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Evaluation of UNHCR's policy on refugees in urban areas

A case study review of Cairo

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Evaluation and Policy Analysis Unit

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Aim, scope and methodology of the review

The number of refugees to be found in urban areas of developing countries has increased considerably in recent years. It is a trend which has given rise to a wide range of protection and assistance concerns, both within and outside UNHCR. It was in this context that UNHCR issued a new policy on refugees in urban areas at the end of 1997 (see Appendix A). In a covering memorandum to that document, UNHCR stated that the policy would be revised as necessary in the light of comments received from UNHCR offices and partners.

In October 1999, the Evaluation and Policy Analysis Unit (EPAU) was requested to undertake a comprehensive review of the new policy and its implementation. As a first step in this process, a desk-based global survey was undertaken, so as to identify key issues for further research and analysis.

As a second step, a number of key studies have been selected for detailed review. The first one of these which concerned the situation of urban refugees in New Delhi was issued by EPAU in November 2000. Egypt was chosen as the location for next study as Cairo accommodates one of the five biggest refugee populations residing in urban areas in the developing world. Some 7,000 refugees from Somalia, Sudan and 24 other countries are currently registered at RO Cairo while an equally large number of asylum seekers are waiting for the processing of their refugee status applications.

This study has been undertaken by Stefan Sperl, a Senior Lecturer at the School of Oriental and African Studies in London who is also a former staff-member of UNHCR. He undertook a mission to Egypt from 26 October to 12 November 2000 where he interviewed staff from the UNHCR Regional Office and its main implementing partner CARITAS as well as staff from several other organisations who are involved in providing assistance for refugees. He had discussions with Government representatives from the Ministries of Foreign Affairs and Interior and staff from the embassies of resettlement countries, UNDP and IOM. Meetings were held with scholars, academic researchers and members of refugee organisations, and home visits were conducted to refugee families from different countries of origin (Somalia, Sudan, Yemen and former Zaire). In addition, a large number of relevant documents and reports were consulted.

The draft version of the report was circulated for comment within UNHCR, to UNHCR's major partners in Egypt, including the Egyptian Ministry of Foreign Affairs, as well as to academic researchers acquainted with the situation. Comments were received from the following whose contribution is hereby gratefully acknowledged: K.A. Gauger (U.S. Embassy, Cairo), Professor B. Harrel-Bond (American University, Cairo), S. Fawzy (CARITAS, Cairo), T. Kuhlman (Consultant Economist), S. Shanks, (University College, London) and P. Vogelaar (St. Andrews Church, Cairo). Special thanks are due to N. Obi (EPAU, UNHCR), and to the

UNHCR Regional Office in Cairo which spared no effort to facilitate the mission and provided detailed comments on the draft.

Summary of conclusions and recommendations

1. The UNHCR policy on refugees in urban areas has two principal objectives: to promote the self-reliance of refugees and avoid their dependency on UNHCR assistance; and to discourage the irregular movement of refugees between countries by limiting the assistance made available to them. In doing so, the policy affirms that "the overriding priority remains to ensure protection and, in particular, non-refoulement and treatment in accordance with recognised basic human standards".

Refugee self-reliance remains elusive in Cairo

2. Despite the fact that Egypt has acceded to the 1951 Convention, refugees are not allowed to work and can only secure an income through illegal employment in the informal sector of the economy. Wages for this type of work are extremely low and do not cover the refugees' expenditure as they have to rent furnished flats. Their capacity to become self-reliant is thus seriously curtailed and UNHCR assistance remains a vital source of revenue, especially for single-headed households, the sick and the elderly. As a result, some 5,000 refugees from Somalia, Sudan, Yemen and a variety of other countries continue to rely on UNHCR assistance in Cairo.

3. When the policy on urban refugees was promulgated in 1997 it seemed to offer an alternative to ongoing care and maintenance provision. A self-reliance workshop was convened in Cairo in October 1997 which resulted in the adoption of a strategy with two components. One was the implementation of a micro-credit pilot project for refugee women, the other the establishment of job-related vocational training programmes. However, neither could be implemented. The Egyptian authorities refused to grant permission for the micro-credit scheme while shortage of funds on the part of UNHCR precluded the expansion of education and vocational training programmes.

4. Despite the set-back of the self-reliance strategy and a substantial increase in the number of beneficiaries, funds available for the Cairo programme were significantly reduced in 1999 and 2000. This has brought much added hardship for the refugees. The steady diminution of subsistence allowances, combined with the progressive reduction of UNHCR support for health and education, has faced many families with a crisis situation. In addition, the build-up of a large back-log of unassisted asylum seekers has aggravated the situation further since many of them share the scanty resources of recognised refugees.

5. Considering the fact that local integration remains a distant goal and that UNHCR is increasingly unable to provide an adequate level of support, resettlement has become the only viable durable solution for refugees in Cairo. However, it is clear that many refugees will not be able to benefit from this opportunity and attempts to promote improved self-reliance for refugees in Egypt therefore remain a matter of high priority.

Towards a reformulation of the urban policy

6. The Cairo experience allows for a number of comments on the UNHCR policy on urban refugees. First of all, it must be recognised that the policy contains a strong message to the effect that, as a rule, UNHCR assistance should be reduced to a minimum. In this spirit it recommends that "care and maintenance assistance should be strictly limited to those cases where early self-reliance is not possible" and should preferably be "in the form of one-time assistance"; UNHCR should "generally not provide individual assistance" to irregular movers; and assistance to asylum seekers should be "limited to essential requirements" and provided only to those "unable to meet minimum needs".

7. Such an approach may be effective in reducing dependency and encouraging self-reliance as long as the refugees concerned have found a durable solution in a country of asylum where they are permitted to work and have access to governmental services on the same terms as nationals. Where this is not the case, the progressive reduction of UNHCR assistance will only result in worsening the marginalisation and impoverishment of the refugees. This is illustrated by the situation in Cairo where scarcity of resources has led to a sizeable reduction in allowances, including support for training and education. As a result, many children have ceased to go to school and the young are deprived of qualifications and career prospects. The outcome is entirely counterproductive as the refugees' chances of securing self-reliance are in actual fact diminished and conditions are created which go to favour irregular movement. This cannot be the intended result of a UNHCR policy.

8. The emphasis on the minimisation and early termination of assistance in the urban policy also runs contrary to the thrust of the UNHCR policies on children, women and the elderly, all of which imply a commitment for as long as the persons concerned are refugees. The following policy objectives stated in these documents may be cited as examples:

> to ensure the protection and healthy development of refugee children ....
> to place particular emphasis on strategies to protect and assist refugee women, recognising that becoming a refugee can result (...) in a substantially increased physical workload through building and maintaining the future of the entire family.

9. It is clear that ensuring the healthy development of children and assisting refugee women engaged in building the future of their family must mean a level of engagement which goes some way beyond providing the minimum level of support for the shortest possible time. The urban policy as it stands at present leaves room for some flexibility and does not make such a course of action incumbent. However, it fails to recognise explicitly that urban refugees, like those in camps, may find themselves in a situation which requires ongoing assistance by UNHCR.

Policy recommendations

10. Based on the Cairo experience, the following points should be taken into account for the purpose of reformulating the policy on urban refugees.

11. In stating that refugees should be treated "in accordance with recognised human standards" the policy should affirm that these standards include the UNHCR policies on women, children, the elderly and family reunification which should remain fully applicable both to urban refugees and to irregular movers.

12. The policy should affirm that, as a matter of principle, both UNHCR protection and assistance should remain available to urban refugees as long as they have not found a durable solution. It should also recognise that in the absence of such a solution certain refugee households may not have a realistic chance to obtain self-reliance even in the longer term and should thus remain eligible for assistance. Special mention should be made in this context of the situation of destitute elderly refugees who have no access to alternative sources of support.[1] In cases where the self-reliance component of the policy cannot be implemented, care and maintenance assistance for refugees should, as a rule, not be phased out or reduced.

13. The policy should declare the provision of education and training opportunities for urban refugees to be one of its prime objectives since these provide the best foundation for the acquisition of self-reliance; this should include ensuring all children have access to primary schooling as well as facilitating access to education and training at secondary and post-secondary levels; it should be acknowledged that such support may involve longer term funding commitments in form of fees or education grants and the placement of refugees in private schools if no other option is available.

14. The policy should recognise that the implementation of the self-reliance component may require, in the initial stages, an input of resources above and beyond ongoing care and maintenance programmes; it should also recommend ways in which the need for such additional investments should be prioritised within the UNHCR funding cycle and presented to donors.

15. The policy should stress that the promotion of self-reliance is by nature a developmental activity which requires specialised experience; to this effect it should request each field office concerned to devise a strategy aimed at including refugees into ongoing training, micro-credit or poverty-alleviation programmes implemented by development agencies and relevant government departments.

16. The policy should take account of the problems which may be brought about by a large backlog of unassisted asylum seekers in urban areas whose livelihood depends on sharing the subsistence allowances of recognised refugees; in such situations a reduction of allowances should if at all possible be avoided; in cases where UNHCR is in charge of RSD procedures the build-up of such a back-log should be prevented through timely strengthening of protection staff.

17. In addition to the points above it must be stated that the Cairo experience also confirms virtually all the findings and recommendations of the earlier case study on urban refugees in New Delhi. This includes the need to seek a positive partnership with refugees and engage them directly in the design and implementation of self-reliance programmes. Last but not least, there is also the need for the policy on urban refugees to define the meaning of the term self-reliance in a clear and

[1] This issue has also been highlighted in an earlier UNHCR Evaluation Report which includes a case study of the situation of elderly refugees in Egypt (see UNHCR Assistance to Older Refugees, EVAL/01/98).

unambiguous manner. As the New Delhi study points out, "unassisted refugees cannot be regarded as 'self-reliant' if they live in abject poverty and are obliged to engage in illicit activities in order to survive" (p.5).

Irregular movers

18. Some 300 refugees registered at RO Cairo have been found to be irregular movers. Most of them are Somalis who arrived from third countries such as Yemen, Sudan or Libya. In order to implement the policy on irregular movers in a judicious manner, RO Cairo has drawn up a detailed set of procedures comprising criteria to assess the protection status of refugees in their first countries of asylum as well as guidelines on the type of assistance that may be provided, depending on the merits of the case.

19. The document provides a useful basis for refining the terms contained in the urban policy and is therefore annexed to this report. In the light of the issues it raises, this evaluation recommends that the policy on irregular movers be updated with respect to a number of points the most important of which are listed hereunder.

20. The length of time refugees spend in transit in third countries before they are considered irregular movers must be assessed in a flexible manner which takes account of the conditions in the region concerned.

21. Refugees who arrive from a third country for reasons of family reunification or urgent medical treatment should not be considered as irregular movers; similarly refugees who arrive in search of resettlement so as to join a family member abroad should not be considered irregular movers.

22. Assistance: assistance to irregular movers should normally be limited to trauma relief, medical and educational assistance; however, in cases where the protection situation of women, children or the elderly is under threat, additional types of assistance may be provided on a case by case basis.

23. De-classification: refugees who cannot be readmitted to their first country of asylum should be de-classified as irregular movers after a period of two years and then be able to benefit from normal assistance entitlements as well as resettlement. The latter is particularly important as the lack of such a provision leaves the refugees concerned in an open-ended limbo situation; clearly, no UNHCR policy should permanently jeopardise the chances of refugees to find a durable solution.

24. Finally, this evaluation wishes to point out that the word "irregular" in the term irregular mover originally referred only to the irregular, i.e. illegal manner in which refugees and asylum seekers often seek gain entry into third countries. Many so-called irregular movers travel legally and the term is therefore misleading. Moreover, it has pejorative overtones by suggesting that such refugees are somehow deviant. UNHCR should avoid the use of terminology which may add to the stigmatisation of refugees, and the adoption of a more neutral term such as "onward mover" is therefore recommended.

Towards a revised strategy for RO Cairo

25. In drawing up its strategy for Egypt UNHCR seems to have taken the view that any expansion of resettlement as a durable solution may be detrimental to its key objective of obtaining a more generous local integration regime; resettlement opportunities should therefore be kept in check and certainly not increased. This evaluation proposes the adoption of a different approach which takes into account that the Egyptian authorities appear to view resettlement as a valuable burden-sharing tool which might be compromised if refugees are granted better opportunities for local integration in the country.

26. In order to allay such concerns it is proposed that UNHCR should aim to come to a burden-sharing agreement between the Egyptian government and the key resettlement countries to the effect that resettlement opportunities would be maintained or increased while, at the same time, Egypt would be more flexible in authorising measures aimed at promoting the self-reliance of those refugees who cannot or do not wish to be resettled. Such measures would include micro-credit schemes, apprenticeship schemes as well as the provision of work-permits, issues which RO Cairo has repeatedly raised with the Egyptian authorities. For evident reasons the agreement should include the proviso that destitute refugees who are unable to make use of such opportunities would continue to be eligible for support from UNHCR. If an understanding of this kind could be negotiated, this would make it possible to design an integrated strategy which addresses both resettlement and local integration in a meaningful and balanced manner.

A two-pronged approach

27. As far as resettlement is concerned UNHCR should make the best of the clearly favourable disposition of resettlement countries by seeking their support to strengthen the badly overstretched processing capacity of RO Cairo through staff secondment or funding support; it should further pursue its current efforts to seek their cooperation in order to make resettlement more widely available in the region in order to lessen the pressure on Cairo.

28. As far as local integration is concerned, RO Cairo may wish to reorient its current programme with the key objectives of a) increasing assistance for education and vocational training, b) introducing special measures to enhance the income generation potential of refugee women and c) limiting ongoing care and maintenance assistance only to special hardship cases such as the elderly and the infirm. At the same time, additional attempts should be made to include refugees into ongoing training, apprenticeship and employment generation schemes implemented by development agencies and bilateral donors. While these have had little success so far, the Egyptian authorities might be willing to consider them more favourably if they are presented as part of a burden-sharing agreement jointly negotiated with resettlement countries and donors. In addition, donors should be informed more fully, both about the detrimental consequences of the funding shortage for refugees in Cairo, and about the need for supplementary funding support to implement the self-reliance component of the urban strategy.

