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**The American
University in Cairo**

School of Global Affairs
and Public Policy

Center for Migration and Refugee
Studies



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SURVIVING IN CAIRO AS A CLOSED-FILE REFUGEE

SOCIO-ECONOMIC AND PROTECTION CHALLENGES

By Nourhan Abdel Aziz



The Center for Migration and Refugee Studies (CMRS)

The Center for Migration and Refugee Studies (CMRS) is an interdisciplinary center of the American University in Cairo (AUC). Situated at the heart of the Middle East and North Africa, it aims at furthering the scientific knowledge of the large, long-standing recent refugee and migration movements witnessed in this region. But it also is concerned with questions of refugees and migration in the international system as a whole, both at the theoretical and practical levels. CMRS functions include instruction, research, training, and outreach. It offers a Master of Arts degree and a graduate diploma in Migration and Refugee studies, working with other AUC departments to offer diversified courses to its students. Its research bears on issues of interest to the region and beyond. In carrying its research out, CMRS collaborates with reputable regional and international academic institutions. The training activities that CMRS organizes are attended by researchers, policymakers, bureaucrats and civil society activists from a great number of countries. The center also provides tailor-made training programs on demand. CMRS outreach involves working with individuals and organizations in its environment, disseminating knowledge and sensitization to refugee and migration issues. It also provides services to the refugee community in Cairo and transfers its expertise in this respect to other international institutions.

The Migration Policy Center

IIED is a policy and action research organisation. We promote sustainable development to improve livelihoods and protect the environments on which these livelihoods are built. We specialise in linking local priorities to global challenges. IIED is based in London and works in Africa, Asia, Latin America, the Middle East and the Pacific, with some of the world's most vulnerable people. We work with them to strengthen their voice in the decision-making arenas that affect them – from village councils to international conventions.

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Preface

“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. This applies to closed-file refugees in Egypt. The legal status of ‘closed-file’ and their conceptualization is problematic. The government, international organizations and civil society deal with them as irregular migrants. However, they continue to identify themselves as refugees. They are usually unwilling to return to their countries of origin. They are not eligible for resettlement because they are not recognized as refugees. As a result, their only option is to try and integrate in the local community. But lacking legal status and with fragile protection, their integration is hindered and their socio-economic conditions are dire.

The situation of rejected asylum seekers in Egypt has not been sufficiently analyzed. Documenting it, therefore is particularly important and is the rationale for this study, undertaken with closed-file refugees in Cairo, which focuses on several pillars of livelihoods, including: housing/shelter, education, employment, and healthcare. The study also examines issues related to their legal status, access to justice, and the sexual and gender-based violence they endure. It does not only deal with challenges, but also attempts to portray their strategies and mechanisms, positive and negative, to cope with the irregularity of their status.

This study – “Surviving in Cairo as a Closed-File Refugee: Socio-economic and Protection Challenges” – documents the challenges faced by rejected asylum seekers in Egypt. It is one of the research priorities of the Center for Migration and Refugee Studies’ (CMRS), of the American University in Cairo (AUC), to understand the livelihoods of urban refugees in Egypt and the challenges to their integration. CMRS has produced a similar study on rejected asylum seekers from Sudan in 2005. This study, however, looks at five different communities: Sudanese, South Sudanese, Ethiopian, Eritrean, and Somali.

The research team that produced the study included researchers from CMRS and 12 field researchers from the five communities. It used a mixed-methods approach that combined focus groups with rejected asylum seekers and closed-files refugees, and in-depth interviews with civil society actors and gate keepers from all communities under study. CMRS hopes it could produce a useful and direct perspective on the livelihood and protection issues raised by the situation of rejected asylum seekers in Egypt. The aim is to contribute to reinforcing the protection of these individuals and to secure sustainable means of livelihood for them, account being taken of the challenges faced by a developing country such as Egypt. CMRS also hopes the study will be useful to policymakers, researchers and civil society organizations interested in improving the lives of all irregular migrants and refugees everywhere.



Ibrahim Awad, Ph.D.

Director, Center for Migration and Refugee Studies



Abstract

Using data generated from twenty-nine focus groups with 186 closed-file and rejected asylum seekers residing in Cairo, as well as interviews with community leaders and service providers, this report explores their livelihood experiences by focusing on their socio-economic conditions and protection challenges. Discussions focused on the important aspects of livelihoods which include: housing, education, health and employment. Their legal status, access to justice, and experiences of sexual and gender-based violence (SGBV) were also explored. In spite of the barriers that many of them routinely face, the target groups communicated their coping strategies that help them survive in Egypt and overcome the structural barriers they face as a consequence of their legal status.

Keywords

Closed files, rejected asylum seekers, Egypt, Urban areas, Vulnerable groups

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Last but not least, I am very grateful to the International Institute for Environment and Development (IIED) for funding this study. A special thanks goes to Diane Archer for her continuous support, guidance, and advice throughout the different stages of the project.

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Acronyms

AUC	The American University in Cairo
CMRS	Center for Migration and Refugee Studies, AUC
FGM	Female genital mutilation
FGDs	Focus group discussions
ID	Identification document
MENA	Middle East and North Africa
MOU	Memorandum of understanding
NGOs	Non-governmental organisations
OAU	Organisation of African Unity
RSD	Refugee status determination
SGBV	Sexual and gender-based violence
UNHCR	Office of the United Nations High Commissioner for Refugees



Introduction

The Middle East and North Africa (MENA) is the region with the largest migration and refugee movements in the world (IOM 2016). Cairo, a cosmopolitan city attracting diverse populations, has hosted a significant number of migrants and refugees mainly from Africa and the Arab region. The first refugee movements, dating back to the first half of the twentieth century, consisted mostly of Armenians fleeing the 1951 massacre under the Ottomans, Palestinians after the 1948 war, and Sudanese after the second Sudanese civil war 1983. In the second half of the century, more refugees arrived in Egypt as a result of the wars in the Horn of Africa region, thus resulting in the increasing numbers of refugees from Sudan, Ethiopia, Eritrea and Somalia, most of whom head to Cairo. (Gabska 2005)

Currently, Egypt hosts a considerable number of refugees. According to the latest Office of the United Nations High Commissioner for Refugees (UNHCR) statistics, the number of UNHCR ‘persons of concern’ in Egypt includes approximately 117,200 Syrians, 30,000 Sudanese, 4,700 South Sudanese, 9,800 Ethiopians, 5,400 Eritreans, 6,900 Somalis, and 6,900 Iraqis (UNHCR 2015). Arguably, the numbers documented by UNHCR do not reflect an accurate estimate of the number of refugees and asylum seekers in Egypt. The reality on the ground suggests that a large number of individuals who can qualify as refugees refuse to register with UNHCR for various reasons. The figures above also do not include those whose claim for asylum has been rejected. (UNHCR 2015)

This group, known as ‘closed-files’, is the most vulnerable group among the refugee/asylum seekers community in Egypt and is the main target group for this study. Upon arrival in Egypt, they seek asylum with UNHCR, which either accepts their asylum claim or rejects it. The number of those who remain in Egypt, especially those whose asylum claim is unsuccessful, is significant.

The status of ‘closed-file’ and rejected asylum seekers is very problematic. On the one hand, they identify themselves as refugees. On the other, they are regarded as irregular migrants by the government of Egypt, international organisations and civil society. They are usually unwilling to go back to their countries of origin due to their conviction that the cause of their plight has not yet been removed. Because they are not under the mandate of UNHCR, they are not eligible for protection under its mandate. As a result, their only option is to try and integrate with the local community. But without any legal status, their protection is at risk and their socio-economic conditions are dire. Their stay in Egypt raises many concerns with regards to their safety and rights.

1.1 Research aims and objectives

Research projects on refugees in Cairo, where almost all refugees in Egypt reside, mostly focus on individuals or families who fall under the international protection of UNHCR. This is partly because they are easily accessible as compared to closed-file residents who are harder to reach, but also because they fall under the international definition of a ‘refugee’. As a result, little controversy revolves around their legal status under the 1951 convention. However, very little is known about the living conditions and protection challenges of the ‘closed-file’ who are arguably the most vulnerable group in the context of many countries and not just in Egypt.

Through an in-depth investigation of the livelihoods of closed-file refugees, the research aimed to address the following questions:

- How are they surviving and making a living in Cairo?
- How do they cope without having a legal residency status?
- What protection challenges do they face?
- Do some NGOs provide them with assistance? What kinds of assistance? and
- What can be done to promote and ensure the protection of closed-file refugees?

The overall objective of this study was to better understand the situation of the most vulnerable migrant groups living in the city of Cairo and the dynamics of urban closed-file and rejected asylum seekers. The aim was to shed light on their vulnerability, advocate for their protection and improve their conditions. More specifically, the aim of this project was to:

- Develop a conceptual framework to understand the situation of those individuals and to map, critique and expand the legal, policy and institutional frameworks governing refugees in Egypt, and the target groups in particular.
- Identify and assess the livelihood/socio-economic and protection challenges of closed-file refugees in Cairo.
- Make recommendations to service providers, government officials and UNHCR on how to promote the rights of closed-file individuals based on internationally recognised human rights by examining the successes and failures of policies designed to manage refugee presence in Egypt.

1.2 Terminologies and concepts

Before analysing the research findings, it is important to define the key concepts that will be used throughout the study to clarify who is the target population of the research as well as the major issues the study addresses. The major concepts for this study include: 'refugees', 'closed-file and rejected asylum seekers', 'livelihoods', 'protection', 'marginality' and 'local integration'.

1.2.1 Refugees

The UNHCR 1951 Refugee Convention is the key global legal document that defines a refugee on an international level. According to Article 1(A)(2), the term 'refugee' shall apply to any person who,

As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (UNHCR, 1951).

The definition is highly criticised for being outdated. To overcome the narrowness of this definition, regional bodies have also come together to develop wider definitions that reflect the context in which refugee flows are generated in their respective regions. The application of these definitions remains a major challenge particularly because resettlement, one of the three durable solutions for refugees, can only be granted to individuals who fall under the 1951 Refugee Convention definition. The rights of refugees under the 1951 convention are well established. The presence of UNHCR as the guardian of the international refugee regime ensures the implementation of the convention to some extent. This is not the case for other



conventions established on a regional level.

1.1.2 ‘Closed-file’ and rejected asylum seekers

The main subjects of the study are individuals who have fled to Egypt and applied for asylum through the UNHCR office and whose claims for asylum were denied. Consequently, their files have been closed following an unsuccessful appeal process, because they do not fit any of the definitions listed above.

There is a difference between ‘closed-file’ and rejected asylum seekers. These two categories are on two different steps in the refugee status determination (RSD) process of UNHCR. RSD is ‘is the legal or administrative process by which governments or UNHCR determine whether a person seeking international protection is considered a refugee under international, regional or national law.’ (UNHCR, undated a). Rejected asylum seekers have a chance to apply for appeal and for their claim to be re-examined. However, those whose files are closed are no longer ‘persons of concern’ to UNHCR. As a result, UNHCR is no longer responsible for their protection or their socio-economic needs. For a variety of reasons, these individuals are either unwilling or unable to return to their country of origin and ‘remain in Egypt in precarious conditions, as [irregular] aliens, very often without any documentation or legal permission to reside in the country’ (Gabska 2005). As a result, they face constant fear of arrest or, in extreme cases, deportation. There is no government strategy that particularly targets irregular migrants and/or rejected asylum seekers for deportation. In instances of arrest, they are arrested by the police force in whatever capacity the situation demands. There is no special unit dedicated to arresting and deporting ‘closed-file’ refugees.

