



Background Briefing: Sudanese Refugees and Asylum Seekers in Cairo January 2007

The purpose of this briefing paper is to provide a summary of the situation faced by refugees from Darfur now living in Cairo, Egypt. This briefing paper begins by documenting the racism experienced by Darfuri refugees in Cairo, the role of the United Nations High Commissioner on Refugees (UNHCR) African Regional Office in Cairo and a summary of UNHCR policy, processes and the associated problems pertaining to Sudanese asylum seekers in Cairo. Finally this briefing paper will suggest opportunities for the UNHCR and the Australian Government to address the significant problems faced by Darfuri refugees in Cairo.

Sudanese Refugees in Cairo

Between 1994 and 2005, 58,535 Sudanese nationals sought asylum at the Cairo UNHCR office. By December 2005, 31,990 of these asylum seekers were accorded refugee status. Out of those accorded refugee status, 16,675 were resettled in other countries and of the approximately 15,000 that did not meet resettlement countries' criteria, 13,327 remained in Egypt under 'local integration' status.¹

Discrimination and Racism

'...the average asylum seeker [is] trapped in Cairo today, haunted by memories of loss and savagery, seduced by a longing for a world they perceive as stable and fulfilling...Cairo is a prison sentence, to be endured because there is no option'.²

Despite the fact that Egypt is a signatory to both the 1951 Convention relating to the Status of Refugees (and its 1967 Protocol) and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, refugees are not allowed to work in Egypt (or working eligibility criteria is so restrictive as to exclude labour force participation) and as such are forced to secure an income through illegal employment in the informal sector of the economy. Wages for this type of work are extremely low and do not cover the refugees' expenditure as they have to rent furnished flats.³ Egypt has no formal refugee policy and has not taken steps to implement its responsibilities under the previously mentioned Conventions; as such Sudanese refugees and asylum seekers in Cairo are severely discriminated against in employment, health and education.⁴

¹ Fateh Assam (Ed), *A Tragedy of Failures and False Expectations: Report on the Events Surrounding the Three-month Sit-in and Forced Removal of Sudanese Refugees in Cairo, September-December 2005*. The American University in Cairo: Forced Migration and Refugee Studies (FMRS), June 2006, p. 8.

² Caroline Moorehead, "Lost in Cairo" in *The New York Review of Books*, 48(10), 13 June 2002.

³ Stefan Sperl, *Evaluation of UNHCR's policy on refugees in urban areas: A case study review of Cairo*. UNHCR Evaluation and Policy Analysis Unit. EPAU/2001/07, June 2001, p. 3.

⁴ For a full analysis of discriminatory practices and policies in Egypt towards Sudanese asylum seekers and refugees see Fateh Assam (Ed), *A Tragedy of Failures and False Expectations*, p. 9-13.

As a result the capacity of Sudanese asylum seekers and refugees to become self-reliant and integrate into Egyptian society is seriously curtailed. Limited socio-economic opportunities for refugees have forced many to remain dependent on the insufficient assistance provided by UNHCR (where they are eligible to receive it) and non-governmental organizations to meet their basic needs.⁵

Further to this legal discrimination, Sudanese peoples are forced to endure entrenched racist attitudes prevalent in Cairo. Particularly over the last decade racism against refugees and the Sudanese in particular has escalated, in part due to the scapegoating of refugee communities for increasing unemployment, moral decay and poverty.⁶ As a consequence Sudanese asylum seekers must, virtually overnight, adapt to 'their roles as urban slum-dwellers amid staggering poverty and local hostility'.⁷

UNHCR in Cairo: Roles, responsibilities and processes

The UNHCR Regional Office in Africa is located in Cairo.

Egypt is one of the few countries that has entirely deferred responsibility for those who seek asylum and refugee status to the UNHCR office, including the conduct of refugee status determination (RSD) and the provision of assistance in its various forms.⁸

The role of UNHCR in Cairo is to;⁹

- **ensure the admission** of refugee applicants to Egypt's land, airport and port borders;
- **receive and register** all refugee applicants coming to Egypt;
- **provide documentation** to all recognised refugees;
- **assist the government** in ensuring the protection of refugees by carrying out refugee status determination (first instance and review stages – note suspension of RSD will be addressed later in this briefing paper);
- **recommend refugees** for resettlement or local integration where appropriate;
- **seek access and secure the release** of any refugee applicant or refugee detained for illegal stay in Egypt; and
- **assist the neediest refugees by providing them with living expenses**, education, medical assistance, vocational training and some limited income-generating activities.