29. The design of the reoriented programme should be developed in consultation and cooperation with the refugees themselves, and refugees with appropriate skills should be directly involved in the implementation of project activities. To the extent

possible this should be coordinated through recourse to the existing network of refugee committees.

Asylum seekers

30. A special problem area which requires attention is the large backlog of asylum seekers who are waiting to be seen by the Office. Despite repeated appeals, UNHCR Headquarters had, by the time the mission took place, chosen not to strengthen the processing capacity of RO Cairo as this might represent a pull factor and aggravate the problem in the long run. Experience in other countries has shown, however, that the existence of such a backlog will not deter new arrivals, but it certainly adds greatly to the hardship suffered by genuine refugees and endangers their protection situation. In Cairo the waiting time now stretches to over 14 months during which time asylum seekers are largely unassisted. While the introduction in autumn 2000 of a fast-track procedure for vulnerable cases has eased the pressure somewhat, the situation as a whole remains intolerable and urgent action is needed.

Summary of key recommendations

31. The UNHCR Policy on Urban Refugees is in need of revision. A revised version should:

- affirm that UNHCR policies on women, children, the elderly and family reunification are fully applicable to urban refugees and irregular movers.
- affirm that both UNHCR protection and assistance should in principle remain available to urban refugees as long as they have not found a durable solution.
- affirm that education and training for urban refugees should be supported at all levels in order to enhance their self-reliance prospects.
- recognise that the self-reliance component of the policy may require an input of resources above and beyond ongoing care and maintenance programmes.
- request concerned field offices to devise self-reliance strategies aimed at including refugees into ongoing development programmes.
- provide more detailed guidelines concerning the treatment of irregular movers along the lines proposed in this report.
- affirm the need to establish a positive partnership with refugees in designing and implementing assistance programmes.

32. The following actions are recommended with respect to the UNHCR programme in Cairo:

- A Protection Oversight Mission should proceed to RO Cairo in order to examine the issue of protection staffing constraints, review the current status of the eligibility determination procedure and its transfer to the Egyptian authorities, and devise a longer term protection policy.

- In order to reduce the backlog of asylum seekers at RO Cairo the processing capacity at the Office should be strengthened with immediate effect through the assignment of staff on mission and / or the recruitment of additional local staff.

- Irregular movers unable to return to their country of first asylum should be declassified after a period of two years and be eligible for normal assistance entitlements including resettlement.

- A burden-sharing agreement should be negotiated between UNHCR, the Government of Egypt and major resettlement countries to the effect that resettlement places for refugees in the ARE will be maintained and expanded in the next five years; local integration opportunities, including legal access to employment and the inclusion of refugees into suitable development programmes, will be made available on a case-by-case basis to those unable or unwilling to be resettled.

- UNHCR should approach resettlement countries with the aim of making resettlement opportunities more widely available in the African and Middle Eastern region; seeking financial and/or administrative assistance so as to upgrade the resettlement processing capacity of RO Cairo.

- A study of the problems involved in the resettlement processing of extended families should be conducted at RO Cairo, with a view to developing proposals so as to avoid, to the maximum extent, the break-up of such families.

- RO Cairo should examine the possibility of reprioritising its assistance programme so as to maximise the earning potential of refugees, in particular refugee women; expand assistance for education and training; limit ongoing care and maintenance assistance for new cases only to the elderly, the chronically ill and other persons in special need.

- RO Cairo should involve refugees more closely in the design and implementation of assistance programmes, including the provision of basic catering and child-care facilities in the waiting area of the Office.

- RO Cairo should pursue its attempts at integrating refugees into relevant training and employment creation programmes for

nationals through expanded negotiations with UNDP, ILO, bilateral donors and their Egyptian counterparts.

- RO Cairo should continue its efforts at increasing local advocacy by making further funding raising approaching to local and regional donors and developing cooperation agreements with local universities.

- Donors should be more clearly informed about the hardship suffered by refugees in Cairo as a result of the budget cuts introduced in 2000 and 2001.

Obstacles on the way to self-reliance

33. When examining the general framework of the Cairo programme it is clear from the outset that there are certain factors which conspire to limit the degree of self-reliance refugees are able to attain. These are brought about by the policy of the government, the UNHCR funding crisis and the unfavourable ratio between the high cost of living faced by the refugees and their low income-generating potential. The three factors are examined in more detail below. In doing so special attention is given to the situation of Sudanese refugees who have become the largest caseload dealt with by the Office.

The policy of the government: protection without integration

34. Egypt's response to the protection needs of refugees has traditionally been generous. The authorities concerned have on the whole shown respect for the mandate of UNHCR and demonstrated a willingness to cooperate with the Office by preventing refoulement, providing access to refugees in detention and bringing undocumented cases to the attention of the Office. In 1981 Egypt acceded to the 1951 Convention and since then its cooperation with the UNHCR has been further strengthened by the adoption of operational procedures on issues such as access, referrals and departures.

35. The Government has, however, so far taken very few concrete steps to fulfill the obligations and responsibilities stipulated by the Convention. The only significant development since the time of accession is the introduction in 1998 of a Refugee Identity Card issued by RO Cairo and stamped with a residence permit by the authorities. Further action is likely to follow with the take-over by the Egyptian authorities of the refugee status determination procedure which is foreseen for the year 2002.

36. The most important downside of the Government's attitude is its fundamental unwillingness to permit the legal integration of refugees into Egyptian society. Their presence is still seen as temporary, they are not permitted to work and residence is granted on the understanding that needy cases will be assisted by UNHCR for the duration of their stay.[2] The authorities' reluctance to give ground on the integration issue can also be gleaned from their refusal, despite repeated interventions by UNHCR, to grant naturalisation to the few stateless refugees who have been resident in the country since the 1920s and who have to renew their residence permits annually to this day. A further example is the status of Palestinian refugees who are still treated as foreigners and have difficulty in obtaining work permits even after having been in the country for 50 years. Their presence may, in fact, be an obstacle to the adoption of a more generous policy towards refugees from

[2] Accordingly, Egypt has made a number of reservations to the articles of the Convention, notably articles 12 (1) (personal status), 20 (rationing), 22 (1) (access to primary education), 22 (access to public relief and assistance) and 24 (labour legislation and social security).

other countries who should, one surmises, not be seen to benefit from more favourable terms than the Palestinians.

37. However, the main reason for the stance adopted by the authorities must surely relate to Egypt's economic and demographic situation. Unemployment is currently running at 20% and is continuing to increase as the country's population is set to double, reaching 235 million by the year 2035. Even the current economic growth rate of 6-7% is insufficient to absorb the spiralling number of employment entrants to which must be added the large number of Egyptian workers returning from the Gulf who are having difficulty in finding jobs at home. In these circumstances opening the labour market in an unrestricted manner to potentially large numbers of refugees means, in the words of the UNDP Resident Representative, "breaking an enormous psychological barrier".

38. The prohibition to work is not absolute, however. The refugees' access to employment is regulated by the laws applicable to foreigners which decree that work permits may be granted through the Ministry of Manpower and Training, provided certain conditions are met; these relate to the country's economic interest and the specific humanitarian nature of the case. The legislation even mentions that foreigners who have been granted political asylum by the Egyptian authorities under article 53 of the constitution may be among those eligible for work permits, but this provision does not apply to refugees recognised by UNHCR. For them, the only way to secure an income is by working illegally in the informal sector of the economy. How seriously this limits their chances of becoming of self-reliant is discussed in some detail in the following pages.

UNHCR programme: policy recommendations undermined by lack of funds

39. From the perspective of the Cairo programme it is ironic that the promulgation of the UNHCR policy on refugees in urban areas took place at the very time when education and training ceased to be its major programme activity.[3] Since the purpose of the urban policy is the promotion of self-reliance among refugees a solid post-primary education and training programme must surely be a matter of priority. It is the only way to enable refugees to maximise their potential so they can compete adequately in the labour market, build a more secure future wherever they may go and compensate for the disadvantages their status usually entails.

40. During the late 1970s and 80s the Cairo Office had such a programme in place, even though its prime objective was not the acquisition of self-reliance in Egypt. It was for the benefit of mainly Ethiopian and Eritrean refugee students who came to Egypt in the context of a large scholarship scheme funded by UNHCR and a number of other agencies. As a result, some 2,000-3,000 refugees who would otherwise have wasted their formative years in the camps and shanty-towns of Somalia, Djibouti and Sudan were able to secure educational and training qualifications at secondary and post-secondary levels.

[3] The reduction in funding for education is not restricted to Egypt. Between 1996 and 1999 UNHCR funding for education declined by 7%; of the funds available in 1999, 90% went to pre-school and primary education, 9% to secondary and only 1% to tertiary education (see Briefing Paper on Education Sector addressed to the High Commissioner, 10/3/00).

41. In the 90s, an entirely different situation began to prevail with the arrival of refugees from Somalia and Sudan. The numbers are considerably higher with a total of some 7,500 persons registered at the Office, many of them families with young children. At the same time, the focus of UNHCR assistance shifted: while education and training dominated the expenditure of the Cairo Office in the 1980s now care and maintenance assistance consumes the lion's share.[4] This is principally due to the limited availability of funds which no longer permits the liberal scholarships policy of the 80s. In addition, Egyptian universities began to charge foreign and refugee students high fees payable in hard currency, a fact which has drastically limited the number of students the Office can assist at post-secondary level.

42. The downward trend in education and training has certainly not been intentional. In fact it runs contrary to a number of recommendations made by previous missions which have shown concern about the Cairo programme turning into an open-ended care and maintenance operation and made proposals to change the orientation of the programme in keeping with the spirit of the urban policy. This begins with the Inspection report of 1996 which recommends a "phase-down and time limit on care and maintenance payments and an increase of job-related training" as well as the fielding of two technical missions, one to investigate local integration and employment approaches and the other to look into options for refugee community development. The latter issue was subsequently addressed by a Community Services mission which took place in July 1997; it noted the limited input in the education and skills training sectors and recommended, inter alia, that these activities be expanded as a matter of priority.

43. The issue of local integration and employment approaches was discussed in detail during the Regional Workshop on Strategies for Self-Reliance which was convened in Cairo in October 1997 in an effort to find ways to implement the policy on urban refugees in the region. The report on the workshop is clear about the objectives as well as the underlying motivation of the strategy to be developed: it aims "to initiate a transition process between care and maintenance and self-reliance, in great part due to the severe financial crisis in UNHCR".[5] In response, RO Cairo prepared a strategy paper on self-reliance for urban refugees in Egypt which proposes two concrete objectives: the establishment of micro-credit programmes for refugee women with proven skills, and the creation of vocational training programmes linked to existing employment opportunities.[6] In order to obtain the necessary background information for implementation purposes, UNHCR Headquarters commissioned a detailed study of self-reliance options for refugees in Egypt.[7]

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[4] RO Cairo's scholarships programme for higher education ended in 1995.

5 Cairo Self-Reliance Workshop (19-21 October 1997): Conclusions and Recommendations 1.5.

6The paper draws attention, however, to the constraints likely to limit the success of these proposals, in particular the lack of a legal framework for refugee employment, the difficulty in marketing products manufactured by the refugees and the high cost of living faced by refugees compared to nationals "which cannot be fully covered by casual employment in informal sectors and micro-enterprises" (Draft of *Self-Reliance Strategy for Urban Refugees in Egypt*, para 2.4.1).

7 *Design of a Self-Reliance Strategy for Refugees in Egypt* by Ahmed Abou El Yazeid, Cairo, December 1997. The report provides a valuable insight into living conditions of refugees but its recommendations did not prove to be sufficiently detailed nor could be they implemented in the light of the Government's response.

Implementation attempts thwarted

44. With respect to the first objective RO Cairo devised a pilot project aimed at providing micro-credit programme for needy female heads of household. It required a financial input of $50,000 and was to be implemented by Save the Children (USA) which was chosen on account of its long-standing experience with microfinance in Egypt.[8] However, when the project was presented to the Government, the Ministry of Foreign Affairs politely responded by stating that it preferred UNHCR to continue providing monthly allowances to refugees rather than attempting to implement a policy of self-reliance (letter dated 22/2/98). Later in the same year the Ministry made it clear in no uncertain terms that it was not prepared to allow UNHCR to implement the project "even on an experimental basis" because of the grave employment situation faced by nationals[9]. This meant that the micro-credit option could not be pursued further.

45. Unfortunately the second objective of the Cairo self-reliance strategy, the expansion of vocational training in job-related sectors, could not be implemented either because in the meanwhile lack of funds had required a down-sizing of the assistance budget in Egypt. In these circumstances RO Cairo could not request additional funding for training activities under the CM/201 project for the years 1999 and 2000, despite its stated objectives and the earlier recommendations to invest more resources in this area. The 1999 Protection Report prepared by the Cairo office explains the dilemma involved: "with shrinking resources and prioritisation exercises being implemented every year (..) UNHCR Cairo has no possibility to encourage self-reliance or to reduce dependency on UNHCR's already limited assistance".[10]

46. This statement is born out by the figures. Between 1997 and 2001 the total funds made available for RO Cairo's care and maintenance project CM/201 declined from US$ 2.34 million to US$ 1.49 million (see table 1), while the total number of refugees assisted at any one time increased from 4000 to over 5000. Taking into account that some 10% of the overall CM/201 budget covers agency support costs, this means that the average expenditure per refugee per year decreased from some US$ 500 to US$ 290 which amounts to a reduction of no less than 42%.

