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Circular refugee returns between Kenya and Somalia: a rapid review

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List of acronyms

CRRF	Comprehensive Refugee Response Framework
DRA	Department of Refugee Affairs
DRC	Danish Refugee Council
DTM	Displacement Tracking Matrix (IOM)
GISEDP	Garissa Integrated Social Economic Development Plan
GoK	Government of Kenya
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person
IGAD	Intergovernmental Authority on Development
IOM	International Organisation for Migration
IRC	International Rescue Committee
NRC	Norwegian Refugee Council
PoCs	Persons of Concern
PRMN	Protection and Return Monitoring Network
RAS	Refugee Affairs Secretariat
RCK	Refugee Consortium of Kenya
ReDSS	Regional Durable Solutions Secretariat
REF	Research and Evidence Facility
RSD	Refugee Status Determination
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
VRP	Voluntary Repatriation Programme

Timeline of key events

Year	Event
1991	Military government in Somalia ousted, civil war starts Dadaab camps established in Garissa, Kenya (Ifo, Hagadera, Dagahaley)
1992	Famine in Somalia Kakuma Camp established in Turkana
2007	Refugees Act 2006 comes into effect. This Act also establishes the Department of Refugee Affairs (DRA) as the primary government body dealing with refugee affairs in Kenya.
2009	Al Shabaab advance in Somalia
2010	The Government of Kenya moves to have all refugees in Dadaab and Kakuma refugee camps and Nairobi registered and issued with refugee identity cards. These cards are valid for a five-year period.
2011	Kenyan forces enter South-central Somalia (October) Drought in the Horn of Africa About 130,000 refugees arrive in Kenya, fleeing drought and famine in Southern Somalia

	Kambioos and Ifo 2 camps open in Garissa DRA takes responsibility for registering refugees
2012	The Transitional Federal Government transfers power to a newly established Federal Government of Somalia Directive on Urban Refugees in Kenya, calling for refugees residing in urban areas to relocate to Kakuma and Dadaab refugee camps (December)
2013	Westgate mall attack in Nairobi (September) Tripartite Agreement Governing the Voluntary Repatriation of Somali Refugees Living in Kenya (November)
2014	Encampment order issued in March. The Directive was challenged at the High Court of Kenya and a judgment issued, which declared it was a violation of the constitutionally guaranteed freedom of movement and a violation of the principle of non-refoulement Amendments made to the Refugees Act, 2006 through the Security Laws Amendment Act, 2014. The amendments require that refugees and asylum seekers reside in the camps Operation <i>Usalama Watch</i> , a counter-terrorism operation, launched. Part of the operation was aimed at clamping down on illegal immigrants and relocating refugees to the camps by force. The Government initiates a review process of the Refugees Act, 2006 DRA assumes RSD functions
2015	Garissa University attack (April)
2016	Government of Kenya (GoK) announces plan to close the Dadaab camps by November (May) Revocation of prima facie status for Somali refugees in Kenya DRA disbanded, and Refugee Affairs Secretariat (RAS) established (May) Drought in Somalia Verification exercise of refugees carried out by RAS and UNHCR in 2016–17 in Dadaab, Kakuma and Nairobi
2017	The High Court in Kenya blocks the government's directive to close Dadaab (February) Kambioos camp closed (March) Special IGAD Summit on protection and durable solutions for Somali refugees and reintegration of returnees in Somalia (March) A Refugees Bill passed by the Kenyan parliament but rejected by the president. The revised bill is currently under review. RAS fully assumes responsibility for reception, registration, documentation, RSD and refugee management in Kenya Mohamed Abdullahi Farmajo elected president in Somalia (February) New Partnership for Somalia, adopted at the London conference, sets out how Somalia and the international community will work together to meet Somalia's political, security and economic needs, as set out in the National Development Plan 2017–19 Somalia National Development Plan highlights IDPs, returnees and refugees as priority group to be included in social and economic initiatives 2017 Somalia National Policy for Refugee-returnees and IDPs
2018	Ifo 2 camp closed (May)
2019	The Refugee Bill 2019 is gazetted through the Kenya Gazette Supplement No 126 Relocation of non-Somali refugees from Dadaab to Kakuma begins (September) Process of identifying Kenyans who had registered as refugees and deregistering them, undertaken by GoK and UNHCR (November) GISEDP presented to key stakeholders; European Union makes an initial pledge of €5

	million to GISED (October) Global Refugee Forum held and pledges made by GoK (December)
2020	UNHCR begins assisting Ethiopian refugees in Kenya to return to Ethiopia First reported case of Covid-19 in Kenya and Somalia (March)

Key concepts and definitions

Asylum seeker	An asylum seeker is someone who has entered another state to seek protection but whose claim for protection has not been ascertained by the country in which he or she is seeking protection. The asylum seeker's claim is ascertained through a process called refugee status determination (RSD). The Refugee Act 2006 gives Kenya the authority to grant or reject refugee status to a person who applies for protection based on the merits of their case (Refugee Consortium of Kenya, RCK).
Durable solution	A durable solution is achieved when the displaced no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement. It can be achieved through sustainable (re)integration at the place of origin (voluntary return), local integration in areas where displaced persons take refuge or in another part of their country based on their choice. For refugees, it can also be achieved through resettlement in a third country (DRC et al, 2019). UNHCR also promotes these three durable solutions for refugees.
Internally displaced person (IDP)	An internally displaced person is someone who has been forced to flee their home but does not cross an international border. IDPs include people displaced by internal strife and natural disasters (UNHCR).
Non-refoulement	Article 33 of the 1951 Convention on the Status of Refugees prohibits a state from expelling or returning ('refouler') a refugee in any manner whatsoever to the frontiers of territories where he or she would be exposed to persecution (UNHCR, 2007).
Refugee	A refugee is someone who has been forced to flee his or her country because of persecution, war or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group (RCK).
Refugee status determination (RSD)	RSD is the legal and/or administrative process by which governments receiving asylum seekers determine whether persons seeking protection meet the international legal definition of a refugee, thus qualifying for protection and assistance under international, regional or national law (RCK).
Registration	The collection and updating of basic information about a person who is seeking international protection.
Returnee	A returnee is a former refugee or internally displaced person who returns to their country or area of origin, whether spontaneously or in an organised manner (RCK).
Spontaneous returnee	A person who held refugee status and who has repatriated to their country of origin through self-organised means.
Sustainable reintegration	The Inter-Agency Standing Committee (IASC) Framework highlights eight criteria to be used when considering whether durable solutions have been

	achieved: safety and security; adequate standard of living; access to livelihoods; restoration of housing, land and property; access to documentation; family reunification; participation in public affairs; and access to effective remedies and justice (Brookings Institute, 2007).
Voluntary Repatriation	Voluntary repatriation is the return to country of origin 'on refugees' free and informed decision'. The essential requirement for repatriation to be voluntary is the counterpart of the principle of non-refoulement (DRC et al, 2019). Assisted voluntary return programmes may provide different levels of assistance for return and reintegration.

Executive summary

Many Somali refugees fled to Kenya following their country's civil war in the 1990s and during the famine of 2011. At the time of writing, the number of registered Somali refugees and asylum seekers in Kenya stood at over 265,000, the vast majority of whom reside in Dadaab (UNHCR, 2020a). In December 2014, a voluntary repatriation programme (VRP) for Somalis in Kenya was established under a tripartite agreement signed by UNHCR and the governments of Kenya and Somalia. Since then, UNHCR has assisted over 85,000 Somalis to return to Somalia from Kenya. In parallel to the assisted VRP, other refugees have been returning to Somalia in a 'spontaneous' or unassisted way. The reasons for spontaneous returns include the intention to return temporarily, the desire to maintain refugee status (which returnees must give up when they return with the VRP), hopes of resettlement, and delays associated with the VRP.

This review confirms that a significant number of Somali refugees who repatriate to Somalia through the VRP, or who make unassisted returns, subsequently return (sometimes multiple times) to Kenya. This reinforces the idea that assisted voluntary return does not bring an end to displacement, even when accompanied by reintegration assistance. In order to better understand the dynamics of circular returns, the review focuses on three key elements: 1) the circumstances in which Somali refugees decide to return to Somalia; 2) how and why they subsequently decide to move back to Kenya; and 3) their experiences upon returning to Kenya. Using qualitative methods, 18 key informant interviews were conducted with stakeholders in Nairobi, Dadaab, and Garissa. The informants included county government officials, staff at the Refugee Affairs Secretariat (RAS), Somali returnees to Kenya, Somali refugee community leaders, and NGO and UNHCR personnel. The qualitative data collection was supplemented with a review of the existing literature on circular return dynamics. The review demonstrates that, while there is a relatively large body of existing research on returns to Somalia, specific data and analysis on subsequent circular returns remain scarce.

Drivers of these circular movements

This review finds that the major reasons for circular returns to Kenya include challenging security and economic considerations in Somalia, temporary visits to family, and access to services such as education (which are seen as being of better quality in Kenya). Refugees with greater economic means can afford to make more frequent and informal cross-border movements, particularly for economic reasons. For this group, circularity is a key livelihood strategy allowing refugees to test opportunities and life on the other side of the border, while also having the flexibility to return to Kenya as a registered refugee. Circular returns are also associated with the geographic dispersal of family members to maximise access to livelihoods and services in order to ensure family wellbeing in the medium term, and to undertake a more permanent return if and when they deem conditions in the country of origin conducive.

The journey across the Somalia–Kenya border can often be risky but it is not necessarily difficult to arrange, given factors such as the availability of transportation and the relative proximity of Dadaab to the border. Interviewees frequently referred to the porous nature of the Kenya–Somalia border, and the existence of informal border crossing routes is openly discussed by refugees, government officials and those working in the humanitarian sector. Social networks based on kinship and other ties also facilitate refugees' travel between Kenya and Somalia. Family linkages and other community networks have emerged as important factors in sharing information about the conditions across

borders, as well as serving as sources of support upon arrival in Somalia and return to Kenya. This is particularly the case for those who subsequently find themselves as unregistered asylum seekers upon return to Kenya. Local information, as opposed to information relayed by 'official' channels, tends to be seen as more reliable when making decisions to return, especially given the challenges and disappointments voiced about the official return process by returnees.

From refugee to undocumented migrant

When Somali returnees come back to Kenya, the conditions awaiting them there depend largely on their socioeconomic status (and the resources and support they can subsequently draw upon), and on whether or not they still have refugee status in Kenya. Returnees who make the journey informally, outside of the VRP, are often able to retain their refugee status in Kenya. For example, split returns – where some family members remain in the camps – enable other members of the household to travel to Somalia spontaneously (i.e. unofficially) and retain access to their family ration support and other assistance. On the other hand, Somali refugees assisted to return through the VRP are required to give up their refugee status in Kenya. This means that, if they return, they do so as undocumented individuals, and are no longer eligible to receive food assistance or free education. Even if some returnees are able to mitigate these conditions through alternative income sources, without a refugee ID card, they face specific challenges in obtaining movement passes, qualifying for incentive work,¹ and accessing SIM cards, banking services and government services.

Thus, undocumented returnees face similar challenges to unregistered asylum seekers, and require specific attention, in terms of both immediate legal and humanitarian assistance and longer-term solutions. Of key concern is that returns are occurring in a context that is devoid of clear programming on the part of government and humanitarian or development actors. In the immediate term, many seek support such as shelter and food from relatives, clan or community members in the camps. However, in the context of funding shortfalls and reduced food rations, those who are providing support to unregistered returnees are likely themselves to be constrained as a result of already inadequate resources.

Furthermore, our research uncovered cases of children returning to Kenya without their families, and who face particular vulnerabilities. Although there are no available data regarding the number of child returnees, the large number of children who make up the undocumented caseload in Dadaab is a cause for concern; their vulnerabilities are exacerbated by their inability to access basic services without a valid refugee registration status. For example, organisations working in the field of child protection have reported that unregistered children in Dadaab are sometimes compelled to work in order to survive.

Return is a complex process and may not be final

The review reinforces the notion that, for a number of reasons, return to Somalia is not a one-directional process. For instance, despite the challenging conditions in Kenya, many Somali refugees continue to see better opportunities for their children's future in that country (rather than in Somalia), particularly when it comes to their education and safety. Furthermore, youth who have spent their formative years in Dadaab may have a weaker attachment to Somalia and may not necessarily feel a strong sense of belonging when they return. At the same time, returnees to Somalia are often perceived as outsiders, by both the larger society as well as by Al Shabaab, which contributes to the decision to return, including among individuals from minority groups.

