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The American University in Cairo

School of Global Affairs & Public Policy (GAPP)

**UNHCR Egypt's Impact on Refugees and Asylum Seekers: 2000-2020**

A Thesis Submitted by

[Abdallah Bahar]

Submitted to the Center for Migration and Refugee Studies

[Spring 2023]

In partial fulfillment of the requirements for  
The degree of Master of Arts  
In Migration and Refugee Studies

has been approved by

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## **Abstract**

This thesis examines the shifts in UNHCR Egypt's practice and policy and their impacts on refugees and asylum seekers in Egypt. It focuses on procedures of reception, registration, refugee status determination (RSD), and resettlement. It also examines the changes in services provided to refugees and asylum seekers, such as health care, education, residency permits, and future change. In addition, the study explores the major reasons for these shifts and whether they are stimulated by the global refugee regime or other factors such as domestic legislation. The thesis attempts to answer the following two questions: 1) what are the shifts in UNHCR Egypt's practice and policy that influences refugees and asylum seekers' situation in Egypt and why? 2) How does UNHCR Egypt's practice and policy shift affect the situation of refugees and asylum seekers? Structured interviews were conducted with 12 participants from UNHCR staff and partner organizations, academia, and community leaders of refugees and asylum seekers, as well as undertaking participant observation.

The research findings show that despite some efforts by UNHCR to improve its policy and practice, it is working in an increasingly difficult context with constraints imposed by the government and the global refugee regime. The effects on the refugees and asylum seekers seem to be largely negative, with support declining and serious difficulties getting responses, delays in registrations, RSD interviews, and resettlement, and an inability to reach them on the phone or physically. Yet, there are a few positive changes, yet, some of them seem to be quite temporary or change to a negative impact after a short time, such as the change in residency permits.

**Keywords:** UNHCR, practice, policy, shift, refugees, asylum seekers, registration, resettlement, protection

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### **Abbreviations and Acronyms**

AUC	American University in Cairo
BRA	The Bureau des Réfugiés et Apatrides
CBO	Community Based Organization
CMRS	Center for Migration and Refugee Studies
COVID-19	Coronavirus Disease
CRS	Catholic Relief Services
EGP	Egyptian Pound
EU	European Union
GO	Governmental Organization
GRP	Global Refugee Policy
IOM	International Organization for Migration
INGO	International Non-Governmental Organization
IRB	Institutional Review Board
LFIP	Law on Foreigners and International Protection
LGBTI	Lesbian Gay Bisexual Trans Gender Intersexual
MOU	Memorandum of Understanding
NGO	Non-Governmental Organization
OAU	Organization of African Unity
PSTIC	Psychosocial Training International Center
POs	Person of Concern
RRO	Refugee Reception Office
RSD	Refugee Status Determination
SNIA	A national Strategy for Immigration and Asylum
StARS	Saint Andrews Refugee Services
UN	United Nations
UNHCR	United Nations High Commission for Refugees
WHO	World Health Organization

## **Chapter 1: Introduction**

### **1. 1. Introduction**

Egypt's agreement with the United Nations High Commissioner for Refugees (UNHCR) was established in 1954 due to an inscribed Memorandum of Understanding (MOU) between the Egyptian Government and UNHCR. According to this MOU, UNHCR offers protection to refugees and asylum seekers, encompassing: documentation, registration, refugee status determination, and resettlement. For over sixty-five years, after the Second World War, the office offered support to Armenian and European stateless persons, succeeded by significant influxes of African, Iraqi, and Syrian refugees (UNHCR, *ibid.* 15; UNHCR, 2022).

"Egypt is a signatory to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and, 1969 Organization of African Unity Convention governing specific aspects of refugee issues in Africa"(UNHCR, 2020). These conditions and others have allowed Egypt to become one of the countries that host a large number of refugees and asylum seekers in the region. According to a UNHCR statistics report (2023), Egypt is hosting 291,578 refugees and asylum-seekers. In 2022, Egypt's UNHCR office conducted the largest refugee status determination (RSD) interviews in the world and "adjudicated 11,007 decisions"(UNHCR, 2023). Over half of them are Syrian, which is 51 percent and 49 percent from African, Yemeni and Iraqi backgrounds (UNHCR, 2020).

The literature and UNHCR reports published on the refugee context in Egypt state that the number of refugees and asylum seekers in Egypt significantly increased starting from 2004 due to the lack of political stability and regenerated disputes in the Horn of Africa and East Africa. This is in addition to turmoil that has pushed thousands of Yemeni, Iraqi, Syrian, South Sudanese, Sudanese, and Ethiopian,



persons to become refugees in Egypt. According to the UNHCR report in August 2020, the registered number of refugees reached 130,047 Syrians, 49,290 Sudanese, 19,814 South Sudanese, 19,002 Eritreans, 16,181 Ethiopians, 9,259 Yemenis, 6,824 Iraqis, 6,755 Somalis and over 1,000 persons from 49 other nationalisms (UNHCR, 2020). Asylum seekers and refugees are facing difficulties in accessing UNHCR's Office and other service providers because of the limited resources that have led to a restricted scope of services. A UNHCR Egypt evaluation report illustrates that "refugees continue to highlight difficulties in accessing assistance when they experience challenges"(Tong, Al-Sadi, and Ltd, 2021).

The increase in the number of asylum seekers has created several challenges for UNHCR in Egypt. The IOM report in 2014 shows that refugees and asylum seekers in Morocco, Tunisia, and Egypt are facing similar obstacles to accessing primary public services, such as healthcare, education, and access to justice, and are unable to have legal employment. These situations create challenges for refugees and asylum seekers to have stable livelihood opportunities and to be able to pay for basic needs, such as education and health. As a result, UNHCR and partner NGOs cover their needs to the best of their abilities (IOM, 2014). The conditions of refugees and asylum seekers pushed these three states to encounter obstacles connected to managing migration influxes and integrating refugees and asylum seekers into their communities. Based on this, some policy shifts took place in Morocco, in addition to a slow change in Egypt and Tunisia because of political conditions (IOM, 2014). The Global North countries also thought that the first country of asylum would take more responsibility for allowing asylum seekers and refugees to stay in their state and not attempt forward movement. Frequently, the first country of asylum in the Global South is not able or unwilling to afford entitlements as proved in the Refugee

Convention, such as healthcare, and education. All these circumstances force refugees and asylum seekers to search for these rights elsewhere, mostly toward the Global North states, which have better systems in place for refugees (Habersky, 2018). Because refugees need a system that can give them an opportunity to return to their normal situation and even acquire citizenship, as long as the host countries are not able to offer these basic entitlements, they will often search for them elsewhere.

Scholars argue that the state policy that governs refugee and asylum seekers living under it have influenced the refugee and asylum seekers' situation in Egypt. For example, Neemat Sharafeldin's thesis has described Egypt's state policy towards refugees by the absence of a domestic law that governs refugee and asylum seekers' rights (2020). Also, Kelsey Norman's study has shown how the indifferent policy of Egypt influences refugee and asylum seekers' situation (2017).

However, in Egypt, UNHCR plays a crucial role in governing and supporting refugees, and it is influenced not only by state policy but by international regimes and funding. In Egypt, UNHCR's role is to conduct Refugee Status Determination (RSD) interviews and handle the refugee and asylum seekers' cases on behalf of the Egyptian State based on the 1954 MOU between Egypt and the UNHCR (Kagan, 2006). However, UNHCR Egypt's practice and policy has experienced a significant change since the early 2000s. For example, Fatih Azzam reported that in first of June 2004, the RSD for Sudanese refugees was suspended and the policy of voluntary repatriation was adopted because of the suspected peace agreement in Sudan. In August 2004, refugees presented a letter protesting this UNHCR policy change and a decrease in some refugees' assistance (2006). Moreover, in 2006, UNHCR Egypt changed the registration process duration from one day to three months and the RSD interview waiting time is unidentified or open. Also, since 2009, the resettlement

criteria has been restricted to vulnerable groups (UNHCR. *ibid*). Norman, for instance, has illustrated that in 2014, she found out that refugees used to wait for five years to conduct their RSD interviews (Norman, 2017).

In this thesis I am studying the UNHCR practice and policy changes for twenty years because I want to find out how these practices and policy changes affect the refugees and asylum seekers, to understand the refugee situation in hosting states, such as Egypt. To do so, I will examine how the global refugee regime shifts and whether the shift in the global refugee regime in Northern states influences the UNHCR practice and policy in the Southern states.

Based on the aforementioned points, the research will examine the shifts in policy over time, and consider the reasons for these changes. While previous researchers (Kagan, 2006; Norman, 2017; Sharafeldin, 2020) and others have focused on the Egyptian government's policy impact on refugees and asylum seekers, it is also important to shed light on the consequences of UNHCR's practice and policy shifts for the refugees and asylum seekers.

Overall, the aim of this thesis is to highlight the existing gap in the current literature in critiquing Egypt's UNHCR policy and its limitation towards refugees and asylum seekers' entitlements that offer better chances for integration in Egypt, forgetting the fact that local integration in Egypt was not agreed on in the Memorandum of Understanding (MOU) with UNHCR Egypt as one of the UNHCR's durable solutions for refugees.

## **1.2. Justification of the research**

The focus of this study will be on UNHCR Egypt's office, which was opened in 1954 to help the stateless people of Armenia and those of European origin. Today, UNHCR's office targets larger groups of asylum seekers and refugees which include

African, Iraqi, Syrian, and Yemeni refugees. However, UNHCR Egypt's practice and policy shifts directly affects refugees' and asylum seekers' procedures in registration, conducting RSD, and resettlement. These changes force asylum seekers and refugees to engage in onward movements. As Catherine Grant (2016) argues, refugees and asylum seekers engage in onward movements towards other distant locations as a result of deteriorating conditions and lack of prospects in their current arrangement. These changes lead to the protracted stay and tension between the refugees and asylum seekers on the one hand; and between these groups, and UNHCR's office on the other. Evidence from the field shows that UNHCR's work informed by securitization policies rather than the mandate of UNHCR, which is protection of refugees and asylum seekers.

B.S. Chimni (1998) already observed that most of the restrictions on the motion of capital and services were removed by establishing an appropriate set of norms. But when it comes to human movement, more restrictive policies have been adopted. In Egypt, for instance, the shift in UNHCR office policies in asylum duration increased upsetting refugees (UNHCR, 2022). Maha Soliman (2016) argues that there is a need for studies in Egypt to evaluate the relationship between refugee policies and their influence on the livelihood situations of the refugee population. Sharafeldin's (2020) study has confirmed the absence of a clear law regulating refugees' rights to access education, livelihood, healthcare, and access to legal services. Also, during her interviews, the respondents complained of the ambiguity of the law, which resulted in confusion in its implementation, which in turn led to the existence of parallel regimes that both refugees and UNHCR staff are compelled to adopt. Therefore, this study will contribute to understanding and bridging this gap in the literature.

### **1.3. Aim and objectives of the research**

The objectives of this research are as follows: First, it will help us understand the relationship between UNHCR Egypt's practice and policy shifts and the difficulties that the refugees have faced in accessing services for the last two decades. Second, it will analyze and highlight the impact of UNHCR's practice and policy shifts on the situations of refugees and asylum seekers. Third, this study will help us understand the reasons for the frequent tension between the refugees and asylum seeker communities, on the one hand, and their tension with UNHCR on the other. Finally, it will enable service providers to better respond to the needs of refugees and asylum seekers and it will empower NGOs and the refugee and asylum seeker communities, alike.

#### **1.4 Research Questions**

To analyze UNHCR Egypt's practice and policy shifts and their impacts on refugees and asylum seekers in Egypt, the thesis will attempt to answer the following two research questions: (1) What are the shifts in UNHCR Egypt's practice and policy that influence refugees and asylum seekers' situation in Egypt and why? (2) How did Egypt's UNHCR practice and policy shifts impact refugees and asylum seekers in Egypt?

#### **1.5 Thesis Structure**

This thesis comprises seven chapters: The first chapter will detail the historical background of the topic, justification of the study, research questions, and structure of the thesis. The second chapter will explain the research methodology, which is taken from a qualitative research approach using interviews and participant observation, as well as the chapter discussing the research limitations and ethical issues, along with the research participants' backgrounds. The third chapter will review the literature and previous studies related to the research topic. I started by reviewing the literature that

focused on the global refugee regime shifts, the effect of other systems on refugee regimes, the reasons behind refugee policy shifts, and the development of the global refugee regime. Then, I look at the regional and local literature that concentrated on states and UNHCR practice and policy shift evolutions, and the situation of asylum seekers and refugees in Egypt. It offers examples of practice policy shifts outside Egypt in three countries: South Africa, Morocco, and Turkey. For the theoretical framework, I draw on the international relations theory, particularly the Suasion Game theory which has been used by Alexander Betts (2008) to explain the north-south states' relationships. I use it to explain the relationship between UNHCR and Egypt as a host state and the asylum seeker and refugee community. I also look at the theory of institutional policy change and the concept of border externalization.

Chapter Four highlights refugee reflections on UNHCR's practice and policy changes in different time periods and their impact on refugees and asylum seekers' situations. The changed policies include the adoption of the 1997 UNHCR urban refugee policy, the suspension of the RSD for Sudanese refugees in 2004, the application of the 1969 OAU Refugee Convention. At the same time, it looks at the partial return of the urban refugee policy in 2009 and the inclusion of the Local Relocation Protection Approach as one of the new resettlement criteria adopted in 2009, in addition to moving the UNHCR office from the Mohandeseen district to 6<sup>th</sup> of October.

Chapters Five and Six will discuss the results of the field study. It will offer an in-depth analysis that draws on ethnographic research to reveal how refugees experience the shift in the location of the UNHCR, as well as changes in its procedures, suggesting that the practice and policy shifts over time are due to several factors. Some are imposed by UNHCR and the Egyptian government, while others by

the global refugee regime. In specific, Chapter Five highlights UNHCR's policy shifts that affected refugees and asylum seekers in some major sectors: registration, RSD, and resettlement procedures, as well as in health, and education. Also, this chapter focuses on three more themes: 1) Division between refugee communities. 2) The change in residency permits location from Mugama to Abassiya in 2019 and 3) the changes that occurred due to COVID-19, in which I did the participatory observation in the UNHCR office in 6<sup>th</sup> of October. Also, I will add my personal experiences and testimony at this stage. Finally, Chapter Six discusses the potential future change in RSD interviews to be conducted by the Egyptian government instead of UNHCR. The last chapter, Chapter Seven, will include the concluding analysis of the research and references.

## **Chapter 2: Research Design and Methodology**

The purpose of this chapter is to identify the methodological approach used to understand the impact of Egypt's UNHCR practice and policy shifts on refugees' and asylum seekers' situation from an analytical perspective. This chapter will present the methodological approach adopted, set out the method applied for data gathering, the sample that was chosen, and the process of data analysis. A brief overview of participant demography will be included and it will discuss any limitations and ethical issues associated with this thesis.

### **2.1 Research Methodology**

In this thesis, I have applied a qualitative approach. Pranee Liamputtong (2008) recommends employing the qualitative methodology because he argues that this methodology displays much more precise data on the research participants' perspective as a positivist methodology. Also, it "provides detailed description and analysis of the quality, or the substance, of the human experience" (Marvasti 2004). It has facilitated me, as an author, to conduct a more detailed description and offered contextualization and interpretation for the data gathered from the field study with refugees and asylum seekers. The ethnographic tools show how to accomplish culturally sensitive research to approach the community members and gatekeepers ethically to ensure confidentiality, build trust, preserve independence, and enhance the reliability and interpretation of the outcomes (Smith, 2009). Maja Janmyr (2022) argues that ethnography contributes to knowledge in international refugee law, not just through its tools, but also through its views on knowledge, questions of power, subjectivity, and reflexivity (Janmyr 2022).

According to Jane Ritchie and Jane Lewis (2003), qualitative samples are usually little in volume because when information is correctly collected and analyzed,



you will reach a moment where new testimony gives little new information (2003). The sample of the study included two different categories of participants as follows: I conducted eight interviews with asylum seekers and refugee community leaders who work with services provider NGOs, CBOs, and UNHCR, and four interviews were conducted with academics and experts in the field of Migration and Refugee Studies. I interviewed 12 of them successfully, and they agreed to share their knowledge and experiences anonymously. Their characteristics include 5 females and 7 males, and their ages concentrated between 27 and 55 years old. The selection of interviewees was purposive to answer the research questions and to understand how the shift in Egypt's UNHCR practice and policy has affected asylum seekers' and refugees' situations in the last fifteen years. The initial plan was to cover an appropriate sample from the main asylum seekers and refugees community in Cairo which includes Syrian, Sudanese, South Sudanese, Eritreans, Somalis, Ethiopians, and Yemenis. But the actual sample encompassed four refugees' nationalities which are Sudanese, South Sudanese, Syrian, and Eritrean. According to gender and age, normally, in the indicated age range, most of the participants have at least five years of work experience with NGOs. Almost all my interlocutors graduated from universities except one female who had only a high school certificate.

Moreover, Liamputtong (2008) shows that participants cater to think that they have mutual opinions and experiences with the researchers who have similar ethnic backgrounds or races to them. This notion was evident in my research, particularly during interviews with participants from Sudan. Some of the refugee participants indicated that they have similar experiences to my experiences as a researcher from the refugee community. I conducted the participant observation in Arabic because all my interactions were with the Sudanese refugees who speak the Arabic language. I

only used English for interviews because the participants have a good command of the English language. This saved me time and translation effort.

## **2.1 Method**

This section encompasses data gathering and analysis.

### **2.3.1 Data Collection**

My research is based on extensive desk research to review the secondary data sources from books, online sources, such as journals and papers, and reports that are relevant to my research topic. Following this, I conducted interviews with participants from April 2022 to January 2023 in greater Cairo because most of the refugee and asylum seekers are concentrated in Cairo, as well as the NGOs. The interviews took different durations: the minimum time was 20 minutes and the longest time was an hour for each interview. In addition, I conducted participant observations from August 2021 to the end of 2022. Most of my participant observations were around the UNHCR Cairo Office, and the public spheres or places, such as coffee shops and simple business projects that are managed by refugees. These are places where refugees and asylum seekers discuss issues related to the UNHCR and other NGOs that support refugees and asylum seekers, including the practices and policies of UNHCR towards them.