47. The consequences have been dramatic. Standard rates of assistance to refugees have been lowered significantly and the reimbursement of medical expenses has been halved; in the course of the year 2000 educational assistance had to be frozen for long periods and vocational training was discontinued altogether. Refugee families are facing eviction from their premises due to non-payment of rent, children have ceased to go to school or will be barred from taking exams unless they pay their fee; the chronically ill can no longer afford to their medication; and the already slim chances of obtaining self-reliance are further reduced by the discontinuation of training schemes. In addition, the allowances given to the stateless elderly refugees which RO Cairo has been supporting for some time have also had to be reduced by up to a third and their disbursement repeatedly delayed

[8] The project was intended to run in parallel with similar programmes targeted at needy Egyptians and could also have benefited Egyptian women living in the same neighbourhood.
[9] See fax ARECA/HCR/0229 of 24 August 1998.
[10] *1999 Protection Report*, RO Cairo, p.13.

which has given rise to particular hardship as this group has, as a rule, no alternative source of revenue of any kind.[11]

48. Altogether, one must conclude that while UNHCR made attempts to implement the self-reliance component of the policy on urban refugees in Cairo the results have been less than successful. The policy is meant to help refugees secure an independent source of income while reducing the financial burden on UNHCR. What happened in Egypt is that the organisation both lacked the funds to implement the policy **and** could not persuade the authorities to provide a legal framework for its implementation. Despite this it went on to reduce its care and maintenance expenditures drastically, with severe consequences for the refugees who are facing a life of increasingly desperate penury.

The refugees: between diminishing assistance and illegal employment

49. The true predicament faced by the refugees in Cairo can only be understood by examining in greater detail the unfavourable income and expenditure situation they are having to contend with.[12] To begin with, two observations of a general nature must be made. Firstly, it is important to the note that as far the Sudanese and the Somalis are concerned, there is no valid distinction between recognised refugees, asylum seekers and rejected cases when it comes to issues of livelihood. They tend to bond together in groups based upon family, kinship, tribal or friendship affiliation and dispose of their revenue in accordance with traditional custom and codes of honour. In some cases a veritable redistribution system has been observed whereby funds are collected to provide assistance to the poorest members of the group.[13] This means that available income often has to be very thinly spread.

50. The second observation relates to the fact that the cost of living for refugees, and indeed, foreigners in general is considerably higher than for nationals because they have to pay for rented accommodation in furnished flats which costs an average of US$ 140-170 per month. Those unable to secure such accommodation find themselves living in shanty-towns on the outskirts of the city where conditions are very poor indeed. Even here, however, rents are relatively costly: a windowless room in a dwelling under construction costs some US$ 18 per month.

51. The self-reliance study commissioned by RO Cairo in 1997 found that a refugee family of five persons would need to spend US$ 5,300 per year in order to cover the cost of rent, school fees, food and utilities. There are at present four different types of revenue which refugees may draw upon to cover this amount: assistance by UNHCR (which is limited only to recognised refugees); assistance from church groups (which is accessible to all those in need); remittances from abroad; and income from employment in the informal sector of the economy. A closer look at these shows that even the combined revenue of them all will rarely add up to the target figure.

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[11] This concerns some 140 beneficiaries most of whom are stateless Armenians who came to Egypt in the wake of the Armenian genocide. For a case study on their situation see Evaluation Report 01/98 (pp.47-49).

[12] A detailed survey of this kind designed by the Dutch economist T.Kuhlman is being planned under the tutelage of the American University in Cairo.

[13] This applies especially to Somalis who donate small amount of their monthly stipend to a common hardship fund (communication from CARITAS).

UNHCR assistance

52. This assistance which is provided through CARITAS[14] is intended to cover only a limited proportion of the cost of refugee households in Cairo. One can obtain a rough idea how limited it actually is by comparing UNHCR's average annual expenditure per refugee per year, i.e. US$300, with the estimated expenses faced by a family of five persons, i.e. US$ 5,300 (which, let us not forget, is based on prices of 1997!). On this basis UNHCR subsidises some 28% of the cost of refugee households. This is, of course, no more than a hypothetical average but it gives an insight into the challenge recognised refugees are facing in having to make a living in Cairo.

Assistance from church groups

53. Church groups in Cairo have become extremely active in recent years and have to some extent stepped into the breach by trying to make up for the decrease in UNHCR funding. However, their services benefit principally the Sudanese and other refugee groups are less likely to approach them. Also they do not provide monthly subsidies, with the sole exception of Coptic Church which distributes a minimal level of regular financial support (i.e. some US$3 per month) to the poorest of the poor living in one of the slum districts of Cairo. The other churches have co-ordinated their interventions, with each one specialising in certain activities which taken together are making a vital contribution in the medical, education and training sectors.[15] Their programmes are largely staffed by refugees and therefore provide valuable (though unofficial) job opportunities for them. However, even taken together their financial input is considerably less than what UNHCR has been able to provide.

Remittances from abroad

54. It is evidently impossible to put a figure to this amount but by all accounts remittances from abroad play an increasingly important role as a source of revenue

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[14] UNHCR financial assistance for refugees is principally administered through CARITAS which provides funding for household support, health, education and income generation. In this connection it should be noted that CARITAS has not only proved itself to be a trustworthy and competent implementing partner but that it is also unusually cost-effective. Administrative support costs covered by UNHCR are under 5% of the overall value of the project. Other, minor implementing partners of the UNHCR programme are the el-Nadim Centre for the Rehabilitation of Torture Victims, the Egyptian Family Planning Association and the church based NGOs discussed above.

15 All Saints Cathedral has an important medical programme but it also provides food and clothing distributions and runs a craft centre. The budgetary input collected through donations from various sources amounts to some US$200,000 per annum while the craft centre just manages to break even with an annual turnover of some US$19,000.

St. Andrews runs education programmes for adults and children which are partly geared to prepare students for integration into resettlement countries. It also organises vocational training in the craft production field. St. Andrews has the largest number of non-Sudanese beneficiaries and some 65% are Muslims. Their annual budget is some US$125,000 to which UNHCR makes a small contribution in the vocational training sector.

The Sacred Heart Church in the Sakakiny quarter is perhaps the most impressive operation. It runs a school for 1,000 Sudanese refugee children at kindergarten, primary and junior secondary levels which follows the Egyptian school curriculum and charges only nominal fees. There is also a women's support group and a tailoring workshop. The church performs an important function as a meeting place for Southern Sudanese and is usually the first port of call for newly arrived asylum seekers. In addition to Sacred Heart there are also smaller churches that run schools for Sudanese refugee children in the Maadi and Zaytun areas.

for the refugees. The increase appears to be related to the growing Sudanese and Somali Diaspora communities, in the Gulf States, Europe, North America and Australia. Resettlement has clearly played a major role in this process. According to the findings of Ms. S. Shanks, a scholar engaged in research on Sudanese refugee resettlement from Egypt to the United States, it is a matter of honour for the refugees to send a portion of their earnings back to their next-of-kin once they have found a job. While much of this money goes to meet basic subsistence needs, it is also utilised to pay for marriage ceremonies and finance the departure of sponsored relatives.

Employment

55. This has to be discussed in more detail as employment in the informal sector of the economy is the largest source of cash income for the refugees, despite the scarcity of jobs and the low wages they are able to obtain. Moreover, the fact that refugees are working illegally means that they are not protected by labour legislation and social security and are liable to be exploited by their employers. As a rule, they are expected to work long hours with little pay. Conflicts with employers (related to unpaid wages, allegation of robbery, sexual harassment etc.) often result in detentions which require the attention of UNHCR protection staff on an almost daily basis.[16]

56. Work opportunities differ significantly for men and women. The latter are able to find work more easily as domestic servants, house cleaners, baby sitters, or carers for elderly persons which provides them with an average wage of US$150 per month. For mothers with young children the need to go out to work often represents a serious problem as they have to leave their children to cope alone. Elder children have to look after the younger ones, in other cases small children are locked up in apartments for long hours. The churches have been trying to help by organising cottage industries (e.g. needle-work and basket weaving) which women can do at home but this is a very limited sector, marketing is difficult and the income is exceedingly low.[17]

57. Finding employment for men is far more difficult, especially in the skilled sector. Even men who have been trained in vocational skills such as car mechanics, electrical maintenance etc. often fail to find work in their field. Employers hesitate to recruit skilled staff who are working illegally and some have been fined or warned by the police to dismiss their illegal workers. The fact that the residence permit stamped on the Refugee Identity Card by the Ministry of Interior states that the holder is not permitted to work undoubtedly acts as a deterrent for potential employers. In addition, it is virtually impossible for refugees to set themselves up in a trade because they will have difficulty in finding enough customers in a society in which everything is run through personal contacts and insider networks.

58. As a result, men tend to work as daily labourers in unskilled positions which are particularly badly paid (e.g. some US$50 per month). There are those, however, who are able to build successful relationships with Egyptians and manage to obtain

[16] In July 2000 a refugee woman working as a domestic servant died in suspicious circumstances; despite intervention by UNHCR, no significant clarifications were obtained from the authorities.
[17] One group of women has set up a micro-enterprise aiming to market their needle work in the US through the intermediary of resettled relatives (communication by S. Shanks).

trusted and better paid positions. Some who are well educated may find employment in one of the church projects but many others have no income of any kind. This includes those who are unwilling to perform tasks which they consider demeaning compared to their former occupation.[18]

59. The job market situation in Cairo places gender relations under a high degree of stress. The women, especially the single mothers, are overburdened by their dual role as bread winners and carers while the men feel marginalised and disenfranchised by the limited openings available to them. This applies particularly to single young men of lower educational background who have no opportunity to engage in a meaningful occupation of any kind. They are frustrated and idle and liable to engage in disruptive activities. According to Father Cosimo (Head of the Sacred Heart Church), they represent a generation which has gone "completely astray", and securing work and training opportunities for this group must be seen as "absolutely vital".

An example

60. A Yemeni family which was among those visited for the purpose of this evaluation may stand as an example to illustrate both the employment constraints faced by the refugees and the long-term nature of UNHCR's care and maintenance commitment. The father is elderly, the mother chronically ill with arthritis and neither can work; they have two sons in their early twenties who have acquired basic vocational training diplomas in electricity and air-conditioning maintenance. However, due to the employment restrictions neither has been able to find a skilled job; one now works as an occasional labourer polishing marble, the other does a daily 12 hour shift as a bakery assistant. Their combined monthly wages add up to some US$100. The family cannot survive on this income despite the fact that their rented accommodation is unusually cheap, costing only US$72 a month. They therefore have to rely on the monthly grant of US$100 supplied by UNHCR through CARITAS. Considering the cost of living, the latter is a minimal amount, especially as the mother is in need of a regular supply of medication and UNHCR now reimburses only half her medical bills.

61. The situation of this family underlines the serious impact of the prohibition to work on the long term prospects of refugees in Egypt. Even the fact that they are Yemenis, hence culturally and ethnically close to the locals, has made no difference to their plight. As a result, the young men, despite being clearly intelligent and able, have no realistic possibility to secure a viable future for themselves and their family in Egypt. Asked what they would prefer to do they replied that they would like to obtain an advanced vocational training qualification in their field as this might improve their employment prospects here or abroad. However, as foreigners they would have to pay fees of US$480 per year in hard currency; there are no scholarship opportunities available for them nor does UNHCR provide this type of support any longer. As a result, both UNHCR and the refugees are caught in a poverty trap. The organisation does not have the resources to help the young men obtain the qualifications which they need, it cannot persuade the government to grant work-permits, nor can it withdraw its assistance for the foreseeable future because this would render the family homeless and destitute.

[18] The fact that Sudanese professional qualifications are, since 1995, no longer recognised in Egypt further restricts access to employment opportunities.

Dependency or legitimate reliance?

62. The above survey of refugee income and expenditure, however cursory, provides grounds for a number of conclusions. Considering the lack of jobs, the low wages and the limited degree of support provided by UNHCR and the churches, the majority of households are clearly unable to secure an adequate livelihood, even with a combined income from several sources. Hence they save on rent by living in overcrowded premises (up to 20 in a three bed-room flat), and are increasingly unable to pay for their children's education. The churches estimate the total number of children without schooling to be around 2000. While the majority of these are likely to be children of asylum seekers, according to CARITAS a substantial number of children from families supported by UNHCR are also affected since they do not have the funds to make up for the short-fall in the education grant.

63. Somali children are perhaps facing greater problems than the Sudanese as there are no special schools available for them. Home visits show that families are also having to economise on food, with many children looking thin and undernourished. The overcrowding and the poor diet affect the health condition of the refugees who appear to be suffering from disproportionately high levels of ailments and psycho-somatic disorders. Last but not least, refugees have been known to get involved in illegal activities such as alcohol brewing and prostitution in order to make a living; it is said that some have even resorted to selling their organs.

64. Secondly, if self-reliance is an exceedingly difficult objective to achieve in currant circumstances, it is downright unattainable when the head of household is ill or unable to work, or in the case of isolated families or elderly individuals who do not benefit from wider community support or from remittances from abroad. In keeping with the policy on urban refugees, RO Cairo has engaged in a screening exercise for long stayers in order to verify the appropriateness of continuing care and maintenance assistance for this group. A total of 344 cases who had been on the books for more than five years were reinterviewed and in 90% of them the need for further financial assistance was confirmed, albeit at revised levels in certain cases.

65. The above considerations lead to the third point, namely the need to rethink the meaning of the term "dependency" in a situation such as the one found in Cairo. The term has pejorative overtones and suggests that the assistance provided by the Office acts as a disincentive for refugees to take the necessary initiative so to become economically independent and self-supporting. The reality is otherwise. Most refugee families, in particular the women among them, are forced to use all their ingenuity and resilience to make up for the short-fall between the little that UNHCR provides and what they actually need, while others would wish to do more but are deprived of the opportunity to do so. Instead of "dependency" in the negative sense of the term we have a situation that may be called "legitimate reliance" on assistance from the international community since the conditions in which the refugees find themselves do not provide them with a durable solution and *de facto* prevent them from making a living on the same terms as nationals of the host country.

Sudanese refugees in Egypt

66. Refugees from 26 countries are currently registered at RO Cairo (see table 2) and the distinct set of problems faced by these nationalities goes beyond the scope of this report. However, a special word has to be said about Sudanese refugees and

asylum seekers, not only because they are continuing to arrive in large numbers and now constitute the most important group, but also because it has on occasion been assumed that they face less difficulties than the other refugees due to the long-standing presence of a large Sudanese community in Egypt and the close ties between the two countries. As a result, the need for UNHCR involvement in status determination and assistance provision for this group has sometimes been questioned.

