



REFUGEE CONSORTIUM of KENYA

Advocacy and Policy Development Centre

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Refugee Protection Situation Report (No.6/2017)

Period: 1st June – 30th June, 2017

Date: 28th July, 2017

Operational Context

Kenya is a month away from the general elections scheduled on the 8th of August, 2017. As most elected officials are on the campaign trail there still no word from the government on the closure of Dadaab. The population there stands at 244,459¹ refugees still residing in the camp as at 30th of June, 2017 with 66,987 Somali refugees having returned to Somalia under the voluntary repatriation process since 2014.

The Refugees Bill, 2016 has yet to be published by Parliament. This means that the Presidents has not yet reviewed the bill with the aim of either signing it into law or sending it back to Parliament with comments. Should the bill be published by Parliament and sent to the President, he would have 14 days to consider the bill.² The Bill automatically becomes law if the President doesn't act on the bill after the 14days.³ As it stands, the Refugees Act, 2006 is still the law on refugees and asylum seekers in Kenya until the Refugees Bill, 2016 is assented to by the President.

Cases of arrests and detention have reduced from 51 cases recorded in May to 23 recorded in June. The nature of sentences meted out on persons of concern arrested for unlawful presence or residing outside a designated areas without authorization has also reduced. Table 1 below shows a breakdown of the cases recorded by RCK between 1st June, 2017 and 30th June, 2017.

¹ UNHCR Statistical Package, June 2017

² Article 115 (1), Constitution of Kenya, 2010

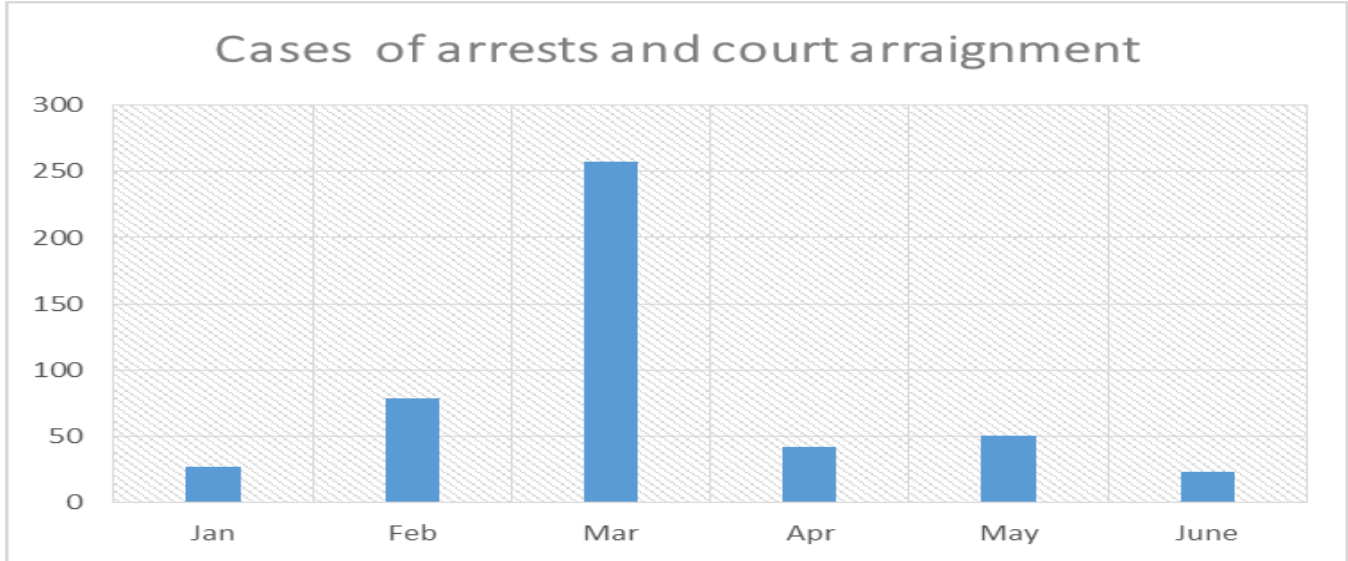
³ Article 115 (6), Constitution of Kenya, 2010