### **2.3.2 Data Analysis**

Aggregating data is considered as the starting point of research procedures. After gathering the data, it must be arranged and patterns or interesting points must be thought through. Qualitative analysis is more interested in meaning. Information is a word that depicts useful data which will assist a researcher's response to her/his inquiry. That could come from various sources (O'Connor and Gibson, 2003). I read the collected data several times, in order to familiarize the themes. Then, I searched

for patterns or observations and transcribed interviews, which were recorded. Next, I reviewed the research aims and searched for the questions that the gathered information could answer. After wards, I developed a framework that identified the concepts, broad ideas, phrases, behaviors, and assigned different codes to the themes. This point was useful for labeling and structuring the information. I began to recognize themes and searched for the most common answers to the questions and recognized the information that responded to the research questions, all the while identifying themes that could be investigated further (Humans of data website, 2018). Finally, I applied the thematic analysis, which is defined as: "when data is analyzed by theme it is called thematic analysis. This type of analysis is highly inductive the themes emerge from the data and are not imposed upon it by the researcher"(Dawson, 2009).

## **2.4 Participants' Backgrounds**

In this thesis all the interlocutors' name are pseudonyms based on their request.

### **Yasser(Sudan):**

Yasser is a married male from western Sudan in the Darfur Area. At the time of the interview, he is 35 years old. Yasser graduated from the law department at Al Nileen University in Sudan. He worked with NGOs from 2005 to 2007 in the Kalma camp in Darfur for internally displaced people from the region. The government of Sudan forced Yasser to move to Egypt with his family in 2015, and they have been recognized as refugees in Egypt. He works as a volunteer in CBOs and some NGOs in Cairo since he came to Egypt. He agreed to do the interview online, and the interview was conducted in the English language.

### **Izaac (Sudan):**

Izaac is a married Sudanese male of 47 years. He is living in Egypt for 20 years. Izaac has been recognized as a refugee since 2004 and graduated from the Sociology Department from Cairo University Khartoum Branch. He works as a chairperson in one of the Darfur Associations (CBO) in Cairo and is a teacher of local Sudanese language (Fur). He accepted to do a face-to-face interview, and the interview was conducted in English.

**Mosa(Sudan):**

Mosa is a married Sudanese man of 47 years. He came to Egypt in 2004. He said that he is working as a volunteer for refugees since 2012 with PSTIC, an implementing partner NGO for UNHCR. Also, he is a community leader; to help vulnerable cases from refugees and asylum seekers to get support by referring them to UNHCR and partner NGOs. I conducted the interview in English.

**Saajid (Sudan):**

Saajid is a single Sudanese male. He is 33 years old. He came to Cairo in 2006. He worked for IOM as a volunteer for health promotion in the refugee community in 2013. Also, he worked as a volunteer teacher of English in CBOs and as a community interpreter at UNHCR.

**Noor (Eritrea):**

Noor is a single Eritrean female. She is 34 years old. She worked for some NGOs in Cairo as a psychosocial case worker. Also, she volunteers at CBOs as a community leader in Giza area in Faisel district, to support the Eritrean refugee community. She has over ten years in Cairo. Noor preferred to write her response instead of recording because she has a fear to be recorded.

**Abouk (South Sudan):**

About is a widow from South Sudan. She said that she has over 20 years in Egypt. She is a former psychosocial worker at STARS. Currently, she acts as a community leader and she is doing counseling to support her community. The interview was conducted face-to-face and in the English language.

**Jones (South Sudan):**

Jones is a single male. He is 36 years old and from South Sudan. He graduated from the Law Department from Cairo University and currently he is a candidate for a master's degree in Public Policy Affairs at AUC. Jones disclosed he has experience in humanitarian and legal aid NGOs. He advocated for RSD interviews and protection for asylum seekers and refugees in Egypt since 2013. Jones agreed to do the interview online, and I did it in the English language.

**Jamila (Syria):**

Jamila is a single female. She is 30 years old and is from Syria. She worked as a volunteer for refugees in STARS and in her community. She is a candidate for the master's degree in Migration and Refugees Studies at AUC.

**Montaser (Egypt):**

Montaser is an Egyptian single male of 27 years old. He graduated from the Psychology Department at Cairo University and is currently enrolled in a master's in Migration and Refugee Studies program at AUC. He mentioned he became interested in working with NGOs that support refugees and asylum seekers since the Syrian refugee influx to Egypt. Montaser has been working with a UNHCR partner organizations since 2017.

**Khalid (Egypt):**

Khalid is 55 years old and an Egyptian lawyer. He works as an asylum lawyer since 2000, advocating for refugees; and migrants' rights in Egypt. Also, he has

worked for seven years with UNHCR in several countries, such as Egypt, Western Sahara African countries, Darfur, Gaza, and Yemen. He has a master's degree in Human Rights and a diploma in Migration and Refugee Studies from CMRS.

**Madeline (USA):**

Madeline is a single female of 32 years old from the US. She is a scholar in the migrant and refugee field and has contributed to some research in Egypt. Madeline has a master's degree in Migration and Refugee studies. She has been working in Egypt for more than five years, conducting research on migrants and refugees in and outside Egypt.

**Elisabeth (USA):**

Elisabeth is a married woman 45 years old from the US. She is a scholar, and she has a Ph.D. She is a Fellow for the Middle East at Rice University's Baker Institute for Public Policy. Her research focuses on host state responses to migrants and refugee settlement in the Middle East and North Africa. She has done a lot of research on refugee policy globally. Also, she conducted some research in Egypt's context, starting from 2012 to 2017.

## **2.5 Limitations**

There is a lack of research conducted on the topic I chose, and I decided to focus on research written in the English language only. Moreover, the data is not wholly representative due to the qualitative method, and the sample is small, representing four refugee communities only. Somali and Ethiopian refugee communities showed their fear of the sensitivity of the research topic and refused to contribute to interviews. In addition to that, interviewing the participants one time only, there was no chance for a second meeting, which might result in bias. Also, one

of the participants wrote her answers. I observed that she disclosed less information comparing to those who did interviews face to face or online.

Unfortunately, my communication with the UNHCR Egypt Office was unsuccessful to conduct interviews with staff from managerial positions. I made an official communication through the UNHCR information department at the initial start of the research; they promised to allocate participants from their staff to share their experiences in my thesis. However, they have shared with me only a link to the UNHCR website.

## **2.6 Ethical Considerations**

The contribution of interviewees in this research was voluntary and based on informed consent. I applied the American University thesis guidelines by fulfilling AUC Institutional Review Board (IRB) requirements (see appendix B). Because of the corona pandemic (COVID-19) restrictions, I conducted some interviews online. Also, I applied social distance in face-to-face interviews and wearing masks.

## **Chapter 3: Literature Review and Theoretical Framework**

### **3. 1 Literature Review**

The first part of the literature review will focus on the global refugee regime shifts, which affects UNHCR practice and policy towards refugees and asylum seekers. I think it is important for us to look at policy shifts first, and then look at the refugee regime and what it is, and how it interacts with other regimes. This will help us understand such policy shifts and their effects on refugees and asylum seekers.

Guy S. Goodwin-Gill (2021) argues that World War Two drove numerous modifications, including the creation of the UNHCR Statute in 1950 and the 1951 Refugee Convention and its updated Protocol in 1967. In addition to international human rights and customary international law, they are considered the substantial ground for the refugee regime (Goodwin-Gill 2021). Moreover, the migration researcher Alexander Betts (2015) defines the global refugee regime as the norms, principles, rules, and decision-making process which regulate countries' responses toward refugees. It includes a group of principles, especially those embedded in the 1951 Convention connected with the Status of Refugee, which defines refugees and their entitlements. Besides the international and national organizations and UNHCR who have a supervisory role to make sure that countries fulfill commitments to refugees (Betts, 2015).

#### **3.1.1 Refugee Regime Shift**

James Milner (2014) illustrates that scholars face debates on how to improve the framework on global refugee policy. These attempts have been connected to shifts in existing UNHCR agendas, like its programs to refugees in urban places. Such inputs "become refugee policy" when they produce official talks to crises connected to protection, support, and solutions for refugees and other people in scope of the



global refugee regime (Milner 2014). Nicole Triola, in her article entitled " The international refugee regime: failing system, " argues the global refugee regime is loaded by obstacles and limits that impact refugees and asylum seekers negatively instead of protecting them like it is supposed to. She adds that to understand the refugee regime and its complexities throughout its existence, you need to understand the history in parallel to the regime (Triola 2014).

Chimni (1998) shows that policy changed for some at the end of World War Two with the establishment of the 1951 Geneva Convention and the 1967 Protocol. The Global South refugees became pawns between non-Communist and Communist states, especially during the Cold War. However, the initial traditional definition was not encompassing everybody. Because of geographical restrictions in the 1951 Convention, this document originally encompassed people displaced as consequences of World War Two. Afterward during the Cold War, the Global South refugees with political interests were not considered with inherent value, as their inclusion in the Global South was requested by all countries who utilized them to achieve this interest. He argues that the matter was not only in dealing with the refugees differently, but it is a whole new approach in the field of migration which was called for. Countries in the Global North considered that the origin country must take more responsibility towards asylum seekers. In fact, the origin country has to take responsibility for ending the persecution because it pushes individuals to seek asylum (Chimni, 1998).

### **3.1.2 Development of the Global Refugee Regime**

Gil Loescher's (2006) article focuses on the first 50 years of UNHCR starting from 1951, within which the Agency has operated in order to protect refugees. On the one hand, the study criticizes those who thought that UNHCR is controlled by some states, and does not have an independent plan for work for the first 50 years. On the

other hand, the article highlights the period of the 1990s in which the Agency's operation significantly changed, as well as an overview of the global environment in which it operated. UNHCR's capacity has extended to encompass returnees, internally displaced persons, and other victims of conflicts or natural disasters. UNHCR has operated in new situations, especially in the centers of violent conflict. As a result, it has worked beside the UN peacekeepers and other military forces. These shifts have shown the reinforced role of UNHCR in the refugee crises and in the modern globe of politics (Loescher 2006).

Sadako Ogata (1993) explains that UNHCR's history reflects four stages since 1951, which are as follows: the first stage was in the 1950s, the global community responded to refugee flows induced by the Second World War. In that period, the refugee system was responsible for the protection of individual refugees from Eastern European states. The second stage was in the 1960s, it was at the time of decolonization of the so-called third world within which there were significant flows of refugees. However, most of these individuals have returned to their countries of origin after their state's liberations. The third stage was during the Cold War, between the 1970s and the 1980s, when conventional solutions to refugee issues were quietly terminated and forgotten due to the rising power of the global North. The fourth stage was during the 1990s, when the nature of refugee flows became much more complex as it was a combination of political forces and economic issues forcing people from their homes. Searching for solutions in this period was very difficult due to the complexity of such forces (Ogata 1993).

Charles Keely (2001) argues that during the late 1980s and the beginning of the 1990s, North American and European states' concerns of an increase in the numbers of asylum seekers reaching their territories led them to engage in shifting

policy, procedures, and legislation towards acceptance and arbitration of their asylum demands. This led human rights advocates and refugees to use the term "fortress Europe" when referring to these countries, as opposed to democratic, liberal countries which approve of the global refugee regime. The endeavor of this asylum policy change was the practical cancellation of 70 years of humanitarian law and practice (Keely 2001).

Rutinwa (1999) divides refugee policies in post-independence Africa into two durations, the beginning of the 1960s to 1990 and the duration after that time. He explains that African states adopted a welcoming approach in the first duration, which was known as the "open door policy." These policies were facilitated by the 1969 Organization of African Unity (OAU) Convention Governing Specific Aspects of Refugee Problems in Africa with cooperation with the UNHCR. However, Rutinwa has illustrated that since the late 1980s, there was a significant shift in refugee policies in Africa, which became more evident in the 1990s. African countries have become less committed to refugees, while the refugee issue is growing. African countries offer less local integration and resettlement to refugees.

Jeff Crisp (2017) traces the evolution of UNHCR's civilian refugee politics from second half of the 1990s until publication. In this article, he concentrates on the difficult and contentious environment of the policy framing procedures, testing the roles which the domestic and extrinsic key-holders have performed. He investigates and identifies the major advances in UNHCR's operational climate, which has led to restricted policies in this sphere (Crisp 2017). Also, Loescher assesses the role and function of UNHCR in its first stages and how it could influence worldwide politics. He recommends people could use such experiences in order to enhance the work of

UNHCR today. He was referring to the first four UNHCR high commissioners (Loescher 2017)

As the main international institution for refugee aid, since 1956, UNHCR created a resettlement process and coordinated the work between the international and country partnership connections to make sure that the resettlement policy was fully implemented and standardized. Also, it continuously promotes resettlement capacity and has recognized five essential elements from 2017 to 2021: on this matter respond, protect, empower, solve, and include (Shady and Molk et al. 2019). Crisp and Dessalegne's (2002) study observes many significant ambivalences in the interests and politics of UNHCR and different refugee aid organizations needs, including: INGOs, NGOs, and human rights organizations. Countries that are receiving, transits, and sending, are also included on the institution's Executive Committee, and thereby all have a seat at the table for decision making. The authors argue that, in such an environment, it is a challenge for UNHCR to balance between these various institutions and countries, all the while adhering to its refugee protection mandate (Crisp and Dessalegne 2002).

### **3.1.3 Evolutions of Egypt UNHCR Practices and Policy Change**

This part highlights the practices and policy of the UNCHR office in Egypt and how this has shifted over time. The literature that focuses on the evaluation and analysis of Egypt's policy impact on refugees and asylum seekers is quite abundant. The majority of the literature focuses on critiquing the limitations of Egypt's domestic law that regulates refugees' rights, prohibition of lawful employment, and the lack of funding resources, (Sperl, 2001; Sharafeldin, 2020).

The shift affects the situation of refugees and asylum seekers in the country. Stefan Sperl's study in 2001 evaluates and analyzes UNHCR's 1997 policy

concerning urban refugees, which promoted “self-reliance and avoiding dependency”. He has remarked on the harmful effects of that policy on refugees in Egypt and concluded that refugees in Egypt are far away from achieving self-dependency because Egypt’s government prohibits them from legal employment.

The response of refugees and asylum seekers to UNHCR’s practice and policy shifts has varied over time. For example, in June 2004, UNHCR suspended RSD interviews for Sudanese asylum seekers. Because of the peace agreement between the Movement of Sudan Liberation Army and the Sudan government, Egypt considered a changing situation in the state of origin during that time (UNHCR, 2004). Azzam and others reported that in 2005, Sudanese asylum seekers and refugees were sitting in the Mohandeseen area near the UNHCR Office in Cairo to object to UNHCR's continued suspension of the refugee status determination process, in addition to bringing light to their difficult living situation. Based on official reports, Egyptian forces scattered the sit-in by force, which resulted in around 27 dead and many injured asylum seekers (Azzam 2006; Bhuiyanand, and et al 2016).

Moreover, Kagan (2006) criticizes UNHCR’s role in conducting RSD on behalf of the Egyptian government and makes three observations. His first concern is that when the UNHCR is conducting the RSD, there is a conflict of interest between its role to protect refugees and doing the RSD interview at the same time. His second concern is the fear of resource-intensive RSD, which will increase UNHCR resources towards this and away from actual assistance. And finally, UNHCR's RSD process is lacking most of the safeguards offered when the government conducts the RSD. This will lead to the danger of wrong decisions that might be left for genuine refugees without protection. The article also shows the impact of the lack of legal

representation at the appeal stage, leaving many without any official routes to appeal their negative decision (Kagan 2006).

Katarzyna Grabska's (2006) study analyzes the global and national policies influencing refugees and the characteristics, opportunities, and well-being of refugees and asylum seekers in Egypt. This research also examines the ambivalences among the policies and their enforcement by the global, domestic, and society-based actors in the country. The study illustrates various factors behind policies influencing refugees in Egypt, such as applying rights-based approaches for these policies as a hardship for Egypt, especially from the view of the global refuge regime. The weak record of human rights and the scarcity of local resources often cause a violation of the rights at the same time. Dealing with refugees in a special way leads to tensions with the host society, as well, "which has to be taken into consideration while designing integrated community assistance and development programs" (Grabska 2006).

In 2013, UNHCR published a report on its role in the Arab Republic of Egypt, as a signatory to the 1951 Refugee Convention, with the major aim to offer protection to all individuals who seek asylum in its territory. In detail, UNHCR's role in Egypt includes asylum performances: Reception, Registration, Documentation, and Refugee Status Determination (RSD). All of these activities are conducted by UNHCR on behalf of the Egyptian authority. Anyone who is identified as a refugee by UNHCR in Egypt will be granted the protection of the Egyptian Government. Accordingly, UNHCR works in close coordination with the Egyptian Government to make sure that all persons of concern are offered protection and have access to their legal entitlements in accordance with the 1951 Convention (UNHCR 2013; Hetaba, McNally, and Habersky 2020).

Another report from the Center of Migration and Refugee Studies (CMRS) in 2020 encourages refugees, asylum seekers, failed asylum seekers, in addition to policymakers, Egyptian lawyers, nongovernmental organizations, and international organizations involved in migrant issues to enhance their understanding of refugees' legal rights in Egypt. This research argues that, despite the presence of laws granting refugees and asylum seekers legal rights on paper, there is a clear gap in the implementation of these laws on the ground, much to the detriment of these vulnerable groups needing protection (Hetaba, McNally, and Habersky 2020).

Finally, Sharafeldin's (2020) study argues that UNHCR has created a parallel system to help refugees in Egypt. This study focuses on highlighting the gaps in Egypt's policy towards refugees, but it does not indicate the outcome of the parallel system created by UNHCR to protect refugees in Egypt. Therefore, I will attempt to fill this gap by studying the practice and policy changes of UNHCR in Egypt and its effect on the refugees and asylum seekers' population in the country.

#### **3.1.4 The Situation of Asylum Seekers and Refugees in Egypt**

An interesting thesis argues that the contradictions and gaps between national law, UNHCR policies, and international law, in addition to their practices, have generated a vulnerable situation for African refugees in Egypt (Roshdy, 2019). The study shows that International Refugee Law fails to protect refugees through practice and law. The ambiguity of laws opened the door to the manipulation and various interpretations of legislation. Also, in the procedures, the shortage of tools and the inapplicability of durable solutions influenced refugees' situation by growing their vulnerability (Roshdy, 2019).

Scholars Heba El Laithy and Dina Armanious's 2019 report entitled, "Vulnerability Assessment of Refugees in Egypt: Risks and Coping Strategies"

illustrates that around half a million Syrians are residing in Egypt. In November 2018, 242,873 refugees and asylum seekers from 58 countries were registered with the UNHCR office in Egypt. Asylum seekers and refugees in Egypt are assisted with access to ongoing registration, counseling on civil status, residency permits, community-based protection activities, and multi-sectoral services by UNHCR.