67. It is a fact that Sudanese in Egypt have for long enjoyed a status close to nationals on account of a number of bilateral agreements, the most recent being the Nile Valley Agreement of 1976 which inter alia allowed for free movement of goods and people across the common border. In these circumstances UNHCR did not involve itself in screening Sudanese asylum seekers until March 1994 when the Egyptian Government requested the Office to undertake this task with a view to assisting the neediest among them lest they "engage in activities incompatible with law and order or get mobilised by organisations advocating violence".[19]

68. The status quo changed radically, however, following the assassination attempt on President Hosni Mubarak when the Egyptian authorities, on 8 July 1995, closed the border and imposed visa and residence permit requirements on Sudanese who entered the country after that date, while those resident in Egypt were subjected to increased security checks. The status of Sudanese was thus rendered akin to that of foreigners and Sudanese asylum seekers and refugees found themselves to be in the same position as those from any other country, i.e. they are not allowed to work.

69. In November 1995, UNHCR hired a number of consultants to clear a backlog of some 3,000 asylum seekers most of whom were Sudanese. More than 60% of the accepted cases[20] were former internally displaced persons from war-affected areas in Southern Sudan, the rest included many refugees-sur-place who were accepted for reasons of political affiliation. Thereafter the number of Sudanese applicants decreased somewhat until the summer of 1998 when new asylum seekers from the Sudan suddenly began to arrive at the rate of some 200-500 per week, a figure that has hardly abated since.

Push and pull factors

70. The opinion has often been voiced that the hope for resettlement opportunities which have become more widely available in Cairo since 1998 is now the main reason which draws Sudanese asylum seekers to Egypt. This question was extensively discussed with virtually all interlocutors met during the evaluation mission. The overwhelming consensus was that while resettlement does act as a pull factor to some extent, the influx is prompted primarily by deteriorating conditions in the country of origin, combined with the lifting of travel restrictions. The main factors were described as follows:

- the continuation of the war in the South which led to major enforced population displacements in several regions during 98-99; many of the victims moved North to Khartoum and onwards into Egypt.

[19] *Sudanese and Somali Nationals in Egypt,* RO Cairo, 1997, para 2.3.1.
[20] At the time only 15% of the applicants obtained refugee status; subsequently a considerable number of these cases had to be re-examined and were granted refugee status upon appeal.

- the deteriorating situation in the displaced persons camps around Khartoum, brought about by the closure of church and school facilities in 1998, an increased fear of security controls and army recruitment drives, as well as worsening economic prospects.

- better and cheaper transport links to Wadi Halfa in Northern Sudan, combined with the relative ease with which Sudanese passports, exit visas and Egyptian entry visas have become available since 1998.

- the hope to find better conditions in Egypt with the help of the charitable facilities run by various churches, the protection space and the assistance provided to recognised refugees by UNHCR and the support extended by fellow nationals and family networks.

71. By 31 December 2000, the total number of Sudanese refugees registered at RO Cairo amounted to 2,833; this, however, is only the tip of the iceberg. RO Cairo currently has a backlog of some 10,000 persons left to screen who are facing waiting periods of over a year. In addition, a large proportion of the rejected applicants - some 15,000 over the last three years - have not left Egypt and continue to remain in Cairo as illegal aliens. Considering these figures, the All Saints Cathedral's estimate of 27,000 asylum seekers in Cairo with 60% being Sudanese is quite convincing.[21]

The dilemma for RO Cairo

72. Having witnessed the situation of Sudanese asylum seekers and refugees in Cairo this evaluation has come to two main realisations. The first one is the unquestionable necessity of the protection space provided by UNHCR through the refugee status determination process and the issue of Refugee Identity Cards. With the increasing numbers of Sudanese residing illegally in Egypt security checks and detentions have become more frequent. Refugees and asylum seekers have also found themselves under pressure from the Sudanese Embassy which has reportedly confiscated or refused to renew travel documents. UNHCR has successfully intervened with the authorities in favour of refugees and asylum seekers on its record who found themselves in detention and has thus been able to prevent several cases of refoulement[22]. There is clearly a need for UNHCR to continue exercising its protection function in the current circumstances.

73. The second realisation concerns the need to make a clear distinction between the integration potential of Northern and Southern Sudanese refugees in Egypt. Northerners have long been a familiar presence for Egyptians with whom they share linguistic, cultural and religious ties. The same cannot be said for the Southern Sudanese. They have an entirely different ethnic, cultural and religious background and generally feel alien in Egypt. Moreover, they feel vulnerable because they are easily identified and there have been allegations of harassment and discriminatory treatment. This means that the long-term prospects of Southern Sudanese refugees in Egypt, their motivation to integrate and with it their chances of securing an acceptable level of self-reliance, are considerably lower than those of the

[21] Situation report dated October 2000; this figure includes recognised refugees and rejected cases.
[22] According to all accounts, only three deportations of asylum seekers registered with UNHCR have so far occurred.

Northerners. To this must be added the fact that their presence in Egypt in large numbers has, in the longer term, the potential to upset the delicate inter-confessional balance in the Cairo neighbourhoods where they reside or congregate. For these reasons the only viable durable solutions for this group must be resettlement or voluntary repatriation.

74. By comparison to the Southern Sudanese the Somali refugees are, relatively speaking, in a slightly more favourable position. Having mostly arrived in the early 90s and being far fewer in number, the Somali refugee community is, on the whole, better established and better housed. Until September 1999, Somali asylum seekers were given prima facie recognition by UNHCR and thus did not have to face long waiting periods for status determination reasons. Moreover, the authorities have always maintained a supportive position towards Somali nationals and no cases of security harassment and deportation have been reported for some years. Last but not least, the Somalis enjoy a level of acceptance from the local population for cultural and religious reasons. However, while an integration potential thus clearly exits, the fact remains that, for as long as the policy of the government remains unchanged, Somali refugees also need to look beyond Egypt for a durable solution to their plight.

75. There is no doubt that, in numerical and protection terms, it is the Sudanese that represent by far the biggest problem for RO Cairo at the present time. Altogether the Office is in an unenviable position. It has neither the staffing resources to deal adequately with the demands placed upon it by the asylum seekers nor does it have the financial resources to implement an assistance programme that goes beyond providing a minimum level of care and maintenance. Considering the diminishing means at the disposal of the Office as well as the poor integration prospects in Egypt, resettlement appears to be only humane and viable solution for the refugees under its care. The processing of resettlement cases, however, in itself makes additional demands on the already overstretched resources of the Office. The situation is compounded by the fact that Headquarters and the field appear to differ in their views concerning future strategies to be adopted by RO Cairo.

76. RO Cairo thus finds itself in a no-win situation: it is criticised for running a care and maintenance operation when it has no means to do more than that; it is berated for devoting so much of its energies to resettlement when this the only viable solution it can offer to the refugees; and it is censured by the refugees themselves for the long delay in screening their applications when it has no means to accelerate the process. This situation places a serious strain both on the staff of the Office and its implementing partner CARITAS, and their attempts to discharge their responsibilities despite progressively diminishing resources can only be described as admirable.

77. There is clearly a need to find a consensus for the future direction of the programme. The key issue at stake is the question how to combine resettlement and local integration approaches in a manner that serves the best interests of the refugees and has the full support of the Egyptian authorities. Without a major improvement in the funding situation, however, the amount of real progress that can be achieved is likely to be seriously curtailed.

Individual case management

78. RO Cairo has to deal with one of the largest number of individual cases of any UNHCR Office (see tables 2 and 3). In order to do so in a fair and expeditious manner, detailed eligibility guidelines as well as interview and appeals procedures have been established which are regularly updated and discussed with the staff-members concerned. These are outside the terms of reference of this evaluation and will not be examined here. A protection oversight mission has been planned for some time to address these and other related issues concerning the refugee status determination procedure at RO Cairo. Considering the serious protection staffing constraints in the Office, this mission should be undertaken at the earliest convenience.

79. What is of relevance to this evaluation, however, are the criteria used to provide assistance to individual cases, in particular asylum seekers and irregular movers, which are also the subject of guidelines set out in the policy on urban refugees. In addition, mention is also made of rejected cases whose number and precarious position has given rise to some concern.

Asylum seekers

80. The urban policy recommends that UNHCR should only provide assistance to asylum seekers "if no other sources are available and if the asylum seeker would otherwise be unable to meet minimum needs"; specific needs resulting from the circumstances of flight, such as health care and trauma counselling should, however, be met. In keeping with these recommendations, RO Cairo does not provide assistance to asylum seekers since they may be able to obtain a basic level of support from the charities run by the churches[23]. While this is in principle fully acceptable, a serious problem has evolved as a result of the long period asylum seekers have to wait in order to have their cases heard. It now amounts to over a year, and the occasional hardship grants and food distributions provided by the churches are clearly insufficient to sustain asylum seekers for such a long time.

81. The long waiting period adds to the material hardship of the refugee community as a whole as the destitute asylum seekers often depend on the scarce and progressively diminishing resources of the refugees recognised and assisted by the Office. In order to help the most vulnerable cases, RO Cairo has introduced fast-track procedures for groups such as single mothers, elderly above 60, security cases and documented victims of torture, but the impact of this is limited to some 15 case per week, a small proportion of the total number of applicants[24]. Moreover, many asylum seekers fail to renew their residence permits for a variety of reasons, including fear of being sent back. As a result, increasing numbers have been detained for illegal residence since the beginning of 2000. Thanks to the intervention

[23] Referral procedures for victims of torture and violence have, however, been put in place.
[24] In January 2001 for instance, RO Cairo received 1,100 asylum applications involving 1,600 persons.

of UNHCR very few cases are known to have been deported, and the UNHCR appointment slip is normally recognised as evidence of protection needs. Moreover, RO Cairo is currently negotiating the issuance of a registration card for asylum seekers which would be supplied with a temporary residence permit by the authorities.

82. The waiting period currently faced by asylum seekers can only be described as excessive, despite RO Cairo's efforts to address and improve their protection situation. Most are living in a permanent state of penury, anxiety and stress and it has been pointed out on more than one occasion that only the presence of Egyptian security forces at the UNHCR Office and the fear of arrest and deportation is preventing them from engaging in demonstrations and open protests. In order to reduce the backlog, RO Cairo has, since March 2000, urgently requested the provision of one-time staffing support from the Division of International Protection. By the time this mission took place, this had not been granted, however, because of concerns that upgrading the processing capacity of the Office temporarily would not solve the problem in the longer term but only bring about an added influx of asylum seekers and a renewed backlog.

83. Judging by the European experience, however, this is a logic which appears to be flawed. Deterrence measures such as exposing asylum seekers to long periods of uncertainty and deprivation have been shown not lessen their influx, nor do accelerated status determination procedures increase it significantly. Moreover, the extent to which UNHCR provides protection to refugees should not be determined by pull-factor considerations. It should also be taken into account that the build-up of a large pool of unassisted asylum seekers undermines the goal of the policy on urban refugees as it reduces the self-reliance potential of recognised refugees who need to use their meagre resources to support the rest.

84. A particularly important consideration in this context is the expected take-over of the Refugee Status Determination procedure by the Egyptian authorities which is foreseen for 2002. As the procedure should be handed over without a significant backlog UNHCR might seek to come to an agreement with the authorities to fix a hand-over date, on the understanding that the Office will, by this time, have cleared the backlog. Such an agreement will provide a clear planning horizon which would facilitate the commitment of sufficient staffing resources to RO Cairo and provide an incentive for the authorities to assume responsibility for the RSD procedure. Should the authorities not be willing to commit themselves to a hand-over date UNHCR should, as soon as possible, take unilateral action to strengthen the processing capacity of RO Cairo.

Irregular movers

85. Some 300 cases registered at RO Cairo are classified as irregular movers. Most of them are Somalis who proceeded to Egypt from Yemen, Sudan or Libya.[25] They are treated in accordance with a standard operating procedure which the Office has devised. The document utilizes the definition of the term irregular mover adopted by the UNHCR policy on urban refugees issued on 7 May 1997 which covers both refugees who had found protection in a third country as well as those who

[25] Since the deterioration of the protection situation of African refugees in Libya in 1999/2000 arrivals from that country are no longer classified as irregular movers.

could have found such protection. While the revised version of the urban policy issued on 12 December 1997 applies the term only to those who had found such protection, RO Cairo has maintained the earlier definition since it is frequently faced with asylum seekers who failed to find protection in third countries because they made no attempt to obtain it for their own personal reasons. This is a policy area which requires greater clarification.

86. Altogether, the guidelines prepared by RO Cairo make a number of highly pertinent proposals and may thus form a useful basis for refining the guidelines contained in the urban policy. The document is therefore annexed to this report. The most important points it raises are the following.

87. Transit: refugees who have stayed for less than two weeks in a third country should be deemed to have been in transit and should not be considered as irregular movers; however, considering the distances, the poor transportation networks in the region, the limited financial means of the refugees and the vicissitudes of travel they may encounter, the duration of the transit period should not be subject to a fixed limit; the main issue at stake must be whether the asylum seeker had a valid reason not to remain in the transit country.

88. Reason for movement: refugees who come to Egypt from a third country for reasons of family reunification or urgent medical treatment should not be considered as irregular movers. In this context, this evaluation recommends that the same consideration should also be given to refugees who had to interrupt their education in their country of origin and who are unable to continue it in their country of first asylum but may be able to do so in Egypt (or another third country). However, in order to reduce the incentive for irregular movement for educational reasons, it would be better if such cases could be referred to RO Cairo from other UNHCR Offices in the region as was the case with Eritrean and Ethiopian refugees during the 1980s.

89. Assistance: assistance to irregular movers should normally be limited to trauma relief, medical and educational assistance; however, in cases where the protection situation of women, children or the elderly is under threat, additional types of assistance may be provided on a case by case basis.