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

Reports of arraignment/arrests/harassment

Place of Incident	Incident	Characteristics of PoCs	Status of Situation
Dadaab (Garissa County)	Arraignment: Unlawful presence	2 Somali adult males	Both were convicted. One was sentenced to 3 months in prison with option of a Ksh.10,000 fine while the other was sentenced to 4 months in prison with the option of paying a fine of Ksh.20,000.
Garissa	Arraignment: Unlawful presence	5 adult males and 1 adult female (2 were	Two of the six persons were identified to be Kenyan



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(Garissa County)		identified to be Kenyans while the rest are Somali nationals)	nationals and thus cases against them were terminated. One Somali adult male was a registered refugee in Uganda and was convicted of the offence and fined Ksh.50,000 or face 5 months jail time. The others were also convicted with similar sentences as the refugee from Uganda being issued.
	Arrestment: Residing outside a designated area.	9 Somali nationals (7 adult males, 1 adult female and 1 minor male)	Of the nine, six were discharged with orders to return to Dadaab refugee camp while the rest were fined Ksh.10,000 or spend 3 months in prison.
Marsabit (Marsabit County)	Arrestment: Unlawful presence	1 Ethiopian adult male	The man pled not guilty to the charges and the case is still on going.
Meru (Meru)	Arrestment: Unlawful presence	1 Ethiopian adult male	Man was convicted of the offence and a deportation



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County)			order issued by the court.
Nairobi (Nairobi County)	Arrestment: Unlawful presence	3 Ethiopian minor males	They were released after RCK intervention and authorities notified so that they can be registered as asylum seekers.
Wajir (Wajir County)	Arrestment: Unlawful presence	1 Somali adult male	He was convicted of the offence and fined Ksh.41,000 or spend 3 months in prison.
	Arrestment: illegal possession of a Kenyan identification card	1 Somali adult male	The man was convicted of this crime after it was discovered that he was a registered refugee in Dagahaley. He was fined Ksh.100,000 or spend 1 year in prison.
	Arrestment: Residing outside a designated area without authorization	1 Somali adult male	The man pled guilty to the offence and the court discharged him with directions that he be taken back to Dadaab refugee



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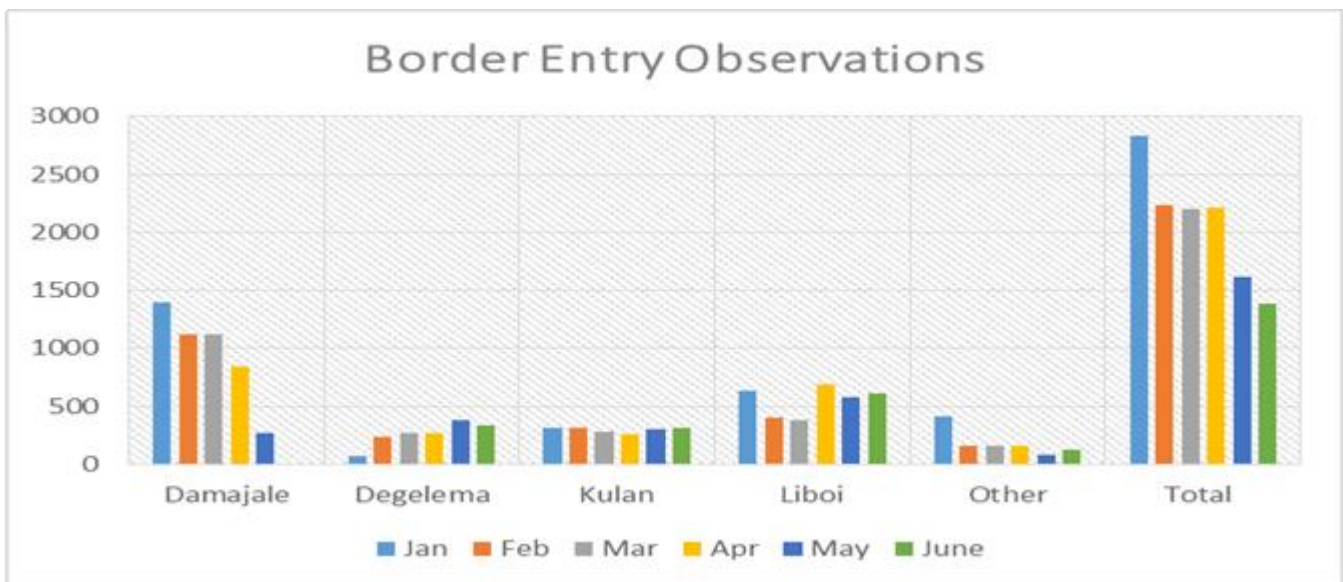
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Table 1: Breakdown of the cases documented between 01.06.17 and 31.06.17