According to El Laithy and Armanious, (2019) UNHCR makes an effort to assist the most vulnerable refugees and asylum seekers. UNHCR offers an unconditional cash grant monthly for the most vulnerable households which amount to about 600 EGP to 3,000 EGP. However, the monthly financial support covers only 30% of asylum seekers and refugees because of the limited funding levels (El Laithy and Armanious 2019).

Shahjahan Bhuiyanand's study (2016) is an analysis of Egypt's asylum policy toward Syrian refugees, and the historical context of Egypt's policies for refugees from three countries: Sudan, Palestine, and Iraq. The researcher applies Jacobsen's 1996 Policy Yardstick in addition to the Public Administration and Migration Management Approach. The study finds that in the history of several administrations, refugee policy varies according to changing authorities and their political orientation in addition to their link with the sending state. Obligations to domestic legislation and international frameworks differ according to different circumstances in security and political sight. In addition, the economic situation of the state also influences the authority's response to refugees. This study suggests that the government could be enhanced to bear more refugees' responsibility, but, this depends on the political will and the country's stability (Bhuiyanand, and et al 2016).

In July 2019, the Ministry of Interior applied a new process to enhance the residency permit procedures, by relocating the authorities to a new Emigration and



Nationality Administration Office to improve overall the procedures. Because asylum seekers and refugees are facing obstacles of a long-duration process to gain and renew residency permits, this was a welcome change. This was implemented by the digitalization of residency permits and visa issuance (UNHCR 2020). However, advocacy is still needed with the Government of Egypt to permit asylum seekers and refugees to acquire three year residency permit as is required under Egyptian law (Hetaba, McNally, and Habersky 2020)

Fares, Hani, Puig-Junoy, and Jaume's study (2021) entitled, "Inequity and benefit incidence analysis in healthcare use among Syrian refugees in Egypt," shows that there is a limitation in Egypt's health system. Therefore, many challenges have been identified which prevent refugees from using the healthcare system. The outcome of the study showed that, in the absence of equal support, vulnerable refugees could not access healthcare services. However, since 2016, there has been a Memorandum of Understanding (MoU) between UNHCR and the Ministry of Health and Population which permits refugees to access public primary and secondary health services on par with Egyptian nationals. While this new MoU is a welcome addition to protection and access to services for refugees, the difficulty in implementation impedes such access for many (Hetaba, McNally and Habersky 2020).

### **3.1.5 Examples of the Practice Policy Shifts outside Egypt**

In this section, I discuss some other examples of countries that have experienced refugee policy shifts in brief. Because UNHCR's operation is different and it divided to two approaches which are: in some countries such as Egypt, and Morocco, UNHCR is responsible for conducting RSD interviews, while in others the countries, the government is conducting the RSD interviews, such as South Africa and Turkey. These examples are important to understand how UNHCR policy shifts in

these different contexts are similar and difference, and whether it affects the refugees and asylum seekers.

#### **3.1.5.1 South Africa Refugee and Asylum Seeker Policy Changes**

Most of the literature focuses on global policy shifts regarding refugees, so there are very limited studies that concentrate on regional policy change. For example, Fatima Khan and Megan Lee's (2018) study evaluates and estimates that the policy changes in asylum procedures made by the South African authority resulted in a deterioration of protection for refugees and asylum seekers. Next, they examine the growth in case law because of such policy changes, along with the refugees and asylum seekers' challenges in accessing the asylum procedure in South Africa. The study illustrates that the main four resolutions taken by the authority are: refusing refugees and asylum seekers to reach Refugee Reception Offices (RROs), shutting specific RROs, refusing to utilize the procedures of asylum requests in various RROs, and the denial to acknowledge the entitlements of refugees and asylum seekers with regard to family unity. The study concludes that refugee policy changes in South Africa resulted in a significant number of unprotected and undocumented asylum seekers and refugees in the country. Because of limiting access to the asylum procedure or placing unnecessary blocks on people willing to submit an asylum application, overall protection deteriorated. Overall, the administration was trying to prevent individuals from applying to the asylum regime and forcing them to exist without documentation, rendering them invisible to the government (Khan and Lee 2018).

The outcome of Khan and Lee's research helps us to understand the situation in Egypt, particularly when looking at the estimated number of migrants from the Egyptian government, which is over five million migrants, and the actual registered

number of refugees and asylum seekers from the UNHCR records, which is just over 300,000. This difference will indicate the significant number of those not registered or undocumented. In fact, we cannot be able to find the real reasons behind this variation without conducting field research on those hidden populations of migrants and those who remain undocumented.

#### **3.1.5.2 Refugees in Morocco and Asylum Policy Changes**

Since September 2013, UNHCR complimented the Moroccan establishment by applying the national immigration and asylum policy of the country. The National Human Rights Council is responsible for this policy. They are an autonomous foundation that was created and allowed by the Moroccan Constitution of 2011 to enhance national human rights. This institution recommended a comprehensive migration policy, according to the international law and the refugee law, which was accepted by H.M. The King Mohammed VI, who ordered the authority to obtain the important shifts and rehabilitations to build new asylum and migration policy (UNHCR, *ibid*). Also, legal expert Parastou Hassouri has argued that, in 2013, Morocco declared a plan to establish a new national policy for asylum and migration and that because of the previous absence of such a national asylum legislation in Morocco, UNHCR made the RSD interviews for asylum seekers, previously (Hassouri 2017).

"In addition, the Government of Morocco developed and started to implement a national strategy for Immigration and Asylum (SNIA) in 2014. The SNIA aims at developing a policy framework which provides a comprehensive regulatory and institutional basis for ensuring successful management of asylum, legal migration and local integration, while preventing and counteracting illegal migration, trafficking in persons and smuggling"(Hassouri 2017).

Bahija Jamal, in her 2021 study, argues that the Moroccan government in its implementation of the integration of refugees and immigrants in Morocco created 11 programs to empower refugees and immigrants to benefit from economic and social entitlements, while respecting their human dignity. Jamal's study concentrates on the SNIA programs that represent an important outcome for refugees and immigrants, such as access to education irrespective of migrants' and refugee administrative status. These have been somewhat positive effects of the policy change in Morocco.

### **3.1.5.3 Turkey's Refugee and Asylum Policy Changes**

Over the previous decade, Turkey has hosted the most significant number of refugees in the world because of the conflict, violence, and persecution during the Syrian Civil War reaching a massive scale and forcing people to flee their homes. Over 3.6 million registered Syrian refugees reside in Turkey, and 320,000 individuals of other nationalities also sought refuge in the country. According to Suat Kınıklıoğlu (2020), since 2012, Turkey has made a marked work of hosting around four million refugees of Syrian and other nationalities. Ankara adopted the welcome policy towards Syrian refugees up until 2015 and rapidly built camps for refugees in border areas. The continued dispute with Syria was in supposed contrast with the prospect in Ankara to welcome and protect refugees for a short time. However, the Syrian situation has become protracted and the former seeming welcomeness of Turks to Syrians is running dry.

#### **3.1.5.3.1 The Policy Change towards Syrian Refugees in Turkey**

According to Alan Makovsky (2019), a senior fellow for National Security and International Policy at the Center for American Progress, Turkey places occasional attempts to limit refugee influx through its border. For example, at the beginning of 2012, Turkey made occasional border closures. However, the Turkish

authority started earnest work in reducing the refugee waves after the terrorist attacks in 2015 and 2016, which resulted in hundreds of deaths of both tourists and Turks. Moreover, the report shows that, in 2014, the welcome policy was stopped, and then in 2016, the open-door policy of the Turkey government towards Syrian refugees has shifted continuously.

A restricted and occasional closed border policy, which resulted in the existence of a significant number of refugees in temporary camps in the other part of the country, led the government to limit the entry of Syrian refugees to Turkey through the official border crossing. The authorities also enabled the police to do security investigation on refugees to avoid security dangers. Considering those who are not applying, these refugees entered the state unofficially according to Turkey's new legislation. Therefore the state has the authority to return them to Syria (Makovsky 2019).

Moreover, Makovsky argues that in 2016, Turkey created more legislation to reduce the numerous refugees and control those who were coming. The 2013 Law on Foreigners and International Protection (LFIP) permits the expulsion of those who are connected to terrorism or threats to the general system. Turkey also started establishing a safety fence on the border with Syria and stopped the visa-free policy for Syrians coming through the sea and airport (2019).

Also, Kınıklıoğlu illustrates that as a result of losing domestic elections and a motive to show that the Turkish administration is dominating the condition, Ankara's behavior turned against Syrian refugees. The police began to detain Syrian refugees and transmit them back to the Turkish territories where they were registered, prompting some to return to zones administered by Turkey in northern Syria in addition to the war zone in Idlib, while deporting others (Kınıklıoğlu 2020).

### **3.1.5.3.2 The Effect of EU-Turkey Statement on UNHCR and Refugees**

Anna-Lena Rüländ (2018) illustrates that UNHCR investigated the EU-Turkey deal's feasibility and legality after the 2015 migrant crisis. Prior to the signature of the EU-Turkey Deal in spring of 2016, UNHCR was all but silent as to how implementation of the EU-Turkey Deal would impact refugees' protection (Rüländ 2018). According to Rüländ (2018), the EU-Turkey Deal applies to “irregular migrants arriving in Greece after 20 March 2016 are to be returned to Turkey, and that the EU is to resettle one Syrian for every Syrian returned from the Greek islands”. According to the agreement, asylum seekers who returned to Turkey as a safe state are not significant and there are thousands of Syrian refugees suffering in Greece. As a result, hotspot areas like Moira or Lesvos have become crowded, hosting 19,000 asylum seekers in places that were built for 3000 (Meral 2021).

### **3.1.6 Conclusion of the Literature Review**

The literature reviewed has offered various explanations for how, and under which circumstances UNHCR's policy has developed over time and changed due to internal and external forces. This literature review includes studies that are specific to the Egyptian context in which UNHCR functions, besides the literature on the global refugee regime. Based on this literature analysis, I can attribute the reason for UNHCR's practice and policy shifts to three primary factors: geographical and temporal limitations, humanitarian issues, and economic, social, and political issues that lead to securitization policies. In addition, the literature illustrates that these practice and policy shifts were stimulated by the global refugee regime shift, for the North-South state's interests, particularly those states of the Global North. Betts (2008) argues that due to the geographical proximity of southern countries to conflict areas, most of the refugees remain in their neighboring southern countries.

Additionally, legislation or policies that apply responsibility sharing in the international refugee system are often absent and burden-sharing is all but non-existent. Betts has shown that the evolution of the "Travel-refugee regime complex" has created major difficulties in global collaboration in the refugee system. It qualifies European countries to take part in regime shifting, maintaining their interest through casual newcomers of asylum by the travel regime and overcoming the refugee regime and the protection granted by it (2008).

According to the literature review, a gap highlighted concerning the impact of UNHCR's practice and policy shifts on asylum seeker and refugee populations in Egypt. Indeed, some scholar's critique how UNHCR operates; stating that the way it operates in its current state is not as good as it was two decades ago. Others refer directly to the increased policy restrictions. One important question to answer is whether UNHCR's policy developed for the interest of the host states or for the interest of refugees and asylum seekers? Zohry's (2003) study suggests the need for study that goes beyond the mere documentation of refugee politics to also include the stance of Egypt and the rest of the host authorities in the area is needed.

### **3.2 Theoretical Framework**

This thesis studies how UNHCR practice and policy changes in the last fifteen years have affected refugees and asylum seekers. The aim is to analyze how the practice and policy changes influenced the overall refugee situation in Egypt. Therefore, I draw on two theories: international relations theory specifically (Suasion Game), the theory of change (Institutional Change), and one concept of border externalization. Theory is always important in academia to frame qualitative research through enlightening data-gathering and analyzing processes (Leeming 2018).

#### **3.2.1. International Relations Theory**

First, this research is guided by "international relations theory". Betts (2008) has argued that the international relations theory helps us to understand and define the international regime as follows:

"Implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations. Principles are beliefs of fact, causation, and rectitude. Norms are standards of behavior defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice."

The international relations theory literature recognizes two beneficial game theory models, which are the Prisoner's Dilemma and the Suasion Game, to be used in refugee studies' theoretical framework (Adamczyk, A and et al. 2019). Briefly, Suasion Game can be explained as follows: it includes two doers, one is feeble (doer A) and another is powerful (doer B). The two doers possess contrasting interests because of their different proportional forces. The game theory applies this scenario in two different styles. "Either one (weaker) actor, A, has a dominant strategy to cooperate, which the other (stronger) one, B, can exploit, or one actor, B, has a dominant strategy to defect (stronger), while the other must cooperate in order to avoid an even worse outcome (weaker)" (Betts, 2008).

Judith Tesfaghiorghis has explained that Astri Suhrke in 1998 utilizes the analogy of "The prisoner's Dilemma" to illustrate mass act fail. Betts in 2009 shows that this analogy suggests that the two players in the model possess equal power relations and interests, yet the situation in the refugee regime is different (Tefaghiorghis 2018). Tesfaghiorghis (20018) explains that Betts has used the



"Suasion game" to depict the relationship between Global North states and Global South states as unequal. When South countries lose every opportunity to persuade and affect the Northern states to take part, refugees are the ones to ultimately suffer. According to Betts, the Suasion game "highlights the significance of North-South relations in explaining the under-provisioning of refugee protection" (Tesfaghiorgis, 2018). Betts argues that international relations theory specifies that Suasion Game theory can analyze North-South relations better than Prisoner's Dilemma that induces diverse collaboration issues. The concept of the Suasion Game applies to comprehend the force between relationships formed by North-South dynamics (Betts 2008).

Andreas Hasenclever, Peter Mayer, and Volker Rittberger illustrate that Ziirn (1993) explains that Suasion Game possesses a single equilibrium result, satisfying just one player and quitting the other one that is harmed. The only result of this game is inequality. Therefore, in such conditions, we should convince the stronger actor to collaborate (1996).

In this thesis, I make use of the Suasion Game theory by applying it to the relationships between Northern and Southern states when it comes to refugee protection. This theory will be useful in explaining my thesis and how UNHCR Egypt's practice and policy shifts are adherent to interests from the global North, rather than its mandate to protect refugees. First, UNHCR represents the weaker actor (A), and the Southern state (Egypt) represents the stronger actor (B). The second form of the game is UNHCR and Southern state (Egypt) represent the stronger actor (B), and refugees and asylum seekers represent the weaker actor (A). I came to this conclusion after I analyzed the interaction between the UNHCR and the Egyptian government in the literature review that focused on UNHCR Egypt's history. It showed that the Egyptian Government usually has the final decision regarding refugee

and asylum seekers policy in Egypt. This situation is similar to the relationship between north-south states as depicted by Betts, and that the Northern states are in a power position and southern states are in a weaker position and UNHCR is playing the role of mediator between them. I argue this type of relation will place refugees and asylum seekers always in the margin and add to their vulnerability. This research applies the Suasion Game theory because it offers an appropriate analysis of the main three actor's interactions: the Egyptian government, UNHCR, and the asylum seekers and refugee communities in Cairo. In addition to understanding how the UNHCR practice and policy shifts influence the refugee and asylum seekers community.

### **3.2.2. Theory of Policy Change**

I give a brief explanation of the theory of change that discusses different elements of the policy change that drive this study. Lucie Cerna (2013) argues that knowing the difference between policy change and policy reform is significant because scholars use them interchangeably. Policy change is incremental shifts in existent structurations, or new and innovative policies (Cerna, 2013; Bennett and Howlett 1992; Polsby, 1984; Hogwood and Peters, 1983). The term reform indicates substantial changes such as in the health sector (Berman, 1995; Cerna, 2013).

#### **3.2.2.1. Institutional change theory**

Secondly, I draw on institutional change theory because it will serve the purpose of this thesis. Margaret Levi (1987) illustrates that scholars in a round table created methods to examine institutional change to explain the relationship between institutions and individuals (1987). Wolfgang Streeck and Kathleen Thelen (2005) developed helpful classifications for institutional change. They defined institutions as formal regulations which might be applied through a third party. They explain that institutional change is not important to be similar to policy change, and both of them

overlap in some circumstances. When policies set forth regulations that allocate standard-supported responsibilities and entitlements to actors and offer them to the public people, which is third-party implementation, theories of institutional change could be theories of policy change (Cerna, 2013).

Streeck and Thelen (2005) have identified five categories of change: layering, displacement, conversion, exhaustion, and drift. James Mahoney and Kathleen Thelen (2010) examine the element of institutional change building up on the work of Streeck and Thelen. They draw four types of the institutional change: Displacement, layering, drift, and conversion. Displacement is "the removal of existing rules and the introduction of new ones" (Mahoney and Thelen, 2010). Layering is "the introduction of new rules on top of or alongside existing ones" (Mahoney and Thelen, 2010). Drift is "the changed impact of existing rules due to shifts in the environment" (Mahoney and Thelen, 2010). Conversion is "the change enactment of existing rules due to their strategic redeployment" (Mahoney and Thelen, 2010). Finally, exhaustion is a procedure that generates failure, but it is different from the other four procedures of change. Even though, the breakdown is slow and not sudden. Exhaustion could take place while the usual functioning of the institution is undercut outside previous situations and there is a corrosion of funds (Steeck and Thelen 2005).

Lama Mourad and Kelsey P Norman (2020) explain that there are three patterns of policy changes that exist in the refugee regime. They argue that policy conversion took place through intentional institutional and country practices to erode the previously distinctive category of refugees. Moreover, they show examples of Northern countries and refugee and migrant host states in the MENA region and identify four countries, Egypt, Tunisia, Morocco, and Turkey, or "institution-led practices", that engage in transformative impacts on the working, objectives, purpose

of the global refugee regime. Such practices blur the legal distinction between the class of migrant and refugee, and hinder access to the refugee system, including for those who fall under its known mandate (Mourad and Norman 2020). They highlight four major practices that have been applied through policy conversion of IOs and countries such as:

"(1) limiting access to the territory through burden-shifting; (2) limiting access to asylum and legal status through procedural hindrances; (3) the use of group-based criteria to limit access to protection; (4) the inclusion of non-Convention criteria within resettlement schemes."