90. Resettlement: in keeping with the urban policy, irregular movers should not be presented for resettlement; exceptions should only be made for cases where members of the same family are not regarded as irregular movers or where resettlement has life-saving implications for medical or security reasons; in the view of this evaluation this should also apply to cases who have relatives in resettlement countries whom they wish to join for family reunification purposes. In order to reduce the incentive for irregular movement, UNHCR should do the maximum to ensure that resettlement opportunities are more widely available in the region.

91. Return to first country of asylum: in cases where irregular movers are able and willing to return to their country of first asylum UNHCR should have an expeditious procedure to finance their return travel; costs should be chargeable to the voluntary repatriation fund.

92. De-classification: refugees who cannot be readmitted to their first country of asylum should be de-classified as irregular movers after a period of two years and then be able to benefit from normal assistance entitlements as well as resettlement;

for those among them who have been detained the declassification period should be waved altogether. This is particularly important as the lack of such a provision leaves the refugees concerned in an open-ended limbo situation; clearly, no UNHCR policy should permanently jeopardise the chances of refugees to find a durable solution. It is, however, in the interest the Office to keep the knowledge of such a declassification procedure confidential.

93. None of the points noted above are in contradiction to the policy on irregular movers but they provide for its implementation in a manner which takes account of UNHCR guidelines on women, children and the elderly as well as family reunification and does not lose sight of the fact that the primary objective of UNHCR must remain to seek a durable solution for refugees no matter where they are.[26] This should be clearly stated in any revised version of the policy in irregular movers.

94. In conclusion, the author of this evaluation cannot but express his sense of unease at the use of the term "irregular movers" to describe the refugees in question. First of all, it should be remembered that the key text on the subject, EXCOM Conclusion 58 (XL) of 1989, uses the term "irregular" only to describe the unlawful manner in which such refugees and asylum seekers often seek to enter third countries: "without prior consent of the national authorities, without an entry visa, with no or fraudulent documentation" etc. The urban policy takes up this point by describing irregular movement as taking place "without the consent of the authorities concerned"; however, it then adds the somewhat contradictory proviso, that such "such movement may or may not have been legal: the key consideration is rather whether or not the refugee had found protection" (para. 13).

95. Extending the term "irregular mover" indiscriminately to all refugees who leave a first country of asylum where they have found protection, as has become common practise, results in labelling them, rather unjustly, with a term that has pejorative overtones. What is "irregular" about people who seek to leave an often de facto hopeless situation in a camp or slum, in order to seek a better future through education, employment or resettlement? It is clear that for practical reasons UNHCR may not be able to assist them in their quest, but the Office should avoid the use of terminology which stigmatises such refugees as being somehow deviant. The phrase has become deeply engrained, but a reformulation of the policy on urban refugees may provide the opportunity to introduce a more neutral term. "Onward movers", for instance, would be more descriptive and does not suggest that the refugees concerned have been in breach of rules or regulations.

Rejected Cases

96. The majority (between 60% and 70%) of Sudanese asylum seekers have their application for refugee status rejected[27]. A large number, many thousands of them,

[26] A pertinent example is the case of a refugee in Cairo who wanted to move to Syria as he might be able to find employment there; he chose not to do so, however, for fear of losing all assistance entitlements from UNHCR since he would be declared an irregular mover. This shows that the policy can, in certain cases, positively dissuade refugees from seeking to attain circumstances where they might become self-supporting. There is a need for UNHCR to show flexibility in situations of this kind; this should also be acknowledged in the formulation of the policy. In this particular case RO Cairo and OCM Damascus agreed to the transfer and the refugee is currently being assisted in Syria.

[27] It should be noted that RO Cairo has an appeals procedure for rejected cases; however, due to staffing constraints it can take many months for appeals to be processed.

choose not to return to the Sudan but remain in Cairo where they reside in complete illegality while often sharing accommodation and livelihood with recognised refugees. As far as UNHCR is concerned, rejected cases do not benefit from its protection and they are hence liable to arrest and deportation at any time; the urban policy makes no mention of this issue.

97. However, several NGOs representatives and academics interviewed in Cairo expressed concern about the plight of the rejected cases many of whom they consider to be in a refugee-like situation, especially to former IDPs who often claim that they cannot return to the Sudan because their security would be in danger. There was also some degree of bafflement at the fact that such persons should be subject to a strict refugee status determination procedure in Egypt while they are given prima facie recognition as refugees in Kenya.

98. Taking account of these concerns, an earlier draft of this report recommended the introduction by the Egyptian authorities of a B status under which former IDPs would be granted exceptional leave to remain in Egypt for a limited period for humanitarian reasons. They would thus be able to legalise their status and obtain a minimum of security and protection. However, doubts were expressed about the validity of this proposal and it was pointed out that the majority of former IDPs who approach the Cairo Office had spent long periods of time in IDP settlements around Khartoum where they could be said to have benefited from an internal flight alternative. Many come to Egypt as economic migrants and their situation cannot be compared to those who flee directly from a war zone to a neighbouring country, such as those who seek refuge in Kenya. A refugee status determination procedure is therefore warranted.

99. The difficult situation faced by many rejected cases in Cairo is undoubtedly an issue of humanitarian concern. However, it has to be recognised that the responsibility of UNHCR should only extend to those persons who have been able to establish a need for international protection within the scope of its Mandate. Taking up the cause of rejected cases may only result in weakening or diluting the quality of protection provided to recognised refugees and should be left to other actors. In this context it is heartening to note that the assistance provided by church-based NGOs in Cairo does not distinguish between accepted and rejected cases.

Recommendations

100. A protection oversight mission should proceed to RO Cairo in order to examine the issue of protection staffing constraints, review the current status of the eligibility determination procedure and its transfer to the Egyptian authorities, and devise a longer term protection policy.

101. In order to reduce the backlog of asylum seekers at RO Cairo, the processing capacity at the office should be strengthened with immediate effect through the assignment of staff on mission and/or the recruitment of additional local staff.

102. Irregular movers unable to return to their country of first asylum should be declassified after a period of two years and be eligible for normal assistance entitlements including resettlement.

Resettlement from Egypt: durable solution or protection tool?

103. The number of refugees resettled from Egypt has increased significantly in recent years. From only 196 persons in 1997 the number rose to 2,479 in 1999 and to over 3,000 in the year 2000, though this increase has not kept pace with the number of new registrations (see table 3). Most of them are of Sudanese origin and the relative ease with which they have been able to integrate into their new homes has increased the willingness of resettlement countries to receive them. The great majority (88% in 2000) depart to the USA which has also accepted Somalis and other nationalities, while a lesser number proceed to Australia (8%) and Canada (4%).

104. Processing such a large number of resettlement cases has come to dominate the workload of RO Cairo and the situation has led to a vivid debate about the role of resettlement as a solution in Egypt and the Middle East in general[28]. This is reflected in action plan endorsed by UNHCR Headquarters for the year 2000 which is somewhat ambivalent on the subject. "The use of resettlement opportunities", it says, "has to be balanced (...) with more efforts being made in the promotion of other solutions". While UNHCR will "endeavour to meet the current resettlement targets (...), no new increased quotas should be negotiated and clear messages should be conveyed to resettlement countries that UNHCR's promotion of this solution will remain closely linked to its local and regional protection objectives". The suggestion seems to be that resettlement should remain primarily a protection tool and that its expanded use as a durable solution for refugees in Egypt is likely to lessen the possibility of securing a more generous asylum and local integration regime. Moreover, fears were expressed that the existence of generous resettlement opportunities might be acting as a pull factor and draw asylum seekers to Egypt in increasing numbers.

105. Since the issue is of such importance for the Cairo programme and has evident repercussions on the implementation of UNHCR's policy on urban refugees it has been discussed in some depth with all interlocutors met for the purpose of this evaluation. The following provides a brief summary of the views expressed by the government and the embassies of resettlement countries, as well as a discussion of the pros and cons of resettlement from Egypt.

The government perspective

106. Government interlocutors met by the mission unanimously viewed the current resettlement programme as an essential form of burden sharing and considered that its benefits (in providing a way for refugees to leave Egypt)

[28]In this context it is interesting to note that the 1994 Evaluation Report on resettlement dwells at some length upon the difficulty UNHCR has often experienced in reaching an internal consensus on the subject: "a significant impediment to the consistent and effective implementation of UNHCR policy on resettlement is the high divergence of views among UNHCR staff themselves" (para 27).

outweigh its drawbacks (namely the pull-factor which it is likely to represent)[29]. The Head of the Refugee Department in the MFA clearly supports this option and even stated that the number of refugees currently being resettled from Egypt was in her opinion too low.

107. In the light of the importance the Government attaches to the burden-sharing element of resettlement it would seem advisable to seek an assurance from resettlement countries to the effect that governmental concessions in the domain of local integration would not entail an automatic reduction in admission quotas. The likelihood of such reductions is certain to be counterproductive and may act as a further disincentive to a more generous asylum regime. Considering also Egypt's economic and demographic constraints resettlement quotas in Egypt should, if anything, be increased but certainly not reduced.

108. It is, therefore, recommended that UNHCR should engage in joint consultations with resettlement countries and the Government with a view to establishing a burden sharing agreement under which resettlement quotas would be maintained or increased, on the understanding that Egypt would give favourable consideration to job placement and micro-credit schemes for refugees who cannot or do not want to be resettled (often for cultural or religious reasons)[30]. A further positive signal in this context would be an assurance, supported by major donors, that UNHCR would continue to provide support for destitute refugees in Egypt as and when needed.

The resettlement countries

109. Discussions with concerned officials in the embassies of Australia, Canada and the USA revealed a high degree of unanimity on the subject. They all expressed their appreciation for the considerable workload accomplished by RO Cairo in processing such a large number of cases and realised that the Office was doing its utmost in the circumstances. They noted, however, that they still had unused capacity and declared that they would be willing to discuss ways in which they could assist RO Cairo in dealing with the work involved. As a result of initiatives taken by the RO, the US Immigration and Naturalisation Service recently agreed to process resettlement applications in Lebanon and Yemen, which is likely to reduce the pressure on Cairo and deflect the flow of irregular movers.

110. UNHCR should do its best to take advantage of the supportive attitude of resettlement countries in order to strengthen the resources of RO Cairo and address the current state of affairs which is far from satisfactory. It cannot be right that the burden of resettlement work is preventing the Office from engaging more in other domains such as local integration, nor is it acceptable that resettlement places are lost while thousands of asylum seekers are having to wait for over 18 months to have their cases heard by the Office. While it goes without saying that the existence of resettlement quotas should have no bearing on the acceptance rate of the refugees, it

[29]Both the MFA and the US Embassy confirmed that the opposition to resettlement which the government had communicated to the Assistant High Commissioner in January 2000 resulted from a misunderstanding. It seems that confusion had arisen between the US resettlement quota for Egypt for the year 2000 (3,000 persons) and the global figure (75,000 for 1999 and 85,000 for 2000).

[30]This suggestion is line with the global policy recommendations expressed in the paper *Resettlement - Protection tool and durable solution*, UNHCR Resettlement Section, September 2000, paras 26-28.

is clearly in the interest of refugee protection that the waiting period faced by asylum seekers should not be as long as is presently the case[31].

111. In order to lessen the burden on the Office, it is recommended that RO Cairo should seek to obtain added resources from resettlement countries through arrangements such the secondment of staff, the provision of special sector funding or the renewal of the Middle East Resettlement Programme (MERP); further attempts should also be made to negotiate easier access to resettlement opportunities in the region by opening other processing stations.

Resettlement and family unity

112. This is an issue which looms large in the processing of resettlement applications by RO Cairo. Guidance on the principle involved is provided by the Conclusion on the Protection of the Refugees' Family adopted by the Executive Committee in 1999 (No. 88 (L)). It underlines, inter alia, the need for the unity of the refugees' family to be protected by "the consideration of liberal criteria in identifying those family members, which can be admitted, with a view to promoting a comprehensive reunification of the family".

113. This phrase is given added force by the fact that it is a reaffirmation of a principle sanctioned by the Executive Committee already in 1981 (see Conclusion 24 (XXXII), 5). It is of particular relevance for refugees from traditional societies such as Somalia and Sudan where the extended family system remains a living reality. For them, the ties between adult siblings, uncles, aunts and grand-parents are as important as those between parents and children.

114. In such cases the principle of comprehensive family reunification can present a dilemma for purposes of resettlement since it is clearly not possible for UNHCR to adopt a fast-track procedure for all extended relatives of a resettlement applicant. However, the Office should act in the spirit of the EXCOM Conclusion by making every effort to process grand-parents, parents and children as one consolidated case and avoiding the break-up of family unit to the maximum extent possible. The same should apply to resettlement counties.

115. In this respect it is regrettable to note that in the course of 2000 some 100 cases presented by RO Cairo were rejected by resettlement countries because of their narrower interpretation of the concept of family unity. The complexities involved in this emotive issue warrant the conduct of a more detailed study of these and other similar cases, with the aim of devising concrete proposals that might facilitate the resettlement processing of extended families.

The pros and cons of resettlement from Egypt

116. The issue whether resettlement is, as a matter of principle, a desirable solution for refugees in Egypt was discussed extensively in the course of the evaluation mission. While, from a UNHCR point of view, protection considerations are perhaps the only valid criteria to judge this question, it is useful to examine it also

[31] To complete the picture it should be noted, however, that once cases are recognised, resettlement processing can be completed in three to four months which is remarkably fast. This also results in keeping the period during which refugees benefit from monthly allowances to a minimum.

from a wider perspective by taking account of economic and cultural aspects relating to the well-being and aspiration of the refugees.

117. The case against resettlement is a strong one. Not only does it act as a pull factor (though not to the extent that has sometimes been suggested, see above) but it may also reduce the inclination of refugees to make the effort to strike root in Egypt. Moreover, it has been found to have a negative impact on scolarisation and tends to deprive the refugee community of its ablest and most educated members. As a result, aid projects run by the churches suffer from a high turn-over of staff and are constantly having to retrain people. Added to this are the arguments advanced by some that it may not be in the long-term interest of the refugees to find themselves compelled to integrate into an entirely alien social and cultural environment and that they have more to gain from staying in the region.

