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December 2022



Asylum in urban spaces: The case of refugees in cities in Uganda

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This report was prepared by David N. Tshimba.

This report was prepared with the financial support of the European Union. Its contents are the sole responsibility of the researchers and do not necessarily reflect the views of the European Union or the EU Trust Fund for Africa.

Suggested citation: Tshimba, David N., December 2022. 'Asylum in urban spaces: The case of refugees in cities in Uganda.'

London: EU Trust Fund for Africa (Horn of Africa Window) Research and Evidence Facility.

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Funded by the European Union
Emergency Trust Fund for Africa.

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List of acronyms

DoR/OPM	Department of Refugees / Office of the Prime Minister
IDIs	In-Depth Interviews
FGDs	Focus Group Discussions
KIIs	Key Informant Interviews
KCCA	Kampala City Council Authority
DRC	Democratic Republic of the Congo
EU	European Union
GoU	Government of Uganda
I/NGOs	International/Non-Governmental Organisations
LC	Local Council
NRC	Norwegian Refugee Council
REC	Research Ethics Committee
RLP	Refugee Law Project
TASO REC	The AIDS Support Organisation Research Ethics Committee
UNCST	Uganda National Council for Science and Technology
UNHCR	United Nations High Commissioner for Refugees

Acknowledgments

As the RLP research team that conducted this study, we would like to acknowledge all the respondents (in interviews and focus group discussions alike) who knowledgeably consented to share with us their intimate insights and lived narratives. In the process of data collection for this study, the research team particularly benefited from inputs by staff and clients connected with RLP's Access to Justice and Gender & Sexuality programmes. We are thus grateful to Susan Alupo (Programme Manager for Access to Justice, and her entire team in Arua, Mbarara and Kampala) as well as Onen David Ongwech (Programme Manager Gender & Sexuality, and his entire team in Arua, Mbarara and Kampala) for their critical contributions both as mobilisers and co-researchers. The RLP team for audio transcriptions, joined by Judith-Parfaite Mbitha, proved resourceful in quickening the analysis for this study.

Our second vote of thanks goes to Prof. Laura Hammond, for her confidence in letting us shape and carry out this study under minimal supervision and with maximum support. Two external reviewers — Drs Padmini Iyer and Oliver Bakewell — provided critical yet constructive suggestions and valuable editorial input that has surely helped to tighten the arguments presented here.

The OPM Department of Refugees at both field and head offices endorsed primary data collection with their persons of concern (refugees). RLP staff in the respective field offices in which fieldwork took place ensured mobilisation of study participants and a smooth running of the process. We are lastly indebted to all other contributors who prefer anonymity.

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Executive summary

Forced displacement, the world over, is increasingly urbanised: urban areas are becoming key sites of asylum for a great many refugees even though humanitarian assistance available in them is still limited, especially for countries hosting huge amount of *prima facie*¹ refugees such as Uganda. Based on small-scale rapid fieldwork, the present study revisits the widespread policy assumptions that refugees who are self-settled or settling in Uganda's urban areas are essentially motivated by economic/livelihoods prospects and, as such, are more self-reliant than those in rural-based refugee settlements.

Three objectives guided the study: (1) to inquire into the motivations for refugees' self-settlement in Uganda's urban spaces in lieu of designated refugee settlements; (2) to assess whether there is a mismatch between widespread assumptions that refugees self-settled in urban areas are more self-reliant in Uganda than those who remain in rural-based refugee settlements, especially following the outbreak of the COVID-19 pandemic; and (3) to draw lessons from the self-settlement of asylum seekers and refugees in Uganda's urban spaces for the future of asylum governance and refugee response across both the global South and North. Data collection for this study entailed in-person focus group discussions, in-depth interviews (both in-person and online), and to some limited extent observations.

Chief among the findings of this study is that the rationales for refugees' self-settlement in urban areas are diverse and contextually specific. These range from previous lifestyles and standards of living in refugees' countries of origin, some hard-to-bear ecological and social conditions in refugee settlements, the search for livelihood opportunity, self-propelled local integration away from the direct gaze of state and society, the imagined prospect of fast-tracked resettlement, to protection and specific security concerns. Many refugees with whom we interacted (especially those with protracted stays) continually see this settlement-based approach to their protection and livelihood concerns as a constraint rather than an enabler of the much-desired local integration. What is more, the decision to leave the settlement for to take asylum in the fairly cosmopolitan spaces of the country's urban areas is generally individually determined. At the household level, moreover, the execution of such a decision can be profoundly gendered.

In the second instance, it was found out that if cases and threats of sexual and gender-based violence (SGBV) especially against women and girls in the course of the COVID-19 lockdowns were reported to be rising among Ugandan hosts, house rent insecurity, lack of meals, and lack of access to medical care (more so COVID-19 unrelated) were reported to be the three biggest concerns of self-settled/ling refugees in urban areas during the pandemic times. For many self-settled refugees in Uganda's urban areas, their level of self-reliance rapidly fell in the wake of the COVID-19 pandemic. A great many self-settled refugees thus became even more dependent on charity compared to their counterparts in rural-based refugee settlements.

¹ Consisting of those who flee *en masse*, having collectively sought asylum in another country in a mass influx and given refugee status as a group. This expansive definition of a refugee is particularly captured in the OAU Refugee Convention, 1969: "owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of [their] country of origin or nationality.."

The outbreak of COVID-19 and the regimentation of life that followed it profoundly affected the capacities and capabilities of self-settled/ling refugees in Uganda's urban areas to look after themselves much more markedly than their counterparts in refugee settlements, who were still benefited from support, albeit at a meagre level.

In the final instance, the study reveals that despite its expansive definition of refugee, the Uganda refugee legal and regulatory frameworks offer a fairly generous regime of care for *prima facie* refugees but there is a relatively limited range of measures in place to protect the rights and provide protection for those granted refugee status by way of individual refugee status determination. Those who, for various reasons and motivations, seek to break away from such 'containment politics of refugee protection' by seeking refuge in cosmopolitan urban spaces are often faced with insurmountable challenges to a dignified asylum. One such challenge lies in access to employment opportunities and securing gainful employment. Thus, many self-settled/ling refugees who have professional qualifications or specialised skills end up being employed in informal jobs or informal self-employed activities. Others are simply subject to the whims of both employers and those involved in processing documents (in particular, certificating the equivalence of their qualifications to Ugandan standards), putting them at greater disadvantage than other aliens and the local hosts. Due, in part, to frustration with these issues, some of these refugees may be open to different types of exploitation and abuse in the urban labour market in Uganda.

Against this backdrop of findings, this study concludes that the legislation and regulation that are written on paper should catch up with reality on-the-ground insofar as the country's comprehensive refugee response is concerned. Since it is in the name of local integration that all of Uganda's refugee self-reliance strategies and practices are undertaken, one of the chief recommendations the study makes is for the Ugandan state to enable the naturalisation of the relatively small number of Uganda's forced migrants – perhaps starting with those self-settled refugees in Ugandan cities and towns prior to the enactment of the 2006 Act.

1 Introduction and background

This study runs counter to the widespread policy assumptions that refugees who are self-settled or settling in Uganda's urban areas are essentially motivated by economic/livelihoods prospects and as such are more self-reliant than those in rural-based refugee settlements. Based on an exploratory fieldwork in three selected cities of Uganda—Arua, Kampala and Mbarara —between June and August 2022, this rapid review brings into focus the case of urban refugees in Uganda as it examines the existing gap between the country's hailed national refugee policies and strategies on the one hand, and experiences of urban refugees on the ground on the other. To that end, the research entailed collection of narrative and statistical data from both refugee populations self-settled in the three cities and humanitarian workers (state and non-state) providing protection and assistance to these refugee populations.

As host to the largest refugee population on the African continent and as one of the countries piloting the Comprehensive Refugee Response Framework (CRRF), Uganda's choices and experiments in refugee protection and management are pertinent to a range of forced migration situations globally. Self-reliance has long been central to Uganda's approach to refugee hosting. The country has received widespread praise and international recognition for its refugee legal and policy frameworks that allow refugees the right to work, own property, establish businesses, move freely, and access services such as health and education. Self-reliance and refugee rights in Uganda are enshrined in the Refugees Act of 2006 and Refugee Regulations 2010. The Government of Uganda (GoU), in collaboration with the United Nations High Commissioner for Refugees (UNHCR) and partners, has devised several strategies and initiatives to propel refugee integration and self-reliance. These include the 1999 Self-Reliance Strategy (SRS), which later metamorphosed into the Development Assistance to Refugee-Hosting Areas (DAR) programme in 2003; the Settlement Transformative Agenda (STA) and the Refugee and Host Population Empowerment (ReHoPE) Strategy of 2017, in the wake of the New York Declaration for Refugees and Migrants that was adopted by the UN General Assembly in September 2017; and recently, the Jobs and Livelihoods Integrated Response Plan for Refugees and Host Communities in Uganda (JLIRP), 2021-2025.

With an aggrandised focus of humanitarian assistance on the established refugee settlements in the remote parts of the country's north, north-west, mid-west and south-west, there is scant information about refugees who are self-settled or settling in urban areas in general, and particularly those residing in urban areas outside Kampala, especially in the recently gazetted cities of Uganda (Arua, Fort Portal, Gulu, Jinja, Lira, Mbale, Mbarara, Masaka, and Soroti). It is against this backdrop that this study returns to the under-studied phenomenon of asylum in Uganda's urban spaces, seeking to bring to the foreground a variety of underlying reasons for and challenges associated with refugees' self-settlement in the cities of Arua and Mbarara, in addition to Kampala. Another central component of this field-based investigation was an inquiry into the two-pronged approach to refugee protection by the Ugandan state, namely

settlement-based humanitarian assistance and qualified freedom of movement for refugees, as well as the limits that this policy choice augurs for the country's refugee response now and in the years ahead.

1.1. Contextual background

All the refugee sending countries in the East and Horn of Africa region, as well as Uganda itself, have their own experiences of colonialism, independence struggles, and post-independence state-building. Uganda's experience in managing settlement-based refugees dates back to the 1940s when, while still under British colonial rule, the country hosted Europeans displaced by the Second World War (Gingyera-Pinyewa 1994). These were mainly Polish refugees (about 7,000 in number) that were settled in Nyabyeya Camp in Masindi District and Kojia Camp in Mukono District between 1942 and 1947. In the run up to Independence, Uganda further experienced several influxes of refugees from neighbouring countries. Soon after Britain and Egypt lifted their condominium rule over the Sudan in 1952, civil war broke out between a centralised state and Southerners who felt excluded from the new political structures. By 1955 approximately 178,000 Sudanese had fled to Uganda (Kiapi 1994). In response, the Uganda Protectorate Government enacted the *Control of Refugees from the Sudan Ordinance* in 1955 (Pirouet 1988). This served as the country's first-ever legislative instrument for refugee status determination and subsequent refugee protection. Five years later, in view of growing political instability in Rwanda, Burundi and the Congo and the corresponding need for a single legal regime to govern the management of all refugee populations in Uganda, the Uganda Protectorate Government in July 1960 repealed the Control of Refugees from Sudan Ordinance and replaced it with the Control of Alien Refugees Ordinance (CARO). The latter was subsequently known as the Control of Aliens and Refugees Act (CARA) after Uganda's independence (Mujuzi 2008).

