

**KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND  
SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT  
IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

***Refugee resettlement:  
the view from Kenya  
Findings from field research  
in Nairobi and Kakuma refugee camp***

**Hannah Elliott**

KNOW RESET Research Report 2012/01

*Country of First Asylum Report*

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## **KNOW RESET - Building Knowledge for a Concerted and Sustainable Approach to Refugee Resettlement in the EU and its Member States**

The KNOW RESET Project, which is co-financed by the European Union, is carried out by the EUI in partnership with ECRE (the European Council on Refugees and Exiles). The general objective of the project is to construct the knowledge-base necessary for good policy-making in the refugee resettlement domain in the EU and its 27 Member States. It aims to explore the potential to develop the resettlement capacity, to extend good practices and to enhance cooperation in the EU.

KNOW RESET maps and analyses frameworks and practices in the area of refugee resettlement in the 27 EU Member States. The team involved in the project, gathering members of the EUI's and ECRE's large networks, has proceeded with a systematic and comparative inventory of legal and policy frameworks and practices related to resettlement in the EU and its 27 Member States, providing the most updated set of information. The publication of comparative data and the dissemination of research results contribute to raising awareness for refugee resettlement and refugee protection in the EU and provide a knowledge-tool for policy-makers, governmental and non-governmental stakeholders interested or involved in resettlement activities and policies in the EU and countries of first asylum. The project involves too field research in Kenya, Pakistan and Tunisia, which will add to the knowledge and the assessment of resettlement practices of refugees from countries of first asylum to the EU.

KNOW RESET has resulted in the first website mapping EU involvement in refugee resettlement. It focuses on resettlement in the EU and covers the 27 Member States, involved in resettlement in one form or another, and to various degrees. It contains a unique database providing legal, administrative and policy documents as well as statistics collected from national authorities by the project team. It also includes a series of comparative tables and graphs, the country profiles of the Member States, country of first asylum reports, as well as thematic reports and policy briefs. This user-friendly website is a valuable instrument for: comparing the varied frameworks, policies and practices within the EU; for evaluating the resettlement capacity in the EU; for following the evolution of Member States' commitment in resettlement; and for assessing the impact of the Joint EU Resettlement Programme.

Results of the above activities are available for public consultation through the website of the project:  
<http://www.know-reset.eu/>

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## **Abstract**

This report presents the findings of field research in Kenya under the KNOW RESET project, which maps and analyses legal and policy frameworks as well as practices related to resettlement to European countries. The research in Kenya was a component of this broader project, which included research in 27 EU member states and three countries of first asylum: Kenya, Pakistan and Tunisia. Research was carried out in Nairobi and Kakuma refugee camp between June and October 2012 and involved interviews with refugee and resettlement actors, including those participating in resettlement to European countries. The report broadly explores and presents Kenya's resettlement landscape, the positions, roles and practices of European resettlement countries within that landscape, and the perspectives and experiences of refugees around resettlement.

## **Acronyms**

CIS	Citizenship and Immigration Services (U.S.)
COA	Central Agency for the Reception of Asylum Seekers (Netherlands)
CPA	Comprehensive Peace Agreement (between the Government of Sudan and the SPLM)
CWS	Church World Service
DRA	Department of Refugee Affairs
EPLF	Eritrean People's Liberation Front
GIZ	Deutsche Gesellschaft für Zusammenarbeit
GOK	Government of Kenya
HIAS	Hebrew Immigrant Aid Society
ICMC	International Catholic Migration Commission
IND	Immigration and Naturalisation Directorate of the Home Office (U.K.)
INS	Immigration and Naturalisation Service (U.S.)
IOM	International Organisation for Migration
JERP	Joint European Resettlement Programme
JRS	Jesuit Relief Services
OAU	Organisation of African Unity Convention (1969)
OLF	Oromo Liberation Front
PRM	Bureau for Population, Refugees and Migration (U.S.)
RCK	Refugee Consortium of Kenya
RRF	Resettlement Registration Form
RSC	Resettlement Support Centre (U.S.)
RSD	Refugee Status Determination
TB	Tuberculosis
TFG	Transitional Federal Government (Somalia)
UNHCR	United Nations High Commissioner for Refugees
USRP	United States Refugee Programme

## **Executive Summary**

### **Overview**

This report is the outcome of field research in Nairobi and Kakuma refugee camp which sought to map Kenya's refugee resettlement landscape, with a particular focus on resettlement to European countries. The report presents Kenya's resettlement landscape, the role of European countries within this landscape and how European resettlement policies and practices are experienced on the ground from the perspectives of UNHCR and its implementing partners. In addition, the report explores refugees' experiences and narratives around resettlement. The report makes recommendations to UNHCR and European countries around how European resettlement policies could be improved to ease the burden on Kenya as country of first asylum, to increase the efficiency of European resettlement processes in Kenya and to render the resettlement process a smoother and less anxiety-producing experience for refugees. The research was co-funded by the European Union and managed by the European University Institute and the European Council on Refugees and Exiles.

### **Background**

Kenya's refugee population lies at 630,926 refugees and asylum seekers, in addition to an unknown but likely high number of *de facto* refugees. The majority of Kenya's refugees reside in its two desert refugee camps – Dadaab, in North Eastern Province, and Kakuma in North Rift Valley Province – as well as a large number in Kenya's significant cities, most notably Nairobi.

Kenya has signed and ratified the 1951 United Nations Convention relating to the status of refugees as well as the 1969 Organisation of African Unity Refugee Convention. However, up until 2006, Kenya lacked any national legislation on refugees. Since the influx of large numbers of refugees from neighbouring Somalia, Ethiopia and Sudan in the early nineties, Kenya's official stance towards refugees has been characterised by draconian policies aiming to contain the refugee 'problem' and refugees' movements, including an encampment policy which restricted refugees and asylum seekers to residing in camps. Following sustained advocacy by UNHCR and civil society organisations, in 2007 Kenya adopted the Refugee Act 2006, through which the 1951 UN Convention and the 1969 OAU Refugee Convention were implemented at the national level. The Act lays out Kenya's national policy towards its refugee and asylum seeking population, yet there continue to be grey areas, such as the situations in which refugees are able to reside outside of the camps. Refugees continue to move between the camps and the cities unofficially, risking police harassment and arrest.

### **Possibilities For Durable Solutions**

UNHCR identifies 'durable solutions' to the 'refugee problem' as local integration, voluntary repatriation and resettlement. In Kenya, opportunities for durable solutions are limited. The country's encampment policy and measures to restrict refugees' movements significantly curtails opportunities for local integration. Refugees face harassment and discrimination in urban centres, especially those who have a distinctive appearance, such as South Sudanese, Somalis and Ethiopians. Furthermore, local integration appears not to be an envisaged or desirable solution for the Government of Kenya, which regularly makes statements about the burden its Somali refugee population places on the country, and has made it clear that the only opportunity it sees for them is repatriation.

UNHCR facilitated the voluntary repatriation of southern Sudanese refugees from Kakuma following the signing of the 2005 CPA between the Sudans, but this has largely been unsuccessful, and has since been halted due to large numbers of new arrivals from South Sudan flowing into the camp fleeing ethnic violence. Rwandan refugees in Kenya will likely soon face proposals of



repatriation, since the country is deemed by the international community to now be safe, and the Rwandan government has requested their return from neighbouring countries and for UNHCR to invoke the cessation clauses for Rwandan refugees. But very few of Kenya's refugees are actually able to return to their country of origin, especially its predominantly Somali population.

Of the three durable solutions, resettlement is often the only real option for refugees in Kenya. Yet, it is an opportunity limited to just a fraction of Kenya's refugees – less than one per cent. Resettlement to a third country is generally highly desired by refugees, but for many remains a dream. This dream has been fostered and nurtured by resettlement programmes in the camps, through which resettlement becomes something tangible and consequently perceived as attainable. This environment encourages refugees to perform vulnerability in order to show their eligibility for resettlement to UNHCR, and to make projects out of resettlement seeking, which are actively worked on through certain practices or methods, such as regular visits to UNHCR and implementing partners, writing letters to submit to UNHCR offices and collecting papers documenting their suffering, mistreatment or the unfairness of UNHCR's policies and practices. For refugees in camps especially who may have little control over their lives, daily engagement with such a project may be one of few ways they feel able to gain some agency and autonomy, and maintain some hope in an otherwise bleak situation. Agencies are constantly navigating this environment, trying to uphold their credibility with UNHCR or resettlement countries by identifying which refugees are indeed the most vulnerable. The result is a palpable culture of disbelief or doubt, whereby refugees are often assumed to be strategically bending the truth in order to be resettled. This is strongly felt by refugees, who can feel that they are constantly suspected of lying or cheating, and that agencies are trying to catch them out so as to dismiss their claims.

### **Kenya's Resettlement Landscape**

There have historically been two channels through which refugees are resettled from Kenya: due to protection needs where no alternative solution can be identified, and through resettlement programmes targeting specific groups. Since 2006, UNHCR has been implementing a protracted refugee resettlement programme from Dadaab and Kakuma camps. Refugees are selected for resettlement interviews based on their year of arrival, starting with the earliest arrivals from 1992 up to 2006 arrivals. In Kakuma, the protracted refugee resettlement programme is currently coming to an end, and is to be replaced with a more traditional, protection-based resettlement programme. This programme will involve colleagues in the community services unit carrying out needs-based assessments of refugees, from which refugees potentially in need of resettlement can be identified for referral to the resettlement unit.

Resettlement from Kenya in recent years has largely taken place from Kenya's (and indeed the world's) largest refugee camp, Dadaab. In previous years, UNHCR's targets for resettlement were high due to the vast numbers of refugees living in Dadaab, many of whom were protracted cases. In 2011, 10,000 individuals were targeted for resettlement, with 8,000 of those refugees selected from Dadaab. However, heightened insecurity in Dadaab over the past two years has led a number of countries to withdraw their personnel from conducting resettlement interviews in the camp, curtailing UNHCR's target figures from Kenya in 2012 to 3,750, with only 750 refugees coming from Dadaab. This has created a real challenge for UNHCR, as resettlement countries scramble for refugees from a much smaller pool of candidates in order to meet their resettlement quotas. Furthermore, many of Dadaab's protracted refugees are most in need of resettlement, but remain largely inaccessible.

In 2011, 3,581 refugees departed Kenya to be resettled in a third country and 10,518 refugees' cases were submitted for resettlement. Of those who departed, the vast majority (2,083) were resettled to the U.S., 541 to Canada, 329 to Sweden, 208 to the U.K., 182 to Australia, 81 to the Netherlands, 58 to Norway, 10 to New Zealand, and 89 to 'other countries'. Generally, the U.S. and Canada are deemed the biggest players in resettlement, followed by Australia, the UK and Sweden.

## Resettlement To European Countries

While numbers of refugees resettled to European countries are low, these countries do offer UNHCR important alternatives to the U.S.; although the U.S. offers more than enough resettlement places, it is unable to process cases quickly, even in emergencies such as immediate protection needs or medical issues. European countries, on the other hand, are in special circumstances able to resettle cases in a matter of weeks, or sometimes even days. Sweden is renowned as the fastest country of resettlement, and has been able to turn cases around within as little as one to two days.

While European resettlement is highly valued due to countries' abilities to resettle cases in short spaces of time and their systems of allocating portions of their quotas to dossier cases and emergencies, agencies can experience difficulties around the time and resources spent meeting the resettlement needs of European countries relative to the number of refugees that these countries resettle. In addition, the U.S. experiences a lull in resettlement referrals at the beginning of the year because UNHCR channels all of its resources into responding to the missions of European countries. UNHCR operates in this way because, in spite of long security checks, the U.S. will accept large numbers and is relatively open compared to European countries, which are often deemed to be more choosy. The U.S. in particular then tends to get a surge of referrals towards the end of the year, once all European resettlement places have been filled. Since the U.S. is UNHCR's biggest resettlement 'customer', the prioritising of European countries which resettle much lower numbers can seem illogical. Nevertheless, especially for cases urgently requiring resettlement, or groups or nationalities which are less likely to be accepted by the U.S., such as Oromo and Eritreans, UNHCR feels that prioritising European countries' resettlement needs is important and necessary. This can result in a hectic first half of the year as referrals are being made, until European countries' missions are completed and quotas are filled, including for dossier and emergency cases. Thereafter, UNHCR is able to continue referring cases to the U.S., and faces the difficult situation of keeping any new emergency cases that arise on hold as they await the new fiscal year to begin referring to European countries again. This can be particularly stressful, since some of these cases may be in life-threatening situations, and yet there tend to be no immediate opportunities for resettlement in the second half of the year.

IOM reported similar challenges around working with European countries, each of which has its own systems and schedules which can prove cumbersome to deal with when the numbers actually resettled are relatively few. Except for the UK, which budgets for its resettlement programme three years in advance, European countries provide IOM with very tentative 'hints' about the numbers they might resettle when at the planning stage for the following year. IOM can also experience some challenges around a lack of standardised procedures from European countries. For example, some countries require thorough medical checks from IOM, while others do not. A standard medical examination for all refugees which would help prevent outbreaks, better screening to avoid complications in flight and prevent problems after arrival.

Kenya's resettlement infrastructure, which European countries are able to use to meet their own resettlement quotas, is almost entirely funded by the U.S. Although this is logical, since the U.S. is UNHCR's and IOM's biggest 'customer' in resettlement, there is a sense that European countries should be more committed to supporting this infrastructure financially, since it depends upon it for its resettlement requirements. As it stands, should the U.S. stop resettling from the region, this infrastructure could not be maintained with the relatively insignificant and ad hoc funding that European countries provide; there is a sense that European funding could not be depended upon for UNHCR's or IOM's operations.

While European countries are highly valued for their capacity to take dossier and emergency submissions and for the speed with which they can resettle refugees, they are also perceived as being somewhat 'choosy' about the refugees they accept for resettlement, and not necessarily according to individuals' and families' vulnerability. For example, the UK's decision this year to only take Oromo refugees from Kenya and the Netherlands' request for non-Somali refugees were experienced

problematically by UNHCR, since third countries seen to be favouring or discriminating against specific ethnic groups undermines UNHCR's efforts to make resettlement appear fair and entirely according to need and causes refugees to complain about what they perceive as bias and racism (see following section). Countries assessing the 'integration potential' of refugees were also criticised, since they tend to select refugees according to their education levels and language skills as opposed to on a needs-based assessment.

### **Refugee Narratives, Experiences And Perspectives Of Resettlement**

Many more refugees seek resettlement than are actually successful in achieving it, and refugees were found to have their own explanations for why some refugees are successful and others are not, or why some refugees go through the selection process and depart within a relatively short space of time while others can wait for a number of years. Many informants felt that selection and rejection of refugees occurs unfairly, which they explained in a number of ways. Some informants suggested that resettlement occurs arbitrarily and that selection is largely based on chance or luck, often according to the officer one is received by. Unfairness was also articulated as being due to UNHCR and resettlement countries favouring certain nationalities or tribes, particularly in Kakuma since refugees are acutely aware of who is and who is not being resettled due to the close proximity in which people live in the camp. Favouring certain ethnic groups was often explained as racism by informants from South Sudanese and Ethiopian Nuer communities; informants pointed out that 'brown' refugees such as Oromos and Somalis were being resettled but 'black' refugees were not, even if, like the Ethiopian Nuer, they shared the same nationality with those who were being resettled such as the Oromo. Some informants asserted that other refugees bought or stole other people's resettlement places, especially in the camps, or that people would fake situations of insecurity, or change their ethnicity strategically having observed that certain ethnic groups were more favoured than others. Refugees also cited mistrust of UNHCR, or suspicion of corruption within the organisation, as being behind resettlement decisions. Congolese Banyamulenge refugees in Nairobi expressed concern that during interviews with UNHCR and resettlement countries their stories were not being accurately translated; interpreters tend to be Rwandan Kinyarwanda or Kirundi speakers, languages which are closely related but not identical to the Banyamulenge mother tongue – Kinyamulenge.

These explanations, although in some cases seemingly irrational, do not arise out of nowhere. Especially for the Oromo, a history of persecution may lead refugees to mistrust and be paranoid about the activities of all authorities. Similarly, for South Sudanese and Ethiopian Nuer who have fled countries where their people have been discriminated against racially, it is understandable that refugees would make sense of their apparent unfair treatment through the frame of race. In addition, many refugees have come from contexts where corruption is part of everyday business, and so to suspect agencies of engaging in corrupt activities around resettlement is quite rational. Corruption accusations may also be a legacy of the resettlement scandal of 2000. In addition, a general perception of UNHCR as working against refugees may be fostered by its role around RSD; from arrival in Kenya, asylum seekers are interviewed and their claims questioned and judged by UNHCR. This goes some way towards explaining why UNHCR may receive such strong criticism from refugees as compared to implementing partners, which are able to focus their time and resources on supporting refugees as opposed to determining whether they qualify to receive their support or not. Accusations of corruption, inhumanity and mistreatment by UNHCR or inaccurate translation by foreign interpreters are used by refugees to make sense of the often frustratingly slow processes they undergo with the agency, not only for those who have resettlement cases but also for those who are seeking the most essential protection tool and prerequisite to resettlement, the mandate. Informants were also well aware of the culture of disbelief within UNHCR and implementing partners, and resented constantly having to perform their vulnerability to prove their eligibility for resettlement under the critical eyes of agency staff.