Dadaab

The month of June registered a 15 percent decrease in the number of cited new arrivals. This reduction in movement has been attributed to the observance of the holy month of Ramadhan. A total of 12,491 Somali nationals have so far crossed the border into Kenya since January 2017. They stated that they were fleeing the drought situation in Somalia as well as general insecurity in their areas of origin. Damajale remains the most preferred entry point into Kenya followed by Liboi.



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

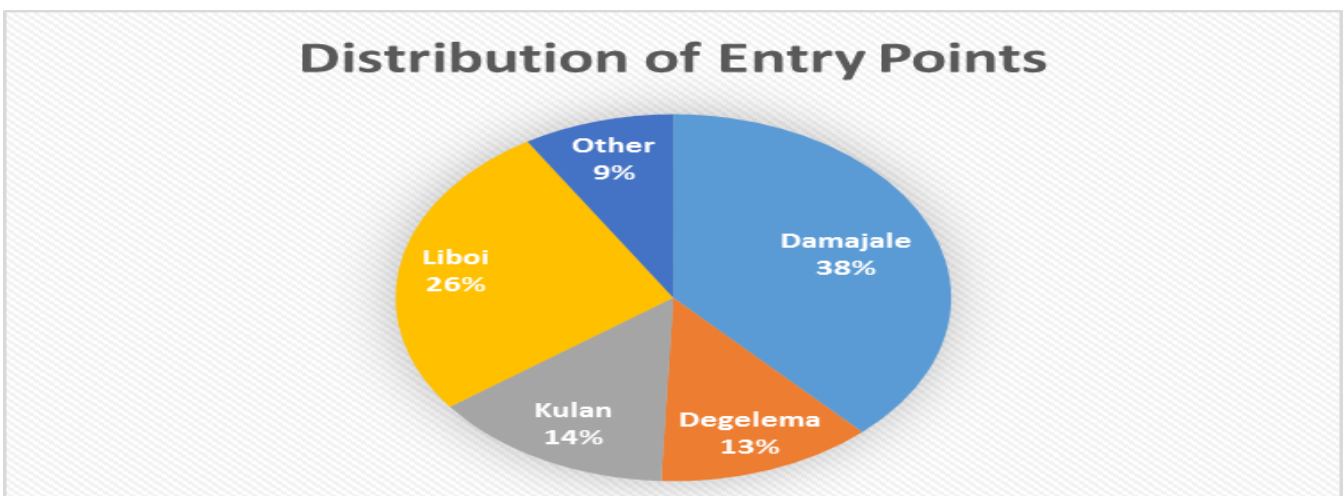


Chart 1: Distribution of observation per entry point



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There have been no major incidences involving PoCs in Kakuma.

Nairobi

There have been no major incidences involving PoCs in Nairobi.

Conclusion

The number of cases of arrests and court arraignments have gone down in this period. This has also been observed with the number of border crossing into Kenya from Somalia. It is anticipated that the number of border crossing might increase in July and therefore increase the potential of cases of arrests.

The lack of registration of new arrivals in Dadaab is another area of concern. From the border monitoring reports, RCK has observed that Somali nationals are coming into the country seeking asylum. The Government of Kenya still insist that it is not registering new arrivals. RCK together with other stakeholders will continue to lobby the government to reconsider this position.

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