017

states that the law expands refugees' access to health, education and employment services,<sup>21</sup> and that with the new law, Djibouti is also moving away from its encampment policy. ONARS and UNHCR are tasked with designing a series of practical steps to implement the law, but as of October 2017 CRRF plans were still at their inception and it is unclear whether they will go beyond the implementation of the law. A draft policy and a Memorandum of Understanding have reportedly been prepared for an education initiative which is being piloted by the Ministry of Education. Djibouti is also planned to host an IGAD summit on refugee education, linked to its third pledge.

## Ethiopia

Ethiopia hosts over 883,000 refugees from neighbouring countries, including Eritrea, Somalia, South Sudan, Sudan, Yemen and others. The country is host to the second largest refugee population in Africa, after Uganda, and maintains an open-door policy for refugees. Ethiopia is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

Ethiopia has a general encampment policy with limited access to permission to reside outside the camps and rigid restrictions on the movement of refugees. Refugees who want to travel outside the camps have to apply for a travel permit from the government's Administration for Refugee and Returnee Affairs (ARRA) and permits can be challenging to obtain. There are exceptions to the encampment policy for specific medical or humanitarian needs, and for Eritrean refugees who can apply for Out-of-Camp Policy (OCP) status, which involves a declaration that they will be self-sufficient if they reside in the city and finding an Ethiopian sponsor willing to sign their application.

Refugees with OCP status, as with all other refugees in Ethiopia, are not allowed to work. There were 13,749 refugees in Addis Ababa who had OCP status, and generally receive no assistance (apart from medical care facilitated by ARRA), and 4,311 'urban assisted' – refugees excepted from the encampment policy who do receive assistance due to special circumstances, such as a serious illness.<sup>22</sup>

## Refugee camps in Shire

Thousands of people flee Eritrea every month due to long-term and widespread political repression and deteriorating humanitarian conditions. Many are separated and unaccompanied children. The refugee population in Shire is young and prone to onward migration. Many of those who arrive in Ethiopia go on to attempt irregular migration through Sudan and Libya, often with the assistance of smugglers, and often at great risk to their lives from dangers and abuse in the desert and on the Mediterranean Sea. It is estimated that nearly 40% of Eritrean refugees leave the camps within the first three months of arrival, and 80% leave within the first year.<sup>23</sup>

Eritreans are the third largest group of refugees living in Ethiopia, with a total number of 166,249 registered, of whom 37,733 are currently registered in the Shire area camps.<sup>24</sup> Eritreans receive *prima facie* refugee status in Ethiopia.

The population in the Shire camps is unique due to the large numbers of children below the age of 18 and unaccompanied and separated children. As of June 2017, 39% of the refugees living in the Shire area were under the age of 18, including 4,725 unaccompanied and separated children, representing approximately 11% of the total refugee population. 72% of the population was under 24.<sup>25</sup>

- 21 UNHCR, "Djibouti: Applying the Comprehensive Refugee Response Framework," <http://www.unhcr.org/djibouti-592fde724.html>
- 22 UNHCR, "Urban and Kenya Borena Refugees," September 2017 (on file at NRC).
- 23 UNHCR, "Tigray and Afar Regions," September 2017 (on file at NRC).
- 24 UNHCR, Ethiopia Refugees and Asylum-seekers as of 31 Oct. 2017; and UNHCR Field Office Shire Population table, Sept. 2017 (on file at NRC).
- 25 UNHCR Field Office Shire Infographics, June 2017 population overview (on file at NRC).

Due to the history between Ethiopia and Eritrea – cultural closeness on the one hand yet conflict on the other – Eritrean refugees have had special status in Ethiopia. Until recently, they were the only refugee population allowed to reside out of refugee camps under the Out-of-Camp Policy (OCP) scheme, providing they had an Ethiopian sponsor. At the same time, Eritrea's 1993 independence, the return to war between the two countries from 1998 to 2000 and the continued enmity between the two governments, means that being an Eritrean refugee hosted by Ethiopia carries some complex questions around identity and security.

## Ethiopia and the CRRF – the nine pledges

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At the Leader's Summit for Refugees in September 2016, Ethiopia joined other countries in pledging to make policy changes to improve the lives of refugees. Ethiopia's pledges present the potential for significant positive changes to refugee policy in the country. The Ethiopian government made nine key pledges:

- expansion of the scheme allowing refugees to live in urban areas;
- new options for work permits for refugees;
- work permits for refugee graduates in the areas permitted for foreign workers;
- increased enrolment rates in education for refugee children and adults;
- access to irrigable land for refugees;
- local integration for refugees who have been in Ethiopia for more than 20 years;
- expansion of work opportunities through job creation and the construction of industrial parks;
- enhancing access to social services, including health services and other benefits; and

- access to bank accounts, driving licenses, birth certificates and other services.

The pledges envision allowing 10% of refugees to live out of camps, providing jobs in industrial parks for 30,000 refugees, and locally integrating 13,000 refugees who have lived in Ethiopia for more than 20 years. The implementation of some of the pledges, such as job creation in industrial parks, is contingent upon international financial support.

The CRRF in Ethiopia is seen as equivalent to the implementation of the nine pledges. At this writing, implementation is awaiting the parliamentary passage of needed legislative changes. An amended Refugees Proclamation and new Regulations on Refugees are expected to pass, but additional policy-making will be needed to clarify how the laws and regulations will be implemented. Therefore, the impact of the pledges on the lives of refugees still remains to be seen. The implementation of the pledges will not immediately provide the universal right to work and freedom of movement for all refugees in the country. But it does provide an opening for Ethiopia to head in that direction – and an opportunity for the international community to encourage the government to make more far-reaching changes to refugee policy.

# IV. Legal status, identity and security

Refugee responses often focus on material needs and considerations. However, in all three countries of research, the concerns most frequently repeated by participants related to more fundamental considerations around refugee status, the rights attached to that status, and legal identity – issues which both precede and underpin material assistance and any other considerations in refugee response.

**"The ID itself needs to be modified to show we are human beings."**

Ethiopian woman, focus group discussion, Nairobi, Kenya, 21/9/2017

Refugees in Djibouti, Ethiopia and Kenya, in camps and cities, spoke of multiple concerns relating to their identity and legal status as refugees, and security concerns stemming from these. Their concerns included issues around security of status in the country of asylum as a result of practical, political and other considerations; numerous issues were highlighted around refugee and civil documentation and the further impacts the lack of documentation has on multiple areas of life, including the ability to access essential services or register family events; as well as vulnerability to harassment.

But concerns also focused on a more fundamental issue – the recognition (or lack thereof) of the basic humanity of refugees. Refugees in Djibouti, Ethiopia and Kenya are all subject to curtailment of certain rights. Many refugees reported feeling

that this curtailment of their rights stripped them of essential agency and humanity. Many refugee experiences are characterised by a prolonged uncertainty relating to insecurity of status, inability to make decisions over their own lives, and inability to plan for the future. As one Somali refugee in Nairobi told NRC, "those are fundamental rights and freedoms – freedom of movement, education, thinking. But we do not have those kinds of freedoms, [as a refugee] you are not a human being somehow."<sup>26</sup>

Under international law, refugees have the same basic rights as all other persons – refugees should receive at least the same rights and basic help as any other foreigner who is a legal resident, including the right to be issued legal identity documents, including civil documentation and travel documents, freedom of movement (subject to any regulations applicable to non-nationals in the same circumstances), the right to work, access to medical care, primary education and courts, and the right to a family life.<sup>27</sup>

## Key issues raised around status, identity and security

- **Protecting the asylum space:** In the Dadaab camps in Kenya, registration has been all but suspended with the exception of a small number of *ad hoc* cases since 2015, effectively denying thousands of Somalis their right to claim asylum. In Djibouti, for refugees who are not Somali or Yemeni, it is extremely difficult to receive

<sup>26</sup> Interview with Somali man, Nairobi, Kenya, 19/9/2017

<sup>27</sup> See the Refugee Convention (1951), and Protocol (1967). For more explanation, see also, UNHCR, "The 1951 Convention and its 1967 Protocol Relating to the Status of Refugees," and UNHCR, Protecting Refugees: Questions and Answers, 2002.

refugee status, though they still receive assistance. Eritrean refugees in Ethiopia and Somali refugees in Dadaab repeatedly expressed concerns that their status could be revoked and they could be expelled from the country with little notice. They had no confidence in the enduring security of their immediate status.

- **Securing refugee documentation:** Refugee identity documents are essential for a wide range of activities and rights, proving legal status and sometimes identity as well as family relationships. For refugees, identity documents are essential to feelings of security about their status in the country of asylum. Many refugees spoke about the security they felt from having full refugee documentation, and others spoke of the insecurity they perceived, or were practically subjected to, in the absence of adequate documentation.
- **Delays in documentation and knock-on effects:** Significant delays in obtaining refugee status documents and other documents exacerbate refugees' feelings of insecurity – refugees' identity documents are integral to their immediate security of status and right to stay in the country of asylum. Problems or significant delays, sometimes for years, in obtaining various refugee status documents also have multiple knock-on effects. They can delay or obstruct access to services and assistance, including health, education, or material assistance in camps such as food and non-food items; or the ability to register for a SIM card, receive a Western Union transfer or open a bank account, as refugees often use refugee documents to prove their identity in displacement. Delays or issues with refugee documentation can increase refugees' vulnerability to insecurity, harassment and corruption, and they can cause psychological stress and frustration. Documentation issues can also significantly inhibit refugees' ability or willingness to move around, even in areas where they are legally allowed to move.
- **Improvements in status and documentation systems as a priority:** In all three countries, refugees emphasised that improvements to

registration, documentation and ID systems and security of status were the priority for any intervention aimed at improving the asylum system, and should be prioritised over interventions such as expansion to the right to work. Refugees further observed that changes such as expanded freedom of movement or access to livelihood were dependent on resolution of documentation issues and therefore were also a priority from a practical standpoint.

- **Legal identity, difficulties in obtaining civil documentation and in correcting documentation errors:** Many concerns were raised relating to the registration and civil documentation of births and marriages. These difficulties in some cases inhibit refugees from enjoying the right to a family life. Children born in refugee situations have practical and conceptual issues around nationality and identity. Lack of civil documentation also impedes access to durable solutions. In all locations it was reported that it was extremely difficult to correct errors entered into data systems. As non-citizens, many refugees expressed frustration that host governments and UNHCR systems governing their lives, including documentation systems, are not accountable to their needs.

- **Harassment:** Refugee identity documents can act as a protection against harassment and corruption. Registered refugees in all three countries consistently spoke of their gratitude to the host governments for providing them with a place of asylum, but nevertheless highlighted frustrations that, conversely, they continued to be subjected to harassment. In Kenya police harassment of refugees is a significant and long-standing issue; police harassment on a lower scale was also raised as a concern in Ethiopia and Djibouti. In most cases incidents of harassment directly related to the nature of the ID carried by the refugees.

- **Curtailment of rights:** In Djibouti, Ethiopia and Kenya, refugees are subject to curtailment of certain rights. Many refugees spoke of the status of a refugee as being a form of imprisonment. Because refugee



Dadaab refugee camp, Kenya. © Georgina Goodwin, 2012

identity documents are conduits of the ability to exercise certain rights and freedoms, many refugees expressed perceptions that the curtailment of their rights was represented in their refugee ID, and that they needed a different ID – one that allowed them to exercise their basic humanity.

- **Negative perceptions of refugees:** While many refugees spoke of the sense of security that refugee identity documents gave them, multiple concerns were nevertheless expressed about how both authorities and the general public perceive refugees in the country of asylum, negative rhetoric about refugees, and the impacts this had on aspects of their life, including in undermining their sense of security and the possibility of future local integration.
- **Specific protection concerns need more consideration:** A number of specific protection concerns were raised which are currently not adequately recognised or responded to, including individual security risks and the influence of geographical and geo-political considerations on the security of certain groups. Political, geo-political and historical considerations can have significant impacts on refugees' feelings of security and decisions. For example, Ethiopians,

Burundians and Congolese felt they were not safe in a neighbouring country where agents from their home country operated. Eritreans whose parents were expelled from Ethiopia in the late 1990s felt they could never have a secure status in Ethiopia.

- **Multiple manifestations of uncertainty:** Uncertainty characterises multiple aspects of refugees' existence. Lengthy RSD processes, sometimes with little chance of eventual success; uncertainty about evolving policies and restrictions on the ability to be self-reliant and access job and education opportunities; and shifting public opinion mean that many refugees told us how difficult it is for them to envision their future and plan for it.

The Global Compact and all measures included within the CRRF roll out must place at their centre more emphasis on the protection of the basic rights of refugees including their ability to access international protection. Significant commitments should be made to improving recognition of refugees' status and rights at national and international levels. Host governments and UNHCR must find practical ways to enhance refugee rights and be more accountable to refugees.

As well as the interventions outlined in the CRRF to improve systems and procedures for refugee admission and documentation, efforts must be included to safeguard refugees' status and their human rights at a fundamental level. The New York Declaration contains repeated mentions to the issue of xenophobia, but the CRRF does not mention it. Our research indicates that how they are perceived by their host societies is very important to refugees. Public perceptions also influence refugee policies such as encampment. Measures must be included – at both the international level and at national levels for Kenya, Djibouti and Ethiopia – to address negative perceptions and rhetoric around refugee communities.

A global declaration re-affirming the status and rights of refugees at the international level must be followed, in the Programme of Action, by specific measures to protect that status in practice. Measures must be included in the Global Compact to safeguard the asylum space, which has been eroded in several countries in the East and Horn of Africa, as in other parts of the world, and to protect refugees from any retraction or revocation of their right to asylum. This should also contain measures to ensure the international community assumes responsibility for admission and documentation where national systems are not functioning. CRRF roll-out plans should recognise and reflect that any plans regarding economic and social integration, self-reliance or other efforts leading towards durable solutions, must be preceded by efforts to secure status, upon which the ability to exercise any other rights is premised. Efforts and funding levels need to reflect this priority.

Recognising that refugees have the same basic rights as all other persons, measures must be included in the Global Compact to ensure that suspension or curtailment of the basic rights of refugees only occur when strictly necessary and for the shortest time possible. This is particularly essential in protracted situations where being a refugee includes long-term suspension of rights, including freedom of movement and the right to

work, sometimes for decades, or for some born in refugee contexts, for their entire lives.

Protracted refugee situations raise complicated issues around identity particularly for children born within the refugee setting. As a 29-year-old Somali man told NRC, "I am willing to go back [to Somalia], because it can also provide me with that feeling of being in your country. I have never had that feeling. There is no point by which I can think of myself as a Kenyan, because I don't have citizenship, and the Kenyan institutions don't provide opportunities for the refugees."<sup>28</sup>

The final over-arching Global Compact and the CRRF programmes in Djibouti, Ethiopia and Kenya, must include specific measures that acknowledge the situation of children and young adults born in protracted refugee situations, to consider regularising their nationality and to ensure they have access to opportunities for study and employment to avoid long-term encampment.

## Kenya

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Multiple concerns were highlighted with the refugee registration and status determination system in Kenya leaving many refugees without final refugee documentation. Refugees highlighted lengthy delays in status determination, confusion over the division of roles and responsibilities between UNHCR and RAS, suspension of registration and refugee document renewal in Dadaab, and the knock-on effects of all of these issues on the ability to access assistance and basic services and the heightened vulnerability to harassment caused by lack of documentation.

## Documentation for Refugees in Nairobi

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At the Nairobi level, lengthy waiting periods for Refugee Status Determination were reported in multiple cases for refugees from national groups who do not receive refugee status on a *prima*

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28 Interview with Somali man, Nairobi, Kenya, 19/9/2017

*facie* basis. Waits of many years for status determination interviews were frequently reported.<sup>29</sup> Among many examples were a Congolese man who had an appointment slip for a status determination interview seven years after registering with UNHCR, and an Ethiopian woman who had an appointment slip for a decision eight years after registering.<sup>30</sup> A man who fled Uganda due to persecution based on his sexual identity was still on an appointment slip for interview four years after registering, even though his boyfriend had been killed in Kenya for being gay, and he feared greatly for his own safety.<sup>31</sup> An Ethiopian man laughed when asked how many appointments he had in the process to determine his refugee status. He told NRC, “I registered with UNHCR in 2010. I still have appointments – my next appointment is September 2017. In seven years, I got approximately three appointments per year...”<sup>32</sup>

Many refugees attributed the delays – at least in part – to confusion over the respective roles and responsibilities of RAS and UNHCR. Participants complained of being ‘passed backwards and forwards’ between RAS and UNHCR often without either entity providing any clarity or answers. Some mentioned that this uncertainty extends into the documents themselves since the government started providing alien ID cards in addition to the mandate certificate issued by UNHCR, and that this needed to be streamlined.<sup>33</sup> Further uncertainty related to the ability to register in Nairobi or the requirement to register in Kakuma camp. A young woman from South Sudan told NRC, “Getting it [an alien ID card] is very hectic. Sometimes they say it’s not there, or it’s not ready,

or they lost the paper, or they tell you that you have to go and apply in Kakuma. You can register here [in Nairobi], and sometimes they do the interviews here, or sometimes they tell you that you have to go to Kakuma for the interviews.”<sup>34</sup>

A number of refugees in Nairobi highlighted how substantial delays in status determination cause stress, both as a result of the uncertainty, but also because of the knock-on effects of the lack of documentation. An Ethiopian woman in Nairobi said: “I registered in March 2016. My current appointment is for May 2018. This is a problem because you don’t have confidence. Because if you don’t have a mandate when you get harassed by the police they ask you for money. Those who have a mandate, they are respected. Those with appointment paper are not respected. Also you can get help from other organisations if you have a mandate. And the long appointments cause psychological stress. I don’t have confidence until I get the mandate.”<sup>35</sup>

An Ethiopian who had an appointment slip for a first RSD appointment two and a half years after registering, spoke of the psychological impact of the documentation process, “I appreciate that I have this appointment slip because it allows me to stay here. But I am still in difficult situation. It is not good for UNHCR not to conduct an interview... it will give me moral support. It’s the mental support that is important, not the physical.”<sup>36</sup>

Many also noted the expense of travelling to repeated appointments which can be onerous for refugees with little or no income and no right to work. A Congolese man also spoke of the

29 For more on these issues, see also NRC and IHRC, “Recognising Nairobi’s refugees: the challenges and significance of documentation proving identity and status,” Nov. 2017.

