



# POLICY & ADVOCACY REPORT

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# Refugee Warehousing in Kenya: The Blame Game

By Chloe Canetti

Kenya's April decision to close its two largest refugee camps, Dadaab and Kakuma, has led to panic across refugee communities in the region. The camps are home to a combined 430,000 refugees, mainly from Somalia and South Sudan. Some of the refugees have been living in the camps for almost three decades, while their children were born and raised in the camps and know no other home.[1] Many refugees are scared of being forced to return to "home" countries they never really knew, and the United Nations High Commissioner for Refugees (UNHCR) expressed its concern early on that the closures could jeopardize refugee protection.[2]



But negative reception of the announcement did not end there. News outlets reported that the Kenyan government's decision to close the camps was "retaliation" against Somalia for an inter-country dispute.[3] Rights groups, such as Médecins Sans Frontières, urged the government to reconsider, saying that refugees should only leave the camps when "they freely choose to do so." [4] Human Rights Watch stated that "Kenya needs to maintain asylum and consider allowing refugees at long last to integrate." [5] Humanitarian and former model Halima Aden spoke out urging the Kenyan government to work with refugees and integrate them into Kenyan society instead of sending them back to Somalia.[6] Everyone who spoke out directed the onus back to Kenya to keep the camps open, to allow refugees to integrate, or to give refugees agency to decide for themselves when to return.

While advocacy for refugees who may soon be displaced by Kenya's decision is necessary and commendable, many of the recommendations put forth by the international community focused the onus on Kenya to continue caring for almost half a million refugees. Not only does such an approach perpetuate refugee warehousing practices, but it also allows rich donor countries to abdicate responsibility to create a solution.

## Warehousing

Refugee warehousing is "the practice of keeping refugees in protracted situations of restricted mobility, enforced idleness, and dependency— their lives on indefinite hold— in violation of their basic rights under the 1951 UN Refugee Convention." [7] When refugees are kept in camps for long periods of time, they are deprived of their basic rights to move outside the camps, find jobs, own land, and receive proper education.[8] Camps are often located in remote areas, so even when they are allowed to leave, they have little economic opportunity in the surrounding areas. Such lack of economic opportunity and ability to integrate keeps refugees in limbo and dependent on humanitarian aid for years at a time.[9] For refugees trapped in these conditions, it is easy to lose hope for the future. The increase in protracted displacement in camps, combined with the COVID-19 pandemic, has led to a spike in suicide attempts this year.[10]

### **Kakuma\***

Population: 210,384

Main country of origin: South Sudan

### **Dadaab**

Population: 225,675

Main country of origin: Somalia

Despite the physical and mental toll warehousing takes on refugees, the phenomenon continues to grow as displacement reaches an all-time high. In Kenya, the combination of protracted violence preventing refugees from returning to home countries, and restrictive policies on refugee movement, have made Dadaab and Kakuma prime models of warehousing.

Kenya has long been criticized for its encampment policies. The government has continuously used terrorist attacks by Al-Shabaab extremists from Somalia as an excuse to keep Somali and other refugees in the camps. In a response to attacks in 2013, the Kenyan government forced over 50,000 refugees living in urban areas back into Dadaab and Kakuma.[11] Several more attacks prompted more action in 2014, including an attempt to make the encampment policy permanent and a policy that refugees could not leave the camps without specific permission from a Refugee Camp Officer.[12] Since then, Kenya has made two serious attempts to close the camps altogether, which have prompted international backlash.

Kenya has long struggled to find durable solutions for its refugees. However, Kenya is a low-income country that lacks proper resources and funding to care for so many refugees.[13] Instead of asking what more Kenya can do to continue hosting 400,000 people in need of aid, we as an international community of refugee advocates must turn the scrutiny toward rich donor countries that sit silently while failing to use their wealth and power to donate more or resettle refugees themselves.

### *Donor Country Responsibility*

In our 2004 World Refugee Survey, USCRI called out the role of rich donor countries in maintaining the harmful practice of refugee warehousing. Donor countries have continuously funded refugee programs that keep refugees in camps, while providing only the most meager funds for urban refugees, most of whom live in Europe or other regions that already have more resources to support them.[14] The problem continues in 2021 as the world faces unprecedented displacement with more than 80 million people displaced worldwide, almost 30 million of whom are refugees.[15] Despite increased displacement, donor countries have largely failed to provide alternative solutions to warehousing. As a result, warehousing will only increase as more people are displaced. The problem is exacerbated by an international rights framework that has been led by rich countries eager to continue placing the onus of caring for refugees on the world's poorest countries.