A significant number of refugees interviewed had had an initial resettlement interview with UNHCR but then had not received any feedback for many months, or even years. In such situations, refugees are able to enquire about the status of their cases at field post in Kakuma or resettlement unit deskings days in Nairobi, though some reported receiving contradictory information from caseworkers. For refugees whose cases have moved beyond UNHCR's assessment and selection process, queries about their cases may not be answerable at field post, as the cases are now with the countries of resettlement to which they have been referred.

A number of refugees who had gone through interviews with RSC and INS had waited for long periods of time without any information about their cases, as UNHCR was not always able to inform them of the status of their cases. For refugees referred by UNHCR to European countries, acceptance is more likely and if they are unsuccessful, refugees are informed within a short space of time. That said, one informant who had been recommended for resettlement to the Netherlands was not called for interview, which implies that his case was rejected by the Netherlands at the initial screening stage. He expressed anger and frustration to have seen others be interviewed without being informed why he was not called himself. A number of other informants felt, or had been informed by UNHCR, that their complex family situations were causing their cases to be put on hold. Many refugees have come from contexts whereby orphaned or abandoned children are absorbed into other family units, whether these are part of extended family configurations or wider clan networks. These tend not to be recognised as constituting genuine families by UNHCR and resettlement countries, which require proof of their authenticity through further investigations.

## **Conclusions And Recommendations**

### **To Unhcr**

- Clearer communication on the statuses of refugees' cases, especially in situations where they are pending for long periods, would help to reduce the confusion and anxiety of this liminal period for refugees. Although it is understandable that UNHCR and resettlement countries would not communicate the reasons for refugees being rejected resettlement for purposes of keeping selection criteria secret (so that refugees are not able to mould their cases to these criteria), not knowing why one was rejected, especially after the stress of going through multiple interviews, and the resulting lack of closure can be traumatic for refugees. Similarly, where refugees are screened out when UNHCR submits the RRFs to a country, they should be informed of the fact, and advised why they were not selected for interview.
- UNHCR and resettlement countries ought to have high standards when it comes to selecting interpreters and be mindful of Congolese refugees' (especially Banyamulenge) concerns around translation, ensuring that appropriate interpreters are employed.
- For refugees and asylum seekers in Nairobi, support with transport costs to multiple interviews for both refugee status determination (RSD) and resettlement would ease the financial pressures on refugees, especially during the period they await the mandate when they are not entitled to other forms of support from UNHCR or implementing partners. UNHCR might also establish field offices in enclaves where numerous refugees reside in which RSD and resettlement interviews could be conducted.

### **To European Resettlement Countries**

- European countries play an important role in Kenya's resettlement landscape, resettling refugees from nationalities which may not be considered by bigger resettlement actors and making provisions for emergency and dossier referrals. European countries should increase

their quotas for emergency and dossier referrals in order to meet the resettlement needs of refugees in acute insecurity and medical situations.

- European countries coordinating and spacing their missions throughout the year would enable UNHCR to spread its attention more evenly between resettlement countries and avoid having to channel all of its resources into meeting the resettlement requirements of European countries at the beginning of the year to the detriment of larger resettlement actors. If European countries coordinated their missions together, sending a mixed team from various countries two to three times a year, UNHCR's preparation for and hosting of these missions would be more time and cost-effective.
- European countries would also make IOM's work easier to plan and manage should they provide more notice on the numbers they intend to resettle each year.
- Standardised medical procedures, coordinated by IOM, would help to reduce the risk of outbreaks, complications in flight and health problems on arrival.
- UNHCR and implementing partners would benefit from more standardised policies of European countries; as it stands, countries each have their own policies and requirements, and meeting them can prove cumbersome, especially due to the small numbers of refugees that these countries resettle and the relatively little funding they provide for these numbers, which is often subject to change.
- UNHCR would save significant time and resources should there be an agreement between all resettlement actors about what information is required in the refugee referral form (RRF). Currently, UNHCR completes all forms with the maximum information required since it is not always clear which countries these forms will be submitted to. Information on the political situation in refugees' countries of origin, for example, could probably be removed from the form, since all countries have information and publications on these countries from their own foreign offices. UNHCR would also benefit from more notice from European countries about their resettlement numbers and the dates of their missions in order to target the RRFs more effectively, tailoring each to the needs of the country of submission.
- In order to assist UNHCR with its human resources issue, European countries could share a small clerical office in Nairobi with a Kenyan team through which to channel RRFs, coordinate selection missions and arrange interviews. This would be more cost-effective than employing UNHCR staff, who are often overqualified for this kind of work.
- European countries might benefit from sharing best practices on resettlement, including on how to conduct missions and on cultural orientation programming. Countries could learn from each other by sending personnel to shadow other countries' resettlement missions in Kenya and cultural orientation classes. This would also apply to countries which currently do not regularly resettle refugees, or at least do not currently carry out selection missions in Kenya.

## 1. Introduction

This report forms a component of the research for the Know Reset Project, which maps policy and legal frameworks and actual practices related to resettlement to 27 EU member states. The project's broad aim is to build the knowledge for better policy-making around resettlement at the EU-level as well as to individual EU member states. In addition to researchers exploring resettlement policies and practices from 27 EU member states, the project also involved research from three countries of first asylum – Kenya, Pakistan and Tunisia. This report presents the findings from field research in Kenya.

The research aimed to explore and understand how resettlement, and specifically European resettlement, is operating in Kenya, and how the resettlement policies and practices of UNHCR and resettlement countries are experienced on the ground. The research sought the perspectives from a range of actors involved in resettlement, including refugees themselves, refugee agencies and European consulates in order to gain a comprehensive view of Kenya's resettlement landscape and the position and role of European resettlement within it. Tying together the perspectives of these various actors, the research aimed to provide insights into how European resettlement policies could be improved to ease the burden on Kenya as country of first asylum, to increase the efficiency of European resettlement processes in Kenya and to render the resettlement process a smoother and less anxiety-producing experience for refugees.

## 2. Methodology

Interviews were carried out with refugees and resettlement actors in two settings in Kenya – Nairobi, where, according to UNHCR figures, 55,581 refugees (the significant majority of Kenya's urban refugees) reside, and Kakuma refugee camp, which currently hosts 102,767 refugees and asylum seekers.<sup>1</sup> While the Dadaab refugee camp complex hosts the vast majority of Kenya's refugees and asylum seekers – 474, 154 – deteriorating security conditions prevented research in the camp. In addition, since these security concerns have recently curtailed resettlement from the camp (explained further in the following section), Kakuma was felt to be a more conducive site for the study.

In both Nairobi and Kakuma, informants were accessed via research assistants from the predominant refugee communities (often community leaders or interpreters for refugee agencies<sup>2</sup>), who were also able to assist with translation. The sample of informants interviewed cannot, then, be said to be representative, since they were selected from assistants' own pools of contacts and associates. In addition, it is important to note that often the most vulnerable refugees perhaps most in need of resettlement may not be accessible through such channels. Not all informants in either Nairobi or Kakuma were yet officially recognised as refugees in Kenya; a number of informants were waiting to receive or renew their mandates, and in Nairobi some had avoided UNHCR entirely or chosen not to renew expired mandates out of frustration with the long waiting time involved and transportation costs of regular trips to UNHCR's offices. Informants' accounts could not be directly triangulated with or verified by UNHCR records, in part because not all were known or recognised by UNHCR, as well as due to confidentiality reasons.<sup>3</sup> The value of the data gained from these interviews can be found in informants' narratives and discourses around resettlement, regardless of whether or not what was said

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<sup>1</sup> UNHCR, 2012d, 'Kakuma camp population statistics, 5 October 2012'.

<sup>2</sup> With the exception of the research assistant for the Somali refugee community in Nairobi who is a Kenyan Somali.

<sup>3</sup> No names were recorded in order to assure informants of the confidentiality of their information, and pseudonyms have been used for all refugees. Some informants, however, did request that I record their name in the hope of some kind of assistance and follow-up after the interview. In such cases the informants were advised that this would not be possible, and any positive outcomes from the research would be more general in terms of resettlement policy than directed towards individual refugees or asylum seekers.

was ‘true’ or ‘false’ according to the practices of UNHCR and other agencies around resettlement. It should be noted that, as previous studies have found,<sup>4</sup> informants’ responses to the researcher (a foreigner) may have been especially emotive in order to elicit a sympathetic response, with some hopes that this might bring them support, whether material, in the form of advocacy, or with resettlement itself; some informants, in spite of being advised of the nature and objectives of the research, requested that their names be recorded and submitted to European countries for resettlement. One should remain cautious of internalising a ‘culture of disbelief’,<sup>5</sup> however, and assuming that all refugees create stories in order to seek resettlement. Such a culture certainly exists amongst the case-hardened staff of UNHCR and other refugee agencies, in which refugees are often viewed as storytellers, manipulating the truth and reproducing narratives of victimhood in an attempt to be resettled. Refugees’ narratives and discourses around resettlement should not necessarily be read as ‘true’ or ‘false’, but as offering insights into how the refugee situation is experienced, understood and made sense of by refugees.

42 refugees and asylum seekers were interviewed in Nairobi. Eleven of the refugees interviewed were officially registered in either Kakuma or Dadaab refugee camps but were living in Nairobi for livelihood or education purposes, or had medical conditions which could not be adequately addressed in the camps. Others were officially registered as urban refugees by UNHCR and had been granted mandates in Nairobi, having signed a form declaring their ability to sustain themselves in the city independently of UNHCR support. Interviews were mainly conducted with the four predominant refugee communities in Kenya<sup>6</sup>: Somalis (of various clans, including minority clans such as Somali Bantu, Benadiri and Asharaff), Ethiopian Oromo, Congolese (various ethnic groups from North and South Kivu, including Banyamulenge) and Southern Sudanese (4 Dinka and 6 Nuer informants). In addition, one Eritrean and one Burundian Tutsi refugee were interviewed in Nairobi. Gender equity was sought, with 18 women and 24 men interviewed.

Interviews in Nairobi were mostly carried out in the enclaves in which the various communities predominantly reside. For Somali and Ethiopian refugees, all interviews were conducted in Eastleigh, a vibrant and multi-cultural neighbourhood with a booming economy, fuelled in part by Somali transnational business ties and diaspora remittances.<sup>7</sup> The Congolese refugee community, as well as the Rwandan and Burundian communities, tend to be less concentrated in one neighbourhood or area than Somali and Ethiopian refugees, and reside in numerous estates across Nairobi, including Kayole, Kangemi, Kawangware and Satellite, dispersed amongst Kenyan nationals.<sup>8</sup> Interviews with Congolese refugees were conducted in the city centre and in Kayole in eastern Nairobi. The South Sudanese refugee community similarly tends to reside in a number of different areas across Nairobi, including Donholm, Komerock, Kawangware, Githurai and Ruiru, amongst others.<sup>9</sup> Interviews with members of the South Sudanese Nuer community were conducted in Donholm in eastern Nairobi and the Dinka community in Kawangware in western Nairobi. Interviews were carried out in public places such as cafes, restaurants and salons as well as in informants’ homes. Some refugees and asylum seekers were understandably cautious about sharing their stories, especially in cases where their security was threatened (particularly for Oromo refugees who often live in fear of Ethiopian security agents said to be operating in the city). However, a majority of informants were compelled to tell their stories in great detail, especially around their frustrations with the resettlement situation in Kenya.

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<sup>4</sup> E.g. Campbell et al, 2006, ‘Congolese refugee livelihoods in Nairobi’.

<sup>5</sup> As described in Trueman, 2010, ‘Ethiopia exports more than coffee’.

<sup>6</sup> According to UNHCR statistics, 2012a, ‘Statistical summary as of August 2012’.

<sup>7</sup> See Lindley, 2010, *The Early Morning Phonecall*. While the Ethiopian refugee community is particularly concentrated in Eastleigh, there are also significant communities of Amhara refugees in particular in the more upmarket neighbourhoods of Jamhuri and Hurlingham.

<sup>8</sup> see Pavanello et al, 2010, ‘Hidden and exposed’, 13.

<sup>9</sup> There is also a significant [wealthier] southern Sudanese community in Kileleshwa, Hurlingham and Jamhuri estates.

In Kakuma, refugees and asylum seekers residing mostly in one section of the camp (Kakuma 1) were interviewed. Refugee community leaders and interpreters were accessed via UNHCR's Community Service unit, who were then able to introduce the researcher to members of their community to interview. In total, 41 refugees and asylum seekers were interviewed in Kakuma: Ethiopians (including Oromo, Amhara, Tigray and Ethiopian Nuer), South Sudanese (Dinka and Nuer), Somalis (of various clans), Congolese (of various ethnic groups from North and South Kivu) and Burundians (Hutu) were interviewed. Most refugees in the camp were very keen to tell their stories. As in Nairobi, it was necessary to emphasise my inability as an independent researcher to provide any assistance or refer cases to UNHCR. The Oromo community was particularly keen to be interviewed, meaning the number of interviews from Oromo refugees and asylum seekers are somewhat disproportionate to the other communities. Although gender equity was sought and emphasised, only thirteen women were interviewed in the camp. While the challenges accessing women are frustrating, they also emphasise that men tend to be more active in pursuing opportunities in the camp.<sup>10</sup>

Research also involved interviews with UNHCR in both Nairobi and Kakuma, with the Senior Resettlement Officer in Nairobi, the Senior Protection Officer and Resettlement Officer in Kakuma, and with UNHCR resettlement caseworkers in Dadaab<sup>11</sup> and Kakuma. Discussions were held with the head of IOM's sub-office in Kakuma and IOM's director of non-US movements was interviewed at IOM's headquarters in Nairobi. In addition, the manager of IOM's Canadian Orientation Abroad programme (also working with European countries' cultural orientation programmes for resettled refugees) was interviewed in Nairobi. A member of staff at the Government of Kenya's Department of Refugee Affairs (DRA) was interviewed in Nairobi, along with refugee agencies, including Refugee Point, Kituo Cha Sheria, Refugee Consortium of Kenya (RCK), and Heshima Kenya.<sup>12</sup>

In order to gain insights into the workings and perspectives around resettlement of those European countries resettling from Kenya, interviews were conducted with the consulates of European countries resettling refugees from Kenya – the UK, Netherlands and Denmark. I was fortunate to be able to observe the Netherlands' second cultural orientation session for refugees who had been selected for resettlement from Nairobi and to discuss the Netherlands' resettlement policies and practices with staff from the Central Agency for the Reception of Asylum Seekers (COA). In addition, I was able to meet with members of a delegation from the Swedish Migration Board towards the end of their selection mission in Kenya. I also met with caseworkers for the Resettlement Support Centre (RSC) of the U.S. in Nairobi for sub-Saharan Africa and interviewed the Refugee Coordinator for State Department's Bureau of Population, Refugees and Migration (PRM) in order to gain a sense of how European resettlement is viewed by UNHCR's biggest 'customer' in resettlement, and what European countries can learn from the U.S.'s resettlement policies and practices.

### 3. Contextual Analysis

#### Kenya's refugee population

Kenya currently hosts some 630,926 refugees and asylum seekers.<sup>13</sup> The majority of the country's refugees reside in its two desert refugee camps – Dadaab, in North Eastern Province, and Kakuma, in North Rift Valley Province – and a large number also live in Kenya's significant cities, most notably Nairobi.<sup>14</sup> In addition, an unknown but likely high number of *de facto* refugees live unregistered in the country, most commonly in urban centres.

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<sup>10</sup> My sense was that interviews were treated as a means of campaigning for resettlement.

<sup>11</sup> By phone.

<sup>12</sup> More on the place of these agencies within Kenya's resettlement landscape in section 4.

<sup>13</sup> According to UNHCR's official statistics: UNHCR, 2012a, 'Statistical Summary as of August 2012: Refugees and Asylum Seekers in Kenya'.

<sup>14</sup> UNHCR, 2012a.



Kenya's refugee history began with the country's hosting of Ugandan refugees displaced by political coups during the 1970s. By the end of the 1980s, Kenya's official refugee numbers stood at 15,000; the majority of these were Ugandans who had managed to integrate into the country's socio-economic landscape relatively smoothly, acquiring Kenyan identity cards and gaining access to social services relative to Kenyans.<sup>15</sup> Kenya's refugee situation changed dramatically with the onset of the nineties, which saw a surge in the number of refugees entering Kenya in response to regional crises. This began with a wave of an estimated 300,000 Somali refugees between 1991 and 1993<sup>16</sup> following the collapse of the Siad Barre regime in 1992 into camps at the border at Liboi, north coast (Marafa), around Mombasa (Utanga) and the Dadaab camps in North Eastern Province. Shortly after, the collapse of the Unity government in Ethiopia displaced around 40,000 Ethiopians into Kenya.<sup>17</sup> The same year, 12,000 Sudanese minors entered Kenya fleeing the insecurity resulting from the fighting between the SPLM and the Government of Sudan, resulting in the creation of Kakuma refugee camp. Around this time, Congolese fleeing the Mobutu regime after ten years of fighting were also flowing into Kenya.<sup>18</sup> By 1992, Kenya's refugee numbers had reached around 420,000, as compared to an estimated 13,000 in 1991.<sup>19</sup> The majority of these refugees were Somali.