¹ In many refugee contexts, refugees are engaged by humanitarian and development partners as 'incentive workers' to undertake jobs in connection with the provision of assistance and services to the displaced community, both within and outside camps.

Data and analysis on circular returns are lacking. However, in the uncertain context outlined above, the review suggests that circular returns are a relatively common strategy adopted by Somali refugees. For some, especially those assisted to return through the VRP, this is because returnees subsequently change their minds upon returning to Somalia, and decide to move back to Kenya. For others, circular returns represent an important livelihood strategy for testing opportunities and life on the other side of the border as part of a multi-staged return, or for maximising access to livelihoods and services elsewhere through split returns. Furthermore, a review of the literature reveals that circular returns are a common strategy adopted by refugees across different hosting countries. In Kenya, for example, they have also been observed among South Sudanese refugees in Kakuma.

Recommendations for research, policy and programmes

Based on the research findings, the review makes a number of recommendations for further research, as well as suggestions to inform policy and programming for refugees and circular returnees in Kenya, as outlined below.

Further avenues of research

Data and analysis on circular returns is lacking and, building upon this rapid review, further and more in-depth research is needed on the following thematic areas:

- **The dynamics of different types of cross-border movements.** This could include research on: Somali returnees' demographic and socioeconomic profiles; the duration and locations of their returns to Somalia; the drivers of circular returns to Kenya; the areas to which people return, and; who they return with. This applies to those who return to Somalia through the VRP, as well as unassisted returnees, given the limited data on this group. Ascertaining whether returnees who become IDPs are also part of any group that has since returned to Kenya for a second time would be important in order to examine the extent to which returnees who become IDPs are likely to engage in circular returns.
- **The socioeconomic outcomes for those who returned to Somalia from Kenya as part of the VRP.** Understanding how current cross-border approaches and processes work, and whether they can be strengthened, would also add value. Comparative case studies on VRPs in other countries would also be useful in understanding best practices and sharing lessons learned.²
- **Circular returnees' level of access to services in Kenya, and any specific programmes or support they may require.**³ This could include research into the number and situation of unregistered returnees who are children, and an understanding of the particular vulnerabilities and risks they may be facing.⁴
- **The situation of returnees who move to urban areas, such as Nairobi.** More research is

² At the time of writing, UNHCR Kenya plans to undertake another intention survey of Somali refugees related to the VRP, and there are plans by UNHCR Somalia to carry out an assessment of returnees to Somalia and their contribution to local markets. These studies should contribute to the larger picture of the drivers of circular returns.

³ At the time of writing, NRC plans to commission a study on unregistered persons in Dadaab, funded by the European Civil Protection and Humanitarian Aid Operations (ECHO), which may provide additional insights into the experiences of undocumented Somali returnees who come back to Kenya.

⁴ At the time of writing, UNICEF Kenya has commissioned a needs assessment of unregistered children in Dadaab. It will be important to review the findings of this assessment to design future advocacy and programming strategies for unregistered children who have returned from Somalia.

required to understand the particular challenges as well as opportunities that life upon return to Kenya presents to urban returnees, and whether and how these differ from the prospects and experiences of camp-based returnees. Research into onward movements of circular returnees from Kenya (in particular from urban areas) to other African countries (e.g. Uganda, South Africa and Libya) as well as to Europe would also help to fill a gap in the current knowledge.

- **The circular returns of other refugee groups such as Ethiopians and South Sudanese in Kakuma.** This is relevant given the launch of the VRP with the Ethiopian government, and would provide an interesting comparison with the situation of Somali refugees.
- **Information networks among the Somali refugee community in Kenya and with cross-border communities.** Research could include how these networks operate, and how they can be strengthened to share better quality information among humanitarian and development partners. A closer look at the quality and relevance of messaging and information shared through the return helpdesks would be worth pursuing. It should also be noted, that any research into information networks should be carefully conducted within agreed parameters for the protection of people on the move, rather than with a view to manage refugee flows.

Strengthening policy and programming

The findings of this review have also highlighted a range of pressing humanitarian and protection concerns affecting returnees in Kenya. The following interventions are required in the immediate, medium and long term:

- **Prioritise and strengthen advocacy efforts with RAS and other national government ministries to register undocumented returnees and other asylum seekers in Dadaab.** There is also a need to support RAS in addressing the registration backlog and in expanding access to relevant documentation for refugees and asylum seekers.
- **Recognise the heterogeneity of returnees, and tailor programmatic and policy interventions accordingly.** A needs assessment with a cross-section of returnees in Dadaab and the urban areas is required to better understand specific requirements for support and what this would entail.
- **Support organisations that have a strong protection-related mandate,** including national NGOs providing legal aid and representation to refugees and asylum seekers. In addition, fieldwork indicates that unregistered returnees may require psychosocial support as a result of the conditions they experienced in Somalia, their journeys back and forth, or their experiences upon returning to Kenya given changes in their legal status and subsequent restrictions on their access to humanitarian services and income sources.
- **Expand food assistance to all unregistered asylum seekers who are profiled by UNHCR and RAS.** Linked to this, there is also a need to clarify who is eligible for food assistance and to raise awareness of what the profiling process entails.
- **Target vulnerable unaccompanied children and adolescents returning to Kenya** with protection-related support and ensure they have access to education.
- **Strengthen the socioeconomic situation of Somali refugees residing in Kenya,** as this has been shown to improve outcomes upon return. This could include recognising that circular movements, split families and staged returns are an important strategy for some.

1 Research objectives and rationale

Research conducted by the REF in 2018 revealed that some refugees had returned from Kenya to Somalia under duress induced by a number of factors, including the reduction of in-camp assistance, restrictions on movement and hostility from the government. The research also revealed that, in spite of initial optimism around social, economic and political developments in Somalia, many returnees were subsequently disappointed by the conditions on the ground (REF, 2018). In this challenging context, significant numbers of returnees to Somalia experienced a new wave of displacement, transitioning from being returning refugees to internally displaced people (IDPs), and living in informal camps and settlements (REF, 2018).

Given these security and socioeconomic challenges, Kenya often remains an attractive option for some groups of returnees to Somalia. Reports are regularly received of unknown numbers of Somali returnees going back to Kenya for a second (and sometimes multiple) time. With many having given up their initial refugee status, they lack legal status and face significant challenges in accessing protection and assistance upon returning to Kenya. This is an issue that has received limited academic attention to date. This rapid review therefore explores the circumstances in which Somali returnees decide to move back to Kenya and their experiences upon return. Specific research questions included:

- What motivates refugees who return to Somalia to move back to Kenya again?
- How are the decisions to return made? Who makes them?
- How do they make the journey, and where in Kenya do they move to?
- Is this the first time that Somali refugees have moved back to Kenya, or do they move on a regular, circular basis?
- What opportunities and challenges do returnees face in moving back to Kenya, and how do these compare with the initial conditions before returning to Somalia?
- What provisions, if any, are being made to respond to the needs of these returnees?
- What are the future intentions of the returnees? And what factors might influence their decisions?

This report begins by explaining the methodology adopted for the research, including a brief review of the available literature on circular returns. Section 3 contextualises the topic by discussing the repatriation of Somali refugees from Kenya, examining the processes and drivers behind these outward flows in recent years, as well as framing this within the policy environment in Kenya and discussions around Dadaab. Section 4 presents a discussion of the nature and dynamics of cross-border movements between Kenya and Somalia, taking a close look at the reasons why former refugees (and those intending a more permanent move to Somalia) are returning back to Kenya. Section 5 examines the conditions upon return to Kenya for these individuals, looking at whether they face additional challenges, particularly in relation to changes in their legal status. Section 6 provides an overview of circular movements among other refugee nationalities, such as South Sudanese refugees in Kenya. Finally, building on this analysis, Section 7 provides recommendations for further research, as well as preliminary recommendations for future policy and programming.

2 Methodology

Research was conducted in June and July 2020. It involved qualitative data collection based on 18 interviews. A set of common research protocols was prepared for each respondent group: returnees, community leaders, government, civil society groups and the international community. Interviews were conducted with a mix of key informants in Nairobi, Dadaab and Garissa over the phone and in person. Informants included county government officials, staff from the Refugee Affairs Secretariat (RAS), Somali returnees to Kenya, refugee community leaders, researchers, legal rights groups, NGOs, and UNHCR personnel. Returnees in Kenya were introduced to the researcher by NGOs, UNHCR and refugee leaders.⁵ The full list of key informants can be found in Annex 1. The qualitative data collection was supplemented with a review of the existing literature on circular return dynamics.

2.1. A review of the literature

Some recent studies have examined the repatriation of Somali refugees from Kenya, including the context and drivers of the voluntary repatriation programme (Human Rights Watch, 2016; Amnesty International, 2016, 2017; NRC, 2017; DRC et al, 2019) and the reasons for and profiles of refugees crossing the border spontaneously into Somalia (REACH, 2019a). In addition, there has been significant research conducted on the return and reintegration process in Somalia (Menkaus, 2017; REF, 2018; RDPP, 2018; ReDSS, 2019a; Yarnell, 2019), looking at the reasons why refugees choose to repatriate to Somalia, the obstacles they face, the policy framework in Somalia, as well as the preparedness and conduciveness of conditions in areas of return. There has also been recent research (including quantitative studies) on the socioeconomic conditions of IDPs in Somalia, which is relevant, as this group of displaced individuals also consists of former returnees from countries such as Kenya (Pape & Sharma, 2019; ReDSS, 2019a; REF, 2019; Yarnell, 2019). On the Kenya side, there has also been important research on the challenges that refugees living outside camps face in accessing and updating refugee documentation and securing legal status; this is relevant to this research as these experiences resonate with those of undocumented returnees in Kenya (NRC & IHRC, 2017).

A handful of available studies that involved focus group discussions with returnees to Somalia highlighted the dynamic of continued back and forth movement of Somali refugees between Kenya and Somalia, and also explored the reasons for spilt or staggered returns to Kenya (DRC et al, 2019; REACH, 2019a). These studies have surveyed the demographics of those starting their journey from Dadaab, examining the reasons why Somali refugees from those camps intend to travel to Somalia (either temporarily or more permanently), as well as garnering information about their journey there. However, there is no qualitative or quantitative study with a predominant focus on those individuals who end up returning to Kenya, especially those who were originally repatriated as part of the VRP. Related to this, there is a dearth of literature that quantifies and evaluates the significance of returns to Kenya, with very little examination of the socioeconomic profiles of these circular returnees, which would shed light on the primary drivers of their return to Kenya, and their current legal situation. An analysis of the implications of the above, both from a policy and an advocacy standpoint, as well as from a programming perspective, is lacking.

⁵ The research was conducted during the lockdown imposed in response to the COVID-19 pandemic, which made it necessary for several interviews to be conducted by phone.

2.2. Terminology and definitions

One of the findings of this research is that, though easily understood by interviewees, the term ‘circular returns’ is not commonly used nor does it appear widely in the literature on refugees. The term ‘circular migration’ is more commonly applied but more so in contexts of labour migration. For example, according to the Global Forum on Migration and Development (GFMD), circular migration can be understood as the temporary, recurrent movement of people between two or more countries mainly for purposes of work or study. Accordingly, migration movements that include at least two cross-border moves are categorised as circular migration, and this definition is heavily skewed towards economic activities such as employment, trade or investment (UNECE, 2016).

While our research found economic drivers for circular returns, a broader definition is required to capture circularity and mobility in the case of refugees. Some of the literature reviewed makes reference to various terms, such as ‘circular repatriation’, ‘staggered return’, ‘cyclical return’, and ‘temporary returns’. This review uses the term ‘circular returns’, defined as when returnees (in this case Somali returnees) move back to their host country (Kenya) once or on a recurring basis, either as a planned strategy, or as a coping mechanism in the face of unexpected difficulties (DRC et al, 2019). There is currently no consistent terminology to refer to this group of returnees, whom this research will call *circular returnees* or *returnees to Kenya*. These terms are used to refer to individuals who were repatriated to Somalia, but have since returned to Kenya for a second (or sometimes multiple) time. They include former refugees (who are now undocumented) as well as those who still retain their refugee status in Kenya.