The CARA remained in effect for the next 44 years, unchanged even after Uganda's accession to the 1951 Convention Relating to the Status of Refugees and Stateless People on 27 September 1976. In 2006, Uganda enacted a new legal regime, the Refugees Act. This came into force in 2008 and was operationalised by the Refugee Regulations of 2010. Though not without critics (RLP 2006; Sharpe and Namusobya 2012), the Act departs from the old legal regime in important ways and has been hailed as a remarkably progressive example of national legislation on refugee matters (Crawford *et al.* 2019). Most notably, Article 30 of the 2006 Refugees Act affords refugees the right to freedom of movement within the borders of the country. Although this crucial right to freedom of movement is qualified under Article 44 (that refugees must live in designated places known as 'settlements' and may only leave them with official permission to do so), Article 29 of the Act spells out several rights, including refugees' rights to own property, engage in subsistence agriculture, industry, handicrafts and commerce, establish commercial and industrial companies (according to domestic law), practice a profession according to qualifications, and access employment opportunities. These enacted rights, coupled with the specific right to freedom of movement, have since opened up Uganda's urban and peri-urban spaces – cities, municipalities, town councils, and trading centres – to refugees' asylum.

While refugees based in designated settlements are able—in theory—to work and establish businesses, access services like health care and education, access land, and move freely,

the reality of life in these settlements – some of which predate Ugandan independence in 1962 and most of which are located in remote rural areas far from major urban centres and services – is somewhat contested (Krause 2021). As such, notwithstanding a whole range of policy frameworks heralding a shift from traditional humanitarian relief to development assistance that have been piloted in these refugee settlements from 1999 (with the launch of the Self-Reliance Strategy) to date (with the recent launch of the Jobs and Livelihoods Integrated Response Plan), the country's urban areas continue to host growing numbers of asylum seekers and refugees. Certainly, while there is no doubt that the capital city of Kampala remains Uganda's largest refugee-hosting urban space,² there is also little doubt that other urban areas (recently gazetted cities, municipalities and town councils) in the country's north-west, west, north, and east have become sites hosting important numbers of self-settled refugees.

Ever since its first policy formulation of refugee self-reliance in 1999, Uganda's refugee response privileges a protection-through-settlement model. Here, refugees who reside in designated settlements receive humanitarian support from a host of state and non-state agencies (in concert with the UNHCR and her implementing partners), which include food rations (or cash-for-food) and non-food items as well as access to primary healthcare and formal education services. They are additionally granted a parcel of land (currently 0.03 hectares) on leasehold to boost their capacity for self-reliance through agricultural and other income-generating activities. By the same token, refugees who decide to reside outside designated settlements are assumed to have forfeited all available refugee humanitarian assistance for, in the eyes of Ugandan state, they are considered sufficiently self-reliant. Differently put, this settlement model disincentivises refugees' self-settlement in urban areas – and more especially the ones other than Kampala³ – even when the limited (and further shrinking) humanitarian assistance provided in refugee settlements does not translate into their self-reliance.

Uganda's impressive capacity to manage mass movements of refugees into the country – such as that of South Sudanese from mid-2016 onwards, recognised and registered on *prima facie* basis – coupled with its willingness to permit some refugees self-settlement within urban areas, make it a rare testing ground to explore multiple hypotheses about better asylum and refugee protection policies. This makes it an excellent setting to undertake this examination of urban self-settled refugees.

1.2. Objectives of and justification for this study

The aim of this rapid review was three-fold: (i) to inquire into the motivations for refugees' self-settlement in Uganda's urban spaces in lieu of designated refugee settlements; (ii) to assess the validity of the widespread assumptions that refugees self-settled in urban areas in Uganda are more self-reliant than those who remain in rural-based refugee settlements, especially following the outbreak of the COVID-19 pandemic; and (iii) to understand what the case of self-

² As of June 2022, according to statistics from the UNHCR and OPM, Kampala hosts a total of 118,249 recognised refugees and asylum seekers. See Appendix 1

³ In accordance with the Refugees Regulations of 2010, which operationalises the 2006 Refugees Act, Kampala remains the only acknowledged urban area in Uganda to register and host self-settled refugees. See Ryan, A. "Refugee Status Determination: A Study of the Process in Uganda" Norwegian Refugee Council (NRC) Report, 2018.

settlement of asylum seekers and refugees in Uganda's urban spaces can tell us in terms of humanitarian policy considerations for the future of asylum governance and refugee response, not only in Uganda but also across both the global South and North.

How asylum seekers in Uganda are recognised and subsequently managed as refugees in Uganda today is shaped by the choices of their settlement. Technically, therefore, refugees recognised by way of individual status determination (as opposed to *prima facie* refugees) have a great advantage when it comes to choosing where they stay. They may settle in the urban area of their choice but remain free to settle or relocate to one of the designated refugee settlements in rural areas when they so wish. Yet, the country's refugee recognition regime, in practice, only delivers assistance and protection to refugees living in settlements and not those refugees who choose to settle outside designated refugee settlements. Hence, little is known about protection—let alone durable solutions—of urban, self-settled refugees. At the core of the differential outcome in places of settlement for recognised refugees in Uganda is a complex articulation of a political economy of refugee protection, given the legal and policy frameworks governing protection of and care for recognised refugees in Uganda. The findings of this study thus point to some concrete recommendations for changes to programming, design of interventions and policy. These are directed towards the Ugandan state (OPM), the mandated international refugee agency (UNHCR) as well as a host of other key humanitarian and development stakeholders (I/NGOs) on ways to re-envisage asylum in urban spaces and assistance to the so-called 'self-settled urban' refugees.

2 Methodological choices and ethical considerations

This study set out to examine the extent of refugee self-reliance and the challenges for self-settled refugees residing in three cities (Arua, Mbarara and Kampala), particularly in view of disruptions from the COVID-19 pandemic. The choice of these research sites was underpinned by the fact that there has been a remarkable record of hosting refugees in those cities, even before the 2006 Refugees Act was enacted (Herbert and Idris 2018). Furthermore, the Refugee Law Project, under whose auspices this fieldwork was carried out, has had field presence in two of those cities (Arua and Mbarara) for close to a decade and in Kampala for over two decades.

2.1 Approach to fieldwork

The study took *narrative analysis* as its approach to researching the case of protection and durable solutions for self-settled refugees in the three cities. Narrative analysis, which is a cluster of analytic methods for interpreting texts, audio or visual data, goes “deeper into the causes, explanations, and effects of the spoken word” (Druckman 2005, p. 277) where the emphasis is not just on what is said, but also on why and with which effect. As such, context remained significant to the study. Tellers of the narratives—those asylum seekers, registered refugees, humanitarian workers, and the Ugandan hosts we conversed with during fieldwork—were treated as experts of their own stories. This methodological approach to primary data gathering thus allowed for broader thematic understandings of asylum and refuge in urban spaces as well as its effects, capturing not only *what* was being said (or not), but also the *meaning* behind it.

2.2 Study respondents and Sampling techniques

Respondents, in the main, included those so-called ‘self-settled urban refugees’, their local hosts, and the humanitarian (state and non-state) workers who support them. Focus group discussions (FGDs) were carried out with asylum seekers and refugees who took part in this study, while their local hosts and humanitarian workers/social service providers were engaged by way of individual in-depth interviews (IDIs). A few asylum seekers and refugees identified as respondent-outliers during those FGDs were also selected for follow-up interviews. The FGDs were both age- and gender-disaggregated, and in some instances, also nationality-disaggregated. While in Mbarara City a great many asylum seekers and refugees we interacted with were Congolese (from the Banyamulenge community) and in Arua City predominantly South Sudanese (from Dinka and Nuer communities), the ones we interacted with in Kampala City were from different nationalities (Burundian, Congolese, Eritrean, Ethiopian, Rwandan, Somali, South Sudanese and Sudanese).

The study respondents included men and women (cisgender), as well as one gender non-conforming group; older people/grandparents or parents of non-dependent adults (aged c. 60+); older unmarried people (aged c. 35+); middle-aged/parents of dependent children (aged c. 35–45); unmarried or recently married people (aged c. 18+). Interviewees (Ugandan nationals and non-nationals) too were of different age brackets and gender, and with various professional experiences, stemming from both state and non-state agencies across the humanitarian spectrum. Overall, the fieldwork engaged a total of sixty-two (62) self-settled asylum seekers and refugees; eighteen (18) state/government humanitarian actors, who included representatives from the Office of the Prime Minister (OPM) at the Department of Refugees (DoR), City Councils/Urban Authorities in the education and health sectors, and the Police; twelve (12) non-state/non-government humanitarian actors, including representatives from international and national NGOs as well as the UNHCR; and nine (9) Ugandan hosts, who included chairpersons of the Local Council I/Ward in the selected cities as well as Ugandan landlords/ladies. In Mbarara and Arua cities, the refugees and urban local authorities we interacted with during fieldwork predominantly hailed respectively from Katete and Olli wards – both renowned for hosting considerable numbers of self-settled refugees, many of whom reportedly still commute to neighbouring refugee settlements where they are duly registered and from where they periodically access available humanitarian assistance. In Kampala, we interacted with refugees and urban local authorities from Central (Old Kampala and Kisenyi parishes) and Makindye (Nsambya and Katwe parishes) Divisions under the Kampala City Council Authority (KCCA). These Kampala-based refugees also occasionally received limited humanitarian support from a handful of I/NGOs, most notably the Norwegian Refugee Council (NRC), which is currently UNHCR’s chief implementing partner for refugee assistance in Kampala.

It is worth noting that all respondents who participated in the study, whether via FGDs or IDIs, were selected purposively from RLP clientele and stakeholder databases. As such, the choice of respondent(s) was based on the professional counsel of RLP programmatic staff at both headquarters and field offices as well as the professional judgment of the study’s principal investigator. The bias inherent in this sampling procedure is compensated by the ethical consideration to minimise any possible harm to the study respondents. In particular, because the refugee respondents selected were persons with whom RLP already had well established relationships of trust and confidence, both individually and collectively, this sampling procedure maximised levels of disclosure and encouraged responses that were deeper and qualitatively richer.