Refugee flows into Kenya continued into the nineties and beyond. New arrivals of Somalis into the country persisted through 2006, in spite of the government's closing of the border, as people fled the insecurity brought by the ousting of the Islamic Courts Union by US-sponsored Ethiopian and Transitional Federal Government (TFG) forces.<sup>20</sup> There have been further waves of Somali refugees entering Kenya in recent years, with thousands fleeing the devastating drought of 2011 which was compounded by restrictions placed on aid imposed by insurgent group Al Shabaab who controlled some of the worst-hit areas.<sup>21</sup> The crisis saw numbers in Dadaab refugee camp swell to 400,000, making it Kenya's 'second biggest city', hosting over four times more than its original capacity of 90,000 people.<sup>22</sup> UNHCR's mid-term objective for South Sudanese refugees since the 2005 Comprehensive Peace Agreement (CPA) has been repatriation, though this is generally deemed to have been a problematic process to say the least. Although UNHCR supported those who voluntarily repatriated with integration grants, they were not given repatriation packages, and many returnees found a lack of infrastructure and services and poor living conditions at 'home'. In addition, ethnic conflicts in South Sudan saw significant numbers of new arrivals from South Sudan, which has halted UNHCR's repatriation programme.<sup>23</sup>

Today, Somalis make up the significant majority of refugees in Kenya, with their numbers officially at 535,318, the majority residing in the Dadaab refugee camp complex.<sup>24</sup> Ethiopian refugees follow; UNHCR figures state that 35,873 Ethiopian refugees live in Kenya, mainly in Dadaab but with significant numbers in Nairobi, though these figures are not disaggregated according to the different Ethiopian ethnic groups in Kenya. South Sudanese refugees are the third biggest refugee population in Kenya at 32,146, the vast majority officially residing in Kakuma, though fieldwork for this study

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<sup>15</sup> Crisp, 1999, 'A state of insecurity', 17.

<sup>16</sup> Kirui and Mwaruvie, 2012, 'The dilemma of hosting refugees'.

<sup>17</sup> Hyndman and Nylund. 1998, 'UNHCR and the status of *prima facie* refugees in Kenya', 4.

<sup>18</sup> Konzolo, 2010, 'An overview of refugee status determination and the rights of refugees in Kenya', 2.

<sup>19</sup> Odhiambo-Abuya, 2004, 'UNHCR and status determination *imtaxaan* in Kenya', 188.

<sup>20</sup> See Lindley, 2009, 'Leaving Mogadishu'.

<sup>21</sup> The Kenyan government has tended to portray Somali refugees who arrived in 2011 as economic refugees fleeing hunger, with the argument that their repatriation should thus be relatively unproblematic. See Long, 2011, 'Kenya, Jubaland and Somalia's refugees'.

<sup>22</sup> Rice, 2011, 'Somali refugee settlement swells'.

<sup>23</sup> Interview with UNHCR Senior Protection Officer, Kakuma, 19 September 2012.

<sup>24</sup> Made up of Dagahelay, Hagadera and Ifo I and II camps.

suggests that unofficial numbers in Nairobi are significant. Congolese are the fourth biggest refugee community in the country, officially at 12,742, the majority officially registered in Nairobi, though some 5,500 reside in Kakuma. Other refugee communities in Kenya are Sudanese (6,052), Burundian (3,808), Eritrean (1,980), Rwandan (1,783) and Ugandan (1,041). The table in Annex 1 presents UNHCR's records for the populations of refugees of different countries of origin in Kenya from 2008 to 2012, with a breakdown of these figures according to where refugees officially reside.

## Research sites contexts

### *Kakuma refugee camp*

The number of refugees and asylum seekers residing in Kakuma currently stands at 102,767<sup>25</sup>, surpassing the camp's original capacity of 100,000. The camp was established in 1992 to host Sudanese refugees, including the 'Lost Boys' who were orphaned or displaced during the Sudanese Civil War. Populations from South Sudan continue to constitute a large proportion of the camp's refugees; during the first seven months of this year, Kakuma received 12,123 new arrivals, mostly from South Sudan's Jonglei and South Kordofan states.<sup>26</sup> Somalis represent the largest number of refugees in the camp, followed by South Sudanese, Ethiopians and Congolese. The camp is made up of three main sections – Kakuma 1, 2 and 3.

Kakuma is located in Turkana District in the arid lands of the north Rift Valley, the poorest and most marginalised district in Kenya. 94.3 per cent of the pastoralist host population, the Turkana, were classified as living in poverty in a 2011 survey,<sup>27</sup> and have tended to resent the refugee population for having a relatively better quality of life as a result of the rations, housing, education and healthcare services provided by UNHCR and implementing partners.<sup>28</sup> Attacks on refugees by armed Turkana have historically been a major source of insecurity in the camp and, though having significantly improved in recent years, remain an issue.<sup>29</sup> A number of refugees interviewed in Nairobi who had previously resided in Kakuma cited attacks by Turkana as their main reasons for moving to the city. Refugees also struggle with the harsh climatic conditions in the camp – high temperatures and dust storms render the area an extremely challenging place to live. Although this was also said to have improved slightly in recent years due to improved rainfall levels, increased rainfall also brings floods to the camp, and refugees' houses have been swept away during wet seasons. Such challenges account for why many refugees choose to reside in urban centres, even as they remain registered in the camps.

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<sup>25</sup> UNHCR, 2012d.

<sup>26</sup> UNHCR, 2012b, 'Kakuma camp in Kenya surpasses its 10,000 capacity'.

<sup>27</sup> Omari, 2011, 'Kajiado named richest town in new ranking'.

<sup>28</sup> See Aukot, 2003, 'It is better to be a refugee than a Turkana in Kakuma'.

<sup>29</sup> At the time of fieldwork in Kakuma, a refugee had been killed in the Kakuma 3 section of the camp the previous week.

## Nairobi

The official number of refugees residing in Nairobi according to UNHCR's most recent statistics is 55,581,<sup>30</sup> but the actual number is likely to be significantly higher, since many are registered in the camps but choose to live in Nairobi for livelihood and educational purposes, or because of medical needs.

Somalis, more than other refugee populations, face discrimination from the host population in Kenya, in part informed by a historical marginalisation and suspicion of the country's native Somali populations as well as more recent events which have caused Somalis or those with Somali-like appearances to be associated with Islamic radicalism. In October 2011, following a spate of kidnappings of foreigners (aid workers and tourists) on its territory, the Kenya Defence Force embarked on a military incursion into Somalia with the objective of removing militant group Al Shabaab. Kenya's involvement in the 'war on terror' prompted numerous grenade and gun attacks across Kenya, mostly in the north eastern town of Garissa and in Nairobi, targeting bus stations, busy streets and churches.<sup>31</sup> These attacks have seen an increase in xenophobic attitudes towards those with Somali appearance<sup>32</sup> and police harassment of Somalis in Eastleigh estate, where a large concentration of Somalis reside. Ethiopian refugees, often residing in Eastleigh, also face discrimination since they have a distinctive appearance and can be mistaken for Somalis. These groups thus face particular insecurity in Nairobi at the hands of the police, who regularly conduct night-time 'operations' in Eastleigh in order to cleanse the estate of illegal immigrants. This has culminated in recent months in a Kenya police project known as *Operation Fagia Wageni* (literally 'operation sweep up the guests'), in which all immigrant populations residing in Eastleigh are targeted. Police operations in Eastleigh are not necessarily entirely aimed at removing illegal immigrants; police have been accused of visiting the estate when they are short of cash, knowing that refugees and asylum seekers lacking documentation will readily pay a bribe so as to avoid being detained.<sup>33</sup> South Sudanese, residing in other areas of the city, also experience regular requests for identification from the police due to their distinctive appearance. Documentation is a grey area, and few police are clear on what documentation refugees should be carrying to allow their residence in Nairobi.<sup>34</sup> Refugees from all communities interviewed cited experiencing difficulties with the police, but most notably those groups who were more visible in Nairobi; refugees from the Great Lakes region who can be mistaken as Kenyans and sometimes speak Kiswahili were less likely to report these kinds of incidents.

Some groups cited insecurity in Kakuma as a reason for choosing to stay in the city. Three Congolese Banyamulenge informants talked of relatives who had died during the massacre of Banyamulenge refugees at Gatumba refugee camp in Burundi and said that they thus felt unable to stay in a camp and could not trust UNHCR to keep them safe.<sup>35</sup> Ethiopian refugees described particular insecurity and anxiety due to targeted attacks on them, including forced deportations, carried out by Ethiopian security agents or Kenyan police funded by the Ethiopian government. Most said that

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<sup>30</sup> UNHCR, 2012a.

<sup>31</sup> Note that it is unclear as to whether these attacks have been Al Shabaab-instigated or are rather the activities of opportunistic individuals and groups in Kenya.

<sup>32</sup> An extreme example is when Somalis were attacked in the street and their homes in Pangani estate in Nairobi which neighbours Eastleigh following a grenade attack on a church which killed one child and injured several others on 30 September 2012.

<sup>33</sup> Harper, 2010, 'Somalis in Kenya: they call us ATM machines'.

<sup>34</sup> Pavenello et al, 2010: 17.

<sup>35</sup> David, interviewed Nairobi, 21 August 2012; Marc, interviewed Nairobi, 21 August 2012; Juliet, interviewed Nairobi, 22 August 2012.

to live in Kakuma, closer to the border, was more dangerous, and that hence they were forced to stay in Eastleigh, though some mentioned seeking safe haven in other parts of the country.<sup>36</sup>

### Legal framework for refugees in Kenya

Kenya has signed and ratified the 1951 United Nations Convention relating to the status of refugees as well as the 1969 Organisation of African Unity Refugee Convention. However, up until 2006, Kenya lacked any national legislation on refugees. While Kenya's early refugee policy has been described as open and accommodating, since 1990 it has been characterised by draconian policies which aimed to contain the refugee 'problem' and refugees' movements. Due to overwhelming numbers of refugees in the country by 1992, the Government of Kenya (GOK) assigned all responsibility for registering, determining the status and ensuring the protection of asylum seekers during this period to UNHCR. The government applied containment policies to its refugee population, targeted particularly at the growing Somali refugee population; refugees were allowed to reside only in camps, and those needing to travel out of the camps for medical needs, to take up education opportunities or fleeing specific and targeted insecurity in the camps were required to carry a movement pass issued by UNHCR.<sup>37</sup>

Following sustained advocacy by UNHCR and civil society organisations, in 2007 Kenya adopted the Refugee Act 2006, through which the 1951 UN Convention and the 1969 OAU Refugee Convention were implemented at the national level.<sup>38</sup> The Act identifies two categories of refugees: statutory refugees and *prima facie* refugees, and lays out the provisions for those who should be excluded from gaining refugee status or should have their refugee status withdrawn from them, including people who have committed crimes against peace or humanity; have committed war crimes or serious non-political crimes outside or inside Kenya; have been guilty of acts contrary to the principles of the UN or AU; have dual nationality. In addition, where the circumstances which caused an individual to flee have changed, the individual should be excluded from receiving refugee status.<sup>39</sup> The Refugee Act also makes room for some deviation from Kenya's *de facto* encampment policy, allowing refugees to reside in urban areas provided that they are able to sustain themselves financially. However, Pavanello et al argue that Kenya continues to lack the national refugee and asylum policy required to assist with the implementation of the Refugee Act, and that there is as a result palpable confusion around the government's official position on where refugees should reside.<sup>40</sup> While some refugees are today able to legally reside outside of the camps, there are no official guidelines around which refugee groups may or may not.

The Refugee Act established a government department responsible for refugee issues, the Department for Refugee Affairs (DRA), which operates within the Ministry of State for Immigration and Registration of Persons. The Refugee Act declares that the DRA is responsible for the management, coordination and administration of refugee issues, including developing policies, seeking durable solutions, coordinating international assistance, issuing travel documents and managing the refugee camps. The vision for the DRA was to take over from UNHCR as lead agency on refugee issues in Kenya; all issues pertaining to refugees should first come to the DRA, after which the DRA could then assign responsibility for those issues to stakeholder agencies, including UNHCR.<sup>41</sup>

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<sup>36</sup> Boru, interviewed Nairobi, 16 July 2012; Ibrahim, interviewed Nairobi, 17 July 2012.

<sup>37</sup> Crisp, 1999: 28.

<sup>38</sup> see GOK, 2006, *The Refugee Act 2006*, Section 16 (1) (a).

<sup>39</sup> GoK, 2006: 3.

<sup>40</sup> Pavanello et al, 2010.

<sup>41</sup> Interview with DRA official, Nairobi, 11 September 2012.

Since March 2011, asylum seekers have been required to register with the DRA.<sup>42</sup> On arrival in Kenya, asylum seekers have up to 30 days to report to DRA reception centres distributed across the country – in Kakuma and Dadaab refugee camps, Shauri Moyo neighbourhood in Nairobi, Nakuru in Rift Valley, Mombasa and Malindi in Coast Province, and Isiolo in Eastern Province. Here, asylum seekers' essential information, photographs and fingerprints are taken and they are given a letter confirming their registration as they await a government alien ID card.<sup>43</sup> The new system is felt to be positive, in that it demonstrates greater responsibility-sharing between the GOK and UNHCR. However, the system has also been found to be inefficient; refugees wait long periods before being issued with the ID card, and one informant reported a current backlog of 60,000 refugee ID cards.<sup>44</sup> Recently, the government announced that all refugees being resettled to third countries are required to hold alien ID cards,<sup>45</sup> which will likely be problematic in light of the backlog issue.

Having registered with the DRA and been issued with an asylum seeker certificate, asylum seekers from southern Somalia and South Sudan are automatically granted refugee status as *prima facie* refugees. Asylum seekers from other countries or regions undergo an eligibility interview for statutory refugee status (refugee status determination, or RSD). This process continues to be conducted by UNHCR, though both the RSD process and issuance of mandates will ultimately be the responsibility of the DRA and UNHCR and the GOK are currently engaged in capacity building in order to make this transition.<sup>46</sup> There has been some criticism of UNHCR's role in RSD, with the view that acting as 'judge and jury' compromises UNHCR's fairness and neutrality, and promotes mistrust in the agency by refugees themselves.<sup>47</sup> This mistrust and suspicion was certainly a common theme of interviews with asylum seekers in both Nairobi and Kakuma. The RSD process can vary; according to UNHCR, if one's case is straightforward, an asylum seeker may be required to go through only one interview, but if there are some areas of ambiguity in one's case, one may be recalled for several further interviews before a decision is made approving or rejecting an asylum seeker for refugee status. In addition, asylum seekers may be called for an RSD registration interview ahead of an actual RSD interview.<sup>48</sup> Those who are approved as refugees are issued with a mandate which is valid for two years, after which a refugee must seek its renewal from UNHCR. A number of refugees and asylum seekers interviewed in both Nairobi and Kakuma spoke of numerous eligibility interviews with UNHCR and long waits for a decision, sometimes for several years. This can put a lot pressure on refugees in Nairobi in particular, who have to source transport costs to UNHCR's offices, often only to be told to return the following week. Those who are rejected are given a 30 day period to appeal to an Appeals Board, after which they are required to leave the country, a policy that was created under the 2006 Refugee Act.<sup>49</sup> Those who are successful are granted the mandate and receive a Refugee Identification Pass. Those residing in the camps who are granted refugee status are issued with a ration card and are entitled to all of the support services available in the camp. Should they wish to leave the camps, their reason to do so must be approved by the DRA, after which they are issued with a

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<sup>42</sup> Interview with RCK, Nairobi, 20 July 2012.

<sup>43</sup> The alien card is a positive development in terms of refugees' documentation since it allows for better treatment by Kenyan police, especially for urban refugees.

<sup>44</sup> Pavanello et al, 2010: 15; interview with RCK, 20 July 2012.

<sup>45</sup> Interview with UNHCR Senior Protection Officer, Kakuma, 19 October 2012.

<sup>46</sup> 'Refugee Status Determination', DRA website, [www.refugees.co.ke](http://www.refugees.co.ke)

<sup>47</sup> Konzolo, 2010: 11. Odhiambo-Abuya, 2004, describes how amongst Somalis the RSD process is known as *imtaxaan* which translates as 'examination'.

<sup>48</sup> Communication with Resettlement Officer, Kakuma, 16 October 2012. According to UNHCR, delays occur when a refugee's case is not straightforward – i.e. when there are some areas of ambiguity, e.g. non-biological children. The refugee may be called for several interviews, which span a long period of time. What is not clear is the extent to which these long waits are because of the complexity of the case alone, or also due to UNHCR's staffing issues which can cause inefficiency in the system.

<sup>49</sup> Konzolo, 2010: 13

movement pass.<sup>50</sup> Refugees in Nairobi who are granted the mandate are able to access services offered by refugee agencies, such as medical and food assistance (HIAS, Refuge Point, GIZ) and legal aid and advocacy (Kituo Cha Sheria, RCK), though it is the policy of UNHCR to advise refugees that they will have more reliable access to services in the camps. On receiving the ration card, refugees may unofficially go to Nairobi, leaving their card number with family or friends so that they can be contacted in the event of being called for an interview, including for resettlement, when they return to the camps. Refugees also return to the camps from Nairobi for headcounts in order to maintain their official residency there as well as to keep their ration card or their name on a family member's card.<sup>51</sup>

### **Possibilities for durable solutions for Kenya's refugees**

UNHCR identifies 'durable solutions' to the 'refugee problem' as local integration, voluntary repatriation and resettlement. In Kenya, opportunities for durable solutions are limited. The country's encampment policy and measures to restrict refugees' movements significantly curtails opportunities for local integration socially, politically and economically. As mentioned above, refugees face police harassment and discrimination in urban centres, especially those who have a distinctive appearance, such as South Sudanese, Somalis and Ethiopians. Furthermore, local integration appears not to be an envisaged or desirable solution for the Government of Kenya, which regularly makes statements about the burden its Somali refugee population places on the country, and has made it clear that the only opportunity it sees for them is repatriation.<sup>52</sup> As described above, UNHCR facilitated the voluntary repatriation of southern Sudanese refugees from Kakuma following the signing of the 2005 CPA between the Sudans, but this has largely been unsuccessful, and has since been halted due to large numbers of new arrivals from South Sudan flowing into the camp fleeing ethnic violence. Rwandan refugees in Kenya will likely soon face proposals of repatriation, since the country is deemed by the international community to now be safe, and the Rwandan government has requested their return from neighbouring countries and for UNHCR to invoke the cessation clauses for Rwandan refugees. Very few of Kenya's refugees are actually able to return to their country of origin, especially its predominantly Somali population.