In 2016, the United Nations General Assembly adopted the New York Declaration for Refugees and Migrants. All 193 member states adopted the Declaration, which created a set of relatively vague commitments to refugees, for instance, to “make efforts to collect accurate information” about refugee movement, and “encourage States to address the... specific health-care needs” of migrant populations.[16] The Declaration also outlined a Comprehensive Refugee Response Framework (CRRF) to attempt to implement the Declaration's commitments. However, the language outlining the CRRF is just as vague and non-committal as the rest of the Declaration. It states that resettlement countries should “[c]onsider making available or expanding... resettlement opportunities and complementary pathways for admission of refugees.”[17] They should also “consider” broadening their resettlement program criteria and increasing program size.[18]

The 2018 Global Compact on Refugees (GCR), another document that came out of the New York Declaration, “provides a blueprint for governments, international organizations, and other stakeholders to ensure that host communities get the support they need and that refugees can lead productive lives.”[19] However, the GCR was met by skepticism from those in the refugee

rights community. The International Rescue Committee noted that the GCR “is not a strong document as it stands now. [The final] draft was a significant step backward from what was a relatively low ambition document to start with.”[20] Amnesty International gave a similar readout: “The final text simply entrenches the current unsustainable approach whereby wealthier states can pick and choose which, if any, measures they take to share responsibility. This will leave many refugees languishing in poorer countries which are unable or unwilling to support them.”[21]

The vague language in these documents results from the refusal of richer countries to commit to more concrete obligations. While poor refugee-hosting countries do not have the resources or infrastructure to keep refugees out, rich countries that can largely control migration flows into their countries have always had more choice and less responsibility to share the burden of dealing with forced migration. Although the CRRF attempts to increase these states’ burden-sharing responsibility, it falls short because these same states refused to agree to concrete commitments.

These documents have left poor host countries like Kenya to deal with refugee inflows largely on their own. As of March 30, 2021, donor countries had only contributed 27% of the funds UNHCR needs to house, feed, and provide other support for Kenya’s refugees.[22] Lack of donor funding for the World Food Programme (WFP) has forced WFP to cut refugees’ rations in East Africa by up to 60% this year, gravely increasing risks of malnutrition, anemia, and stunted child growth.[23] In addition to donor countries’ failure to meet Kenya’s refugees’ financial needs, these countries have almost completely abdicated responsibility to help resettle refugees. UNHCR found that only 4.7% of the world’s 1.2 million refugees in need of resettlement were actually resettled in 2018.[24] The United States has resettled fewer refugees every year for the past five years.[25]

### ***Less Blame and More Assistance from High-Income Countries***

Given donor countries’ massive failure to address protracted refugee situations both in Kenya and around the world, it is important to pause when considering the international community’s outrage at Kenya for deciding to close Dadaab and Kakuma. As noted by Amnesty International, the “chronic lack of support from the international community to Kenya, which has been hosting refugees for decades, contributed to the government’s decision to close [the camps.] The international community has consistently underfunded appeals made by the Kenyan government and [UNHCR,] and has failed to resettle a significant number of refugees from Kenya to other countries.”[26] Kenya has been trying to contain large influxes of refugees for three decades, and is finally putting its foot down at a time when global need is at an all-time high and donor generosity is at a low.

It is time to turn to the donor countries that have chosen to remain on the sidelines for 30 years as Kenya crept towards its tipping point. For the United States, this means increasing funding to UNHCR and the World Food Programme, and working to immediately rebuild and grow our refugee resettlement program, the U.S. Refugee Admissions Program (USRAP). The United States must commit to much higher refugee resettlement annually, with a floor of at least 125,000 admissions per year. We must prioritize refugees from the most protracted and overcrowded situations instead of using categorical caps to keep resettlement low. In addition to financial and resettlement support, the United States is one of only two countries in the world that refused to adopt the Global Compact for Refugees (GCR).[27] This is an abdication of our responsibility to fight warehousing, and we must adopt the GCR immediately. The United States cannot pride itself on its leadership in refugees’ rights while poor host countries continue to shoulder such burdens without our help. Kenya has taken the blame alone for too long, and the United States must take immediate, drastic, and concrete actions to provide solutions for the refugees from Kakuma and Dadaab.

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# United States Issue Updates

- **Governor Abbott Plans to Pull Licenses of Facilities Housing Immigrant Children**

On Tuesday, June 1, Texas Governor Greg Abbot issued an Executive Order that discontinues state licensing of any child-care facility that shelters or detains child migrants within 90 days. According to the Texas Health and Human Services Commission, there are approximately 4,225 children housed in state licensed facilities in Texas. The proclamation would force Office of Refugee Resettlement (ORR)-funded facilities for unaccompanied immigrant children in Texas to stop serving unaccompanied children because ORR requires the facilities to have state licenses prior to providing care for unaccompanied children. In response to the Executive Order, the federal Department of Health and Human Services issued a statement that it is “assessing the Texas directive concerning licensed facilities providing care to unaccompanied children and does not intend to close any facilities as a result of the order.” [Click here](#) to read the proclamation.