2.3 Data collection methods and tools

Fieldwork entailed in-person FGDs, IDIs (both in-person and online), and to some limited extent observations. The in-person FGDs and IDIs were conducted in strict observance of the COVID-19 standards operating procedures. These included adhering to social distancing (1.5 metres apart), mask-wearing (nose and mouth covered throughout the exchange) and hand-sanitising by the investigators and respondents throughout the course of data collection. Moreover, all persons composing the research team were already doubly vaccinated against COVID-19 in a bid to minimise all risks of COVID-19 transmission. In total, ten FGDs (average six participants) using an FGD guide (with open-ended questions)

were conducted between June and July 2022. These allowed respondents and investigators to examine and contrast collective and individual perceptions of how the so-called self-settled urban refugees in the three selected research sites have been included or excluded in the country's self-reliance policies, strategies and plans of action, both before and after the COVID-19 nationwide lockdowns.

IDIs using an interview guide (with open-ended questions) were also conducted, first and foremost as follow-up conversations from FGDs. These IDIs provided for a deeper reflection on individual experiences of how self-reliance as a refugee hosting policy in Uganda is being used (or not) by forced migrants and humanitarian workers for greater protection and care. Other interviews in the form of Key Informant Interviews (KIIs) were used for primary data collection engaging key informants, who included selected humanitarian workers (with state- and non-state agencies/organisations). These IDIs were, in the main, conducted online via Zoom. It is also important to note that some interviewees, notably civil servants working with Kampala Central Division Authority in the health and education sectors, agreed to share with investigators their respective datasets that contained statistical data about Ugandan hosts and refugees receiving social services (health and education) within their areas of jurisdiction.

Finally, simultaneous interpretation by RLP-trained interpreters was used during FGDs with respondents less confident in or conversant with the English language. Informed consent forms were given out and thoroughly explained (with translations into other languages of all non-English speaking respondents) to respondents by investigators prior to any data collection exercise.

2.4 Data processing

A request for audio-recording was clearly spelt out in the informed consent forms for both IDIs and FGDs. Where granted – only two interviewees consented to being interviewed with no audio-recording in the entire course of fieldwork – investigators proceeded to audio-record the conversations held with respondents, in addition to simultaneous note-taking. Audio recordings consented to during FGDs, IDIs and KIIs were soon transcribed, before thematic coding of anonymised transcripts was done using the qualitative NVivo data analysis software (version 12). In the pages following, the primary data so processed are juxtaposed with secondary data from the reviewed literature in a thematic analysis (enmeshing the primary narrative data from transcribed FGDs, IDIs and KIIs with reviewed policy and scholarly literature) informed by the study's objectives.

The ensuing thematic analysis draws out the intersectional elements of forced displacement's vulnerabilities and resilience to offer a nuanced account of the ways in which asylum seekers and refugees self-settled in Uganda's urban areas actualise (or not) professed refugee self-reliance policies and strategies, which currently animate refugee humanitarian action in Uganda today. It is finally worth noting here that this research project adhered to strict data protection rules as stipulated in the Uganda Data Protection legal framework. To this end, all collected records (narrative) and datasets (numerical) were, in the end, securely stored in the RLP centralised password-protected data servers for subsequent safe archiving.

2.5 Ethical considerations

Because the subject matter of this study did include detailed narratives about experiences/attempts of exclusion/discrimination and further vulnerability in such contexts of refugee asylum, it was anticipated that fieldwork for this study could potentially trigger varying degrees of discomfort on the part of participants, even those with long-standing relationships of trust and confidence with RLP investigators. The research team thus ensured that participants were provided with information on accessing relevant support services as stipulated in the formulated humanitarian referral pathways, starting with RLP's own psychosocial and mental health programmes whose trusted counselling staff were on-site throughout the data collection process involving asylum seekers and refugees. Suffice here to add that this field-based study received ethical research approval and clearance respectively from the UNCST-accredited Research Ethics Committee of TASO Uganda (TASO REC) and the research accrediting authority in Uganda, namely the Uganda National Council of Science and Technology (UNCST) for a period of one calendar year (May 2022 – May 2023).

What is more, all respondents—and most especially those involved in FGDs—were each accorded compensation in terms of ground transportation refund (UGX 50,000 as enforced by UNCST-sanctioned regulations for research involving human participants), refreshments, and airtime for their quality time shared for primary data collection. Lastly, in view of the fact that many of the insights that inform this study came from non-Anglophone refugees, a commitment on the part of the research team was made that key elements of the present study's report are also made available for wide dissemination among them in languages other than English, including in Juba-Arabic, Dinka, Nuer, Congolese-Swahili, Tigray and Somali.

3 Findings

3.1. Motivations for refugees' self-settlement in Uganda's urban spaces

In the multiple FGDs, IDIs and KIs held with both the forced migrants and aid workers supporting them, the accounts of reasons for refugees' self-settlement in urban areas were diverse and contextually specific. These ranged from previous lifestyles and standards of living in refugees' countries of origin, some hard-to-bear ecological and social conditions in refugee settlements, the search for livelihood opportunity, self-propelled local integration away from direct state and society's gazes, prospects for fast-tracked resettlement, to protection and specific security concerns.

To be sure, the 2006 Refugees Act states that an asylum seeker or recognised refugee who wishes to stay in a place "other than the designated places or areas [refugee settlement] may apply to the Commissioner for permission to reside in any other part of Uganda" (Section 44(2) of the Act). In practice, however, and especially given the right to freedom of movement also enshrined in the very Act (Section 30(1)), there have since been many instances of cross-over mobilities by *prima facie* recognised refugees from designated refugee settlements to urban areas on the one hand, and from individual-status-determination recognised refugees self-settled in urban areas to the rural-based designated refugee settlements (Mulumba 2010). Previous studies that inquired into these cross-over mobilities from refugee settlements to urban areas have principally foregrounded 'economic/livelihoods reasons' as the chief motivation of change in residence from a refugee settlement to an urban area (city, municipality or town) and vice versa (Bernstein and Okello 2007; Mulumba 2010; IRRI 2018; Ahimbisibwe 2019). This study nonetheless reveals a plurality of reasons given by the concerned refugees themselves, accounting for their key motivations to migrate to urban spaces—away from designated settlements—for asylum.

3.11 Previous lifestyles and standards of living in country-of-origin

Arguing against the essentialisation of economic/livelihood reasons as accounting for their relocation from Oruchinga Refugee Settlement to Mbarara City, a group of six Congolese male refugees foregrounded, in an FGD, their previous lifestyles in eastern Democratic Republic of the Congo as the fundamental reason for their self-settlement in the city. One of them reported the following:

One thing we can't deny is that the Belgians who colonised us instilled in our parents and them in us some sense of always looking good regardless of the conditions one finds themselves in... These things are our valuable deep inside us and not even being a refugee can take these things away from us. Now, you get to that place [Oruchinga] where those humanitarian agencies have constructed an image of who a truly vulnerable refugee should look like: under-dressed and overwhelmingly dirty, only in need of food or medication. As Congolese refugees who do care about how we look, we'll never fit in their criteria of who a refugee in need of assistance is. So, we decided to move to an urban area that can accommodate our lifestyles. Mbarara, unlike Oruchinga,

gives us a chance to keep our way of looking without being discriminated against. That's precisely why we reside here.⁴

Another young Congolese female refugee residing with members of her family in Arua City evoked a similar view during a follow-on interview:

For us, we hailed from the city of Bunia as family. I grew up with access to quite a decent standard of living: we could cook using kerosene stoves or electric cookers, we showered from inside our house, we watched TV and movies from our living room, and did many other things with our neighbours within town. In brief, urban life is all that we had been accustomed to. When violence broke out in our home area and we had to flee for our safety crossing over to Uganda, we were first directed to the camp [Ivempi Refugee Settlement]. Life there was just the opposite of all that we'd been used to. We just couldn't cope with all the challenges there. Being a refugee was already bad enough. But now being a refugee in a rural camp, away from urban amenities was really too much for us to bear. Fortunately, we didn't stay long there. My parents found a way out of that place [Ivempi] and we have since been residing here [Arua City].⁵

As can be deduced from the above quotes, refugees' previous lifestyles and/or standards of living do have a bearing on where they would strive to seek asylum. Despite the plethora of services available to refugees in rural-based refugee settlements (which include access to water and sanitation, food and non-food items, primary and secondary education as well as healthcare), the fact of *ruralness* of these settlements constitutes an important push factor for a great many refugees previously accustomed to urban life (with all its amenities and expediencies) in their country of origin. As another Burundian refugee residing in Kampala put it during an FGD: "[S]taying in those rural settlements, away from reliable electricity, good internet signal, sports facilities... was way too boring for someone like me who grew up in Bujumbura through my adulthood until recently."⁶ The same was reported by Eritrean, Somali, South Sudanese and Sudanese who respectively hailed from Asmara, Mogadishu, Juba and Khartoum cities.

3.12 Socio-ecological push factors

The ecology within which some refugee settlements are located was also reported to constitute another important push factor, causing some refugees' relocation to urban spaces for asylum. During an FGD with six Congolese female refugees residing in Mbarara City, the following revelation was made by one of them:

From the transit centre where my family and I first settled upon crossing the Congo border into Uganda, we were then transferred to Nakivale Refugee Settlement. We received good reception there and so many humanitarian agencies cared for us in terms of shelter, water and food. But we were almost

⁴ Excerpts from a focus group discussion with six Congolese male refugees in Mbarara City (FGD/M - A/MBR), 24.06.2022

⁵ Excerpts from an in-depth interview with a young Congolese female refugee in Arua City (IDI/Y - F/AR'A), 06.07.2022

⁶ FGD/Y - M+F/K'LA, 15.07.2022

always sick. My young children were particularly affected by constant infections from malaria to typhoid fever. That place is just infested with mosquitos and flies of all kinds. And the weather there can be unbearable for us who come from and are used to moderate temperatures from the hills in eastern DRC. We couldn't put up with those high temperatures in Nakivale, which are about 40 degrees Celsius on average throughout the year. Being endemic to malaria and fevers for us, we decided to leave Nakivale for the sake of our health. That's principally why we came here [Mbarara City]. It's better here, for I can spend up to a year without me or my children falling sick.⁷

In another FGD with refugee youth from different nationalities residing in Arua City, a similar narrative was echoed concerning their experiences in settlements across the West Nile region:

Bidi-Bidi Refugee Settlement is outstandingly hot; during days it gets so hot that one is left with no option other than look for a shade under a leafy tree and sleep. Yet, even trees there are rare to find. And when it rains the place gets humid, muddy and swampy, making physical movement hard. No wonder, throughout the year people there, young and old as well as male and female, keep lining up to health centres for medical treatment. I think the hot and humid climate there is a major contributing factor to the ill-health of refugees settled there. And the fact that there is no allowance for building permanent or semi-permanent structures in the refugee settlement, living in those temporary housing structures makes it even more conducive for diseases. That's why we are here in Arua, and only go back to the settlement where we are registered as refugees when it is most necessary. Hard as it is, renting here in the city has saved us a lot from being perennially sick in the rent-free refugee settlement.⁸

From the figures published by the Department of Refugees (DoR) under the Office of the Prime Minister (OPM) before the COVID-19 outbreak, it was reported that 14 per cent of the total refugee population in the Greater Arua District lived in then Arua Municipality. It is no exaggeration to deduce that ecological conditions of West Nile's refugee settlements have contributed to refugees' relocation to Arua City for their residence. "Rhino Camp" one South young male Sudanese refugee underscored in an interview, "can have unbearable temperatures for most part of the year... we just go there to pick up whatever assistance being distributed occasionally and then return here [Arua City]."⁹ While the OPM's DoR emphasises that permission to refugees to reside in urban areas around the country depends on their ability to prove 'self-sufficiency', ecological conditions in many designated refugee settlements across the country make them 'sufficiently unattractive' for a great many refugees coming from relatively temperate climates across the Great Lakes and Horn of Africa.

