

Policy pointers

UNHCR should extend its 2009 policy on urban situations in response to growing numbers of rejected and unregistered migrants in Egypt.

Using more information technology to register and document urban refugees would make the process faster and more efficient, relieving some of the considerable strain on UNHCR staff as well as aiding asylum seekers.

UNHCR should encourage non-registered asylum seekers to apply, and should develop strong positive ties with community leaders in urban settings, in order to better understand the situations facing Egypt's hidden refugees.

UNHCR must strengthen its engagement and advocacy with government, especially in calling for better training for officials who interact with refugees.

Refugees in urban Egypt: it's time to reassess UNHCR's 2009 *Policy on refugee protection and solutions in urban areas*

The Office of the United Nations High Commissioner for Refugees (UNHCR) estimated over 250,000 'persons of concern' were in Egypt at the end of 2015. That does not include people who have not approached UNHCR, or those who applied unsuccessfully for refugee status — the 'closed files' group. Tens of thousands of such people remain in Egypt in very difficult living conditions. To understand how a country that relies almost solely on UNHCR for refugee-related matters can cope with the increasing influxes, it is essential that policies and processes for determining refugee status are re-examined. This briefing assesses how UNHCR's 2009 policy on refugees in cities could be further developed to help resolve the difficulties faced in Egypt.

In 1954, the Arab Republic of Egypt signed a memorandum of understanding granting the UN Refugee Agency (The Office of the United Nations High Commissioner for Refugees [UNHCR]) the right to determine who could be considered a refugee in Egypt — a process formally called Refugee Status Determination (RSD) (see Box 1). But, in practice, even having a body such as UNHCR conduct RSD still poses protection challenges for refugees because of what one researcher has called a "basic contradiction".¹ On the one hand, government action is essential for effectively protecting refugees. On the other hand, UNHCR only steps in to determine refugee status when a country can't or is unwilling.

In Egypt, this tension is worsened by the scale of the refugee crisis. In 2011, Egypt was among the top ten countries worldwide in terms of new

asylum claims lodged.² According to the latest (2015) UNHCR statistics, the number of 'persons of concern' in Egypt includes 132,375 Syrians, 23,841 Sudanese, 3,061 South Sudanese, 4,299 Ethiopians, 2,635 Eritreans, 6,343 Somalis, and 6,235 Iraqis.³ However, the reality on the ground suggests that tens of thousands of individuals who could qualify as refugees refuse to register with UNHCR for various reasons. These include rumours of lengthy RSD processes, distrust between the communities and the institution, the belief that there is no benefit in registering and it is just a time-consuming process.

Also, UNHCR's numbers do not include people whose claim for asylum has been rejected (the 'closed files' group — see Box 1), many of whom have not left the country. While exact figures remain uncertain, it is suspected that there are

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between 25,000 and 35,000 closed file refugees in Egypt. For example, many African asylum seekers whom UNHCR reject during their Cairo RSD interview and appeal end up staying in

different cities in Egypt with no documentation, no recognition, no access to services and very little opportunity for work. This results in communities of very vulnerable people. Without any legal status, their protection is at risk and their socioeconomic conditions are dire. They

are often unable to return to their country of origin so they live as marginalised communities, struggling to secure the basic necessities of survival. They often remain in Egypt for decades.

UNHCR's 2009 policy

UNHCR understands the need to better address the refugee situation in urban settings (see Box 2), and renewed its *Policy on refugee protection and solutions in urban areas* in 2009.⁴ This was undoubtedly a positive turning point in dealing with the growing phenomenon of urban refugees. However, the situation is dynamic and the problems are escalating. Further changes are now necessary.

UNHCR's urban policy as a whole has two principal purposes: to ensure governance processes recognise cities as legitimate places for refugees to live and exercise their rights, and to maximise the protection available to urban

refugees and facilitate the humanitarian organisations that support them.

The 2009 policy is a short and concise document, and is broad in nature. It allows for the rules to be adapted in different situations and in different parts of the world. In order to be effective, it calls for responsibility sharing, especially with "those host governments and city authorities in the developing world". It is also "intended to apply to refugees in all urban areas and not just capital cities".

The policy has twelve objectives, falling into three main categories:

- Documentation and status determination
- Community relations
- Safe and sustainable existence for urban refugees.