1.1.3 Livelihoods

As this study is a socio-economic/livelihoods assessment of closed-file and rejected asylum seekers, it is important to clarify the meaning of ‘livelihoods’ in this context, as there is no set definition. Chambers and Conway (1992) define livelihoods as a term that comprises the capacities, assets (including both material and social resources) and activities required to survive. In studying refugee livelihoods, one must take into account the diverse capital, which includes the legal, economic, educational, cultural and social dimensions that refugees strive to secure in their daily life in the host society (Al Sharmani 2003). Capacities are dependent on various factors which include but are not limited to: age, gender, education, skills, health and networks.

It is maintained by academics and practitioners alike that the strategies adopted by ‘closed-file’ and rejected asylum seekers in securing their livelihoods are part of a dynamic process that takes place within a host society where they come to interact, coexist and adapt. By using concepts of both productive and reproductive strategies, this analysis allows us to look at broader dynamics of the study target population’s livelihoods. Productive strategies may include any kind of income-generating activities, including work in the informal sector, savings from the country of origin, remittances from relatives abroad, assistance from aid organisations, local residents, and support from the community itself. On the other hand, reproductive livelihood strategies, such as the social and cultural strategies of refugees, play a significant role in sustaining livelihoods: not only financially but also in maintaining a sense of ‘cultural self’ in the host society.

1.1.4 Protection

In the context of this study, to access the protection of the target population, we examine their legal status, how they access justice, and their experience with violence, arrest, detention, and deportation. Protection of refugees and/or vulnerable groups on a broader scale is first and foremost the responsibility of the hosting state. UNHCR assists to ensure that governments take all actions necessary to protect refugees, asylum seekers and other persons of concern who are on that government's territory or who are seeking admission to their territory. All states have a general duty to provide international protection as a result of obligations based on international law, including international human rights law and customary international law; these obligations in the case of Egypt are detailed in the following section. States that are parties to the 1951 convention relating to the status of refugees and/or its 1967 protocol have obligations in accordance with the provisions of these instruments but also have obligations to migrants in regular and irregular situations.

1.1.5 Marginality

As is the case with the definition of 'livelihoods', the term 'marginality' is also complex due to the fact that it is relative 'as it depends on the perception of those who define it and construct it, not to mention the reference point from which it is assessed' (Gabska 2005: 10). Marginality often refers to economic, cultural, legal and political exclusion and social inequality more broadly. According to Gabska, 'the process of marginalisation can be seen as a two-way dynamic: being marginalised by the host society as well as self-exclusion from the host society' (2005: 10). Marginalisation is associated with a negative measure where individuals who are marginalised tend to be shut off from or cut out of their host society. Most importantly, they have few or no connections to develop positive social support and recognition (Berry 1997; Sam and Berry 1995). As pointed out by many scholars, including Berry et al. (1989), marginalisation is not easily defined. A reason for such is 'possibly because it is accompanied by a good deal of collective and individual confusion and anxiety. It is characterised by striking out against the larger society and by feelings of alienation, loss of identity, and what has been termed "acculturative stress"' (Berry et al. 1989: 54). Most refugees go through the process of marginalisation which usually becomes their permanent situation.

1.1.6 Local integration

On the other hand, local integration is often defined as the opposite of marginalisation. It is a dynamic two-way process affecting refugees, asylum seekers and migrants as well as the host community where, over time, both populations undergo a process of change as a response to the interaction they have with one another (Harrell-Bond 2002: 16). Integration is directly linked to long-term resettled residents who experience adaptation and at least some degree of integration. De facto integration refers to a situation where,

[T]he refugees are not in a physical danger, enjoy freedom of movement, have the right to sustainable livelihoods (through the unrestricted right to work), have access to education or vocational training, health facilities, housing, and are socially networked into the host community (where intermarriages are common) with little distinction in the standard of living between the hosts and refugees (Jacobsen 2001: 541).

As a process affecting both communities, integration can be considered successful when it brings about positive impacts for both populations.

While studying refugee livelihoods, it is significant to refer to the host society and the interaction between the hosts and their 'guests'. The discussion of this interaction becomes inevitable particularly when examining the situation of self-settled refugees existing among the local host community, who share the same frustrations of urban life in a developing country. Local integration, unfortunately, is referred to by many scholars as the 'forgotten solution' for developing countries (Jacobsen 2001: 543). However, 'conceptualization of the term integration has been quite a challenging endeavour, with different meanings proposed by different scholars, often imprecise and even contradictory' (Gabska 2005: 23).

Local integration, as defined by the 1951 Refugee Convention, is a combination of assimilation and naturalisation, thus specifically referring to the granting of asylum and residency, and eventually citizenship by the host government. UNHCR itself defines integration as the process by which the refugee is embedded into the social and economic life of a new national community (UNHCR website)

In the overwhelming majority of states in the global South, particularly in Africa and the Middle East, the possibility of local integration has not been accepted and is often aggressively rejected by most host governments. The presence of refugees is seen as temporary, thus leading to two possible solutions: either repatriation to their country of origin or resettlement to a third country. In Egypt, although refugees are tolerated and have been allowed to settle among the local host community, resettlement has been the preferred solution, both from the point of view of the host government and refugees themselves. Resettlement, however, is only a solution for recognised refugees and is not offered to 'closed-file' and rejected asylum seekers. With little chance for full integration, especially since the host government views their presence as transitory or non-existent, the majority of our target population tend to live on the margins of the host society, yet constantly interact and come into contact with its members.

2 Methodology

2.1 Research methods and approaches


The project was carried out over a period of six months and was divided into three stages. The first stage was dedicated for desk research, which aimed to provide a conceptual framework for the study; the second was to identify target groups for the research and the third, to identify local and international organisations working with the target groups.

2.1.1 Providing the conceptual framework of the study

As seen in Section 1, important concepts to the study were identified, studied and explained. Government and UNHCR policies were also investigated.

2.1.2 Identifying the target groups for the research

The number of closed-file cases was gathered from UNHCR data. Preliminary research was conducted regarding UNHCR's RSD process and how it has evolved in the last decade. The aim was to understand the rate of rejection at the UNHCR Cairo office and to estimate the volume of closed-file cases in Egypt as well as the reasons why there were such high rates of rejection in years. Following that and through contact with gatekeepers from the different refugee communities, the



research team identified some of the participants. Gatekeepers were community leaders from all five communities and those working in civil society organisations offering support and services to the population under investigation. As trusted members in their communities, their support was essential in gathering participants for the focus group discussions (FGDs). From among the community of closed-file individuals that could be reached, a selected sample was drawn with whom the research team conducted FGDs. The sample was drawn in a way to ensure that it included members of different communities, genders and age groups.

2.1.3 Identifying local organisations which assist the target groups

The study also mapped service providers, organisations and networks that provide assistance to the target groups, and other relevant stakeholders. Understanding the different categories of service providers was also significant. For the purpose of this socio-economic and protection assessment, the study highlighted the importance of the roles of the following service providers to this particular group:

- International and intergovernmental organisations
- Non-governmental organisations (NGOs)
- Community-based organisations
- Faith-based organisations
- Community members/networks
- Diaspora organisations

A considerable number of international and local organisations provide services to UNHCR's recognised refugees and asylum seekers. In recent years, some local organisations that used to target locals only now include refugees within their scope of work. The study identified these organisations and research and interviews were carried out to assess their capacity and their willingness to include those vulnerable groups. It was an integral part of the project because these service providers:

- Provided access to the closed-file group which are the hardest to reach.
- Provided information regarding the vulnerabilities and critical protection concerns of this group since these service providers are frequently approached by them.
- Provided safe locations in which to conduct the FGDs. The population under investigation was unable to access the university premises where the research team was based, since they are required to have valid identification documents (IDs) to authorise entry. Also, they were unwilling to go to places they were not familiar with. As a result, all the FGDs took place in the research team's partners' premises and community centres.

2.1.4 Developing the research design and data-collection tools The study team developed:

- Focus group discussion guide for moderators (questions for participants including a short survey to record gender, sex of head of household, marital status, and number of people living in the household),
- Focus group discussion note-taking template, and
- Key informant interview guide (questions for service providers and relevant stakeholders).

There were two major components to the FGD questions: livelihoods and protection. The livelihoods component addressed housing/shelter, employment, education, and health. The protection component included legal status, sexual and gender-based violence (SGBV), and access to justice.

The second stage was the fieldwork. For this, twelve field researchers were recruited and worked under the direct supervision of the fieldwork coordinator. The lead researcher and the research associate conducted interviews with key informants from the communities under study as well as international organisations that provide assistance to closed-file individuals. The third stage was the analysis/writing phase.

2.2 Screening and mapping the target groups

The decision to study this particular target group required a methodology that ensured the safety and security of both respondents and researchers due to their vulnerability and the sensitivity surrounding their presence in Egypt. Because the target population lives in a legal limbo, with no valid documents or residence permits, they live in constant fear of arrest and potential deportation.

Table 1. Official numbers of closed-file refugees in Egypt per nationality group as of July 2017

Community	Number of persons of concern to UNHCR	Number of closed files (not of concern to UNHCR)
Sudanese	23,841	20,983
South Sudanese	3,061	561
Ethiopian	4,299	3,879
Eritrean	2,635	2,248
Somali	6,343	5,768

It was thus difficult to access the target population, which is why the Center for Migration and Refugee Studies partnered with the Egyptian Refugee Multicultural Council (Tadamon), a local organization, to facilitate access to these communities. Ten of the twelve field researchers recruited for this study were from the communities themselves but were migrants, recognised refugees, or asylum seekers and two were Egyptian with a strong command of the Arabic language and who were thus able to conduct focus group discussions (FGDs) with the Sudanese respondents.

The study focused on five communities of closed-file individuals in Egypt: the Sudanese, South Sudanese, Ethiopian, Eritrean and Somali communities (Table 1). A total of 29 FGDs with 186 respondents were carried out for this project. The participants were individuals who frequently accessed Tadamon and community centres for assistance. Using the snowballing technique, the first few participants were encouraged to bring with them any family and friends who were in a similar situation to participate in the study. Some participants were reluctant to participate due to fear of deportation and/or arrest. The groups were segregated by gender to ensure that the participants were comfortable in answering all questions, particularly those related to sexual and gender-based violence. Because of language barriers, each FGD included members of a particular community. In the case of the Ethiopian closed-file participants, the Oromo and Amhara participants were also divided based on ethnicity. Each participant attended only one FGD. On average, six participants attended per FGD. Table 2 outlines the number of FGDs conducted, and the participants per community by gender.