3 Repatriation to Somalia: self-organised and assisted returns

3.1. The future of the Dadaab refugee camps

Contextualising the recent phases of repatriation of Somali refugees from Kenya requires a discussion about the future of the Dadaab refugee camps and the policy environment as it relates specifically to Somali refugees in Kenya. This is especially so because the past decade has seen a tightening of the asylum space in Kenya and uncertainty about the Government of Kenya's (GoK's) willingness to host Somali refugees. Since 2011, a series of restrictive legislative measures has focused on Somali refugees, including border closures (2011), forced relocation of urban refugees to camps (2014), and repeated efforts to close Dadaab and repatriate its residents (O'Callaghan et al, 2019).

In May 2016, the GoK signalled its intention to close the Dadaab camps, located close to the Kenya–Somalia border in Garissa County, and promote the repatriation of Somali refugees. It issued a directive revoking Kenya's long-standing approach of granting *prima facie* refugee status to all Somali asylum seekers, and another disbanding the Department of Refugee Affairs (DRA). Kambioos and Ifo 2 camps, established as part of the Dadaab complex following the 2011 influx, were closed in 2017 and 2018, respectively. Even before this, the government had frequently suspended registration of new refugee arrivals in Nairobi (in 2012 and 2014) and had also done so in Dadaab (Walkey, 2019). The most recent communication reiterating its commitment to close the Dadaab camps came in the GoK's *note verbale* of 2019.

Unpacking Dadaab

As part of what is commonly referred to as the 'unpacking of Dadaab', the GoK began a double registration vetting exercise of Kenyan nationals who had registered as refugees, as well as refugees who had obtained Kenyan citizenship documents. The numbers of Kenyan nationals registered as refugees is estimated to be 40,000 in Dadaab (McKenzie, 2019). As of November 2019, 2,899 persons were deemed to have satisfied the requirements as Kenyans (UNHCR, 2019a), but this exercise has since stalled because of heavy rains and the Covid-19 pandemic, among other factors. As noted by an official interviewed for this research, 'We only touched a third of the people and we still have a lot of ground to cover'. Efforts were also accelerated in late 2019 to facilitate the voluntary relocation of non-Somali refugees from Dadaab to Kakuma – the other major refugee-hosting complex in Turkana County.

A government respondent spoke of the changes underway in relation to the unpacking of Dadaab, indicating that these will be operationalised in the near future: 'The budgets have gone down for Dadaab and by the end of this year we should wrap up in Dadaab. Eventually, we remain with Somali

refugees in Dadaab and look for durable solutions for them. Those willing to go back to Somalia can go (option for voluntary repatriation); those unwilling to go back to Somalia will have options such as an internal/local integration kind of thing; or establishing another camp somewhere'. This view was echoed by an NGO respondent, who remarked that Dadaab 'won't exist as a refugee camp for long, but it will assume another shape, perhaps a settlement'.

Asked what they thought the future of Dadaab would be, the response among circular returnees and refugee leaders was mixed. One returnee commented: 'I don't think they will close the camps – they've been saying this since 2016'. However, a youth leader in Dadaab had a very different perspective: 'I think they will close the camp but UNHCR is saying that some will go back to Somalia, non-Somalis are going to Kakuma, and there is a plan for integration in Garissa County'.

County-level inclusion

Recent years have also witnessed the Kenyan government pledging to undertake several self-reliance and inclusion measures for refugees, including signing up to the Comprehensive Refugee Response Framework (CRRF) and adopting the IGAD Nairobi, Djibouti, and Kampala Declarations. Most recently, in December 2019, the GoK made three pledges at the Global Refugee Forum (GRF) to support: (1) refugee and host communities' education, (2) the integration of refugees in county development plans and area-based approaches; and (3) the strengthening of institutions and structures that manage asylum, deliver services and provide security in refugee-hosting areas.

For the Somali refugee population that remains in Dadaab, discussions are still being held about launching the Garissa Integrated Social and Economic Development Plan (GISED), which aims to enhance livelihood opportunities for both host communities and refugees in Garissa County. GISED is modelled on the principle and partnership of the Kalobeyei Integrated Socio-Economic Development Programme (KISED), and it has the potential to provide a long-term development model for refugee-hosting in Garissa County, even if the future of the Dadaab camps were to change. As a county government official reflected, 'GISED has ignited interest from non-state actors and other partners. The national government is supportive of the county government and is on board with GISED. The security sector is also on board – it only makes sense to make a plan to secure Dadaab. We don't have clear structures in the sub-county, which is currently over-populated and there is dependency on humanitarian organisations'. However, an NGO interviewee was not as optimistic about progress with the county-level plan: 'GISED discussions started last year ... we thought it would be launched this year but it isn't forthcoming and we see a huge risk here. Actors are moving to an emergency and short-term response rather than having long-term discussions of refugees and long-term solutions'. As recent research has found, there have been 'divergent approaches internationally and regionally, where the Kenyan government has signalled its commitment to promoting self-reliance and inclusion for refugees, while simultaneously taking steps to close Dadaab. It has meant a divide between national policy, which is rooted in security concerns, and county-level approaches, which are oriented towards encouraging development and maximising benefits for host communities' (O'Callaghan et al, 2019, p.6).

3.2. The Voluntary Repatriation Programme (VRP)

Repatriation of Somali refugees remains on the agenda

Long-term integration efforts for refugees in Kenya have thus far been hampered; given the growing restrictions on resettlement options, return to one's country of origin remains the GoK's preferred pathway to durable solutions. This approach of supporting the conditions conducive to the voluntary return of refugees was also strongly captured in the 2017 Nairobi Declaration on Durable Solutions for Somali Refugees and Reintegration of Return to Somalia, signed by IGAD member states,

including the GoK. In addition to ‘maintaining protection and promoting self-reliance in the countries of asylum’, the declaration emphasised the creation of ‘an enabling environment for safe, sustainable and voluntary return and reintegration of Somali refugees’ as a key objective (IGAD, 2017).

In Somalia, protracted internal and cross-border displacement (rather than return) dominated mobility narratives in the 1990s and 2000s, although hundreds of thousands of spontaneous and organised refugee returns to Somaliland and South-central Somalia occurred over this period (DRC et al, 2019). Using the Tripartite Agreement Governing the Voluntary Repatriation of Somali Refugees Living in Kenya as its legal framework, a VRP was established in December 2014. The VRP took an incremental approach to return, beginning by providing funds and resources to support those who chose to return, and progressing to formal returns supported by UNHCR (Leomoi et al, 2019). Although returns to Somalia didn’t start with the VRP, this agreement led to a significant number of Somalis returning since it was facilitated by the Kenyan and Somali governments, together with UNHCR. Moreover, the VRP provided a way to systematically gather data regarding those who returned. The process and conditions facilitating the return of refugees from Dadaab under the VRP have been the primary focus of many studies; this has often eclipsed studies of those refugees who return using their own means.

An overview of the repatriation process and numbers

UNHCR has assisted 85,067 Somalis to return to Somalia from Kenya since 2014, with women and children combined representing about 85% of all returnees to date (UNHCR, 2020c). As one NGO interviewee put it, ‘You have to look at different moments in time and analyse them, given there were so many changes in the context in Dadaab’. The VRP registered relatively high numbers in 2016, the year in which the GoK announced its intention to close the camps, with August recording the highest monthly figures. Since 2017, however, organised returns from Kenya have dropped significantly (Table 1). The period coinciding with the VRP has also witnessed Somalis crossing into Kenya as a result of the security and humanitarian situation in Somalia.

Table 1: Voluntary repatriation of Somalis from Kenya via the VRP over the past decade

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
No. of Somalis voluntarily repatriated	6	69	4	–	485	5,616	33,783	35,403	7,559	2,142	0

Source: UNHCR (2020a).

The voluntary repatriation process involves a number of stages, supported by UNHCR, RAS and international and national partners including the Danish Refugee Council (DRC) and the Norwegian Refugee Council (NRC). Return helpdesks were set up in the Dadaab camps to provide refugees with information on areas of return, along with protection assessments. As noted by an interviewee from an NGO that operates both a camp-based and an urban programme for refugees, these efforts were more prominent in Dadaab: ‘The voluntary repatriation exercise was mainly conducted in Dadaab and not in the urban areas. We didn’t have help desks in the urban areas but persons who would have wanted to repatriate knew they would get help from UNHCR’. All the circular returnees interviewed were Dadaab-based, and the majority returned to Somalia with the VRP. The one returnee interviewee who opted not to use the VRP did approach the return helpdesk in the camps for information. Table 2 shows the numbers of persons of concern (PoCs) who approached the

helpdesks in the camps, with the numbers peaking in 2016 and since declining.

Table 2: PoCs approaching the repatriation help desks in the Dadaab camps

Year	2013	2014	2015	2016	2017	2018 (Q1)
No. of Somalis	3,785	4,000	15,015	59,750	13,271	1,712

Source: UNHCR, 2018

Over the years, various organisations, such as UNHCR, REACH and NRC, have conducted return intention surveys among refugees in Dadaab to gauge the level of interest and understand the factors that are important to communities when making the decision to return to their countries of origin. Although 2016 recorded one of the highest numbers of assisted returns, a UNHCR survey in mid-2016 found that 74% of Somali refugees in the Dadaab camps did not want to go back. A subsequent survey of Somali Dadaab residents conducted by Médecins Sans Frontières (MSF) put the figure even higher, at 86% per cent. Among the reasons given in the UNHCR survey for a reluctance to return, 66% involved fears of insecurity and 10% an inability to access shelter (IDMC, 2017).

Refugees who are supported to return through the VRP are provided with core relief items and cash grants to facilitate movement, which is by air or road depending on the area of return. On the Somalia side, they are provided with support and assistance at way-stations (centralised points where returnees are received) in the designated return areas (NRC, 2017).⁶ As explained by an interviewee, the focus on the Somalia side continues to be on area-based initiatives in the identified areas of return, geared at building infrastructure and strengthening access to services such as education and health for returnees and host communities alike.⁷ Although most returnees who were interviewed didn't discuss any wider developmental support or livelihood initiatives that they were aware of upon return, one female returnee did reference a training course she attended in Mogadishu: 'UNHCR gave us a short course on education in Somalia – a secretarial course. I learned for six months and got a certificate and a computer'.

Weaknesses of the VRP

The VRP has not been without its critics. The monitoring of returnees once they are in Somalia and the accountability of partners are seen as key weaknesses that need to be addressed to ensure refugees are not returning to situations of danger, and that communities are supported to absorb return flows responsibly and sustainably (DRC et al, 2019). As one NGO respondent admitted, 'We haven't been able to obtain information about returnees in Somalia. Once they go in Somalia, other agencies take over. UNHCR might track them for a period of six to nine months, and then they are left to themselves'. Accounting for Somali returnees also remains a challenge, since some settle in IDP camps where it is difficult to distinguish them from those who have not crossed an international border (REF, 2018).

⁶ This return package consists of a one-time grant of US\$200 per person, a six-month unconditional monthly subsistence allowance of \$200 per household, an unconditional monthly grant for food rations for six months (provided by the World Food Programme (WFP)) and a conditional education grant of up to \$25 per month per school-going child for one year. In addition, UNHCR may provide a conditional grant of up to \$1,000 for shelter per household and conditional enrolment in self-reliance and livelihood projects (UNHCR, 2019).

⁷ An area-based approach, according to ReDSS, 'defines an area, rather than a sector or target group, as the main entry point. All stakeholders, services and needs are mapped and assessed and relevant actors mobilised and coordinated within it' (ReDSS, 2019d, p.2).

The length of time it takes to provide refugees in Kenya with a return package and transportation to Somalia has also been cited in the literature as one of the reasons why people opted not to return to Somalia through the VRP (REACH, 2019a). A refugee youth leader in Dadaab also reinforced this perception: ‘Many people who registered [for VRP] are still in Dadaab but movement has not taken place. People complain of delays, saying it was taking long’. There have also been operational (logistical and security) challenges associated with the VRP journey. For example, in July 2019, all return movements to Kismayo, both flights and road convoy, were suspended following explosions and gun attacks in the city. This came at a time when a resumption of road convoys had been halted for more than nine months (UNHCR Kenya, 2019). Key informants also revealed that many refugees preferred going back by road so they could accommodate more of their belongings.

