



REFUGEE CONSORTIUM of KENYA

Advocacy and Policy Development Centre

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Refugee Protection Situation Report (No.5/2017)

Period: 1st May – 31st May, 2017

Date: 15th June, 2017

Operational Context

The Dadaab closure extension ended at the end of May, 2017. There has been no official communication on the future of the camp post the deadline. Currently there are 246,207¹ refugees still residing in the camp as at 5th of June, 2017. While it is unlikely that the government will make any major decision on the fate of the camp before the August General Elections, the current state of affairs is likely to increase anxiety among refugees and asylum seekers residing in Dadaab.

Voluntary repatriation process is still on going. However the road convoys, a major component of the repatriation process was suspended for time owing to heavy rains that made the roads impassable. Flights to Mogadishu during the month continued. According to the figures provided by UNHCR², the total number of Somali refugees that have been assisted to go back to Somalia since December 2014 is 66,807 as at 31st of May, 2017. This represents an increase of three percent from the figure last reported.³

On 13th June 2017, Parliament (National Assembly) passed the Refugees Bill 2016 which will effectively repeal the current Refugees Act of 2006 once assented by the President. The new law is progressive and has broadened the regime of rights for refugees thereby promoting their protection. Among the salient features of the Bill is access to work permits for professionals and other refugees with skills,

¹ UNHCR Weekly Bi-weekly Update (16th – 31st of May)

² ibid

³ See RCK Refugee Protection Situation Report No.4 of 2017



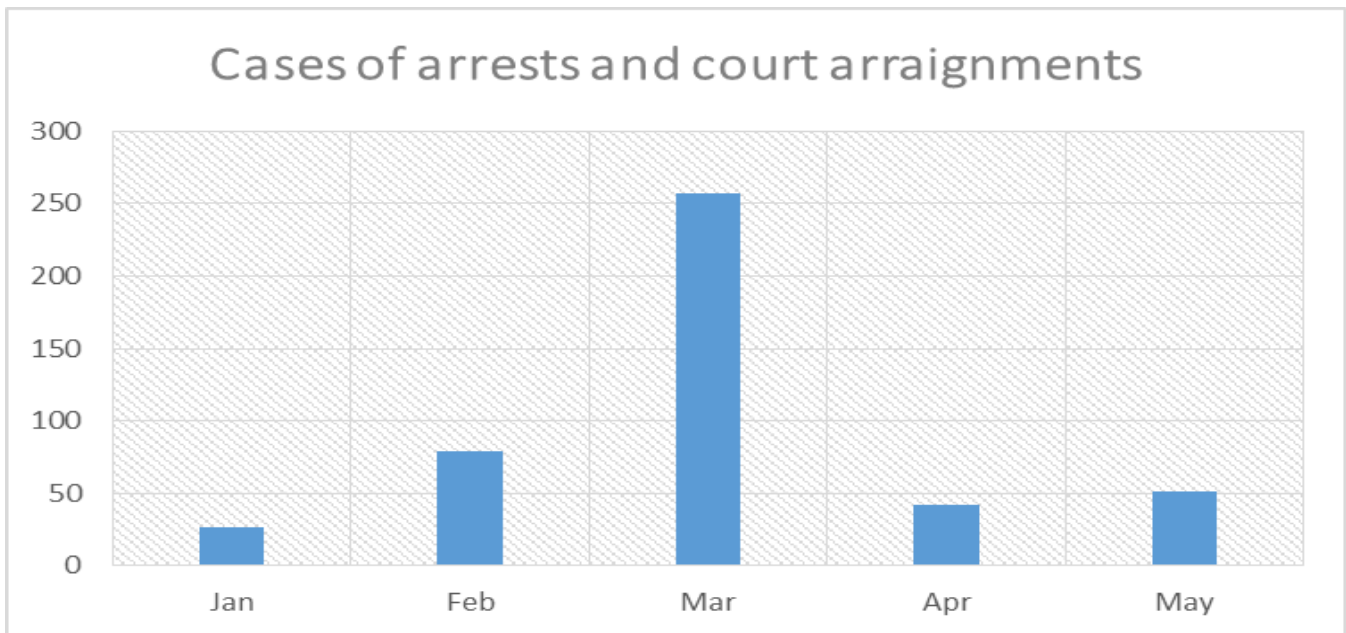
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access to land for economic activities, establishment of a trust fund and access to legal aid. The administrative structures have been strengthened and their mandates well defined to enable them effectively deal with refugee matters.

Cases of arrest and court arraignment increased by nine cases. April recorded 42 cases of arrests and court arraignment on immigration related charges while May recorded 51. Graph 1 below depicts the distribution of cases of arrest and/or court arraignment in immigration related charges since the beginning of the year.