### **The role of resettlement**

Of the three durable solutions, resettlement is often the only real option for refugees in Kenya. Yet, it is an opportunity limited to just a fraction of Kenya's refugees – less than one per cent.<sup>53</sup> Amongst refugees and asylum seekers, the term 'durable solutions' is often synonymous with resettlement, or used as a euphemism when requesting resettlement.<sup>54</sup> Resettlement to a third country is generally highly desired by refugees, but for many remains a dream. Jansen describes how this dream has been fostered through resettlement programmes in Kakuma, during which resettlement has become highly visible through the posting of refugees' ration card numbers on notice boards calling them for resettlement interviews and the flights departing the camp carrying individuals and families who have been selected for resettlement. The dream is made even more tangible through modern technologies

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<sup>50</sup> Pavanello et al, 2010: 15.

<sup>51</sup> Campbell, 2006, 'Urban refugees in Nairobi', 400.

<sup>52</sup> Long, 2011.

<sup>53</sup> According to UNHCR figures for 2011, 0.6 per cent of the country's refugee population was resettled in 2011. UNHCR, 2012a.

<sup>54</sup> While refugees and asylum seekers may not directly request resettlement, knowing that this is not normally favourable with refugee agencies, they might say that they are looking for 'durable solutions'. Discussions with staff at Kituo Cha Sheria, 25 July 2012; with staff at the US Resettlement Support Centre (RSC), 7 July 2012. Even those who are not recognised as refugees or have not entered the RSD process may be familiar with the language associated with refugee situations such as 'durable solutions' and draw upon this language strategically when seeking support.

such as international telecommunications, the internet and international money transfer, through which refugees in the camp are able to communicate with their ‘lucky’ friends and relatives abroad. Jansen argues that this creates an environment in the camp that encourages refugees to “cheat” and “negotiate vulnerability” through insecurity claims; resettlement is viewed as something that can actively be attained rather than an option only for the most vulnerable few.<sup>55</sup> Agencies are constantly navigating this environment, trying to uphold their credibility with UNHCR or resettlement countries by identifying which refugees are indeed the most vulnerable. The result is a palpable culture of disbelief or doubt, whereby refugees are often assumed to be strategically bending the truth in order to be resettled. At the same time, this culture is strongly felt by refugees, who resent having to perform vulnerability to prove their eligibility for resettlement under the critical eyes of agency staff, and feel that they are constantly suspected of lying or cheating with agencies trying to catch them out so as to dismiss their claims.

#### 4. The Resettlement Landscape In Kenya

##### History of refugee resettlement from Kenya

There have historically been two channels through which refugees are resettled from Kenya: due to protection needs where no alternative solution can be identified, and through resettlement programmes targeting specific groups. In cases of referrals due to protection needs, these may be identified by UNHCR’s functional units<sup>56</sup> such as the Protection and Community Services Units or implementing partners who are working with refugees in a supportive capacity (e.g. providing legal aid, food aid, accommodation, etc.) and see that an individual or family has protection needs that cannot be met any way other than resettlement. In addition, there are avenues through which refugees can make their protection needs known to UNHCR or implementing partners via visiting UNHCR’s protection unit in Nairobi on ‘desking’ days (days when officers from UNHCR units are able to receive refugees in person in order for them to raise any issues they may have) or via field post in the camps (similarly to desking days, UNHCR units each have an assigned day when officers are available to receive refugees in person to discuss any issues). Refugees in both Nairobi and Kakuma may also communicate any protection needs with the police, who may then refer the case on to an appropriate UNHCR unit.<sup>57</sup> Diagrams in Annexes 4 and 5 present the pathways through which refugees may be resettled from Kakuma and Nairobi.

Resettlement programmes shift according to current political situations and agendas. Towards the end of 2000, 3,800 southern Sudanese unaccompanied minors known as the ‘Lost Boys’ were resettled to the U.S. from Kakuma under the United States Refugee Programme (USRP). In 2003, 15,000 Somali Bantu refugees were resettled from Kakuma.<sup>58</sup> As described below, in recent years refugees in Kakuma and Dadaab have been prioritised for resettlement according to their year of arrival in order to address the protracted refugee situation in Kenya.

During interviews with refugees and asylum seekers, references were sometimes made to corruption within the resettlement system during the late nineties / early 2000s, whereby refugees who were to be resettled had their cases ‘stolen’ or sold to others who were able to go in their places.<sup>59</sup> The

<sup>55</sup> Jansen, 2008, ‘Between vulnerability and assertiveness’.

<sup>56</sup> UNHCR’s functional units comprise of the Protection Unit, the Community Services Unit and the Resettlement Unit.

<sup>57</sup> Communication with Resettlement Officer, Kakuma, 16 October 2012.

<sup>58</sup> Jansen, *ibid*.

<sup>59</sup> Leila and Mohamed [Somali], interview Nairobi, 27 July 2012; Yusuf [Somali], interviewed Nairobi, 28 July 2012; Sagale [Somali], interviewed Nairobi, 28 July 2012; James [South Sudanese Dinka], interviewed Nairobi, 27 August 2012.

possibilities for this kind of fraud have more recently been limited by biometric registration systems.<sup>60</sup> There were also allegations of fraud within the resettlement system around this time which were made publicly known following an investigation by the UN Office of Internal Oversight Services, requested by UNHCR. The investigation revealed that up to 70 UNHCR employees in Nairobi accepted monetary bribes from refugees seeking resettlement in third countries.<sup>61</sup> Since, checks and balances have been put in place to limit opportunities for corruption.<sup>62</sup>

### Contemporary resettlement situation

In 2011, 3,581 refugees departed Kenya to be resettled in a third country and 10,518 refugees' cases were submitted for resettlement.<sup>63</sup> Of those who departed, the vast majority (2, 083) were resettled to the U.S., 541 to Canada, 329 to Sweden, 208 to the U.K., 182 to Australia, 81 to the Netherlands, 58 to Norway, 10 to New Zealand, and 89 to 'other countries'.<sup>64</sup> Generally, the U.S. and Canada are deemed the biggest players in resettlement, followed by Australia, the UK and Sweden.

While the U.S. is by far the most significant country of resettlement based on the numbers of refugees it resettles, the process of resettlement to America is renowned amongst UNHCR, other refugee agencies and refugees alike to be long and often drawn-out. This is in large part due to the extensive security checks required by the Citizenship and Immigration Service (CIS).<sup>65</sup> UNHCR and implementing partners refer cases to be resettled to the U.S. via the Resettlement Support Centre (RSC) in Nairobi. RSC caseworkers are then responsible for carrying out interviews with these refugees, and gathering the information required by the U.S.'s Immigration and Naturalisation Service (INS), which then select refugees for interview based on the information gathered. At the same time, CIS conducts security checks on each of the cases. Through this process, refugees are rarely resettled to the US within a year, and Somali refugees usually face a significantly longer waiting period as compared to other nationalities.<sup>66</sup> UNHCR states that the average processing time between resettlement submission and departure of non-Somali refugees in Kenya stands at 358 days, but that for Somalis this processing time takes 617 days.<sup>67</sup> These figures are heavily skewed towards US figures, given the numbers of refugees the US resettles.

Numbers of refugees resettled by European countries, as shown in Annexes 4 and 5, appear to be a drop in the ocean. European countries do offer UNHCR important alternatives to the U.S., however; although the U.S. offers more than enough resettlement places, it is unable to process cases quickly, even in emergencies such as immediate protection needs or medical issues. European countries, on the other hand, are in special circumstances able to resettle cases in a matter of weeks, or sometimes even days. Sweden is renowned as the fastest country of resettlement, and has been able to turn cases around within as little as one to two days.<sup>68</sup>

<sup>60</sup> Interview with Resettlement Officer, Kakuma, 18 September 2012.

<sup>61</sup> Kirby, 2002, 'Crime did pay in Kenyan UN office'.

<sup>62</sup> Such as protection panels, which ensure that staff from different UNHCR units assess the appropriateness of resettlement as a durable solution for an individual or family. Interview with Resettlement Officer, Kakuma, 18 September 2012.

<sup>63</sup> see Annexes 2 and 3 for tables showing numbers of refugees submitted for resettlement and actual departures from 2007-2012, showing numbers according to Kenya's refugee population

<sup>64</sup> see Annex 3 for a breakdown of refugee departures to different third countries for 2007-2012 and Annex 2 for a breakdown of refugees whose files were submitted for resettlement to different third countries for 2007-2012

<sup>65</sup> Interview with Refugee Coordinator, US State Department, Bureau of Population, Refugees and Migration, Nairobi, 11 September 2012.

<sup>66</sup> Because of the risks associated with Somalis due to the presence of Al Shabaab in Somalia.

<sup>67</sup> UNHCR, 2012c, 'Updated fact sheets on priority situations for the strategic use of resettlement'.

<sup>68</sup> Interview with UNHCR Senior Resettlement Officer, Nairobi, 14 August 2012; Swedish Migration Board delegation, Nairobi, 27 September 2012.



## Resettlement processes from the camps and Nairobi

### *Camps*

In recent years there have been two streams through which refugees are referred for resettlement from the camps. Since 2006, UNHCR has been implementing a protracted refugee resettlement programme from Dadaab and Kakuma camps. Refugees are selected for resettlement interviews based on their year of arrival, starting with the earliest arrivals from 1992 up to 2006 arrivals. The reason for making the cut-off year 2006 was in order for the programme to have a boundary and time limit (as opposed to the year 2006 having any particular significance in itself). Cases are most commonly referred to the U.S. or Canada, since the numbers are significant and tend not to be urgent. South Sudanese were not included in the protracted resettlement programme due to the country's anticipated independence which officially came about in July 2011.

Alongside the protracted refugee resettlement programme, refugees continue to be considered by UNHCR according to their protection needs and if there is no solution other than resettlement can be found for them.<sup>69</sup> This is the only channel through which urban refugees can be referred for resettlement; resettlement programmes tend only to apply in camps. Refugees can be referred to the Resettlement Unit via their own self-referral to the Protection Unit or Community Services Unit or via UNHCR's implementing partners. In addition, refugees may be referred to the Resettlement Unit by UNHCR colleagues in other units or implementing partner agencies according to their knowledge about refugees' protection needs. Refugees may write and submit letters to UNHCR explaining their protection needs, which is often seen as a means through which to 'apply' for resettlement. These letters are supposed to be read by the Protection Unit, which then proposes a solution for the issue, such as referral to the Kenyan police, camp security, Community Services Unit, etc. In general, writing letters is not an effective conduit for resettlement, perhaps because it is seen as a way through which refugees can actively seek resettlement and is a channel not always accessible to the most vulnerable; refugees who write letters must be literate and have knowledge of English, or else know someone who can assist them with writing the letter, or even be able to pay for that service.<sup>70</sup> In addition, UNHCR can be understaffed and when swamped with letters may not always read them. In situations where agency workers (UNHCR units or implementing partners) are unable to see alternative durable solutions for cases other than resettlement, cases are referred to a protection panel, constituted of staff from the protection unit, community services unit and field staff through which cases are discussed and a solution agreed to – be it resettlement, relocation to another section of the camp, relocation to Nairobi, and so on. The panel functions as a system of checks and balances to ensure fairness in the resettlement process and eradicate any opportunities for corruption, and meets when a certain number of cases have been referred. On the whole, alternative solutions to resettlement are found by the panel, and the resettlement unit receives a relatively small number of referrals this way.<sup>71</sup> Where refugees have entered the resettlement process through a needs or protection-based channel, if they are unsuccessful at the UNHCR stage they are unlikely to be informed why, since that would risk information about resettlement criteria leaking to the wider refugee population and people adjusting their cases accordingly. My impression was that was also the policy where refugees are rejected resettlement at the stage of interviews with third countries. Not being informed why one is rejected resettlement is, understandably, incredibly frustrating for refugees.

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<sup>69</sup> The pathways through which refugees may be resettled are presented in a diagram in Annex 4.

<sup>70</sup> Interview with UNHCR Resettlement Officer, Kakuma, 18 September 2012.

<sup>71</sup> Interview with UNHCR Resettlement Officer, Kakuma, 18 September 2012.

In Dadaab, the protracted refugee resettlement programme has been significantly delayed due to the current security situation in the camp,<sup>72</sup> as discussed below. In Kakuma, the protracted refugee resettlement programme is currently coming to an end, and is to be replaced with a more traditional, protection-based resettlement programme.<sup>73</sup> This programme will involve colleagues in the community service unit carrying out needs-based assessments of refugees, from which refugees potentially in need of resettlement can be identified for referral to the resettlement unit. The reasoning behind this process being conducted by the community service unit as opposed to staff in the resettlement unit is to avoid arousing refugees' awareness that the needs-based assessment is a channel for resettlement, and adjusting their statements accordingly. UNHCR is constantly faced with the challenge of rendering the resettlement selection process as credible as possible.<sup>74</sup>

### *Nairobi*

In Nairobi, refugees may be referred to UNHCR's Resettlement Unit via UNHCR's functional units (Protection Unit or Community Services Unit) or via UNHCR's implementing partners. Some implementing partners have resettlement referrals to UNHCR and agencies with memorandums of understanding with third countries to refer refugees to them directly (bypassing UNHCR) as part of their mandates, whilst others would only make referrals in situations where they identify extreme need. The Refugee Consortium of Kenya (RCK), for example, as well as mainly dealing with the provision of legal assistance to refugees, also refers clients for resettlement. RCK may refer clients to UNHCR, as well as to partners who are able to make direct referrals to countries of resettlement, for example HIAS (to Canada<sup>75</sup>), and Refuge Point (to the U.S.).<sup>76</sup> Kituo Cha Sheria, also a legal aid agency, has a collateral agreement with UNHCR to refer cases to UNHCR for further investigation vis-à-vis possibilities for resettlement.<sup>77</sup> Heshima Kenya, an organisation concerned with the protection of unaccompanied refugee children and youth in Nairobi, would refer services users to UNHCR only in cases of extreme insecurity.<sup>78</sup> The reasoning behind agencies such as Refuge Point and HIAS having memorandums of understanding with the larger resettlement countries is in part in order to ensure that vulnerable individuals who cannot be reached by or gain access to UNHCR can still be given opportunities for resettlement, and in order to help those resettlement countries to reach their resettlement targets. This is mainly a service targeting urban refugees as opposed to taking place in the camps,<sup>79</sup> and operates through other support programmes such as food and medical assistance or psycho-social support. Here, opportunities for resettlement are not usually made explicit, though most refugees are quite aware that these opportunities exist. As in Kakuma, at the UNHCR offices in Westlands, Nairobi, there is a facility through which refugees can submit letters describing their challenges in Kenya, though interviews suggested that refugees are rarely given responses. Generally, fewer cases are referred for resettlement from Nairobi. This is in part due to the Kenya office's reluctance to resettle urban refugees, preferring to refer them to the camps unless they have high profile cases, such as targeted persecution, or medical issues.<sup>80</sup> In addition, urban refugees are felt to

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<sup>72</sup> Interview with UNHCR Resettlement Caseworker, Kakuma, 18 September 2012.

<sup>73</sup> UNHCR, 2012c; interview with UNHCR Resettlement Officer, Kakuma, 18 September 2012.

<sup>74</sup> Interview with UNHCR Resettlement Officer, Kakuma, 18 September 2012.

<sup>75</sup> Though HIAS is exploring establishing an arrangement whereby it can also support the U.S. with meeting its resettlement needs and refer cases directly to the U.S., because Canada has in recent years curtailed its resettlement numbers, thus reducing funding to HIAS.

<sup>76</sup> Interviews with RCK, 20 July 2012; Refuge Point, 24 July 2012.

<sup>77</sup> Interview with Kituo Cha Sheria, 26 July 2012.

<sup>78</sup> Interview with Heshima Kenya, 18 July 2012.

<sup>79</sup> Though in the camps staff may be seconded to support UNHCR with resettlement referrals, such as RSC and Refuge Point.

<sup>80</sup> Interview with UNHCR Senior Resettlement Officer, Nairobi, 14 August 2012.

be less vulnerable than camp refugees, except in cases whereby refugees might face persecution within the camps, such as because of their sexual orientation. For a summary of the resettlement process from Nairobi, see diagram in Annex 5.