3.13 Local integration away from direct state and societal scrutiny

The refugees we interacted with in the three cities kept underscoring that not all refugees in their social networks, who left settlements to asylum in urban areas, resided in the big

⁷ FGD/F - A/MBR, 24.06.2022

⁸ FGD/Y - M+F/AR'A, 05.07.2022

⁹ IDI/Y - M/AR'A, 05.07.2022

agglomerations next to settlements (Arua, Mbarara cities) or in Kampala. A great many of them, we were told, actually preferred to reside in peri-urban and small urban areas little known for hosting refugees in the first place. A traffic police officer interviewed in Mbarara City revealed the following: “Some refugees left the camp [Nakivale] and now reside in trading centres along the main road. They’re mostly involved in transportation business between the camp and the city. We saw it vividly during the previous COVID-19 lockdown...”¹⁰ Those in Arua, Mbarara or Kampala cities, we were further informed, were predominantly beneficiaries of either remittances from relatives and acquaintances outside Uganda or wages and other forms socio-economic assistance from hosts. But many who leave the refugee settlements—for reasons of eking a livelihood beyond the humanitarian assistance provided—often reside in the so-called ‘secondary cities’ (big urban agglomerations in the country’s southwest, mid-west, northwest and north) only as first stop-over. Within a relatively short period of time, they proceed to other distant peri-urban and small urban spaces, namely townships and trading centres along important high-ways, away from curious or suspecting gazes of the host society or the state. As one Burundian male refugee residing in Mbarara City revealed during an interview,

Many of us left the camps [Oruchinga and Nakivale Refugee Settlements] after a few weeks of being settled there and moved here [Mbarara City]. We did know a few fellow refugees who were already staying in the city. But not all of us who left the camp still reside in Mbarara. A big number moved onto other small urban areas along the Mbarara-Masaka highway. Some went to Kyotera and Lyantonde (about 60 km from Mbarara), and other proceeded further to Lukaya and Kayabwe (about 165 km from Mbarara). You see, no one is staying in those big towns like Masaka or even Kampala. They have preferred those small urban areas where they can integrate within society smoothly without too many questions to be asked and many conditions to be fulfilled... There, they are engaged in some small trade and business; others are working in people’s farms and ranches, and so earning their living without any discrimination or harassment, just like local Ugandans.¹¹

In an interview with the Kampala Refugee Registration Desk Officer, the latter also revealed without offering statistical data that a great many Kampala-registered refugees actually work and stay in places far away from Kampala Metropolitan Area:

[...] While a lot of concentration from humanitarian actors has focused on the districts hosting refugee settlements in the southwest, mid-west, northwest, the north and to some small extent Kampala, refugees leaving the settlements for their self-settlement in urban areas are moving to different places in the country’s central, east and even northeast unknown for hosting refugees. You hear about them in towns and trading centres deep in Busoga, Bukedea, in Tororo, Malaba, Busia, and even Moroto. How do I know that they are there? Once in a while, I receive a call from a police officer or an immigration officer all the way from Busia or Tororo, for instance, telling me ‘Bwana, I am here with this person saying that he is a refugee duly registered with OPM. But what is

¹⁰ KII/M – A/MB’A, 25.06.2022

¹¹ IDI/M – A/MBR, 27.06.2022

he really doing here? Aren't refugees supposed to be in their camps or at least in Kampala?' You see... we must have a comprehensive look at this issue of settlement of refugees in this country. And a lot of sensitisation about our Refugees Act is still needed...¹²

Whereas the 0.03 hectare of land which is being allocated per refugee household on average in Uganda's refugee settlements – coupled with a host of protection services and livelihood assistance – may still be a welcome offer and even of crucial necessity to their asylum, many refugees (especially those with protracted stays) continually see this settlement-based approach to their protection and livelihood concerns as a constraint rather than an enabler of the much-desired local integration. In some vivid sense, residing in the settlement and being a recipient of protection and humanitarian aid from within the settlement constitute a kind of stigma that inadvertently slows, and in some instances, even challenges possibilities for refugees' local integration into the host society. "Their coming to reside on the edges of the city" one LC I Chairperson in Mbarara City told us during an interview, "these refugees try to find an escape from much control of their lives in those camps. Nakivale, many tell us, is like a social prison for them..."¹³

Many in such protracted condition of refugeehood, therefore, opt for an exit from refugee settlements into spaces where their local integration – as the most pragmatically attainable 'durable solution' in sight – can be fast-tracked. Those spaces, in refugees' informed estimation, are not just found in the so-called secondary cities of Uganda within the refugee-hosting context, namely Mbarara, Fort Portal, Arua and Gulu. They are also, and perhaps most preferably, located in some peri-urban and small urban areas, namely townships and trading centres, along important highways to and from Kampala. There, in those asylum spaces, away from often curious and quizzical gazes of both society and state, these self-settled refugees pursue their versions of local integration with a much greater degree of success.

3.14 Fast-tracked resettlement prospects

Another important motivation of the move to urban spaces for asylum, brought to the fore during fieldwork, was the assumed promise of urban dwelling in fast-tracking refugees' resettlement process. It was widely believed by a great many refugees in FGDs and IDIs that Uganda's refugee settlements, unlike urban areas and more so Kampala, were the least preferred venue to speed up the process of refugee resettlement. Given the facilities present in urban areas – such as access to computers and digital technologies as well as the offices and personnel key in the resettlement process – many refugees shared the opinion that residing in the city augmented one's chance to see their resettlement dossier worked upon with more velocity and dexterity. As one young male Eritrean refugee narrated,

[...] You see, I have some relatives and friends abroad. Some, who also left as refugees, are in the United States and Canada, and others in Australia and New Zealand. I am very much in touch with all of them. And they keep sharing with me all sorts of information and details about the paperwork required to

¹² Excerpt from a key informant interview with the Kampala Refugee Registration Desk Officer (KII/M - A/K'LA), 12.08.2022

¹³ KII/M – A/MBR, 25.06.2022

prepare my file for resettlement. They are in communication with immigration authorities in those countries and keep getting instructions they receive from them, which they share with me and my other relatives here [Uganda]. I can tell you that it requires a lot of movement to various offices, meeting different officers, photocopying and scanning documents, etc. I just can't do all of that from the refugee settlement. There, there is even no computer connected to a printer and a scanner. Yet, I receive plenty of e-mails with attachments to print out, sign off, scan and send back. How can you do that from the confinement of a refugee settlement, where even internet signal is oftentimes a big challenge? That is why I am staying in Arua City, where I can easily access those things [computer, printer, scanner, internet, etc]. While doing my small business of Eritrea foods and clothing, I also work on the paperwork for my prospective resettlement abroad.¹⁴

A similar view was also shared by the Kampala Refugee Registration Desk Officer during an interview:

It is also true that we're seeing so many refugees wanting to relocate to and re-register in Kampala, because, I am told, Kampala is where there is all they need for igniting their resettlement process. You see them walking in with huge files, asking you this and that favour, this or that piece of documentation to attach to their files. One day I asked one of them, a Somali refugee, who could not spend a week without coming to meet me: 'are you sure Kampala is the best place for you to chase this resettlement thing? How sure are you that you'll not spend your money and energy in vain?' She told me: 'Yes, Kampala is the real place. Where else will I find the head offices of IOM, UNHCR, OPM, Police, other humanitarian agencies and even the embassies? Those are the offices I keep on visiting. And as you know I can't do this from the settlement. If I lose out, at least I'll learn a lesson. But if all comes to pass, you'll be the first to tell me bye-bye' ...¹⁵

Indeed, while the law requires that refugees and asylum seekers desiring to reside "in a place other than the designated places or areas [Refugee Settlements]"¹⁶ should apply to the Commissioner for permission to reside in such other places (Section 44(2) of the 2006 Act), many reportedly simply leave their assigned refugee settlement for residence – even if temporary – in urban areas, especially in the capital city of Kampala without obtaining such official permission. The quest for fast-tracking prospects for resettlement by refugees themselves, whether as self-propelling or aided by their social networks abroad, would seem to trump all qualifiers of refugees' freedom of movement enshrined in the law (Section 30(2) of the 2006 Act). A vivid description of the connection between the desire for resettlement and relocation to Kampala from a refugee settlement was captured in a recent court ruling delivered on 22 July 2022 at the Magistrates Court holden at City Hall. In a criminal lawsuit, in which a Congolese refugee couple was accused and charged with malicious damage of property belonging to the UNHCR and assault on a police officer on duty at the UNHCR

¹⁴ IDI/Y – M/AR'A, 06.07.2022

¹⁵ *Supra note 7.*

¹⁶ Section 44(2) of the 2006 Act.

headquarters in Kampala, the Senior Magistrate Grade One noted the following:

The facts material to this case... are that the complainant police officers were deployed by a UNHCR Security Officer to evict and transport the accused persons with their family from UN Human Rights Office Kololo in Kampala to a camp in Arua but on reaching Kololo, they faced resistance from the accused persons who had organised their family with stones ready to fight. [The accused persons] are a refugee couple who had spent three weeks at the UN Human Rights Office with their family because of the refugee related problems... When they appeared in court, they pleaded not guilty to the charges and hence the basis of their trial. [...] Before I take leave on this matter, I wish to note that the accused persons raised very serious violations of abuse of their rights including non-derogable rights which they had gone to report to UN Human Rights when they were forced to return to the camp in Arua...¹⁷

Neither the carrots (all the humanitarian care extended to refugees in a refugee settlement) nor the sticks (required movement permits for refugees based in refugee settlements) seem effective enough to dissuade the relocation from the rural-based settlements to urban areas for refugees seeking the hardest-to-obtain durable solution, namely resettlement. Furthermore, the desire by refugees (more especially the young and with relatively long stays) to obtain Convention Travel Documents (CTDs), should also be understood in light of this quest for resettlement. Despite the cost of CTDs being exorbitant for a great many refugees – UGX 150,000 /~USD 40 for one CTD –official records at the Department of Refugees, OPM do indicate that about 700 refugees do apply for CTDs annually.¹⁸ And because, in practice, mostly registered self-settled refugees in Kampala have benefited from acquiring CTDs, those in rural-based refugee settlements continue to see relocation to Kampala as a key step in attaining resettlement. It is true that there are several protection-enhancing forms of assistance which accrue from residence in Uganda’s refugee settlements. But it is also true that some refugees are ready to forego all available protection-enhancing humanitarian assistance rendered to them in the settlements in pursuit of a distant hope for resettlement, imagined through seeking direct asylum in the liminal space of urbanity.