118. According to the available evidence, however, the reality of refugee life in Cairo mitigates strongly in favour of maintaining the resettlement option. As noted above, local integration is not possible nor does UNHCR have the funds to provide adequate support locally at this stage. Resettlement is, in fact, the only concrete solution the Office has to offer at the present time; it also happens to reduce the financial assistance burden on UNHCR. In addition, the formation of strong Diaspora communities in countries of resettlement is a significant element which must be taken into account in this discussion. Not only do these communities create, to an increasing extent, a home away from home for the displaced by providing cultural and religious continuity and a social support network, but they have also become an important source of financial support for those left behind in countries of first asylum and origin[32].

119. In Cairo this effect is palpable as the number of refugees receiving remittances from relatives abroad appears to have risen in line with the increased resettlement departures (though much outside support also comes from relatives in the Gulf countries). Finding employment in countries of resettlement thus enables refugees to help each other and reduces their reliance on the support of the international community.

120. In the light of these considerations the conclusion is inescapable that from the point of view of assistance, as well as in the interest of furthering a better asylum regime in Egypt, the verdict must be resoundingly in favour of maintaining resettlement as a durable solution for refugees in Cairo for the foreseeable future.

Recommendations

121. A burden-sharing agreement should be negotiated between UNHCR, the Government of Egypt and major resettlement countries to the effect that resettlement places for refugees in the ARE will be maintained and expanded in the next five years; local integration opportunities, including legal access to employment and the inclusion of refugees into suitable development programmes, will be made available on a case-by-case basis to those unable or unwilling to be resettled.

[32] See for instance I.I.Ahmed, 'Remittances and their Economic Impact in Post-war Somaliland', *Disasters* 24, 4, 380-99, 2000.

122. UNHCR should approach resettlement countries with the aim of making resettlement opportunities more widely available in the African and Middle Eastern region; seeking financial and / or administrative assistance so as to upgrade the resettlement processing capacity of RO Cairo.

123. A study of the problems involved in the resettlement processing of extended families should be conducted at RO Cairo, with a view to developing proposals so as to avoid, to the maximum extent, the break-up of such families.

Towards a more effective self-reliance strategy

124. In order to enhance the self-reliance potential for those refugees who cannot or do not wish to be resettled, a reorientation of the current care and maintenance programme may be envisaged which UNHCR should seek to implement by soliciting the support and cooperation of the host government, the donors and the refugees.

A reoriented programme

125. While the need for continuing UNHCR assistance in Cairo is quite evident, the question must be asked to what extent it can made more effective in promoting self-reliance, even despite the existing constraints. At present 60% of CM/201 funds go towards domestic support, only 10% towards education and 1% towards vocational training. These proportions indicate that the present programme is too much geared towards subsidising the status quo and too little towards fostering the refugees' capacity to run their own lives. The open-ended commitment this can bring about has been illustrated with the example of the Yemeni family discussed above. A case could be made to reprioretise the programme in line with the following three key objectives:

126. Maximise the existing earning potential of the refugees by providing targeted support for women and working mothers. Women are the most effective bread-winners as they have the possibility to find work in the domestic sector. However, many are in need of facilities to care for their children while they are out at work, and their earning potential in this field could be enhanced by the provision of training in domestic, nursing, and housekeeping skills. These are activities which could be neighbourhood based and largely run and staffed by refugees themselves under NGO supervision, thus providing further job opportunities in the informal sector of the economy. Such an initiative could also include the provision of recreational facilities for older children, a need that has been frequently raised.

127. Promote the refugees' self-reliance potential through a much expanded education and training input. This means ensuring that all refugee children have access to primary schooling as well as providing a greater degree of support for secondary and tertiary education, both through the provision of scholarships and through building on current initiatives to obtain government permission for refugees to attend state schools[33]. Special attention must be given to children who have been out of education for several years and who cannot easily be integrated into normal educational streams. In order to achieve these objectives, UNHCR education grants should be substantially increased and more support should be provided to church-run schools as well as to state school willing to accept refugees.

[33] Latest developments indicate that permission for this has now been granted. This must be seen as a major break-through which may be tantamount to a lifting of Egypt's reservation under article 12.1 of the 1951 Convention. The practical modalities will, however, require further lengthy discussions.

128. Provide ongoing support only for the elderly, the disabled and the chronically ill. In order to fund at least part of the recommended increase in educational and training expenditure, RO Cairo may wish to examine the possibility of limiting continuing care and maintenance assistance only to the lone elderly, the disabled and the chronically ill. This could hardly be introduced retroactively but might be considered for newly registered cases. Families with children as well as individuals in training programmes would not have to suffer short-falls as they would receive higher education grants. Such a procedure would make the bulk of the assistance provided target-oriented, and limit the incidence of open-ended payments; it would also obviate the need for periodic means testing of those receiving domestic support, which is in practise a very onerous task that exceeds the monitoring capacity for the implementing partner.

Government support

129. While the income generating potential of refugee women in the domestic sector can be enhanced as of now, even a reoriented assistance policy will not succeed in promoting self-reliance for refugee men as long as they have no legal access to employment. The burden sharing agreement proposed above may provide an opportunity for the Government to show a greater degree of flexibility in this area. For political and economic reasons a general lifting of employment restrictions on refugees is not likely to occur in the near future. Until such time as this becomes possible the only concrete way forward would is to work on a case by case basis by securing licenses for micro-credit schemes as well as targeted attempts to secure work permits through the Ministry of Labour for a selected number of beneficiaries. In recent months, the Refugee Affairs Department in the Ministry of Foreign Affairs repeatedly stated that it would be prepared to assist refugees in obtaining such permits provided that they were well-trained and had job offers from Egyptian companies (though no concrete action in this direction has yet been undertaken!).

130. On this basis, initiatives to secure adequate training and job placement could be developed by attempting to include refugees in some of the many training and apprenticeship schemes currently funded by international donors. One example is the German funded Kohl-Mubarak Initiative under which the state and private sector cooperate to produce quality graduates in technical education and vocational training. Three major pilot projects are currently running in satellite cities outside Cairo where refugees might also be included among the trainees. For this purpose UNHCR would have to persuade the donor to set aside a limited additional contribution to offset the cost of the refugee trainees, while the Government would have to be prepared to grant the candidates a work permit through the Ministry of Labour[34]. UNHCR would have to support the trainees for the three year duration of their studies. The project could be presented as joint German-Egyptian initiative which not only aims at assisting refugees in Egypt but at producing qualified and experienced staff who will be able to contribute to the rehabilitation and development of their countries of origin once the conflict which has given rise to their exile has ended.

[34] RO Cairo has recently taken a significant step in this direction by concluding, on 16/2/2001, a sub-agreement with the community based NGO Ma'an which provides for an apprenticeship and job-placement scheme; its implementation will depend upon the issuance of work permits by the Egyptian authorities.

131. Setting up initiatives of this kind requires much networking with government departments, agencies and donor counterparts in the development community in Cairo who may have little interest in addressing the problem of refugees. However, it must be recognised that the promotion of refugee self-reliance is essentially a developmental activity which should normally be implemented by means of including refugees into ongoing programmes run by specialised agencies and departments. The active pursuit of such a strategy should be a mandatory part of the implementation of the UNHCR's urban policy.

Donor support

132. Despite the possibility of obtaining some savings by reducing the domestic support sector, the total budget for such a reoriented programme would still be significantly higher than the current CM/201 project. As pointed out above, however, it must be accepted that the successful implementation of a policy to promote refugee self-reliance cannot but involve, at the initial stage, an additional input of resources in the education, training and job creation sectors. A carefully designed approach to donors must therefore be precondition to put such a policy in place.

133. An integral part of such an approach should be to inform donors in some detail about the manner in which UNHCR's current funding shortage impedes the implementation of durable solutions and creates added hardship for refugees. However, the chapter on Egypt in the *Mid-Year Progress Report 2000* issued by the Donor Relations Section appears to pass a different message. The cuts to the programme are described in factual detail but the text gives no hint of their drastic impact upon the lives of the refugees. Instead, the reader is left with the impression that these "cost cutting measures" are the laudable achievements of a policy which successfully economises resources by limiting assistance "only to the neediest refugees through strict, regular needs assessment" (p.128). In the same vein the text mentions the "scaling down of education grants" and the "halting of vocational training for refugees", without in any way pointing out that these actions run counter to all previous mission findings and policy recommendations concerning the future direction of the Cairo programme. This is hardly an encouragement for donors to provide additional support.

Local advocacy

134. As far as Cairo is concerned there may be scope not to limit fund raising approaches only to traditional donors but also to approach local and regional resources. There is every likelihood, for instance, that activities proposed under objective one (support for working mothers) would have attracted funding from the Sheikha Fatma Foundation which in early 2000 offered UNHCR some US$300,000 for programmes in favour of refugee women. Other local sources of charitable funding that might be worth approaching are the Cairo based Arab Council for Childhood (al-Majlis al-Arabi lit-Tufula) headed by the Saudi Amir Talal or the charity (zakat) funds of major banks such as the Cairo branch of Faisal Bank. Generally, there is a now a considerable degree of private wealth in Egypt as well as a buoyant charity sector engaged in numerous activities to help the poor.

135. Any funding support generated by such contacts might be channelled to local NGOs, including Sudanese NGOs active in Egypt, which are interested in including refugees among the beneficiaries of their charitable work. The experience of RO Cairo shows, however, that initiatives of this kind are very work intensive and are not likely to generate a great deal of success. Egyptian NGOs work in a legal limbo and are prohibited from receiving funding from abroad; moreover, some of the most effective and motivated among them are associated with opposition movements and would therefore not be suitable partners for UNHCR. In addition, the political sensitivities related to the presence of refugees, especially those fleeing from a civil war in neighbouring country, is likely to make many potential benefactors hesitate to get involved. While this does not mean that such initiatives should not be pursued as actively as possible, the expectation must realistic. There is no likely local substitute for the assistance role presently carried out by UNHCR.

136. A further local resource with which a wider range of contacts might be developed are the universities. Initial discussions have already been held with the American University in Cairo which is well on the way to becoming a major regional resource centre on Refugee Studies. Areas of potential cooperation include conducting research and surveys (some of it free of charge) and placing or sharing interns. This might include encouraging some students to conduct, as part of their ongoing course of studies, research on issues of interest to UNHCR, such as the socio-economic and employment situation of specific refugee groups, the longer term effectiveness of education, training or job-placement schemes or the work of local charities in refugee neighbourhoods. The insight obtained may be of practical relevance in helping RO Cairo to gain more understanding of the situation of the refugees and to target its reoriented assistance programme more effectively. Liaison with the student community may also produce a multiplier effect by encouraging more understanding and support from the local community at large.

Refugee participation

137. Consultation and communication with refugees should be an integral part of putting a reoriented assistance policy in place. However, the UNHCR policy on urban refugees provides little guidance on this topic. Instead, as pointed out by the New Delhi case study, it approaches the question of UNHCR's relationship with refugees in urban areas "from an essentially negative perspective, in a section of the document that emphasises the propensity of urban refugees to engage in 'threats and violent protests'" (p.22). The New Delhi study goes on to recommend that a revised version of the document should correct this imbalance by placing emphasis on the need to establish "a meaningful dialogue and a positive partnership" with refugees.

138. Recommendations of a similar nature are to be found also in the above mentioned report of the Community Services mission to Cairo which took place in 1997. In the spirit of the 1996 Community Services Guidelines for urban refugees, it proposes the introduction of a new concept of assistance "which is community-based and which draws on the active involvement of refugees as well as seeking long term solutions" (para.30). To this effect, skilled and trained refugees should be used as a resource base and be integrated into the case management process in the UNHCR Office (para.74); the caseload should be reviewed to identify the skills profiles of refugees and assistance activities should aim to utilise and enhance these skills in accordance with priorities identified by the refugees themselves (paras 73, 78); and

funds should be set aside "to support community activities and refugee involvement" (para 85).

139. It seems, however, that these recommendations have, by and large, not been implemented. Refugee participation and consultation at RO Cairo appear to be very limited and the assistance the Office provides through its implementing partner CARITAS has remained individual rather than community based. The reasons are primarily of a practical nature. It is extremely difficult to implement a community based approach with refugees from 26 nationalities who are widely dispersed in a large metropolis and are part of not one but many different communities; it is even more difficult when the implementing partner concerned lacks both the resources for effective outreach work and the premises needed to organise and convene group activities[35]. The programmes run in Cairo by the churches are by nature far more community oriented, their activities are mostly staffed by refugees and located in premises which can accommodate large numbers. However, most of their beneficiaries are Sudanese and not all refugees are equally inclined to make use of the facilities they are able to provide. Considering the dispersal and the diversity of the refugee population the maintenance of an individual-based approach by CARITAS is probably the only practical solution.

140. This does not mean, however, that more could not be done to establish "a meaningful dialogue and a positive partnership" with refugees. The following options may be considered.

141. More effective use of refugee committees. In order to improve consultations and information exchange between refugees and UNHCR the implementing partner CARITAS should be encouraged to make more extensive use of the existing network of refugee committees which should meet periodically with UNHCR staff. In addition to Sudanese and Somali committees there should be a third one which includes the less numerous nationalities whose voices are more rarely heard (i.e. Afghans, Iraqis, Rwandese, Liberians etc.). The committees could be consulted for the purpose of establishing a reoriented programme by identifying and prioritising assistance and protection needs with particular reference to education, training and job-placement requirements. In order to encourage such committees to become more actively involved they may be provided with a small fund which they can utilize to organise meetings or community activities. As pointed out by RO Cairo, expectations must be realistic: refugees committees are liable to be politicised and their representative nature is difficult to ensure. Nevertheless, there is room to involve them more extensively in programme design and implementation than is presently the case.