30 Congolese man, Great Lakes focus group discussion, Nairobi, Kenya, 20/9/2017; Ethiopian woman, Focus Group Discussion, Nairobi, Kenya, 21/9/2017

31 Interview with Ugandan man, Nairobi, Kenya, 20/9/2017

32 Interview with Ethiopian man, Nairobi, Kenya, 21/9/2017

33 Note: a ‘mandate’ is how refugees in Kenya refer to the document confirming their refugee status as they receive a ‘mandate certificate’ acknowledging the individual as a refugee falling under the UNHCR’s international protection mandate. The mandate system has now been replaced with government-issued Alien ID cards.

34 Interview with South Sudanese woman, Nairobi, Kenya, 18/9/2017

35 Interview with Ethiopian woman, Nairobi, Kenya, 21/9/2017

36 Interview with Ethiopian man, Nairobi, Kenya, 21/09/2017

psychological impact of the process, stating, "it's a stressful process – and we have stress from the war, but they don't recognise that. And the long delays, [multiple] appointments are stressful. So they just give us more stress."<sup>37</sup>

Many participants in Nairobi also spoke about how complicated and slow was the process to resolve errors in documentation or to make changes to cases to reflect changing family circumstances. Several people mentioned how errors in how their name had been entered in the system prevented them from accessing services or opportunities, and took periods of two to three years to correct. An Ethiopian man told NRC, "in the process of renewing [my ID card] they misspelt my name so I'm trying to correct that. So far it has taken three years... and counting."<sup>38</sup>

A young South Sudanese man recounted similar problems. He said, "if your name is wrong in the system, then it can affect your access to services and opportunities... for example, student scholarships... I struggled so many times to change my name on the form. It took me two and half years to get my name changed on the system... I went to every office and they are sending me away or to different offices every time."<sup>39</sup>

Difficulties in changing cases to reflect family status – such as births and marriages – present practical problems, but also inhibit the ability of refugees to exercise their right to a family life.<sup>40</sup>

Some participants complained about how difficult it was to have their marriages recognised by UNHCR or to have babies born to them added to their case. As one Ethiopian refugee put it, "the church accepts the marriage, but UNHCR doesn't."<sup>41</sup>

The multiple knock-on effects of delays and complications in the documentation process were highlighted repeatedly by Nairobi-based refugees. Without documentation, refugees or asylum-seekers are not able to access NGO assistance programmes, student scholarships, and family reunification processes. They also cannot register for a SIM card, M-Pesa mobile money account or to receive wire transfers. Several participants pointed how vital communication is to various aspects of life, among other concerns that challenges with communication severely restrict refugees' ability to communicate with family in other countries causing further psychological stress.

Refugees in Nairobi also strongly associated a physical ID with the rights invested in it. Many viewed the type of ID they have as the thing that was restricting their rights. Numerous research participants stated that they needed an ID that gave them the right to move freely, or the right to work, or other rights they felt the status of the ID was denying them. For one woman this went even further, saying "the ID itself needs to be modified to show we are human beings."<sup>42</sup>

## Documentation for refugees in Dadaab

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Since July 2015 the Kenyan government has largely suspended registration of asylum seekers in Dadaab camps. This came at a time when the Government of Kenya renewed attempts to close the camps as well as the focus on Voluntary Repatriation. A Voluntary Repatriation process began in 2014.<sup>43</sup> UNHCR continues to do a small number of *ad hoc* registrations of new arrivals for

37 Participant, Great Lakes focus group discussion, Nairobi, Kenya, 20/9/2017

38 Ethiopian man, focus group discussion, Nairobi, Kenya, 21/9/2017

39 Interview with South Sudanese man, Nairobi, Kenya, 18/9/2017

40 Article 23, International Covenant on Civil and Political Rights, protects, inter alia, "the right of men and women of marriageable age to marry and to found a family," <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

41 Ethiopian man, focus group discussion, Nairobi, Kenya, 21/9/2017

42 Ethiopian woman, focus group discussion, Nairobi, Kenya, 21/9/2017

43 This is discussed in detail later in this report in relation to durable solutions issues.

urgent medical, protection and relocation cases. With refugee registration and status determination now lying with the Government of Kenya, UNHCR remains in a very difficult position.

Since general registration stopped UNHCR has recorded at least 5,000 individuals arriving in Dadaab and potentially seeking to register as asylum seekers, as of October 2017.<sup>44</sup> Reports from NRC and NGO partners in Dadaab indicate that this number may be higher, particularly since the severe drought in Somalia in 2017. In effect, the failure to register new arrivals is denying thousands of new arrivals the right to claim asylum.

Participants in this research in Dadaab were aware of large numbers of unregistered persons in the camps, who were both new arrivals and returnees – those who had gone back to Somalia and then returned to Kenya due to drought, continued insecurity and other issues. As of October 2017, UNHCR documented 5,006 unregistered persons, of whom 2,004 had been issued with tokens to access food assistance.<sup>45</sup> The remainder of the unregistered persons, and any further numbers not documented by UNHCR, receive no assistance – the inability to register means that they are not provided with a ration card or shelter. They are reported to be living off the goodwill and charity of other registered members of the camps.

For those refugees in Dadaab who already have documentation, it was widely reported that alien ID cards, which require renewal every five years, are not currently being renewed. All participants in Dadaab whose alien card had expired since 2015 had not been able to renew it. Multiple participants in Dadaab also highlighted concerns with the documentation system, complaining that lengthy waiting periods were involved in obtaining refugee IDs and civil documentation including birth certificates and death certificates. Documents can take years to obtain; mistakes in

the system also reportedly take years to resolve. As one participant reported, “there are people who even missed their resettlement case because of the alien card. It can take years to get it. They refer us to the agencies, the agencies refer us to them, we get nowhere. They don’t help us at all.”<sup>46</sup>

It appears that the delays in renewing alien cards may result at least in part from issues around the transition from the previous Department of Refugee Affairs (DRA) to RAS. As noted above, DRA was officially disbanded in 2016 and replaced by RAS. However, until July 2017, RAS lacked a legal mandate to conduct documentation processes. Since July 2017, RAS has been in a position to begin RSD processes and renewal of documentation. There were a number of reports that corruption also contributes to delays affecting refugees’ ability to access or renew documents. Several refugees in Dadaab reported that they had been denied their alien card, even though they could see the card was ready. A man interviewed by NRC in Dadaab told us, “I have been to the office regularly since 2013, along with my wife who also has not got an alien card. Until one day I saw my alien card and my wife’s on the desk in the office – I said ‘These are mine’, they said ‘No, these are not yours, come again another day.’ They didn’t give a reason. I think they were expecting to receive money [a bribe], which I can’t afford to give.”<sup>47</sup>

Multiple concerns were raised about the ability to obtain civil documentation including birth certificates and marriage certificates. For the thousands of people who were born in the camps, difficulties in obtaining a birth certificate can present practical obstacles as well some more fundamental questions about identity. A 21-year-old woman who was born in Dadaab described her nationality as ‘refugee,’ and said “I have the problem of birth certificate – I don’t know which country I belong

44 UNHCR, “Dadaab refugee camps, Kenya – UNHCR Dadaab biweekly operational update,” Oct. 2017.

45 Ibid.

46 Interview with Somali man, Dadaab camp, Kenya, 9/10/2017

47 Interview with Somali man, Dadaab camp, Kenya, 10/10/2017

to. Which country do I belong to? I want to know. I am not Kenyan: I am not Somali. I am a refugee. I don't want to be a refugee forever. If I go back to Somalia, I won't be able to get a passport without a birth certificate. If I had the chance, yes, I would take Kenyan citizenship."<sup>48</sup>

The absence of refugee documentation – as a result of inability to register or inability to renew an alien card – causes multiple knock-on effects, as does the absence of documentation in Nairobi. As mentioned above, the inability to register significantly impacts new arrivals' ability to access assistance including food rations.

The absence of both refugee and civil documentation also makes it impossible to register for other opportunities including education opportunities, incentive-work for the agencies operating in the camps or resettlement. A young South Sudanese woman who had been kidnapped back to South Sudan, forcibly married and subsequently managed to return to Dadaab with a baby had been unable to add the child to her case, "they said he was a new arrival and he wasn't born in Kenya, so they won't register him... In this camp you survive when you have a card. They give porridge for the kids, but he doesn't get that."<sup>49</sup>

Some participants recognised that the status conferred by an alien card entailed a restriction on freedom of movement, saying the alien card "should give more rights, the right to move freely."<sup>50</sup>

However, not having an alien card made freedom of movement significantly worse. This theme was repeatedly raised by the majority of participants in Dadaab. In all cases, this restriction on movement was based on the vulnerability to

harassment. As participants in a focus group discussion explained "if you don't have an alien card it creates a lot of problems – you can't move around, if you meet the police on the way, you get arrested, harassed."<sup>51</sup>

## Refugee reports of harassment – Nairobi and Dadaab

The lack of a stable and secure refugee documentation can have significant effects on refugees. This is particularly evident in relation to the long-standing problem of police harassment of refugees in Nairobi, and in Kenya more widely. Almost every Kenya-based refugee who participated in this research mentioned the ubiquity of harassment and corruption.<sup>52</sup> Delays in the documentation process exacerbate refugees' vulnerability to this harassment. One participants expressed this correlation clearly, "especially we have a problem with [RAS]. They tell you come back, come back. There is so much waiting. I need an ID card to stay here, so that I can show it to the policeman."<sup>53</sup>

**"We need the freedom to just move, because there is police harassment everywhere. And the fact that you've been in Kenya for a long time doesn't help – you're just one of the refugees. We don't belong."**

Interview with Somali woman, Nairobi, Kenya, 19/9/2017

Recognised refugee status and documentation brings both a perceived security of the right to remain in the country of asylum, and a security in practice, providing some measure of defence

48 Somali woman, focus group discussion, Dadaab, Kenya, 12/10/2017

49 Interview South Sudanese woman, Dadaab, Kenya, 11/10/2017

50 Somali and Ethiopian participants, focus group discussions, Dadaab, Kenya, 9/10/2017 and 12/10/2017

51 Somali and Ethiopian participants, focus group discussions, Dadaab, Kenya, 12/10/2017

52 See for example, Human Rights Watch, "You Are All Terrorists": Kenyan Police Abuse of Refugees in Nairobi," May 2013, <https://www.hrw.org/report/2013/05/29/you-are-all-terrorists/kenyan-police-abuse-refugees-nairobi>

53 Interview with Somali man, Nairobi, Kenya, 19/9/2017



Refugees in Dadaab refugee camp, Kenya. © NRC, 2016

against harassment. One South Sudanese woman told us simply, "we feel much safer with the documents."<sup>54</sup>

A Somali man in Dadaab similarly explained: "The other thing about the ID card is that it also gives you security – so that you know your shop or your business is not going to be closed down tomorrow, so you know it is not a possibility that the government will suddenly announce, ok all refugees have to leave the country in 24 hours."<sup>55</sup>

In multiple instances, the absence of an alien card was reported to significantly increase vulnerability to harassment, and many participants reported being fined or even arrested because they did not have an alien card. For many refugees their most pressing request to the Government of Kenya was to stop the police from harassing refugees. One Somali man

in Dadaab told NRC, "I've been trying to get an alien card since 2013 – I face a lot of problems because I don't have the alien card, especially from the police. I was arrested on two occasions by the police because of the lack of alien card, they do not recognise the manifesto [mandate]. Once for a week and once for 11 days. I had to pay a fine both times to get out – once in Dadaab (3,000 KES) and once in Ifo (7,500 KES)."<sup>56</sup>

However, possession of full refugee status and documentation does not provide full protection against harassment. This is especially the case in Nairobi – where refugees spoke of harassment as a daily occurrence. Another man in Dadaab told NRC that although he had had a valid travel permit to go from the camps to Nairobi for medical treatment, police had 'fined' him 5,000 KES (US \$47.50) on the way, which was all the money he had for his treatment.<sup>57</sup>

54 South Sudanese woman, focus group discussion, Nairobi, Kenya, 18/9/2017

55 Interview with Somali man, Dadaab, Kenya, 9/10/2017

56 Interview with Somali man, Dadaab, Kenya, 10/10/2017

57 Interview with Somali man, Dadaab, Kenya, 11/10/2017

Refugees in Kenya are subject to significant restrictions on their freedom of movement, as discussed later in this report. However, the risk of harassment causes refugees to even further constrain their own movement, according to the testimony of multiple refugees. One Somali teenager in Nairobi told us, “refugees should get freedom of movement, because they live in fear. My mother barely goes out because she’s afraid of the policemen.”<sup>58</sup>

Refugees emphasised that they felt they needed better legal protection, as police and other authorities did not recognise or respect refugee identification. Others thought the solution was in better training and awareness-raising of the police, particularly on the changes in the refugee documentation system. A number of refugees based in Nairobi suggested that the UN or international community should intervene with the Kenyan government to address issues of harassment. Others suggested that refugees needed to be empowered with better information about their rights as a defence against police harassment. A Somali woman told NRC: “if you have your ID you’re not a criminal. Some people don’t understand that, they’re negotiating with the police even though they have their ID. So they need to be educated, told that they have done nothing wrong.”<sup>59</sup>

## Perceptions and attitudes towards refugees

A number of refugees in both Nairobi and Dadaab thought that the Kenyan government, and in some cases the Kenyan people, had very negative views of refugees. Some stated that the government did not respect the rights of refugees. Others complained that refugees were scapegoated for problems. One participant in a focus group

said, “I think in Kenya they just see refugees as a burden, and think of them only as temporary. In Uganda they see that the refugees also have capacity and contribute to the economy... They [the Kenyan authorities] just say everyone should be in the camps...There is a big problem of perception of the refugees, from the authorities and also from the people.”<sup>60</sup>

Participants in Nairobi and Dadaab, of various nationalities, suggested that public statements from the authorities would be beneficial – affirming the rights of refugees, exhortations not to harass refugees and general recognition and respect of the rights and humanity of refugees. Some suggested that the Kenyan public should be sensitised to the situation and the rights of refugees. A Somali woman suggested: “the officials, and the police, that’s where the problem is... Public education, positive statements from the government would make a difference because even if you’re a refugee you’re a part of the country.”<sup>61</sup>

In many cases, this was not seen as an inherent problem with the Kenyan people but as a result of the statements of officials, which portrayed refugees negatively and influenced public perceptions. Participants also observed that negative statements from the authorities resulted in an increase in the harassment refugees are subjected to by the police: “If the government publicly announced the rights of refugees, that they must be respected, mustn’t be harassed, that will solve the problem... But if the government says just one thing – ‘the refugees must go to the camp’ then the police brutality goes up for six months.”<sup>62</sup>

Refugees in Dadaab, particularly, were very conscious of statements made in the past by authorities concerning Somali refugees and the closure of the Dadaab camps. Some spoke of their

58 Interview with Somali boy (16 years old), Nairobi, Kenya, 19/9/2017

59 Interview with Somali woman, Nairobi, Kenya, 19/9/2017

60 Participant, focus group discussion with South Sudanese, Nairobi, Kenya, 18/9/2017

61 Interview with Somali woman, Nairobi, Kenya, 19/9/2017

62 Participant, focus group discussion with Ethiopians, Nairobi Kenya, 21/9/2017

resentment of being scapegoated and labelled as terrorists. Statements by the government caused feelings of insecurity, and, as covered in detail later in this report, contributed to some refugees' decisions to return to Somalia. An Ethiopian woman told NRC: "we don't have confidence because the government keeps saying things about refugees, like maybe they will force us to the camps, or other things, scapegoating refugees. So the government should give us confidence just to live, as a refugee."<sup>63</sup> And a Somali man told us: "I don't need to be a burden to this government. I don't need to be labelled as a terrorist who spreads fear. I need to be seen and respected as someone who can add value to this country."<sup>64</sup>

## Djibouti

In Djibouti, issues around identity and security of status, with knock-on effects and related concerns, were also dominant themes in all discussions. For many refugees these were the first priority for intervention: "ID is the other thing we need – above the right to work and move. And, those [the right to work and move] will not work if we don't have ID so the problems are connected."<sup>65</sup>

Questions of identity and acceptance ran throughout discussions. These related particularly to the security of identity that comes from the nature of the ID possessed or from the rights and status that are conferred on that ID by the host government.

## Refugee Status Determination for non *prima facie* refugees

Somalis and Yemenis have *prima facie* status in Djibouti.<sup>66</sup> For other refugees – mainly Ethiopians and Eritreans – who do not have *prima facie* status, a complex and irregular system for Refugee Status Determination (RSD) results in very significant delays in case resolution. According to UNHCR, in 2016 there were 8,061 asylum seekers in Djibouti.<sup>67</sup>

One asylum seeker NRC interviewed had been waiting for status determination for 19 years;<sup>68</sup> another had been waiting 16 years;<sup>69</sup> and another had been waiting 20 years for a decision on his status. He said, "I had the interview but did not get a decision. I have followed up so many times but never got any response. I just want a response on my case."<sup>70</sup>

One Eritrean man was the only non *prima facie* refugee (i.e. Eritrean or Ethiopian) encountered in this research who had refugee status. He had arrived in Djibouti 36 years ago.