Table 2. Focus group discussions and respondents per community

Community	No. of FGDs conducted	No. of male respondents	No. of female respondents	Total respondents
Sudanese	10	36	27	63
South Sudanese	5	14	24	38
Ethiopian	5	9	17	26
Eritrean	4	0	26	26
Somali	5	12	21	33
Total	29	80	106	186


2.3 Challenges and limitations

The first and most difficult challenge for conducting this research was reaching the participants. Conducting research with refugee communities in Egypt in general is very challenging. The first challenge is the security risk associated with conducting this type of politically sensitive research. The second challenge is reaching the communities and building trust among community members who sometimes express the view that researchers are exploitative and are only interested in finding results for their projects rather than genuinely trying to help the communities. Reaching the target group was more challenging than expected. Previous projects had relied heavily on contacts with community centres and community leaders; however, despite resorting to them for help, they also found it challenging to reach the ‘closed-filed’ and have them participate in this research project. Having field researchers from these communities contributed greatly to overcoming this major constraint.

Another challenge was setting the right expectation with the participants who were expecting to receive direct assistance based on their responses. Participants were provided with compensation for their transportation. They were also offered refreshments by researchers during the FGDs. They were reluctant to sign a consent form; however, they were requested to sign the transportation form to receive their compensation which also served as a consent form. The researchers were also asked to explain the difference between anonymity and confidentiality and had to clarify that the project was research-focused and most importantly, that they were not acting as mediators between the participants and UNHCR in an attempt to reopen their cases.

3. Legal framework governing refugees and migrants in Egypt

The international refugee regime is governed by international refugee law. The basis of this is the 1951 Refugee Convention which defines who is a refugee and also provides the rights and entitlements that should be guaranteed to all refugees. The definition, as stated in the concepts/terminologies section, is highly criticised for being outdated as it was developed during the Cold War where the image of a refugee was quite different than the current context. During the Cold War, the ultimate target of the refugee convention was to provide protection to individuals fleeing the Soviet Union and its neighbouring communist states: mostly political activists, scientists, engineers, and other professionals fleeing to Western Europe and North America. It is for this reason that the refugee convention initially applied only to Europe but was later expended by the 1967 protocol which lifted the geographic limitation. The definition, however, does not suit the types of refugee movements seen today.



The 1951 Refugee Convention was ratified by Egypt in 1981; however, five reservations were made. The justification provided for the reservation to Article 12(1) is its contradiction with the internal laws of Egypt. The article 'provides that the personal status of a refugee shall be governed by the law of the country of his domicile or, failing this, of his residence' (UNHCR 1951). According to Article 25 of the Egyptian civil code, 'the judge declares the applicable law in the case of persons without nationality or with more than one nationality at the same time. In the case of persons where there is proof, in accordance with Egypt, of Egyptian nationality, and at the same time in accordance with one or more foreign countries, of nationality of that country, the Egyptian law must be applied.' As a result, a clear contradiction is evident between Article 12(1) of the refugee convention and the national laws of Egypt. The competent Egyptian authorities have expressed that they are not in a position to amend Article 25 of the civil code. Concerning articles 20, 22 (paragraph 1), 23 and 24 of the convention of 1951, the competent Egyptian authorities had reservations because these articles consider the refugee as equal to the national. The purpose of the reservations is to avoid any obstacle which might affect the discretionary authority of Egypt in granting privileges to refugees on a case-by-case basis which is the current situation with regard to refugee rights and entitlements. They are nationality based and are thus not uniform across all refugee communities.

To overcome the challenges of the narrow definition, regional bodies developed mechanisms that would explain the definition of refugees within their own context. In the context of Egypt, the most relevant is an initiative undertaken by the Organisation of African Unity (OAU), the predecessor of the African Union, which adopted the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa in 1969. The convention applies the 1951 Refugee Convention definition but specifies, according to Article I (sub-paragraph 2), that the term 'refugee' shall also apply to 'every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality' (OAU Convention 1969). As a member of the OAU and African Union, Egypt has signed the OAU convention but has not ratified it.

Similarly, the League of Arab States developed the 1994 Arab Convention on Regulating the Status of Refugees in the Arab Countries (Refugee Survey Quarterly 2008). The convention defines a refugee under Article 1 as 'any person who is outside the country of his nationality or outside his habitual place of residence in case of not having a nationality and owing to well-grounded fear of being persecuted on account of his race, religion, nationality, membership of a particular social group or political opinion, unable or unwilling to avail himself of the protection of or return to such country' and 'any person who unwillingly takes refuge in a country other than his country of origin or his habitual place of residence because of sustained aggression against, occupation and foreign domination of such country or because of the occurrence of natural disasters or grave events resulting in major disruption of public order in the whole country or any part thereof' (Arab Convention 1994, Article 1). All member states of the League of Arab States have ratified the convention except for Egypt, which only signed it but has not ratified it.

On the other hand, there is no corresponding international migration law. As a result, the governance of migrants is not as defined as the governance of refugees. The laws that protect migrants do not come from a single convention or area of law. A combination of international instruments provide protection to the rights of migrants.

They are protected under all human rights instruments such as the:

- United Nations Charter
- Universal Declaration of Human Rights (UDHR)
- Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)
- Convention on the Rights of the Child (UNCRC)
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Social Economic and Cultural Rights (ICESCR), and
- International Labour Organization's (ILO) conventions.

Such instruments provide protection to migrants in regular and irregular situations. As a result, the basic human rights are to be guaranteed to all individuals, regardless of their status.

4. Policy and institutional frameworks for refugees and migrants in Egypt


Despite the constant regime change in Egypt, refugee policy has been quite stagnant. The policy and institutional framework governing refugees and migrants in Egypt is very centralised. Whilst it hosts a significant number of refugees, Egypt has not developed a national asylum procedure nor does it have a particular institution dedicated to refugees present on its territories. As a result, UNHCR is entrusted with the functions of registration, documentation and refugee status determination (RSD), which are supposedly government functions under international law. As such, Egypt is considered a state where UNHCR functions as a 'UN surrogate state'. (Kagan 2001: 1)

4.1 The UN surrogate state: government of Egypt–UNHCR relations

'UN surrogate state' is a term developed by Slaughter and Crisp (2009) to describe cases in which there is a de facto transfer of responsibility from sovereign states to UNHCR regarding the management of refugees on their territories. This situation can be seen in various countries in the Middle East, Africa and Asia where UNHCR is delegated the authority to carry out refugee registrations, status determination and administration of social welfare programmes related to education, health and livelihoods (Slaughter and Crisp 2009: 3). While carrying out such functions, UNHCR acts, to a great extent, as a 'surrogate state', performing the roles that are supposed to be undertaken by states but without the capacity to fully substitute the host governments. This state-to-UNHCR responsibility shift is central to the discussion on the autonomy and impartiality of UNHCR.

As Slaughter and Crisp point out, host governments in the global South, where the majority of refugees are located, accept to admit mass influxes while refraining from *refoulement*¹ of refugees on the premise that the needs of such vulnerable populations are to be fully met by the international community, a situation commonly referred to as burden sharing. Non-refoulement is an internationally recognised principle which prohibits the return of a person to a country where he/she has reason to fear persecution. It is undoubtedly the most essential component of refugee status. Due

¹ 'Refoulement' means the forcible return of refugees or asylum seekers to a country where they are liable to be subjected to persecution. 'Non-refoulement' is a fundamental principle of international law. It is 'a concept prohibits States from returning a refugee or asylum seeker to territories where there is a risk that his or her life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group, or political opinion' (Lauterpacht and Bethlehem 2003).



to restrictive asylum policies in the global North, the number of resettlement slots for refugees are minimal in comparison to the number of refugees present in each host country. As a result, countries of the global South expect UNHCR to take over the responsibility for refugees and meeting their needs.

Despite the predominance of this phenomenon in the global South, this responsibility shift does not take place in all states of the South, but it must be noted that 'it is nearly universal in the Middle East' (Kagan 2011: 2). While the precise agreement regarding the division of responsibilities between the host state and UNHCR varies in each situation, 'the general patterns of responsibility shift fits Isaiah Berlin's classic distinction between positive and negative liberties (Kagan 2011: 5). In this regard, the central role of the host government is the protection of negative liberties. Negative liberty is the absence of external obstacles, barriers or constraints. For refugees, this refers to critical security threats that often translate into refoulement and detention by the state through deportation and police harassment.

It is generally assumed by academics and practitioners that the state-to-UNHCR responsibility shift happens when UNHCR desires to maximise its power (Slaughter and Crisp 2009: 5). However, the reality is that there are political forces that lead states to want this transfer for their own benefits. Such benefits include lack of expectations of host states to provide assistance and protection to refugees as well as increased support from donor states. In this type of relationship, the host government can live up to its end of the bargain by simply refraining from deporting or arresting refugees. This form of protection is quite limited and puts a heavier load on UNHCR.

A bilateral memorandum of understanding (MOU) between Egypt and UNHCR was signed in 1954 (Badawy 2010: 6). As Egypt hosts the oldest UNHCR office in the MENA region, the MOU is also the oldest signed in the region. Despite the fact that the MOU is quite general and ambiguous with regards to Egypt's obligations towards refugees, it is clear about the state versus UNHCR division of tasks (Badawy 2010: 7). MOUs are a common tool for developing states to overcome the burdens associated with the mass influx of refugees by delegating significant tasks to UNHCR. Cairo hosted the fifth largest urban refugee population worldwide even before the Syrian influx. It is expected to have gone up the rank after the influx of Syrian refugees. In this regard, UNHCR is delegated the authority to 'help the most destitute refugees' and would also coordinate the activities of the welfare programmes designed to benefit refugees and provide them with social welfare (Badawy 2010: 6). There is no mention of the explicit delegation of registration and refugee status determination to UNHCR; however, in practice it has been part of UNHCR's operations and duties. These roles are implied by the provision, which calls for UNHCR to 'cooperate with governmental authorities in view of undertaking the census of and identifying the refugee eligible under the mandate of the High Commissioner' (Kagan 2011:32).

As a result, the government of Egypt does not promise any rights to refugees under the MOU with UNHCR except granting residence permits to refugees who fall under UNHCR's mandate and explicitly stresses that only repatriation or resettlement are to be considered the durable solutions in Egypt. Local integration is thus not granted as a durable solution for refugees in the country, which shows the extent of difficulty faced by the refugee communities remaining in Egypt and service providers in providing sustainable livelihoods.

Another major limitation to the arrangement is the fact that once the files of asylum seekers are closed by UNHCR, these individuals fall out of the mandate of any institution

that is particularly dedicated to providing assistance. As demonstrated in the analysis below, few receive assistance from international and/or national organisations. There are no services provided particularly to closed-file populations.

4.2 UNHCR institutional asylum procedures

UNHCR's policy is made up of twelve objectives. These objectives fall into three main categories. Firstly, documentation and status determination. Secondly, community relations and finally, safe and sustainable existence for urban refugees. (UNHCR 2016) For the most part, the closed-file cases are unable to make use of the third category as they are not recognised as refugees and therefore are entitled to very few, if any, rights and services despite their vulnerability.