142. Improve reception facilities through refugee involvement. RO Cairo may wish to improve refugee reception arrangements by providing basic catering and child minding facilities in the waiting area. Refugees have usually travelled long distances before reaching the Office where they have to wait for many hours, often in overcrowded conditions. They are tired, tense and hungry but the only sustenance available for them at present is a glass of water. In order to address this problem, a small tea and sandwich shop as well as a child minding area could be established within the UNHCR compound in the form of an income generation project for a

[35] The regrettable cancellation in 1997 of the Community Services Officer post at RO Cairo is likely to have further limited the capacity of the Office to implement the recommendations of the report.

small number of refugee women. Such an initiative will be seen as a token of welcome on the part of UNHCR and is likely to create a better atmosphere for dialogue and interaction with the refugee community as a whole.

143. In addition to the above it should also be noted that the first objective of the reoriented programme, namely providing targeted support for working women, should be implemented to the maximum extent through refugee participation by strengthening existing social networks.

144. It goes without saying that drawing up an integrated plan for the implementation of such a reoriented programme is a major exercise which goes much beyond the purview of this report. The ultimate aim should be, however, to devise a course of action for each case which would reduce the need for reliance on open-ended support form UNHCR. For the Yemeni family whose example was cited above, this would mean enhancing the earning capacity of the two young men (and hence the self-reliance prospects of the family as a whole) by providing them with post-secondary training in their technical fields or by placing them in an advanced apprenticeship scheme, while at the same time securing government support to supply them with job placements and work permits. If by the end of the training or apprenticeship period no work permit can be secured and voluntary repatriation is still unfeasible, the family should be presented for resettlement[36]. Such a course of action will initially be more costly for UNHCR but it is likely to be cheaper in the long run; most importantly, it would offer families in this kind of position some tangible hope for the future.

Recommendations:

145. RO Cairo should examine the possibility of reprioretising its assistance programme so as to maximise the earning potential of refugees, in particular refugee women; expand assistance for education and training; limit ongoing care and maintenance assistance for new cases only to the elderly, the chronically ill and other persons in special need.

146. RO Cairo should involve refugees more closely in the design and implementation of assistance programmes, including the provision of basic catering and child-care facilities in the waiting area of the Office.

147. RO Cairo should pursue its attempts at integrating refugees into relevant training and employment creation programmes for nationals through expanded negotiations with UNDP, ILO, bilateral donors and their Egyptian counterparts.

148. RO Cairo should continue its efforts at increasing local advocacy by making further funding raising approaching to local and regional donors and developing cooperation agreements with local universities.

149. Donors should be more clearly informed about the hardship suffered by refugees in Cairo as a result of the budget cuts introduced in 2000 and 2001.

[36] At this stage Yemeni refugees in Egypt are not presented for resettlement; considering the fact that they are facing the same difficulties as other refugees this policy should be reviewed.

Appendix A

UNHCR Policy on Refugees in Urban Areas

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, GENEVA

Inter-Office Memorandum No.90/97
Field Office Memorandum No.95/97

To: All Directors of Operations
The Directors of the Divisions of International Protection and Operational Support
All Heads of Sections/Desks/Units at Headquarters
All Representatives/Liaison Offices in the Field

From: Sergio Vieira de Mello, Assistant High Commissioner

Dossier/File Code: ADM 1.1 Date: 12 December 1997

Subject: **UNHCR Policy on Refugees in Urban Areas**

1. The "UNHCR Comprehensive Policy on Urban Refugees" dated 25 March 1997 was promulgated under cover of IOM/25/97, FOM/30/97 of 28 April 1997, and shared thereafter with a number of our NGO partners. While the central thrust of the policy - promote self-reliance and avoid dependency - has not been challenged, a number of colleagues and NGOs expressed concern at aspects of both the form and substance of other elements. In particular, it was felt that the policy was formulated in a manner that did not properly reflect its claim that refugee protection was the central consideration.

2. The policy was reviewed in light of these concerns. It was concluded that, rather than amend the document to take account of them, it would be better to redraft and refocus the document. The attached document "UNHCR Policy on Refugees in Urban Areas", dated 12 December 1997, therefore supersedes that dated 25 March 1997, and is effective on receipt. The French text is also attached.

3. The policy will be further revised as necessary in light of comments and suggestions received from UNHCR Offices and partners. Field offices are requested to share the attachment with relevant NGO or other partners and give them the opportunity to make comments and suggestions. These, together with any of their own, are to be forwarded to reach the Senior Community Services Officer, PTSS, by 31 March 1998. Comments and suggestions from colleagues at Headquarters are of course also welcome. The attachment is also being shared directly with those NGOs that were represented at an informal discussion on the issues on 10 October 1997, held within the framework of UNHCR's pre-EXCOM consultations with NGOs.

4. Since the promulgation of the earlier document, considerable progress has been made in a number of countries in reviewing and redirecting assistance in accordance with the policy, and in consolidating action that was already underway. Several workshops have also addressed the issues. In order to take stock of the situation and have a reference for measuring further progress, all country offices concerned are requested to provide the following information by 31 January 1998 on the situation as at 1 January 1998 with respect to refugees receiving material assistance from UNHCR in urban areas.

(a) Total numbers by country of origin.
(b) Numbers and gender, disaggregated by the following age groups:
0-4; 5-12; 13-17; 18-59; 60 and above.
(c) Brief description of registration system and its effectiveness.
(d) Of assisted refugees:
  (1) what percentage (or how many) are being resettled?
  (2) what percentage of the remainder are already largely self-reliant (that is not significantly dependent on UNHCR subsistence or other allowances, or are expected to have benefits cut or substantially reduced in the next 3 months)?;
  (3) what percentage are making progress to self-reliance (e.g. starting a small business, undertaking skills training)?;
  (4) what percentage, through vulnerability or other factors, are having difficulty in working towards self-reliance?;
(e) Brief description of implementing arrangements for delivery of assistance and promotion of self-reliance.
(f) Comments (optional).

5. This report should be addressed to the SCSO, PTSS, by e-mail where possible (ashton@unhcr.org).

Enclos.

UNHCR Policy on refugees in urban areas

Introduction

1. The objective of this document is to provide clear guidelines for the provision of assistance to and the promotion of solutions for refugees in urban areas. It takes due account of both their specific situation and the problems that may be created by unregulated movement to urban areas, whether this movement takes place within the country or from another country where the refugee had found protection.

2. UNHCR's obligations in respect of international protection are not affected by either the location of the refugees or the nature of the movement to that location. In a number of countries asylum seekers arrive directly in urban areas. Whatever the nature of the movement or legal status of a person of concern to UNHCR in an urban area, the over-riding priority remains to ensure protection, and in particular, non-refoulement and treatment in accordance with recognized basic human standards.

Residence in urban areas

3. Freedom of movement is the rule under international law and restrictions should be the exception, though some restrictions - such as the location of refugees away from the border - respond to protection concerns. UNHCR should encourage the government to allow freedom of movement, and should promote the refugees' right to work and access to national services, wherever possible. In consultation with the government, UNHCR may, however, limit the location where UNHCR assistance is provided. Where refugees are assisted in settlements or camps outside urban areas, UNHCR should provide assistance in urban areas to refugees from the same country of origin only with the agreement of the government and if there are compelling reasons to do so.

4. Such compelling reasons could include: specific protection or security problems faced by an individual or his or her family in the settlement or camp; pre-arranged movement to an urban area for the duration of health care or for reunion with family members legally resident in the urban area; and assistance in achieving a durable solution, where this is possible in the urban area.

Nature of assistance in urban areas

5. There are many examples of problems and long-standing demands on UNHCR resources as a result of assistance programmes in urban areas that provided regular monthly allowances and refugee-specific services without ensuring that this support from UNHCR was indeed essential. Most such examples show an increasing involvement by UNHCR in the administration of assistance and rising overheads. There are also examples where UNHCR offices designed and implemented programmes for assistance in urban areas that did not create avoidable long-term reliance on UNHCR. There are recent examples of successful redirection of long-term care and maintenance programmes in accordance with the guidelines set out below.

6. Assistance to refugees should be given in a manner that encourages self-reliance and does not foster long-term dependency. Where assistance has to be provided by UNHCR, care and maintenance assistance should be strictly limited to those cases where early self-reliance is not possible, and the continuing appropriateness of this form of assistance must be confirmed at regular intervals. Services for those who are not yet self-reliant should be provided through support, where necessary, to national health and education services, not by the creation of parallel structures and special services for refugees. This support should be in the form of one-time assistance where possible, not open-ended commitment to recurring costs. UNHCR assistance that is selective - for example, access to higher education - should be made available only on the basis of the same criteria as apply for refugees elsewhere.

7. Asylum seekers in urban areas should receive assistance from local authorities and institutions pending assessment of their claim. If no other source is available and if the asylum seeker would otherwise be unable to meet minimum needs, UNHCR may provide material assistance. In such circumstances, it should be limited to essential requirements and provided in a manner that does not raise false expectations of open-ended care and maintenance assistance if the claim is successful. Any such assistance should be subject to regular review if consideration of the claim is delayed, when UNHCR's own assessment of the status of the asylum seeker should be taken into account. UNHCR should, however, ensure that any specific needs of an asylum seeker as a result of the circumstances of his or her flight (for example, for health care and trauma counselling) are being met.

8. Guidelines on how assistance programmes for refugees in urban areas should be developed are provided in the Community Services Guidelines, part 3, Urban Refugees - A Community-based Approach (May 1996). Guidelines on the promotion of self-reliance, employment and on microfinance are under preparation. Unlike other refugee populations, the majority of refugees in urban areas are generally male: the proportion of family groups is often lower than usual. While there may thus be fewer women, children and adolescents than normal, they can be even less visible than they are in some refugee camps and settlements. Particular attention must therefore be paid to identifying their needs, and also to identifying the needs of those who remain behind in urban areas - for example, the elderly, handicapped and those not eligible for resettlement - after others of their group have left.

Solutions for refugees living in urban areas

9. Where voluntary repatriation is a viable option in the foreseeable future, this should be the preferred option, as for all refugees. Where this is not the case, or pending it, local integration if possible should be the objective of UNHCR assistance. The promotion of self-reliance should be undertaken accordingly, in a manner that will depend on local circumstances. This must respect the policies of the government while recognizing that many refugees, including many who have never received UNHCR assistance, are de facto locally integrated in urban areas.

10. Any determination that resettlement is needed for individual refugees should be made with direct reference to the criteria set out in Chapter 4 of the Resettlement Handbook. The corner-stone of UNHCR's resettlement policy is the application of criteria that are consistent, both within a country and among countries with refugees from the same country of origin, with respect to an individual's circumstances. Thus a refugee in an urban area should have neither more nor less chance of resettlement than he or she would have had in a refugee camp in the same country, or in another country where protection had been found. Active and timely case finding by UNHCR, based on the consistent and transparent application of resettlement criteria, should remove the incentive for refugees to move to urban areas, and in particular to the capital, in search of resettlement.

11. Irregular movement (see 13 below) to an urban area in another country in search of resettlement can in itself create a new situation where criteria for resettlement are met or more nearly met than was the case in the previous country. This may happen, for example, when he act of irregular entry creates a protection problem. Such cases create a dilemma for UNHCR: resettlement after irregular movement has been demonstrated to encourage more such movements, and may lead to increased reluctance of countries of resettlement to accept such refugees, particularly when this may be at the expense of those who have not moved. At the same time, the only alternative to resettlement in extreme cases may be prolonged incarceration in an immigration jail.

12. Refugees who have moved irregularly to the country should not be submitted for resettlement (or given any prospects of resettlement) without the approval of the Resettlement Section, DIP. Such approval is likely only if it is determined that the person(s) would already have met the criteria for

resettlement in their previous country. Approval would otherwise be conditional on the absence of any other means of resolving immediate protection problems.

Movement between countries

13. The movement of refugees without the consent of the authorities concerned from a country where they had found protection to another country is often described as "irregular movement", and usually takes place to urban areas. Such movement may or may not have been legal: the key consideration is rather whether or not the refugee had found protection. A refugee who is compelled to move because of specific protection or security problems in his or her previous country clearly cannot be considered to have found protection there. Such persons should therefore be treated as if the present country is their first country of asylum, not as refugees whose movement was irregular.

14. Irregular movements can put asylum and protection in the country of destination at risk for other refugees, and place demands on UNHCR's resources in the country of destination that far exceed those that would have been required in the previous country. Where voluntary repatriation was an option, irregular movement may make it less likely and more costly. Irregular movements tend to encourage others to follow.

15. Working with the government(s) concerned, UNHCR should therefore seek to remove the incentive for and discourage irregular movement by:

a) ensuring proper protection and promoting durable solutions in countries of first asylum;

b) ensuring appropriate and consistent standards of assistance;

c) placing certain restrictions on assistance to refugees whose movement was irregular, and taking the special precautions with regard to their resettlement set out in paragraph 12 above;

d) supporting return to the previous country of asylum in certain clearly defined circumstances, as set out in paragraph 18 below.

Assistance after irregular movement

16. UNHCR offices should first determine if the person is of concern to the Office. If the country of destination applies the same prima facie or group recognition as the country from which the irregular movement took place, or if the person was previously recognized (or not recognized) as a result of an individual determination by UNHCR, further action to determine status is not required. If the government of the country of destination has made a determination, this should be accepted unless UNHCR has reasons to undertake its own individual determination. If none of the above is applicable, there should be an individual determination of status by UNHCR in the present country. If the person is not found to be a refugee, any further action by UNHCR would be on the basis of good offices; issues related to the return of rejected cases are not covered herein.

17. While, as explained in paragraph 1 above, UNHCR's protection obligations are unaffected by such movement, UNHCR does not have an obligation to provide assistance to refugees after irregular movement on the same basis as it would had there been no irregular movement. With the obvious exception of life-saving assistance that is not available in time from any other source, or where the lack of UNHCR assistance would compromise protection, UNHCR should generally not provide direct individual assistance; persons whose movement to an urban area was irregular should use government services and their own resources whenever possible. UNHCR assistance that is selective - for example, access to higher education - should not be made available.