It seems that this is – at least in part – a result of the complexity of the RSD process in Djibouti and responsibility for RSD not lying with one clearly-mandated agency or ministry. The RSD process is mandated to be carried out by a national eligibility commission (*la commission nationale d'éligibilité*). The commission is composed of six government departments – the Ministries of Interior, Foreign Affairs, Justice, Public Health, ONARS (the government refugee agency), and the Office of the President.<sup>71</sup> UNHCR has observer status. A representative of

63 Interview with Ethiopian woman, Nairobi, Kenya, 21/9/2017

64 Interview with Somali man, Nairobi, Kenya, 19/9/2017

65 Ethiopian woman, focus group discussion, Hol Hol camp, Djibouti 27/9/2017

66 UNHCR, Djibouti Fact Sheet, October 2017, p. 3, [http://reporting.unhcr.org/sites/default/files/UNHCR%20Djibouti%20Fact%20Sheet%20-%20October%202017%20%5BENG%5D\\_o.pdf](http://reporting.unhcr.org/sites/default/files/UNHCR%20Djibouti%20Fact%20Sheet%20-%20October%202017%20%5BENG%5D_o.pdf)

67 UNHCR, Global Focus, Djibouti, <http://reporting.unhcr.org/node/2526>

68 Interview with Eritrean woman, Djibouti town, Djibouti, 1/10/2017

69 Eritrean man, focus group discussion, Djibouti town, Djibouti, 1/10/2017

70 Focus group discussion with Ethiopians and Somalis, Hol Hol camp, Djibouti, 27/9/2017

71 Décret n°2001-0101/PR/MI modifiant le décret n°77-054/PR/AE du 09 novembre 1977 portant création de la commission nationale d'éligibilité au statut des réfugiés, <http://www.presidence.dj/PresidenceOld/LES%20TEXTES/decre0101pro1.htm>



Ali Addeh refugee camp, Djibouti. © NRC / Richard Skretteberg, 2017

ONARS stated the inclusion of multiple entities is “to engage the country to accept giving refugee status to these people.” But based on NRC’s interviews, RSD processes appear to be conducted sporadically and take extremely long time periods to complete.<sup>72</sup> According to UNHCR as well, RSD procedures in Djibouti “require strengthening.”<sup>73</sup>

Asylum seekers are not given an appointment or waiting slip, so they also have no information about whether or when their case will move forward. Several long term refugees told NRC that after multiple attempts to follow up, they had simply given up.

## Knock-on effects of lack of documentation

In some cases – particularly for urban refugees in Djibouti town – this significant delay in RSD causes multiple knock-on effects. Two refugees in Djibouti town talked about how they wanted to go to the camps, where assistance was available, but had been told they could not do so until their status determination was concluded. One had been waiting 11 years, the other for ten years. The man waiting for ten years, an Eritrean, explained how this had also prevented him from being able to access health services and other assistance, “I needed hospital when I first came because I’d been tortured in prison in Ethiopia. Because Eritrea and Djibouti were in conflict, I didn’t get the papers, I still only have the attestation (asylum-seeker certificate) so then I was not able to access the good treatment, so I’m still not recovered. I asked ONARS to go to the camp, many times, but I’ve received no response. I am still waiting. They told me that I have to wait for my case to be decided by the eligibility

commission before I can transfer to the camp [since 2008].”<sup>74</sup>

Several refugees and asylum-seekers mentioned that holding a refugee ID, instead of a national ID, made a person vulnerable to suspicion, harassment and possible arrest by the police. Holding a refugee ID, or no ID, prevents people from being able to move within the country because of the multiple checkpoints on the country’s roads. Several refugees stated that the absence of an ID card can lead to arrest in Djibouti town. One woman said her son, who had gone from the camp to Djibouti town to try to find work to support the family in the camp, had been arrested ten times because he did not have an ID card. Another woman said, “I know a family whose son was born here – 26 years old and he is afraid to go to Djibouti [town] for fear of being arrested, because he doesn’t have an identity card. Someone who was born in Ali Addeh – 26 years in Djibouti and he can’t sleep one night in Djibouti town without being arrested by the police.”<sup>75</sup>

## Restriction of basic rights attendant on refugee identity

Certain rights of refugees are restricted under current policies and practice in Djibouti, including freedom of movement and the right to work – issues that were repeated multiple times during research in Djibouti and covered later in this report. This restriction on the rights currently accorded to refugees, in conjunction with the fact that an ID is often instrumental in the ability to exercise these rights, means that for many refugees in Djibouti questions of status, identity and rights are conflated. “I have no identity for working in the city,” a Somali woman told NRC.<sup>76</sup> A Yemeni man

72 NRC interviewed 30 Ethiopians and Eritreans in Djibouti in the course of this research, and as mentioned above, only one of them had received refugee status. While the cases encountered by NRC are not necessarily representative, given the small size of the sample and selection methods, the absence of RSD results in all cases except one among Ethiopian and Eritrean asylum seekers interviewed may well be indicative of a systemic problem.

73 UNHCR, Global Focus, Djibouti, <http://reporting.unhcr.org/node/2526>

74 Interview with Eritrean man, Djibouti town, Djibouti, 1/10/2017. The interviewee had first fled Eritrea to Ethiopia in 2000, but had been imprisoned in Ethiopia for seven years. Upon release he fled Ethiopia for Djibouti.

75 Interview with Somali woman, Ali Addeh camp, Djibouti, 26/09/2017

76 Somali participant, focus group discussion, Ali Addeh camp, Djibouti, 26/9/2017

said, “anyone who has a refugee card of UNHCR should be allowed to move from place to place.”<sup>77</sup>

Parents of children born in Djibouti highlighted the particular issue of refugee children who were born in Djibouti but had no rights. Several parents said they would request the government to give Djiboutian IDs for their children – so that their children were not subjected to the same restrictions on basic rights that they had experienced. A Somali woman observed, “People must be allowed to work hard. Also we need identity for working. 25 years I have been here, and our children do not have the same rights as the local children. In America if a child is born there they get that identify, the refugees get the ID within five years. Why don't we get our rights in 25 years?”<sup>78</sup>

This and the statements of a number of other refugees in Djibouti suggest that refugees expect and will concede to a temporary suspension of rights, but demonstrate the negative impacts of such a suspension in protracted situations.

When refugees were informed about the proposed changes to policies on access to education, health and employment during this research, questions and concerns were raised that a different ID would be needed in order to enable this in practice.

As with refugees in Kenya, questions around ID related not only to practical considerations, but to more fundamental questions about recognition of identity and the rights attached to anyone's identity as a human being first and foremost. This theme was repeated by refugees in the city and in the camps, who felt that their basic humanity was not recognised by the asylum system.

Respect for basic humanity was a particularly repeated theme in Markazi refugee camp in Obock. This appeared to result from a number of considerations – on the whole, the Yemeni residents in the

camp tend to have enjoyed higher standards of living and of education in their home country than refugees from Ethiopia, Eritrea or Somalia; secondly, the conditions in Obock are particularly harsh – in a desert location subjected to extremes of temperature with limited services available; thirdly, while residents of all three camps have to seek movement permits to leave the camps and to travel, for example, to Djibouti town, these are reportedly harder to get from Obock than from the two camps in the south (Hol Hol and Ali Addeh – where Somalis, Ethiopians and Eritreans live). A representative of ONARS in Djibouti town stated that this was because it was a new camp and therefore the government needed to “check on the refugees,” and they must justify why they needed to move around, but also stated that the restrictions were for security reasons “for the interests of the refugees.”<sup>79</sup>

Many Yemenis in Markazi camp expressed high levels of frustration at their situation and the curtailment of their rights and the situation they found themselves in. Several stated that they would rather die or risk going back to the war in Yemen rather than remaining in Markazi.

## Perceptions of discrimination

Several refugees in Djibouti complained that they felt they were discriminated against by employees of the government refugee agency, ONARS. They felt that ONARS saw them ‘only as people who make problems.’ A Yemeni man said: “Even if I had thousands of jobs, I would not select to stay in Djibouti, I would select death. If I had a job, money, house but did not have respect it would not be enough. I am a human being. I need respect from those who host us. Not Djibouti as a whole, but those who have a relation with us. The Djibouti government does provide for us, and are kind to provide for us as refugees. The ones who are supposed to take our voices to the government, those are the ones who are undermining us.”<sup>80</sup>

77 Yemeni man, focus group discussion, Markazi camp, Djibouti, 28/9/2017

78 Interview with Somali woman, Ali Addeh camp, Djibouti, 26/9/2017

79 Meeting with ONARS representative, Djibouti town, Djibouti, 30/10/2017

80 Interview with Yemeni man, Markazi camp, Djibouti, 29/9/2017

## Ethiopia

Issues around identity, status and documentation were identified as priorities by many refugees in Addis Ababa and the Shire camps who were involved in this research. Delays and bureaucracy in applying for Out-of-Camp Policy (OCP) permits cause many to travel to Addis Ababa undocumented, restricting their ability to access opportunities and leaving them feeling vulnerable to harassment or exploitation. Issues over obtaining civil documentation – birth, marriage and death certificates – were also highlighted by many participants, though a recent policy change in Ethiopia will allow refugees to access these documents.

## Documentation

Eritrean refugees receive *prima facie* refugee status in Ethiopia. Upon arrival they are issued a family or individual ration card by the government refugee agency ARRA and UNHCR, which has a ration card number and their name on it, but with no photo. They are also registered with their name, date of birth and personal status in an ARRA/UNHCR database. This is the only form of refugee ID people living in the camps have, and usually the only form of ID they have at all as many either did not have or bring ID from Eritrea, or had it taken away from them upon arrival.



Refugee ID card indicating its owner is not allowed to travel out of Addis Ababa without a special permit. © NRC / Leeam Azoulay, 2017

As explained above, Eritrean refugees in Ethiopia can apply for OCP status which grants permission to reside legally outside the camps but does not grant them the right to work or receive assistance. After a refugee's application for OCP status is approved, they are issued with an OCP identity card which indicates their refugee status and provides them with an official ID. This ID also includes their city or town of residence and stipulates that they are not allowed to travel outside this place of residence without specific permission from ARRA. During our research, NRC also interviewed several urban refugees who did not have OCP status (i.e., were undocumented) and did not have any form of identification.

It is reported to be extremely difficult to apply for OCP status or to receive a decision on an existing OCP application for refugees who are already in Addis Ababa. Similarly, several vulnerable refugees in Addis Ababa told us that their applications for 'urban assisted' status were rejected and they were told to go back to the camps and lodge any applications from there. Refugees told us it was difficult for them to go back to the camps because of medical conditions or due to the expense – the Shire camps in the north of the country are more than 1,100km away from Addis Ababa, which requires more than two days' travel at an expense of at least ETB645 (about US\$23) each way.

One single mother of five felt she had to choose between health services and her children's education – she had OCP status and came to Addis Ababa in order to attain medical treatment for herself and two of her children, but could not afford school fees so all her children were out of school. She said: "I get no assistance so I can't afford to send them to school. There are expenses needed for school... for uniforms, supplies, books."<sup>81</sup>

At the time of research in October 2017, refugees in Ethiopia had not been able to obtain legal birth,

81 Focus group discussion with Eritreans, Addis Ababa, Ethiopia, 23/10/2017

marriage or death certificates.<sup>82</sup> This had obstructed refugees' right to a family life and had further impacts on other areas of life, including the obstruction of family reunification cases – where marriages could not be proven – therefore preventing spouses from joining their partners through reunification processes. One focus group stated that the inability to obtain documents to pursue family reunification through formal channels caused people to lose hope and 'move on' [migrate onward via irregular migration channels].<sup>83</sup> One participant stated, "The first priority is marriage certificates, birth certificates, and work permits... At least some [refugees] will think of remaining and trying to make a life here. They would think it is possible for them."<sup>84</sup>

In a positive development, an amendment to existing legislation has meant that from October 27, 2017, refugees in Ethiopia are able to receive birth, marriage, divorce and death certificates and attain civil registration of these events by national authorities. NRC has received information that implementation of the amended legislation will begin in Addis Ababa and the Shire camps. It is anticipated that refugees in other parts of the country will not be able to access civil registration and documentation for some time.

Other issues raised by refugees in relation to documentation remain. Notably, refugees told us that it was difficult to get information relating to case and documentation progress from UNHCR and ARRA. Further, several participants reported that errors in refugees' personal details are frequently entered into the ARRA/UNHCR

## "We are refugees, we are persons with no identity."

Key Informant interview, Shire camps, Ethiopia, 8/9/2017. NRC needs assessment in Shire camps, September 2017 (internal)

data systems upon arrival, and that resolving the errors and changing the information involves a lengthy, complicated and expensive process.<sup>85</sup> This can also have knock-on impacts on other processes, such as family reunification.

An Eritrean man in Addis Ababa told NRC, "many refugees are finding it hard to change their name, age, date of birth in the UNHCR system... This causes them a lot of hassle, going to court to change the information and paying fees."<sup>86</sup>

Another man stated, "for some people whose documents were corrected, the change appeared only in ARRA's information and not in the system. Some managed to change the information. For some, after the revalidation [in Addis Ababa] the incorrect previous information appeared again. Some of the refugees who needed to change the information because of family reunification or resettlement did not have their cases processed because of incorrect information, I know many such people."<sup>87</sup>

One man said that refugees are asked for official documents and certificates as proof to change information in the system, despite the fact that most were either forced to leave documents behind when they fled, or had them taken away from them when they first registered. Therefore,

82 There have been recent changes to the Vital Events Registration and National ID Proclamation that allow refugees to obtain civil registration of life events. In the Shire camps prior to the change, refugees indicated that they were able to obtain a 'birth certificate' issued by religious officials or a clinic run by ARRA in the camp and that they could obtain a 'marriage certificate' from religious authorities, according to an internal NRC needs assessment in Shire in September 2017. There is lack of sufficient information and understanding among refugees regarding the difference between official and unofficial documents.

83 Focus group discussion with Eritreans, Addis Ababa, Ethiopia, 23/10/2017

84 Focus group discussion with Eritreans, Addis Ababa, Ethiopia, 23/10/2017

85 An NRC internal needs assessment in Shire in September 2017 which indicated the same thing noted that changing biographical details sometimes involved a court procedure, which can be inaccessible to refugees due to cost, distance, and lack of knowledge about legal systems and procedures.

86 Interview with Eritrean man, Addis Ababa, Ethiopia, 20/10/2017

87 Interview with Eritrean man, Addis Ababa, Ethiopia, 20/10/2017

faced with inability to produce proof, refugees were ‘forced to find other alternatives to change information, such as corruption in ARRA.’<sup>88</sup>

## Refugees in Addis Ababa – documented and undocumented

In Addis Ababa, concerns were highlighted with the OCP application process. The process is reported to be time-consuming and bureaucratic in practice. Refugees complained of frequent delays, the cost of returning for multiple appointments without resolution and the limited information provided on case progress: “The way the service is given by ARRA and UNHCR, the queues, the way they give you the run around and you have to come again and again, the fact there is no good information about how things work, it’s terrible. I had to go there 6 or 7 times to get my permanent OCP card. Nothing is working based on the fact that refugees can’t afford this travel and all this back and forth.”<sup>89</sup>

Delays in the process – which, according to some participants, can take between three and eight months, can cause some to become impatient and travel to Addis Ababa without the OCP permit. These refugees obtain a temporary travel permit to go to Addis Ababa, and then they do not return to the camps. Some refugees in Addis Ababa have been able to continue with the OCP application process, but the majority of refugees NRC spoke with, including one minor, indicated that in order to apply for and receive OCP status ARRA instructed them to go back to the camps, despite the distance and cost. The issues with delays and lack of clarity over the OCP process are therefore worse for those in Addis Ababa rather than the camps.

One community representative in Addis Ababa told NRC: “We are seeing the number of

undocumented going up, we tell ARRA that they need to take care of it. There are so many reasons people don’t want to go back to the camps. They are given 10-day travel permits but no one [abides by it]. There are about 200 undocumented just in this neighbourhood. They are everywhere. No one can change their status here in Addis to OCP.”<sup>90</sup>

Lack of official OCP documentation means that refugees in the city cannot access certain programmes that are available, such as skills training programmes provided by UNHCR and NGOs. Delays in the process also leave refugees in Addis Ababa vulnerable to insecurity over their status. One man told NRC: “They [ARRA] should tell them [the refugees] that they should fill the OCP application in the camps because afterwards it will be difficult. When they come here they are exposed to exploitation by security forces, they have to pay to make their way around the city.”<sup>91</sup>

Many are unwilling to return to the camps, but as a result get stuck in a limbo. One 17-year-old told NRC: “I don’t know what I want to do. I am waiting for the OCP status and I can’t afford to go back to the camp again. I don’t feel secure, my travel document expired in August.”<sup>92</sup>

An absence of documentation causes a sense of vulnerability for refugees who are in Addis Ababa without OCP status. Undocumented refugees reported that they curtail their movement for fear of harassment. A young man in Addis Ababa who said that he had had malaria five times in his first five months in the camp, and had come to Addis without OCP status because he did not want to wait for the process in the camps, said that his lack of documentation really bothered him in Addis Ababa, but that he could not even access UNHCR to ask for documentation because the security guards at the gate ask for ID, without which he is not permitted to enter.<sup>93</sup>

88 Interview with Eritrean man, Addis Ababa, Ethiopia, 20/10/2017

89 Eritrean participant, focus group discussion, Addis Ababa, 23/10/2017

90 Interview with Eritrean community representative, Addis Ababa, 23/10/2017

91 Interview with Eritrean man, Addis Ababa, Ethiopia, 23/10/2017

92 Interview with Eritrean teenager, Addis Ababa, Ethiopia, 23/10/2017

93 Interview with Eritrean man, Addis Ababa, Ethiopia, 23/10/2017

## ▪ CHANGING MINDSETS ▪

Girmatsion Bairai Zere, Eritrean refugee community representative in Addis Ababa



The situation of secondary migration has changed now because of more enforcement. Many among us say the Europeans and Libya have blocked us. The dangerous Libya route is being blocked, crossing to Israel is unthinkable. Some refugees are trapped close to the Libyan coast.

Some see secondary migration as the solution. Living in Ethiopia is a desperate measure for them, it's the last option, not a solution. Security-wise Ethiopia is fine, the problem is political and psychological for refugees. We are political refugees: victims of impoverishing and degrading policies. How we view Eritrea is linked to how we view Ethiopia. I see it as 'African youth pessimism.' We are hopeless about the government in Eritrea. For many, there is no hope in Eritrea so there is no hope in Africa. Because of the lack of free movement and access to jobs, they see Ethiopia as the same as Eritrea. It takes years to change that mindset.

When we cross the border we don't only cross the border for survival but also for development. This generation of Eritrean refugees has been scattered in Africa and around the world. They are confused between the past and the future. There is no clear vision – just to become diaspora. The categories of refugee and diaspora

are mixed in their minds. Leaving means becoming diaspora, which they equate with a good life.