Every practice happens in the protection system at a separate stage when refugees reach a neighboring host country or in the way of processing an asylum claim within which a refugee has been resettled or is recognized as a refugee (Mourad and Norman 2020). Also, they contend that such practices lead to challenges in protection within which most people are enforced to take other ways, which exposes them to political alleges that they became migrants more than refugees. They investigate how every one of these practices limits one or more major passages to international protection, by rejecting accessibility to asylum in the southern host country, or allowing third-state resettlement (Mourad and Norman 2020). The outside dimension of protection became one of the pillars of the mechanism in the legislative environment that was created to change the responsibility of protection seekers to third states. For example, readmission agreements emerge to make those enactments applicable by establishing a tool to enforce transit states to accept readmitting asylum seekers and migrants (TOKUZLU 2010; Mourad and Norman 2020).

Cerna (2013) argues that Sreeck and Thelen's theory has strengths and weaknesses. It has a powerful effect on the literature and it has been used in various

policy and institutional changes. It differentiates different categories of changes and the influences on the regime and it is very complicated. However, the theory of institutional change is usually used for institutions, even though policies could be institutions in some conditions. But it is not usually obvious in practical terms when this will be the case (Cerna 2013).

### **3.2.3 Border externalization**

Externalization is defined as the procedures that the Northern States apply to manage migration and borders outside their land (i.e., in international waters or in the territories of states of origin and transit) to prohibit unwelcome access to their provinces. In general, externalization depends on active collaboration between transit and origin states that are incentivized and driven to foster certain policy and legal measurements (Cuttitta, P. 2020). However, Northern states directly perform actions in overseas provinces. For instance, through information campaigns or visa policies and delegating control to the special companies working there like transporters. Likewise, they delegated migration-related projects in states of origin and transit to IOs and NGOs/ CSOs. Cuttitta (2020) article shows how the UNHCR and NGOs/CSOs engaged in the externalization of migration administration in Egypt and Tunisia deter people from trying to cross overseas to Europe and keep them in host states. His fieldwork was analyzed through an ethnographic border regime, and it illustrates that the EU externalization policy is not a univocal process. After that, he examines the different actors involved in the process and their various practices (Cuttitta, 2020).

#### **3.2.3.1 The Effect of Externalization Policies**

Externalization policies affect significant cultural, economic, and social boundary-making procedures in transnational spheres (Faist, 2015; Üstübeci, and

Schultz, 2019). The boundary-drawing procedures contribute to the output and proliferation of disparities among institutions, people, and states due to fostering specific stereotypical images about mobility and migrants and link affiliations between specific parties on the account of excluding others. Then, it proves asymmetrical relations between countries and "social hierarchies" between actors, rules, and institutions, with the objective of hoarding chances or producing a social shutdown for some on the account of others. Therefore, externalization policies might be usefully conceptualized as particular sorts of social relationships within which searching for social shutdown and storing chance from one actor in the relation at least to compile force over the other (Faist, 2019; Üstübeci, and Schultz, 2019). Almost all situations of externalization measures aim to immobility, participation in the crisis of the global refugee regime that failed to offer protection, contributes to the circumvention of basic principles, and works "against good governance" (Betts and Collier, 2017; Üstübeci, and Schultz, 2019). Betts and Collier strongly critique the UNHCR's modes of intervention. They argue that refuge should not be understood only as a humanitarian problem, but also as one of the development problems. In fact, they bring the light to a related shift in UNHCR's perspective, from entitlement-based organizations to agencies mostly offering humanitarian assistance. Therefore the writers draw attention to the growing overlap between humanitarian intervention and refugee protection, they critique that humanitarian intervention is replacing refugee protection (Betts and Collier, 2017).

Border externalization is helping to explain the effect of policies adapted by the UNHCR office in Cairo starting by the urban refugee's policy adapted in 1997. According to Rutinwa's (1999) report on the UNHCR policy on refugees in urban areas, which are two: to dishearten the onward movement of refugees between states

by reducing the support made available to them, and to encourage the self-reliance of refugees and avoid their dependency on UNHCR assistance.

In sum, this thesis is enlightened by the above three mentioned theories. The suasion Game theory is focused on explaining the relation between the Northern and Southern states and shows how the stronger actor (s) control the discussion to protect their interests. However, the institutional change theory and border externalization explains how the policies are changed and how that change impacts the refugees and asylum seekers in Egypt. These theories play basic roles in analyzing my thesis. As Betts explained when Southern countries fail to obligate Northern states to take more responsibility on refugee protection, refugees are the one who bear the lack of protection, but he did not explain to what extent and how those refugees are suffering. Therefore, I depend on Institutional change theory to explain the UNHCR policy and practice changes seen in Egypt. Furthermore, institutional change theory went further in explaining the policy changes in the refugee regime and shows clear examples of policy changes and their impact on refugees and asylum seekers. I refer to the above-mentioned examples from Mourad and Norman (2020). Therefore, I argue that the UNHCR practice and policy shifts undermine some asylum seekers and refugee entitlements set forth by the international refugee regime.

## **Chapter 4: Refugees' Reflections on UNHCR Egypt's Practice and Policy Changes**

### **4.1 Introduction**

This chapter and the following two chapters introduce the data findings of the research collected from the case study of UNHCR Egypt's practice and policy shifts and their impacts on refugees and asylum seekers. The sources of information are interviews, the researcher's own experience, and participant observations, which are supported by the literature review and the conceptual framework. The method applied to analyze the thesis findings was discussed in Chapter Two.

This chapter highlights the effect of UNHCR practice and policy changes at different times and their impact on the situations of refugees and asylum seekers. The changed policies include the adoption of the 1997 urban policy, the suspension of the RSD for Sudanese refugees in 2004, the application of the 1969 OAU Refugee Convention at the same time, the partial return from the urban refugee policy in 2009, and the inclusion of the Local Relocation Protection Approach as one of the new resettlement criteria adopted in 2009, in addition to moving UNHCR office from Mohandeseen to 6th of October district.

### **4.2 The Consequences of Urban Refugee Policy**

UNHCR declared its first global urban refugee policy on 25 March 1997 (Crawford, N. 2021). On this day, UNHCR introduced a definition of urban refugee policy in an article entitled "UNHCR comprehensive policy on urban refugee" as follows:

For the purposes of being considered for assistance in an urban area, an urban refugee is an individual of urban background in the country of origin and who is not part of a prima facie caseload. A refugee of rural



background - for whom, in the country of asylum, the option of a rural settlement which offers an opportunity for self-sufficiency does not exist, may exceptionally be considered for assistance in an urban area. Irregular movers do not qualify for consideration for assistance in urban areas.

According to Rutinwa's (1999) report on the UNHCR policy on refugees in urban areas and Habersky, Hetaba-Sabry, and Claire McNally's (2023) article entitled "On Idle Possibilities and Missed Chances: Refugee Rights in Egypt". This policy has two purposes: to dishearten the onward movement of refugees between states by reducing the support made available to them, and to encourage the self-reliance of refugees, hence decreasing their dependency on UNHCR assistance. The interlocutors interviewed for my research relate their lived experiences and challenges that they face in Egypt to the policy applied by UNHCR to respond to their problems. Notably, they attribute their daily suffering to the urban refugee policy adopted in 1997. Although UNHCR thought that adopting an urban refugee policy would lead to self-reliance and enhance the social well-being of refugees, refugees in Egypt complain that the urban refugee policy is one of the main reasons for their suffering because they do not have legal permission to work in Egypt. Therefore, they can only work in informal sectors as domestic workers and on the margins of the labor market. Overall, it has been argued that urban refugees are a significantly neglected group by UNHCR and host states (Hussain 2010).

Sperl's (2001) study shows that UNHCR Egypt policies were established to decrease refugees' dependence on support, yet resulted in the destitution of refugees and asylum seekers instead of achieving self-sufficiency (Sperl 2001). One of the participants who sought refuge in Egypt in 2001 said, "In Egypt, there

are no camps, so that is why refugees are suffering. Refugees must be in camps outside the cities...” Most of the Sudanese interlocutors believe that if refugees are living in camps, they will have more support from UNHCR. Also, their problems will be solved more quickly. Sperl and Hussain argue that adopting self-reliance and local integration policy in the Egyptian economic context will lead to the onward movement and add to the isolation of refugees (Sperl, 2001; Hussain, 2010). This outcome is contrary to the objective of urban refugee policy. Therefore, refugees prefer to be in camps because they get more attention from the NGOs and their problems are addressed in a timely manner. The African refugees, who live in Cairo, remember the experiences of the Al Sloom camp, which was opened during the Arab Spring on the border between Egypt and Libya. This camp was established to receive refugees who were escaping from Libya due to the conflict after the fall of Gaddafi. Therefore, they consider Al Sloom camp as a good example within which refugees can access most of their entitlements successfully and their refuge journey comes to a resolution in a shorter time. Even though UNHCR Egypt adopted the urban refugee policy to encourage the self-dependence of refugees,' their vulnerability has grown as conflicts become more protracted. Refugees in Egypt have restricted access to services and do not have the right to work, thus decreasing support and leading them to become impoverished and marginalized (Goździak and Walter, 2013; Roshdy, 2019).

#### **4.2.1 Registration of Refugees without Offering RSD Appointment**

In 2004, UNHCR Egypt started registering asylum seekers without offering them an appointment for an RSD interview. The standard process was offering an RSD appointment when one finished the registration process. This process was considered a significant change from the refugees' point of view because they faced

challenges in scheduling RSD interview appointments. The participants explain that since 2004, Egypt's UNHCR practice has changed significantly; they believe that UNHCR is not following the 1951 Convention in dealing with refugees and is not working in accordance with its 1954 mandate in Egypt. Menna Roshdy has argued that UNHCR Egypt "failed to play its role in protecting refugees according to the 1954 MOU. UNHCR's "failure," is not only seen in the 2005 sit-in, it rather describes UNHCR's overall performance in Egypt" (Roshdy, 2019). According to my sources, "The process was easier and helpful for refugees and asylum seekers. They were actually benefiting from the UNHCR. There were no problems regarding the procedures." One interlocutor shared an example of some refugees who were resettled from Egypt. They told him about their experiences with the UNHCR in Egypt. They said that when they applied before 2004, the procedures were smooth from the registration, passing through RSD, and resettlement. There was no complicated process, but moving from year to year, the process and situation became more complicated for applicants. First, one must approach the UNHCR Office to obtain the asylum application form and get appointment for a registration interview. Then, they should wait for an unknown RSD interview date. All these process changes in his opinion, "are not the way to show that UNHCR cares about human rights."

This explains what Mourad and Norman (2020) show while analyzing institutional policy change theory: "limiting access to asylum and legal status through procedural hindrances." The abovementioned helps explain how refugees are suffering with registration at the UNHCR. Furthermore, a recent study illustrates the difficulties in obtaining family unity and reunification and the gaps in the law and practice when it comes to obtaining refugee status, the right to documentation, and the right to health. These are four main elements of concern regarding refugee protection

and basic entitlements owed to refugees and asylum seekers in Egypt (Habersky, Hetaba-Sabry, and McNally, 2023).

#### **4.2.1.1 Suspension of Sudanese Refugees RSD**

UNHCR Egypt adopted a six-month postponement policy of refugee status determination for Sudanese in June 2004 (Azzam, 2006; UNHCR, 2007). The informants from the refugee community explain that this decision influenced Sudanese refugees and asylum seekers negatively. Because of this decision, the resettlement of Sudanese to a third country decreased. As a result, the Sudanese refugee community organized several demonstrations against the UNHCR office decree. Also, during the interview, the asylum advocacy lawyer Khalid said, "In 2004, UNHCR ceased RSD interviews for Sudanese asylum seekers. This has negatively affected the situation of Sudanese refugees, which was reflected in a decrease in the number of resettled. This has pushed refugees to organize two protests on the twenty-first of August 2004 and the famous incident of twenty-nine of December 2005."

However, UNHCR 2007 report concluded that the challenges in responding to the basic needs of Sudanese asylum seekers and refugees led to an increasing sense of hopelessness and frustration, resulting in the three-month sit-in, which started in September 2005. The protesters highlighted the challenges of living in Egypt and their willingness to be relocated to another state where life could be better than in Egypt (UNHCR, 2007). UNHCR responded with new policies and practices following the sit-in in 2006. On the one hand, UNHCR planned a large program for developing community support structures, focusing on work opportunities and vocational training services. This plan has yet to be implemented because the Egyptian authorities refused to offer permission for microcredits. Since then, UNHCR has neither been able to obtain the Egyptian government's permission to establish effective livelihood

projects to enable the sustained financial needs of refugees (Sperl, 2001; Goździak and Walter, 2013; Roshdy, 2019). On the other hand, UNHCR decreased individual support significantly (UNHCR, 2007). Noor mentioned, "The services provided by UNHCR to refugees and asylum seekers have been decreased gradually." Most of the participants explained this and how these policies influenced their lives. Abouk revealed that. "Within these 15 years, I saw many changes, and UNHCR is not like before when the first days of UNHCR office started to register refugees. They used to help with pocket money, and if you are sick, you can go to Caritas. Then they will refer you to the hospital to receive your treatment. Also, they resettled you in a few years. It does not take that long, and they call each time to know about your problems, but now they are completely different. If you want, for example, to be resettled, you have to write your everyday protection issues for them in order to accept you." What Abouk has explained, not only refers to the challenges that refugees face to access services but also indicates new resettlement criteria, which were called "the inclusion of non-Convention criteria within resettlement schemes." Mourad and Norman further explain this in their 2020 article on institutional policy change theory.

Most of my interlocutors considered 2004 to be a turning point in UNHCR Egypt's practice and policy shift. After 2004, everything became more difficult for refugees and asylum seekers. Their access to services and service providers, including UNHCR, shrank, and they lost the privilege of resettlement as the expected resolution of their refugee journey. In addition, adopting the Organization of African Unity OAU 1969 Convention has contributed significantly to the reduction of resettlement.

#### **4.2.1.2 Implementation of the 1969 OAU Convention in Egypt**

*"In 2004 there was a policy shift when the UNHCR started applying the 1969 OAU convention which expanded the criteria for recognizing refugees, but decreased resettlement number..."Khalid (asylum lawyer)*

Refugees in Egypt are obtaining international protection under the 1951 Convention, the Protocol of 1967, and the 1969 Refugee Convention of the Organization of African Unity (OAU). Egypt has signed the 1951 Convention, the 1967 Protocol, and the 1969 OAU Refugee Convention, which has a broader standard for people who qualified for refugee status than the 1951 Convention (Olwan, 2009; Goździak and Walter, 2013). It has been argued that applying the OAU Convention offers asylum seekers more chances to be accepted as refugees than the 1951 Convention in the African continent (Habersky, Hetaba-Sabry, and McNally, 2023). However, the interlocutor Khalid explains that the number of asylum seekers recognized as refugees increased, but the chances for resettlement decreased. Most refugees in Egypt consider resettlement as the only durable solution that will end their suffering. Local integration is impossible in the Egyptian context, and voluntary repatriation is impossible because of protracted situations in their countries of origin. Goździak and Walter, (2013) illustrate that applying the OAU Convention in Egypt reduced the durable solutions that are available for urban refugees. In Egypt, after 2004, more Somalis and Sudanese were recognized as refugees by the 1969 OAU Convention, which qualifies them for refugee services in Egypt only. Yet, they are not qualified for resettlement because most resettlement states did not sign the OAU convention and do not accept its criteria. This means that all the refugees accepted under the 1969 OAU Convention in Egypt do not have the right to be resettled in a third country. They only have the right to stay in Egypt or to do voluntary repatriation. Nevertheless, a recent study shows that small figures of refugees in

Egypt are still recognized under the 1969 Convention by UNHCR (Habersky, Hetaba-Sabry, and McNally, 2023).

#### **4.2.1.3 Moving the UNHCR Office from Mohandeseen to the 6<sup>th</sup> of October District**

"In many ways, the history of UNHCR in Egypt mirrors the constant change and adaptation that has defined UNHCR's development as an organization" (UNHCR Book, 2022). According to the participant's explanation, after 2006, UNHCR relocated its main office from Cairo in the Mohandeseen area to the 6<sup>th</sup> of October district. As a result of this relocation, refugees thought that UNHCR had changed its systems and placed a lot of walls and security to hinder refugees from accessing the office as smoothly as before. During the interview, one interlocutor described that the UNHCR in Egypt does not allow refugees to approach them without an appointment, which is extremely difficult to obtain. Therefore, they moved their office far away from refugees and built walls, which is becoming a common theme worldwide to keep undesirable populations out. As a result, refugees have become frustrated, and some become angry and fight with UNHCR staff. These individuals usually end up in prison and get punished by putting them on a blacklist which postpones or suspends their asylum procedures. They do not consider that some of those refugees suffer from and have psychological problems that such difficulties can exacerbate.

#### **4.2.2 The influences of the 2009 policy shift**

UNHCR partially substituted its policy for urban refugees in 2009 and adopted a new policy concentrating more on protection. The purpose of the 2009 policy is to enlarge the protection area in urban spaces. To achieve this, the 2009 policy encourages creating reception centers within urban areas, scripting new data collection and registration processes, and confirming documentation. Also,

establishing more accurate RSD procedures, building more powerful connections with urban refugees, participating in community outreach, encouraging self-reliance and livelihoods, ensuring greater security, enlarging access to social services, healthcare, and education, encouraging durable solutions, and meeting material needs are included (Goździak and Walter, 2013; UNHCR 2022). Despite UNHCR planning for all of these activities, the research participants explained that the situation of refugees in Egypt is deteriorating more and more. As Abouk from South Sudan said, the situation of refugees and asylum seekers has changed “to the worse, much worse.” She said that UNHCR registers refugees because they want a big number to receive international assistance, but they do not help them. UNHCR Egypt does not follow the rules of the UNHCR conventions. She believes they keep refugees and asylum seekers where they are. “Within these 15 years, I saw many changes and UNHCR is not like before when the first days of UNHCR office started to register refugees.” This statement can be explained or understood through Cuttitta's 2020 border externalization policies study, mentioned in Chapter Three, which proposes to keep refugees in host states or where they are, even if it's a conflict zone.

Furthermore, Gozdziaak and Walter's 2013 study concluded that despite of the whole enhancement made by the UNHCR Egypt 2009 policy, "protection spaces" in Egypt have decreased, and the negative effect of the 1997 policy has continued.” Abouk further revealed that if you want, for example, to be resettled, “you have to write your everyday protection issues for them in order to be accepted.” In fact, this example shows how refugees in Cairo are suffering to follow up their process at UNHCR and to cover their daily living needs. Hence, many refugees are disappointed by the constant challenges they encounter.