### *Decision making*

In the camps and Nairobi there is no standard resettlement process by UNHCR, which operates on a case by case basis. Refugees may be called for a number of interviews before a decision is made on their eligibility for resettlement. Once cases are found to be eligible for resettlement and UNHCR has identified a potential country of resettlement, UNHCR issues the refugee with a submission letter which states which country they have been recommended to. In Kakuma, in situations where an individual or family is suspected of fraud with regards to their resettlement case (such as inventing or fabricating an insecurity claim), UNHCR will keep the case on hold, conducting further interviews or investigations and, if the case continues to appear suspicious, ultimately referring the case to an oversight panel which conducts its own investigations. Should it be concluded that the refugee(s) in question are guilty of fraud, they are called to the office of the Resettlement Officer and informed that their case has been rejected for that reason. Officially, UNHCR has a sanctions system which excludes refugees from the resettlement process for three to twelve years, though this is not always implemented.<sup>81</sup> If refugees have cases pending with UNHCR, they may enquire about the status of their case at UNHCR field posts in Kakuma 1 and 3 sections of the camp, held every Friday morning. Field posts are run by two UNHCR resettlement caseworkers, who are able to check on refugees' cases via connecting to an online database. Caseworkers are able to serve 45 refugees, who gain a place in the queue by taking a token from the field post a week earlier which entitles them to be seen the following week.

Resettlement from Kenya in recent years has largely taken place from Kenya's (and indeed the world's) largest refugee camp, Dadaab. UNHCR's targets for resettlement were high due to the vast numbers of refugees living in Dadaab, many of whom were protracted cases; in 2011, 10,000 individuals were targeted for resettlement, with 8,000 of those refugees selected from Dadaab. However, heightened insecurity in Dadaab over the past two years has led a number of countries to withdraw their personnel from conducting resettlement interviews in the camp, curtailing UNHCR's target figures from Kenya in 2012 to 3,750, with only 750 refugees coming from Dadaab.<sup>82</sup> This has created a real challenge for UNHCR, as resettlement countries scramble for refugees from a much smaller pool of candidates in order to meet their resettlement quotas. Furthermore, many of Dadaab's protracted refugees are most in need of resettlement, but remain largely inaccessible. UNHCR has been exploring alternative methodologies through which refugees submitted for resettlement can be accessed by interviews for third countries, including video conferencing (piloted with Canada in July 2012).<sup>83</sup> In addition, PRM, U.S. State Department has provided funding for the transfer of 2,000 Somali refugees from Dadaab to Kakuma, facilitated by IOM, for processing by RSC, which has not been allowed to access Dadaab for the past two years. Plans are currently in place for the construction of shelters in Kakuma to accommodate these families and individuals as they are being processed for resettlement to the U.S. Alternatives were also found for Sweden, which interviewed around 250 refugees from Dadaab in September 2012 in Nairobi, funding IOM's operation of securely transporting two cohorts of refugees to Nairobi by bus,<sup>84</sup> and accommodating them in IOM's transit centre near Wilson Airport. These measures are of course costly, and, in the case of Sweden, meant

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<sup>81</sup> Interview with UNHCR Resettlement Officer, Kakuma, 18 September 2012.

<sup>82</sup> Interview with UNHCR Senior Resettlement Officer, Nairobi, 14 August 2012. Countries are unlikely to be willing to resettle refugees on a dossier basis, since the security risks associated with Somalis has rendered face to face interviews a requirement.

<sup>83</sup> UNHCR, 2012c.

<sup>84</sup> The road from Dadaab is highly dangerous, with frequent attacks by bandits.

that the numbers of refugees requested for submission by UNHCR was curtailed from 350 to 300 (50 of the refugees were selected from Nairobi) because the cost of transporting and accommodating them was simply too high. In addition, the cultural orientation programme which takes place during the selection mission was cut from three days of classes to just a one hour session.<sup>85</sup>

## 5. European Countries' Resettlement Processes From Kenya

### Overview

In 2012, three EU member states carried out selection missions in Kenya: Sweden, the UK and the Netherlands. Sweden has been conducting selection missions in Kenya since 2009 and has prioritised the Horn for resettlement for the past two years (previously priority was given to the Middle East). The Netherlands have been resettling from Kenya on a regular basis since 2007. Denmark has not conducted selection missions in Kenya for the past two years, but did so in 2010, during which 124 Congolese and two Burundians were selected for resettlement.<sup>86</sup> At the time of this report's completion, the UK Home Office was unable to provide information about the history of the country's resettlement from Kenya. Other EU member states carry out resettlement from Kenya on a dossier or emergency basis according to UNHCR's requests, but it was not possible to capture this data since records tend to show the refugees' countries of origin as opposed to country of first asylum.<sup>87</sup> Dossier submissions are typically made through UNHCR's regional hub office in Nairobi. A number of European countries allocate a proportion of their annual quota to dossier and emergency cases which can be turned around in a relatively short space of time. As described above, this is an important facility for UNHCR and urgent cases, and is particularly highly valued since it is not offered by all resettlement countries. Of Sweden's worldwide resettlement quota of 1,900, about half is reserved for dossier cases, and 350 of them are reserved specifically for emergency cases.<sup>88</sup> For the Netherlands, of its global quota of 500, 100 resettlement positions are reserved for medical cases and family reunification.<sup>89</sup> The UK has no specific quota for emergency or medical cases, but can accept up to 40 cases via Romania's Emergency Transit Centre in Timisoara and three per cent of its quota for emergency medical cases.<sup>90</sup> On a dossier basis, UNHCR need only submit a file on the refugee individual or family, which is considered by the country of resettlement to be adequate information for the resettlement process to go ahead. However, in certain cases countries do require doing a face to face interview. Sweden, for example, must interview Somali refugees before accepting them for resettlement, even in case of an emergency, and the Netherlands is currently piloting video conferencing with refugees who are submitted for resettlement on a dossier basis.<sup>91</sup>

### Referral and selection processes

For non-dossier or emergency cases, the resettlement process to European countries begins with the countries announcing their plans to conduct missions in Kenya, and the number of refugees they intend to select for resettlement. This communication tends to occur in January following decisions on

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<sup>85</sup> Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

<sup>86</sup> Email correspondence with the Danish Immigration Services, 27 September 2012.

<sup>87</sup> France, Switzerland and Finland resettle on an ad-hoc dossier basis from Kenya. IOM Operation Manager for non-U.S. movements, interviewed Nairobi, 10 August 2012.

<sup>88</sup> Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

<sup>89</sup> Interview with Netherlands COA, Nairobi, 30 August 2012.

<sup>90</sup> Know Reset data on the United Kingdom. [www.knowreset.eu](http://www.knowreset.eu)

<sup>91</sup> Interviews with Swedish Migration Board delegation, Nairobi, 27 September 2012, and Netherlands COA, Nairobi, 30 August 2012.

global resettlement quotas for the following fiscal year, and often involve giving UNHCR relatively short notice ahead of the missions.<sup>92</sup> The exception here is Sweden, which announced its quota for the following year to UNHCR in December and its plans to conduct its selection mission in the spring (though this was postponed to September due to the security issues in Dadaab).<sup>93</sup> UNHCR sends the resettlement country a questionnaire requiring specification of the kinds of cases the country is looking for. Sweden, on UNHCR's recommendation, specified that it wished to select 350 Somali refugees, with the majority residing in Dadaab. All cases to be resettled to Sweden are required to need alternative protection, described as "otherwise in need of protection" in Swedish alien law. This includes vulnerable families (including female-headed families), minority groups (in the Somali case, minority clans and religious minorities), and medical cases (though medical cases are also required to have additional protection needs).<sup>94</sup> Following an initial plan to also resettle Somalis from Dadaab, the UK this year specified that it only wished to select Ethiopian Oromo refugees for resettlement from Kakuma and Nairobi, and instead of resettling from Dadaab selected Congolese refugees from Tanzania.<sup>95</sup> At the time of this report's completion, the Home Office was unable to provide information about the kinds of cases prioritised by the UK for resettlement. The Netherlands specified that it wished to resettle non-Somali refugees.<sup>96</sup> Otherwise, priority is given to victims of trauma, women at risk and medical emergencies.<sup>97</sup> In addition, the Netherlands seeks a balanced caseload, consisting of families, women at risk and single men, and refugees' 'integration potential' is a determining factor of their selection.<sup>98</sup>

On receiving the completed questionnaire, UNHCR goes about identifying cases to submit to the country of resettlement in response to the requirements that have been specified, and Resettlement Referral Forms (RRFs) for each case selected.<sup>99</sup> RRFs have seven sections, including information on the country of origin, and there is currently some debate on whether all this information is needed for all resettlement countries and whether the referral process can be streamlined to save time and resources.<sup>100</sup> The referral process can be rushed for UNHCR, especially since they tend to be short-staffed at the beginning of the year.<sup>101</sup> Cases may have been earmarked ahead of countries announcing their missions, but it is an objective of UNHCR to have pools of RRFs prepared in advance, even if at the time of completion no potential country of resettlement has been identified. This lesson was learned this year, when the UK specified that it required Oromo cases, and there was a lack of Oromo cases prepared for referral since there are often challenges around resettling Oromo to UNHCR's biggest customer, the U.S.<sup>102</sup> UNHCR was thus this year faced with preparing over 200 RRFs for Oromo refugees in Kakuma and Nairobi for submission to the UK at relatively short notice.<sup>103</sup>

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<sup>92</sup> Interview with Refugee Coordinator, US State Department PRM, Nairobi, 11 September 2012.

<sup>93</sup> Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

<sup>94</sup> Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

<sup>95</sup> Interview with British High Commission, Nairobi, 10 August 2012; with IOM Operations Manager for non-US movements, Nairobi, 10 August 2012.

<sup>96</sup> According to COA, the decision to select non-Somali refugees was based on the already significant numbers of Somalis seeking asylum in the Netherlands irregularly, and a tendency to experience difficulties with Somalis' legal claims, especially around family composition. Interview with Netherlands COA, Nairobi, 30 August 2012.

<sup>97</sup> Government of Netherlands, 2011 'Chapter on the Netherlands, UNHCR Resettlement Handbook 2011'.

<sup>98</sup> Interview with Netherlands COA, Nairobi, 30 August 2012.

<sup>99</sup> Interview with UNHCR Senior Resettlement Officer, Nairobi, 14 August 2012.

<sup>100</sup> Interview with Refugee Coordinator, U.S. State Department PRM, Nairobi, 11 September 2012.

<sup>101</sup> This is due to their contracting of International Catholic Migration Commission (ICMC) personnel whose contracts tend to be 6 monthly and come to an end by December 31<sup>st</sup>. Interview with Refugee Coordinator, US State Department PRM, Nairobi, 11 September 2012.

<sup>102</sup> Oromo often fail to clear U.S. security checks due to the country's 'material support' clause of the Patriot Act, put in place by the Bush Administration in the wake of 9/11. The clause specifies that no individual who has provided material support to any 'terrorist' organisations, which includes rebel movements seeking to overthrow ruling governments, shall

On receiving the RRFs, countries process the forms, and conduct security checks on the cases. Countries may carry out their own screening on the cases based on their own excludability criteria and processes if they differ from UNHCR's. For example, the UK will do their own exclusion assessment on receiving the RRFs, and the Netherlands brings an exclusion expert with them on the selection mission. Sweden, on the other hand, tends to rely upon UNHCR's exclusion criteria, and only seeks further consultation with UNHCR if during an interview with a refugee there is some contradictory or inconsistent information to that on the RRF.<sup>104</sup> If at the pre-mission stage countries screen out any of the cases referred by UNHCR based on their own excludability criteria or security checks, they may contact UNHCR to request submission of additional RRFs in order for the country to meet their resettlement quotas. For Sweden, no cases were screened out at this initial stage this year.<sup>105</sup> The Netherlands did not specify the number of cases that were screened out at this stage, but of the 80-100 forms they requested, 70-80 refugees were selected for resettlement. One Oromo refugee informant in Kakuma reported receiving a submission letter from UNHCR stating that his case had been recommended to the Netherlands, but was not contacted by the Netherlands for an interview, suggesting that this case would have been removed at the initial screening stage.<sup>106</sup> The British High Commission in Nairobi was not aware of the number of cases submitted by UNHCR to the UK that were rejected by the Home Office, which was unable to provide this information at the time of the report's completion.<sup>107</sup>

Once the RRFs have been screened and verified, countries communicate to UNHCR which refugees will be interviewed during their selection missions, and arrangements for the mission are made accordingly. This year, Sweden conducted all interviews for the 250 Somali refugees from Dadaab and 50 Somali refugees from Nairobi in the IOM transit centre in Nairobi (numbers curtailed by 50 due to costs, as explained above). Interviews were conducted by a delegation from the Swedish Migration Board.<sup>108</sup> The Netherlands conducted its mission in Kakuma and Nairobi, interviewing 30 non-Somali refugees from Kakuma and 50 from Nairobi. The delegation consists of the Immigration and Naturalisation Service (IND), which assesses refugees' legal claims, the Central Agency for the Reception of Asylum Seekers (COA), which conducts 'social intake' interviews during which refugees' integration potential is assessed and information is gathered to create a social file for each individual for use in the cultural orientation, reception and introduction programmes on arrival in the Netherlands, and a medical doctor who conducts a medical assessment for each interviewee.<sup>109</sup> In recent years, the UK has been spreading the selection of the number of refugees it pledges to resettle from Kenya across two to three missions.<sup>110</sup> This year, the UK pledged to resettle 140 Oromo in Kakuma and 90 in Nairobi, and during its most recent mission in Kenya in June selected 128 refugees from both sites. The delegation consists of officers from the UK Borders Agency (UKBA) of the Home Office.<sup>111</sup> In Nairobi, refugees are interviewed at the IOM transit centre, and in Kakuma, interviews are conducted in the IOM resettlement processing centre situated in the Kakuma 2 section

(Contd.) \_\_\_\_\_

be able to enter the U.S. This has caused many Oromo refugees to be disqualified from resettlement to the U.S. based on their (often tenuous) support of the Oromo Liberation Front (OLF), a separatist group promoting the self-determination of the Oromo people of Ethiopia, labelled by the Ethiopian government as a 'terrorist organisation'.

<sup>103</sup> Interview with UNHCR Senior Resettlement Officer, Nairobi, 14 August 2012.

<sup>104</sup> Interview with UNHCR Senior Resettlement Officer, Nairobi, 14 August 2012.

<sup>105</sup> Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

<sup>106</sup> Abdi [Oromo], interviewed Kakuma, 22 September 2012.

<sup>107</sup> Interview with British High Commission, Nairobi, 10 August 2012.

<sup>108</sup> Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

<sup>109</sup> Interview with Netherlands COA, Nairobi, 30 August 2012; information on Netherlands resettlement on EU Resettlement Network website.

<sup>110</sup> Interview with British High Commission, Nairobi, 10 August 2012.

<sup>111</sup> Resettlement Inter-agency Partnership, 2004, Understanding resettlement to the UK.

of the camp.<sup>112</sup> In some cases, slight changes can be made to those refugees who are to be interviewed ahead of the mission. Sweden, for example, received notification a few days before its mission to Kenya that five emergency cases would be submitted for resettlement. The delegation conducted security checks on these cases during the selection mission, and all five cleared. Due to the costs involved in the mission this year for transporting refugees from Dadaab, the submission of the additional five cases meant that some refugees on the original list were removed to accommodate the emergency cases.<sup>113</sup> Because those withdrawn were a family, and two cases did not show up to the interview,<sup>114</sup> the number of refugees interviewed was curtailed to 295 (i.e. it was not possible to interview 300 cases as planned).

### Post-selection

Sweden makes decisions on the cases interviewed during the mission, and once all interviews have been completed holds a meeting with UNHCR to discuss the decisions made. This year, Sweden accepted all 295 refugees interviewed for resettlement. The delegation from the Swedish Migration Board this year had the technology to communicate directly with its alien database in Sweden and the municipalities to which the refugees will be resettled. They had the equipment to process the travel documents of all the refugees in country during the selection mission, and deposited the emergency alien passports for the refugees with UNHCR towards the end of the mission. Residence permits take longer to process and are produced in Sweden, but should reach the Swedish Embassy in Nairobi for delivery to UNHCR within 3 weeks. This new system has rendered the Swedish Embassy redundant in the resettlement process, and makes the resettlement process more efficient, reducing the time that the selected refugees await departure.<sup>115</sup> That said, the sticking point is the availability of appropriate accommodation in the municipalities, especially for medical cases. Since most refugees are resettled in northern Sweden, where the concentration of advanced university hospitals is significantly lower than in the south, it can be difficult to find municipalities which can meet the needs of those with medical cases. In addition, challenges are encountered when trying to resettle refugees with disabilities, since ground floor accommodation or apartment blocks with elevators are not always available. For this reason, the Swedish Migration Board currently faces a backlog of cases to be resettled within the year; at the time of the study, around half of the cases to be resettled that year were yet to depart. Since any refugees not departing by 31<sup>st</sup> December are carried over to the following year, filling up that year's quota, it is an urgent priority of the Swedish Migration Board for as many refugees as possible to depart by the end of the year. Originally, the group of 295 refugees selected from Kenya were intended to be resettled in January 2013, yet due to delays on the resettlement of refugees from other regions, the Swedish Migration Board is now aiming to have resettled them by the end of the year. The five urgent cases remain a priority, as do a number of other cases pending their security situation in Dadaab. As explained above, Sweden's cultural orientation programme this year consisted of a one hour session, which included a 15 minute video about life in Sweden and a brief explanation about air travel. In previous years, the cultural orientation programme has been conducted over a three day period, conducted by teachers from the municipalities in Sweden where the refugees would be resettled.<sup>116</sup>

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<sup>112</sup> Interview rooms were funded by the U.S. and are labelled 'RSC interview room' 1, 2, 3, etc. since they are mostly used by RSC, but may be used by delegations from any resettlement country.