Graph 1: Graph depicting cases of arrests and court arraignment since January 2017

Table 1 below shows a breakdown of the cases recorded by RCK between 1st May, 2017 and 31st May, 2017.



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Reports of arraignment/arrests/harassment

Place of Incident	Incident	Characteristics of PoCs	Status of Situation
Dadaab (Garissa County)	Arraignment: Unlawful presence	7 (3 Somali adult males, 1 Somali adult females, 2 Somali minor males & 1 Somali minor female)	1 PoC was discharged while the rest were convicted and sentenced to 6 months in Prison or pay a fine of Ksh.50,000.
	Arraignment: Residing outside a designated area without authorization.	3 Somali adult males	They were all discharged and allowed to go back to the Dadaab refugee camp.
Garissa (Garissa County)	Arraignment: Unlawful presence	13 Somali nationals, 1 Eritrean National (9 adult males, 1 adult female, 1 minor females & 3 minor females)	The Eritrean did not take plea because an interpreter could not be found. The court ordered a probation report for the minors in this case. 1 person was discharged and the others were convicted and sentenced to prison for period between 1 year and 2 years of fines between Ksh.80,000 and



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			Ksh.200,000.
	Arrest: Residing outside a designated area.	2 Somali Adult males 3 Somali minor males	The two were convicted and sentenced to between 2 months and 3 months or pay a fine of amounts between Ksh.5,000 and Ksh.20,000. The minors were discharged and escorted back to Dadaab refugee camp.
	Arrest: Residing outside a designated area without authorization.	2 Somali adult females & 1 Somali minor female	The PoC's were released upon RCK intervention at the Garissa Police Station.
Kisumu	Arrest: Unlawful presence	1 Congolese adult male	Matter was settled through plea bargaining with the prosecution and the matter was withdrawn and the PoC handed over to UNHCR as per the court ruling.
	Deportation	2 Congolese adult male	PoCs were to be deported after serving a prison sentence for unlawful



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			presence. Case filed barring the GoK from deporting the PoCs. Stay orders granted. Interparties hearing held on 30 TH May. Ruling on the same is scheduled on the 22nd June 2017.
Nairobi (Nairobi County)	Arrest: Unlawful presence	6 (4 Burundian adult males, 1 Somali adult male & 1 South Sudanese adult male)	4 were released after RCK intervention and one was later charged.
	Arrest: Unlawful Presence	10 (4 South Sudanese adult males, 1 Ethiopian adult male, 3 Somali adult females, and 2 Somali adult males).	6 were discharged unconditionally upon intervention by RCK, 4 were discharged and repatriated to Kakuma Refugee Camp as they are registered there).

Table 1: Breakdown of the cases documented between 01.05.17 and 31.05.17

Dadaab

Graph 2 below shows the distribution of Somali nationals that crossed into Kenya from different border points since January, 2017 (see also pie chart 1 below). Whereas not all of these people were seeking asylum in Kenya, a majority of them were asylum seekers. The month of May registered a 27 percent decrease in the number of cited new arrivals. A total of 11,109 Somali nationals have crossed