- **Supreme Court Overturns 9th Circuit Rule that Favors Those Seeking Asylum**

On Tuesday, June 1, the Supreme Court unanimously ruled that an appellate court may not presume credibility of an immigrant’s testimony in an asylum claim when a lower court did not specifically address that issue. In the ruling, the Court sided with the federal government and found that the 9th Circuit had invented a special rule that gave undue deference to asylum seekers unless an immigration judge or the Board of Immigration Appeals offered “explicit” evidence contradicting the asylum applicant’s claims. In an opinion written by Justice Neil Gorsuch, the Court concluded that the special rule “cannot be reconciled” with the terms of the Immigration and Nationality Act (INA). [Click here](#) to read the majority opinion.

- **Mayorkas Terminates MPP**

On Tuesday, June 1, 2021, Secretary of Homeland Security Alejandro Mayorkas issued a policy memorandum that officially terminated the so-called Migrant Protection Protocols Program (MPP). Under MPP, most non-Mexicans applying for asylum or entry to the United States at land ports-of-entry were returned to Mexico to await their removal proceedings. Secretary Mayorkas stated, “MPP does not adequately or sustainably enhance border management in such a way as to justify the program’s extensive operational burdens and other shortfalls.” The termination of MPP does not impact the status of individuals who were enrolled in MPP at any stage of their proceedings. [Click here](#) to read the memorandum.

- **OIG Report on ICE Family Separation**

On Tuesday, May 18, the Inspector General (IG) of the Department of Homeland Security issued a report that found that Immigration and Customs Enforcement (ICE) deported at least 348 migrant parents without giving them the option to reunite with their children during the Trump administration. The report noted that ICE removed these parents even after they expressed a desire to take their children with them to their home countries. More than 5500 children were separated from their parents under the “zero tolerance” policy of the Trump administration. To read the IG full report, [click here](#).

# United States Issue Updates (Cont'd)

- **Northern Triangle Private Partnerships**

On Thursday, May 27, Vice President Kamala Harris announced a “Call to Action” designed to spur private investment in Central America. As part of the new initiative, 12 American companies will invest in the Northern Triangle countries of Honduras, El Salvador, and Guatemala including Microsoft, Mastercard, Nespresso, and Chobani. The aim in part is for greater private-sector involvement to outlast shifts in policy and government aid between administrations and reducing over time the motivations for migrants to make the often-dangerous journey to the U.S. border. To read more information about this new partnership, [click here.](#)

- **Designated Docket**

On Friday, May 28, 2021, the Department of Homeland Security and the Department of Justice announced a new “Dedicated Docket” system to expedite the time it takes for migrants to have their cases adjudicated. Immigration courts in 10 cities will prioritize cases of families who were detained between ports of entry, placed in removal proceedings, and enrolled in Alternatives to Detention (ATD). Under the Designated Docket guidance, immigration judges will generally work to issue a decision in 300 days. The current system takes up to three years for asylum seekers to get a response. To read the joint statement by DHS and DOJ, [click here.](#)

- **Updated ICE Enforcement Policies**

On Thursday, May 27, U.S. Immigration and Customs Enforcement (ICE) released new guidance regarding immigration enforcement and removal policies and priorities. The memorandum increases prosecutorial discretion for which cases to pursue. The new recommendations prioritize removal of people deemed to be a national security threat and dismissing proceedings of individuals likely to be granted temporary or permanent relief. The guidelines de-emphasize the deportation of noncitizens and detaining noncitizens for administrative or civil violations of the law. To read the full memorandum, [click here.](#)

# Around the World in International Migration

## • **After Ceasefire Between Israel and Hamas, 70,000 Displaced from Gaza**

Eleven consecutive days of violence in the Gaza Strip were suspended on May 21 by a ceasefire between Israel and Hamas facilitated by Egyptian mediators. The assault was the largest escalation of violence in the area in years, killing 256 Palestinians, including 66 children, and displacing over 70,000 Gazans.

The Israeli bombardment destroyed homes, roads, and other infrastructure as volunteers and residents of Gaza attempted to clear up some of the destruction. Despite the ceasefire, some Israeli settlers accompanied by armed security forces continued to intimidate Palestinian residents in the past two weeks, including with attacks on Palestinian worshipers at the Al-Aqsa Mosque compound in occupied East Jerusalem. In response, the United Nations launched an aid appeal for \$95 million to help rebuild Gaza, prompting the Biden administration to pledge \$5.5 million in immediate relief while still declining to condemn any actions by Israel. The UN aid appeal is crucial for preventing a spike in COVID-19 cases among displaced Gazans who fled the bombing.