Return after irregular movement

18. UNHCR may promote the return of refugees who had found protection in a previous country provided certain conditions are met. Some conditions will be specific to the circumstances; the following are general conditions, likely to be applicable in all circumstances:

a) desire of the authorities in the present country to ensure return if possible;

b) sufficient evidence of stay in the previous country to satisfy that country;

c) assurance that protection will again be available after return;

d) readiness of the authorities in the previous country to readmit;

e) a determination by UNHCR that a durable solution is not possible in the present country.

It should be noted that Executive Committee Conclusion 58 on international protection states that return may take place if persons returned are "permitted to remain there and to be treated in accordance with recognized basic human standards until a durable solution is found for them."

Response to threats and violent protests

19. Some refugees in urban areas have reacted with threats and violence to what they perceive as UNHCR's failure to meet their needs and/or expectations. Such actions have taken forms that include hunger strikes, threats of suicide, and threatened or actual violence towards UNHCR and implementing partner staff and property, or towards other refugees who do not support the protests or the means used. A consistent, firm and fair implementation of the policies set out herein, and proper, timely and transparent information to the refugees on these policies - and on the constraints and limitations on UNHCR - are the best ways of ensuring that refugees' expectations are realistic, and thus preventing such actions.

20. Where problems nevertheless occur, UNHCR should first establish whether the reaction of individual is due to psychological problems. If this is the case, these problems should be addressed. Where the refugees' concerns are legitimate, UNHCR should of course seek to meet them. However, experience suggests that the most serious threats and incidents occur as a result of a deliberate attempt to force UNHCR to change its position and accede to the protesters' demands. Resettlement is perhaps the most common demand. Some demands may be in UNHCR's power to meet; others will not, though this is frequently not accepted by the protesters.

21. Experience shows that compromising in the face of such protests often leads to further demands and exacerbates the underlying problem. UNHCR should not change its position in response to threats or actual violence, whether towards UNHCR and its partners or self- or otherwise inflicted on refugees. Headquarters should be informed as soon such protests occur or are likely. If a field office is in doubt, advice should be sought from Headquarters on the most appropriate response to the demands. The security and law-and-order aspects of threats and violent protests are a matter for the authorities and police, and UNHCR offices should not hesitate in seeking their early involvement and assistance. Measures to ensure staff security are not covered herein. In the absence of a Field Staff Safety Officer, the advice of the Field Staff Safety Section at Headquarters should be sought without delay.

12 December 1997

Appendix B

Standard Operating Procedure

Draft Guidelines[*] on the Use of the Concept of Irregular Movement

UNHCR Cairo

1. Relevant Legal Standards:

Excom Conclusion 15 (XXX) – 1979
Excom Conclusion 58 (XL) – 1989
Guidelines on Urban Refugees – December 1997
Note to the Sub-Committee of the whole on International Protection
Excom, EC/SCP/68 of July 1991

No legal standards as such are binding on UNHCR. The only international instrument incorporating this concept is to be found in the Dublin Convention negotiated in the EU space in 1990. Both conclusions No. 15 and 58 of Excom cannot be regarded as "hard law", but they evidence a consensus among Member States on the recommended standards of treatment of refugees and asylum seekers. The December 1997 UNHCR Guidelines on Urban Refugees were elaborated in this context and leave the door opened to various interpretations based the over riding protection needs of the refugees.

The concept of irregular movement was defined in the a/m Excom conclusion as arrivals or refugees or asylum seekers from a country *"in which they have already found protection, in order to seek asylum or permanent resettlement elsewhere"*.

In 1991, UNHCR in the a/m document submitted to the Excom extended the concept to include movements of refugees or asylum-seekers from countries *"where they have, or could have, sought asylum"*. (para.11 EC/SCP/68). This position was further reaffirmed in an EU context in UNHCR position on a harmonized approach to questions concerning host third countries in December 1992.

The 1997 Guidelines on Urban refugees only defines irregular movement as the movement of refugees from countries *"where they had found protection"* (para.1 and para. 13).

Against this background, UNHCR Cairo requested in January 2000 the CASWASAME Bureau and the DIP to convene a regional meeting on this issue to clarify the concept and its operational use. This initiative was endorsed by the participants to a sub-regional meeting held in Cairo on 16-19 January 2000 and is reflected in the CASWANAME Bureau's Action Plan for 200-2002 (recommendation No.9).

The present SOP should serve as interim operational guidelines pending a decision from UNHCR Geneva on this issue which will be implemented in an harmonized manner in the region.

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[*] *Pending clearance from UNHCR Headquarters in accordance with the Action Plan of the CWASANAME Bureau for 2000-2002 of March 2000. Until a policy decision is taken by UNHCR Heasquarters on this issue, the present SOP should serve as interim operational guidelines.*

2. Procedural use

The concept can only be used in the context of the identification, the promotion of a durable solution and the definition of an assistance package for a refugee. It cannot be used to deny someone refugee status. In UNHCR Cairo procedures, eligibility officers can only recommend in their assessment and case summary whether a refugee may be regarded as an irregular mover. The final decision as to this qualification can only be made by a third person within the framework of the durable solutions interview on the basis of country guidelines, the present SOP and if necessary in consultation with the Assistant Regional Representative. The decision should be recorded on the RICS (together with the country of first asylum) in the note pad of the durable solutions screen/folder. Borderline cases should systematically be referred to the Assistant Regional Representative or the Regional Representative for decision, if necessary following consultation with UNHCR Headquarters or relevant UNHCR field Offices. Qualifications as irregular movers cannot be made retroactively for movements that took place before December 1997.

3. Criteria to be examined

In line with the a/m Excom conclusions, a distinction should be made between:

- refugees who had found protection elsewhere
- and those who could have found such protection

For the first category, the evaluation of the motive that led the refugee to leave her/his country of first asylum should not be difficult. The documentation held by the refugee may provide some indication as to his/her status in that third country and verifications can be undertaken with UNHCR office in that country. Reasons of security in general, as opposed to reasons of personal convenience, should be understood in their broad and individual context.

The availability of protection is measured through the following criteria:

- permission to remain there
- effective protection against refoulement
- treatment in accordance with basic human rights standards (including access to an RSD procedure)
- protection against persecution and threats to safety and liberty
- access to a durable solution

Regarding the second category, subjective approaches should carefully be avoided. Authorized decision-makers in the durable solutions unit are encouraged to carefully examine the following elements:

- the profile of the applicant. No “matrix” can automatically be applied to all applicants based on their nationality and the potential asylum country they have come through. The personal profile of a refugee may explain the route chosen to come to Egypt. A third country can theoretically be safe for many applicants of the same nationality, but not necessarily to a specific applicant.

- the duration of his stay in a third country prior to enter in Egypt. A period of less than two weeks in a third country prior to come to Egypt should merely be regarded as a simple transit. Distance and poor transportation networks may not enable some applicants to cross through a country very quickly. The concept of irregular movement would not apply to such cases. The possession of documentary evidence as to the length of the transit should be regarded as a positive element, while the destruction, loss or concealment of a travel document may cast some doubts as the actual length of stay in a third country. A sojourn of more than two weeks in a third country could be indicative of attempts by a refugee to find protection in that country. Decision-makers in the durable solutions unit should, however, be flexible in appreciating that time element. Whether

effective protection was available to that individual in a third country is definitely a more important factor to appreciate.

- the conditions and circumstances of his/her stay in that third country before coming to Egypt. Illegal stay or passage through a third country, irrespective of the length of stay, cannot be regarded as a regular movement. In case of doubt, decision-makers are encouraged to contact by e-mail the UNHCR office in that country to see whether the refugee might have approached them. Forced crossing into a third country as a result of war events, natural disaster, deportation prior to coming to Egypt cannot be regarded as irregular movement, since such movements are not the result of an informed decision by a refugee, but were dictated by necessity . Along the same lines, if a refugee for medical reasons or for the purpose of family reunion with first degree relatives left a country of potential first asylum prior to enter in Egypt, such a movement should not be regarded as an irregular movement. The same will also applies to stays and departures from third countries where the person was politically active. In other words, a distinction should be made between what constitutes objective reasons of personal convenience (i.e. better perceived opportunities elsewhere) and reasons that forced a person to flee through one or several countries before coming to Egypt.

- the availability of an effective protection there. This element should be examined in depth in the light of all the information available using the above mentioned criteria. The fact that a country might be party to international human rights or refugee law instruments cannot be regarded as sufficient in itself. The interviewer has to assess whether that person would have effectively protected against *refoulement*, treated in accordance with basic HR standards, given access to a fair RSD procedure (the 0% recognition rate by some UNHCR offices in the region for some refugee applicants from refugee-producing countries is as such clearly indicative of the lack of protection in such countries). Data collected on the protection situation in third countries *(see sample in annex)* should be consulted by the interviewers on the protection unit' share drive in the office's LAN. In case of doubt, durable solution officers/assistants should bring the case to the attention of the Assistant Regional Representative or the Regional Representative for decision.

- The possibility of readmission in a third country regarded as safe country of asylum should be assessed and explored in consultation with the applicants through contacts with UNHCR offices in that country and in liaison with the competent authorities of both countries involved. If a person could have sought protection in the third country concerned and is willing to return, he/she should be assisted by UNHCR on a humanitarian basis to return to that country using the RP project in line with EXCOM conclusion 58 f) ii. Such decisions have to be duly motivated in the IC file by the durable solutions officer or assistant and authorized by the Assistant Regional Representative or the Senior Regional Programme Officer. The same supporting documentation as for voluntary repatriation requests should be used *mutatis mutandis*.

When a person is willing to return to his/her first country of asylum, but is unable to do so because of the lack of consent of that third country, UNHCR may have to envisage after some time (i.e. two years) to de-classify the case as "irregular mover", since the refugee is objectively stranded in Egypt. However, such a measure will require the prior clearance from Headquarters.

4. Access to assistance for irregulars movers

During the durable solution interview, refugees considered as irregular movers will have to be informed of their rights and obligations in Egypt and UNHCR limited assistance capacity. In line with the a/m Guidelines of December 1997 on Urban Refugees, the assistance to be provided to irregular movers should be strictly limited to the provision of medical assistance, trauma relief and educational assistance.

Whenever the protection needs of refugees children, refugee women, elderly refugees or handicapped refugees may be jeopardized, it is recommended to provide to such vulnerable refugees complementary forms of assistance (in particular subsistence allowances and vocational training/income-generating activities) in order to avoid to promote their self-sufficiency and avoid their potential socioeconomic/personal exploitation in Egypt. Protection guidelines and needs should take precedence over the above-mentioned 1997 Guidelines on Urban refugees. However, until UNHCR Headquarters officially amends such a policy, recommendations for exceptions made by durable solutions officers/assistants have to be expressly approved by the Assistant Regional Representative or the Regional Representative.

5. Access to Resettlement

Irregular movers should in principle not be processed for resettlement. Favorable consideration should, however, be given to cases where some members of the same family unit cannot be regarded as irregular movers or when that durable solution could have life saving implications for the refugee (medical/security cases). Such measures can be regarded as a liberal interpretation of paragraph 11of the 1997 Guidelines on Urban Refugees of 1997. Such exceptions have to be expressly authorized by the Assistant Regional Representative or the Regional Representative. The same applies to movements from countries where a refugee could have been eligible for resettlement in accordance with paragraph 12 of the 1997 Guidelines on Urban Refugees.

6. Access to Voluntary repatriation

Irregular movers should benefit from UNHCR assistance to facilitate their voluntary repatriation in the same conditions than for “regular movers”.

7. Protection Support

Irregular movers may benefit from the same protection interventions than other refugees from UNHCR. They receive the same refugee identification card than other refugees. As for other refugees not eligible for resettlement, the durable solutions unit should put the “N.E.R.” stamp on their refugee identification card. Irregular movers as other refugees can also benefit from UNHCR support in their administrative *démarches* with the competent Egyptian authorities.

UNHCR Cairo
Version 1.0 May 2000
Version 2.0 December 2000

Appendix C

Table 1: UNHCR total project disbursement in Egypt (1997 – 2000)

Project symbol	1997	1998	1999	2000	Revised budget for 2001
CM/201	2,307,257.96	2,239,899.61	2,169,742.88	1,746,124.79	1,490,755.00
LS/400	92,686.95	90,139.31	92,600.43	78,794.24	66,400.00
RE/500	14,296.13	69,468.85	78,520.00	98,594.24	159,731.00
RP/300	22,080.00	0.00	9,167.80	16,777.00	0.00
Total	**2,436,321.04**	**2,399,507.77**	**2,350,031.11**	**1,940,290.27**	**1,716,886.00**
Beneficiaries	4,801	5,191	6,077	6,922	Same as 2000

Please note that in 1999 and 2000 not all refugees received assistance for the whole year but only during certain period of their stay or to cover only emerging needs.

Table 2: Refugees in Egypt by nationality
(At 31 December 2000)

Origin	Female	Male	Total
Afghanistan	18	42	60
Albania	2	1	3
Algeria	3	3	6
Angola		1	1
Armenia	1		1
Burundi	12	24	36
Bosnia & Herzegovina	5	1	6
China	2	1	3
Republic of Congo	6	4	10
Democratic Republic of Congo	4	5	9
Djibouti	2	5	7
Eritrea	1	12	13
Ethiopia	26	28	54
Iran		1	1
Iraq	23	25	48
Kuwait	1		1
Liberia	2	40	42
Libya	1	3	4
Nigeria		1	1
Russian Federation		2	2
Rwanda	7	17	24
Sierra Leone	44	98	142
Somalia	1,321	1,289	2,610
Sudan	1,288	1,545	2,833
Syria		4	4
Yemen	335	348	683
Fed Republic of Yugoslavia	13	10	23
Stateless	100	40	140
Others	25	48	73
Total	**3,242**	**3,598**	**6,840**

Table 3: Refugee statistics