The conclusion of Gozdzia and Walter's 2013 study of the short-term effect of the 2009 policy change was that they were obviously negative to some extent. But, contrary to the study, I found that, according to the interlocutor's experiences, they explain that there is a partly positive change in the long-term impact, especially in building and empowering refugee Community-Based organizations (CBOs) and opening community schools. As one of the participants stated, "This is a positive example of the UNHCR initiative to train community leaders with partnerships to help their communities. This has enabled communities to create CBOs to help their communities in Egypt, known as the CBOs development project in Cairo. Refugee CBOs can now deal with UNHCR directly and indirectly through the UNHCR partners' NGOs. The interlocutor followed that when he came in 2015, UNHCR tried to deal with CBOs, but the community leaders were not trained well. Now, they greatly benefit from the refugee community leaders' capacity-building initiative. Regarding education, Dawood Mayom's (2021) study on Policy Implications of Refugee Education in Urban Settings shows that the number of students in Cairo grew five times, and the number of Refugee Community-Based schools exceeds eighty schools. However, refugees in Cairo are still facing many challenges in accessing education. In addition, Nada Hegazy's (2023) study about the Eritrean CBOs concluded that CBOs are filing some protection and livelihood gaps for the most vulnerable cases in their community.

#### **4.2.2.1 Local Relocation Protection Approach**

I coined the term local relocation protection approach to describe the response of UNHCR Egypt to protection issues faced by refugees and asylum seekers starting from 2009 to the current period. The definition of the local relocation protection approach is a process that the UNHCR Egypt office implements through one of its

partner NGOs to relocate asylum seekers or refugees from the area where they face protection issues to another safe area within the city, or to another city in some cases. It is decided on a case-by-case basis according to the condition of each case. They apply this process several times. If the threat is ongoing, then they will consider or refer the case to be considered for resettlement in a third country. The following example makes this clearer. If a refugee lives in Cairo in the Ain Shams area and has a protection issue that threatens his life in Ain Shams, they will relocate him to the Al Giza area if the threat is still ongoing. They will relocate him to the 6 October district, and if the threat is still there, they will move him to another city, like Alexandria. This will continue until they are convinced that there is no solution in Egypt. Then, they consider the case for resettlement. This process is one of the new resettlement criteria not included in the 1951 Convention. This process might be one of the new resettlement criteria Mourad and Norman's 2020 study refers to. This approach is similar to the alternative flight approach or “internal protection alternative”, used for internally displaced people (IDPs). The difference is that the local relocation protection approach takes place in the host country, while the alternative flight approach occurs in the country of origin.

Such new criteria have several consequences that affect refugees in Egypt. Some of these changes are good for detecting vulnerable cases need urgent protection and intervention from UNHCR and partner NGOs. But, at the same time, it will push the refugees to manipulate the system to meet the resettlement criteria. One of the interlocutors, who work in PSTIC in the housing department, said that, in order to get resettlement, some refugees are lying to the staff. However, this will negatively affect their situation at UNHCR because this is considered a lack of credibility. Why are

refugees doing this? Because they thought that if they were not persecuted in the host state(s), they would not qualify for resettlement.

Overall, adopting new policies and practices is a continuous process at UNHCR and the host state(s) to offer protection for persons of concern. However, new policies or practices will not always lead to the proposed objective. For example, implementing the urban refugee policy in Egypt has pros and cons, which are discussed throughout this chapter. Some of the participants in this research prefer being in camps to be better than being in an urban setting. Still, some refugees from other countries have different experiences and prefer to be in urban areas. For instance, refugees in Kenya prefer to be in an urban setting because camps have more restricted policies, affecting their economic situation (Betts, Omata, and Sterck, 2017). From these contrasting viewpoints, one can conclude that refugees are in need of different responses, and this response should be based on a needs assessment, and not on the host state's acceptance. This is because it's also important to consider the refugee's concerns.

## **Chapter 5: What have been the changes in UNHCR Egypt's policies and why?**

### **5.1. Introduction**

This chapter highlights UNHCR's policy shifts that have affected refugees and asylum seekers in some major sectors: registration, RSD, resettlement procedures health, and education. The next part of this chapter focuses on three themes. First, the division between refugee communities, second, the change in the residency permit location from Mugama to Abassiya in 2019, and third the change due to COVID-19, in which I did the participatory observation in the UNHCR office in 6<sup>th</sup> of October. Also, I will add my personal experiences and testimony at this stage.

### **5.2 Changes in Registration and RSD Procedures**

*"Some people were staying for over 15 and 20 years and they do not know whether they are accepted as refugees or not, others are waiting for two years just to register". (Abuok)*

According to the UNHCR mandate for RSD Procedural Standards of 2003, this was updated in 2020:

The length of time between the date of registration and the scheduled RSD Interview will vary depending on a number of factors, including the number of registered cases and the number of Eligibility Officers in each UNHCR Office, the RSD case processing methodologies implemented, the operational environment, etc., but should generally not exceed six months.

The interlocutors, especially those who are refugees, divide Egypt's UNHCR practice and policy change into two different stages. In the first stage, prior to 2004, they view the practice and policies as good to a certain extent. However, in the second period,

which is from 2004 to the current period, they explain that everything has changed for the worst. One participant stated,

According to my experience, the policy completely changed. As you see, registration is not like before. It takes one day to get your yellow card, and then, after a few days or months, you get the blue card after the RSD interview immediately. After a few months from that, you will start the resettlement process.

The participants explained that those who were registered in 2004 and after were not given appointments for RSD interviews. They only received the yellow card for protection and waited a long time without conducting their RSD interview. Some were waiting between four and ten years to do the RSD interviews and then waiting for one year or more to receive the result.

In addition, they explain that, currently, you must sleep at the door of the UNHCR office to schedule an appointment for registration, and to make an appointment for an RSD interview, you have to call the UNHCR info line, which is a challenging task. First, you must get your call answered, and second, you must be able to schedule an appointment. As one of the Sudanese informants who works as a community interpreter at UNHCR said,

When I applied ten years ago, it was easier to approach the UNHCR office; they gave me a yellow card on the same day during the registration and gave me an appointment for an RSD interview. But now, the registration process has changed in a way that is not helping refugees. Actually, on the day of registration, they will not give you an RSD appointment, so they will ask you to call the info line to get an appointment for an RSD interview. It is difficult to get your call answered, and if they answer you, they will say that we will

send the message to the RSD unit, and you have to wait. Then they will call you. In this process, sometimes you need to repeat it a lot to get an RSD appointment because sometimes employees are changed, so you need to do the process from the beginning.

Roshdy (2019) argues that UNHCR is contributing to expanding refugees' vulnerability and marginality, which is evident in the exhausting and lengthy procedures of RSD.

The participants explain that they suffer from the mismanagement of UNHCR staff and the ambiguity of practice and policy that created an environment of uncertainty among the refugees and asylum-seeking community. These difficulties affected the well-being of the asylum seekers and refugees and caused them to suffer physiologically. As the interlocutor Abouk, is a South Sudanese community leader and former PSTIC psychosocial worker, mentioned,

The UNHCR office now is not like before and this affects refugees because they have left their own countries and homes and are looking for shelters. They want the UNHCR to do something. So they can feel they are in the care of the UNHCR, but they see differently, so it affects the refugees, it affects them psychologically first, affects them even physically, and their situation, too.

We can infer from this statement that some refugees do not depend on UNHCR to solve their problems because they face many obstacles in communicating with the UNHCR office. Therefore, they search for other options, such as moving onward irregularly to solve their problems.

### **5.2.1 Merging Registration and RSD Interviews**

*"The change in the registration and RSD process, this was positive when merging two interviews of registration and RSD in one day." (Izaac)*

In 2017, UNHCR applied a new system for registration and RSD interviews, which is conducting two interviews in one day instead of doing two interviews in separate appointments. The purpose of this change is to reduce the massive backlog of those waiting for a long time to receive appointments for registration. According to the UNHCR, this merging interview is designed for non-Syrian refugees. UNHCR Egypt (2022) reports that there are different procedures based on the complication of the cases; some nationalities undergo merged registration and the RSD process, which is conducting the registration and RSD interview on the same day. This process will apply to all nationalities, excluding Syrians, which now applies to South Sudanese, Eritreans, and Somalis. Some undergo separate registration and RSD interviews; others might need more than one RSD interview to collect adequate data to complete the RSD process (UNHCR 2022). One participant thought that they were asked to have one interview for registration and RSD. She thinks this might be seen positively, but at the same time, it could be seen as too much for asylum seekers to take two sessions in one. The interlocutors explain the pros and cons of the merging interview system. The advantages of this process will save the time and cost of going several times, first to finalize registration and then the RSD interview on a separate day, which usually takes too long. At the same time, doing this whole process in one day will affect the interview quality because many asylum seekers are suffering psychologically, and others are not educated on how to tell their problems. This may lead to an increase in the number of rejected cases. As it is known among refugees in Cairo, rejected cases and closed files are one of the categories that suffer the most from UNHCR policy changes.

### 5.2.2 Rejection letters

"Rejected asylum seekers have a chance to apply for an appeal for their claim to be re-examined. However, those whose files are closed are no longer 'persons of concern' to UNHCR"(Abdel Aziz, 2017).

Participants illustrate that many individuals receive their rejection letter after a long period of waiting, which exceeds the limited time that one is supposed to receive a rejection letter according to International Refugee Law. Such delay is considered unjustified in the international refugee law and it will increase the protection and economic challenges of those who are rejected. One of the participants stated that,

UNHCR has a huge backlog of those who are receiving rejection letters, those categories, which have been waiting to receive their rejection letters. They have been waiting for five to nine years just to receive the decision of UNHCR to recognize them as refugees or reject them, which is not admitted in UNHCR's worldwide operation manual period for waiting for the RSD result, which is supposed to be out in 6 to 8 weeks for someone who did an RSD interview to receive their results. But for UNHCR Egypt, the result will be out after one year, two years, and so on, which is not ideal.

However, the human rights lawyer interlocutor Khalid argues that according to International Refugee Law and Conventions, there is no specific time to receive the rejection letter. It will be case by case. Therefore, he contends that receiving a rejection letter after a long waiting period is better than receiving it in a shorter time. He thought that if you received it in a shorter time it meant your file would be closed if you failed in the appeal process, jeopardizing your protection more than waiting for your rejection letter for an extended period. For example, a study conducted by a Cleveland Clinic medical professional (2022) showed that receiving a rejection letter



will result in psychological problems. “Rejection Sensitive Dysphoria (RSD) is when a person feels intense emotional pain related to rejection”( Cleveland Clinic, 2022). I think that if the rejection letter happens after a long period of waiting, the severity of the pain will be increased. Based on the abovementioned, I suggest a psychological field study to measure the severity of short and long waiting periods of rejection letters’ effect on asylum seekers and to conduct another study to compare the legal and psychological consequences of rejection letters on asylum seekers.

### **5.2.3 Closed-file**

“Closed-file refugees are asylum seekers who have been determined as not deserving the refugee status. They are among the least protected and most hidden communities in all countries" (Abdel Aziz, 2017).

One of the participants working as an asylum lawyer explained that the situation of the closed-file refugees has worsened. Nowadays, the situation is becoming worse and worse. Especially, UNHCR Egypt started to report to the Egyptian government on those who did not fall under the mandate of UNHCR, which my informant considers as a disaster and inhuman. He confirmed that in February 2023, he met one of his clients holding this report in which UNHCR had written a brief statement. UNHCR informed the closed-file refugees that they are notifying the Egyptian authority that they are not under the protection of UNHCR, so they must legalize their status or leave the country. Nourhan Abdel Aziz's 2017 study argues that "their only option is to try and integrate into the local community," which is not applicable in Egypt. “Lacking legal status and with fragile protection, their integration is hindered and their socioeconomic conditions are dire" (Abdel Aziz, 2017).

### **5.3 Changes in Resettlement Criteria**

According to UNHCR Egypt's help page, "resettlement is a process which results in a permanent third-country solution for refugees who are unable to integrate locally or return to their home country and have ongoing protection needs in the country where they are living" (UNHCR help Egypt *ibid*). Also, based on the UNHCR Help Egypt website:

Resettlement is a limited solution available to refugees who meet very specific requirements. The criteria are defined by the Resettlement Country, specific protection needs and particular vulnerabilities. UNHCR monitors individual cases of refugees on an ongoing basis and determines those eligible for Resettlement Consideration.

The interviewees acknowledged the fact that UNHCR Egypt is not directly behind the change that is taking place in resettlement. Because the final decision is in the hand of resettlement countries, most of the interviewees stated that "the resettlement decision is not in the hands of UNHCR, so the resettlement countries are the ones who will have the final decision. However, in one way or another, literature shows that UNHCR has changed some criteria, which I refer to in Chapter Four, which did not exist in the 1951 Refugee Convention when referring to resettlement. Furthermore, the participants reveal that being accepted under the 1951 Convention is insufficient for resettlement. If you are not persecuted in the host state as well, then they will not consider you for resettlement. Many interlocutors stated that, "the resettlement process previously was not complicated, but now it is very difficult if you do not have a protection issue in Egypt to support your case for resettlement."

In conclusion, most participants agreed that registration, RSD interviews, and the resettlement processes were overall good before 2004, and the duration of asylum was around two years or less, which is appropriate. The literature supports this claim,

as Kagan (2002) shows that, in 2001, Egypt's UNHCR office conducted the largest number of RSD interviews in the world. However, participants illustrated that after 2004, registration and RSD process were changed for the worse due to the increased number of asylum seekers, leading to changes in UNHCR procedures. Some scholars attributed this increase to ongoing and protracted conflicts in sending countries. I think the restriction of travel visas has contributed to this increase, too. Because of visa restrictions, people cannot seek asylum in northern countries, so they apply in southern countries, such as Egypt, which are geographically close to their countries of origin. However, due to the policy changes and lowering the options for resettlement and local integration, refugees are forced to move onward irregularly.

#### **5.4 Changes in Healthcare**

In Egypt, the Ministry of Health and Population and UNHCR signed a Memoranda of Understanding offering asylum seekers and refugees from "all nationalities have equal access to public primary, secondary, and emergency health care as Egyptian citizens"(UNHCR, 2016). The participant, Elisabeth, a scholar, shared her experience between 2012 and 2017 when conducting field research with refugees and NGOs in Egypt. She stated that refugees were not happy dealing with the public health sector. Also, she told me that at the beginning of 2018, refugees became upset that the Egyptian government was taking responsibility in some sectors such as healthcare, and education. Before that, refugees went to UNHCR partner NGOs, such as Caritas, for health services. UNHCR funded Caritas, even though the system of service had some problems which refugees told Elisabeth about. It was unclear who is responsible for their health care, but it is more difficult now to access health care services, even though the system clearly states that the government is responsible. It is very complicated, to receive quality healthcare. Therefore,

UNHCR's passing on authority to the Egyptian government regarding the health care and education sectors did not make refugees happy. She imagines that would be the case for RSD, too, but it has not happened yet to be under the authority of the Egyptian government.

For health, the old system is better. They give you treatment and help you with money, but now they send you to the government hospital where you must go by yourself. The public hospitals, of course, do not treat you well as they are overcrowded and underfunded (Hetaba, McNally, and Habersky 2020). They do not take your issues seriously in the end. You have to treat yourself by yourself.

Participants spoke about the reduction of the services in the last ten years and how this has affected refugees and asylum seekers:

They have reduced remarkably the medical services in the last 10 years. Therefore, the refugees are suffering, and more affected in their daily life, especially the single mother that has no income sources. This policy might affect the medical, safety, and security of the majority of refugees.

Participants also revealed the effect of stopping medical support for vulnerable categories of those needing medical treatment, such as cancer and kidney dialysis patients, especially those not resettled yet.

In 2018, UNHCR did a very difficult decision. We call it the death decision when they have stopped the support of chemotherapy. They are no longer assisting people suffering from cancer, those who are in need of chemotherapy treatment. Also, they did the same with people suffering from kidney failure; they are no longer treating them either.

## **5.5 Changes in Education**

According to the UNHCR help page, "public education is currently available to Sudanese, South Sudanese, Yemeni and Syrian refugees on equal footing to Egyptians and UNHCR is working with the government to mainstream other refugee nationalities as well." However, participants were surprised that UNHCR started to support Egyptian authorities to offer refugee education. Even though, UNHCR is aware of the obstacles and barriers that hinder refugees from accessing public education, even those permitted under the law. They cannot access public school because it is not affordable, even for some people experiencing poverty from within the host community. Interlocutors spoke about how all refugees and asylum seekers face difficulty paying school fees. "All the families are struggling with their children; even the youth are struggling on their own. They do not have help with money or education or anything. For education, I do not think they help." As participants explained, education grants were not enough and not sustainable; in addition to that, UNHCR eventually stopped awarding them educational grants.

Moreover, participants have said that stopping the educational grants prevented students from having Sudanese high school certificates and reduced or hindered refugees and asylum seekers' chances of joining higher education.

This year, 2021-2022, they decided not to support those who need to pay their fees for Sudanese national exams. Students in senior three they require paying five hundred fifty US dollars to get Sudan high school certificate exams. This amount of money is very huge for the families' paying, especially if the family has more than one student sitting for this exam. It will be impossible for the family to pay 1500 US dollars. This has a very negative impact on families. As a result, the children will stop their studies at high school and they cannot enter universities.

I think this could increase the vulnerability of refugees and asylum seekers communities by limiting their contribution and engagement in the labor market of the host state.

## **5.6 Division between refugee communities**

The participants explained that UNHCR practices and policies have changed because they started grouping the refugees and making distinctions between them while offering services. This separation is not based on vulnerability, but it is based on nationality. Instead, public education is only for those who came from Arab-origin states, even though some refugees are not from Arab states but can speak and study in the Arabic language. Why does the decree not include them? The Syrian interlocutor Jamila said, "I think it caused division sometimes between certain refugee communities, like the Syrians who are viewed as able to access public education along with Yemenis and Sudanese while other communities aren't."

The participant Monteser, who works for UNHCR implemented partner NGOs, described how some funds are earmarked for Syrian refugees only even though non-Syrian refugees are more vulnerable than Syrian refugees: "As I said, the separation of funds was done to address the need of one group (Syrian), but with this separation we were not able to help other groups of refugees who are in more need because of the mandated policy."