Asylum seekers are required to register with UNHCR upon arrival in Cairo, when they receive their asylum-seeking card (the 'yellow card') which enables them to stay in Egypt under the protection of UNHCR until they are scheduled for a refugee status determination (RSD) interview. Following RSD, if refugee status is granted, the person becomes a recognised refugee and receives a blue card. Yellow and blue cardholders are considered as 'people of concern to UNHCR' and are protected by the organisation; the most important protection is protection against refoulement or 'forced return to the country of origin'. Moreover, they are entitled to assistance from UNHCR's implementing partners. Anyone rejected after the RSD interview is entitled to appeal. But if the appeal fails, the file is considered closed by UNHCR – that person is no longer of concern to UNHCR – and is expected to leave Egypt. In practice, however, there is no mechanism by which either the Egyptian government or UNHCR makes close-file people leave Egypt, and a large number of 'closed files' continue to live in Cairo in legal limbo, not entitled to any rights or protection and as such are vulnerable to deportation, exploitation and maltreatment. (Jacobsen et al. 2012)

Table 3 below outlines the procedures provided by UNHCR for those whose asylum claims get rejected.

Table 3. UNHCR's recommended renewal policy according to the stage of the case in the RSD process

The applicant is rejected in the first instance, is notified, and submits an appeal	The applicant can renew his/her asylumseeker card upon evidence that the appeal form has been submitted. If the appeal has been submitted but not yet recorded by the RSD registration unit, the paper receipt will be accepted as a proof of appeal. The applicant can therefore proceed with the renewal of his asylumseeker card if presenting a receipt.
The applicant is rejected in the first instance, is notified and has not submitted an appeal, but is still within the 30-day period	The applicant will be asked to submit his/her appeal. The RSD registration unit will proceed with the renewal upon confirmation that the appeal has been submitted and upon presentation of the receipt issued at Window IV.
The applicant is rejected in the first instance, is notified, but does not submit an appeal within the 30-day period	If the case is closed or deactivated, the applicant will be requested to submit a reopening request. Registration will not issue any documents until the reopening/ reactivation decision has been granted by the RSD registration unit and the case is reopened/reactivated. If the case is still active, the receipt proving that the appeal request has been submitted will suffice to proceed with the renewal.

5. Socio-economic and livelihood challenges

In the following section, the results of the FGDs are analysed and complemented with the interviews conducted with community leaders and service providers. It starts with a brief examination of the demographic characteristics of the sample and the communities studied as part of this study. After that, the analysing of their housing, employment, education, and health conditions are presented. In each section, a description of their conditions is presented as well as the service providers who support the target population and the coping mechanisms developed and utilised by the community to try and overcome challenges and barriers in each of these categories.

5.1 Demographic characteristics

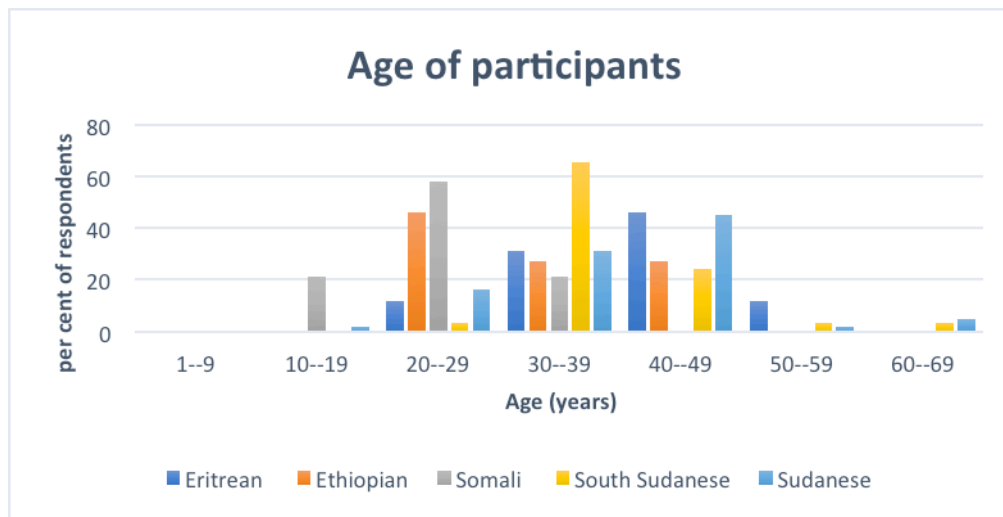
5.1.1 Gender

There are various similarities and differences among the demographic characteristics of the five communities that are part of this study. Participants were not willing to share how many years they have been in Cairo out of fear of being traced. In terms of gender, an interesting observation made regarding all nationalities (with the exception of Sudanese participants) is the difficulty faced in finding men to participate in FGDs, as 106 of the 186 respondents were women and 80 were male respondents. In the case of Sudanese, there is a sizable female population; however, the women were more reluctant to participate in the study than men. However, all Eritrean participants were women. Despite having asked the Eritrean community leaders and the female participants to recommend Eritrean men who fall under the 'closed-file' category, no male participants were contacted by them to participate. The married participants reported that their husbands were either still in Eritrea or attempting to cross the Mediterranean Sea towards Europe. Some were unable to locate their husbands. In the case of Ethiopians and Somalis, there were proportionally more single women and mothers are than in the other communities.

5.1.2 Age

The majority of the sample was in their 30s, although there were a few respondents in their teens, 50s and 60s (see Figure 1). However, among the Ethiopian and Somali samples, the majority of participants were in their 20s with 46 per cent and 58 per cent respectively. For Ethiopians, the remaining 54 per cent was divided equally between people in their 30s or 40s. As for the Somalis, the remaining 42 per cent were divided between those in their 30s and those in their teens. Since this project did not include minors, a 'teen' refers to those aged 18–19 years. For the Eritrean and the Sudanese sample, the majority were in their 40s – 40 per cent of the Sudanese were in their 40s followed by 27 per cent in their 30s, 14 per cent in their 20s and 14 per cent in their 50s. The remaining 5 per cent were aged 18–19 or 60 and above. For Ethiopians, 46 per cent were in their 20s, 27 per cent in their 30s, and 27 per cent in their 40s. The only community with the highest number of participants being in the 30s was the South Sudanese community with 66 per cent. Those in their 40s constituted 25 per cent of the respondents followed by 3 per cent each for those the 20s, 50s and 60s age groups.

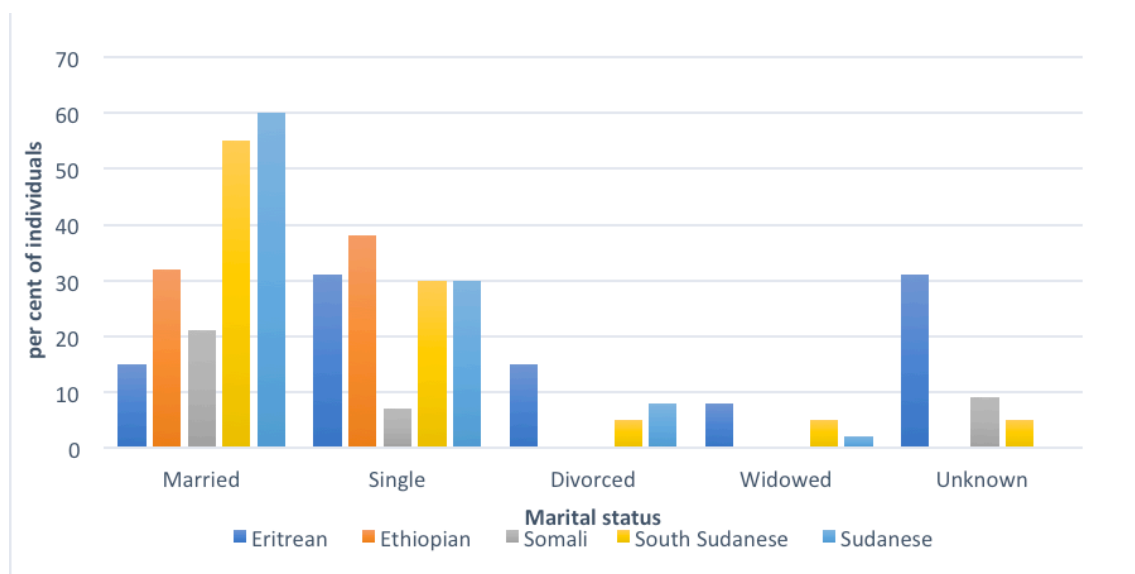
Figure 1. Sample breakdown by age per community



5.1.3 Marital status

As demonstrated in Figure 2, the majority of participants from Sudan, South Sudan and Ethiopia were married. However, the majority of Somalis and Eritreans were single females.

Figure 2. Sample breakdown of marital status per community



5.2 Housing challenges

Worldwide, urban refugees and low-skilled economic migrants often complain about the lack of proper housing opportunities and expensive rent. On the other hand, placing refugees in refugee camps has been criticised by academics, activists, practitioners and policymakers since camps restrict people's movement and access to labour markets. Camps also imply that the situation is temporary while in reality refugees remain for years and even decades. Today, over 60 per cent of the 19.5 million refugees in the world and 80 per cent of the world's 34 million internally displaced persons (IDPs) live in urban areas (UNHCR, undated b). UNHCR argues that 'Unlike a camp, cities allow refugees to live anonymously, make money, and build a better future' (ibid). Since Egypt has no encampment/settlement policy, refugees, asylum seekers and thus closed-filed and rejected applicants live in cities; most specifically, they live in Cairo and Alexandria, the two main urban centres.

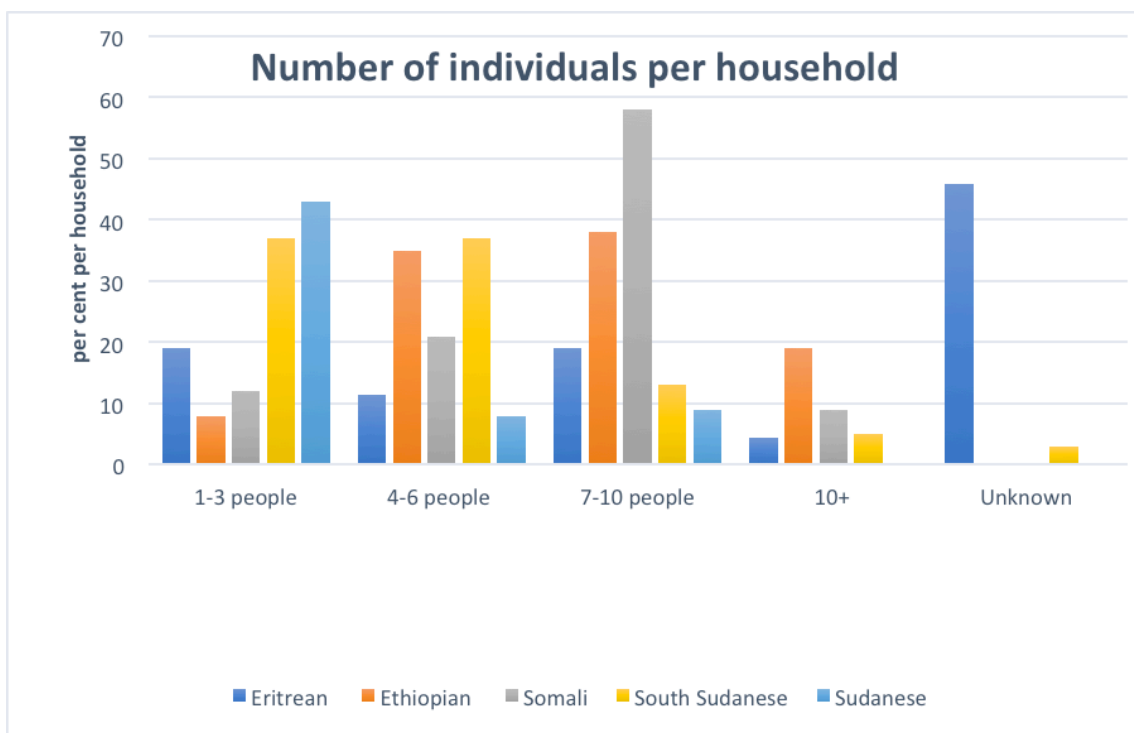
While some might consider this situation as favourable to the designated population, this study finds various challenges that the closed-file community faces regarding housing and shelter. The three most prominent challenges concern housing requirements, housing conditions and exploitation and discrimination by landlords and neighbours.