The coming generation of refugees will make use of the changes in Ethiopia. They will have an interest in investment, in research. There are a lot of similarities between us culturally. The Ethiopian youth in towns are becoming entrepreneurial. I was eager to see these efforts in Eritrea, and if not in Eritrea then here in Ethiopia. Eritreans are industrious, hardworking, innovative and good people. I'm sad that this is discouraged by the policy in Eritrea. The opening up in Ethiopia is very positive for opportunities here. There's an open door policy, upcoming changes in laws. I hope people will be able to get business licenses, work professionally. The next opening up will be academic and cultural, I foresee Ethiopia will be a development ground for the Eritrean youth. This is not merely my wishful thinking. I see that the Ethiopian government is working hard to empower its people by organizing themselves to have small enterprises. I was longing for the government to expand this to refugees.

We were one nation until 25 years ago, it's easy for Eritreans to live in harmony with Ethiopian society, except for the change in mindset. The national sentiment and the history play a role. One good thing the Eritrean government didn't destroy is the drive towards entrepreneurship and the desire to live a decent urban life. Many graduates want to study towards a masters' degree and PhD, but there are no scholarships for that. In one word what refugees want is development. That means freedom from underdevelopment and poverty.

If we get some hope I'm very energised to work with these policy changes, to be a good example that we can change by our deeds. This is our future, I believe in the future of Ethiopia, I don't believe in the future of Eritrea – until Eritrea decides to realign its policies with the will of its people.

Another said, “without documents I am nobody. In the police station I can’t say who I am. If I have an issue I can’t go to the police because they don’t know who I am. I am not really living. I want to live in Addis without fear.”<sup>94</sup>

For those refugees NRC spoke to who were undocumented in Addis Ababa, their overwhelming priority was to get documentation.

As in other locations of this research, identity and curtailment of rights were conflated as the same issue, represented in the ID card. For example, one participant in Addis Ababa stated, “the ID doesn’t help us get services – some can access bank accounts and some can’t. We cannot leave Addis. The ID mentions this. If we want to go out of Addis we need to get a permit to travel.”<sup>95</sup>

## Security of status and perception of refugees

Although Ethiopia has long been host to large numbers of Eritrean refugees, it was notable that multiple Eritrean refugees in Ethiopia in focus groups and interviews, especially in Addis Ababa, expressed an uncertainty about the ongoing and future security of their status. Participants repeatedly referenced the historic and ongoing enmity between Eritrea and Ethiopia, and the large-scale deportations of Eritreans which took place at the outbreak of the 1998-2000 war between the two countries.<sup>96</sup> Some had personal family histories of involvement in the deportations. A number of participants stated that they had no guarantee that what happened to their parents’ generation would not happen to them and that they might be deported at short notice. This appears to manifest as an opinion held by some among the Eritrean

refugee population that remaining in Ethiopia cannot be seen as a sustainable solution. As one man put it: “There are many reasons we can’t be settled here. I was actually born here. My family stayed here for 20 years and tried to make their life here and establish their home here but they were deported in 1998 with nothing... So I cannot settle here in Ethiopia – if something happened between Eritrea and Ethiopia I don’t know what will come.”<sup>97</sup>

For some, this historic enmity was connected with a perceived negative view of refugees in the eyes of the Ethiopian public. The same man said: “I can’t settle here for the future without a status. I can’t simply work here to live, I need a stable life. [If it were possible] I would accept Ethiopian nationality, then I wouldn’t be afraid. With conflict, the first victims are refugees. Some Ethiopian people see you as the enemy.”<sup>98</sup>

Other refugees stated that they wanted equal rights in Ethiopia, but not Ethiopian nationality, because of the political and nationalist connotations of naturalisation in the Ethiopia-Eritrea context.

Many refugees in Addis Ababa spoke of negative perceptions of refugees among the host community which resulted in discrimination, among other things this was cited in relation to the ability to rent an apartment. Some attributed this to ‘hard feelings’ because of the Ethiopia-Eritrea conflict, causing Ethiopians to see Eritreans in a negative way. Some suggested that the Ethiopian public should be sensitised to the needs and circumstances of refugees. One woman told NRC, “If they know our identity, Ethiopians call us shabia, implying we are the enemy. My neighbours call me that, I feel discriminated against and unwelcome here.”<sup>99</sup>

94 Interview with Eritrean man, Addis Ababa, Ethiopia, 23/10/2017

95 Eritrean participant, focus group discussion, Addis Ababa, Ethiopia, 19/10/2017

96 For more on the expulsions see for example, Human Rights Watch, “The Horn of Africa War: Mass Expulsions and the Nationality Issue (June 1998 - April 2002),” Jan. 2003, <https://www.hrw.org/sites/default/files/reports/ethioerito103.pdf>

97 Interview with Eritrean man, Addis Ababa, 20/10/2017

98 Interview with Eritrean man, Addis Ababa, Ethiopia, 20/10/2017

99 Interview with Eritrean woman, Addis Ababa, Ethiopia, 20/10/2017



Mai Ayni refugee camp in Ethiopia. © NRC / Abebe Gebrehaweria, 2017

## Better protection for individual and group security cases

The securitisation narratives that increasingly surround refugees often overlook the security considerations of the refugees themselves.<sup>100</sup> As documented above, refugees in Djibouti, Ethiopia and Kenya feel insecurity on multiple bases, including perceived or actual insecurity related to refugee status derived from issues and delays with refugee documentation or from question marks over the continued extension of international protection, insecurity derived from harassment, negative rhetoric and discrimination,

and insecurity over the uncertainty of their future. This will be looked at in more detail in the following section – the frequently-expressed sentiment that a lack of self-reliance and an enforced dependency on assistance causes insecurity for refugees based on their inability to have control over their own future.

In addition to the over-arching need to improve the fundamental protection of the identity and status of refugees as a demographic, a number of more specific protection concerns were highlighted by participants during the course of the research. These included geographical and geo-political

<sup>100</sup> For more detail, see for example, International Refugee Rights Initiative, "Protection for refugees not from refugees: Somalis in exile and the securitisation of refugee policy," Oct. 2017, <http://www.refugee-rights.org/Publications/Papers/2017/Somalis%20in%20Exile.pdf>

considerations affecting the security of political refugees, individual protection cases, and the impact of national security narratives.

The proposed CRRF acknowledges that each movement of people differs in nature,<sup>101</sup> but the system – and the resultant Global Compact – should remain cognisant that there can be a number of different dynamics within one refugee context, where a country hosts refugees of a range of nationalities. For example, Kenya hosts refugees from at least ten countries, fleeing from a range of issues of generalised conflict, generalised large-scale political violations, group and individual political persecution. A one-size-fits all approach to such a situation fails to adequately address issues specific to some of those populations and some individual refugees.

The CRRF envisages the swift identification of those with protection concerns relating either to particular vulnerability to abuses or to having survived certain abuses.<sup>102</sup> It does not currently mention those who have specific security concerns – individuals and groups – based on the nature of their case and reasons for seeking international protection. The Global Compact must explicitly recognise the security risks faced by some individuals and groups of refugees based on the nature of their cases, and provide improved mechanisms for the swift identification of and response to those cases.

While the Global Compact and related CRRF have been generally conceived to improve the handling of large-scale movements of people from generalised conflict situations, the needs and considerations of refugees fleeing political persecution must not be forgotten. For some refugees, staying in their first – neighbouring – country of asylum can pose genuine security risks.

Refugees in Kenya, particularly Ethiopians, Congolese and Burundians, highlighted concerns relating to people fleeing political persecution being forced to seek asylum in the neighbouring country to their own, leading to feelings of significant insecurity. Ethiopians, South Sudanese and Burundian refugees all reported the activities of agents of their own governments in Kenya. Eritreans reported the activities of Eritrean government agents in the camps of northern Ethiopia. From Kenya, as from other countries in the region, there have been reported cases of political refugees being kidnapped back to their country of origin or being killed in the country of asylum.

Several individuals cited additional cases they knew or had heard of in recent years. According to interviewees, this included risks or harm to Burundians, South Sudanese and Ethiopians in Kenya. A Congolese man who had first travelled through Uganda on his way to Kenya to seek asylum told NRC: “I refused to stay in Uganda because if you flee your country you cannot stay next door.”<sup>103</sup>

Eritrean refugees in Ethiopia also spoke of concerns over the perceived insecurity of having to seek asylum in a country with both historic enmity and a continuing no war-no peace situation with their country of origin. One man observed: “Based on our experience [from history] we need some solution from the two governments [Ethiopia and Eritrea]. What guarantee do I have that things will not change? I will not consider to stay here. Elsewhere things are guaranteed. Here it is not secure.”<sup>104</sup>

South Sudanese and Ethiopians in Kenya also expressed concerns about the proximity of Kakuma camp (where most reside) to both the Ethiopian and South Sudanese borders, making it possible for security or government agents from their

101 Para. 3, New York Declaration for Refugees and Migrants, Annex 1: Comprehensive Refugee Response Framework, (UN General Assembly Resolution 71/1), 19 Sept. 2016.

102 Para. 5(a & e), ibid.

103 Participant, focus group discussion with Congolese, Nairobi, Kenya, 22/9/2017

104 Interview with Eritrean man, Addis Ababa, Ethiopia, 20/10/2017

respective countries to come and 'catch' them and unlawfully return them. NRC is not in a position to determine how prevalent such incidents might be. A Burundian man in Nairobi expressed his fear of being made to go to the camp [Kakuma] as he felt he faced severe security risks. He told NRC that his family had been directly targeted, and said, "I've heard two or three months ago that refugees are not allowed to stay in Nairobi. Imagine, if I'm fleeing here, and I know that people in the camps are searching for people [on a mission from the government of Burundi]. I'm trying to flee to be safe here, but then I'm going to die also in this country... It's ok to bring most people there, because refugees are supposed to be in the camp, but they need to listen to some cases where that is not possible."<sup>105</sup>

He stated that he did not wish to stay in Kenya because fear for his safety made it difficult to move around. He reported that UNHCR had expedited his file, but that nevertheless, he had been in Kenya for nearly two years and did not yet have refugee status.

Issues around minority groups were also raised by a number of research participants. A Batwa from the Democratic Republic of Congo observed that refugees from minority groups that face discrimination in their home countries are then forced to live in close proximity with those who persecute them.<sup>106</sup> Several Somali refugees in Djibouti who were from minority clans made similar observations. On a similar basis, an Anuak man from western Ethiopia also said he did not want to live in Kakuma due the high presence of the South Sudanese Nuer ethnic group – with whom the Anuak have a historical enmity.<sup>107</sup>

As well as consideration being necessary for group security concerns, a number of cases were highlighted wherein the asylum system has significantly failed to respond in an adequately

swift manner to genuine individual security risks. A Congolese man who had faced persecution based on his ethnicity, reported that he had had to go into hiding when previously living in a camp in Uganda as he was being pursued, but that, although he had informed the police, the UN and a number of NGOs, no action was taken. He had therefore left Uganda to travel to Kenya in the hope of better security.<sup>108</sup>

The Global Compact should include improved mechanisms to respond to individual and group protection issues. Further, consideration should be given to situations where people fleeing political persecution (as an individual or as a group, based on their identity, whether ethnicity, political affiliation, sexual orientation or other bases) are forced to take asylum in a country neighbouring their country of origin, within reach of security operatives or other security risks.

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105 Interview with Burundian man, Nairobi, Kenya, 20/9/2017

106 Congolese participant, focus group discussion, Nairobi, Kenya, 20/10/2017

107 Interview with Ethiopian man, Dadaab camp, Kenya, 11/10/2017

108 Participant, focus group discussion of refugees from DRC, Nairobi, Kenya, 22/9/2017

# V. Self-reliance and durable solutions

One of the four key areas of focus of the CRRF is durable solutions. In Kenya, Ethiopia and Djibouti the second most recurrent theme of individual interviews and group discussions, after issues around status, identity and security discussed above, were around the desire to have freedom of movement and the ability to work. Freedom of movement and the right to work are essential to self-reliance and to potential local integration – one of the three durable solutions envisaged in the international framework on refugees.

The New York Declaration states, “[w]e will actively promote durable solutions, particularly in protracted refugee situations, with a focus on sustainable and timely return in safety and dignity”<sup>109</sup> [emphasis added]. The final Global Compact and accompanying framework must ensure that this focus on returns does not outweigh focus and efforts directed at other durable solutions, acknowledging that returns are not an option in a number of situations.

The East and Horn of Africa region is home to some of the world's most protracted refugee situations and longest-running refugee camps. The experiences in the region highlight the undesirability of long-term encampment and other policies that inhibit or prevent self-reliance. Many of these protracted situations have thus far been characterised by an almost total absence of durable solutions or even tangible progress towards self-reliance in the interim, though there is an increasing recognition by governments that such progress is needed.

The multiple ways this impacts refugees themselves were expressed throughout this study – refugees

spoke repeatedly of feelings of hopelessness from their inability to see a future or to plan for themselves or their family, the stifling forced dependency of encampment, the frustration and stress caused by long-term lack of agency, and the pressure that lack of solutions and options can exercise on refugees to return to countries and contexts that remain insecure. These issues were also cited as key causes in moving out of refugee camps and in onward migration – either to cities or to other countries, including through irregular migration channels.

One of the many participants who talked about the need for durable solutions, an Ethiopian man, told us: “You shouldn't get a 17-year mandate [UNHCR refugee documentation], that is not a durable solution. Holding a mandate is not a solution. The mandate cannot change our lives, only we are stuck there. My life is useless. Where am I heading?”<sup>110</sup>

The word ‘prison’ was repeatedly used by refugees to describe their circumstances in all locations of this research – not just the camps but also in the three cities. Feelings of imprisonment derived from restrictions on freedom of movement in all locations either as a result of policy or, in the case of Nairobi, challenges with securing legal stay outside of camps combined with actual police harassment and fears of it causing refugees to restrict their own movements. These feelings also derived from the refugees' inability to sustain themselves, as a result of policies that prevented refugees from working, and therefore necessitating dependency on assistance.

109 Para. 75, New York Declaration for Refugees and Migrants, (UN General Assembly Resolution 71/1), 19 Sept. 2016.

110 Interview with Ethiopian man, Nairobi, Kenya, 21/09/2017



Man working in a wood workshop in Hitsats refugee camp, Ethiopia. © NRC, 2017

## Key issues raised on self-reliance and durable solutions

▪ **Respect for rights is a basic precursor for self-reliance:** The desire for policies that enhanced or enabled self-reliance were widely voiced among participants in all research locations, both from those who had been refugees for a while and those who had claimed international protection more recently. Many long-term refugees also particularly voiced desire for eventual integration with host communities. Resolution of problems with documentation (as above), freedom of movement and the ability to work were all seen as essential precursors of self-reliance and eventual durable solutions.

- **Freedom of movement:** Although freedom of movement is guaranteed under the Refugee Convention, in all three countries refugees are prohibited from moving around the country without special permission. The three countries all have general encampment policies, which are subject to some exceptions. Multiple participants spoke of the undesirability of living in refugee camps because of the poor conditions, the limited services and assistance available, and the environmental conditions of the locations where camps are situated. Lack

of freedom of movement impacted the ability to access services, assistance (including essential medical assistance), markets and livelihood, and the right to a family life or to fulfil family responsibilities. But refugees also repeatedly raised more fundamental considerations of inactivity, the lack of agency and enforced dependency on aid, the inability to advance studies or careers, and more generally to have any vision of a future for themselves or their children. These considerations are of course severely exacerbated in protracted situations. Freedom of movement is closely linked in refugees' minds to feelings of identity and respect for their basic humanity.

- **Right to work:** After freedom of movement, the most frequently mentioned concern was the inability to work legally and earn an income, not only to support themselves and their families, but to contribute economically, as well as socially, to their country of asylum. Those with professional backgrounds or specific skills spoke of frustration at their inability to pursue their career or use their abilities.

- **The ability to work in practice:** Government commitments to increase refugees' access to work, in relation to the CRRF process or pre-existing promises and changes, were welcomed

in all three countries. However, refugees highlighted multiple related concerns that would need to be addressed through policy or practice change in order to realise the right to work in practice, including the need for skills training, start-up capital or micro loans and removing procedural barriers that impact formal income-earning opportunities.

- **Refugee returns and other durable solutions:** Refugees in all locations asserted a fundamental wish to return to their home countries if the circumstances were conducive to return. However, refugees expressed fear about the erosion of the asylum space and the lack of options available to them. In the Dadaab camps, refugees cited multiple push factors as influencing them to feel that they have little alternative but to take the offered Voluntary Repatriation process. In protracted situations where return is not currently a viable option, in line with the right of refugees to access other options for durable solutions, refugees asked for more support to self-reliance measures. This can be a precursor for other durable solutions, including the possibility of eventual local integration. Many participants in all three countries expressed a desire for resettlement as the only solution they believed was possible in their case. Scepticism over the likelihood of any real change – related to the CRRF or pre-existing government promises was expressed repeatedly in all locations. This appeared to derive from long-term restriction of participants' rights and previous broken promises.
- **Factors in leaving refugee camps and onward migration:** The desire to work and be self-reliant is a key driver of refugees choosing precarious living situations in cities rather than taking advantage of the services and relative protection available in camps. This same desire to work and be self-sufficient, and an inability to do so in the first country of asylum – as part of a perceived absence of any durable solution where they are – was cited as a lead driver in refugees' decisions to attempt onward migration through irregular channels, alongside lack of opportunities to get an education.

- **Transition support:** The Global Compact should acknowledge that those who have been in protracted situations under policies of encampment and other restrictions on basic agency for sustained periods will require additional support in transitioning to situations of self-reliance. While building a wider framework for future responses, the CRRF roll out should also provide for interim measures to assist both hosts, refugees and other stakeholders in long-term refugee situations to transition to new models of response.

## Encampment – not a long-term option

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Kenya, Ethiopia and Djibouti have all hosted refugee populations for more than two decades due to protracted conflicts and political situations in neighbouring countries. In all three countries there are general encampment policies, with some exceptions made on the basis of study, work or family commitments or special protection or medical needs that cannot be catered for in the camps. Ethiopia has a slightly wider Out-of-Camp Policy, which formalises living in urban areas for those who qualify for the programme, but without assistance or the right to work. In all three countries, travel permits are required to move out of the camps and to travel to other parts of the country. In most cases permits are difficult to obtain.