3.3. The scale and drivers of self-organised returns

Despite the ongoing VRP by the GoK with support from UNHCR, there have continued to be self-organised – so-called ‘spontaneous’ – returns to Somalia, including some among people who ended up coming back to Dadaab (REACH, 2019a). Some studies suggest that these may surpass registered returns: ‘Between 2015 and 2018, while UNHCR and its partners assisted 82,840 Somalis in returning from Kenya, over 110,000 spontaneous returns from Kenya, Ethiopia and Djibouti were also recorded, but most did not receive return packages’ (DRC et al, 2019, p.27).

According to the cross-border monitoring done by REACH in 2019, the majority (85%) of people surveyed leaving Dadaab had not registered for the VRP because their return was intended to be temporary or because they feared losing their refugee status. As explained by a returnee interviewee, self-organised and split returns also help keep their refugee status active: ‘The majority of returnees are living in Dadaab with their larger families so collection of food is not a problem. Even if they leave for Somalia it doesn’t matter ... but for those who are family size 1, if they stay away for two months, their ration card is deactivated, and they will be stranded’. There are various ways in which a refugee can keep their case active in the camps. In addition to showing up for food collection if they are the registered collector, they can also ensure that their refugee ID cards are valid or renewed, as well as being present when RAS and UNHCR conduct any verification exercises, such as those conducted in 2016 and 2017.⁸ Some refugees also opt out of registering for the VRP because they are awaiting resettlement in other countries.

A returnee in Dadaab who was interviewed as part of this study explained that he went to Kismayo and Mogadishu by his own means in 2016 ‘to see if it is conducive to live there’ after having spent 25 years in Dadaab. Thus, it appears that the spontaneous returns allow refugees who can afford to do so to test opportunities and life on the other side of the border, while having the flexibility to return to Kenya as registered refugees.

3.4. Reasons for repatriation to Somalia: strong push factors at play

There is a strong body of research suggesting that the term ‘voluntary’ is not accurate when describing the repatriation of Somalis in recent years, as enshrined by the Tripartite Agreement. Numerous studies have documented the challenges associated with the VRP. The principle of non-refoulement, the timing of this programme and the conduciveness of conditions in Somalia have all been questioned in the context of the VRP: ‘In 2016, there were widespread concerns that Somali refugees were being returned involuntarily to places not conducive to return and with very limited absorption capacities’ (DRC et al, 2019). Based on testimony from refugees, returnees and

⁸ In this exercise, out of 341,574 individuals registered in Dadaab at the time, 283,558 individuals were verified as being physically present at that time.

humanitarian actors, Amnesty International concluded that the major push factor affecting the decision of refugees to return from Kenya to Somalia (before the High Court ruling in February 2017, which blocked the government's bid to shut down the Dadaab refugee complex) was the belief that the Kenyan authorities would close the camp and people would be forced to go back. 'Many therefore chose to take US\$ 400 in cash as part of a UNHCR-returns assistance package because they believed that if they didn't, they would be summarily deported with nothing' (Amnesty International, 2017).

Looking at the push factors, in recent years the asylum space for Somali refugees in Kenya has been reduced, by, for example, effectively denying newly arrived Somali refugees access to registration and RSD procedures since 2015 (Amnesty International, 2017). All the returnees to Kenya interviewed as part of this research spoke of strong push factors from Kenya as opposed to pull factors in Somalia as the main reason why they initially repatriated to the latter. This was the case both for those who returned with assistance provided through the VRP and those who returned using their own means. Three of the four interviewees cited uncertainty about the future of the Dadaab camps as their primary reason for returning to Somalia, while one returnee spoke of the increasingly difficult conditions in Dadaab, including a lack of food. A female returnee in Dadaab recounted that her family's move to Somalia in 2016 was strongly linked to the communication they received regarding the future of the Dadaab camps: 'It was really scary with the closure of Dadaab, especially for children in schools. Another problem we had was that if the neighbours went back to Somalia, you didn't have the confidence to stay'. An NGO interviewee also highlighted the challenge that minority groups might be facing in this current climate: 'The minority groups in Dadaab said that if non-Somalis are relocated to Kakuma then they too didn't want to remain in Dadaab ... their worry was why only leave Somalis in Dadaab?' These strong push factors are corroborated by research conducted by REACH, which found almost a quarter of respondents in their 2019 survey citing the potential closure of the camp as the main reason for leaving Kenya.

The return package: an inadvertent reason for circular returns?

The notion that the VRP return package was serving as an additional pull factor to Somalia was reinforced in interviews. A refugee community leader in Eastleigh noted: 'They [refugees] think they will benefit from money that UNHCR gives them for return in order to start a business in Somalia'. Reflecting on the past, an NGO interviewee also emphasised that return to Somalia was linked to funding: 'The first incentive package was so high and this led to people going back to Somalia. At the same time, the funding in Dadaab was decreasing and so there was an incentive to return. In 2019, people who returned probably felt that short-term prospects were better in Somalia than Kenya. It doesn't mean people were returning necessarily because there is prosperity in Somalia'.

Research conducted on the Somali side has also shown that the VRP return package has had inadvertent, detrimental effects on other displaced populations: 'Some IDP camp managers, in anticipation of returnees carrying resettlement cash, have evicted IDPs in order to make room for newcomers' (ReDSS, 2019a). Research conducted as part of the REF's study on comprehensive refugee responses in Somalia also revealed that some key informants viewed the package and overall support as not being sufficient, while others pointed out that this support has undermined social cohesion and contributed to tensions between returnees, IDPs and hosts (REF, 2019).

Linked to the above discussion on the return package, an NGO representative explained that not everyone who opted for repatriation intended the move to be permanent: 'Some who take the voluntary repatriation package are traders and they use the money to clear their debts. Someone who has no income in the camps will rely on a businessman or community member for a living and borrow money; they go for repatriation to pay back the debts and come back to Kenya with the

remaining money to start something'. A multi-sector needs assessment in Dadaab found that an average of 80% of households in Dadaab reported that they were indebted to traders, family or friends (NRC & REACH, 2019), further highlighting the possible attraction of the VRP package. Further discussion about individuals who were repatriated to Somalia but intended this to be a temporary move can be found in Section 4 below, which explores circular returns to Kenya.

3.5. Who has recently returned to Somalia?

An analysis of UNHCR data on returnees from Kenya between 2014 and 2018 confirms that the vast majority of Somali refugees who returned through the VRP were camp-based, notably from Dadaab (96%), with less than 1% from Nairobi. From 2014 to 2018, the data shows that a roughly equal number of males and females returned to Somalia with the VRP. However, the researcher was unable to obtain any analysis of the repatriation numbers since 2018 (including demographic information) and the data on cumulative departures was also scarce. The gap in information was also picked up by an NGO interviewee: 'There is more data than analysis of data. And the issue of spontaneous returns is not well understood. Why do people go back and forth?' With this in mind, more analytical work is required to understand the dynamics of different types of cross-border movement. Additional research on this subject would also help to tailor programmatic interventions on both the Kenyan and the Somali side.

According to a 2017 conflict assessment examining return and reintegration in Somalia, most of the returnees from Kenya up until that point were originally from rural farming and agro-pastoral communities in southern Somalia. 'Many of the returning refugees are members of the Digil-Mirifle clan and/or are Somali Bantu, who are socially and politically weak groups. The vulnerability of the returnees is magnified by the fact that many of the returnee households are female-headed' (Menkaus, 2017, p. 1). And in terms of recent spontaneous returns, the REACH 2019 survey found that most people returning to Somalia were middle-aged men travelling alone.

3.6. Where are returnees returning to in Somalia?

Through the VRP, areas of return are determined by UNHCR following assessments and coordination with various partners on the Somali side. In the more recent phase of organised returns, there were 12 designated areas of return in Somalia in 2019, among them Mogadishu, Jowhar, Beletweyne, Afgooye, Balad, Wanylaweyn, Belet Hawa, Diinsor town and Afmadow.⁹ As seen in Table 3 below, most Somalis have returned to southern Somalia, particularly to Lower Juba (64%), Banadir (18%) and Bay regions (11%) (UNHCR Kenya, 2020c).

Table 3: Cumulative area of return from Kenya (2014-2018)

Area of return in Somalia	Total
Kismayo	51,795
Mogadishu	14,084
Baidoa	9,558
Luuq	3,340
Afmadow	30
Afgoye	40
Total	78,847

Source: UNHCR, 2018).

⁹ UNHCR works with partners such as the Refugee Affairs Secretariat, Danish Refugee Council, Terres Des Hommes (TDH) and Save the Children International to facilitate the process (UNHCR, 2019b).

Research conducted by REF found that most displaced persons or returnees prefer to settle near their clans or, for minority clans, close to dominant clans with which they are affiliated (REF, 2018). As a refugee who returned to Somalia without facilitation from UNHCR explained, the decision of where to move to in Somalia was influenced by security considerations as well as social networks: 'I'm connected on the internet and I have many Facebook friends. All my people are in Kenya and Dadaab. I'm from the Wardey community in Somalia but we are few. I had some classmates and job mates in Mogadishu and they helped me rent a home'.

The 2017 conflict analysis found that returnee reluctance to return home directly was the result of a combination of concerns (Menkaus, 2017). These included: fear of Al Shabaab forcibly recruiting their young men or executing returnees suspected of being collaborators and spies; lack of basic educational and health services in remote rural settings; information that their farmland had been occupied and claimed by armed newcomers; and, after years in Dadaab's quasi-urban setting, a reluctance to return to farming as a livelihood. The sustainable reintegration of Somali refugees depends to a large extent on their ability to reclaim their land or gain access to land or property. Returnees to Somalia, the majority of whom are not returning to their areas of origin, face multiple challenges in obtaining secure access to land on which to construct shelter (Amnesty International, 2017). Returnees may also seek to use their financial packages to purchase land in areas of return, but this will vary by location. High land prices in Mogadishu, and to a certain extent Kismayo, make this difficult and disputes over real estate are endemic and sometimes deadly. However, land in Baidoa is more affordable, and returnees have been purchasing plots there (Menkaus, 2017). Nonetheless, limited options for education and employment in Baidoa have led to some secondary migration by youth returnees to Mogadishu. At the same time, the high costs of rent and land have meant that some returnees have ended up locating to IDP settlements in and around Mogadishu, where family and/or fellow sub-clan members are available for support and security (Menkaus, 2017).

3.7. How significant will numbers returning to Somalia be in 2020 and beyond?

Given the host of developments that took place in Kenya in 2019 and which are relevant to the situation of Somali refugees, it is useful to reflect on recent repatriation numbers and envisage what the trend will be in the future, not least as this may also affect the numbers and drivers of circular returns. The 2019 budget for UNHCR Kenya was 60% funded, and some key informants noted that donor funding shortfalls have also affected the VRP, with there now being only one implementing partner, the Danish Refugee Council (DRC). As with previous phases of the VRP, future repatriation trends will also 'come down to the return package and funding', as mentioned by an NGO interviewee.

In terms of anticipating future return trends, in December 2019, REACH conducted an intentions survey in Dadaab which found that there had been an increase in the willingness of refugees residing in Dadaab to return to their countries of origin, with 70% of households stating they would do so because of ongoing concerns around the potential closure of Dadaab camp. The research reported that 'various activities in the camps including relocation of non-Somali refugees to Kakuma, deregistration of refugees who are Kenyans, and slowed pace of resettlement to other countries, have reportedly caused increased anxiety among camp residents and hence increased their willingness to return to their countries of origin' (REACH, 2019a, p.4). When returns occur in the midst of these kinds of pressures, questions arise about the extent to which such movements can be described as either voluntary or sustainable. They also reiterate the importance of refugee protection in Kenya, including refugees being well-equipped to return to Somalia if conditions are

suitable rather than being pushed to return because of a lack of protection in Kenya. Furthermore, whether or not the increase in the numbers captured in REACH's intention survey resulting from the developments in 2019 will translate into significant outward movement remains to be seen. As one NGO interviewee remarked, 'We were expecting that with the GoK's February 2019 *note verbale* of the closure of Dadaab, larger numbers would be repatriating but the opposite happened'. This could also suggest that a sense of pragmatism is setting in. As another key informant concluded, 'How to unpack Dadaab and the way forward has been an issue since 2015. This hasn't progressed much since then'.

