

**Update on the impact of the Government Directive and security operation *Usalama Watch*
on refugees and asylum-seekers in urban areas of Kenya**

14 May 2014

I. Arbitrary arrests and screenings at Kasarani Stadium

1. Round-ups and arrests have continued, mainly during night time and refugees are still reporting a widespread practice of extortions and ill-treatment. On Sunday 4 May, the Police interrupted a church service attended by some 155 Congolese refugees who were forced to come with the police to Kasarani Stadium for screening. The refugees were kept there until evening, before being taken to Kasarani police station to spend the night in deplorable conditions. When the group, on 7 May, was informed that they would be relocated to Dadaab, though they had previously been given the impression that the purpose of the screening at Kasarani was solely to verify their documentation, the Congolese Banyamulenge objected due to fear for their security. Consequently, the police used teargas and violence to instill compliance; wounds from the beatings were noted by the UNHCR staff who received the refugees in Dadaab in the morning of 8 May.
2. UNHCR and its legal aid partners Kituo cha Sheria (KCS) and Refugee Consortium Kenya (RCK) continued conducting detention monitoring visits to police stations. Approximately five police stations in the Nairobi area are monitored each day, from Monday to Thursday. During the past week, UNHCR and RCK have conducted 16 monitoring visits to 11 different police stations, as well as to the Kasarani Stadium. Access was granted on 12 of the 16 visits, though persons of concern were only held at six of the stations to which UNHCR and/or RCK had access; at the others, the police informed that no persons of concern had been brought, or that they had recently been transferred to the Kasarani Stadium. In total, 24 persons of concern were identified at five different police stations in Nairobi, and 67 Somali and Ethiopian nationals were identified at JKIA police station, where they were detained pending deportation to Mogadishu. Among them, four were verified as refugees. Hence, UNHCR and its legal aid partners have been granted access to the majority of police stations visited during the past week, but has continued being denied access to the Kasarani Stadium despite the attempts made. The increased ability to verify the identity and status of those detained has confirmed the difference in practice between police stations in Nairobi: some officers have interpreted the directive as meaning that any refugee or asylum-seeker, regardless of whether s/he has valid documentation should be arrested and taken to Kasarani for screening and relocation, while others have released those who have managed to present Aliens Cards and/or Mandate Refugee Certificates, sometimes following UNHCR's or RCK's intervention.
3. In Mombasa, UNHCR and KCS visited 13 detention facilities in police stations as well as the main prison Shimo La Tewa during the period 28 April to 9 May. Access was granted on all occasions. Some 135 persons of concern were identified as detained in these facilities on the grounds of failing to reside in the designated camps or for unlawful presence in the country,

due to their refugee documents having expired. Many of the refugees and asylum-seekers were young children and women, including pregnant. UNHCR noted that many of the detainees had stayed in detention for an average of two weeks, in crowded and unsanitary conditions; as a result, many with whom UNHCR spoke were urging for assistance to relocate to the camps to avoid further detention. UNHCR was able to secure the release of 21 refugees and asylum-seekers holding valid documentation, and to engage the Kenyan Red Cross to provide medical assistance to detainees. The Magistrate of the Magistrates Court in Mombasa has interpreted the directive to mean that refugees and asylum-seekers who are registered in the camps or undocumented should be relocated to the camps, while refugees registered in Mombasa and in possession of valid documents are allowed to remain in Mombasa, and refugees registered and documented for residence in Nairobi should return to Nairobi. During the time of UNHCR's mission, the DRA office in Malindi was closed and the staff relocated to Mombasa and Dadaab, as a consequence of the Directive, including its decision to close registration in Malindi and other urban areas.