The governments of Kenya, Ethiopia and Djibouti have adopted encampment policies for a variety of reasons including that refugee influxes were considered temporary when the long-term camps were first established, refugees are being perceived as competitors in job markets, for the facilitation of control and administration of large numbers of refugees, and for stated security reasons. The latter is particularly the case in Kenya.

While encampment is considered desirable for governments in terms of the above reasons, the policy significantly inhibits the economic contribution refugees can make to their host countries, can create burdensome competition for limited resources in refugee-hosting areas, and infringes on the basic rights of refugees which states have

committed to uphold.<sup>111</sup> Governments in the region are beginning to recognise this, as reflected in Ethiopia's nine pledges, Djibouti's new refugee law, and Kenya's approach in the settlement of Kalobeyei, which aims to promote better livelihood opportunities and integrated service delivery for refugees and host communities. Ethiopia also recently declared that it "envisages to gradually put an end to the encampment policy in the next ten years," which is an important statement of policy.<sup>112</sup> Finally, all three countries signed up to the IGAD Nairobi Declaration, which states a commitment to "progressively advance alternative arrangements to refugee camps and facilitate the free movement of refugees."<sup>113</sup>

While refugees in all three countries repeatedly expressed their gratitude for being given security and shelter by the host country, nevertheless, camp-based refugees talked about the multiple ways encampment impacts their lives. Participants spoke of the hopelessness and frustration caused by prolonged encampment, the inability to see a future or to plan for their family, the stifling forced dependency, the frustration and stress caused by long-term removal of agency, and the pressure that a lack of solutions can exercise on refugees to return to locations that remain insecure. The words 'prison' and 'imprisonment' were used repeatedly by refugees to describe their situation. City-based refugees spoke repeatedly about their determination to avoid having to live in the camps. Attitudes to living in a camp were based on the limited services available, the quality and quantity of the assistance provided and climate and environmental considerations, but also related to the restrictions encampment placed on many basic rights and freedoms.

Refugees in Djibouti, Ethiopia and Kenya spoke about the harsh conditions in the camps. The

**"We wanted to learn more about the world than we've seen here in this camp."**

Interview with 28-year-old Somali man, who had arrived in Dadaab as a one-year-old, Dadaab camp, Kenya, 9/10/2017

Kenya and Djibouti camps are situated in extremely hot, dry areas of the country. In Markazi camp in Obock, northern Djibouti, temperatures regularly reach 50 degrees Celsius in the summer, and between 35-40 degrees in the 'cool season.' One refugee in Markazi told NRC, "We left Yemen to flee from the war, to find security and a better life than that. We get here and we are sitting in the desert. No jobs, no education, there is no chance of life. The temperature is very high. There are storms. The place is very difficult. We cannot go back to Yemen and we cannot stay more time here."<sup>114</sup>

The Dadaab camps in Kenya are also situated in a hot, arid part of the country. Many participants in the Shire camps in Ethiopia complained about the prevalence of malaria, and in Kenya and Djibouti environmental conditions were cited as the cause of multiple health issues. In all locations camp-based refugees complained that rations were limited and of poor quality. For example, a South Sudanese man stated, "I'm in Nairobi for a better environment for my children. Because it's more moderate than the hostile environment, like in Kakuma it is very hot, and there's a lot of dust. Children fall sick often and get emergency first aid which is not enough."<sup>115</sup>

Security considerations also influenced some people – refugees fleeing political persecution, from Ethiopia, DRC and Burundi also said that they felt safer in the city than in the camps where it was easier for them to be identified by agents from their home countries.

<sup>111</sup> World Bank research in Kakuma has shown the economic benefits to host communities of interaction with refugees. See World Bank, "Yes in My Backyard: The Economics of Refugees and their Social Dynamics in Kakuma, Kenya," 2017.

<sup>112</sup> UNHCR, "Ethiopia embarks on ambitious roadmap to further the protection of refugees," 28 Nov. 2017, <http://www.unhcr.org/5a1d8bdd4.html>

<sup>113</sup> IGAD, "Nairobi Declaration on Durable Solutions for Somali refugees and reintegration of returnees in Somalia," March 2017.

<sup>114</sup> Focus group discussion with Yemeni refugees, Markazi camp, Djibouti, 28/9/2017

<sup>115</sup> Interview with South Sudanese man, Nairobi, Kenya, 18/9/2017

▪ CASE STUDY ▪

## Fatuma, 16, Eritrean-Yemeni, Markazi camp, Djibouti



Fatuma fled from Yemen when the war started with her parents and three of her siblings. Although her mother is Yemeni, her father was an Eritrean refugee, meaning that Fatuma's status was also Eritrean refugee. Fatuma speaks Arabic, Amharic and a little English.

"Will we stay in the camp? No – I don't think we will sit here, there is no future here. I want to build my future. I am 16, I am attending school here but I don't understand anything because there are no qualified teachers here in the camp. I want to go to a place with good education. I want to become a doctor, to support and help my family."

If I met the government, I would ask them to improve the education and to bring qualified teachers [to the camp]. I do not think in the future I will get a better life here. My dream is learning."

However, the most frequently voiced criticisms of the camps in all locations were the limitations encampment placed on basic freedoms – agency in decision making, the enforced inactivity and the limitations on free movement and being able to get work, conduct business or pursue tertiary education. Some participants spoke about their gratitude for receiving rations and assistance, while being simultaneously conscious that this situation was making them dependent on aid: "I don't want to stay in Kakuma. I was happy to come to Nairobi. Kakuma is an idle place. Even if you have a talent, even if you are willing to do something to better your life, you can't do it. You just stay there doing nothing. If you have a plan in your life to do better, you cannot do it because it's a camp."<sup>116</sup>

These considerations are of course exacerbated by protracted encampment situations. In

all three countries where some refugees have been hosted for over 20 years, and a second or third generation of children is growing up, refugees expressed concern that they did not want their children to be subjected to the same enforced inactivity for their whole lives, but wished them to be able to access opportunities and have a different life. One Somali woman in a focus group in Djibouti observed: "I have been here more than 27 years, and I have nothing for my children. I have no ID that allows me to work in the city. We need our children to be able to start businesses, access markets. I have already finished my life in this camp, but I'm talking about my children. They have no ID like the children of this country."<sup>117</sup>

In the camps in Shire, northern Ethiopia, the lack of opportunities and the lack of freedom of

116 Interview with South Sudanese man, Nairobi, Kenya, 18/09/2017

117 Somali focus group discussion, Ali Addeh camp, Djibouti, 26/9/2017

movement were cited by a number of participants as influential factors in irregular migration to other countries: "Life here is only to sit and sleep so there's no chance I'll stay here. If living doesn't improve then I will have to move."<sup>118</sup>

Encampment is not a durable solution, but has become a long-term response in the East and Horn of Africa region. In situations where return and resettlement are not viable options, or only available to limited numbers, the Global Compact must strengthen alternatives to long-term encampment, not only through protecting refugees' right to freedom of movement, but in envisaging and supporting policies and programmes that enable self-reliance. The international response through responsibility sharing must commit political will and adequate funding to support host countries to move away from encampment. As discussed in detail in the following sections, the desire to be self-reliant, to be able to contribute to communities and economies, was a dominant theme throughout interviews and focus groups discussions.

## Self-reliance: towards durable solutions

In the face of severely limited resettlement places and protracted situations of conflict and political persecution causing refugees to flee, eventual local integration was the only durable solution that could be available to many of the refugees who participated in this research. At the very least, self-reliance interventions must be strongly supported as a precursor to all three durable solutions. This dovetails with an approach sometimes called 'early solutions planning,' whereby humanitarian and development agencies design early programmes aimed at helping refugees eventually reach durable solutions for their displacement.<sup>119</sup>

The New York Declaration only briefly mentions integration, stating that "[w]e will take measures to improve their [refugees'] integration and inclusion, as appropriate, and with particular reference to access to education, health care, justice and language training."<sup>120</sup> The final Global Compact and Programme of Action must ensure firstly, that the focus on returns envisaged in the New York Declaration does not carry undue weight in contexts where returns are not a viable option. Significant attention must be paid to expanding integration-related mechanisms in order to achieve a genuinely durable future for hundreds of thousands of refugees in the East and Horn of Africa region. Enabling self-reliance is an essential precursor of integration. Political will and practical frameworks, technical expertise, financial support and other necessary interventions must be shepherded to support and implement policies reflecting this priority.

Secondly, where other durable solutions are not available, the Global Compact and Programme of Action must ensure that self-reliance and economic integration efforts are actively supported as an alternative to the no-solution approach of long-term encampment and dependency.

While many factors are necessary for successful integration, including access to education on an equal basis with citizens, access to health services and language assistance where necessary, among many others, two main themes dominated interviews and focus group discussions throughout the research, both of which are essential to integration – freedom of movement and the right to work.

Refugees of all nationalities, in all locations of the research, emphasised that they did not want to be dependent on assistance from the host government or international community: "if we get work permits, freedom of movement and IDs, then we are ok. We don't want food from them, we don't

118 Interview with Eritrean man, Adi Harush camp, Ethiopia, 12/10/2017

119 See International Rescue Committee and Regional Durable Solutions Secretariat, "Early Solutions Planning in Displacement," Dec. 2016. <https://www.rescue.org/sites/default/files/document/1209/earlysolutionplanningreport.pdf>

120 Para. 39, New York Declaration for Refugees and Migrants, (UN General Assembly Resolution 71/1), 19 Sept. 2016.

want support from them, because then we can help ourselves."<sup>121</sup>

Participants spoke repeatedly of the frustration of not being able to work, to sustain themselves, and – for those with professional backgrounds – to pursue their careers. One Congolese man observed, “we are here because of circumstances, not because we don’t want to work. We have skills, talents, abilities, competence, education, but we can’t do anything. Leave me to help myself, feed my family.”<sup>122</sup>

Frustrations over the inability to be self-reliant, to support themselves or their families, and to have any agency over their own futures were cited repeatedly as factors causing people to either move to cities, or to attempt onward migration to other countries and continents. The sentiment was frequently repeated throughout this research – refugees wanted not only to survive, but to also live a meaningful life.

Long-term suspension of basic rights should not be a feature of any refugee situation. Freedom of movement and the right to work are essential rights to live in dignity. The Global Compact and the Programme of Action must place protection of refugees’ basic rights at the centre of responses to refugee situations. The Global Compact and the Programme of Action should include commitments to uphold the right of freedom of movement of all recognised refugees, as well as both recognising the right to work and concentrating efforts and resources to realising that right in practice.

## Freedom of movement

The lack of freedom of movement was a dominant concern among participants in all three research locations, both as an arbitrary restriction of a basic

freedom, and because of the knock-on effects this has on many areas of life. For multiple participants this was cited as the biggest grievance or concern over their situation. A Somali man in Dadaab told us: “The most vital is the ID card that would enable me to travel and work within the country. The ability to roam Kenya, and to roam freely and to earn my livelihood, instead of being confined in this camp, that would be the best thing Kenya could do for me.”<sup>123</sup>

Similarly, the need for freedom of movement was constantly reiterated by participants in Ethiopia. Multiple reasons were cited for the need for freedom of movement and the impact that the lack thereof had on aspects of life. For example, one Eritrean man told NRC: “Freedom of movement has a lot of impact on us because of the access to markets... we need to communicate with people outside the camp.” Another man told NRC, “freedom of movement needs to be addressed first. Freedom of movement should not be based on having an Ethiopian guarantor. Many refugees don’t have anyone to ask. They feel confined within the camp, it’s like a prison, taking away people’s freedom.”<sup>124</sup>

Women in the Shire camps in Ethiopia said they wanted to visit relatives and friends outside the camps and added: “We are complaining to the government all the time about the lack of permission to travel, there’s a very limited quota. They give permission only to two out of ten women who ask.”<sup>125</sup>

An Ethiopian man in a refugee camp in Djibouti who had been a refugee in Djibouti for 12 years told NRC: “It’s not a camp, it’s like a prison. I was in prison for 10 years in my country. The only difference is that that was the short prison. This is a long one. I have no rights here, I cannot move around. I have never been to Djibouti town.”<sup>126</sup>

121 Interview with Somali man, Nairobi, Kenya, 19/09/2017

122 Participant, Great Lakes focus group discussion, Nairobi, Kenya, 20/9/2017

123 Interview with Somali man, Dadaab camp, Kenya, 09/10/2017

124 Interview with Eritrean man, Addis Ababa, Ethiopia, 23/10/2017

125 Eritrean woman, focus group discussion, Mai Ayni camp, Ethiopia, 11/10/2017

126 Ethiopian man, focus group discussion, Ali Addeh camp, Djibouti, 26/9/2017

Refugees in Kenya said that permits to travel around the country, including between Nairobi and the camps, are very difficult to obtain. One young man in Dadaab said that he had not been able to get a permit to travel to Nairobi to bury his brother when he died. He told NRC, "My brother died in Nairobi, and we asked DRA to get movement cards to go there at least to bury him, and they wouldn't give any movement passes. It was very sad. My parents were mad that they couldn't go and bury their child. My father became very stressed."<sup>127</sup>

Refugees highlighted the manifold ways in which this limits other areas of life – in being able to visit friends and families in local communities, in accessing information about anything to do with life outside the camp or options available to them, and – frequently – in the major restrictions this placed on the ability to conduct business or access work opportunities, to access markets, or buy goods or raw materials, to see products, to gather information about market prices, and to communicate with people outside of the camp necessary to effective work.

In every location, the desire to live a normal life and to exercise basic freedoms was strongly expressed. Freedom of movement was identified by multiple participants in all locations as an essential underpinning of the ability to exercise a range of other rights in practice as well as a fundamental psychological need.

Freedom of movement is guaranteed under international human rights conventions,<sup>128</sup> and in Kenya and Ethiopia, under their national constitutions.<sup>129</sup> For refugees, the 1951 Refugee

"The most important thing is the permit to move... we feel that we are not free. If we had freedom of movement we would feel free, that's the most important thing from the government... The very big issue is that freedom – that freedom of movement."

Interview with Somali man, Dadaab camp, Kenya, 10/10/2017

Convention guarantees refugees freedom of movement 'subject to any regulations applicable to aliens generally in the same circumstances.' Freedom of movement is an essential pre-condition of self-reliance and the eventual possibility of integration as a durable solution. The Global Compact and the Programme of Action must recognise and uphold refugees' right to free movement, and acknowledge the multiple negative impacts that suspension of this freedom can have practically and psychologically.

The pledges of the government of Ethiopia include the expansion of the Out-of-Camp Policy (OCP) scheme to 10% of the refugee population and to other nationalities beyond Eritreans, though with a continued requirement to apply through the system and for the majority to continue to reside in camps, at least in the medium term. All planned CRRF interventions in the three countries in this study – Kenya, Ethiopia and Djibouti – aimed at increasing refugees' self-reliance must be underpinned by guarantees of freedom of movement, recognising it both as a right and as a practical necessity.

Refugees in all three countries further emphasised that changes to the documentation system

127 Interview with Somali man, Dadaab camp, Kenya, 9/10/2017

128 1951 Refugee Convention, Article 26: "Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances," Convention Relating to the Status of Refugees (1951), <http://www.unhcr.org/3b66c2aa10>; also Art. 12, International Covenant on Civil and Political Rights, guarantees freedom of movement, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> International law allows states to restrict refugees' freedom of movement subject to certain conditions. Restrictions must be necessary and proportionate to the achievement of legitimate aims, and apply for the shortest time possible.

129 Article 32, Constitution of the Federal Democratic Republic of Ethiopia, <http://www.wipo.int/edocs/lexdocs/laws/en/et/eto07en.pdf>; Art. 39(1) of the Constitution of Kenya, <https://www.kenyaembassy.com/pdfs/the%20constitution%20of%20kenya.pdf>



Boys studying outdoors in Dadaab, Kenya. © Nichole Sobecki

or improvements to delays in documentation would need to happen simultaneously in order to realise freedom of movement in practice. This would also need to be accompanied by clarification of documentation systems in all locations and adequate information dissemination efforts, and training if necessary, of police and other stakeholders of the changes to the systems.

## The right to work and the ability to work in practice

A desire to be able to work and to be self-reliant, to pursue careers, and to be able to envisage a sustainable future for themselves and their families premised on the ability to work, was iterated by the overwhelming majority of participants in this study in Kenya, Ethiopia and Djibouti. Discussions in all locations in this research were characterised by a desire not just to survive on assistance, but to live with dignity. While this principle is included in the proposed approach of the CRRF, more needs to be done to ensure that the domestic policies of host countries and corresponding support from the international community enable refugees to be self-reliant in practice, and to ensure that the proposed focus on returns in the New York Declaration does not overshadow interventions supporting integration.<sup>130</sup>

The ability to work, earn income and to be self-reliant was associated with not only immediate financial support and consideration of immediate needs, but was also an important indicator of personal agency, security and the ability to plan for a future. As many participants strongly associated uncertainties around status and identity with an insecurity over their position in the

country of asylum, participants also associated the ability to work with a basic sense of security. Being dependent on aid is a position of inherent uncertainty as responsibility and the power of decision-making over the future is removed from the individual or family.

A Yemeni woman in Djibouti said: "We want to leave this place, we want to live in peace. We are just living by force, we have no work. This is not real peace. How are we safe if my husband doesn't work?"<sup>131</sup>

Many described the terrible limbo of being allowed to stay in a country but not being allowed to support themselves. A Congolese man asserted, "we must be accepted by the people as human beings. We know how to live, how to find our money for ourselves, but they don't let us. We are between the clouds – we can't go back and we can't live here."<sup>132</sup>

Many refugees expressed a desire to contribute, economically and socially, aware of their unused potential for both the country and the refugee population. Some suggested they could even employ nationals of that country if they could work, others that they could perform a beneficial role for the refugee community. A young Ethiopian man in Nairobi told NRC, "I have a Masters degree in Social Work, I can work, I can help myself, and I can help other people, I can contribute, I could conduct counselling with other refugees. But if you don't have money you can't do anything, and to get money you have to have an ID."<sup>133</sup>

Similarly, a young Eritrean man in Shire stated, "if we are integrated and have freedom of movement then we can support ourselves," a theme that was repeated by multiple participants in Ethiopia.<sup>134</sup>

130 International law in the 1951 Refugee Convention provides strong and specific protections for refugees' right to work. Article 17(1) provides that State parties "accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances." Article 17(2) exempts refugees from "restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market" where such refugees have been resident in the country for more than three years or meet other specific conditions.