5.2.1 Housing requirements

The first and most obvious challenge for closed-file and rejected asylum seekers is difficulty finding housing due to the fact that landlords often require residence permits which only blue and yellow cardholders can receive. Even if they are able to find a landlord who is willing to rent his/her apartment without having identification documents from the residents, this means that there is no contract to safeguard the rights of the tenants. Accordingly, they are often evicted without prior notice and without given time to collect their belongings. In various cases, and in all communities studied, participants recalled being evicted for reasons such as sudden and persistent increases in rent.

As pointed out in previous studies on refugees in Cairo, there is ‘no difference in terms of living conditions [housing] between those refugees who are rejected and those with refugee status’ (Gabska 2005: 54). As supported by this study, it is often the case that different groups live together in order to maximise their resources (see Figure 3) in terms of rent payment, and minimise their insecurities. However, the findings show that participants who shared apartments with United Nations ID cardholders with tenancy contracts are still subjected to abuse by landlords. The landlords take advantage of the fact that organisations will not intervene and that the police will not provide support to the refugees when a landlord violates the terms and conditions of the contract. Such landlords simply ask the tenants to leave if they oppose these violations.

Figure 3. Number of individuals per household per community





Another significant obstacle regarding housing requirements is the need to pay intermediaries and insurance deposits in order to rent an apartment. The commissions charge by intermediaries are considerably high. They often amount to a month's worth of rent. On the other hand, landlords require them to pay at least two months' worth of rent as insurance in case anything happens to the apartment. A significant number of participants have pointed out that when they moved to another apartment or were evicted, they did not receive their insurance deposit back despite the fact that the apartment was left in the same condition as when they moved in. One participant stated that he and his roommates were evicted only two days after moving in, despite having paid the intermediary's fee and the insurance. Intermediaries are mostly Egyptians living in the areas where these communities are concentrated and facilitate the communication between landlords and possible tenants.


All foreigners in Egypt – anyone who is not an Egyptian citizen – pay a higher rent than Egyptians, and this extends to closed-file and rejected asylum seekers. They also reported that they pay more electricity and water than other tenants in their building, despite having to split the bills equally between all residents. However, a significant observation of this study is that South Sudanese and Sudanese tend to pay less than Somalis, Eritreans and Ethiopians but still higher than Egyptians. There are several explanations for why this might be the case. First, the Sudanese and South Sudanese speak Arabic while the other three communities are not always Arabic speakers. This might influence the degree of being considered a 'foreigner'. Historically, Sudan and Egypt were one country and ruled by the same king. Egyptians are thus more aware of the dire situation in Sudan than they are with the situations in Somalia, Eritrea or Ethiopia.

Not only is the rent high, it also can increase persistently. According to the focus group discussions, rent has been increasing monthly due to the fluctuating US dollar rate in Egypt. This is not only affecting closed-file communities but all non-Egyptians. This is due to the general misconception that non-Egyptians are paid in dollars, particularly Ethiopians, Eritreans and Somalis who mostly work as domestic workers for upper-middle-class families. It is also due to the misconception that international organisations offer them assistance and that donors provide housing allowance particularly for refugees in Egypt.

5.2.2 Housing conditions

When choosing accommodation, refugees and migrants take into consideration the concentration and presence of their community in a particular location first and foremost. It is for this reason that different refugee communities are clustered in various neighbourhoods around Cairo. They also consider the rent, safety and proximity to service providers which might provide them with assistance. It comes as no surprise that closed-files choose to reside in areas where members of their community are present to rely on their social networks. But it is also because it is easier to become 'invisible' among the larger migrant and refugee populations that have resided in these areas for generations (Gabska 2005: 55). Refugees in Egypt often occupy small, poorly furnished apartments in poor neighbourhoods in Cairo. The study population is no exception. The major challenges pertaining to the housing conditions are related to the location of residence, over-crowding, and lack of proper structures.

The shabby neighbourhoods, where refugees often reside, are less safe than other areas in Cairo. Some areas are more dangerous than others. For instance, Masaken Othman Road in the 6th of October City area of greater Cairo is considered one of the most dangerous areas in Cairo yet it hosts a significant number of the Sudanese community. Participants, particularly female participants, pointed out that they experience sexual



and verbal harassment. Two participants pointed out that due to the unsafe nature of their neighbourhood, they feel obliged to lock their children in the apartment when they leave for work. However, this is not a very safe coping mechanism seeing that it might have a negative consequence in situations that would require the children to leave the apartment, such as a fire. Because these neighbourhoods are very crowded, participants also pointed out difficulty in sleeping due to noise.

All participants agreed that they faced major challenges within their neighbourhoods. In some cases, they have been blackmailed by neighbours who are aware of their legal dilemma. In other instances, they experienced severe xenophobic attacks ranging from name-calling to physical assault and other forms of harassment. One participant pointed out that Egyptian children had attacked them with rocks – but when they complained to the parents, they were threatened with more violence. Children are the most vulnerable in this situation. A Sudanese mother of four stated that her children are often attacked when going to the supermarket. They are harassed and, in some cases, have their money stolen. Another common abusive practice is throwing trash in front of the doors to apartments of refugees. Such incidences were a common experience across all communities, gender and ages.

Overcrowded apartments are another major challenge. Due to high rents refugees, asylum seekers, and closed-files often end up moving in with other families in order to afford the rent. The results showed that up to 15 people can be found living in small and poorly furnished apartments (Figure 3). This has many implications. Firstly, various respondents complained about the lack of privacy in overcrowded apartments. They also expressed concern over the ability to leave their children, especially female adolescents, in the apartment when shared with men. This puts restraints on mothers and fathers who must work in order to generate an income. Respondents also stated that they do not necessarily get along very well with their roommates but have no alternatives. This is also a challenge if one of the occupants of the apartment is unable to pay the rent. The others must either pay for them to avoid conflict with the landlord or face actual eviction.

Having a large number of individuals living in overcrowded conditions also poses serious health issues. One Ethiopian respondent stated that he lives with nine other people, one of whom has tuberculosis. Due to the inadequate size of the apartment, the patient could not be isolated. This also relates to the broader issue of poor-quality apartments. Most respondents expressed concern about the lack of ventilation and proper sanitary conditions in their living arrangements. The effects of these limitations are felt more strongly when a large number of individuals are crammed into a small space. The elderly are particularly vulnerable.

5.2.3 Exploitation by landlords

Previous studies have observed that refugee populations are highly mobile: 95 per cent of study respondents have moved apartments. High rents, as well as problems with neighbours and landlords, were among the most common reasons why respondents changed their accommodation. They are often evicted for failing to pay the rent. Respondents also reported experiences of theft, (sometimes by their landlord, by keeping a copy of the key to the apartment without informing the tenants), harassment and imposition of arbitrary rules by their landlord. Eritrean and Somali female respondents recalled similar experiences of harassment where the landlord's son and friends stormed into their apartment to sexually harass them. In cases where an apartment is occupied by a single gender, landlords often impose

restrictions on visitors particularly if they are of the opposite sex. While this is most common for females, male respondents have also experienced such restrictions.

5.2.4 Coping strategies for housing challenges

In order to pay rent, the target population reported using various strategies. One is finding accommodation in risky neighbourhoods since they are less expensive than other areas. Another strategy is sharing accommodation with other refugees and migrants from the same community. Sharing accommodation results in overcrowding, with limited space occupied by multiple families, relatives, extended relatives, friends, or even strangers. Sharing accommodation can be beneficial in overcoming exploitation by landlords by having tenancy contracts. Unfortunately, as stated above, even in cases where there are contracts, violations still occur. Respondents living in apartments where there is a contract in place have complained about annual increases in rent but respondents without contracts have experienced increases in rent on a monthly basis.

A third strategy is borrowing money from relatives and friends in Cairo or receiving family support from abroad. A significant number of respondents are in debt due to borrowing money for accommodation or healthcare. Support from families back in their country of origin is common in the case of the Sudanese, South Sudanese and Eritrean communities. Respondents asserted that cutting down on food and drink or only eating one meal a day is necessary because it is more important to pay rent. The health effects of this strategy are further discussed in the following sections.

To address sexual harassment by landlords and neighbours, women said they found it important to have male occupants in the house. This was particularly common among the Somali community due to the fact that they have the highest rates of single women. However, few women from the other communities expressed the same views. One Sudanese respondent stated that she had to go back to living with her abusive husband despite the problems between them just to avoid the random visits from the landlord.

Many respondents reported working more than one job with very rigorous time schedules in order to cover their basic needs. There were also a few cases where individuals minimised housing costs by staying in their place of work. While Gabska argues that this is a common strategy among refugees (2005: 59), only three of the study participants use this strategy. Two female respondents live with elderly women who provide them with shelter and food in return for taking care of them. A male respondent used to live in a school where he was employed. However, most respondents stated that they depend on assistance from their families and relatives to pay rent in case when there is no sufficient monthly income. This strategy puts them in debt to others who are, in most cases, vulnerable as well and are also in need of financial support.

5.2.5 Service providers

Only 12 participants received housing assistance. Five Eritreans and one Ethiopian said they had received US\$28.41 per month from the International Organization for Migration (IOM) for four months before the assistance stopped. One Eritrean, two Somalis, and two South Sudanese received assistance from Caritas. The Eritrean participant received the assistance until her daughter received a scholarship and moved abroad while the South Sudanese participant received US\$11.36 for eight months while he was being treated for tuberculosis, but then the assistance stopped. Lastly, two Ethiopian respondents

received assistance from their community centre but only once.

5.3 Employment challenges

The irregular situation of the target population constrains their ability to work. The overwhelming majority of refugees and asylum seekers in Egypt work in the informal sector. It is extremely difficult even for recognised refugees to access the formal labour market. Recognised refugees must follow the same labour regulations governing access to the labour market as all non-Egyptians; they receive no exception. To understand the rigidity and restriction for labour-market access, the right to work for refugees must be analysed within the context of the local economy.