UNHCR Policy

UNHCR's mandate is to protect the welfare and safety of refugees. The overriding priority remains to, 'ensure protection and, in particular, non-refoulement and treatment in accordance with recognised basic human standards'.¹⁰

⁵ Maria Clara Martin (Ed), *UNHCR Global Report 2005*, 1 June 2006. Available from <http://www.unhcr.org/cgi-bin/texis/vtx/template?page=publ&src=static/gr2005/gr2005toc.htm>; p. 278.

⁶ Pascale Gazaleh, "Two Miles into Limbo Displaced Sudanese in Cairo Slum", in *Middle East Report*, No. 225 (Winter, 2002), p. 4.

⁷ Yasmine Perni, "After the Janjaweed", in *The Common Review*, No. 2, 2006, p. 6.

⁸ Fateh Assam (Ed), *A Tragedy of Failures and False Expectations*, 6.

⁹ See UNHCR Canberra. "Questions and Answers on Resettlement from Egypt". Fact Sheet 2004. Revised October 2004, p. 1.

¹⁰ Stefan Sperl, *Evaluation of UNHCR's policy on refugees in urban areas: A case study review of Cairo*. UNHCR Evaluation and Policy Analysis Unit. EPAU/2001/07, June 2001, p. 3.

UNHCR's policy on refugees in urban areas, however, also states the UNHCR has two principal objectives:

- To promote the self-reliance of refugees and avoid their dependency on UNHCR assistance; and
- To discourage the irregular movement of refugees between countries by limiting the assistance made available to them.¹¹

UNHCR thus takes on the role of protector, judge and jury in assessing and supporting refugee and asylum applicants in Cairo. This puts UNHCR in a difficult position with regards to supporting the rights and needs of refugees from Sudan, who have flooded into Cairo as a result of civil war in the south and the ongoing conflict in Darfur.

UNHCR Processes

When a person presents at UNHCR in Cairo they are registered and receive a 'yellow card' which indicates to Egyptian authorities they are an asylum-seeker, and offers 'some protection against deportation'.¹² Claimants, if from anywhere other than Sudan, are given an interview date. At interview claimants are assessed (RSD process) to determine whether they are a genuine legal refugee as defined by Article 1 of the Convention Relating to the Status of Refugees. The Convention defines a 'refugee' as someone who has left his or her country and is unable or unwilling to return;

'...owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion'.¹³

If 'yellow card' asylum seekers are determined by UNHCR to be legal refugees they will receive a 'blue card' and their situation will be assessed to determine whether resettlement in a third country or local integration into Egyptian society is recommended. Resettlement is not a right under the Convention. As Timmins notes, however;

'Many refugees in Cairo consider that resettlement is a right that flows directly from refugee status recognition. That is simply not the case. There is a complete misunderstanding within the entire refugee community in Cairo as to what resettlement actually is, and how the process works. The expectations are too high and this leads to considerable frustration'.¹⁴

UNHCR has identified a concern that large scale resettlement can act as a 'pull' factor for asylum seekers to Cairo and reduce the inclination of refugees to strike root in Egypt. However given the above mentioned problems faced by Sudanese refugees in Cairo an evaluation of UNHCR's policy on refugees in urban areas recommended that;

'...the reality of refugee life in Cairo mitigates strongly in favour of maintaining the resettlement option...local integration is not possible nor does UNHCR have the

¹¹ Stefan Sperl, *Evaluation of UNHCR's policy on refugees in urban areas*, p. 3

¹² UNHCR Canberra. "Questions and Answers on Resettlement from Egypt", 2.