131 Interview with Yemeni woman, Markazi camp, Djibouti, 28/9/2017

132 Participant, Great Lakes focus group discussion, Nairobi, Kenya, 20/9/2017

133 Interview with Ethiopian man, Nairobi, Kenya, 21/9/2017

134 Eritrean man, focus group discussion, Hitsats camp, Ethiopia, 13/10/2017

The inability to work – to support families and to envisage a sustainable future, and the inactivity enforced by prohibitions on work and movement, was cited repeatedly by participants as a major push factor influencing decisions relating to onward migration. This is true of refugees who opt to leave the relative safety and the assistance provided in the camps for the cities, to risk the harassment, financial hardship and other challenges, and of those who leave the East and Horn of Africa to travel onward via irregular migration channels. Seeing that none of the three durable solutions envisaged in the international refugee framework are available to them, refugees find alternative options. A participant from South Sudan and another from Somalia both highlighted that the frustrations of inactivity also influence young men to go back to their countries to fight, as a better option than 'staying idle' in Kenya.<sup>135</sup>

Kenya, Ethiopia and Djibouti all host refugee populations in protracted situations. In many cases return to their countries of origin is not an option, and resettlement places are in short supply. In this context the possibility of eventual local integration may be the only real solution available to refugees, but also host governments. While the CRRF only briefly mentions increasing refugees' access to livelihood opportunities, the proposed plans in Ethiopia, Kenya and Djibouti – by way of the pledges in Ethiopia, the new refugee law in Djibouti and the IGAD Plan of Action – go much further in acknowledging the need and desirability of self-reliance and economic integration and recognising that a significant component of that is the ability to work. Commitments on the part of the three governments to expand the ability to work for refugees were enthusiastically supported by all participants in this research, though some expressed scepticism that the changes would actually be implemented, and others voiced legitimate concerns about situations and considerations which, in practice, would continue to present obstacles to refugees in exercising the right to work.

Refugees in all three countries felt that the respective governments' commitments to expand refugees' access to work were not, on their own, enough. To make these policy changes work they need to be accompanied both by further policy changes relevant to realising the right to work in practice, and by practical interventions that would support refugees' ability to take advantage of the proposed changes, including development efforts and investment. As one Eritrean man said, "getting a work permit is not enough, some people will need special support."<sup>136</sup>

Many complementary changes were cited, but predominant was the need to change identification systems, and the rights attached to refugee identities: "The two things – work and free movement – are not enough on their own. You should have the chance to integrate with the host community. You should get a Kenyan ID and leave that identity of being a refugee behind."<sup>137</sup>

Extending to refugees the right to work is positive, but further interventions will be necessarily to realise the ability to work. This is especially true where refugee populations have been subject to long-term policies of encampment accompanied by significant restrictions on access to livelihood opportunities. These communities will require additional support in transitioning to self-reliance. Further, refugees in all three countries expressed awareness and sympathy to the general economic situation of their countries of asylum and general shortage of employment, and questioned the viability of increasing refugees' access to work in less economically-developed countries.

The Global Compact and the Programme of Action must expand the attention paid to integration in the durable solutions framework, and ensure the inclusion of mechanisms, policies and funding opportunities that adequately support this, to promote economic and social inclusion in situations where alternative solutions are not available. For the

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135 Focus group discussion with South Sudanese, Nairobi, Kenya, 18/9/2017

136 Eritrean man, focus group discussion, Adi Harush camp, Ethiopia, 12/10/2017

137 Somali and Ethiopian focus group discussion, Dadaab camp, Kenya, 12/10/2017

purposes of integration but also sustainability of return when circumstances allow, refugee populations should be included in development planning.

It was noted in all locations however, that self-reliance is not a pathway that will be possible for all refugees and that assistance programmes would need to remain for those who were not able to support themselves due to disability, medical conditions or other issues.

## Kenya

Kenya's pledges under the IGAD Plan of Action on Somali refugees:

- Undertake self-reliance and inclusion measures including providing economic opportunities
- Facilitate and expand business infrastructure and opportunities for refugee populations in order for them to pursue sustainable livelihood opportunities in trade occupations

Refugees in Kenya spoke repeatedly of the desire to work and not to have to be 'always knocking on the door of UNHCR'<sup>138</sup> for assistance. Qualified professionals, people with vocational skills and unskilled workers alike, all wished to be able to support themselves as a more sustainable and secure option for their situation. Many spoke of the desire to contribute economically and referenced the economic potential of refugees. A young educated Somali man observed, "The issue of work permits? For people to be more productive they have to remove the restrictions, stop making them stay in the camp, let them move freely, so they can use their skills to work and contribute to the economy of the country. Someone with my qualifications and education should be giving to the government about 30,000 shillings a month in PAYE tax. But

instead I'm giving nothing. These refugees could be very useful manpower to this country, as part of the workforce, as part of GDP."<sup>139</sup>

The ability to work was correlated strongly in the minds of many refugees with attaining a durable solution to their displacement – participants talked of a strong desire to work in Kenya, but the inability to do so influencing their desire for resettlement as the only viable solution, or to return to their home country even if they believed conditions were not conducive to return, as better than 'doing nothing.'

While refugees in Kenya spoke repeatedly of the desire to work, many stated that they did not believe the expansion of work permits for refugees was enough in itself. Multiple considerations would present obstacles to realising that right in practice, and would need to be addressed through complementary interventions.

As highlighted above, removal of restrictions on freedom of movement would be a fundamental pre-requisite to refugees being able to exercise the right to work. Refugees highlighted that expanding access to work permits would need simultaneous interventions to improve issues with refugee documentation and reduce waiting time – as these issues would continue to place significant obstacles on the ability to access work in practice – if a refugee is waiting for periods of many years for full documentation. Obstacles to accessing SIM cards, bank accounts and other financial services would also need to be removed to facilitate the ability to work or run businesses.

Multiple participants suggested additional interventions would be beneficial to support refugees in initiating livelihood activities. Suggestions included job-creation programmes, micro-loans, assistance in accessing markets, facilitation of refugee-based social enterprise schemes, and vocational training programmes to support refugees' ability to begin to be financially self-reliant.

138 Phrase used by a Burundian man, Interview, Nairobi, Kenya, 20/9/2017

139 Interview with Somali man, Nairobi, Kenya, 19/9/2017

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Justin, Congolese, was a university professor in DRC. He came to Kenya in 2015

"I want to continue my work. I was a senior researcher in my university in my country... If I went to the camps, I would be very limited in my study and my research. I am crying inside. I was a professor at a university, now I'm a barber. My life now, and how I saw my life in the future is so different than what it would have been. At this rate, by the time I get my travel document, I will have forgotten everything I knew."

Language training, where relevant, was also highlighted as a practical necessity for some refugees. These interventions might be particularly relevant in protracted situations where refugees have experienced long-term encampment, to support refugees in re-establishing livelihood activities.

Refugees highlighted the benefits of vocational training programmes, not only for enhancing possibilities of integration in the host country, but for increasing refugees' ability to sustain themselves when conditions are conducive to returning to their country.

Efforts on the part of the Kenyan government to expand access to economic opportunities must not be limited to 'trade opportunities.' Access to employment opportunities must also be guaranteed, and projects like the Kalobeyei settlement must be built upon.

## Djibouti

In Djibouti, the desire to be self-sufficient, to have sustainable futures for children, and frustrations over the inability to work also dominated interviews and focus group discussions.

An Eritrean woman told NRC: "If I get money here I will do a business. I have experience, I made a business before. I can do that again. If I just got small money to get started on a business... I don't care about camp, rations, any of it. I'm a hard worker. If I could start my business, then I could take care of everything."<sup>140</sup>

Refugees in both the city and the camps were able to do some work in the informal sector, but could not access any formal jobs based on their refugee ID. Those in the camps, particularly Markazi which is subjected to higher restrictions on freedom of movement than the other two camps in the country, also face physical obstacles to exercising the right to work. Refugees in Markazi exhibited high levels of frustration – all had come, within the last three years, from situations of self-sufficiency to a small confined camp in the desert, and there were many professionals or skilled vocational workers in the population. Among other interviewees and focus group participant there was an architect, a teacher and a nurse. There are also reportedly a number of fishermen. However, though Obock is on the coast and has a fishing culture, the refugees are not able to get a fishing licence.

Parents of children born in refugee situations want sustainable alternatives for their children, rather than a life of encampment and dependency – several mothers of children born in the camps stated that they wanted their children to be able to obtain Djiboutian ID cards to enable them to access proper work.

Some participants spoke of family members who had migrated to other countries because of the lack of opportunities. One woman said her 18-year-old sister had gone, she did not know

140 Interview with Eritrean woman, Markazi camp, Djibouti, 28/9/2017

where, stating that, "if they have no life, education, opportunities here, this option of [irregular] migration opens." Another woman, a Somali, said her son had gone: "I think maybe he's planning to cross the sea. Because here, there are no opportunities, jobs, education."<sup>141</sup>

A representative of the government agency, ONARS, said some vocational skills trainings had taken place in order to support refugees towards self-reliance, and also that it was necessary to occupy the youth because they had no hope for the future, and because there was a risk for Djibouti that the youth would radicalise if they are without purpose and hope.<sup>142</sup> Participants said that some vocational training schemes had taken place, but then there were no jobs available at the end of the process. Many were also conscious that in an economic climate where many Djiboutians lacked employment, it was unlikely that refugees would be able to compete for jobs.

Refugees in interviews and focus groups in Djibouti largely believed that any move by the Djiboutian government to expand access to work was not only welcome, but essential. But they also believed it would need to be accompanied by a number of other policy changes.

Many refugees in interviews and focus groups in Djibouti were very conscious that the rights their status as a refugee carried were represented in their ID cards. Many spoke of the need for their ID card to be 'recognised' or 'legalised' in order for them to be able to access the increased work opportunities slated under the new refugee law.

For those who are non-*prima facie* refugees in Djibouti, mostly Ethiopian and Eritreans, the issue of massive delays in documentation would need to be resolved in order to enable them to access those work opportunities.

As well as a widely-held concern that ID cards would need to be changed, the ability to move

## ▪ CASE STUDY ▪

Azeb is an Eritrean refugee who has been in Djibouti since 1998. She does not have refugee status – just an asylum seeker certificate, to prove she has claimed asylum. Her status determination process has never been done. She said, "I have asked so many times and they said 'tomorrow', 'tomorrow' I have now given up asking."

Azeb is a business woman, but her lack of papers make her dependent on Djiboutians in order to be able to do business. She said that she had opened a boutique but had to find a Djiboutian person to open it in their name, because she did not have papers, and that person stole all her money. Azeb's wish is that refugee associations could be created to enable refugees to trade and be independent.

"I don't want the refugees to depend always on humanitarian organisations... For example, I am a merchant, I can educate others, give the example to other refugees, show them how to do commercial activities, to do business."

freely around the country was seen as an essential change to enable access to opportunities, to businesses, to markets, to sourcing goods and materials, and for other considerations. Changes to the education system were also mentioned – that refugee children needed to obtain the same education certificates as Djiboutian children in order to enable them to access the same opportunities. Efforts to establish this were part of one of the two pledges Djibouti made at the Leaders' Summit in New York and included in the IGAD Plan of Action – "establishing certificate equivalency for the English-language curriculum taught in Djibouti's refugee camps and the translation of the Djiboutian curriculum into English."

141 Somali woman, focus group discussion, Ali Addeh camp, Djibouti, 26/9/2017

142 Meeting with ONARS representative, Djibouti town, Djibouti, 30/10/2017

Other suggestions were also made to facilitate refugees' ability to access livelihood opportunities – including that refugees should be given a small amount of start-up credit to open businesses, language training as most refugees do not speak French, and the establishment of refugee associations to support refugees in trading and accessing markets.

## Ethiopia

Ethiopia's pledges related to the right to work:

- Expand the Out-of-Camp Policy to benefit 75,000 refugees, or 10% of the current total refugee population in Ethiopia. If resources allow, Ethiopia intends to progressively expand the number of refugees who may benefit from the Out-of-Camp Policy.
- Provide work permits to refugees and to those with permanent residence ID within the bounds of domestic laws and to provide work permits to refugee graduates in the areas permitted for foreign workers by giving priority to qualified refugees.
- Work with international partners to potentially build industrial parks that could employ up to 100,000 individuals, with 30% of the jobs to be reserved for refugees.

The desire to work, be self-sufficient and pursue careers was expressed throughout interviews and focus groups in Addis Ababa and the Shire camps.

The desire to work and to be self-reliant rather than relying on aid in the camps is a driving factor in people applying for the OCP status. However,

refugees on OCP status are not permitted to obtain work permits, business licences or driving licences – meaning they can only access work in the informal sector. This was a grievance repeated by a number of participants. While most participants said they knew the conditions stipulated in the OCP status before they moved – that refugees need to be self-sufficient and are not allowed to work – many said there is a difference between understanding this in theory and encountering conditions in the cities in practice. Therefore, many find themselves caught between a rock and a hard place – unwilling to go back to the camps but unable to have a dignified life in the city.

In particular, refugees mentioned being surprised by the high cost of living in Addis Ababa. Many refugees said the expectation that they would be self-sufficient without working is not realistic, because the Ethiopians who sponsor their OCP applications do not financially support them in practice. As having OCP status means relinquishing assistance, a significant number of refugees with OCP status who were interviewed were destitute and relying on the generosity of other refugees in the community to share what little they have. One man told NRC, "I came to Addis because instead of sitting and receiving assistance I wanted to try and get work. It's difficult because we don't get work permits... We are OCP – we are permitted to live but not to earn any income."<sup>143</sup>

As one man put it, "refugees can get peace but they can't get a good life because they don't have formal job opportunities. They can hustle but there needs to be a formal recognition in their need to work. The primary issue is work permits."<sup>144</sup> One focus group said that the inability to access business licenses left them open to exploitation on the part of administration and security officers,<sup>145</sup> which was echoed by an interviewee who said the refugees "are crying because of the exploitation."<sup>146</sup>

143 Interview with Eritrean man, Addis Ababa, Ethiopia, 19/10/2017

144 Interview with Eritrean man, Addis Ababa, Ethiopia, 23/10/2017

145 Eritrean focus group discussion, Addis Ababa, Ethiopia, 23/10/2017

146 Interview with Eritrean man, Addis Ababa, Ethiopia, 19/10/2017

Three interviewees said that the necessity of depending on Ethiopians to open businesses in their name had left them open to risk: "The business license needs to be in the name of an Ethiopian. I can't drive, can't have any licenses. If I want to establish a bigger business it's not possible. If an Ethiopian lets you use their name for a business license you do not have a guarantee. I have no confidence in the future because of the history. A lot of people were establishing businesses here but during the war it was all taken away."<sup>147</sup>

Not only did refugees in interviews and focus groups repeatedly express their desire to work for both immediate economic reasons but also based on the need to feel they were doing something with their lives, many talked about their specific professional experience or qualifications or vocation skills – they knew not only that they wanted to work, but knew what they wanted to do. For example, one man told NRC, "I have the ability in metal work and as a mechanic, I have no opportunity to use my skills in the camp. If I can work outside I don't need to wait for anyone, I can support myself."<sup>148</sup>

Some without specific experience also mentioned the specific type of work they would like to do if they were able. One wanted to open a supermarket, another wanted to drive heavy-duty trucks, a teenage girl in one of the Shire camps wanted to be a computer engineer, another a teacher in primary school.

Conversely, the inability to work, to be self-reliant and to see any sense of a future was cited in interviews and focus groups as a driving factor in onward migration, and it was seen that creation of job opportunities was a key response to reducing irregular migration. The connection was clearly made between the availability of job opportunities

**"As long as we are given work permits we can use our skills and feed ourselves in the meantime until we can return [to Eritrea]."**

Eritrean focus group discussion, Addis Ababa, Ethiopia, 19/10/2017

in Ethiopia or seeking opportunities elsewhere via irregular migration. As one man in the Shire camps said, "I heard about the industrial parks, that will be better than going to Libya and drowning. You try to change yourself by working."<sup>149</sup> An Eritrean man in another camp echoed this, "no one wants to go to migrate if they get good employment."<sup>150</sup>

A teenager in the Shire camps said: "If I get access to education and a secure job I don't want to go to Europe. Anyway you have to work wherever you are. If I'm independent I can live wherever and for me Europe is nothing."<sup>151</sup> And a participant in a focus group in Addis Ababa said: "Our mouths are closed and our hands are tied because we can't work. We feel suffocated. I want to leave Ethiopia to Sudan but ARRA asks for a sponsor letter from someone in Sudan. We cannot eat, we cannot work and we cannot leave."<sup>152</sup>

### Beyond the pledges: the right to work in practice

The pledges of the Ethiopian government to increase access to work permits and to create industrial parks where 30% of the jobs would be earmarked for refugees were enthusiastically supported by participants, although at least two people suggested the jobs should be divided 70/30 in favour of the refugees instead of vice versa, and other participants expressed scepticism that the pledges would be implemented. Refugees expressed disappointment that the pledges were made more than a year earlier but the impact on

147 Focus group discussion with Eritreans, Hitsats camp, Shire, Ethiopia, 13/10/2017

148 Focus group discussion with Eritreans, Hitsats camp, Shire, Ethiopia, 13/10/2017

149 Interview with Eritrean man, Hitsats camp, Shire, Ethiopia, 13/10/2017

150 Interview with Eritrean man, Adi Harush camp, Ethiopia, 12/10/2017

151 Focus group discussion with Eritrean teenagers, Adi Harush camp, Ethiopia, 12/10/2017

152 Focus group discussion with Eritreans, Addis Ababa, Ethiopia, 19/10/2017

## ▪ CASE STUDY ▪

Eritrean man, focus group discussion, Adi Harush camp, Shire, Ethiopia:

"I started dairy production. I would like to go to Shire to buy feed. It costs much more here in the camps - 600-700 Birr here compared to 400 Birr in Shire. I am trying to do business, to buy cattle and livestock from the village and sell it in town. But whoever is buying [from me] needs a guarantee that I am the rightful owner of a cow for example. The guarantee is a copy of ID. So I pay 100 Birr to an Ethiopian to use their ID.