All three are important, but the first is the point at which refugees get legal status or become 'closed file' cases, and is the focus of this briefing. The 'documentation and status determination' category includes four of the twelve objectives. For each, we discuss the main intentions, the challenges in meeting these, and possible solutions:

1. Providing adequate reception facilities.

Upon arriving at UNHCR offices, individuals are supposed to find sound, clean and convenient reception facilities that also help UNHCR staff do their work. The intention is to ensure that no asylum seeker is denied direct access to the offices. The policy calls for efficient appointment and referral systems so

Box 1. Refugee Status Determination and 'closed file' migrants in Egypt

Refugee Status Determination (RSD) is the legal or administrative process governments or UNHCR use to determine whether someone can be considered a refugee, and therefore entitled to protection under international, regional or national law. States are primarily responsible for RSD, but UNHCR assesses asylum seekers within some countries, including Egypt. Asylum seekers must have an RSD interview composed of two main elements. The first is a credibility assessment that seeks to determine whether the interviewee is telling the truth. The second assesses their testimony and interview transcript against the terms set out in the 1951 Refugee Convention⁵ or any other legal authority that has been adopted by the state of asylum. If successful, refugees receive documents that mean they can obtain residency rights. In Egypt, there is a right to one appeal, but if this is unsuccessful the applicant's file is closed and they no longer have the right to remain. However, many do remain because they believe the cause of their plight still exists.

The terms used to define a refugee cause a lot of problems. Some individuals will have fled in fear of persecution, basing that fear on a rumour or on knowing that another person has been persecuted. However, that does not meet the definition of a refugee set out in the Convention. Our field research identified this as a significant conflict between the 'closed file' migrants and UNHCR. These migrants identify themselves as refugees and believe they have been unfairly denied refugee status despite what they believe to be well-founded fears of persecution. They are regarded as irregular migrants by the Egyptian government, international organisations and civil society. Their only option is to try and integrate in the local community. Yet because they have no legal protection, their stay in Egypt comes without any safeguards or rights. Their main concern is that ultimately, they may be arrested. With no form of valid identification, they may then be deported back to their country of origin.

The IIED/CMRS working paper, *The socio-economic and protection challenges of 'closed-files' communities in Egypt*,⁶ explores this situation in more detail.

that refugees have minimal waiting time. This is an area that needs improvement in Egypt. Staff are struggling with a backlog of applicants. UNHCR has itself identified the need to use more communication technology within the registration and documentation processes, for example using interactive websites and mobile messaging.² UNHCR Cairo has implemented a database for checking RSD appointment timings and results, however it could be taken one step further to include online registration by asylum seekers who have entered Egypt. This would alleviate pressure and stress for registration staff in UNHCR offices as well as easing access for claimants.

2. Registering asylum seekers and collecting data. Registering asylum seekers is seen as a vital tool for protecting refugees and is essential for determining their status. Yet it is not easy to register and enumerate urban refugees. In many cases (and this is often true in Egypt), asylum seekers don't approach the office to register.

UNHCR's 2009 policy states that particular efforts will be made to identify where urban refugees are and to collect their information, but this has proved difficult in Egypt because of the workload in registering and determining status for those who have voluntarily approached the office. In reality, the number of asylum seekers approaching UNHCR far exceeds the capacity of its offices in Egypt, as in many other countries.² As a result, there is a lag in registration.

This in turn means statistics and information that are collected regarding refugees are not processed quickly and so service providers do not get accurate information regarding basic individual elements such as gender, age or nationality. This stops them from understanding individual needs and providing necessary services. As with the need to provide access to offices and officials, more efficient use of technology in the registration process is urgently needed. This is despite the fact that, according to UNHCR assessments,² collecting biometric data (ie all verification or identification data except the individual's name and demographics) has worked well in Egypt since 2011. It seems that while the quality of data obtained is strong, the scale is lacking: UNHCR still struggles to gather enough data from all the refugees.

Another important recommendation is creating good ties with community-based leaders and organisations. This could help UNHCR reach out to unregistered refugees and gain a more

Box 2. The differences between camps and cities for refugees

Unlike a camp setting, refugees living in cities live independently. They must work to make a living and earn money, build skills and be productive in order to survive. Within a large city, they are often vulnerable and exposed. They risk exploitation, intolerant behaviour, arrest or detention and, if they have no papers, subsequent deportation.

