



Date: September 10, 2018

Open letter to the Diplomatic Missions accredited to Uganda especially countries which resettle Refugees: Urgent need to investigate and put a credible mechanism in the whole refugee resettlement process in Uganda.

Having been inspired by the recent report made public by the USA “*Cultural Orientation Resettlement Center*” on the refugee resettlement which focused mainly on Congolese Refugees from the period of 2014 – 2018, this has triggered our expression on what we face and observe as refugees. Basing on the UNHCR statistics since 2012 up to 2017, indicate that 90% of refugee resettled went to the United States of America, while other countries share the 10%. While we strongly condemn the current President Trump’s Administration on highly attacking refugee resettlement to the USA which is a double injustice to refugees, which has affected so many cases of refugees here in Uganda who are on the waiting list for so many years now, we strongly believe that we should deal with UNHCR Uganda first which has the monopoly to dictate who should go for resettlement and should not go, such powers have been greatly abused in total silence by UNHCR staffs here in Uganda for years now and refugee victims are so many here in Uganda.

As refugees we are more used to traditional refugee resettling countries mainly the USA, Canada, Australia, Norway, Denmark, Sweden, England and New Zealand among others. This year we also witnessed the presence of Belgium and the Netherlands among others. We are so grateful that all these countries are diplomatically represented here in Uganda mainly in Kampala where we are going to focus on.

Since the year 2000 up to now the refugee resettlement process here in Uganda has been exclusive to UNHCR but later on we saw the presence of HIAS Trust of Kenya since 2006 which works through its partners mainly the Refugee Law Project in this resettlement process while UNHCR depends largely on its implementing partners, here in Kampala it is InterAid Uganda. Due to various reasons this open letter will focus only on the refugee resettlement process here in Kampala.

Refugee resettlement being one among the three recognized durable solutions is differently perceived by different actors. *Refugees believe and do advocate for resettlement to be considered as a rights which they should be able to demand for or even apply for through a clear process*, while UNHCR believes that resettlement is a favor and depends of the entire wishes of UNHCR staffs to grant it a refugee at any time or deny it to the refugee, resettlement has been unclear and not timely, UNHCR calls it a “*too complex process*” but little efforts have been made over the years to make it easy to a common refugee.

On the other hand refugees do not have clear information if it can be possible for them to apply for resettlement directly from the Embassy but we observed that cases of refugees who have attempted to apply or even inquire from the Embassies have been advised to go to UNHCR. Despite the fact that some refugees can get forms for resettlement to Canada and Australia through Internet and Immigration Departments, we have not yet observed a successful case, all are still asked to go to UNHCR and when they approach UNHCR, in most cases UNHCR staffs have not been kind enough to them, these refugees are often accused of being “**opportunistic**”.

This has suffocated and excluded refugees who have serious security threats, those who are blacklisted by UNHCR staffs and so many other categories of refugees, to seek protection through resettlement and to escape from the harm.

On ground here in Kampala UNHCR does not have a clear and credible mechanism to grant resettlement to refugees and the only option used is called “**favor**” which is more arbitrary, impartial and can be easily influenced by different actors including refugees in what we observe as “**bribe**” which many refugees here in Kampala believe is key in order to be granted resettlement, especially when it depends on good or bad will of the UNHCR officers. UNHCR claims to have in place 5 or 6 criteria which are a basis for resettlement to refugees, but to our observations these criteria are not fully followed here in Kampala or may be applied selectively.

Here in Kampala a refugee has to meet first of a counselor at InterAid or a legal officer to access his/ her case and then InterAid Officer who will either or not recommend the refugee case to UNHCR. It is not clear to a refugee how long can he/she interact with the counselor before the case is sent to UNHCR, it is not clear if a refugee can come with his or her application for resettlement and give it to the counselor, it is not clear if the counselor is not willing to send the case to UNHCR where else can the refugee go, and it is not clear what refugees should come with in order to seek for resettlement.

Refugees have no direct contact with UNHCR staffs unless they pass through InterAid, and that is the first level of bribe in order to attract the attention of the InterAid officer. While refugees can easily access counselors at InterAid, others are enemies of these counselors, and so many tricks are used in order for the counselor to send the case to UNHCR.

For the last 10 years the decision of InterAid Officers to recommend the case to UNHCR has been depending on the insecurity a refugee claims to have or medical problems which a refugee must prove, these two have dominated the whole other criteria which should have been used by InterAid and UNHCR. Often times the UNHCR defense is that countries dictate what kind of refugees do they want which may be sometimes true but it is not always the case. And the only proof a refugee must have is “*insecurity Police Report or Mulago Hospital Medical Report*” showing that the refugee cannot get services here in Uganda. That is the second route for bribe which refugees have been victims of and which has favored only those refugees who have money and excluded those who do not have money. Our observations indicate that currently at

least 8/10 refugees in Kampala have either a medical report or police insecurity report, some may be genuine others may attract questions because they are gotten everywhere now. Both InterAid and UNHCR staffs accuse refugees of buying these reports, but in actual sense refugees get these reports when they share information with others. Our observations show that most of refugees who got these reports after being directed by InterAid or UNHCR staffs were resettled or are in the process regardless whether their stories are credible or not, and refugees who got these reports on their own initiatives have not been granted resettlement.