<sup>113</sup> Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

<sup>114</sup> One no-show was a family member who had gone missing. The rest of the family were interviewed. The other no-show was a Nairobi-based refugee who had been called on several occasions, but appears to have chosen not to attend. Without an interview, refugees are not accepted for resettlement. Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

<sup>115</sup> Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

<sup>116</sup> Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

The Netherlands accepted around 70 refugees, the majority of cases interviewed, during their mission this year, and held a meeting with UNHCR at the end of the mission to discuss the decisions made. All of the refugees selected will be resettled to the same municipality, Freisland, where refugees from Kenya were also resettled the previous year. A ‘pre-arrival’ phase of six months’ duration follows the selection mission. This includes three cultural orientation courses, each conducted over four days. Across all of the cultural orientation sessions, 30-40 per cent of the time is allocated to Dutch language lessons, on the premise that language is the most important tool for integration. This year, COA has piloted additional language lessons for the refugees residing in Nairobi, led by volunteer teachers from the Netherlands. Refugees in Nairobi who were seen to experience difficulties in the language classes were identified for two additional language lessons per week between cultural orientation courses, held at the IOM transit centre. For the stronger students, one additional language class per week is taken. The additional lessons are voluntary, but the majority of refugees are keen to take them up. The first cultural orientation session is carried out six to eight weeks following the selection mission (this year held in July) the second around a month later, (this year in August), and the final session around a month prior to departure (this year held in mid-October). In addition to Dutch language, the cultural orientation courses feature information sessions about various aspects of life in the Netherlands. The first course focuses on life at the national level, the second at the level of the municipality the refugees will be resettled in, and the third at the personal or family level. Subjects taught include Dutch law, human rights issues, education, health, traffic rules and regulations, budgeting and shopping and income. During the courses, refugees are closely monitored and their files kept up to date with any information required by the municipality in which they will be resettled. During breaks between sessions, trainers spend time talking with individuals on a one-to-one basis, especially those who appear to be struggling to keep up during the classes. In the final session, refugees are advised of the housing they will be given, and are shown the accommodation via Google Earth. They are also given information about their nearest medical facilities, and the schools their children will attend. This year, departure is scheduled for November. The Netherlands Embassy deals with the processing of the refugees’ travel documents.<sup>117</sup> IOM conducts a fit for travel check for all refugees, but the Netherlands does not conduct a full medical screening until arrival, including for TB.<sup>118</sup> On arrival, refugees are hosted in a hotel near Schiphol airport and undergo 48 hours of checks, which include the medical screening, and during which their photographs and fingerprints are taken. Following the checks, they are taken to the municipalities, from where further cultural orientation takes place, conducted by the local authorities and local NGOs. This year is the second year to carry out this post-arrival programme; until the beginning of 2011, resettled refugees on arrival would be hosted in a resettlement centre for 6 months before being transferred to the municipalities. During this programme, cultural orientation pre-departure was just one four-day session, since the majority of cultural orientation would be delivered from the resettlement centre.<sup>119</sup>

The UK also accepted ‘the majority’ of refugees interviewed for resettlement, rejecting just three or four.<sup>120</sup> During the selection mission, refugees’ biometrics and photos are taken, medical assessments are conducted by IOM, and the data is left with the embassy in Nairobi. The decision-making process is conducted from the UK, following which the decisions are communicated with UNHCR and the embassy in Nairobi and travel documents are prepared for the refugees selected and deposited with IOM. Refugees usually travel in groups of around twenty, and are resettled together in the same area. They are taken to the IOM transit centre, where final medical checks by IOM are conducted before departure to ensure that they are fit to travel and free from TB.<sup>121</sup> Sometimes refugees require medical

<sup>117</sup> Interview with Netherlands COA, Nairobi, 30 August 2012.

<sup>118</sup> Interview with IOM sub-office manager, Kakuma, 23 September 2012.

<sup>119</sup> This programme was delivered for four years, and the shift came about with a change of government. It was felt that direct transfer to the municipalities was better for refugees’ integration.

<sup>120</sup> Interview with the British High Commission, 10 August 2012.

<sup>121</sup> The UK does not refuse any individual entry on medical grounds but refugees may not travel if they have TB.



escorts, and these are provided by IOM. Prior to departure, the refugees receive cultural orientation training for a day. The cultural orientation focuses on personal hygiene, how to use flush toilets, baths and showers, how to conduct oneself on an aeroplane and what to expect on arrival. The time between interview and departure is short – usually between one and two months. Further cultural orientation is delivered post-arrival.

### **Experiences of UNHCR and implementing partners of European resettlement**

Interviews with UNHCR and implementing partners suggested that European resettlement is highly valued due to countries' abilities to resettle cases in short spaces of time and their systems of allocating portions of their quotas to dossier cases and emergencies. However, agencies can experience difficulties around the time and resources spent meeting the resettlement needs of European countries relative to the number of refugees that European countries resettle. This was also expressed from the perspective of U.S. State Department PRM, which experiences a lull in resettlement referrals at the beginning of the year because UNHCR channels all of its resources into responding to the missions of European countries. UNHCR operates in this way because, in spite of long security checks, the U.S. will accept large numbers and is relatively open as compared to European countries, which are often deemed to be more choosy. The U.S. in particular then tends to get a surge of referrals towards the end of the year, once all European resettlement places have been filled. As mentioned above, this is partly a human resources issue on UNHCR's part, since the contracts of many of its staff come to an end in December which means they are understaffed at the busiest times of the year. Since the U.S. is UNHCR's biggest resettlement 'customer', the prioritising of European countries which resettle much lower numbers can seem illogical.<sup>122</sup> Nevertheless, especially for cases urgently requiring resettlement, or groups or nationalities which are less likely to be accepted by the U.S., such as Oromo and Eritreans,<sup>123</sup> UNHCR feels that prioritising European countries' resettlement needs is important and necessary. This can result in a hectic first half of the year as referrals are being made, until European countries' missions are completed and quotas are filled, including for dossier and emergency cases. Thereafter, UNHCR is able to continue referring cases to RSC, and faces the difficult situation of keeping any new emergency cases that arise on hold as they await the new fiscal year to begin referring to European countries again. This can be particularly stressful, since some of these cases may be in life-threatening situations, and yet there tend to be no immediate opportunities for resettlement in the second half of the year. The only way to begin addressing this issue would be for those countries which offer resettlement on a dossier basis to significantly increase their dossier and emergency quotas in order to make options available for emergency cases throughout the year.<sup>124</sup> In addition, European countries providing UNHCR with more prior warning ahead of missions would enable UNHCR to plan more effectively for the coming year. Spacing missions throughout the year would allow UNHCR to spread its time more evenly between the various countries resettling from Kenya. This may involve communication between European countries conducting resettlement, so that they can plan their various missions through the year accordingly.<sup>125</sup>

IOM reported similar challenges around working with European countries, each of which has its own systems and schedules which can prove cumbersome to deal with when the numbers actually resettled are relatively few. Except for the UK, which budgets for its resettlement programme three

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<sup>122</sup> Interview with Refugee Coordinator, PRM, Nairobi, 11 September 2012; discussions with RSC caseworkers between June and September 2012. The Refugee Coordinator, PRM, commented that he repeatedly reminds UNHCR that no business survives that gives preference to the smallest customer.

<sup>123</sup> Due to any associations or affiliations with the Eritrean People's Liberation Front (EPLF), also based on the 'material support' clause referenced above.

<sup>124</sup> Interview with UNHCR Senior Resettlement Officer, Nairobi, 14 August 2012.

<sup>125</sup> Interview with Refugee Coordinator, PRM, Nairobi, 11 September 2012.

years in advance, European countries provide IOM with very tentative ‘hints’ about the numbers they might resettle when at the planning stage for the following year.<sup>126</sup>

Kenya’s resettlement infrastructure, which European countries are able to use to meet their own resettlement quotas, is almost entirely funded by the U.S. Although this is logical, since the U.S. is UNHCR’s and IOM’s biggest ‘customer’ in resettlement, there is a sense that European countries should be more committed to supporting this infrastructure financially, since it depends upon it for its resettlement requirements. As it stands, should the U.S. stop resettling from the region, this infrastructure could not be maintained with the relatively insignificant and ad hoc funding that European countries provide; there is a sense that European funding could not be depended upon for IOM’s operations. For example, total funds from European resettlement allow IOM Nairobi to employ only two full-time national staff to manage operations to European countries.<sup>127</sup> In addition, because European countries tend to provide little notice on their resettlement numbers, IOM can be forced to adjust its operations at the last minute, likely incurring further costs.<sup>128</sup>

IOM can also experience some challenges around a lack of standardised procedures from European countries. For example, some countries require thorough medical checks from IOM, while others do not. While the UK and Denmark have a no-travel policy if a refugee is infected with TB, Sweden, the Netherlands, Norway and Finland do not. The Netherlands brings their own medical doctor who checks refugees at the selection mission stage for reasons of efficiency.<sup>129</sup> While all refugees undergo fit for travel checks before departure regardless of their destination, this is not enough to diagnose more complex health issues. A standard medical examination for all refugees which would help prevent outbreaks, better screening to avoid complications in flight and prevent problems after arrival.<sup>130</sup> Similarly, there is no standard procedure around cultural orientation. This is in large part because different countries have different ideas around what cultural orientation should involve, reflected in the very different programmes and curriculums taught as described above for Sweden, the Netherlands and the UK. In situations where a small number of refugees are resettled ahead of a larger cohort due to an urgent need to leave Kenya, countries may contract IOM to conduct the training. The Netherlands, for example, asks IOM to do four days’ training with refugees who are not able to participate in its own extensive cultural orientation programme and provide IOM with a curriculum.<sup>131</sup> Although the Netherlands would fund this directly, the time spent by the manager of cultural orientation at IOM is not accounted for, since such requests have an ad hoc nature.<sup>132</sup> This is again an example of how implementing agencies must respond to European countries needs around resettlement on an ad hoc basis, using resources which are largely funded by larger resettlement actors.

While European countries are highly valued for their capacity to take dossier and emergency submissions and for the speed with which they can resettle refugees, they are also perceived as being somewhat choosy about the refugees they accept for resettlement, and not necessarily according to individuals’ and families’ vulnerability. For example, the UK’s decision this year to only take Oromo refugees from Kenya and the Netherlands’ request for non-Somali refugees were experienced

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<sup>126</sup> Interview with IOM Operations Manager for non-U.S. movements, 10 August 2012.

<sup>127</sup> It was noted the salaries of whom alone are likely higher than the total funding IOM receives from European countries on an annual basis.

<sup>128</sup> Interview with IOM Operations Manager for non-U.S. movements, 10 August 2012.

<sup>129</sup> Communication with COA, Netherlands, 10 October 2012.

<sup>130</sup> Interview with IOM Operations Manager for non-U.S. movements, 10 August 2012.

<sup>131</sup> Interview with Netherlands COA, Nairobi, 30 August 2012.

<sup>132</sup> Interview with Canada’s Cultural Orientation Abroad Global Project Manager, Nairobi, 10 August 2012. The position of the manager of cultural orientation at IOM is funded by Canada because Canada is IOM’s biggest customer in terms of cultural orientation. In the past IOM has conducted cultural orientation for refugees being resettled to the U.S., but the contract is currently held by CWS who also have the contract for RSC.

problematically by UNHCR, since third countries seen to be favouring or discriminating against specific ethnic groups undermines UNHCR's efforts to make resettlement appear fair and entirely according to need and causes refugees to complain about what they perceive as bias and racism (see following section).<sup>133</sup> Countries assessing the 'integration potential' of refugees were also criticised, since they tend to select refugees according to their education levels and language skills as opposed to on a needs-based assessment.<sup>134</sup>

Few agency staff interviewed were aware of any changes yet brought about by the Joint European Resettlement Programme (JERP) which was passed through the European Parliament in March 2012. However, UNHCR's Senior Resettlement Officer in Nairobi noted that the German Embassy in Nairobi had recently requested a meeting with UNHCR to discuss resettlement from Kenya for the following year, which she suggested was a response to the JERP's identification of Kenya as a priority country of first asylum from which to conduct resettlement.

## **6. Refugee Narratives, Perspectives And Experiences Of Resettlement**

Resettlement has become a highly desired commodity for refugees both in camp and urban settings; resettlement is often perceived as something that is attainable or can be actively achieved. While those refugees and asylum seekers interviewed recognised that resettlement is something that refugees should need as opposed to desire, the majority had strong narratives and claims which depicted themselves as in need of resettlement. This is not something that should necessarily be disputed or questioned; undoubtedly refugees in both camp and urban settings are forced to live in extremely challenging circumstances. However, some refugees are of course more vulnerable than others, and these are the individuals and families who are sought out by UNHCR and implementing partners.

The following subsections explore the resettlement contexts in Nairobi and Kakuma and the narratives, perspectives and experiences around resettlement of those refugees who were interviewed across the two sites.

### **Who seeks resettlement?**

A situation of generalised insecurity in Kakuma or Nairobi is not considered sufficient grounds by UNHCR for the resettlement of refugees; rather, refugees should have a protection need that is specific to them as individuals or families in order to be referred for resettlement. However, the majority of refugees want resettlement since, regardless of individual circumstances, life in both the camps and Nairobi is extremely challenging and many hold onto the dream of a better life abroad. Because refugees are aware to an extent of the reasons refugees are referred to be resettled in a third country – i.e. extreme vulnerability or insecurity – it is not uncommon for refugees to 'negotiate vulnerability',<sup>135</sup> highlighting their cases of insecurity and sometimes embellishing these situations. Agencies also spoke of refugees sometimes 'creating' situations of vulnerability in order to get resettlement.

### **Who does not seek resettlement?**

Very few informants had no interest in resettlement, or had not explored at least some means through which to obtain it. All of the refugees interviewed in the camp were acutely aware of resettlement; weekly postings of ration card numbers of refugees called for resettlement interviews with UNHCR,

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<sup>133</sup> Interview with UNHCR Senior Protection Officer, Kakuma, 19 September 2012

<sup>134</sup> Interview with UNHCR Senior Resettlement Officer, Nairobi, 14 August 2012

<sup>135</sup> Cf. Jansen, 2008.

RSC and delegations from resettlement countries as well as frequent flights departing out of the camp carrying refugees selected for resettlement makes resettlement a highly visible practice on almost a daily basis. A minority of the refugees interviewed in Nairobi, however, were less resettlement aware or savvy. Four of the South Sudanese refugees interviewed in Nairobi had little to say about resettlement, and were much less familiar with the language of resettlement. One Somali young woman working for an NGO in the city who had waited two years for feedback from an interview with RSC suggested that she had no inclination to waste any more time and energy chasing up her case, and that she would rather remain in Nairobi than stress herself with pursuing resettlement.<sup>136</sup> An interview with one Oromo informant highlighted how very vulnerable refugees may not have the capacity to seek out resettlement; his mandate expired in 2004 and he claimed not to have returned to the UNHCR office since to renew it due to his anxieties around travelling far from home.<sup>137</sup>

### How is resettlement sought?

A number of informants in both Kakuma and Nairobi seemed to have made attaining resettlement a project to actively work on through certain practices or methods, such as regular visits to UNHCR and implementing partners, writing letters to submit to the UNHCR offices and collecting papers documenting their suffering, mistreatment or the unfairness of UNHCR's policies and practices. It is important to note that for refugees, in camps especially, who may have little control over their lives, daily engagement with such a project may be one of the few ways they feel able to gain some agency or autonomy, and maintain some hope in an otherwise bleak situation. Saida, a Somali refugee and single mother making a living in Nairobi's Eastleigh selling foodstuffs such as ghee and dried meat from an open-air stall, said that since she received her mandate she has sought assistance from numerous agencies, including Kituo Cha Sheria and RCK,<sup>138</sup> telling them of the challenges she faces in Nairobi, since that is a way through which one might be referred for resettlement.<sup>139</sup> A number of Congolese refugees spoke of writing letters to UNHCR describing their hardships in Nairobi. One informant described writing letter after letter, week after week, until he lost heart after never receiving a single reply.<sup>140</sup> In Kakuma, there was more evidence of group action, likely because of the close proximity within which refugees live. A group of South Sudanese Dinka informants, for example, showed me a letter complaining of the lack of resettlement opportunities for South Sudanese since independence, requesting that UNHCR reconsider granting them resettlement.<sup>141</sup> An Oromo informant informed me that a group of 50 refugees of Ethiopian nationality from one section of the camp who had arrived between 1992 and 1999 and yet remained in the camp whilst other such early arrivals had since been resettled submitted a letter to UNHCR to remind the agency of their protracted situation.<sup>142</sup> Similarly, a Burundian refugee told me of collective action by himself and ten other Burundians whose resettlement cases had long been pending with UNHCR without being informed why; the group went directly to talk to the Resettlement Officer in the UNHCR compound.<sup>143</sup>

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<sup>136</sup> Asha, interviewed Nairobi, 25 July 2012.

<sup>137</sup> Boru, interviewed Nairobi, 16 July 2012.

<sup>138</sup> Three informants mentioned that RCK had referred their cases and that they expected this to be to HIAS, recommending them for resettlement, although they were not advised of this. None of them, however, had received any further feedback, and felt that the organisation had given them false hope. Naima [Oromo], interviewed Nairobi, 21 July 2012; Fatuma [Somali], interviewed Nairobi, 11 August 2012; Saida [Somali], interviewed Nairobi, 26 July 2012.