In Egypt, urban refugees are often forced to compete with host country nationals for informal, low-paying jobs that are unstable at best. This leaves them open to exploitation and abuse. Overcrowding in host communities puts pressure on already deficient healthcare services. Those without proper papers cannot access government hospitals and must find more costly private health services. There are no formal education channels for 'closed-files' adults who wish to receive vocational/skills training and their children cannot attend schools. Our working paper explores these challenges in more detail.⁶

accurate assessment of their numbers and their situations. The refugee communities in Egypt have strong internal relationships. Refugees from certain nationalities who have spent a long time in Egypt often become community leaders. They are very influential and have gathered a lot of respect amongst members of their respective communities. Maintaining strong ties with these leaders will make it easier for UNHCR to reach out to more members of the refugee communities, influencing them through the leaders.

3. Ensuring refugees are documented. Having proper documentation is very important for migrants living in urban areas, because they are more likely to come into contact with officials than people in a refugee camp setting. During our field research, 'closed file' migrants (see Box 1) told us not having such documents was their biggest fear. But even accepted refugees face challenges. UNHCR finds it difficult to ensure that refugees and asylum seekers renew their cards in a timely way.² Furthermore, UNHCR documentation is not always respected by the authorities in Egypt (and the situation is similar in Lebanon and India), especially beyond urban areas.² The main good practice UNHCR wants to see in Egypt is government officials being willing to provide refugees with civil status documents, for example permanent legal residency documents conferring the right to work. This already happens efficiently in Mexico. Similarly, in Turkey, the government has issued documentation allowing refugees the right to access services.² Training government officials involved in protecting and documenting asylum seekers and refugees is essential, but is often overlooked by the Egyptian government. UNHCR should particularly increase its

advocacy for such training. Engaging with the government is likely to be the key to improving UNHCR's advocacy within Egypt, as has previously proved to be the case in Costa Rica, India, Ethiopia and Iran. However, this remains a major challenge as the Egyptian government is often hesitant to cooperate.

4. Determining refugee status. UNHCR admits that the main challenge in examining refugee status is that it lacks the capacity to make the process thorough and efficient, acknowledging a “backlog and inadequate staffing”.² Its main policy goals for RSD include establishing transparent and consistent procedures and providing safe and private interviewing facilities. These difficulties have not always been insurmountable: UNHCR Egypt has shown examples of good practice in the past. For example, it conducted “extensive and efficient country of origin research, a fast track for vulnerable cases and accelerated procedures with special simplified procedures for people from Darfur”,² which helped alleviate some of the backlog of Sudanese asylum seekers in 2011. However, it is constantly difficult to clear the backlog not only because of insufficient staffing, but also because of a high staff turnover rate. Again, better use of

communication technology could help alleviate the workload on hard-pressed staff, potentially reducing turnover.

In order to be successful, UNHCR policies must work hand in hand with national policies to enhance the protection governments provide to refugees. While much has still to be assessed in terms of healthcare, education and refugees' livelihoods, this study has focused on the policy process of determining refugee status in the first place, since migrants cannot access other services unless they are given refugee status. If it is indeed the case that UNHCR's RSD isn't coping in Cairo, looking again at the process could improve efficiency, encourage more genuine refugees to apply and lower the number of potentially mistaken rejections. That could lead to a valuable reduction in undocumented individuals in a city where resources for looking after them are scarce — even the resources needed for registration and status determination.

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Knowledge Products

The International Institute for Environment and Development (IIED) promotes sustainable development, linking local priorities to global challenges.

The interdisciplinary Center for Migration and Refugee Studies (CMRS) is part of the American University in Cairo. CMRS's collaborative research focuses on regional and international migration while its training and outreach disseminates knowledge on refugee and migration issues, providing services to refugees in Cairo, and transferring expertise to other international institutions.

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Notes

¹ Kagan, M (2006) The beleaguered gatekeeper: protection challenges posed by UNHCR refugee status determination. Oxford University Press / ² Morand, M *et al.* (2012) The implementation of UNHCR's Policy on refugee protection and solutions in urban areas. UNHCR, Geneva. <http://www.unhcr.org/516d658c9.pdf> / ³ UNHCR (2015) Global trends: forced displacement in 2015. www.unhcr.org/576408cd7.pdf / ⁴ UNHCR (2009) *Policy on refugee protection and solutions in urban areas*. www.unhcr.org/4ab356ab6.pdf / ⁵ www.unhcr.org/uk/1951-refugee-convention.html / ⁶ Abdel Aziz, N *et al.* (draft) The socio-economic and protection challenges of 'closed-files' communities in Egypt. IIED, London.