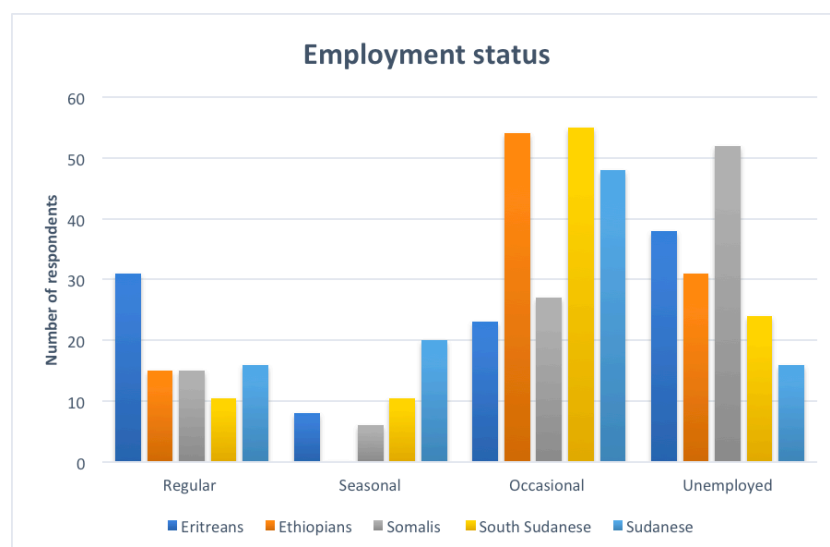
According to the Central Agency for Public Mobilization and Statistics (CAPMAS), the unemployment rate for Egyptians for the first quarter of 2016 in the 15–64 age range fell to 12.7 per cent, compared to 12.8 per cent in the last quarter of 2015 (Mounir 2016). However, the unemployment rate in the 15–29 age range reached 27.3 per cent, a significantly high percentage. These rates portray the struggle of the Egyptian economy to provide access to livelihoods for its own citizens. As a result, ‘obtaining a work permit for refugees is subject to strict criteria, including presentation of documents and possession of qualification unique in Egypt as well as fees reaching as high as 50 US\$’ (Gabska 2005: 40). Employers are not willing to apply for those permits. Recognised refugees are thus working in very similar environments as closed-file and rejected asylum seekers and face similar exploitations. The analysis below focuses on the exploitations that are relevant to the target population of closed-file refugees.

5.3.1 Employment profile

The target population of this study lives in difficult socio-economic conditions with limited livelihood resources and rarely receive assistance from any service providers. They depend on any form of income-generating activities to support their basic needs. This study found that 88 per cent of the sample are within the working age of 20–49 years.

The results indicate that 72 per cent of male closed-file respondents and 74 per cent of female respondents are economically active. The Sudanese community records the highest activity rate: 84 per cent of the sample is engaged in an income-generating activity and the Somali community scored the lowest with only 48 per cent of the sample being engaged in the labour market particularly due to the language barrier (Figure 4).

Figure 4. Employment status per community



As workers, the majority of women across all communities work as domestic workers. Men on the other hand, work in a variety of industries. A considerable number of men work as cleaners but not in domestic households, but rather in companies, shops and schools. In the case of Ethiopians, men face more difficulty in finding work than women. In Cairo, there is a high demand for Ethiopian female domestic workers. Ethiopian men end up working as labourers in factories, the majority in ceramics factories in particular. Somali men, on the other hand, work in the service industry, mostly as waiters in restaurants and cafes. Sudanese and South Sudanese seem to be employed under similar conditions. Few work in pharmacies, clinics or private companies. This could be due to the fact that they are Arabic-speaking but also because they have attained relatively higher educational levels than other communities. However, these jobs also provide little income and exploitation is prevalent.

Despite the fact that previous studies on different refugee communities in other countries show that ‘refugees tend to maintain the same kinds of jobs they used to occupy before [their displacement]’ this is not the case for the target group in Cairo (ILO 2013). Only a few in the sample occupy the same kind of job as in their country of origin (Figures 5-8). One of the Eritrean participants was working in the government sector in Eritrea but currently works as a domestic worker in Egypt. None of the female sample ever worked as domestic workers in their country of origin. A significant number either never worked or worked in family businesses. In the case of male respondents, many were self-employed as merchants, traders or small-business owners.

The overwhelming majority of the sample work on a seasonal, weekly or daily basis: only 16 per cent reported that they are regularly employed.

Figure 5. Jobs of female participants in countries of origin

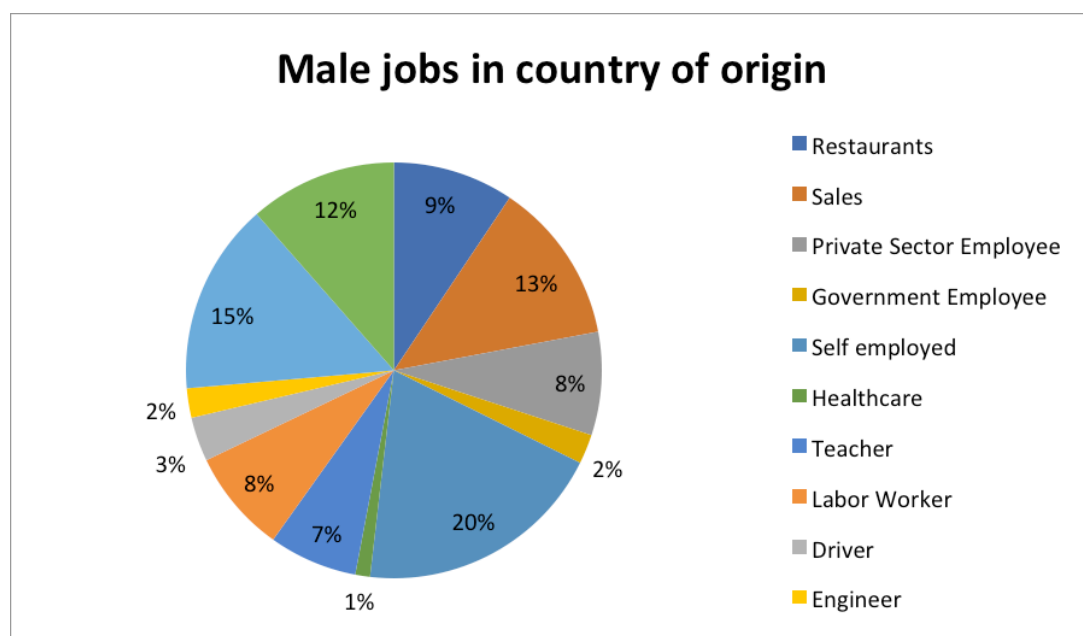


Figure 6. Jobs of female participants in egypt

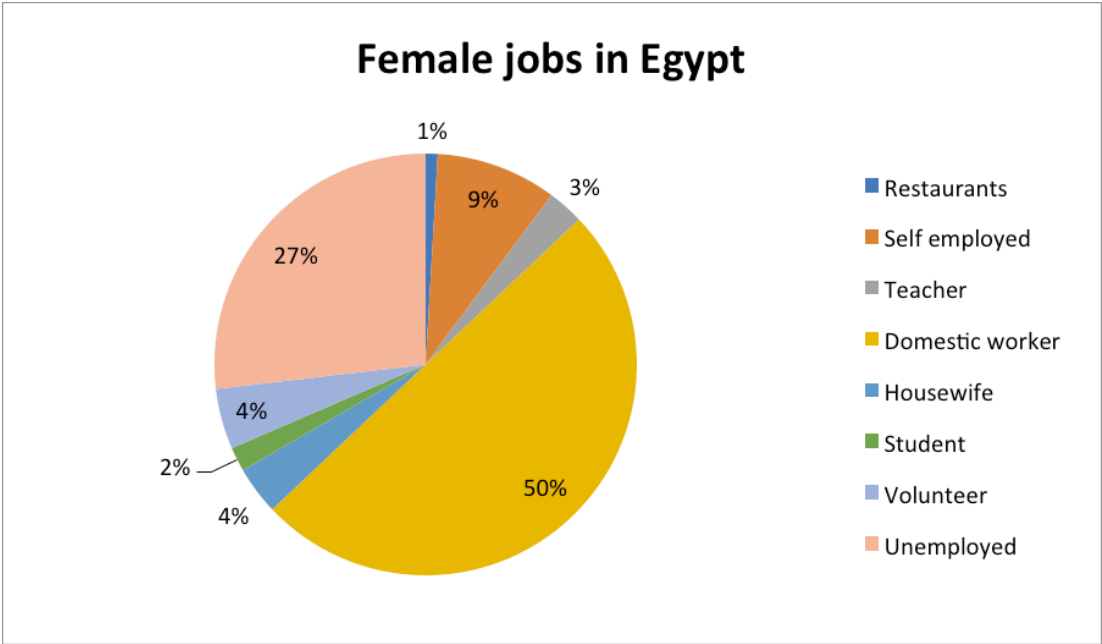


Figure 7. Jobs of male participants in countries of origin

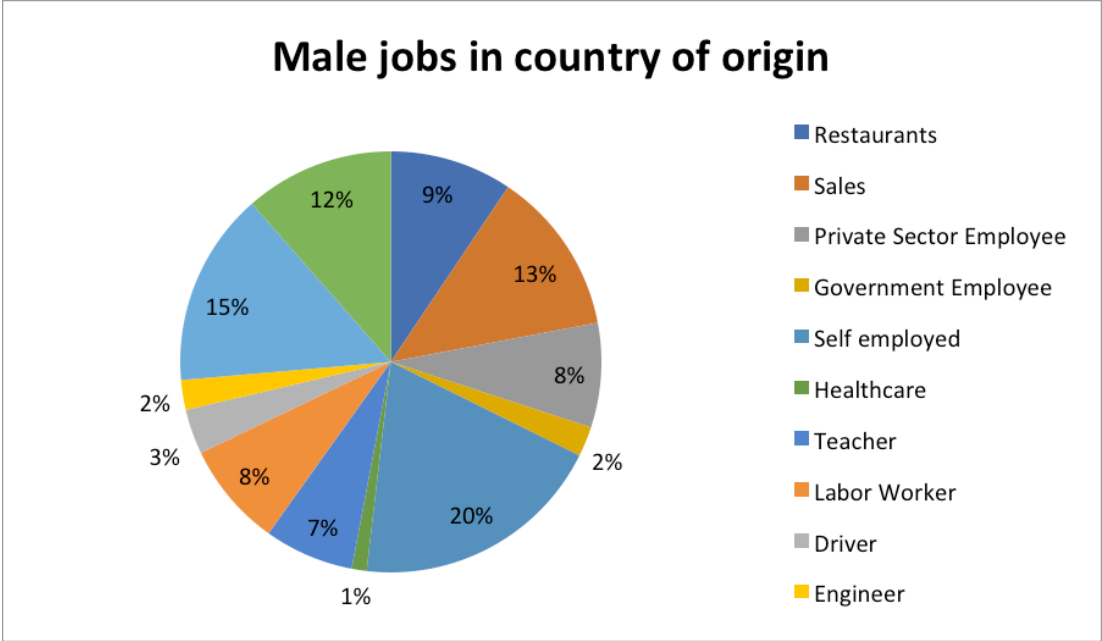
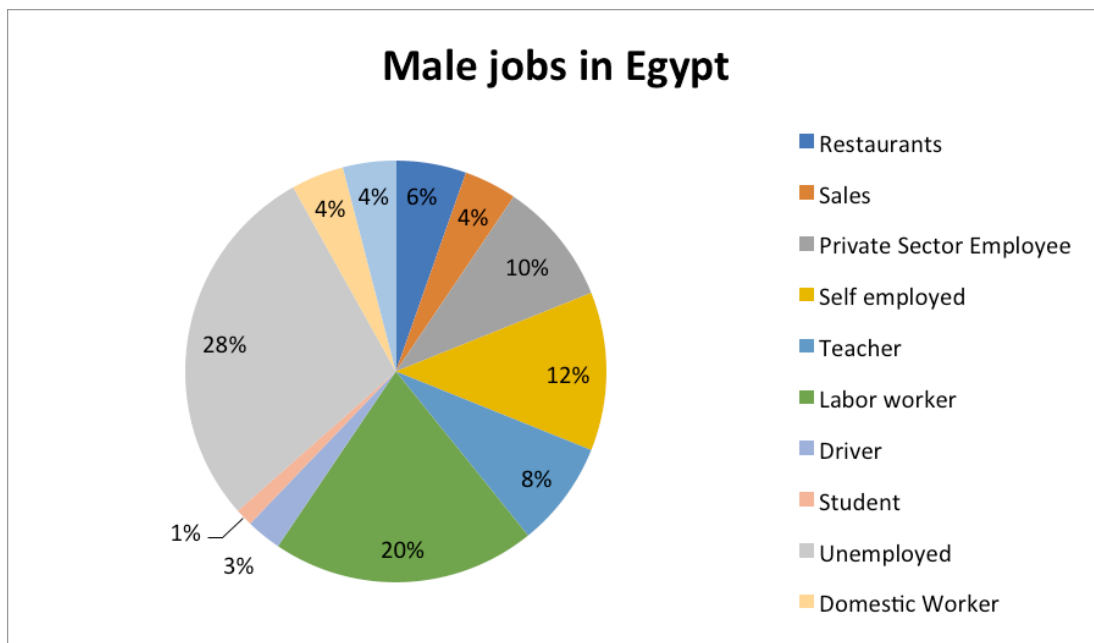