3.15 Some special protection concerns

One last motivation the refugees we interacted with provided for their relocation from refugee settlements to urban spaces consisted of protection-related concerns. Nakivale Refugee Settlement, one male Somali refugee residing in Mbarara City told us, “just wasn’t the place where I wanted my son to grow up in.” Asked why it was so, the man retorted:

I come from a very small minority clan in Somalia. [My clan] is overlooked by other Somalis from big clans. Coming to Uganda via Kenya for refuge was for me and my family one of the surest ways to escape extermination which was going on back home in the aftermath of the overthrow of the Saïd Barre regime (1990s). We first stayed in Kenya where the asylum care wasn’t really good for us, and so we decided to come down to Uganda. Once in Uganda, we were

¹⁷ Excerpt from the judgment in Criminal Case No. 1247/2021: *Uganda v. Bashige Nyamubi Mugugu and Sebzenzo Mapendo*

¹⁸ KII/M – A/KL’A, 12.08.2022

transferred to Nakivale. There, once again, we found a relatively big community of Somali refugees in the camp. Each household was allocated a small piece of land and a makeshift shelter on it for survival. The very tensions we fled from in Somalia were now at play in Nakivale. My innocent child, who of course knew nothing about Somali clans and clan relations was always badly mistreated by his fellow children while playing together. The other children from Somali majoritarian clans were told by their parents that my son wasn't a worthwhile human being, worth being treated with dignity and care. So, he was always discriminated against, kicked around, mocked, etc. Whenever he came to me and asked 'Daddy, why do they always mistreat me?' I felt like crying... But I always assured him that we shall soon leave those mistreating people in this miserable Nakivale and move to a better, safer place for you. That's why my family and I had to leave Nakivale. And although rent and feeding are a bit challenging here [Mbarara City], it is still worth our while living here.¹⁹

A Congolese female refugee residing in Kampala also underscored protection-related concern for her child, who was in urgent need of specialised care and/in education, as one of the chief reasons why she left Oruchinga Refugee Settlement. She decided to move first to Mbarara City and then Kampala City:

My child developed an invisible disability with learning. Bright as she is and also self-asserting, she still needed specialised care in formal education in order to attain her full potential. The health facilities in the camp [Oruchinga] weren't all well-equipped to attend to the need of my child... I was once told that there is one school in Mbarara City with Special Needs Education that can be of help to my child. So, instead of waiting longer [for OPM relocation to another settlement], I decided to relocate to Mbarara on my own, for the sake of my child. Unfortunately, after a while, that school in Mbarara too couldn't do much to improve her learning conditions. I was once again told that it is only in Kampala that such specialised care for my child can be got. That's how I eventually moved to Kampala, and it was the KCCA Assessment Centre that diagnosed well the condition of my child and then assisted her to learn well with that disability. I actually found many refugee parents there [KCCA Assessment Centre] with children with conditions similar or even worse than my child's... Life is definitely hard here [Kampala], but it was also very lamentable where I was in the camp. All in all, *afazali* [at least better] here.²⁰

These protection-related concerns were not simply limited to child safety and opportunity for their better grow. They also extend to the physical security of adults and entire households. As one adult male Rwandan refugee residing in Kampala revealed, refugee settlements may be an easy target for kidnap and other malefic treatments for refugees compared to cosmopolitan urban areas:

As you know, the issue of Rwandan refugees in Uganda has been very controversial, especially since the government of Rwanda evoked the

¹⁹ IDI/M – A/MBR, 25.06.2022

²⁰ IDI/F – A/ KL'A, 08.08.2022

Cessation Clause sometime back in 2010, I think. Having fled from persecution due to my political opinion, I came to Uganda and after a real hustle I was given asylum. I was residing in a camp [Refugee Settlement] in western Uganda due to the fact that I left everything in Rwanda and had almost nothing on me for survival when I crossed the border. Thankfully, a great deal of humanitarian assistance was provided in that camp. But it didn't take so long before I began suspecting strange appearances of people interested in my whereabouts. I quickly figured out that the camp in question wasn't safe for me. That's how I soon relocated to Kampala, where it may be a little harder to track me down compared to when I was in that camp.²¹

Here, again, the assumptions of self-reliance loaded in the current refugee legal and policy frameworks do not hold. It is indeed fallacious to assume that refugees' self-settlement in urban spaces away from the designated refugee settlements should only be permitted on grounds of their 'economic self-sufficiency'. There are various motivations besides self-reliance in terms of livelihoods, which the refugees we interacted with gave out in their accounts of relocation to urban spaces for asylum. Equally, the failure on the part of the DoR/OPM to account for rationales other than 'economic survival migration to the cities' can arguably be seen as symptomatic of a failure of bureaucratic processes of refugee protection at many levels. To be sure, refugees granted *prima facie* refugee status on the basis that they had fled from a situation of violent conflict or generalised violence that had made life virtually impossible in their home countries would carry a different catalogue of protection concerns from those granted status through individual status determination processes. In the case of Uganda, it is the former who predominantly populate rural refugee settlements while the latter become predominantly self-settled in urban areas across the country. Yet, once in places of asylum—especially in refugee settlements with a concentrated refugee population in relatively small cluster zones—protection concerns that were hitherto articulated in collective terms often give way to individualised special protection concerns.

Thus, the decision to leave the settlement for asylum elsewhere in fairly cosmopolitan spaces of the country's urban areas is generally individually determined. At the household level, moreover, the execution of such a decision can be profoundly gendered: in their capacity of husband and head of household, men reportedly do take the final decision to leave the refugee settlement and alone venture out first to explore other spaces of asylum, leaving behind wives and children in a sort of 'asylum limbo.' So prevalent was this pattern of staggered and gendered relocation of refugees from settlements to self-settlement in urban spaces that when the COVID-19 pandemic broke out, cities like Arua, Mbarara, and Kampala reckoned with an unprecedented number of self-settling refugees.

3.2 COVID-19 lockdowns and the deepened challenges to refugee self-reliance

First detected in the Chinese city of Wuhan in December 2019, the World Health Organisation (WHO) declared the coronavirus disease 2019 (COVID-19) a "public health

²¹ IDI/M – A/KL'A, 13.07.2022

emergency of international concern” on 30 January 2020 and a pandemic 11 March 2020.²² COVID-19 soon rapidly developed into a crisis affecting almost every country in the world. On 18 March 2020 the Government of Uganda (GoU) through the Office of the President announced a series of public health measures to prevent the spread of COVID-19 across the country. A total of 23 guidelines on preventive measures were issued by the President. Key among these guidelines was an emphasis on social distancing, closure of places of learning, worship, open markets, public transportation, and all border points. The country’s ministry of health announced its first confirmed COVID-19 case on 22 March 2020, and two days later, the GoU issued the Public Health (Control of COVID-19) Rules, 2020.

The country was eventually plunged into total lockdown, save for movement of goods and personnel deemed essential by the National COVID-19 Taskforce. The GoU turned both to the East (China) and the West (Britain) for cues on the public management of COVID-19. But it was the Wuhan model—the pandemic’s first epicentre—that mostly captivated the imagination of Uganda’s National COVID-19 Taskforce: a strict public quarantine cordoned off the city of Kampala and all border districts coupled with a 7 p.m-to-6.30 a.m. curfew across the country. The taskforce’s scope of duty kept growing in intensity and breadth, encompassing preparation and response, prevention and control of the COVID-19 spread in all areas of governance. Horizontally, the taskforce’s authority applied to all branches of government, including health, education, security, production, and culture among others. Vertically, it applied all levels of government, from the national to district, sub-counties/divisions, parishes/zones, and villages/wards across the urban-rural divide.

Humanitarian interventions – both by state and non-state actors – across the country were accordingly disrupted in terms of both planning and implementation. While some humanitarian agencies totally shut down, others quickly resorted to remote-working and virtual meetings, keeping online contact with their persons of concern (both urban-based and rural settlement-based refugees and asylum seekers) as well as with key staff of the Office of the Prime Minister (OPM), Department for Refugees at the headquarters and in the settlements across the country. But with the taskforce’s declared “war against COVID-19,” a myriad of rights and freedoms for millions of individuals – citizens and refugees alike – became severely encroached upon. Uganda’s refugees and asylum seekers would pay the heaviest price of the strictest COVID-19 containment measures when the taskforce redirected its focus on Ugandan citizens returning from abroad as well as all foreign nationals, drawing a second sanitary cordon inside its national borders.

3.21 Pandemic vulnerabilities in the context of forced displacement

Evidently, COVID-19 lockdown measures that were enforced by the Uganda state between April 2020 and January 2022 slowed down considerably the spread of the virus. Undisputedly too, these measures carried with them negative impacts that affected disproportionately different sections of the Ugandan populace and Uganda’s forced migrants. Through that period, the country still hosted the largest refugee population on the African continent with over 1.5 million refugees by the time the COVID-19 lockdown measures were lifted. About

²² Tedros Adhanom Ghebreyesus, *Opening remarks at the media briefing on COVID-19* (11 March 2020), <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19>

60% of these refugees are under the age of eighteen, with majority of the total refugee population in Uganda (92%) being hosted in rural settlements alongside hosting local communities, while an important minority (8%) are reportedly hosted in urban areas, especially Kampala.²³ Yet, despite the closure of state borders borne of the COVID-19 pandemic, Uganda still temporarily re-opened its borders to receive an additional 3,000 Congolese refugees (65% of whom were children), who crossed into north-west Uganda at Golajo and Mount Zeu crossing points.²⁴ After a 14-day quarantine, these new arrivals were eventually relocated to different refugee settlements.