At the time of writing, the VRP to Somalia has been suspended as a result of the Covid-19 pandemic. REACH has plans to conduct another return-intention monitoring assessment in 2020 and it will be interesting to compare numbers, given the onset and trajectory of the virus in both Kenya and Somalia. In the first three months of 2020, before the first confirmed case of the virus in either country, there was no movement to Somalia through the VRP. As contextualised by an NGO interviewee, 'Maybe interests have changed and maybe we have reached a peak of those who would want to go back. Covid has impacted voluntary repatriation but the interest of persons to repatriate has declined over time'. Furthermore, despite the existing border restrictions in place, coupled with the more recent public health-driven movement restrictions in Kenya and Somalia, there have been reported inward flows of people from Somalia to Kenya in recent months. Key informants mentioned that people are coming into Kenya because of fear of the virus and related concerns over health system capacities in Somalia, or in search of medical treatment. According to a UN interviewee:

In June, we had 153 new arrivals who came in to the Hagadera quarantine centre and this may be related to a spike in people with Covid in Kismayo and Jilib, which is a haven for Al Shabaab. It's difficult to tell how the next three to six months will be. How will Covid evolve in Somalia where the testing and facilities are minimal, and where most facilities are in Mogadishu. This will impede numbers (for VRP) and interest will depend on health and socioeconomic impact in areas of return. If there is a massive spread in the camp, it could lead to numbers leaving.

The interviews suggest that, in the short to medium term, Covid-19 will probably deter returns to Somalia. In addition to seeing how the health impacts of the virus affect refugee and returnee populations, the constrained space for humanitarian and development actors in both countries will doubtless be important factors in determining the direction of movement.

Our research has also reinforced the fact that social networks are an important determinant of decision-making regarding return. This was also acknowledged by a government official, who noted that refugee youth may be more reluctant to return to Somalia given their established ties in Kenya: 'Another category is the youth born in Kenya. Dadaab is almost 30 years old. They have their own families now and they have no idea where Kismayo is but they know where Ifo is. For this group, Kenya is their motherland'.

The declining numbers signing up for the VRP could also be a result of information being relayed about the challenging conditions in Somalia by returnees, some of whom have come back to Kenya. As a community leader in Eastleigh put it, 'Those who went back to Somalia in 2016 reported verbally to the community in Kenya that there is no hope in Kismayo, Mogadishu, Jowhar, and that the conditions promised were a lie'. And for Somali refugees in the urban areas, the push factors may also play out differently from those for camp-based refugees, given their particular circumstances, including their social networks, the nature of their protection concerns, and their education and livelihoods opportunities. As an NGO representative explained, 'Since 2016, when the

voluntary repatriation started, the majority of people who returned were persons who came from the camp and not persons in the urban areas. Looking at the numbers who went back last year, we didn't have many leaving Nairobi'.

Another factor that could account for the relatively low numbers of people returning to Somalia in 2019 as part of the VRP are poor road conditions caused by heavy rains, as many refugees prefer to be repatriated by road than air. In contrast to some expectations, interviews revealed that the desert locust invasion hasn't been critical to cross-border movements thus far, although its impacts may affect future movements. According to an NGO representative, 'I don't think the locust invasion affected movement. Locusts passed Dadaab in March and didn't make much landfall. The little damage wasn't long lasting and the guys here aren't farmers so they weren't affected'.

4 Circular returns to Kenya: failed repatriation, maximising cross-border opportunities and temporary movements

4.1. Understanding the nature of cross-border movements

It is not only refugees who make circular movements between Kenya and Somalia. Kenyan and Somali nationals also move across the border for trade and business, as well as for livestock and pasture – with the borderlands constituting a dynamic livestock trading zone that supports the livelihoods of many people. This is despite the border having been officially closed for over a decade. Indeed, host communities in Kenya, who are predominantly Somali, have maintained ties to communities (including relatives and clan members) across the border, including through trade. Likewise, many Somali refugees also maintain ties to their families and communities in Somalia, and the Somali trade network's reach into Kenya has partly been a result of conflict-induced displacement (Rasmussen, 2017).

Tracking inflows and outflows

The circular returns of Somali refugees, where returnees migrate back to their host country once or many times over a period of time, either as a planned strategy or as a coping mechanism in the face of unexpected difficulties, has been acknowledged in recent literature and captured in data to some extent.

Movement outflows from Kenya to Somalia and vice versa are tracked by the International Organization for Migration (IOM) through its Displacement Tracking Matrix (DTM), which tracks and monitors displacement and population mobility. These data are collected at Flow Monitoring Points (FMPs), including Dhobley, which falls along the route that many returnees take between Kenya and Somalia. According to DTM, in the first four months of 2020, there were 5,652 movements by Somalis into Kenya and 4,708 movements by Somalis from Kenya into Somalia. Most movements into Kenya in 2020 were for tourism purposes, short-term movement, seasonal movement, and economic reasons.¹⁰ A higher number of cross-border movements was recorded in 2019. In that year, the majority of the 13,729 movements of Somali nationals to Kenya were a result of short-term movements (IOM, 2020).

IOM data do not specifically record who is a refugee or a returnee. However, the Refugee

¹⁰ IOM (2020). Data shared by IOM staff with the researcher.

Consortium of Kenya (RCK) also records cross-border movements on behalf of UNHCR. In April 2020, 1,631 movements (1,366 new arrivals and 265 returnees) were observed in and out of Kenya through the Liboi, Abdisugow, Damajale, Degelema, Diif, Amuma, Kulan, Dajabula and El-Wak border points with Somalia, with 9,908 cross-border movements observed since January 2020. This shows that circular returns continue to take place in 2020. Individuals crossing into Kenya (which includes new arrivals and returnees) reported persecution for their political opinions, inter-clan conflicts in Sakow (Middle Juba), an increase in taxes imposed by militia and fear of noncompliance with tax requirements, as well as fear of Covid-19 as their reasons for migration (UNHCR, 2020b). The movement of Somali returnees back to Kenya shows that return is not a one-directional process and there is a likelihood of returnees moving again.

Figures from UNHCR at the beginning of 2020 revealed that there were 15,969 undocumented individuals in Dadaab, the majority of whom (97%) were from Somalia (UNHCR, 2020c). However, this appears to be a conservative figure, with one donor key informant estimating that there may be close to 50,000 undocumented persons in the camp. As an NGO interviewee observed, ‘Since 2019, estimates of the number of undocumented people ranged from 13,000 to 15,000 to 20,000 – there is no exact and reliable figure. The GoK will give you a figure, UNHCR will give you another, and community leaders will give you a different number’.

Out of the 15,969 undocumented individuals profiled by UNHCR, 3,682 were people who had been assisted to return to Somalia through the VRP. Thus, almost a quarter of these undocumented individuals in Dadaab were circular returnees who had been repatriated through the VRP. It is important to note that, although this number represents about 4% of returnees repatriated through the VRP, it does not include those who may have not come forward to RAS and UNHCR for profiling upon their return to Kenya. Further, there are no data on the number of Somali returnees who had moved back to Somalia using their own means, intending for that to be a permanent move, but who were back again in Kenya.

Despite a lack of data, circular returns are widely acknowledged

Thus, circular movements among refugees are no secret and were acknowledged in interviews with a wide number of stakeholders, including government officials, NGOs and refugee community leaders. As one NGO interviewee remarked: ‘We also have people who would stay in the camps, go to Somalia, and come back to the camp after drought or protection issues. These movements have happened for a long time. They don’t notify UNHCR when they go to Somalia. The way UNHCR used to deal with it was through food distribution – if you skip it three times, you will find your household has been deregistered’. This shows that exogenous factors influence cross-border movements and refugees have utilised circular returns as a strategy to respond accordingly. However, while there is acknowledgement of these returnees and provision of food support to those that may require it, the research shows that returns are happening without clear programming on the part of government, humanitarian or development actors.

Where in Kenya are returnees going?

When it comes to circular returnees’ destinations in Kenya, there are no data on those who go to urban areas and, in the absence of registration, UNHCR and RAS figures only reflect those returnees who have been profiled in Dadaab, either after coming forward to make their presence known or through referrals by community leaders. The factors underpinning the selection of return locations in Kenya is an area that requires further research. An NGO interviewee shed some light on the potential determinants of where returnees go: ‘Those who have more ties in Dadaab would come back to Dadaab. Those who have protection issues and seek to register back would also come back

to Dadaab. Those returning for business would cross into border towns. Also, because of the relations and familial relations in Eastleigh, some would come to Eastleigh'. The four returnees interviewed as part of this research, all of whom were living in Dadaab before their return to Somalia, came back to Dadaab. This was predominantly due to family and other close social ties.

It was difficult to identify returnees in the urban areas, including Eastleigh, to interview for this research. As revealed by community leaders and local NGOs, this could be linked to the sensitivity of the situation facing them given the government's encampment policy. Some of these complexities related to registration and movement restrictions were explained by an interviewee from an NGO that runs a programme for urban refugees: 'Few returnees are coming forward for assistance in the urban areas so I don't know whether their numbers are large. Most of them will be in the camps. For an urban refugee who was repatriated, it would be difficult to register again as an urban refugee. Even if you're allowed to be here for schooling or medical reasons, you have to go to the camp and it will be processed there'.

4.2. The journey across the border

Factors facilitating cross-border movement

This research has found that the journey across the Somalia–Kenya border may often be risky but is not necessarily difficult to arrange, given factors such as the availability of transportation, the relative proximity to the border and the porous nature of the border. As a government official explained, 'We have trucks, buses and taxis from Dadaab to Dhobley on a daily basis. It's not far so the means of transport are available. But sometimes the stories are extreme, with people coming on donkey carts'. There are at least six bus termini inside the Dadaab refugee complex, where returnees to Somalia are transported using buses, lorries and private cars (REACH, 2019a). According to the REACH cross-border monitoring survey conducted in 2019, those crossing the border using their own means prefer Liboi and Dhobley as transit points between Kenya and Somalia thanks to their accessibility and closeness to the Dadaab camps, the availability of transportation and the presence of reliable authorities and security. The porous nature of the border and the frequency with which people cross it was acknowledged by a government official based in Dadaab: 'All along the 400 kilometres, from the border point in Mandera all the way down, it is porous and poorly patrolled. Some of the persons of concern are very sharp and know how to get around. Right now, because of Covid, we are locked down. That is not to say we aren't getting people coming into the camps to seek quarantine and eventual treatment. In one camp in Dadaab, we had 107 people coming in from Somalia as of today. We still have them coming despite law enforcement'.

The communal linkages between cross-border communities also emerged as a factor facilitating circular returns. As an NGO interviewee put it, 'This is one community between Kenya and Somalia. Unless you have a wall, you can't stop this movement. Crossing is unsafe but if you've been doing it for long you know how to get by. These people have an effective system of communication – they know where to go and where not to go'.

Challenges encountered along the journey

The REACH cross-border monitoring noted that persons in transit were facing restrictions by local authorities and harassment by drivers and touts, as well as beatings, rape, robbery with violence and clan-related conflict at the transit points (REACH, 2019a). Interviews conducted with returnees to Kenya indicate that the journey may be challenging and risky. One returnee, who paid \$200 for the journey to Somalia, recalled: 'The journey was scary ... you only trust in God. There are security checkpoints on the way of young men, militia, and men in uniform ... they will ask why and where you're going. Sometimes they can understand but the young men will say you are a spy'. A female

returnee who made the journey back to Dadaab with her seven children also remarked that the journey by road from Kismayo to Dhobley was expensive (\$160 for the whole family). She mentioned the payments that often have to be made along the way: ‘You have to pay at every checkpoint’. Another female returnee, who flew from Mogadishu to Dhobley and then made her way to Dadaab by road, expanded on this: ‘From Dhobley to here you use a car. I told the police in Swahili that I’m from the camps and lived there for long and that the situation in Mogadishu is difficult, so I don’t have documents and UNHCR has them. They agreed to let me go but the driver said we should pay 500 shillings to them’.

RCK has border monitors at various points and they provide legal assistance and representation to those who need it. As noted by an interviewee, ‘The border is porous so most won’t use designated border points but then they risk being arrested and charged in court for being unlawfully in the country or being outside the designated areas’. This was also corroborated by the survey undertaken by REACH, which found that the ‘lack of identity documentation and movement passes is a major challenge to the people in transit’ (REACH, 2019a).