## • **Volcano Eruption Near Goma, DRC Leaves Thousands Homeless**

At least 32 people were killed after Mount Nyiragongo erupted near the densely populated city of Goma, the capital of North Kivu province in the eastern Democratic Republic of Congo on May 22. Lava flows narrowly avoided reaching the main city by only a few hundred meters, but still forced tens of thousands to abandon their homes in the surrounding villages with about 7,000 people fleeing into Rwanda. About a million people have been ordered to evacuate in the aftermath of the eruption, with authorities fearing another eruption due to continuing tremors and aftershocks. According to the secretary general of the Norwegian Refugee Council, Jan Egeland, local residents have made calls accusing the government of failing to adequately warn communities about the looming disaster and asking them to help prevent future climate catastrophes in a country that already experienced over 2 million new displacements in 2020 alone.

## • **Northeastern Syria in Dire Need of Aid**

Seventy-five percent of residents of northwestern Syria, about 3.4 million people out of a total population of 4.2 million, rely on humanitarian aid. The opposition-held Idlib region is home to about 2.7 million internally displaced persons, of which 1.6 million live in camps and informal settlements. Since the start of the civil conflict between the government and opposition forces in 2011, about 6.7 million people have been internally displaced and 5.6 million have crossed borders as refugees. At the same time, President Bashar Assad was re-elected for a fourth term last week in a landslide victory that many international actors have viewed as illegitimate as people living in rebel-controlled areas were not able to vote.

International aid for the country has been declining as large actors like the European Union and United States have refused to pledge aid for reconstruction until there is a transition of political power, directly withholding crucial access to humanitarian aid, including food and medical assistance, from the millions of displaced people in northwestern Syria.

# Around the World in International Migration (Cont'd)

- **Cyclone Yaas Displaces 1.2 Million as Coronavirus Cases Continue to Spike**

Over one million people were evacuated to makeshift cyclone shelters near the eastern coast of India ahead of Cyclone Yaas's landfall on May 26. About 20,000 homes were destroyed by the strong winds as flooding submerged several villages. Cyclone Yaas is the second cyclone to hit India within two weeks after Cyclone Tauktae killed over 150 people in the western state of Gujarat only a week before. The combined effects of the two cyclones displaced 1.2 million people, making them more vulnerable to the existing threat of COVID-19. The mass evacuations continue to pose a health risk as the crowded conditions make it difficult to abide by coronavirus guidelines during a disastrous second wave of infections in the country.

- **Mali Faces a New Political Crisis with Its Second Coup in One Year**

Mali encountered its second military coup in less than a year after soldiers detained President Bah Ndaw and Prime Minister Moctar Ouane on May 24, both of whom came to power in September of last year after the previous military coup as part of the transitional government. In response, the African Union announced that it had suspended Mali's membership, threatening sanctions until a civilian-led government is restored. The President and Prime Minister were released two days later after being forced to resign their positions as Mali's constitutional court named the leader of both military coups, Colonel Goita, as the transitional president. The coup is likely to spark more political unrest throughout the year as it threatens the country's planned return to a civilian government marked by presidential elections organized for early next year.



## Policy & Advocacy Wins

- President Biden's budget request for the 2022 Fiscal Year, released May 28, includes an increase in trafficking survivor assistance funds from \$28 million to \$39 million. USCRI advocated for significant increases to base funding for victims of trafficking.
- The Biden Administration officially ended the so-called "Migrant Protection Protocols" (MPP) on June 1, which forced asylum seekers to wait in dangerous areas in Mexico before their cases would be heard. USCRI opposed MPP and advocated with numerous other coalition partners that MPP be ended."

## Upcoming Meetings & Events

### Facebook Live Series on Unaccompanied Children- June 9

On Thursday, June 9 at 2:00 PM EST, USCRI will host its last in a five-part series documenting the journey of unaccompanied children through the U.S. immigration system. This session will be a discussion with USCRI's Program Operations Manager, Gaby Mena, who will discuss USCRI's Livelihoods Program in El Salvador. To tune in, [click here](#).

### SIJS Backlog Summer School- Deadline to Register is June 10

The SIJS Backlog Coalition will be holding a "SIJS Backlog Summer School on the Hill," including two legislative advocacy trainings in mid-June. To participate as an individual or representative of an organization, [sign up here](#) by June 10.

### Refugee Resettlement: An In-Depth Look- June 22

On Tuesday June 22 at 6 pm EDT, join Chris George, Executive Director of Integrated Refugee and Immigrant Services for an in-depth look at refugee resettlement in the United States. For more information and to register, [click here](#).

[Click here to donate today!](#)

If you have any questions or comments, please contact the Policy and Advocacy Division at [policy@uscrimail.org](mailto:policy@uscrimail.org).