Crises inescapably reinforce structural inequalities; the outbreak of a pandemic of unprecedented proportions since the 1918 Spanish Flu could only worsen appalling vulnerabilities characteristic of forced displacement. In April 2020, the International Monetary Fund (IMF) projected a sharp decline in global economic activity, which it referred to as the 'Great Lockdown' (with the world economy declining by 4.9% in 2020). The hike of some commodities prices following the decreed lockdowns particularly exacerbated the vulnerabilities of self-settled refugees in Uganda's urban areas. Gravely affected too were refugees residing in the settlements, whose loss of livelihood and income due to a 30 per cent cut in food rations and cash transfers respectively from WFP and UNHCR further worsened their already precarious situations of forced displacement and asylum. Of the exacerbated vulnerabilities due to COVID-19 restrictions, cases of loss of income, of shelter, psychosocial trauma, and biomedical ailments among self-settled/ling refugees in urban areas stand out.

If cases and threats of sexual and gender-based violence (SGBV) especially against women and girls in the course of the COVID-19 lockdowns were reported to be rising among Ugandan hosts, fieldwork for this study revealed that house rent insecurity, lack of meals, and lack of access to medical care (more so COVID-19 unrelated) were reported to be the three biggest concerns of self-settled/ling refugees in urban areas during the pandemic times. The restrictive measures borne of the COVID-19 pandemic no doubt added a layer of complexity to the peculiar vulnerabilities of these forced migrants who had until now sought asylum in urban spaces. Their hard-earned capacity of self-reliance soon dissipated. As the OPM Refugee Desk Officer in Mbarara City succinctly put it, "COVID-19 actually debunked the long-held idea of self-reliance of self-settled refugees in the city... it was their fellows in the settlements who actually bailed them out, including organising ground transportation for them to re-join the settlement; many of them here [Mbarara City] were just stranded beyond imagination."²⁵

3.22 The COVID-19 lockdown and the concern for shelter

Humankind, it is now globally acknowledged, has entered the "urban age" with more than half of the world's population living in cities (UNDESA 2019). The World Cities Report (2022) underscores a world that will continue to urbanize over the next three decades—from 56 per

²³ According to the statistics from UNHCR Uganda Office, shared in the Urban Refugee Working Group Meeting of October 2022, 123,668 persons of concern (93,363 refugees and 30,305 asylum seekers) were registered in Kampala as of end of September 2022. 61% (75,933) are women and children, the youth (15-24 years old) are 26% (32,670) while the elderly represent 1% (1,810).

²⁴ Statistics jointly generated by the OPM and UNHCR Uganda. See: <https://www.unhcr.org/en-ie/news/briefing/2020/7/5f042a5a4/3000-congolese-refugees-arrive-uganda-three-days.html> (accessed 07 July 2020)

²⁵ KII/M-A/MBR, 24.06.2022

cent in 2021 to 68 per cent in 2050. This, according to the report, translates into an increase of 2.2 billion urban residents, living mostly in Africa and Asia. Kampala's per capita built-up density has been increasing over the last two decades and in 2015 it was 100.4 people/ha (Atlas of Urban Expansion 2016). With an estimated rate of population growth 6.4% in urban areas, it is projected that by 2025, about 18.6 million people (approximately half of Uganda's population) will be living in Uganda's urban areas (Makara 2009). The growing increase in the city's built-up area has however been disproportional with access to affordable housing for low-income earning strata of the country's urban populace, resulting into a sprawl of some 62 informal settlements. It has further worsened the existing poor housing conditions, inadequate water and energy supply, poor waste disposal, and homelessness. The outbreak of the COVID-19 pandemic was a further setback for the already looming housing crisis for Kampala's un(der)employed populace.

A great many Kampala-based refugees who spent their nights subletting in the city's growing informal settlements were caught in double jeopardy when leaders on the COVID-19 National Taskforce called for strict adherence to the #StayHome campaign. While many voices both inside and outside Uganda hailed Uganda's COVID-19 National Taskforce under the auspices of the Ministry of Health for its ambitious, agile and aggressive containment of the coronavirus, many more urban dwellers—refugees and hosts in Kampala's informal settlements in particular—became greatly home-insecure in the face of evictions due to failure to pay their house rent. One adult male Congolese refugee during an FGD lamented the vanishing possibilities of raising enough money for his family's house rent following the decreed COVID-19 lockdown: "I was a hawker of petty merchandise... I was therefore threatened with eviction for failure to pay rent over many months. I am thankful for the cash assistance we received from RLP during those months of total lockdown."²⁶

Here was the greatest irony of the #StayHome campaign spearheaded by the Ministry of Health-led COVID-19 National Taskforce: the call for staying at home in a bid to curb the spread of the coronavirus and flatten the curve saw a great number of urban dwellers—Kampala-based refugees in the first instance—threatened with homelessness as raising money for their house rent was profoundly contingent upon their movement away from home. The National Taskforce's decision about whose movement was deemed essential and hence acceptable during the COVID-19 lockdown impacted much negatively the urban poor, hosts and refugees alike, for whom movement remained crucially important for their survival in the city—let alone retaining their shanty homes.

3.23 The COVID-19 lockdown and the concern for food

As Uganda's COVID-19 lockdown rendered many forms of informal and formal labour impossible to perform, access to the already limited services for self-settled/ling refugees in urban spaces shrank. Only dwindling food-aid distributions were permitted in rural-based refugee settlements. The combination of lack of access to services (including medical and nutritional aid) with the collapse of many economic/livelihood activities accelerated what was best described as 'COVID-19 hunger'. Suffice here to note that the flight for refuge and refugeehood itself were for a great many refugees in Uganda an experience of trauma, stigma and marginalisation at many levels. Such experiences of flight and refugeehood can set in

²⁶ FGD/A – M/KL'A, 12.07.2022

motion underlying conditions which render refugees, more so those self-settled, all the more susceptible to COVID-19.

While subsistence farmers' food production (especially for rural households) was not severely impacted by the COVID-19 lockdown, containment measures greatly influenced food supply chains and markets in urban areas in particular. As demands for cereals and other foodstuff with long shelf-life increased in the course of the COVID-19 lockdown (including common staples such as maize flour, beans, peas, millet, salt, sugar and cooking oil), spikes in prices occurred. All the while, food safety and quality kept deteriorating due, in part, to disruption in transport and inadequate storage capacities, as well as reduced controls and checks. Being a part of the big constellation of the urban poor and net food-buyers, refugees self-settled/ling in Uganda's urban areas were thus deeply affected by these COVID-19 induced disruptions in food supply chains and reduced access to affordable food. In an FGD, one South Sudanese female refugee narrated her experience of the COVID-19 hunger: Being a mother of five children, in addition to staying with other dependents from her husband's family, she had to make hard choices about *what* and *when* to eat as the family. It was one single meal per day, "mainly *posho* [maize flour Ugali] with beans or greens, taken in the late evening."²⁷ What is more, the dwindling access to energy whether in terms of firewood, charcoal, gas or electricity for cooking the meal added another layer of reinforcement to her experience of COVID-19 hunger.

Indeed, it is one thing to secure foodstuff—whether purchased or scavenged from food markets, stores or gardens—and quite another to have it transformed into a meal. At the heart of the transformation from raw foodstuff to cooked meal lies energy. The latter has been either exorbitant or simply in diminished supply during the COVID-19 lockdown. It was particularly in view of these COVID-19 disruptions that a protection officer at NRC Kampala revealed the following:

The whole refugee self-reliance approach ought to be grounded in evidence. There is need for more ethnographic studies in urban asylum to inform the self-reliance and resilience policy. COVID-19 has taught us that refugees settling in urban areas need support. It was too early and erroneous to think of them all as self-reliant. The fact that COVID-19 also heightened a strong nationalist focus, a strong aspect of 'For God and My Country' actually saw refugees' concerns swept under the carpet during pandemic times. Urban refugees bore the brunt of hardship, whether in terms of access to food, energy, medication, or other amenities, especially due to the settlement-based refugee aid policy.²⁸

The Government of Uganda did put in place some measures to stabilise the food supply chain during the COVID-19 lockdowns. These included supporting technologies to enhance productivity, facilitating food distribution and flow, and labour-saving practices to compensate for labour shortage, limitations of collective labour and restrictions on the movement of people to production sites. But most outstanding of all was the distribution of foodstuffs (maize flour, beans and sugar) to the urban vulnerable and casual workers in only Kampala and Wakiso districts. Yet, the very requirement for national identification cards before receipt of these

²⁷ FGD/A – F/AR'A, 05.07.2022

²⁸ KII/F – A/KL'A, 18.07.2022

foodstuffs meant the purging of urban refugees from the government's food bonanza. Things did not work out so well for the national urban poor either. Soon, embezzlement reared its ugly head in the government's COVID-19 food relief scheme: A cluster of Office of the Prime Minister (OPM) officials refused to buy cheaper beans and other food items meant for the 'urban poor' in the country's COVID-19 response plan. Instead, they allegedly padded the rules to benefit a mixture of regime-backed businessmen (Izama 2021). With the depletion of food aid meant for the urban poor citizenry through a chain of corruption scandals, COVID-19 hunger bit much harder for the urban poor refugee population.

3.24 COVID-19 induced psychosocial injuries for self-settled/ling refugees

The COVID-19 lockdowns in Uganda no doubt extracted a huge toll on everybody's resilience. Although the pandemic was and still is global, it was and still is experienced differentially in various countries and locales around the world. Self-settled/ling refugees in Uganda's urban areas also had their share of psychosocial injuries borne of this lockdown. There was a lot which was new about COVID-19 preventive measures as non-pharmaceutical interventions to blunt the force of extreme mortality events. The tyranny with which the COVID-19 National Taskforce team (and its decentralised sub-teams at different levels of local governments) implemented adherence to lockdowns as a 'war against the novel coronavirus' was particularly detrimental to the psychosocial wellbeing of the city's forced migrants. The attendant mass surveillance and controls placed on human liberties in the context of this war against COVID-19 was, for many refugees in Kampala as in Mbarara and Arua cities, reminiscent of the very traumatic experience of their initial flight.

To be sure, the imposition of a total lockdown *à la* Wuhan became an expensive experiment in cut-and-paste policy imitation. For nearly all the refugees we interacted with during fieldwork for this study, the COVID-19 lockdown itself epitomised a 'crisis in the midst of crisis.' It was, in so many respects, a continuation and even a multi-layered shock added onto a crisis brought by forced displacement itself. The constant anxieties of living in a foreign land coupled with constant struggle to put food on the table and meet other basic needs were amplified by the stressful experience of the COVID-19 containment. For many of these refugees we interacted with in Mbarara, Arua and Kampala cities, the absence of gunshots, physical torture or flight did not balance out the fear, anxiety and uncertainty borne of COVID-19. Instead, COVID-19 restrictive measures carried the potential of re-traumatisation.