According to UNHCR Global Focus (2017), the report shows that "disparity of funding for Syrians and refugees of other nationalities remain and UNHCR continued in 2015 to advocate for equity for all refugee populations in Egypt." In 2003, with the arrival of Iraqi refugees in Egypt, UNHCR changed some policies that were applied to African refugees in Egypt since 1997. For example, the participants explained that, in 2009, UNHCR partly changed the urban refugee policy and started

offering financial support because of Iraqi refugees who sought refuge in Egypt but not because of more vulnerable African refugees. Again, with the emergence of Syrian refugees, UNHCR made some changes to the services, such as opening new buildings for Syrian refugees and offering them food support. The participants have felt that such distribution is based on nationality, not vulnerability. Also, the participants illustrate that UNHCR started two years ago by providing non-Syrians with food vouchers while they were excluded from such services for a very long time. Therefore, UNHCR must deliver the services under the humanitarian criteria, with extensive consideration to delivering them equally and equitably.

### **5.7 The Change of the Residency Permits Building**

In 2019, the government changed the location of where to apply for receiving the residency permit. Refugees and asylum seekers, instead of getting the residency permit number from the foreign ministry and issuing it in Mugama, now collect the residency permit number from UNHCR or Caritas offices and receive it in Abassiya. First, the change of location to issue residency permits from Mugama in downtown Cairo to the Abassiya area has been welcomed. Most of the participants confirmed that the change of location was good, but some obstacles still affect refugees and asylum seekers in procedures. Izaac said, "The change to Abassiya was a very important change, and people feel it is good. But there is no change in the process; the change is only in the place." What I have drawn from the interview discussing the old system shows two benefits that are no longer there: refugees and asylum seekers were paying less money to issue residency permits, which was around 25 Egyptian pounds per person, and the Mogama location at Tahrir Square was easier to approach by public transportation like the metro.

Madeline described that Abassiya is more organized and easy to access from the inside:

I think in the beginning, people were kind of unsure about the change because Mugama is at least centrally located in Tahrir, it's an area that's easy for people to get to, either by metro or by minibus or by other parts of transportation. So I do think from personally having experience in Abassiya as a white migrant, not as a refugee, it seems to be a bit more systematized. It's broken down by which floor you go to. There are actual signs about which windows to go to, which were not always the case.

However, most of the process is challenging for refugees and asylum seekers. I will walk you through some challenges of refugees and asylum seekers while issuing their residency permits in Mugama. First, Jamila said,

In Mugama there have been many incidents that took place, such as the police beating refugees, and inhuman treatment while they are waiting in line 2:00a.m. When they started working they took around one hundred and left the others to repeat the same scenario in the next day. But when they moved from Mugama to the Abassiya area, the process of the residency permit is a bit clearer and easier, and people got better treatment than in Mugama.

Because of the difficulties that refugees faced while issuing their residency permits in Mugama, they tend to describe the new location of residency permits as good compared to the old location. As Abouk said, when I asked her about the change,

Yes, it is positive because people used to suffer in sleeping outside and standing in lines all daylong in order to issue the residency permit, but now, now everything is very comfortable and organized, and there is no delay in the process like before. So, what they did is superb and encouraging.



According to what Jamila and Abouk stated about the change of residency permit from Mugama to Abassiya, it was more positive and systemized than before. I think all the other participants agreed on this point with reservations about the increase in the residency permit cost, as Jamila explained. Another issue has been raised, such as the huge amount of money requested from refugees and asylum seekers to pay around 500 Egyptian pounds, which is not affordable for refugees, especially for large families. She thinks at the beginning with the leverage many communities talked about this issue and say that they cannot do this and tried to advocate with UNHCR. Then the UNHCR advocated for the Egyptian government at a different level to reduce the amount of money. The Egyptian government then reduced the cost from 500 to 105 Egyptian pounds per person, which is still an increase of more than three times the old price. However, Jones stated.

I think the fees of residency have been increased from 25 Egyptian pounds to 105, which is too much for refugees to pay. But the service offered in Abassiya is good. I know it is hard for refugee families if they have more children over 12 years to pay the amount of their residency.

I argue that if the UNHCR convinced the Egyptian government to extend the duration of the residency permit to three years, it would benefit refugees and asylum seekers more than the six-month duration. The major difficulties that refugees and asylum seekers complain about are related to the short duration of residency permits. Also, if the duration of residency permits is extended, it will enhance the situation of refugees and asylum seekers in Egypt.

The interviewees explain that the change was good at the beginning, but gradually, after two or three months, the process worsened, and many obstacles were created. Also, they explained that currently, the process is getting hard because if you

want to make your residency, they will give you an appointment for a very long time. For example, Sajid said. "I went to them ten days ago, and they gave me an appointment after four months to go to Abassiya to start the residency permit process. This is a very long time, and it is difficult to stay without residency for all this period." As a result of the long process of residency, some people lost their jobs because they spent a long time in it. Day laborers who rely on their phones to find work lose their jobs because the telecommunications companies block their phone numbers until they receive the new residency permit. Mosa said.

To issue your residency permit, it will take between 4 to 6 months to wait. Sometimes, you will get residency for one day, and then you will start the new process for another one. This is a bit challenging for working people. Mostly, they lose their jobs due to not issuing their residency permits.

Jones explained that he is aware that UNHCR has advocated for two things regarding residency: an extension of residency permit to one year and the decentralization of the location. However, the Egyptian government has not accepted the two notions yet. This depicted Bett's idea of the suasion game theory, in which I described the UNHCR as a weak player (A) and the Egyptian government as a powerful player (B). Jones has explained that he is aware that UNHCR has advocated for the extension of the residency permit to be issued for one year instead of six months. Moreover, the UNHCR has been advocating for decentralizing the residency permit. For instance, people who live in Alexandria issue their residency permit there instead of coming to Cairo. Both proposals have not seen the light yet or have not been approved by the Egyptian government.

Also, Madeline believes UNHCR and the governments are trying to make the system more streamlined. She spoke about how, under Egyptian law, the residency

should be issued for three years instead of six months. However, she saw the overall change in residency permit issuing location as positive:

Of course, I think the process has been streamlined a bit from what I understand about getting the number from Caritas and then going to Abassiya. So, it seems like they are actually trying to make the system easier. I think eventually going from six months to three years, which the law states, will be the ultimate policy change that will have a positive effect on refugee communities. But I think working with the system that they have, the move from the atmosphere has been overall positive.

I think the experiences of all participants regarding the change that happened in the residency permit process were good initially. However, gradually, the process became difficult; and it took more time to receive the permit. I think similarly when the interviewees speak about the policy change of registration, RSD, and resettlement processes, which were good before 2004, became difficult after. Therefore, it is important to note that this happened gradually. In addition, the literature shows that UNHCR's work was successful when they responded to refugees from the EU, but later on, many obstacles emerged because of changes in policies. I can conclude that everything offered to refugees at the beginning of their asylum process is usually good and welcomed, but later, things become complicated, especially as situations become protracted. This is evident in the study of Mourad and Norman (2020) as an analysis of institutional policy change shows how border externalization applied through UNHCR and other NOGs and Southern states affects those who have been in a hosting country for many years. Therefore, I contend that to tackle the refugee phenomena, we need more effort and budget from the international community to

states in the Global South where the majority of refugees reside, but not to restrict policy and support from UNHCR and other NGOs.

### **5.8 Consequences of COVID-19 on policy and practice**

When COVID-19 hit in 2020, refugees and asylum seekers were left in limbo because most of the IOs and NGOs working to offer services to refugees, especially UNHCR, disappeared at the beginning of the crisis during a hard time. This is not new in Egypt. It also happened during the 25 January 2011 Egyptian revolution. Back then, almost all IOs were evacuated from Egypt, and the refugees and asylum seekers were left alone, only receiving support from their own community. I remember back then, when the conditions calmed down, and the organizations resumed their work, there was still a problem with reaching the vulnerable cases from refugees and asylum seekers. So, the UNHCR and Caritas held an emergency meeting in the AMERA International organization hub (which closed in 2014) at Garden City with refugee community leaders to evaluate the situation and to get access to vulnerable cases. After that, UNHCR decided to support all the refugees and asylum seekers with 300 EGP per person. That was a first for UNHCR to support all people of concern in 2011. However, during COVID-19, the situation was different because the lockdown continued for a long time. Therefore, I can draw from these two crises that it is crucial for organizations, especially UNHCR, to develop strategies to be applied during crises and not just disappear during them and then react afterward.

According to the UNHCR 2021 report in Egypt, most asylum seekers and refugees were very vulnerable before the spread of COVID-19. However, they have been influenced more by the COVID-19 consequences. Most refugees and asylum seekers were suffering because they lost their jobs and other sources of income. As a result, many were evicted from their apartments and could not meet their basic needs.

Persons with special needs, medical conditions, aging people, and unaccompanied and separated children were more impacted, and their vulnerability grew. Yet, gender-based violence (GBV) cases have been reported continuously and did not necessarily increase during COVID-19 (UNHCR, 2021).

At the end of August 2020, UNHCR returned to its activities after applying all the COVID-19 safety measures. UNHCR communicated with asylum seekers and refugees through different means, such as e-mail, phone, messaging services, and social media. To ensure 24-hour service, the UNHCR info line operated continuously, and emergency contact lines were created with partner organizations (UNHCR, 2021). The Egyptian Ministry of Education allowed asylum seekers and refugee students with expired residency permits and documents to access public school services. Also, the Egyptian Government included asylum seekers and refugees in the COVID-19 domestic health response strategy, which encompassed vaccination and health care strategies similar to nationals despite the initial shortages of vaccines (Beshay, 2021).

Against the backdrop mentioned above, the interlocutors showed their testimony during the COVID-19 lockdown on needing to keep social distance according to WHO recommendations and how this process prevented refugees from accessing needed services. They explained what was managed during that time was the COVID-19 situation with the focus that when it happened, suddenly at that time UNHCR stopped receiving refugees and asylum seekers in their office. They have done everything online or through the phones, which of course, from their point of view, as staff, was difficult. Monteser said,

There were a lot of reports that beneficiaries could not access or reach the needed services. I see this point caused some disappointment for beneficiaries.

During COVID-19, we as implementers of activities have seen that a lot of

refugees were very disappointed that they were not able to access the services of UNHCR, and a lot of them were delayed their RSD interview because it was impossible to do that during the lockdown of COVID-19.

Also, some participants described the policy change as responding to the COVID-19 social distancing measures that created a lot of issues for refugee and asylum seeker communities. The change that took place in 2020 was difficult. At first, people could not approach the UNHCR without a phone call or email. This change is negative because info lines at UNHCR did not respond to the calls. Some people kept calling all day long but did not get through. Here, I will take the opportunity to share my testimony and the field observation while I was visiting the UNHCR office in 2021. This testimony will explain how refugees suffered due to COVID-19 and its effects on the UNHCR process.

### **5.9 In discussion and observation with refugees in the UNHCR Egypt office**

In this section, I am interested in sharing my personal experiences and observations during the COVID-19 hit. This will reflect the consequences of practices and policy changes due to COVID-19. In August 2021, I was trying to add my newborn baby to my file at the UNHCR office. The old system for adding new babies was to go there at the UNHCR office window. Then, they will give you an appointment after they check that you have the needed documents to add a newborn, which is a birth certificate. Then, they will give you an appointment to complete your addition of the newborn baby. However, due to COVID-19, this process was changed to booking appointments by phone or email. I sent emails and called UNHCR for more than eight months. They neither answered my phones nor responded to my emails. I tried for almost more than eight months. I kept calling UNHCR's numbers. Then I heard that there were people who were able to approach UNHCR by phone.

They are at the door of the UNHCR office in 6<sup>th</sup> of October, and they can make an appointment for you. So I went there, and I found that some refugees make phone calls, and after they talk to the UNHCR staff, they have to pass the phone to another person waiting in line. When they finish their talk, they are supposed to pay between 10 to 20 EGP to the telephone owner.

So, I asked why they did not answer our phone when we called them from home or anywhere, yet they answered yours. How can this happen? What is the secret behind this? Then I asked the people who made phone calls. What is the difference between your phone and the other one? They respond that only a Huawei cell phone can reach them because it has an automatic redial system or uses True Phone Dialer software on another mobile to make a redial. Therefore, we use it to call them. He said that, for example, he used to connect the phone to electricity and then make calls, redialing more than 2400 times. When they answered, people talked to them, made appointments to meet them, or reported their complaints, paying him 20 EGP as I did. Then, I asked him how many phones he had. He said, "About four or five. Also, I have some people helping me gather people if they answer one of my phones. So, I pay them at the end of the day. This is our business." I asked him how many times they answered per day. He said that if they answered two out of five phones, he "would be lucky on that day." They started to call at 9:00 a.m., and if the man were lucky, they would pick up after 12:00 or 1:00 p.m. While I was talking, my turn came, and they gave me the phone. I managed to get an appointment for two weeks later to add my newborn baby. I was in doubt that I talked to the UNHCR until I came and met them on my appointment day.

I was surprised by the process for several reasons. First, the UNHCR info line for calls was limited before COVID-19. I think it is only one landline, yet people

could communicate with UNHCR with fewer challenges. Because of COVID-19, UNHCR changed the info line by around ten mobile phones to adapt to COVID-19 social distance measures and to enhance communication with the UNHCR office. Unfortunately, the ten mobile lines were not working perfectly. The result of this was the opposite. Instead of facilitating communication with UNHCR, it worsened and forced people not to keep social distance because people were gathered in large groups to communicate or talk through one mobile phone, which put them at risk of getting infected by COVID-19. It was evident that the change was not meeting WHO COVID-19 guidelines. Secondly, they opened a chance for refugees and asylum seekers to exploit others to pay money and violate one's confidentiality because people were forced to speak in the public area about their protection problems and other confidential issues, such as medical problems, which could jeopardize the asylum seekers and refugees.

### **5.10 The main reasons behind the UNHCR practice and policy shifts**

This section covers the main reasons that led to changes in the UNHCR practice and policy, according to the literature and the thesis participants' opinions and personal experiences. Participants disclosed several reasons that might have made UNHCR Egypt change its practice and policy over the last fifteen years. So, I will explain these reasons revealed in interview sessions after conducting my fieldwork.

It has been acknowledged for a long time that policies change in many different ways. Parts of the policies are innovative and new, while others are merely incremental enhancements of older ones. "Why policies change, however, is not a well-understood phenomenon"(Bennett & Howlett, 1992). Norman's (2018) study focuses on why and when states shift from one policy to another toward refugees and migrants. She analyzed the policies of three countries: Egypt, Turkey, and Morocco.



The study concludes that countries might follow a group of policies or shift policies over time, depending on "economic" and "diplomatic" interests. This will be because of the consequences of local political pressures, neighboring countries, security issues, and the relationship of origin states of refugees and migrants with the host country (2018).

During the interview, Yasser mentions that UNHCR policies changed because UNHCR is receiving reports from refugee communities and the international community, in addition to the EU making agreements with Mediterranean countries, which ultimately led to the containment of refugees on the African continent. He said in the interview,

I think UNHCR has shifted its policy because they receive reports from the ground, such as from refugee communities and from outside, such as international agencies and communities. I remembered the EU decided to stop mass migration to the EU. So, they made some agreements with Mediterranean countries to reduce mass migration. I think after that the policy started to change.

I think in this explanation, he refers to two kinds of reasons that changed in UNHCR Egypt's policy, which is divided into two: internal and external --internally the effect of the host state on refugees and asylum seekers' situations, and externally, elements such as restriction policies that have been adopted by EU and other Northern states, such as border externalization and securitization policies.

Bonaventure Rutinwa (1999) argues that refugee policy shifted in Africa for several reasons, one of which is the significant growth of refugee issues. For example, in Africa, refugee crises increased in numbers and complexity. According to Rutinwa, refugees caused security problems for host states internally and externally. Internal

issues such as perpetrator factors among refugees resulted in several issues for host communities, encompassing poaching, arms stealing and other problems. Externally, some hosting states faced relationship issues with the origin states of refugees in some scenarios, ending in armed conflict. Moreover, Rutinwa illustrates that because of the effect of refugees on host states through harming infrastructure and ecology and scarcity of resources, friction arises between the host states and refugee populations. The absence of burden-sharing for refugee issues among African states, the Global North, and the Global South means many states cannot tolerate the situation alone. States in the Global North apply tight regulations to prevent refugees' entry, "such as interdiction of refugees on the high seas and re-admission," encouraging African states to apply similar restrictions (Rutinwa, 1999).

Betts defines the burden-sharing in the politics of the refugee regime as an opposition between north and south states (Fliert, 2018). A UNHCR and Kathleen Newland report defined burden sharing as a part of an international collaboration in which countries hold responsibility for refugees who are protected by another country's responsibility (UNHCR& Newland, 2011). Finally, Rutinwa argues that in most African states, evident xenophobia exists between different populations. Because some members of hosting communities do not show empathy to refugees who come from independent African states, similar to those who have resulted from armed struggles versus apartheid, racial domination, and colonialism in the 1960s and 1970s. Also, it has become difficult for host communities to allow support and assistance to help refugees. Because of these policies, African governments have begun to place anti-refugee policies (Rutinwa, 1999). Because UNHCR's work is facilitated through the state, it is difficult to work independently. Therefore, when the

state makes some changes, UNHCR policies will change accordingly. This will be clearer in the coming paragraphs because it will show participant's opinions.

Mosa thought UNHCR changes its policy for two main reasons. He connected the first one to the economic condition of resettlement countries; he said, recently, the pandemic crises led to shifts in countries not requesting refugees for resettlement. This is according to their economic or internal issues because UNHCR depends on the demand from countries and asks them to accept refugees. Moreover, Mosa related the second reason for the UNHCR policy shift to the situation in the refugee-origin countries. For example, if there is peace in their home states. Mosa stated that,

For Sudanese populations and South Sudanese, some argue that there is some peace in their home countries. But when it comes to reality, this is not true because UNHCR is saying your country became good, even though other countries think that there is peace or think that there is peace in some reign, but this is not true.

Saajid, in his interview, has attributed the UNHCR practice and policy shift to the Egyptian government policies. He said,

The main reasons for these practices are that UNHCR is being blocked by the Egyptian government and they restrict how the human rights organizations should work. I am going to say that there are some specific things UNHCR cannot do without returning to the government. For example, in protection issues, UNHCR sends refugees directly to the government (police office). If any human rights organizations aim to help, refugees should not do that on their own. Overall, I think the main reason for some policy shifts is because of things related to government policies.