Figure 8. Jobs of male participants in Egypt



5.3.2 Exploitation in the informal economy

The informal economy is distinguished by the absence of job security and protection. Individuals working in the informal sector, Egyptians and foreigners alike, do not have contracts. All are working in informal jobs even if they are employed in places such as pharmacies or schools. As a result, they are vulnerable to exploitation. However, the exploitation reported by the closed-file community seems more severe than the exploitation faced by natives and refugees/asylum seekers. The majority of respondents, men and women, have experienced being denied payment at the end of their work. They also have no healthcare benefits which often translates into being fired if one gets sick and must rest even if for a few days. One respondent's employer refused to pay him 20 days of work because of a three-day leave he had to take to file his appeal with UNHCR. Work is mostly temporary and paid on a daily basis. Thus, it is common for closed-file individuals to change jobs frequently. These jobs are also unsuitable for the elderly or for individuals with health concerns. As a result, they must depend on other family members or members of the community as a whole for survival.

According to the responses received, closed-file individuals prefer to work for foreign employers in Egypt instead of Egyptians, as they feel less likely to be exploited. However, foreign employers always ask for valid United Nations IDs with residence permits, which they cannot provide. Working for Egyptian employers is thus relatively easier since they do not all require valid documents. However, this means that closed-file individuals are at more risk of abuse.

The majority of participants complained about the very long hours of work. In one instance, a participant had to accept a job with the expectation of working from 8.00am to 10.00pm but ended up working until 4.00am. Many of the participants experienced beatings, verbal harassment based on race, sexual harassment, food deprivation and non-payment of salaries. When they try to voice their concerns with their employers, they are often blamed for theft as a way of threatening them not to go to the police or any other authority. There is little to no consideration for their health. In various cases, the participants reported getting sick due to the long working hours and sleep and food deprivation. Even direct work injuries are not covered by



employers and if injuries hinder the performance of the individual, they are fired.

5.3.3 Implications for employment

Almost all participants have claimed that they face more difficulty than refugees with blue cards and asylum seekers with yellow cards. Carrying a UN ID is beneficial for guaranteeing basic forms of protection since employers would be more reluctant to abuse those who fall under the mandate of a UN agency. More importantly, not carrying valid documents means that you cannot seek the support of the police since a valid ID is required for filing a police report. Most respondents stated that most employment opportunities they are able to access require working late. This is a major constraint due to the fact that police checkpoints operate in all of the major cities in Egypt after midnight between governorates. This becomes very risky for closed-file individuals who carry no or expired documents.

5.4 Education challenges

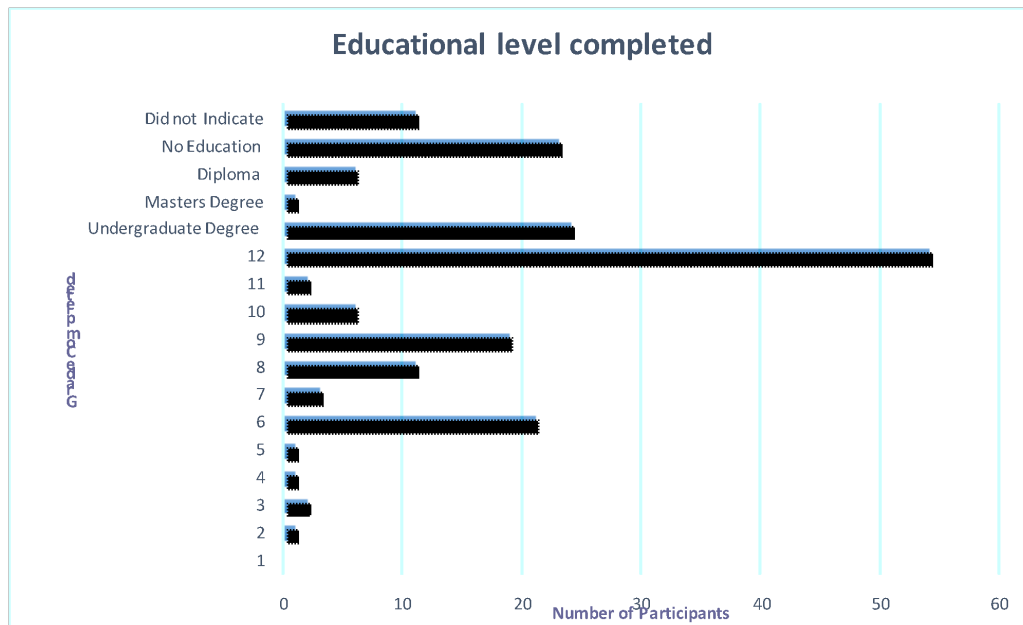
Education is a basic human right that is enshrined in the Convention on the Rights of the Child of 1989 as well as the 1951 Refugee Convention. Out of the 16 million refugees under the protection of UNHCR worldwide, 6 million are of school-going age which is defined as 5 to 17 years of age. (UNHCR undated c). A little more than half – about 3.7 million – do not go to school, compared to the global average of over 90 per cent. Around 1.75 million refugee children are not in primary school and 1.95 million refugee adolescents are not in secondary school. Education is crucial in times of displacement. According to UNHCR, 'It can foster social cohesion, provide access to life-saving information, address psychosocial needs, and offer a stable and safe environment for those who need it most' (ibid).

Limited to no access to education puts an entire generation at risk. Access to education is very limited for refugees. According to UNHCR, refugees are five times more likely to be out of school than the global average. 'Closed-file' and rejected asylum seekers are far more marginalised with regards to access to education. Since they are not under the mandate of UNHCR, they cannot benefit from educational grants provided by the organisation or its implementing partners.

5.4.1 Educational level of sample

The study provides very interesting figures in relation to the educational level of the sample. As seen in Figure 9, 29 per cent of the sample completed secondary school and 13 per cent hold an undergraduate degree, while 12.4 per cent are illiterate. None of the Sudanese or South Sudanese sample included participants who were illiterate. In fact, 31 per cent of the Sudanese sample holds an undergraduate degree while 42 per cent completed secondary school. The Sudanese sample has the highest rate of educational attainment. On the other hand, 42 per cent of the Somali sample are illiterate followed by the Ethiopian community with 30 per cent.

Figure 9. Educational level completed



5.4.2 Barriers to education

Access to formal education for the target population is very limited. It is almost impossible for their children to be enrolled in government schools which are accessible to refugees of certain nationalities. To be enrolled in a government school, the child must have a birth certificate; children born to parents with a ‘closed-file’ do not have birth certificates because their parents are requested to provide valid IDs in order to be issued with them. There were various instances where children were enrolled in schools but were dismissed once their parents’ files were closed by UNHCR. There was only one case in the sample where a mother was able to bribe the school to enrol her child without providing identification.

In the case of the Sudanese community, there are privately run community schools, which can enrol children with no birth certificates; however, they are very expensive. In the case of asylum seekers and refugees who fall under the mandate of UNHCR, the organisation covers their educational fees. However, once someone’s file is closed, UNHCR no longer covers the cost of their children to go to school. As a result, parents are unable to cover the fees due to their dire economic situation. The students are also required to take their examination in the Sudanese Embassy which requires valid IDs. For adults, various organisations provide English courses; however, these courses are usually restricted to blue-card and yellow-card holders. The courses that allow for the participation of the target community usually conflict with the time of their work. As a result, they are also unable to attend the courses. It is quite evident from the study, and as stated by one of the participants, ‘education is considered a luxury when you cannot pay for rent and food’.

5.5 Health challenges

Access to health is one of the basic human rights. Despite that, it was one of the most pressing needs for the target community. Closed-file individuals cannot receive treatment in governmental hospitals; as a result, they must go to private hospitals which are far more costly than public ones. Hospitals also charge foreigners a different rate than Egyptians. Even though there is the possibility to receive treatment in privately run hospitals and/or clinics, the fact that they cannot cover the costs serves as a barrier to their access to health services in Egypt. However, only 5 per cent of the participants stated that they have not reached a service provider when sick and 95 per cent of participants listed one or more service providers which they sought assistance from to cover their medical expenses.


The participants were asked particularly to reflect on access to services related to pregnancy and childbirth, children, and mental illnesses. All participants agreed that mental illness is not supported by any service provider. There was only one case in which the community members contributed a lump sum to provide psychological assistance to an Ethiopian closed-file individual. As for pregnancy and childbirth, the participants stated that they must cover the expenses individually since they resort to private hospitals and clinics for these matters. Only Ethiopian participants stated that they received cash assistance from Refuge Egypt, an Egyptian-based NGO. As for childcare, the participants stated that all children were vaccinated as part of a nationwide campaign led by the Ministry of Health to provide vaccinations for all children in Egypt regardless of citizenship or legal status.