<sup>139</sup> Saida, interviewed Nairobi, 26 July 2012.

<sup>140</sup> Joseph, interviewed Nairobi, 28 August 2012.

<sup>141</sup> Interviewed Kakuma, 20 September 2012.

<sup>142</sup> Jarso, interviewed Kakuma, 21 September 2012.

<sup>143</sup> Thomas, interviewed Kakuma, 19 September 2012.

Some informants reported seeking resettlement through family reunification, but failing due to tenuous biological relationships. This could have ramifications for refugees' resettlement chances later down the line. Abdullahi, for example, a refugee residing in Nairobi but officially registered in Kakuma, reported his family attempting reunification with a cousin in the U.S. in 2006 but failing at the DNA test. Although they had arrived in Kenya in 1992, and thus should have been referred for resettlement some time ago based on their protracted situation, the reunification case stalled their resettlement case, which was only reactivated this year, and due to their failure to the U.S. they had been referred to Canada.<sup>144</sup> Another Somali informant, this time in Kakuma, recounted how her family had attempted 'reunification' with a family friend who had been resettled in the U.S., and to do so had changed their family name, year of arrival and reported only having resided in Nairobi. Having passed through interviews with RSC, UNHCR was required to retrieve the family's file. This required giving their fingerprints, at which point it was realised that they had been registered with different details. As punishment for fraudulent activity, on return to Kakuma the family were told that they would be put to the bottom of the pile for the protracted resettlement programme in spite of being amongst the earliest 1992 arrivals to Kenya.<sup>145</sup> Since, their case has remained 'pending'. Five out of ten South Sudanese refugees in Nairobi (of both Dinka and Nuer ethnicities) spoke of a 'form' which they had completed in Kakuma in 2004/5 which sought resettlement in Australia through 'reunification' with South Sudanese people in the diaspora. These individuals were not usually relatives but shared the same ethnic group as the refugees. All of the informants had received rejection letters from the Australian embassy.<sup>146</sup> One informant mentioned paying \$50 to employ somebody to help him complete the form.<sup>147</sup> Refugees' desires and even desperation for resettlement can itself render refugees vulnerable to scams, as well as manipulative or even violent family relations. Saida described contacting relatives who had been resettled in Australia requesting them to call for her as a family reunification case. The relatives responded that she would need to marry a relative, whom she had not met but had heard negative things about. When she refused to marry, they cut contact with her.<sup>148</sup>

### Selection stage

Many more refugees seek resettlement than are actually successful in achieving it. Refugees were found to have a variety of explanations for why some refugees are successful and others are not, or why some refugees go through the selection process and depart within a relatively short space of time while others can wait for a number of years. Some Oromo refugees in Nairobi noted that those who fled Ethiopia with documentation that proved their persecution had a better chance of being resettled,<sup>149</sup> although one who had formerly worked for an Oromo rights organisation and claimed to have carried documents had waited over ten years for resettlement, and attributed this to being received by national staff as opposed to international staff at UNHCR.<sup>150</sup> Some of the Oromo refugees interviewed in Nairobi were known by Oromo rights activist Dr. Trueman, who had highlighted their individual cases to UNHCR and recommended them for resettlement.<sup>151</sup>

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<sup>144</sup> Abdullahi, interviewed Nairobi, 26 July 2012.

<sup>145</sup> Zahra, interviewed Kakuma, 23 September 2012.

<sup>146</sup> Angelina, interviewed Nairobi, 13 August 2012; James, interviewed Nairobi, 27 August 2012; Daniel, interviewed Nairobi, 27 August 2012; Sam, interviewed Nairobi, 27 August 2012; Esther, interviewed Nairobi, 27 August 2012.

<sup>147</sup> Sam, interviewed Nairobi, 27 August 2012.

<sup>148</sup> Saida, interviewed Nairobi, 26 July 2012.

<sup>149</sup> Abdikadir, interviewed Nairobi, 16 July 2012; Galgallo, interviewed Nairobi, 16 July 2012; Hussein, interviewed Nairobi, 17 July 2012; Malik, interviewed Nairobi, 17 July 2012.

<sup>150</sup> Ibrahim, interviewed Nairobi, 17 July 2012.

<sup>151</sup> Said, interviewed Nairobi, 21 July 2012; Galgallo, interviewed Nairobi, 16 July 2012; Ibrahim, interviewed Nairobi, 17 July 2012.

A number of informants also explained selection and rejection of refugees as occurring unfairly. Unfairness was explained in a number of ways. Some refugees suggested that resettlement occurs arbitrarily and that selection was largely based on chance or luck.<sup>152</sup> This was often expressed in relation to the officer one was received by; refugees in Kakuma in particular claimed that national staff were less sympathetic or willing to help refugees than international staff, sometimes because Kenyan staff were jealous of refugees' resettlement opportunities and would thus sabotage their cases.<sup>153</sup> Unfairness was also articulated as being because UNHCR and resettlement countries favoured particular nationalities or tribes. This was particularly strongly articulated by informants in Kakuma; because of the proximity in which refugees live and the visibility of resettlement, refugees are acutely aware of who is and who is not being resettled – the majority of informants commented that the U.K. only wanted Oromo refugees, for example.<sup>154</sup> In Nairobi, such comments were less common, though a number of Congolese Banyamulenge said that they felt that UNHCR and resettlement countries were biased against them since they tended to select other nationalities and even Congolese tribes.<sup>155</sup> Favouring certain ethnic groups was often accounted for by South Sudanese and Ethiopian Nuer refugees as being racist; informants pointed out that 'brown' refugees such as Oromo and Somalis were being resettled but 'black' refugees were not, even if, like the Ethiopian Nuer, they shared the same nationality with those who were being resettled, like the Oromo.<sup>156</sup> Some informants asserted that other refugees bought or stole other people's resettlement places, especially in the camps, including people's 'forms'.<sup>157</sup> Camp informants also commented that some refugees fake situations of insecurity,<sup>158</sup> or would change their ethnicity strategically having observed that certain ethnic groups were more favoured than others.<sup>159</sup> Some refugees also cited mistrust of UNHCR,<sup>160</sup> or suspicion of corruption within the organisation, as being behind resettlement decisions.<sup>161</sup> An Oromo informant in Kakuma presented me with a newspaper article from 2008 entitled 'Kenyan fall prey to refugee registration scam', describing how Kenyan Somalis were posing as Ethiopian refugees in order to be resettled. Annotated underneath the text was written "UNHCR is the most corrupt organisation in the world. By a mistreated refugee".<sup>162</sup> Two Oromo refugees mentioned that they had even come to

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<sup>152</sup> Joseph [Congolese], interviewed Nairobi, 28 August 2012; Fatuma [Somali], interviewed Nairobi, 11 August 2012.

<sup>153</sup> Hassan [Somali], interviewed Kakuma, 19 September 2012; Arthur [South Sudanese Dinka], interviewed Kakuma, 20 September 2012; Nicholas [Ethiopian Nuer], interviewed Kakuma, 20 September 2012; Julius [Amhara], interviewed Kakuma, 21 September 2012.

<sup>154</sup> Hassan [Somali], interviewed Kakuma, 19 September 2012; Joyce [Burundian], interviewed Kakuma, 19 September 2012; Lam [Ethiopian Nuer], interviewed Kakuma, 20 September 2012; John [Ethiopian Nuer], interviewed Kakuma, 20 September 2012; Michael [Ethiopian Nuer], interviewed 20 September 2012; Nicholas [Ethiopian Nuer], interviewed Kakuma, 20 September 2012; Stephen [South Sudanese Nuer], interviewed Kakuma, 20 September 2012; Julius [Amhara], interviewed Kakuma, 21 September 2012.

<sup>155</sup> Andre, interviewed Nairobi, 21 August 2012; Juliet, interviewed Nairobi, 22 August 2012.

<sup>156</sup> Lam [Ethiopian Nuer], interviewed Kakuma, 20 September 2012; Nicholas [Ethiopian Nuer], interviewed Kakuma, 20 September 2012; John [Ethiopian Nuer], interviewed Kakuma, 20 September 2012; Joshua [South Sudanese Dinka], interviewed Kakuma, 20 September 2012. South Sudanese in Kakuma claimed to feel that UNHCR's racism was a more logical explanation for South Sudanese being excluded from group resettlement programmes than the official explanation – i.e. South Sudan's independence.

<sup>157</sup> Leila and Mohamed [Somali], interviewed Nairobi, 27 July 2012; Yusuf [Somali], interviewed Nairobi, 28 July 2012; Sagale [Somali], interviewed Nairobi, 28 July 2012; James [South Sudanese Dinka], interviewed Nairobi, 27 August 2012.

<sup>158</sup> Discussion with Dinka refugees, Kakuma, 20 September 2012.

<sup>159</sup> Stephen [South Sudanese Nuer], interviewed Kakuma, 20 September 2012; Jilo [Oromo], interviewed Kakuma, 21 September 2012; Yusuf [Somali Bantu], interviewed Nairobi, 28 July 2012.

<sup>160</sup> Abdikadir [Oromo], interviewed Nairobi, 16 July 2012; Malik [Oromo], interviewed Nairobi, 17 July 2012;

<sup>161</sup> Adan [Oromo], interviewed Nairobi, 21 July 2012; Jarso [Oromo], interviewed Kakuma, 21 September 2012.

<sup>162</sup> Jarso, interviewed Kakuma, 21 September 2012.

suspect some staff at UNHCR to be agents of the Ethiopian government.<sup>163</sup> South Sudanese Dinka refugees expressed suspicion that the Lost Boys resettlement programme was halted before completion because 9/11 occurred when U.S. immigration officers were carrying out a mission in the camp; the events in New York caused them to leave and they never came back.<sup>164</sup>

These explanations, although seemingly irrational, do not arise out of nowhere, although I should add that this does not mean they are accurate reflections of the way UNHCR operates in Kakuma or Nairobi. Especially for the Oromo, a history of persecution may lead refugees to mistrust and be paranoid about the activities of all authorities.<sup>165</sup> Similarly, for South Sudanese and Ethiopian Nuer who have come from countries where their people have been discriminated against racially, it is understandable that these refugees would make sense of their apparent unfair treatment through the frame of race. In addition, many refugees have come from contexts where corruption is part of everyday business, and so to suspect agencies of engaging in corrupt activities around resettlement is quite rational. Accusations that national staff are more likely to behave corruptly than international staff may be because corruption is assumed to be more prevalent on the continent than in the global North. Corruption accusations may also be a legacy of the resettlement scandal of 2000. In addition, a general perception of UNHCR as working against refugees may be fostered by its role around RSD; from arrival in Kenya, asylum seekers are interviewed and their claims questioned and judged by UNHCR.<sup>166</sup> This goes some way towards explaining why UNHCR may receive such strong criticism from refugees as compared to implementing partners, which are able to focus their time and resources on supporting refugees as opposed to determining whether they qualify to receive their support or not. Accusations of corruption, inhumanity and mistreatment by UNHCR are used by refugees to make sense of the often frustratingly slow processes they undergo with the agency, not only for those who have resettlement cases but also for those who are seeking the most essential protection tool and prerequisite to resettlement, the mandate.

### **Resettlement interviews stage**

Most refugees commented that the resettlement interview with UNHCR was much like that of RSD, mainly exploring the reason for flight, but with additional questions around challenges faced in Kenya. In Kakuma especially, a number of refugees commented that they had been called for the same interview on more than one occasion, where they were asked the same questions, likely because there were some inconsistencies or contradictions in their accounts that UNHCR needed to verify. For refugees in Nairobi, this can be stressful financially, since they may have to pay public transport costs in order to attend multiple interviews. A couple of informants noted, with reference to both the RSD process and resettlement interviews, that it was natural that their stories would be inconsistent considering the trauma they had been through and the time that had passed since they fled their countries of origin, and that UNHCR should be more mindful of this.<sup>167</sup> One Oromo informant in Nairobi commented that within his community it was popularly felt that interviews with UNHCR and resettlement countries actively tried to catch them out, especially when it came to questions around OLF support.<sup>168</sup>

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<sup>163</sup> Hussein, interviewed Nairobi, 17 July 2012; Ibrahim, interviewed Nairobi, 17 July 2012.

<sup>164</sup> Dinka group discussion, Kakuma, 20 September 2012.

<sup>165</sup> This point is made with regards to the Oromo context in Trueman (2010).

<sup>166</sup> Konzolo, 2010: 11.

<sup>167</sup> Gufu [Oromo], interviewed Kakuma, 21 September 2012; Jonathan [Congolese], interviewed Kakuma, 21 September 2012.

<sup>168</sup> Galgallo, interviewed Nairobi, 16 July 2012.

Congolese Banyamulenge refugees in Nairobi expressed concern that during interviews with UNHCR (for both RSD and resettlement) and resettlement countries their stories were not being accurately translated; interpreters tend to be Rwandan Kinyarwanda or Kirundi speakers, languages which are closely related but not identical to the Banyamulenge mother tongue – Kinyamulenge.<sup>169</sup> One informant was rejected resettlement to a country<sup>170</sup> following his interview, and felt that this was because of inaccurate translation; the interview with UNHCR was conducted in Kiswahili,<sup>171</sup> and went well, but during the interview with the resettlement country officers the interviewer responded badly, even though he gave the same account as in the interview with UNHCR.<sup>172</sup>

### **Pending cases**

A significant number of refugees had had an initial resettlement interview with UNHCR but then had not received any feedback for many months, or even years.<sup>173</sup> In such situations, refugees are able to enquire about the status of their cases at field post, though some reported receiving contradictory information from caseworkers.<sup>174</sup> One informant mentioned that one week he would be told that there was ‘backlog’, another time that his case was ‘pending’, and not fully understanding the meaning of these terms.<sup>175</sup> Where informants’ cases were pending, three in Kakuma asserted that UNHCR should just come out and tell them what the problem was, expressing the psychological and practical difficulties of living in limbo.<sup>176</sup> One informant said that she felt that UNHCR’s claim that her family’s case was at ‘panel’ was an attempt to fob them off, and that she’d rather they just told them directly whether they were successful or not.<sup>177</sup> Another described how he had felt unable to make any future plans or travel out of the camp because it was possible that he might be called for an interview. In his opinion, UNHCR kept refugees in limbo because they were afraid to upset them by telling them the truth: that they had been rejected for resettlement.<sup>178</sup> Two informants were critical of field post, expressing suspicion that it was established simply to keep refugees away from the UNHCR compound and deceive any visitors to the camp that everything was in order.<sup>179</sup> For refugees whose cases have moved beyond UNHCR’s assessment and selection process, queries about their cases may not be answerable at field post, as the cases are now with the countries of resettlement to which they have been referred.

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<sup>169</sup> David, interviewed Nairobi, 21 August 2012; Andre, interviewed Nairobi, 21 August 2012; Juliet, interviewed Nairobi, 22 August 2012. One Burundian Tutsi informant in Nairobi also suggested that she was rejected the mandate when she first came to Kenya because of a problem with the interpreter. Sarah, interviewed Nairobi, 21 August 2012.

<sup>170</sup> The country will not be mentioned for confidentiality reasons as requested by the informant.

<sup>171</sup> Some Congolese refugees speak Kiswahili, though Congolese Kiswahili is distinctive from Kenyan Kiswahili.

<sup>172</sup> David, interviewed Nairobi, 21 August 2012.

<sup>173</sup> Joyce [Burundian], interviewed Kakuma, 19 September 2012; Thomas [Burundian], interviewed Kakuma, 19 September 2012; Elias [Oromo], interviewed Kakuma, 21 September 2012; Jilo [Oromo], interviewed Kakuma, 21 September 2012; Ahmed [Oromo], interviewed Kakuma, 22 September 2012; Zahra [Somali], interviewed Kakuma, 23 September 2012; Julius [Amhara], interviewed Kakuma, 21 September 2012; Juliet [Congolese], interviewed Nairobi, 22 August 2012.

<sup>174</sup> Thomas [Burundian], interviewed Kakuma, 19 September 2012; Gufu [Oromo], interviewed Kakuma, 21 September 2012; Elias [Oromo], interviewed Kakuma, 21 September 2012; Jilo [Oromo], interviewed Kakuma, 21 September 2012; Jarso [Oromo], interviewed Kakuma, 21 September 2012; Ann [South Sudanese Dinka], interviewed Kakuma, 20 September 2012; Abdi [Somali], interviewed Kakuma, 19 September 2012.

<sup>175</sup> Gufu [Oromo], interviewed Kakuma, 21 September 2012.

<sup>176</sup> Such comments were also made with regards to decisions about the mandate.

<sup>177</sup> Zahra [Somali], interviewed Kakuma, 23 September 2012.

<sup>178</sup> Thomas [Burundian], interviewed Kakuma, 19 September 2012.

<sup>179</sup> Jilo [Oromo], interviewed Kakuma, 21 September 2012; Jarso [Oromo], interviewed Kakuma, 21 September 2012.