Jones, at the time of the interview, disclosed three reasons that led to the UNHCR practice and policy shifts: 1- The increasing number of refugees because of the increased number of displaced people. He said that,

The entire shift in the displacement process has made UNHCR undergo policy shifts. Especially if you look into Egypt, UNHCR is one operation of UNHCR that does the RSD more than any other office of UNHCR globally. This requires a lot of reforms and procedures in order to respond to refugees effectively and efficiently. That is what I think is the main reason behind the UNHCR policy shift, especially in Egypt.

2- Stability of the country. Jones stated that,

If you look to the context of UNHCR Egypt's operation there are a lot of issues that are affecting the operation of the UNHCR like the stability of the country itself. In the last ten years, if I recall it correctly, the revolution and the counter revolution in 2013, this is also affecting the work of UNHCR in Egypt and created a huge backlog. Also, the same with COVID-19 has led to huge backlog.

3- Evaluation to enhance their work and respond more effectively. He said,

UNHCR needs to avail itself, and they need to put in place some logistic reforms. Besides new leadership in UNHCR, especially in Egypt, now they have a new leadership which is trying to make them much more effective in ways of their assessment and what are the things that are working and what are not working.

In her interview, Jamila illustrated that there are two main reasons for the UNHCR practice and policy shifts: [1-] she feels that one of the main reasons is that the tendency for inclusion that is imposed over the UNHCR in any country or globally

always causes a shift. I also see that one of the main reasons for the shift is there are so many global political changes those political changes, which is very vital. However, there are different actors who are playing the role of leading when it comes to the humanitarian sector. [2-] She thinks that what has also affected the shift; there are changes in the political scene globally. New events are happening, such as new crises, which also affect how UNHCR functions altogether.

Montaser, during the interview, illustrated that UNHCR changed its practice and policy because of the separation of funding and sudden crises such as COVID-19. He disclosed that,

Separation of funding, I think this was meant to address what makes up the specific need of the Syrian community, considering that there is a particular situation that they were facing. But this separation, as I said, has caused some problems during the implementation of the activities. Also, during COVID-19, we are all forced to work remotely, so I think this was a reason to shift the practice of service provision. But I think it was done suddenly, which did not allow the beneficiaries to understand the new ways or methods in terms of acquiring the services.

Madeline argued during the interview that UNHCR often changes its policy because of political reasons. She said she thinks [the reason is] political for her. She thinks we see, for example, because Egypt is in the Mediterranean, the European Union is a factor. They have a lot of power recently to kind of externalize their borders. They don't want boats across the Mediterranean to the European Union. So, she thinks policy-wise, this is at least in discussions with the Egyptian government, and then UNHCR is trying to find how they can work within their mandate and with

the Egyptian government, which is working with the European Union. For example, this type of border externalization is a problem when it comes to protection. She thinks, also, we see a lot of development projects that are happening, maybe not necessarily policy, but it could affect policy where they're targeting people at risk of irregular migration, not only the refugees but also the host community members. She also thinks a lot of the programs now focus on community; and host community intervention as well, because obviously, the host community plays a part, and refugee society needed to be included within these types of programs.

Elisabeth is a scholar who specializes in migrants and refugee policy. She has a different overview that explains why Egypt's UNHCR changed its practice and policy; they want the Egyptian government to take more responsibility. She explained during the interview, UNHCR depends on pushing the Egyptian government to take more responsibility for refugees. So, she thought at the time that she started looking at it, at the beginning of 2014. She noticed shifts in the Egyptian government were taking more responsibilities for Syrian refugees and that kind of spread to other nationalities that could attend a national school or general health services or other services that could be provided by the government. As she understood, there has been a discussion in the last three years on how Egypt could develop a domestic asylum law. But the UNHCR is a bit hesitant about that because, and the obvious reason is that, the Egyptian government might have biases on how to evaluate an asylum application. Ultimately, the countries that fund the UNHCR want Egypt to take the responsibility.

The participants related most of the reasons that led to UNHCR policy changes to reasons placed by the government. As Saajid explains, the government is restricting UNHCR's work, and Elisabeth revealed that the change is not only in

UNHCR Egypt but worldwide. Literature also shows that the restrictions started in northern states, with some countries overcoming or circumventing the international refugee regime by using other regimes, such as the travel regime, which restricts travel through difficult and expensive visa procedures (Betts, 2010; Khan & Lee, 2018). Others argue that asylum seekers and refugees should be kept in Southern states, where they first enter for asylum. However, they know that the Southern states do not have the resources and capacity to absorb all refugees. In addition, Northern states are not obligated to burden share, though they should (Betts & Collier, 2017; Brock, 2020; Aleinikoff & Owen, 2022).

Moreover, the literature illustrates that other regional states are restricting their policy toward refugees, as shown in the study of Khan and Lee (2018), which focuses on South African policy changes towards refugees by restricting access to asylum by closing asylum offices and deporting refugees without due process. Other literature shows Turkey restricted access to asylum, and Turkey's EU deal is considered a failure of refugee protection, as mentioned in Makovsky (2019).

This chapter illustrates that the main services of UNHCR Egypt that experienced practice and policy shifts are registration, the RSD process, resettlement procedures, healthcare, education, and residency permit process. Also, there are other important themes, such as policy changes due to COVID-19 and how UNHCR deals with refugees differently, mainly a divide between Syrian refugees and non-Syrian refugees. Finally, it discusses the main reason behind the UNHCR policy changes. The next chapter will focus on the future changes that may happen, such as handing over the RSD responsibility to the Egyptian government.

## **Chapter 6: RSD Handover from UNHCR to Country**

### **6.1 Introduction**

In this chapter, I explored the speculation about UNHCR handing over the RSD process to the Egyptian state. Most of the interlocutors disclosed a lot of fears and concerns regarding the handover of RSD from UNCR to the government. Caroline Nalule and Derya Ozkul's study (2020) shows that handing over the RSD responsibility from UNHCR to the countries is a sophisticated operation that is scarcely prompt or easy. They argue that a successful handing over and the ability to achieve a general objective, which is offering appropriate protection of refugees, depends on several elements. "Will the handover of RSD reduce the financial burden on UNHCR? How quickly and completely can RSD be handed over? Will handover of RSD to State authorities enable better access to rights and protection?" The basic responsibility of RSD determination for refugees falls on the countries, but when the countries are unable or unwilling to do so, UNHCR will conduct the RSD. Some type of handover of RSD to the states is evident between 1998 and 2018 in about thirty states worldwide. Moreover, using the framework of the Global Compact on Refugees, UNHCR created an Asylum Capacity Support Group to assist more countries to establish or build their national RSD regimes in the forthcoming years (Nalule and Ozkul, 2020).

Despite the importance of handing over RSD from UNHCR to the governments, there is no structured investigation of handovers to evaluate and contrast the decision-making process and the standard of protection previously and after such handover. UNHCR does not consider the opinions of all involved stakeholders, such as NGOs, civil society organizations (CSOs), governments, or the views of asylum seekers and refugees. A few articles exist on the topic; one of them is



Nalule and Ozkul's Study (2020), which focused on exploring handover practices in two countries, Turkey and Kenya, which both handed over RSD recently. In this chapter, although I evaluate the views of research participants from NGOs, refugees, and asylum seekers on this topic in Egypt, the analysis will not cover all elements of this topic.

## **6.2 The Future Change Regarding RSD in Egypt**

The human rights lawyer Tarek Badawy (2010) criticizes the (MOU) signed between the UNHCR and the Egyptian government, based on which UNHCR operates in Egypt. He investigates the relevant provisions of the MOU and shows that UNHCR's dependence on the MOU could result in negative outcomes and force UNHCR to violate its mandate. Moreover, it leads to the prevalence of uncertainty among refugees in Egypt and forces UNHCR to participate in political arrangements, which undermines UNHCR's legality. He suggests a new MOU that addresses the current situation of the asylum regime in modern Egypt and within which Egypt can take more responsibility for refugees.

The notion of the handover of the RSD interview responsibility to the Egyptian government is one of the important themes that appeared during most of the interviews with the participants, especially those who are experts in Refugee Studies. Each participant focused on specific issues regarding the prospective change. Also, Sharafedin's study (2020) argues that handing over the RSD process to the Egyptian government will be better than the current system. Until now, there is no conclusion on whether this idea will be applicable in Egypt. Based on the aforementioned, I think UNHCR might hand over the RSD responsibility to the Egyptian authorities. Therefore, I will show you what the participants in my research critically thought of this idea.

Although the current system of UNHCR is not well-functioning, asylum seekers and refugees in Egypt have many concerns regarding the suggestion of handing over the RSD responsibility to the Egyptian authorities. Some participants are concerned that various challenges might happen, such as the absence of impartiality and not following the UNHCR guidelines, support will decrease, and corruption will increase if this change is implemented in Egypt.

First, this policy might severely affect refugees and asylum seekers because the country will not follow UNHCR standards or be neutral. Second, the people who are going to work in this process will be national staff, and they will not be well trained like the UNHCR because UNHCR sometimes can have a special policy for refugees or a parallel system to cover the gap such as economic needs, so the Egyptian government cannot support refugees as UNHCR does. Also, in the UNHCR, there is international staff sometimes, but this will be all Egyptian and they will not be neutral with us and the corruption will increase. It will be just like the UNHCR office in Sudan.

Others thought the situation would be similar if the Egyptian government conducted the RSD interview process. They did not expect any positive change regarding the UNHCR policies at all. "The situation will be the same; nothing will change." This will explain the idea that some asylum seekers and refugees have felt hopeless and mistrustful. They did not expect any solution to their problems, whether through the UNHCR or other entities. Some others are optimistic and waiting for change that could solve their problem, and their main concern is that they want refugees to be happy about the procedures and services they receive.

Before saying it is good or bad. I want refugees to be happy about the process, but now they are not happy. So, if this change will work better, for instance,

to register and do the RSD according to the UNHCR manual standards it will be good. But before applying it, they have to do a survey and then have to decide accordingly.

Jones spoke about the lack of awareness among the Egyptian community toward refugees' needs and situations. He said that this change would be worse. He justifies his beliefs that handing over RSD to the Egyptian government will be a terrible decision, especially if you look into it critically. He gives an example of refugees who have been in Egypt for longer than the UNHCR office in Egypt has existed. The Egyptian population is not aware of refugees, why they are here, and what they face and need. So, shifting the RSD process to the national staff or the Egyptian authority will not be good. As I cited previously in this chapter, Nalule and Ozkul's study (2020) of Turkey and Kenya concludes that handing over RSD responsibility to governments did not significantly or promptly decrease the financial burden on UNHCR, and it is not inevitably a faster procedure or spontaneously confirms appropriate protection of refugees and asylum seekers. It is still an ongoing process and procedure that needs close follow-up. However, if I look at Jones' concern, I could say that handing over RSD to the Egyptian authority might increase awareness about refugees in Egypt.

Moreover, Jones gave some examples that refugees face challenges when dealing with the government regarding protection issues. He shared with me experience refugees face when they need to file a police report for protection problems against an Egyptian national. Sometimes, it is very difficult for refugees and asylum seekers to file a police report without going back and forth. They have to present legitimate reasons and valid documents or go back to the UNHCR to bring papers from UNHCR to confirm that they are registered with the UNHCR.

The Lesbian, Gay, Bisexual, Transgender, and Intersexual (LGBTI) community is often ostracized in their society, and the Egyptian government targets them. Egyptian police stop homosexual men in public and accuse them of the "habitual practice of debauchery" and suspicion of being HIV positive (HRW, 2008; Hussian, 2010). Also, Jones showed that the LGBTI community is one of the vulnerable groups that will face protection issues if the Egyptian authority conducts the RSD. He thought that the national asylum law would be based on Al Shariah law, which does not consider the protection of this group:

Take, for example, the LGBTI community. If they go to the Egyptian authority, how do these people present themselves because the country's legislation is based on Islamic Shariah, or the primary sources of their legislation are Al Shariah and Islamic customs? In Al Shariah, the LGBTI community is not allowed. So, they will face a lot of difficulties. According to the conventions of refugees and the definition of refugees, the fifth membership category is a particular social group. This group is one of the most vulnerable groups that the authorities cannot protect.

Jamila also explained her concerns about handing over RSD responsibility to the Egyptian authority because some groups of asylum seekers will not have fair treatment when authorities conduct RSD in some countries, especially in the Middle East. However, she believes this shift will take place in the future. So, she thinks the discussion has been on the table for a long time. She disagrees that the Egyptian government should ultimately be involved in the RSD process because they will not be neutral, especially towards refugees coming from certain countries in the Middle East and some Arab states, and if their persecution is based on political grounds.

Also, she explains that refugees would fear discussing issues that require confidentiality. She thought they would be afraid to talk about protection issues with the government, not only the Egyptian government but also any government in the region. She prefers people from humanitarian agencies because they are unbiased about sensitive issues like sexual orientation or cultural differences. However, she thinks this shift would happen because the Egyptian government started to request more information from UNHCR. They ask about the number of nationalities registered with the UNHCR and refugees' residency. She does not want the government to be responsible for the RSD because people would fear talking about their sexual orientation, which is not permitted or accepted in Egypt.

Moreover, Jamila thought that if the RSD responsibility is delegated to the Egyptian government, some staff might not have sufficient information about the refugees' country of origin, like some current UNHCR staff. She hopes that if this shift takes place, they will select people from humanitarian and law backgrounds to do the RSD procedures. This might be way better, in one way or another, because they have the background to understand the process. I think part of her concern, such as the RSD interviews, will be conducted by lawyers, and judgments were included in the proposal. I recognized this while I discussed the proposal with Dr. Badway during the international refugee law lecture. This will need to be written down and explained. Nonetheless, she still finds that the confidentiality issue would be a tricky area that many people would consider before talking to anyone in the interview about their claim. Also, she asserted that Turkey's authority is taking leverage over the EU, and the situation will be the same in Egypt. "I would say that Turkey has been using refugees' leverage over the EU. Also, I think the Egyptian government would do the same thing.

Monteser, who is working with some implementing partner NGOs of UNHCR, explained why UNHCR wants to hand over the RSD responsibility to the Egyptian government: they want to reduce the burden. However, he thinks this idea might not be the best option, at this time, because the government needs to improve its paperwork. So, this decision will affect the quality of services refugees and asylum seekers receive. He thinks the only excellent result of this change will be improving the residency permit process. He stated that what he understands from the MOU between the authority and UNHCR is that UNHCR took the responsibility to leave the burden of going through the RSD process because they have their own pressure or their system may have been overwhelmed. But from his experience based on the refugee's reaction when dealing with public sectors in general, he thought it is not the best option right now because we have seen no reforms in how the government processes paperwork. He does believe that this decision will put further burdens on the government right now, which will also affect refugees and asylum seekers to access high-quality services that will be provided. In his opinion, the only good outcome of this decision is that it will bridge the gap between the UNHCR documentation and being able to gain a residency permit in Cairo. He understands that after refugees get their documents from UNHCR, they still have to go through the government process to validate their residency. Therefore, he thinks the best outcome is that the gap will be addressed.

Madeline expected this change to be interesting and said that all those working in the field are waiting to see what the Egyptian asylum law will say. Also, she believes that if the Egyptian government takes over the asylum process, UNHCR might advocate for legal integration over resettlement, as they may have an easier life

staying in the country."I think a lot about how they will eventually advocate for integration; we don't know, though."

Participants explain the common sentiment in the refugee community that refugees often do not trust the national staff because they are not neutral, especially if they face protection and the perpetrator is from Egyptian citizens. They revealed another important fact: UNHCR can find an alternative solution for critical issues but often has its hands tied. This is true, for example, in health issues. UNHCR can offer better quality through private healthcare facilities if refugees cannot get treatment in the public healthcare system. As for education, UNHCR's education grant will help refugee children go to community schools or special schools if they cannot find space or integrate into public schools. These alternative options will not be possible if the government takes responsibility for the RSD process because there will be funding limitations. Also, Monteser mentioned that if the government takes the RSD responsibility, the quality of services will decrease. This analysis is linked to one of the studies that show that refugees' rights in Egypt are written on paper, but they often do not apply on the ground (Hetaba, McNally, and Habersky 2020).

Monteser shared an interesting thought: if the government takes RSD responsibilities, it will be easier to get the residency permit. I feel the same way; if this shift happens, it might benefit some things. There are concerns Jones raises, though, such as the lack of awareness by the government and host community about refugees and their needs. However, I think that if the government takes on the RSD responsibility they will face financial problems, such as funding reductions in addition to the local integration will be a de facto reality, as stated in the research by Ayoub and Khallaf (2014) and Bhuiyanand et al. (2016). Also, Madeline mentioned that UNHCR might advocate for local integration rather than resettlement to a third

country if this shift occurred. This analysis is relevant to international relations theory, especially the Suasion Game analogy. According to this analysis, UNHCR is playing the role of a weaker actor. They satisfy their needs only by doing advocacy work or resorting to a parallel system if possible. Therefore, UNHCR's role will be the same as in North-South States relations, as Betts explains (2010).

Some concerns are stated by the participants that need to be taken into consideration before handing over the RSD responsibility from UNHCR to the authority, in one way or another, there will be a time that this duty will be given to the authority because it is one of the 1951 Conventions, but now it is not the right time. There must see the matter of refugees seriously and they acknowledge the necessary protection that refugees and asylum seekers deserve, and then they can think about handing over the role of RSD to the Egyptian authority.



## **Chapter 7: Conclusion**

This thesis examines the impact of UNHCR Egypt's practice and policy shifts on the refugees and asylum seekers in Cairo from 2000 to 2020. The research participants highlighted major sectors in UNHCR practice and policy that experienced shifts: registration, RSD, resettlement, health care, education, financial support, and the residency permit. Also, participants described various factors behind the UNHCR practice and policy shifts, such as political, economic, and advocacy from NGOs and the refugee communities, which reflect the need for positive change. The primary objectives of this research study are to analyze the impact of UNHCR Egypt's practice and policy shifts on refugees and asylum seekers -mainly, why such shifts are happening - and to understand the relationship between UNHCR Egypt's practice and policy shifts and the difficulties refugees have been facing in accessing services for the last fifteen years.

This chapter concludes the analysis and interpretation of the main research findings and connects them to the research questions, literature review, theories, and concepts. This research draws on theories of institutional change theory (Levi, 1987; Streeck and Thelen, 2005; Cerna, 2013; Mahoney and Thelen, 2010; Mourad and Norman, 2020), international relations theory (Betts, 2008; Adamczyk et al., 2019; Tesfaghiorghis, 2018; Hasenclever, Mayer, and Rittberger, 1996) and the concept of border externalization (Faist, 2015; Üstübeci, and Schultz, 2019; Faist, 2019; Cuttitta, 2020; Betts and Collier, 2017). These theories offer a solid framework and background to explain the role of all actors involved in this research and the major indicators that led to this practice and policy shifts affecting asylum seekers and refugees in Cairo.