¹³ For more information on the definition of a 'refugee' and international obligations to refugees see the MORE Project: *Modelling of National Resettlement Process and Implementation of Emergency Measures* http://www.more.fi/morecd/en_resettlementprocess.html

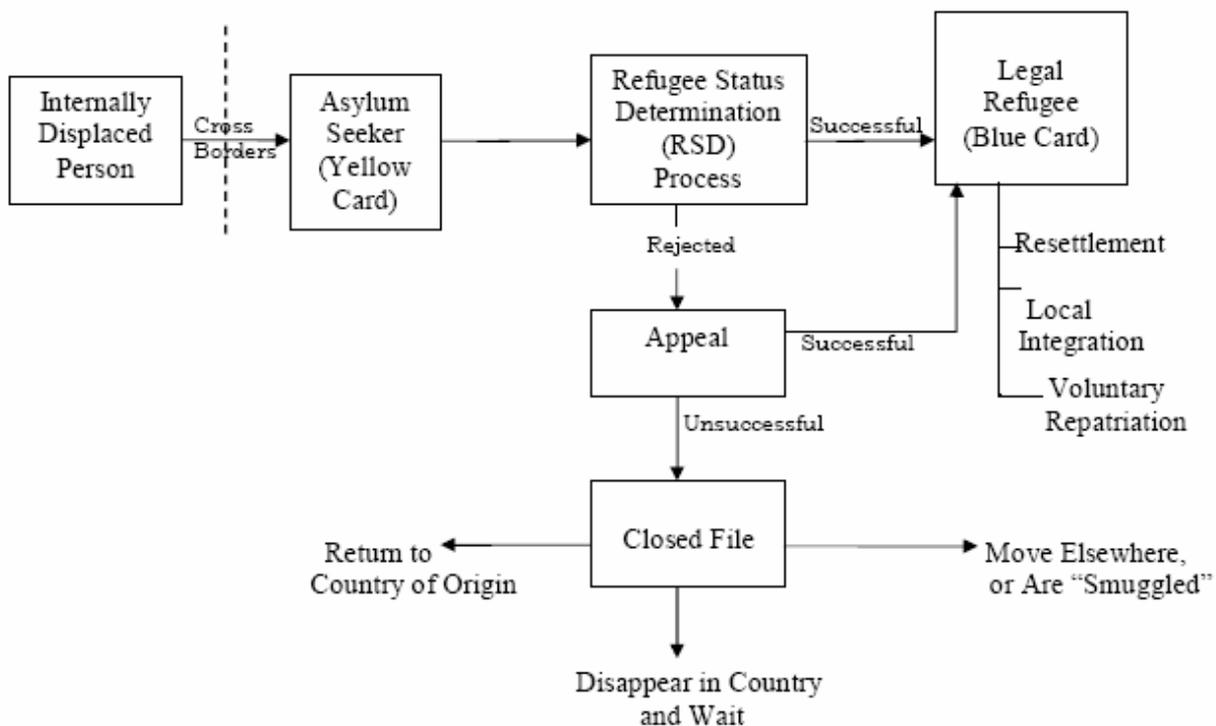
¹⁴ Michael Timmins, *Resettlement and desperation*. Former legal advisor at [Africa Middle East Refugee Assistance](http://www.rsdwatch.org/index_files/Page4234.htm) (AMERA) in Egypt http://www.rsdwatch.org/index_files/Page4234.htm

funds to provide adequate support locally at this stage. Resettlement is, in fact, the only concrete solution the Office has to offer at the present time.¹⁵

Even where UNHCR recommends resettlement that does not necessarily mean the recommended resettlement country will accept the refugees' application. Each resettlement country, including Australia, has its own legal criteria refugees must meet to be eligible for resettlement in that country.

If an asylum seeker's RSD is rejected they do have a right of appeal. If they are unsuccessful in appeal they will be deemed a 'closed file' and will, 'no longer be of concern to UNHCR'.¹⁶ This entire process is represented in figure 1.

Figure 1: UNHCR Process of determining refugee status



It is important here to note that the 1969 Convention Governing Specific Aspects of Refugee Problems in Africa states;

'The term "refugee" shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality'.¹⁷

This definition would allow for group, rather than individual RSD, as it defines as prima facie refugees those directly fleeing a war zone. However UNHCR Cairo has not adopted

¹⁵ Stefan Sperl, *Evaluation of UNHCR's policy on refugees in urban areas*, 32.

¹⁶ Fateh Assam (Ed), *A Tragedy of Failures and False Expectations*, p. 53.