II. Relocations to the camps

4. Since the beginning of May, UNHCR and its partners have witnessed an increase in the number of refugees and asylum-seekers being relocated to the Dadaab and Kakuma camps. While it seemed, at the beginning of operation *Usalama Watch*, that persons duly registered in the urban area and holding valid UNHCR Mandate Refugee Certificates and/or Aliens Cards would be released from Kasarani after screening, this seems no longer to be the case. During the past 10 days, some 500 refugees and asylum-seekers have been relocated to the camps, the majority in possession of valid documentation for residence in urban areas.
5. The relocations have been implemented in a manner which has placed those affected, in particular the children, in an extremely precarious situation. Lactating mothers have been relocated to the camps while their babies, as young as one month, have been left behind in Nairobi; most of those relocated have been separated from one or more close family members. In other cases, refugees with severe medical conditions, which require periodic treatment in Nairobi have been relocated. As a result of UNHCR's intervention, the DRA speedily issued a movement pass to one boy with a severe medical condition, who will consequently be able to continue his medical treatment in Nairobi. UNHCR has also submitted a list to the DRA with details of the refugees and asylum-seekers, and indicated for each how the relocation has adversely affected each one, in terms of family unity, threats to physical security, and disrupted medical treatment, studies, livelihoods, refugee status determination and/or resettlement processing. However, the response received so far is that these refugees will not be permitted to return to Nairobi, permanently, or for the purpose of making the necessary arrangements before relocating to the camp.
6. UNHCR has received an increased number of requests from refugees for help with relocation to the camps. During April, UNHCR, through its partner HIAS, facilitated the relocation of 32 urban refugees to Kakuma and three to Dadaab, while so far in May, 165 refugees and asylum-seekers have been assisted to relocate to Kakuma and 22 to Dadaab.

III. Child protection

7. UNHCR and its partners HIAS, RefugePoint, JRS, CVT, KCS and RCK are in the process of conducting home visits of the refugee children who have been separated and now live in temporary foster families, as a result of the forced relocation of their parents. The numbers are as follows: 211 separated children (77 households) are living in Kasarani; 73 separated children (45 households) are living in Eastleigh; and 2 children (1 household) are living in

Kitenga. Basic food and non-food assistance has also been provided to these children in temporary care.

8. As mentioned above, UNHCR has submitted lists of all the separated families and urged the DRA to allow the parents to travel to Nairobi for reunification. As this has not been granted, many of these children have been separated from their parents since Easter, when the first relocations took place.

IV. Education

9. Since the beginning of May, 12 vocational training institutions and 10 elementary schools, in which refugee children are enrolled, have been visited by UNHCR and its partner JRS. Refugees' attendance of classes at the vocational training institutions has visibly decreased, and at least three students have missed exams due to forced relocations. In the 10 elementary schools visited, 422 refugee students have not reported for class in recent weeks. According to the teachers and refugee community representatives, students are absent due to arrests and relocations, or because parents are keeping their children at home out of fear of being arrested.

V. Livelihoods

10. The manner in which the operation is being conducted is having severe consequences on refugees' livelihoods and their means of survival. From UNHCR and JRS' monitoring, it is evident that businesses have come to a standstill and stocks been lost, since the owners have either been relocated or are afraid of exposing themselves for fear of arrest, relocation or deportation. Many of the family members left behind, in particular women and children, are approaching UNHCR and JRS for humanitarian aid, and the number of cases (individuals or families) provided with food assistance has risen by 400.
11. In addition, as the relocated refugees have not been enabled to make the necessary arrangements prior to the movement, all their property and belongings are left behind.

VI. Deportations and refoulement

12. On 3 May, 87 individuals were deported to Mogadishu on the third such flight since the operation started. UNHCR was not informed about the deportation, but has subsequently been able to confirm that at least one recognized refugee, a young Somali refugee woman of 18 years, was on the flight. UNHCR has requested the DRA to arrange for the readmission to Kenya of both this and the other refugee woman who was deported on the first flight, on 9 April.
13. On 11 May, UNHCR learned that a group of persons were being detained at JKIA police station pending deportation to Mogadishu. UNHCR visited the police station and was, as mentioned above, for the first time given access to the detainees; 67 individuals mainly of Somali but also of Ethiopian origin. Among the detainees, UNHCR found four refugees and has subsequently requested the DRA to secure their release.

VII. Repatriation

14. UNHCR and its partners continue receiving an increasing number of requests for help with repatriation to Somalia. UNHCR is preparing to provide individual counseling to these refugees, with the aim of sharing updated information on the conditions in areas of return and to certify that their expressed wish to repatriate is based on a free and informed choice.