4.3. Who is making these circular returns and what is driving them?

Our research found that there are different categories of people on the move and differences in the nature of circular movements. One interviewee noted: ‘There are those that go back to check on relatives and land in Somalia but remain registered in Dadaab, while some did have a more permanent move and found conditions in Somalia were unsafe and then came back’. Discussions of the underlying reasons for circular returns are also to a large extent linked to the discussion on the sustainability of return to Somalia and the durability of solutions. Of the four returnees interviewed as part of this study (three female and one male), none stayed in Somalia for more than a year, with the longest duration being eight months and the shortest five months.

Opportunities and challenges for return and reintegration in Somalia

Somalia presents several opportunities to returnees as the economy is transitioning from traditional, rural pastoralism to urban trade and services. Before the Covid-19 pandemic, the economy was forecast to grow at 3.2% in 2020, up from 2.9% in 2019. In addition, Somalia recently cleared its arrears to the International Development Association, paving the way for the country to receive debt relief under the Heavily Indebted Poor Country and Multilateral Debt Relief Initiative (World Bank, 2020).

A review of the literature has indicated that returnees from powerful or majority clans are in a better position than others to benefit from opportunities and be assimilated. A recent study which conducted focus group discussions with Somali returnees suggested: ‘Those with greater financial, human and social capital often fare better on return. The types of skills and experience gained in asylum influence their access to opportunities at home’ (DRC et al, 2019). This research has also shown that clan dynamics and a lack of connections can make life more challenging for some, and it appears to also be a contributory factor in circular returns to Kenya. As a returnee explained, ‘The culture is difficult – we are a minority group, so even when working as a house-help we get insulted and even when trying to get jobs, we face challenges. Minorities are few in government and in agencies in Somalia’. This was also reinforced by another returnee who had been a teacher in Dadaab but had gone to Mogadishu and Kismayo in search of job opportunities: ‘I was expecting that when in Somalia I would get a job, but they ask which tribe you’re from and who knows you, even though I’ve worked for 12 years in many organisations. This is a problem in both government and humanitarian organisations, and they don’t trust you’.

In spite of some promising developments in Somalia, returnees are aware that they are coming back to a complex and acute humanitarian situation. An NGO interviewee spoke of the need to apply caution when planning the repatriation of Somali refugees: 'As operational partners, we know parts of Somalia are insecure, we need to be careful about promoting mass returns of people. Absorption capacities are also a challenge in the three main cities in Somalia'. The urban centres to which hundreds of thousands of IDPs have moved in search of water, food and other humanitarian assistance are the same places to which many refugees from Kenya are being returned. The cash they receive to support themselves does not address the challenges around the availability of safe water or land on which they have security of tenure to build a home (Amnesty International, 2017). In recent years, internal displacement has worsened in Somalia. During the 2017 drought, about a million people were displaced. And in the first three months of 2020, the Protection and Return Monitoring Network (PRMN) reported at least 127,000 cases of new displacement, primarily resulting from conflict, insecurity and/or drought (UNHCR, 2020b). Other studies have also shown that some returnees from Kenya, especially those who did not return to their areas of origin in Somalia, have become internally displaced (DRC et al, 2019; REF, 2018).

Somalia remains one of the poorest countries in Sub-Saharan Africa. Nearly seven out of ten Somalis live in poverty, the sixth-highest rate in the region (Pape & Karamba, 2019). According to the World Bank's Somalia Poverty and Vulnerability Assessment (SPVA), almost nine out of ten Somali households are deprived of at least one fundamental dimension: access to income, electricity, education, or water and sanitation. And according to OCHA, an estimated 5.2 million people in Somalia are in need of humanitarian assistance, driven by climatic shocks, years of armed conflict, widespread poverty and long-term vulnerability, compounded by the triple threat of the Covid-19 virus, floods and desert locusts (OCHA, 2020). These are heightened by the ongoing armed conflict. Al Shabaab attacks against Somali and African Union Mission to Somalia (AMISOM) troops are reported daily across the country, and especially in Lower and Middle Shabelle, Banadir and Lower Juba. Additionally, an estimated 37 US-led airstrikes were conducted between January and March 2020, and at least six reportedly resulted in civilian casualties (ACLED, 2020). UNHCR Dadaab's February 2020 update reports that security and political situations in Somalia are volatile, and that civilians are not guaranteed safety in most parts of the country, with women and children being the most vulnerable to the systematic violence. UNHCR also reports that new arrivals and returnees to Kenya have cited persecution and an increase in taxes by militia as additional reasons for migrating.

Somalia also faces threats from the locust invasion that is imperilling food security across the region. Desert locust swarms have moved mainly to insecure areas in the central and southern parts of the country, invading livestock pasture and threatening the staple food crops in Somalia's breadbasket, where severe food insecurity is recurrent (FAO, 2020). Without humanitarian assistance, 2.1 million people are projected to face a food crisis until the end of 2020 (FSNAU, 2020). That said, during the interviews conducted, the impact of the desert locust invasion in Somalia didn't come up as a strong factor affecting cross-border movements thus far. Whether the more medium- and long-term effects on food security will lead to movement outflows remains to be seen, also bearing in mind restrictions on movement related to the Covid-19 pandemic. Referring to the locust invasion, one NGO interviewee reflected: 'If we had drought and food scarcity, we would have a lot of people coming here. I don't think the impact was this high to warrant big movement'.

Forced returns?

From interviews conducted as well as a review of the literature, it appears that there are many groups making these circular movements, including adult men, women, youth and children, as well

as entire families – although disaggregated data are not available. The reasons for circular return depend on the particular circumstances facing the returnee. They may include forced displacement as a result of ongoing insecurity, violence and political instability, as well as a lack of basic services in Somalia. For example, a Kenyan government official highlighted recent reports of returnees in Dadaab linked to political instability in Somalia: ‘It is said that the president [of Somalia] is to shake up his cabinet in August so there is some influx of people from Kismayo and a few from Jubaland back to the refugee camps’. And an NGO interviewee with experience in cross-border monitoring noted that difficult conditions in Somalia might force returnees back to Kenya: ‘Some come because of natural calamities. When there are floods or drought, they will also come to the camps to look for humanitarian aid. Others say the cost of living in Somalia is high, and they say the militia ask them to pay taxes and if they are unable to do so, they come to Kenya’.

In their durable solutions update of 2018–19, ReDSS found growing concerns being voiced about sexual and gender-based violence (SGBV) among returnees, as well as IDPs and hosts in Mogadishu. A separate study on reintegration found that shelter needs and employment opportunities were among the key reasons for the circular return movement between Kenya and Somalia (DRC et al, 2019). And a few years before this, in 2016, Human Rights Watch (HRW) spoke to parents who said they came back to Kenya out of fear that their children would be recruited by Al Shabaab if they remained in Somalia (HRW, 2016). A female refugee leader in Dadaab also explained the particular risks that female refugees faced upon return to Somalia: ‘When females go to Somalia, they are told they will get married. If they refuse to get married, they will be killed or raped. The militia will force them to get married’.

Quality of information and unmet expectations

Interviews with returnees and community leaders revealed a common theme leading to many returnees coming back to Kenya. Many talked of unmet expectations in Somalia, with the conditions they encountered there being more difficult than in Kenya and being contrary to the information they said they had received from UNHCR and partners. As one NGO respondent who was involved in the VRP remarked, ‘There was always an issue of insufficient information ... They go back and find the information was not true. It was more of an overview and not about the particular villages they were returning to’. A refugee community leader from Eastleigh also highlighted the gaps in information: ‘Some people were told propaganda and lies about life back in Somalia. They felt disappointment with the conditions in Somalia and it didn’t meet their expectations’. A 2017 study exploring the level of access to information and networks that contribute to returnees’ preparedness and resource mobilisation levels came to similar conclusions: ‘Better information on the realities of living back ‘home’ in Somalia are needed, from livelihoods for women, men and youth, to the education and health services available for children’ (Majidi, 2017).

Despite the constrained policy environment, Kenya exhibits certain pull factors, notably with regard to education

In addition to push factors from Somalia, some returnees have been encouraged to engage in circular movements because of more favourable pull factors in Kenya. For example, the lack of public and social services in Somalia is often compared to the superior services and safety net of humanitarian aid in the camps in Kenya. Interviews with returnees to Kenya revealed that the cost of living in Somalia was one reason for circular return. According to one female returnee, ‘Kismayo was the worst. We have to pay for water, shelter, and there is no organisational support. The money from agencies was used for rent and water and so when the money ran out, I came back to the camps’. This reason is also widely acknowledged by those working for humanitarian organisations, with one interviewee noting, ‘When refugees go back to Somalia, they find the services offered in

Dadaab are better and free; free education, access to livelihoods, and food rations’.

Access to quality education remains a challenge for refugees in Dadaab because of the inadequate number of classes and teachers and poor quality of teaching and learning infrastructure. And there are critical gaps in transitioning from primary to secondary schools. Nonetheless the interviews revealed that access to education was an important driver of circular returns to Kenya, highlighting the even more dire situation in Somalia. According to an NGO interviewee: ‘For school-going children who have left mid-school, they realise there is no chance of continuing with their education in Somalia and they come back. We have had children who came back alone and also have complete households who come back’. Another NGO interviewee noted that, ‘The children will be brought to Kenya to access education and they are accompanied by their mothers’. Research and data on the Somalia side has also documented the constraints to accessing education. As World Bank data show, access to education in Somalia is low, and this situation threatens to constrain human capital development and economic growth (World Bank, 2019). In Baidoa – a major area of return where many displacement-affected communities are comprised of returnees from Kenya – barriers to education for returnees include the cost of school fees, especially for minority clans and girls. In addition, while English is the primary language of instruction in Kenya, the Somali language is used in Somalia, which creates an additional barrier to entry into education (ReDSS, 2019a). The gap between the quality of healthcare received in Dadaab and healthcare provided in areas of return such as Kismayo has also been documented in the literature as another pull factor to Kenya (RDPP, 2018).

However, whether anyone who is dissatisfied with their conditions in Somalia can afford to make these circular returns requires further exploration. A researcher respondent explained, ‘It’s become obvious that following return to Somalia some [returnees] become IDPs. For some, their social networks are in displacement camps so when the return money runs out, this support comes from people in the IDP camps. Do they have the means to come to Kenya?’. Further research is required to understand whether returnees from Kenya who become IDPs are also part of the group that has since returned to Kenya for a second time as circular returnees. None of the returnees interviewed as part of this research fell into the category of IDP, but interviews revealed that social connections and networks in Somalia and Kenya were crucial in assisting them to return to Kenya. As one female returnee noted, ‘When I was in Mogadishu, there were some friends working with agencies and I raised my issue. They collected money and I came via plane from Mogadishu to Dhobley. It cost \$150’.

One foot in Kenya, the other in Somalia

This research has found that in addition to forced displacement, there are also more positive reasons driving circular returns; more research is required to ascertain the prevalence of both coercion and choice in circular returns. For example, one interviewee highlighted the cross-border interests of refugees and the opportunistic nature of circular movements: ‘Those who go back and forth have interests on both sides. They are gambling on the future’. In support of this, interviews suggested that there is continued back-and-forth movement taking place among refugees, aided by the proximity of the Dadaab camps to the Somali border, among other reasons. According to the latest data from REACH, a quarter of the people they interviewed at the bus termini in Dadaab said they were returning to Somalia to check on their assets (REACH, 2019a). Similar findings were summed up by an NGO respondent: ‘It depends on what your interests are – if you have livestock or assets in Somalia, you go check on them. Those who own livestock move accordingly with the season. We have refugees who have large herds’. Accordingly, the REACH survey noted a high number of people embarking on temporary movements into Somalia.

The REACH survey also found that adult men were most likely to cross the border into Somalia for business and farming purposes. That said, women and children were also moving across. The REACH survey found that women were more likely to return to Somalia for marriage purposes, while children reportedly went there during school holidays to visit relatives (REACH, 2019a). All this points to the strong familial and social connections across communities in both countries, suggesting that such movements are bound to continue.