The GoU kept claiming, and perhaps rightly so, that it was/is responding to the science of the day. What is conspicuously clear, however, is that the scientific voice was far from being representative enough in its scope. In the chorus of medical scientists, epidemiologists seem to have developed the loudest mouths and the smallest ears insofar as the shaping and implementation of the COVID-19 response was concerned. They listened the least to their counterparts in the larger medical science community and spoken the loudest to the government of the day. Moreover, their unrelenting obsession with 'flattening the curve' had major disquieting consequences to both people's ways of life and ways of earning a living. Yet, after all, COVID-19 actually manifested itself as a *social* crisis—social distancing being heralded as a key antidote to the transmission—and not just an *epidemiological* one in some narrow clinical sense.

In the final analysis, the likely troubling consequences of the prolonged lockdowns to the

overall mental health of these refugees cannot simply be explained away. Epidemiological as the COVID-19 pandemic may be, the recorded experience of city-dwelling refugees here points to the psychosocial component as looming large in the equation. Data on incidences of SGBV among these refugee populations involved in intimate relationships were still difficult to collate—let alone process. It cannot, however, be ruled out that post-traumatic stress disorder (PTSD) might be one of the most enduring psychological consequences of this COVID-19 lockdown for SGBV survivors. Health, WHO tells us, is not just the absence of disease or infirmity; it is a state of complete physical, mental and social wellbeing. Indeed, the refugees we interacted with in the course of fieldwork had endured severe depression, out of which some reportedly contemplated “suicidal ideations.”²⁹ A great many depressed people felt profoundly devalued. And the more devalued are their feelings, the more severe their PTSD. In this way, the outbreak of COVID-19 and the regimentation of life that followed it profoundly affected the capacities and capabilities of self-settled/ling refugees in Uganda’s urban areas to look after themselves much more than their counterparts in refugee settlements who were still meagrely looked after. And yet, their determination to continue seeking asylum away from designated rural-based refugee settlements kept growing rather than shrinking, even under and after the shock of the pandemic.

3.3 The limits of the settlement-based approach to refugee protection

“All recognised refugees”, the Acting Commissioner for Refugees underscored in an interview, “are special guests of the state,”³⁰ and thus deserving of special care throughout their asylum stay in the host country. This, in principle, should hold true regardless of where these recognised refugees desire to live within the borders of Uganda. Yet, despite its expansive definition of refugee the Uganda refugee legal and regulatory frameworks offer a fairly generous regime of care for *prima facie* refugees and a relatively restricted range of refugee rights and protection-enhancing considerations for those granted refugee status by way of individual refugee status determination. The latter almost always would desire to curv their asylum space within the country’s urban areas.

Uganda’s preference for the settlement-based approach to refugee protection is evident. To officials of all ranks from the DoR/OPM, the rural-based refugee residing in the designated refugee resettlement is the ideal person of concern. To paraphrase Turner (2019, p. 595), this settled refugee is to Uganda the proper “uncontroversial object of humanitarian concern.” He or she – and always assumed in a clear-cut heteronormative sense of gender – is granted access to specific humanitarian food and non-food items, as well as assistance programmes among other things for their empowerment and gradual self-reliance. Meanwhile, the opportunities available to these refugees in settlements, who are gradually expected to become self-reliant have not adequately improved their life circumstances. Most noticeable instead is the fact that the remote locations of these settlements do contribute to physical, social and economic separation from the rest of the country, while humanitarian and government agencies enjoy control over the settlements’ inhabitants as well as direct access to them (Agier 2011). Consequently, these settlement-based refugees, in the words of Krause

²⁹ Excerpts from a FGD with six LGBTI refugees residing in Kampala (FGD/Y – LGBTI/K’LA), 14.07.2022 the recorded urban refugees’ reported issues during COVID-19 lockdown: RLP online database, June 2020.

³⁰ KII/A – M/KLA, 22.08.2022

(2021, p. 92), quickly turn into “protection objects.”

Those who, for various reasons and motivations, seek to break away from such ‘containment politics of refugee protection’ by seeking refuge in cosmopolitan urban spaces are here faced with often insurmountable challenges to a dignified asylum. Section 29(1)(e)(vi) of the 2006 Refugees Act, for instance, underscores that every recognised refugee in Uganda has the right to have access to employment opportunities and engage in gainful employment. Regulation 64 of the 2010 Refugees Regulations further clarifies that a recognised refugee shall, in order to facilitate his or her local integration, be allowed to engage in gainful or wage earning employment on the most favourable treatment accorded to foreign residents in similar circumstances; “except that recognised refugees shall *exceptionally be exempt from any requirement to pay any charges or fees* prior to the taking up of any offer of or to continue in his or her employment” (italics added for emphasis).

Yet, to date there is still no government-wide clarity about the need (or not) for work permits for refugees (to be) engaged in wage-earning employment. The Ministry of Internal Affairs argues for (free) work permits for refugees, while the Department of Refugees under the OPM asserts that work permits for recognised refugees are unnecessary. In one official correspondence addressed to the Minister for Internal Affairs, the Minister for Relief, Disaster Preparedness and Refugees brought forth the issue of work permit for refugees engaged in trading for their livelihoods. The Cabinet Minister implored his colleague for Internal Affairs to “contextualize refugees’ work permit requirements” for “[w]hile the Immigration Officers are mandated to enforce laws on work permits, refugees present a unique situation that should be looked at with humanitarian lenses...”³¹ A technical meeting for harmonisation, we were told, was called to establish a clear stance on the status of refugees’ (self-)employment and requirements for work permits, after which it was agreed upon that refugees engaged in income-generating work “still have to apply for work permit, though at no fee.”³² The interpretation of the 2006 Refugees Act in relation to work permits no doubt has a bearing on employers’ decisions on whether to employ professional and highly skilled refugees in the formal sector. While, in theory, the Ministry of Internal Affairs might have been brought on the same page with its counterpart in charge of refugees over the issue of work permits, in practice, refugees – especially those seeking or already having sought asylum in urban areas – find themselves in a weaker position when negotiating employment, and potential employers caught between the two sides can end up withdrawing offers of employment to refugees as a result of these ambiguities.

As a result, many self-settled/ling refugees who have professional qualifications or specialised skills end up being employed in informal jobs or informal self-employed activities. A great many self-settled/ling refugees in Uganda today are thus subject to the whims of both employers and those involved in processing documents (equivalency in certification), putting them in a further disadvantaged position compared to other aliens and the local hosts. To top it all, self-settled/ling refugees who otherwise venture into some pro-poor urban economic activities are not integrated into urban programmes by city planners. This is mainly because OPM’s DoR

³¹ Excerpt from the official letter from the Cabinet Minister for Relief, Disaster Preparedness and Refugees to the Cabinet Minister for Internal Affairs, referenced ADM/7/01 dated 07 January 2021. A shared copy is in possession by the study’s principal investigator.

³² KII/M – A/KL’A, 12.08.2022

and UNHCR have not proactively and sufficiently engaged the City Council Authorities across the country in integrating city-dwelling refugees in urban plans—a stance that reflects the position held by OPM's DoR as well as the UNHCR that only refugees who can demonstrate self-sufficiency in the metrics of OPM and UNHCR can live in urban areas.

A similar observation can be made for the formal education sector. Section 29(1)(e)(iii) of the 2006 Act underscores that a recognised refugee in Uganda shall receive at least the same treatment accorded to aliens generally in similar circumstances relating to “education, other than elementary education for which refugees must receive the same treatment as nationals, and in particular, regarding access to particular studies, *the recognition of foreign certificates, diplomas and degrees* and the remission of fees and charges” (italics added for emphasis). The National Council for Higher Education demands equivalency for qualifications but obtaining this has proven too costly and time-consuming. No allowances are made for refugees who seek to access/resume tertiary education but were forced to leave documents in country of origin. Even refugees with professional training can hardly register with professional bodies such as legal fraternity, the medical/nursing order, engineers' board among others, for lack of certification of equivalency of their qualifications.

To engage in a professional job in the formal sector and to join a body of relevant professional associations, any academic qualifications attained from a foreign nation needs to be equated with the Ugandan system, namely The Universities and Other Tertiary Institutions (Equating of Degrees, Diplomas and Certificates) Regulations, 2007. The processes of equating of academic documents and belonging to a professional association are meant to establish one's credibility for the job to be undertaken. But these processes also serve as a means for securing and protecting the labour market for a few professionals and hence as a mechanism of labour control. The need for equivalency of foreign academic certificates and entry into professional circles adds to the challenges self-settled/ling refugees experience in their quest for work permits. Given the circumstances of their forced migration, some refugees have lost their academic documents, or the documents may have been destroyed in the course of flight, and obtaining new documents from their respective institutions is demanding. And where refugees do have the documents to be equated, the process of ascertaining the individual's competence in the stated profession is arduous. As a result, candidates who are otherwise qualified fail to obtain enrolment into institutions for higher education in Uganda. That refugees' academic qualifications, if available, should be thoroughly checked and undergo meticulous scrutiny is no argument for the lack of considered pro-activeness on the part of the equating authority in the host country. It is the duty of the host country in this case to see to it that those refugees who do qualify are not simply marginalised or discriminated against on the mere basis of their legal status in the country.