Initially, the Suasion Game model shows that UNHCR plays a dual role. First, it is acting as a weaker player when dealing with the Egyptian government to ensure refugees' rights because they can only advocate; any final decision is in the hands of the Egyptian authorities, whether they agree. This is clear in some policies, such as the residency permit and other needed services for refugees. Also, they play a similar role when dealing with the Northern states in terms of getting enough funding and advocating for resettlement. However, UNHCR plays the role of the stronger actor when dealing with refugees and asylum seekers. Secondly, institutional change theory and the border externalization concept explain that UNHCR and some partner NGOs do not offer refugees enough access to fulfill their needs and rights. They make it difficult to approach UNHCR staff through phone calls or even when physically going to the office. They do not leave any options for refugees to express their concerns or needs; even peaceful protests are not allowed for refugees and asylum seekers and will end by UNHCR calling the Egyptian security forces to deal with them. I think it's important for UNHCR to develop a cultural and psychological-based approach to effectively deal with asylum seekers and the refugee community. This will help to avoid any conflict between refugees and UNHCR staff.

The analysis in Chapter 4 identifies the increase of asylum seekers and refugees as a key factor for UNHCR Egypt's practice and policy shifts, particularly leading to the asylum duration expansion. One of the participants mentioned that in 2002, before the emergence of the yellow card, which is given to asylum seekers waiting for RSD interviews, the time of the asylum duration was less than two years. El Laithy and Armanious's (2019) study illustrates that asylum duration in Egypt has reached 57 months. Recently, Andrade, Sato, and Hammad's (2021) study showed that in the last twenty years, the number of displaced people living in Egypt increased

to over 18 times (Andrade, Sato, and Hammad, 2021). The significant growth in asylum seekers and refugees indicates no balance between the refugee numbers and the resources a location receives to deal with this problem. Therefore, I encourage all stakeholders in refugee affairs, including Northern and Southern states, international organizations, and academics, to look at this significant growth seriously and find ways to acquire more funding and resources to address this growth.

Chapter 4 findings suggest that, on the one hand, most of the participants appreciated the idea of opening community schools. On the other hand, complaints of difficulties in bearing the financial burden and the limited financial support from the UNHCR partner organization (CRS) burdened many families. Moreover, the Sudanese participants reported that two years ago (2021), UNHCR stopped financial support for those sitting for the Sudanese high school certificate exams. As a result, most families faced the challenge of paying for their children's exam fees, which is five hundred and fifty US dollars payable only in dollars. Regarding the school grants for 2022, (CRS) informed the parents that there will be no school grants starting in 2023. Some participants revealed that all funds would go directly to the Egyptian government; others requested that UNHCR invest more money to enhance the community schools. Andrade, Sato, and Hammad's (2021) research findings explain that including asylum seekers and refugees in public schools generated challenges for the Egyptian education system and the asylum seekers and refugee community. It added more burden to the education system. Syrian refugees, parents, and their children complained about the problems of bullying, transportation issues, and overcrowded classrooms. Also, other asylum seekers and refugees from non-Arabic speaking countries, including Ethiopians, Eritreans, and Somalis, had difficulties because of language barriers and could not enroll in public schools, so they access

private and community schools, which exacerbates their financial burden(Andrade, Sato, and Hammad's, 2021). This is a risky decision, and those who decide it are not always aware of how refugees were suffering before the community schools were created. I remember working as a volunteer teacher at Saint Andrew's Church for Refugee Services (StARS) in downtown Cairo from 2007 to 2010. At that time, the students, after graduating from StARS, ended up on the street because there were no opportunities to enter Egyptian universities. As a result, most Sudanese teenagers joined criminal groups and gangs, which has become a serious problem. While teaching, I observed that students were not paying attention to their studies. I asked one of them why. He responded that it is useless, "In the end, we will end up in the street."The community schools offer a safe space; it is better to stay in school because it is safer than the street, but UNHCR needs to help fund this.

Therefore, after successful advocacy from NGOs, academia, and UNHCR, approval was received to open community schools and teach the Sudanese curriculum. After that, most of the refugees' children were able to attend school, and many joined Egyptian universities successfully. This was considered a significant shift in the refugee communities. I share this personal experience because I know refugees were suffering a lot to reach this level, and it is good to have more support from a broader range of actors. According to what scholars stated above, the Egyptian public schools are not enough for even the Egyptians themselves.

The study concludes that Egypt's UNHCR practice and policy shifts positively and negatively affect asylum seekers and refugees, though the negative effects outweigh the positive ones. On the one hand, some examples of the negative effects are refugees facing difficulties accessing needed services and approaching the UHNCR office physically or by calling, the increasing asylum duration, and some

asylum seekers waiting more than five years to conduct the RSD interviews. Some participants explained that, due to the long asylum duration in Egypt, refugees and asylum seekers move irregularly toward the EU, which is often extremely dangerous. Some others are frustrated and upset, while others have mental and physical health problems due to the long duration of such procedures. On the other hand, the positive changes are applying the merged interviews of registration and RSD in one day and changing the residency permit location from Mugama to Abassiya. Overall, the negative impact is more significant than the positive one.

Chapter 5 findings show that Egypt's UNHCR practice and policy shifts are stimulated by three factors, which are: international, regional, and internal factors. The international factor becomes clearer when we look at the change in burden sharing and how Northern states resort to travel regimes to fulfill their needs instead of the refugee regime. Regional elements, as explained, include the relationships between the sending countries and host countries, and internal elements include changing governments or politics, economics, and issues related to national security. In addition, reports or complaints from the UNHCR's partners, NGOs, or asylum seeker and refugee communities and the increasing number of individuals seeking asylum in Egypt all play a factor.

In Chapter 5, respondents revealed that UNHCR has different procedures for different nationalities. Most participants considered these differences as unequal in some cases. They call it inequality and recommend that UNHCR treat refugees equally, and the support should be based on the needed assessment. This result agreed with Marina Andrade, Lucas Sato, and Maya Hammad's study (2021), which argues that differentiation based on nationality forces refugees and asylum seekers to count on changing benefits of short-lived political interests as in the situations of

Palestinian, Sudanese, and Syrian refugees. They encourage the importance of policy to protect individuals on the move instead of changing policies that deal with nationality differently (Marina, Sato, and Mammad 2021).

In Chapter 5, most respondents revealed a change in the registration process, specifically in duration (increase) and the RSD and resettlement duration (increase). Most of the participants illustrated that registration was easier. Some of them were able to register at the UNHCR office within one day and others within months. Currently, it takes about two or more years in some cases. This change in procedures, waiting for a long duration without financial or medical support, and working in very difficult work conditions to cover family basic needs causes mental and physical health problems for vulnerable asylum seekers and refugees. In their 2019 study, Heba El Laithy and Dina Armanious show that the duration of asylum is considered one of the main factors significantly affecting poverty. This study concludes that "staying in Egypt for a longer duration increases the welfare of refugees, particularly, Syrian refugees" (El Laithy and Armanious, 2019). However, my research finding contrasts this outcome. Participants stated that the long duration of asylum negatively affects their livelihood and health conditions, and they do not receive any support. The longer they stay in the country without resettlement or other viable options, the more difficult it gets. For Syrian refugees who moved to Egypt, El Laithy and Armanious (2019) might be correct because another study concludes that vulnerable Syrian refugees displaced to neighboring countries, such as Lebanon and Jordan, are different from those who sought refuge in Egypt, as many came with a good amount of capital and economic conditions and succeeded in running successful businesses in Egypt. If we exclude those who come by land through Sudan without documents,

their economic situation is usually worse. Also, Syrians are generally well educated, and, as a result, they can get good jobs comparable to non-Syrian refugees.

The findings in Chapter 5 explain divergent thoughts about UNHCR's alternative approach of merging registration and the RSD interviews. Most of my interlocutors revealed it as a positive outcome, but only one participant looked at it from a psychological view. She said doing two interviews in one day is very stressful and demanding. According to my discussion with one of the Sudanese community leaders who came to Egypt in 2000, there was a time at UNHCR Egypt when they did not give a yellow card. When you approached them, they gave you an appointment for RSD between two weeks and two months. Then, if they accepted you as a refugee, they gave you a blue card directly, and after that, you went for a resettlement interview; if you were rejected, they gave you nothing, only a chance to appeal. I think this was before the implementation or emergence of the UNHCR's yellow card as an ID for asylum seekers in 2002, according to his information. Based on this testimony, I think the current change to merging interviews of registration and RSD is better because they will give a yellow card during the waiting period for RSD results. With this card, asylum seekers can access services provided for refugees and send their children to schools, which is good and necessary. Still, whether it will reduce the asylum duration or not, I do not know. This can be investigated in further research. However, my reflection on one of the participant's concerns is that conducting two interviews in one day is difficult for individuals and interviewers alike. It will not be hard because registration interviews will not take that long, and it is better to do them on the same day instead of bearing the cost of waiting and coming in another time to do the RSD interview. Other than that, if there is a specific concern, it can be dealt with according to the need.

In addition, two Sudanese participants revealed that refugees and asylum seekers are moving forward from Egypt irregularly due to the long asylum duration and difficult living conditions. In relation to this claim, Shahjahan Bhuiyanand's (2016) study shows that in 2015, Sudanese refugees constituted the largest group moving from Egypt irregularly. In 2015, media statements focused on Sudanese refugees and asylum seekers being shot while smuggling to Israel from Egypt or Sudanese asylum seekers and refugees leaving Egypt irregularly in 2016 (Bhuiyanand et al. 2016)

In Chapter 5, the interviewees also mention interesting elements: that the host country's politics influence the UNHCR policy shifts, so the UNHCR cannot work independently. Bhuiyanand's study (2016) shows that Egypt's policy shifts towards refugees and asylum seekers mainly from two changing factors: politics and the government. In most cases, refugees' treatment is conditional on national security and political accounts and, in most situations, based on the relationships between the sending and receiving states. This occasionally results in various obligations to the global regulation and domestic laws according to the political condition, and in other circumstances, results in making new legislation that agrees with political tendencies. In Egypt's history, the entitlements and rights of asylum seekers have changed over time and are connected to political changes (Bhuiyanand et al. 2016). Also, the participants in this research associated Egypt's UNHCR policy shifts to international and national policy changes. This seems self-evident. Even I can say that the government decisions are based on the mood of politicians, not on human rights principles. This was clear during the 2015 refugee crisis at the EU level, not just in Egypt.



Moreover, Bhuiyanand's study (2016) argues that, after a long time, the economic situation will influence policy choices. UNHCR is carrying larger and heavier burdens than the Egyptian authority (Bhuiyanand 2016). One of the participants in Chapter 5 revealed that while conducting research in Egypt in 2014, she observed that UNHCR started to want the Egyptian government to take more responsibility for refugees. As a result, some policies have changed, such as refugees being allowed to access public education and healthcare as Egyptian nationals.

Another important finding in Chapter 6 is that most participants expressed concern regarding developing a national Egyptian asylum law and handing over the RSD responsibility to the Egyptian government instead of UNHCR. They show that there are two vulnerable groups of asylum seekers this may negatively impact: LGBTI individuals and those who base their claim on political persecution and will face protection issues, especially if Egypt is in good political standing with the country of origin. Participants show a viable concern: if Egypt's government takes responsibility for the RSD interviews, they will not be neutral towards asylum seekers and refugees from some countries, and the governments will most likely face funding problems. This concern agrees with Bhuiyanand's study (2016), which shows that, according to the history of Egypt, the state policy towards asylum seekers and refugees is changing according to two factors: the change of the government and the relationship with the country. Also, Maysa Ayoub and Shaden Khallaf's study (2014) illustrates the difficulties Syrian refugees encounter in Egypt due to political changes and how these difficulties influenced their economic situations and livelihoods. Their research findings show that the Syrian refugees' situation shifted due to the changes in the state's political circumstances (Ayoub and Khallaf 2014).

Chapters 4, 5, and 6 show the analysis of the collected findings and explain how the findings are related to the research objectives, questions, theory, and other studies conducted in the field. However, the findings of this research may not reflect the entire context of Egypt's UNHCR practice and policy shifts and their effects on the asylum and refugee community due to several factors. First, the researcher did not include samples from entire refugee communities that exist in Egypt. In addition, the researcher was unsuccessful in interviewing Egypt's UNHCR senior staff or Egyptian policymakers. It is important to include their views to better understand practice and policy changes and their impact on asylum seekers and refugees in Cairo. Second, the study suggests that more research is needed for further investigation on some themes that appeared in this research:

- 1- Research that is focused on understanding the factors behind the ambivalence of refugee policy in Egypt and between the country policy and the UNHCR policy, and to what extent the shift in the global refugee regime in Northern states affects the policies in Southern states, which is also affecting UNHCR's policy and the refugees and asylum seekers' situation.
- 2- Research that can address the concern of asylum seekers and refugees regarding the future shifts of handing over the responsibility of the RSD interviews to the Egyptian government.
- 3- Studies that can compare the UNHCR policy within the region and outside the region
- 4- Conducting field studies or surveys when designing services for refugees and asylum seekers when planning for a significant shift or change in policy to have the voice and expertise of refugees and asylum seekers, which is necessary.

This research covers the significant gap in limited research on UNHCR practice and policy shifts and their effect on refugees and asylum seekers in Egypt. Also highlighted is that previous related research is focused only on the Egyptian government's policy towards refugees and how these policies affect Egypt's refugee and asylum-seeking population. Therefore, these findings show the importance of more research related to this topic, which is indicated in the previous paragraph, to answer more research questions to ensure refugees and asylum seekers in Egypt receive their due protection and entitlements.

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Appendix A



Case# 2021-2022-125

**To: Abdallah Adam Suliman Bahar  
Gerda Heck  
Eman Moursy**

**From: Heba Kotb Chair of the IRB  
Date: 15<sup>th</sup> March 2022**

**Re: IRB approval**

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This is to inform you that I reviewed your revised research proposal entitled

**“The impact of UNHCR's practice policy shift on  
refugees and asylum seekers: Egypt as a case  
study”**

It required consultation with the IRB under the "expedited" category. As you are aware, there were minor revisions to the original proposal, but your new version addresses these concerns successfully. Your proposal used appropriate procedures to minimize risks to human subjects and that adequate provision was made for confidentiality and data anonymity of participants in any published record. I believe you will also make adequate provision for obtaining informed consent of the participants.

This approval letter was issued under the assumption that you have not started data collection for your research project. Any data collected before receiving this letter could not be used since this is a violation of the IRB policy.

Please note that IRB approval does not automatically ensure approval by CAPMAS, an Egyptian government agency responsible for approving some types of off-campus research. CAPMAS issues are handled at AUC by the office of the University Counsellor. The IRB is not in a position to offer any opinion on CAPMAS issues, and takes no responsibility for obtaining CAPMAS approval.

This approval is valid for only one year. In case you have not finished data collection within a year, you need to apply for an extension.

Thank you and good luck.

A small rectangular image showing a handwritten signature in black ink that reads "H. Kotb".

Heba Kotb  
IRB chair, The American University in Cairo  
2078 HUSS Building  
T: 02-26151857  
Email: [hebakotb@aucegypt.edu](mailto:hebakotb@aucegypt.edu)

**Institutional Review Board** The American University in Cairo  
AUC Avenue, P.O. Box 74  
New Cairo 11835, Egypt.  
tel 20.2.2615.1000  
fax 20.2.27957565  
**Email: irb@aucegypt.edu**

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Appendix B



**Documentation of Informed Consent for Participation in Research Study**

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**Project Title:** The impact of UNHCR's practice policy shift on refugees and asylum seekers: Egypt as a case study

**Principal Investigator:** Abdallah Adam Suliman Bahar. Contact information:  
Email: abdallah-bahar@aucegypt.edu Tel: 01115853009 or Center for Migration and Refugee Study, AUC, Research Center Building New Cairo 11835, Egypt. P.O. Box 74

\*You are being asked to take part in a research study. The purpose of the research is to understand how is UNHCR Egypt's practice policy shift impact the refugees and asylum seekers' situation in Egypt, and the findings may be published, presented, or both. The expected duration of your participation is about an hour.

The procedures of the research will be as follows: Initially, the researcher will request written consent from the participant after understanding and reading the consent form carefully. Next, the participant signing the consent, then the researcher will start the interview if the participant has no questions regarding the consent. The interview questions will concentrate on the knowledge and experience of the participants. The content of questions will focus on understanding the impact of UNHCR practice policy shift on the refugees and asylum seekers' situation in Egypt, and relevant questions.

\*There *will not be* certain risks or discomforts associated with this research.

\*There *will not be* benefits to you from this research.

\*The information you provide for purposes of this research *is confidential*.

\*Participation in this study is voluntary. Refusal to participate will involve no penalty or loss of benefits to which you are otherwise entitled. You may discontinue participation at any time without penalty or the loss of benefits to which you are otherwise entitled.

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

## Appendix C

### **The interview Questions:**

I framed the interview question according to the thesis objective, the main thesis question, and the thesis literature review and theoretical framework.

### **The purpose of the investigation & procedures:**

The purpose of this ethnographic study is to understand how the practice of UNHCR Egypt shift policy and impact the refugees and asylum seekers' situation in Egypt.

### **Interview Questions for the study of the impact of UNHCR's policy shift on refugees and asylum seekers: Egypt as a case study**

Q1- Tell me about yourself (age, field of study, and work experiences)?

Q2- How did you see the UNHCR's policy and practice shift and/or change in the last 15 years?

Q3- In your opinion, what are the main reasons behind this practice and policy shift?

Q4- Based on your experiences, did the UNHCR's practice and policy changes affect refugees and asylum seekers?

Q5- To what extent dose UNHCR's practice and policy shift affect refugees and asylum seekers' situation in Egypt?

Q6- According to your experiences, can you explain your thoughts about the UNHCR practice and policy shift over time, for example, the shift in registration procedures, RSD interviews, resettlement, education, and healthcare?

Q7- Do you think that UNHCR Egypt's practice and policy shifts differ from one nationality to other? Please explain or give some examples from your experience?

Q8- If there are other important changes in UNHCR Egypt's practice and policy, do you know about them? If so, do you want to talk about them?

Q9- What feeling do you have towards the future change that might take place by shifting the RSD's responsibility to be conducted by the Egyptian Government instead of UNHCR? --- This ends the interview questions.