A number of refugees who had gone through interviews with RSC and INS had waited for long periods of time without any information about their cases,<sup>180</sup> as UNHCR was not always able to inform them of the status of their cases. Only one informant mentioned communicating with INS via email with the help of an English speaker from his community.<sup>181</sup> For refugees referred by UNHCR to European countries, acceptance is more likely and if they are unsuccessful, refugees are informed within a short space of time. That said, one informant who had been recommended for resettlement to the Netherlands was not called for interview, which implies that his case was rejected by the Netherlands at the initial screening stage. He expressed anger and frustration to have seen others be interviewed without being informed why he was not called himself. He claimed to have enquired with UNHCR about this without receiving an answer.<sup>182</sup>

A number of other informants felt, or had been informed by UNHCR, that their complex family situations were causing their cases to be put on hold.<sup>183</sup> Many refugees have come from contexts whereby orphaned or abandoned children are absorbed into other family units, whether these are part of extended family configurations or wider clan networks. These tend not to be recognised by UNHCR or countries of resettlement as constituting genuine families, which require further investigations to prove their authenticity. One young Oromo woman in Kakuma reported registering with another family on arrival having lost her own, since to live alone, especially as a young woman, would not be advisable or culturally acceptable.<sup>184</sup> Later, when it came to being referred for resettlement based on the family's year of arrival, when it became apparent that she was not related to the family she registered with, the case was put on hold. Another informant, a Somali woman, came to Kenya with the family of her father's second wife (whom she called mother as she lost her mother when she was very young) after her father was killed in Somalia. The family successfully went through the interview process with UNHCR and were referred on to RSC, but then stalled at the DNA test with INS which showed that she was not biologically related to her 'mother'. The family departed for the U.S. without her and she remains in the camp.<sup>185</sup>

### **Experiences of those being resettled**

Those informants who had been accepted for resettlement by European countries generally reported positive experiences during interviews which were conducted in a friendly and relaxed manner. They also had a clear sense of the timeframe ahead of them in the build-up to resettlement. Abdikadir, for example, an Oromo refugee in Nairobi awaiting resettlement to the Netherlands, recounted to me the dates of the three cultural orientation sessions (one of which he had already participated in), the content that they would cover in these sessions and the month of his departure.<sup>186</sup> Those going through the resettlement process to the U.S. generally were less clear on the process ahead of them as a result of the long security checks on their cases. Two refugees had gone through medical checks and cultural orientation without having any real idea of when they might actually depart, and expressed some doubt as to whether this would actually ever happen. This situation of limbo was expressed to be psychologically very difficult. Of the few refugees who were interviewed who were expecting

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<sup>180</sup> Suleiman [Oromo], interviewed Kakuma, 21 September 2012; Ahmed [Oromo], interviewed Kakuma, 22 September 2012; Muslima [Oromo], interviewed Kakuma, 22 September 2012; Kadija [Somali], interviewed Kakuma, 19 September 2012; Asha [Somali], interviewed Nairobi, 25 July 2012; Sagale [Somali], interviewed Nairobi, 28 July 2012.

<sup>181</sup> Ahmed [Oromo], interviewed Kakuma, 22 September 2012.

<sup>182</sup> Abdi [Oromo], interviewed Kakuma, 22 September 2012.

<sup>183</sup> Elias [Oromo], interviewed Kakuma, 21 September 2012; Amina [Oromo], interviewed Kakuma, 21 September 2012; Sahara [Oromo], interviewed Kakuma, 22 September 2012; Kadija [Somali], interviewed Kakuma, 19 September 2012; Angela [Congolese], interviewed Nairobi, 28 July 2012.

<sup>184</sup> Amina, interviewed Kakuma, 21 September 2012.

<sup>185</sup> Kadija, interviewed Kakuma, 19 September 2012.

<sup>186</sup> Abdikadir, interviewed Nairobi, 16 July 2012.

imminent departure, none suggested that they were especially more entitled to resettlement than others, and my impression was that there was a sense that some refugees are lucky and some are not, and that the system largely remains unfair.

## 7. Conclusions And Recommendations

Refugee resettlement from Kenya is a complex operation, involving multiple actors and checks and balances in order to minimise corruption and fraud opportunities and ensure that the most vulnerable refugees are resettled. Because resettlement is so desired by refugees, in part the result of romantic notions of life in the west which have become more tangible through new communications technologies and compounded by the visibility of resettlement (in the camps especially), resettlement actors are engaged in a constant battle to maintain the credibility of their referrals to third countries whilst refugees adapt to changing policies and adjust their resettlement or protection claims accordingly. This results in a culture of disbelief within agencies and policies around resettlement which are experienced by refugees as stringent and draconian, explained and made sense of in multiple ways, including unfairness, bias and corruption.

Refugees might benefit from clearer communication around the statuses of their cases, especially in situations where they are pending for long periods. Although it is understandable that UNHCR and resettlement countries would not communicate the reasons for refugees being rejected resettlement for purposes of keeping selection criteria secret (so that refugees are not able to mould their cases to these criteria), not knowing why one was rejected, especially after the stress of going through multiple interviews, and the resulting lack of closure can be traumatic for refugees. Similarly, where refugees are screened out when UNHCR submits the RRFs to a country, they might benefit from being informed of the fact, and advised of why they were not selected for interview. UNHCR and resettlement countries ought to have high standards when it comes to selecting interpreters and be mindful of Congolese refugees' (especially Banyamulenge) concerns around translation, ensuring that appropriate interpreters are employed.

For refugees and asylum seekers in Nairobi, support with transport costs to multiple interviews for both RSD and resettlement would ease the financial pressures on refugees, especially during the period they await the mandate when they are not entitled to other forms of support from UNHCR or implementing partners.<sup>187</sup> Urban refugees could also benefit should UNHCR establish field offices in enclaves where numerous refugees reside in which RSD and resettlement interviews could be conducted.

European countries play an important role in Kenya's resettlement landscape, resettling refugees from nationalities which may not be considered by bigger resettlement actors and making provisions for emergency and dossier referrals. European countries should increase quotas for emergency and dossier referrals in order to meet the resettlement needs of refugees in acute insecurity and medical situations. European countries coordinating and spacing their missions throughout the year would enable UNHCR to spread its attention more evenly between resettlement countries and avoid having to channel all of its resources into meeting the resettlement requirements of European countries at the beginning of the year to the detriment of larger resettlement actors. If European countries coordinated their missions together, sending a mixed team from various countries two to three times a year, UNHCR's preparation for and hosting of these missions would be more time and cost-effective.<sup>188</sup> European countries would also make IOM's work easier to plan and manage should they provide more notice on the numbers they intend to resettle each year.

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<sup>187</sup> An exception is Jesuit Relief Services' (JRS) food aid to newly arrived asylum seekers.

<sup>188</sup> Interview with Refuge Point, 24 July 2012.

UNHCR and implementing agencies would also benefit from more standardised policies of European countries; as it stands, countries each have their own policies and requirements, and meeting them can prove cumbersome, especially due to the small numbers of refugees that these countries resettle and the relatively little funding they provide for these numbers, which is often subject to change. UNHCR would save significant time and resources should there be an agreement between all resettlement actors about what information is required in the RRF; currently, UNHCR completes all forms with the maximum information required since it is not always clear which countries these forms will be submitted to. Information on the political situation in refugees' countries of origin, for example, could probably be removed from the form, since all countries have information and publications on these countries from their own foreign offices. UNHCR would also benefit from more notice from European countries about their resettlement numbers and the dates of their missions in order to target the RRFs more effectively, tailoring each to the needs of the country of submission.<sup>189</sup> In order to assist UNHCR with its human resources issue, European countries could share a small clerical office in Nairobi with a Kenyan team through which to channel RRFs, coordinate selection missions and arrange interviews. This would be more cost-effective than employing UNHCR staff, who are often overqualified for this kind of work.<sup>190</sup> Standardised medical procedures would also help to reduce the risk of outbreaks, complications in flight and health problems on arrival.

European countries might benefit from sharing best practices on resettlement, including on how to conduct missions and on cultural orientation programming. Countries could learn from each other by sending personnel to shadow other countries' resettlement missions in Kenya and cultural orientation classes. This would also apply to countries which currently do not regularly resettle refugees, or at least do not currently carry out selection missions in Kenya.

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<sup>189</sup> Interview with Refugee Coordinator, U.S. State Department PRM, Nairobi, 11 September 2012.

<sup>190</sup> Interview with Refugee Coordinator, U.S. State Department PRM, Nairobi, 11 September 2012.

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### Annex 1. Refugee population in Kenya according to location, 2007-2012

REFUGEES AND ASYLUM SEEKERS IN KENYA BY COUNTRY OF ORIGIN AND LOCATION																					
August 2012																					
Country of Origin	2008				2009				2010				2011				2012				
	Dadaab	Kakuma	Nairobi	Total	Dadaab	Kakuma	Nairobi	Total	Dadaab	Kakuma	Nairobi	Total	Dadaab	Kakuma	Nairobi	Total	Alinjugur	Dadaab	Kakuma	Nairobi	Total
Somalia	226,060	18,537	14,524	259,121	252,214	38,133	20,111	310,458	285,799	43,980	23,429	353,208	443,956	45,342	30,113	519,411	151,758	302,072	48,167	33,321	535,318
Ethiopia	8,511	4,698	9,440	22,649	13,728	5,613	12,257	31,598	16,155	6,180	12,974	35,309	18,123	5,581	11,416	35,120	3,860	15,099	6,106	10,808	35,873
Sudan	635	25,723	2,138	28,496	590	18,409	2,224	21,223	796	25,579	623	26,998	1,001	26,818	521	28,340	2	987	4,651	432	6,052
DR Congo	51	898	1,978	2,927	63	1,366	4,598	6,027	74	3,582	5,477	9,133	92	4,933	6,391	11,416	-	118	5,725	6,899	12,742
Rwanda	26	357	2,141	2,524	19	345	2,266	2,630	20	395	1,531	1,946	19	435	1,413	1,867	1	17	494	1,271	1,783
Eritrea	77	64	638	779	79	94	1,158	1,331	59	112	1,515	1,686	56	105	1,659	1,820	-	50	105	1,825	1,980
Burundi	14	224	1,075	1,313	17	373	1,202	1,592	88	803	605	1,496	91	2,032	577	2,700	-	83	3,151	574	3,808
South Sudan	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	35	32,055	56	32,146
Uganda	75	401	2,313	2,789	60	448	2,493	2,941	57	507	370	934	69	570	271	910	4	76	690	271	1,041
Other	6	3	2	11	9	9	67	85	9	69	83	161	20	46	111	177	-	12	47	124	183
<b>Total</b>	<b>235,455</b>	<b>50,905</b>	<b>34,249</b>	<b>320,609</b>	<b>266,779</b>	<b>64,790</b>	<b>46,316</b>	<b>377,885</b>	<b>303,057</b>	<b>81,207</b>	<b>46,607</b>	<b>430,871</b>	<b>463,427</b>	<b>85,962</b>	<b>52,472</b>	<b>601,761</b>	<b>155,625</b>	<b>318,529</b>	<b>101,191</b>	<b>55,581</b>	<b>630,926</b>

Source: UNHCR, 2012a



**Annex 2. Refugees submitted for resettlement, 2007-2012**

RESETTLEMENT SUBMISSION BY COUNTRY OF ORIGIN - August 2012							
Country of Origin	2007	2008	2009	2010	2011	2012	Total
Somalia	4,549	6,199	9,552	8,143	8,439	1,368	38,250
Ethiopia	521	673	940	752	1,617	598	5,101
Sudan	61	130	198	602	175	36	1,202
DR Congo	31	173	90	223	218	134	869
Eritrea	33	73	63	67	25	13	274
Uganda	6	14	2	13	13	5	53
Burundi	23	106	22	15	17	17	200
Rwanda	18	6	28	45	13	9	119
Other	4	1	9	18	1	30	63
<b>Total</b>	<b>5,246</b>	<b>7,375</b>	<b>10,904</b>	<b>9,878</b>	<b>10,518</b>	<b>2,210</b>	<b>46,131</b>

RESETTLEMENT SUBMISSION BY COUNTRY OF RESETTLEMENT - August 2012							
Country of Submission	2007	2008	2009	2010	2011	2012	Total
United States	4,487	6,239	10,264	8,463	8,849	681	38,983
Australia	118	501	271	595	281	16	1,782
Canada	364	596	161	23	129	560	1,833
United Kingdom	166	1	8	280	657	246	1,358
Sweden	-	-	-	352	391	382	1,125
Netherlands	72	1	133	8	109	109	432
Denmark	-	1	2	132	6	4	145
Norway	14	-	15	16	72	204	321
Other	25	36	50	9	24	8	152
<b>Total</b>	<b>5,246</b>	<b>7,375</b>	<b>10,904</b>	<b>9,878</b>	<b>10,518</b>	<b>2,210</b>	<b>46,131</b>

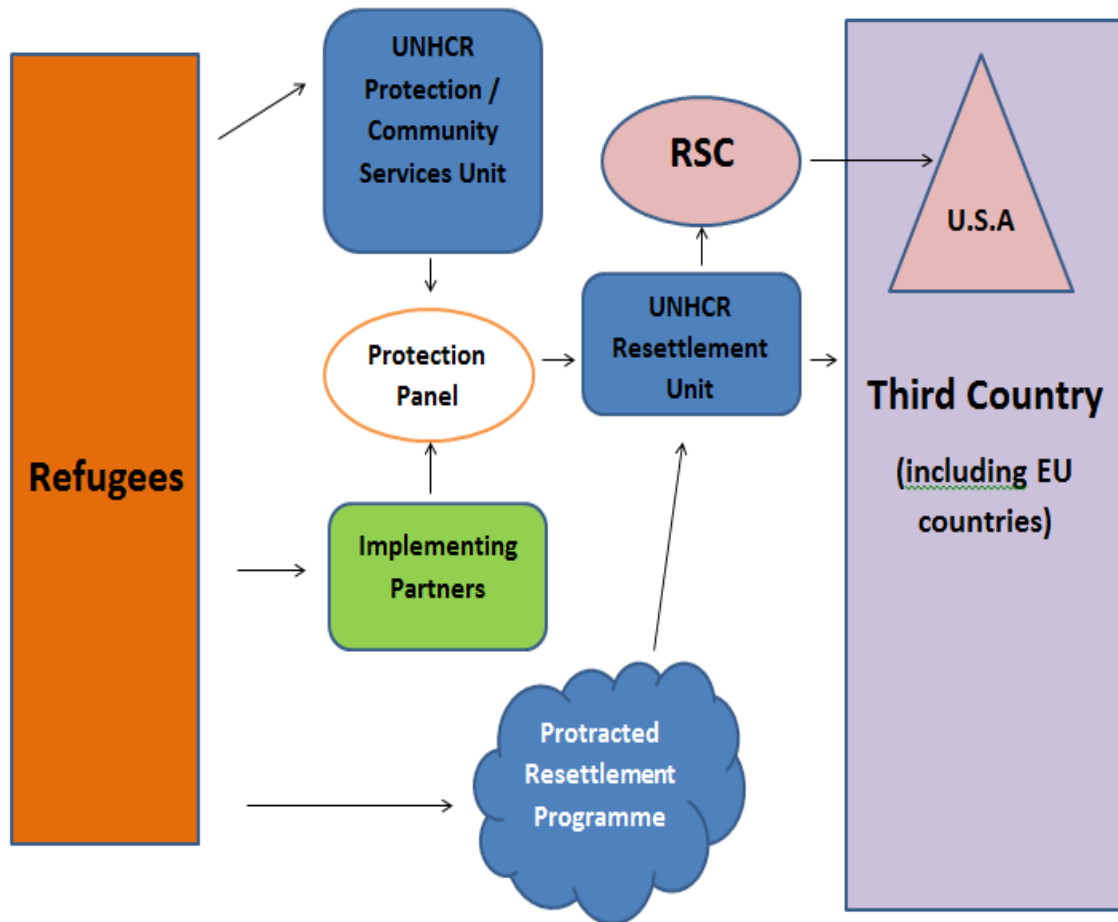
Source: UNHCR, 2012<sup>a</sup>**Annex 3. Refugees departing for resettlement, 2007-2012**

RESETTLEMENT DEPARTURES BY COUNTRY OF ORIGIN							
Country of Origin	2007	2008	2009	2010	2011	2012(*)	Total
Somalia	4,798	2,417	3,621	2,776	2,102	836	16,550
Sudan	528	340	101	103	213	65	1,348
Ethiopia	1,021	824	475	606	906	355	4,187
Rwanda	54	58	18	44	35	10	219
Uganda	54	55	16	13	7	7	152
Congo	-	173	175	179	234	51	812
Burundi	7	56	42	6	35	10	156
Eritrea	47	66	40	39	48	6	246
Other	-	-	1	7	1	3	12
<b>Total</b>	<b>6,507</b>	<b>3,989</b>	<b>4,489</b>	<b>3,773</b>	<b>3,581</b>	<b>1,343</b>	<b>23,682</b>

RESETTLEMENT DEPARTURES BY COUNTRY OF RESETTLEMENT							
Country of Resettlement	2007	2008	2009	2010	2011	2012(*)	Total
USA	5,196	2,384	3,687	2,783	2,083	844	16,977
Canada	787	829	246	280	541	108	2,791
Australia	513	527	450	183	182	70	1,925
Sweden	3	10	29	327	329	15	713
United Kingdom	-	-	15	199	208	290	712
Netherlands	-	37	44	-	81	-	162
Norway	-	4	-	-	58	5	67
New Zealand	-	-	15	-	10	-	25
Other	8	198	3	1	89	11	310
<b>Total</b>	<b>6,507</b>	<b>3,989</b>	<b>4,489</b>	<b>3,773</b>	<b>3,581</b>	<b>1,343</b>	<b>23,682</b>

Source: UNHCR, 2012a

#### Annex 4. Kakuma refugees: paths to resettlement



Source: The author

### Annex 5. Urban refugees: paths to resettlement