¹⁷ See the Convention Governing the Specific Aspects of Refugee Problems in Africa, 20 June 1969 <http://www.asylumlaw.org/docs/international/Africa.PDF>

this method of RSD and as such, 'seems to be doing both far more than it can and much less than is necessary'.¹⁸

Problems with UNHCR Cairo

The UNHCR Regional Office in Cairo has for some time failed to meet the expectations of Sudanese asylum seekers and refugees. UNHCR has suffered drastic budget cuts which have been felt most acutely in Africa, contributing to UNHCR Cairo's failure. Owing to the increased number of refugees recognised under UNHCR's expanded mandate and the simultaneous diminishment of UNHCR's budget, welfare assistance is now only provided to vulnerable cases and even then amounts to less than \$20 US per refugee per month.¹⁹ The Program budget for UNHCR Cairo in 2007 is roughly half that of the budget in 2006, indicating that problems at the Regional Office will not improve in the new-year.²⁰

Suspension of Refugee Status Determination for Sudanese Asylum Seekers in Egypt

In June 2004, the UNHCR Regional Office in Cairo indefinitely suspended all refugee status determination interviews for Sudanese asylum seekers. This move was prompted by the ceasefire declared earlier in the year between the government of Sudan and the Sudan People's Liberation Army. However the new policy applied to all Sudanese, including those from Darfur whose situation had not been improved by the ceasefire. The new policy process, which has been reviewed and renewed every six months since 2004, is that all Sudanese asylum seekers are issued 'yellow cards' upon presentation at the UNHCR Cairo office, and that no RSD process is conducted.²¹ The continuation of this policy can also be partially attributed to the Four Freedoms Agreement signed in May 2004,²² which enabled some reciprocal rights of residence, work, movement and ownership of property between Sudan and Egypt. The application of this agreement in practice, however, is yet to be implemented for asylum seekers and refugees.²³

Darfuri and other Sudanese asylum seekers are essentially trapped in Egypt, unable to return to Sudan for fear of persecution and unable to attain refugee status from the UNCHR. This situation is represented in Figure 2.

¹⁸ Pascale Gazaleh, 'Two Miles into Limbo Displaced Sudanese in Cairo Slum', in *Middle East Report*, No. 225 (Winter, 2002), p. 5.

¹⁹ UNHCR Canberra. "Questions and Answers on Resettlement from Egypt", p. 1.

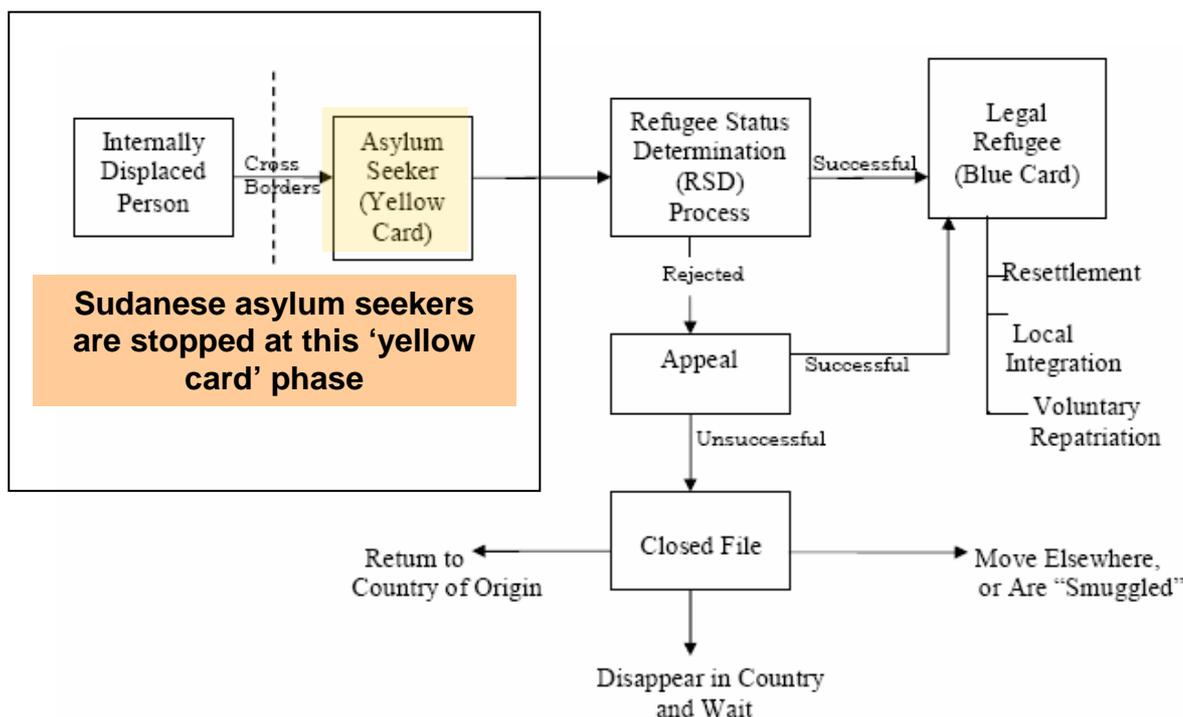
²⁰ UNHCR's Annual Programme Budget 2007. Submitted by the High Commissioner EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME Fifty-seventh session Geneva, 2-6 October 2006 Item 7 of the provisional agenda A/AC.96/1026 1 September 2006 GE.06-02111, p. 84, Table II.1A.