Decision making and mobility between generations: the focus on Somali youth and children

Young people are a key demographic when it comes to circular returns. Interviews with NGO respondents and refugee leaders revealed that the youth make circular returns, primarily based on economic and job opportunities. As a youth leader in Dadaab explained, 'These days, the majority of the refugees are connected on the internet and there are websites that post job opportunities. They apply for vacancies and are shortlisted for interviews and go for the interview in Somalia, but when they don't get the job they come back immediately'. Indeed, an interview with a female returnee who went to Mogadishu in 2019 but has since returned to Dadaab, revealed that she travelled to Dhobley in May 2020 for a job interview. This therefore presents a nuanced picture of the drivers of return. For some, especially those who are mobile and educated, circular migration is often a way in which young people can pursue and test opportunities on both sides of the border.

Interviews conducted by DRC et al (2019) with refugees who left Kenya for Somalia indicate that, 'Return is a strategy deployed across family networks to manage risks and opportunities associated with displacement. There is a common dynamic of returning to see if they can succeed without giving up the safety net of camps [where their wider family is still based]'. This also touches upon the phenomenon of split returns, something that was raised during interviews. A refugee leader in Eastleigh explained, 'Usually the men and youth, those who are educated, look for jobs in Somalia and they leave their children and parents here. They return alone because of the risks. Even our leaders in Somalia have their families abroad and not in Somalia'. This was also acknowledged by a government official, who recognised that 'sometimes those who are repatriated leave some family members here in Kenya, like those who may be in college. So, the children may be left and the family principals go back'.

The literature has also discussed young people who have grown up outside Somalia finding it difficult to integrate and conform culturally upon return to that country. The idea of stigma associated with being an outsider also came up during interviews. For example, one NGO interviewee explained that returnees were viewed as having left the country years ago and now coming back to find work. Thus, in spite of the documented challenges facing Somali refugees in Kenya, those who had grown up there felt a greater sense of belonging and had established ties and networks in the country, which act as a pull factor for circular returns.

There is often also a generational component to decision making about return. An NGO interviewee explained how the decision to return to Somalia might not always be embraced by all members of the family: 'In the Somali community, most of time the head of the household makes the decisions. There is a contentious issue of children versus parents making the decision. You will find situations where a father wants to go to Somalia but the children don't want to go due to education opportunities in Kenya'. Indeed, an interview with a female returnee in Dadaab illustrated how this can often be a contentious family decision, leading to some children returning to Kenya alone: 'In 2016, I decided to come back to Kenya to finish school. I came alone and haven't seen my mother in four years. My mother was not ok with the decision to return because I have no relatives and no support in Kenya. When I reached the border is when I told her I was leaving Somalia'. A refugee

youth leader in Dadaab also highlighted the occurrence of unaccompanied children returning to Kenya: 'You will see a child who has conflict with their parents over returning to Somalia. Some come back without telling their parents. Education here is better (there they teach in Somali). I have taken many of these children to Save the Children to help these children who came back'. This raises critical questions about the risks that children may encounter upon their return to Kenya, alone and undocumented. Some of the unregistered children are fostered by relatives and clan members who are equally constrained by inadequate resources such as food and shelter. Child protection partners have reported that unregistered children are sometimes compelled to work to survive (UNICEF, 2019).

5 Life upon return to Kenya

5.1. Profiling of new arrivals in the absence of registration

As noted earlier, refugee registration and asylum procedures are no longer being carried out in Dadaab. This has created populations of undocumented refugees (DRC et al, 2019). As explained by a government official, 'In 2017, the GoK intended to close Dadaab and they moved RSD staff to other areas. Once you are repatriated you cease to be a refugee. So, the least we are doing, because of the lack of RSD staff, is partial registration of new arrivals and giving them access to humanitarian aid'.

Registration is a vital tool for protection: it protects refugees against refoulement, and arbitrary arrest and detention, and helps them to access basic rights, services and assistance. As of March 2020, there were 6,967 Somali asylum seekers in Kenya, 344 of whom were in Dadaab, 5,833 in urban areas, and 790 in Kakuma (UNHCR Kenya, 2020c).¹¹ According to UNHCR's February 2020 update for Dadaab, the month before the first Covid-19 case in both Kenya and Somalia, 'entry points to Kenya remain[ed] accessible to asylum seekers with no reported cases of refoulement or conditional entry, and UNHCR continue[d] to profile new arrivals' (UNHCR, 2020c). However, with the onset of the virus, profiling of new arrivals by UNHCR was suspended. This has implications for returnees to Kenya who remain undocumented as well as those who may have returned to Kenya during recent months.

5.2. Many returnees have lost their refugee status

It is clear from the research that many circular returnees are unable to maintain their refugee status; this depends on how they returned to Somalia to begin with as well as the duration of their stay. Those who went to Somalia with facilitation from UNHCR and partners as part of the VRP had their cases deactivated. Thus, they face a set of challenges and vulnerabilities that are similar to those faced by undocumented new arrivals. Three of the four returnees to Kenya interviewed as part of this research no longer have their refugee status, and two of them have been profiled by UNHCR.

An interviewee explained how returnees lose their refugee status in Kenya, and acknowledged the ways in which some maintain their status while in Somalia: 'We deactivated those persons of concern who don't appear for food distribution three times in a row. If some people come back as returnees, we have to start the process of registration all over again. I can imagine if three months are not over, some run businesses in Somalia so they go and check on them for two months, and before food distribution they are back in the camps to ensure their cases are active'. An NGO respondent also explained how split returns enable families to maintain their refugee status in Kenya: 'Among those who return spontaneously, not all family will return to Somalia so the family will be able to keep their registration active while others will go to Somalia. Unless the whole family moves and their card is inactivated, they keep their refugee status'. In addition to getting access to humanitarian aid and other services, the advantage of maintaining their refugee status is to keep the hope of resettlement alive. As a government official noted, 'The biggest attraction is resettlement to

¹¹ A Proof of Registration is a document issued to asylum seekers by the government. As their claim for status determination is processed, they are issued with a ration card and number for obtaining food rations at the camp.

other countries, so they don't want to give up that refugee status. For resettlement, their cases must be active, so some disappear and then appear and check if they are on the list for resettlement'.

5.3. Coming forward for assistance

In Dadaab, Somali returnees who have lost their refugee status are being profiled by RAS and UNHCR. Based on the profiling carried out up to March 2020, the population of undocumented individuals in Dadaab stood at 15,969 individuals, with the majority (97%) being Somali. This figure includes returnees as well as new arrivals. The interviewees did indicate that there were returnees who might be living among their families, friends and communities in the Dadaab camps without making themselves known, and thus, the number of those undocumented in Dadaab is likely to be higher. As an NGO respondent noted, 'There are those returnees who come back and don't go to UNHCR and don't seek their services'. Another NGO interviewee explained the reason why some might be reluctant to disclose that they had returned to the camps: 'They are looked at suspiciously by UN and RAS as opportunists'.

Interviews also indicated that, in the urban areas, there was a strong fear of going to the authorities:

In the urban setting we have not had any returnees come forward due to no new registration in Nairobi. In my discussion with Somali community leaders, they have some people who have come back from Somalia but when you push further, they shy off – they think they are selling them out. What happens is that new refugees arriving in Nairobi would be given a movement pass to head to the camps, specifically to Kakuma, and there they would have their RSD done. But a big population of those came to Nairobi and [those] who had documents for Kalobeyi never went there. We have a population that lives within the community but no agency in the urban area can support camp-based refugees. There is an approximation that we have 3,000 undocumented in Nairobi who are meant to be in the camps. (NGO representative)

The lack of support for undocumented individuals in the urban areas, including returnees, is an area that requires policy attention and programmatic interventions. The vulnerabilities of these individuals could be compounded by the impacts of Covid-19, as lockdowns, curfews and other pandemic measures are already having significant socioeconomic ramifications, in addition to the risks of infection in a context with limited healthcare (REF, 2020). As explained by a refugee leader in Eastleigh, 'If you have a business, life is easier in Eastleigh than the camps; but the majority here are hawkers and will go hungry'.

5.4. Conditions upon return

Returnees are not a homogenous group and their experiences upon return to Kenya are varied and depend on a number of factors, including their legal status (which, as discussed above, has implications for protection, access to services, mobility and livelihoods), their networks and the remittances that these may entail (including family links and other community ties in Kenya and abroad), as well as their general economic status in terms of income sources in Kenya.

Protection concerns

For returnees who find themselves in the category of undocumented asylum seekers upon return, this study has revealed that their undocumented status presents immediate challenges both in the camp and urban settings, and they require legal and humanitarian assistance. A respondent who provides legal aid to refugees in places such as Nairobi recalled: 'The two returnees who came forward in 2019 were undocumented. They wanted assistance to get reregistered'.

A lack of identity documents means that returnees live in fear of being arrested and deported back to Somalia. As the Mixed Migration Centre (MMC) has documented, in the first quarter of 2020, the Kenyan authorities continued to clampdown on irregular migration and undocumented people in the country. In January, police arrested a group of six Somalis who were on their way from Dadaab to Nairobi for not carrying valid identification documents. And in the same month, more than 50 people were arrested at a college in Nairobi after police raided the institution and arrested students who were largely Somali and Ugandan nationals, and who did not have proper identification (MMC, 2020). A study on documentation for urban refugees in Nairobi provided important insights which could be applicable to undocumented returnees. It found that those who had been unable to obtain documentation felt frustrated, stressed and, in some cases, without hope. 'Reflecting on the role urban refugee documentation plays in securing a refugee's legal identity in Kenya, a lack of documentation was associated with restricted access to services and activities that required an official identity document, such as banking services' (NRC & IHRC, 2017).

The risks associated with a lack of documentation were also described by interviewees. An NGO respondent, whose work focuses on psychosocial support stated: 'They [undocumented persons] are prone to [S]GBV because everyone knows they can't report cases to the police. It is already happening and based on what is reported by the community and media, the number of GBV cases are going up due to confined movement due to Covid and a lack of documentation. They fear going to report matters to police'. A returnee also explained the fear associated with having no refugee ID: 'Even if you go to the market in the camps, police can ask for your ID. In Dagahaley market, you will see some police roaming'. And a refugee youth leader, himself a returnee, also explained the pitfalls and disadvantages facing undocumented returnees: 'Those who still have their status are able to go to organisations for psychotherapy support but those returnees without status, they will still keep hanging in the camps'.

We have found that, upon return to Kenya, returnees without any legal status often stay with relatives or other community members. For undocumented returnees, particularly those who may not have been granted access to food rations, assistance from social and community networks in the Somali refugee community appear to be an important source of support. NGOs providing legal aid have reported that returnees have come forward seeking assistance in reactivating their refugee cards: 'They come to us with a need for reactivation of cards and when you probe, you hear they went back to Somalia and stayed for months or years and they've come back asking for help in getting their cards activated. Some will also say that they have a family member who has joined so the food rations aren't enough and they need material support'. This indicates that household food rations and other resources are being stretched, as refugee households may be accommodating extended family or community members who may be undocumented returnees. As explained by another NGO interviewee, 'Community leaders and block and section leaders in Dadaab identify those who have come back to Kenya. So, if they don't show up, they will only get community resources'. However, although these networks are crucial and provide returnees with a support system, this situation may not be adequate or sustainable in the long run.

Access to food rations

Access to food emerged as a key issue for undocumented returnees. A female returnee who came back to Hagadera camp alone after having gone to Mogadishu with her family explained that she currently lives with her school colleagues, and this situation was not ideal: 'Living with people who aren't your relatives is difficult. When you come back from school, you may find there is no food for you'. An MSF Dadaab update stated: 'For undocumented refugees, the struggle to access basic services in the camps is even more daunting. For undocumented individuals surviving on handouts,

the situation is becoming increasingly difficult as the amount of food rations people receive in the camp has reduced and neighbours are increasingly being forced to scrimp what little food they receive' (MSF, 2019). Returnees who move to urban areas face a more precarious situation given the lack of agency support to individuals who are meant to be camp-based.