I have experience of livestock trade and livestock production. If I get free movement and a permit I don't have to leave the camp [stop living the camp], I can go and travel in rural areas where they raise livestock. Every Sunday I could go there and bring livestock to sell in the town. I could also enhance livestock through feed and cattle fattening."

the ground had not yet been felt; most did not know that the pledges' implementation necessitates additional legislation, which is still in process. These concerns demonstrate the importance of keeping refugees well informed of legislative processes and envisioned policy changes, not only because these policies govern refugees' lives but also because the changes affect their perceptions of their options and consequently their decisions.<sup>153</sup>

Refugees NRC spoke with in Ethiopia overwhelmingly believed the pledges should be implemented quickly, "the pledges should be implemented in a short period of time. We are fed up with waiting

and need action. Eritrean youth are ready to work, they have skills and knowledge."<sup>154</sup>

The expansion of civil documentation to refugees, as well as the need for driving licenses, was also mentioned in several interviews as an important change.

However, participants also felt that additional measures would be necessary to support refugees in transitioning into being able to work. Suggestions included micro-loans and start-up capital; policies would be necessary to ensure equal treatment with Ethiopian employees, equal salaries and equal taxation, to prevent discrimination; vocational skills training would be necessary to enable people to work in the industrial zones; and freedom of movement was a pre-requisite to being able to exercise the right to work, for a range of reasons -- for access to markets, ability to source materials, seek opportunities, and obtain information, among other considerations. One woman also highlighted the question of moving with her children relevant for single mothers who might want to go to work in the proposed industrial areas.<sup>155</sup> Some also expressed concern and doubt about the feasibility of the pledges in the economic climate of Ethiopia where many young citizens are unemployed.

## Lack of durable solutions causing irregular migration

Northern Ethiopia is a significant departure point for onward migration from the East and Horn of Africa region.<sup>156</sup> This was a recurrent theme among Eritrean refugees in focus groups and interviews in Addis Ababa and the Shire camps. A high proportion of participants knew people who had migrated onward from the camps, and people who had died while making the journey.

153 See also, Overseas Development Institute and Samuel Hall, "Journeys on Hold: how policy influences the migration decisions of Eritreans in Ethiopia," Feb. 2017, <https://www.odi.org/publications/10728-journeys-hold-how-policy-influences-migration-decisions-eritreans-ethiopia>

154 Interview with Eritrean man, Adi Harush camp, Ethiopia, 12/10/2017

155 Interview with Eritrean woman, Hitsats camp, Ethiopia, 13/10/2017

156 UNHCR and Danish Refugee Council, Study on the Onward Movement of Refugees and asylum-seekers from Ethiopia, 2016.



A billboard in Adi Harush camp, Ethiopia: 'Illegal movement is like walking blindfolded. Let's stay alert.' ©  
Nichole Sobecki, 2016

Two key interrelated factors influencing decisions to migrate irregularly onward were repeated in focus groups and by individuals who openly spoke of a wish or an intention to go. As documented earlier in this report, one is the push factor of lack of work and opportunities, which is interconnected with the inability to exercise certain rights and a lack of agency over one's decisions and future. This is a major driver of people applying for the Out-of-Camp Policy status to move to the cities, but also is a key push factor in onward migration, in the absence of any other apparent durable solution. One man told NRC, "most of the refugees have an interest in staying here, but migrate because of the circumstances, they have no job opportunities, they only sit and sleep."<sup>157</sup>

A focus group discussion echoed this, with participants stating, "most youth leave because they live here for a long period of time and they become hopeless, and they miss their family. Whatever may happen, they decide to go, because they are stressed... we quickly became desperate [here], there is nothing to do."<sup>158</sup>

The main pull factor cited was the converse of this – the wish or belief in the ability to access opportunities in Europe to study and particularly to work – to be able to support themselves and their families, to send remittances home to those in Eritrea and have a vision of a future.

**"There are mixed messages on social media. People say 'so what, I either die in the camp or die on the way trying to migrate, it's better to die trying than stay.'"**

Interview with Eritrean man, Addis Ababa, Ethiopia, 19/10/2017

"I saw many of my friends in Europe are not settled... But life is secure, they can study and work without work permits in the UK. Your friends motivate you to come. I have been here for eight years with nothing. Considering my age and level of education I couldn't even support myself. I can't plan for the future."<sup>159</sup>

Other influencing factors mentioned included the overly-positive, and often inaccurate or untrue narratives from those who had successfully made the

157 Interview with Eritrean man, Hitsats camp, Ethiopia, 13/10/2017

158 Eritrean focus group discussion, Mai Ayni camp, Shire, Ethiopia, 11/10/2017

159 Interview with Eritrean man, Addis Ababa, Ethiopia, 20/10/2017

journey – either directly or via social media, families providing money to enable people to make the journey, poor conditions in the camp (heat, limited water and ration provisions) and a wish to be in contact with relatives back in Eritrea, since Ethiopia does not allow phone calls to Eritrea.

Levels of awareness of the risks of onward migration from northern Ethiopia to Europe were mixed, but all participants appeared to have at least basic awareness and many insisted that they are fully aware of the risks. Some said they had seen videos or been involved in awareness-raising activities. However, attitude to the risks were also mixed. Some said they would definitely not take the risk and counselled others against it; some said they would migrate anyway because they did not see that they had any alternative options: “There are mixed messages on social media. People say ‘so what, I either die in the camp or die on the way trying to migrate, it’s better to die trying than stay.’”<sup>160</sup>

## Resettlement

The belief that resettlement was the only option in their case was frequently expressed among participants. This perception was widely based on two factors – a desire to work, be self-reliant and envisage a sustainable future, and the perception that those considerations were not possible in the individual's first country of asylum, based on their experience and observations in that country to date. This was often characterised in terms of a desired respect for their basic rights, which they felt were not respected in their first country of asylum and the possibility to be self-reliant.

A Somali woman in Djibouti told NRC, “because my neighbour who got resettlement to the US says they don't have time to sit because they are working all the time and they are able to send money to their families back home to build

houses. If one of us died tonight, we don't have \$50 for his funeral.”<sup>161</sup>

The desire for resettlement was also, for many people, derived from a perceived insecurity of status and identity, both in the immediate term in relation to issues of status and identity documented earlier in this report; and also in terms of their security of status in the longer term. Many refugees in all three countries compared their situation to the situation and treatment of refugees in other countries – many referenced the fact that in the US, resettled refugees receive a green card with all the attendant rights after five years, whereas they personally had been in Kenya or Djibouti, for 25, 26 or 27 years and ‘had nothing.’ A Somali woman made an observation echoed by several participants who were long-term refugees, “in the US if you stay there for five years you get the identity card, but some people are in Djibouti more than 25 years and still now they didn't get the ID card.”<sup>162</sup>

Interviewees and focus group participants explicitly stated that if they were able to work, if they could move freely and sustain themselves and their families, they had no wish to go to another country, or to leave Africa. The lack of integration options and the wish for resettlement were constantly reiterated as interconnected considerations. For example, a South Sudanese man stated, “so I would prefer not to stay in Nairobi. I would prefer to get the chance for resettlement. But if I could get a job here, I would be ok to stay here.”<sup>163</sup>

Several people in all locations expressed scepticism about all of the changes proposed in pledges, new laws and CRRF activities – based on years of their experience to date in the asylum setting, they did not believe that change was possible.

Those who were in the resettlement process described multiple lengthy delays, even further exacerbated in 2017 by directives of US President

160 Interview with Eritrean man, Addis Ababa, Ethiopia, 19/10/2017

161 Interview with Somali woman, Ali Addeh camp, Djibouti, 26/9/2017

162 Interview with Somali woman, Ali Addeh camp, Djibouti, 26/9/2017

163 Interview with South Sudanese man, Nairobi, Kenya, 18/9/2017

Donald Trump to reduce admissions to the United States. One man said that they had had no response or update on their resettlement case since they last completed one stage of the process – in 2012.<sup>164</sup> Another said that delays in the process meant that the validity of the medical checks they had passed had expired before they moved to the next stage.<sup>165</sup> A young Somali man whose family had already been in the resettlement process for ten years, described how President Trump's actions had caused further delays, "We are up to the CIS<sup>166</sup> stage of resettlement, it's taken a long time. I'm waiting for the CIS interview. This has delayed my case because of Donald Trump. The numbers going before and going now is totally different because of that. It is not cancelled, it is delayed and UNHCR is waiting to see what happens. Trump said no one can come for four months... We started the resettlement process 21st May 2007... We are tired of waiting."<sup>167</sup>

In Ethiopia, the curtailment of resettlement, and the impact of President Trump's policies was also referenced. One man in the Shire camps said: "The US president shifted resettlement policy, so people become hopeless."<sup>168</sup> NRC encountered at least one urgent protection resettlement case to the United States, of an Eritrean man, which has been delayed for more than a year since President Trump's election.

In line with the emphasis on responsibility sharing which is central to the New York Declaration and the proposed Global Compact and CRRF, states must commit to significant increases in resettlement places in order to ensure that in the face of the pressure of integrating large numbers of refugees in developing country economies, refugees are not again left with the no-solution option of long-term encampment and dependency.

## Returns

Many refugees who participated in this research expressed a fundamental desire to return to their home country if such an option were possible. This was often expressed in relation to factors such as a desire to contribute to the development of their nation, a sense of national identity, and a wish to return to 'normal' life that was interrupted by conflict.

**"Some refugees think 'I might as well go and die in my home country rather than die in a country that is not mine.'"**

Participant, Great Lakes focus group discussion, Nairobi, Kenya, 20/9/2017

A South Sudanese woman told NRC: "I don't plan to stay in Kenya. I hope to go back to my country again. We can't keep staying in other people's country. You have to think about how can I develop my country... But I'm afraid of the conflict. So I'm waiting for it to be a bit calmer. The girls particularly are being targeted, they are being raped mercilessly by the soldiers."<sup>169</sup>

The desire to return to 'normal life' was particularly iterated among Yemeni refugees in Djibouti, who have been in exile a relatively short amount of time compared to some other refugee populations in the region.

However, desire to return was also frequently expressed as a result of push factors from the country of asylum. In those cases, refugees felt it was preferable to return home, even in the face of continued insecurity, for reasons including insecurity of status, poor conditions in their

164 Interview with Somali man, Ali Addeh camp, Djibouti, 1/10/2017

165 Interview with Somali man, Addis Ababa, Ethiopia, 19/9/2017

166 The Citizenship and Immigration Services (CIS) security screening interview stage of the process. For more details see the U.S. Citizenship and Immigration Services, Dept. of Homeland Security, [https://www.uscis.gov/sites/default/files/USCIS/Humanitarian/Refugees%20%26%20Asylum/USAP\\_FlowChart\\_V9.pdf](https://www.uscis.gov/sites/default/files/USCIS/Humanitarian/Refugees%20%26%20Asylum/USAP_FlowChart_V9.pdf)

167 Interview with Somali man, Dadaab camp, Kenya, 11/10/2017

168 Focus group discussion with Eritreans, Hitsats camp, Ethiopia, 13/10/2017

169 Interview with South Sudanese woman, Nairobi, Kenya, 18/9/2017

asylum context, and restrictions on their ability to exercise fundamental rights and freedoms, particularly the ability to work and support themselves and have control and agency over their own future. In fact, the issues laid out in this report – the unaddressed concerns and unrealised aspirations and needs of refugee populations – were all cited as reasons that would cause refugees to consider returning home even if they thought it was not safe to do so. Under international refugee law and protection frameworks, refugee returns must be voluntary, safe and dignified. Refugee returns should not be encouraged through push factors.

Interviewees from several countries echoed the point in the CRRF about increasing international efforts to resolve issues in countries of origin so that refugees could return home. The envisaged framework acknowledges the need to tackle the root causes of violence and armed conflict that cause people to flee,<sup>170</sup> but fails to take into account that in some situations it is political persecution and other factors that cause people to flee, not just generalised conflict.

An Ethiopian in Nairobi who fled political persecution said: "If they [the international community] looked at the issues in our homeland – if that could be resolved, then that would be a sustainable solution."<sup>171</sup>

Based on the frequently-voiced preference of refugees to return home if genuinely safe and sustainable conditions exist for them to do so, a focus on returns within the international CRRF is helpful.

However, the focus on returns cited in the New York Declaration must not carry undue weight in consideration of contexts where returns are not a

viable option. Significant attention must be paid to expanding integration-related measures in order to achieve a genuinely durable future for hundreds of thousands of refugees in the East and Horn of Africa region, and a significant expansion of resettlement places must ease the phenomenal challenges integration places on developing economies in the region. Political will and practical frameworks, technical expertise, financial support and other necessary interventions must be shepherded to support and implement policies to reflect this priority.

The Global Compact must include explicit commitments to preserve and protect the asylum space for all who need it in order to protect refugees from actual or perceived insecurity of status. Robust measures must be included to ensure that any returns processes are underscored by frameworks that ensure refugee protection and respect for international law,<sup>172</sup> including to protect against people returning to insecure locations or individual-level insecurity based on a perceived absence of any other options. Facilitating expansion of the alternative durable solution options of integration or resettlement will ensure that voluntary returns programmes are truly voluntary, and will reduce numbers of refugees exposing themselves to the dangers of irregular onward migration.

One Yemeni refugee starkly illustrated his perception that return was the only solution offered to refugees, contrasting the lack of freedom of movement or other basic freedoms granted to refugees, against the willingness of the system to send refugees back to danger. He said, "if I asked them to return to Yemen they would give it to me immediately; if I asked them to go to Djibouti town for medical treatment, it would take much more time to get permission."<sup>173</sup>

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<sup>170</sup> Para. 11, New York Declaration for Refugees and Migrants, Annex 1: Comprehensive Refugee Response Framework, New York Declaration for Refugees and Migrants, (UN General Assembly Resolution 71/1), 19 Sept. 2016.

<sup>171</sup> Participant, Ethiopian focus group discussion, Nairobi, Kenya, 21/9/2017

<sup>172</sup> UNHCR Handbook on Voluntary Repatriation: International Protection, Chapter 2: The Protection Content of Voluntary Repatriation, <http://www.unhcr.org/uk/3bfe68d32.pdf>

<sup>173</sup> Interview with Yemeni man, Markazi camp, Obock, Djibouti, 29/9/2017

## Dadaab – Voluntary Repatriation programme

At its peak in 2012, the Dadaab camps complex was home to nearly half a million refugees, making it the world's largest camp at the time.<sup>174</sup> For some time, the Government of Kenya has expressed an intention to close the Dadaab camps and return the refugee population to Somalia. A Voluntary Repatriation programme to return Somali refugees to Somalia began in 2014 under the framework of a tripartite agreement signed between the governments of Kenya and Somalia and the UNHCR in 2013.

In February 2017 the High Court of Kenya ruled against the closure of Dadaab on constitutional grounds noting that the closure of the camps would be a violation of Kenya's national, regional and international refugee law obligations and would be tantamount to an act of 'group persecution' against Dadaab's refugees.<sup>175</sup> The Court ruled that the Government of Kenya's actions violated the cornerstone principle of refugee law of non-refoulement, individual refugees' right to fair administrative action and the human rights of refugees guaranteed by the Constitution of Kenya. The Court noted that the situation in Somalia had not fundamentally changed so as to warrant repatriation of refugees and also ordered the reinstatement and operationalization of DRA [the former Department of Refugee Affairs] to allow asylum seekers to register as refugees. While the Kenyan government noted an intention to lodge an appeal in mid-February 2017, an actual appeal has to date not materialised.

According to UNHCR, from 2014 until 10 November 2017, 74,057 Somali refugees have returned to Somalia from Kenya (71,748 of them from Dadaab).<sup>176</sup> UNHCR and partners – including

Norwegian Refugee Council – are working to safeguard the voluntary nature of decisions and to provide refugees with meaningful information to inform their decisions.

However, refugees in interviews and focus groups in Dadaab consistently and repeatedly spoke of a range of push factors that they felt were significantly influencing refugees who did not want to return to nevertheless opt for the Voluntary Repatriation programme (widely referred to as Vol Rep by all stakeholders).

Of the 43 Somali interviewees and focus group participants who participated in this research in Dadaab in October 2017, no one wanted to return to Somalia at that time, though many said they would like to return if the situation in Somalia improved. For example, one Somali man told NRC: "There is no peace, how can we go back? You are putting them in a place where they are going to suffer."<sup>177</sup> A participant in a focus group discussion in Dadaab said: "Somalia is not stable now; Kenya should be patient to still take in refugees rather than bring in the Vol Rep process which is not voluntary."<sup>178</sup>

Nevertheless, the range of push factors – individually and collectively – were widely reported among participants to leave refugees feeling that return is the only option available to them. These factors – detailed below – were explicitly identified as direct causes in the decisions of some of those choosing to register for the Voluntary Repatriation programme.

### Belief the camps will close and returns will happen

Participants demonstrated a widely-held belief that the Dadaab camps would definitely close at some point and the inhabitants would be forced to return

<sup>174</sup> UNHCR, "Dadaab – World's biggest refugee camp 20 years on," 21 Feb. 2012, [http://www.unhcr.org/news/making\\_difference/2012/2/4f439dbbg/dadaab-worlds-biggest-refugee-camp-20-years-old.html](http://www.unhcr.org/news/making_difference/2012/2/4f439dbbg/dadaab-worlds-biggest-refugee-camp-20-years-old.html)

<sup>175</sup> Decision of 9 February 2017 in Constitutional Petition 227 of 2016, Kenya National Commission on Human Rights & another v Attorney General & 3 others [2017] eKLR.