²¹ Fateh Assam (Ed), *A Tragedy of Failures and False Expectations*, p. 7.

²² Ratified in September 2004

²³ Fateh Assam (Ed), *A Tragedy of Failures and False Expectations*, p.7.

Figure 2: UNHCR Process for Sudanese Refugees



Cairo Protests

As a result of the failure of the UNHCR Cairo Regional Office to address the needs and adequately protect the rights of Sudanese asylum seekers and refugees, on 29 September 2005 dozens of Sudanese people organised by *Refugee Voices* began protesting against the change in UNHCR policy and reduction in referrals of Sudanese refugees. They gathered outside the UNHCR meeting space in Mustapha Mahmoud Park, one block away from the agencies offices in Mohandeseen (Cairo neighbourhood).²⁴ The size grew to between 1,800 to 4,000 people throughout three months of protest in the park. After lengthy negotiations between UNHCR and leaders from the park protest, Egyptian security forces were called in to disband the protest and force protesters into detention facilities. Critics have noted that UNHCR bears much of the responsibility for what ensued;

*'UNHCR's mandate is the protection of refugees and asylum seekers. From the beginning of the sit-in, however, the agency adopted a hostile and confrontational attitude toward the protesting asylum seekers, refugees, and closed files...'*²⁵

At 1am on 29 December 2006 approximately 4,000 to 5,000 riot police surrounded the park and demanded the protesters relocate on busses to 'camps' with 'humane conditions'.²⁶ After refusing to guarantee the safety of protesters at these camps and firing water canons and reportedly tear gas into the crowd, the riot police moved into the camp and began removing people by force, leaving no exits for escape. Many of the protesters and children were crushed, beaten, suffocated and otherwise attacked by security

²⁴ Fateh Assam (Ed), *A Tragedy of Failures and False Expectations*, p. 8.

²⁵ *Ibid.*, p. 53.

²⁶ *Ibid.*, p. 32.

personnel. The final death toll was between 29 and 60 people, with hundreds injured and taken into indefinite detention before finally being released in 2006.



Park Protest



Firing water cannons



Protesters loaded on buses



The aftermath

For a detailed run-down of events of the protest see <http://norayounis.com/2005/12/30/74>

Opportunities to Address and/or Bypass UNHCR Failures

Despite the protests bringing acute attention to the problems of UNHCR Cairo, on the ground the UNHCR continues to implement its mandate in a consistent manner with the past, with few changes as a result of the protests and under the same financial and human resource burdens as before. In light of the information documented in this briefing paper the Darfur Australia Network advocates;

- For the UNHCR to lift the RSD suspension for Darfuri refugees and begin assessing Darfuri asylum seekers for third country resettlement potential and recommendation;
- For the UNHCR to consider the resettlement option for those Darfuri refugees in Cairo who have already been granted full refugee status, given the continuing deterioration of the situation in all parts of Darfur;

Additionally DAN advocates for the Australian Government to;

- Take into consideration the true situation of Darfuri refugees living in Cairo when assessing applicants for the Humanitarian Programme and SHP;
- As a stakeholder in UNHCR, to engage in discussions with UNHCR and the Australian Embassy in Cairo to determine ways to address the very critical needs of Darfuri refugees in Cairo;
- Investigate other ways to implement durable solutions to this problem, including specifying a quota for refugees from Darfur to enter the Humanitarian Programme