Some refugees have alleged that getting a referral for resettlement by InterAid Officers or the Refugee Law Project Officers they are requested to pay not less than 2,000\$ USD, while getting a Police Insecurity Report or a medical report a refugee pays between 500,000 Ug Sh to 1,000,000 Ug Sh. We have also observed the presence of middlemen who are connected either to InterAid, Refugee Law Project, HIAS and UNHCR Officers or to the Police and Medical Doctors who facilitate connections between them and refugees. But we have also observed that since 2016 up to now most of the prominent refugee middlemen used called “*brokers*” have been secretly resettled or are in the process of being resettled. Most of them have been settled in the USA, and Canada but also in other European Countries such as Sweden and Norway, while many refugees are left crying for their money in case the deal was not yet completed.

We have also observed that there are visible and considerable number of refugees who have been resettled but originally they were not refugees in Kampala, these include students who came for studies, business people, those who came here to visit their relatives, and others who only come here in Kampala to acquire the refugee status and then go back to their countries, refugees who were called by their relatives living in western countries and those who have sold their possessions in their countries of origin and invested in the resettlement process. Our observation tends to indicate that resettlement in Kampala is easier to refugees who can influence it financially.

We have also observed that many refugees here Kampala have not been considered for resettlement despite the fact that they respond to UNHCR criteria for resettlement and despite the advocacy and lobbying by some NGOs and by refugees organizations on behalf of those refugees most of them have not yet been considered over the years. Either they have been told to wait for years or have been told that they do not respond to the criteria of the resettling country. The common and visible characteristic of these refugees is that most of them are poor and vulnerable in one way or the other, many who are genuinely sick have not been granted settlement but UNHCR has deliberately left them to die in silence or prolonged their resettlement process until they die while waiting for UNHCR final decision. Many refugees’ especially “*vocal refugee leaders*” who are perceived as critical to UNHCR and any other agency working on refugee issues have hardly been considered for resettlement since the year 2000 up to now unless they compromise through “*an apology*”, many refugees who have genuine security concerns have hardly been considered as candidates from resettlement by UNHCR and some have been killed because UNHCR officers often tell them that they are not credible or they do not meet the

criteria. We have hardly observed an Active Refugee Human Rights Defender working on refugee rights violations here in Uganda being granted resettlement, since 2004 the UNHCR position has been clear *“you must choose either your human rights advocacy and loose our favor or wait in silence for UNHCR to work on your case”*.

We have observed all forms of manipulation of refugees in order to get resettlement, while some do fabricate insecurity and medical reports others pretend to be LGBTI which is one among the selling reasons currently in order to be resettled and for someone to be accepted in the Refugee LGBTI movement in Kampala currently is required to pay not less than 500\$ USA.

As organization, we have over the years wrote to UNHCR about this, have argued about these abnormalities in different meetings with UNHCR and other forums but not much progress has been realized because it is lucrative, on contrary some among us were compromised and others threatens or intimidated, blacklisted and often blackmailed as *“dangerous refugees”* who refugees are warned against to associate with. We have engaged with OPM Department for refugees to look at this situation but OPM officers have taken distance saying it is a UNHCR private issue. While there is a consensus that officers working on these issues should not take long in this field, we have seen UNHCR, InterAid and others organizations officers holding their posts for more than 10 years without being transfered, creating friends and enemies among refugees and among service providers. We are also concerned about consistent allegations of nepotism among Agencies offering services to refugees in Uganda, once a refugee has a misunderstanding with one officer within the system it is often automatic for that refugee to have blacklisted by other officers in other different organizations.

Having observed that resettlement is too important tool for the protection of refugees, we believe it is too complex to be handled by UNHCR alone in an exclusive manner, and we therefore request the following:

Recommendations

To carry out a serious investigation into refugee resettlement here in Kampala in particular and in Uganda in general by focusing on refugees who were already resettled since the year 2000 up to now, those who are in the process of being resettled and those recommended for resettlement so that the finding can help to deal with all the abnormalities, and hold the actors accountable,

Resettling countries should come up and popularize among refugees the criteria on which they base on to grant resettlement to refugees, through a strong working partnership with all refugee initiatives in their communities,

Resettling countries should encourage refugees to apply for resettlement directly through their Diplomatic Missions and put in place clear steps to follow by refugees,

Resettling countries should request UNHCR Uganda to put a clear mechanism for resettlement, clear steps and clear timeframe, and a chance for refugees to appeal against the decision taken by UNHCR Officers in cases it does not satisfy the refugees,

Resettling countries should request UNHCR to diversify its ways of interacting with refugees and offer refugees an opportunity to apply for resettlement using different channels,

Resettling countries, UNHCR together with NGOs and Refugee Led Initiatives should have forums where they can share information about different cases which are considered for resettlement, and empower refugee initiatives to identify and make a referral of refugees who should benefit from resettlement,

Resettling countries should make a priority the resettlement of vocal refugee leaders, and active refugee human rights defenders who have been blacklisted and denied resettlement for many years,

Resettling countries should put in place mechanism to interact directly and independently with refugees in their communities and discourage meeting refugees who have been mobilized by UNHCR and her implementing partners,

We strongly request the end of commercialization of resettlement to refugees here in Kampala and ensure that resettlement focus on its traditional protection purpose for refugees in difficult situations,

Yours sincerely

Kulihoshi Musikami Pecos

Executive Director