In the eye of the Ugandan state, refugees who cannot present evidence of formal employment and fixed residency outside designated refugee settlements are deemed unable to sustain themselves in urban areas and thus strongly discouraged from remaining there. Do these refugees wait until they can prove their self-sufficiency in order to relocate to urban spaces for their asylum? Previous studies have showed that they oftentimes simply self-settle without obtaining the required legal documentation (Bernstein and Okello 2007; Buscher 2012; Addaney 2017). The revelations made by the Resident City Commissioner for Arua during an interview are indeed quite telling:

A few years ago, way before the outbreak of the COVID-19, I was part of a research team that was carrying out some household surveys in Imvepi Refugee Settlement. It was a longitudinal study, with so many visits in the field over a relatively long period of time. At first, when our coming was announced through mobilisation by our local enumerators we found the settlement full to its capacity. But when our visit was impromptu, the settlement was barely populated; households were emptied of people. The youth and young adults who constituted the big majority of registered refugees there were nowhere to be seen. Only the elderly and young children were stayed there. So, I one time asked myself: are we really as country looking after these persons of concern in these refugee settlements? Do we really know where these refugees who leave the settlements for asylum elsewhere end up? Majority of them being young, energetic and perhaps gullible, aren't they also expose to more danger outside such as being recruited into some criminal activity, exploited or even smuggled outside the country? These are questions that still worry me even to date...³³

In a recently published study jointly undertaken by the RLP and the Humanitarian Policy Group (HPG) on social media and inclusion in humanitarian action, it was found out that refugees in Uganda—both those in refugee settlements and those self-settled in urban areas—are eager to get and stay connected to the internet through social media platforms, regardless of the challenging context. In particular, and given their demographic composition, the lives of self-settled/ling refugees in urban spaces of asylum are affected in dynamic ways as communications systems and networks continue to grow and new social media applications are developed. Some have cherished hopes of social media as potentially democratising the humanitarian industry in the field of forced migration. Others have also pointed out that online connectivity can exacerbate protection-related vulnerabilities of self-settled refugees, already suffering varying instances and degrees of trauma. While there are well-resourced international frameworks to manage and support refugee flows in particular, human trafficking remains poorly identified, tracked, remediated or prevented within these populations (Dolan, Tshimba & Nuwagira 2022). What is more, there is still little in place to counter exploitation and abuse in labour externalisation schemes originating from African countries with a demographic youth bulge like Uganda, moreover hosting huge numbers of refugees. This gap is exacerbated by limited data: data on extant human trafficking, human smuggling and labour migration involving forced migrants in Uganda is still mainly estimated and anecdotal, reliant on proxy indicators. Yet it is not far-fetched to imagine possibilities of different types of trafficking-in-persons and exploitation in labour regimes experienced by these refugees leaving the settlements for asylum in urban spaces across Uganda.

Even with the relative dearth of refugee humanitarian assistance in urban areas compared to the services available in rural-based refugee settlements, refugees' relocation to these urban areas is far from over. No doubt, the demographics of forced migrants in Uganda's refugee settlements today (the majority of them are young people below the age of 30) and the fast-paced urbanisation drive across much of sub-Saharan Africa (projected at 68% by 2050 from 56% in 2021) are two critical factors underlying the refugees' relocation to urban spaces for

³³ KII/F – A/AR'A, 04.07.2022

asylum. These factors, coupled with decreasing resources from donor-countries on the one hand, and protracted refugee stays amidst new influxes on the other, make the current preference for Uganda's settlement-based approach to refugee protection untenable and unattractive in the mid- to long-term. The limits of this policy approach were captured in the words of the Minister of Relief, Disaster Preparedness and Refugees during an interview:

[...] Just imagine, in 2013 as a ministry we were managing some 500,000 refugees with a budget of USD 300 million per annum. Today [2022], we're managing over 1.5 million refugees with a budget of USD 120 million per annum. Anyone can do the maths and appreciate the magnitude of the challenges before us. Let's also be mindful of the fact that land is a finite good, while Uganda's own demographics are bulging. What this may imply is that business-as-usual, hosting refugees in those settlement arrangements may not be sustainable. Perhaps, it is high time to start thinking of putting up high-rises for these refugees, that is, going vertical instead of keeping horizontal in terms of accommodation for the refugees. This would mean transforming those refugee settlements into nuclei of urbanity, which could grow to become important urban centres of the country. The UNHCR should here accompany the government in investing more and more in urban asylum, in arrangements that would exert much less pressure on land...³⁴

Of the more than 1.5 million refugees currently hosted in Uganda about 94 per cent are reportedly settled in designated rural refugee settlements across eleven refugee-hosting districts. In some refugee-hosting districts, refugees reportedly make up more than one-third of the total population. In May 2021, in furtherance of protection-enhanced assistance to settlement-based (predominantly *prima facie*) refugees, the government of Uganda launched a multi-partner plan known as the 'Jobs and Livelihoods Integrated Response Plan (JLIRP) for refugees and host communities in Uganda' in line with the ideals of the Global Refugee Compact. The plan envisions self-reliant and resilient refugees and host community households in refugee-hosting districts by 2025. It emphasises increasing economic opportunities by strengthening market systems for both refugees and hosts in refugee-hosting districts of Uganda. A jobs-and-livelihoods integrated response plan beyond the confines of rural-based refugee settlements is perhaps what is most urgently needed in order to productively diversify Uganda's current settlement-based approach to refugee protection.

³⁴ KII/M – A/K'LA, 19.07.2022

4 Conclusions and recommendations

The recently published World Cities Report of 2022 underscores that the future of humanity is undoubtedly urban, but not exclusively in large metropolitan areas. Furthermore, this report notes that urbanisation will continue to be a transformative, but uneven process that will require differentiated responses depending on the diversity of the urban context. As host to one of the largest refugee populations in the world, and as one of the countries piloting the Comprehensive Refugee Response Framework, Uganda's preferred approach to refugee protection is indeed worth scrutinising. The debate over integration (of all key resources and stakeholders) versus prioritisation (over the now meagre resources and growing needs of many stakeholders) within the application of this framework has been heated from the onset.

At the same time, there is comparatively little discussion in the extant literature—scholarly or policy—relating to modes of refugee recognition in general and to protection issues for self-settled/ling refugees in contemporary Uganda, in particular. The ones seeking asylum in urban spaces – away from the designated refugee settlements – are *ipso facto* denied access to the kinds of humanitarian assistance accessed by those in rural-based refugee settlements. Some refugees self-settle in the country's cities, municipalities and towns upon arrival from their countries of origin, while others first register in rural refugee settlement areas before moving to these urban areas. Rarer too are cases of those who first self-settle in urban areas and then relocate to rural refugee settlements. Correspondingly, when asylum seekers, in the main, are granted refugee status in Kampala – and no other urban area in the country to-date is duly considered a refugee-hosting space – all humanitarian assistance and support are terminated as one subtle yet profound way to compel those self-settled/ling refugees' relocation to rural-based refugee settlements. The DoR/OPM is yet to realise how legislation and regulation on-the-paper should catch up with reality on-the-ground insofar as the country's refugee response is concerned. As the protection officer at NRC Kampala cogently put it, “even when registration is still restricted to Kampala as the only urban area for refugee settlement in Uganda, access to refugee protection services, including a fast-tracked RSD process, can for instance be extended to all secondary cities of Uganda.”³⁵

For many refugees in Uganda today, whether self-settled/ling in urban areas or simply settled rural-based refugee settlements, voluntary repatriation remains a far-fetched notion. It is in the name of local integration that all of Uganda's refugee self-reliance strategies and practices are done. Thus, if local integration through self-reliance is meant to be a path to way of the three durable solutions to refugeehood, then naturalisation would here be the surest durable way out of refugeehood in the case of Uganda's forced migrants – many of whom been on the Ugandan soil ever since the 2006 Act was enacted. However, the prospects of refugees' naturalisation in Uganda remain nigh on impossible. Akin to the old regime (the 1960 CARA) when emphasis was on the control rather than on the protection of refugees and temporary

³⁵ Supra note, 25

sanctuary was granted only until return was possible, the 2006 Act continues to hold recognised refugees in the grip of a ‘perpetual alien’ status. Citizenship by naturalisation for recognised refugees in Uganda is almost impossible given the provisions of the Citizenship & Immigration Control Act. Section 16(5) of the Uganda Citizenship and Immigration Control Act underscores the qualifications for citizenship by naturalisation along the lines of length of stay: (a) having resided in Uganda for an aggregate period of twenty years; (b) having resided in Uganda throughout the period of twenty-four months immediately preceding the date of application; and (c) having acquired adequate knowledge of a prescribed vernacular language or of the English language among other criteria. Attempts by those who have dared to venture along this naturalisation route have been hampered by both the cumbersome bureaucracy at both OPM’s DoR and courts of law themselves. In a nutshell, when a refugee application for citizenship by naturalisation is lodged, the applicant therein applies based on the length of their stay, rather than refugee status *per se*.

This report has sought to disentangle what asylum in today’s Uganda is stated to be *de jure* from what it is experienced by asylum seekers themselves *de facto*. What emerges from the multi-layered story of asylum in Uganda’s urban spaces is a complex mix of hospitality and rigidity in the country’s refugee response: Uganda—Africa’s topmost refugee-hosting country—is hailed for its conspicuous hospitality while it also manifests a regimented regime of restricted refugee rights far apart from the much-hyped narrative of refugees everywhere ‘as special guests of the state’. Here, self-settled refugees residing in the country’s urban areas are regarded not as ‘effective persons of concern’ to the refugee humanitarian regime, but often as persons ‘to whom it may concern’. Assumed in the eyes of the host state to be self-reliant these self-settled/ling urban refugees run high risks of exploitation and abuse, not least the exposure to multiple forms of human trafficking. A further overarching revelation in this study is that, while the Refugees Act (2006) signals an intention to move away from the *control* of refugees and towards a greater degree of their *protection*, the reality is that the control elements remain prominent, most notably in the near impossibility of attaining naturalization as a durable solution. Protection is further undermined by the country’s unenthusiastic attitude to refugee’s self-settlement in urban spaces and due integration into the host’s formal educational institutions (from elementary to tertiary), healthcare centres (including specialised care) and professional bodies. Answers to the question of what potential damage of Uganda’s current settlement-based approach to refugee protection are should not just be framed in socio-economic terms. Worth considering too yet much less discoursed should be what is psychosocially and no doubt geopolitically at stake in this approach to refugee protection.

It is against this backdrop that this study report puts forth the following policy recommendations:

- The Ugandan government should avail naturalisation – however limited in case number – as a durable solution within the realms of possibility, especially for self-settled refugees with protracted stays, who satisfy the legal requirements and wish to take up citizenship;
- The Ugandan government, accompanied with the UNHCR and all other implementing/operating humanitarian partners, should de-couple protection-

enhancing humanitarian assistance to refugees from RSD processes and refugees' places of asylum;

- The UNHCR together with other aid (humanitarian and development) institutions/organisations should support context-specific and needs-driven innovative programming for self-reliance for settlement-based refugees in contradistinction to those for self-settled/ling refugees in urban areas alongside the differential criteria of gender, age, educational background, dis/ability as well as durations of stay in refugeehood;
- The private sector, and especially labour markets within the country and across the East African Community region, should proactively absorb the skills – extant and latent – of the refugee human resources, especially those already self-settled in urban areas;
- The EU, together with other multi-national donors funding the Comprehensive Refugee and Conflict Response in Uganda and across the region should directly support and capacitate urban authorities (city, municipal and town councils) to maintain and/or develop more socio-economically and ecologically amenable spaces to host more urban influxes, including from forced displacement.

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Appendix 1: Uganda's Refugees & Asylum Seekers as of 30 June 2022