<sup>176</sup> UNHCR, "Weekly Update: Voluntary Repatriation of Somali Refugees from Kenya," 10 Nov. 2017, <http://www.unhcr.org/ke/wp-content/uploads/sites/2/2017/11/Voluntary-Repatriation-Analysis-10-November-2017.pdf>

<sup>177</sup> Interview with Somali man, Nairobi, Kenya, 19/9/2017

<sup>178</sup> Somali focus group discussion, Dadaab camp, Kenya, 9/10/2017

**"I am at a crossroads – insecurity on one side, lack of services on the other. Neither is a viable choice."**

Focus group discussion with Somalis and Ethiopians, Dadaab camp, Kenya, 12/10/2017

to Somalia. Whatever the position of the Kenyan Supreme Court or the international community, the refugees themselves perceive their status as highly insecure. This was frequently mentioned as influencing people to register for the Vol Rep process. A Somali woman told us: "most of the people I know who are in this process are in it because they believe they are being forced by the Kenyan government, so that if anything happens their name will be in the database for the process; not because anyone is interested in going back."<sup>179</sup>

A Somali man said: "The people, they fear the government will use force. That is why high numbers are going back. They have given a date when this place will be closed, then what do you expect? Force and challenges are not the same. You are not told 'you have to go from here,' but there are other ways."<sup>180</sup>

One focus group did not believe they had the right to international protection and to remain in Kenya, responding en masse that the Government of Kenya could do what it wanted, and would certainly close the camps, and the international community would not be able to stop that.<sup>181</sup> Further, there was a general belief that closure could happen at very short notice. One participant in a focus group discussion said: "We're afraid that the government will one day get up and say you all have to leave immediately."<sup>182</sup>

## Suspension of registration

People continue to arrive in Dadaab mostly from Somalia – returning refugees as well as some first-time asylum seekers – who have fled a worsening situation in Somalia characterised by drought, pre-famine conditions and ongoing conflict and instability.

However, since 2015 registration of new arrivals has been largely suspended in Dadaab, although some *ad hoc* registration is taking place. UNHCR statistics for 2017 show that only 275 cases have been registered in Dadaab this year on a case-by-case basis.<sup>183</sup> All refugees who participated in this research in Dadaab were aware that most new arrivals were not being registered.

At least 5,000 undocumented individuals have been recorded by UNHCR in Dadaab. However, reports from NRC and other NGO partners in Dadaab, indicate that this number may be much higher and likely growing. For example, data gathered by NRC together with the Refugee Consortium of Kenya (RCK) and supported by REACH in the Dadaab camps revealed that 9% of households randomly sampled in November 2017 had no member of the household registered.<sup>184</sup>

The inability to register significantly impacts on new arrivals' ability to access assistance including food rations. In October 2017, of the 5,006 unregistered persons documented by UNHCR, 2,004 had been issued with tokens to access food assistance.<sup>185</sup> The remainder of the unregistered persons, and any further numbers not documented by UNHCR, receive no

179 Interview with Somali woman, Dadaab camp, Kenya, 10/10/2017

180 Interview with Somali man, Dadaab camp, Kenya, 11/10/2017

181 Focus group discussion with Somalis and Ethiopians, Dadaab camp, Kenya, 12/10/2017

182 Focus group discussion with Somalis, Dadaab camp, Kenya, 9/10/2017

183 UNHCR, "Statistical Summary: Refugees and Asylum Seekers in Kenya, as of 31 Oct. 2017," [http://www.unhcr.org/ke/wp-content/uploads/sites/2/2017/11/Kenya-statistics-package-Oct\\_2017.pdf](http://www.unhcr.org/ke/wp-content/uploads/sites/2/2017/11/Kenya-statistics-package-Oct_2017.pdf)

184 This data is based on a randomly sampled camp assessment of 380 households conducted in November 2017. The sample size was calculated to be statistically representative, with a confidence level of 95% and a margin of error of 10%. Findings presented here are therefore representative of the camp population as a whole. See REACH/RCK/NRC, Dadaab Movement and Intentions Monitoring, Garissa County, Kenya, December 2017 (forthcoming).

185 UNHCR, "Dadaab refugee camps, Kenya – UNHCR Dadaab biweekly operational update," Oct. 2017. Tokens were previously a temporary measure handed to all new arrivals while ration cards were being processed.

## Return intentions, ID issues and registration in Dadaab

### Intentions

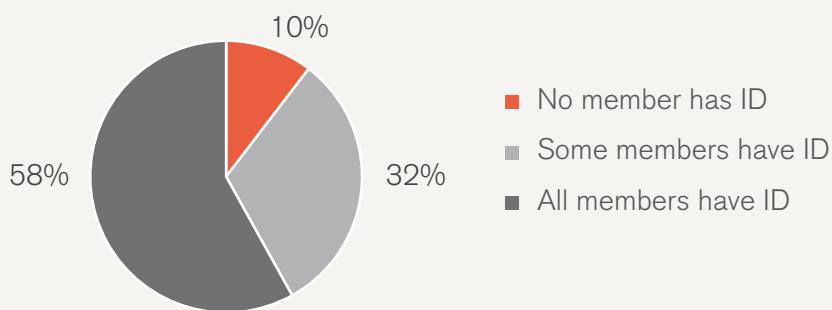
Likelihood of return:

Certain to return	■	8%
Very likely to return	■	5%
Only if certain conditions are met	■	8%
Unlikely to return	■	18%
Will not return	■	52%
Do not know	■	9%

Main reported reasons for not considering return:

Conflict	■	88%
Drought	■	36%
Arrival of an armed group	■	35%
Lack of services	■	34%
Lack of livelihoods	■	32%

### Identification



### Registration

Household registration:

All members registered	■	90%
No member registered	■	9%
Some members registered	■	1%

Main reported reasons for not registering:

Registration not available	■	80%
Application pending	■	16%
Other	■	4%

Starting in May 2017, REACH has supported RCK and NRC with the harmonisation of tools and methodologies for data collection in the Dadaab refugee camps. The above data is based on a randomly sampled camp assessment of 380 households conducted in November 2017. The sample size was calculated to be statistically representative, with a confidence level of 95% and a margin of error of 10%. Findings presented here are therefore representative of the camp population as a whole.

**Source:** REACH/RCK/NRC, Dadaab Movement and Intentions Monitoring, Garissa County, Kenya, December 2017 (forthcoming)



A Somali family in Dadaab refugee camp, Kenya, on the day of their return to Somalia. © NRC / Fredrik Lerneryd, 2016

assistance – the inability to register means that they are not provided with a ration card or shelter. They are reported to be living off the goodwill and charity of other registered members of the camps. The inability to register also means a heightened inability to move within and between the camps, due to the lack of the refugee documents that offer some measure of protection against police harassment. Undocumented persons are also unable to secure legal status and protection from deportation.

### Reduction of rations and other services

Almost every participant in interviews and focus groups in Dadaab reported the decline of both the quality and quantity of rations in recent months. Others also said education services were declining and decreasing in quality, and water and sanitation infrastructure was not being repaired. One man observed, “The food we’re getting has become worse. We are now getting sorghum [instead of wheat flour]. Most children can’t eat that, it’s increasing malnutrition, which increases

burden on health services, but health services are also becoming worse.”<sup>186</sup>

Many believed that the reduction of services was causing people to register for Vol Rep: “Some are going back because the food ration is now so poor,” a Somali man told NRC.<sup>187</sup>

One participant in a focus group discussion in Dadaab said: “Here it seems like things are reducing, reducing, reducing until there is nothing and the agencies say there is nothing left, go back. But the place I come from is occupied by al Shabaab so I have nowhere to go.”<sup>188</sup>

Another participant in a focus group discussion in Dadaab said: “I don’t believe that Vol Rep is voluntary because Somalia is not a place to go back to. But the poor standards in the camp make people think that small money they get to return is better than staying here.”<sup>189</sup>

It was a commonly-voiced sentiment that the difficulties and undesirability of the situation in

186 Interview with Somali man, Dadaab camp, Kenya, 09/10/2017

187 Interview with Somali man, Dadaab camp, Kenya, 10/10/2017

188 Focus group discussion with Somalis and Ethiopians, Dadaab camp, Kenya, 12/10/2017

189 Focus group discussion with Somalis, Dadaab camp, Kenya, 9/10/2017

Kenya are pushing people to return, rather than the improvement of the situation in Somalia pulling people, as is envisaged in the international framework for returns. Further, some believed that these measures were intentional to force people to register for the Vol Rep process: "Officially it is voluntary but there are other systems that are ways to force people to register for repatriation, for example services that were previously there. Now if you go to the agencies they say 'now we're focusing on repatriation,' those services are not there anymore. Food rations are drastically going down."<sup>190</sup>

### Closure of camps

Due to a reduction in refugee populations over the last two years, one of the Dadaab camps, Kambioos, was closed in February 2017. Another one of the four remaining camps making up the complex – Ifo 2 – is also scheduled for closure. Refugees from Ifo 2 said they had been informed the camp would close by March 2018.

However, although residents have been told they will be rehoused in other camps, participants from Ifo 2 directly connected the closure with pressure to join the Vol Rep process. One woman told NRC, "I am not happy with the introduction of this process, because I believe that a place where my husband was killed is not a place to go back to, and the situation is not stable there. And a thing that gives us sleepless nights is that we are told the camp we're in [Ifo 2] is to be closed and we will be forced to take that repatriation process."<sup>191</sup>

### Kenyan government rhetoric

In the months preceding the time of writing in November 2017 the Government of Kenya had not made any public statements pressing refugees to return. However, previous rhetoric on the part of the government against Somali refugees

clearly continues to weigh on refugees' minds and influence perceptions of the insecurity of their status. Participants referenced past statements of the Kenyan government labelling the refugees as terrorists. More commonly cited was simply the government's frequently expressed desire to close the camps: "Most people are going because of the government's words that the camps should be closed, and when the government said that that's when most people got registered for repatriation in case that would help them, to go back to Somalia," a Somali man in Dadaab explained.<sup>192</sup>

A Somali woman in Dadaab told NRC: "The problem comes from the government, because the government doesn't want refugees here, so we fear evictions, we see in the news the president or the vice president saying they don't want refugees. They say the terrorists hide under the refugees."<sup>193</sup>

This range of interlocking push factors – some explicitly identified as such by the refugees themselves – combine to form strong perceptions among refugees in Dadaab that there are few alternative options available to them except joining the Voluntary Repatriation process.

190 Focus group discussion, Dadaab camp, Kenya, 12/10/2017

191 Interview with Somali woman, Dadaab camp, Kenya, 10/10/2017

192 Interview with Somali man, Dadaab camp, Kenya, 10/10/2017

193 Interview with Somali woman, Dadaab camp, Kenya, 10/10/2017

# VI. Recommendations

## Refugee priorities for the Global Compact and roll out of the Comprehensive Refugee Response Framework (CRRF)

### At the international level

- **Refugees must be meaningfully included in consultations** at national and international levels about frameworks and responses that will affect them, including plans for national-level CRRF implementation.
- **Refugee protection including their fundamental human rights must be at the heart of the Global Compact on Refugees.** The Global Compact must re-affirm and uphold the basic humanity and rights of refugees; all interventions and commitments established under the CRRF must have as their guiding principle respect for the humanity of each individual refugee, and the attendant rights and freedoms that accompany that humanity.
- The Global Compact should commit to CRRF plans that prioritise not only the material needs of refugees but also **more fundamental human needs to live a dignified life**, to have the conditions enabling them to fulfil their aspirations, and the legal, social and psychological assistance needed to realise those.
- In ensuring that refugees are not subject to long-term curtailment of basic human rights, **the Global Compact must re-affirm the right to freedom of movement and the right to work** for all recognised refugees.
- The Global Compact and Programme of Action must explicitly address the issue of **long-term encampment and its damaging impacts**, and must commit to a response framework that protects against long-term encampment.

- The Global Compact and national-level CRRF plans must follow up on the issue of **xenophobia** contained in the New York Declaration with concrete measures to address negative attitudes towards refugee populations and to contribute to more positive narratives on refugees at international and national levels.

### Identity and security of status

Recognising that security of identity and status are a priority concern for refugees, are fundamental to their physical and psycho-social well-being, and have knock-on effects on other aspects of their lives, and recognising the practical and psychological difficulties caused by long-term lack of identity documents:

- CRRF plans must include measures not only to register asylum seekers 'as quickly as possible' but to also conclude Refugee Status Determination processes in the shortest possible timeframe;
- Mechanisms should be included in the international framework to ensure accountability for the completion of these processes;
- Providing refugees with adequate information about their situation, the processes they will be subjected to and their rights is central to respecting humanity, empowering agency and mitigating the psycho-social strain of the uncertainty of status. Therefore, the Global Compact should affirm refugees' right to information in all circumstances;
- The Global Compact and CRRF roll out at national levels should recognise and reflect that

any plans regarding integration, self-reliance or other aspects of early and durable solutions, must be preceded by efforts to secure identity, upon which the ability to exercise any other rights is premised. Efforts and funding levels need to reflect this priority.

## Protection

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- The Global Compact should explicitly recognise the security and protection risks attendant on situations where people fleeing political persecution (as an individual or as a group, based on their identity, whether ethnicity, political affiliation, sexual orientation or other basis) are forced to seek asylum in a country neighbouring their country of origin.
- The Global Compact must include an improved protection framework for individual and group protection issues, and improved mechanisms for the swift identification and response to those cases.
- The Global Compact should cater for situations where multiple dynamics, and nationalities, are present within one refugee context, and ensure that response allows for specific needs of certain groups to be addressed.

## Durable solutions

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- The Global Compact and CRRF roll out must ensure that the proclaimed focus on returns envisaged in the New York Declaration does not carry undue weight in contexts where returns are not a viable option.
- Significant attention must be paid to expanding self-reliance and integration-related mechanisms, particularly in response to protracted refugee situations. Commitments to establishing political will and practical frameworks, technical expertise, financial support and other necessary interventions should be included in the Global Compact.

▪ CRRF roll out plans must recognise that policies establishing the right to work and the right to education will need to be accompanied by a range of complementary policies and interventions to realise these rights in practice, and to reduce obstacles to refugees' ability to exercise these rights.

- The Global Compact and CRRF roll out plans should acknowledge and provide for the additional support that will be necessary to assist populations who have been in protracted situations of encampment and other restrictions on basic agency to transition to new models of response based on self-reliance.
- Expansion of resettlement places, particularly for refugees in conditions characterised by a long-term absence of durable solutions will be the measure of a genuine commitment to responsibility sharing. States must make strong commitments to resettlement under the Global Compact.
- The Global Compact must include measures to ensure the enforcement of minimum standards for voluntary repatriation/returns programmes with adequate safeguards.

## For a CRRF in Kenya

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**To the government of Kenya, the UN and the international community: the CRRF for Kenya must include measures to address the following:**

- 1.** Ensure the preservation of the asylum space for anyone in need of international protection and affirm the rights of refugees through national media, policy announcements and other channels
- 2.** Ensure refugee registration and Refugee Status Determination take place in a timely and accountable manner to ensure swift access to essential identity documents for all asylum seekers, as well as renewal of refugee documentation

3. End the restrictions on refugees moving outside camps and guarantee freedom of movement to all recognised refugees, and include measures to move towards this in practice
4. Prioritise policies and practices facilitating self-reliance including the right to work and access to business licences, and measures to encourage economic and social local integration
5. Ensure that policies extending the right to work to refugees are accompanied by necessary policies and interventions to facilitate the realisation of the ability to work in practice and to engage in business activity – as well as improving documentation systems and guarantees of freedom of movement, this should include investment and job creation interventions
6. Take measures to ensure that all voluntary returns meet minimum standards and are genuinely voluntary, safe, dignified and sustainable

## For a CRRF in Djibouti

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**To the government of Djibouti, the UN and the international community: the CRRF for Djibouti must include measures to address the following:**

1. Resolve issues with documentation systems and ensure swift access to essential status documents and to Refugee Status Determination for all asylum seekers and refugees; set time limits for status determination and establish accountability mechanisms to ensure completion of processes
2. A dedicated governmental body should be established or mandated to conduct Refugee Status Determination processes in a timely manner
3. End the restrictions on refugees moving outside camps and guarantee freedom of movement to all recognised refugees, and include measures to move towards this in practice

4. Prioritise measures that encourage self-reliance, including the right to work and access to business licenses, and move towards economic and social integration
5. Ensure that policies extending the right to work to refugees are accompanied by necessary policies and interventions to facilitate the realisation of the ability to work in practice

## For a CRRF in Ethiopia

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**To the government of Ethiopia, the UN and the international community: the CRRF for Ethiopia must include measures to address the following:**

1. Target efforts at increasing confidence among refugees over the security of their status and affirm the rights of refugees through national media, policy announcements and other channels
2. End the restrictions on refugees moving outside camps and guarantee freedom of movement to all recognised refugees, and include measures to move towards this in practice
3. Work to expand the OCP system to larger numbers of refugees than currently envisioned in the pledges as a progression towards ending encampment policy for all refugees, while also allowing OCP refugees to work
4. Expand interventions targeted at integration, economic inclusion and self-reliance of refugees including extending the right to work and access to business licenses to all refugees
5. Ensure that plans to expand work opportunities to refugees are accompanied by necessary policies and interventions to facilitate the realisation of the ability to work in practice



## NORWEGIAN REFUGEE COUNCIL

The Norwegian Refugee Council is an independent humanitarian organisation helping people forced to flee. We work in crises across 31 countries, where we help save lives and rebuild futures.

We deliver high-quality aid where needs are greatest. When we started our relief efforts after World War II, humanitarian needs were critical. They still are – and we're still there, protecting people forced to flee and supporting them as they build a new future. Today, we work in both new and protracted crises, where we provide food assistance, clean water, shelter, legal aid, and education.

We stand up for people forced to flee. NRC is a determined advocate for displaced people. When we witness injustices, we alert the world. We promote and defend displaced people's rights and dignity in local communities, with national governments and in the international arena.

Our strategic objective for East Africa and Yemen: More vulnerable people in hard-to-reach areas get access to humanitarian assistance, become resilient to future disasters and find durable solutions.



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REFUGEE COUNCIL



NRC\_HoA



NRC\_HoA

Norwegian Refugee Council, East Africa and Yemen  
El Molo Drive, Off James Gichuru Road  
P.O. Box 21211-00100, Nairobi, Kenya  
Email: [info@nrc.no](mailto:info@nrc.no) | Website: [www.nrc.no](http://www.nrc.no)