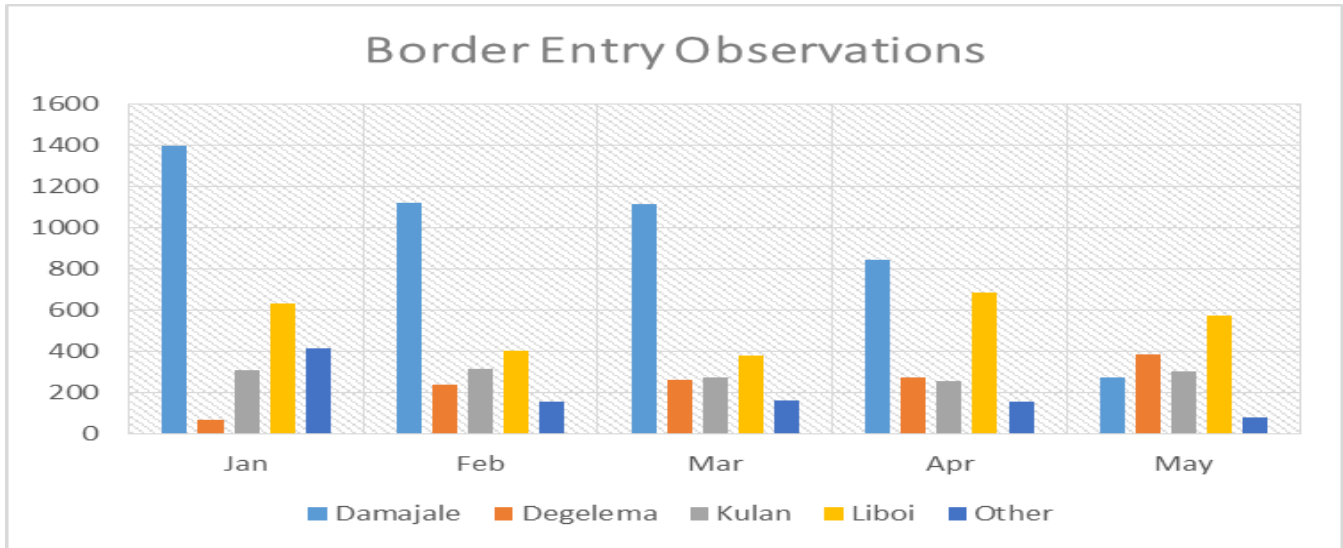


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the border since January 2017. They stated that they were fleeing the drought situation in Somalia as well as general insecurity in their areas of origin.



Graph 2: Graph depicting the number of Somali nationals crossing into Kenya since January 2017

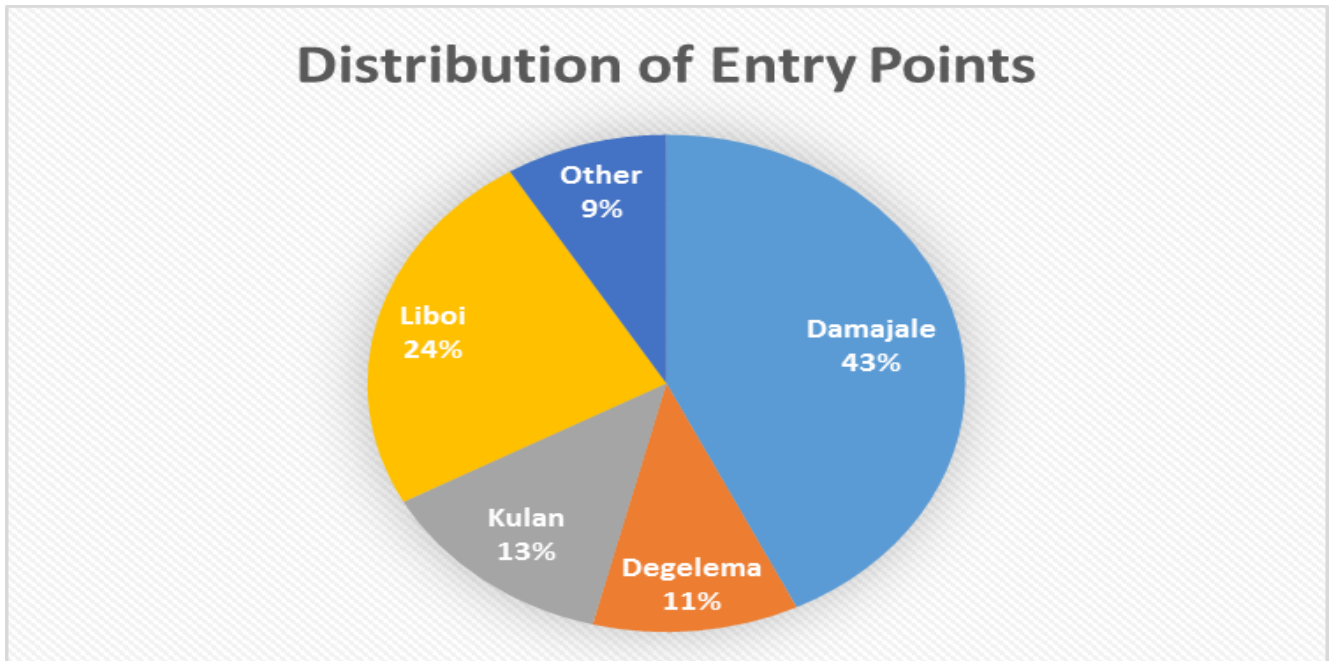


Chart 1: Distribution of numbers of entry observations since January 2017 per entry point



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Garissa

There have been no major incidents involving PoCs in Garissa

Kakuma

There have been no major incidences involving PoCs in Kakuma.

Nairobi

There have been no major incidences involving PoCs in Nairobi.

Conclusion

The situation is calm at the moment. The government set deadline to close Dadaab refugee camp by the end of the month has not been adhered to. There has also not been any communication about the fate of the shutdown process thus far. Cases of arrests are still going on but are not as high as was witnessed in the month of March. Be that as it may, there is need to remain vigilant especially along the migration corridors to ensure that PoCs rights are respected and protected.

For more information kindly contact Ms. Eunice Ndonga-Githinji, Refugee Consortium of Kenya Executive Director on refcon@rckkenya.org