Interviews revealed that some undocumented persons in the camps, including returnees, did have access to a food token once they were profiled by UNHCR. This research has found inconsistencies in terms of who can access this food support in Dadaab and questions remain as to whether such support is based on vulnerability criteria or provided across the board to all undocumented individuals profiled in the camps. Returnees who were interviewed did confirm that they were able to access food despite being undocumented. One female returnee in Dadaab stated: 'I got a letter in January 2017 that gives me food. I get a ration equivalent for size 1 family'. However, another returnee said she hadn't been profiled by UNHCR and consequently didn't have access to a food ration: 'I've tried to go to UNHCR but the G4S guards won't allow you to enter the office because of corona[virus] and they are saying the UN is not working. I don't have a food token but I've seen others with them. They said it was difficult and took them long to get it – they ask you lots of questions about why you came back'. According to UNHCR, 'the profiling of undocumented individuals leads to the most vulnerable being issued with tokens to access assistance'.¹²

Access to education and healthcare

Returnees who lack legal documentation also face challenges in accessing education and health services. An NGO respondent expounded on this: 'Health services would be provided whether registered or not. The IRC [International Rescue Committee] hospital for example doesn't ask for documentation and even caters to hosts. The only danger is that at the moment they require a referral for medical reasons to come to Nairobi. That will never happen as RAS doesn't know them and so they can't be referred'. While unregistered returnees can access health services in the camps, for most other basic needs, including shelter and clothing, they are largely left to fend for themselves (MSF, 2019). A returnee who came back to Dadaab when she was 17, primarily to continue with her secondary education, also highlighted some of the education-related challenges she was facing: 'The school said we can't register you anymore. I dropped out for one month due to no recognition from UNHCR. I was then admitted to another school for free, a private community-run school. That's where I finished Form 4'. Another undocumented returnee who had been profiled also spoke of the mixed picture when it came to education: 'My children were able to go to school before corona[virus] but sometimes they are told to bring their proof sheet. They are chased by their teachers if they don't have identification and don't attend classes. They go to both private and agency schools'.

Livelihood opportunities

Incentive work, which accounts for roughly 5,000 jobs in Kakuma and an even greater number of jobs in Dadaab, is no longer an option for returnees who lack documentation. In what is already a difficult work environment for refugees in Kenya, the prospects for those who are undocumented are even more dire, as witnessed by a refugee youth leader in Dadaab: 'I have seen several who left their incentive jobs here and went to Somalia to look for jobs. They struggle and they come back to the camps but don't have their jobs and they are stressed. If you stay out of camps for long you lose your job'. And a returnee with experience of incentive work in Dadaab lamented: 'I want to look for [a] job but they will ask you to bring proof of registration so without this, it is a challenge. I have seen so many incentive posts, but I don't have documents'. An NGO interviewee working in Dadaab

¹² See <https://www.unhcr.org/ke/registration>.

spoke of the lack of livelihood options available to undocumented returnees: ‘Sometimes returnees, through their own initiative, can find casual work like cleaning to get an income. Others beg in the camps’.

The situation of documented returnees

Returnees who have retained their refugee status do not face these documentation-related challenges. Nevertheless, like all refugees in Kenya, they continue to experience growing uncertainty in the camps and in Kenya more broadly. ‘Overall humanitarian funding in Kenya is diminishing and this is affecting refugee operations. Over the past five years, UNHCR has received only 40 to 54 percent of its funding requirements’ (O’Callaghan et al, 2019). WFP has also cut in-kind rations for refugees in Kenya as a result of resource shortfalls and, since September 2017, refugees have been receiving reduced rations. As recent studies have highlighted, while discussions about the humanitarian–development nexus are important, humanitarian funding remains critical.

5.5. Opportunities and future intentions

As our research has highlighted, a return to either Kenya or Somalia is not always final. When asked what their future intentions were, the returnees interviewed provided varied responses which related to their particular circumstances. One returnee, a single mother who came back to Kenya primarily because she was unable to secure a job in Mogadishu after eight months, reflected on the importance of having an income for herself and her children, be it in Somalia or Kenya: ‘If I got an opportunity to work in Somalia and if there is security, I would go back. Even if I got incentive work here, it would be good for me’. Another young female returnee, who is currently back in Dadaab without her mother and sisters (they remained in Somalia), concluded: ‘I prefer to stay in Kenya than go back to Somalia. I intend to stay here so I can get assistance from the UN. I also prefer to stay in Dadaab but if there is more security in Kakuma I would be open to going there’. Similarly, another female returnee, who is a mother to seven children, stated her reluctance to return to Somalia despite the current conditions in Kenya: ‘I do not want to go back to Somalia and most of my children are female so it’s not safe. I intend to stay in Dadaab. The children’s future depends on the government and UNHCR, but Dadaab is better for education and life’. Therefore, security considerations, as well as education and livelihood opportunities, appear to be the crucial factors at play for these returnees and, in this regard, Kenya still presents some favourable options, despite the challenging asylum space. In addition, as suggested by the research with urban stakeholders, future intentions for urban returnees may also include onward migration to other countries, but further research is required here.

6 Circular movements among other refugee nationalities

Interviewees indicated that circular returns among other refugee groups in Kenya are also common and that these movements are not unique to Somali refugees in Kenya. Further, UNHCR's Protection and Return Monitoring Network (PMRN) has also recorded cases of Somali refugees previously registered in Ethiopia returning to Somalia only to cross back into their former country of refuge. This reinforces the idea that return to one's country of origin may not be final, and returns, particularly to fragile and post-conflict countries, are complex processes.

Circular movements have been documented in the case of South Sudanese refugees in Kakuma. REACH, which also conducts monitoring on the Kenya–South Sudan border, reported cross-border movement of refugee returnee households in several areas of South Sudan between September 2018 and April 2019 (REACH, 2019b). Unlike in the Somali situation, UNHCR does not facilitate or promote return to South Sudan, as it deems conditions not conducive for return in safety and dignity. In 2019, UNHCR conducted a return intention survey among South Sudanese refugees in Kenya and other hosting countries in the light of reports that some 147,000 refugees have spontaneously returned to South Sudan from asylum countries since mid-2017. South Sudanese also pursue a strategy which 'involves temporary or permanent geographical dispersal of family members between exile and return locations to maximise access to livelihoods, services, or other priorities for family wellbeing in different locations at the same time' (World Bank, 2015).

This theme was also captured in the research here. As an NGO interviewee noted, 'I think the only reason we speak of Somali refugees is because of the VRP targeting Somali refugees. The South Sudanese have more circular movements than the Somalis, informed by the political environment. For a few months it's fine so they go back, then they come to the border when there are tensions, but there is no official VRP. What also happens is that, since we have schools in Kakuma and the entire family does not move, the eldest child may remain with other children in Kakuma'. The idea of split returns, where families split their members across multiple places and go back and forth, is therefore not unique to Somali refugees in Kenya, with a multi-staged return process also being observed as a strategy among other refugee groups.

There have been recent developments to establish another Tripartite Agreement for the voluntary repatriation of Ethiopian refugees in Kenya. In February 2020, 76 such refugees and asylum seekers from Kakuma refugee camp were repatriated to Ethiopia. They are the first of an estimated 4,000 refugees and asylum seekers to be repatriated from both Kakuma and Dadaab refugee camps in the coming months (MMC, 2020). This programme will also provide interesting comparisons with the VRP for Somali refugees and will make for a useful study as it continues to be implemented and rolled out.

7 Recommendations for research, policy and programmes

Based on the research findings, the review makes a number of recommendations for further research, as well as suggestions to inform policy and programming for refugees and circular returnees in Kenya, as outlined below.

7.1. Further avenues of research

Data and analysis on circular returns is lacking and, building upon this rapid review, further and more in-depth research is needed on the following thematic areas:

- **The dynamics of different types of cross-border movements.** This could include research on: Somali returnees' demographic and socioeconomic profiles; the duration and locations of their returns to Somalia; the drivers of circular returns to Kenya; the areas to which people return, and; who they return with. This applies to those who return to Somalia through the VRP, as well as unassisted returnees, given the limited data on this group. Ascertaining whether returnees who become IDPs are also part of any group that has since returned to Kenya for a second time would be important in order to examine the extent to which returnees who become IDPs are likely to engage in circular returns.
- **The socioeconomic outcomes for those who returned to Somalia from Kenya as part of the VRP.** Understanding how current cross-border approaches and processes work, and whether they can be strengthened, would also add value. Comparative case studies on VRPs in other countries would also be useful in understanding best practices and sharing lessons learned.¹³
- **Circular returnees' level of access to services in Kenya, and any specific programmes or support they may require.**¹⁴ This could include research into the number and situation of unregistered returnees who are children, and an understanding of the particular vulnerabilities and risks they may be facing.¹⁵
- **The situation of returnees who move to urban areas, such as Nairobi.** More research is required to understand the particular challenges as well as opportunities that life upon return to Kenya presents to urban returnees, and whether and how these differ from the

¹³ At the time of writing, UNHCR Kenya plans to undertake another intention survey of Somali refugees related to the VRP, and there are plans by UNHCR Somalia to carry out an assessment of returnees to Somalia and their contribution to local markets. These studies should contribute to the larger picture of the drivers of circular returns.

¹⁴ At the time of writing, NRC plans to commission a study on unregistered persons in Dadaab, funded by the European Civil Protection and Humanitarian Aid Operations (ECHO), which may provide additional insights into the experiences of undocumented Somali returnees who come back to Kenya.

¹⁵ At the time of writing, UNICEF Kenya has commissioned a needs assessment of unregistered children in Dadaab. It will be important to review the findings of this assessment to design future advocacy and programming strategies for unregistered children who have returned from Somalia.

prospects and experiences of camp-based returnees. Research into onward movements of circular returnees from Kenya (in particular from urban areas) to other African countries (e.g. Uganda, South Africa and Libya) as well as to Europe would also help to fill a gap in the current knowledge.

- **The circular returns of other refugee groups such as Ethiopians and South Sudanese in Kakuma.** This is relevant given the launch of the VRP with the Ethiopian government, and would provide an interesting comparison with the situation of Somali refugees.
- **Information networks among the Somali refugee community in Kenya and with cross-border communities.** Research could include how these networks operate, and how they can be strengthened to share better quality information among humanitarian and development partners. A closer look at the quality and relevance of messaging and information shared through the return helpdesks would be worth pursuing. It should also be noted, that any research into information networks should be carefully conducted within agreed parameters for the protection of people on the move, rather than with a view to manage refugee flows.

7.2. Strengthening policy and programming

The findings of this review have also highlighted a range of pressing humanitarian and protection concerns affecting returnees in Kenya. The following interventions are required in the immediate, medium and long term:

- **Prioritise and strengthen advocacy efforts with RAS and other national government ministries to register undocumented returnees and other asylum seekers in Dadaab.** There is also a need to support RAS in addressing the registration backlog and in expanding access to relevant documentation for refugees and asylum seekers.
- **Recognise the heterogeneity of returnees, and tailor programmatic and policy interventions accordingly.** A needs assessment with a cross-section of returnees in Dadaab and the urban areas is required to better understand specific requirements for support and what this would entail.
- **Support organisations that have a strong protection-related mandate,** including national NGOs providing legal aid and representation to refugees and asylum seekers. In addition, fieldwork indicates that unregistered returnees may require psychosocial support as a result of the conditions they experienced in Somalia, their journeys back and forth, or their experiences upon returning to Kenya given changes in their legal status and subsequent restrictions on their access to humanitarian services and income sources.
- **Expand food assistance to all unregistered asylum seekers who are profiled by UNHCR and RAS.** Linked to this, there is also a need to clarify who is eligible for food assistance and to raise awareness of what the profiling process entails.
- **Target vulnerable unaccompanied children and adolescents returning to Kenya** with protection-related support and ensure they have access to education.
- **Strengthen the socioeconomic situation of Somali refugees residing in Kenya,** as this has been shown to improve outcomes upon return. This could include recognising that circular movements, split families and staged returns are an important strategy for some.

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Annex 1: List of key informants

Returnees to Kenya
Returnee (female), Dadaab
Returnee (female), Dadaab
Returnee (female), Dadaab
Refugee Community Leaders
Refugee youth leader, Dadaab (also a returnee)
Refugee youth leader (female), Dadaab
Refugee leader (female), Eastleigh
Refugee community leader, Eastleigh
NGOs
Representative from the RCK, Dadaab
Representative from Kituo Cha Sheria, Nairobi
Representatives from REACH, Dadaab and Nairobi
Representative from the NRC, Dadaab
Representative from the DRC, Dadaab
Representatives from ReDSS, Nairobi
Representative from the International Rescue Committee (IRC), Nairobi
UN Agencies
Representative from UNHCR Protection, Dadaab
Researchers
Research specialist in displacement, civilian protection and humanitarian action in East Africa
Government
Representative from the Garissa County Government
Representative from the RAS, Dadaab