Coping mechanisms for health vary from individual to individual. In a few cases, the participants stated that they rely heavily on their Egyptian neighbours for support. In one case, a Sudanese mother was unable to take her son to hospital, so her Egyptian neighbour, who also works as a nurse, took the child to the hospital instead. For the Ethiopian and Eritrean respondents, a common strategy was seeking the support of their employers; however, this was not very common among the other participants. In some case, the employers would find a way to provide support for medical issues. However, the major coping mechanism is the use of UNHCR IDs of relatives or friends. This is the easiest but most risky mechanism. One participant stated that her roommate needed to be hospitalised urgently and their other roommate, who was a blue-card holder, gave them her ID to use. However, upon hospitalisation, the patient died and the hospital used the ID to issue a death certificate. Consequently, the refugee who the ID belongs to is declared dead by the state and cannot apply for residency. Other participants stated that they use the IDs of those who tried crossing to Europe. Before departure, they would leave their documents with their relatives and/or friends in order to use them for any form of service.

6. Protection challenges

6.1 Legal status and access to justice

According to the participants' results, most 'closed files' carry some sort of identification; however, they are invalid. Most resort to their expired passport or yellow card. In a few cases, the participants do not carry any identification documents. Some participants had their documents confiscated by landlords while others were confiscated by their



employers. However, without valid IDs, many of their rights are denied. In order to issue marriage and divorce certificates, both parties must have valid documents. This is also the case for issuing birth certificates for children; both parents must hold valid identification documents. Since the target group does not hold valid IDs, they are unable to legally marry and divorce.


Most communities use the concept of ‘publicity’ to validate a case of marriage or divorce. Since they are unable to issue documents from the state, they depend on informing the maximum number of individuals from their community as a way to cope with their status. Unfortunately, this system does not safeguard the rights of both partners in the relationship. The same applies to cases of divorce. This informal system creates various legal and social problems among the community. This becomes more problematic when a closed-file individual is getting married to a registered asylum seeker or officially recognised refugee.

As previously explained, children born to parents who are ‘closed file’ do not have birth certificates. This puts their future at risk due to the fact that their basic rights to health and education cannot be met. Unfortunately, it was expressed by various participants and confirmed by community leaders that children who grow up without going to school because of not having birth certificates most likely end up joining gangs and engage in various criminal activities.

Another consequence for not carrying valid identification documents is the limited access to justice. As pointed out by community leaders and the participants, closed-file individuals cannot approach police stations when they are the victim of any sort of crime. Even in cases of harassment, the participants expressed their unwillingness to approach police stations because they cannot file police reports without presenting valid documents. This issue becomes more problematic when the perpetrators are known to the victims and are individuals who they come in contact with often.

One of the striking results of this study is that the majority of participants responded with ‘rarely’ to the question on how often does arrest or detention takes place among members of their community. The complementary interviews conducted with international organisations and with civil society provide an interesting explanation for why this might be the case. Egypt does not have a budget allocation for deportation. As a result, any foreigner required to be deported out of the country, regardless of their legal status, must cover his/her own travel expenses back to the country of origin or have their embassy cover the cost. Due to the dire situation of closed-file and rejected asylum seekers, the possibility of covering their return expenses is very low. Even organisations like the International Organization for Migration, which offers financial support for return, can only intervene in the case in which return is voluntary and not forced by the government. On the other hand, embassies are unwilling to cover the expenses of return themselves due to their limited budget. As a result, on a general basis, the police are not targeting closed-file or rejected asylum seekers, which is why these communities have not witnessed many arrests, detentions or deportations.

The most common reason for detention is if the individual is arrested trying to migrate to Europe by boat. Various participants recalled the experiences of members of their



community who were caught by police while trying to irregularly migrate to Europe. UNHCR was able to intervene in order to release those who held valid UNHCR IDs; however, those who did not either stayed in detention or were deported back to their origin countries.

6.2 Sexual and gender-based violence

According to UNHCR, sexual violence is:

Any act, attempted or threatened, that is sexual in nature and is done with force or without force and without the consent of the victim. This includes acts of forcing another individual (through violence, threats, deception, cultural expectations, weapons, or economic circumstances) to engage in behaviour against his or her will (UNHCR 2001: 7).


It also defines gender-based violence as:

Physical, mental or social violence and abuse (including sexual violence) that includes acts (attempted or threatened) carried out with or without force and without the consent of the victim. The violence is directed against a person because of her or his gender (because she is a woman or because he is a man) or gender role in a society or culture (UNHCR 2001: 8).

According to older studies on refugee communities in Egypt, attacks against refugees were mostly perpetrated by individuals who were not familiar to them. However, this research has revealed the same patterns as other recent studies and confirms that participants are mostly attacked and/or violated by people they know and who they come in close contact with on a daily basis. They are usually people such as their next-door neighbours, landlords or shopkeepers. The most common form of violence was harassment and verbal, physical and sexual abuse. Little attention is given by service providers to cases of harassment due to the fact that it does not only target a particular group but the entire society.

Harassment is also common in the workplace. Many female respondents complained about sexual harassment by their employers. One Somali participant stated that she cannot keep a job for more than 6 months due to regular harassment by her employers she endures. Female domestic workers in the Eritrean, Ethiopian, Sudanese and South Sudanese communities stated similar experiences with slight variations. Eritrean respondents stated that they began wearing a veil as a form of protection against harassers but with unsuccessful results. There were incidents where male participants complained of being subjected to harassment as well. It is more difficult for males to discuss incidents of harassment, especially if they are sexual, due to the fact that it is culturally unacceptable. Despite the fact that few male participants reported encountering cases of sexual harassment, the actual number might be significantly higher.

Finally, female genital mutilation (FGM) is common among the Sudanese community but not the others. The results of the project indicate that Sudanese families whose files are closed resort to very dangerous mechanisms to ensure that their daughters



undertake the FGM procedure. In some cases, the participants stated that they find a way to go back to Sudan to have their daughter circumcised and then return. As an alternative, they conduct the procedure in Egypt but without the supervision of any professional. This poses a high risk to the child who undergoes the surgery.


7. Conclusions and recommendations

Closed-file and rejected asylum seekers are mainly concentrated in peripheral areas that are historically poor and deprived, thereby exacerbating their already difficult living conditions. Due to the current economic situation in Egypt and the recent floating of the Egyptian pound, prices of basic commodities and services have soared. The increase in demand for rented accommodation has raised rental prices even higher than previously. The price inflation is affecting all classes in Egypt and closed-file and rejected asylum seekers drastically.

To cover their basic needs, closed-file and rejected asylum seekers accept lower incomes than even Egyptians and officially recognised refugees and asylum seekers who work in the informal economy. They work for longer hours and without any social benefits; this often leads to decreasing wages and a reduction of job opportunities, as well as leaving them open to exploitation. Employers are thus benefiting from the availability of low-cost labour. Overcrowding in host communities is placing additional pressure on already-deficient healthcare services in terms of access and quality. There are no formal education channels for closed-file adults who wish to receive vocational/skills training or for children who are unable to attend school to improve their economic status.

Despite the fact that the experiences of the 'closed-file' are, in many ways, similar to registered asylum seekers and officially recognised refugees, their legal status forces them to live on the margins of society in terms of economic, social, cultural, religious and political participation. Due to the lack of identification documents, they are unable to access the education system provided by the government or UNHCR. They are also unable to access healthcare benefits that are available to 'persons of concern' to UNHCR. They are not targeted by the police force; however, if caught at police checkpoints and/or in situations that involve police interference, they are arrested and face deportation. Integration has proved extremely difficult due to their lack of prospects in Egypt as well as lack of services. Accepting marginalisation is thus a major coping mechanism that they resort to in order to stay in Egypt or in an attempt to find alternatives to their situation. Egypt is seen by many refugees, asylum seekers, and migrants as a transit country. Most arrive without any intention of staying, thinking that their journey to Europe will begin shortly upon arrival. In reality, they stay for years and sometimes decades in Egypt before attempting to cross the Mediterranean – if they even get the chance to go. In the case of closed-file individuals, they either remain in Egypt with the hope of going back to their country of origin some day or try to save in order to afford a very costly and risky journey to Europe.

As such, a set of recommendations to improve the conditions of this vulnerable group are put forth to UNHCR, the government of Egypt, service providers and community leaders.



As such, a set of recommendations are put forth to the Office of the United Nations High Commissioner for Refugees (UNHCR), the government of Egypt, service providers and community leaders to improve the conditions of his vulnerable group.

7.1 Recommendations to UNHCR

UNHCR's efforts to accelerate its refugee status determination (RSD) procedures must remain a priority, to ensure that they respond to the needs of the vast number of refugees arriving in Egypt and crossing international borders, generally. The fear, however, is that the acceleration of such procedures might result in rejected asylum seekers who are not accounted for. It is thus recommended that UNHCR hires an external evaluator to conduct a rigorous monitoring and evaluation assessment to ensure that individuals who qualify for asylum are not being unfairly rejected.

- It is equally significant for UNHCR to build stronger partnerships with community leaders for two key reasons. The first is to have a better understanding of the perceptions of these communities towards the procedures of the organisation to respond to any discontent on behalf of the refugee and asylum-seeking community. The second is to build trust between the organisation and the communities to ensure that during the RSD, asylum seekers are able to explain their specific stories rather than replicating the stories of previously successful asylum applicants.
- UNHCR should also enhance its internal procedures to ensure that rejected asylum applicants are notified in the most appropriate manner. It should take into consideration language barriers and lack of resources which often results in the asylum seekers receiving the news of rejection by coincidence when they approach the organisation for updates regarding their asylum application.
- UNHCR should invest in creating brochures in appropriate languages, which can be distributed to community centres or rejected asylum seekers directly once they are notified of the decision, outlining alternative ways in which they can secure their livelihoods. Such brochures can include the names of any service providers that might still be able to provide them with services.

7.2 Recommendations to the government of Egypt

- The Egyptian government has a duty of care in securing the legal status of this vulnerable group. The first measure should be to initiate negotiations with embassies and consulates of these communities in Egypt in order to support the closed-file communities with documentation to ensure that they do not become stateless. As many participants stated, they are unable or unwilling to go to their embassies and consulates for help, such as to renew their passports or ask for birth certificates for their children. The lack of valid documents results in generations of stateless individuals who fall out of the protection net of organisations and governments.
- The government should also build the capacity of its law enforcement with respect to the rights of this group. Despite being perceived as irregular migrants, their basic human rights should not be affected by their legal status to prevent abuses from employers and landlords.



7.3 Recommendations to service providers

- Very few services are provided to closed-file residents in Egypt. It is thus advisable that service providers – including international organisations, non-governmental organisations (NGOs) and community organisations – try and secure funding to provide support for housing, shelter, employment and health.
- To overcome the obstacle of having closed-file residents exploited in the labour market, service providers should invest in helping to develop the entrepreneurial outlook of this group and provide them with micro-funds to support their own businesses.

7.4 Recommendations to community leaders


It came to our attention during the implementation of this project that various organisations complained of individuals making a profit by writing claims for other asylum seekers, promising that the claimant would be awarded refugee status. Because each claim has to be individualised, it is very unlikely that a single story would be realistically replicated or true among a large number of individuals. It is for this reason that many asylum seekers are being rejected. Community leaders should take note of this point and prevent members of their community from falling victim to this approach.

7.5 Recommendations for cross collaboration

- Lastly, in order to provide adequate protection to closed-file residents, all stakeholders must engage in cross-collaborative work to ensure that they complement each other's efforts.

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